To: Appropriations

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Senator(s) Burton

SENATE BILL NO. 2614


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

SECTION 1. (1) All fees, taxes, fines, penalties or other assessments that may be hereafter collected for or in the name of the State of Mississippi or any agency thereof shall be paid directly to the State Treasurer and deposited into the State

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General Fund, in the manner provided by law, by the officer charged with the duty of collecting the same.

(2) The unexpended balance of any "special fund" abolished pursuant to this act shall be transferred and deposited into the State General Fund on July 1, 2002.

(3) This section does not apply to any funds derived from lease of public trust tidelands and does not apply to the "Public Trust Tidelands Fund" created in Section 29-15-9.

SECTION 2. Section 27-103-103, Mississippi Code of 1972, is amended as follows:

27-103-103. (1) For the purpose of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "state general-fund agency" or "general-fund agency" shall mean any agency, department, institution, board or commission of the State of Mississippi which is supported in whole or in part by appropriations from the General Fund; but such term shall not include the Legislature.

(2) For the purposes of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "state special-fund agency" or "special-fund agency" shall mean any agency, department, institution, board or commission of the State of Mississippi which receives no appropriation from the General Fund, but which is supported entirely from special fund sources. Said term shall specifically include the following agencies or funds: State Port at Gulfport, Coast Coliseum Commission, Yellow Creek Inland Port, Pat Harrison Waterway, Pearl River Basin Development, Pearl River Valley Water Supply, Tombigbee River Valley Water, Yellow Creek Watershed, Veterans Farm and Home Board, Division of State Aid Roads, Railroad Revitalization Fund and the State Public School Building Fund.

(3) For the purposes of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"
shall mean any general fund agency or special fund agency as defined in this section.

(4) For the purposes of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-27, the term "special funds" shall mean: (a) trust funds, (b) funds received from the United States government, (c) local governmental revenue sources, or (d) funds for the purpose of paying or retiring any indebtedness as is authorized by statute.

SECTION 3. Section 31-17-123, Mississippi Code of 1972, is amended as follows:

31-17-123. The intent of the Legislature is to authorize borrowing funds under the provisions of Sections 31-17-101 through 31-17-123 to offset any temporary cash flow deficiencies and should not be construed to authorize the borrowing of any funds in an amount which cannot be repaid during the fiscal year in which such funds are borrowed. The State Tax Commission and University Research Center, utilizing all available revenue forecast data, shall annually develop a state fund revenue estimate to be adopted by the Legislative Budget Office as of the date of sine die adjournment. If, at the end of October, or at the end of any month thereafter of any fiscal year, the revenues received for the fiscal year shall fall below ninety-eight percent (98%) of the Legislative Budget Office revenue estimate at the date of sine die adjournment, the State Fiscal Officer shall reduce allocations of general funds and special fund agencies in an amount necessary to keep expenditures within the sum of actual revenue receipts including any transfers to the General Fund from the Working Cash-Stabilization Reserve Fund for the fiscal year. The State Fiscal Officer may, upon his determination of need based on the revenue shortfall, transfer funds as provided in Section 27-103-203, from the Working Cash-Stabilization Reserve Fund to the General Fund to supplement the general fund revenue.
State-source special funds in an amount equal to any reduction made under the provisions of this section shall be transferred to the State General Fund upon requisitions for warrants signed by the respective agency head and such transfer shall be made within a reasonable period to be determined by the State Fiscal Officer. No agency's allocation shall be reduced in an amount to exceed five percent (5%); however, in the event that the allocations of general funds and special funds to all general fund and special fund agencies have been reduced by five percent (5%), any additional reductions required to be made hereunder shall consist of a uniform percentage reduction to all agencies. No agency shall be excluded from consideration for said reduction in allocations. Any receipt from loans authorized by Sections 31-17-101 through 31-17-123 shall not be included as revenue receipts. The State Fiscal Officer shall immediately send notice of any action taken under authority of this section to the Legislative Budget Office.

SECTION 4. Section 27-5-101, Mississippi Code of 1972, is amended as follows:

With regard to any county which is exempt from the provisions of Section 19-2-3, this section shall read as follows:

27-5-101. Unless otherwise provided in this section, on or before the fifteenth day of each month, all gasoline, diesel fuel or kerosene taxes which are levied under the laws of this state and collected during the previous month shall be paid and apportioned by the State Tax Commission as follows:

(a) (i) Except as otherwise provided in Section 31-17-127, from the gross amount of gasoline, diesel fuel or kerosene taxes produced by the state, there shall be deducted an amount equal to one-sixth (1/6) of principal and interest certified by the State Treasurer to the State Tax Commission to be due on the next semiannual bond and interest payment date, as
required under the provisions of Chapter 130, Laws of 1938, and subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue on a parity with the bonds issued under authority of said Chapter 130. The State Treasurer shall certify to the State Tax Commission on or before the fifteenth day of each month the amount to be paid to the "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws of 1938, and subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue, on a parity with the bonds issued under authority of said Chapter 130; and the State Tax Commission shall, on or before the twenty-fifth day of each month, pay into the State Treasury for credit to the "Highway Bonds Sinking Fund" the amount so certified to him by the State Treasurer due to be paid into such fund each month. The payments to the "Highway Bonds Sinking Fund" shall be made out of gross gasoline, diesel fuel or kerosene tax collections before deductions of any nature are considered; however, such payments shall be deducted from the allocation to the Mississippi Department of Transportation under paragraph (c) of this section.

(ii) From collections derived from the portion of the gasoline excise tax that exceeds Seven Cents (7¢) per gallon, from the portion of the tax on aviation gas under Section 27-55-11 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the portion of the special fuel tax levied under Sections 27-55-519 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per gallon, from the portion of the taxes levied under Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that exceeds One Cent (1¢) per gallon on special fuel and Five and One-fourth Cents (5.25¢) per gallon on special fuel used as aircraft fuel, from the portion of the excise tax on compressed gas used as a motor fuel that exceeds the rate of tax in effect on June 30, 1987, and from the portion of the gasoline excise tax in excess of Seven Cents (7¢) per gallon and the diesel excise tax in...
excess of Ten Cents (10¢) per gallon under Section 27-61-5 there shall be deducted:

1. An amount as provided in Section 27-65-75(4) to the credit of a special fund designated as the "Office of State Aid Road Construction."

2. An amount equal to the tax collections derived from Two Cents (2¢) per gallon of the gasoline excise tax for distribution to the State Highway Fund to be used exclusively for the construction, reconstruction and maintenance of highways of the State of Mississippi or the payment of interest and principal on bonds when specifically authorized by the Legislature for that purpose.

3. The balance shall be deposited in the State Treasury to the credit of the State Highway Fund.

(b) Subject to the provisions that said basis of distribution shall in nowise affect adversely the amount specifically pledged in paragraph (a) of this section to be paid into the "Highway Bonds Sinking Fund," the following shall be deducted from the amount produced by the state tax on gasoline, diesel fuel or kerosene tax collections, excluding collections derived from the portion of the gasoline excise tax that exceeds Seven Cents (7¢) per gallon, from the portion of the tax on aviation gas under Section 27-55-11 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the portion of the special fuel tax levied under Sections 27-55-519 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per gallon, from the portion of the taxes levied under Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that exceeds One Cent (1¢) per gallon on special fuel and Five and One-fourth Cents (5.25¢) per gallon on special fuel used as aircraft fuel, from the portion of the excise tax on compressed gas used as a motor fuel that exceeds the rate of tax in effect on June 30, 1987, and from the portion of the gasoline excise tax in
excess of Seven Cents (7¢) per gallon and the diesel excise tax in
excess of Ten Cents (10¢) per gallon under Section 27-61-5:

(i) Twenty percent (20%) of such amount which
shall be earmarked and set aside for the construction,
reconstruction and maintenance of the highways and roads of the
state, provided that if such twenty percent (20%) should reduce
any county to a lesser amount than that received in the fiscal
year ending June 30, 1966, then such twenty percent (20%) shall be
reduced to a percentage to provide that no county shall receive
less than its portion for the fiscal year ending June 30, 1966;

(ii) The amount allowed as refund on gasoline or
as tax credit on diesel fuel or kerosene used for agricultural,
maritime, industrial, domestic, and nonhighway purposes;

(iii) Five percent (5%) of such amount shall be
paid to the State Highway Fund;

(iv) The amount or portion thereof authorized by
legislative appropriation to the Fisheries and Wildlife Fund
created under Section 59-21-25;

(v) The amount for deposit into the special
aviation fund under paragraph (d) of this section; and

(vi) The remainder shall be divided on a basis of
nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
same basis as Four and One-half Cents (4-1/2¢) and Two and
One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
six and forty-three one-hundredths (6.43) and three and
fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
fuel or kerosene). The amount produced by the nine-fourteenths
(9/14) division shall be allocated to the Transportation
Department and paid into the State Treasury as provided in this
section and in Section 27-5-103 and the five-fourteenths (5/14)
division shall be returned to the counties of the state on the
following basis:
1. In each fiscal year, each county shall be paid each month the same percentage of the monthly total to be distributed as was paid to that county during the same month in the fiscal year which ended April 9, 1960, until the county receives One Hundred Ninety Thousand Dollars ($190,000.00) in such fiscal year, at which time funds shall be distributed under the provisions of paragraph (b)(vi)4 of this section.

2. If after payments in 1 above, any county has not received a total of One Hundred Ninety Thousand Dollars ($190,000.00) at the end of the fiscal year ending June 30, 1961, and each fiscal year thereafter, then any available funds not distributed under 1 above shall be used to bring such county or counties up to One Hundred Ninety Thousand Dollars ($190,000.00) or such funds shall be divided equally among such counties not reaching One Hundred Ninety Thousand Dollars ($190,000.00) if there is not sufficient money to bring all the counties to said One Hundred Ninety Thousand Dollars ($190,000.00).

3. When a county has been paid an amount equal to the total which was paid to the same county during the fiscal year ended April 9, 1960, such county shall receive no further payments during the then current fiscal year until the last month of such current fiscal year, at which time distribution will be made under 2 above, except as set out in 4 below.

4. During the last month of the current fiscal year, should it be determined that there are funds available in excess of the amount distributed for the year under 1 and 2 above, then such excess funds shall be distributed among the various counties as follows:

   One-third (1/3) of such excess to be divided equally among the counties;

   One-third (1/3) of such excess to be paid to the counties in the proportion which the population of each
county bears to the total population of the state according to the
last federal census;

One-third (1/3) of such excess to be paid
to the counties in the proportion which the number of square miles
of each county bears to the total square miles in the state.

5. It is the declared purpose and intent of
the Legislature that no county shall be paid less than was paid
during the year ended April 9, 1960, unless the amount to be
distributed to all counties in any year is less than the amount
distributed to all counties during the year ended April 9, 1960.
The Municipal Aid Fund as established by Section 27-5-103
shall not participate in any portion of any funds allocated to any
county hereunder over and above One Hundred Ninety Thousand
Dollars ($190,000.00).

In any county having countywide road or bridge bonds, or
supervisors district or district road or bridge bonds outstanding,
which exceed, in the aggregate, twelve percent (12%) of the
assessed valuation of the taxable property of the county or
district, it shall be the duty of the board of supervisors to set
aside not less than sixty percent (60%) of such county's share or
district's share of the gasoline, diesel fuel or kerosene taxes to
be used in paying the principal and interest on such road or
bridge bonds as they mature.

In any county having such countywide road or bridge bonds or
district road or bridge bonds outstanding which exceed, in the
aggregate, eight percent (8%) of the assessed valuation of the
taxable property of the county, but which do not exceed, in the
aggregate, twelve percent (12%) of the assessed valuation of the
taxable property of the county, it shall be the duty of the board
of supervisors to set aside not less than thirty-five percent
(35%) of such county's share of the gasoline, diesel fuel or
kerosene taxes to be used in paying the principal and interest of
such road or bridge bonds as they mature.
In any county having such countywide road or bridge bonds or district road or bridge bonds outstanding which exceed, in the aggregate, five percent (5%) of the assessed valuation of the taxable property of the county, but which do not exceed, in the aggregate, eight percent (8%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than twenty percent (20%) of such county's share of the gasoline, diesel fuel or kerosene taxes to be used in paying the principal and interest of such road and bridge bonds as they mature.

In any county having such countywide road or bridge bonds or district road or bridge bonds outstanding which do not exceed, in the aggregate, five percent (5%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than ten percent (10%) of such county's share of the gasoline, diesel fuel or kerosene taxes to be used in paying the principal and interest on such road or bridge bonds as they mature.

The portion of any such county's share of the gasoline, diesel fuel or kerosene taxes thus set aside for the payment of the principal and interest of road or bridge bonds, as provided for in this section, shall be used first in paying the currently maturing installments of the principal and interest of such countywide road or bridge bonds, if there be any such countywide road or bridge bonds outstanding, and secondly, in paying the currently maturing installments of principal and interest of district road or bridge bonds outstanding. It shall be the duty of the board of supervisors to pay bonds and interest maturing in each supervisors district out of the supervisors district's share of the gasoline, diesel fuel or kerosene taxes of such district.

The remaining portion of such county's share of the gasoline, diesel fuel or kerosene taxes, after setting aside the portion above provided for the payment of the principal and interest of
bonds, shall be used in the construction and maintenance of any
public highways, bridges, or culverts of the county, including the
roads in special or separate road districts, in the discretion of
the board of supervisors, or in paying the interest and principal
of county road and bridge bonds or district road and bridge bonds,
in the discretion of the board of supervisors.

In any county having no countywide road or bridge bonds or
district road or bridge bonds outstanding, all such county's share
of the gasoline, diesel fuel or kerosene taxes shall be used in
the construction, reconstruction, and maintenance of the public
highways, bridges, or culverts of the county as the board of
supervisors may determine.

In every county in which there are county road bonds or
seawall or road protection bonds outstanding which were issued for
the purpose of building bridges or constructing public roads or
seawalls, such funds shall be used in the manner provided by law.

(c) From the amount produced by the nine-fourteenths
(9/14) division allocated to the Transportation Department, there
shall be deducted:

(i) The amount paid to the State Treasurer for the
"Highway Bonds Sinking Fund" under paragraph (a) of this section;
(ii) Any amounts due counties in accordance with
Section 65-33-45 which have outstanding bonds issued for seawall
or road protection purposes, issued under provisions of Chapter
319, Laws of 1924, and amendments thereto;
(iii) Beginning August 15, 2002, and on or before
the fifteenth day of each month thereafter, an amount equal to
one-sixth (1/6) of the principal and interest certified by the
State Treasurer to the State Tax Commission to be due on the next
semiannual bond and interest payment date for the bonds issued
under Sections 65-39-5 through 65-39-33. On or before the
twenty-fifth day of each month the State Tax Commission shall pay
into the State Treasury for credit to the Gaming Counties Bond
Sinking Fund created in Section 65-39-3, the amount so certified by the State Treasurer;

(iv) Except as otherwise provided in Section 31-17-127, the remainder shall be paid by the State Tax Commission to the State Treasurer on the fifteenth day of each month next succeeding the month in which the gasoline, diesel fuel or kerosene taxes were collected to the credit of the State Highway Fund.

From and after July 1, 2002, any amounts which would have been paid to the State Highway Fund shall be paid into the State General Fund.

The funds allocated for the construction, reconstruction, and improvement of state highways, bridges, and culverts, or so much thereof as may be necessary, shall first be used in conjunction with funds supplied by the federal government for such purposes and allocated to the State Transportation Department to be expended on the state highway system. It is specifically provided hereby that the necessary portion of such funds hereinabove allocated to the State Transportation Department may be used for the prompt payment of principal and interest on highway bonds heretofore issued, including such bonds issued or to be issued under the provisions of Chapter 312, Laws of 1956, and amendments thereto.

Nothing contained in this section shall be construed to reduce the amount of such gasoline, diesel fuel or kerosene excise taxes levied by the state, allotted under the provisions of Title 65, Chapter 33, Mississippi Code of 1972, to counties in which there are outstanding bonds issued for seawall or road protection purposes issued under the provisions of Chapter 319, Laws of 1924, and amendments thereto; the amount of said gasoline, diesel fuel or kerosene excise taxes designated in this section for the payment of bonds and interest authorized and issued or to be issued under the provisions of Chapter 130, Laws of 1938, and
subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue, shall, in such counties, be considered as being paid "into the State Treasury to the credit of the State Highway Fund" within the meaning of Section 65-33-45 in computing the amount to be paid to such counties under the provisions of said section, and this section shall be administered in connection with Title 65, Chapter 33, Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and 65-33-49 dealing with seawalls, as if made a part of this section.

(d) The proceeds of the Five and One-fourth Cents (5.25¢) of the tax per gallon on oils used as a propellant for jet aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax per gallon on aviation gasoline and the tax of One Cent (1¢) per gallon for each gallon of gasoline for which a refund has been made pursuant to Section 27-55-23 because such gasoline was used for aviation purposes, shall be paid to the State Treasury into a special fund to be used exclusively, pursuant to legislative appropriation, for the support and development of aeronautics as defined in Section 61-1-3.

(e) State highway funds in an amount equal to the difference between Forty-two Million Dollars ($42,000,000.00) and the annual debt service payable on the state's highway revenue refunding bonds, Series 1985, shall be expended for the construction or reconstruction of highways designated under the Four-Lane Highway Program created under Section 65-3-97.

(f) "Gasoline, diesel fuel or kerosene taxes" as used in this section shall be deemed to mean and include state gasoline, diesel fuel or kerosene taxes levied and imposed on distributors of gasoline, diesel fuel or kerosene, and all state excise taxes derived from any fuel used to propel vehicles upon the highways of this state, when levied by any statute.
[With regard to any county which is required to operate on a countywide system of road administration as described in Section 19-2-3, this section shall read as follows:] 27-5-101. Unless otherwise provided in this section, on or before the fifteenth day of each month, all gasoline, diesel fuel or kerosene taxes which are levied under the laws of this state and collected during the previous month shall be paid and apportioned by the State Tax Commission as follows:

(a) (i) Except as otherwise provided in Section 31-17-127, from the gross amount of gasoline, diesel fuel or kerosene taxes produced by the state, there shall be deducted an amount equal to one-sixth (1/6) of principal and interest certified by the State Treasurer to the State Tax Commission to be due on the next semiannual bond and interest payment date, as required under the provisions of Chapter 130, Laws of 1938, and subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue on a parity with the bonds issued under authority of said Chapter 130. The State Treasurer shall certify to the State Tax Commission on or before the fifteenth day of each month the amount to be paid to the "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws of 1938, and subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue, on a parity with the bonds issued under authority of said Chapter 130; and the State Tax Commission shall, on or before the twenty-fifth day of each month, pay into the State Treasury for credit to the "Highway Bonds Sinking Fund" the amount so certified to him by the State Treasurer due to be paid into such fund each month. The payments to the "Highway Bonds Sinking Fund" shall be made out of gross gasoline, diesel fuel or kerosene tax collections before deductions of any nature are considered; however, such payments shall be deducted from the allocation to the Transportation Department under paragraph (c) of this section.
(ii) From collections derived from the portion of the gasoline excise tax that exceeds Seven Cents (7¢) per gallon, from the portion of the tax on aviation gas under Section 27-55-11 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the portion of the special fuel tax levied under Sections 27-55-519 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per gallon, from the portion of the taxes levied under Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that exceeds One Cent (1¢) per gallon on special fuel and Five and One-fourth Cents (5.25¢) per gallon on special fuel used as aircraft fuel, from the portion of the excise tax on compressed gas used as a motor fuel that exceeds the rate of tax in effect on June 30, 1987, and from the portion of the gasoline excise tax in excess of Seven Cents (7¢) per gallon and the diesel excise tax in excess of Ten Cents (10¢) per gallon under Section 27-61-5 there shall be deducted:

1. An amount as provided in Section 27-65-75(4) to the credit of a special fund designated as the "Office of State Aid Road Construction."

2. An amount equal to the tax collections derived from Two Cents (2¢) per gallon of the gasoline excise tax for distribution to the State Highway Fund to be used exclusively for the construction, reconstruction and maintenance of highways of the State of Mississippi or the payment of interest and principal on bonds when specifically authorized by the Legislature for that purpose.

3. The balance shall be deposited in the State Treasury to the credit of the State Highway Fund.

(b) Subject to the provisions that said basis of distribution shall in nowise affect adversely the amount specifically pledged in paragraph (a) of this section to be paid into the "Highway Bonds Sinking Fund," the following shall be deducted from the amount produced by the state tax on gasoline,
diesel fuel or kerosene tax collections, excluding collections derived from the portion of the gasoline excise tax that exceeds Seven Cents (7¢) per gallon, from the portion of the tax on aviation gas under Section 27-55-11 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the portion of the special fuel tax levied under Sections 27-55-119 and 27-55-521, at Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per gallon, from the portion of the taxes levied under Section 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds One Cent (1¢) per gallon on special fuel and Five and One-fourth Cents (5.25¢) per gallon on special fuel used as aircraft fuel, from the portion of the excise tax on compressed gas used as a motor fuel that exceeds the rate of tax in effect on June 30, 1987, and from the portion of the gasoline excise tax in excess of Seven Cents (7¢) per gallon and the diesel excise tax in excess of Ten Cents (10¢) per gallon under Section 27-61-5:

(i) Twenty percent (20%) of such amount which shall be earmarked and set aside for the construction, reconstruction and maintenance of the highways and roads of the state, provided that if such twenty percent (20%) should reduce any county to a lesser amount than that received in the fiscal year ending June 30, 1966, then such twenty percent (20%) shall be reduced to a percentage to provide that no county shall receive less than its portion for the fiscal year ending June 30, 1966;

(ii) The amount allowed as refund on gasoline or as tax credit on diesel fuel or kerosene used for agricultural, maritime, industrial, domestic and nonhighway purposes;

(iii) Five percent (5%) of such amount shall be paid to the State Highway Fund;

(iv) The amount or portion thereof authorized by legislative appropriation to the Fisheries and Wildlife Fund created under Section 59-21-25;
(v) The amount for deposit into the special aviation fund under paragraph (d) of this section; and

(vi) The remainder shall be divided on a basis of nine-fourteenths (9/14) and five-fourteenths (5/14) (being the same basis as Four and One-half Cents (4-1/2¢) and Two and One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and six and forty-three one-hundredths (6.43) and three and fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel fuel or kerosene). The amount produced by the nine-fourteenths (9/14) division shall be allocated to the Transportation Department and paid into the State Treasury as provided in this section and in Section 27-5-103 and the five-fourteenths (5/14) division shall be returned to the counties of the state on the following basis:

1. In each fiscal year, each county shall be paid each month the same percentage of the monthly total to be distributed as was paid to that county during the same month in the fiscal year which ended April 9, 1960, until the county receives One Hundred Ninety Thousand Dollars ($190,000.00) in such fiscal year, at which time funds shall be distributed under the provisions of paragraph (b)(vi)4 of this section.

2. If after payments in 1 above, any county has not received a total of One Hundred Ninety Thousand Dollars ($190,000.00) at the end of the fiscal year ending June 30, 1961, and each fiscal year thereafter, then any available funds not distributed under 1 above shall be used to bring such county or counties up to One Hundred Ninety Thousand Dollars ($190,000.00) or such funds shall be divided equally among such counties not reaching One Hundred Ninety Thousand Dollars ($190,000.00) if there is not sufficient money to bring all the counties to said One Hundred Ninety Thousand Dollars ($190,000.00).

3. When a county has been paid an amount equal to the total which was paid to the same county during the
fiscal year ended April 9, 1960, such county shall receive no further payments during the then current fiscal year until the last month of such current fiscal year, at which time distribution will be made under 2 above, except as set out in 4 below.  

4. During the last month of the current fiscal year, should it be determined that there are funds available in excess of the amount distributed for the year under 1 and 2 above, then such excess funds shall be distributed among the various counties as follows:

One-third (1/3) of such excess to be divided equally among the counties;

One-third (1/3) of such excess to be paid to the counties in the proportion which the population of each county bears to the total population of the state according to the last federal census;

One-third (1/3) of such excess to be paid to the counties in the proportion which the number of square miles of each county bears to the total square miles in the state.

5. It is the declared purpose and intent of the Legislature that no county shall be paid less than was paid during the year ended April 9, 1960, unless the amount to be distributed to all counties in any year is less than the amount distributed to all counties during the year ended April 9, 1960.

The Municipal Aid Fund as established by Section 27-5-103 shall not participate in any portion of any funds allocated to any county hereunder over and above One Hundred Ninety Thousand Dollars ($190,000.00).

In any county having road or bridge bonds outstanding which exceed, in the aggregate, twelve percent (12%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than sixty percent (60%) of such county's share of the gasoline, diesel fuel
or kerosene taxes to be used in paying the principal and interest on such road or bridge bonds as they mature.

In any county having such road or bridge bonds outstanding which exceed, in the aggregate, eight percent (8%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than thirty-five percent (35%) of such county's share of the gasoline, diesel fuel or kerosene taxes to be used in paying the principal and interest of such road or bridge bonds as they mature.

In any county having such road or bridge bonds outstanding which exceed, in the aggregate, five percent (5%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than twenty percent (20%) of such county's share of the gasoline, diesel fuel or kerosene taxes to be used in paying the principal and interest of such road and bridge bonds as they mature.

In any county having such road or bridge bonds outstanding which do not exceed, in the aggregate, five percent (5%) of the assessed valuation of the taxable property of the county, it shall be the duty of the board of supervisors to set aside not less than ten percent (10%) of such county's share of the gasoline, diesel fuel or kerosene taxes to be used in paying the principal and interest on such road or bridge bonds as they mature.

The portion of any such county's share of the gasoline, diesel fuel or kerosene taxes thus set aside for the payment of the principal and interest of road or bridge bonds, as provided for in this section, shall be used in paying the currently maturing installments of the principal and interest of such road
or bridge bonds, if there be any such road or bridge bonds outstanding. The remaining portion of such county's share of the gasoline, diesel fuel or kerosene taxes, after setting aside the portion above provided for the payment of the principal and interest of bonds, shall be used in the construction and maintenance of any public highways, bridges or culverts of the county, in the discretion of the board of supervisors.

In any county having no road or bridge bonds outstanding, all such county's share of the gasoline, diesel fuel or kerosene taxes shall be used in the construction, reconstruction and maintenance of the public highways, bridges or culverts of the county, as the board of supervisors may determine.

In every county in which there are county road bonds or seawall or road protection bonds outstanding which were issued for the purpose of building bridges or constructing public roads or seawalls, such funds shall be used in the manner provided by law.

