

By: Senator(s) Clarke

To: Appropriations

SENATE BILL NO. 2362
(As Passed the Senate)

1 AN ACT ENTITLED THE "MISSISSIPPI BUDGET TRANSPARENCY AND
2 SIMPLIFICATION ACT OF 2016"; TO PROVIDE THAT FROM AND AFTER JULY
3 1, 2016, NO STATE AGENCY SHALL CHARGE ANOTHER STATE AGENCY A FEE,
4 ASSESSMENT, RENT OR OTHER CHARGE FOR SERVICES OR RESOURCES
5 RECEIVED; TO PROVIDE THAT BEGINNING JULY 1, 2016, THE EXPENSES OF
6 CERTAIN STATE SPECIAL FUND AGENCIES SHALL BE DEFRAYED BY
7 APPROPRIATION OF THE LEGISLATURE FROM THE STATE GENERAL FUND, TO
8 PROVIDE THAT ANY FEES, ASSESSMENTS OR OTHER CHARGES FOR THE
9 SUPPORT OF SAID AGENCIES SHALL BE DEPOSITED INTO THE STATE GENERAL
10 FUND, TO ABOLISH ANY SPECIAL FUNDS CREATED IN THE STATE TREASURY
11 FOR THE SUPPORT OF SAID AGENCIES, AND TO PROVIDE CERTAIN
12 LIMITATIONS ON AMOUNTS APPROPRIATED BY THE LEGISLATURE FOR THE
13 SUPPORT OF SAID AGENCIES; TO AMEND SECTIONS 25-53-29, 25-9-141,
14 29-15-9, 45-6-15, 45-11-5, 45-11-7, 77-3-87, 83-2-33, 83-2-35,
15 83-5-72, 83-5-73, 83-9-3, 83-19-21, 83-21-1, 83-37-29, 63-19-51,
16 63-19-55, 75-15-9, 75-15-31, 75-67-115, 75-67-215, 75-67-239,
17 75-67-321, 75-67-419, 75-67-505, 75-67-525, 75-67-527, 81-18-15,
18 81-19-17, 81-19-19, 63-19-27, 63-19-51, 63-19-55, 81-21-3,
19 81-21-9, 81-21-25, 81-22-5, 81-22-23, 81-1-75, 81-1-87, 81-1-93,
20 81-1-99, 81-1-100, 81-1-107, 81-1-111, 81-1-115, 81-3-12, 81-7-1,
21 81-9-7, 81-12-229, 81-14-179, 81-27-4.103, 55-24-11, 55-24-9,
22 55-24-17, 69-5-1, 69-5-3, 69-5-11, 69-5-15, 69-5-19, 75-76-325,
23 75-76-33, 75-76-81, 75-76-85, 59-5-33, 45-11-3, 7-7-3, 25-53-151,
24 25-53-171, 31-7-10, 63-9-31, 83-1-27, 83-5-17, 83-5-41, 83-5-45,
25 83-5-69, 83-5-77, 83-5-17, 83-17-71, 83-17-512, 83-39-3, 83-73-9,
26 29-15-10, 29-1-107, 53-1-77, 53-11-23, 53-1-7, 53-1-73, 53-3-13,
27 51-15-147, 51-9-149, 7-3-59, 23-15-5, 23-15-169.7, 29-1-95,
28 29-15-9, 29-15-10, 77-1-6, 77-1-15, 77-1-29, 77-1-53, 77-3-8,
29 77-3-89, 77-3-503, 77-3-507, 77-3-509, 77-7-127, 77-7-333,
30 77-7-339, 77-7-337, 77-9-489, 77-11-201, 99-18-1, 25-11-15,
31 25-11-143, 25-11-307, 25-11-411, 25-11-415, 27-19-179, 89-12-37,
32 51-13-141, 11-46-17, 71-3-100, 59-17-27, 7-5-61, 25-9-119,
33 25-9-141, 25-53-5 AND 27-104-103, MISSISSIPPI CODE OF 1972, IN
34 CONFORMITY THERETO; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF



35 1972, TO PROVIDE THAT ALL TRAFFIC AND CRIMINAL ASSESSMENTS SHALL
36 BE DEPOSITED INTO THE STATE GENERAL FUND; AND FOR RELATED
37 PURPOSES.

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

39 **SECTION 1.** This act shall be known and may be cited as the
40 "Mississippi Budget Transparency and Simplification Act of 2016."

41 **SECTION 2.** From and After July 1, 2016, no state agency
42 shall charge another state agency a fee, assessment, rent, audit
43 fee, personnel fee or other charge for services or resources
44 received.

45 **SECTION 3.** (1) From and after July 1, 2016, the expenses of
46 the following enumerated state agencies shall be defrayed by
47 appropriation of the Legislature from the State General Fund: the
48 State Fire Marshall, the State Fire Academy, the Office of
49 Secretary of State, the Mississippi Public Service Commission, the
50 Mississippi Department of Information Technology Services, the
51 State Personnel Board, the Mississippi Department of Insurance,
52 the Mississippi Law Enforcement Officers' Minimum Standards Board;
53 the Department of Banking and Consumer Finance; the Mississippi
54 Gulf Coast Coliseum; the Mississippi Fair Commission; the
55 Mississippi Tort Claims Board; the Mississippi Gaming Commission;
56 the State Port Authority of Gulfport; the Mississippi Department
57 of Marine Resources - Tidelands Project; the Mississippi Oil and
58 Gas Board; the Pat Harrison Waterway District; the Pearl River
59 Valley Water Supply District; the Public Employees' Retirement
60 System (administrative fund accounts); the Mississippi Department
61 of Revenue - License Tag; the Office of the State Public Defender;



62 the Tombigbee Valley authority; the State Treasurer's Office (all
63 special fund accounts); the Mississippi Workers' Compensation
64 Commission; the Yellow Creek Inland Port Authority; and the Office
65 of Attorney General. Beginning July 1, 2016, any fees,
66 assessments or other revenues charged for the support of the
67 above-named state agencies shall be deposited into the State
68 General Fund, and any special fund or depository established
69 within the State Treasury for the deposit of such fees,
70 assessments or revenues shall be abolished and the balance
71 transferred to the State General Fund. Expenses heretofore drawn
72 from such special funds or other depositories shall be drawn from
73 the agencies General Fund Account.

74 (2) Beginning with the fiscal year ending June 30, 2016, the
75 amount to be appropriated annually from the State General Fund for
76 the support of each of the above-named state agencies shall not
77 exceed the amount appropriated for such purpose in the preceding
78 fiscal year, plus any increases in or additional fees, assessments
79 or other charges authorized by act of the Legislature for the
80 succeeding fiscal year.

81 (3) The provisions of this section shall not apply to any
82 trust fund account that is maintained by any above-named agency.

83 (4) The provisions of this section shall not prohibit any of
84 the above-named agencies from maintaining clearing accounts in
85 approved depositories.



86 (5) The provisions of this section shall not apply to any
87 trust fund accounts maintained by the Public Employees' Retirement
88 System and protected under Section 272A of the Mississippi
89 Constitution of 1890.

90 **[DEPARTMENT OF BANKING AND CONSUMER FINANCE]**

91 **SECTION 4.** Section 63-19-27, Mississippi Code of 1972, is
92 amended as follows:

93 63-19-27. The commissioner may charge the licensee an
94 examination fee in an amount not less than Three Hundred Dollars
95 (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each
96 office or location within the State of Mississippi, plus any
97 actual expenses incurred while examining the licensee's records or
98 books that are located outside the State of Mississippi. However,
99 in no event shall a licensee be examined more than once in a
100 two-year period unless for cause shown based upon consumer
101 complaint and/or other exigent reasons as determined by the
102 commissioner.

103 All expense fees paid to the commissioner shall be deposited
104 by the commissioner in the State Treasury in a special and
105 separate fund to be known as the "Consumer Finance Fund."

106 From and after July 1, 2016, the expenses of this agency
107 shall be defrayed by appropriation from the State General Fund and
108 all user charges and fees authorized under this section shall be
109 deposited into the State General Fund as authorized by law.



110 From and after July 1, 2016, no state agency shall charge
111 another state agency a fee, assessment, rent or other charge for
112 services or resources received by authority of this section.

113 **SECTION 5.** Section 63-19-51, Mississippi Code of 1972, is
114 amended as follows:

115 63-19-51. The commissioner is authorized to employ the
116 necessary examiners and other personnel required to administer the
117 provisions of this chapter and to fix their compensation
118 commensurate with their duties. All salaries, travel and other
119 expenses incident to the administration of this chapter shall be
120 paid by the commissioner by warrants issued by the State Auditor.
121 Said State Auditor shall issue his warrant upon requisition signed
122 by the commissioner or his duly authorized agent. All salaries,
123 travel and other expenses incident to the administration of this
124 chapter shall be paid monthly. All travel, subsistence and other
125 expenses shall be audited by the commissioner or his duly
126 authorized agent. All warrants issued by the State Auditor
127 pursuant to the provisions of this section shall be paid by the
128 State Treasurer out of the "Consumer Finance Fund" created by
129 Section 63-19-27.

130 From and after July 1, 2016, the expenses of this agency
131 shall be defrayed by appropriation from the State General Fund and
132 all user charges and fees authorized under this section shall be
133 deposited into the State General Fund as authorized by law.



134 From and after July 1, 2016, no state agency shall charge
135 another state agency a fee, assessment, rent or other charge for
136 services or resources received by authority of this section.

137 **SECTION 6.** Section 63-19-55, Mississippi Code of 1972, is
138 amended as follows:

139 63-19-55. (1) Any person who willfully and intentionally
140 violates any provision of this chapter or engages in the business
141 of a sales finance company in this state without a license
142 therefor as provided in this chapter shall be guilty of a
143 misdemeanor and, upon conviction, shall be punished by a fine not
144 exceeding Five Hundred Dollars (\$500.00). However, any licensee
145 who is exempt from liability for an act or omission under Section
146 63-19-57 shall not be guilty of a misdemeanor under this section
147 for the same act or omission.

148 (2) If any person engages in business as provided for in
149 this chapter without paying the license fee provided for in this
150 chapter before commencing business or before the expiration of the
151 person's current license, as the case may be, then the person
152 shall be liable for the full amount of the license fee, plus a
153 penalty in an amount not to exceed Twenty-five Dollars (\$25.00)
154 for each day that the person has engaged in the business without a
155 license or after the expiration of a license.

156 (3) The commissioner may, after notice and hearing, impose a
157 civil penalty against any licensee if the licensee or employee is
158 adjudged by the commissioner to be in violation of the provisions



159 of this chapter. The civil penalty shall not exceed Five Hundred
160 Dollars (\$500.00) per violation and shall be deposited into the
161 Consumer Finance Fund of the Department of Banking and Consumer
162 Finance.

163 (4) Any person willfully violating Sections 63-19-31 through
164 63-19-45, shall be barred from recovery of any finance charge,
165 delinquency or collection charge on the contract.

166 (5) However, any such contract purchased in good faith for
167 value by any bank, trust company, private bank, industrial bank or
168 investment company authorized to do business in this state shall
169 be held and construed to be valid and enforceable in the hands of
170 the purchaser for value, except that such purchaser shall not be
171 permitted to recover on such contract from the buyer anything in
172 excess of the principal balance due thereon, plus the amount of
173 the finance and collection charges permitted under the terms and
174 provisions of this chapter.

175 (6) When the commissioner has reasonable cause to believe
176 that a person is violating any provision of this chapter, the
177 commissioner, in addition to and without prejudice to the
178 authority provided elsewhere in this chapter, may enter an order
179 requiring the person to stop or to refrain from the violation.
180 The commissioner may sue in any circuit court of the state having
181 jurisdiction and venue to enjoin the person from engaging in or
182 continuing the violation or from doing any act in furtherance of



183 the violation. In such an action, the court may enter an order or
184 judgment awarding a preliminary or permanent injunction.

185 (7) From and after July 1, 2016, the expenses of this agency
186 shall be defrayed by appropriation from the State General Fund and
187 all user charges and fees authorized under this section shall be
188 deposited into the State General Fund as authorized by law.

189 (8) From and after July 1, 2016, no state agency shall
190 charge another state agency a fee, assessment, rent or other
191 charge for services or resources received by authority of this
192 section.

193 **SECTION 7.** Section 75-15-9, Mississippi Code of 1972, is
194 amended as follows:

195 75-15-9. Each application for a license to engage in the
196 business of money transmission shall be made in writing and under
197 oath to the commissioner in such form as he may prescribe. The
198 application shall state the full name and business address of:

199 (a) The proprietor, if the applicant is an individual;

200 (b) Every member, if the applicant is a partnership or
201 association;

202 (c) The corporation and each executive officer and
203 director thereof, if the applicant is a corporation;

204 (d) Every trustee and officer if the applicant is a
205 trust;

206 (e) The applicant shall have a net worth of at least
207 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand



208 Dollars (\$15,000.00) for each location in excess of one (1) at
209 which the applicant proposes to conduct money transmissions in
210 this state, computed according to generally accepted accounting
211 principles, but in no event shall the net worth be required to be
212 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

213 (f) The financial responsibility, financial condition,
214 business experience and character and general fitness of the
215 applicant shall be such as reasonably to warrant the belief that
216 applicant's business will be conducted honestly, carefully and
217 efficiently;

218 (g) Each application for a license shall be accompanied
219 by an investigation fee of Fifty Dollars (\$50.00) and license fee
220 in the amount required by Section 75-15-15. All fees collected by
221 the commissioner under the provisions of this chapter shall be
222 deposited into the Consumer Finance Fund of the Department of
223 Banking and Consumer Finance;

224 (h) An applicant shall not have been convicted of a
225 felony in any jurisdiction or a misdemeanor of fraud, theft,
226 forgery, bribery, embezzlement, or making a fraudulent or false
227 statement in any jurisdiction.

228 From and after July 1, 2016, the expenses of this agency
229 shall be defrayed by appropriation from the State General Fund and
230 all user charges and fees authorized under this section shall be
231 deposited into the State General Fund as authorized by law.



232 From and after July 1, 2016, no state agency shall charge
233 another state agency a fee, assessment, rent or other charge for
234 services or resources received by authority of this section.

235 **SECTION 8.** Section 75-15-31, Mississippi Code of 1972, is
236 amended as follows:

237 75-15-31. (1) If any person to whom or which this chapter
238 applies or any agent or representative of that person violates any
239 of the provisions of this chapter or attempts to transact the
240 business of conducting money transmissions as a service or for a
241 fee or other consideration, without having first obtained a
242 license from the commissioner under the provisions of this
243 chapter, that person and each such agent or representative shall
244 be deemed guilty of a misdemeanor and, upon conviction, shall be
245 fined not less than One Hundred Dollars (\$100.00) nor more than
246 Five Hundred Dollars (\$500.00), and may also be confined to the
247 county jail for not more than twelve (12) months. Each violation
248 shall constitute a separate offense.

249 (2) If any person engages in business as provided for in
250 this chapter without paying the license fee provided for in this
251 chapter before beginning business or before the expiration of the
252 person's current license, as the case may be, then the person
253 shall be liable for the full amount of the license fee plus a
254 penalty in an amount not to exceed Twenty-five Dollars (\$25.00)
255 for each day that the person has engaged in the business without a
256 license or after the expiration of a license.



257 (3) The commissioner may, after notice and hearing, impose a
258 civil penalty against any licensee if the licensee or employee is
259 adjudged by the commissioner to be in violation of the provisions
260 of this chapter. The civil penalty shall not exceed Five Hundred
261 Dollars (\$500.00) per violation and shall be deposited into the
262 Consumer Finance Fund of the Department of Banking and Consumer
263 Finance.

264 (4) When the commissioner has reasonable cause to believe
265 that a person is violating any provision of this chapter, the
266 commissioner, in addition to and without prejudice to the
267 authority provided elsewhere in this chapter, may enter an order
268 requiring the person to stop and refrain from the violation. The
269 commissioner may sue in any circuit court of the state having
270 jurisdiction and venue to enjoin the person from engaging in or
271 continuing the violation or from doing any act in furtherance of
272 the violation. In such an action, the court may enter an order or
273 judgment awarding a preliminary or permanent injunction.

274 (5) From and after July 1, 2016, the expenses of this agency
275 shall be defrayed by appropriation from the State General Fund and
276 all user charges and fees authorized under this section shall be
277 deposited into the State General Fund as authorized by law.

278 (6) From and after July 1, 2016, no state agency shall
279 charge another state agency a fee, assessment, rent or other
280 charge for services or resources received by authority of this
281 section.



282 **SECTION 9.** Section 75-67-115, Mississippi Code of 1972, is
283 amended as follows:

284 75-67-115. The commissioner may charge the licensee an
285 examination fee in an amount not less than Three Hundred Dollars
286 (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each
287 office or location within the State of Mississippi, plus any
288 actual expenses incurred while examining the licensee's records or
289 books that are located outside the State of Mississippi. However,
290 in no event shall a licensee be examined more than once in a
291 two-year period unless for cause shown based upon consumer
292 complaint and/or other exigent reasons as determined by the
293 commissioner.

294 All expense fees paid to the commissioner shall be deposited
295 by the commissioner in the State Treasury in a special and
296 separate fund to be known as the "Consumer Finance Fund."

297 From and after July 1, 2016, the expenses of this agency
298 shall be defrayed by appropriation from the State General Fund and
299 all user charges and fees authorized under this section shall be
300 deposited into the State General Fund as authorized by law.

301 From and after July 1, 2016, no state agency shall charge
302 another state agency a fee, assessment, rent or other charge for
303 services or resources received by authority of this section.

304 **SECTION 10.** Section 75-67-215, Mississippi Code of 1972, is
305 amended as follows:



306 75-67-215. (1) If any person engages in business as
307 provided for in this article without paying the license fee
308 provided for in this article before commencing business or before
309 the expiration of the person's current license, as the case may
310 be, then the person shall be liable for the full amount of the
311 license fee plus a penalty in an amount not to exceed Twenty-five
312 Dollars (\$25.00) for each day that the person has engaged in the
313 business without a license or after the expiration of a license.

314 (2) The commissioner may, after notice and hearing as
315 defined in Section 75-67-237 in cases of revocation of license,
316 impose a civil penalty against any licensee if the licensee is
317 adjudged by the commissioner to be in willful violation of the
318 provisions of this article. The civil penalty shall not exceed
319 Five Hundred Dollars (\$500.00) per violation and shall be
320 deposited into the Consumer Finance Fund of the Department of
321 Banking and Consumer Finance. Any licensee who has been imposed a
322 civil penalty by the commissioner may, within twenty (20) days
323 after the fine is imposed, appeal to the circuit court of the
324 county where the business is being conducted, as in cases from an
325 order of a lesser tribunal. The trial on appeal shall be de novo.

326 (3) When the commissioner has reasonable cause to believe
327 that a person is violating any provision of this article, the
328 commissioner, in addition to and without prejudice to the
329 authority provided elsewhere in this article, may enter an order
330 requiring the person to stop or to refrain from the violation.



331 The commissioner may sue in any circuit court of the state having
332 jurisdiction and venue to enjoin the person from engaging in or
333 continuing the violation or from doing any act in furtherance of
334 the violation. In such an action, the court may enter an order or
335 judgment awarding a preliminary or permanent injunction.

336 (4) From and after July 1, 2016, the expenses of this agency
337 shall be defrayed by appropriation from the State General Fund and
338 all user charges and fees authorized under this section shall be
339 deposited into the State General Fund as authorized by law.

340 (5) From and after July 1, 2016, no state agency shall
341 charge another state agency a fee, assessment, rent or other
342 charge for services or resources received by authority of this
343 section.

344 **SECTION 11.** Section 75-67-239, Mississippi Code of 1972, is
345 amended as follows:

346 75-67-239. All fees, license tax and penalties provided for
347 in this article which are payable to the commissioner shall, when
348 collected, be deposited in a special and separate fund to be known
349 as the "Consumer Finance Fund" and shall be expended by the
350 commissioner solely and exclusively for the purpose of
351 administering and enforcing the provisions of this article and the
352 Small Loan Regulatory Law (Section 75-67-101 et seq.).

353 From and after July 1, 2016, the expenses of this agency
354 shall be defrayed by appropriation from the State General Fund and



355 all user charges and fees authorized under this section shall be
356 deposited into the State General Fund as authorized by law.

357 From and after July 1, 2016, no state agency shall charge
358 another state agency a fee, assessment, rent or other charge for
359 services or resources received by authority of this section.

360 **SECTION 12.** Section 75-67-321, Mississippi Code of 1972, is
361 amended as follows:

362 75-67-321. (1) A person may not engage in business as a
363 pawnbroker or otherwise portray himself as a pawnbroker unless the
364 person has a valid license authorizing engagement in the business.
365 A separate license is required for each place of business under
366 this article. The commissioner may issue more than one (1)
367 license to a person if that person complies with this article for
368 each license. A new license or application to transfer an
369 existing license is required upon a change, directly or
370 beneficially, in the ownership of any licensed pawnshop and an
371 application shall be made to the commissioner in accordance with
372 this article.

373 (2) When a licensee wishes to move a pawnshop to another
374 location, the licensee shall give thirty (30) days' prior written
375 notice to the commissioner who shall amend the license
376 accordingly.

377 (3) Each license shall remain in full force and effect until
378 relinquished, suspended, revoked or expired. With each initial
379 application for a license, the applicant shall pay the



380 commissioner a license fee, which includes premiums for
381 examinations, of Five Hundred Dollars (\$500.00), and on or before
382 December 1 of each year thereafter, an annual renewal fee, which
383 includes premiums for examinations, of Three Hundred Fifty Dollars
384 (\$350.00). However, when more than one (1) license to an
385 applicant is issued, the commissioner, for each subsequent
386 license, may only impose a fee, which includes premiums for
387 examinations, of Three Hundred Fifty Dollars (\$350.00) at the time
388 of application, and an annual renewal fee, which includes premiums
389 for examinations, of Three Hundred Fifty Dollars (\$350.00) on or
390 before December 1 of each year thereafter. If the annual fee
391 remains unpaid thirty (30) days after December 1, the license
392 shall thereupon expire, but not before December 31 of any year for
393 which the annual fee has been paid. If any person engages in
394 business as provided for in this article without paying the
395 license fee provided for in this article commencing business or
396 before the expiration of the person's current license, as the case
397 may be, then the person shall be liable for the full amount of the
398 license fee, plus a penalty in an amount not to exceed Twenty-five
399 Dollars (\$25.00) for each day that the person has engaged in such
400 business without a license or after the expiration of a license.
401 All licensing fees and penalties authorized in this section shall
402 be paid into the Consumer Finance Fund of the Department of
403 Banking and Consumer Finance.



404 (4) Notwithstanding other provisions of this article, the
405 commissioner may issue a temporary license authorizing the
406 operator of a pawnshop on the receipt of an application to
407 transfer a license from one person to another or on the receipt of
408 an application for a license involving principals and owners that
409 are substantially identical to those of an existing licensed
410 pawnshop. The temporary license is effective until the permanent
411 license is issued or denied.

412 (5) Notwithstanding other provisions of this article,
413 neither a new license nor an application to transfer an existing
414 license shall be required upon any change, directly or
415 beneficially, in the ownership of any licensed pawnshop
416 incorporated under the laws of this state or any other state so
417 long as the licensee continues to operate as a corporation doing a
418 pawnshop business under the license. The commissioner may,
419 however, require the licensee to provide such information as he
420 deems reasonable and appropriate concerning the officer and
421 directors of the corporation and persons owning in excess of
422 twenty-five percent (25%) of the outstanding shares of the
423 corporation.

424 (6) From and after July 1, 2016, the expenses of this agency
425 shall be defrayed by appropriation from the State General Fund and
426 all user charges and fees authorized under this section shall be
427 deposited into the State General Fund as authorized by law.



428 (7) From and after July 1, 2016, no state agency shall
429 charge another state agency a fee, assessment, rent or other
430 charge for services or resources received by authority of this
431 section.

432 **SECTION 13.** Section 75-67-419, Mississippi Code of 1972, is
433 amended as follows:

434 75-67-419. (1) A person may not engage in business as a
435 title pledge lender or otherwise portray himself as a title pledge
436 lender unless the person has a valid license authorizing
437 engagement in the business. A separate license is required for
438 each place of business under this article. The commissioner may
439 issue more than one (1) license to a person if that person
440 complies with this article for each license. A new license or
441 application to transfer an existing license is required upon a
442 change, directly or beneficially, in the ownership of any licensed
443 title pledge office and an application shall be made to the
444 commissioner in accordance with this article.

445 (2) When a licensee wishes to move a title pledge office to
446 another location, the licensee shall give thirty (30) days prior
447 written notice to the commissioner who shall amend the license
448 accordingly.

449 (3) Each license shall remain in full force and effect until
450 relinquished, suspended, revoked or expired. With each initial
451 application for a license, the applicant shall pay the
452 commissioner at the time of making the application a license fee



453 of Seven Hundred Fifty Dollars (\$750.00), and on or before June 1
454 of each year thereafter, an annual renewal fee of Four Hundred
455 Seventy-five Dollars (\$475.00). If the annual fee remains unpaid
456 thirty (30) days after June 1, the license shall thereupon expire,
457 but not before June 30 of any year for which the annual fee has
458 been paid. If any person engages in business as provided for in
459 this article without paying the license fee provided for in this
460 article before commencing business or before the expiration of
461 such person's current license, as the case may be, then the person
462 shall be liable for the full amount of the license fee, plus a
463 penalty in an amount not to exceed Twenty-five Dollars (\$25.00)
464 for each day that the person has engaged in the business without a
465 license or after the expiration of a license. All licensing fees
466 and penalties shall be paid into the Consumer Finance Fund of the
467 Department of Banking and Consumer Finance.

468 (4) Notwithstanding other provisions of this article, the
469 commissioner may issue a temporary license authorizing the
470 operation of a title pledge office on the receipt of an
471 application to transfer a license from one person to another or on
472 the receipt of an application for a license involving principals
473 and owners that are substantially identical to those of an
474 existing licensed title pledge office. The temporary license is
475 effective until the permanent license is issued or denied.

476 (5) Notwithstanding other provisions of this article,
477 neither a new license nor an application to transfer an existing



478 license shall be required upon any change, directly or
479 beneficially, in the ownership of any licensed title pledge office
480 incorporated under the laws of this state or any other state so
481 long as the licensee continues to operate as a corporation doing a
482 title pledge business under the license. The commissioner may,
483 however, require the licensee to provide such information as he
484 deems reasonable and appropriate concerning the officer and
485 directors of the corporation and persons owning in excess of
486 twenty-five percent (25%) of the outstanding shares of the
487 corporation.

488 (6) From and after July 1, 2016, the expenses of this agency
489 shall be defrayed by appropriation from the State General Fund and
490 all user charges and fees authorized under this section shall be
491 deposited into the State General Fund as authorized by law.

492 (7) From and after July 1, 2016, no state agency shall
493 charge another state agency a fee, assessment, rent or other
494 charge for services or resources received by authority of this
495 section.

496 **SECTION 14.** Section 75-67-505, Mississippi Code of 1972, is
497 amended as follows:

498 75-67-505. (1) (a) A person may not engage in business as
499 a check casher or otherwise portray himself as a check casher
500 unless the person has a valid license authorizing engagement in
501 the business. Any transaction that would be subject to this
502 article that is made by a person who does not have a valid license



503 under this article shall be null and void. A separate license is
504 required for each place of business under this article and each
505 business must be independent of, and not a part of, any other
506 business operation. A check cashing business shall not be a part
507 of, or located at the same business address with, a pawnshop,
508 title pledge office and small loan company.

509 (b) A check cashing business shall (i) have a
510 definitive United States Postal address and E911 address; (ii)
511 comply with local zoning requirements; (iii) have a minimum of one
512 hundred (100) square feet with walls from floor to ceiling
513 separating the operation from any other businesses; (iv) have an
514 outside entrance, but may be located in an area that has a common
515 lobby shared by other businesses as long as the customers do not
516 enter the check cashing business through another business; (v)
517 have proper signage; and (vi) maintain separate books and records.
518 Any licensee who does not cash any delayed deposit checks as
519 authorized under Section 75-67-519 shall not be subject to the
520 requirements of subparagraphs (i), (iii) and (iv) of this
521 paragraph.

522 (c) A licensed check casher may sell, at the same
523 location as his check cashing business, the following items and
524 services: money orders; income tax preparation service; copy
525 service; wire transfer service; notary service; pagers; pager
526 service; prepaid cellular service; debit card; prepaid telephone
527 cards; prepaid telephone service; and operate a processing center



528 where utility bills, credit card payments and other payments are
529 collected from the general public and governmental and private
530 payments are distributed. In the event a licensee accepts wire
531 transfers in the form of a direct deposit of a payroll check or
532 other similar types of deposit, the licensee shall not encumber
533 any transferred funds against a deferred deposit agreement or any
534 delinquent deferred deposit agreement with such customer. The
535 commissioner may authorize additional functions in addition to
536 those provided in this subsection that may be performed as part of
537 a check cashing business.

538 (d) The commissioner may issue more than one (1)
539 license to a person if that person complies with this article for
540 each license. A new license is required upon a change, directly
541 or beneficially, in the ownership of any licensed check casher
542 business and an application shall be made to the commissioner in
543 accordance with this article.

544 (2) When a licensee wishes to move a check casher business
545 to another location, the licensee shall give thirty (30) days'
546 prior written notice to the commissioner who shall amend the
547 license accordingly.

548 (3) Each license shall remain in full force and effect until
549 relinquished, suspended, revoked or expired. With each initial
550 application for a license, the applicant shall pay the
551 commissioner at the time of making the application a license fee
552 of Seven Hundred Fifty Dollars (\$750.00), and on or before



553 September 1 of each year thereafter, an annual renewal fee of Four
554 Hundred Seventy-five Dollars (\$475.00). If the annual renewal fee
555 remains unpaid twenty-nine (29) days after September 1, the
556 license shall thereupon expire, but not before the thirtieth day
557 of September of any year for which the annual fee has been paid.
558 If any licensee fails to pay the annual renewal fee before the
559 thirtieth day of September of any year for which the renewal fee
560 is due, then the licensee shall be liable for the full amount of
561 the license fee, plus a penalty in an amount not to exceed
562 Twenty-five Dollars (\$25.00) for each day that the licensee has
563 engaged in business after September 30. All licensing fees and
564 penalties shall be paid into the Consumer Finance Fund of the
565 Department of Banking and Consumer Finance.

566 (4) Notwithstanding other provisions of this article, the
567 commissioner may issue a temporary license authorizing the
568 operator of a check casher business on the receipt of an
569 application for a license involving principals and owners that are
570 substantially identical to those of an existing licensed check
571 casher. The temporary license is effective until the permanent
572 license is issued or denied.

573 (5) From and after July 1, 2016, the expenses of this agency
574 shall be defrayed by appropriation from the State General Fund and
575 all user charges and fees authorized under this section shall be
576 deposited into the State General Fund as authorized by law.



577 (6) From and after July 1, 2016, no state agency shall
578 charge another state agency a fee, assessment, rent or other
579 charge for services or resources received by authority of this
580 section.

581 **SECTION 15.** Section 75-67-525, Mississippi Code of 1972, is
582 amended as follows:

583 75-67-525. (1) Any person who engages in the business of
584 check cashing without first securing a license prescribed by this
585 article shall be guilty of a misdemeanor and upon conviction
586 thereof, shall be punishable by a fine not in excess of One
587 Thousand Dollars (\$1,000.00) or by confinement in the county jail
588 for not more than one (1) year, or both.

589 (2) Any person who engages in the business of check cashing
590 without first securing a license prescribed by this article shall
591 be liable for the full amount of the license fee, plus a penalty
592 in an amount not to exceed Twenty-five Dollars (\$25.00) for each
593 day that the person has engaged in the business without a license.
594 All licensing fees and penalties shall be paid into the Consumer
595 Finance Fund of the Department of Banking and Consumer Finance.

596 (3) From and after July 1, 2016, the expenses of this agency
597 shall be defrayed by appropriation from the State General Fund and
598 all user charges and fees authorized under this section shall be
599 deposited into the State General Fund as authorized by law.

600 (4) From and after July 1, 2016, no state agency shall
601 charge another state agency a fee, assessment, rent or other



602 charge for services or resources received by authority of this
603 section.

604 **SECTION 16.** Section 75-67-527, Mississippi Code of 1972, is
605 amended as follows:

606 75-67-527. (1) In addition to any other penalty which may
607 be applicable, any licensee or employee who willfully violates any
608 provision of this article, or who willfully makes a false entry in
609 any record specifically required by this article, shall be guilty
610 of a misdemeanor and upon conviction thereof, shall be punishable
611 by a fine not in excess of One Thousand Dollars (\$1,000.00) per
612 violation or false entry.

613 (2) Compliance with the criminal provisions of this article
614 shall be enforced by the appropriate law enforcement agency, which
615 may exercise for that purpose any authority conferred upon the
616 agency by law.

617 (3) When the commissioner has reasonable cause to believe
618 that a person is violating any provision of this article, the
619 commissioner, in addition to and without prejudice to the
620 authority provided elsewhere in this article, may enter an order
621 requiring the person to stop or to refrain from the violation.
622 The commissioner may sue in any circuit court of the state having
623 jurisdiction and venue to enjoin the person from engaging in or
624 continuing the violation or from doing any act in furtherance of
625 the violation. In such an action, the court may enter an order or
626 judgment awarding a preliminary or permanent injunction.



627 (4) The commissioner may impose a civil penalty against any
628 licensee adjudged by the commissioner to be in violation of the
629 provisions of this article. The civil penalty shall not exceed
630 Five Hundred Dollars (\$500.00) per violation and shall be
631 deposited into the Department of Banking and Consumer Finance,
632 "Consumer Finance Fund."

633 (5) Any licensee convicted in the manner provided in this
634 article shall forfeit the surety bond or deposit required in
635 Section 75-67-509(c) and the amount of the bond or deposit shall
636 be credited to the budget of the state or local agency which
637 directly participated in the prosecution of the licensee, for the
638 specific purpose of increasing law enforcement resources for that
639 specific state or local agency. The bond or deposit shall be used
640 to augment existing state and local law enforcement budgets and
641 not to supplant them.

642 (6) From and after July 1, 2016, the expenses of this agency
643 shall be defrayed by appropriation from the State General Fund and
644 all user charges and fees authorized under this section shall be
645 deposited into the State General Fund as authorized by law.

646 (7) From and after July 1, 2016, no state agency shall
647 charge another state agency a fee, assessment, rent or other
648 charge for services or resources received by authority of this
649 section.

650 **SECTION 17.** Section 81-18-15, Mississippi Code of 1972, is
651 amended as follows:



652 81-18-15. (1) Each mortgage broker and mortgage lender
653 license shall remain in full force and effect until relinquished,
654 suspended, revoked or expired. With each initial application for
655 a license to operate as a mortgage broker or mortgage lender, the
656 applicant shall pay through the Nationwide Mortgage Licensing
657 System and Registry to the commissioner a license fee of One
658 Thousand Five Hundred Dollars (\$1,500.00); however, if the initial
659 mortgage broker or mortgage lender license is issued between
660 November 1 and December 31, the license will expire December 31 of
661 the following licensing year. Upon the expiration of the initial
662 license, the licensee shall pay an annual renewal fee of One
663 Thousand Dollars (\$1,000.00) on or before December 31 of each
664 year. If the annual renewal fee remains unpaid, the license shall
665 expire, but not before December 31 of any year for which the
666 annual renewal fee has been paid. If the renewal fee is not paid
667 before the expiration date of the license, then the licensee shall
668 be liable for the initial license fee, which is One Thousand Five
669 Hundred Dollars (\$1,500.00), plus a penalty in an amount not to
670 exceed Twenty-five Dollars (\$25.00) for each day after the
671 expiration of the license. All licensing fees and penalties shall
672 be paid into the Consumer Finance Fund of the department. If the
673 application is withdrawn or denied, the application fee along with
674 any other applicable fee are not refundable.

675 (2) The minimum standards for license renewal for mortgage
676 loan originators shall include the following:



677 (a) The mortgage loan originator continues to meet the
678 minimum standards for license issuance under Section 81-18-9(4).

679 (b) The mortgage loan originator has satisfied the
680 annual continuing education requirements described in Section
681 81-18-15(5).

682 (c) The mortgage loan originator has paid all required
683 fees for renewal of the license. Annual renewals of this license
684 shall require a fee of One Hundred Dollars (\$100.00).

685 (3) The license of a mortgage loan originator failing to
686 satisfy the minimum standards for license renewal shall expire.
687 The commissioner may adopt procedures for the reinstatement of
688 expired licenses consistent with the standards established by the
689 Nationwide Mortgage Licensing System and Registry. If the renewal
690 fee remains unpaid, the license shall expire, but not before
691 December 31 of any year for which the annual renewal fee has been
692 paid. However, if the initial loan originator license is issued
693 between November 1 and December 31, the license will expire
694 December 31 of the following licensing year. If the renewal fee
695 is not paid before the expiration date of the license, the
696 mortgage loan originator shall be liable for the initial license
697 fee, which is Two Hundred Dollars (\$200.00), in order to renew.

698 (4) Any licensee making timely and proper application for a
699 license renewal shall be permitted to continue to operate under
700 its existing license until its application is approved or
701 rejected, but shall not be released from or otherwise indemnified



702 for any act covered by this chapter or for any penalty incurred
703 under this chapter as a result of any violation of this chapter or
704 regulations adopted under this chapter, pending final approval or
705 disapproval of the application for the license renewal.

706 (5) In order to meet the annual continuing education
707 requirements referred to in Section 81-18-15(2)(b), a licensed
708 mortgage loan originator shall complete at least twelve (12) hours
709 of education approved in accordance with subsection (2) of this
710 section, which shall include at least:

711 (a) Three (3) hours of federal law and regulations;

712 (b) Two (2) hours of ethics, which shall include
713 instruction on fraud, consumer protection and fair lending issues;

714 (c) Two (2) hours of training related to lending
715 standards for the nontraditional mortgage product marketplace; and

716 (d) Two (2) hours of education related to the
717 Mississippi S.A.F.E. Mortgage Act.

718 (6) For the purposes of subsection (5) of this section,
719 continuing education courses shall be reviewed, and approved by
720 the Nationwide Mortgage Licensing System and Registry based upon
721 reasonable standards. Review and approval of a continuing
722 education course shall include review and approval of the course
723 provider.

724 (7) Nothing in this section shall preclude any education
725 course, as approved by the Nationwide Mortgage Licensing System
726 and Registry, that is provided by the employer of the mortgage



727 loan originator or an entity that is affiliated with the mortgage
728 loan originator by an agency contract, or any subsidiary or
729 affiliate of such employer or entity.

730 (8) Continuing education may be offered either in a
731 classroom, online or by any other means approved by the Nationwide
732 Mortgage Licensing System and Registry.

733 (9) A licensed mortgage loan originator:

734 (a) Except for Section 81-18-15(3) and subsection (13)
735 of this section, may only receive credit for a continuing
736 education course in the year in which the course is taken; and

737 (b) May not take the same approved course in the same
738 or successive years to meet the annual requirements for continuing
739 education.

740 (10) A licensed mortgage loan originator who is an approved
741 instructor of an approved continuing education course may receive
742 credit for the licensed mortgage loan originator's own annual
743 continuing education requirement at the rate of two (2) hours
744 credit for every one (1) hour taught.

745 (11) A person having successfully completed the education
746 requirements approved by the Nationwide Mortgage Licensing System
747 and Registry in subsection (5) of this section for any state shall
748 be accepted as credit towards completion of continuing education
749 requirements in Mississippi.

750 (12) A licensed mortgage loan originator who later becomes
751 unlicensed must complete the continuing education requirements for



752 the last year in which the license was held prior to issuance of a
753 new or renewed license.

754 (13) A person meeting the requirements of * * * subsection
755 (2) (a) and (c) of this section may make up any deficiency in
756 continuing education as established by rule or regulation of the
757 commissioner.

758 (14) From and after July 1, 2016, the expenses of this
759 agency shall be defrayed by appropriation from the State General
760 Fund and all user charges and fees authorized under this section
761 shall be deposited into the State General Fund as authorized by
762 law.

763 (15) From and after July 1, 2016, no state agency shall
764 charge another state agency a fee, assessment, rent or other
765 charge for services or resources received by authority of this
766 section.

767 **SECTION 18.** Section 81-19-17, Mississippi Code of 1972, is
768 amended as follows:

769 81-19-17. (1) Each licensee shall be subject to the
770 supervision of the commissioner.

771 (2) The commissioner is authorized to make and enforce such
772 reasonable regulations as are necessary and proper for the
773 administration, enforcement and interpretation of the provisions
774 of this chapter. In adopting such regulations, the commissioner
775 shall follow the procedures set forth in the Mississippi



776 Administrative Procedures Act (Sections 25-43-1 et seq.,
777 Mississippi Code of 1972).

778 (3) In order to discover violations of this chapter and to
779 identify persons subject to the provisions of this chapter, the
780 commissioner is authorized to examine licensees, including all
781 books, records, accounts and papers employed by such licensees in
782 the transaction of their business, to summon witnesses and examine
783 them under oath concerning matters relating to the business of
784 such persons, and to investigate such other matters as may be
785 relevant in the opinion of the commissioner. For this purpose and
786 for the general purposes of administration of this chapter, the
787 commissioner may employ such deputies and assistants as may be
788 necessary, and such deputies and assistants, in the discretion of
789 the commissioner, may be vested with the same authority conferred
790 upon the commissioner by this chapter.

791 (4) For the purpose of defraying a portion of the
792 examination and administrative expenses incurred by the
793 commissioner, each licensee shall pay at the time of examination
794 the actual expenses of the examination, not to exceed Two Hundred
795 Dollars (\$200.00) per day for the time actually devoted to
796 examining the business of the licensee. However, for any
797 examination other than one conducted because of suspected blatant
798 violation of this chapter, the amount charged to any single
799 licensee in any one (1) year shall not exceed Two Thousand Dollars
800 (\$2,000.00).



801 (5) The commissioner may impose and collect an
802 administrative fine against any person found to have charged or
803 collected a service charge or advance fee from a borrower before a
804 loan is actually found, obtained and closed for such borrower.
805 Such fine shall not exceed Five Thousand Dollars (\$5,000.00) for
806 each violation.

807 (6) Whenever the commissioner has reasonable cause to
808 believe that any person is violating any of the provisions of this
809 chapter, in addition to all other remedies provided herein, the
810 commissioner may, by, through and on the relation of the Attorney
811 General, district attorney or county attorney, apply to a court of
812 competent jurisdiction for an injunction, both temporary and
813 permanent, to restrain such person from engaging in or continuing
814 such violation of the provisions of this chapter or from doing any
815 act or acts in furtherance thereof.

816 (7) The commissioner may, after notice and hearing, impose
817 an administrative fine against any licensee if the licensee or
818 employee is adjudged by the commissioner to be in violation of the
819 provisions of this chapter. The administrative fine shall not
820 exceed Five Hundred Dollars (\$500.00) per violation and shall be
821 deposited into the Consumer Finance Fund of the Department of
822 Banking and Consumer Finance.

823 (8) From and after July 1, 2016, the expenses of this agency
824 shall be defrayed by appropriation from the State General Fund and



825 all user charges and fees authorized under this section shall be
826 deposited into the State General Fund as authorized by law.

827 (9) From and after July 1, 2016, no state agency shall
828 charge another state agency a fee, assessment, rent or other
829 charge for services or resources received by authority of this
830 section.

831 **SECTION 19.** Section 81-19-19, Mississippi Code of 1972, is
832 amended as follows:

833 81-19-19. All funds coming into the possession of the
834 commissioner as a result of this chapter, including all annual
835 fees and examination fees, shall be deposited by the commissioner
836 into the special fund in the State Treasury known as the "Consumer
837 Finance Fund," and shall be expended by the commissioner solely
838 and exclusively for the administration and enforcement of this
839 chapter.

840 From and after July 1, 2016, the expenses of this agency
841 shall be defrayed by appropriation from the State General Fund and
842 all user charges and fees authorized under this section shall be
843 deposited into the State General Fund as authorized by law.

844 From and after July 1, 2016, no state agency shall charge
845 another state agency a fee, assessment, rent or other charge for
846 services or resources received by authority of this section.

847 **SECTION 20.** Section 63-19-51, Mississippi Code of 1972, is
848 amended as follows:



849 63-19-51. The commissioner is authorized to employ the
850 necessary examiners and other personnel required to administer the
851 provisions of this chapter and to fix their compensation
852 commensurate with their duties. All salaries, travel and other
853 expenses incident to the administration of this chapter shall be
854 paid by the commissioner by warrants issued by the State Auditor.
855 Said State Auditor shall issue his warrant upon requisition signed
856 by the commissioner or his duly authorized agent. All salaries,
857 travel and other expenses incident to the administration of this
858 chapter shall be paid monthly. All travel, subsistence and other
859 expenses shall be audited by the commissioner or his duly
860 authorized agent. All warrants issued by the State Auditor
861 pursuant to the provisions of this section shall be paid by the
862 State Treasurer out of the "Consumer Finance Fund" created by
863 Section 63-19-27.

864 From and after July 1, 2016, the expenses of this agency
865 shall be defrayed by appropriation from the State General Fund and
866 all user charges and fees authorized under this section shall be
867 deposited into the State General Fund as authorized by law.

868 From and after July 1, 2016, no state agency shall charge
869 another state agency a fee, assessment, rent or other charge for
870 services or resources received by authority of this section.

871 **SECTION 21.** Section 63-19-55, Mississippi Code of 1972, is
872 amended as follows:



873 63-19-55. (1) Any person who willfully and intentionally
874 violates any provision of this chapter or engages in the business
875 of a sales finance company in this state without a license
876 therefor as provided in this chapter shall be guilty of a
877 misdemeanor and, upon conviction, shall be punished by a fine not
878 exceeding Five Hundred Dollars (\$500.00). However, any licensee
879 who is exempt from liability for an act or omission under Section
880 63-19-57 shall not be guilty of a misdemeanor under this section
881 for the same act or omission.

882 (2) If any person engages in business as provided for in
883 this chapter without paying the license fee provided for in this
884 chapter before commencing business or before the expiration of the
885 person's current license, as the case may be, then the person
886 shall be liable for the full amount of the license fee, plus a
887 penalty in an amount not to exceed Twenty-five Dollars (\$25.00)
888 for each day that the person has engaged in the business without a
889 license or after the expiration of a license.

890 (3) The commissioner may, after notice and hearing, impose a
891 civil penalty against any licensee if the licensee or employee is
892 adjudged by the commissioner to be in violation of the provisions
893 of this chapter. The civil penalty shall not exceed Five Hundred
894 Dollars (\$500.00) per violation and shall be deposited into the
895 Consumer Finance Fund of the Department of Banking and Consumer
896 Finance.



897 (4) Any person willfully violating Sections 63-19-31 through
898 63-19-45, shall be barred from recovery of any finance charge,
899 delinquency or collection charge on the contract.

900 (5) However, any such contract purchased in good faith for
901 value by any bank, trust company, private bank, industrial bank or
902 investment company authorized to do business in this state shall
903 be held and construed to be valid and enforceable in the hands of
904 the purchaser for value, except that such purchaser shall not be
905 permitted to recover on such contract from the buyer anything in
906 excess of the principal balance due thereon, plus the amount of
907 the finance and collection charges permitted under the terms and
908 provisions of this chapter.

909 (6) When the commissioner has reasonable cause to believe
910 that a person is violating any provision of this chapter, the
911 commissioner, in addition to and without prejudice to the
912 authority provided elsewhere in this chapter, may enter an order
913 requiring the person to stop or to refrain from the violation.
914 The commissioner may sue in any circuit court of the state having
915 jurisdiction and venue to enjoin the person from engaging in or
916 continuing the violation or from doing any act in furtherance of
917 the violation. In such an action, the court may enter an order or
918 judgment awarding a preliminary or permanent injunction.

919 (7) From and after July 1, 2016, the expenses of this agency
920 shall be defrayed by appropriation from the State General Fund and



921 all user charges and fees authorized under this section shall be
922 deposited into the State General Fund as authorized by law.

923 (8) From and after July 1, 2016, no state agency shall
924 charge another state agency a fee, assessment, rent or other
925 charge for services or resources received by authority of this
926 section.

927 **SECTION 22.** Section 81-21-3, Mississippi Code of 1972, is
928 amended as follows:

929 81-21-3. (1) No person shall engage in the business of a
930 premium finance company in this state without first having
931 obtained a license as a premium finance company from the
932 commissioner.

933 (2) With each initial application for a license, the
934 applicant shall pay to the commissioner at the time of making the
935 application a license fee of Seven Hundred Fifty Dollars
936 (\$750.00), and for renewal applications, an annual renewal fee of
937 Four Hundred Seventy-five Dollars (\$475.00) payable as of the
938 first day of July of each year to the commissioner for deposit
939 into the special fund in the State Treasury designated as the
940 "Consumer Finance Fund." The commissioner may employ persons as
941 necessary to administer this chapter and to examine or investigate
942 and make reports on violations of this chapter.

943 (3) The commissioner may charge the licensee an examination
944 fee in an amount not less than Three Hundred Dollars (\$300.00) nor
945 more than Six Hundred Dollars (\$600.00) for each office or



946 location within the State of Mississippi, plus any actual expenses
947 incurred while examining the licensee's records or books that are
948 located outside the State of Mississippi. However, in no event
949 shall a licensee be examined more than once in a two-year period
950 unless for cause shown based upon consumer complaint and/or other
951 exigent reasons as determined by the commissioner. Those fees
952 shall be payable in addition to other fees and taxes now required
953 by law and shall be expendable receipts for the use of the
954 commissioner in defraying the cost of the administration of this
955 chapter.

956 All fees, license tax and penalties provided for in this
957 chapter that are payable to the commissioner shall, when collected
958 by him or his designated representative, be deposited in the
959 special fund in the State Treasury known as the "Consumer Finance
960 Fund" and shall be expended by the commissioner solely and
961 exclusively for the purpose of administering and enforcing the
962 provisions of this chapter.

963 (4) Application for licensing shall be made on forms
964 prepared by the commissioner and shall contain the following
965 information:

966 (a) Name, business address and telephone number of the
967 premium finance company;

968 (b) Name and business address of corporate officers and
969 directors or principals or partners; and



970 (c) A sworn statement by an appropriate officer,
971 principal or partner of the premium finance company that:

972 (i) The premium finance company is financially
973 capable to engage in the business of insurance premium financing;

974 (ii) If a corporation, that the corporation is
975 authorized to transact business in this state; and

976 (iii) If any material change occurs in the
977 information contained in the registration form, a revised
978 statement shall be submitted to the commissioner.

979 (5) The commissioner is authorized to promulgate rules and
980 regulations to effectuate the purposes of this chapter. All such
981 rules and regulations shall be promulgated in accordance with the
982 provisions of the Mississippi Administrative Procedures Law.

983 (6) From and after July 1, 2016, the expenses of this agency
984 shall be defrayed by appropriation from the State General Fund and
985 all user charges and fees authorized under this section shall be
986 deposited into the State General Fund as authorized by law.

987 (7) From and after July 1, 2016, no state agency shall
988 charge another state agency a fee, assessment, rent or other
989 charge for services or resources received by authority of this
990 section.

991 **SECTION 23.** Section 81-21-9, Mississippi Code of 1972, is
992 amended as follows:

993 81-21-9. (1) In lieu of revoking or suspending the license
994 for any of the causes enumerated in this chapter, after a hearing



995 as provided in Section 81-21-7, the commissioner may subject the
996 company to a penalty not to exceed Five Hundred Dollars (\$500.00)
997 for each offense when the commissioner finds that the public
998 interest would not be harmed by the continued operation of the
999 company. The amount of any such penalty shall be paid by the
1000 company to the commissioner for deposit into the special fund in
1001 the State Treasury designated as the "Consumer Finance Fund." At
1002 any hearing provided by this chapter, the commissioner shall have
1003 authority to administer oaths to witnesses. Anyone testifying
1004 falsely, after having been administered such oath, shall be
1005 subject to the penalty of perjury.

