

By: Representative Stringer

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1409

1 AN ACT TO PROHIBIT ANY STATE AGENCY FROM PURCHASING  
2 EQUIPMENT, HIRING NEW EMPLOYEES, OR PROMOTING, RECLASSIFYING,  
3 REALLOCATING OR REALIGNING PAY GRADES WITH REGARD TO ANY OF ITS  
4 EMPLOYEES OR JOB POSITIONS DURING THE CURRENT FISCAL YEAR; TO  
5 ESTABLISH AN APPEAL PROCEDURE TO THE STATE FISCAL OFFICER FOR  
6 AGENCIES SEEKING TO TAKE ANY ACTION THAT OTHERWISE WOULD BE  
7 PROHIBITED BY THIS ACT; TO SET FORTH THE DEMONSTRATION OF THE  
8 EMERGENCY THAT MUST BE MADE BY THE AGENCY IN ITS APPEAL; TO  
9 PROVIDE THAT THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL BE  
10 NOTIFIED OF SUCH AN APPEAL AND THAT COMMITTEE MEMBERS MAY ATTEND  
11 THE HEARING ON SUCH AN APPEAL; TO ALLOW THE STATE FISCAL OFFICER,  
12 IN HIS DISCRETION, TO AUTHORIZE THE ACTION SOUGHT IN THE APPEAL;  
13 TO AMEND SECTION 25-9-116, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
14 TO THE PRECEDING PROVISIONS; TO PROVIDE THAT DURING FISCAL YEAR  
15 2006, STATE AGENCIES ARE NOT AUTHORIZED TO EXPEND FUNDS TO DO  
16 CERTAIN THINGS UNLESS SPECIFICALLY AUTHORIZED IN THE AGENCY'S  
17 APPROPRIATION BILL; TO AMEND SECTIONS 7-7-211 AND 7-7-213,  
18 MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE CHARGED BY THE  
19 DEPARTMENT OF AUDIT FOR CONDUCTING A POSTAUDIT, PREAUDIT OR  
20 INVESTIGATION OF THE FINANCIAL AFFAIRS OF CERTAIN GOVERNMENTAL  
21 ENTITIES; TO BRING FORWARD SECTION 27-15-83, MISSISSIPPI CODE OF  
22 1972, WHICH PROVIDES FOR CERTAIN PRIVILEGE TAXES TO BE LEVIED ON  
23 INSURANCE COMPANIES; TO BRING FORWARD SECTION 27-15-85,  
24 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR PRIVILEGE TAXES TO BE  
25 LEVIED ON CERTAIN INCORPORATED INSURANCE AGENCIES AND INCORPORATED  
26 GENERAL AGENTS AND INCORPORATED SUPERVISING GENERAL AGENTS; TO  
27 BRING FORWARD SECTION 27-15-87, MISSISSIPPI CODE OF 1972, WHICH  
28 PROVIDES FOR PRIVILEGE TAXES TO BE LEVIED ON CERTAIN FIRE,  
29 CASUALTY, LIABILITY, FIDELITY, SURETY, GUARANTY AND INLAND MARINE  
30 INSURANCE AGENTS AND INSURANCE SOLICITORS; TO BRING FORWARD  
31 SECTION 27-15-93, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN  
32 PRIVILEGE TAXES TO BE LEVIED ON INCORPORATED LIFE, HEALTH OR  
33 ACCIDENT INSURANCE AGENCIES, SUPERVISING GENERAL AGENTS AND LIFE  
34 INSURANCE AGENTS; TO BRING FORWARD SECTION 27-15-95, MISSISSIPPI  
35 CODE OF 1972, WHICH PROVIDES FOR A PRIVILEGE TAX TO BE LEVIED ON  
36 CERTAIN PERSONS, OTHER THAN AN INCORPORATED INSURANCE AGENCY,  
37 WRITING HEALTH AND ACCIDENT OR INDUSTRIAL LIFE INSURANCE; TO BRING  
38 FORWARD SECTION 83-49-47, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
39 FOR CERTAIN LICENSE FEES ON PERSONS ACTING AS AGENTS OR  
40 REPRESENTATIVES OF INSURERS WHO ESTABLISH PREPAID LEGAL SERVICES;  
41 TO BRING FORWARD SECTION 83-11-237, MISSISSIPPI CODE OF 1972,  
42 WHICH REQUIRES CERTAIN REGISTRATION FEES FOR AGENTS OF AUTOMOBILE  
43 CLUBS OPERATING IN THE STATE OF MISSISSIPPI; TO AMEND SECTION  
44 27-19-44.4, MISSISSIPPI CODE OF 1972, TO IMPOSE AN ADDITIONAL FEE  
45 ON THE ISSUANCE OF PERSONALIZED MOTOR VEHICLE LICENSE TAGS AND  
46 CERTAIN DISTINCTIVE OR SPECIAL MOTOR VEHICLE LICENSE TAGS; TO  
47 BRING FORWARD SECTION 27-19-89, MISSISSIPPI CODE OF 1972, WHICH  
48 PROVIDES FOR FINES FOR OVERWEIGHT VEHICLES UPON THE PUBLIC  
49 HIGHWAYS; TO BRING FORWARD SECTION 27-65-27, MISSISSIPPI CODE OF  
50 1972, WHICH PROVIDES FOR THE ISSUANCE OF PERMITS TO ENGAGE IN  
51 BUSINESS; TO AMEND SECTION 27-65-33, MISSISSIPPI CODE OF 1972, TO  
52 PROVIDE THAT THE COMPENSATION OR DISCOUNT ALLOWED TO TAXPAYERS FOR

53 COLLECTING SALES AND USE TAXES AND FILING NECESSARY RETURNS WITH  
54 THE STATE TAX COMMISSION SHALL NOT BE ALLOWED FOR MORE THAN ONE  
55 BUSINESS LOCATION; TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF  
56 1972, AND TO AMEND SECTION 27-69-31, MISSISSIPPI CODE OF 1972, TO  
57 ELIMINATE THE DISCOUNT OR COMPENSATION PROVIDED TO DEALERS AS  
58 COMPENSATION FOR THEIR SERVICES IN AFFIXING TOBACCO TAX STAMPS  
59 REQUIRED UNDER THE STATE TOBACCO TAX LAW; TO AMEND SECTION  
60 27-69-75, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
61 PROVISIONS; TO AMEND SECTION 27-71-11, MISSISSIPPI CODE OF 1972,  
62 TO INCREASE THE MARKUP ON THE COST OF ALCOHOLIC BEVERAGES; TO  
63 AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
64 ANNUAL PRIVILEGE TAX ON RETAIL AND WHOLESALE SELLERS OF BEER AND  
65 LIGHT WINES; TO AMEND SECTION 39-5-5, MISSISSIPPI CODE OF 1972, TO  
66 AUTHORIZE THE DEPARTMENT OF ARCHIVES AND HISTORY TO CHARGE FEES TO  
67 PERSONS WHO USE THE FACILITIES OF THE DEPARTMENT TO CONDUCT  
68 RESEARCH AND CHARGE FEES FOR THE DEPARTMENT TO PERFORM RESEARCH ON  
69 BEHALF OF PERSONS OR ENTITIES; TO AMEND SECTION 41-3-18,  
70 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF  
71 HEALTH SHALL CHARGE AN ADDITIONAL FEE FOR FOOD ESTABLISHMENT  
72 PERMITS AND PRIVATE WATER SUPPLY APPROVALS; TO AMEND SECTION  
73 41-4-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF  
74 MENTAL HEALTH TO CHARGE COUNTIES FOR SERVICES PROVIDED TO PATIENTS  
75 IN MENTAL HEALTH CRISIS INTERVENTION CENTERS; TO BRING FORWARD  
76 SECTION 41-7-71, 41-71-73 AND 41-71-79, WHICH PROVIDE FOR CHARGING  
77 THE COSTS OF PROVIDING CARE AND TREATMENT TO PERSONS AT STATE  
78 MENTAL INSTITUTIONS; TO AMEND SECTION 45-1-29, MISSISSIPPI CODE OF  
79 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO SET AND  
80 COLLECT FEES FOR SERVICES RENDERED BY THE MISSISSIPPI CRIME  
81 LABORATORY IN AMOUNTS THAT WILL RECOVER THE COSTS TO THE CRIME  
82 LABORATORY; TO BRING FORWARD SECTION 49-17-30, MISSISSIPPI CODE OF  
83 1972, WHICH PROVIDES FOR THE ISSUANCE OF AN AIR OPERATING PERMIT  
84 UNDER THE FEDERAL CLEAN AIR ACT BY THE DEPARTMENT OF ENVIRONMENTAL  
85 QUALITY; TO AMEND SECTION 49-17-421, MISSISSIPPI CODE OF 1972, TO  
86 PROVIDE THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE  
87 AN ADDITIONAL FEE FOR UNDERGROUND STORAGE TANKS; TO PROVIDE THAT  
88 WHERE A FEE IS NOT SET BY LAW, THE DEPARTMENT OF ENVIRONMENTAL  
89 QUALITY SHALL CHARGE FEES FOR GENERAL PERMITS, OTHER PERMITS AND  
90 MONITORING ACTIVITIES; TO AMEND SECTIONS 51-3-31, 53-7-7, 53-7-21,  
91 53-7-25, 53-7-27 AND 53-7-69, MISSISSIPPI CODE OF 1972, TO PROVIDE  
92 THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE FEES FOR  
93 CERTAIN ACTIVITIES UNDER ITS JURISDICTION; TO BRING FORWARD  
94 SECTION 55-3-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
95 CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF WILDLIFE, FISHERIES  
96 AND PARKS REGARDING PARKS OPERATED BY THE DEPARTMENT; TO AMEND  
97 SECTION 45-35-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE FOR  
98 IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY; TO  
99 AMEND SECTION 45-35-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
100 FEE FOR THE ISSUANCE OF DUPLICATE IDENTIFICATION CARDS BY THE  
101 DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO  
102 INCREASE THE FEES FOR REGULAR DRIVER'S LICENSES AND CLASS D  
103 COMMERCIAL DRIVER'S LICENSES; TO AMEND SECTIONS 63-1-21, 63-1-37,  
104 63-1-46 AND 63-1-82, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
105 FEES FOR THE ISSUANCE OF TEMPORARY DRIVING PERMITS, DUPLICATE  
106 COPIES OF DRIVERS' LICENSES OR TEMPORARY DRIVING PERMITS,  
107 REINSTATEMENT OF SUSPENDED DRIVERS' LICENSES, AND CLASS A, CLASS B  
108 AND CLASS C COMMERCIAL DRIVERS' LICENSES; TO BRING FORWARD SECTION  
109 63-1-81, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR APPLICATION  
110 FEES FOR COMMERCIAL DRIVER'S LICENSES; TO BRING FORWARD SECTION  
111 63-15-4, MISSISSIPPI CODE OF 1972, WHICH REQUIRES MOTOR VEHICLE  
112 OWNERS OR OPERATORS TO HAVE INSURANCE CARDS IN THEIR MOTOR  
113 VEHICLES; TO AMEND SECTION 63-21-63, MISSISSIPPI CODE OF 1972, TO  
114 INCREASE THE FEES FOR ISSUING AND PROCESSING MOTOR VEHICLE  
115 CERTIFICATES OF TITLE AND RELATED DOCUMENTS; TO CODIFY NEW SECTION  
116 7-3-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF  
117 STATE SHALL PROVIDE FOR THE ANNUAL PUBLICATION OF A JUDICIARY  
118 DIRECTORY AND COURT CALENDAR, WHICH SHALL BE MADE AVAILABLE FOR

119 SALE FOR NOT LESS THAN A SPECIFIED PRICE PER COPY; TO AMEND  
120 SECTION 25-7-81, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
121 SECRETARY OF STATE SHALL CHARGE AN ADDITIONAL FEE FOR THE  
122 COMMISSIONING OF NOTARIES PUBLIC; TO AMEND SECTION 75-4-1.22,  
123 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE  
124 SHALL CHARGE ADDITIONAL FEES FOR FILING CERTAIN DOCUMENTS; TO  
125 AMEND SECTION 75-9-525, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
126 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FILING FEES FOR  
127 SECURED TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE; TO AMEND  
128 SECTION 75-63-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
129 SECRETARY OF STATE SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING  
130 TO SALES OF PRE-NEED CONTRACTS; TO AMEND SECTION 75-71-409,  
131 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE  
132 SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING TO SECURITIES; TO  
133 AMEND SECTION 79-11-109, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
134 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FEES FOR FILING  
135 CERTAIN DOCUMENTS; TO AMEND SECTION 79-11-504, MISSISSIPPI CODE OF  
136 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE  
137 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO CHARITABLE  
138 SOLICITATIONS; TO AMEND SECTION 79-29-1203, MISSISSIPPI CODE OF  
139 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE  
140 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO LIMITED LIABILITY  
141 COMPANIES; TO BRING FORWARD SECTION 75-76-131, MISSISSIPPI CODE OF  
142 1972, WHICH PROVIDES FOR THE ISSUANCE OF WORK PERMITS BY THE  
143 MISSISSIPPI GAMING COMMISSION BEFORE A PERSON MAY BE EMPLOYED AS A  
144 GAMING EMPLOYEE; AND FOR RELATED PURPOSES.

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

146 **SECTION 1.** (1) Except as otherwise provided in this  
147 section, due to the severe budget concerns during the current  
148 fiscal year, the following provisions shall apply through June 30,  
149 2005:

150 (a) No state agency is authorized to purchase any  
151 equipment as defined in Section 31-7-1.

152 (b) No state agency is authorized to hire any new  
153 employees, or promote, reclassify, reallocate or realign a pay  
154 grade with regard to any of its employees or job positions. The  
155 State Personnel Board shall immediately suspend all hirings,  
156 promotions, reclassifications, reallocations and pay grade  
157 realignments of employees or job positions.

158 (2) If a state agency determines that it is necessary to  
159 take any action that otherwise would be prohibited under  
160 subsection (1) of this section before July 1, 2005, the agency may  
161 appeal to the State Fiscal Officer. The State Fiscal Officer  
162 shall immediately notify the Joint Legislative Budget Committee of  
163 the state agency's appeal and the date upon which the State Fiscal  
164 Officer will hold a hearing on the appeal. The State Fiscal

165 Officer shall grant a hearing to the state agency on its appeal  
166 within fifteen (15) days after notice of the appeal is given to  
167 the State Fiscal Officer; however, if the Department of Mental  
168 Health or the State Veterans Affairs Board is seeking to hire new  
169 professional or paraprofessional employees who work directly with  
170 patients or clients involved with department or board facilities  
171 and programs as replacements for professional or paraprofessional  
172 employees who leave employment with the department or board, then  
173 the State Fiscal Officer shall grant a hearing to the department  
174 or board on its appeal within three (3) days after notice of the  
175 appeal is given to the State Fiscal Officer. The hearing shall  
176 not be a public meeting; however, any member of the Joint  
177 Legislative Budget Committee may attend the hearing. At the  
178 hearing, the state agency must demonstrate to the satisfaction of  
179 the State Fiscal Officer that a serious emergency exists of such  
180 magnitude that the essential mission of the agency cannot be  
181 carried out without taking an action that otherwise would be  
182 prohibited under subsection (1) of this section. In making his  
183 decision, the State Fiscal Officer may consider the source of  
184 funds to be used by the state agency in taking that action. If  
185 the state agency makes the demonstration required by this  
186 subsection, the State Fiscal Officer, in his discretion, may  
187 authorize the agency to take the action sought by the agency that  
188 otherwise would be prohibited under subsection (1) of this  
189 section.

190 (3) A state agency may take any action that otherwise would  
191 be prohibited under subsection (1)(b) of this section if all of  
192 the funds to be expended to fund that action are federal funds.

193 (4) For purposes of this section, the term "state agency"  
194 means any agency, board, commission or department of the State of  
195 Mississippi.

196 **SECTION 2.** Section 25-9-116, Mississippi Code of 1972, is  
197 amended as follows:

198           **[Through June 30, 2005, this section will read as follows:]**

199           25-9-116.   \* \* \* The State Personnel Board shall institute  
200 an immediate suspension of all hirings, promotions,  
201 reclassifications, reallocations and pay grade realignments, as  
202 provided in Section 1 of this act.

203           **[From and after July 1, 2005, this section will read as**  
204 **follows:]**

205           25-9-116. Upon recommendation of the State Fiscal Officer,  
206 after a determination that the state revenue and expenditure  
207 requires such action the State Personnel Board may institute an  
208 immediate suspension of all hirings, promotions,  
209 reclassifications, reallocations and pay grade realignments until  
210 such time as the State Fiscal Officer shall recommend that such  
211 action is no longer required.

212           **SECTION 3.** (1) For the purposes of this section, the term  
213 "state agency" means an agency, board, commission or department of  
214 the State of Mississippi.

215           (2) For the period beginning on July 1, 2005, and through  
216 June 30, 2006, unless specifically authorized in the appropriation  
217 bill for a state agency, the state agency is not authorized to  
218 expend funds to do any of the following:

219                   (a) Hire any new employees, or promote, reclassify,  
220 reallocate or realign a pay grade with regard to any of its  
221 employees or job positions;

222                   (b) Purchase any equipment or furniture as defined in  
223 Section 31-7-1, or any computer or telecommunications equipment;  
224 and even if authorized in the appropriation bill, a state agency  
225 is not authorized to expend funds to purchase any sports-utility  
226 vehicle unless the purchase is approved by the Department of  
227 Finance and Administration;

228                   (c) Contract with any person or entity for professional  
229 services or consulting services, or make payments under any such  
230 contract;

- 231           (d) Travel outside of the State of Mississippi;
- 232           (e) Publish or distribute any annual reports or other  
233 publications;
- 234           (f) Conduct public relations activities regarding the  
235 functions, programs or services of the state agency;
- 236           (g) Advertise the functions, programs or services of  
237 the state agency; however, the Mississippi Development Authority  
238 is authorized to expend funds for advertising to carry out the  
239 purposes of key programs administered by the authority; or
- 240           (h) Purchase cellular telephones for use of employees  
241 of the state agency, contract or enter an agreement with any  
242 person or entity to provide cellular telephone service for  
243 employees of the state agency, or make payments under any such  
244 contract or agreement; however, the prohibition in this paragraph  
245 (h) shall not apply to the Governor's Office, the Mississippi  
246 Development Authority or the law enforcement personnel of any  
247 state agency.

248           **SECTION 4.** Section 7-7-211, Mississippi Code of 1972, is  
249 amended as follows:

250           7-7-211. The department shall have the power and it shall be  
251 its duty:

252           (a) To identify and define for all public offices of  
253 the state and its subdivisions generally accepted accounting  
254 principles as promulgated by nationally recognized professional  
255 organizations and to consult with the State Fiscal Officer in the  
256 prescription and implementation of accounting rules and  
257 regulations;

258           (b) To prescribe, for all public offices of regional  
259 and local subdivisions of the state, systems of accounting,  
260 budgeting and reporting financial facts relating to those offices  
261 in conformity with legal requirements and with generally accepted  
262 accounting principles as promulgated by nationally recognized  
263 professional organizations; to assist such subdivisions in need of

264 assistance in the installation of such systems; to revise such  
265 systems when deemed necessary, and to report to the Legislature at  
266 periodic times the extent to which each office is maintaining such  
267 systems, along with such recommendations to the Legislature for  
268 improvement as seem desirable;

269 (c) To study and analyze existing managerial policies,  
270 methods, procedures, duties and services of the various state  
271 departments and institutions upon written request of the Governor,  
272 the Legislature or any committee or other body empowered by the  
273 Legislature to make such request to determine whether and where  
274 operations can be eliminated, combined, simplified and improved;

275 (d) To postaudit each year and, when deemed necessary,  
276 preaudit and investigate the financial affairs of each and every  
277 department, institution, board, commission or other agency of each  
278 branch of state government, as part of the publication of a  
279 comprehensive annual financial report for the State of  
280 Mississippi. In complying with the requirements of this  
281 subsection, the department shall have the authority to conduct all  
282 necessary audit procedures on an interim and year-end basis;

283 (e) To postaudit and, when deemed necessary, preaudit  
284 and investigate separately the financial affairs of (i) the  
285 offices, boards and commissions of county governments and any  
286 departments and institutions thereof and therein; (ii) public  
287 school districts, departments of education and junior college  
288 districts; and (iii) any other local offices or agencies which  
289 share revenues derived from taxes or fees imposed by the State  
290 Legislature or receive grants from revenues collected by  
291 governmental divisions of the state; the cost of such audits,  
292 investigations or other services to be paid as follows: Such part  
293 shall be paid by the state from appropriations made by the  
294 Legislature for the operation of the State Department of Audit as  
295 may exceed the sum of Thirty-two Dollars and Fifty Cents (\$32.50)  
296 per hour for the services of each staff person engaged in

297 performing the audit or other service, which sum shall be paid by  
298 the county, district, department, institution or other agency  
299 audited out of its general fund or any other available funds from  
300 which such payment is not prohibited by law;

301 (f) To postaudit and, when deemed necessary, preaudit  
302 and investigate the financial affairs of the levee boards;  
303 agencies created by the Legislature or by executive order of the  
304 Governor; profit or nonprofit business entities administering  
305 programs financed by funds flowing through the State Treasury or  
306 through any of the agencies of the state, or its subdivisions; and  
307 all other public bodies supported by funds derived in part or  
308 wholly from public funds, except municipalities which annually  
309 submit an audit prepared by a qualified certified public  
310 accountant using methods and procedures prescribed by the  
311 department;

312 (g) To make written demand, when necessary, for the  
313 recovery of any amounts representing public funds improperly  
314 withheld, misappropriated and/or otherwise illegally expended by  
315 an officer, employee or administrative body of any state, county  
316 or other public office, and/or for the recovery of the value of  
317 any public property disposed of in an unlawful manner by a public  
318 officer, employee or administrative body, such demands to be made  
319 (i) upon the person or persons liable for such amounts and upon  
320 the surety on official bond thereof, and/or (ii) upon any  
321 individual, partnership, corporation or association to whom the  
322 illegal expenditure was made or with whom the unlawful disposition  
323 of public property was made, if such individual, partnership,  
324 corporation or association knew or had reason to know through the  
325 exercising of reasonable diligence that the expenditure was  
326 illegal or the disposition unlawful. Such demand shall be  
327 premised on competent evidence, which shall include at least one  
328 (1) of the following: (i) sworn statements, (ii) written  
329 documentation, (iii) physical evidence, or (iv) reports and



330 findings of government or other law enforcement agencies. Other  
331 provisions notwithstanding, a demand letter issued pursuant to  
332 this subsection shall remain confidential by the State Auditor  
333 until the individual against whom the demand letter is being filed  
334 has been served with a copy of such demand letter. If, however,  
335 such individual cannot be notified within fifteen (15) days using  
336 reasonable means and due diligence, such notification shall be  
337 made to the individual's bonding company, if he or she is bonded.  
338 Each such demand shall be paid into the proper treasury of the  
339 state, county or other public body through the office of the  
340 department in the amount demanded within thirty (30) days from the  
341 date thereof, together with interest thereon in the sum of one  
342 percent (1%) per month from the date such amount or amounts were  
343 improperly withheld, misappropriated and/or otherwise illegally  
344 expended. In the event, however, such person or persons or such  
345 surety shall refuse, neglect or otherwise fail to pay the amount  
346 demanded and the interest due thereon within the allotted thirty  
347 (30) days, the State Auditor shall have the authority and it shall  
348 be his duty to institute suit, and the Attorney General shall  
349 prosecute the same in any court of the state to the end that there  
350 shall be recovered the total of such amounts from the person or  
351 persons and surety on official bond named therein; and the amounts  
352 so recovered shall be paid into the proper treasury of the state,  
353 county or other public body through the State Auditor. In any  
354 case where written demand is issued to a surety on the official  
355 bond of such person or persons and the surety refuses, neglects or  
356 otherwise fails within one hundred twenty (120) days to either pay  
357 the amount demanded and the interest due thereon or to give the  
358 State Auditor a written response with specific reasons for  
359 nonpayment, then the surety shall be subject to a civil penalty in  
360 an amount of twelve percent (12%) of the bond, not to exceed Ten  
361 Thousand Dollars (\$10,000.00), to be deposited into the State  
362 General Fund;