(c) From the amount produced by the nine-fourteenths (9/14) division allocated to the Transportation Department, there shall be deducted:

(i) The amount paid to the State Treasurer for the "Highway Bonds Sinking Fund" under paragraph (a) of this section;

(ii) Any amounts due counties in accordance with Section 65-33-45 which have outstanding bonds issued for seawall or road protection purposes, issued under provisions of Chapter 319, Laws of 1924, and amendments thereto; and

(iii) Beginning August 15, 2002, and on or before the fifteenth day of each month thereafter, an amount equal to one-sixth (1/6) of the principal and interest certified by the State Treasurer to the State Tax Commission to be due on the next semiannual bond and interest payment date for the bonds issued under Sections 65-39-5 through 65-39-33. On or before the twenty-fifth day of each month the State Tax Commission shall pay
into the State Treasury for credit to the Gaming Counties Bond
Sinking Fund created in Section 65-39-3, the amount certified by
the State Treasurer;

(iv) Except as otherwise provided in Section
31-17-127, the remainder shall be paid by the State Tax Commission
to the State Treasurer on the fifteenth day of each month next
succeeding the month in which the gasoline, diesel fuel or
kerosene taxes were collected to the credit of the State Highway
Fund.

From and after July 1, 2002, any amounts which would have
been paid to the State Highway Fund shall be paid into the State
General Fund.

The funds allocated for the construction, reconstruction and
improvement of state highways, bridges and culverts, or so much
thereof as may be necessary, shall first be used in conjunction
with funds supplied by the federal government for such purposes
and allocated to the Transportation Department to be expended on
the state highway system. It is specifically provided hereby that
the necessary portion of such funds hereinabove allocated to the
Transportation Department may be used for the prompt payment of
principal and interest on highway bonds heretofore issued,
including such bonds issued or to be issued under the provisions
of Chapter 312, Laws of 1956, and amendments thereto.

Nothing contained in this section shall be construed to
reduce the amount of such gasoline, diesel fuel or kerosene excise
taxes levied by the state, allotted under the provisions of Title
65, Chapter 33, Mississippi Code of 1972, to counties in which
there are outstanding bonds issued for seawall or road protection
purposes issued under the provisions of Chapter 319, Laws of 1924,
and amendments thereto; the amount of said gasoline, diesel fuel
or kerosene excise taxes designated in this section for the
payment of bonds and interest authorized and issued or to be
issued under the provisions of Chapter 130, Laws of 1938, and
subsequent acts authorizing the issuance of bonds payable from gasoline, diesel fuel or kerosene tax revenue, shall, in such counties, be considered as being paid "into the State Treasury to the credit of the State Highway Fund" within the meaning of Section 65-33-45 in computing the amount to be paid to such counties under the provisions of said section, and this section shall be administered in connection with Title 65, Chapter 33, Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and 65-33-49 dealing with seawalls, as if made a part of this section.

(d) The proceeds of the Five and One-fourth Cents (5.25¢) of the tax per gallon on oils used as a propellant for jet aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax per gallon on aviation gasoline and the tax of One Cent (1¢) per gallon for each gallon of gasoline for which a refund has been made pursuant to Section 27-55-23 because such gasoline was used for aviation purposes, shall be paid to the State Treasury into a special fund to be used exclusively, pursuant to legislative appropriation, for the support and development of aeronautics as defined in Section 61-1-3.

(e) State highway funds in an amount equal to the difference between Forty-two Million Dollars ($42,000,000.00) and the annual debt service payable on the state's highway revenue refunding bonds, Series 1985, shall be expended for the construction or reconstruction of highways designated under the Four-Lane Highway Program created under Section 65-3-97.

(f) "Gasoline, diesel fuel or kerosene taxes" as used in this section shall be deemed to mean and include state gasoline, diesel fuel or kerosene taxes levied and imposed on distributors of gasoline, diesel fuel or kerosene, and all state excise taxes derived from any fuel used to propel vehicles upon the highways of this state, when levied by any statute.

SECTION 5. Section 27-19-11, Mississippi Code of 1972, is amended as follows:
27-19-11. On each carrier of property, for each motor vehicle, truck-tractor or road tractor used in the operation of any business as such, and on each bus, there is hereby levied an annual highway privilege tax in accordance with the following schedule, except that the gross vehicle weight of buses shall be the gross weight of the vehicle plus one hundred fifty (150) pounds per each regular seat.

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In addition to the above levied annual highway privilege tax on vehicles with a gross weight exceeding ten thousand (10,000) pounds, there is levied and shall be collected an additional privilege tax in the amount of One Thousand Three Hundred Fifty Dollars ($1,350.00) for each current or later year model vehicle based upon a licensed weight of eighty thousand (80,000) pounds. This additional privilege tax shall be reduced by the amount of One Hundred Seventy-five Dollars ($175.00) for each year of age to a minimum of Fifty Dollars ($50.00) and further reduced by the ratio of licensed weight to the maximum weight of eighty thousand (80,000) pounds. During the first year only, the privilege tax monies collected under the provisions of this paragraph shall be distributed to the various counties of the state on the basis of the ratio of the last year of annual ad valorem taxes collected by such counties on such vehicles to the total ad valorem taxes collected by all counties on such vehicles in the same year. In all subsequent years, such distribution to the counties shall be made on the basis of the ratio of the number of motor vehicles registered in excess of ten thousand (10,000) pounds, in each taxing district in each county, to the total number of such vehicles registered statewide. The counties should then distribute these proceeds as they would if these collections were ad valorem taxes. Provided, however, until July 1, 1993, vehicles which are subject to the provisions of this section and were licensed in another state shall not be subject to any other taxes when registered in this state.
From the privilege tax monies collected under this section, Three Million Seven Hundred Thirty-two Thousand Four Hundred Three Dollars and Eleven Cents ($3,732,403.11) shall be earmarked and set aside to be apportioned and paid to the counties of the state in the manner provided by Section 27-19-159, Mississippi Code of 1972. Any excess privilege tax monies collected under this section shall be deposited into the State General Fund. Provided that no privilege license shall be issued for any period of time for less than One Dollar ($1.00).

The annual highway privilege tax imposed on operators engaged exclusively in the transportation of household goods shall be the same as the tax imposed upon private commercial carriers by this section. Provided that in determining the amount of privilege taxes due under the provisions of this section, there shall be allowed a maximum tolerance of five hundred (500) pounds on all classes of carriers except carriers of liquefied compressed gases and in the case of carriers of liquefied compressed gases there shall be allowed a maximum tolerance of two thousand (2,000) pounds.

Provided, however, any owner or operator who operates a motor vehicle on the public highways, with a license tag attached thereto which was issued for another or different vehicle, shall be liable for the privilege tax on said vehicle for twelve (12) months plus a penalty thereon of twenty-five percent (25%).

Provided further, that carriers of property duly registered and licensed in another state and being used to transport farm harvesting machinery or equipment to and from a particular county in this state may, upon adoption of a resolution by the board of supervisors of said county where such machinery or equipment is being exclusively used in harvesting farm crops within said county, be exempt from the taxes herein levied when said resolution is filed with the State Tax Commission. Provided, however, that said exemption shall not exceed a period of forty
(40) days for any annual period without a second resolution of approval by the board of supervisors who shall have the authority to extend said exemption not to exceed an additional period of twenty (20) days during any annual period.

Provided further, a private commercial carrier of property hauling interstate may purchase a common and contract carrier of property license plate at the prescribed fee to allow the carrier to lease on a one-way basis per trip without qualifying with the Public Service Commission.

SECTION 6. Section 27-19-48, Mississippi Code of 1972, is amended as follows:

27-19-48. (1) Owners of motor vehicles who are residents of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (4)(a) of this section, shall be issued a personalized license tag of the same color as regular license tags to consist of the name of the county and not more than seven (7) letters of the alphabet or seven (7) numbers in lieu of the license tag numbering system prescribed by law. The purchaser of the personalized license tag may choose the combination of such letters or numbers, but no two (2) motor vehicles shall have the same combination of letters or numbers. In the event that the same combination of letters has been chosen by two (2) or more purchasers, the State Tax Commission shall assign a different number to each such purchaser which shall appear on the license tag following the combination of letters; provided, however, this combination shall not exceed seven (7) letters and/or numbers. The combination of letters and/or numbers written across the license tag shall be sufficiently large to be easily read but
shall not be less than three (3) inches in height. No combination of letters or numbers which comprise words or expressions that are considered obscene, slandering, insulting or vulgar in ordinary usage shall be permitted, with the Chairman of the State Tax Commission having the responsibility of making such determination. If, however, such license plate is issued in error or otherwise and is determined by the chairman to be obscene, slanderous, insulting, vulgar or offensive, the chairman shall notify such owner that the license plate must be surrendered and that another personalized license plate may be selected by him and issued at no cost. Should the vehicle owner not desire another personalized license plate, the fee for such plate shall be refunded. In the event the owner fails to surrender the license plate after receiving proper notification, the chairman shall issue an order directing that the license plate be seized by agents of the State Tax Commission or any other duly authorized law enforcement personnel. If such owner is aggrieved by this determination, the appeal procedure and the provisions provided in Section 27-19-33 shall be followed.

(2) For the purposes of this section the terms "motor vehicle" and "vehicle" include motorcycles.

(3) Application for the personalized license tags shall be made to the county tax collector on forms prescribed by the State Tax Commission. The application form shall contain space for the applicant to make five (5) different choices for the combination of the letters and numbers in the order in which said combination is desired by the applicant. The application and the additional fee, less five percent (5%) thereof to be retained by the tax collector, shall be remitted to the State Tax Commission within seven (7) days of the date the application is made. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.
(4) (a) Beginning with any registration year commencing on November 1, 1986, any person applying for a personalized license tag shall pay an additional fee which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrent with the vehicle's established license tag year. The additional fee of Thirty Dollars ($30.00) is due and payable at the time the original application is made for a personalized tag and thereafter annually at the time of renewal registration as long as the owner retains the personalized tag. If the owner does not wish to retain such personalized tag, he must surrender it to the local county tax collector. The additional fee due at the time of renewal registration shall be collected by the county tax collector and remitted to the State Tax Commission on a monthly basis as prescribed by the commission.

(b) The State Tax Commission shall deposit all taxes and fees into the State Treasury on the day collected. At the end of each month, the State Tax Commission shall certify the total fees collected under this section to the State Treasurer who shall deposit the same to the credit of the State General Fund.

(5) A regular license tag must be properly displayed as required by law until replaced by a personalized license tag; and the regular license tag must be surrendered to the tax collector upon issuance of the personalized license tag. The tax collector shall issue up to two (2) license decals for the personalized license tag, which will expire the same month and year as the original license tag.

(6) The applicant shall receive a refund of the fee paid for a personalized license tag if the personalized license tag is not issued to him because the combination of letters and numbers requested to be placed thereon is not available for any reason.

(7) In the case of loss or theft of a personalized license tag, the owner may make application and affidavit for a replacement license tag as provided by Section 27-19-37. The fee
for a replacement personalized license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular license tags.

(8) The owner of a personalized license tag may make application for a duplicate of such tag. The fee for such duplicate personalized license tag shall be Ten Dollars ($10.00). The tax collector receiving such application shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such duplicate personalized license tag and the remainder shall be distributed in the same manner as funds from the sale of regular license tags. A duplicate personalized license tag may not be fastened to the rear of a vehicle and may not be utilized as a replacement for any personalized license tag issued pursuant to this section. Month decals and year decals shall not be issued for duplicate personalized license tags and month decals and year decals shall not be attached to duplicate personalized license tags.

SECTION 7. Section 27-65-76, Mississippi Code of 1972, which provides for monthly sales tax deposits to the credit of the State Highway Fund, is hereby repealed.

SECTION 8. Section 65-1-9, Mississippi Code of 1972, is amended as follows:

65-1-9. The commission shall appoint an Executive Director of the Mississippi Department of Transportation for a term of office beginning on April 1, 1993. The person serving as Executive Director of the State Highway Department on June 30, 1992, shall serve until April 1, 1993, as the Executive Director of the Mississippi Department of Transportation, and thereafter shall be eligible for reappointment to the position of Executive Director of the Mississippi Department of Transportation.
Succeeding terms shall expire on April 1 each four (4) years thereafter. The executive director may be removed by a majority of the commission pursuant to Section 25-9-101 et seq., Mississippi Code of 1972. All appointments by the commission shall be with the advice and consent of the Senate. The commission shall submit its appointment to the Senate not later than March 1 of the year in which a term expires, and if such submission is not made by March 1, the incumbent director shall be deemed to have been reappointed for a four-year term. In the event a vacancy occurs from resignation, death or removal from office by the commission, the commission shall submit its appointment for the unexpired term to the Senate not later than the next March 1 after such vacancy occurs. If no appointment for an unexpired term is submitted to the Senate, the Governor shall make such appointment not later than April 1 of such year. The commission shall fix the compensation of the executive director, subject to approval by the State Personnel Board. The executive director shall be eligible for reappointment. The executive director shall have the following qualifications:

(a) Possess a wide knowledge of the transportation system and needs of Mississippi;
(b) Possess a wide knowledge of the principles of transportation organization and administration; and
(c) Possess selected training or expertise in the field of transportation.

No person who is a member of the Mississippi Transportation Commission, or who has been a member of the transportation commission or of its predecessor, the State Highway Commission, within two (2) years next preceding his appointment, shall be eligible to be chosen as executive director of the department. The executive director shall be the executive officer of the commission and shall be subject to its orders and directions. The executive director shall give his entire time to the duties of his
office. Before entering upon the duties of his office, the executive director shall give bond to the State of Mississippi in the sum of Fifty Thousand Dollars ($50,000.00), conditioned upon the faithful discharge and performance of his official duty. The principal and surety on such bond shall be liable thereunder to the state for double the amount of value of any money or property which the state may lose, if any, by reason of any wrongful or criminal act of the executive director. Such bond, when approved by the commission, shall be filed with the Secretary of State, and the premium thereon shall be paid from the State General Fund.

**SECTION 9.** Section 65-1-15, Mississippi Code of 1972, is amended as follows:

65-1-15. The Mississippi Transportation Commission shall employ a secretary whose salary shall be fixed by the commission and shall require the secretary to keep the proper minute books, order books and other proper books. The secretary shall be the custodian of all books, records or other papers of the department. All of such books, records and papers shall be public records and open to inspection by the public during business hours. Each of the commissioners, the executive director and the secretary may make certified copies of any proceedings of the department, any of its books or papers, or extracts therefrom. Such copy shall bear the signature of the officer giving it and also the seal of the Mississippi Department of Transportation, and such copies shall be admitted in evidence equally with the originals thereof in all courts of this state. Each of the commissioners and the executive director may take and hear testimony. The seal shall be the Coat of Arms of the State of Mississippi, surrounded by the words "Mississippi Department of Transportation." In the event that the original seal should be stolen, lost or misplaced, the commission shall have the power to secure a duplicate seal. The secretary shall be the custodian of the seal and shall do and perform all
other things which may be properly required of him by the executive director or commission. He shall give bond in the sum of not less than Fifty Thousand Dollars ($50,000.00), conditioned as required by law. Except for warrant requisitions drawn in accordance with the provisions of Section 65-1-115, Mississippi Code of 1972, all proceedings of the commission shall be entered upon the minutes of the commission in a minute book to be provided and kept for that purpose, which minutes shall be signed by the chairman or acting chairman of the respective meetings and by the secretary. The pages of the minute book shall be numbered consecutively by the bookmaker. The secretary of the commission shall be an ex officio notary public, authorized to administer oaths and take acknowledgments in the same manner and to the same extent as any other duly appointed, qualified, commissioned and acting notary public, and the seal of the Transportation Department shall be his seal as such ex officio notary public.

The bond premium of the secretary shall be paid from the State General Fund.

SECTION 10. Section 65-1-23, Mississippi Code of 1972, is amended as follows:

65-1-23. The State Highway Commission is hereby authorized and empowered, in its discretion, to erect and construct upon the land hereinafter described a testing laboratory, machine shops, and other necessary buildings, and to expend for such purpose an amount not to exceed $300,000.00 out of any funds which may be available for such purpose in the State General Fund.

The Bureau of Building, Grounds and Real Property Management is hereby authorized, empowered, and directed to select a suitable tract of land, ten acres in area, from any state-owned lands located in or near the City of Jackson, Mississippi, and not now being used for public purposes. The laboratory shops and other buildings specified in this section shall be erected on the land.
so selected, which said land is hereby set aside and allocated to
the State Highway Commission for the purposes herein specified.

SECTION 11. Section 65-1-29, Mississippi Code of 1972, is
amended as follows:

65-1-29. The authority granted the State Highway Commission
under provisions of this chapter, shall include the right to enter
into agreements with the United States government, or any agency
thereof, for the alteration, relocation, reconstruction, or
abandonment of state highways or any portion thereof, and
conveyance of whatever rights and interests the state owns in
property acquired for the purposes of said statutes, or any
portion or interest thereof, where the same are necessary for the
construction of flood control, navigation, drainage, or National
Aeronautics and Space Agency projects approved and adopted by the
United States government or any agency thereof.

Upon proper authorization by the State Highway Commission,
the director of the State Highway Department is hereby empowered
to execute a quitclaim deed selling and conveying the above rights
and interests. Said deed shall be delivered to the purchaser upon
the payment of the consideration agreed upon, and such
consideration shall be deposited in the State Treasury to the
credit of the State General Fund.

Such agreements and conveyances shall be upon a consideration
deemed reasonable by the State Highway Commission and the agency
of the United States government affected, provided that no part of
this section is intended to alter or change in any way the
existing immunity from certain actions of the state or the United
States.

The consideration above shall include the expense of creating
and maintaining any necessary detours, and the same shall be
created and maintained as provided in the above mentioned
SECTION 12. Section 65-1-47, Mississippi Code of 1972, is amended as follows:

65-1-47. The Mississippi Transportation Commission shall have complete authority to issue rules, regulations and orders under which the Mississippi Transportation Department shall have control and supervision, with full power and authority under rules, regulations and orders issued by the commission, to locate, relocate, widen, alter, change, straighten, construct or reconstruct any and all roads on the state highway system heretofore or hereafter taken over by it for maintenance as a part of such system, and shall have full and complete authority for regulating the making of all contracts, surveys, plans, specifications and estimates for the location, laying out, widening, straightening, altering, changing, constructing, reconstructing and maintaining of and the securing of rights-of-way for any and all such highways, and to authorize the employees of the Mississippi Transportation Department to enter upon private property for such purposes.

The Mississippi Transportation Department, under the rules, regulations and orders spread upon the minutes of the Mississippi Transportation Commission, is authorized and empowered to obtain and pay for the rights-of-way of such width as it may determine to be necessary for such highway or for any alteration or change therein or relocation thereof by agreement with the owners of such lands. Rights-of-way of not less than sixty (60) feet wide shall be acquired except within the boundaries of towns and cities where unusual conditions exist, in which case the commission is authorized and empowered to have obtained and paid for such rights-of-way of such width as it may determine to be necessary. Said commission may have condemned any and all land or other property needed for such purposes or either of them; may have condemned or acquired by gift or purchase lands containing road building materials and develop and operate pits, mines or other
properties for the purpose of obtaining road material; and have
condemned or acquired by gift or purchase lands necessary for the
safety and convenience of traffic.

Said commission, in case an agreement cannot be reached with
the owners of land containing road building materials or of any
additional land necessary for widening any existing public
highways, for laying out a new public highway, or for changing the
route of an existing public highway, as provided in the foregoing
part of this section, shall be authorized to have condemned any
land needed for either of said purposes, as is fully set forth in
this section. The proceedings to acquire such lands by a
condemnation shall be in conformity with the statutes on the
subject of "eminent domain," the power of eminent domain being
hereby expressly conferred upon said commission for such purposes.
Such proceedings shall take precedence over all other causes not
involving the public interest in all courts and shall be given
preference to the end that construction and reconstruction of
highways hereunder may not be unreasonably delayed. The amount of
such compensation and damages, if any, awarded to the owner in
such proceedings shall be paid out of the State General Fund. The
authorities constructing such highway, under the authority as
provided in this section, shall use diligence to protect growing
crops and pastures and to prevent damage to any property not
taken. So far as possible, all rights-of-way shall be acquired or
contracted for before any construction contract work order is
issued.

The estate which the Mississippi Transportation Commission is
authorized to acquire by deed or condemnation as set forth above
shall include all rights, title and interest in and to the lands
or property being acquired, excepting and excluding all the oil
and gas therein or thereunder and such other rights, title or
interest which are expressly excepted and reserved to the property
owner, his successors, heirs or assigns in the deed or

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condemnation petition by which the property is acquired. Any
property interest acquired may be in unlimited vertical dimension.
The Mississippi Transportation Commission shall decide what right,
title and interest are necessary for highway purposes on each
particular project and may, by order on its minutes, authorize its
agents to expressly except all or any others.

SECTION 13. Section 65-1-77, Mississippi Code of 1972, is
amended as follows:
65-1-77. The Mississippi Transportation Commission and the
counties and municipalities of the state are hereby authorized to
enter into agreements for highway and street projects which are a
part of an overall plan to be administered under the provisions of
Title 23, United States Code. Such agreements may provide for
traffic engineering assistance to the local governments for the
development by the Mississippi Transportation Department of
records systems for local roads and streets. The counties and
municipalities of the state are authorized to deposit with the
Mississippi Transportation Department the federal aid matching
requirement for the project from any available fund. The county
and/or municipal share and the federal share will be handled in
the manner provided therefor in Section 65-9-17. The county will
be required to fulfill its obligation for maintenance of any
project constructed under this authorization in the same manner
required of or for any state aid road. It shall be the duty of
the municipal officials of any incorporated city entering into
this agreement to properly maintain and operate any completed
project or improvement on the municipal street system. It shall
be the duty of the Chief Engineer of the Mississippi
Transportation Department and his assistants to make at least
annual maintenance inspections of completed projects and such
other periodic inspections as he shall deem necessary. If
essential maintenance is not properly and regularly done in the
opinion of the chief engineer, then notice shall be given by the
Director of the Mississippi Transportation Department in writing to the county or municipality in fault; and, if such maintenance is not done and continued within sixty (60) days from the date of such notice, then the Director of the Mississippi Transportation Department may proceed to have done the necessary maintenance and repair work on such street and have the cost of same credited to the State General Fund from any fund available to the county or municipality within the State Treasury.

SECTION 14. Section 65-1-111, Mississippi Code of 1972, is amended as follows:

65-1-111. All monies from any source provided by law shall be covered and paid into the State Treasury as other public funds are paid, and it shall be the duty of the Department of Finance and Administration to advise the Mississippi Transportation Commission of the amount of money allotted to the commission on hand from time to time. It shall be the duty of the Department of Finance and Administration to place and allocate said funds so covered into the State Treasury in the State General Fund. 

In the event any highway bonds or notes are issued, the Transportation Commission will adopt a resolution requesting the Bond Commission to issue such bonds or notes as may be authorized and a "bond and interest sinking fund" and "note fund" shall likewise be kept separate from the highway fund by the State Treasurer pursuant to the bond resolution adopted by the State of Mississippi Bond Commission.

SECTION 15. Section 65-1-112, Mississippi Code of 1972, is amended as follows:

65-1-112. No funds provided to the State Highway Department from the State General Fund shall be expended on a set division of such funds by district, but shall be expended on the basis of state needs as a whole.

SECTION 16. Section 65-1-115, Mississippi Code of 1972, is amended as follows:
65-1-115. The Department of Finance and Administration, in cooperation with the commission or its comptroller, shall formulate and prescribe a uniform system of accounting for all monies expended by the Mississippi Transportation Commission. The commission shall have prepared and issued all necessary forms, rules and regulations for the installation and operation of said system of accounting, and it shall be the duty of the Transportation Commission, acting through its executive director, in allowing any account to request, by requisition to the Department of Finance and Administration, that a warrant be issued therefor. The commission shall provide proper books covering requisitions to be drawn from the State General Fund. In the event any highway bonds or notes are issued, additional books covering a "bond and interest sinking fund" and "note fund" shall likewise be provided.

SECTION 17. Section 65-1-117, Mississippi Code of 1972, is amended as follows:

65-1-117. The board of supervisors of any county is hereby authorized in its discretion to deposit with the State Treasurer, as trustee, funds representing the county's or district's share of the cost of construction of any project in that county.

The State Treasurer is hereby authorized to continue to receive and deposit to the credit of the State General Fund, all funds from the federal government made available by it for road construction purposes, and the Treasurer shall notify the commission of the amounts so received.

All accounts against the above mentioned funds shall be certified by the director of the Mississippi Transportation Department, who shall request the Department of Finance and Administration to issue his warrant on the State Treasurer for the amount of the account, and the Treasurer shall pay same if sufficient funds are available, all in the manner prescribed herein or as may be required by law.
SECTION 18. Section 65-9-17, Mississippi Code of 1972, is amended as follows:

65-9-17. (1) When any county shall have met the requirements of this chapter and shall have become eligible for state aid, the State Aid Engineer, as soon as practicable, shall notify such county in writing of such eligibility and that its proportionate part of any state funds allocated to it for state aid may be utilized for construction in the manner provided by law, and such notice shall also be given in writing to the Department of Finance and Administration and to the State Treasurer.

(2) State aid funds shall be allocated to each county for use on state aid system roads or roads on the Local System Road Program in accordance with the provisions of Section 27-65-75.

(3) State aid funds may be credited to a county in advance of the normal accrual to finance certain state aid improvements, subject to the approval of the State Aid Engineer and subject further to the following limitations:

(a) That the maximum amount of state aid funds that may be advanced to any county shall not exceed ninety percent (90%) of the state aid funds estimated to accrue to such county during the remainder of the term of office of the board of supervisors of such county.

(b) That no advance credit of funds will be made to any county when the unobligated balance in the State Aid Road Fund is less than One Million Dollars ($1,000,000.00).

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

It is the intent of this provision to utilize to the fullest practicable extent the balance of state aid funds on hand at all times.
(4) State aid funds shall be available to such county to the following extent and in the following manner:

(a) On state aid projects, other than those on or off the federal aid secondary system to be partially financed with federal funds, state aid funds credited to such county in the State Aid Road Fund shall be available to cover the cost of such project. Upon the awarding of a contract for such state aid project, the board of supervisors of any county will, by an official order of the board, authorize the State Aid Engineer to set up the project fund for such project from that county's state aid fund in the State Treasury. The amount of the project fund will cover the estimated cost of the project, including the contractor's payments and any other costs authorized under this chapter to be paid from state aid funds. Withdrawals from the project fund will be made by requisitions prepared by the State Aid Engineer, based on estimates and other supporting statements and documents prepared or approved by the county engineer, such requisitions, accompanied by such estimates and statements, to be directed to the Department of Finance and Administration, which will issue warrants in payment thereof. Requisitions may be drawn to cover the final cost of the project accepted by the boards of supervisors of the counties affected and the State Aid Engineer, even though such cost exceeds the aforesaid estimated project fund. Whenever, in the opinion of the State Aid Engineer, it should appear that any such estimate or statement of account has been improperly allowed or that any road construction project is not proceeding in accordance with the plans, specifications and standards set up therefor, then, in such event, due notice in writing shall be given the board of supervisors of such county and the contractor on such project, if any, stating the reason why such account should not have been allowed or why such project is not progressing satisfactorily; and if, within thirty (30) days from the date of such notice in writing, such error or default is
not corrected to the satisfaction of the State Aid Engineer, all state aid funds theretofore allocated to such eligible county shall be immediately withdrawn and notice given the Department of Finance and Administration and the State Treasurer that such county has become ineligible therefor. Such county shall remain ineligible until it again becomes eligible by satisfying the State Aid Engineer as to its eligibility.