1006 (2) If any person engages in business as provided for in
1007 this chapter without paying the license fee provided for in this
1008 chapter before commencing business or before the expiration of the
1009 person's current license, as the case may be, then the person
1010 shall be liable for the full amount of the license fee, plus a
1011 penalty in an amount not to exceed Twenty-five Dollars (\$25.00)
1012 for each day that the person has engaged in the business without a
1013 license or after the expiration of a license.

1014 (3) When the commissioner has reasonable cause to believe
1015 that a person is violating any provision of this chapter, the
1016 commissioner, in addition to and without prejudice to the
1017 authority provided elsewhere in this chapter, may enter an order
1018 requiring the person to stop and refrain from the violation. The
1019 commissioner may sue in any circuit court of the state having



1020 jurisdiction and venue to enjoin the person from engaging in or
1021 continuing the violation or from doing any act in furtherance of
1022 the violation. In such an action, the court may enter an order or
1023 judgment awarding a preliminary or permanent injunction.

1024 (4) From and after July 1, 2016, the expenses of this agency
1025 shall be defrayed by appropriation from the State General Fund and
1026 all user charges and fees authorized under this section shall be
1027 deposited into the State General Fund as authorized by law.

1028 (5) From and after July 1, 2016, no state agency shall
1029 charge another state agency a fee, assessment, rent or other
1030 charge for services or resources received by authority of this
1031 section.

1032 **SECTION 24.** Section 81-21-25, Mississippi Code of 1972, is
1033 amended as follows:

1034 81-21-25. All revenues collected by or paid to the
1035 commissioner under the provisions of Section 81-21-9 shall be
1036 forwarded immediately to the State Treasurer, who shall deposit
1037 them into the special fund in the State Treasury designated as the
1038 "Consumer Finance Fund."

1039 From and after July 1, 2016, the expenses of this agency
1040 shall be defrayed by appropriation from the State General Fund and
1041 all user charges and fees authorized under this section shall be
1042 deposited into the State General Fund as authorized by law.



1043 From and after July 1, 2016, no state agency shall charge
1044 another state agency a fee, assessment, rent or other charge for
1045 services or resources received by authority of this section.

1046 **SECTION 25.** Section 81-22-5, Mississippi Code of 1972, is
1047 amended as follows:

1048 81-22-5. (1) **Licensure and relicensure.** No person or
1049 entity may act as a debt management service provider with respect
1050 to consumers who are residents of this state without a license
1051 issued under this chapter. The license application must be in a
1052 form prescribed by the commissioner. The commissioner may refuse
1053 the application if it contains erroneous or incomplete
1054 information. A license may not be issued unless the commissioner,
1055 upon investigation, finds that the financial soundness and
1056 responsibility, insurance coverage, consumer education programs
1057 and services component, character and fitness of the applicant
1058 and, when applicable, its partners, officers or directors, warrant
1059 belief that the business will be operated honestly and fairly
1060 within the purposes of this chapter. Each license shall remain in
1061 full force and effect until relinquished, suspended, revoked or
1062 expired. With each initial application for a license, the
1063 applicant shall pay to the commissioner a license fee of Seven
1064 Hundred Fifty Dollars (\$750.00), and on or before December 31 of
1065 each year thereafter, an annual renewal fee of Four Hundred
1066 Seventy-five Dollars (\$475.00). If the annual renewal fee remains
1067 unpaid after December 31, the license shall expire. If any person



1068 engages in business as provided for in this chapter without paying
1069 the license fee provided for in this subsection before beginning
1070 business or before the expiration of the person's current license,
1071 as the case may be, then the person shall be liable for the full
1072 amount of the license fee, plus a penalty in an amount not to
1073 exceed Twenty-five Dollars (\$25.00) for each day that the person
1074 has engaged in such business without a license or after the
1075 expiration of a license. All licensing fees and penalties shall
1076 be paid into the Consumer Finance Fund of the department.

1077 (2) **Action on registration application.** The commissioner
1078 shall take action on an application within thirty (30) days after
1079 the commissioner has accepted the application as complete. Upon
1080 written request, the applicant is entitled to a hearing on the
1081 question of the applicant's qualifications for license if the
1082 commissioner has notified the applicant in writing that the
1083 application has been denied or the commissioner has not issued a
1084 license within thirty (30) days after the application for the
1085 license was accepted as complete by the commissioner. A request
1086 for a hearing may not be made more than sixty (60) days after the
1087 application was accepted as complete or the commissioner has
1088 mailed a written notice to the applicant stating that the
1089 application has been denied and stating the reasons for the denial
1090 of the application.

1091 (3) From and after July 1, 2016, the expenses of this agency
1092 shall be defrayed by appropriation from the State General Fund and



1093 all user charges and fees authorized under this section shall be
1094 deposited into the State General Fund as authorized by law.

1095 (4) From and after July 1, 2016, no state agency shall
1096 charge another state agency a fee, assessment, rent or other
1097 charge for services or resources received by authority of this
1098 section.

1099 **SECTION 26.** Section 81-22-23, Mississippi Code of 1972, is
1100 amended as follows:

1101 81-22-23. (1) **Violations; unfair, unconscionable or**
1102 **deceptive practices.** A debt management service provider that
1103 violates any provision of this chapter or any rule adopted by the
1104 commissioner, or that through any unfair, unconscionable or
1105 deceptive practice causes actual damage to a consumer is subject
1106 to enforcement action under subsection (2) of this section.

1107 (2) **Enforcement actions.** The following enforcement actions
1108 may be taken by the commissioner or an aggrieved consumer against
1109 a debt management service provider for violations of any provision
1110 of this chapter or any rule adopted under this chapter, or for
1111 unfair, unconscionable or deceptive practices that cause actual
1112 damage to a consumer:

1113 (a) When the commissioner has reasonable cause to
1114 believe that a person is violating any provision of this chapter,
1115 the commissioner, in addition to and without prejudice to the
1116 authority provided elsewhere in this chapter, may enter an order
1117 requiring the person to stop or to refrain from the violation.



1118 The commissioner may sue in any chancery court of the state having
1119 jurisdiction and venue to enjoin the person from engaging in or
1120 continuing the violation or from doing any act in furtherance of
1121 the violation. In such an action, the court may enter an order or
1122 judgment awarding a preliminary or permanent injunction;

1123 (b) The commissioner may, after notice and hearing,
1124 impose a civil penalty against any licensee if the licensee,
1125 individual required to be registered, or employee is adjudged by
1126 the commissioner to be in violation of the provisions of this
1127 chapter. The civil penalty shall not exceed Five Hundred Dollars
1128 (\$500.00) per violation and shall be deposited into the Consumer
1129 Finance Fund of the department;

1130 (c) The state may enforce its rights under the surety
1131 bond as required in Section 81-22-7 as an available remedy for the
1132 collection of any civil penalties, criminal fines or costs of
1133 investigation and/or prosecution incurred;

1134 (d) A civil action by an aggrieved consumer in which
1135 that consumer has the right to recover actual damages from the
1136 debt management service provider in an amount determined by the
1137 court plus costs of the action together with reasonable attorney's
1138 fees; or

1139 (e) Revocation, suspension or nonrenewal of the debt
1140 management service provider's license under Section 81-22-25.

1141 (3) From and after July 1, 2016, the expenses of this agency
1142 shall be defrayed by appropriation from the State General Fund and



1143 all user charges and fees authorized under this section shall be
1144 deposited into the State General Fund as authorized by law.

1145 (4) From and after July 1, 2016, no state agency shall
1146 charge another state agency a fee, assessment, rent or other
1147 charge for services or resources received by authority of this
1148 section.

1149 **SECTION 27.** Section 81-1-75, Mississippi Code of 1972, is
1150 amended as follows:

1151 81-1-75. The department shall be supplied with all necessary
1152 office furniture, fixtures and equipment, which shall be purchased
1153 by the commissioner and paid for out of the department maintenance
1154 fund on voucher signed by the commissioner. All necessary
1155 postage, stationery, expressage, books, telephone and telegraph
1156 messages, printing expenses and all premiums on bonds and all
1157 other office expenses of the department shall be allowed and paid
1158 for in the same manner as the office equipment and fixtures.

1159 From and after July 1, 2016, the expenses of this agency
1160 shall be defrayed by appropriation from the State General Fund and
1161 all user charges and fees authorized under this section shall be
1162 deposited into the State General Fund as authorized by law.

1163 From and after July 1, 2016, no state agency shall charge
1164 another state agency a fee, assessment, rent or other charge for
1165 services or resources received by authority of this section.

1166 **SECTION 28.** Section 81-1-87, Mississippi Code of 1972, is
1167 amended as follows:



1168 81-1-87. The commissioner or an examiner, in all cases where
1169 the testimony of witnesses is to be preserved, shall have the
1170 right to have the case taken down and transcribed by a
1171 stenographer, and the stenographer so employed shall be duly
1172 sworn. The stenographer's certificate that the transcript of such
1173 evidence is correct, together with the official certificate of the
1174 commissioner or examiner that he has read the same and that it is,
1175 in his opinion, correct, shall entitle such transcript, or a
1176 certified copy thereof, to be received in evidence as relevant,
1177 material and competent. Such stenographer shall be paid at the
1178 same rates as that then currently in effect for similar duties
1179 performed by the chancery court reporter for the county in which
1180 the testimony of the witnesses is to be taken and preserved. The
1181 stenographer shall be paid out of the department maintenance fund
1182 on voucher approved by the commissioner or examiner employing such
1183 stenographer, accompanied with an itemized statement of services
1184 rendered.

1185 From and after July 1, 2016, the expenses of this agency
1186 shall be defrayed by appropriation from the State General Fund and
1187 all user charges and fees authorized under this section shall be
1188 deposited into the State General Fund as authorized by law.

1189 From and after July 1, 2016, no state agency shall charge
1190 another state agency a fee, assessment, rent or other charge for
1191 services or resources received by authority of this section.



1192 **SECTION 29.** Section 81-1-93, Mississippi Code of 1972, is
1193 amended as follows:

1194 81-1-93. The commissioner may make special examinations or
1195 render special services to banks, either at the request of banks
1196 desiring same, or at his own instance. The commissioner shall
1197 have discretion to decide whether any examinations or services are
1198 sufficiently urgent, out of routine, or extraordinary to be
1199 denominated special examinations or services. When any special
1200 examination or services are rendered and so denominated by the
1201 commissioner he shall charge the bank so examined or served the
1202 cost based on the average daily cost of all examiners of the
1203 department plus actual and necessary expenses. The bank so
1204 receiving such special examination or services shall pay the per
1205 diem and expenses of each appointed examiner performing the work
1206 to the commissioner, who in turn will pay the amount into the
1207 department maintenance fund and disburse to the examiner directly
1208 the amount of his services. An examiner who is on the state
1209 payroll may perform such services but the funds so derived from
1210 his services shall be paid into the department maintenance fund,
1211 and no examiner shall be allowed to draw from a salary and
1212 expenses from both the bank and the state.

1213 From and after July 1, 2016, the expenses of this agency
1214 shall be defrayed by appropriation from the State General Fund and
1215 all user charges and fees authorized under this section shall be
1216 deposited into the State General Fund as authorized by law.



1217 From and after July 1, 2016, no state agency shall charge
1218 another state agency a fee, assessment, rent or other charge for
1219 services or resources received by authority of this section.

1220 **SECTION 30.** Section 81-1-99, Mississippi Code of 1972, is
1221 amended as follows:

1222 81-1-99. A copy of the call reports of any bank shall be
1223 furnished to any person or corporation requesting the same for a
1224 reasonable fee prescribed by the commissioner, which shall be
1225 collected by the commissioner and shall be paid into the
1226 department maintenance fund. If the commissioner fails or refuses
1227 to furnish copies of the report when so requested and tendered the
1228 proper fee; or if he fails to account for any such fees received
1229 by him; or if any person other than the commissioner, deputy
1230 commissioner, an examiner, or assistant furnishes any copy of such
1231 bank report to anyone, whether for a consideration or without
1232 consideration, such person shall be guilty of a misdemeanor and
1233 shall be fined not less than Fifty Dollars (\$50.00) or be
1234 imprisoned not more than one (1) month in the county jail, or
1235 both. However, this section shall not be construed to prevent any
1236 officer of the bank from furnishing to anyone a statement of such
1237 bank.

1238 From and after July 1, 2016, the expenses of this agency
1239 shall be defrayed by appropriation from the State General Fund and
1240 all user charges and fees authorized under this section shall be
1241 deposited into the State General Fund as authorized by law.



1242 From and after July 1, 2016, no state agency shall charge
1243 another state agency a fee, assessment, rent or other charge for
1244 services or resources received by authority of this section.

1245 **SECTION 31.** Section 81-1-100, Mississippi Code of 1972, is
1246 amended as follows:

1247 81-1-100. (1) The commissioner shall obtain each year from
1248 the appropriate federal financial supervisory agency or agencies
1249 the public sections of the written evaluations prepared pursuant
1250 to 12 USCS Section 2906 of the Community Reinvestment Act, as
1251 amended (12 USCS Section 2901 et seq.), of each state bank and
1252 national bank located in Mississippi and each bank holding company
1253 that controls any bank located in Mississippi. Once each year the
1254 commissioner shall publish in some newspaper having a general
1255 circulation in the state a statement that the public section of
1256 the written evaluation prepared pursuant to 12 USCS Section 2906
1257 of the Community Reinvestment Act, as amended (12 USCS Section
1258 2901 et seq.), of each such bank and bank holding company is
1259 maintained in the office of the commissioner and will be made
1260 available for inspection to any person upon request during
1261 business hours, and that copies of all or part of any evaluation
1262 will be furnished to any person upon request for a reasonable
1263 copying fee prescribed by the commissioner.

1264 (2) For the purposes of this section, the term "appropriate
1265 federal financial supervisory agency" shall have the same meaning
1266 as the definition in 12 USCS Section 2902.



1267 (3) From and after July 1, 2016, the expenses of this agency
1268 shall be defrayed by appropriation from the State General Fund and
1269 all user charges and fees authorized under this section shall be
1270 deposited into the State General Fund as authorized by law.

1271 (4) From and after July 1, 2016, no state agency shall
1272 charge another state agency a fee, assessment, rent or other
1273 charge for services or resources received by authority of this
1274 section.

1275 **SECTION 32.** Section 81-1-107, Mississippi Code of 1972, is
1276 amended as follows:

1277 81-1-107. Every bank organized under the laws of this state
1278 engaging in the business of a commercial bank, trust company or
1279 any combination thereof, is assessed for each year the sum of
1280 Seventy-five Dollars (\$75.00) and every such corporation whose
1281 total assets exceed One Hundred Thousand Dollars (\$100,000.00)
1282 shall further pay in addition to the minimum assessment of
1283 Seventy-five Dollars (\$75.00), Fifty Cents (50¢) for each One
1284 Thousand Dollars (\$1,000.00) or fraction thereof of assets in
1285 excess of One Hundred Thousand Dollars (\$100,000.00). All money
1286 accruing from such assessment shall be used for the maintenance of
1287 the department.

1288 The commissioner shall, during the month of January in each
1289 year, or as soon thereafter as practicable, prepare a statement of
1290 the assessments due under this section based upon the total assets
1291 of each such corporation, as shown by its last report, which shall



1292 be paid as called for by the commissioner. He shall send to each
1293 such corporation a statement of the amount due by it, which shall
1294 specify how the same shall be payable. The assessment shall be
1295 due and payable in accordance with the statement so furnished and
1296 the installments thereof shall be paid within ten (10) days after
1297 the date fixed for their payment. Such assessment shall
1298 constitute a lien on the assets of each bank until paid. Any such
1299 corporation failing to make payment within ten (10) days as herein
1300 provided shall be liable to a penalty of ten percent (10%) of the
1301 amount in default for each day thereafter. All assessments and
1302 penalties provided in this section shall be payable to the
1303 commissioner and when collected by him shall be delivered to the
1304 State Treasurer to be placed to the credit of the maintenance fund
1305 of the department. The commissioner shall give a receipt for all
1306 money received by him and shall take a receipt from the State
1307 Treasurer for all money delivered to him. In making any call for
1308 the assessment levied by this section the commissioner shall
1309 estimate the cost of maintaining the department for the current
1310 year, and if the assessments hereby levied shall appear to produce
1311 more than such estimate, he shall reduce accordingly the Fifty
1312 Cents (50¢) per One Thousand Dollars (\$1,000.00) of assets
1313 assessment provided in this section. The cash balance remaining
1314 in the maintenance fund of the department at the end of any one
1315 (1) fiscal year shall be credited to and reduce the assessments of
1316 the following fiscal year on a pro rata basis.



1317 From and after July 1, 2016, the expenses of this agency
1318 shall be defrayed by appropriation from the State General Fund and
1319 all user charges and fees authorized under this section shall be
1320 deposited into the State General Fund as authorized by law.

1321 From and after July 1, 2016, no state agency shall charge
1322 another state agency a fee, assessment, rent or other charge for
1323 services or resources received by authority of this section.

1324 **SECTION 33.** Section 81-1-111, Mississippi Code of 1972, is
1325 amended as follows:

1326 81-1-111. For the purpose of carrying into effect the
1327 provisions of Title 81 of the Mississippi Code of 1972, the
1328 commissioner shall provide the necessary forms. All reports
1329 received by the commissioner shall be preserved by him in the
1330 department. The State Treasurer is authorized to provide forms
1331 and record books for the office of the commissioner, and such
1332 forms and record books shall be paid for upon order of the
1333 commissioner out of the department maintenance fund.

1334 From and after July 1, 2016, the expenses of this agency
1335 shall be defrayed by appropriation from the State General Fund and
1336 all user charges and fees authorized under this section shall be
1337 deposited into the State General Fund as authorized by law.

1338 From and after July 1, 2016, no state agency shall charge
1339 another state agency a fee, assessment, rent or other charge for
1340 services or resources received by authority of this section.



1341 **SECTION 34.** Section 81-1-115, Mississippi Code of 1972, is
1342 amended as follows:

1343 81-1-115. (1) The department shall charge and collect for:

1344 (a) Filing articles of incorporation of banking
1345 corporations and credit unions, and issuing a certificate of
1346 incorporation, a minimum fee of Five Hundred Dollars (\$500.00) up
1347 to a maximum fee of Two Thousand Five Hundred Dollars (\$2,500.00),
1348 as fixed by the commissioner.

1349 (b) Filing articles of merger when the resulting bank
1350 or credit union is a state bank or credit union, a minimum fee of
1351 Five Hundred Dollars (\$500.00) up to a maximum fee of Two Thousand
1352 Five Hundred Dollars (\$2,500.00), as fixed by the commissioner.

1353 (c) Filing an application for conversion from a
1354 national bank, state or federal thrift, or credit union to a state
1355 bank or credit union, a minimum fee of Five Hundred Dollars
1356 (\$500.00) up to a maximum fee of Two Thousand Five Hundred Dollars
1357 (\$2,500.00), as fixed by the commissioner.

1358 (d) Filing an application for a branch bank or credit
1359 union, a minimum fee of Two Hundred Fifty Dollars (\$250.00) up to
1360 a maximum fee of One Thousand Five Hundred Dollars (\$1,500.00), as
1361 fixed by the commissioner.

1362 (e) Filing an application for a Loan Production Office
1363 (LPO), a minimum fee of Fifty Dollars (\$50.00) up to a maximum fee
1364 of Five Hundred Dollars (\$500.00), as fixed by the commissioner.



1365 (f) Filing an application for an electronic terminal, a
1366 minimum fee of Two Hundred Fifty Dollars (\$250.00) up to a maximum
1367 fee of One Thousand Five Hundred Dollars (\$1,500.00), as fixed by
1368 the commissioner.

1369 (g) Filing an application to establish out-of-state
1370 branch offices by in-state banks and credit unions, a minimum fee
1371 of Five Hundred Dollars (\$500.00) up to a maximum fee of One
1372 Thousand Five Hundred Dollars (\$1,500.00), as fixed by the
1373 commissioner.

1374 (h) Filing an application to establish in-state branch
1375 offices by an out-of-state bank or credit union, a minimum fee of
1376 Five Hundred Dollars (\$500.00) up to a maximum fee of One Thousand
1377 Five Hundred Dollars (\$1,500.00), as fixed by the commissioner.

1378 (i) Filing an application to establish a branch of a
1379 foreign bank, a minimum fee of Five Hundred Dollars (\$500.00) up
1380 to a maximum fee of Two Thousand Five Hundred Dollars (\$2,500.00),
1381 as fixed by the commissioner.

1382 (2) The commissioner shall publish a schedule of fees
1383 applicable to all banks within his jurisdiction.

1384 (3) From and after July 1, 2016, the expenses of this agency
1385 shall be defrayed by appropriation from the State General Fund and
1386 all user charges and fees authorized under this section shall be
1387 deposited into the State General Fund as authorized by law.

1388 (4) From and after July 1, 2016, no state agency shall
1389 charge another state agency a fee, assessment, rent or other



1390 charge for services or resources received by authority of this
1391 section.

1392 **SECTION 35.** Section 81-3-12, Mississippi Code of 1972, is
1393 amended as follows:

1394 81-3-12. (1) There is created the State Board of Banking
1395 Review, which shall be composed of five (5) members appointed by
1396 the Governor as provided in this section, one (1) of whom shall be
1397 from the First Supreme Court District, one (1) of whom shall be
1398 from the Second Supreme Court District, one (1) of whom shall be
1399 from the Third Supreme Court District, and two (2) of whom shall
1400 be from the state at large. The members appointed from the state
1401 at large shall be designated as representatives of the banks and
1402 shall be active executive officers or directors of state chartered
1403 banks with actual practical experience of at least five (5) years
1404 therein. The members appointed from each Supreme Court District
1405 shall be persons knowledgeable in economic affairs and of
1406 recognized ability in a trade or business, with at least three (3)
1407 years' actual experience therein, but shall not presently be
1408 officers or directors in any banking corporation, shall not have
1409 been officers or directors in any banking corporation for the past
1410 five (5) years immediately prior to their appointment to the
1411 board, shall not become officers or directors of any banking
1412 corporation while serving on the board, and shall not be the
1413 beneficial owner, directly or indirectly, of five percent (5%) or
1414 more of the capital stock in any banking corporation; such persons



1415 shall be designated representatives of borrowers and depositors.
1416 Each member shall be eligible for reappointment at the discretion
1417 of the Governor. The board shall elect from its number a chairman
1418 and a vice chairman. Each member of the board shall be a citizen
1419 of the United States, a resident of the State of Mississippi and a
1420 qualified elector therein, of integrity and sound and nonpartisan
1421 judgment. Each member shall qualify by taking the oath of office
1422 and shall hold office until his successor is appointed and
1423 qualified.

1424 (2) On March 21, 1980, the board shall be appointed as
1425 follows: The Governor shall appoint one (1) member from the Third
1426 Supreme Court District for a term of one (1) year, one (1) member
1427 from the Second Supreme Court District for a term of two (2)
1428 years, one (1) member from the First Supreme Court District for a
1429 term of three (3) years, one (1) member from the state at large
1430 for a term of four (4) years, and one (1) member from the state at
1431 large for a term of five (5) years. Upon the expiration of the
1432 foregoing terms, members shall be appointed by the Governor for
1433 terms of five (5) years. The Governor shall fill any vacancy in
1434 the above terms by appointment of a member for the unexpired term.
1435 All appointments shall be with the advice and consent of the
1436 Senate.

1437 (3) The members of the board shall serve without
1438 compensation except that members shall be paid their actual and
1439 necessary expenses in connection with the performance of their



1440 duties as members of the board, including mileage, as authorized
1441 in Section 25-3-41, plus a per diem as is authorized by law while
1442 engaged in the performance of such duties. Such expenses, mileage
1443 and per diem allowance shall be paid out of the maintenance fund
1444 of the Department of Banking and Consumer Finance.

1445 (4) If an application for authority to establish a bank,
1446 branch bank or branch office be filed with the commissioner for
1447 consideration from any municipality or county of which the member
1448 of the board who is a representative of the banks is a resident,
1449 or if such application is filed from any county in which the
1450 member's bank has a branch bank or branch office, such member
1451 shall be ineligible to serve in consideration and determination of
1452 such application, and the commissioner shall certify such fact to
1453 the Governor who shall thereupon appoint another banker from the
1454 same geographical location as the member who is ineligible to
1455 serve on the board in the place and stead of such member during
1456 consideration of such application.

1457 (5) In addition to its other duties and powers, the board
1458 may adopt reasonable rules or regulations, consistent with
1459 applicable provisions of law, concerning the conduct of board
1460 meetings and hearings and all formal and informal board procedures
1461 relating to such meetings and hearings. The board shall have
1462 authority, with respect to its hearings or meetings, to determine
1463 the order and form in which evidence may be presented and to
1464 impose reasonable time limitations on presentation of evidence.



1465 (6) From and after July 1, 2016, the expenses of this agency
1466 shall be defrayed by appropriation from the State General Fund and
1467 all user charges and fees authorized under this section shall be
1468 deposited into the State General Fund as authorized by law.

1469 (7) From and after July 1, 2016, no state agency shall
1470 charge another state agency a fee, assessment, rent or other
1471 charge for services or resources received by authority of this
1472 section.

1473 **SECTION 36.** Section 81-7-1, Mississippi Code of 1972, is
1474 amended as follows:

1475 81-7-1. (1) Banks may establish branch banks under the
1476 restrictions prescribed in this chapter, but no branch bank may be
1477 established unless the parent bank shall have first obtained from
1478 the commissioner a certificate that the public convenience and
1479 necessity will be promoted by the establishment of such branch
1480 bank. Applications seeking permission for the establishment of
1481 branch banks shall be filed with the commissioner and shall be in
1482 such form and contain such information as the commissioner by
1483 regulation may require. A separate application shall be filed for
1484 each branch bank proposed to be established, and each application
1485 shall be accompanied by the fee required by statute, which shall
1486 be transferred by the commissioner into the maintenance fund of
1487 the Department of Banking and Consumer Finance.

1488 (2) Upon receipt of such application, the commissioner shall
1489 immediately give written notice of the filing of said application



1490 to all banks having their domicile or a branch bank or branch
1491 office in the county in which the applicant bank maintains its
1492 principal office, together with all banks, branch banks or branch
1493 offices located in the county in which the proposed branch bank is
1494 to be located, and to such other banks and interested parties
1495 that, in the opinion of the commissioner, may have an interest in
1496 the application; and the commissioner shall also at the same time
1497 publish such notice once in a newspaper having a general
1498 circulation in the county in which the proposed branch bank is to
1499 be located. Any interested party may file a written protest to
1500 said application with the commissioner within thirty (30) days
1501 from the date of the mailing and publishing of said notice. Any
1502 protest shall specify the interest of the protestant in the
1503 application and state the grounds for the protest.

1504 (3) If no protest is filed within the time prescribed, the
1505 commissioner shall investigate the facts and render a final
1506 decision within sixty (60) days after receipt of the application
1507 as to whether the public convenience and necessity requires the
1508 establishment of the proposed branch bank, said decision to be
1509 based upon the results of the commissioner's investigation, the
1510 contents of the application and any additional evidence which the
1511 commissioner may request the applicant to furnish. If his
1512 decision is favorable to the applicant, he shall immediately grant
1513 the applicant a certificate to establish and operate the branch
1514 bank. If the commissioner's decision shall be unfavorable to the



1515 applicant, he shall immediately furnish the applicant bank a copy
1516 of his final decision.

1517 Appeals from an unfavorable final decision may be taken by
1518 the applicant bank to the State Board of Banking Review by filing
1519 a notice of appeal with the commissioner within ten (10) days
1520 after the commissioner has rendered his final decision. The
1521 commissioner shall inform the board of such appeal, and the board
1522 shall hold a hearing on the matter within sixty (60) days after
1523 such notice is filed. At the hearing the board shall consider the
1524 findings and decision of the commissioner, shall hear such oral
1525 testimony as the commissioner may wish to give and shall also
1526 receive information and testimony from the applicant bank. The
1527 board may also consider such other information and evidence as it
1528 deems necessary to dispose of the application. The board shall
1529 render a decision within sixty (60) days after the conclusion of
1530 the final hearing on the matter. If the board's decision is
1531 favorable to the applicant, the commissioner shall immediately
1532 grant to the applicant a certificate to establish and operate the
1533 branch bank. If the board's decision is unfavorable to the
1534 applicant, the commissioner shall immediately furnish the
1535 applicant a copy of the board's final decision.

1536 Appeals from an unfavorable board decision may be taken by
1537 the applicant bank within ten (10) days from the date of the
1538 board's order to the chancery court of the county in which the
1539 proposed branch bank is to be located. Except as otherwise



1540 provided herein, appeals by an applicant bank from the State Board
1541 of Banking Review to a chancery court shall be taken in the manner
1542 set forth in Section 81-3-13(2), which governs appeals from the
1543 State Board of Banking Review in regard to the incorporation of a
1544 new bank.

1545 (4) If a protest to an application to establish a branch
1546 bank is received by the commissioner within the prescribed time,
1547 he shall investigate the facts and submit said application, the
1548 results of his investigation, and his recommendations as to the
1549 disposition of said application to the State Board of Banking
1550 Review within sixty (60) days after receipt of the application.
1551 The board shall hold a hearing on the matter within one hundred
1552 twenty (120) days after the application is received and render a
1553 final decision thereon within sixty (60) days after the conclusion
1554 of the final board hearing. Except as otherwise provided herein,
1555 the board shall conduct its proceedings in accordance with Section
1556 81-3-13(1), which prescribes the procedures for actions by the
1557 board on applications to establish new banks.

1558 Appeals from any final decision of the State Board of Banking
1559 Review acting upon a contested application may be taken by the
1560 applicant or any interested organization, person or persons who
1561 have participated in the proceeding and feel aggrieved by such
1562 decision. Such appeals shall be taken within ten (10) days from
1563 the date of the board's order to the chancery court of the county
1564 in which the proposed branch bank is to be located. Except as



1565 otherwise provided herein, appeals from the State Board of Banking
1566 Review to a chancery court shall be taken in the manner set forth
1567 in Section 81-3-13(2), which governs appeals from the State Board
1568 of Banking Review in regard to the incorporation of a new bank.

1569 (5) Notwithstanding the foregoing and any other provision of
1570 law to the contrary, if a branch bank has not been established and
1571 is not in operation within two (2) years from the date of the
1572 certificate approving such branch bank or within two (2) years
1573 from the date upon which any appellate litigation with respect to
1574 such certificate has been concluded, the certificate shall expire.
1575 Provided, however, the State Board of Banking Review may extend
1576 for good cause shown said two-year period a maximum number of two
1577 (2) times for periods not exceeding six (6) months each. This
1578 provision shall in no way affect certificates issued prior to
1579 March 21, 1980.

1580 (6) Notwithstanding the foregoing and any other provision of
1581 law to the contrary, the commissioner may grant by regulation
1582 eligible banks, as defined in Section 81-3-1, certain preferences
1583 with respect to new branch activity which may include, but are not
1584 limited to, an expedited approval process.

1585 (7) From and after July 1, 2016, the expenses of this agency
1586 shall be defrayed by appropriation from the State General Fund and
1587 all user charges and fees authorized under this section shall be
1588 deposited into the State General Fund as authorized by law.



1589 (8) From and after July 1, 2016, no state agency shall
1590 charge another state agency a fee, assessment, rent or other
1591 charge for services or resources received by authority of this
1592 section.

1593 **SECTION 37.** Section 81-9-7, Mississippi Code of 1972, is
1594 amended as follows:

1595 81-9-7. If the Commissioner of Banking and Consumer Finance
1596 shall close a bank as provided in this chapter and the assets
1597 thereof shall not be promptly sold as provided in Section 81-9-11,
1598 he shall immediately place in charge an examiner, whose salary and
1599 expenses, including auditing and clerical help, shall be paid out
1600 of the assets of the bank and not out of the Department of Banking
1601 and Consumer Finance Maintenance Fund.

1602 From and after July 1, 2016, the expenses of this agency
1603 shall be defrayed by appropriation from the State General Fund and
1604 all user charges and fees authorized under this section shall be
1605 deposited into the State General Fund as authorized by law.

1606 From and after July 1, 2016, no state agency shall charge
1607 another state agency a fee, assessment, rent or other charge for
1608 services or resources received by authority of this section.

1609 **SECTION 38.** Section 81-12-229, Mississippi Code of 1972, is
1610 amended as follows:

1611 81-12-229. A copy of the call reports of any association
1612 shall be furnished to any person or corporation requesting the
1613 same for a reasonable fee prescribed by the commissioner, which



1614 shall be collected by the commissioner and shall be paid into the
1615 department maintenance fund. If the commissioner fails or refuses
1616 to furnish copies of the report when so requested and tendered the
1617 proper fee; or if he fails to account for any such fees received
1618 by him; or if any person other than the commissioner, deputy
1619 commissioner, an examiner, or assistant furnishes any copy of such
1620 association report to anyone, whether for a consideration or
1621 without consideration, such person shall be guilty of a
1622 misdemeanor and shall be fined not less than Fifty Dollars
1623 (\$50.00) or be imprisoned not more than one (1) month in the
1624 county jail, or both. However, this section shall not be
1625 construed to prevent any officer of the association from
1626 furnishing to anyone a statement of such association.

1627 From and after July 1, 2016, the expenses of this agency
1628 shall be defrayed by appropriation from the State General Fund and
1629 all user charges and fees authorized under this section shall be
1630 deposited into the State General Fund as authorized by law.

1631 From and after July 1, 2016, no state agency shall charge
1632 another state agency a fee, assessment, rent or other charge for
1633 services or resources received by authority of this section.

1634 **SECTION 39.** Section 81-14-179, Mississippi Code of 1972, is
1635 amended as follows:

1636 81-14-179. A copy of the call reports of any savings bank
1637 shall be furnished to any person or corporation requesting the
1638 same for a reasonable fee prescribed by the commissioner, which



1639 shall be collected by the commissioner and shall be paid into the
1640 department maintenance fund. If the commissioner fails or refuses
1641 to furnish copies of the report when so requested and tendered the
1642 proper fee; or if he fails to account for any such fees received
1643 by him; or if any person other than the commissioner, deputy
1644 commissioner, an examiner, or assistant furnishes any copy of such
1645 savings bank report to anyone, whether for a consideration or
1646 without consideration, such person shall be guilty of a
1647 misdemeanor and shall be fined not less than Fifty Dollars
1648 (\$50.00) or be imprisoned not more than one (1) month in the
1649 county jail, or both. However, this section shall not be
1650 construed to prevent any officer of the savings bank from
1651 furnishing to anyone a statement of such savings bank.

1652 From and after July 1, 2016, the expenses of this agency
1653 shall be defrayed by appropriation from the State General Fund and
1654 all user charges and fees authorized under this section shall be
1655 deposited into the State General Fund as authorized by law.

1656 From and after July 1, 2016, no state agency shall charge
1657 another state agency a fee, assessment, rent or other charge for
1658 services or resources received by authority of this section.

1659 **SECTION 40.** Section 81-27-4.103, Mississippi Code of 1972,
1660 is amended as follows:

1661 81-27-4.103. (a) Before any trust company may be organized
1662 and formed, the prospective incorporators shall give notice to the
1663 commissioner of their desire to engage in trust activities and



1664 apply for a certificate of authority to incorporate, and shall at
1665 the time file with the commissioner a copy of the proposed
1666 articles of incorporation, duly sworn to by one (1) of the
1667 prospective incorporators. The commissioner shall promptly give
1668 consideration to the application and make an examination of the
1669 proposed articles of incorporation to determine if they meet all
1670 requirements of law. The commissioner shall then make an
1671 investigation to determine if the necessity and other factors
1672 mentioned in Article 4 of this chapter requires that the proposed
1673 new trust company should be chartered and permitted to operate.

1674 When the commissioner has completed the examination and made
1675 his investigation, he shall record his findings in writing and
1676 shall draw up his recommendations to the State Board of Banking
1677 Review, established in Section 81-3-12. At the request of the
1678 chairman, he shall thereupon, in writing, call a meeting of the
1679 board to give consideration to his findings and recommendations,
1680 such call to be issued at least ten (10) days in advance of the
1681 meeting. Such meetings shall be held within one hundred twenty
1682 (120) days from the date on which the prospective incorporators
1683 gave notice to the commissioner of their desire to engage in trust
1684 activities, applied for a certificate of authority to incorporate,
1685 and filed with the commissioner a copy of the proposed articles of
1686 incorporation. The commissioner shall at the same time give
1687 notice of the meeting of the board to the prospective
1688 incorporators of the proposed new trust company and to any and all



1689 other interested persons and shall extend to them an invitation to
1690 be heard in writing or in person by the board.

1691 The board, at its meeting, shall consider the findings and
1692 recommendations of the commissioner and shall hear such oral
1693 testimony as he may wish to give, and shall also receive
1694 information and hear testimony from the prospective organizers of
1695 the proposed new trust company and from any and all other
1696 interested persons bearing upon the public necessity for the
1697 organization and operation of the new trust company.

1698 After considering the record submitted to it by the
1699 commissioner and his oral testimony and considering such other
1700 information and evidence, either written or oral, which has come
1701 before it, the board shall decide if it has before it sufficient
1702 information and evidence upon which it can dispose of the
1703 application to form the new trust company. If it is determined
1704 that evidence and information is not sufficient, then the board
1705 shall order the commissioner to secure such additional information
1706 and evidence as it may prescribe or shall request from the
1707 prospective incorporators and from other interested persons. The
1708 board shall thereupon set a date for a future meeting to be held
1709 before the expiration of the aforementioned one-hundred-twenty-day
1710 time limit and shall give to the prospective incorporators and
1711 other interested persons notice of such meeting, and shall recess
1712 the meeting then being held until such future date. The board
1713 shall have and is vested with the power to compel attendance of



1714 witnesses just as is the commissioner or examiner as provided for
1715 in Section 81-1-85, and all testimony given before the board shall
1716 be taken down and transcribed by a stenographer in the manner
1717 prescribed in Section 81-1-87.

1718 If the board, or a majority thereof, determines that it has
1719 before it sufficient evidence and information upon which to base a
1720 decision, then it shall render a written opinion and decision in
1721 the matter within sixty (60) days after the conclusion of the
1722 final board hearing. If its decision is favorable, then the board
1723 shall order the commissioner to give to such prospective
1724 incorporators a certificate under his hand and official seal of
1725 the Department of Banking and Consumer Finance authorizing the
1726 prospective incorporators to proceed to incorporate and organize
1727 as is provided in Section 81-27-4.102.

1728 When a certificate of incorporation is sought in order to
1729 effect the acquisition of an insolvent trust company any
1730 constraints of time imposed by this subsection shall not apply if
1731 the commissioner determines that an emergency exists which
1732 requires expedition of the procedure for granting a certificate in
1733 order to protect the interests of the public and the interests of
1734 the clients of the insolvent trust company.

1735 (b) If the decision of the board, or a majority thereof, is
1736 unfavorable to the organization of the proposed new trust company,
1737 it shall render a written opinion and decision giving its reason
1738 for rejection within sixty (60) days after the conclusion of the



1739 final board hearing in the matter, and the commissioner shall so
1740 advise the prospective incorporators, giving them a copy of the
1741 written decision and opinion of the board. If the prospective
1742 incorporators are aggrieved at the unfavorable decision of the
1743 board in denying a certificate authorizing them to proceed with
1744 the incorporation of the proposed new trust company and the
1745 organization thereof, they shall have the right of appeal to the
1746 chancery court of the county in which the proposed trust company
1747 is to be located, which appeal shall be taken and perfected within
1748 sixty (60) days from the date of the denial of such certificate.
1749 The denial of the certificate by the board shall be construed as a
1750 judicial finding and appealable as such. All such appeals shall
1751 be taken, perfected, heard and determined either in termtime or
1752 vacation, and such appeals shall be heard and disposed of promptly
1753 by the court. Appeals from the board shall be taken and perfected
1754 by the filing of a bond in the sum of Two Hundred Fifty Dollars
1755 (\$250.00), with two (2) sureties, or with a surety company
1756 qualified to do business in Mississippi as surety, conditioned to
1757 pay the costs of the appeal, the bond to be approved by the clerk
1758 of the chancery court, and such bond shall be payable to the state
1759 and may be enforced in its name as other judicial bonds filed in
1760 the chancery court, and judgment may be entered upon such bonds
1761 and process and execution shall issue upon such judgments as
1762 provided by law in other cases. Appeals may be taken from the
1763 chancery court to the Supreme Court in the manner provided by law.



1764 Upon approval of the bond by the clerk of the chancery court the
1765 clerk shall give notice to the commissioner of the appeal from the
1766 decision of the board, and it thereupon shall be the duty of the
1767 commissioner to promptly transmit to the clerk of the chancery
1768 court in which the appeal is pending the original or a certified
1769 copy of the application, proposed charter of incorporation, and
1770 his findings or decision thereon together with the opinion and
1771 decision of the board, including a transcript of pleadings and
1772 testimony, both oral and documentary, which shall be docketed by
1773 the clerk and shall be tried by the court. In perfecting such
1774 appeals, the provisions of law respecting notice to reporters and
1775 allowance of bills of exception, now or hereafter in force
1776 respecting appeals from the chancery court to the Supreme Court
1777 shall be applicable thereto. If the prospective incorporators of
1778 the proposed new trust company prevail, a decree shall be entered
1779 requiring the issuance by the commissioner of the certificate
1780 authorizing applicants to incorporate and organize in the same
1781 manner as if the application therefor had been approved by the
1782 board, and the costs therein incurred shall be paid by the
1783 commissioner out of the maintenance fund of the Department of
1784 Banking and Consumer Finance. However, if the action of the board
1785 is affirmed by the court, a decree shall be entered to that effect
1786 taxing costs of the proceedings to the applicants. The
1787 commissioner or the applicants shall have the right of appeal from
1788 the decision of the chancery court. During the time the cause is



1789 pending in the office of the commissioner or before the board or
1790 the court, the commissioner shall not issue a certificate to a
1791 subsequent applicant to incorporate and organize a new trust
1792 company or authorize any trust company then existing to establish
1793 a branch within the area in which the proposed new trust company
1794 is to be domiciled, and neither shall he consent to the removal of
1795 the domicile of an existing trust company from another place into
1796 the area where the proposed new trust company will be domiciled.
1797 A cause shall not be considered as pending in the office of the
1798 commissioner or before the board if the prospective incorporators
1799 or their representative have only given notice to the commissioner
1800 of their desire to engage in trust activities and apply for a
1801 certificate of authority to incorporate, but have not filed with
1802 the commissioner a copy of the proposed articles of incorporation
1803 and other documents required by statute or administrative
1804 regulation.

1805 If the decision of the board, or a majority thereof, is
1806 favorable to the organization of the proposed trust company, it
1807 shall in like manner as above render a written opinion and
1808 decision within sixty (60) days after the conclusion of the final
1809 board hearing on the matter, and an appeal in the manner herein
1810 set forth shall be available to any interested organizations,
1811 person or persons who have participated in the proceedings and
1812 feel aggrieved by the decision of the board.



1813 (c) When a trust company has been incorporated and the
1814 capital stock thereof has been paid in full, the incorporators
1815 shall notify the commissioner of such fact, whereupon the
1816 commissioner himself or through an examiner shall make a special
1817 examination of the proposed new trust company and, finding the
1818 capital stock to have been paid in full, he shall under his hand
1819 and seal of the Department of Banking and Consumer Finance issue
1820 to the trust company a certificate authorizing it to commence
1821 business, and when such business has been commenced the trust
1822 company shall notify the commissioner to that effect. Upon
1823 completion of such special examination, the trust company shall
1824 pay to the Department of Banking and Consumer Finance as an
1825 assessment an amount sufficient to reimburse for the actual costs
1826 and expenses incurred during such special examination. The
1827 commissioner or examiner shall give a receipt therefor in
1828 duplicate, and the assessment shall be turned over by the
1829 Department of Banking and Consumer Finance to the State Treasurer
1830 for credit to the maintenance fund of the Department of Banking
1831 and Consumer Finance. The proposed new trust company shall not
1832 transact any business except as is necessarily preliminary to its
1833 incorporation and organization until it has been authorized by the
1834 commissioner to begin business. However, if the board rejects any
1835 application for a certificate to incorporate and organize, all
1836 costs incurred by the board in making a survey or holding a
1837 hearing on such application shall be borne by the petitioners.



1838 (d) Notwithstanding the foregoing and any other provision of
1839 law to the contrary, if a trust company has not been established
1840 and is not in operation within two (2) years from the date of the
1841 certificate to incorporate and organize such trust company or
1842 within two (2) years from the date upon which any appellate
1843 litigation with respect to such certificate has been concluded,
1844 the certificate shall expire. However, the State Board of Banking
1845 Review for good cause shown may extend the two-year period for not
1846 more than two (2) times for periods not exceeding six (6) months
1847 each. This provision shall in no way affect certificates issued
1848 before July 1, 1998.

1849 (e) From and after July 1, 2016, the expenses of this agency
1850 shall be defrayed by appropriation from the State General Fund and
1851 all user charges and fees authorized under this section shall be
1852 deposited into the State General Fund as authorized by law.

1853 (f) From and after July 1, 2016, no state agency shall
1854 charge another state agency a fee, assessment, rent or other
1855 charge for services or resources received by authority of this
1856 section.

1857 **[MISSISSIPPI GULF COAST COLISEUM]**

1858 **SECTION 41.** Section 55-24-11, Mississippi Code of 1972, is
1859 amended as follows:

1860 55-24-11. The Coliseum Commission shall submit its budget
1861 and receive an appropriation in accordance with the requirements
1862 and procedures set forth in Chapter 496, Laws of 1962, being



1863 Sections 27-103-1 et seq., Mississippi Code of 1972, applicable to
1864 "Special Fund Agencies."

1865 The Coliseum Commission is authorized to employ a director
1866 and such other employees as are necessary to perform and carry out
1867 the duties of the commission.

1868 The commissioners and director are public officers within the
1869 meaning and intent of Section 97-11-19, Mississippi Code of 1972.

1870 From and after July 1, 2016, the expenses of this agency
1871 shall be defrayed by appropriation from the State General Fund and
1872 all user charges and fees authorized under this section shall be
1873 deposited into the State General Fund as authorized by law.

1874 From and after July 1, 2016, no state agency shall charge
1875 another state agency a fee, assessment, rent or other charge for
1876 services or resources received by authority of this section.

1877 **SECTION 42.** Section 55-24-9, Mississippi Code of 1972, is
1878 amended as follows:

1879 55-24-9. The Mississippi Coast Coliseum Commission, a
1880 political subdivision of the State of Mississippi, shall have
1881 jurisdiction and authority over all matters relating to
1882 establishing, promoting, developing, locating, constructing,
1883 maintaining and operating a multipurpose coliseum and related
1884 facilities within Harrison County, Mississippi. Multipurpose
1885 coliseum and related facilities shall include a multipurpose
1886 coliseum or arena facility, a convention center and/or a fine arts
1887 center. Such commission is authorized to acquire lands by



1888 purchase, gift or the exercise of eminent domain as provided by
1889 Section 11-27-1 et seq., above or below mean high-water mark. The
1890 acquisition of lands below mean high-water mark by the commission
1891 for the purposes authorized herein are declared to be in all
1892 respects for the benefit of the people of the State of
1893 Mississippi, a public purpose, and an essential governmental
1894 function in the exercise of the powers conferred upon them by said
1895 act.

1896 Said commission, acting on behalf of the State of
1897 Mississippi, shall have the right to reclaim submerged lands for
1898 the purpose of constructing a coliseum and related facilities
1899 thereon, and to acquire in its name on behalf of the state any
1900 estate or property right therein or in other land necessary to the
1901 purpose of this chapter by purchase, gift, deed or other transfer.
1902 Title to all oil, gas and other minerals in, on or under any
1903 lands, title to which is held by the State of Mississippi on
1904 August 8, 1968, shall be reserved unto the State of Mississippi,
1905 and all income derived from the sale or lease of such minerals
1906 shall inure to the benefit of the State of Mississippi for such
1907 purposes as the Legislature may direct. Provided, that prior to
1908 utilization of lands in which title vests in the State of
1909 Mississippi, a description of such land shall be submitted to the
1910 Department of Finance and Administration and said utilization
1911 shall not be commenced until or unless approval of such



1912 utilization is given by the Department of Finance and
1913 Administration.

1914 The commission is authorized to own, furnish, equip and
1915 operate said coliseum and all facilities and equipment necessary
1916 or useful in the operation of said coliseum, to receive and
1917 expend, subject to the provisions of this chapter, revenues from
1918 any source, including the operation of the said coliseum and
1919 related facilities, and to do all other things necessary to carry
1920 out the purposes of this chapter. It is the intent of the
1921 Legislature that no General Fund appropriations shall ever be made
1922 for the operation and maintenance of such facilities operated
1923 under the provisions of this chapter or for the cost of
1924 administration.

1925 The commission is authorized and directed to adopt uniform
1926 rules and regulations regarding the granting of franchises,
1927 licenses or leases, or the use, operation and maintenance of the
1928 premises, and to publish the same for three (3) consecutive weeks
1929 in a newspaper having a general circulation in the county and
1930 fixing a time and place not more than ten (10) days after the last
1931 publication to receive and hear objections to such rules and
1932 regulations. In addition, a copy of such rules and regulations or
1933 any revisions or amendments thereto shall be filed with the Clerk
1934 of the Harrison County Board of Supervisors and with the Director
1935 of the Department of Finance and Administration of the State of
1936 Mississippi. The commission may revise or amend such rules and



1937 regulations but such revisions shall be uniform and shall not be
1938 adopted unless the commission shall publish the proposed change
1939 three (3) consecutive weeks in a paper having a general
1940 circulation in the county, and fixing a time and place not more
1941 than ten (10) days after the last publication to receive and hear
1942 objections to such changes.

1943 Before granting any franchise, license or lease, the
1944 commission shall first publish its intent to grant such franchise,
1945 license or lease and the conditions upon which same shall be
1946 granted. Such publication shall be made for three (3) consecutive
1947 weeks in a newspaper having a general circulation in Harrison
1948 County. All bids received shall be sealed, and shall be opened at
1949 a date, time and place set forth in the publications, which date
1950 shall not be less than five (5) days nor more than ten (10) days
1951 after the last publication.

1952 Unless the commission shall find that the successful bidder
1953 cannot demonstrate financial responsibility to comply with the
1954 terms and conditions of the franchise, license or lease, or cannot
1955 perform the services required thereunder, it shall, subject to the
1956 limitations set forth under this chapter, grant said franchise,
1957 license or lease to the bidder whose proposal shall be in the best
1958 financial interest of the commission. Provided, however, should
1959 the apparent successful bid be rejected for the reasons
1960 hereinabove set out, such rejection shall not be effective unless



1961 such decision is concurred in by the Department of Finance and
1962 Administration.

1963 No such franchise, license or lease shall exceed a term of
1964 five (5) years but may, at the option of the commission, be
1965 extended under previously agreed and bid terms and conditions for
1966 a period not to exceed five (5) additional years.

1967 Any person aggrieved by any action of the commission may
1968 appeal to the Circuit Court of Harrison County in the manner
1969 provided for appeals from orders of the board of supervisors.

