

By: Representatives Scott, Blackmon,
Johnson, Evans, Flaggs, Fleming, Green,
Harrison, Holloway, Middleton, Myers,
Perkins, Thomas

To: Ways and Means

HOUSE BILL NO. 1718

1 AN ACT TO CREATE A STUDY COMMITTEE TO STUDY THE TAX SYSTEM OF
2 THIS STATE AND TO MAKE RECOMMENDATIONS THEREON TO THE LEGISLATURE;
3 TO REQUIRE THE BUDGET OF STATE AGENCIES BE REDUCED BY 5% IN FISCAL
4 YEAR 2006; TO AMEND SECTION 27-7-5, MISSISSIPPI CODE OF 1972, TO
5 REVISE THE TAX BRACKETS UNDER THE INCOME TAX LAW; TO AMEND
6 SECTIONS 27-7-901 AND 27-7-903, MISSISSIPPI CODE OF 1972, TO
7 INCREASE THE TAX LEVIED UPON AMOUNTS THAT ARE PAID OR CREDITED BY
8 GAMING ESTABLISHMENTS TO THEIR PATRONS; TO AMEND SECTIONS 27-13-5
9 AND 27-13-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE FRANCHISE
10 TAX LEVY; TO AMEND SECTIONS 27-15-103 AND 27-15-109, MISSISSIPPI
11 CODE OF 1972, TO INCREASE THE INSURANCE PREMIUM TAX; TO AMEND
12 SECTION 27-19-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE
13 REGISTRATION FEE ON MOTOR VEHICLES; TO AMEND SECTION 27-65-17,
14 MISSISSIPPI CODE OF 1972, TO INCREASE THE SALES TAX ON RETAIL
15 SALES OF PRIVATE CARRIERS OF PASSENGERS AND LIGHT CARRIERS OF
16 PROPERTY; TO AMEND SECTION 27-65-19, MISSISSIPPI CODE OF 1972, TO
17 INCREASE THE SALES TAX ON SALES OF ELECTRICITY AND OTHER FUELS TO
18 MANUFACTURERS, CUSTOM PROCESSORS OR PUBLIC SERVICE COMPANIES FOR
19 INDUSTRIAL PURPOSES; TO AMEND SECTION 27-65-21, MISSISSIPPI CODE
20 OF 1972, TO INCREASE THE CONTRACTOR'S TAX; TO AMEND SECTION
21 27-65-33, MISSISSIPPI CODE OF 1972, TO REMOVE THE DISCOUNT GIVEN
22 FOR TIMELY FILING AND PAYING SALES TAXES; TO AMEND SECTION
23 27-65-75, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF THE
24 SALES TAX DIVERSION TO CITIES AND TO PROVIDE THAT THE ADDITIONAL
25 SALES TAX ON MOTOR VEHICLES SHALL NOT BE DEPOSITED INTO THE MOTOR
26 VEHICLE AD VALOREM TAX REDUCTION FUND; TO AMEND SECTION 27-65-111,
27 MISSISSIPPI CODE OF 1972, TO REMOVE THE SALES TAX EXEMPTION ON
28 SALES OF MOTOR FUEL AND TO EXEMPT RETAIL SALES OF CERTAIN
29 GROCERIES FROM SALES TAXATION; TO AMEND SECTION 27-67-5,
30 MISSISSIPPI CODE OF 1972, TO INCREASE THE USE TAX; TO AMEND
31 SECTION 27-67-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
32 ADDITIONAL USE TAX ON MOTOR VEHICLES SHALL NOT BE DEPOSITED INTO
33 THE MOTOR VEHICLE AD VALOREM TAX REDUCTION FUND; TO AMEND SECTION
34 27-69-13, MISSISSIPPI CODE OF 1972, TO INCREASE THE EXCISE TAX
35 LEVIED ON CIGARETTES; TO ELIMINATE THE DISCOUNT OR COMPENSATION
36 PROVIDED TO DEALERS AS CONSIDERATION FOR THEIR SERVICES IN
37 AFFIXING TOBACCO TAX STAMPS REQUIRED UNDER THE STATE TOBACCO TAX
38 LAW; TO PROHIBIT ANY STATE AGENCY FROM PURCHASING EQUIPMENT,
39 HIRING NEW EMPLOYEES, OR PROMOTING, RECLASSIFYING, REALLOCATING OR
40 REALIGNING PAY GRADES WITH REGARD TO ANY OF ITS EMPLOYEES OR JOB
41 POSITIONS DURING THE CURRENT FISCAL YEAR; TO ESTABLISH AN APPEAL
42 PROCEDURE TO THE STATE FISCAL OFFICER FOR AGENCIES SEEKING TO TAKE
43 ANY ACTION THAT OTHERWISE WOULD BE PROHIBITED BY THIS ACT; TO SET
44 FORTH THE DEMONSTRATION OF THE EMERGENCY THAT MUST BE MADE BY THE
45 AGENCY IN ITS APPEAL; TO PROVIDE THAT THE JOINT LEGISLATIVE BUDGET
46 COMMITTEE SHALL BE NOTIFIED OF SUCH AN APPEAL AND THAT COMMITTEE
47 MEMBERS MAY ATTEND THE HEARING ON SUCH AN APPEAL; TO ALLOW THE
48 STATE FISCAL OFFICER, IN HIS DISCRETION, TO AUTHORIZE THE ACTION
49 SOUGHT IN THE APPEAL; TO AMEND SECTION 25-9-116, MISSISSIPPI CODE
50 OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO PROVIDE
51 THAT DURING FISCAL YEAR 2006, STATE AGENCIES ARE NOT AUTHORIZED TO
52 EXPEND FUNDS TO DO CERTAIN THINGS UNLESS SPECIFICALLY AUTHORIZED

53 IN THE AGENCY'S APPROPRIATION BILL; TO AMEND SECTIONS 7-7-211 AND
54 7-7-213, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE CHARGED BY
55 THE DEPARTMENT OF AUDIT FOR CONDUCTING A POSTAUDIT, PREAUDIT OR
56 INVESTIGATION OF THE FINANCIAL AFFAIRS OF CERTAIN GOVERNMENTAL
57 ENTITIES; TO BRING FORWARD SECTION 27-15-83, MISSISSIPPI CODE OF
58 1972, WHICH PROVIDES FOR CERTAIN PRIVILEGE TAXES TO BE LEVIED ON
59 INSURANCE COMPANIES; TO BRING FORWARD SECTION 27-15-85,
60 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR PRIVILEGE TAXES TO BE
61 LEVIED ON CERTAIN INCORPORATED INSURANCE AGENCIES AND INCORPORATED
62 GENERAL AGENTS AND INCORPORATED SUPERVISING GENERAL AGENTS; TO
63 BRING FORWARD SECTION 27-15-87, MISSISSIPPI CODE OF 1972, WHICH
64 PROVIDES FOR PRIVILEGE TAXES TO BE LEVIED ON CERTAIN FIRE,
65 CASUALTY, LIABILITY, FIDELITY, SURETY, GUARANTY AND INLAND MARINE
66 INSURANCE AGENTS AND INSURANCE SOLICITORS; TO BRING FORWARD
67 SECTION 27-15-93, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN
68 PRIVILEGE TAXES TO BE LEVIED ON INCORPORATED LIFE, HEALTH OR
69 ACCIDENT INSURANCE AGENCIES, SUPERVISING GENERAL AGENTS AND LIFE
70 INSURANCE AGENTS; TO BRING FORWARD SECTION 27-15-95, MISSISSIPPI
71 CODE OF 1972, WHICH PROVIDES FOR A PRIVILEGE TAX TO BE LEVIED ON
72 CERTAIN PERSONS, OTHER THAN AN INCORPORATED INSURANCE AGENCY,
73 WRITING HEALTH AND ACCIDENT OR INDUSTRIAL LIFE INSURANCE; TO BRING
74 FORWARD SECTION 83-49-47, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
75 FOR CERTAIN LICENSE FEES ON PERSONS ACTING AS AGENTS OR
76 REPRESENTATIVES OF INSURERS WHO ESTABLISH PREPAID LEGAL SERVICES;
77 TO BRING FORWARD SECTION 83-11-237, MISSISSIPPI CODE OF 1972,
78 WHICH REQUIRES CERTAIN REGISTRATION FEES FOR AGENTS OF AUTOMOBILE
79 CLUBS OPERATING IN THE STATE OF MISSISSIPPI; TO AMEND SECTION
80 27-19-44.4, MISSISSIPPI CODE OF 1972, TO IMPOSE AN ADDITIONAL FEE
81 ON THE ISSUANCE OF PERSONALIZED MOTOR VEHICLE LICENSE TAGS AND
82 CERTAIN DISTINCTIVE OR SPECIAL MOTOR VEHICLE LICENSE TAGS; TO
83 BRING FORWARD SECTION 27-19-89, MISSISSIPPI CODE OF 1972, WHICH
84 PROVIDES FOR FINES FOR OVERWEIGHT VEHICLES UPON THE PUBLIC
85 HIGHWAYS; TO BRING FORWARD SECTION 27-65-27, MISSISSIPPI CODE OF
86 1972, WHICH PROVIDES FOR THE ISSUANCE OF PERMITS TO ENGAGE IN
87 BUSINESS; TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF 1972, AND
88 TO AMEND SECTION 27-69-31, MISSISSIPPI CODE OF 1972, TO ELIMINATE
89 THE DISCOUNT OR COMPENSATION PROVIDED TO DEALERS AS COMPENSATION
90 FOR THEIR SERVICES IN AFFIXING TOBACCO TAX STAMPS REQUIRED UNDER
91 THE STATE TOBACCO TAX LAW; TO AMEND SECTION 27-69-75, MISSISSIPPI
92 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND
93 SECTION 27-71-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE MARKUP
94 ON THE COST OF ALCOHOLIC BEVERAGES; TO AMEND SECTION 27-71-303,
95 MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL PRIVILEGE TAX ON
96 RETAIL AND WHOLESALE SELLERS OF BEER AND LIGHT WINES; TO AMEND
97 SECTION 39-5-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
98 DEPARTMENT OF ARCHIVES AND HISTORY TO CHARGE FEES FOR THE
99 DEPARTMENT TO PERFORM RESEARCH ON BEHALF OF PERSONS OR ENTITIES;
100 TO AMEND SECTION 41-3-18, MISSISSIPPI CODE OF 1972, TO PROVIDE
101 THAT THE STATE BOARD OF HEALTH SHALL CHARGE AN ADDITIONAL FEE FOR
102 FOOD ESTABLISHMENT PERMITS AND PRIVATE WATER SUPPLY APPROVALS; TO
103 AMEND SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
104 STATE BOARD OF MENTAL HEALTH TO CHARGE COUNTIES FOR SERVICES
105 PROVIDED TO PATIENTS IN MENTAL HEALTH CRISIS INTERVENTION CENTERS;
106 TO BRING FORWARD SECTIONS 41-7-71, 41-71-73 AND 41-71-79,
107 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CHARGING THE COSTS OF
108 PROVIDING CARE AND TREATMENT TO PERSONS AT STATE MENTAL
109 INSTITUTIONS; TO AMEND SECTION 45-1-29, MISSISSIPPI CODE OF 1972,
110 TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO SET AND COLLECT FEES
111 FOR SERVICES RENDERED BY THE MISSISSIPPI CRIME LABORATORY IN
112 AMOUNTS THAT WILL RECOVER THE COSTS TO THE CRIME LABORATORY; TO
113 BRING FORWARD SECTION 49-17-30, MISSISSIPPI CODE OF 1972, WHICH
114 PROVIDES FOR THE ISSUANCE OF AN AIR OPERATING PERMIT UNDER THE
115 FEDERAL CLEAN AIR ACT BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY;
116 TO AMEND SECTION 49-17-421, MISSISSIPPI CODE OF 1972, TO PROVIDE
117 THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE AN
118 ADDITIONAL FEE FOR UNDERGROUND STORAGE TANKS; TO PROVIDE THAT

119 WHERE A FEE IS NOT SET BY LAW, THE DEPARTMENT OF ENVIRONMENTAL
120 QUALITY SHALL CHARGE FEES FOR GENERAL PERMITS, OTHER PERMITS AND
121 MONITORING ACTIVITIES; TO AMEND SECTIONS 51-3-31, 53-7-7, 53-7-21,
122 53-7-25, 53-7-27 AND 53-7-69, MISSISSIPPI CODE OF 1972, TO PROVIDE
123 THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE FEES FOR
124 CERTAIN ACTIVITIES UNDER ITS JURISDICTION; TO BRING FORWARD
125 SECTION 55-3-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
126 CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF WILDLIFE, FISHERIES
127 AND PARKS REGARDING PARKS OPERATED BY THE DEPARTMENT; TO AMEND
128 SECTION 45-35-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE FOR
129 IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY; TO
130 AMEND SECTION 45-35-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE
131 FEE FOR THE ISSUANCE OF DUPLICATE IDENTIFICATION CARDS BY THE
132 DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO
133 INCREASE THE FEES FOR REGULAR DRIVER'S LICENSES AND CLASS D
134 COMMERCIAL DRIVER'S LICENSES; TO AMEND SECTIONS 63-1-21, 63-1-37,
135 63-1-46 AND 63-1-82, MISSISSIPPI CODE OF 1972, TO INCREASE THE
136 FEES FOR THE ISSUANCE OF TEMPORARY DRIVING PERMITS, DUPLICATE
137 COPIES OF DRIVERS' LICENSES OR TEMPORARY DRIVING PERMITS,
138 REINSTATEMENT OF SUSPENDED DRIVERS' LICENSES, AND CLASS A, CLASS B
139 AND CLASS C COMMERCIAL DRIVERS' LICENSES; TO BRING FORWARD SECTION
140 63-1-81, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR APPLICATION
141 FEES FOR COMMERCIAL DRIVER'S LICENSES; TO BRING FORWARD SECTION
142 63-15-4, MISSISSIPPI CODE OF 1972, WHICH REQUIRES MOTOR VEHICLE
143 OWNERS OR OPERATORS TO HAVE INSURANCE CARDS IN THEIR MOTOR
144 VEHICLES; TO AMEND SECTION 63-21-63, MISSISSIPPI CODE OF 1972, TO
145 INCREASE THE FEES FOR ISSUING AND PROCESSING MOTOR VEHICLE
146 CERTIFICATES OF TITLE AND RELATED DOCUMENTS; TO CODIFY NEW SECTION
147 7-3-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF
148 STATE SHALL PROVIDE FOR THE ANNUAL PUBLICATION OF A JUDICIARY
149 DIRECTORY AND COURT CALENDAR, WHICH SHALL BE MADE AVAILABLE FOR
150 SALE FOR NOT LESS THAN A SPECIFIED PRICE PER COPY; TO AMEND
151 SECTION 25-7-81, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
152 SECRETARY OF STATE SHALL CHARGE AN ADDITIONAL FEE FOR THE
153 COMMISSIONING OF NOTARIES PUBLIC; TO AMEND SECTION 79-4-1.22,
154 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE
155 SHALL CHARGE ADDITIONAL FEES FOR FILING CERTAIN DOCUMENTS; TO
156 AMEND SECTION 75-9-525, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
157 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FILING FEES FOR
158 SECURED TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE; TO AMEND
159 SECTION 75-63-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
160 SECRETARY OF STATE SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING
161 TO SALES OF PRE-NEED CONTRACTS; TO AMEND SECTION 75-71-409,
162 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE
163 SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING TO SECURITIES; TO
164 AMEND SECTION 79-11-109, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
165 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FEES FOR FILING
166 CERTAIN DOCUMENTS; TO AMEND SECTION 79-11-504, MISSISSIPPI CODE OF
167 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE
168 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO CHARITABLE
169 SOLICITATIONS; TO AMEND SECTION 79-29-1203, MISSISSIPPI CODE OF
170 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE
171 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO LIMITED LIABILITY
172 COMPANIES; TO BRING FORWARD SECTION 75-76-131, MISSISSIPPI CODE OF
173 1972, WHICH PROVIDES FOR THE ISSUANCE OF WORK PERMITS BY THE
174 MISSISSIPPI GAMING COMMISSION BEFORE A PERSON MAY BE EMPLOYED AS A
175 GAMING EMPLOYEE; AND FOR RELATED PURPOSES.

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

177 **SECTION 1.** The Legislature finds that tax revenues are not
178 sufficient to fund essential functions of state government and
179 without additional revenues to fund these functions, the health,

180 safety, welfare and future of the citizens of the State of
181 Mississippi will be compromised. It is the intent of the
182 Legislature that the additional General Fund revenue that is
183 generated as a result of the passage of this act shall be utilized
184 to:

185 (a) Maintain the current eligibility standards under
186 the Medicaid program;

187 (b) Fund the Medicaid Poverty Level Aged and Disabled
188 Group;

189 (c) Fund seven hundred fifty (750) slots under the
190 Medicaid Assisted Living Waiver Program;

191 (d) Fund the Children's Health Insurance Program
192 administered by the Department of Medicaid;

193 (e) Fund the Mississippi Adequate Education Program and
194 teacher salaries as provided by law;

195 (f) Fund State Institutions of Higher Learning and
196 Community and Junior Colleges;

197 (g) Fund the State and School Employees' Health
198 Insurance Plan;

199 (h) Fund a six percent (6%) increase in state employee
200 compensation;

201 (i) Fund mental health crisis centers; and

202 (j) Fund additional patrolmen for the Highway Safety
203 Patrol.

204 **SECTION 2.** (1) There is created a study committee on the
205 tax system of Mississippi. The committee shall make a report of
206 its findings and recommendations to the Legislature during the
207 2006 Regular Legislative Session, including any recommended
208 legislation.

209 (2) The committee shall be composed of the following
210 members:

211 (a) The President Pro Tempore of the Mississippi
212 Senate;

213 (b) The Speaker Pro Tempore of the Mississippi House of
214 Representatives;

215 (c) The Chairman of the Senate Appropriations
216 Committee;

217 (d) The Chairman of the House Appropriations Committee;

218 (e) The Chairman of the Senate Finance Committee;

219 (f) The Chairman of the House Ways and Means Committee;

220 (g) The State Treasurer, or his designee;

221 (h) The Executive Director of the Department of Finance
222 and Administration;

223 (i) The State Auditor, or his designee;

224 (j) One (1) member designated by the State Tax
225 Commission;

226 (k) One (1) member designated by the State Board of
227 Public Accountancy;

228 (l) One (1) member designated by the President of The
229 Mississippi Bar from the Taxation Section of The Mississippi Bar;

230 (m) One (1) member designated by the Mississippi
231 Supervisors Association;

232 (n) One (1) member designated by the Mississippi
233 Municipal Association; and

234 (o) Three (3) representatives of the general public,
235 one (1) designated by the Governor, one (1) by the Lieutenant
236 Governor and one (1) by the Speaker of the House of
237 Representatives.

238 Appointments shall be made within thirty (30) days after the
239 effective date of this act, and, within fifteen (15) days
240 thereafter on a day to be designated jointly by the Lieutenant
241 Governor and the Speaker of the House, the committee shall meet
242 and organize by selecting from its membership a chairman and a
243 vice chairman. The vice chairman shall also serve as secretary
244 and shall be responsible for keeping all records of the committee.
245 A majority of the members of the committee shall constitute a

246 quorum. In the selection of its officers and the adoption of
247 rules, resolutions and reports, an affirmative vote of a majority
248 of the committee shall be required. All members shall be notified
249 in writing of all meetings, such notices to be mailed at least
250 five (5) days before the date on which a meeting is to be held.

251 (3) The committee shall study and make recommendations with
252 respect to the imposition of state taxes and the granting of tax
253 exemptions in all areas of taxation including, but not limited to,
254 sales taxes, income taxes, privilege taxes, fuel taxes, diversions
255 of taxes and the relationship between state and local taxes.

256 (4) Members of the committee who are not legislators, state
257 officials or state employees shall be compensated at the per diem
258 rate authorized by Section 25-3-69, and shall be reimbursed in
259 accordance with Section 25-3-41 for mileage and actual expenses
260 incurred in the performance of their duties. Legislative members
261 of the committee shall be paid from the contingent expense funds
262 of their respective houses in the same manner as provided for
263 committee meetings when the Legislature is not in session;
264 however, no per diem or expense for attending meetings of the
265 committee will be paid while the Legislature is in session. No
266 committee member may incur per diem, travel or other expenses
267 unless previously authorized by vote, at a meeting of the
268 committee, which action shall be recorded in the official minutes
269 of the meeting. Nonlegislative members shall be paid from any
270 funds made available to the committee for that purpose.

271 (5) The committee shall utilize clerical and legal staff
272 already employed by the Legislature and any other staff assistance
273 made available to it. To effectuate the purpose of this
274 resolution, any department, division, board, bureau, commission or
275 agency of the state or of any political subdivision thereof shall,
276 at the request of the chairman of the committee, provide to the
277 committee such facilities, assistance and data as will enable the
278 committee properly to carry out its task.

279 (6) Upon presentation of its report to the 2006 Regular
280 Legislative Session, the committee shall be dissolved.

281 **SECTION 3.** In fiscal year 2006, the budget of each state
282 agency, as defined in Section 27-103-103, shall be reduced by five
283 percent (5%) from the level it was funded in fiscal year 2005.

284 **SECTION 4.** Section 27-7-5, Mississippi Code of 1972, is
285 amended as follows:

286 27-7-5. (1) There is * * * assessed and levied, to be
287 collected and paid as hereinafter provided, for the calendar year
288 1983 and fiscal years ending during the calendar year 1983 and all
289 taxable years thereafter, upon the entire net income of every
290 resident individual, corporation, association, trust or estate, in
291 excess of the credits provided, a tax at the following rates:

292 On the first Five Thousand Dollars (\$5,000.00) of taxable
293 income, or any part thereof, at the rate of four percent (4%);

294 On the next Five Thousand Dollars (\$5,000.00) of taxable
295 income, or any part thereof, at the rate of five percent (5%); and

296 On all taxable income in excess of Ten Thousand Dollars
297 (\$10,000.00), at the rate of six percent (6%).

298 (2) An S corporation, as defined in Section 27-8-3(1)(g),
299 shall not be subject to the income tax imposed under this section.

300 (3) A like tax is * * * imposed to be assessed, collected
301 and paid annually, except as hereinafter provided, at the rate
302 specified in this section and as hereinafter provided, upon and
303 with respect to the entire net income, from all property owned or
304 sold, and from every business, trade or occupation carried on in
305 this state by individuals, corporations, partnerships, trusts or
306 estates, not residents of the State of Mississippi.

307 (4) In the case of taxpayers having a fiscal year beginning
308 in the calendar year 1982 and ending after the first day of
309 January 1983, the tax due for that taxable year shall be
310 determined by:

311 (a) Computing for the full fiscal year the amount of
312 tax that would be due under the rates in effect for the calendar
313 year 1982; and

314 (b) Computing for the full fiscal year the amount of
315 tax that would be due under the rates in effect for the calendar
316 year 1983; and

317 (c) Applying to the tax computed under paragraph (a)
318 the ratio that the number of months falling within the earlier
319 calendar year bears to the total number of months in the fiscal
320 year; and

321 (d) Applying to the tax computed under paragraph (b)
322 the ratio that the number of months falling within the later
323 calendar year bears to the total number of months within the
324 fiscal year; and

325 (e) Adding to the tax determined under paragraph (c)
326 the tax determined under paragraph (d) the sum of which shall be
327 the amount of tax due for the fiscal year.

328 **SECTION 5.** Section 27-7-901, Mississippi Code of 1972, is
329 amended as follows:

330 27-7-901. (1) There is * * * levied, assessed and shall be
331 collected a tax of five percent (5%) upon amounts that are paid or
332 credited by gaming establishments licensed under the provisions of
333 the Mississippi Gaming Control Act to their patrons. The tax
334 shall be collected by licensed gaming establishments and remitted
335 to the State Tax Commission in the manner provided for by
336 regulations promulgated by the Chairman of the State Tax
337 Commission.

338 (2) As used in this section, "amounts that are paid or
339 credited" means amounts or credits that are subject to the
340 withholding or reporting requirements of the Internal Revenue
341 Code.

342 (3) No credit shall be allowed under the Income Tax Law of
343 1952 for the tax collected by licensed gaming establishments under
344 this section.

345 **SECTION 6.** Section 27-7-903, Mississippi Code of 1972, is
346 amended as follows:

347 27-7-903. (1) There is * * * levied and assessed upon
348 patrons of gaming establishments located in this state that are
349 not licensed under the provisions of the Mississippi Gaming
350 Control Act, a tax of five percent (5%) of the amounts that are
351 paid or credited to those patrons by the gaming establishment,
352 which tax is the same in kind and rate as has heretofore been
353 imposed under Section 27-7-901 upon the patrons of gaming
354 establishments that are licensed under the Mississippi Gaming
355 Control Act. The legal incidence and duty to pay those taxes
356 shall fall upon the patron. The assessment of the tax is subject
357 to any exemptions as may exist under federal or state law. The
358 State Tax Commission may enter into tax collection agreements
359 regarding this tax.

360 (2) As used in this section, "amounts that are paid or
361 credited" means amounts or credits that are subject to the
362 withholding or reporting requirements of the Internal Revenue
363 Code.

364 (3) No credit shall be allowed under the Income Tax Law of
365 1952 for the tax collected by gaming establishments under this
366 section.

367 **SECTION 7.** Section 27-13-5, Mississippi Code of 1972, is
368 amended as follows:

369 27-13-5. (1) **Franchise tax levy.** Except as otherwise
370 provided in subsections (3), (4) and (5) of this section, there
371 is * * * imposed, to be paid and collected as hereinafter
372 provided, a franchise or excise tax upon every corporation,
373 association or joint-stock company or partnership treated as a
374 corporation under the income tax laws or regulations, organized or

375 created for pecuniary gain, having privileges not possessed by
376 individuals, and having authorized capital stock now existing in
377 this state, or hereafter organized, created or established, under
378 and by virtue of the laws of the State of Mississippi, equal to
379 Five Dollars (\$5.00) for each One Thousand Dollars (\$1,000.00), or
380 fraction thereof, of the value of the capital used, invested or
381 employed in the exercise of any power, privilege or right enjoyed
382 by the organization within this state, except as hereinafter
383 provided. In no case shall the franchise tax due for the
384 accounting period be less than Twenty-five Dollars (\$25.00). It
385 is the purpose of this section to require the payment to the State
386 of Mississippi of this tax for the right granted by the laws of
387 this state to exist as that organization, and to enjoy, under the
388 protection of the laws of this state, the powers, rights,
389 privileges and immunities derived from the state by the form of
390 that existence.

391 (2) **Annual report of domestic corporations.** Each domestic
392 corporation shall file, within the time prescribed by Section
393 79-3-251, an annual report as required by the provisions of
394 Section 79-3-249.

395 (3) A corporation that has negotiated a fee-in-lieu as
396 defined in Section 57-75-5 shall not be subject to the tax levied
397 by this section on that project; * * * however, * * * the
398 fee-in-lieu payment shall be otherwise treated in the same manner
399 as the payment of franchise taxes.

400 (4) An approved business enterprise as defined in the Growth
401 and Prosperity Act shall not be subject to the tax levied by this
402 section on the value of capital used, invested or employed by the
403 approved business enterprise in a growth and prosperity county or
404 supervisors district as provided in the Growth and Prosperity Act.

405 (5) A business enterprise operating a project as defined in
406 Section 57-64-33, in a county that is a member of a regional
407 economic development alliance created under the Regional Economic

408 Development Act shall not be subject to the tax levied by this
409 section on the value of capital used, invested or employed by the
410 business enterprise in such a county as provided in Section
411 57-64-33.

412 **SECTION 8.** Section 27-13-7, Mississippi Code of 1972, is
413 amended as follows:

414 27-13-7. (1) **Franchise tax levy.** Except as otherwise
415 provided in subsections (3), (4) and (5) of this section, there
416 is * * * imposed, levied and assessed upon every corporation,
417 association or joint-stock company, or partnership treated as a
418 corporation under the Income Tax Laws or regulations as
419 hereinbefore defined, organized and existing under and by virtue
420 of the laws of some other state, territory or country, or
421 organized and existing without any specific statutory authority,
422 now or hereafter doing business or exercising any power, privilege
423 or right within this state, as hereinbefore defined, a franchise
424 or excise tax equal to Five Dollars (\$5.00) of each One Thousand
425 Dollars (\$1,000.00), or fraction thereof, of the value of capital
426 used, invested or employed within this state, except as
427 hereinafter provided. In no case shall the franchise tax due for
428 the accounting period be less than Twenty-five Dollars (\$25.00).
429 It is the purpose of this section to require the payment of a tax
430 by all organizations not organized under the laws of this state,
431 measured by the amount of capital or its equivalent, for which the
432 organization receives the benefit and protection of the government
433 and laws of the state.

434 (2) **Annual report of foreign corporations.** Each foreign
435 corporation authorized to transact business in this state shall
436 file, within the time prescribed by Section 79-3-251, an annual
437 report as required by the provisions of Section 79-3-249.

438 (3) A corporation that has negotiated a fee-in-lieu as
439 defined in Section 57-75-5 shall not be subject to the tax levied
440 by this section on that project; * * * however, * * * the

441 fee-in-lieu payment shall be otherwise treated in the same manner
442 as the payment of franchise taxes.

443 (4) An approved business enterprise as defined in the Growth
444 and Prosperity Act shall not be subject to the tax levied by this
445 section on the value of capital used, invested or employed by the
446 approved business enterprise in a growth and prosperity county or
447 supervisors district as provided in the Growth and Prosperity Act.

448 (5) A business enterprise operating a project as defined in
449 Section 57-64-33, in a county that is a member of a regional
450 economic development alliance created under the Regional Economic
451 Development Act shall not be subject to the tax levied by this
452 section on the value of capital used, invested or employed by the
453 business enterprise in such a county as provided in Section
454 57-64-33.

455 **SECTION 9.** Section 27-15-103, Mississippi Code of 1972, is
456 amended as follows:

457 27-15-103. (1) Except as otherwise provided in Section
458 83-61-11, in addition to the license tax now or hereafter provided
459 by law, which tax shall be paid when the company enters or is
460 admitted to do business in this state, there is * * * levied and
461 imposed upon all foreign insurance companies and associations,
462 including life insurance companies and associations, health,
463 accident and industrial insurance companies and associations, fire
464 and casualty insurance companies and associations, and all other
465 foreign insurance companies and associations of every kind and
466 description, an additional annual license or privilege tax of four
467 percent (4%) of the gross amount of premium receipts received
468 from, and on insurance policies and contracts written in, or
469 covering risks located in this state, except for premiums received
470 on policies issued to fund a deferred compensation plan qualified
471 under Section 457 of the Federal Tax Code for federal tax
472 exemption. In determining the amount of premiums, there shall be
473 deducted therefrom premiums received for reinsurance from

474 companies authorized to do business in this state, cash dividends
475 paid under policy contracts in this state, and premiums returned
476 to policyholders and cancellations on accounts of policies not
477 taken, and, in the case of mutual insurance companies (including
478 interinsurance and reciprocal exchanges, but not including mutual
479 life, accident, health or industrial insurance companies) any
480 refund made or credited to the policyholder other than for losses.
481 The term "premium" as used in this section shall also include
482 policy fees, membership fees, and all other fees collected by the
483 companies. No credit or deduction from gross premium receipts
484 shall be allowed for any commission, fee or compensation paid to
485 any agent, solicitor or representative. * * * However, * * * any
486 foreign insurance carrier selected to furnish service to the State
487 of Mississippi under the State Employees Life and Health Insurance
488 Plan shall not be required to pay the annual license or privilege
489 tax on the premiums collected for coverage under the * * * plan.

490 * * *

491 (2) The taxes * * * levied and imposed in this section for
492 the calendar year 1982 and all calendar years thereafter shall be
493 reduced by the net amount of income tax paid to this state for the
494 preceding calendar year, provided, in no event may the credit be
495 taken more than once. The credit * * * authorized in this
496 subsection shall, in no event, be greater than the premium tax due
497 under this section; it being the purpose and intent of this
498 paragraph that whichever of the annual insurance premium tax or
499 the income tax is greater in amount shall be paid.

500 **SECTION 10.** Section 27-15-109, Mississippi Code of 1972, is
501 amended as follows:

502 27-15-109. (1) Except as otherwise provided in Section
503 83-61-11, there is * * * levied and imposed upon each domestic
504 company doing business in this state an annual tax of four percent
505 (4%) of the gross amount of premiums collected by the domestic
506 company on insurance policies and contracts written in, or

507 covering risks located in this state, except for premiums received
508 on policies issued to fund a retirement, thrift or deferred
509 compensation plan qualified under Section 401, Section 403 or
510 Section 457 of the Federal Tax Code for federal tax
511 exemption. * * * However, * * * a domestic insurance company
512 against which is levied additional premium tax under retaliatory
513 laws of other states in which it does business, as a result of the
514 tax increase provided by Sections 27-15-103 through 27-15-117, may
515 deduct the total of the additional retaliatory tax from the state
516 income tax due by it to the State of Mississippi. The insurance
517 carriers selected to furnish service to the State of Mississippi,
518 under the State Employees Life and Health Insurance Plan, shall
519 not be required to pay the premium tax levied against insurance
520 companies under this section on the premiums collected for
521 coverage under the state employees plan.

