SENATE BILL NO. 2764

To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Senator(s) Bryan


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

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

27-105-33. (1) a) It shall be the duty of the State Treasurer and the Executive Director of the Department of Finance and Administration on or about the tenth day of each month, and in their discretion at any other time, to analyze carefully the amount of cash in the General Fund of the state and in all special funds credited to any special purpose designated by the State Legislature or held to meet the budgets or appropriations for maintenance, improvements and services of the several institutions, boards, departments, commissions, agencies, persons
or entities of the state, and to determine in their opinion when
the cash in such funds is in excess of the amount required to meet
the current needs and demands of no more than seven (7) business
days on such funds and report their findings to the Governor. It
shall be the duty of the State Treasurer to provide a cash flow
model for forecasting revenues and expenditures on a bimonthly
basis and providing technical assistance for its operation. The
Department of Finance and Administration shall use the cash flow
model furnished by the State Treasurer, in analyzing the amount of
funds on deposit and available for investment.

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

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

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

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

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

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

(i) Time certificates of deposit or interest-bearing accounts with qualified state depositories. For those funds determined under prudent judgment of the State Treasurer to be made available for investment in time certificates of deposit, the rate of interest paid by the depositories shall be determined by rules and regulations adopted and promulgated by the State Treasurer which may include competitive bids. At the time of investment, the interest rate on such certificates of deposit under the provisions of this subparagraph shall be a rate not less than the bond equivalent yield on direct obligations of the United States Treasury with a similar length of maturity.
(ii) Direct United States Treasury obligations, the principal and interest of which are fully guaranteed by the government of the United States.

(iii) United States government agency, United States government instrumentality or United States government sponsored enterprise obligations, the principal and interest of which are fully guaranteed by the government of the United States, such as the Government National Mortgage Association; or United States governmental agency, United States government instrumentality or United States government sponsored enterprise obligations, the principal and interest of which are guaranteed by any United States government agency, United States government instrumentality or United States government sponsored enterprise contained in a list promulgated by the State Treasurer. However, at no time shall the funds invested in United States government agency, United States government instrumentality or United States government sponsored enterprise obligations enumerated in this subparagraph exceed fifty percent (50%) of all monies invested with maturities of thirty (30) days or longer.

(iv) Direct security repurchase agreements and reverse direct security repurchase agreements of any federal book entry of only those securities enumerated in subparagraphs (ii) and (iii) above. "Direct security repurchase agreement" means an agreement under which the state buys, holds for a specified time, and then sells back those securities and obligations enumerated in subparagraphs (ii) and (iii) above. "Reverse direct securities repurchase agreement" means an agreement under which the state sells and after a specified time buys back any of the securities and obligations enumerated in subparagraphs (ii) and (iii) above. At least eighty percent (80%) of the total dollar amount in all repurchase agreements at any one (1) time shall be pursuant to contracts with qualified state depositories.
(e) For the purposes of this section, direct obligations issued by the United States of America shall be deemed to include securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of 15 USCS Section 80(a)-1 et seq., provided that the portfolio of such investment company or investment trust is limited to direct obligations issued by the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and to repurchase agreements fully collateralized by direct obligations of the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and the investment company or investment trust takes delivery of such collateral for the repurchase agreement, either directly or through an authorized custodian. The State Treasurer and the Executive Director of the Department of Finance and Administration shall review and approve the investment companies and investment trusts in which funds invested under paragraph (d) of this section may be invested. The total dollar amount of funds invested in all open-end and closed-end management type investment companies and investment trusts at any one (1) time shall not exceed twenty percent (20%) of the total dollar amount of funds invested under paragraph (d) of this section.

(f) Investments authorized by subparagraphs (ii) and (iii) of paragraph (d) shall mature on such date or dates as determined by the State Treasurer in the exercise of prudent judgment to generate a favorable return to the state and will allow the monies to be available for use at such time as the monies will be needed for state purposes. However, the maturity of securities purchased as enumerated in subparagraphs (ii) and (iii) shall not exceed ten (10) years from date of purchase. Special funds shall be considered those funds created...
constitutionally, statutorily or administratively which are not considered general funds. All funds invested for a period of thirty (30) days or longer under paragraph (d) shall bear a rate at least equal to the current established rate under paragraph (c) of this section.

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

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

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

(3) Any liquidating agent of a depository in liquidation, voluntary or involuntary, shall redeem from the state any bonds and securities which have been pledged to secure state funds and such redemption shall be at the par value or market value thereof, whichever is greater; otherwise, the liquidating agent or receiver may pay off the state in full for its deposits and retrieve the pledged securities without regard to par or market value.
The State Treasurer and the Executive Director of the Department of Finance and Administration shall make monthly reports to the Legislative Budget Office containing a full and complete statement of all funds invested by virtue of the provisions of this section and the revenues derived therefrom and the expenses incurred therewith, together with all such other information as may seem to each of them as being pertinent to inform fully the Mississippi Legislature with reference thereto.

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

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

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

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

7-5-305. (1) To fund the Insurance Integrity Enforcement Bureau, the Workers' Compensation Commission may assess each
workers' compensation carrier and self-insurer, in the manner provided in Section 71-3-99, an amount based upon 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 services and supplies paid by all carriers and self-insurers during such period. The total amount assessed and collected by the commission from all workers' compensation carriers and self-insurers used to fund the Insurance Integrity Enforcement Bureau during each fiscal year shall be based upon the recommendation of the Insurance Integrity Enforcement Bureau, but shall not exceed One Hundred Fifty Thousand Dollars ($150,000.00). The funds received from the assessment in this subsection (1) shall be used primarily for the purpose of investigating and prosecuting workers' compensation fraud. Within thirty (30) days of receipt, the Workers' Compensation Commission shall transfer such assessment from the Administrative Expense Fund into a special fund of the Office of the Attorney General created in the State Treasury and designated as the "Insurance Integrity Enforcement Fund."

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

(3) The Insurance Integrity Enforcement Bureau may accept gifts, grants and appropriations of state and federal funds for deposit in the Insurance Integrity Enforcement Fund. The Insurance Integrity Enforcement Fund shall be used solely to
defray the expenses of the Insurance Integrity Enforcement Bureau, and, except as otherwise provided in Section 27-105-33, any interest earned on monies in such fund shall be credited to the fund. Expenditures from the Insurance Integrity Enforcement Fund shall be made upon requisition by the Attorney General and subject to appropriation by the Legislature.

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

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

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

Each state agency shall adopt and use the system prescribed and approved for it by the State Fiscal Officer, and the State Fiscal Officer shall have the authority and power to impound all funds of such agency until it complies with the provisions of this section. Said state centralized automated accounting system shall be made available to the agencies of state government through the services of the State Computer Center. The State Fiscal Officer shall conduct training seminars on a regular basis to ensure that
agencies have access to persons proficient in the correct use of
the statewide automated accounting system.

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

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

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

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

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

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

The State Fiscal Officer may charge fees to agencies and
institutions for services rendered to them in conjunction with the
statewide automated accounting system. The amounts of such fees
shall be set by the State Fiscal Officer, and all such fees
collected shall be paid into the Statewide Automated Accounting System Fund.

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

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

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

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

The Bond Commission is hereby authorized to grant a noninterest-bearing loan to the Mississippi Management and Reporting System Revolving Fund from the State Treasurer's General
Fund/Special Fund Pool in an amount not to exceed Fifteen Million Dollars ($15,000,000.00).

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

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

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

Each state agency executive director shall participate in the Mississippi Management and Reporting System (MMRS) project by appointing an agency implementation team leader to represent them
on the MMRS project. All agencies will be required to implement the MMRS unless exempted from such by the MMRS Steering Committee. If such an exemption is granted, the MMRS Steering Committee may require selected data to be electronically interfaced into the MMRS.

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

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

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

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

(d) Require of each state agency, through its governing board or executive head, the maintaining of continuous internal audit covering the activities of such agency affecting its revenue and expenditures, and an adequate internal system of preauditing claims, demands and accounts against such agency as to adequately ensure that only valid claims, demands and accounts will be paid, and to verify compliance with the regulations of the State Personal Service Contract Review Board regarding the execution of any personal service or professional service contracts pursuant to Section 25-9-120(3). The Fiscal Management Division shall report to the State Fiscal Officer any failure or refusal of the governing board or executive head of any state agency to comply
with the provisions of this section. The State Fiscal Officer shall notify the said board of trustees or executive head of such violation and, upon continued failure or refusal to comply with the provisions of this section, then the State Fiscal Officer may require said board of trustees or executive head of such state agency to furnish competent and adequate personnel to carry out the provisions of this section, who shall be responsible to the State Fiscal Officer for the performance of such function with respect to such state agency. For failure or refusal to comply with the provisions of this section or the directions of the State Fiscal Officer, any such employee may be deprived of the power to perform such functions on behalf of the Fiscal Management Division.

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

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

11-46-17. (1) There is hereby created in the State Treasury a special fund to be known as the "Tort Claims Fund."
All such monies as the Department of Finance and Administration shall receive and collect under the provisions of subsection (2) of this section and all such funds as the Legislature may appropriate for use by the board in administering the provisions of this chapter shall be deposited in such fund. All monies in the fund may be expended by the board for any and all purposes for which the board is authorized to expend funds under the provisions of this chapter. * * * Interest earned in the amount provided for in Section 27-105-33 from the investment of monies in the fund shall be credited to the fund. Monies remaining in such fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) From and after July 1, 1993, each governmental entity other than political subdivisions shall participate in a comprehensive plan of self-insurance and/or one or more policies of liability insurance administered by the Department of Finance and Administration. Such plan shall provide coverage to each of such governmental entities for every risk for which the board determines the respective governmental entities to be liable in the event of a claim or suit for injuries under the provisions of this chapter, including claims or suits for injuries from the use or operation of motor vehicles; provided, however, that the board may allow such plan to contain any reasonable limitations or exclusions not contrary to Mississippi state statutes or case law as are normally included in commercial liability insurance policies generally available to governmental entities. In addition to the coverage authorized in the preceding sentence, the plan may provide coverage for liabilities outside the provisions of this chapter, including, but not limited to, liabilities arising from Sections 1983 through 1987 of Title 42 of the United States Code and liabilities from actions brought in foreign jurisdictions, and the board shall establish limits of coverage for such liabilities. Each governmental entity participating in
the plan shall make payments to the board in such amounts, times
and manner determined by the board as the board deems necessary to
provide sufficient funds to be available for payment by the board
of such costs as it incurs in providing coverage for the
governmental entity. Each governmental entity of the state other
than the political subdivisions thereof participating in the plan
procured by the board shall be issued by the board a certificate
of coverage whose form and content shall be determined by the
board but which shall have the effect of certifying that in the
opinion of the board each of such governmental entities is
adequately insured.

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

From and after July 1, 1993, such liability coverage established
by the board of trustees must conform to the provisions of this
section and must receive approval from the board. Should the
board reject such plan, the board of trustees shall participate in
the liability program for state agencies established by the board.

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

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

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

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

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

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

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

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

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

(b) To take preventive or corrective actions where the release of contaminants from any source within the permitted area of an eligible facility which presents an actual or potential threat to human health or the environment including, but not
limited to, closure and post-closure care of an eligible facility;
and

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

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

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

(6) The fund shall be treated as a special trust fund.

Interest earned in the amount provided for in Section 27-105-33 on
the principal in the fund shall be credited by the department to
the fund, unless funds allocated under Section 17-17-219(3)(a)(i)
are being paid to the Local Governments Solid Waste Assistance
Fund. If those funds are being paid to the Local Governments
Solid Waste Assistance Fund, the department shall credit
interest earned in the amount provided for in Section 27-105-33 to
the Local Governments Solid Waste Assistance Fund.

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

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

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

17-17-65. (1) There is created in the State Treasury a fund
designated as the Local Governments Solid Waste Assistance Fund,
referred to in this section as "fund," to be administered by the executive director of the department.

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

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

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

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

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

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

and

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

(3) If a person is found to be responsible for creating an unauthorized dump, the grantee shall make a reasonable effort to require that person to clean up the property before expending any monies from the fund to clean up the property. If the grantee is unable to locate the person responsible for creating the dump, or if the grantee determines that person is financially or otherwise incapable of cleaning up the property, the grantee may use the monies from the fund to clean up the property and shall make a reasonable effort to recover from the responsible person any funds expended.
(4) (a) Of monies annually deposited in the fund and any balance remaining in the fund, the commission shall annually allocate monies as follows:

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

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

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

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

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

(e) No grantee shall use more than three percent (3%) of funds provided under this section to defray the costs of administration of the grant.
(5) The department may use up to three percent (3%) of monies annually deposited in the fund and of any balance remaining in the fund to provide for the administration of this section.

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

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

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

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

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

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

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

SECTION 7. Section 17-17-217, Mississippi Code of 1972, is amended as follows:
17-17-217. (1) There is created in the State Treasury a fund designated as the Environmental Protection Trust Fund, to be administered by the executive director of the department.

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

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

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

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

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

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

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

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

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

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

(a) Administration of the fund;
(b) Emergency response and decontamination at the state
commercial hazardous waste management facility;
(c) Post-closure physical surveillance, environmental
monitoring, maintenance, care, custody and remedial action at the
state commercial hazardous waste management facility.

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

(3) The fund shall be treated as a special trust fund.