1970 The commission is granted the power to sue and be sued in its
1971 own name, and the commission is hereby authorized to take
1972 liability insurance on the operation of said facilities in an
1973 amount equal to the extent of its liability for claims or causes
1974 of action arising from acts or omissions as provided in Section
1975 11-46-15, Mississippi Code of 1972; provided, however, that
1976 immunity from suit is only waived to the extent of such liability
1977 insurance carried, and a judgment creditor shall have recourse
1978 only to the proceeds or right to proceeds of such liability
1979 insurance. No attempt shall be made in the trial of any case to
1980 suggest the existence of any insurance which covers in whole or in
1981 part any judgment or award rendered in favor of a claimant, but if
1982 the verdict rendered by the jury exceeds the limit of applicable
1983 insurance, the court on motion shall reduce the amount of said
1984 judgment to a sum equal to the applicable limit stated in the
1985 insurance policy.



1986 The commission is granted the power to invest funds credited
1987 to the Mississippi Coast Coliseum Commission Operating Fund. The
1988 commission is vested with authority to designate depositories of
1989 its funds, and to deposit said funds in interest-bearing accounts.
1990 Provided, however, all funds in excess of ninety (90) days'
1991 operating expenses, to the extent practicable, shall be invested
1992 in Treasury bills or in interest-bearing accounts or approved
1993 securities to include, but not limited to, U.S. Treasury bills and
1994 U.S. Treasury notes and bonds, federal agency securities or
1995 mortgage-backed securities guaranteed as to repayment of principal
1996 by said government or an agency of said government, certificates
1997 of deposit fully covered by insurance administered by the Federal
1998 Deposit Insurance Corporation or covered by pledged securities,
1999 repurchase agreements and short-term money market funds invested
2000 in United States Government and United States Government agencies.

2001 The commission is authorized to contract with any agency of
2002 the United States or the State of Mississippi for a loan or grant,
2003 and to give such agency any assurances of compliance with federal
2004 or state laws which are not in conflict with the laws of the State
2005 of Mississippi. It is the intent and purpose of this chapter that
2006 the Coliseum Commission cooperate with agencies administering the
2007 National Seashore Act of 1970.

2008 Whenever any real or personal property belonging to the
2009 commission shall cease to be used or needed for the commission's
2010 purposes, the commission may sell, exchange or lease the property



2011 on such terms as the commission may elect. No lease of surplus
2012 real property may exceed a term of ninety-nine (99) years. The
2013 deed of conveyance in such transactions shall be executed in the
2014 name of the commission by its commissioners pursuant to their
2015 order issued on the minutes of their meetings. In any sale,
2016 exchange or lease of real property, the commission shall retain
2017 all mineral rights that it owns, together with the right of
2018 ingress and egress to remove same. Before any sale, exchange or
2019 lease is made, the commissioners shall publish at least once each
2020 week for three (3) consecutive weeks, in a public newspaper of
2021 Harrison County, Mississippi, the intention to sell, exchange or
2022 lease, as the case may be, the real or personal property and to
2023 accept sealed competitive bids for the sale, exchange or lease.
2024 The commissioners shall thereafter accept bids for the sale,
2025 exchange or lease and shall sell, exchange or lease the property
2026 to the highest bidder in the manner provided by law. However,
2027 whenever the commissioners shall find and determine, by resolution
2028 duly and lawfully adopted and spread upon its minutes: (a) that
2029 any commission-owned real property is no longer needed for
2030 commission purposes and is not to be used in the operation of a
2031 multipurpose coliseum and related facilities, (b) that the sale,
2032 exchange or lease of such property in the manner otherwise
2033 provided for herein is not necessary or desirable for the
2034 financial welfare of a multipurpose coliseum and related
2035 facilities, and (c) that the use of such property for the purpose



2036 for which it is to be sold, exchanged or leased will promote and
2037 foster the development and improvement of the coliseum and its
2038 related facilities, the commissioners shall be authorized and
2039 empowered in their discretion to sell, exchange or lease the
2040 property without having to advertise for and accept competitive
2041 bids. In any case in which the commission proposes to sell or
2042 exchange real property under the provisions of this section
2043 without advertising for and accepting competitive bids,
2044 consideration for the sale or exchange of the real property shall
2045 be not less than the average of the fair market price for the
2046 property as determined by three (3) professional property
2047 appraisers selected by the commission and approved by the
2048 purchaser or devisee. Appraisal fees shall be shared equally by
2049 the commission and the purchaser or devisee.

2050 The enumeration of any specific rights and powers contained
2051 herein or elsewhere in this chapter where followed by general
2052 powers shall not be construed in the restrictive sense but rather
2053 in as broad and comprehensive sense as possible to effectuate the
2054 purposes and intent of this chapter.

2055 From and after July 1, 2016, the expenses of this agency
2056 shall be defrayed by appropriation from the State General Fund and
2057 all user charges and fees authorized under this section shall be
2058 deposited into the State General Fund as authorized by law.



2059 From and after July 1, 2016, no state agency shall charge
2060 another state agency a fee, assessment, rent or other charge for
2061 services or resources received by authority of this section.

2062 **SECTION 43.** Section 55-24-17, Mississippi Code of 1972, is
2063 amended as follows:

2064 55-24-17. (1) The proceeds from the tax authorized under
2065 the provisions of Sections 1 and 2 of Chapter 863, Local and
2066 Private Laws of 1987, shall be paid to the Mississippi Coast
2067 Coliseum Commission for the establishment of a trust fund for the
2068 operational, maintenance, replacement and capital expenses of the
2069 Mississippi Coast Coliseum and Convention Center, as hereinafter
2070 provided. All such proceeds shall be deposited by the commission
2071 in a trust fund which the commission is hereby authorized to
2072 establish. The trust fund shall be known as the Mississippi Coast
2073 Coliseum and Convention Trust Fund. Amounts on deposit in the
2074 fund shall be invested in interest-bearing accounts or approved
2075 securities to include, but not limited to, U.S. Treasury bills and
2076 U.S. Treasury notes and bonds, federal agency securities or
2077 federal mortgage-backed securities guaranteed as to repayment of
2078 principal by the federal government or an agency of the federal
2079 government, certificates of deposits fully covered by insurance
2080 administered by the Federal Deposit Insurance Corporation or
2081 covered by pledge securities, repurchase agreements and short-term
2082 money market funds invested in U.S. Government and U.S. Government
2083 agencies. All interest income earned on the fund shall be paid



2084 over to the commission and applied solely to the payment of
2085 operating, maintenance and replacement expenses of the Mississippi
2086 Coast Coliseum and Convention Center. The principal amount
2087 deposited into the fund from the proceeds of the special taxes
2088 authorized by Chapter 863, Laws of 1987 shall not be withdrawn
2089 from the trust for any purpose whatsoever except as provided for
2090 in subsection (2) of this section. The interest earned on the
2091 fund may also be used for debt service for capital improvements or
2092 expansion or for payment of expenses for operations, maintenance
2093 and replacement of capital improvements.

2094 (2) The commission is authorized, in its discretion, to
2095 utilize the trust fund to make necessary repairs, restorations and
2096 improvements to the Mississippi Coast Coliseum necessitated by
2097 damage suffered as a result of Hurricane Katrina if the proceeds
2098 of the trust fund so utilized will be reimbursed to the commission
2099 by the Federal Emergency Management Agency or any other state or
2100 federal agency or entity. The proceeds of any reimbursement
2101 shall, upon receipt, be deposited into the trust fund.

2102 (3) From and after July 1, 2016, the expenses of this agency
2103 shall be defrayed by appropriation from the State General Fund and
2104 all user charges and fees authorized under this section shall be
2105 deposited into the State General Fund as authorized by law.

2106 (4) From and after July 1, 2016, no state agency shall
2107 charge another state agency a fee, assessment, rent or other



2108 charge for services or resources received by authority of this
2109 section.

2110 **[MISSISSIPPI FAIR COMMISSION]**

2111 **SECTION 44.** Section 69-5-1, Mississippi Code of 1972, is
2112 amended as follows:

2113 69-5-1. In order to promote agricultural and industrial
2114 development in Mississippi and to encourage the farmers to grow
2115 better livestock and agricultural products, there is hereby
2116 created a body politic and corporate to be hereafter known as the
2117 "Mississippi Fair Commission," which said body politic and
2118 corporate shall be under the management and control of said
2119 commission to be named by the Governor as follows: The
2120 Commissioner of Agriculture and Commerce, chairman, the Director
2121 of the Mississippi Extension Service, President of the Mississippi
2122 Livestock Association, the Director of Mississippi Vocational
2123 Education, and a representative of Mississippi Association of
2124 Fairs, a representative of the Agricultural and Industrial Board,
2125 and a representative of the City Commission of Jackson,
2126 Mississippi, all to serve four (4) years without salary
2127 compensation. Should a vacancy occur by resignation or death, the
2128 Governor shall appoint a successor.

2129 From and after July 1, 2016, the expenses of this agency
2130 shall be defrayed by appropriation from the State General Fund and
2131 all user charges and fees authorized under this section shall be
2132 deposited into the State General Fund as authorized by law.



2133 From and after July 1, 2016, no state agency shall charge
2134 another state agency a fee, assessment, rent or other charge for
2135 services or resources received by authority of this section.

2136 **SECTION 45.** Section 69-5-3, Mississippi Code of 1972, is
2137 amended as follows:

2138 69-5-3. (1) The Mississippi Fair Commission shall set up
2139 rules and regulations consistent with the law governing the
2140 distribution of state monies for premiums or awards. It will be
2141 the duty of the commission to meet at the call of the chairman, at
2142 least twice each year, to approve premium lists or awards, and
2143 give out rules governing participants in state premium money in
2144 Mississippi. The commission may invite the presidents of the
2145 various district livestock shows before the commission when
2146 determining policies affecting district livestock shows.

2147 (2) The Mississippi Fair Commission is hereby authorized to
2148 accept money or funds donated to the commission, including funds
2149 to be awarded as prizes in livestock competition.

2150 (3) The Mississippi Fair Commission shall have charge of the
2151 State Fairgrounds located in Jackson, Mississippi, including all
2152 buildings and improvements thereon, and shall have full power and
2153 authority in perfecting plans and causing to be held thereon the
2154 Mississippi State Fair and other such events that may be
2155 authorized by the commission.

2156 (4) The Mississippi Fair Commission is hereby authorized to
2157 employ an attorney as prescribed in Section 69-1-14.



2158 (5) The Mississippi Fair Commission may take any action
2159 authorized in Section 1 of Laws 2000, Chapter 306.

2160 (6) The Mississippi Fair Commission may allow a commercial,
2161 charitable or governmental entity to use, publish and advertise
2162 such entity's name in connection with any of the buildings,
2163 improvements or objects located on the State Fairgrounds in
2164 Jackson, except for the Kirk Fordice Equine Center, or in
2165 connection with any of the events conducted on the State
2166 Fairgrounds in return for a monetary consideration paid to the
2167 commission. Those funds received from an entity for allowing its
2168 name to be used, published or advertised in connection with the
2169 buildings, improvements, objects or events shall be retained by
2170 the commission to be used for capital improvements to the
2171 fairgrounds or in its annual operating budget. The commission
2172 shall not enter into any such agreement with any vendor whose
2173 products are illegal for participation in or use by persons
2174 eighteen (18) years of age and under.

2175 (7) The chairman of the commission is authorized to form and
2176 establish a private foundation or nonprofit corporation to receive
2177 and disburse the funds generated by the sale of naming rights
2178 described in subsection (6) of this section and for any other
2179 donations made to the commission. The funds shall be disbursed in
2180 accordance with guidelines described in this section, and the
2181 foundation or nonprofit corporation shall be subject to the
2182 reporting requirements described in subsection (10) of this



2183 section. All funds shall remain with the foundation until
2184 disbursement and shall not be transferred to the State General
2185 Fund. No public funds shall be deposited into the account of the
2186 private foundation or nonprofit corporation established by the
2187 commission for the benefit of the State Fairgrounds, nor shall the
2188 Legislature appropriate any State General Fund or Special Fund
2189 monies to the foundation or nonprofit corporation for such
2190 purposes. All monies received by the foundation shall be
2191 maintained separately from funds allocated to the commission for
2192 operating and administrative costs associated with the State
2193 Fairgrounds. In addition to the reporting of information to be
2194 included in the annual legislative report of the commission, the
2195 private foundation or nonprofit corporation shall be subject to
2196 annual financial audits by the State Auditor and by auditors of
2197 donors in the same manner as required for state agencies.

2198 (8) The commission shall have the authority to enter into a
2199 lease or right-of-way with a third party covering any land or
2200 buildings on the State Fairgrounds and any funds generated from
2201 such lease or right-of-way shall remain in a special fund managed
2202 by the commission. All monies in the special fund may be used for
2203 capital improvements to the State Fairgrounds or in the
2204 commission's annual operating budget. Any unexpended funds
2205 remaining in the special fund shall not lapse into the State
2206 General Fund, and any interest earned or investment earnings on
2207 amounts in the fund shall be deposited in the fund.



2208 (9) The Mississippi Fair Commission is hereby authorized to
2209 adopt such rules and regulations as may be necessary or desirable
2210 to carry out, execute or implement the provisions of this article.

2211 (10) The Mississippi Fair Commission shall report by January
2212 1 of each year a detailed financial statement of all monies
2213 received and expended under subsection (6) and subsection (7) of
2214 this section to the Lieutenant Governor, the Speaker of the House
2215 of Representatives and the Chairman of the Senate Agriculture
2216 Committee and the Chairman of the House of Representatives
2217 Agriculture Committee.

2218 (11) From and after July 1, 2016, the expenses of this
2219 agency shall be defrayed by appropriation from the State General
2220 Fund and all user charges and fees authorized under this section
2221 shall be deposited into the State General Fund as authorized by
2222 law.

2223 (12) From and after July 1, 2016, no state agency shall
2224 charge another state agency a fee, assessment, rent or other
2225 charge for services or resources received by authority of this
2226 section.

2227 **SECTION 46.** Section 69-5-11, Mississippi Code of 1972, is
2228 amended as follows:

2229 69-5-11. (1) The Mississippi Fair Commission created by
2230 Section 69-5-1 shall charge for admission to the State Fair. The
2231 proceeds thereof shall be used for the repayment of revenue bonds



2232 issued for the purpose of constructing, equipping and furnishing
2233 new buildings and making improvements on the State Fairgrounds.

2234 (2) Funds collected in excess of those required to retire
2235 any outstanding bond indebtedness may be used as operating revenue
2236 for the Mississippi Fair Commission, and such excess funds
2237 received by the Fair Commission shall be deposited in its special
2238 fund account.

2239 (3) The State Treasurer is hereby directed to invest such
2240 excess funds to the credit of the Mississippi Fair Commission's
2241 special account.

2242 (4) From and after July 1, 2016, the expenses of this agency
2243 shall be defrayed by appropriation from the State General Fund and
2244 all user charges and fees authorized under this section shall be
2245 deposited into the State General Fund as authorized by law.

2246 (5) From and after July 1, 2016, no state agency shall
2247 charge another state agency a fee, assessment, rent or other
2248 charge for services or resources received by authority of this
2249 section.

2250 **SECTION 47.** Section 69-5-15, Mississippi Code of 1972, is
2251 amended as follows:

2252 69-5-15. (1) The words "revenue bonds" shall be deemed to
2253 mean bonds payable solely from the net revenue received by the
2254 Mississippi Fair Commission.

2255 The Department of Finance and Administration shall have power
2256 and is hereby authorized, at one time or from time to time by



2257 resolution, to authorize the issuance of negotiable revenue bonds
2258 to provide funds for the purpose of paying all or any part of the
2259 cost of construction and/or improvements requested by the
2260 Mississippi Fair Commission pursuant to Section 69-5-13, or the
2261 cost of any purchase of property or improvements thereon pursuant
2262 to Section 17-17-49, but in no event shall the amount of such
2263 bonds outstanding at any one time exceed Four Million Dollars
2264 (\$4,000,000.00); and shall cause a certified copy of such
2265 resolution to be delivered to the State Bond Commission. No bonds
2266 shall be issued under this section after April 23, 2008. Upon the
2267 receipt of said authorizing resolution, the State Bond Commission,
2268 acting as the issuing agent, shall issue and sell the revenue
2269 bonds of the State of Mississippi when authorized at the time and
2270 in the amount indicated in said resolution, prescribe the form of
2271 the bonds, advertise for and accept bids therefor, issue and sell
2272 the bonds, and do any and all other things necessary and advisable
2273 in the issuance and sale of said bonds. The principal of and the
2274 interest on such revenue bonds shall be payable solely from a
2275 special fund to be provided for that purpose from the net revenue
2276 received by the Mississippi Fair Commission. Such bonds shall
2277 bear date or dates, be in such denomination or denominations, bear
2278 interest at such rate or rates, provided that the bonds of any
2279 issue shall not bear a greater overall maximum interest rate to
2280 maturity than that allowed in Section 75-17-103, be payable at
2281 such place or places within or without the State of Mississippi,



2282 shall mature at such time or times, be redeemable prior to
2283 maturity at such time or times and upon such terms, with or
2284 without premium, shall bear such registration privileges, and
2285 shall be substantially in such form, all as shall be determined by
2286 the State Bond Commission. Such bonds shall mature in annual
2287 installments beginning not more than three (3) years from date
2288 thereof and extending not more than twenty (20) years from date
2289 thereof. Such bonds shall be signed by the Chairman of the State
2290 Bond Commission, or by his facsimile signature, and the official
2291 seal of the State Bond Commission shall be affixed thereto, and
2292 attested by the Secretary of the State Bond Commission. The
2293 interest coupons, if any, to be attached to such bonds or other
2294 certificates thereon may be executed by the facsimile signatures
2295 of said officers. Whenever any such bonds shall have been signed
2296 by the officials herein designated to sign the bonds who were in
2297 office at the time of such signing but who may have ceased to be
2298 such officers prior to the sale and delivery of such bonds, or who
2299 may not have been in office on the date such bonds may bear, the
2300 signatures of such officers upon such bonds and coupons shall
2301 nevertheless be valid and sufficient for all purposes and have the
2302 same effect as if the person so officially signing such bonds had
2303 remained in office until the delivery of the same to the purchaser
2304 or had been in office on the date such bonds may bear.

2305 (2) No bonds shall be issued under the authority of this
2306 section prior to February 1, 1983; thereafter such bonds may be



2307 issued provided that the expansion and other improvements of the
2308 Mississippi Industrial Showcase and Trade Mart Building shall have
2309 priority in the use of the proceeds of such bonds and provided
2310 that the Department of Finance and Administration has approved
2311 plans to increase the size of such building by at least fifty
2312 percent (50%).

2313 (3) From and after July 1, 2016, the expenses of this agency
2314 shall be defrayed by appropriation from the State General Fund and
2315 all user charges and fees authorized under this section shall be
2316 deposited into the State General Fund as authorized by law.

2317 (4) From and after July 1, 2016, no state agency shall
2318 charge another state agency a fee, assessment, rent or other
2319 charge for services or resources received by authority of this
2320 section.

2321 **SECTION 48.** Section 69-5-19, Mississippi Code of 1972, is
2322 amended as follows:

2323 69-5-19. The proceeds of bonds sold pursuant to Section
2324 69-5-17 shall be paid into the State Treasury to the credit of a
2325 special fund known as the State Fair Fund, and shall be used
2326 solely for payment of the cost of the project or combined
2327 projects, and shall be disbursed upon order of the State Building
2328 Commission under such restrictions, if any, as the resolution
2329 authorizing the issuance of the bonds may provide. Provided,
2330 however, that any surplus in the State Fair Fund over and above
2331 the requirements to meet the payments on outstanding bonds and



2332 interest thereon when due may, in the discretion of the State Bond
2333 Commission, be invested in United States Government bills, notes
2334 or bonds, Mississippi General Obligation Bonds, Mississippi
2335 Revenue Bonds, Mississippi State Highway Bonds, or in bonds of any
2336 municipality or any county in Mississippi; and, upon the sale
2337 thereof, the entire proceeds of the sale, including all earnings
2338 from the investment, shall be paid into the State Fair Fund. If
2339 the proceeds of bonds sold pursuant to Section 69-5-17, by error
2340 of calculation or otherwise, shall be less than the cost of the
2341 project or combined projects, unless otherwise provided in the
2342 resolution authorizing the issuance of the bonds, additional
2343 revenue bonds may in like manner be issued to provide the amount
2344 of such deficit which, unless otherwise provided in the resolution
2345 authorizing the issuance of the bonds, shall be deemed to be one
2346 of the same issue and shall be entitled to payment from the same
2347 fund without preference or priority of the bonds first issued for
2348 the same purpose; provided, that in no event shall the outstanding
2349 bonds total more than Seven Hundred Fifty Thousand Dollars
2350 (\$750,000.00). If the proceeds of the bonds of any issue shall
2351 exceed the amount required for the purpose for which the bonds
2352 were issued, the surplus shall be paid into the fund established
2353 for the payment of the principal of and the interest on such
2354 bonds.

2355 From and after July 1, 2016, the expenses of this agency
2356 shall be defrayed by appropriation from the State General Fund and



2357 all user charges and fees authorized under this section shall be
2358 deposited into the State General Fund as authorized by law.

2359 From and after July 1, 2016, no state agency shall charge
2360 another state agency a fee, assessment, rent or other charge for
2361 services or resources received by authority of this section.

2362 **[MISSISSIPPI GAMING COMMISSION]**

2363 **SECTION 49.** Section 75-76-325, Mississippi Code of 1972, is
2364 amended as follows:

2365 75-76-325. (1) There is created in the State Treasury a
2366 special fund to be designated as the "Mississippi Gaming
2367 Commission Fund." The special fund shall consist of monies
2368 deposited therein under Section 75-76-81 and monies from any other
2369 source designated for deposit into the fund. Unexpended amounts
2370 remaining in the special fund at the end of a fiscal year shall
2371 not lapse into the State General Fund, and any interest earned or
2372 investment earnings on amounts in the fund shall be deposited to
2373 the credit of the fund.

2374 (2) Monies in the special fund may be used by the
2375 commission, upon appropriation by the Legislature, only for the
2376 purposes of carrying out the provisions of this chapter.
2377 Unexpended amounts remaining in the special fund at the end of a
2378 fiscal year shall be used by the commission in calculating the
2379 amounts of fees to be imposed under Section 75-76-33(2)(f) during
2380 the next succeeding state fiscal year that will be necessary to
2381 provide the commission with sufficient revenue, when combined with



2382 other monies deposited into the special fund, to carry out the
2383 provisions of this chapter without any state general funds.

2384 (3) From and after July 1, 2016, the expenses of this agency
2385 shall be defrayed by appropriation from the State General Fund and
2386 all user charges and fees authorized under this section shall be
2387 deposited into the State General Fund as authorized by law.

2388 (4) From and after July 1, 2016, no state agency shall
2389 charge another state agency a fee, assessment, rent or other
2390 charge for services or resources received by authority of this
2391 section.

2392 **SECTION 50.** Section 75-76-33, Mississippi Code of 1972, is
2393 amended as follows:

2394 75-76-33. (1) The commission shall, from time to time,
2395 adopt, amend or repeal such regulations, consistent with the
2396 policy, objects and purposes of this chapter, as it may deem
2397 necessary or desirable in the public interest in carrying out the
2398 policy and provisions of this chapter. The commission shall
2399 comply with the Mississippi Administrative Procedures Law when
2400 adopting, amending or repealing any regulations authorized under
2401 this section or under any other provision of this chapter.

2402 (2) These regulations shall, without limiting the general
2403 powers herein conferred, include the following:

2404 (a) Prescribing the method and form of application
2405 which any applicant for a license or for a manufacturer's,
2406 seller's or distributor's license must follow and complete before



2407 consideration of his application by the executive director or the
2408 commission.

2409 (b) Prescribing the information to be furnished by any
2410 applicant or licensee concerning his antecedents, habits,
2411 character, associates, criminal record, business activities and
2412 financial affairs, past or present.

2413 (c) Prescribing the information to be furnished by a
2414 licensee relating to his employees.

2415 (d) Requiring fingerprinting of an applicant or
2416 licensee, and gaming employees of a licensee, or other methods of
2417 identification and the forwarding of all fingerprints taken
2418 pursuant to regulation of the Federal Bureau of Investigation.

2419 (e) Prescribing the manner and procedure of all
2420 hearings conducted by the commission or any hearing examiner of
2421 the commission, including special rules of evidence applicable
2422 thereto and notices thereof.

2423 (f) Requiring any applicant to pay all or any part of
2424 the fees and costs of investigation of such applicant as may be
2425 determined by the commission under paragraph (g) of this
2426 subsection (2).

2427 (g) Prescribing the amounts of investigative fees only
2428 as authorized by regulations of the commission under paragraph (f)
2429 of this subsection, and collecting those fees. The commission
2430 shall adopt regulations setting the amounts of those fees at
2431 levels that will provide the commission with sufficient revenue,



2432 when combined with any other monies as may be deposited into the
2433 Mississippi Gaming Commission Fund created in Section 75-76-325,
2434 to carry out the provisions of this chapter without any state
2435 general funds. In calculating the amount of such fees, the
2436 commission shall:

2437 (i) Attempt to set the fees at levels that will
2438 create a balance in the Mississippi Gaming Commission Fund that
2439 does not exceed, at the end of any state fiscal year, two percent
2440 (2%) of the projected amount of funds that will provide the
2441 commission with such sufficient revenue; and

2442 (ii) Demonstrate the reasonableness of the
2443 relationship between a fee and the actual costs of the
2444 investigative activity for which the fee is being prescribed.

2445 (h) Prescribing the manner and method of collection and
2446 payment of fees and issuance of licenses.

2447 (i) Prescribing under what conditions a licensee may be
2448 deemed subject to revocation or suspension of his license.

2449 (j) Requiring any applicant or licensee to waive any
2450 privilege with respect to any testimony at any hearing or meeting
2451 of the commission, except any privilege afforded by the
2452 Constitution of the United States or this state.

2453 (k) Defining and limiting the area, games and devices
2454 permitted, and the method of operation of such games and devices,
2455 for the purposes of this chapter.



2456 (1) Prescribing under what conditions the nonpayment of
2457 a gambling debt by a licensee shall be deemed grounds for
2458 revocation or suspension of his license.

2459 (m) Governing the use and approval of gambling devices
2460 and equipment.

2461 (n) Prescribing the qualifications of, and the
2462 conditions under which, attorneys, accountants and others are
2463 permitted to practice before the commission.

2464 (o) Restricting access to confidential information
2465 obtained under this chapter and ensuring that the confidentiality
2466 of such information is maintained and protected.

2467 (p) Prescribing the manner and procedure by which the
2468 executive director on behalf of the commission shall notify a
2469 county or a municipality wherein an applicant for a license
2470 desires to locate.

2471 (q) Prescribing the manner and procedure for an
2472 objection to be filed with the commission and the executive
2473 director by a county or municipality wherein an applicant for a
2474 license desires to locate.

2475 (3) Notwithstanding any other provision of law, each
2476 licensee shall be required to comply with the following
2477 regulations:

2478 (a) No wagering shall be allowed on the outcome of any
2479 athletic event, nor on any matter to be determined during an



2480 athletic event, nor on the outcome of any event, which does not
2481 take place on the premises.

2482 (b) No wager may be placed by, or on behalf of, any
2483 individual or entity or group, not present on a licensed vessel or
2484 cruise vessel.

2485 (4) From and after July 1, 2016, the expenses of this agency
2486 shall be defrayed by appropriation from the State General Fund and
2487 all user charges and fees authorized under this section shall be
2488 deposited into the State General Fund as authorized by law.

2489 (5) From and after July 1, 2016, no state agency shall
2490 charge another state agency a fee, assessment, rent or other
2491 charge for services or resources received by authority of this
2492 section.

2493 **SECTION 51.** Section 75-76-81, Mississippi Code of 1972, is
2494 amended as follows:

2495 75-76-81. Except as otherwise provided in this section, the
2496 Chairman of the State Tax Commission shall assess and collect all
2497 taxes, fees, licenses, interest, penalties, damages and fines
2498 imposed by this chapter, and is hereby empowered to promulgate
2499 rules and regulations to administer such collections. Any records
2500 or other documents submitted by the licensee, or on his behalf, to
2501 the Mississippi Gaming Commission or executive director shall be
2502 made available to the Chairman of the State Tax Commission or his
2503 authorized agent upon written request.



2504 The gross revenue fees levied by this chapter shall be due
2505 and payable on or before the twentieth day of the month next
2506 succeeding the month in which the fees accrue except as otherwise
2507 provided. The licensee shall make a return showing the gross
2508 revenue and compute the fee due for the period.

2509 Except for fees imposed under Section 75-76-33(2)(f), all
2510 administrative provisions of the sales tax law, and amendments
2511 thereto, including those which provide for collection and
2512 administrative appeals procedures, fix damages, penalties and
2513 interest for failure to comply with the provisions of said sales
2514 tax law, and all other requirements and duties imposed upon any
2515 licensee or taxpayer, shall apply to all persons liable for taxes,
2516 fees and all other monies imposed under the provisions of this
2517 chapter. However, fines or other assessments levied by the
2518 Mississippi Gaming Commission or the executive director will not
2519 be considered due and payable until thirty (30) days after final
2520 determination of such fines or assessments. The Chairman of the
2521 State Tax Commission shall exercise all power and authority and
2522 perform all duties with respect to licensees or taxpayers under
2523 this chapter as are provided in said sales tax law, except where
2524 there is conflict, then the provisions of this chapter shall
2525 control.

2526 The Mississippi Gaming Commission shall assess and collect
2527 all fees imposed under Section 75-76-33(2)(f) and shall deposit



2528 the funds received from the fees into the Mississippi Gaming
2529 Commission Fund created in Section 75-76-325.

2530 The determination and/or assessment of any taxes, fees,
2531 licenses, interest, penalties, damages and fines under this
2532 chapter by the Chairman of the State Tax Commission, the Executive
2533 Director of the Mississippi Gaming Commission or the Mississippi
2534 Gaming Commission shall be prima facie correct.

2535 From and after July 1, 2016, the expenses of this agency
2536 shall be defrayed by appropriation from the State General Fund and
2537 all user charges and fees authorized under this section shall be
2538 deposited into the State General Fund as authorized by law.

2539 From and after July 1, 2016, no state agency shall charge
2540 another state agency a fee, assessment, rent or other charge for
2541 services or resources received by authority of this section.

2542 **SECTION 52.** Section 75-76-85, Mississippi Code of 1972, is
2543 amended as follows:

2544 75-76-85. (1) If satisfied that an applicant is eligible to
2545 receive a state gaming, manufacturing, selling or distributing
2546 license, and upon tender to the State Tax Commission of:

2547 (a) All license fees and taxes as required by law and
2548 regulation of the Mississippi Gaming Commission; and

2549 (b) A bond executed by the applicant as principal, and
2550 by a corporation qualified under the laws of this state as surety,
2551 payable to the State of Mississippi, and conditioned upon the
2552 payment of license fees, taxes, penalties, interest, fines and the



2553 faithful performance of all requirements imposed by law or
2554 regulation or the conditions of the license,

2555 the commission shall issue and deliver to the applicant
2556 a license entitling him to engage in the gaming, manufacturing,
2557 selling or distributing operation for which he is licensed. The
2558 executive director shall prepare and maintain a written record of
2559 the specific terms and conditions of any license issued and
2560 delivered and of any modification to the license. A duplicate of
2561 the record must be delivered to the applicant or licensee.

2562 (2) The Chairman of the State Tax Commission shall fix the
2563 amount of the bond to be required under subsection (1). The bond
2564 so furnished may be applied to the payment of any unpaid liability
2565 of the licensee due to the State of Mississippi.

2566 (3) In lieu of a bond an applicant may deposit with the
2567 commission a like amount of lawful money of the United States or
2568 any other form of security authorized by the commission. If
2569 security is provided in the form of a savings certificate,
2570 certificate of deposit or investment certificate, the certificate
2571 must state that the amount is unavailable for withdrawal except
2572 upon order of the commission.

2573 (4) If the requirement for a bond is satisfied in:

2574 (a) Cash, the commission shall deposit the money in the
2575 State Treasury for credit to the fund for bonds of state gaming
2576 licensees which is hereby created as a special fund.



2577 (b) Any other authorized manner, the security must be
2578 placed without restriction at the disposal of the commission, but
2579 any income must inure to the benefit of the licensee.

2580 (5) From and after July 1, 2016, the expenses of this agency
2581 shall be defrayed by appropriation from the State General Fund and
2582 all user charges and fees authorized under this section shall be
2583 deposited into the State General Fund as authorized by law.

2584 (6) From and after July 1, 2016, no state agency shall
2585 charge another state agency a fee, assessment, rent or other
2586 charge for services or resources received by authority of this
2587 section.

2588 **[STATE PORT AUTHORITY AT GULFPORT]**

2589 **SECTION 53.** Section 59-5-33, Mississippi Code of 1972, is
2590 amended as follows:

2591 59-5-33. The agreement between the board and the city,
2592 county or other authorized port or harbor agency shall provide
2593 that a fair and proportionate part of the expense of the board
2594 administering this chapter, shall be considered a part of the cost
2595 of the development or operation of the planned development and
2596 such costs shall be paid into a separate state fund in the State
2597 Treasury, to be known as the State Ports Fund. Such fund shall be
2598 used by the board for the promotion, development, construction,
2599 improvement, expansion, maintenance, advertising, and general
2600 advancement of the state harbors, ports, rivers, channels, and
2601 waterways and may be expended on requisition of the board for such



2602 purposes and such other purposes as in the opinion of the board is
2603 to the best interest of the ports, harbors, and waterways of this
2604 state. The salaries of all officers, employees, or agents of the
2605 board, performing duties required by this chapter, and all other
2606 expenses incidental to the port, harbor, or waterway operation of
2607 the board shall be fixed by the board and payable out of said
2608 fund. The board may contract with one or more state port
2609 authorities, or any city, county or other authorized port or
2610 harbor agency for any joint activity or for the joint employment
2611 of personnel with the expense of the activity or salary of such
2612 personnel to be paid by the board from operational funds provided
2613 by the contracting parties.

2614 From and after July 1, 2016, the expenses of this agency
2615 shall be defrayed by appropriation from the State General Fund and
2616 all user charges and fees authorized under this section shall be
2617 deposited into the State General Fund as authorized by law.

2618 From and after July 1, 2016, no state agency shall charge
2619 another state agency a fee, assessment, rent or other charge for
2620 services or resources received by authority of this section.

2621 **[FIRE MARSHAL AND FIRE ACADEMY]**

2622 **SECTION 54.** Section 45-11-3, Mississippi Code of 1972, is
2623 amended as follows:

2624 45-11-3. Whenever the State Chief Deputy Fire Marshal, or
2625 his authorized representative, shall be advised by interested
2626 persons of a dangerous or hazardous inflammable condition existing



2627 in any building that would tend to impair the safety of persons or
2628 property, he shall take proper proceedings, including furnishing
2629 of all information in regard thereto to the Attorney General who
2630 shall, if he finds such evidence sufficient, bring injunctive
2631 proceedings to have the condition corrected. Provided that this
2632 section may not apply in any instance where local fire departments
2633 or other local agencies have the authority to correct such
2634 conditions.

2635 From and after July 1, 2016, the expenses of this agency
2636 shall be defrayed by appropriation from the State General Fund and
2637 all user charges and fees authorized under this section shall be
2638 deposited into the State General Fund as authorized by law.

2639 From and after July 1, 2016, no state agency shall charge
2640 another state agency a fee, assessment, rent or other charge for
2641 services or resources received by authority of this section.

2642 **SECTION 55.** Section 45-11-5, Mississippi Code of 1972, is
2643 amended as follows:

2644 45-11-5. (1) Any expense, including office supplies,
2645 counsel fees, expenses of deputy, detective and officers, incurred
2646 by the Commissioner of Insurance in the performance of the duties
2647 imposed upon him by Sections 45-11-1 and 45-11-3, and the
2648 operation of the State Fire Academy, as provided in Section
2649 45-11-7, shall be defrayed by all insurance companies, including
2650 stock, mutuals and reciprocals writing fire insurance, including
2651 the fire insurance components of automobile insurance, dwelling



2652 multiple peril insurance, farm multiple peril insurance and
2653 commercial multiple peril insurance, doing business in this state;
2654 and a tax of one-half of one percent (1/2 of 1%) of the gross
2655 premium receipts of these fire insurance policies is hereby levied
2656 for this purpose to be collected by the State Tax Commission in
2657 the same manner as the general tax on premiums is collected as
2658 provided in Section 25-15-107. In the case of indivisible
2659 multiple peril insurance policies when the fire portion of the
2660 policy is not specified, a tax of one-half of one percent (1/2 of
2661 1%) is hereby levied on forty-five percent (45%) of the gross
2662 premium receipts of these policies.

2663 (2) There is created a separate account known as the "State
2664 Fire Academy Fund" for support of the State Fire Academy. Not
2665 later than the fifteenth of the month succeeding the month in
2666 which taxes under subsection (1) are collected, the State
2667 Treasurer shall transfer into this account all taxes collected
2668 under subsection (1) for the operation of the State Fire Academy.
2669 The annual expenditure for the operation of the academy shall not
2670 exceed the amount in the account; however, any unexpended funds
2671 remaining in the account at the close of the fiscal year may be
2672 carried over for use in the ensuing years.

2673 (3) (a) A tax of one-half of one percent (1/2 of 1%) is
2674 hereby levied on the gross premium receipts of all insurance
2675 policies taxed in subsection (1).



2676 (b) Not later than the fifteenth day of each month, the
2677 State Treasurer shall disburse the revenue from the tax levied in
2678 this subsection as follows:

2679 (i) Fifty percent (50%) shall be transferred into
2680 the Municipal Fire Protection Fund in Section 83-1-37; and

2681 (ii) Fifty percent (50%) shall be transferred to
2682 the County Volunteer Fire Department Fund in Section 83-1-39.

2683 (4) All taxes shall be deposited into the treasury as
2684 provided in Section 7-7-21. The tax commission shall keep
2685 separate accounts of all taxes collected under this section and
2686 shall include these accounts in its annual report.

2687 (5) From and after July 1, 2016, the expenses of this agency
2688 shall be defrayed by appropriation from the State General Fund and
2689 all user charges and fees authorized under this section shall be
2690 deposited into the State General Fund as authorized by law.

2691 (6) From and after July 1, 2016, no state agency shall
2692 charge another state agency a fee, assessment, rent or other
2693 charge for services or resources received by authority of this
2694 section.

2695 **SECTION 56.** Section 45-11-7, Mississippi Code of 1972, is
2696 amended as follows:

2697 45-11-7. (1) There is hereby created a State Fire Academy
2698 for the training and education of persons engaged in municipal,
2699 county and industrial fire protection. The Commissioner of
2700 Insurance shall appoint an Executive Director of the State Fire



2701 Academy who, along with his employees, shall be designated as a
2702 division of the Insurance Department. The executive director
2703 shall serve at the pleasure of the Commissioner of Insurance. The
2704 State Fire Academy shall be under the supervision and direction of
2705 the Executive Director of the State Fire Academy. State Fire
2706 Academy training programs for fire personnel shall be conducted at
2707 the academy with seminars to be conducted in other sections of the
2708 state as and when the State Fire Academy Advisory Board considers
2709 it necessary and advisable.

2710 The Commissioner of Insurance may establish and charge
2711 reasonable fees for the training programs and other services
2712 provided by the academy. A record of all funds received pursuant
2713 to this paragraph shall be maintained as is required for other
2714 monies pursuant to Section 45-11-5.

2715 The Executive Director of the State Fire Academy is
2716 authorized and empowered to purchase, operate and maintain mobile
2717 fire fighting equipment as he may find necessary and proper for
2718 the operation of the academy subject to approval of the
2719 Commissioner of Insurance. The equipment may be utilized wherever
2720 training sessions may be held at the discretion of the State Fire
2721 Academy Advisory Board.

2722 (2) The Commissioner of Insurance shall be authorized to
2723 undertake appropriate action to accomplish and fulfill the
2724 purposes of the State Fire Academy, including the hiring of
2725 instructors and personnel, the lease and purchase of appropriate



2726 training equipment and to lease, purchase or construct suitable
2727 premises and quarters for conducting annual school and seminars,
2728 as the State Fire Academy Advisory Board may deem necessary and
2729 required for such purposes. Any contract entered into under and
2730 by virtue of the provisions of this section shall first be
2731 submitted to and approved by the Public Procurement Review Board,
2732 and construction pursuant to the contract shall be under the
2733 supervision of the Governor's Office of General Services.

2734 (3) Vouchers for operating expense for the State Fire
2735 Academy shall be signed by the Executive Director of the State
2736 Fire Academy and payment thereof shall be made from such funds to
2737 be derived from a special allocation from the State Fire Academy
2738 Fund as provided in Section 45-11-5.

2739 (4) The State Fire Academy is hereby officially designated
2740 as the agency of this state to conduct training for fire personnel
2741 on a statewide basis in which members of all duly constituted fire
2742 departments may participate. This subsection shall not be
2743 construed to affect the authority of any fire department to
2744 conduct training for its own personnel.

2745 (5) Each state agency, private agency or federal agency
2746 which provides training for the fire service shall coordinate such
2747 efforts with the State Fire Academy to prevent duplication of cost
2748 and to insure standardization of training.



2749 (6) The State Fire Academy shall present an appropriate
2750 certificate signifying the successful completion of its prescribed
2751 courses.

2752 (7) National firefighter standards approved by the
2753 Mississippi Fire Personnel Minimum Standards and Certification
2754 Board shall be used as the basis for classroom instruction at the
2755 fire academy.

2756 (8) The Commissioner of Insurance, Executive Director of the
2757 State Fire Academy, and the Mississippi Fire Personnel Minimum
2758 Standards and Certification Board shall coordinate all state
2759 programs related to fire department operations.

2760 (9) The Commissioner of Insurance is hereby authorized and
2761 empowered to establish standard guidelines for the use of, and
2762 accountability for, municipal and county fire protection funds
2763 distributed pursuant to the provisions of Sections 83-1-37 and
2764 83-1-39, Mississippi Code of 1972. Such guidelines shall include
2765 requirements for the establishment of record keeping and reports
2766 to the Commissioner of Insurance by municipalities and counties
2767 relating to the receipt and expenditure of fire protection funds,
2768 the training of fire department personnel and the submission to
2769 the Commissioner of Insurance of other data reasonably related to
2770 local fire protection responsibilities which the Commissioner of
2771 Insurance deems necessary for the performance of the duties of the
2772 State Fire Academy Advisory Board.



2773 (10) In order that the Commissioner of Insurance may more
2774 effectively execute the duties imposed upon him by subsection (9)
2775 of this section, there is hereby created within the State Fire
2776 Academy a Division of Fire Services Development. The division
2777 shall be staffed by a Fire Services Development Coordinator,
2778 appointed by the executive director of the academy from his
2779 current staff and by such other personnel as deemed by the
2780 Commissioner of Insurance. The division shall work with municipal
2781 and county fire coordinators to ensure effective implementation of
2782 guidelines established pursuant to subsection (9) of this section
2783 and shall serve in an advisory capacity for all aspects of fire
2784 service improvement. The Fire Service Coordinator shall annually
2785 notify the Department of Finance and Administration of those
2786 municipalities and counties which are not eligible to receive a
2787 portion of fire protection fund distributions because of failure
2788 to comply with requirements imposed in Sections 83-1-37 and
2789 83-1-39 as a prerequisite to receipt of such funds.

2790 (11) There is created in the State Treasury a separate
2791 account to be known as the "State Fire Academy Construction Fund."
2792 The State Treasurer shall transfer on July 1, 1997, the sum of Six
2793 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
2794 1998, the sum of Six Hundred Seventy-five Thousand Dollars
2795 (\$675,000.00) from the State Fire Academy Fund 3502 into the
2796 separate account created in this subsection. Monies in such
2797 account shall be expended solely, upon legislative appropriations,



2798 to defray expenses related to the construction of capital
2799 improvements project known as "Fire Safety and Education Building"
2800 and parking areas at the State Fire Academy by the Bureau of
2801 Building, Grounds and Real Property Management of the Office of
2802 General Services and to pay any indebtedness incurred to
2803 accomplish such construction. Funds not used after the completion
2804 of this capital improvements project shall be transferred back
2805 into State Fund 3502.

2806 (12) From and after July 1, 2016, the expenses of this
2807 agency shall be defrayed by appropriation from the State General
2808 Fund and all user charges and fees authorized under this section
2809 shall be deposited into the State General Fund as authorized by
2810 law.

2811 (13) From and after July 1, 2016, no state agency shall
2812 charge another state agency a fee, assessment, rent or other
2813 charge for services or resources received by authority of this
2814 section.

2815 **[MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES]**

2816 **SECTION 57.** Section 25-53-5, Mississippi Code of 1972, is
2817 amended as follows:

2818 25-53-5. The authority shall have the following powers,
2819 duties, and responsibilities:

2820 (a) The authority shall provide for the development of
2821 plans for the efficient acquisition and utilization of computer
2822 equipment and services by all agencies of state government, and



2823 provide for their implementation. In so doing, the authority may
2824 use the MDITS' staff, at the discretion of the executive director
2825 of the authority, or the authority may contract for the services
2826 of qualified consulting firms in the field of information
2827 technology and utilize the service of such consultants as may be
2828 necessary for such purposes.

2829 (b) The authority shall immediately institute
2830 procedures for carrying out the purposes of this chapter and
2831 supervise the efficient execution of the powers and duties of the
2832 office of executive director of the authority. In the execution
2833 of its functions under this chapter, the authority shall maintain
2834 as a paramount consideration the successful internal organization
2835 and operation of the several agencies so that efficiency existing
2836 therein shall not be adversely affected or impaired. In executing
2837 its functions in relation to the institutions of higher learning
2838 and junior colleges in the state, the authority shall take into
2839 consideration the special needs of such institutions in relation
2840 to the fields of teaching and scientific research.

2841 (c) Title of whatever nature of all computer equipment
2842 now vested in any agency of the State of Mississippi is hereby
2843 vested in the authority, and no such equipment shall be disposed
2844 of in any manner except in accordance with the direction of the
2845 authority or under the provisions of such rules and regulations as
2846 may hereafter be adopted by the authority in relation thereto.



2847 (d) The authority shall adopt rules, regulations, and
2848 procedures governing the acquisition of computer and
2849 telecommunications equipment and services which shall, to the
2850 fullest extent practicable, insure the maximum of competition
2851 between all manufacturers of supplies or equipment or services.
2852 In the writing of specifications, in the making of contracts
2853 relating to the acquisition of such equipment and services, and in
2854 the performance of its other duties the authority shall provide
2855 for the maximum compatibility of all information systems hereafter
2856 installed or utilized by all state agencies and may require the
2857 use of common computer languages where necessary to accomplish the
2858 purposes of this chapter. The authority may establish by
2859 regulation and charge reasonable fees on a nondiscriminatory basis
2860 for the furnishing to bidders of copies of bid specifications and
2861 other documents issued by the authority.

2862 (e) The authority shall adopt rules and regulations
2863 governing the sharing with, or the sale or lease of information
2864 technology services to any nonstate agency or person. Such
2865 regulations shall provide that any such sharing, sale or lease
2866 shall be restricted in that same shall be accomplished only where
2867 such services are not readily available otherwise within the
2868 state, and then only at a charge to the user not less than the
2869 prevailing rate of charge for similar services by private
2870 enterprise within this state.



2871 (f) The authority may, in its discretion, establish a
2872 special technical advisory committee or committees to study and
2873 make recommendations on technology matters within the competence
2874 of the authority as the authority may see fit. Persons serving on
2875 the Information Resource Council, its task forces, or any such
2876 technical advisory committees shall be entitled to receive their
2877 actual and necessary expenses actually incurred in the performance
2878 of such duties, together with mileage as provided by law for state
2879 employees, provided the same has been authorized by a resolution
2880 duly adopted by the authority and entered on its minutes prior to
2881 the performance of such duties.

2882 (g) The authority may provide for the development and
2883 require the adoption of standardized computer programs and may
2884 provide for the dissemination of information to and the
2885 establishment of training programs for the personnel of the
2886 various information technology centers of state agencies and
2887 personnel of the agencies utilizing the services thereof.

2888 (h) The authority shall adopt reasonable rules and
2889 regulations requiring the reporting to the authority through the
2890 office of executive director of such information as may be
2891 required for carrying out the purposes of this chapter and may
2892 also establish such reasonable procedures to be followed in the
2893 presentation of bills for payment under the terms of all contracts
2894 for the acquisition of computer equipment and services now or



2895 hereafter in force as may be required by the authority or by the
2896 executive director in the execution of their powers and duties.

2897 (i) The authority shall require such adequate
2898 documentation of information technology procedures utilized by the
2899 various state agencies and may require the establishment of such
2900 organizational structures within state agencies relating to
2901 information technology operations as may be necessary to
2902 effectuate the purposes of this chapter.

2903 (j) The authority may adopt such further reasonable
2904 rules and regulations as may be necessary to fully implement the
2905 purposes of this chapter. All rules and regulations adopted by
2906 the authority shall be published and disseminated in readily
2907 accessible form to all affected state agencies, and to all current
2908 suppliers of computer equipment and services to the state, and to
2909 all prospective suppliers requesting the same. Such rules and
2910 regulations shall be kept current, be periodically revised, and
2911 copies thereof shall be available at all times for inspection by
2912 the public at reasonable hours in the offices of the authority.
2913 Whenever possible no rule, regulation or any proposed amendment to
2914 such rules and regulations shall be finally adopted or enforced
2915 until copies of said proposed rules and regulations have been
2916 furnished to all interested parties for their comment and
2917 suggestions.

2918 (k) The authority shall establish rules and regulations
2919 which shall provide for the submission of all contracts proposed



2920 to be executed by the executive director for computer equipment or
2921 services to the authority for approval before final execution, and
2922 the authority may provide that such contracts involving the
2923 expenditure of less than such specified amount as may be
2924 established by the authority may be finally executed by the
2925 executive director without first obtaining such approval by the
2926 authority.

2927 (1) The authority is authorized to purchase, lease, or
2928 rent computer equipment or services and to operate said equipment
2929 and utilize said services in providing services to one or more
2930 state agencies when in its opinion such operation will provide
2931 maximum efficiency and economy in the functions of any such agency
2932 or agencies.

2933 (m) Upon the request of the governing body of a
2934 political subdivision or instrumentality, the authority shall
2935 assist the political subdivision or instrumentality in its
2936 development of plans for the efficient acquisition and utilization
2937 of computer equipment and services. An appropriate fee shall be
2938 charged the political subdivision by the authority for such
2939 assistance.

2940 (n) The authority shall adopt rules and regulations
2941 governing the protest procedures to be followed by any actual or
2942 prospective bidder, offerer or contractor who is aggrieved in
2943 connection with the solicitation or award of a contract for the
2944 acquisition of computer equipment or services. Such rules and



2945 regulations shall prescribe the manner, time and procedure for
2946 making protests and may provide that a protest not timely filed
2947 shall be summarily denied. The authority may require the
2948 protesting party, at the time of filing the protest, to post a
2949 bond, payable to the state, in an amount that the authority
2950 determines sufficient to cover any expense or loss incurred by the
2951 state, the authority or any state agency as a result of the
2952 protest if the protest subsequently is determined by a court of
2953 competent jurisdiction to have been filed without any substantial
2954 basis or reasonable expectation to believe that the protest was
2955 meritorious; however, in no event may the amount of the bond
2956 required exceed a reasonable estimate of the total project cost.
2957 The authority, in its discretion, also may prohibit any
2958 prospective bidder, offerer or contractor who is a party to any
2959 litigation involving any such contract with the state, the
2960 authority or any agency of the state to participate in any other
2961 such bid, offer or contract, or to be awarded any such contract,
2962 during the pendency of the litigation.

2963 (o) The authority shall make a report in writing to the
2964 Legislature each year in the month of January. Such report shall
2965 contain a full and detailed account of the work of the authority
2966 for the preceding year as specified in Section 25-53-29(3).