363           (h) To investigate any alleged or suspected violation  
364 of the laws of the state by any officer or employee of the state,  
365 county or other public office in the purchase, sale or the use of  
366 any supplies, services, equipment or other property belonging  
367 thereto; and in such investigation to do any and all things  
368 necessary to procure evidence sufficient either to prove or  
369 disprove the existence of such alleged or suspected violations.  
370 The Department of Investigation of the State Department of Audit  
371 may investigate, for the purpose of prosecution, any suspected  
372 criminal violation of the provisions of this chapter. For the  
373 purpose of administration and enforcement of this chapter, the  
374 enforcement employees of the Department of Investigation of the  
375 State Department of Audit have the powers of a law enforcement  
376 officer of this state, and shall be empowered to make arrests and  
377 to serve and execute search warrants and other valid legal process  
378 anywhere within the State of Mississippi. All enforcement  
379 employees of the Department of Investigation of the State  
380 Department of Audit hired on or after July 1, 1993, shall be  
381 required to complete the Law Enforcement Officers Training Program  
382 and shall meet the standards of the program;

383           (i) To issue subpoenas, with the approval of, and  
384 returnable to, a judge of a chancery or circuit court, in termtime  
385 or in vacation, to examine the records, documents or other  
386 evidence of persons, firms, corporations or any other entities  
387 insofar as such records, documents or other evidence relate to  
388 dealings with any state, county or other public entity. The  
389 circuit or chancery judge must serve the county in which the  
390 records, documents or other evidence is located; or where all or  
391 part of the transaction or transactions occurred which are the  
392 subject of the subpoena;

393           (j) In any instances in which the State Auditor is or  
394 shall be authorized or required to examine or audit, whether  
395 preaudit or postaudit, any books, ledgers, accounts or other

396 records of the affairs of any public hospital owned or owned and  
397 operated by one or more political subdivisions or parts thereof or  
398 any combination thereof, or any school district, including  
399 activity funds thereof, it shall be sufficient compliance  
400 therewith, in the discretion of the State Auditor, that such  
401 examination or audit be made from the report of any audit or other  
402 examination certified by a certified public accountant and  
403 prepared by or under the supervision of such certified public  
404 accountant. Such audits shall be made in accordance with  
405 generally accepted standards of auditing, with the use of an audit  
406 program prepared by the State Auditor, and final reports of such  
407 audits shall conform to the format prescribed by the State  
408 Auditor. All files, working papers, notes, correspondence and all  
409 other data compiled during the course of the audit shall be  
410 available, without cost, to the State Auditor for examination and  
411 abstracting during the normal business hours of any business day.  
412 The expense of such certified reports shall be borne by the  
413 respective hospital, or any available school district funds other  
414 than minimum program funds, subject to examination or audit. The  
415 State Auditor shall not be bound by such certified reports and  
416 may, in his or their discretion, conduct such examination or audit  
417 from the books, ledgers, accounts or other records involved as may  
418 be appropriate and authorized by law;

419 (k) The State Auditor shall have the authority to  
420 contract with qualified public accounting firms to perform  
421 selected audits required in subsections (d), (e) and (f) of this  
422 section, if funds are made available for such contracts by the  
423 Legislature, or if funds are available from the governmental  
424 entity covered by subsections (d), (e) and (f). Such audits shall  
425 be made in accordance with generally accepted standards of  
426 auditing, with the use of an audit program prepared by the State  
427 Auditor, and final reports of such audits shall conform to the  
428 format prescribed by the State Auditor. All files, working

429 papers, notes, correspondence and all other data compiled during  
430 the course of the audit shall be available, without cost, to the  
431 State Auditor for examination and abstracting during the normal  
432 business hours of any business day;

433           (1) The State Auditor shall have the authority to  
434 establish training courses and programs for the personnel of the  
435 various state and local governmental entities under the  
436 jurisdiction of the Office of the State Auditor. The training  
437 courses and programs shall include, but not be limited to, topics  
438 on internal control of funds, property and equipment control and  
439 inventory, governmental accounting and financial reporting, and  
440 internal auditing. The State Auditor is authorized to charge a  
441 fee from the participants of these courses and programs, which fee  
442 shall be deposited into the Department of Audit Special Fund.  
443 State and local governmental entities are authorized to pay such  
444 fee and any travel expenses out of their general funds or any  
445 other available funds from which such payment is not prohibited by  
446 law;

447           (m) Upon written request by the Governor or any member  
448 of the State Legislature, the State Auditor may audit any state  
449 funds and/or state and federal funds received by any nonprofit  
450 corporation incorporated under the laws of this state;

451           (n) To conduct performance audits of personal or  
452 professional service contracts by state agencies on a random  
453 sampling basis, or upon request of the State Personal Service  
454 Contract Review Board under Section 25-9-120(3);

455           (o) To annually postaudit the Chickasawhay Natural Gas  
456 District. The Department of Audit shall charge the Chickasawhay  
457 Natural Gas District, audited by the authority of this paragraph,  
458 the sum of Thirty-two Dollars and Fifty Cents (\$32.50) per hour  
459 for each hour of staff time devoted to the auditing of the  
460 district. The Chickasawhay Natural Gas District shall pay for the

461 audit fees from any sums available to the district for its general  
462 operations.

463         **SECTION 5.** Section 7-7-213, Mississippi Code of 1972, is  
464 amended as follows:

465         7-7-213. The costs of audits and other services required by  
466 Sections 7-7-201 through 7-7-215, except for those audits and  
467 services authorized by Section 7-7-211(k) which shall be funded by  
468 appropriations made by the Legislature from such funds as it deems  
469 appropriate, shall be paid from a special fund that is created in  
470 the State Treasury, to be known as the State Department of Audit  
471 Fund, into which will be paid each year the amounts received for  
472 performing audits required by law. Except as provided in Section  
473 7-7-211(d) \* \* \*, the amounts to be charged for performing audits  
474 and other services shall be the actual cost, not to exceed  
475 Thirty-two Dollars and Fifty Cents (\$32.50) per hour for the  
476 services of each staff person engaged in performing the audit or  
477 other service. In the event of failure by any unit of government  
478 to pay the charges authorized herein, the Department of Audit  
479 shall notify the State Fiscal Officer, and upon a determination  
480 that the charges are substantially correct, the State Fiscal  
481 Officer shall notify the defaulting unit of his determination. If  
482 payment is not made within thirty (30) days after such  
483 notification, the State Fiscal Officer shall notify the State  
484 Treasurer and Department of Public Accounts that no further  
485 warrants are to be issued to the defaulting unit until the  
486 deficiency is paid.

487         The cost of any service by the department not required of it  
488 under the provisions of the cited sections but made necessary by  
489 the willful fault or negligence of an officer or employee of any  
490 public office of the state shall be recovered (i) from such  
491 officer or employee and/or surety on official bond thereof and/or  
492 (ii) from the individual, partnership, corporation or association  
493 involved, in the same manner and under the same terms, when

494 necessary, as provided the department for recovering public funds  
495 in Section 7-7-211.

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

503 **SECTION 6.** Section 27-15-83, Mississippi Code of 1972, is  
504 brought forward as follows:

505 27-15-83. (1) Upon each foreign insurance company licensed  
506 as a single line company defined under Section 83-19-1, the  
507 privilege tax is as follows:

- 508 (a) Fire and Allied Lines and/or  
509 Industrial Fire..... \$200.00  
510 (b) Casualty/Liability..... \$200.00  
511 (c) Fidelity and/or Surety..... \$200.00  
512 (d) Workers' Compensation..... \$200.00  
513 (e) Boiler and Machinery..... \$200.00  
514 (f) Plate Glass..... \$200.00  
515 (g) Aircraft..... \$200.00  
516 (h) Inland Marine and/or Ocean Marine..... \$200.00  
517 (i) Automobile Physical Damage/Automobile  
518 Liability..... \$200.00  
519 (j) Homeowners/Farmowners..... \$200.00  
520 (k) Guaranty/Mortgage Guaranty..... \$200.00  
521 (l) Trip Accident and Baggage..... \$200.00  
522 (m) Legal..... \$200.00  
523 (n) Life and/or Accident and Health;  
524 Credit Life, Accident and Health;  
525 Industrial Life, Accident and Health;  
526 and Variable Contracts..... \$200.00

527 (o) Title..... \$200.00

528 (p) Fraternal..... \$ 50.00

529 (2) For any combination of classifications of a foreign  
530 insurance company, the privilege tax for a multiple line company  
531 shall be Three Hundred Fifty Dollars (\$350.00).

532 (3) Any stock, mutual, reciprocal or reinsurance company  
533 shall pay the appropriate privilege tax for each line of insurance  
534 the company is licensed to underwrite.

535 (4) For each domestic insurance which has its home office  
536 located in Mississippi, the privilege tax shall be one-half (1/2)  
537 of the fees listed in this section.

538 (5) Each insurance company or association which amends its  
539 privilege license shall pay a fee of Twenty-five Dollars (\$25.00).

540 **SECTION 7.** Section 27-15-85, Mississippi Code of 1972, is  
541 brought forward as follows:

542 27-15-85. (1) Upon each incorporated insurance agency  
543 licensed to represent fire, casualty, liability, fidelity, surety,  
544 guaranty and inland marine insurance companies in municipalities  
545 of Classes 1, 2, 3 and 4..... \$100.00.

546 Upon each such incorporated insurance agency in  
547 municipalities of Classes 5, 6, 7 and elsewhere in the  
548 state..... \$ 50.00.

549 The license issued to such incorporated agency shall specify  
550 the type, types or kinds of insurance that such incorporated  
551 agency is licensed and qualified to transact. Every person acting  
552 as agent or solicitor for any such agency shall qualify under the  
553 provisions of Laws, 2001, Chapter 510; and no person shall be  
554 exempt from the privilege tax placed on insurance agents by this  
555 section by reason of the fact that he is a stockholder or officer  
556 in any such incorporated agency, or by reason of the fact that he  
557 represents such an agency, but every agent or solicitor, except  
558 two (2) executive officers of such agency, shall pay the privilege  
559 tax herein imposed.

560 (2) Upon each incorporated general agent, as defined in  
561 Section 83-17-1..... \$100.00.

562 (3) Upon each incorporated "supervising general agent" for  
563 life, health and accident insurers as defined in Section  
564 83-17-1..... \$100.00.

565 The privilege licenses issued under this section to  
566 "supervising general agents" shall not constitute authority to  
567 solicit business within the State of Mississippi, and shall be  
568 renewed annually at the time and in the manner prescribed by  
569 Section 83-17-25 on application forms which shall be furnished by  
570 the Commissioner of Insurance and shall show the name of the  
571 insurance company or companies such "supervising general agent"  
572 represents, and other additional information as may be required by  
573 the Commissioner of Insurance.

574 **SECTION 8.** Section 27-15-87, Mississippi Code of 1972, is  
575 brought forward as follows:

576 27-15-87. Upon each fire, casualty, liability, fidelity,  
577 surety, guaranty and/or inland marine agent or solicitor when the  
578 total commission of the agency is in excess of Three Thousand  
579 Dollars (\$3,000.00) annually..... \$50.00.

580 Upon each such agent or solicitor when the total commission  
581 of the agency does not exceed Three Thousand Dollars (\$3,000.00)  
582 annually..... \$25.00.

583 Every agent or insurance solicitor for an agent, connected  
584 with any insurance agent, firm or corporation who solicits the  
585 sale of any of the above-named insurance, whether stock, mutual or  
586 reciprocal insurance carriers, directly or indirectly, shall be  
587 liable for the above tax.

588 Whenever a solicitor is employed by any such agent or agency  
589 to solicit business for its account, to be placed in the companies  
590 represented by said agent or agency, such agent or agency shall  
591 make application as provided for in Section 83-17-75(6), and  
592 Section 83-17-217, Mississippi Code of 1972, and pay the above tax



593 on such solicitor and such license issued to him shall authorize  
594 such solicitor to solicit insurance for the agency.

595 At the time of the purchase of the license herein provided,  
596 every person, firm, corporation or solicitor shall file an  
597 affidavit with the Insurance Commissioner of the state stating the  
598 amount of commissions earned by said agency (whether such agency  
599 be conducted by a person, firm or corporation) during the past  
600 year, and this affidavit shall be filed at least once each year,  
601 and in the event that the commissioner has reason to believe that  
602 such affidavit is incorrect, then in such event, said Insurance  
603 Commissioner may refuse to accept said affidavit and demand  
604 further proof as to the clarification of said person, firm or  
605 corporation applying for said license. If the applicant for said  
606 license was not engaged in the insurance business during the year  
607 preceding the application for said license, then, in such event,  
608 the affidavit shall show said fact, and the Insurance Commissioner  
609 shall issue to said applicant a yearly license at and for the sum  
610 of Twenty-five Dollars (\$25.00) as above provided.

611 **SECTION 9.** Section 27-15-93, Mississippi Code of 1972, is  
612 brought forward as follows:

613 27-15-93. (1) Upon each incorporated insurance agency  
614 licensed to represent life, health or accident insurance  
615 companies..... \$ 25.00.

616 The license issued to such incorporated agency shall specify  
617 the type, types or kinds of insurance that such incorporated  
618 agency is licensed and qualified to transact. Every person acting  
619 as agent for any such agency shall qualify under the provisions of  
620 Laws, 2001, Chapter 510; and no person shall be exempt from the  
621 privilege tax placed on insurance agents by this section by reason  
622 of the fact that he is a stockholder or officer in any such  
623 incorporated agency, or by reason of the fact that he represents  
624 such an agency, but every agent shall pay the privilege tax herein  
625 imposed.

626 (2) Upon each incorporated supervising general agent, as  
627 defined in Section 83-17-1..... \$100.00.

628 (3) Upon each life insurance agent engaged exclusively in  
629 writing life insurance..... \$ 20.00.

630 And any life insurance company that knowingly issues a policy  
631 where the application has been submitted to it by an agent or  
632 other person who has not paid all the taxes herein imposed upon  
633 each agent or person shall be liable for and pay to the state the  
634 sum of Fifty Dollars (\$50.00) for each policy written.

635 Provided, that any insurance agent who has paid the tax  
636 required as a life insurance agent, shall be permitted to write  
637 health, accident and industrial insurance without the payment of  
638 additional tax.

639 **SECTION 10.** Section 27-15-95, Mississippi Code of 1972, is  
640 brought forward as follows:

641 27-15-95. Upon each person, other than an incorporated  
642 insurance agency taxed under Section 27-15-93, writing health and  
643 accident, or industrial life insurance..... \$20.00.

644 **SECTION 11.** Section 83-49-47, Mississippi Code of 1972, is  
645 brought forward as follows:

646 83-49-47. (1) No person shall act as a representative of a  
647 sponsor or agent of a sponsor as defined in Section 83-17-1,  
648 Mississippi Code of 1972, without first having obtained a license  
649 from the commissioner to act as an agent or representative of a  
650 sponsor of prepaid legal services in this state.

651 (2) The annual license fee shall be Ten Dollars (\$10.00).  
652 The fee for said license shall be paid to the commissioner on or  
653 before March 1 of each year.

654 (3) Before any licensee changes his address, he shall return  
655 his license to the commissioner, who shall endorse the license  
656 indicating the change.

657 (4) Each person to whom the license or the renewal thereof  
658 may be issued shall file sworn answers, subject to the penalties

659 of perjury, to such interrogatories as the commissioner may  
660 require. The commissioner shall have authority, at any time, to  
661 require the applicant to disclose fully the identity of all  
662 stockholders, partners, officers and employees, and he may, in his  
663 discretion, refuse to issue or renew a license in the name of any  
664 firm, partnership or corporation if he is not satisfied that any  
665 officer, employee, stockholder or partner thereof who may  
666 materially influence the applicant's conduct meets the standards  
667 of this chapter.

668 (5) Upon the filing of an application and the payment of the  
669 license fee, the commissioner shall make an investigation of each  
670 applicant and shall issue a license if he finds the applicant is  
671 qualified in accordance with this chapter. If the commissioner  
672 does not so find, he shall, within ninety (90) days after he has  
673 received such application, so notify the applicant and, at the  
674 request of the applicant, give the applicant a full hearing.

675 (6) The commissioner shall issue or renew a license applied  
676 for when he is satisfied that the person to be licensed:

677 (a) Is competent and trustworthy and intends to act in  
678 good faith as an agent or representative of a sponsor of prepaid  
679 legal services plans in this state;

680 (b) Has a good business reputation and has had  
681 experience, training or education so as to be qualified to act as  
682 an agent or representative of a sponsor of prepaid legal services  
683 plans.

684 **SECTION 12.** Section 83-11-237, Mississippi Code of 1972, is  
685 brought forward as follows:

686 83-11-237. (1) An automobile club operating in this state  
687 pursuant to a certificate of authority issued hereunder shall,  
688 within thirty (30) days of the date of appointment, file with the  
689 commissioner a notice of appointment of a club agent by an  
690 automobile club to sell memberships in the automobile club to the  
691 public. This notification shall be upon such form as the

692 commissioner may prescribe, shall contain the name, address, age,  
693 sex, and social security number of such club agent, and also  
694 contain proof satisfactory to the commissioner that such applicant  
695 is of good reputation and that he has received training from the  
696 club or is otherwise qualified in the field of automobile club  
697 service contracts and the laws of this state pertaining thereto.  
698 Upon termination of any club agent's appointment by an automobile  
699 club, such automobile club shall, within thirty (30) days  
700 thereafter, notify the commissioner of such termination.

701 (2) The registration fee for club agents shall be Five  
702 Dollars (\$5.00) annually, and such registration shall be renewable  
703 on April 1 of each year unless sooner revoked or suspended.

704 **SECTION 13.** Section 27-19-44.4, Mississippi Code of 1972, is  
705 amended as follows:

706 27-19-44.4. (1) Notwithstanding any other provision of law  
707 to the contrary, beginning with any registration year commencing  
708 on or after January 1, 2004, an additional fee of One Dollar  
709 (\$1.00) is imposed for any distinctive or special license tag or  
710 plate authorized under this chapter regardless of whether such a  
711 distinctive or special license tag or plate was authorized before  
712 or after July 1, 2003. The proceeds collected from the additional  
713 fee imposed under this subsection shall be deposited into the  
714 special fund created under Section 27-19-56.69(8).

715 (2) Notwithstanding any other provision of law to the  
716 contrary, beginning with any registration year beginning on or  
717 after July 1, 2005, an additional fee of Twenty Dollars (\$20.00)  
718 is imposed for any distinctive or special license tag or plate  
719 authorized under this chapter, including personalized tags issued  
720 under Section 27-19-48, regardless of whether the license tag or  
721 plate was authorized before or after July 1, 2005. The proceeds  
722 collected from the additional fee imposed under this subsection  
723 shall be deposited into the State General Fund.

724           (3) The fees imposed under this section shall be in addition  
725 to any other fees imposed under this chapter for a distinctive,  
726 special or personalized license tag or plate.

727           (4) The provisions of this section shall not apply to  
728 distinctive or special license tags or plates:

729                   (a) Which are issued under Section 27-19-46, 27-19-51,  
730 27-19-53, 27-19-54, 27-19-56.5, 27-19-56.12, 27-19-56.13,  
731 27-19-56.33, 27-19-56.36, 27-19-56.38, 27-19-56.42, 27-19-56.48,  
732 27-19-56.49, 27-19-56.50, 27-19-56.51, 27-19-56.62, 27-19-56.79,  
733 27-19-56.85 or 27-19-169; or

734                   (b) For which no additional fee is required to be paid.

735           **SECTION 14.** Section 27-19-89, Mississippi Code of 1972, is  
736 brought forward as follows:

737           **[Through June 30, 2006, this section shall read as follows:]**

738           27-19-89. (a) If any nonresident owner or operator or other  
739 nonresident person eligible for a temporary permit as provided in  
740 Section 27-19-79, who has not elected to register and pay the  
741 annual privilege taxes prescribed, shall enter or go upon the  
742 public highways of the state and shall fail or refuse to obtain  
743 the permit required by Section 27-19-79, such person shall be  
744 liable, for the first such offense, for the full amount of the  
745 permit fee required, plus a penalty thereon of five hundred  
746 percent (500%). For the second and all subsequent offenses, such  
747 person who fails or refuses to obtain such permits shall be liable  
748 for the pro rata part of the annual tax for the balance of the tag  
749 year for the maximum legal gross weight of the vehicle plus a  
750 penalty thereon of twenty-five percent (25%). Any weight in  
751 excess of the maximum legal gross weight of the vehicle, or in  
752 excess of the maximum highway weight limit, shall be penalized  
753 according to subsection (c) of this section. In either case the  
754 excess weight shall be removed by the operator before the vehicle  
755 can be allowed to proceed. In order to constitute a "second or  
756 subsequent offense" under the provisions hereof, it shall not be

757 necessary that the same or identical vehicle be involved, it being  
758 the declared purpose hereof to provide that such penalties shall  
759 run against the owner or operator rather than against the  
760 specified vehicle. It is further provided that, in order for such  
761 owner or operator to become liable for the penalties herein  
762 provided, it shall not be necessary to show that such owner or  
763 operator was guilty of willfulness, gross negligence or  
764 wantonness, but the offense shall be complete upon the failure or  
765 refusal to obtain the required permit.

766 (b) If any person who has registered his vehicle in  
767 Mississippi shall operate such vehicle upon the public highways,  
768 having a gross weight greater than the licensed gross weight of  
769 such vehicle, and shall fail or refuse to obtain a permit therefor  
770 as required by Section 27-19-79, or if any person shall operate  
771 any such registered vehicle upon the public highways in a higher  
772 classification than that for which it is registered, and shall  
773 fail or refuse to obtain a permit therefor as required by Section  
774 27-19-79, then such person shall be liable for the pro rata part  
775 of the annual tax for the balance of the tag year for the legal  
776 gross weight of such vehicle and in the classification in which  
777 same is being operated, plus a penalty thereon of twenty-five  
778 percent (25%), after having been given credit for the unexpired  
779 part of the privilege tax paid, as provided in Section 27-19-75.  
780 In order that such owner or operator shall become liable for the  
781 penalties herein provided, it shall not be necessary to show that  
782 such owner or operator was guilty of willfulness, gross negligence  
783 or wantonness, but the offense shall be complete upon the failure  
784 or refusal to obtain the required permit.

785 (c) If any person shall operate upon a highway of this state  
786 a vehicle which has a greater vehicle gross weight than the  
787 maximum gross weight limit established by law for that highway and  
788 shall have failed to obtain an overload permit as required by  
789 Section 27-19-81 or Section 63-5-52, or if any person shall

790 operate a vehicle with a greater load on any axle or axle grouping  
791 than allowed by law, then such person, owner or operator shall be  
792 assessed a penalty on such axle load weight or vehicle gross  
793 weight as exceeds the legal limit in accordance with the following  
794 schedule:

795	AMOUNT IN EXCESS OF	
796	LEGAL HIGHWAY WEIGHT	
797	LIMITS IN POUNDS	PENALTY
798	1 to 999	\$10.00 minimum penalty
799	1,000 to 1,999	1¢ per pound in excess of legal limit
800	2,000 to 2,999	2¢ per pound in excess of legal limit
801	3,000 to 3,999	3¢ per pound in excess of legal limit
802	4,000 to 4,999	4¢ per pound in excess of legal limit
803	5,000 to 5,999	5¢ per pound in excess of legal limit
804	6,000 to 6,999	6¢ per pound in excess of legal limit
805	7,000 to 7,999	7¢ per pound in excess of legal limit
806	8,000 to 8,999	8¢ per pound in excess of legal limit
807	9,000 to 9,999	9¢ per pound in excess of legal limit
808	10,000 to 10,999	10¢ per pound in excess of legal limit
809	11,000 or more	11¢ per pound in excess of legal limit

810 Any vehicle in violation of the tolerance allowed pursuant to  
811 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)  
812 for all weight in excess of the legal highway gross weight limit  
813 authorized for such vehicle or for all weight in excess of the  
814 legal tandem axle load weight limit of forty thousand (40,000)  
815 pounds and the legal single axle load limit of twenty thousand  
816 (20,000) pounds, whichever the case may be.