Interest earned in the amount provided for in Section 27-105-33 on
the principal therein shall be credited by the Treasurer to the
fund.

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

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

(6) The establishment of this fund shall in no way be
construed to relieve or reduce the liability of any facility
operator, contractor or other person for damages resulting from
the operation of the state commercial hazardous waste management
facility.
SECTION 9. Section 17-23-1, Mississippi Code of 1972, is amended as follows:

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

(2) There is created in the State Treasury a special fund to be designated as the "Rural Fire Truck Fund." The Legislature may appropriate that amount necessary to fulfill the obligations created under this section by the Department of Insurance, from the State General Fund to such special fund, which sum shall be added to the remainder of the money transferred on July 1, 1995, and during the 1996 Regular Session to the Rural Fire Truck Fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the fund shall be deposited to the credit of the fund. It is the intent of the Legislature that the Department of Insurance continue to accept applications from the counties for fire trucks as provided in subsection (3) of this section.

(3) (a) A county that meets the requirements provided herein may receive an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000.00) as provided in subparagraphs (i), (ii), (iii), (iv) and (v) of this paragraph, and such amount shall be divided equally with not more than Fifty Thousand Dollars ($50,000.00) per fire truck. Monies distributed under this chapter shall be expended only for the purchase of new fire trucks and such trucks must meet the National Fire Protection Association (NFPA) standards in the 1900 series.

(i) Any county that has not applied for a fire truck under this section is eligible to submit applications for five (5) fire trucks at not more than Fifty Thousand Dollars
($50,000.00) per truck or a total of Two Hundred Fifty Thousand Dollars ($250,000.00).

(ii) Any county that has received one (1) fire truck under this section is eligible to submit applications for four (4) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck or a total of Two Hundred Thousand Dollars ($200,000.00).

(iii) Any county that has received two (2) fire trucks under this section is eligible to submit an application for three (3) fire trucks or a total of not more than One Hundred Fifty Thousand Dollars ($150,000.00).

(iv) Any county that has received three (3) fire trucks under this section is eligible to submit an application for two (2) fire trucks or a total of not more than One Hundred Thousand Dollars ($100,000.00).

(v) Any county that has received four (4) fire trucks under this section is eligible to submit an application for one (1) fire truck or a total of not more than Fifty Thousand Dollars ($50,000.00).

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

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

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

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

(d) The Department of Insurance shall maintain an accurate record of all monies distributed to counties and municipalities and the number of fire trucks purchased and the cost for each fire truck, such records to be kept separate from other records of the Department of Insurance; notify counties and municipalities of the rural fire truck acquisition assistance program and the requirements for them to become eligible to participate; adopt and promulgate such rules and regulations as may be necessary and desirable to implement the provisions of this chapter; and file with the Legislature a report detailing how monies made available under this chapter were distributed and spent during the preceding portion of the fiscal year in each county and municipality, the number of fire trucks purchased, the counties and municipalities making such purchases and the cost of each fire truck purchased.

SECTION 10. Section 25-11-13, Mississippi Code of 1972, is amended as follows:
25-11-13. (1) There is hereby established a special fund, separate and apart from all public monies or funds of this state, to be known as a contribution fund, which shall be administered by the board exclusively for the purposes of this article. Such fund shall consist of and there shall be deposited in such fund: (a) All contributions, interest and penalties collected under Sections 25-11-9 and 25-11-11; (b) all monies appropriated or otherwise contributed thereto; (c) any property or securities and earnings thereof acquired through the use of monies belonging to the fund; (d) interest earned in the amount provided for in Section 27-105-33 upon any monies in the fund; and (e) all sums recovered upon the bond of any official or otherwise for losses sustained by the fund and all other monies received for the fund from any other source. All monies in the fund shall be mingled and undivided. Subject to the provisions of this article, the board is vested with full power, authority and jurisdiction over the fund, including all monies and property or securities belonging thereto, and may perform any and all acts, whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this article.

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

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

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

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

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

amended as follows:

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

(2) The state shall provide annually, by line item in the Mississippi Library Commission appropriation bill, such funds to pay one hundred percent (100%) of the cost of health insurance under the State and School Employees Health Insurance Plan for all full-time library staff members in each public library in Mississippi. The commission shall allot to each public library a sufficient amount of those funds appropriated to pay the costs of insurance for eligible employees. Any funds so appropriated by line item which are not expended during the fiscal year for which such funds were appropriated shall be carried forward for the same purposes during the next succeeding fiscal year. If any premiums for the health insurance and/or late charges and interest penalties are not paid by a public library in a timely manner, as defined by the board, the Mississippi Library Commission, upon notice by the board, shall immediately withhold all subsequent disbursements of funds to that public library.
(3) The state shall annually provide one hundred percent (100%) of the cost of the health insurance plan for all public school district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers. Where federal funding is allowable to defray, in full or in part, the cost of participation in the program by district employees who work no less than twenty (20) hours during the week and regular nonstudent bus drivers, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of such federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that school districts contribute the cost of participation for such employees from local funds, except that parent fees for child nutrition programs shall not be increased to cover such cost.

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

(5) When the use of federal funding is allowable to defray, in full or in part, the cost of participation in the insurance plan by community/junior college district employees who work no less than twenty (20) hours during each week, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of the federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that community/junior college districts contribute the cost of participation for such employees from local funds.

(6) Any community/junior college district may contribute to the cost of coverage for any district employee from local community/junior college district funds, and any public school district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers. Where federal funding is allowable to defray, in full or in part, the cost of participation in the program by district employees who work no less than twenty (20) hours during the week and regular nonstudent bus drivers, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of such federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that school districts contribute the cost of participation for such employees from local funds, except that parent fees for child nutrition programs shall not be increased to cover such cost.
district may contribute to the cost of coverage for any district employee from nonminimum program funds. Any part of the cost of such coverage for participating employees of public school districts and public community/junior college districts that is not paid by the state shall be paid by the participating employees, which shall be deducted from the salaries of the employees in a manner determined by the board.

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

(8) The board may establish and enforce late charges and interest penalties or other penalties for the purpose of requiring the prompt payment of all premiums for life and health insurance permitted under Chapter 15 of Title 25. All funds in excess of the amount needed for disbursement of claims shall be deposited in a special fund in the State Treasury to be known as the State and School Employees Insurance Fund. The State Treasurer shall invest all funds in the State and School Employees Insurance Fund and interest earned in the amount provided for in Section 27-105-33 shall be credited to the State and School Employees Insurance Fund. Such funds shall be placed with one or more depositories of the state and invested on the first day such funds are available for investment in certificates of deposit, repurchase agreements or in United States Treasury bills or as otherwise authorized by law for the investment of Public Employees' Retirement System funds, as long as such investment is made from competitive offering and at the highest and best market rate obtainable consistent with any available investment alternatives; however, such investments shall not be made in shares of stock, common or preferred, or in any other investments which would mature more than one (1) year from the date of
investment. The board shall have the authority to draw from this fund periodically such funds as are necessary to operate the self-insurance plan or to pay to the insurance carrier the cost of operation of this plan, it being the purpose to limit the amount of participation by the state to fifty percent (50%) of the cost of the life insurance program and not to limit the contracting for additional benefits where the cost will be paid in full by the employee. The state shall not share in the cost of coverage for retired employees.

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

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

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

27-38-7. (1) There is created in the State Treasury a special fund to be known as the Telecommunications Ad Valorem Tax Reduction Fund, into which shall be deposited the money specified in Section 27-65-75(15) and such other money as the Legislature may provide by appropriation. The money in the fund shall be used to make the payments provided for in Section 27-38-5.
(2) The Telecommunications Ad Valorem Tax Reduction Fund shall be administered by the State Tax Commission, and money in the fund shall be expended upon appropriation by the Legislature. Unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the fund shall be deposited to the credit of the fund. The State Tax Commission shall make the calculations necessary to make the distributions required pursuant to Section 27-38-5, and shall make the transfer of unexpended amounts required to be made pursuant to Section 27-38-5.

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

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

(2) The Motor Vehicle Ad Valorem Tax Reduction Fund shall be administered by the State Tax Commission, and monies in the fund shall be expended upon appropriation by the Legislature. Unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the fund shall be deposited to the credit of the fund.
SECTION 14. Section 27-103-203, Mississippi Code of 1972, is amended as follows:

27-103-203. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Working Cash-Stabilization Reserve Fund, into which shall be deposited one hundred percent (100%) of the unencumbered General Fund cash balance at the close of each fiscal year until such time as the balance in the fund reaches Forty Million Dollars ($40,000,000.00). After the balance in the fund reaches Forty Million Dollars ($40,000,000.00), fifty percent (50%) of the unencumbered General Fund cash balance at the close of each fiscal year, not to exceed seven and one-half percent (7-1/2%) of the General Fund appropriations for such fiscal year, shall be deposited into the fund. The remainder of the year-end unencumbered cash after transfer to the Working Cash-Stabilization Reserve Fund shall remain in the General Fund. Unencumbered cash in the General Fund may be used for new year cash flow needs and may also be used for deficit appropriations or regular appropriations.

(2) The Working Cash-Stabilization Reserve Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Working Cash-Stabilization Reserve Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Sections 27-105-33(2)(d) or 7-9-103, as the State Treasurer may determine to yield the highest market rate available. If the Ayers Settlement Fund is created pursuant to Section 37-101-27(5), the first Five Million Dollars ($5,000,000.00) of interest earned on such sums each fiscal year shall be deposited into that fund until a total of Seventy Million Dollars ($70,000,000.00) has been deposited into the fund. The interest, or the remaining interest if the Ayers Settlement Fund
is created, which is earned on such sums shall be deposited in the Working Cash-Stabilization Reserve Fund until the balance of principal and interest therein reaches seven and one-half percent (7-1/2%) of the total General Fund appropriations for the current fiscal year, and all interest earned in excess of amounts necessary to maintain the seven and one-half percent (7-1/2%) fund balance requirement shall be deposited by the State Treasurer into the State General Fund.

(3) The Working Cash-Stabilization Reserve Fund, except for Nineteen Million Dollars ($19,000,000.00) and the amount of the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27, shall be used by the State Treasurer for cash flow needs throughout the year when the Executive Director of the Department of Finance and Administration certifies that in his opinion there will be cash flow deficiencies in the State General Fund. No borrowing of monies from other special funds for such purposes as authorized by Section 31-17-101 et seq. shall be made as long as an unencumbered balance in excess of Nineteen Million Dollars ($19,000,000.00) and the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27 remains in the fund. The State Treasurer shall reimburse the fund for all sums borrowed for such purposes from General Fund revenues collected during the fiscal year in which such funds are used. The State Treasurer shall immediately notify the Legislative Budget Office and the State Department of Finance and Administration of each transfer into and out of such fund. Four Million Dollars ($4,000,000.00) in the Working Cash-Stabilization Reserve Fund shall remain available for use pursuant to Section 27-103-81. Fifteen Million Dollars ($15,000,000.00) in the Working Cash-Stabilization Reserve Fund shall remain available for exclusive use of the Ayers Endowment Trust created by Section 37-101-27. If the Ayers Settlement Fund is created pursuant to Section 37-101-27(5), beginning when a
total of Fifty-five Million Dollars ($55,000,000.00) has been deposited into the fund, for each annual deposit of interest to that fund under subsection (2) of this section, the Ayers Endowment Trust created under Section 37-101-27(1) shall be reduced by an equal amount annually until the Ayers Endowment Trust reaches Zero Dollars ($0.00), at which time any requirements concerning the Ayers Endowment Trust in this section shall be null and void.

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

(5) The Working Cash-Stabilization Reserve Fund also shall be used to provide funds for the Disaster Assistance Trust Fund when such funds are immediately needed to provide for disaster assistance under Sections 33-15-301 through 33-15-317. Any transfer of funds from the Working Cash-Stabilization Reserve Fund to the Disaster Assistance Trust Fund shall be made in accordance with the provisions of subsection (5) of Section 33-15-307.

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

(7) Funds deposited in the Working Cash-Stabilization
Reserve Fund shall be used only for the purposes specified in this
section, and as long as the provisions of this section remain in
effect, no other expenditure, appropriation or transfer of funds
in the Working Cash-Stabilization Reserve Fund shall be made
except by act of the Legislature making specific reference to the
Working Cash-Stabilization Reserve Fund as the source of such
funds.

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

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

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

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

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

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

(e) To require of state agencies premium payments or
contributions to self-insurance funds or both necessary to meet
the obligations created by the comprehensive risk management
program. Such self-insurance fund created shall be maintained as
separate special funds in the State Treasury or in authorized bank
accounts. Such funds as required shall be used to pay claims
under the workers' compensation self-insurance fund. All such
funds shall be exempt from the appropriation process. * * *
Interest earned in the amount provided for in Section 27-105-33
from the investment of monies in the funds shall be credited to
the appropriate special fund. Monies remaining in such special
funds at the end of the fiscal year shall not lapse into the State
General Fund;

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

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

and

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

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

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

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

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

(b) "Commission" means the State Bond Commission.
(c) "Director" means the Executive Director of the Department of Finance and Administration.

