

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2438

1 AN ACT TO AMEND SECTION 27-105-33, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE A CERTAIN PORTION OF EXCESS GENERAL AND SPECIAL FUNDS
 3 TO BE INVESTED BY THE STATE TREASURER IN A MANNER THAT WILL YIELD
 4 EARNINGS IN THE AMOUNT OF \$20,000,000.00 PER MONTH AND TO
 5 AUTHORIZE THE STATE TREASURER TO INVEST SUCH EARNINGS IN
 6 INSTRUMENTS THAT MATURE IN FIVE YEARS; TO PROVIDE FOR THE AMOUNT
 7 OF INTEREST THAT WILL BE PAID TO CERTAIN SPECIAL FUNDS ON THE
 8 INVESTMENT OF THE MONEY IN SUCH FUNDS; TO PROVIDE THAT EARNINGS IN
 9 EXCESS OF THE AMOUNT OF INTEREST SO AUTHORIZED SHALL BE DEPOSITED
 10 INTO THE STATE GENERAL FUND; TO AMEND SECTIONS 7-5-305, 7-7-3,
 11 11-46-17, 17-17-63, 17-17-65, 17-17-217, 17-18-31, 17-23-1,
 12 25-11-13, 25-15-15, 27-38-7, 27-51-105, 27-103-203, 27-104-31,
 13 27-104-107, 29-17-4, 31-31-9, 31-31-11, 33-9-25, 35-7-31, 35-7-45,
 14 37-23-149, 37-29-268, 37-33-261, 37-63-11, 37-101-81, 37-143-19,
 15 37-145-7, 37-145-73, 37-159-17, 39-5-23, 39-5-27, 39-5-29,
 16 39-5-71, 39-11-9, 41-3-16, 41-4-7, 41-26-23, 41-26-25, 43-13-141,
 17 43-13-143, 43-17-37, 43-33-759, 43-53-11, 43-55-29, 45-2-1,
 18 45-6-15, 47-5-109, 47-5-194, 47-5-1007, 49-5-21, 49-6-3, 49-7-155,
 19 49-15-17, 49-17-14, 49-17-44, 49-17-85, 49-17-86, 49-17-421,
 20 49-17-525, 49-31-23, 49-35-25, 53-9-89, 55-3-21, 55-3-41,
 21 55-15-59, 55-23-9, 57-1-69, 57-1-303, 57-39-43, 57-43-13, 57-44-7,
 22 57-61-27, 57-71-27, 57-75-31, 57-77-35, 63-11-53, 65-1-111,
 23 65-4-15, 65-26-25, 65-37-13, 65-39-3, 69-9-5, 69-10-5, 69-27-347,
 24 69-37-39, 69-43-5, 69-45-13, 71-3-97, 73-4-15, 73-5-5, 73-9-43,
 25 73-13-17, 73-17-7, 73-31-9, 73-39-7, 73-53-10, 73-59-3, 73-63-21,
 26 75-57-119, 89-12-37, 93-21-305 and 97-33-101, MISSISSIPPI CODE OF
 27 1972, TO CONFORM: AND FOR RELATED PURPOSES.

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

29 SECTION 1. Section 27-105-33, Mississippi Code of 1972, is
 30 amended as follows:

31 27-105-33. (1) (a) It shall be the duty of the State
 32 Treasurer and the Executive Director of the Department of Finance
 33 and Administration on or about the tenth day of each month, and in
 34 their discretion at any other time, to analyze carefully the
 35 amount of cash in the General Fund of the state and in all special
 36 funds credited to any special purpose designated by the State
 37 Legislature or held to meet the budgets or appropriations for

38 maintenance, improvements and services of the several
39 institutions, boards, departments, commissions, agencies, persons
40 or entities of the state, and to determine in their opinion when
41 the cash in such funds is in excess of the amount required to meet
42 the current needs and demands of no more than seven (7) business
43 days on such funds and report their findings to the Governor. It
44 shall be the duty of the State Treasurer to provide a cash flow
45 model for forecasting revenues and expenditures on a bimonthly
46 basis and providing technical assistance for its operation. The
47 Department of Finance and Administration shall use the cash flow
48 model furnished by the State Treasurer, in analyzing the amount of
49 funds on deposit and available for investment.

50 (b) Of such excess general and special funds of the
51 state, One Billion Two Hundred Million Dollars (\$1,200,000,000.00)
52 shall be invested for periods of up to five (5) years with varying
53 maturity dates in such a manner that earnings in the amount of
54 Twenty Million Dollars (\$20,000,000.00) will be paid to the state
55 each month. Such Twenty Million Dollars (\$20,000,000.00) that is
56 received by the state each month may be invested in instruments
57 that mature in five (5) years.

58 (2) The State Treasurer is hereby authorized, empowered and
59 directed to invest all * * * excess general and special funds of
60 the state in excess of One Billion Two Hundred Million Dollars
61 (\$1,200,000,000.00) in the following manner:

62 (a) Funds shall be allocated equally among all
63 qualified state depositories which do not have demand accounts in
64 excess of One Hundred Fifty Thousand Dollars (\$150,000.00) until
65 each qualified depository willing to accept the same shall have on
66 deposit or in security repurchase agreements or in other
67 securities authorized in paragraph (d) of this section at interest
68 the sum of Three Hundred Thousand Dollars (\$300,000.00). For the
69 purposes of this subsection, no branch bank or branch office shall
70 be counted as a separate depository.

71 (b) The balance, if any, of such excess general and
72 special funds shall be offered to qualified depositories of the
73 state on a pro rata basis as provided in Section 27-105-9. For
74 the purposes of this subsection, the pro rata share of each
75 depository shall be reduced by the amount of the average daily
76 collected earning balance of demand deposits maintained by the
77 State Treasurer pursuant to Section 27-105-9 during the preceding
78 calendar year, and such reduction shall be allocated pro rata
79 among other eligible depositories.

80 (c) Funds offered pursuant to paragraphs (a) and (b)
81 above shall be invested for periods of up to one (1) year, and
82 shall bear interest at an interest rate no less than that
83 numerically equal to the bond equivalent yield on direct
84 obligations of the United States Treasury of comparable maturity,
85 as determined by the State Treasurer. In determining such rate,
86 the State Treasurer shall consider the Legislature's desire to
87 distribute funds equitably throughout the state to the maximum
88 extent possible.

89 (d) To the extent that the State Treasurer shall find
90 that general and special funds cannot be invested pursuant to
91 paragraphs (a), (b) and (c) of this section for the stated
92 maturity up to one (1) year, the Treasurer may invest such funds,
93 together with any other funds required for current operation, as
94 determined pursuant to this section, in the following:

95 (i) Time certificates of deposit or
96 interest-bearing accounts with qualified state depositories. For
97 those funds determined under prudent judgment of the State
98 Treasurer to be made available for investment in time certificates
99 of deposit, the rate of interest paid by the depositories shall be
100 determined by rules and regulations adopted and promulgated by the
101 State Treasurer which may include competitive bids. At the time
102 of investment, the interest rate on such certificates of deposit
103 under the provisions of this subparagraph shall be a rate not less

104 than the bond equivalent yield on direct obligations of the United
105 States Treasury with a similar length of maturity.

106 (ii) Direct United States Treasury obligations,
107 the principal and interest of which are fully guaranteed by the
108 government of the United States.

109 (iii) United States government agency, United
110 States government instrumentality or United States government
111 sponsored enterprise obligations, the principal and interest of
112 which are fully guaranteed by the government of the United States,
113 such as the Government National Mortgage Association; or United
114 States governmental agency, United States government
115 instrumentality or United States government sponsored enterprise
116 obligations, the principal and interest of which are guaranteed by
117 any United States government agency, United States government
118 instrumentality or United States government sponsored enterprise
119 contained in a list promulgated by the State Treasurer. However,
120 at no time shall the funds invested in United States government
121 agency, United States government instrumentality or United States
122 government sponsored enterprise obligations enumerated in this
123 subparagraph exceed fifty percent (50%) of all monies invested
124 with maturities of thirty (30) days or longer.

125 (iv) Direct security repurchase agreements and
126 reverse direct security repurchase agreements of any federal book
127 entry of only those securities enumerated in subparagraphs (ii)
128 and (iii) above. "Direct security repurchase agreement" means an
129 agreement under which the state buys, holds for a specified time,
130 and then sells back those securities and obligations enumerated in
131 subparagraphs (ii) and (iii) above. "Reverse direct securities
132 repurchase agreement" means an agreement under which the state
133 sells and after a specified time buys back any of the securities
134 and obligations enumerated in subparagraphs (ii) and (iii) above.
135 At least eighty percent (80%) of the total dollar amount in all

136 repurchase agreements at any one (1) time shall be pursuant to
137 contracts with qualified state depositories.

138 (e) For the purposes of this section, direct
139 obligations issued by the United States of America shall be deemed
140 to include securities of, or other interests in, any open-end or
141 closed-end management type investment company or investment trust
142 registered under the provisions of 15 USCS Section 80(a)-1 et
143 seq., provided that the portfolio of such investment company or
144 investment trust is limited to direct obligations issued by the
145 United States of America, United States government agencies,
146 United States government instrumentalities or United States
147 government sponsored enterprises, and to repurchase agreements
148 fully collateralized by direct obligations of the United States of
149 America, United States government agencies, United States
150 government instrumentalities or United States government sponsored
151 enterprises, and the investment company or investment trust takes
152 delivery of such collateral for the repurchase agreement, either
153 directly or through an authorized custodian. The State Treasurer
154 and the Executive Director of the Department of Finance and
155 Administration shall review and approve the investment companies
156 and investment trusts in which funds invested under paragraph (d)
157 of this section may be invested. The total dollar amount of funds
158 invested in all open-end and closed-end management type investment
159 companies and investment trusts at any one (1) time shall not
160 exceed twenty percent (20%) of the total dollar amount of funds
161 invested under paragraph (d) of this section.

162 (f) Investments authorized by subparagraphs (ii) and
163 (iii) of paragraph (d) shall mature on such date or dates as
164 determined by the State Treasurer in the exercise of prudent
165 judgment to generate a favorable return to the state and will
166 allow the monies to be available for use at such time as the
167 monies will be needed for state purposes. However, the maturity
168 of securities purchased as enumerated in subparagraphs (ii) and

169 (iii) shall not exceed ten (10) years from date of purchase.
170 Special funds shall be considered those funds created
171 constitutionally, statutorily or administratively which are not
172 considered general funds. All funds invested for a period of
173 thirty (30) days or longer under paragraph (d) shall bear a rate
174 at least equal to the current established rate under paragraph (c)
175 of this section.

176 (g) Any interest-bearing deposits or certificates of
177 deposit shall not exceed at any time the amount insured by the
178 Federal Deposit Insurance Corporation in any one (1) banking
179 institution, the Federal Savings and Loan Insurance Corporation in
180 any one (1) savings and loan association, or other deposit
181 insurance corporation approved by the State Treasurer, unless the
182 uninsured portion is collateralized by the pledge of securities in
183 the manner provided by Section 27-105-5.

184 (h) Unless otherwise provided, income from investments
185 authorized by the provisions of this subsection shall be credited
186 to the State General Fund.

187 (i) Not more than Five Hundred Thousand Dollars
188 (\$500,000.00) of funds may be invested with foreign financial
189 institutions, and the State Treasurer may enter into price
190 contracts for the purchase or exchange of foreign currency or
191 other arrangements for currency exchange in an amount not to
192 exceed Five Hundred Thousand Dollars (\$500,000.00) upon specific
193 direction of the Department of Economic and Community Development.
194 The State Treasurer shall promulgate all rules and regulations for
195 applications, qualifications and any other necessary matters for
196 foreign financial institutions.

197 (3) Any liquidating agent of a depository in liquidation,
198 voluntary or involuntary, shall redeem from the state any bonds
199 and securities which have been pledged to secure state funds and
200 such redemption shall be at the par value or market value thereof,
201 whichever is greater; otherwise, the liquidating agent or receiver

202 may pay off the state in full for its deposits and retrieve the
203 pledged securities without regard to par or market value.

204 (4) The State Treasurer and the Executive Director of the
205 Department of Finance and Administration shall make monthly
206 reports to the Legislative Budget Office containing a full and
207 complete statement of all funds invested by virtue of the
208 provisions of this section and the revenues derived therefrom and
209 the expenses incurred therewith, together with all such other
210 information as may seem to each of them as being pertinent to
211 inform fully the Mississippi Legislature with reference thereto.

212 (5) The State Treasurer shall not deposit any funds on
213 demand deposit with any authorized depository, unless such
214 depository has contracted for interest-bearing accounts or time
215 certificates of deposit.

216 (6) Notwithstanding the foregoing, any financial institution
217 not meeting the prescribed ratio requirement set forth in Section
218 27-105-5 whose accounts are insured by the Federal Deposit
219 Insurance Corporation, or any successor to that insurance
220 corporation, may receive state funds in an amount not exceeding
221 the amount which is insured by such insurance corporations and may
222 qualify as a state depository to the extent of such insurance for
223 this purpose only. The paid-in and earned capital funds of such
224 financial institution shall not be included in the computations
225 specified in Section 27-105-9(a) and (b).

226 (7) All special funds in the State Treasury, in which a
227 portion of the earnings on investments of the money in the fund
228 are required to be deposited into such special funds, shall be
229 paid interest on investments at the rate of one-tenth (1/10) of
230 one percent (1%) per day. Any amounts earned on such investments
231 in excess of the amount of interest required to be paid by this
232 subsection shall be deposited into the General Fund.

233 SECTION 2. Section 7-5-305, Mississippi Code of 1972, is
234 amended as follows:

235 7-5-305. (1) To fund the Insurance Integrity Enforcement
236 Bureau, the Workers' Compensation Commission may assess each
237 workers' compensation carrier and self-insurer, in the manner
238 provided in Section 71-3-99, an amount based upon the proportion
239 that the total gross claims for compensation and medical services
240 and supplies paid by such carrier or self-insurer during the
241 preceding one-year period bore to the total gross claims for
242 compensation and medical services and supplies paid by all
243 carriers and self-insurers during such period. The total amount
244 assessed and collected by the commission from all workers'
245 compensation carriers and self-insurers used to fund the Insurance
246 Integrity Enforcement Bureau during each fiscal year shall be
247 based upon the recommendation of the Insurance Integrity
248 Enforcement Bureau, but shall not exceed One Hundred Fifty
249 Thousand Dollars (\$150,000.00). The funds received from the
250 assessment in this subsection (1) shall be used primarily for the
251 purpose of investigating and prosecuting workers' compensation
252 fraud. Within thirty (30) days of receipt, the Workers'
253 Compensation Commission shall transfer such assessment from the
254 Administrative Expense Fund into a special fund of the Office of
255 the Attorney General created in the State Treasury and designated
256 as the "Insurance Integrity Enforcement Fund."

257 (2) In addition to the monies collected under the assessment
258 provided in this section to fund the Insurance Integrity
259 Enforcement Bureau, for fiscal year 1999 the sum of One Hundred
260 Fifty Thousand Dollars (\$150,000.00) shall be appropriated by the
261 Legislature to the Insurance Integrity Enforcement Fund from the
262 State General Fund. The funds received from the appropriation in
263 this subsection (2) shall be used primarily for the purpose of
264 investigating and prosecuting insurance fraud other than workers'
265 compensation fraud.

266 (3) The Insurance Integrity Enforcement Bureau may accept
267 gifts, grants and appropriations of state and federal funds for

268 deposit in the Insurance Integrity Enforcement Fund. The
269 Insurance Integrity Enforcement Fund shall be used solely to
270 defray the expenses of the Insurance Integrity Enforcement Bureau,
271 and, except as otherwise provided in Section 27-105-33, any
272 interest earned on monies in such fund shall be credited to the
273 fund. Expenditures from the Insurance Integrity Enforcement Fund
274 shall be made upon requisition by the Attorney General and subject
275 to appropriation by the Legislature.

276 SECTION 3. Section 7-7-3, Mississippi Code of 1972, is
277 amended as follows:

278 7-7-3. (1) There is hereby established a General Accounting
279 Office for the State of Mississippi, the powers and duties of said
280 office to be performed by the Bureau of Budget and Fiscal
281 Management under the administration of the State Fiscal Officer.

282 (2) The Chief of the Fiscal Management Division, under the
283 supervision of the State Fiscal Officer, shall prescribe and
284 implement in the office of each state agency an adequate accrual
285 accounting system, in conformity with generally accepted
286 accounting principles, and a system for keeping other essential
287 financial records or, in lieu thereof, may install a state
288 centralized automated accounting system which facilitates
289 reporting the financial position and operations of the state as a
290 whole, in conformity with generally accepted accounting
291 principles. All such accounting systems so prescribed or
292 installed shall be as uniform as may be practicable for agencies
293 and offices of the same class and character.

294 Each state agency shall adopt and use the system prescribed
295 and approved for it by the State Fiscal Officer, and the State
296 Fiscal Officer shall have the authority and power to impound all
297 funds of such agency until it complies with the provisions of this
298 section. Said state centralized automated accounting system shall
299 be made available to the agencies of state government through the
300 services of the State Computer Center. The State Fiscal Officer

301 shall conduct training seminars on a regular basis to ensure that
302 agencies have access to persons proficient in the correct use of
303 the statewide automated accounting system.

304 (3) The State Fiscal Officer shall establish an oversight
305 advisory committee to ensure that the state centralized automated
306 accounting system meets the needs of the agencies served thereby.
307 Said oversight advisory committee shall be composed of qualified
308 public employees proficient in the areas of fiscal management,
309 accounting, data processing and other fields affected by the
310 automated accounting and financial management system. Said
311 committee shall have the following responsibilities:

312 (a) Provide continual review of laws, rules,
313 regulations, policies and procedures which affect the continued
314 successful implementation of the state automated accounting and
315 financial management system;

316 (b) Coordination among the control agencies of state
317 and federal government to identify required modifications and/or
318 enhancements to the state centralized automated accounting system
319 as required for successful implementation;

320 (c) Ensure that agencies using the system are in
321 compliance with the requirements of the various control agencies;
322 and

323 (d) Assign persons knowledgeable in their area of
324 expertise and proper use of the state centralized automated
325 accounting system to help agencies use the system correctly.

326 (4) The State Fiscal Officer shall provide for the
327 continuing support of the state centralized automated accounting
328 system from funds appropriated therefor by the Legislature and/or
329 from user fees charged to the state agencies and institutions
330 utilizing the system.

331 The State Fiscal Officer may charge fees to agencies and
332 institutions for services rendered to them in conjunction with the
333 statewide automated accounting system. The amounts of such fees

334 shall be set by the State Fiscal Officer, and all such fees
335 collected shall be paid into the Statewide Automated Accounting
336 System Fund.

337 (5) There is hereby established within the State Treasury a
338 special fund to be designated as the Mississippi Management and
339 Reporting System Revolving Fund. This fund is established for the
340 purpose of developing and maintaining an executive information
341 system within state government. Such a system may include the
342 state centralized automated accounting system, a centralized
343 automated human resource/payroll system for state agencies and the
344 automation of performance programmatic data and other data as
345 needed by the legislative and executive branches to monitor the
346 receipt and expenditure of funds in accordance with desired
347 objectives.

348 A Steering Committee consisting of the State Fiscal Officer,
349 the Executive Director of the State Personnel Board and the
350 Executive Director of the Mississippi Department of Information
351 Technology Services shall establish policies and procedures for
352 the administration of the Mississippi Management and Reporting
353 System Revolving Fund.

354 All disbursements from this fund shall be made pursuant to
355 appropriation by the Legislature. * * * Interest earned in the
356 amount provided for in Section 27-103-33 from the investment of
357 monies in this fund shall be credited to such fund.

358 Any expenditure of funds related to the development of a
359 Mississippi Management and Reporting System by the State Personnel
360 Board, the Department of Finance and Administration and the
361 Mississippi Department of Information Technology Services made
362 during the fiscal year ending June 30, 1993, shall be reimbursable
363 from the Mississippi Management and Reporting System Revolving
364 Fund upon its establishment.

365 The Bond Commission is hereby authorized to grant a
366 noninterest-bearing loan to the Mississippi Management and

367 Reporting System Revolving Fund from the State Treasurer's General
368 Fund/Special Fund Pool in an amount not to exceed Fifteen Million
369 Dollars (\$15,000,000.00).

370 The Mississippi Management and Reporting System Steering
371 Committee shall appoint an administrator of the Mississippi
372 Management and Reporting System Revolving Fund. The salary of the
373 administrator and all other project administrative expenses shall
374 be disbursed from the revolving fund. The administrator of the
375 fund is hereby authorized to employ or secure personnel service
376 contracts for all personnel required to carry out this project.
377 On or before January 15 of each year, the State Fiscal Officer
378 shall present a report of all expenditures made during the
379 previous fiscal year from the Mississippi Management and Reporting
380 System Revolving Fund to the State Bond Commission and to the
381 Legislature.

382 Upon implementation of the Mississippi Management and
383 Reporting System, or any part thereof, at any state agency, a
384 repayment schedule shall be determined by the Mississippi
385 Management and Reporting System Revolving Fund administrator for
386 payment back into the Mississippi Management and Reporting System
387 Revolving Fund. This repayment schedule will include direct and
388 indirect expenses of implementing the Mississippi Management and
389 Reporting System at each agency and applied interest charges.
390 Each state agency shall be required to request the amount of its
391 yearly repayment in its annual budget request.

392 At the completion of the Mississippi Management and Reporting
393 System, the Steering Committee shall recommend to the Legislature
394 an amount to remain in the Mississippi Management and Reporting
395 System Revolving Fund to fund future upgrades and maintenance for
396 the system. The remaining amount, as repaid by the agencies,
397 shall be returned to the General Fund/Special Fund Pool.

398 Each state agency executive director shall participate in the
399 Mississippi Management and Reporting System (MMRS) project by

400 appointing an agency implementation team leader to represent them
401 on the MMRS project. All agencies will be required to implement
402 the MMRS unless exempted from such by the MMRS Steering Committee.
403 If such an exemption is granted, the MMRS Steering Committee may
404 require selected data to be electronically interfaced into the
405 MMRS.

406 (6) In addition to his other duties, the Chief of the Fiscal
407 Management Division shall perform the following services:

408 (a) Maintain a set of control accounts on a double
409 entry accrual basis for each state fund so as to analyze, classify
410 and record all resources, obligations and financial transactions
411 of all state agencies.

412 (b) Submit to the Governor and to the Legislative
413 Budget Office a monthly report containing the state's financial
414 operations and conditions.

415 (c) Approve as to form the manner in which all payrolls
416 shall be prepared; and require each state agency to furnish copies
417 of monthly payrolls as required to the State Fiscal Officer. The
418 Chief of the Fiscal Management Division shall study the
419 feasibility of a central payroll system for all state officers and
420 employees, and report his findings and recommendations to the
421 Legislature.

422 (d) Require of each state agency, through its governing
423 board or executive head, the maintaining of continuous internal
424 audit covering the activities of such agency affecting its revenue
425 and expenditures, and an adequate internal system of preauditing
426 claims, demands and accounts against such agency as to adequately
427 ensure that only valid claims, demands and accounts will be paid,
428 and to verify compliance with the regulations of the State
429 Personal Service Contract Review Board regarding the execution of
430 any personal service or professional service contracts pursuant to
431 Section 25-9-120(3). The Fiscal Management Division shall report
432 to the State Fiscal Officer any failure or refusal of the

433 governing board or executive head of any state agency to comply
434 with the provisions of this section. The State Fiscal Officer
435 shall notify the said board of trustees or executive head of such
436 violation and, upon continued failure or refusal to comply with
437 the provisions of this section, then the State Fiscal Officer may
438 require said board of trustees or executive head of such state
439 agency to furnish competent and adequate personnel to carry out
440 the provisions of this section, who shall be responsible to the
441 State Fiscal Officer for the performance of such function with
442 respect to such state agency. For failure or refusal to comply
443 with the provisions of this section or the directions of the State
444 Fiscal Officer, any such employee may be deprived of the power to
445 perform such functions on behalf of the Fiscal Management
446 Division.

447 (7) Every state agency, through the proper officials or
448 employee, shall make such periodic or special reports on forms
449 prescribed by the Chief of the Fiscal Management Division as may
450 be required or necessary to maintain the set of control accounts
451 required. If any officer or employee of any state agency whose
452 duty it is to do so shall refuse or fail to make such periodic or
453 special reports in such form and in such detail and within such
454 time as the Fiscal Management Division may require in the exercise
455 of this authority, the State Fiscal Officer shall prepare or cause
456 to be prepared and submitted such reports and the expense thereof
457 shall be personally borne by said officer or employee and he or
458 she shall be responsible on his or her official bond for the
459 payment of the expense. Provided that a negligently prepared
460 report shall be considered as a refusal or failure under the
461 provisions of this section.

462 SECTION 4. Section 11-46-17, Mississippi Code of 1972, is
463 amended as follows:

464 11-46-17. (1) There is hereby created in the State Treasury
465 a special fund to be known as the "Tort Claims Fund."

466 All such monies as the Department of Finance and
467 Administration shall receive and collect under the provisions of
468 subsection (2) of this section and all such funds as the
469 Legislature may appropriate for use by the board in administering
470 the provisions of this chapter shall be deposited in such fund.
471 All monies in the fund may be expended by the board for any and
472 all purposes for which the board is authorized to expend funds
473 under the provisions of this chapter. * * * Interest earned in
474 the amount provided for in Section 27-105-33 from the investment
475 of monies in the fund shall be credited to the fund. Monies
476 remaining in such fund at the end of a fiscal year shall not lapse
477 into the State General Fund.

478 (2) From and after July 1, 1993, each governmental entity
479 other than political subdivisions shall participate in a
480 comprehensive plan of self-insurance and/or one or more policies
481 of liability insurance administered by the Department of Finance
482 and Administration. Such plan shall provide coverage to each of
483 such governmental entities for every risk for which the board
484 determines the respective governmental entities to be liable in
485 the event of a claim or suit for injuries under the provisions of
486 this chapter, including claims or suits for injuries from the use
487 or operation of motor vehicles; provided, however, that the board
488 may allow such plan to contain any reasonable limitations or
489 exclusions not contrary to Mississippi state statutes or case law
490 as are normally included in commercial liability insurance
491 policies generally available to governmental entities. In
492 addition to the coverage authorized in the preceding sentence, the
493 plan may provide coverage for liabilities outside the provisions
494 of this chapter, including, but not limited to, liabilities
495 arising from Sections 1983 through 1987 of Title 42 of the United
496 States Code and liabilities from actions brought in foreign
497 jurisdictions, and the board shall establish limits of coverage
498 for such liabilities. Each governmental entity participating in

499 the plan shall make payments to the board in such amounts, times
500 and manner determined by the board as the board deems necessary to
501 provide sufficient funds to be available for payment by the board
502 of such costs as it incurs in providing coverage for the
503 governmental entity. Each governmental entity of the state other
504 than the political subdivisions thereof participating in the plan
505 procured by the board shall be issued by the board a certificate
506 of coverage whose form and content shall be determined by the
507 board but which shall have the effect of certifying that in the
508 opinion of the board each of such governmental entities is
509 adequately insured.

510 Prior to July 1, 1993, the Board of Trustees of State
511 Institutions of Higher Learning may provide such liability
512 coverage for each university, department, trustee, employee,
513 volunteer, facility and activity as the board of trustees, in its
514 discretion, shall determine advisable. If liability coverage,
515 either through insurance policies or self-insurance retention is
516 in effect, immunity from suit shall be waived only to the limit of
517 liability established by such insurance or self-insurance program.
518 From and after July 1, 1993, such liability coverage established
519 by the board of trustees must conform to the provisions of this
520 section and must receive approval from the board. Should the
521 board reject such plan, the board of trustees shall participate in
522 the liability program for state agencies established by the board.

523 (3) All political subdivisions shall, from and after October
524 1, 1993, obtain such policy or policies of insurance, establish
525 such self-insurance reserves, or provide a combination of such
526 insurance and reserves as necessary to cover all risks of claims
527 and suits for which political subdivisions may be liable under
528 this chapter; except any political subdivision shall not be
529 required to obtain pollution liability insurance. However, this
530 shall not limit any cause of action against such political
531 subdivision relative to limits of liability under the Tort Claims

532 Act. Such policy or policies of insurance or such self-insurance
533 may contain any reasonable limitations or exclusions not contrary
534 to Mississippi state statutes or case law as are normally included
535 in commercial liability insurance policies generally available to
536 political subdivisions. All such plans of insurance and/or
537 reserves shall be submitted for approval to the board. The board
538 shall issue a certificate of coverage to each political
539 subdivision whose plan of insurance and/or reserves it approves in
540 the same manner as provided in subsection (2) of this section.
541 Whenever any political subdivision fails to obtain the board's
542 approval of any plan of insurance and/or reserves, the political
543 subdivision shall act in accordance with the rules and regulations
544 of the board and obtain a satisfactory plan of insurance and/or
545 reserves to be approved by the board.

546 (4) Any governmental entity of the state may purchase
547 liability insurance to cover claims in excess of the amounts
548 provided for in Section 11-46-15 and may be sued by anyone in
549 excess of the amounts provided for in Section 11-46-15 to the
550 extent of such excess insurance carried; provided, however, that
551 the immunity from suit above the amounts provided for in Section
552 11-46-15 shall be waived only to the extent of such excess
553 liability insurance carried.

554 (5) Any two (2) or more political subdivisions are hereby
555 authorized to enter into agreement and to contract between and
556 among themselves for the purpose of pooling their liabilities as a
557 group under this chapter. Such pooling agreements and contracts
558 may provide for the purchase of one or more policies of liability
559 insurance and/or the establishment of self-insurance reserves and
560 shall be subject to approval by the board in the manner provided
561 in subsections (2) and (3) of this section.

562 (6) The board shall have subrogation rights against a third
563 party for amounts paid out of any plan of self-insurance
564 administered by such board pursuant to this section in behalf of a

565 governmental entity as a result of damages caused under
566 circumstances creating a cause of action in favor of such
567 governmental entity against a third party. The board shall
568 deposit in the Tort Claims Fund all monies received in connection
569 with the settlement or payment of any claim, including proceeds
570 from the sale of salvage.

571 SECTION 5. Section 17-17-63, Mississippi Code of 1972, is
572 amended as follows:

573 17-17-63. (1) There is created in the State Treasury a fund
574 designated as the Mississippi Nonhazardous Solid Waste Corrective
575 Action Trust Fund for the purpose of providing funds for
576 emergency, preventive or corrective actions which may be required
577 or determined necessary by the department of any nonhazardous
578 solid waste disposal facility that received in whole or in part
579 household waste and closed before the effective date of Title 40
580 of the Code of Federal Regulations, Section 258.

581 (2) The trust fund shall be administered by the executive
582 director. The commission shall promulgate rules and regulations
583 for the administration of the fund and for a system of priorities
584 for related projects eligible for funding. Only the facilities
585 meeting the criteria in subsection (1) are eligible for funding.

586 (3) The commission may escalate, expend or utilize funds in
587 the trust fund for the following purposes:

588 (a) To take whatever emergency action is necessary or
589 appropriate to assure that the public health or safety is not
590 threatened whenever there is a release or substantial threat of a
591 release of contaminants from any source within the permitted area
592 of an eligible facility;

593 (b) To take preventive or corrective actions where the
594 release of contaminants from any source within the permitted area
595 of an eligible facility which presents an actual or potential
596 threat to human health or the environment including, but not

597 limited to, closure and post-closure care of an eligible facility;
598 and

599 (c) To take any actions as may be necessary to monitor
600 and provide post-closure care of any eligible facility, including
601 preventive and corrective actions, without regard to identity or
602 solvency of the owner thereof.

603 (4) The fund may not be used to pay for the normal costs of
604 closure and post-closure care of an eligible facility or where no
605 release or substantial threat of a release of contaminants has
606 been found by the commission.

607 (5) Expenditures may be made from the fund upon requisition
608 by the executive director.

609 (6) The fund shall be treated as a special trust fund.
610 Interest earned in the amount provided for in Section 27-105-33 on
611 the principal in the fund shall be credited by the department to
612 the fund, unless funds allocated under Section 17-17-219(3)(a)(i)
613 are being paid to the Local Governments Solid Waste Assistance
614 Fund. If those funds are being paid to the Local Governments
615 Solid Waste Assistance Fund, the department shall credit * * *
616 interest earned in the amount provided for in Section 27-105-33 to
617 the Local Governments Solid Waste Assistance Fund.

618 (7) The fund may receive monies from any available public or
619 private source, including, but not limited to, collection of fees,
620 interest, grants, taxes, public and private donations, petroleum
621 violation escrow funds or refunds and appropriated funds.

622 (8) The department shall transfer any balance in the fund on
623 July 1, 1997, in excess of Five Million Dollars (\$5,000,000.00) to
624 the Local Governments Solid Waste Assistance Fund.

625 SECTION 6. Section 17-17-65, Mississippi Code of 1972, is
626 amended as follows:

627 17-17-65. (1) There is created in the State Treasury a fund
628 designated as the Local Governments Solid Waste Assistance Fund,

629 referred to in this section as "fund," to be administered by the
630 executive director of the department.

631 (2) The fund shall be used to provide grants to counties,
632 municipalities, regional solid waste management authorities or
633 multi-county entities as provided in subsection (4) of this
634 section for one or more of the following purposes:

635 (a) Cleanup of existing and future unauthorized dumps
636 on public or private property, subject to the limitation in
637 subsection (3) of this section;

638 (b) Establishment of a collection center or program for
639 white goods, recyclables or other bulky rubbish waste not managed
640 by local residential solid waste collection programs;

641 (c) Provision of public notice and education related to
642 the proper management of solid waste, including recycling;

643 (d) Payment of a maximum of fifty percent (50%) of the
644 cost of employing a local solid waste enforcement officer;

645 (e) Payment of a maximum of seventy-five percent (75%)
646 of the cost of conducting household hazardous waste collection
647 programs in accordance with Sections 17-17-439 through 17-17-445;
648 and

649 (f) Development of other local solid waste management
650 program activities associated with the prevention, enforcement or
651 abatement of unauthorized dumps, as approved by the commission.

652 (3) If a person is found to be responsible for creating an
653 unauthorized dump, the grantee shall make a reasonable effort to
654 require that person to clean up the property before expending any
655 monies from the fund to clean up the property. If the grantee is
656 unable to locate the person responsible for creating the dump, or
657 if the grantee determines that person is financially or otherwise
658 incapable of cleaning up the property, the grantee may use the
659 monies from the fund to clean up the property and shall make a
660 reasonable effort to recover from the responsible person any funds
661 expended.

662 (4) (a) Of monies annually deposited in the fund and any
663 balance remaining in the fund, the commission shall annually
664 allocate monies as follows:

665 (i) One-half (1/2) of the deposited funds and
666 remaining balance shall be allocated to each county based on the
667 percentage of State Aid road mileage as established by the
668 Mississippi Department of Transportation State Aid road formula.

669 (ii) One-half (1/2) of the deposited funds and
670 remaining balance shall be made available to counties or
671 municipalities for grants on a competitive basis.

672 (b) The department shall notify the president of the
673 board of supervisors of each county in writing of the amount
674 allocated under paragraph (a)(i) of this subsection and that
675 additional funds are available on a competitive basis as provided
676 under paragraph (a)(ii) of this subsection.

677 (c) Upon receipt of a scope of work and cost proposal
678 acceptable to the commission, the commission shall award a grant
679 to a county up to the allocated amount for that county under
680 paragraph (a)(i) of this subsection. The commission may award
681 additional grant funds from monies available under paragraph
682 (a)(ii) of this subsection based upon the acceptable scope of work
683 and cost proposal.