817 The penalty to be assessed for operations of a vehicle with a  
818 greater load on any axle or axle grouping than the legal axle load  
819 weight limits shall be one-half (1/2) the penalty for operation in  
820 excess of the legal gross weight limit.

821 In instances where both the legal highway gross weight limit  
822 and the legal axle load weight limit(s) are exceeded, the fine

823 that shall be levied shall be either the penalty amount for the  
824 excess vehicle gross weight or the total of the penalty amounts of  
825 all overloaded axles, whichever is the larger amount.

826 Notwithstanding any other provisions of this section to the  
827 contrary, the fine assessed against the holder of a harvest permit  
828 for exceeding a gross vehicle weight of eighty-four thousand  
829 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen  
830 Cents (15¢) per pound for exceeding a gross vehicle weight of one  
831 hundred thousand (100,000) pounds.

832 Notwithstanding any other provision of this subsection (c) to  
833 the contrary, upon an appeal to the Appeals Board of the  
834 Mississippi Transportation Commission by an owner or operator of a  
835 vehicle hauling without a harvest permit any of the products or  
836 materials described in subsection (3) of Section 63-5-33 and upon  
837 whom a penalty has been assessed under this subsection (c) for  
838 exceeding the legal weight limit(s) on a highway having a legal  
839 weight limit of eighty thousand (80,000) pounds or less, the  
840 appeals board shall reduce the penalty assessed against such  
841 owner/operator to an amount not to exceed ten percent (10%) of the  
842 amount which would otherwise be due without the reduction  
843 authorized under this paragraph. A reduction shall not be  
844 authorized under this paragraph if the gross weight of the vehicle  
845 for which an owner/operator has been charged with a violation of  
846 this section exceeds eighty-four thousand (84,000) pounds; and, in  
847 any event, no reduction shall be authorized under this paragraph  
848 unless a penalty assessed under this section is appealed to the  
849 appeals board and unless the board determines, based upon its  
850 records, that such owner/operator has not been granted a penalty  
851 reduction under this paragraph within a period of twelve (12)  
852 months immediately preceding the date of filing an appeal with the  
853 board for a penalty reduction under this paragraph.

854 (d) If any nonresident owner or operator who has not  
855 registered his vehicle and paid the annual privilege taxes



856 prescribed shall operate his vehicle upon the highways of this  
857 state when such vehicle has a greater gross weight than permitted  
858 by law for the highway traveled upon, and for which such excess  
859 gross weight a permit was not or could not be procured from the  
860 transportation department as required by Section 27-19-81, such  
861 person shall be liable upon his second and all subsequent offenses  
862 for the pro rata part of the annual tax for the balance of the tag  
863 year for the legal gross weight of the vehicle, and in addition  
864 thereto the penalty fee on the excess weight as specified in  
865 subsection (c) of this section. In order that such owner or  
866 operator shall become liable for the penalties herein provided, it  
867 shall not be necessary that the same or identical vehicle be  
868 involved, it being the declared purpose hereof to provide that  
869 such penalties shall run against the owner or operator rather than  
870 against the specific vehicle.

871 (e) All fines and penalties imposed and collected by the  
872 Mississippi Department of Transportation for violations of the  
873 maximum legal vehicle weight limits authorized on the highways of  
874 this state shall be deposited into a special fund that is created  
875 in the State Treasury. Monies in the fund shall be allocated and  
876 distributed quarterly, beginning September 30, 1994, to each  
877 county of the state based on the amount of such fines and  
878 penalties imposed and collected in the county during the  
879 immediately preceding three (3) months. Monies distributed to the  
880 counties under this subsection shall be deposited in each county's  
881 road and bridge fund and may be expended, upon approval of the  
882 board of supervisors, for any purpose for which county road and  
883 bridge fund monies lawfully may be expended.

884 **[From and after July 1, 2006, this section shall read as**  
885 **follows:]**

886 27-19-89. (a) If any nonresident owner or operator or other  
887 nonresident person eligible for a temporary permit as provided in  
888 Section 27-19-79, who has not elected to register and pay the

889 annual privilege taxes prescribed, shall enter or go upon the  
890 public highways of the state and shall fail or refuse to obtain  
891 the permit required by Section 27-19-79, such person shall be  
892 liable, for the first such offense, for the full amount of the  
893 permit fee required, plus a penalty thereon of five hundred  
894 percent (500%). For the second and all subsequent offenses, such  
895 person who fails or refuses to obtain such permits shall be liable  
896 for the pro rata part of the annual tax for the balance of the tag  
897 year for the maximum legal gross weight of the vehicle plus a  
898 penalty thereon of twenty-five percent (25%). Any weight in  
899 excess of the maximum legal gross weight of the vehicle, or in  
900 excess of the maximum highway weight limit, shall be penalized  
901 according to subsection (c) of this section. In either case the  
902 excess weight shall be removed by the operator before the vehicle  
903 can be allowed to proceed. In order to constitute a "second or  
904 subsequent offense" under the provisions hereof, it shall not be  
905 necessary that the same or identical vehicle be involved, it being  
906 the declared purpose hereof to provide that such penalties shall  
907 run against the owner or operator rather than against the  
908 specified vehicle. It is further provided that, in order for such  
909 owner or operator to become liable for the penalties herein  
910 provided, it shall not be necessary to show that such owner or  
911 operator was guilty of willfulness, gross negligence or  
912 wantonness, but the offense shall be complete upon the failure or  
913 refusal to obtain the required permit.

914 (b) If any person who has registered his vehicle in  
915 Mississippi shall operate such vehicle upon the public highways,  
916 having a gross weight greater than the licensed gross weight of  
917 such vehicle, and shall fail or refuse to obtain a permit therefor  
918 as required by Section 27-19-79, or if any person shall operate  
919 any such registered vehicle upon the public highways in a higher  
920 classification than that for which it is registered, and shall  
921 fail or refuse to obtain a permit therefor as required by Section

922 27-19-79, then such person shall be liable for the pro rata part  
923 of the annual tax for the balance of the tag year for the legal  
924 gross weight of such vehicle and in the classification in which  
925 same is being operated, plus a penalty thereon of twenty-five  
926 percent (25%), after having been given credit for the unexpired  
927 part of the privilege tax paid, as provided in Section 27-19-75.  
928 In order that such owner or operator shall become liable for the  
929 penalties herein provided, it shall not be necessary to show that  
930 such owner or operator was guilty of willfulness, gross negligence  
931 or wantonness, but the offense shall be complete upon the failure  
932 or refusal to obtain the required permit.

933 (c) If any person shall operate upon a highway of this state  
934 a vehicle which has a greater vehicle gross weight than the  
935 maximum gross weight limit established by law for that highway and  
936 shall have failed to obtain an overload permit as required by  
937 Section 27-19-81, or if any person shall operate a vehicle with a  
938 greater load on any axle or axle grouping than allowed by law,  
939 then such person, owner or operator shall be assessed a penalty on  
940 such axle load weight or vehicle gross weight as exceeds the legal  
941 limit in accordance with the following schedule:

942	AMOUNT IN EXCESS OF	
943	LEGAL HIGHWAY WEIGHT	
944	LIMITS IN POUNDS	PENALTY
945	1 to 999	\$10.00 minimum penalty
946	1,000 to 1,999	1¢ per pound in excess of legal limit
947	2,000 to 2,999	2¢ per pound in excess of legal limit
948	3,000 to 3,999	3¢ per pound in excess of legal limit
949	4,000 to 4,999	4¢ per pound in excess of legal limit
950	5,000 to 5,999	5¢ per pound in excess of legal limit
951	6,000 to 6,999	6¢ per pound in excess of legal limit
952	7,000 to 7,999	7¢ per pound in excess of legal limit
953	8,000 to 8,999	8¢ per pound in excess of legal limit
954	9,000 to 9,999	9¢ per pound in excess of legal limit

955 10,000 to 10,999 10¢ per pound in excess of legal limit

956 11,000 or more 11¢ per pound in excess of legal limit

957 Any vehicle in violation of the tolerance allowed pursuant to  
958 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)  
959 for all weight in excess of the legal highway gross weight limit  
960 authorized for such vehicle or for all weight in excess of the  
961 legal tandem axle load weight limit of forty thousand (40,000)  
962 pounds and the legal single axle load limit of twenty thousand  
963 (20,000) pounds, whichever the case may be.

964 The penalty to be assessed for operations of a vehicle with a  
965 greater load on any axle or axle grouping than the legal axle load  
966 weight limits shall be one-half (1/2) the penalty for operation in  
967 excess of the legal gross weight limit.

968 In instances where both the legal highway gross weight limit  
969 and the legal axle load weight limit(s) are exceeded, the fine  
970 that shall be levied shall be either the penalty amount for the  
971 excess vehicle gross weight or the total of the penalty amounts of  
972 all overloaded axles, whichever is the larger amount.

973 Notwithstanding any other provisions of this section to the  
974 contrary, the fine assessed against the holder of a harvest permit  
975 for exceeding a gross vehicle weight of eighty-four thousand  
976 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen  
977 Cents (15¢) per pound for exceeding a gross vehicle weight of one  
978 hundred thousand (100,000) pounds.

979 Notwithstanding any other provision of this subsection (c) to  
980 the contrary, upon an appeal to the Appeals Board of the  
981 Mississippi Transportation Commission by an owner or operator of a  
982 vehicle hauling without a harvest permit any of the products or  
983 materials described in subsection (3) of Section 63-5-33 and upon  
984 whom a penalty has been assessed under this subsection (c) for  
985 exceeding the legal weight limit(s) on a highway having a legal  
986 weight limit of eighty thousand (80,000) pounds or less, the  
987 appeals board shall reduce the penalty assessed against such

988 owner/operator to an amount not to exceed ten percent (10%) of the  
989 amount which would otherwise be due without the reduction  
990 authorized under this paragraph. A reduction shall not be  
991 authorized under this paragraph if the gross weight of the vehicle  
992 for which an owner/operator has been charged with a violation of  
993 this section exceeds eighty-four thousand (84,000) pounds; and, in  
994 any event, no reduction shall be authorized under this paragraph  
995 unless a penalty assessed under this section is appealed to the  
996 appeals board and unless the board determines, based upon its  
997 records, that such owner/operator has not been granted a penalty  
998 reduction under this paragraph within a period of twelve (12)  
999 months immediately preceding the date of filing an appeal with the  
1000 board for a penalty reduction under this paragraph.

1001 (d) If any nonresident owner or operator who has not  
1002 registered his vehicle and paid the annual privilege taxes  
1003 prescribed shall operate his vehicle upon the highways of this  
1004 state when such vehicle has a greater gross weight than permitted  
1005 by law for the highway traveled upon, and for which such excess  
1006 gross weight a permit was not or could not be procured from the  
1007 transportation department as required by Section 27-19-81, such  
1008 person shall be liable upon his second and all subsequent offenses  
1009 for the pro rata part of the annual tax for the balance of the tag  
1010 year for the legal gross weight of the vehicle, and in addition  
1011 thereto the penalty fee on the excess weight as specified in  
1012 subsection (c) of this section. In order that such owner or  
1013 operator shall become liable for the penalties herein provided, it  
1014 shall not be necessary that the same or identical vehicle be  
1015 involved, it being the declared purpose hereof to provide that  
1016 such penalties shall run against the owner or operator rather than  
1017 against the specific vehicle.

1018 (e) All fines and penalties imposed and collected by the  
1019 Mississippi Department of Transportation for violations of the  
1020 maximum legal vehicle weight limits authorized on the highways of

1021 this state shall be deposited into a special fund that is created  
1022 in the State Treasury. Monies in the fund shall be allocated and  
1023 distributed quarterly, beginning September 30, 1994, to each  
1024 county of the state based on the amount of such fines and  
1025 penalties imposed and collected in the county during the  
1026 immediately preceding three (3) months. Monies distributed to the  
1027 counties under this subsection shall be deposited in each county's  
1028 road and bridge fund and may be expended, upon approval of the  
1029 board of supervisors, for any purpose for which county road and  
1030 bridge fund monies lawfully may be expended.

1031 **SECTION 15.** Section 27-65-27, Mississippi Code of 1972, is  
1032 brought forward as follows:

1033 27-65-27. (1) Any person who engages, or who intends to  
1034 engage, in any business or activity which will subject such person  
1035 to a privilege tax imposed by this chapter, shall apply to the  
1036 commissioner for a permit to engage in and to conduct any business  
1037 or activity upon the condition that he shall pay the tax accruing  
1038 to the State of Mississippi under the provisions of this chapter,  
1039 and shall keep adequate records of such business or activity as  
1040 required by this chapter. By making an application for a permit  
1041 issued pursuant to this section, a person agrees, regardless of  
1042 his presence in this state, to:

1043 (a) Be subject to the jurisdiction of this state for  
1044 purposes of taxation;

1045 (b) Collect and remit all taxes levied under this  
1046 chapter on the type of business or activity to be conducted by the  
1047 applicant;

1048 (c) Be subject to all the provisions of this chapter.

1049 (2) Upon receipt of such permit, the applicant shall be duly  
1050 licensed under this chapter to engage in and conduct such business  
1051 or activity. Said permit shall continue in force so long as the  
1052 person to whom it is issued shall continue in the same business at  
1053 the same location, unless revoked by the commissioner for cause.

1054           (3) The commissioner shall require of every person desiring  
1055 to engage in business within this state who maintains no permanent  
1056 place of business within this state, of every person desiring to  
1057 engage in the business of making sales of mobile homes, a cash  
1058 bond or an approved surety bond in an amount sufficient to cover  
1059 twice the estimated tax liability for a period of three (3)  
1060 months. Provided, however, that the bond shall in no case be less  
1061 than One Hundred Dollars (\$100.00) and that the tax may be prepaid  
1062 in lieu of filing bond if the amount is approved by the  
1063 commissioner. This bond shall be filed with the commissioner  
1064 prior to the issuance of a permit to do business and before any  
1065 such person may engage in business within this state. Failure to  
1066 comply with the provision will subject such person to the  
1067 penalties provided by this chapter.

1068           (4) The commissioner is hereby authorized to revoke the  
1069 permit of any person failing to comply with any of the provisions  
1070 of this chapter, after giving to the person holding such permit  
1071 ten (10) days' notice of the intention of the commissioner to  
1072 revoke such license. Unless good cause be shown within said ten  
1073 (10) days why such permit should not be revoked, the commissioner  
1074 may revoke such permit, and revocation of such permit, or engaging  
1075 or continuing in business after such permit is revoked, shall  
1076 subject such person to all the penalties imposed by this chapter.

1077           (5) Any person liable for the tax who fails to obtain a  
1078 permit from the commissioner, or who continues in business after  
1079 such permit has been revoked, or who fails to make his returns for  
1080 taxation as provided, or who fails to keep adequate records and  
1081 invoices provided by this chapter, or who fails or refuses to  
1082 permit inspection of such records, or who fails to pay any taxes  
1083 due hereunder, shall forfeit his rights to do business in this  
1084 state until he complies with all the provisions of this chapter  
1085 and until he enters into a bond, with sureties, to be approved by  
1086 the commissioner, in an amount not to exceed twice the amount of

1087 all taxes estimated to become due under this chapter by said  
1088 person for any period of three (3) months, conditioned to comply  
1089 with the provisions of this chapter, and pay all taxes legally due  
1090 by him.

1091 (6) If any person is engaged in or continuing in this state  
1092 in any business or activity without obtaining a permit, or after  
1093 such permit has been revoked, or without filing a required bond,  
1094 or without keeping and allowing inspection of all records required  
1095 by this chapter, or without making a return, or returns, and  
1096 without paying all taxes due by him hereunder, it shall be the  
1097 duty of the commissioner to proceed by injunction to prevent the  
1098 continuance of said business. Any temporary injunction enjoining  
1099 the continuance of such business shall be granted without notice  
1100 by a judge or chancellor now authorized to grant injunctions.

1101 **SECTION 16.** Section 27-65-33, Mississippi Code of 1972, is  
1102 amended as follows:

1103 27-65-33. (1) Except as otherwise provided in this section,  
1104 the taxes levied by this chapter shall be due and payable on or  
1105 before the twentieth day of the month next succeeding the month in  
1106 which the tax accrues, except as otherwise provided. Returns and  
1107 payments placed in the mail must be postmarked by the due date in  
1108 order to be considered timely filed, except when the due date  
1109 falls on a weekend or holiday, returns and payments placed in the  
1110 mail must be postmarked by the first working day following the due  
1111 date in order to be considered timely filed. The taxpayer shall  
1112 make a return showing the gross proceeds of sales or the gross  
1113 income of the business, and any and all allowable deductions, or  
1114 exempt sales, and compute the tax due for the period covered.

1115 As compensation for collecting sales and use taxes, complying  
1116 fully with the applicable statutes, filing returns and supplements  
1117 thereto and paying all taxes by the twentieth of the month  
1118 following the period covered, the taxpayer may discount and retain



1119 two percent (2%) of the liability on each return subject to the  
1120 following limitations:

1121 (a) The compensation or discount shall not apply to  
1122 taxes levied under the provisions of Sections 27-65-19 and  
1123 27-65-21, or on charges for ginning cotton under Section 27-65-23.

1124 (b) The compensation or discount shall not apply to  
1125 taxes collected by a county official or state agency.

1126 (c) The compensation or discount shall not exceed Fifty  
1127 Dollars (\$50.00) per month, or Six Hundred Dollars (\$600.00) per  
1128 calendar year, per taxpayer for sales tax returns filed and shall  
1129 not exceed Fifty Dollars (\$50.00) per month, or Six Hundred  
1130 Dollars (\$600.00) per calendar year, per taxpayer for use tax  
1131 returns filed.

1132 (d) The compensation or discount shall not apply to any  
1133 wholesale tax, the rate of which is equal to or greater than the  
1134 tax rate applicable to retail sales of the same property or  
1135 service. The retailer of such items shall be entitled to the  
1136 compensation based on the tax computed on retail sales before  
1137 application of the credit for any tax paid to the wholesaler,  
1138 jobber, or other person.

1139 (e) The compensation or discount allowed and taken for  
1140 any filing period may be reassessed and collected when an audit of  
1141 a taxpayer's records reveals a tax deficiency for that period.

1142 (2) A taxpayer required to collect sales taxes under this  
1143 chapter and having an average monthly sales tax liability of at  
1144 least Twenty Thousand Dollars (\$20,000.00) for the preceding  
1145 calendar year shall pay to the State Tax Commission on or before  
1146 June 25, 2003, and on or before the twenty-fifth day of June of  
1147 each succeeding year thereafter, an amount equal to at least  
1148 seventy-five percent (75%) of such taxpayer's estimated sales tax  
1149 liability for the month of June of the current calendar year, or  
1150 an amount equal to at least seventy-five percent (75%) of the  
1151 taxpayer's sales tax liability for the month of June of the

1152 preceding calendar year. Payments required to be made under this  
1153 subsection must be received by the State Tax Commission no later  
1154 than June 25 in order to be considered timely made. A taxpayer  
1155 that fails to comply with the requirements of this subsection may  
1156 be assessed a penalty in an amount equal to ten percent (10%) of  
1157 the taxpayer's actual sales tax liability for the month of June  
1158 for which the estimated payment was required to be made. Payments  
1159 made by a taxpayer under this subsection shall not be considered  
1160 to be collected for the purposes of any sales tax diversions  
1161 required by law until the taxpayer files a return for the actual  
1162 sales taxes collected during the month of June. This subsection  
1163 shall not apply to any agency, department or instrumentality of  
1164 the United States, any agency, department, institution,  
1165 instrumentality or political subdivision of the State of  
1166 Mississippi, or any agency, department, institution or  
1167 instrumentality of any political subdivision of the State of  
1168 Mississippi. Payments made pursuant to this subsection for the  
1169 month of June 2003, shall be deposited by the State Tax Commission  
1170 into the Budget Contingency Fund created under Section 27-103-301,  
1171 and payments made pursuant to this subsection for the month of  
1172 June of 2004, and each succeeding year thereafter, shall be  
1173 deposited by the State Tax Commission into the State General Fund.

1174 (3) All returns shall be sworn to by the taxpayer, if made  
1175 by an individual, or by the president, vice president, secretary  
1176 or treasurer of a corporation, or authorized agent, if made on  
1177 behalf of a corporation. If made on behalf of a partnership,  
1178 joint venture, association, trust, estate, or in any other group  
1179 or combination acting as a unit, any individual delegated by such  
1180 firm shall swear to the return on behalf of the taxpayer. The  
1181 commissioner may prescribe methods by which the taxpayer may swear  
1182 to his return.

1183 (4) The commissioner may promulgate rules and regulations to  
1184 require or permit filing periods of any duration, in lieu of  
1185 monthly filing periods, for any taxpayer or group thereof.

1186 (5) The commissioner may require the execution and filing by  
1187 the taxpayer with the commissioner of a good and solvent bond with  
1188 some surety company authorized to do business in Mississippi as  
1189 surety thereon in an amount double the aggregate tax liability by  
1190 such taxpayer for any previous three (3) months' period within the  
1191 last calendar year or estimated three (3) months' tax liability.  
1192 The bond is to be conditioned for the prompt payment of such taxes  
1193 as may be due for each such return.

1194 (6) The commissioner, for good cause, may grant such  
1195 reasonable additional time within which to make any return  
1196 required under the provisions of this chapter as he may deem  
1197 proper, but the time for filing any return shall not be extended  
1198 beyond the twentieth of the month next succeeding the regular due  
1199 date of the return without the imposition of interest at the rate  
1200 of one percent (1%) per month or fractional part of a month from  
1201 the time the return was due until the tax is paid.

1202 (7) For persistent, willful, or recurring failure to make  
1203 any return and pay the tax shown thereby to be due by the time  
1204 specified, there shall be added to the amount of tax shown to be  
1205 due ten percent (10%) damages, or interest at the rate of one  
1206 percent (1%) per month, or both.

1207 (8) Any taxpayer may, upon making application therefor,  
1208 obtain from the commissioner an extension of time for the payment  
1209 of taxes due on credit sales until collections thereon have been  
1210 made. When such extension is granted, the taxpayer shall  
1211 thereafter include in each monthly or quarterly report all  
1212 collections made during the preceding month or quarter, and shall  
1213 pay the taxes due thereon at the time of filing such report. Such  
1214 permission may be revoked or denied at the discretion of the  
1215 commissioner when, in his opinion, a total sales basis will best

1216 reflect the taxable income or expedite examination of the  
1217 taxpayer's records.

1218 (9) Any taxpayer reporting credit sales before collection  
1219 thereof has been made may take credit on subsequent returns or  
1220 reports for bad debts actually charged off, if such amounts  
1221 charged off have previously been included in taxable gross income  
1222 or taxable gross proceeds of sales, as the case may be, and the  
1223 tax paid thereon. However, any amounts subsequently collected on  
1224 accounts that have been charged off as bad debts shall be included  
1225 in subsequent reports and the tax shall be paid thereon.

1226 (10) In cases where an extension of time has been granted by  
1227 the commissioner for payment of taxes due on credit sales and the  
1228 taxpayer thereafter discontinues the business, such taxpayer shall  
1229 be required to file with the commissioner within ten (10) days, or  
1230 such further time as the commissioner may direct, from the date of  
1231 the discontinuance of such business, a special report showing the  
1232 amounts of any credit sales which have not been included in  
1233 determining the measure of the tax previously paid and any other  
1234 information with reference to credit sales as the commissioner may  
1235 require. The commissioner shall thereupon investigate the facts  
1236 with reference to credit sales and the condition of the accounts,  
1237 and shall determine, from the best evidence available, the value  
1238 of all open accounts, notes, or other evidence of debt arising  
1239 from credit sales. The value of all notes, open accounts and  
1240 other evidence of debt, as thus determined by the commissioner,  
1241 shall be used in determining the amount of the tax for which such  
1242 taxpayer shall be liable. When the amount of the tax shall have  
1243 been ascertained, the taxpayer shall be required to pay the same  
1244 within ten (10) days or such further time as the commissioner may  
1245 allow, notwithstanding the fact that such note or accounts may  
1246 still remain uncollected.