522 (2) Except as expressly provided by subsection (1) of this
523 section, all of the provisions of Sections 27-15-103 through
524 27-15-117 shall be applicable to the domestic insurance companies.
525 However, the statement filed with the State Tax Commission by
526 domestic insurance companies as provided in Section 27-15-107
527 shall include therein a sworn statement of all additional
528 retaliatory premium taxes paid by them to other states as a result
529 of the increase in premium taxes imposed by Sections 27-15-103
530 through 27-15-117, itemized by states to which paid.

531 * * *

532 **SECTION 11.** Section 27-19-43, Mississippi Code of 1972, is
533 amended as follows:

534 27-19-43. (1) License tags, substitute tags and decals for
535 individual fleets and for private carriers of passengers, school
536 buses (excluding school buses owned by a school district in the
537 state), church buses, taxicabs, ambulances, hearses, motorcycles
538 and private carriers of property, and private commercial carriers
539 of property of a gross weight of ten thousand (10,000) pounds and

540 less, shall be sold and issued by the tax collectors of the
541 several counties.

542 (2) Applications for license tags for motor vehicles in a
543 corporate fleet registered under Section 27-19-66, and
544 applications for all other license tags, substitute tags and
545 decals shall be filed with the commission or the local tax
546 collector of the respective counties and forwarded to the
547 commission for issuance to the applicant. All tags and decals for
548 vehicles owned by the state or any agency or instrumentality
549 thereof, and vehicles owned by a fire protection district, school
550 district or a county or municipality, and all vehicles owned by a
551 road, drainage or levee district shall be issued by the
552 commission.

553 (3) In addition to the privilege taxes levied in this
554 section, there shall be collected the following registration or
555 tag fee:

556 (a) For the issuance of both a license tag and two (2)
557 decals, a fee of Five Dollars (\$5.00).

558 (b) For the issuance of up to two (2) decals only, a
559 fee of Three Dollars and Seventy-five Cents (\$3.75).

560 No tag or decal shall be issued either by a tax collector or
561 by the commission without the collection of the registration fee
562 except substitute tags and decals and license tags for vehicles
563 owned by the State of Mississippi.

564 Beginning July 1, 1987, and until the date specified in
565 Section 65-39-35, there shall be levied a registration fee of Five
566 Dollars (\$5.00) in addition to the regular registration fee
567 imposed in paragraphs (a) and (b) of this subsection. The
568 additional registration fee shall be levied in the same manner as
569 the regular registration fee.

570 (4) Beginning July 1, 2005, there shall be levied a
571 registration fee of Ten Dollars (\$10.00) in addition to the
572 regular registration fee imposed in subsection (3) of this

573 section. The additional registration fee shall be levied in the
574 same manner as the regular registration fee.

575 **SECTION 12.** Section 27-65-17, Mississippi Code of 1972, is
576 amended as follows:

577 27-65-17. (1) Upon every person engaging or continuing
578 within this state in the business of selling any tangible personal
579 property whatsoever, there is * * * levied, assessed and shall be
580 collected a tax equal to seven percent (7%) of the gross proceeds
581 of the retail sales of the business, except as otherwise provided
582 in this section.

583 Retail sales of farm tractors shall be taxed at the rate of
584 one percent (1%) when made to farmers for agricultural purposes.

585 Retail sales of farm implements sold to farmers and used
586 directly in the production of poultry, ratite, domesticated fish
587 as defined in Section 69-7-501, livestock, livestock products,
588 agricultural crops or ornamental plant crops or used for other
589 agricultural purposes shall be taxed at the rate of three percent
590 (3%) when used on the farm. The three percent (3%) rate shall
591 also apply to all equipment used in logging, pulpwood operations
592 or tree farming that is either (a) self-propelled or that is (b)
593 mounted so that it is (i) permanently attached to other equipment
594 that is self-propelled or (ii) permanently attached to other
595 equipment drawn by a vehicle that is self-propelled.

596 Except as otherwise provided in subsection (3) of this
597 section, retail sales of aircraft, automobiles, trucks,
598 truck-tractors, semitrailers and mobile homes shall be taxed at
599 the rate of three percent (3%).

600 Sales of manufacturing machinery or manufacturing machine
601 parts when made to a manufacturer or custom processor for plant
602 use only when the machinery and machine parts will be used
603 exclusively and directly within this state in manufacturing a
604 commodity for sale, rental or in processing for a fee shall be
605 taxed at the rate of one and one-half percent (1-1/2%).

606 Sales of materials for use in track and track structures to a
607 railroad whose rates are fixed by the Interstate Commerce
608 Commission or the Mississippi Public Service Commission shall be
609 taxed at the rate of three percent (3%).

610 Sales of tangible personal property to electric power
611 associations for use in the ordinary and necessary operation of
612 their generating or distribution systems shall be taxed at the
613 rate of one percent (1%).

614 Wholesale sales of beer shall be taxed at the rate of seven
615 percent (7%), and the retailer shall file a return and compute the
616 retail tax on retail sales, but may take credit for the amount of
617 the tax paid to the wholesaler on the return covering the
618 subsequent sales of same property, provided adequate invoices and
619 records are maintained to substantiate the credit.

620 Wholesale sales of food and drink for human consumption to
621 full service vending machine operators to be sold through vending
622 machines located apart from and not connected with other taxable
623 businesses shall be taxed at the rate of eight percent (8%).

624 A manufacturer selling at retail in this state shall be
625 required to make returns of the gross proceeds of those sales and
626 pay the tax imposed in this section.

627 Any person exercising any privilege taxable under Section
628 27-65-15 and selling his natural resource products at wholesale or
629 to exempt persons shall pay the tax levied by that section in lieu
630 of the tax levied by this section.

631 (2) (a) From and after January 1, 1995, retail sales of
632 private carriers of passengers and light carriers of property, as
633 defined in Section 27-51-101, shall be taxed an additional two
634 percent (2%).

635 (b) From and after July 1, 2005, retail sales of
636 private carriers of passengers and light carriers of property, as
637 defined in Section 27-51-101, shall be taxed an additional one
638 percent (1%).

639 (3) In lieu of the tax levied in subsection (1) of this
640 section, there is levied on retail sales of truck-tractors and
641 semitrailers used in interstate commerce and registered under the
642 International Registration Plan (IRP) or any similar reciprocity
643 agreement or compact relating to the proportional registration of
644 commercial vehicles entered into as provided for in Section
645 27-19-143, a tax at the rate of three percent (3%) of the portion
646 of the sale that is attributable to the usage of the truck-tractor
647 or semitrailer in Mississippi. The portion of the retail sale
648 that is attributable to the usage of the truck-tractor or
649 semitrailer in Mississippi is the retail sales price of the
650 truck-tractor or semitrailer multiplied by the percentage of the
651 total miles traveled by the vehicle that are traveled in
652 Mississippi. The tax levied under this subsection (3) shall be
653 collected by the State Tax Commission from the purchaser of the
654 truck-tractor or semitrailer at the time of registration of the
655 truck-tractor or semitrailer.

656 **SECTION 13.** Section 27-65-19, Mississippi Code of 1972, is
657 amended as follows:

658 27-65-19. (1) (a) Except as otherwise provided in this
659 subsection, upon every person selling to consumers, electricity,
660 current, power, potable water, steam, coal, natural gas, liquefied
661 petroleum gas or other fuel, there is * * * levied, assessed and
662 shall be collected a tax equal to seven percent (7%) of the gross
663 income of the business. However, gross income from sales to
664 consumers of electricity, current, power, natural gas, liquefied
665 petroleum gas or other fuel for residential heating, lighting or
666 other residential noncommercial or nonagricultural use, and sales
667 of potable water for residential, noncommercial or nonagricultural
668 use shall be excluded from taxable gross income of the
669 business. * * * Upon every such seller using electricity,
670 current, power, potable water, steam, coal, natural gas, liquefied
671 petroleum gas or other fuel for nonindustrial purposes, there

672 is * * * levied, assessed and shall be collected a tax equal to
673 seven percent (7%) of the cost or value of the product or service
674 used.

675 * * *

676 (b) Upon every person operating a telegraph or
677 telephone business for the transmission of messages or
678 conversations between points within this state, there is * * *
679 levied, assessed and shall be collected a tax equal to seven
680 percent (7%) of the gross income of the business, with no
681 deduction or allowance for any part of an intrastate rate charge
682 because of routing across a state line. Charges by one (1)
683 telecommunications provider to another telecommunications provider
684 holding a permit issued under Section 27-65-27 for services that
685 are resold by the other telecommunications provider, including,
686 but not limited to, access charges, shall not be subject to the
687 tax levied under this paragraph (b). However, any sale of a
688 prepaid telephone calling card or prepaid authorization number, or
689 both, shall be deemed to be the sale of tangible personal property
690 subject only to those taxes imposed by law on the sale of tangible
691 personal property. If the sale of a prepaid telephone calling
692 card or prepaid authorization number does not take place at the
693 vendor's place of business, it shall be conclusively determined to
694 take place at the customer's shipping address. The
695 reauthorization of a prepaid telephone calling card or a prepaid
696 authorization number shall be conclusively determined to take
697 place at the customer's billing address. Except for the
698 provisions governing the sale of a prepaid telephone calling card
699 or prepaid authorization number, this paragraph (b) shall not
700 apply to persons providing mobile telecommunications services that
701 are taxed under paragraph (d) of this section.

702 (c) Upon every person operating a telegraph or
703 telecommunications business for the transmission of messages or
704 conversations originating in this state or terminating in this

705 state via interstate telecommunications, which are charged to the
706 customer's service address in this state, regardless of where the
707 amount is billed or paid, there is * * * levied, assessed and
708 shall be collected a tax equal to seven percent (7%) of the gross
709 income received by the business from those interstate
710 telecommunications. However, a person, upon proof that he has
711 paid a tax in another state on that event, shall be allowed a
712 credit against the tax imposed in this paragraph (c) on interstate
713 telecommunications charges to the extent that the amount of the
714 tax is properly due and actually paid in the other state and to
715 the extent that the rate of sales tax imposed by and paid to the
716 other state does not exceed the rate of sales tax imposed by this
717 paragraph (c). Charges by one (1) telecommunications provider to
718 another telecommunications provider holding a permit issued under
719 Section 27-65-27 for services that are resold by the other
720 telecommunications provider, including, but not limited to, access
721 charges, shall not be subject to the tax levied under this
722 paragraph (c). This paragraph (c) shall not apply to persons
723 providing mobile telecommunications services that are taxed
724 pursuant to paragraph (d) of this subsection.

725 (d) (i) Upon every person providing mobile
726 telecommunications services in this state, there is * * * levied,
727 assessed and shall be collected:

728 1. A tax equal to seven percent (7%) of the
729 gross income received on those services from all charges for
730 transmission of messages or conversations between points within
731 any single state as they shall be construed to be within this
732 state; and

733 2. A tax equal to seven percent (7%) on the
734 gross income received from all charges for services that originate
735 in one (1) state and terminate in any other state.

736 Charges by one (1) telecommunications provider to another
737 telecommunications provider holding a permit issued under Section

738 27-65-27 for services that are resold by the other
739 telecommunications provider, including, but not limited to, access
740 charges, shall not be subject to the tax levied under this
741 paragraph (d).

742 (ii) Subject to the provisions of 4 USCS 116(c),
743 the tax levied by this paragraph (d) shall apply only to those
744 charges for mobile telecommunications services subject to tax that
745 are deemed to be provided to a customer by a home service provider
746 under 4 USCS 117(a), if the customer's place of primary use is
747 located within this state.

748 (iii) A home service provider shall be responsible
749 for obtaining and maintaining the customer's place of primary use.
750 The home service provider shall be entitled to rely on the
751 applicable residential or business street address supplied by the
752 customer, if the home service provider's reliance is in good
753 faith; and the home service provider shall be held harmless from
754 liability for any additional taxes based on a different
755 determination of the place of primary use for taxes that are
756 customarily passed on to the customer as a separate itemized
757 charge. A home service provider shall be allowed to treat the
758 address used for purposes of the tax levied by this chapter for
759 any customer under a service contract in effect on August 1, 2002,
760 as that customer's place of primary use for the remaining term of
761 the service contract or agreement, excluding any extension or
762 renewal of the service contract or agreement. Month-to-month
763 services provided after the expiration of a contract shall be
764 treated as an extension or renewal of the contract or agreement.

765 If the commissioner determines that the address used by a
766 home service provider as a customer's place of primary use does
767 not meet the definition of the term "place of primary use" as
768 defined in this paragraph, the commissioner shall give binding
769 notice to the home service provider to change the place of primary
770 use on a prospective basis from the date of notice of

771 determination; however, the customer shall have the opportunity,
772 before that notice of determination, to demonstrate that the
773 address satisfies that definition.

774 The commission has the right to collect any taxes due
775 directly from the home service provider's customer that has failed
776 to provide an address that meets the definition of the term "place
777 of primary use" that resulted in a failure of tax otherwise due
778 being remitted.

779 (iv) For purposes of this paragraph (d):

780 1. "Place of primary use" means the street
781 address representative of where the customer's use of mobile
782 telecommunications services primarily occurs, which shall be
783 either the residential street address of the customer or the
784 primary business street address of the customer.

785 2. "Customer" means the person or entity that
786 contracts with the home service provider for mobile
787 telecommunications services. For determining the place of primary
788 use, in those instances in which the end user of mobile
789 telecommunications services is not the contracting party, the end
790 user of the mobile telecommunications services shall be deemed the
791 customer. The term "customer" shall not include a reseller of
792 mobile telecommunications service, or a serving carrier under an
793 arrangement to serve the customer outside the home service
794 provider's licensed service area.

795 3. "Home service provider" means the
796 facilities-based carrier or reseller with which the customer
797 contracts for the provision of mobile telecommunications services.

798 (e) (i) For purposes of this paragraph (e), "bundled
799 transaction" means a transaction that consists of distinct and
800 identifiable properties or services that are sold for a single
801 nonitemized price but that are treated differently for tax
802 purposes.

803 (ii) In the case of a bundled transaction that
804 includes telecommunications services taxed under this section in
805 which the price of the bundled transaction is attributable to
806 properties or services that are taxable and nontaxable, the
807 portion of the price that is attributable to any nontaxable
808 property or service shall be subject to the tax unless the
809 provider can reasonably identify that portion from its books and
810 records kept in the regular course of business.

811 (iii) In the case of a bundled transaction that
812 includes telecommunications services subject to tax under this
813 section in which the price is attributable to properties or
814 services that are subject to the tax but the tax revenue from the
815 different properties or services are dedicated to different funds
816 or purposes, the provider shall allocate the price among the
817 properties or services:

818 1. By reasonably identifying the portion of
819 the price attributable to each of the properties and services from
820 its books and records kept in the regular course of business; or

821 2. Based on a reasonable allocation
822 methodology approved by the commission.

823 (iv) This paragraph (e) shall not create a right
824 of action for a customer to require that the provider or the
825 commission, for purposes of determining the amount of tax
826 applicable to a bundled transaction, allocate the price to the
827 different portions of the transaction in order to minimize the
828 amount of tax charged to the customer. A customer shall not be
829 entitled to rely on the fact that a portion of the price is
830 attributable to properties or services not subject to tax unless
831 the provider elects, after receiving a written request from the
832 customer in the form required by the provider, to provide
833 verifiable data based upon the provider's books and records that
834 are kept in the regular course of business that reasonably

835 identifies the portion of the price attributable to the properties
836 or services not subject to the tax.

837 (2) Persons making sales to consumers of electricity,
838 current, power, natural gas, liquefied petroleum gas or other fuel
839 for residential heating, lighting or other residential
840 noncommercial or nonagricultural use or sales of potable water for
841 residential, noncommercial or nonagricultural use shall indicate
842 on each statement rendered to customers that those charges are
843 exempt from sales taxes.

844 (3) There is * * * levied, assessed and shall be paid on
845 transportation charges on shipments moving between points within
846 this state when paid directly by the consumer, a tax equal to the
847 rate applicable to the sale of the property being transported.
848 The tax shall be reported and paid directly to the State Tax
849 Commission by the consumer.

850 **SECTION 14.** Section 27-65-21, Mississippi Code of 1972, is
851 amended as follows:

852 27-65-21. (1) (a) (i) Upon every person engaging or
853 continuing in this state in the business of contracting or
854 performing a contract or engaging in any of the activities, or
855 similar activities, listed below for a price, commission, fee or
856 wage, there is * * * levied, assessed and shall be collected a tax
857 equal to four and one-half percent (4-1/2%) of the total contract
858 price or compensation received, including all charges related to
859 the contract such as finance charges and late charges, from
860 constructing, building, erecting, repairing, grading, excavating,
861 drilling, exploring, testing or adding to any building, highway,
862 street, sidewalk, bridge, culvert, sewer, irrigation or water
863 system, drainage or dredging system, levee or levee system or any
864 part thereof, railway, reservoir, dam, power plant, electrical
865 system, air conditioning system, heating system, transmission
866 line, pipeline, tower, dock, storage tank, wharf, excavation,
867 grading, water well, any other improvement or structure or any

868 part thereof when the compensation received exceeds Ten Thousand
869 Dollars (\$10,000.00). Those activities shall not include
870 constructing, repairing or adding to property that retains its
871 identity as personal property. The tax imposed in this section is
872 levied upon the prime contractor and shall be paid by him.

873 (ii) Amounts included in the contract price or
874 compensation received representing the sale of manufacturing or
875 processing machinery for a manufacturer or custom processor shall
876 be taxed at the rate of one and one-half percent (1-1/2%) in lieu
877 of the three and one-half percent (3-1/2%).

878 (b) The following shall be excluded from the tax levied
879 by this section:

880 (i) The contract price or compensation received
881 for constructing, building, erecting, repairing or adding to any
882 building, electrical system, air conditioning system, heating
883 system or any other improvement or structure that is used for or
884 primarily in connection with a residence or dwelling place for
885 human beings. Those residences shall include homes, apartment
886 buildings, condominiums, mobile homes, summer cottages, fishing
887 and hunting camp buildings and similar buildings, but shall not
888 include hotels, motels, hospitals, nursing or retirement homes,
889 tourist cottages or other commercial establishments.

890 (ii) The portion of the total contract price
891 attributable to design or engineering services if the total
892 contract price for the project exceeds the sum of One Hundred
893 Million Dollars (\$100,000,000.00).

894 (iii) The contract price or compensation received
895 to restore, repair or replace a utility distribution or
896 transmission system that has been damaged due to ice storm,
897 hurricane, flood, tornado, wind, earthquake or other natural
898 disaster if the restoration, repair or replacement is performed by
899 the entity providing the service at its cost.

900 (c) Sales of materials and services for use in the
901 activities * * * excluded from taxes imposed by this section,
902 except services used in activities excluded under paragraph
903 (b)(iii) of this subsection, shall be subject to taxes imposed by
904 other sections in this chapter.

905 (2) Upon every person engaging or continuing in this state
906 in the business of contracting or performing a contract of
907 redrilling, or working over, or of drilling an oil well or a gas
908 well, regardless of whether the well is productive or
909 nonproductive, for any valuable consideration, there is * * *
910 levied, assessed and shall be collected a tax equal to three and
911 one-half percent (3-1/2%) of the total contract price or
912 compensation received when the compensation exceeds Ten Thousand
913 Dollars (\$10,000.00).

914 The words, terms and phrases as used in this subsection shall
915 have the meaning ascribed to them as follows:

916 "Operator" -- One who holds all or a fraction of the working
917 or operating rights in an oil or gas lease, and is obligated for
918 the costs of production either as a fee owner or under a lease or
919 any other form of contract creating working or operating rights.

920 "Bottom-hole contribution" -- Money or property given to an
921 operator for his use in the drilling of a well on property in
922 which the payor has no interest. The contribution is payable
923 whether the well is productive or nonproductive.

924 "Dry-hole contribution" -- Money or property given to an
925 operator for his use in the drilling of a well on property in
926 which the payor has no interest. That contribution is payable
927 only if the well is found to be nonproductive.

928 "Turnkey drilling contract" -- A contract for the drilling of
929 a well that requires the driller to drill a well and, if
930 commercial production is obtained, to equip the well to such stage
931 that the lessee or operator may turn a valve and the oil will flow
932 into a tank.

933 "Total contract price or compensation received" -- As related
934 to oil and gas well contractors, shall include amounts received as
935 compensation for all costs of performing a turnkey drilling
936 contract; amounts received or to be received under assignment as
937 dry-hole money or bottom-hole money; and shall mean and include
938 anything of value received by the contractor as remuneration for
939 services taxable hereunder. When the kind and amount of
940 compensation received by the contractor is contingent upon
941 production, the taxable amount shall be the total compensation
942 receivable if the well is a dry hole. The taxable amount in the
943 event of production when the contractor receives a production
944 interest of an undetermined value in lieu of a fixed compensation
945 shall be an amount equal to the compensation to the contractor if
946 the well had been a dry hole.

947 (3) When the work to be performed under any contract is
948 sublet by the prime contractor to different persons, or in
949 separate contracts to the same persons, each such subcontractor
950 performing any part of that work shall be liable for the amount of
951 the tax that accrues on account of the work performed by the
952 person when the tax previously imposed has not been paid upon the
953 whole contract by the prime contractor.

954 When a person engaged in any business on which a tax is
955 levied in Section 27-65-23 also qualifies as a contractor and
956 contracts with the owner of any project to perform any services in
957 excess of Ten Thousand Dollars (\$10,000.00) herein taxed, the
958 person shall pay the tax imposed by this section in lieu of the
959 tax imposed by Section 27-65-23.

960 Any person entering into any contract over Seventy-five
961 Thousand Dollars (\$75,000.00) as defined in this section shall,
962 before beginning the performance of that contract or contracts,
963 either pay the contractors' tax in advance, together with any use
964 taxes due under Section 27-67-5, or execute and file with the
965 Chairman of the State Tax Commission a good and valid bond in a

966 surety company authorized to do business in this state, or with
967 sufficient sureties to be approved by the commissioner conditioned
968 that all taxes that may accrue to the State of Mississippi under
969 this chapter, or under Section 27-67-5 and Section 27-7-5, will be
970 paid when due. Those bonds shall be either (a) "job bonds" that
971 guarantee payment when due of the aforesaid taxes resulting from
972 performance of a specified job or activity regardless of date of
973 completion; or (b) "blanket bonds" that guarantee payment when due
974 of the aforesaid taxes resulting from performance of all jobs or
975 activities taxable under this section begun during the period
976 specified therein, regardless of date of completion. The payments
977 of the taxes due or the execution and filing of a surety bond
978 shall be a condition precedent to the commencing work on any
979 contract taxed hereunder. However, when any bond is filed in lieu
980 of the prepayment of the tax under this section, that the tax
981 shall be payable monthly on the amount received during the
982 previous month, and any use taxes due shall be payable on or
983 before the twentieth day of the month following the month in which
984 the property is brought into Mississippi.

985 Any person failing either to execute any bond herein
986 provided, or to pay the taxes in advance, before beginning the
987 performance of any contract shall be denied the right to perform
988 the contract until he complies with those requirements, and the
989 commissioner is * * * authorized to proceed either under Section
990 27-65-59, or by injunction to prevent any activity in the
991 performance of the contract until either a satisfactory bond is
992 executed and filed, or all taxes are paid in advance, and a
993 temporary injunction enjoining the execution of the contract shall
994 be granted without notice by any judge or chancellor now
995 authorized by law to grant injunctions.

996 Any person liable for a tax under this section may apply for
997 and obtain a material purchase certificate from the commissioner
998 that may entitle the holder to purchase materials and services

999 that are to become a component part of the structure to be erected
1000 or repaired with no tax due. However, the contractor applying for
1001 the contractor's material purchase certificate shall furnish the
1002 State Tax Commission a list of all work sublet to others,
1003 indicating the amount of work to be performed, and the names and
1004 addresses of each subcontractor.

1005 **SECTION 15.** Section 27-65-33, Mississippi Code of 1972, is
1006 amended as follows:

1007 27-65-33. (1) Except as otherwise provided in this section,
1008 the taxes levied by this chapter shall be due and payable on or
1009 before the twentieth day of the month next succeeding the month in
1010 which the tax accrues, except as otherwise provided. Returns and
1011 payments placed in the mail must be postmarked by the due date in
1012 order to be considered timely filed, except when the due date
1013 falls on a weekend or holiday, returns and payments placed in the
1014 mail must be postmarked by the first working day following the due
1015 date in order to be considered timely filed. The taxpayer shall
1016 make a return showing the gross proceeds of sales or the gross
1017 income of the business, and any and all allowable deductions, or
1018 exempt sales, and compute the tax due for the period covered.

1019 * * *

1020 (2) A taxpayer required to collect sales taxes under this
1021 chapter and having an average monthly sales tax liability of at
1022 least Twenty Thousand Dollars (\$20,000.00) for the preceding
1023 calendar year shall pay to the State Tax Commission on or before
1024 June 25, 2003, and on or before the twenty-fifth day of June of
1025 each succeeding year thereafter, an amount equal to at least
1026 seventy-five percent (75%) of the taxpayer's estimated sales tax
1027 liability for the month of June of the current calendar year, or
1028 an amount equal to at least seventy-five percent (75%) of the
1029 taxpayer's sales tax liability for the month of June of the
1030 preceding calendar year. Payments required to be made under this
1031 subsection must be received by the State Tax Commission no later

1032 than June 25 in order to be considered timely made. A taxpayer
1033 that fails to comply with the requirements of this subsection may
1034 be assessed a penalty in an amount equal to ten percent (10%) of
1035 the taxpayer's actual sales tax liability for the month of June
1036 for which the estimated payment was required to be made. Payments
1037 made by a taxpayer under this subsection shall not be considered
1038 to be collected for the purposes of any sales tax diversions
1039 required by law until the taxpayer files a return for the actual
1040 sales taxes collected during the month of June. This subsection
1041 shall not apply to any agency, department or instrumentality of
1042 the United States, any agency, department, institution,
1043 instrumentality or political subdivision of the State of
1044 Mississippi, or any agency, department, institution or
1045 instrumentality of any political subdivision of the State of
1046 Mississippi. Payments made under this subsection for the month of
1047 June 2003, shall be deposited by the State Tax Commission into the
1048 Budget Contingency Fund created under Section 27-103-301, and
1049 payments made under this subsection for the month of June of 2004,
1050 and each succeeding year thereafter, shall be deposited by the
1051 State Tax Commission into the State General Fund.

1052 (3) All returns shall be sworn to by the taxpayer, if made
1053 by an individual, or by the president, vice president, secretary
1054 or treasurer of a corporation, or authorized agent, if made on
1055 behalf of a corporation. If made on behalf of a partnership,
1056 joint venture, association, trust, estate, or in any other group
1057 or combination acting as a unit, any individual delegated by the
1058 firm shall swear to the return on behalf of the taxpayer. The
1059 commissioner may prescribe methods by which the taxpayer may swear
1060 to his return.

1061 (4) The commissioner may promulgate rules and regulations to
1062 require or permit filing periods of any duration, in lieu of
1063 monthly filing periods, for any taxpayer or group thereof.

1064 (5) The commissioner may require the execution and filing by
1065 the taxpayer with the commissioner of a good and solvent bond with
1066 some surety company authorized to do business in Mississippi as
1067 surety thereon in an amount double the aggregate tax liability by
1068 the taxpayer for any previous three (3) months' period within the
1069 last calendar year or estimated three (3) months' tax liability.
1070 The bond is to be conditioned for the prompt payment of those
1071 taxes as may be due for each such return.

1072 (6) The commissioner, for good cause, may grant such
1073 reasonable additional time within which to make any return
1074 required under the provisions of this chapter as he may deem
1075 proper, but the time for filing any return shall not be extended
1076 beyond the twentieth of the month next succeeding the regular due
1077 date of the return without the imposition of interest at the rate
1078 of one percent (1%) per month or fractional part of a month from
1079 the time the return was due until the tax is paid.

1080 (7) For persistent, willful, or recurring failure to make
1081 any return and pay the tax shown thereby to be due by the time
1082 specified, there shall be added to the amount of tax shown to be
1083 due ten percent (10%) damages, or interest at the rate of one
1084 percent (1%) per month, or both.

1085 (8) Any taxpayer may, upon making application therefor,
1086 obtain from the commissioner an extension of time for the payment
1087 of taxes due on credit sales until collections thereon have been
1088 made. When that extension is granted, the taxpayer shall
1089 thereafter include in each monthly or quarterly report all
1090 collections made during the preceding month or quarter, and shall
1091 pay the taxes due thereon at the time of filing the report. That
1092 permission may be revoked or denied at the discretion of the
1093 commissioner when, in his opinion, a total sales basis will best
1094 reflect the taxable income or expedite examination of the
1095 taxpayer's records.

1096 (9) Any taxpayer reporting credit sales before collection
1097 thereof has been made may take credit on later returns or reports
1098 for bad debts actually charged off, if the amounts charged off
1099 have previously been included in taxable gross income or taxable
1100 gross proceeds of sales, as the case may be, and the tax paid
1101 thereon. However, any amounts subsequently collected on accounts
1102 that have been charged off as bad debts shall be included in later
1103 reports and the tax shall be paid thereon.

1104 (10) In cases where an extension of time has been granted by
1105 the commissioner for payment of taxes due on credit sales and the
1106 taxpayer thereafter discontinues the business, the taxpayer shall
1107 be required to file with the commissioner within ten (10) days, or
1108 such further time as the commissioner may direct, from the date of
1109 the discontinuance of the business, a special report showing the
1110 amounts of any credit sales that have not been included in
1111 determining the measure of the tax previously paid and any other
1112 information with reference to credit sales as the commissioner may
1113 require. The commissioner shall thereupon investigate the facts
1114 with reference to credit sales and the condition of the accounts,
1115 and shall determine, from the best evidence available, the value
1116 of all open accounts, notes, or other evidence of debt arising
1117 from credit sales. The value of all notes, open accounts and
1118 other evidence of debt, as thus determined by the commissioner,
1119 shall be used in determining the amount of the tax for which the
1120 taxpayer shall be liable. When the amount of the tax has been
1121 ascertained, the taxpayer shall be required to pay the same within
1122 ten (10) days or such further time as the commissioner may allow,
1123 notwithstanding the fact that the note or accounts may still
1124 remain uncollected.

1125 **SECTION 16.** Section 27-65-75, Mississippi Code of 1972, is
1126 amended as follows:

1127 27-65-75. On or before the fifteenth day of each month, the
1128 revenue collected under the provisions of this chapter during the
1129 preceding month shall be paid and distributed as follows:

1130 (1) On or before August 15, 1992, and each succeeding month
1131 thereafter through July 15, 1993, eighteen percent (18%) of the
1132 total sales tax revenue collected during the preceding month under
1133 the provisions of this chapter, except that collected under the
1134 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1135 business activities within a municipal corporation shall be
1136 allocated for distribution to the municipality and paid to the
1137 municipal corporation. On or before August 15, 1993, and each
1138 succeeding month thereafter, nineteen percent (19%) of the total
1139 sales tax revenue collected during the preceding month under the
1140 provisions of this chapter, except that collected under the
1141 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1142 business activities within a municipal corporation shall be
1143 allocated for distribution to the municipality and paid to the
1144 municipal corporation.

1145 A municipal corporation, for the purpose of distributing the
1146 tax under this subsection, shall mean and include all incorporated
1147 cities, towns and villages.

1148 Monies allocated for distribution and credited to a municipal
1149 corporation under this subsection may be pledged as security for
1150 any loan received by the municipal corporation for the purpose of
1151 capital improvements as authorized under Section 57-1-303, or
1152 loans as authorized under Section 57-44-7, or water systems
1153 improvements as authorized under Section 41-3-16.

1154 In any county having a county seat that is not an
1155 incorporated municipality, the distribution provided under this
1156 subsection shall be made as though the county seat was an
1157 incorporated municipality; however, the distribution to the
1158 municipality shall be paid to the county treasury in which the

1159 municipality is located, and those funds shall be used for road,
1160 bridge and street construction or maintenance in the county.

1161 (2) On or before September 15, 1987, and each succeeding
1162 month thereafter, from the revenue collected under this chapter
1163 during the preceding month One Million One Hundred Twenty-five
1164 Thousand Dollars (\$1,125,000.00) shall be allocated for
1165 distribution to municipal corporations as defined under subsection
1166 (1) of this section in the proportion that the number of gallons
1167 of gasoline and diesel fuel sold by distributors to consumers and
1168 retailers in each such municipality during the preceding fiscal
1169 year bears to the total gallons of gasoline and diesel fuel sold
1170 by distributors to consumers and retailers in municipalities
1171 statewide during the preceding fiscal year. The State Tax
1172 Commission shall require all distributors of gasoline and diesel
1173 fuel to report to the commission monthly the total number of
1174 gallons of gasoline and diesel fuel sold by them to consumers and
1175 retailers in each municipality during the preceding month. The
1176 State Tax Commission shall have the authority to promulgate such
1177 rules and regulations as are necessary to determine the number of
1178 gallons of gasoline and diesel fuel sold by distributors to
1179 consumers and retailers in each municipality. In determining the
1180 percentage allocation of funds under this subsection for the
1181 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
1182 State Tax Commission may consider gallons of gasoline and diesel
1183 fuel sold for a period of less than one (1) fiscal year. For the
1184 purposes of this subsection, the term "fiscal year" means the
1185 fiscal year beginning July 1 of a year.