684 (d) The commission may award grants to a regional solid
685 waste management authority or other multi-county entity upon
686 submission of a consolidated scope of work and cost proposal
687 acceptable to the commission and authorized by the member
688 counties. Upon submission of a scope of work and cost proposal,
689 the commission may award grants to municipalities from monies
690 available under paragraph (a)(ii) of this subsection.

691 (e) No grantee shall use more than three percent (3%)
692 of funds provided under this section to defray the costs of
693 administration of the grant.

694 (5) The department may use up to three percent (3%) of
695 monies annually deposited in the fund and of any balance remaining
696 in the fund to provide for the administration of this section.

697 (6) Expenditures may be made from the fund upon requisition
698 by the executive director of the department.

699 (7) The fund shall be treated as a special trust fund.
700 Interest earned in the amount provided for in Section 27-105-33 on
701 the principal in the fund shall be credited by the department to
702 the fund.

703 (8) The fund may receive monies from any available public or
704 private source, including, but not limited to, collection of fees,
705 interest, grants, taxes, public and private donations, judicial
706 actions and appropriated funds.

707 (9) Monies in the fund at the end of the fiscal year shall
708 be retained in the fund for use in the succeeding fiscal year.

709 (10) The commission may consolidate any grant provided under
710 this section with any grant provided under the waste tire
711 management program or the right-way-to-throw-away program. Funds
712 provided through any consolidated grant shall be used in
713 accordance with the program under which the funds are provided.

714 (11) Funds provided under this section shall not be used to
715 pay any costs of the establishment or operation of a landfill,
716 rubbish disposal site or other type of solid waste disposal
717 facility, for the routine collection of garbage or to collect any
718 fees assessed under Section 19-5-21 or 21-19-2.

719 (12) The commission shall not provide any funds under this
720 section to any grantee with an inadequate garbage or rubbish
721 collection or disposal system as required under Section 19-5-17 or
722 21-19-1.

723 SECTION 7. Section 17-17-217, Mississippi Code of 1972, is
724 amended as follows:

725 17-17-217. (1) There is created in the State Treasury a
726 fund designated as the Environmental Protection Trust Fund, to be
727 administered by the executive director of the department.

728 (2) The Commission on Environmental Quality shall promulgate
729 rules and regulations for the administration of the fund and for a
730 system of priorities for any related projects or programs eligible
731 for funding from the fund.

732 (3) (a) The commission may utilize any funds in the
733 Environmental Protection Fund for the following purposes:

734 (i) Not more than seventy-five percent (75%) shall
735 be utilized for defraying the costs of the Department of
736 Environmental Quality for administering the nonhazardous waste
737 program, including the development of the state nonhazardous solid
738 waste management plan as authorized by law;

739 (ii) Not more than twenty-five percent (25%) shall
740 be utilized for making grants to regional solid waste management
741 authorities, counties and municipalities for implementation of
742 household hazardous waste collection programs, in accordance with
743 Sections 17-17-439 through 17-17-445. The grants shall not exceed
744 seventy-five percent (75%) of eligible project costs as
745 established by the commission.

746 (b) If the commission transfers monies to the
747 Environmental Protection Trust Fund from any other source of
748 funding administered by the commission, the percentage specified
749 in this subsection shall not apply.

750 (4) Expenditures may be made from the fund upon requisition
751 by the executive director of the department.

752 (5) The fund shall be treated as a special trust fund.
753 Interest earned in the amount provided for in Section 27-105-33 on
754 the principal in the fund shall be credited by the department to
755 the fund.

756 (6) The fund may receive monies from any available public or
757 private source, including, but not limited to, collection of fees,

758 interest, grants, taxes, public and private donations, petroleum
759 violation escrow funds or refunds, and appropriated funds.

760 SECTION 8. Section 17-18-31, Mississippi Code of 1972, is
761 amended as follows:

762 17-18-31. (1) There is hereby created in the State Treasury
763 a fund to be designated as the "Perpetual Care Fund," hereinafter
764 referred to in this section as "fund," which may be used for:

765 (a) Administration of the fund;

766 (b) Emergency response and decontamination at the state
767 commercial hazardous waste management facility;

768 (c) Post-closure physical surveillance, environmental
769 monitoring, maintenance, care, custody and remedial action at the
770 state commercial hazardous waste management facility.

771 (2) Expenditures may be made from the fund upon requisition
772 to the Treasurer by the executive director of the department.

773 (3) The fund shall be treated as a special trust fund.
774 Interest earned in the amount provided for in Section 27-105-33 on
775 the principal therein shall be credited by the Treasurer to the
776 fund.

777 (4) In addition to any money that may be appropriated or
778 otherwise made available to it, the fund shall be maintained by
779 user fees and other charges, including nonregulatory penalties,
780 surcharges or other money paid to or recovered by or on behalf of
781 the department.

782 (5) Fees and other charges shall at all times be sufficient
783 to build and maintain the fund balance at a level determined by
784 the department, in consultation with the Department of
785 Environmental Quality.

786 (6) The establishment of this fund shall in no way be
787 construed to relieve or reduce the liability of any facility
788 operator, contractor or other person for damages resulting from
789 the operation of the state commercial hazardous waste management
790 facility.

791 SECTION 9. Section 17-23-1, Mississippi Code of 1972, is
792 amended as follows:

793 17-23-1. (1) There is established a rural fire truck
794 acquisition assistance program to be administered by the
795 Department of Insurance for the purpose of assisting counties and
796 municipalities in the acquisition of fire trucks.

797 (2) There is created in the State Treasury a special fund to
798 be designated as the "Rural Fire Truck Fund." The Legislature may
799 appropriate an amount not to exceed Two Million Dollars
800 (\$2,000,000.00), or that amount necessary to fulfill the
801 obligations created under this section by the Department of
802 Insurance, from the State General Fund to such special fund, which
803 sum shall be added to the remainder of the money transferred on
804 July 1, 1995, and during the 1996 Regular Session to the Rural
805 Fire Truck Fund. The appropriation may be made during the 1999
806 Regular Session. Such monies as are deposited into the fund under
807 the provisions of this section may be available after the 1999
808 Regular Session and such monies must be obligated by December 31,
809 2000, upon legislative appropriation, and upon requisition
810 therefor by the Commissioner of Insurance, in accordance with the
811 provisions of this section. Unexpended amounts remaining in the
812 fund at the end of a fiscal year shall not lapse into the State
813 General Fund, and * * * interest earned in the amount provided for
814 in Section 27-105-33 on amounts in the fund shall be deposited to
815 the credit of the fund. It is the intent of the Legislature that
816 the Department of Insurance continues to accept applications from
817 the counties for fire trucks from the additional funds authorized
818 by this subsection. The Department of Insurance shall include
819 these funds in the fiscal years 1999 and 2000 budget requests.

820 (3) (a) A county that meets the requirements provided
821 herein may receive an amount not to exceed Two Hundred Thousand
822 Dollars (\$200,000.00) as provided in subparagraphs (i), (ii),
823 (iii) and (iv) of this paragraph, and such amount shall be divided

824 equally with not more than Fifty Thousand Dollars (\$50,000.00) per
825 fire truck. Monies distributed under this chapter shall be
826 expended only for the purchase of new fire trucks and such trucks
827 must meet the National Fire Protection Association (NFPA)
828 standards in the 1900 series.

829 (i) Any county that has not applied for a fire
830 truck under this section is eligible to submit applications for
831 four (4) fire trucks at not more than Fifty Thousand Dollars
832 (\$50,000.00) per truck or a total of Two Hundred Thousand Dollars
833 (\$200,000.00).

834 (ii) Any county that has received one (1) fire
835 truck under this section is eligible to submit applications for
836 three (3) fire trucks at not more than Fifty Thousand Dollars
837 (\$50,000.00) per truck or a total of One Hundred Fifty Thousand
838 Dollars (\$150,000.00).

839 (iii) Any county that has received two (2) fire
840 trucks under this section is eligible to submit an application for
841 two (2) fire trucks or a total of not more than One Hundred
842 Thousand Dollars (\$100,000.00).

843 (iv) Any county that has received three (3) fire
844 trucks under this section is eligible to submit an application for
845 one (1) fire truck or a total of not more than Fifty Thousand
846 Dollars (\$50,000.00).

847 (b) The board of supervisors of the county shall submit
848 its request for the receipt of monies to the Department of
849 Insurance. A committee composed of the Commissioner of Insurance,
850 the State Fire Coordinator, the Director of the Rating Bureau and
851 the Director of the State Fire Academy shall review the requests
852 by the boards of supervisors and shall determine whether the
853 county or municipality for which the board of supervisors has
854 requested a truck meets the requirements of eligibility under this
855 chapter.

856 (c) To be eligible to receive monies under this
857 chapter:

858 (i) A county or municipality must pledge to set
859 aside or dedicate each year as matching funds, for a period not to
860 extend over ten (10) years, local funds in an amount equal to or
861 not less than one-tenth (1/10) of the amount of monies for which
862 it is requesting distribution from the Rural Fire Truck Fund,
863 which pledged monies may be derived from local ad valorem tax
864 authorized by law or from any other funds available to the county
865 or municipality, except for those funds received by municipalities
866 or counties from the Municipal Fire Protection Fund or the County
867 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and
868 83-1-39.

869 (ii) A municipality must provide adequate
870 documentation of its contract with the county that requires the
871 municipality to provide fire protection in rural areas. The term
872 "rural areas" means any area within the county located outside the
873 boundaries of an incorporated municipality or any incorporated
874 municipality with a population of two thousand five hundred
875 (2,500) or less.

876 (d) The Department of Insurance shall maintain an
877 accurate record of all monies distributed to counties and
878 municipalities and the number of fire trucks purchased and the
879 cost for each fire truck, such records to be kept separate from
880 other records of the Department of Insurance; notify counties and
881 municipalities of the rural fire truck acquisition assistance
882 program and the requirements for them to become eligible to
883 participate; adopt and promulgate such rules and regulations as
884 may be necessary and desirable to implement the provisions of this
885 chapter; and file with the Legislature on or before January 2,
886 1999, and July 1, 1999, a report detailing how monies made
887 available under this chapter were distributed and spent during the
888 preceding portion of the fiscal year in each county and

889 municipality, the number of fire trucks purchased, the counties
890 and municipalities making such purchases and the cost of each fire
891 truck purchased.

892 SECTION 10. Section 25-11-13, Mississippi Code of 1972, is
893 amended as follows:

894 25-11-13. (1) There is hereby established a special fund,
895 separate and apart from all public monies or funds of this state,
896 to be known as a contribution fund, which shall be administered by
897 the board exclusively for the purposes of this article. Such fund
898 shall consist of and there shall be deposited in such fund: (a)
899 All contributions, interest and penalties collected under Sections
900 25-11-9 and 25-11-11; (b) all monies appropriated or otherwise
901 contributed thereto; (c) any property or securities and earnings
902 thereof acquired through the use of monies belonging to the fund;
903 (d) interest earned in the amount provided for in Section
904 27-105-33 upon any monies in the fund; and (e) all sums recovered
905 upon the bond of any official or otherwise for losses sustained by
906 the fund and all other monies received for the fund from any other
907 source. All monies in the fund shall be mingled and undivided.
908 Subject to the provisions of this article, the board is vested
909 with full power, authority and jurisdiction over the fund,
910 including all monies and property or securities belonging thereto,
911 and may perform any and all acts, whether or not specifically
912 designated, which are necessary to the administration thereof
913 consistent with the provisions of this article.

914 (2) Withdrawals from such fund shall be made for, and solely
915 for (A) payment of amounts required to be paid to the Secretary of
916 the Treasury pursuant to and in accordance with an agreement
917 entered into under Section 25-11-7 of this article; (B) payment of
918 refunds provided for in Section 25-11-9(3) of this article; and
919 (C) refunds of overpayments, not otherwise adjustable, made by a
920 political subdivision or instrumentality.

921 (3) The State Treasurer shall be the ex officio treasurer
922 and custodian of the contribution fund, shall administer such fund
923 in accordance with the provisions of this article and the
924 directions of the board, and shall pay all warrants drawn upon it
925 in accordance with the provisions of this section and with such
926 regulations as the board may prescribe pursuant thereto or
927 pursuant to the provisions of any other applicable law of this
928 state with respect thereto. The State Treasurer shall be liable
929 on his official bond for the faithful performance of his duties in
930 connection with the contribution fund under this article.

931 (4) From the contribution fund the custodian of the fund
932 shall pay to the Secretary of the Treasury of the United States
933 such amounts and at such time or times as may be directed by the
934 board in accordance with any agreement entered into under Section
935 25-11-7 and applicable federal law.

936 (5) The board shall submit to the Governor and the
937 Legislative Budget Office at least ninety (90) days in advance of
938 the beginning of each regular session of the State Legislature, or
939 at such time as may be otherwise required by law, an estimate of
940 the amounts deemed by it as necessary for appropriation to the
941 contribution fund and for the administration of Articles 1 and 3
942 for each ensuing fiscal year.

943 (6) The board, in its discretion, may authorize or designate
944 each agency of the state, each political subdivision of the state,
945 and each instrumentality of the state or of a political
946 subdivision to individually deposit for and on behalf of the
947 state, in accordance with Section 25-11-7, social security
948 contributions directly in the Federal Reserve Bank or any other
949 social security contribution collection fund established by the
950 Social Security Administration, Department of Health and Human
951 Services, and all contributions or other payments as required
952 under Sections 25-11-9 and 25-11-11.

953 SECTION 11. Section 25-15-15, Mississippi Code of 1972, is
954 amended as follows:

955 25-15-15. (1) The board is authorized to determine the
956 manner in which premiums and contributions by the state agencies,
957 local school districts, colleges, universities, community/junior
958 colleges and public libraries shall be collected to provide the
959 self-insured health insurance program for employees as provided
960 under this article. The state shall provide fifty percent (50%)
961 of the cost of the above life insurance plan and one hundred
962 percent (100%) of the cost of the above health insurance plan for
963 all active full-time employees, and the employees shall be given
964 the opportunity to purchase coverage for their eligible dependents
965 with the premiums for such dependent coverage as well as the
966 employee's fifty percent (50%) share for his life insurance
967 coverage to be deductible from the employee's salary by the
968 agency, department or institution head, which deductions, together
969 with the fifty percent (50%) share of such life insurance premiums
970 of such employing agency, department or institution head from
971 funds appropriated to or authorized to be expended by such
972 employing agency, department or institution head, shall be
973 deposited directly into a depository bank or special fund in the
974 State Treasury, as determined by the board. These funds and
975 interest earned on these funds may be used for the disbursement of
976 claims and shall be exempt from the appropriation process.

977 (2) The state shall provide annually, by line item in the
978 Mississippi Library Commission appropriation bill, such funds to
979 pay one hundred percent (100%) of the cost of health insurance
980 under the State and School Employees Health Insurance Plan for all
981 full-time library staff members in each public library in
982 Mississippi. The commission shall allot to each public library a
983 sufficient amount of those funds appropriated to pay the costs of
984 insurance for eligible employees. Any funds so appropriated by
985 line item which are not expended during the fiscal year for which

986 such funds were appropriated shall be carried forward for the same
987 purposes during the next succeeding fiscal year. If any premiums
988 for the health insurance and/or late charges and interest
989 penalties are not paid by a public library in a timely manner, as
990 defined by the board, the Mississippi Library Commission, upon
991 notice by the board, shall immediately withhold all subsequent
992 disbursements of funds to that public library.

993 (3) The state shall annually provide one hundred percent
994 (100%) of the cost of the health insurance plan for all public
995 school district employees who work no less than twenty (20) hours
996 during each week and regular nonstudent school bus drivers. Where
997 federal funding is allowable to defray, in full or in part, the
998 cost of participation in the program by district employees who
999 work no less than twenty (20) hours during the week and regular
1000 nonstudent bus drivers, whose salaries are paid, in full or in
1001 part, by federal funds, the allowance under this section shall be
1002 reduced to the extent of such federal funding. Where the use of
1003 federal funds is allowable but not available, it is the intent of
1004 the Legislature that school districts contribute the cost of
1005 participation for such employees from local funds, except that
1006 parent fees for child nutrition programs shall not be increased to
1007 cover such cost.

1008 (4) The state shall provide annually, by line item in the
1009 community/junior college appropriation bill, such funds to pay one
1010 hundred percent (100%) of the cost of the health insurance plan
1011 for all community/junior college district employees who work no
1012 less than twenty (20) hours during each week.

1013 (5) When the use of federal funding is allowable to defray,
1014 in full or in part, the cost of participation in the insurance
1015 plan by community/junior college district employees who work no
1016 less than twenty (20) hours during each week, whose salaries are
1017 paid, in full or in part, by federal funds, the allowance under
1018 this section shall be reduced to the extent of the federal

1019 funding. Where the use of federal funds is allowable but not
1020 available, it is the intent of the Legislature that
1021 community/junior college districts contribute the cost of
1022 participation for such employees from local funds.

1023 (6) Any community/junior college district may contribute to
1024 the cost of coverage for any district employee from local
1025 community/junior college district funds, and any public school
1026 district may contribute to the cost of coverage for any district
1027 employee from nonminimum program funds. Any part of the cost of
1028 such coverage for participating employees of public school
1029 districts and public community/junior college districts that is
1030 not paid by the state shall be paid by the participating
1031 employees, which shall be deducted from the salaries of the
1032 employees in a manner determined by the board.

1033 (7) Any funds appropriated for the cost of insurance by line
1034 item in the community/junior colleges appropriation bill which are
1035 not expended during the fiscal year for which such funds were
1036 appropriated shall be carried forward for the same purposes during
1037 the next succeeding fiscal year.

1038 (8) The board may establish and enforce late charges and
1039 interest penalties or other penalties for the purpose of requiring
1040 the prompt payment of all premiums for life and health insurance
1041 permitted under Chapter 15 of Title 25. All funds in excess of
1042 the amount needed for disbursement of claims shall be deposited in
1043 a special fund in the State Treasury to be known as the State and
1044 School Employees Insurance Fund. The State Treasurer shall invest
1045 all funds in the State and School Employees Insurance Fund
1046 and * * * interest earned in the amount provided for in Section
1047 27-105-33 shall be credited to the State and School Employees
1048 Insurance Fund. Such funds shall be placed with one or more
1049 depositories of the state and invested on the first day such funds
1050 are available for investment in certificates of deposit,
1051 repurchase agreements or in United States Treasury bills or as

1052 otherwise authorized by law for the investment of Public
1053 Employees' Retirement System funds, as long as such investment is
1054 made from competitive offering and at the highest and best market
1055 rate obtainable consistent with any available investment
1056 alternatives; however, such investments shall not be made in
1057 shares of stock, common or preferred, or in any other investments
1058 which would mature more than one (1) year from the date of
1059 investment. The board shall have the authority to draw from this
1060 fund periodically such funds as are necessary to operate the
1061 self-insurance plan or to pay to the insurance carrier the cost of
1062 operation of this plan, it being the purpose to limit the amount
1063 of participation by the state to fifty percent (50%) of the cost
1064 of the life insurance program and not to limit the contracting for
1065 additional benefits where the cost will be paid in full by the
1066 employee. The state shall not share in the cost of coverage for
1067 retired employees.

1068 (9) The board shall also provide for the creation of an
1069 Insurance Reserve Fund and funds therein shall be invested by the
1070 State Treasurer with all interest earned credited to the State and
1071 School Employees Insurance Fund.

1072 (10) Any retired employee electing to purchase retired life
1073 and health insurance will have the full cost of such insurance
1074 deducted monthly from his State of Mississippi retirement plan
1075 check or direct billed for the cost of the premium if the
1076 retirement check is insufficient to pay for the premium. If the
1077 board determines actuarially that the premium paid by the
1078 participating retirees adversely affects the overall cost of the
1079 plan to the state, then the department may impose a premium
1080 surcharge, not to exceed fifteen percent (15%), upon such
1081 participating retired employees who are under the age for Medicare
1082 eligibility.

1083 SECTION 12. Section 27-38-7, Mississippi Code of 1972, is
1084 amended as follows:

1085 27-38-7. (1) There is created in the State Treasury a
1086 special fund to be known as the Telecommunications Ad Valorem Tax
1087 Reduction Fund, into which shall be deposited the money specified
1088 in Section 27-65-75(15) and such other money as the Legislature
1089 may provide by appropriation. The money in the fund shall be used
1090 to make the payments provided for in Section 27-38-5.

1091 (2) The Telecommunications Ad Valorem Tax Reduction Fund
1092 shall be administered by the State Tax Commission, and money in
1093 the fund shall be expended upon appropriation by the Legislature.
1094 Unexpended amounts remaining in the fund at the end of the state
1095 fiscal year shall not lapse into the State General Fund, and * * *
1096 interest earned in the amount provided for in Section 27-105-33(6)
1097 on amounts in the fund shall be deposited to the credit of the
1098 fund. The State Tax Commission shall make the calculations
1099 necessary to make the distributions required pursuant to Section
1100 27-38-5, and shall make the transfer of unexpended amounts
1101 required to be made pursuant to Section 27-38-5.

1102 SECTION 13. Section 27-51-105, Mississippi Code of 1972, is
1103 amended as follows:

1104 27-51-105. (1) There is created in the State Treasury a
1105 special fund to be known as the Motor Vehicle Ad Valorem Tax
1106 Reduction Fund, into which shall be deposited the monies specified
1107 in Section 27-65-75(10), (11) and (12), such monies as may be
1108 required to be transferred into such fund pursuant to Section
1109 27-38-5, and such other monies as the Legislature may provide by
1110 appropriation. The monies in the fund shall be used for the
1111 purpose of making payments to counties for the reduction in motor
1112 vehicle ad valorem tax revenues incurred by local taxing districts
1113 in the county as a result of the ad valorem tax credit for private
1114 carriers of passengers and light carriers of property that is
1115 provided for by Section 27-51-103.

1116 (2) The Motor Vehicle Ad Valorem Tax Reduction Fund shall be
1117 administered by the State Tax Commission, and monies in the fund

1118 shall be expended upon appropriation by the Legislature.
1119 Unexpended amounts remaining in the fund at the end of the state
1120 fiscal year shall not lapse into the State General Fund, and * * *
1121 interest earned in the amount provided for in Section 27-105-33 on
1122 amounts in the fund shall be deposited to the credit of the fund.

1123 SECTION 14. Section 27-103-203, Mississippi Code of 1972, is
1124 amended as follows:

1125 27-103-203. (1) There is created in the State Treasury a
1126 special fund, separate and apart from any other fund, to be
1127 designated the Working Cash-Stabilization Reserve Fund, into which
1128 shall be deposited one hundred percent (100%) of the unencumbered
1129 General Fund cash balance at the close of each fiscal year until
1130 such time as the balance in the fund reaches Forty Million Dollars
1131 (\$40,000,000.00). After the balance in the fund reaches Forty
1132 Million Dollars (\$40,000,000.00), fifty percent (50%) of the
1133 unencumbered General Fund cash balance at the close of each fiscal
1134 year, not to exceed seven and one-half percent (7-1/2%) of the
1135 General Fund appropriations for such fiscal year, shall be
1136 deposited into the fund. The remainder of the year-end
1137 unencumbered cash after transfer to the Working Cash-Stabilization
1138 Reserve Fund shall remain in the General Fund; provided, however,
1139 that in the event that the balance of the Working
1140 Cash-Stabilization Reserve Fund reaches seven and one-half percent
1141 (7-1/2%) of the General Fund appropriations for the fiscal year,
1142 fifty percent (50%) of the unencumbered cash balance shall be
1143 transferred into the Education Enhancement Fund. Unencumbered
1144 cash in the General Fund may be used for new year cash flow needs
1145 and may also be used for deficit appropriations or regular
1146 appropriations.

1147 (2) The Working Cash-Stabilization Reserve Fund shall not be
1148 considered as a surplus or available funds when adopting a
1149 balanced budget as required by law. The State Treasurer shall
1150 invest all sums in the Working Cash-Stabilization Reserve Fund not

1151 needed for the purposes provided for in this section in
1152 certificates of deposit, repurchase agreements and other
1153 securities as authorized in Sections 27-105-33(2)(d) or 7-9-103,
1154 as the State Treasurer may determine to yield the highest market
1155 rate available. The interest earned on such sums shall be
1156 deposited in the fund until the balance of principal and interest
1157 therein reaches seven and one-half percent (7-1/2%) of the total
1158 General Fund appropriations for the current fiscal year, and all
1159 interest earned in excess of amounts necessary to maintain the
1160 seven and one-half percent (7-1/2%) fund balance requirement shall
1161 be deposited by the State Treasurer into the State General Fund.

1162 (3) The Working Cash-Stabilization Reserve Fund, except for
1163 Nineteen Million Dollars (\$19,000,000.00) and the amount of the
1164 interest and income earned on the principal of the Ayers Endowment
1165 Trust created by Section 37-101-27, shall be used by the State
1166 Treasurer for cash flow needs throughout the year when the
1167 Executive Director of the Department of Finance and Administration
1168 certifies that in his opinion there will be cash flow deficiencies
1169 in the State General Fund. No borrowing of monies from other
1170 special funds for such purposes as authorized by Section 31-17-101
1171 et seq. shall be made as long as an unencumbered balance in excess
1172 of Nineteen Million Dollars (\$19,000,000.00) and the interest and
1173 income earned on the principal of the Ayers Endowment Trust
1174 created by Section 37-101-27 remains in the fund. The State
1175 Treasurer shall reimburse the fund for all sums borrowed for such
1176 purposes from General Fund revenues collected during the fiscal
1177 year in which such funds are used. The State Treasurer shall
1178 immediately notify the Legislative Budget Office and the State
1179 Department of Finance and Administration of each transfer into and
1180 out of such fund. Four Million Dollars (\$4,000,000.00) in the
1181 Working Cash-Stabilization Reserve Fund shall remain available for
1182 use pursuant to Section 27-103-81. Fifteen Million Dollars
1183 (\$15,000,000.00) in the Working Cash-Stabilization Reserve Fund

1184 shall remain available for exclusive use of the Ayers Endowment
1185 Trust created by Section 37-101-27.

1186 (4) The Working Cash-Stabilization Reserve Fund, except for
1187 Forty Million Dollars (\$40,000,000.00), shall also be used for the
1188 purpose of covering any projected deficits that may occur in the
1189 General Fund at the end of a fiscal year as a result of revenue
1190 shortfalls. In the event the Governor determines that a deficit
1191 in revenues from all sources may occur, it shall be the duty of
1192 the Executive Director of the Department of Finance and
1193 Administration to transfer such funds as necessary to the General
1194 Fund to alleviate the deficit in accordance with Sections
1195 27-104-13 and 31-17-123; however, not more than Fifty Million
1196 Dollars (\$50,000,000.00) may be transferred from the fund for such
1197 purpose in any one (1) fiscal year. In the event it becomes
1198 necessary to apply a part of the fund to this purpose, the amount
1199 so applied shall be restored to the Working Cash-Stabilization
1200 Reserve Fund out of future annual surpluses, as provided in
1201 subsection (1) of this section, until the seven and one-half
1202 percent (7-1/2%) maximum is again attained.

1203 (5) The Working Cash-Stabilization Reserve Fund also shall
1204 be used to provide funds for the Disaster Assistance Trust Fund
1205 when such funds are immediately needed to provide for disaster
1206 assistance under Sections 33-15-103 through 33-15-317. Any
1207 transfer of funds from the Working Cash-Stabilization Reserve Fund
1208 to the Disaster Assistance Trust Fund shall be made in accordance
1209 with the provisions of subsection (5) of Section 33-15-307.

1210 (6) The Department of Finance and Administration shall
1211 immediately send notice of any transfers made, or other action
1212 taken under authority of this section, to the Legislative Budget
1213 Office.

1214 (7) Funds deposited in the Working Cash-Stabilization
1215 Reserve Fund shall be used only for the purposes specified in this
1216 section and as long as the provisions of this section remain in

1217 effect, no other expenditure, appropriation or transfer of funds
1218 in the Working Cash-Stabilization Reserve Fund shall be made
1219 except by act of the Legislature making specific reference to the
1220 Working Cash-Stabilization Reserve Fund as the source of such
1221 funds.

1222 SECTION 15. Section 27-104-31, Mississippi Code of 1972, is
1223 amended as follows:

1224 27-104-31. (1) The State Fiscal Officer shall have the
1225 following powers and duties, acting through the Insurance
1226 Division:

1227 (a) To implement and administer a comprehensive risk
1228 management program for all state agencies, including but not
1229 limited to, the areas of liability insurance and workers'
1230 compensation insurance;

1231 (b) To coordinate and administer the Employment
1232 Compensation Revolving Fund for state agencies as directed in
1233 Section 71-5-359(2)(c);

1234 (c) To coordinate and administer the liability plans
1235 authorized in Section 11-46-17;

1236 (d) To coordinate and administer the workers'
1237 compensation plan for state agencies as a self-insured program and
1238 to determine the feasibility of other self-insured programs for
1239 state agencies;

1240 (e) To require of state agencies premium payments or
1241 contributions to self-insurance funds or both necessary to meet
1242 the obligations created by the comprehensive risk management
1243 program. Such self-insurance fund created shall be maintained as
1244 separate special funds in the State Treasury or in authorized bank
1245 accounts. Such funds as required shall be used to pay claims
1246 under the workers' compensation self-insurance fund. All such
1247 funds shall be exempt from the appropriation process. * * *

1248 Interest earned in the amount provided for in Section 27-105-33
1249 from the investment of monies in the funds shall be credited to

1250 the appropriate special fund. Monies remaining in such special
1251 funds at the end of the fiscal year shall not lapse into the State
1252 General Fund;

1253 (f) To promulgate and adopt rules and regulations
1254 necessary to effect the provisions of a comprehensive risk
1255 management program; * * *

1256 (g) To pay such administrative costs necessary to
1257 insure the successful operation of each program administered by
1258 the insurance division. Such administrative costs shall include
1259 the operating expenses of the division. Each program shall be
1260 assessed their proportionate share of those operating expenses;
1261 and

1262 (h) To provide administrative support to the board as
1263 defined in Section 25-15-3.

1264 (2) The State Fiscal Officer shall not have the power or
1265 authority to request that bonds be issued or any funds borrowed in
1266 order to implement a comprehensive risk management program or plan
1267 of self-insurance for the state, or any of its political
1268 subdivisions, or to contribute to the Tort Claims Fund.

1269 SECTION 16. Section 27-104-107, Mississippi Code of 1972, is
1270 amended as follows:

1271 27-104-107. (1) As used in this section, the following
1272 words shall have the meanings ascribed herein unless the context
1273 clearly requires otherwise:

1274 (a) "Department" means the Department of Finance and
1275 Administration.

1276 (b) "Commission" means the State Bond Commission.

1277 (c) "Director" means the Executive Director of the
1278 Department of Finance and Administration.

1279 (d) "Committee" means the Joint Legislative Budget
1280 Committee.

1281 (e) "Office" means the Office of General Services of
1282 the Department of Finance and Administration.

1283 (2) In addition to any other authority conferred upon it,
1284 and subject to the approval of its proposal by the commission, the
1285 department may enter into purchase contracts, lease-purchase
1286 agreements, rental agreements or other similar contracts for the
1287 ultimate acquisition of real property by the state. Before
1288 entering into any purchase contract or lease-purchase agreement,
1289 the office must first demonstrate to the Public Procurement Review
1290 Board satisfactory evidence that the contract would be
1291 economically advantageous to the state and that any consolidation
1292 of agencies into buildings at a common location would not impair
1293 or impede the function of that agency in this location. The
1294 contracts shall be approved by the Public Procurement Review Board
1295 and the State Bond Commission.

1296 (3) Acquisitions shall be made only with legislative
1297 approval and be in accordance with a long-range development plan
1298 which the department shall annually prepare and present to the
1299 Legislature as a part of the Governor's capitol budget
1300 recommendation; however, if in the opinion of the Department of
1301 Finance and Administration circumstances involving a proposed
1302 acquisition are such that waiting for legislative approval will
1303 not be economically advantageous to the state or may cause the
1304 state financial loss, then such acquisition may be made upon
1305 approval by the State Bond Commission after consultation with the
1306 Chairman of the Public Property Committee of the Senate and the
1307 Chairman of the Public Buildings, Grounds and Lands Committee of
1308 the House of Representatives. Acquisition of lands and buildings
1309 shall be based upon appraisals approved by the Department of
1310 Finance and Administration. The office shall not pay an amount in
1311 excess of the appraised value of the land and buildings to be
1312 acquired. The appraised value shall be determined by taking the
1313 average of two (2) appraisals performed by two (2) appraisers, one
1314 (1) to be selected by the Department of Finance and Administration
1315 and one (1) to be selected by the Department of Audit. Further,

1316 the office shall file quarterly reports describing this process
1317 and its progress with the Chairman of the Senate Public Property
1318 Committee and the Chairman of the House Public Buildings, Grounds
1319 and Lands Committee.

1320 (4) With the exception of the Public Employees' Retirement
1321 System, whenever any contract or agreement entered into is for and
1322 on behalf of the State of Mississippi, title to property, when
1323 acquired, shall vest in the State of Mississippi and not in the
1324 name of any state agency. Any building subject to a lease
1325 purchase agreement with the state shall be considered a
1326 state-owned building and therefore exempt from the assessment and
1327 levy of ad valorem taxes.

1328 (5) All contracts executed under this section shall include
1329 provisions whereby the obligation of the state for any payment in
1330 excess of reasonable rental of the property while actually
1331 occupying the property is dependent upon the availability of
1332 appropriated funds for the purchase of the property.

1333 (6) Activity under this section shall be reported annually
1334 in a detailed resolution from the commission to the committee.

1335 (7) All funds allocated to rents and chargeable by the
1336 department shall be paid into a special fund hereby created in the
1337 State Treasury. Unexpended amounts remaining in the special fund
1338 at the end of a fiscal year shall not lapse into the State General
1339 Fund, and * * * interest earned in the amount provided for in
1340 Section 27-105-33 on amounts in the special fund shall be
1341 deposited to the credit of the special fund. This fund shall be
1342 used by the department (a) to retire indebtedness incurred in the
1343 acquisition of properties under this section; (b) to renovate,
1344 maintain and otherwise protect subject properties; (c) to pay the
1345 cost of utilities necessary to operate the buildings; and (d) to
1346 acquire properties in accordance with this section.

1347 SECTION 17. Section 29-17-4, Mississippi Code of 1972, is
1348 amended as follows:

1349 29-17-4. There is hereby created in the State Treasury a
1350 special fund to be designated as the "State Agency Repair and
1351 Renovation Fund" which shall consist of monies appropriated or
1352 otherwise made available therefor by the Legislature. Interest
1353 earned in the amount provided for in Section 27-105-33 on monies
1354 in the special fund shall be deposited to the credit of such fund
1355 and money shall not lapse at the end of the fiscal year into the
1356 State General Fund. Money in the special fund shall be
1357 appropriated by the Legislature and allocated by the Bureau of
1358 Building, Grounds and Real Property Management, Department of
1359 Finance and Administration, for the repair, renovation and
1360 improvement of existing facilities owned by the State of
1361 Mississippi, except for those facilities under the control of the
1362 institutions of higher learning and those facilities owned by the
1363 community and junior colleges. Such repair, renovation and
1364 improvements shall include utility infrastructure projects;
1365 heating, ventilation and air conditioning systems; and the
1366 replacement of furniture and equipment owned by the State of
1367 Mississippi. However, the cost of such repair, renovation and
1368 improvement for any one (1) project shall not exceed One Million
1369 Dollars (\$1,000,000.00). For the purposes of this section, the
1370 term "furniture and equipment" shall be limited to the types of
1371 furniture and equipment items previously recorded in the agency's
1372 inventory.