1247 **SECTION 17.** Section 27-69-13, Mississippi Code of 1972, is  
1248 amended as follows:

1249           27-69-13. There is \* \* \* imposed, levied and assessed, to be  
1250 collected and paid as hereinafter provided in this chapter, an  
1251 excise tax on each person or dealer in cigarettes, cigars,  
1252 stogies, snuff, chewing tobacco, and smoking tobacco, or  
1253 substitutes therefor, upon the sale, use, consumption, handling or  
1254 distribution in the State of Mississippi, as follows:

1255           (a) On cigarettes, the rate of tax shall be  
1256 Eighteen-twentieths of One Cent (18/20 of 1¢) on each cigarette  
1257 sold with a maximum length of one hundred twenty (120)  
1258 millimeters; any cigarette in excess of this length shall be taxed  
1259 as if it were two (2) or more cigarettes. \* \* \* However, if the  
1260 federal tax rate on cigarettes in effect on July 1, 1985, is  
1261 reduced, then the rate as provided herein shall be increased by  
1262 the amount of the federal tax reduction. Such tax increase shall  
1263 take effect on the first day of the month following the effective  
1264 date of such reduction in the federal tax rate.

1265           (b) On cigars, cheroots, stogies, snuff, chewing and  
1266 smoking tobacco and all other tobacco products except cigarettes,  
1267 the rate of tax shall be fifteen percent (15%) of the  
1268 manufacturer's list price.

1269           No stamp evidencing the tax herein levied on cigarettes shall  
1270 be of a denomination of less than One Cent (1¢), and whenever the  
1271 tax computed at the rates herein prescribed on cigarettes shall be  
1272 a specified amount, plus a fractional part of One Cent (1¢), the  
1273 package shall be stamped for the next full cent \* \* \*.

1274           Every wholesaler shall purchase stamps as provided in this  
1275 chapter, and affix the same to all packages of cigarettes handled  
1276 by him as herein provided.

1277           The \* \* \* tax levied by this section is levied upon the sale,  
1278 use, gift, possession, or consumption of tobacco within the State  
1279 of Mississippi, and the impact of the tax levied by this chapter  
1280 is \* \* \* declared to be on the vendee, user, consumer, or  
1281 possessor of tobacco in this state; and when the tax is paid by

1282 any other person, such payment shall be considered as an advance  
1283 payment and shall thereafter be added to the price of the tobacco  
1284 and recovered from the ultimate consumer or user.

1285 **SECTION 18.** Section 27-69-31, Mississippi Code of 1972, is  
1286 amended as follows:

1287 27-69-31. Except as otherwise provided in this section,  
1288 dealers subject to the provisions of this chapter shall be  
1289 allowed, as compensation for their services in affixing the stamps  
1290 herein required, a sum equal to eight percent (8%) of the face  
1291 value of the stamps purchased by them, provided that the  
1292 commission shall allow no discount on the purchase of stamps by  
1293 wholesalers of an aggregate amount of less than One Hundred  
1294 Dollars (\$100.00), and by retailers of an aggregate amount of less  
1295 than Fifty Dollars (\$50.00) in any one order.

1296 It is further provided that the commissioner may, in his  
1297 discretion, either reduce the compensation allowed, or disallow  
1298 any compensation for the affixing of stamps, for failure of such  
1299 dealer to comply with any provisions of the law or rules and  
1300 regulations promulgated by the commissioner.

1301 From and after July 1, 2005, there shall be no compensation  
1302 or discount allowed under this section.

1303 **SECTION 19.** Section 27-69-75, Mississippi Code of 1972, is  
1304 amended as follows:

1305 27-69-75. All taxes levied by this chapter shall be payable  
1306 to the commissioner in cash, or by personal check, cashier's  
1307 check, bank exchange, post office money order or express money  
1308 order, and shall be deposited by the commissioner in the State  
1309 Treasury on the same day collected. No remittance other than cash  
1310 shall be a final discharge of liability for the tax herein  
1311 assessed and levied, unless and until it has been paid in cash to  
1312 the commissioner.

1313 All tobacco taxes collected, including tobacco license taxes,  
1314 shall be deposited into the State Treasury to the credit of the  
1315 General Fund.

1316 Wholesalers who are entitled to purchase stamps \* \* \* may  
1317 have consigned to them, without advance payment, such stamps, if  
1318 and when such wholesaler shall give to the commissioner a good and  
1319 sufficient bond executed by some surety company authorized to do  
1320 business in this state, conditioned to secure the payment for the  
1321 stamps so consigned. The commissioner shall require payment for  
1322 such stamps not later than thirty (30) days from the date the  
1323 stamps were consigned.

1324 **SECTION 20.** Section 27-71-11, Mississippi Code of 1972, is  
1325 amended as follows:

1326 27-71-11. The commission shall from time to time by  
1327 resolution request the State Bond Commission to provide sufficient  
1328 funds required to maintain an adequate alcoholic beverage  
1329 inventory. Those funds shall be provided under the provisions of  
1330 Chapter 557, Laws of 1966.

1331 The commission shall add to the cost of all alcoholic  
1332 beverages a markup of thirty percent (30%), inclusive of the three  
1333 percent (3%) markup imposed by Section 27-71-7(2).

1334 The commission shall sell alcoholic beverages at uniform  
1335 prices throughout the state.

1336 **SECTION 21.** Section 27-71-303, Mississippi Code of 1972, is  
1337 amended as follows:

1338 27-71-303. Upon each person approved for a permit to engage  
1339 in the business of selling light wines or beer there is \* \* \*  
1340 imposed, levied and assessed, to be collected and paid as \* \* \*  
1341 provided in this section, annual privilege taxes in the following  
1342 amounts:

- 1343 (a) Retailers--for each place of  
1344 business..... \$ 100.00
- 1345 (b) Wholesalers or distributors--for each

1346 county..... \$ 250.00  
1347 (c) Manufacturers--for each place of  
1348 business..... \$1,000.00  
1349 (d) Brewpubs--for each place of  
1350 business..... \$1,000.00

1351 Upon each person operating an airline, bus, boat or railroad  
1352 car upon which light wines or beer may be sold, there is \* \* \*  
1353 imposed, levied and assessed, to be collected and paid, annual  
1354 privilege taxes of One Hundred Dollars (\$100.00) for each  
1355 airplane, bus, boat or railroad car so operated in this state.

1356 \* \* \* However, the amount of the privilege tax to be paid  
1357 for a permit issued for a period of less than twelve (12) months  
1358 shall be that proportionate amount of the annual privilege tax  
1359 that the number of months, or part of a month, remaining until its  
1360 expiration date bears to twelve (12) months, but in no case shall  
1361 the privilege tax be less than Ten Dollars (\$10.00).

1362 **SECTION 22.** Section 39-5-5, Mississippi Code of 1972, is  
1363 amended as follows:

1364 39-5-5. The duties and powers of the Board of Trustees of  
1365 the Department of Archives and History shall include, in addition  
1366 to other duties and powers granted or prescribed by law, the  
1367 following:

1368 (a) To determine the location of places of historical  
1369 interest within the state;

1370 (b) To make a survey of buildings of all types  
1371 throughout the state which are in danger of destruction, without  
1372 proper care, and which in the opinion of the board of trustees  
1373 should be preserved for historical purposes;

1374 (c) To contact the proper authorities of the United  
1375 States national cemeteries and military parks to determine whether  
1376 or not the record of Mississippi troops is adequately  
1377 commemorated;



1378 (d) To acquire, preserve, restore or operate any real  
1379 or personal property deemed significant for historical,  
1380 architectural, archaeological or cultural reasons, to expend funds  
1381 for such purposes, to enter into contracts or agreements with any  
1382 agency of the United States or any person, firm, corporation or  
1383 association for such purposes and to do any and all things which  
1384 may be necessary or desirable to carry out such purposes;

1385 (e) To participate with any agency of the United  
1386 States, any other governmental agency or any person, firm,  
1387 corporation, association or group in mutual or cooperative  
1388 programs or projects within the duties and powers of the board of  
1389 trustees;

1390 (f) To accept grants or donations of money or property,  
1391 real or personal, from any agency of the United States, any other  
1392 governmental agency or any person, firm, corporation, association  
1393 or group. However, the board of trustees shall not be required,  
1394 except by specific act of the Legislature, to accept any property  
1395 without its consent; \* \* \*

1396 (g) To provide suitable markers with adequate  
1397 descriptions of the historical sites to which they refer, for  
1398 places of historical interest and to provide suitable markers on  
1399 the highways and roads of this state showing the direction and  
1400 distance to the historical sites; and

1401 (h) To charge reasonable fees to persons who use the  
1402 facilities of the department to conduct research, and to charge  
1403 reasonable fees for the department to perform research on behalf  
1404 of persons or entities. All fees charged under the authority of  
1405 this paragraph shall be deposited into the State General Fund.

1406 **SECTION 23.** Section 41-3-18, Mississippi Code of 1972, is  
1407 amended as follows:

1408 41-3-18. (1) The board shall assess fees in the following  
1409 amounts and for the following purposes:

1410 (a) Food establishment annual permit fee, based on the  
 1411 assessment factors of the establishment as follows:  
 1412 Assessment Category 1..... \$ 15.00  
 1413 Assessment Category 2..... 30.00  
 1414 Assessment Category 3..... 70.00  
 1415 Assessment Category 4 ..... 100.00  
 1416 Assessment Category 5 ..... 150.00  
 1417 (b) Private water supply approval fee..... \$ 10.00

1418 The board may develop such reasonable standards, rules and  
 1419 regulations to clearly define each assessment category.

1420 Assessment categories shall be based upon the factors to the  
 1421 public health implications of the category and type of food  
 1422 preparation being utilized by the food establishment, utilizing  
 1423 the model Food Code of 1995, or as may be amended by the federal  
 1424 Food and Drug Administration.

1425 The fee authorized under paragraph (a) of this section shall  
 1426 not be assessed for food establishments operated by public  
 1427 schools, public junior and community colleges, or state agencies  
 1428 or institutions, including without limitation, the state  
 1429 institutions of higher learning and the State Penitentiary.

1430 The fee authorized under paragraph (b) of this section shall  
 1431 not be assessed for private water supplies used by foster homes  
 1432 licensed by the Department of Human Services.

1433 (2) In addition to the fees charged under subsection (1) of  
 1434 this section, the board shall charge a fee of Twenty-five Dollars  
 1435 (\$25.00) for food establishment permits and private water supply  
 1436 approvals. The fees collected under this subsection shall be  
 1437 deposited into the State General Fund.

1438 **SECTION 24.** Section 41-4-7, Mississippi Code of 1972, is  
 1439 amended as follows:

1440 41-4-7. The State Board of Mental Health shall have the  
 1441 following powers and duties:

1442           (a) To appoint a full-time Executive Director of the  
1443 Department of Mental Health, who shall be employed by the board  
1444 and shall serve as executive secretary to the board. The first  
1445 director shall be a duly licensed physician with special interest  
1446 and competence in psychiatry, and shall possess a minimum of three  
1447 (3) years' experience in clinical and administrative psychiatry.  
1448 Subsequent directors shall possess at least a master's degree or  
1449 its equivalent, and shall possess at least ten (10) years'  
1450 administrative experience in the field of mental health. The  
1451 salary of the executive director shall be determined by the board;

1452           (b) To set up state plans for the purpose of  
1453 controlling and treating any and all forms of mental and emotional  
1454 illness, alcoholism, drug misuse and developmental disabilities;

1455           (c) To supervise, coordinate and establish standards  
1456 for all operations and activities of the state related to mental  
1457 health and providing mental health services, including, but not  
1458 limited to: the requirement that no person be approved for  
1459 treatment which is paid for by funds made available through the  
1460 department who has not had a treatment plan established as a  
1461 result of having been seen by a licensed physician or licensed  
1462 clinical psychologist and that physician or clinical psychologist  
1463 signing these plans stating that he/she has personally evaluated  
1464 the client and that the treatment plan is medically necessary. A  
1465 physician or clinical psychologist shall recertify each client's  
1466 record at least semiannually (except for persons with a diagnosis  
1467 of mental retardation/developmental disability which shall be  
1468 completed annually), and more often if medically indicated by  
1469 physically visiting the client and certifying same in the record.  
1470 The board shall have the authority to develop and implement all  
1471 standards and plans and shall have the authority to establish  
1472 appropriate actions, including financially punitive actions, to  
1473 insure enforcement of these established standards, in accordance  
1474 with the Administrative Procedures Law (Section 25-43-1 et seq.);

1475           (d) To enter into contracts with any other state or  
1476 federal agency, or with any private person, organization or group  
1477 capable of contracting, if it finds such action to be in the  
1478 public interest;

1479           (e) To collect reasonable fees for its services; \* \* \*  
1480 however, if it is determined that a person receiving services is  
1481 unable to pay the total fee, the department shall collect any  
1482 amount such person is able to pay;

1483           (f) To certify, coordinate and establish minimum  
1484 standards and establish minimum required services for regional  
1485 mental health and mental retardation commissions and other  
1486 community service providers for community or regional programs and  
1487 services in mental health, mental retardation, alcoholism, drug  
1488 misuse, developmental disabilities, compulsive gambling, addictive  
1489 disorders and related programs throughout the state. Such  
1490 regional mental health and mental retardation commissions and  
1491 other community service providers shall submit an annual  
1492 operational plan to the State Department of Mental Health for  
1493 approval or disapproval based on the minimum standards and minimum  
1494 required services established by the department for certification.  
1495 If the department finds deficiencies in the plan of any regional  
1496 commission or community service provider based on the minimum  
1497 standards and minimum required services established for  
1498 certification, the department shall give the regional commission  
1499 or community service provider a six-month probationary period to  
1500 bring its standards and services up to the established minimum  
1501 standards and minimum required services. After the six-month  
1502 probationary period, if the department determines that the  
1503 regional commission or community service provider still does not  
1504 meet the minimum standards and minimum required services  
1505 established for certification, the department may remove the  
1506 certification of the commission or provider. However, the  
1507 department shall not mandate a standard or service, or decertify a

1508 regional commission or community service provider for not meeting  
1509 a standard or service, if the standard or service does not have  
1510 funding appropriated by the Legislature or have a funding source  
1511 from the State Department of Mental Health or a local funding  
1512 source. The State Board of Mental Health shall promulgate rules  
1513 and regulations necessary to implement the provisions of this  
1514 paragraph (f), in accordance with the Administrative Procedures  
1515 Law (Section 25-43-1 et seq.);

1516 (g) To establish and promulgate reasonable minimum  
1517 standards for the construction and operation of state and all  
1518 Department of Mental Health certified facilities, including  
1519 reasonable minimum standards for the admission, diagnosis, care,  
1520 treatment, transfer of patients and their records, and also  
1521 including reasonable minimum standards for providing day care,  
1522 outpatient care, emergency care, inpatient care and follow-up  
1523 care, when such care is provided for persons with mental or  
1524 emotional illness, mental retardation, alcoholism, drug misuse and  
1525 developmental disabilities;

1526 (h) To assist community or regional programs consistent  
1527 with the purposes of this chapter by making grants and contracts  
1528 from available funds;

1529 (i) To establish and collect reasonable fees for  
1530 necessary inspection services incidental to certification or  
1531 compliance;

1532 (j) To accept gifts, trusts, bequests, grants,  
1533 endowments or transfers of property of any kind;

1534 (k) To receive monies coming to it by way of fees for  
1535 services or by appropriations;

1536 (l) To serve as the single state agency in receiving  
1537 and administering any and all funds available from any source for  
1538 the purpose of service delivery, training, research and education  
1539 in regard to all forms of mental illness, mental retardation,  
1540 alcoholism, drug misuse and developmental disabilities, unless

1541 such funds are specifically designated to a particular agency or  
1542 institution by the federal government, the Mississippi Legislature  
1543 or any other grantor;

1544 (m) To establish mental health holding centers for the  
1545 purpose of providing short-term emergency mental health treatment,  
1546 places for holding persons awaiting commitment proceedings or  
1547 awaiting placement in a state mental health facility following  
1548 commitment, and for diverting placement in a state mental health  
1549 facility. These mental health holding facilities shall be readily  
1550 accessible, available statewide, and be in compliance with  
1551 emergency services' minimum standards. They shall be  
1552 comprehensive and available to triage and make appropriate  
1553 clinical disposition, including the capability to access inpatient  
1554 services or less restrictive alternatives, as needed, as  
1555 determined by medical staff. Such facility shall have medical,  
1556 nursing and behavioral services available on a  
1557 twenty-four-hour-a-day basis. The board may provide for all or  
1558 part of the costs of establishing and operating the holding  
1559 centers in each district from such funds as may be appropriated to  
1560 the board for such use, and may participate in any plan or  
1561 agreement with any public or private entity under which the entity  
1562 will provide all or part of the costs of establishing and  
1563 operating a holding center in any district. The board may charge  
1564 the county of residence of a patient in any of the facilities for  
1565 the services provided to the patient, not exceeding Twenty-five  
1566 Dollars (\$25.00) per day;

1567 (n) To certify/license case managers, mental health  
1568 therapists, mental retardation therapists, mental  
1569 health/retardation program administrators, addiction counselors  
1570 and others as deemed appropriate by the board. Persons already  
1571 professionally licensed by another state board or agency are not  
1572 required to be certified/licensed under this section by the  
1573 Department of Mental Health. The department shall not use

1574 professional titles in its certification/licensure process for  
1575 which there is an independent licensing procedure. Such  
1576 certification/licensure shall be valid only in the state mental  
1577 health system, in programs funded and/or certified by the  
1578 Department of Mental Health, and/or in programs certified/licensed  
1579 by the State Department of Health that are operated by the state  
1580 mental health system serving the mentally ill, mentally retarded,  
1581 developmentally disabled or persons with addictions, and shall not  
1582 be transferable;

1583           (o) To develop formal mental health worker  
1584 qualifications for regional mental health and mental retardation  
1585 commissions and other community service providers. The State  
1586 Personnel Board shall develop and promulgate a recommended salary  
1587 scale and career ladder for all regional mental health/retardation  
1588 center therapists and case managers who work directly with  
1589 clients. The State Personnel Board shall also develop and  
1590 promulgate a career ladder for all direct care workers employed by  
1591 the State Department of Mental Health;

1592           (p) The employees of the department shall be governed  
1593 by personnel merit system rules and regulations, the same as other  
1594 employees in state services;

1595           (q) To establish such rules and regulations as may be  
1596 necessary in carrying out the provisions of this chapter,  
1597 including the establishment of a formal grievance procedure to  
1598 investigate and attempt to resolve consumer complaints;

1599           (r) To grant easements for roads, utilities and any  
1600 other purpose it finds to be in the public interest;

1601           (s) To survey statutory designations, building markers  
1602 and the names given to mental health/retardation facilities and  
1603 proceedings in order to recommend deletion of obsolete and  
1604 offensive terminology relative to the mental health/retardation  
1605 system;

1606           (t) To ensure an effective case management system  
1607 directed at persons who have been discharged from state and  
1608 private psychiatric hospitals to ensure their continued well-being  
1609 in the community;

1610           (u) To develop formal service delivery standards  
1611 designed to measure the quality of services delivered to community  
1612 clients, as well as the timeliness of services to community  
1613 clients provided by regional mental health/retardation commissions  
1614 and other community services providers;

1615           (v) To establish regional state offices to provide  
1616 mental health crisis intervention centers and services available  
1617 throughout the state to be utilized on a case-by-case emergency  
1618 basis. The regional services director, other staff and delivery  
1619 systems shall meet the minimum standards of the Department of  
1620 Mental Health;

1621           (w) To require performance contracts with community  
1622 mental health/mental retardation service providers to contain  
1623 performance indicators to measure successful outcomes, including  
1624 diversion of persons from inpatient psychiatric hospitals,  
1625 rapid/timely response to emergency cases, client satisfaction with  
1626 services and other relevant performance measures;

1627           (x) To enter into interagency agreements with other  
1628 state agencies, school districts and other local entities as  
1629 determined necessary by the department to ensure that local mental  
1630 health service entities are fulfilling their responsibilities to  
1631 the overall state plan for behavioral services;

1632           (y) To establish and maintain a toll-free grievance  
1633 reporting telephone system for the receipt and referral for  
1634 investigation of all complaints by clients of state and community  
1635 mental health/retardation facilities;

1636           (z) To establish a peer review/quality assurance  
1637 evaluation system that assures that appropriate assessment,



1638 diagnosis and treatment is provided according to established  
1639 professional criteria and guidelines;

1640           (aa) To develop and implement state plans for the  
1641 purpose of assisting with the care and treatment of persons with  
1642 Alzheimer's disease and other dementia. This plan shall include  
1643 education and training of service providers, care-givers in the  
1644 home setting and others who deal with persons with Alzheimer's  
1645 disease and other dementia, and development of adult day care,  
1646 family respite care and counseling programs to assist families who  
1647 maintain persons with Alzheimer's disease and other dementia in  
1648 the home setting. No agency shall be required to provide any  
1649 services under this section until such time as sufficient funds  
1650 have been appropriated or otherwise made available by the  
1651 Legislature specifically for the purposes of the treatment of  
1652 persons with Alzheimer's and other dementia;

1653           (bb) Working with the advice and consent of the  
1654 administration of Ellisville State School, to enter into  
1655 negotiations with the Economic Development Authority of Jones  
1656 County for the purpose of negotiating the possible exchange, lease  
1657 or sale of lands owned by Ellisville State School to the Economic  
1658 Development Authority of Jones County. It is the intent of the  
1659 Mississippi Legislature that such negotiations shall ensure that  
1660 the financial interest of the persons with mental retardation  
1661 served by Ellisville State School will be held paramount in the  
1662 course of these negotiations. The Legislature also recognizes the  
1663 importance of economic development to the citizens of the State of  
1664 Mississippi and Jones County, and encourages fairness to the  
1665 Economic Development Authority of Jones County. Any negotiations  
1666 proposed which would result in the recommendation for exchange,  
1667 lease or sale of lands owned by Ellisville State School must have  
1668 the approval of the State Board of Mental Health. The State Board  
1669 of Mental Health may and has the final authority as to whether or  
1670 not these negotiations result in the exchange, lease or sale of

1671 the properties it currently holds in trust for citizens with  
1672 mental retardation served at Ellisville State School.

1673         If the State Board of Mental Health authorizes the sale of  
1674 lands owned by Ellisville State School, as provided for under this  
1675 paragraph (bb), the monies derived from the sale shall be placed  
1676 into a special fund that is created in the State Treasury to be  
1677 known as the "Ellisville State School Client's Trust Fund." The  
1678 principal of the trust fund shall remain inviolate and shall never  
1679 be expended. Any interest earned on the principal may be expended  
1680 solely for the benefits of clients served at Ellisville State  
1681 School. The State Treasurer shall invest the monies of the trust  
1682 fund in any of the investments authorized for the Mississippi  
1683 Prepaid Affordable College Tuition Program under Section 37-155-9,  
1684 and those investments shall be subject to the limitations  
1685 prescribed by Section 37-155-9. Unexpended amounts remaining in  
1686 the trust fund at the end of a fiscal year shall not lapse into  
1687 the State General Fund, and any interest earned on amounts in the  
1688 trust fund shall be deposited to the credit of the trust fund.  
1689 The administration of Ellisville State School may use any interest  
1690 earned on the principal of the trust fund, upon appropriation by  
1691 the Legislature, as needed for services or facilities by the  
1692 clients of Ellisville State School. Ellisville State School shall  
1693 make known to the Legislature, through the Legislative Budget  
1694 Committee and the respective Appropriations Committees of the  
1695 House and Senate, its proposed use of interest earned on the  
1696 principal of the trust fund for any fiscal year in which it  
1697 proposes to make expenditures thereof. The State Treasurer shall  
1698 provide Ellisville State School with an annual report on the  
1699 Ellisville State School Client's Trust Fund to indicate the total  
1700 monies in the trust fund, interest earned during the year,  
1701 expenses paid from the trust fund and such other related  
1702 information.

