

By: Senator(s) Burton

To: Appropriations

## SENATE BILL NO. 2126

1 AN ACT RELATING TO SPECIAL FUNDS AND SPECIAL FUND AGENCIES;  
2 TO AMEND SECTION 27-104-27, MISSISSIPPI CODE OF 1972, TO DEFINE  
3 THOSE SPECIAL FUND ACCOUNTS SUBJECT TO THE STATE BUDGET LAW AND  
4 SUBJECT TO LEGISLATIVE APPROPRIATION, TO PROVIDE THAT CERTAIN  
5 SPECIAL FUND ACCOUNTS SHALL BE MAINTAINED IN THE STATE TREASURY  
6 AND ANY UNEXPENDED BALANCES SHALL LAPSE INTO THE STATE GENERAL  
7 FUND, TO PROVIDE THAT ALL FEES AND OTHER REVENUES COLLECTED BY A  
8 STATE AGENCY SHALL BE PAID DIRECTLY INTO THE STATE GENERAL FUND  
9 AND TO AUTHORIZE THE STATE TREASURER TO EXEMPT ACCOUNTS FROM THIS  
10 REQUIREMENT BY THE LEGISLATURE, AND TO DIRECT THE STATE TREASURER  
11 TO DETERMINE SPECIAL FUNDS WHICH ARE NOT MAINTAINED IN THE STATE  
12 TREASURY AND MAKE RECOMMENDATION TO THE JOINT LEGISLATIVE BUDGET  
13 COMMITTEE REGARDING TRANSFER OF THESE FUNDS INTO THE STATE  
14 TREASURY AND APPROPRIATION BY THE LEGISLATURE, AND TO PROVIDE FOR  
15 EXCEPTIONS FROM THESE REQUIREMENTS; TO AMEND SECTION 27-103-103,  
16 MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "SPECIAL FUNDS" AND  
17 "SPECIAL FUND AGENCY"; TO AMEND SECTIONS 27-104-13 AND 31-17-123,  
18 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE FISCAL OFFICER TO  
19 CONSIDER ALL GENERAL FUND AND SPECIAL FUND AGENCIES IN REDUCING  
20 ALLOCATIONS IN ORDER TO KEEP EXPENDITURES WITHIN REVENUES; TO  
21 AMEND SECTIONS 27-5-101, 27-19-11 AND 27-19-48, MISSISSIPPI CODE  
22 OF 1972, TO PROVIDE THAT CERTAIN TAX DIVERSIONS TO THE STATE  
23 HIGHWAY FUND SHALL BE PAID INTO THE STATE GENERAL FUND; TO AMEND  
24 SECTIONS 65-1-9, 65-1-15, 65-1-23, 65-1-29, 65-1-47, 65-1-77,  
25 65-1-111, 65-1-112, 65-1-115, 65-1-117, 65-9-17, 65-11-9,  
26 65-11-11, 65-11-15, 65-11-25, 65-11-35 AND 65-33-45, MISSISSIPPI  
27 CODE OF 1972, TO PROVIDE THAT ALL STATUTORY REFERENCES TO THE  
28 STATE HIGHWAY FUND SHALL MEAN THE STATE GENERAL FUND; TO PROVIDE  
29 THAT CERTAIN FEES AND OTHER REVENUES PRESENTLY DEPOSITED INTO  
30 SPECIAL FUNDS EARMARKED FOR CERTAIN PURPOSES SHALL HEREAFTER BE  
31 DEPOSITED INTO THE STATE GENERAL FUND, AND TO AMEND SECTIONS  
32 7-7-213, 7-9-22, 7-9-70, 25-9-141, 25-31-8, 25-53-5, 25-53-29,  
33 27-7-313, 27-19-99, 27-25-11, 27-37-303, 27-59-51, 27-71-7,  
34 27-71-29, 27-71-201, 27-107-157, 27-107-173, 29-7-3, 29-15-9,  
35 31-3-17, 31-17-127, 37-26-9, 37-33-17, 37-33-57, 37-43-41,  
36 37-51-5, 37-101-149, 37-131-9, 37-133-7, 41-59-61, 43-20-12,  
37 45-6-15, 45-9-101, 45-11-5, 45-11-7, 45-23-19, 45-23-55, 47-5-66,  
38 47-5-155, 47-5-513, 47-7-49, 49-1-65, 49-3-15, 49-5-21, 49-5-77,  
39 49-17-61, 49-19-205, 49-19-227, 51-5-5, 53-1-7, 53-1-77, 53-3-13,  
40 53-7-69, 55-3-53, 55-23-9, 57-1-15, 57-15-5, 59-21-25, 61-13-11,  
41 61-13-15, 61-13-17, 63-1-46, 63-11-32, 63-17-71, 63-21-65,  
42 65-1-110, 69-7-263, 69-7-267, 69-9-5, 69-10-5, 69-37-39, 71-3-97,  
43 71-3-99, 71-3-100, 71-5-111, 71-5-114, 73-1-43, 73-3-2, 73-5-5,  
44 73-7-5, 73-6-7, 73-9-43, 73-11-49, 73-13-15, 73-14-47, 73-15-13,  
45 73-17-11, 73-19-13, 73-21-113, 73-23-45, 73-25-9, 73-27-12,  
46 73-29-23, 73-30-5, 73-31-9, 73-33-8, 73-35-19, 73-36-17, 73-38-36,  
47 73-39-7, 73-57-29, 75-74-19, 75-75-114, 77-1-27, 77-3-8, 77-3-87,  
48 77-3-89, 77-7-55, 77-7-339, 77-9-489, 77-9-493, 77-11-201,  
49 83-2-33, 83-2-35, 83-5-72, 83-5-73, 83-9-3, 83-19-21, 83-21-1,  
50 83-37-29 AND 89-12-37, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
51 THERETO; TO REPEAL SECTION 4 OF CHAPTER 168, LAWS OF 1989, WHICH



52 CREATES THE SECURITIES ENFORCEMENT ACT FUND; AND FOR RELATED  
53 PURPOSES.

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

55 **SECTION 1.** Section 27-104-27, Mississippi Code of 1972, is  
56 amended as follows:

57 27-104-27. (1) Notwithstanding anything in Sections  
58 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29  
59 contained, the same shall not be construed to apply to any agency  
60 supported wholly by funds granted or allotted under any act of  
61 Congress. \* \* \*

62 (2) All fees, taxes, fines, penalties or other assessments  
63 that may be hereafter collected for or in the name of the State of  
64 Mississippi or any agency thereof shall be paid directly to the  
65 State Treasurer and deposited into the State General Fund in the  
66 manner provided by law by the officer charged with the duty of  
67 collecting said monies, except that federal funds shall be paid  
68 directly to the State Treasurer and deposited into the appropriate  
69 Special Fund Account determined by the State Treasurer. The  
70 monies in the following special fund accounts shall be subject to  
71 all provisions of the state budget laws and may be expended only  
72 pursuant to appropriation by the Legislature. Any interest earned  
73 on these special funds shall be credited by the State Treasurer to  
74 the State General Fund, and any unexpended monies remaining in  
75 these special funds at the end of a fiscal year shall lapse into  
76 the State General Fund. The special fund accounts included in  
77 this provision are as follows:

<u>FUND</u>	<u>FUND NAME</u>
78 3035	<u>AGRIBUSINESS COUNCIL-OIL OVERCHARGE</u>
79 3036	<u>AGRIBUSINESS COUNCIL-RURAL BUSINESS ENTERPRISE</u>
80 3051	<u>SUPREME COURT-SPECIAL</u>
81 3052	<u>SUPREME COURT-CONTINUING LEGAL EDUCATION</u>
82 3053	<u>SUPREME COURT-ADMINISTRATIVE OFFICE</u>
83 3055	<u>SUPREME COURT-COURT REPORTER</u>
84 3056	<u>SUPREME COURT-BAR ADMISSIONS</u>



86	<u>3071</u>	<u>ATTORNEY GENERAL</u>
87	<u>3072</u>	<u>ATTORNEY GENERAL-INSURANCE ENFORCEMENT</u>
88	<u>3073</u>	<u>ATTORNEY GENERAL-PROSECUTOR EDUCATION</u>
89	<u>3075</u>	<u>ATTORNEY GENERAL-INSURANCE INTEGRITY ENFORCEMENT</u>
90	<u>3080</u>	<u>DFA-TORT CLAIMS</u>
91	<u>3086</u>	<u>DFA-CRIMINAL JUSTICE</u>
92	<u>3105</u>	<u>GOV OFF-CENSUS 2000</u>
93	<u>3109</u>	<u>DPS-FED ST ALCOHOL PROGRAMS</u>
94	<u>310E</u>	<u>DPS-ALCOHOL &amp; DRUG ABUSE</u>
95	<u>3111</u>	<u>SECRETARY OF STATE-SPECIAL</u>
96	<u>3112</u>	<u>SECRETARY OF STATE-LAND RECORDS</u>
97	<u>3113</u>	<u>SECRETARY OF STATE-PUB TR TIDELANDS</u>
98	<u>3114</u>	<u>SECRETARY OF STATE-SECURITY ENFORCEMENT</u>
99	<u>3125</u>	<u>DFA-MS MANAGEMENT &amp; REPORT SYS</u>
100	<u>3126</u>	<u>DFA-MS GOV PORTAL FEES</u>
101	<u>3130</u>	<u>DFA-STATEWIDE ACCT SYSTEM</u>
102	<u>3131</u>	<u>DFA-CAPITOL FACILITY RENT</u>
103	<u>3132</u>	<u>DFA-MASTER LEASE PURCHASE</u>
104	<u>3133</u>	<u>DFA-FSP-SPECIAL FUNDS</u>
105	<u>3134</u>	<u>DFA-CRIME VICTIM'S COMP</u>
106	<u>3135</u>	<u>DFA-AIR TRANSPORT SERVICE</u>
107	<u>3136</u>	<u>DFA-SURPLUS PROPERTY</u>
108	<u>3137</u>	<u>DFA-BILOXI HOSPITAL RENT</u>
109	<u>3139</u>	<u>DFA-CAPITOL CENTRAL OFFICE BUILDING</u>
110	<u>3140</u>	<u>DFA-SPAHRs SIT PAYABLE</u>
111	<u>3141</u>	<u>DFA-INSURANCE RECOVERY</u>
112	<u>3143</u>	<u>DFA-STATEWIDE COST ALLOCATION</u>
113	<u>3144</u>	<u>DFA-LOCAL DISASTER LOANS</u>
114	<u>3145</u>	<u>DFA-MS INDUSTRIES BLIND REVOLVING</u>
115	<u>3147</u>	<u>DFA-STRIPPER WELL OVERCHARGE</u>
116	<u>3155</u>	<u>DEPARTMENT AUDIT</u>
117	<u>3170</u>	<u>STATE TREASURER-IMPACT TRUST</u>
118	<u>3171</u>	<u>STATE TREASURER-IMPACT ADM</u>



119	<u>3172</u>	<u>STATE TREASURER-DUE SHAREHOLDER</u>
120	<u>3173</u>	<u>STATE TREASURER-HIGHWAY DEPARTMENT INVEST</u>
121	<u>3174</u>	<u>STATE TREASURER-OIL OVERCHARGE</u>
122	<u>3178</u>	<u>STATE TREASURER-ABANDONED PROPERTY FUNDS</u>
123	<u>3179</u>	<u>STATE TREASURER-ABANDONED PROPERTY CLAIM</u>
124	<u>3181</u>	<u>TAX COMMISSION-SALES TAX FEES</u>
125	<u>3182</u>	<u>TAX COMMISSION-PHOENIX PROJECT</u>
126	<u>3183</u>	<u>STATE TREASURER-MACS ADMINISTRATION</u>
127	<u>3186</u>	<u>TAX COMMISSION-SEIZED PROPERTY/CASH</u>
128	<u>3187</u>	<u>GAMING COMMISSION-INVESTIGATIONS</u>
129	<u>3188</u>	<u>GAMING COMMISSION-CHARITABLE BINGO</u>
130	<u>3202</u>	<u>DEPARTMENT EDUCATION-ADMINISTRATION</u>
131	<u>3203</u>	<u>DEPARTMENT EDUCATION-PUBLIC SCHOOL ED TECH</u>
132	<u>3204</u>	<u>DEPARTMENT EDUCATION-TECH PREP</u>
133	<u>3205</u>	<u>DEPARTMENT EDUCATION-MINIMUM PROGRAM SPECIAL FUND</u>
134	<u>3207</u>	<u>DEPARTMENT EDUCATION-SCHOOL DISTRICT EMERGENCY</u>
135	<u>3213</u>	<u>DEPARTMENT EDUCATION-CRITICAL TEACHER SHORTAGE</u>
136	<u>3214</u>	<u>DEPARTMENT EDUCATION-SCHOOL BLIND INV</u>
137	<u>3219</u>	<u>STATE TREASURER-EDUCATION IMPR TRUST</u>
138	<u>3220</u>	<u>DFA-STATE SCHOOL EMPLOYEES INSURANCE</u>
139	<u>3234</u>	<u>DEPT REHABILITATION SERVICES-OVRB HEALTH CARE</u>
140	<u>3237</u>	<u>DEPARTMENT REHABILITATION SERVICES-VRB-BUS ENT</u>
141	<u>3238</u>	<u>DEPARTMENT REHABILITATION SERVICES-REHAB/TECH</u>
142	<u>3241</u>	<u>DEPARTMENT REHABILITATION SERVICES-OSDP-TOBACCO</u>
143	<u>3242</u>	<u>AUTH FOR ETV-CAP EQUIP RE</u>
144	<u>3244</u>	<u>LIBRARY COMMISSION-TELECOMM NET</u>
145	<u>3246</u>	<u>LIBRARY COMMISSION-MAGNOLIA</u>
146	<u>3247</u>	<u>AUTHORITY FOR ETV</u>
147	<u>3250</u>	<u>IHL-CLEARING ACCOUNT</u>
148	<u>3252</u>	<u>IHL-SPECIAL SESSION-LIBRARY</u>
149	<u>3254</u>	<u>IHL-SPECIAL SESSION-EQUIPMENT</u>
150	<u>3257</u>	<u>IHL-STATE COURT EDUCATION</u>
151	<u>3259</u>	<u>IHL-COMM FOR VOLUNTEER SVC</u>



152	<u>325E</u>	<u>IHL-STUDENT FINANCIAL AID</u>
153	<u>3262</u>	<u>IHL-COMM FOR VOLUNTEER SVC</u>
154	<u>326C</u>	<u>IHL-ALCOHOL SAFETY EDUCATION</u>
155	<u>3272</u>	<u>IHL-FINANCIAL AID</u>
156	<u>3291</u>	<u>BOARD OF COMMUNITY &amp; JUNIOR COLLEGE-SPEC</u>
157	<u>3292</u>	<u>BOARD OF COMMUNITY &amp; JUNIOR COLLEGE-WORK</u>
158	<u>3293</u>	<u>BOARD OF COMMUNITY &amp; JUNIOR COLLEGE-TELE</u>
159	<u>3295</u>	<u>BOARD OF COMMUNITY &amp; JUNIOR COLLEGE-H&amp;L CARRY</u>
160	<u>3297</u>	<u>BOARD OF COMMUNITY &amp; JUNIOR COLLEGE-PROP</u>
161	<u>3300</u>	<u>DEPARTMENT HEALTH-LOCAL FUND</u>
162	<u>3301</u>	<u>DEPARTMENT HEALTH-FED &amp; MISC</u>
163	<u>3304</u>	<u>DEPARTMENT HEALTH-TOBACCO CONTROL</u>
164	<u>3306</u>	<u>DEPARTMENT HEALTH-TOBACCO CONTROL</u>
165	<u>3307</u>	<u>DEPARTMENT HEALTH-LOCAL GOVERNMENT WATER C</u>
166	<u>3323</u>	<u>MEDICAID-REFUND ACCOUNT</u>
167	<u>3325</u>	<u>MEDICAID-RURAL HEALTH</u>
168	<u>3327</u>	<u>MEDICAID-MED CARE DONATION</u>
169	<u>3328</u>	<u>MEDICAID-DIVISION OF GENERAL SERVICES</u>
170	<u>3329</u>	<u>MEDICAID-RWJ FOUNDATION</u>
171	<u>3330</u>	<u>DEPARTMENT REHABILITATION SERVICES-VOC RHB SER</u>
172	<u>3332</u>	<u>DEPARTMENT REHABILITATION SERVICES-SPINAL/HEAD</u>
173	<u>3335</u>	<u>DEPARTMENT REHABILITATION SERVICES-ADM</u>
174	<u>3370</u>	<u>DEPARTMENT MENTAL HEALTH-PUR SERV</u>
175	<u>3371</u>	<u>DEPARTMENT MENTAL HEALTH</u>
176	<u>3372</u>	<u>EAST MS HOSPITAL-SUPPORT</u>
177	<u>3373</u>	<u>ELLISVILLE STATE SCHOOL</u>
178	<u>3374</u>	<u>MS STATE HOSPITAL-INMATE</u>
179	<u>3375</u>	<u>ELLISVILLE STATE SCHOOL-CLIENT TR</u>
180	<u>3377</u>	<u>ELLISVILLE STATE SCHOOL FARM</u>
181	<u>3378</u>	<u>DEPARTMENT MENTAL HEALTH-ADV COUN</u>
182	<u>3379</u>	<u>DEPARTMENT MENTAL HEALTH-AL/DRUG</u>
183	<u>3380</u>	<u>DEPARTMENT MENTAL HEALTH-SVC HEALTH CARE</u>
184	<u>3381</u>	<u>DEPARTMENT MENTAL HEALTH-COUNTY HEALTH CARE</u>



185	<u>3382</u>	<u>BOSWELL REGIONAL CENTER</u>
186	<u>3384</u>	<u>NORTH MS STATE HOSPITAL</u>
187	<u>3385</u>	<u>NORTH MS REGIONAL CENTER</u>
188	<u>3386</u>	<u>HUDSPETH REGIONAL CENTER</u>
189	<u>3387</u>	<u>SOUTH MS REGIONAL CENTER</u>
190	<u>3389</u>	<u>CMS RESIDENTIAL CENT</u>
191	<u>3391</u>	<u>SOUTH MS STATE HOSPITAL</u>
192	<u>3392</u>	<u>CONTROL AND TREATMENT</u>
193	<u>3401</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-MISC</u>
194	<u>3402</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-MEAT LICEN</u>
195	<u>3403</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-RATITE PROM</u>
196	<u>3405</u>	<u>PLANT INDUSTRY-AGRICULTURE &amp; COMMERCE</u>
197	<u>3406</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-EGG MARKETING BOARD</u>
198	<u>3407</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-AG &amp; FORMUS</u>
199	<u>3408</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-FARM MARKET</u>
200	<u>3409</u>	<u>DEPT AGRICULTURE &amp; COMMERCE-PRO UN WTR</u>
201	<u>3410</u>	<u>DECD-TOURISM MATCH GRANTS</u>
202	<u>3411</u>	<u>DECD-YELLOW CREEK TRANS</u>
203	<u>3412</u>	<u>DECD-HWY</u>
204	<u>3413</u>	<u>DECD-PORT AUTHORITY</u>
205	<u>3414</u>	<u>DECD-ECONOMIC DEVELOPMENT MATCH GRANTS</u>
206	<u>3415</u>	<u>DECD-MS BUSINESS FINANCIAL CORP-LOAN</u>
207	<u>3416</u>	<u>DECD-MS BUSINESS FINANCIAL CORP-FEES</u>
208	<u>341A</u>	<u>DECD-MS MAJ EC IMP-SER A</u>
209	<u>341C</u>	<u>DECD-ENERGY</u>
210	<u>341E</u>	<u>DECD-ENERGY DEV LOANS</u>
211	<u>341H</u>	<u>DECD HOUSING LOAN ADMIN FD</u>
212	<u>341N</u>	<u>DECD-MBI INCUBAT REV LOAN</u>
213	<u>341P</u>	<u>DECD-MINORITY BUS REV LOAN</u>
214	<u>341R</u>	<u>DECD-AGRIBUS REV LOAN</u>
215	<u>341S</u>	<u>DECD-HWY LOCAL FUNDS</u>
216	<u>341T</u>	<u>DECD-INTEREST REV LOAN</u>
217	<u>341V</u>	<u>DECD-HHS-EMPOWER ZONE</u>



218	<u>341Y</u>	<u>DECD-CDBG ECONOMIC DEVELOPMENT REV</u>
219	<u>341Z</u>	<u>DECD-COMMUNITY DEVELOPMENT-JTPA</u>
220	<u>3420</u>	<u>DECD-FEDERAL &amp; SPECIAL</u>
221	<u>3425</u>	<u>MS TELECOMM CONF &amp; TRAIN</u>
222	<u>3427</u>	<u>VETERINARY DIAG LAB BOARD</u>
223	<u>3428</u>	<u>BOARD OF ANIMAL HEALTH</u>
224	<u>3429</u>	<u>DEPARTMENT AGRICULTURE &amp; COMMERCE-BOLL WEEVIL</u>
225	<u>3430</u>	<u>FAIR COMMISSION-COLISEUM</u>
226	<u>3432</u>	<u>FAIR COMMISSION-RENOVATION &amp; REPAIR</u>
227	<u>3435</u>	<u>FAIR COMMISSION-DIXIE NATIONAL LIVE</u>
228	<u>3436</u>	<u>DEPARTMENT OF AGRICULTURE COMMERCE-FORFEITURE</u>
229	<u>3442</u>	<u>IHL-UNIVERSITY RESEARCH CENTER</u>
230	<u>3443</u>	<u>IHL-MARIS REVOLVING</u>
231	<u>3450</u>	<u>DEPARTMENT MARINE RESOURCES</u>
232	<u>3451</u>	<u>DEPARTMENT MARINE RESOURCES-TIDELANDS</u>
233	<u>3452</u>	<u>DEPARTMENT MARINE RESOURCES-TIDELANDS TRUST</u>
234	<u>3453</u>	<u>DEPARTMENT MARINE RESOURCES-TIDE TRUST FD</u>
235	<u>3455</u>	<u>FORESTRY COMMISSION-MISC</u>
236	<u>3457</u>	<u>FORESTRY COMMISSION-IMPROVEMENT REV</u>
237	<u>3459</u>	<u>FORESTRY COMMISSION-TREE SEED</u>
238	<u>3460</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-FISH</u>
239	<u>3461</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-PARKS</u>
240	<u>3462</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-MOTOR</u>
241	<u>3463</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-BEAVER</u>
242	<u>3464</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-NAT SC MUS</u>
243	<u>3465</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-PEARL RIVER</u>
244	<u>3466</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-SEAFOOD</u>
245	<u>3468</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-TMBR SP</u>
246	<u>3469</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-TMBR SP OP</u>
247	<u>346A</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-GULF</u>
248	<u>346C</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-HERITAGE</u>
249	<u>346D</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-WTR FOWL</u>
250	<u>346F</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-EMER REPAIR</u>



251	<u>346P</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-PKS TIMBER</u>
252	<u>346R</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-PEARL RIVER</u>
253	<u>346W</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-MGMT TIMBER</u>
254	<u>3470</u>	<u>DEPARTMENT WILDLIFE, FISHERIES &amp; PARKS-FO</u>
255	<u>3471</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-ADM SERVICES</u>
256	<u>3472</u>	<u>GRAND GULF MILITARY MON-SPEC</u>
257	<u>3473</u>	<u>ARCHIVES &amp; HISTORY-TRUST</u>
258	<u>3474</u>	<u>ARCHIVES &amp; HISTORY-LOCAL GOVERNMENT</u>
259	<u>3475</u>	<u>ARCHIVES &amp; HISTORY</u>
260	<u>3476</u>	<u>ARCHIVES &amp; HISTORY-HIST PROP</u>
261	<u>3477</u>	<u>ARCHIVES &amp; HISTORY-DESOTO TR</u>
262	<u>3478</u>	<u>ARCHIVES &amp; HISTORY-MUSEUM</u>
263	<u>3483</u>	<u>SOIL &amp; WATER CONSERVATION-EDUCATION</u>
264	<u>3485</u>	<u>SOIL &amp; WATER CONSERVATION-WILDFLOWER</u>
265	<u>3486</u>	<u>SOIL &amp; WATER CONSERVATION</u>
266	<u>3489</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-LAND/WATER</u>
267	<u>3490</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-GEOL SURVEY</u>
268	<u>3491</u>	<u>OIL &amp; GAS BOARD</u>
269	<u>3492</u>	<u>OIL &amp; GAS BOARD</u>
270	<u>3493</u>	<u>OIL &amp; GAS BOARD-EMERG PLUG</u>
271	<u>3494</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE CTL</u>
272	<u>3495</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE EPT</u>
273	<u>3496</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-SURFACE COAL</u>
274	<u>34AU</u>	<u>DECD-MBI DEV INFRAST REV</u>
275	<u>34AV</u>	<u>DECD-MBI-SER K-PORT REVIT</u>
276	<u>34CR</u>	<u>DECD-ENERGY DEV LOANS</u>
277	<u>34KW</u>	<u>DECD-LOC GOV LOAN REPAY-95D</u>
278	<u>34RZ</u>	<u>DECD-MESC JUDGMENT</u>
279	<u>3501</u>	<u>DEPARTMENT INSURANCE</u>
280	<u>3502</u>	<u>STATE FIRE ACADEMY-FIRE SCHOOL</u>
281	<u>3503</u>	<u>DEPARTMENT INSURANCE-LIQUID GAS</u>
282	<u>3505</u>	<u>DEPARTMENT INSURANCE-MUNI FIRE</u>
283	<u>3506</u>	<u>DEPARTMENT INSURANCE-CITY VOL FIRE</u>





284	<u>3507</u>	<u>DEPARTMENT INSURANCE-RURAL FIRE</u>
285	<u>3509</u>	<u>DEPARTMENT INSURANCE-PROPANE EDUCATION</u>
286	<u>3510</u>	<u>DEPARTMENT BANKING &amp; CONS FIN</u>
287	<u>3511</u>	<u>DEPARTMENT BANKING &amp; CONS FIN-ADM</u>
288	<u>3512</u>	<u>DEPARTMENT BANKING &amp; CONS FIN-CONS FIN</u>
289	<u>3521</u>	<u>WORKERS' COMPENSATION COMMISSION-ADM</u>
290	<u>3522</u>	<u>WORKERS' COMPENSATION COMMISSION-SECOND INJ</u>
291	<u>3531</u>	<u>PUBLIC EMPLOYEES' RETIREMENT SYSTEM-ADM</u>
292	<u>3534</u>	<u>PUBLIC EMPLOYEES' RETIREMENT SYSTEM-BLDG FUND</u>
293	<u>3551</u>	<u>DEPARTMENT CORRECTIONS-INSTITUTION</u>
294	<u>3552</u>	<u>DEPARTMENT CORRECTIONS-PRISON AGRI</u>
295	<u>3553</u>	<u>DEPARTMENT CORRECTIONS-MED SVCS DEF</u>
296	<u>3554</u>	<u>DEPARTMENT CORRECTIONS-TRAINING REV</u>
297	<u>3556</u>	<u>DEPARTMENT CORRECTIONS-COMMUNITY SERVICE</u>
298	<u>3557</u>	<u>DEPARTMENT CORRECTIONS-CONFISCATED</u>
299	<u>3558</u>	<u>DEPARTMENT CORRECTIONS-FACIL EMERG</u>
300	<u>3559</u>	<u>DEPARTMENT CORRECTIONS-LOC CONF DEF</u>
301	<u>3561</u>	<u>DEPARTMENT CORRECTIONS-SPEC VOC TRN</u>
302	<u>3580</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-LAND/WATER</u>
303	<u>3584</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE CTRL</u>
304	<u>3586</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE EPA</u>
305	<u>3588</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-SRF ADMIN</u>
306	<u>3590</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-GEOL SURVEY</u>
307	<u>3592</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-SURFACE COAL</u>
308	<u>3595</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE AB</u>
309	<u>3597</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE REV</u>
310	<u>3600</u>	<u>BOARD OF EXAM LIC PROF COUNS</u>
311	<u>3601</u>	<u>DEPARTMENT INFO TECH SERVICES</u>
312	<u>3610</u>	<u>STATE PERSONNEL BOARD-TRAINING</u>
313	<u>3614</u>	<u>STATE PERSONNEL BOARD</u>
314	<u>3638</u>	<u>DFA-PUBLIC SCHOOL EMPLOYEES HEALTH INSURANCE</u>
315	<u>3639</u>	<u>DFA-PUBLIC SCHOOL EMPLOYEES INSURANCE</u>
316	<u>3641</u>	<u>DFA-INSURANCE HEALTH/LIFE</u>



317	<u>3642</u>	<u>DFA-SELF-INSURANCE WORKER COMPENSATION</u>
318	<u>3644</u>	<u>DFA-UNEMPLOYMENT INSURANCE</u>
319	<u>3645</u>	<u>DFA-INSURANCE RESERVE</u>
320	<u>3648</u>	<u>DFA-FS EXXON OVERCHARGE</u>
321	<u>3651</u>	<u>DHS-ADMINISTRATION</u>
322	<u>3652</u>	<u>DHS-CHILD SUPP SPECIAL</u>
323	<u>3653</u>	<u>DHS-SOCIAL SERV SPECIAL</u>
324	<u>3655</u>	<u>DHS-SUPPORT SERV SPECIAL</u>
325	<u>3656</u>	<u>DHS-FOOD STAMP TRAINING</u>
326	<u>3658</u>	<u>DHS-CHILDREN &amp; YOUTH</u>
327	<u>3659</u>	<u>DHS-AGING &amp; ADULT SERV</u>
328	<u>3662</u>	<u>DHS-YOUTH SERVICES</u>
329	<u>3664</u>	<u>DHS-MS CHILDREN'S TRUST</u>
330	<u>3665</u>	<u>DHS-FOOD STAMP ELIG WORK</u>
331	<u>3700</u>	<u>MILITARY DEPARTMENT-NATL GD TIMBER</u>
332	<u>3702</u>	<u>MILITARY DEPARTMENT-VICKSBURG ARMORY</u>
333	<u>3703</u>	<u>MILITARY DEPARTMENT-ARMORY SPEC</u>
334	<u>3704</u>	<u>MILITARY DEPARTMENT-ARMORY CO</u>
335	<u>3705</u>	<u>MILITARY DEPARTMENT-CAMP SHELBY</u>
336	<u>3708</u>	<u>MILITARY DEPARTMENT-A/F MUSEUM</u>
337	<u>3710</u>	<u>DPS-FORFEITED FUNDS</u>
338	<u>3711</u>	<u>DPS-HIGHWAY PATROL</u>
339	<u>3712</u>	<u>DPS-HIGHWAY PATROL SAFETY</u>
340	<u>3713</u>	<u>DPS-CRIME LAB</u>
341	<u>3714</u>	<u>DPS-LAW ENFORCEMENT TRAINING ACAD</u>
342	<u>3715</u>	<u>DPS-SUPPORT SERVICES</u>
343	<u>3716</u>	<u>DPS-DRIVER SERVICES FEE</u>
344	<u>3717</u>	<u>DPS-WEAPONS PERMIT</u>
345	<u>3718</u>	<u>BUREAU OF NARCOTICS</u>
346	<u>3719</u>	<u>DPS-SALVAGE CERT OF TITLE</u>
347	<u>371A</u>	<u>DPS-DISABILITY AND RELIEF</u>
348	<u>371B</u>	<u>DPS-D.L. PHOTO FEES</u>
349	<u>371C</u>	<u>DPS-DRIVER'S LICENSE SPEC</u>



350	<u>371D</u>	<u>DPS-CRIME STOPPERS</u>
351	<u>371E</u>	<u>DPS-CRIME LAB IMP CONSENT</u>
352	<u>371F</u>	<u>DPS-POLYGRAPH EXAMINERS</u>
353	<u>371G</u>	<u>DPS-OFFICE DEATH BENEFIT TRUST</u>
354	<u>371H</u>	<u>DPS-FINGERPRINT PROC FEE</u>
355	<u>3721</u>	<u>EMERGENCY MANAGEMENT-ADMINISTRATIVE</u>
356	<u>3722</u>	<u>EMERGENCY MANAGEMENT-FEDERAL GRANTS</u>
357	<u>3725</u>	<u>EMERGENCY MANAGEMENT-DISASTER ASSISTANCE</u>
358	<u>3726</u>	<u>EMERGENCY MANAGEMENT-GRAND GULF</u>
359	<u>3727</u>	<u>EMERGENCY MANAGEMENT-HAZARD TRAN PER</u>
360	<u>372G</u>	<u>EMERGENCY MANAGEMENT-GRAND GULF DIS</u>
361	<u>372M</u>	<u>EMERGENCY MANAGEMENT-91 FLOOD ADM</u>
362	<u>372P</u>	<u>EMERGENCY MANAGEMENT-91 FLOODS PUB A</u>
363	<u>372T</u>	<u>EMERGENCY MANAGEMENT-APR 91 FLOODS</u>
364	<u>3731</u>	<u>VETERAN AFFAIRS BOARD</u>
365	<u>3732</u>	<u>VETERAN AFFAIRS BOARD-VET HOME</u>
366	<u>3734</u>	<u>VETERANS HOME PURCHASE BOARD</u>
367	<u>3736</u>	<u>VETERANS HOME PURCHASE BOARD-OFF CONSTRUCTION</u>
368	<u>3740</u>	<u>DPS-MEDICAL EXAMINER</u>
369	<u>3741</u>	<u>DPS-COUNTY JAIL OFF TRNG FUND</u>
370	<u>3742</u>	<u>DPS-LAW ENFORCEMENT</u>
371	<u>3743</u>	<u>DPS-LAW ENFORCEMENT OFF MON</u>
372	<u>3744</u>	<u>DPS-EMERGENCY TELECOM</u>
373	<u>3745</u>	<u>DPS-LEADERSHP COUN ON AGING</u>
374	<u>3746</u>	<u>DPS-LEADERSHIP COUN AGING</u>
375	<u>3747</u>	<u>DPS-WIRELESS RADIO COM</u>
376	<u>3758</u>	<u>TAX COMMISSION-PETRO MUNI AID</u>
377	<u>3759</u>	<u>TAX COMMISSION-TVA IN LIEU</u>
378	<u>3760</u>	<u>STATE TREASURER-DEPOSIT GENERAL FUND</u>
379	<u>3761</u>	<u>STATE TREASURER-GAS SEV TAX COUNTY</u>
380	<u>3762</u>	<u>STATE TREASURER-OIL SEV TAX COUNTY</u>
381	<u>3763</u>	<u>STATE TREASURER-TIMB SEV TAX COUNTY</u>
382	<u>3764</u>	<u>STATE TREASURER-GAS TAX COUNTY</u>



383	<u>3765</u>	<u>STATE TREASURER-TRUCK &amp; BUS PRIV</u>
384	<u>3767</u>	<u>TAX COMMISSION-INTER FUEL TAX</u>
385	<u>3768</u>	<u>TAX COMMISSION-CRUISE VSL FEES</u>
386	<u>3769</u>	<u>TAX COMMISSION-MOTOR VEH AD VAL</u>
387	<u>3770</u>	<u>TAX COMMISSION-MOTOR VEH RENT</u>
388	<u>3771</u>	<u>STATE TREASURER-SALES/UTILITY TAX</u>
389	<u>3772</u>	<u>TAX COMMISSION-PAY IN LIEU TAX</u>
390	<u>3773</u>	<u>TAX COMMISSION-RAIL CAR IN LIEU</u>
391	<u>3774</u>	<u>TAX COMMISSION-TELE AD VALOREM</u>
392	<u>3776</u>	<u>TAX COMMISSION-HAZ WASTE MGT TAX</u>
393	<u>3779</u>	<u>TAX COMMISSION-FIRE INS TAX JKN</u>
394	<u>3780</u>	<u>STATE TREASURER-UNIV SPECIAL TAG</u>
395	<u>3785</u>	<u>STATE TREASURER-FLOOD CONTROL</u>
396	<u>3786</u>	<u>STATE TREASURER-NATIONAL FOREST RES</u>
397	<u>3793</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE PREV</u>
398	<u>3795</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE AB</u>
399	<u>3796</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-WTR POL REV</u>
400	<u>3797</u>	<u>DEPARTMENT ENVIRONMENTAL QUALITY-POLLUTE REV</u>
401	<u>3811</u>	<u>PUBLIC SERVICE COMMISSION-MOTOR CARR</u>
402	<u>3812</u>	<u>PUBLIC SERVICE COMMISSION-PUBLIC UTILITIES</u>
403	<u>3820</u>	<u>AUCTIONEER COMM-LICENS</u>
404	<u>3821</u>	<u>BOARD OF NURSING HOME ADMIN</u>
405	<u>3822</u>	<u>BOARD OF COSMETOLOGY</u>
406	<u>3823</u>	<u>BOARD OF PSYCHOLOGICAL EXAM</u>
407	<u>3824</u>	<u>BOARD OF DENTAL EXAMINERS</u>
408	<u>3825</u>	<u>AGRICULTURAL AVIATION BOARD</u>
409	<u>3826</u>	<u>DEPARTMENT AGRICULTURE &amp; COMMERCE-RICE PROM</u>
410	<u>3827</u>	<u>BOARD OF VETERINARY MEDICINE</u>
411	<u>3829</u>	<u>BOARD OF MEDICAL LICENSURE</u>
412	<u>3830</u>	<u>REAL ESTATE COMMISSION: HOME INSPECTION</u>
413	<u>3831</u>	<u>BOARD OF OPTOMETRY</u>
414	<u>3833</u>	<u>BOARD OF FUNERAL SERVICES</u>
415	<u>3834</u>	<u>BOARD OF PUBLIC CONTRACTORS</u>



416	<u>3835</u>	<u>BOARD OF PUBLIC CONTRACTORS EDUCATION</u>
417	<u>3836</u>	<u>REAL ESTATE APPR LICENSED BOARD</u>
418	<u>3837</u>	<u>BOARD OF NURSING WORKFORCE TRAINING</u>
419	<u>3838</u>	<u>BOARD OF NURSING</u>
420	<u>3839</u>	<u>MOTOR VEHICLE COMMISSION</u>
421	<u>3840</u>	<u>BOARD OF BARBER EXAMINERS</u>
422	<u>3841</u>	<u>DEPARTMENT OF AGRICULTURE &amp; COMMERCE-SOYBEAN PR</u>
423	<u>3842</u>	<u>BOARD OF REG PROF ENG &amp; SURV</u>
424	<u>3843</u>	<u>ATHLETIC COMMISSION</u>
425	<u>3844</u>	<u>BOARD OF REG FOR FORESTERS</u>
426	<u>3845</u>	<u>BOARD OF PUBLIC ACCOUNTANCY</u>
427	<u>3846</u>	<u>BOARD OF PHARMACY</u>
428	<u>3848</u>	<u>BOARD OF ARCHITECTURE</u>
429	<u>3849</u>	<u>BOARD OF CHIROPRACTIC EXAM</u>
430	<u>3851</u>	<u>TAX COMMISSION-INC TAX REFUND</u>
431	<u>3852</u>	<u>TAX COMMISSION-INC TAX CONT LIAB</u>
432	<u>3853</u>	<u>STATE TREASURER-INC TX LIAB ESCR</u>
433	<u>3855</u>	<u>TAX COMMISSION-SPECIAL FUNDS</u>
434	<u>3856</u>	<u>TAX COMMISSION-APPORTION TAG</u>
435	<u>3858</u>	<u>BOARD OF REGULAR PROFESSIONAL GEOLOGISTS</u>
436	<u>3859</u>	<u>BOARD OF SOCIAL WORKERS &amp; MARR</u>
437	<u>3861</u>	<u>VETERANS MEMORIAL STADIUM COMMISSION</u>
438	<u>3862</u>	<u>VETERANS MEMORIAL STADIUM COMMISSION-REV</u>
439	<u>3865</u>	<u>ARTS COMMISSION</u>
440	<u>3866</u>	<u>ARTS COMMISSION-FUND FOR ARTS</u>
441	<u>3867</u>	<u>ARTS COMMISSION-CHALLENGE INITIATI</u>
442	<u>3868</u>	<u>ARTS COMMISSION-NONFED FUNDS</u>
443	<u>3873</u>	<u>TAX COMMISSION-MIN DOCUM STAMP</u>
444	<u>3895</u>	<u>TAX COMMISSION-ABC REVOLVING</u>
445	<u>3896</u>	<u>TAX COMMISSION-PERMIT CLEARING</u>
446	<u>3897</u>	<u>TAX COMMISSION-FINGERPRINT</u>
447	<u>3900</u>	<u>DFA-JUVENILE DET FAC 94B</u>
448	<u>3901</u>	<u>DFA-OFF OF BLDGS-CAP IMP</u>



449	<u>3905</u>	<u>DFA-STATEWIDE HIST PROP</u>
450	<u>3907</u>	<u>DFA-SUBLEASE RENTS-REHAB</u>
451	<u>3908</u>	<u>DFA-EDUCATION FACILITIES AUTH</u>
452	<u>3909</u>	<u>DFA-OFF OF BLDGS-LD LEASE</u>
453	<u>3921</u>	<u>DFA-OFF OF BLDGS</u>
454	<u>3931</u>	<u>DFA-CAP IMP-AG REAPPR</u>
455	<u>3933</u>	<u>DEPARTMENT EDUCATION-FINANCE CONST</u>
456	<u>3935</u>	<u>PORT GULFPORT-OP RESERVE</u>
457	<u>3936</u>	<u>PORT GULFPORT-CONSTRUCT</u>
458	<u>3941</u>	<u>DEPT TRANSPORTATION-SUPPORT</u>
459	<u>3942</u>	<u>DEPT TRANSPORTATION-RAILROAD REVIT</u>
460	<u>3943</u>	<u>DEPT TRANSPORTATION-GAMING CO INFR</u>
461	<u>3944</u>	<u>DEPT TRANSPORTATION-LITTER PREVENT</u>
462	<u>3945</u>	<u>DEPT TRANSPORTATION-HARVEST PERMIT</u>
463	<u>3946</u>	<u>STATE AID ROAD DIV-CONSTR</u>
464	<u>3947</u>	<u>STATE AID ROAD DIV-ADM</u>
465	<u>3948</u>	<u>STATE AID ROAD DIV-BRIDGE</u>
466	<u>3949</u>	<u>DEPT TRANSPORTATION-OVERWGT FINES</u>
467	<u>3958</u>	<u>STATE TREASURER-MS FIRE BURN CENTER</u>
468	<u>3960</u>	<u>MS HOME CORP-AFF HOUSING</u>
469	<u>3963</u>	<u>MS BUS FIN CORP-CER DEV LOAN</u>
470	<u>3964</u>	<u>MS BUS FIN CORP-CER DEV FEES</u>
471	<u>3965</u>	<u>MS BUS FIN CORP-SED REPAY</u>
472	<u>396P</u>	<u>MS HOME CORP-AFF HSNG PRIN</u>
473	<u>3970</u>	<u>MS BUS FIN CORP-SED</u>
474	<u>3973</u>	<u>PORT GULFPORT-RESERVE</u>
475	<u>3974</u>	<u>STATE TREASURER-PT DV LITTON B&amp;I</u>
476	<u>3986</u>	<u>STATE TREASURER-PETRO DECAL SPEC</u>
477	<u>3989</u>	<u>STATE TREASURER-LTH CARE EXP FUND</u>
478	<u>398C</u>	<u>VETERANS MEMORIAL STADIUM COMMISSION-INV</u>
479	<u>3990</u>	<u>STATE TREASURER- TOBACCO LIT SETTLEMENT</u>
480	<u>3991</u>	<u>STATE TREASURER-STATE LAND ACQUISITION</u>
481	<u>3994</u>	<u>STATE TREASURER-MAGNOLIA CAP CORP</u>



482           3995           DFA-SPEC FUNDS POOL LOAN

483           3996           STATE TREASURER-STATE AID ROAD B&I

484           In the event that the State Treasurer finds that the  
485 requirement to transfer or deposit all fees, taxes, fines,  
486 penalties or other assessments collected for or in the name of the  
487 State of Mississippi or any agency thereof into the State General  
488 Fund will cause undue harm to the State of Mississippi or would be  
489 in violation of existing state or federal law, then the State  
490 Treasurer may, in his discretion, exempt such fund or portion  
491 thereof from the provisions of this subsection (2) and shall  
492 provide notice of such exemption to the State Auditor, the  
493 Department of Finance and Administration and the Joint Legislative  
494 Budget Committee.