(b) On state aid projects on the federal aid secondary system which are to be partially financed with federal funds, state aid funds credited to such county in the State Aid Road Fund shall be available to cover the sponsor's share of the cost of such project. At the same time, the State Treasurer, on order from the board of supervisors, shall transfer an amount up to one hundred percent (100%) of such cost from the credit of such county in the State Aid Road Fund to the credit of such county in the State General Fund, earmarked for such project.

(c) State aid road funds credited to a county in the State Aid Road Fund shall also be available to cover the sponsor's cost of any other project of such county which is partially financed with federal funds available through federal "safer off-system" road funds and/or other federal road funds allocated to the counties as provided for in accordance with Section 65-9-29(2). On order from the board of supervisors of such county, the State Treasurer shall transfer an amount up to one hundred percent (100%) of such cost from the credit of such county in the State Aid Road Fund to the credit of such county in the State General Fund, earmarked for such project.

(d) Up to one-third (1/3) of state aid road funds credited to a county in the State Aid Road Fund may be available to match federal bridge replacement monies or other federal funds, or both, to construct, replace, inspect or post bridges and to conduct pavement management surveys on county roads which are not on the state aid system. To implement such projects, the State
Treasurer shall, as requested in an order from the board of supervisors of the county, make transfers out of the credit of such county in the State Aid Road Fund.

(e) Up to twenty-five percent (25%) of the state aid road funds credited to a county in the State Aid Road Fund may be available for projects authorized under the Local System Road Program. Withdrawals from the fund for the Local System Road Program will be made by requisitions prepared by the State Aid Engineer, based on estimates and other supporting statements and documents prepared or approved by the county engineer; such requisitions, accompanied by such estimates and statements, to be directed to the Department of Finance and Administration, which will issue warrants in payment thereof. Requisitions may be drawn to cover the final cost of the local system road project accepted by the boards of supervisors of the counties affected and the State Aid Engineer even though such cost exceeds the aforesaid estimated project fund. Whenever, in the opinion of the State Aid Engineer, it should appear that any such estimate or statement of account has been improperly allowed or that any road construction project is not proceeding in accordance with the plans, specifications and standards set up therefor, then, in such event, due notice in writing shall be given the board of supervisors of such county and the contractor on such project, if any, stating the reason why such account should not have been allowed or why such project is not progressing satisfactorily; and if, within thirty (30) days from the date of such notice in writing, such error or default is not corrected to the satisfaction of the State Aid Engineer, all state aid funds theretofore allocated to such eligible county shall be immediately withdrawn and notice given the Department of Finance and Administration and the State Treasurer that such county has become ineligible therefor. Such county shall remain ineligible until it again becomes eligible by satisfying the State Aid Engineer as to its eligibility.
(5) The State Treasurer is hereby authorized to continue to receive and deposit all funds from the federal government made available by it, either by existing law or by any law which may be passed hereafter, to the credit of the State Highway Fund, and the Treasurer shall notify the commission of the amounts so received. All accounts against the above-mentioned funds shall be certified to by the Executive Director of the Mississippi Department of Transportation, who shall request the Department of Finance and Administration to issue its warrant on the State Treasurer for the amount of the accounts; and the Treasurer shall pay same if sufficient funds are available, all in the manner prescribed herein or as may be required by law.

(6) The board of supervisors of each county is hereby authorized and empowered to pay funds into the State Treasury in the manner above set out, and to use and expend such funds for the purposes set out in this chapter. For the purpose of providing such funds, the board of supervisors is hereby authorized and empowered to use and expend any county road and bridge funds, including revenue received from any gasoline taxes paid to such county, or any funds available in the General Fund, or to issue road and bridge bonds of such county in any lawful amount in the manner and method and subject to the restrictions, limitations and conditions, and payable from the same sources of revenue, now provided by law.

SECTION 19. Section 65-11-9, Mississippi Code of 1972, is amended as follows:

65-11-9. The State Highway Commission shall determine what proportion of the funds allotted to the State of Mississippi for the improvement of secondary and feeder roads under subsection (b), Section 3, of the Federal Aid Highway Act of 1944 [53 U.S. Stat. 838, Chapter 626], shall be expended upon the improvement of highways on the county federal aid highway system; however, not less than fifty per cent (50%) of the amount so apportioned to
Mississippi under said act shall be apportioned for expenditure among the counties for the improvement of roads on the county federal aid highway system; if the amount apportioned by the state to the State General Fund to carry out the purposes of Sections 65-11-1 through 65-11-37 should be less than fifty per cent (50%) of the amount apportioned to Mississippi for secondary and feeder roads under said act, then the amount of federal funds apportioned to the counties for the improvement of roads on the county federal aid highway system may be less than fifty per cent (50%) of such federal funds, but shall not be less than the amount of such state appropriation.

SECTION 20. Section 65-11-11, Mississippi Code of 1972, is amended as follows:

65-11-11. The amount of federal funds made available to the State of Mississippi for secondary and feeder roads under the Federal Aid Highway Act of 1944 [58 U.S. Stat. 838, Chapter 626] which is allotted to the counties as provided in Section 65-11-9, shall be apportioned among the counties of this state by the State Highway Commission in the following manner: one third (1/3) in the ratio which the area of each county bears to the total area of the state; one third (1/3) in the ratio which the rural population of each county bears to the total rural population of the state, as shown by the federal census of 1940; and one third (1/3) in the ratio which the mileage of rural delivery and star routes in each county bears to the total mileage of rural delivery and star routes in the state. The amount of federal funds so apportioned to each county shall be matched by state funds apportioned to the State General Fund to carry out the purposes of Sections 65-11-1 through 65-11-37 as hereinafter provided; in the event the amount so appropriated for such State General Fund is insufficient to entirely match the federal funds allotted to county highways, then the amount of such fund shall be apportioned among the counties in the same manner as herein provided. "Rural population" and "rural
delivery" routes as used in this section shall have the same meaning ascribed to them in the Federal Aid Highway Act of 1944 [58 U.S. Stat. 838, Chapter 626].

**SECTION 21.** Section 65-11-15, Mississippi Code of 1972, is amended as follows:

65-11-15. The Mississippi Transportation Commission shall notify the board of supervisors of each county of the amount of money to be available for expenditure in such county from said federal apportionment, and of the amount of money available from the **State General** Fund as the state's share of the federal aid program on secondary and feeder roads. Within three (3) months after the receipt of such notice, the board of supervisors of each county shall submit to the Mississippi Transportation Commission a description of the recommended projects on county highways in such county which are approved by the county and recommended for selection and designation for participation in federal aid under the Federal Aid Highway Act of 1944 [58 U.S. Stat. 838, Chapter 626]. In the selection of such projects and in the recommendation of the order of their improvement, the boards of supervisors shall select projects which will be of the greatest benefit to the county as a whole, judged from the standpoint of relative use and importance, without regard to district or beat lines, insofar as same is consistent with the rules and regulations of the public roads administration of the federal works agency. All such projects and the order of their inauguration shall be subject to the approval of the Mississippi Transportation Commission as provided in Section 65-11-13.

**SECTION 22.** Section 65-11-25, Mississippi Code of 1972, is amended as follows:

65-11-25. If the amount apportioned to any county from federal aid funds for the purposes mentioned above shall exceed the amount made available to such county from state appropriated funds, then the board of supervisors of such county is hereby
authorized and empowered, in its discretion, to use and expend any county road and bridge funds, or any funds available in the general fund of such county, to increase or enlarge the county highway construction program in such county and to match any federal aid funds not matched by state appropriated funds. All such additional funds shall be remitted and turned over by the board of supervisors to the State Treasurer to be deposited in the State General Fund and to be used exclusively in said county on projects on county highways approved by the board of supervisors, the Mississippi Transportation Commission, and the public roads administration, it being the intention of this section to authorize and empower the board of supervisors of any county to supplement the funds provided for the construction or improvement of projects on secondary or feeder roads in said county out of any funds which the county might have available at the time. For the purpose of providing such supplemental or additional funds, the board of supervisors of any county is hereby authorized and empowered, in its discretion, to issue the road or road and bridge bonds of such county in any lawful amount, said bonds to be issued in all respects in the manner and method, and subject to the restrictions and conditions, now provided by law for the issuance of county road or road and bridge bonds, and shall be payable from the same sources of revenue.

SECTION 23. Section 65-11-35, Mississippi Code of 1972, is amended as follows:

65-11-35. * * * All expenditures of state funds contemplated by the aforesaid sections shall be made from the State General Fund, and such monies shall be paid out by the Mississippi Transportation Commission, acting through its director, in the manner and method now provided by law.

SECTION 24. Section 65-33-45, Mississippi Code of 1972, is amended as follows:
65-33-45. Where any county issues or has heretofore issued its bonds under this chapter or any previous statutes of a similar character for protection of any highway, there shall be paid into the Treasury of such county fifty per cent (50%) of any license taxes which would otherwise be paid into the State Highway Fund collected by the state in such county on motor vehicles or drivers thereof, and fifty per cent (50%) of any excise taxes levied and collected in such county by the state on gasoline which would otherwise be paid into the State Treasury to the credit of the State General Fund, to meet the interest and annual sinking fund on such bonds. Such funds shall be applied toward the liquidation of the interest and sinking fund accruing annually on such bonds, the other fifty per cent (50%) to go into the State Treasury to the credit of the Mississippi Transportation Commission, and, if such taxes in any year should be insufficient to cover such interest and sinking fund, the deficiency therein shall be supplied out of any other such funds collected by the state in such county and allotted by law to such county for road purposes. Nothing herein shall be construed as a guarantee on the part of the state to pay the interest or principal on any bonds issued hereunder.

This section shall not apply to the tax collected from registration fees and the sale of automobile tags.

Of the surplus of such funds so paid into the treasuries of Harrison and Jackson Counties, the portions thereof hereinafter designated, to the extent necessary under the limitations hereinafter stated, shall be paid by Harrison and Jackson Counties to the Mississippi Transportation Commission and shall be applied by said commission on the annual payments of principal of and interest on bonds to be issued by the State Bond Commission in an amount not to exceed Seven Million Dollars ($7,000,000.00), for the construction, by the Mississippi Transportation Commission, of a four-lane highway bridge across the Bay of Biloxi, to form a
part of United States Highway No. 90, to the extent that two
thirds (2/3) of the total cost of principal and interest on such
bonds shall be paid out of such surplus funds of Harrison County,
and one third out of such surplus funds of Jackson County.

For the purpose of this section, such "surplus funds of
Harrison County" shall be construed to be the amount paid to
Harrison County under this section not pledged to the payment of
principal and interest of bonds issued under this chapter, or any
previous statutes of a similar character for the protection of any
highway, and presently outstanding. "Surplus funds of Jackson
County" shall be construed to be the amount paid to Jackson County
under this section not pledged to the payment of principal and
interest of bonds issued under this chapter, or any previous
statutes of a similar character for the protection of any highway,
and presently outstanding, and remaining after payment of
principal and interest on bonds now issued or authorized by an
election by Jackson County in connection with its Bayou Casotte
development project under the authority of Senate Bill No. 1265,
Extraordinary Session of 1954, as amended by Senate Bill No. 1624
enacted at the Regular 1958 Session of the Mississippi
Legislature.

Annually, to the extent necessary to meet the annual
requirements for the payment of principal of and interest on said
bonds, Harrison County shall pay to the Mississippi Transportation
Commission not exceeding two thirds (2/3) of its aforesaid annual
surplus, as hereinabove defined; and, to the extent necessary and
available, Jackson County shall annually pay to the Mississippi
Transportation Commission from such surplus funds an amount not
exceeding one third (1/3) of the annual requirements for bonds
issued by the State Bond Commission, and such amounts as may be
necessary to satisfy any deficiency in preceding annual payments
required to be made under the provisions hereof.
Surplus funds remaining to both Harrison and Jackson Counties, after making the payments above directed, may be pledged, used, and expended in whole or part for the payment of the principal of and interest on bonds issued and to be issued under the authority of Sections 59-9-1 through 59-9-83; however, unless and until so pledged all or any part of such surplus now or hereafter accumulated may be transferred by the board of supervisors to a fund designated the county port fund and shall be subject to expenditure by the county port authority or county development commission for the purposes and objects authorized by said sections. All expenditures made by the county port authority or county development commission shall be audited by the county auditor, who shall annually report such expenditures to the board of supervisors.

**SECTION 25.** Section 7-7-213, Mississippi Code of 1972, is amended as follows:

7-7-213. The costs of audits and other services required by Sections 7-7-201 through 7-7-215, except for those audits and services authorized by Section 7-7-211(k), shall be funded by appropriations made by the Legislature from the General Fund. Except as provided in Section 7-7-211(d) and any municipality required under this chapter to be audited by the State Auditor, the amounts to be charged for performing audits and other services shall be the actual cost, not to exceed One Hundred Dollars ($100.00) per man day. In the event of failure by any unit of government to pay the charges authorized herein, the Department of Audit shall notify the State Fiscal Officer, and upon a determination that the charges are substantially correct, the State Fiscal Officer shall notify the defaulting unit of his determination. If payment is not made within thirty (30) days after such notification, the State Fiscal Officer shall notify the State Treasurer and Department of Public Accounts that no further
warrants are to be issued to the defaulting unit until the deficiency is paid.

The cost of any service by the department not required of it under the provisions of the cited sections but made necessary by the willful fault or negligence of an officer or employee of any public office of the state shall be recovered (i) from such officer or employee and/or surety on official bond thereof and/or (ii) from the individual, partnership, corporation or association involved, in the same manner and under the same terms, when necessary, as provided the department for recovering public funds in Section 7-7-211.

The State Auditor shall deliver a copy of any audit of the fiscal and financial affairs of a county to the chancery clerk of such county and shall deliver a notice stating that a copy of such audit is on file in the chancery clerk's office to some newspaper published in the county to be published. If no newspaper is published in the county, a copy of such notice shall be delivered to a newspaper having a general circulation therein.

SECTION 26. Section 7-9-22, Mississippi Code of 1972, is amended as follows:

7-9-22. All funds collected by the Office of the Secretary of State, except public trust tidelands funds, shall be deposited, in accordance with Section 7-9-21, Mississippi Code of 1972, into the State General Fund. ** *

SECTION 27. Section 7-9-63, Mississippi Code of 1972, is amended as follows:

7-9-63. ** *

** ** For fiscal year 1985 and fiscal year 1986 ** and thereafter, the bureau shall be funded by such appropriation ** from the General Fund **.

** **

SECTION 28. Section 25-9-141, Mississippi Code of 1972, is amended as follows:

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The State Personnel Board shall operate from State General Fund appropriation. The State Personnel Board shall adopt a user assessment procedure, which shall be prorated among all departments, agencies and institutions, based upon the number of employment positions authorized and/or serviced by the board, and the departments, agencies and institutions shall pay their share of the assessment upon receipt of billing from the board.

 SECTION 29. Section 25-31-8, Mississippi Code of 1972, is amended as follows:

25-31-8. From and after July 1, 1979, in all circuit court districts in this state existing now or hereafter created, the district attorney shall receive from sums appropriated for such purpose from the General Fund of the State of Mississippi, an office operating allowance for the necessary expenses of operating the office of the district attorney, including stenographic help, and other items and expenditures necessary and incident to the investigation of criminal cases, the general expenses of the office of the investigation of criminal cases, the general expenses of the office of the district attorney for preparing and/or trying felony cases and all other cases requiring the services of the district attorney, the sum of Twenty-six Thousand Dollars ($26,000.00) for each district, and an additional Three Thousand Five Hundred Dollars ($3,500.00) for each assistant authorized by Section 25-31-5(1) as of January 1, 1996. All expenditures made from said office operating allowances shall be upon written requisition of the duly elected district attorney to the State Auditor, as otherwise provided by law. The district attorney may delegate to the board of supervisors of any county in his district the responsibility and authority to employ and set the salary of not more than one (1) employee for the office of such district attorney, such salary to be paid as other expenditures are paid from the funds provided by this section.
Such employee shall be deemed to be appointed and employed by the board of supervisors and the salary shall not be deemed to be a pecuniary benefit provided by the district attorney's office.

SECTION 30. Section 25-53-5, Mississippi Code of 1972, is amended as follows:

25-53-5. The authority shall have the following powers, duties, and responsibilities:

(a) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes.

(b) The authority shall immediately institute procedures for carrying out the purposes of this chapter and supervise the efficient execution of the powers and duties of the office of executive director of the authority. In the execution of its functions under this chapter, the authority shall maintain as a paramount consideration the successful internal organization and operation of the several agencies so that efficiency existing therein shall not be adversely affected or impaired. In executing its functions in relation to the institutions of higher learning and junior colleges in the state, the authority shall take into consideration the special needs of such institutions in relation to the fields of teaching and scientific research.

(c) Title of whatever nature of all computer equipment now vested in any agency of the State of Mississippi is hereby vested in the authority, and no such equipment shall be disposed of in any manner except in accordance with the direction of the
authority or under the provisions of such rules and regulations as may hereafter be adopted by the authority in relation thereto.

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.

(e) The authority shall adopt rules and regulations governing the sharing with, or the sale or lease of information technology services to any nonstate agency or person. Such regulations shall provide that any such sharing, sale, or lease shall be restricted in that same shall be accomplished only where such services are not readily available otherwise within the state, and then only at a charge to the user not less than the prevailing rate of charge for similar services by private enterprise within this state.

(f) The authority may, in its discretion, establish a special technical advisory committee or committees to study and make recommendations on technology matters within the competence of the authority as the authority may see fit. Persons serving on the Information Resource Council, its task forces, or any such technical advisory committees shall be entitled to receive their actual and necessary expenses actually incurred in the performance
of such duties, together with mileage as provided by law for state
employees, provided the same has been authorized by a resolution
duly adopted by the authority and entered on its minutes prior to
the performance of such duties.

(g) The authority may provide for the development and
require the adoption of standardized computer programs and may
provide for the dissemination of information to and the
establishment of training programs for the personnel of the
various information technology centers of state agencies and
personnel of the agencies utilizing the services thereof.

(h) The authority shall adopt reasonable rules and
regulations requiring the reporting to the authority through the
office of executive director of such information as may be
required for carrying out the purposes of this chapter and may
also establish such reasonable procedures to be followed in the
presentation of bills for payment under the terms of all contracts
for the acquisition of computer equipment and services now or
hereafter in force as may be required by the authority or by the
executive director in the execution of their powers and duties.

(i) The authority shall require such adequate
documentation of information technology procedures utilized by the
various state agencies and may require the establishment of such
organizational structures within state agencies relating to
information technology operations as may be necessary to
effectuate the purposes of this chapter.

(j) The authority may adopt such further reasonable
rules and regulations as may be necessary to fully implement the
purposes of this chapter. All rules and regulations adopted by
the authority shall be published and disseminated in readily
accessible form to all affected state agencies, and to all current
suppliers of computer equipment and services to the state, and to
all prospective suppliers requesting the same. Such rules and
regulations shall be kept current, be periodically revised, and
copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of said proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment or services to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to purchase, lease, or rent computer equipment or services and to operate said equipment and utilize said services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

(m) The authority shall assist political subdivisions and instrumentalities in their development of plans for the efficient acquisition and utilization of computer equipment and services. An appropriate fee shall be charged the political subdivision by the authority for such assistance.

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for
making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms
of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best.

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies. These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.

(r) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

The authority shall operate from State General Funds appropriated by the Legislature. All user charges and fees shall be deposited by the authority into the State General Fund.

SECTION 31. Section 25-53-29, Mississippi Code of 1972, is amended as follows:

25-53-29. (1) For the purposes of this section the term "bureau" shall mean the "Mississippi Department of Information Technology Services." The authority shall have the following powers and responsibilities to carry out the establishment of policy and provide for long range planning and consulting:
(a) Provide a high level of technical expertise for agencies, institutions, political subdivisions and other governmental entities as follows: planning; consulting; project management; systems and performance review; system definition; design; application programming; training; development and documentation; implementation; maintenance; and other tasks as may be required, within the resources available to the bureau.

(b) Publish written planning guides, policies and procedures for use by agencies and institutions in planning future electronic information service systems. The bureau may require agencies and institutions to submit data, including periodic electronic equipment inventory listings, information on agency staffing, systems under study, planned applications for the future, and other information needed for the purposes of preparing the state master plan. The bureau may require agencies and institutions to submit any additional data required for purposes of preparing the state master plan.

(c) Inspect agency facilities and equipment, interview agency employees and review records at any time deemed necessary by the bureau for the purpose of identifying cost-effective applications of electronic information technology. Upon conclusion of any inspection, the bureau shall issue a management letter containing cost estimates and recommendations to the agency head and governing board concerning applications identified that would result in staff reductions, other monetary savings and improved delivery of public services.

(d) Conduct classroom and on-site training for end users for applications and systems developed by the bureau.

(e) Provide consulting services to agencies and institutions or Mississippi governmental subdivisions requesting technical assistance in electronic information services technology applications and systems. The bureau may submit proposals and...
enter into contracts to provide services to agencies and
institutions or governmental subdivisions for such purposes.

(2) The bureau shall annually issue a three-year master plan
in writing to the Governor, available on request to any member of
the Legislature, including recommended statewide strategies and
goals for the effective and efficient use of information
technology and services in state government. The report shall
also include recommended information policy actions and other
recommendations for consideration by the Governor and members of
the Legislature.

(3) The bureau shall make an annual report in writing to the
Governor, available on request to any member of the Legislature,
to include a full and detailed account of the work of the
authority for the preceding year. The report shall contain
recommendations to agencies and institutions resulting from
inspections or consulting contracts. The report shall also
contain a summary of the master plan, progress made, and
legislative and policy recommendations for consideration by the
Governor and members of the Legislature.

(4) The bureau may charge fees to agencies and institutions
for services rendered to them. The amounts of such fees shall be
set by the authority upon recommendation of the Executive Director
of the MDITS, and all such fees collected shall be paid into the
State General Fund ***.

(5) It is the intention of the Legislature that the
employees of the bureau performing services defined by Section
25-53-29 be staffed by highly qualified persons possessing
technical, consulting and programming expertise. Such employees
shall be considered nonstate service employees as defined in
Section 25-9-107 (c)(x) and may be compensated at a rate
comparable to the prevailing rate of individuals in qualified
professional consulting firms in the private sector. Such
compensation rates shall be determined by the State Personnel
Director. The number of such positions shall be set by annual appropriation of the Legislature. Qualifications and compensation of the bureau employees shall be set by the State Personnel Board upon recommendation of the Executive Director of the MDITS. The total number of positions and classification of positions may be increased or decreased during a fiscal year depending upon work load and availability of funds.

(6) The bureau may, from time to time, at the discretion of the Executive Director of the MDITS, contract with firms or qualified individuals to be used to augment the bureau's professional staff in order to assure timely completion and implementation of assigned tasks, provided that funds are available in the bureau's appropriation. Such individuals may be employees of any agency, bureau or institution provided that these individuals or firms meet the requirements of other individuals or firms doing business with the state through the Mississippi Department of Information Technology Services. Individuals who are employees of an agency or institution may contract with the Mississippi Department of Information Technology Services only with the concurrence of the agency or institution for whom they are employed.

SECTION 32. Section 27-7-313, Mississippi Code of 1972, is amended as follows:

27-7-313. In the case of any overpayment of any tax, interest or penalty levied or provided for in Article 1 of this chapter, or in this article, whether by reason of excessive withholding, error on the part of the taxpayer, erroneous assessment of tax, or otherwise, the excess shall be refunded to the taxpayer. When, upon examination of any return made under this article, or under the provisions of Article 1 of this chapter, it appears that an amount of income tax has been paid in excess of the amount properly due, then the amount of the excess shall be credited
against any income tax then due from the taxpayer under any other
return required by this article, or Article 1 of this chapter. Refunds or credits may be withheld or applied against any other
tax determined finally to be due if the taxpayer has failed to pay
any tax finally due as required by the provisions of the laws administered by the commission. Any excess after such application
shall be certified to the State Auditor of Public Accounts by the commissioner. The said Auditor is hereby authorized to make such investigation and audit of the claim as he finds necessary. If he finds that the commissioner is correct in his determination, the Auditor may issue his warrant to the State Treasurer in favor of the taxpayer for the amount of tax erroneously paid into the State Treasury. No refund shall be granted under this article or under the provisions of Article 1 of this chapter unless a claim for same is made within three (3) years from the date the return is due, or within three (3) years from the final day of an extension period previously granted by the commissioner pursuant to the provisions of Section 27-7-50; however, the restrictions imposed by this section do not apply to those refund requests or claims made in compliance with subsections (2) and (3) of Section 27-7-49.

The State Treasurer shall withhold from all income taxes collected each month an amount necessary to make refunds expected to be approved by the State Auditor during the following month. This amount shall be placed in the State General Fund. All refunds made under this article shall be made as quickly as possible upon receipt of the proper proof, as required by the State Auditor.

In order to obtain a refund, such employee shall attach to his return a copy of the withholding statement required to be furnished him by his employer as provided in Section 27-7-311. The making of any refund shall not be conclusive of the tax due by any individual, but shall be made subject to the future audit of his
return and the determination of his liability. Bond requirements
of Section 7-7-57 shall not apply to warrants for refund of income
tax.

Nothing in this section shall be construed as authorizing a
refund of taxes for claims made pursuant to the United States
Supreme Court decision of Davis v. Michigan Department of
Treasury, 109 S.Ct. 1500 (1989). These taxes were not incorrectly
and/or erroneously collected as contemplated by this chapter.

In the event a court of final jurisdiction determines the
above provision to be void for any reason, it is hereby declared
the intent of the Legislature that affected taxpayers shall be
allowed a credit against future income tax liability as opposed to
a tax refund.

SECTION 33. Section 27-19-99, Mississippi Code of 1972, is
amended as follows:

27-19-99. The State Tax Commission shall furnish the tax
collector of each county a sufficient supply of license tags or
plates and a sufficient supply of license receipts with which to
make the collection of the taxes imposed by the provisions of this
article, which such tax collectors are required to collect. The
license tag receipts shall be on forms prescribed by the
commission. Upon the payment of the taxes and fees required by
this article, the tax collector shall issue the license receipt in
the form prescribed by the commission. The commission shall keep
account against the tax collector for the license taxes and fees
collected. The tax collector shall keep a similar account.