1186 (3) On or before September 15, 1987, and on or before the
1187 fifteenth day of each succeeding month, until the date specified
1188 in Section 65-39-35, the proceeds derived from contractors' taxes
1189 levied under Section 27-65-21 on contracts for the construction or
1190 reconstruction of highways designated under the highway program
1191 created under Section 65-3-97 shall, except as otherwise provided

1192 in Section 31-17-127, be deposited into the State Treasury to the
1193 credit of the State Highway Fund to be used to fund that highway
1194 program. The Mississippi Department of Transportation shall
1195 provide to the State Tax Commission such information as is
1196 necessary to determine the amount of proceeds to be distributed
1197 under this subsection.

1198 (4) On or before August 15, 1994, and on or before the
1199 fifteenth day of each succeeding month through July 15, 1999, from
1200 the proceeds of gasoline, diesel fuel or kerosene taxes as
1201 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1202 (\$4,000,000.00) shall be deposited in the State Treasury to the
1203 credit of a special fund designated as the "State Aid Road Fund,"
1204 created by Section 65-9-17. On or before August 15, 1999, and on
1205 or before the fifteenth day of each succeeding month, from the
1206 total amount of the proceeds of gasoline, diesel fuel or kerosene
1207 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1208 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1209 one-fourth percent (23.25%) of those funds, whichever is the
1210 greater amount, shall be deposited in the State Treasury to the
1211 credit of the "State Aid Road Fund," created by Section 65-9-17.
1212 Those funds shall be pledged to pay the principal of and interest
1213 on state aid road bonds previously issued under Sections 19-9-51
1214 through 19-9-77, in lieu of and in substitution for the funds
1215 previously allocated to counties under this section. Those funds
1216 may not be pledged for the payment of any state aid road bonds
1217 issued after April 1, 1981; however, this prohibition against the
1218 pledging of any such funds for the payment of bonds shall not
1219 apply to any bonds for which intent to issue those bonds has been
1220 published, for the first time, as provided by law before March 29,
1221 1981. From the amount of taxes paid into the special fund under
1222 this subsection and subsection (9) of this section, there shall be
1223 first deducted and paid the amount necessary to pay the expenses
1224 of the Office of State Aid Road Construction, as authorized by the

1225 Legislature for all other general and special fund agencies. The
1226 remainder of the fund shall be allocated monthly to the several
1227 counties in accordance with the following formula:

1228 (a) One-third (1/3) shall be allocated to all counties
1229 in equal shares;

1230 (b) One-third (1/3) shall be allocated to counties
1231 based on the proportion that the total number of rural road miles
1232 in a county bears to the total number of rural road miles in all
1233 counties of the state; and

1234 (c) One-third (1/3) shall be allocated to counties
1235 based on the proportion that the rural population of the county
1236 bears to the total rural population in all counties of the state,
1237 according to the latest federal decennial census.

1238 For the purposes of this subsection, the term "gasoline,
1239 diesel fuel or kerosene taxes" means such taxes as defined in
1240 paragraph (f) of Section 27-5-101.

1241 The amount of funds allocated to any county under this
1242 subsection for any fiscal year after fiscal year 1994 shall not be
1243 less than the amount allocated to the county for fiscal year 1994.
1244 Monies allocated to a county from the State Aid Road Fund for
1245 fiscal year 1995 or any fiscal year thereafter that exceed the
1246 amount of funds allocated to that county from the State Aid Road
1247 Fund for fiscal year 1994, first must be expended by the county
1248 for replacement or rehabilitation of bridges on the state aid road
1249 system that have a sufficiency rating of less than twenty-five
1250 (25), according to National Bridge Inspection standards before
1251 the monies may be approved for expenditure by the State Aid Road
1252 Engineer on other projects that qualify for the use of state aid
1253 road funds.

1254 Any reference in the general laws of this state or the
1255 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1256 construed to refer and apply to subsection (4) of Section
1257 27-65-75.

1258 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1259 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1260 the special fund known as the "State Public School Building Fund"
1261 created and existing under the provisions of Sections 37-47-1
1262 through 37-47-67. Those payments into that fund are to be made on
1263 the last day of each succeeding month hereafter.

1264 (6) An amount each month beginning August 15, 1983, through
1265 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
1266 of 1983, shall be paid into the special fund known as the
1267 Correctional Facilities Construction Fund created in Section 6 of
1268 Chapter 542, Laws of 1983.

1269 (7) On or before August 15, 1992, and each succeeding month
1270 thereafter through July 15, 2000, two and two hundred sixty-six
1271 one-thousandths percent (2.266%) of the total sales tax revenue
1272 collected during the preceding month under the provisions of this
1273 chapter, except that collected under the provisions of Section
1274 27-65-17(2) shall be deposited by the commission into the School
1275 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1276 or before August 15, 2000, and each succeeding month thereafter,
1277 two and two hundred sixty-six one-thousandths percent (2.266%) of
1278 the total sales tax revenue collected during the preceding month
1279 under the provisions of this chapter, except that collected under
1280 the provisions of Section 27-65-17(2), shall be deposited into the
1281 School Ad Valorem Tax Reduction Fund created under Section
1282 37-61-35 until such time that the total amount deposited into the
1283 fund during a fiscal year equals Forty-two Million Dollars
1284 (\$42,000,000.00). Thereafter, the amounts diverted under this
1285 subsection (7) during the fiscal year in excess of Forty-two
1286 Million Dollars (\$42,000,000.00) shall be deposited into the
1287 Education Enhancement Fund created under Section 37-61-33 for
1288 appropriation by the Legislature as other education needs and
1289 shall not be subject to the percentage appropriation requirements
1290 set forth in Section 37-61-33.

1291 (8) On or before August 15, 1992, and each succeeding month
1292 thereafter, nine and seventy-three one-thousandths percent
1293 (9.073%) of the total sales tax revenue collected during the
1294 preceding month under the provisions of this chapter, except that
1295 collected under the provisions of Section 27-65-17(2), shall be
1296 deposited into the Education Enhancement Fund created under
1297 Section 37-61-33.

1298 (9) On or before August 15, 1994, and each succeeding month
1299 thereafter, from the revenue collected under this chapter during
1300 the preceding month, Two Hundred Fifty Thousand Dollars
1301 (\$250,000.00) shall be paid into the State Aid Road Fund.

1302 (10) On or before August 15, 1994, and each succeeding month
1303 thereafter through August 15, 1995, from the revenue collected
1304 under this chapter during the preceding month, Two Million Dollars
1305 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1306 Valorem Tax Reduction Fund established in Section 27-51-105.

1307 (11) Notwithstanding any other provision of this section to
1308 the contrary, on or before February 15, 1995, and each succeeding
1309 month thereafter, the sales tax revenue collected during the
1310 preceding month under the provisions of Section 27-65-17(2)(a) and
1311 the corresponding levy in Section 27-65-23 on the rental or lease
1312 of private carriers of passengers and light carriers of property
1313 as defined in Section 27-51-101 shall be deposited, without
1314 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1315 established in Section 27-51-105.

1316 (12) Notwithstanding any other provision of this section to
1317 the contrary, on or before August 15, 1995, and each succeeding
1318 month thereafter, the sales tax revenue collected during the
1319 preceding month under the provisions of Section 27-65-17(1) on
1320 retail sales of private carriers of passengers and light carriers
1321 of property, as defined in Section 27-51-101 and the corresponding
1322 levy in Section 27-65-23 on the rental or lease of these vehicles,

1323 shall be deposited, after diversion, into the Motor Vehicle Ad
1324 Valorem Tax Reduction Fund established in Section 27-51-105.

1325 (13) On or before July 15, 1994, and on or before the
1326 fifteenth day of each succeeding month thereafter, that portion of
1327 the avails of the tax imposed in Section 27-65-22 that is derived
1328 from activities held on the Mississippi state fairgrounds complex,
1329 shall be paid into a special fund that is created in the State
1330 Treasury and shall be expended upon legislative appropriation
1331 solely to defray the costs of repairs and renovation at the Trade
1332 Mart and Coliseum.

1333 (14) On or before August 15, 1998, and each succeeding month
1334 thereafter through July 15, 2005, that portion of the avails of
1335 the tax imposed in Section 27-65-23 that is derived from sales by
1336 cotton compresses or cotton warehouses and that would otherwise be
1337 paid into the General Fund, shall be deposited in an amount not to
1338 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1339 created under Section 69-37-39.

1340 (15) Notwithstanding any other provision of this section to
1341 the contrary, on or before September 15, 2000, and each succeeding
1342 month thereafter, the sales tax revenue collected during the
1343 preceding month under the provisions of Section 27-65-19(1)(f) and
1344 (g)(i)2, shall be deposited, without diversion, into the
1345 Telecommunications Ad Valorem Tax Reduction Fund established in
1346 Section 27-38-7.

1347 (16) On or before August 15, 2000, and each succeeding month
1348 thereafter, the sales tax revenue collected during the preceding
1349 month under the provisions of this chapter on the gross proceeds
1350 of sales of a project as defined in Section 57-30-1 shall be
1351 deposited, after all diversions except the diversion provided for
1352 in subsection (1) of this section, into the Sales Tax Incentive
1353 Fund created in Section 57-30-3.

1354 (17) Notwithstanding any other provision of this section to
1355 the contrary, on or before April 15, 2002, and each succeeding

1356 month thereafter, the sales tax revenue collected during the
1357 preceding month under Section 27-65-23 on sales of parking
1358 services of parking garages and lots at airports shall be
1359 deposited, without diversion, into the special fund created under
1360 Section 27-5-101(d).

1361 (18) On or before August 15, 2005, and each succeeding month
1362 thereafter through July 15, 2006, from the sales tax revenue
1363 collected during the preceding month under the provisions of this
1364 chapter, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)
1365 shall be deposited into the Special Funds Transfer Fund created in
1366 Section 4 of Chapter 556, Laws of 2003.

1367 (19) The remainder of the amounts collected under the
1368 provisions of this chapter shall be paid into the State Treasury
1369 to the credit of the General Fund.

1370 (20) It shall be the duty of the municipal officials of any
1371 municipality that expands its limits, or of any community that
1372 incorporates as a municipality, to notify the commissioner of
1373 that action thirty (30) days before the effective date. Failure
1374 to so notify the commissioner shall cause the municipality to
1375 forfeit the revenue that it would have been entitled to receive
1376 during this period of time when the commissioner had no knowledge
1377 of the action. If any funds have been erroneously disbursed to
1378 any municipality or any overpayment of tax is recovered by the
1379 taxpayer, the commissioner may make correction and adjust the
1380 error or overpayment with the municipality by withholding the
1381 necessary funds from any later payment to be made to the
1382 municipality.

1383 **SECTION 17.** Section 27-65-111, Mississippi Code of 1972, is
1384 amended as follows:

1385 **[Through June 30, 2006, this section shall read as follows:]**

1386 27-65-111. The exemptions from the provisions of this
1387 chapter that are not industrial, agricultural or governmental, or
1388 that do not relate to utilities or taxes, or that are not properly

1389 classified as one of the exemption classifications of this
1390 chapter, shall be confined to persons or property exempted by this
1391 section or by the Constitution of the United States or the State
1392 of Mississippi. No exemptions as now provided by any other
1393 section, except the classified exemption sections of this chapter
1394 set forth herein, shall be valid as against the tax herein levied.
1395 Any later exemption from the tax levied hereunder, except as
1396 indicated above, shall be provided by amendments to this section.

1397 No exemption provided in this section shall apply to taxes
1398 levied by Section 27-65-15 or 27-65-21.

1399 The tax levied by this chapter shall not apply to the
1400 following:

1401 (a) Sales of tangible personal property and services to
1402 hospitals or infirmaries owned and operated by a corporation or
1403 association in which no part of the net earnings inures to the
1404 benefit of any private shareholder, group or individual, and which
1405 are subject to and governed by Sections 41-7-123 through 41-7-127.

1406 Only sales of tangible personal property or services that are
1407 ordinary and necessary to the operation of those hospitals and
1408 infirmaries are exempted from tax.

1409 (b) Sales of daily or weekly newspapers, and
1410 periodicals or publications of scientific, literary or educational
1411 organizations exempt from federal income taxation under Section
1412 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of
1413 March 31, 1975, and subscription sales of all magazines.

1414 (c) Sales of coffins, caskets and other materials used
1415 in the preparation of human bodies for burial.

1416 (d) Sales of tangible personal property for immediate
1417 export to a foreign country.

1418 (e) Sales of tangible personal property to an
1419 orphanage, old men's or ladies' home, supported wholly or in part
1420 by a religious denomination, fraternal nonprofit organization or
1421 other nonprofit organization.

1422 (f) Sales of tangible personal property, labor or
1423 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
1424 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
1425 corporation or association in which no part of the net earnings
1426 inures to the benefit of any private shareholder, group or
1427 individual.

1428 (g) Sales to elementary and secondary grade schools,
1429 junior and senior colleges owned and operated by a corporation or
1430 association in which no part of the net earnings inures to the
1431 benefit of any private shareholder, group or individual, and that
1432 are exempt from state income taxation, provided that this
1433 exemption does not apply to sales of property or services that are
1434 not to be used in the ordinary operation of the school, or that
1435 are to be resold to the students or the public.

1436 (h) The gross proceeds of retail sales and the use or
1437 consumption in this state of drugs and medicines:

1438 (i) Prescribed for the treatment of a human being
1439 by a person authorized to prescribe the medicines, and dispensed
1440 or prescription filled by a registered pharmacist in accordance
1441 with law; or

1442 (ii) Furnished by a licensed physician, surgeon,
1443 dentist or podiatrist to his own patient for treatment of the
1444 patient; or

1445 (iii) Furnished by a hospital for treatment of any
1446 person under the order of a licensed physician, surgeon, dentist
1447 or podiatrist; or

1448 (iv) Sold to a licensed physician, surgeon,
1449 podiatrist, dentist or hospital for the treatment of a human
1450 being; or

1451 (v) Sold to this state or any political
1452 subdivision or municipal corporation thereof, for use in the
1453 treatment of a human being or furnished for the treatment of a
1454 human being by a medical facility or clinic maintained by this

1455 state or any political subdivision or municipal corporation
1456 thereof.

1457 "Medicines," as used in this paragraph (h), shall mean and
1458 include any substance or preparation intended for use by external
1459 or internal application to the human body in the diagnosis, cure,
1460 mitigation, treatment or prevention of disease and that is
1461 commonly recognized as a substance or preparation intended for
1462 that use; however, "medicines" do not include any auditory,
1463 prosthetic, ophthalmic or ocular device or appliance, any dentures
1464 or parts thereof or any artificial limbs or their replacement
1465 parts, articles that are in the nature of splints, bandages, pads,
1466 compresses, supports, dressings, instruments, apparatus,
1467 contrivances, appliances, devices or other mechanical, electronic,
1468 optical or physical equipment or article or the component parts
1469 and accessories thereof, or any alcoholic beverage or any other
1470 drug or medicine not commonly referred to as a prescription drug.

1471 Notwithstanding the preceding sentence of this paragraph (h),
1472 "medicines" as used in this paragraph (h), shall mean and include
1473 sutures, whether or not permanently implanted, bone screws, bone
1474 pins, pacemakers and other articles permanently implanted in the
1475 human body to assist the functioning of any natural organ, artery,
1476 vein or limb and which remain or dissolve in the body.

1477 "Hospital," as used in this paragraph (h), shall have the
1478 meaning ascribed to it in Section 41-9-3.

1479 Insulin furnished by a registered pharmacist to a person for
1480 treatment of diabetes as directed by a physician shall be deemed
1481 to be dispensed on prescription within the meaning of this
1482 paragraph (h).

1483 (i) Retail sales of automobiles, trucks and
1484 truck-tractors if exported from this state within forty-eight (48)
1485 hours and registered and first used in another state.

1486 (j) Sales of tangible personal property or services to
1487 the Salvation Army and the Muscular Dystrophy Association, Inc.

1488 (k) From July 1, 1985, through December 31, 1992,
1489 retail sales of "alcohol blended fuel" as that term is defined in
1490 Section 75-55-5. The gasoline-alcohol blend or the straight
1491 alcohol eligible for this exemption shall not contain alcohol
1492 distilled outside the State of Mississippi.

1493 (l) Sales of tangible personal property or services to
1494 the Institute for Technology Development.

1495 (m) The gross proceeds of retail sales of food and
1496 drink for human consumption made through vending machines serviced
1497 by full line vendors from and not connected with other taxable
1498 businesses.

1499 * * *

1500 (n) Retail sales of food for human consumption
1501 purchased with food stamps issued by the United States Department
1502 of Agriculture, or other federal agency, from and after October 1,
1503 1987, or from and after the expiration of any waiver granted under
1504 federal law, the effect of which waiver is to permit the
1505 collection by the state of tax on those retail sales of food for
1506 human consumption purchased with food stamps.

1507 (o) Sales of cookies for human consumption by the Girl
1508 Scouts of America no part of the net earnings from which sales
1509 inures to the benefit of any private group or individual.

1510 (p) Gifts or sales of tangible personal property or
1511 services to public or private nonprofit museums of art.

1512 (q) Sales of tangible personal property or services to
1513 alumni associations of state-supported colleges or universities.

1514 (r) Sales of tangible personal property or services to
1515 chapters of the National Association of Junior Auxiliaries, Inc.

1516 (s) Sales of tangible personal property or services to
1517 domestic violence shelters that qualify for state funding under
1518 Sections 93-21-101 through 93-21-113.

1519 (t) Sales of tangible personal property or services to
1520 the National Multiple Sclerosis Society, Mississippi Chapter.

1521 (u) Retail sales of food for human consumption
1522 purchased with food instruments issued the Mississippi Band of
1523 Choctaw Indians under the Women, Infants and Children Program
1524 (WIC) funded by the United States Department of Agriculture.

1525 (v) Sales of tangible personal property or services to
1526 a private company, as defined in Section 57-61-5, that is making
1527 those purchases with proceeds of bonds issued under Section
1528 57-61-1 et seq., the Mississippi Business Investment Act.

1529 (w) The gross collections from the operation of
1530 self-service, coin-operated car washing equipment and sales of the
1531 service of washing motor vehicles with portable high-pressure
1532 washing equipment on the premises of the customer.

1533 (x) Sales of tangible personal property or services to
1534 the Mississippi Technology Alliance.

1535 (y) Retail sales of food for human consumption not
1536 purchased with food stamps issued by the United States Department
1537 of Agriculture, or other federal agency, but which would be exempt
1538 under paragraph (n) of this section from the taxes imposed by this
1539 chapter if the food items were purchased with food stamps.

1540 **[From and after July 1, 2006, this section shall read as**
1541 **follows:]**

1542 27-65-111. The exemptions from the provisions of this
1543 chapter that are not industrial, agricultural or governmental, or
1544 that do not relate to utilities or taxes, or that are not properly
1545 classified as one of the exemption classifications of this
1546 chapter, shall be confined to persons or property exempted by this
1547 section or by the Constitution of the United States or the State
1548 of Mississippi. No exemptions as now provided by any other
1549 section, except the classified exemption sections of this chapter
1550 set forth herein, shall be valid as against the tax herein levied.
1551 Any later exemption from the tax levied hereunder, except as
1552 indicated above, shall be provided by amendments to this section.

1553 No exemption provided in this section shall apply to taxes
1554 levied by Section 27-65-15 or 27-65-21.

1555 The tax levied by this chapter shall not apply to the
1556 following:

1557 (a) Sales of tangible personal property and services to
1558 hospitals or infirmaries owned and operated by a corporation or
1559 association in which no part of the net earnings inures to the
1560 benefit of any private shareholder, group or individual, and which
1561 are subject to and governed by Sections 41-7-123 through 41-7-127.

1562 Only sales of tangible personal property or services that are
1563 ordinary and necessary to the operation of those hospitals and
1564 infirmaries are exempted from tax.

1565 (b) Sales of daily or weekly newspapers, and
1566 periodicals or publications of scientific, literary or educational
1567 organizations exempt from federal income taxation under Section
1568 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of
1569 March 31, 1975, and subscription sales of all magazines.

1570 (c) Sales of coffins, caskets and other materials used
1571 in the preparation of human bodies for burial.

1572 (d) Sales of tangible personal property for immediate
1573 export to a foreign country.

1574 (e) Sales of tangible personal property to an
1575 orphanage, old men's or ladies' home, supported wholly or in part
1576 by a religious denomination, fraternal nonprofit organization or
1577 other nonprofit organization.

1578 (f) Sales of tangible personal property, labor or
1579 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
1580 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
1581 corporation or association in which no part of the net earnings
1582 inures to the benefit of any private shareholder, group or
1583 individual.

1584 (g) Sales to elementary and secondary grade schools,
1585 junior and senior colleges owned and operated by a corporation or

1586 association in which no part of the net earnings inures to the
1587 benefit of any private shareholder, group or individual, and which
1588 are exempt from state income taxation, provided that this
1589 exemption does not apply to sales of property or services that are
1590 not to be used in the ordinary operation of the school, or that
1591 are to be resold to the students or the public.

1592 (h) The gross proceeds of retail sales and the use or
1593 consumption in this state of drugs and medicines:

1594 (i) Prescribed for the treatment of a human being
1595 by a person authorized to prescribe the medicines, and dispensed
1596 or prescription filled by a registered pharmacist in accordance
1597 with law; or

1598 (ii) Furnished by a licensed physician, surgeon,
1599 dentist or podiatrist to his own patient for treatment of the
1600 patient; or

1601 (iii) Furnished by a hospital for treatment of any
1602 person under the order of a licensed physician, surgeon, dentist
1603 or podiatrist; or

1604 (iv) Sold to a licensed physician, surgeon,
1605 podiatrist, dentist or hospital for the treatment of a human
1606 being; or

1607 (v) Sold to this state or any political
1608 subdivision or municipal corporation thereof, for use in the
1609 treatment of a human being or furnished for the treatment of a
1610 human being by a medical facility or clinic maintained by this
1611 state or any political subdivision or municipal corporation
1612 thereof.

1613 "Medicines," as used in this paragraph (h), shall mean and
1614 include any substance or preparation intended for use by external
1615 or internal application to the human body in the diagnosis, cure,
1616 mitigation, treatment or prevention of disease and that is
1617 commonly recognized as a substance or preparation intended for
1618 that use; however, "medicines" do not include any auditory,

1619 prosthetic, ophthalmic or ocular device or appliance, any dentures
1620 or parts thereof or any artificial limbs or their replacement
1621 parts, articles that are in the nature of splints, bandages, pads,
1622 compresses, supports, dressings, instruments, apparatus,
1623 contrivances, appliances, devices or other mechanical, electronic,
1624 optical or physical equipment or article or the component parts
1625 and accessories thereof, or any alcoholic beverage or any other
1626 drug or medicine not commonly referred to as a prescription drug.

1627 Notwithstanding the preceding sentence of this paragraph (h),
1628 "medicines" as used in this paragraph (h), shall mean and include
1629 sutures, whether or not permanently implanted, bone screws, bone
1630 pins, pacemakers and other articles permanently implanted in the
1631 human body to assist the functioning of any natural organ, artery,
1632 vein or limb and which remain or dissolve in the body.

1633 "Hospital," as used in this paragraph (h), shall have the
1634 meaning ascribed to it in Section 41-9-3.

1635 Insulin furnished by a registered pharmacist to a person for
1636 treatment of diabetes as directed by a physician shall be deemed
1637 to be dispensed on prescription within the meaning of this
1638 paragraph (h).

1639 (i) Retail sales of automobiles, trucks and
1640 truck-tractors if exported from this state within forty-eight (48)
1641 hours and registered and first used in another state.

1642 (j) Sales of tangible personal property or services to
1643 the Salvation Army and the Muscular Dystrophy Association, Inc.

1644 (k) From July 1, 1985, through December 31, 1992,
1645 retail sales of "alcohol blended fuel" as that term is defined in
1646 Section 75-55-5. The gasoline-alcohol blend or the straight
1647 alcohol eligible for this exemption shall not contain alcohol
1648 distilled outside the State of Mississippi.

1649 (l) Sales of tangible personal property or services to
1650 the Institute for Technology Development.

1651 (m) The gross proceeds of retail sales of food and
1652 drink for human consumption made through vending machines serviced
1653 by full line vendors from and not connected with other taxable
1654 businesses.

1655 (n) The gross proceeds of sales of motor fuel.

1656 (o) Retail sales of food for human consumption
1657 purchased with food stamps issued by the United States Department
1658 of Agriculture, or other federal agency, from and after October 1,
1659 1987, or from and after the expiration of any waiver granted under
1660 federal law, the effect of which waiver is to permit the
1661 collection by the state of tax on those retail sales of food for
1662 human consumption purchased with food stamps.

1663 (p) Sales of cookies for human consumption by the Girl
1664 Scouts of America no part of the net earnings from which sales
1665 inures to the benefit of any private group or individual.

1666 (q) Gifts or sales of tangible personal property or
1667 services to public or private nonprofit museums of art.

1668 (r) Sales of tangible personal property or services to
1669 alumni associations of state-supported colleges or universities.

1670 (s) Sales of tangible personal property or services to
1671 chapters of the National Association of Junior Auxiliaries, Inc.

1672 (t) Sales of tangible personal property or services to
1673 domestic violence shelters that qualify for state funding under
1674 Sections 93-21-101 through 93-21-113.

1675 (u) Sales of tangible personal property or services to
1676 the National Multiple Sclerosis Society, Mississippi Chapter.

1677 (v) Retail sales of food for human consumption
1678 purchased with food instruments issued the Mississippi Band of
1679 Choctaw Indians under the Women, Infants and Children Program
1680 (WIC) funded by the United States Department of Agriculture.

1681 (w) Sales of tangible personal property or services to
1682 a private company, as defined in Section 57-61-5, that is making

1683 those purchases with proceeds of bonds issued under Section
1684 57-61-1 et seq., the Mississippi Business Investment Act.

1685 (x) The gross collections from the operation of
1686 self-service, coin-operated car washing equipment and sales of the
1687 service of washing motor vehicles with portable high-pressure
1688 washing equipment on the premises of the customer.

1689 (y) Sales of tangible personal property or services to
1690 the Mississippi Technology Alliance.

1691 (z) Retail sales of food for human consumption not
1692 purchased with food stamps issued by the United States Department
1693 of Agriculture, or other federal agency, but which would be exempt
1694 under paragraph (o) of this section from the taxes imposed by this
1695 chapter if the food items were purchased with food stamps.

1696 **SECTION 18.** Section 27-67-5, Mississippi Code of 1972, is
1697 amended as follows:

1698 27-67-5. There is * * * levied, assessed and shall be
1699 collected from every person a tax for the privilege of using,
1700 storing or consuming, within this state, any tangible personal
1701 property possession of which is acquired in any manner.

1702 (a) The use tax * * * imposed and levied by this
1703 section shall be collected at the same rates as imposed under
1704 Section 27-65-24, and Sections 27-65-17, 27-65-18, 27-65-19 and
1705 27-65-25 computed on the purchase or sales price, or value, as
1706 defined in this article.

1707 (b) From and after July 1, 2005, items taxed in
1708 paragraph (a) of this section shall be taxed an additional one
1709 percent (1%); however, this additional tax shall not apply to
1710 private carriers of passengers and light carriers of property, as
1711 defined in Section 27-51-101.

1712 (c) It shall be the duty of the tax collectors of the
1713 several counties, or the State Tax Commissioner, as the case may
1714 be, to collect, remit and account for the tax on the use of all
1715 vehicles licensed or registered by the State of Mississippi for

1716 the first time, except when the Mississippi use tax was collected
1717 by an authorized out-of-state dealer at the time of purchase, or
1718 when the use thereof was exempt by Section 27-67-7. The tax
1719 collector or the State Tax Commissioner shall give to the person
1720 registering the vehicle a receipt in a form prescribed and
1721 furnished by the State Tax Commission for the amount of tax
1722 collected.

1723 The tax collector or State Tax Commissioner is expressly
1724 prohibited from issuing a license tag to any applicant without
1725 collecting the tax levied by this article, unless positive proof
1726 is filed, together with the application for the license tag, that
1727 the Mississippi tax has been paid, or that the sale was exempt by
1728 Section 27-67-7.

1729 Persons not engaging and continuing in business so as to be
1730 registered for payment of sales and/or use tax may pay use tax due
1731 on the first use of boats, airplanes, equipment or other tangible
1732 personal property to county tax collectors who are * * *
1733 authorized to accept those payments on behalf of the commissioner.
1734 Receipts for all those payments shall be given to taxpayers in a
1735 form prescribed and furnished by the State Tax Commission.

1736 County tax collectors and the State Tax Commissioner shall be
1737 liable for the tax they are required * * * to collect, and taxes
1738 that are in fact collected under authority of this section; and
1739 failure to properly collect or maintain proper records shall not
1740 relieve them of liability for payment to the commissioner.
1741 Deficiencies in collection or payment shall be assessed against
1742 the tax collector or State Tax Commissioner in the same manner and
1743 subject to the same penalties and provisions for appeal as are
1744 deficiencies assessed against taxpayers.

1745 A dealer authorized to collect and remit the tax to the State
1746 Tax Commission shall give to the purchaser a receipt for the
1747 payment of the tax, in a form prescribed and furnished by the

1748 commissioner, which shall serve as proof of payment to the tax
1749 collector of the county in which the license is to be issued.

1750 Each tax collector of the several counties shall, on or
1751 before the twentieth day of each month, file a report with and pay
1752 to the commissioner all funds collected under the provisions of
1753 this article, less a commission of five percent (5%), which shall
1754 be retained by the tax collector as a commission for collecting
1755 that tax and be deposited in the county general fund. The report
1756 required to be filed shall cover all collections made during the
1757 calendar month next preceding the date on which the report is due
1758 and filed.

1759 Any error in the report and remittance to the commissioner
1760 may be adjusted on a subsequent report. If the error was in the
1761 collection by the tax collector, it shall be adjusted through the
1762 tax collector with the taxpayer before credit is allowed by the
1763 commissioner.

1764 All information relating to the collection of use tax by tax
1765 collectors and such records as the commissioner may require shall
1766 be preserved in the tax collector's office for a period of three
1767 (3) years for audit by the commissioner.

1768 **SECTION 19.** Section 27-67-31, Mississippi Code of 1972, is
1769 amended as follows:

1770 27-67-31. All administrative provisions of the sales tax
1771 law, and amendments thereto, including those that fix damages,
1772 penalties and interest for failure to comply with the provisions
1773 of the sales tax law, and all other requirements and duties
1774 imposed upon the taxpayer, shall apply to all persons liable for
1775 use taxes under the provisions of this article. The commissioner
1776 shall exercise all power and authority and perform all duties with
1777 respect to taxpayers under this article as are provided in the
1778 sales tax law, except where there is conflict, then the provisions
1779 of this article shall control.

1780 The commissioner may require transportation companies to
1781 permit the examination of waybills, freight bills, or other
1782 documents covering shipments of tangible personal property into
1783 this state.

1784 On or before the fifteenth day of each month, the amount
1785 received from taxes, damages and interest under the provisions of
1786 this article during the preceding month shall be paid and
1787 distributed as follows:

1788 (a) On or before July 15, 1994, through July 15, 2000,
1789 and each succeeding month thereafter, two and two hundred
1790 sixty-six one-thousandths percent (2.266%) of the total use tax
1791 revenue collected during the preceding month under the provisions
1792 of this article shall be deposited in the School Ad Valorem Tax
1793 Reduction Fund created under Section 37-61-35. On or before
1794 August 15, 2000, and each succeeding month thereafter, two and two
1795 hundred sixty-six one-thousandths percent (2.266%) of the total
1796 use tax revenue collected during the preceding month under the
1797 provisions of this chapter shall be deposited into the School Ad
1798 Valorem Tax Reduction Fund created under Section 37-61-35 until
1799 such time that the total amount deposited into the fund during a
1800 fiscal year equals Four Million Dollars (\$4,000,000.00).

1801 Thereafter, the amounts diverted under this paragraph (a) during
1802 the fiscal year in excess of Four Million Dollars (\$4,000,000.00)
1803 shall be deposited into the Education Enhancement Fund created
1804 under Section 37-61-33 for appropriation by the Legislature as
1805 other education needs and shall not be subject to the percentage
1806 appropriation requirements set forth in Section 37-61-33.

1807 (b) On or before July 15, 1994, and each succeeding
1808 month thereafter, nine and seventy-three one-thousandths percent
1809 (9.073%) of the total use tax revenue collected during the
1810 preceding month under the provisions of this article shall be
1811 deposited into the Education Enhancement Fund created under
1812 Section 37-61-33.

1813 (c) On or before July 15, 1997, and on or before the
1814 fifteenth day of each succeeding month thereafter, the revenue
1815 collected under the provisions of this article imposed and levied
1816 as a result of Section 27-65-17(2)(a) and the corresponding levy
1817 in Section 27-65-23 on the rental or lease of private carriers of
1818 passengers and light carriers of property as defined in Section
1819 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
1820 Reduction Fund created under Section 27-51-105.

1821 (d) On or before July 15, 1997, and on or before the
1822 fifteenth day of each succeeding month thereafter and after the
1823 deposits required by paragraphs (a) and (b) of this section are
1824 made, the remaining revenue collected under the provisions of this
1825 article imposed and levied as a result of Section 27-65-17(1) and
1826 the corresponding levy in Section 27-65-23 on the rental or lease
1827 of private carriers of passengers and light carriers of property
1828 as defined in Section 27-51-101 shall be deposited into the Motor
1829 Vehicle Ad Valorem Tax Reduction Fund created under Section
1830 27-51-105.