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

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

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

(3) Acquisitions shall be made only with legislative approval and be in accordance with a long-range development plan which the department shall annually prepare and present to the Legislature as a part of the Governor's capitol budget recommendation; however, if in the opinion of the Department of Finance and Administration circumstances involving a proposed acquisition are such that waiting for legislative approval will not be economically advantageous to the state or may cause the state financial loss, then such acquisition may be made upon approval by the State Bond Commission after consultation with the Chairman of the Public Property Committee of the Senate and the Chairman of the Public Buildings, Grounds and Lands Committee of the House of Representatives. Acquisition of lands and buildings shall be based upon appraisals approved by the Department of
Finance and Administration. The office shall not pay an amount in excess of the appraised value of the land and buildings to be acquired. The appraised value shall be determined by taking the average of two (2) appraisals performed by two (2) appraisers, one (1) to be selected by the Department of Finance and Administration and one (1) to be selected by the Department of Audit. Further, the office shall file quarterly reports describing this process and its progress with the Chairman of the Senate Public Property Committee and the Chairman of the House Public Buildings, Grounds and Lands Committee.

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

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

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

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

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

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

SECTION 18. Section 31-31-9, Mississippi Code of 1972, is amended as follows:
31-31-9. All monies and revenues collected by the commission from fees, rates and charges for the use of its facilities shall be paid by the commission to the State Treasurer, to be deposited to the credit of a special fund to be known as the "Mississippi Telecommunication Conference and Training Center Fund." Money in the fund at the end of a fiscal year shall not lapse into the General Fund and interest earned in the amount provided for in Section 27-105-33 on any amounts deposited into the fund shall be credited to the special fund. Except as otherwise provided in Section 31-31-11, all expenses incident to the operation and upkeep of the facility shall be paid out of the fund.

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

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

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

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

(4) The proceeds of such tax shall be deposited by the State Tax Commission into the reserve fund created pursuant to subsection (5) of this section on or before the fifteenth day of the month following the month in which collected by the State Tax Commission.

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

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

(7) Before the taxes authorized by this chapter shall be imposed, the municipal governing authorities of the City of Jackson shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of such tax and establishing the
date on which this tax initially shall be levied and collected. This date shall be not less than the first day of the second month from the date of adoption of the resolution. The resolution shall be published in a local newspaper at least twice during the period from the adoption of the resolution to the effective date of the taxation prescribed in this section, with the last publication being made no later than ten (10) days prior to the effective date of such taxation. (8) The tax imposed pursuant to this section shall remain in force and effect until the City of Jackson shall by resolution rescind the tax; provided, however, that the tax imposed pursuant to this section shall not be rescinded if any bonds issued pursuant to this chapter remain outstanding.

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

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

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

35-7-31. The board is authorized to enter into escrow agreements with the purchaser for the payment of anticipated taxes and hazard insurance premiums, or for the payment of life insurance premiums in cases where the board requires a life insurance policy to cover the unpaid balance of the indebtedness.
All funds collected as escrow items for the benefit of the veteran as insurance premiums, taxes, appraisal fees, and other funds belonging to the veteran, and not the state revolving fund, shall be maintained and accounted for separately from the special revolving fund, although the receipt of such funds may be commingled with installment payments or other payments to the board. The board shall establish separate accounts and trusteeships for this purpose exclusive of requirements that agencies of the state commingle funds into one (1) State Treasury account. Interest earned in the amount provided for in Section 27-105-33 on such deposits shall accrue to the state revolving fund of the board, and shall be paid to the revolving fund annually.

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

35-7-45. (a) Any money previously appropriated to the revolving fund of the board or that may be hereinafter appropriated shall be commingled, exclusive of escrow funds provided for in Section 35-7-31, into a general revolving fund for carrying out the provisions of this chapter. The expense of administering this chapter shall be paid from the revolving fund within the limitations provided by Section 35-7-9. The revolving fund of the board will constitute a trust fund and shall be segregated from all other funds in the State Treasury. All interest earned in the amount provided for in Section 27-105-33 by the State Treasury on any investment of the Veterans' Home Purchase Board Revolving Fund shall be placed to the credit of such fund. The State Fiscal Management Board is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board executed by its executive officer, and the State Treasurer is hereby authorized and directed to pay such warrants.
(b) The money repaid by the purchaser shall be deposited in the board's revolving fund and shall be available under the same conditions as the original appropriation. The board shall have continuing authority to expend funds up to the maximum amount received into the special revolving fund, limited to the discretionary best judgment of the board as to reserve. The board shall submit to the State Fiscal Management Board, the Legislative Budget Office, legislative appropriation committees, and other such authority as may arise or be deemed necessary, an annual budget, using the standard general fund budget format as a model, but modified to reflect an accurate and management-oriented view of the revolving fund, and an annual report reflecting a detailed analysis of all revenue and expenditures. All funds in the revolving fund in excess of the one percent (1%) administrative expense allowance shall be expended or committed for new loans with the exception of the reserve judged necessary by the board.

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

(d) The board may issue its notes in such amounts and for such terms as the board may deem advisable to provide additional funds for purchase of veterans' homes, and such notes shall be eligible for purchase by any agency of the State of Mississippi. The repayment of such notes shall be guaranteed by the board, and
any and all income to the board from the repayments of the
principal and interest on its purchases by veterans shall be first
pledged to repayment of any maturing notes. The maturity dates,
denomination or amount, and rate of interest of such notes shall
be determined by the board; however, such notes shall in no event
exceed a term of thirty (30) years nor bear a higher rate of
interest than one percent (1%) below that received by the board on
its mortgages and deeds of trust. Notwithstanding any other
provisions of this chapter, the board may apply the proceeds from
the issuance of its notes under this section or the issuance of
its bonds under any other applicable law, as follows:

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

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

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

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

(e) Any additional monies appropriated or obtained to extend
the benefits of this chapter shall be commingled with and become
an integral part of the revolving fund provided by this section,
and the method of accounting therefor shall be the same as used
with respect to any other monies in the revolving fund.
SECTION 23. Section 37-23-149, Mississippi Code of 1972, is amended as follows:

37-23-149. There is hereby created in the State Treasury a special fund to be designated as the "Special Education, Special Services Fund" which shall be used to distribute any funds specifically appropriated by the Legislature to such fund. This Special Education, Special Services Fund will be used solely for the provision of direct services to individual children with disabilities. Any funds remaining in the fund at the end of the fiscal year shall not lapse into the State General Fund, but shall carryover to subsequent fiscal years. ★ ★ ★ Interest accruing in the amount provided for in Section 27-105-33 on any unexpended balance in the Special Education, Special Services Fund shall be invested by the State Treasurer and shall remain in the fund.

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

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

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

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

(b) One-half (1/2) divided upon the basis of the number of full-time academic, technical and vocational public community and junior college students actually enrolled and in attendance on the last day of the sixth week of the Fall semester of the preceding year counting only those students who reside within the State of Mississippi. On or before December 1 of each year, the State Board of Community and Junior Colleges shall furnish the Bureau of Building, Grounds and Real Property Management, Department of Finance and Administration, the enrollment information required in this paragraph (b), including the percentage of statewide enrollment attributed to each community and junior college.

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

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

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

Providing the cost of care for spinal cord and traumatic brain injury as a payer of last resort to residents of the State of Mississippi for a multilevel program of rehabilitation as prescribed in Sections 37-33-251 through 37-33-259. Authorization of expenditures for spinal cord injury care and traumatic brain injury care from this trust fund shall be made only by the Department of Rehabilitation Services. Authorized expenditures shall include three (3) or more of the following forms of assistance: acute care; rehabilitation; transitional living; assistive technology services, devices and equipment; respite care; transportation; housing; home modifications; and other services and/or assistance as deemed appropriate by the advisory council for individuals with spinal cord injuries or traumatic brain injuries to accomplish a successful re-entry into the community. Such activities may also include expanding the public's awareness of how spinal cord and traumatic brain injuries occur and how they can be prevented and identifying advanced treatment and prevention techniques. Other authorized expenditures may include costs associated with salary and other support costs for personnel sufficient to carry out the program or to subcontract all or part of the authorized services, and to pay the travel and meeting expenses of the advisory council.

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

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

37-63-11. (1) The Authority for Educational Telecommunications is empowered to request and to receive such
state funds for educational television construction and operation as may be appropriated or allocated to it, and to solicit and receive contributions, matching funds, gifts, bequests and devises from any source, whether federal, state, public or private. It may enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations or persons for the production, transmission, sale, lease or purchase of educational television and educational radio programs. The authority may also lease antenna space on television towers which it owns. Before the authority is empowered to contract for communication facilities to carry television signals, it shall obtain written authority to do so from the Department of Finance and Administration in order to ensure that there be no duplication of state communication facilities.

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

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

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

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

SECTION 28. Section 37-143-19, Mississippi Code of 1972, is
amended as follows:
37-143-19. The Board of Trustees of State Institutions of Higher Learning is authorized to establish a consolidated revolving loan fund for the purpose of providing monies for the operation of all loan or scholarship programs authorized to the Board of Trustees of State Institutions of Higher Learning by this chapter, and to the Postsecondary Education Financial Assistance Board by the provisions of Chapter 106 of Title 37, Mississippi Code of 1972, and for the purpose of providing monies for the operation of such other loan programs as may be deemed appropriate and authorized by the Board of Trustees of State Institutions of Higher Learning from time to time for the furtherance of education of eligible applicants. The board shall be charged with the duty of directing the dispensing of such funds in a manner so as to best effectuate the purpose of this chapter. Any monies collected in the form of repayment of loans, both principal and interest, shall be deposited in this fund. The board of trustees is authorized to maintain such revolving fund in an official state depository and, in accordance with Section 27-105-21, Mississippi Code of 1972, shall invest such funds, less the amount required for current operation, at interest as required by said section. All interest earned on such investments shall likewise be deposited in said fund. From such revolving fund, the board of trustees shall provide the Postsecondary Education Financial Assistance Board such sums as shall be required to fulfill its role as lender of last resort to the Guarantee Student Loan program. The assets of the Postsecondary Education Financial Assistance Board, including cash and loans on hand, shall not exceed Five Hundred Thousand Dollars ($500,000.00), and repayments of principal and interest and all other revenue of such board shall be deposited in the fund created hereby.

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

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

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

Earnings in the amount provided for in Section 27-105-33 on the investment of monies in the fund shall be credited to the fund. (2) The monies in the fund shall be used to increase the educational opportunities of students by providing low interest rate loans to assist Mississippi students in furthering their higher education goals. (3) The Mississippi Opportunity Loan Fund shall be maintained by the company. The company is authorized to maintain such fund in an official state depository, and, in accordance with Section 27-105-21, shall invest such funds at interests as required by said section, said depository so selected shall be capable of serving as Trustee for the Mississippi Opportunity Loan Fund.

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

37-145-73. In addition to any other funds it may establish, the board of trustees may, by resolution, establish one or more special funds pursuant to this section, referred to herein as "guarantee reserve funds," and may pay into such reserve funds:
(a) Any monies appropriated and made available by the state for the purposes of such guarantee reserve fund;

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

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

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

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

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

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

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

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

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

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

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

(3) (a) The Board of Trustees of the Mississippi Department of Archives and History is authorized to establish the Mississippi Landmark Grant Program within the Historic Properties Trust Fund to help ensure the preservation of Mississippi Landmark properties.

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

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

(d) The Board of Trustees of the Mississippi Department of Archives and History shall have all powers necessary to implement and administer the Mississippi Landmark Grant Program, and the board of trustees shall promulgate all rules and regulations necessary for the implementation and administration of the program.
SECTION 33. Section 39-5-27, Mississippi Code of 1972, is amended as follows:

39-5-27. The Mississippi Department of Archives and History is hereby authorized and empowered to solicit and accept donations, bequests, devises, gifts and grants of money from individuals and organizations, to be deposited in the Archives Trust Fund which is hereby created in the State Treasury. The State Treasurer shall invest all monies in the Archives Trust Fund as other state funds are authorized to be invested, and interest earned in the amount provided for in Section 27-105-33 shall be deposited into the fund. All funds deposited in the Archives Trust Fund shall be used, pursuant to appropriation by the Legislature, exclusively for the purpose of acquiring, cataloging, conserving and making available archival resources.

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

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

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

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

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

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

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

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

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

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

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

39-11-9. (1) The Mississippi Arts Commission is authorized and empowered to hold public hearings, to enter into contracts within the limit of funds available therefor, with individuals, organizations and institutions for services furthering the objectives of the commission's programs; to enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the objectives of the commission's programs; to accept gifts,
contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the objectives of the commission's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this chapter.