The tax collector shall, at the end of each month or within
twenty (20) days thereafter, pay into the county road fund all
privilege taxes collected by him during the preceding month upon
motor vehicle privilege licenses which he is entitled to issue,
less the county's commission.

The tax collector shall keep a record of the information
furnished by the owners of each motor vehicle registered. The
record shall be made in numerical order by tag number or decal number, whichever is appropriate. At the end of each month, or within twenty (20) days thereafter, the tax collector shall submit to the commission a copy of such record, together with the copy of each registration receipt, and shall, at the same time, remit to the commission the registration fee for each license tag or decal sold by him during the preceding month. When the tax collector shall have complied with the provisions of this section and shall have forwarded to the commission, within the time specified, all reports required of him hereunder, he shall then be entitled to retain five percent (5%) of the registration fees imposed in paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of 1972, to be paid into the county general fund; otherwise the county's commission shall be forfeited. The five percent (5%) shall not apply to any additional registration fee imposed above the amounts imposed in paragraphs (a) and (b) of Section 27-19-43. The commission shall keep a record from the duplicates filed by the tax collectors of all registered vehicles. Counties that use their existing computer system to communicate all data regarding vehicle title and registration transactions to the state's central computer system shall be allotted Fifty Cents (50¢) for each registration fee collected by the county and remitted to the State Tax Commission. Such communication must successfully pass any edit features and successfully create or update title/registration records on the network system. This amount paid to the county shall be deposited into the county general fund to be expended only for costs incurred for the purchase of equipment, software, maintenance or other costs directly related to the title/registration network system. All monies remitted to the commission by tax collectors as registration or tag fees from the portion of the rate imposed in paragraphs (a) and (b) of Section 27-19-43, and all monies
received by the commission directly as registration or tag fees
from the portion of the rate imposed in paragraphs (a) and (b) of
Section 27-19-43, shall be paid by the commission into the General
Fund of the State Treasury on the first day of the month
succeeding the month in which such fees are received by the
commission. Except as otherwise provided in Section 31-17-127,
all monies remitted to the commission by tax collectors as
registration or tag fees from the additional rate of Five Dollars
($5.00) and all monies received by the commission directly as
registration or tag fees from the additional rate of Five Dollars
($5.00) shall be paid into the State Treasury to the credit of the
State General Fund ** **.

SECTION 34. Section 27-25-11, Mississippi Code of 1972, is
amended as follows:

27-25-11. All taxes herein levied shall be collected by the
State Tax Commissioner and shall be deposited in the State
Treasury in accordance with Section 7-9-21. For the 1984 fiscal
year and each fiscal year thereafter, eighty percent (80%) of such
collections shall be credited to the State General Fund and twenty
percent (20%) of such collections shall be returned to the
counties from which the timber or its products was severed. The
State Treasurer upon receipt of said funds shall transfer those
funds to be credited to the State General Fund and shall remit the
counties' share of said funds on or before the fifteenth day of
the month next succeeding the month in which such collections are
made.

The commissioner shall determine amounts due the counties
from which the timber or its products was severed and shall
certify to the State Treasurer the amount due each county ** *
fund. The State Treasurer shall requisition monies from such
accounts in such amounts as determined and certified by the
commissioner. The State Fiscal Officer shall deliver the warrant
to the State Treasurer, who shall transfer such funds to each
The commissioner shall deliver on or before the fifteenth day of the month next succeeding the month in which such collections are made, a report to the county receiving said funds, showing from whom said tax was collected. Upon receipt of said funds the county shall place same to the credit of its general fund, to be expended as follows: The monies placed in the general fund of the counties by this article, not required by law to be otherwise expended, may, in the discretion of the boards of supervisors, be expended in maintaining county roads and bridges or for retiring general county bonds and they are hereby authorized to apportion these funds to the various taxing districts of the county in a just and equitable manner for the payment of bonds and interest, or school and road maintenance purposes, in proportion to the amount of timber or its products severed therefrom. Provided further, that any additional funds which accrue to any county as a result of the increase in tax provided in this article shall not be chargeable to the county in determining the state funds needed annually to support the minimum educational program under Section 37-19-37.

SECTION 35. Section 27-37-303, Mississippi Code of 1972, is amended as follows:

27-37-303. At the end of each fiscal year, the State Tax Commission shall ascertain from the Tennessee Valley Authority to the extent it has the necessary data available, and from other sources, including electric power associations and other power distributors, to the extent it does not, the amount of power sales or kilowatt-hour sales to consumers in each county and municipality in this state by the Tennessee Valley Authority or any facility distributing such power and the book value of Tennessee Valley Authority power property in each Mississippi county and municipality in which the Tennessee Valley Authority...
holds such property, and the minimum amounts paid or payable by
the Tennessee Valley Authority in replacement of former county and
municipal ad valorem taxes on power properties purchased and
operated by the Tennessee Valley Authority in Mississippi, if such
information is necessary to determine the apportionment of funds
under Section 27-37-301. Thereafter, as funds are received from
the Tennessee Valley Authority, but not more frequently than
monthly, the State Fiscal Officer shall apportion the amount
received by the State Treasurer of Mississippi in accordance with
Section 27-37-301 hereof, and shall issue his warrant therefor to
the various counties and municipalities entitled thereto, and the
same shall be paid by the State Treasurer from the funds received
from the Tennessee Valley Authority. Said funds so received by
the State Treasurer shall be deposited into the State General Fund
until disbursements are made as herein authorized and directed,
and that portion found to be due the State of Mississippi shall be
transferred to the General Fund of the state as a part of the
general revenues of the State of Mississippi.

SECTION 36. Section 27-59-51, Mississippi Code of 1972, is
amended as follows:

27-59-51. All funds collected by the commission under the
provisions of this chapter, or under the provisions of any other
law, which may now or in the future be collected by said
commission, are hereby designated as public funds of the State of
Mississippi and shall be by it deposited into the State General
Fund in accordance with Section 7-9-21. Allocations of gasoline,
diesel fuel or kerosene tax to the counties shall be made by the
commission as provided by law and reported to the State Treasurer
at the end of each month. The State Treasurer shall issue his
requisition in payment thereof on the State Fiscal Officer, who
shall issue his warrant on the State Treasurer, as is provided for
the disbursement of other state funds.
SECTION 37. Section 27-71-7, Mississippi Code of 1972, is amended as follows:

27-71-7. (1) There is hereby levied and assessed an excise tax upon each case of alcoholic beverages sold by the commission to be collected from each retail licensee at the time of sale in accordance with the following schedule:

(a) Distilled spirits............... $2.50 per gallon
(b) Sparkling wine and champagne...... $1.00 per gallon
(c) Other wines, including native wines......................... $ .35 per gallon

(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the Alcoholic Beverage Control Division shall collect a markup of three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are sold by the division. The proceeds of the markup shall be collected by the division from each purchaser at the time of purchase.

(b) Until June 30, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the State General Fund. * * *

It is the intent of the Legislature that the State Department of Mental Health shall continue to seek funds from other sources and shall use the funds appropriated for the purposes of this section and Section 27-71-29 to match all federal funds which may be available for alcoholism treatment and rehabilitation. * * *

SECTION 38. Section 27-71-29, Mississippi Code of 1972, is amended as follows:

27-71-29. All taxes levied by this article shall be paid to the State Tax Commission in cash or by personal check, cashier's check, bank exchange, post-office money order or express money order and shall be deposited by the commission in the State Treasury on the same day collected, but no remittances other than
cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the State Tax Commission. All taxes levied under Section 27-71-7(1) and received by the commission under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the commission under this article shall be paid into the State General Fund. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund.

SECTION 39. Section 27-71-201, Mississippi Code of 1972, is amended as follows:

27-71-201. (1) In addition to any tax or markup being collected from the sale of alcoholic beverages on the effective date of this article, the Alcoholic Beverage Control Division of the State Tax Commission shall collect a surcharge of one percent (1%) of the gross proceeds of sales, as defined in Section 27-65-3, Mississippi Code of 1972. The surcharge shall be collected by the division from each permittee at the time of sale.

(2) The revenue derived from the surcharge imposed in subsection (1) of this section shall be deposited by the division in the State General Fund.

SECTION 40. Section 27-107-157, Mississippi Code of 1972, is amended as follows:

27-107-157. (1) * * * All sums approved to be granted or loaned shall be paid upon warrants drawn on the State General Fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the State Fiscal Officer.

(2) In making grants or loans, the Department of Finance and Administration is authorized to utilize any of its general powers provided by Chapter 496, Laws of 1962, as amended, appearing as Sections 27-103-1 through 27-103-75, Mississippi Code of 1972.
(3) Any loans made to a county or municipality under the provisions of this section are hereby made full faith and credit obligations of such counties and municipalities to the State of Mississippi and binding on the governing bodies obtaining such loans and their successors in office until repaid in full as to principal and interest thereon without regard to existing statutory limitations.

(4) The Department of Finance and Administration shall require a certified copy of a resolution, order or other appropriate excerpts of the official minutes of the governing board or authorities, to be of such general form and content as the department may deem appropriate, together with application forms for such state loans.

(5) All loans made under the provisions of this section shall be evidenced by negotiable promissory notes of the county or municipality to be in such standard form and content of acceptable banking standards, shall mature at such times and bear interest as hereinafter provided, and shall bear the signature of the president or presiding officer and clerk of the board of supervisors and the official seal, or the mayor or presiding officer and city clerk and the official seal.

(6) The loans made hereunder shall bear no interest for the first two (2) years from the date of the loan. However, the loans shall bear the following interest rates thereafter:

- Third year: Three percent (3%) per annum
- Fourth year: Four percent (4%) per annum
- Fifth year: Five percent (5%) per annum
- Sixth year and thereafter: Six percent (6%) per annum

(7) The governing authorities borrowing money under Sections 27-107-153 through 27-107-167 are hereby authorized and empowered to levy not to exceed two (2) mills on all of the taxable property of the county or municipality at any time after the loan is made, and said levy is hereby designated to repay the loan and it shall
not be charged against the existing general laws as to limitations
of millage for local governmental purposes.

(8) In the event that such loan has not been repaid or
arrangements satisfactory to the department have not been made to
repay same within five (5) years from the making of such loan, the
department shall determine that there is a default in the terms of
the promissory note, including any interest due thereon, shall
enter an order to that effect upon its official minutes and send a
certified copy of said order by certified mail, postage prepaid,
to the chancery clerk or city clerk, as the case may be. If said
default is not satisfied in full on or before the first day of
March next following, a local ad valorem tax of two (2) mills or
so much thereof as may be required to liquidate the entire
indebtedness owed the state within a reasonable number of years as
determined by the Department of Finance and Administration shall
be levied by the county or municipality on all the taxable
property in said county or city to be collected in the same
manner, time and form as the existing local ad valorem tax levies,
and shall be paid into the state treasury. Failure or refusal of
any county or municipality to levy the tax hereinabove referred to
or to otherwise discharge its obligation to the state shall
forfeit the right of said county or municipality to receive
reimbursement for homestead exemption until such time as its
indebtedness has been discharged or arrangements to discharge said
indebtedness satisfactorily to the department have been made.
Homestead exemption funds forfeited hereby shall, upon demand by
the department made in writing upon the Mississippi State Tax
Commission, be paid to the department and applied to the discharge
of the obligation.

(9) The proceeds of all loans shall be used only for public
governmental functions, services, payment of emergency
indebtedness incurred as a direct result of the excessive rains
and floods of the Spring of 1979, and expenditures authorized by

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general law and for matching federal grants, private gifts and
donations, such federal grants, private gifts and donations being
hereby authorized to be received and disbursed as public funds.

(10) The Department of Finance and Administration in
determining the total amount of loan to each qualifying political
subdivision shall take into consideration the extend and degree of
the damage, destruction or loss to public properties and the
dollar value thereof, the reasonable expectation of loss of
present and future revenues, the destruction and damages to
tax-producing real and personal property, and all appropriate
economic factors affecting the ability of said political
subdivision to provide necessary public functions.

SECTION 41. Section 27-107-173, Mississippi Code of 1972, is
amended as follows:

27-107-173. All sums approved to be allocated shall be
paid upon warrants drawn on the State General Fund, and the
Department of Finance and Administration shall issue warrants upon
requisitions signed by the State Fiscal Officer.

SECTION 42. Section 29-7-3, Mississippi Code of 1972, is
amended as follows:

29-7-3. There shall be no development or extraction of oil, gas, or other minerals from state-owned lands by any private party
without first obtaining a mineral lease therefor from the
commission. The commission is hereby authorized and empowered,
for and on behalf of the state, to lease any and all of the state
land now owned (including that submerged or wherever the tide may
ebb and flow) or hereafter acquired, to some reputable person,
association, or company for oil and/or gas and/or other minerals
in and under and which may be produced therefrom, excepting,
however, sixteenth section school land, lieu lands, and such
forfeited tax land and property the title to which is subject to
any lawful redemption, for such consideration and upon such terms
and conditions as the commission deems just and proper.
The commission may promulgate rules and regulations governing all aspects of the process of leasing state lands within its jurisdiction for mineral development, including the setting of any necessary fees, delay rental payments, shut-in royalty payments, and such other provisions as may be required.

There shall not be conducted any seismographic or other mineral exploration or testing activities on any state-owned lands within the mineral leasing jurisdiction of the commission without first obtaining a permit therefor from the commission. The commission shall have the authority to promulgate rules and regulations governing all aspects of seismographic or other mineral exploration activity on state lands within its jurisdiction, including the establishing of fees and issuance of permits for the conduct of such mineral exploration activities.

Provided, however, that persons obtaining permits from the commission for seismographic or other mineral exploration or testing activities on state-owned wildlife management areas, lakes and fish hatcheries, shall be subject to rules and regulations promulgated therefor by the Mississippi Commission on Wildlife, Fisheries and Parks which shall also receive all permit fees for such testing on said lands.

Further, provided that each permit within the Mississippi Sound or tidelands shall be reviewed by the Mississippi Commission on Marine Resources and such special conditions as it may specify will be included in the permit. Information or data obtained in any mineral exploration activity on any and all state lands shall be disclosed to the state through the Department of Environmental Quality, upon demand. Such information or data shall be treated as confidential for a period of ten (10) years from the date of receipt thereof and shall not be disclosed to the public or to any firm, individual or agency other than officials or authorized employees of this state. Any person who makes unauthorized disclosure of such confidential information or data shall be
guilty of a misdemeanor, and upon conviction thereof, be fined not
more than Five Thousand Dollars ($5,000.00) or imprisoned in the
county jail not more than one (1) year, or both.

Whenever any such land or property is leased for oil and gas
and/or other minerals, such lease contract shall provide for a
lease royalty to the state of at least three-sixteenths (3/16) of
such oil and gas or other minerals, same to be paid in the manner
prescribed by the commission. Of the monies received in
connection with the execution of such leases, five-tenths of one
percent (5/10 of 1%) shall be retained in the State General
Fund and two percent (2%) shall be paid into a special fund
to be designated as the "Gulf and Wildlife Protection Fund," to be
appropriated by the Legislature, one-half (1/2) thereof to be
apportioned as follows: an amount which shall not exceed One
Million Dollars ($1,000,000.00) shall be used by the Mississippi
Department of Wildlife, Fisheries and Parks solely for the purpose
of clean-up, remedial or abatement actions involving pollution as
a result of the exploration or production of oil or gas, and any
amount in excess of such One Million Dollars ($1,000,000.00) shall
be deposited into the Education Trust Fund, created in Section
206A, Mississippi Constitution of 1890. The remaining one-half
(1/2) of such Gulf and Wildlife Protection Fund to be apportioned
as follows: an amount which shall not exceed One Million Dollars
($1,000,000.00) shall be used by the Mississippi Commission on
Wildlife, Fisheries and Parks for use first in the prudent
management, preservation, protection and conservation of existing
waters, lands and wildlife of this state and then, provided such
purposes are accomplished, for the acquisition of additional
waters and lands and any amount in excess of such One Million
Dollars ($1,000,000.00) shall be deposited into the Education
Trust Fund, created in Section 206A, Mississippi Constitution of
1890. However, in the event that the Legislature is not in
session to appropriate funds from the Gulf and Wildlife Protection
Fund for the purpose of clean-up, remedial or abatement actions involving pollution as a result of the exploration or production of oil or gas, then the Mississippi Department of Wildlife, Fisheries and Parks may make expenditures from this special fund account solely for said purpose. The commission may lease the submerged beds for sand and gravel on such a basis as it may deem proper, but where the waters lie between this state and an adjoining state, there must be a cash realization to this state, including taxes paid for such sand and gravel, equal to that being had by such adjoining state, in all cases the requisite consents therefor being lawfully obtained from the United States.

The Department of Environmental Quality is authorized to employ competent engineering personnel to survey the territorial waters of this state in the Mississippi Sound and the Gulf of Mexico and to prepare a map or plat of such territorial waters, divided into blocks of not more than six thousand (6,000) acres each with coordinates and reference points based upon longitude and latitude surveys. The commission is authorized to adopt such survey, plat or map for leasing of such submerged lands for mineral development; and such leases may, after the adoption of such plat or map, be made by reference to the map or plat, which shall be on permanent file with the commission and a copy thereof on file in the Office of the State Oil and Gas Board.

SECTION 43. Section 31-3-17, Mississippi Code of 1972, is amended as follows:

31-3-17. There is hereby levied, in addition to any taxes otherwise provided for by law, a special privilege license tax of One Hundred Dollars ($100.00) on each contractor to whom a certificate of responsibility is issued under this chapter; and such tax shall be paid to the executive secretary of the board before engaging in or continuing in such business in this state. The board may levy an additional special privilege license tax not to exceed Fifty Dollars ($50.00) for each additional
classification for which a contractor applies and is found to be qualified. The executive secretary of the board shall promptly deposit all monies received under this chapter in the State Treasury to the credit of the State General Fund. * * * All expenditures by said board * * * shall be by requisition to the State Fiscal Officer, signed by the executive secretary of the board and countersigned by the chairman or vice chairman of the board, and the State Treasurer shall issue his warrants thereon.

SECTION 44. Section 37-26-9, Mississippi Code of 1972, is amended as follows:

37-26-9. (1) It shall be the duty of the clerk of any court to promptly collect the costs imposed pursuant to the provisions of Section 37-26-3. In all cases the clerk shall monthly deposit all such costs so collected with the State Treasurer either directly or by other appropriate procedures. All such deposits shall be made to the State General Fund. * * *

(2) Such assessments as are collected under Section 99-19-73 shall be deposited into the State General Fund. * * *

(3) * * * In addition to any other fees or costs now or as may hereafter be provided by law, there is hereby charged in all civil cases in the chancery, circuit, county, justice and municipal courts of this state a supplemental court education and training cost in the amount of Fifty Cents (50¢), except in justice court cases where the amount sued for is less than Fifteen Dollars ($15.00); and in all criminal cases in the circuit, county, justice and municipal courts of this state, except in cases where the fine is less than Ten Dollars ($10.00). Such costs shall be charged and collected as provided by Sections 37-26-3 and 37-26-5, and shall be deposited into the State General Fund. * * *
SECTION 45. Section 37-33-17, Mississippi Code of 1972, is amended as follows:

37-33-17. The director, with the approval of the executive director and the state board, may accept and use gifts and donations made unconditionally or otherwise for carrying out the purposes of the Vocational Rehabilitation Law, from either public or private sources. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of that law may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift. All monies received as gifts or donations, except conditional gifts requiring other treatments, shall be deposited in the State Treasury into the State General Fund. The state board shall make a report annually to the Legislature setting forth the condition of vocational rehabilitation of disabled persons in Mississippi, the expenditures made from state and federal funds in carrying out the provisions of that law or its purpose, and a detailed statement of all gifts and donations offered and accepted, together with the names of donors and the respective amounts prescribed by each and all the disbursements made therefrom.

SECTION 46. Section 37-33-57, Mississippi Code of 1972, is amended as follows:

37-33-57. The director, with the approval of the executive director and the state board, may accept and use gifts and donations made unconditionally or otherwise for carrying out the purposes of the Vocational Rehabilitation for the Blind Law, from either public or private sources. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of that law may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift. All monies received as gifts or donations, except conditional gifts requiring other treatment,
shall be deposited in the State Treasury into the State General Fund. The state board shall report annually to the State Legislature, setting forth the condition of vocational rehabilitation of blind persons in Mississippi, the expenditures made from state and federal funds in carrying out the provisions of that law or its purpose, and a detailed statement of all gifts and donations offered and accepted, together with the names of donors and the respective amounts prescribed by each and all the disbursements made therefrom.

SECTION 47. Section 37-43-41, Mississippi Code of 1972, is amended as follows:

37-43-41. The State Textbook Fund of Mississippi shall consist of the amounts appropriated by the Legislature for the same, all monies accruing from the sale of disused books from other than public schools, all monies derived from the purchase of books by both public and private schools trustees, and by private individuals, all monies collected in damage suits under the terms of this chapter, and all other monies collected in any way whatsoever under the terms of this chapter.

SECTION 48. Section 37-51-5, Mississippi Code of 1972, is amended as follows:

37-51-5. There shall be, and there is hereby, created in the State Treasury, a fund to be known as the "State Educational Loan Fund." The said fund shall consist of such amounts as may be paid into said fund by appropriation and also such amounts as may be returned to said fund as repayments, both principal and interest, from loans provided for in this chapter.

SECTION 49. Section 37-101-149, Mississippi Code of 1972, is amended as follows:

37-101-149. The proceeds derived or received from all sales of timber, trees, dead wood, and stumps, and from all oil, gas and mineral leases, or leases for other purposes, provided for in
Sections 37-101-141 and 37-101-143, including, but not limited to, rentals, bonuses, royalties, and delay rentals, shall be deposited in the State General Fund in the State Treasury.

Notwithstanding any other provisions of this section, such reports as may be required by the state auditor of public accounts shall be made to him by the institutions of higher learning in the manner and at the times he may prescribe, so that his records may reflect full and complete information relative thereto.

SECTION 50. Section 37-131-9, Mississippi Code of 1972, is amended as follows:

37-131-9. In addition to the amounts paid to the demonstration or practice school from minimum education program funds, as provided in Section 37-131-7, the board of trustees of the school district involved may contract with the said demonstration or practice school for the payment of additional amounts thereto to defray expenses over and above those defrayed by minimum education program funds, which additional amounts shall be paid from any funds available to the school district other than minimum education program funds, whether produced by a supplemental district tax levy or otherwise.

If the total funds paid to the demonstration or practice school by the school district are inadequate to defray the cost and expense of maintaining and operating such demonstration or practice school then the president or executive head of the institution may, subject to the approval of the board of trustees of state institutions of higher learning, require the payment of additional fees or tuition in an amount to be fixed by the president or executive head of the institution, subject to the approval of the board of trustees of state institutions of higher learning, which amount shall be paid by and collected from the student or his parents.

Boards of trustees of school districts involved may designate an area within the jurisdiction of the board as an attendance
center as provided by law, and may require students in such area to attend demonstration or practice schools, subject to a satisfactory contract between the school board and the president or executive head of the institution operating the demonstration or practice school. In such event, all fees and tuition must be borne by the school district and in no case shall the child or the parents of the child assigned to such demonstration or practice school be required to pay any fees or tuition.

The president or executive head of the institution, subject to the approval of the board of trustees of state institutions of higher learning, may also fix the amount of fees and tuition to be paid by students desiring to attend such demonstration or practice school in cases where there is no contract with the board of trustees of the school district in which the students reside therefor.

All funds received by an institution, under the provisions of this section, shall be deposited in the State General fund in the State Treasury. * * *

SECTION 51. Section 37-133-7, Mississippi Code of 1972, is amended as follows:

37-133-7. There is hereby created in the state treasury a * * * fund to be known as the "Technical Institute Fund." All sums of money received by the board of trustees of state institutions of higher learning to carry out the provisions of the Mississippi Technical Institute Law of 1964 shall be maintained in said * * * fund. All expenditures therefrom shall be for the purposes of carrying out the intents and purposes of said law, including the payment of salaries for qualified instructors as well as the equipping and staffing of the institute. Such expenditures shall be paid therefrom by the state treasurer on warrant of the State Fiscal Officer. Said State Fiscal Officer shall issue his warrant upon requisition signed by the proper person, officer or officers, as authorized by law. The board is
authorized to accept gifts, bequests of money, or other property, real or personal, to be used for the purpose of establishing or maintaining any technical institute which may be authorized under the provisions of said law and in accordance with the law of the State of Mississippi.

SECTION 52. Section 41-59-61, Mississippi Code of 1972, is amended as follows:

41-59-61. (1) Such assessments as are collected under subsections (1) and (2) of Section 99-19-73 shall be deposited into the State General Fund. The Legislature may make appropriations from the State General Fund to the State Board of Health for the purpose of defraying costs of administration of the Emergency Medical Services program and for redistribution of such funds to the counties, municipalities and organized medical service districts (hereinafter referred to as "governmental units") for the support of the emergency medical services programs. The State Board of Health, with the Emergency Medical Services Advisory Council acting in an advisory capacity, shall administer the disbursement to such governmental units of any funds appropriated to the board from the State General Fund and the utilization of such funds by the governmental units.

(2) Funds appropriated from the State General Fund to the State Board of Health shall be made available to all such governmental units to support the emergency medical services programs therein, and such funds shall be distributed to each governmental unit based upon its general population relative to the total population of the state. Disbursement of such funds shall be made on an annual basis at the end of the fiscal year upon the request of each governmental unit. Funds distributed to such governmental units shall be used in addition to existing annual emergency medical services budgets of the governmental units, and no such funds shall be used for the payment of any attorney's fees. The Director of the Emergency Medical Services
program or his appointed designee is hereby authorized to require financial reports from the governmental units utilizing these funds in order to provide satisfactory proof of the maintenance of the funding effort by the governmental units.