1831 (e) The remainder of the amount received from taxes,
1832 damages and interest under the provisions of this article shall be
1833 paid into the General Fund of the State Treasury by the
1834 commissioner.

1835 **SECTION 20.** Section 27-69-13, Mississippi Code of 1972, is
1836 amended as follows:

1837 27-69-13. There is * * * imposed, levied and assessed, to be
1838 collected and paid as hereinafter provided in this chapter, an
1839 excise tax on each person or dealer in cigarettes, cigars,
1840 stogies, snuff, chewing tobacco, and smoking tobacco, or
1841 substitutes therefor, upon the sale, use, consumption, handling or
1842 distribution in the State of Mississippi, as follows:

1843 (a) (i) On cigarettes, the rate of tax shall be
1844 Eighteen-twentieths of One Cent (18/20 of 1¢) on each cigarette
1845 sold with a maximum length of one hundred twenty (120)

1846 millimeters; any cigarette in excess of this length shall be taxed
1847 as if it were two (2) or more cigarettes. * * * However, if the
1848 federal tax rate on cigarettes in effect on June 1, 1985, is
1849 reduced, then the rate as provided in this section shall be
1850 increased by the amount of the federal tax reduction. That tax
1851 increase shall take effect on the first day of the month following
1852 the effective date of the reduction in the federal tax rate.

1853 (ii) In addition to the excise tax levied by
1854 paragraph (a)(i) of this subsection, there is levied, imposed and
1855 assessed an excise tax of Eighteen-twentieths of One Cent (18/20
1856 of 1¢) on each cigarette sold with a maximum length of one hundred
1857 twenty (120) millimeters; any cigarette in excess of this length
1858 shall be taxed as if it were two (2) or more cigarettes.

1859 (b) On cigars, cheroots, stogies, snuff, chewing and
1860 smoking tobacco and all other tobacco products except cigarettes,
1861 the rate of tax shall be fifteen percent (15%) of the
1862 manufacturer's list price.

1863 No stamp evidencing the tax * * * levied by this section on
1864 cigarettes shall be of a denomination of less than One Cent (1¢),
1865 and whenever the tax computed at the rates * * * prescribed in
1866 this section on cigarettes shall be a specified amount, plus a
1867 fractional part of One Cent (1¢), the package shall be stamped for
1868 the next full cent * * *.

1869 Every wholesaler shall purchase stamps as provided in this
1870 chapter, and affix the same to all packages of cigarettes handled
1871 by him as * * * provided in this section.

1872 The * * * tax levied by this section is levied upon the sale,
1873 use, gift, possession, or consumption of tobacco within the State
1874 of Mississippi, and the impact of the tax levied by this chapter
1875 is * * * declared to be on the vendee, user, consumer, or
1876 possessor of tobacco in this state; and when the tax is paid by
1877 any other person, the payment shall be considered as an advance

1878 payment and shall thereafter be added to the price of the tobacco
1879 and recovered from the ultimate consumer or user.

1880 SECTION 21. (1) Except as otherwise provided in this
1881 section, due to the severe budget concerns during the current
1882 fiscal year, the following provisions shall apply through June 30,
1883 2005:

1884 (a) No state agency is authorized to purchase any
1885 equipment as defined in Section 31-7-1.

1886 (b) No state agency is authorized to hire any new
1887 employees, or promote, reclassify, reallocate or realign a pay
1888 grade with regard to any of its employees or job positions. The
1889 State Personnel Board shall immediately suspend all hirings,
1890 promotions, reclassifications, reallocations and pay grade
1891 realignments of employees or job positions.

1892 (2) If a state agency determines that it is necessary to
1893 take any action that otherwise would be prohibited under
1894 subsection (1) of this section before July 1, 2005, the agency may
1895 appeal to the State Fiscal Officer. The State Fiscal Officer
1896 shall immediately notify the Joint Legislative Budget Committee of
1897 the state agency's appeal and the date upon which the State Fiscal
1898 Officer will hold a hearing on the appeal. The State Fiscal
1899 Officer shall grant a hearing to the state agency on its appeal
1900 within fifteen (15) days after notice of the appeal is given to
1901 the State Fiscal Officer; however, if the Department of Mental
1902 Health or the State Veterans Affairs Board is seeking to hire new
1903 professional or paraprofessional employees who work directly with
1904 patients or clients involved with department or board facilities
1905 and programs as replacements for professional or paraprofessional
1906 employees who leave employment with the department or board, then
1907 the State Fiscal Officer shall grant a hearing to the department
1908 or board on its appeal within three (3) days after notice of the
1909 appeal is given to the State Fiscal Officer. The hearing shall
1910 not be a public meeting; however, any member of the Joint

1911 Legislative Budget Committee may attend the hearing. At the
1912 hearing, the state agency must demonstrate to the satisfaction of
1913 the State Fiscal Officer that a serious emergency exists of such
1914 magnitude that the essential mission of the agency cannot be
1915 carried out without taking an action that otherwise would be
1916 prohibited under subsection (1) of this section. In making his
1917 decision, the State Fiscal Officer may consider the source of
1918 funds to be used by the state agency in taking that action. If
1919 the state agency makes the demonstration required by this
1920 subsection, the State Fiscal Officer, in his discretion, may
1921 authorize the agency to take the action sought by the agency that
1922 otherwise would be prohibited under subsection (1) of this
1923 section.

1924 (3) A state agency may take any action that otherwise would
1925 be prohibited under subsection (1)(b) of this section if all of
1926 the funds to be expended to fund that action are federal funds.

1927 (4) For purposes of this section, the term "state agency"
1928 means any agency, board, commission or department of the State of
1929 Mississippi.

1930 **SECTION 22.** Section 25-9-116, Mississippi Code of 1972, is
1931 amended as follows:

1932 **[Through June 30, 2005, this section will read as follows:]**

1933 25-9-116. * * * The State Personnel Board shall institute
1934 an immediate suspension of all hirings, promotions,
1935 reclassifications, reallocations and pay grade realignments, as
1936 provided in Section 1 of this act.

1937 **[From and after July 1, 2005, this section will read as**
1938 **follows:]**

1939 25-9-116. Upon recommendation of the State Fiscal Officer,
1940 after a determination that the state revenue and expenditure
1941 requires such action the State Personnel Board may institute an
1942 immediate suspension of all hirings, promotions,
1943 reclassifications, reallocations and pay grade realignments until

1944 such time as the State Fiscal Officer shall recommend that such
1945 action is no longer required.

1946 **SECTION 23.** (1) For the purposes of this section, the term
1947 "state agency" means an agency, board, commission or department of
1948 the State of Mississippi.

1949 (2) For the period beginning on July 1, 2005, and through
1950 June 30, 2006, unless specifically authorized in the appropriation
1951 bill for a state agency, the state agency is not authorized to
1952 expend funds to do any of the following:

1953 (a) Hire any new employees, or promote, reclassify,
1954 reallocate or realign a pay grade with regard to any of its
1955 employees or job positions;

1956 (b) Purchase any equipment or furniture as defined in
1957 Section 31-7-1, or any computer or telecommunications equipment;
1958 and even if authorized in the appropriation bill, a state agency
1959 is not authorized to expend funds to purchase any sports-utility
1960 vehicle unless the purchase is approved by the Department of
1961 Finance and Administration;

1962 (c) Contract with any person or entity for professional
1963 services or consulting services, or make payments under any such
1964 contract;

1965 (d) Travel outside of the State of Mississippi;

1966 (e) Publish or distribute any annual reports or other
1967 publications;

1968 (f) Conduct public relations activities regarding the
1969 functions, programs or services of the state agency;

1970 (g) Advertise the functions, programs or services of
1971 the state agency; however, the Mississippi Development Authority
1972 is authorized to expend funds for advertising to carry out the
1973 purposes of key programs administered by the authority; or

1974 (h) Purchase cellular telephones for use of employees
1975 of the state agency, contract or enter an agreement with any
1976 person or entity to provide cellular telephone service for

1977 employees of the state agency, or make payments under any such
1978 contract or agreement; however, the prohibition in this paragraph
1979 (h) shall not apply to the Governor's Office, the Mississippi
1980 Development Authority or the law enforcement personnel of any
1981 state agency.

1982 **SECTION 24.** Section 7-7-211, Mississippi Code of 1972, is
1983 amended as follows:

1984 7-7-211. The department shall have the power and it shall be
1985 its duty:

1986 (a) To identify and define for all public offices of
1987 the state and its subdivisions generally accepted accounting
1988 principles as promulgated by nationally recognized professional
1989 organizations and to consult with the State Fiscal Officer in the
1990 prescription and implementation of accounting rules and
1991 regulations;

1992 (b) To prescribe, for all public offices of regional
1993 and local subdivisions of the state, systems of accounting,
1994 budgeting and reporting financial facts relating to those offices
1995 in conformity with legal requirements and with generally accepted
1996 accounting principles as promulgated by nationally recognized
1997 professional organizations; to assist such subdivisions in need of
1998 assistance in the installation of such systems; to revise such
1999 systems when deemed necessary, and to report to the Legislature at
2000 periodic times the extent to which each office is maintaining such
2001 systems, along with such recommendations to the Legislature for
2002 improvement as seem desirable;

2003 (c) To study and analyze existing managerial policies,
2004 methods, procedures, duties and services of the various state
2005 departments and institutions upon written request of the Governor,
2006 the Legislature or any committee or other body empowered by the
2007 Legislature to make such request to determine whether and where
2008 operations can be eliminated, combined, simplified and improved;

2009 (d) To postaudit each year and, when deemed necessary,
2010 preaudit and investigate the financial affairs of each and every
2011 department, institution, board, commission or other agency of each
2012 branch of state government, as part of the publication of a
2013 comprehensive annual financial report for the State of
2014 Mississippi. In complying with the requirements of this
2015 subsection, the department shall have the authority to conduct all
2016 necessary audit procedures on an interim and year-end basis;

2017 (e) To postaudit and, when deemed necessary, preaudit
2018 and investigate separately the financial affairs of (i) the
2019 offices, boards and commissions of county governments and any
2020 departments and institutions thereof and therein; (ii) public
2021 school districts, departments of education and junior college
2022 districts; and (iii) any other local offices or agencies which
2023 share revenues derived from taxes or fees imposed by the State
2024 Legislature or receive grants from revenues collected by
2025 governmental divisions of the state; the cost of such audits,
2026 investigations or other services to be paid as follows: Such part
2027 shall be paid by the state from appropriations made by the
2028 Legislature for the operation of the State Department of Audit as
2029 may exceed the sum of Thirty-two Dollars and Fifty Cents (\$32.50)
2030 per hour for the services of each staff person engaged in
2031 performing the audit or other service, which sum shall be paid by
2032 the county, district, department, institution or other agency
2033 audited out of its general fund or any other available funds from
2034 which such payment is not prohibited by law;

2035 (f) To postaudit and, when deemed necessary, preaudit
2036 and investigate the financial affairs of the levee boards;
2037 agencies created by the Legislature or by executive order of the
2038 Governor; profit or nonprofit business entities administering
2039 programs financed by funds flowing through the State Treasury or
2040 through any of the agencies of the state, or its subdivisions; and
2041 all other public bodies supported by funds derived in part or

2042 wholly from public funds, except municipalities which annually
2043 submit an audit prepared by a qualified certified public
2044 accountant using methods and procedures prescribed by the
2045 department;

2046 (g) To make written demand, when necessary, for the
2047 recovery of any amounts representing public funds improperly
2048 withheld, misappropriated and/or otherwise illegally expended by
2049 an officer, employee or administrative body of any state, county
2050 or other public office, and/or for the recovery of the value of
2051 any public property disposed of in an unlawful manner by a public
2052 officer, employee or administrative body, such demands to be made
2053 (i) upon the person or persons liable for such amounts and upon
2054 the surety on official bond thereof, and/or (ii) upon any
2055 individual, partnership, corporation or association to whom the
2056 illegal expenditure was made or with whom the unlawful disposition
2057 of public property was made, if such individual, partnership,
2058 corporation or association knew or had reason to know through the
2059 exercising of reasonable diligence that the expenditure was
2060 illegal or the disposition unlawful. Such demand shall be
2061 premised on competent evidence, which shall include at least one
2062 (1) of the following: (i) sworn statements, (ii) written
2063 documentation, (iii) physical evidence, or (iv) reports and
2064 findings of government or other law enforcement agencies. Other
2065 provisions notwithstanding, a demand letter issued pursuant to
2066 this subsection shall remain confidential by the State Auditor
2067 until the individual against whom the demand letter is being filed
2068 has been served with a copy of such demand letter. If, however,
2069 such individual cannot be notified within fifteen (15) days using
2070 reasonable means and due diligence, such notification shall be
2071 made to the individual's bonding company, if he or she is bonded.
2072 Each such demand shall be paid into the proper treasury of the
2073 state, county or other public body through the office of the
2074 department in the amount demanded within thirty (30) days from the

2075 date thereof, together with interest thereon in the sum of one
2076 percent (1%) per month from the date such amount or amounts were
2077 improperly withheld, misappropriated and/or otherwise illegally
2078 expended. In the event, however, such person or persons or such
2079 surety shall refuse, neglect or otherwise fail to pay the amount
2080 demanded and the interest due thereon within the allotted thirty
2081 (30) days, the State Auditor shall have the authority and it shall
2082 be his duty to institute suit, and the Attorney General shall
2083 prosecute the same in any court of the state to the end that there
2084 shall be recovered the total of such amounts from the person or
2085 persons and surety on official bond named therein; and the amounts
2086 so recovered shall be paid into the proper treasury of the state,
2087 county or other public body through the State Auditor. In any
2088 case where written demand is issued to a surety on the official
2089 bond of such person or persons and the surety refuses, neglects or
2090 otherwise fails within one hundred twenty (120) days to either pay
2091 the amount demanded and the interest due thereon or to give the
2092 State Auditor a written response with specific reasons for
2093 nonpayment, then the surety shall be subject to a civil penalty in
2094 an amount of twelve percent (12%) of the bond, not to exceed Ten
2095 Thousand Dollars (\$10,000.00), to be deposited into the State
2096 General Fund;

2097 (h) To investigate any alleged or suspected violation
2098 of the laws of the state by any officer or employee of the state,
2099 county or other public office in the purchase, sale or the use of
2100 any supplies, services, equipment or other property belonging
2101 thereto; and in such investigation to do any and all things
2102 necessary to procure evidence sufficient either to prove or
2103 disprove the existence of such alleged or suspected violations.
2104 The Department of Investigation of the State Department of Audit
2105 may investigate, for the purpose of prosecution, any suspected
2106 criminal violation of the provisions of this chapter. For the
2107 purpose of administration and enforcement of this chapter, the

2108 enforcement employees of the Department of Investigation of the
2109 State Department of Audit have the powers of a law enforcement
2110 officer of this state, and shall be empowered to make arrests and
2111 to serve and execute search warrants and other valid legal process
2112 anywhere within the State of Mississippi. All enforcement
2113 employees of the Department of Investigation of the State
2114 Department of Audit hired on or after July 1, 1993, shall be
2115 required to complete the Law Enforcement Officers Training Program
2116 and shall meet the standards of the program;

2117 (i) To issue subpoenas, with the approval of, and
2118 returnable to, a judge of a chancery or circuit court, in termtime
2119 or in vacation, to examine the records, documents or other
2120 evidence of persons, firms, corporations or any other entities
2121 insofar as such records, documents or other evidence relate to
2122 dealings with any state, county or other public entity. The
2123 circuit or chancery judge must serve the county in which the
2124 records, documents or other evidence is located; or where all or
2125 part of the transaction or transactions occurred which are the
2126 subject of the subpoena;

2127 (j) In any instances in which the State Auditor is or
2128 shall be authorized or required to examine or audit, whether
2129 preaudit or postaudit, any books, ledgers, accounts or other
2130 records of the affairs of any public hospital owned or owned and
2131 operated by one or more political subdivisions or parts thereof or
2132 any combination thereof, or any school district, including
2133 activity funds thereof, it shall be sufficient compliance
2134 therewith, in the discretion of the State Auditor, that such
2135 examination or audit be made from the report of any audit or other
2136 examination certified by a certified public accountant and
2137 prepared by or under the supervision of such certified public
2138 accountant. Such audits shall be made in accordance with
2139 generally accepted standards of auditing, with the use of an audit
2140 program prepared by the State Auditor, and final reports of such

2141 audits shall conform to the format prescribed by the State
2142 Auditor. All files, working papers, notes, correspondence and all
2143 other data compiled during the course of the audit shall be
2144 available, without cost, to the State Auditor for examination and
2145 abstracting during the normal business hours of any business day.
2146 The expense of such certified reports shall be borne by the
2147 respective hospital, or any available school district funds other
2148 than minimum program funds, subject to examination or audit. The
2149 State Auditor shall not be bound by such certified reports and
2150 may, in his or their discretion, conduct such examination or audit
2151 from the books, ledgers, accounts or other records involved as may
2152 be appropriate and authorized by law;

2153 (k) The State Auditor shall have the authority to
2154 contract with qualified public accounting firms to perform
2155 selected audits required in subsections (d), (e) and (f) of this
2156 section, if funds are made available for such contracts by the
2157 Legislature, or if funds are available from the governmental
2158 entity covered by subsections (d), (e) and (f). Such audits shall
2159 be made in accordance with generally accepted standards of
2160 auditing, with the use of an audit program prepared by the State
2161 Auditor, and final reports of such audits shall conform to the
2162 format prescribed by the State Auditor. All files, working
2163 papers, notes, correspondence and all other data compiled during
2164 the course of the audit shall be available, without cost, to the
2165 State Auditor for examination and abstracting during the normal
2166 business hours of any business day;

2167 (l) The State Auditor shall have the authority to
2168 establish training courses and programs for the personnel of the
2169 various state and local governmental entities under the
2170 jurisdiction of the Office of the State Auditor. The training
2171 courses and programs shall include, but not be limited to, topics
2172 on internal control of funds, property and equipment control and
2173 inventory, governmental accounting and financial reporting, and

2174 internal auditing. The State Auditor is authorized to charge a
2175 fee from the participants of these courses and programs, which fee
2176 shall be deposited into the Department of Audit Special Fund.
2177 State and local governmental entities are authorized to pay such
2178 fee and any travel expenses out of their general funds or any
2179 other available funds from which such payment is not prohibited by
2180 law;

2181 (m) Upon written request by the Governor or any member
2182 of the State Legislature, the State Auditor may audit any state
2183 funds and/or state and federal funds received by any nonprofit
2184 corporation incorporated under the laws of this state;

2185 (n) To conduct performance audits of personal or
2186 professional service contracts by state agencies on a random
2187 sampling basis, or upon request of the State Personal Service
2188 Contract Review Board under Section 25-9-120(3);

2189 (o) To annually postaudit the Chickasawhay Natural Gas
2190 District. The Department of Audit shall charge the Chickasawhay
2191 Natural Gas District, audited by the authority of this paragraph,
2192 the sum of Thirty-two Dollars and Fifty Cents (\$32.50) per hour
2193 for each hour of staff time devoted to the auditing of the
2194 district. The Chickasawhay Natural Gas District shall pay for the
2195 audit fees from any sums available to the district for its general
2196 operations.

2197 **SECTION 25.** Section 7-7-213, Mississippi Code of 1972, is
2198 amended as follows:

2199 7-7-213. The costs of audits and other services required by
2200 Sections 7-7-201 through 7-7-215, except for those audits and
2201 services authorized by Section 7-7-211(k) which shall be funded by
2202 appropriations made by the Legislature from such funds as it deems
2203 appropriate, shall be paid from a special fund that is created in
2204 the State Treasury, to be known as the State Department of Audit
2205 Fund, into which will be paid each year the amounts received for
2206 performing audits required by law. Except as provided in Section

2207 7-7-211(d) * * *, the amounts to be charged for performing audits
2208 and other services shall be the actual cost, not to exceed
2209 Thirty-two Dollars and Fifty Cents (\$32.50) per hour for the
2210 services of each staff person engaged in performing the audit or
2211 other service. In the event of failure by any unit of government
2212 to pay the charges authorized herein, the Department of Audit
2213 shall notify the State Fiscal Officer, and upon a determination
2214 that the charges are substantially correct, the State Fiscal
2215 Officer shall notify the defaulting unit of his determination. If
2216 payment is not made within thirty (30) days after such
2217 notification, the State Fiscal Officer shall notify the State
2218 Treasurer and Department of Public Accounts that no further
2219 warrants are to be issued to the defaulting unit until the
2220 deficiency is paid.

2221 The cost of any service by the department not required of it
2222 under the provisions of the cited sections but made necessary by
2223 the willful fault or negligence of an officer or employee of any
2224 public office of the state shall be recovered (i) from such
2225 officer or employee and/or surety on official bond thereof and/or
2226 (ii) from the individual, partnership, corporation or association
2227 involved, in the same manner and under the same terms, when
2228 necessary, as provided the department for recovering public funds
2229 in Section 7-7-211.

2230 The State Auditor shall deliver a copy of any audit of the
2231 fiscal and financial affairs of a county to the chancery clerk of
2232 such county and shall deliver a notice stating that a copy of such
2233 audit is on file in the chancery clerk's office to some newspaper
2234 published in the county to be published. If no newspaper is
2235 published in the county, a copy of such notice shall be delivered
2236 to a newspaper having a general circulation therein.

2237 **SECTION 26.** Section 27-15-83, Mississippi Code of 1972, is
2238 brought forward as follows:

2239 27-15-83. (1) Upon each foreign insurance company licensed
2240 as a single line company defined under Section 83-19-1, the
2241 privilege tax is as follows:

- 2242 (a) Fire and Allied Lines and/or
- 2243 Industrial Fire..... \$200.00
- 2244 (b) Casualty/Liability..... \$200.00
- 2245 (c) Fidelity and/or Surety..... \$200.00
- 2246 (d) Workers' Compensation..... \$200.00
- 2247 (e) Boiler and Machinery..... \$200.00
- 2248 (f) Plate Glass..... \$200.00
- 2249 (g) Aircraft..... \$200.00
- 2250 (h) Inland Marine and/or Ocean Marine..... \$200.00
- 2251 (i) Automobile Physical Damage/Automobile
- 2252 Liability..... \$200.00
- 2253 (j) Homeowners/Farmowners..... \$200.00
- 2254 (k) Guaranty/Mortgage Guaranty..... \$200.00
- 2255 (l) Trip Accident and Baggage..... \$200.00
- 2256 (m) Legal..... \$200.00
- 2257 (n) Life and/or Accident and Health;
- 2258 Credit Life, Accident and Health;
- 2259 Industrial Life, Accident and Health;
- 2260 and Variable Contracts..... \$200.00
- 2261 (o) Title..... \$200.00
- 2262 (p) Fraternal..... \$ 50.00

2263 (2) For any combination of classifications of a foreign
2264 insurance company, the privilege tax for a multiple line company
2265 shall be Three Hundred Fifty Dollars (\$350.00).

2266 (3) Any stock, mutual, reciprocal or reinsurance company
2267 shall pay the appropriate privilege tax for each line of insurance
2268 the company is licensed to underwrite.

2269 (4) For each domestic insurance which has its home office
2270 located in Mississippi, the privilege tax shall be one-half (1/2)
2271 of the fees listed in this section.

2272 (5) Each insurance company or association which amends its
2273 privilege license shall pay a fee of Twenty-five Dollars (\$25.00).

2274 **SECTION 27.** Section 27-15-85, Mississippi Code of 1972, is
2275 brought forward as follows:

2276 27-15-85. (1) Upon each incorporated insurance agency
2277 licensed to represent fire, casualty, liability, fidelity, surety,
2278 guaranty and inland marine insurance companies in municipalities
2279 of Classes 1, 2, 3 and 4..... \$100.00.

2280 Upon each such incorporated insurance agency in
2281 municipalities of Classes 5, 6, 7 and elsewhere in the
2282 state..... \$ 50.00.

2283 The license issued to such incorporated agency shall specify
2284 the type, types or kinds of insurance that such incorporated
2285 agency is licensed and qualified to transact. Every person acting
2286 as agent or solicitor for any such agency shall qualify under the
2287 provisions of Laws, 2001, Chapter 510; and no person shall be
2288 exempt from the privilege tax placed on insurance agents by this
2289 section by reason of the fact that he is a stockholder or officer
2290 in any such incorporated agency, or by reason of the fact that he
2291 represents such an agency, but every agent or solicitor, except
2292 two (2) executive officers of such agency, shall pay the privilege
2293 tax herein imposed.

2294 (2) Upon each incorporated general agent, as defined in
2295 Section 83-17-1..... \$100.00.

2296 (3) Upon each incorporated "supervising general agent" for
2297 life, health and accident insurers as defined in Section
2298 83-17-1..... \$100.00.

2299 The privilege licenses issued under this section to
2300 "supervising general agents" shall not constitute authority to
2301 solicit business within the State of Mississippi, and shall be
2302 renewed annually at the time and in the manner prescribed by
2303 Section 83-17-25 on application forms which shall be furnished by
2304 the Commissioner of Insurance and shall show the name of the

2305 insurance company or companies such "supervising general agent"
2306 represents, and other additional information as may be required by
2307 the Commissioner of Insurance.

2308 **SECTION 28.** Section 27-15-87, Mississippi Code of 1972, is
2309 brought forward as follows:

2310 27-15-87. Upon each fire, casualty, liability, fidelity,
2311 surety, guaranty and/or inland marine agent or solicitor when the
2312 total commission of the agency is in excess of Three Thousand
2313 Dollars (\$3,000.00) annually..... \$50.00.

2314 Upon each such agent or solicitor when the total commission
2315 of the agency does not exceed Three Thousand Dollars (\$3,000.00)
2316 annually..... \$25.00.

2317 Every agent or insurance solicitor for an agent, connected
2318 with any insurance agent, firm or corporation who solicits the
2319 sale of any of the above-named insurance, whether stock, mutual or
2320 reciprocal insurance carriers, directly or indirectly, shall be
2321 liable for the above tax.

2322 Whenever a solicitor is employed by any such agent or agency
2323 to solicit business for its account, to be placed in the companies
2324 represented by said agent or agency, such agent or agency shall
2325 make application as provided for in Section 83-17-75(6), and
2326 Section 83-17-217, Mississippi Code of 1972, and pay the above tax
2327 on such solicitor and such license issued to him shall authorize
2328 such solicitor to solicit insurance for the agency.

2329 At the time of the purchase of the license herein provided,
2330 every person, firm, corporation or solicitor shall file an
2331 affidavit with the Insurance Commissioner of the state stating the
2332 amount of commissions earned by said agency (whether such agency
2333 be conducted by a person, firm or corporation) during the past
2334 year, and this affidavit shall be filed at least once each year,
2335 and in the event that the commissioner has reason to believe that
2336 such affidavit is incorrect, then in such event, said Insurance
2337 Commissioner may refuse to accept said affidavit and demand

2338 further proof as to the clarification of said person, firm or
2339 corporation applying for said license. If the applicant for said
2340 license was not engaged in the insurance business during the year
2341 preceding the application for said license, then, in such event,
2342 the affidavit shall show said fact, and the Insurance Commissioner
2343 shall issue to said applicant a yearly license at and for the sum
2344 of Twenty-five Dollars (\$25.00) as above provided.

2345 **SECTION 29.** Section 27-15-93, Mississippi Code of 1972, is
2346 brought forward as follows:

2347 27-15-93. (1) Upon each incorporated insurance agency
2348 licensed to represent life, health or accident insurance
2349 companies..... \$ 25.00.

2350 The license issued to such incorporated agency shall specify
2351 the type, types or kinds of insurance that such incorporated
2352 agency is licensed and qualified to transact. Every person acting
2353 as agent for any such agency shall qualify under the provisions of
2354 Laws, 2001, Chapter 510; and no person shall be exempt from the
2355 privilege tax placed on insurance agents by this section by reason
2356 of the fact that he is a stockholder or officer in any such
2357 incorporated agency, or by reason of the fact that he represents
2358 such an agency, but every agent shall pay the privilege tax herein
2359 imposed.

2360 (2) Upon each incorporated supervising general agent, as
2361 defined in Section 83-17-1..... \$100.00.

2362 (3) Upon each life insurance agent engaged exclusively in
2363 writing life insurance..... \$ 20.00.

2364 And any life insurance company that knowingly issues a policy
2365 where the application has been submitted to it by an agent or
2366 other person who has not paid all the taxes herein imposed upon
2367 each agent or person shall be liable for and pay to the state the
2368 sum of Fifty Dollars (\$50.00) for each policy written.

2369 Provided, that any insurance agent who has paid the tax
2370 required as a life insurance agent, shall be permitted to write

2371 health, accident and industrial insurance without the payment of
2372 additional tax.

2373 **SECTION 30.** Section 27-15-95, Mississippi Code of 1972, is
2374 brought forward as follows:

2375 27-15-95. Upon each person, other than an incorporated
2376 insurance agency taxed under Section 27-15-93, writing health and
2377 accident, or industrial life insurance..... \$20.00.

2378 **SECTION 31.** Section 83-49-47, Mississippi Code of 1972, is
2379 brought forward as follows:

2380 83-49-47. (1) No person shall act as a representative of a
2381 sponsor or agent of a sponsor as defined in Section 83-17-1,
2382 Mississippi Code of 1972, without first having obtained a license
2383 from the commissioner to act as an agent or representative of a
2384 sponsor of prepaid legal services in this state.

2385 (2) The annual license fee shall be Ten Dollars (\$10.00).
2386 The fee for said license shall be paid to the commissioner on or
2387 before March 1 of each year.

2388 (3) Before any licensee changes his address, he shall return
2389 his license to the commissioner, who shall endorse the license
2390 indicating the change.

2391 (4) Each person to whom the license or the renewal thereof
2392 may be issued shall file sworn answers, subject to the penalties
2393 of perjury, to such interrogatories as the commissioner may
2394 require. The commissioner shall have authority, at any time, to
2395 require the applicant to disclose fully the identity of all
2396 stockholders, partners, officers and employees, and he may, in his
2397 discretion, refuse to issue or renew a license in the name of any
2398 firm, partnership or corporation if he is not satisfied that any
2399 officer, employee, stockholder or partner thereof who may
2400 materially influence the applicant's conduct meets the standards
2401 of this chapter.

2402 (5) Upon the filing of an application and the payment of the
2403 license fee, the commissioner shall make an investigation of each

2404 applicant and shall issue a license if he finds the applicant is
2405 qualified in accordance with this chapter. If the commissioner
2406 does not so find, he shall, within ninety (90) days after he has
2407 received such application, so notify the applicant and, at the
2408 request of the applicant, give the applicant a full hearing.

2409 (6) The commissioner shall issue or renew a license applied
2410 for when he is satisfied that the person to be licensed:

2411 (a) Is competent and trustworthy and intends to act in
2412 good faith as an agent or representative of a sponsor of prepaid
2413 legal services plans in this state;

2414 (b) Has a good business reputation and has had
2415 experience, training or education so as to be qualified to act as
2416 an agent or representative of a sponsor of prepaid legal services
2417 plans.

2418 **SECTION 32.** Section 83-11-237, Mississippi Code of 1972, is
2419 brought forward as follows:

2420 83-11-237. (1) An automobile club operating in this state
2421 pursuant to a certificate of authority issued hereunder shall,
2422 within thirty (30) days of the date of appointment, file with the
2423 commissioner a notice of appointment of a club agent by an
2424 automobile club to sell memberships in the automobile club to the
2425 public. This notification shall be upon such form as the
2426 commissioner may prescribe, shall contain the name, address, age,
2427 sex, and social security number of such club agent, and also
2428 contain proof satisfactory to the commissioner that such applicant
2429 is of good reputation and that he has received training from the
2430 club or is otherwise qualified in the field of automobile club
2431 service contracts and the laws of this state pertaining thereto.
2432 Upon termination of any club agent's appointment by an automobile
2433 club, such automobile club shall, within thirty (30) days
2434 thereafter, notify the commissioner of such termination.

2435 (2) The registration fee for club agents shall be Five
2436 Dollars (\$5.00) annually, and such registration shall be renewable
2437 on April 1 of each year unless sooner revoked or suspended.

2438 **SECTION 33.** Section 27-19-44.4, Mississippi Code of 1972, is
2439 amended as follows:

2440 27-19-44.4. (1) Notwithstanding any other provision of law
2441 to the contrary, beginning with any registration year commencing
2442 on or after January 1, 2004, an additional fee of One Dollar
2443 (\$1.00) is imposed for any distinctive or special license tag or
2444 plate authorized under this chapter regardless of whether such a
2445 distinctive or special license tag or plate was authorized before
2446 or after July 1, 2003. The proceeds collected from the additional
2447 fee imposed under this subsection shall be deposited into the
2448 special fund created under Section 27-19-56.69(8).

2449 (2) Notwithstanding any other provision of law to the
2450 contrary, beginning with any registration year beginning on or
2451 after July 1, 2005, an additional fee of Twenty Dollars (\$20.00)
2452 is imposed for any distinctive or special license tag or plate
2453 authorized under this chapter, including personalized tags issued
2454 under Section 27-19-48, regardless of whether the license tag or
2455 plate was authorized before or after July 1, 2005. The proceeds
2456 collected from the additional fee imposed under this subsection
2457 shall be deposited into the State General Fund.

2458 (3) The fees imposed under this section shall be in addition
2459 to any other fees imposed under this chapter for a distinctive,
2460 special or personalized license tag or plate.