The commission may request and shall receive from any department, division, board, bureau, commission or agency of the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

(2) A special fund to be designated as the Mississippi Fund for the Arts is hereby created in the State Treasury. All funds deposited in this fund shall be used exclusively for the objectives of the commission as herein provided. Donations, bequests and grants deposited into the Mississippi Fund for the Arts may be disbursed by the Mississippi Arts Commission in accordance with the terms of the bequest or grant and in compliance with the purposes and policies of the Mississippi Arts Commission. Any disbursements made from the fund shall be authorized by both the chairman and the executive director of the commission and shall be supported by official actions and votes spread upon the minutes of the commission at an open public meeting. Any unexpended balance in the fund at the end of the fiscal year shall not lapse into the State General Fund and may be expended by the commissioner in subsequent fiscal years. * * *

Interest earned on the fund in the amount provided for in Section 27-105-33 may remain in the fund for disbursement by the commission in compliance with its purposes and policies. All transactions of the fund shall be reported annually to appropriate state agencies and subject to audit by the State Auditor and by auditors of donors. The Mississippi Fund for the Arts shall not be used for grants from federal agencies, including, but not limited to, the National Endowment for the Arts.
SECTION 37. Section 41-3-16, Mississippi Code of 1972, is amended as follows:

41-3-16. (1) (a) There is established a local governments and rural water systems improvements revolving loan program to be administered by the State Department of Health, referred to in this section as "department," for the purpose of assisting counties, incorporated municipalities, districts or other water organizations that have been granted tax exempt status under either federal or state law, in making improvements to their water systems, including construction of new water systems or expansion or repair of existing water systems. Loan proceeds may be used by the recipient for planning, professional services, acquisition of interests in land, acquisition of personal property, construction, construction-related services, maintenance, and any other reasonable use which the board, in its discretion, may allow. For purposes of this section, "water systems" has the same meaning as the term "public water system" under Section 41-26-3.

(b) (i) There is created a board to be known as the "Local Governments and Rural Water Systems Improvements Board," referred to in this section as "board," to be composed of the following nine (9) members: the State Health Officer, or his designee, who shall serve as chairman of the board; the Executive Director of the Mississippi Development Authority, or his designee; the Executive Director of the Department of Environmental Quality, or his designee; the Executive Director of the Department of Finance and Administration, or his designee; the Executive Director of the Mississippi Association of Supervisors, or his designee; the Executive Director of the Mississippi Municipal League, or his designee; the Executive Director of the Consulting Engineers Council, or his designee; the State Director of the United States Department of Agriculture, Rural Development, or his designee; and a manager of a rural water system.
The Governor shall appoint a manager of a rural water system from a list of candidates provided by the Executive Director of the Mississippi Rural Water Association. The Executive Director of the Mississippi Rural Water Association shall provide the Governor a list of candidates which shall contain a minimum of three (3) candidates for each appointment.

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

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

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

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

(2) (a) There is created a special fund in the State Treasury to be designated as the "Local Governments and Rural Water Systems Improvements Revolving Loan Fund," referred to in
this section as "revolving fund," which fund shall consist of those monies as provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The revolving fund may receive appropriations, bond proceeds, grants, gifts, donations or funds from any source, public or private. The revolving fund shall be credited with all repayments of principal and interest derived from loans made from the revolving fund. The monies in the revolving fund may be expended only in amounts appropriated by the Legislature. The revolving fund shall be maintained in perpetuity for the purposes established in this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Unexpended amounts remaining in the revolving fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the revolving fund shall be deposited to the credit of the fund. Monies in the revolving fund may not be used or expended for any purpose except as authorized under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any monies in the fund may be used to match any federal funds that are available for the same or related purposes for which funds are used and expended under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any federal funds shall be used and expended only in accordance with federal laws, rules and regulations governing the expenditure of those funds. No person shall use any monies from the revolving fund for the acquisition of real property or any interest in real property unless that property is integral to the project funded under this section and the purchase is made from a willing seller. No county, incorporated municipality or district shall acquire any real property or any interest in any real property for a project funded through the revolving fund by condemnation. The board's application of Sections 43-37-1 through 43-37-13 shall be no more stringent or extensive in scope, coverage and effect than federal property acquisition laws and regulations.
(b) There is created a special fund in the State Treasury to be designated as the "Local Governments and Rural Water Systems Emergency Loan Fund," hereinafter referred to as "emergency fund," which fund shall consist of those monies as provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The emergency fund may receive appropriations, bond proceeds, grants, gifts, donations or funds from any source, public or private. The emergency fund shall be credited with all repayments of principal and interest derived from loans made from the emergency fund. The monies in the emergency fund may be expended only in amounts appropriated by the Legislature. The emergency fund shall be maintained in perpetuity for the purposes established in this section and Section 6 of Chapter 521, Laws of 1995. Unexpended amounts remaining in the emergency fund at the end of a fiscal year shall not lapse into the State General Fund. * * * Interest earned in the amount provided for in Section 27-105-33 on amounts in the emergency fund shall be deposited to the credit of the fund. Monies in the emergency fund may not be used or expended for any purpose except as authorized under this section and Section 6 of Chapter 521, Laws of 1995.

(c) The board created in subsection (1) shall establish loan programs by which loans may be made available to counties, incorporated municipalities, districts or other water organizations that have been granted tax exempt status under either federal or state law, to assist those counties, incorporated municipalities, districts or water organizations in making water systems improvements, including the construction of new water systems or expansion or repair of existing water systems. The interest rate on those loans may vary from time to time and from loan to loan, and will be at or below market interest rates as determined by the board. The board shall act as quickly as is practicable and prudent in deciding on any loan request that it receives. Loans from the revolving fund or
emergency fund may be made to counties, incorporated municipalities, districts or other water organizations that have been granted tax exempt status under either federal or state law, as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible project costs as established by the board. The board may require county, municipal, district or other water organization participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving fund or the emergency fund. The maximum amount for any loan from the emergency fund shall be Five Hundred Thousand Dollars ($500,000.00), and the maximum amount for any loan from the revolving fund shall be One Million Five Hundred Thousand Dollars ($1,500,000.00).

(d) A county that receives a loan from the revolving fund or the emergency fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77, as may be required to meet the repayment schedule contained in the loan agreement. An incorporated municipality that receives a loan from the revolving fund or the emergency fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75, as may be required to meet the repayment schedule contained in the loan agreement. All recipients of such loans shall establish a dedicated source of revenue for repayment of the loan. Before any county or incorporated municipality shall receive any loan, it shall have executed with the State Tax Commission and the board a loan agreement evidencing that loan. The loan agreement shall not be construed to prohibit any recipient from prepaying any part or all of the funds received. The repayment schedule in each loan agreement shall provide for (i) monthly payments, (ii) semiannual payments or (iii) other periodic payments, the annual total of which shall not exceed the annual total for any other year of the
loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received from the revolving fund within not more than fifteen (15) years or a term as otherwise allowed by the federal Safe Drinking Water Act, and all funds received from the emergency fund within not more than five (5) years from the date of project completion, and any repayment shall commence not later than one (1) year after project completion. The State Tax Commission shall withhold semiannually from counties and monthly from incorporated municipalities from the amount to be remitted to the county or municipality, a sum equal to the next repayment as provided in the loan agreement.

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

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

(g) The State Auditor, upon request of the board, shall audit the receipts and expenditures of a county, an incorporated
municipality, district or other water organization whose loan repayments appear to be in arrears, and if the Auditor finds that the county, incorporated municipality, district or other water organization is in arrears in those repayments, the Auditor shall immediately notify the chairman of the board who may take any action as may be necessary to enforce the terms of the loan agreement, including liquidation and enforcement of the security given for repayment of the loan, and the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption annual tax loss reimbursements under Section 27-33-77 and all sums allocated to the county or the incorporated municipality under Section 27-65-75 until such time as the county or the incorporated municipality is again current in its loan repayments as certified by the board.

(h) All monies deposited in the revolving fund or the emergency fund, including loan repayments and interest earned on those repayments, shall be used only for providing loans or other financial assistance to water systems as the board deems appropriate. In addition, any amounts in the revolving fund or the emergency fund may be used to defray the reasonable costs of administering the revolving fund or the emergency fund and conducting activities under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, subject to any limitations established in the federal Safe Drinking Water Act, as amended and subject to annual appropriation by the Legislature. The department is authorized, upon approval by the board, to use amounts available to it from the revolving fund or the emergency fund to contract for those facilities and staff needed to administer and provide routine management for the funds and loan program.
(3) In administering this section and Sections 6 through 20 of Chapter 521, Laws of 1995, the board created in subsection (1) of this section shall have the following powers and duties:

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

(b) To promulgate rules and regulations, to make variances and exceptions thereto, and to establish procedures in accordance with this section and Sections 6 through 20 of Chapter 521, Laws of 1995, for the implementation of the local governments and rural water systems improvements revolving loan program;

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

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

(e) To requisition monies in the Local Governments and Rural Water Systems Improvements Revolving Loan Fund and the Local Governments and Rural Water Systems Emergency Loan Fund and distribute those monies on a project-by-project basis in accordance with this section;
(f) To ensure that the funds made available under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, to a county, an incorporated municipality, a district or a water organization that has been granted tax exempt status under either federal or state law provide for a distribution of projects and funds among the entities under a priority system established by the board;

(g) To maintain in accordance with generally accepted government accounting standards an accurate record of all monies in the revolving fund and the emergency fund made available to counties, incorporated municipalities, districts or other water organizations under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, and the costs for each project;

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

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

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

SECTION 38. Section 41-4-7, Mississippi Code of 1972, is amended as follows:
41-4-7. The State Board of Mental Health shall have the following powers and duties:

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

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

(c) To supervise, coordinate and establish standards for all operations and activities of the state related to mental health and providing mental health services, including but not limited to: the requirement that no person be approved for treatment which is paid for by funds made available through the department who has not had a treatment plan established as a result of having been seen by a licensed physician or licensed clinical psychologist and that physician or clinical psychologist signing these plans stating that he/she has personally evaluated the client and that the treatment plan is medically necessary. A physician or clinical psychologist shall recertify each client's record at least semiannually (except for persons with a diagnosis of mental retardation/developmental disability which shall be completed annually), and more often if medically indicated by physically visiting the client and certifying same in the record. The board shall have the authority to develop and implement all standards and plans and shall have the authority to establish appropriate actions, including financially punitive actions, to
insure enforcement of these established standards, in accordance
with the Administrative Procedures Law (Section 25-43-1 et seq.);
(d) To enter into contracts with any other state or
federal agency, or with any private person, organization or group
capable of contracting, if it finds such action to be in the
public interest;
(e) To collect reasonable fees for its services;

provided, however, if it is determined that a person receiving
services is unable to pay the total fee, the department shall
collect any amount such person is able to pay;
(f) To certify, coordinate and establish minimum
standards and establish minimum required services for regional
mental health and mental retardation commissions and other
community service providers for community or regional programs and
services in mental health, mental retardation, alcoholism, drug
misuse, developmental disabilities, compulsive gambling, addictive
disorders and related programs throughout the state. Such
regional mental health and mental retardation commissions and
other community service providers shall submit an annual
operational plan to the State Department of Mental Health for
approval or disapproval based on the minimum standards and minimum
required services established by the department for certification.
If the department finds deficiencies in the plan of any regional
commission or community service provider based on the minimum
standards and minimum required services established for
certification, the department shall give the regional commission
or community service provider a six-month probationary period to
bring its standards and services up to the established minimum
standards and minimum required services. After the six-month
probationary period, if the department determines that the
regional commission or community service provider still does not
meet the minimum standards and minimum required services
established for certification, the department may remove the
certification of the commission or provider. However, the
department shall not mandate a standard or service, or decertify a
regional commission or community service provider for not meeting
a standard or service, if the standard or service does not have
funding appropriated by the Legislature or have a funding source
from the State Department of Mental Health or a local funding
source. The State Board of Mental Health shall promulgate rules
and regulations necessary to implement the provisions of this
paragraph (f), in accordance with the Administrative Procedures
Law (Section 25-43-1 et seq.).

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

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

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

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

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

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

(m) To establish mental health holding centers for the purpose of providing short-term emergency mental health treatment, places for holding persons awaiting commitment proceedings or awaiting placement in a state mental health facility following commitment, and for diverting placement in a state mental health facility. These mental health holding facilities shall be readily accessible, available statewide, and be in compliance with emergency services' minimum standards. They shall be comprehensive and available to triage and make appropriate clinical disposition including the capability to access inpatient services or less restrictive alternatives, as needed, as determined by medical staff. Such facility shall have medical, nursing and behavioral services available on a 24-hour-a-day basis. The board may provide for all or part of the costs of establishing and operating the holding centers in each district from such funds as may be appropriated to the board for such use, and may participate in any plan or agreement with any public or private entity under which the entity will provide all or part of the costs of establishing and operating a holding center in any district;

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

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

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

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

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

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

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

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

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

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

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

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

(z) To establish a peer review/quality assurance
evaluation system that assures that appropriate assessment,
diagnosis and treatment is provided according to established
professional criteria and guidelines;
(aa) To develop and implement state plans for the purpose of assisting with the care and treatment of persons with Alzheimer's disease and other dementia. This plan shall include education and training of service providers, care-givers in the home setting and others who deal with persons with Alzheimer's disease and other dementia, and development of adult day care, family respite care and counseling programs to assist families who maintain persons with Alzheimer's disease and other dementia in the home setting. No agency shall be required to provide any services under this section until such time as sufficient funds have been appropriated or otherwise made available by the Legislature specifically for the purposes of the treatment of persons with Alzheimer's and other dementia; and

(bb) Working with the advice and consent of the administration of Ellisville State School, to enter into negotiations with the Economic Development Authority of Jones County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Ellisville State School to the Economic Development Authority of Jones County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with mental retardation served by Ellisville State School will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Jones County, and encourages fairness to the Economic Development Authority of Jones County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Ellisville State School must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for citizens with mental retardation served at Ellisville State School.
If the State Board of Mental Health authorizes the sale of lands owned by Ellisville State School, as provided for under this paragraph (bb), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Ellisville State School Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any interest earned on the principal may be expended solely for the benefits of clients served at Ellisville State School. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Ellisville State School may use any interest earned on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Ellisville State School. Ellisville State School shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of interest earned on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Ellisville State School with an annual report on the Ellisville State School Client's Trust Fund to indicate the total monies in the trust fund, interest earned during the year, expenses paid from the trust fund and such other related information.