1373 SECTION 18. Section 31-31-9, Mississippi Code of 1972, is
1374 amended as follows:

1375 31-31-9. All monies and revenues collected by the commission
1376 from fees, rates and charges for the use of its facilities shall
1377 be paid by the commission to the State Treasurer, to be deposited
1378 to the credit of a special fund to be known as the "Mississippi
1379 Telecommunication Conference and Training Center Fund." Money in
1380 the fund at the end of a fiscal year shall not lapse into the
1381 General Fund and interest earned in the amount provided for in

1382 Section 27-105-33 on any amounts deposited into the fund shall be
1383 credited to the special fund. Except as otherwise provided in
1384 Section 31-31-11, all expenses incident to the operation and
1385 upkeep of the facility shall be paid out of the fund.

1386 SECTION 19. Section 31-31-11, Mississippi Code of 1972, is
1387 amended as follows:

1388 31-31-11. (1) For the purpose of providing funds for the
1389 payment of a certain portion of the debt service on any bonds
1390 issued pursuant to this chapter and for the purpose of providing
1391 funds for the maintenance of the facility and renovations,
1392 improvements and additions to the facility, there is hereby
1393 levied, assessed and shall be collected from every person engaging
1394 in or doing business in the City of Jackson, Mississippi, as
1395 specified herein, a tax which may be cited as an "occupancy tax,"
1396 which shall be in addition to all other taxes now imposed. Such
1397 tax shall be upon each hotel and motel located within the City of
1398 Jackson in the amount of Seventy-five Cents (75¢) per day for each
1399 occupied room.

1400 (2) Persons liable for the tax imposed herein shall add the
1401 amount of tax to the price of rooms, and in addition thereto shall
1402 collect, insofar as practicable, the amount of the tax due by him
1403 from the person receiving the services or goods at the time of
1404 payment therefor.

1405 (3) Such tax shall be collected by and paid to the State Tax
1406 Commission on a form prescribed by the State Tax Commission, in
1407 the same manner that state sales taxes are collected and paid; and
1408 the full enforcement provisions and all other provisions of
1409 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
1410 necessary to the implementation and administration of this
1411 chapter.

1412 (4) The proceeds of such tax shall be deposited by the State
1413 Tax Commission into the reserve fund created pursuant to
1414 subsection (5) of this section on or before the fifteenth day of

1415 the month following the month in which collected by the State Tax
1416 Commission.

1417 (5) There is hereby created in the State Treasury a special
1418 fund to be called the "Mississippi Telecommunication Conference
1419 and Training Facility Reserve Fund." Money in the fund at the end
1420 of a fiscal year shall not lapse into the general fund and
1421 interest earned in the amount provided for in Section 27-105-33 on
1422 any amount deposited into the fund shall be credited to the
1423 special fund. Money in the fund shall be used to pay a portion of
1424 the debt service of the bonds issued pursuant to this chapter as
1425 specified in subsection (6) of this section and to provide funds
1426 for the maintenance of the facility and renovations, improvements
1427 and additions to the facility.

1428 (6) The amount of the debt service that shall be paid
1429 annually from the reserve fund shall be the amount of the debt
1430 service on bonds attributable to forty percent (40%) of the cost
1431 of constructing the facility and the amount of the debt service on
1432 bonds attributable to all land acquisition costs. Amounts
1433 remaining in the fund in any fiscal year after the payments
1434 required by this subsection for debt service, may be used by the
1435 commission to provide funds for the maintenance of the facility
1436 and renovations, improvements and additions to the facility.

1437 (7) Before the taxes authorized by this chapter shall be
1438 imposed, the municipal governing authorities of the City of
1439 Jackson shall adopt a resolution declaring its intention to levy
1440 the tax, setting forth the amount of such tax and establishing the
1441 date on which this tax initially shall be levied and collected.
1442 This date shall be not less than the first day of the second month
1443 from the date of adoption of the resolution.

1444 The resolution shall be published in a local newspaper at
1445 least twice during the period from the adoption of the resolution
1446 to the effective date of the taxation prescribed in this section,

1447 with the last publication being made no later than ten (10) days
1448 prior to the effective date of such taxation.

1449 (8) The tax imposed pursuant to this section shall remain in
1450 force and effect until the City of Jackson shall by resolution
1451 rescind the tax; provided, however, that the tax imposed pursuant
1452 to this section shall not be rescinded if any bonds issued
1453 pursuant to this chapter remain outstanding.

1454 SECTION 20. Section 33-9-25, Mississippi Code of 1972, is
1455 amended as follows:

1456 33-9-25. There is hereby created in the State Treasury a
1457 special fund to be known as the Mississippi National Guard Special
1458 Construction Project Design Fund for the purpose of receiving
1459 monies appropriated for the purpose of defraying the expense of
1460 construction design to enable the Mississippi Military Department
1461 to access federal construction funds. Unexpended amounts
1462 remaining in such special fund at the end of a fiscal year shall
1463 not lapse into the State General Fund, and * * * interest earned
1464 in the amount provided for in Section 27-105-33 on amounts in such
1465 special fund shall be deposited to the credit of the special fund.

1466 SECTION 21. Section 35-7-31, Mississippi Code of 1972, is
1467 amended as follows:

1468 35-7-31. The board is authorized to enter into escrow
1469 agreements with the purchaser for the payment of anticipated taxes
1470 and hazard insurance premiums, or for the payment of life
1471 insurance premiums in cases where the board requires a life
1472 insurance policy to cover the unpaid balance of the indebtedness.

1473 All funds collected as escrow items for the benefit of the
1474 veteran as insurance premiums, taxes, appraisal fees, and other
1475 funds belonging to the veteran, and not the state revolving fund,
1476 shall be maintained and accounted for separately from the special
1477 revolving fund, although the receipt of such funds may be
1478 commingled with installment payments or other payments to the
1479 board. The board shall establish separate accounts and

1480 trusteeships for this purpose exclusive of requirements that
1481 agencies of the state commingle funds into one (1) State Treasury
1482 account. Interest earned in the amount provided for in Section
1483 27-105-33 on such deposits shall accrue to the state revolving
1484 fund of the board, and shall be paid to the revolving fund
1485 annually.

1486 SECTION 22. Section 35-7-45, Mississippi Code of 1972, is
1487 amended as follows:

1488 35-7-45. (a) Any money previously appropriated to the
1489 revolving fund of the board or that may be hereinafter
1490 appropriated shall be commingled, exclusive of escrow funds
1491 provided for in Section 35-7-31, into a general revolving fund for
1492 carrying out the provisions of this chapter. The expense of
1493 administering this chapter shall be paid from the revolving fund
1494 within the limitations provided by Section 35-7-9. The revolving
1495 fund of the board will constitute a trust fund and shall be
1496 segregated from all other funds in the State Treasury. All
1497 interest earned in the amount provided for in Section 27-105-33 by
1498 the State Treasury on any investment of the Veterans' Home
1499 Purchase Board Revolving Fund shall be placed to the credit of
1500 such fund. The State Fiscal Management Board is authorized and
1501 directed to draw warrants upon such funds from time to time upon
1502 requisition of the board executed by its executive officer, and
1503 the State Treasurer is hereby authorized and directed to pay such
1504 warrants.

1505 (b) The money repaid by the purchaser shall be deposited in
1506 the board's revolving fund and shall be available under the same
1507 conditions as the original appropriation. The board shall have
1508 continuing authority to expend funds up to the maximum amount
1509 received into the special revolving fund, limited to the
1510 discretionary best judgment of the board as to reserve. The board
1511 shall submit to the State Fiscal Management Board, the Legislative
1512 Budget Office, legislative appropriation committees, and other

1513 such authority as may arise or be deemed necessary, an annual
1514 budget, using the standard general fund budget format as a model,
1515 but modified to reflect an accurate and management-oriented view
1516 of the revolving fund, and an annual report reflecting a detailed
1517 analysis of all revenue and expenditures. All funds in the
1518 revolving fund in excess of the one percent (1%) administrative
1519 expense allowance shall be expended or committed for new loans
1520 with the exception of the reserve judged necessary by the board.

1521 (c) The board, with the advice and consent of the State Bond
1522 Commission, may also sell or hypothecate its mortgage loans to the
1523 Reconstruction Finance Corporation of the United States Government
1524 or to any subsidiary agency thereof, or to any other agency,
1525 private or public, when a sale of such mortgage loans would be to
1526 the advantage of the board. However, no mortgage loans may be
1527 sold for less than the prevailing market value, which may include
1528 sale at a discount from book value when discounted to present
1529 value to equate to market yields, of said loans as determined by
1530 the State Bond Commission. The provisions of this section may
1531 also include the discounting to present value of lower interest
1532 rate loans to the mortgagor to encourage early payoff of the loan.

1533 (d) The board may issue its notes in such amounts and for
1534 such terms as the board may deem advisable to provide additional
1535 funds for purchase of veterans' homes, and such notes shall be
1536 eligible for purchase by any agency of the State of Mississippi.
1537 The repayment of such notes shall be guaranteed by the board, and
1538 any and all income to the board from the repayments of the
1539 principal and interest on its purchases by veterans shall be first
1540 pledged to repayment of any maturing notes. The maturity dates,
1541 denomination or amount, and rate of interest of such notes shall
1542 be determined by the board; however, such notes shall in no event
1543 exceed a term of thirty (30) years nor bear a higher rate of
1544 interest than one percent (1%) below that received by the board on
1545 its mortgages and deeds of trust. Notwithstanding any other

1546 provisions of this chapter, the board may apply the proceeds from
1547 the issuance of its notes under this section or the issuance of
1548 its bonds under any other applicable law, as follows:

1549 (i) Refinancing of permanent mortgage loans, subject to
1550 the conditions specified in Section 35-7-17(5).

1551 (ii) Increasing the purchase limit on homes as provided
1552 in Section 35-7-17(1).

1553 The board shall have the authority to sell outright its
1554 mortgages and deeds of trust at market value, or discounted to
1555 present value, as hereinabove provided and to service said
1556 mortgages for the purchaser, collecting the principal and interest
1557 due the owner of such mortgages, and to charge therefor a
1558 reasonable service fee to be mutually agreed upon by the purchaser
1559 of such mortgages and the board.

1560 Any notes issued by the board must be approved at a regular
1561 meeting of the board, upon favorable vote by a majority of four
1562 (4) members of the board, who shall authorize the chairman and the
1563 executive director of said board to issue and sign such notes as
1564 the official deed and act of the whole board.

1565 (e) Any additional monies appropriated or obtained to extend
1566 the benefits of this chapter shall be commingled with and become
1567 an integral part of the revolving fund provided by this section,
1568 and the method of accounting therefor shall be the same as used
1569 with respect to any other monies in the revolving fund.

1570 SECTION 23. Section 37-23-149, Mississippi Code of 1972, is
1571 amended as follows:

1572 37-23-149. There is hereby created in the State Treasury a
1573 special fund to be designated as the "Special Education, Special
1574 Services Fund" which shall be used to distribute any funds
1575 specifically appropriated by the Legislature to such fund. This
1576 Special Education, Special Services Fund will be used solely for
1577 the provision of direct services to individual children with
1578 disabilities. Any funds remaining in the fund at the end of the

1579 fiscal year shall not lapse into the State General Fund, but shall
1580 carryover to subsequent fiscal years. * * * Interest accruing in
1581 the amount provided for in Section 27-105-33 on any unexpended
1582 balance in the Special Education, Special Services Fund shall be
1583 invested by the State Treasurer and shall remain in the fund.

1584 SECTION 24. Section 37-29-268, Mississippi Code of 1972, is
1585 amended as follows:

1586 37-29-268. (1) There is hereby created in the State
1587 Treasury a special fund to be designated as the "Community College
1588 Repair and Renovation Fund" which shall consist of monies
1589 appropriated or otherwise made available therefor by the
1590 Legislature. Within the special fund, the State Treasury shall
1591 establish a subaccount for each community and junior college.
1592 Interest earned in the amount provided for in Section 27-105-33 on
1593 monies in the special fund shall be deposited to the credit of
1594 such fund and money shall not lapse at the end of the fiscal year
1595 into the State General Fund. Money in the special fund shall be
1596 appropriated by the Legislature and allocated by the Bureau of
1597 Building, Grounds and Real Property Management, Department of
1598 Finance and Administration, for the repair, renovation and
1599 improvement of existing facilities owned by the community and
1600 junior colleges, including utility infrastructure projects;
1601 heating, ventilation and air conditioning systems; and the
1602 replacement of furniture and equipment. However, the cost of such
1603 repair, renovation and improvement for any one (1) project shall
1604 not exceed One Million Dollars (\$1,000,000.00).

1605 (2) Monies in the special fund shall be allocated to
1606 each community college's subaccount as follows:

1607 (a) One-half (1/2) divided equally among the
1608 fifteen (15) public community and junior colleges; and

1609 (b) One-half (1/2) divided upon the basis of the
1610 number of full-time academic, technical and vocational public
1611 community and junior college students actually enrolled and in

1612 attendance on the last day of the sixth week of the Fall semester
1613 of the preceding year counting only those students who reside
1614 within the State of Mississippi. On or before December 1 of each
1615 year, the State Board of Community and Junior Colleges shall
1616 furnish the Bureau of Building, Grounds and Real Property
1617 Management, Department of Finance and Administration, the
1618 enrollment information required in this paragraph (b), including
1619 the percentage of statewide enrollment attributed to each
1620 community and junior college.

1621 (3) For the purposes of this section, the term
1622 "furniture and equipment" shall be limited to the types of
1623 furniture and equipment items previously recorded in the community
1624 college's inventory.

1625 SECTION 25. Section 37-33-261, Mississippi Code of 1972, is
1626 amended as follows:

1627 37-33-261. (1) Such assessments as are collected under
1628 subsections (1) and (2) of Section 99-19-73, shall be deposited in
1629 a special fund that is created in the State Treasury and
1630 designated the Spinal Cord and Head Injury Trust Fund. Unexpended
1631 amounts remaining in the Spinal Cord and Head Injury Trust Fund at
1632 the end of a fiscal year shall not lapse into the State General
1633 Fund, and * * * interest received in the amount provided for in
1634 Section 27-105-33 from the investment of monies in the trust fund,
1635 shall be credited to the trust fund and shall not be deposited
1636 into the State General Fund. Monies deposited in the fund shall
1637 be expended beginning in fiscal year 1997 by the Department of
1638 Rehabilitation Services as authorized and appropriated by the
1639 Legislature for the following purposes:

1640 Providing the cost of care for spinal cord and traumatic
1641 brain injury as a payer of last resort to residents of the State
1642 of Mississippi for a multilevel program of rehabilitation as
1643 prescribed in Sections 37-33-251 through 37-33-259. Authorization
1644 of expenditures for spinal cord injury care and traumatic brain

1645 injury care from this trust fund shall be made only by the
1646 Department of Rehabilitation Services. Authorized expenditures
1647 shall include three (3) or more of the following forms of
1648 assistance: acute care; rehabilitation; transitional living;
1649 assistive technology services, devices and equipment; respite
1650 care; transportation; housing; home modifications; and other
1651 services and/or assistance as deemed appropriate by the advisory
1652 council for individuals with spinal cord injuries or traumatic
1653 brain injuries to accomplish a successful re-entry into the
1654 community. Such activities may also include expanding the
1655 public's awareness of how spinal cord and traumatic brain injuries
1656 occur and how they can be prevented and identifying advanced
1657 treatment and prevention techniques. Other authorized
1658 expenditures may include costs associated with salary and other
1659 support costs for personnel sufficient to carry out the program or
1660 to subcontract all or part of the authorized services, and to pay
1661 the travel and meeting expenses of the advisory council.

1662 (2) The department shall issue a report to the Legislature
1663 and the Governor by January 1 of each year, summarizing the
1664 activities supported by the trust fund.

1665 SECTION 26. Section 37-63-11, Mississippi Code of 1972, is
1666 amended as follows:

1667 37-63-11. (1) The Authority for Educational
1668 Telecommunications is empowered to request and to receive such
1669 state funds for educational television construction and operation
1670 as may be appropriated or allocated to it, and to solicit and
1671 receive contributions, matching funds, gifts, bequests and devises
1672 from any source, whether federal, state, public or private. It
1673 may enter into agreements with federal, state, public or private
1674 agencies, departments, institutions, firms, corporations or
1675 persons for the production, transmission, sale, lease or purchase
1676 of educational television and educational radio programs. The
1677 authority may also lease antenna space on television towers which

1678 it owns. Before the authority is empowered to contract for
1679 communication facilities to carry television signals, it shall
1680 obtain written authority to do so from the Department of Finance
1681 and Administration in order to ensure that there be no duplication
1682 of state communication facilities.

1683 (2) There is hereby established in the State Treasury a
1684 special fund for the purpose of providing for the payment of all
1685 expenses in respect to the administration of this chapter. Such
1686 fund shall be administered by the authority. The State Treasurer
1687 shall be the custodian of such funds and all monies and securities
1688 in such fund shall be held in trust by such Treasurer and shall
1689 not be the money or property of the state. The State Treasurer is
1690 authorized to disburse monies from such fund only upon order of
1691 the authority. The official bond of the State Treasurer shall be
1692 conditioned for the faithful performance of his duty hereunder.
1693 The State Treasurer shall deposit any monies paid into such fund
1694 into such qualified depository banks as the authority may
1695 designate and is authorized to invest any portion of the fund
1696 which, in the opinion of the authority, is not needed for current
1697 requirements in the same manner and subject to all provisions of
1698 the law with respect to the deposit of state funds by such
1699 Treasurer. * * * Interest earned in the amount provided for in
1700 Section 27-105-33 by such portion of the fund as may be invested
1701 by the State Treasurer shall be collected by him and placed to the
1702 credit of such fund.

1703 (3) The Authority for Educational Telecommunications is
1704 empowered to provide noncommercial production or reproduction
1705 services for other public agencies, and may collect the costs of
1706 providing the services from the public agency. These costs shall
1707 be deposited into the special fund.

1708 SECTION 27. Section 37-101-81, Mississippi Code of 1972, is
1709 amended as follows:

1710 37-101-81. There is hereby created in the State Treasury a
1711 special fund to be designated as the "Institutions of Higher
1712 Learning Repair and Renovation Fund" which shall consist of monies
1713 appropriated or otherwise made available therefor by the
1714 Legislature. Interest earned in the amount provided for in
1715 Section 27-105-33 on monies in the special fund shall be deposited
1716 to the credit of such fund and money shall not lapse at the end of
1717 the fiscal year into the State General Fund. Money in the special
1718 fund shall be appropriated by the Legislature and allocated by the
1719 Bureau of Building, Grounds and Real Property Management,
1720 Department of Finance and Administration, for the repair,
1721 renovation and improvement of existing facilities under the
1722 control of the state institutions of higher learning, including
1723 utility infrastructure projects; heating, ventilation and air
1724 conditioning systems; and the replacement of furniture and
1725 equipment. However, the cost of such repair, renovation and
1726 improvement for any one (1) project shall not exceed One Million
1727 Dollars (\$1,000,000.00). For the purposes of this section, the
1728 term "furniture and equipment" shall be limited to the types of
1729 furniture and equipment items previously recorded in the
1730 institution's inventory.

1731 SECTION 28. Section 37-143-19, Mississippi Code of 1972, is
1732 amended as follows:

1733 37-143-19. The Board of Trustees of State Institutions of
1734 Higher Learning is authorized to establish a consolidated
1735 revolving loan fund for the purpose of providing monies for the
1736 operation of all loan or scholarship programs authorized to the
1737 Board of Trustees of State Institutions of Higher Learning by this
1738 chapter, and to the Postsecondary Education Financial Assistance
1739 Board by the provisions of Chapter 106 of Title 37, Mississippi
1740 Code of 1972, and for the purpose of providing monies for the
1741 operation of such other loan programs as may be deemed appropriate
1742 and authorized by the Board of Trustees of State Institutions of

1743 Higher Learning, from time to time, for the furtherance of
1744 education of eligible applicants. The board shall be charged with
1745 the duty of directing the dispensing of such funds in a manner so
1746 as to best effectuate the purpose of this chapter. Any monies
1747 collected in the form of repayment of loans, both principal and
1748 interest, shall be deposited in this fund. The board of trustees
1749 is authorized to maintain such revolving fund in an official state
1750 depository and, in accordance with Section 27-105-21, Mississippi
1751 Code of 1972, shall invest such funds, less the amount required
1752 for current operation, at interest as required by said section.
1753 All interest earned in the amount provided for in Section
1754 27-105-33 on such investments shall likewise be deposited in said
1755 fund. From such revolving fund, the board of trustees shall
1756 provide the Postsecondary Education Financial Assistance Board
1757 such sums as shall be required to fulfill its role as lender of
1758 last resort to the Guarantee Student Loan program. The assets of
1759 the Postsecondary Education Financial Assistance Board, including
1760 cash and loans on hand, shall not exceed Five Hundred Thousand
1761 Dollars (\$500,000.00), and repayments of principal and interest
1762 and all other revenue of such board shall be deposited in the fund
1763 created hereby.

1764 From and after the effective date of this chapter [Laws,
1765 1991, Chapter 547, effective July 1, 1991], the sums maintained in
1766 the respective revolving funds being repealed by Chapter 547,
1767 Laws, 1991, or other revolving funds being maintained by the board
1768 of trustees shall become and constitute the monies of the
1769 consolidated revolving fund created by this section, wherever such
1770 funds may be physically located. The board of trustees is hereby
1771 authorized to transfer said funds to an official state depository,
1772 as aforesaid.

1773 SECTION 29. Section 37-145-7, Mississippi Code of 1972, is
1774 amended as follows:

1775 37-145-7. (1) There is hereby created a special fund of the
1776 company to be known as the "Mississippi Opportunity Loan Fund."
1777 The fund shall consist of amounts paid into the fund by donations
1778 from private sources, by legislative appropriation, from the
1779 proceeds of the issuance of bonds or from any other source. * * *

1780 Earnings in the amount provided for in Section 27-105-33 on the
1781 investment of monies in the fund shall be credited to the fund.

1782 (2) The monies in the fund shall be used to increase the
1783 educational opportunities of students by providing low interest
1784 rate loans to assist Mississippi students in furthering their
1785 higher education goals.

1786 (3) The Mississippi Opportunity Loan Fund shall be
1787 maintained by the company. The company is authorized to maintain
1788 such fund in an official state depository, and, in accordance with
1789 Section 27-105-21, shall invest such funds at interests as
1790 required by said section, said depository so selected shall be
1791 capable of serving as Trustee for the Mississippi Opportunity Loan
1792 Fund.

1793 SECTION 30. Section 37-145-73, Mississippi Code of 1972, is
1794 amended as follows:

1795 37-145-73. In addition to any other funds it may establish,
1796 the board of trustees may, by resolution, establish one or more
1797 special funds pursuant to this section, referred to herein as
1798 "guarantee reserve funds," and may pay into such reserve funds:

1799 (a) Any monies appropriated and made available by the
1800 state for the purposes of such guarantee reserve fund;

1801 (b) Any proceeds from the sale of notes or bonds to the
1802 extent provided in the resolutions of the board of trustees
1803 authorizing the issuance thereof;

1804 (c) Any monies which may be made available to the board
1805 of trustees from any other sources for the purposes of such
1806 guarantee reserve fund; and

1807 (d) * * * Income or interest earned in the amount
1808 provided for in Section 27-105-33 by, or increment to, any reserve
1809 fund due to investment shall be deposited in the reserve fund.

1810 The board of trustees may by resolution provide for the
1811 establishment of a guarantee reserve fund requirement for any
1812 guarantee reserve fund established pursuant to this section.

1813 The board of trustees shall, on or before January 1 of each
1814 year, make and deliver to the Governor of the state a certificate
1815 stating the sum, if any, required to restore the guarantee reserve
1816 fund to the fund requirement. The Governor shall transmit to the
1817 State Legislature a request for the amount, if any, required to
1818 restore the guarantee reserve fund to the required funding level.
1819 The State Legislature may, but shall not be required to, make any
1820 such appropriations so requested. All sums appropriated by the
1821 State Legislature for such restoration and paid shall be deposited
1822 by the board of trustees in the guarantee reserve fund.

1823 Any monies appropriated by the State Legislature for the
1824 purposes of the guarantee reserve fund established pursuant to
1825 this section shall not revert to the General Fund of the state at
1826 the end of any fiscal year.

1827 SECTION 31. Section 37-159-17, Mississippi Code of 1972, is
1828 amended as follows:

1829 37-159-17. There is established in the State Treasury a
1830 special fund to be designated the "Mississippi Critical Teacher
1831 Shortage Fund," into which shall be deposited those funds
1832 appropriated by the Legislature, and any other funds that may be
1833 made available, for the purpose of implementing the programs
1834 established under Sections 37-159-3, 37-159-5, 37-9-77, 37-3-91,
1835 and 37-159-9 through 37-159-13. Money in the fund at the end of a
1836 fiscal year shall not lapse into the General Fund, and interest
1837 earned in the amount provided for in Section 27-105-33 on any
1838 amounts deposited into the fund shall be credited to the special
1839 fund.

1840 SECTION 32. Section 39-5-23, Mississippi Code of 1972, is
1841 amended as follows:

1842 39-5-23. (1) The Mississippi Department of Archives and
1843 History is hereby authorized and empowered to solicit and accept
1844 donations, bequests, devises, gifts and grants of money from
1845 individuals, organizations and federal, state and local
1846 governmental bodies, to be deposited in the Historic Properties
1847 Trust Fund which is hereby created in the State Treasury.
1848 Contributions to the Historic Properties Trust Fund may be
1849 undesignated or earmarked for the purpose of acquiring,
1850 preserving, restoring, supporting, operating and administering
1851 Mississippi Landmark properties or for use on specific historical
1852 projects that have been authorized by the Department of Archives
1853 and History. The Mississippi Department of Archives and History
1854 may deposit federal funds received under Section 2 of Laws, 2000,
1855 Chapter 487, into the Historic Properties Trust Fund and may use
1856 such funds for the purposes provided in subsection (2) of Section
1857 2 of Laws, 2000, Chapter 487. The State Treasurer shall invest
1858 all monies in the Historic Properties Trust Fund as other state
1859 funds are authorized to be invested, and * * * interest earned in
1860 the amount provided for in Section 27-105-33 shall be deposited
1861 into the fund.

1862 (2) The Mississippi Department of Archives and History is
1863 hereby authorized and empowered to solicit and accept donations,
1864 bequests, devises, gifts and grants of money and real and personal
1865 property. The Board of Trustees of the Department of Archives and
1866 History may, in its discretion, sell such real and personal
1867 property by public or private sale and shall deposit proceeds
1868 derived from such sale into the Historic Properties Trust Fund.

1869 (3) (a) The Board of Trustees of the Mississippi Department
1870 of Archives and History is authorized to establish the Mississippi
1871 Landmark Grant Program within the Historic Properties Trust Fund

1872 to help ensure the preservation of Mississippi Landmark
1873 properties.

1874 (b) The Board of Trustees of the Mississippi Department
1875 of Archives and History may deposit funds appropriated by the
1876 Legislature, or funds transferred from the Historic Properties
1877 Financing Fund as specified in Section 89-12-37(2), into the
1878 account established for the Mississippi Landmark Grant Program
1879 within the Historic Properties Trust Fund. All funds deposited in
1880 the account for the Mississippi Landmark Grant Program shall be
1881 used exclusively for the purpose of acquiring, preserving,
1882 restoring, supporting, operating and administering Mississippi
1883 Landmark properties or those properties to be designated as
1884 Mississippi Landmarks.

1885 (c) The board of supervisors of every county and the
1886 governing authorities of every municipality in the state may make
1887 contributions to the Mississippi Department of Archives and
1888 History, to be deposited into the account for the Mississippi
1889 Landmark Grant Program. Such contributions may be undesignated or
1890 earmarked for use on specific Mississippi Landmark properties.

1891 (d) The Board of Trustees of the Mississippi Department
1892 of Archives and History shall have all powers necessary to
1893 implement and administer the Mississippi Landmark Grant Program,
1894 and the board of trustees shall promulgate all rules and
1895 regulations necessary for the implementation and administration of
1896 the program.

1897 SECTION 33. Section 39-5-27, Mississippi Code of 1972, is
1898 amended as follows:

1899 39-5-27. The Mississippi Department of Archives and History
1900 is hereby authorized and empowered to solicit and accept
1901 donations, bequests, devises, gifts and grants of money from
1902 individuals and organizations, to be deposited in the Archives
1903 Trust Fund which is hereby created in the State Treasury. The
1904 State Treasurer shall invest all monies in the Archives Trust Fund

1905 as other state funds are authorized to be invested, and * * *
1906 interest earned in the amount provided for in Section 27-105-33
1907 shall be deposited into the fund. All funds deposited in the
1908 Archives Trust Fund shall be used, pursuant to appropriation by
1909 the Legislature, exclusively for the purpose of acquiring,
1910 cataloging, conserving and making available archival resources.

1911 The Mississippi Department of Archives and History is hereby
1912 authorized and empowered to solicit and accept donations,
1913 bequests, devises, gifts and grants of real and personal property.
1914 The Board of Trustees of the Department of Archives and History
1915 may, in its discretion, sell such property by public or private
1916 sale and shall deposit proceeds derived from such sale into the
1917 Archives Trust Fund.

1918 The Board of Trustees of the Mississippi Department of
1919 Archives and History is authorized and empowered, in its
1920 discretion, to deposit into the Archives Trust Fund any monies in
1921 the Department's Archives and Library Gift Fund and any monies
1922 received as a result of royalty or use fee payments.

1923 SECTION 34. Section 39-5-29, Mississippi Code of 1972, is
1924 amended as follows:

1925 39-5-29. There is created in the State Treasury a special
1926 fund to be known as the "Museum Trust Fund." The Mississippi
1927 Department of Archives and History may solicit and accept
1928 donations, bequests, devises, gifts and grants of money from
1929 individuals, organizations, and corporations to be deposited in
1930 the Museum Trust Fund. The State Treasurer shall invest all
1931 monies in the Museum Trust Fund as other state funds are
1932 authorized to be invested, and * * * interest earned in the amount
1933 provided for in Section 27-105-33 shall be deposited into the
1934 fund. All funds deposited in the Museum Trust Fund shall be
1935 expended upon appropriation by the Legislature, solely for the
1936 purpose of acquiring, cataloging, conserving, and exhibiting
1937 artifacts.

1938 The Mississippi Department of Archives and History may
1939 solicit and accept donations, bequests, devises, gifts and grants
1940 of real and personal property. The Board of Trustees of the
1941 Department of Archives and History, in its discretion, may sell
1942 the property by public or private sale and shall deposit proceeds
1943 derived from the sale into the Museum Trust Fund.

1944 The Board of Trustees of the Mississippi Department of
1945 Archives and History, in its discretion, may deposit into the
1946 Museum Trust Fund any monies in the Department's Museum Gift Fund
1947 and any monies received as a result of royalty or use fee
1948 payments.

1949 Unexpended amounts remaining in the special fund at the end
1950 of a fiscal year shall not lapse into the State General Fund, and
1951 any interest earned on the unexpended amounts in the special fund
1952 shall be deposited to the credit of the special fund.

1953 SECTION 35. Section 39-5-71, Mississippi Code of 1972, is
1954 amended as follows:

1955 39-5-71. (1) The Board on Law Enforcement Officer Standards
1956 and Training, in cooperation with the Department of Archives and
1957 History and the Bureau of Buildings, Grounds and Real Property
1958 Management, is hereby authorized, subject to funds being made
1959 available, to cause to be constructed and maintained on
1960 state-owned lands at some suitable and appropriate place in or
1961 near the City of Jackson, a monument containing the names and
1962 paying tribute to all state, county and municipal law enforcement
1963 officers who have given their lives in the performance of their
1964 official duties. This shall include any federal law enforcement
1965 officer employed and residing in Mississippi at the time of death.

1966 It is the intent of the Legislature that adequate space be
1967 left on the monument to be available to add names of law
1968 enforcement officers in the future who give their lives in the
1969 performance of their official duties.

1970 (2) The Board on Law Enforcement Officer Standards and
1971 Training is hereby authorized to accept gifts, grants and
1972 donations from individuals and organizations, to be deposited in
1973 the Law Enforcement Officers Monument Fund which is hereby created
1974 as a special fund in the State Treasury. The State Treasurer
1975 shall invest all monies in the fund and * * * interest earned in
1976 the amount provided for in Section 27-105-33 shall be deposited
1977 into the fund. All funds deposited in the fund, including
1978 interest earned thereon, shall be used for the purpose of
1979 fund-raising, erecting and maintaining the monument as provided in
1980 subsection (1) of this section. The funds may be used for any
1981 fund-raising activity the board deems necessary for the
1982 construction and maintenance of the monument. Any monies
1983 remaining unexpended or unencumbered in the fund upon completion
1984 of the monument shall revert to the Board on Law Enforcement
1985 Officer Standards and Training for maintenance of the monument.

1986 SECTION 36. Section 39-11-9, Mississippi Code of 1972, is
1987 amended as follows:

1988 39-11-9. (1) The Mississippi Arts Commission is authorized
1989 and empowered to hold public hearings, to enter into contracts
1990 within the limit of funds available therefor, with individuals,
1991 organizations and institutions for services furthering the
1992 objectives of the commission's programs; to enter into contracts,
1993 within the limit of funds available therefor, with local and
1994 regional associations for cooperative endeavors furthering the
1995 objectives of the commission's programs; to accept gifts,
1996 contributions and bequests of funds from individuals, foundations,
1997 corporations and other organizations or institutions for the
1998 purpose of furthering the objectives of the commission's programs;
1999 to make and sign any agreements and to do and perform any acts
2000 that may be necessary to carry out the purposes of this chapter.
2001 The commission may request and shall receive from any department,
2002 division, board, bureau, commission or agency of the state such

2003 assistance and data as will enable it properly to carry out its
2004 powers and duties hereunder.

2005 (2) A special fund to be designated as the Mississippi Fund
2006 for the Arts is hereby created in the State Treasury. All funds
2007 deposited in this fund shall be used exclusively for the
2008 objectives of the commission as herein provided. Donations,
2009 bequests and grants deposited into the Mississippi Fund for the
2010 Arts may be disbursed by the Mississippi Arts Commission in
2011 accordance with the terms of the bequest or grant and in
2012 compliance with the purposes and policies of the Mississippi Arts
2013 Commission. Any disbursements made from the fund shall be
2014 authorized by both the chairman and the executive director of the
2015 commission and shall be supported by official actions and votes
2016 spread upon the minutes of the commission at an open public
2017 meeting. Any unexpended balance in the fund at the end of the
2018 fiscal year shall not lapse into the State General Fund and may be
2019 expended by the commissioner in subsequent fiscal years. * * *
2020 Interest earned on the fund in the amount provided for in Section
2021 27-105-33 may remain in the fund for disbursement by the
2022 commission in compliance with its purposes and policies. All
2023 transactions of the fund shall be reported annually to appropriate
2024 state agencies and subject to audit by the State Auditor and by
2025 auditors of donors. The Mississippi Fund for the Arts shall not
2026 be used for grants from federal agencies, including, but not
2027 limited to, the National Endowment for the Arts.

2028 SECTION 37. Section 41-3-16, Mississippi Code of 1972, is
2029 amended as follows:

2030 41-3-16. (1) (a) There is established a local governments
2031 and rural water systems improvements revolving loan program to be
2032 administered by the State Department of Health, referred to in
2033 this section as "department," for the purpose of assisting
2034 counties, incorporated municipalities, districts or other water
2035 organizations that have been granted tax exempt status under

2036 either federal or state law, in making improvements to their water
2037 systems, including construction of new water systems or expansion
2038 or repair of existing water systems. Loan proceeds may be used by
2039 the recipient for planning, professional services, acquisition of
2040 interests in land, acquisition of personal property, construction,
2041 construction-related services, maintenance, and any other
2042 reasonable use which the board, in its discretion, may allow. For
2043 purposes of this section, "water systems" has the same meaning as
2044 the term "public water system" under Section 41-26-3.