495           (3) In addition to the special fund accounts specified in  
496 subsection (2), the State Treasurer, with the assistance of the  
497 State Auditor, shall, on or before July 1, 2003, determine those  
498 special fund accounts which are not in the State Treasury and  
499 shall make a recommendation to the Joint Legislative Budget  
500 Committee of those special fund accounts that should be in the  
501 State Treasury and whether or not they should be a part of the  
502 State General Fund in accordance with subsection (2). The State  
503 Fiscal Officer, with the assistance of the State Auditor, shall  
504 determine which special fund accounts require an appropriation act  
505 and shall provide this information to the Legislative Budget  
506 Office. The Legislative Budget Office shall recommend an  
507 appropriation for fiscal year 2004-2005 and fiscal years  
508 thereafter for each specified special fund account and each  
509 special fund account not maintained in the State Treasury, \* \* \*  
510 unless exempted as hereinafter provided. In the event the Joint  
511 Legislative Budget Committee \* \* \* finds that any special fund  
512 should not be subject to appropriation by the Legislature, then  
513 the said committee \* \* \* may, in its discretion, exempt such state  
514 agency from the provisions of Sections 27-103-101 through



515 27-103-139 and 27-104-1 through 27-104-29 by certifying such  
516 exemption on its minutes prior to January 1, 2004. Unless  
517 exempted as provided herein, any agency having special funds which  
518 are not in the State Treasury shall transfer such funds into the  
519 State Treasury on or before January 1, 2004.

520 (4) The State Fiscal Officer shall not promulgate or attempt  
521 to enforce any rule, order or regulation which is not in  
522 accordance with the provisions of a legally executed trust  
523 indenture agreement \* \* \*.

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

526 27-103-103. (1) For the purpose of Sections 27-103-101  
527 through 27-103-139 and 27-104-1 through 27-104-27, the term "state  
528 general-fund agency" or "general-fund agency" shall mean any  
529 agency, department, institution, board or commission of the State  
530 of Mississippi which is supported in whole or in part by  
531 appropriations from the General Fund; but such term shall not  
532 include the Legislature.

533 (2) For the purposes of Sections 27-103-101 through  
534 27-103-139 and 27-104-1 through 27-104-27, the term "state  
535 special-fund agency" or "special-fund agency" shall mean any  
536 agency, department, institution, board or commission of the State  
537 of Mississippi which receives \* \* \* funds \* \* \* from special-fund  
538 sources \* \* \*.

539 (3) For the purposes of Sections 27-103-101 through  
540 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"  
541 shall mean any general-fund agency or special-fund agency as  
542 defined in this section, or the State Highway Department, or the  
543 Division of State Aid Road Construction of the State Highway  
544 Department as is evident from the context wherein it is used.

545 (4) For the purposes of Sections 27-103-101 through  
546 27-103-139 and 27-104-1 through 27-104-27, the term "special  
547 funds" shall mean: (a) fees, assessments or charges for services,





548 (b) funds received from the United States government, (c) local  
549 governmental revenue sources, (d) funds for the purpose of paying  
550 or retiring any indebtedness as is authorized by statute, or (e)  
551 trust funds \* \* \*.

552 \* \* \*

553 **SECTION 3.** Section 27-104-13, Mississippi Code of 1972, is  
554 amended as follows:

555 27-104-13. The State Fiscal Officer shall have the right to  
556 disapprove or reduce and revise such estimates of general funds  
557 and \* \* \* special funds for any general-fund or special-fund  
558 agency, and for the \* \* \* budget of the State Highway Department,  
559 in an amount not to exceed five percent (5%) if he finds that  
560 funds will not be available within the period for which the budget  
561 is drawn, or if he finds that the requested expenditures, or any  
562 part thereof, are not authorized by law, and such action shall be  
563 reported to the Legislative Budget Office. The State Fiscal  
564 Officer may, upon his determination of need based upon a finding  
565 that funds will not be available within the period for which the  
566 budget is drawn, transfer funds as provided in Section 27-103-203,  
567 from the Working Cash-Stabilization Reserve Fund to the General  
568 Fund to supplement the general-fund revenue. In the event that  
569 the estimates of general funds and \* \* \* special funds of all  
570 general-fund and special-fund agencies, and of the \* \* \* budget of  
571 the State Highway Department, have been reduced by five percent  
572 (5%), additional reductions may be made but shall consist of a  
573 uniform percentage reduction of general funds and \* \* \* special  
574 funds to all general-fund and special-fund agencies, and to  
575 the \* \* \* budget of the State Highway Department. No agency shall  
576 be excluded from consideration for said reduction in allocations.  
577 Any \* \* \* special funds reduced under the provisions of this  
578 section shall be transferred to the State General Fund upon  
579 requisitions for warrants signed by the respective agency head and



580 said transfer shall be made within a reasonable period to be  
581 determined by the State Fiscal Officer.

582 For the purpose of this section, " \* \* \* special funds" shall  
583 be construed to mean any special funds in any agency derived from  
584 any source, but shall not include the following special funds:  
585 special funds derived from federal sources, from local or regional  
586 political subdivisions, or from donations; or special funds held  
587 in a fiduciary capacity for the benefit of specific persons or  
588 classes of persons \* \* \*.

589 **SECTION 4.** Section 31-17-123, Mississippi Code of 1972, is  
590 amended as follows:

591 31-17-123. The intent of the Legislature is to authorize  
592 borrowing funds under the provisions of Sections 31-17-101 through  
593 31-17-123 to offset any temporary cash flow deficiencies and  
594 should not be construed to authorize the borrowing of any funds in  
595 an amount which cannot be repaid during the fiscal year in which  
596 such funds are borrowed. The State Tax Commission and University  
597 Research Center, utilizing all available revenue forecast data,  
598 shall annually develop a state fund revenue estimate to be adopted  
599 by the Legislative Budget Office as of the date of sine die  
600 adjournment. If, at the end of October, or at the end of any  
601 month thereafter of any fiscal year, the revenues received for the  
602 fiscal year shall fall below ninety-eight percent (98%) of the  
603 Legislative Budget Office state fund revenue estimate at the date  
604 of sine die adjournment, the State Fiscal Officer shall reduce  
605 allocations of general funds and \* \* \* special funds to  
606 general-fund and special-fund agencies including the \* \* \* budget  
607 of the State Highway Department in an amount necessary to keep  
608 expenditures within the sum of actual revenue receipts including  
609 any transfers to the General Fund from the Working  
610 Cash-Stabilization Reserve Fund for the fiscal year. The State  
611 Fiscal Officer may, upon his determination of need based on the  
612 revenue shortfall, transfer funds as provided in Section



613 27-103-203, from the Working Cash-Stabilization Reserve Fund to  
614 the General Fund to supplement the general-fund revenue. \* \* \*  
615 Special funds in an amount equal to any reduction made under the  
616 provisions of this section shall be transferred to the State  
617 General Fund upon requisitions for warrants signed by the  
618 respective agency head and such transfer shall be made within a  
619 reasonable period to be determined by the State Fiscal Officer.  
620 No agency's allocation shall be reduced in an amount to exceed  
621 five percent (5%); however, in the event that the allocations of  
622 general funds and \* \* \* special funds to all general-fund and  
623 special-fund agencies and to the \* \* \* budget of the State Highway  
624 Department have been reduced by five percent (5%), any additional  
625 reductions required to be made hereunder shall consist of a  
626 uniform percentage reduction of general funds and \* \* \* special  
627 funds to all general-fund and special-fund agencies, and to  
628 the \* \* \* budget of the State Highway Department. No agency shall  
629 be excluded from consideration for said reduction in allocations.  
630 Any receipt from loans authorized by Sections 31-17-101 through  
631 31-17-123 shall not be included as revenue receipts. The State  
632 Fiscal Officer shall immediately send notice of any action taken  
633 under authority of this section to the Legislative Budget Office.  
634 For the purpose of this section, " \* \* \* special funds" shall  
635 be construed to mean any special funds in any agency derived from  
636 any source, but shall not include the following special funds:  
637 special funds derived from federal sources, from local or regional  
638 political subdivisions, or from donations; or special funds held  
639 in a fiduciary capacity for the benefit of specific persons or  
640 classes of persons \* \* \*.

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

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



645           27-5-101. Unless otherwise provided in this section, on or  
646 before the fifteenth day of each month, all gasoline, diesel fuel  
647 or kerosene taxes which are levied under the laws of this state  
648 and collected during the previous month shall be paid and  
649 apportioned by the State Tax Commission as follows:

650           (a) (i) Except as otherwise provided in Section  
651 31-17-127, from the gross amount of gasoline, diesel fuel or  
652 kerosene taxes produced by the state, there shall be deducted an  
653 amount equal to one-sixth (1/6) of principal and interest  
654 certified by the State Treasurer to the State Tax Commission to be  
655 due on the next semiannual bond and interest payment date, as  
656 required under the provisions of Chapter 130, Laws of 1938, and  
657 subsequent acts authorizing the issuance of bonds payable from  
658 gasoline, diesel fuel or kerosene tax revenue on a parity with the  
659 bonds issued under authority of said Chapter 130. The State  
660 Treasurer shall certify to the State Tax Commission on or before  
661 the fifteenth day of each month the amount to be paid to the  
662 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws  
663 of 1938, and subsequent acts authorizing the issuance of bonds  
664 payable from gasoline, diesel fuel or kerosene tax revenue, on a  
665 parity with the bonds issued under authority of said Chapter 130;  
666 and the State Tax Commission shall, on or before the twenty-fifth  
667 day of each month, pay into the State Treasury for credit to the  
668 "Highway Bonds Sinking Fund" the amount so certified to him by the  
669 State Treasurer due to be paid into such fund each month. The  
670 payments to the "Highway Bonds Sinking Fund" shall be made out of  
671 gross gasoline, diesel fuel or kerosene tax collections before  
672 deductions of any nature are considered; however, such payments  
673 shall be deducted from the allocation to the Mississippi  
674 Department of Transportation under paragraph (c) of this section.

675           (ii) From collections derived from the portion of  
676 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,  
677 from the portion of the tax on aviation gas under Section 27-55-11



678 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the  
679 portion of the special fuel tax levied under Sections 27-55-519  
680 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten  
681 Cents (10¢) per gallon, from the portion of the taxes levied under  
682 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per  
683 gallon that exceeds One Cent (1¢) per gallon on special fuel and  
684 Five and One-fourth Cents (5.25¢) per gallon on special fuel used  
685 as aircraft fuel, from the portion of the excise tax on compressed  
686 gas used as a motor fuel that exceeds the rate of tax in effect on  
687 June 30, 1987, and from the portion of the gasoline excise tax in  
688 excess of Seven Cents (7¢) per gallon and the diesel excise tax in  
689 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there  
690 shall be deducted:

691 1. An amount as provided in Section  
692 27-65-75(4) to the credit of a special fund designated as the  
693 "Office of State Aid Road Construction."

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

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

703 (b) Subject to the provisions that said basis of  
704 distribution shall in nowise affect adversely the amount  
705 specifically pledged in paragraph (a) of this section to be paid  
706 into the "Highway Bonds Sinking Fund," the following shall be  
707 deducted from the amount produced by the state tax on gasoline,  
708 diesel fuel or kerosene tax collections, excluding collections  
709 derived from the portion of the gasoline excise tax that exceeds  
710 Seven Cents (7¢) per gallon, from the portion of the tax on



711 aviation gas under Section 27-55-11 that exceeds Six and  
712 Four-tenths Cents (6.4¢) per gallon, from the portion of the  
713 special fuel tax levied under Sections 27-55-519 and 27-55-521, at  
714 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per  
715 gallon, from the portion of the taxes levied under Section  
716 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that  
717 exceeds One Cent (1¢) per gallon on special fuel and Five and  
718 One-fourth Cents (5.25¢) per gallon on special fuel used as  
719 aircraft fuel, from the portion of the excise tax on compressed  
720 gas used as a motor fuel that exceeds the rate of tax in effect on  
721 June 30, 1987, and from the portion of the gasoline excise tax in  
722 excess of Seven Cents (7¢) per gallon and the diesel excise tax in  
723 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

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

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

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

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

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

742           (vi) The remainder shall be divided on a basis of  
743 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the



744 same basis as Four and One-half Cents (4-1/2¢) and Two and  
745 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and  
746 six and forty-three one-hundredths (6.43) and three and  
747 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel  
748 fuel or kerosene). The amount produced by the nine-fourteenths  
749 (9/14) division shall be allocated to the Transportation  
750 Department and paid into the State Treasury as provided in this  
751 section and in Section 27-5-103 and the five-fourteenths (5/14)  
752 division shall be returned to the counties of the state on the  
753 following basis:

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

761                   2. If after payments in 1 above, any county  
762 has not received a total of One Hundred Ninety Thousand Dollars  
763 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,  
764 and each fiscal year thereafter, then any available funds not  
765 distributed under 1 above shall be used to bring such county or  
766 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)  
767 or such funds shall be divided equally among such counties not  
768 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if  
769 there is not sufficient money to bring all the counties to said  
770 One Hundred Ninety Thousand Dollars (\$190,000.00).

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



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

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

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

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

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

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

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





809           In any county having such countywide road or bridge bonds or  
810 district road or bridge bonds outstanding which exceed, in the  
811 aggregate, eight percent (8%) of the assessed valuation of the  
812 taxable property of the county, but which do not exceed, in the  
813 aggregate, twelve percent (12%) of the assessed valuation of the  
814 taxable property of the county, it shall be the duty of the board  
815 of supervisors to set aside not less than thirty-five percent  
816 (35%) of such county's share of the gasoline, diesel fuel or  
817 kerosene taxes to be used in paying the principal and interest of  
818 such road or bridge bonds as they mature.

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

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

837           The portion of any such county's share of the gasoline,  
838 diesel fuel or kerosene taxes thus set aside for the payment of  
839 the principal and interest of road or bridge bonds, as provided  
840 for in this section, shall be used first in paying the currently  
841 maturing installments of the principal and interest of such



842 countywide road or bridge bonds, if there be any such countywide  
843 road or bridge bonds outstanding, and secondly, in paying the  
844 currently maturing installments of principal and interest of  
845 district road or bridge bonds outstanding. It shall be the duty  
846 of the board of supervisors to pay bonds and interest maturing in  
847 each supervisors district out of the supervisors district's share  
848 of the gasoline, diesel fuel or kerosene taxes of such district.

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

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

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

868 (c) From the amount produced by the nine-fourteenths  
869 (9/14) division allocated to the Transportation Department, there  
870 shall be deducted:

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

873 (ii) Any amounts due counties in accordance with  
874 Section 65-33-45 which have outstanding bonds issued for seawall



875 or road protection purposes, issued under provisions of Chapter  
876 319, Laws of 1924, and amendments thereto;

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

887 (iv) Except as otherwise provided in Section  
888 31-17-127, the remainder shall be paid by the State Tax Commission  
889 to the State Treasurer on the fifteenth day of each month next  
890 succeeding the month in which the gasoline, diesel fuel or  
891 kerosene taxes were collected to the credit of the State Highway  
892 Fund.

893 From and after July 1, 2003, any amounts which would have  
894 been paid to the State Highway Fund shall be paid into the State  
895 General Fund.

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



908           Nothing contained in this section shall be construed to  
909 reduce the amount of such gasoline, diesel fuel or kerosene excise  
910 taxes levied by the state, allotted under the provisions of Title  
911 65, Chapter 33, Mississippi Code of 1972, to counties in which  
912 there are outstanding bonds issued for seawall or road protection  
913 purposes issued under the provisions of Chapter 319, Laws of 1924,  
914 and amendments thereto; the amount of said gasoline, diesel fuel  
915 or kerosene excise taxes designated in this section for the  
916 payment of bonds and interest authorized and issued or to be  
917 issued under the provisions of Chapter 130, Laws of 1938, and  
918 subsequent acts authorizing the issuance of bonds payable from  
919 gasoline, diesel fuel or kerosene tax revenue, shall, in such  
920 counties, be considered as being paid "into the State Treasury to  
921 the credit of the State Highway Fund" within the meaning of  
922 Section 65-33-45 in computing the amount to be paid to such  
923 counties under the provisions of said section, and this section  
924 shall be administered in connection with Title 65, Chapter 33,  
925 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and  
926 65-33-49 dealing with seawalls, as if made a part of this section.

927           (d) The proceeds of the Five and One-fourth Cents  
928 (5.25¢) of the tax per gallon on oils used as a propellant for jet  
929 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax  
930 per gallon on aviation gasoline and the tax of One Cent (1¢) per  
931 gallon for each gallon of gasoline for which a refund has been  
932 made pursuant to Section 27-55-23 because such gasoline was used  
933 for aviation purposes, shall be paid to the State Treasury into a  
934 special fund to be used exclusively, pursuant to legislative  
935 appropriation, for the support and development of aeronautics as  
936 defined in Section 61-1-3.

937           (e) State highway funds in an amount equal to the  
938 difference between Forty-two Million Dollars (\$42,000,000.00) and  
939 the annual debt service payable on the state's highway revenue  
940 refunding bonds, Series 1985, shall be expended for the



941 construction or reconstruction of highways designated under the  
942 highway program created under Section 65-3-97.

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

949 **[With regard to any county which is required to operate on a**  
950 **countywide system of road administration as described in Section**  
951 **19-2-3, this section shall read as follows:]**

952 27-5-101. Unless otherwise provided in this section, on or  
953 before the fifteenth day of each month, all gasoline, diesel fuel  
954 or kerosene taxes which are levied under the laws of this state  
955 and collected during the previous month shall be paid and  
956 apportioned by the State Tax Commission as follows:

957 (a) (i) Except as otherwise provided in Section  
958 31-17-127, from the gross amount of gasoline, diesel fuel or  
959 kerosene taxes produced by the state, there shall be deducted an  
960 amount equal to one-sixth (1/6) of principal and interest  
961 certified by the State Treasurer to the State Tax Commission to be  
962 due on the next semiannual bond and interest payment date, as  
963 required under the provisions of Chapter 130, Laws of 1938, and  
964 subsequent acts authorizing the issuance of bonds payable from  
965 gasoline, diesel fuel or kerosene tax revenue on a parity with the  
966 bonds issued under authority of said Chapter 130. The State  
967 Treasurer shall certify to the State Tax Commission on or before  
968 the fifteenth day of each month the amount to be paid to the  
969 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws  
970 of 1938, and subsequent acts authorizing the issuance of bonds  
971 payable from gasoline, diesel fuel or kerosene tax revenue, on a  
972 parity with the bonds issued under authority of said Chapter 130;  
973 and the State Tax Commission shall, on or before the twenty-fifth



974 day of each month, pay into the State Treasury for credit to the  
975 "Highway Bonds Sinking Fund" the amount so certified to him by the  
976 State Treasurer due to be paid into such fund each month. The  
977 payments to the "Highway Bonds Sinking Fund" shall be made out of  
978 gross gasoline, diesel fuel or kerosene tax collections before  
979 deductions of any nature are considered; however, such payments  
980 shall be deducted from the allocation to the Transportation  
981 Department under paragraph (c) of this section.

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

998 1. An amount as provided in Section  
999 27-65-75(4) to the credit of a special fund designated as the  
1000 "Office of State Aid Road Construction."

1001 2. An amount equal to the tax collections  
1002 derived from Two Cents (2¢) per gallon of the gasoline excise tax  
1003 for distribution to the State Highway Fund to be used exclusively  
1004 for the construction, reconstruction and maintenance of highways  
1005 of the State of Mississippi or the payment of interest and



1006 principal on bonds when specifically authorized by the Legislature  
1007 for that purpose.

1008                   3. The balance shall be deposited in the  
1009 State Treasury to the credit of the State Highway Fund.

1010                   (b) Subject to the provisions that said basis of  
1011 distribution shall in nowise affect adversely the amount  
1012 specifically pledged in paragraph (a) of this section to be paid  
1013 into the "Highway Bonds Sinking Fund," the following shall be  
1014 deducted from the amount produced by the state tax on gasoline,  
1015 diesel fuel or kerosene tax collections, excluding collections  
1016 derived from the portion of the gasoline excise tax that exceeds  
1017 Seven Cents (7¢) per gallon, from the portion of the tax on  
1018 aviation gas under Section 27-55-11 that exceeds Six and  
1019 Four-tenths Cents (6.4¢) per gallon, from the portion of the  
1020 special fuel tax levied under Sections 27-55-519 and 27-55-521, at  
1021 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per  
1022 gallon, from the portion of the taxes levied under Section  
1023 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds  
1024 One Cent (1¢) per gallon on special fuel and Five and One-fourth  
1025 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,  
1026 from the portion of the excise tax on compressed gas used as a  
1027 motor fuel that exceeds the rate of tax in effect on June 30,  
1028 1987, and from the portion of the gasoline excise tax in excess of  
1029 Seven Cents (7¢) per gallon and the diesel excise tax in excess of  
1030 Ten Cents (10¢) per gallon under Section 27-61-5:

1031                   (i) Twenty percent (20%) of such amount which  
1032 shall be earmarked and set aside for the construction,  
1033 reconstruction and maintenance of the highways and roads of the  
1034 state, provided that if such twenty percent (20%) should reduce  
1035 any county to a lesser amount than that received in the fiscal  
1036 year ending June 30, 1966, then such twenty percent (20%) shall be  
1037 reduced to a percentage to provide that no county shall receive  
1038 less than its portion for the fiscal year ending June 30, 1966;



1039 (ii) The amount allowed as refund on gasoline or  
1040 as tax credit on diesel fuel or kerosene used for agricultural,  
1041 maritime, industrial, domestic and nonhighway purposes;

1042 (iii) Five percent (5%) of such amount shall be  
1043 paid to the State Highway Fund;

1044 (iv) The amount or portion thereof authorized by  
1045 legislative appropriation to the Fisheries and Wildlife Fund  
1046 created under Section 59-21-25;

1047 (v) The amount for deposit into the special  
1048 aviation fund under paragraph (d) of this section; and

1049 (vi) The remainder shall be divided on a basis of  
1050 nine-fourteenths ( $9/14$ ) and five-fourteenths ( $5/14$ ) (being the  
1051 same basis as Four and One-half Cents ( $4-1/2\text{¢}$ ) and Two and  
1052 One-half Cents ( $2-1/2\text{¢}$ ) is to Seven Cents ( $7\text{¢}$ ) on gasoline, and  
1053 six and forty-three one-hundredths ( $6.43$ ) and three and  
1054 fifty-seven one-hundredths ( $3.57$ ) is to Ten Cents ( $10\text{¢}$ ) on diesel  
1055 fuel or kerosene). The amount produced by the nine-fourteenths  
1056 ( $9/14$ ) division shall be allocated to the Transportation  
1057 Department and paid into the State Treasury as provided in this  
1058 section and in Section 27-5-103 and the five-fourteenths ( $5/14$ )  
1059 division shall be returned to the counties of the state on the  
1060 following basis:

1061 1. In each fiscal year, each county shall be  
1062 paid each month the same percentage of the monthly total to be  
1063 distributed as was paid to that county during the same month in  
1064 the fiscal year which ended April 9, 1960, until the county  
1065 receives One Hundred Ninety Thousand Dollars ( $\$190,000.00$ ) in such  
1066 fiscal year, at which time funds shall be distributed under the  
1067 provisions of paragraph (b) (vi)4 of this section.

1068 2. If after payments in 1 above, any county  
1069 has not received a total of One Hundred Ninety Thousand Dollars  
1070 ( $\$190,000.00$ ) at the end of the fiscal year ending June 30, 1961,  
1071 and each fiscal year thereafter, then any available funds not





1072 distributed under 1 above shall be used to bring such county or  
1073 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)  
1074 or such funds shall be divided equally among such counties not  
1075 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if  
1076 there is not sufficient money to bring all the counties to said  
1077 One Hundred Ninety Thousand Dollars (\$190,000.00).

1078                   3. When a county has been paid an amount  
1079 equal to the total which was paid to the same county during the  
1080 fiscal year ended April 9, 1960, such county shall receive no  
1081 further payments during the then current fiscal year until the  
1082 last month of such current fiscal year, at which time distribution  
1083 will be made under 2 above, except as set out in 4 below.

1084                   4. During the last month of the current  
1085 fiscal year, should it be determined that there are funds  
1086 available in excess of the amount distributed for the year under 1  
1087 and 2 above, then such excess funds shall be distributed among the  
1088 various counties as follows:

1089                                 One-third (1/3) of such excess to be  
1090 divided equally among the counties;

1091                                 One-third (1/3) of such excess to be paid  
1092 to the counties in the proportion which the population of each  
1093 county bears to the total population of the state according to the  
1094 last federal census;

1095                                 One-third (1/3) of such excess to be paid  
1096 to the counties in the proportion which the number of square miles  
1097 of each county bears to the total square miles in the state.

1098                   5. It is the declared purpose and intent of  
1099 the Legislature that no county shall be paid less than was paid  
1100 during the year ended April 9, 1960, unless the amount to be  
1101 distributed to all counties in any year is less than the amount  
1102 distributed to all counties during the year ended April 9, 1960.

1103                   The Municipal Aid Fund as established by Section 27-5-103  
1104 shall not participate in any portion of any funds allocated to any



1105 county hereunder over and above One Hundred Ninety Thousand  
1106 Dollars (\$190,000.00).

1107 In any county having road or bridge bonds outstanding which  
1108 exceed, in the aggregate, twelve percent (12%) of the assessed  
1109 valuation of the taxable property of the county, it shall be the  
1110 duty of the board of supervisors to set aside not less than sixty  
1111 percent (60%) of such county's share of the gasoline, diesel fuel  
1112 or kerosene taxes to be used in paying the principal and interest  
1113 on such road or bridge bonds as they mature.

1114 In any county having such road or bridge bonds outstanding  
1115 which exceed, in the aggregate, eight percent (8%) of the assessed  
1116 valuation of the taxable property of the county, but which do not  
1117 exceed, in the aggregate, twelve percent (12%) of the assessed  
1118 valuation of the taxable property of the county, it shall be the  
1119 duty of the board of supervisors to set aside not less than  
1120 thirty-five percent (35%) of such county's share of the gasoline,  
1121 diesel fuel or kerosene taxes to be used in paying the principal  
1122 and interest of such road or bridge bonds as they mature.

1123 In any county having such road or bridge bonds outstanding  
1124 which exceed, in the aggregate, five percent (5%) of the assessed  
1125 valuation of the taxable property of the county, but which do not  
1126 exceed, in the aggregate, eight percent (8%) of the assessed  
1127 valuation of the taxable property of the county, it shall be the  
1128 duty of the board of supervisors to set aside not less than twenty  
1129 percent (20%) of such county's share of the gasoline, diesel fuel  
1130 or kerosene taxes to be used in paying the principal and interest  
1131 of such road and bridge bonds as they mature.

1132 In any county having such road or bridge bonds outstanding  
1133 which do not exceed, in the aggregate, five percent (5%) of the  
1134 assessed valuation of the taxable property of the county, it shall  
1135 be the duty of the board of supervisors to set aside not less than  
1136 ten percent (10%) of such county's share of the gasoline, diesel



1137 fuel or kerosene taxes to be used in paying the principal and  
1138 interest on such road or bridge bonds as they mature.

1139         The portion of any such county's share of the gasoline,  
1140 diesel fuel or kerosene taxes thus set aside for the payment of  
1141 the principal and interest of road or bridge bonds, as provided  
1142 for in this section, shall be used in paying the currently  
1143 maturing installments of the principal and interest of such road  
1144 or bridge bonds, if there be any such road or bridge bonds  
1145 outstanding.

1146         The remaining portion of such county's share of the gasoline,  
1147 diesel fuel or kerosene taxes, after setting aside the portion  
1148 above provided for the payment of the principal and interest of  
1149 bonds, shall be used in the construction and maintenance of any  
1150 public highways, bridges or culverts of the county, in the  
1151 discretion of the board of supervisors.

1152         In any county having no road or bridge bonds outstanding, all  
1153 such county's share of the gasoline, diesel fuel or kerosene taxes  
1154 shall be used in the construction, reconstruction and maintenance  
1155 of the public highways, bridges or culverts of the county, as the  
1156 board of supervisors may determine.

1157         In every county in which there are county road bonds or  
1158 seawall or road protection bonds outstanding which were issued for  
1159 the purpose of building bridges or constructing public roads or  
1160 seawalls, such funds shall be used in the manner provided by law.

1161                 (c) From the amount produced by the nine-fourteenths  
1162 (9/14) division allocated to the Transportation Department, there  
1163 shall be deducted:

1164                         (i) The amount paid to the State Treasurer for the  
1165 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

1166                         (ii) Any amounts due counties in accordance with  
1167 Section 65-33-45 which have outstanding bonds issued for seawall  
1168 or road protection purposes, issued under provisions of Chapter  
1169 319, Laws of 1924, and amendments thereto; and



1170 (iii) Beginning August 15, 2002, and on or before  
1171 the fifteenth day of each month thereafter, an amount equal to  
1172 one-sixth (1/6) of the principal and interest certified by the  
1173 State Treasurer to the State Tax Commission to be due on the next  
1174 semiannual bond and interest payment date for the bonds issued  
1175 under Sections 65-39-5 through 65-39-33. On or before the  
1176 twenty-fifth day of each month the State Tax Commission shall pay  
1177 into the State Treasury for credit to the Gaming Counties Bond  
1178 Sinking Fund created in Section 65-39-3, the amount certified by  
1179 the State Treasurer;

1180 (iv) Except as otherwise provided in Section  
1181 31-17-127, the remainder shall be paid by the State Tax Commission  
1182 to the State Treasurer on the fifteenth day of each month next  
1183 succeeding the month in which the gasoline, diesel fuel or  
1184 kerosene taxes were collected to the credit of the State Highway  
1185 Fund.

1186 From and after July 1, 2003, any amounts which would have  
1187 been paid to the State Highway Fund shall be paid into the State  
1188 General Fund.

1189 The funds allocated for the construction, reconstruction and  
1190 improvement of state highways, bridges and culverts, or so much  
1191 thereof as may be necessary, shall first be used in conjunction  
1192 with funds supplied by the federal government for such purposes  
1193 and allocated to the Transportation Department to be expended on  
1194 the state highway system. It is specifically provided hereby that  
1195 the necessary portion of such funds hereinabove allocated to the  
1196 Transportation Department may be used for the prompt payment of  
1197 principal and interest on highway bonds heretofore issued,  
1198 including such bonds issued or to be issued under the provisions  
1199 of Chapter 312, Laws of 1956, and amendments thereto.

1200 Nothing contained in this section shall be construed to  
1201 reduce the amount of such gasoline, diesel fuel or kerosene excise  
1202 taxes levied by the state, allotted under the provisions of Title



1203 65, Chapter 33, Mississippi Code of 1972, to counties in which  
1204 there are outstanding bonds issued for seawall or road protection  
1205 purposes issued under the provisions of Chapter 319, Laws of 1924,  
1206 and amendments thereto; the amount of said gasoline, diesel fuel  
1207 or kerosene excise taxes designated in this section for the  
1208 payment of bonds and interest authorized and issued or to be  
1209 issued under the provisions of Chapter 130, Laws of 1938, and  
1210 subsequent acts authorizing the issuance of bonds payable from  
1211 gasoline, diesel fuel or kerosene tax revenue, shall, in such  
1212 counties, be considered as being paid "into the State Treasury to  
1213 the credit of the State Highway Fund" within the meaning of  
1214 Section 65-33-45 in computing the amount to be paid to such  
1215 counties under the provisions of said section, and this section  
1216 shall be administered in connection with Title 65, Chapter 33,  
1217 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and  
1218 65-33-49 dealing with seawalls, as if made a part of this section.

1219 (d) The proceeds of the Five and One-fourth Cents  
1220 (5.25¢) of the tax per gallon on oils used as a propellant for jet  
1221 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax  
1222 per gallon on aviation gasoline and the tax of One Cent (1¢) per  
1223 gallon for each gallon of gasoline for which a refund has been  
1224 made pursuant to Section 27-55-23 because such gasoline was used  
1225 for aviation purposes, shall be paid to the State Treasury into a  
1226 special fund to be used exclusively, pursuant to legislative  
1227 appropriation, for the support and development of aeronautics as  
1228 defined in Section 61-1-3.

1229 (e) State highway funds in an amount equal to the  
1230 difference between Forty-two Million Dollars (\$42,000,000.00) and  
1231 the annual debt service payable on the state's highway revenue  
1232 refunding bonds, Series 1985, shall be expended for the  
1233 construction or reconstruction of highways designated under the  
1234 highway program created under Section 65-3-97.



1235 (f) "Gasoline, diesel fuel or kerosene taxes" as used  
 1236 in this section shall be deemed to mean and include state  
 1237 gasoline, diesel fuel or kerosene taxes levied and imposed on  
 1238 distributors of gasoline, diesel fuel or kerosene, and all state  
 1239 excise taxes derived from any fuel used to propel vehicles upon  
 1240 the highways of this state, when levied by any statute.

1241 **SECTION 6.** Section 27-19-11, Mississippi Code of 1972, is  
 1242 amended as follows:

1243 27-19-11. On each carrier of property, for each motor  
 1244 vehicle, truck-tractor or road tractor used in the operation of  
 1245 any business as such, and on each bus, there is hereby levied an  
 1246 annual highway privilege tax in accordance with the following  
 1247 schedule, except that the gross vehicle weight of buses shall be  
 1248 the gross weight of the vehicle plus one hundred fifty (150)  
 1249 pounds per each regular seat.

1250 RATE OF TAX				
1251 GROSS WEIGHT	COMMON AND	PRIVATE	PRIVATE	
1252 OF VEHICLE	CONTRACT	COMMERCIAL	CARRIERS	
1253 NOT TO EXCEED	CARRIERS OF	CARRIERS OF	OF	
1254 IN POUNDS	PROPERTY	PROPERTY	PROPERTY	
1255 0000 - 6000	\$ 7.20	\$ 7.20	\$ 7.20	
1256 6001 - 10000	33.60	25.20	16.80	
1257 10001 - 16000	78.40	70.70	39.20	
1258 16001 - 20000	156.00	129.00	78.00	
1259 20001 - 26000	228.00	192.00	114.00	
1260 26001 - 30000	300.00	247.00	150.00	
1261 30001 - 36000	384.00	318.00	192.00	
1262 36001 - 40000	456.00	378.00	228.00	
1263 40001 - 42000	504.00	420.00	264.00	
1264 42001 - 44000	528.00	444.00	276.00	
1265 44001 - 46000	552.00	456.00	282.00	
1266 46001 - 48000	588.00	492.00	300.00	
1267 48001 - 50000	612.00	507.00	312.00	



1268	50001 - 52000	660.00	540.00	336.00
1269	52001 - 54000	684.00	564.00	348.00
1270	54001 - 56000	708.00	588.00	360.00
1271	56001 - 58000	756.00	624.00	384.00
1272	58001 - 60000	780.00	642.00	396.00
1273	60001 - 62000	828.00	828.00	420.00
1274	62001 - 64000	852.00	852.00	432.00
1275	64001 - 66000	900.00	900.00	482.00
1276	66001 - 68000	936.00	936.00	504.00
1277	68001 - 70000	972.00	972.00	516.00
1278	70001 - 72000	996.00	996.00	528.00
1279	72001 - 74000	1,128.00	1,128.00	576.00
1280	74001 - 76000	1,248.00	1,248.00	612.00
1281	76001 - 78000	1,380.00	1,380.00	720.00
1282	78001 - 80000	1,512.00	1,512.00	864.00

1283           In addition to the above levied annual highway privilege tax  
1284 on vehicles with a gross weight exceeding ten thousand (10,000)  
1285 pounds, there is levied and shall be collected an additional  
1286 privilege tax in the amount of One Thousand Three Hundred Fifty  
1287 Dollars (\$1,350.00) for each current or later year model vehicle  
1288 based upon a licensed weight of eighty thousand (80,000) pounds.  
1289 This additional privilege tax shall be reduced by the amount of  
1290 One Hundred Seventy-five Dollars (\$175.00) for each year of age to  
1291 a minimum of Fifty Dollars (\$50.00) and further reduced by the  
1292 ratio of licensed weight to the maximum weight of eighty thousand  
1293 (80,000) pounds. During the first year only, the privilege tax  
1294 monies collected under the provisions of this paragraph shall be  
1295 distributed to the various counties of the state on the basis of  
1296 the ratio of the last year of annual ad valorem taxes collected by  
1297 such counties on such vehicles to the total ad valorem taxes  
1298 collected by all counties on such vehicles in the same year. In  
1299 all subsequent years, such distribution to the counties shall be  
1300 made on the basis of the ratio of the number of motor vehicles



1301 registered in excess of ten thousand (10,000) pounds, in each  
1302 taxing district in each county, to the total number of such  
1303 vehicles registered statewide. The counties should then  
1304 distribute these proceeds as they would if these collections were  
1305 ad valorem taxes. Provided, however, until July 1, 1993, vehicles  
1306 which are subject to the provisions of this section and were  
1307 licensed in another state shall not be subject to any other taxes  
1308 when registered in this state.

1309 From the privilege tax monies collected under this section,  
1310 Three Million Seven Hundred Thirty-two Thousand Four Hundred Three  
1311 Dollars and Eleven Cents (\$3,732,403.11) shall be earmarked and  
1312 set aside to be apportioned and paid to the counties of the state  
1313 in the manner provided by Section 27-19-159, Mississippi Code of  
1314 1972. Any excess privilege tax monies collected under this  
1315 section shall be deposited into the State General Fund \* \* \*.

1316 Provided that no privilege license shall be issued for any  
1317 period of time for less than One Dollar (\$1.00).

1318 The annual highway privilege tax imposed on operators engaged  
1319 exclusively in the transportation of household goods shall be the  
1320 same as the tax imposed upon private commercial carriers by this  
1321 section. Provided that in determining the amount of privilege  
1322 taxes due under the provisions of this section, there shall be  
1323 allowed a maximum tolerance of five hundred (500) pounds on all  
1324 classes of carriers except carriers of liquefied compressed gases  
1325 and in the case of carriers of liquefied compressed gases there  
1326 shall be allowed a maximum tolerance of two thousand (2,000)  
1327 pounds.

1328 Provided, however, any owner or operator who operates a motor  
1329 vehicle on the public highways, with a license tag attached  
1330 thereto which was issued for another or different vehicle, shall  
1331 be liable for the privilege tax on said vehicle for twelve (12)  
1332 months plus a penalty thereon of twenty-five percent (25%).





1333            Provided further, that carriers of property duly registered  
1334 and licensed in another state and being used to transport farm  
1335 harvesting machinery or equipment to and from a particular county  
1336 in this state may, upon adoption of a resolution by the board of  
1337 supervisors of said county where such machinery or equipment is  
1338 being exclusively used in harvesting farm crops within said  
1339 county, be exempt from the taxes herein levied when said  
1340 resolution is filed with the State Tax Commission. Provided,  
1341 however, that said exemption shall not exceed a period of forty  
1342 (40) days for any annual period without a second resolution of  
1343 approval by the board of supervisors who shall have the authority  
1344 to extend said exemption not to exceed an additional period of  
1345 twenty (20) days during any annual period.

1346            Provided further, a private commercial carrier of property  
1347 hauling interstate may purchase a common and contract carrier of  
1348 property license plate at the prescribed fee to allow the carrier  
1349 to lease on a one-way basis per trip without qualifying with the  
1350 Public Service Commission.

1351            **SECTION 7.** Section 27-19-48, Mississippi Code of 1972, is  
1352 amended as follows:

1353            27-19-48. (1) Owners of motor vehicles who are residents of  
1354 this state, upon complying with the motor vehicle laws relating to  
1355 registration and licensing of motor vehicles, and upon payment of  
1356 the road and bridge privilege taxes, ad valorem taxes and  
1357 registration fees as prescribed by law for private carriers of  
1358 passengers, pickup trucks and other noncommercial motor vehicles,  
1359 and upon payment of an additional fee in the amount provided in  
1360 subsection (4)(a) of this section, shall be issued a personalized  
1361 license tag of the same color as regular license tags to consist  
1362 of the name of the county and not more than seven (7) letters of  
1363 the alphabet or seven (7) numbers in lieu of the license tag  
1364 numbering system prescribed by law. The purchaser of the  
1365 personalized license tag may choose the combination of such



1366 letters or numbers, but no two (2) motor vehicles shall have the  
1367 same combination of letters or numbers. In the event that the  
1368 same combination of letters has been chosen by two (2) or more  
1369 purchasers, the State Tax Commission shall assign a different  
1370 number to each such purchaser which shall appear on the license  
1371 tag following the combination of letters; provided, however, this  
1372 combination shall not exceed seven (7) letters and/or numbers.  
1373 The combination of letters and/or numbers written across the  
1374 license tag shall be sufficiently large to be easily read but  
1375 shall not be less than three (3) inches in height. No combination  
1376 of letters or numbers which comprise words or expressions that are  
1377 considered obscene, slandering, insulting or vulgar in ordinary  
1378 usage shall be permitted, with the Chairman of the State Tax  
1379 Commission having the responsibility of making such determination.  
1380 If, however, such license plate is issued in error or otherwise  
1381 and is determined by the chairman to be obscene, slanderous,  
1382 insulting, vulgar or offensive, the chairman shall notify such  
1383 owner that the license plate must be surrendered and that another  
1384 personalized license plate may be selected by him and issued at no  
1385 cost. Should the vehicle owner not desire another personalized  
1386 license plate, the fee for such plate shall be refunded. In the  
1387 event the owner fails to surrender the license plate after  
1388 receiving proper notification, the chairman shall issue an order  
1389 directing that the license plate be seized by agents of the State  
1390 Tax Commission or any other duly authorized law enforcement  
1391 personnel. If such owner is aggrieved by this determination, the  
1392 appeal procedure and the provisions provided in Section 27-19-337  
1393 shall be followed.

1394 (2) For the purposes of this section the terms "motor  
1395 vehicle" and "vehicle" include motorcycles.

1396 (3) Application for the personalized license tags shall be  
1397 made to the county tax collector on forms prescribed by the State  
1398 Tax Commission. The application form shall contain space for the



1399 applicant to make five (5) different choices for the combination  
1400 of the letters and numbers in the order in which said combination  
1401 is desired by the applicant. The application and the additional  
1402 fee, less five percent (5%) thereof to be retained by the tax  
1403 collector, shall be remitted to the State Tax Commission within  
1404 seven (7) days of the date the application is made. The portion  
1405 of the additional fee retained by the tax collector shall be  
1406 deposited into the county general fund.

1407 (4) (a) Beginning with any registration year commencing on  
1408 or after November 1, 1986, any person applying for a personalized  
1409 license tag shall pay an additional fee which shall be in addition  
1410 to all other taxes and fees. The additional fee paid shall be for  
1411 a period of time to run concurrent with the vehicle's established  
1412 license tag year. The additional fee of Thirty Dollars (\$30.00)  
1413 is due and payable at the time the original application is made  
1414 for a personalized tag and thereafter annually at the time of  
1415 renewal registration as long as the owner retains the personalized  
1416 tag. If the owner does not wish to retain such personalized tag,  
1417 he must surrender it to the local county tax collector. The  
1418 additional fee due at the time of renewal registration shall be  
1419 collected by the county tax collector and remitted to the State  
1420 Tax Commission on a monthly basis as prescribed by the commission.

1421 (b) The State Tax Commission shall deposit all taxes  
1422 and fees into the State Treasury on the day collected. At the end  
1423 of each month, the State Tax Commission shall certify the total  
1424 fees collected under this section to the State Treasurer who shall  
1425 deposit same to the credit of the State General Fund \* \* \*.

1426 (5) A regular license tag must be properly displayed as  
1427 required by law until replaced by a personalized license tag; and  
1428 the regular license tag must be surrendered to the tax collector  
1429 upon issuance of the personalized license tag. The tax collector  
1430 shall issue up to two (2) license decals for the personalized



1431 license tag, which will expire the same month and year as the  
1432 original license tag.