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

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

(cc) Working with the advice and consent of the
administration of Boswell Regional Center, to enter into
negotiations with the Economic Development Authority of Simpson
County for the purpose of negotiating the possible exchange, lease
or sale of lands owned by Boswell Regional Center to the Economic
Development Authority of Simpson County. It is the intent of the
Mississippi Legislature that such negotiations shall ensure that
the financial interest of the persons with mental retardation
served by Boswell Regional Center will be held paramount in the
course of these negotiations. The Legislature also recognizes the
importance of economic development to the citizens of the State of
Mississippi and Simpson County, and encourages fairness to the
Economic Development Authority of Simpson County. Any
negotiations proposed which would result in the recommendation for
exchange, lease or sale of lands owned by Boswell Regional Center
must have the approval of the State Board of Mental Health. The
State Board of Mental Health may and has the final authority as to
whether or not these negotiations result in the exchange, lease or
sale of the properties it currently holds in trust for citizens
with mental retardation served at Boswell Regional Center. In any
such exchange, lease or sale of such lands owned by Boswell
Regional Center, title to all minerals, oil and gas on such lands
shall be reserved, together with the right of ingress and egress
to remove same, whether such provisions be included in the terms
of any such exchange, lease or sale or not.

If the State Board of Mental Health authorizes the sale of
lands owned by Boswell Regional Center, as provided for under this
paragraph (cc), the monies derived from the sale shall be placed
into a special fund that is created in the State Treasury to be
known as the "Boswell Regional Center Client's Trust Fund." The
principal of the trust fund shall remain inviolate and shall never
be expended. Any earnings on the principal may be expended solely
for the benefits of clients served at Boswell Regional Center.
The State Treasurer shall invest the monies of the trust fund in
any of the investments authorized for the Mississippi Prepaid
Affordable College Tuition Program under Section 37-155-9, and
those investments shall be subject to the limitations prescribed
by Section 37-155-9. Unexpended amounts remaining in the trust
fund at the end of a fiscal year shall not lapse into the State
General Fund, and any earnings on amounts in the trust fund shall
be deposited to the credit of the trust fund. The administration
of Boswell Regional Center may use any earnings on the principal
of the trust fund, upon appropriation by the Legislature, as
needed for services or facilities by the clients of Boswell
Regional Center. Boswell Regional Center shall make known to the
Legislature, through the Legislative Budget Committee and the
respective Appropriations Committees of the House and Senate, its
proposed use of the earnings on the principal of the trust fund
for any fiscal year in which it proposes to make expenditures
thereof. The State Treasurer shall provide Boswell Regional
Center with an annual report on the Boswell Regional Center
Client's Trust Fund to indicate the total monies in the trust
fund, interest and other income earned during the year, expenses
paid from the trust fund and such other related information.

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

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

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

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

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

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

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

(5) There is created within the Drinking Water Quality Analysis Fund an equipment capital expenditure account, hereinafter referred to as the "account." The department may transfer any excess fees, not exceeding ten percent (10%) of the total fees assessed under this section, to the account. The balance in the account shall not exceed Five Hundred Thousand Dollars ($500,000.00). Funds in the account shall be used by the department, as appropriated by the Legislature, to defray the costs of purchasing new equipment or repairing existing equipment for the analysis of drinking water.

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

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

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

(2) Expenditures may be made from the fund upon requisition by the director.
(3) The fund shall be treated as a special trust fund. Interest earned on the principal in the amount provided for in Section 27-105-33 shall be credited by the Treasurer to the fund.

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

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

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

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

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

(a) To state-owned nursing facilities;
(b) For pharmaceutical ingredients; and
(c) For ambulatory services delivered in federally
qualified health centers and in clinics of the local health
departments of the State Department of Health.

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

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

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

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

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

(2) The Department of Human Services shall make annual awards from the fund to the top five (5) counties with the greatest reduction in out-of-wedlock births without an increase in abortions in each of the following categories:
(a) One Hundred Thousand Dollars ($100,000.00) in counties which had two hundred fifty (250) or fewer total live births;

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

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

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

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

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

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

(b) The county must submit a report to the Department of Human Services on the methods used to achieve the reduction in out-of-wedlock births, and submit a separate report to the department explaining how the incentive award was spent.
(6) If the fund is not adequate to make the distributions presented under this section, the department may award funds to counties on a reduced pro-rata basis.

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

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

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

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

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

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

43-53-11. Assessments collected under Section 99-19-73(1)
for the Mississippi Leadership Council on Aging Fund, and any
contributions, grants or donations from any other source, shall be
deposited in a special fund created in the State Treasury and so
designated. Monies deposited in this fund shall be expended by
the Mississippi Leadership Council on Aging as authorized and
appropriated by the Legislature to defray the cost of coordinating
crime prevention for the elderly and carrying out such other
duties and responsibilities as provided in this chapter. The fund
shall be a non-lapsing, revolving special trust fund, and interest
earned on the principal in the amount provided for in Section
27-105-33 shall be credited to the fund. Expenditures from the
fund shall be made upon requisition by the Mississippi Leadership
Council on Aging.

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

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

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

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

(a) "Covered individual" means a law enforcement officer or fire fighter as defined in this section when employed by an employer as defined in this section; it does not include employees of independent contractors. "Covered individual" also includes volunteer fire fighters.

(b) "Employer" means a state board, commission, department, division, bureau, or agency, or a county, municipality or other political subdivision of the state, which employs, appoints or otherwise engages the services of covered individuals.

(c) "Fire fighter" means an individual who is trained for the prevention and control of loss of life and property from fire or other emergencies, who is assigned to fire-fighting activity, and is required to respond to alarms and perform emergency actions at the location of a fire, hazardous materials or other emergency incident.

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

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

(b) The Department of Public Safety shall make a payment, as provided in this section, in the amount of Ten Thousand Dollars ($10,000.00) when a fire fighter, while engaged in the performance of the person's official duties, is accidentally or intentionally killed or receives accidental or intentional bodily injury that results in loss of the covered individual's life, provided that the killing is not the result of suicide and that the bodily injury is not intentionally self-inflicted.

c) The payment provided for in this subsection shall be made to the beneficiary who was designated in writing by the covered individual, signed by the covered individual and delivered to the employer during the covered individual's lifetime. If no such designation is made, then the payment shall be made to the surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the parent or parents. If a beneficiary is not designated and there is no surviving child, spouse or parent, then the payment shall be made to the covered individual's estate.

d) The payment made in this subsection is in addition to any workers' compensation or pension benefits and is exempt from the claims and demands of creditors of the covered individual.

(3) (a) There is established in the State Treasury a special fund to be known as the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund. The trust fund shall be funded by an initial appropriation of Two Hundred Thousand Dollars ($200,000.00), and shall be comprised of any additional funds made
available by the Legislature or by donation, contribution, gift or any other source.

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

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

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

SECTION 48. Section 47-5-109, Mississippi Code of 1972, is amended as follows:

47-5-109. (1) The State Department of Corrections is hereby authorized to operate a facility or facilities to be known as an inmate canteen facility or facilities, the purpose of which is to make available certain goods and other items of value for purchase by offenders confined at the State Penitentiary at Parchman, offenders confined at any other facility of the department, certain employees of the department and certain persons visiting offenders or employees. The commissioner shall promulgate rules and regulations for the operation of such a facility.

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

SECTION 49. Section 47-5-194, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

SECTION 50. Section 47-5-1007, Mississippi Code of 1972, is amended as follows:

47-5-1007. (1) Any participant in the intensive supervision program who engages in employment shall pay a monthly fee to the department for each month such person is enrolled in the program. The department may waive the monthly fee if the offender is a full-time student or is engaged in vocational training. Money received by the department from participants in the program shall be deposited into a special fund which is hereby created in the State Treasury. It shall be used, upon appropriation by the Legislature, for the purpose of helping to defray the costs involved in administering and supervising such program. Unexpended amounts remaining in such special fund at the end of a fiscal year shall not lapse into the State General Fund, and **
interest earned in the amount provided for in Section 27-105-33 on
amounts in such special fund shall be deposited to the credit of
the special fund.

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

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

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

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

(a) A working telephone line in the participant's home;
(b) A monitoring device in the participant's home, or
on the participant's person or both; and
(c) A monitoring device in the participant's home and
on the participant's person in the absence of a telephone.

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

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

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

(9) The participant shall abide by other conditions as set
by the department.
SECTION 51. 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 a special fund in the State Treasury to be segregated and known as the "Fisheries and Wildlife Fund," which fund can only be expended as authorized by the Legislature for the purposes for which the department was created. All funds derived from the sale of licenses, fees, fines and other revenues received by the department as provided by law, shall be deposited in the Fisheries and Wildlife Fund. The interest obtained thereon in the amount provided for in Section 27-105-33 from any investment or deposit made pursuant to Section 27-105-33, Mississippi Code of 1972, shall be credited by the State Treasurer to the Fisheries and Wildlife Fund and shall not be paid into the General Fund of Mississippi.

(2) The department may expend such sums as are authorized by the Legislature from the Fisheries and Wildlife Fund 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 out of the Fisheries and Wildlife Fund on warrants issued by the Executive Director of the Department of Finance and Administration upon requisition signed by the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks.

(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. Nothing in this section shall be construed as requiring legislative appropriation of such Fisheries and Wildlife Fund, but it is intended that expenditure of such funds shall be under authority of the budget approved as herein provided and as authorized by the Legislature.

SECTION 52. Section 49-6-3, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 53. Section 49-7-155, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 54. Section 49-15-17, Mississippi Code of 1972, is amended as follows:

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

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

(c) There is established a special account to be known as the "Coastal Preserve Account" within the seafood fund. Any funds received from any public or private source for the purpose of management, improvement and acquisition of coastal preserves in the state and money required to be deposited pursuant to Section 17 of House Bill No. 280, 2000 Regular Session, shall be credited to the account. Any unexpended funds remaining in the account at the end of the fiscal year shall not lapse into the seafood fund, but shall remain in the account. The department may expend any funds in the account, subject to appropriation by the Legislature, for the management, improvement and acquisition of coastal preserves.

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

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

SECTION 55. Section 49-17-14, Mississippi Code of 1972, is amended as follows:

49-17-14. (1) "Title V program" means, as used in Sections 49-17-1 through 49-17-45, the air operating permit program mandated in Title V of the 1990 amendments to the federal Clean Air Act, codified in 42 USCS Section 7661, et seq.
(2) There is created in the State Treasury a fund to be designated as the "Air Operating Permit Program Fee Trust Fund," referred to hereinafter as the "fund."

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

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

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

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

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

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

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

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

(e) Emissions and ambient monitoring;
(f) Modeling, analyses, or demonstrations;
(g) Preparing inventories and tracking emissions;
(h) Providing direct and indirect support to sources
under the Small Business Stationary Source Technical and
Environmental Compliance Assistance Program under Section 507 of
the federal Clean Air Act in determining and meeting their
obligations under this section; and

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

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

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

SECTION 56. Section 49-17-44, Mississippi Code of 1972, is
amended as follows:

49-17-44. (1) The Permit Board may require any applicant
for a water pollution control permit for the discharge of effluent
from any sewer system certificated or required to be certificated
by the Public Service Commission to provide a bond or other

S. B. No. 2764
02/SS02/R1194
PAGE 102
acceptable financial security instrument payable to the Commission on Environmental Quality and conditioned upon full and satisfactory performance of the requirements of the Mississippi Air and Water Pollution Control Law and any water pollution control permit issued under that law. Any bond shall be executed by the permittee and a corporate surety licensed to do business in the state. The commission shall establish by regulation the acceptable forms of financial security and the amount of financial security required for the various types and sizes of facilities. The purpose of the bond or other financial security shall be the protection of the public health, welfare and the environment.

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

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

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

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

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

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

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

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

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

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

(d) The fund may receive monies from any available public or private source, including, but not limited to, proceeds from bond or other financial security forfeitures, interest, and funds from other judicial actions.

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

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

SECTION 57. Section 49-17-85, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

(7) The revolving fund may be used only:

(a) To make loans on the condition that:

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

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

(iii) The recipient of a loan will establish a dedicated source of revenue for repayment of loans;
(b) To buy or refinance the debt obligation of political subdivisions at or below market rates, where the debt obligations were incurred after March 7, 1985, and where the projects were constructed in compliance with applicable federal and state regulations;

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

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

(e) To earn interest on fund accounts;

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

(g) To establish estuary conservation and management programs;

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

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

(8) The hardship grants program shall be used only to provide hardship grants consistent with the federal hardship grants program for rural communities, regulations and guidance issued by the United States Environmental Protection Agency, subsections (3) and (5) of this section and regulations promulgated and guidance issued by the commission under this section.
(9) The commission shall establish by regulation a system of priorities and a priority list of projects eligible for funding with loans from the revolving fund.