2045 (b) (i) There is created a board to be known as the
2046 "Local Governments and Rural Water Systems Improvements Board,"
2047 referred to in this section as "board," to be composed of the
2048 following nine (9) members: the State Health Officer, or his
2049 designee, who shall serve as chairman of the board; the Executive
2050 Director of the Department of Economic and Community Development,
2051 or his designee; the Executive Director of the Department of
2052 Environmental Quality, or his designee; the Executive Director of
2053 the Department of Finance and Administration, or his designee; the
2054 Executive Director of the Mississippi Association of Supervisors,
2055 or his designee; the Executive Director of the Mississippi
2056 Municipal League, or his designee; the Executive Director of the
2057 Consulting Engineers Council, or his designee; the State Director
2058 of the United States Department of Agriculture, Rural Development,
2059 or his designee; and a manager of a rural water system.

2060 The Governor shall appoint a manager of a rural water system
2061 from a list of candidates provided by the Executive Director of
2062 the Mississippi Rural Water Association. The Executive Director
2063 of the Mississippi Rural Water Association shall provide the
2064 Governor a list of candidates which shall contain a minimum of
2065 three (3) candidates for each appointment.

2066 (ii) Nonappointed members of the board may
2067 designate another representative of their agency or association to
2068 serve as an alternate.

2069 (iii) The gubernatorial appointee shall serve a
2070 term concurrent with the term of the Governor and until a
2071 successor is appointed and qualified. No member, officer or
2072 employee of the Board of Directors of the Mississippi Rural Water
2073 Association shall be eligible for appointment.

2074 (c) The department, if requested by the board, shall
2075 furnish the board with facilities and staff as needed to
2076 administer this section. The department may contract, upon
2077 approval by the board, for those facilities and staff needed to
2078 administer this section, including routine management, as it deems
2079 necessary. The board may advertise for or solicit proposals from
2080 public or private sources, or both, for administration of this
2081 section or any services required for administration of this
2082 section or any portion thereof. It is the intent of the
2083 Legislature that the board endeavor to ensure that the costs of
2084 administration of this section are as low as possible in order to
2085 provide the water consumers of Mississippi safe drinking water at
2086 affordable prices.

2087 (d) Members of the board may not receive any salary,
2088 compensation or per diem for the performance of their duties under
2089 this section.

2090 (2) (a) There is created a special fund in the State
2091 Treasury to be designated as the "Local Governments and Rural
2092 Water Systems Improvements Revolving Loan Fund," referred to in
2093 this section as "revolving fund," which fund shall consist of
2094 those monies as provided in Sections 6 and 13 of Chapter 521, Laws
2095 of 1995. The revolving fund may receive appropriations, bond
2096 proceeds, grants, gifts, donations or funds from any source,
2097 public or private. The revolving fund shall be credited with all
2098 repayments of principal and interest derived from loans made from
2099 the revolving fund. The monies in the revolving fund may be
2100 expended only in amounts appropriated by the Legislature. The
2101 revolving fund shall be maintained in perpetuity for the purposes

2102 established in this section and Sections 6 through 20 of Chapter
2103 521, Laws of 1995. Unexpended amounts remaining in the revolving
2104 fund at the end of a fiscal year shall not lapse into the State
2105 General Fund, and * * * interest earned in the amount provided for
2106 in Section 27-105-33 on amounts in the revolving fund shall be
2107 deposited to the credit of the fund. Monies in the revolving fund
2108 may not be used or expended for any purpose except as authorized
2109 under this section and Sections 6 through 20 of Chapter 521, Laws
2110 of 1995. Any monies in the fund may be used to match any federal
2111 funds that are available for the same or related purposes for
2112 which funds are used and expended under this section and Sections
2113 6 through 20 of Chapter 521, Laws of 1995. Any federal funds
2114 shall be used and expended only in accordance with federal laws,
2115 rules and regulations governing the expenditure of those funds.
2116 No person shall use any monies from the revolving fund for the
2117 acquisition of real property or any interest in real property
2118 unless that property is integral to the project funded under this
2119 section and the purchase is made from a willing seller. No
2120 county, incorporated municipality or district shall acquire any
2121 real property or any interest in any real property for a project
2122 funded through the revolving fund by condemnation. The board's
2123 application of Sections 43-37-1 through 43-37-13 shall be no more
2124 stringent or extensive in scope, coverage and effect than federal
2125 property acquisition laws and regulations.

2126 (b) There is created a special fund in the State
2127 Treasury to be designated as the "Local Governments and Rural
2128 Water Systems Emergency Loan Fund," hereinafter referred to as
2129 "emergency fund," which fund shall consist of those monies as
2130 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The
2131 emergency fund may receive appropriations, bond proceeds, grants,
2132 gifts, donations or funds from any source, public or private. The
2133 emergency fund shall be credited with all repayments of principal
2134 and interest derived from loans made from the emergency fund. The

2135 monies in the emergency fund may be expended only in amounts
2136 appropriated by the Legislature. The emergency fund shall be
2137 maintained in perpetuity for the purposes established in this
2138 section and Section 6 of Chapter 521, Laws of 1995. Unexpended
2139 amounts remaining in the emergency fund at the end of a fiscal
2140 year shall not lapse into the State General Fund. * * * Interest
2141 earned in the amount provided for in Section 27-105-33 on amounts
2142 in the emergency fund shall be deposited to the credit of the
2143 fund. Monies in the emergency fund may not be used or expended
2144 for any purpose except as authorized under this section and
2145 Section 6 of Chapter 521, Laws of 1995.

2146 (c) The board created in subsection (1) shall establish
2147 loan programs by which loans may be made available to counties,
2148 incorporated municipalities, districts or other water
2149 organizations that have been granted tax exempt status under
2150 either federal or state law, to assist those counties,
2151 incorporated municipalities, districts or water organizations in
2152 making water systems improvements, including the construction of
2153 new water systems or expansion or repair of existing water
2154 systems. The interest rate on those loans may vary from time to
2155 time and from loan to loan, and will be at or below market
2156 interest rates as determined by the board. The board shall act as
2157 quickly as is practicable and prudent in deciding on any loan
2158 request that it receives. Loans from the revolving fund or
2159 emergency fund may be made to counties, incorporated
2160 municipalities, districts or other water organizations that have
2161 been granted tax exempt status under either federal or state law,
2162 as set forth in a loan agreement in amounts not to exceed one
2163 hundred percent (100%) of eligible project costs as established by
2164 the board. The board may require county, municipal, district or
2165 other water organization participation or funding from other
2166 sources, or otherwise limit the percentage of costs covered by
2167 loans from the revolving fund or the emergency fund. The maximum

2168 amount for any loan from the emergency fund shall be Five Hundred
2169 Thousand Dollars (\$500,000.00), and the maximum amount for any
2170 loan from the revolving fund shall be One Million Five Hundred
2171 Thousand Dollars (\$1,500,000.00).

2172 (d) A county that receives a loan from the revolving
2173 fund or the emergency fund shall pledge for repayment of the loan
2174 any part of the homestead exemption annual tax loss reimbursement
2175 to which it may be entitled under Section 27-33-77, as may be
2176 required to meet the repayment schedule contained in the loan
2177 agreement. An incorporated municipality that receives a loan from
2178 the revolving fund or the emergency fund shall pledge for
2179 repayment of the loan any part of the sales tax revenue
2180 distribution to which it may be entitled under Section 27-65-75,
2181 as may be required to meet the repayment schedule contained in the
2182 loan agreement. All recipients of such loans shall establish a
2183 dedicated source of revenue for repayment of the loan. Before any
2184 county or incorporated municipality shall receive any loan, it
2185 shall have executed with the State Tax Commission and the board a
2186 loan agreement evidencing that loan. The loan agreement shall not
2187 be construed to prohibit any recipient from prepaying any part or
2188 all of the funds received. The repayment schedule in each loan
2189 agreement shall provide for (i) monthly payments, (ii) semiannual
2190 payments or (iii) other periodic payments, the annual total of
2191 which shall not exceed the annual total for any other year of the
2192 loan by more than fifteen percent (15%). The loan agreement shall
2193 provide for the repayment of all funds received from the revolving
2194 fund within not more than fifteen (15) years or a term as
2195 otherwise allowed by the federal Safe Drinking Water Act, and all
2196 funds received from the emergency fund within not more than five
2197 (5) years from the date of project completion, and any repayment
2198 shall commence not later than one (1) year after project
2199 completion. The State Tax Commission shall withhold semiannually
2200 from counties and monthly from incorporated municipalities from

2201 the amount to be remitted to the county or municipality, a sum
2202 equal to the next repayment as provided in the loan agreement.

2203 (e) Any county, incorporated municipality, district or
2204 other water organization desiring to construct a project approved
2205 by the board which receives a loan from the state for that purpose
2206 but which is not eligible to pledge for repayment under the
2207 provisions of paragraph (d) of this subsection, shall repay that
2208 loan by making payments each month to the State Treasurer through
2209 the Department of Finance and Administration for and on behalf of
2210 the board according to Section 7-7-15, to be credited to either
2211 the revolving fund or the emergency fund, whichever is
2212 appropriate, in lieu of pledging homestead exemption annual tax
2213 loss reimbursement or sales tax revenue distribution.

2214 Loan repayments shall be according to a repayment schedule
2215 contained in each loan agreement as provided in paragraph (d) of
2216 this subsection.

2217 (f) Any district created pursuant to Sections 19-5-151
2218 through 19-5-207 that receives a loan from the revolving fund or
2219 the emergency fund shall pledge for repayment of the loan any part
2220 of the revenues received by that district pursuant to Sections
2221 19-5-151 through 19-5-207, as may be required to meet the
2222 repayment schedule contained in the loan agreement.

2223 (g) The State Auditor, upon request of the board, shall
2224 audit the receipts and expenditures of a county, an incorporated
2225 municipality, district or other water organization whose loan
2226 repayments appear to be in arrears, and if the Auditor finds that
2227 the county, incorporated municipality, district or other water
2228 organization is in arrears in those repayments, the Auditor shall
2229 immediately notify the chairman of the board who may take any
2230 action as may be necessary to enforce the terms of the loan
2231 agreement, including liquidation and enforcement of the security
2232 given for repayment of the loan, and the Executive Director of the
2233 Department of Finance and Administration who shall withhold all

2234 future payments to the county of homestead exemption annual tax
2235 loss reimbursements under Section 27-33-77 and all sums allocated
2236 to the county or the incorporated municipality under Section
2237 27-65-75 until such time as the county or the incorporated
2238 municipality is again current in its loan repayments as certified
2239 by the board.

2240 (h) All monies deposited in the revolving fund or the
2241 emergency fund, including loan repayments and interest earned on
2242 those repayments, shall be used only for providing loans or other
2243 financial assistance to water systems as the board deems
2244 appropriate. In addition, any amounts in the revolving fund or
2245 the emergency fund may be used to defray the reasonable costs of
2246 administering the revolving fund or the emergency fund and
2247 conducting activities under this section and Sections 6 through 20
2248 of Chapter 521, Laws of 1995, subject to any limitations
2249 established in the federal Safe Drinking Water Act, as amended and
2250 subject to annual appropriation by the Legislature. The
2251 department is authorized, upon approval by the board, to use
2252 amounts available to it from the revolving fund or the emergency
2253 fund to contract for those facilities and staff needed to
2254 administer and provide routine management for the funds and loan
2255 program.

2256 (3) In administering this section and Sections 6 through 20
2257 of Chapter 521, Laws of 1995, the board created in subsection (1)
2258 of this section shall have the following powers and duties:

2259 (a) To supervise the use of all funds made available
2260 under this section and Sections 6 through 20 of Chapter 521, Laws
2261 of 1995, for local governments and rural water systems
2262 improvements;

2263 (b) To promulgate rules and regulations, to make
2264 variances and exceptions thereto, and to establish procedures in
2265 accordance with this section and Sections 6 through 20 of Chapter

2266 521, Laws of 1995, for the implementation of the local governments
2267 and rural water systems improvements revolving loan program;

2268 (c) To require, at the board's discretion, any loan
2269 recipient to impose a per connection fee or surcharge or amended
2270 water rate schedule or tariff on each customer or any class of
2271 customers, benefiting from an improvement financed by a loan made
2272 under this act, for repayment of any loan funds provided under
2273 this section and Sections 6 through 20 of Chapter 521, Laws of
2274 1995. The board may require any loan recipient to undergo a water
2275 system viability analysis and may require a loan recipient to
2276 implement any result of the viability analysis. If the loan
2277 recipient fails to implement any result of a viability analysis as
2278 required by the board, the board may impose a monetary penalty or
2279 increase the interest rate on the loan, or both;

2280 (d) To review and certify all projects for which funds
2281 are authorized to be made available under this section and
2282 Sections 6 through 20 of Chapter 521, Laws of 1995, for local
2283 governments and rural water systems improvements;

2284 (e) To requisition monies in the Local Governments and
2285 Rural Water Systems Improvements Revolving Loan Fund and the Local
2286 Governments and Rural Water Systems Emergency Loan Fund and
2287 distribute those monies on a project-by-project basis in
2288 accordance with this section;

2289 (f) To ensure that the funds made available under this
2290 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to
2291 a county, an incorporated municipality, a district or a water
2292 organization that has been granted tax exempt status under either
2293 federal or state law provide for a distribution of projects and
2294 funds among the entities under a priority system established by
2295 the board;

2296 (g) To maintain in accordance with generally accepted
2297 government accounting standards an accurate record of all monies
2298 in the revolving fund and the emergency fund made available to

2299 counties, incorporated municipalities, districts or other water
2300 organizations under this section and Sections 6 through 20 of
2301 Chapter 521, Laws of 1995, and the costs for each project;

2302 (h) To establish policies, procedures and requirements
2303 concerning viability and financial capability to repay loans that
2304 may be used in approving loans available under this section,
2305 including a requirement that all loan recipients have a rate
2306 structure which will be sufficient to cover the costs of
2307 operation, maintenance, major equipment replacement and repayment
2308 of any loans made under this section; and

2309 (i) To file annually with the Legislature a report
2310 detailing how monies in the Local Governments and Rural Water
2311 Systems Improvements Revolving Loan Fund and the Local Governments
2312 and Rural Water Systems Emergency Loan Fund were spent during the
2313 preceding fiscal year in each county, incorporated municipality,
2314 district or other water organization, the number of projects
2315 approved and constructed, and the cost of each project.

2316 For efficient and effective administration of the loan
2317 program, revolving fund and emergency fund, the board may
2318 authorize the department or the State Health Officer to carry out
2319 any or all of the powers and duties enumerated above.

2320 SECTION 38. Section 41-4-7, Mississippi Code of 1972, is
2321 amended as follows:

2322 41-4-7. The State Board of Mental Health shall have the
2323 following powers and duties:

2324 (a) To appoint a full-time executive director of the
2325 Department of Mental Health, who shall be employed by the board
2326 and shall serve as executive secretary to the board. The first
2327 director shall be a duly licensed physician with special interest
2328 and competence in psychiatry, and shall possess a minimum of three
2329 (3) years' experience in clinical and administrative psychiatry.
2330 Subsequent directors shall possess at least a master's degree or
2331 its equivalent, and shall possess at least ten (10) years'

2332 administrative experience in the field of mental health. The
2333 salary of the executive director shall be determined by the board;

2334 (b) To set up state plans for the purpose of
2335 controlling and treating any and all forms of mental and emotional
2336 illness, alcoholism, drug misuse and developmental disabilities;

2337 (c) To supervise, coordinate and establish standards
2338 for all operations and activities of the state related to mental
2339 health and providing mental health services, including but not
2340 limited to: the requirement that no person be approved for
2341 treatment which is paid for by funds made available through the
2342 department who has not had a treatment plan established as a
2343 result of having been seen by a licensed physician or licensed
2344 clinical psychologist and that physician or clinical psychologist
2345 signing these plans stating that he/she has personally evaluated
2346 the client and that the treatment plan is medically necessary. A
2347 physician or clinical psychologist shall recertify each client's
2348 record at least semiannually (except for persons with a diagnosis
2349 of mental retardation/developmental disability which shall be
2350 completed annually), and more often if medically indicated by
2351 physically visiting the client and certifying same in the record.
2352 The board shall have the authority to develop and implement all
2353 standards and plans and shall have the authority to establish
2354 appropriate actions, including financially punitive actions, to
2355 insure enforcement of these established standards, in accordance
2356 with the Administrative Procedures Law (Section 25-43-1 et seq.);

2357 (d) To enter into contracts with any other state or
2358 federal agency, or with any private person, organization or group
2359 capable of contracting, if it finds such action to be in the
2360 public interest;

2361 (e) To collect reasonable fees for its services;
2362 provided, however, if it is determined that a person receiving
2363 services is unable to pay the total fee, the department shall
2364 collect any amount such person is able to pay;

2365 (f) To certify, coordinate and establish minimum
2366 standards and establish minimum required services for regional
2367 mental health and mental retardation commissions and other
2368 community service providers for community or regional programs and
2369 services in mental health, mental retardation, alcoholism, drug
2370 misuse, developmental disabilities, compulsive gambling, addictive
2371 disorders and related programs throughout the state. Such
2372 regional mental health and mental retardation commissions and
2373 other community service providers shall submit an annual
2374 operational plan to the State Department of Mental Health for
2375 approval or disapproval based on the minimum standards and minimum
2376 required services established by the department for certification.
2377 If the department finds deficiencies in the plan of any regional
2378 commission or community service provider based on the minimum
2379 standards and minimum required services established for
2380 certification, the department shall give the regional commission
2381 or community service provider a six-month probationary period to
2382 bring its standards and services up to the established minimum
2383 standards and minimum required services. After the six-month
2384 probationary period, if the department determines that the
2385 regional commission or community service provider still does not
2386 meet the minimum standards and minimum required services
2387 established for certification, the department may remove the
2388 certification of the commission or provider. However, the
2389 department shall not mandate a standard or service, or decertify a
2390 regional commission or community service provider for not meeting
2391 a standard or service, if the standard or service does not have
2392 funding appropriated by the Legislature or have a funding source
2393 from the State Department of Mental Health or a local funding
2394 source. The State Board of Mental Health shall promulgate rules
2395 and regulations necessary to implement the provisions of this
2396 paragraph (f), in accordance with the Administrative Procedures
2397 Law (Section 25-43-1 et seq.).

2398 (g) To establish and promulgate reasonable minimum
2399 standards for the construction and operation of state and all
2400 Department of Mental Health certified facilities, including
2401 reasonable minimum standards for the admission, diagnosis, care,
2402 treatment, transfer of patients and their records, and also
2403 including reasonable minimum standards for providing day care,
2404 outpatient care, emergency care, inpatient care and follow-up
2405 care, when such care is provided for persons with mental or
2406 emotional illness, mental retardation, alcoholism, drug misuse and
2407 developmental disabilities;

2408 (h) To assist community or regional programs consistent
2409 with the purposes of this chapter by making grants and contracts
2410 from available funds;

2411 (i) To establish and collect reasonable fees for
2412 necessary inspection services incidental to certification or
2413 compliance;

2414 (j) To accept gifts, trusts, bequests, grants,
2415 endowments or transfers of property of any kind;

2416 (k) To receive monies coming to it by way of fees for
2417 services or by appropriations;

2418 (l) To serve as the single state agency in receiving
2419 and administering any and all funds available from any source for
2420 the purpose of service delivery, training, research and education
2421 in regard to all forms of mental illness, mental retardation,
2422 alcoholism, drug misuse and developmental disabilities, unless
2423 such funds are specifically designated to a particular agency or
2424 institution by the federal government, the Mississippi Legislature
2425 or any other grantor;

2426 (m) To establish mental health holding centers for the
2427 purpose of providing short-term emergency mental health treatment,
2428 places for holding persons awaiting commitment proceedings or
2429 awaiting placement in a state mental health facility following
2430 commitment, and for diverting placement in a state mental health

2431 facility. These mental health holding facilities shall be readily
2432 accessible, available statewide, and be in compliance with
2433 emergency services' minimum standards. They shall be
2434 comprehensive and available to triage and make appropriate
2435 clinical disposition including the capability to access inpatient
2436 services or less restrictive alternatives, as needed, as
2437 determined by medical staff. Such facility shall have medical,
2438 nursing and behavioral services available on a 24-hour-a-day
2439 basis. The board may provide for all or part of the costs of
2440 establishing and operating the holding centers in each district
2441 from such funds as may be appropriated to the board for such use,
2442 and may participate in any plan or agreement with any public or
2443 private entity under which the entity will provide all or part of
2444 the costs of establishing and operating a holding center in any
2445 district;

2446 (n) To certify/license case managers, mental health
2447 therapists, mental retardation therapists, mental
2448 health/retardation program administrators, addiction counselors
2449 and others as deemed appropriate by the board. Persons already
2450 professionally licensed by another state board or agency are not
2451 required to be certified/licensed under this section by the
2452 Department of Mental Health. The department shall not use
2453 professional titles in its certification/licensure process for
2454 which there is an independent licensing procedure. Such
2455 certification/licensure shall be valid only in the state mental
2456 health system, in programs funded and/or certified by the
2457 Department of Mental Health, and/or in programs certified/licensed
2458 by the State Department of Health that are operated by the state
2459 mental health system serving the mentally ill, mentally retarded,
2460 developmental disabled or persons with addictions, and shall not
2461 be transferable;

2462 (o) To develop formal mental health worker
2463 qualifications for regional mental health and mental retardation

2464 commissions and other community service providers. The State
2465 Personnel Board shall develop and promulgate a recommended salary
2466 scale and career ladder for all regional mental health/retardation
2467 center therapists and case managers who work directly with
2468 clients. The State Personnel Board shall also develop and
2469 promulgate a career ladder for all direct care workers employed by
2470 the State Department of Mental Health;

2471 (p) The employees of the department shall be governed
2472 by personnel merit system rules and regulations, the same as other
2473 employees in state services;

2474 (q) To establish such rules and regulations as may be
2475 necessary in carrying out the provisions of this chapter,
2476 including the establishment of a formal grievance procedure to
2477 investigate and attempt to resolve consumer complaints;

2478 (r) To grant easements for roads, utilities and any
2479 other purpose it finds to be in the public interest;

2480 (s) To survey statutory designations, building markers
2481 and the names given to mental health/retardation facilities and
2482 proceedings in order to recommend deletion of obsolete and
2483 offensive terminology relative to the mental health/retardation
2484 system;

2485 (t) To ensure an effective case management system
2486 directed at persons who have been discharged from state and
2487 private psychiatric hospitals to ensure their continued well-being
2488 in the community;

2489 (u) To develop formal service delivery standards
2490 designed to measure the quality of services delivered to community
2491 clients, as well as the timeliness of services to community
2492 clients provided by regional mental health/retardation commissions
2493 and other community services providers;

2494 (v) To establish regional state offices to provide
2495 mental health crisis intervention centers and services available
2496 throughout the state to be utilized on a case-by-case emergency

2497 basis. The regional services director, other staff and delivery
2498 systems shall meet the minimum standards of the Department of
2499 Mental Health;

2500 (w) To require performance contracts with community
2501 mental health/mental retardation service providers to contain
2502 performance indicators to measure successful outcomes, including
2503 diversion of persons from inpatient psychiatric hospitals,
2504 rapid/timely response to emergency cases, client satisfaction with
2505 services and other relevant performance measures;

2506 (x) To enter into interagency agreements with other
2507 state agencies, school districts and other local entities as
2508 determined necessary by the department to ensure that local mental
2509 health service entities are fulfilling their responsibilities to
2510 the overall state plan for behavioral services;

2511 (y) To establish and maintain a toll-free grievance
2512 reporting telephone system for the receipt and referral for
2513 investigation of all complaints by clients of state and community
2514 mental health/retardation facilities;

2515 (z) To establish a peer review/quality assurance
2516 evaluation system that assures that appropriate assessment,
2517 diagnosis and treatment is provided according to established
2518 professional criteria and guidelines;

2519 (aa) To develop and implement state plans for the
2520 purpose of assisting with the care and treatment of persons with
2521 Alzheimer's disease and other dementia. This plan shall include
2522 education and training of service providers, care-givers in the
2523 home setting and others who deal with persons with Alzheimer's
2524 disease and other dementia, and development of adult day care,
2525 family respite care and counseling programs to assist families who
2526 maintain persons with Alzheimer's disease and other dementia in
2527 the home setting. No agency shall be required to provide any
2528 services under this section until such time as sufficient funds
2529 have been appropriated or otherwise made available by the

2530 Legislature specifically for the purposes of the treatment of
2531 persons with Alzheimer's and other dementia; and

2532 (bb) Working with the advice and consent of the
2533 administration of Ellisville State School, to enter into
2534 negotiations with the Economic Development Authority of Jones
2535 County for the purpose of negotiating the possible exchange, lease
2536 or sale of lands owned by Ellisville State School to the Economic
2537 Development Authority of Jones County. It is the intent of the
2538 Mississippi Legislature that such negotiations shall ensure that
2539 the financial interest of the persons with mental retardation
2540 served by Ellisville State School will be held paramount in the
2541 course of these negotiations. The Legislature also recognizes the
2542 importance of economic development to the citizens of the State of
2543 Mississippi and Jones County, and encourages fairness to the
2544 Economic Development Authority of Jones County. Any negotiations
2545 proposed which would result in the recommendation for exchange,
2546 lease or sale of lands owned by Ellisville State School must have
2547 the approval of the State Board of Mental Health. The State Board
2548 of Mental Health may and has the final authority as to whether or
2549 not these negotiations result in the exchange, lease or sale of
2550 the properties it currently holds in trust for citizens with
2551 mental retardation served at Ellisville State School.

2552 If the State Board of Mental Health authorizes the sale of
2553 lands owned by Ellisville State School, as provided for under this
2554 paragraph (bb), the monies derived from the sale shall be placed
2555 into a special fund that is created in the State Treasury to be
2556 known as the "Ellisville State School Client's Trust Fund." The
2557 principal of the trust fund shall remain inviolate and shall never
2558 be expended. Any interest earned on the principal may be expended
2559 solely for the benefits of clients served at Ellisville State
2560 School. The State Treasurer shall invest the monies of the trust
2561 fund in any of the investments authorized for the Mississippi
2562 Prepaid Affordable College Tuition Program under Section 37-155-9,

2563 and those investments shall be subject to the limitations
2564 prescribed by Section 37-155-9. Unexpended amounts remaining in
2565 the trust fund at the end of a fiscal year shall not lapse into
2566 the State General Fund, and * * * interest earned in the amount
2567 provided for in Section 27-105-33 on amounts in the trust fund
2568 shall be deposited to the credit of the trust fund. The
2569 administration of Ellisville State School may use any interest
2570 earned on the principal of the trust fund, upon appropriation by
2571 the Legislature, as needed for services or facilities by the
2572 clients of Ellisville State School. Ellisville State School shall
2573 make known to the Legislature, through the Legislative Budget
2574 Committee and the respective Appropriations Committees of the
2575 House and Senate, its proposed use of interest earned on the
2576 principal of the trust fund for any fiscal year in which it
2577 proposes to make expenditures thereof. The State Treasurer shall
2578 provide Ellisville State School with an annual report on the
2579 Ellisville State School Client's Trust Fund to indicate the total
2580 monies in the trust fund, interest earned during the year,
2581 expenses paid from the trust fund and such other related
2582 information.

2583 Nothing in this section shall be construed as applying to or
2584 affecting mental health/retardation services provided by hospitals
2585 as defined in Section 41-9-3(a), and/or their subsidiaries and
2586 divisions, which hospitals, subsidiaries and divisions are
2587 licensed and regulated by the Mississippi State Department of
2588 Health unless such hospitals, subsidiaries or divisions
2589 voluntarily request certification by the Mississippi State
2590 Department of Mental Health.

2591 All new programs authorized under this section shall be
2592 subject to the availability of funds appropriated therefor by the
2593 Legislature.

2594 SECTION 39. Section 41-26-23, Mississippi Code of 1972, is
2595 amended as follows:

2596 41-26-23. (1) There is created in the State Treasury a fund
2597 to be designated as the "Drinking Water Quality Analysis Fund."
2598 The fund shall be treated as a special trust fund. Interest
2599 earned on the principal in the amount provided for in Section
2600 27-105-33 in the fund shall be credited by the Treasurer to the
2601 fund. The fund may receive monies from any available public or
2602 private source, including fees, proceeds and grants. The
2603 department shall expend or utilize monies in the fund to pay all
2604 reasonable direct and indirect costs of water quality analysis and
2605 related activities as required by the federal Safe Drinking Water
2606 Act, as amended. Monies in the fund at the end of the fiscal year
2607 shall be retained in the fund for use in the succeeding fiscal
2608 year. Except as provided in subsection (5) of this section, if
2609 the annual fees collected exceed the cost of administering the
2610 water quality analysis program in that fiscal year, the excess
2611 shall be applied to the cost of administering the program in the
2612 succeeding fiscal year. In the succeeding fiscal year, the total
2613 to be collected from fees shall be reduced by the excess retained
2614 in the fund and the assessment rates shall be adjusted
2615 proportionately.

2616 (2) The department annually shall assess and collect fees
2617 for water quality analysis and related activities as required by
2618 the federal Safe Drinking Water Act, as amended, which shall not
2619 exceed One Dollar and Ninety Cents (\$1.90) per connection or Forty
2620 Thousand Dollars (\$40,000.00) per system, whichever is less. The
2621 department annually shall adopt by rule, in accordance with the
2622 Administrative Procedures Law and following a public hearing, a
2623 fee schedule to cover all reasonable direct and indirect costs of
2624 water quality analysis and related activities as required by the
2625 federal Safe Drinking Water Act, as amended. In adopting a fee
2626 schedule, the department shall consider the recommendations of the
2627 advisory committee created in this section, if those
2628 recommendations are made in a timely manner as provided.

2629 (3) An advisory committee is created to study the program
2630 needs and costs for the implementation of the water quality
2631 analysis program and to conduct an annual review of the needs and
2632 costs of administering that program. The annual review shall
2633 include an independent recommendation on an equitable fee schedule
2634 for the succeeding fiscal year. Each annual review report shall
2635 be due to the department by May 1. The advisory committee shall
2636 consist of one (1) member appointed by the Mississippi Rural Water
2637 Association, one (1) member appointed by the Mississippi Municipal
2638 Association, one (1) member appointed by the Mississippi
2639 Association of Supervisors and one (1) member appointed by the
2640 Mississippi Water and Pollution Control Operators Association,
2641 Inc.

2642 (4) All suppliers of water for which water quality analysis
2643 and related activities as required by the federal Safe Drinking
2644 Water Act, as amended, are performed by the State Department of
2645 Health shall pay the water quality analysis fee within forty-five
2646 (45) days following receipt of an invoice from the department. In
2647 the discretion of the department, any supplier of water required
2648 to pay the fee shall be liable for a penalty equal to a maximum of
2649 two (2) times the amount of fees due and payable plus an amount
2650 necessary to reimburse the costs of delinquent fee collection for
2651 failure to pay the fee within ninety (90) days following the
2652 receipt of the invoice. Any person making sales to customers of
2653 water for residential, noncommercial or nonagricultural use and
2654 who recovers the fee required by this section or any portion
2655 thereof from any customer shall indicate on each statement
2656 rendered to customers that these fees are for water quality
2657 analyses required by the federal government under the Safe
2658 Drinking Water Act, as amended.

2659 (5) There is created within the Drinking Water Quality
2660 Analysis Fund an equipment capital expenditure account,
2661 hereinafter referred to as the "account." The department may

2662 transfer any excess fees, not exceeding ten percent (10%) of the
2663 total fees assessed under this section, to the account. The
2664 balance in the account shall not exceed Five Hundred Thousand
2665 Dollars (\$500,000.00). Funds in the account shall be used by the
2666 department, as appropriated by the Legislature, to defray the
2667 costs of purchasing new equipment or repairing existing equipment
2668 for the analysis of drinking water.

2669 SECTION 40. Section 41-26-25, Mississippi Code of 1972, is
2670 amended as follows:

2671 41-26-25. (1) (a) There is created in the State Treasury a
2672 fund to be designated as the "Public Water System Assistance
2673 Fund." The fund shall contain two (2) accounts, designated as the
2674 "Public Water System Technical Assistance Account" and the "Public
2675 Water Systems Bond Operations Account."

2676 (b) Monies in the Public Water System Technical
2677 Assistance Account shall be used to pay the reasonable direct and
2678 indirect costs of providing technical assistance to public water
2679 systems under the program established in Section 41-26-5. Monies
2680 in the Public Water Systems Bond Operations Account shall be used
2681 as ordered by the court under Section 41-26-31.

2682 (2) Expenditures may be made from the fund upon requisition
2683 by the director.

2684 (3) The fund shall be treated as a special trust fund.
2685 Interest earned on the principal in the amount provided for in
2686 Section 27-105-33 shall be credited by the Treasurer to the fund.

2687 (4) The fund may receive monies from any available public or
2688 private source, including, but not limited to, collection of
2689 fines, penalties or fees, proceeds from bond or other financial
2690 security forfeitures, interest, grants, taxes, public and private
2691 donations, petroleum violation escrow funds or refunds, and
2692 appropriated funds.

2693 SECTION 41. Section 43-13-141, Mississippi Code of 1972, is
2694 amended as follows:

2695 43-13-141. (1) There is levied an assessment equal to
2696 fifteen percent (15%) of the amount of that portion of the
2697 Medicaid reimbursement payments made by the Division of Medicaid
2698 to each provider participating in the Mississippi Medicaid Program
2699 that is derived from state general funds, regardless of where the
2700 provider is located. The division shall deduct the assessment
2701 from the Medicaid reimbursement payments at the time that the
2702 payments are made to the Medicaid providers, and shall deposit the
2703 proceeds of the assessment into a special fund that is created in
2704 the State Treasury to be known as the "Medical Care Assessments
2705 Fund." The division shall begin deducting the assessment levied
2706 under this section as soon after April 25, 1991, as the division
2707 has made the computer program modifications and other
2708 administrative changes that are necessary to begin deducting the
2709 assessment, but not later than August 1, 1991. If the division is
2710 prepared to deduct the assessment before August 1, 1991, it shall
2711 not begin deducting the assessment until at least one (1) month
2712 after it has given written notification to all Medicaid providers
2713 of its intention to begin deducting the assessment. The division
2714 shall furnish to each Medicaid provider at least once each year a
2715 record of the amount of the assessment that has been deducted from
2716 the reimbursement payments made to the provider. The assessment
2717 provided for by this section shall not be levied or deducted from
2718 any Medicaid reimbursement payments after September 30, 1992.

2719 (2) The assessment levied under this section shall be in
2720 addition to any other assessments, taxes or fees levied by law.

2721 (3) The assessment levied under this section shall not be
2722 applicable to and shall not be deducted from Medicaid
2723 reimbursement payments made:

2724 (a) To state-owned nursing facilities;

2725 (b) For pharmaceutical ingredients; and

2726 (c) For ambulatory services delivered in federally
2727 qualified health centers and in clinics of the local health
2728 departments of the State Department of Health.

2729 (4) The monies in the Medical Care Assessments Fund shall be
2730 expended only for health care services, and may be expended only
2731 upon appropriation by the Legislature. Unexpended monies
2732 remaining in the fund at the end of a fiscal year shall not lapse
2733 into the State General Fund, and * * * interest earned in the
2734 amount provided for in Section 27-105-33 on monies in the fund
2735 shall be deposited to the credit of the fund.