2967 All acquisitions of computer equipment and services involving
2968 the expenditure of funds in excess of the dollar amount
2969 established in Section 31-7-13(c), or rentals or leases in excess



2970 of the dollar amount established in Section 31-7-13(c) for the
2971 term of the contract, shall be based upon competitive and open
2972 specifications, and contracts therefor shall be entered into only
2973 after advertisements for bids are published in one or more daily
2974 newspapers having a general circulation in the state not less than
2975 fourteen (14) days prior to receiving sealed bids therefor. The
2976 authority may reserve the right to reject any or all bids, and if
2977 all bids are rejected, the authority may negotiate a contract
2978 within the limitations of the specifications so long as the terms
2979 of any such negotiated contract are equal to or better than the
2980 comparable terms submitted by the lowest and best bidder, and so
2981 long as the total cost to the State of Mississippi does not exceed
2982 the lowest bid. If the authority accepts one (1) of such bids, it
2983 shall be that which is the lowest and best.

2984 (p) When applicable, the authority may procure
2985 equipment, systems and related services in accordance with the law
2986 or regulations, or both, which govern the Bureau of Purchasing of
2987 the Office of General Services or which govern the Mississippi
2988 Department of Information Technology Services procurement of
2989 telecommunications equipment, software and services.

2990 (q) The authority is authorized to purchase, lease, or
2991 rent information technology and services for the purpose of
2992 establishing pilot projects to investigate emerging technologies.
2993 These acquisitions shall be limited to new technologies and shall
2994 be limited to an amount set by annual appropriation of the



2995 Legislature. These acquisitions shall be exempt from the
2996 advertising and bidding requirement.

2997 (r) All fees collected by the Mississippi Department of
2998 Information Technology Services shall be deposited into the
2999 Mississippi Department of Information Technology Services
3000 Revolving Fund unless otherwise specified by the Legislature.

3001 (s) The authority shall work closely with the council
3002 to bring about effective coordination of policies, standards and
3003 procedures relating to procurement of remote sensing and
3004 geographic information systems (GIS) resources. In addition, the
3005 authority is responsible for development, operation and
3006 maintenance of a delivery system infrastructure for geographic
3007 information systems data. The authority shall provide a warehouse
3008 for Mississippi's geographic information systems data.

3009 (t) The authority shall manage one or more State Data
3010 Centers * * * to provide information technology services on a
3011 cost-sharing basis. In determining the appropriate services to be
3012 provided through the State Data Center, the authority should
3013 consider those services that:

3014 (i) Result in savings to the state as a whole;

3015 (ii) Improve and enhance the security and
3016 reliability of the state's information and business systems; and

3017 (iii) Optimize the efficient use of the state's
3018 information technology assets, including, but not limited to,
3019 promoting partnerships with the state institutions of higher



3020 learning and community colleges to capitalize on advanced
3021 information technology resources.

3022 (u) The authority shall increase federal participation
3023 in the cost of the State Data Center to the extent provided by law
3024 and its shared technology infrastructure through providing such
3025 shared services to agencies that receive federal funds. With
3026 regard to state institutions of higher learning and community
3027 colleges, the authority may provide shared services when mutually
3028 agreeable, following a determination by both the authority and the
3029 Board of Trustees of State Institutions of Higher Learning or the
3030 Mississippi Community College Board, as the case may be, that the
3031 sharing of services is mutually beneficial.

3032 (v) The authority, in its discretion, may require new
3033 or replacement agency business applications to be hosted at the
3034 State Data Center. With regard to state institutions of higher
3035 learning and community colleges, the authority and the Board of
3036 Trustees of State Institutions of Higher Learning or the
3037 Mississippi Community College Board, as the case may be, may agree
3038 that institutions of higher learning or community colleges may
3039 utilize business applications that are hosted at the State Data
3040 Center, following a determination by both the authority and the
3041 applicable board that the hosting of those applications is
3042 mutually beneficial. In addition, the authority may establish
3043 partnerships to capitalize on the advanced technology resources of
3044 the Board of Trustees of State Institutions of Higher Learning or



3045 the Mississippi Community College Board, following a determination
3046 by both the authority and the applicable board that such a
3047 partnership is mutually beneficial.

3048 (w) The authority shall provide a periodic update
3049 regarding reform-based information technology initiatives to the
3050 Chairmen of the House and Senate Accountability, Efficiency and
3051 Transparency Committees.

3052 From and after July 1, 2016, the expenses of this agency
3053 shall be defrayed by appropriation from the State General Fund and
3054 all user charges and fees authorized under this section shall be
3055 deposited into the State General Fund as authorized by law.

3056 From and after July 1, 2016, no state agency shall charge
3057 another state agency a fee, assessment, rent or other charge for
3058 services or resources received by authority of this section.

3059 **SECTION 58.** Section 7-7-3, Mississippi Code of 1972, is
3060 amended as follows:

3061 7-7-3. (1) There is hereby established a General Accounting
3062 Office for the State of Mississippi, the powers and duties of said
3063 office to be performed by the Bureau of Budget and Fiscal
3064 Management under the administration of the State Fiscal Officer.

3065 (2) The Chief of the Fiscal Management Division, under the
3066 supervision of the State Fiscal Officer, shall prescribe and
3067 implement in the office of each state agency an adequate accrual
3068 accounting system, in conformity with generally accepted
3069 accounting principles, and a system for keeping other essential



3070 financial records or, in lieu thereof, may install a state
3071 centralized automated accounting system which facilitates
3072 reporting the financial position and operations of the state as a
3073 whole, in conformity with generally accepted accounting
3074 principles. All such accounting systems so prescribed or
3075 installed shall be as uniform as may be practicable for agencies
3076 and offices of the same class and character.

3077 Each state agency shall adopt and use the system prescribed
3078 and approved for it by the State Fiscal Officer, and the State
3079 Fiscal Officer shall have the authority and power to impound all
3080 funds of such agency until it complies with the provisions of this
3081 section. Said state centralized automated accounting system shall
3082 be made available to the agencies of state government through the
3083 services of the State Computer Center. The State Fiscal Officer
3084 shall conduct training seminars on a regular basis to ensure that
3085 agencies have access to persons proficient in the correct use of
3086 the statewide automated accounting system.

3087 (3) The State Fiscal Officer shall establish an oversight
3088 advisory committee to ensure that the state centralized automated
3089 accounting system meets the needs of the agencies served thereby.
3090 Said oversight advisory committee shall be composed of qualified
3091 public employees proficient in the areas of fiscal management,
3092 accounting, data processing and other fields affected by the
3093 automated accounting and financial management system. Said
3094 committee shall have the following responsibilities:



3095 (a) Provide continual review of laws, rules,
3096 regulations, policies and procedures which affect the continued
3097 successful implementation of the state automated accounting and
3098 financial management system;

3099 (b) Coordination among the control agencies of state
3100 and federal government to identify required modifications and/or
3101 enhancements to the state centralized automated accounting system
3102 as required for successful implementation;

3103 (c) Ensure that agencies using the system are in
3104 compliance with the requirements of the various control agencies;
3105 and

3106 (d) Assign persons knowledgeable in their area of
3107 expertise and proper use of the state centralized automated
3108 accounting system to help agencies use the system correctly.

3109 (4) The State Fiscal Officer shall provide for the
3110 continuing support of the state centralized automated accounting
3111 system from funds appropriated therefor by the Legislature and/or
3112 from user fees charged to the state agencies and institutions
3113 utilizing the system.

3114 The State Fiscal Officer may charge fees to agencies and
3115 institutions for services rendered to them in conjunction with the
3116 statewide automated accounting system. The amounts of such fees
3117 shall be set by the State Fiscal Officer, and all such fees
3118 collected shall be paid into the Statewide Automated Accounting
3119 System Fund.



3120 (5) There is hereby established within the State Treasury a
3121 special fund to be designated as the Mississippi Management and
3122 Reporting System Revolving Fund. This fund is established for the
3123 purpose of developing and maintaining an executive information
3124 system within state government. Such a system may include the
3125 state centralized automated accounting system, a centralized
3126 automated human resource/payroll system for state agencies and the
3127 automation of performance programmatic data and other data as
3128 needed by the legislative and executive branches to monitor the
3129 receipt and expenditure of funds in accordance with desired
3130 objectives.

3131 A Steering Committee consisting of the State Fiscal Officer,
3132 the Executive Director of the State Personnel Board and the
3133 Executive Director of the Mississippi Department of Information
3134 Technology Services shall establish policies and procedures for
3135 the administration of the Mississippi Management and Reporting
3136 System Revolving Fund.

3137 All disbursements from this fund shall be made pursuant to
3138 appropriation by the Legislature. All interest earned from the
3139 investment of monies in this fund shall be credited to such fund.

3140 Any expenditure of funds related to the development of a
3141 Mississippi Management and Reporting System by the State Personnel
3142 Board, the Department of Finance and Administration and the
3143 Mississippi Department of Information Technology Services made
3144 during the fiscal year ending June 30, 1993, shall be reimbursable



3145 from the Mississippi Management and Reporting System Revolving
3146 Fund upon its establishment.

3147 The Bond Commission is hereby authorized to grant a
3148 noninterest-bearing loan to the Mississippi Management and
3149 Reporting System Revolving Fund from the State Treasurer's General
3150 Fund/Special Fund Pool in an amount not to exceed Fifteen Million
3151 Dollars (\$15,000,000.00).

3152 The Mississippi Management and Reporting System Steering
3153 Committee shall appoint an administrator of the Mississippi
3154 Management and Reporting System Revolving Fund. The salary of the
3155 administrator and all other project administrative expenses shall
3156 be disbursed from the revolving fund. The administrator of the
3157 fund is hereby authorized to employ or secure personnel service
3158 contracts for all personnel required to carry out this project.
3159 On or before January 15 of each year, the State Fiscal Officer
3160 shall present a report of all expenditures made during the
3161 previous fiscal year from the Mississippi Management and Reporting
3162 System Revolving Fund to the State Bond Commission and to the
3163 Legislature.

3164 Upon implementation of the Mississippi Management and
3165 Reporting System, or any part thereof, at any state agency, a
3166 repayment schedule shall be determined by the Mississippi
3167 Management and Reporting System Revolving Fund administrator for
3168 payment back into the Mississippi Management and Reporting System
3169 Revolving Fund. This repayment schedule will include direct and



3170 indirect expenses of implementing the Mississippi Management and
3171 Reporting System at each agency and applied interest charges.
3172 Each state agency shall be required to request the amount of its
3173 yearly repayment in its annual budget request.

3174 At the completion of the Mississippi Management and Reporting
3175 System, the Steering Committee shall recommend to the Legislature
3176 an amount to remain in the Mississippi Management and Reporting
3177 System Revolving Fund to fund future upgrades and maintenance for
3178 the system. The remaining amount, as repaid by the agencies,
3179 shall be returned to the General Fund/Special Fund Pool.

3180 Each state agency executive director shall participate in the
3181 Mississippi Management and Reporting System (MMRS) project by
3182 appointing an agency implementation team leader to represent them
3183 on the MMRS project. All agencies will be required to implement
3184 the MMRS unless exempted from such by the MMRS Steering Committee.
3185 If such an exemption is granted, the MMRS Steering Committee may
3186 require selected data to be electronically interfaced into the
3187 MMRS.

3188 (6) In addition to his other duties, the Chief of the Fiscal
3189 Management Division shall perform the following services:

3190 (a) Maintain a set of control accounts on a double
3191 entry accrual basis for each state fund so as to analyze, classify
3192 and record all resources, obligations and financial transactions
3193 of all state agencies.



3194 (b) Submit to the Governor and to the Legislative
3195 Budget Office a monthly report containing the state's financial
3196 operations and conditions.

3197 (c) Approve as to form the manner in which all payrolls
3198 shall be prepared; and require each state agency to furnish copies
3199 of monthly payrolls as required to the State Fiscal Officer. The
3200 Chief of the Fiscal Management Division shall study the
3201 feasibility of a central payroll system for all state officers and
3202 employees, and report his findings and recommendations to the
3203 Legislature.

3204 (d) Require of each state agency, through its governing
3205 board or executive head, the maintaining of continuous internal
3206 audit covering the activities of such agency affecting its revenue
3207 and expenditures, and an adequate internal system of preauditing
3208 claims, demands and accounts against such agency as to adequately
3209 ensure that only valid claims, demands and accounts will be paid,
3210 and to verify compliance with the regulations of the State
3211 Personal Service Contract Review Board regarding the execution of
3212 any personal service or professional service contracts pursuant to
3213 Section 25-9-120(3). The Fiscal Management Division shall report
3214 to the State Fiscal Officer any failure or refusal of the
3215 governing board or executive head of any state agency to comply
3216 with the provisions of this section. The State Fiscal Officer
3217 shall notify the said board of trustees or executive head of such
3218 violation and, upon continued failure or refusal to comply with



3219 the provisions of this section, then the State Fiscal Officer may
3220 require said board of trustees or executive head of such state
3221 agency to furnish competent and adequate personnel to carry out
3222 the provisions of this section, who shall be responsible to the
3223 State Fiscal Officer for the performance of such function with
3224 respect to such state agency. For failure or refusal to comply
3225 with the provisions of this section or the directions of the State
3226 Fiscal Officer, any such employee may be deprived of the power to
3227 perform such functions on behalf of the Fiscal Management
3228 Division.

3229 (7) Every state agency, through the proper officials or
3230 employee, shall make such periodic or special reports on forms
3231 prescribed by the Chief of the Fiscal Management Division as may
3232 be required or necessary to maintain the set of control accounts
3233 required. If any officer or employee of any state agency whose
3234 duty it is to do so shall refuse or fail to make such periodic or
3235 special reports in such form and in such detail and within such
3236 time as the Fiscal Management Division may require in the exercise
3237 of this authority, the State Fiscal Officer shall prepare or cause
3238 to be prepared and submitted such reports and the expense thereof
3239 shall be personally borne by said officer or employee and he or
3240 she shall be responsible on his or her official bond for the
3241 payment of the expense. Provided that a negligently prepared
3242 report shall be considered as a refusal or failure under the
3243 provisions of this section.



3244 (8) From and after July 1, 2016, the expenses of this agency
3245 shall be defrayed by appropriation from the State General Fund and
3246 all user charges and fees authorized under this section shall be
3247 deposited into the State General Fund as authorized by law.

3248 (9) From and after July 1, 2016, no state agency shall
3249 charge another state agency a fee, assessment, rent or other
3250 charge for services or resources received by authority of this
3251 section.

3252 **SECTION 59.** Section 25-53-29, Mississippi Code of 1972, is
3253 amended as follows:

3254 25-53-29. (1) For the purposes of this section the term
3255 "bureau" shall mean the "Mississippi Department of Information
3256 Technology Services." The authority shall have the following
3257 powers and responsibilities to carry out the establishment of
3258 policy and provide for long-range planning and consulting:

3259 (a) Provide a high level of technical expertise for
3260 agencies, institutions, political subdivisions and other
3261 governmental entities as follows: planning; consulting; project
3262 management; systems and performance review; system definition;
3263 design; application programming; training; development and
3264 documentation; implementation; maintenance; and other tasks as may
3265 be required, within the resources available to the bureau.

3266 (b) Publish written planning guides, policies and
3267 procedures for use by agencies and institutions in planning future
3268 electronic information service systems. The bureau may require



3269 agencies and institutions to submit data, including periodic
3270 electronic equipment inventory listings, information on agency
3271 staffing, systems under study, planned applications for the
3272 future, and other information needed for the purposes of preparing
3273 the state master plan. The bureau may require agencies and
3274 institutions to submit any additional data required for purposes
3275 of preparing the state master plan.

3276 (c) Inspect agency facilities and equipment, interview
3277 agency employees and review records at any time deemed necessary
3278 by the bureau for the purpose of identifying cost-effective
3279 applications of electronic information technology. Upon
3280 conclusion of any inspection, the bureau shall issue a management
3281 letter containing cost estimates and recommendations to the agency
3282 head and governing board concerning applications identified that
3283 would result in staff reductions, other monetary savings and
3284 improved delivery of public services.

3285 (d) Conduct classroom and on-site training for end
3286 users for applications and systems developed by the bureau.

3287 (e) Provide consulting services to agencies and
3288 institutions or Mississippi governmental subdivisions requesting
3289 technical assistance in electronic information services technology
3290 applications and systems. The bureau may submit proposals and
3291 enter into contracts to provide services to agencies and
3292 institutions or governmental subdivisions for such purposes.



3293 (2) The bureau shall annually issue a three-year master plan
3294 in writing to the Governor, available on request to any member of
3295 the Legislature, including recommended statewide strategies and
3296 goals for the effective and efficient use of information
3297 technology and services in state government. The report shall
3298 also include recommended information policy actions and other
3299 recommendations for consideration by the Governor and members of
3300 the Legislature.

3301 (3) The bureau shall make an annual report in writing to the
3302 Governor, available on request to any member of the Legislature,
3303 to include a full and detailed account of the work of the
3304 authority for the preceding year. The report shall contain
3305 recommendations to agencies and institutions resulting from
3306 inspections or consulting contracts. The report shall also
3307 contain a summary of the master plan, progress made, and
3308 legislative and policy recommendations for consideration by the
3309 Governor and members of the Legislature.

3310 (4) The bureau may charge fees to agencies and institutions
3311 for services rendered to them. The bureau may charge fees to
3312 vendors to recover the cost of providing procurement services and
3313 the delivery of procurement awards to public bodies. The amounts
3314 of such fees shall be set by the authority upon recommendation of
3315 the Executive Director of the MDITS, and all such fees collected
3316 shall be paid into the fund established for carrying out the
3317 purposes of this section.



3318 (5) It is the intention of the Legislature that the
3319 employees of the bureau performing services defined by this
3320 section be staffed by highly qualified persons possessing
3321 technical, consulting and programming expertise. Such employees
3322 shall be considered nonstate service employees as defined in
3323 Section 25-9-107(c) (x) and may be compensated at a rate comparable
3324 to the prevailing rate of individuals in qualified professional
3325 consulting firms in the private sector. Such compensation rates
3326 shall be determined by the State Personnel Director. The number
3327 of such positions shall be set by annual appropriation of the
3328 Legislature. Qualifications and compensation of the bureau
3329 employees shall be set by the State Personnel Board upon
3330 recommendation of the Executive Director of the MDITS. The total
3331 number of positions and classification of positions may be
3332 increased or decreased during a fiscal year depending upon work
3333 load and availability of funds.

3334 (6) The bureau may, from time to time, at the discretion of
3335 the Executive Director of the MDITS, contract with firms or
3336 qualified individuals to be used to augment the bureau's
3337 professional staff in order to assure timely completion and
3338 implementation of assigned tasks, provided that funds are
3339 available in the fund established for carrying out the purposes of
3340 this section. Such individuals may be employees of any agency,
3341 bureau or institution provided that these individuals or firms
3342 meet the requirements of other individuals or firms doing business



3343 with the state through the Mississippi Department of Information
3344 Technology Services. Individuals who are employees of an agency
3345 or institution may contract with the Mississippi Department of
3346 Information Technology Services only with the concurrence of the
3347 agency or institution for whom they are employed.

3348 (7) From and after July 1, 2016, the expenses of this agency
3349 shall be defrayed by appropriation from the State General Fund and
3350 all user charges and fees authorized under this section shall be
3351 deposited into the State General Fund as authorized by law.

3352 (8) From and after July 1, 2016, no state agency shall
3353 charge another state agency a fee, assessment, rent or other
3354 charge for services or resources received by authority of this
3355 section.

3356 **SECTION 60.** Section 25-53-151, Mississippi Code of 1972, is
3357 amended as follows:

3358 25-53-151. (1) There is established in the State Treasury
3359 the "Electronic Government Services Fund," into which shall be
3360 deposited specific funds appropriated by the Legislature for
3361 developing and providing electronic government services within the
3362 State of Mississippi. Any funds in the Electronic Government
3363 Services Fund at the end of a fiscal year shall not lapse into the
3364 State General Fund, but shall be available for expenditure in the
3365 subsequent fiscal year. The funds in the Electronic Government
3366 Fund shall be available for expenditure pursuant to specific



3367 appropriation by the Legislature beginning in fiscal year 2002, to
3368 the Mississippi Department of Information Technology Services.

3369 (2) There is hereby established an Electronic Government
3370 Oversight Committee to oversee the implementation of E-Government
3371 and related technology initiatives. Duties of this committee
3372 would include: (a) prioritize and make recommendations for all
3373 electronic government services, in order to cut across state and
3374 local governmental organizational structures; (b) address policy
3375 issues such as privacy, security, transaction fees and
3376 accessibility; (c) review ongoing fiscal and operational
3377 management and support of portal; (d) provide a mechanism for
3378 gathering input from citizens, businesses and government entities;
3379 (e) encourage self-service models for citizens through state
3380 websites and other electronic services; and (f) promote economic
3381 development and efficient delivery of government services by
3382 encouraging governmental and private sector entities to conduct
3383 their business and transactions using electronic media. The
3384 Electronic Government Oversight Committee shall be composed of the
3385 following: (a) the Executive Director of the Mississippi
3386 Department of Information Technology Services, or his designee;
3387 (b) the State Auditor, or his designee; (c) the State Treasurer,
3388 or his designee; (d) the Secretary of State, or his designee; (e)
3389 the Executive Director of the Department of Finance and
3390 Administration, or his designee; (f) the Commissioner of Public
3391 Safety, or his designee; (g) the Commissioner of Revenue, or his



3392 designee. The committee shall annually elect one (1) member to
3393 serve as chairman and one (1) member to serve as vice chairman,
3394 who shall act as chairman in the absence of the chairman. The
3395 committee shall meet monthly or upon the call of the chairman, and
3396 shall make necessary reports and recommendations to the
3397 Legislature and the appropriate agencies of state government. All
3398 agencies of state government shall cooperate with the committee in
3399 providing requested information, shall work closely with and
3400 provide information to the committee and shall report to the
3401 committee at its request. The Mississippi Department of
3402 Information Technology Services shall provide administrative
3403 support for the committee. Nonlegislative members of the
3404 committee shall serve without compensation.

3405 (3) The Electronic Government Oversight Committee shall
3406 advise and provide direction to the Department of Finance and
3407 Administration to develop a procurement portal that will enable
3408 potential vendors of goods and services to access relevant and
3409 necessary information related to the sale of the following types
3410 of goods and services to the State of Mississippi and its
3411 agencies:

3412 (a) Commodities, as defined by Section 31-7-1;

3413 (b) Contract personnel, as defined by Sections 25-9-107
3414 and 25-9-120; and

3415 (c) Computer equipment and services, as defined by
3416 Section 25-53-3.



3417 (4) The procurement portal provided for in subsection (3)
3418 must provide potential vendors with the following:

3419 (a) A searchable database of business procurement
3420 opportunities with the state which includes a breakdown by product
3421 or service and by the organization seeking the product or service;

3422 (b) Listings of the published date and closing date for
3423 each business procurement opportunity;

3424 (c) A "Frequently Asked Questions" section regarding
3425 doing business with the respective agencies;

3426 (d) A breakdown of "Frequently Asked Questions"
3427 regarding the selection process with the respective agencies;

3428 (e) An open-air forum for questions and answers
3429 relating to the procurement process, in general, as well as
3430 specifically relating to a single contract; and

3431 (f) Links to individual agency websites and contacts to
3432 enable potential vendors to obtain more specific information, if
3433 necessary.

3434 (5) The procurement portal must be linked to the
3435 Transparency Mississippi website established in accordance with
3436 Sections 27-104-151 through 27-104-163. The Mississippi
3437 Department of Information Technology Services shall develop and
3438 maintain a link to the procurement portal from the state website.

3439 (6) From and after July 1, 2016, the expenses of this agency
3440 shall be defrayed by appropriation from the State General Fund and



3441 all user charges and fees authorized under this section shall be
3442 deposited into the State General Fund as authorized by law.

3443 (7) From and after July 1, 2016, no state agency shall
3444 charge another state agency a fee, assessment, rent or other
3445 charge for services or resources received by authority of this
3446 section.

3447 **SECTION 61.** Section 25-53-171, Mississippi Code of 1972, is
3448 amended as follows:

3449 25-53-171. (1) There is hereby created the Wireless
3450 Communication Commission, which shall be responsible for promoting
3451 the efficient use of public resources to ensure that law
3452 enforcement personnel and essential public health and safety
3453 personnel have effective communications services available in
3454 emergency situations, and to ensure the rapid restoration of such
3455 communications services in the event of disruption caused by
3456 natural disaster, terrorist attack or other public emergency.

3457 (2) The Wireless Communication Commission, hereafter
3458 referred to as the "commission," shall consist of the following:

3459 (a) The Executive Director of the Department of
3460 Transportation or his designee;

3461 (b) The Commissioner of Public Safety or his designee;

3462 (c) The Executive Director of the Department of Public
3463 Health or his designee;

3464 (d) The Executive Director of the Department of
3465 Information Technology Services or his designee;



3466 (e) The Executive Director of the Mississippi Emergency
3467 Management Agency or his designee;

3468 (f) The Executive Director of the Mississippi Office of
3469 Homeland Security or his designee;

3470 (g) The President of the Mississippi * * * Sheriffs'
3471 Association or his designee;

3472 (h) The President of the Mississippi Association of
3473 Supervisors or his designee;

3474 (i) The President of the Mississippi Municipal
3475 Association or his designee;

3476 (j) The President of the Mississippi Association of
3477 Fire Chiefs or his designee;

3478 (k) The President of the Mississippi Association of
3479 Police Chiefs or his designee;

3480 (l) The Chief of the Mississippi Highway Safety Patrol
3481 or his designee;

3482 (m) The Commissioner of the Department of Corrections
3483 or his designee;

3484 (n) The Adjutant General of the Mississippi National
3485 Guard or his designee;

3486 (o) The Executive Director of the Mississippi
3487 Department of Environmental Quality or his designee; and

3488 (p) The Executive Director of Wildlife, Fisheries and
3489 Parks or his designee.



3490 All members of the commission shall serve a term of not less
3491 than four (4) years.

3492 (3) Within forty-five (45) days from April 21, 2005, the
3493 Executive Director of the Department of Information Technology
3494 Services shall call a meeting of the commission in the City of
3495 Jackson, Mississippi, and organize by electing a chairman and
3496 other officers from its membership. The commission shall adopt
3497 rules which govern the time and place for meetings and governing
3498 the manner of conducting its business. The commission shall meet
3499 at least monthly and maintain minutes of such meetings. A quorum
3500 shall consist of a majority of the membership of the commission.

3501 (4) The commission, in conjunction with the Department of
3502 Information Technology Services, shall have the sole authority to
3503 promulgate rules and regulations governing the operations of the
3504 wireless communications system described in paragraph (a) and
3505 shall be vested with all legal authority necessary and proper to
3506 perform this function including, but not limited to:

3507 (a) Purchasing, leasing, acquiring and otherwise
3508 implementing a statewide wireless communications system to serve
3509 wireless users in state and local governments and those private
3510 entities that enter into a partnership with the commission. All
3511 purchases shall be made in accordance with public purchasing laws
3512 and, if required, shall be approved by the Department of
3513 Information Technology Services. This system shall enable



3514 interoperability between various wireless communications
3515 technologies.

3516 (b) Ensuring that federal/state communications
3517 requirements are followed with respect to such wireless
3518 communications systems.

3519 (c) Providing system planning with all public safety
3520 communications systems.

3521 (d) Assisting with establishment of state and local
3522 wireless communications.

3523 (e) In consultation with the Department of Information
3524 Technology Services, having the authority to permit state and
3525 local agencies use of the communications system under the terms
3526 and conditions established by the commission.

3527 (f) Providing technical support to users and bearing
3528 the overall responsibility for the design, engineering,
3529 acquisition and implementation of the statewide communications
3530 system and for ensuring the proper operation and maintenance of
3531 all equipment common to the system.

3532 (g) Seeking proposals for services through competitive
3533 processes where required by law and selecting service providers
3534 under procedures provided for by law.

3535 (h) Establishing, in conjunction with the Department of
3536 Information Technology Services, policies, procedures and
3537 standards which shall be incorporated into a comprehensive



3538 management plan for the operation of the statewide communications
3539 system.

3540 (i) Having sign-off approval on all wireless
3541 communications systems within the state which are owned or
3542 operated by any state or local governmental entity, agency or
3543 department.

3544 (j) Creating a standard user agreement.

3545 (5) The commission, in conjunction with the Department of
3546 Information Technology Services, shall exercise its powers and
3547 duties pursuant to this section to plan, manage and administer the
3548 wireless communications system. The commission may:

3549 (a) In consultation with the advisory board and the
3550 Department of Information Technology Services, establish policies,
3551 procedures and standards to incorporate into a comprehensive
3552 management plan for use and operation of the communications
3553 system.

3554 (b) Enter into mutual aid agreements among federal,
3555 state and local agencies for the use of the communications system.

3556 (c) Establish the cost of maintenance and operation of
3557 the system and charge subscribers for access and use of the
3558 system.

3559 (d) Assess charges for use of the system.

3560 (e) Obtain space through rent or lease of space on any
3561 tower under state control. The commission may also rent, lease or
3562 sublease ground space as necessary to locate equipment to support



3563 antennae on the towers. The costs for use of such space shall be
3564 established by the owner/agent for each site when it is determined
3565 to be practicable and feasible to make space available.

3566 (f) Provide space through rent or lease of space on any
3567 tower under the commission's control. The commission may also
3568 rent, lease or sublease ground space as necessary to locate
3569 equipment to support antennae on the towers. The costs for use of
3570 such space shall be established by the commission when it is
3571 determined to be practicable and feasible to make space available.

3572 (g) Refuse to lease space on any tower at any site.
3573 All monies collected by the commission for such rents, leases or
3574 subleases shall be deposited directly into a special fund hereby
3575 created and known as the "Integrated Public Safety Communications
3576 Fund." This fund shall be administered by the Department of
3577 Information Technology Services and may be used by the commission
3578 to construct, maintain and operate the system.

3579 (h) Rent, lease or sublease ground space on lands
3580 acquired by the commission for the construction of privately owned
3581 or publicly owned towers. The commission, as part of such rental,
3582 lease or sublease agreement, may require space on such towers for
3583 antennae as may be necessary for the construction and operation of
3584 the wireless communications system.

3585 (i) Enter into and perform use and occupancy agreements
3586 concerning the system.



3587 (j) Exercise any power necessary to carry out the
3588 intent of this law.

3589 (6) The Department of Transportation, the Department of
3590 Public Safety and other commission members may provide to the
3591 commission, on a full-time or part-time basis, personnel and
3592 technical support necessary and sufficient to effectively and
3593 efficiently carry out the requirements of this section.

3594 (7) (a) Expenditures from the Integrated Public Safety
3595 Communications Fund shall be administered by the Department of
3596 Information Technology Services with expenditures approved jointly
3597 by the commission and the Department of Information Technology
3598 Services.

3599 (b) The Integrated Public Safety Communications Fund
3600 may consist of the following:

3601 (i) Appropriations from the Legislature;

3602 (ii) Gifts;

3603 (iii) Federal grants;

3604 (iv) Fees and contributions from user agencies
3605 that the commission considers necessary to maintain and operate
3606 the system; and

3607 (v) Monies from any other source permitted by law.

3608 (c) Any monies remaining in the Integrated Public
3609 Safety Communications Fund at the end of the fiscal year shall not
3610 revert to the State General Fund, but shall remain in the
3611 Integrated Public Safety Communications Fund.



3612 (8) Members of the commission shall not receive any
3613 compensation or per diem, but may receive travel reimbursement
3614 provided for under Section 25-3-41.

3615 (9) There is hereby created the Wireless Communication
3616 Advisory Board for the purpose of advising the Mississippi
3617 Wireless Communication Commission in performance of its duties.
3618 The advisory board shall be composed of the following:

3619 (a) The Chairman and Vice Chairman of the Senate Public
3620 Utilities Committee or their designees;

3621 (b) The Chairman and Vice Chairman of the House of
3622 Representatives Public Utilities Committee or their designees;

3623 (c) The Chairman of the Senate Appropriations Committee
3624 or his designee;

3625 (d) The Chairman of the House of Representatives
3626 Appropriations Committee or his designee;

3627 (e) The Chairman of the Senate Finance Committee or his
3628 designee; and

3629 (f) The Chairman of the House of Representatives Ways
3630 and Means Committee or his designee.

3631 Members of the advisory board shall receive per diem and
3632 expenses which shall be paid from the contingent expense funds of
3633 their respective houses in the same amounts as provided for
3634 committee meetings when the Legislature is not in session;
3635 however, no per diem and expenses for attending meetings of the



3636 advisory board shall be paid to legislative members while the
3637 Legislature is in session.

3638 (10) It is the intent of the Legislature that all state and
3639 local government entities make available for purposes of this
3640 section all publicly owned wireless communications infrastructure,
3641 including, but not limited to, communications towers, transmission
3642 equipment, transmission frequencies and other related properties
3643 and facilities.

3644 (11) Nothing in this section shall be construed or
3645 interpreted to provide for the regulation or oversight of
3646 commercial mobile radio services.

3647 (12) Nothing in this section shall be construed to supersede
3648 the authority of the Department of Information Technology Services
3649 provided in Section 25-53-1 et seq.

3650 (13) From and after July 1, 2016, the expenses of this
3651 agency shall be defrayed by appropriation from the State General
3652 Fund and all user charges and fees authorized under this section
3653 shall be deposited into the State General Fund as authorized by
3654 law.

3655 (14) From and after July 1, 2016, no state agency shall
3656 charge another state agency a fee, assessment, rent or other
3657 charge for services or resources received by authority of this
3658 section.

3659 **SECTION 62.** Section 31-7-10, Mississippi Code of 1972, is
3660 amended as follows:



3661 31-7-10. (1) For the purposes of this section, the term
3662 "equipment" shall mean equipment, furniture, and if applicable,
3663 associated software and other applicable direct costs associated
3664 with the acquisition. In addition to its other powers and duties,
3665 the Department of Finance and Administration shall have the
3666 authority to develop a master lease-purchase program and, pursuant
3667 to that program, shall have the authority to execute on behalf of
3668 the state master lease-purchase agreements for equipment to be
3669 used by an agency, as provided in this section. Each agency
3670 electing to acquire equipment by a lease-purchase agreement shall
3671 participate in the Department of Finance and Administration's
3672 master lease-purchase program, unless the Department of Finance
3673 and Administration makes a determination that such equipment
3674 cannot be obtained under the program or unless the equipment can
3675 be obtained elsewhere at an overall cost lower than that for which
3676 the equipment can be obtained under the program. Such
3677 lease-purchase agreements may include the refinancing or
3678 consolidation, or both, of any state agency lease-purchase
3679 agreements entered into after June 30, 1990.

3680 (2) All funds designated by agencies for procurement of
3681 equipment and financing thereof under the master lease-purchase
3682 program shall be paid into a special fund created in the State
3683 Treasury known as the "Master Lease-Purchase Program Fund," which
3684 shall be used by the Department of Finance and Administration for



3685 payment to the lessors for equipment acquired under master
3686 lease-purchase agreements.

3687 (3) Upon final approval of an appropriation bill, each
3688 agency shall submit to the Public Procurement Review Board a
3689 schedule of proposed equipment acquisitions for the master
3690 lease-purchase program. Upon approval of an equipment schedule by
3691 the Public Procurement Review Board with the advice of the
3692 Department of Information Technology Services, the Office of
3693 Purchasing, Travel and Fleet Management, and the Division of
3694 Energy and Transportation of the Mississippi Development Authority
3695 as it pertains to energy efficient climate control systems, the
3696 Public Procurement Review Board shall forward a copy of the
3697 equipment schedule to the Department of Finance and
3698 Administration.

3699 (4) The level of lease-purchase debt recommended by the
3700 Department of Finance and Administration shall be subject to
3701 approval by the State Bond Commission. After such approval, the
3702 Department of Finance and Administration shall be authorized to
3703 advertise and solicit written competitive proposals for a lessor,
3704 who will purchase the equipment pursuant to bid awards made by the
3705 using agency under a given category and then transfer the
3706 equipment to the Department of Finance and Administration as
3707 lessee, pursuant to a master lease-purchase agreement.

3708 The Department of Finance and Administration shall select the
3709 successful proposer for the financing of equipment under the



3710 master lease-purchase program with the approval of the State Bond
3711 Commission.

3712 (5) Each master lease-purchase agreement, and any subsequent
3713 amendments, shall include such terms and conditions as the State
3714 Bond Commission shall determine to be appropriate and in the
3715 public interest, and may include any covenants deemed necessary or
3716 desirable to protect the interests of the lessor, including, but
3717 not limited to, provisions setting forth the interest rate (or
3718 method for computing interest rates) for financing pursuant to
3719 such agreement, covenants concerning application of payments and
3720 funds held in the Master Lease-Purchase Program Fund, covenants to
3721 maintain casualty insurance with respect to equipment subject to
3722 the master lease-purchase agreement (and all state agencies are
3723 specifically authorized to purchase any insurance required by a
3724 master lease-purchase agreement) and covenants precluding or
3725 limiting the right of the lessee or user to acquire equipment
3726 within a specified time (not to exceed five (5) years) after
3727 cancellation on the basis of a failure to appropriate funds for
3728 payment of amounts due under a lease-purchase agreement covering
3729 comparable equipment. The State Bond Commission shall transmit
3730 copies of each such master lease-purchase agreement and each such
3731 amendment to the Joint Legislative Budget Committee. To the
3732 extent provided in any master lease-purchase agreement, title to
3733 equipment leased pursuant thereto shall be deemed to be vested in
3734 the state or the user of the equipment (as specified in such



3735 master lease-purchase agreement), subject to default under or
3736 termination of such master lease-purchase agreement.

3737 A master lease-purchase agreement may provide for payment by
3738 the lessor to the lessee of the purchase price of the equipment to
3739 be acquired pursuant thereto prior to the date on which payment is
3740 due to the vendor for such equipment and that the lease payments
3741 by the lessee shall commence as though the equipment had been
3742 provided on the date of payment. If the lessee, or lessee's
3743 escrow agent, has sufficient funds for payment of equipment
3744 purchases prior to payment due date to vendor of equipment, such
3745 funds shall be held or utilized on an as-needed basis for payment
3746 of equipment purchases either by the State Treasurer (in which
3747 event the master lease-purchase agreement may include provisions
3748 concerning the holding of such funds, the creation of a security
3749 interest for the benefit of the lessor in such funds until
3750 disbursed and other appropriate provisions approved by the Bond
3751 Commission) or by a corporate trustee selected by the Department
3752 of Finance and Administration (in which event the Department of
3753 Finance and Administration shall have the authority to enter into
3754 an agreement with such a corporate trustee containing terms and
3755 conditions approved by the Bond Commission). Earnings on any
3756 amount paid by the lessor prior to the acquisition of the
3757 equipment may be used to make lease payments under the master
3758 lease-purchase agreement or applied to pay costs and expenses
3759 incurred in connection with such lease-purchase agreement. In



3760 such event, the equipment-use agreements with the user agency may
3761 provide for lease payments to commence upon the date of payment by
3762 the lessor and may also provide for a credit against such payments
3763 to the extent that investment receipts from investment of the
3764 purchase price are to be used to make lease-purchase payments.

3765 (6) The annual rate of interest paid under any
3766 lease-purchase agreement authorized under this section shall not
3767 exceed the maximum interest rate to maturity on general obligation
3768 indebtedness permitted under Section 75-17-101.

3769 (7) The Department of Finance and Administration shall
3770 furnish the equipment to the various agencies, also known as the
3771 user, pursuant to an equipment-use agreement developed by the
3772 Department of Finance and Administration. Such agreements shall
3773 require that all monthly payments due from such agency be paid,
3774 transferred or allocated into the Master Lease-Purchase Program
3775 Fund pursuant to a schedule established by the Department of
3776 Finance and Administration. In the event such sums are not paid
3777 by the defined payment period, the Executive Director of the
3778 Department of Finance and Administration shall issue a requisition
3779 for a warrant to draw such amount as may be due from any funds
3780 appropriated for the use of the agency which has failed to make
3781 the payment as agreed.

3782 (8) All master lease-purchase agreements executed under the
3783 authority of this section shall contain the following annual
3784 allocation dependency clause or an annual allocation dependency



3785 clause which is substantially equivalent thereto: "The
3786 continuation of each equipment schedule to this agreement is
3787 contingent in whole or in part upon the appropriation of funds by
3788 the Legislature to make the lease-purchase payments required under
3789 such equipment schedule. If the Legislature fails to appropriate
3790 sufficient funds to provide for the continuation of the
3791 lease-purchase payments under any such equipment schedule, then
3792 the obligations of the lessee and of the agency to make such
3793 lease-purchase payments and the corresponding provisions of any
3794 such equipment schedule to this agreement shall terminate on the
3795 last day of the fiscal year for which appropriations were made."

3796 (9) The maximum lease term for any equipment acquired under
3797 the master lease-purchase program shall not exceed the useful life
3798 of such equipment as determined according to the upper limit of
3799 the asset depreciation range (ADR) guidelines for the Class Life
3800 Asset Depreciation Range System established by the Internal
3801 Revenue Service pursuant to the United States Internal Revenue
3802 Code and Regulations thereunder as in effect on December 31, 1980,
3803 or comparable depreciation guidelines with respect to any
3804 equipment not covered by ADR guidelines. The Department of
3805 Finance and Administration shall be deemed to have met the
3806 requirements of this subsection if the term of a master
3807 lease-purchase agreement does not exceed the weighted average
3808 useful life of all equipment covered by such agreement and the
3809 schedules thereto as determined by the Department of Finance and



3810 Administration. For purposes of this subsection, the "term of a
3811 master lease-purchase agreement" shall be the weighted average
3812 maturity of all principal payments to be made under such master
3813 lease-purchase agreement and all schedules thereto.

3814 (10) Interest paid on any master lease-purchase agreement
3815 under this section shall be exempt from State of Mississippi
3816 income taxation. All equipment, and the purchase thereof by any
3817 lessor, acquired under the master lease-purchase program and all
3818 lease-purchase payments with respect thereto shall be exempt from
3819 all Mississippi sales, use and ad valorem taxes.

3820 (11) The Governor, in his annual executive budget to the
3821 Legislature, shall recommend appropriations sufficient to provide
3822 funds to pay all amounts due and payable during the applicable
3823 fiscal year under master lease-purchase agreements entered into
3824 pursuant to this section.

3825 (12) Any master lease-purchase agreement reciting in
3826 substance that such agreement has been entered into pursuant to
3827 this section shall be conclusively deemed to have been entered
3828 into in accordance with all of the provisions and conditions set
3829 forth in this section. Any defect or irregularity arising with
3830 respect to procedures applicable to the acquisition of any
3831 equipment shall not invalidate or otherwise limit the obligation
3832 of the Department of Finance and Administration, or the state or
3833 any agency of the state, under any master lease-purchase agreement
3834 or any equipment-use agreement.



3835 (13) There shall be maintained by the Department of Finance
3836 and Administration, with respect to each master lease-purchase
3837 agreement, an itemized statement of the cash price, interest
3838 rates, interest costs, commissions, debt service schedules and all
3839 other costs and expenses paid by the state incident to the
3840 lease-purchase of equipment under such agreement.

3841 (14) Lease-purchase agreements entered into by the Board of
3842 Trustees of State Institutions of Higher Learning pursuant to the
3843 authority of Section 37-101-413 or by any other agency which has
3844 specific statutory authority other than pursuant to Section
3845 31-7-13(e) to acquire equipment by lease-purchase shall not be
3846 made pursuant to the master lease-purchase program under this
3847 section, unless the Board of Trustees of State Institutions of
3848 Higher Learning or such other agency elects to participate as to
3849 part or all of its lease-purchase acquisitions in the master
3850 lease-purchase program pursuant to this section.

3851 (15) The Department of Finance and Administration may
3852 develop a master lease-purchase program for school districts and,
3853 pursuant to that program, may execute on behalf of the school
3854 districts master lease-purchase agreements for equipment to be
3855 used by the school districts. The form and structure of this
3856 program shall be substantially the same as set forth in this
3857 section for the master lease-purchase program for state agencies.
3858 If sums due from a school district under the master lease-purchase
3859 program are not paid by the expiration of the defined payment



3860 period, the Executive Director of the Department of Finance and
3861 Administration may withhold such amount that is due from the
3862 school district's minimum education or adequate education program
3863 fund allotments.

3864 (16) The Department of Finance and Administration may
3865 develop a master lease-purchase program for community and junior
3866 college districts and, pursuant to that program, may execute on
3867 behalf of the community and junior college districts master
3868 lease-purchase agreements for equipment to be used by the
3869 community and junior college districts. The form and structure of
3870 this program must be substantially the same as set forth in this
3871 section for the master lease-purchase program for state agencies.
3872 If sums due from a community or junior college district under the
3873 master lease-purchase program are not paid by the expiration of
3874 the defined payment period, the Executive Director of the
3875 Department of Finance and Administration may withhold an amount
3876 equal to the amount due under the program from any funds allocated
3877 for that community or junior college district in the state
3878 appropriations for the use and support of the community and junior
3879 colleges.

3880 (17) From and after July 1, 2016, the expenses of this
3881 agency shall be defrayed by appropriation from the State General
3882 Fund and all user charges and fees authorized under this section
3883 shall be deposited into the State General Fund as authorized by
3884 law.



3885 (18) From and after July 1, 2016, no state agency shall
3886 charge another state agency a fee, assessment, rent or other
3887 charge for services or resources received by authority of this
3888 section.

3889 **SECTION 63.** Section 63-9-31, Mississippi Code of 1972, is
3890 amended as follows:

3891 63-9-31. (1) In addition to any other monetary penalties
3892 and other penalties imposed by law, any county, municipality or
3893 the Pearl River Valley Water Supply District Patrol which
3894 participates in a wireless radio communications program approved
3895 by the applicable governing authorities may assess an additional
3896 surcharge in an amount not to exceed Ten Dollars (\$10.00) on each
3897 person upon whom a court imposes a fine or other penalty for each
3898 violation of Title 63, Mississippi Code of 1972, except offenses
3899 relating to vehicular parking or registration. On all citations
3900 issued by Mississippi Highway Safety Patrol officers, a surcharge
3901 in the amount of Ten Dollars (\$10.00) shall be collected by the
3902 court and deposited as provided in subsection (2) of this section.
3903 The proceeds from the surcharge on citations issued by county and
3904 municipal law enforcement officers or the Pearl River Valley Water
3905 Supply District Patrol may be used by a county or municipality
3906 only to fund that county's or municipality's or the Pearl River
3907 Valley Water Supply District Patrol's participation in the
3908 wireless radio communications program by funding public safety
3909 wireless communications systems and related computer and



3910 communications equipment. The proceeds from the surcharge on
3911 citations issued by Mississippi Highway Safety Patrol officers
3912 shall be used as provided in subsection (2) of this section. All
3913 proceeds from the surcharge imposed by this subsection shall be
3914 deposited into a special fund in the Department of Public Safety's
3915 Office of Public Safety Planning. The Office of Public Safety
3916 Planning shall promulgate rules and procedures relating to the
3917 administration of the special fund and the disbursement of monies
3918 in the fund to participating governmental entities. The maximum
3919 amount that a governmental entity may receive from the special
3920 fund shall be an amount equal to the deposits made into the fund
3921 by that entity, less one percent (1%) to be retained by the Office
3922 of Public Safety Planning to defray the costs of administering the
3923 special fund. Interest earned on the special fund shall remain in
3924 the fund and shall be used by the Office of Public Safety Planning
3925 to further defray the costs of administering the special fund.

3926 (2) Deposits into the special fund resulting from citations
3927 issued by the Mississippi Highway Safety Patrol shall be utilized
3928 as follows: Fifty percent (50%) of the deposits into the special
3929 fund shall be used to automate the citations issued by Mississippi
3930 Highway Safety Patrol officers (including the transmittal of
3931 citations to the justice court, retrieval of the disposition from
3932 the justice court, and updating the driver's records) and fifty
3933 percent (50%) of the deposits into the special fund shall be used
3934 for the purpose of funding wireless communications and related



3935 computer equipment and computer software, subject to the approval
3936 of the Mississippi Department of Information Technology Services.

3937 (3) Approval of a wireless radio communications program must
3938 be given by the applicable governing authorities when:

3939 (a) The program includes the sharing of support
3940 facilities including, but not limited to, towers, shelters and
3941 microwave by participating entities; or

3942 (b) The program includes the establishment of a mutual
3943 aid system using common radio frequency channels between
3944 participating entities; or

3945 (c) The program sets forth a feasible methodology that
3946 utilizes the radio frequency spectrum in an efficient manner.

3947 (4) Participating counties, municipalities, the Pearl River
3948 Valley Water Supply District Patrol and the Mississippi Highway
3949 Safety Patrol must provide notification of facilities available
3950 for interoperability to the Mississippi Department of Information
3951 Technology Services annually.

3952 (5) Counties and municipalities and the Pearl River Valley
3953 Water Supply District Patrol participating in a wireless radio
3954 communications program and the Mississippi Highway Safety Patrol
3955 must comply with competitive bidding requirements prescribed in
3956 Section 31-7-13 and are encouraged to utilize an open
3957 architecture, nonproprietary system.

3958 (6) From and after July 1, 2016, the expenses of this agency
3959 shall be defrayed by appropriation from the State General Fund and



3960 all user charges and fees authorized under this section shall be
3961 deposited into the State General Fund as authorized by law.

3962 (7) From and after July 1, 2016, no state agency shall
3963 charge another state agency a fee, assessment, rent or other
3964 charge for services or resources received by authority of this
3965 section.

3966 **[MISSISSIPPI DEPARTMENT OF INSURANCE]**

3967 **SECTION 64.** Section 83-1-27, Mississippi Code of 1972, is
3968 amended as follows:

3969 83-1-27. Whenever the Commissioner of Insurance deems it
3970 prudent for the protection of the policyholders in this state, he
3971 shall in like manner visit and examine, or cause to be visited and
3972 examined by some competent person or persons he may appoint for
3973 that purpose, any foreign insurance company applying for admission
3974 or already admitted to do business by agencies in this state, and
3975 such companies shall pay the proper charges incurred in such
3976 examination, including the expense of the commissioner or his
3977 deputy and the expenses and compensation of his assistants
3978 employed therein. For the purpose aforesaid, the commissioner or
3979 his deputy or persons making examination shall have free access to
3980 all the books and papers of the insurance company that relate to
3981 its business and to the books and papers kept by any of its
3982 agents, and may summon and qualify as witnesses, under oath, and
3983 examine the directors, officers, agents and trustees of any such
3984 company, and any other persons in relation to its affairs,



3985 transactions and conditions. Such examination shall be made by
3986 the commissioner, or by his accredited representatives, and such
3987 companies shall pay the proper charges incurred in such
3988 examination, including the expense of the commissioner or
3989 financial examiners, actuaries, market conduct examiners,
3990 accountants, attorneys or other professional service organizations
3991 necessary to administer this section. The Department of Insurance
3992 may contract with professional service organizations to examine
3993 all companies under its jurisdiction, and the professional service
3994 organization may directly bill the company under examination. The
3995 commissioner shall monitor the charges for these professional
3996 services and verify that all costs are reasonable. If a company
3997 fails to pay these fees within thirty (30) days of billing, the
3998 commissioner, after notice and a hearing, is authorized to impose
3999 an administrative fine not to exceed One Thousand Dollars
4000 (\$1,000.00) per day to be deposited into the special fund in the
4001 State Treasury designated as the "Insurance Department Fund." The
4002 compensation and expense of the commissioner or such examiner for
4003 the commissioner shall not exceed that approved by the National
4004 Association of Insurance Commissioners for all financial and
4005 market conduct examiners on such examinations, itemized account of
4006 such charges being rendered to and approved by the Commissioner of
4007 Insurance.

4008 The results of audits performed hereunder by the Commissioner
4009 of Insurance may be furnished to the State Tax Commission.