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

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

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

SECTION 58. Section 49-17-86, Mississippi Code of 1972, is amended as follows:

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

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

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

(d) The emergency fund shall be maintained in perpetuity for the purposes established in Sections 49-17-81 through 49-17-89. Unexpended amounts remaining in the emergency fund at the end of a fiscal year shall not lapse into the State
General Fund. *** Interest earned in the amount provided for in
Section 27-105-33 on amounts in the emergency fund shall be
deposited to the credit of the fund.

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

(3) The emergency fund may be used only:

(a) To make loans on the condition that:

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

(ii) Periodic principal and interest payments will
commence when required by the commission but not later than one
year after project completion and all loans will be fully
amortized when required by the commission but not later than ten
years after project completion.

(iii) The recipient of a loan shall establish a
dedicated source of revenue for repayment of loans. In addition,
the commission may require any loan recipient to impose a per
connection surcharge on each customer for repayment of any loan
funds provided under this section.
(iv) The recipient of the loan is not in arrears in repayments to the Water Pollution Control Revolving Fund, the Water Pollution Control Emergency Loan Fund or under the Water Pollution Abatement Loan Program.

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

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

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

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

(6) In addition to any amounts allowed under subsection (3)(c), the commission may establish and collect fees to further defray the reasonable costs of administering the emergency fund. Any administrative fees may be included in loan amounts to political subdivisions for the purpose of facilitating payment to the commission; fees may not exceed five percent (5%) of the loan amount. The commission may also use administrative fees collected pursuant to Section 49-17-85 to defray the reasonable costs of administering the emergency fund.

SECTION 59. Section 49-17-421, Mississippi Code of 1972, is amended as follows:

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

SECTION 60. Section 49-17-525, Mississippi Code of 1972, is amended as follows:

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

S. B. No. 2764
02/SS02/R1194
PAGE 111
(b) Monies in the fund shall be utilized to pay reasonable direct and indirect costs associated with the administration and enforcement of the lead-based paint activity accreditation and certification program.

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

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

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

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

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

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

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

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

(e) Fees collected under this section shall not supplant or reduce in any way the general fund appropriation to the department.

SECTION 61. Section 49-31-23, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

(3) The fund shall be treated as a special trust fund. Interest earned in the amount provided for in Section 27-105-33 on the principal therein shall be credited by the Treasurer to the fund.
(4) The fund may receive monies from any available public or private source, including, but not limited to, collection of fees, interest, grants, taxes, public and private donations, oil overcharge refunds or rebates, and appropriated funds.

SECTION 62. Section 49-35-25, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

(d) The fund shall be treated as a special trust fund. Interest earned on the principal in the amount provided for in Section 27-105-33 shall be credited by the Treasurer to the fund.
(e) The fund may receive monies from any available public or private source, including, but not limited to, collection of costs, interest, grants, taxes, public and private donations, judicial actions and appropriated funds.

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

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

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

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

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

(9) Costs collected under this section shall not supplant or reduce in any way the general fund appropriation to the department for the administration of this program.

(10) The department may suspend any activities or actions related to the processing of the brownfield agreement application or administration of a brownfield agreement, if the brownfield

S. B. No. 2764
02/SS02/R1194
PAGE 115
party or parties fails to pay any required costs or penalties imposed under this section.

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

SECTION 63. Section 53-9-89, Mississippi Code of 1972, is amended as follows:

53-9-89. (1) (a) There is created in the State Treasury a fund to be designated as the "Surface Coal Mining and Reclamation Fund." The fund shall contain three (3) accounts, designated as the "Surface Coal Mining Program Operations Account," the "Surface Coal Mining Reclamation Account," and the "Abandoned Mine Lands Reclamation Account."

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

(c) The Abandoned Mine Lands Reclamation Account shall receive all state and federal appropriations, grants and donations for the purposes of the reclamation of abandoned mine lands under this chapter, and such funds shall be made available to the commission to be used as provided in this section for the purposes of abandoned mine reclamation under this chapter and the regulations of the commission. Funds in the Abandoned Mine Land Account may be used for the following purposes:

(i) Reclamation and restoration of land and water resources adversely affected by past coal mining, or by past noncoal mining if approved by the secretary, including, but not limited to, reclamation and restoration of abandoned surface mine areas, abandoned mine processing areas, and abandoned mine refuse disposal areas; sealing and filling abandoned deep mine entries
and voids; planting of land adversely affected by past mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal in situ; prevention, abatement and control of mine subsidence; prevention, abatement and control of storm water runoff from and erosion at mine sites; and the sloping and revegetation of mine pits and highwalls.

(ii) Acquisition of land as provided for in this chapter.

(iii) Grants to accomplish the purposes of this chapter.

(iv) Administrative expenses of the department to accomplish the purposes of this chapter.

(v) All other necessary expenses to accomplish the purpose of reclaiming abandoned mine lands or of protecting public health, safety and general welfare from adverse effects of mining practices at abandoned mine lands.

(d) Expenditures may be made from the fund upon requisition by the executive director.

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

(f) The Surface Coal Mining Program Operations Account may receive monies from any available public or private source, including, but not limited to, fees, interest, grants, taxes, public and private donations, petroleum violation escrow funds or refunds, and appropriated funds, but excluding fines, penalties and the proceeds from the forfeiture of bonds or other collateral. The Surface Coal Mining Reclamation Account may receive monies
from fines, penalties, the proceeds from the forfeiture of bonds or other collateral and interest.

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

SECTION 64. Section 55-3-21, Mississippi Code of 1972, is amended as follows:

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

SECTION 65. Section 55-3-41, Mississippi Code of 1972, is amended as follows:
55-3-41. A fund to be known as "Mississippi Park Fund" is hereby established in the State Treasury, and all funds held in the "Mississippi Park System Fund" shall be transferred thereto. Funds collected by the department shall be deposited in the State Treasury to the credit of the fund. *** Interest from the Mississippi Park Fund earned in the amount provided for in Section 27-105-33 from any investment or deposit made pursuant to Section 27-105-33, Mississippi Code of 1972, shall be credited to the Mississippi Park Fund by the treasurer. Expenditures shall be made from the fund upon requisition signed by the executive director, or by a person whom the executive director may designate and the State Fiscal Officer shall issue his warrant on the State Treasury payable out of the Mississippi Park Fund. All funds in the Mississippi Park Fund shall be expended only pursuant to appropriation approved by the Legislature and as provided by law.

SECTION 66. Section 55-15-59, Mississippi Code of 1972, is amended as follows:

55-15-59. The Mississippi Veterans Monument Commission is hereby authorized to accept gifts, grants and donations from individuals and organizations, to be deposited in the Veterans Monument Trust Fund which is hereby created in the State Treasury. The State Treasurer shall invest all monies in the Veterans Monument Trust Fund and *** interest earned in the amount provided for in Section 27-105-33 shall be deposited into the fund. All appropriated funds and funds deposited in the Veterans Monument Trust Fund shall be used exclusively for the purpose of designing, erecting, maintaining and dedication of the veterans monument, except that not more than Seven Thousand Five Hundred Dollars ($7,500.00) may be expended annually to pay the administrative costs of the commission. Costs associated with the designing, erecting, maintaining and dedication of the veterans monument are not considered commission administrative costs for purposes of this section. Any monies remaining unexpended or
unencumbered in the fund upon completion of the monument shall revert to the Mississippi War Veterans Memorial Commission for maintenance of the veterans monument and memorials.

SECTION 67. 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 a special fund to be known as the "Mississippi Veterans Memorial Stadium Operating Fund" and any references in the laws to the "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund" shall mean the "Mississippi Veterans Memorial Stadium Operating Fund" unless the context clearly indicates otherwise. * * * Interest earned in the amount provided for in Section 27-105-33 on amounts deposited in the Mississippi Veterans Memorial Stadium Operating Fund shall be credited to such special fund. Provided, however, that twenty-five percent (25%) of all profits realized by the commission from the sale of concessions at athletic events when Jackson State University is the home team shall be deposited to the credit of a special auxiliary fund and authorized for expenditure by the Board of Trustees of State Institutions of Higher Learning exclusively for the support of...
intercollegiate athletics at such university. All expenses
incident to the operation and upkeep of the facilities and
property managed by the commission shall be paid out of the
Mississippi Veterans Memorial Stadium Operating Fund by warrants
drawn 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 68. Section 57-1-69, Mississippi Code of 1972, is
amended as follows:

57-1-69. The Mississippi Development Authority is authorized
to cooperate with Mississippi Miss Hospitality, Inc., in the
production of the Mississippi Miss Hospitality Pageant and with
Miss Mississippi Pageant, Inc., in the production of the Miss
Mississippi Pageant, and with Mrs. Mississippi-America Pageant,
Inc., in the production of the Mrs. Mississippi Pageant, and in
defraying expenses incurred by Miss Hospitality and Miss
Mississippi and Mrs. Mississippi when making official appearances
to represent this state, by expending in furtherance of such
purposes any money appropriated or otherwise made available to the
department therefor. Money received by the department for such
purposes shall be deposited into a special fund which is hereby
created in the State Treasury. Unexpended amounts remaining in
such special fund at the end of a fiscal year shall not lapse into
the State General Fund, and * * * interest earned in the amount
provided for in Section 27-105-33 on amounts in such special fund
shall be deposited to the credit of the special fund.

SECTION 69. Section 57-1-303, Mississippi Code of 1972, is
amended as follows:

57-1-303. (1) (a) There is created a special fund in the
State Treasury to be designated as the "Local Governments Capital
Improvements Revolving Loan Fund," which fund shall consist of
such monies as provided in Sections 57-1-307 through 57-1-335.
The fund shall be maintained in perpetuity for the purposes
established in Sections 57-1-301 through 57-1-335. Unexpended
amounts remaining in the fund at the end of a fiscal year shall
not lapse into the State General Fund, and * * * interest earned
in the amount provided for in Section 27-105-33 on amounts in the
fund shall be deposited to the credit of the fund. Monies in the
fund may not be used or expended for any purpose
except as authorized under Sections 57-1-301 through 57-1-335.

(b) The Local Governments Capital Improvements
Revolving Loan Fund shall be divided into the Taxable Local
Governments Capital Improvements Revolving Loan Subaccount and the
Nontaxable Local Governments Capital Improvements Revolving Loan
Subaccount. Funds allocated to the Nontaxable Local Governments
Capital Improvements Revolving Loan Subaccount shall be utilized
to provide loans for capital improvements that would qualify for
the issuance of bonds whose interest is exempt from income
taxation under the provisions of the Internal Revenue Code. Funds
allocated to the Taxable Local Governments Capital Improvements
Revolving Loan Subaccount shall be utilized to provide loans for
any eligible capital improvements, including, but not limited to,
capital improvements that would qualify for the issuance of bonds
whose interest is exempt from income taxation under the provisions
of the Internal Revenue Code.

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

(2) A county or an incorporated municipality may apply to
the Mississippi Development Authority for a loan under the local
governments capital improvements revolving loan program
established under Sections 57-1-301 through 57-1-335.

(3) (a) The Mississippi Development Authority shall
establish a loan program by which loans, at the rate of interest
provided for in paragraph (b) of this subsection, may be made
available to counties and incorporated municipalities to assist
counties and incorporated municipalities in making capital
improvements. Loans from the revolving fund may be made to
counties and municipalities as set forth in a loan agreement in
amounts not to exceed one hundred percent (100%) of eligible
project costs as established by the Mississippi Development
Authority. The Mississippi Development Authority may require
county or municipal participation or funding from other sources,
or otherwise limit the percentage of costs covered by loans from
the revolving fund. The Mississippi Development Authority may
establish a maximum amount for any loan in order to provide for
broad and equitable participation in the program.

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

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

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

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

SECTION 70. Section 57-39-43, Mississippi Code of 1972, is amended as follows:

57-39-43. (1) There is created in the State Treasury a fund to be designated as the "Mississippi Oil Overcharge Fund," referred to in this section as "fund." Monies in the fund, referred to in this section as "oil overcharge funds," may be used
for projects or programs authorized in accordance with appropriate federal court orders regarding the use of oil overcharge funds or by the United States Department of Energy, or both.

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

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

(4) The fund shall be treated as a special trust fund.

Interest earned in the amount provided for in Section 27-105-33 on the principal in the fund shall be credited by the Treasurer to the fund.

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

SECTION 71. Section 57-44-7, Mississippi Code of 1972, is amended as follows:

57-44-7. (1) There is created a special fund in the State Treasury to be designated as the "Local Governments Freight Rail Service Project Revolving Loan Fund," which fund shall consist of such monies as provided in Sections 57-44-11 through 57-44-39. The fund shall be maintained in perpetuity for the purposes established in this chapter. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or
expended for any purpose except as authorized under this chapter. However, the Mississippi Development Authority, in order to promote the safety of the general public, shall establish a program to permit monies from the Local Governments Freight Rail Service Project Revolving Loan Fund to be provided to counties in the form of grants to assist counties in defraying expenses relating to the upgrading of railroad grade crossings. Only projects approved by the Mississippi Department of Transportation shall be eligible for such grants. The Mississippi Development Authority, by rule and regulation, shall establish the maximum amount of any grant awarded to a county and may establish such other rules and regulations as it deems appropriate or necessary to administer the grant program and ensure that monies in the fund are made available to all counties on an equitable basis. Federal funds shall be utilized to pay not less than five percent (5%) of the cost of each project. However, the maximum amount of such grants to all counties may not exceed Five Million Dollars ($5,000,000.00), in the aggregate.