1433 (6) The applicant shall receive a refund of the fee paid for  
1434 a personalized license tag if the personalized license tag is not  
1435 issued to him because the combination of letters and numbers  
1436 requested to be placed thereon is not available for any reason.

1437 (7) In the case of loss or theft of a personalized license  
1438 tag, the owner may make application and affidavit for a  
1439 replacement license tag as provided by Section 27-19-37. The fee  
1440 for a replacement personalized license tag shall be Ten Dollars  
1441 (\$10.00). The tax collector receiving such application and  
1442 affidavit shall be entitled to retain and deposit into the county  
1443 general fund five percent (5%) of the fee for such replacement  
1444 license tag and the remainder shall be distributed in the same  
1445 manner as funds from the sale of regular license tags.

1446 (8) The owner of a personalized license tag may make  
1447 application for a duplicate of such tag. The fee for such  
1448 duplicate personalized license tag shall be Ten Dollars (\$10.00).  
1449 The tax collector receiving such application shall be entitled to  
1450 retain and deposit into the county general fund five percent (5%)  
1451 of the fee for such duplicate personalized license tag and the  
1452 remainder shall be distributed in the same manner as funds from  
1453 the sale of regular license tags. A duplicate personalized  
1454 license tag may not be fastened to the rear of a vehicle and may  
1455 not be utilized as a replacement for any personalized license tag  
1456 issued pursuant to this section. Month decals and year decals  
1457 shall not be issued for duplicate personalized license tags and  
1458 month decals and year decals shall not be attached to duplicate  
1459 personalized license tags.

1460 **SECTION 8.** Section 65-1-9, Mississippi Code of 1972, is  
1461 amended as follows:

1462 65-1-9. The commission shall appoint an Executive Director  
1463 of the Mississippi Department of Transportation for a term of



1464 office beginning on April 1, 1993. The person serving as  
1465 Executive Director of the State Highway Department on June 30,  
1466 1992, shall serve until April 1, 1993, as the Executive Director  
1467 of the Mississippi Department of Transportation, and thereafter  
1468 shall be eligible for reappointment to the position of Executive  
1469 Director of the Mississippi Department of Transportation.  
1470 Succeeding terms shall expire on April 1 each four (4) years  
1471 thereafter. The executive director may be removed by a majority  
1472 of the commission pursuant to Section 25-9-101 et seq.,  
1473 Mississippi Code of 1972. All appointments by the commission  
1474 shall be with the advice and consent of the Senate. The  
1475 commission shall submit its appointment to the Senate not later  
1476 than March 1 of the year in which a term expires, and if such  
1477 submission is not made by March 1, the incumbent director shall be  
1478 deemed to have been reappointed for a four-year term. In the  
1479 event a vacancy occurs from resignation, death or removal from  
1480 office by the commission, the commission shall submit its  
1481 appointment for the unexpired term to the Senate not later than  
1482 the next March 1 after such vacancy occurs. If no appointment for  
1483 an unexpired term is submitted to the Senate, the Governor shall  
1484 make such appointment not later than April 1 of such year. The  
1485 commission shall fix the compensation of the executive director,  
1486 subject to approval by the State Personnel Board. The executive  
1487 director shall be eligible for reappointment. The executive  
1488 director shall have the following qualifications:

- 1489 (a) Possess a wide knowledge of the transportation  
1490 system and needs of Mississippi;
- 1491 (b) Possess a wide knowledge of the principles of  
1492 transportation organization and administration; and
- 1493 (c) Possess selected training or expertise in the field  
1494 of transportation.

1495 No person who is a member of the Mississippi Transportation  
1496 Commission, or who has been a member of the transportation



1497 commission or of its predecessor, the State Highway Commission,  
1498 within two (2) years next preceding his appointment, shall be  
1499 eligible to be chosen as executive director of the department.  
1500 The executive director shall be the executive officer of the  
1501 commission and shall be subject to its orders and directions. The  
1502 executive director shall give his entire time to the duties of his  
1503 office. Before entering upon the duties of his office, the  
1504 executive director shall give bond to the State of Mississippi in  
1505 the sum of Fifty Thousand Dollars (\$50,000.00), conditioned upon  
1506 the faithful discharge and performance of his official duty. The  
1507 principal and surety on such bond shall be liable thereunder to  
1508 the state for double the amount of value of any money or property  
1509 which the state may lose, if any, by reason of any wrongful or  
1510 criminal act of the executive director. Such bond, when approved  
1511 by the commission, shall be filed with the Secretary of State, and  
1512 the premium thereon shall be paid from the State General Fund.

1513       **SECTION 9.** Section 65-1-15, Mississippi Code of 1972, is  
1514 amended as follows:

1515       65-1-15. The Mississippi Transportation Commission shall  
1516 employ a secretary whose salary shall be fixed by the commission  
1517 and shall require the secretary to keep the proper minute books,  
1518 order books and other proper books. The secretary shall be the  
1519 custodian of all books, records or other papers of the department.  
1520 All of such books, records and papers shall be public records and  
1521 open to inspection by the public during business hours. Each of  
1522 the commissioners, the executive director and the secretary may  
1523 make certified copies of any proceedings of the department, any of  
1524 its books or papers, or extracts therefrom. Such copy shall bear  
1525 the signature of the officer giving it and also the seal of the  
1526 Mississippi Department of Transportation, and such copies shall be  
1527 admitted in evidence equally with the originals thereof in all  
1528 courts of this state. Each of the commissioners and the executive  
1529 director may take and hear testimony. The seal shall be the Coat



1530 of Arms of the State of Mississippi, surrounded by the words  
1531 "Mississippi Department of Transportation." In the event that the  
1532 original seal should be stolen, lost or misplaced, the commission  
1533 shall have the power to secure a duplicate seal. The secretary  
1534 shall be the custodian of the seal and shall do and perform all  
1535 other things which may be properly required of him by the  
1536 executive director or commission. He shall give bond in the sum  
1537 of not less than Fifty Thousand Dollars (\$50,000.00), conditioned  
1538 as required by law. Except for warrant requisitions drawn in  
1539 accordance with the provisions of Section 65-1-115, Mississippi  
1540 Code of 1972, all proceedings of the commission shall be entered  
1541 upon the minutes of the commission in a minute book to be provided  
1542 and kept for that purpose, which minutes shall be signed by the  
1543 chairman or acting chairman of the respective meetings and by the  
1544 secretary. The pages of the minute book shall be numbered  
1545 consecutively by the bookmaker. The secretary of the commission  
1546 shall be an ex officio notary public, authorized to administer  
1547 oaths and take acknowledgments in the same manner and to the same  
1548 extent as any other duly appointed, qualified, commissioned and  
1549 acting notary public, and the seal of the Transportation  
1550 Department shall be his seal as such ex officio notary public.  
1551 The bond premium of the secretary shall be paid from the State  
1552 General Fund.

1553       **SECTION 10.** Section 65-1-23, Mississippi Code of 1972, is  
1554 amended as follows:

1555       65-1-23. The Transportation Commission is hereby authorized  
1556 and empowered, in its discretion, to erect and construct upon the  
1557 land hereinafter described a testing laboratory, machine shops,  
1558 and other necessary buildings, and to expend for such purpose an  
1559 amount not to exceed Three Hundred Thousand Dollars (\$300,000.00)  
1560 out of any funds which may be available for such purpose in the  
1561 State General Fund.



1562           The Bureau of Building, Grounds and Real Property Management  
1563 is hereby authorized, empowered and directed to select a suitable  
1564 tract of land, ten (10) acres in area, from any state-owned lands  
1565 located in or near the City of Jackson, Mississippi, and not now  
1566 being used for public purposes. The laboratory shops and other  
1567 buildings specified in this section shall be erected on the land  
1568 so selected, which said land is hereby set aside and allocated to  
1569 the Transportation Commission for the purposes herein specified.

1570           **SECTION 11.** Section 65-1-29, Mississippi Code of 1972, is  
1571 amended as follows:

1572           65-1-29. The authority granted the State Transportation  
1573 Commission under provisions of this chapter, shall include the  
1574 right to enter into agreements with the United States government,  
1575 or any agency thereof, for the alteration, relocation,  
1576 reconstruction, or abandonment of state highways or any portion  
1577 thereof, and conveyance of whatever rights and interests the state  
1578 owns in property acquired for the purposes of said statutes, or  
1579 any portion or interest thereof, where the same are necessary for  
1580 the construction of flood control, navigation, drainage, or  
1581 National Aeronautics and Space Agency projects approved and  
1582 adopted by the United States government or any agency thereof.

1583           Upon proper authorization by the State Transportation  
1584 Commission, the director of the State Transportation Department is  
1585 hereby empowered to execute a quitclaim deed selling and conveying  
1586 the above rights and interests. Said deed shall be delivered to  
1587 the purchaser upon the payment of the consideration agreed upon,  
1588 and such consideration shall be deposited in the State Treasury to  
1589 the credit of the State General Fund.

1590           Such agreements and conveyances shall be upon a consideration  
1591 deemed reasonable by the State Transportation Commission and the  
1592 agency of the United States government affected, provided that no  
1593 part of this section is intended to alter or change in any way the





1594 existing immunity from certain actions of the state or the United  
1595 States.

1596 The consideration above shall include the expense of creating  
1597 and maintaining any necessary detours, and the same shall be  
1598 created and maintained as provided in the above mentioned  
1599 agreement.

1600 **SECTION 12.** Section 65-1-47, Mississippi Code of 1972, is  
1601 amended as follows:

1602 65-1-47. The Mississippi Transportation Commission shall  
1603 have complete authority to issue rules, regulations and orders  
1604 under which the Mississippi Transportation Department shall have  
1605 control and supervision, with full power and authority under  
1606 rules, regulations and orders issued by the commission, to locate,  
1607 relocate, widen, alter, change, straighten, construct or  
1608 reconstruct any and all roads on the state highway system  
1609 heretofore or hereafter taken over by it for maintenance as a part  
1610 of such system, and shall have full and complete authority for  
1611 regulating the making of all contracts, surveys, plans,  
1612 specifications and estimates for the location, laying out,  
1613 widening, straightening, altering, changing, constructing,  
1614 reconstructing and maintaining of and the securing of  
1615 rights-of-way for any and all such highways, and to authorize the  
1616 employees of the Mississippi Transportation Department to enter  
1617 upon private property for such purposes.

1618 The Mississippi Transportation Department, under the rules,  
1619 regulations and orders spread upon the minutes of the Mississippi  
1620 Transportation Commission, is authorized and empowered to obtain  
1621 and pay for the rights-of-way of such width as it may determine to  
1622 be necessary for such highway or for any alteration or change  
1623 therein or relocation thereof by agreement with the owners of such  
1624 lands. Rights-of-way of not less than sixty (60) feet wide shall  
1625 be acquired except within the boundaries of towns and cities where  
1626 unusual conditions exist, in which case the commission is



1627 authorized and empowered to have obtained and paid for such  
1628 rights-of-way of such width as it may determine to be necessary.  
1629 Said commission may have condemned any and all land or other  
1630 property needed for such purposes or either of them; may have  
1631 condemned or acquired by gift or purchase lands containing road  
1632 building materials and develop and operate pits, mines or other  
1633 properties for the purpose of obtaining road material; and have  
1634 condemned or acquired by gift or purchase lands necessary for the  
1635 safety and convenience of traffic.

1636       Said commission, in case an agreement cannot be reached with  
1637 the owners of land containing road building materials or of any  
1638 additional land necessary for widening any existing public  
1639 highways, for laying out a new public highway, or for changing the  
1640 route of an existing public highway, as provided in the foregoing  
1641 part of this section, shall be authorized to have condemned any  
1642 land needed for either of said purposes, as is fully set forth in  
1643 this section. The proceedings to acquire such lands by a  
1644 condemnation shall be in conformity with the statutes on the  
1645 subject of "eminent domain," the power of eminent domain being  
1646 hereby expressly conferred upon said commission for such purposes.  
1647 Such proceedings shall take precedence over all other causes not  
1648 involving the public interest in all courts and shall be given  
1649 preference to the end that construction and reconstruction of  
1650 highways hereunder may not be unreasonably delayed. The amount of  
1651 such compensation and damages, if any, awarded to the owner in  
1652 such proceedings shall be paid out of the State General Fund. The  
1653 authorities constructing such highway, under the authority as  
1654 provided in this section, shall use diligence to protect growing  
1655 crops and pastures and to prevent damage to any property not  
1656 taken. So far as possible, all rights-of-way shall be acquired or  
1657 contracted for before any construction contract work order is  
1658 issued.



1659           The estate which the Mississippi Transportation Commission is  
1660 authorized to acquire by deed or condemnation as set forth above  
1661 shall include all rights, title and interest in and to the lands  
1662 or property being acquired, excepting and excluding all the oil  
1663 and gas therein or thereunder and such other rights, title or  
1664 interest which are expressly excepted and reserved to the property  
1665 owner, his successors, heirs or assigns in the deed or  
1666 condemnation petition by which the property is acquired. Any  
1667 property interest acquired may be in unlimited vertical dimension.  
1668 The Mississippi Transportation Commission shall decide what right,  
1669 title and interest are necessary for highway purposes on each  
1670 particular project and may, by order on its minutes, authorize its  
1671 agents to expressly except all or any others.

1672           **SECTION 13.** Section 65-1-77, Mississippi Code of 1972, is  
1673 amended as follows:

1674           65-1-77. The Mississippi Transportation Commission and the  
1675 counties and municipalities of the state are hereby authorized to  
1676 enter into agreements for highway and street projects which are a  
1677 part of an overall plan to be administered under the provisions of  
1678 Title 23, United States Code. Such agreements may provide for  
1679 traffic engineering assistance to the local governments for the  
1680 development by the Mississippi Transportation Department of  
1681 records systems for local roads and streets. The counties and  
1682 municipalities of the state are authorized to deposit with the  
1683 Mississippi Transportation Department the federal aid matching  
1684 requirement for the project from any available fund. The county  
1685 and/or municipal share and the federal share will be handled in  
1686 the manner provided therefor in Section 65-9-17. The county will  
1687 be required to fulfill its obligation for maintenance of any  
1688 project constructed under this authorization in the same manner  
1689 required of or for any state aid road. It shall be the duty of  
1690 the municipal officials of any incorporated city entering into  
1691 this agreement to properly maintain and operate any completed



1692 project or improvement on the municipal street system. It shall  
1693 be the duty of the Chief Engineer of the Mississippi  
1694 Transportation Department and his assistants to make at least  
1695 annual maintenance inspections of completed projects and such  
1696 other periodic inspections as he shall deem necessary. If  
1697 essential maintenance is not properly and regularly done in the  
1698 opinion of the chief engineer, then notice shall be given by the  
1699 Director of the Mississippi Transportation Department in writing  
1700 to the county or municipality in fault; and, if such maintenance  
1701 is not done and continued within sixty (60) days from the date of  
1702 such notice, then the Director of the Mississippi Transportation  
1703 Department may proceed to have done the necessary maintenance and  
1704 repair work on such street and have the cost of same credited to  
1705 the State General Fund from any fund available to the county or  
1706 municipality within the State Treasury.

1707       **SECTION 14.** Section 65-1-111, Mississippi Code of 1972, is  
1708 amended as follows:

1709       65-1-111. All monies from any source provided by law shall  
1710 be covered and paid into the State Treasury as other public funds  
1711 are paid, and it shall be the duty of the Department of Finance  
1712 and Administration to advise the Mississippi Transportation  
1713 Commission of the amount of money allotted to the commission on  
1714 hand from time to time. It shall be the duty of the Department of  
1715 Finance and Administration to place and allocate said funds so  
1716 covered into the State Treasury in the State General Fund. \* \* \*  
1717 In the event any highway bonds or notes are issued, the  
1718 Transportation Commission will adopt a resolution requesting the  
1719 Bond Commission to issue such bonds or notes as may be authorized  
1720 and a "bond and interest sinking fund" and "note fund" shall  
1721 likewise be kept separate from the highway fund by the State  
1722 Treasurer pursuant to the bond resolution adopted by the State of  
1723 Mississippi Bond Commission.



1724           **SECTION 15.** Section 65-1-112, Mississippi Code of 1972, is  
1725 amended as follows:

1726           65-1-112. No funds provided to the State Transportation  
1727 Department from the State General Fund shall be expended on a set  
1728 division of such funds by district, but shall be expended on the  
1729 basis of state needs as a whole.

1730           **SECTION 16.** Section 65-1-115, Mississippi Code of 1972, is  
1731 amended as follows:

1732           65-1-115. The Department of Finance and Administration, in  
1733 cooperation with the commission or its comptroller, shall  
1734 formulate and prescribe a uniform system of accounting for all  
1735 monies expended by the Mississippi Transportation Commission. The  
1736 commission shall have prepared and issued all necessary forms,  
1737 rules and regulations for the installation and operation of said  
1738 system of accounting, and it shall be the duty of the  
1739 Transportation Commission, acting through its executive director,  
1740 in allowing any account to request, by requisition to Department  
1741 of Finance and Administration, that a warrant be issued therefor.  
1742 The commission shall provide proper books covering requisitions to  
1743 be drawn from the State General Fund. In the event any highway  
1744 bonds or notes are issued, additional books covering a "bond and  
1745 interest sinking fund" and "note fund" shall likewise be provided.

1746           **SECTION 17.** Section 65-1-117, Mississippi Code of 1972, is  
1747 amended as follows:

1748           65-1-117. The board of supervisors of any county is hereby  
1749 authorized in its discretion to deposit with the State Treasurer,  
1750 as trustee, funds representing the county's or district's share of  
1751 the cost of construction of any project in that county.

1752           The State Treasurer is hereby authorized to continue to  
1753 receive and deposit to the credit of the State General Fund, all  
1754 funds from the federal government made available by it for road  
1755 construction purposes, and the treasurer shall notify the  
1756 commission of the amounts so received.



1757 All accounts against the above mentioned funds shall be  
1758 certified by the Director of the Mississippi Transportation  
1759 Department, who shall request the Department of Finance and  
1760 Administration to issue his warrant on the State Treasurer for the  
1761 amount of the account, and the Treasurer shall pay same if  
1762 sufficient funds are available, all in the manner prescribed  
1763 herein or as may be required by law.

1764 **SECTION 18.** Section 65-9-17, Mississippi Code of 1972, is  
1765 amended as follows:

1766 65-9-17. (1) When any county shall have met the  
1767 requirements of this chapter and shall have become eligible for  
1768 state aid, the State Aid Engineer, as soon as practicable, shall  
1769 notify such county in writing of such eligibility and that its  
1770 proportionate part of any state funds allocated to it for state  
1771 aid may be utilized for construction in the manner provided by  
1772 law, and such notice shall also be given in writing to the  
1773 Department of Finance and Administration and to the State  
1774 Treasurer.

1775 (2) State aid funds shall be allocated to each county for  
1776 use on state aid system roads or roads on the Local System Road  
1777 Program in accordance with the provisions of Section 27-65-75.

1778 (3) State aid funds may be credited to a county in advance  
1779 of the normal accrual to finance certain state aid improvements,  
1780 subject to the approval of the State Aid Engineer and subject  
1781 further to the following limitations:

1782 (a) That the maximum amount of state aid funds that may  
1783 be advanced to any county shall not exceed ninety percent (90%) of  
1784 the state aid funds estimated to accrue to such county during the  
1785 remainder of the term of office of the board of supervisors of  
1786 such county.

1787 (b) That no advance credit of funds will be made to any  
1788 county when the unobligated balance in the State Aid Road Fund is  
1789 less than One Million Dollars (\$1,000,000.00).



1790           (c) That such advance crediting of funds be effected by  
1791 the State Aid Engineer at the time of the approval of the plans  
1792 and specifications for the proposed improvements.

1793           It is the intent of this provision to utilize to the fullest  
1794 practicable extent the balance of state aid funds on hand at all  
1795 times.

1796           (4) State aid funds shall be available to such county to the  
1797 following extent and in the following manner:

1798           (a) On state aid projects, other than those on or off  
1799 the federal aid secondary system to be partially financed with  
1800 federal funds, state aid funds credited to such county in the  
1801 State Aid Road Fund shall be available to cover the cost of such  
1802 project. Upon the awarding of a contract for such state aid  
1803 project, the board of supervisors of any county will, by an  
1804 official order of the board, authorize the State Aid Engineer to  
1805 set up the project fund for such project from that county's state  
1806 aid fund in the State Treasury. The amount of the project fund  
1807 will cover the estimated cost of the project, including the  
1808 contractor's payments and any other costs authorized under this  
1809 chapter to be paid from state aid funds. Withdrawals from the  
1810 project fund will be made by requisitions prepared by the State  
1811 Aid Engineer, based on estimates and other supporting statements  
1812 and documents prepared or approved by the county engineer, such  
1813 requisitions, accompanied by such estimates and statements, to be  
1814 directed to the Department of Finance and Administration, which  
1815 will issue warrants in payment thereof. Requisitions may be drawn  
1816 to cover the final cost of the project accepted by the boards of  
1817 supervisors of the counties affected and the State Aid Engineer,  
1818 even though such cost exceeds the aforesaid estimated project  
1819 fund. Whenever, in the opinion of the State Aid Engineer, it  
1820 should appear that any such estimate or statement of account has  
1821 been improperly allowed or that any road construction project is  
1822 not proceeding in accordance with the plans, specifications and



1823 standards set up therefor, then, in such event, due notice in  
1824 writing shall be given the board of supervisors of such county and  
1825 the contractor on such project, if any, stating the reason why  
1826 such account should not have been allowed or why such project is  
1827 not progressing satisfactorily; and if, within thirty (30) days  
1828 from the date of such notice in writing, such error or default is  
1829 not corrected to the satisfaction of the State Aid Engineer, all  
1830 state aid funds theretofore allocated to such eligible county  
1831 shall be immediately withdrawn and notice given the Department of  
1832 Finance and Administration and the State Treasurer that such  
1833 county has become ineligible therefor. Such county shall remain  
1834 ineligible until it again becomes eligible by satisfying the State  
1835 Aid Engineer as to its eligibility.

1836 (b) On state aid projects on the federal aid secondary  
1837 system which are to be partially financed with federal funds,  
1838 state aid funds credited to such county in the State Aid Road Fund  
1839 shall be available to cover the sponsor's share of the cost of  
1840 such project. At the same time, the State Treasurer, on order  
1841 from the board of supervisors, shall transfer an amount up to one  
1842 hundred percent (100%) of such cost from the credit of such county  
1843 in the State Aid Road Fund to the credit of such county in the  
1844 State General Fund, earmarked for such project.

1845 (c) State aid road funds credited to a county in the  
1846 State Aid Road Fund shall also be available to cover the sponsor's  
1847 cost of any other project of such county which is partially  
1848 financed with federal funds available through federal "safer  
1849 off-system" road funds and/or other federal road funds allocated  
1850 to the counties as provided for in accordance with Section  
1851 65-9-29(2). On order from the board of supervisors of such  
1852 county, the State Treasurer shall transfer an amount up to one  
1853 hundred percent (100%) of such cost from the credit of such county  
1854 in the State Aid Road Fund to the credit of such county in the  
1855 State General Fund, earmarked for such project.





1856           (d) Up to one-third (1/3) of state aid road funds  
1857 credited to a county in the State Aid Road Fund may be available  
1858 to match federal bridge replacement monies or other federal funds,  
1859 or both, to construct, replace, inspect or post bridges and to  
1860 conduct pavement management surveys on county roads which are not  
1861 on the state aid system. To implement such projects, the State  
1862 Treasurer shall, as requested in an order from the board of  
1863 supervisors of the county, make transfers out of the credit of  
1864 such county in the State Aid Road Fund.

1865           (e) Up to twenty-five percent (25%) of the state aid  
1866 road funds credited to a county in the State Aid Road Fund may be  
1867 available for projects authorized under the Local System Road  
1868 Program. Withdrawals from the fund for the Local System Road  
1869 Program will be made by requisitions prepared by the State Aid  
1870 Engineer, based on estimates and other supporting statements and  
1871 documents prepared or approved by the county engineer; such  
1872 requisitions, accompanied by such estimates and statements, to be  
1873 directed to the Department of Finance and Administration, which  
1874 will issue warrants in payment thereof. Requisitions may be drawn  
1875 to cover the final cost of the local system road project accepted  
1876 by the boards of supervisors of the counties affected and the  
1877 State Aid Engineer even though such cost exceeds the aforesaid  
1878 estimated project fund. Whenever, in the opinion of the State Aid  
1879 Engineer, it should appear that any such estimate or statement of  
1880 account has been improperly allowed or that any road construction  
1881 project is not proceeding in accordance with the plans,  
1882 specifications and standards set up therefor, then, in such event,  
1883 due notice in writing shall be given the board of supervisors of  
1884 such county and the contractor on such project, if any, stating  
1885 the reason why such account should not have been allowed or why  
1886 such project is not progressing satisfactorily; and if, within  
1887 thirty (30) days from the date of such notice in writing, such  
1888 error or default is not corrected to the satisfaction of the State



1889 Aid Engineer, all state aid funds theretofore allocated to such  
1890 eligible county shall be immediately withdrawn and notice given  
1891 the Department of Finance and Administration and the State  
1892 Treasurer that such county has become ineligible therefor. Such  
1893 county shall remain ineligible until it again becomes eligible by  
1894 satisfying the State Aid Engineer as to its eligibility.

1895 (5) The State Treasurer is hereby authorized to continue to  
1896 receive and deposit all funds from the federal government made  
1897 available by it, either by existing law or by any law which may be  
1898 passed hereafter, to the credit of the State Highway Fund, and the  
1899 Treasurer shall notify the commission of the amounts so received.

1900 All accounts against the above-mentioned funds shall be  
1901 certified to by the Executive Director of the Mississippi  
1902 Department of Transportation, who shall request the Department of  
1903 Finance and Administration to issue its warrant on the State  
1904 Treasurer for the amount of the accounts; and the Treasurer shall  
1905 pay same if sufficient funds are available, all in the manner  
1906 prescribed herein or as may be required by law.

1907 (6) The board of supervisors of each county is hereby  
1908 authorized and empowered to pay funds into the State Treasury in  
1909 the manner above set out, and to use and expend such funds for the  
1910 purposes set out in this chapter. For the purpose of providing  
1911 such funds, the board of supervisors is hereby authorized and  
1912 empowered to use and expend any county road and bridge funds,  
1913 including revenue received from any gasoline taxes paid to such  
1914 county, or any funds available in the General Fund, or to issue  
1915 road and bridge bonds of such county in any lawful amount in the  
1916 manner and method and subject to the restrictions, limitations and  
1917 conditions, and payable from the same sources of revenue, now  
1918 provided by law.

1919 **SECTION 19.** Section 65-11-9, Mississippi Code of 1972, is  
1920 amended as follows:



1921           65-11-9. The State Highway Commission shall determine what  
1922 proportion of the funds allotted to the State of Mississippi for  
1923 the improvement of secondary and feeder roads under subsection  
1924 (b), Section 3, of the Federal Aid Highway Act of 1944 [53 U.S.  
1925 Stat. 838, Chapter 626], shall be expended upon the improvement of  
1926 highways on the county federal aid highway system; however, not  
1927 less than fifty percent (50%) of the amount so apportioned to  
1928 Mississippi under said act shall be apportioned for expenditure  
1929 among the counties for the improvement of roads on the county  
1930 federal aid highway system; if the amount apportioned by the state  
1931 to the State General Fund to carry out the purposes of Sections  
1932 65-11-1 through 65-11-37 should be less than fifty percent (50%)  
1933 of the amount apportioned to Mississippi for secondary and feeder  
1934 roads under said act, then the amount of federal funds apportioned  
1935 to the counties for the improvement of roads on the county federal  
1936 aid highway system may be less than fifty percent (50%) of such  
1937 federal funds, but shall not be less than the amount of such state  
1938 appropriation.

1939           **SECTION 20.** Section 65-11-11, Mississippi Code of 1972, is  
1940 amended as follows:

1941           65-11-11. The amount of federal funds made available to the  
1942 State of Mississippi for secondary and feeder roads under the  
1943 Federal Aid Highway Act of 1944 [58 U.S. Stat. 838, Chapter 626]  
1944 which is allotted to the counties as provided in Section 65-11-9,  
1945 shall be apportioned among the counties of this state by the State  
1946 Highway Commission in the following manner: one-third (1/3) in  
1947 the ratio which the area of each county bears to the total area of  
1948 the state; one-third (1/3) in the ratio which the rural population  
1949 of each county bears to the total rural population of the state,  
1950 as shown by the federal census of 1940; and one-third (1/3) in the  
1951 ratio which the mileage of rural delivery and star routes in each  
1952 county bears to the total mileage of rural delivery and star  
1953 routes in the state. The amount of federal funds so apportioned



1954 to each county shall be matched by state funds apportioned to the  
1955 State General Fund to carry out the purposes of Sections 65-11-1  
1956 through 65-11-37 as hereinafter provided; in the event the amount  
1957 so appropriated for such State General Fund is insufficient to  
1958 entirely match the federal funds allotted to county highways, then  
1959 the amount of such fund shall be apportioned among the counties in  
1960 the same manner as herein provided. "Rural population" and "rural  
1961 delivery" routes as used in this section shall have the same  
1962 meaning ascribed to them in the Federal Aid Highway Act of 1944  
1963 [58 U.S. Stat. 838, Chapter 626].

1964 **SECTION 21.** Section 65-11-15, Mississippi Code of 1972, is  
1965 amended as follows:

1966 65-11-15. The Mississippi Transportation Commission shall  
1967 notify the board of supervisors of each county of the amount of  
1968 money to be available for expenditure in such county from said  
1969 federal apportionment, and of the amount of money available from  
1970 the \* \* \* State General Fund as the state's share of the federal  
1971 aid program on secondary and feeder roads. Within three (3)  
1972 months after the receipt of such notice, the board of supervisors  
1973 of each county shall submit to the Mississippi Transportation  
1974 Commission a description of the recommended projects on county  
1975 highways in such county which are approved by the county and  
1976 recommended for selection and designation for participation in  
1977 federal aid under the Federal Aid Highway Act of 1944 [58 U.S.  
1978 Stat. 838, Chapter 626]. In the selection of such projects and in  
1979 the recommendation of the order of their improvement, the boards  
1980 of supervisors shall select projects which will be of the greatest  
1981 benefit to the county as a whole, judged from the standpoint of  
1982 relative use and importance, without regard to district or beat  
1983 lines, insofar as same is consistent with the rules and  
1984 regulations of the public roads administration of the federal  
1985 works agency. All such projects and the order of their



1986 inauguration shall be subject to the approval of the Mississippi  
1987 Transportation Commission as provided in Section 65-11-13.

1988 **SECTION 22.** Section 65-11-25, Mississippi Code of 1972, is  
1989 amended as follows:

1990 65-11-25. If the amount apportioned to any county from  
1991 federal aid funds for the purposes mentioned above shall exceed  
1992 the amount made available to such county from state appropriated  
1993 funds, then the board of supervisors of such county is hereby  
1994 authorized and empowered, in its discretion, to use and expend any  
1995 county road and bridge funds, or any funds available in the  
1996 general fund of such county, to increase or enlarge the county  
1997 highway construction program in such county and to match any  
1998 federal aid funds not matched by state appropriated funds. All  
1999 such additional funds shall be remitted and turned over by the  
2000 board of supervisors to the State Treasurer to be deposited in the  
2001 State General Fund and to be used exclusively in said county on  
2002 projects on county highways approved by the board of supervisors,  
2003 the Mississippi Transportation Commission, and the public roads  
2004 administration, it being the intention of this section to  
2005 authorize and empower the board of supervisors of any county to  
2006 supplement the funds provided for the construction or improvement  
2007 of projects on secondary or feeder roads in said county out of any  
2008 funds which the county might have available at the time. For the  
2009 purpose of providing such supplemental or additional funds, the  
2010 board of supervisors of any county is hereby authorized and  
2011 empowered, in its discretion, to issue the road or road and bridge  
2012 bonds of such county in any lawful amount, said bonds to be issued  
2013 in all respects in the manner and method, and subject to the  
2014 restrictions and conditions, now provided by law for the issuance  
2015 of county road or road and bridge bonds, and shall be payable from  
2016 the same sources of revenue.

2017 **SECTION 23.** Section 65-11-35, Mississippi Code of 1972, is  
2018 amended as follows:



2019           65-11-35. \* \* \* All expenditures of state funds contemplated  
2020 by the aforesaid sections shall be made from the State General  
2021 Fund, and such monies shall be paid out by the Mississippi  
2022 Transportation Commission, acting through its director, in the  
2023 manner and method now provided by law.

2024           **SECTION 24.** Section 65-33-45, Mississippi Code of 1972, is  
2025 amended as follows:

2026           65-33-45. Where any county issues or has heretofore issued  
2027 its bonds under this chapter or any previous statutes of a similar  
2028 character for protection of any highway, there shall be paid into  
2029 the treasury of such county fifty percent (50%) of any license  
2030 taxes which would otherwise be paid into the State General Fund  
2031 collected by the state in such county on motor vehicles or drivers  
2032 thereof, and fifty percent (50%) of any excise taxes levied and  
2033 collected in such county by the state on gasoline which would  
2034 otherwise be paid into the State Treasury to the credit of the  
2035 State General Fund, to meet the interest and annual sinking fund  
2036 on such bonds. Such funds shall be applied toward the liquidation  
2037 of the interest and sinking fund accruing annually on such bonds,  
2038 the other fifty percent (50%) to go into the State Treasury to the  
2039 credit of the Mississippi Transportation Commission, and, if such  
2040 taxes in any year should be insufficient to cover such interest  
2041 and sinking fund, the deficiency therein shall be supplied out of  
2042 any other such funds collected by the state in such county and  
2043 allotted by law to such county for road purposes. Nothing herein  
2044 shall be construed as a guarantee on the part of the state to pay  
2045 the interest or principal on any bonds issued hereunder.

2046           This section shall not apply to the tax collected from  
2047 registration fees and the sale of automobile tags.

2048           Of the surplus of such funds so paid into the treasuries of  
2049 Harrison and Jackson Counties, the portions thereof hereinafter  
2050 designated, to the extent necessary under the limitations  
2051 hereinafter stated, shall be paid by Harrison and Jackson Counties



2052 to the Mississippi Transportation Commission and shall be applied  
2053 by said commission on the annual payments of principal of and  
2054 interest on bonds to be issued by the State Bond Commission in an  
2055 amount not to exceed Seven Million Dollars (\$7,000,000.00), for  
2056 the construction, by the Mississippi Transportation Commission, of  
2057 a four-lane highway bridge across the Bay of Biloxi, to form a  
2058 part of United States Highway No. 90, to the extent that  
2059 two-thirds (2/3) of the total cost of principal and interest on  
2060 such bonds shall be paid out of such surplus funds of Harrison  
2061 County, and one-third (1/3) out of such surplus funds of Jackson  
2062 County.

2063 For the purpose of this section, such "surplus funds of  
2064 Harrison County" shall be construed to be the amount paid to  
2065 Harrison County under this section not pledged to the payment of  
2066 principal and interest of bonds issued under this chapter, or any  
2067 previous statutes of a similar character for the protection of any  
2068 highway, and presently outstanding. "Surplus funds of Jackson  
2069 County" shall be construed to be the amount paid to Jackson County  
2070 under this section not pledged to the payment of principal and  
2071 interest of bonds issued under this chapter, or any previous  
2072 statutes of a similar character for the protection of any highway,  
2073 and presently outstanding, and remaining after payment of  
2074 principal and interest on bonds now issued or authorized by an  
2075 election by Jackson County in connection with its Bayou Casotte  
2076 development project under the authority of Senate Bill No. 1265,  
2077 Extraordinary Session of 1954, as amended by Senate Bill No. 1624  
2078 enacted at the Regular 1958 Session of the Mississippi  
2079 Legislature.

2080 Annually, to the extent necessary to meet the annual  
2081 requirements for the payment of principal of and interest on said  
2082 bonds, Harrison County shall pay to the Mississippi Transportation  
2083 Commission not exceeding two-thirds (2/3) of its aforesaid annual  
2084 surplus, as hereinabove defined; and, to the extent necessary and



2085 available, Jackson County shall annually pay to the Mississippi  
2086 Transportation Commission from such surplus funds an amount not  
2087 exceeding one-third (1/3) of the annual requirements for bonds  
2088 issued by the State Bond Commission, and such amounts as may be  
2089 necessary to satisfy any deficiency in preceding annual payments  
2090 required to be made under the provisions hereof.

2091 Surplus funds remaining to both Harrison and Jackson  
2092 Counties, after making the payments above directed, may be  
2093 pledged, used and expended in whole or part for the payment of the  
2094 principal of and interest on bonds issued and to be issued under  
2095 the authority of Sections 59-9-1 through 59-9-83; however, unless  
2096 and until so pledged all or any part of such surplus now or  
2097 hereafter accumulated may be transferred by the board of  
2098 supervisors to a fund designated the county port fund and shall be  
2099 subject to expenditure by the county port authority or county  
2100 development commission for the purposes and objects authorized by  
2101 said sections. All expenditures made by the county port authority  
2102 or county development commission shall be audited by the county  
2103 auditor, who shall annually report such expenditures to the board  
2104 of supervisors.

2105 **SECTION 25.** Section 7-7-213, Mississippi Code of 1972, is  
2106 amended as follows:

2107 7-7-213. The costs of audits and other services required by  
2108 Sections 7-7-201 through 7-7-215, except for those audits and  
2109 services authorized by Section 7-7-211(k), \* \* \* shall be funded  
2110 by appropriations made by the Legislature from the State General  
2111 Fund \* \* \*. Except as provided in Section 7-7-211(d) and any  
2112 municipality required under this chapter to be audited by the  
2113 State Auditor, the amounts to be charged for performing audits and  
2114 other services shall be the actual cost, not to exceed One Hundred  
2115 Dollars (\$100.00) per man day. In the event of failure by any  
2116 unit of government to pay the charges authorized herein, the  
2117 Department of Audit shall notify the State Fiscal Officer, and





2118 upon a determination that the charges are substantially correct,  
2119 the State Fiscal Officer shall notify the defaulting unit of his  
2120 determination. If payment is not made within thirty (30) days  
2121 after such notification, the State Fiscal Officer shall notify the  
2122 State Treasurer and Department of Public Accounts that no further  
2123 warrants are to be issued to the defaulting unit until the  
2124 deficiency is paid.

2125 The cost of any service by the department not required of it  
2126 under the provisions of the cited sections but made necessary by  
2127 the willful fault or negligence of an officer or employee of any  
2128 public office of the state shall be recovered (a) from such  
2129 officer or employee and/or surety on official bond thereof and/or  
2130 (b) from the individual, partnership, corporation or association  
2131 involved, in the same manner and under the same terms, when  
2132 necessary, as provided the department for recovering public funds  
2133 in Section 7-7-211.

2134 The State Auditor shall deliver a copy of any audit of the  
2135 fiscal and financial affairs of a county to the chancery clerk of  
2136 such county and shall deliver a notice stating that a copy of such  
2137 audit is on file in the chancery clerk's office to some newspaper  
2138 published in the county to be published. If no newspaper is  
2139 published in the county, a copy of such notice shall be delivered  
2140 to a newspaper having a general circulation therein.

2141 **SECTION 26.** Section 7-9-22, Mississippi Code of 1972, is  
2142 amended as follows:

2143 7-9-22. All funds collected by the Office of the Secretary  
2144 of State shall be deposited, in accordance with Section 7-9-21,  
2145 Mississippi Code of 1972, into the State General Fund. \* \* \*

2146 **SECTION 27.** Section 7-9-70, Mississippi Code of 1972, is  
2147 amended as follows:

2148 7-9-70. \* \* \* There shall be deposited in the State General  
2149 Fund (a) all such fees as the State Treasurer is directed to  
2150 deposit therein under subsection (4) of Section 27-19-56.1, under



2151 subsection (4) of Section 27-19-56.2 and under subsection (5) (b)  
2152 of Section 27-19-56.4; and (b) any gift, donation, bequest, trust,  
2153 grant, endowment, transfer of money or securities or any other  
2154 monies from any source whatsoever as may be designated for the use  
2155 of the Mississippi Fire Fighters Memorial Burn Center.

2156 \* \* \*

2157 **SECTION 28.** Section 25-9-141, Mississippi Code of 1972, is  
2158 amended as follows:

2159 25-9-141. The State Personnel Board shall \* \* \* operate from  
2160 State General Fund appropriation. The State Personnel Board shall  
2161 adopt a user assessment procedure, \* \* \* which shall be prorated  
2162 among all departments, agencies and institutions, based upon the  
2163 number of employment positions authorized and/or serviced by the  
2164 board, and the departments, agencies and institutions shall pay  
2165 their share of the assessment upon receipt of billing from the  
2166 board.

2167 **SECTION 29.** Section 25-31-8, Mississippi Code of 1972, is  
2168 amended as follows:

2169 25-31-8. From and after July 1, 1979, in all circuit court  
2170 districts in this state existing now or hereafter created, the  
2171 district attorney shall receive from sums appropriated for such  
2172 purpose from the General Fund \* \* \* of the State of Mississippi,  
2173 an office operating allowance for the necessary expenses of  
2174 operating the office of the district attorney, including  
2175 stenographic help, and other items and expenditures necessary and  
2176 incident to the investigation of criminal cases, the general  
2177 expenses of the office of the investigation of criminal cases, the  
2178 general expenses of the office of the district attorney for  
2179 preparing and/or trying felony cases and all other cases requiring  
2180 the services of the district attorney, the sum of Twenty-six  
2181 Thousand Dollars (\$26,000.00) for each district, and an additional  
2182 Three Thousand Five Hundred Dollars (\$3,500.00) for each assistant  
2183 authorized by Section 25-31-5(1) as of January 1, 1996. All



2184 expenditures made from said office operating allowances shall be  
2185 upon written requisition of the duly elected district attorney to  
2186 the State Auditor, as otherwise provided by law. The district  
2187 attorney may delegate to the board of supervisors of any county in  
2188 his district the responsibility and authority to employ and set  
2189 the salary of not more than one (1) employee for the office of  
2190 such district attorney, such salary to be paid as other  
2191 expenditures are paid from the funds provided by this section.  
2192 Such employee shall be deemed to be appointed and employed by the  
2193 board of supervisors and the salary shall not be deemed to be a  
2194 pecuniary benefit provided by the district attorney's office.

2195 **SECTION 30.** Section 25-53-5, Mississippi Code of 1972, is  
2196 amended as follows:

2197 25-53-5. The authority shall have the following powers,  
2198 duties, and responsibilities:

2199 (a) The authority shall provide for the development of  
2200 plans for the efficient acquisition and utilization of computer  
2201 equipment and services by all agencies of state government, and  
2202 provide for their implementation. In so doing, the authority may  
2203 use the MDITS staff, at the discretion of the executive director  
2204 of the authority, or the authority may contract for the services  
2205 of qualified consulting firms in the field of information  
2206 technology and utilize the service of such consultants as may be  
2207 necessary for such purposes.

2208 (b) The authority shall immediately institute  
2209 procedures for carrying out the purposes of this chapter and  
2210 supervise the efficient execution of the powers and duties of the  
2211 office of executive director of the authority. In the execution  
2212 of its functions under this chapter, the authority shall maintain  
2213 as a paramount consideration the successful internal organization  
2214 and operation of the several agencies so that efficiency existing  
2215 therein shall not be adversely affected or impaired. In executing  
2216 its functions in relation to the institutions of higher learning



2217 and junior colleges in the state, the authority shall take into  
2218 consideration the special needs of such institutions in relation  
2219 to the fields of teaching and scientific research.

2220 (c) Title of whatever nature of all computer equipment  
2221 now vested in any agency of the State of Mississippi is hereby  
2222 vested in the authority, and no such equipment shall be disposed  
2223 of in any manner except in accordance with the direction of the  
2224 authority or under the provisions of such rules and regulations as  
2225 may hereafter be adopted by the authority in relation thereto.