2461 (4) The provisions of this section shall not apply to
2462 distinctive or special license tags or plates:

2463 (a) Which are issued under Section 27-19-46, 27-19-51,
2464 27-19-53, 27-19-54, 27-19-56.5, 27-19-56.12, 27-19-56.13,
2465 27-19-56.33, 27-19-56.36, 27-19-56.38, 27-19-56.42, 27-19-56.48,
2466 27-19-56.49, 27-19-56.50, 27-19-56.51, 27-19-56.62, 27-19-56.79,
2467 27-19-56.85 or 27-19-169; or

2468 (b) For which no additional fee is required to be paid.

2469 **SECTION 34.** Section 27-19-89, Mississippi Code of 1972, is
2470 brought forward as follows:

2471 **[Through June 30, 2006, this section shall read as follows:]**

2472 27-19-89. (a) If any nonresident owner or operator or other
2473 nonresident person eligible for a temporary permit as provided in
2474 Section 27-19-79, who has not elected to register and pay the
2475 annual privilege taxes prescribed, shall enter or go upon the
2476 public highways of the state and shall fail or refuse to obtain
2477 the permit required by Section 27-19-79, such person shall be
2478 liable, for the first such offense, for the full amount of the
2479 permit fee required, plus a penalty thereon of five hundred
2480 percent (500%). For the second and all subsequent offenses, such
2481 person who fails or refuses to obtain such permits shall be liable
2482 for the pro rata part of the annual tax for the balance of the tag
2483 year for the maximum legal gross weight of the vehicle plus a
2484 penalty thereon of twenty-five percent (25%). Any weight in
2485 excess of the maximum legal gross weight of the vehicle, or in
2486 excess of the maximum highway weight limit, shall be penalized
2487 according to subsection (c) of this section. In either case the
2488 excess weight shall be removed by the operator before the vehicle
2489 can be allowed to proceed. In order to constitute a "second or
2490 subsequent offense" under the provisions hereof, it shall not be
2491 necessary that the same or identical vehicle be involved, it being
2492 the declared purpose hereof to provide that such penalties shall
2493 run against the owner or operator rather than against the
2494 specified vehicle. It is further provided that, in order for such
2495 owner or operator to become liable for the penalties herein
2496 provided, it shall not be necessary to show that such owner or
2497 operator was guilty of willfulness, gross negligence or
2498 wantonness, but the offense shall be complete upon the failure or
2499 refusal to obtain the required permit.

2500 (b) If any person who has registered his vehicle in
2501 Mississippi shall operate such vehicle upon the public highways,
2502 having a gross weight greater than the licensed gross weight of
2503 such vehicle, and shall fail or refuse to obtain a permit therefor
2504 as required by Section 27-19-79, or if any person shall operate
2505 any such registered vehicle upon the public highways in a higher
2506 classification than that for which it is registered, and shall
2507 fail or refuse to obtain a permit therefor as required by Section
2508 27-19-79, then such person shall be liable for the pro rata part
2509 of the annual tax for the balance of the tag year for the legal
2510 gross weight of such vehicle and in the classification in which
2511 same is being operated, plus a penalty thereon of twenty-five
2512 percent (25%), after having been given credit for the unexpired
2513 part of the privilege tax paid, as provided in Section 27-19-75.
2514 In order that such owner or operator shall become liable for the
2515 penalties herein provided, it shall not be necessary to show that
2516 such owner or operator was guilty of willfulness, gross negligence
2517 or wantonness, but the offense shall be complete upon the failure
2518 or refusal to obtain the required permit.

2519 (c) If any person shall operate upon a highway of this state
2520 a vehicle which has a greater vehicle gross weight than the
2521 maximum gross weight limit established by law for that highway and
2522 shall have failed to obtain an overload permit as required by
2523 Section 27-19-81 or Section 63-5-52, or if any person shall
2524 operate a vehicle with a greater load on any axle or axle grouping
2525 than allowed by law, then such person, owner or operator shall be
2526 assessed a penalty on such axle load weight or vehicle gross
2527 weight as exceeds the legal limit in accordance with the following
2528 schedule:

2529	AMOUNT IN EXCESS OF	
2530	LEGAL HIGHWAY WEIGHT	
2531	LIMITS IN POUNDS	PENALTY
2532	1 to 999	\$10.00 minimum penalty

2533	1,000 to 1,999	1¢ per pound in excess of legal limit
2534	2,000 to 2,999	2¢ per pound in excess of legal limit
2535	3,000 to 3,999	3¢ per pound in excess of legal limit
2536	4,000 to 4,999	4¢ per pound in excess of legal limit
2537	5,000 to 5,999	5¢ per pound in excess of legal limit
2538	6,000 to 6,999	6¢ per pound in excess of legal limit
2539	7,000 to 7,999	7¢ per pound in excess of legal limit
2540	8,000 to 8,999	8¢ per pound in excess of legal limit
2541	9,000 to 9,999	9¢ per pound in excess of legal limit
2542	10,000 to 10,999	10¢ per pound in excess of legal limit
2543	11,000 or more	11¢ per pound in excess of legal limit

2544 Any vehicle in violation of the tolerance allowed pursuant to
2545 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
2546 for all weight in excess of the legal highway gross weight limit
2547 authorized for such vehicle or for all weight in excess of the
2548 legal tandem axle load weight limit of forty thousand (40,000)
2549 pounds and the legal single axle load limit of twenty thousand
2550 (20,000) pounds, whichever the case may be.

2551 The penalty to be assessed for operations of a vehicle with a
2552 greater load on any axle or axle grouping than the legal axle load
2553 weight limits shall be one-half (1/2) the penalty for operation in
2554 excess of the legal gross weight limit.

2555 In instances where both the legal highway gross weight limit
2556 and the legal axle load weight limit(s) are exceeded, the fine
2557 that shall be levied shall be either the penalty amount for the
2558 excess vehicle gross weight or the total of the penalty amounts of
2559 all overloaded axles, whichever is the larger amount.

2560 Notwithstanding any other provisions of this section to the
2561 contrary, the fine assessed against the holder of a harvest permit
2562 for exceeding a gross vehicle weight of eighty-four thousand
2563 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
2564 Cents (15¢) per pound for exceeding a gross vehicle weight of one
2565 hundred thousand (100,000) pounds.

2566 Notwithstanding any other provision of this subsection (c) to
2567 the contrary, upon an appeal to the Appeals Board of the
2568 Mississippi Transportation Commission by an owner or operator of a
2569 vehicle hauling without a harvest permit any of the products or
2570 materials described in subsection (3) of Section 63-5-33 and upon
2571 whom a penalty has been assessed under this subsection (c) for
2572 exceeding the legal weight limit(s) on a highway having a legal
2573 weight limit of eighty thousand (80,000) pounds or less, the
2574 appeals board shall reduce the penalty assessed against such
2575 owner/operator to an amount not to exceed ten percent (10%) of the
2576 amount which would otherwise be due without the reduction
2577 authorized under this paragraph. A reduction shall not be
2578 authorized under this paragraph if the gross weight of the vehicle
2579 for which an owner/operator has been charged with a violation of
2580 this section exceeds eighty-four thousand (84,000) pounds; and, in
2581 any event, no reduction shall be authorized under this paragraph
2582 unless a penalty assessed under this section is appealed to the
2583 appeals board and unless the board determines, based upon its
2584 records, that such owner/operator has not been granted a penalty
2585 reduction under this paragraph within a period of twelve (12)
2586 months immediately preceding the date of filing an appeal with the
2587 board for a penalty reduction under this paragraph.

2588 (d) If any nonresident owner or operator who has not
2589 registered his vehicle and paid the annual privilege taxes
2590 prescribed shall operate his vehicle upon the highways of this
2591 state when such vehicle has a greater gross weight than permitted
2592 by law for the highway traveled upon, and for which such excess
2593 gross weight a permit was not or could not be procured from the
2594 transportation department as required by Section 27-19-81, such
2595 person shall be liable upon his second and all subsequent offenses
2596 for the pro rata part of the annual tax for the balance of the tag
2597 year for the legal gross weight of the vehicle, and in addition
2598 thereto the penalty fee on the excess weight as specified in

2599 subsection (c) of this section. In order that such owner or
2600 operator shall become liable for the penalties herein provided, it
2601 shall not be necessary that the same or identical vehicle be
2602 involved, it being the declared purpose hereof to provide that
2603 such penalties shall run against the owner or operator rather than
2604 against the specific vehicle.

2605 (e) All fines and penalties imposed and collected by the
2606 Mississippi Department of Transportation for violations of the
2607 maximum legal vehicle weight limits authorized on the highways of
2608 this state shall be deposited into a special fund that is created
2609 in the State Treasury. Monies in the fund shall be allocated and
2610 distributed quarterly, beginning September 30, 1994, to each
2611 county of the state based on the amount of such fines and
2612 penalties imposed and collected in the county during the
2613 immediately preceding three (3) months. Monies distributed to the
2614 counties under this subsection shall be deposited in each county's
2615 road and bridge fund and may be expended, upon approval of the
2616 board of supervisors, for any purpose for which county road and
2617 bridge fund monies lawfully may be expended.

2618 **[From and after July 1, 2006, this section shall read as**
2619 **follows:]**

2620 27-19-89. (a) If any nonresident owner or operator or other
2621 nonresident person eligible for a temporary permit as provided in
2622 Section 27-19-79, who has not elected to register and pay the
2623 annual privilege taxes prescribed, shall enter or go upon the
2624 public highways of the state and shall fail or refuse to obtain
2625 the permit required by Section 27-19-79, such person shall be
2626 liable, for the first such offense, for the full amount of the
2627 permit fee required, plus a penalty thereon of five hundred
2628 percent (500%). For the second and all subsequent offenses, such
2629 person who fails or refuses to obtain such permits shall be liable
2630 for the pro rata part of the annual tax for the balance of the tag
2631 year for the maximum legal gross weight of the vehicle plus a

2632 penalty thereon of twenty-five percent (25%). Any weight in
2633 excess of the maximum legal gross weight of the vehicle, or in
2634 excess of the maximum highway weight limit, shall be penalized
2635 according to subsection (c) of this section. In either case the
2636 excess weight shall be removed by the operator before the vehicle
2637 can be allowed to proceed. In order to constitute a "second or
2638 subsequent offense" under the provisions hereof, it shall not be
2639 necessary that the same or identical vehicle be involved, it being
2640 the declared purpose hereof to provide that such penalties shall
2641 run against the owner or operator rather than against the
2642 specified vehicle. It is further provided that, in order for such
2643 owner or operator to become liable for the penalties herein
2644 provided, it shall not be necessary to show that such owner or
2645 operator was guilty of willfulness, gross negligence or
2646 wantonness, but the offense shall be complete upon the failure or
2647 refusal to obtain the required permit.

2648 (b) If any person who has registered his vehicle in
2649 Mississippi shall operate such vehicle upon the public highways,
2650 having a gross weight greater than the licensed gross weight of
2651 such vehicle, and shall fail or refuse to obtain a permit therefor
2652 as required by Section 27-19-79, or if any person shall operate
2653 any such registered vehicle upon the public highways in a higher
2654 classification than that for which it is registered, and shall
2655 fail or refuse to obtain a permit therefor as required by Section
2656 27-19-79, then such person shall be liable for the pro rata part
2657 of the annual tax for the balance of the tag year for the legal
2658 gross weight of such vehicle and in the classification in which
2659 same is being operated, plus a penalty thereon of twenty-five
2660 percent (25%), after having been given credit for the unexpired
2661 part of the privilege tax paid, as provided in Section 27-19-75.
2662 In order that such owner or operator shall become liable for the
2663 penalties herein provided, it shall not be necessary to show that
2664 such owner or operator was guilty of willfulness, gross negligence

2665 or wantonness, but the offense shall be complete upon the failure
2666 or refusal to obtain the required permit.

2667 (c) If any person shall operate upon a highway of this state
2668 a vehicle which has a greater vehicle gross weight than the
2669 maximum gross weight limit established by law for that highway and
2670 shall have failed to obtain an overload permit as required by
2671 Section 27-19-81, or if any person shall operate a vehicle with a
2672 greater load on any axle or axle grouping than allowed by law,
2673 then such person, owner or operator shall be assessed a penalty on
2674 such axle load weight or vehicle gross weight as exceeds the legal
2675 limit in accordance with the following schedule:

2676	AMOUNT IN EXCESS OF	
2677	LEGAL HIGHWAY WEIGHT	
2678	LIMITS IN POUNDS	PENALTY
2679	1 to 999	\$10.00 minimum penalty
2680	1,000 to 1,999	1¢ per pound in excess of legal limit
2681	2,000 to 2,999	2¢ per pound in excess of legal limit
2682	3,000 to 3,999	3¢ per pound in excess of legal limit
2683	4,000 to 4,999	4¢ per pound in excess of legal limit
2684	5,000 to 5,999	5¢ per pound in excess of legal limit
2685	6,000 to 6,999	6¢ per pound in excess of legal limit
2686	7,000 to 7,999	7¢ per pound in excess of legal limit
2687	8,000 to 8,999	8¢ per pound in excess of legal limit
2688	9,000 to 9,999	9¢ per pound in excess of legal limit
2689	10,000 to 10,999	10¢ per pound in excess of legal limit
2690	11,000 or more	11¢ per pound in excess of legal limit

2691 Any vehicle in violation of the tolerance allowed pursuant to
2692 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
2693 for all weight in excess of the legal highway gross weight limit
2694 authorized for such vehicle or for all weight in excess of the
2695 legal tandem axle load weight limit of forty thousand (40,000)
2696 pounds and the legal single axle load limit of twenty thousand
2697 (20,000) pounds, whichever the case may be.

2698 The penalty to be assessed for operations of a vehicle with a
2699 greater load on any axle or axle grouping than the legal axle load
2700 weight limits shall be one-half (1/2) the penalty for operation in
2701 excess of the legal gross weight limit.

2702 In instances where both the legal highway gross weight limit
2703 and the legal axle load weight limit(s) are exceeded, the fine
2704 that shall be levied shall be either the penalty amount for the
2705 excess vehicle gross weight or the total of the penalty amounts of
2706 all overloaded axles, whichever is the larger amount.

2707 Notwithstanding any other provisions of this section to the
2708 contrary, the fine assessed against the holder of a harvest permit
2709 for exceeding a gross vehicle weight of eighty-four thousand
2710 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
2711 Cents (15¢) per pound for exceeding a gross vehicle weight of one
2712 hundred thousand (100,000) pounds.

2713 Notwithstanding any other provision of this subsection (c) to
2714 the contrary, upon an appeal to the Appeals Board of the
2715 Mississippi Transportation Commission by an owner or operator of a
2716 vehicle hauling without a harvest permit any of the products or
2717 materials described in subsection (3) of Section 63-5-33 and upon
2718 whom a penalty has been assessed under this subsection (c) for
2719 exceeding the legal weight limit(s) on a highway having a legal
2720 weight limit of eighty thousand (80,000) pounds or less, the
2721 appeals board shall reduce the penalty assessed against such
2722 owner/operator to an amount not to exceed ten percent (10%) of the
2723 amount which would otherwise be due without the reduction
2724 authorized under this paragraph. A reduction shall not be
2725 authorized under this paragraph if the gross weight of the vehicle
2726 for which an owner/operator has been charged with a violation of
2727 this section exceeds eighty-four thousand (84,000) pounds; and, in
2728 any event, no reduction shall be authorized under this paragraph
2729 unless a penalty assessed under this section is appealed to the
2730 appeals board and unless the board determines, based upon its

2731 records, that such owner/operator has not been granted a penalty
2732 reduction under this paragraph within a period of twelve (12)
2733 months immediately preceding the date of filing an appeal with the
2734 board for a penalty reduction under this paragraph.

2735 (d) If any nonresident owner or operator who has not
2736 registered his vehicle and paid the annual privilege taxes
2737 prescribed shall operate his vehicle upon the highways of this
2738 state when such vehicle has a greater gross weight than permitted
2739 by law for the highway traveled upon, and for which such excess
2740 gross weight a permit was not or could not be procured from the
2741 transportation department as required by Section 27-19-81, such
2742 person shall be liable upon his second and all subsequent offenses
2743 for the pro rata part of the annual tax for the balance of the tag
2744 year for the legal gross weight of the vehicle, and in addition
2745 thereto the penalty fee on the excess weight as specified in
2746 subsection (c) of this section. In order that such owner or
2747 operator shall become liable for the penalties herein provided, it
2748 shall not be necessary that the same or identical vehicle be
2749 involved, it being the declared purpose hereof to provide that
2750 such penalties shall run against the owner or operator rather than
2751 against the specific vehicle.

2752 (e) All fines and penalties imposed and collected by the
2753 Mississippi Department of Transportation for violations of the
2754 maximum legal vehicle weight limits authorized on the highways of
2755 this state shall be deposited into a special fund that is created
2756 in the State Treasury. Monies in the fund shall be allocated and
2757 distributed quarterly, beginning September 30, 1994, to each
2758 county of the state based on the amount of such fines and
2759 penalties imposed and collected in the county during the
2760 immediately preceding three (3) months. Monies distributed to the
2761 counties under this subsection shall be deposited in each county's
2762 road and bridge fund and may be expended, upon approval of the

2763 board of supervisors, for any purpose for which county road and
2764 bridge fund monies lawfully may be expended.

2765 **SECTION 35.** Section 27-65-27, Mississippi Code of 1972, is
2766 brought forward as follows:

2767 27-65-27. (1) Any person who engages, or who intends to
2768 engage, in any business or activity which will subject such person
2769 to a privilege tax imposed by this chapter, shall apply to the
2770 commissioner for a permit to engage in and to conduct any business
2771 or activity upon the condition that he shall pay the tax accruing
2772 to the State of Mississippi under the provisions of this chapter,
2773 and shall keep adequate records of such business or activity as
2774 required by this chapter. By making an application for a permit
2775 issued pursuant to this section, a person agrees, regardless of
2776 his presence in this state, to:

2777 (a) Be subject to the jurisdiction of this state for
2778 purposes of taxation;

2779 (b) Collect and remit all taxes levied under this
2780 chapter on the type of business or activity to be conducted by the
2781 applicant;

2782 (c) Be subject to all the provisions of this chapter.

2783 (2) Upon receipt of such permit, the applicant shall be duly
2784 licensed under this chapter to engage in and conduct such business
2785 or activity. Said permit shall continue in force so long as the
2786 person to whom it is issued shall continue in the same business at
2787 the same location, unless revoked by the commissioner for cause.

2788 (3) The commissioner shall require of every person desiring
2789 to engage in business within this state who maintains no permanent
2790 place of business within this state, of every person desiring to
2791 engage in the business of making sales of mobile homes, a cash
2792 bond or an approved surety bond in an amount sufficient to cover
2793 twice the estimated tax liability for a period of three (3)
2794 months. Provided, however, that the bond shall in no case be less
2795 than One Hundred Dollars (\$100.00) and that the tax may be prepaid

2796 in lieu of filing bond if the amount is approved by the
2797 commissioner. This bond shall be filed with the commissioner
2798 prior to the issuance of a permit to do business and before any
2799 such person may engage in business within this state. Failure to
2800 comply with the provision will subject such person to the
2801 penalties provided by this chapter.

2802 (4) The commissioner is hereby authorized to revoke the
2803 permit of any person failing to comply with any of the provisions
2804 of this chapter, after giving to the person holding such permit
2805 ten (10) days' notice of the intention of the commissioner to
2806 revoke such license. Unless good cause be shown within said ten
2807 (10) days why such permit should not be revoked, the commissioner
2808 may revoke such permit, and revocation of such permit, or engaging
2809 or continuing in business after such permit is revoked, shall
2810 subject such person to all the penalties imposed by this chapter.

2811 (5) Any person liable for the tax who fails to obtain a
2812 permit from the commissioner, or who continues in business after
2813 such permit has been revoked, or who fails to make his returns for
2814 taxation as provided, or who fails to keep adequate records and
2815 invoices provided by this chapter, or who fails or refuses to
2816 permit inspection of such records, or who fails to pay any taxes
2817 due hereunder, shall forfeit his rights to do business in this
2818 state until he complies with all the provisions of this chapter
2819 and until he enters into a bond, with sureties, to be approved by
2820 the commissioner, in an amount not to exceed twice the amount of
2821 all taxes estimated to become due under this chapter by said
2822 person for any period of three (3) months, conditioned to comply
2823 with the provisions of this chapter, and pay all taxes legally due
2824 by him.

2825 (6) If any person is engaged in or continuing in this state
2826 in any business or activity without obtaining a permit, or after
2827 such permit has been revoked, or without filing a required bond,
2828 or without keeping and allowing inspection of all records required

2829 by this chapter, or without making a return, or returns, and
2830 without paying all taxes due by him hereunder, it shall be the
2831 duty of the commissioner to proceed by injunction to prevent the
2832 continuance of said business. Any temporary injunction enjoining
2833 the continuance of such business shall be granted without notice
2834 by a judge or chancellor now authorized to grant injunctions.

2835 **SECTION 36.** Section 27-69-31, Mississippi Code of 1972, is
2836 amended as follows:

2837 27-69-31. Except as otherwise provided in this section,
2838 dealers subject to the provisions of this chapter shall be
2839 allowed, as compensation for their services in affixing the stamps
2840 herein required, a sum equal to eight percent (8%) of the face
2841 value of the stamps purchased by them, provided that the
2842 commission shall allow no discount on the purchase of stamps by
2843 wholesalers of an aggregate amount of less than One Hundred
2844 Dollars (\$100.00), and by retailers of an aggregate amount of less
2845 than Fifty Dollars (\$50.00) in any one order.

2846 It is further provided that the commissioner may, in his
2847 discretion, either reduce the compensation allowed, or disallow
2848 any compensation for the affixing of stamps, for failure of such
2849 dealer to comply with any provisions of the law or rules and
2850 regulations promulgated by the commissioner.

2851 From and after July 1, 2005, there shall be no compensation
2852 or discount allowed under this section.

2853 **SECTION 37.** Section 27-69-75, Mississippi Code of 1972, is
2854 amended as follows:

2855 27-69-75. All taxes levied by this chapter shall be payable
2856 to the commissioner in cash, or by personal check, cashier's
2857 check, bank exchange, post office money order or express money
2858 order, and shall be deposited by the commissioner in the State
2859 Treasury on the same day collected. No remittance other than cash
2860 shall be a final discharge of liability for the tax herein

2861 assessed and levied, unless and until it has been paid in cash to
2862 the commissioner.

2863 All tobacco taxes collected, including tobacco license taxes,
2864 shall be deposited into the State Treasury to the credit of the
2865 General Fund.

2866 Wholesalers who are entitled to purchase stamps * * * may
2867 have consigned to them, without advance payment, such stamps, if
2868 and when such wholesaler shall give to the commissioner a good and
2869 sufficient bond executed by some surety company authorized to do
2870 business in this state, conditioned to secure the payment for the
2871 stamps so consigned. The commissioner shall require payment for
2872 such stamps not later than thirty (30) days from the date the
2873 stamps were consigned.

2874 **SECTION 38.** Section 27-71-11, Mississippi Code of 1972, is
2875 amended as follows:

2876 27-71-11. The commission shall from time to time by
2877 resolution request the State Bond Commission to provide sufficient
2878 funds required to maintain an adequate alcoholic beverage
2879 inventory. Those funds shall be provided under the provisions of
2880 Chapter 557, Laws of 1966.

2881 The commission shall add to the cost of all alcoholic
2882 beverages a markup of thirty percent (30%), inclusive of the three
2883 percent (3%) markup imposed by Section 27-71-7(2).

2884 The commission shall sell alcoholic beverages at uniform
2885 prices throughout the state.

2886 **SECTION 39.** Section 27-71-303, Mississippi Code of 1972, is
2887 amended as follows:

2888 27-71-303. Upon each person approved for a permit to engage
2889 in the business of selling light wines or beer there is * * *
2890 imposed, levied and assessed, to be collected and paid as * * *
2891 provided in this section, annual privilege taxes in the following
2892 amounts:

2893 (a) Retailers--for each place of

2894 business..... \$ 100.00
 2895 (b) Wholesalers or distributors--for each
 2896 county..... \$ 250.00
 2897 (c) Manufacturers--for each place of
 2898 business..... \$1,000.00
 2899 (d) Brewpubs--for each place of
 2900 business..... \$1,000.00

2901 Upon each person operating an airline, bus, boat or railroad
 2902 car upon which light wines or beer may be sold, there is * * *
 2903 imposed, levied and assessed, to be collected and paid, annual
 2904 privilege taxes of One Hundred Dollars (\$100.00) for each
 2905 airplane, bus, boat or railroad car so operated in this state.

2906 * * * However, the amount of the privilege tax to be paid
 2907 for a permit issued for a period of less than twelve (12) months
 2908 shall be that proportionate amount of the annual privilege tax
 2909 that the number of months, or part of a month, remaining until its
 2910 expiration date bears to twelve (12) months, but in no case shall
 2911 the privilege tax be less than Ten Dollars (\$10.00).

2912 **SECTION 40.** Section 39-5-5, Mississippi Code of 1972, is
 2913 amended as follows:

2914 39-5-5. The duties and powers of the Board of Trustees of
 2915 the Department of Archives and History shall include, in addition
 2916 to other duties and powers granted or prescribed by law, the
 2917 following:

2918 (a) To determine the location of places of historical
 2919 interest within the state;

2920 (b) To make a survey of buildings of all types
 2921 throughout the state which are in danger of destruction, without
 2922 proper care, and which in the opinion of the board of trustees
 2923 should be preserved for historical purposes;

2924 (c) To contact the proper authorities of the United
 2925 States national cemeteries and military parks to determine whether

2926 or not the record of Mississippi troops is adequately
2927 commemorated;

2928 (d) To acquire, preserve, restore or operate any real
2929 or personal property deemed significant for historical,
2930 architectural, archaeological or cultural reasons, to expend funds
2931 for such purposes, to enter into contracts or agreements with any
2932 agency of the United States or any person, firm, corporation or
2933 association for such purposes and to do any and all things which
2934 may be necessary or desirable to carry out such purposes;

2935 (e) To participate with any agency of the United
2936 States, any other governmental agency or any person, firm,
2937 corporation, association or group in mutual or cooperative
2938 programs or projects within the duties and powers of the board of
2939 trustees;

2940 (f) To accept grants or donations of money or property,
2941 real or personal, from any agency of the United States, any other
2942 governmental agency or any person, firm, corporation, association
2943 or group. However, the board of trustees shall not be required,
2944 except by specific act of the Legislature, to accept any property
2945 without its consent; * * *

2946 (g) To provide suitable markers with adequate
2947 descriptions of the historical sites to which they refer, for
2948 places of historical interest and to provide suitable markers on
2949 the highways and roads of this state showing the direction and
2950 distance to the historical sites; and

2951 (h) To charge reasonable fees for the department to
2952 perform research on behalf of persons or entities. All fees
2953 charged under the authority of this paragraph shall be deposited
2954 into the State General Fund.

2955 **SECTION 41.** Section 41-3-18, Mississippi Code of 1972, is
2956 amended as follows:

2957 41-3-18. (1) The board shall assess fees in the following
2958 amounts and for the following purposes:

2959 (a) Food establishment annual permit fee, based on the
 2960 assessment factors of the establishment as follows:

2961	Assessment Category 1.....	\$ 15.00
2962	Assessment Category 2.....	30.00
2963	Assessment Category 3.....	70.00
2964	Assessment Category 4	100.00
2965	Assessment Category 5	150.00

2966 (b) Private water supply approval fee..... \$ 10.00

2967 The board may develop such reasonable standards, rules and
 2968 regulations to clearly define each assessment category.

2969 Assessment categories shall be based upon the factors to the
 2970 public health implications of the category and type of food
 2971 preparation being utilized by the food establishment, utilizing
 2972 the model Food Code of 1995, or as may be amended by the federal
 2973 Food and Drug Administration.

2974 The fee authorized under paragraph (a) of this section shall
 2975 not be assessed for food establishments operated by public
 2976 schools, public junior and community colleges, or state agencies
 2977 or institutions, including without limitation, the state
 2978 institutions of higher learning and the State Penitentiary.

2979 The fee authorized under paragraph (b) of this section shall
 2980 not be assessed for private water supplies used by foster homes
 2981 licensed by the Department of Human Services.

2982 (2) In addition to the fees charged under subsection (1) of
 2983 this section, the board shall charge a fee of Twenty-five Dollars
 2984 (\$25.00) for food establishment permits and private water supply
 2985 approvals. The fees collected under this subsection shall be
 2986 deposited into the State General Fund.