2736 SECTION 42. Section 43-13-143, Mississippi Code of 1972, is
2737 amended as follows:

2738 43-13-143. There is created in the State Treasury a special
2739 fund to be known as the "Medical Care Fund," which shall be
2740 comprised of monies transferred by public or private health care
2741 providers, governing bodies of counties, municipalities, public or
2742 community hospitals and other political subdivisions of the state,
2743 individuals, corporations, associations and any other entities for
2744 the purpose of providing health care services. Any transfer made
2745 to the fund shall be paid to the State Treasurer for deposit into
2746 the fund, and all such transfers shall be considered as
2747 unconditional transfers to the fund. The monies in the Medical
2748 Care Fund shall be expended only for health care services, and may
2749 be expended only upon appropriation of the Legislature. All
2750 transfers of monies to the Division of Medicaid by health care
2751 providers and by governing bodies of counties, municipalities,
2752 public or community hospitals and other political subdivisions of
2753 the state shall be deposited into the fund. Unexpended monies
2754 remaining in the fund at the end of a fiscal year shall not lapse
2755 into the State General Fund, and * * * interest earned in the
2756 amount provided for in Section 27-105-33 on monies in the fund
2757 shall be deposited to the credit of the fund.

2758 SECTION 43. Section 43-17-37, Mississippi Code of 1972, is
2759 amended as follows:

2760 43-17-37. (1) There is hereby created in the State Treasury
2761 a special fund to be known as the Mississippi Reducing
2762 Out-Of-Wedlock Pregnancies Incentive Grant Fund into which shall
2763 be deposited the federal funds available for bonuses for the
2764 reduction in out-of-wedlock births awarded under the federal
2765 Personal Responsibility and Work Opportunity Reconciliation Act of
2766 1996 (Public Law 104-193) and such other money as the Legislature
2767 may provide by appropriation. The money in the fund shall be used
2768 for the purpose of providing financial incentives to counties to
2769 reduce their out-of-wedlock birth rates as required by federal
2770 welfare reform legislation. The fund shall be administered by the
2771 Department of Human Services. Unexpended amounts remaining in the
2772 fund at the end of the fiscal year shall not lapse into the State
2773 General Fund, and * * * interest earned in the amount provided for
2774 in Section 27-105-33 on amounts in the fund shall be deposited to
2775 the credit of the fund; provided that any unexpended amounts
2776 remaining in the fund on December 31, 2003, shall lapse into the
2777 State General Fund.

2778 (2) The Department of Human Services shall make annual
2779 awards from the fund to the top five (5) counties with the
2780 greatest reduction in out-of-wedlock births without an increase in
2781 abortions in each of the following categories:

2782 (a) One Hundred Thousand Dollars (\$100,000.00) in
2783 counties which had two hundred fifty (250) or fewer total live
2784 births;

2785 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00) in
2786 counties which had between two hundred fifty (250) and five
2787 hundred (500) total live births;

2788 (c) Five Hundred Thousand Dollars (\$500,000.00) in
2789 counties which had five hundred (500) or more total live births.

2790 (3) Determination of the recipient counties will be based on
2791 an average of the previous two (2) years' out-of-wedlock birth
2792 rates compared to the previous two-year average, and the number of
2793 abortions performed on county residents compared to the number for
2794 calendar year 1998 as reported by the State Department of Health.
2795 In order to qualify for the award funds, the reduction in the
2796 out-of-wedlock birth rate shall be at least three percent (3%).

2797 (4) In order to be considered for an incentive award, the
2798 county board of supervisors shall appoint an advisory committee
2799 which shall develop a plan for the county to be submitted by the
2800 county board of supervisors to the Department of Human Services by
2801 December 1, 2000, and by December 1 of each subsequent year.

2802 (5) Each county receiving an incentive award will be subject
2803 to the following requirements:

2804 (a) The county must use the incentive award for some
2805 type of youth enrichment, such as, but not limited to, continuing
2806 the implementation of the plan that reduced out-of-wedlock
2807 pregnancies, education-related projects, recreational facilities,
2808 or a summer work program; and

2809 (b) The county must submit a report to the Department
2810 of Human Services on the methods used to achieve the reduction in
2811 out-of-wedlock births, and submit a separate report to the
2812 department explaining how the incentive award was spent.

2813 (6) If the fund is not adequate to make the distributions
2814 presented under this section, the department may award funds to
2815 counties on a reduced pro rata basis.

2816 (7) Funds shall be distributed each year following the
2817 release of the vital statistics report of the Mississippi State
2818 Department of Health. The first disbursement from the fund shall
2819 be made after such report is released which shows the statistics
2820 for calendar year 2000.

2821 (8) This section shall stand repealed from and after
2822 December 31, 2003.

2823 SECTION 44. Section 43-33-759, Mississippi Code of 1972, is
2824 amended as follows:

2825 43-33-759. There is hereby created in the State Treasury a
2826 special fund to be known as the Mississippi Affordable Housing
2827 Development Fund to be administered as a revolving fund for the
2828 provision of affordable housing to very low income, low income,
2829 and moderate income persons. The fund shall be used exclusively
2830 to support programs created or administered by the Mississippi
2831 Home Corporation under the powers granted to it by law. To this
2832 fund shall be deposited all loan repayments, penalties, and other
2833 fees and charges accruing to the fund, and any appropriations,
2834 donations, gifts, grants or loans which may be made thereto;
2835 however, no bond funds shall be deposited into the special fund
2836 unless authorized by the Legislature. Monies in the fund which
2837 are not currently needed for the programs of the Home Corporation
2838 shall be invested by the State Treasurer in such securities as are
2839 authorized for the investment of funds of the Home Corporation in
2840 Section 43-33-717(3)(e). The interest received in the amount
2841 provided for in Section 27-105-33 on any such investment shall be
2842 credited to the fund. Monies remaining in the special fund at the
2843 end of a fiscal year shall not lapse into the State General Fund.

2844 The State Fiscal Management Board is authorized and directed
2845 to draw warrants upon such funds from time to time upon
2846 requisition of the Home Corporation executed by its executive
2847 director, and the State Treasurer is hereby authorized and
2848 directed to pay such warrants. The Home Corporation shall have
2849 continuing authority to expend funds up to the maximum amount
2850 received into the special fund.

2851 SECTION 45. Section 43-53-11, Mississippi Code of 1972, is
2852 amended as follows:

2853 43-53-11. Assessments collected under Section 99-19-73(1)
2854 for the Mississippi Leadership Council on Aging Fund, and any
2855 contributions, grants or donations from any other source, shall be

2856 deposited in a special fund created in the State Treasury and so
2857 designated. Monies deposited in this fund shall be expended by
2858 the Mississippi Leadership Council on Aging as authorized and
2859 appropriated by the Legislature to defray the cost of coordinating
2860 crime prevention for the elderly and carrying out such other
2861 duties and responsibilities as provided in this chapter. The fund
2862 shall be a nonlapsing, revolving special trust fund, and interest
2863 earned on the principal in the amount provided for in Section
2864 27-105-33 shall be credited to the fund. Expenditures from the
2865 fund shall be made upon requisition by the Mississippi Leadership
2866 Council on Aging.

2867 SECTION 46. Section 43-55-29, Mississippi Code of 1972, is
2868 amended as follows:

2869 43-55-29. There is established in the State Treasury a fund
2870 known as the "Mississippi Commission for Volunteer Service Fund"
2871 (hereinafter referred to as "fund"). The fund shall consist of
2872 monies obtained from contributions made pursuant to Section
2873 27-7-90, and from the additional fees collected under Section
2874 27-19-56.16. Monies in the fund, upon appropriation by the
2875 Legislature, may be expended by the Mississippi Commission for
2876 Volunteer Service, established in Section 43-55-3, Mississippi
2877 Code of 1972, to carry out the purposes of Sections 43-55-1
2878 through 43-55-27, Mississippi Code of 1972. Unexpended amounts
2879 remaining in the fund at the end of the fiscal year shall not
2880 lapse into the State General Fund, and * * * interest earned in
2881 the amount provided for in Section 27-105-33 on amounts in the
2882 fund shall be deposited to the credit of the fund.

2883 SECTION 47. Section 45-2-1, Mississippi Code of 1972, is
2884 amended as follows:

2885 45-2-1. (1) Whenever used in this section, the term:

2886 (a) "Employer" means a state board, commission,
2887 department, division, bureau, or agency, or a county, municipality
2888 or other political subdivision of the state, which employs,

2889 appoints or otherwise engages the services of law enforcement
2890 officers.

2891 (b) "Law enforcement officer" means any lawfully sworn
2892 officer or employee of the state or any political subdivision of
2893 the state whose duties require the officer or employee to
2894 investigate, pursue, apprehend, arrest, transport or maintain
2895 custody of persons who are charged with, suspected of committing,
2896 or convicted of a crime.

2897 (2) (a) The Department of Public Safety shall make a
2898 payment, as provided in this section, in the amount of Ten
2899 Thousand Dollars (\$10,000.00) when a law enforcement officer,
2900 while engaged in the performance of the officer's law enforcement
2901 duties, is accidentally or intentionally killed or receives
2902 accidental or intentional bodily injury that results in the loss
2903 of the officer's life, provided that the killing is not the result
2904 of suicide and that the bodily injury is not intentionally
2905 self-inflicted.

2906 (b) The payment provided for under paragraph (a) of
2907 this subsection shall be made to the beneficiary that was
2908 designated in writing by the law enforcement officer, signed by
2909 the officer and delivered to the employer during the officer's
2910 lifetime. If no such designation is made, then the payment shall
2911 be made to the officer's surviving child or children and spouse in
2912 equal portions, and if there is no surviving child or spouse, then
2913 to the officer's parent or parents. If a beneficiary is not
2914 designated and there is no surviving child, spouse or parent, then
2915 the payment shall be made to the officer's estate.

2916 (c) The payment made under paragraph (a) of this
2917 subsection is in addition to any workers' compensation or pension
2918 benefits and is exempt from the claims and demands of creditors of
2919 the law enforcement officer.

2920 (3) (a) There is established in the State Treasury a
2921 special fund to be known as the Law Enforcement Officers Death

2922 Benefits Trust Fund. The trust fund shall be funded by an initial
2923 appropriation of Two Hundred Thousand Dollars (\$200,000.00), and
2924 shall be comprised of any additional funds made available by the
2925 Legislature or by donation, contribution, gift or any other
2926 source.

2927 (b) The State Treasurer shall invest the monies of the
2928 trust fund in any of the investments authorized for the funds of
2929 the Public Employees' Retirement System under Section 25-11-121,
2930 and those investments shall be subject to the limitations
2931 prescribed by Section 25-11-121.

2932 (c) Unexpended amounts remaining in the trust fund at
2933 the end of the state fiscal year shall not lapse into the State
2934 General Fund, and * * * interest earned in the amount provided for
2935 in Section 27-105-33 on amounts in the trust fund shall be
2936 deposited to the credit of the trust fund.

2937 (4) The Department of Public Safety shall be responsible for
2938 the management of the trust fund and the disbursement of death
2939 benefits authorized under this section. The Department of Public
2940 Safety shall adopt rules and regulations necessary to implement
2941 and standardize the payment of death benefits under this section,
2942 to administer the trust fund created by this section and to carry
2943 out the purposes of this section.

2944 SECTION 48. Section 45-6-15, Mississippi Code of 1972, is
2945 amended as follows:

2946 45-6-15. (1) (a) Such assessments as are collected under
2947 Section 99-19-73, Mississippi Code of 1972, and contributions,
2948 grants and other monies received by the board under the provisions
2949 of this chapter shall be deposited in a special fund hereby
2950 created in the State Treasury and designated the "Law Enforcement
2951 Officers Training Fund," which shall be expended by the board to
2952 defray the expenses of the program as authorized and appropriated
2953 by the Legislature.

2954 (b) Twenty-five percent (25%) of the assessments
2955 collected under Section 99-19-73, Mississippi Code of 1972, shall
2956 be deposited into the "Jail Officer Training Account" which is
2957 hereby created in the "Law Enforcement Officers Training Fund."
2958 The funds in such account shall be expended by the Board on Jail
2959 Officer Standards and Training to defray the expenses of the jail
2960 officers training program as authorized and appropriated by the
2961 Legislature.

2962 (c) Unexpended amounts remaining in the fund and
2963 account at the end of the fiscal year shall not lapse into the
2964 State General Fund and * * * interest earned on the fund in the
2965 amount provided for in Section 27-105-33 shall be deposited to the
2966 credit of the fund.

2967 (2) The board may accept for any of its purposes and
2968 functions under this chapter any and all donations, both real and
2969 personal property, and grants of money from any governmental unit
2970 or public agency, or from any institution, person, firm or
2971 corporation.

2972 (3) Money authorized and appropriated by the Legislature
2973 shall be paid by the State Treasurer upon warrants issued by the
2974 Department of Finance and Administration, which shall issue its
2975 warrants upon requisitions signed by the proper person, officer or
2976 officers of the commission, in the manner provided by law.

2977 SECTION 49. Section 47-5-109, Mississippi Code of 1972, is
2978 amended as follows:

2979 47-5-109. (1) The State Department of Corrections is hereby
2980 authorized to operate a facility or facilities to be known as an
2981 inmate canteen facility or facilities, the purpose of which is to
2982 make available certain goods and other items of value for purchase
2983 by offenders confined at the State Penitentiary at Parchman,
2984 offenders confined at any other facility of the department,
2985 certain employees of the department and certain persons visiting

2986 offenders or employees. The commissioner shall promulgate rules
2987 and regulations for the operation of such a facility.

2988 (2) Any funds which may be derived from the operation of an
2989 inmate canteen facility or facilities shall be deposited into an
2990 account to be known as the Canteen Fund. For accounting purposes,
2991 certain allocated costs attributable to the operation of such a
2992 facility, and as prescribed by the rules and regulations of the
2993 board, shall be chargeable as operating costs against profits
2994 earned. These costs of operation which are chargeable shall
2995 include, but shall not be limited to, rent allocation, utility
2996 allocation and employee wages. Any net profits which may accrue
2997 from the operation of such a facility and * * * interest earned
2998 thereon in the amount provided for in Section 27-105-33 shall be
2999 deposited into the Inmate Welfare Fund.

3000 SECTION 50. Section 47-5-194, Mississippi Code of 1972, is
3001 amended as follows:

3002 47-5-194. (1) It is unlawful for any offender committed to
3003 the department to possess:

3004 (a) Coin or currency on his person or in premises
3005 assigned to him or under his control;

3006 (b) A money order, traveler's check, promissory note,
3007 credit card, personal check or other negotiable instrument.

3008 (2) Subsection (1) does not apply to offenders who are
3009 granted a parole; placed on work release, supervised earned
3010 release, earned probation or probation; or granted leave for the
3011 duration of such leave; however, these offenders may be restricted
3012 by the parole or probation order or by order of the commissioner
3013 with respect to amounts or form of money possessed or controlled
3014 by the offenders.

3015 (3) A violation of subsection (1) shall be considered a
3016 rules violation or a violation of the conditions of parole or
3017 probation as the case may be and shall be processed in the manner
3018 of similar violations.

3019 (4) Any money possessed by an offender may be confiscated by
3020 the corrections officer who discovers the possession. The
3021 department shall establish a policy and procedure for the
3022 collection and accounting of all confiscated funds. All
3023 confiscated coin or currency shall be deposited in a special fund
3024 which is created in the State Treasury. The money in this special
3025 fund may be appropriated by the Legislature to enhance the
3026 security of the department's facilities. Unexpended amounts
3027 remaining in the special fund at the end of a fiscal year shall
3028 not lapse into the State General Fund, but funds may be expended
3029 only by appropriation approved by the Legislature. * * * Interest
3030 earned in the amount provided for in Section 27-105-33 on amounts
3031 in the special fund shall be deposited to the credit of the
3032 special fund.

3033 (5) The possession of coin, currency, money order,
3034 traveler's check or other negotiable instrument on the grounds of
3035 a facility is prohibited.

3036 (6) The department shall establish a cashless system for
3037 facilities no later than July 1, 1996. The department shall
3038 provide lockers for visitors to place prohibited items when on
3039 grounds of a facility. The department is authorized to charge
3040 visitors an hourly rental fee for use of the lockers. Community
3041 work centers and restitution centers are exempt unless designated
3042 by the commissioner as being included in the cashless system.

3043 SECTION 51. Section 47-5-1007, Mississippi Code of 1972, is
3044 amended as follows:

3045 47-5-1007. (1) Any participant in the intensive supervision
3046 program who engages in employment shall pay a monthly fee to the
3047 department for each month such person is enrolled in the program.
3048 The department may waive the monthly fee if the offender is a
3049 full-time student or is engaged in vocational training. Money
3050 received by the department from participants in the program shall
3051 be deposited into a special fund which is hereby created in the

3052 State Treasury. It shall be used, upon appropriation by the
3053 Legislature, for the purpose of helping to defray the costs
3054 involved in administering and supervising such program.
3055 Unexpended amounts remaining in such special fund at the end of a
3056 fiscal year shall not lapse into the State General Fund, and * * *
3057 interest earned in the amount provided for in Section 27-105-33 on
3058 amounts in such special fund shall be deposited to the credit of
3059 the special fund.

3060 (2) The participant shall admit any correctional officer
3061 into his residence at any time for purposes of verifying the
3062 participant's compliance with the conditions of his detention.

3063 (3) The participant shall make the necessary arrangements to
3064 allow for correctional officers to visit the participant's place
3065 of education or employment at any time, based upon the approval of
3066 the educational institution or employer, for the purpose of
3067 verifying the participant's compliance with the conditions of his
3068 detention.

3069 (4) The participant shall acknowledge and participate with
3070 the approved electronic monitoring device as designated by the
3071 department at any time for the purpose of verifying the
3072 participant's compliance with the conditions of his detention.

3073 (5) The participant shall be responsible for and shall
3074 maintain the following:

3075 (a) A working telephone line in the participant's home;

3076 (b) A monitoring device in the participant's home, or
3077 on the participant's person or both; and

3078 (c) A monitoring device in the participant's home and
3079 on the participant's person in the absence of a telephone.

3080 (6) The participant shall obtain approval from the
3081 correctional field officer before the participant changes
3082 residence.

3083 (7) The participant shall not commit another crime during
3084 the period of home detention ordered by the court or department.

3085 (8) Notice shall be given to the participant that violation
3086 of the order of home detention shall subject the participant to
3087 prosecution for the crime of escape as a felony.

3088 (9) The participant shall abide by other conditions as set
3089 by the department.

3090 SECTION 52. Section 49-5-21, Mississippi Code of 1972, is
3091 amended as follows:

3092 49-5-21. (1) The department shall transfer all funds under
3093 its control into a special fund in the State Treasury to be
3094 segregated and known as the "Fisheries and Wildlife Fund," which
3095 fund can only be expended as authorized by the Legislature for the
3096 purposes for which the department was created. All funds derived
3097 from the sale of licenses, fees, fines and other revenues received
3098 by the department as provided by law, shall be deposited in the
3099 Fisheries and Wildlife Fund. The interest obtained thereon in the
3100 amount provided for in Section 27-105-33(7) from any investment or
3101 deposit made pursuant to Section 27-105-33, Mississippi Code of
3102 1972, shall be credited by the State Treasurer to the Fisheries
3103 and Wildlife Fund and shall not be paid into the General Fund of
3104 Mississippi.

3105 (2) The department may expend such sums as are authorized by
3106 the Legislature from the Fisheries and Wildlife Fund for paying
3107 salaries of its employees, operating and maintaining equipment and
3108 for any other purpose the department is authorized to expend funds
3109 by law, which amount shall be available for expenditure.

3110 The money herein authorized shall be paid by the State
3111 Treasurer out of the Fisheries and Wildlife Fund on warrants
3112 issued by the Executive Director of the Department of Finance and
3113 Administration upon requisition signed by the Executive Director
3114 of the Mississippi Department of Wildlife, Fisheries and Parks.

3115 (3) The department shall prepare and submit annually to the
3116 Legislature a budget for its proposed operation. The budget
3117 required shall reflect all anticipated revenues from all sources,

3118 including all grants and matching funds, together with all
3119 proposed expenditures. The budget shall be prepared in the same
3120 manner as is now required of other departments of this state. The
3121 department shall be subject to budgetary control and audit in the
3122 same manner as is provided by law for other departments and
3123 agencies. Nothing in this section shall be construed as requiring
3124 legislative appropriation of such Fisheries and Wildlife Fund, but
3125 it is intended that expenditure of such funds shall be under
3126 authority of the budget approved as herein provided and as
3127 authorized by the Legislature.

3128 SECTION 53. Section 49-6-3, Mississippi Code of 1972, is
3129 amended as follows:

3130 49-6-3. (1) There is hereby created in the State Treasury a
3131 special fund to be known as the "Wildlife Fisheries and Parks
3132 Motor Vehicle Fund." The department shall deposit monthly in this
3133 fund eight percent (8%) of all hunting and fishing license fees
3134 collected each month. In addition, all funds derived from the
3135 sale of used motor vehicles, funds transferred from the "Game and
3136 Fish Protection Fund" and any other funds which may be needed for
3137 the purchase of motor vehicles, boats and outboard motors shall be
3138 deposited into this special fund. Other funds as needed may be
3139 transferred by the commission from the department's regular
3140 support appropriation. The commission may transfer funds from the
3141 motor vehicle fund to the Game and Fish Protection Fund as needed
3142 for the operation of the department. The motor vehicle fund is a
3143 special trust fund and * * * interest earned thereon in the amount
3144 provided for in Section 27-105-33 shall be credited to the fund.

3145 (2) The commission shall adopt regulations for the
3146 administration of the fund. The executive director shall
3147 administer the fund and expenditures may be made from the fund
3148 upon requisition by the executive director. The department shall
3149 spend monies in the fund by an annual appropriation approved by
3150 the Legislature.

3151 SECTION 54. Section 49-7-155, Mississippi Code of 1972, is
3152 amended as follows:

3153 49-7-155. (1) The commission is hereby authorized to
3154 establish a fund to be known as the Wildlife Endowment Fund to be
3155 deposited in an approved state depository and expended by
3156 appropriation approved by the Legislature as provided by law. The
3157 department shall deposit all proceeds from the sale of lifetime
3158 licenses into such fund. * * * Interest obtained from any
3159 investment or deposit of monies in such fund in the amount
3160 provided for in Section 27-105-33 shall be deposited by the
3161 commission into such fund. The commission shall invest the assets
3162 of the fund as provided by law.

3163 (2) The assets of the Wildlife Endowment Fund shall be
3164 derived from the proceeds of the sale of lifetime licenses
3165 authorized under Sections 49-7-151 through 49-7-155. The
3166 following limitations are placed on expenditures from the fund:

3167 (a) No expenditure shall be made from the principal of
3168 the Wildlife Endowment Fund;

3169 (b) The income earned and accruing from the investment
3170 of the Wildlife Endowment Fund shall be spent only in furthering
3171 the conservation of wildlife resources and the operations of the
3172 department in accomplishing the purposes of the department.

3173 SECTION 55. Section 49-15-17, Mississippi Code of 1972, is
3174 amended as follows:

3175 49-15-17. (1) (a) All monies received or obtained by the
3176 commission under the provisions of this chapter shall be paid over
3177 by the commission to the State Treasurer and shall be deposited
3178 into the fund known as the "Seafood Fund." All revenues collected
3179 through the department, to include, but not limited to, commercial
3180 saltwater licenses and taxes, permits, fines and penalties, and
3181 confiscated catches, shall be deposited into the department
3182 operating account (Seafood Fund) and expended for the operation of
3183 the department, as authorized by the Legislature.

3184 (b) There is established a special account to be known
3185 as the "Artificial Reef Program Account" within the Seafood Fund.
3186 Any funds received from any public or private source for the
3187 purpose of promoting, constructing, monitoring or maintaining
3188 artificial reefs in the marine waters of the state or in federal
3189 waters adjacent to the marine waters of the state shall be
3190 credited to the account. Any unexpended funds remaining in the
3191 account at the end of the fiscal year shall not lapse into the
3192 Seafood Fund, but shall remain in the account. The department may
3193 expend any funds in the account, subject to appropriation by the
3194 Legislature, to accomplish the purpose of the account.

3195 (c) There is established a special account to be known
3196 as the "Coastal Preserve Account" within the Seafood Fund. Any
3197 funds received from any public or private source for the purpose
3198 of management, improvement and acquisition of coastal preserves in
3199 the state and money required to be deposited pursuant to Section
3200 27-19-56.27, shall be credited to the account. Any unexpended
3201 funds remaining in the account at the end of the fiscal year shall
3202 not lapse into the Seafood Fund, but shall remain in the account.
3203 The department may expend any funds in the account, subject to
3204 appropriation by the Legislature, for the management, improvement
3205 and acquisition of coastal preserves.

3206 (2) The fund shall be treated as a special trust fund and
3207 interest earned on the principal in the amount provided for in
3208 Section 27-105-33 shall be credited to the fund.

3209 (3) The secretary of the commission shall keep accurate
3210 reports of monies handled as a part of the permanent records of
3211 the commission, and the State Treasurer shall furnish the
3212 secretary of the commission such forms as may be needed, and the
3213 secretary shall account for such forms in his reports to the
3214 Treasurer.

3215 SECTION 56. Section 49-17-14, Mississippi Code of 1972, is
3216 amended as follows:

3217 49-17-14. (1) "Title V Program" means, as used in Sections
3218 49-17-1 through 49-17-45, the air operating permit program
3219 mandated in Title V of the 1990 amendments to the federal Clean
3220 Air Act, codified in 42 USC Section 7661 et seq.

3221 (2) There is created in the State Treasury a fund to be
3222 designated as the "Air Operating Permit Program Fee Trust Fund,"
3223 referred to hereinafter as the "fund."

3224 (3) The fund shall be treated as a special trust fund.
3225 Interest earned on the principal therein in the amount provided
3226 for in Section 27-105-33 shall be credited by the Treasurer to the
3227 fund.

3228 (4) The fund may receive monies from any available public or
3229 private source including, but not limited to, collection of fees,
3230 interest, grants, taxes, public and private donations and judicial
3231 actions.

3232 (5) To facilitate the proper administration of the fund, the
3233 commission is authorized to promulgate rules and regulations for
3234 the administration of the fund.

3235 (6) The commission shall expend or utilize monies in the
3236 fund by an annual appropriation approved by the Legislature to pay
3237 all reasonable direct and indirect costs associated with the
3238 development and administration of the Title V program including,
3239 but not limited to, the reasonable costs of the following
3240 activities as they relate to the Title V program:

3241 (a) Preparing generally applicable regulations or
3242 guidance regarding the permit program or its implementation or
3243 enforcement;

3244 (b) Reviewing and acting on any application for a
3245 permit, permit modification or permit renewal, including the
3246 development of an applicable requirement as part of the processing
3247 of a permit, or permit modification or renewal;

3248 (c) Administering the permit program, including the
3249 supporting and tracking of permit applications, compliance
3250 certification and related data entry;

3251 (d) Implementing and enforcing the terms of any Title V
3252 permit (not including any court costs or other costs associated
3253 with an enforcement action), including adequate resources to
3254 determine which sources are subject to the program;

3255 (e) Emissions and ambient monitoring;

3256 (f) Modeling, analyses or demonstrations;

3257 (g) Preparing inventories and tracking emissions;

3258 (h) Providing direct and indirect support to sources
3259 under the Small Business Stationary Source Technical and
3260 Environmental Compliance Assistance Program under Section 507 of
3261 the federal Clean Air Act in determining and meeting their
3262 obligations under this section; and

3263 (i) Providing funding to the Advisory Council created
3264 in Section 49-17-16 in an amount reasonably sufficient to meet the
3265 Advisory Council's obligations under Sections 49-17-1 through
3266 49-17-45.

3267 (7) Monies in the fund at the end of the fiscal year shall
3268 be retained in the fund for use in the next succeeding fiscal
3269 year. If the annual fees collected exceed the cost of
3270 administering the Title V program for that fiscal year, then the
3271 excess shall be applied to the cost of administering the program
3272 for the succeeding fiscal year. In the succeeding fiscal year,
3273 the total to be collected from fees shall be reduced by the excess
3274 retained in the fund and the assessment rates shall be adjusted
3275 proportionately.

3276 (8) No such fees shall be utilized by the Department of
3277 Environmental Quality or any other person for any purpose or
3278 purposes other than those purposes required by Sections 49-17-1
3279 through 49-17-45.

3280 SECTION 57. Section 49-17-44, Mississippi Code of 1972, is
3281 amended as follows:

3282 49-17-44. (1) The Permit Board may require any applicant
3283 for a water pollution control permit for the discharge of effluent
3284 from any sewer system certificated or required to be certificated
3285 by the Public Service Commission to provide a bond or other
3286 acceptable financial security instrument payable to the Commission
3287 on Environmental Quality and conditioned upon full and
3288 satisfactory performance of the requirements of the Mississippi
3289 Air and Water Pollution Control Law and any water pollution
3290 control permit issued under that law. Any bond shall be executed
3291 by the permittee and a corporate surety licensed to do business in
3292 the state. The commission shall establish by regulation the
3293 acceptable forms of financial security and the amount of financial
3294 security required for the various types and sizes of facilities.
3295 The purpose of the bond or other financial security shall be the
3296 protection of the public health, welfare and the environment.

3297 (2) The commission may enter an order requiring forfeiture
3298 of the bond or other financial security, if the commission
3299 determines that:

3300 (a) The continued operation or lack of operation and
3301 maintenance of the facility covered by this section represents an
3302 imminent threat to the public health, welfare and the environment
3303 because the permittee is unable or unwilling to adequately operate
3304 and maintain the facility or the facility has been actually or
3305 effectively abandoned by the permittee;

3306 (b) Reasonable and practical efforts under the
3307 circumstances have been made to obtain corrective actions from the
3308 permittee; and

3309 (c) It does not appear that corrective actions can or
3310 will be taken within an appropriate time as determined by the
3311 commission.

3312 (3) (a) The proceeds of any forfeiture shall be deposited
3313 into a special fund created in subsection (5) of this section and
3314 shall be used by the commission or any receiver appointed by the
3315 Chancery Court of the First Judicial District of Hinds County to
3316 address or correct the noncompliance at the facility or to
3317 continue operation and maintenance of the facility. The proceeds
3318 shall be in addition to any other funds otherwise appropriated to
3319 the department and may be expended under the authority of this
3320 section without additional action of the Legislature.

3321 (b) The commission shall file an annual report
3322 detailing the receipts and expenditure of the bond forfeiture fund
3323 with the Chairmen of the House and Senate Appropriation
3324 Committees.

3325 (4) If the commission finds that a facility has been
3326 abandoned or that services of a facility have been terminated, the
3327 commission may enter any orders regarding continued operations of
3328 that facility as it deems necessary to protect the public health,
3329 welfare and the environment.

3330 (5) (a) There is created in the State Treasury a fund to be
3331 designated as the "Water Pollution Control Bond Forfeiture Fund."
3332 Monies in the fund shall be used by the commission or any receiver
3333 appointed by the court to address or correct the noncompliance at
3334 the facility or to continue operation and maintenance of the
3335 facility for which the bond or other financial security was
3336 forfeited.

3337 (b) Expenditures may be made from the fund upon
3338 requisition by the executive director of the department.

3339 (c) The fund shall be treated as a special trust fund.
3340 Interest earned on the principal in the amount provided for in
3341 Section 27-105-33 shall be credited by the Treasurer to the fund.

3342 (d) The fund may receive monies from any available
3343 public or private source, including, but not limited to, proceeds

3344 from bond or other financial security forfeitures, interest and
3345 funds from other judicial actions.

3346 (6) An appeal from any decision of the commission under this
3347 section may be taken as provided in Section 49-17-41, Mississippi
3348 Code of 1972.

3349 (7) This section shall be applicable to new applications for
3350 water pollution control permits and to existing water pollution
3351 control permits upon application for reissuance or transfer of a
3352 permit.

3353 SECTION 58. Section 49-17-85, Mississippi Code of 1972, is
3354 amended as follows:

3355 49-17-85. (1) There is established in the State Treasury a
3356 fund to be known as the "Water Pollution Control Revolving Fund"
3357 which shall be administered by the commission acting through the
3358 department. The revolving fund shall be maintained in perpetuity
3359 for the purposes established in this section.

3360 (2) There is established in the State Treasury a fund to be
3361 known as the "Water Pollution Control Hardship Grants Fund" which
3362 shall be administered by the commission acting through the
3363 department. The grants fund shall be maintained in perpetuity for
3364 the purposes established in this section. * * * Interest earned
3365 on monies in the grants fund in the amount provided for in Section
3366 27-105-33 shall be credited to that fund.

3367 (3) The commission shall promulgate regulations for the
3368 administration of the revolving fund program, the hardship grants
3369 program and for related programs authorized under this section.
3370 The regulations shall be in accordance with the federal Water
3371 Quality Act of 1987, as amended and regulations and guidance
3372 issued under that act. The commission may enter into
3373 capitalization grant agreements with the United States
3374 Environmental Protection Agency and may accept capitalization
3375 grant awards made under Title VI of the Water Quality Act of 1987,
3376 as amended.

3377 (4) The commission shall establish a loan program which
3378 shall commence after October 1, 1988, to assist political
3379 subdivisions in the construction of water pollution control
3380 projects. Loans from the revolving fund may be made to political
3381 subdivisions as set forth in a loan agreement in amounts not
3382 exceeding one hundred percent (100%) of eligible project costs as
3383 established by the commission. Notwithstanding loan amount
3384 limitations set forth in Section 49-17-61, the commission may
3385 require local participation or funding from other sources, or
3386 otherwise limit the percentage of costs covered by loans from the
3387 revolving fund. The commission may establish a maximum amount for
3388 any loan in order to provide for broad and equitable participation
3389 in the program.

3390 (5) The commission shall establish a hardship grants program
3391 for rural communities, which shall commence after July 1, 1997, to
3392 assist severely economically disadvantaged small rural political
3393 subdivisions in the construction of water pollution control
3394 projects. The commission may receive and administer state or
3395 federal funds, or both, appropriated for the operation of this
3396 grants program and may take all actions necessary to implement the
3397 program in accordance with the federal hardship grants program.
3398 The hardship grants program shall operate in conjunction with the
3399 revolving loan program administered under this section.

3400 (6) The commission shall act for the state in all matters
3401 and with respect to all determinations under Title VI of the
3402 federal Water Quality Act of 1987, as amended and the federal
3403 Omnibus Appropriations and Recision Act of 1996.

3404 (7) The revolving fund may be used only:

3405 (a) To make loans on the condition that:

3406 (i) The loans are made at or below market interest
3407 rates, at terms not to exceed twenty (20) years after project
3408 completion; the interest rate and term may vary from time to time
3409 and from loan to loan at the discretion of the commission;

3410 (ii) Periodic principal and interest payments will
3411 commence when required by the commission but not later than one
3412 (1) year after project completion and all loans will be fully
3413 amortized when required by the commission but not later than
3414 twenty (20) years after project completion;

3415 (iii) The recipient of a loan will establish a
3416 dedicated source of revenue for repayment of loans;

3417 (b) To buy or refinance the debt obligation of
3418 political subdivisions at or below market rates, where the debt
3419 obligations were incurred after March 7, 1985, and where the
3420 projects were constructed in compliance with applicable federal
3421 and state regulations;

3422 (c) To guarantee, or purchase insurance for,
3423 obligations of political subdivisions where the action would
3424 improve credit market access or reduce interest rates;

3425 (d) To provide loan guarantees for similar revolving
3426 funds established by municipalities or intermunicipal agencies;

3427 (e) To earn interest on fund accounts;

3428 (f) To establish nonpoint source pollution control
3429 management programs;

3430 (g) To establish estuary conservation and management
3431 programs;

3432 (h) For the reasonable costs of administering the
3433 revolving fund and conducting activities under this act, subject
3434 to the limitations established in Section 603(d)(7) of Title VI of
3435 the federal Clean Water Act, as amended, and subject to annual
3436 appropriation by the Legislature; and

3437 (i) In connection with the issuance, sale and purchase
3438 of bonds under Section 31-25-1 et seq., related to the funding of
3439 projects, to provide security or a pledge of revenues for the
3440 repayment of the bonds.