2226 (d) The authority shall adopt rules, regulations, and  
2227 procedures governing the acquisition of computer and  
2228 telecommunications equipment and services which shall, to the  
2229 fullest extent practicable, insure the maximum of competition  
2230 between all manufacturers of supplies or equipment or services.  
2231 In the writing of specifications, in the making of contracts  
2232 relating to the acquisition of such equipment and services, and in  
2233 the performance of its other duties the authority shall provide  
2234 for the maximum compatibility of all information systems hereafter  
2235 installed or utilized by all state agencies and may require the  
2236 use of common computer languages where necessary to accomplish the  
2237 purposes of this chapter. The authority may establish by  
2238 regulation and charge reasonable fees on a nondiscriminatory basis  
2239 for the furnishing to bidders of copies of bid specifications and  
2240 other documents issued by the authority.

2241 (e) The authority shall adopt rules and regulations  
2242 governing the sharing with, or the sale or lease of information  
2243 technology services to any nonstate agency or person. Such  
2244 regulations shall provide that any such sharing, sale, or lease  
2245 shall be restricted in that same shall be accomplished only where  
2246 such services are not readily available otherwise within the  
2247 state, and then only at a charge to the user not less than the  
2248 prevailing rate of charge for similar services by private  
2249 enterprise within this state.



2250           (f) The authority may, in its discretion, establish a  
2251 special technical advisory committee or committees to study and  
2252 make recommendations on technology matters within the competence  
2253 of the authority as the authority may see fit. Persons serving on  
2254 the Information Resource Council, its task forces, or any such  
2255 technical advisory committees shall be entitled to receive their  
2256 actual and necessary expenses actually incurred in the performance  
2257 of such duties, together with mileage as provided by law for state  
2258 employees, provided the same has been authorized by a resolution  
2259 duly adopted by the authority and entered on its minutes prior to  
2260 the performance of such duties.

2261           (g) The authority may provide for the development and  
2262 require the adoption of standardized computer programs and may  
2263 provide for the dissemination of information to and the  
2264 establishment of training programs for the personnel of the  
2265 various information technology centers of state agencies and  
2266 personnel of the agencies utilizing the services thereof.

2267           (h) The authority shall adopt reasonable rules and  
2268 regulations requiring the reporting to the authority through the  
2269 office of executive director of such information as may be  
2270 required for carrying out the purposes of this chapter and may  
2271 also establish such reasonable procedures to be followed in the  
2272 presentation of bills for payment under the terms of all contracts  
2273 for the acquisition of computer equipment and services now or  
2274 hereafter in force as may be required by the authority or by the  
2275 executive director in the execution of their powers and duties.

2276           (i) The authority shall require such adequate  
2277 documentation of information technology procedures utilized by the  
2278 various state agencies and may require the establishment of such  
2279 organizational structures within state agencies relating to  
2280 information technology operations as may be necessary to  
2281 effectuate the purposes of this chapter.



2282           (j) The authority may adopt such further reasonable  
2283 rules and regulations as may be necessary to fully implement the  
2284 purposes of this chapter. All rules and regulations adopted by  
2285 the authority shall be published and disseminated in readily  
2286 accessible form to all affected state agencies, and to all current  
2287 suppliers of computer equipment and services to the state, and to  
2288 all prospective suppliers requesting the same. Such rules and  
2289 regulations shall be kept current, be periodically revised, and  
2290 copies thereof shall be available at all times for inspection by  
2291 the public at reasonable hours in the offices of the authority.  
2292 Whenever possible no rule, regulation or any proposed amendment to  
2293 such rules and regulations shall be finally adopted or enforced  
2294 until copies of said proposed rules and regulations have been  
2295 furnished to all interested parties for their comment and  
2296 suggestions.

2297           (k) The authority shall establish rules and regulations  
2298 which shall provide for the submission of all contracts proposed  
2299 to be executed by the executive director for computer equipment or  
2300 services to the authority for approval before final execution, and  
2301 the authority may provide that such contracts involving the  
2302 expenditure of less than such specified amount as may be  
2303 established by the authority may be finally executed by the  
2304 executive director without first obtaining such approval by the  
2305 authority.

2306           (l) The authority is authorized to purchase, lease, or  
2307 rent computer equipment or services and to operate said equipment  
2308 and utilize said services in providing services to one or more  
2309 state agencies when in its opinion such operation will provide  
2310 maximum efficiency and economy in the functions of any such agency  
2311 or agencies.

2312           (m) The authority shall assist political subdivisions  
2313 and instrumentalities in their development of plans for the  
2314 efficient acquisition and utilization of computer equipment and



2315 services. An appropriate fee shall be charged the political  
2316 subdivision by the authority for such assistance.

2317 (n) The authority shall adopt rules and regulations  
2318 governing the protest procedures to be followed by any actual or  
2319 prospective bidder, offerer or contractor who is aggrieved in  
2320 connection with the solicitation or award of a contract for the  
2321 acquisition of computer equipment or services. Such rules and  
2322 regulations shall prescribe the manner, time and procedure for  
2323 making protests and may provide that a protest not timely filed  
2324 shall be summarily denied. The authority may require the  
2325 protesting party, at the time of filing the protest, to post a  
2326 bond, payable to the state, in an amount that the authority  
2327 determines sufficient to cover any expense or loss incurred by the  
2328 state, the authority or any state agency as a result of the  
2329 protest if the protest subsequently is determined by a court of  
2330 competent jurisdiction to have been filed without any substantial  
2331 basis or reasonable expectation to believe that the protest was  
2332 meritorious; however, in no event may the amount of the bond  
2333 required exceed a reasonable estimate of the total project cost.  
2334 The authority, in its discretion, also may prohibit any  
2335 prospective bidder, offerer or contractor who is a party to any  
2336 litigation involving any such contract with the state, the  
2337 authority or any agency of the state to participate in any other  
2338 such bid, offer or contract, or to be awarded any such contract,  
2339 during the pendency of the litigation.

2340 (o) The authority shall make a report in writing to the  
2341 Legislature each year in the month of January. Such report shall  
2342 contain a full and detailed account of the work of the authority  
2343 for the preceding year as specified in Section 25-53-29(3).

2344 All acquisitions of computer equipment and services involving  
2345 the expenditure of funds in excess of the dollar amount  
2346 established in Section 31-7-13(c), or rentals or leases in excess  
2347 of the dollar amount established in Section 31-7-13(c) for the



2348 term of the contract, shall be based upon competitive and open  
2349 specifications, and contracts therefor shall be entered into only  
2350 after advertisements for bids are published in one or more daily  
2351 newspapers having a general circulation in the state not less than  
2352 fourteen (14) days prior to receiving sealed bids therefor. The  
2353 authority may reserve the right to reject any or all bids, and if  
2354 all bids are rejected, the authority may negotiate a contract  
2355 within the limitations of the specifications so long as the terms  
2356 of any such negotiated contract are equal to or better than the  
2357 comparable terms submitted by the lowest and best bidder, and so  
2358 long as the total cost to the State of Mississippi does not exceed  
2359 the lowest bid. If the authority accepts one (1) of such bids, it  
2360 shall be that which is the lowest and best.

2361 (p) When applicable, the authority may procure  
2362 equipment, systems and related services in accordance with the law  
2363 or regulations, or both, which govern the Bureau of Purchasing of  
2364 the Office of General Services or which govern the Mississippi  
2365 Department of Information Technology Services procurement of  
2366 telecommunications equipment, software and services.

2367 (q) The authority is authorized to purchase, lease, or  
2368 rent information technology and services for the purpose of  
2369 establishing pilot projects to investigate emerging technologies.  
2370 These acquisitions shall be limited to new technologies and shall  
2371 be limited to an amount set by annual appropriation of the  
2372 Legislature. These acquisitions shall be exempt from the  
2373 advertising and bidding requirement.

2374 (r) All fees collected by the Mississippi Department of  
2375 Information Technology Services shall be deposited into the  
2376 Mississippi Department of Information Technology Services  
2377 Revolving Fund unless otherwise specified by the Legislature.

2378 The authority shall operate from State General Funds  
2379 appropriated by the Legislature. All user charges and fees shall  
2380 be deposited by the authority into the State General Fund.





2381           **SECTION 31.** Section 25-53-29, Mississippi Code of 1972, is  
2382 amended as follows:

2383           25-53-29. (1) For the purposes of this section the term  
2384 "bureau" shall mean the "Mississippi Department of Information  
2385 Technology Services." The authority shall have the following  
2386 powers and responsibilities to carry out the establishment of  
2387 policy and provide for long range planning and consulting:

2388           (a) Provide a high level of technical expertise for  
2389 agencies, institutions, political subdivisions and other  
2390 governmental entities as follows: planning; consulting; project  
2391 management; systems and performance review; system definition;  
2392 design; application programming; training; development and  
2393 documentation; implementation; maintenance; and other tasks as may  
2394 be required, within the resources available to the bureau.

2395           (b) Publish written planning guides, policies and  
2396 procedures for use by agencies and institutions in planning future  
2397 electronic information service systems. The bureau may require  
2398 agencies and institutions to submit data, including periodic  
2399 electronic equipment inventory listings, information on agency  
2400 staffing, systems under study, planned applications for the  
2401 future, and other information needed for the purposes of preparing  
2402 the state master plan. The bureau may require agencies and  
2403 institutions to submit any additional data required for purposes  
2404 of preparing the state master plan.

2405           (c) Inspect agency facilities and equipment, interview  
2406 agency employees and review records at any time deemed necessary  
2407 by the bureau for the purpose of identifying cost-effective  
2408 applications of electronic information technology. Upon  
2409 conclusion of any inspection, the bureau shall issue a management  
2410 letter containing cost estimates and recommendations to the agency  
2411 head and governing board concerning applications identified that  
2412 would result in staff reductions, other monetary savings and  
2413 improved delivery of public services.



2414 (d) Conduct classroom and on-site training for end  
2415 users for applications and systems developed by the bureau.

2416 (e) Provide consulting services to agencies and  
2417 institutions or Mississippi governmental subdivisions requesting  
2418 technical assistance in electronic information services technology  
2419 applications and systems. The bureau may submit proposals and  
2420 enter into contracts to provide services to agencies and  
2421 institutions or governmental subdivisions for such purposes.

2422 (2) The bureau shall annually issue a three-year master plan  
2423 in writing to the Governor, available on request to any member of  
2424 the Legislature, including recommended statewide strategies and  
2425 goals for the effective and efficient use of information  
2426 technology and services in state government. The report shall  
2427 also include recommended information policy actions and other  
2428 recommendations for consideration by the Governor and members of  
2429 the Legislature.

2430 (3) The bureau shall make an annual report in writing to the  
2431 Governor, available on request to any member of the Legislature,  
2432 to include a full and detailed account of the work of the  
2433 authority for the preceding year. The report shall contain  
2434 recommendations to agencies and institutions resulting from  
2435 inspections or consulting contracts. The report shall also  
2436 contain a summary of the master plan, progress made, and  
2437 legislative and policy recommendations for consideration by the  
2438 Governor and members of the Legislature.

2439 (4) The bureau may charge fees to agencies and institutions  
2440 for services rendered to them. The amounts of such fees shall be  
2441 set by the authority upon recommendation of the Executive Director  
2442 of the MDITS, and all such fees collected shall be paid into the  
2443 State General Fund \* \* \*.

2444 (5) It is the intention of the Legislature that the  
2445 employees of the bureau performing services defined by Section  
2446 25-53-29 be staffed by highly qualified persons possessing



2447 technical, consulting and programming expertise. Such employees  
2448 shall be considered nonstate service employees as defined in  
2449 Section 25-9-107 (c) (x) and may be compensated at a rate  
2450 comparable to the prevailing rate of individuals in qualified  
2451 professional consulting firms in the private sector. Such  
2452 compensation rates shall be determined by the State Personnel  
2453 Director. The number of such positions shall be set by annual  
2454 appropriation of the Legislature. Qualifications and compensation  
2455 of the bureau employees shall be set by the State Personnel Board  
2456 upon recommendation of the Executive Director of the MDITS. The  
2457 total number of positions and classification of positions may be  
2458 increased or decreased during a fiscal year depending upon work  
2459 load and availability of funds.

2460 (6) The bureau may, from time to time, at the discretion of  
2461 the Executive Director of the MDITS, contract with firms or  
2462 qualified individuals to be used to augment the bureau's  
2463 professional staff in order to assure timely completion and  
2464 implementation of assigned tasks, provided that funds are  
2465 available in the bureau's appropriation \* \* \*. Such individuals  
2466 may be employees of any agency, bureau or institution provided  
2467 that these individuals or firms meet the requirements of other  
2468 individuals or firms doing business with the state through the  
2469 Mississippi Department of Information Technology Services.  
2470 Individuals who are employees of an agency or institution may  
2471 contract with the Mississippi Department of Information Technology  
2472 Services only with the concurrence of the agency or institution  
2473 for whom they are employed.

2474 **SECTION 32.** Section 27-7-313, Mississippi Code of 1972, is  
2475 amended as follows:

2476 27-7-313. In the case of any overpayment of any tax,  
2477 interest or penalty levied or provided for in Article 1 of this  
2478 chapter, or in this article, whether by reason of excessive  
2479 withholding, error on the part of the taxpayer, erroneous



2480 assessment of tax, or otherwise, the excess shall be refunded to  
2481 the taxpayer.

2482         When, upon examination of any return made under this article,  
2483 or under the provisions of Article 1 of this chapter, it appears  
2484 that an amount of income tax has been paid in excess of the amount  
2485 properly due, then the amount of the excess shall be credited  
2486 against any income tax then due from the taxpayer under any other  
2487 return required by this article, or Article 1 of this chapter.  
2488 Refunds or credits may be withheld or applied against any other  
2489 tax determined finally to be due if the taxpayer has failed to pay  
2490 any tax finally due as required by the provisions of the laws  
2491 administered by the commission. Any excess after such application  
2492 shall be certified to the State Auditor of Public Accounts by the  
2493 commissioner. The said Auditor is hereby authorized to make such  
2494 investigation and audit of the claim as he finds necessary. If he  
2495 finds that the commissioner is correct in his determination, the  
2496 Auditor may issue his warrant to the State Treasurer in favor of  
2497 the taxpayer for the amount of tax erroneously paid into the State  
2498 Treasury. No refund shall be granted under this article or under  
2499 the provisions of Article 1 of this chapter unless a claim for  
2500 same is made within three (3) years from the date the return is  
2501 due, or within three (3) years from the final day of an extension  
2502 period previously granted by the commissioner pursuant to the  
2503 provisions of Section 27-7-50; however, the restrictions imposed  
2504 by this section do not apply to those refund requests or claims  
2505 made in compliance with subsections (2) and (3) of Section  
2506 27-7-49.

2507         The State Treasurer shall withhold from all income taxes  
2508 collected each month an amount necessary to make refunds expected  
2509 to be approved by the State Auditor during the following month.  
2510 This amount shall be placed in the State General Fund \* \* \*. All  
2511 refunds made under this article shall be made as quickly as



2512 possible upon receipt of the proper proof, as required by the  
2513 State Auditor.

2514 In order to obtain a refund, such employee shall attach to  
2515 his return a copy of the withholding statement required to be  
2516 furnished him by his employer as provided in Section 27-7-311.  
2517 The making of any refund shall not be conclusive of the tax due by  
2518 any individual, but shall be made subject to the future audit of  
2519 his return and the determination of his liability. Bond  
2520 requirements of Section 7-7-57 shall not apply to warrants for  
2521 refund of income tax.

2522 Nothing in this section shall be construed as authorizing a  
2523 refund of taxes for claims made pursuant to the United States  
2524 Supreme Court decision of Davis v. Michigan Department of  
2525 Treasury, 109 S.Ct. 1500 (1989). These taxes were not incorrectly  
2526 and/or erroneously collected as contemplated by this chapter.

2527 In the event a court of final jurisdiction determines the  
2528 above provision to be void for any reason, it is hereby declared  
2529 the intent of the Legislature that affected taxpayers shall be  
2530 allowed a credit against future income tax liability as opposed to  
2531 a tax refund.

2532 **SECTION 33.** Section 27-19-99, Mississippi Code of 1972, is  
2533 amended as follows:

2534 27-19-99. The State Tax Commission shall furnish the tax  
2535 collector of each county a sufficient supply of license tags or  
2536 plates and a sufficient supply of license receipts with which to  
2537 make the collection of the taxes imposed by the provisions of this  
2538 article, which such tax collectors are required to collect. The  
2539 license tag receipts shall be on forms prescribed by the  
2540 commission. Upon the payment of the taxes and fees required by  
2541 this article, the tax collector shall issue the license receipt in  
2542 the form prescribed by the commission. The commission shall keep  
2543 account against the tax collector for the license taxes and fees  
2544 collected. The tax collector shall keep a similar account.



2545           The tax collector shall, at the end of each month or within  
2546 twenty (20) days thereafter, pay into the county road fund all  
2547 privilege taxes collected by him during the preceding month upon  
2548 motor vehicle privilege licenses which he is entitled to issue,  
2549 less the county's commission.

2550           The tax collector shall keep a record of the information  
2551 furnished by the owners of each motor vehicle registered. The  
2552 record shall be made in numerical order by tag number or decal  
2553 number, whichever is appropriate. At the end of each month, or  
2554 within twenty (20) days thereafter, the tax collector shall submit  
2555 to the commission a copy of such record, together with the copy of  
2556 each registration receipt, and shall, at the same time, remit to  
2557 the commission the registration fee for each license tag or decal  
2558 sold by him during the preceding month. When the tax collector  
2559 shall have complied with the provisions of this section and shall  
2560 have forwarded to the commission, within the time specified, all  
2561 reports required of him hereunder, he shall then be entitled to  
2562 retain five percent (5%) of the registration fees imposed in  
2563 paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of  
2564 1972, to be paid into the county general fund; otherwise the  
2565 county's commission shall be forfeited. The five percent (5%)  
2566 shall not apply to any additional registration fee imposed above  
2567 the amounts imposed in paragraphs (a) and (b) of Section 27-19-43.  
2568 The commission shall keep a record from the duplicates filed by  
2569 the tax collectors of all registered vehicles.

2570           Counties that use their existing computer system to  
2571 communicate all data regarding vehicle title and registration  
2572 transactions to the state's central computer system shall be  
2573 allotted Fifty Cents (50¢) for each registration fee collected by  
2574 the county and remitted to the State Tax Commission. Such  
2575 communication must successfully pass any edit features and  
2576 successfully create or update title/registration records on the  
2577 network system. This amount paid to the county shall be deposited



2578 into the county general fund to be expended only for costs  
2579 incurred for the purchase of equipment, software, maintenance or  
2580 other costs directly related to the title/registration network  
2581 system.

2582 All monies remitted to the commission by tax collectors as  
2583 registration or tag fees from the portion of the rate imposed in  
2584 paragraphs (a) and (b) of Section 27-19-43, and all monies  
2585 received by the commission directly as registration or tag fees  
2586 from the portion of the rate imposed in paragraphs (a) and (b) of  
2587 Section 27-19-43, shall be paid by the commission into the General  
2588 Fund of the State Treasury on the first day of the month  
2589 succeeding the month in which such fees are received by the  
2590 commission. Except as otherwise provided in Section 31-17-127,  
2591 all monies remitted to the commission by tax collectors as  
2592 registration or tag fees from the additional rate of Five Dollars  
2593 (\$5.00) and all monies received by the commission directly as  
2594 registration or tag fees from the additional rate of Five Dollars  
2595 (\$5.00) shall be paid into the State Treasury to the credit of the  
2596 State General Fund \* \* \*.

2597 **SECTION 34.** Section 27-25-11, Mississippi Code of 1972, is  
2598 amended as follows:

2599 27-25-11. All taxes herein levied shall be collected by the  
2600 State Tax Commissioner and shall be deposited in the State  
2601 Treasury in accordance with Section 7-9-21. For the 1984 fiscal  
2602 year and each fiscal year thereafter, eighty percent (80%) of such  
2603 collections shall be credited to the State General Fund and twenty  
2604 percent (20%) of such collections shall be returned to the  
2605 counties from which the timber or its products was severed. The  
2606 State Treasurer upon receipt of said funds shall transfer those  
2607 funds to be credited to the State General Fund and shall remit the  
2608 counties' share of said funds on or before the fifteenth day of  
2609 the month next succeeding the month in which such collections are  
2610 made.



2611           The commissioner shall determine amounts due the counties  
2612 from which the timber or its products was severed and shall  
2613 certify to the State Treasurer the amount due each county \* \* \*  
2614 fund. The State Treasurer shall requisition monies from such  
2615 accounts in such amounts as determined and certified by the  
2616 commissioner. The State Fiscal Officer shall deliver the warrant  
2617 to the State Treasurer, who shall transfer such funds to each  
2618 county \* \* \* fund by warrant or by electronic funds transfer on  
2619 the due date.

2620           The commissioner shall deliver on or before the fifteenth day  
2621 of the month next succeeding the month in which such collections  
2622 are made, a report to the county receiving said funds, showing  
2623 from whom said tax was collected. Upon receipt of said funds the  
2624 county shall place same to the credit of its general fund, to be  
2625 expended as follows: The monies placed in the general fund of the  
2626 counties by this article, not required by law to be otherwise  
2627 expended, may, in the discretion of the boards of supervisors, be  
2628 expended in maintaining county roads and bridges or for retiring  
2629 general county bonds and they are hereby authorized to apportion  
2630 these funds to the various taxing districts of the county in a  
2631 just and equitable manner for the payment of bonds and interest,  
2632 or school and road maintenance purposes, in proportion to the  
2633 amount of timber or its products severed therefrom. Provided  
2634 further, that any additional funds which accrue to any county as a  
2635 result of the increase in tax provided in this article shall not  
2636 be chargeable to the county in determining the state funds needed  
2637 annually to support the minimum educational program under Section  
2638 37-19-37.

2639           **SECTION 35.** Section 27-37-303, Mississippi Code of 1972, is  
2640 amended as follows:

2641           27-37-303. At the end of each fiscal year, the State Tax  
2642 Commission shall ascertain from the Tennessee Valley Authority to  
2643 the extent it has the necessary data available, and from other





2644 sources, including electric power associations and other power  
2645 distributors, to the extent it does not, the amount of power sales  
2646 or kilowatt-hour sales to consumers in each county and  
2647 municipality in this state by the Tennessee Valley Authority or  
2648 any facility distributing such power and the book value of  
2649 Tennessee Valley Authority power property in each Mississippi  
2650 county and municipality in which the Tennessee Valley Authority  
2651 holds such property, and the minimum amounts paid or payable by  
2652 the Tennessee Valley Authority in replacement of former county and  
2653 municipal ad valorem taxes on power properties purchased and  
2654 operated by the Tennessee Valley Authority in Mississippi, if such  
2655 information is necessary to determine the apportionment of funds  
2656 under Section 27-37-301. Thereafter, as funds are received from  
2657 the Tennessee Valley Authority, but not more frequently than  
2658 monthly, the State Fiscal Officer shall apportion the amount  
2659 received by the State Treasurer of Mississippi in accordance with  
2660 Section 27-37-301 hereof, and shall issue his warrant therefor to  
2661 the various counties and municipalities entitled thereto, and the  
2662 same shall be paid by the State Treasurer from the funds received  
2663 from the Tennessee Valley Authority. Said funds so received by  
2664 the State Treasurer shall be deposited into the State General Fund  
2665 until disbursements are made as herein authorized and directed,  
2666 and that portion found to be due the State of Mississippi shall be  
2667 transferred to the General Fund of the state as a part of the  
2668 general revenues of the State of Mississippi.

2669 **SECTION 36.** Section 27-59-51, Mississippi Code of 1972, is  
2670 amended as follows:

2671 27-59-51. All funds collected by the commission under the  
2672 provisions of this chapter, or under the provisions of any other  
2673 law, which may now or in the future be collected by said  
2674 commission, are hereby designated as public funds of the State of  
2675 Mississippi and shall be by it deposited into the State General  
2676 Fund in accordance with Section 7-9-21. Allocations of gasoline,



2677 diesel fuel or kerosene tax to the counties shall be made by the  
2678 commission as provided by law and reported to the State Treasurer  
2679 at the end of each month. The State Treasurer shall issue his  
2680 requisition in payment thereof on the State Fiscal Officer, who  
2681 shall issue his warrant on the State Treasurer, as is provided for  
2682 the disbursement of other state funds.

2683 **SECTION 37.** Section 27-71-7, Mississippi Code of 1972, is  
2684 amended as follows:

2685 27-71-7. (1) There is hereby levied and assessed an excise  
2686 tax upon each case of alcoholic beverages sold by the commission  
2687 to be collected from each retail licensee at the time of sale in  
2688 accordance with the following schedule:

- 2689 (a) Distilled spirits..... \$2.50 per gallon
- 2690 (b) Sparkling wine and champagne..... \$1.00 per gallon
- 2691 (c) Other wines, including native  
2692 wines..... \$ .35 per gallon

2693 (2) (a) In addition to the tax levied by subsection (1) of  
2694 this section, and in addition to any other markup collected, the  
2695 Alcoholic Beverage Control Division shall collect a markup of  
2696 three percent (3%) on all alcoholic beverages, as defined in  
2697 Section 67-1-5, Mississippi Code of 1972, which are sold by the  
2698 division. The proceeds of the markup shall be collected by the  
2699 division from each purchaser at the time of purchase.

2700 (b) Until June 30, 1987, the revenue derived from this  
2701 three percent (3%) markup shall be deposited by the division in  
2702 the State Treasury to the State General Fund. \* \* \* It is the  
2703 intent of the Legislature that the State Department of Mental  
2704 Health shall continue to seek funds from other sources and shall  
2705 use the funds appropriated for the purposes of this section and  
2706 Section 27-71-29 to match all federal funds which may be available  
2707 for alcoholism treatment and rehabilitation.

2708 \* \* \*



2709           **SECTION 38.** Section 27-71-29, Mississippi Code of 1972, is  
2710 amended as follows:

2711           27-71-29. All taxes levied by this article shall be paid to  
2712 the State Tax Commission in cash or by personal check, cashier's  
2713 check, bank exchange, post-office money order or express money  
2714 order and shall be deposited by the commission in the State  
2715 Treasury on the same day collected, but no remittances other than  
2716 cash shall be a final discharge of liability for the tax herein  
2717 imposed and levied unless and until it has been paid in cash to  
2718 the State Tax Commission.

2719           All taxes levied under Section 27-71-7(1) and received by the  
2720 commission under this article shall be paid into the General Fund,  
2721 and the three percent (3%) levied under Section 27-71-7(2) and  
2722 received by the commission under this article shall be paid into  
2723 the State General Fund \* \* \*. Any funds derived from the sale of  
2724 alcoholic beverages in excess of inventory requirements shall be  
2725 paid not less often than annually into the General Fund.

2726           **SECTION 39.** Section 27-71-201, Mississippi Code of 1972, is  
2727 amended as follows:

2728           27-71-201. (1) In addition to any tax or markup being  
2729 collected from the sale of alcoholic beverages on the effective  
2730 date of this article, the Alcoholic Beverage Control Division of  
2731 the State Tax Commission shall collect a surcharge of one percent  
2732 (1%) of the gross proceeds of sales, as defined in Section  
2733 27-65-3, Mississippi Code of 1972. The surcharge shall be  
2734 collected by the division from each permittee at the time of sale.

2735           (2) The revenue derived from the surcharge imposed in  
2736 subsection (1) of this section shall be deposited by the division  
2737 in the State General Fund. \* \* \*

2738           \* \* \*

2739           **SECTION 40.** Section 27-107-157, Mississippi Code of 1972, is  
2740 amended as follows:





2774 Fourth year Four percent (4%) per annum  
2775 Fifth year Five percent (5%) per annum  
2776 Sixth year and thereafter Six percent (6%) per annum

2777 (7) The governing authorities borrowing money under Sections  
2778 27-107-153 through 27-107-167 are hereby authorized and empowered  
2779 to levy not to exceed two (2) mills on all of the taxable property  
2780 of the county or municipality at any time after the loan is made,  
2781 and said levy is hereby designated to repay the loan and it shall  
2782 not be charged against the existing general laws as to limitations  
2783 of millage for local governmental purposes.

2784 (8) In the event that such loan has not been repaid or  
2785 arrangements satisfactory to the department have not been made to  
2786 repay same within five (5) years from the making of such loan, the  
2787 department shall determine that there is a default in the terms of  
2788 the promissory note, including any interest due thereon, shall  
2789 enter an order to that effect upon its official minutes and send a  
2790 certified copy of said order by certified mail, postage prepaid,  
2791 to the chancery clerk or city clerk, as the case may be. If said  
2792 default is not satisfied in full on or before the first day of  
2793 March next following, a local ad valorem tax of two (2) mills or  
2794 so much thereof as may be required to liquidate the entire  
2795 indebtedness owed the state within a reasonable number of years as  
2796 determined by the Department of Finance and Administration shall  
2797 be levied by the county or municipality on all the taxable  
2798 property in said county or city to be collected in the same  
2799 manner, time and form as the existing local ad valorem tax levies,  
2800 and shall be paid into the State Treasury. Failure or refusal of  
2801 any county or municipality to levy the tax hereinabove referred to  
2802 or to otherwise discharge its obligation to the state shall  
2803 forfeit the right of said county or municipality to receive  
2804 reimbursement for homestead exemption until such time as its  
2805 indebtedness has been discharged or arrangements to discharge said  
2806 indebtedness satisfactorily to the department have been made.



2807 Homestead exemption funds forfeited hereby shall, upon demand by  
2808 the department made in writing upon the Mississippi State Tax  
2809 Commission, be paid to the department and applied to the discharge  
2810 of the obligation.

2811 (9) The proceeds of all loans shall be used only for public  
2812 governmental functions, services, payment of emergency  
2813 indebtedness incurred as a direct result of the excessive rains  
2814 and floods of the Spring of 1979, and expenditures authorized by  
2815 general law and for matching federal grants, private gifts and  
2816 donations, such federal grants, private gifts and donations being  
2817 hereby authorized to be received and disbursed as public funds.

2818 (10) The Department of Finance and Administration in  
2819 determining the total amount of loan to each qualifying political  
2820 subdivision shall take into consideration the extent and degree of  
2821 the damage, destruction or loss to public properties and the  
2822 dollar value thereof, the reasonable expectation of loss of  
2823 present and future revenues, the destruction and damages to  
2824 tax-producing real and personal property, and all appropriate  
2825 economic factors affecting the ability of said political  
2826 subdivision to provide necessary public functions.

2827 **SECTION 41.** Section 27-107-173, Mississippi Code of 1972, is  
2828 amended as follows:

2829 27-107-173. \* \* \* All sums approved to be allocated shall be  
2830 paid upon warrants drawn on the State General Fund, and the  
2831 Department of Finance and Administration shall issue warrants upon  
2832 requisitions signed by the State Fiscal Officer.

2833 **SECTION 42.** Section 29-7-3, Mississippi Code of 1972, is  
2834 amended as follows:

2835 29-7-3. There shall be no development or extraction of oil,  
2836 gas, or other minerals from state-owned lands by any private party  
2837 without first obtaining a mineral lease therefor from the  
2838 commission. The commission is hereby authorized and empowered,  
2839 for and on behalf of the state, to lease any and all of the state



2840 land now owned (including that submerged or wherever the tide may  
2841 ebb and flow) or hereafter acquired, to some reputable person,  
2842 association, or company for oil and/or gas and/or other minerals  
2843 in and under and which may be produced therefrom, excepting,  
2844 however, sixteenth section school land, lieu lands, and such  
2845 forfeited tax land and property the title to which is subject to  
2846 any lawful redemption, for such consideration and upon such terms  
2847 and conditions as the commission deems just and proper.

2848         The commission may promulgate rules and regulations governing  
2849 all aspects of the process of leasing state lands within its  
2850 jurisdiction for mineral development, including the setting of any  
2851 necessary fees, delay rental payments, shut-in royalty payments,  
2852 and such other provisions as may be required.

2853         There shall not be conducted any seismographic or other  
2854 mineral exploration or testing activities on any state-owned lands  
2855 within the mineral leasing jurisdiction of the commission without  
2856 first obtaining a permit therefor from the commission. The  
2857 commission shall have the authority to promulgate rules and  
2858 regulations governing all aspects of seismographic or other  
2859 mineral exploration activity on state lands within its  
2860 jurisdiction, including the establishing of fees and issuance of  
2861 permits for the conduct of such mineral exploration activities.  
2862 Provided, however, that persons obtaining permits from the  
2863 commission for seismographic or other mineral exploration or  
2864 testing activities on state-owned wildlife management areas, lakes  
2865 and fish hatcheries, shall be subject to rules and regulations  
2866 promulgated therefor by the Mississippi Commission on Wildlife,  
2867 Fisheries and Parks which shall also receive all permit fees for  
2868 such testing on said lands.

2869         Further, provided that each permit within the Mississippi  
2870 Sound or tidelands shall be reviewed by the Mississippi Commission  
2871 on Marine Resources and such special conditions as it may specify  
2872 will be included in the permit. Information or data obtained in



2873 any mineral exploration activity on any and all state lands shall  
2874 be disclosed to the state through the Department of Environmental  
2875 Quality, upon demand. Such information or data shall be treated  
2876 as confidential for a period of ten (10) years from the date of  
2877 receipt thereof and shall not be disclosed to the public or to any  
2878 firm, individual or agency other than officials or authorized  
2879 employees of this state. Any person who makes unauthorized  
2880 disclosure of such confidential information or data shall be  
2881 guilty of a misdemeanor, and upon conviction thereof, be fined not  
2882 more than Five Thousand Dollars (\$5,000.00) or imprisoned in the  
2883 county jail not more than one (1) year, or both.

2884 Whenever any such land or property is leased for oil and gas  
2885 and/or other minerals, such lease contract shall provide for a  
2886 lease royalty to the state of at least three-sixteenths (3/16) of  
2887 such oil and gas or other minerals, same to be paid in the manner  
2888 prescribed by the commission. Of the monies received in  
2889 connection with the execution of such leases, five-tenths of one  
2890 percent (5/10 of 1%) shall be retained in the State General  
2891 Fund \* \* \* and two percent (2%) shall be paid into a special fund  
2892 to be designated as the "Gulf and Wildlife Protection Fund," to be  
2893 appropriated by the Legislature, one-half (1/2) thereof to be  
2894 apportioned as follows: an amount which shall not exceed One  
2895 Million Dollars (\$1,000,000.00) shall be used by the Mississippi  
2896 Department of Wildlife, Fisheries and Parks solely for the purpose  
2897 of clean-up, remedial or abatement actions involving pollution as  
2898 a result of the exploration or production of oil or gas, and any  
2899 amount in excess of such One Million Dollars (\$1,000,000.00) shall  
2900 be deposited into the Education Trust Fund, created in Section  
2901 206A, Mississippi Constitution of 1890. The remaining one-half  
2902 (1/2) of such Gulf and Wildlife Protection Fund to be apportioned  
2903 as follows: an amount which shall not exceed One Million Dollars  
2904 (\$1,000,000.00) shall be used by the Mississippi Commission on  
2905 Wildlife, Fisheries and Parks for use first in the prudent





2906 management, preservation, protection and conservation of existing  
2907 waters, lands and wildlife of this state and then, provided such  
2908 purposes are accomplished, for the acquisition of additional  
2909 waters and lands and any amount in excess of such One Million  
2910 Dollars (\$1,000,000.00) shall be deposited into the Education  
2911 Trust Fund, created in Section 206A, Mississippi Constitution of  
2912 1890. However, in the event that the Legislature is not in  
2913 session to appropriate funds from the Gulf and Wildlife Protection  
2914 Fund for the purpose of clean-up, remedial or abatement actions  
2915 involving pollution as a result of the exploration or production  
2916 of oil or gas, then the Mississippi Department of Wildlife,  
2917 Fisheries and Parks may make expenditures from this special fund  
2918 account solely for said purpose. The commission may lease the  
2919 submerged beds for sand and gravel on such a basis as it may deem  
2920 proper, but where the waters lie between this state and an  
2921 adjoining state, there must be a cash realization to this state,  
2922 including taxes paid for such sand and gravel, equal to that being  
2923 had by such adjoining state, in all cases the requisite consents  
2924 therefor being lawfully obtained from the United States.

2925         The Department of Environmental Quality is authorized to  
2926 employ competent engineering personnel to survey the territorial  
2927 waters of this state in the Mississippi Sound and the Gulf of  
2928 Mexico and to prepare a map or plat of such territorial waters,  
2929 divided into blocks of not more than six thousand (6,000) acres  
2930 each with coordinates and reference points based upon longitude  
2931 and latitude surveys. The commission is authorized to adopt such  
2932 survey, plat or map for leasing of such submerged lands for  
2933 mineral development; and such leases may, after the adoption of  
2934 such plat or map, be made by reference to the map or plat, which  
2935 shall be on permanent file with the commission and a copy thereof  
2936 on file in the Office of the State Oil and Gas Board.

2937         **SECTION 43.** Section 29-15-9, Mississippi Code of 1972, is  
2938 amended as follows:



2939 29-15-9. \* \* \*

2940 (1) Any funds derived from lease rentals of tidelands and  
2941 submerged lands, except those funds derived from mineral leases,  
2942 or funds previously specifically designated to be applied to other  
2943 agencies, shall be transferred to the State General Fund. \* \* \*  
2944 The Legislature may appropriate any funds derived from lease  
2945 rentals \* \* \* pro rata to the local taxing authorities for the  
2946 replacement of lost ad valorem taxes, if any. The Legislature may  
2947 appropriate funds \* \* \* to the commission for new and extra  
2948 programs of tidelands management, such as conservation,  
2949 reclamation, preservation, acquisition, education or the  
2950 enhancement of public access to the public trust tidelands or  
2951 public improvement projects as they relate to those lands.

2952 (2) Any funds that are appropriated as separate line items  
2953 in an appropriation bill for tideland programs or projects  
2954 authorized under this section for political subdivisions or other  
2955 agencies shall be disbursed as provided in this subsection.

2956 (a) The Department of Marine Resources shall make  
2957 progress payments in installments based on the work completed and  
2958 material used in the performance of a tidelands project only after  
2959 receiving written verification from the political subdivision or  
2960 agency. The political subdivision or agency shall submit  
2961 verification of the work completed or materials in such detail and  
2962 form that the department may require.

2963 (b) The Department of Marine Resources shall make funds  
2964 available for the purpose of using such funds as a match or  
2965 leverage for federal or other funds that are available for the  
2966 designated tidelands project.

2967 **SECTION 44.** Section 31-3-17, Mississippi Code of 1972, is  
2968 amended as follows:

2969 31-3-17. There is hereby levied, in addition to any taxes  
2970 otherwise provided for by law, a special privilege license tax of  
2971 One Hundred Dollars (\$100.00) on each contractor to whom a



2972 certificate of responsibility is issued under this chapter; and  
2973 such tax shall be paid to the executive secretary of the board  
2974 before engaging in or continuing in such business in this state.  
2975 The board may levy an additional special privilege license tax not  
2976 to exceed Fifty Dollars (\$50.00) for each additional  
2977 classification for which a contractor applies and is found to be  
2978 qualified. The executive secretary of the board shall promptly  
2979 deposit all monies received under this chapter in the State  
2980 Treasury to the credit of the State General Fund. \* \* \* All  
2981 expenditures by said board \* \* \* shall be by requisition to the  
2982 State Fiscal Officer, signed by the executive secretary of the  
2983 board and countersigned by the chairman or vice chairman of the  
2984 board, and the State Treasurer shall issue his warrants thereon.

2985 **SECTION 45.** Section 31-17-127, Mississippi Code of 1972, is  
2986 amended as follows:

2987 31-17-127. (1) (a) At any time when the revenue designated  
2988 under Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37 and  
2989 27-65-75 to defray the cost of constructing or reconstructing  
2990 highways under the Four-Lane Highway Program created under Section  
2991 65-3-97 is insufficient to fund the construction priorities as  
2992 they are scheduled in subsection (3) of Section 65-3-97, the State  
2993 Bond Commission, upon receipt of a resolution from the Mississippi  
2994 Transportation Commission requesting the same, is hereby  
2995 authorized, on the credit of the state, to make temporary  
2996 borrowings in the aggregate principal amount not to exceed Two  
2997 Hundred Million Dollars (\$200,000,000.00) in order to provide  
2998 funds in such amounts as may, from time to time, be deemed  
2999 necessary. In order to provide for, and in connection with such  
3000 temporary borrowings, the State Bond Commission is hereby  
3001 authorized in the name and on behalf of the state to enter into  
3002 any purchase, loan or credit agreement, or agreements, or other  
3003 agreement or agreements with any banks or trust companies or other  
3004 lending institutions, investment banking firms or persons in the



3005 United States having power to enter into the same, which  
3006 agreements may contain such provisions not inconsistent with the  
3007 provisions of Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37,  
3008 27-65-75 and 65-3-97 as may be authorized by the State Bond  
3009 Commission.

3010 (b) As an alternative to the issuance of bonds under  
3011 the provisions of Sections 65-39-5 through 65-39-33, for the  
3012 purpose of providing funds for infrastructure projects under  
3013 Section 65-39-1, the State Bond Commission, upon receipt of a  
3014 resolution from the Mississippi Transportation Commission  
3015 requesting the same, is hereby authorized, on the credit of the  
3016 state, to make temporary borrowings in the aggregate principal  
3017 amount not to exceed Three Hundred Million Dollars  
3018 (\$300,000,000.00) in order to provide funds in such amounts as  
3019 may, from time to time, be deemed necessary. In order to provide  
3020 for, and in connection with such temporary borrowings, the State  
3021 Bond Commission is hereby authorized in the name and on behalf of  
3022 the state to enter into any purchase, loan or credit agreement, or  
3023 agreements, or other agreement or agreements with any banks or  
3024 trust companies or other lending institutions, investment banking  
3025 firms or persons in the United States having power to enter into  
3026 the same, which agreements may contain such provisions not  
3027 inconsistent with the provisions of Section 65-39-1 as may be  
3028 authorized by the State Bond Commission. It is the intent of the  
3029 Legislature that the Transportation Commission adopt such a  
3030 resolution or resolutions as often and as frequently as may be  
3031 necessary to insure the availability of sufficient funds to  
3032 provide timely completion of all projects authorized under Section  
3033 65-39-1.

3034 (2) All temporary borrowings made under this section shall  
3035 be evidenced by notes of the state which shall be issued, from  
3036 time to time, for such amounts not exceeding in the aggregate the  
3037 applicable statutory and constitutional debt limitation, in such



3038 form and in such denominations and subject to terms and conditions  
3039 of sale and issue, prepayment or redemption and maturity, rate or  
3040 rates of interest and time of payment of interest as the State  
3041 Bond Commission shall authorize and direct and in accordance with  
3042 Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37, 27-65-75,  
3043 65-3-97 and 65-39-1; however, such notes shall mature not more  
3044 than ten (10) years from the date of issuance. The State Bond  
3045 Commission may provide for the subsequent issuance of refunding  
3046 notes or bonds to refund, upon issuance thereof, such notes, and  
3047 may specify such other terms and conditions with respect to such  
3048 refunding notes or bonds thereby authorized for issuance as the  
3049 seller may determine and direct, however such refunding notes or  
3050 bonds shall mature not more than ten (10) years from date of  
3051 issuance.

3052 (3) In connection with the issuance of such refunding notes  
3053 or bonds, the State Bond Commission is hereby authorized in the  
3054 name and on behalf of the state to enter into agreements with any  
3055 banks, trust companies, investment banking firms or other  
3056 institutions or persons in the United States having the power to  
3057 enter the same:

3058 (a) To purchase or underwrite an issue or series of  
3059 issues of refunding notes, or bonds.

3060 (b) To enter into any purchase, loan or credit  
3061 agreements, and to draw monies pursuant to any such agreements on  
3062 the terms and conditions set forth therein and to issue notes as  
3063 evidence of borrowings made under any such agreements.

3064 (c) To appoint or act as issuing and paying agent or  
3065 agents with respect to such refunding notes or bonds.

3066 (d) To do such other acts as may be necessary or  
3067 appropriate to provide for the payment, when due, of the principal  
3068 of and interest on such refunding notes or bonds.

3069 Such agreements may provide for the compensation of any  
3070 purchasers or underwriters of such refunding notes or bonds by



3071 payment of a fixed fee or commission at the time of issuance  
3072 thereof, and for all other costs and expenses, including fees for  
3073 agreements related to such refunding notes or bonds and paying  
3074 agent costs. Costs and expenses of issuance may be paid from the  
3075 proceeds of the refunding notes or bonds.