SECTION 53. Section 43-20-12, Mississippi Code of 1972, is amended as follows:

43-20-12. All fees collected by the State Board of Health under this chapter and any penalties collected by the board for violations of this chapter shall be deposited into the State General Fund *** in the State Treasury ***. **

SECTION 54. Section 45-6-15, Mississippi Code of 1972, is amended as follows:

45-6-15. (1) (a) Such assessments as are collected under Section 99-19-73, Mississippi Code of 1972, and contributions, grants and other monies received by the board under the provisions of this chapter shall be deposited in the State General Fund ***. **

(b) Twenty-five percent (25%) of the assessments collected under Section 99-19-73, Mississippi Code of 1972, shall be deposited into the State General Fund ***

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

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

SECTION 55. Section 45-11-5, Mississippi Code of 1972, is amended as follows:
45-11-5. (1) Any expense, including office supplies, counsel fees, expenses of deputy, detective and officers, incurred by the Commissioner of Insurance in the performance of the duties imposed upon him by Sections 45-11-1 and 45-11-3, and the operation of the State Fire Academy, as provided in Section 45-11-7, shall be defrayed from the State General Fund pursuant to appropriation by the Legislature. A tax is hereby levied on all insurance companies, including stock, mutuals and reciprocals writing fire insurance, including the fire insurance components of automobile insurance, dwelling multiple peril insurance, farm multiple peril insurance and commercial multiple peril insurance, doing business in this state; * * * of one-half of one percent (1/2 of 1%) of the gross premium receipts of these fire insurance policies * * * to be collected by the State Tax Commission in the same manner as the general tax on premiums is collected as provided in Section 25-15-107. In the case of indivisible multiple peril insurance policies when the fire portion of the policy is not specified, a tax of one-half of one percent (1/2 of 1%) is hereby levied on forty-five percent (45%) of the gross premium receipts of these policies. * * *

(2) (a) A tax of one-half of one percent (1/2 of 1%) is hereby levied on the gross premium receipts of all insurance policies taxed in subsection (1).

(b) Not later than the fifteenth day of each month, the State Treasurer shall disburse the revenue from the tax levied in this subsection as follows:

(i) Fifty percent (50%) shall be transferred into the Municipal Fire Protection Fund in Section 83-1-37; and

(ii) Fifty percent (50%) shall be transferred to the County Volunteer Fire Department Fund in Section 83-1-39.

(3) All taxes shall be deposited into the Treasury as provided in Section 7-7-21. The tax commission shall keep
separate accounts of all taxes collected under this section and shall include these accounts in its annual report.

SECTION 56. Section 45-11-7, Mississippi Code of 1972, is amended as follows:

45-11-7. (1) There is hereby created a State Fire Academy for the training and education of persons engaged in municipal, county and industrial fire protection. The Commissioner of Insurance shall appoint an Executive Director of the State Fire Academy who, along with his employees, shall be designated as a division of the Insurance Department. The executive director shall serve at the pleasure of the Commissioner of Insurance. The State Fire Academy shall be under the supervision and direction of the Executive Director of the State Fire Academy. State Fire Academy training programs for fire personnel shall be conducted at the academy with seminars to be conducted in other sections of the state as and when the State Fire Academy Advisory Board considers it necessary and advisable.

The Commissioner of Insurance may establish and charge reasonable fees for the training programs and other services provided by the academy to be deposited into the State General Fund. A record of all funds received pursuant to this paragraph shall be maintained as is required for other monies pursuant to Section 45-11-5.

The Executive Director of the State Fire Academy is authorized and empowered to purchase, operate and maintain mobile fire fighting equipment as he may find necessary and proper for the operation of the academy subject to approval of the Commissioner of Insurance. The equipment may be utilized wherever training sessions may be held at the discretion of the State Fire Academy Advisory Board.

(2) The Commissioner of Insurance shall be authorized to undertake appropriate action to accomplish and fulfill the purposes of the State Fire Academy, including the hiring of
instructors and personnel, the lease and purchase of appropriate
training equipment and to lease, purchase or construct suitable
premises and quarters for conducting annual school and seminars,
as the State Fire Academy Advisory Board may deem necessary and
required for such purposes. Any contract entered into under and
by virtue of the provisions of this section shall first be
submitted to and approved by the Public Procurement Review Board,
and construction pursuant to the contract shall be under the
supervision of the Governor's Office of General Services.

(3) Vouchers for operating expense for the State Fire
Academy shall be signed by the Executive Director of the State
Fire Academy and payment thereof shall be made from such funds as
are appropriated therefor from the State General Fund.

(4) The State Fire Academy is hereby officially designated
as the agency of this state to conduct training for fire personnel
on a statewide basis in which members of all duly constituted fire
departments may participate. This subsection shall not be
construed to affect the authority of any fire department to
conduct training for its own personnel.

(5) Each state agency, private agency or federal agency
which provides training for the fire service shall coordinate such
efforts with the State Fire Academy to prevent duplication of cost
and to insure standardization of training.

(6) The State Fire Academy shall present an appropriate
certificate signifying the successful completion of its prescribed
courses.

(7) National fire fighter standards approved by the
Mississippi Fire Personnel Minimum Standards and Certification
Board shall be used as the basis for classroom instruction at the
fire academy.

(8) The Commissioner of Insurance, Executive Director of the
State Fire Academy, and the Mississippi Fire Personnel Minimum
Standards and Certification Board shall coordinate all state programs related to fire department operations.

(9) The Commissioner of Insurance is hereby authorized and empowered to establish standard guidelines for the use of, and accountability for, municipal and county fire protection funds distributed pursuant to the provisions of Sections 83-1-37 and 83-1-39, Mississippi Code of 1972. Such guidelines shall include requirements for the establishment of record keeping and reports to the Commissioner of Insurance by municipalities and counties relating to the receipt and expenditure of fire protection funds, the training of fire department personnel and the submission to the Commissioner of Insurance of other data reasonably related to local fire protection responsibilities which the Commissioner of Insurance deems necessary for the performance of the duties of the State Fire Academy Advisory Board.

(10) In order that the Commissioner of Insurance may more effectively execute the duties imposed upon him by subsection (9) of this section, there is hereby created within the State Fire Academy a Division of Fire Services Development. The division shall be staffed by a Fire Services Development Coordinator, appointed by the executive director of the academy from his current staff and by such other personnel as deemed by the Commissioner of Insurance. The division shall work with municipal and county fire coordinators to ensure effective implementation of guidelines established pursuant to subsection (9) of this section and shall serve in an advisory capacity for all aspects of fire service improvement. The Fire Service Coordinator shall annually notify the Department of Finance and Administration of those municipalities and counties which are not eligible to receive a portion of fire protection fund distributions because of failure to comply with requirements imposed in Sections 83-1-37 and 83-1-39 as a prerequisite to receipt of such funds.

* * *
SECTION 57. Section 45-23-19, Mississippi Code of 1972, is amended as follows:

45-23-19. The chief inspector, if authorized by the board, is hereby charged, directed and empowered:

(a) To take action necessary for the enforcement of the laws of the State of Mississippi governing the use of boilers and pressure vessels to which this chapter applies and of the rules and regulations of the board;

(b) To keep a complete record of the type, dimensions, maximum allowable pressure, age, location, and all inspection reports of all boilers and pressure vessels to which this chapter applies;

(c) To publish and make available to anyone requesting them copies of the rules and regulations promulgated by the board;

(d) To issue, or to suspend or revoke for cause, inspection certificates as provided for in Sections 45-23-41 through 45-23-49;

(e) To cause the prosecution of all violators of the provisions of this chapter;

(f) To draw from any funds appropriated or authorized to be expended by the Legislature for the purpose of implementing and administering this chapter. These expenditures may include but are not necessarily limited to the necessary traveling expenses of the chief inspector and his deputies and the expense incident to the maintenance of the chief inspector's office;

(g) To maintain a list of qualified inspectors or other persons eligible to make inspections within this state and its territories.

SECTION 58. Section 45-23-55, Mississippi Code of 1972, is amended as follows:

45-23-55. There is hereby created a fund in the State Treasury to be known as the Boiler and Pressure Vessel Safety Fund
into which shall be deposited all funds appropriated by the
Legislature for the implementation of this chapter ***.

SECTION 59. Section 47-5-66, Mississippi Code of 1972, is
amended as follows:

47-5-66. (1) It shall be the duty of the State Department
of Finance and Administration, with the approval of the Public
Procurement Review Board, to lease lands at public contract upon
the submission of two (2) or more sealed bids to the State
Department of Finance and Administration after having advertised
the land for rent in newspapers of general circulation published
in Jackson, Mississippi; Memphis, Tennessee; the county in which
the land is located, and contiguous counties for a period of not
less than two (2) successive weeks. The first publication shall
be made not less than ten (10) days before the date of the public
contract, and the last publication shall be made not more than
seven (7) days before that date. The State Department of Finance
and Administration may reject any and all bids. If all bids on a
tract or parcel of land are rejected, the State Department of
Finance and Administration may then advertise for new bids on that
tract or parcel of land. Successful bidders shall take possession
of their leaseholds at the time authorized by the State Department
of Finance and Administration. However, rent shall be due no
later than the day upon which the lessee shall assume possession
of the leasehold, and shall be due on the anniversary date for
each following year of the lease. The State Department of Finance
and Administration may provide in any lease that rent shall be
paid in full in advance or paid in installments, as may be
necessary or appropriate. In addition, the State Department of
Finance and Administration may accept, and the lease may provide
for, assignments of federal, state, or other agricultural support
payments, growing crops or the proceeds from the sale thereof,
promissory notes, or any other good and valuable consideration
offered by any lessee to meet the rent requirements of the lease.
If a promissory note is offered by a lessee, it shall be secured by a first lien on the crop of the lessee, or the proceeds from the sale thereof. The lien shall be filed pursuant to Article 9 of the Mississippi Uniform Commercial Code and Section 1324 of the Food Security Act of 1985, as enacted or amended. If the note is not paid at maturity, it shall bear interest at the rate provided for judgments and decrees in Section 75-17-7 from its maturity date until the note is paid. The note shall provide for the payment of all costs of collection and reasonable attorney's fees if default is made in the payment of the note. The payment of rent by promissory note or any means other than cash in advance shall be subject to the approval of the Public Procurement Review Board, which shall place the approval of record in the minutes of the board. *** Any monies in hand or due from the leasing of Penitentiary lands and the sales of timber as provided in Section 47-5-56 *** shall be deposited to the State General Fund. All monies in each fiscal year derived from the leasing of the Penitentiary lands and the sales of timber as provided in Section 47-5-56 shall be deposited into the State General Fund ***. All profits derived from the prison agricultural enterprises shall be deposited into the State General Fund. All profits derived from prison industries shall be placed in the State General Fund. Such funds as may be appropriated each year by the Legislature to the nonprofit corporation, which is required to be organized under the provisions of Section 47-5-535, shall be expended for the purpose of operating and managing the prison industries. The state shall have the rights and remedies for the security and collection of the rents given by law to landlords. Upon the execution of the agricultural leases to private entities as authorized by Section 47-5-64, the leased land shall be liable to be taxed as other lands are taxed during the continuance of the lease, but in case of sale thereon for taxes, only the title of the leaseholder or his heirs or assigns shall pass by the sale. Any funds obtained
by the corporation as a result of sale of goods and services manufactured and provided by it shall be accounted for separate and apart from any funds received by the corporation through appropriation from the State Legislature. All nonappropriated funds generated by the corporation shall be subject to appropriation by the State Legislature.

(2) This section shall be repealed from and after July 1, 2002.

SECTION 60. Section 47-5-155, Mississippi Code of 1972, is amended as follows:

47-5-155. There is hereby created a fund to be known as the "Discharged Offenders Revolving Fund" to be maintained in a bank to be selected by the commissioner. It shall be the duty of the bank, so long as it retains such deposits, to make monthly reports to the State Treasurer of the State of Mississippi as to the condition of the funds on deposit in the depository. Such funds as are appropriated by the Legislature shall be used for the prompt payment in cash to all discharged, pardoned or paroled offenders such amounts as are provided by Section 47-5-157.

Upon receipt of adequately supported requisitions, the State Fiscal Officer shall draw his warrants made payable to the Discharged Offenders Revolving Fund against any funds in the State Treasury to the credit of the correctional system.

SECTION 61. Section 47-5-513, Mississippi Code of 1972, is amended as follows:

47-5-513. ** Proceeds of funds paid by industries or businesses participating in the correctional industries work program shall be paid into the State General Fund in the State Treasury. **

SECTION 62. Section 47-7-49, Mississippi Code of 1972, is amended as follows:

47-7-49. (1) Any offender on probation, parole, earned-release supervision, post-release supervision, earned
probation or any other offender under the field supervision of the Community Corrections Division of the department shall pay to the department the sum of Thirty Dollars ($30.00) per month by certified check or money order unless a hardship waiver is granted. A hardship waiver may be granted by the sentencing court or the Department of Corrections. A hardship waiver may not be granted for a period of time exceeding ninety (90) days. The commissioner or his designee shall deposit the payments received into the State General Fund. Appropriations by the Legislature may be made for: (a) the establishment of restitution and satellite centers; (b) the establishment, administration and operation of the department's Drug Identification Program and the intensive and field supervision program; and (c) salaries and equipment, supplies and vehicles to be used by the Community Corrections Division in the performance of its duties.

When a person is convicted of a felony in this state, in addition to any other sentence it may impose, the court may, in its discretion, order the offender to pay a state assessment not to exceed the greater of One Thousand Dollars ($1,000.00) or the maximum fine that may be imposed for the offense, into the State General Fund.

Any federal funds made available to the department for training or for training facilities, equipment or services shall be deposited in the State General Fund. Funds may be appropriated by the Legislature to support an expansion of the department's training program to include the renovation of facilities for training purposes, purchase of equipment and contracting of training services with community colleges in the state.

No offender shall be required to make this payment for a period of time longer than ten (10) years.
(2) The offender may be imprisoned until the payments are made if the offender is financially able to make the payments and the court in the county where the offender resides so finds, subject to the limitations hereinafter set out. The offender shall not be imprisoned if the offender is financially unable to make the payments and so states to the court in writing, under oath, and the court so finds.

(3) This section shall stand repealed from and after June 30, 2002.

SECTION 63. Section 49-1-65, Mississippi Code of 1972, is amended as follows:

49-1-65. Any assessments collected under subsection (3) of Section 99-19-73 shall be deposited in the State General Fund. * * * The Legislature shall annually appropriate from the General Fund a sum to defray the necessary expenses of the program.

SECTION 64. Section 49-3-15, Mississippi Code of 1972, is amended as follows:

49-3-15. The laboratory personnel may, at their discretion, and subject to the approval of the proper administrative authorities at Mississippi State University, do research on a contract or project basis for industries, governmental agencies, public or private organizations or corporations, or any others, at a price and on a basis to be determined by the aforesaid personnel. The proceeds derived from such research projects shall be deposited to the State General Fund in the Treasury of the State of Mississippi * * *.

SECTION 65. Section 49-5-21, Mississippi Code of 1972, is amended as follows:

49-5-21. (1) The department shall transfer all funds under its control into the State General Fund in the State Treasury * * *. All funds derived from the sale of licenses, fees, fines and other revenues received by the department as

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provided by law, shall be deposited in the State General Fund. * * * 

(2) The department may expend such sums as are authorized by the Legislature * * * for paying salaries of its employees, operating and maintaining equipment and for any other purpose the department is authorized to expend funds by law, which amount shall be available for expenditure. The money herein authorized shall be paid by the State Treasurer * * * on warrants issued by the State Fiscal Officer upon requisition signed by the executive director of the department. 

(3) The department shall prepare and submit annually to the Legislature a budget for its proposed operation. The budget required shall reflect all anticipated revenues from all sources, including all grants and matching funds, together with all proposed expenditures. The budget shall be prepared in the same manner as is now required of other departments of this state. The department shall be subject to budgetary control and audit in the same manner as is provided by law for other departments and agencies. * * *

SECTION 66. Section 49-5-77, Mississippi Code of 1972, is amended as follows:

49-5-77. * * *

(1) The commission is empowered and authorized, in addition to such sums as may be appropriated from time to time by the Legislature, to accept from any person, firm, corporation or agency of government, national, state or local any gifts or devise, lands, money for the purpose of acquiring by lease, or purchase any area for hunting or fishing use or for the preservation of any species of wildlife or fish. Such lands and waters as are acquired under the provisions of Sections 49-5-61 through 49-5-85 and Section 49-5-78 shall be under the administration and control of the commission until a proper plan
shall be developed for the land or water. The commission shall
enter into an agreement with an appropriate agency in the
executive branch to develop a plan for the land or water. After
the plan is developed, the land or water shall be transferred to
the administration and control of the Department of Wildlife,
Fisheries and Parks or other appropriate agency in the executive
branch to be managed by the agency according to the plan.

(2) The commission is authorized and empowered to accept and
earmark for any purpose, not inconsistent with the provisions of
Sections 49-5-61 through 49-5-85, any gift or devise, lands or
money from any person, firm, corporation or governmental unit on
such terms and conditions as the donor may designate.

SECTION 67. Section 49-17-61, Mississippi Code of 1972, is
amended as follows:

49-17-61. There is hereby created for the State of
Mississippi a Water Pollution Abatement Loan Program ("program")
from which shall be made loans in aid of construction. Funds shall
be available to any political subdivision legally authorized to
own, maintain and operate a sewage, industrial waste or other
waste collection, transport, treatment and disposal system. No
recipient shall receive from state funds any loan in excess of
twenty-five percent (25%) of the cost of construction of a
project, unless said recipient shall become eligible on or after
October 1, 1988, as set forth in Section 49-17-85(3).

Such cost of construction includes: preliminary planning to
determine the economic and engineering feasibility of treatment
works, the engineering, architectural, legal, fiscal and economic
investigations and studies, surveys, designs, plans, working
drawings, specifications, procedures, and other action necessary
to the construction of treatment works; and the erection,
building, acquisition, alteration, remodeling, improvement or
extension of treatment works; and the inspection and supervision
of the construction of treatment works.
No loan shall be made for any project under the provisions of Sections 49-17-61 through 49-17-67 unless such project is in conformity with the State Water Pollution Control Plan and has been certified by the Mississippi Commission on Environmental Quality as entitled to priority over eligible projects on the basis of financial as well as water pollution control needs.

Loan funds generated by the issuance of bonds, legislative appropriations or otherwise, shall be deposited in an appropriate account or accounts created under the program.

* * * All bonds which shall be issued by the State of Mississippi to generate funds to be used for loans under this section shall be payable as to principal, interest, premiums, if any, and service fees from the State General Fund. * * *

* * *

Funds on deposit in the State General Fund (a) may be used to make loans in aid of construction for water pollution abatement upon appropriation by the Legislature; (b) * * * may be used * * * for the purpose of matching federal capitalization grants and for allowable uses; and (c) may be used for administration of the * * * loan program subject to legislative appropriation.

SECTION 68. Section 49-19-205, Mississippi Code of 1972, is amended as follows:

49-19-205. For purposes of Sections 49-19-201 to 49-19-227, the following words shall have the meaning ascribed herein unless the context requires otherwise:

(a) "Commission" shall mean the state forestry commission.

(b) "State forester" shall mean the forester appointed by the commission.

(c) "Eligible owner" shall mean either (i) a private individual, group or association, or (ii) an agency of state, local or municipal government, but the term shall not mean or include private corporations manufacturing products or providing
public utility services of any type or any subsidiary of such corporations; provided, however, only one (1) owner of land owned in joint tenancy or tenancy in common and only one (1) member or officer of any group or association shall be eligible to apply for or receive cost-share assistance to be expended for development of any or all lands owned by such owners or group or association.

(d) "Eligible lands" shall mean (i) non-industrial private lands owned by a private individual, group or association, and (ii) lands owned by the State of Mississippi or any political subdivision thereof, but shall not include lands owned by private corporations which manufacture products or provide public utility services of any type or any subsidiary of such corporations.

(e) "Cost-share assistance" shall mean the partial financial assistance in such amounts as the commission, in its discretion, shall determine, subject to the limitations of Sections 49-19-201 to 49-19-227.

(f) "Approved practice" shall mean and include planting, seeding, timber stand improvement, prescribed burning, site preparation, systematic planting of hardwood trees for game preservation and development, or such other forest resource development practice as the commission shall approve or determine proper generally or with regard to any particular applicant.

(g) "Forest development fund" shall mean the * * * fund established in the State Treasury, designated as the Forest Resource Development Fund, created by Section 49-19-227.

SECTION 69. Section 49-19-227, Mississippi Code of 1972, is amended as follows:

49-19-227. * * * The Legislature shall appropriate such sums as it may deem necessary including any proceeds of general obligation bonds which may be authorized by the Legislature for the support of the Forest Resources Development Program provided for under Sections 49-19-201 through 49-19-227. * * *
SECTION 70. Section 51-5-5, Mississippi Code of 1972, is amended as follows:

51-5-5. (1) In carrying out the provisions of this chapter, the board of water commissioners is empowered, but not limited to, to do the following:

(a) Make reasonable rules and regulations for the purpose of carrying out the provisions of this chapter.

(b) Prepare required forms and establish other procedures to govern the submission of applications, reports, and other information authorized to be sent the board as required by this chapter.

(c) Prepare and give reasonable oral and/or written examinations for license applicants.

(d) Deposit all fees in the State General Fund.

(e) Enter upon and be given access to any premises for the purpose of inspecting water wells.

(2) Where the board finds that compliance with all the requirements of this chapter would result in undue hardship, an exemption from any one of more of such requirements may be granted by the board to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this chapter.

SECTION 71. Section 53-1-7, Mississippi Code of 1972, is amended as follows:

53-1-7. The board shall appoint a State Oil and Gas Supervisor, herein called supervisor, who shall be a competent and qualified administrator and receive as compensation for his services an annual salary to be fixed by law. The supervisor shall be solely responsible for the administration of the offices of the State Oil and Gas Board and shall be charged with the duty of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3 through 53-3-165, and all rules, regulations and orders duly adopted by the board. The supervisor shall be ex officio
secretary of the board and shall give bond, in such sum as the board may direct, with corporate surety to be approved by the board, conditioned that he will well and truly account for all funds coming into his hands as such secretary. He shall remit to the State Treasurer all monies collected by him as such secretary into the State General Fund.

The supervisor shall devote his entire time to his official duties.

In addition, it shall be the supervisor's duty and responsibility to:

(a) Supervise and manage all personnel of the offices of the Oil and Gas Board.

(b) Formulate the duties and responsibilities of every staff employee in detail, including written job descriptions and written policies and procedures for performing staff tasks.

(c) Outline a detailed method of preparing, and devise a systematic procedure for the filing of reports by field inspectors.

(d) Formulate written policies and procedures for the effective and efficient operation of the office, and present these policies and procedures to the board for promulgation.

(e) Supervise the provision of technical support and assistance to the board in its decision-making capacity.

SECTION 72. Section 53-1-77, Mississippi Code of 1972, is amended as follows:

53-1-77. (1) The State Oil and Gas Supervisor, as ex officio secretary of such board, shall remit to the State Treasurer all monies collected by reason of the assessments made and fixed under the provisions of Section 53-1-73, and the State Treasurer shall deposit all such monies in the State General Fund.

(2) Disbursements shall be made from such funds approved by the Legislature only upon requisition of the State Oil
and Gas Supervisor, as approved and allowed by the board, and
which requisitions shall be supported by itemized statements
thereto attached showing the purpose or purposes of such
expenditures. Such requisitions shall be drawn upon the State
Fiscal Officer, who shall issue a warrant **. Such warrants so
issued shall be paid by the State Treasurer upon presentation.

(3) The State Oil and Gas Supervisor, as ex officio
secretary of the Oil and Gas Board, shall submit, within ten (10)
days, after the convening of each session of the Legislature, to
the Legislature a detailed report of all receipts, expenditures
and balance on hand, of funds coming to the Oil and Gas Board from
any source whatsoever.

* * *

(4) The board shall have the authority, in its discretion,
to use whatever legal means available to it to attempt to collect
any amounts so expended from any responsible party. Any amounts
so collected shall be returned to the State General Fund **.

* * *

(5) For purposes of this section, orphan well means any oil
or gas well in the state, including Class II wells, which has not
been properly plugged according to the requirements of the
statutes, rules and regulations governing same and for which a
responsible party such as an owner or operator cannot be located
or for which, for whatever reason, there is no other party which
can be forced to plug the well.

SECTION 73. Section 53-3-13, Mississippi Code of 1972, is
amended as follows:

53-3-13. (1) Any person securing a permit to drill a well
in search of oil or gas under the provisions of Section 53-3-11
shall pay to the Oil and Gas Supervisor a fee of Three Hundred
Dollars ($300.00) upon and for the issuance of such permit. A
lesser sum may be paid if the State Oil and Gas Board shall adopt
a rule fixing the amount to be paid at a sum less than Three
Hundred Dollars ($300.00). Any such permit, when issued and the 
fee paid thereon, shall be good for a period of six (6) months 
from the date thereof; and in the event drilling has commenced 
within the said six (6) months, the permit shall be good for the 
life of the well so commenced, unless during the course of 
drilling or production the operator is changed. In the event a 
change of operators from that listed in the drilling permit is 
desired, the operator so listed and the proposed new operator 
shall apply to the State Oil and Gas Board for authority to change 
operators on forms to be prescribed by order of the State Oil and 
Gas Board. The fee for such change of operators shall be One 
Hundred Dollars ($100.00) per change, or some lesser sum as may be 
fixed by order of the board.

(2) The State Oil and Gas Supervisor, as ex officio 
Secretary of the State Oil and Gas Board, shall remit to the State 
Treasurer all monies collected by reason of the assessments made, 
fixed and authorized under the provisions of the first paragraph 
of this section, and the State Treasurer shall deposit all such 
monies into the State General Fund.

SECTION 74. Section 53-7-69, Mississippi Code of 1972, is 
amended as follows:

53-7-69. * * * All sums received through the payment of 
fees, loans, grants, penalties and bond damages, less attorney's 
fees, shall be deposited in the State Treasury to the State 
General Fund. * * *

* * *

SECTION 75. Section 55-3-53, Mississippi Code of 1972, is 
amended as follows:

55-3-53. (1) The Mississippi Department of Wildlife, 
Fisheries and Parks is hereby authorized and empowered to sell and 
dispose of timber, trees, deadwood and stumps standing, growing 
and being upon the lands of state parks. Such timber shall be 
sold and disposed of under the direction and specifications of the
Department of Wildlife, Fisheries and Parks in accordance with sound and efficient principles of selective cutting, forestry management, and conservation.

Before any such timber, trees, deadwood and stumps shall be sold, the Department of Wildlife, Fisheries and Parks shall select and mark the trees to be cut and disposed of. No trees or timber shall be marked for cutting when the cutting thereof would destroy or mar the scenic views from the tourist observation points in said park. The purchaser shall pay double price on sale basis for all trees, timber or stumps cut that had not been marked for removing by the Department of Wildlife, Fisheries and Parks.

Before any such timber, trees, deadwood or stumps standing, growing or being upon such land shall be sold, the department shall advertise its intention so to do by publication in a newspaper published or having general circulation in the county or counties where parks are located, such notice to be published at least once a week for three (3) consecutive weeks preceding the sale and by posting one (1) notice in the courthouse in such county. The notice shall specify that such bids shall be filed with the superintendent of the state park involved, who shall transmit same to the Department of Wildlife, Fisheries and Parks for rejection or approval. Said department shall accept the bid of the highest and best bidder for cash, but shall have the right to reject any and all of such bids.