3441 (8) The hardship grants program shall be used only to
3442 provide hardship grants consistent with the federal hardship

3443 grants program for rural communities, regulations and guidance
3444 issued by the United States Environmental Protection Agency,
3445 subsections (3) and (5) of this section and regulations
3446 promulgated and guidance issued by the commission under this
3447 section.

3448 (9) The commission shall establish by regulation a system of
3449 priorities and a priority list of projects eligible for funding
3450 with loans from the revolving fund.

3451 (10) The commission may provide a loan from the revolving
3452 fund only with respect to a project if that project is on the
3453 priority list established by the commission.

3454 (11) The revolving fund shall be credited with all payments
3455 of principal and interest derived from the fund uses described in
3456 subsection (7) of this section.

3457 (12) The commission may establish and collect fees to defray
3458 the reasonable costs of administering the revolving fund if it
3459 determines that the administrative costs will exceed the
3460 limitations established in Section 603(d)(7) of Title VI of the
3461 federal Clean Water Act, as amended. The administration fees may
3462 be included in loan amounts to political subdivisions for the
3463 purpose of facilitating payment to the commission. The fees may
3464 not exceed five percent (5%) of the loan amount.

3465 SECTION 59. Section 49-17-86, Mississippi Code of 1972, is
3466 amended as follows:

3467 49-17-86. (1) (a) There is created a fund in the State
3468 Treasury to be designated as the "Water Pollution Control
3469 Emergency Loan Fund" hereinafter referred to as "emergency fund."

3470 (b) The emergency fund may receive appropriations, bond
3471 proceeds, grants, gifts, donations or funds from any source,
3472 public or private. The emergency fund shall be credited with all
3473 repayments of principal and interest derived from loans made from
3474 the emergency fund.

3475 (c) The monies in the emergency fund may be expended
3476 only in amounts appropriated by the Legislature.

3477 (d) The emergency fund shall be maintained in
3478 perpetuity for the purposes established in this act. Unexpended
3479 amounts remaining in the emergency fund at the end of a fiscal
3480 year shall not lapse into the State General Fund. * * * Interest
3481 earned in the amount provided for in Section 27-105-33 on amounts
3482 in the emergency fund shall be deposited to the credit of the
3483 fund.

3484 (2) The commission shall establish a loan program to assist
3485 political subdivisions in making emergency improvements such as
3486 repairs to or replacement of machinery, equipment, materials,
3487 structures or devices in existing water pollution abatement
3488 projects or such other emergency water pollution abatement
3489 projects as the commission deems necessary. Loans from the
3490 emergency fund may be made to political subdivisions as set forth
3491 in a loan agreement in amounts not exceeding one hundred percent
3492 (100%) of eligible project costs as established by the commission.
3493 The commission may require local participation or funding from
3494 other sources, or otherwise limit the percentage of costs covered
3495 by loans from the emergency fund. The commission may establish a
3496 maximum amount for any loan not to exceed Three Hundred Fifty
3497 Thousand Dollars (\$350,000.00).

3498 (3) The emergency fund may be used only:

3499 (a) To make loans on the condition that:

3500 (i) Loans are made at or below market interest
3501 rates, at terms not to exceed ten (10) years after project
3502 completion; the interest rate may vary from time to time and from
3503 loan to loan at the discretion of the commission.

3504 (ii) Periodic principal and interest payments will
3505 commence when required by the commission but not later than one
3506 (1) year after project completion and all loans will be fully

3507 amortized when required by the commission but not later than ten
3508 (10) years after project completion.

3509 (iii) The recipient of a loan shall establish a
3510 dedicated source of revenue for repayment of loans. In addition,
3511 the commission may require any loan recipient to impose a per
3512 connection surcharge on each customer for repayment of any loan
3513 funds provided under this section.

3514 (iv) The recipient of the loan is not in arrears
3515 in repayments to the Water Pollution Control Revolving Fund, the
3516 Water Pollution Control Emergency Loan Fund or under the Water
3517 Pollution Abatement Loan Program.

3518 (b) To provide financial assistance to political
3519 subdivisions in making emergency improvements such as repairs to
3520 or replacement of machinery, equipment, materials, structures or
3521 devices in existing water pollution abatement projects or such
3522 other emergency water pollution abatement projects as the
3523 commission deems necessary.

3524 (c) To defray the reasonable costs of administering the
3525 emergency fund and conducting activities under this section,
3526 subject to annual appropriation by the Legislature.

3527 (4) The commission shall establish a system of evaluating
3528 the eligibility of projects, including a determination of the
3529 emergency nature of a situation for which funding is sought.

3530 (5) The fund will be credited with all payments of principal
3531 and interest derived from the fund uses described in subsection
3532 (3) of this section.

3533 (6) In addition to any amounts allowed under subsection
3534 (3)(c), the commission may establish and collect fees to further
3535 defray the reasonable costs of administering the emergency fund.
3536 Any administrative fees may be included in loan amounts to
3537 political subdivisions for the purpose of facilitating payment to
3538 the commission; fees may not exceed five percent (5%) of the loan
3539 amount. The commission may also use administrative fees collected

3540 pursuant to Section 49-17-85 to defray the reasonable costs of
3541 administering the emergency fund.

3542 SECTION 60. Section 49-17-421, Mississippi Code of 1972, is
3543 amended as follows:

3544 49-17-421. The commission may assess and collect a tank
3545 regulatory fee in an amount sufficient to administer Sections
3546 49-17-401 through 49-17-435 but not to exceed One Hundred Dollars
3547 (\$100.00) per tank per year from the owner of each underground
3548 storage tank in use in Mississippi on July 1, 1988, or brought
3549 into use after that date, as provided in the Mississippi
3550 Underground Storage Tank Act of 1988 (Sections 49-17-401 through
3551 49-17-435). The tank regulatory fee assessed under this section
3552 is a debt due by the owner of each underground storage tank in use
3553 in Mississippi on July 1, 1988, or brought into use after that
3554 date. The tank regulatory fee shall be due July 1 of each year.
3555 If any part of the tank regulatory fee is not paid within thirty
3556 (30) days after the due date, a penalty of fifty percent (50%) of
3557 the amount due shall accrue at once and be added to the fee,
3558 unless the owner of the underground storage tank demonstrates to
3559 the commission that the failure to make timely payment was
3560 unavoidable due to financial hardship or otherwise beyond the
3561 control of the owner. Monies collected under this section shall
3562 be deposited in a special fund which is created in the State
3563 Treasury. Unexpended amounts remaining in the special fund at the
3564 end of the fiscal year shall not lapse into the General Fund
3565 and * * * interest earned in the amount provided for in Section
3566 27-105-33 on amounts in the special fund shall be credited to the
3567 special fund by the Treasurer. The fund may receive monies from
3568 any available public or private source, including, but not limited
3569 to, collection of fees, interest, grants, taxes, public or private
3570 donations and judicial actions. Monies in this special fund shall
3571 be expended by annual appropriation approved by the Legislature to
3572 administer Sections 49-17-401 through 49-17-435.

3573 SECTION 61. Section 49-17-525, Mississippi Code of 1972, is
3574 amended as follows:

3575 49-17-525. (1) (a) There is created in the State Treasury
3576 a fund to be designated as the Lead-Based Paint Program Operations
3577 Fund, referred to in this section as "fund," to be administered by
3578 the executive director and expended by appropriation approved by
3579 the Legislature.

3580 (b) Monies in the fund shall be utilized to pay
3581 reasonable direct and indirect costs associated with the
3582 administration and enforcement of the lead-based paint activity
3583 accreditation and certification program.

3584 (c) Expenditures may be made from the fund upon
3585 requisition by the executive director.

3586 (d) The fund shall be treated as a special trust fund.
3587 Interest earned in the amount provided for in Section 27-105-33 on
3588 the principal therein shall be credited by the Treasurer to the
3589 fund.

3590 (e) The fund may receive monies from any available
3591 public or private source, including, but not limited to,
3592 collection of fees, interest, grants, taxes, public and private
3593 donations, judicial actions and appropriated funds.

3594 (f) Monies in the fund at the end of the fiscal year
3595 shall be retained in the fund for use in the next succeeding
3596 fiscal year to be expended by appropriation approved by the
3597 Legislature.

3598 (2) (a) The commission shall set by order a schedule of
3599 fees for the accreditation of training programs, issuance and
3600 reissuance of certificates and lead-based paint abatement
3601 projects. The commission shall graduate fee levels to reflect the
3602 type of certificate and the size of the project, as the case may
3603 be.

3604 (b) All monies collected under this section shall be
3605 deposited into the fund.

3606 (c) The commission may delegate to the department
3607 responsibility for the collection of fees under this section.

3608 (d) Any person required to pay a fee under this section
3609 who disagrees with the calculation or applicability of the fee may
3610 petition the commission for a hearing in accordance with Section
3611 49-17-35, Mississippi Code of 1972. Any hearing shall be in
3612 accordance with the provisions of Section 49-17-33, Mississippi
3613 Code of 1972.

3614 (e) Fees collected under this section shall not
3615 supplant or reduce in any way the General Fund appropriation to
3616 the department.

3617 SECTION 62. Section 49-31-23, Mississippi Code of 1972, is
3618 amended as follows:

3619 49-31-23. (1) There is hereby created in the State Treasury
3620 a fund to be designated as the Multimedia Pollution Prevention
3621 Fund, hereinafter referred to in this section as "fund," which may
3622 be used for:

3623 (a) Pollution prevention and recycling activities of
3624 the department, such as the administration of the multimedia
3625 pollution prevention program and its components and the collection
3626 and analysis of data received pursuant to Section 313 of EPCRA;

3627 (b) Pollution prevention and recycling technical
3628 assistance to business, industry, academic institutions and
3629 governmental entities;

3630 (c) Planning and implementing waste management
3631 education and outreach programs with emphasis on pollution
3632 prevention and recycling;

3633 (d) Pollution prevention and recycling research and
3634 development projects;

3635 (e) Demonstration projects aimed at pollution
3636 prevention and recycling; or

3637 (f) Any other purposes consistent with this chapter as
3638 determined by the department.

3639 (2) Expenditures may be made from the fund upon requisition
3640 by the executive director of the department.

3641 (3) The fund shall be treated as a special trust fund.
3642 Interest earned in the amount provided for in Section 27-105-33 on
3643 the principal therein shall be credited by the Treasurer to the
3644 fund.

3645 (4) The fund may receive monies from any available public or
3646 private source, including, but not limited to, collection of fees,
3647 interest, grants, taxes, public and private donations, oil
3648 overcharge refunds or rebates, and appropriated funds.

3649 SECTION 63. Section 49-35-25, Mississippi Code of 1972, is
3650 amended as follows:

3651 49-35-25. (1) The brownfield party who submits a brownfield
3652 agreement application shall pay all reasonable direct and indirect
3653 costs of the department associated with the processing of the
3654 brownfield agreement application and administration of the
3655 brownfield agreement less the advance costs required in subsection
3656 (2) of this section.

3657 (2) A brownfield party who submits a brownfield agreement
3658 application for review by the department shall pay advance costs
3659 of Two Thousand Dollars (\$2,000.00) at the time the application is
3660 submitted to the department.

3661 (3) The commission shall set by order a schedule of costs
3662 for the processing of the brownfield agreement applications and
3663 the administration of brownfield agreements by the department.

3664 (4) (a) There is created in the State Treasury a fund to be
3665 designated as the "Brownfields Cleanup and Redevelopment Trust
3666 Fund," referred to in this section as "fund," to be administered
3667 by the executive director.

3668 (b) Monies in the fund shall be utilized to pay
3669 reasonable direct and indirect costs associated with the
3670 processing of the brownfield agreement applications and the
3671 administration of brownfield agreements.

3672 (c) Expenditures may be made from the fund upon
3673 requisition by the executive director.

3674 (d) The fund shall be treated as a special trust fund.
3675 Interest earned on the principal in the amount provided for in
3676 Section 27-105-33 shall be credited by the Treasurer to the fund.

3677 (e) The fund may receive monies from any available
3678 public or private source, including, but not limited to,
3679 collection of costs, interest, grants, taxes, public and private
3680 donations, judicial actions and appropriated funds.

3681 (f) Monies in the fund at the end of the fiscal year
3682 shall be retained in the fund for use in the next succeeding
3683 fiscal year.

3684 (5) All monies collected under this section shall be
3685 deposited into the fund.

3686 (6) The commission may delegate to the department
3687 responsibility for the collection of costs in subsections (1) and
3688 (2) of this section.

3689 (7) All costs under subsection (1) of this section shall be
3690 due before a date specified by the department in an invoice which
3691 shall be no less than thirty (30) days following the invoice date.
3692 If any part of the costs that are imposed is not paid within
3693 thirty (30) days after the due date, a penalty of up to
3694 twenty-five percent (25%) of the amount due may be imposed and be
3695 added to that amount. Any penalty collected under this section
3696 shall be deposited into the fund. If the department pursues legal
3697 action to collect costs incurred, reasonable attorney's fees and
3698 costs may be assessed against the delinquent party.

3699 (8) Any person required to pay costs under this section who
3700 disagrees with the calculation or applicability of the costs may
3701 petition the commission for a hearing in accordance with Section
3702 49-17-35. Any hearing shall be in accordance with Section
3703 49-17-33.

3704 (9) Costs collected under this section shall not supplant or
3705 reduce in any way the General Fund appropriation to the department
3706 for the administration of this program.

3707 (10) The department may suspend any activities or actions
3708 related to the processing of the brownfield agreement application
3709 or administration of a brownfield agreement, if the brownfield
3710 party or parties fails to pay any required costs or penalties
3711 imposed under this section.

3712 (11) Nothing in this section affects any existing program at
3713 the department or affects any authority of the commission or
3714 department to take any action authorized by law.

3715 SECTION 64. Section 53-9-89, Mississippi Code of 1972, is
3716 amended as follows:

3717 53-9-89. (1) (a) There is created in the State Treasury a
3718 fund to be designated as the "Surface Coal Mining and Reclamation
3719 Fund." The fund shall contain two (2) accounts, designated as the
3720 "Surface Coal Mining Program Operations Account" and the "Surface
3721 Coal Mining Reclamation Account."

3722 (b) Monies in the Surface Coal Mining Program
3723 Operations Account shall be used to pay the reasonable direct and
3724 indirect costs of administering and enforcing this chapter.
3725 Monies in the Surface Coal Mining Reclamation Account shall be
3726 used to pay for the reclamation of lands for which bonds or other
3727 collateral were forfeited.

3728 (c) Expenditures may be made from the fund upon
3729 requisition by the executive director.

3730 (d) The fund shall be treated as a special trust fund.
3731 Interest earned in the amount provided for in Section 27-105-33 on
3732 the principal shall be credited by the Treasurer to the
3733 appropriate account in the fund.

3734 (e) The Surface Coal Mining Program Operations Account
3735 may receive monies from any available public or private source,
3736 including, but not limited to, fees, interest, grants, taxes,

3737 public and private donations, petroleum violation escrow funds or
3738 refunds, and appropriated funds, but excluding fines, penalties
3739 and the proceeds from the forfeiture of bonds or other collateral.
3740 The Surface Coal Mining Reclamation Account may receive monies
3741 from fines, penalties, the proceeds from the forfeiture of bonds
3742 or other collateral and interest.

3743 (2) All funds received through the payment of fees, loans,
3744 grants, penalties, bond forfeitures and forfeitures of other
3745 collateral, less attorney's fees, shall be deposited in the
3746 appropriate account in the Surface Coal Mining and Reclamation
3747 Fund.

3748 SECTION 65. Section 55-3-21, Mississippi Code of 1972, is
3749 amended as follows:

3750 55-3-21. There is hereby established in the State Treasury a
3751 revolving fund to be used by the State Forestry Commission to
3752 carry out the provisions of the will of William W. Kurtz, dated
3753 July 12, 1940, which donated one thousand seven hundred sixty
3754 (1,760) acres of forestland in Greene County to the State of
3755 Mississippi to be held, protected, administered and improved by
3756 the State Forestry Commission as a state forest. The fund shall
3757 be called the Kurtz State Forest Revolving Fund, and money for the
3758 fund shall accrue from any revenues derived from the Kurtz State
3759 Forest including, but not limited to, timber sales, hunting
3760 leases, permit fees, and stump and naval stores operations. The
3761 State Forestry Commission is authorized to expend a portion of the
3762 monies in the fund to purchase in the name of the State of
3763 Mississippi other lands, not to exceed five hundred (500) acres,
3764 which are contiguous to or located near the lands donated by the
3765 Kurtz will, for the purpose of expanding the Kurtz State Forest.
3766 The State Forestry Commission also may expend monies in the fund
3767 for the purposes described in Section 55-3-23. The State
3768 Treasurer shall invest all monies in the fund, and interest earned
3769 on the investments in the amount provided for in Section 27-105-33

3770 shall be paid back into the fund and not into the General Fund.
3771 The fund shall be audited annually by the State Auditor.

3772 SECTION 66. Section 55-3-41, Mississippi Code of 1972, is
3773 amended as follows:

3774 55-3-41. A fund to be known as "Mississippi Park Fund" is
3775 hereby established in the State Treasury, and all funds held in
3776 the "Mississippi Park System Fund" shall be transferred thereto.

3777 Funds collected by the department shall be deposited in the
3778 State Treasury to the credit of the fund. * * * Interest from the
3779 Mississippi Park Fund earned in the amount provided for in Section
3780 27-105-33(9) from any investment or deposit made pursuant to
3781 Section 27-105-33, Mississippi Code of 1972, shall be credited to
3782 the Mississippi Park Fund by the Treasurer. Expenditures shall be
3783 made from the fund upon requisition signed by the executive
3784 director, or by a person whom the executive director may designate
3785 and the State Fiscal Officer shall issue his warrant on the State
3786 Treasury payable out of the Mississippi Park Fund. All funds in
3787 the Mississippi Park Fund shall be expended only pursuant to
3788 appropriation approved by the Legislature and as provided by law.

3789 SECTION 67. Section 55-15-59, Mississippi Code of 1972, is
3790 amended as follows:

3791 55-15-59. The Mississippi Veterans Monument Commission is
3792 hereby authorized to accept gifts, grants and donations from
3793 individuals and organizations, to be deposited in the Veterans
3794 Monument Trust Fund which is hereby created in the State Treasury.
3795 The State Treasurer shall invest all monies in the Veterans
3796 Monument Trust Fund and * * * interest earned in the amount
3797 provided for in Section 27-105-33 shall be deposited into the
3798 fund. All funds deposited in the Veterans Monument Trust Fund
3799 shall be used exclusively for the purpose of designing, erecting
3800 and maintaining the Veterans Monument, except that not more than
3801 Seven Thousand Five Hundred Dollars (\$7,500.00) may be expended
3802 annually to pay the administrative costs of the commission. Any

3803 monies remaining unexpended or unencumbered in the fund upon
3804 completion of the monument shall revert to the Mississippi War
3805 Veterans Memorial Commission for maintenance of the Veterans
3806 monument and memorials.

3807 SECTION 68. Section 55-23-9, Mississippi Code of 1972, is
3808 amended as follows:

3809 55-23-9. The commission shall operate the Mississippi
3810 Veterans Memorial Stadium and to that end may employ such agents
3811 and employees as may be required in connection therewith. It may
3812 enter into contracts for the use of the stadium, and fix the
3813 amount of the compensation therefor, and collect the same when
3814 due.

3815 All monies and revenues, including the amusement tax imposed
3816 upon the sale of tickets for admission to the stadium, and all
3817 monies arising from the use of stadium property, including that
3818 realized from the sale of concessions, shall be paid by the
3819 commission to the State Treasurer, to be placed to the credit of a
3820 special fund to be known as the "Mississippi Veterans Memorial
3821 Stadium Operating Fund" and any references in the laws to the
3822 "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans
3823 Memorial Stadium Fund" shall mean the "Mississippi Veterans
3824 Memorial Stadium Operating Fund" unless the context clearly
3825 indicates otherwise. * * * Interest earned in the amount provided
3826 for in Section 27-105-33 on amounts deposited in the Mississippi
3827 Veterans Memorial Stadium Operating Fund shall be credited to such
3828 special fund. Provided, however, that twenty-five percent (25%)
3829 of all profits realized by the commission from the sale of
3830 concessions at athletic events when Jackson State University is
3831 the home team shall be deposited to the credit of a special
3832 auxiliary fund and authorized for expenditure by the Board of
3833 Trustees of State Institutions of Higher Learning exclusively for
3834 the support of intercollegiate athletics at such university. All
3835 expenses incident to the operation and upkeep of the facilities

3836 and property managed by the commission shall be paid out of the
3837 Mississippi Veterans Memorial Stadium Operating Fund by warrants
3838 drawn by the Department of Finance and Administration, which shall
3839 be issued on the requisition of the commission.

3840 All tickets sold to an event conducted in the Mississippi
3841 Veterans Memorial Stadium shall have printed in an appropriate and
3842 prominent place thereon the words A.C. "Butch" Lambert Field.

3843 SECTION 69. Section 57-1-69, Mississippi Code of 1972, is
3844 amended as follows:

3845 57-1-69. The Department of Economic and Community
3846 Development is authorized to cooperate with Mississippi Miss
3847 Hospitality, Inc., in the production of the Mississippi Miss
3848 Hospitality Pageant and with Miss Mississippi Pageant, Inc., in
3849 the production of the Miss Mississippi Pageant, and with Mrs.
3850 Mississippi-America Pageant, Inc., in the production of the Mrs.
3851 Mississippi Pageant, and in defraying expenses incurred by Miss
3852 Hospitality and Miss Mississippi and Mrs. Mississippi when making
3853 official appearances to represent this state, by expending in
3854 furtherance of such purposes any money appropriated or otherwise
3855 made available to the department therefor. Money received by the
3856 department for such purposes shall be deposited into a special
3857 fund which is hereby created in the State Treasury. Unexpended
3858 amounts remaining in such special fund at the end of a fiscal year
3859 shall not lapse into the State General Fund, and * * * interest
3860 earned in the amount provided for in Section 27-105-33 on amounts
3861 in such special fund shall be deposited to the credit of the
3862 special fund.

3863 SECTION 70. Section 57-1-303, Mississippi Code of 1972, is
3864 amended as follows:

3865 57-1-303. (1) (a) There is created a special fund in the
3866 State Treasury to be designated as the "Local Governments Capital
3867 Improvements Revolving Loan Fund," which fund shall consist of
3868 such monies as provided in Sections 57-1-307 through 57-1-335.

3869 The fund shall be maintained in perpetuity for the purposes
3870 established in Sections 57-1-301 through 57-1-335. Unexpended
3871 amounts remaining in the fund at the end of a fiscal year shall
3872 not lapse into the State General Fund, and * * * interest earned
3873 in the amount provided for in Section 27-105-33 on amounts in the
3874 fund shall be deposited to the credit of the fund. Monies in the
3875 fund may not be used or expended for any purpose except as
3876 authorized under Sections 57-1-301 through 57-1-335.

3877 (b) The Local Governments Capital Improvements
3878 Revolving Loan Fund shall be divided into the Taxable Local
3879 Governments Capital Improvements Revolving Loan Subaccount and the
3880 Nontaxable Local Governments Capital Improvements Revolving Loan
3881 Subaccount. Funds allocated to the Nontaxable Local Governments
3882 Capital Improvements Revolving Loan Subaccount shall be utilized
3883 to provide loans for capital improvements that would qualify for
3884 the issuance of bonds whose interest is exempt from income
3885 taxation under the provisions of the Internal Revenue Code. Funds
3886 allocated to the Taxable Local Governments Capital Improvements
3887 Revolving Loan Subaccount shall be utilized to provide loans for
3888 any eligible capital improvements, including, but not limited to,
3889 capital improvements that would qualify for the issuance of bonds
3890 whose interest is exempt from income taxation under the provisions
3891 of the Internal Revenue Code.

3892 (c) Of the funds deposited into the Local Governments
3893 Capital Improvements Revolving Loan Fund, not less than
3894 Twenty-five Million Dollars (\$25,000,000.00) shall be allocated to
3895 the Nontaxable Local Governments Capital Improvements Revolving
3896 Loan Subaccount, and the remainder of such funds shall be
3897 allocated to the Taxable Local Governments Capital Improvements
3898 Revolving Loan Subaccount.

3899 (2) A county or an incorporated municipality may apply to
3900 the Department of Economic and Community Development for a loan

3901 under the local governments capital improvements revolving loan
3902 program established under Sections 57-1-301 through 57-1-335.

3903 (3) (a) The Department of Economic and Community
3904 Development shall establish a loan program by which loans, at the
3905 rate of interest provided for in paragraph (b) of this subsection,
3906 may be made available to counties and incorporated municipalities
3907 to assist counties and incorporated municipalities in making
3908 capital improvements. Loans from the revolving fund may be made
3909 to counties and municipalities as set forth in a loan agreement in
3910 amounts not to exceed one hundred percent (100%) of eligible
3911 project costs as established by the Department of Economic and
3912 Community Development. The Department of Economic and Community
3913 Development may require county or municipal participation or
3914 funding from other sources, or otherwise limit the percentage of
3915 costs covered by loans from the revolving fund. The Department of
3916 Economic and Community Development may establish a maximum amount
3917 for any loan in order to provide for broad and equitable
3918 participation in the program.

3919 (b) The rate of interest on loans made from the Local
3920 Governments Capital Improvements Revolving Loan Fund for capital
3921 improvements that would qualify for the issuance of bonds whose
3922 interest is exempt from income taxation under the provisions of
3923 the Internal Revenue Code shall be at the rate of three percent
3924 (3%) per annum, calculated according to the actuarial method. The
3925 rate of interest on loans for all other capital improvements shall
3926 be at the true interest cost on the most recent issue of
3927 twenty-year state general obligation bonds occurring prior to the
3928 date such loan is made. Notwithstanding the provisions of this
3929 paragraph to the contrary, loans made for the purposes of the
3930 capital project described in Section 57-1-301(2)(1) shall bear no
3931 interest.

3932 (4) A county that receives a loan from the revolving fund
3933 shall pledge for repayment of the loan any part of the homestead

3934 exemption annual tax loss reimbursement to which it may be
3935 entitled under Section 27-33-77. An incorporated municipality
3936 that receives a loan from the revolving fund shall pledge for
3937 repayment of the loan any part of the sales tax revenue
3938 distribution to which it may be entitled under Section 27-65-75.
3939 Each loan agreement shall provide for (i) monthly payments, (ii)
3940 semiannual payments, or (iii) other periodic payments, the annual
3941 total of which shall not exceed the annual total for any other
3942 year of the loan by more than fifteen percent (15%). The loan
3943 agreement shall provide for the repayment of all funds received
3944 within not more than twenty (20) years from the date of project
3945 completion.

3946 (5) The State Auditor, upon request of the Department of
3947 Economic and Community Development, shall audit the receipts and
3948 expenditures of a county or an incorporated municipality whose
3949 loan payments appear to be in arrears, and if he finds that the
3950 county or municipality is in arrears in such payments, he shall
3951 immediately notify the Executive Director of the Department of
3952 Finance and Administration who shall withhold all future payments
3953 to the county of homestead exemption reimbursements under Section
3954 27-33-77 and all sums allocated to the county or the municipality
3955 under Section 27-65-75 until such time as the county or the
3956 municipality is again current in its loan payments as certified by
3957 the Department of Economic and Community Development.

3958 (6) Evidences of indebtedness which are issued pursuant to
3959 this chapter shall not be deemed indebtedness within the meaning
3960 specified in Section 21-33-303 with regard to cities or
3961 incorporated towns, and in Section 19-9-5 with regard to counties.

3962 SECTION 71. Section 57-39-43, Mississippi Code of 1972, is
3963 amended as follows:

3964 57-39-43. (1) There is created in the State Treasury a fund
3965 to be designated as the "Mississippi Oil Overcharge Fund,"
3966 referred to in this section as "fund." Monies in the fund,

3967 referred to in this section as "oil overcharge funds," may be used
3968 for projects or programs authorized in accordance with appropriate
3969 federal court orders regarding the use of oil overcharge funds or
3970 by the United States Department of Energy, or both.

3971 (2) The Treasurer shall deposit or transfer into the fund
3972 any funds received as a result of federal statute or
3973 administrative or regulatory actions requiring the disbursement to
3974 states of refund monies for alleged overcharges for crude oil or
3975 refined petroleum products. The Treasurer may establish accounts
3976 within the fund as necessary for management of monies in the fund.

3977 (3) Expenditures may be made from the fund upon requisition
3978 to the Treasurer by the Executive Director of the Department of
3979 Economic and Community Development or the Executive Director of
3980 the Department of Human Services.

3981 (4) The fund shall be treated as a special trust fund.
3982 Interest earned in the amount provided for in Section 27-105-33 on
3983 the principal in the fund shall be credited by the Treasurer to
3984 the fund.

3985 (5) In their annual budget request, the Department of
3986 Economic and Community Development and the Department of Human
3987 Services shall submit a list of projects or programs for which
3988 monies from the fund are requested to be used.

3989 SECTION 72. Section 57-43-13, Mississippi Code of 1972, is
3990 amended as follows:

3991 57-43-13. For the purposes of achieving a reduction in the
3992 number of public roadway/railroad grade crossings in this state,
3993 Two Hundred Thousand Dollars (\$200,000.00) is hereby transferred
3994 from the Railroad Revitalization Fund to a new account hereby
3995 established and entitled the Mississippi Grade Crossing Closure
3996 Account. The Mississippi Grade Crossing Closure Account is to be
3997 administered by the same agency responsible for administering the
3998 Railroad Revitalization Fund. From and after March 12, 1993,
3999 funding for this account shall be derived from thirty-five percent

4000 (35%) of collections from the locomotive fuel tax for the previous
4001 year. This account will be cumulative. Funds not obligated for
4002 expenditure in any fiscal year will continue to accrue to
4003 succeeding fiscal years; unexpended amounts remaining in such
4004 account at the end of a fiscal year shall not lapse into the State
4005 General Fund; and * * * interest earned in the amount provided for
4006 in Section 27-105-33 on amounts in such account shall be deposited
4007 to the credit of such account. The Mississippi Department of
4008 Transportation, in cooperation with the railroads operating in
4009 Mississippi, shall promulgate rules to ensure equitable allocation
4010 of these funds to projects throughout the state and shall consider
4011 the proportionate number of main line track miles of each railroad
4012 and the number of public roadway/railroad grade crossings on each
4013 railroad's main line. Funds from the Mississippi Grade Crossing
4014 Closure Account shall be limited to the following purposes:
4015 financial aid for closure of public roadway/railroad grade
4016 crossings; realignment of construction costs of roadways being
4017 rerouted to facilitate a closure of a public roadway/railroad
4018 grade crossing; monies to match federal or other funds for a grade
4019 separation eliminating an at-grade crossing of a public roadway
4020 and railroad. The Mississippi Department of Transportation shall
4021 consider all requests from the state's diagnostic review of public
4022 roadway/railroad grade crossings and from individual railroads for
4023 expenditure of funds for these limited purposes and shall
4024 establish uniform criteria and guidelines relating to such
4025 crossings and the expenditure of funds.

4026 SECTION 73. Section 57-44-7, Mississippi Code of 1972, is
4027 amended as follows:

4028 57-44-7. (1) There is created a special fund in the State
4029 Treasury to be designated as the "Local Governments Freight Rail
4030 Service Project Revolving Loan Fund," which fund shall consist of
4031 such monies as provided in Sections 57-44-11 through 57-44-39.
4032 The fund shall be maintained in perpetuity for the purposes

4033 established in this chapter. Unexpended amounts remaining in the
4034 fund at the end of a fiscal year shall not lapse into the State
4035 General Fund, and * * * interest earned in the amount provided for
4036 in Section 27-105-33 on amounts in the fund shall be deposited to
4037 the credit of the fund. Monies in the fund may not be used or
4038 expended for any purpose except as authorized under this chapter.

4039 (2) The Department of Economic and Community Development
4040 shall establish a loan program by which loans, at a rate of
4041 interest not to exceed one percent (1%) less than the federal
4042 reserve discount rate, may be made available to counties and
4043 incorporated municipalities to provide loans to counties and
4044 incorporated municipalities which may be used by the governing
4045 authorities of such counties and municipalities to provide loans
4046 to railroad corporations for freight rail service projects. Loans
4047 from the revolving fund may be made to counties and municipalities
4048 as set forth in a loan agreement in amounts established by the
4049 Department of Economic and Community Development. The Department
4050 of Economic and Community Development may establish a maximum
4051 amount for any loan in order to provide for broad and equitable
4052 participation in the program.

4053 (3) A county that receives a loan from the revolving fund
4054 shall pledge for repayment of the loan any part of the homestead
4055 exemption annual tax loss reimbursement to which it may be
4056 entitled under Section 27-33-77. An incorporated municipality
4057 that receives a loan from the revolving fund shall pledge for
4058 repayment of the loan any part of the sales tax revenue
4059 distribution to which it may be entitled under Section 27-65-75.
4060 Each loan agreement shall provide for (i) monthly payments, (ii)
4061 semiannual payments or (iii) other periodic payments, the annual
4062 total of which shall not exceed the annual total for any other
4063 year of the loan by more than fifteen percent (15%). The loan
4064 agreement shall provide for the repayment of all funds received

4065 within not more than fifteen (15) years from the date of project
4066 completion.

4067 (4) The State Auditor, upon request of the Department of
4068 Economic and Community Development, shall audit the receipts and
4069 expenditures of a county or an incorporated municipality whose
4070 loan payments appear to be in arrears, and if he finds that the
4071 county or municipality is in arrears in such payments, he shall
4072 immediately notify the Executive Director of the Department of
4073 Finance and Administration who shall withhold all future payments
4074 to the county of homestead exemption reimbursements under Section
4075 27-33-77 and all sums allocated to the county or the municipality
4076 under Section 27-65-75 until such time as the county or the
4077 municipality is again current in its loan payments as certified by
4078 the Department of Economic and Community Development.

4079 (5) Evidences of indebtedness which are issued pursuant to
4080 this chapter shall not be deemed indebtedness within the meaning
4081 specified in Section 21-33-303 with regard to cities or
4082 incorporated towns, and in Section 19-9-5 with regard to counties.

4083 SECTION 74. Section 57-61-27, Mississippi Code of 1972, is
4084 amended as follows:

4085 57-61-27. (1) (a) Except as provided in paragraph (b) of
4086 this subsection, whenever bonds are issued, they shall be offered
4087 for sale at not less than par value and accrued interest and shall
4088 be sold by the seller at public or private sale, from time to
4089 time, in such manner and at such price as may be determined by the
4090 seller to be most advantageous.

4091 (b) Whenever bonds are issued in an aggregate principal
4092 amount not exceeding Twenty Million Dollars (\$20,000,000.00) with
4093 respect to improvements for a specific project, such bonds may be
4094 offered for sale at not less than ninety-eight percent (98%) of
4095 par value and accrued interest and shall be sold by the seller at
4096 public or private sale, from time to time, in such manner and at

4097 such price as may be determined by the seller to be most
4098 advantageous.