(2) The Mississippi Development Authority shall establish a loan program by which loans, at a rate of interest not to exceed one percent (1%) less than the federal reserve discount rate, may be made available to counties and incorporated municipalities to provide loans to counties and incorporated municipalities which may be used by the governing authorities of such counties and municipalities to provide loans to railroad corporations for freight rail service projects. Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in amounts established by the Mississippi Development Authority. The Mississippi Development Authority may establish a maximum amount for any loan in order to provide for broad and equitable participation in the program.

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

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

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

SECTION 72. Section 57-61-27, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

(8) The seller may provide in the resolution authorizing the
issuance of such bonds the employment of one or more persons or
firms to assist in the sale of the bonds; to enter into contracts
for banks or trust companies located either within or without the
State of Mississippi to act as registrars, paying agents, transfer
agents or otherwise, for rating of the bonds, and to purchase
insurance.

SECTION 73. Section 57-71-27, Mississippi Code of 1972, is
amended as follows:

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

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

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

(4) Until permanent bonds can be prepared, the seller may in
its discretion issue, in lieu of permanent bonds, temporary bonds
in such form and with such privileges as to registration and
exchange for permanent bonds as may be determined by the seller.
(5) Pending their application to the purposes authorized, bond proceeds held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. **Interest** earned in the amount provided for in Section 27-105-33 shall be paid into the State Treasury to the credit of the Mississippi Small Enterprise Development Finance Fund.

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

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

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

**SECTION 74.** Section 57-75-31, Mississippi Code of 1972, is amended as follows:

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

SECTION 75. Section 57-77-35, Mississippi Code of 1972, is
amended as follows:

57-77-35. (1) Whenever bonds are issued, they shall be
offered for sale at not less than par value and accrued interest
and shall be sold by the seller at public or private sale, from
time to time, in such manner and at such price as may be
determined by the seller to be most advantageous.

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

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

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

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

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

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

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

SECTION 76. Section 63-11-53, Mississippi Code of 1972, is
amended as follows:

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

(2) Except as otherwise provided in subsection (3), all vehicles that have been forfeited shall be sold at a public auction for cash by the law enforcement agency, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the county in which the vehicle was seized. Such notices shall contain a description of the vehicle to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:

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

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

(3) The law enforcement agency may maintain, repair, use and operate for official purposes all vehicles that have been forfeited if the vehicles are free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the nature of a security interest. The agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle can be released for its use. If the vehicle is susceptible of titling under the Mississippi Motor Vehicle Title Law, the agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (4) of this section.
(4) The State Tax Commission shall issue a certificate of title to any person who purchases vehicles under the provisions of this section when a certificate of title is required under the laws of this state.

SECTION 77. 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 Highway Fund. * * *

Interest earned in the amount provided for in Section 27-105-33 on the investment of any highway funds shall be paid into the State Highway 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 78. Section 65-4-15, Mississippi Code of 1972, is amended as follows:

65-4-15. There is hereby established a special fund in the State Treasury to be known as the "Economic Development Highway Fund" which shall consist of such monies as the Legislature shall appropriate thereto or such other monies as the Legislature may designate to be deposited therein. Any monies to the credit of such fund may be expended by the Mississippi Department of Transportation or political subdivision, as appropriate, upon approval of requisitions therefor by the Mississippi Development
Authority for any expenses incurred by the Transportation Department or political subdivision in constructing and improving highways and highway segments which have been approved by the Mississippi Development Authority under the provisions of this chapter. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon approval by the Mississippi Development Authority of requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering and providing engineering services to political subdivisions. Monies remaining unexpended to the credit of such special fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned in the amount provided for in Section 27-105-33 on the investment of monies in the special fund shall be deposited to the credit of the fund.

SECTION 79. Section 65-26-25, Mississippi Code of 1972, is amended as follows:

65-26-25. (1) Upon the issuance and sale of such bonds, the Bond Commission shall transfer the principal proceeds of any such sale or sales to the bridge construction fund hereby created in the state treasury. The proceeds of such bonds shall be used solely for the payment of the cost of the project or combined projects, which shall include costs incident to the issuance and sale of such bonds, and shall be disbursed solely upon the order of the Highway Commission under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(2) Any revenues transferred to the bridge construction fund from the bond retirement fund as provided in this chapter shall be expended for the construction of any bridges described in Section 65-26-5 upon the order of the Highway Commission. Such revenues shall not be commingled with any other funds in the bridge
construction fund but shall be kept separate and distinct therefrom.

(3) Any funds in the bridge construction fund which are not needed to make current payments to meet contractual obligations shall be invested in interest-bearing certificates of deposit in accordance with the provisions of Section 27-105-33, and interest earned in the amount provided for in Section 27-105-33 shall be credited to the bridge construction fund.

(4) When all contracts for bridge construction are paid in full then all funds in the bridge construction fund and all funds invested as provided in subsection (3) of this section shall be transferred to the bond retirement fund and no further diversion or transfer of said funds shall be made to the bridge construction fund.

SECTION 80. Section 65-37-13, Mississippi Code of 1972, is amended as follows:

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

(2) (a) During each regular legislative session held in calendar years 1995, 1996, 1997 and 1998, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of three percent (3%) or more for that succeeding fiscal year, then the Legislature shall appropriate Twenty-five Million Dollars ($25,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.
(b) During the regular legislative session held in calendar year 1999, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Ten Million Dollars ($10,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(c) During each regular legislative session held in calendar years 2001 through 2008, if the official General Fund revenue estimate for the succeeding fiscal year for which appropriations are being made reflects a growth in General Fund revenues of two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Twenty Million Dollars ($20,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(3) Such monies as are deposited in the fund under the provisions of this section may be expended upon requisition therefor by the State Aid Engineer in accordance with the provisions of Sections 65-37-1 through 65-37-15. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering the provisions of the local system bridge replacement and rehabilitation program. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and interest earned on amounts in the fund shall be deposited to the credit of the fund.

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

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

(a) That the maximum amount of such monies that may be advanced to any county shall not exceed ninety percent (90%) of the 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 Local System Bridge Replacement and Rehabilitation Fund is less than One Million Dollars ($1,000,000.00); and

(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 projects.

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

SECTION 81. Section 65-39-3, Mississippi Code of 1972, is amended as follows:

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

SECTION 82. 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 in a special fund to be established as the "Mississippi Soybean Promotion Fund," and disbursement therefrom shall be made upon warrants issued by the State Fiscal Officer upon requisitions signed by the Chairman and Secretary-Treasurer of the Mississippi Soybean Promotion Board, or their designee, in the manner provided by law. * * * Interest earned in the amount provided for in Section 27-105-33 by investing the proceeds in such special fund shall be credited to such special fund and shall not be deposited in the State General Fund. The State Fiscal Officer is authorized to issue warrants for the payment of monies from the Mississippi Soybean Promotion 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 Mississippi Soybean Promotion Fund the funds collected, less three and one-half percent (3-1/2%) of the gross amount collected. The
monthly settlement to the Mississippi Soybean Promotion Board shall be made on or before the twentieth day of each month and shall be accompanied by a complete report of all funds collected and disbursed.

(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 Mississippi Soybean Promotion 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 83. 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 in a special fund to be established as the "Mississippi Rice Promotion Fund," and disbursement therefrom 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 interest earned thereon in the amount provided for in Section 27-105-33 shall be credited to such special fund and shall not be deposited in 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 Mississippi Rice Promotion Fund the funds collected, less an amount not to exceed three and one-half percent (3-1/2%) of the gross amount collected. The amount withheld by the department must be approved by the Mississippi Rice Promotion Board by July 1 of each year. The monthly settlement to the Mississippi Rice Promotion Board shall be made on or before the twentieth day of each month and shall be accompanied by a complete report of all funds collected and disbursed.

(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 Mississippi Rice Promotion 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 84. Section 69-27-347, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 85. Section 69-37-39, Mississippi Code of 1972, is amended as follows:

69-37-39. There is hereby created within the State Treasury a special fund to be designated the "Boll Weevil Management Fund"
into which shall be deposited all the revenues required to be deposited into such fund pursuant to Section 27-65-75(14), Mississippi Code of 1972. Money deposited into the fund shall not lapse at the end of any fiscal year and interest earned on the proceeds in such special fund in the amount provided for in Section 27-105-33 shall be deposited into such fund. Money from such fund shall be disbursed therefrom upon warrants issued by the State Fiscal Officer upon requisitions signed by the Commissioner of Agriculture and Commerce to assist the Department of Agriculture and Commerce in carrying out its duties under the Mississippi Boll Weevil Management Act (Section 69-37-1 et seq., Mississippi Code of 1972). The Commissioner of Agriculture and Commerce may disburse all or any portion of the money the Department of Agriculture and Commerce receives from the fund to the Certified Cotton Growers Organization, as defined in Section 69-37-5, Mississippi Code of 1972, to assist such organization in carrying out its duties under the Mississippi Boll Weevil Management Act.

SECTION 86. Section 69-43-5, Mississippi Code of 1972, is amended as follows:

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

(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 processor of such ratites at the first point of processing or sale. The proceeds of the assessment collected by the department shall be deposited monthly with the State Treasurer in a special fund to be established as the "Mississippi Ratite Promotion Fund," and disbursement therefrom shall be made...
upon warrants issued by the State Fiscal Officer upon requisitions
signed by the Chairman and Secretary-Treasurer of the Mississippi
Ratie Council and Promotion Board, or their designee, in the
manner provided by law. The State Treasurer shall invest such
proceeds and ** interest earned thereon ** in the amount provided
for in Section 27-105-33 shall be credited to such special fund
and shall not be deposited in the State General Fund.

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

SECTION 87. Section 69-45-13, Mississippi Code of 1972, is
amended as follows:

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

SECTION 88. Section 71-3-97, Mississippi Code of 1972, is
amended as follows:
71-3-97. (1) There is hereby established in the State Treasury a special fund for the purpose of providing for the payment of all expenses in respect to the administration of this chapter. Such fund shall be administered by the commission. The State Treasurer shall be the custodian of such funds, and all monies and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state.

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

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

(4) 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 such fund.

SECTION 89. Section 73-4-15, Mississippi Code of 1972, is amended as follows:

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

SECTION 90. 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 in a special fund that is created in the
State Treasury and shall be used for the implementation and
administration of this chapter when appropriated by the
Legislature for such purpose. The monies in the special fund
shall be subject to all provisions of the state budget laws that
are applicable to special fund agencies, and disbursements from
the special fund shall be made by the State Treasurer only upon
warrants issued by the State Fiscal Officer upon requisitions
signed by the president of the board and countersigned by the
secretary of the board. * * * Interest earned on this special
fund in the amount provided for in Section 27-105-33 shall be
credited by the State Treasurer to the fund and shall not be paid
into the State General Fund. Any unexpended monies remaining in
the special fund at the end of a fiscal year shall not lapse into
the State General Fund.

(2) 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.
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 definitely determined whether such
shortage was the result of an act of dishonesty on the part of the member.

SECTION 91. Section 73-7-5, Mississippi Code of 1972, is amended as follows:

73-7-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president of the board or another board member designated by the president, and countersigned by the secretary of the board. * * * Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) 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. 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 in default in any account until such time as it shall be determined whether such default was a result of an act of dishonesty on the part of the member, and in the event it is found that such default is an act of dishonesty, misfeasance or nonfeasance on the part of the member, such member shall be immediately removed by the Governor from office.
SECTION 92. 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
Newsletters 20.00

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, except monetary penalties collected under Section 73-9-61, shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president, secretary or administrative officer of the board. * * * Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse 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) All fees collected from applicants, duplicate licenses,
certificates of recommendation and certified copies of licenses
shall be distributed among the members of the board in such
proportion as to allow the secretary twice the remuneration each
of the other seven (7) members receive as their compensation for
examining applicants for licensure. Provided, however, that for
examining applicants for licensure the secretary shall receive no
more than Twenty-four Hundred Dollars ($2400.00) per year and no
other member shall receive more than Twelve Hundred Dollars
($1200.00) per year. 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. Provided further, that any fees or income other than
the maximum allowable for examining applicants for licensure as
set out above shall be accounted for and may be used as needed in
carrying out the provisions of this chapter.

(6) Fees collected from annual registration 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. Fees collected from annual registration 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, a
portion of the fee charged for annual dentist registration, annual
specialty registration, annual dental hygienist registration, and
annual institutional, teaching or provisional registration 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 93. Section 73-13-17, Mississippi Code of 1972, is amended as follows:

73-13-17. (1) The board shall keep an account of all monies derived from the operation of this chapter. All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the board and countersigned by the secretary of the board. * * * Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. 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.

(2) The executive director and the secretary of the board shall give a surety bond satisfactory to the other members of the board, conditioned upon the faithful performance of their duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. When any member of the board or any employee thereof is engaged on business of the board away from the principal office of the board, he shall be entitled to receive expenses as authorized in Section 25-3-41, and members of the
board shall be entitled to per diem in an amount not to exceed
that authorized in Section 25-3-69, all as approved by the board.

(3) The board shall employ an executive director and may
employ such clerical or other assistants as are necessary for the
proper performance of its work, and may make expenditures for any
purpose which in the opinion of the board are reasonably necessary
for the proper performance of its duties under this chapter.