4010 Nothing herein shall be construed to prohibit the State Tax
4011 Commission from performing such additional audits or verifications
4012 as it may deem necessary to insure the proper payment of taxes.

4013 From and after July 1, 2016, the expenses of this agency
4014 shall be defrayed by appropriation from the State General Fund and
4015 all user charges and fees authorized under this section shall be
4016 deposited into the State General Fund as authorized by law.

4017 From and after July 1, 2016, no state agency shall charge
4018 another state agency a fee, assessment, rent or other charge for
4019 services or resources received by authority of this section.

4020 **SECTION 65.** Section 83-2-33, Mississippi Code of 1972, is
4021 amended as follows:

4022 83-2-33. All property and casualty insurance companies doing
4023 business in this state shall contribute annually, at such times as
4024 the Insurance Commissioner shall determine, in proportion to their
4025 gross premiums collected within the State of Mississippi during
4026 the preceding year, to a special fund in the State Treasury to be
4027 known as the "Insurance Department Fund" to be expended by the
4028 Insurance Commissioner in the payment of the expenses of the
4029 Department of Insurance as the commissioner may deem necessary.
4030 The commissioner is hereby authorized to employ such actuarial and
4031 other assistance as shall be necessary to carry out the duties of
4032 the department; and such employees shall be under the authority
4033 and direction of the Insurance Commissioner. The amount to be
4034 contributed annually to the fund shall be fixed each year by the



4035 Insurance Commissioner at a percentage of the gross premiums so
4036 collected during the preceding year. However, a minimum
4037 assessment of One Hundred Dollars (\$100.00) shall be charged to
4038 each licensed property and casualty insurance company regardless
4039 of the gross premium amount collected during the preceding year.

4040 The total contributions collected for the Insurance
4041 Department Fund shall not exceed the sum of Seven Hundred Fifty
4042 Thousand Dollars (\$750,000.00) in each fiscal year.

4043 From and after July 1, 2016, the expenses of this agency
4044 shall be defrayed by appropriation from the State General Fund and
4045 all user charges and fees authorized under this section shall be
4046 deposited into the State General Fund as authorized by law.

4047 From and after July 1, 2016, no state agency shall charge
4048 another state agency a fee, assessment, rent or other charge for
4049 services or resources received by authority of this section.

4050 **SECTION 66.** Section 83-2-35, Mississippi Code of 1972, is
4051 amended as follows:

4052 83-2-35. (1) This section applies to all forms of property
4053 and casualty insurance on risks or operations in this state by any
4054 insurer authorized to do business in this state, except:

- 4055 (a) Accident and health;
- 4056 (b) Ocean marine insurance;
- 4057 (c) Reinsurance;
- 4058 (d) Aircraft liability and aircraft hull insurance;
- 4059 (e) Title insurance;



4060 (f) Credit accident and health insurance.

4061 (2) All such insurers shall pay to the Commissioner of
4062 Insurance a fee of Fifteen Dollars (\$15.00) for each form or rate
4063 filing filed with the commissioner. The commissioner shall pay
4064 such fees into the special fund in the State Treasury designated
4065 as the "Insurance Department Fund."

4066 (3) From and after July 1, 2016, the expenses of this agency
4067 shall be defrayed by appropriation from the State General Fund and
4068 all user charges and fees authorized under this section shall be
4069 deposited into the State General Fund as authorized by law.

4070 (4) From and after July 1, 2016, no state agency shall
4071 charge another state agency a fee, assessment, rent or other
4072 charge for services or resources received by authority of this
4073 section.

4074 **SECTION 67.** Section 83-5-17, Mississippi Code of 1972, is
4075 amended as follows:

4076 83-5-17. The Commissioner of Insurance may, after notice and
4077 a hearing, revoke the authority of a domestic or foreign insurance
4078 company or impose an administrative fine, or both, if it violates
4079 or neglects to comply with any provision of law obligatory on it,
4080 and whenever in the opinion of the commissioner its condition is
4081 unsound, or its assets above its liabilities, exclusive of capital
4082 and inclusive of unearned premiums, are less than the amount of
4083 its original capital or required unimpaired funds. Such
4084 administrative fine shall not exceed Five Thousand Dollars



4085 (\$5,000.00) per violation and shall be deposited into the special
4086 fund in the State Treasury designated as the "Insurance Department
4087 Fund."

4088 From and after July 1, 2016, the expenses of this agency
4089 shall be defrayed by appropriation from the State General Fund and
4090 all user charges and fees authorized under this section shall be
4091 deposited into the State General Fund as authorized by law.

4092 From and after July 1, 2016, no state agency shall charge
4093 another state agency a fee, assessment, rent or other charge for
4094 services or resources received by authority of this section.

4095 **SECTION 68.** Section 83-5-41, Mississippi Code of 1972, is
4096 amended as follows:

4097 83-5-41. (1) If, after such hearing, the commissioner shall
4098 determine that the method of competition or the act or practice in
4099 question is defined in Section 83-5-35, and that the person
4100 complained of has engaged in such method of competition, act or
4101 practice in violation of Sections 83-5-29 through 83-5-51, he
4102 shall reduce his findings to writing and shall issue and cause to
4103 be served upon the person charged with the violation an order
4104 requiring such person to cease and desist from engaging in such
4105 method of competition, act or practice. In addition to, or in
4106 lieu of, the cease and desist order, the commissioner may, after
4107 such hearing, impose an administrative fine not to exceed Five
4108 Thousand Dollars (\$5,000.00) per violation, which shall be



4109 deposited into the special fund in the State Treasury designated
4110 as the "Insurance Department Fund."

4111 (2) Until the expiration of the time allowed under Section
4112 83-5-43(1) for filing a petition for review (by appeal), if no
4113 such petition has been duly filed within such time or, if the
4114 petition for review has been filed within such time, then until
4115 the transcript of the record in the proceeding has been filed in
4116 the circuit court, as hereinafter provided, the commissioner may
4117 at any time, upon such notice and in such manner as he shall deem
4118 proper, modify or set aside in whole or in part any order issued
4119 by him under this section.

4120 (3) After the expiration of the time allowed for filing such
4121 a petition for review, if no such petition has been duly filed
4122 within such time, the commissioner may, at any time after notice
4123 and opportunity for hearing, reopen and alter, modify, or set
4124 aside, in whole or in part, any order issued by him under this
4125 section whenever in his opinion conditions of fact or of law have
4126 so changed as to require such action, or if the public interest
4127 shall so require.

4128 (4) From and after July 1, 2016, the expenses of this agency
4129 shall be defrayed by appropriation from the State General Fund and
4130 all user charges and fees authorized under this section shall be
4131 deposited into the State General Fund as authorized by law.

4132 (5) From and after July 1, 2016, no state agency shall
4133 charge another state agency a fee, assessment, rent or other



4134 charge for services or resources received by authority of this
4135 section.

4136 **SECTION 69.** Section 83-5-45, Mississippi Code of 1972, is
4137 amended as follows:

4138 83-5-45. (1) Whenever the commissioner shall have reason to
4139 believe that any person engaged in the business of insurance is
4140 engaging in this state in any method of competition or in any act
4141 or practice in the conduct of such business which is not defined
4142 in Section 83-5-35, that such method of competition is unfair or
4143 that such act or practice is unfair or deceptive, and that a
4144 proceeding by him in respect thereto would be to the interest of
4145 the public, he may issue and serve upon such person a statement of
4146 the charges in that respect and a notice of a hearing thereon to
4147 be held at a time and place fixed in the notice, which shall not
4148 be less than ten (10) days after the date of the service thereof.
4149 Each such hearing shall be conducted in the same manner as the
4150 hearings provided in Section 83-5-39. The commissioner shall,
4151 after such hearing, make a report in writing in which he shall
4152 state his findings as to the facts, and he shall serve a copy
4153 thereof upon such person.

4154 (2) If such report charges a violation of Sections 83-5-29
4155 through 83-5-51, and if such method of competition, act or
4156 practice has not been discontinued, the commissioner may, through
4157 the Attorney General of this state, at any time after thirty (30)
4158 days after the service of such report, cause a petition to be



4159 filed in the circuit court of this state within the district
4160 wherein the person resides, or has his principal place of
4161 business, to enjoin and restrain such person from engaging in such
4162 method, act or practice. The court shall have jurisdiction of the
4163 proceeding and shall have power to make and enter appropriate
4164 orders in connection therewith and to issue such writs as are
4165 ancillary to its jurisdiction or are necessary in its judgment to
4166 prevent injury to the public pendente lite.

4167 (3) A transcript of the proceedings before the commissioner,
4168 including all evidence taken and the report and findings, shall be
4169 filed with such petition. If either party shall apply to the
4170 court for leave to adduce additional evidence and shall show, to
4171 the satisfaction of the court, that such additional evidence is
4172 material and there were reasonable grounds for the failure to
4173 adduce such evidence in the proceeding before the commissioner,
4174 the court may order such additional evidence to be taken before
4175 the commissioner and to be adduced upon the hearing in such manner
4176 and upon such terms and conditions as to the court may seem
4177 proper. The commissioner may modify his findings of fact or make
4178 new findings by reason of the additional evidence so taken, and he
4179 shall file such modified or new findings with the return of such
4180 additional evidence.

4181 (4) If the court finds that the method of competition
4182 complained of is unfair or that the act or practice complained of
4183 is unfair or deceptive, that the proceeding by the commissioner



4184 with respect thereto is to the interest of the public, and that
4185 the findings of the commissioner are supported by substantial
4186 evidence, it shall issue its order enjoining and restraining the
4187 continuance of such method of competition, act or practice.

4188 (5) In addition to, or in lieu of, filing, through the
4189 Attorney General, a petition for a cease and desist order, the
4190 commissioner may, after a hearing in accordance with subsection
4191 (1), impose an administrative fine not to exceed Five Thousand
4192 Dollars (\$5,000.00) per violation, which shall be deposited into
4193 the special fund in the State Treasury designated as the
4194 "Insurance Department Fund."

4195 (6) From and after July 1, 2016, the expenses of this agency
4196 shall be defrayed by appropriation from the State General Fund and
4197 all user charges and fees authorized under this section shall be
4198 deposited into the State General Fund as authorized by law.

4199 (7) From and after July 1, 2016, no state agency shall
4200 charge another state agency a fee, assessment, rent or other
4201 charge for services or resources received by authority of this
4202 section.

4203 **SECTION 70.** Section 83-5-69, Mississippi Code of 1972, is
4204 amended as follows:

4205 83-5-69. Any company that neglects to make and file its
4206 quarterly and annual statement within the time provided in this
4207 chapter shall pay to the Commissioner of Insurance One Hundred
4208 Dollars (\$100.00) for each day's neglect, which penalty shall be



4209 deposited into the special fund in the State Treasury designated
4210 as the "Insurance Department Fund"; and upon notice by the
4211 commissioner to that effect, its authority to do new business
4212 shall cease while such default continues. For willfully making a
4213 false annual, quarterly or other statement it is required by law
4214 to make, any insurance company, association or order, and the
4215 person making oath to or subscribing the same, shall severally be
4216 guilty of a misdemeanor; and, upon conviction, be punished by a
4217 fine of not less than Five Hundred Dollars (\$500.00) nor more than
4218 One Thousand Dollars (\$1,000.00). Any person making oath to such
4219 false statement shall be guilty of the crime of perjury.

4220 From and after July 1, 2016, the expenses of this agency
4221 shall be defrayed by appropriation from the State General Fund and
4222 all user charges and fees authorized under this section shall be
4223 deposited into the State General Fund as authorized by law.

4224 From and after July 1, 2016, no state agency shall charge
4225 another state agency a fee, assessment, rent or other charge for
4226 services or resources received by authority of this section.

4227 **SECTION 71.** Section 83-5-72, Mississippi Code of 1972, is
4228 amended as follows:

4229 83-5-72. All life, health and accident insurance companies
4230 and health maintenance organizations doing business in this state
4231 shall contribute annually, at such times as the Insurance
4232 Commissioner shall determine, in proportion to their gross
4233 premiums collected within the State of Mississippi during the



4234 preceding year, to a special fund in the State Treasury to be
4235 known as the "Insurance Department Fund" to be expended by the
4236 Insurance Commissioner in the payment of the expenses of the
4237 Department of Insurance as the commissioner may deem necessary.
4238 The commissioner is hereby authorized to employ such actuarial and
4239 other assistance as shall be necessary to carry out the duties of
4240 the department; and the employees shall be under the authority and
4241 direction of the Insurance Commissioner. The amount to be
4242 contributed annually to the fund shall be fixed each year by the
4243 Insurance Commissioner at a percentage of the gross premiums so
4244 collected during the preceding year. However, a minimum
4245 assessment of One Hundred Dollars (\$100.00) shall be charged each
4246 licensed life, health and accident insurance company regardless of
4247 the gross premium amount collected during the preceding year.

4248 The total contributions collected for the Insurance
4249 Department Fund shall not exceed the sum of Seven Hundred Fifty
4250 Thousand Dollars (\$750,000.00) in each fiscal year.

4251 From and after July 1, 2016, the expenses of this agency
4252 shall be defrayed by appropriation from the State General Fund and
4253 all user charges and fees authorized under this section shall be
4254 deposited into the State General Fund as authorized by law.

4255 From and after July 1, 2016, no state agency shall charge
4256 another state agency a fee, assessment, rent or other charge for
4257 services or resources received by authority of this section.



4258 **SECTION 72.** Section 83-5-73, Mississippi Code of 1972, is
4259 amended as follows:

4260 83-5-73. The commissioner shall collect and pay into the
4261 special fund in the State Treasury designated as the "Insurance
4262 Department Fund" the following fees: for certificate of authority
4263 to each general or district agent or manager, Twenty-five Dollars
4264 (\$25.00); for filing and processing an agent's certificate of
4265 authority, Twenty-five Dollars (\$25.00); for filing and examining
4266 statement preliminary to admission, One Thousand Dollars
4267 (\$1,000.00); for filing and processing a Form A application, Two
4268 Thousand Dollars (\$2,000.00); for filing and auditing annual
4269 statement, Five Hundred Dollars (\$500.00); for filing any other
4270 paper required by law, Fifty Dollars (\$50.00); for continuing
4271 education courses or programs filed by the providers for approval,
4272 Fifty Dollars (\$50.00); for each certification company licensed
4273 status, Forty Dollars (\$40.00); for each seal when required,
4274 Twenty Dollars (\$20.00); for service of process on the
4275 commissioner as attorney, Twenty-five Dollars (\$25.00).

4276 From and after July 1, 2016, the expenses of this agency
4277 shall be defrayed by appropriation from the State General Fund and
4278 all user charges and fees authorized under this section shall be
4279 deposited into the State General Fund as authorized by law.

4280 From and after July 1, 2016, no state agency shall charge
4281 another state agency a fee, assessment, rent or other charge for
4282 services or resources received by authority of this section.



4283 **SECTION 73.** Section 83-5-77, Mississippi Code of 1972, is
4284 amended as follows:

4285 83-5-77. For publication of annual statement, there shall be
4286 a fee of Eighty Dollars (\$80.00), Forty Dollars (\$40.00) of which
4287 shall be paid to the publishers and Forty Dollars (\$40.00) paid to
4288 the special fund in the State Treasury known as the "Insurance
4289 Department Fund". The commissioner shall receive for copy of any
4290 record or paper in his office, Fifty Cents (50¢) per page, and
4291 Twenty Dollars (\$20.00) for certifying same, or any fact or data
4292 from the records of the office.

4293 From and after July 1, 2016, the expenses of this agency
4294 shall be defrayed by appropriation from the State General Fund and
4295 all user charges and fees authorized under this section shall be
4296 deposited into the State General Fund as authorized by law.

4297 From and after July 1, 2016, no state agency shall charge
4298 another state agency a fee, assessment, rent or other charge for
4299 services or resources received by authority of this section.

4300 **SECTION 74.** Section 83-5-17, Mississippi Code of 1972, is
4301 amended as follows:

4302 83-5-17. The Commissioner of Insurance may, after notice and
4303 a hearing, revoke the authority of a domestic or foreign insurance
4304 company or impose an administrative fine, or both, if it violates
4305 or neglects to comply with any provision of law obligatory on it,
4306 and whenever in the opinion of the commissioner its condition is
4307 unsound, or its assets above its liabilities, exclusive of capital



4308 and inclusive of unearned premiums, are less than the amount of
4309 its original capital or required unimpaired funds. Such
4310 administrative fine shall not exceed Five Thousand Dollars
4311 (\$5,000.00) per violation and shall be deposited into the special
4312 fund in the State Treasury designated as the "Insurance Department
4313 Fund."

4314 From and after July 1, 2016, the expenses of this agency
4315 shall be defrayed by appropriation from the State General Fund and
4316 all user charges and fees authorized under this section shall be
4317 deposited into the State General Fund as authorized by law.

4318 From and after July 1, 2016, no state agency shall charge
4319 another state agency a fee, assessment, rent or other charge for
4320 services or resources received by authority of this section.

4321 **SECTION 75.** Section 83-9-3, Mississippi Code of 1972, is
4322 amended as follows:

4323 83-9-3. (1) No policy of accident and sickness insurance
4324 shall be delivered or issued for delivery to any person in this
4325 state unless:

4326 (a) The entire money and other considerations therefor
4327 are expressed therein; and

4328 (b) The time at which the insurance takes effect and
4329 terminates is expressed therein; and

4330 (c) It purports to insure only one (1) person, except
4331 that a policy may insure, originally or by subsequent amendment,
4332 upon the application of an adult member of a family who shall be



4333 deemed the policyholder, any two (2) or more eligible members of
4334 that family, including husband, wife, dependent children or any
4335 children under a specified age which shall not exceed nineteen
4336 (19) years, and any other person dependent upon the policyholder;
4337 and

4338 (d) The style, arrangement and overall appearance of
4339 the policy give no undue prominence to any portion of the text,
4340 and unless every printed portion of the text of the policy and of
4341 any endorsements or attached papers is plainly printed in
4342 lightfaced type of a style in general use, the size of which shall
4343 be uniform and not less than ten-point with a lowercase unspaced
4344 alphabet length not less than one-hundred-twenty-point (the "text"
4345 shall include all printed matter except the name and address of
4346 the insurer, name or title of the policy, the brief description if
4347 any, and captions and subcaptions); and

4348 (e) The exceptions and reductions of indemnity are set
4349 forth in the policy and, except those which are set forth in
4350 Section 83-9-5, are printed, at the insurer's option, either with
4351 the benefit provision to which they apply, or under an appropriate
4352 caption such as "Exceptions" or "Exceptions and Reductions,"
4353 provided that if an exception or reduction specifically applies
4354 only to a particular benefit of the policy, a statement of such
4355 exception or reduction shall be included with the benefit
4356 provision to which it applies; and



4357 (f) Each such form, including riders and endorsements,
4358 shall be identified by a form number in the lower left-hand corner
4359 of the first page thereof; and

4360 (g) It contains no provision purporting to make any
4361 portion of the charter, rules, constitution or bylaws of the
4362 insurer a part of the policy unless such portion is set forth in
4363 full in the policy, except in the case of the incorporation of, or
4364 reference to, a statement of rates or classification of risks, or
4365 short-rate table filed with the commissioner.

4366 (2) No individual or group policy covering health and
4367 accident insurance (including experience-rated insurance
4368 contracts, indemnity contracts, self-insured plans and self-funded
4369 plans), or any group combinations of these coverages, shall be
4370 issued by any commercial insurer doing business in this state
4371 which, by the terms of such policy, limits or excludes payment
4372 because the individual or group insured is eligible for or is
4373 being provided medical assistance under the Mississippi Medicaid
4374 Law. Any such policy provision in violation of this section shall
4375 be invalid.

4376 (3) No individual or group policy covering health and
4377 accident insurance (including experience-rated insurance
4378 contracts, indemnity contracts, self-insured plans and self-funded
4379 plans) or any group combinations of these coverages, shall be
4380 issued by any commercial insurer doing business in this state,
4381 which, by the terms of such policy, limits or restricts the



4382 insured's ability to assign the insured's benefits under the
 4383 policy to a licensed health care provider that provides health
 4384 care services to the insured. Commercial insurers doing business
 4385 in this state shall honor an assignment for a period of one (1)
 4386 year starting from the initial date of an assignment or until the
 4387 insured revokes the assignment, whichever occurs first. Any such
 4388 policy provision in violation of this subsection shall be invalid.

4389 (4) If any policy is issued by an insurer domiciled in this
 4390 state for delivery to a person residing in another state, and if
 4391 the official having responsibility for the administration of the
 4392 insurance laws of such other state shall have advised the
 4393 commissioner that any such policy is not subject to approval or
 4394 disapproval by such official, the commissioner may, by ruling,
 4395 require that such policy meet the standards set forth in
 4396 subsection (1) of this section and in Section 83-9-5.

4397 (5) The commissioner shall collect and pay into the special
 4398 fund in the State Treasury designated as the "Insurance Department
 4399 Fund" the following fees for services provided under this section:

FORM	FEE
4401 Each individual policy contract, including	
4402 revisions.....	\$15.00
4403 Each group master policy or contract, including	
4404 revisions.....	15.00
4405 Each rider, endorsement or amendment, etc.....	10.00
4406 Each insurance application where written application	



4407	is required and is to be made a part of the policy or	
4408	contract.....	10.00
4409	Each questionnaire.....	7.00
4410	Charge for resubmission where payment is not included	
4411	with original submission.....	5.00
4412	Additional charge for tentative approval same as above.	

4413 (6) In order to expedite and become more efficient in
4414 reviewing and approving accident and health form and rate filings,
4415 the commissioner may establish an expedited form and rate review
4416 procedure whereby insurers may elect to pay reasonable actuarial
4417 fees directly to a department-approved actuarial service in
4418 exchange for an expedited review of form and rate filings by the
4419 actuarial service. The commissioner may make such reasonable
4420 rules and regulations concerning the expedited procedure, and may
4421 set reasonable fees for the actuarial services provided. This
4422 provision shall not abridge any other authority granted to the
4423 commissioner by law, including the authority to collect the filing
4424 fees prescribed by this section.

4425 (7) From and after July 1, 2016, the expenses of this agency
4426 shall be defrayed by appropriation from the State General Fund and
4427 all user charges and fees authorized under this section shall be
4428 deposited into the State General Fund as authorized by law.

4429 (8) From and after July 1, 2016, no state agency shall
4430 charge another state agency a fee, assessment, rent or other



4431 charge for services or resources received by authority of this
4432 section.

4433 **SECTION 76.** Section 83-17-71, Mississippi Code of 1972, is
4434 amended as follows:

4435 83-17-71. (1) The commissioner may place on probation,
4436 suspend, revoke or refuse to issue or renew an insurance
4437 producer's license or may levy a civil penalty in an amount not to
4438 exceed One Thousand Dollars (\$1,000.00) per violation and such
4439 penalty shall be deposited into the special fund of the State
4440 Treasury designated as the "Insurance Department Fund" for any one
4441 or more of the following causes:

4442 (a) Providing incorrect, misleading, incomplete or
4443 materially untrue information in the license application;

4444 (b) Violating any insurance laws, or violating any
4445 regulation, subpoena or order of the commissioner or of another
4446 state's commissioner;

4447 (c) Obtaining or attempting to obtain a license through
4448 misrepresentation or fraud;

4449 (d) Improperly withholding, misappropriating or
4450 converting any monies or properties received in the course of
4451 doing insurance business;

4452 (e) Intentionally misrepresenting the terms of an
4453 actual or proposed insurance contract or application for
4454 insurance;

4455 (f) Having been convicted of a felony;



4456 (g) Having admitted or been found to have committed any
4457 insurance unfair trade practice or fraud;

4458 (h) Using fraudulent, coercive or dishonest practices
4459 or demonstrating incompetence, untrustworthiness or financial
4460 irresponsibility in the conduct of business in this state or
4461 elsewhere;

4462 (i) Having an insurance producer license, or its
4463 equivalent, denied, suspended or revoked in any other state,
4464 province, district or territory;

4465 (j) Forging another's name to an application for
4466 insurance or to any document related to an insurance transaction;

4467 (k) Improperly using notes or any other reference
4468 material to complete an examination for an insurance license;

4469 (l) Knowingly accepting insurance business from an
4470 individual who is not licensed;

4471 (m) Failing to comply with an administrative or court
4472 order imposing a child support obligation; or

4473 (n) Failing to pay state income tax or comply with any
4474 administrative or court order directing payment of state income
4475 tax.

4476 (2) If the action by the commissioner is to nonrenew or to
4477 deny an application for a license, the commissioner shall notify
4478 the applicant or licensee and advise, in writing, the applicant or
4479 licensee of the reason for the denial or nonrenewal of the
4480 applicant's or licensee's license. The applicant or licensee may



4481 make written demand upon the commissioner within ten (10) days for
4482 a hearing before the commissioner to determine the reasonableness
4483 of the commissioner's action. The hearing shall be held within
4484 thirty (30) days.

4485 (3) The license of a business entity may be suspended,
4486 revoked or refused if the commissioner finds, after hearing, that
4487 an individual licensee's violation was known or should have been
4488 known by one or more of the partners, officers or managers acting
4489 on behalf of the partnership or corporation and the violation was
4490 neither reported to the commissioner nor corrective action taken.

4491 (4) In addition to, or in lieu of, any applicable denial,
4492 suspension or revocation of a license, a person may, after
4493 hearing, be subject to a civil fine not to exceed One Thousand
4494 Dollars (\$1,000.00) per violation and such fine shall be deposited
4495 into the special fund in the State Treasury designated as the
4496 "Insurance Department Fund."

4497 (5) The commissioner shall retain the authority to enforce
4498 the provisions of and impose any penalty or remedy authorized by
4499 this article and Title 83, Mississippi Code of 1972, against any
4500 person who is under investigation for or charged with a violation
4501 of this article or Title 83, Mississippi Code of 1972, even if the
4502 person's license or registration has been surrendered or has
4503 lapsed by operation of law.

4504 (6) No licensee whose license has been revoked hereunder
4505 shall be entitled to file another application for a license as a



4506 producer within one (1) year from the effective date of such
4507 revocation or, if judicial review of such revocation is sought,
4508 within one (1) year from the date of final court order or decree
4509 affirming such revocation. Such application, when filed, may be
4510 refused by the commissioner unless the applicant shows good cause
4511 why the revocation of his license shall not be deemed a bar to the
4512 issuance of a new license.

4513 (7) From and after July 1, 2016, the expenses of this agency
4514 shall be defrayed by appropriation from the State General Fund and
4515 all user charges and fees authorized under this section shall be
4516 deposited into the State General Fund as authorized by law.

4517 (8) From and after July 1, 2016, no state agency shall
4518 charge another state agency a fee, assessment, rent or other
4519 charge for services or resources received by authority of this
4520 section.

4521 **SECTION 77.** Section 83-17-519, Mississippi Code of 1972, is
4522 amended as follows:

4523 83-17-519. (1) A license may be refused, or a license duly
4524 issued may be suspended or revoked or the renewal thereof refused
4525 by the commissioner, or the commissioner may levy a civil penalty
4526 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
4527 violation, or both, and any such penalty shall be deposited into
4528 the special fund of the State Treasury designated as the
4529 "Insurance Department Fund," if, after notice and hearing as



4530 hereinafter provided, he finds that the applicant for, or holder
4531 of, such license:

4532 (a) Has intentionally made a material misstatement in
4533 the application for such license; or

4534 (b) Has obtained, or attempted to obtain, such license
4535 by fraud or misrepresentation; or

4536 (c) Has misappropriated or converted to his own use or
4537 illegally withheld money belonging to another person or entity; or

4538 (d) Has otherwise demonstrated lack of trustworthiness
4539 or competence to act as a public adjuster; or

4540 (e) Has been guilty of fraudulent or dishonest
4541 practices or has been convicted of a felony; or

4542 (f) Has materially misrepresented the terms and
4543 conditions of insurance policies or contracts or failed to
4544 identify himself as a public adjuster; or

4545 (g) Has obtained or attempted to obtain such license
4546 for a purpose other than holding himself out to the general public
4547 as a public adjuster; or

4548 (h) Has violated any insurance laws, or any regulation,
4549 subpoena or order of the commissioner or of another state's
4550 commissioner of insurance.

4551 (2) Before any license shall be refused (except for failure
4552 to pass a required written examination) or suspended or revoked or
4553 the renewal thereof refused hereunder, the commissioner shall give
4554 notice of his intention so to do, by certified mail, return



4555 receipt requested, to the applicant for or holder of such license,
4556 and shall set a date not less than twenty (20) days from the date
4557 of mailing such notice when the applicant or licensee may appear
4558 to be heard and produce evidence in opposition to such refusal,
4559 suspension or revocation. Such notice shall constitute automatic
4560 suspension of license if the person involved is a licensed public
4561 adjuster. In the conduct of such hearing, the commissioner or any
4562 regular salaried employee of the department specially designated
4563 by him for such purpose shall have the power to administer oaths,
4564 to require the appearance of and examine any person under oath,
4565 and to require the production of books, records or papers relevant
4566 to the inquiry upon his own initiative or upon the request of the
4567 applicant or licensee. Upon the termination of such hearing,
4568 findings shall be reduced to writing and, upon approval by the
4569 commissioner, shall be filed in his office; and notice of the
4570 findings shall be sent by certified mail, return receipt
4571 requested, to the applicant or licensee.

4572 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
4573 of this section are the grounds for any hearing, the commissioner
4574 may, in his discretion in lieu of the hearing provided for in
4575 subsection (2) of this section, file a petition requesting the
4576 court to suspend or revoke any license authorized hereunder in a
4577 court of competent jurisdiction of the county or district in which
4578 the alleged offense occurred. In such cases, subpoenas may be
4579 issued for witnesses, and mileage and witness fees paid as in



4580 other cases. All costs of such cause shall be paid by the
4581 defendant, if the finding of the court be against him.

4582 (4) No licensee whose license has been revoked hereunder
4583 shall be entitled to file another application for a license as a
4584 public adjuster within one (1) year from the effective date of
4585 such revocation or, if judicial review of such revocation is
4586 sought, within one (1) year from the date of final court order or
4587 decree affirming such revocation. An application filed after such
4588 one-year period shall be refused by the commissioner unless the
4589 applicant shows good cause why the revocation of his license shall
4590 not be deemed a bar to the issuance of a new license.

4591 (5) From and after July 1, 2016, the expenses of this agency
4592 shall be defrayed by appropriation from the State General Fund and
4593 all user charges and fees authorized under this section shall be
4594 deposited into the State General Fund as authorized by law.

4595 (6) From and after July 1, 2016, no state agency shall
4596 charge another state agency a fee, assessment, rent or other
4597 charge for services or resources received by authority of this
4598 section.

4599 **SECTION 78.** Section 83-19-21, Mississippi Code of 1972, is
4600 amended as follows:

4601 83-19-21. If it appears that the requirements of the law
4602 herein have been complied with, the commissioner shall collect a
4603 fee of Two Hundred Dollars (\$200.00), to be paid into the special
4604 fund in the State Treasury designated as the "Insurance Department



4605 Fund" and shall certify the fact and his approval of the articles
4606 of association, by endorsement thereon. The commissioner shall
4607 also collect a fee of Fifty Dollars (\$50.00) for any amendment
4608 filed thereon and such fee shall be deposited into the "Insurance
4609 Department Fund."

4610 From and after July 1, 2016, the expenses of this agency
4611 shall be defrayed by appropriation from the State General Fund and
4612 all user charges and fees authorized under this section shall be
4613 deposited into the State General Fund as authorized by law.

4614 From and after July 1, 2016, no state agency shall charge
4615 another state agency a fee, assessment, rent or other charge for
4616 services or resources received by authority of this section.

4617 **SECTION 79.** Section 83-21-1, Mississippi Code of 1972, is
4618 amended as follows:

4619 83-21-1. No foreign insurance, indemnity or guaranty company
4620 or other insurer shall be admitted and authorized to do business
4621 in this state until:

4622 (a) It shall deposit with the Commissioner of Insurance
4623 a certified copy of its charter, articles of incorporation, bylaws
4624 or deed of settlement, and shall pay for the filing of such
4625 document the sum of One Thousand Dollars (\$1,000.00) and a
4626 statement of its financial condition and business in such form and
4627 detail as he may require, signed and sworn to by its president and
4628 secretary or other proper officer.



4629 (b) It shall satisfy the commissioner that it is fully
4630 and legally organized under the laws of its state or government to
4631 do the business it proposes to transact; and such capital or net
4632 assets are well invested and immediately available for the payment
4633 of losses in this state, and that it insures on any single hazard
4634 a sum no larger than one-tenth (1/10) of its net assets.

4635 (c) It shall, by a duly executed instrument filed in
4636 his office, constitute and appoint the Commissioner of Insurance,
4637 and his successor, its true and lawful attorney, upon whom all
4638 process in any action or legal proceeding against it may be
4639 served, and therein shall agree that any process against it which
4640 may be served upon its attorney shall be of the same force and
4641 validity as if served on the company, and the authority thereof
4642 shall continue in force irrevocable so long as any liability of
4643 the company remains outstanding in this state. The service of
4644 such process shall be made by leaving a copy of the same in the
4645 hands or office of the commissioner. Copies of such instrument
4646 certified by the commissioner shall be deemed sufficient evidence
4647 thereof, and service upon such attorney shall be deemed sufficient
4648 service upon the principal.

4649 (d) It shall appoint as its agent or agents in this
4650 state some resident or residents thereof, other than the
4651 commissioner; such appointment to be made in writing, signed by
4652 the president and secretary or manager or general agent, and filed
4653 in the office of the commissioner, authorizing the agent to



4654 acknowledge service of process for and on behalf of the company,
4655 consenting that service of process on the agent shall be as valid
4656 as if served upon the company, according to the laws of this
4657 state, and waiving all claims of error by reason of such service.

4658 (e) It shall obtain from the commissioner a certificate
4659 that it has complied with the laws of the state and is authorized
4660 to make contracts of insurance.

4661 (f) Such fees collected by the commissioner shall be
4662 deposited in the special fund in the State Treasury designated as
4663 the "Insurance Department Fund."

4664 From and after July 1, 2016, the expenses of this agency
4665 shall be defrayed by appropriation from the State General Fund and
4666 all user charges and fees authorized under this section shall be
4667 deposited into the State General Fund as authorized by law.

4668 From and after July 1, 2016, no state agency shall charge
4669 another state agency a fee, assessment, rent or other charge for
4670 services or resources received by authority of this section.

4671 **SECTION 80.** Section 83-37-29, Mississippi Code of 1972, is
4672 amended as follows:

4673 83-37-29. Any person, firm, association, or corporation
4674 engaging in the business herein described without first having
4675 complied with the provisions hereof, or any person who shall
4676 knowingly make any false statement in the reports required by this
4677 chapter as determined by the Commissioner of Insurance after
4678 written notice and hearing, shall be assessed a penalty for each



4679 violation of not less than Two Hundred Fifty Dollars (\$250.00) nor
4680 more than Five Hundred Dollars (\$500.00), and in addition thereto
4681 shall forfeit the license to do business in this state. Funds
4682 from such penalties shall be deposited with the State Treasurer to
4683 be placed in a fund designated as the "Insurance Department Fund."

4684 From and after July 1, 2016, the expenses of this agency
4685 shall be defrayed by appropriation from the State General Fund and
4686 all user charges and fees authorized under this section shall be
4687 deposited into the State General Fund as authorized by law.

4688 From and after July 1, 2016, no state agency shall charge
4689 another state agency a fee, assessment, rent or other charge for
4690 services or resources received by authority of this section.

4691 **SECTION 81.** Section 83-39-3, Mississippi Code of 1972, is
4692 amended as follows:

4693 83-39-3. (1) No person shall act in the capacity of
4694 professional bail agent, soliciting bail agent or bail enforcement
4695 agent, as defined in Section 83-39-1, or perform any of the
4696 functions, duties or powers of the same unless that person shall
4697 be qualified and licensed as provided in this chapter. The terms
4698 of this chapter shall not apply to any automobile club or
4699 association, financial institution, insurance company or other
4700 organization or association or their employees who execute bail
4701 bonds on violations arising out of the use of a motor vehicle by
4702 their members, policyholders or borrowers when bail bond is not



4703 the principal benefit of membership, the policy of insurance or of
4704 a loan to such member, policyholder or borrower.

4705 (2) (a) No license shall be issued or renewed except in
4706 compliance with this chapter, and none shall be issued except to
4707 an individual. No firm, partnership, association or corporation,
4708 as such, shall be so licensed. No professional bail agent shall
4709 operate under more than one (1) trade name. A soliciting bail
4710 agent and bail enforcement agent shall operate only under the
4711 professional bail agent's name. No license shall be issued to or
4712 renewed for any person who has ever been convicted of a felony or
4713 any crime involving moral turpitude or who is under twenty-one
4714 (21) years of age. No person engaged as a law enforcement or
4715 judicial official or attorney shall be licensed hereunder. A
4716 person who is employed in any capacity at any jail or corrections
4717 facility that houses state, county or municipal inmates who are or
4718 may be eligible for bail, whether the person is a public employee,
4719 independent contractor, or the employee of an independent
4720 contractor, may not be licensed under this section.

4721 (b) (i) No person who is a relative of either a sworn
4722 state, county or municipal law enforcement official or judicial
4723 official, or an employee, independent contractor or the
4724 contractor's employee of any police department, sheriff's
4725 department, jail or corrections facility that houses or holds
4726 federal, state, county or municipal inmates who are or may be
4727 eligible for bail, shall write a bond in the county where the law



4728 enforcement entity or court in which the person's relative serves
4729 is located. "Relative" means a spouse, parent, grandparent,
4730 child, sister, brother, or a consanguineous aunt, uncle, niece or
4731 nephew. Violation of this prohibition shall result in license
4732 revocation.

4733 (ii) No person licensed under this chapter shall
4734 act as a personal surety agent in the writing of bail during a
4735 period he or she is licensed as a limited surety agent, as defined
4736 herein.

4737 (iii) No person licensed under this chapter shall
4738 give legal advice or a legal opinion in any form.

4739 (3) The department is vested with the authority to enforce
4740 this chapter. The department may conduct investigations or
4741 request other state, county or local officials to conduct
4742 investigations and promulgate such rules and regulations as may be
4743 necessary for the enforcement of this chapter. The department may
4744 establish monetary fines and collect such fines as necessary for
4745 the enforcement of such rules and regulations. All fines
4746 collected shall be deposited in the Special Insurance Department
4747 Fund for the operation of that agency.

4748 (4) (a) Each license issued hereunder shall expire
4749 biennially on the last day of September of each odd-numbered year,
4750 unless revoked or suspended prior thereto by the department, or
4751 upon notice served upon the commissioner by the insurer that the
4752 authority of a limited surety agent to act for or on behalf of



4753 such insurer had been terminated, or upon notice served upon the
4754 commissioner that the authority of a soliciting bail agent or bail
4755 enforcement agent had been terminated by such professional bail
4756 agent.

4757 (b) A soliciting bail agent or bail enforcement agent
4758 may, upon termination by a professional bail agent or upon his
4759 cessation of employment with a professional bail agent, be
4760 relicensed without having to comply with the provisions of
4761 subsection (7) (a) and (b) of this section, if he has held a
4762 license in his respective license category within ninety (90) days
4763 of the new application, meets all other requirements set forth in
4764 Section 83-39-5 and subsection (7) (b) of this section, and
4765 notifies the previous professional bail agent in writing that he
4766 is submitting an application for a new license.

4767 (5) The department shall prepare and deliver to each
4768 licensee a license showing the name, address and classification of
4769 the licensee, and shall certify that the person is a licensed
4770 professional bail agent, being designated as a personal surety
4771 agent or a limited surety agent, a soliciting bail agent or a bail
4772 enforcement agent. In addition, the license of a soliciting bail
4773 agent or bail enforcement agent, shall show the name of the
4774 professional bail agent and any other information as the
4775 commissioner deems proper.

4776 (6) The commissioner, after a hearing under Section
4777 83-39-17, may refuse to issue a privilege license for a soliciting



4778 bail agent to change from one (1) professional bail agent to
4779 another if he owes any premium or debt to the professional bail
4780 agent with whom he is currently licensed. The commissioner, after
4781 a hearing under Section 83-39-17, shall refuse to issue a license
4782 for a limited surety agent if he owes any premium or debt to an
4783 insurer to which he has been appointed. If a license has been
4784 granted to a limited surety agent or a soliciting bail agent who
4785 owed any premium or debt to an insurer or professional bail agent,
4786 the commissioner, after a hearing under Section 83-39-17, shall
4787 revoke the license.

4788 (7) (a) Before the issuance of any initial professional
4789 bail agent, soliciting bail agent or bail enforcement agent
4790 license, the applicant shall submit proof of successful completion
4791 of forty (40) classroom hours of prelicensing education approved
4792 by the Professional Bail Agents Association of Mississippi, Inc.,
4793 and conducted by persons or entities approved by the Professional
4794 Bail Agents Association of Mississippi, Inc., unless the applicant
4795 is currently licensed under this chapter on July 1, 2014, and has
4796 maintained that license in compliance with the continuing
4797 education requirements of subsection (8) of this section. The
4798 hours required by this subsection shall be classroom hours and may
4799 not be acquired through correspondence or over the Internet. Any
4800 applicant who has met all continuing education requirements as set
4801 forth in subsection (8)(a) of this section and has been properly
4802 licensed under this chapter within ninety (90) days of submitting



4803 an application for a license shall not be subject to the
4804 prelicensing education requirement.

4805 (b) All applicants for a professional bail agent,
4806 soliciting bail agent or bail enforcement agent license applying
4807 for an original license after July 1, 2014, shall successfully
4808 complete a limited examination by the department for the
4809 restricted lines of business before the license can be issued;
4810 however, this examination requirement shall not apply to any
4811 licensed bail soliciting agent and bail enforcement agent
4812 transferring to another professional bail agent license, any
4813 licensed bail soliciting agent applying for a bail enforcement
4814 agent license, and any licensed bail enforcement agent applying
4815 for a bail soliciting agent license. An applicant shall only be
4816 required to successfully complete the limited examination once.

4817 (c) Beginning on July 1, 2011, in order to assist the
4818 department in determining an applicant's suitability for a license
4819 under this chapter, the applicant shall submit a set of
4820 fingerprints with the submission of an application for license.
4821 The department shall forward the fingerprints to the Department of
4822 Public Safety for the purpose of conducting a criminal history
4823 record check. If no disqualifying record is identified at the
4824 state level, the Department of Public Safety shall forward the
4825 fingerprints to the Federal Bureau of Investigation for a national
4826 criminal history record check. Fees related to the criminal
4827 history record check shall be paid by the applicant to the



4828 commissioner and the monies from such fees shall be deposited in
4829 the special fund in the State Treasury designated as the
4830 "Insurance Department Fund."

4831 (8) (a) Before the renewal of the license of any
4832 professional bail agent, soliciting bail agent or bail enforcement
4833 agent, the applicant shall submit proof of successful completion
4834 of continuing education hours as follows:

4835 (i) There shall be no continuing education
4836 required for the first licensure year;

4837 (ii) Except as provided in subparagraph (i), eight
4838 (8) classroom hours of continuing education for each year or part
4839 of a year of the two-year license period, for a total of sixteen
4840 (16) hours per license period.

4841 (b) If an applicant for renewal failed to obtain the
4842 required eight (8) hours for each year of the license period
4843 during the actual license year in which the education was required
4844 to be obtained, the applicant shall not be eligible for a renewal
4845 license but shall be required to obtain an original license and be
4846 subject to the education requirements set forth in subsection (7).
4847 The commissioner shall not be required to comply with Section
4848 83-39-17 in denying an application for a renewal license under
4849 this paragraph (b).

4850 (c) The education hours required under this subsection
4851 (8) shall consist of classroom hours approved by the Professional
4852 Bail Agents Association of Mississippi, Inc., and provided by



4853 persons or entities approved by the Professional Bail Agents
4854 Association of Mississippi, Inc. The hours required by this
4855 subsection shall be classroom hours and may not be acquired
4856 through correspondence or over the Internet.

4857 (d) The continuing education requirements under this
4858 subsection (8) shall not be required for renewal of a bail agent
4859 license for any applicant who is sixty-five (65) years of age and
4860 who has been licensed as a bail agent for a continuous period of
4861 twenty (20) years immediately preceding the submission of the
4862 application as evidenced by submission of an affidavit, under
4863 oath, on a form prescribed by the department, signed by the
4864 licensee attesting to satisfaction of the age, licensing, and
4865 experience requirements of this paragraph (d).

4866 (9) No license as a professional bail agent shall be issued
4867 unless the applicant has been duly licensed by the department as a
4868 soliciting bail agent for a period of three (3) consecutive years
4869 immediately preceding the submission of the application. However,
4870 this subsection (9) shall not apply to any person who was licensed
4871 as a professional bail agent before July 1, 2011.

4872 (10) A nonresident person may be licensed as a professional
4873 bail agent, bail soliciting agent or bail enforcement agent if:

4874 (a) The person's home state awards licenses to
4875 residents of this state on the same basis; and

4876 (b) The person has satisfied all requirements set forth
4877 in this chapter.



4878 (11) From and after July 1, 2016, the expenses of this
4879 agency shall be defrayed by appropriation from the State General
4880 Fund and all user charges and fees authorized under this section
4881 shall be deposited into the State General Fund as authorized by
4882 law.

4883 (12) From and after July 1, 2016, no state agency shall
4884 charge another state agency a fee, assessment, rent or other
4885 charge for services or resources received by authority of this
4886 section.

4887 **SECTION 82.** Section 83-73-9, Mississippi Code of 1972, is
4888 amended as follows:

4889 83-73-9. **Suspension or revocation of license.** (1) If a
4890 vendor of portable electronics or its employee, subsidiary
4891 corporation or authorized representative violates any provision of
4892 this section, the commissioner may do any of the following:

4893 (a) After notice and hearing, impose fines not to
4894 exceed One Thousand Dollars (\$1,000.00) per violation or Thirty
4895 Thousand Dollars (\$30,000.00) in the aggregate for such violations
4896 and such penalty shall be deposited into the special fund of the
4897 State Treasury designated as the "Insurance Department Fund."

4898 (b) After notice and hearing, impose other penalties
4899 that the commissioner deems necessary and reasonable to carry out
4900 the purpose of this chapter, including, but not limited to:



4901 (i) Suspending the privilege of transacting
4902 portable electronics insurance pursuant to this section at
4903 specific business locations where violations have occurred;

4904 (ii) Suspending or revoking the ability of
4905 individual employees, subsidiary corporations or authorized
4906 representatives to act under the license; and

4907 (iii) Placing on probation, suspending or revoking
4908 the license of the portable electronics insurance producer.

4909 (2) From and after July 1, 2016, the expenses of this agency
4910 shall be defrayed by appropriation from the State General Fund and
4911 all user charges and fees authorized under this section shall be
4912 deposited into the State General Fund as authorized by law.

4913 (3) From and after July 1, 2016, no state agency shall
4914 charge another state agency a fee, assessment, rent or other
4915 charge for services or resources received by authority of this
4916 section.

4917 **[LAW ENFORCEMENT MINIMUM STANDARDS BOARD]**

4918 **SECTION 83.** Section 45-6-15, Mississippi Code of 1972, is
4919 amended as follows:

4920 45-6-15. (1) (a) Such assessments as are collected under
4921 Section 99-19-73, Mississippi Code of 1972, and contributions,
4922 grants and other monies received by the board under the provisions
4923 of this chapter shall be deposited in a special fund hereby
4924 created in the State Treasury and designated the "Law Enforcement
4925 Officers Training Fund," which shall be expended by the board to



4926 defray the expenses of the program as authorized and appropriated
4927 by the Legislature.

4928 (b) Twenty-five percent (25%) of the assessments
4929 collected under Section 99-19-73, Mississippi Code of 1972, shall
4930 be deposited into the "Jail Officer Training Account" which is
4931 hereby created in the "Law Enforcement Officers Training Fund."
4932 The funds in such account shall be expended by the Board on Jail
4933 Officer Standards and Training to defray the expenses of the jail
4934 officers training program as authorized and appropriated by the
4935 Legislature.

4936 (c) Unexpended amounts remaining in the fund and
4937 account at the end of the fiscal year shall not lapse into the
4938 State General Fund and any interest earned on the fund shall be
4939 deposited to the credit of the fund.

4940 (2) The board may accept for any of its purposes and
4941 functions under this chapter any and all donations, both real and
4942 personal property, and grants of money from any governmental unit
4943 or public agency, or from any institution, person, firm or
4944 corporation.

4945 (3) Money authorized and appropriated by the Legislature
4946 shall be paid by the State Treasurer upon warrants issued by the
4947 Department of Finance and Administration, which shall issue its
4948 warrants upon requisitions signed by the proper person, officer or
4949 officers of the commission, in the manner provided by law.



4950 (4) From and after July 1, 2016, the expenses of this agency
4951 shall be defrayed by appropriation from the State General Fund and
4952 all user charges and fees authorized under this section shall be
4953 deposited into the State General Fund as authorized by law.

4954 (5) From and after July 1, 2016, no state agency shall
4955 charge another state agency a fee, assessment, rent or other
4956 charge for services or resources received by authority of this
4957 section.

4958 **[DEPARTMENT OF MARINE RESOURCES TIDELANDS]**

4959 **SECTION 84.** Section 29-15-9, Mississippi Code of 1972, is
4960 amended as follows:

4961 29-15-9. (1) There is created in the State Treasury a
4962 special fund to be known as the "Public Trust Tidelands Fund."
4963 The fund shall be administered by the Secretary of State as
4964 trustee.

4965 (2) Any funds derived from lease rentals of tidelands and
4966 submerged lands, except those funds derived from mineral leases,
4967 or funds previously specifically designated to be applied to other
4968 agencies, shall be transferred to the special fund. However,
4969 funds derived from lease rentals may be used to cover the
4970 administrative cost incurred by the Secretary of State. Any
4971 remaining funds derived from lease rentals shall be disbursed pro
4972 rata to the local taxing authorities for the replacement of lost
4973 ad valorem taxes, if any. Then, any remaining funds shall be
4974 disbursed to the commission for new and extra programs of



4975 tidelands management, such as conservation, reclamation,
4976 preservation, acquisition, education or the enhancement of public
4977 access to the public trust tidelands or public improvement
4978 projects as they relate to those lands.

4979 (3) Any funds that are appropriated as separate line items
4980 in an appropriation bill for tideland programs or projects
4981 authorized under this section for political subdivisions or other
4982 agencies shall be disbursed as provided in this subsection.

4983 (a) The Department of Marine Resources shall make
4984 progress payments in installments based on the work completed and
4985 material used in the performance of a tidelands project only after
4986 receiving written verification from the political subdivision or
4987 agency. The political subdivision or agency shall submit
4988 verification of the work completed or materials in such detail and
4989 form that the department may require.

4990 (b) The Department of Marine Resources shall make funds
4991 available for the purpose of using such funds as a match or
4992 leverage for federal or other funds that are available for the
4993 designated tidelands project.

4994 (4) From and after July 1, 2016, the expenses of this agency
4995 shall be defrayed by appropriation from the State General Fund and
4996 all user charges and fees authorized under this section shall be
4997 deposited into the State General Fund as authorized by law.

4998 (5) From and after July 1, 2016, no state agency shall
4999 charge another state agency a fee, assessment, rent or other



5000 charge for services or resources received by authority of this
5001 section.