Provided, however, in the case of damage by fire, windstorm, insects or other natural causes which would require immediate sale of the timber, because the time involved for advertisement as prescribed herein would allow decay, rot or destruction substantially decreasing the purchase price to be received had not such delay occurred, the advertisement provisions of this section shall not apply. The State Park Director, upon a written recommendation from the county forester of the county wherein said state park is located, shall determine when immediate sale of the
timber is required. When the State Park Director shall find an immediate sale necessary for the causes stated herein, he shall, in his discretion, set the time for receipt of bids on the purchase of said timber, but shall show due diligence in notifying competitive bidders so that a true competitive bid shall be received.

Whenever any timber, trees, deadwood or stumps are sold under the provisions of this section, the purchaser thereof shall have all necessary rights of ingress and egress to enter upon said land and cut and remove such timber, trees, deadwood or stumps.

The proceeds derived or received from all sales under the provisions of this section shall be placed in the State General Fund.

(2) Notwithstanding the provisions of subsection (1) of this section, the Department of Wildlife, Fisheries and Parks may cut and sell trees damaged by fire, windstorm or insects and deadwood and stumps located upon the lands of state parks for firewood. Such firewood shall be sold only to overnight guests at state parks for use at state parks. The Department of Wildlife, Fisheries and Parks shall select and mark all trees to be cut for firewood.

SECTION 76. Section 55-23-9, Mississippi Code of 1972, is amended as follows:

55-23-9. The commission shall operate the Mississippi Veterans Memorial Stadium and to that end may employ such agents and employees as may be required in connection therewith. It may enter into contracts for the use of the stadium, and fix the amount of the compensation therefor, and collect the same when due. The commission may take any action authorized in Section 55-23-8 relating to the Mississippi Veterans Memorial Stadium and the property described in Section 55-23-8.

All monies and revenues, including the amusement tax imposed upon the sale of tickets for admission to the stadium, and all
other events on stadium property and all monies arising from other
use of stadium property, including that realized from the sale of
concessions, shall be paid by the commission to the State
Treasurer, to be placed to the credit of the State General
Fund * * * and any references in the laws to the "Mississippi
Memorial Stadium Fund" or the "Mississippi Veterans Memorial
Stadium Fund" shall mean the State General Fund unless the context
clearly indicates otherwise. * * * All expenses incident to the
operation and upkeep of the facilities and property managed by the
commission shall be paid out of the funds appropriated by the
Legislature by the Department of Finance and Administration, which
shall be issued on the requisition of the commission.

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

SECTION 77. Section 57-1-15, Mississippi Code of 1972, is
amended as follows:

57-1-15. The department is hereby authorized to cooperate
and coordinate with economic development commissions, travel and
other similar commissions and boards, and/or other similar
agencies of other states, the federal government, and with county,
municipal and regional economic development, travel and other
similar commissions or boards, or other agencies thereof, for the
purposes of securing economic development within the State of
Mississippi, and to accomplish this purpose, the department may
contract for, receive and expend, state, federal and other
funds * * *.

SECTION 78. Section 57-15-5, Mississippi Code of 1972, is
amended as follows:

57-15-5. (1) It is hereby declared to be the intent of the
Legislature by this chapter that the policy of the council hereby
created shall be conducted according to the following guidelines:
the council shall have the general purpose and policy of studying
and developing plans, proposals, reports and recommendations for 
the development and utilization of the coastal and offshore lands, 
waters and marine resources of this state in order to insure that 
all future plans and/or programs of the State of Mississippi 
involving the field of marine resources and sciences, 
oceanographic research, and related studies, will be coordinated 
with comparable functions and programs of agencies of the United 
States government. The council shall further have the purpose and 
policy to help coordinate, as hereinabove provided, all plans of 
other agencies of this state engaged in similar activities and of 
the various states of the United States of America, and also with 
all private agencies whose purpose is marine science and resource 
development. The council is further authorized to enter into 
contract with any state or federal agency as may be necessary and 
requisite to carry out the purposes of this chapter. The council 
shall have the responsibility for the general management of the 
state's wetlands.

(2) The council is authorized and empowered to solicit and 
accept financial support from sources other than the state, 
including private or public sources or foundations. All funds 
received by or appropriated to the council shall be deposited upon 
receipt thereof into the State General Fund in the State 
Treasury. Expenditures by and for the council for the 
purpose of carrying out its functions as provided by law shall be 
made with the approval of the council at any meeting upon 
requisitions presented to the State Auditor in the manner provided 
by law, and paid by the State Treasurer. Full and complete 
accounting shall be kept and made by the council for all funds 
received and expended by it. Representatives of the office of the 
State Auditor of Public Accounts annually shall audit the 
expenditure of funds received by the council from all sources and 
the said auditor shall make a complete and detailed report of such 
audit to the Legislature. It is further provided that all state
appropriated funds expended shall conform to all requirements of law as provided for expenditures.

(3) The council may solicit, receive and expend contributions, matching funds, gifts, bequests and devises from any source, whether federal, state, public or private, as authorized by annual appropriations therefor.

(4) The council may enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations or persons to carry out its policies as provided for in this chapter. To accomplish these goals, the council may expend any such sums from any source as herein provided.

The agreements provided for in this subsection shall include, but not be limited to, the following provisions:

(a) The duration of the agreement;
(b) The purpose of the agreement;
(c) A description of the procedures to be used in carrying out the purpose of the agreement; and
(d) Provisions for termination of the agreement.

Any entity entering into such an agreement shall comply with the provisions therein.

(5) The council is authorized and empowered to accept financial support from any federal outer continental shelf revenue sharing programs. All funds received from such programs shall be deposited upon receipt thereof into a special trust fund in the State Treasury to be known and designated as the "Outer Continental Shelf Trust Fund". Expenditures from said fund shall be made for the benefit of any project affecting any county in the State of Mississippi which borders on the Gulf of Mexico with the approval of the Legislature.

SECTION 79. Section 59-21-25, Mississippi Code of 1972, is amended as follows:
59-21-25. (1) Fees for the award of certificates of number for original, transfer, renewal, livery, dealer and duplicate shall be as follows:

(a) Less than 16 feet........................$ 5.00
(b) 16 feet but less than 26 feet............$15.00
(c) 26 feet and over.........................$30.00
(d) Dealer number.........................$25.00
(e) Duplicate..............................$ 5.00

(2) All fees for numbers and renewal of number shall be payable to the Mississippi Department of Wildlife, Fisheries and Parks to be deposited by the department in the State Treasury into the State General Fund *. The State Treasurer shall release to the department pursuant to legislative appropriation such sums as are required to defray all administrative costs of the boat registration fee division of the department and to improve the law enforcement capability of the department on the inland and marine waters of the State of Mississippi and as may be budgeted by the department for the purpose of paying the cost of the administration of this chapter for education on water safety, improvement of water safety and motorboating facilities in the state, and advertising and promoting the waterways of the state.

SECTION 80. Section 61-13-11, Mississippi Code of 1972, is amended as follows:

61-13-11. Whenever the Department of Finance and Administration under the direction of the Governor's Office makes an airplane or airplanes available to some department, institution or agency of the State of Mississippi, the actual cost for the operation thereof during the time the aforesaid airplane is so assigned shall be charged to and paid for by the aforesaid department, institution or agency into the State General Fund * *. 
SECTION 81. Section 61-13-15, Mississippi Code of 1972, is amended as follows:

61-13-15. (1) Any airplane purchased or operated under the provisions of this chapter which becomes surplus to the needs of the state may be sold by the Department of Finance and Administration upon the receipt of not less than three (3) sealed bids after three (3) public advertisements inviting such bids in some newspaper published in the State of Mississippi and having general circulation therein. The Department of Finance and Administration, may reject any or all bids and readvertise, in its discretion. The sums derived from such sale shall be placed in the State General Fund.

(2) The Department of Finance and Administration shall proceed to sell one or more of the aircraft purchased prior to July 1, 1986, pursuant to this chapter. The sale of such aircraft pursuant to this subsection shall be subject to the bid requirements of subsection (1). It is the intent of the Legislature that the sale of such aircraft shall be timed to produce the maximum revenues at sale.

SECTION 82. Section 61-13-17, Mississippi Code of 1972, is amended as follows:

61-13-17. All salaries, allocations and charges for the cost of operating, repairing and servicing the airplanes shall be paid from the State General Fund. The Legislature shall appropriate the necessary funds to carry out the purposes of this chapter. The Department of Finance and Administration shall disburse over its signature all funds expended for carrying out the provisions of this chapter.

SECTION 83. Section 63-1-46, Mississippi Code of 1972, is amended as follows:

63-1-46. (1) A fee of Twenty-five Dollars ($25.00) shall be charged for the reinstatement of a license issued pursuant to this chapter.
article to every person whose license has been validly suspended, revoked or cancelled. This fee shall be in addition to the fee provided for in Section 63-1-43, Mississippi Code of 1972.

(2) The funds received under the provisions of subsection (1) of this section shall be deposited into the State General Fund in accordance with Section 45-1-23, Mississippi Code of 1972.

(3) In addition to the fee provided for in subsection (1) of this section, an additional fee of Seventy-five Dollars ($75.00) shall be charged for the reinstatement of a license issued pursuant to this article to every person whose license has been suspended or revoked under the provisions of the Mississippi Implied Consent Law or as a result of a conviction of a violation of the Uniform Controlled Substances Law under the provisions of Section 63-1-71.

(4) The funds received under the provisions of subsection (3) of this section shall be placed in the State General Fund.

SECTION 84. Section 63-11-32, Mississippi Code of 1972, is amended as follows:

63-11-32. (1) The State Department of Public Safety in conjunction with the Governor's Highway Safety Program, the State Board of Health, or any other state agency or institution shall develop and implement a driver improvement program for persons identified as first offenders convicted of driving while under the influence of intoxicating liquor or another substance which had impaired such person's ability to operate a motor vehicle, including provision for referral to rehabilitation facilities.

(2) The program shall consist of a minimum of ten (10) hours of instruction. Each person who participates shall pay a nominal fee to defray a portion of the cost of the program.

(3) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in the State General Fund.
(4) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in the State General Fund. Monies shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs.

(5) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in the State General Fund. Monies shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of equipment replacement and operational support of the Mississippi Crime Laboratory relating to enforcement of the Implied Consent Law.

SECTION 85. Section 63-17-71, Mississippi Code of 1972, is amended as follows:

63-17-71. All funds received by the commission shall be deposited in the State Treasury to the State General Fund. The expenditure of all funds shall be made only pursuant to appropriation approved by the Legislature and as provided by law. The receipts and disbursements of the commission shall be audited annually by the State Auditor.

SECTION 86. Section 63-21-65, Mississippi Code of 1972, is amended as follows:

63-21-65. Except as provided in Section 63-21-64, the State Tax Commission shall pay into the General Fund the fees collected under this chapter. As much of such funds as authorized by the Legislature pursuant to appropriation shall be used by the State Tax Commission to defray the cost of carrying out the duties of the State Tax Commission, including the maintenance of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section.
automated statewide motor vehicle and manufactured housing registration system.

**SECTION 87.** Section 69-7-263, Mississippi Code of 1972, is amended as follows:

69-7-263. There is hereby imposed and levied an assessment at a rate not to exceed Three Cents (3¢) per case on all eggs produced in Mississippi wherever distributed or marketed and on all eggs marketed in Mississippi wherever distributed or produced. The rate of assessment shall be determined by the board. At the time of the sale, the egg producer shall provide evidence that all assessments provided herein have been paid. However, if the first sale of the eggs is made to a dealer or distributor, the producer shall pay to the dealer or the distributor the amount of the assessment owed; whereupon the dealer or distributor to whom such payment is made shall remit the assessment to the Commissioner of Agriculture and Commerce in accordance with the rules and regulations established and promulgated by the board. The board or the commissioner shall have the power to cause any duly authorized agent or representative to enter upon the premises of any dealer or handler of eggs and examine, or cause to be examined by such agent, any books, papers and records which deal in any way with respect to the payment of the assessment or enforcement of the provisions of this article.

All costs incurred by the board or the commissioner in examining or causing the examination of such books, papers and records shall be taxed against the dealer or handler. Cost shall be assessed at the rate of One Hundred Dollars ($100.00) per day or fraction thereof for each agent conducting the examination. Travel expenses shall be assessed in the manner and amount specified in Section 25-3-41, and other expenses shall be assessed at actual cost. All costs taxed against a dealer or handler for the examination of books, papers and records shall be paid within
fifteen (15) days from the date such notice of cost is mailed to the dealer or handler.

The proceeds of the assessment levied under this article shall be collected by the Commissioner of Agriculture and Commerce in such manner and method as shall be prescribed by him in accordance with the provisions of this article. The funds derived from the assessment shall be paid into the State Treasury on or before the fifteenth day of each month and shall be deposited in the State General Fund. All costs, expenses and obligations incurred by the board for its operation and carrying out the purposes of this article shall be paid out of the State General Fund as authorized by the Legislature. Provided further, that the Mississippi Egg Marketing Board shall render to the Mississippi Legislature a detailed annual report of all collections and expenditures of the monies collected under the provisions of this article. Any egg producer may request and receive a refund of the amount of assessment paid for the previous reporting period, provided he makes a written application with the Mississippi Egg Marketing Board within sixty (60) days from date of payment supported by bona fide copy of payment voucher and copy of canceled check. The application forms shall be prepared by the board and shall be available at the request of the producer. All such applications shall be processed and refunds paid within sixty (60) days after the funds have been received by the board.

SECTION 88. Section 69-7-267, Mississippi Code of 1972, is amended as follows:

69-7-267. Every person owning over three thousand (3,000) hens, or who is engaged or who engages in the business of selling eggs to a retailer who retails eggs in the State of Mississippi shall, prior to offering for sale or selling eggs to a retailer, secure a license for such business from the Commissioner of Agriculture and Commerce, which license shall first be approved by the board. Applications for licenses shall be on forms furnished...
by the Department of Agriculture and Commerce, and shall show the
name and address of the applicant and such other information as to
identity, kind and type of business engaged in as the commissioner
shall deem pertinent. Each license application shall be
accompanied by a fee of Fifty Dollars ($50.00). All licenses
issued shall expire on June 30 each year. The license may be
revoked or suspended by the board for violation of any provision
of this article or rules and regulations duly promulgated by the
board for the enforcement of this article, or for the violation of
any laws of the State of Mississippi pertaining to producing,
grading, classifying or marketing eggs in Mississippi or
regulations of the State Department of Agriculture and Commerce
duly promulgated for such purposes. For the first offense, the
license may be suspended for a period of not more than thirty (30)
days; for the second offense, the license may be suspended for not
more than sixty (60) days; for the third offense, the license may
be suspended for not more than one (1) year. For any subsequent
offense, the license may be suspended for any period, or may be
revoked. Such disciplinary action shall be the result of not less
than board action. Any person against whom such disciplinary
action has been taken may apply to the board for a hearing in
order to show cause why the disciplinary action shall not be
taken. Such petition for a hearing shall act as supersedeas of
the disciplinary action until such time as the board shall give
the applicant an opportunity for a hearing; provided, however,
that if such hearing is granted and any continuation or delay is
the result of the action of the applicant, the supersedeas shall
not continue past the date set by the board for such hearing.

Application for reinstatement of a revoked license may be
made upon expiration of the period of revocation or if permanently
revoked, then after twelve (12) months from date of said
revocation. Each reinstatement application shall be accompanied
by a reinstatement fee of Fifty Dollars ($50.00). All licenses
shall be valid until suspended or revoked as herein provided or
until cancelled by the licensee. Licenses shall not be
transferable. Proceeds from the license fees collected under this
article shall be transmitted to the State Treasurer for deposit
into the State General Fund.

SECTION 89. Section 69-9-5, Mississippi Code of 1972, is
amended as follows:

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

(2) The assessment imposed and levied by this section shall
be payable to and collected by the Department of Agriculture and
Commerce, hereafter referred to as "the department," from the
purchaser of such soybeans at the first point of sale or from the
Commodity Credit Corporation as provided in subsection (1) of this
section. The proceeds of the assessment collected by the
department shall be deposited monthly with the State Treasurer
into the State General Fund. * * * The State Fiscal Officer is
authorized to issue warrants for the payment of monies from the
State General Fund upon requisition by the Commissioner of
Agriculture and Commerce, or his designee, for refunds to
producers as provided under subsection (1) of this section.

(3) The department shall monthly pay over to the State
General Fund the funds collected, less three and one-half percent
(3-1/2%) of the gross amount collected. * * *

(4) Each purchaser or the Commodity Credit Corporation shall
keep a complete and accurate record of all soybeans handled by him
and shall furnish each producer with a signed sales slip showing
the number of bushels purchased from him and the amount deducted
by him for the State General Fund. Such records shall be in such
form and contain such other information as the department shall by
rule or regulation prescribe. The records shall be preserved by
the purchaser for a period of two (2) years and shall be offered
for inspection at any time upon oral or written demand by the
department or any duly authorized agent or representative thereof.
Every purchaser or the Commodity Credit Corporation, at such time
or times as the department may require, shall submit reports or
other documentary information deemed necessary for the efficient
and equitable collection of the assessment imposed in this
chapter. The department shall have the power to cause any duly authorized agent or representative to enter upon the premises of any purchaser of soybeans and examine or cause to be examined by such agent only books, papers and records which deal in any way with the payment of the assessment or enforcement of the provisions of this chapter.

SECTION 90. Section 69-10-5, Mississippi Code of 1972, is amended as follows:

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

(2) The assessment imposed and levied by this section shall be payable to and collected by the Mississippi Department of Agriculture and Commerce, hereafter referred to as "the department," from the purchaser of such rice at the first point of sale or from the Commodity Credit Corporation as provided in
subsection (1) of this section. The proceeds of the assessment collected by the department shall be deposited monthly with the State Treasurer into the State General Fund shall be made upon warrants issued by the State Fiscal Officer upon requisitions signed by the Chairman and Secretary-Treasurer of the Mississippi Rice Promotion Board, or their designee, in the manner provided by law. The State Treasurer shall invest such proceeds and any interest earned thereon shall be credited to the State General Fund.

(3) The Mississippi Department of Agriculture and Commerce shall submit to the Mississippi Rice Promotion Board a budget detailing and justifying the administrative costs of the department in administering the provisions of this chapter, and such budget must be approved by the Mississippi Rice Promotion Board by April 1 of each year. The department shall monthly pay over to the State General Fund the funds collected.

(4) Each purchaser or the Commodity Credit Corporation shall keep a complete and accurate record of all rice handled by him and shall furnish each producer with a signed sales slip showing the number of bushels purchased from him and the amount deducted by him for the State General Fund. Such records shall be in such form and contain such other information as the department shall by rule or regulation prescribe. The records shall be preserved by the purchaser for a period of two (2) years and shall be offered for inspection at any time upon oral or written demand by the department or any duly authorized agent or representative thereof. Every purchaser or the Commodity Credit Corporation, at such time or times as the commissioner of the department may require, shall submit reports or other documentary information deemed necessary for the efficient and equitable collection of the assessment imposed in this chapter. The department shall have the power to cause any duly authorized agent or representative to enter upon the premises of any purchaser of rice and examine or cause to be
examined by such agent, only books, papers and records which deal
in any way with respect to the payment of the assessment or
enforcement of the provisions of this chapter.

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

SECTION 91. Section 71-3-97, Mississippi Code of 1972, is
amended as follows:

71-3-97. (1) * * * The payment of all expenses in respect
to the administration of this chapter shall be made from the State
General Fund to appropriation by the Legislature. * * *

(2) The State Fiscal Officer is authorized to issue his
warrants to disburse monies from the State General Fund only upon
requisition of the commission. * * *

* * *

(3) All civil penalties provided in this chapter, if not
voluntarily paid, may be collected by civil suit brought by the
commission, and shall be paid into the State General Fund.

SECTION 92. Section 71-3-99, Mississippi Code of 1972, is
amended as follows:

71-3-99. (1) The commission shall estimate annually in
advance the amounts necessary for the administration of this
chapter, in the following manner:

(a) The commission shall, as soon as practicable after
the first day of January in each year, determine the expense of
administration of this chapter for the one-year period preceding
the first day of January. The expense of administration for such
period shall be used as the basis for determining the amount to be
assessed against each carrier and self-insurer in order to provide
for the expenses of the administration of this chapter for the
one-year period.

(b) Each carrier and self-insurer shall be assessed Two
Hundred Fifty Dollars ($250.00). The proceeds of such assessment
shall be deducted from the estimate of total expenses and the
remaining expenses of administration shall be prorated among the carriers writing compensation insurance in the state and self-insurers. The gross claims for compensation and medical services and supplies paid by the insurance carriers and self-insurers is the basis for computing the amount to be assessed, in the proportion that the total gross claims for compensation and medical services and supplies paid by such carrier or self-insurer during the preceding one-year period bore to the total gross claims for compensation and medical supplies and services paid by all carriers and self-insurers during such period. This amount may be assessed as a specific amount or as a percentage of gross claims for compensation and medical supplies and services paid by the insurance carriers and self-insurers as the commission may direct, and shall be such amount as shall be reasonably necessary to defray the necessary expense of such administration.

(2) The commission shall provide by regulation for the collection of the amounts assessed against each carrier and self-insurer. Such amounts shall be paid within thirty (30) days from the date that notice is served upon such carrier. If such amounts are not paid within such period, there may be assessed, for each thirty (30) days the amount so assessed remains unpaid, a civil penalty equal to ten percent (10%) of the amount so unpaid, which shall be collected at the same time and as a part of the amount assessed.

(3) If any carrier or self-insurer fails to pay the amounts assessed against it under the provisions of this section within sixty (60) days from the time such notice is served, the commission may suspend or revoke the authorization to insure compensation or to be self-insured.

(4) All amounts collected under the provisions of this section shall be paid into the State General Fund.
(5) The commission may require from each carrier and self-insurer, at such time and in accordance with regulations as the commission may prescribe, reports in respect to all payments of compensation and medical supplies and services by such carriers or self-insurers during each prior period, and may determine the amounts paid by each carrier and self-insurer and the amounts paid by all carriers and self-insurers during such period.

(6) Every carrier and self-insurer shall file with the commission on or before the first day of March of each year, a statement on the prescribed forms showing the gross claims for compensation and medical services and supplies paid by such carrier or self-insurer during the preceding one-year period ending on the thirty-first day of December. Any carrier or self-insurer which neglects to make and file its annual written statement within the time provided in this chapter shall pay to the commission Twenty Dollars ($20.00) for each day's neglect.

SECTION 93. Section 71-3-100, Mississippi Code of 1972, is amended as follows:

71-3-100. All funds received by the Workers' Compensation Commission, as established by Section 71-3-85 et seq., shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State General Fund. All commission expenditures shall be only pursuant to appropriation approved by the Legislature and as provided by law.

SECTION 94. Section 71-5-111, Mississippi Code of 1972, is amended as follows:

71-5-111. The payment of all expenses of the administration of this chapter shall be made from the State General Fund pursuant to appropriation therefor by the Legislature. All monies received from the United States of America, or any agency thereof, or from any other source for such purpose shall be paid into the State General Fund.
SECTION 95. Section 71-5-114, Mississippi Code of 1972, is amended as follows:

71-5-114. * * * Interest, penalties and damages collected on delinquent payments deposited during any calendar quarter in the clearing account in the Unemployment Compensation Fund shall, as soon as practicable after the close of such calendar quarter, be transferred to the State General Fund. * * * Nothing in this section shall prevent said monies * * * from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when necessary. * * *

SECTION 96. Section 73-1-43, Mississippi Code of 1972, is amended as follows:

73-1-43. All fees from examinations and licenses by the state board of architecture, as established by Section 73-1-3 et seq., and any other funds received by said board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State General Fund. * * *

SECTION 97. Section 73-3-2, Mississippi Code of 1972, is amended as follows:

73-3-2. (1) Power to admit persons to practice. The power to admit persons to practice as attorneys in the courts of this state is vested exclusively in the Supreme Court of Mississippi.

(2) Qualifications.

(a) Each applicant for admission to the bar, in order to be eligible for examination for admission, shall be at least twenty-one (21) years of age, of good moral character, and shall present to the Board of Bar Admissions satisfactory evidence:

(i) That he has successfully completed, or is within sixty (60) days of completion of, a general course of study of law in a law school which is provisionally or fully approved by

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the section on legal education and admission to the bar of the American Bar Association, and that such applicant has received, or will receive within sixty (60) days, a diploma or certificate from such school evidencing the satisfactory completion of such course, but in no event shall any applicant under this paragraph be admitted to the bar until such applicant actually receives such diploma or certificate. However, an applicant who, as of November 1, 1981, was previously enrolled in a law school in active existence in Mississippi for more than ten (10) years prior to the date of application shall be eligible for examination for admission; provided that such an applicant graduated prior to November 1, 1984;

(ii) That he has notified the Board of Bar Admissions in writing of an intention to pursue a general course of study of law under the supervision of a Mississippi lawyer prior to July 1, 1979, and in fact began study prior to July 1, 1979, and who completed the required course of study prior to November 1, 1984, in accordance with Sections 73-3-13(b) and 73-3-15 as the same exist prior to the effective date of this section; or

(iii) That in addition to complying with either of the above requirements, he has received a bachelor's degree from an accredited college or university or that he has received credit for the requirements of the first three (3) years of college work from a college or university offering an integrated six-year prelaw and law course, and has completed his law course at a college or university offering such an integrated six-year course. However, applicants who have already begun the general course of study of law as of November 1, 1979, either in a law school or under the supervision of a Mississippi lawyer shall submit proof he has successfully completed two (2) full years of college work.

(b) The applicant shall bear the burden of establishing his or her qualifications for admission to the satisfaction of the
Board of Bar Admissions. An applicant denied admission for failure to satisfy qualifications for admission shall have the right to appeal from the final order of the board to the Chancery Court of Hinds County, Mississippi, within thirty (30) days of entry of such order of denial.

(3) Creation of Board of Bar Admissions. There is hereby created a board to be known as the "Board of Bar Admissions" which shall be appointed by the Supreme Court of Mississippi. The board shall consist of nine (9) members, who shall be members in good standing of the Mississippi State Bar and shall serve for terms of three (3) years. Three (3) members shall be appointed from each Supreme Court district, one (1) by each Supreme Court Justice from his district, with the original appointments to be as follows: Three (3) to be appointed for a term of one (1) year, three (3) to be appointed for a term of two (2) years, and three (3) to be appointed for a term of three (3) years, one (1) from each district to be appointed each year. No member of the Board of Bar Admissions may be a member of the Legislature. Vacancies during a term shall be filled by the appointing justice or his successor for the remainder of the unexpired term.

The board shall promulgate the necessary rules for the administration of their duties, subject to the approval of the Chief Justice of the Supreme Court.

(4) Written examination or graduation as prerequisite to admission. Every person desiring admission to the bar, shall be required to take and pass a written bar examination in a manner satisfactory to the Board of Bar Admissions. The Board of Bar Admissions shall conduct not less than two (2) bar examinations each year.