1703           Nothing in this section shall be construed as applying to or  
1704 affecting mental health/retardation services provided by hospitals  
1705 as defined in Section 41-9-3(a), and/or their subsidiaries and  
1706 divisions, which hospitals, subsidiaries and divisions are  
1707 licensed and regulated by the Mississippi State Department of  
1708 Health unless such hospitals, subsidiaries or divisions  
1709 voluntarily request certification by the Mississippi State  
1710 Department of Mental Health.

1711           All new programs authorized under this section shall be  
1712 subject to the availability of funds appropriated therefor by the  
1713 Legislature;

1714           (cc) Working with the advice and consent of the  
1715 administration of Boswell Regional Center, to enter into  
1716 negotiations with the Economic Development Authority of Simpson  
1717 County for the purpose of negotiating the possible exchange, lease  
1718 or sale of lands owned by Boswell Regional Center to the Economic  
1719 Development Authority of Simpson County. It is the intent of the  
1720 Mississippi Legislature that such negotiations shall ensure that  
1721 the financial interest of the persons with mental retardation  
1722 served by Boswell Regional Center will be held paramount in the  
1723 course of these negotiations. The Legislature also recognizes the  
1724 importance of economic development to the citizens of the State of  
1725 Mississippi and Simpson County, and encourages fairness to the  
1726 Economic Development Authority of Simpson County. Any  
1727 negotiations proposed which would result in the recommendation for  
1728 exchange, lease or sale of lands owned by Boswell Regional Center  
1729 must have the approval of the State Board of Mental Health. The  
1730 State Board of Mental Health may and has the final authority as to  
1731 whether or not these negotiations result in the exchange, lease or  
1732 sale of the properties it currently holds in trust for citizens  
1733 with mental retardation served at Boswell Regional Center. In any  
1734 such exchange, lease or sale of such lands owned by Boswell  
1735 Regional Center, title to all minerals, oil and gas on such lands

1736 shall be reserved, together with the right of ingress and egress  
1737 to remove same, whether such provisions be included in the terms  
1738 of any such exchange, lease or sale or not.

1739         If the State Board of Mental Health authorizes the sale of  
1740 lands owned by Boswell Regional Center, as provided for under this  
1741 paragraph (cc), the monies derived from the sale shall be placed  
1742 into a special fund that is created in the State Treasury to be  
1743 known as the "Boswell Regional Center Client's Trust Fund." The  
1744 principal of the trust fund shall remain inviolate and shall never  
1745 be expended. Any earnings on the principal may be expended solely  
1746 for the benefits of clients served at Boswell Regional Center.  
1747 The State Treasurer shall invest the monies of the trust fund in  
1748 any of the investments authorized for the Mississippi Prepaid  
1749 Affordable College Tuition Program under Section 37-155-9, and  
1750 those investments shall be subject to the limitations prescribed  
1751 by Section 37-155-9. Unexpended amounts remaining in the trust  
1752 fund at the end of a fiscal year shall not lapse into the State  
1753 General Fund, and any earnings on amounts in the trust fund shall  
1754 be deposited to the credit of the trust fund. The administration  
1755 of Boswell Regional Center may use any earnings on the principal  
1756 of the trust fund, upon appropriation by the Legislature, as  
1757 needed for services or facilities by the clients of Boswell  
1758 Regional Center. Boswell Regional Center shall make known to the  
1759 Legislature, through the Legislative Budget Committee and the  
1760 respective Appropriations Committees of the House and Senate, its  
1761 proposed use of the earnings on the principal of the trust fund  
1762 for any fiscal year in which it proposes to make expenditures  
1763 thereof. The State Treasurer shall provide Boswell Regional  
1764 Center with an annual report on the Boswell Regional Center  
1765 Client's Trust Fund to indicate the total monies in the trust  
1766 fund, interest and other income earned during the year, expenses  
1767 paid from the trust fund and such other related information.

1768           Nothing in this section shall be construed as applying to or  
1769 affecting mental health/retardation services provided by hospitals  
1770 as defined in Section 41-9-3(a), and/or their subsidiaries and  
1771 divisions, which hospitals, subsidiaries and divisions are  
1772 licensed and regulated by the Mississippi State Department of  
1773 Health unless such hospitals, subsidiaries or divisions  
1774 voluntarily request certification by the Mississippi State  
1775 Department of Mental Health.

1776           All new programs authorized under this section shall be  
1777 subject to the availability of funds appropriated therefor by the  
1778 Legislature;

1779           (dd) Notwithstanding any other section of the code, the  
1780 Board of Mental Health shall be authorized to fingerprint and  
1781 perform a criminal history record check on every employee or  
1782 volunteer. Every employee and volunteer shall provide a valid  
1783 current social security number and/or driver's license number  
1784 which shall be furnished to conduct the criminal history record  
1785 check. If no disqualifying record is identified at the state  
1786 level, fingerprints shall be forwarded to the Federal Bureau of  
1787 Investigation for a national criminal history record check;

1788           (ee) The Department of Mental Health shall have the  
1789 authority for the development of a consumer friendly single point  
1790 of intake and referral system within its service areas for persons  
1791 with mental illness, mental retardation, developmental  
1792 disabilities or alcohol or substance abuse who need assistance  
1793 identifying or accessing appropriate services. The department  
1794 will develop and implement a comprehensive evaluation procedure  
1795 ensuring that, where appropriate, the affected person or their  
1796 parent or legal guardian will be involved in the assessment and  
1797 planning process. The department, as the point of intake and as  
1798 service provider, shall have the authority to determine the  
1799 appropriate institutional, hospital or community care setting for  
1800 persons who have been diagnosed with mental illness, mental

1801 retardation, developmental disabilities and/or alcohol or  
1802 substance abuse, and may provide for the least restrictive  
1803 placement if the treating professional believes such a setting is  
1804 appropriate, if the person affected or their parent or legal  
1805 guardian wants such services, and if the department can do so with  
1806 a reasonable modification of the program without creating a  
1807 fundamental alteration of the program. The least restrictive  
1808 setting could be an institution, hospital or community setting,  
1809 based upon the needs of the affected person or their parent or  
1810 legal guardian;

1811           (ff) To have the sole power and discretion to enter  
1812 into, sign, execute and deliver long-term or multiyear leases of  
1813 real and personal property owned by the Department of Mental  
1814 Health to and from other state and federal agencies and private  
1815 entities deemed to be in the public's best interest. Any monies  
1816 derived from such leases shall be deposited into the funds of the  
1817 Department of Mental Health for its exclusive use. Leases to  
1818 private entities shall be approved by the Department of Finance  
1819 and Administration and all leases shall be filed with the  
1820 Secretary of State.

1821           **SECTION 25.** Section 41-7-71, Mississippi Code of 1972, is  
1822 brought forward as follows:

1823           41-7-71. It is hereby declared to be the policy of the State  
1824 of Mississippi that a patient or resident in a state institution  
1825 whose estate is sufficient, or, if not, who has (a) a spouse; or  
1826 (b) one or more parent(s) if said patient or resident is under the  
1827 age of twenty-one (21) years and unmarried, who is(are)  
1828 financially able to pay all or any part of the cost of such  
1829 hospitalization or treatment, shall be required to pay for all or  
1830 part of his or her maintenance in such institution. No resident  
1831 of this state shall be refused admission to or treatment in any of  
1832 the institutions enumerated in Section 41-7-73 because of his  
1833 inability to pay all or any of said costs. It shall be the duty

1834 of the director or the governing board, as appropriate, of the  
1835 admitting institution to ascertain the financial ability of the  
1836 patient or resident and to establish an amount to be paid monthly  
1837 based on current ability to pay, with a continuing claim for the  
1838 difference in the amount paid and the maximum charges assessed  
1839 that could be made as determined pursuant to Section 41-7-79.

1840         **SECTION 26.** Section 41-7-73, Mississippi Code of 1972, is  
1841 brought forward as follows:

1842         41-7-73. The term "state institution" or "state  
1843 institutions" as used in Sections 41-7-71 through 41-7-95 shall  
1844 include the following: Mississippi State Hospital at Whitfield,  
1845 Ellisville State School, East Mississippi State Hospital at  
1846 Meridian, Mississippi Children's Rehabilitation Center, North  
1847 Mississippi Regional Center, Hudspeth Regional Center, South  
1848 Mississippi Regional Center, North Mississippi State Hospital at  
1849 Tupelo, South Mississippi State Hospital at Purvis, University of  
1850 Mississippi Hospital, Boswell Regional Center, the Juvenile  
1851 Rehabilitation Center at Brookhaven, the Specialized Treatment  
1852 Facility for the Emotionally Disturbed in Harrison County, and the  
1853 Central Mississippi Residential Center at Newton.

1854         **SECTION 27.** Section 41-7-79, Mississippi Code of 1972, is  
1855 brought forward as follows:

1856         41-7-79. Each state institution shall have the power to  
1857 assess and collect charges from patients, patients' estates and  
1858 from all persons legally liable for the cost of care of such  
1859 patients in such state institution. The maximum charges which may  
1860 be made shall be based on the estimated cost of operating the  
1861 institution, and such costs shall include a reasonable amount for  
1862 depreciation. The director or the governing board of each  
1863 institution, as appropriate, shall investigate or cause to be  
1864 investigated the financial ability of each patient, his or her  
1865 estate, and all other persons legally liable for the cost or care

1866 of the patient, and the charges assessed shall be in accordance  
1867 with the ability of the person assessed to pay.

1868         The Director of the Mississippi Children's Rehabilitation  
1869 Center or the governing board of the center, as appropriate, upon  
1870 conclusion of the investigation of the financial ability of each  
1871 patient and all other persons legally liable for the cost of care  
1872 of the patient, shall assess a fee against each patient based on  
1873 the financial ability of such patient or others legally liable for  
1874 such patient to pay. The fee shall be adjustable and commensurate  
1875 with the patient's financial ability to pay. In order to receive  
1876 the benefits of the sliding scale fee each patient is required to  
1877 provide for the Children's Rehabilitation Center sufficient  
1878 financial information in order to allow the center to make a  
1879 determination as to whether or not a reduced fee is appropriate.  
1880 The center shall not utilize such fee scale for any patient unless  
1881 the patient has a need for additional treatment, and has no  
1882 insurance covering his treatment or such insurance is exhausted.  
1883 The Children's Rehabilitation Center shall make every effort to  
1884 collect the total charges from a patient, the patient's estate and  
1885 from all persons legally liable for the cost of care of the  
1886 patient before it may utilize a sliding fee scale for the patient.

1887         After three (3) good faith attempts have been made to collect  
1888 a remaining balance of such charges, and upon the recommendation  
1889 of the Children's Rehabilitation Center fiscal officer, said  
1890 balance may be declared uncollectible and worthless, and no longer  
1891 listed as an asset.

1892         In the determination of ability to pay, the director or  
1893 governing board shall not work an undue hardship on any patient or  
1894 person legally responsible for such a patient. The value of a  
1895 homestead shall not be considered in determining the ability to  
1896 pay. The number of dependents of a patient or the party legally  
1897 responsible for such patient shall be considered in determining



1898 ability to pay. The value of real and/or personal property may  
1899 also be considered.

1900 The director or the governing board, as appropriate, shall  
1901 have authority to enter into agreements with the patients or  
1902 others legally liable whereby periodic payments can be made on  
1903 said accounts. The director or governing board may accept notes,  
1904 secured or open, or any other evidences of indebtedness.

1905 The director or the governing board, as appropriate, of each  
1906 state institution shall have the right to institute suits where  
1907 necessary or advisable, and it shall be the duty of the Attorney  
1908 General to institute such suits either in the name of the  
1909 institution or in the name of the State of Mississippi. Except in  
1910 matters involving the administration of estates, the probate of  
1911 wills or the appointment of guardians or conservators, venue for  
1912 such suits shall lie in the county in which the institution is  
1913 located, and the venue shall not be subject to change.

1914 **SECTION 28.** Section 45-1-29, Mississippi Code of 1972, is  
1915 amended as follows:

1916 45-1-29. (1) The Mississippi Crime Laboratory shall be  
1917 funded separately from the Department of Public Safety. Any  
1918 appropriated funds shall be maintained in an account separate from  
1919 any funds of the Department of Public Safety and shall never be  
1920 commingled with any funds of the department. However, nothing in  
1921 this section shall be construed to prohibit the utilization of the  
1922 combined resources of the Mississippi Crime Laboratory, the  
1923 Division of Support Services of the Department of Public Safety or  
1924 the Mississippi Justice Information Center to efficiently carry  
1925 out the mission of the Department of Public Safety.

1926 (2) Grants and donations to the crime laboratory may be  
1927 accepted from individuals, the federal government, firms,  
1928 corporations, foundations and other interested organizations and  
1929 societies.

1930           (3) The Commissioner of Public Safety shall establish and  
1931 the Division of Support Services of the Department of Public  
1932 Safety shall collect for services rendered proper fees  
1933 commensurate with the services rendered by the crime laboratory,  
1934 which fees shall be in amounts that will recover the costs to the  
1935 crime laboratory of providing those services. Those fees shall be  
1936 deposited into a special fund in the State Treasury to the credit  
1937 of the crime laboratory and expended in accordance with applicable  
1938 rules and regulations of the Department of Finance and  
1939 Administration. Those fees may be used for any authorized  
1940 expenditure of the crime laboratory except expenditures for  
1941 salaries, wages and fringe benefits.

1942           **SECTION 29.** Section 49-17-30, Mississippi Code of 1972, is  
1943 brought forward as follows:

1944           49-17-30. (1) As a condition of any air operating permit  
1945 required under Title V of the federal Clean Air Act, the owner or  
1946 operator of any stationary source shall pay to the Department of  
1947 Environmental Quality an annual permit fee. The commission shall  
1948 establish the amount of each fee to cover the costs of the Title V  
1949 program as provided in Section 49-17-14.

1950           (2) To facilitate the proper administration of the Title V  
1951 program, the commission is authorized to assess and collect fees  
1952 from Title V program permittees. The commission is further  
1953 authorized to promulgate such rules and regulations as are  
1954 necessary for the development and administration of the Title V  
1955 program and the assessment and collection of Title V program fees.

1956           (a) For purposes of fee assessment and collection, the  
1957 maximum emission rate of each pollutant used in the calculation of  
1958 fees shall be four thousand (4,000) tons per year per facility.

1959           (b) For purposes of fee assessment and collection, the  
1960 permit holder shall elect for actual or allowable emissions to be  
1961 used in determining the annual quantity of emissions unless the  
1962 commission determines by order that the method chosen by the

1963 applicant for calculating actual emissions fails to reasonably  
1964 represent actual emissions. Such order of the commission shall be  
1965 subject to appeal in the manner provided in Section 49-17-41.  
1966 Actual emissions shall be calculated using emission monitoring  
1967 data or direct emissions measurements for the pollutant(s); mass  
1968 balance calculations such as the amounts of the pollutant(s)  
1969 entering and leaving process equipment and where mass balance  
1970 calculations can be supported by direct measurement of process  
1971 parameters, such direct measurement data shall be supplied;  
1972 published emission factors such as those relating release  
1973 quantities to throughput or equipment type (e.g., air emission  
1974 factors); or other approaches such as engineering calculations  
1975 (e.g., estimating volatilization using published mathematical  
1976 formulas) or best engineering judgments where such judgments are  
1977 derived from process and/or emission data which supports the  
1978 estimates of maximum actual emissions.

1979 If the commission determines that there is not sufficient  
1980 information available on a facility's emissions, the determination  
1981 of the fee shall be based upon the permitted allowable emissions  
1982 until such time as an adequate determination of actual emissions  
1983 is made.

1984 (c) A minimum annual fee of Two Hundred Fifty Dollars  
1985 (\$250.00) shall be assessed to and collected from the owner or  
1986 operator of each facility that is required to hold a Title V  
1987 permit. The maximum annual fee shall be Two Hundred Fifty  
1988 Thousand Dollars (\$250,000.00) per facility.

1989 (3) (a) Prior to the date of full implementation of the  
1990 Title V program in Mississippi, the fee assessed shall be Four  
1991 Dollars (\$4.00) per ton of emissions of each air pollutant for  
1992 which fees can be assessed under the Title V program, not to  
1993 exceed Fifty Thousand Dollars (\$50,000.00) per facility.

1994 (b) Following the date of full implementation of the  
1995 Title V program in Mississippi, the fee schedule for Title V

1996 permit fees for any subsequent calendar year shall be set by order  
1997 of the commission in an amount sufficient to cover the reasonable  
1998 costs of development and administration of the Title V program.  
1999 The commission's order shall follow:

2000                   (i) Receipt of the report and recommendations of  
2001 the Advisory Council; and

2002                   (ii) A public hearing to be held not earlier than  
2003 thirty (30) days following receipt by the commission of the report  
2004 and recommendations of the Advisory Council. The commission may  
2005 proceed with entry of the order on fees if the Advisory Council  
2006 fails to submit its report in a timely manner. The order of the  
2007 commission may be appealed in the manner set forth in Section  
2008 49-17-41. The determination of the fee shall be by order of the  
2009 commission and shall not be considered the promulgation of a  
2010 regulation by the commission. The record of the public hearing  
2011 shall be included in the record upon which the order is based and  
2012 shall become a part of the appellate records for all appeals taken  
2013 from the order of the commission establishing or modifying Title V  
2014 permit fees. Any undisputed amount due from an appellant must be  
2015 paid according to the appellant's payment schedule during the  
2016 pendency of the appeal.

2017           (4) Any person required to pay the Title V permit fee set  
2018 forth under this chapter who disagrees with the calculation or  
2019 applicability of the person's fee may petition the commission in  
2020 writing for a hearing in accordance with Section 49-17-35. Such  
2021 hearing shall be in accordance with Section 49-17-33. Any  
2022 disputed portion of the fee for which a hearing has been requested  
2023 will not incur any penalty or interest from and after the receipt  
2024 by the commission of the hearing petition. The decision of the  
2025 commission may be appealed in the manner set forth in Section  
2026 49-17-41.

2027 (5) All fees collected pursuant to this section shall be  
2028 deposited into the "Air Operating Permit Program Fee Trust Fund"  
2029 established in Section 49-17-14.

2030 **SECTION 30.** Section 49-17-421, Mississippi Code of 1972, is  
2031 amended as follows:

2032 49-17-421. (1) The commission may assess and collect a tank  
2033 regulatory fee in an amount sufficient to administer Sections  
2034 49-17-401 through 49-17-435 but not to exceed One Hundred Dollars  
2035 (\$100.00) per tank per year from the owner of each underground  
2036 storage tank in use in Mississippi on July 1, 1988, or brought  
2037 into use after that date, as provided in the Mississippi  
2038 Underground Storage Tank Act of 1988 (Sections 49-17-401 through  
2039 49-17-435). The tank regulatory fee assessed under this section  
2040 is a debt due by the owner of each underground storage tank in use  
2041 in Mississippi on July 1, 1988, or brought into use after that  
2042 date. The tank regulatory fee shall be due July 1 of each year.  
2043 If any part of the tank regulatory fee is not paid within thirty  
2044 (30) days after the due date, a penalty of fifty percent (50%) of  
2045 the amount due shall accrue at once and be added to the fee,  
2046 unless the owner of the underground storage tank demonstrates to  
2047 the commission that the failure to make timely payment was  
2048 unavoidable due to financial hardship or otherwise beyond the  
2049 control of the owner. Monies collected under this section shall  
2050 be deposited in a special fund which is created in the State  
2051 Treasury. Unexpended amounts remaining in the special fund at the  
2052 end of the fiscal year shall not lapse into the General Fund and  
2053 any interest earned on amounts in the special fund shall be  
2054 credited to the special fund by the Treasurer. The fund may  
2055 receive monies from any available public or private source,  
2056 including, but not limited to, collection of fees, interest,  
2057 grants, taxes, public or private donations and judicial actions.  
2058 Monies in this special fund shall be expended by annual

2059 appropriation approved by the Legislature to administer Sections  
2060 49-17-401 through 49-17-435.

2061 (2) In addition to the fees imposed under subsection (1) of  
2062 this section, the department shall impose a fee of Fifty Dollars  
2063 (\$50.00) per tank per year for each underground storage tank in  
2064 use in Mississippi on July 1, 1988, or brought into use after that  
2065 date, as provided in the Mississippi Underground Storage Tank Act  
2066 of 1988 (Sections 49-17-401 through 49-17-435). The fees  
2067 collected under this subsection shall be deposited in the State  
2068 Treasury to the credit of the department.

2069 **SECTION 31.** (1) Beginning on July 1, 2005, in all instances  
2070 where no provision of law sets a fee, the Department of  
2071 Environmental Quality shall charge a fee of One Hundred Dollars  
2072 (\$100.00) for any general permit that it issues to any permittee.  
2073 For any other permit or any activity associated with the  
2074 monitoring of the activities of a permittee, where no provision of  
2075 law sets a permit or monitoring fee, the department shall charge  
2076 all permittees a fee of Two Hundred Fifty Dollars (\$250.00). Fees  
2077 for permits shall be collected at the time of the issuance of the  
2078 permits. Monitoring fees shall be collected after completion of  
2079 the monitoring activity.

2080 (2) The department shall charge each animal feeding  
2081 operation and confined animal feeding operation a one-time fee of  
2082 One Hundred Dollars (\$100.00).

2083 (3) The fees collected under this section shall be deposited  
2084 in the State Treasury to the credit of the department.

2085 **SECTION 32.** Section 51-3-31, Mississippi Code of 1972, is  
2086 amended as follows:

2087 51-3-31. Any person desiring to use water for a beneficial  
2088 purpose shall apply to the board for a permit for such use on a  
2089 form prescribed by the board for such purpose. The application  
2090 shall be accompanied by a fee of Two Hundred Fifty Dollars  
2091 (\$250.00). The application shall provide such information as

2092 deemed appropriate by the board to its decision to issue such  
2093 permit. The fees and applications required by this section also  
2094 shall apply to renewals of permits and any modifications to  
2095 permits. The board shall not charge any fees under this section  
2096 to animal feeding operations or confined animal feeding  
2097 operations.

2098 All fees received by the board under this section shall be  
2099 deposited in the State Treasury to the credit of the Department of  
2100 Environmental Quality.

2101 **SECTION 33.** Section 53-7-7, Mississippi Code of 1972, is  
2102 amended as follows:

2103 53-7-7. (1) Except as provided in this section, it is  
2104 unlawful to commence an operation or operate a surface mine  
2105 without a permit or coverage under a general permit as provided by  
2106 this chapter.

2107 (2) Except as expressly provided in this section, this  
2108 chapter shall not apply to:

2109 (a) Excavations made by the owner of land for the  
2110 owner's own use and not for commercial purposes, where the  
2111 materials removed do not exceed one thousand (1,000) cubic yards  
2112 per year and where one (1) acre or less of land is affected;

2113 (b) Excavations made by a public agency on a one-time  
2114 basis for emergency use at an emergency site if:

2115 (i) The excavation lies in the vicinity of the  
2116 emergency site and affects less than one-fourth (1/4) acre of  
2117 mined surface area;

2118 (ii) The landowner has signed a statement giving  
2119 approval for the removal of the materials; and

2120 (iii) The public agency notifies the department as  
2121 required by the commission within two (2) working days of the  
2122 removal of the materials.