5002 **SECTION 85.** Section 29-15-10, Mississippi Code of 1972, is
5003 amended as follows:

5004 29-15-10. (1) There is created in the State Treasury a
5005 special fund to be known as the "Public Trust Tidelands
5006 Assessments Fund." The purpose of the fund is to ensure that
5007 monies derived from the public trust tidelands assessments shall
5008 be used for the benefit of preserving and protecting the tidelands
5009 and submerged lands found within the three (3) most southern
5010 counties of the state. One (1) specific purpose of the fund is to
5011 ensure that the annual payment made by the state for the purchase
5012 of Deer Island shall continue uninterrupted until the purchase
5013 transaction is completed. The fund shall be administered by the
5014 Secretary of State, as trustee. None of the funds that are in the
5015 special fund or that are required to be deposited into the special
5016 fund shall be transferred, diverted or in any other manner
5017 expended or used for any purpose other than those purposes
5018 specified in this section.

5019 (2) (a) Any funds derived from assessments made pursuant to
5020 Section 29-1-107(4) (c) shall be deposited into the special fund.

5021 (b) Funds paid pursuant to paragraph (a) of this
5022 subsection may be appropriated by the Legislature in an amount
5023 necessary to cover the administrative cost incurred by the
5024 Mississippi Commission on Marine Resources. Any remaining funds



5025 shall be disbursed by the commission for new and extra programs of
5026 tidelands management, such as conservation, reclamation,
5027 preservation, acquisition, education or the enhancement of public
5028 access to the public trust tidelands or public improvement
5029 projects as they relate to those lands.

5030 (3) Any funds that are appropriated as separate line items
5031 in an appropriation bill for tideland programs or projects
5032 authorized under this section for political subdivisions or other
5033 agencies shall be disbursed as provided in this subsection.

5034 (a) The Department of Marine Resources shall make
5035 progress payments in installments based on the work completed and
5036 material used in the performance of a tidelands project only after
5037 receiving written verification from the political subdivision or
5038 agency. The political subdivision or agency shall submit
5039 verification of the work completed or materials in such detail and
5040 form that the department may require.

5041 (b) The Department of Marine Resources shall make funds
5042 available for the purpose of using such funds as a match or
5043 leverage for federal or other funds that are available for the
5044 designated tidelands project.

5045 (4) From and after July 1, 2016, the expenses of this agency
5046 shall be defrayed by appropriation from the State General Fund and
5047 all user charges and fees authorized under this section shall be
5048 deposited into the State General Fund as authorized by law.



5049 (5) From and after July 1, 2016, no state agency shall
5050 charge another state agency a fee, assessment, rent or other
5051 charge for services or resources received by authority of this
5052 section.

5053 **SECTION 86.** Section 29-1-107, Mississippi Code of 1972, is
5054 amended as follows:

5055 29-1-107. (1) The Secretary of State with the approval of
5056 the Governor shall, as far as practicable, rent or lease all lands
5057 belonging to the state, except as otherwise provided by law for a
5058 period of not exceeding one (1) year, and account for the rents
5059 therefrom in the same manner as money received from the sale of
5060 state lands, provided that no state land shall be rented or leased
5061 to individuals, corporations, partnerships, or association of
5062 persons for hunting or fishing purposes. Property belonging to
5063 the state in municipalities, even though it may have been
5064 subdivided into lots, blocks, divisions, or otherwise escheated or
5065 was sold to the state by such description, may likewise be leased
5066 or rented by the Secretary of State under the terms provided above
5067 for other state lands, and the rents accounted for in the same
5068 manner. The state shall have all the liens, rights and remedies
5069 accorded to landlords in Sections 89-7-1 through 89-7-125; said
5070 leases and rental contracts shall automatically terminate on the
5071 date provided in said leases or contracts.

5072 (2) (a) The Secretary of State, with the approval of the
5073 Governor, may rent or lease surface lands, tidelands or submerged



5074 lands owned or controlled by the State of Mississippi lying in or
5075 adjacent to the Mississippi Sound or Gulf of Mexico or streams
5076 emptying therein, for a period not exceeding forty (40) years for
5077 rental payable to the state annually. However, the term of any
5078 lease of state public trust tidelands to a person possessing a
5079 license under the Mississippi Gaming Control Act shall be governed
5080 by the provisions of subsection (4) of this section.

5081 (b) The lessee under such agreement may construct such
5082 necessary items for marking channels, docking, wharfing, mooring
5083 or fleeting vessels which shall be in aid of navigation and not
5084 obstructions thereto.

5085 (c) A lessee of record may be given the option to renew
5086 for an additional period not to exceed twenty-five (25) years;
5087 however, the term of a renewal for a lease of state public trust
5088 tidelands to a person possessing a gaming license under the
5089 Mississippi Gaming Control Act shall be governed by the provisions
5090 of subsection (4) of this section. The holder of a lease of
5091 Public Trust Tidelands, at the expiration thereof, shall have a
5092 prior right, exclusive of all other persons, to re-lease as may be
5093 agreed upon between the holder of the lease and the Secretary of
5094 State.

5095 (d) Leases shall provide for review and rent
5096 adjustments at each fifth anniversary tied either to the All Urban
5097 Consumer Price Index-All Items (CPI) or to an appraisal which
5098 deducts the value of any improvements by the lessee which



5099 substantially enhance the value of the land. In the case where
5100 the initial rental was based on the value set by the ad valorem
5101 tax rolls, then the rent review and adjustment clause shall be
5102 likewise based on the value set by such tax rolls. In the event
5103 that the lessor and lessee cannot agree on a rental amount, the
5104 lease may be cancelled at the option of the lessor. The lessee
5105 shall, within thirty (30) days after execution of a sublease or
5106 assignment, file a copy thereof, including the total consideration
5107 therefor, with the Secretary of State. This paragraph shall not
5108 apply to a lease of state public trust tidelands or submerged
5109 lands to a person possessing a gaming license under the
5110 Mississippi Gaming Control Act who operates a gaming establishment
5111 on such tidelands.

5112 (3) Provided, however, the current occupants of public trust
5113 tidelands that were developed after the determinable mean
5114 high-water line nearest the effective date of the Coastal Wetlands
5115 Protection Law shall pay an annual rental based on the fair market
5116 value as determined by the assessed valuation of the property.
5117 The holder of a lease of Public Trust Tidelands, at the expiration
5118 thereof, shall have a prior right, exclusive of all other persons,
5119 to re-lease as may be agreed upon between the holder of the lease
5120 and the Secretary of State.

5121 (4) (a) This section shall apply to any person possessing a
5122 license under the Mississippi Gaming Control Act who operates a



5123 gaming establishment in any of the three (3) most southern
5124 counties of the state.

5125 (b) The following shall apply to all leases of state
5126 public trust tidelands executed by such a licensee:

5127 (i) Every lease executed after August 29, 2005,
5128 shall be for a period of thirty (30) years for rental payable to
5129 the state annually.

5130 (ii) By operation of this section, any lease
5131 executed before August 29, 2005, may, at the option of the lessee,
5132 either remain at the term stated in the original execution of the
5133 lease or be converted to a thirty-year term lease, beginning on
5134 such date after August 29, 2005, that the lessee either resumes or
5135 begins permanent gaming activities as approved by the Mississippi
5136 Gaming Commission, and the lessee shall be required to comply with
5137 all other provisions of the lease. Should the lessee choose to
5138 operate in a structure that is not on state public trust tidelands
5139 and that is on property contiguous to tidelands leased by the
5140 lessee, the lessee shall be required to comply with all other
5141 provisions of the lease and shall be exempt from the assessment
5142 provided for in paragraph (c) of this subsection. Easements for
5143 and rights-of-way for public streets and highways shall not be
5144 construed to interrupt the contiguous nature of a parcel of
5145 property. In the event that a lessee does not elect either to
5146 remain bound by the original term of the lease or to convert the
5147 lease to a thirty-year term, the Secretary of State may lease the



5148 state public trust tidelands that are the subject of the lease to
5149 any other person or entity.

5150 (iii) Leases shall provide for review and rent
5151 adjustments at each annual anniversary tied to the All Urban
5152 Consumer Price Index-All Items (CPI). In the case of the renewal
5153 of a lease after the expiration of the original thirty-year term
5154 under this subsection, each renewal shall be for a term of thirty
5155 (30) years. The base rate to which the CPI shall apply for
5156 purposes of executing the subsequent lease shall be negotiated by
5157 the lessee with the Secretary of State.

5158 (c) (i) Except as otherwise provided in this
5159 paragraph, any person possessing a license under the Mississippi
5160 Gaming Control Act who does not lease public trust tidelands from
5161 the state or any of its political subdivisions, and who operates a
5162 gaming establishment in any of the three (3) most southern
5163 counties of the state, shall pay an annual in-lieu tidelands
5164 assessment to the Public Trust Tidelands Assessments Fund
5165 (hereinafter referred to as "fund") created in Section 29-15-10,
5166 in the amount and manner provided for in this paragraph.

5167 For calendar year 2006, the annual in-lieu tidelands
5168 assessment paid by the licensee to the fund shall be:

5169 1. Four Hundred Thousand Dollars
5170 (\$400,000.00), if the capital investment in the part of the
5171 structure in which licensed gaming activities are conducted is
5172 Fifty Million Dollars (\$50,000,000.00) or less.



5173 2. Four Hundred Fifty Thousand Dollars
5174 (\$450,000.00), if the capital investment in the part of the
5175 structure in which licensed gaming activities are conducted is
5176 equal to or more than Fifty Million Dollars (\$50,000,000.00) but
5177 less than Sixty Million Dollars (\$60,000,000.00).

5178 3. Five Hundred Thousand Dollars
5179 (\$500,000.00), if the capital investment in the part of the
5180 structure in which licensed gaming activities are conducted is
5181 equal to or more than Sixty Million Dollars (\$60,000,000.00) but
5182 less than Seventy-five Million Dollars (\$75,000,000.00).

5183 4. Six Hundred Thousand Dollars
5184 (\$600,000.00), if the capital investment in the part of the
5185 structure in which licensed gaming activities are conducted is
5186 equal to or more than Seventy-five Million Dollars
5187 (\$75,000,000.00) but less than One Hundred Million Dollars
5188 (\$100,000,000.00).

5189 5. Seven Hundred Thousand Dollars
5190 (\$700,000.00), if the capital investment in the part of the
5191 structure in which licensed gaming activities are conducted is
5192 equal to or more than One Hundred Million Dollars
5193 (\$100,000,000.00) but less than One Hundred Twenty-five Million
5194 Dollars (\$125,000,000.00).

5195 6. Seven Hundred Fifty Thousand Dollars
5196 (\$750,000.00), if the capital investment in the part of the
5197 structure in which licensed gaming activities are conducted is



5198 equal to or more than One Hundred Twenty-five Million Dollars
5199 (\$125,000,000.00).

5200 For each calendar year thereafter, the Secretary of State
5201 shall review and adjust the value of the capital investment and
5202 the annual in-lieu tidelands assessment due. Such review and
5203 adjustment shall be tied to the CPI.

5204 (ii) This paragraph shall not apply to a gaming
5205 licensee if the licensee conducts gaming in a structure that is
5206 located on property that is leased from the Mississippi State Port
5207 at Gulfport or any political subdivision of the state, or to a
5208 licensee who conducts gaming in a structure that is located on
5209 property that is leased to the licensee jointly by the State of
5210 Mississippi and the City of Biloxi; however, with regard to
5211 property owned by a political subdivision of the state, this
5212 exception shall only apply to property owned by the political
5213 subdivision on August 29, 2005, if legal gaming could have been
5214 conducted on such property on that date.

5215 (iii) This paragraph shall not apply to a gaming
5216 licensee if the licensee conducts gaming in a structure that is
5217 located on property that is not leased from the State of
5218 Mississippi and/or a political subdivision of the State of
5219 Mississippi and is not on state public trust tidelands, and if the
5220 licensee conducted gaming on that property before August 29, 2005.

5221 (5) From and after July 1, 2016, the expenses of this agency
5222 shall be defrayed by appropriation from the State General Fund and



5223 all user charges and fees authorized under this section shall be
5224 deposited into the State General Fund as authorized by law.

5225 (6) From and after July 1, 2016, no state agency shall
5226 charge another state agency a fee, assessment, rent or other
5227 charge for services or resources received by authority of this
5228 section.

5229 **[OIL AND GAS BOARD]**

5230 **SECTION 87.** Section 53-1-77, Mississippi Code of 1972, is
5231 amended as follows:

5232 53-1-77. (1) The State Oil and Gas Supervisor, as ex
5233 officio secretary of such board, shall remit to the State
5234 Treasurer all monies collected by reason of the assessments made
5235 and fixed under the provisions of Section 53-1-73, and the State
5236 Treasurer shall deposit all such monies in a special fund known as
5237 the "Oil and Gas Conservation Fund," which is hereby continued in
5238 effect.

5239 (2) All monies on deposit in the Oil and Gas Conservation
5240 Fund on April 10, 1948, and all monies hereafter deposited in such
5241 fund, shall be held in trust for the use of the board to pay the
5242 expenses and costs incurred in connection with the administration
5243 and enforcement of the oil and gas conservation laws of the State
5244 of Mississippi and the rules, regulations and orders of the State
5245 Oil and Gas Board issued thereunder. Disbursements shall be made
5246 from such fund only upon requisition of the State Oil and Gas
5247 Supervisor, as approved and allowed by the board, and which



5248 requisitions shall be supported by itemized statements thereto
5249 attached showing the purpose or purposes of such expenditures.
5250 Such requisitions shall be drawn upon the State Auditor, who shall
5251 issue a warrant upon said fund. Such warrants so issued shall be
5252 paid by the State Treasurer upon presentation.

5253 (3) The State Oil and Gas Supervisor, as ex officio
5254 secretary of the Oil and Gas Board, shall submit, within ten (10)
5255 days, after the convening of each session of the Legislature, to
5256 the Legislature a detailed report of all receipts, expenditures
5257 and balance on hand, of funds coming to the Oil and Gas Board from
5258 any source whatsoever.

5259 (4) In the event that at any particular time, the Oil and
5260 Gas Conservation Fund contains an amount greater than Two Hundred
5261 Thousand Dollars (\$200,000.00) more than the current fiscal year's
5262 estimated budget, the amount of the excess may be used by the
5263 board and at the board's discretion, to plug any oil or gas well,
5264 including any Class II well, in the state which has been
5265 determined by the board to represent an imminent threat to the
5266 environment and which has been determined by the board to be an
5267 "orphan" well.

5268 (5) The board shall have the authority, in its discretion,
5269 to use whatever legal means available to it to attempt to collect
5270 any amounts so expended from any responsible party. Any amounts
5271 so collected shall be returned to the Oil and Gas Board's
5272 Emergency Plugging Fund created herein.



5273 (6) Amounts of surplus in the Oil and Gas Conservation Fund
5274 of over Two Hundred Thousand Dollars (\$200,000.00) shall be
5275 transferred to a separate special fund of the Oil and Gas Board to
5276 be known as the Emergency Plugging Fund, for the proper plugging
5277 of wells pursuant to this section. The supervisor shall have the
5278 authority, and it shall be his duty to transfer any amounts in the
5279 Emergency Plugging Fund back to the Oil and Gas Conservation Fund
5280 in the event and to the extent to which the Oil and Gas
5281 Conservation Fund should at any time contain less than a Two
5282 Hundred Thousand Dollars (\$200,000.00) surplus.

5283 (7) For purposes of this section, orphan well means any oil
5284 or gas well in the state, including Class II wells, which has not
5285 been properly plugged according to the requirements of the
5286 statutes, rules and regulations governing same and for which a
5287 responsible party such as an owner or operator cannot be located
5288 or for which, for whatever reason, there is no other party which
5289 can be forced to plug the well.

5290 (8) From and after July 1, 2016, the expenses of this agency
5291 shall be defrayed by appropriation from the State General Fund and
5292 all user charges and fees authorized under this section shall be
5293 deposited into the State General Fund as authorized by law.

5294 (9) From and after July 1, 2016, no state agency shall
5295 charge another state agency a fee, assessment, rent or other
5296 charge for services or resources received by authority of this
5297 section.



5298 **SECTION 88.** Section 53-11-23, Mississippi Code of 1972, is
5299 amended as follows:

5300 53-11-23. (1) (a) The board is authorized to adopt
5301 regulations within its jurisdiction to assess sequestration fees
5302 that shall be subject to the approval of the Legislature.

5303 (b) Any monies collected shall be used exclusively:
5304 (i) to pay the expenses and other costs connected with
5305 administration and enforcement of this chapter and the rules,
5306 regulations and orders of the board pursuant to this chapter; and
5307 (ii) to fund the Carbon Dioxide Storage Fund established in this
5308 chapter.

5309 (c) Any per-ton fee shall first be applied to the
5310 administration and enforcement costs of the board's activities
5311 required or authorized by this chapter, and any amount exceeding
5312 those costs shall be transferred to a separate special fund of the
5313 State Oil and Gas Board which is hereby created and is to be known
5314 as the Carbon Dioxide Storage Fund.

5315 (d) Transfers to the Carbon Dioxide Storage Fund from
5316 the per-ton fees shall be made monthly. Transfers from excess
5317 funds collected under subsection (1)(c) of this section may be
5318 made at any time in the fiscal year that the board shall determine
5319 appropriate. At the beginning of the following fiscal year after
5320 the transfer of the excess funds, the rate or rates to be
5321 collected under subsection (1)(c) of this section shall be reduced
5322 to reflect the excess from the prior year.



5323 (e) When the balance in the Carbon Dioxide Storage Fund
5324 reaches or exceeds Two Million Five Hundred Thousand Dollars
5325 (\$2,500,000.00) per geologic sequestration facility, the board
5326 shall abate the per-ton fee, and may adjust the annual regulatory
5327 fee as prescribed herein. The abatement shall be effective at the
5328 beginning of the ensuing fiscal year. When the Carbon Dioxide
5329 Storage Fund is reduced below Two Million Five Hundred Thousand
5330 Dollars (\$2,500,000.00) per geologic sequestration facility, the
5331 per-ton fee shall again be imposed on all geologic storage
5332 operators until such time as the fund shall reach or exceed Two
5333 Million Five Hundred Thousand Dollars (\$2,500,000.00) per geologic
5334 sequestration facility. The imposition of the per-ton fee shall
5335 be effective at the beginning of the ensuing fiscal year.

5336 (f) Monies in the Carbon Dioxide Storage Fund created
5337 in this chapter may be used in the board's discretion but only if
5338 inadequate funds are available from responsible parties including
5339 the financial assurance funds provided in Section 53-11-27(2).
5340 Monies in the Carbon Dioxide Storage Fund shall only be used for
5341 oversight of geologic storage facilities after cessation of
5342 injection at the facility and release of the facility's
5343 performance bond or other assurance of performance and as shall be
5344 necessary or appropriate to satisfy the requirements of the
5345 federal Safe Drinking Water Act, including, without limitation,
5346 matters with respect to closed facilities such as: (i)
5347 inspecting, testing and monitoring of the facility, including



5348 remaining surface facilities and wells; (ii) repairing mechanical
5349 problems associated with remaining wells and surface
5350 infrastructure; and (iii) repairing mechanical leaks at the
5351 facility.

5352 (g) The Carbon Dioxide Storage Fund shall be used for
5353 the purposes set forth in this chapter and for no other
5354 governmental purposes, nor shall any portion of the fund ever be
5355 available to borrow from by any branch of government, it being the
5356 intent of the Legislature that this fund and its increments shall
5357 remain intact and inviolate. Any interest earned on monies in
5358 this fund shall remain in this fund and shall not lapse into the
5359 General Fund.

5360 (2) To facilitate the proper administration of the Class VI
5361 underground injection control program within its jurisdiction, the
5362 commission is authorized to assess and collect fees from Class VI
5363 permit applicants for Class VI underground injection control wells
5364 permitted by the permit board. The commission is further
5365 authorized to promulgate rules and regulations for the assessment
5366 and collection of permit fees for Class VI underground injection
5367 control wells within its jurisdiction.

5368 (3) From and after July 1, 2016, the expenses of this agency
5369 shall be defrayed by appropriation from the State General Fund and
5370 all user charges and fees authorized under this section shall be
5371 deposited into the State General Fund as authorized by law.



5372 (4) From and after July 1, 2016, no state agency shall
5373 charge another state agency a fee, assessment, rent or other
5374 charge for services or resources received by authority of this
5375 section.

5376 **SECTION 89.** Section 53-1-7, Mississippi Code of 1972, is
5377 amended as follows:

5378 53-1-7. The board shall appoint a State Oil and Gas
5379 Supervisor, herein called supervisor, who shall be a competent and
5380 qualified administrator and receive as compensation for his
5381 services an annual salary to be fixed by law. The supervisor
5382 shall be solely responsible for the administration of the offices
5383 of the State Oil and Gas Board and shall be charged with the duty
5384 of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3
5385 through 53-3-165, and all rules, regulations and orders duly
5386 adopted by the board. The supervisor shall be ex officio
5387 secretary of the board and shall give bond, in such sum as the
5388 board may direct, with corporate surety to be approved by the
5389 board, conditioned that he will well and truly account for all
5390 funds coming into his hands as such secretary. He shall remit to
5391 the State Treasurer all * * * monies collected by him as such
5392 secretary for deposit in trust for the use of the board in a
5393 special fund known as the Oil and Gas Conservation Fund to be
5394 expended as provided by law.

5395 The supervisor shall devote his entire time to his official
5396 duties.



5397 In addition, it shall be the supervisor's duty and
5398 responsibility to:

5399 (a) Supervise and manage all personnel of the offices
5400 of the Oil and Gas Board.

5401 (b) Formulate the duties and responsibilities of every
5402 staff employee in detail, including written job descriptions and
5403 written policies and procedures for performing staff tasks.

5404 (c) Outline a detailed method of preparing, and devise
5405 a systematic procedure for the filing of reports by field
5406 inspectors.

5407 (d) Formulate written policies and procedures for the
5408 effective and efficient operation of the office, and present these
5409 policies and procedures to the board for promulgation.

5410 (e) Supervise the provision of technical support and
5411 assistance to the board in its decision-making capacity.

5412 From and after July 1, 2016, the expenses of this agency
5413 shall be defrayed by appropriation from the State General Fund and
5414 all user charges and fees authorized under this section shall be
5415 deposited into the State General Fund as authorized by law.

5416 From and after July 1, 2016, no state agency shall charge
5417 another state agency a fee, assessment, rent or other charge for
5418 services or resources received by authority of this section.

5419 **SECTION 90.** Section 53-1-73, Mississippi Code of 1972, is
5420 amended as follows:



5421 53-1-73. For the purposes of paying the costs and expenses
5422 incurred in connection with the administration and enforcement of
5423 the oil and gas conservation laws of the State of Mississippi and
5424 of the rules, regulations and orders of the State Oil and Gas
5425 Board, there is hereby levied and assessed against each barrel of
5426 oil produced in the State of Mississippi a charge not to exceed
5427 sixty (60) mills on each barrel of such oil sold, and against each
5428 one thousand (1,000) cubic feet of gas produced and sold a charge
5429 not to exceed six (6) mills on each one thousand (1,000) cubic
5430 feet of gas. The State Oil and Gas Board shall fix the amount of
5431 such charge in the first instances, and may, from time to time,
5432 change, reduce or increase the amount thereof, as in its judgment
5433 the charges against the fund may require, but the amounts fixed by
5434 said board shall not exceed the limits hereinabove prescribed; and
5435 it shall be the duty of the board to make collection of such
5436 assessments. All monies collected shall be used exclusively to
5437 pay the expenses and other costs in connection with the
5438 functioning of the State Oil and Gas Board and the administration
5439 of the oil and gas conservation laws of the State of Mississippi
5440 now in force or hereafter enacted and the rules, regulations and
5441 orders of said board.

5442 From and after July 1, 2016, the expenses of this agency
5443 shall be defrayed by appropriation from the State General Fund and
5444 all user charges and fees authorized under this section shall be
5445 deposited into the State General Fund as authorized by law.



5446 From and after July 1, 2016, no state agency shall charge
5447 another state agency a fee, assessment, rent or other charge for
5448 services or resources received by authority of this section.

5449 **SECTION 91.** Section 53-3-13, Mississippi Code of 1972, is
5450 amended as follows:

5451 53-3-13. (1) Any person securing a permit to drill a well
5452 in search of oil or gas under the provisions of Section 53-3-11
5453 shall pay to the Oil and Gas Supervisor a fee of Six Hundred
5454 Dollars (\$600.00) upon and for the issuance of the permit. A
5455 lesser sum may be paid if the State Oil and Gas Board shall adopt
5456 a rule fixing the amount to be paid at a sum less than Six Hundred
5457 Dollars (\$600.00). Any such permit, when issued and the fee paid
5458 thereon, shall be good for a period of one (1) year from the date
5459 thereof; and in the event drilling has commenced within one (1)
5460 year, the permit shall be good for the life of the well commenced,
5461 unless during the course of drilling or production the operator is
5462 changed. In the event a change of operators from that listed in
5463 the drilling permit is desired, the operator listed and the
5464 proposed new operator shall apply to the State Oil and Gas Board
5465 for authority to change operators on forms to be prescribed by
5466 order of the State Oil and Gas Board. The fee for such change of
5467 operators shall be One Hundred Dollars (\$100.00) per change, or
5468 some lesser sum as may be fixed by order of the board.

5469 (2) The State Oil and Gas Supervisor, as ex officio
5470 Secretary of the State Oil and Gas Board, shall remit to the State



5471 Treasurer all monies collected by reason of the assessments made,
5472 fixed and authorized under the provisions of subsection (1) of
5473 this section, and the State Treasurer shall deposit all such
5474 monies in a special fund known as the "Oil and Gas Conservation
5475 Fund."

5476 (3) From and after July 1, 2016, the expenses of this agency
5477 shall be defrayed by appropriation from the State General Fund and
5478 all user charges and fees authorized under this section shall be
5479 deposited into the State General Fund as authorized by law.

5480 (4) From and after July 1, 2016, no state agency shall
5481 charge another state agency a fee, assessment, rent or other
5482 charge for services or resources received by authority of this
5483 section.

5484 **[PAT HARRISON WATERWAY DISTRICT]**

5485 **SECTION 92.** Section 51-15-147, Mississippi Code of 1972, is
5486 amended as follows:

5487 51-15-147. (a) The board of directors shall designate one
5488 or more qualified state depositories within the district to serve
5489 as depositories for the funds of the district, and all funds of
5490 the district other than funds required by any trust agreement to
5491 be deposited, from time to time, with the trustee or any paying
5492 agent for outstanding bonds of the district, shall be deposited in
5493 such depository or depositories. Any such designated depository
5494 shall be eligible to hold funds of the district to the extent that
5495 it is qualified as a depository for state funds.



5496 (b) Before designating a depository or depositories, the
5497 board of directors shall issue a notice stating the time and place
5498 the board will meet for such purpose and inviting the qualified
5499 state depositories in the district to submit applications to be
5500 designated depositories. The term of service for depositories
5501 shall be prescribed by the board. Such notice shall be published
5502 one (1) time in a newspaper or newspapers published in the
5503 district and specified by the board.

5504 (c) At the time mentioned in the notice, the board shall
5505 consider the applications and the management and conditions of the
5506 depositories which offer the most favorable terms and conditions
5507 for the handling of the funds of the district, and which the board
5508 finds have proper management and are in condition to warrant
5509 handling of district funds in the manner as provided under the
5510 chapter on depositories. Membership on the board of directors of
5511 an officer or director of a depository shall not disqualify such
5512 depository from being designated as a depository.

5513 (d) If no applications acceptable to the board are received
5514 by the time stated in the notice, the board shall designate some
5515 qualified state depository or depositories within the district
5516 upon such terms and conditions as it may find advantageous to the
5517 district. Any such designated depository shall be eligible to
5518 hold funds of the district to the extent that it is qualified as a
5519 depository for state funds.



5520 (e) From and after July 1, 2016, the expenses of this agency
5521 shall be defrayed by appropriation from the State General Fund and
5522 all user charges and fees authorized under this section shall be
5523 deposited into the State General Fund as authorized by law.

5524 (f) From and after July 1, 2016, no state agency shall
5525 charge another state agency a fee, assessment, rent or other
5526 charge for services or resources received by authority of this
5527 section.

5528 **[PEARL RIVER VALLEY WATER SUPPLY DISTRICT]**

5529 **SECTION 93.** Section 51-9-149, Mississippi Code of 1972, is
5530 amended as follows:

5531 51-9-149. (1) The board of directors shall designate one or
5532 more qualified state depositories within the district to serve as
5533 depositories for the funds of the district, and all funds of the
5534 district other than funds required by any trust agreement to be
5535 deposited, from time to time, with the trustee or any paying agent
5536 for outstanding bonds of the district shall be deposited in such
5537 depository or depositories. Any such designated depository shall
5538 be eligible to hold funds of the district to the extent that it is
5539 qualified as a depository for state funds.

5540 (2) Before designating a depository or depositories, the
5541 board of directors shall issue a notice stating the time and place
5542 the board will meet for such purpose and inviting the qualified
5543 state depositories in the district to submit applications to be
5544 designated depositories. The term of service for depositories



5545 shall be prescribed by the board. Such notice shall be published
5546 one (1) time in a newspaper or newspapers published in the
5547 district and specified by the board.

5548 (3) At the time mentioned in the notice, the board shall
5549 consider the applications and the management and condition of the
5550 depositories filing them, and shall designate as depositories the
5551 qualified state depository or depositories which offer the most
5552 favorable terms and conditions for the handling of the funds of
5553 the district and which the board finds have proper management and
5554 are in condition to warrant handling of district funds.
5555 Membership on the board of directors of an officer or director of
5556 a depository shall not disqualify such depository from being
5557 designated as a depository.

5558 (4) If no applications acceptable to the board are received
5559 by the time stated in the notice, the board shall designate some
5560 qualified state depository or depositories within or without the
5561 district upon such terms and conditions as it may find
5562 advantageous to the district. Any such designated depository
5563 shall be eligible to hold funds of the district to the extent that
5564 it is qualified as a depository for state funds.

5565 (5) From and after July 1, 2016, the expenses of this agency
5566 shall be defrayed by appropriation from the State General Fund and
5567 all user charges and fees authorized under this section shall be
5568 deposited into the State General Fund as authorized by law.



5569 (6) From and after July 1, 2016, no state agency shall
5570 charge another state agency a fee, assessment, rent or other
5571 charge for services or resources received by authority of this
5572 section.

5573 **[STATE PERSONNEL BOARD]**

5574 **SECTION 94.** Section 25-9-141, Mississippi Code of 1972, is
5575 amended as follows:

5576 25-9-141. The State Personnel Board may, in the discretion
5577 of the Legislature, operate from special funds provided from
5578 department, agency and institution assessments. If the
5579 Legislature adopts the assessment procedure, the cost of those
5580 operations shall be prorated among all departments, agencies and
5581 institutions, based upon the number of employment positions
5582 authorized and/or serviced by the board, and the departments,
5583 agencies and institutions shall pay their share of the cost upon
5584 receipt of billing from the board. However, for the period
5585 beginning July 1, 2010, and ending June 30, 2011, the annual
5586 agency assessment authorized in this section shall not be less
5587 than One Hundred Twenty Dollars (\$120.00) nor more than One
5588 Hundred Twenty-seven Dollars (\$127.00) per State Personnel Board
5589 PIN number.

5590 From and after July 1, 2016, the expenses of this agency
5591 shall be defrayed by appropriation from the State General Fund and
5592 all user charges and fees authorized under this section shall be
5593 deposited into the State General Fund as authorized by law.



5594 From and after July 1, 2016, no state agency shall charge
5595 another state agency a fee, assessment, rent or other charge for
5596 services or resources received by authority of this section.

5597 **[SECRETARY OF STATE]**

5598 **SECTION 95.** Section 7-9-22, Mississippi Code of 1972, is
5599 amended as follows:

5600 7-9-22. All funds collected by the Office of the Secretary
5601 of State, unless otherwise specifically provided for by law, shall
5602 be deposited, in accordance with Section 7-9-21, Mississippi Code
5603 of 1972, into a special fund hereby created in the State Treasury.
5604 Monies in the special fund shall be expended, pursuant to
5605 legislative appropriation, to defray the expenses of the Office of
5606 the Secretary of State or as otherwise authorized. All
5607 unobligated monies in such special fund at the end of the fiscal
5608 year shall be paid over into the General Fund of the State
5609 Treasury.

5610 From and after July 1, 2016, the expenses of this agency
5611 shall be defrayed by appropriation from the State General Fund and
5612 all user charges and fees authorized under this section shall be
5613 deposited into the State General Fund as authorized by law.

5614 From and after July 1, 2016, no state agency shall charge
5615 another state agency a fee, assessment, rent or other charge for
5616 services or resources received by authority of this section.

5617 **SECTION 96.** Section 7-3-59, Mississippi Code of 1972, is
5618 amended as follows:



5619 7-3-59. (1) Except as otherwise provided in this section,
5620 all fees collected by the Office of the Secretary of State under
5621 Section 75-9-525 shall be deposited in State Treasury Special Fund
5622 3111, and shall be used to operate the activities of the Office of
5623 the Secretary of State as necessary to administer the filing and
5624 research provisions of Revised Article 9 of the Uniform Commercial
5625 Code and to pay to each chancery clerk such amounts as that clerk
5626 shall be owed under subsection (2) of this section. The
5627 expenditure of the funds deposited in this fund shall be paid by
5628 the State Treasurer upon requisition signed by the Office of the
5629 Secretary of State.

5630 (2) (a) Through September 30, 2007, for each filing and
5631 indexing of a financing statement under Part 5 (Filing) of Title
5632 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured
5633 Transactions), the Secretary of State shall remit the following
5634 fee to the chancery clerk of the Mississippi county, if any,
5635 indicated on the face of the financing statement as the domicile
5636 of the debtor, or, if no county is so indicated, the Mississippi
5637 county of the address of the debtor stated on the financing
5638 statement.

5639 (i) Five Dollars (\$5.00), when the financing
5640 statement is communicated in writing, either in the standard form
5641 prescribed by the Secretary of State or not in the standard form
5642 so prescribed, plus Two Dollars (\$2.00) for each additional debtor
5643 name more than one (1) required to be indexed.



5644 (ii) Five Dollars (\$5.00) if the financing
5645 statement is communicated by another medium authorized by
5646 filing-office rule.

5647 (b) From and after October 1, 2007, for each filing and
5648 indexing of a financing statement under Part 5 (Filing) of Title
5649 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured
5650 Transactions), the Secretary of State shall remit the following
5651 fee to the County Voting Systems Assistance Bond Sinking Fund
5652 created under Section 3 of House Bill No. 562, 2006 Regular
5653 Session, in such amounts as specified in Section 3 of House Bill
5654 No. 562, 2006 Regular Session, and shall distribute the remainder
5655 of the fees to the "Help Mississippi Vote Fund" created in Section
5656 23-15-169.7.

5657 (i) Five Dollars (\$5.00), when the financing
5658 statement is communicated in writing, either in the standard form
5659 prescribed by the Secretary of State or not in the standard form
5660 so prescribed, plus Two Dollars (\$2.00) for each additional debtor
5661 name more than one (1) required to be indexed.

5662 (ii) Five Dollars (\$5.00) if the financing
5663 statement is communicated by another medium authorized by
5664 filing-office rule.

5665 (3) The Secretary of State shall remit to each chancery
5666 clerk not less than monthly the amount owed under subsection (2)
5667 of this section. Each payment shall be accompanied by a detailed
5668 accounting of the transactions represented by that payment.



5669 However, from and after October 1, 2007, the Secretary of State
5670 shall remit to the County Voting Systems Assistance Bond Sinking
5671 Fund and the "Help Mississippi Vote Fund" not less than monthly
5672 the amount provided under subsection (2) of this section. Each
5673 payment shall be accompanied by a detailed accounting of the
5674 transactions represented by that payment.

5675 (4) From and after July 1, 2016, the expenses of this agency
5676 shall be defrayed by appropriation from the State General Fund and
5677 all user charges and fees authorized under this section shall be
5678 deposited into the State General Fund as authorized by law.

5679 (5) From and after July 1, 2016, no state agency shall
5680 charge another state agency a fee, assessment, rent or other
5681 charge for services or resources received by authority of this
5682 section.

5683 **SECTION 97.** Section 23-15-5, Mississippi Code of 1972, is
5684 amended as follows:

5685 23-15-5. (1) There is created in the State Treasury a
5686 special fund to be known as the Elections Support Fund. Monies
5687 derived from annual report fees imposed upon limited liability
5688 companies under Section 79-29-1203 shall be deposited into the
5689 Elections Support Fund. Unexpended amounts remaining in the fund
5690 at the end of the fiscal year shall not lapse into the State
5691 General Fund, and any interest earned or investment earnings on
5692 amounts in the fund shall be disbursed as provided in subsection
5693 (2) of this section. The expenditure of monies in the fund shall



5694 be under the direction of the Secretary of State as provided by
5695 subsection (2) of this section, and such funds shall be paid by
5696 the State Treasurer upon warrants issued by the Department of
5697 Finance and Administration.

5698 (2) (a) Monies in the fund shall be used as follows:

5699 (i) Fifty percent (50%) of the monies in the
5700 special fund shall be distributed annually to the counties, based
5701 on the proportion that the population of a county bears to the
5702 total population in all counties of the state population according
5703 to the most recent information from the United States Census
5704 Bureau, for the purpose of acquiring, upgrading, maintaining or
5705 repairing voting equipment, systems and supplies, hiring temporary
5706 technical support, conducting elections using such voting
5707 equipment or systems and training election officials; and

5708 (ii) The remaining fifty percent (50%) of the
5709 monies in the special fund shall be allocated annually to the
5710 Secretary of State and expended for the purpose of maintaining,
5711 upgrading or equipping the Statewide Elections Management System.

5712 (b) The Secretary of State shall create standard
5713 training guidelines to assist counties in training election
5714 officials with the funds authorized under subsection (2)(a)(ii) of
5715 this section. Any criteria established by the Secretary of State
5716 for the purposes of this section shall be used in addition to any
5717 other training or coursework prescribed by the Secretary of State



5718 to train circuit clerks, poll managers and any other election
5719 officials participating in county elections.

5720 (c) Notwithstanding any other provision of law, no
5721 monies from the Elections Support Fund shall be used by the
5722 Secretary of State or any person associated with the Office of the
5723 Secretary of State to provide or otherwise support expert
5724 testimony in any manner for any hearing, trial or election
5725 contest.

5726 (3) From and after July 1, 2016, the expenses of this agency
5727 shall be defrayed by appropriation from the State General Fund and
5728 all user charges and fees authorized under this section shall be
5729 deposited into the State General Fund as authorized by law.

5730 (4) From and after July 1, 2016, no state agency shall
5731 charge another state agency a fee, assessment, rent or other
5732 charge for services or resources received by authority of this
5733 section.

5734 **SECTION 98.** Section 23-15-169.7, Mississippi Code of 1972,
5735 is amended as follows:

5736 23-15-169.7. (1) * * * There is created in the State
5737 Treasury a special fund, to be designated the "Help Mississippi
5738 Vote Fund" to the credit of the Secretary of State, which shall be
5739 comprised of the monies required to be deposited into the fund
5740 under Section 7-3-59, and any other funds that may be made
5741 available for the fund by the Legislature.



5742 (* * *2) Monies in the fund shall be expended by the
5743 Secretary of State to support the state's maintenance of efforts
5744 as required by the federal mandates of the Help America Vote Act
5745 of 2002.

5746 (* * *3) Unexpended amounts remaining in the special fund
5747 at the end of a fiscal year shall not lapse into the State General
5748 Fund, and any interest earned or investment earnings on amounts in
5749 the special fund shall be deposited to the credit of the special
5750 fund.

5751 (4) From and after July 1, 2016, the expenses of this agency
5752 shall be defrayed by appropriation from the State General Fund and
5753 all user charges and fees authorized under this section shall be
5754 deposited into the State General Fund as authorized by law.

5755 (5) From and after July 1, 2016, no state agency shall
5756 charge another state agency a fee, assessment, rent or other
5757 charge for services or resources received by authority of this
5758 section.

5759 **SECTION 99.** Section 29-1-95, Mississippi Code of 1972, is
5760 amended as follows:

5761 29-1-95. (1) All taxes due the county, municipality, public
5762 school district, drainage district or levee board on lands sold to
5763 the state for taxes and listed into the Secretary of State's
5764 office shall remain in abeyance until the land be sold, and
5765 thereafter such taxes shall be paid out of the purchase money; but
5766 state, county, municipality, public school district, drainage



5767 district or levee board taxes shall not accrue on such lands after
5768 the fiscal year in which it was certified to the state. Upon the
5769 payment of the purchase money of any tax land into the treasury,
5770 the Secretary of State shall certify to the Department of Finance
5771 and Administration and to the Treasurer the amount of fees and
5772 costs allowed to the county tax collector and chancery clerk, as
5773 in cases of the redemption of lands from tax sales, under the
5774 provisions of Section 25-7-21; and the Department of Finance and
5775 Administration shall issue warrants in favor of such county tax
5776 collector and chancery clerk for the amount of such fees. The
5777 Secretary of State shall also certify to the Department of Finance
5778 and Administration and the Treasurer the amount of the county,
5779 municipality, public school district, drainage district and levee
5780 board taxes for which said land was sold to the state, and all
5781 taxes accruing on said land until the year in which it was
5782 certified to the state; and the Department of Finance and
5783 Administration shall issue warrants in favor of the proper county,
5784 municipality, public school district, drainage district, and levee
5785 board for the said four (4) years' taxes. The balance of the
5786 purchase money shall be deposited into a special fund to be known
5787 as the "Land Records Maintenance Fund," that is hereby created in
5788 the State Treasury and shall be used for the restoration,
5789 preservation and maintenance of the records of state-owned land
5790 and the disposition of lands sold to the state for taxes. The
5791 fund shall be administered by the Secretary of State. Any amount



5792 on hand in said Land Records Maintenance Fund at the end of the
5793 fiscal year shall not lapse into the State General Fund.

5794 (2) If, after the payment of the fees and costs allowed to
5795 the county tax collector and the chancery clerk, as aforesaid, the
5796 balance of the purchase money of any tax land paid into the
5797 treasury shall be insufficient to cover the amount of the state,
5798 county, municipality, public school district, drainage district or
5799 levee board taxes due thereon, or if the records of the Secretary
5800 of State fail to show the amount of state, county, municipality,
5801 public school district, drainage district or levee board taxes
5802 accruing for the years until said land was certified to the state,
5803 on lands sold by the Secretary of State, he shall apportion the
5804 balance of the purchase money derived from the sale of such lands
5805 between the state, county, municipality, public school district,
5806 drainage district and levee board upon the basis of the amount of
5807 taxes due the state, county, municipality, public school district,
5808 drainage district and levee board, respectively, at the time said
5809 land was struck off to the state for delinquent taxes by the
5810 sheriff and tax collector, and for which said lands were struck
5811 off to the state.

5812 (3) All funds derived from the sale of properties under the
5813 provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35,
5814 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through
5815 29-1-87 shall be handled in the manner provided herein for funds
5816 derived from the sale of lands.



5817 (4) From and after July 1, 2016, the expenses of this agency
5818 shall be defrayed by appropriation from the State General Fund and
5819 all user charges and fees authorized under this section shall be
5820 deposited into the State General Fund as authorized by law.

5821 (5) From and after July 1, 2016, no state agency shall
5822 charge another state agency a fee, assessment, rent or other
5823 charge for services or resources received by authority of this
5824 section.

5825 **SECTION 100.** Section 29-15-9, Mississippi Code of 1972, is
5826 amended as follows:

5827 29-15-9. (1) There is created in the State Treasury a
5828 special fund to be known as the "Public Trust Tidelands Fund."
5829 The fund shall be administered by the Secretary of State as
5830 trustee.

5831 (2) Any funds derived from lease rentals of tidelands and
5832 submerged lands, except those funds derived from mineral leases,
5833 or funds previously specifically designated to be applied to other
5834 agencies, shall be transferred to the special fund. However,
5835 funds derived from lease rentals may be used to cover the
5836 administrative cost incurred by the Secretary of State. Any
5837 remaining funds derived from lease rentals shall be disbursed pro
5838 rata to the local taxing authorities for the replacement of lost
5839 ad valorem taxes, if any. Then, any remaining funds shall be
5840 disbursed to the commission for new and extra programs of
5841 tidelands management, such as conservation, reclamation,



5842 preservation, acquisition, education or the enhancement of public
5843 access to the public trust tidelands or public improvement
5844 projects as they relate to those lands.

5845 (3) Any funds that are appropriated as separate line items
5846 in an appropriation bill for tideland programs or projects
5847 authorized under this section for political subdivisions or other
5848 agencies shall be disbursed as provided in this subsection.

5849 (a) The Department of Marine Resources shall make
5850 progress payments in installments based on the work completed and
5851 material used in the performance of a tidelands project only after
5852 receiving written verification from the political subdivision or
5853 agency. The political subdivision or agency shall submit
5854 verification of the work completed or materials in such detail and
5855 form that the department may require.

5856 (b) The Department of Marine Resources shall make funds
5857 available for the purpose of using such funds as a match or
5858 leverage for federal or other funds that are available for the
5859 designated tidelands project.

5860 (4) From and after July 1, 2016, the expenses of this agency
5861 shall be defrayed by appropriation from the State General Fund and
5862 all user charges and fees authorized under this section shall be
5863 deposited into the State General Fund as authorized by law.

5864 (5) From and after July 1, 2016, no state agency shall
5865 charge another state agency a fee, assessment, rent or other



5866 charge for services or resources received by authority of this
5867 section.

5868 **SECTION 101.** Section 29-15-10, Mississippi Code of 1972, is
5869 amended as follows:

5870 29-15-10. (1) There is created in the State Treasury a
5871 special fund to be known as the "Public Trust Tidelands
5872 Assessments Fund." The purpose of the fund is to ensure that
5873 monies derived from the public trust tidelands assessments shall
5874 be used for the benefit of preserving and protecting the tidelands
5875 and submerged lands found within the three (3) most southern
5876 counties of the state. One (1) specific purpose of the fund is to
5877 ensure that the annual payment made by the state for the purchase
5878 of Deer Island shall continue uninterrupted until the purchase
5879 transaction is completed. The fund shall be administered by the
5880 Secretary of State, as trustee. None of the funds that are in the
5881 special fund or that are required to be deposited into the special
5882 fund shall be transferred, diverted or in any other manner
5883 expended or used for any purpose other than those purposes
5884 specified in this section.

5885 (2) (a) Any funds derived from assessments made pursuant to
5886 Section 29-1-107(4) (c) shall be deposited into the special fund.

5887 (b) Funds paid pursuant to paragraph (a) of this
5888 subsection may be appropriated by the Legislature in an amount
5889 necessary to cover the administrative cost incurred by the
5890 Mississippi Commission on Marine Resources. Any remaining funds



5891 shall be disbursed by the commission for new and extra programs of
5892 tidelands management, such as conservation, reclamation,
5893 preservation, acquisition, education or the enhancement of public
5894 access to the public trust tidelands or public improvement
5895 projects as they relate to those lands.

5896 (3) Any funds that are appropriated as separate line items
5897 in an appropriation bill for tideland programs or projects
5898 authorized under this section for political subdivisions or other
5899 agencies shall be disbursed as provided in this subsection.

5900 (a) The Department of Marine Resources shall make
5901 progress payments in installments based on the work completed and
5902 material used in the performance of a tidelands project only after
5903 receiving written verification from the political subdivision or
5904 agency. The political subdivision or agency shall submit
5905 verification of the work completed or materials in such detail and
5906 form that the department may require.

5907 (b) The Department of Marine Resources shall make funds
5908 available for the purpose of using such funds as a match or
5909 leverage for federal or other funds that are available for the
5910 designated tidelands project.

5911 (4) From and after July 1, 2016, the expenses of this agency
5912 shall be defrayed by appropriation from the State General Fund and
5913 all user charges and fees authorized under this section shall be
5914 deposited into the State General Fund as authorized by law.



5915 (5) From and after July 1, 2016, no state agency shall
5916 charge another state agency a fee, assessment, rent or other
5917 charge for services or resources received by authority of this
5918 section.

5919 **[PUBLIC SERVICE COMMISSION]**

5920 **SECTION 102.** Section 77-3-87, Mississippi Code of 1972, is
5921 amended as follows:

5922 77-3-87. All reasonable and necessary expenses of the
5923 administration of the duties imposed on the public utilities staff
5924 and on the commission by Title 77, Mississippi Code of 1972,
5925 excluding the reasonable and necessary expenses of the
5926 administration and enforcement by the commission of the laws of
5927 this state pursuant to Chapters 7 and 9 * * *, Title 77,
5928 Mississippi Code of 1972, shall be provided as follows: There is
5929 hereby levied a tax upon (a) all utilities, the rates of which are
5930 subject to regulation by the provisions of this chapter and upon
5931 (b) all utilities not subject to such rate regulation which
5932 furnish to the ultimate consumer utility services of the type
5933 described by subparagraph (i) of paragraph (d) of Section 77-3-3
5934 and otherwise subject to regulation by the provisions of this
5935 chapter, such levy to be effective on the first day of each year
5936 and to be calculated as follows: The rate of the tax shall be one
5937 hundred sixty-four thousandths of one percent (164/1000 of 1%) per
5938 year, of the gross revenues from the intrastate operations of the
5939 utilities taxed under this section. The rate of the tax for



5940 electric power associations and rural electrification authorities
5941 shall be ninety thousandths of one percent (90/1000 of 1%) per
5942 year of the gross revenues from the intrastate operations of
5943 electric power associations and rural electrification authorities
5944 taxed under this section. The sum of all taxes levied by this
5945 section shall not exceed the total legislative appropriation of
5946 monies from the "Public Utilities Staff Regulation Fund" and the
5947 "Public Service Commission Regulation Fund" for the ensuing fiscal
5948 year. The commission and the executive director of the public
5949 utilities staff shall certify to the * * * Department of Revenue
5950 the amount of legislative appropriations of monies for the
5951 regulation of utilities. The * * * Department of Revenue shall
5952 adjust the tax rates on a pro rata basis to generate the necessary
5953 revenues established by such legislative appropriations. Each
5954 utility which is subject to the tax levied by this section shall
5955 file a statement of its gross revenue by April 1 of each year
5956 showing the gross revenue for the preceding year's operation.
5957 These statements of gross revenue shall be filed with the * * *
5958 Department of Revenue on forms prescribed and furnished by
5959 the * * * Department of Revenue. The * * * Department of Revenue
5960 shall file a copy of these statements of gross revenue with the
5961 public utilities staff and the commission. The * * * Department
5962 of Revenue shall calculate the amount of tax to be paid by each of
5963 the utilities and shall submit a statement thereof to the
5964 respective utilities, and the amount shown due in the statements



5965 to the utilities shall be paid by them within thirty (30) days
5966 thereafter to the * * * Department of Revenue. The * * *
5967 Department of Revenue shall furnish the public utilities staff and
5968 the commission with an itemized list showing gross and net
5969 revenues, assessments, tax collections and other related
5970 information for the respective utilities. The * * * Department of
5971 Revenue shall pay these funds into the State Treasury on the same
5972 day collected to the credit of the "Public Utilities Staff
5973 Regulation Fund" and to the "Public Service Commission Regulation
5974 Fund" in the proportion that the legislative appropriation of
5975 monies from each fund for the regulation of utilities for the
5976 ensuing fiscal year bears to the total legislative appropriation
5977 of monies from both funds for the regulation of utilities for the
5978 ensuing fiscal year.

5979 All administrative provisions of the Mississippi Sales Tax
5980 Law, including those which fix damages, penalties and interest for
5981 nonpayment of taxes and for noncompliance with the provisions of
5982 such chapter, and all other duties and requirements imposed upon
5983 taxpayers, shall apply to all persons liable for taxes under the
5984 provisions of this chapter, and the * * * Commissioner of Revenue
5985 shall exercise all the power and authority and perform all the
5986 duties with respect to taxpayers under this chapter as are
5987 provided in the Mississippi Sales Tax Law except where there is a
5988 conflict, then the provisions of this chapter shall control. The
5989 term "gross revenue" as used in this section is the total amount



5990 of all revenue derived by each of the utilities from its
5991 intrastate operations, which are subject to rate regulation under
5992 the provisions of this chapter or which constitute utility
5993 services of the type described by subparagraph (i) of paragraph
5994 (d) of Section 77-3-3 and which are regulated by this chapter and
5995 furnished to ultimate consumers. The * * * Department of Revenue
5996 is hereby authorized to use all tax returns of any utilities
5997 available to it and to make audits as may be deemed necessary of
5998 all records of utilities in order to correctly determine the
5999 amount of such gross revenue.