4099 (2) Any portion of any bond issue so offered and not sold or
4100 subscribed for at public sale may be disposed of by private sale
4101 by the seller in such manner and at such prices not less than par
4102 and accrued interest, as the seller shall direct.

4103 (3) When bonds are issued from time to time, the bonds of
4104 each issue shall constitute a separate series to be designated by
4105 the seller or may be combined for sale as one (1) series with
4106 other general obligation bonds of the State of Mississippi.

4107 (4) Until permanent bonds can be prepared, the seller may,
4108 in its discretion, issue, in lieu of permanent bonds, temporary
4109 bonds in such form and with such privileges as to registration and
4110 exchange for permanent bonds as may be determined by the seller.

4111 (5) Pending their application to the purposes authorized,
4112 bond proceeds held or deposited by the State Treasurer may be
4113 invested or reinvested as are other funds in the custody of the
4114 State Treasurer in the manner provided by law. * * * Interest
4115 earned in the amount provided for in Section 27-105-33 shall be
4116 paid into the State Treasury to the credit of the Mississippi
4117 Business Investment Sinking Fund.

4118 (6) The State Treasurer shall prepare the necessary registry
4119 book to be kept in the office of the duly authorized loan and
4120 transfer agent of the state for the registration of any bonds, at
4121 the request of owners thereof, according to the terms and
4122 conditions of issue directed by the seller.

4123 (7) All costs and expenses in connection with the issue of
4124 and sale and registration of the bonds and notes in connection
4125 with this chapter may be paid from the proceeds of bonds and notes
4126 issued under this chapter.

4127 (8) The seller may provide in the resolution authorizing the
4128 issuance of such bonds the employment of one or more persons or
4129 firms to assist in the sale of the bonds; to enter into contracts

4130 for banks or trust companies located either within or without the
4131 State of Mississippi to act as registrars, paying agents, transfer
4132 agents or otherwise, for rating of the bonds, and to purchase
4133 insurance.

4134 SECTION 75. Section 57-71-27, Mississippi Code of 1972, is
4135 amended as follows:

4136 57-71-27. (1) Whenever bonds are issued, they shall be
4137 offered for sale at not less than par value and accrued interest
4138 and shall be sold by the seller at public or private sale, from
4139 time to time, in such manner and at such price as may be
4140 determined by the seller to be most advantageous.

4141 (2) Any portion of any bond issue so offered and not sold or
4142 subscribed for at public sale may be disposed of by private sale
4143 by the seller in such manner and at such prices not less than par
4144 and accrued interest, as the seller shall direct.

4145 (3) When bonds are issued from time to time, the bonds of
4146 each issue shall constitute a separate series to be designated by
4147 the seller or may be combined for sale as one (1) series with
4148 other general obligation bonds of the State of Mississippi.

4149 (4) Until permanent bonds can be prepared, the seller may,
4150 in its discretion, issue, in lieu of permanent bonds, temporary
4151 bonds in such form and with such privileges as to registration and
4152 exchange for permanent bonds as may be determined by the seller.

4153 (5) Pending their application to the purposes authorized,
4154 bond proceeds held or deposited by the State Treasurer may be
4155 invested or reinvested as are other funds in the custody of the
4156 State Treasurer in the manner provided by law. * * * Interest
4157 earned in the amount provided for in Section 27-105-33(7) shall be
4158 paid into the State Treasury to the credit of the Mississippi
4159 Small Enterprise Development Finance Fund.

4160 (6) The State Treasurer shall prepare the necessary registry
4161 book to be kept in the office of the duly authorized loan and
4162 transfer agent of the state for the registration of any bonds, at

4163 the request of owners thereof, according to the terms and
4164 conditions of issue directed by the seller.

4165 (7) All costs and expenses in connection with the issue of
4166 and sale and registration of the bonds and notes in connection
4167 with this act may be paid from the proceeds of bonds and notes
4168 issued under this act.

4169 (8) The seller may provide in the resolution authorizing the
4170 issuance of such bonds for the employment of one or more persons
4171 or firms to assist in the sale of the bonds; to enter into
4172 contracts with financial institutions located either within or
4173 without the State of Mississippi to act as registrars, paying
4174 agents, transfer agents or otherwise; for rating of the bonds; and
4175 to purchase insurance.

4176 SECTION 76. Section 57-75-31, Mississippi Code of 1972, is
4177 amended as follows:

4178 57-75-31. There is created in the State Treasury a special
4179 fund, separate and apart from any other fund, to be designated the
4180 "Yellow Creek Project Area Fund," into which shall be deposited
4181 any funds authorized to be deposited by the Mississippi Major
4182 Economic Impact Authority pursuant to Section 57-75-11. Money
4183 deposited into the fund shall not lapse at the end of any fiscal
4184 year and * * * interest earned in the amount provided for in
4185 Section 27-105-33 on any investment of money in the fund shall
4186 remain in the fund. Money in the fund shall be appropriated by
4187 the Legislature upon recommendation of the Mississippi Major
4188 Economic Impact Authority to fund costs associated with the
4189 operation and management of the project described in Section
4190 57-75-5(f)(vii).

4191 SECTION 77. Section 57-77-35, Mississippi Code of 1972, is
4192 amended as follows:

4193 57-77-35. (1) Whenever bonds are issued, they shall be
4194 offered for sale at not less than par value and accrued interest
4195 and shall be sold by the seller at public or private sale, from

4196 time to time, in such manner and at such price as may be
4197 determined by the seller to be most advantageous.

4198 (2) Any portion of any bond issue so offered and not sold or
4199 subscribed for at public sale may be disposed of by private sale
4200 by the seller in such manner and at such prices not less than par
4201 and accrued interest, as the seller shall direct.

4202 (3) When bonds are issued from time to time, the bonds of
4203 each issue shall constitute a separate series to be designated by
4204 the seller or may be combined for sale as one (1) series with
4205 other general obligation bonds of the State of Mississippi.

4206 (4) Until permanent bonds can be prepared, the seller may,
4207 in its discretion, issue, in lieu of permanent bonds, temporary
4208 bonds in such form and with such privileges as to registration and
4209 exchange for permanent bonds as may be determined by the seller.

4210 (5) Pending their application to the purposes authorized,
4211 bond proceeds held or deposited by the State Treasurer may be
4212 invested or reinvested as are other funds in the custody of the
4213 State Treasurer in the manner provided by law. * * * Interest
4214 earned in the amount provided for in Section 27-105-33 shall be
4215 paid into the State Treasury to the credit of the Venture Capital
4216 Fund.

4217 (6) The State Treasurer shall prepare the necessary registry
4218 book to be kept in the office of the duly authorized loan and
4219 transfer agent of the state for the registration of any bonds, at
4220 the request of the owners thereof, according to the terms and
4221 conditions of issue directed by the seller.

4222 (7) All costs and expenses in connection with the issue of
4223 and sale and registration of the bonds and notes in connection
4224 with this chapter, and all costs and expenses, validly incurred
4225 pursuant to this chapter, in connection with implementation of the
4226 program and development of application forms, procedures and
4227 requirements for use in connection with the program, may be paid
4228 from the proceeds of bonds and notes issued under this chapter.

4229 (8) The seller may provide, in the resolution authorizing
4230 the issuance of such bonds, for the employment of one or more
4231 persons or firms to assist in the sale of the bonds; to enter into
4232 contracts with financial institutions located either within or
4233 without the State of Mississippi to act as registrar, paying
4234 agents, transfer agents or otherwise; for rating of the bonds; and
4235 to purchase insurance.

4236 SECTION 78. Section 63-11-53, Mississippi Code of 1972, is
4237 amended as follows:

4238 63-11-53. (1) All money derived from the seizure and
4239 forfeiture of vehicles under Section 63-11-30(2)(c) and (d) and
4240 Sections 63-11-49 and 63-11-51 by the Mississippi Highway Safety
4241 Patrol shall be forwarded to the State Treasurer and deposited in
4242 a special fund which is hereby created for use by the Department
4243 of Public Safety upon appropriation by the Legislature.
4244 Unexpended amounts remaining in such special fund at the end of a
4245 fiscal year shall not lapse into the State General Fund, and * * *
4246 interest earned in the amount provided for in Section 27-105-33 on
4247 amounts in such special fund shall be deposited to the credit of
4248 the special fund. All other law enforcement agencies shall
4249 establish a special fund which is to be used for law enforcement
4250 purposes to purchase equipment for the law enforcement agency, and
4251 any interest earned on the amount in such special fund shall be
4252 deposited to the credit of the special fund.

4253 (2) Except as otherwise provided in subsection (3), all
4254 vehicles that have been forfeited shall be sold at a public
4255 auction for cash by the law enforcement agency, to the highest and
4256 best bidder after advertising the sale for at least once each week
4257 for three (3) consecutive weeks, the last notice to appear not
4258 more than ten (10) days nor less than five (5) days prior to such
4259 sale, in a newspaper having a general circulation in the county in
4260 which the vehicle was seized. Such notices shall contain a
4261 description of the vehicle to be sold and a statement of the time

4262 and place of sale. It shall not be necessary to the validity of
4263 such sale either to have the vehicle present at the place of sale
4264 or to have the name of the owner thereof stated in such notice.
4265 The proceeds of the sale shall be disposed of as follows:

4266 (a) To any bona fide lienholder, secured party or other
4267 party holding an interest in the vehicle in the nature of a
4268 security interest, to the extent of his interest; and

4269 (b) The balance, if any, remaining after deduction of
4270 all storage, court costs and expenses of liquidation shall be
4271 deposited in the manner described in subsection (1) of this
4272 section.

4273 (3) The law enforcement agency may maintain, repair, use and
4274 operate for official purposes all vehicles that have been
4275 forfeited if the vehicles are free from any interest of a bona
4276 fide lienholder, secured party or other party who holds an
4277 interest in the nature of a security interest. The agency may
4278 purchase the interest of a bona fide lienholder, secured party or
4279 other party who holds an interest so that the vehicle can be
4280 released for its use. If the vehicle is susceptible of titling
4281 under the Mississippi Motor Vehicle Title Law, the agency shall be
4282 deemed to be the purchaser, and the certificate of title shall be
4283 issued to it as required by subsection (4) of this section.

4284 (4) The State Tax Commission shall issue a certificate of
4285 title to any person who purchases vehicles under the provisions of
4286 this section when a certificate of title is required under the
4287 laws of this state.

4288 SECTION 79. Section 65-1-111, Mississippi Code of 1972, is
4289 amended as follows:

4290 65-1-111. All monies from any source provided by law shall
4291 be covered and paid into the State Treasury as other public funds
4292 are paid, and it shall be the duty of the Department of Finance
4293 and Administration to advise the Mississippi Transportation
4294 Commission of the amount of money allotted to the commission on

4295 hand from time to time. It shall be the duty of the Department of
4296 Finance and Administration to place and allocate said funds so
4297 covered into the State Treasury in the State Highway Fund. * * *
4298 Interest earned in the amount provided for in Section 27-105-33 on
4299 the investment of any highway funds shall be paid into the State
4300 Highway Fund. In the event any highway bonds or notes are issued,
4301 the Transportation Commission will adopt a resolution requesting
4302 the Bond Commission to issue such bonds or notes as may be
4303 authorized and a "bond and interest sinking fund" and "note fund"
4304 shall likewise be kept separate from the highway fund by the State
4305 Treasurer pursuant to the bond resolution adopted by the State of
4306 Mississippi Bond Commission.

4307 SECTION 80. Section 65-4-15, Mississippi Code of 1972, is
4308 amended as follows:

4309 65-4-15. There is hereby established a special fund in the
4310 State Treasury to be known as the "Economic Development Highway
4311 Fund" which shall consist of such monies as the Legislature shall
4312 appropriate thereto or such other monies as the Legislature may
4313 designate to be deposited therein. Any monies to the credit of
4314 such fund may be expended by the Mississippi Department of
4315 Transportation or political subdivision, as appropriate, upon
4316 approval of requisitions therefor by the Department of Economic
4317 and Community Development for any expenses incurred by the
4318 Transportation Department or political subdivision in constructing
4319 and improving highways and highway segments which have been
4320 approved by the Department of Economic and Community Development
4321 under the provisions of this chapter. The Office of State Aid
4322 Road Construction shall be entitled to reimbursement from monies
4323 in the fund, upon approval by the Department of Economic and
4324 Community Development of requisitions therefor by the State Aid
4325 Engineer, for the actual expenses incurred by the office in
4326 administering and providing engineering services to political
4327 subdivisions. Monies remaining unexpended to the credit of such

4328 special fund at the end of a fiscal year shall not lapse into the
4329 State General Fund, and * * * interest earned in the amount
4330 provided for in Section 27-105-33 on the investment of monies in
4331 the special fund shall be deposited to the credit of the fund.

4332 SECTION 81. Section 65-26-25, Mississippi Code of 1972, is
4333 amended as follows:

4334 65-26-25. (1) Upon the issuance and sale of such bonds, the
4335 Bond Commission shall transfer the principal proceeds of any such
4336 sale or sales to the Bridge Construction Fund hereby created in
4337 the State Treasury. The proceeds of such bonds shall be used
4338 solely for the payment of the cost of the project or combined
4339 projects, which shall include costs incident to the issuance and
4340 sale of such bonds, and shall be disbursed solely upon the order
4341 of the Highway Commission under such restrictions, if any, as may
4342 be contained in the resolution providing for the issuance of the
4343 bonds.

4344 (2) Any revenues transferred to the Bridge Construction Fund
4345 from the Bond Retirement Fund as provided in this chapter shall be
4346 expended for the construction of any bridges described in Section
4347 65-26-5 upon the order of the Highway Commission. Such revenues
4348 shall not be commingled with any other funds in the Bridge
4349 Construction Fund but shall be kept separate and distinct
4350 therefrom.

4351 (3) Any funds in the Bridge Construction Fund which are not
4352 needed to make current payments to meet contractual obligations
4353 shall be invested in interest-bearing certificates of deposit in
4354 accordance with the provisions of Section 27-105-33, and
4355 interest * * * earned in the amount provided for in Section
4356 27-105-33 shall be credited to the Bridge Construction Fund.

4357 (4) When all contracts for bridge construction are paid in
4358 full then all funds in the Bridge Construction Fund and all funds
4359 invested as provided in subsection (3) of this section shall be
4360 transferred to the Bond Retirement Fund and no further diversion

4361 or transfer of said funds shall be made to the Bridge Construction
4362 Fund.

4363 SECTION 82. Section 65-37-13, Mississippi Code of 1972, is
4364 amended as follows:

4365 65-37-13. (1) There is created in the State Treasury a
4366 special fund to be designated as the "Local System Bridge
4367 Replacement and Rehabilitation Fund." The fund shall consist of
4368 such monies as the Legislature appropriates pursuant to subsection
4369 (2) of this section and such other monies as the Legislature may
4370 designate for deposit in the fund. Monies in the fund may be
4371 expended upon legislative appropriation in accordance with the
4372 provisions of Sections 65-37-1 through 65-37-15.

4373 (2) (a) During each regular legislative session held in
4374 calendar years 1995, 1996, 1997 and 1998, if the official General
4375 Fund revenue estimate for the succeeding fiscal year for which
4376 appropriations are being made reflects a growth in General Fund
4377 revenues of three percent (3%) or more for that succeeding fiscal
4378 year, then the Legislature shall appropriate Twenty-five Million
4379 Dollars (\$25,000,000.00) from the State General Fund for deposit
4380 into the Local System Bridge Replacement and Rehabilitation Fund.

4381 (b) During the regular legislative session held in
4382 calendar year 1999, if the official General Fund revenue estimate
4383 for the succeeding fiscal year for which appropriations are being
4384 made reflects a growth in General Fund revenues of two percent
4385 (2%) or more for the succeeding fiscal year, then the Legislature
4386 shall appropriate Ten Million Dollars (\$10,000,000.00) from the
4387 State General Fund for deposit into the Local System Bridge
4388 Replacement and Rehabilitation Fund.

4389 (c) During each regular legislative session held in
4390 calendar years 2001 through 2008, if the official General Fund
4391 revenue estimate for the succeeding fiscal year for which
4392 appropriations are being made reflects a growth in General Fund
4393 revenues of two percent (2%) or more for the succeeding fiscal

4394 year, then the Legislature shall appropriate Twenty Million
4395 Dollars (\$20,000,000.00) from the State General Fund for deposit
4396 into the Local System Bridge Replacement and Rehabilitation Fund.

4397 (3) Such monies as are deposited in the fund under the
4398 provisions of this section may be expended upon requisition
4399 therefor by the State Aid Engineer in accordance with the
4400 provisions of Sections 65-37-1 through 65-37-15. The Office of
4401 State Aid Road Construction shall be entitled to reimbursement
4402 from monies in the fund, upon requisitions therefor by the State
4403 Aid Engineer, for the actual expenses incurred by the office in
4404 administering the provisions of the local system bridge
4405 replacement and rehabilitation program. Unexpended amounts
4406 remaining in the fund at the end of a fiscal year shall not lapse
4407 into the State General Fund, and * * * interest earned in the
4408 amount provided for in Section 27-105-33 on amounts in the fund
4409 shall be deposited to the credit of the fund.

4410 (4) Monies in the Local System Bridge Replacement and
4411 Rehabilitation Fund shall be allocated and become available for
4412 distribution to counties in accordance with the formula prescribed
4413 in Section 65-37-4 beginning January 1, 1995, on a
4414 project-by-project basis. Monies in the Local System Bridge
4415 Replacement and Rehabilitation Fund may not be used or expended
4416 for any purpose except as authorized under Sections 65-37-1
4417 through 65-37-15.

4418 (5) Monies in the Local System Bridge Replacement and
4419 Rehabilitation Fund may be credited to a county in advance of the
4420 normal accrual to finance certain projects, subject to the
4421 approval of the State Aid Engineer and subject further to the
4422 following limitations:

4423 (a) That the maximum amount of such monies that may be
4424 advanced to any county shall not exceed ninety percent (90%) of
4425 the funds estimated to accrue to such county during the remainder
4426 of the term of office of the board of supervisors of such county;

4427 (b) That no advance credit of funds will be made to any
4428 county when the unobligated balance in the Local System Bridge
4429 Replacement and Rehabilitation Fund is less than One Million
4430 Dollars (\$1,000,000.00); and

4431 (c) That such advance crediting of funds be effected by
4432 the State Aid Engineer at the time of the approval of the plans
4433 and specifications for the proposed projects.

4434 It is the intent of this provision to utilize to the fullest
4435 practicable extent the balance of monies in the Local System
4436 Bridge Replacement and Rehabilitation Fund on hand at all times.

4437 SECTION 83. Section 65-39-3, Mississippi Code of 1972, is
4438 amended as follows:

4439 65-39-3. There is created in the State Treasury a special
4440 fund to be designated as the "Gaming Counties Bond Sinking Fund."
4441 Such monies as the Legislature directs or provides to be deposited
4442 into the fund may be expended, upon legislative appropriation, to
4443 pay the interest on and principal of bonds issued pursuant to
4444 Sections 65-39-5 through 65-39-33 or to pay the interest on and
4445 principal of notes issued under Section 31-17-127 for the purpose
4446 of providing funds for infrastructure projects under Section
4447 65-39-1; provided, however, that if at any time the fund has a
4448 balance in excess of the amount needed to pay the interest on or
4449 the principal of any bonds or notes maturing in the next two (2)
4450 consecutive fiscal years, such excess may be transferred to the
4451 "Gaming Counties State Assisted Infrastructure Fund" to be
4452 disbursed solely upon the order of the Transportation Commission.
4453 Unexpended amounts remaining in the sinking fund at the end of the
4454 fiscal year shall not lapse into the State General Fund, and * * *
4455 interest earned in the amount provided for in Section 27-105-33 on
4456 amounts in the sinking fund shall be deposited to the credit of
4457 the sinking fund.

4458 SECTION 84. Section 69-9-5, Mississippi Code of 1972, is
4459 amended as follows:

4460 69-9-5. (1) There is imposed and levied an assessment at
4461 the rate of One Cent (1¢) per bushel on all soybeans grown within
4462 the State of Mississippi, and such assessment shall be deducted by
4463 the purchaser from the amount paid the producer at the first point
4464 of sale, whether within or without the state. Assessments on
4465 soybeans put under loan to the Commodity Credit Corporation or
4466 purchased by the Commodity Credit Corporation and delivered to it
4467 shall be payable when such soybeans are placed under loan or are
4468 purchased. The Commodity Credit Corporation may require deduction
4469 and payment of the assessment from the loan proceeds or from the
4470 purchase price on the behalf of the producer. Assessments on
4471 soybeans put under loan to the Commodity Credit Corporation and
4472 redeemed by the producer before the takeover date, if already paid
4473 by having been deducted from the loan proceeds, shall not be
4474 deducted by each handler from the amount paid the producer at the
4475 first point of sale as provided in this section; otherwise, the
4476 assessment shall be deducted. Any soybean producer may request
4477 and receive a refund of the amount of assessment deducted from the
4478 sale of his soybeans provided he makes a written application with
4479 the Department of Agriculture and Commerce within sixty (60) days
4480 from date of sale, supported by bona fide copies of sales slips
4481 signed by the purchaser. The application forms shall be prepared
4482 by the Department of Agriculture and Commerce and shall be
4483 available at the first point of sale. All such applications shall
4484 be processed and refunds paid by the Department of Agriculture and
4485 Commerce within sixty (60) days after the funds have been received
4486 by the department. Each marketing agency shall be furnished a
4487 poster to be displayed in a prominent place, stating that refunds
4488 are available and forms to be used, including self-addressed
4489 envelopes, are available at its office.

4490 (2) The assessment imposed and levied by this section shall
4491 be payable to and collected by the Department of Agriculture and
4492 Commerce, hereafter referred to as "the department," from the

4493 purchaser of such soybeans at the first point of sale or from the
4494 Commodity Credit Corporation as provided in subsection (1) of this
4495 section. The proceeds of the assessment collected by the
4496 department shall be deposited monthly with the State Treasurer in
4497 a special fund to be established as the "Mississippi Soybean
4498 Promotion Fund," and disbursement therefrom shall be made upon
4499 warrants issued by the State Fiscal Officer upon requisitions
4500 signed by the Chairman and Secretary-Treasurer of the Mississippi
4501 Soybean Promotion Board, or their designee, in the manner provided
4502 by law. * * * Interest earned in the amount provided for in
4503 Section 27-105-33 by investing the proceeds in such special fund
4504 shall be credited to such special fund and shall not be deposited
4505 in the State General Fund. The State Fiscal Officer is authorized
4506 to issue warrants for the payment of monies from the Mississippi
4507 Soybean Promotion Fund upon requisition by the Commissioner of
4508 Agriculture and Commerce, or his designee, for refunds to
4509 producers as provided under subsection (1) of this section.

4510 (3) The department shall monthly pay over to the Mississippi
4511 Soybean Promotion Fund the funds collected, less three and
4512 one-half percent (3-1/2 %) of the gross amount collected. The
4513 monthly settlement to the Mississippi Soybean Promotion Board
4514 shall be made on or before the twentieth day of each month and
4515 shall be accompanied by a complete report of all funds collected
4516 and disbursed.

4517 (4) Each purchaser or the Commodity Credit Corporation shall
4518 keep a complete and accurate record of all soybeans handled by him
4519 and shall furnish each producer with a signed sales slip showing
4520 the number of bushels purchased from him and the amount deducted
4521 by him for the Mississippi Soybean Promotion Fund. Such records
4522 shall be in such form and contain such other information as the
4523 department shall by rule or regulation prescribe. The records
4524 shall be preserved by the purchaser for a period of two (2) years
4525 and shall be offered for inspection at any time upon oral or

4526 written demand by the department or any duly authorized agent or
4527 representative thereof. Every purchaser or the Commodity Credit
4528 Corporation, at such time or times as the department may require,
4529 shall submit reports or other documentary information deemed
4530 necessary for the efficient and equitable collection of the
4531 assessment imposed in this chapter. The department shall have the
4532 power to cause any duly authorized agent or representative to
4533 enter upon the premises of any purchaser of soybeans and examine
4534 or cause to be examined by such agent only books, papers and
4535 records which deal in any way with the payment of the assessment
4536 or enforcement of the provisions of this chapter.

4537 SECTION 85. Section 69-10-5, Mississippi Code of 1972, is
4538 amended as follows:

4539 69-10-5. (1) There is imposed and levied an assessment at
4540 the rate of Two Cents (2¢) per bushel on all rice grown within the
4541 State of Mississippi; from and after July 1, 1991, the rate of
4542 assessment shall be increased by an additional One Cent (1¢) per
4543 bushel so that the total assessment equals Three Cents (3¢) per
4544 bushel. Such assessment shall be deducted by the purchaser from
4545 the amount paid the producer at the first point of sale, whether
4546 within or without the state. Assessments on rice put under loan
4547 to the Commodity Credit Corporation or purchased by the Commodity
4548 Credit Corporation and delivered to it shall be payable when such
4549 rice is placed under loan or is purchased. The Commodity Credit
4550 Corporation may require deduction and payment of the assessment
4551 from the loan proceeds or from the purchase price on the behalf of
4552 the producer. Assessments on rice put under loan to the Commodity
4553 Credit Corporation and redeemed by the producer before the
4554 takeover date, if already paid by having been deducted from the
4555 loan proceeds shall not be deducted by each miller or handler from
4556 the amount paid the producer at the first point of sale as
4557 provided in this section; otherwise, the assessment shall be
4558 deducted.

4559 (2) The assessment imposed and levied by this section shall
4560 be payable to and collected by the Mississippi Department of
4561 Agriculture and Commerce, hereafter referred to as "the
4562 department," from the purchaser of such rice at the first point of
4563 sale or from the Commodity Credit Corporation as provided in
4564 subsection (1) of this section. The proceeds of the assessment
4565 collected by the department shall be deposited monthly with the
4566 State Treasurer in a special fund to be established as the
4567 "Mississippi Rice Promotion Fund," and disbursement therefrom
4568 shall be made upon warrants issued by the State Fiscal Officer
4569 upon requisitions signed by the Chairman and Secretary-Treasurer
4570 of the Mississippi Rice Promotion Board, or their designee, in the
4571 manner provided by law. The State Treasurer shall invest such
4572 proceeds and * * * interest earned thereon in the amount provided
4573 for in Section 27-105-33 shall be credited to such special fund
4574 and shall not be deposited in the State General Fund.

4575 (3) The Mississippi Department of Agriculture and Commerce
4576 shall submit to the Mississippi Rice Promotion Board a budget
4577 detailing and justifying the administrative costs of the
4578 department in administering the provisions of this chapter, and
4579 such budget must be approved by the Mississippi Rice Promotion
4580 Board by April 1 of each year. The department shall monthly pay
4581 over to the Mississippi Rice Promotion Fund the funds collected,
4582 less an amount not to exceed three and one-half percent (3-1/2%)
4583 of the gross amount collected. The amount withheld by the
4584 department must be approved by the Mississippi Rice Promotion
4585 Board by July 1 of each year. The monthly settlement to the
4586 Mississippi Rice Promotion Board shall be made on or before the
4587 twentieth day of each month and shall be accompanied by a complete
4588 report of all funds collected and disbursed.

4589 (4) Each purchaser or the Commodity Credit Corporation shall
4590 keep a complete and accurate record of all rice handled by him and
4591 shall furnish each producer with a signed sales slip showing the

4592 number of bushels purchased from him and the amount deducted by
4593 him for the Mississippi Rice Promotion Fund. Such records shall
4594 be in such form and contain such other information as the
4595 department shall by rule or regulation prescribe. The records
4596 shall be preserved by the purchaser for a period of two (2) years
4597 and shall be offered for inspection at any time upon oral or
4598 written demand by the department or any duly authorized agent or
4599 representative thereof. Every purchaser or the Commodity Credit
4600 Corporation, at such time or times as the commissioner of the
4601 department may require, shall submit reports or other documentary
4602 information deemed necessary for the efficient and equitable
4603 collection of the assessment imposed in this chapter. The
4604 department shall have the power to cause any duly authorized agent
4605 or representative to enter upon the premises of any purchaser of
4606 rice and examine or cause to be examined by such agent, only
4607 books, papers and records which deal in any way with respect to
4608 the payment of the assessment or enforcement of the provisions of
4609 this chapter.

4610 (5) This section shall stand repealed from and after July 1,
4611 2005.

4612 SECTION 86. Section 69-27-347, Mississippi Code of 1972, is
4613 amended as follows:

4614 69-27-347. For the payment of such bonds and the interest
4615 thereon, the full faith, credit and taxing power of the State of
4616 Mississippi are hereby irrevocably pledged. If the Legislature
4617 finds that there are sufficient funds available in the General
4618 Fund of the State Treasury to pay maturing principal and accruing
4619 interest of the bonds, and if the Legislature appropriates such
4620 available funds for the purpose of paying such maturing principal
4621 and accruing interest, then the maturing principal and accruing
4622 interest of the bonds shall be paid from appropriations made by
4623 the Legislature from the General Fund of the State Treasury.

4624 However, in addition to the full faith, credit and taxing
4625 power pledged by the state, the State Soil and Water Conservation
4626 Commission shall be responsible for the payment of Two Million
4627 Dollars (\$2,000,000.00) of such bonds and interest thereon. Such
4628 payments shall be derived from the revolving fund established
4629 pursuant to Section 69-27-343. The State Soil and Water
4630 Conservation Commission shall only be responsible for such
4631 payments after the initial amount of One Million Dollars
4632 (\$1,000,000.00) of such bonds have been issued and are paid for
4633 solely from the General Fund.

4634 All monies in such revolving fund which are not necessary to
4635 pay accruing bonds and interest shall be invested by the State
4636 Treasurer in such securities as are provided by law for the
4637 investment of funds of the state, and * * * interest earned in the
4638 amount provided for in Section 27-105-33 shall be transferred by
4639 the Treasurer into the revolving fund created in Section
4640 69-27-343.

4641 SECTION 87. Section 69-37-39, Mississippi Code of 1972, is
4642 amended as follows:

4643 69-37-39. There is hereby created within the State Treasury
4644 a special fund to be designated the "Boll Weevil Management Fund"
4645 into which shall be deposited all the revenues required to be
4646 deposited into such fund pursuant to Section 27-65-75(14),
4647 Mississippi Code of 1972. Money deposited into the fund shall not
4648 lapse at the end of any fiscal year and interest earned on the
4649 proceeds in such special fund in the amount provided for in
4650 Section 27-105-33 shall be deposited into such fund. Money from
4651 such fund shall be disbursed therefrom upon warrants issued by the
4652 State Fiscal Officer upon requisitions signed by the Commissioner
4653 of Agriculture and Commerce to assist the Department of
4654 Agriculture and Commerce in carrying out its duties under the
4655 Mississippi Boll Weevil Management Act (Section 69-37-1 et seq.,
4656 Mississippi Code of 1972). The Commissioner of Agriculture and

4657 Commerce may disburse all or any portion of the money the
4658 Department of Agriculture and Commerce receives from the fund to
4659 the Certified Cotton Growers Organization, as defined in Section
4660 69-37-5, Mississippi Code of 1972, to assist such organization in
4661 carrying out its duties under the Mississippi Boll Weevil
4662 Management Act.

4663 SECTION 88. Section 69-43-5, Mississippi Code of 1972, is
4664 amended as follows:

4665 69-43-5. (1) There is imposed and levied an assessment not
4666 to exceed Eight Dollars (\$8.00) per ratite slaughtered within the
4667 State of Mississippi. Such assessment shall be deducted by the
4668 processor from the amount paid the producer at the first point of
4669 processing or sale.

4670 (2) The assessment imposed and levied by this section shall
4671 be payable to and collected by the Mississippi Department of
4672 Agriculture and Commerce, hereafter referred to as "the
4673 department," from the processor of such ratites at the first point
4674 of processing or sale. The proceeds of the assessment collected
4675 by the department shall be deposited monthly with the State
4676 Treasurer in a special fund to be established as the "Mississippi
4677 Ratite Promotion Fund," and disbursement therefrom shall be made
4678 upon warrants issued by the State Fiscal Officer upon requisitions
4679 signed by the Chairman and Secretary-Treasurer of the Mississippi
4680 Ratite Council and Promotion Board, or their designee, in the
4681 manner provided by law. The State Treasurer shall invest such
4682 proceeds and * * * interest earned thereon in the amount provided
4683 for in Section 27-105-33 shall be credited to such special fund
4684 and shall not be deposited in the State General Fund.

4685 (3) The Mississippi Department of Agriculture and Commerce
4686 shall submit to the Mississippi Ratite Council and Promotion Board
4687 a budget detailing and justifying the administrative costs of the
4688 department in administering the provisions of this chapter, and
4689 such budget must be approved by the Mississippi Ratite Council and

4690 Promotion Board by April 1 of each year. The amount withheld by
4691 the department, which shall not exceed three and one-half percent
4692 (3-1/2%) of the gross amount collected, must be approved by the
4693 Mississippi Ratite Council and Promotion Board by July 1 of each
4694 year.

4695 SECTION 89. Section 69-45-13, Mississippi Code of 1972, is
4696 amended as follows:

4697 69-45-13. There is created a special fund to be designated
4698 as the "Mississippi Agricultural Promotions Fund" within the State
4699 Treasury to receive all monies related to the Mississippi
4700 Agricultural Promotions Program. Monies deposited in the fund
4701 shall be expended, upon legislative appropriations, and upon
4702 requisition therefor by the Commissioner of Agriculture, for the
4703 sole purpose of implementing the Mississippi Agricultural
4704 Promotions Program. Unexpended amounts remaining in the fund at
4705 the end of the fiscal year shall not lapse into the State General
4706 Fund, and * * * interest earned in the amount provided for in
4707 Section 27-105-33 on amounts in the fund shall be deposited to the
4708 credit of the fund.

4709 SECTION 90. Section 71-3-97, Mississippi Code of 1972, is
4710 amended as follows:

4711 71-3-97. (1) There is hereby established in the State
4712 Treasury a special fund for the purpose of providing for the
4713 payment of all expenses in respect to the administration of this
4714 chapter. Such fund shall be administered by the commission. The
4715 State Treasurer shall be the custodian of such funds, and all
4716 monies and securities in such fund shall be held in trust by such
4717 Treasurer and shall not be the money or property of the state.

4718 (2) The State Treasurer is authorized to disburse monies
4719 from such fund only upon order of the commission. The official
4720 bond of the State Treasurer shall be conditioned for the faithful
4721 performance of his duty hereunder.

4722 (3) The State Treasurer shall deposit any monies paid into
4723 such fund into such qualified depository banks as the commission
4724 may designate, and is authorized to invest any portion of the fund
4725 which, in the opinion of the commission, is not needed for current
4726 requirements, in the same manner and subject to all the provisions
4727 of the law with respect to the deposit of state funds by such
4728 Treasurer. * * * Interest earned in the amount provided for in
4729 Section 27-105-33 by such portion of the fund as may be invested
4730 by the State Treasurer shall be collected by him and placed to the
4731 credit of such fund.

4732 (4) All civil penalties provided in this chapter, if not
4733 voluntarily paid, may be collected by civil suit brought by the
4734 commission, and shall be paid into such fund.

4735 SECTION 91. Section 73-4-15, Mississippi Code of 1972, is
4736 amended as follows:

4737 73-4-15. All fees received by the commission under this
4738 chapter shall be deposited into a special fund which is hereby
4739 created in the State Treasury, to be known as the "Mississippi
4740 Auctioneer Licensure Fund." Unexpended amounts remaining in such
4741 special fund at the end of a fiscal year shall not lapse into the
4742 State General Fund, and * * * interest earned in the amount
4743 provided for in Section 27-105-33 on amounts in such special fund
4744 shall be deposited to the credit of the special fund. All records
4745 of such fees received by the commission and deposited in the
4746 special fund shall be available for inspection by the State
4747 Auditor. Monies from the special fund shall be used to support
4748 the commission, upon appropriation by the Legislature.