2123 (c) Operations for any materials on any affected area  
2124 conducted before April 15, 1978, but this chapter shall apply to

2125 any additional land which the operation extended to or encompassed  
2126 after April 15, 1978;

2127 (d) Operations for any materials that affected four (4)  
2128 acres or less and were greater than one thousand three hundred  
2129 twenty (1,320) feet from any other affected area if:

2130 (i) The operation began before July 1, 2002; and

2131 (ii) The operator notified the commission of the  
2132 commencement, expansion or resumption of the operation before July  
2133 1, 2002; and

2134 (e) Operations for any materials that affect four (4)  
2135 acres or less, are greater than one thousand three hundred twenty  
2136 (1,320) feet from any other affected area and commenced after July  
2137 1, 2002, if the operator notifies the department at least seven  
2138 (7) calendar days before commencement or expansion of the  
2139 operation as required in regulations adopted by the commission.  
2140 The seven-day notice prior to mining requirement shall be waived  
2141 and the operator may begin mining immediately after notifying the  
2142 department if:

2143 (i) The operator agrees, in the notification, to  
2144 reclaim the mine site in accordance with the minimum standards  
2145 adopted by the commission; or

2146 (ii) The exempted operation is conducted for  
2147 Mississippi Department of Transportation projects or state aid  
2148 road construction projects funded in whole or in part by public  
2149 funds.

2150 (3) Exempt operations under paragraph (e) that are conducted  
2151 for the MDOT projects or state aid road construction projects  
2152 shall be reclaimed in accordance with the requirements of the  
2153 Mississippi Standard Specifications for Road and Bridge  
2154 Construction, Mississippi Department of Transportation or Division  
2155 of State Aid Road Construction, as applicable. Any operator  
2156 failing to reclaim as required under this subsection may be  
2157 subject to the penalties provided in Section 53-7-59(2).



2158 (4) If a landowner refuses to allow the operator to complete  
2159 reclamation in accordance with minimum standards or interferes  
2160 with or authorizes a third party to disturb or interfere with  
2161 reclamation in accordance with minimum standards, the landowner  
2162 shall assume the exempt notice and shall be responsible for any  
2163 reclamation.

2164 (5) All operations exempted under Sections 53-7-7(2)(d) and  
2165 53-7-7(2)(e) shall be subject to the prohibitions on mining in  
2166 certain areas contained in Sections 53-7-49 and 53-7-51 and may be  
2167 subject to the penalties in Section 53-7-59(2) for any violation  
2168 of those sections.

2169 (6) Any operator conducting operations exempted under  
2170 Section 53-7-7(2)(b) or 53-7-7(2)(e) failing to notify the  
2171 department in accordance with the regulations of the commission,  
2172 may be subject to penalties provided in Section 53-7-59(2). Any  
2173 operator exempted under Section 53-7-7(2)(e) who agrees in the  
2174 notification to reclaim and fails to reclaim in accordance with  
2175 that paragraph may be subject to penalties provided in Section  
2176 53-7-59(2).

2177 (7) The department shall collect from every operator granted  
2178 an exemption the amount of One Hundred Dollars (\$100.00) from any  
2179 operator whose mining operations are exempted under the authority  
2180 of this section. The department shall charge an annual monitoring  
2181 fee of One Hundred Dollars (\$100.00) to any exempted and  
2182 nonexempted operators to help defray the costs of monitoring  
2183 surface mining activity. All fees collected under this subsection  
2184 shall be deposited in the State Treasury to the credit of the  
2185 department.

2186 **SECTION 34.** Section 53-7-21, Mississippi Code of 1972, is  
2187 amended as follows:

2188 53-7-21. (1) Unless exempted under Section 53-7-7, no  
2189 operator shall engage in surface mining without having first  
2190 obtained coverage under a general permit or having obtained from

2191 the Permit Board a permit for each operation. The permit or  
2192 coverage under a general permit shall authorize the operator to  
2193 engage in surface mining upon the area of land described in the  
2194 application for a period of either five (5) years or longer period  
2195 of time as deemed appropriate by the Permit Board from the date of  
2196 issuance or until reclamation of the affected area is completed  
2197 and the reclamation bond is finally released, whichever comes  
2198 first.

2199 (2) Each operator holding a permit shall annually, before  
2200 the anniversary date of the permit, file with the department a  
2201 certificate of compliance in which the operator, under oath, shall  
2202 declare that the operator is following the approved mining and  
2203 reclamation plan and is abiding by this chapter and the rules and  
2204 regulations adopted under this chapter.

2205 (3) The department shall charge all permit holders an annual  
2206 permit monitoring fee of One Hundred Twenty-five Dollars  
2207 (\$125.00). All fees collected under this subsection shall be  
2208 deposited in the State Treasury to the credit of the department.

2209 **SECTION 35.** Section 53-7-25, Mississippi Code of 1972, is  
2210 amended as follows:

2211 53-7-25. (1) Each application for a surface mining permit  
2212 and for coverage under a general permit shall be accompanied by an  
2213 application fee in accordance with a published fee schedule  
2214 adopted by the commission. The application fee shall not be less  
2215 than One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) per  
2216 acre included in the application. The total application fee shall  
2217 not exceed Five Hundred Dollars (\$500.00). The commission, in  
2218 considering regulations on the fee schedule, shall recognize the  
2219 difference in the various materials, taking into consideration the  
2220 commercial value of the material and the nature and size of  
2221 operation necessary to extract it.

2222 (2) All state agencies, political subdivisions of the state,  
2223 and local governing bodies shall be exempt from all fees required  
2224 by this chapter.

2225 (3) Upon submission of the certificate of compliance  
2226 required under Section 53-7-21, each operator shall pay a fee of  
2227 Fifty Dollars (\$50.00).

2228 (4) In addition to the fees provided for in this section,  
2229 the department shall charge a fee of One Hundred Dollars (\$100.00)  
2230 for any permit issued and for the renewal of permits. All funds  
2231 collected under this subsection shall be deposited in the State  
2232 Treasury to the credit of the department.

2233 **SECTION 36.** Section 53-7-27, Mississippi Code of 1972, is  
2234 amended as follows:

2235 53-7-27. (1) Before commencing any operation for which a  
2236 permit is required, each applicant for a permit shall submit to  
2237 the Permit Board an application, a proposed initial reclamation  
2238 plan and a performance bond in an amount proposed to be sufficient  
2239 by the applicant to reclaim the permit area.

2240 (2) The application shall be in the form prescribed by the  
2241 commission and shall contain the following information:

2242 (a) A legal description of the tract or tracts of land  
2243 in the affected area and one or more maps or plats of adequate  
2244 scale to clearly portray the location of the affected area. The  
2245 description shall contain sufficient information so that the  
2246 affected area may be located and distinguished from other lands  
2247 and shall identify the access from the nearest public road;

2248 (b) The approximate location and depth of the deposit  
2249 in the permit area and the total number of acres in the permit  
2250 area;

2251 (c) The name, address and management officers of the  
2252 permit applicant and any affiliated persons who shall be engaged  
2253 in the operations;

2254           (d) The name and address of any person holding legal  
2255 and equitable interests of record, if reasonably ascertainable, in  
2256 the surface estate of the permit area and in the surface estate of  
2257 land located within five hundred (500) feet of the exterior limits  
2258 of the permit area;

2259           (e) The name and address of any person residing on the  
2260 property of the permit area at the time of application;

2261           (f) Current or previous surface mining permits held by  
2262 the applicant, including any revocations, suspensions or bond  
2263 forfeitures;

2264           (g) The type and method of operation, the engineering  
2265 techniques and the equipment that is proposed to be used,  
2266 including mining schedules, the nature and expected amount of  
2267 overburden to be removed, the depth of excavations, a description  
2268 of the permit area, the anticipated hydrologic consequences of the  
2269 mining operation, and the proposed use of explosives for blasting,  
2270 including the nature of the explosive, the proposed location of  
2271 the blasting and the expected effect of the blasting;

2272           (h) A notarized statement showing the applicant's legal  
2273 right to surface mine the affected area;

2274           (i) The names and locations of all lakes, rivers,  
2275 reservoirs, streams, creeks and other bodies of water in the  
2276 vicinity of the contemplated operations which may be affected by  
2277 the operations and the types of existing vegetative cover on the  
2278 area affected thereby and on adjoining lands within five hundred  
2279 (500) feet of the exterior limits of the affected area;

2280           (j) A topographical survey map showing the surface  
2281 drainage plan on and away from the permit area;

2282           (k) The surface location and extent of all existing and  
2283 proposed waste and spoil piles, cuts, pits, tailing dumps, ponds,  
2284 borrow pits, evaporation and settling basins, roads, buildings,  
2285 access ways, workings and installations sufficient to provide a

2286 reasonably clear and accurate portrayal of the existing surface  
2287 conditions and the proposed mining operations;

2288 (1) If the surface and mineral estates, or any part of  
2289 those estates, in land covered by the application, have been  
2290 severed and are owned by separate owners, the applicant shall  
2291 provide a notarized statement subscribed to by each surface owner  
2292 and lessee of those lands, unless the lease or other conveyance to  
2293 the applicant specifically states the material to be mined by the  
2294 operator granting consent for the applicant to initiate and  
2295 conduct surface mining, exploration and reclamation activities on  
2296 the land;

2297 (m) Except for governmental agencies, a certificate of  
2298 insurance certifying that the applicant has in force a public  
2299 liability insurance policy issued by an insurance company  
2300 authorized to conduct business in the State of Mississippi  
2301 covering all operations of the applicant in this state and  
2302 affording bodily injury protection and property damage protection  
2303 in an amount not less than the following:

2304 (i) One Hundred Thousand Dollars (\$100,000.00) for  
2305 all damages because of bodily injury sustained by one (1) person  
2306 as the result of any one (1) occurrence, and Three Hundred  
2307 Thousand Dollars (\$300,000.00) for all damages because of bodily  
2308 injury sustained by two (2) or more persons as the result of any  
2309 one (1) occurrence; \* \* \*

2310 (ii) One Hundred Thousand Dollars (\$100,000.00)  
2311 for all claims arising out of damage to property as the result of  
2312 any one (1) occurrence including completed operations; and

2313 (iii) In any case where the department releases  
2314 any permittee from the obligation of having the insurance or bond  
2315 required by this paragraph (m), the department shall charge the  
2316 permittee One Hundred Dollars (\$100.00). The fees collected under  
2317 this subparagraph (iii) shall be deposited in the State Treasury  
2318 to the credit of the department.

2319           The policy shall be maintained in full force and effect  
2320 during the term of the permit, including the length of all  
2321 reclamation operations.

2322           (n) A copy of a proposed initial reclamation plan  
2323 prepared under Section 53-7-31; and

2324           (o) Any other information needed to clarify the  
2325 required parts of the application.

2326           **SECTION 37.** Section 53-7-69, Mississippi Code of 1972, is  
2327 amended as follows:

2328           53-7-69. (1) There is created in the State Treasury a fund  
2329 to be designated as the "Surface Mining and Reclamation Fund,"  
2330 referred to hereinafter as the "fund." There is created in the  
2331 fund an account designated as the "Land Reclamation Account" and  
2332 an account designated as the "Surface Mining Program Operations  
2333 Account."

2334           (2) The fund shall be treated as a special trust fund.  
2335 Interest earned on the principal therein shall be credited by the  
2336 Treasurer to the fund.

2337           (3) The fund may receive monies from any available public or  
2338 private sources, including, but not limited to, collection of  
2339 fees, interest, grants, taxes, public and private donations,  
2340 judicial actions, penalties and forfeited performance bonds. Any  
2341 monies received from penalties, forfeited performance bonds,  
2342 judicial actions and the interest thereon, less enforcement and  
2343 collection costs, shall be credited to the Land Reclamation  
2344 Account. Except as otherwise provided by law, any monies received  
2345 from the collection of fees, grants, taxes, public or private  
2346 donations and the interest thereon shall be credited to the  
2347 Surface Mining Program Operations Account.

2348           (4) The commission shall expend or utilize monies in the  
2349 fund by an annual appropriation by the Legislature as provided  
2350 herein. Monies in the Land Reclamation Account may be used to  
2351 defray any costs of reclamation of land affected by mining

2352 operations. Monies in the Surface Mining Program Operations  
2353 Account may be used to defray the reasonable direct and indirect  
2354 costs associated with the administration and enforcement of this  
2355 chapter.

2356 (5) Proceeds from the forfeiture of performance bonds or  
2357 deposits and penalties recovered shall be available to be expended  
2358 to reclaim, in accordance with this chapter, lands with respect to  
2359 which the performance bonds or deposits were provided and  
2360 penalties assessed. If the commission expends monies from the  
2361 fund for which the cost of reclamation exceeded the proceeds from  
2362 the forfeiture of performance bonds or deposits, the commission  
2363 may seek to recover any monies expended from the fund from any  
2364 responsible party.

2365 **SECTION 38.** Section 55-3-33, Mississippi Code of 1972, is  
2366 brought forward as follows:

2367 55-3-33. (1) The Mississippi Department of Wildlife,  
2368 Fisheries and Parks shall have the power and authority, and it  
2369 shall be its duty to:

2370 (a) Take charge and have full jurisdiction and control  
2371 over all state parks, which parks shall be operated for the  
2372 purpose of providing outdoor recreational activities and enjoyment  
2373 for the citizens of the State of Mississippi and for the purpose  
2374 of attracting visitors to the state.

2375 (b) Set up a uniform accounting procedure for the state  
2376 parks and prescribe the manner in which books, records and  
2377 accounts shall be kept, which procedure shall account for all  
2378 moneys taken in and expended by the various parks and shall  
2379 provide for periodic audits of such books.

2380 (c) Accept gifts, bequests of money or other property,  
2381 real or personal, to be used for the purpose of advancing the  
2382 recreation and conservation interests in state parks. The  
2383 department is authorized, subject to approval by the State

2384 Legislature, to purchase property, real or personal, to be used  
2385 for state park purposes.

2386           (d) Contract with the State Transportation Commission,  
2387 any municipality or board of supervisors of the state for  
2388 locating, constructing and maintaining roads and other  
2389 improvements in state parks and for payment of a part of the costs  
2390 thereof; however, no county or municipality more than twenty-five  
2391 (25) miles distant from a state park may contract for, or do, or  
2392 pay for any such work for a state park other than the  
2393 International Gardens of Mississippi. Any county or municipality  
2394 authorized to assist financially under the provisions of Sections  
2395 55-3-31 through 55-3-51 is authorized, in the discretion of its  
2396 respective governing authority, to set aside, appropriate and  
2397 expend moneys from the General Fund for the purpose of defraying  
2398 such expense after a mandatory election is held on the question  
2399 within the county or municipality.

2400           (e) Designate employees as peace officers with power to  
2401 make arrests for infraction of the rules and regulations of the  
2402 department. Such officers are authorized to carry weapons and to  
2403 enforce the laws of the State of Mississippi within the confines  
2404 of a state park.

2405           (f) Enforce and delegate the responsibility to enforce  
2406 all reasonable rules and regulations governing the occupancy and  
2407 use of lands and waters in state parks under its jurisdiction,  
2408 supply recreational and conservation facilities and charge fees  
2409 for the use of same; review all rates and charges for facilities  
2410 and accommodations furnished at the various state parks annually,  
2411 making such charges as are justified; and establish fees for  
2412 entrance to state parks.

2413           Each park shall retain from revenues generated therein, a sum  
2414 sufficient to pay necessary expenses of operation, but in no event  
2415 to be less than seventy-five percent (75%) of such revenues.



2416           (2) The department shall have the authority to lease to any  
2417 entity, sell and convey or otherwise transfer to any county or  
2418 municipality, or close any state park or historical site within  
2419 its jurisdiction which received a General Fund subsidy in Fiscal  
2420 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such  
2421 state park or historical site; provided, however, that this  
2422 authority shall not include the authority to sell, lease or convey  
2423 any park that was not in operation under the jurisdiction of the  
2424 department for a full fiscal year prior to fiscal year 1986.

2425           (3) The department may execute agreements with  
2426 rails-to-trails and recreational districts by which the department  
2427 will assume responsibility for the operation and maintenance of  
2428 trails developed under Sections 55-25-1 through 55-25-15.

2429           **SECTION 39.** Section 45-35-7, Mississippi Code of 1972, is  
2430 amended as follows:

2431           45-35-7. (1) Except as provided in subsection (3) of this  
2432 section, each applicant for an original identification card issued  
2433 pursuant to this chapter who is entitled to issuance of such a  
2434 card shall be issued a four-year card. Each card shall expire at  
2435 midnight on the last day of the cardholder's birth month.

2436           (2) Except as provided in subsection (3) of this section,  
2437 all renewal identification cards shall be for four-year periods  
2438 and may be renewed any time during the birth month of the  
2439 cardholder upon application and payment of the required fee.

2440           (3) (a) Any applicant who is blind, as defined in Section  
2441 43-6-1, upon payment of the fee prescribed in this section, shall  
2442 be issued an original identification card which shall remain valid  
2443 for a period of ten (10) years. All renewal identification cards  
2444 issued to such persons shall also be valid for a period of ten  
2445 (10) years.

2446           (b) Any applicant who is not a United States citizen  
2447 and who does not possess a social security number issued by the  
2448 United States government, upon payment of the fee prescribed in

2449 this section, shall be issued an original identification card  
2450 which shall remain valid for a period of one (1) year from date of  
2451 issuance. All renewal identification cards issued to such persons  
2452 shall also be valid for a period of one (1) year from date of  
2453 issuance.

2454 (4) A fee of Seventeen Dollars (\$17.00) shall be collected  
2455 for the issuance of an original or renewal identification card  
2456 plus the applicable photograph fee as provided in subsection (5)  
2457 of this section. The fee of Seventeen Dollars (\$17.00) shall be  
2458 deposited into the State General Fund. The photograph fee shall  
2459 be deposited into a special photograph fee account or the State  
2460 General Fund as provided under subsection (5) of this section.

2461 (5) The Commissioner of Public Safety, by rule or  
2462 regulation, shall establish an identification card photograph fee  
2463 which shall be the actual cost of the photograph rounded off to  
2464 the next highest dollar. Monies collected for the photograph fee  
2465 shall be deposited into a special photograph fee account which the  
2466 Department of Public Safety shall use to pay the actual cost of  
2467 producing the photographs. Any monies collected in excess of the  
2468 actual costs of the photography shall be deposited to the General  
2469 Fund of the State of Mississippi.

2470 (6) Any person who, for medical reasons, surrenders his  
2471 unexpired driver's license, and any person whose unexpired  
2472 driver's license is suspended for medical reasons by the  
2473 Commissioner of Public Safety under Section 63-1-53(e), may be  
2474 issued an identification card without payment of a fee. The  
2475 identification card shall be valid for a period of four (4) years  
2476 from its date of issue. All renewals of such card shall be  
2477 subject to the fees prescribed in subsections (4) and (5) of this  
2478 section.

2479 (7) The department shall maintain a record of all  
2480 identification cards issued, except for those cards cancelled,  
2481 surrendered or denied renewal.

2482 (8) (a) Any male who is at least eighteen (18) years of age  
2483 but less than twenty-six (26) years of age and who applies for an  
2484 identification card or a renewal of an identification card under  
2485 this chapter shall be registered in compliance with the  
2486 requirements of Section 3 of the Military Selective Service Act,  
2487 50 USCS Appx 451 et seq., as amended.

2488 (b) The department shall forward in an electronic  
2489 format the necessary personal information of the applicant to the  
2490 Selective Service System. The applicant's submission of the  
2491 application shall serve as an indication that the applicant either  
2492 has already registered with the Selective Service System or that  
2493 he is authorizing the department to forward to the Selective  
2494 Service System the necessary information for registration. The  
2495 commissioner shall notify the applicant on, or as a part of, the  
2496 application that his submission of the application will serve as  
2497 his consent to registration with the Selective Service System, if  
2498 so required. The commissioner also shall notify any male  
2499 applicant under the age of eighteen (18) that he will be  
2500 registered upon turning age eighteen (18) as required by federal  
2501 law.

2502 **SECTION 40.** Section 45-35-9, Mississippi Code of 1972, is  
2503 amended as follows:

2504 45-35-9. (1) If an identification card issued under this  
2505 chapter is lost, destroyed or mutilated, or a new name is  
2506 required, the person to whom it was issued may obtain a duplicate  
2507 by furnishing satisfactory proof of such fact to the department.  
2508 The same identifying data shall be furnished for a duplicate as  
2509 for an original card. A fee of Five Dollars (\$5.00) plus the  
2510 applicable photograph fee shall be collected for the first  
2511 duplicate card issued and a fee of Eight Dollars (\$8.00) plus the  
2512 applicable photograph fee shall be collected for the second and  
2513 each subsequent duplicate copy. However, whenever a duplicate  
2514 copy of an identification card is issued only because a new name

2515 is required and the previously issued identification card is  
2516 returned to the department, the fee for the issuance of such  
2517 duplicate shall be Three Dollars (\$3.00) plus the applicable  
2518 photograph fee, regardless of whether the duplicate is the first,  
2519 second or subsequent duplicate copy. All fees collected under  
2520 this section, except photograph fees, shall be deposited into the  
2521 State General Fund. Photograph fees collected under this section  
2522 shall be deposited into a special photograph fee account or into  
2523 the State General Fund in the same manner as photograph fees  
2524 collected from the issuance of drivers' licenses under Section  
2525 63-1-43.

2526 (2) Any person who loses an identification card and who,  
2527 after obtaining a duplicate, finds the original card shall  
2528 promptly surrender the original card to the department.

2529 **SECTION 41.** Section 63-1-43, Mississippi Code of 1972, is  
2530 amended as follows:

2531 63-1-43. (1) The fee for receiving the application and  
2532 issuing the regular driver's or operator's license and the fee for  
2533 renewing the license shall be:

2534 (a) Twenty-four Dollars (\$24.00) plus the applicable  
2535 photograph fee for each applicant for a four-year license;

2536 (b) Nine Dollars (\$9.00) plus the applicable photograph  
2537 fee for each applicant for a one-year license, except as provided  
2538 in paragraph (c) of this subsection; and

2539 (c) Fourteen Dollars (\$14.00) plus the applicable  
2540 photograph fee for a one-year license for each applicant who is  
2541 not a United States citizen and who does not possess a social  
2542 security number issued by the United States government.

2543 All originals and renewals of regular operators' licenses  
2544 shall be in compliance with Section 63-1-47.

2545 (2) The fee for receiving the application and issuing a  
2546 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle

2547 endorsements shall be valid for the same period of time as the  
2548 applicant's operator's license.

2549 (3) The fee for receiving the application and issuing a  
2550 restricted motorcycle operator's license and the fee for renewing  
2551 such license shall be:

2552 (a) Eleven Dollars (\$11.00) plus the applicable  
2553 photograph fee for a four-year license; and

2554 (b) Eight Dollars (\$8.00) plus the applicable  
2555 photograph fee for a one (1) year license.

2556 All originals and renewals of restricted motorcycle licenses  
2557 shall be valid for the same period of time that an original  
2558 regular driver's license may be issued to such person in  
2559 compliance with Section 63-1-47.

2560 (4) From and after January 1, 1990, every person who makes  
2561 application for an original license or a renewal license to  
2562 operate a vehicle as a common carrier by motor vehicle, taxicab,  
2563 passenger coach, dray, contract carrier or private commercial  
2564 carrier as such terms are defined in Section 27-19-3, except for  
2565 those vehicles for which a Class A, B or C license is required  
2566 under Article 2 of this chapter, shall, in lieu of the regular  
2567 driver's license above provided for, apply for and obtain a Class  
2568 D commercial driver's license. Except as otherwise provided in  
2569 subsection (5) of this section, the fee for the issuance of a  
2570 Class D commercial driver's license shall be Twenty-nine Dollars  
2571 (\$29.00) plus the applicable photograph fee for a period of four  
2572 (4) years; however, except as required under Article 2 of this  
2573 chapter, no driver of a pickup truck shall be required to have a  
2574 commercial license regardless of the purpose for which the pickup  
2575 truck is used.

2576 Except as otherwise provided in subsection (5) of this  
2577 section, all originals and renewals of commercial licenses issued  
2578 under this section shall be valid for a period of four (4) years,  
2579 in compliance with Section 63-1-47. Only persons who operate the

2580 above-mentioned vehicles in the course of the regular and  
2581 customary business of the owner shall be required to obtain a  
2582 Class D commercial operator's license, and persons operating such  
2583 vehicles for private purposes or in emergencies shall not be  
2584 required to obtain such license.