3076 (4) At or prior to the time of delivery of these refunding  
3077 notes or bonds, the State Bond Commission shall determine the  
3078 principal amounts, dates of issue, interest rate or rates, rates  
3079 of discount, denominations and all other terms and conditions  
3080 relating to the issuance. The State Treasurer shall perform all  
3081 acts and things necessary to pay or cause to be paid, when due,  
3082 all principal of and interest on the notes being refunded by such  
3083 refunding notes or bonds and to assure that the same may draw upon  
3084 any monies available for that purpose pursuant to any purchase  
3085 loan or credit agreements established with respect thereto, all  
3086 subject to the authorization and direction of the seller.

3087 (5) (a) (i) Such outstanding refunding notes or bonds  
3088 evidencing such borrowings to defray the cost of constructing or  
3089 reconstructing highways under the Four-Lane Highway Program  
3090 established in Section 65-3-97 shall be funded and retired by the  
3091 revenue designated under Sections 27-5-101, 27-19-99, 27-19-325,  
3092 27-57-37 and 27-65-75 and from any and all legally available  
3093 federal aid grant reimbursements which are hereby pledged for this  
3094 purpose, which is intended to be a priority use for such pledged  
3095 funds for so long as any notes, refunding notes or bonds are  
3096 outstanding. Such revenues shall be deposited into the Four-Lane  
3097 Highway Trust Fund for the repayment of the debt service of the  
3098 refunding notes or bonds in accordance with paragraph (b) of this  
3099 subsection (5). Such refunding notes or bonds issued pursuant to  
3100 the provisions of this section shall be secured by a first and  
3101 priority lien on the revenues pledged therefor.

3102 (ii) Outstanding notes evidencing such borrowings  
3103 to defray the cost of infrastructure projects under Section



3104 65-39-1 may be funded and retired from monies in the Gaming  
3105 Counties Bond Sinking Fund created under Section 65-39-3. The  
3106 refunding notes or bonds must be issued and sold not later than a  
3107 date two (2) years after the date of issuance of the first notes  
3108 evidencing such borrowings to the extent that payment of such  
3109 notes has not otherwise been made or provided for by sources other  
3110 than proceeds of refunding notes or bonds.

3111 (b) \* \* \* The State Treasurer shall transfer legally  
3112 available federal aid grant monies into the State General Fund for  
3113 appropriation by the Legislature.

3114 (c) Any state laws authorizing the imposition or  
3115 distribution of taxes, fees or federal reimbursements designated  
3116 for the Four-Lane Highway Program created under Section 65-3-97,  
3117 or that affect those taxes, fees and federal reimbursements  
3118 pledged for the payment of refunding notes or bonds issued under  
3119 this section, shall not be amended or repealed or otherwise  
3120 directly or indirectly modified so as to impair such outstanding  
3121 refunding notes or bonds unless such refunding notes or bonds have  
3122 been discharged in full or provisions have been made for a full  
3123 discharge or defeasance.

3124 (6) The proceeds of all such temporary borrowing shall be  
3125 paid to the Mississippi Transportation Commission to be held and  
3126 disposed of in accordance with the provisions of Sections  
3127 27-5-101, 27-19-99, 27-19-325, 27-57-37, 27-65-75, 65-3-97 and  
3128 65-39-1.

3129 **SECTION 46.** Section 37-26-9, Mississippi Code of 1972, is  
3130 amended as follows:

3131 37-26-9. (1) It shall be the duty of the clerk of any court  
3132 to promptly collect the costs imposed pursuant to the provisions  
3133 of Section 37-26-3. In all cases the clerk shall monthly deposit  
3134 all such costs so collected with the State Treasurer either  
3135 directly or by other appropriate procedures. All such deposits  
3136 shall be made to the State General Fund. \* \* \*



3137 (2) Such assessments as are collected under Section 99-19-73  
3138 shall be deposited into the State General Fund. \* \* \*

3139 \* \* \*

3140 (3) \* \* \* In addition to any other fees or costs now or as  
3141 may hereafter be provided by law, there is hereby charged in all  
3142 civil cases in the chancery, circuit, county, justice and  
3143 municipal courts of this state a supplemental court education and  
3144 training cost in the amount of Fifty Cents (50¢), except in  
3145 justice court cases where the amount sued for is less than Fifteen  
3146 Dollars (\$15.00); and in all criminal cases in the circuit,  
3147 county, justice and municipal courts of this state, except in  
3148 cases where the fine is less than Ten Dollars (\$10.00). Such  
3149 costs shall be charged and collected as provided by Sections  
3150 37-26-3 and 37-26-5, and shall be deposited into the State General  
3151 Fund.

3152 \* \* \*

3153 **SECTION 47.** Section 37-33-17, Mississippi Code of 1972, is  
3154 amended as follows:

3155 37-33-17. The director, with the approval of the executive  
3156 director and the state board, may accept and use gifts and  
3157 donations made unconditionally or otherwise for carrying out the  
3158 purposes of the Vocational Rehabilitation Law, from either public  
3159 or private sources. Gifts made under such conditions as in the  
3160 judgment of the state board are proper and consistent with the  
3161 provisions of that law may be so accepted and shall be held,  
3162 invested, reinvested and used in accordance with the conditions of  
3163 the gift. All monies received as gifts or donations, except  
3164 conditional gifts requiring other treatments, shall be deposited  
3165 in the State Treasury into the State General Fund \* \* \*. The  
3166 state board shall make a report annually to the Legislature  
3167 setting forth the condition of vocational rehabilitation of  
3168 eligible individuals with disabilities in Mississippi, the  
3169 expenditures made from state and federal funds in carrying out the





3170 provisions of that law or its purpose, and a detailed statement of  
3171 all gifts and donations offered and accepted, together with the  
3172 names of donors and the respective amounts prescribed by each and  
3173 all the disbursements made therefrom.

3174         **SECTION 48.** Section 37-33-57, Mississippi Code of 1972, is  
3175 amended as follows:

3176         37-33-57. The director, with the approval of the executive  
3177 director and the state board, may accept and use gifts and  
3178 donations made unconditionally or otherwise for carrying out the  
3179 purposes of the Vocational Rehabilitation for the Blind Law, from  
3180 either public or private sources. Gifts made under such  
3181 conditions as in the judgment of the state board are proper and  
3182 consistent with the provisions of that law may be so accepted and  
3183 shall be held, invested, reinvested and used in accordance with  
3184 the conditions of the gift. All monies received as gifts or  
3185 donations, except conditional gifts requiring other treatment,  
3186 shall be deposited in the State Treasury into the State General  
3187 Fund \* \* \*. The state board shall report annually to the State  
3188 Legislature, setting forth the condition of vocational  
3189 rehabilitation of individuals who are blind in Mississippi, the  
3190 expenditures made from state and federal funds in carrying out the  
3191 provisions of that law or its purpose, and a detailed statement of  
3192 all gifts and donations offered and accepted, together with the  
3193 names of donors and the respective amounts prescribed by each and  
3194 all the disbursements made therefrom.

3195         **SECTION 49.** Section 37-43-41, Mississippi Code of 1972, is  
3196 amended as follows:

3197         37-43-41. The State Textbook Fund of Mississippi shall  
3198 consist of the amounts appropriated by the Legislature for the  
3199 same, all monies accruing from the sale of disused books from  
3200 other than public schools, all monies derived from the purchase of  
3201 books by both public and private schools trustees, and by private  
3202 individuals, all monies collected in damage suits under the terms



3203 of this chapter, and all other monies collected in any way  
3204 whatsoever under the terms of this chapter.

3205 \* \* \*

3206 **SECTION 50.** Section 37-51-5, Mississippi Code of 1972, is  
3207 amended as follows:

3208 37-51-5. There shall be, and there is hereby, created in the  
3209 State Treasury, a \* \* \* fund to be known as the "State Educational  
3210 Loan Fund." The said fund shall consist of such amounts as may be  
3211 paid into said fund by appropriation and also such amounts as may  
3212 be returned to said fund as repayments, both principal and  
3213 interest, from loans provided for in this chapter.

3214 **SECTION 51.** Section 37-101-149, Mississippi Code of 1972, is  
3215 amended as follows:

3216 37-101-149. The proceeds derived or received from all sales  
3217 of timber, trees, dead wood, and stumps, and from all oil, gas and  
3218 mineral leases, or leases for other purposes, provided for in  
3219 Sections 37-101-141 and 37-101-143, including, but not limited to,  
3220 rentals, bonuses, royalties, and delay rentals, shall be deposited  
3221 in the State General Fund in the State Treasury. \* \* \*

3222 Notwithstanding any other provisions of this section, such  
3223 reports as may be required by the state auditor of public accounts  
3224 shall be made to him by the institutions of higher learning in the  
3225 manner and at the times he may prescribe, so that his records may  
3226 reflect full and complete information relative thereto.

3227 **SECTION 52.** Section 37-131-9, Mississippi Code of 1972, is  
3228 amended as follows:

3229 37-131-9. In addition to the amounts paid to the  
3230 demonstration or practice school from minimum education program  
3231 funds, as provided in Section 37-131-7, the board of trustees of  
3232 the school district involved may contract with the said  
3233 demonstration or practice school for the payment of additional  
3234 amounts thereto to defray expenses over and above those defrayed  
3235 by minimum education program funds, which additional amounts shall



3236 be paid from any funds available to the school district other than  
3237 minimum education program funds, whether produced by a  
3238 supplemental district tax levy or otherwise.

3239         If the total funds paid to the demonstration or practice  
3240 school by the school district are inadequate to defray the cost  
3241 and expense of maintaining and operating such demonstration or  
3242 practice school then the president or executive head of the  
3243 institution may, subject to the approval of the Board of Trustees  
3244 of State Institutions of Higher Learning, require the payment of  
3245 additional fees or tuition in an amount to be fixed by the  
3246 president or executive head of the institution, subject to the  
3247 approval of the Board of Trustees of State Institutions of Higher  
3248 Learning, which amount shall be paid by and collected from the  
3249 student or his parents.

3250         Boards of trustees of school districts involved may designate  
3251 an area within the jurisdiction of the board as an attendance  
3252 center as provided by law, and may require students in such area  
3253 to attend demonstration or practice schools, subject to a  
3254 satisfactory contract between the school board and the president  
3255 or executive head of the institution operating the demonstration  
3256 or practice school. In such event, all fees and tuition must be  
3257 borne by the school district and in no case shall the child or the  
3258 parents of the child assigned to such demonstration or practice  
3259 school be required to pay any fees or tuition.

3260         The president or executive head of the institution, subject  
3261 to the approval of the Board of Trustees of State Institutions of  
3262 Higher Learning, may also fix the amount of fees and tuition to be  
3263 paid by students desiring to attend such demonstration or practice  
3264 school in cases where there is no contract with the board of  
3265 trustees of the school district in which the students reside  
3266 therefor.



3267 All funds received by an institution, under the provisions of  
3268 this section, shall be deposited in the State General Fund in the  
3269 State Treasury. \* \* \*

3270 **SECTION 53.** Section 37-133-7, Mississippi Code of 1972, is  
3271 amended as follows:

3272 37-133-7. There is hereby created in the State Treasury  
3273 a \* \* \* fund to be known as the "Technical Institute Fund." All  
3274 sums of money received by the Board of Trustees of State  
3275 Institutions of Higher Learning to carry out the provisions of the  
3276 Mississippi Technical Institute Law of 1964 shall be maintained in  
3277 said \* \* \* fund. All expenditures therefrom shall be for the  
3278 purposes of carrying out the intents and purposes of said law,  
3279 including the payment of salaries for qualified instructors as  
3280 well as the equipping and staffing of the institute. Such  
3281 expenditures shall be paid therefrom by the State Treasurer on  
3282 warrant of the State Fiscal Officer. Said State Fiscal Officer  
3283 shall issue his warrant upon requisition signed by the proper  
3284 person, officer or officers, as authorized by law. The board is  
3285 authorized to accept gifts, bequests of money, or other property,  
3286 real or personal, to be used for the purpose of establishing or  
3287 maintaining any technical institute which may be authorized under  
3288 the provisions of said law and in accordance with the law of the  
3289 State of Mississippi.

3290 **SECTION 54.** Section 41-59-61, Mississippi Code of 1972, is  
3291 amended as follows:

3292 41-59-61. (1) Such assessments as are collected under  
3293 subsections (1) and (2) of Section 99-19-73 shall be deposited  
3294 into the State General Fund \* \* \*. The Legislature may make  
3295 appropriations from the State General Fund to the State Board of  
3296 Health for the purpose of defraying costs of administration of the  
3297 Emergency Medical Services program and for redistribution of such  
3298 funds to the counties, municipalities and organized medical  
3299 service districts (hereinafter referred to as "governmental



3300 units") for the support of the Emergency Medical Services  
3301 programs. The State Board of Health, with the Emergency Medical  
3302 Services Advisory Council acting in an advisory capacity, shall  
3303 administer the disbursement to such governmental units of any  
3304 funds appropriated to the board from the State General Fund and  
3305 the utilization of such funds by the governmental units.

3306 (2) Funds appropriated from the State General Fund to the  
3307 State Board of Health shall be made available to all such  
3308 governmental units to support the Emergency Medical Services  
3309 programs therein, and such funds shall be distributed to each  
3310 governmental unit based upon its general population relative to  
3311 the total population of the state. Disbursement of such funds  
3312 shall be made on an annual basis at the end of the fiscal year  
3313 upon the request of each governmental unit. Funds distributed to  
3314 such governmental units shall be used in addition to existing  
3315 annual Emergency Medical Services budgets of the governmental  
3316 units, and no such funds shall be used for the payment of any  
3317 attorney's fees. The Director of the Emergency Medical Services  
3318 program or his appointed designee is hereby authorized to require  
3319 financial reports from the governmental units utilizing these  
3320 funds in order to provide satisfactory proof of the maintenance of  
3321 the funding effort by the governmental units.

3322 **SECTION 55.** Section 43-20-12, Mississippi Code of 1972, is  
3323 amended as follows:

3324 43-20-12. All fees collected by the State Board of Health  
3325 under this chapter and any penalties collected by the board for  
3326 violations of this chapter shall be deposited into the State  
3327 General Fund \* \* \* in the State Treasury \* \* \*.

3328 **SECTION 56.** Section 45-6-15, Mississippi Code of 1972, is  
3329 amended as follows:

3330 45-6-15. (1) (a) Such assessments as are collected under  
3331 Section 99-19-73, Mississippi Code of 1972, and contributions,  
3332 grants and other monies received by the board under the provisions



3333 of this chapter shall be deposited in the State General  
3334 Fund \* \* \*.

3335 (b) Twenty-five percent (25%) of the assessments  
3336 collected under Section 99-19-73, Mississippi Code of 1972, shall  
3337 be deposited into the State General Fund. \* \* \*

3338 \* \* \*

3339 (2) The board may accept for any of its purposes and  
3340 functions under this chapter any and all donations, both real and  
3341 personal property, and grants of money from any governmental unit  
3342 or public agency, or from any institution, person, firm or  
3343 corporation.

3344 (3) Money authorized and appropriated by the Legislature  
3345 shall be paid by the State Treasurer upon warrants issued by the  
3346 Department of Finance and Administration, which shall issue its  
3347 warrants upon requisitions signed by the proper person, officer or  
3348 officers of the commission, in the manner provided by law.

3349 **SECTION 57.** Section 45-9-101, Mississippi Code of 1972, is  
3350 amended as follows:

3351 45-9-101. (1) (a) The Department of Public Safety is  
3352 authorized to issue licenses to carry concealed pistols or  
3353 revolvers to persons qualified as provided in this section. Such  
3354 licenses shall be valid throughout the state for a period of four  
3355 (4) years from the date of issuance. Any person possessing a  
3356 valid license issued pursuant to this section may carry a  
3357 concealed pistol or concealed revolver.

3358 (b) The licensee must carry the license, together with  
3359 valid identification, at all times in which the licensee is  
3360 carrying a concealed pistol or revolver and must display both the  
3361 license and proper identification upon demand by a law enforcement  
3362 officer. A violation of the provisions of this paragraph (b)  
3363 shall constitute a noncriminal violation with a penalty of  
3364 Twenty-five Dollars (\$25.00) and shall be enforceable by summons.



3365           (2) The Department of Public Safety shall issue a license if  
3366 the applicant:

3367           (a) Is a resident of the state and has been a resident  
3368 for twelve (12) months or longer immediately preceding the filing  
3369 of the application;

3370           (b) Is twenty-one (21) years of age or older;

3371           (c) Does not suffer from a physical infirmity which  
3372 prevents the safe handling of a pistol or revolver;

3373           (d) Is not ineligible to possess a firearm by virtue of  
3374 having been convicted of a felony in a court of this state, of any  
3375 other state, or of the United States without having been pardoned  
3376 for same;

3377           (e) Does not chronically or habitually abuse controlled  
3378 substances to the extent that his normal faculties are impaired.  
3379 It shall be presumed that an applicant chronically and habitually  
3380 uses controlled substances to the extent that his faculties are  
3381 impaired if the applicant has been voluntarily or involuntarily  
3382 committed to a treatment facility for the abuse of a controlled  
3383 substance or been found guilty of a crime under the provisions of  
3384 the Uniform Controlled Substances Law or similar laws of any other  
3385 state or the United States relating to controlled substances  
3386 within a three-year period immediately preceding the date on which  
3387 the application is submitted;

3388           (f) Does not chronically and habitually use alcoholic  
3389 beverages to the extent that his normal faculties are impaired.  
3390 It shall be presumed that an applicant chronically and habitually  
3391 uses alcoholic beverages to the extent that his normal faculties  
3392 are impaired if the applicant has been voluntarily or  
3393 involuntarily committed as an alcoholic to a treatment facility or  
3394 has been convicted of two (2) or more offenses related to the use  
3395 of alcohol under the laws of this state or similar laws of any  
3396 other state or the United States within the three-year period



3397 immediately preceding the date on which the application is  
3398 submitted;

3399 (g) Desires a legal means to carry a concealed pistol  
3400 or revolver to defend himself;

3401 (h) Has not been adjudicated mentally incompetent, or  
3402 has waited five (5) years from the date of his restoration to  
3403 capacity by court order;

3404 (i) Has not been voluntarily or involuntarily committed  
3405 to a mental institution or mental health treatment facility unless  
3406 he possesses a certificate from a psychiatrist licensed in this  
3407 state that he has not suffered from disability for a period of  
3408 five (5) years;

3409 (j) Has not had adjudication of guilt withheld or  
3410 imposition of sentence suspended on any felony unless three (3)  
3411 years have elapsed since probation or any other conditions set by  
3412 the court have been fulfilled; and

3413 (k) Is not a fugitive from justice.

3414 (3) The Department of Public Safety may deny a license if  
3415 the applicant has been found guilty of one or more crimes of  
3416 violence constituting a misdemeanor unless three (3) years have  
3417 elapsed since probation or any other conditions set by the court  
3418 have been fulfilled or expunction has occurred prior to the date  
3419 on which the application is submitted, or may revoke a license if  
3420 the licensee has been found guilty of one or more crimes of  
3421 violence within the preceding three (3) years. The department  
3422 shall, upon notification by a law enforcement agency or a court  
3423 and subsequent written verification, suspend a license or the  
3424 processing of an application for a license if the licensee or  
3425 applicant is arrested or formally charged with a crime which would  
3426 disqualify such person from having a license under this section,  
3427 until final disposition of the case. The provisions of subsection  
3428 (7) of this section shall apply to any suspension or revocation of  
3429 a license pursuant to the provisions of this section.





3430 (4) The application shall be completed, under oath, on a  
3431 form promulgated by the Department of Public Safety and shall  
3432 include only:

3433 (a) The name, address, place and date of birth, race,  
3434 sex and occupation of the applicant;

3435 (b) The driver's license number or Social Security  
3436 number of applicant;

3437 (c) Any previous address of the applicant for the two  
3438 (2) years preceding the date of the application;

3439 (d) A statement that the applicant is in compliance  
3440 with criteria contained within subsections (2) and (3) of this  
3441 section;

3442 (e) A statement that the applicant has been furnished a  
3443 copy of this section and is knowledgeable of its provisions;

3444 (f) A conspicuous warning that the application is  
3445 executed under oath and that a knowingly false answer to any  
3446 question, or the knowing submission of any false document by the  
3447 applicant, subjects the applicant to criminal prosecution; and

3448 (g) A statement that the applicant desires a legal  
3449 means to carry a concealed pistol or revolver to defend himself.

3450 (5) The applicant shall submit only the following to the  
3451 Department of Public Safety:

3452 (a) A completed application as described in subsection  
3453 (4) of this section;

3454 (b) A full-face photograph of the applicant;

3455 (c) A nonrefundable license fee of One Hundred Dollars  
3456 (\$100.00). Costs for processing the set of fingerprints as  
3457 required in paragraph (c) of this subsection shall be borne by the  
3458 applicant. Honorably retired law enforcement officers shall be  
3459 exempt from the payment of the license fee;

3460 (d) A full set of fingerprints of the applicant  
3461 administered by the Department of Public Safety; and



3462 (e) A waiver authorizing the Department of Public  
3463 Safety access to any records concerning commitments of the  
3464 applicant to any of the treatment facilities or institutions  
3465 referred to in subsection (2) and permitting access to all the  
3466 applicant's criminal records.

3467 (6) (a) The Department of Public Safety, upon receipt of  
3468 the items listed in subsection (5) of this section, shall forward  
3469 the full set of fingerprints of the applicant to the appropriate  
3470 agencies for state and federal processing.

3471 (b) The Department of Public Safety shall forward a  
3472 copy of the applicant's application to the sheriff of the  
3473 applicant's county of residence and, if applicable, the police  
3474 chief of the applicant's municipality of residence. The sheriff  
3475 of the applicant's county of residence and, if applicable, the  
3476 police chief of the applicant's municipality of residence may, at  
3477 his discretion, participate in the process by submitting a  
3478 voluntary report to the Department of Public Safety containing any  
3479 readily discoverable prior information that he feels may be  
3480 pertinent to the licensing of any applicant. The reporting shall  
3481 be made within thirty (30) days after the date he receives the  
3482 copy of the application. Upon receipt of a response from a  
3483 sheriff or police chief, such sheriff or police chief shall be  
3484 reimbursed at a rate set by the department.

3485 (c) The Department of Public Safety shall, within one  
3486 hundred twenty (120) days after the date of receipt of the items  
3487 listed in subsection (5) of this section:

3488 (i) Issue the license; or

3489 (ii) Deny the application based solely on the  
3490 ground that the applicant fails to qualify under the criteria  
3491 listed in subsections (2) and (3) of this section. If the  
3492 Department of Public Safety denies the application, it shall  
3493 notify the applicant in writing, stating the ground for denial,



3494 and the denial shall be subject to the appeal process set forth in  
3495 subsection (7).

3496 (d) In the event a legible set of fingerprints, as  
3497 determined by the Department of Public Safety and the Federal  
3498 Bureau of Investigation, cannot be obtained after a minimum of  
3499 three (3) attempts, the Department of Public Safety shall  
3500 determine eligibility based upon a name check by the Mississippi  
3501 Highway Safety Patrol and a Federal Bureau of Investigation name  
3502 check conducted by the Mississippi Highway Safety Patrol at the  
3503 request of the Department of Public Safety.

3504 (7) (a) If the Department of Public Safety denies the  
3505 issuance of a license, or suspends or revokes a license, the party  
3506 aggrieved may appeal such denial, suspension or revocation to the  
3507 Commissioner of Public Safety, or his authorized agent, within  
3508 thirty (30) days after the aggrieved party receives written notice  
3509 of such denial, suspension or revocation. The Commissioner of  
3510 Public Safety, or his duly authorized agent, shall rule upon such  
3511 appeal within thirty (30) days after the appeal is filed and  
3512 failure to rule within this thirty-day period shall constitute  
3513 sustaining such denial, suspension or revocation. Such review  
3514 shall be conducted pursuant to such reasonable rules and  
3515 regulations as the Commissioner of Public Safety may adopt.

3516 (b) If the revocation, suspension or denial of issuance  
3517 is sustained by the Commissioner of Public Safety, or his duly  
3518 authorized agent pursuant to paragraph (a) of this subsection, the  
3519 aggrieved party may file within ten (10) days after the rendition  
3520 of such decision a petition in the circuit or county court of his  
3521 residence for review of such decision. A hearing for review shall  
3522 be held and shall proceed before the court without a jury upon the  
3523 record made at the hearing before the Commissioner of Public  
3524 Safety or his duly authorized agent. No such party shall be  
3525 allowed to carry a concealed pistol or revolver pursuant to the  
3526 provisions of this section while any such appeal is pending.



3527           (8) The Department of Public Safety shall maintain an  
3528 automated listing of license holders and such information shall be  
3529 available on-line, upon request, at all times, to all law  
3530 enforcement agencies through the Mississippi Crime Information  
3531 Center. However, the records of the department relating to  
3532 applications for licenses to carry concealed pistols or revolvers  
3533 and records relating to license holders shall be exempt from the  
3534 provisions of the Mississippi Public Records Act of 1983 for a  
3535 period of forty-five (45) days from the date of the issuance of  
3536 the license or the final denial of an application.

3537           (9) Within thirty (30) days after the changing of a  
3538 permanent address, or within thirty (30) days after having a  
3539 license lost or destroyed, the licensee shall notify the  
3540 Department of Public Safety in writing of such change or loss.  
3541 Failure to notify the Department of Public Safety pursuant to the  
3542 provisions of this subsection shall constitute a noncriminal  
3543 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
3544 be enforceable by a summons.

3545           (10) In the event that a concealed pistol or revolver  
3546 license is lost or destroyed, the person to whom the license was  
3547 issued shall comply with the provisions of subsection (9) of this  
3548 section and may obtain a duplicate, or substitute thereof, upon  
3549 payment of Fifteen Dollars (\$15.00) to the Department of Public  
3550 Safety, and furnishing a notarized statement to the department  
3551 that such license has been lost or destroyed.

3552           (11) A license issued under this section shall be revoked if  
3553 the licensee becomes ineligible under the criteria set forth in  
3554 subsection (2) of this section.

3555           (12) No less than ninety (90) days prior to the expiration  
3556 date of the license, the Department of Public Safety shall mail to  
3557 each licensee a written notice of the expiration and a renewal  
3558 form prescribed by the department. The licensee must renew his  
3559 license on or before the expiration date by filing with the



3560 department the renewal form, a notarized affidavit stating that  
3561 the licensee remains qualified pursuant to the criteria specified  
3562 in subsections (2) and (3) of this section, and a renewal fee of  
3563 Fifty Dollars (\$50.00); provided, however, that honorably retired  
3564 law enforcement officers shall be exempt from this renewal fee.  
3565 The license shall be renewed upon receipt of the completed renewal  
3566 application and appropriate payment of fees. Additionally, a  
3567 licensee who fails to file a renewal application on or before its  
3568 expiration date must renew his license by paying a late fee of  
3569 Fifteen Dollars (\$15.00). No license shall be renewed six (6)  
3570 months or more after its expiration date, and such license shall  
3571 be deemed to be permanently expired. A person whose license has  
3572 been permanently expired may reapply for licensure; however, an  
3573 application for licensure and fees pursuant to subsection (5) of  
3574 this section must be submitted, and a background investigation  
3575 shall be conducted pursuant to the provisions of this section.

3576 (13) No license issued pursuant to this section shall  
3577 authorize any person to carry a concealed pistol or revolver into  
3578 any place of nuisance as defined in Section 95-3-1, Mississippi  
3579 Code of 1972; any police, sheriff or highway patrol station; any  
3580 detention facility, prison or jail; any courthouse; any courtroom,  
3581 except that nothing in this section shall preclude a judge from  
3582 carrying a concealed weapon or determining who will carry a  
3583 concealed weapon in his courtroom; any polling place; any meeting  
3584 place of the governing body of any governmental entity; any  
3585 meeting of the Legislature or a committee thereof; any public park  
3586 unless for the purpose of participating in any authorized  
3587 firearms-related activity; any school, college or professional  
3588 athletic event not related to firearms; any portion of an  
3589 establishment, licensed to dispense alcoholic beverages for  
3590 consumption on the premises, that is primarily devoted to  
3591 dispensing alcoholic beverages; any portion of an establishment in  
3592 which beer or light wine is consumed on the premises, that is



3593 primarily devoted to such purpose; any elementary or secondary  
3594 school facility; any junior college, community college, college or  
3595 university facility unless for the purpose of participating in any  
3596 authorized firearms-related activity; inside the passenger  
3597 terminal of any airport, except that no person shall be prohibited  
3598 from carrying any legal firearm into the terminal if the firearm  
3599 is encased for shipment, for purposes of checking such firearm as  
3600 baggage to be lawfully transported on any aircraft; any church or  
3601 other place of worship; or any place where the carrying of  
3602 firearms is prohibited by federal law. In addition to the places  
3603 enumerated in this subsection, the carrying of a concealed pistol  
3604 or revolver may be disallowed in any place in the discretion of  
3605 the person or entity exercising control over the physical location  
3606 of such place by the placing of a written notice clearly readable  
3607 at a distance of not less than ten (10) feet that the "carrying of  
3608 a pistol or revolver is prohibited." No license issued pursuant  
3609 to this section shall authorize the participants in a parade or  
3610 demonstration for which a permit is required to carry a concealed  
3611 pistol or revolver.

3612 (14) A law enforcement officer as defined in Section 45-6-3,  
3613 chiefs of police, sheriffs and persons licensed as professional  
3614 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
3615 1972, shall be exempt from the licensing requirements of this  
3616 section.

3617 (15) Any person who knowingly submits a false answer to any  
3618 question on an application for a license issued pursuant to this  
3619 section, or who knowingly submits a false document when applying  
3620 for a license issued pursuant to this section, shall, upon  
3621 conviction, be guilty of a misdemeanor and shall be punished as  
3622 provided in Section 99-19-31, Mississippi Code of 1972.

3623 (16) All fees collected by the Department of Public Safety  
3624 pursuant to this section shall be deposited into the State General  
3625 Fund. \* \* \*



3626 (17) All funds received by a sheriff or police chief  
3627 pursuant to the provisions of this section shall be deposited into  
3628 the general fund of the county or municipality, as appropriate,  
3629 and shall be budgeted to the sheriff's office or police department  
3630 as appropriate.

3631 (18) Nothing in this section shall be construed to require  
3632 or allow the registration, documentation or providing of serial  
3633 numbers with regard to any firearm. Further, nothing in this  
3634 section shall be construed to allow the open and unconcealed  
3635 carrying of any deadly weapon as described in Section 97-37-1,  
3636 Mississippi Code of 1972.

3637 (19) Any person holding a valid unrevoked and unexpired  
3638 license to carry concealed pistols or revolvers issued in another  
3639 state having requirements substantially similar to those of this  
3640 state shall have such license recognized by this state to carry  
3641 concealed pistols or revolvers, provided that the issuing state  
3642 authorizes license holders from this state to carry concealed  
3643 pistols or revolvers in such issuing state and the appropriate  
3644 authority has communicated that fact to the Department of Public  
3645 Safety.

3646 **SECTION 58.** Section 45-11-5, Mississippi Code of 1972, is  
3647 amended as follows:

3648 45-11-5. (1) Any expense, including office supplies,  
3649 counsel fees, expenses of deputy, detective and officers, incurred  
3650 by the Commissioner of Insurance in the performance of the duties  
3651 imposed upon him by Sections 45-11-1 and 45-11-3, and the  
3652 operation of the State Fire Academy, as provided in Section  
3653 45-11-7, shall be defrayed from the State General Fund pursuant to  
3654 appropriation by the Legislature. A tax is hereby levied on all  
3655 insurance companies, including stock, mutuals and reciprocals  
3656 writing fire insurance, including the fire insurance components of  
3657 automobile insurance, dwelling multiple peril insurance, farm  
3658 multiple peril insurance and commercial multiple peril insurance,



3659 doing business in this state; \* \* \* of one-half of one percent  
3660 (1/2 of 1%) of the gross premium receipts of these fire insurance  
3661 policies \* \* \* to be collected by the State Tax Commission in the  
3662 same manner as the general tax on premiums is collected as  
3663 provided in Section 25-15-107. In the case of indivisible  
3664 multiple peril insurance policies when the fire portion of the  
3665 policy is not specified, a tax of one-half of one percent (1/2 of  
3666 1%) is hereby levied on forty-five percent (45%) of the gross  
3667 premium receipts of these policies.

3668 \* \* \*

3669 (2) (a) A tax of one-half of one percent (1/2 of 1%) is  
3670 hereby levied on the gross premium receipts of all insurance  
3671 policies taxed in subsection (1).

3672 (b) Not later than the fifteenth day of each month, the  
3673 State Treasurer shall disburse the revenue from the tax levied in  
3674 this subsection as follows:

3675 (i) Fifty percent (50%) shall be transferred into  
3676 the Municipal Fire Protection Fund in Section 83-1-37; and

3677 (ii) Fifty percent (50%) shall be transferred to  
3678 the County Volunteer Fire Department Fund in Section 83-1-39.

3679 (3) All taxes shall be deposited into the treasury as  
3680 provided in Section 7-7-21. The tax commission shall keep  
3681 separate accounts of all taxes collected under this section and  
3682 shall include these accounts in its annual report.

3683 **SECTION 59.** Section 45-11-7, Mississippi Code of 1972, is  
3684 amended as follows:

3685 45-11-7. (1) There is hereby created a State Fire Academy  
3686 for the training and education of persons engaged in municipal,  
3687 county and industrial fire protection. The Commissioner of  
3688 Insurance shall appoint an Executive Director of the State Fire  
3689 Academy who, along with his employees, shall be designated as a  
3690 division of the Insurance Department. The executive director  
3691 shall serve at the pleasure of the Commissioner of Insurance. The





3692 State Fire Academy shall be under the supervision and direction of  
3693 the Executive Director of the State Fire Academy. State Fire  
3694 Academy training programs for fire personnel shall be conducted at  
3695 the academy with seminars to be conducted in other sections of the  
3696 state as and when the State Fire Academy Advisory Board considers  
3697 it necessary and advisable.

3698 The Commissioner of Insurance may establish and charge  
3699 reasonable fees for the training programs and other services  
3700 provided by the academy to be deposited into the State General  
3701 Fund. A record of all funds received pursuant to this paragraph  
3702 shall be maintained as is required for other monies pursuant to  
3703 Section 45-11-5.

3704 The Executive Director of the State Fire Academy is  
3705 authorized and empowered to purchase, operate and maintain mobile  
3706 fire fighting equipment as he may find necessary and proper for  
3707 the operation of the academy subject to approval of the  
3708 Commissioner of Insurance. The equipment may be utilized wherever  
3709 training sessions may be held at the discretion of the State Fire  
3710 Academy Advisory Board.

3711 (2) The Commissioner of Insurance shall be authorized to  
3712 undertake appropriate action to accomplish and fulfill the  
3713 purposes of the State Fire Academy, including the hiring of  
3714 instructors and personnel, the lease and purchase of appropriate  
3715 training equipment and to lease, purchase or construct suitable  
3716 premises and quarters for conducting annual school and seminars,  
3717 as the State Fire Academy Advisory Board may deem necessary and  
3718 required for such purposes. Any contract entered into under and  
3719 by virtue of the provisions of this section shall first be  
3720 submitted to and approved by the Public Procurement Review Board,  
3721 and construction pursuant to the contract shall be under the  
3722 supervision of the Governor's Office of General Services.

3723 (3) Vouchers for operating expense for the State Fire  
3724 Academy shall be signed by the Executive Director of the State



3725 Fire Academy and payment thereof shall be made from such  
3726 funds \* \* \* as are appropriated therefor from the State General  
3727 Fund.

3728 (4) The State Fire Academy is hereby officially designated  
3729 as the agency of this state to conduct training for fire personnel  
3730 on a statewide basis in which members of all duly constituted fire  
3731 departments may participate. This subsection shall not be  
3732 construed to affect the authority of any fire department to  
3733 conduct training for its own personnel.

3734 (5) Each state agency, private agency or federal agency  
3735 which provides training for the fire service shall coordinate such  
3736 efforts with the State Fire Academy to prevent duplication of cost  
3737 and to insure standardization of training.

3738 (6) The State Fire Academy shall present an appropriate  
3739 certificate signifying the successful completion of its prescribed  
3740 courses.

3741 (7) National fire fighter standards approved by the  
3742 Mississippi Fire Personnel Minimum Standards and Certification  
3743 Board shall be used as the basis for classroom instruction at the  
3744 fire academy.

3745 (8) The Commissioner of Insurance, Executive Director of the  
3746 State Fire Academy, and the Mississippi Fire Personnel Minimum  
3747 Standards and Certification Board shall coordinate all state  
3748 programs related to fire department operations.

3749 (9) The Commissioner of Insurance is hereby authorized and  
3750 empowered to establish standard guidelines for the use of, and  
3751 accountability for, municipal and county fire protection funds  
3752 distributed pursuant to the provisions of Sections 83-1-37 and  
3753 83-1-39, Mississippi Code of 1972. Such guidelines shall include  
3754 requirements for the establishment of record keeping and reports  
3755 to the Commissioner of Insurance by municipalities and counties  
3756 relating to the receipt and expenditure of fire protection funds,  
3757 the training of fire department personnel and the submission to



3758 the Commissioner of Insurance of other data reasonably related to  
3759 local fire protection responsibilities which the Commissioner of  
3760 Insurance deems necessary for the performance of the duties of the  
3761 State Fire Academy Advisory Board.

3762 (10) In order that the Commissioner of Insurance may more  
3763 effectively execute the duties imposed upon him by subsection (9)  
3764 of this section, there is hereby created within the State Fire  
3765 Academy a Division of Fire Services Development. The division  
3766 shall be staffed by a Fire Services Development Coordinator,  
3767 appointed by the executive director of the academy from his  
3768 current staff and by such other personnel as deemed by the  
3769 Commissioner of Insurance. The division shall work with municipal  
3770 and county fire coordinators to ensure effective implementation of  
3771 guidelines established pursuant to subsection (9) of this section  
3772 and shall serve in an advisory capacity for all aspects of fire  
3773 service improvement. The Fire Service Coordinator shall annually  
3774 notify the Department of Finance and Administration of those  
3775 municipalities and counties which are not eligible to receive a  
3776 portion of fire protection fund distributions because of failure  
3777 to comply with requirements imposed in Sections 83-1-37 and  
3778 83-1-39 as a prerequisite to receipt of such funds.

3779 \* \* \*

3780 **SECTION 60.** Section 45-23-19, Mississippi Code of 1972, is  
3781 amended as follows:

3782 45-23-19. The chief inspector, if authorized by the board,  
3783 is hereby charged, directed and empowered:

3784 (a) To take action necessary for the enforcement of the  
3785 laws of the State of Mississippi governing the use of boilers and  
3786 pressure vessels to which this chapter applies and of the rules  
3787 and regulations of the board;

3788 (b) To keep a complete record of the type, dimensions,  
3789 maximum allowable pressure, age, location and all inspection



3790 reports of all boilers and pressure vessels to which this chapter  
3791 applies;

3792 (c) To publish and make available to anyone requesting  
3793 them copies of the rules and regulations promulgated by the board;

3794 (d) To issue, or to suspend or revoke for cause,  
3795 inspection certificates as provided for in Sections 45-23-41  
3796 through 45-23-49;

3797 (e) To cause the prosecution of all violators of the  
3798 provisions of this chapter;

3799 (f) To draw from \* \* \* any funds appropriated or  
3800 authorized to be expended by the Legislature for the purpose of  
3801 implementing and administering this chapter. These expenditures  
3802 may include, but are not necessarily limited to, the necessary  
3803 traveling expenses of the chief inspector and his deputies and the  
3804 expense incident to the maintenance of the chief inspector's  
3805 office;

3806 (g) To maintain a list of qualified inspectors or other  
3807 persons eligible to make inspections within this state and its  
3808 territories.

3809 **SECTION 61.** Section 45-23-55, Mississippi Code of 1972, is  
3810 amended as follows:

3811 45-23-55. There is hereby created a \* \* \* fund in the State  
3812 Treasury to be known as the Boiler and Pressure Vessel Safety Fund  
3813 into which shall be deposited all funds appropriated by the  
3814 Legislature for the implementation of this chapter \* \* \*.

3815 **SECTION 62.** Section 47-5-66, Mississippi Code of 1972, is  
3816 amended as follows:

3817 47-5-66. (1) It shall be the duty of the State Department  
3818 of Finance and Administration, with the approval of the Public  
3819 Procurement Review Board, to lease lands at public contract upon  
3820 the submission of two (2) or more sealed bids to the State  
3821 Department of Finance and Administration after having advertised  
3822 the land for rent in newspapers of general circulation published



3823 in Jackson, Mississippi; Memphis, Tennessee; the county in which  
3824 the land is located, and contiguous counties for a period of not  
3825 less than two (2) successive weeks. The first publication shall  
3826 be made not less than ten (10) days before the date of the public  
3827 contract, and the last publication shall be made not more than  
3828 seven (7) days before that date. The State Department of Finance  
3829 and Administration may reject any and all bids. If all bids on a  
3830 tract or parcel of land are rejected, the State Department of  
3831 Finance and Administration may then advertise for new bids on that  
3832 tract or parcel of land. Successful bidders shall take possession  
3833 of their leaseholds at the time authorized by the State Department  
3834 of Finance and Administration. However, rent shall be due no  
3835 later than the day upon which the lessee shall assume possession  
3836 of the leasehold, and shall be due on the anniversary date for  
3837 each following year of the lease. The State Department of Finance  
3838 and Administration may provide in any lease that rent shall be  
3839 paid in full in advance or paid in installments, as may be  
3840 necessary or appropriate. In addition, the State Department of  
3841 Finance and Administration may accept, and the lease may provide  
3842 for, assignments of federal, state, or other agricultural support  
3843 payments, growing crops or the proceeds from the sale thereof,  
3844 promissory notes, or any other good and valuable consideration  
3845 offered by any lessee to meet the rent requirements of the lease.  
3846 If a promissory note is offered by a lessee, it shall be secured  
3847 by a first lien on the crop of the lessee, or the proceeds from  
3848 the sale thereof. The lien shall be filed pursuant to Article 9  
3849 of the \* \* \* Uniform Commercial Code and Section 1324 of the Food  
3850 Security Act of 1985, as enacted or amended. If the note is not  
3851 paid at maturity, it shall bear interest at the rate provided for  
3852 judgments and decrees in Section 75-17-7 from its maturity date  
3853 until the note is paid. The note shall provide for the payment of  
3854 all costs of collection and reasonable attorney's fees if default  
3855 is made in the payment of the note. The payment of rent by



3856 promissory note or any means other than cash in advance shall be  
3857 subject to the approval of the Public Procurement Review Board,  
3858 which shall place the approval of record in the minutes of the  
3859 board. \* \* \* Any monies in hand or due from the leasing of  
3860 Penitentiary lands and the sales of timber as provided in Section  
3861 47-5-56 \* \* \* shall be deposited to the State General Fund. All  
3862 monies in each fiscal year derived from the leasing of the  
3863 Penitentiary lands and the sales of timber as provided in Section  
3864 47-5-56 shall be deposited into the State General Fund \* \* \*. All  
3865 profits derived from the prison agricultural enterprises shall be  
3866 deposited into the State General Fund. All profits derived from  
3867 prison industries shall be placed in the State General Fund. Such  
3868 funds as may be appropriated each year by the Legislature to the  
3869 nonprofit corporation, which is required to be organized under the  
3870 provisions of Section 47-5-535, shall be expended for the purpose  
3871 of operating and managing the prison industries. The state shall  
3872 have the rights and remedies for the security and collection of  
3873 the rents given by law to landlords. Upon the execution of the  
3874 agricultural leases to private entities as authorized by Section  
3875 47-5-64, the leased land shall be liable to be taxed as other  
3876 lands are taxed during the continuance of the lease, but in case  
3877 of sale thereon for taxes, only the title of the leaseholder or  
3878 his heirs or assigns shall pass by the sale. Any funds obtained  
3879 by the corporation as a result of sale of goods and services  
3880 manufactured and provided by it shall be accounted for separate  
3881 and apart from any funds received by the corporation through  
3882 appropriation from the State Legislature. All nonappropriated  
3883 funds generated by the corporation shall \* \* \* be subject to  
3884 appropriation by the state Legislature.