4749 SECTION 92. Section 73-5-5, Mississippi Code of 1972, is
4750 amended as follows:

4751 73-5-5. (1) All fees and any other monies received by the
4752 board shall be deposited in a special fund that is created in the
4753 State Treasury and shall be used for the implementation and
4754 administration of this chapter when appropriated by the

4755 Legislature for such purpose. The monies in the special fund
4756 shall be subject to all provisions of the state budget laws that
4757 are applicable to special fund agencies, and disbursements from
4758 the special fund shall be made by the State Treasurer only upon
4759 warrants issued by the State Fiscal Officer upon requisitions
4760 signed by the president of the board and countersigned by the
4761 secretary of the board. * * * Interest earned on this special
4762 fund in the amount provided for in Section 27-105-33 shall be
4763 credited by the State Treasurer to the fund and shall not be paid
4764 into the State General Fund. Any unexpended monies remaining in
4765 the special fund at the end of a fiscal year shall not lapse into
4766 the State General Fund.

4767 (2) The State Auditor shall audit the financial affairs of
4768 the board and the transactions involving the special fund at least
4769 once a year in the same manner as for other special fund agencies.
4770 In addition, the Governor, in his discretion, shall have the power
4771 from time to time to require an audit of the financial affairs of
4772 the board, the same to be made by the State Auditor upon request
4773 of the Governor. The Governor shall have the power to suspend any
4774 member of the board who shall be found short in any account until
4775 such time as it shall be definitely determined whether such
4776 shortage was the result of an act of dishonesty on the part of the
4777 member.

4778 SECTION 93. Section 73-7-5, Mississippi Code of 1972, is
4779 amended as follows:

4780 73-7-5. (1) All fees and any other monies received by the
4781 board shall be deposited in a special fund that is created in the
4782 State Treasury and shall be used for the implementation and
4783 administration of this chapter when appropriated by the
4784 Legislature for such purpose. The monies in the special fund
4785 shall be subject to all provisions of the state budget laws that
4786 are applicable to special fund agencies, and shall be disbursed by
4787 the State Treasurer only upon warrants issued by the State Fiscal

4788 Officer upon requisitions signed by the president of the board or
4789 another board member designated by the president, and
4790 countersigned by the secretary of the board. * * * Interest
4791 earned on this special fund in the amount provided for in Section
4792 27-105-33 shall be credited by the State Treasurer to the fund and
4793 shall not be paid into the State General Fund. Any unexpended
4794 monies remaining in the special fund at the end of a fiscal year
4795 shall not lapse into the State General Fund.

4796 (2) The State Auditor shall audit the financial affairs of
4797 the board and the transactions involving the special fund at least
4798 once a year in the same manner as for other special fund agencies.
4799 In addition, the Governor, in his discretion, shall have the power
4800 from time to time to require an audit of the financial affairs of
4801 the board, the same to be made by the State Auditor upon request
4802 of the Governor. The Governor shall have the power to suspend any
4803 member of the board who shall be found in default in any account
4804 until such time as it shall be determined whether such default was
4805 a result of an act of dishonesty on the part of the member, and in
4806 the event it is found that such default is an act of dishonesty,
4807 misfeasance or nonfeasance on the part of the member, such member
4808 shall be immediately removed by the Governor from office.

4809 SECTION 94. Section 73-9-43, Mississippi Code of 1972, is
4810 amended as follows:

4811 73-9-43. (1) The secretary shall collect in advance all
4812 fees provided for in this chapter as established by the board, not
4813 to exceed:

| | | |
|------|------------------------------------------------------|-----------|
| 4814 | Application for dental license..... | \$ 600.00 |
| 4815 | Application for dental license through credentials.. | 2,500.00 |
| 4816 | Application for dental specialty license..... | 400.00 |
| 4817 | Application for dental institutional, teaching or | |
| 4818 | provisional license..... | 600.00 |
| 4819 | Application for dental hygiene license..... | 400.00 |
| 4820 | Application for dental hygiene license through | |

| | | |
|------|-------------------------------------------------------|--------|
| 4821 | credentials..... | 750.00 |
| 4822 | Application for dental hygiene institutional, | |
| 4823 | teaching or provisional license..... | 400.00 |
| 4824 | Application for general anesthesia permit..... | 400.00 |
| 4825 | Application for I.V. sedation permit..... | 400.00 |
| 4826 | Application for radiology permit..... | 100.00 |
| 4827 | Annual dental license renewal..... | 300.00 |
| 4828 | Annual dental specialty license renewal..... | 100.00 |
| 4829 | Annual dental institutional, teaching or provisional | |
| 4830 | license renewal..... | 300.00 |
| 4831 | Annual dental hygiene license renewal..... | 150.00 |
| 4832 | Annual dental hygiene institutional, teaching or | |
| 4833 | provisional license renewal..... | 150.00 |
| 4834 | Annual general anesthesia permit renewal..... | 100.00 |
| 4835 | Annual I.V. sedation permit renewal..... | 100.00 |
| 4836 | Annual radiology permit renewal..... | 75.00 |
| 4837 | Penalty for delinquent renewal of dental licenses; | |
| 4838 | dental specialty licenses; and dental institutional, | |
| 4839 | teaching and provisional licenses: | |
| 4840 | First month (plus annual renewal fee)..... | 100.00 |
| 4841 | Second month (plus annual renewal fee)..... | 150.00 |
| 4842 | Third month (plus annual renewal fee)..... | 200.00 |
| 4843 | Penalty for delinquent renewal of dental hygiene | |
| 4844 | licenses and dental hygiene institutional, teaching | |
| 4845 | and provisional licenses: | |
| 4846 | First month (plus annual renewal fee)..... | 50.00 |
| 4847 | Second month (plus annual renewal fee)..... | 75.00 |
| 4848 | Third month (plus annual renewal fee)..... | 100.00 |
| 4849 | Penalty for delinquent renewal of radiology permits: | |
| 4850 | First month (plus annual renewal fee)..... | 45.00 |
| 4851 | Second month (plus annual renewal fee)..... | 65.00 |
| 4852 | Third month (plus annual renewal fee)..... | 75.00 |
| 4853 | Penalty for nonnotification of change of address..... | 50.00 |

| | | |
|------|-------------------------------------------------|--------|
| 4854 | Penalty for duplicate renewal forms and | |
| 4855 | certification cards..... | 50.00 |
| 4856 | Duplicate or replacement license or permit..... | 40.00 |
| 4857 | Certification of licensure status..... | 40.00 |
| 4858 | Certified copy of license or permit..... | 40.00 |
| 4859 | Handling fee for nonsufficient funds check..... | 50.00 |
| 4860 | Requests for database information..... | 300.00 |
| 4861 | Radiology examinations administered in board's | |
| 4862 | office..... | 100.00 |
| 4863 | Dental and dental hygiene licensure examination | |
| 4864 | manuals..... | 50.00 |
| 4865 | Dental and dental hygiene licensure by | |
| 4866 | credentials packets..... | 50.00 |
| 4867 | Laws and/or regulations..... | 50.00 |
| 4868 | Disciplinary action orders..... | 25.00 |
| 4869 | Newsletters..... | 20.00 |

4870 The payment of annual dentist registration fees shall be
4871 optional with all dentists over the age of seventy (70) years.

4872 (2) The board may enact and enforce for delinquency in
4873 payment for any fees set out in this section a penalty in addition
4874 to the fee of an amount up to but not in excess of the fee. An
4875 additional fee of an amount equal to the first penalty may be
4876 assessed for each thirty (30) days, or part thereof, of
4877 delinquency. If any licensed and registered dentist or dental
4878 hygienist should be delinquent in payment of registration fees for
4879 a period as long as ninety (90) days, such person shall be
4880 presumed to be no longer practicing and shall be stricken from the
4881 rolls, and in order to practice his or her profession in this
4882 state thereafter may, at the discretion of the board, be
4883 considered as a new applicant and subject to examination and other
4884 licensing requirements as an original applicant.

4885 (3) The secretary shall faithfully account for all monies
4886 received by the board. All fees and any other monies received by

4887 the board, except monetary penalties collected under Section
4888 73-9-61, shall be deposited in a special fund that is created in
4889 the State Treasury and shall be used for the implementation and
4890 administration of this chapter when appropriated by the
4891 Legislature for such purpose. The monies in the special fund
4892 shall be subject to all provisions of the state budget laws that
4893 are applicable to special fund agencies, and disbursements from
4894 the special fund shall be made by the State Treasurer only upon
4895 warrants issued by the State Fiscal Officer upon requisitions
4896 signed by the president, secretary or administrative officer of
4897 the board. * * * Interest earned on this special fund in the
4898 amount provided for in Section 27-105-33 shall be credited by the
4899 State Treasurer to the fund and shall not be paid into the State
4900 General Fund. Any unexpended monies remaining in the special fund
4901 at the end of a fiscal year shall not lapse into the State General
4902 Fund.

4903 (4) It shall be the duty of the State Auditor to audit the
4904 financial affairs of the board, the transactions involving the
4905 special fund and the books of the secretary of the board at least
4906 once a year in the same manner as for other special fund agencies,
4907 and at any time requested to do so by a majority of the board
4908 casting their vote for such audit and while in a lawfully called
4909 meeting. The report of the State Auditor shall be incorporated in
4910 the minute book of the board.

4911 (5) All fees collected from applicants, duplicate licenses,
4912 certificates of recommendation and certified copies of licenses
4913 shall be distributed among the members of the board in such
4914 proportion as to allow the secretary twice the remuneration each
4915 of the other seven (7) members receive as their compensation for
4916 examining applicants for licensure. Provided, however, that for
4917 examining applicants for licensure the secretary shall receive no
4918 more than Twenty-four Hundred Dollars (\$2400.00) per year and no
4919 other member shall receive more than Twelve Hundred Dollars

4920 (\$1200.00) per year. The receipt of said compensation shall not
4921 entitle members of the board to receive or be eligible for any
4922 state employee group insurance, retirement or other fringe
4923 benefits. Provided further, that any fees or income other than
4924 the maximum allowable for examining applicants for licensure as
4925 set out above shall be accounted for and may be used as needed in
4926 carrying out the provisions of this chapter.

4927 (6) Fees collected from annual registration shall be used to
4928 maintain an office adequately staffed insofar as funds are
4929 available and provide other services as may be needed for carrying
4930 out the powers and duties of the board within the provisions of
4931 this chapter. Fees collected from annual registration shall also
4932 be used to pay the per diem and defray the expense of members of
4933 the board for attendance at meetings other than those for the
4934 purpose of examining applicants for licenses. In addition, a
4935 portion of the fee charged for annual dentist registration, annual
4936 specialty registration, annual dental hygienist registration, and
4937 annual institutional, teaching or provisional registration may be
4938 used to support a program to aid impaired dentists and/or dental
4939 hygienists. The payment of per diem and expense for attending
4940 said board meetings shall be in addition to the compensation
4941 permitted above for examining applicants for licensure, and the
4942 per diem shall not exceed the amount provided in Section 25-3-69.

4943 SECTION 95. Section 73-13-17, Mississippi Code of 1972, is
4944 amended as follows:

4945 73-13-17. (1) The board shall keep an account of all monies
4946 derived from the operation of this chapter. All fees and any
4947 other monies received by the board shall be deposited in a special
4948 fund that is created in the State Treasury and shall be used for
4949 the implementation and administration of this chapter when
4950 appropriated by the Legislature for such purpose. The monies in
4951 the special fund shall be subject to all provisions of the state
4952 budget laws that are applicable to special fund agencies, and

4953 disbursements from the special fund shall be made by the State
4954 Treasurer only upon warrants issued by the State Fiscal Officer
4955 upon requisitions signed by the executive director of the board
4956 and countersigned by the secretary of the board. * * * Interest
4957 earned on this special fund in the amount provided for in Section
4958 27-105-33 shall be credited by the State Treasurer to the fund and
4959 shall not be paid into the State General Fund. Any unexpended
4960 monies remaining in the special fund at the end of a fiscal year
4961 shall not lapse into the State General Fund. The State Auditor
4962 shall audit the financial affairs of the board and the
4963 transactions involving the special fund at least once a year in
4964 the same manner as for other special fund agencies.

4965 (2) The executive director and the secretary of the board
4966 shall give a surety bond satisfactory to the other members of the
4967 board, conditioned upon the faithful performance of their duties.
4968 The premium on said bond shall be regarded as a proper and
4969 necessary expense of the board. When any member of the board or
4970 any employee thereof is engaged on business of the board away from
4971 the principal office of the board, he shall be entitled to receive
4972 expenses as authorized in Section 25-3-41, and members of the
4973 board shall be entitled to per diem in an amount not to exceed
4974 that authorized in Section 25-3-69, all as approved by the board.

4975 (3) The board shall employ an executive director and may
4976 employ such clerical or other assistants as are necessary for the
4977 proper performance of its work, and may make expenditures for any
4978 purpose which in the opinion of the board are reasonably necessary
4979 for the proper performance of its duties under this chapter.

4980 SECTION 96. Section 73-17-7, Mississippi Code of 1972, is
4981 amended as follows:

4982 73-17-7. (1) There is hereby created the Mississippi State
4983 Board of Nursing Home Administrators. This board shall consist of
4984 seven (7) persons, in addition to the State Health Officer, or his
4985 designee, who shall be an ex-officio member without voting

4986 privilege, to be appointed by the Governor with the advice and
4987 consent of the Senate, each of whom shall be a qualified elector
4988 of the State of Mississippi; the members of said board shall be
4989 selected from a list of names submitted to the Governor as
4990 provided for hereinafter. In making initial appointments, three
4991 (3) members shall be appointed for a term of two (2) years; two
4992 (2) members shall be appointed for terms of three (3) years; and
4993 two (2) members for terms of four (4) years; and until their
4994 successors are appointed and qualified; thereafter, the terms of
4995 the members of the said board shall be for four (4) years and
4996 until their successors are appointed and qualified. In the event
4997 of the occurrence of a vacancy during the term of office of its
4998 incumbent, such vacancy shall be filled for the unexpired portion
4999 of the term. The members of this board shall include the
5000 following:

5001 (a) One (1) educator with expertise in the field of
5002 health care and associated at the time of his appointment with an
5003 institution of higher learning within the State of Mississippi.

5004 (b) A registered nurse.

5005 (c) A licensed and practicing medical doctor or
5006 physician.

5007 (d) Three (3) licensed and practicing nursing home
5008 administrators, no more than one (1) of whom shall be from the
5009 same Supreme Court district, who shall have had at least five (5)
5010 years' actual experience as a nursing home administrator.

5011 (e) A hospital administrator.

5012 Only the board members who are nursing home administrators
5013 may have a direct financial interest in any nursing home.

5014 The Mississippi Nurses Association may submit a list of
5015 nominees for the appointment of the registered nurse member; the
5016 Mississippi State Medical Association may submit a list of
5017 nominees for the appointment of the medical doctor or physician
5018 member; the Mississippi Health Care Association and the

5019 Mississippi Health Facilities Association may submit lists of
5020 nominees for the appointment of the nursing home administrator
5021 members; and the Mississippi State Hospital Association may submit
5022 a list of nominees for the appointment of the hospital
5023 administrator member. Any such list of nominees shall be
5024 submitted at least thirty (30) days before the expiration of the
5025 term for each position.

5026 Vacancies occurring on the board shall be filled by
5027 appointment by the Governor of individuals having the same
5028 prerequisite qualifications as required by this section for the
5029 vacancy being filled. The affected group may submit a list of
5030 nominees not more than thirty (30) days after a vacancy occurs.

5031 (2) The board shall organize by selecting annually from its
5032 members a chairman and a vice chairman, and may do all things
5033 necessary and convenient for carrying into effect the provisions
5034 of this chapter and may from time to time promulgate rules and
5035 regulations. Each member of the board shall receive a per diem as
5036 provided in Section 25-3-69, plus travel and reasonable necessary
5037 expenses incidental to the attendance at each meeting as provided
5038 in Section 25-3-41. Any member who shall not attend two (2)
5039 consecutive meetings of the board shall be subject to removal by
5040 the Governor. The chairman of the board shall notify the Governor
5041 in writing when any such member has failed to attend two (2)
5042 consecutive regular meetings.

5043 (3) The board shall adopt a seal.

5044 (4) The board is hereby authorized to acquire office space
5045 and to employ such personnel as shall be necessary in the
5046 performance of its duties, including a secretary-treasurer, who
5047 shall be bonded in an amount to be fixed by the board, but in no
5048 event less than the amount of Five Thousand Dollars (\$5,000.00).

5049 (5) All fees and any other monies received by the board
5050 shall be deposited in a special fund that is created in the State
5051 Treasury. The monies in the special fund shall be subject to all

5052 provisions of the state budget laws that are applicable to special
5053 fund agencies. * * * Interest earned on this special fund in the
5054 amount provided for in Section 27-105-33 shall be credited by the
5055 State Treasurer to the fund and shall not be paid into the State
5056 General Fund.

5057 SECTION 97. Section 73-31-9, Mississippi Code of 1972, is
5058 amended as follows:

5059 73-31-9. (1) All fees from applicants seeking licensing
5060 under this chapter and all license renewal fees received under
5061 this chapter shall be nonrefundable.

5062 (2) The board shall charge an application fee to be
5063 determined by the board but not to exceed Three Hundred Dollars
5064 (\$300.00) to applicants for licensing, and shall charge the
5065 applicant for the expenses incurred by the board for examination
5066 of the applicant.

5067 (3) Every licensed psychologist in this state shall annually
5068 pay to the board a fee determined by the board but not to exceed
5069 Two Hundred Dollars (\$200.00); and the executive secretary shall
5070 thereupon issue a renewal of the license for a term of one (1)
5071 year. The license of any psychologist who shall fail to renew
5072 during the month of July in each and every year shall lapse; the
5073 failure to renew the license, however, shall not deprive said
5074 psychologist of the right of renewal thereafter. Such lapsed
5075 license may be renewed within a period of two (2) years after such
5076 lapse upon payment of all fees in arrears. A psychologist wishing
5077 to renew a license which has been lapsed for more than two (2)
5078 years shall be required to reapply for licensure.

5079 (4) On July 1, 1993, and every odd numbered year thereafter,
5080 no psychologist license shall be renewed unless the psychologist
5081 shows evidence of a minimum of twenty (20) clock hours of
5082 continuing education activities approved by the board.

5083 (5) All fees and any other monies received by the board
5084 shall be deposited in a special fund that is created in the State

5085 Treasury and shall be used for the implementation and
5086 administration of this chapter when appropriated by the
5087 Legislature for such purpose. The monies in the special fund
5088 shall be subject to all provisions of the state budget laws that
5089 are applicable to special fund agencies, and disbursements from
5090 the special fund shall be made by the State Treasurer only upon
5091 warrants issued by the State Fiscal Officer upon requisitions
5092 signed by the chairman or executive secretary of the board. * * *
5093 Interest earned on this special fund in the amount provided for in
5094 Section 27-105-33 shall be credited by the State Treasurer to the
5095 fund and shall not be paid into the State General Fund. Any
5096 unexpended monies remaining in the special fund at the end of a
5097 fiscal year shall not lapse into the State General Fund. The
5098 State Auditor shall audit the financial affairs of the board and
5099 the transactions involving the special fund at least once a year
5100 in the same manner as for other special fund agencies.

5101 This section shall stand repealed from and after July 1,
5102 2001.

5103 SECTION 98. Section 73-39-7, Mississippi Code of 1972, is
5104 amended as follows:

5105 73-39-7. (1) There shall be no obligation on the part of
5106 the state for the payment of any money as salary or otherwise to
5107 any member of the board, but the compensation and expenses of said
5108 board shall be paid out of the fees and fines as hereinafter
5109 provided. The members of the board shall receive as compensation
5110 for their services the sum of Forty Dollars (\$40.00) for each day
5111 in actual service of said board and, in addition, their expenses
5112 incident to the meeting of the board. If the fines and fees are
5113 not sufficient to defray such compensation and expenses they shall
5114 be prorated among the members of said board, after paying
5115 operating expenses of said board.

5116 (2) All fees and other monies received by the
5117 secretary-treasurer of the board shall be deposited in a special

5118 fund that is created in the State Treasury and shall be used for
5119 the implementation and administration of this chapter when
5120 appropriated by the Legislature for such purpose. The monies in
5121 the special fund shall be subject to all provisions of the state
5122 budget laws that are applicable to special fund agencies, and
5123 disbursements from the special fund shall be made by the State
5124 Treasurer only upon warrants issued by the State Fiscal Officer
5125 upon requisitions signed by the president or secretary-treasurer
5126 of the board. * * * Interest earned on this special fund in the
5127 amount provided for in Section 27-105-33 shall be credited by the
5128 State Treasurer to the fund and shall not be paid into the State
5129 General Fund. Any unexpended monies remaining in the special fund
5130 at the end of a fiscal year shall not lapse into the State General
5131 Fund. The State Auditor shall audit the financial affairs of the
5132 board and the transactions involving the special fund at least
5133 once a year in the same manner as for other special fund agencies.

5134 (3) The board is authorized to employ such personnel and
5135 incur such expense as may be necessary for the performance of its
5136 duties and the enforcement of this chapter including expenses for
5137 the promotion of education and standards of veterinary medicine
5138 through institutes, conferences, educational programs or such
5139 other means as may result in improved services.

5140 SECTION 99. Section 73-53-10, Mississippi Code of 1972, is
5141 amended as follows:

5142 73-53-10. (1) No appropriations from the State General Fund
5143 shall be used to operate the board. The board shall be supported
5144 by fees collected for license application and renewal and/or other
5145 monies raised by the board.

5146 (2) All fees and any other monies received by the board,
5147 except for monetary penalties imposed under Section 75-53-23,
5148 shall be deposited in a special fund that is created in the State
5149 Treasury and shall be used for the implementation and
5150 administration of this chapter and Sections 73-54-1 through

5151 73-54-39 when appropriated by the Legislature for such purpose.
5152 The monies in the special fund shall be subject to all provisions
5153 of the state budget laws that are applicable to special fund
5154 agencies, and shall be disbursed by the State Treasurer only upon
5155 warrants issued by the State Fiscal Officer upon requisitions
5156 signed by the chairman of the board or another board member
5157 designated by the chairman, and countersigned by the secretary of
5158 the board. * * * Interest earned on this special fund in the
5159 amount provided for in Section 27-105-33 shall be credited by the
5160 State Treasurer to the fund and shall not be paid into the State
5161 General Fund. Any unexpended monies remaining in the special fund
5162 at the end of a fiscal year shall not lapse into the State General
5163 Fund. Monetary penalties imposed by the board under Section
5164 73-53-23 shall be deposited in the State General Fund.

5165 SECTION 100. Section 73-59-3, Mississippi Code of 1972, is
5166 amended as follows:

5167 73-59-3. (1) Except as otherwise provided in Section
5168 73-59-15, persons who perform residential construction or
5169 residential improvement shall be licensed by the board annually,
5170 and, as a prerequisite to obtaining a license or renewal thereof,
5171 each shall submit to the board:

5172 (a) Proof of workers' compensation insurance, if
5173 applicable;

5174 (b) A federal employment identification number or
5175 social security number.

5176 (2) The board shall not require liability insurance to be
5177 licensed under this chapter but if a licensee has liability
5178 insurance it shall be reflected on the certificate of licensure.

5179 (3) The board shall issue or renew a license to a
5180 residential builder or remodeler upon payment to the board of the
5181 license fee. The initial license fee shall be Fifty Dollars
5182 (\$50.00). The license fee may thereafter be increased or
5183 decreased by the board and cannot exceed One Hundred Dollars

5184 (\$100.00); however, the receipts from fees collected by the board
5185 shall be no greater than the amount required to pay all costs and
5186 expenses incurred by the board in enforcing the provisions of this
5187 chapter. All fees collected under this chapter shall be deposited
5188 into the special fund in the State Treasury known as the "State
5189 Board of Contractor's Fund" created pursuant to Section 31-3-17
5190 and shall be used only for the administration and enforcement of
5191 this chapter. Amounts in such fund shall not lapse into the State
5192 General Fund at the end of a fiscal year. Interest earned on such
5193 special fund in the amount provided for in Section 27-105-33 shall
5194 be credited to the fund by the State Treasurer. All expenditures
5195 from the special fund shall be by requisition to the Department of
5196 Finance and Administration, signed by the executive secretary of
5197 the board and countersigned by the chairman or vice chairman of
5198 the board.

5199 (4) The license shall expire on the last day of the twelfth
5200 month following its issuance or renewal and shall become invalid
5201 unless renewed. The board shall notify by mail every licensee
5202 under this chapter of the date of the expiration of his license
5203 and the amount of the fee required for renewal of the license for
5204 one (1) year. Such notice shall be mailed within thirty (30) days
5205 prior to the expiration date of the license. The failure on the
5206 part of any licensee to renew his license annually in such twelfth
5207 month shall not deprive such licensee of the right of renewal,
5208 provided that renewal is effected within one hundred twenty (120)
5209 days after the expiration date of the license by payment of the
5210 license fee plus a penalty of one hundred percent (100%) of the
5211 license fee. A new license required to replace a revoked, lost,
5212 mutilated or destroyed license may be issued, subject to the rules
5213 of the board, for a charge of not more than Twenty-five Dollars
5214 (\$25.00).

5215 (5) Any person who is not a resident of the State of
5216 Mississippi who desires to perform residential construction or

5217 residential improvement shall be licensed to perform such
5218 construction or improvement as provided by this chapter.

5219 SECTION 101. Section 73-63-21, Mississippi Code of 1972, is
5220 amended as follows:

5221 73-63-21. (1) There is created in the State Treasury a fund
5222 to be designated as the "Registered Professional Geologists Fund,"
5223 to be administered by the president or executive director of the
5224 board.

5225 (2) Monies in the fund shall be utilized to pay reasonable
5226 direct and indirect costs associated with the administration and
5227 enforcement of this chapter.

5228 (3) Expenditures from the fund may be made upon requisition
5229 by the president or executive director of the board.

5230 (4) The fund shall be treated as a special trust fund.
5231 Interest earned on the principal in the amount provided for in
5232 Section 27-105-33 shall be credited to the fund by the Treasurer.

5233 (5) The fund may receive monies from any available public or
5234 private source, including, but not limited to, collection of fees,
5235 interest, grants, taxes, public and private donations, judicial
5236 actions and appropriated funds.

5237 (6) Monies in the fund at the end of the fiscal year shall
5238 be retained in the fund for use in the next succeeding fiscal
5239 year.

5240 SECTION 102. Section 75-57-119, Mississippi Code of 1972, is
5241 amended as follows:

5242 75-57-119. (1) There is established a propane education and
5243 research program to be administered by the Department of Insurance
5244 through the State Liquified Compressed Gas Board, created in
5245 Section 75-57-101, Mississippi Code of 1972, for the purpose of
5246 promoting the growth and development of the propane industry in
5247 Mississippi.

5248 (2) There is created in the State Treasury a special fund to
5249 be designated as the "Mississippi Propane Education and Research
5250 Fund."

5251 (3) (a) There is imposed and levied an assessment of
5252 One-tenth Cent (1/10¢) per gallon on compressed gas except for
5253 compressed natural gas or liquified natural gas. The assessment
5254 may be increased by not more than One-tenth Cent (1/10¢) per
5255 gallon per year and the total assessment shall not exceed One-half
5256 Cent (1/2¢) per gallon.

5257 (b) The assessment shall accrue at the same time and in
5258 the same manner as the tax levied on compressed gas under the
5259 provisions of Section 27-59-11(1), Mississippi Code of 1972. On
5260 or before the fifteenth day of each month the funds collected by
5261 the State Tax Commission during the previous month, less three and
5262 one-half percent (3-1/2%) of the gross amount collected, shall be
5263 deposited into the special fund created in subsection (2) of this
5264 section. The State Tax Commission may retain three and one-half
5265 percent (3-1/2%) of the funds collected under this act as
5266 administrative fees.

5267 (c) Disbursements from the special fund created in
5268 subsection (2) of this section shall be made upon warrants issued
5269 by the State Fiscal Officer upon requisitions signed by the
5270 Commissioner of Insurance, or his designee, in the manner provided
5271 by law. * * * Interest earned by investing the proceeds in such
5272 special fund in the amount provided for in Section 27-105-33 shall
5273 be credited to such special fund and shall not be deposited in the
5274 State General Fund. The State Fiscal Officer may issue warrants
5275 for the payment of monies from the special fund, upon requisition
5276 by the Commissioner of Insurance, or his designee, for refunds to
5277 dealers as provided in subsection (4) of this section.

5278 (4) Any propane dealer may request and receive a refund of
5279 the amount of assessment remitted from the sale of propane if he
5280 makes a written application with the Department of Insurance by

5281 the end of each quarter in which the sales were made, supported by
5282 bona fide copies of tax reports. The application forms shall be
5283 prepared by the Department of Insurance and shall be available to
5284 all retailers. All such applications shall be processed and
5285 refunds paid by the Department of Insurance within sixty (60) days
5286 after the funds have been received by the department.

5287 (5) At the end of each quarter, the Department of Insurance
5288 shall make available to the State Liquified Compressed Gas Board
5289 all unencumbered funds collected under the provisions of this act.
5290 The Department of Insurance may retain an amount not to exceed
5291 three and one-half percent (3-1/2%) of the funds collected under
5292 the provisions of this act as administrative fees.

5293 (6) (a) Any person liable for the assessment shall be
5294 subject to the same requirements and penalties set forth for
5295 distributors under the provisions of Section 27-59-01 et seq.,
5296 Mississippi Code of 1972.

5297 (b) The State Tax Commission is hereby authorized and
5298 empowered to promulgate all rules and regulations necessary for
5299 the collection of the assessment.

5300 (7) The State Liquified Compressed Gas Board shall
5301 establish, with the approval of the Commissioner of Insurance,
5302 rules and regulations necessary to carry out the provisions of
5303 this act.

5304 (8) The State Liquified Compressed Gas Board may expend the
5305 proceeds collected under this act only on research and development
5306 of more cost effective uses of propane and on educational
5307 programs, safety programs and market development of propane.

5308 (9) This act shall not be implemented until such time as the
5309 State Liquified Compressed Gas Board conducts an election by all
5310 licensed propane dealers in this state. Each license holder shall
5311 have one (1) vote in such election. A ballot shall be sent to
5312 each license holder by certified mail. A majority of those
5313 ballots returned within thirty (30) days after the ballots are

5314 received by the propane dealers must be in the affirmative before
5315 this act is effective. An additional election may be held by the
5316 State Liquified Compressed Gas Board at such time as approved by
5317 the Commissioner of Insurance.

5318 (10) The State Liquified Compressed Gas Board shall notify
5319 the State Tax Commission in writing of the imposition of the
5320 assessment and of any increase of the assessment. The imposition
5321 of the assessment and any increase of the assessment shall become
5322 effective on the first day of the second month succeeding the
5323 month in which the notice to impose or increase the assessment was
5324 given.

5325 (11) The State Liquified Compressed Gas Board shall notify
5326 the State Tax Commission in writing of the abatement or reduction
5327 of the assessment. The abatement or reduction of the assessment
5328 shall become effective on the last day of the month succeeding the
5329 month in which such notice was given.

5330 SECTION 103. Section 89-12-37, Mississippi Code of 1972, is
5331 amended as follows:

5332 89-12-37. (1) All funds received under the provisions of
5333 this chapter shall forthwith be deposited by the Treasurer in a
5334 special fund hereby established in the State Treasury to be
5335 designated the "Abandoned Property Fund," except that the
5336 Treasurer shall deposit in a separate special fund hereby
5337 established in the State Treasury to be designated the "Abandoned
5338 Property Claims Payment Fund" an amount not exceeding One Hundred
5339 Fifty Thousand Dollars (\$150,000.00) from which he shall make
5340 prompt payment of claims duly allowed by him as hereinafter
5341 provided. Before making the deposits in either special fund, he
5342 shall record the name and last known address of each person
5343 appearing from the holders' reports to be entitled to the
5344 abandoned property and the name and last known address of each
5345 insured person or annuitant and, with respect to each policy or
5346 contract listed in the report of a life insurance corporation, its

5347 number, the name of the corporation and the amount due. The
5348 record shall be available for public inspection at all reasonable
5349 business hours.

5350 (2) There is created within the Abandoned Property Fund in
5351 the State Treasury a trust to be known as the Historic Properties
5352 Financing Fund, which shall be used as provided in this section.
5353 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the
5354 Abandoned Property Fund shall be set aside and placed in the
5355 Historic Properties Financing Fund created herein. The principal
5356 of the Historic Properties Financing Fund shall remain inviolate
5357 within the Abandoned Property Fund, and shall be invested in the
5358 same manner as the remainder of the Abandoned Property Fund. The
5359 interest in the amount provided for in Section 27-105-33 on
5360 amounts in the Historic Properties Financing Fund shall be
5361 transferred quarterly to the Mississippi Landmark Grant Program
5362 account within the Historic Properties Trust Fund created under
5363 Section 39-5-23. The transferred money shall be utilized by the
5364 Department of Archives and History for the purposes as specified
5365 in Section 39-5-23(3).

5366 (3) Notwithstanding subsections (1) and (2) of this section,
5367 the funds reflected by the cancellation of State of Mississippi
5368 warrants that constitute part of the Abandoned Property Fund shall
5369 be transferred by the State Treasurer back to the original fund
5370 source if unclaimed by the owner within the time specified in
5371 Section 7-7-42.

5372 SECTION 104. Section 93-21-305, Mississippi Code of 1972, is
5373 amended as follows:

5374 93-21-305. (1) There is hereby established in the State
5375 Treasury a special fund to be known as the "Mississippi Children's
5376 Trust Fund."

5377 (2) The fund shall consist of any monies appropriated to the
5378 fund by the Legislature, any donations, gifts and grants from any
5379 source, receipts from the birth certificate fees as provided by

5380 subsection (2) of Section 41-57-11, and any other monies which may
5381 be received from any other source or which may be hereafter
5382 provided by law.

5383 (3) Monies in the fund shall be used only for the purposes
5384 set forth in Sections 93-21-301 through 93-21-311. Interest
5385 earned on the investment of monies in the fund in the amount
5386 provided for in Section 27-105-33 shall be returned and deposited
5387 to the credit of the fund.

5388 (4) Disbursements of money from the fund shall be on the
5389 authorization of the Division of Family and Children's Services of
5390 the State Department of Public Welfare.

5391 (5) The primary purpose of the fund is to encourage and
5392 provide financial assistance in the provision of direct services
5393 to prevent child abuse and neglect.

5394 SECTION 105. Section 97-33-101, Mississippi Code of 1972, is
5395 amended as follows:

5396 97-33-101. All fees and fines collected by the commission
5397 pursuant to Sections 97-33-51 through 97-33-203 shall be deposited
5398 into a special fund to be known as the "Charitable Bingo Fund,"
5399 which is hereby created in the State Treasury. The monies in such
5400 fund shall be used exclusively to support the activities of the
5401 commission related to the regulation of the Charitable Bingo Law,
5402 upon appropriation by the Legislature. Unexpended amounts
5403 remaining in the fund at the end of a fiscal year shall not lapse
5404 into the State General Fund, and * * * interest earned in the
5405 amount provided for in Section 27-105-33 on amounts in such
5406 special fund shall be deposited to the credit of the special fund.

5407 SECTION 106. This act shall take effect and be in force from
5408 and after July 1, 2001.