(5) Oath and compensation of board members. The members of the Board of Bar Admissions shall take and subscribe an oath to be administered by one (1) of the judges of the Supreme Court to faithfully and impartially discharge the duties of the office.
The members shall receive compensation as established by the Supreme Court for preparing, giving and grading the examination plus all reasonable and necessary travel expenses incurred in the performance of their duties under the provisions of this section.

(6) Procedure for applicants who have failed. Any applicant who fails the examination shall be allowed to take the next scheduled examination. A failing applicant may request in writing from the board, within thirty (30) days after the results of the examination have been made public, copies of his answers and model answers used in grading the examination, at his expense. If a uniform, standardized examination is administered, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board. Any failing applicant shall have a right to a review of his failure by the board. The board shall enter an order on its minutes, prior to the administration of the next bar examination, either granting or denying the applicant's review, and shall notify the applicant of such order. The applicant shall have the right to appeal from this order to the Chancery Court of Hinds County, Mississippi, within thirty (30) days of entry of such order.

(7) Fees. The board shall set and collect the fees for examination and for admission to the bar. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for admission shall be based upon the cost of conducting an investigation of the applicant and the administrative costs of sustaining the board, which shall include:

(a) Expenses and travel for board members;
(b) Office facilities, supplies and equipment; and
(c) Clerical assistance.
All fees collected by the board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State Treasury in the State General Fund.

(8) The board, upon finding the applicant qualified for admission, shall issue to the applicant a certificate of admission. The applicant shall file the certificate and a petition for admission in the Chancery Court of Hinds County, Mississippi, or in the chancery court in the county of his residence, or, in the case of an applicant who is a nonresident of the State of Mississippi, in the chancery court of a county in which the applicant intends to practice. The chancery court shall, in termtme or in vacation, enter on the minutes of that court an order granting to the applicant license to practice in all courts in this state, upon taking by the applicant in the presence of the court, the oath prescribed by law, Section 73-3-35, Mississippi Code of 1972.

(9) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 98. Section 73-5-5, Mississippi Code of 1972, is amended as follows:

73-5-5. (1) All fees and any other monies received by the board shall be deposited into the State General Fund.

Expenses for the implementation and administration of this chapter shall be subject to appropriation by the Legislature for such purpose.

(2) The State Auditor shall audit the financial affairs of the board at least once a year in the same manner as for other agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request of the Governor. The Governor shall have the power to suspend any member of the board who shall
be found short in any account until such time as it shall be

4044 definitely determined whether such shortage was the result of an

4045 act of dishonesty on the part of the member.

**SECTION 99.** Section 73-7-5, Mississippi Code of 1972, is

4047 amended as follows:

4048 73-7-5. (1) All fees and any other monies received by the

4049 board shall be deposited into the State General Fund. Expenses for the implementation and administration of this chapter

4050 shall be subject to appropriation by the Legislature for such

4051 purpose. 

4052 (2) The State Auditor shall audit the financial affairs of

4053 the board at least once a year in the same manner as for

4054 other agencies. In addition, the Governor, in his
discretion, shall have the power from time to time to require an

4057 audit of the financial affairs of the board, the same to be made

4058 by the State Auditor upon request of the Governor. The Governor

4059 shall have the power to suspend any member of the board who shall

4060 be found in default in any account until such time as it shall be

4061 determined whether such default was a result of an act of

4062 dishonesty on the part of the member, and in the event it is found

4063 that such default is an act of dishonesty, misfeasance or

4064 nonfeasance on the part of the member, such member shall be

4065 immediately removed by the Governor from office.

**SECTION 100.** Section 73-6-7, Mississippi Code of 1972, is

4067 amended as follows:

4068 73-6-7. Before entering upon the discharge of the duties of

4069 his office, the Executive Secretary of the State Board of

4070 Chiropractic Examiners shall present a bond, approved by the

4071 board, to the state in the sum of Ten Thousand Dollars

4072 ($10,000.00), conditioned upon the faithful discharge of the

4073 duties of his office. The premium for such bond shall be paid

4074 from the State General Fund. Such bond, with the approval
of the board and oath of office endorsed thereon, shall be deposited with the Secretary of State.

Each month, monies received by the secretary of the board shall be paid by him into the State Treasury and deposited into the State General Fund. * * * Expenses of the board in carrying out the provisions of this chapter * * * shall be subject to appropriation from the State General Fund * * *.

SECTION 101. Section 73-9-43, Mississippi Code of 1972, is amended as follows:

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

- Application for dental license........................................ $ 600.00
- Application for dental license through credentials.. 2,500.00
- Application for dental specialty license............. 400.00
- Application for dental institutional, teaching or provisional license........................................ 600.00
- Application for dental hygiene license.............. 400.00
- Application for dental hygiene license through credentials........................................ 750.00
- Application for dental hygiene institutional, teaching, or provisional license............................ 400.00
- Application for general anesthesia permit............ 400.00
- Application for I.V. sedation permit.................. 400.00
- Application for radiology permit......................... 100.00
- Annual dental license renewal............................... 300.00
- Annual dental specialty license renewal............. 100.00
- Annual dental institutional, teaching or provisional license renewal............................. 300.00
- Annual dental hygiene license renewal............... 150.00
- Annual dental hygiene institutional, teaching, or provisional license renewal................... 150.00
- Annual general anesthesia permit renewal........... 100.00
Annual I.V. sedation permit renewal...................... 100.00
Annual radiology permit renewal......................... 75.00

Penalty for delinquent renewal of dental licenses; dental
specialty licenses; and dental institutional, teaching, and
provisional licenses:

First month (plus annual renewal fee).................... 100.00
Second month (plus annual renewal fee).................. 150.00
Third month (plus annual renewal fee)................... 200.00

Penalty for delinquent renewal of dental hygiene licenses and
dental hygiene institutional, teaching, and provisional licenses:

First month (plus annual renewal fee).................... 50.00
Second month (plus annual renewal fee).................. 75.00
Third month (plus annual renewal fee)................... 100.00

Penalty for delinquent renewal of radiology permits:

First month (plus annual renewal fee).................... 45.00
Second month (plus annual renewal fee).................. 65.00
Third month (plus annual renewal fee)................... 75.00

Penalty for nonnotification of change of address.... 50.00

Penalty for duplicate renewal forms and certification
cards.............................................. 50.00

Duplicate or replacement license or permit.............. 40.00
Certification of licensure status........................ 40.00
Certified copy of license or permit...................... 40.00
Handling fee for nonsufficient funds check............ 50.00
Requests for database information...................... 300.00
Radiology examinations administered in board's
office.............................................. 100.00

Dental and dental hygiene licensure examination
manuals............................................. 50.00
Dental and dental hygiene licensure by credentials
packets............................................. 50.00

Laws and/or regulations................................ 50.00
Disciplinary action orders.............................. 25.00
The payment of annual dentist registration fees shall be optional with all dentists over the age of seventy (70) years.

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

(3) The secretary shall faithfully account for all monies received by the board. All fees and any other monies received by the board shall be deposited into the State General Fund.

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

(5) The secretary shall receive no more than Twenty-four Hundred Dollars ($2400.00) per year and no or other member shall receive more than Twelve Hundred Dollars ($1200.00) per year as compensation for examining applicants for licensure. The receipt of said compensation shall not entitle members of the
board to receive or be eligible for any state employee group
insurance, retirement or other fringe benefits. * * *

(6) State General funds appropriated by the Legislature
shall be used to maintain an office adequately staffed insofar as
funds are available and provide other services as may be needed
for carrying out the powers and duties of the board within the
provisions of this chapter. Such appropriated funds shall also be
used to pay the per diem and defray the expense of members of the
board for attendance at meetings other than those for the purpose
of examining applicants for licenses. In addition, such
appropriated funds may be used to support a program to aid
impaired dentists and/or dental hygienists. The payment of per
diem and expense for attending said board meetings shall be in
addition to the compensation permitted above for examining
applicants for licensure, and the per diem shall not exceed the
amount provided in Section 25-3-69.

SECTION 102. Section 73-11-49, Mississippi Code of 1972, is
amended as follows:

73-11-49. (1) The board is authorized to select from its
own membership a chairman, vice chairman and secretary-treasurer.
Election of officers shall be held at the first regularly
scheduled meeting of the fiscal year.

(2) All members of the board shall be reimbursed for their
necessary traveling expenses and mileage incident to their
attendance upon the business of the board, as provided in Section
25-3-41, and shall receive a per diem as provided in Section
25-3-69 for every day actually spent upon the business of the
board, not to exceed twenty (20) days per year unless authorized
by a majority vote of the board.

(3) All monies received by the board shall be paid into the
State General Fund * * *.

(4) The board shall employ an administrator of the board,
who shall have complete supervision and be held responsible for
the direction of the office of the board, shall have supervision over field inspections and enforcement of the provisions of this chapter, shall have such other duties as may be assigned by the board, shall be responsible and answerable to the board. The board may employ such other clerical assistants and employees as may be necessary to carry out the provisions of this chapter, and the terms and conditions of such employment shall be determined by the board in accordance with applicable state law and rules and regulations of the State Personnel Board.

(5) The board, when it shall deem necessary, shall be represented by an assistant Attorney General duly appointed by the Attorney General of this state, and may also request and receive the assistance of other state agencies and county and district attorneys, all of whom are authorized to provide the assistance requested.

(6) The board shall have subpoena power in enforcing the provisions of this chapter.

(7) The board shall adopt and promulgate rules and regulations for the transaction of its business in accordance with the provisions of the Mississippi Administrative Procedures Law (Section 25-43-1 et seq.). No rule or regulation promulgated by the board affecting any person or agency outside the board shall be adopted, amended or repealed without a public hearing on the proposed action. The board shall give written notice at least thirty (30) days in advance of any meeting with respect to any proposed adoption, amendment or repeal of a rule or regulation of the board, in accordance with the Administrative Procedures Act, as well as notifying the duly elected presidents and secretaries of the Mississippi Funeral Directors Association and the Mississippi Funeral Directors and Morticians Association, or their successors.

(8) The board may designate the administrator to perform inspections under this chapter, may employ an individual to
perform such inspections or may contract with any other individual
or entity to perform such inspections. Any individual or entity
that performs such inspections shall have the right of entry into
any place in which the business or practice of funeral service
and/or funeral directing is carried on or advertised as being
carried on, for the purpose of inspection, for the investigation
of complaints coming before the board and for such other matters
as the board may direct.

(9) The board shall not pass any rule or regulation
pertaining to the transportation of dead bodies in any manner or
requiring them to be embalmed.

SECTION 103. Section 73-13-15, Mississippi Code of 1972, is
amended as follows:

73-13-15. The board shall have the power to adopt and amend
all regulations and rules of procedure, not inconsistent with the
Constitution and laws of this state, which may be reasonably
necessary for the proper performance of its duties and the
regulations of the proceedings before it. The board shall adopt
and have an official seal. It shall not be required to post bond
on appeals. The board shall have the further power and authority
to:

(a) Establish standards of conduct and ethics;
(b) Institute proceedings in its own name;
(c) Promulgate rules restricting competitive bidding;
(d) Promulgate rules limiting or restricting
advertising;
(e) Promulgate rules requiring a demonstration of
continuing education;
(f) Adopt and promulgate reasonable bylaws and rules
and regulations necessary or appropriate for the proper
fulfillment of its duties under state laws pertaining thereto;
(g) Provide for the enforcement of and to enforce the
laws of the State of Mississippi and, in particular, the
provisions of this chapter, and the bylaws, rules and regulations
of the board;

(h) Provide by appropriate rules and regulations,
within the provisions of this chapter, a system for taking the
disciplinary actions provided for in Section 73-13-37, including
the imposition of fines as provided therein; and

(i) Investigate, prosecute or initiate prosecution for
violation of the laws of this state pertaining to the practices of
engineering and land surveying, or matters affecting the rights
and duties or otherwise related thereto.

In carrying into effect the provisions of this chapter, the
board, under the hand of its president or secretary and the seal
of the board may subpoena witnesses and compel their attendance,
and also may require the production of books, papers, documents,
etc., in any case involving the disciplinary actions provided for
in Section 73-13-37 or 73-13-89 or practicing or offering to
practice without registration. Any member of the board may
administer oaths or affirmations to witnesses appearing before the
board. If any person shall refuse to obey any subpoena so issued,
or shall refuse to testify or produce any books, papers, or
documents, the board may present its petition to such authority as
may have jurisdiction, setting forth the facts, and thereupon such
authority shall, in a proper case, issue its subpoena to such
person, requiring his attendance before such authority and there
to testify or to produce such books, papers, and documents, as may
be deemed necessary and pertinent by the board. Any person
failing or refusing to obey the subpoena or order of the said
authority may be proceeded against in the same manner as for
refusal to obey any other subpoena or order of the authority.

All fees or penalties collected by the board shall be
deposited in the State Treasury into the State General Fund. All
expenses for the administration of this chapter shall be paid
pursuant to appropriation by the Legislature.
SECTION 104. Section 73-14-47, Mississippi Code of 1972, is amended as follows:

73-14-47. All fees and monies received by the board under this chapter shall be deposited into the State General Fund.

SECTION 105. Section 73-15-13, Mississippi Code of 1972, is amended as follows:

73-15-13. (1) All fees from examination, registration and licensure of nurses as provided for hereafter, and all monies coming into possession of the board from any source whatsoever, shall be paid to the Treasurer who shall issue receipts therefor and the same shall be deposited in the State Treasury.

(2) Expenses for administration of this chapter shall be expended only pursuant to appropriation approved by the legislature and as provided by law.

(3) The Treasurer and executive director shall execute surety bonds in a sum to be determined by the board, conditioned upon the faithful performance of their duties and upon their accounting for all monies coming into their hands. The premium for the bond shall be paid by the board funds. Funds shall not be withdrawn or expended except upon approval of the board.

SECTION 106. Section 73-17-11, Mississippi Code of 1972, is amended as follows:

73-17-11. (1) From and after July 1, 1983, in order to be eligible to be licensed as a nursing home administrator an individual must submit evidence satisfactory to the board that

(a) Is at least twenty-one (21) years of age;
(b) Is of good moral character;
(c) Is in good health;
(d) Is a high school graduate or the equivalent;
(e) For initial licensure on or after July 1, 1988, has an associate degree from an accredited institution, or at least
sixty-four (64) semester hours of college work from an accredited
institution, or at least one (1) year of supervisory or
administrative responsibilities in a licensed acute or long-term
health care facility within the twelve (12) months before making
application; and

(f) Has successfully passed examinations administered
by the board to test his proficiency and basic knowledge in the
area of nursing home administration.

The board is hereby authorized to establish the frequency of
the offering of such examinations and the contents thereof.

(2) Reciprocity shall be extended to individuals holding
licenses as nursing home administrators in other states, upon
proper application and a finding on the part of the board that (a)
the applicant possesses the basic qualifications listed in this
chapter, and (b) that the standards and requirements of the
licensing jurisdiction under which he holds a license are no less
stringent than those of the State of Mississippi, and (c) that
such licensing jurisdiction extends reciprocity to licensees of
the State of Mississippi under reasonable terms and conditions.

(3) The board is hereby authorized to prescribe appropriate
fees for the taking of such examinations and for the issuance of
licenses. Such fees shall be not more than Three Hundred
Twenty-five Dollars ($325.00) for taking the examinations and
Three Hundred Fifty Dollars ($350.00) for the issuance of a
license. Provided, however, that said fee for an initial license
may be prorated in proportion to the period of time from the date
of issuance and the date of biennial license renewal prescribed in
subsection (4). All licenses issued hereunder shall be for a
maximum period of two (2) years.

(4) The board may renew licenses on July 1, 1991, and
biennially thereafter upon the payment of a fee to be established
by the board, which shall be not more than Three Hundred Fifty
Dollars ($350.00), plus any administrative costs for late payment.
(5) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

(6) All fees or penalties collected by the board shall be deposited in the State Treasury into the State General Fund.

SECTION 107. Section 73-19-13, Mississippi Code of 1972, is amended as follows:

73-19-13. Each member of the State Board of Optometry shall be entitled to receive per diem as authorized under Section 25-3-69 in addition to all actual, necessary expenses incurred in the discharge of official duties, including mileage as authorized by law for state officials and employees.

The secretary shall receive an annual salary, to be fixed by the board, and his necessary expenses incurred in the discharge of his official duties. The State Board of Optometry may engage the services of an attorney to assist it in the discharge of its duties on terms to be fixed by the board.

The compensation and expenses of the secretary, attorney and members of the board, and the expenses of the board necessary in carrying out the provisions of this chapter, shall be paid from the State General Fund in the State Treasury on the requisition signed by the president and secretary of the board and the warrant of the State Fiscal Officer; provided, however, that all expenditures from such General Fund shall be authorized by the Legislature and shall be subject to all applicable provisions of the state budget law.

SECTION 108. Section 73-21-113, Mississippi Code of 1972, is amended as follows:

73-21-113. All fees received by the board from examinations, licenses, permits and monetary penalties, and any other funds received by the board, shall be paid to the State Treasurer, who shall issue receipts therefor and deposit such funds in the State General Fund.
SECTION 109. Section 73-23-45, Mississippi Code of 1972, is amended as follows:

73-23-45. * * * The financial records of the department in connection with this chapter shall be audited annually by the State Auditor. All fees and other monies collected and received by the department under this chapter shall be deposited in the State Treasury into the State General Fund, and disbursement shall be made only upon warrants issued by the State Fiscal Officer upon requisitions signed by the Executive Director of the State Board of Health.

SECTION 110. Section 73-25-9, Mississippi Code of 1972, is amended as follows:

73-25-9. Every person who shall apply for license to practice medicine shall, before he will be entitled to be examined, pay a fee to be set by the State Board of Medical Licensure, not to exceed Two Hundred Fifty Dollars ($250.00).

In addition to fees for examination as provided for above, the State Board of Medical Licensure is authorized to charge applicants an amount equivalent to the cost to the state board of medical licensure of purchasing and administering any national examinations approved by the Federation of State Medical Boards.

All fees and penalties collected by the board shall be deposited in the State General Fund in the State Treasury. All expenses for the administration of this chapter shall be pursuant to appropriation by the Legislature.

SECTION 111. Section 73-27-12, Mississippi Code of 1972, is amended as follows:

73-27-12. (1) The license of every person licensed to practice podiatry in the State of Mississippi shall be renewed annually.

On or before May 1 of each year, the board shall mail an application for renewal of license to every podiatrist to whom a license was issued or renewed during the current licensing year.
The applicant shall complete the application and return it to the board before June 30 with the renewal fee of an amount established by the board, but not to exceed Two Hundred Dollars ($200.00), a portion of which fee shall be used to support a program to aid impaired podiatrists. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year. That renewal shall render the holder thereof a legal practitioner as stated on the renewal form.

(2) Any podiatrist practicing in Mississippi who allows his license to lapse by failing to renew the license as provided in subsection (1) may be reinstated by the board on satisfactory explanation for the failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars ($25.00) plus an additional fine of Five Dollars ($5.00) for each month thereafter that the license renewal remains delinquent.

(3) Any podiatrist not practicing in Mississippi who allows his license to lapse by failing to renew the license as provided in subsection (1) may be reinstated by the board on satisfactory explanation for the failure to renew, by completion of a reinstatement form and upon payment of the arrearages for the previous five (5) years and the renewal fee for the current year.

(4) Any podiatrist who allows his license to lapse shall be notified by the board within thirty (30) days of such lapse.

(5) Any person practicing as a licensed podiatrist during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to penalties set forth in Section 73-27-17, provided he has not submitted the required reinstatement form and fee within fifteen (15) days after notification by the board of the lapse.
(6) Any podiatrist practicing in the State of Mississippi whose license has lapsed and is deemed an illegal practitioner under subsection (5) of this section may petition the board for reinstatement of his license on a retroactive basis, if the podiatrist was unable to meet the June 30 deadline due to extraordinary or other legitimate reasons, and retroactive reinstatement of licensure shall be granted or may be denied by the board only for good cause. Failure to advise the board of change of address shall not be considered a basis for reinstatement.

(7) Fees collected under the provisions of this section shall be deposited into the State General Fund. All expenses of administration shall be from funds appropriated by the Legislature.

SECTION 112. Section 73-29-23, Mississippi Code of 1972, is amended as follows:

73-29-23. The fee to be paid for an original polygraph examiner's license is Fifty Dollars ($50.00).

The fee to be paid for an internship license is Thirty Dollars ($30.00).

The fee to be paid for the issuance of a duplicate polygraph examiner's license is Ten Dollars ($10.00).

The fee to be paid for a polygraph examiner's renewal license is Fifty Dollars ($50.00).

The fee to be paid for the extension or renewal of an internship license is Twenty-five Dollars ($25.00).

The fee to be paid for a duplicate internship license is Ten Dollars ($10.00).

The fees required by this chapter may be paid by the governmental agency employing the examiner.

All fees collected by the board shall be deposited into the State General Fund in the State Treasury. All expenses for the
administration of this chapter shall be paid pursuant to legislative appropriation.

SECTION 113. Section 73-30-5, Mississippi Code of 1972, is amended as follows:

73-30-5. (1) There is hereby established the Mississippi State Board of Examiners for Licensed Professional Counselors which shall consist of five (5) members, one (1) member from each of the five (5) congressional districts of Mississippi, who shall be appointed by the Governor with the advice and consent of the Senate. A list shall be provided to the Governor by the Mississippi Counseling Association from which the Governor may choose board members. At least two (2) names shall be included from each congressional district. Such appointments shall be made initially within sixty (60) days of the submission of the list of qualified counselors by the Mississippi Counseling Association. Thereafter, all vacancies occurring on the board shall be filled by the Governor within sixty (60) days after the vacancy occurs. The Mississippi Counseling Association shall provide a list of suggested board members for each vacancy.

(2) The board shall consist of five (5) licensed counselors, three (3) of whom are primarily engaged as licensed counselors in private or institutional practice and two (2) who are primarily engaged in teaching, training or research in counseling at the corporate or university level. All members shall be qualified electors of the State of Mississippi.

(3) The initial appointments to the board shall be for staggered terms, to be designated by the Governor at the time of appointment as follows: two (2) members to serve for three (3) years, two (2) members to serve for two (2) years, and one (1) member to serve for one (1) year. Thereafter, all terms shall be for three (3) years. No board member shall succeed himself without waiting a period of three (3) years after having served one (1) full three-year term.
(4) There shall be appointed to the board no more than one person who is employed by, or receives compensation from, any one institution, organization or partnership at the time of appointment.

(5) Board members shall be reimbursed for necessary and ordinary expenses and mileage incurred while performing their duties as members of the board, at the rate authorized for public employees, from appropriation approved by the Legislature.

(6) All fees collected by the board shall be deposited into the State General Fund in the State Treasury.

SECTION 114. Section 73-31-9, Mississippi Code of 1972, is amended as follows:

73-31-9. (1) All fees from applicants seeking licensing under this chapter and all license renewal fees received under this chapter shall be nonrefundable.

(2) The board shall charge an application fee to be determined by the board but not to exceed Three Hundred Dollars ($300.00) to applicants for licensing, and shall charge the applicant for the expenses incurred by the board for examination of the applicant.

(3) Every licensed psychologist in this state shall annually pay to the board a fee determined by the board but not to exceed Three Hundred Dollars ($300.00); and the executive secretary shall thereupon issue a renewal of the license for a term of one (1) year. The license of any psychologist who shall fail to renew during the month of July in each and every year shall lapse; the failure to renew the license, however, shall not deprive said psychologist of the right of renewal thereafter. Such lapsed license may be renewed within a period of two (2) years after such lapse upon payment of all fees in arrears. A psychologist wishing to renew a license which has been lapsed for more than two (2) years shall be required to reapply for licensure.
(4) On July 1, 1993, and every odd numbered year thereafter, no psychologist license shall be renewed unless the psychologist shows evidence of a minimum of twenty (20) clock hours of continuing education activities approved by the board.

(5) All fees and any other monies received by the board shall be deposited in the State General. * * * The implementation and administration of this chapter shall be subject to appropriation by the Legislature for such purpose. * * *

Disbursements from the appropriated funds shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the chairman or executive secretary of the board. * * * The State Auditor shall audit the financial affairs of the board * * * at least once a year in the same manner as for other * * * agencies.

This section shall stand repealed from and after July 1, 2011.

SECTION 115. Section 73-33-8, Mississippi Code of 1972, is amended as follows:

73-33-8. All fees from examinations, certificates and licenses by the board of public accountancy, as established by Sections 73-33-3 et seq., and any other funds received by said board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State General Fund. * * *

SECTION 116. Section 73-35-19, Mississippi Code of 1972, is amended as follows:

73-35-19. All fees charged and collected under this chapter shall be paid by the administrator at least once a week, accompanied by a detailed statement thereof, into the Treasury of the state to the State General Fund * * *. The Legislature may appropriate funds for the use of the commission in carrying out the provisions of this chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for
educational purposes. Maintenance of a searchable, internet-based web site shall satisfy the requirement for publication of a directory of licensees under this section.

SECTION 117. Section 73-36-17, Mississippi Code of 1972, is amended as follows:

73-36-17. Each member of the board shall receive per diem compensation as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as provided for public officers and employees in Section 25-3-41. The board shall pay for all expenses incurred by the board, including clerical help as may be needed, if itemized statements of the expenses are first approved by order of the board entered on its minutes. The board shall not expend in any fiscal year more monies than the amount of fees collected. All fees shall be paid to the secretary of the board and the secretary shall deposit all monies received under this chapter into the State General Fund. * * * All expenditures from such appropriated funds shall be by requisition to the Executive Director of the Department of Finance and Administration and signed by the board chairman. The secretary of the board shall be under a surety bond in the penal sum of Five Thousand Dollars ($5,000.00) with a surety company authorized to do business in this state, the bond to be conditioned for the faithful performance of his duties, and the fee shall be paid by the board.

SECTION 118. Section 73-38-36, Mississippi Code of 1972, is amended as follows:

73-38-36. All fees collected by the State Board of Health under this chapter and any penalties collected by the board for violations of this chapter shall be deposited into the State General Fund * * *

SECTION 119. Section 73-39-7, Mississippi Code of 1972, is amended as follows:
73-39-7. (1) There shall be no obligation on the part of
the state for the payment of any money as salary or otherwise to
any member of the board, but the compensation and expenses of said
board shall be paid out of funds appropriated from the State
General Fund. The members of the board shall receive as
compensation for their services the sum of Forty Dollars ($40.00)
for each day in actual service of said board and, in addition,
their expenses incident to the meeting of the board. * * *
(2) All fees and other monies received by the
secretary-treasurer of the board shall be deposited into the State
General Fund. * * * The implementation and administration of this
chapter shall be subject to appropriation by the Legislature for
such purpose. * * * Disbursements from appropriated funds shall
be made by the State Treasurer only upon warrants issued by the
State Fiscal Officer upon requisitions signed by the president or
secretary-treasurer of the board. * * * The State Auditor shall
audit the financial affairs of the board and the transactions
involving the special fund at least once a year in the same manner
as for other special fund agencies.
(3) The board is authorized to employ such personnel and
incur such expense as may be necessary for the performance of its
duties and the enforcement of this chapter including expenses for
the promotion of education and standards of veterinary medicine
through institutes, conferences, educational programs or such
other means as may result in improved services.