3885 (2) This section shall be repealed from and after July 1,  
3886 2004.

3887 **SECTION 63.** Section 47-5-155, Mississippi Code of 1972, is  
3888 amended as follows:



3889 47-5-155. There is hereby created a \* \* \* fund to be known  
3890 as the "Discharged Offenders Revolving Fund" to be maintained in a  
3891 bank to be selected by the commissioner. It shall be the duty of  
3892 the bank, so long as it retains such deposits, to make monthly  
3893 reports to the State Treasurer of the State of Mississippi as to  
3894 the condition of the funds on deposit in the depository. Such  
3895 funds as are appropriated by the Legislature shall be used for the  
3896 prompt payment in cash to all discharged, pardoned or paroled  
3897 offenders such amounts as are provided by Section 47-5-157. \* \* \*  
3898 Upon receipt of adequately supported requisitions, the State  
3899 Fiscal Officer shall draw his warrants made payable to the  
3900 Discharged Offenders Revolving Fund against any funds in the State  
3901 Treasury to the credit of the correctional system.

3902 **SECTION 64.** Section 47-5-513, Mississippi Code of 1972, is  
3903 amended as follows:

3904 47-5-513. \* \* \* Proceeds of funds paid by industries or  
3905 businesses participating in the correctional industries work  
3906 program shall be paid into the State General Fund in the State  
3907 Treasury \* \* \*.

3908 **SECTION 65.** Section 47-7-49, Mississippi Code of 1972, is  
3909 amended as follows:

3910 47-7-49. (1) Any offender on probation, parole,  
3911 earned-release supervision, post-release supervision, earned  
3912 probation or any other offender under the field supervision of the  
3913 Community Services Division of the department shall pay to the  
3914 department the sum of Thirty Dollars (\$30.00) per month by  
3915 certified check or money order unless a hardship waiver is  
3916 granted. A hardship waiver may be granted by the sentencing court  
3917 or the Department of Corrections. A hardship waiver may not be  
3918 granted for a period of time exceeding ninety (90) days. The  
3919 commissioner, or his designee, shall deposit \* \* \* the payments  
3920 received into the State General Fund \* \* \*. Appropriations by the  
3921 Legislature may be made for: (a) the establishment of restitution



3922 and satellite centers; \* \* \* (b) the establishment, administration  
3923 and operation of the department's Drug Identification Program and  
3924 the intensive and field supervision program; \* \* \* and (c)  
3925 salaries and \* \* \* equipment, supplies and vehicles to be used by  
3926 the Community Services Division in the performance of its  
3927 duties. \* \* \*

3928 \* \* \* When a person is convicted of a felony in this state,  
3929 in addition to any other sentence it may impose, the court may, in  
3930 its discretion, order the offender to pay a state assessment not  
3931 to exceed the greater of One Thousand Dollars (\$1,000.00) or the  
3932 maximum fine that may be imposed for the offense, into the State  
3933 General Fund \* \* \*.

3934 Any federal funds made available to the department for  
3935 training or for training facilities, equipment or services shall  
3936 be deposited in the State General Fund. \* \* \* Funds may be  
3937 appropriated by the Legislature to support an expansion of the  
3938 department's training program to include the renovation of  
3939 facilities for training purposes, purchase of equipment and  
3940 contracting of training services with community colleges in the  
3941 state.

3942 No offender shall be required to make this payment for a  
3943 period of time longer than ten (10) years.

3944 (2) The offender may be imprisoned until the payments are  
3945 made if the offender is financially able to make the payments and  
3946 the court in the county where the offender resides so finds,  
3947 subject to the limitations hereinafter set out. The offender  
3948 shall not be imprisoned if the offender is financially unable to  
3949 make the payments and so states to the court in writing, under  
3950 oath, and the court so finds.

3951 (3) This section shall stand repealed from and after June  
3952 30, 2004.

3953 **SECTION 66.** Section 49-1-65, Mississippi Code of 1972, is  
3954 amended as follows:





3955           49-1-65. Any assessments collected under subsection (3) of  
3956 Section 99-19-73 shall be deposited in the State General  
3957 Fund. \* \* \* The Legislature shall annually appropriate from the  
3958 General Fund a sum to defray the necessary expenses of the  
3959 program.

3960           **SECTION 67.** Section 49-3-15, Mississippi Code of 1972, is  
3961 amended as follows:

3962           49-3-15. The laboratory personnel may, at their discretion,  
3963 and subject to the approval of the proper administrative  
3964 authorities at Mississippi State University, do research on a  
3965 contract or project basis for industries, governmental agencies,  
3966 public or private organizations or corporations, or any others, at  
3967 a price and on a basis to be determined by the aforesaid  
3968 personnel. The proceeds derived from such research projects shall  
3969 be deposited to the State General Fund in the Treasury of the  
3970 State of Mississippi \* \* \*.

3971           **SECTION 68.** Section 49-5-21, Mississippi Code of 1972, is  
3972 amended as follows:

3973           49-5-21. (1) The department shall transfer all funds under  
3974 its control into the State General Fund in the State  
3975 Treasury \* \* \*. All funds derived from the sale of licenses,  
3976 fees, fines and other revenues received by the department as  
3977 provided by law, shall be deposited in the State General  
3978 Fund. \* \* \*

3979           (2) The department may expend such sums as are authorized by  
3980 the Legislature \* \* \* for paying salaries of its employees,  
3981 operating and maintaining equipment and for any other purpose the  
3982 department is authorized to expend funds by law, which amount  
3983 shall be available for expenditure.

3984           The money herein authorized shall be paid by the State  
3985 Treasurer \* \* \* on warrants issued by the State Fiscal Officer  
3986 upon requisition signed by the executive director of the  
3987 department.



3988           (3) The department shall prepare and submit annually to the  
3989 Legislature a budget for its proposed operation. The budget  
3990 required shall reflect all anticipated revenues from all sources,  
3991 including all grants and matching funds, together with all  
3992 proposed expenditures. The budget shall be prepared in the same  
3993 manner as is now required of other departments of this state. The  
3994 department shall be subject to budgetary control and audit in the  
3995 same manner as is provided by law for other departments and  
3996 agencies. \* \* \*

3997           **SECTION 69.** Section 49-5-77, Mississippi Code of 1972, is  
3998 amended as follows:

3999           49-5-77. \* \* \*

4000           (1) The commission is empowered and authorized, in addition  
4001 to such sums as may be appropriated from time to time by the  
4002 Legislature, to accept from any person, firm, corporation or  
4003 agency of government, national, state or local any gifts or  
4004 devise, lands, money for the purpose of acquiring by lease, or  
4005 purchase any area for hunting or fishing use or for the  
4006 preservation of any species of wildlife or fish. Such lands and  
4007 waters as are acquired under the provisions of Sections 49-5-61  
4008 through 49-5-85 and Section 49-5-78 shall be under the  
4009 administration and control of the commission until a proper plan  
4010 shall be developed for the land or water. The commission shall  
4011 enter into an agreement with an appropriate agency in the  
4012 executive branch to develop a plan for the land or water. After  
4013 the plan is developed, the land or water shall be transferred to  
4014 the administration and control of the Department of Wildlife,  
4015 Fisheries and Parks or other appropriate agency in the executive  
4016 branch to be managed by the agency according to the plan.

4017           (2) The commission is authorized and empowered to accept and  
4018 earmark for any purpose, not inconsistent with the provisions of  
4019 Sections 49-5-61 through 49-5-85, any gift or devise, lands or



4020 money from any person, firm, corporation or governmental unit on  
4021 such terms and conditions as the donor may designate.

4022         **SECTION 70.** Section 49-17-61, Mississippi Code of 1972, is  
4023 amended as follows:

4024         49-17-61. There is hereby created for the State of  
4025 Mississippi a Water Pollution Abatement Loan Program ("program")  
4026 from which shall be made loans in aid of construction. Funds shall  
4027 be available to any political subdivision legally authorized to  
4028 own, maintain and operate a sewage, industrial waste or other  
4029 waste collection, transport, treatment and disposal system. No  
4030 recipient shall receive from state funds any loan in excess of  
4031 twenty-five percent (25%) of the cost of construction of a  
4032 project, unless said recipient shall become eligible on or after  
4033 October 1, 1988, as set forth in Section 49-17-85(3).

4034         Such cost of construction includes: preliminary planning to  
4035 determine the economic and engineering feasibility of treatment  
4036 works, the engineering, architectural, legal, fiscal and economic  
4037 investigations and studies, surveys, designs, plans, working  
4038 drawings, specifications, procedures, and other action necessary  
4039 to the construction of treatment works; and the erection,  
4040 building, acquisition, alteration, remodeling, improvement or  
4041 extension of treatment works; and the inspection and supervision  
4042 of the construction of treatment works.

4043         No loan shall be made for any project under the provisions of  
4044 Sections 49-17-61 through 49-17-67 unless such project is in  
4045 conformity with the State Water Pollution Control Plan and has  
4046 been certified by the Mississippi Commission on Environmental  
4047 Quality as entitled to priority over eligible projects on the  
4048 basis of financial as well as water pollution control needs.

4049         Loan funds generated by the issuance of bonds, legislative  
4050 appropriations or otherwise, shall be deposited in an appropriate  
4051 account or accounts created under the program.



4052 \* \* \* All bonds which shall be issued by the State of  
4053 Mississippi to generate funds to be used for loans under this  
4054 section shall be payable as to principal, interest, premiums, if  
4055 any, and service fees from the State General Fund. \* \* \*

4056 \* \* \*

4057 Funds on deposit in the State General Fund (a) may be used to  
4058 make loans in aid of construction for water pollution abatement  
4059 upon appropriation by the Legislature; (b) \* \* \* may be used \* \* \*  
4060 for the purpose of matching federal capitalization grants and for  
4061 allowable uses; and (c) may be used for administration of  
4062 the \* \* \* loan program subject to legislative appropriation.

4063 **SECTION 71.** Section 49-19-205, Mississippi Code of 1972, is  
4064 amended as follows:

4065 49-19-205. For purposes of Sections 49-19-201 through  
4066 49-19-227, the following words shall have the meaning ascribed  
4067 herein unless the context requires otherwise:

4068 (a) "Commission" shall mean the State Forestry  
4069 Commission.

4070 (b) "State Forester" shall mean the forester appointed  
4071 by the commission.

4072 (c) "Eligible owner" shall mean either (i) a private  
4073 individual, group or association, or (ii) an agency of state,  
4074 local or municipal government, but the term shall not mean or  
4075 include private corporations manufacturing products or providing  
4076 public utility services of any type or any subsidiary of such  
4077 corporations; provided, however, only one (1) owner of land owned  
4078 in joint tenancy or tenancy in common and only one (1) member or  
4079 officer of any group or association shall be eligible to apply for  
4080 or receive cost-share assistance to be expended for development of  
4081 any or all lands owned by such owners or group or association.

4082 (d) "Eligible lands" shall mean (i) nonindustrial  
4083 private lands owned by a private individual, group or association,  
4084 and (ii) lands owned by the State of Mississippi or any political



4085 subdivision thereof, but shall not include lands owned by private  
4086 corporations which manufacture products or provide public utility  
4087 services of any type or any subsidiary of such corporations.

4088 (e) "Cost-share assistance" shall mean the partial  
4089 financial assistance in such amounts as the commission, in its  
4090 discretion, shall determine, subject to the limitations of  
4091 Sections 49-19-201 through 49-19-227.

4092 (f) "Approved practice" shall mean and include  
4093 planting, seeding, timber stand improvement, prescribed burning,  
4094 site preparation, systematic planting of hardwood trees for game  
4095 preservation and development, or such other forest resource  
4096 development practice as the commission shall approve or determine  
4097 proper generally or with regard to any particular applicant.

4098 (g) "Forest Development Fund" shall mean the \* \* \* fund  
4099 established in the State Treasury, designated as the Forest  
4100 Resource Development Fund, created by Section 49-19-227.

4101 **SECTION 72.** Section 49-19-227, Mississippi Code of 1972, is  
4102 amended as follows:

4103 49-19-227. \* \* \* The Legislature shall appropriate such sums  
4104 as it may deem necessary including any proceeds of general  
4105 obligation bonds which may be authorized by the Legislature for  
4106 the support of the Forest Resources Development Program provided  
4107 for under Sections 49-19-201 through 49-19-227. \* \* \*

4108 **SECTION 73.** Section 51-5-5, Mississippi Code of 1972, is  
4109 amended as follows:

4110 51-5-5. (1) In carrying out the provisions of this chapter,  
4111 the Board of Water Commissioners is empowered, but not limited to,  
4112 to do the following:

4113 (a) Make reasonable rules and regulations for the  
4114 purpose of carrying out the provisions of this chapter.

4115 (b) Prepare required forms and establish other  
4116 procedures to govern the submission of applications, reports and



4117 other information authorized to be sent the board as required by  
4118 this chapter.

4119 (c) Prepare and give reasonable oral and/or written  
4120 examinations for license applicants.

4121 (d) Deposit all fees in the State General Fund \* \* \*.

4122 (e) Enter upon and be given access to any premises for  
4123 the purpose of inspecting water wells.

4124 (2) Where the board finds that compliance with all the  
4125 requirements of this chapter would result in undue hardship, an  
4126 exemption from any one or more of such requirements may be granted  
4127 by the board to the extent necessary to ameliorate such undue  
4128 hardship and to the extent such exemption can be granted without  
4129 impairing the intent and purpose of this chapter.

4130 **SECTION 74.** Section 53-1-7, Mississippi Code of 1972, is  
4131 amended as follows:

4132 53-1-7. The board shall appoint a State Oil and Gas  
4133 Supervisor, herein called supervisor, who shall be a competent and  
4134 qualified administrator and receive as compensation for his  
4135 services an annual salary to be fixed by law. The supervisor  
4136 shall be solely responsible for the administration of the offices  
4137 of the State Oil and Gas Board and shall be charged with the duty  
4138 of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3  
4139 through 53-3-165, and all rules, regulations and orders duly  
4140 adopted by the board. The supervisor shall be ex officio  
4141 secretary of the board and shall give bond, in such sum as the  
4142 board may direct, with corporate surety to be approved by the  
4143 board, conditioned that he will well and truly account for all  
4144 funds coming into his hands as such secretary. He shall remit to  
4145 the State Treasurer all monies collected by him as such secretary  
4146 into the State General Fund \* \* \*.

4147 The supervisor shall devote his entire time to his official  
4148 duties.



4149 In addition, it shall be the supervisor's duty and  
4150 responsibility to:

4151 (a) Supervise and manage all personnel of the offices  
4152 of the Oil and Gas Board.

4153 (b) Formulate the duties and responsibilities of every  
4154 staff employee in detail, including written job descriptions and  
4155 written policies and procedures for performing staff tasks.

4156 (c) Outline a detailed method of preparing, and devise  
4157 a systematic procedure for the filing of reports by field  
4158 inspectors.

4159 (d) Formulate written policies and procedures for the  
4160 effective and efficient operation of the office, and present these  
4161 policies and procedures to the board for promulgation.

4162 (e) Supervise the provision of technical support and  
4163 assistance to the board in its decision-making capacity.

4164 **SECTION 75.** Section 53-1-77, Mississippi Code of 1972, is  
4165 amended as follows:

4166 53-1-77. (1) The State Oil and Gas Supervisor, as ex  
4167 officio secretary of such board, shall remit to the State  
4168 Treasurer all monies collected by reason of the assessments made  
4169 and fixed under the provisions of Section 53-1-73, and the State  
4170 Treasurer shall deposit all such monies in the State General  
4171 Fund \* \* \*.

4172 (2) \* \* \* Disbursements shall be made from such funds  
4173 approved by the Legislature only upon requisition of the State Oil  
4174 and Gas Supervisor, as approved and allowed by the board, and  
4175 which requisitions shall be supported by itemized statements  
4176 thereto attached showing the purpose or purposes of such  
4177 expenditures. Such requisitions shall be drawn upon the State  
4178 Fiscal Officer, who shall issue a warrant \* \* \*. Such warrants so  
4179 issued shall be paid by the State Treasurer upon presentation.

4180 (3) The State Oil and Gas Supervisor, as ex officio  
4181 secretary of the Oil and Gas Board, shall submit, within ten (10)



4182 days, after the convening of each session of the Legislature, to  
4183 the Legislature a detailed report of all receipts, expenditures  
4184 and balance on hand, of funds coming to the Oil and Gas Board from  
4185 any source whatsoever.

4186 \* \* \*

4187 (4) The board shall have the authority, in its discretion,  
4188 to use whatever legal means available to it to attempt to collect  
4189 any amounts so expended from any responsible party. Any amounts  
4190 so collected shall be returned to the State General Fund \* \* \*.

4191 \* \* \*

4192 (5) For purposes of this section, orphan well means any oil  
4193 or gas well in the state, including Class II wells, which has not  
4194 been properly plugged according to the requirements of the  
4195 statutes, rules and regulations governing same and for which a  
4196 responsible party such as an owner or operator cannot be located  
4197 or for which, for whatever reason, there is no other party which  
4198 can be forced to plug the well.

4199 **SECTION 76.** Section 53-3-13, Mississippi Code of 1972, is  
4200 amended as follows:

4201 53-3-13. (1) Any person securing a permit to drill a well  
4202 in search of oil or gas under the provisions of Section 53-3-11  
4203 shall pay to the Oil and Gas Supervisor a fee of Three Hundred  
4204 Dollars (\$300.00) upon and for the issuance of such permit. A  
4205 lesser sum may be paid if the State Oil and Gas Board shall adopt  
4206 a rule fixing the amount to be paid at a sum less than Three  
4207 Hundred Dollars (\$300.00). Any such permit, when issued and the  
4208 fee paid thereon, shall be good for a period of six (6) months  
4209 from the date thereof; and in the event drilling has commenced  
4210 within the said six (6) months, the permit shall be good for the  
4211 life of the well so commenced, unless during the course of  
4212 drilling or production the operator is changed. In the event a  
4213 change of operators from that listed in the drilling permit is  
4214 desired, the operator so listed and the proposed new operator





4215 shall apply to the State Oil and Gas Board for authority to change  
4216 operators on forms to be prescribed by order of the State Oil and  
4217 Gas Board. The fee for such change of operators shall be One  
4218 Hundred Dollars (\$100.00) per change, or some lesser sum as may be  
4219 fixed by order of the board.

4220 (2) The State Oil and Gas Supervisor, as ex officio  
4221 Secretary of the State Oil and Gas Board, shall remit to the State  
4222 Treasurer all monies collected by reason of the assessments made,  
4223 fixed and authorized under the provisions of the first paragraph  
4224 of this section, and the State Treasurer shall deposit all such  
4225 monies into the State General Fund.

4226 **SECTION 77.** Section 53-7-69, Mississippi Code of 1972, is  
4227 amended as follows:

4228 53-7-69. \* \* \*

4229 (1) The commission may receive monies from any available  
4230 public or private sources, including, but not limited to,  
4231 collection of fees, interest, grants, taxes, public and private  
4232 donations, judicial actions, penalties and forfeited performance  
4233 bonds, any monies received from penalties, forfeited performance  
4234 bonds, judicial actions and the interest thereon, less enforcement  
4235 and collection costs, which shall be deposited into the State  
4236 General Fund. \* \* \*

4237 (2) The commission shall expend funds pursuant to an annual  
4238 appropriation by the Legislature. \* \* \*

4239 \* \* \*

4240 (3) \* \* \* The commission may seek to recover any monies  
4241 expended from the State General Fund from any responsible party.

4242 **SECTION 78.** Section 55-3-53, Mississippi Code of 1972, is  
4243 amended as follows:

4244 55-3-53. (1) The Mississippi Department of Wildlife,  
4245 Fisheries and Parks is hereby authorized and empowered to sell and  
4246 dispose of timber, trees, deadwood and stumps standing, growing  
4247 and being upon the lands of state parks. Such timber shall be



4248 sold and disposed of under the direction and specifications of the  
4249 Department of Wildlife, Fisheries and Parks in accordance with  
4250 sound and efficient principles of selective cutting, forestry  
4251 management, and conservation.

4252 Before any such timber, trees, deadwood and stumps shall be  
4253 sold, the Department of Wildlife, Fisheries and Parks shall select  
4254 and mark the trees to be cut and disposed of. No trees or timber  
4255 shall be marked for cutting when the cutting thereof would destroy  
4256 or mar the scenic views from the tourist observation points in  
4257 said park. The purchaser shall pay double price on sale basis for  
4258 all trees, timber or stumps cut that had not been marked for  
4259 removing by the Department of Wildlife, Fisheries and Parks.

4260 Before any such timber, trees, deadwood or stumps standing,  
4261 growing or being upon such land shall be sold, the department  
4262 shall advertise its intention so to do by publication in a  
4263 newspaper published or having general circulation in the county or  
4264 counties where parks are located, such notice to be published at  
4265 least once a week for three (3) consecutive weeks preceding the  
4266 sale and by posting one (1) notice in the courthouse in such  
4267 county. The notice shall specify that such bids shall be filed  
4268 with the superintendent of the state park involved, who shall  
4269 transmit same to the Department of Wildlife, Fisheries and Parks  
4270 for rejection or approval. Said department shall accept the bid  
4271 of the highest and best bidder for cash, but shall have the right  
4272 to reject any and all of such bids.

4273 Provided, however, in the case of damage by fire, windstorm,  
4274 insects or other natural causes which would require immediate sale  
4275 of the timber, because the time involved for advertisement as  
4276 prescribed herein would allow decay, rot or destruction  
4277 substantially decreasing the purchase price to be received had not  
4278 such delay occurred, the advertisement provisions of this section  
4279 shall not apply. The State Park Director, upon a written  
4280 recommendation from the county forester of the county wherein said



4281 state park is located, shall determine when immediate sale of the  
4282 timber is required. When the State Park Director shall find an  
4283 immediate sale necessary for the causes stated herein, he shall,  
4284 in his discretion, set the time for receipt of bids on the  
4285 purchase of said timber, but shall show due diligence in notifying  
4286 competitive bidders so that a true competitive bid shall be  
4287 received.

4288 Whenever any timber, trees, deadwood or stumps are sold under  
4289 the provisions of this section, the purchaser thereof shall have  
4290 all necessary rights of ingress and egress to enter upon said land  
4291 and cut and remove such timber, trees, deadwood or stumps.

4292 The proceeds derived or received from all sales under the  
4293 provisions of this section shall be placed in the State General  
4294 Fund \* \* \*.

4295 (2) Notwithstanding the provisions of subsection (1) of this  
4296 section, the Department of Wildlife, Fisheries and Parks may cut  
4297 and sell trees damaged by fire, windstorm or insects and deadwood  
4298 and stumps located upon the lands of state parks for firewood.  
4299 Such firewood shall be sold only to overnight guests at state  
4300 parks for use at state parks. The Department of Wildlife,  
4301 Fisheries and Parks shall select and mark all trees to be cut for  
4302 firewood.

4303 **SECTION 79.** Section 55-23-9, Mississippi Code of 1972, is  
4304 amended as follows:

4305 55-23-9. The commission shall operate the Mississippi  
4306 Veterans Memorial Stadium and to that end may employ such agents  
4307 and employees as may be required in connection therewith. It may  
4308 enter into contracts for the use of the stadium, and fix the  
4309 amount of the compensation therefor, and collect the same when  
4310 due. The commission may take any action authorized in Section  
4311 55-23-8 relating to the Mississippi Veterans Memorial Stadium and  
4312 the property described in Section 55-23-8.



4313 All monies and revenues, including the amusement tax imposed  
4314 upon the sale of tickets for admission to the stadium, and all  
4315 other events on stadium property and all monies arising from other  
4316 use of stadium property, including that realized from the sale of  
4317 concessions, shall be paid by the commission to the State  
4318 Treasurer, to be placed to the credit of the State General  
4319 Fund \* \* \* and any references in the laws to the "Mississippi  
4320 Memorial Stadium Fund" or the "Mississippi Veterans Memorial  
4321 Stadium Fund" shall mean the State General Fund unless the context  
4322 clearly indicates otherwise. \* \* \* All expenses incident to the  
4323 operation and upkeep of the facilities and property managed by the  
4324 commission shall be paid out of the funds appropriated by the  
4325 Legislature by the Department of Finance and Administration, which  
4326 shall be issued on the requisition of the commission.

4327 All tickets sold to an event conducted in the Mississippi  
4328 Veterans Memorial Stadium shall have printed in an appropriate and  
4329 prominent place thereon the words A.C. "Butch" Lambert Field.

4330 **SECTION 80.** Section 57-1-15, Mississippi Code of 1972, is  
4331 amended as follows:

4332 57-1-15. The department is hereby authorized to cooperate  
4333 and coordinate with economic development commissions, travel and  
4334 other similar commissions and boards, and/or other similar  
4335 agencies of other states, the federal government, and with county,  
4336 municipal and regional economic development, travel and other  
4337 similar commissions or boards, or other agencies thereof, for the  
4338 purposes of securing economic development within the State of  
4339 Mississippi, and to accomplish this purpose, the department may  
4340 contract for, receive and expend state, federal and other  
4341 funds \* \* \*.

4342 **SECTION 81.** Section 57-15-5, Mississippi Code of 1972, is  
4343 amended as follows:

4344 57-15-5. (1) It is hereby declared to be the intent of the  
4345 Legislature by this chapter that the policy of the council hereby



4346 created shall be conducted according to the following guidelines:  
4347 the council shall have the general purpose and policy of studying  
4348 and developing plans, proposals, reports and recommendations for  
4349 the development and utilization of the coastal and offshore lands,  
4350 waters and marine resources of this state in order to insure that  
4351 all future plans and/or programs of the State of Mississippi  
4352 involving the field of marine resources and sciences,  
4353 oceanographic research, and related studies, will be coordinated  
4354 with comparable functions and programs of agencies of the United  
4355 States government. The council shall further have the purpose and  
4356 policy to help coordinate, as hereinabove provided, all plans of  
4357 other agencies of this state engaged in similar activities and of  
4358 the various states of the United States of America, and also with  
4359 all private agencies whose purpose is marine science and resource  
4360 development. The council is further authorized to enter into  
4361 contract with any state or federal agency as may be necessary and  
4362 requisite to carry out the purposes of this chapter. The council  
4363 shall have the responsibility for the general management of the  
4364 state's wetlands.

4365 (2) The council is authorized and empowered to solicit and  
4366 accept financial support from sources other than the state,  
4367 including private or public sources or foundations. All funds  
4368 received by or appropriated to the council shall be deposited upon  
4369 receipt thereof into the State General Fund in the State  
4370 Treasury \* \* \*. Expenditures \* \* \* by and for the council for the  
4371 purpose of carrying out its functions as provided by law shall be  
4372 made with the approval of the council at any meeting upon  
4373 requisitions presented to the State Auditor in the manner provided  
4374 by law, and paid by the State Treasurer. Full and complete  
4375 accounting shall be kept and made by the council for all funds  
4376 received and expended by it. Representatives of the office of the  
4377 State Auditor of Public Accounts annually shall audit the  
4378 expenditure of funds received by the council from all sources and



4379 the said auditor shall make a complete and detailed report of such  
4380 audit to the Legislature. It is further provided that all state  
4381 appropriated funds expended shall conform to all requirements of  
4382 law as provided for expenditures.

4383 (3) The council may solicit, receive and expend  
4384 contributions, matching funds, gifts, bequests and devises from  
4385 any source, whether federal, state, public or private, as  
4386 authorized by annual appropriations therefor.

4387 (4) The council may enter into agreements with federal,  
4388 state, public or private agencies, departments, institutions,  
4389 firms, corporations or persons to carry out its policies as  
4390 provided for in this chapter. To accomplish these goals, the  
4391 council may expend any such sums from any source as herein  
4392 provided.

4393 The agreements provided for in this subsection shall include,  
4394 but not be limited to, the following provisions:

- 4395 (a) The duration of the agreement;  
4396 (b) The purpose of the agreement;  
4397 (c) A description of the procedures to be used in  
4398 carrying out the purpose of the agreement; and  
4399 (d) Provisions for termination of the agreement.

4400 Any entity entering into such an agreement shall comply with  
4401 the provisions therein.

4402 (5) The council is authorized and empowered to accept  
4403 financial support from any federal outer continental shelf revenue  
4404 sharing programs. All funds received from such programs shall be  
4405 deposited upon receipt thereof into a special trust fund in the  
4406 State Treasury to be known and designated as the "Outer  
4407 Continental Shelf Trust Fund." Expenditures from said fund shall  
4408 be made for the benefit of any project affecting any county in the  
4409 State of Mississippi which borders on the Gulf of Mexico with the  
4410 approval of the Legislature.



4411           **SECTION 82.** Section 59-21-25, Mississippi Code of 1972, is  
4412 amended as follows:

4413           59-21-25. (1) Fees for the award of certificates of number  
4414 for original, transfer, renewal, livery, dealer and duplicate  
4415 shall be as follows:

- 4416           (a) Less than 16 feet.....\$ 5.00
- 4417           (b) 16 feet but less than 26 feet.....\$15.00
- 4418           (c) 26 feet and over.....\$30.00
- 4419           (d) Dealer number.....\$25.00
- 4420           (e) Duplicate.....\$ 5.00

4421           (2) All fees for numbers and renewal of number shall be  
4422 payable to the Mississippi Department of Wildlife, Fisheries and  
4423 Parks to be deposited by the department in the State Treasury into  
4424 the State General Fund \* \* \*. The State Treasurer shall release  
4425 to the department, pursuant to legislative appropriation, such  
4426 sums as are required to defray all administrative costs of the  
4427 boat registration fee division of the department and to improve  
4428 the law enforcement capability of the department on the inland and  
4429 marine waters of the State of Mississippi and as may be budgeted  
4430 by the department for the purpose of paying the cost of the  
4431 administration of this chapter for education on water safety,  
4432 improvement of water safety and motorboating facilities in the  
4433 state, and advertising and promoting the waterways of the  
4434 state. \* \* \*

4435           **SECTION 83.** Section 61-13-11, Mississippi Code of 1972, is  
4436 amended as follows:

4437           61-13-11. Whenever the Department of Finance and  
4438 Administration under the direction of the Governor's office makes  
4439 an airplane or airplanes available to some department, institution  
4440 or agency of the State of Mississippi, the actual cost for the  
4441 operation thereof during the time the aforesaid airplane is so  
4442 assigned shall be charged to and paid for by the aforesaid



4443 department, institution or agency into the State General  
4444 Fund \* \* \*.

4445 **SECTION 84.** Section 61-13-15, Mississippi Code of 1972, is  
4446 amended as follows:

4447 61-13-15. (1) Any airplane purchased or operated under the  
4448 provisions of this chapter which becomes surplus to the needs of  
4449 the state may be sold by the Department of Finance and  
4450 Administration upon the receipt of not less than three (3) sealed  
4451 bids after three (3) public advertisements inviting such bids in  
4452 some newspaper published in the State of Mississippi and having  
4453 general circulation therein. The Department of Finance and  
4454 Administration, may reject any or all bids and readvertise, in its  
4455 discretion. The sums derived from such sale shall be placed in  
4456 the State General Fund \* \* \*.

4457 (2) The Department of Finance and Administration shall  
4458 proceed to sell one or more of the aircraft purchased prior to  
4459 July 1, 1986, pursuant to this chapter. The sale of such aircraft  
4460 pursuant to this subsection shall be subject to the bid  
4461 requirements of subsection (1). It is the intent of the  
4462 Legislature that the sale of such aircraft shall be timed to  
4463 produce the maximum revenues at sale.

4464 **SECTION 85.** Section 61-13-17, Mississippi Code of 1972, is  
4465 amended as follows:

4466 61-13-17. \* \* \* All salaries, allocations and charges for  
4467 the cost of operating, repairing and servicing the airplanes shall  
4468 be paid from the State General Fund. The Legislature shall  
4469 appropriate the necessary funds to carry out the purposes of this  
4470 chapter. The Department of Finance and Administration shall  
4471 disburse over its signature all funds expended for carrying out  
4472 the provisions of this chapter.

4473 \* \* \*

4474 **SECTION 86.** Section 63-1-46, Mississippi Code of 1972, is  
4475 amended as follows:





4476           63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be  
4477 charged for the reinstatement of a license issued pursuant to this  
4478 article to every person whose license has been validly suspended,  
4479 revoked or cancelled. This fee shall be in addition to the fee  
4480 provided for in Section 63-1-43, Mississippi Code of 1972.

4481           (2) The funds received under the provisions of subsection  
4482 (1) of this section shall be deposited into the State General Fund  
4483 in accordance with Section 45-1-23, Mississippi Code of 1972.

4484           (3) In addition to the fee provided for in subsection (1) of  
4485 this section, an additional fee of Seventy-five Dollars (\$75.00)  
4486 shall be charged for the reinstatement of a license issued  
4487 pursuant to this article to every person whose license has been  
4488 suspended or revoked under the provisions of the Mississippi  
4489 Implied Consent Law or as a result of a conviction of a violation  
4490 of the Uniform Controlled Substances Law under the provisions of  
4491 Section 63-1-71.

4492           (4) The funds received under the provisions of subsection  
4493 (3) of this section shall be placed in the State General  
4494 Fund. \* \* \*

4495           \* \* \*

4496           **SECTION 87.** Section 63-11-32, Mississippi Code of 1972, is  
4497 amended as follows:

4498           63-11-32. (1) The State Department of Public Safety in  
4499 conjunction with the Governor's Highway Safety Program, the State  
4500 Board of Health, or any other state agency or institution shall  
4501 develop and implement a driver improvement program for persons  
4502 identified as first offenders convicted of driving while under the  
4503 influence of intoxicating liquor or another substance which had  
4504 impaired such person's ability to operate a motor vehicle,  
4505 including provision for referral to rehabilitation facilities.

4506           (2) The program shall consist of a minimum of ten (10) hours  
4507 of instruction. Each person who participates shall pay a nominal  
4508 fee to defray a portion of the cost of the program.



4509 (3) Such assessments as are collected under subsection (2)  
4510 of Section 99-19-73 shall be deposited in the State General  
4511 Fund \* \* \*. Monies \* \* \* shall be expended by the Board of  
4512 Trustees of State Institutions of Higher Learning as authorized  
4513 and appropriated by the Legislature to defray the costs of the  
4514 Mississippi Alcohol Safety Education Program operated pursuant to  
4515 the provisions of this section. \* \* \*

4516 (4) Such assessments as are collected under subsection (2)  
4517 of Section 99-19-73 shall be deposited in the State General  
4518 Fund \* \* \*. Monies \* \* \* shall be expended by the Department of  
4519 Public Safety as authorized and appropriated by the Legislature to  
4520 defray the costs of alcohol and traffic safety programs. \* \* \*

4521 (5) Such assessments as are collected under subsection (2)  
4522 of Section 99-19-73 shall be deposited in the State General  
4523 Fund \* \* \*. Monies \* \* \* shall be expended by the Department of  
4524 Public Safety as authorized and appropriated by the Legislature to  
4525 defray the costs of equipment replacement and operational support  
4526 of the Mississippi Crime Laboratory relating to enforcement of the  
4527 Implied Consent Law. \* \* \*

4528 **SECTION 88.** Section 63-17-71, Mississippi Code of 1972, is  
4529 amended as follows:

4530 63-17-71. All funds received by the commission shall be  
4531 deposited in the State Treasury to the State General Fund. \* \* \*  
4532 The expenditure of all \* \* \* funds shall be made only pursuant to  
4533 appropriation approved by the Legislature and as provided by law.  
4534 The receipts and disbursements of the commission shall be audited  
4535 annually by the State Auditor.

4536 **SECTION 89.** Section 63-21-65, Mississippi Code of 1972, is  
4537 amended as follows:

4538 63-21-65. Except as provided in Section 63-21-64, the State  
4539 Tax Commission shall pay into the General Fund the fees collected  
4540 under this chapter. As much of such funds as authorized by the  
4541 Legislature pursuant to appropriation shall be used by the State



4542 Tax Commission to defray the cost of carrying out the duties of  
4543 the State Tax Commission, including the maintenance of the  
4544 automated statewide motor vehicle and manufactured housing  
4545 registration system.

4546 **SECTION 90.** Section 65-1-110, Mississippi Code of 1972, is  
4547 amended as follows:

4548 65-1-110. \* \* \* The Legislature shall provide such funds as  
4549 are appropriated from the State General Fund to purchase or lease  
4550 equipment for the Mississippi Department of Transportation.

4551 **SECTION 91.** Section 69-7-263, Mississippi Code of 1972, is  
4552 amended as follows:

4553 69-7-263. There is hereby imposed and levied an assessment  
4554 at a rate not to exceed Three Cents (3¢) per case on all eggs  
4555 produced in Mississippi wherever distributed or marketed and on  
4556 all eggs marketed in Mississippi wherever distributed or produced.  
4557 The rate of assessment shall be determined by the board. At the  
4558 time of the sale, the egg producer shall provide evidence that all  
4559 assessments provided herein have been paid. However, if the first  
4560 sale of the eggs is made to a dealer or distributor, the producer  
4561 shall pay to the dealer or the distributor the amount of the  
4562 assessment owed; whereupon the dealer or distributor to whom such  
4563 payment is made shall remit the assessment to the Commissioner of  
4564 Agriculture and Commerce in accordance with the rules and  
4565 regulations established and promulgated by the board. The board  
4566 or the commissioner shall have the power to cause any duly  
4567 authorized agent or representative to enter upon the premises of  
4568 any dealer or handler of eggs and examine, or cause to be examined  
4569 by such agent, any books, papers and records which deal in any way  
4570 with respect to the payment of the assessment or enforcement of  
4571 the provisions of this article.

4572 All costs incurred by the board or the commissioner in  
4573 examining or causing the examination of such books, papers and  
4574 records shall be taxed against the dealer or handler. Cost shall



4575 be assessed at the rate of One Hundred Dollars (\$100.00) per day  
4576 or fraction thereof for each agent conducting the examination.  
4577 Travel expenses shall be assessed in the manner and amount  
4578 specified in Section 25-3-41, and other expenses shall be assessed  
4579 at actual cost. All costs taxed against a dealer or handler for  
4580 the examination of books, papers and records shall be paid within  
4581 fifteen (15) days from the date such notice of cost is mailed to  
4582 the dealer or handler.

4583         The proceeds of the assessment levied under this article  
4584 shall be collected by the Commissioner of Agriculture and Commerce  
4585 in such manner and method as shall be prescribed by him in  
4586 accordance with the provisions of this article. The funds derived  
4587 from the assessment shall be paid into the State Treasury on or  
4588 before the fifteenth day of each month and shall be deposited in  
4589 the State General Fund \* \* \*. All costs, expenses and obligations  
4590 incurred by the board for its operation and carrying out the  
4591 purposes of this article shall be paid out of the State General  
4592 Fund as \* \* \* authorized by the Legislature. Provided further,  
4593 that the Mississippi Egg Marketing Board shall render to the  
4594 Mississippi Legislature a detailed annual report of all  
4595 collections and expenditures of the monies collected under the  
4596 provisions of this article. Any egg producer may request and  
4597 receive a refund of the amount of assessment paid for the previous  
4598 reporting period, provided he makes a written application with the  
4599 Mississippi Egg Marketing Board within sixty (60) days from date  
4600 of payment supported by bona fide copy of payment voucher and copy  
4601 of canceled check. The application forms shall be prepared by the  
4602 board and shall be available at the request of the producer. All  
4603 such applications shall be processed and refunds paid within sixty  
4604 (60) days after the funds have been received by the board.

4605         **SECTION 92.** Section 69-7-267, Mississippi Code of 1972, is  
4606 amended as follows:



4607           69-7-267. Every person owning over three thousand (3,000)  
4608 hens, or who is engaged or who engages in the business of selling  
4609 eggs to a retailer who retails eggs in the State of Mississippi  
4610 shall, prior to offering for sale or selling eggs to a retailer,  
4611 secure a license for such business from the Commissioner of  
4612 Agriculture and Commerce, which license shall first be approved by  
4613 the board. Applications for licenses shall be on forms furnished  
4614 by the Department of Agriculture and Commerce, and shall show the  
4615 name and address of the applicant and such other information as to  
4616 identity, kind and type of business engaged in as the commissioner  
4617 shall deem pertinent. Each license application shall be  
4618 accompanied by a fee of Fifty Dollars (\$50.00). All licenses  
4619 issued shall expire on June 30 each year. The license may be  
4620 revoked or suspended by the board for violation of any provision  
4621 of this article or rules and regulations duly promulgated by the  
4622 board for the enforcement of this article, or for the violation of  
4623 any laws of the State of Mississippi pertaining to producing,  
4624 grading, classifying or marketing eggs in Mississippi or  
4625 regulations of the State Department of Agriculture and Commerce  
4626 duly promulgated for such purposes. For the first offense, the  
4627 license may be suspended for a period of not more than thirty (30)  
4628 days; for the second offense, the license may be suspended for not  
4629 more than sixty (60) days; for the third offense, the license may  
4630 be suspended for not more than one (1) year. For any subsequent  
4631 offense, the license may be suspended for any period, or may be  
4632 revoked. Such disciplinary action shall be the result of not less  
4633 than board action. Any person against whom such disciplinary  
4634 action has been taken may apply to the board for a hearing in  
4635 order to show cause why the disciplinary action shall not be  
4636 taken. Such petition for a hearing shall act as supersedeas of  
4637 the disciplinary action until such time as the board shall give  
4638 the applicant an opportunity for a hearing; provided, however,  
4639 that if such hearing is granted and any continuation or delay is



4640 the result of the action of the applicant, the supersedeas shall  
4641 not continue past the date set by the board for such hearing.

4642 Application for reinstatement of a revoked license may be  
4643 made upon expiration of the period of revocation or if permanently  
4644 revoked, then after twelve (12) months from date of said  
4645 revocation. Each reinstatement application shall be accompanied  
4646 by a reinstatement fee of Fifty Dollars (\$50.00). All licenses  
4647 shall be valid until suspended or revoked as herein provided or  
4648 until cancelled by the licensee. Licenses shall not be  
4649 transferable. Proceeds from the license fees collected under this  
4650 article shall be transmitted to the State Treasurer for deposit  
4651 into the State General Fund \* \* \*.

4652 **SECTION 93.** Section 69-9-5, Mississippi Code of 1972, is  
4653 amended as follows:

4654 69-9-5. (1) There is imposed and levied an assessment at  
4655 the rate of One Cent (1¢) per bushel on all soybeans grown within  
4656 the State of Mississippi, and such assessment shall be deducted by  
4657 the purchaser from the amount paid the producer at the first point  
4658 of sale, whether within or without the state. Assessments on  
4659 soybeans put under loan to the Commodity Credit Corporation or  
4660 purchased by the Commodity Credit Corporation and delivered to it  
4661 shall be payable when such soybeans are placed under loan or are  
4662 purchased. The Commodity Credit Corporation may require deduction  
4663 and payment of the assessment from the loan proceeds or from the  
4664 purchase price on the behalf of the producer. Assessments on  
4665 soybeans put under loan to the Commodity Credit Corporation and  
4666 redeemed by the producer before the takeover date, if already paid  
4667 by having been deducted from the loan proceeds, shall not be  
4668 deducted by each handler from the amount paid the producer at the  
4669 first point of sale as provided in this section; otherwise, the  
4670 assessment shall be deducted. Any soybean producer may request  
4671 and receive a refund of the amount of assessment deducted from the  
4672 sale of his soybeans provided he makes a written application with



4673 the Department of Agriculture and Commerce within sixty (60) days  
4674 from date of sale, supported by bona fide copies of sales slips  
4675 signed by the purchaser. The application forms shall be prepared  
4676 by the Department of Agriculture and Commerce and shall be  
4677 available at the first point of sale. All such applications shall  
4678 be processed and refunds paid by the Department of Agriculture and  
4679 Commerce within sixty (60) days after the funds have been received  
4680 by the department. Each marketing agency shall be furnished a  
4681 poster to be displayed in a prominent place, stating that refunds  
4682 are available and forms to be used, including self-addressed  
4683 envelopes, are available at its office.