2987 **SECTION 42.** Section 41-4-7, Mississippi Code of 1972, is
 2988 amended as follows:

2989 41-4-7. The State Board of Mental Health shall have the
 2990 following powers and duties:

2991 (a) To appoint a full-time Executive Director of the
2992 Department of Mental Health, who shall be employed by the board
2993 and shall serve as executive secretary to the board. The first
2994 director shall be a duly licensed physician with special interest
2995 and competence in psychiatry, and shall possess a minimum of three
2996 (3) years' experience in clinical and administrative psychiatry.
2997 Subsequent directors shall possess at least a master's degree or
2998 its equivalent, and shall possess at least ten (10) years'
2999 administrative experience in the field of mental health. The
3000 salary of the executive director shall be determined by the board;

3001 (b) To set up state plans for the purpose of
3002 controlling and treating any and all forms of mental and emotional
3003 illness, alcoholism, drug misuse and developmental disabilities;

3004 (c) To supervise, coordinate and establish standards
3005 for all operations and activities of the state related to mental
3006 health and providing mental health services, including, but not
3007 limited to: the requirement that no person be approved for
3008 treatment which is paid for by funds made available through the
3009 department who has not had a treatment plan established as a
3010 result of having been seen by a licensed physician or licensed
3011 clinical psychologist and that physician or clinical psychologist
3012 signing these plans stating that he/she has personally evaluated
3013 the client and that the treatment plan is medically necessary. A
3014 physician or clinical psychologist shall recertify each client's
3015 record at least semiannually (except for persons with a diagnosis
3016 of mental retardation/developmental disability which shall be
3017 completed annually), and more often if medically indicated by
3018 physically visiting the client and certifying same in the record.
3019 The board shall have the authority to develop and implement all
3020 standards and plans and shall have the authority to establish
3021 appropriate actions, including financially punitive actions, to
3022 insure enforcement of these established standards, in accordance
3023 with the Administrative Procedures Law (Section 25-43-1 et seq.);

3024 (d) To enter into contracts with any other state or
3025 federal agency, or with any private person, organization or group
3026 capable of contracting, if it finds such action to be in the
3027 public interest;

3028 (e) To collect reasonable fees for its services; * * *
3029 however, if it is determined that a person receiving services is
3030 unable to pay the total fee, the department shall collect any
3031 amount such person is able to pay;

3032 (f) To certify, coordinate and establish minimum
3033 standards and establish minimum required services for regional
3034 mental health and mental retardation commissions and other
3035 community service providers for community or regional programs and
3036 services in mental health, mental retardation, alcoholism, drug
3037 misuse, developmental disabilities, compulsive gambling, addictive
3038 disorders and related programs throughout the state. Such
3039 regional mental health and mental retardation commissions and
3040 other community service providers shall submit an annual
3041 operational plan to the State Department of Mental Health for
3042 approval or disapproval based on the minimum standards and minimum
3043 required services established by the department for certification.
3044 If the department finds deficiencies in the plan of any regional
3045 commission or community service provider based on the minimum
3046 standards and minimum required services established for
3047 certification, the department shall give the regional commission
3048 or community service provider a six-month probationary period to
3049 bring its standards and services up to the established minimum
3050 standards and minimum required services. After the six-month
3051 probationary period, if the department determines that the
3052 regional commission or community service provider still does not
3053 meet the minimum standards and minimum required services
3054 established for certification, the department may remove the
3055 certification of the commission or provider. However, the
3056 department shall not mandate a standard or service, or decertify a

3057 regional commission or community service provider for not meeting
3058 a standard or service, if the standard or service does not have
3059 funding appropriated by the Legislature or have a funding source
3060 from the State Department of Mental Health or a local funding
3061 source. The State Board of Mental Health shall promulgate rules
3062 and regulations necessary to implement the provisions of this
3063 paragraph (f), in accordance with the Administrative Procedures
3064 Law (Section 25-43-1 et seq.);

3065 (g) To establish and promulgate reasonable minimum
3066 standards for the construction and operation of state and all
3067 Department of Mental Health certified facilities, including
3068 reasonable minimum standards for the admission, diagnosis, care,
3069 treatment, transfer of patients and their records, and also
3070 including reasonable minimum standards for providing day care,
3071 outpatient care, emergency care, inpatient care and follow-up
3072 care, when such care is provided for persons with mental or
3073 emotional illness, mental retardation, alcoholism, drug misuse and
3074 developmental disabilities;

3075 (h) To assist community or regional programs consistent
3076 with the purposes of this chapter by making grants and contracts
3077 from available funds;

3078 (i) To establish and collect reasonable fees for
3079 necessary inspection services incidental to certification or
3080 compliance;

3081 (j) To accept gifts, trusts, bequests, grants,
3082 endowments or transfers of property of any kind;

3083 (k) To receive monies coming to it by way of fees for
3084 services or by appropriations;

3085 (l) To serve as the single state agency in receiving
3086 and administering any and all funds available from any source for
3087 the purpose of service delivery, training, research and education
3088 in regard to all forms of mental illness, mental retardation,
3089 alcoholism, drug misuse and developmental disabilities, unless

3090 such funds are specifically designated to a particular agency or
3091 institution by the federal government, the Mississippi Legislature
3092 or any other grantor;

3093 (m) To establish mental health holding centers for the
3094 purpose of providing short-term emergency mental health treatment,
3095 places for holding persons awaiting commitment proceedings or
3096 awaiting placement in a state mental health facility following
3097 commitment, and for diverting placement in a state mental health
3098 facility. These mental health holding facilities shall be readily
3099 accessible, available statewide, and be in compliance with
3100 emergency services' minimum standards. They shall be
3101 comprehensive and available to triage and make appropriate
3102 clinical disposition, including the capability to access inpatient
3103 services or less restrictive alternatives, as needed, as
3104 determined by medical staff. Such facility shall have medical,
3105 nursing and behavioral services available on a
3106 twenty-four-hour-a-day basis. The board may provide for all or
3107 part of the costs of establishing and operating the holding
3108 centers in each district from such funds as may be appropriated to
3109 the board for such use, and may participate in any plan or
3110 agreement with any public or private entity under which the entity
3111 will provide all or part of the costs of establishing and
3112 operating a holding center in any district. The board may charge
3113 the county of residence of a patient in any of the facilities for
3114 the services provided to the patient, not exceeding Twenty-five
3115 Dollars (\$25.00) per day;

3116 (n) To certify/license case managers, mental health
3117 therapists, mental retardation therapists, mental
3118 health/retardation program administrators, addiction counselors
3119 and others as deemed appropriate by the board. Persons already
3120 professionally licensed by another state board or agency are not
3121 required to be certified/licensed under this section by the
3122 Department of Mental Health. The department shall not use

3123 professional titles in its certification/licensure process for
3124 which there is an independent licensing procedure. Such
3125 certification/licensure shall be valid only in the state mental
3126 health system, in programs funded and/or certified by the
3127 Department of Mental Health, and/or in programs certified/licensed
3128 by the State Department of Health that are operated by the state
3129 mental health system serving the mentally ill, mentally retarded,
3130 developmentally disabled or persons with addictions, and shall not
3131 be transferable;

3132 (o) To develop formal mental health worker
3133 qualifications for regional mental health and mental retardation
3134 commissions and other community service providers. The State
3135 Personnel Board shall develop and promulgate a recommended salary
3136 scale and career ladder for all regional mental health/retardation
3137 center therapists and case managers who work directly with
3138 clients. The State Personnel Board shall also develop and
3139 promulgate a career ladder for all direct care workers employed by
3140 the State Department of Mental Health;

3141 (p) The employees of the department shall be governed
3142 by personnel merit system rules and regulations, the same as other
3143 employees in state services;

3144 (q) To establish such rules and regulations as may be
3145 necessary in carrying out the provisions of this chapter,
3146 including the establishment of a formal grievance procedure to
3147 investigate and attempt to resolve consumer complaints;

3148 (r) To grant easements for roads, utilities and any
3149 other purpose it finds to be in the public interest;

3150 (s) To survey statutory designations, building markers
3151 and the names given to mental health/retardation facilities and
3152 proceedings in order to recommend deletion of obsolete and
3153 offensive terminology relative to the mental health/retardation
3154 system;

3155 (t) To ensure an effective case management system
3156 directed at persons who have been discharged from state and
3157 private psychiatric hospitals to ensure their continued well-being
3158 in the community;

3159 (u) To develop formal service delivery standards
3160 designed to measure the quality of services delivered to community
3161 clients, as well as the timeliness of services to community
3162 clients provided by regional mental health/retardation commissions
3163 and other community services providers;

3164 (v) To establish regional state offices to provide
3165 mental health crisis intervention centers and services available
3166 throughout the state to be utilized on a case-by-case emergency
3167 basis. The regional services director, other staff and delivery
3168 systems shall meet the minimum standards of the Department of
3169 Mental Health;

3170 (w) To require performance contracts with community
3171 mental health/mental retardation service providers to contain
3172 performance indicators to measure successful outcomes, including
3173 diversion of persons from inpatient psychiatric hospitals,
3174 rapid/timely response to emergency cases, client satisfaction with
3175 services and other relevant performance measures;

3176 (x) To enter into interagency agreements with other
3177 state agencies, school districts and other local entities as
3178 determined necessary by the department to ensure that local mental
3179 health service entities are fulfilling their responsibilities to
3180 the overall state plan for behavioral services;

3181 (y) To establish and maintain a toll-free grievance
3182 reporting telephone system for the receipt and referral for
3183 investigation of all complaints by clients of state and community
3184 mental health/retardation facilities;

3185 (z) To establish a peer review/quality assurance
3186 evaluation system that assures that appropriate assessment,

3187 diagnosis and treatment is provided according to established
3188 professional criteria and guidelines;

3189 (aa) To develop and implement state plans for the
3190 purpose of assisting with the care and treatment of persons with
3191 Alzheimer's disease and other dementia. This plan shall include
3192 education and training of service providers, care-givers in the
3193 home setting and others who deal with persons with Alzheimer's
3194 disease and other dementia, and development of adult day care,
3195 family respite care and counseling programs to assist families who
3196 maintain persons with Alzheimer's disease and other dementia in
3197 the home setting. No agency shall be required to provide any
3198 services under this section until such time as sufficient funds
3199 have been appropriated or otherwise made available by the
3200 Legislature specifically for the purposes of the treatment of
3201 persons with Alzheimer's and other dementia;

3202 (bb) Working with the advice and consent of the
3203 administration of Ellisville State School, to enter into
3204 negotiations with the Economic Development Authority of Jones
3205 County for the purpose of negotiating the possible exchange, lease
3206 or sale of lands owned by Ellisville State School to the Economic
3207 Development Authority of Jones County. It is the intent of the
3208 Mississippi Legislature that such negotiations shall ensure that
3209 the financial interest of the persons with mental retardation
3210 served by Ellisville State School will be held paramount in the
3211 course of these negotiations. The Legislature also recognizes the
3212 importance of economic development to the citizens of the State of
3213 Mississippi and Jones County, and encourages fairness to the
3214 Economic Development Authority of Jones County. Any negotiations
3215 proposed which would result in the recommendation for exchange,
3216 lease or sale of lands owned by Ellisville State School must have
3217 the approval of the State Board of Mental Health. The State Board
3218 of Mental Health may and has the final authority as to whether or
3219 not these negotiations result in the exchange, lease or sale of

3220 the properties it currently holds in trust for citizens with
3221 mental retardation served at Ellisville State School.

3222 If the State Board of Mental Health authorizes the sale of
3223 lands owned by Ellisville State School, as provided for under this
3224 paragraph (bb), the monies derived from the sale shall be placed
3225 into a special fund that is created in the State Treasury to be
3226 known as the "Ellisville State School Client's Trust Fund." The
3227 principal of the trust fund shall remain inviolate and shall never
3228 be expended. Any interest earned on the principal may be expended
3229 solely for the benefits of clients served at Ellisville State
3230 School. The State Treasurer shall invest the monies of the trust
3231 fund in any of the investments authorized for the Mississippi
3232 Prepaid Affordable College Tuition Program under Section 37-155-9,
3233 and those investments shall be subject to the limitations
3234 prescribed by Section 37-155-9. Unexpended amounts remaining in
3235 the trust fund at the end of a fiscal year shall not lapse into
3236 the State General Fund, and any interest earned on amounts in the
3237 trust fund shall be deposited to the credit of the trust fund.
3238 The administration of Ellisville State School may use any interest
3239 earned on the principal of the trust fund, upon appropriation by
3240 the Legislature, as needed for services or facilities by the
3241 clients of Ellisville State School. Ellisville State School shall
3242 make known to the Legislature, through the Legislative Budget
3243 Committee and the respective Appropriations Committees of the
3244 House and Senate, its proposed use of interest earned on the
3245 principal of the trust fund for any fiscal year in which it
3246 proposes to make expenditures thereof. The State Treasurer shall
3247 provide Ellisville State School with an annual report on the
3248 Ellisville State School Client's Trust Fund to indicate the total
3249 monies in the trust fund, interest earned during the year,
3250 expenses paid from the trust fund and such other related
3251 information.

3252 Nothing in this section shall be construed as applying to or
3253 affecting mental health/retardation services provided by hospitals
3254 as defined in Section 41-9-3(a), and/or their subsidiaries and
3255 divisions, which hospitals, subsidiaries and divisions are
3256 licensed and regulated by the Mississippi State Department of
3257 Health unless such hospitals, subsidiaries or divisions
3258 voluntarily request certification by the Mississippi State
3259 Department of Mental Health.

3260 All new programs authorized under this section shall be
3261 subject to the availability of funds appropriated therefor by the
3262 Legislature;

3263 (cc) Working with the advice and consent of the
3264 administration of Boswell Regional Center, to enter into
3265 negotiations with the Economic Development Authority of Simpson
3266 County for the purpose of negotiating the possible exchange, lease
3267 or sale of lands owned by Boswell Regional Center to the Economic
3268 Development Authority of Simpson County. It is the intent of the
3269 Mississippi Legislature that such negotiations shall ensure that
3270 the financial interest of the persons with mental retardation
3271 served by Boswell Regional Center will be held paramount in the
3272 course of these negotiations. The Legislature also recognizes the
3273 importance of economic development to the citizens of the State of
3274 Mississippi and Simpson County, and encourages fairness to the
3275 Economic Development Authority of Simpson County. Any
3276 negotiations proposed which would result in the recommendation for
3277 exchange, lease or sale of lands owned by Boswell Regional Center
3278 must have the approval of the State Board of Mental Health. The
3279 State Board of Mental Health may and has the final authority as to
3280 whether or not these negotiations result in the exchange, lease or
3281 sale of the properties it currently holds in trust for citizens
3282 with mental retardation served at Boswell Regional Center. In any
3283 such exchange, lease or sale of such lands owned by Boswell
3284 Regional Center, title to all minerals, oil and gas on such lands

3285 shall be reserved, together with the right of ingress and egress
3286 to remove same, whether such provisions be included in the terms
3287 of any such exchange, lease or sale or not.

3288 If the State Board of Mental Health authorizes the sale of
3289 lands owned by Boswell Regional Center, as provided for under this
3290 paragraph (cc), the monies derived from the sale shall be placed
3291 into a special fund that is created in the State Treasury to be
3292 known as the "Boswell Regional Center Client's Trust Fund." The
3293 principal of the trust fund shall remain inviolate and shall never
3294 be expended. Any earnings on the principal may be expended solely
3295 for the benefits of clients served at Boswell Regional Center.
3296 The State Treasurer shall invest the monies of the trust fund in
3297 any of the investments authorized for the Mississippi Prepaid
3298 Affordable College Tuition Program under Section 37-155-9, and
3299 those investments shall be subject to the limitations prescribed
3300 by Section 37-155-9. Unexpended amounts remaining in the trust
3301 fund at the end of a fiscal year shall not lapse into the State
3302 General Fund, and any earnings on amounts in the trust fund shall
3303 be deposited to the credit of the trust fund. The administration
3304 of Boswell Regional Center may use any earnings on the principal
3305 of the trust fund, upon appropriation by the Legislature, as
3306 needed for services or facilities by the clients of Boswell
3307 Regional Center. Boswell Regional Center shall make known to the
3308 Legislature, through the Legislative Budget Committee and the
3309 respective Appropriations Committees of the House and Senate, its
3310 proposed use of the earnings on the principal of the trust fund
3311 for any fiscal year in which it proposes to make expenditures
3312 thereof. The State Treasurer shall provide Boswell Regional
3313 Center with an annual report on the Boswell Regional Center
3314 Client's Trust Fund to indicate the total monies in the trust
3315 fund, interest and other income earned during the year, expenses
3316 paid from the trust fund and such other related information.

3317 Nothing in this section shall be construed as applying to or
3318 affecting mental health/retardation services provided by hospitals
3319 as defined in Section 41-9-3(a), and/or their subsidiaries and
3320 divisions, which hospitals, subsidiaries and divisions are
3321 licensed and regulated by the Mississippi State Department of
3322 Health unless such hospitals, subsidiaries or divisions
3323 voluntarily request certification by the Mississippi State
3324 Department of Mental Health.

3325 All new programs authorized under this section shall be
3326 subject to the availability of funds appropriated therefor by the
3327 Legislature;

3328 (dd) Notwithstanding any other section of the code, the
3329 Board of Mental Health shall be authorized to fingerprint and
3330 perform a criminal history record check on every employee or
3331 volunteer. Every employee and volunteer shall provide a valid
3332 current social security number and/or driver's license number
3333 which shall be furnished to conduct the criminal history record
3334 check. If no disqualifying record is identified at the state
3335 level, fingerprints shall be forwarded to the Federal Bureau of
3336 Investigation for a national criminal history record check;

3337 (ee) The Department of Mental Health shall have the
3338 authority for the development of a consumer friendly single point
3339 of intake and referral system within its service areas for persons
3340 with mental illness, mental retardation, developmental
3341 disabilities or alcohol or substance abuse who need assistance
3342 identifying or accessing appropriate services. The department
3343 will develop and implement a comprehensive evaluation procedure
3344 ensuring that, where appropriate, the affected person or their
3345 parent or legal guardian will be involved in the assessment and
3346 planning process. The department, as the point of intake and as
3347 service provider, shall have the authority to determine the
3348 appropriate institutional, hospital or community care setting for
3349 persons who have been diagnosed with mental illness, mental

3350 retardation, developmental disabilities and/or alcohol or
3351 substance abuse, and may provide for the least restrictive
3352 placement if the treating professional believes such a setting is
3353 appropriate, if the person affected or their parent or legal
3354 guardian wants such services, and if the department can do so with
3355 a reasonable modification of the program without creating a
3356 fundamental alteration of the program. The least restrictive
3357 setting could be an institution, hospital or community setting,
3358 based upon the needs of the affected person or their parent or
3359 legal guardian;

3360 (ff) To have the sole power and discretion to enter
3361 into, sign, execute and deliver long-term or multiyear leases of
3362 real and personal property owned by the Department of Mental
3363 Health to and from other state and federal agencies and private
3364 entities deemed to be in the public's best interest. Any monies
3365 derived from such leases shall be deposited into the funds of the
3366 Department of Mental Health for its exclusive use. Leases to
3367 private entities shall be approved by the Department of Finance
3368 and Administration and all leases shall be filed with the
3369 Secretary of State.

3370 **SECTION 43.** Section 41-7-71, Mississippi Code of 1972, is
3371 brought forward as follows:

3372 41-7-71. It is hereby declared to be the policy of the State
3373 of Mississippi that a patient or resident in a state institution
3374 whose estate is sufficient, or, if not, who has (a) a spouse; or
3375 (b) one or more parent(s) if said patient or resident is under the
3376 age of twenty-one (21) years and unmarried, who is(are)
3377 financially able to pay all or any part of the cost of such
3378 hospitalization or treatment, shall be required to pay for all or
3379 part of his or her maintenance in such institution. No resident
3380 of this state shall be refused admission to or treatment in any of
3381 the institutions enumerated in Section 41-7-73 because of his
3382 inability to pay all or any of said costs. It shall be the duty

3383 of the director or the governing board, as appropriate, of the
3384 admitting institution to ascertain the financial ability of the
3385 patient or resident and to establish an amount to be paid monthly
3386 based on current ability to pay, with a continuing claim for the
3387 difference in the amount paid and the maximum charges assessed
3388 that could be made as determined pursuant to Section 41-7-79.

3389 **SECTION 44.** Section 41-7-73, Mississippi Code of 1972, is
3390 brought forward as follows:

3391 41-7-73. The term "state institution" or "state
3392 institutions" as used in Sections 41-7-71 through 41-7-95 shall
3393 include the following: Mississippi State Hospital at Whitfield,
3394 Ellisville State School, East Mississippi State Hospital at
3395 Meridian, Mississippi Children's Rehabilitation Center, North
3396 Mississippi Regional Center, Hudspeth Regional Center, South
3397 Mississippi Regional Center, North Mississippi State Hospital at
3398 Tupelo, South Mississippi State Hospital at Purvis, University of
3399 Mississippi Hospital, Boswell Regional Center, the Juvenile
3400 Rehabilitation Center at Brookhaven, the Specialized Treatment
3401 Facility for the Emotionally Disturbed in Harrison County, and the
3402 Central Mississippi Residential Center at Newton.

3403 **SECTION 45.** Section 41-7-79, Mississippi Code of 1972, is
3404 brought forward as follows:

3405 41-7-79. Each state institution shall have the power to
3406 assess and collect charges from patients, patients' estates and
3407 from all persons legally liable for the cost of care of such
3408 patients in such state institution. The maximum charges which may
3409 be made shall be based on the estimated cost of operating the
3410 institution, and such costs shall include a reasonable amount for
3411 depreciation. The director or the governing board of each
3412 institution, as appropriate, shall investigate or cause to be
3413 investigated the financial ability of each patient, his or her
3414 estate, and all other persons legally liable for the cost or care

3415 of the patient, and the charges assessed shall be in accordance
3416 with the ability of the person assessed to pay.

3417 The Director of the Mississippi Children's Rehabilitation
3418 Center or the governing board of the center, as appropriate, upon
3419 conclusion of the investigation of the financial ability of each
3420 patient and all other persons legally liable for the cost of care
3421 of the patient, shall assess a fee against each patient based on
3422 the financial ability of such patient or others legally liable for
3423 such patient to pay. The fee shall be adjustable and commensurate
3424 with the patient's financial ability to pay. In order to receive
3425 the benefits of the sliding scale fee each patient is required to
3426 provide for the Children's Rehabilitation Center sufficient
3427 financial information in order to allow the center to make a
3428 determination as to whether or not a reduced fee is appropriate.
3429 The center shall not utilize such fee scale for any patient unless
3430 the patient has a need for additional treatment, and has no
3431 insurance covering his treatment or such insurance is exhausted.
3432 The Children's Rehabilitation Center shall make every effort to
3433 collect the total charges from a patient, the patient's estate and
3434 from all persons legally liable for the cost of care of the
3435 patient before it may utilize a sliding fee scale for the patient.

3436 After three (3) good faith attempts have been made to collect
3437 a remaining balance of such charges, and upon the recommendation
3438 of the Children's Rehabilitation Center fiscal officer, said
3439 balance may be declared uncollectible and worthless, and no longer
3440 listed as an asset.

3441 In the determination of ability to pay, the director or
3442 governing board shall not work an undue hardship on any patient or
3443 person legally responsible for such a patient. The value of a
3444 homestead shall not be considered in determining the ability to
3445 pay. The number of dependents of a patient or the party legally
3446 responsible for such patient shall be considered in determining

3447 ability to pay. The value of real and/or personal property may
3448 also be considered.

3449 The director or the governing board, as appropriate, shall
3450 have authority to enter into agreements with the patients or
3451 others legally liable whereby periodic payments can be made on
3452 said accounts. The director or governing board may accept notes,
3453 secured or open, or any other evidences of indebtedness.

3454 The director or the governing board, as appropriate, of each
3455 state institution shall have the right to institute suits where
3456 necessary or advisable, and it shall be the duty of the Attorney
3457 General to institute such suits either in the name of the
3458 institution or in the name of the State of Mississippi. Except in
3459 matters involving the administration of estates, the probate of
3460 wills or the appointment of guardians or conservators, venue for
3461 such suits shall lie in the county in which the institution is
3462 located, and the venue shall not be subject to change.

3463 **SECTION 46.** Section 45-1-29, Mississippi Code of 1972, is
3464 amended as follows:

3465 45-1-29. (1) The Mississippi Crime Laboratory shall be
3466 funded separately from the Department of Public Safety. Any
3467 appropriated funds shall be maintained in an account separate from
3468 any funds of the Department of Public Safety and shall never be
3469 commingled with any funds of the department. However, nothing in
3470 this section shall be construed to prohibit the utilization of the
3471 combined resources of the Mississippi Crime Laboratory, the
3472 Division of Support Services of the Department of Public Safety or
3473 the Mississippi Justice Information Center to efficiently carry
3474 out the mission of the Department of Public Safety.

3475 (2) Grants and donations to the crime laboratory may be
3476 accepted from individuals, the federal government, firms,
3477 corporations, foundations and other interested organizations and
3478 societies.

3479 (3) The Commissioner of Public Safety shall establish and
3480 the Division of Support Services of the Department of Public
3481 Safety shall collect for services rendered proper fees
3482 commensurate with the services rendered by the crime laboratory,
3483 which fees shall be in amounts that will recover the costs to the
3484 crime laboratory of providing those services. Those fees shall be
3485 deposited into a special fund in the State Treasury to the credit
3486 of the crime laboratory and expended in accordance with applicable
3487 rules and regulations of the Department of Finance and
3488 Administration. Those fees may be used for any authorized
3489 expenditure of the crime laboratory except expenditures for
3490 salaries, wages and fringe benefits.

3491 **SECTION 47.** Section 49-17-30, Mississippi Code of 1972, is
3492 brought forward as follows:

3493 49-17-30. (1) As a condition of any air operating permit
3494 required under Title V of the federal Clean Air Act, the owner or
3495 operator of any stationary source shall pay to the Department of
3496 Environmental Quality an annual permit fee. The commission shall
3497 establish the amount of each fee to cover the costs of the Title V
3498 program as provided in Section 49-17-14.

3499 (2) To facilitate the proper administration of the Title V
3500 program, the commission is authorized to assess and collect fees
3501 from Title V program permittees. The commission is further
3502 authorized to promulgate such rules and regulations as are
3503 necessary for the development and administration of the Title V
3504 program and the assessment and collection of Title V program fees.

3505 (a) For purposes of fee assessment and collection, the
3506 maximum emission rate of each pollutant used in the calculation of
3507 fees shall be four thousand (4,000) tons per year per facility.

3508 (b) For purposes of fee assessment and collection, the
3509 permit holder shall elect for actual or allowable emissions to be
3510 used in determining the annual quantity of emissions unless the
3511 commission determines by order that the method chosen by the

3512 applicant for calculating actual emissions fails to reasonably
3513 represent actual emissions. Such order of the commission shall be
3514 subject to appeal in the manner provided in Section 49-17-41.
3515 Actual emissions shall be calculated using emission monitoring
3516 data or direct emissions measurements for the pollutant(s); mass
3517 balance calculations such as the amounts of the pollutant(s)
3518 entering and leaving process equipment and where mass balance
3519 calculations can be supported by direct measurement of process
3520 parameters, such direct measurement data shall be supplied;
3521 published emission factors such as those relating release
3522 quantities to throughput or equipment type (e.g., air emission
3523 factors); or other approaches such as engineering calculations
3524 (e.g., estimating volatilization using published mathematical
3525 formulas) or best engineering judgments where such judgments are
3526 derived from process and/or emission data which supports the
3527 estimates of maximum actual emissions.

3528 If the commission determines that there is not sufficient
3529 information available on a facility's emissions, the determination
3530 of the fee shall be based upon the permitted allowable emissions
3531 until such time as an adequate determination of actual emissions
3532 is made.

3533 (c) A minimum annual fee of Two Hundred Fifty Dollars
3534 (\$250.00) shall be assessed to and collected from the owner or
3535 operator of each facility that is required to hold a Title V
3536 permit. The maximum annual fee shall be Two Hundred Fifty
3537 Thousand Dollars (\$250,000.00) per facility.

3538 (3) (a) Prior to the date of full implementation of the
3539 Title V program in Mississippi, the fee assessed shall be Four
3540 Dollars (\$4.00) per ton of emissions of each air pollutant for
3541 which fees can be assessed under the Title V program, not to
3542 exceed Fifty Thousand Dollars (\$50,000.00) per facility.

3543 (b) Following the date of full implementation of the
3544 Title V program in Mississippi, the fee schedule for Title V

3545 permit fees for any subsequent calendar year shall be set by order
3546 of the commission in an amount sufficient to cover the reasonable
3547 costs of development and administration of the Title V program.
3548 The commission's order shall follow:

3549 (i) Receipt of the report and recommendations of
3550 the Advisory Council; and

3551 (ii) A public hearing to be held not earlier than
3552 thirty (30) days following receipt by the commission of the report
3553 and recommendations of the Advisory Council. The commission may
3554 proceed with entry of the order on fees if the Advisory Council
3555 fails to submit its report in a timely manner. The order of the
3556 commission may be appealed in the manner set forth in Section
3557 49-17-41. The determination of the fee shall be by order of the
3558 commission and shall not be considered the promulgation of a
3559 regulation by the commission. The record of the public hearing
3560 shall be included in the record upon which the order is based and
3561 shall become a part of the appellate records for all appeals taken
3562 from the order of the commission establishing or modifying Title V
3563 permit fees. Any undisputed amount due from an appellant must be
3564 paid according to the appellant's payment schedule during the
3565 pendency of the appeal.

3566 (4) Any person required to pay the Title V permit fee set
3567 forth under this chapter who disagrees with the calculation or
3568 applicability of the person's fee may petition the commission in
3569 writing for a hearing in accordance with Section 49-17-35. Such
3570 hearing shall be in accordance with Section 49-17-33. Any
3571 disputed portion of the fee for which a hearing has been requested
3572 will not incur any penalty or interest from and after the receipt
3573 by the commission of the hearing petition. The decision of the
3574 commission may be appealed in the manner set forth in Section
3575 49-17-41.

3576 (5) All fees collected pursuant to this section shall be
3577 deposited into the "Air Operating Permit Program Fee Trust Fund"
3578 established in Section 49-17-14.

3579 **SECTION 48.** Section 49-17-421, Mississippi Code of 1972, is
3580 amended as follows:

3581 49-17-421. (1) The commission may assess and collect a tank
3582 regulatory fee in an amount sufficient to administer Sections
3583 49-17-401 through 49-17-435 but not to exceed One Hundred Dollars
3584 (\$100.00) per tank per year from the owner of each underground
3585 storage tank in use in Mississippi on July 1, 1988, or brought
3586 into use after that date, as provided in the Mississippi
3587 Underground Storage Tank Act of 1988 (Sections 49-17-401 through
3588 49-17-435). The tank regulatory fee assessed under this section
3589 is a debt due by the owner of each underground storage tank in use
3590 in Mississippi on July 1, 1988, or brought into use after that
3591 date. The tank regulatory fee shall be due July 1 of each year.
3592 If any part of the tank regulatory fee is not paid within thirty
3593 (30) days after the due date, a penalty of fifty percent (50%) of
3594 the amount due shall accrue at once and be added to the fee,
3595 unless the owner of the underground storage tank demonstrates to
3596 the commission that the failure to make timely payment was
3597 unavoidable due to financial hardship or otherwise beyond the
3598 control of the owner. Monies collected under this section shall
3599 be deposited in a special fund which is created in the State
3600 Treasury. Unexpended amounts remaining in the special fund at the
3601 end of the fiscal year shall not lapse into the General Fund and
3602 any interest earned on amounts in the special fund shall be
3603 credited to the special fund by the Treasurer. The fund may
3604 receive monies from any available public or private source,
3605 including, but not limited to, collection of fees, interest,
3606 grants, taxes, public or private donations and judicial actions.
3607 Monies in this special fund shall be expended by annual

3608 appropriation approved by the Legislature to administer Sections
3609 49-17-401 through 49-17-435.

3610 (2) In addition to the fees imposed under subsection (1) of
3611 this section, the department shall impose a fee of Fifty Dollars
3612 (\$50.00) per tank per year for each underground storage tank in
3613 use in Mississippi on July 1, 1988, or brought into use after that
3614 date, as provided in the Mississippi Underground Storage Tank Act
3615 of 1988 (Sections 49-17-401 through 49-17-435). The fees
3616 collected under this subsection shall be deposited in the State
3617 Treasury to the credit of the department.

3618 **SECTION 49.** (1) Beginning on July 1, 2005, in all instances
3619 where no provision of law sets a fee, the Department of
3620 Environmental Quality shall charge a fee of One Hundred Dollars
3621 (\$100.00) for any general permit that it issues to any permittee.
3622 For any other permit or any activity associated with the
3623 monitoring of the activities of a permittee, where no provision of
3624 law sets a permit or monitoring fee, the department shall charge
3625 all permittees a fee of Two Hundred Fifty Dollars (\$250.00). Fees
3626 for permits shall be collected at the time of the issuance of the
3627 permits. Monitoring fees shall be collected after completion of
3628 the monitoring activity.

3629 (2) The department shall charge each animal feeding
3630 operation and confined animal feeding operation a one-time fee of
3631 One Hundred Dollars (\$100.00).

3632 (3) The fees collected under this section shall be deposited
3633 in the State Treasury to the credit of the department.

3634 **SECTION 50.** Section 51-3-31, Mississippi Code of 1972, is
3635 amended as follows:

3636 51-3-31. Any person desiring to use water for a beneficial
3637 purpose shall apply to the board for a permit for such use on a
3638 form prescribed by the board for such purpose. The application
3639 shall be accompanied by a fee of Two Hundred Fifty Dollars
3640 (\$250.00). The application shall provide such information as

3641 deemed appropriate by the board to its decision to issue such
3642 permit. The fees and applications required by this section also
3643 shall apply to renewals of permits and any modifications to
3644 permits. The board shall not charge any fees under this section
3645 to animal feeding operations or confined animal feeding
3646 operations.

3647 All fees received by the board under this section shall be
3648 deposited in the State Treasury to the credit of the Department of
3649 Environmental Quality.

3650 **SECTION 51.** Section 53-7-7, Mississippi Code of 1972, is
3651 amended as follows:

3652 53-7-7. (1) Except as provided in this section, it is
3653 unlawful to commence an operation or operate a surface mine
3654 without a permit or coverage under a general permit as provided by
3655 this chapter.

3656 (2) Except as expressly provided in this section, this
3657 chapter shall not apply to:

3658 (a) Excavations made by the owner of land for the
3659 owner's own use and not for commercial purposes, where the
3660 materials removed do not exceed one thousand (1,000) cubic yards
3661 per year and where one (1) acre or less of land is affected;

3662 (b) Excavations made by a public agency on a one-time
3663 basis for emergency use at an emergency site if:

3664 (i) The excavation lies in the vicinity of the
3665 emergency site and affects less than one-fourth (1/4) acre of
3666 mined surface area;

3667 (ii) The landowner has signed a statement giving
3668 approval for the removal of the materials; and

3669 (iii) The public agency notifies the department as
3670 required by the commission within two (2) working days of the
3671 removal of the materials.

3672 (c) Operations for any materials on any affected area
3673 conducted before April 15, 1978, but this chapter shall apply to

3674 any additional land which the operation extended to or encompassed
3675 after April 15, 1978;

3676 (d) Operations for any materials that affected four (4)
3677 acres or less and were greater than one thousand three hundred
3678 twenty (1,320) feet from any other affected area if:

3679 (i) The operation began before July 1, 2002; and

3680 (ii) The operator notified the commission of the
3681 commencement, expansion or resumption of the operation before July
3682 1, 2002; and

3683 (e) Operations for any materials that affect four (4)
3684 acres or less, are greater than one thousand three hundred twenty
3685 (1,320) feet from any other affected area and commenced after July
3686 1, 2002, if the operator notifies the department at least seven
3687 (7) calendar days before commencement or expansion of the
3688 operation as required in regulations adopted by the commission.
3689 The seven-day notice prior to mining requirement shall be waived
3690 and the operator may begin mining immediately after notifying the
3691 department if:

3692 (i) The operator agrees, in the notification, to
3693 reclaim the mine site in accordance with the minimum standards
3694 adopted by the commission; or

3695 (ii) The exempted operation is conducted for
3696 Mississippi Department of Transportation projects or state aid
3697 road construction projects funded in whole or in part by public
3698 funds.

3699 (3) Exempt operations under paragraph (e) that are conducted
3700 for the MDOT projects or state aid road construction projects
3701 shall be reclaimed in accordance with the requirements of the
3702 Mississippi Standard Specifications for Road and Bridge
3703 Construction, Mississippi Department of Transportation or Division
3704 of State Aid Road Construction, as applicable. Any operator
3705 failing to reclaim as required under this subsection may be
3706 subject to the penalties provided in Section 53-7-59(2).

3707 (4) If a landowner refuses to allow the operator to complete
3708 reclamation in accordance with minimum standards or interferes
3709 with or authorizes a third party to disturb or interfere with
3710 reclamation in accordance with minimum standards, the landowner
3711 shall assume the exempt notice and shall be responsible for any
3712 reclamation.

3713 (5) All operations exempted under Sections 53-7-7(2)(d) and
3714 53-7-7(2)(e) shall be subject to the prohibitions on mining in
3715 certain areas contained in Sections 53-7-49 and 53-7-51 and may be
3716 subject to the penalties in Section 53-7-59(2) for any violation
3717 of those sections.

3718 (6) Any operator conducting operations exempted under
3719 Section 53-7-7(2)(b) or 53-7-7(2)(e) failing to notify the
3720 department in accordance with the regulations of the commission,
3721 may be subject to penalties provided in Section 53-7-59(2). Any
3722 operator exempted under Section 53-7-7(2)(e) who agrees in the
3723 notification to reclaim and fails to reclaim in accordance with
3724 that paragraph may be subject to penalties provided in Section
3725 53-7-59(2).

3726 (7) The department shall collect from every operator granted
3727 an exemption the amount of One Hundred Dollars (\$100.00) from any
3728 operator whose mining operations are exempted under the authority
3729 of this section. The department shall charge an annual monitoring
3730 fee of One Hundred Dollars (\$100.00) to any exempted and
3731 nonexempted operators to help defray the costs of monitoring
3732 surface mining activity. All fees collected under this subsection
3733 shall be deposited in the State Treasury to the credit of the
3734 department.