SECTION 94. Section 73-17-7, Mississippi Code of 1972, is
amended as follows:

73-17-7. (1) There is hereby created the Mississippi State
Board of Nursing Home Administrators. This board shall consist of
seven (7) persons, in addition to the State Health Officer, or his
designee, who shall be an ex-officio member without voting
privilege, to be appointed by the Governor with the advice and
consent of the Senate, each of whom shall be a qualified elector
of the State of Mississippi; the members of said board shall be
selected from a list of names submitted to the Governor as
provided for hereinafter. In making initial appointments, three
(3) members shall be appointed for a term of two (2) years; two
(2) members shall be appointed for terms of three (3) years; and
two (2) members for terms of four (4) years; and until their
successors are appointed and qualified; thereafter, the terms of
the members of the said board shall be for four (4) years and
until their successors are appointed and qualified. In the event
of the occurrence of a vacancy during the term of office of its
incumbent, such vacancy shall be filled for the unexpired portion
of the term. The members of this board shall include the
following:

(a) One (1) educator with expertise in the field of
health care and associated at the time of his appointment with an
institution of higher learning within the State of Mississippi.

(b) A registered nurse.
(c) A licensed and practicing medical doctor or physician.

(d) Three (3) licensed and practicing nursing home administrators, no more than one (1) of whom shall be from the same Supreme Court district, who shall have had at least five (5) years' actual experience as a nursing home administrator.

(e) A hospital administrator.

Only the board members who are nursing home administrators may have a direct financial interest in any nursing home.

The Mississippi Nurses Association may submit a list of nominees for the appointment of the registered nurse member; the Mississippi State Medical Association may submit a list of nominees for the appointment of the medical doctor or physician member; the Mississippi Health Care Association and the Mississippi Health Facilities Association may submit lists of nominees for the appointment of the nursing home administrator members; and the Mississippi State Hospital Association may submit a list of nominees for the appointment of the hospital administrator member. Any such list of nominees shall be submitted at least thirty (30) days before the expiration of the term for each position.

Vacancies occurring on the board shall be filled by appointment by the Governor of individuals having the same prerequisite qualifications as required by this section for the vacancy being filled. The affected group may submit a list of nominees not more than thirty (30) days after a vacancy occurs.

(2) The board shall organize by selecting annually from its members a chairman and a vice chairman, and may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations. Each member of the board shall receive a per diem as provided in Section 25-3-69, plus travel and reasonable necessary expenses incidental to the attendance at each meeting as provided.
in Section 25-3-41. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

(3) The board shall adopt a seal.

(4) The board is hereby authorized to acquire office space and to employ such personnel as shall be necessary in the performance of its duties, including a secretary-treasurer, who shall be bonded in an amount to be fixed by the board, but in no event less than the amount of Five Thousand Dollars ($5,000.00).

(5) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies. * * * Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund.

SECTION 95. 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 a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund 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. * * *

Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. 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.

This section shall stand repealed from and after July 1, 2011.
SECTION 96. 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 the fees and fines as hereinafter provided. 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. If the fines and fees are not sufficient to defray such compensation and expenses they shall be prorated among the members of said board, after paying operating expenses of said board.

(2) All fees and other monies received by the secretary-treasurer of the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund 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. * * * Interest earned on this special fund in the amount provided for in Section 27-105-33 shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. 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 97.** Section 73-53-10, Mississippi Code of 1972, is
amended as follows:

73-53-10. (1) No appropriations from the State General Fund
shall be used to operate the board. The board shall be supported
by fees collected for license application and renewal and/or other
monies raised by the board.

(2) All fees and any other monies received by the board,
extcept for monetary penalties imposed under Section 75-53-23,
shall be deposited in a special fund that is created in the State
Treasury and shall be used for the implementation and
administration of this chapter and Sections 73-54-1 through
73-54-39 when appropriated by the Legislature for such purpose.
The monies in the special fund shall be subject to all provisions
of the state budget laws that are applicable to special fund
agencies, and shall be disbursed by the State Treasurer only upon
warrants issued by the State Fiscal Officer upon requisitions
signed by the chairman of the board or another board member
designated by the chairman, and countersigned by the secretary of
the board. * * * Interest earned on this special fund in the
amount provided for in Section 27-105-33 shall be credited by the
State Treasurer to the fund and shall not be paid into the State
General Fund. Any unexpended monies remaining in the special fund
at the end of a fiscal year shall not lapse into the State General
Fund. Monetary penalties imposed by the board under Section
73-53-23 shall be deposited in the State General Fund.

**SECTION 98.** Section 73-59-3, Mississippi Code of 1972, is
amended as follows:

73-59-3. (1) Except as otherwise provided in Section
73-59-15, persons who perform residential construction or
residential improvement shall be licensed by the board annually, and, as a prerequisite to obtaining a license or renewal thereof, each shall submit to the board:

(a) Proof of workers' compensation insurance, if applicable;

(b) A federal employment identification number or social security number.

(2) The board shall not require liability insurance to be licensed under this chapter but if a licensee has liability insurance it shall be reflected on the certificate of licensure.

(3) The board shall issue or renew a license to a residential builder or remodeler upon payment to the board of the license fee. The initial license fee shall be Fifty Dollars ($50.00). The license fee may thereafter be increased or decreased by the board and cannot exceed One Hundred Dollars ($100.00); however, the receipts from fees collected by the board shall be no greater than the amount required to pay all costs and expenses incurred by the board in enforcing the provisions of this chapter. All fees collected under this chapter shall be deposited into the special fund in the State Treasury known as the "State Board of Contractor's Fund" created pursuant to Section 31-3-17 and shall be used only for the administration and enforcement of this chapter. Amounts in such fund shall not lapse into the State General Fund at the end of a fiscal year. Interest earned on such special fund in the amount provided for in Section 27-105-33 shall be credited to the fund by the State Treasurer. All expenditures from the special fund shall be by requisition to the Department of Finance and Administration, signed by the executive secretary of the board and countersigned by the chairman or vice chairman of the board.

(4) The license shall expire on the last day of the twelfth month following its issuance or renewal and shall become invalid unless renewed. The board shall notify by mail every licensee...
under this chapter of the date of the expiration of his license
and the amount of the fee required for renewal of the license for
one (1) year. Such notice shall be mailed within thirty (30) days
prior to the expiration date of the license. The failure on the
part of any licensee to renew his license annually in such twelfth
month shall not deprive such licensee of the right of renewal,
provided that renewal is effected within one hundred twenty (120)
days after the expiration date of the license by payment of the
license fee plus a penalty of one hundred percent (100%) of the
license fee. A new license required to replace a revoked, lost,
mutilated or destroyed license may be issued, subject to the rules
of the board, for a charge of not more than Twenty-five Dollars
($25.00).

(5) Any person who is not a resident of the State of
Mississippi who desires to perform residential construction or
residential improvement shall be licensed to perform such
construction or improvement as provided by this chapter.

SECTION 99. Section 73-63-21, Mississippi Code of 1972, is
amended as follows:

73-63-21. (1) There is created in the State Treasury a fund
to be designated as the "Registered Professional Geologists Fund,"
to be administered by the president or executive director of the
board.

(2) Monies in the fund shall be utilized to pay reasonable
direct and indirect costs associated with the administration and
enforcement of this chapter.

(3) Expenditures from the fund may be made upon requisition
by the president or executive director of the board.

(4) The fund shall be treated as a special trust fund.

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

(6) Monies in the fund at the end of the fiscal year shall
be retained in the fund for use in the next succeeding fiscal
year.

SECTION 100. Section 75-57-119, Mississippi Code of 1972, is
amended as follows:

75-57-119. (1) There is established a propane education and
research program to be administered by the Department of Insurance
through the State Liquified Compressed Gas Board, created in
Section 75-57-101, Mississippi Code of 1972, for the purpose of
promoting the growth and development of the propane industry in
Mississippi.

(2) There is created in the State Treasury a special fund to
be designated as the "Mississippi Propane Education and Research
Fund."

(3) (a) There is imposed and levied an assessment of
One-tenth Cent (1/10/c) per gallon on compressed gas except for
compressed natural gas or liquified natural gas. The assessment
may be increased by not more than One-tenth Cent (1/10/c) per
gallon per year and the total assessment shall not exceed One-half
Cent (1/2/c) per gallon.

(b) The assessment shall accrue at the same time and in
the same manner as the tax levied on compressed gas under the
or before the fifteenth day of each month the funds collected by
the State Tax Commission during the previous month, less three and
one-half percent (3-1/2%) of the gross amount collected, shall be
deposited into the special fund created in subsection (2) of this
section. The State Tax Commission may retain three and one-half
percent (3-1/2%) of the funds collected under this act as
administrative fees.
(c) Disbursements from the special fund created in subsection (2) of this section shall be made upon warrants issued by the State Fiscal Officer upon requisitions signed by the Commissioner of Insurance, or his designee, in the manner provided by law. **Interest earned by investing the proceeds in such special fund in the amount provided for in Section 27-105-33 shall be credited to such special fund and shall not be deposited in the State General Fund. The State Fiscal Officer may issue warrants for the payment of monies from the special fund, upon requisition by the Commissioner of Insurance, or his designee, for refunds to dealers as provided in subsection (4) of this section.**

(4) Any propane dealer may request and receive a refund of the amount of assessment remitted from the sale of propane if he makes a written application with the Department of Insurance by the end of each quarter in which the sales were made, supported by bona fide copies of tax reports. The application forms shall be prepared by the Department of Insurance and shall be available to all retailers. All such applications shall be processed and refunds paid by the Department of Insurance within sixty (60) days after the funds have been received by the department.

(5) At the end of each quarter, the Department of Insurance shall make available to the State Liquified Compressed Gas Board all unencumbered funds collected under the provisions of this act. The Department of Insurance may retain an amount not to exceed three and one-half percent (3-1/2%) of the funds collected under the provisions of this act as administrative fees.

(6) (a) Any person liable for the assessment shall be subject to the same requirements and penalties set forth for distributors under the provisions of Section 27-59-1 et seq., Mississippi Code of 1972.

(b) The State Tax Commission is hereby authorized and empowered to promulgate all rules and regulations necessary for the collection of the assessment.
(7) The State Liquified Compressed Gas Board shall establish, with the approval of the Commissioner of Insurance, rules and regulations necessary to carry out the provisions of this act.

(8) The State Liquified Compressed Gas Board may expend the proceeds collected under this act only on research and development of more cost effective uses of propane and on educational programs, safety programs and market development of propane.

(9) This act shall not be implemented until such time as the State Liquified Compressed Gas Board conducts an election by all licensed propane dealers in this state. Each license holder shall have one (1) vote in such election. A ballot shall be sent to each license holder by certified mail. A majority of those ballots returned within thirty (30) days after the ballots are received by the propane dealers must be in the affirmative before this act is effective. An additional election may be held by the State Liquified Compressed Gas Board at such time as approved by the Commissioner of Insurance.

(10) The State Liquified Compressed Gas Board shall notify the State Tax Commission in writing of the imposition of the assessment and of any increase of the assessment. The imposition of the assessment and any increase of the assessment shall become effective on the first day of the second month succeeding the month in which the notice to impose or increase the assessment was given.

(11) The State Liquified Compressed Gas Board shall notify the State Tax Commission in writing of the abatement or reduction of the assessment. The abatement or reduction of the assessment shall become effective on the last day of the month succeeding the month in which such notice was given.

SECTION 101. 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 a special fund hereby established in the State Treasury to be designated the "Abandoned Property Fund," 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 special 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 Abandoned Property 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 Abandoned Property 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 Abandoned Property Fund, and shall be invested in the same manner as the remainder of the Abandoned Property Fund. The interest in the amount provided for in Section 27-105-33 on amounts in the Historic Properties Financing Fund shall be transferred quarterly to the Mississippi Landmark Grant Program account within the Historic Properties Trust 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 Abandoned Property 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 102. Section 93-21-305, Mississippi Code of 1972, is amended as follows:

93-21-305. (1) There is hereby established in the State Treasury a special fund to be known as the "Mississippi Children's Trust Fund."

(2) The fund shall consist of any monies appropriated to the fund by the Legislature, any donations, gifts and grants from any source, receipts from the birth certificate fees as provided by subsection (2) of Section 41-57-11, and any other monies which may be received from any other source or which may be hereafter provided by law.

(3) Monies in the fund shall be used only for the purposes set forth in Sections 93-21-301 through 93-21-311. Interest earned on the investment of monies in the fund in the amount provided for in Section 27-105-33 shall be returned and deposited to the credit of the fund.

(4) Disbursements of money from the fund shall be on the authorization of the Division of Family and Children's Services of the State Department of Public Welfare.

(5) The primary purpose of the fund is to encourage and provide financial assistance in the provision of direct services to prevent child abuse and neglect.

SECTION 103. Section 97-33-101, Mississippi Code of 1972, is amended as follows:
97-33-101. All fees and fines collected by the commission pursuant to Sections 97-33-51 through 97-33-203 shall be deposited into a special fund to be known as the "Charitable Bingo Fund," which is hereby created in the State Treasury. The monies in such fund shall be used exclusively to support the activities of the commission related to the regulation of the Charitable Bingo Law, upon appropriation by the Legislature. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and ** interest earned on amounts in such special fund shall be deposited to the credit of the special fund.

SECTION 104. This act shall take effect and be in force from and after July 1, 2002.