6000 All proceeds of the above-mentioned tax are hereby allocated
6001 to the public utilities staff and to the commission in the manner
6002 provided in this section for the purpose of this chapter.

6003 Each utility subject to the provisions of this section shall
6004 be allowed to recover, through the use of a rate adjustment clause
6005 or rider, the total amount of taxes paid by the utility pursuant
6006 to this section for the reasonable and necessary expenses of the
6007 commission and the public utilities staff.

6008 From and after July 1, 2016, the expenses of this agency
6009 shall be defrayed by appropriation from the State General Fund and
6010 all user charges and fees authorized under this section shall be
6011 deposited into the State General Fund as authorized by law.

6012 From and after July 1, 2016, no state agency shall charge
6013 another state agency a fee, assessment, rent or other charge for
6014 services or resources received by authority of this section.



6015 **SECTION 103.** Section 77-1-6, Mississippi Code of 1972, is
6016 amended as follows:

6017 77-1-6. There is hereby established in the State Treasury a
6018 special fund to be known as the "Public Service Commission
6019 Regulation Fund." Such fund shall be the sole fund of the
6020 commission for all monies collected and deposited to the credit of
6021 or appropriated to the commission. The fund shall be administered
6022 as provided in this title and shall be audited annually by the
6023 State Auditor.

6024 From and after July 1, 2016, the expenses of this agency
6025 shall be defrayed by appropriation from the State General Fund and
6026 all user charges and fees authorized under this section shall be
6027 deposited into the State General Fund as authorized by law.

6028 From and after July 1, 2016, no state agency shall charge
6029 another state agency a fee, assessment, rent or other charge for
6030 services or resources received by authority of this section.

6031 **SECTION 104.** Section 77-1-15, Mississippi Code of 1972, is
6032 amended as follows:

6033 77-1-15. (1) There shall be an executive secretary of the
6034 commission, hereinafter referred to in this chapter as the
6035 secretary, to be appointed by the commission, by and with the
6036 advice and consent of the Senate, for the term of the
6037 commissioners. The secretary must have the same qualifications as
6038 the commissioners and shall be subject to the same
6039 disqualifications and to like penalties, except that he shall not



6040 be liable to impeachment. He shall receive a salary fixed by the
6041 Legislature. He shall take the oath of office and shall be
6042 removable at the pleasure of the commission, which may fill any
6043 vacancy until the Senate confirms a successor. The secretary
6044 shall make bond as provided for other state officers, in the sum
6045 of Ten Thousand Dollars (\$10,000.00), conditioned upon the
6046 faithful performance of the duties of his office.

6047 (2) The secretary shall collect all fees and penalties
6048 collected by or paid to the commission, and shall cover the same
6049 into the State Treasury; and all fees and penalties collected
6050 under the Mississippi Motor Carrier Regulatory Law of 1938 shall
6051 be covered into the Public Service Commission Regulation Fund.

6052 (3) The secretary of the commission shall be the custodian
6053 of all records, documents, and the seal of the commission. He
6054 shall issue all citations, subpoenas and other rightful orders and
6055 documents, and perform all other duties usually required of such
6056 officer, and as required by the commission.

6057 (4) It shall be the duty and responsibility of the secretary
6058 to supervise and manage the offices and staff of the Public
6059 Service Commission and formulate written policies and procedures
6060 for the effective and efficient operation of the office and
6061 present these policies and procedures to the board for
6062 promulgation.

6063 (5) From and after July 1, 2016, the expenses of this agency
6064 shall be defrayed by appropriation from the State General Fund and



6065 all user charges and fees authorized under this section shall be
6066 deposited into the State General Fund as authorized by law.

6067 (6) From and after July 1, 2016, no state agency shall
6068 charge another state agency a fee, assessment, rent or other
6069 charge for services or resources received by authority of this
6070 section.

6071 **SECTION 105.** Section 77-1-29, Mississippi Code of 1972, is
6072 amended as follows:

6073 77-1-29. On or before the twentieth day of each calendar
6074 month, the commission shall pay into the State Treasury to the
6075 account of the "Public Service Commission Regulation Fund" all
6076 monies collected by it during the preceding calendar month,
6077 showing from whom collected, when collected and for what purposes
6078 collected. All disbursements made by the commission or from the
6079 regulation fund for any purposes, other than for salaries provided
6080 by law, shall be supported by a detailed and itemized statement
6081 approved by the commission for commission disbursements. The
6082 commission shall not expend funds from the "Public Service
6083 Commission Regulation Fund" to employ personnel whose services
6084 would duplicate services provided by any employee of the Public
6085 Utilities Staff.

6086 From and after July 1, 2016, the expenses of this agency
6087 shall be defrayed by appropriation from the State General Fund and
6088 all user charges and fees authorized under this section shall be
6089 deposited into the State General Fund as authorized by law.



6090 From and after July 1, 2016, no state agency shall charge
6091 another state agency a fee, assessment, rent or other charge for
6092 services or resources received by authority of this section.

6093 **SECTION 106.** Section 77-1-53, Mississippi Code of 1972, is
6094 amended as follows:

6095 77-1-53. (1) Whenever the commission, an employee of the
6096 commission or any employee of the public utilities staff has
6097 reason to believe that a willful and knowing violation of any
6098 statute administered by the commission or any regulation or any
6099 order of the commission has occurred, the commission may cause a
6100 written complaint to be served upon the alleged violator or
6101 violators. The complaint shall specify the provisions of such
6102 statute, regulation or order alleged to be violated and the facts
6103 alleged to constitute a violation thereof and shall require that
6104 the alleged violator appear before the commission at a time and
6105 place specified in the notice and answer the charges complained
6106 of. The time of appearance before the commission shall not be
6107 less than twenty (20) days from the date of the service of the
6108 complaint, unless the commission finds that the public convenience
6109 or necessity requires that such hearing be held at an earlier
6110 date.

6111 (2) The commission shall afford an opportunity for a fair
6112 hearing to the alleged violator or violators at the time and place
6113 specified in the complaint. On the basis of the evidence produced
6114 at the hearing, the commission shall make findings of fact and



6115 conclusions of law and enter its order, which in its opinion will
6116 be in the best interests of the consuming public. Failure to
6117 appear at any such hearing, without prior authorization to do so
6118 from the commission, may result in the commission finding the
6119 alleged violator guilty of the charges complained of by default,
6120 and at such time an order may be entered, including the assessment
6121 of a penalty. The commission shall give written notice of such
6122 order to the alleged violator and to such other persons as shall
6123 have appeared at the hearing or made written request for notice of
6124 the order. The commission may assess such penalties as provided
6125 in subsection (3) of this section.

6126 (3) Any person found by the commission, pursuant to a
6127 hearing or by default as provided in this section, violating any
6128 statute administered by the commission, or any regulation or order
6129 of the commission in pursuance thereof, shall be subject to a
6130 civil penalty of not more than Five Thousand Dollars (\$5,000.00)
6131 for each violation, to be assessed and collected by the
6132 commission. Each day that a violation continues shall constitute
6133 a separate violation. In lieu of, or in addition to, the monetary
6134 penalty, the commission, for any violation by a certificate
6135 holder, may impose a penalty in accordance with Section 77-3-21,
6136 Mississippi Code of 1972, if it finds that the violator is not
6137 rendering reasonably adequate service. Appeals from the
6138 imposition of the civil penalty may be taken to the Circuit Court
6139 of the First Judicial District of Hinds County in the same manner



6140 as appeals from orders of the commission constituting judicial
6141 findings.

6142 (4) All penalties collected by the commission under this
6143 section shall be deposited in the Public Service Commission
6144 Regulation Fund.

6145 (5) No portion of any penalty or costs associated with an
6146 administrative or court proceeding which results in the assessment
6147 of a penalty against a public utility for violation of any statute
6148 administered by the commission, or any regulation or order of the
6149 commission shall be considered by the commission in fixing any
6150 rates or charges of such public utility.

6151 (6) This section shall be in addition to any other law which
6152 provides for the imposition of penalties for the violation of any
6153 statute administered by the commission or any regulation or order
6154 of the commission.

6155 (7) From and after July 1, 2016, the expenses of this agency
6156 shall be defrayed by appropriation from the State General Fund and
6157 all user charges and fees authorized under this section shall be
6158 deposited into the State General Fund as authorized by law.

6159 (8) From and after July 1, 2016, no state agency shall
6160 charge another state agency a fee, assessment, rent or other
6161 charge for services or resources received by authority of this
6162 section.

6163 **SECTION 107.** Section 77-3-8, Mississippi Code of 1972, is
6164 amended as follows:



6165 77-3-8. (1) There is established in the commission a Public
6166 Service Commission staff, which staff shall be a unit, remain as a
6167 unit therein, and be responsive to the commission. The Public
6168 Service Commission staff shall consist of a sufficient number of
6169 professional, administrative, technical, clerical and other
6170 personnel as may be necessary for the staff to perform its duties
6171 and responsibilities as hereinafter provided. All such personnel
6172 of the Public Service Commission staff shall be recommended by the
6173 executive secretary and hired or rejected by the commission.
6174 Personnel shall be dismissed only for cause in accordance with the
6175 rules and regulations of the State Personnel Board. The personnel
6176 of the Public Service Commission staff shall be compensated and
6177 reimbursed for their actual and necessary expenses, including
6178 food, lodging and travel, by the commission from the Public
6179 Service Commission Regulation Fund established by Section 77-1-6,
6180 and as authorized by Section 25-3-41. The Public Service
6181 Commission staff shall be responsible for gathering and analyzing
6182 information relating to all matters within the authority of the
6183 commission.

6184 (2) The State Personnel Board shall establish and maintain
6185 entry-level salaries sufficiently competitive to attract
6186 competent, qualified applicants for the specialized skills and
6187 positions required by this section without regard to the salaries
6188 paid the commissioners and notwithstanding any other provisions of
6189 law to the contrary. The State Personnel Board shall authorize,



6190 where necessary, a range of salaries within which salary
6191 negotiations may be conducted for those positions for which
6192 specific knowledge, skills and abilities are set forth herein.

6193 (3) The Public Service Commission staff shall perform such
6194 duties as are assigned to them by the commission.

6195 (4) From and after July 1, 2016, the expenses of this agency
6196 shall be defrayed by appropriation from the State General Fund and
6197 all user charges and fees authorized under this section shall be
6198 deposited into the State General Fund as authorized by law.

6199 (5) From and after July 1, 2016, no state agency shall
6200 charge another state agency a fee, assessment, rent or other
6201 charge for services or resources received by authority of this
6202 section.

6203 **SECTION 108.** Section 77-3-89, Mississippi Code of 1972, is
6204 amended as follows:

6205 77-3-89. It shall be the duty of the State Auditor to advise
6206 the commission of the amount of money on hand in the "Public
6207 Service Commission Regulation Fund" from time to time. All
6208 expenses of the commission authorized by this article, or any
6209 other act of the Legislature, shall be paid by the State Treasurer
6210 upon warrants issued by the State Fiscal Officer, which warrants
6211 shall be issued upon requisition signed by the chairman of the
6212 commission and countersigned by one (1) of the commissioners.
6213 Said requisition shall show upon its face the purpose for which
6214 the payment is being made by reference to the minute book in which



6215 such payment was authorized. It shall be unlawful for any person
6216 to withdraw any money from said fund other than by requisition
6217 issued as herein provided. A record of all requisitions issued by
6218 the commission showing to whom, for what purpose, and date issued,
6219 shall be placed upon the minute books of the commission and shall
6220 become a part of the official record of the commission.

6221 The books and accounts of the commission shall be audited at
6222 the end of each fiscal year, and at any other time deemed
6223 necessary, by the State Auditor and a copy of such audits shall be
6224 furnished to the Governor and the commission. The State Auditor
6225 may prescribe such further accounting procedure as he deems
6226 necessary for the withdrawal of funds by the commission from said
6227 special fund. All requisitions drawn in compliance with this
6228 article shall be honored by the State Auditor and the funds
6229 disbursed in accordance therewith. The commission shall file a
6230 report at each regular session of the Legislature showing the
6231 expenditure of all funds by the commission.

6232 The "Public Utilities Staff Regulation Fund" shall be
6233 administered in accordance with Section 77-2-19.

6234 From and after July 1, 2016, the expenses of this agency
6235 shall be defrayed by appropriation from the State General Fund and
6236 all user charges and fees authorized under this section shall be
6237 deposited into the State General Fund as authorized by law.



6238 From and after July 1, 2016, no state agency shall charge
6239 another state agency a fee, assessment, rent or other charge for
6240 services or resources received by authority of this section.

6241 **SECTION 109.** Section 77-3-503, Mississippi Code of 1972, is
6242 amended as follows:

6243 77-3-503. The following terms and phrases when used in this
6244 article shall have the following meaning ascribed to them, except
6245 where the context clearly indicates a different meaning:

6246 (a) "Deaf person" means an individual who is unable to
6247 hear and understand oral communication, with or without the
6248 assistance of amplification devices.

6249 (b) "Dual party relay system" means a procedure whereby
6250 a deaf, hearing or speech impaired TDD user can communicate with
6251 an intermediary party, who then orally relays the first party's
6252 message or request to a third party, or vice versa.

6253 (c) "Exchange access facility" means the access from a
6254 particular telephone subscriber's premise to the telephone system
6255 of a local exchange telephone company. Exchange access facilities
6256 include local exchange company provided access lines, private
6257 branch exchange trunks and centrex network access registers, all
6258 as defined by tariffs of telephone companies as approved by the
6259 commission.

6260 (d) "Hard of hearing person" means an individual who
6261 has suffered a permanent hearing loss which is severe enough to



6262 necessitate the use of amplification devices to hear oral
6263 communication.

6264 (e) "Hearing impaired person" means a person who is
6265 deaf or hard of hearing.

6266 (f) "Ring signaling device" means a mechanism such as a
6267 flashing light which visually indicates that a communication is
6268 being received through a telephone line. This phrase also means a
6269 mechanism such as adjustable volume ringers and buzzers which
6270 audibly and loudly indicate an incoming telephone communication.

6271 (g) "Speech impaired person" means an individual who
6272 has suffered a loss of oral communication ability which prohibits
6273 normal usage of a standard telephone handset.

6274 (h) "Telecommunications device" or "telecommunications
6275 device for the deaf, hearing or speech impaired" or "TDD" means a
6276 keyboard mechanism attached to or in place of a standard telephone
6277 by some coupling device used to transmit or receive signals
6278 through telephone lines.

6279 (i) "Telephone company" means every corporation,
6280 company, association, joint stock association, partnership, and
6281 person and their lessees, trustees or receivers appointed by any
6282 court whatsoever, and every city or town owning, operating or
6283 managing any telephone line or part of a telephone line used in
6284 the conduct of the business of affording telephonic communication
6285 service for hire within this state.



6286 (j) "Telephone line" includes conduits, ducts, poles,
6287 wires, cables, crossarms, receivers, transmitters, instruments,
6288 machines, appliances, instrumentalities and all devices, including
6289 radio and other advancements of the art of telephony, real estate,
6290 easements, apparatus, property and routes used and operated to
6291 facilitate the business of affording telephonic communication
6292 services to the public for hire within this state.

6293 (k) "Trust fund" means the Dual Party Relay Service
6294 Trust Fund which is a specific trust to be created by the Public
6295 Service Commission and to be established, invested, managed and
6296 maintained for the exclusive purpose of fulfilling the provisions
6297 of this article according to Public Service Commission rules and
6298 regulations.

6299 From and after July 1, 2016, the expenses of this agency
6300 shall be defrayed by appropriation from the State General Fund and
6301 all user charges and fees authorized under this section shall be
6302 deposited into the State General Fund as authorized by law.

6303 From and after July 1, 2016, no state agency shall charge
6304 another state agency a fee, assessment, rent or other charge for
6305 services or resources received by authority of this section.

6306 **SECTION 110.** Section 77-3-507, Mississippi Code of 1972, is
6307 amended as follows:

6308 77-3-507. (1) The Public Service Commission may impose upon
6309 all local exchange telephone companies operating in the State of
6310 Mississippi a monthly relay service fee in an amount to be



6311 determined by the commission based upon the amount of funding
6312 necessary to accomplish the purposes of this article and to
6313 provide dual party telephone relay services on a continuous basis.
6314 Such fees shall be paid by the local exchange companies to the
6315 credit of the Dual Party Relay Service Trust Fund. The commission
6316 may authorize local exchange companies to recover relay service
6317 fees through a surcharge on their customers in the manner
6318 prescribed by the commission. The relay service fees remitted by
6319 the local exchange companies shall not be subject to any tax, fee
6320 or assessment, nor shall it be considered revenue of the local
6321 exchange companies. The Dual Party Relay Service Trust Fund shall
6322 be credited with all interest income and earnings of the fund.
6323 The fund shall be established, invested and managed for the
6324 exclusive purpose of fulfilling the provisions of this article
6325 according to rules and regulations established by the Public
6326 Service Commission.

6327 (2) Monies in the fund shall also include any appropriations
6328 authorized by the Legislature, any available funds authorized by
6329 the Public Service Commission, grants from other governmental or
6330 private entities, and any contributions or donations received by
6331 the Public Service Commission for the dual party relay service.
6332 All monies in the Dual Party Relay Service Trust Fund shall be
6333 used solely for the administration and operation of a statewide
6334 program to provide telecommunications access to persons who are
6335 speech and hearing impaired or similarly impaired.



6336 (3) The users of the relay service shall be charged for
6337 telephone services, without additional charges for the use of the
6338 relay service other than any surcharge which may be imposed upon
6339 them under this section. The calling or called party shall bear
6340 an expense for making intrastate nonlocal calls considered and
6341 approved by the Public Service Commission as being equitable in
6342 comparison with non-TDD or DPR service customers.

6343 (4) From and after July 1, 2016, the expenses of this agency
6344 shall be defrayed by appropriation from the State General Fund and
6345 all user charges and fees authorized under this section shall be
6346 deposited into the State General Fund as authorized by law.

6347 (5) From and after July 1, 2016, no state agency shall
6348 charge another state agency a fee, assessment, rent or other
6349 charge for services or resources received by authority of this
6350 section.

6351 **SECTION 111.** Section 77-3-509, Mississippi Code of 1972, is
6352 amended as follows:

6353 77-3-509. (1) On or before August 1, 1990, the Public
6354 Service Commission shall appoint an advisory committee to monitor
6355 the statewide telecommunications relay access service and advise
6356 and make recommendations to the Public Service Commission in
6357 pursuing services which meet the needs of the hearing or speech
6358 impaired and others similarly impaired in communicating with other
6359 users of telecommunications services.

6360 (2) The advisory committee shall be composed of:



6361 (a) One (1) deaf person recommended by the Mississippi
6362 Association of the Deaf;
6363 (b) One (1) speech or hearing impaired person
6364 recommended by the Mississippi Association for Retired Persons;
6365 (c) One (1) person recommended by the Coalition of
6366 Citizens with Disabilities;
6367 (d) One (1) representative of telecommunications
6368 utilities chosen from a list of candidates provided by the
6369 Mississippi/Alabama Telephone Association;
6370 (e) One (1) representative of the Mississippi Speech
6371 and Hearing Association;
6372 (f) One (1) representative of the Veterans
6373 Administration;
6374 (g) One (1) representative from Vocational
6375 Rehabilitation Deaf Services;
6376 (h) One (1) hearing impaired representative of the
6377 Mississippi School for the Deaf;
6378 (i) Two (2) representatives chosen from the Public
6379 Service Commission's staff and employees;
6380 (j) One (1) person appointed by the Speaker of the
6381 House of Representatives;
6382 (k) One (1) person appointed by the Lieutenant Governor
6383 of the Senate;
6384 (l) One (1) representative from the provider of the DPR
6385 service; and



6386 (m) Three (3) "at large" individuals who have
6387 particular skills, knowledge, experience or ability but who are
6388 not necessarily speech or hearing impaired or otherwise affiliated
6389 with an organization serving the speech or hearing impaired.

6390 The commission, in its discretion, may name a successor or
6391 similar organization to be represented on the committee if an
6392 organization or agency named in this subsection ceases to exist.

6393 (3) The committee shall be appointed based on candidate
6394 names submitted by the recommending agency or organization. Each
6395 member of the advisory committee shall serve for a term of two (2)
6396 years. A member whose term has expired shall continue to serve
6397 until a qualified replacement is appointed. The members of the
6398 advisory committee shall serve without compensation but shall be
6399 entitled to reimbursement for travel and expenses incurred in the
6400 performance of their official duties and per diem, which shall be
6401 paid out of the trust fund on the same basis established for state
6402 employees.

6403 (4) From and after July 1, 2016, the expenses of this agency
6404 shall be defrayed by appropriation from the State General Fund and
6405 all user charges and fees authorized under this section shall be
6406 deposited into the State General Fund as authorized by law.

6407 (5) From and after July 1, 2016, no state agency shall
6408 charge another state agency a fee, assessment, rent or other
6409 charge for services or resources received by authority of this
6410 section.



6411 **SECTION 112.** Section 77-7-127, Mississippi Code of 1972, is
6412 amended as follows:

6413 77-7-127. All funds collected by the Public Service
6414 Commission under the provisions of this chapter shall be deposited
6415 in the State Treasury to the credit of the "Public Service
6416 Commission Regulation Fund" for use by the Public Service
6417 Commission for the administration and enforcement of the laws of
6418 this state relative to the inspection, control and supervision of
6419 the business, equipment, service or accounts of motor carriers
6420 subject to this chapter.

6421 From and after July 1, 2016, the expenses of this agency
6422 shall be defrayed by appropriation from the State General Fund and
6423 all user charges and fees authorized under this section shall be
6424 deposited into the State General Fund as authorized by law.

6425 From and after July 1, 2016, no state agency shall charge
6426 another state agency a fee, assessment, rent or other charge for
6427 services or resources received by authority of this section.

6428 **SECTION 113.** Section 77-7-333, Mississippi Code of 1972, is
6429 amended as follows:

6430 77-7-333. After selection, the chief enforcement officer and
6431 the inspectors shall go through thirty (30) days of intensive
6432 instruction of the laws of this state pertaining to the Public
6433 Service Commission, the Mississippi Department of Transportation,
6434 and the Department of Public Safety, together with rules and
6435 regulations of all these departments, and the laws of this state



6436 pertaining to arrest. The expenses of attending such school shall
6437 be paid out of the "Public Service Commission Regulation Fund" on
6438 presentation of paid bills for travel and subsistence to the
6439 secretary of the commission.

6440 From and after July 1, 2016, the expenses of this agency
6441 shall be defrayed by appropriation from the State General Fund and
6442 all user charges and fees authorized under this section shall be
6443 deposited into the State General Fund as authorized by law.

6444 From and after July 1, 2016, no state agency shall charge
6445 another state agency a fee, assessment, rent or other charge for
6446 services or resources received by authority of this section.

6447 **SECTION 114.** Section 77-7-339, Mississippi Code of 1972, is
6448 amended as follows:

6449 77-7-339. The salary of the chief enforcement officer and
6450 the inspectors, and the reasonable and necessary expenses of such
6451 employees and the administration of the duties imposed on the
6452 commission by this chapter, shall be paid out of the special fund
6453 in the State Treasury designated as the "Public Service Commission
6454 Regulation Fund," upon requisition and warrants in the same manner
6455 provided by law for the disbursements of appropriations for the
6456 commission. An itemized account shall be kept of all receipts and
6457 expenditures and shall be reported to the Legislature by the
6458 commission.

6459 From and after July 1, 2016, the expenses of this agency
6460 shall be defrayed by appropriation from the State General Fund and



6461 all user charges and fees authorized under this section shall be
6462 deposited into the State General Fund as authorized by law.

6463 From and after July 1, 2016, no state agency shall charge
6464 another state agency a fee, assessment, rent or other charge for
6465 services or resources received by authority of this section.

6466 **SECTION 115.** Section 77-7-337, Mississippi Code of 1972, is
6467 amended as follows:

6468 77-7-337. The commission is hereby authorized and empowered
6469 to purchase all necessary equipment to enforce the provisions of
6470 this chapter, and to pay for the same out of the "Public Service
6471 Commission Regulation Fund."

6472 From and after July 1, 2016, the expenses of this agency
6473 shall be defrayed by appropriation from the State General Fund and
6474 all user charges and fees authorized under this section shall be
6475 deposited into the State General Fund as authorized by law.

6476 From and after July 1, 2016, no state agency shall charge
6477 another state agency a fee, assessment, rent or other charge for
6478 services or resources received by authority of this section.

6479 **SECTION 116.** Section 77-9-489, Mississippi Code of 1972, is
6480 amended as follows:

6481 77-9-489. The salaries of all employees authorized to
6482 enforce the provisions of the railroad laws, and the reasonable
6483 and necessary expenses of such employees, shall be paid out of the
6484 special fund in the State Treasury designated as the "Public
6485 Service Commission Regulation Fund" upon the requisition and



6486 warrant in the manner provided by law. An itemized account shall
6487 be kept of all receipts and expenditures and reported to the
6488 Legislature by the commission.

6489 From and after July 1, 2016, the expenses of this agency
6490 shall be defrayed by appropriation from the State General Fund and
6491 all user charges and fees authorized under this section shall be
6492 deposited into the State General Fund as authorized by law.

6493 From and after July 1, 2016, no state agency shall charge
6494 another state agency a fee, assessment, rent or other charge for
6495 services or resources received by authority of this section.

6496 **SECTION 117.** Section 77-11-201, Mississippi Code of 1972, is
6497 amended as follows:

6498 77-11-201. All reasonable and necessary operating expenses
6499 of the administration of the duties imposed by law upon the Public
6500 Service Commission, including the salaries of personnel, in its
6501 regulation, inspection and supervision of municipally owned and/or
6502 operated gas utilities operating within the State of Mississippi
6503 shall be provided as follows: There is hereby levied a tax. The
6504 amount of said tax is the sum of Twenty-five Thousand Dollars
6505 (\$25,000.00) per year which shall be prorated by the State Tax
6506 Commission among the municipally owned and/or operated gas
6507 utilities which are subject to the tax levied by this section each
6508 year, according to the gross revenue of each of such utilities
6509 from their intrastate operation during the calendar year preceding
6510 the assessment. Each utility which is subject to the tax levied



6511 by this section shall file a statement of such gross revenue by
6512 April 1 of each year showing the gross revenue for the preceding
6513 year's operation. These statements of gross revenue shall be
6514 filed with the commission and a copy thereof filed with the State
6515 Tax Commission. The State Tax Commission shall thereupon
6516 calculate the pro rata amount of tax to be paid by each of said
6517 utilities in order to provide the total amount above stated and
6518 shall thereupon submit a statement thereof to the respective
6519 utilities and the amount shown due in such statements to the
6520 respective utilities shall be paid by the respective utilities
6521 within thirty (30) days thereafter to the State Tax Commission.
6522 The State Tax Commission shall pay such funds into the State
6523 Treasury on the same day collected to the credit of the
6524 "Municipality Owned and/or Operated Gas Utilities Special Fund."
6525 All administrative provisions of the Mississippi Sales Tax Law,
6526 including those which fix damages, penalties and interest for
6527 nonpayment of taxes and for noncompliance with the provisions of
6528 such chapter, and all other duties and requirements imposed upon
6529 taxpayers, shall apply to all persons liable for taxes under the
6530 provisions of this chapter, and the Tax Commissioner shall
6531 exercise all the power and authority and perform all the duties
6532 with respect to taxpayers under this chapter as are provided in
6533 the Mississippi Sales Tax Law except where there is a conflict,
6534 then the provisions of this chapter shall control. The term
6535 "gross revenue" as used in this section shall be deemed to be the



6536 total amount of all revenue derived by each of such utilities from
6537 its intrastate operations and the State Tax Commission is hereby
6538 authorized to make such audits as may be deemed necessary of any
6539 and all records of such utilities in order to correctly determine
6540 the amount of such gross revenue. It shall be the duty of the
6541 Department of Finance and Administration to advise the commission
6542 of the amount of money on hand from time to time. All expenses of
6543 the commission authorized by this section or any other act of the
6544 Legislature shall be paid by the State Treasurer upon warrants
6545 issued by the Department of Finance and Administration, which
6546 warrants shall be issued upon requisition signed by the chairman
6547 of the commission and countersigned by one (1) of the
6548 commissioners, and said requisition shall show upon its face the
6549 purpose for which the payment is being made by reference to the
6550 minute book in which such payment was authorized. It shall be
6551 unlawful for any person to withdraw any money from said fund other
6552 than by requisition issued as provided herein. A record of all
6553 requisitions issued by the commission showing to whom, for what
6554 purpose, and date issued shall be placed upon the minute books of
6555 the commission and shall become a part of the official records of
6556 the commission.

6557 The books and accounts of the commission shall be audited at
6558 the end of each fiscal year, and at any other time deemed
6559 necessary, by the State Auditor and a copy of such audits shall be
6560 furnished to the Governor and the commission. The State Auditor



6561 may prescribe such further accounting procedure as he deems
6562 necessary for the withdrawal of funds by the commission from said
6563 special fund. All requisitions drawn in compliance with this
6564 section shall be honored by the Department of Finance and
6565 Administration and the funds disbursed in accordance therewith.
6566 The commission shall file a report at each regular session of the
6567 Legislature showing the expenditure of all funds by the
6568 commission. All proceeds of the above-mentioned tax are hereby
6569 allocated to the commission for the purpose of this section. In
6570 the event the funds provided by said tax exceed the amount
6571 necessary for the purposes of this section at the end of any
6572 fiscal year, the commission shall certify the amount which the
6573 commission estimates will be necessary for the commission for each
6574 fiscal year to the State Tax Commission, and the State Tax
6575 Commission shall reduce the tax hereby imposed to such amount for
6576 the next fiscal year and shall collect the proportionate amount
6577 thereof as above provided.

6578 From and after July 1, 2016, the expenses of this agency
6579 shall be defrayed by appropriation from the State General Fund and
6580 all user charges and fees authorized under this section shall be
6581 deposited into the State General Fund as authorized by law.

6582 From and after July 1, 2016, no state agency shall charge
6583 another state agency a fee, assessment, rent or other charge for
6584 services or resources received by authority of this section.

6585 **[OFFICE OF PUBLIC DEFENDER]**



6586 **SECTION 118.** Section 99-18-1, Mississippi Code of 1972, is
6587 amended as follows:

6588 99-18-1. (1) There is hereby created the Office of State
6589 Public Defender. The Office of State Public Defender shall
6590 consist of a State Defender who shall be appointed by the Governor
6591 with the advice and consent of the Senate for a term of four (4)
6592 years and staffed by any necessary personnel as determined and
6593 hired by the State Defender.

6594 (2) Funding for the Office of State Public Defender shall
6595 come from funds available in the Capital Defense Counsel Fund, the
6596 Indigent Appeals Fund and the Public Defenders Education Fund as
6597 determined by the State Defender. The State Defender shall have
6598 the authority to transfer funds between the various funds to
6599 efficiently and effectively accomplish the mission of the Office
6600 of State Public Defender and its divisions.

6601 (3) The State Defender must be a duly licensed attorney
6602 admitted to the practice of law in this state, have practiced in
6603 the area of criminal law for at least five (5) years and shall
6604 meet all qualifications to serve as lead trial and appellate
6605 counsel in death penalty cases as may be set by the Supreme Court
6606 of Mississippi. The salary of the State Defender shall be no more
6607 than the maximum amount allowed by statute for a district
6608 attorney.

6609 (4) The State Defender may be removed by the Governor upon
6610 finding that the State Defender is not qualified under law, has



6611 failed to perform the duties of the office, or has acted beyond
6612 the scope of the authority granted by law for the office.

6613 (5) The Office of State Public Defender shall be responsible
6614 for the administration, budget and finances of the Divisions of
6615 Capital Defense Counsel, Indigent Appeals and Public Defender
6616 Training, which shall be divisions of the Office of State Public
6617 Defender.

6618 (6) The State Defender may simultaneously serve as State
6619 Defender and as director of one or more divisions but shall
6620 receive no additional compensation for doing so. Nothing in this
6621 chapter shall prohibit the State Defender from directly
6622 representing clients of the office. Nothing in this chapter shall
6623 be construed to prevent an employee of one (1) division of the
6624 Office of the State Public Defender from working, in * * * whole
6625 or in * * * part, for another division.

6626 (7) The State Defender shall coordinate the collection and
6627 dissemination of statistical data and make such reports as are
6628 required of the divisions, develop plans and proposals for further
6629 development of a statewide public defender system in coordination
6630 with the Mississippi Public Defenders Task Force and to act as
6631 spokesperson for all matters relating to indigent defense
6632 representation.

6633 (8) From and after July 1, 2016, the expenses of this agency
6634 shall be defrayed by appropriation from the State General Fund and



6635 all user charges and fees authorized under this section shall be
6636 deposited into the State General Fund as authorized by law.

6637 (9) From and after July 1, 2016, no state agency shall
6638 charge another state agency a fee, assessment, rent or other
6639 charge for services or resources received by authority of this
6640 section.

6641 **[PUBLIC EMPLOYEES' RETIREMENT SYSTEM - ADMINISTRATION]**

6642 **SECTION 119.** Section 25-11-15, Mississippi Code of 1972, is
6643 amended as follows:

6644 25-11-15. (1) Board of trustees: The general
6645 administration and responsibility for the proper operation of the
6646 Public Employees' Retirement System and the federal-state
6647 agreement and for making effective the provisions of Articles 1
6648 and 3 are vested in a board of trustees.

6649 (2) The board shall consist of ten (10) trustees, as
6650 follows:

6651 (a) The State Treasurer;

6652 (b) One (1) member who shall be appointed by the
6653 Governor for a term of four (4) years, who shall be a member of
6654 the system;

6655 (c) Two (2) members of the system having at least ten
6656 (10) years of creditable service who are state employees who are
6657 not employees of the state institutions of higher learning, who
6658 shall be elected by members of the system who are employees of
6659 state agencies and by members of the Mississippi Highway Safety



6660 Patrol Retirement System, but not by employees of the state
6661 institutions of higher learning;

6662 (d) Two (2) members of the system having at least ten
6663 (10) years of creditable service who do not hold office in the
6664 legislative or judicial departments of municipal or county
6665 government, one (1) of whom shall be an employee of a
6666 municipality, instrumentality or juristic entity thereof, who
6667 shall be elected by members of the system who are employees of the
6668 municipalities, instrumentalities or juristic entities thereof and
6669 by members of the municipal systems and the firemen's and
6670 policemen's disability and relief funds administered by the board
6671 of trustees, and one (1) of whom shall be an employee of a county,
6672 instrumentality or juristic entity thereof, who shall be elected
6673 by members of the system who are employees of the counties,
6674 instrumentalities or juristic entities thereof;

6675 (e) One (1) member of the system having at least ten
6676 (10) years of creditable service who is an employee of a state
6677 institution of higher learning, who shall be elected by members of
6678 the system who are employees of the state institutions of higher
6679 learning as included in Section 37-101-1. Any member of the board
6680 on July 1, 1984, who is an employee of an institution of higher
6681 learning shall serve as the member trustee representing the
6682 institutions of higher learning until the end of the term for
6683 which he or she was elected;



6684 (f) Two (2) retired members who are receiving a
6685 retirement allowance from the system, who shall be elected by the
6686 retired members or beneficiaries receiving a retirement allowance
6687 from the system and by the retired members or beneficiaries of the
6688 municipal systems, the firemen's and policemen's disability and
6689 relief funds and the Mississippi Highway Safety Patrol Retirement
6690 System administered by the board of trustees, to serve for a term
6691 of six (6) years under rules and regulations adopted by the board
6692 to govern that election; however, any retired member of the board
6693 in office on April 19, 1993, shall serve as a retired trustee
6694 until the end of the term for which he or she was elected;

6695 (g) One (1) member of the system having at least ten
6696 (10) years of creditable service who is an employee of any public
6697 school district or junior college or community college district
6698 that participates in the system, who shall be elected by the
6699 members of the system who are employees of any public school
6700 district or junior college or community college district; however,
6701 any member of the board on June 30, 1989, who is a certified
6702 classroom teacher shall serve as the member representing a
6703 classroom teacher until the end of the term for which the member
6704 was appointed;

6705 (h) In the first election to be held for trustees one
6706 (1) member shall be elected for a term of two (2) years, and one
6707 (1) member for a term of four (4) years, and one (1) member for a
6708 term of six (6) years. Thereafter, their successors shall be



6709 elected for terms of six (6) years. All elections shall be held
6710 in accordance with rules and regulations adopted by the board to
6711 govern those elections and the board shall be the sole judge of
6712 all questions arising incident to or connected with the elections.

6713 (i) Any person eligible to vote for the election of a
6714 member of the board of trustees and who meets the qualifications
6715 for the office may seek election to the office and serve if
6716 elected. For purposes of determining eligibility to seek office
6717 as a member of the board of trustees, the required creditable
6718 service in "the system" shall include each system administered by
6719 the board of trustees in which the person is a member.

6720 The members described above and serving on the board on June
6721 30, 1989, shall continue to serve on the board until the
6722 expiration of their terms.

6723 (3) If a vacancy occurs in the office of a trustee, the
6724 vacancy shall be filled for the unexpired term in the same manner
6725 as the office was previously filled. However, if the unexpired
6726 term is six (6) months or less, an election shall be held to fill
6727 the office vacated for the next succeeding full term of office,
6728 and the person so elected to fill the next full term shall be
6729 appointed by the board to fill the remainder of the unexpired
6730 term. Whenever any member who is elected to a position to
6731 represent a class of members ceases to be a member of that class,
6732 that board member is no longer eligible for membership on the
6733 board. The position shall be declared vacant, and the unexpired



6734 term shall be filled in the same manner as the office was
6735 previously filled.

6736 (4) Each trustee shall, within ten (10) days after his or
6737 her appointment or election, take an oath of office as provided by
6738 law and, in addition, shall take an oath that he or she will
6739 diligently and honestly administer the affairs of the board, and
6740 that he or she will not knowingly violate or willingly permit to
6741 be violated any of the provisions of law applicable to Articles 1
6742 and 3. The oath shall be signed by the member making it,
6743 certified by the officer before whom it is taken, and immediately
6744 filed in the office of the Secretary of State.

6745 (5) Each trustee shall be entitled to one (1) vote. Six (6)
6746 members shall constitute a quorum at any meeting of the board, and
6747 a majority of those present shall be necessary for a decision.

6748 (6) Subject to the limitations of Articles 1 and 3, the
6749 board shall establish rules and regulations for the administration
6750 of the system created by those articles and for the transaction of
6751 its business, and to give force and effect to the provisions of
6752 those articles wherever necessary to carry out the intent and
6753 purposes of the Legislature. The cited articles are remedial law
6754 and shall be liberally construed to accomplish their purposes.

6755 (7) Notwithstanding any other law to the contrary, in the
6756 event of a natural disaster or other occurrence that results in
6757 the failure of the retirement system's computer system or a
6758 significant disruption of the normal activities of the retirement



6759 system, the executive director of the board, or his or her deputy,
6760 shall be authorized to contract with another entity, governmental
6761 or private, during the period of the failure or disruption, for
6762 services, commodities, work space and supplies as necessary to
6763 carry out the administration of all systems and programs
6764 administered by the board. The board shall be authorized to pay
6765 the reasonable cost of those services, commodities, work space and
6766 supplies. At the meeting of the board next following the
6767 execution of a contract authorized under this subsection,
6768 documentation of the contract, including a description of the
6769 services, commodities, work space or supplies, the price thereof
6770 and the nature of the disaster or occurrence, shall be presented
6771 to the board and placed on the minutes of the board. Because of
6772 their emergency nature, purchases made under this subsection shall
6773 not be required to comply with the provisions of Section 31-7-13
6774 or any other law governing public purchases.

6775 (8) The computer equipment and software owned by the Public
6776 Employees' Retirement System are assets of the Trust Fund by
6777 virtue of the Constitution, Section 272-A and acquisition and
6778 operation thereof shall be under the jurisdiction of the Public
6779 Employees' Retirement System.

6780 (9) The board shall elect a chairman and shall by a majority
6781 vote of all of its members appoint a secretary whose title shall
6782 be executive director, who shall serve at the will and pleasure of
6783 the board, who shall not be a member of the board of trustees, who



6784 shall be entitled to membership in the system, and who shall act
6785 as secretary of the board. The board of trustees shall employ
6786 such actuarial, clerical and other employees as are required to
6787 transact the business of the system, and shall fix the
6788 compensation of all employees, subject to the rules and
6789 regulations of the State Personnel Board.

6790 (10) Each member of the board shall receive as compensation
6791 for his or her services Three Hundred Dollars (\$300.00) per month.
6792 All members of the board shall be reimbursed for their necessary
6793 traveling expenses, which shall be paid in accordance with the
6794 requirements of Section 25-3-41 or other applicable statutes with
6795 respect to traveling expenses of state officials and employees on
6796 official business. All members of the board shall be entitled to
6797 be members of the system and shall be entitled to creditable
6798 service for all time served as a member of the board, except for
6799 the retired members, who shall not be entitled to be a member of
6800 the system and who shall be eligible to receive the retirement
6801 allowance and compensation for services from the system while
6802 serving as a member of the board. Members of the board who are
6803 employed in state service (as defined in Section 25-11-103) shall
6804 not be required to take annual leave from their state service
6805 employment while performing his or her official duties as a member
6806 of the board.

6807 (11) All expenses of the board incurred in the
6808 administration of Articles 1 and 3 shall be paid from such funds



6809 as may be appropriated by the Legislature for that purpose or from
6810 administrative fees collected from political subdivisions or
6811 juristic entities of the state. Each political subdivision of the
6812 state and each instrumentality of the state or of a political
6813 subdivision or subdivisions that submit a plan for approval by the
6814 board as provided in Section 25-11-11 shall reimburse the board,
6815 for coverage into the administrative expense fund, its pro rata
6816 share of the total expense of administering Articles 1 and 3 as
6817 provided by regulations of the board.

6818 (12) The Lieutenant Governor may designate two (2) Senators
6819 and the Speaker of the House of Representatives may designate two
6820 (2) Representatives to attend any meeting of the Board of Trustees
6821 of the Public Employees' Retirement System. The appointing
6822 authorities may designate alternate members from their respective
6823 houses to serve when the regular designees are unable to attend
6824 the meetings of the board. The legislative designees shall have
6825 no jurisdiction or vote on any matter within the jurisdiction of
6826 the board. For attending meetings of the board, the legislators
6827 shall receive per diem and expenses, which shall be paid from the
6828 contingent expense funds of their respective houses in the same
6829 amounts as provided for committee meetings when the Legislature is
6830 not in session; however, no per diem and expenses for attending
6831 meetings of the board will be paid while the Legislature is in
6832 session. No per diem and expenses will be paid except for



6833 attending meetings of the board without prior approval of the
6834 proper committee in their respective houses.

6835 (13) From and after July 1, 2016, the expenses of this
6836 agency shall be defrayed by appropriation from the State General
6837 Fund and all user charges and fees authorized under this section
6838 shall be deposited into the State General Fund as authorized by
6839 law.

6840 (14) From and after July 1, 2016, no state agency shall
6841 charge another state agency a fee, assessment, rent or other
6842 charge for services or resources received by authority of this
6843 section.

6844 **SECTION 120.** Section 25-11-143, Mississippi Code of 1972, is
6845 amended as follows:

6846 25-11-143. (1) The provisions of this section shall become
6847 effective from and after July 1 of the year following the year in
6848 which the board determines and the board's actuary certifies that
6849 the employer's contribution rate to the Public Employees'
6850 Retirement System can be reduced by one percent (1%) without
6851 causing the unfunded accrued actuarial liability amortization
6852 period for the retirement system to exceed twenty (20) years.

6853 (2) As used in this section, the term "retiree" means any
6854 person receiving a service or disability retirement benefit from
6855 any system administered by the board; however, in the case of
6856 persons participating in the optional retirement plan established
6857 in Section 25-11-401 et seq., the term "retiree" includes only



6858 those persons who would be entitled to receive a retirement
6859 allowance under the provisions of Section 25-11-111 if they were
6860 not members of the optional retirement plan.

6861 (3) The board shall design a plan of health insurance for
6862 all current and future retirees that will take effect from and
6863 after January 1 following the year in which this section becomes
6864 effective as provided in subsection (1) of this section. The plan
6865 may include coverage for the spouse, surviving beneficiary and
6866 dependent children of retirees and other such sponsored dependents
6867 as the board considers appropriate; however, the subsidy provided
6868 for in this section shall apply only to the cost of providing
6869 coverage to retirees. Initially, the plan shall have benefits
6870 equivalent to those in the State and School Employees Health
6871 Insurance Plan established in Section 25-15-9; however, the board
6872 may modify the plan as necessary to meet the needs of the members
6873 of the plan and to maintain the fiscal soundness of the plan. The
6874 board may offer an optional plan to retirees who are eligible for
6875 Medicare, and any additional cost of that plan shall be paid by
6876 the retiree electing that optional coverage.

6877 (4) (a) Retirees may decline coverage in the plan
6878 established by this section, but they may be included in the plan
6879 later if they apply for coverage during any open enrollment
6880 periods that may be established by the board and can show, by
6881 evidence considered sufficient to the board, that they were
6882 covered by health insurance during the period of time that they



6883 were not covered by the plan established by this section. The
6884 board may adjust the amount of the subsidy for those persons and
6885 may limit the number of times retirees who decline coverage who
6886 may be later included in the plan.

6887 (b) The board shall determine the manner in which
6888 persons who elect continuation coverage under the federal
6889 Consolidated Omnibus Budget Reconciliation Act of 1987 (COBRA)
6890 will be treated regarding their eligibility for coverage under the
6891 plan established under this section and the amount of the subsidy
6892 for those persons.

6893 (5) From and after January 1 following the year in which
6894 this section becomes effective as provided in subsection (1) of
6895 this section, the board shall subsidize a portion of the cost of
6896 providing the plan of health insurance to retirees. The amount of
6897 the subsidy provided for each retiree shall be equal to a
6898 percentage of the annual cost of providing coverage under the plan
6899 to the retiree as determined by the board. Except as otherwise
6900 provided in this section, the percentage amount of the subsidy
6901 shall be two percent (2%) for each year of creditable service,
6902 less any fronted service for age-limited disability benefits of
6903 the retiree up to a maximum of sixty percent (60%). Once the
6904 percentage amount of the subsidy has been determined under this
6905 subsection, it may not be changed unless the retiree returns to
6906 membership service and earns additional years of creditable



6907 service or elects not to be enrolled in the plan for a period of
6908 time.

6909 (6) The amount of the subsidy for each disability retiree
6910 shall be calculated in the same manner as other retirees. For
6911 purposes of determining the amount that a disability retiree must
6912 pay above the subsidy for coverage under the plan, the cost of
6913 coverage for disability retirees shall be deemed to be the average
6914 cost of providing coverage for other retirees as determined by the
6915 board.

6916 (7) Each retiree participating in the plan, by written
6917 authorization, shall instruct the board to deduct from the
6918 retirement allowance the portion of the premium that is not
6919 subsidized. The amounts so deducted shall be handled by the board
6920 in the manner provided for in subsection (9) of this section.

6921 (8) From and after July 1 of the year in which this section
6922 becomes effective as provided in subsection (1) of this section,
6923 each employer shall pay monthly to the board an amount equal to
6924 two and one-half percent (2.5%) of the total payroll of the
6925 employer on which retirement contributions are made under
6926 retirement plans administered by the Public Employees' Retirement
6927 System.

6928 (9) The board may establish and enforce late charges and
6929 interest penalties or other penalties for the purpose of requiring
6930 the prompt payment of all contributions required under this
6931 section. After appropriation for administration expenses of the



6932 program, all funds received by the board under this section shall
6933 be held in a fund in the custody of the board. All those funds
6934 held by the board shall be utilized for the purpose of subsidizing
6935 the health insurance plan required to be established by this
6936 section, and shall be invested as provided in Section 25-11-145.

6937 (10) The board:

6938 (a) Shall administer the plan;

6939 (b) Shall have the sole authority to promulgate rules
6940 and regulations governing the plan, and shall be vested with all
6941 legal authority necessary and proper to perform this function
6942 including, but not limited to, defining the benefits provided by
6943 the plan, requesting and accepting bids for services, establishing
6944 premium rates and receiving premium payments;

6945 (c) May enter into contracts with accountants,
6946 actuaries and other persons whose skills are necessary to carry
6947 out the provisions of this section; and

6948 (d) Is authorized to procure legal services if it deems
6949 these services necessary to carry out its responsibilities under
6950 this section.

6951 (11) From and after July 1, 2016, the expenses of this
6952 agency shall be defrayed by appropriation from the State General
6953 Fund and all user charges and fees authorized under this section
6954 shall be deposited into the State General Fund as authorized by
6955 law.



6956 (12) From and after July 1, 2016, no state agency shall
6957 charge another state agency a fee, assessment, rent or other
6958 charge for services or resources received by authority of this
6959 section.

6960 **SECTION 121.** Section 25-11-307, Mississippi Code of 1972, is
6961 amended as follows:

6962 25-11-307. (1) The Board of Trustees of the Public
6963 Employees' Retirement System of Mississippi shall act as custodian
6964 of the funds for members of the State Legislature and the
6965 President of the Senate, and shall receive to the credit of such
6966 fund all donations, bequests, appropriations, and all funds
6967 available as an employer's contribution thereto from any source
6968 whatsoever. The State Legislature shall each month deduct from
6969 the compensation of each member three percent (3%) thereof, and
6970 shall pay the amount so deducted to the board of trustees to be
6971 credited to the fund for the members. The compensation of each
6972 member shall include all remuneration or amounts paid, except
6973 mileage allowance. From the funds credited to this account, the
6974 board of trustees shall pay retirement allowances, disability
6975 benefits, survivors' benefits and expenses, and shall refund
6976 contributions as provided. The fund for the Supplemental
6977 Legislative Retirement Plan shall be maintained as a separate
6978 fund, separate from all other funds held by the board of trustees
6979 and shall be used only for the payment of benefits provided for by
6980 the plan, or amendments thereto.



6981 (2) On account of each member there shall be paid monthly
6982 into the fund for members of the Supplemental Legislative
6983 Retirement Plan by the State Legislature from funds available an
6984 amount equal to a certain percentage of the compensation of each
6985 member to be known as the "normal contributions," and an
6986 additional amount equal to a percentage of his compensation to be
6987 known as the "accrued liability contribution." The percentage
6988 rate of such contributions shall be fixed by the board of trustees
6989 on the basis of the liabilities of the plan for the various
6990 allowances and benefits as shown by the actuarial valuation.
6991 Until changed by the board of trustees, the contribution rate
6992 shall be six and one-third percent (6-1/3%) of the annual
6993 compensation of all members, which shall include all remuneration
6994 or amounts paid, except mileage allowance.

6995 (3) The board of trustees is hereby authorized to deduct two
6996 percent (2%) of all employer's contributions paid into the fund
6997 for members of the State Legislature and the President of the
6998 Senate to be transferred to the expense fund of the Public
6999 Employees' Retirement System of Mississippi to defray the cost of
7000 administering this fund.

7001 (4) From and after July 1, 2016, the expenses of this agency
7002 shall be defrayed by appropriation from the State General Fund and
7003 all user charges and fees authorized under this section shall be
7004 deposited into the State General Fund as authorized by law.