3735 **SECTION 52.** Section 53-7-21, Mississippi Code of 1972, is
3736 amended as follows:

3737 53-7-21. (1) Unless exempted under Section 53-7-7, no
3738 operator shall engage in surface mining without having first
3739 obtained coverage under a general permit or having obtained from

3740 the Permit Board a permit for each operation. The permit or
3741 coverage under a general permit shall authorize the operator to
3742 engage in surface mining upon the area of land described in the
3743 application for a period of either five (5) years or longer period
3744 of time as deemed appropriate by the Permit Board from the date of
3745 issuance or until reclamation of the affected area is completed
3746 and the reclamation bond is finally released, whichever comes
3747 first.

3748 (2) Each operator holding a permit shall annually, before
3749 the anniversary date of the permit, file with the department a
3750 certificate of compliance in which the operator, under oath, shall
3751 declare that the operator is following the approved mining and
3752 reclamation plan and is abiding by this chapter and the rules and
3753 regulations adopted under this chapter.

3754 (3) The department shall charge all permit holders an annual
3755 permit monitoring fee of One Hundred Twenty-five Dollars
3756 (\$125.00). All fees collected under this subsection shall be
3757 deposited in the State Treasury to the credit of the department.

3758 **SECTION 53.** Section 53-7-25, Mississippi Code of 1972, is
3759 amended as follows:

3760 53-7-25. (1) Each application for a surface mining permit
3761 and for coverage under a general permit shall be accompanied by an
3762 application fee in accordance with a published fee schedule
3763 adopted by the commission. The application fee shall not be less
3764 than One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) per
3765 acre included in the application. The total application fee shall
3766 not exceed Five Hundred Dollars (\$500.00). The commission, in
3767 considering regulations on the fee schedule, shall recognize the
3768 difference in the various materials, taking into consideration the
3769 commercial value of the material and the nature and size of
3770 operation necessary to extract it.

3771 (2) All state agencies, political subdivisions of the state,
3772 and local governing bodies shall be exempt from all fees required
3773 by this chapter.

3774 (3) Upon submission of the certificate of compliance
3775 required under Section 53-7-21, each operator shall pay a fee of
3776 Fifty Dollars (\$50.00).

3777 (4) In addition to the fees provided for in this section,
3778 the department shall charge a fee of One Hundred Dollars (\$100.00)
3779 for any permit issued and for the renewal of permits. All funds
3780 collected under this subsection shall be deposited in the State
3781 Treasury to the credit of the department.

3782 **SECTION 54.** Section 53-7-27, Mississippi Code of 1972, is
3783 amended as follows:

3784 53-7-27. (1) Before commencing any operation for which a
3785 permit is required, each applicant for a permit shall submit to
3786 the Permit Board an application, a proposed initial reclamation
3787 plan and a performance bond in an amount proposed to be sufficient
3788 by the applicant to reclaim the permit area.

3789 (2) The application shall be in the form prescribed by the
3790 commission and shall contain the following information:

3791 (a) A legal description of the tract or tracts of land
3792 in the affected area and one or more maps or plats of adequate
3793 scale to clearly portray the location of the affected area. The
3794 description shall contain sufficient information so that the
3795 affected area may be located and distinguished from other lands
3796 and shall identify the access from the nearest public road;

3797 (b) The approximate location and depth of the deposit
3798 in the permit area and the total number of acres in the permit
3799 area;

3800 (c) The name, address and management officers of the
3801 permit applicant and any affiliated persons who shall be engaged
3802 in the operations;

3803 (d) The name and address of any person holding legal
3804 and equitable interests of record, if reasonably ascertainable, in
3805 the surface estate of the permit area and in the surface estate of
3806 land located within five hundred (500) feet of the exterior limits
3807 of the permit area;

3808 (e) The name and address of any person residing on the
3809 property of the permit area at the time of application;

3810 (f) Current or previous surface mining permits held by
3811 the applicant, including any revocations, suspensions or bond
3812 forfeitures;

3813 (g) The type and method of operation, the engineering
3814 techniques and the equipment that is proposed to be used,
3815 including mining schedules, the nature and expected amount of
3816 overburden to be removed, the depth of excavations, a description
3817 of the permit area, the anticipated hydrologic consequences of the
3818 mining operation, and the proposed use of explosives for blasting,
3819 including the nature of the explosive, the proposed location of
3820 the blasting and the expected effect of the blasting;

3821 (h) A notarized statement showing the applicant's legal
3822 right to surface mine the affected area;

3823 (i) The names and locations of all lakes, rivers,
3824 reservoirs, streams, creeks and other bodies of water in the
3825 vicinity of the contemplated operations which may be affected by
3826 the operations and the types of existing vegetative cover on the
3827 area affected thereby and on adjoining lands within five hundred
3828 (500) feet of the exterior limits of the affected area;

3829 (j) A topographical survey map showing the surface
3830 drainage plan on and away from the permit area;

3831 (k) The surface location and extent of all existing and
3832 proposed waste and spoil piles, cuts, pits, tailing dumps, ponds,
3833 borrow pits, evaporation and settling basins, roads, buildings,
3834 access ways, workings and installations sufficient to provide a

3835 reasonably clear and accurate portrayal of the existing surface
3836 conditions and the proposed mining operations;

3837 (1) If the surface and mineral estates, or any part of
3838 those estates, in land covered by the application, have been
3839 severed and are owned by separate owners, the applicant shall
3840 provide a notarized statement subscribed to by each surface owner
3841 and lessee of those lands, unless the lease or other conveyance to
3842 the applicant specifically states the material to be mined by the
3843 operator granting consent for the applicant to initiate and
3844 conduct surface mining, exploration and reclamation activities on
3845 the land;

3846 (m) Except for governmental agencies, a certificate of
3847 insurance certifying that the applicant has in force a public
3848 liability insurance policy issued by an insurance company
3849 authorized to conduct business in the State of Mississippi
3850 covering all operations of the applicant in this state and
3851 affording bodily injury protection and property damage protection
3852 in an amount not less than the following:

3853 (i) One Hundred Thousand Dollars (\$100,000.00) for
3854 all damages because of bodily injury sustained by one (1) person
3855 as the result of any one (1) occurrence, and Three Hundred
3856 Thousand Dollars (\$300,000.00) for all damages because of bodily
3857 injury sustained by two (2) or more persons as the result of any
3858 one (1) occurrence; * * *

3859 (ii) One Hundred Thousand Dollars (\$100,000.00)
3860 for all claims arising out of damage to property as the result of
3861 any one (1) occurrence including completed operations; and

3862 (iii) In any case where the department releases
3863 any permittee from the obligation of having the insurance or bond
3864 required by this paragraph (m), the department shall charge the
3865 permittee One Hundred Dollars (\$100.00). The fees collected under
3866 this subparagraph (iii) shall be deposited in the State Treasury
3867 to the credit of the department.

3868 The policy shall be maintained in full force and effect
3869 during the term of the permit, including the length of all
3870 reclamation operations.

3871 (n) A copy of a proposed initial reclamation plan
3872 prepared under Section 53-7-31; and

3873 (o) Any other information needed to clarify the
3874 required parts of the application.

3875 **SECTION 55.** Section 53-7-69, Mississippi Code of 1972, is
3876 amended as follows:

3877 53-7-69. (1) There is created in the State Treasury a fund
3878 to be designated as the "Surface Mining and Reclamation Fund,"
3879 referred to hereinafter as the "fund." There is created in the
3880 fund an account designated as the "Land Reclamation Account" and
3881 an account designated as the "Surface Mining Program Operations
3882 Account."

3883 (2) The fund shall be treated as a special trust fund.
3884 Interest earned on the principal therein shall be credited by the
3885 Treasurer to the fund.

3886 (3) The fund may receive monies from any available public or
3887 private sources, including, but not limited to, collection of
3888 fees, interest, grants, taxes, public and private donations,
3889 judicial actions, penalties and forfeited performance bonds. Any
3890 monies received from penalties, forfeited performance bonds,
3891 judicial actions and the interest thereon, less enforcement and
3892 collection costs, shall be credited to the Land Reclamation
3893 Account. Except as otherwise provided by law, any monies received
3894 from the collection of fees, grants, taxes, public or private
3895 donations and the interest thereon shall be credited to the
3896 Surface Mining Program Operations Account.

3897 (4) The commission shall expend or utilize monies in the
3898 fund by an annual appropriation by the Legislature as provided
3899 herein. Monies in the Land Reclamation Account may be used to
3900 defray any costs of reclamation of land affected by mining

3901 operations. Monies in the Surface Mining Program Operations
3902 Account may be used to defray the reasonable direct and indirect
3903 costs associated with the administration and enforcement of this
3904 chapter.

3905 (5) Proceeds from the forfeiture of performance bonds or
3906 deposits and penalties recovered shall be available to be expended
3907 to reclaim, in accordance with this chapter, lands with respect to
3908 which the performance bonds or deposits were provided and
3909 penalties assessed. If the commission expends monies from the
3910 fund for which the cost of reclamation exceeded the proceeds from
3911 the forfeiture of performance bonds or deposits, the commission
3912 may seek to recover any monies expended from the fund from any
3913 responsible party.

3914 **SECTION 56.** Section 55-3-33, Mississippi Code of 1972, is
3915 brought forward as follows:

3916 55-3-33. (1) The Mississippi Department of Wildlife,
3917 Fisheries and Parks shall have the power and authority, and it
3918 shall be its duty to:

3919 (a) Take charge and have full jurisdiction and control
3920 over all state parks, which parks shall be operated for the
3921 purpose of providing outdoor recreational activities and enjoyment
3922 for the citizens of the State of Mississippi and for the purpose
3923 of attracting visitors to the state.

3924 (b) Set up a uniform accounting procedure for the state
3925 parks and prescribe the manner in which books, records and
3926 accounts shall be kept, which procedure shall account for all
3927 moneys taken in and expended by the various parks and shall
3928 provide for periodic audits of such books.

3929 (c) Accept gifts, bequests of money or other property,
3930 real or personal, to be used for the purpose of advancing the
3931 recreation and conservation interests in state parks. The
3932 department is authorized, subject to approval by the State

3933 Legislature, to purchase property, real or personal, to be used
3934 for state park purposes.

3935 (d) Contract with the State Transportation Commission,
3936 any municipality or board of supervisors of the state for
3937 locating, constructing and maintaining roads and other
3938 improvements in state parks and for payment of a part of the costs
3939 thereof; however, no county or municipality more than twenty-five
3940 (25) miles distant from a state park may contract for, or do, or
3941 pay for any such work for a state park other than the
3942 International Gardens of Mississippi. Any county or municipality
3943 authorized to assist financially under the provisions of Sections
3944 55-3-31 through 55-3-51 is authorized, in the discretion of its
3945 respective governing authority, to set aside, appropriate and
3946 expend moneys from the General Fund for the purpose of defraying
3947 such expense after a mandatory election is held on the question
3948 within the county or municipality.

3949 (e) Designate employees as peace officers with power to
3950 make arrests for infraction of the rules and regulations of the
3951 department. Such officers are authorized to carry weapons and to
3952 enforce the laws of the State of Mississippi within the confines
3953 of a state park.

3954 (f) Enforce and delegate the responsibility to enforce
3955 all reasonable rules and regulations governing the occupancy and
3956 use of lands and waters in state parks under its jurisdiction,
3957 supply recreational and conservation facilities and charge fees
3958 for the use of same; review all rates and charges for facilities
3959 and accommodations furnished at the various state parks annually,
3960 making such charges as are justified; and establish fees for
3961 entrance to state parks.

3962 Each park shall retain from revenues generated therein, a sum
3963 sufficient to pay necessary expenses of operation, but in no event
3964 to be less than seventy-five percent (75%) of such revenues.

3965 (2) The department shall have the authority to lease to any
3966 entity, sell and convey or otherwise transfer to any county or
3967 municipality, or close any state park or historical site within
3968 its jurisdiction which received a General Fund subsidy in Fiscal
3969 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
3970 state park or historical site; provided, however, that this
3971 authority shall not include the authority to sell, lease or convey
3972 any park that was not in operation under the jurisdiction of the
3973 department for a full fiscal year prior to fiscal year 1986.

3974 (3) The department may execute agreements with
3975 rails-to-trails and recreational districts by which the department
3976 will assume responsibility for the operation and maintenance of
3977 trails developed under Sections 55-25-1 through 55-25-15.

3978 **SECTION 57.** Section 45-35-7, Mississippi Code of 1972, is
3979 amended as follows:

3980 45-35-7. (1) Except as provided in subsection (3) of this
3981 section, each applicant for an original identification card issued
3982 pursuant to this chapter who is entitled to issuance of such a
3983 card shall be issued a four-year card. Each card shall expire at
3984 midnight on the last day of the cardholder's birth month.

3985 (2) Except as provided in subsection (3) of this section,
3986 all renewal identification cards shall be for four-year periods
3987 and may be renewed any time during the birth month of the
3988 cardholder upon application and payment of the required fee.

3989 (3) (a) Any applicant who is blind, as defined in Section
3990 43-6-1, upon payment of the fee prescribed in this section, shall
3991 be issued an original identification card which shall remain valid
3992 for a period of ten (10) years. All renewal identification cards
3993 issued to such persons shall also be valid for a period of ten
3994 (10) years.

3995 (b) Any applicant who is not a United States citizen
3996 and who does not possess a social security number issued by the
3997 United States government, upon payment of the fee prescribed in

3998 this section, shall be issued an original identification card
3999 which shall remain valid for a period of one (1) year from date of
4000 issuance. All renewal identification cards issued to such persons
4001 shall also be valid for a period of one (1) year from date of
4002 issuance.

4003 (4) A fee of Seventeen Dollars (\$17.00) shall be collected
4004 for the issuance of an original or renewal identification card
4005 plus the applicable photograph fee as provided in subsection (5)
4006 of this section. The fee of Seventeen Dollars (\$17.00) shall be
4007 deposited into the State General Fund. The photograph fee shall
4008 be deposited into a special photograph fee account or the State
4009 General Fund as provided under subsection (5) of this section.

4010 (5) The Commissioner of Public Safety, by rule or
4011 regulation, shall establish an identification card photograph fee
4012 which shall be the actual cost of the photograph rounded off to
4013 the next highest dollar. Monies collected for the photograph fee
4014 shall be deposited into a special photograph fee account which the
4015 Department of Public Safety shall use to pay the actual cost of
4016 producing the photographs. Any monies collected in excess of the
4017 actual costs of the photography shall be deposited to the General
4018 Fund of the State of Mississippi.

4019 (6) Any person who, for medical reasons, surrenders his
4020 unexpired driver's license, and any person whose unexpired
4021 driver's license is suspended for medical reasons by the
4022 Commissioner of Public Safety under Section 63-1-53(e), may be
4023 issued an identification card without payment of a fee. The
4024 identification card shall be valid for a period of four (4) years
4025 from its date of issue. All renewals of such card shall be
4026 subject to the fees prescribed in subsections (4) and (5) of this
4027 section.

4028 (7) The department shall maintain a record of all
4029 identification cards issued, except for those cards cancelled,
4030 surrendered or denied renewal.

4031 (8) (a) Any male who is at least eighteen (18) years of age
4032 but less than twenty-six (26) years of age and who applies for an
4033 identification card or a renewal of an identification card under
4034 this chapter shall be registered in compliance with the
4035 requirements of Section 3 of the Military Selective Service Act,
4036 50 USCS Appx 451 et seq., as amended.

4037 (b) The department shall forward in an electronic
4038 format the necessary personal information of the applicant to the
4039 Selective Service System. The applicant's submission of the
4040 application shall serve as an indication that the applicant either
4041 has already registered with the Selective Service System or that
4042 he is authorizing the department to forward to the Selective
4043 Service System the necessary information for registration. The
4044 commissioner shall notify the applicant on, or as a part of, the
4045 application that his submission of the application will serve as
4046 his consent to registration with the Selective Service System, if
4047 so required. The commissioner also shall notify any male
4048 applicant under the age of eighteen (18) that he will be
4049 registered upon turning age eighteen (18) as required by federal
4050 law.

4051 **SECTION 58.** Section 45-35-9, Mississippi Code of 1972, is
4052 amended as follows:

4053 45-35-9. (1) If an identification card issued under this
4054 chapter is lost, destroyed or mutilated, or a new name is
4055 required, the person to whom it was issued may obtain a duplicate
4056 by furnishing satisfactory proof of such fact to the department.
4057 The same identifying data shall be furnished for a duplicate as
4058 for an original card. A fee of Five Dollars (\$5.00) plus the
4059 applicable photograph fee shall be collected for the first
4060 duplicate card issued and a fee of Eight Dollars (\$8.00) plus the
4061 applicable photograph fee shall be collected for the second and
4062 each subsequent duplicate copy. However, whenever a duplicate
4063 copy of an identification card is issued only because a new name

4064 is required and the previously issued identification card is
4065 returned to the department, the fee for the issuance of such
4066 duplicate shall be Three Dollars (\$3.00) plus the applicable
4067 photograph fee, regardless of whether the duplicate is the first,
4068 second or subsequent duplicate copy. All fees collected under
4069 this section, except photograph fees, shall be deposited into the
4070 State General Fund. Photograph fees collected under this section
4071 shall be deposited into a special photograph fee account or into
4072 the State General Fund in the same manner as photograph fees
4073 collected from the issuance of drivers' licenses under Section
4074 63-1-43.

4075 (2) Any person who loses an identification card and who,
4076 after obtaining a duplicate, finds the original card shall
4077 promptly surrender the original card to the department.

4078 **SECTION 59.** Section 63-1-43, Mississippi Code of 1972, is
4079 amended as follows:

4080 63-1-43. (1) The fee for receiving the application and
4081 issuing the regular driver's or operator's license and the fee for
4082 renewing the license shall be:

4083 (a) Twenty-four Dollars (\$24.00) plus the applicable
4084 photograph fee for each applicant for a four-year license;

4085 (b) Nine Dollars (\$9.00) plus the applicable photograph
4086 fee for each applicant for a one-year license, except as provided
4087 in paragraph (c) of this subsection; and

4088 (c) Fourteen Dollars (\$14.00) plus the applicable
4089 photograph fee for a one-year license for each applicant who is
4090 not a United States citizen and who does not possess a social
4091 security number issued by the United States government.

4092 All originals and renewals of regular operators' licenses
4093 shall be in compliance with Section 63-1-47.

4094 (2) The fee for receiving the application and issuing a
4095 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle

4096 endorsements shall be valid for the same period of time as the
4097 applicant's operator's license.

4098 (3) The fee for receiving the application and issuing a
4099 restricted motorcycle operator's license and the fee for renewing
4100 such license shall be:

4101 (a) Eleven Dollars (\$11.00) plus the applicable
4102 photograph fee for a four-year license; and

4103 (b) Eight Dollars (\$8.00) plus the applicable
4104 photograph fee for a one (1) year license.

4105 All originals and renewals of restricted motorcycle licenses
4106 shall be valid for the same period of time that an original
4107 regular driver's license may be issued to such person in
4108 compliance with Section 63-1-47.

4109 (4) From and after January 1, 1990, every person who makes
4110 application for an original license or a renewal license to
4111 operate a vehicle as a common carrier by motor vehicle, taxicab,
4112 passenger coach, dray, contract carrier or private commercial
4113 carrier as such terms are defined in Section 27-19-3, except for
4114 those vehicles for which a Class A, B or C license is required
4115 under Article 2 of this chapter, shall, in lieu of the regular
4116 driver's license above provided for, apply for and obtain a Class
4117 D commercial driver's license. Except as otherwise provided in
4118 subsection (5) of this section, the fee for the issuance of a
4119 Class D commercial driver's license shall be Twenty-nine Dollars
4120 (\$29.00) plus the applicable photograph fee for a period of four
4121 (4) years; however, except as required under Article 2 of this
4122 chapter, no driver of a pickup truck shall be required to have a
4123 commercial license regardless of the purpose for which the pickup
4124 truck is used.

4125 Except as otherwise provided in subsection (5) of this
4126 section, all originals and renewals of commercial licenses issued
4127 under this section shall be valid for a period of four (4) years,
4128 in compliance with Section 63-1-47. Only persons who operate the

4129 above-mentioned vehicles in the course of the regular and
4130 customary business of the owner shall be required to obtain a
4131 Class D commercial operator's license, and persons operating such
4132 vehicles for private purposes or in emergencies shall not be
4133 required to obtain such license.

4134 (5) The original and each renewal of a commercial driver's
4135 license issued under this section to a person who is not a United
4136 States citizen and who does not possess a social security number
4137 issued by the United States government shall be issued for a
4138 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
4139 applicable photograph fee and shall expire one (1) year from the
4140 date of issuance. Such person may renew a commercial license
4141 issued under this section within thirty (30) days of expiration of
4142 the license.

4143 (6) The Commissioner of Public Safety, by rule or
4144 regulation, shall establish a driver's license photograph fee
4145 which shall be the actual cost of the photograph rounded off to
4146 the next highest dollar. Monies collected for the photograph fee
4147 shall be deposited into a special photograph fee account which the
4148 Department of Public Safety shall use to pay the actual cost of
4149 producing the photographs. Any monies collected in excess of the
4150 actual costs of the photography shall be deposited to the General
4151 Fund of the State of Mississippi.

4152 **SECTION 60.** Section 63-1-21, Mississippi Code of 1972, is
4153 amended as follows:

4154 63-1-21. (1) Every applicant for a new or original driver's
4155 or operator's license, except persons holding an out-of-state
4156 license, shall first obtain a temporary driving permit upon the
4157 payment of a fee of Five Dollars (\$5.00) to the Department of
4158 Public Safety and upon the successful completion of the
4159 examination provided for in Section 63-1-33 and the payment of the
4160 fee for such examination provided for in Section 63-1-43.

4161 (2) A temporary driving permit entitles the holder, provided
4162 the permit is in his immediate possession, to drive a motor
4163 vehicle other than a motorcycle on the highways of the State of
4164 Mississippi only when accompanied by a licensed operator who is at
4165 least twenty-one (21) years of age and who is actually occupying
4166 the seat beside the driver. A temporary driving permit may be
4167 issued to any applicant who is at least fifteen (15) years of age.
4168 A temporary driving permit shall be valid for a period of one (1)
4169 year from the date of issue.

4170 (3) An intermediate license allows unsupervised driving from
4171 6:00 a.m. to 10:00 p.m. At all other times the intermediate
4172 licensee must be supervised by a parent, guardian or other person
4173 age twenty-one (21) years or older who holds a valid driver's
4174 license under this article and who is actually occupying the seat
4175 beside the driver.

4176 (4) The fee for issuance of an intermediate license shall be
4177 Five Dollars (\$5.00).

4178 Except as otherwise provided by Section 63-1-6, every
4179 applicant for a restricted motorcycle operator's license or a
4180 motorcycle endorsement shall first obtain a temporary motorcycle
4181 driving permit upon the payment of a fee of One Dollar (\$1.00) to
4182 the Department of Public Safety, and upon the successful
4183 completion of the examination provided for in Section 63-1-33, and
4184 payment of the fee for the examination provided for in Section
4185 63-1-43. All applicants for such temporary permit shall (a) be at
4186 least fifteen (15) years of age; (b) operate a motorcycle only
4187 under the direct supervision of a person at least twenty-one (21)
4188 years of age who possesses either a valid driver's or operator's
4189 license with a motorcycle endorsement or a valid restricted
4190 motorcycle operator's license; (c) be prohibited from transporting
4191 a passenger on a motorcycle; (d) be prohibited from operating a
4192 motorcycle upon any controlled access highway; and (e) be
4193 prohibited from operating a motorcycle during the hours of 6:00

4194 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
4195 be valid for the same period of time and may be renewed upon the
4196 same conditions as temporary driving permits issued for vehicles
4197 other than motorcycles.

4198 **SECTION 61.** Section 63-1-37, Mississippi Code of 1972, is
4199 amended as follows:

4200 63-1-37. If a license or temporary driving permit issued
4201 under the provisions of this article is lost or destroyed, the
4202 licensee shall obtain from the commissioner a duplicate copy
4203 thereof and shall pay a fee in the amount of Five Dollars (\$5.00)
4204 plus the applicable photograph fee for the first duplicate copy
4205 and a fee in the amount of Eight Dollars (\$8.00) plus the
4206 applicable photograph fee for the second and each subsequent
4207 duplicate copy. The license or permit shall be marked
4208 "Duplicate."

4209 All fees collected under this section, except photograph
4210 fees, shall be deposited into the State General Fund. Photograph
4211 fees collected under this section shall be deposited under the
4212 provisions of Section 63-1-43.

4213 **SECTION 62.** Section 63-1-46, Mississippi Code of 1972, is
4214 amended as follows:

4215 63-1-46. (1) A fee of Fifty Dollars (\$50.00) shall be
4216 charged for the reinstatement of a license issued under this
4217 article to every person whose license has been validly suspended,
4218 revoked or cancelled. This fee shall be in addition to the fee
4219 provided for in Section 63-1-43.

4220 (2) The funds received under the provisions of subsection
4221 (1) of this section shall be deposited into the State General Fund
4222 in accordance with Section 45-1-23.

4223 (3) In addition to the fee provided for in subsection (1) of
4224 this section, an additional fee of Seventy-five Dollars (\$75.00)
4225 shall be charged for the reinstatement of a license issued under
4226 this article to every person whose license has been suspended or

4227 revoked under the provisions of the Mississippi Implied Consent
4228 Law or as a result of a conviction of a violation of the Uniform
4229 Controlled Substances Law under the provisions of Section 63-1-71.

4230 (4) The funds received under the provisions of subsection
4231 (3) of this section shall be placed in a special fund that is
4232 created in the State Treasury. Monies in such special fund may be
4233 expended solely to contribute to the Disability and Relief Fund
4234 for members of the Mississippi Highway Safety Patrol such amounts
4235 as are necessary to make sworn agents of the Mississippi Bureau of
4236 Narcotics who were employed by such bureau before December 1,
4237 1990, and who were later employed as enforcement troopers by the
4238 Department of Public Safety, full members of the retirement system
4239 for the Mississippi Highway Safety Patrol with full credit for the
4240 time they were employed as sworn agents for the Mississippi Bureau
4241 of Narcotics. The Board of Trustees of the Public Employees'
4242 Retirement System shall certify to the State Treasurer the amounts
4243 necessary for the purposes described above. The State Treasurer
4244 shall monthly transfer from the special fund created under this
4245 subsection the amounts deposited in such special fund to the
4246 Disability and Relief Fund for members of the Mississippi Highway
4247 Safety Patrol until such time as the certified amount has been
4248 transferred. At such time as the certified amount has been
4249 transferred, the State Treasurer shall transfer any funds
4250 remaining in the special fund created under this subsection to the
4251 State General Fund and shall then dissolve such special fund.
4252 This subsection (4) shall stand repealed at such time when the
4253 State Treasurer transfers funds and dissolves the special fund
4254 account in accordance with the provisions of this subsection.

4255 (5) The procedure for the reinstatement of a license issued
4256 under this article that has been suspended for being out of
4257 compliance with an order for support, as defined in Section
4258 93-11-153, and the payment of any fees for the reinstatement of a

4259 license suspended for that purpose, shall be governed by Section
4260 93-11-157 or 93-11-163, as the case may be.

4261 **SECTION 63.** Section 63-1-81, Mississippi Code of 1972, is
4262 brought forward as follows:

4263 63-1-81. (1) Each application for a commercial driver's
4264 license or commercial driver instruction permit shall include the
4265 following:

4266 (a) The full name and the current mailing and
4267 residential address of the applicant;

4268 (b) A physical description of the applicant, including
4269 sex, height, weight, eye and hair color;

4270 (c) The applicant's date of birth;

4271 (d) The applicant's social security number unless the
4272 application is for a nonresident commercial driver's license;

4273 (e) The applicant's signature;

4274 (f) The applicant's color photograph;

4275 (g) All certifications required by applicable federal
4276 regulations;

4277 (h) Any other information which the Commissioner of
4278 Public Safety, by rule or regulation, determines necessary and
4279 essential; and

4280 (i) The consent of the applicant to release driving
4281 record information.

4282 (2) The fee for accepting and processing an application for
4283 a commercial driver instruction permit shall be Ten Dollars
4284 (\$10.00).

4285 (3) The fee for accepting and processing an application for
4286 a Class A, B or C commercial driver's license shall be Twenty-five
4287 Dollars (\$25.00).

4288 (4) No person who has been a resident of this state for
4289 thirty (30) days may drive a commercial motor vehicle under the
4290 authority of a commercial driver's license issued by another
4291 jurisdiction. Any violation of this subsection shall be

4292 punishable as provided by Section 63-1-69, Mississippi Code of
4293 1972.

4294 (5) Any person who knowingly falsifies information or
4295 certifications required under subsection (1) of this section shall
4296 be subject to the penalties prescribed in Section 63-1-59,
4297 Mississippi Code of 1972, and shall be subject to suspension of
4298 his commercial driver instruction permit or commercial driver's
4299 license in accordance with Section 63-1-51, Mississippi Code of
4300 1972.

4301 (6) Each application or filing made under this section shall
4302 include the social security number(s) of the applicant in
4303 accordance with Section 93-11-64, Mississippi Code of 1972.

4304 (7) (a) Any male who is at least eighteen (18) years of age
4305 but less than twenty-six (26) years of age and who applies for a
4306 commercial license or renewal of a commercial license under this
4307 article shall be registered in compliance with the requirements of
4308 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
4309 et seq., as amended.

4310 (b) The department shall forward in an electronic
4311 format the necessary personal information of the applicant to the
4312 Selective Service System. The applicant's submission of the
4313 application shall serve as an indication that the applicant either
4314 has already registered with the Selective Service System or that
4315 he is authorizing the department to forward to the Selective
4316 Service System the necessary information for registration. The
4317 commissioner shall notify the applicant on, or as a part of, the
4318 application that his submission of the application will serve as
4319 his consent to registration with the Selective Service System, if
4320 so required. The commissioner also shall notify any male
4321 applicant under the age of eighteen (18) that he will be
4322 registered upon turning age eighteen (18) as required by federal
4323 law.

4324 **SECTION 64.** Section 63-1-82, Mississippi Code of 1972, is
4325 amended as follows:

4326 63-1-82. (1) Each commercial driver's license shall be
4327 marked "Commercial Driver's License" or "CDL" and shall, to the
4328 maximum extent practicable, be tamper proof. Each such license
4329 shall include thereon, but not be limited to, the following
4330 information:

4331 (a) The name and residential address of the licensee;

4332 (b) The licensee's color photograph;

4333 (c) A physical description of the licensee, including
4334 his sex, height, weight, eye and hair color;

4335 (d) The licensee's date of birth;

4336 (e) Except for a nonresident commercial driver's
4337 license, the licensee's social security number; and any other
4338 identifying information which the Commissioner of Public Safety,
4339 by rule or regulation, determines necessary and essential for the
4340 purposes of complying with the provisions of this article;

4341 (f) The licensee's signature;

4342 (g) The class or type of commercial motor vehicle or
4343 vehicles which the licensee is authorized to drive together with
4344 any endorsements or restrictions;

4345 (h) The name of this state; and

4346 (i) The dates between which the license is valid.

4347 (2) The holder of a valid commercial driver's license may
4348 drive all vehicles in the class for which that license is issued
4349 and all lesser classes of vehicles, including any vehicle for
4350 which an operator's license or commercial driver's license issued
4351 under Article 1 of this chapter authorizes a person to drive.
4352 However, vehicles which require an endorsement may not be driven
4353 unless the proper endorsement appears on the license.

4354 (3) Commercial driver's licenses may be issued with the
4355 following classifications:

4356 (a) Class A. Any combination of vehicles with a gross
4357 vehicle weight rating of twenty-six thousand one (26,001) pounds
4358 or more, provided the gross vehicle weight rating of the vehicle
4359 or vehicles being towed is in excess of ten thousand (10,000)
4360 pounds;

4361 (b) Class B. Any single vehicle with a gross vehicle
4362 weight rating of twenty-six thousand one (26,001) pounds or more,
4363 and any such vehicle towing a vehicle not in excess of ten
4364 thousand (10,000) pounds;

4365 (c) Class C. Any single vehicle with a gross vehicle
4366 weight rating of less than twenty-six thousand one (26,001) pounds
4367 or any such vehicle towing a vehicle with a gross vehicle weight
4368 rating not in excess of ten thousand (10,000) pounds comprising:

4369 (i) Vehicles designed to transport sixteen (16) or
4370 more passengers, including the driver; and

4371 (ii) Vehicles used in the transportation of
4372 hazardous materials which are required to be placarded under the
4373 Hazardous Materials Transportation Act, 49 USCS Appx., Section
4374 1801 et seq.; and

4375 (d) Class D. All other vehicles or combination of
4376 vehicles which are not included in Class A, Class B or Class C and
4377 for which a commercial license is required to be issued as
4378 provided by Section 63-1-43, Mississippi Code of 1972.