SECTION 120. Section 73-57-29, Mississippi Code of 1972, is
amended as follows:

73-57-29. All fees established by the board under this
chapter shall be set in such an amount as is necessary to
reimburse the state for the cost of services rendered, not to
exceed a biennial sum of Two Hundred Fifty Dollars ($250.00) to be
paid by any individual. Fees received by the board and monies
collected under this chapter shall be deposited in the State
Treasury to the credit of the State General Fund. Expenses incurred in the performance of this chapter shall be paid in accordance with the accounting laws of the state.

SECTION 121. Section 75-74-19, Mississippi Code of 1972, is amended as follows:

75-74-19. All fees collected by the State Board of Health under this chapter and any penalties collected by the board for violations of this chapter shall be deposited into the State General Fund.

SECTION 122. Section 75-75-114, Mississippi Code of 1972, is amended as follows:

75-75-114. All funds received by the Mississippi Athletic Commission, as established by Sections 75-75-103 et seq., from any source authorized by statute shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State General Fund.

SECTION 123. Section 77-1-27, Mississippi Code of 1972, is amended as follows:

77-1-27. All commission employees provided for in this chapter, and the reasonable and necessary expenses of the administration of the duties imposed on the commission by the Motor Carrier Regulatory Law of 1938, shall be paid out of the appropriations made from the State General Fund to defray the expenses of the commission, upon requisitions and warrants in the same manner provided by law for the disbursements of appropriations for the commission. An itemized account shall be kept of all receipts and expenditures and shall be reported to the Legislature by the commission.

SECTION 124. Section 77-3-8, Mississippi Code of 1972, is amended as follows:

77-3-8. (1) There is established in the commission a public service commission staff, which staff shall be a unit, remain as a unit therein, and be responsive to the commission. The public
service commission staff shall consist of a sufficient number of professional, administrative, technical, clerical and other personnel as may be necessary for the staff to perform its duties and responsibilities as hereinafter provided. All such personnel of the public service commission staff shall be recommended by the executive secretary and hired or rejected by the commission. Personnel shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The personnel of the public service commission staff shall be compensated and reimbursed for their actual and necessary expenses, including food, lodging and travel, by the commission from the State General Fund pursuant to appropriation by the Legislature, and as authorized by Section 25-3-41. The Public Service Commission staff shall be responsible for gathering and analyzing information relating to all matters within the authority of the commission. (2) The State Personnel Board shall establish and maintain entry-level salaries sufficiently competitive to attract competent, qualified applicants for the specialized skills and positions required by this section without regard to the salaries paid the commissioners and notwithstanding any other provisions of law to the contrary. The State Personnel Board shall authorize, where necessary, a range of salaries within which salary negotiations may be conducted for those positions for which specific knowledge, skills and abilities are set forth herein. (3) The public service commission staff shall perform such duties as are assigned to them by the commission.

SECTION 125. Section 77-3-87, Mississippi Code of 1972, is amended as follows:

77-3-87. All reasonable and necessary expenses of the administration of the duties imposed on the Public Utilities Staff and on the commission by Title 77, Mississippi Code of 1972, excluding the reasonable and necessary expenses of the administration and enforcement by the commission of the laws of
this state pursuant to Chapters 7 and 9 of Title 77, Mississippi
Code of 1972, shall be provided from the State General Fund
pursuant to appropriation by the Legislature. There is
hereby levied a tax upon (a) all utilities, the rates of which are
subject to regulation by the provisions of this chapter and upon
(b) all utilities not subject to such rate regulation which
furnish to the ultimate consumer utility services of the type
described by subparagraph (i) of paragraph (d) of Section 77-3-3
and otherwise subject to regulation by the provisions of this
chapter, such levy to be effective on the first day of each year
and to be calculated as follows: The rate of the tax shall be one
hundred sixty-four thousandths of one percent (164/1000 of 1%) per
year, of the gross revenues from the intrastate operations of the
utilities taxed under this section. The rate of the tax for
electric power associations and rural electrification authorities
shall be ninety thousandths of one percent (90/1000 of 1%) per
year of the gross revenues from the intrastate operations of
electric power associations and rural electrification authorities
taxed under this section. The sum of all taxes levied by this
section shall not exceed the total legislative appropriation of
monies from the State General Fund for the support of the Public
Utilities Staff for the ensuing fiscal year. The commission and
the Executive Director of the Public Utilities Staff shall certify
to the State Tax Commission the amount of legislative
appropriations of monies for the regulation of utilities. The
State Tax Commission shall adjust the tax rates on a pro rata
basis to generate the necessary revenues established by such
legislative appropriations. Each utility which is subject to the
tax levied by this section shall file a statement of its gross
revenue by April 1 of each year showing the gross revenue for the
preceding year's operation. These statements of gross revenue
shall be filed with the State Tax Commission on forms prescribed
and furnished by the State Tax Commission. The State Tax
Commission shall file a copy of these statements of gross revenue with the Public Utilities Staff and the commission. The State Tax Commission shall calculate the amount of tax to be paid by each of the utilities and shall submit a statement thereof to the respective utilities, and the amount shown due in the statements to the utilities shall be paid by them within thirty (30) days thereafter to the State Tax Commission. The State Tax Commission shall furnish the Public Utilities Staff and the commission with an itemized list showing gross and net revenues, assessments, tax collections and other related information for the respective utilities. The State Tax Commission shall pay these funds into the State Treasury on the same day collected to the credit of the State General Fund.

All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such chapter, and all other duties and requirements imposed upon taxpayers, shall apply to all persons liable for taxes under the provisions of this chapter, and the Tax Commissioner shall exercise all the power and authority and perform all the duties with respect to taxpayers under this chapter as are provided in the Mississippi Sales Tax Law except where there is a conflict, then the provisions of this chapter shall control. The term "gross revenue" as used in this section is the total amount of all revenue derived by each of the utilities from its intrastate operations, which are subject to rate regulation under the provisions of this chapter or which constitute utility services of the type described by subparagraph (i) of paragraph (d) of Section 77-3-3 and which are regulated by this chapter and furnished to ultimate consumers. The State Tax Commission is hereby authorized to use all tax returns of any utilities available to it and to make audits as may be deemed necessary of all records of utilities in order to correctly determine the amount of such gross revenue.
Each utility subject to the provisions of this section shall be allowed to recover, through the use of a rate adjustment clause or rider, the total amount of taxes paid by the utility pursuant to this section for the reasonable and necessary expenses of the commission and the Public Utilities Staff.

SECTION 126. Section 77-3-89, Mississippi Code of 1972, is amended as follows:

77-3-89. All expenses of the commission authorized by this article, or any other act of the Legislature, shall be paid by the State Treasurer from the State General Fund from funds appropriated by the Legislature upon warrants issued by the State Fiscal Officer, which warrants shall be issued upon requisition signed by the chairman of the commission and countersigned by one (1) of the commissioners. Said requisition shall show upon its face the purpose for which the payment is being made by reference to the minute book in which such payment was authorized. It shall be unlawful for any person to withdraw any money from such funds other than by requisition issued as herein provided. A record of all requisitions issued by the commission showing to whom, for what purpose, and date issued, shall be placed upon the minute books of the commission and shall become a part of the official record of the commission.

The books and accounts of the commission shall be audited at the end of each fiscal year, and at any other time deemed necessary, by the State Auditor and a copy of such audits shall be furnished to the Governor and the commission. The State Auditor may prescribe such further accounting procedure as he deems necessary for the withdrawal of funds by the commission.

All requisitions drawn in compliance with this article shall be honored by the State Auditor and the funds disbursed in accordance therewith. The commission shall file a report at each regular
session of the Legislature showing the expenditure of all funds by
the commission.

* * *

SECTION 127. Section 77-7-55, Mississippi Code of 1972, is
amended as follows:

77-7-55. Upon the filing of an application for a certificate
of convenience and necessity, the applicant shall deposit with the
commission as a fee, the sum of Fifty Dollars ($50.00), and for
the transfer, sale, assignment or lease of such certificate, the
sum of Fifty Dollars ($50.00), and for the issuance of a duplicate
certificate, the sum of Two Dollars ($2.00).

Upon the filing of an application for a permit as a contract
carrier, the applicant shall deposit with the commission as a fee
for the issuance thereof, the sum of Fifty Dollars ($50.00), and
for the issuance of a duplicate permit, the sum of Two Dollars
($2.00).

All of the fees provided for by this section shall be paid by
the commission into the State Treasury to be there placed in the
State General Fund. The fees herein provided for respecting
applications for certificates, permits and for the approval of
sale, transfer, lease or assignment may not be returned to an
applicant after the application has been processed.

SECTION 128. Section 77-7-339, Mississippi Code of 1972, is
amended as follows:

77-7-339. The salary of the chief enforcement officer and
the inspectors, and the reasonable and necessary expenses of such
employees and the administration of the duties imposed on the
commission by this chapter, shall be paid out of the State General
Fund * * *, upon requisition and warrants in the same manner
provided by law for the disbursements of appropriations for the
commission. An itemized account shall be kept of all receipts and
expenditures and shall be reported to the Legislature by the
commission.
SECTION 129. Section 77-9-489, Mississippi Code of 1972, is amended as follows:

77-9-489. The salaries of all employees authorized to enforce the provisions of the railroad laws, and the reasonable and necessary expenses of such employees, shall be paid out of the State General Fund in the State Treasury pursuant to appropriation by the Legislature upon the requisition and warrant in the manner provided by law. An itemized account shall be kept of all receipts and expenditures and reported to the Legislature by the commission.

SECTION 130. Section 77-9-493, Mississippi Code of 1972, is amended as follows:

77-9-493. All reasonable and necessary operating expenses of the administration of the duties imposed by law upon the Mississippi Transportation Commission, including the salaries of personnel, in its regulation and supervision of railroad companies operating within the State of Mississippi, shall be provided from the State General Fund from funds appropriated by the Legislature. There is hereby levied the following tax: The amount of said tax is the sum of Two Hundred One Thousand Dollars ($201,000.00) per year. Such tax shall be prorated by the State Tax Commission among the railroad companies which are subject to the tax levied by this section each year, according to the railroad track miles of each of such railroad company operated during the calendar year preceding the assessment. Each railroad company which is subject to the tax levied by this section shall file a statement of such railroad track miles by April 1 of each year showing the railroad track miles operated in the preceding year's operation. "Railroad track miles" means the miles of road of the railroad system within this state. These statements of railroad track miles shall be filed with the commission and a copy thereof filed with the State Tax Commission. The State Tax Commission shall thereupon calculate the pro rata amount of tax to be paid by each of said railroad companies.
railroad companies in order to provide the total amount above stated and shall thereupon submit a statement thereof to the respective railroad companies and the amounts shown due in such statements to the respective railroad companies shall be paid by the respective railroad companies within thirty (30) days thereafter to the State Tax Commission. The State Tax Commission shall pay such funds into the State Treasury on the same day collected to the credit of the State General Fund.

All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such chapter, and all other duties and requirements imposed upon taxpayers, shall apply to all persons liable for taxes under the provisions of this chapter, and the Tax Commissioner shall exercise all the power and authority and perform all the duties with respect to taxpayers under this chapter as are provided in the Mississippi Sales Tax Law except where there is a conflict, then the provisions of this chapter shall control.

The Mississippi Transportation Commission and the State Tax Commission are hereby authorized to use all tax returns of any such railroad companies available to them and to make such audits as may be deemed necessary of any and all records of such railroad companies in order to correctly determine the amount of railroad track miles. It shall be the duty of the Department of Finance and Administration to advise the commission of the amount of money on hand from time to time. All expenses of the Mississippi Transportation Commission in its regulation and supervision of railroad companies, including salaries of personnel, shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration. Said warrants shall be issued upon requisition signed by the executive secretary or the chairman and said requisition shall show upon its face the purpose for which the payment is being made, by reference to the purchase order.
and/or invoice number and objective code. It shall be unlawful for any person to withdraw any money from such funds other than by requisition issued as herein provided. A record of all requisitions issued by the Mississippi Transportation Commission showing to whom, for what purpose, and date issued, shall be placed upon the minute books of the commission and shall become a part of the official record of said commission.

The books and accounts of the Mississippi Transportation Commission shall be audited at the end of each fiscal year, and at any other time deemed necessary, by the State Auditor and a copy of such audits shall be furnished to the Governor and the Mississippi Transportation Commission. The State Auditor may prescribe such further accounting procedure as he deems necessary for the withdrawal of funds by the said commission. All requisitions drawn in compliance with this section shall be honored by the Department of Finance and Administration and the funds disbursed in accordance therewith. The Mississippi Transportation Commission shall file a report at each regular session of the Legislature showing the expenditure of all funds by the Mississippi Transportation Commission. In the event the funds provided by said tax exceed the amount necessary for the purposes of this section at the end of each year, the Mississippi Transportation Commission shall certify the amount which the said commission estimates will be necessary for the commission for the next year to the State Tax Commission, and the State Tax Commission shall reduce the tax imposed to such amount for the next year and shall collect the proportionate amount thereof as above provided.

SECTION 131. Section 77-11-201, Mississippi Code of 1972, is amended as follows:

77-11-201. All reasonable and necessary operating expenses of the administration of the duties imposed by law upon the Public Service Commission, including the salaries of personnel, in its
regulation, inspection and supervision of municipally owned and/or
operated gas utilities operating within the State of Mississippi
shall be provided from funds appropriated therefor from the State
General Fund. * * * There is hereby levied a tax. The amount of
said tax is the sum of Twenty-five Thousand Dollars ($25,000.00)
per year which shall be prorated by the State Tax Commission among
the municipally owned and/or operated gas utilities which are
subject to the tax levied by this section each year, according to
the gross revenue of each of such utilities from their intrastate
operation during the calendar year preceding the assessment. Each
utility which is subject to the tax levied by this section shall
file a statement of such gross revenue by April 1 of each year
showing the gross revenue for the preceding year's operation.
These statements of gross revenue shall be filed with the
commission and a copy thereof filed with the State Tax Commission.
The State Tax Commission shall thereupon calculate the pro rata
amount of tax to be paid by each of said utilities in order to
provide the total amount above stated and shall thereupon submit a
statement thereof to the respective utilities and the amount shown
due in such statements to the respective utilities shall be paid
by the respective utilities within thirty (30) days thereafter to
the State Tax Commission. The State Tax Commission shall pay such
funds into the State Treasury on the same day collected to the
credit of the State General Fund. All administrative provisions
of the Mississippi Sales Tax Law, including those which fix
damages, penalties and interest for nonpayment of taxes and for
noncompliance with the provisions of such chapter, and all other
duties and requirements imposed upon taxpayers, shall apply to all
persons liable for taxes under the provisions of this chapter, and
the Tax Commissioner shall exercise all the power and authority
and perform all the duties with respect to taxpayers under this
chapter as are provided in the Mississippi Sales Tax Law except
where there is a conflict, then the provisions of this chapter
shall control. The term "gross revenue" as used in this section shall be deemed to be the total amount of all revenue derived by each of such utilities from its intrastate operations and the State Tax Commission is hereby authorized to make such audits as may be deemed necessary of any and all records of such utilities in order to correctly determine the amount of such gross revenue. It shall be the duty of the Department of Finance and Administration to advise the commission of the amount of money on hand from time to time. All expenses of the commission authorized by this section or any other act of the Legislature shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, which warrants shall be issued upon requisition signed by the chairman of the commission and countersigned by one (1) of the commissioners, and said requisition shall show upon its face the purpose for which the payment is being made by reference to the minute book in which such payment was authorized. It shall be unlawful for any person to withdraw any money other than by requisition issued as provided herein. A record of all requisitions issued by the commission showing to whom, for what purpose, and date issued shall be placed upon the minute books of the commission and shall become a part of the official records of the commission. The books and accounts of the commission shall be audited at the end of each fiscal year, and at any other time deemed necessary, by the State Auditor and a copy of such audits shall be furnished to the Governor and the commission. The State Auditor may prescribe such further accounting procedure as he deems necessary for the withdrawal of funds by the commission from the State General Fund. All requisitions drawn in compliance with this section shall be honored by the Department of Finance and Administration and the funds disbursed in accordance therewith. The commission shall file a report at each regular session of the Legislature showing the expenditure of all funds by the Commission.
commission. All proceeds of the above-mentioned tax are hereby
allocated to the commission for the purpose of this section. In
the event the funds provided by said tax exceed the amount
necessary for the purposes of this section at the end of any
fiscal year, the commission shall certify the amount which the
commission estimates will be necessary for the commission for each
fiscal year to the State Tax Commission, and the State Tax
Commission shall reduce the tax hereby imposed to such amount for
the next fiscal year and shall collect the proportionate amount
thereof as above provided.

SECTION 132. Section 83-2-33, Mississippi Code of 1972, is
amended as follows:

83-2-33. All property and casualty insurance companies doing
business in this state shall contribute annually, at such times as
the Insurance Commissioner shall determine, in proportion to their
gross premiums collected within the State of Mississippi during
the preceding year, to the State General Fund. The
commissioner is hereby authorized to employ such actuarial and
other assistance as shall be necessary to carry out the duties of
the department; and such employees shall be under the authority
and direction of the Insurance Commissioner. The amount to be
contributed annually to the State General Fund shall be fixed each
year by the Insurance Commissioner at a percentage of the gross
premiums so collected during the preceding year. However, a
minimum assessment of One Hundred Dollars ($100.00) shall be
charged to each licensed property and casualty insurance company
regardless of the gross premium amount collected during the
preceding year.

The total contributions collected for the State General Fund
shall not exceed the sum of Seven Hundred Fifty Thousand Dollars
($750,000.00) in each fiscal year.

SECTION 133. Section 83-2-35, Mississippi Code of 1972, is
amended as follows:
83-2-35. (1) This section applies to all forms of property and casualty insurance on risks or operations in this state by any insurer authorized to do business in this state, except:

(a) Accident and health;
(b) Ocean marine insurance;
(c) Reinsurance;
(d) Aircraft liability and aircraft hull insurance;
(e) Title insurance;
(f) Credit accident and health insurance.

(2) All such insurers shall pay to the Commissioner of Insurance a fee of Fifteen Dollars ($15.00) for each form or rate filing filed with the commissioner. The commissioner shall pay such fees into the State General Fund.

SECTION 134. Section 83-5-72, Mississippi Code of 1972, is amended as follows:

83-5-72. All life, health and accident insurance companies and health maintenance organizations doing business in this state shall contribute annually, at such times as the Insurance Commissioner shall determine, in proportion to their gross premiums collected within the State of Mississippi during the preceding year, to the State General Fund. The commissioner is hereby authorized to employ such actuarial and other assistance as shall be necessary to carry out the duties of the department; and the employees shall be under the authority and direction of the Insurance Commissioner. The amount to be contributed annually to the State General Fund shall be fixed each year by the Insurance Commissioner at a percentage of the gross premiums so collected during the preceding year. However, a minimum assessment of One Hundred Dollars ($100.00) shall be charged each licensed life, health and accident insurance company regardless of the gross premium amount collected during the preceding year.
The total contributions collected for the State General Fund shall not exceed the sum of Seven Hundred Fifty Thousand Dollars ($750,000.00) in each fiscal year.

SECTION 135. Section 83-5-73, Mississippi Code of 1972, is amended as follows:

83-5-73. The commissioner shall collect and pay into the State General Fund *** the following fees: for certificate of authority to each general or district agent or manager, Fifteen Dollars ($15.00); for certificate of authority to each local or canvassing agent, Ten Dollars ($10.00); for filing and examining statement preliminary to admission, One Thousand Dollars ($1,000.00); for filing and auditing annual statement, Five Hundred Dollars ($500.00); for filing any other paper required by law, Twenty-five Dollars ($25.00); for continuing education courses or programs filed by the providers for approval, Twenty-five Dollars ($25.00); for each certification company licensed status, Twenty Dollars ($20.00); for each seal when required, Ten Dollars ($10.00); for service of process on him as attorney, Twenty-five Dollars ($25.00).

SECTION 136. Section 83-9-3, Mississippi Code of 1972, is amended as follows:

83-9-3. (1) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:

(a) The entire money and other considerations therefor are expressed therein; and

(b) The time at which the insurance takes effect and terminates is expressed therein; and

(c) It purports to insure only one (1) person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two (2) or more eligible members of that family, including husband, wife, dependent children or any
children under a specified age which shall not exceed nineteen (19) years, and any other person dependent upon the policyholder; and

(d) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lowercase unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(e) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 83-9-5, are printed, at the insurer's option, either with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions," or "Exceptions and Reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(f) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(g) It contains no provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(2) No individual or group policy covering health and accident insurance (including experience-rated insurance

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contracts, indemnity contracts, self-insured plans and self-funded plans), or any group combinations of these coverages, shall be issued by any commercial insurer doing business in this state which, by the terms of such policy, limits or excludes payment because the individual or group insured is eligible for or is being provided medical assistance under the Mississippi Medicaid Law. Any such policy provision in violation of this section shall be invalid.

(3) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may, by ruling, require that such policy meet the standards set forth in subsection (1) of this section and in Section 83-9-5.

(4) The commissioner shall collect and pay into the State General * * * the following fees for services provided under this section:

<table>
<thead>
<tr>
<th>FORM</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each individual policy contract, including revisions..</td>
<td>$15.00</td>
</tr>
<tr>
<td>Each group master policy or contract, including revisions</td>
<td>$15.00</td>
</tr>
<tr>
<td>Each rider, endorsement or amendment, etc</td>
<td>$10.00</td>
</tr>
<tr>
<td>Each insurance application where written application is required and is to be made a part of the policy or contract</td>
<td>$10.00</td>
</tr>
<tr>
<td>Each questionnaire</td>
<td>$7.00</td>
</tr>
<tr>
<td>Charge for resubmission where payment is not included with original submission</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

SECTION 137. Section 83-19-21, Mississippi Code of 1972, is amended as follows:
83-19-21. If it appears that the requirements of the law herein have been complied with, the commissioner shall collect a fee of Two Hundred Dollars ($200.00), to be paid into the State General Fund and shall certify the fact and his approval of the articles of association, by endorsement thereon. The commissioner shall also collect a fee of Fifty Dollars ($50.00) for any amendment filed thereon and such fee shall be deposited into the State General Fund.

SECTION 138. Section 83-21-1, Mississippi Code of 1972, is amended as follows:

83-21-1. No foreign insurance, indemnity or guaranty company or other insurer shall be admitted and authorized to do business in this state until:

(a) It shall deposit with the Commissioner of Insurance a certified copy of its charter or deed of settlement, and shall pay for the filing of such document the sum of One Thousand Dollars ($1,000.00) and a statement of its financial condition and business in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer.

(b) It shall satisfy the commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; and such capital or net assets are well invested and immediately available for the payment of losses in this state, and that it insures on any single hazard a sum no larger than one-tenth (1/10) of its net assets.

(c) It shall, by a duly executed instrument filed in his office, constitute and appoint the Commissioner of Insurance, and his successor, its true and lawful attorney, upon whom all process in any action or legal proceeding against it may be served, and therein shall agree that any process against it which may be served upon its attorney shall be of the same force and validity as if served on the company, and the authority thereof shall continue in force irrevocable so long as any liability of
the company remains outstanding in this state. The service of such process shall be made by leaving a copy of the same in the hands or office of the commissioner. Copies of such instrument certified by the commissioner shall be deemed sufficient evidence thereof, and service upon such attorney shall be deemed sufficient service upon the principal.

(d) It shall appoint as its agent or agents in this state some resident or residents thereof, other than the commissioner; such appointment to be made in writing, signed by the president and secretary or manager or general agent, and filed in the office of the commissioner, authorizing the agent to acknowledge service of process for and on behalf of the company, consenting that service of process on the agent shall be as valid as if served upon the company, according to the laws of this state, and waiving all claims of error by reason of such service.

(e) It shall obtain from the commissioner a certificate that it has complied with the laws of the state and is authorized to make contracts of insurance.

(f) Such fees collected by the commissioner shall be deposited in the State General Fund.

SECTION 139. Section 83-37-29, Mississippi Code of 1972, is amended as follows:

83-37-29. Any person, firm, association, or corporation engaging in the business herein described without first having complied with the provisions hereof, or any person who shall knowingly make any false statement in the reports required by this chapter as determined by the Commissioner of Insurance after written notice and hearing, shall be assessed a penalty for each violation of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), and in addition thereto shall forfeit the license to do business in this state. Funds from such penalties shall be deposited with the State Treasurer to be placed in the State General Fund.
SECTION 140. Section 89-12-37, Mississippi Code of 1972, is amended as follows:

89-12-37. (1) All funds received under the provisions of this chapter shall forthwith be deposited by the Treasurer in the State General Fund in the State Treasury, except that the Treasurer shall deposit in a separate special fund hereby established in the State Treasury to be designated the "Abandoned Property Claims Payment Fund" an amount not exceeding One Hundred Fifty Thousand Dollars ($150,000.00) from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposits in either fund, he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant and, with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation and the amount due. The record shall be available for public inspection at all reasonable business hours.

(2) There is created within the State General Fund in the State Treasury a trust to be known as the Historic Properties Financing Fund, which shall be used as provided in this section. On July 1, 1999, Ten Million Dollars ($10,000,000.00) in the State General Fund shall be set aside and placed in the Historic Properties Financing Fund created herein. The principal of the Historic Properties Financing Fund shall remain inviolate within the State General Fund, and shall be invested in the same manner as the remainder of the State General Fund. The interest and income earned from the investment of the principal of the Historic Properties Financing Fund shall be transferred quarterly to the Mississippi Landmark Grant Program account within the State General Fund created under Section 39-5-23. The transferred money...
shall be utilized by the Department of Archives and History for the purposes as specified in Section 39-5-23(3).

(3) Notwithstanding subsections (1) and (2) of this section, the funds reflected by the cancellation of State of Mississippi warrants that constitute part of the State General Fund shall be transferred by the State Treasurer back to the original fund source if unclaimed by the owner within the time specified in Section 7-7-42.

SECTION 141. Section 4 of Chapter 168, Laws of 1989, which creates the Securities Enhancement Act Fund, is hereby repealed.

SECTION 142. This act shall take effect and be in force from and after July 1, 2002; provided, however, that Section 1 of this act shall take effect and be in force from and after its passage.