4684 (2) The assessment imposed and levied by this section shall  
4685 be payable to and collected by the Department of Agriculture and  
4686 Commerce, hereafter referred to as "the department," from the  
4687 purchaser of such soybeans at the first point of sale or from the  
4688 Commodity Credit Corporation as provided in subsection (1) of this  
4689 section. The proceeds of the assessment collected by the  
4690 department shall be deposited monthly with the State Treasurer  
4691 into the State General Fund. \* \* \* The State Fiscal Officer is  
4692 authorized to issue warrants for the payment of monies from the  
4693 State General Fund upon requisition by the Commissioner of  
4694 Agriculture and Commerce, or his designee, for refunds to  
4695 producers as provided under subsection (1) of this section.

4696 (3) The department shall monthly pay over to the State  
4697 General Fund the funds collected, less three and one-half percent  
4698 (3-1/2%) of the gross amount collected. \* \* \*

4699 (4) Each purchaser or the Commodity Credit Corporation shall  
4700 keep a complete and accurate record of all soybeans handled by him  
4701 and shall furnish each producer with a signed sales slip showing  
4702 the number of bushels purchased from him and the amount deducted  
4703 by him for the State General Fund. Such records shall be in such  
4704 form and contain such other information as the department shall by  
4705 rule or regulation prescribe. The records shall be preserved by



4706 the purchaser for a period of two (2) years and shall be offered  
4707 for inspection at any time upon oral or written demand by the  
4708 department or any duly authorized agent or representative thereof.  
4709 Every purchaser or the Commodity Credit Corporation, at such time  
4710 or times as the department may require, shall submit reports or  
4711 other documentary information deemed necessary for the efficient  
4712 and equitable collection of the assessment imposed in this  
4713 chapter. The department shall have the power to cause any duly  
4714 authorized agent or representative to enter upon the premises of  
4715 any purchaser of soybeans and examine or cause to be examined by  
4716 such agent only books, papers and records which deal in any way  
4717 with the payment of the assessment or enforcement of the  
4718 provisions of this chapter.

4719       **SECTION 94.** Section 69-10-5, Mississippi Code of 1972, is  
4720 amended as follows:

4721       69-10-5. (1) There is imposed and levied an assessment at  
4722 the rate of Two Cents (2¢) per bushel on all rice grown within the  
4723 State of Mississippi; from and after July 1, 1991, the rate of  
4724 assessment shall be increased by an additional One Cent (1¢) per  
4725 bushel so that the total assessment equals Three Cents (3¢) per  
4726 bushel. Such assessment shall be deducted by the purchaser from  
4727 the amount paid the producer at the first point of sale, whether  
4728 within or without the state. Assessments on rice put under loan  
4729 to the Commodity Credit Corporation or purchased by the Commodity  
4730 Credit Corporation and delivered to it shall be payable when such  
4731 rice is placed under loan or is purchased. The Commodity Credit  
4732 Corporation may require deduction and payment of the assessment  
4733 from the loan proceeds or from the purchase price on the behalf of  
4734 the producer. Assessments on rice put under loan to the Commodity  
4735 Credit Corporation and redeemed by the producer before the  
4736 takeover date, if already paid by having been deducted from the  
4737 loan proceeds shall not be deducted by each miller or handler from  
4738 the amount paid the producer at the first point of sale as





4739 provided in this section; otherwise, the assessment shall be  
4740 deducted.

4741 (2) The assessment imposed and levied by this section shall  
4742 be payable to and collected by the Mississippi Department of  
4743 Agriculture and Commerce, hereafter referred to as "the  
4744 department," from the purchaser of such rice at the first point of  
4745 sale or from the Commodity Credit Corporation as provided in  
4746 subsection (1) of this section. The proceeds of the assessment  
4747 collected by the department shall be deposited monthly with the  
4748 State Treasurer into the State General Fund \* \* \* and  
4749 disbursements from funds appropriated by the Legislature shall be  
4750 made upon warrants issued by the State Fiscal Officer upon  
4751 requisitions signed by the Chairman and Secretary-Treasurer of the  
4752 Mississippi Rice Promotion Board, or their designee, in the manner  
4753 provided by law. \* \* \*

4754 (3) The Mississippi Department of Agriculture and Commerce  
4755 shall submit to the Mississippi Rice Promotion Board a budget  
4756 detailing and justifying the administrative costs of the  
4757 department in administering the provisions of this chapter, and  
4758 such budget must be approved by the Mississippi Rice Promotion  
4759 Board by April 1 of each year. The department shall monthly pay  
4760 over to the State General Fund the funds collected. \* \* \*

4761 (4) Each purchaser or the Commodity Credit Corporation shall  
4762 keep a complete and accurate record of all rice handled by him and  
4763 shall furnish each producer with a signed sales slip showing the  
4764 number of bushels purchased from him and the amount deducted by  
4765 him for the State General Fund. Such records shall be in such  
4766 form and contain such other information as the department shall by  
4767 rule or regulation prescribe. The records shall be preserved by  
4768 the purchaser for a period of two (2) years and shall be offered  
4769 for inspection at any time upon oral or written demand by the  
4770 department or any duly authorized agent or representative thereof.  
4771 Every purchaser or the Commodity Credit Corporation, at such time



4772 or times as the commissioner of the department may require, shall  
4773 submit reports or other documentary information deemed necessary  
4774 for the efficient and equitable collection of the assessment  
4775 imposed in this chapter. The department shall have the power to  
4776 cause any duly authorized agent or representative to enter upon  
4777 the premises of any purchaser of rice and examine or cause to be  
4778 examined by such agent, only books, papers and records which deal  
4779 in any way with respect to the payment of the assessment or  
4780 enforcement of the provisions of this chapter.

4781 (5) This section shall stand repealed from and after July 1,  
4782 2005.

4783 **SECTION 95.** Section 69-37-39, Mississippi Code of 1972, is  
4784 amended as follows:

4785 69-37-39. \* \* \* The Commissioner of Agriculture and Commerce  
4786 may disburse all or any portion of the money the Department of  
4787 Agriculture and Commerce receives from appropriation by the  
4788 Legislature to the Certified Cotton Growers Organization, as  
4789 defined in Section 69-37-5, Mississippi Code of 1972, to assist  
4790 such organization in carrying out its duties under the Mississippi  
4791 Boll Weevil Management Act.

4792 **SECTION 96.** Section 71-3-97, Mississippi Code of 1972, is  
4793 amended as follows:

4794 71-3-97. (1) \* \* \* The payment of all expenses in respect  
4795 to the administration of this chapter shall be made from the State  
4796 General Fund to appropriation by the Legislature. \* \* \*

4797 (2) The State Fiscal Officer is authorized to issue his  
4798 warrants to disburse monies from the State General Fund only upon  
4799 requisition of the commission. \* \* \*

4800 \* \* \*

4801 (3) All civil penalties provided in this chapter, if not  
4802 voluntarily paid, may be collected by civil suit brought by the  
4803 commission, and shall be paid into the State General Fund.



4804           **SECTION 97.** Section 71-3-99, Mississippi Code of 1972, is  
4805 amended as follows:

4806           71-3-99. (1) The commission shall estimate annually in  
4807 advance the amounts necessary for the administration of this  
4808 chapter, in the following manner:

4809                   (a) The commission shall, as soon as practicable after  
4810 the first day of January in each year, determine the expense of  
4811 administration of this chapter for the one-year period preceding  
4812 the first day of January. The expense of administration for such  
4813 period shall be used as the basis for determining the amount to be  
4814 assessed against each carrier and self-insurer in order to provide  
4815 for the expenses of the administration of this chapter for the  
4816 one-year period.

4817                   (b) Each carrier and self-insurer shall be assessed Two  
4818 Hundred Fifty Dollars (\$250.00). The proceeds of such assessment  
4819 shall be deducted from the estimate of total expenses and the  
4820 remaining expenses of administration shall be prorated among the  
4821 carriers writing compensation insurance in the state and  
4822 self-insurers. The gross claims for compensation and medical  
4823 services and supplies paid by the insurance carriers and  
4824 self-insurers is the basis for computing the amount to be  
4825 assessed, in the proportion that the total gross claims for  
4826 compensation and medical services and supplies paid by such  
4827 carrier or self-insurer during the preceding one-year period bore  
4828 to the total gross claims for compensation and medical supplies  
4829 and services paid by all carriers and self-insurers during such  
4830 period. This amount may be assessed as a specific amount or as a  
4831 percentage of gross claims for compensation and medical supplies  
4832 and services paid by the insurance carriers and self-insurers as  
4833 the commission may direct, and shall be such amount as shall be  
4834 reasonably necessary to defray the necessary expense of such  
4835 administration.



4836           (2) The commission shall provide by regulation for the  
4837 collection of the amounts assessed against each carrier and  
4838 self-insurer. Such amounts shall be paid within thirty (30) days  
4839 from the date that notice is served upon such carrier. If such  
4840 amounts are not paid within such period, there may be assessed,  
4841 for each thirty (30) days the amount so assessed remains unpaid, a  
4842 civil penalty equal to ten percent (10%) of the amount so unpaid,  
4843 which shall be collected at the same time and as a part of the  
4844 amount assessed.

4845           (3) If any carrier or self-insurer fails to pay the amounts  
4846 assessed against it under the provisions of this section within  
4847 sixty (60) days from the time such notice is served, the  
4848 commission may suspend or revoke the authorization to insure  
4849 compensation or to be self-insured.

4850           (4) All amounts collected under the provisions of this  
4851 section shall be paid into the State General Fund.

4852           (5) The commission may require from each carrier and  
4853 self-insurer, at such time and in accordance with regulations as  
4854 the commission may prescribe, reports in respect to all payments  
4855 of compensation and medical supplies and services by such carriers  
4856 or self-insurers during each prior period, and may determine the  
4857 amounts paid by each carrier and self-insurer and the amounts paid  
4858 by all carriers and self-insurers during such period.

4859           (6) Every carrier and self-insurer shall file with the  
4860 commission on or before the first day of March of each year, a  
4861 statement on the prescribed forms showing the gross claims for  
4862 compensation and medical services and supplies paid by such  
4863 carrier or self-insurer during the preceding one-year period  
4864 ending on the thirty-first day of December. Any carrier or  
4865 self-insurer which neglects to make and file its annual written  
4866 statement within the time provided in this chapter shall pay to  
4867 the commission Twenty Dollars (\$20.00) for each day's neglect.



4868           **SECTION 98.** Section 71-3-100, Mississippi Code of 1972, is  
4869 amended as follows:

4870           71-3-100. All funds received by the Workers' Compensation  
4871 Commission, as established by Section 71-3-85 et seq., shall be  
4872 paid to the State Treasurer, who shall issue receipts therefor and  
4873 who shall deposit such funds in the State General Fund \* \* \*. All  
4874 commission expenditures shall be \* \* \* only pursuant to  
4875 appropriation approved by the Legislature and as provided by law.

4876           **SECTION 99.** Section 71-5-111, Mississippi Code of 1972, is  
4877 amended as follows:

4878           71-5-111. The payment of all expenses of the administration  
4879 of this chapter shall be made from the State General Fund pursuant  
4880 to appropriation therefor by the Legislature. All monies received  
4881 from the United States of America, or any agency thereof, or from  
4882 any other source for such purpose shall be paid into the State  
4883 General Fund.

4884           **SECTION 100.** Section 71-5-114, Mississippi Code of 1972, is  
4885 amended as follows:

4886           71-5-114. \* \* \* Interest, penalties and damages collected on  
4887 delinquent payments deposited during any calendar quarter in the  
4888 clearing account in the Unemployment Compensation Fund shall, as  
4889 soon as practicable after the close of such calendar quarter, be  
4890 transferred to the State General Fund. \* \* \* Nothing in this  
4891 section shall prevent said monies \* \* \* from being used as a  
4892 revolving fund to cover expenditures necessary and proper under  
4893 the law for which federal funds have been duly requested but not  
4894 yet received, subject to the charging of such expenditures against  
4895 such funds when necessary. \* \* \*

4896           \* \* \*

4897           **SECTION 101.** Section 73-1-43, Mississippi Code of 1972, is  
4898 amended as follows:

4899           73-1-43. All fees from examinations and licenses by the  
4900 State Board of Architecture, as established by Section 73-1-3 et



4901 seq., and any other funds received by said board shall be paid to  
4902 the State Treasurer, who shall issue receipts therefor and who  
4903 shall deposit such funds in the State General Fund. \* \* \*

4904 **SECTION 102.** Section 73-3-2, Mississippi Code of 1972, is  
4905 amended as follows:

4906 73-3-2. (1) **Power to admit persons to practice.** The power  
4907 to admit persons to practice as attorneys in the courts of this  
4908 state is vested exclusively in the Supreme Court of Mississippi.

4909 (2) **Qualifications.**

4910 (a) Each applicant for admission to the bar, in order  
4911 to be eligible for examination for admission, shall be at least  
4912 twenty-one (21) years of age, of good moral character, and shall  
4913 present to the Board of Bar Admissions satisfactory evidence:

4914 (i) That he has successfully completed, or is  
4915 within sixty (60) days of completion of, a general course of study  
4916 of law in a law school which is provisionally or fully approved by  
4917 the section on legal education and admission to the bar of the  
4918 American Bar Association, and that such applicant has received, or  
4919 will receive within sixty (60) days, a diploma or certificate from  
4920 such school evidencing the satisfactory completion of such course,  
4921 but in no event shall any applicant under this paragraph be  
4922 admitted to the bar until such applicant actually receives such  
4923 diploma or certificate. However, an applicant who, as of November  
4924 1, 1981, was previously enrolled in a law school in active  
4925 existence in Mississippi for more than ten (10) years prior to the  
4926 date of application shall be eligible for examination for  
4927 admission; provided that such an applicant graduated prior to  
4928 November 1, 1984;

4929 (ii) That he has notified the Board of Bar  
4930 Admissions in writing of an intention to pursue a general course  
4931 of study of law under the supervision of a Mississippi lawyer  
4932 prior to July 1, 1979, and in fact began study prior to July 1,  
4933 1979, and who completed the required course of study prior to



4934 November 1, 1984, in accordance with Sections 73-3-13(b) and  
4935 73-3-15 as the same exist prior to the effective date of this  
4936 section; or

4937 (iii) That in addition to complying with either of  
4938 the above requirements, he has received a bachelor's degree from  
4939 an accredited college or university or that he has received credit  
4940 for the requirements of the first three (3) years of college work  
4941 from a college or university offering an integrated six-year  
4942 prelaw and law course, and has completed his law course at a  
4943 college or university offering such an integrated six-year course.  
4944 However, applicants who have already begun the general course of  
4945 study of law as of November 1, 1979, either in a law school or  
4946 under the supervision of a Mississippi lawyer shall submit proof  
4947 he has successfully completed two (2) full years of college work.

4948 (b) The applicant shall bear the burden of establishing  
4949 his or her qualifications for admission to the satisfaction of the  
4950 Board of Bar Admissions. An applicant denied admission for  
4951 failure to satisfy qualifications for admission shall have the  
4952 right to appeal from the final order of the board to the Chancery  
4953 Court of Hinds County, Mississippi, within thirty (30) days of  
4954 entry of such order of denial.

4955 (3) **Creation of Board of Bar Admissions.** There is hereby  
4956 created a board to be known as the "Board of Bar Admissions" which  
4957 shall be appointed by the Supreme Court of Mississippi. The board  
4958 shall consist of nine (9) members, who shall be members in good  
4959 standing of The Mississippi \* \* \* Bar and shall serve for terms of  
4960 three (3) years. Three (3) members shall be appointed from each  
4961 Supreme Court district, one (1) by each Supreme Court Justice from  
4962 his district, with the original appointments to be as follows:  
4963 three (3) to be appointed for a term of one (1) year, three (3) to  
4964 be appointed for a term of two (2) years, and three (3) to be  
4965 appointed for a term of three (3) years, one (1) from each  
4966 district to be appointed each year. No member of the Board of Bar



4967 Admissions may be a member of the Legislature. Vacancies during a  
4968 term shall be filled by the appointing justice, or his successor,  
4969 for the remainder of the unexpired term.

4970 The board shall promulgate the necessary rules for the  
4971 administration of its duties, subject to the approval of the Chief  
4972 Justice of the Supreme Court.

4973 (4) **Written examination or graduation as prerequisite to**  
4974 **admission.** Every person desiring admission to the bar shall be  
4975 required to take and pass a written bar examination in a manner  
4976 satisfactory to the Board of Bar Admissions. The Board of Bar  
4977 Admissions shall conduct not less than two (2) bar examinations  
4978 each year.

4979 (5) **Oath and compensation of board members.** The members of  
4980 the Board of Bar Admissions shall take and subscribe an oath to be  
4981 administered by one (1) of the judges of the Supreme Court to  
4982 faithfully and impartially discharge the duties of the office.  
4983 The members shall receive compensation as established by the  
4984 Supreme Court for preparing, giving and grading the examination  
4985 plus all reasonable and necessary travel expenses incurred in the  
4986 performance of their duties under the provisions of this section.

4987 (6) **Procedure for applicants who have failed.** Any applicant  
4988 who fails the examination shall be allowed to take the next  
4989 scheduled examination. A failing applicant may request in writing  
4990 from the board, within thirty (30) days after the results of the  
4991 examination have been made public, copies of his answers and model  
4992 answers used in grading the examination, at his expense. If a  
4993 uniform, standardized examination is administered, the board shall  
4994 only be required to provide the examination grade and such other  
4995 information concerning the applicant's examination results which  
4996 are available to the board. Any failing applicant shall have a  
4997 right to a review of his failure by the board. The board shall  
4998 enter an order on its minutes, prior to the administration of the  
4999 next bar examination, either granting or denying the applicant's





5000 review, and shall notify the applicant of such order. The  
5001 applicant shall have the right to appeal from this order to the  
5002 Chancery Court of Hinds County, Mississippi, within thirty (30)  
5003 days of entry of such order.

5004 (7) **Fees.** The board shall set and collect the fees for  
5005 examination and for admission to the bar. The fees for  
5006 examination shall be based upon the annual cost of administering  
5007 the examinations. The fees for admission shall be based upon the  
5008 cost of conducting an investigation of the applicant and the  
5009 administrative costs of sustaining the board, which shall include,  
5010 but shall not be limited to:

- 5011 (a) Expenses and travel for board members;
- 5012 (b) Office facilities, supplies and equipment; and
- 5013 (c) Clerical assistance.

5014 All fees collected by the board shall be paid to the State  
5015 Treasurer, who shall issue receipts therefor and who shall deposit  
5016 such funds in the State Treasury in the State General Fund. \* \* \*

5017 (8) The board, upon finding the applicant qualified for  
5018 admission, shall issue to the applicant a certificate of  
5019 admission. The applicant shall file the certificate and a  
5020 petition for admission in the Chancery Court of Hinds County,  
5021 Mississippi, or in the chancery court in the county of his  
5022 residence, or, in the case of an applicant who is a nonresident of  
5023 the State of Mississippi, in the chancery court of a county in  
5024 which the applicant intends to practice. The chancery court  
5025 shall, in termtime or in vacation, enter on the minutes of that  
5026 court an order granting to the applicant license to practice in  
5027 all courts in this state, upon taking by the applicant in the  
5028 presence of the court, the oath prescribed by law, Section  
5029 73-3-35, Mississippi Code of 1972.

5030 (9) Each application or filing made under this section shall  
5031 include the social security number(s) of the applicant in  
5032 accordance with Section 93-11-64, Mississippi Code of 1972.



5033           **SECTION 103.** Section 73-5-5, Mississippi Code of 1972, is  
5034 amended as follows:

5035           73-5-5. (1) All fees and any other monies received by the  
5036 board shall be deposited into the State General Fund. \* \* \*  
5037 Expenses for the implementation and administration of this chapter  
5038 shall be subject to appropriation by the Legislature for such  
5039 purpose. \* \* \*

5040           (2) The State Auditor shall audit the financial affairs of  
5041 the board \* \* \* at least once a year in the same manner as for  
5042 other \* \* \* agencies. In addition, the Governor, in his  
5043 discretion, shall have the power from time to time to require an  
5044 audit of the financial affairs of the board, the same to be made  
5045 by the State Auditor upon request of the Governor. The Governor  
5046 shall have the power to suspend any member of the board who shall  
5047 be found short in any account until such time as it shall be  
5048 definitely determined whether such shortage was the result of an  
5049 act of dishonesty on the part of the member.

5050           **SECTION 104.** Section 73-7-5, Mississippi Code of 1972, is  
5051 amended as follows:

5052           73-7-5. (1) All fees and any other monies received by the  
5053 board shall be deposited into the State General Fund \* \* \*.  
5054 Expenses for the implementation and administration of this chapter  
5055 shall be subject to appropriation by the Legislature for such  
5056 purpose. \* \* \*

5057           (2) The State Auditor shall audit the financial affairs of  
5058 the board \* \* \* at least once a year in the same manner as for  
5059 other \* \* \* agencies. In addition, the Governor, in his  
5060 discretion, shall have the power from time to time to require an  
5061 audit of the financial affairs of the board, the same to be made  
5062 by the State Auditor upon request of the Governor. The Governor  
5063 shall have the power to suspend any member of the board who shall  
5064 be found in default in any account until such time as it shall be  
5065 determined whether such default was a result of an act of



5066 dishonesty on the part of the member, and in the event it is found  
5067 that such default is an act of dishonesty, misfeasance or  
5068 nonfeasance on the part of the member, such member shall be  
5069 immediately removed by the Governor from office.

5070       **SECTION 105.** Section 73-6-7, Mississippi Code of 1972, is  
5071 amended as follows:

5072       73-6-7. Before entering upon the discharge of the duties of  
5073 his office, the Executive Secretary of the State Board of  
5074 Chiropractic Examiners shall present a bond, approved by the  
5075 board, to the state in the sum of Ten Thousand Dollars  
5076 (\$10,000.00), conditioned upon the faithful discharge of the  
5077 duties of his office. The premium for such bond shall be paid  
5078 from the State General Fund \* \* \*. Such bond, with the approval  
5079 of the board and oath of office endorsed thereon, shall be  
5080 deposited with the Secretary of State.

5081       Each month, monies received by the secretary of the board  
5082 shall be paid by him into the State Treasury and deposited into  
5083 the State General Fund. \* \* \* Expenses of the board in carrying  
5084 out the provisions of this chapter \* \* \* shall be subject to  
5085 appropriation from the State General Fund \* \* \*.

5086       **SECTION 106.** Section 73-9-43, Mississippi Code of 1972, is  
5087 amended as follows:

5088       73-9-43. (1) The secretary or executive director shall  
5089 collect in advance all fees provided for in this chapter as  
5090 established by the board, not to exceed:

5091	Application for dental license.....	\$ 600.00
5092	Application for dental license through	
5093	credentials.....	2,500.00
5094	Application for dental specialty license.....	400.00
5095	Application for dental institutional,	
5096	teaching or provisional license.....	600.00
5097	Application for dental hygiene license.....	400.00
5098	Application for dental hygiene license through	



5099	credentials.....	750.00
5100	Application for dental hygiene institutional,	
5101	teaching or provisional license.....	400.00
5102	Application for general anesthesia permit.....	400.00
5103	Application for I.V. sedation permit.....	400.00
5104	Application for radiology permit.....	100.00
5105	Dental license renewal.....	300.00
5106	Dental specialty license renewal.....	200.00
5107	Dental institutional, teaching or	
5108	provisional license renewal.....	300.00
5109	Dental hygiene license renewal.....	150.00
5110	Dental hygiene institutional, teaching or	
5111	provisional license renewal.....	150.00
5112	General anesthesia permit renewal.....	200.00
5113	I.V. sedation permit renewal.....	200.00
5114	Radiology permit renewal.....	75.00
5115	Penalty for delinquent renewal of dental licenses;	
5116	dental specialty licenses; and dental institutional,	
5117	teaching and provisional licenses:	
5118	First month (plus renewal fee).....	100.00
5119	Second month (plus renewal fee).....	150.00
5120	Penalty for delinquent renewal of dental hygiene	
5121	licenses and dental hygiene institutional,	
5122	teaching and provisional licenses:	
5123	First month (plus renewal fee).....	50.00
5124	Second month (plus renewal fee).....	75.00
5125	Penalty for delinquent renewal of radiology permits:	
5126	First month (plus renewal fee).....	45.00
5127	Second month (plus renewal fee).....	65.00
5128	Penalty for nonnotification of change of address...	50.00
5129	Penalty for duplicate renewal forms and	
5130	certification cards.....	50.00
5131	Duplicate or replacement license or permit.....	40.00



5132	Certification of licensure status.....	40.00
5133	Certified copy of license or permit.....	40.00
5134	Handling fee for nonsufficient funds check.....	50.00
5135	Requests for database information.....	300.00
5136	Radiology examinations administered in board's	
5137	office.....	100.00
5138	Dental and dental hygiene licensure examination	
5139	manuals.....	50.00
5140	Dental and dental hygiene licensure by	
5141	credentials packets.....	50.00
5142	Laws and/or regulations.....	50.00
5143	Disciplinary action orders.....	25.00
5144	Newsletters.....	20.00

5145       (2) The board may enact and enforce for delinquency in  
5146 payment for any fees set out in this section a penalty in addition  
5147 to the fee of an amount up to but not in excess of the fee. An  
5148 additional fee of an amount equal to the first penalty may be  
5149 assessed for each thirty (30) days, or part thereof, of  
5150 delinquency. If any license or permit holder is delinquent in  
5151 payment of renewal fees exceeding sixty (60) days from the initial  
5152 renewal deadline as set by the board, the person shall be presumed  
5153 to be no longer practicing, shall be stricken from the rolls and  
5154 shall be deemed an illegal practitioner, subject to the penalties  
5155 as enumerated in Section 73-9-41. In order to practice his or her  
5156 profession in this state thereafter, the person may, at the  
5157 discretion of the board, be considered as a new applicant and  
5158 subject to examination and other licensing requirements as an  
5159 original applicant.

5160       (3) The secretary or executive director shall faithfully  
5161 account for all monies received by the board. All fees and any  
5162 other monies received by the board, including monetary penalties  
5163 collected under Section 73-9-61, shall be deposited into the State  
5164 General Fund \* \* \* in the State Treasury. \* \* \*



5165 (4) For conducting the initial and retake examinations of  
5166 applicants for licensure the secretary shall receive no more than  
5167 Nine Hundred Dollars (\$900.00) per day for each examination, and  
5168 no other member shall receive more than Seven Hundred Dollars  
5169 (\$700.00) per day for each examination. The receipt of that  
5170 compensation shall not entitle members of the board to receive or  
5171 be eligible for any state employee group insurance, retirement or  
5172 other fringe benefits. Any fees or income other than the maximum  
5173 allowable for examining applicants for licensure as set out above  
5174 shall be accounted for and shall be deposited into the State  
5175 General Fund.

5176 (5) \* \* \* The payment of per diem and expense for attending  
5177 board meetings shall be in addition to the compensation permitted  
5178 above for examining applicants for licensure, and the per diem  
5179 shall not exceed the amount provided in Section 25-3-69.

5180 **SECTION 107.** Section 73-11-49, Mississippi Code of 1972, is  
5181 amended as follows:

5182 73-11-49. (1) The board is authorized to select from its  
5183 own membership a chairman, vice chairman and secretary-treasurer.  
5184 Election of officers shall be held at the first regularly  
5185 scheduled meeting of the fiscal year.

5186 (2) All members of the board shall be reimbursed for their  
5187 necessary traveling expenses and mileage incident to their  
5188 attendance upon the business of the board, as provided in Section  
5189 25-3-41, and shall receive a per diem as provided in Section  
5190 25-3-69 for every day actually spent upon the business of the  
5191 board, not to exceed twenty (20) days per year unless authorized  
5192 by a majority vote of the board.

5193 (3) All monies received by the board shall be paid into the  
5194 State General Fund \* \* \*.

5195 (4) The board shall employ an administrator of the board,  
5196 who shall have complete supervision and be held responsible for  
5197 the direction of the office of the board, shall have supervision



5198 over field inspections and enforcement of the provisions of this  
5199 chapter, shall have such other duties as may be assigned by the  
5200 board, shall be responsible and answerable to the board. The  
5201 board may employ such other clerical assistants and employees as  
5202 may be necessary to carry out the provisions of this chapter, and  
5203 the terms and conditions of such employment shall be determined by  
5204 the board in accordance with applicable state law and rules and  
5205 regulations of the State Personnel Board.

5206 (5) The board, when it shall deem necessary, shall be  
5207 represented by an assistant Attorney General duly appointed by the  
5208 Attorney General of this state, and may also request and receive  
5209 the assistance of other state agencies and county and district  
5210 attorneys, all of whom are authorized to provide the assistance  
5211 requested.

5212 (6) The board shall have subpoena power in enforcing the  
5213 provisions of this chapter.

5214 (7) The board shall adopt and promulgate rules and  
5215 regulations for the transaction of its business in accordance with  
5216 the provisions of the Mississippi Administrative Procedures Law  
5217 (Section 25-43-1 et seq.). No rule or regulation promulgated by  
5218 the board affecting any person or agency outside the board shall  
5219 be adopted, amended or repealed without a public hearing on the  
5220 proposed action. The board shall give written notice at least  
5221 thirty (30) days in advance of any meeting with respect to any  
5222 proposed adoption, amendment or repeal of a rule or regulation of  
5223 the board, in accordance with the Administrative Procedures Act,  
5224 as well as notifying the duly elected presidents and secretaries  
5225 of the Mississippi Funeral Directors Association and the  
5226 Mississippi Funeral Directors and Morticians Association, or their  
5227 successors.

5228 (8) The board may designate the administrator to perform  
5229 inspections under this chapter, may employ an individual to  
5230 perform such inspections or may contract with any other individual



5231 or entity to perform such inspections. Any individual or entity  
5232 that performs such inspections shall have the right of entry into  
5233 any place in which the business or practice of funeral service  
5234 and/or funeral directing is carried on or advertised as being  
5235 carried on, for the purpose of inspection, for the investigation  
5236 of complaints coming before the board and for such other matters  
5237 as the board may direct.

5238 (9) The board shall not pass any rule or regulation  
5239 pertaining to the transportation of dead bodies or requiring them  
5240 to be embalmed except as required by the State Department of  
5241 Health's Rule 43 or any subsequent rule adopted by the department.

5242 **SECTION 108.** Section 73-13-15, Mississippi Code of 1972, is  
5243 amended as follows:

5244 73-13-15. The board shall have the power to adopt and amend  
5245 all regulations and rules of procedure, not inconsistent with the  
5246 Constitution and laws of this state, which may be reasonably  
5247 necessary for the proper performance of its duties and the  
5248 regulations of the proceedings before it. The board shall adopt  
5249 and have an official seal. It shall not be required to post bond  
5250 on appeals. The board shall have the further power and authority  
5251 to:

- 5252 (a) Establish standards of conduct and ethics;
- 5253 (b) Institute proceedings in its own name;
- 5254 (c) Promulgate rules restricting competitive bidding;
- 5255 (d) Promulgate rules limiting or restricting  
5256 advertising;
- 5257 (e) Promulgate rules requiring a demonstration of  
5258 continuing education;
- 5259 (f) Adopt and promulgate reasonable bylaws and rules  
5260 and regulations necessary or appropriate for the proper  
5261 fulfillment of its duties under state laws pertaining thereto;
- 5262 (g) Provide for the enforcement of and to enforce the  
5263 laws of the State of Mississippi and, in particular, the





5264 provisions of this chapter, and the bylaws, rules and regulations  
5265 of the board;

5266 (h) Provide by appropriate rules and regulations,  
5267 within the provisions of this chapter, a system for taking the  
5268 disciplinary actions provided for in Section 73-13-37, including  
5269 the imposition of fines as provided therein; and

5270 (i) Investigate, prosecute or initiate prosecution for  
5271 violation of the laws of this state pertaining to the practices of  
5272 engineering and land surveying, or matters affecting the rights  
5273 and duties or otherwise related thereto.

5274 In carrying into effect the provisions of this chapter, the  
5275 board, under the hand of its president or secretary and the seal  
5276 of the board may subpoena witnesses and compel their attendance,  
5277 and also may require the production of books, papers, documents,  
5278 etc., in any case involving the disciplinary actions provided for  
5279 in Section 73-13-37 or 73-13-89 or practicing or offering to  
5280 practice without registration. Any member of the board may  
5281 administer oaths or affirmations to witnesses appearing before the  
5282 board. If any person shall refuse to obey any subpoena so issued,  
5283 or shall refuse to testify or produce any books, papers or  
5284 documents, the board may present its petition to such authority as  
5285 may have jurisdiction, setting forth the facts, and thereupon such  
5286 authority shall, in a proper case, issue its subpoena to such  
5287 person, requiring his attendance before such authority and there  
5288 to testify or to produce such books, papers and documents, as may  
5289 be deemed necessary and pertinent by the board. Any person  
5290 failing or refusing to obey the subpoena or order of the said  
5291 authority may be proceeded against in the same manner as for  
5292 refusal to obey any other subpoena or order of the authority.

5293 All fees or penalties collected by the board shall be  
5294 deposited in the State Treasury into the State General Fund. All  
5295 expenses for the administration of this chapter shall be paid  
5296 pursuant to appropriation by the Legislature.



5297           **SECTION 109.** Section 73-14-47, Mississippi Code of 1972, is  
5298 amended as follows:

5299           73-14-47. All fees and monies received by the board under  
5300 this chapter shall be deposited into the State General Fund \* \* \*.

5301           **SECTION 110.** Section 73-15-13, Mississippi Code of 1972, is  
5302 amended as follows:

5303           73-15-13. (1) All fees from examination, registration and  
5304 licensure of nurses as provided for hereafter, and all monies  
5305 coming into possession of the board from any source whatsoever,  
5306 shall be paid to the Treasurer who shall issue receipts therefor  
5307 and the same shall be deposited in the State Treasury into the  
5308 State General Fund.

5309           (2) Expenses for administration of this chapter shall be  
5310 expended only pursuant to appropriation approved by the  
5311 Legislature and as provided by law.

5312           (3) The Treasurer and executive director shall execute  
5313 surety bonds in a sum to be determined by the board, conditioned  
5314 upon the faithful performance of their duties and upon their  
5315 accounting for all monies coming into their hands. The premium  
5316 for the bond shall be paid by the board funds. Funds shall not be  
5317 withdrawn or expended except upon approval of the board.

5318           **SECTION 111.** Section 73-17-11, Mississippi Code of 1972, is  
5319 amended as follows:

5320           73-17-11. (1) From and after July 1, 1983, in order to be  
5321 eligible to be licensed as a nursing home administrator an  
5322 individual must submit evidence satisfactory to the board that he  
5323 or she:

5324                   (a) Is at least twenty-one (21) years of age;

5325                   (b) Is of good moral character;

5326                   (c) Is in good health;

5327                   (d) Is a high school graduate or the equivalent;

5328                   (e) For initial licensure on or after July 1, 1988, has  
5329 an associate degree from an accredited institution, or at least



5330 sixty-four (64) semester hours of college work from an accredited  
5331 institution, or at least one (1) year of supervisory or  
5332 administrative responsibilities in a licensed sub-acute or  
5333 long-term health care facility in Mississippi within the twelve  
5334 (12) months before making application; and

5335 (f) Has successfully passed examinations administered  
5336 by the board to test his or her proficiency and basic knowledge in  
5337 the area of nursing home administration.

5338 The board may establish the frequency of the offering of  
5339 those examinations and the contents thereof.

5340 (2) Reciprocity shall be extended to individuals holding  
5341 licenses as nursing home administrators in other states, upon  
5342 proper application and a finding on the part of the board that (a)  
5343 the applicant possesses the basic qualifications listed in this  
5344 chapter, and (b) that the standards and requirements of the  
5345 licensing jurisdiction under which he or she holds a license are  
5346 no less stringent than those of the State of Mississippi, and (c)  
5347 that the licensing jurisdiction extends reciprocity to licensees  
5348 of the State of Mississippi under reasonable terms and conditions.

5349 (3) The board may prescribe appropriate fees for the taking  
5350 of examinations and for the issuance of licenses. Those fees  
5351 shall be not more than Four Hundred Dollars (\$400.00) for taking  
5352 the examinations and Four Hundred Fifty Dollars (\$450.00) for the  
5353 issuance of a license. However, the fee for an initial license  
5354 may be prorated in proportion to the period of time from the date  
5355 of issuance and the date of biennial license renewal prescribed in  
5356 subsection (4). All licenses issued under this chapter shall be  
5357 for a maximum period of two (2) years.

5358 (4) The board may renew licenses on July 1, 1991, and  
5359 biennially thereafter upon the payment of a fee to be established  
5360 by the board, which shall be not more than Four Hundred Fifty  
5361 Dollars (\$450.00), plus any administrative costs for late payment.



5362 (5) Each application or filing made under this section shall  
5363 include the social security number(s) of the applicant in  
5364 accordance with Section 93-11-64.

5365 (6) All fees or penalties collected by the board shall be  
5366 deposited in the State Treasury into the State General Fund.

5367 **SECTION 112.** Section 73-19-13, Mississippi Code of 1972, is  
5368 amended as follows:

5369 73-19-13. Each member of the State Board of Optometry shall  
5370 be entitled to receive per diem as authorized under Section  
5371 25-3-69 in addition to all actual, necessary expenses incurred in  
5372 the discharge of official duties, including mileage as authorized  
5373 by law for state officials and employees.

5374 The secretary shall receive an annual salary, to be fixed by  
5375 the board, and his necessary expenses incurred in the discharge of  
5376 his official duties. The State Board of Optometry may engage the  
5377 services of an attorney to assist it in the discharge of its  
5378 duties on terms to be fixed by the board.

5379 The compensation and expenses of the secretary, attorney and  
5380 members of the board, and the expenses of the board necessary in  
5381 carrying out the provisions of this chapter, shall be paid from  
5382 the State General Fund in the State Treasury \* \* \* on the  
5383 requisition signed by the president and secretary of the board and  
5384 the warrant of the State Fiscal Officer; provided, however, \* \* \*  
5385 that all expenditures from such General Fund shall be authorized  
5386 by the Legislature and shall be subject to all applicable  
5387 provisions of the state budget law.

5388 **SECTION 113.** Section 73-21-113, Mississippi Code of 1972, is  
5389 amended as follows:

5390 73-21-113. All fees received by the board from examinations,  
5391 licenses, permits and monetary penalties, and any other funds  
5392 received by the board, shall be paid to the State Treasurer, who  
5393 shall issue receipts therefor and deposit such funds in the State  
5394 General Fund. \* \* \*



5395           **SECTION 114.** Section 73-23-45, Mississippi Code of 1972, is  
5396 amended as follows:

5397           73-23-45. All fees and other monies collected or received by  
5398 the board shall be paid into the State General Fund in the State  
5399 Treasury. \* \* \* Disbursement of monies appropriated by the  
5400 Legislature for implementation of this chapter shall be made only  
5401 upon warrants issued by the State Fiscal Officer upon requisitions  
5402 signed by the treasurer of the board. The financial records of  
5403 the board shall be audited annually by the State Auditor.

5404           **SECTION 115.** Section 73-25-9, Mississippi Code of 1972, is  
5405 amended as follows:

5406           73-25-9. Every person who shall apply for license to  
5407 practice medicine shall, before he will be entitled to be  
5408 examined, pay a fee to be set by the State Board of Medical  
5409 Licensure, not to exceed Two Hundred Fifty Dollars (\$250.00).

5410           In addition to fees for examination as provided for above,  
5411 the State Board of Medical Licensure is authorized to charge  
5412 applicants an amount equivalent to the cost to the State Board of  
5413 Medical Licensure of purchasing and administering any national  
5414 examinations approved by the Federation of State Medical Boards.

5415           All fees and penalties collected by the board shall be  
5416 deposited into the State General Fund in the State Treasury. All  
5417 expenses for the administration of this chapter shall be pursuant  
5418 to appropriation by the Legislature.

5419           **SECTION 116.** Section 73-27-12, Mississippi Code of 1972, is  
5420 amended as follows:

5421           73-27-12. (1) The license of every person licensed to  
5422 practice podiatry in the State of Mississippi shall be renewed  
5423 annually.

5424           On or before May 1 of each year, the board shall mail an  
5425 application for renewal of license to every podiatrist to whom a  
5426 license was issued or renewed during the current licensing year.  
5427 The applicant shall complete the application and return it to the



5428 board before June 30 with the renewal fee of an amount established  
5429 by the board, but not to exceed Two Hundred Dollars (\$200.00), a  
5430 portion of which fee shall be used to support a program to aid  
5431 impaired podiatrists. Upon receipt of the application and fee,  
5432 the board shall verify the accuracy of the application and issue  
5433 to applicant a certificate of renewal for the ensuing year,  
5434 beginning July 1 and expiring June 30 of the succeeding calendar  
5435 year. That renewal shall render the holder thereof a legal  
5436 practitioner as stated on the renewal form.

5437 (2) Any podiatrist practicing in Mississippi who allows his  
5438 license to lapse by failing to renew the license as provided in  
5439 subsection (1) may be reinstated by the board on satisfactory  
5440 explanation for the failure to renew, by completion of a  
5441 reinstatement form, and upon payment of the renewal fee for the  
5442 current year, and shall be assessed a fine of Twenty-five Dollars  
5443 (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each  
5444 month thereafter that the license renewal remains delinquent.

5445 (3) Any podiatrist not practicing in Mississippi who allows  
5446 his license to lapse by failing to renew the license as provided  
5447 in subsection (1) may be reinstated by the board on satisfactory  
5448 explanation for the failure to renew, by completion of a  
5449 reinstatement form and upon payment of the arrearages for the  
5450 previous five (5) years and the renewal fee for the current year.

5451 (4) Any podiatrist who allows his license to lapse shall be  
5452 notified by the board within thirty (30) days of such lapse.

5453 (5) Any person practicing as a licensed podiatrist during  
5454 the time his license has lapsed shall be considered an illegal  
5455 practitioner and shall be subject to penalties set forth in  
5456 Section 73-27-17, provided he has not submitted the required  
5457 reinstatement form and fee within fifteen (15) days after  
5458 notification by the board of the lapse.

5459 (6) Any podiatrist practicing in the State of Mississippi  
5460 whose license has lapsed and is deemed an illegal practitioner



5461 under subsection (5) of this section may petition the board for  
5462 reinstatement of his license on a retroactive basis, if the  
5463 podiatrist was unable to meet the June 30 deadline due to  
5464 extraordinary or other legitimate reasons, and retroactive  
5465 reinstatement of licensure shall be granted or may be denied by  
5466 the board only for good cause. Failure to advise the board of  
5467 change of address shall not be considered a basis for  
5468 reinstatement.

5469 (7) Fees collected under the provisions of this section  
5470 shall be deposited into the State General Fund \* \* \*. All  
5471 expenses of administration shall be from funds appropriated by the  
5472 Legislature.

5473 **SECTION 117.** Section 73-29-23, Mississippi Code of 1972, is  
5474 amended as follows:

5475 73-29-23. The fee to be paid for an original polygraph  
5476 examiner's license is Fifty Dollars (\$50.00).

5477 The fee to be paid for an internship license is Thirty  
5478 Dollars (\$30.00).

5479 The fee to be paid for the issuance of a duplicate polygraph  
5480 examiner's license is Ten Dollars (\$10.00).

5481 The fee to be paid for a polygraph examiner's renewal license  
5482 is Fifty Dollars (\$50.00).

5483 The fee to be paid for the extension or renewal of an  
5484 internship license is Twenty-five Dollars (\$25.00).

5485 The fee to be paid for a duplicate internship license is Ten  
5486 Dollars (\$10.00).

5487 The fees required by this chapter may be paid by the  
5488 governmental agency employing the examiner.

5489 All fees collected by the board shall be deposited into the  
5490 State General Fund in the State Treasury. All expenses for the  
5491 administration of this chapter shall be paid pursuant to  
5492 legislative appropriation.