4379 (4) Commercial driver's licenses may be issued with the
4380 following endorsements and restrictions:

4381 (a) "H" authorizes the driver to drive a vehicle
4382 transporting hazardous materials;

4383 (b) "K" restricts the driver to vehicles not equipped
4384 with air brakes;

4385 (c) "T" authorizes driving double and triple trailers;

4386 (d) "P" authorizes driving vehicles carrying
4387 passengers;

4388 (e) "N" authorizes driving tank vehicles;

4389 (f) "X" represents a combination of hazardous materials
4390 and tank vehicle endorsements;

4391 (g) "S" restricts the driver to school buses being
4392 operated for the purpose of transporting pupils to and from school
4393 or to school-related functions and/or to all other vehicles not
4394 requiring a commercial driver's license; and

4395 (h) "I" restricts driving which requires a commercial
4396 license to intrastate driving only.

4397 (5) Before issuing a commercial driver's license, the
4398 Commissioner of Public Safety shall obtain driving record
4399 information through the Commercial Driver License Information
4400 System.

4401 (6) Within ten (10) days after issuing a commercial driver's
4402 license, the Commissioner of Public Safety shall notify the
4403 Commercial Driver License Information System of that fact,
4404 providing all information required to ensure identification of the
4405 person.

4406 (7) The fee charged for the issuance of each original and
4407 each renewal of a Class A, B or C commercial driver's license
4408 shall be Forty-three Dollars (\$43.00) plus the applicable
4409 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall
4410 be charged for each endorsement or restriction entered on a
4411 commercial driver's license under subsection (4) of this section.
4412 However, the fee charged for each original and renewal of a
4413 commercial driver's license with an "S" restriction shall be the
4414 same as the fee for a Class D commercial driver's license in
4415 addition to all application fees.

4416 (8) If a commercial driver instruction permit or commercial
4417 driver's license is lost or destroyed, or if the holder of a
4418 commercial driver's license changes his name, mailing address or
4419 residence, an application for a duplicate permit or license shall
4420 be made as provided by Section 63-1-37, Mississippi Code of 1972.

4421 (9) All commercial driver's licenses issued under the
4422 provisions of this article shall be issued for a period of not
4423 more than four (4) years and shall expire at midnight on the last
4424 day of the licensee's month of birth.

4425 (10) Every person applying for renewal of a commercial
4426 driver's license shall complete the application form required by
4427 Section 63-1-81, Mississippi Code of 1972, providing updated
4428 information and required certifications and paying the appropriate
4429 fees. If the applicant wishes to retain a hazardous materials
4430 endorsement, the written test for a hazardous materials
4431 endorsement must be taken and passed.

4432 (11) The Commissioner of Public Safety, by rule or
4433 regulation, shall establish a driver's license photograph fee
4434 which shall be the actual cost of the photograph rounded off to
4435 the next highest dollar. Monies collected for the photograph fee
4436 shall be deposited into a special photograph fee account which the
4437 Department of Public Safety shall use to pay the actual cost of
4438 producing the photographs. Any monies collected in excess of the
4439 actual costs of the photography shall be deposited to the General
4440 Fund of the State of Mississippi.

4441 **SECTION 65.** Section 63-15-4, Mississippi Code of 1972, is
4442 brought forward as follows:

4443 63-15-4. (1) The following vehicles are exempted from the
4444 requirements of this section:

4445 (a) Vehicles exempted by Section 63-15-5;

4446 (b) Vehicles for which a bond or a certificate of
4447 deposit of money or securities in at least the minimum amounts
4448 required for proof of financial responsibility is on file with the
4449 department;

4450 (c) Vehicles that are self-insured under Section
4451 63-15-53; and

4452 (d) Implements of husbandry.

4453 (2) (a) Every motor vehicle operated in this state shall
4454 have an insurance card maintained in the vehicle as proof of
4455 liability insurance that is in compliance with the liability
4456 limits required by Section 63-15-3(j). The insured parties shall
4457 be responsible for maintaining the insurance card in each vehicle.

4458 (b) An insurance company issuing a policy of motor
4459 vehicle liability insurance as required by this section shall
4460 furnish to the insured an insurance card for each vehicle at the
4461 time the insurance policy becomes effective.

4462 (3) Upon stopping a motor vehicle for any other statutory
4463 violation, a law enforcement officer, who is authorized to issue
4464 traffic citations, shall verify that the insurance card required
4465 by this section is in the motor vehicle. However, no driver shall
4466 be stopped or detained solely for the purpose of verifying that an
4467 insurance card is in the motor vehicle.

4468 (4) Failure of the owner or the operator of a motor vehicle
4469 to have the insurance card in the motor vehicle is a misdemeanor
4470 and, upon conviction, is punishable by a fine of One Thousand
4471 Dollars (\$1,000.00) and suspension of driving privilege for a
4472 period of one (1) year or until the owner of the motor vehicle
4473 shows proof of liability insurance that is in compliance with the
4474 liability limits required by Section 63-15-3(j). Fraudulent use
4475 of an insurance card shall be punishable in accordance with
4476 Section 97-7-10. The funds from such fines shall be deposited in
4477 the State General Fund in the State Treasury.

4478 (5) If, at the hearing date or the date of payment of the
4479 fine, the motor vehicle owner shows proof of motor vehicle
4480 liability insurance in the amounts required by Section 63-15-3(j),
4481 the fine shall be reduced to One Hundred Dollars (\$100.00). If
4482 the owner shows proof that such insurance was in effect at the
4483 time of citation, the fine of One Hundred Dollars (\$100.00) and
4484 court costs shall be waived.

4485 **SECTION 66.** Section 63-21-63, Mississippi Code of 1972, is
4486 amended as follows:

4487 63-21-63. There shall be paid to the State Tax Commission
4488 for issuing and processing documents required by this chapter,
4489 fees according to the following schedule:

- 4490 (1) Each application for certificate of title... \$14.00
4491 (2) Each application for replacement or
4492 corrected certificate of title..... 14.00
4493 (3) Each suspension or revocation of
4494 certificate of title..... 14.00
4495 (4) Each notice of security interest..... 14.00
4496 (5) Each release of security interest..... 14.00
4497 (6) Each assignment by lienholder..... 14.00
4498 (7) Each application for information as to
4499 the status of the title of a vehicle..... 14.00

4500 The designated agent may add the sum of One Dollar (\$1.00) to
4501 each document processed for which a fee is charged to be retained
4502 as his commission for services rendered. All other fees collected
4503 shall be remitted to the State Tax Commission.

4504 If more than one (1) transaction be involved in any
4505 application on a single vehicle and if supported by all required
4506 documents, the fee charged by the State Tax Commission and by the
4507 designated agent for processing and issuing shall be considered as
4508 only one (1) transaction.

4509 **SECTION 67.** The following shall be codified as Section
4510 7-3-30, Mississippi Code of 1972:

4511 7-3-30. The Secretary of State shall provide for the annual
4512 publication of a Judiciary Directory and Court Calendar, which
4513 shall be made available for sale for not less than Two Dollars and
4514 Fifty Cents (\$2.50) per copy, plus the actual cost of shipping and
4515 handling. The Secretary of State shall pay the proceeds of those
4516 sales into the State General Fund.

4517 **SECTION 68.** Section 25-7-81, Mississippi Code of 1972, is
4518 amended as follows:

4519 25-7-81. (1) The Secretary of State shall charge the
4520 following fees:

4521 (a) For every commission issued by him to persons
4522 appointed by the Governor as a commissioner of this state in any
4523 other state, territory, or district of the United States, or in
4524 any foreign country..... \$10.00

4525 (b) For recording charter of a corporation for
4526 literary, religious, benevolent, fraternal, or scientific
4527 purposes, and not for pecuniary profits, directly or
4528 indirectly..... 20.00

4529 (c) For commission of each notary public..... 25.00

4530 (d) For commission of each commissioner of
4531 deeds..... 10.00

4532 (2) In addition to the fees charged under subsection (1)(c)
4533 of this section, the Secretary of State shall charge a fee of Ten
4534 Dollars (\$10.00) for the commissioning of notaries public, which
4535 shall be deposited into the State General Fund.

4536 **SECTION 69.** Section 79-4-1.22, Mississippi Code of 1972, is
4537 amended as follows:

4538 79-4-1.22. (a) The Secretary of State shall collect the
4539 following fees when the documents described in this subsection are
4540 delivered to him for filing:

4541	Document	Fee
4542	(1) Articles of incorporation.....	\$50.00
4543	(2) Application for use of indistinguishable	
4544	name.....	5.00
4545	(3) Application for reserved name.....	25.00
4546	(4) Notice of transfer of reserved name.....	25.00
4547	(5) Application for registered name.....	50.00
4548	(6) Application for renewal of registered	
4549	name.....	50.00

4550	(7)	Corporation's statement of change of	
4551		registered agent or registered office	
4552		or both.....	10.00
4553	(8)	Agent's statement of change of registered	
4554		office for each affected corporation.....	10.00
4555		not to exceed a total of.....	1,000.00
4556	(9)	Agent's statement of resignation.....	No fee
4557	(10)	Amendment of articles of incorporation...	50.00
4558	(11)	Restatement of articles of incorporation.	50.00
4559		with amendment of articles.....	50.00
4560	(12)	Articles of merger or share exchange.....	50.00
4561	(13)	Articles of dissolution.....	25.00
4562	(14)	Articles of revocation of dissolution....	25.00
4563	(15)	Certificate of administrative dissolution	No fee
4564	(16)	Application for reinstatement following	
4565		administrative dissolution.....	50.00
4566	(17)	Certificate of reinstatement.....	No fee
4567	(18)	Certificate of judicial dissolution.....	No fee
4568	(19)	Application for certificate of authority.	500.00
4569	(20)	Application for amended certificate of	
4570		authority.....	50.00
4571	(21)	Application for certificate of withdrawal	125.00
4572	(22)	Certificate of revocation of authority to	
4573		transact business.....	No fee
4574	(23)	Application for reinstatement following	
4575		administrative revocation.....	100.00
4576	(24)	Certificate of reinstatement.....	No fee
4577	(25)	Annual report.....	25.00
4578	(26)	Articles of correction.....	50.00
4579	(27)	Application for certificate of existence	
4580		or authorization.....	25.00
4581	(28)	Any other document required or permitted	
4582		to be filed by Section 79-4-1.01 et seq...	25.00

4583 (b) The Secretary of State shall collect a fee of
4584 Twenty-five Dollars (\$25.00) each time process is served on him
4585 under Section 79-4-1.01 et seq. The party to a proceeding causing
4586 service of process is entitled to recover this fee as costs if he
4587 prevails in the proceeding.

4588 (c) The Secretary of State shall collect the following fees
4589 for copying and certifying the copy of any filed document relating
4590 to a domestic or foreign corporation:

4591 (1) One Dollar (\$1.00) a page for copying; and

4592 (2) Ten Dollars (\$10.00) for the certificate.

4593 (d) The Secretary of State may collect a filing fee greater
4594 than the fee set out herein, not to exceed the actual costs of
4595 processing such filing, if the form for such filing prescribed by
4596 the Secretary of State has not been used.

4597 (e) In addition to any other fees charged under this
4598 section, the Secretary of State shall charge the following fees:

4599 (1) Articles of incorporation..... \$25.00

4600 (2) Agent's statement of resignation..... \$25.00

4601 (3) Annual report..... \$25.00

4602 The fees collected under this subsection (e) shall be
4603 deposited into the State General Fund.

4604 **SECTION 70.** Section 75-9-525, Mississippi Code of 1972, is
4605 amended as follows:

4606 **[Until December 31, 2007, this section shall read as**
4607 **follows:]**

4608 75-9-525. (a) Except as otherwise provided in subsection
4609 (e), the fee for filing and indexing a record under this part,
4610 other than an initial financing statement of the kind described in
4611 subsection (b) is the amount specified in subsection (c), if
4612 applicable, plus:

4613 (1) Ten Dollars (\$10.00) if the record is communicated
4614 in writing and is in the standard form prescribed by the Secretary
4615 of State;

4616 (2) Thirteen Dollars (\$13.00) if the record is
4617 communicated in writing and is not in the standard form prescribed
4618 by the Secretary of State; and

4619 (3) Eight Dollars (\$8.00) if the record is communicated
4620 by another medium authorized by filing-office rule.

4621 In addition to the fees charged in paragraphs (1), (2) and
4622 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be
4623 charged on all transactions described in paragraphs (1) and (2),
4624 and a fee of Eight Dollars (\$8.00) shall be charged on all
4625 transactions described in paragraph (3). The fees collected under
4626 this paragraph shall be deposited into the State General Fund.

4627 (b) Except as otherwise provided in subsection (e), the fee
4628 for filing and indexing an initial financing statement of the
4629 following kind is the amount specified in subsection (c), if
4630 applicable, plus:

4631 (1) Thirteen Dollars (\$13.00) if the financing
4632 statement indicates that it is filed in connection with a
4633 public-finance transaction;

4634 (2) Ten Dollars (\$10.00) if the financing statement
4635 indicates that it is filed in connection with a manufactured-home
4636 transaction.

4637 In addition to the fees charged in paragraphs (1) and (2) of
4638 this subsection (b), a fee of Ten Dollars (\$10.00) shall be
4639 charged on all transactions described in paragraphs (1) and (2) of
4640 this subsection (b). The fees collected under this paragraph
4641 shall be deposited into the State General Fund.

4642 (c) Except as otherwise provided in subsection (e), if a
4643 record is communicated in writing, the fee for each additional
4644 debtor name more than one (1) required to be indexed is Four
4645 Dollars (\$4.00).

4646 In addition to the fee charged in this subsection (c), a fee
4647 of Sixteen Dollars (\$16.00) shall be charged on all transactions

4648 described in this subsection. The fees collected under this
4649 paragraph shall be deposited into the State General Fund.

4650 (d) The fee for responding to a request for information from
4651 the filing office, including for issuing a certificate showing
4652 whether there is on file any financing statement naming a
4653 particular debtor, is:

4654 (1) Five Dollars (\$5.00) if the request is communicated
4655 in writing on the standard form prescribed by the Secretary of
4656 State;

4657 (2) Ten Dollars (\$10.00) if the request is communicated
4658 in writing and is not in the standard form prescribed by the
4659 Secretary of State;

4660 (3) Three Dollars (\$3.00) if the request is
4661 communicated by another medium authorized by filing-office rule;
4662 and

4663 (4) An additional fee of Two Dollars (\$2.00) shall be
4664 paid by the requesting party for each financing statement listed
4665 on the filing officer's certificate, the aggregate of which shall
4666 be billed to the requesting party at the time the filing officer's
4667 certificate is issued.

4668 In addition to the fees charged in paragraphs (1), (2), (3)
4669 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)
4670 shall be charged on all transactions described in paragraphs (1),
4671 (2), (3) and (4) of this subsection. The fees collected under
4672 this paragraph shall be deposited into the State General Fund.

4673 (e) This section does not require a fee to the chancery
4674 clerk with respect to a record of a mortgage which is effective as
4675 a financing statement filed as a fixture filing or as a financing
4676 statement covering as-extracted collateral or timber to be cut
4677 under Section 75-9-502(c). However, the recording and
4678 satisfaction fees to the chancery clerk that otherwise would be
4679 applicable under Section 25-7-9 to the record of the mortgage
4680 apply.

4681 **[From and after December 31, 2007, this section shall read as**
4682 **follows:]**

4683 75-9-525. (a) Except as otherwise provided in subsection
4684 (e), the fee for filing and indexing a record under this part,
4685 other than an initial financing statement of the kind described in
4686 subsection (b) is the amount specified in subsection (c), if
4687 applicable, plus:

4688 (1) Five Dollars (\$5.00) if the record is communicated
4689 in writing and is in the standard form prescribed by the Secretary
4690 of State;

4691 (2) Eight Dollars (\$8.00) if the record is communicated
4692 in writing and is not in the standard form prescribed by the
4693 Secretary of State; and

4694 (3) Three Dollars (\$3.00) if the record is communicated
4695 by another medium authorized by filing-office rule.

4696 In addition to the fees charged in paragraphs (1), (2) and
4697 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be
4698 charged on all transactions described in paragraphs (1) and (2),
4699 and a fee of Eight Dollars (\$8.00) shall be charged on all
4700 transactions described in paragraph (3). The fees collected under
4701 this paragraph shall be deposited into the State General Fund.

4702 (b) Except as otherwise provided in subsection (e), the fee
4703 for filing and indexing an initial financing statement of the
4704 following kind is the amount specified in subsection (c), if
4705 applicable, plus:

4706 (1) Eight Dollars (\$8.00) if the financing statement
4707 indicates that it is filed in connection with a public-finance
4708 transaction;

4709 (2) Five Dollars (\$5.00) if the financing statement
4710 indicates that it is filed in connection with a manufactured-home
4711 transaction.

4712 In addition to the fees charged in paragraphs (1) and (2) of
4713 this subsection (b), a fee of Ten Dollars (\$10.00) shall be

4714 charged on all transactions described in paragraphs (1) and (2) of
4715 this subsection (b). The fees collected under this paragraph
4716 shall be deposited into the State General Fund.

4717 (c) Except as otherwise provided in subsection (e), if a
4718 record is communicated in writing, the fee for each additional
4719 debtor name more than one (1) required to be indexed is Four
4720 Dollars (\$4.00).

4721 In addition to the fee charged in this subsection (c), a fee
4722 of Sixteen Dollars (\$16.00) shall be charged on all transactions
4723 described in this subsection. The fees collected under this
4724 paragraph shall be deposited into the State General Fund.

4725 (d) The fee for responding to a request for information from
4726 the filing office, including for issuing a certificate showing
4727 whether there is on file any financing statement naming a
4728 particular debtor, is:

4729 (1) Five Dollars (\$5.00) if the request is communicated
4730 in writing on the standard form prescribed by the Secretary of
4731 State;

4732 (2) Ten Dollars (\$10.00) if the request is communicated
4733 in writing and is not in the standard form prescribed by the
4734 Secretary of State;

4735 (3) Three Dollars (\$3.00) if the request is
4736 communicated by another medium authorized by filing-office rule;
4737 and

4738 (4) An additional fee of Two Dollars (\$2.00) shall be
4739 paid by the requesting party for each financing statement listed
4740 on the filing officer's certificate, the aggregate of which shall
4741 be billed to the requesting party at the time the filing officer's
4742 certificate is issued.

4743 In addition to the fees charged in paragraphs (1), (2), (3)
4744 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)
4745 shall be charged on all transactions described in paragraphs (1),

4746 (2), (3) and (4) of this subsection. The fees collected under
4747 this paragraph shall be deposited into the State General Fund.

4748 (e) This section does not require a fee to the chancery
4749 clerk with respect to a record of a mortgage which is effective as
4750 a financing statement filed as a fixture filing or as a financing
4751 statement covering as-extracted collateral or timber to be cut
4752 under Section 75-9-502(c). However, the recording and
4753 satisfaction fees to the chancery clerk that otherwise would be
4754 applicable under Section 25-7-9 to the record of the mortgage
4755 apply.

4756 **SECTION 71.** Section 75-63-65, Mississippi Code of 1972, is
4757 amended as follows:

4758 75-63-65. (1) Any establishment or organization which
4759 engages in the business of selling pre-need merchandise and/or
4760 services shall register with the Secretary of State and shall pay
4761 a registration fee. A separate registration is required for each
4762 separate corporation or business entity. The establishment or
4763 organization shall pay to the Secretary of State for the
4764 registration of the main establishment or organization a fee of
4765 Three Hundred Fifty Dollars (\$350.00).

4766 (2) Any person who engages in the business of selling
4767 pre-need contracts shall register with the Secretary of State.

4768 (3) The Secretary of State shall establish regulations to
4769 register each establishment or organization selling pre-need
4770 merchandise or services. No establishment or organization shall
4771 be registered to sell pre-need merchandise or services that the
4772 establishment or organization cannot lawfully provide at the time
4773 of a person's death. The Secretary of State shall also maintain a
4774 record of all individuals who are registered to sell pre-need
4775 merchandise or services through the registered establishment.

4776 (4) The Secretary of State shall establish regulations to
4777 register each person selling pre-need contracts, including the
4778 establishment through which the seller will be selling. No person

4779 shall be registered to sell pre-need contracts without indicating
4780 the establishment for which he or she is selling.

4781 (5) The Secretary of State shall develop and furnish the
4782 forms necessary for the registration of establishments and
4783 individuals selling pre-need contracts.

4784 (6) The Secretary of State shall charge the following fees
4785 under this article:

- 4786 (a) Renewal of registration for establishments and
4787 organizations..... \$50.00
4788 (b) Registration of agents..... \$20.00
4789 (c) Renewal of registration for agents..... \$20.00
4790 (d) Filing of sales reports..... \$50.00

4791 The fees collected under this subsection shall be deposited
4792 into the State General Fund.

4793 **SECTION 72.** Section 75-71-409, Mississippi Code of 1972, is
4794 amended as follows:

4795 75-71-409. (1) (a) At the time the registration of a
4796 securities offering or notification of a securities offering
4797 pursuant to Section 75-71-408(a) is filed, every person filing
4798 such registration or notification shall pay a filing fee of
4799 one-tenth of one percent (1/10 of 1%) of the dollar amount to be
4800 registered, with the minimum fee to be One Hundred Fifty Dollars
4801 (\$150.00) and the maximum fee to be One Thousand Dollars
4802 (\$1,000.00).

4803 (b) When a registration is withdrawn before the
4804 effective date or a preeffective stop order is entered under
4805 Sections 75-71-425 through 75-71-431, the Secretary of State shall
4806 retain the greater of One Hundred Fifty Dollars (\$150.00) or forty
4807 percent (40%) of the fee.

4808 (c) The Secretary of State may by rule or otherwise set
4809 a fee for changing the name of an issuer or offering filed with
4810 his office.

4811 (2) The Secretary of State shall charge the following fees
4812 under this chapter:

4813 (a) Initial registration statements - processing
4814 fee..... \$100.00

4815 (b) Renewal fee in addition to initial
4816 offering..... \$100.00

4817 The fees collected under this subsection shall be deposited
4818 into the State General Fund.

4819 **SECTION 73.** Section 79-11-109, Mississippi Code of 1972, is
4820 amended as follows:

4821 79-11-109. (1) Except as otherwise provided in subsection
4822 (4) of this section, the Secretary of State shall collect the
4823 following fees when the documents described in this subsection are
4824 delivered for filing:

4825	Document	Fee
4826	(a) Articles of incorporation.....	\$50.00
4827	(b) Application for use of indistinguishable name	
4828	25.00
4829	(c) Application for reserved name.....	25.00
4830	(d) Notice of transfer of reserved name.....	25.00
4831	(e) Application for registered name.....	50.00
4832	(f) Application for renewal of registered name	50.00
4833	(g) Corporation's statement of change of registered	
4834	agent or registered office or both.....	10.00
4835	(h) Agent's statement of change of registered office	
4836	for each affected corporation.....	10.00
4837	not to exceed a total of.....	1,000.00
4838	(i) Agent's statement of resignation.....	No Fee
4839	(j) Amendment of articles of incorporation....	50.00
4840	(k) Restatement of articles of incorporation with	
4841	amendments.....	50.00
4842	(l) Articles of merger.....	50.00
4843	(m) Articles of dissolution.....	25.00

4844	(n) Articles of revocation of dissolution.....	25.00
4845	(o) Certificate of administrative dissolution.	No Fee
4846	(p) Application for reinstatement following	
4847	administrative dissolution.....	50.00
4848	(q) Certificate of reinstatement.....	No Fee
4849	(r) Certificate of judicial dissolution.....	No Fee
4850	(s) Application for certificate of authority..	100.00
4851	(t) Application for amended certificate of	
4852	authority.....	50.00
4853	(u) Application for certificate of withdrawal..	25.00
4854	(v) Certificate of revocation of authority to	
4855	transact business.....	No Fee
4856	(w) Status report.....	25.00
4857	(x) Articles of correction.....	50.00
4858	(y) Application for certificate of existence or	
4859	authorization.....	25.00
4860	(z) Any other document required or permitted	
4861	to be filed by Sections 79-11-101 et seq.....	25.00
4862	(2) Except as otherwise provided in subsection (4) of this	
4863	section, the Secretary of State shall collect a fee of Twenty-five	
4864	Dollars (\$25.00) upon being served with process under Sections	
4865	79-11-101 et seq. The party to a proceeding causing service of	
4866	process is entitled to recover the fee paid the Secretary of State	
4867	as costs if the party prevails in the proceeding.	
4868	(3) Except as otherwise provided in subsection (4) of this	
4869	section, the Secretary of State shall collect the following fees	
4870	for copying and certifying the copy of any filed document relating	
4871	to a domestic or foreign corporation:	
4872	(a) One Dollar (\$1.00) a page for copying; and	
4873	(b) Ten Dollars (\$10.00) for the certificate.	
4874	(4) The Secretary of State may collect a filing fee greater	
4875	than the fee set forth in subsections (1), (2) and (3) in an	
4876	amount not to exceed twice the fee set forth in subsections (1),	

4877 (2) and (3) of processing the filing, if the form prescribed by
4878 the Secretary of State for such filing has not been used.

4879 (5) In addition to any other fees charged in this section,
4880 the Secretary of State shall charge the following fees:

4881 (a) Articles of incorporation..... \$25.00

4882 (b) Corporation's statement of change
4883 of registered agent or registered office or both..... \$25.00

4884 The fees collected under this subsection shall be deposited
4885 into the State General Fund.

4886 **SECTION 74.** Section 79-11-504, Mississippi Code of 1972, is
4887 amended as follows:

4888 79-11-504. (1) The Secretary of State shall have the
4889 authority to:

4890 (a) Promulgate rules of procedure and regulations
4891 necessary for the administration of Sections 79-11-501 through
4892 79-11-529, subject to the provisions of the Mississippi
4893 Administrative Procedures Law.

4894 (b) Honor written requests from interested person for
4895 interpretative opinions regarding registration and exemptions from
4896 registration.

4897 (c) Publish and disseminate information to the public
4898 concerning persons subject to Sections 79-11-501 through
4899 79-11-529.

4900 (d) Perform any other functions and duties which may be
4901 necessary to carry out the provisions of Sections 79-11-501
4902 through 79-11-529.

4903 (2) The Secretary of State shall charge the following fees
4904 under Sections 79-11-501 through 79-11-529:

4905 (a) Registration of exempt organizations..... \$50.00

4906 (b) Registration of solicitors..... \$50.00

4907 (c) Renewal of solicitors registration..... \$50.00

4908 (d) Filing of solicitation campaign notices.... \$50.00

4909 (e) Issuing opinion letters--charitable and

4910 fundraising..... \$100.00

4911 The fees collected under this subsection shall be deposited
4912 into the State General Fund.

4913 **SECTION 75.** Section 79-29-1203, Mississippi Code of 1972, is
4914 amended as follows:

4915 79-29-1203. (1) The Secretary of State shall charge and
4916 collect a fee for:

4917 (a) Filing of Reservation of Limited Liability Company
4918 Name, Twenty-Five Dollars (\$25.00).

4919 (b) Filing of Change of Address of Registered Agent,
4920 Twenty-Five Dollars (\$25.00).

4921 (c) Filing of Resignation of Registered Agent, Five
4922 Dollars (\$5.00).

4923 (d) Filing of Certificate of Formation, Fifty Dollars
4924 (\$50.00).

4925 (e) Filing of Amendment to Certificate of Formation,
4926 Fifty Dollars (\$50.00).

4927 (f) Filing of Certificate of Dissolution, Twenty-Five
4928 Dollars (\$25.00).

4929 (g) Filing of Certificate of Cancellation, Twenty-Five
4930 Dollars (\$25.00).

4931 (h) Filing of Restated Certificate of Formation or
4932 Amended and Restated Certificate of Formation, Twenty-Five Dollars
4933 (\$25.00).

4934 (i) Filing of Certificate of Withdrawal, Twenty-Five
4935 Dollars (\$25.00).

4936 (j) Filing of Application for Registration of Foreign
4937 Limited Liability Company, Two Hundred Fifty Dollars (\$250.00).

4938 (k) Filing of Certificate Correcting Application for
4939 Registration of Foreign Limited Liability Company, Fifty Dollars
4940 (\$50.00).

4941 (1) Filing of Certificate of Cancellation of
4942 Registration of Foreign Limited Liability Company, Twenty-Five
4943 Dollars (\$25.00).

4944 (m) Any other document required or permitted to be
4945 filed under this chapter, Twenty-Five Dollars (\$25.00).

4946 (2) In addition to any other fees charged under this
4947 section, the Secretary of State shall charge the following fees:

4948 (a) For filing a certificate of formation..... \$25.00

4949 (b) For filing annual reports..... \$75.00

4950 The fees collected under this subsection shall be deposited
4951 into the State General Fund.

4952 **SECTION 76.** Section 75-76-131, Mississippi Code of 1972, is
4953 brought forward as follows:

4954 75-76-131. (1) The executive director shall:

4955 (a) Ascertain and keep himself informed of the
4956 identity, prior activities and present location of all gaming
4957 employees in the State of Mississippi; and

4958 (b) Maintain confidential records of such information.

4959 (2) No person may be employed as a gaming employee unless he
4960 is the holder of a work permit issued by the commission.

4961 (3) A work permit issued to a gaming employee must have
4962 clearly imprinted thereon a statement that it is valid for gaming
4963 purposes only.

4964 (4) Application for a work permit is to be made to the
4965 executive director and may be granted or denied for any cause
4966 deemed reasonable by the commission. Whenever the executive
4967 director denies such an application, he shall include in the
4968 notice of the denial a statement of the facts upon which he relied
4969 in denying the application.

4970 (5) Any person whose application for a work permit has been
4971 denied by the executive director may, not later than sixty (60)
4972 days after receiving notice of the denial or objection, apply to
4973 the commission for a hearing before a hearing examiner. A failure

4974 of a person whose application has been denied to apply for a
4975 hearing within sixty (60) days or his failure to appear at a
4976 hearing conducted pursuant to this section shall be deemed to be
4977 an admission that the denial or objection is well founded and
4978 precludes administrative or judicial review. At the hearing, the
4979 hearing examiner appointed by the commission shall take any
4980 testimony deemed necessary. After the hearing the hearing
4981 examiner shall within thirty (30) days after the date of the
4982 hearing announce his decision sustaining or reversing the denial
4983 of the work permit or the objection to the issuance of a work
4984 permit. The executive director may refuse to issue a work permit
4985 if the applicant has:

4986 (a) Failed to disclose, misstated or otherwise
4987 attempted to mislead the commission with respect to any material
4988 fact contained in the application for the issuance or renewal of a
4989 work permit;

4990 (b) Knowingly failed to comply with the provisions of
4991 this chapter or the regulations of the commission at a place of
4992 previous employment;

4993 (c) Committed, attempted or conspired to commit any
4994 crime of moral turpitude, embezzlement or larceny or any violation
4995 of any law pertaining to gaming, or any crime which is inimical to
4996 the declared policy of this state concerning gaming;

4997 (d) Been identified in the published reports of any
4998 federal or state legislative or executive body as being a member
4999 or associate of organized crime, or as being of notorious and
5000 unsavory reputation;

5001 (e) Been placed and remains in the constructive custody
5002 of any federal, state or municipal law enforcement authority;

5003 (f) Had a work permit revoked or committed any act
5004 which is a ground for the revocation of a work permit or would
5005 have been a ground for revoking his work permit if he had then
5006 held a work permit; or

5007 (g) For any other reasonable cause.

5008 The executive director shall refuse to issue a work permit if
5009 the applicant has committed, attempted or conspired to commit a
5010 crime which is a felony in this state or an offense in another
5011 state or jurisdiction which would be a felony if committed in this
5012 state.

5013 (6) Any applicant aggrieved by the decision of the hearing
5014 examiner may, within fifteen (15) days after the announcement of
5015 the decision, apply in writing to the commission for review of the
5016 decision. Review is limited to the record of the proceedings
5017 before the hearing examiner. The commission may sustain or
5018 reverse the hearing examiner's decision. The commission may
5019 decline to review the hearing examiner's decision, in which case
5020 the hearing examiner's decision becomes the final decision of the
5021 commission. The decision of the commission is subject to judicial
5022 review.

5023 (7) All records acquired or compiled by the commission
5024 relating to any application made pursuant to this section and all
5025 lists of persons to whom work permits have been issued or denied
5026 and all records of the names or identity of persons engaged in the
5027 gaming industry in this state are confidential and must not be
5028 disclosed except in the proper administration of this chapter or
5029 to an authorized law enforcement agency. Any record of the
5030 commission which shows that the applicant has been convicted of a
5031 crime in another state must show whether the crime was a
5032 misdemeanor, gross misdemeanor, felony or other class of crime as
5033 classified by the state in which the crime was committed. In a
5034 disclosure of the conviction, reference to the classification of
5035 the crime must be based on the classification in the state where
5036 it was committed.

5037 (8) A work permit expires unless renewed within ten (10)
5038 days after a change of place of employment or if the holder
5039 thereof is not employed as a gaming employee within the

5040 jurisdiction of the issuing authority for more than ninety (90)
5041 days.

5042 (9) Notice of any objection to or denial of a work permit by
5043 the executive director as provided pursuant to this section is
5044 sufficient if it is mailed to the applicant's last known address
5045 as indicated on the application for a work permit. The date of
5046 mailing may be proven by a certificate signed by the executive
5047 director or his designee that specifies the time the notice was
5048 mailed. The notice is presumed to have been received by the
5049 applicant five (5) days after it is deposited with the United
5050 States Postal Service with the postage thereon prepaid.

5051 **SECTION 77.** This act shall take effect and be in force from
5052 and after July 1, 2005, except for Sections 1, 2, 21 and 22, which
5053 shall take effect and be in force from and after the passage of
5054 this act.