2585 (5) The original and each renewal of a commercial driver's  
2586 license issued under this section to a person who is not a United  
2587 States citizen and who does not possess a social security number  
2588 issued by the United States government shall be issued for a  
2589 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the  
2590 applicable photograph fee and shall expire one (1) year from the  
2591 date of issuance. Such person may renew a commercial license  
2592 issued under this section within thirty (30) days of expiration of  
2593 the license.

2594 (6) The Commissioner of Public Safety, by rule or  
2595 regulation, shall establish a driver's license photograph fee  
2596 which shall be the actual cost of the photograph rounded off to  
2597 the next highest dollar. Monies collected for the photograph fee  
2598 shall be deposited into a special photograph fee account which the  
2599 Department of Public Safety shall use to pay the actual cost of  
2600 producing the photographs. Any monies collected in excess of the  
2601 actual costs of the photography shall be deposited to the General  
2602 Fund of the State of Mississippi.

2603 **SECTION 42.** Section 63-1-21, Mississippi Code of 1972, is  
2604 amended as follows:

2605 63-1-21. (1) Every applicant for a new or original driver's  
2606 or operator's license, except persons holding an out-of-state  
2607 license, shall first obtain a temporary driving permit upon the  
2608 payment of a fee of Five Dollars (\$5.00) to the Department of  
2609 Public Safety and upon the successful completion of the  
2610 examination provided for in Section 63-1-33 and the payment of the  
2611 fee for such examination provided for in Section 63-1-43.

2612           (2) A temporary driving permit entitles the holder, provided  
2613 the permit is in his immediate possession, to drive a motor  
2614 vehicle other than a motorcycle on the highways of the State of  
2615 Mississippi only when accompanied by a licensed operator who is at  
2616 least twenty-one (21) years of age and who is actually occupying  
2617 the seat beside the driver. A temporary driving permit may be  
2618 issued to any applicant who is at least fifteen (15) years of age.  
2619 A temporary driving permit shall be valid for a period of one (1)  
2620 year from the date of issue.

2621           (3) An intermediate license allows unsupervised driving from  
2622 6:00 a.m. to 10:00 p.m. At all other times the intermediate  
2623 licensee must be supervised by a parent, guardian or other person  
2624 age twenty-one (21) years or older who holds a valid driver's  
2625 license under this article and who is actually occupying the seat  
2626 beside the driver.

2627           (4) The fee for issuance of an intermediate license shall be  
2628 Five Dollars (\$5.00).

2629           Except as otherwise provided by Section 63-1-6, every  
2630 applicant for a restricted motorcycle operator's license or a  
2631 motorcycle endorsement shall first obtain a temporary motorcycle  
2632 driving permit upon the payment of a fee of One Dollar (\$1.00) to  
2633 the Department of Public Safety, and upon the successful  
2634 completion of the examination provided for in Section 63-1-33, and  
2635 payment of the fee for the examination provided for in Section  
2636 63-1-43. All applicants for such temporary permit shall (a) be at  
2637 least fifteen (15) years of age; (b) operate a motorcycle only  
2638 under the direct supervision of a person at least twenty-one (21)  
2639 years of age who possesses either a valid driver's or operator's  
2640 license with a motorcycle endorsement or a valid restricted  
2641 motorcycle operator's license; (c) be prohibited from transporting  
2642 a passenger on a motorcycle; (d) be prohibited from operating a  
2643 motorcycle upon any controlled access highway; and (e) be  
2644 prohibited from operating a motorcycle during the hours of 6:00

2645 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall  
2646 be valid for the same period of time and may be renewed upon the  
2647 same conditions as temporary driving permits issued for vehicles  
2648 other than motorcycles.

2649 **SECTION 43.** Section 63-1-37, Mississippi Code of 1972, is  
2650 amended as follows:

2651 63-1-37. If a license or temporary driving permit issued  
2652 under the provisions of this article is lost or destroyed, the  
2653 licensee shall obtain from the commissioner a duplicate copy  
2654 thereof and shall pay a fee in the amount of Five Dollars (\$5.00)  
2655 plus the applicable photograph fee for the first duplicate copy  
2656 and a fee in the amount of Eight Dollars (\$8.00) plus the  
2657 applicable photograph fee for the second and each subsequent  
2658 duplicate copy. The license or permit shall be marked  
2659 "Duplicate."

2660 All fees collected under this section, except photograph  
2661 fees, shall be deposited into the State General Fund. Photograph  
2662 fees collected under this section shall be deposited under the  
2663 provisions of Section 63-1-43.

2664 **SECTION 44.** Section 63-1-46, Mississippi Code of 1972, is  
2665 amended as follows:

2666 63-1-46. (1) A fee of Fifty Dollars (\$50.00) shall be  
2667 charged for the reinstatement of a license issued under this  
2668 article to every person whose license has been validly suspended,  
2669 revoked or cancelled. This fee shall be in addition to the fee  
2670 provided for in Section 63-1-43.

2671 (2) The funds received under the provisions of subsection  
2672 (1) of this section shall be deposited into the State General Fund  
2673 in accordance with Section 45-1-23.

2674 (3) In addition to the fee provided for in subsection (1) of  
2675 this section, an additional fee of Seventy-five Dollars (\$75.00)  
2676 shall be charged for the reinstatement of a license issued under  
2677 this article to every person whose license has been suspended or



2678 revoked under the provisions of the Mississippi Implied Consent  
2679 Law or as a result of a conviction of a violation of the Uniform  
2680 Controlled Substances Law under the provisions of Section 63-1-71.

2681 (4) The funds received under the provisions of subsection  
2682 (3) of this section shall be placed in a special fund that is  
2683 created in the State Treasury. Monies in such special fund may be  
2684 expended solely to contribute to the Disability and Relief Fund  
2685 for members of the Mississippi Highway Safety Patrol such amounts  
2686 as are necessary to make sworn agents of the Mississippi Bureau of  
2687 Narcotics who were employed by such bureau before December 1,  
2688 1990, and who were later employed as enforcement troopers by the  
2689 Department of Public Safety, full members of the retirement system  
2690 for the Mississippi Highway Safety Patrol with full credit for the  
2691 time they were employed as sworn agents for the Mississippi Bureau  
2692 of Narcotics. The Board of Trustees of the Public Employees'  
2693 Retirement System shall certify to the State Treasurer the amounts  
2694 necessary for the purposes described above. The State Treasurer  
2695 shall monthly transfer from the special fund created under this  
2696 subsection the amounts deposited in such special fund to the  
2697 Disability and Relief Fund for members of the Mississippi Highway  
2698 Safety Patrol until such time as the certified amount has been  
2699 transferred. At such time as the certified amount has been  
2700 transferred, the State Treasurer shall transfer any funds  
2701 remaining in the special fund created under this subsection to the  
2702 State General Fund and shall then dissolve such special fund.  
2703 This subsection (4) shall stand repealed at such time when the  
2704 State Treasurer transfers funds and dissolves the special fund  
2705 account in accordance with the provisions of this subsection.

2706 (5) The procedure for the reinstatement of a license issued  
2707 under this article that has been suspended for being out of  
2708 compliance with an order for support, as defined in Section  
2709 93-11-153, and the payment of any fees for the reinstatement of a

2710 license suspended for that purpose, shall be governed by Section  
2711 93-11-157 or 93-11-163, as the case may be.

2712 **SECTION 45.** Section 63-1-81, Mississippi Code of 1972, is  
2713 brought forward as follows:

2714 63-1-81. (1) Each application for a commercial driver's  
2715 license or commercial driver instruction permit shall include the  
2716 following:

2717 (a) The full name and the current mailing and  
2718 residential address of the applicant;

2719 (b) A physical description of the applicant, including  
2720 sex, height, weight, eye and hair color;

2721 (c) The applicant's date of birth;

2722 (d) The applicant's social security number unless the  
2723 application is for a nonresident commercial driver's license;

2724 (e) The applicant's signature;

2725 (f) The applicant's color photograph;

2726 (g) All certifications required by applicable federal  
2727 regulations;

2728 (h) Any other information which the Commissioner of  
2729 Public Safety, by rule or regulation, determines necessary and  
2730 essential; and

2731 (i) The consent of the applicant to release driving  
2732 record information.

2733 (2) The fee for accepting and processing an application for  
2734 a commercial driver instruction permit shall be Ten Dollars  
2735 (\$10.00).

2736 (3) The fee for accepting and processing an application for  
2737 a Class A, B or C commercial driver's license shall be Twenty-five  
2738 Dollars (\$25.00).

2739 (4) No person who has been a resident of this state for  
2740 thirty (30) days may drive a commercial motor vehicle under the  
2741 authority of a commercial driver's license issued by another  
2742 jurisdiction. Any violation of this subsection shall be

2743 punishable as provided by Section 63-1-69, Mississippi Code of  
2744 1972.

2745 (5) Any person who knowingly falsifies information or  
2746 certifications required under subsection (1) of this section shall  
2747 be subject to the penalties prescribed in Section 63-1-59,  
2748 Mississippi Code of 1972, and shall be subject to suspension of  
2749 his commercial driver instruction permit or commercial driver's  
2750 license in accordance with Section 63-1-51, Mississippi Code of  
2751 1972.

2752 (6) Each application or filing made under this section shall  
2753 include the social security number(s) of the applicant in  
2754 accordance with Section 93-11-64, Mississippi Code of 1972.

2755 (7) (a) Any male who is at least eighteen (18) years of age  
2756 but less than twenty-six (26) years of age and who applies for a  
2757 commercial license or renewal of a commercial license under this  
2758 article shall be registered in compliance with the requirements of  
2759 Section 3 of the Military Selective Service Act, 50 USCS Appx 451  
2760 et seq., as amended.

2761 (b) The department shall forward in an electronic  
2762 format the necessary personal information of the applicant to the  
2763 Selective Service System. The applicant's submission of the  
2764 application shall serve as an indication that the applicant either  
2765 has already registered with the Selective Service System or that  
2766 he is authorizing the department to forward to the Selective  
2767 Service System the necessary information for registration. The  
2768 commissioner shall notify the applicant on, or as a part of, the  
2769 application that his submission of the application will serve as  
2770 his consent to registration with the Selective Service System, if  
2771 so required. The commissioner also shall notify any male  
2772 applicant under the age of eighteen (18) that he will be  
2773 registered upon turning age eighteen (18) as required by federal  
2774 law.

2775           **SECTION 46.** Section 63-1-82, Mississippi Code of 1972, is  
2776 amended as follows:

2777           63-1-82. (1) Each commercial driver's license shall be  
2778 marked "Commercial Driver's License" or "CDL" and shall, to the  
2779 maximum extent practicable, be tamper proof. Each such license  
2780 shall include thereon, but not be limited to, the following  
2781 information:

2782                   (a) The name and residential address of the licensee;

2783                   (b) The licensee's color photograph;

2784                   (c) A physical description of the licensee, including  
2785 his sex, height, weight, eye and hair color;

2786                   (d) The licensee's date of birth;

2787                   (e) Except for a nonresident commercial driver's  
2788 license, the licensee's social security number; and any other  
2789 identifying information which the Commissioner of Public Safety,  
2790 by rule or regulation, determines necessary and essential for the  
2791 purposes of complying with the provisions of this article;

2792                   (f) The licensee's signature;

2793                   (g) The class or type of commercial motor vehicle or  
2794 vehicles which the licensee is authorized to drive together with  
2795 any endorsements or restrictions;

2796                   (h) The name of this state; and

2797                   (i) The dates between which the license is valid.

2798           (2) The holder of a valid commercial driver's license may  
2799 drive all vehicles in the class for which that license is issued  
2800 and all lesser classes of vehicles, including any vehicle for  
2801 which an operator's license or commercial driver's license issued  
2802 under Article 1 of this chapter authorizes a person to drive.  
2803 However, vehicles which require an endorsement may not be driven  
2804 unless the proper endorsement appears on the license.

2805           (3) Commercial driver's licenses may be issued with the  
2806 following classifications:

2807           (a) Class A. Any combination of vehicles with a gross  
2808 vehicle weight rating of twenty-six thousand one (26,001) pounds  
2809 or more, provided the gross vehicle weight rating of the vehicle  
2810 or vehicles being towed is in excess of ten thousand (10,000)  
2811 pounds;

2812           (b) Class B. Any single vehicle with a gross vehicle  
2813 weight rating of twenty-six thousand one (26,001) pounds or more,  
2814 and any such vehicle towing a vehicle not in excess of ten  
2815 thousand (10,000) pounds;

2816           (c) Class C. Any single vehicle with a gross vehicle  
2817 weight rating of less than twenty-six thousand one (26,001) pounds  
2818 or any such vehicle towing a vehicle with a gross vehicle weight  
2819 rating not in excess of ten thousand (10,000) pounds comprising:

2820                 (i) Vehicles designed to transport sixteen (16) or  
2821 more passengers, including the driver; and

2822                 (ii) Vehicles used in the transportation of  
2823 hazardous materials which are required to be placarded under the  
2824 Hazardous Materials Transportation Act, 49 USCS Appx., Section  
2825 1801 et seq.; and

2826           (d) Class D. All other vehicles or combination of  
2827 vehicles which are not included in Class A, Class B or Class C and  
2828 for which a commercial license is required to be issued as  
2829 provided by Section 63-1-43, Mississippi Code of 1972.

2830           (4) Commercial driver's licenses may be issued with the  
2831 following endorsements and restrictions:

2832                 (a) "H" authorizes the driver to drive a vehicle  
2833 transporting hazardous materials;

2834                 (b) "K" restricts the driver to vehicles not equipped  
2835 with air brakes;

2836                 (c) "T" authorizes driving double and triple trailers;

2837                 (d) "P" authorizes driving vehicles carrying  
2838 passengers;

2839                 (e) "N" authorizes driving tank vehicles;

2840 (f) "X" represents a combination of hazardous materials  
2841 and tank vehicle endorsements;

2842 (g) "S" restricts the driver to school buses being  
2843 operated for the purpose of transporting pupils to and from school  
2844 or to school-related functions and/or to all other vehicles not  
2845 requiring a commercial driver's license; and

2846 (h) "I" restricts driving which requires a commercial  
2847 license to intrastate driving only.

2848 (5) Before issuing a commercial driver's license, the  
2849 Commissioner of Public Safety shall obtain driving record  
2850 information through the Commercial Driver License Information  
2851 System.

2852 (6) Within ten (10) days after issuing a commercial driver's  
2853 license, the Commissioner of Public Safety shall notify the  
2854 Commercial Driver License Information System of that fact,  
2855 providing all information required to ensure identification of the  
2856 person.

2857 (7) The fee charged for the issuance of each original and  
2858 each renewal of a Class A, B or C commercial driver's license  
2859 shall be Forty-three Dollars (\$43.00) plus the applicable  
2860 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall  
2861 be charged for each endorsement or restriction entered on a  
2862 commercial driver's license under subsection (4) of this section.  
2863 However, the fee charged for each original and renewal of a  
2864 commercial driver's license with an "S" restriction shall be the  
2865 same as the fee for a Class D commercial driver's license in  
2866 addition to all application fees.

2867 (8) If a commercial driver instruction permit or commercial  
2868 driver's license is lost or destroyed, or if the holder of a  
2869 commercial driver's license changes his name, mailing address or  
2870 residence, an application for a duplicate permit or license shall  
2871 be made as provided by Section 63-1-37, Mississippi Code of 1972.

2872           (9) All commercial driver's licenses issued under the  
2873 provisions of this article shall be issued for a period of not  
2874 more than four (4) years and shall expire at midnight on the last  
2875 day of the licensee's month of birth.

2876           (10) Every person applying for renewal of a commercial  
2877 driver's license shall complete the application form required by  
2878 Section 63-1-81, Mississippi Code of 1972, providing updated  
2879 information and required certifications and paying the appropriate  
2880 fees. If the applicant wishes to retain a hazardous materials  
2881 endorsement, the written test for a hazardous materials  
2882 endorsement must be taken and passed.

2883           (11) The Commissioner of Public Safety, by rule or  
2884 regulation, shall establish a driver's license photograph fee  
2885 which shall be the actual cost of the photograph rounded off to  
2886 the next highest dollar. Monies collected for the photograph fee  
2887 shall be deposited into a special photograph fee account which the  
2888 Department of Public Safety shall use to pay the actual cost of  
2889 producing the photographs. Any monies collected in excess of the  
2890 actual costs of the photography shall be deposited to the General  
2891 Fund of the State of Mississippi.

2892           **SECTION 47.** Section 63-15-4, Mississippi Code of 1972, is  
2893 brought forward as follows:

2894           63-15-4. (1) The following vehicles are exempted from the  
2895 requirements of this section:

2896                   (a) Vehicles exempted by Section 63-15-5;

2897                   (b) Vehicles for which a bond or a certificate of  
2898 deposit of money or securities in at least the minimum amounts  
2899 required for proof of financial responsibility is on file with the  
2900 department;

2901                   (c) Vehicles that are self-insured under Section  
2902 63-15-53; and

2903                   (d) Implements of husbandry.

2904           (2) (a) Every motor vehicle operated in this state shall  
2905 have an insurance card maintained in the vehicle as proof of  
2906 liability insurance that is in compliance with the liability  
2907 limits required by Section 63-15-3(j). The insured parties shall  
2908 be responsible for maintaining the insurance card in each vehicle.

2909           (b) An insurance company issuing a policy of motor  
2910 vehicle liability insurance as required by this section shall  
2911 furnish to the insured an insurance card for each vehicle at the  
2912 time the insurance policy becomes effective.

2913           (3) Upon stopping a motor vehicle for any other statutory  
2914 violation, a law enforcement officer, who is authorized to issue  
2915 traffic citations, shall verify that the insurance card required  
2916 by this section is in the motor vehicle. However, no driver shall  
2917 be stopped or detained solely for the purpose of verifying that an  
2918 insurance card is in the motor vehicle.

2919           (4) Failure of the owner or the operator of a motor vehicle  
2920 to have the insurance card in the motor vehicle is a misdemeanor  
2921 and, upon conviction, is punishable by a fine of One Thousand  
2922 Dollars (\$1,000.00) and suspension of driving privilege for a  
2923 period of one (1) year or until the owner of the motor vehicle  
2924 shows proof of liability insurance that is in compliance with the  
2925 liability limits required by Section 63-15-3(j). Fraudulent use  
2926 of an insurance card shall be punishable in accordance with  
2927 Section 97-7-10. The funds from such fines shall be deposited in  
2928 the State General Fund in the State Treasury.

2929           (5) If, at the hearing date or the date of payment of the  
2930 fine, the motor vehicle owner shows proof of motor vehicle  
2931 liability insurance in the amounts required by Section 63-15-3(j),  
2932 the fine shall be reduced to One Hundred Dollars (\$100.00). If  
2933 the owner shows proof that such insurance was in effect at the  
2934 time of citation, the fine of One Hundred Dollars (\$100.00) and  
2935 court costs shall be waived.



2936           **SECTION 48.** Section 63-21-63, Mississippi Code of 1972, is  
2937 amended as follows:

2938           63-21-63. There shall be paid to the State Tax Commission  
2939 for issuing and processing documents required by this chapter,  
2940 fees according to the following schedule:

- 2941           (1) Each application for certificate of title... \$14.00  
2942           (2) Each application for replacement or  
2943 corrected certificate of title..... 14.00  
2944           (3) Each suspension or revocation of  
2945 certificate of title..... 14.00  
2946           (4) Each notice of security interest..... 14.00  
2947           (5) Each release of security interest..... 14.00  
2948           (6) Each assignment by lienholder..... 14.00  
2949           (7) Each application for information as to  
2950 the status of the title of a vehicle..... 14.00

2951           The designated agent may add the sum of One Dollar (\$1.00) to  
2952 each document processed for which a fee is charged to be retained  
2953 as his commission for services rendered. All other fees collected  
2954 shall be remitted to the State Tax Commission.

2955           If more than one (1) transaction be involved in any  
2956 application on a single vehicle and if supported by all required  
2957 documents, the fee charged by the State Tax Commission and by the  
2958 designated agent for processing and issuing shall be considered as  
2959 only one (1) transaction.

2960           **SECTION 49.** The following shall be codified as Section  
2961 7-3-30, Mississippi Code of 1972:

2962           7-3-30. The Secretary of State shall provide for the annual  
2963 publication of a Judiciary Directory and Court Calendar, which  
2964 shall be made available for sale for not less than Two Dollars and  
2965 Fifty Cents (\$2.50) per copy, plus the actual cost of shipping and  
2966 handling. The Secretary of State shall pay the proceeds of those  
2967 sales into the State General Fund.

2968           **SECTION 50.** Section 25-7-81, Mississippi Code of 1972, is  
2969 amended as follows:

2970           25-7-81. (1) The Secretary of State shall charge the  
2971 following fees:

2972           (a) For every commission issued by him to persons  
2973 appointed by the Governor as a commissioner of this state in any  
2974 other state, territory, or district of the United States, or in  
2975 any foreign country..... \$10.00

2976           (b) For recording charter of a corporation for  
2977 literary, religious, benevolent, fraternal, or scientific  
2978 purposes, and not for pecuniary profits, directly or  
2979 indirectly..... 20.00

2980           (c) For commission of each notary public..... 25.00

2981           (d) For commission of each commissioner of  
2982 deeds..... 10.00

2983           (2) In addition to the fees charged under subsection (1)(c)  
2984 of this section, the Secretary of State shall charge a fee of Ten  
2985 Dollars (\$10.00) for the commissioning of notaries public, which  
2986 shall be deposited into the State General Fund.

2987           **SECTION 51.** Section 79-4-1.22, Mississippi Code of 1972, is  
2988 amended as follows:

2989           79-4-1.22. (a) The Secretary of State shall collect the  
2990 following fees when the documents described in this subsection are  
2991 delivered to him for filing:

2992	Document	Fee
2993	(1) Articles of incorporation.....	\$50.00
2994	(2) Application for use of indistinguishable	
2995	name.....	5.00
2996	(3) Application for reserved name.....	25.00
2997	(4) Notice of transfer of reserved name.....	25.00
2998	(5) Application for registered name.....	50.00
2999	(6) Application for renewal of registered	
3000	name.....	50.00

3001	(7)	Corporation's statement of change of	
3002		registered agent or registered office	
3003		or both.....	10.00
3004	(8)	Agent's statement of change of registered	
3005		office for each affected corporation.....	10.00
3006		not to exceed a total of.....	1,000.00
3007	(9)	Agent's statement of resignation.....	No fee
3008	(10)	Amendment of articles of incorporation...	50.00
3009	(11)	Restatement of articles of incorporation.	50.00
3010		with amendment of articles.....	50.00
3011	(12)	Articles of merger or share exchange.....	50.00
3012	(13)	Articles of dissolution.....	25.00
3013	(14)	Articles of revocation of dissolution....	25.00
3014	(15)	Certificate of administrative dissolution	No fee
3015	(16)	Application for reinstatement following	
3016		administrative dissolution.....	50.00
3017	(17)	Certificate of reinstatement.....	No fee
3018	(18)	Certificate of judicial dissolution.....	No fee
3019	(19)	Application for certificate of authority.	500.00
3020	(20)	Application for amended certificate of	
3021		authority.....	50.00
3022	(21)	Application for certificate of withdrawal	125.00
3023	(22)	Certificate of revocation of authority to	
3024		transact business.....	No fee
3025	(23)	Application for reinstatement following	
3026		administrative revocation.....	100.00
3027	(24)	Certificate of reinstatement.....	No fee
3028	(25)	Annual report.....	25.00
3029	(26)	Articles of correction.....	50.00
3030	(27)	Application for certificate of existence	
3031		or authorization.....	25.00
3032	(28)	Any other document required or permitted	
3033		to be filed by Section 79-4-1.01 et seq...	25.00

3034 (b) The Secretary of State shall collect a fee of  
3035 Twenty-five Dollars (\$25.00) each time process is served on him  
3036 under Section 79-4-1.01 et seq. The party to a proceeding causing  
3037 service of process is entitled to recover this fee as costs if he  
3038 prevails in the proceeding.