5493           **SECTION 118.** Section 73-30-5, Mississippi Code of 1972, is  
5494 amended as follows:

5495           73-30-5. (1) There is hereby established the Mississippi  
5496 State Board of Examiners for Licensed Professional Counselors  
5497 which shall consist of five (5) members, one (1) member from each  
5498 of the five (5) congressional districts of Mississippi, who shall  
5499 be appointed by the Governor with the advice and consent of the  
5500 Senate. A list shall be provided to the Governor by the  
5501 Mississippi Counseling Association from which the Governor may  
5502 choose board members. At least two (2) names shall be included  
5503 from each congressional district. Such appointments shall be made  
5504 initially within sixty (60) days of the submission of the list of  
5505 qualified counselors by the Mississippi Counseling Association.  
5506 Thereafter, all vacancies occurring on the board shall be filled  
5507 by the Governor within sixty (60) days after the vacancy occurs.  
5508 The Mississippi Counseling Association shall provide a list of  
5509 suggested board members for each vacancy.

5510           (2) The board shall consist of five (5) licensed counselors,  
5511 three (3) of whom are primarily engaged as licensed counselors in  
5512 private or institutional practice and two (2) who are primarily  
5513 engaged in teaching, training or research in counseling at the  
5514 corporate or university level. All members shall be qualified  
5515 electors of the State of Mississippi.

5516           (3) The initial appointments to the board shall be for  
5517 staggered terms, to be designated by the Governor at the time of  
5518 appointment as follows: two (2) members to serve for three (3)  
5519 years, two (2) members to serve for two (2) years, and one (1)  
5520 member to serve for one (1) year. Thereafter, all terms shall be  
5521 for three (3) years. No board member shall succeed himself  
5522 without waiting a period of three (3) years after having served  
5523 one (1) full three-year term.

5524           (4) There shall be appointed to the board no more than one  
5525 (1) person who is employed by, or receives compensation from, any





5526 one (1) institution, organization or partnership at the time of  
5527 appointment.

5528 (5) Board members shall be reimbursed for necessary and  
5529 ordinary expenses and mileage incurred while performing their  
5530 duties as members of the board, at the rate authorized for public  
5531 employees, from appropriation approved by the Legislature.

5532 (6) All fees collected by the board shall be deposited into  
5533 the State General Fund in the State Treasury.

5534 **SECTION 119.** Section 73-31-9, Mississippi Code of 1972, is  
5535 amended as follows:

5536 73-31-9. (1) All fees from applicants seeking licensing  
5537 under this chapter and all license renewal fees received under  
5538 this chapter shall be nonrefundable.

5539 (2) The board shall charge an application fee to be  
5540 determined by the board but not to exceed Three Hundred Dollars  
5541 (\$300.00) to applicants for licensing, and shall charge the  
5542 applicant for the expenses incurred by the board for examination  
5543 of the applicant.

5544 (3) Every licensed psychologist in this state shall annually  
5545 pay to the board a fee determined by the board but not to exceed  
5546 Three Hundred Dollars (\$300.00); and the executive secretary shall  
5547 thereupon issue a renewal of the license for a term of one (1)  
5548 year. The license of any psychologist who shall fail to renew  
5549 during the month of July in each and every year shall lapse; the  
5550 failure to renew the license, however, shall not deprive said  
5551 psychologist of the right of renewal thereafter. Such lapsed  
5552 license may be renewed within a period of two (2) years after such  
5553 lapse upon payment of all fees in arrears. A psychologist wishing  
5554 to renew a license which has been lapsed for more than two (2)  
5555 years shall be required to reapply for licensure.

5556 (4) On July 1, 1993, and every odd numbered year thereafter,  
5557 no psychologist license shall be renewed unless the psychologist



5558 shows evidence of a minimum of twenty (20) clock hours of  
5559 continuing education activities approved by the board.

5560 (5) All fees and any other monies received by the board  
5561 shall be deposited in the State General Fund. \* \* \* The  
5562 implementation and administration of this chapter shall be subject  
5563 to appropriation by the Legislature for such purpose. \* \* \*  
5564 Disbursements from the appropriated funds shall be made by the  
5565 State Treasurer only upon warrants issued by the State Fiscal  
5566 Officer upon requisitions signed by the chairman or executive  
5567 secretary of the board. \* \* \* The State Auditor shall audit the  
5568 financial affairs of the board \* \* \* at least once a year in the  
5569 same manner as for other \* \* \* agencies.

5570 This section shall stand repealed from and after July 1,  
5571 2011.

5572 **SECTION 120.** Section 73-33-8, Mississippi Code of 1972, is  
5573 amended as follows:

5574 73-33-8. All fees from examinations, certificates and  
5575 licenses by the Board of Public Accountancy, as established by  
5576 Section 73-33-3 et seq., and any other funds received by said  
5577 board shall be paid to the State Treasurer, who shall issue  
5578 receipts therefor and who shall deposit such funds in the State  
5579 General Fund. \* \* \*

5580 **SECTION 121.** Section 73-35-19, Mississippi Code of 1972, is  
5581 amended as follows:

5582 73-35-19. All fees charged and collected under this chapter  
5583 shall be paid by the administrator at least once a week,  
5584 accompanied by a detailed statement thereof, into the Treasury of  
5585 the state to the State General Fund \* \* \*. The Legislature may  
5586 appropriate funds for the use of the commission in carrying out  
5587 the provisions of this chapter including the payment of salaries  
5588 and expenses, printing an annual directory of licensees, and for  
5589 educational purposes. Maintenance of a searchable, internet-based



5590 web site shall satisfy the requirement for publication of a  
5591 directory of licensees under this section.

5592 **SECTION 122.** Section 73-36-17, Mississippi Code of 1972, is  
5593 amended as follows:

5594 73-36-17. Each member of the board shall receive per diem  
5595 compensation as authorized by Section 25-3-69, and shall be  
5596 reimbursed for such other expenses at the same rate and under the  
5597 same conditions as provided for public officers and employees in  
5598 Section 25-3-41. The board shall pay for all expenses incurred by  
5599 the board, including clerical help as may be needed, if itemized  
5600 statements of the expenses are first approved by order of the  
5601 board entered on its minutes. The board shall not expend in any  
5602 fiscal year more monies than the amount of fees collected. All  
5603 fees shall be paid to the secretary of the board and the secretary  
5604 shall deposit all monies received under this chapter into the  
5605 State General Fund. \* \* \* All expenditures from such appropriated  
5606 funds shall be by requisition to the Executive Director of the  
5607 Department of Finance and Administration and signed by the board  
5608 chairman. The secretary of the board shall be under a surety bond  
5609 in the penal sum of Five Thousand Dollars (\$5,000.00) with a  
5610 surety company authorized to do business in this state, the bond  
5611 to be conditioned for the faithful performance of his duties, and  
5612 the fee shall be paid by the board.

5613 **SECTION 123.** Section 73-38-36, Mississippi Code of 1972, is  
5614 amended as follows:

5615 73-38-36. All fees collected by the State Board of Health  
5616 under this chapter and any penalties collected by the board for  
5617 violations of this chapter shall be deposited into the State  
5618 General Fund \* \* \*.

5619 **SECTION 124.** Section 73-39-7, Mississippi Code of 1972, is  
5620 amended as follows:

5621 73-39-7. (1) There shall be no obligation on the part of  
5622 the state for the payment of any money as salary or otherwise to



5623 any member of the board, but the compensation and expenses of said  
5624 board shall be paid out of funds appropriated from the State  
5625 General Fund. The members of the board shall receive as  
5626 compensation for their services the sum of Forty Dollars (\$40.00)  
5627 for each day in actual service of said board and, in addition,  
5628 their expenses incident to the meeting of the board. \* \* \*

5629 (2) All fees and other monies received by the  
5630 secretary-treasurer of the board shall be deposited into the State  
5631 General Fund. \* \* \* The implementation and administration of this  
5632 chapter shall be subject to appropriation by the Legislature for  
5633 such purpose. \* \* \* Disbursements from appropriated funds shall  
5634 be made by the State Treasurer only upon warrants issued by the  
5635 State Fiscal Officer upon requisitions signed by the president or  
5636 secretary-treasurer of the board. \* \* \* The State Auditor shall  
5637 audit the financial affairs of the board and the transactions  
5638 involving the special fund at least once a year in the same manner  
5639 as for other special fund agencies.

5640 (3) The board is authorized to employ such personnel and  
5641 incur such expense as may be necessary for the performance of its  
5642 duties and the enforcement of this chapter including expenses for  
5643 the promotion of education and standards of veterinary medicine  
5644 through institutes, conferences, educational programs or such  
5645 other means as may result in improved services.

5646 **SECTION 125.** Section 73-57-29, Mississippi Code of 1972, is  
5647 amended as follows:

5648 73-57-29. All fees established by the board under this  
5649 chapter shall be set in such an amount as is necessary to  
5650 reimburse the state for the cost of services rendered, not to  
5651 exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be  
5652 paid by any individual. Fees received by the board and monies  
5653 collected under this chapter shall be deposited in the State  
5654 Treasury to the credit of the State General Fund. Expenses



5655 incurred in the performance of this chapter shall be paid in  
5656 accordance with the accounting laws of the state.

5657         **SECTION 126.** Section 75-74-19, Mississippi Code of 1972, is  
5658 amended as follows:

5659         75-74-19. All fees collected by the State Board of Health  
5660 under this chapter and any penalties collected by the board for  
5661 violations of this chapter shall be deposited into the State  
5662 General Fund \* \* \*.

5663         **SECTION 127.** Section 75-75-114, Mississippi Code of 1972, is  
5664 amended as follows:

5665         75-75-114. All funds received by the Mississippi Athletic  
5666 Commission, as established by Section 75-75-103 et seq., from any  
5667 source authorized by statute shall be paid to the State Treasurer,  
5668 who shall issue receipts therefor and who shall deposit such funds  
5669 in the State General Fund. \* \* \*

5670         **SECTION 128.** Section 77-1-27, Mississippi Code of 1972, is  
5671 amended as follows:

5672         77-1-27. All commission employees provided for in this  
5673 chapter, and the reasonable and necessary expenses of the  
5674 administration of the duties imposed on the commission by the  
5675 Motor Carrier Regulatory Law of 1938, shall be paid out of the  
5676 appropriations made from the State General Fund to defray the  
5677 expenses of the commission, upon requisitions and warrants in the  
5678 same manner provided by law for the disbursements of  
5679 appropriations for the commission. An itemized account shall be  
5680 kept of all receipts and expenditures and shall be reported to the  
5681 Legislature by the commission.

5682         **SECTION 129.** Section 77-3-8, Mississippi Code of 1972, is  
5683 amended as follows:

5684         77-3-8. (1) There is established in the commission a Public  
5685 Service Commission staff, which staff shall be a unit, remain as a  
5686 unit therein, and be responsive to the commission. The Public  
5687 Service Commission staff shall consist of a sufficient number of



5688 professional, administrative, technical, clerical and other  
5689 personnel as may be necessary for the staff to perform its duties  
5690 and responsibilities as hereinafter provided. All such personnel  
5691 of the Public Service Commission staff shall be recommended by the  
5692 executive secretary and hired or rejected by the commission.  
5693 Personnel shall be dismissed only for cause in accordance with the  
5694 rules and regulations of the State Personnel Board. The personnel  
5695 of the Public Service Commission staff shall be compensated and  
5696 reimbursed for their actual and necessary expenses, including  
5697 food, lodging and travel, by the commission from the State General  
5698 Fund pursuant to appropriation by the Legislature, and as  
5699 authorized by Section 25-3-41. The Public Service Commission  
5700 staff shall be responsible for gathering and analyzing information  
5701 relating to all matters within the authority of the commission.

5702 (2) The State Personnel Board shall establish and maintain  
5703 entry-level salaries sufficiently competitive to attract  
5704 competent, qualified applicants for the specialized skills and  
5705 positions required by this section without regard to the salaries  
5706 paid the commissioners and notwithstanding any other provisions of  
5707 law to the contrary. The State Personnel Board shall authorize,  
5708 where necessary, a range of salaries within which salary  
5709 negotiations may be conducted for those positions for which  
5710 specific knowledge, skills and abilities are set forth herein.

5711 (3) The Public Service Commission staff shall perform such  
5712 duties as are assigned to them by the commission.

5713 **SECTION 130.** Section 77-3-87, Mississippi Code of 1972, is  
5714 amended as follows:

5715 77-3-87. All reasonable and necessary expenses of the  
5716 administration of the duties imposed on the Public Utilities Staff  
5717 and on the commission by Title 77, Mississippi Code of 1972,  
5718 excluding the reasonable and necessary expenses of the  
5719 administration and enforcement by the commission of the laws of  
5720 this state pursuant to Chapters 7 and 9 of Title 77, Mississippi



5721 Code of 1972, shall be provided from the State General Fund  
5722 pursuant to appropriation by the Legislature. There is hereby  
5723 levied a tax upon (a) all utilities, the rates of which are  
5724 subject to regulation by the provisions of this chapter and upon  
5725 (b) all utilities not subject to such rate regulation which  
5726 furnish to the ultimate consumer utility services of the type  
5727 described by subparagraph (i) of paragraph (d) of Section 77-3-3  
5728 and otherwise subject to regulation by the provisions of this  
5729 chapter, such levy to be effective on the first day of each year  
5730 and to be calculated as follows: The rate of the tax shall be one  
5731 hundred sixty-four thousandths of one percent (164/1000 of 1%) per  
5732 year, of the gross revenues from the intrastate operations of the  
5733 utilities taxed under this section. The rate of the tax for  
5734 electric power associations and rural electrification authorities  
5735 shall be ninety thousandths of one percent (90/1000 of 1%) per  
5736 year of the gross revenues from the intrastate operations of  
5737 electric power associations and rural electrification authorities  
5738 taxed under this section. The sum of all taxes levied by this  
5739 section shall not exceed the total legislative appropriation of  
5740 monies from the State General Fund for the support of the Public  
5741 Utilities Staff for the ensuing fiscal year. The commission and  
5742 the Executive Director of the Public Utilities Staff shall certify  
5743 to the State Tax Commission the amount of legislative  
5744 appropriations of monies for the regulation of utilities. The  
5745 State Tax Commission shall adjust the tax rates on a pro rata  
5746 basis to generate the necessary revenues established by such  
5747 legislative appropriations. Each utility which is subject to the  
5748 tax levied by this section shall file a statement of its gross  
5749 revenue by April 1 of each year showing the gross revenue for the  
5750 preceding year's operation. These statements of gross revenue  
5751 shall be filed with the State Tax Commission on forms prescribed  
5752 and furnished by the State Tax Commission. The State Tax  
5753 Commission shall file a copy of these statements of gross revenue



5754 with the Public Utilities Staff and the commission. The State Tax  
5755 Commission shall calculate the amount of tax to be paid by each of  
5756 the utilities and shall submit a statement thereof to the  
5757 respective utilities, and the amount shown due in the statements  
5758 to the utilities shall be paid by them within thirty (30) days  
5759 thereafter to the State Tax Commission. The State Tax Commission  
5760 shall furnish the Public Utilities Staff and the commission with  
5761 an itemized list showing gross and net revenues, assessments, tax  
5762 collections and other related information for the respective  
5763 utilities. The State Tax Commission shall pay these funds into  
5764 the State Treasury on the same day collected to the credit of the  
5765 State General Fund \* \* \*.

5766 All administrative provisions of the Mississippi Sales Tax  
5767 Law, including those which fix damages, penalties and interest for  
5768 nonpayment of taxes and for noncompliance with the provisions of  
5769 such chapter, and all other duties and requirements imposed upon  
5770 taxpayers, shall apply to all persons liable for taxes under the  
5771 provisions of this chapter, and the Tax Commissioner shall  
5772 exercise all the power and authority and perform all the duties  
5773 with respect to taxpayers under this chapter as are provided in  
5774 the Mississippi Sales Tax Law except where there is a conflict,  
5775 then the provisions of this chapter shall control. The term  
5776 "gross revenue" as used in this section is the total amount of all  
5777 revenue derived by each of the utilities from its intrastate  
5778 operations, which are subject to rate regulation under the  
5779 provisions of this chapter or which constitute utility services of  
5780 the type described by subparagraph (i) of paragraph (d) of Section  
5781 77-3-3 and which are regulated by this chapter and furnished to  
5782 ultimate consumers. The State Tax Commission is hereby authorized  
5783 to use all tax returns of any utilities available to it and to  
5784 make audits as may be deemed necessary of all records of utilities  
5785 in order to correctly determine the amount of such gross revenue.





5786 All proceeds of the above-mentioned tax are hereby allocated  
5787 to the Public Utilities Staff and to the commission in the manner  
5788 provided in this section for the purpose of this chapter.

5789 Each utility subject to the provisions of this section shall  
5790 be allowed to recover, through the use of a rate adjustment clause  
5791 or rider, the total amount of taxes paid by the utility pursuant  
5792 to this section for the reasonable and necessary expenses of the  
5793 commission and the Public Utilities Staff.

5794 **SECTION 131.** Section 77-3-89, Mississippi Code of 1972, is  
5795 amended as follows:

5796 77-3-89. \* \* \* All expenses of the commission authorized by  
5797 this article, or any other act of the Legislature, shall be paid  
5798 by the State Treasurer from the State General Fund from funds  
5799 appropriated by the Legislature upon warrants issued by the State  
5800 Fiscal Officer, which warrants shall be issued upon requisition  
5801 signed by the chairman of the commission and countersigned by one  
5802 (1) of the commissioners. Said requisition shall show upon its  
5803 face the purpose for which the payment is being made by reference  
5804 to the minute book in which such payment was authorized. It shall  
5805 be unlawful for any person to withdraw any money from such funds  
5806 other than by requisition issued as herein provided. A record of  
5807 all requisitions issued by the commission showing to whom, for  
5808 what purpose, and date issued, shall be placed upon the minute  
5809 books of the commission and shall become a part of the official  
5810 record of the commission.

5811 The books and accounts of the commission shall be audited at  
5812 the end of each fiscal year, and at any other time deemed  
5813 necessary, by the State Auditor and a copy of such audits shall be  
5814 furnished to the Governor and the commission. The State Auditor  
5815 may prescribe such further accounting procedure as he deems  
5816 necessary for the withdrawal of funds by the commission \* \* \*.  
5817 All requisitions drawn in compliance with this article shall be  
5818 honored by the State Auditor and the funds disbursed in accordance



5819 therewith. The commission shall file a report at each regular  
5820 session of the Legislature showing the expenditure of all funds by  
5821 the commission.

5822 \* \* \*

5823 **SECTION 132.** Section 77-7-55, Mississippi Code of 1972, is  
5824 amended as follows:

5825 77-7-55. Upon the filing of an application for a certificate  
5826 of convenience and necessity, the applicant shall deposit with the  
5827 commission as a fee, the sum of Fifty Dollars (\$50.00), and for  
5828 the transfer, sale, assignment or lease of such certificate, the  
5829 sum of Fifty Dollars (\$50.00), and for the issuance of a duplicate  
5830 certificate, the sum of Two Dollars (\$2.00).

5831 Upon the filing of an application for a permit as a contract  
5832 carrier, the applicant shall deposit with the commission as a fee  
5833 for the issuance thereof, the sum of Fifty Dollars (\$50.00), and  
5834 for the issuance of a duplicate permit, the sum of Two Dollars  
5835 (\$2.00).

5836 All of the fees provided for by this section shall be paid by  
5837 the commission into the State Treasury to be there placed in the  
5838 State General Fund. The fees herein provided for respecting  
5839 applications for certificates, permits and for the approval of  
5840 sale, transfer, lease or assignment may not be returned to an  
5841 applicant after the application has been processed.

5842 **SECTION 133.** Section 77-7-339, Mississippi Code of 1972, is  
5843 amended as follows:

5844 77-7-339. The salary of the chief enforcement officer and  
5845 the inspectors, and the reasonable and necessary expenses of such  
5846 employees and the administration of the duties imposed on the  
5847 commission by this chapter, shall be paid out of the State General  
5848 Fund \* \* \*, upon requisition and warrants in the same manner  
5849 provided by law for the disbursements of appropriations for the  
5850 commission. An itemized account shall be kept of all receipts and



5851 expenditures and shall be reported to the Legislature by the  
5852 commission.

5853         **SECTION 134.** Section 77-9-489, Mississippi Code of 1972, is  
5854 amended as follows:

5855         77-9-489. The salaries of all employees authorized to  
5856 enforce the provisions of the railroad laws, and the reasonable  
5857 and necessary expenses of such employees, shall be paid out of the  
5858 State General Fund in the State Treasury pursuant to appropriation  
5859 by the Legislature upon the requisition and warrant in the manner  
5860 provided by law. An itemized account shall be kept of all  
5861 receipts and expenditures and reported to the Legislature by the  
5862 commission.

5863         **SECTION 135.** Section 77-9-493, Mississippi Code of 1972, is  
5864 amended as follows:

5865         77-9-493. All reasonable and necessary operating expenses of  
5866 the administration of the duties imposed by law upon the  
5867 Mississippi Transportation Commission, including the salaries of  
5868 personnel, in its regulation and supervision of railroad companies  
5869 operating within the State of Mississippi, shall be provided from  
5870 the State General Fund from funds appropriated by the Legislature.  
5871 There is hereby levied the following tax: The amount of said tax  
5872 is the sum of Two Hundred One Thousand Dollars (\$201,000.00) per  
5873 year. Such tax shall be prorated by the State Tax Commission  
5874 among the railroad companies which are subject to the tax levied  
5875 by this section each year, according to the railroad track miles  
5876 of each of such railroad company operated during the calendar year  
5877 preceding the assessment. Each railroad company which is subject  
5878 to the tax levied by this section shall file a statement of such  
5879 railroad track miles by April 1 of each year showing the railroad  
5880 track miles operated in the preceding year's operation. "Railroad  
5881 track miles" means the miles of road of the railroad system within  
5882 this state. These statements of railroad track miles shall be  
5883 filed with the commission and a copy thereof filed with the State



5884 Tax Commission. The State Tax Commission shall thereupon  
5885 calculate the pro rata amount of tax to be paid by each of said  
5886 railroad companies in order to provide the total amount above  
5887 stated and shall thereupon submit a statement thereof to the  
5888 respective railroad companies and the amounts shown due in such  
5889 statements to the respective railroad companies shall be paid by  
5890 the respective railroad companies within thirty (30) days  
5891 thereafter to the State Tax Commission. The State Tax Commission  
5892 shall pay such funds into the State Treasury on the same day  
5893 collected to the credit of the State General Fund.

5894 All administrative provisions of the Mississippi Sales Tax  
5895 Law, including those which fix damages, penalties and interest for  
5896 nonpayment of taxes and for noncompliance with the provisions of  
5897 such chapter, and all other duties and requirements imposed upon  
5898 taxpayers, shall apply to all persons liable for taxes under the  
5899 provisions of this chapter, and the Tax Commissioner shall  
5900 exercise all the power and authority and perform all the duties  
5901 with respect to taxpayers under this chapter as are provided in  
5902 the Mississippi Sales Tax Law except where there is a conflict,  
5903 then the provisions of this chapter shall control.

5904 The Mississippi Transportation Commission and the State Tax  
5905 Commission are hereby authorized to use all tax returns of any  
5906 such railroad companies available to them and to make such audits  
5907 as may be deemed necessary of any and all records of such railroad  
5908 companies in order to correctly determine the amount of railroad  
5909 track miles. It shall be the duty of the Department of Finance  
5910 and Administration to advise the commission of the amount of money  
5911 on hand from time to time. All expenses of the Mississippi  
5912 Transportation Commission in its regulation and supervision of  
5913 railroad companies, including salaries of personnel, shall be paid  
5914 by the State Treasurer upon warrants issued by the Department of  
5915 Finance and Administration. Said warrants shall be issued upon  
5916 requisition signed by the executive secretary or the chairman and



5917 said requisition shall show upon its face the purpose for which  
5918 the payment is being made, by reference to the purchase order  
5919 and/or invoice number and objective code. It shall be unlawful  
5920 for any person to withdraw any money from such funds other than by  
5921 requisition issued as herein provided. A record of all  
5922 requisitions issued by the Mississippi Transportation Commission  
5923 showing to whom, for what purpose, and date issued, shall be  
5924 placed upon the minute books of the commission and shall become a  
5925 part of the official record of said commission.

5926 The books and accounts of the Mississippi Transportation  
5927 Commission shall be audited at the end of each fiscal year, and at  
5928 any other time deemed necessary, by the State Auditor and a copy  
5929 of such audits shall be furnished to the Governor and the  
5930 Mississippi Transportation Commission. The State Auditor may  
5931 prescribe such further accounting procedure as he deems necessary  
5932 for the withdrawal of funds by the said commission \* \* \*. All  
5933 requisitions drawn in compliance with this section shall be  
5934 honored by the Department of Finance and Administration and the  
5935 funds disbursed in accordance therewith. The Mississippi  
5936 Transportation Commission shall file a report at each regular  
5937 session of the Legislature showing the expenditure of all funds by  
5938 the Mississippi Transportation Commission. \* \* \* In the event the  
5939 funds provided by said tax exceed the amount necessary for the  
5940 purposes of this section at the end of each year, the Mississippi  
5941 Transportation Commission shall certify the amount which the said  
5942 commission estimates will be necessary for the commission for the  
5943 next year to the State Tax Commission, and the State Tax  
5944 Commission shall reduce the tax imposed to such amount for the  
5945 next year and shall collect the proportionate amount thereof as  
5946 above provided.

5947 **SECTION 136.** Section 77-11-201, Mississippi Code of 1972, is  
5948 amended as follows:



5949           77-11-201. All reasonable and necessary operating expenses  
5950 of the administration of the duties imposed by law upon the Public  
5951 Service Commission, including the salaries of personnel, in its  
5952 regulation, inspection and supervision of municipally owned and/or  
5953 operated gas utilities operating within the State of Mississippi  
5954 shall be provided from funds appropriated therefor from the State  
5955 General Fund. There is hereby levied a tax. The amount of said  
5956 tax is the sum of Twenty-five Thousand Dollars (\$25,000.00) per  
5957 year which shall be prorated by the State Tax Commission among the  
5958 municipally owned and/or operated gas utilities which are subject  
5959 to the tax levied by this section each year, according to the  
5960 gross revenue of each of such utilities from their intrastate  
5961 operation during the calendar year preceding the assessment. Each  
5962 utility which is subject to the tax levied by this section shall  
5963 file a statement of such gross revenue by April 1 of each year  
5964 showing the gross revenue for the preceding year's operation.  
5965 These statements of gross revenue shall be filed with the  
5966 commission and a copy thereof filed with the State Tax Commission.  
5967 The State Tax Commission shall thereupon calculate the pro rata  
5968 amount of tax to be paid by each of said utilities in order to  
5969 provide the total amount above stated and shall thereupon submit a  
5970 statement thereof to the respective utilities and the amount shown  
5971 due in such statements to the respective utilities shall be paid  
5972 by the respective utilities within thirty (30) days thereafter to  
5973 the State Tax Commission. The State Tax Commission shall pay such  
5974 funds into the State Treasury on the same day collected to the  
5975 credit of the State General Fund. All administrative provisions  
5976 of the Mississippi Sales Tax Law, including those which fix  
5977 damages, penalties and interest for nonpayment of taxes and for  
5978 noncompliance with the provisions of such chapter, and all other  
5979 duties and requirements imposed upon taxpayers, shall apply to all  
5980 persons liable for taxes under the provisions of this chapter, and  
5981 the Tax Commissioner shall exercise all the power and authority



5982 and perform all the duties with respect to taxpayers under this  
5983 chapter as are provided in the Mississippi Sales Tax Law except  
5984 where there is a conflict, then the provisions of this chapter  
5985 shall control. The term "gross revenue" as used in this section  
5986 shall be deemed to be the total amount of all revenue derived by  
5987 each of such utilities from its intrastate operations and the  
5988 State Tax Commission is hereby authorized to make such audits as  
5989 may be deemed necessary of any and all records of such utilities  
5990 in order to correctly determine the amount of such gross revenue.  
5991 It shall be the duty of the Department of Finance and  
5992 Administration to advise the commission of the amount of money on  
5993 hand from time to time. All expenses of the commission authorized  
5994 by this section or any other act of the Legislature shall be paid  
5995 by the State Treasurer upon warrants issued by the Department of  
5996 Finance and Administration, which warrants shall be issued upon  
5997 requisition signed by the chairman of the commission and  
5998 countersigned by one (1) of the commissioners, and said  
5999 requisition shall show upon its face the purpose for which the  
6000 payment is being made by reference to the minute book in which  
6001 such payment was authorized. It shall be unlawful for any person  
6002 to withdraw any money \* \* \* other than by requisition issued as  
6003 provided herein. A record of all requisitions issued by the  
6004 commission showing to whom, for what purpose, and date issued  
6005 shall be placed upon the minute books of the commission and shall  
6006 become a part of the official records of the commission.

6007 The books and accounts of the commission shall be audited at  
6008 the end of each fiscal year, and at any other time deemed  
6009 necessary, by the State Auditor and a copy of such audits shall be  
6010 furnished to the Governor and the commission. The State Auditor  
6011 may prescribe such further accounting procedure as he deems  
6012 necessary for the withdrawal of funds by the commission from the  
6013 State General Fund. All requisitions drawn in compliance with  
6014 this section shall be honored by the Department of Finance and



6015 Administration and the funds disbursed in accordance therewith.  
6016 The commission shall file a report at each regular session of the  
6017 Legislature showing the expenditure of all funds by the  
6018 commission. All proceeds of the above-mentioned tax are hereby  
6019 allocated to the commission for the purpose of this section. In  
6020 the event the funds provided by said tax exceed the amount  
6021 necessary for the purposes of this section at the end of any  
6022 fiscal year, the commission shall certify the amount which the  
6023 commission estimates will be necessary for the commission for each  
6024 fiscal year to the State Tax Commission, and the State Tax  
6025 Commission shall reduce the tax hereby imposed to such amount for  
6026 the next fiscal year and shall collect the proportionate amount  
6027 thereof as above provided.

6028       **SECTION 137.** Section 83-2-33, Mississippi Code of 1972, is  
6029 amended as follows:

6030       83-2-33. All property and casualty insurance companies doing  
6031 business in this state shall contribute annually, at such times as  
6032 the Insurance Commissioner shall determine, in proportion to their  
6033 gross premiums collected within the State of Mississippi during  
6034 the preceding year, to the State General Fund \* \* \*. The  
6035 commissioner is hereby authorized to employ such actuarial and  
6036 other assistance as shall be necessary to carry out the duties of  
6037 the department; and such employees shall be under the authority  
6038 and direction of the Insurance Commissioner. The amount to be  
6039 contributed annually to the State General Fund shall be fixed each  
6040 year by the Insurance Commissioner at a percentage of the gross  
6041 premiums so collected during the preceding year. However, a  
6042 minimum assessment of One Hundred Dollars (\$100.00) shall be  
6043 charged to each licensed property and casualty insurance company  
6044 regardless of the gross premium amount collected during the  
6045 preceding year.





6046           The total contributions collected for the State General Fund  
6047 shall not exceed the sum of Seven Hundred Fifty Thousand Dollars  
6048 (\$750,000.00) in each fiscal year.

6049           **SECTION 138.** Section 83-2-35, Mississippi Code of 1972, is  
6050 amended as follows:

6051           83-2-35. (1) This section applies to all forms of property  
6052 and casualty insurance on risks or operations in this state by any  
6053 insurer authorized to do business in this state, except:

- 6054                   (a) Accident and health;
- 6055                   (b) Ocean marine insurance;
- 6056                   (c) Reinsurance;
- 6057                   (d) Aircraft liability and aircraft hull insurance;
- 6058                   (e) Title insurance;
- 6059                   (f) Credit accident and health insurance.

6060           (2) All such insurers shall pay to the Commissioner of  
6061 Insurance a fee of Fifteen Dollars (\$15.00) for each form or rate  
6062 filing filed with the commissioner. The commissioner shall pay  
6063 such fees into the State General Fund \* \* \*.

6064           **SECTION 139.** Section 83-5-72, Mississippi Code of 1972, is  
6065 amended as follows:

6066           83-5-72. All life, health and accident insurance companies  
6067 and health maintenance organizations doing business in this state  
6068 shall contribute annually, at such times as the Insurance  
6069 Commissioner shall determine, in proportion to their gross  
6070 premiums collected within the State of Mississippi during the  
6071 preceding year, to the State General Fund \* \* \*. The commissioner  
6072 is hereby authorized to employ such actuarial and other assistance  
6073 as shall be necessary to carry out the duties of the department;  
6074 and the employees shall be under the authority and direction of  
6075 the Insurance Commissioner. The amount to be contributed annually  
6076 to the State General Fund shall be fixed each year by the  
6077 Insurance Commissioner at a percentage of the gross premiums so  
6078 collected during the preceding year. However, a minimum



6079 assessment of One Hundred Dollars (\$100.00) shall be charged each  
6080 licensed life, health and accident insurance company regardless of  
6081 the gross premium amount collected during the preceding year.

6082 The total contributions collected for the State General Fund  
6083 shall not exceed the sum of Seven Hundred Fifty Thousand Dollars  
6084 (\$750,000.00) in each fiscal year.

6085 **SECTION 140.** Section 83-5-73, Mississippi Code of 1972, is  
6086 amended as follows:

6087 83-5-73. The commissioner shall collect and pay into the  
6088 State General Fund \* \* \* the following fees: for certificate of  
6089 authority to each general or district agent or manager, Fifteen  
6090 Dollars (\$15.00); for certificate of authority to each local or  
6091 canvassing agent, Ten Dollars (\$10.00); for filing and examining  
6092 statement preliminary to admission, One Thousand Dollars  
6093 (\$1,000.00); for filing and auditing annual statement, Five  
6094 Hundred Dollars (\$500.00); for filing any other paper required by  
6095 law, Twenty-five Dollars (\$25.00); for continuing education  
6096 courses or programs filed by the providers for approval,  
6097 Twenty-five Dollars (\$25.00); for each certification company  
6098 licensed status, Twenty Dollars (\$20.00); for each seal when  
6099 required, Ten Dollars (\$10.00); for service of process on him as  
6100 attorney, Twenty-five Dollars (\$25.00).

6101 **SECTION 141.** Section 83-9-3, Mississippi Code of 1972, is  
6102 amended as follows:

6103 83-9-3. (1) No policy of accident and sickness insurance  
6104 shall be delivered or issued for delivery to any person in this  
6105 state unless:

6106 (a) The entire money and other considerations therefor  
6107 are expressed therein; and

6108 (b) The time at which the insurance takes effect and  
6109 terminates is expressed therein; and

6110 (c) It purports to insure only one (1) person, except  
6111 that a policy may insure, originally or by subsequent amendment,



6112 upon the application of an adult member of a family who shall be  
6113 deemed the policyholder, any two (2) or more eligible members of  
6114 that family, including husband, wife, dependent children or any  
6115 children under a specified age which shall not exceed nineteen  
6116 (19) years, and any other person dependent upon the policyholder;  
6117 and

6118 (d) The style, arrangement and overall appearance of  
6119 the policy give no undue prominence to any portion of the text,  
6120 and unless every printed portion of the text of the policy and of  
6121 any endorsements or attached papers is plainly printed in  
6122 lightfaced type of a style in general use, the size of which shall  
6123 be uniform and not less than ten-point with a lowercase unspaced  
6124 alphabet length not less than one hundred and twenty-point (the  
6125 "text" shall include all printed matter except the name and  
6126 address of the insurer, name or title of the policy, the brief  
6127 description if any, and captions and subcaptions); and

6128 (e) The exceptions and reductions of indemnity are set  
6129 forth in the policy and, except those which are set forth in  
6130 Section 83-9-5, are printed, at the insurer's option, either with  
6131 the benefit provision to which they apply, or under an appropriate  
6132 caption such as "Exceptions," or "Exceptions and Reductions,"  
6133 provided that if an exception or reduction specifically applies  
6134 only to a particular benefit of the policy, a statement of such  
6135 exception or reduction shall be included with the benefit  
6136 provision to which it applies; and

6137 (f) Each such form, including riders and endorsements,  
6138 shall be identified by a form number in the lower left-hand corner  
6139 of the first page thereof; and

6140 (g) It contains no provision purporting to make any  
6141 portion of the charter, rules, constitution or bylaws of the  
6142 insurer a part of the policy unless such portion is set forth in  
6143 full in the policy, except in the case of the incorporation of, or



6144 reference to, a statement of rates or classification of risks, or  
6145 short-rate table filed with the commissioner.

6146 (2) No individual or group policy covering health and  
6147 accident insurance (including experience-rated insurance  
6148 contracts, indemnity contracts, self-insured plans and self-funded  
6149 plans), or any group combinations of these coverages, shall be  
6150 issued by any commercial insurer doing business in this state  
6151 which, by the terms of such policy, limits or excludes payment  
6152 because the individual or group insured is eligible for or is  
6153 being provided medical assistance under the Mississippi Medicaid  
6154 Law. Any such policy provision in violation of this section shall  
6155 be invalid.

6156 (3) If any policy is issued by an insurer domiciled in this  
6157 state for delivery to a person residing in another state, and if  
6158 the official having responsibility for the administration of the  
6159 insurance laws of such other state shall have advised the  
6160 commissioner that any such policy is not subject to approval or  
6161 disapproval by such official, the commissioner may, by ruling,  
6162 require that such policy meet the standards set forth in  
6163 subsection (1) of this section and in Section 83-9-5.

6164 (4) The commissioner shall collect and pay into the State  
6165 General Fund \* \* \* the following fees for services provided under  
6166 this section:

6167	FORM	FEE
6168	Each individual policy contract, including revisions..	\$15.00
6169	Each group master policy or contract, including	
6170	revisions.....	15.00
6171	Each rider, endorsement or amendment, etc.....	10.00
6172	Each insurance application where written application	
6173	is required and is to be made a part of the	
6174	policy or contract.....	10.00
6175	Each questionnaire.....	7.00
6176	Charge for resubmission where payment is not included	



6177 with original submission..... 5.00

6178 Additional charge for tentative approval same as above.

6179 **SECTION 142.** Section 83-19-21, Mississippi Code of 1972, is  
6180 amended as follows:

6181 83-19-21. If it appears that the requirements of the law  
6182 herein have been complied with, the commissioner shall collect a  
6183 fee of Two Hundred Dollars (\$200.00), to be paid into the State  
6184 General Fund \* \* \* and shall certify the fact and his approval of  
6185 the articles of association, by endorsement thereon. The  
6186 commissioner shall also collect a fee of Fifty Dollars (\$50.00)  
6187 for any amendment filed thereon and such fee shall be deposited  
6188 into the State General Fund.

6189 **SECTION 143.** Section 83-21-1, Mississippi Code of 1972, is  
6190 amended as follows:

6191 83-21-1. No foreign insurance, indemnity or guaranty company  
6192 or other insurer shall be admitted and authorized to do business  
6193 in this state until:

6194 (a) It shall deposit with the Commissioner of Insurance  
6195 a certified copy of its charter or deed of settlement, and shall  
6196 pay for the filing of such document the sum of One Thousand  
6197 Dollars (\$1,000.00) and a statement of its financial condition and  
6198 business in such form and detail as he may require, signed and  
6199 sworn to by its president and secretary or other proper officer.

6200 (b) It shall satisfy the commissioner that it is fully  
6201 and legally organized under the laws of its state or government to  
6202 do the business it proposes to transact; and such capital or net  
6203 assets are well invested and immediately available for the payment  
6204 of losses in this state, and that it insures on any single hazard  
6205 a sum no larger than one-tenth (1/10) of its net assets.

6206 (c) It shall, by a duly executed instrument filed in  
6207 his office, constitute and appoint the Commissioner of Insurance,  
6208 and his successor, its true and lawful attorney, upon whom all  
6209 process in any action or legal proceeding against it may be



6210 served, and therein shall agree that any process against it which  
6211 may be served upon its attorney shall be of the same force and  
6212 validity as if served on the company, and the authority thereof  
6213 shall continue in force irrevocable so long as any liability of  
6214 the company remains outstanding in this state. The service of  
6215 such process shall be made by leaving a copy of the same in the  
6216 hands or office of the commissioner. Copies of such instrument  
6217 certified by the commissioner shall be deemed sufficient evidence  
6218 thereof, and service upon such attorney shall be deemed sufficient  
6219 service upon the principal.

6220 (d) It shall appoint as its agent or agents in this  
6221 state some resident or residents thereof, other than the  
6222 commissioner; such appointment to be made in writing, signed by  
6223 the president and secretary or manager or general agent, and filed  
6224 in the office of the commissioner, authorizing the agent to  
6225 acknowledge service of process for and on behalf of the company,  
6226 consenting that service of process on the agent shall be as valid  
6227 as if served upon the company, according to the laws of this  
6228 state, and waiving all claims of error by reason of such service.

6229 (e) It shall obtain from the commissioner a certificate  
6230 that it has complied with the laws of the state and is authorized  
6231 to make contracts of insurance.

6232 (f) Such fees collected by the commissioner shall be  
6233 deposited in the State General Fund \* \* \*.

6234 **SECTION 144.** Section 83-37-29, Mississippi Code of 1972, is  
6235 amended as follows:

6236 83-37-29. Any person, firm, association or corporation  
6237 engaging in the business herein described without first having  
6238 complied with the provisions hereof, or any person who shall  
6239 knowingly make any false statement in the reports required by this  
6240 chapter as determined by the Commissioner of Insurance after  
6241 written notice and hearing, shall be assessed a penalty for each  
6242 violation of not less than Two Hundred Fifty Dollars (\$250.00) nor



6243 more than Five Hundred Dollars (\$500.00), and in addition thereto  
6244 shall forfeit the license to do business in this state. Funds  
6245 from such penalties shall be deposited with the State Treasurer to  
6246 be placed in the State General Fund \* \* \*.

6247 **SECTION 145.** Section 89-12-37, Mississippi Code of 1972, is  
6248 amended as follows:

6249 89-12-37. (1) All funds received under the provisions of  
6250 this chapter shall forthwith be deposited by the Treasurer in the  
6251 State General Fund \* \* \* in the State Treasury \* \* \*, except that  
6252 the Treasurer shall deposit in a separate special fund hereby  
6253 established in the State Treasury to be designated the "Abandoned  
6254 Property Claims Payment Fund" an amount not exceeding One Hundred  
6255 Fifty Thousand Dollars (\$150,000.00) from which he shall make  
6256 prompt payment of claims duly allowed by him as hereinafter  
6257 provided. Before making the deposits in either \* \* \* fund, he  
6258 shall record the name and last known address of each person  
6259 appearing from the holders' reports to be entitled to the  
6260 abandoned property and the name and last known address of each  
6261 insured person or annuitant and, with respect to each policy or  
6262 contract listed in the report of a life insurance corporation, its  
6263 number, the name of the corporation and the amount due. The  
6264 record shall be available for public inspection at all reasonable  
6265 business hours.

6266 (2) There is created within the State General Fund in the  
6267 State Treasury a trust to be known as the Historic Properties  
6268 Financing Fund, which shall be used as provided in this section.  
6269 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the State  
6270 General Fund shall be set aside and placed in the Historic  
6271 Properties Financing Fund created herein. The principal of the  
6272 Historic Properties Financing Fund shall remain inviolate within  
6273 the State General Fund, and shall be invested in the same manner  
6274 as the remainder of the State General Fund. The interest and  
6275 income earned from the investment of the principal of the Historic



6276 Properties Financing Fund shall be transferred quarterly to the  
6277 Mississippi Landmark Grant Program account within the State  
6278 General Fund created under Section 39-5-23. The transferred money  
6279 shall be utilized by the Department of Archives and History for  
6280 the purposes as specified in Section 39-5-23(3).

6281 (3) Notwithstanding subsections (1) and (2) of this section,  
6282 the funds reflected by the cancellation of State of Mississippi  
6283 warrants that constitute part of the State General Fund shall be  
6284 transferred by the State Treasurer back to the original fund  
6285 source if unclaimed by the owner within the time specified in  
6286 Section 7-7-42.

6287 **SECTION 146.** Section 4 of Chapter 168, Laws of 1989, which  
6288 creates the Securities Enhancement Act Fund, is hereby repealed.

6289 **SECTION 147.** This act shall take effect and be in force from  
6290 and after July 1, 2003.