3039 (c) The Secretary of State shall collect the following fees  
3040 for copying and certifying the copy of any filed document relating  
3041 to a domestic or foreign corporation:

3042 (1) One Dollar (\$1.00) a page for copying; and

3043 (2) Ten Dollars (\$10.00) for the certificate.

3044 (d) The Secretary of State may collect a filing fee greater  
3045 than the fee set out herein, not to exceed the actual costs of  
3046 processing such filing, if the form for such filing prescribed by  
3047 the Secretary of State has not been used.

3048 (e) In addition to any other fees charged under this  
3049 section, the Secretary of State shall charge the following fees:

3050 (1) Articles of incorporation..... \$25.00

3051 (2) Agent's statement of resignation..... \$25.00

3052 (3) Annual report..... \$25.00

3053 The fees collected under this subsection (e) shall be  
3054 deposited into the State General Fund.

3055 **SECTION 52.** Section 75-9-525, Mississippi Code of 1972, is  
3056 amended as follows:

3057 **[Until December 31, 2007, this section shall read as**  
3058 **follows:]**

3059 75-9-525. (a) Except as otherwise provided in subsection  
3060 (e), the fee for filing and indexing a record under this part,  
3061 other than an initial financing statement of the kind described in  
3062 subsection (b) is the amount specified in subsection (c), if  
3063 applicable, plus:

3064 (1) Ten Dollars (\$10.00) if the record is communicated  
3065 in writing and is in the standard form prescribed by the Secretary  
3066 of State;

3067           (2) Thirteen Dollars (\$13.00) if the record is  
3068 communicated in writing and is not in the standard form prescribed  
3069 by the Secretary of State; and

3070           (3) Eight Dollars (\$8.00) if the record is communicated  
3071 by another medium authorized by filing-office rule.

3072           In addition to the fees charged in paragraphs (1), (2) and  
3073 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be  
3074 charged on all transactions described in paragraphs (1) and (2),  
3075 and a fee of Eight Dollars (\$8.00) shall be charged on all  
3076 transactions described in paragraph (3). The fees collected under  
3077 this paragraph shall be deposited into the State General Fund.

3078           (b) Except as otherwise provided in subsection (e), the fee  
3079 for filing and indexing an initial financing statement of the  
3080 following kind is the amount specified in subsection (c), if  
3081 applicable, plus:

3082           (1) Thirteen Dollars (\$13.00) if the financing  
3083 statement indicates that it is filed in connection with a  
3084 public-finance transaction;

3085           (2) Ten Dollars (\$10.00) if the financing statement  
3086 indicates that it is filed in connection with a manufactured-home  
3087 transaction.

3088           In addition to the fees charged in paragraphs (1) and (2) of  
3089 this subsection (b), a fee of Ten Dollars (\$10.00) shall be  
3090 charged on all transactions described in paragraphs (1) and (2) of  
3091 this subsection (b). The fees collected under this paragraph  
3092 shall be deposited into the State General Fund.

3093           (c) Except as otherwise provided in subsection (e), if a  
3094 record is communicated in writing, the fee for each additional  
3095 debtor name more than one (1) required to be indexed is Four  
3096 Dollars (\$4.00).

3097           In addition to the fee charged in this subsection (c), a fee  
3098 of Sixteen Dollars (\$16.00) shall be charged on all transactions

3099 described in this subsection. The fees collected under this  
3100 paragraph shall be deposited into the State General Fund.

3101 (d) The fee for responding to a request for information from  
3102 the filing office, including for issuing a certificate showing  
3103 whether there is on file any financing statement naming a  
3104 particular debtor, is:

3105 (1) Five Dollars (\$5.00) if the request is communicated  
3106 in writing on the standard form prescribed by the Secretary of  
3107 State;

3108 (2) Ten Dollars (\$10.00) if the request is communicated  
3109 in writing and is not in the standard form prescribed by the  
3110 Secretary of State;

3111 (3) Three Dollars (\$3.00) if the request is  
3112 communicated by another medium authorized by filing-office rule;  
3113 and

3114 (4) An additional fee of Two Dollars (\$2.00) shall be  
3115 paid by the requesting party for each financing statement listed  
3116 on the filing officer's certificate, the aggregate of which shall  
3117 be billed to the requesting party at the time the filing officer's  
3118 certificate is issued.

3119 In addition to the fees charged in paragraphs (1), (2), (3)  
3120 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)  
3121 shall be charged on all transactions described in paragraphs (1),  
3122 (2), (3) and (4) of this subsection. The fees collected under  
3123 this paragraph shall be deposited into the State General Fund.

3124 (e) This section does not require a fee to the chancery  
3125 clerk with respect to a record of a mortgage which is effective as  
3126 a financing statement filed as a fixture filing or as a financing  
3127 statement covering as-extracted collateral or timber to be cut  
3128 under Section 75-9-502(c). However, the recording and  
3129 satisfaction fees to the chancery clerk that otherwise would be  
3130 applicable under Section 25-7-9 to the record of the mortgage  
3131 apply.

3132           **[From and after December 31, 2007, this section shall read as**  
3133 **follows:]**

3134           75-9-525. (a) Except as otherwise provided in subsection  
3135 (e), the fee for filing and indexing a record under this part,  
3136 other than an initial financing statement of the kind described in  
3137 subsection (b) is the amount specified in subsection (c), if  
3138 applicable, plus:

3139           (1) Five Dollars (\$5.00) if the record is communicated  
3140 in writing and is in the standard form prescribed by the Secretary  
3141 of State;

3142           (2) Eight Dollars (\$8.00) if the record is communicated  
3143 in writing and is not in the standard form prescribed by the  
3144 Secretary of State; and

3145           (3) Three Dollars (\$3.00) if the record is communicated  
3146 by another medium authorized by filing-office rule.

3147           In addition to the fees charged in paragraphs (1), (2) and  
3148 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be  
3149 charged on all transactions described in paragraphs (1) and (2),  
3150 and a fee of Eight Dollars (\$8.00) shall be charged on all  
3151 transactions described in paragraph (3). The fees collected under  
3152 this paragraph shall be deposited into the State General Fund.

3153           (b) Except as otherwise provided in subsection (e), the fee  
3154 for filing and indexing an initial financing statement of the  
3155 following kind is the amount specified in subsection (c), if  
3156 applicable, plus:

3157           (1) Eight Dollars (\$8.00) if the financing statement  
3158 indicates that it is filed in connection with a public-finance  
3159 transaction;

3160           (2) Five Dollars (\$5.00) if the financing statement  
3161 indicates that it is filed in connection with a manufactured-home  
3162 transaction.

3163           In addition to the fees charged in paragraphs (1) and (2) of  
3164 this subsection (b), a fee of Ten Dollars (\$10.00) shall be

3165 charged on all transactions described in paragraphs (1) and (2) of  
3166 this subsection (b). The fees collected under this paragraph  
3167 shall be deposited into the State General Fund.

3168 (c) Except as otherwise provided in subsection (e), if a  
3169 record is communicated in writing, the fee for each additional  
3170 debtor name more than one (1) required to be indexed is Four  
3171 Dollars (\$4.00).

3172 In addition to the fee charged in this subsection (c), a fee  
3173 of Sixteen Dollars (\$16.00) shall be charged on all transactions  
3174 described in this subsection. The fees collected under this  
3175 paragraph shall be deposited into the State General Fund.

3176 (d) The fee for responding to a request for information from  
3177 the filing office, including for issuing a certificate showing  
3178 whether there is on file any financing statement naming a  
3179 particular debtor, is:

3180 (1) Five Dollars (\$5.00) if the request is communicated  
3181 in writing on the standard form prescribed by the Secretary of  
3182 State;

3183 (2) Ten Dollars (\$10.00) if the request is communicated  
3184 in writing and is not in the standard form prescribed by the  
3185 Secretary of State;

3186 (3) Three Dollars (\$3.00) if the request is  
3187 communicated by another medium authorized by filing-office rule;  
3188 and

3189 (4) An additional fee of Two Dollars (\$2.00) shall be  
3190 paid by the requesting party for each financing statement listed  
3191 on the filing officer's certificate, the aggregate of which shall  
3192 be billed to the requesting party at the time the filing officer's  
3193 certificate is issued.

3194 In addition to the fees charged in paragraphs (1), (2), (3)  
3195 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)  
3196 shall be charged on all transactions described in paragraphs (1),



3197 (2), (3) and (4) of this subsection. The fees collected under  
3198 this paragraph shall be deposited into the State General Fund.

3199 (e) This section does not require a fee to the chancery  
3200 clerk with respect to a record of a mortgage which is effective as  
3201 a financing statement filed as a fixture filing or as a financing  
3202 statement covering as-extracted collateral or timber to be cut  
3203 under Section 75-9-502(c). However, the recording and  
3204 satisfaction fees to the chancery clerk that otherwise would be  
3205 applicable under Section 25-7-9 to the record of the mortgage  
3206 apply.

3207 **SECTION 53.** Section 75-63-65, Mississippi Code of 1972, is  
3208 amended as follows:

3209 75-63-65. (1) Any establishment or organization which  
3210 engages in the business of selling pre-need merchandise and/or  
3211 services shall register with the Secretary of State and shall pay  
3212 a registration fee. A separate registration is required for each  
3213 separate corporation or business entity. The establishment or  
3214 organization shall pay to the Secretary of State for the  
3215 registration of the main establishment or organization a fee of  
3216 Three Hundred Fifty Dollars (\$350.00).

3217 (2) Any person who engages in the business of selling  
3218 pre-need contracts shall register with the Secretary of State.

3219 (3) The Secretary of State shall establish regulations to  
3220 register each establishment or organization selling pre-need  
3221 merchandise or services. No establishment or organization shall  
3222 be registered to sell pre-need merchandise or services that the  
3223 establishment or organization cannot lawfully provide at the time  
3224 of a person's death. The Secretary of State shall also maintain a  
3225 record of all individuals who are registered to sell pre-need  
3226 merchandise or services through the registered establishment.

3227 (4) The Secretary of State shall establish regulations to  
3228 register each person selling pre-need contracts, including the  
3229 establishment through which the seller will be selling. No person

3230 shall be registered to sell pre-need contracts without indicating  
3231 the establishment for which he or she is selling.

3232 (5) The Secretary of State shall develop and furnish the  
3233 forms necessary for the registration of establishments and  
3234 individuals selling pre-need contracts.

3235 (6) The Secretary of State shall charge the following fees  
3236 under this article:

- 3237 (a) Renewal of registration for establishments and  
3238 organizations..... \$50.00  
3239 (b) Registration of agents..... \$20.00  
3240 (c) Renewal of registration for agents..... \$20.00  
3241 (d) Filing of sales reports..... \$50.00

3242 The fees collected under this subsection shall be deposited  
3243 into the State General Fund.

3244 **SECTION 54.** Section 75-71-409, Mississippi Code of 1972, is  
3245 amended as follows:

3246 75-71-409. (1) (a) At the time the registration of a  
3247 securities offering or notification of a securities offering  
3248 pursuant to Section 75-71-408(a) is filed, every person filing  
3249 such registration or notification shall pay a filing fee of  
3250 one-tenth of one percent (1/10 of 1%) of the dollar amount to be  
3251 registered, with the minimum fee to be One Hundred Fifty Dollars  
3252 (\$150.00) and the maximum fee to be One Thousand Dollars  
3253 (\$1,000.00).

3254 (b) When a registration is withdrawn before the  
3255 effective date or a preeffective stop order is entered under  
3256 Sections 75-71-425 through 75-71-431, the Secretary of State shall  
3257 retain the greater of One Hundred Fifty Dollars (\$150.00) or forty  
3258 percent (40%) of the fee.

3259 (c) The Secretary of State may by rule or otherwise set  
3260 a fee for changing the name of an issuer or offering filed with  
3261 his office.

3262           (2) The Secretary of State shall charge the following fees  
3263 under this chapter:

3264           (a) Initial registration statements - processing  
3265 fee..... \$100.00

3266           (b) Renewal fee in addition to initial  
3267 offering..... \$100.00

3268           The fees collected under this subsection shall be deposited  
3269 into the State General Fund.

3270           **SECTION 55.** Section 79-11-109, Mississippi Code of 1972, is  
3271 amended as follows:

3272           79-11-109. (1) Except as otherwise provided in subsection  
3273 (4) of this section, the Secretary of State shall collect the  
3274 following fees when the documents described in this subsection are  
3275 delivered for filing:

3276	Document	Fee
3277	(a) Articles of incorporation.....	\$50.00
3278	(b) Application for use of indistinguishable name	
3279	.....	25.00
3280	(c) Application for reserved name.....	25.00
3281	(d) Notice of transfer of reserved name.....	25.00
3282	(e) Application for registered name.....	50.00
3283	(f) Application for renewal of registered name	50.00
3284	(g) Corporation's statement of change of registered	
3285	agent or registered office or both.....	10.00
3286	(h) Agent's statement of change of registered office	
3287	for each affected corporation.....	10.00
3288	not to exceed a total of.....	1,000.00
3289	(i) Agent's statement of resignation.....	No Fee
3290	(j) Amendment of articles of incorporation....	50.00
3291	(k) Restatement of articles of incorporation with	
3292	amendments.....	50.00
3293	(l) Articles of merger.....	50.00
3294	(m) Articles of dissolution.....	25.00

3295	(n) Articles of revocation of dissolution.....	25.00
3296	(o) Certificate of administrative dissolution.	No Fee
3297	(p) Application for reinstatement following	
3298	administrative dissolution.....	50.00
3299	(q) Certificate of reinstatement.....	No Fee
3300	(r) Certificate of judicial dissolution.....	No Fee
3301	(s) Application for certificate of authority..	100.00
3302	(t) Application for amended certificate of	
3303	authority.....	50.00
3304	(u) Application for certificate of withdrawal..	25.00
3305	(v) Certificate of revocation of authority to	
3306	transact business.....	No Fee
3307	(w) Status report.....	25.00
3308	(x) Articles of correction.....	50.00
3309	(y) Application for certificate of existence or	
3310	authorization.....	25.00
3311	(z) Any other document required or permitted	
3312	to be filed by Sections 79-11-101 et seq.....	25.00
3313	(2) Except as otherwise provided in subsection (4) of this	
3314	section, the Secretary of State shall collect a fee of Twenty-five	
3315	Dollars (\$25.00) upon being served with process under Sections	
3316	79-11-101 et seq. The party to a proceeding causing service of	
3317	process is entitled to recover the fee paid the Secretary of State	
3318	as costs if the party prevails in the proceeding.	
3319	(3) Except as otherwise provided in subsection (4) of this	
3320	section, the Secretary of State shall collect the following fees	
3321	for copying and certifying the copy of any filed document relating	
3322	to a domestic or foreign corporation:	
3323	(a) One Dollar (\$1.00) a page for copying; and	
3324	(b) Ten Dollars (\$10.00) for the certificate.	
3325	(4) The Secretary of State may collect a filing fee greater	
3326	than the fee set forth in subsections (1), (2) and (3) in an	
3327	amount not to exceed twice the fee set forth in subsections (1),	

3328 (2) and (3) of processing the filing, if the form prescribed by  
3329 the Secretary of State for such filing has not been used.

3330 (5) In addition to any other fees charged in this section,  
3331 the Secretary of State shall charge the following fees:

3332 (a) Articles of incorporation..... \$25.00

3333 (b) Corporation's statement of change  
3334 of registered agent or registered office or both..... \$25.00

3335 The fees collected under this subsection shall be deposited  
3336 into the State General Fund.

3337 **SECTION 56.** Section 79-11-504, Mississippi Code of 1972, is  
3338 amended as follows:

3339 79-11-504. (1) The Secretary of State shall have the  
3340 authority to:

3341 (a) Promulgate rules of procedure and regulations  
3342 necessary for the administration of Sections 79-11-501 through  
3343 79-11-529, subject to the provisions of the Mississippi  
3344 Administrative Procedures Law.

3345 (b) Honor written requests from interested person for  
3346 interpretative opinions regarding registration and exemptions from  
3347 registration.

3348 (c) Publish and disseminate information to the public  
3349 concerning persons subject to Sections 79-11-501 through  
3350 79-11-529.

3351 (d) Perform any other functions and duties which may be  
3352 necessary to carry out the provisions of Sections 79-11-501  
3353 through 79-11-529.

3354 (2) The Secretary of State shall charge the following fees  
3355 under Sections 79-11-501 through 79-11-529:

3356 (a) Registration of exempt organizations..... \$50.00

3357 (b) Registration of solicitors..... \$50.00

3358 (c) Renewal of solicitors registration..... \$50.00

3359 (d) Filing of solicitation campaign notices.... \$50.00

3360 (e) Issuing opinion letters--charitable and

3361 fundraising..... \$100.00

3362 The fees collected under this subsection shall be deposited  
3363 into the State General Fund.

3364 **SECTION 57.** Section 79-29-1203, Mississippi Code of 1972, is  
3365 amended as follows:

3366 79-29-1203. (1) The Secretary of State shall charge and  
3367 collect a fee for:

3368 (a) Filing of Reservation of Limited Liability Company  
3369 Name, Twenty-Five Dollars (\$25.00).

3370 (b) Filing of Change of Address of Registered Agent,  
3371 Twenty-Five Dollars (\$25.00).

3372 (c) Filing of Resignation of Registered Agent, Five  
3373 Dollars (\$5.00).

3374 (d) Filing of Certificate of Formation, Fifty Dollars  
3375 (\$50.00).

3376 (e) Filing of Amendment to Certificate of Formation,  
3377 Fifty Dollars (\$50.00).

3378 (f) Filing of Certificate of Dissolution, Twenty-Five  
3379 Dollars (\$25.00).

3380 (g) Filing of Certificate of Cancellation, Twenty-Five  
3381 Dollars (\$25.00).

3382 (h) Filing of Restated Certificate of Formation or  
3383 Amended and Restated Certificate of Formation, Twenty-Five Dollars  
3384 (\$25.00).

3385 (i) Filing of Certificate of Withdrawal, Twenty-Five  
3386 Dollars (\$25.00).

3387 (j) Filing of Application for Registration of Foreign  
3388 Limited Liability Company, Two Hundred Fifty Dollars (\$250.00).

3389 (k) Filing of Certificate Correcting Application for  
3390 Registration of Foreign Limited Liability Company, Fifty Dollars  
3391 (\$50.00).

3392 (1) Filing of Certificate of Cancellation of  
3393 Registration of Foreign Limited Liability Company, Twenty-Five  
3394 Dollars (\$25.00).

3395 (m) Any other document required or permitted to be  
3396 filed under this chapter, Twenty-Five Dollars (\$25.00).

3397 (2) In addition to any other fees charged under this  
3398 section, the Secretary of State shall charge the following fees:

3399 (a) For filing a certificate of formation..... \$25.00

3400 (b) For filing annual reports..... \$75.00

3401 The fees collected under this subsection shall be deposited  
3402 into the State General Fund.

3403 **SECTION 58.** Section 75-76-131, Mississippi Code of 1972, is  
3404 brought forward as follows:

3405 75-76-131. (1) The executive director shall:

3406 (a) Ascertain and keep himself informed of the  
3407 identity, prior activities and present location of all gaming  
3408 employees in the State of Mississippi; and

3409 (b) Maintain confidential records of such information.

3410 (2) No person may be employed as a gaming employee unless he  
3411 is the holder of a work permit issued by the commission.

3412 (3) A work permit issued to a gaming employee must have  
3413 clearly imprinted thereon a statement that it is valid for gaming  
3414 purposes only.

3415 (4) Application for a work permit is to be made to the  
3416 executive director and may be granted or denied for any cause  
3417 deemed reasonable by the commission. Whenever the executive  
3418 director denies such an application, he shall include in the  
3419 notice of the denial a statement of the facts upon which he relied  
3420 in denying the application.

3421 (5) Any person whose application for a work permit has been  
3422 denied by the executive director may, not later than sixty (60)  
3423 days after receiving notice of the denial or objection, apply to  
3424 the commission for a hearing before a hearing examiner. A failure

3425 of a person whose application has been denied to apply for a  
3426 hearing within sixty (60) days or his failure to appear at a  
3427 hearing conducted pursuant to this section shall be deemed to be  
3428 an admission that the denial or objection is well founded and  
3429 precludes administrative or judicial review. At the hearing, the  
3430 hearing examiner appointed by the commission shall take any  
3431 testimony deemed necessary. After the hearing the hearing  
3432 examiner shall within thirty (30) days after the date of the  
3433 hearing announce his decision sustaining or reversing the denial  
3434 of the work permit or the objection to the issuance of a work  
3435 permit. The executive director may refuse to issue a work permit  
3436 if the applicant has:

3437           (a) Failed to disclose, misstated or otherwise  
3438 attempted to mislead the commission with respect to any material  
3439 fact contained in the application for the issuance or renewal of a  
3440 work permit;

3441           (b) Knowingly failed to comply with the provisions of  
3442 this chapter or the regulations of the commission at a place of  
3443 previous employment;

3444           (c) Committed, attempted or conspired to commit any  
3445 crime of moral turpitude, embezzlement or larceny or any violation  
3446 of any law pertaining to gaming, or any crime which is inimical to  
3447 the declared policy of this state concerning gaming;

3448           (d) Been identified in the published reports of any  
3449 federal or state legislative or executive body as being a member  
3450 or associate of organized crime, or as being of notorious and  
3451 unsavory reputation;

3452           (e) Been placed and remains in the constructive custody  
3453 of any federal, state or municipal law enforcement authority;

3454           (f) Had a work permit revoked or committed any act  
3455 which is a ground for the revocation of a work permit or would  
3456 have been a ground for revoking his work permit if he had then  
3457 held a work permit; or



3458 (g) For any other reasonable cause.

3459 The executive director shall refuse to issue a work permit if  
3460 the applicant has committed, attempted or conspired to commit a  
3461 crime which is a felony in this state or an offense in another  
3462 state or jurisdiction which would be a felony if committed in this  
3463 state.

3464 (6) Any applicant aggrieved by the decision of the hearing  
3465 examiner may, within fifteen (15) days after the announcement of  
3466 the decision, apply in writing to the commission for review of the  
3467 decision. Review is limited to the record of the proceedings  
3468 before the hearing examiner. The commission may sustain or  
3469 reverse the hearing examiner's decision. The commission may  
3470 decline to review the hearing examiner's decision, in which case  
3471 the hearing examiner's decision becomes the final decision of the  
3472 commission. The decision of the commission is subject to judicial  
3473 review.

3474 (7) All records acquired or compiled by the commission  
3475 relating to any application made pursuant to this section and all  
3476 lists of persons to whom work permits have been issued or denied  
3477 and all records of the names or identity of persons engaged in the  
3478 gaming industry in this state are confidential and must not be  
3479 disclosed except in the proper administration of this chapter or  
3480 to an authorized law enforcement agency. Any record of the  
3481 commission which shows that the applicant has been convicted of a  
3482 crime in another state must show whether the crime was a  
3483 misdemeanor, gross misdemeanor, felony or other class of crime as  
3484 classified by the state in which the crime was committed. In a  
3485 disclosure of the conviction, reference to the classification of  
3486 the crime must be based on the classification in the state where  
3487 it was committed.

3488 (8) A work permit expires unless renewed within ten (10)  
3489 days after a change of place of employment or if the holder  
3490 thereof is not employed as a gaming employee within the

3491 jurisdiction of the issuing authority for more than ninety (90)  
3492 days.

3493 (9) Notice of any objection to or denial of a work permit by  
3494 the executive director as provided pursuant to this section is  
3495 sufficient if it is mailed to the applicant's last known address  
3496 as indicated on the application for a work permit. The date of  
3497 mailing may be proven by a certificate signed by the executive  
3498 director or his designee that specifies the time the notice was  
3499 mailed. The notice is presumed to have been received by the  
3500 applicant five (5) days after it is deposited with the United  
3501 States Postal Service with the postage thereon prepaid.

3502 **SECTION 59.** This act shall take effect and be in force from  
3503 and after July 1, 2005, except for Sections 1 and 2, which shall  
3504 take effect and be in force from and after the passage of this  
3505 act.