7005 (5) From and after July 1, 2016, no state agency shall
7006 charge another state agency a fee, assessment, rent or other
7007 charge for services or resources received by authority of this
7008 section.

7009 **SECTION 122.** Section 25-11-411, Mississippi Code of 1972, is
7010 amended as follows:

7011 25-11-411. Each participant shall contribute monthly to the
7012 optional retirement program the same amount that he or she would
7013 be required to contribute to the Public Employees' Retirement
7014 System of Mississippi if he or she were a member of that
7015 retirement system. Participant contributions may be made by a
7016 reduction in salary in accordance with the provisions of Section
7017 403(b) of the United States Internal Revenue Code or any amendment
7018 thereto, or in accordance with Section 25-11-124, as may be
7019 appropriate under the determination made in accordance with
7020 Section 25-11-421. The entirety of each participant's
7021 contribution shall be remitted to the appropriate company or
7022 companies for application to the participant's contracts or
7023 accounts, or both. Each employer of a participant in the optional
7024 retirement program shall contribute on behalf of each participant
7025 in the optional retirement program the same amount the employer
7026 would be required to contribute to the Public Employees'
7027 Retirement System of Mississippi if the participant were a member
7028 of the retirement system. The employer's contribution shall be
7029 remitted as follows:



7030 (a) An amount equal to seven and one-fourth percent
7031 (7-1/4%) of the participant's total earned compensation as defined
7032 in Section 25-11-103 shall be remitted to the appropriate company
7033 or companies for application to the participant's contracts or
7034 accounts, or both;

7035 (b) An amount equal to two and one-half percent
7036 (2-1/2%) of the participant's total earned compensation as defined
7037 in Section 25-11-103 shall be remitted to the Public Employees'
7038 Retirement System of Mississippi for application to the accrued
7039 liability contribution fund;

7040 (c) The remainder, if any, shall be remitted to the
7041 appropriate company or companies for application to the
7042 participant's contracts or accounts, or both.

7043 If the employer's contribution level is decreased below nine
7044 and three-fourths percent (9-3/4%) of the employee's total earned
7045 compensation, the remittance provided by paragraph (b) of this
7046 section shall be reduced accordingly. There shall be no reduction
7047 in the remittance provided by paragraph (a) of this section until
7048 such time, if any, that the employer's contribution level is less
7049 than seven and one-fourth percent (7-1/4%) of the participant's
7050 total earned compensation. If the accrued liability contribution
7051 is reduced or discontinued under Section 25-11-123, the amount of
7052 the reduction, or the entirety of the employer's contribution, in
7053 case of discontinuance, shall be remitted to the appropriate
7054 company or companies for application to the participant's



7055 contracts or accounts, or both. Any remittance required to be
7056 made by the employer to the Public Employees' Retirement System of
7057 Mississippi shall be made at the times the employer remits
7058 contributions for members of the retirement system.

7059 From and after July 1, 2016, the expenses of this agency
7060 shall be defrayed by appropriation from the State General Fund and
7061 all user charges and fees authorized under this section shall be
7062 deposited into the State General Fund as authorized by law.

7063 From and after July 1, 2016, no state agency shall charge
7064 another state agency a fee, assessment, rent or other charge for
7065 services or resources received by authority of this section.

7066 **SECTION 123.** Section 25-11-415, Mississippi Code of 1972, is
7067 amended as follows:

7068 25-11-415. The Public Employees' Retirement System of
7069 Mississippi may deduct not more than two percent (2%) of all
7070 employers' contributions and transfer such deductions to the
7071 expense fund of the Public Employees' Retirement System to defray
7072 the cost of administering the optional retirement program created
7073 by this article.

7074 From and after July 1, 2016, the expenses of this agency
7075 shall be defrayed by appropriation from the State General Fund and
7076 all user charges and fees authorized under this section shall be
7077 deposited into the State General Fund as authorized by law.



7078 From and after July 1, 2016, no state agency shall charge
7079 another state agency a fee, assessment, rent or other charge for
7080 services or resources received by authority of this section.

7081 **[DEPARTMENT OF REVENUE - LICENSE TAGS]**

7082 **SECTION 124.** Section 27-19-179, Mississippi Code of 1972, is
7083 amended as follows:

7084 27-19-179. (1) There is created in the State Treasury a
7085 special fund to be designated as the " * * * Department of Revenue
7086 License Tag Acquisition Fund." The special fund shall consist of
7087 monies deposited therein under Sections 27-19-99 and 27-19-155 and
7088 monies from any other source designated for deposit into the fund.
7089 Unexpended amounts remaining in the special fund at the end of a
7090 fiscal year shall not lapse into the State General Fund, and any
7091 interest earned or investment earnings on amounts in the fund
7092 shall be deposited to the credit of the fund.

7093 (2) From and after July 1, 2010, monies in the special fund
7094 may be used by the * * * Department of Revenue for the purpose of
7095 paying the costs incurred for purchasing license tags and decals
7096 and associated freight costs under Section 27-19-1 et seq.

7097 The * * * department may escalate its budget and expend monies
7098 from the special fund in accordance with rules and regulations of
7099 the Department of Finance and Administration in a manner
7100 consistent with the escalation of federal funds.

7101 (3) From and after July 1, 2016, the expenses of this agency
7102 shall be defrayed by appropriation from the State General Fund and



7103 all user charges and fees authorized under this section shall be
7104 deposited into the State General Fund as authorized by law.

7105 (4) From and after July 1, 2016, no state agency shall
7106 charge another state agency a fee, assessment, rent or other
7107 charge for services or resources received by authority of this
7108 section.

7109 **[STATE TREASURER - UNCLAIMED PROPERTY]**

7110 **SECTION 125.** Section 89-12-37, Mississippi Code of 1972, is
7111 amended as follows:

7112 89-12-37. (1) All funds received under the provisions of
7113 this chapter shall forthwith be deposited by the Treasurer in a
7114 special fund hereby established in the State Treasury to be
7115 designated the "Abandoned Property Fund," except that the
7116 Treasurer shall deposit in a separate special fund hereby
7117 established in the State Treasury to be designated the "Abandoned
7118 Property Claims Payment Fund" an amount not exceeding One Hundred
7119 Fifty Thousand Dollars (\$150,000.00) from which he shall make
7120 prompt payment of claims duly allowed by him as hereinafter
7121 provided. Before making the deposits in either special fund, he
7122 shall record the name and last-known address of each person
7123 appearing from the holders' reports to be entitled to the
7124 abandoned property and the name and last-known address of each
7125 insured person or annuitant and, with respect to each policy or
7126 contract listed in the report of a life insurance corporation, its
7127 number, the name of the corporation and the amount due. The



7128 record shall be available for public inspection at all reasonable
7129 business hours.

7130 (2) There is created within the Abandoned Property Fund in
7131 the State Treasury a trust to be known as the Historic Properties
7132 Financing Fund, which shall be used as provided in this section.
7133 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the
7134 Abandoned Property Fund shall be set aside and placed in the
7135 Historic Properties Financing Fund created herein. The principal
7136 of the Historic Properties Financing Fund shall remain inviolate
7137 within the Abandoned Property Fund, and shall be invested in the
7138 same manner as the remainder of the Abandoned Property Fund. The
7139 interest and income earned from the investment of the principal of
7140 the Historic Properties Financing Fund shall be transferred
7141 quarterly to the Mississippi Landmark Grant Program account within
7142 the Historic Properties Trust Fund created under Section 39-5-23.
7143 The transferred money shall be utilized by the Department of
7144 Archives and History for the purposes as specified in Section
7145 39-5-23(3).

7146 (3) Notwithstanding subsections (1) and (2) of this section,
7147 the funds reflected by the cancellation of State of Mississippi
7148 warrants that constitute part of the Abandoned Property Fund shall
7149 be transferred by the State Treasurer back to the original fund
7150 source if unclaimed by the owner within the time specified in
7151 Section 7-7-42.



7152 (4) From and after July 1, 2016, the expenses of this agency
7153 shall be defrayed by appropriation from the State General Fund and
7154 all user charges and fees authorized under this section shall be
7155 deposited into the State General Fund as authorized by law.

7156 (5) From and after July 1, 2016, no state agency shall
7157 charge another state agency a fee, assessment, rent or other
7158 charge for services or resources received by authority of this
7159 section.

7160 **[TOMBIGBEE VALLEY AUTHORITY]**

7161 **SECTION 126.** Section 51-13-141, Mississippi Code of 1972, is
7162 amended as follows:

7163 51-13-141. (1) The board of directors shall designate one
7164 or more qualified state depositories within the district to serve
7165 as depositories for the funds of the district, and all funds of
7166 the district other than funds required by any trust agreement to
7167 be deposited, from time to time, with the trustee or any paying
7168 agent for outstanding bonds of the district, shall be deposited in
7169 such depository or depositories.

7170 (2) Before designating a depository or depositories, the
7171 board of directors shall issue a notice stating the time and place
7172 the board will meet for such purpose and inviting the qualified
7173 state depositories in the district to submit applications to be
7174 designated depositories. The term of service for depositories
7175 shall be prescribed by the board. Such notice shall be published



7176 one (1) time in a newspaper or newspapers published in the
7177 district and specified by the board.

7178 (3) At the time mentioned in the notice, the board shall
7179 consider the applications and the management and condition of the
7180 depositories filing them, and shall designate as depositories the
7181 qualified state depository or depositories which offer the most
7182 favorable terms and conditions for the handling of the funds of
7183 the district and which the board finds have proper management and
7184 are in condition to warrant handling of district funds, and in the
7185 manner as provided under the chapter on depositories. Any such
7186 designated depository shall be eligible to hold funds of the
7187 district to the extent that it is qualified as a depository for
7188 state funds. Membership on the board of directors of an officer
7189 or director of a depository shall not disqualify such depository
7190 from being designated as a depository.

7191 (4) If no applications acceptable to the board are received
7192 by the time stated in the notice, the board shall designate some
7193 qualified state depository or depositories within the district
7194 upon such terms and conditions as it may find advantageous to the
7195 district. Any such designated depository shall be eligible to
7196 hold funds of the district to the extent that it is qualified as a
7197 depository for state funds.

7198 (5) From and after July 1, 2016, the expenses of this agency
7199 shall be defrayed by appropriation from the State General Fund and



7200 all user charges and fees authorized under this section shall be
7201 deposited into the State General Fund as authorized by law.

7202 (6) From and after July 1, 2016, no state agency shall
7203 charge another state agency a fee, assessment, rent or other
7204 charge for services or resources received by authority of this
7205 section.

7206 **[TORT CLAIMS BOARD]**

7207 **SECTION 127.** Section 11-46-17, Mississippi Code of 1972, is
7208 amended as follows:

7209 11-46-17. (1) There is hereby created in the State Treasury
7210 a special fund to be known as the "Tort Claims Fund."

7211 All monies that the Department of Finance and Administration
7212 receives and collects under the provisions of subsection (2) of
7213 this section and all funds that the Legislature appropriates for
7214 use by the board in administering the provisions of this chapter
7215 shall be deposited in the fund. All monies in the fund may be
7216 expended by the board for any and all purposes for which the board
7217 is authorized to expend funds under the provisions of this
7218 chapter. All interest earned from the investment of monies in the
7219 fund shall be credited to the fund. Monies remaining in the fund
7220 at the end of a fiscal year shall not lapse into the State General
7221 Fund.

7222 (2) From and after July 1, 1993, each governmental entity
7223 other than political subdivisions shall participate in a
7224 comprehensive plan of self-insurance or one or more policies of



7225 liability insurance or combination of the two, all to be
7226 administered by the Department of Finance and Administration. The
7227 plan shall provide coverage to each of such governmental entities
7228 for every risk for which the board determines the respective
7229 governmental entities to be liable in the event of a claim or suit
7230 for injuries under the provisions of this chapter, including
7231 claims or suits for injuries from the use or operation of motor
7232 vehicles; the board may allow the plan to contain any reasonable
7233 limitations or exclusions not contrary to Mississippi state
7234 statutes or case law as are normally included in commercial
7235 liability insurance policies generally available to governmental
7236 entities. The plan may also provide coverage for liabilities
7237 outside the provisions of this chapter, including, but not limited
7238 to, liabilities arising from Sections 1983 through 1987 of Title
7239 42 of the United States Code and liabilities from actions brought
7240 in foreign jurisdictions, and the board shall establish limits of
7241 coverage for such liabilities. Each governmental entity
7242 participating in the plan shall make payments to the board in such
7243 amounts, times and manner determined by the board as the board
7244 deems necessary to provide sufficient funds to be available for
7245 payment by the board of the costs it incurs in providing coverage
7246 for the governmental entity. Each governmental entity of the
7247 state other than the political subdivisions thereof participating
7248 in the plan procured by the board shall be issued by the board a
7249 certificate of coverage whose form and content shall be determined



7250 by the board but which shall have the effect of certifying that,
7251 in the opinion of the board, each of such governmental entities is
7252 adequately insured.

7253 Before July 1, 1993, the Board of Trustees of State
7254 Institutions of Higher Learning may provide liability coverage for
7255 each university, department, trustee, employee, volunteer,
7256 facility and activity as the board of trustees, in its discretion,
7257 shall determine advisable. If liability coverage, either through
7258 insurance policies or self-insurance retention is in effect,
7259 immunity from suit shall be waived only to the limit of liability
7260 established by the insurance or self-insurance program. From and
7261 after July 1, 1993, liability coverage established by the board of
7262 trustees must conform to the provisions of this section and must
7263 receive approval from the board. Should the board reject a plan,
7264 the board of trustees shall participate in the liability program
7265 for state agencies established by the board.

7266 (3) All political subdivisions shall, from and after October
7267 1, 1993, obtain a policy or policies of insurance, establish
7268 self-insurance reserves, or provide a combination of insurance and
7269 reserves as necessary to cover all risks of claims and suits for
7270 which political subdivisions may be liable under this chapter; a
7271 political subdivision shall not be required to obtain pollution
7272 liability insurance. However, this shall not limit any cause of
7273 action against a political subdivision relative to limits of
7274 liability under the Tort Claims Act. The policy or policies of



7275 insurance or self-insurance may contain any reasonable limitations
7276 or exclusions not contrary to Mississippi state statutes or case
7277 law as are normally included in commercial liability insurance
7278 policies generally available to political subdivisions. All the
7279 plans of insurance or reserves or combination of insurance and
7280 reserves shall be submitted for approval to the board. The board
7281 shall issue a certificate of coverage to each political
7282 subdivision whose plan it approves in the same manner as provided
7283 in subsection (2) of this section. Whenever any political
7284 subdivision fails to obtain the board's approval of its plan, the
7285 political subdivision shall act in accordance with the rules and
7286 regulations of the board and obtain a satisfactory plan of
7287 insurance or reserves or combination of insurance and reserves to
7288 be approved by the board.

7289 (4) Any governmental entity may purchase liability insurance
7290 to cover claims in excess of the amounts provided for in Section
7291 11-46-15 and may be sued by anyone in excess of the amounts
7292 provided for in Section 11-46-15 to the extent of the excess
7293 insurance carried; however, the immunity from suit above the
7294 amounts provided for in Section 11-46-15 shall be waived only to
7295 the extent of excess liability insurance carried.

7296 (5) Any two (2) or more political subdivisions may contract
7297 to pool their liabilities as a group under this chapter. The
7298 pooling agreements and contracts may provide for the purchase of
7299 one or more policies of liability insurance or the establishment



7300 of self-insurance reserves or a combination of insurance and
7301 reserves and shall be subject to approval by the board in the
7302 manner provided in subsections (2) and (3) of this section.

7303 (6) The board shall have subrogation rights against a third
7304 party for amounts paid out of any plan of self-insurance
7305 administered by the board pursuant to this section on behalf of a
7306 governmental entity that is not a political subdivision as a
7307 result of damages caused under circumstances creating a cause of
7308 action in favor of such governmental entity against a third party.
7309 The board shall deposit in the Tort Claims Fund all monies
7310 received in connection with the settlement or payment of any
7311 claim, including proceeds from the sale of salvage.

7312 (7) From and after July 1, 2016, the expenses of this agency
7313 shall be defrayed by appropriation from the State General Fund and
7314 all user charges and fees authorized under this section shall be
7315 deposited into the State General Fund as authorized by law.

7316 (8) From and after July 1, 2016, no state agency shall
7317 charge another state agency a fee, assessment, rent or other
7318 charge for services or resources received by authority of this
7319 section.

7320 **[WORKERS' COMPENSATION COMMISSION]**

7321 **SECTION 128.** Section 71-3-100, Mississippi Code of 1972, is
7322 amended as follows:

7323 71-3-100. All funds received by the * * * Workers'
7324 Compensation Commission, as established by Section 71-3-85 et



7325 seq., shall be paid to the State Treasurer, who shall issue
7326 receipts therefor and who shall deposit such funds in the State
7327 Treasury in a special fund to the credit of said commission. All
7328 such funds shall be expended only pursuant to appropriation
7329 approved by the Legislature and as provided by law.

7330 From and after July 1, 2016, the expenses of this agency
7331 shall be defrayed by appropriation from the State General Fund and
7332 all user charges and fees authorized under this section shall be
7333 deposited into the State General Fund as authorized by law.

7334 From and after July 1, 2016, no state agency shall charge
7335 another state agency a fee, assessment, rent or other charge for
7336 services or resources received by authority of this section.

7337 **[YELLOW CREEK INLAND PORT AUTHORITY]**

7338 **SECTION 129.** Section 59-17-27, Mississippi Code of 1972, is
7339 amended as follows:

7340 59-17-27. The agreement between the board and the
7341 participating counties or other authorized agency shall provide
7342 that a fair and proportionate part of the expense of the board
7343 administering this chapter shall be considered a part of the cost
7344 of the development or operation of the planned development, and
7345 such costs shall be paid into a separate state fund in the State
7346 Treasury, to be known as the "State Inland Ports Fund." Such fund
7347 shall be used by the board for the promotion, development,
7348 construction, improvement, expansion, maintenance, advertising,
7349 and general advancement of the state harbors, ports, rivers,



7350 channels, and waterways and may be expended on requisition of the
7351 board for such purposes and such other purposes as in the opinion
7352 of the board is to the best interest of the ports, harbors, and
7353 waterways of this state. The salaries of all officers, employees,
7354 or agents of the board, performing duties required by this
7355 chapter, and all other expenses incidental to the port, harbor, or
7356 waterway operation of the board shall be fixed by the board and
7357 payable out of said fund. The board may contract with one or more
7358 state inland port authorities, or any city, county or other
7359 authorized port or harbor agency for any joint activity or for the
7360 joint employment of personnel with the expense of the activity or
7361 salary of such personnel to be paid by the board from operational
7362 funds provided by the contracting parties.

7363 From and after July 1, 2016, the expenses of this agency
7364 shall be defrayed by appropriation from the State General Fund and
7365 all user charges and fees authorized under this section shall be
7366 deposited into the State General Fund as authorized by law.

7367 From and after July 1, 2016, no state agency shall charge
7368 another state agency a fee, assessment, rent or other charge for
7369 services or resources received by authority of this section.

7370 **[INTERAGENCY FEES AND CHARGES]**

7371 **SECTION 130.** Section 7-5-61, Mississippi Code of 1972, is
7372 amended as follows:

7373 7-5-61. (1) In addition to the keeping of the general
7374 docket as hereinabove required, the Attorney General shall keep in



7375 his office a comprehensive set of books showing all receipts and
7376 disbursement of funds received by the office from whatever source,
7377 including appropriations by the Legislature, the contingent fund,
7378 and other funds. He shall deposit all funds received by his
7379 office in a state depository in his name as Attorney General of
7380 the State of Mississippi, shall not commingle or mix any funds
7381 received by him in his official capacity with his personal funds
7382 or other funds, and shall make disbursement and distribution
7383 thereof within the time and in the manner required by law of state
7384 officers. The receipt of funds by the Attorney General pending
7385 litigation or final determination as to the proper distribution
7386 thereof may be held until such adjudication or determination.

7387 (2) From and after July 1, 2016, the Office of the Attorney
7388 General shall not charge another state agency a fee, assessment,
7389 or other charge for services or resources received by that agency
7390 from the Attorney General.

7391 (3) From and after July 1, 2016, the expenses of the Office
7392 of the Attorney General shall be defrayed by appropriation from
7393 the State General Fund and all user charges and fees authorized
7394 under this section shall be deposited into the State General Fund
7395 as authorized by law.

7396 **SECTION 131.** Section 25-9-119, Mississippi Code of 1972, is
7397 amended as follows:

7398 25-9-119. (1) There is created the position of the State
7399 Personnel Director who shall be selected by the State Personnel



7400 Board, with the advice and consent of the Senate. The director
7401 shall have at least a Juris Doctor degree from an accredited law
7402 school or a master's degree in business administration, personnel
7403 management or the equivalent and shall have not less than five (5)
7404 years' experience therein. His salary shall be in accordance with
7405 the Mississippi Compensation Plan. The State Personnel Director
7406 shall serve at the will and pleasure of the State Personnel Board.

7407 (2) The duties and responsibilities of the director shall
7408 be:

7409 (a) To serve as executive secretary to the board, to
7410 attend meetings as directed by the board and to provide such
7411 professional, technical and other supportive assistance as may be
7412 required by the board in the performance of its duties;

7413 (b) Consistent with board policy, to administer the
7414 operations of the State Personnel System and to otherwise act in
7415 the capacity of Chief Executive Officer to the State Personnel
7416 Board;

7417 (c) To submit for board approval proposed rules and
7418 regulations which shall require a uniform system of personnel
7419 administration within all agencies included in this chapter. Such
7420 rules and regulations, when approved by the board, shall be
7421 binding upon the state departments, agencies and institutions
7422 covered by this chapter and shall include provisions for the
7423 establishment and maintenance of classification and compensation
7424 plans, the conduct of examinations, employee recruiting, employee



7425 selection, the certification of eligible persons, appointments,
7426 promotions, transfers, demotions, separations, reinstatement,
7427 appeals, reports of performance, payroll certification, employee
7428 training, vacation and sick leave, compensatory leave,
7429 administrative leave, standardized recordkeeping forms and
7430 procedures for leave earned, accrued and used, and all other
7431 phases of personnel administration. Such rules and regulations
7432 shall not be applicable to the emergency hiring of employees by
7433 the Public Employees' Retirement System pursuant to Section
7434 25-11-15(7). Copies of the rules and regulations, or
7435 modifications thereto, as are approved by the State Personnel
7436 Board, shall be provided to the Chairmen of the Accountability,
7437 Efficiency and Transparency Committee of the Senate and the Fees
7438 and Salaries of Public Officers Committee of the House of
7439 Representatives, the Lieutenant Governor and the Governor at least
7440 sixty (60) days before their effective date. The respective
7441 parties may submit comments to the board regarding such rules and
7442 regulations before their effective date;

7443 (i) Compensation plans and modifications thereto
7444 promulgated under rules and regulations shall become effective as
7445 adopted, upon appropriation therefor by the State Legislature;

7446 (ii) The director and the board shall provide for:

7447 * * *1. Cost-of-living adjustments;



7448 * * *2. Salary increases for outstanding
7449 performance based upon documented employee productivity and
7450 exceptional performance in assigned duties; and

7451 * * *3. Plans to compensate employees for
7452 suggestions which result in improved management in technical or
7453 administrative procedures and result in documented cost savings
7454 for the state. In certifying promotions, the director shall
7455 ensure that an employee's anniversary date remains the same
7456 regardless of the date of his promotion;

7457 (d) To submit to the board any proposed legislation as
7458 may be necessary to bring existing statutes relating to the
7459 administration of public employees into uniformity;

7460 (e) To administer the rules and regulations and all
7461 other operational aspects of the State Personnel System and to
7462 assure compliance therewith in all the departments, agencies and
7463 institutions covered by the State Personnel System;

7464 (f) To appoint and prescribe the duties of the State
7465 Personnel System staff, all positions of which shall be included
7466 in the state service;

7467 (g) To prepare an annual budget for the board covering
7468 all the costs of operating the State Personnel System, including
7469 the State Personnel Board, and the costs of administering such
7470 federal laws relating to personnel administration as the board may
7471 direct, including the Intergovernmental Personnel Act of 1970;



7472 (h) To assist state agencies, departments and
7473 institutions in complying with all applicable state and federal
7474 statutes and regulations concerning discrimination in employment,
7475 personnel administration and related matters;

7476 (i) To recommend procedures for the establishment and
7477 abolishment of employment positions within those departments,
7478 agencies and institutions not excluded from this chapter; and

7479 (j) To cooperate with appointing authorities in the
7480 administration of this chapter in order to promote public service
7481 and establish conditions of service which will attract and retain
7482 employees of character and capacity and to increase efficiency and
7483 economy in governmental departments by the improvement of methods
7484 of personnel administration with full recognition of the
7485 requirements and needs of management.

7486 (3) From and after July 1, 2016, the State Personnel Board
7487 shall not charge another state agency a fee, assessment, or other
7488 charge for services or resources received by that agency from the
7489 State Personnel Board.

7490 (4) From and after July 1, 2016, the expenses of this agency
7491 shall be defrayed by appropriation from the State General Fund and
7492 all user charges and fees authorized under this section shall be
7493 deposited into the State General Fund as authorized by law.

7494 **SECTION 132.** Section 25-9-141, Mississippi Code of 1972, is
7495 amended as follows:



7496 25-9-141. The State Personnel Board may, in the discretion
7497 of the Legislature, operate from special funds provided from
7498 department, agency and institution assessments. If the
7499 Legislature adopts the assessment procedure, the cost of those
7500 operations shall be prorated among all departments, agencies and
7501 institutions, based upon the number of employment positions
7502 authorized and/or serviced by the board, and the departments,
7503 agencies and institutions shall pay their share of the cost upon
7504 receipt of billing from the board. However, for the period
7505 beginning July 1, 2010, and ending June 30, 2011, the annual
7506 agency assessment authorized in this section shall not be less
7507 than One Hundred Twenty Dollars (\$120.00) nor more than One
7508 Hundred Twenty-seven Dollars (\$127.00) per State Personnel Board
7509 PIN number.

7510 From and after July 1, 2016, the State Personnel Board shall
7511 not charge another state agency a fee, assessment or other charge
7512 for services or resources received by that state agency under
7513 authority of this section.

7514 From and after July 1, 2016, the expenses of this agency
7515 shall be defrayed by appropriation from the State General Fund and
7516 all user charges and fees authorized under this section shall be
7517 deposited into the State General Fund as authorized by law.

7518 **SECTION 133.** Section 25-53-5, Mississippi Code of 1972, is
7519 amended as follows:



7520 25-53-5. The authority shall have the following powers,
7521 duties, and responsibilities:

7522 (a) The authority shall provide for the development of
7523 plans for the efficient acquisition and utilization of computer
7524 equipment and services by all agencies of state government, and
7525 provide for their implementation. In so doing, the authority may
7526 use the MDITS' staff, at the discretion of the executive director
7527 of the authority, or the authority may contract for the services
7528 of qualified consulting firms in the field of information
7529 technology and utilize the service of such consultants as may be
7530 necessary for such purposes.

7531 (b) The authority shall immediately institute
7532 procedures for carrying out the purposes of this chapter and
7533 supervise the efficient execution of the powers and duties of the
7534 office of executive director of the authority. In the execution
7535 of its functions under this chapter, the authority shall maintain
7536 as a paramount consideration the successful internal organization
7537 and operation of the several agencies so that efficiency existing
7538 therein shall not be adversely affected or impaired. In executing
7539 its functions in relation to the institutions of higher learning
7540 and junior colleges in the state, the authority shall take into
7541 consideration the special needs of such institutions in relation
7542 to the fields of teaching and scientific research.

7543 (c) Title of whatever nature of all computer equipment
7544 now vested in any agency of the State of Mississippi is hereby



7545 vested in the authority, and no such equipment shall be disposed
7546 of in any manner except in accordance with the direction of the
7547 authority or under the provisions of such rules and regulations as
7548 may hereafter be adopted by the authority in relation thereto.

7549 (d) The authority shall adopt rules, regulations, and
7550 procedures governing the acquisition of computer and
7551 telecommunications equipment and services which shall, to the
7552 fullest extent practicable, insure the maximum of competition
7553 between all manufacturers of supplies or equipment or services.
7554 In the writing of specifications, in the making of contracts
7555 relating to the acquisition of such equipment and services, and in
7556 the performance of its other duties the authority shall provide
7557 for the maximum compatibility of all information systems hereafter
7558 installed or utilized by all state agencies and may require the
7559 use of common computer languages where necessary to accomplish the
7560 purposes of this chapter. The authority may establish by
7561 regulation and charge reasonable fees on a nondiscriminatory basis
7562 for the furnishing to bidders of copies of bid specifications and
7563 other documents issued by the authority.

7564 (e) The authority shall adopt rules and regulations
7565 governing the sharing with, or the sale or lease of information
7566 technology services to any nonstate agency or person. Such
7567 regulations shall provide that any such sharing, sale or lease
7568 shall be restricted in that same shall be accomplished only where
7569 such services are not readily available otherwise within the



7570 state, and then only at a charge to the user not less than the
7571 prevailing rate of charge for similar services by private
7572 enterprise within this state.

7573 (f) The authority may, in its discretion, establish a
7574 special technical advisory committee or committees to study and
7575 make recommendations on technology matters within the competence
7576 of the authority as the authority may see fit. Persons serving on
7577 the Information Resource Council, its task forces, or any such
7578 technical advisory committees shall be entitled to receive their
7579 actual and necessary expenses actually incurred in the performance
7580 of such duties, together with mileage as provided by law for state
7581 employees, provided the same has been authorized by a resolution
7582 duly adopted by the authority and entered on its minutes prior to
7583 the performance of such duties.

7584 (g) The authority may provide for the development and
7585 require the adoption of standardized computer programs and may
7586 provide for the dissemination of information to and the
7587 establishment of training programs for the personnel of the
7588 various information technology centers of state agencies and
7589 personnel of the agencies utilizing the services thereof.

7590 (h) The authority shall adopt reasonable rules and
7591 regulations requiring the reporting to the authority through the
7592 office of executive director of such information as may be
7593 required for carrying out the purposes of this chapter and may
7594 also establish such reasonable procedures to be followed in the



7595 presentation of bills for payment under the terms of all contracts
7596 for the acquisition of computer equipment and services now or
7597 hereafter in force as may be required by the authority or by the
7598 executive director in the execution of their powers and duties.

7599 (i) The authority shall require such adequate
7600 documentation of information technology procedures utilized by the
7601 various state agencies and may require the establishment of such
7602 organizational structures within state agencies relating to
7603 information technology operations as may be necessary to
7604 effectuate the purposes of this chapter.

7605 (j) The authority may adopt such further reasonable
7606 rules and regulations as may be necessary to fully implement the
7607 purposes of this chapter. All rules and regulations adopted by
7608 the authority shall be published and disseminated in readily
7609 accessible form to all affected state agencies, and to all current
7610 suppliers of computer equipment and services to the state, and to
7611 all prospective suppliers requesting the same. Such rules and
7612 regulations shall be kept current, be periodically revised, and
7613 copies thereof shall be available at all times for inspection by
7614 the public at reasonable hours in the offices of the authority.
7615 Whenever possible no rule, regulation or any proposed amendment to
7616 such rules and regulations shall be finally adopted or enforced
7617 until copies of said proposed rules and regulations have been
7618 furnished to all interested parties for their comment and
7619 suggestions.



7620 (k) The authority shall establish rules and regulations
7621 which shall provide for the submission of all contracts proposed
7622 to be executed by the executive director for computer equipment or
7623 services to the authority for approval before final execution, and
7624 the authority may provide that such contracts involving the
7625 expenditure of less than such specified amount as may be
7626 established by the authority may be finally executed by the
7627 executive director without first obtaining such approval by the
7628 authority.

7629 (l) The authority is authorized to purchase, lease, or
7630 rent computer equipment or services and to operate said equipment
7631 and utilize said services in providing services to one or more
7632 state agencies when in its opinion such operation will provide
7633 maximum efficiency and economy in the functions of any such agency
7634 or agencies.

7635 (m) Upon the request of the governing body of a
7636 political subdivision or instrumentality, the authority shall
7637 assist the political subdivision or instrumentality in its
7638 development of plans for the efficient acquisition and utilization
7639 of computer equipment and services. An appropriate fee shall be
7640 charged the political subdivision by the authority for such
7641 assistance.

7642 (n) The authority shall adopt rules and regulations
7643 governing the protest procedures to be followed by any actual or
7644 prospective bidder, offerer or contractor who is aggrieved in



7645 connection with the solicitation or award of a contract for the
7646 acquisition of computer equipment or services. Such rules and
7647 regulations shall prescribe the manner, time and procedure for
7648 making protests and may provide that a protest not timely filed
7649 shall be summarily denied. The authority may require the
7650 protesting party, at the time of filing the protest, to post a
7651 bond, payable to the state, in an amount that the authority
7652 determines sufficient to cover any expense or loss incurred by the
7653 state, the authority or any state agency as a result of the
7654 protest if the protest subsequently is determined by a court of
7655 competent jurisdiction to have been filed without any substantial
7656 basis or reasonable expectation to believe that the protest was
7657 meritorious; however, in no event may the amount of the bond
7658 required exceed a reasonable estimate of the total project cost.
7659 The authority, in its discretion, also may prohibit any
7660 prospective bidder, offerer or contractor who is a party to any
7661 litigation involving any such contract with the state, the
7662 authority or any agency of the state to participate in any other
7663 such bid, offer or contract, or to be awarded any such contract,
7664 during the pendency of the litigation.

7665 (o) The authority shall make a report in writing to the
7666 Legislature each year in the month of January. Such report shall
7667 contain a full and detailed account of the work of the authority
7668 for the preceding year as specified in Section 25-53-29(3).



7669 All acquisitions of computer equipment and services involving
7670 the expenditure of funds in excess of the dollar amount
7671 established in Section 31-7-13(c), or rentals or leases in excess
7672 of the dollar amount established in Section 31-7-13(c) for the
7673 term of the contract, shall be based upon competitive and open
7674 specifications, and contracts therefor shall be entered into only
7675 after advertisements for bids are published in one or more daily
7676 newspapers having a general circulation in the state not less than
7677 fourteen (14) days prior to receiving sealed bids therefor. The
7678 authority may reserve the right to reject any or all bids, and if
7679 all bids are rejected, the authority may negotiate a contract
7680 within the limitations of the specifications so long as the terms
7681 of any such negotiated contract are equal to or better than the
7682 comparable terms submitted by the lowest and best bidder, and so
7683 long as the total cost to the State of Mississippi does not exceed
7684 the lowest bid. If the authority accepts one (1) of such bids, it
7685 shall be that which is the lowest and best.

7686 (p) When applicable, the authority may procure
7687 equipment, systems and related services in accordance with the law
7688 or regulations, or both, which govern the Bureau of Purchasing of
7689 the Office of General Services or which govern the Mississippi
7690 Department of Information Technology Services procurement of
7691 telecommunications equipment, software and services.

7692 (q) The authority is authorized to purchase, lease, or
7693 rent information technology and services for the purpose of



7694 establishing pilot projects to investigate emerging technologies.
7695 These acquisitions shall be limited to new technologies and shall
7696 be limited to an amount set by annual appropriation of the
7697 Legislature. These acquisitions shall be exempt from the
7698 advertising and bidding requirement.

7699 (r) All fees collected by the Mississippi Department of
7700 Information Technology Services shall be deposited into the
7701 Mississippi Department of Information Technology Services
7702 Revolving Fund unless otherwise specified by the Legislature.

7703 (s) The authority shall work closely with the council
7704 to bring about effective coordination of policies, standards and
7705 procedures relating to procurement of remote sensing and
7706 geographic information systems (GIS) resources. In addition, the
7707 authority is responsible for development, operation and
7708 maintenance of a delivery system infrastructure for geographic
7709 information systems data. The authority shall provide a warehouse
7710 for Mississippi's geographic information systems data.

7711 (t) The authority shall manage one or more State Data
7712 Centers * * * to provide information technology services on a
7713 cost-sharing basis. In determining the appropriate services to be
7714 provided through the State Data Center, the authority should
7715 consider those services that:

- 7716 (i) Result in savings to the state as a whole;
- 7717 (ii) Improve and enhance the security and
7718 reliability of the state's information and business systems; and



7719 (iii) Optimize the efficient use of the state's
7720 information technology assets, including, but not limited to,
7721 promoting partnerships with the state institutions of higher
7722 learning and community colleges to capitalize on advanced
7723 information technology resources.

7724 (u) The authority shall increase federal participation
7725 in the cost of the State Data Center to the extent provided by law
7726 and its shared technology infrastructure through providing such
7727 shared services to agencies that receive federal funds. With
7728 regard to state institutions of higher learning and community
7729 colleges, the authority may provide shared services when mutually
7730 agreeable, following a determination by both the authority and the
7731 Board of Trustees of State Institutions of Higher Learning or the
7732 Mississippi Community College Board, as the case may be, that the
7733 sharing of services is mutually beneficial.

7734 (v) The authority, in its discretion, may require new
7735 or replacement agency business applications to be hosted at the
7736 State Data Center. With regard to state institutions of higher
7737 learning and community colleges, the authority and the Board of
7738 Trustees of State Institutions of Higher Learning or the
7739 Mississippi Community College Board, as the case may be, may agree
7740 that institutions of higher learning or community colleges may
7741 utilize business applications that are hosted at the State Data
7742 Center, following a determination by both the authority and the
7743 applicable board that the hosting of those applications is



7744 mutually beneficial. In addition, the authority may establish
7745 partnerships to capitalize on the advanced technology resources of
7746 the Board of Trustees of State Institutions of Higher Learning or
7747 the Mississippi Community College Board, following a determination
7748 by both the authority and the applicable board that such a
7749 partnership is mutually beneficial.

7750 (w) The authority shall provide a periodic update
7751 regarding reform-based information technology initiatives to the
7752 Chairmen of the House and Senate Accountability, Efficiency and
7753 Transparency Committees.

7754 From and after July 1, 2016, the authority shall not charge
7755 another state agency a fee, assessment or other charge for
7756 services or resources received by that state agency from the
7757 authority.

7758 From and after July 1, 2016, the expenses of this agency
7759 shall be defrayed by appropriation from the State General Fund and
7760 all user charges and fees authorized under this section shall be
7761 deposited into the State General Fund as authorized by law.

7762 **SECTION 134.** Section 27-104-103, Mississippi Code of 1972,
7763 is amended as follows:

7764 27-104-103. (1) The Department of Finance and
7765 Administration shall have the following duties and powers:

7766 (a) To provide administrative guidance to the various
7767 departments and agencies of state government;



7768 (b) To facilitate the expedient delivery of services
7769 and programs for the benefit of the citizens of the state;

7770 (c) To analyze and develop efficient management
7771 practices and assist departments and agencies in implementing
7772 effective and efficient work management systems;

7773 (d) To conduct management review of state agencies and
7774 departments and recommend a management plan to state departments
7775 and agencies when corrective action is required;

7776 (e) To, at least annually, report to the Governor and
7777 the Legislature on programs and actions taken to improve the
7778 conduct of state operations and to prepare and recommend
7779 management programs for effective and efficient management of the
7780 operations of state government;

7781 (f) To allocate the federal-state programs funds to the
7782 departments responsible for the delivery of the programs and
7783 services for which the appropriation was made;

7784 (g) To coordinate the planning functions of all
7785 agencies in the executive branch of government and review any and
7786 all plans which are developed by those agencies and departments;

7787 (h) To collect and maintain the necessary data on which
7788 to base budget and policy development issues;

7789 (i) To develop and analyze policy recommendations to
7790 the Governor;

7791 (j) To develop and manage the executive budget process;



7792 (k) To prepare the executive branch budget
7793 recommendations;

7794 (l) To review and monitor the expenditures of the
7795 executive agencies and departments of government;

7796 (m) To manage the state's fiscal affairs;

7797 (n) To administer programs relating to general
7798 services, public procurement, insurance and the Bond Advisory
7799 Division;

7800 (o) To administer the state's aircraft operation.

7801 (2) The department shall have the following additional
7802 powers and duties under Chapter 18 of Title 17:

7803 (a) It shall acquire the site submitted by the
7804 Mississippi Hazardous Waste Facility Siting Authority and, if
7805 determined necessary, design, finance, construct and operate a
7806 state commercial hazardous waste management facility;

7807 (b) It may acquire by deed, purchase, lease, contract,
7808 gift, devise or otherwise any real or personal property,
7809 structures, rights-of-way, franchises, easements and other
7810 interest in land which is necessary and convenient for the
7811 construction or operation of the state commercial hazardous waste
7812 management facility, upon such terms and conditions as it deems
7813 advisable, hold, mortgage, pledge or otherwise encumber the same,
7814 and lease, sell, convey or otherwise dispose of the same in such a
7815 manner as may be necessary or advisable to carry out the purposes
7816 of Chapter 18 of Title 17;



7817 (c) It shall develop and implement, in consultation
7818 with the Department of Environmental Quality, schedules of user
7819 fees, franchise fees and other charges, including nonregulatory
7820 penalties and surcharges applicable to the state commercial
7821 hazardous waste management facility;

7822 (d) It may employ consultants and contractors to
7823 provide services including site acquisition, design, construction,
7824 operation, closure, post-closure and perpetual care of the state
7825 commercial hazardous waste management facility;

7826 (e) It may apply for and accept loans, grants and gifts
7827 from any federal or state agency or any political subdivision or
7828 any private or public organization;

7829 (f) It shall make plans, surveys, studies and
7830 investigations as may be necessary or desirable with respect to
7831 the acquisition, development and use of real property and the
7832 design, construction, operation, closure and long-term care of the
7833 state commercial hazardous waste management facility;

7834 (g) It shall have the authority to preempt any local
7835 ordinance or restriction which prohibits or has the effect of
7836 prohibiting the establishment or operation of the state commercial
7837 hazardous waste management facility;

7838 (h) It may negotiate any agreement for site
7839 acquisition, design, construction, operation, closure,
7840 post-closure and perpetual care of the state commercial hazardous



7841 waste management facility and may negotiate any agreement with any
7842 local governmental unit pursuant to Chapter 18 of Title 17;

7843 (i) It may promulgate rules and regulations necessary
7844 to effectuate the purposes of Chapter 18 of Title 17 not
7845 inconsistent therewith;

7846 (j) If funds are not appropriated or if the
7847 appropriated funds are insufficient to carry out the provisions of
7848 Chapter 18 of Title 17, the department shall expend any funds
7849 available to it from any source to defray its costs to implement
7850 Chapter 18 of Title 17 through February 1, 1991.

7851 (3) From and after July 1, 2016, the Department of Finance
7852 and Administration shall not charge another state agency a fee,
7853 assessment, rent or other charge for services or resources
7854 received by that state agency from the department.

7855 **[TRAFFIC AND CRIMINAL ASSESSMENTS]**

7856 **SECTION 135.** Section 99-19-73, Mississippi Code of 1972, is
7857 amended as follows:

7858 99-19-73. (1) **Traffic violations.** In addition to any
7859 monetary penalties and any other penalties imposed by law, there
7860 shall be imposed and collected the following state assessment from
7861 each person upon whom a court imposes a fine or other penalty for
7862 any violation in Title 63, Mississippi Code of 1972, except
7863 offenses relating to the Mississippi Implied Consent Law (Section
7864 63-11-1 et seq.) and offenses relating to vehicular parking or
7865 registration:



7866	FUND	AMOUNT
7867	State Court Education Fund.....\$	* * *
7868	State Prosecutor Education Fund.....	* * *
7869	Vulnerable Persons Training,	
7870	Investigation and Prosecution Trust Fund.....	* * *
7871	Child Support Prosecution Trust Fund.....	* * *
7872	Driver Training Penalty Assessment Fund.....	* * *
7873	Law Enforcement Officers Training Fund.....	* * *
7874	Spinal Cord and Head Injury Trust Fund	
7875	(for all moving violations).....	* * *
7876	Emergency Medical Services Operating Fund.....	* * *
7877	Mississippi Leadership Council on Aging Fund.....	* * *
7878	Law Enforcement Officers and Fire Fighters	
7879	Death Benefits Trust Fund.....	* * *
7880	Law Enforcement Officers and Fire Fighters	
7881	Disability Benefits Trust Fund.....	* * *
7882	State Prosecutor Compensation Fund for the purpose	
7883	of providing additional compensation for	
7884	district attorneys and their legal assistants.....	* * *
7885	Crisis Intervention Mental Health Fund.....	* * *
7886	Drug Court Fund * * *.....	* * *
7887	Drug Court Fund * * *.....	* * *
7888	Judicial Performance Fund.....	* * *
7889	Capital Defense Counsel Fund * * *	
7890	* * *	



7891	Indigent Appeals Fund.....	* * *
7892	Capital Post-Conviction Counsel Fund.....	* * *
7893	Victims of Domestic Violence Fund.....	* * *
7894	Public Defenders Education Fund.....	* * *
7895	Domestic Violence Training Fund.....	* * *
7896	Attorney General's Cyber Crime Unit.....	* * *
7897	Children's Safe Center Fund.....	* * *
7898	DuBard School for Language Disorders Fund.....	* * *
7899	Children's Advocacy Centers Fund.....	* * *
7900	Judicial System Operation Fund,	
7901	through June 30, 2016.....	* * *
7902	* * * <u>GENERAL FUND</u> THROUGH	
7903	JUNE 30, 2016.....	\$ 90.50
7904	* * * <u>GENERAL FUND</u>	
7905	FROM AND AFTER JULY 1, 2016.....	\$ 88.42
7906	(2) Implied Consent Law violations. In addition to any	
7907	monetary penalties and any other penalties imposed by law, there	
7908	shall be imposed and collected the following state assessment from	
7909	each person upon whom a court imposes a fine or any other penalty	
7910	for any violation of the Mississippi Implied Consent Law (Section	
7911	63-11-1 et seq.):	
7912	FUND	AMOUNT
7913	Crime Victims' Compensation Fund.....	\$ * * *
7914	State Court Education Fund.....	* * *
7915	State Prosecutor Education Fund.....	* * *



7916	Vulnerable Persons Training,	
7917	Investigation and Prosecution Trust Fund.....	* * *
7918	Child Support Prosecution Trust Fund.....	* * *
7919	Driver Training Penalty Assessment Fund.....	* * *
7920	Law Enforcement Officers Training Fund.....	* * *
7921	Emergency Medical Services Operating Fund.....	* * *
7922	Mississippi Alcohol Safety Education Program Fund.....	* * *
7923	Federal-State Alcohol Program Fund.....	* * *
7924	Mississippi Forensics Laboratory	
7925	Implied Consent Law Fund.....	* * *
7926	Spinal Cord and Head Injury Trust Fund.....	* * *
7927	Capital Defense Counsel Fund.....	* * *
7928	Indigent Appeals Fund.....	* * *
7929	Capital Post-Conviction Counsel Fund.....	* * *
7930	Victims of Domestic Violence Fund.....	* * *
7931	* * *	
7932	Law Enforcement Officers and Fire Fighters	
7933	Death Benefits Trust Fund.....	* * *
7934	Law Enforcement Officers and Fire Fighters	
7935	Disability Benefits Trust Fund.....	* * *
7936	State Prosecutor Compensation Fund for the purpose	
7937	of providing additional compensation for	
7938	district attorneys and their legal assistants.....	* * *
7939	Crisis Intervention Mental Health Fund.....	* * *
7940	Drug Court Fund.....	* * *



7941 Statewide Victims' Information and
7942 Notification System Fund..... * * *
7943 Public Defenders Education Fund..... * * *
7944 Domestic Violence Training Fund..... * * *
7945 Attorney General's Cyber Crime Unit..... * * *
7946 * * * GENERAL FUND.....\$243.50

7947 (3) **Game and Fish Law violations.** In addition to any
7948 monetary penalties and any other penalties imposed by law, there
7949 shall be imposed and collected the following state assessment from
7950 each person upon whom a court imposes a fine or other penalty for
7951 any violation of the game and fish statutes or regulations of this
7952 state:

FUND	AMOUNT
7954 State Court Education Fund.....	\$ * * *
7955 State Prosecutor Education Fund.....	* * *
7956 Vulnerable Persons Training, 7957 Investigation and Prosecution Trust Fund.....	* * *
7958 Law Enforcement Officers Training Fund.....	* * *
7959 Hunter Education and Training Program Fund.....	* * *

7960 * * *

7961 Law Enforcement Officers and Fire Fighters 7962 Death Benefits Trust Fund.....	* * *
7963 Law Enforcement Officers and Fire Fighters 7964 Disability Benefits Trust Fund.....	* * *
7965 State Prosecutor Compensation Fund for the purpose	



7966 of providing additional compensation for district
7967 attorneys and their legal assistants..... * * *

7968 Crisis Intervention Mental Health Fund..... * * *

7969 Drug Court Fund..... * * *

7970 Capital Defense Counsel Fund..... * * *

7971 Indigent Appeals Fund..... * * *

7972 Capital Post-Conviction Counsel Fund..... * * *

7973 Victims of Domestic Violence Fund..... * * *

7974 Public Defenders Education Fund..... * * *

7975 Domestic Violence Training Fund..... * * *

7976 Attorney General's Cyber Crime Unit..... * * *

7977 * * * GENERAL FUND.....\$ 89.00

7978 (4) [Deleted]

7979 (5) **Speeding, reckless and careless driving violations.** In
7980 addition to any assessment imposed under subsection (1) or (2) of
7981 this section, there shall be imposed and collected the following
7982 state assessment from each person upon whom a court imposes a fine
7983 or other penalty for driving a vehicle on a road or highway:

7984 (a) At a speed that exceeds the posted speed limit by
7985 at least ten (10) miles per hour but not more than twenty (20)
7986 miles per hour.....\$ * * *

7987 (b) At a speed that exceeds the posted speed limit by
7988 at least twenty (20) miles per hour but not more than thirty (30)
7989 miles per hour.....\$ * * *



7990 (c) At a speed that exceeds the posted speed limit by
7991 thirty (30) miles per hour or more.....\$ * * *

7992 (d) In violation of Section 63-3-1201, which is the
7993 offense of reckless driving.....\$ * * *

7994 (e) In violation of Section 63-3-1213, which is the
7995 offense of careless driving.....\$ * * *

7996 All assessments collected under this subsection shall be
7997 deposited into the * * * State General Fund.

7998 (6) **Other misdemeanors.** In addition to any monetary
7999 penalties and any other penalties imposed by law, there shall be
8000 imposed and collected the following state assessment from each
8001 person upon whom a court imposes a fine or other penalty for any
8002 misdemeanor violation not specified in subsection (1), (2) or (3)
8003 of this section, except offenses relating to vehicular parking or
8004 registration:

8005	FUND	AMOUNT
8006	Crime Victims' Compensation Fund.....	\$ * * *
8007	State Court Education Fund.....	* * *
8008	State Prosecutor Education Fund.....	* * *
8009	Vulnerable Persons Training, Investigation	
8010	and Prosecution Trust Fund.....	* * *
8011	Child Support Prosecution Trust Fund.....	* * *
8012	Law Enforcement Officers Training Fund.....	* * *
8013	Capital Defense Counsel Fund.....	* * *
8014	Indigent Appeals Fund.....	* * *



8015	Capital Post-Conviction Counsel Fund.....	* * *
8016	Victims of Domestic Violence Fund.....	* * *
8017	* * *	
8018	State Crime Stoppers Fund.....	* * *
8019	Law Enforcement Officers and Fire Fighters	
8020	Death Benefits Trust Fund.....	* * *
8021	Law Enforcement Officers and Fire Fighters	
8022	Disability Benefits Trust Fund.....	* * *
8023	State Prosecutor Compensation Fund for the purpose	
8024	of providing additional compensation for	
8025	district attorneys and their legal assistants.....	* * *
8026	Crisis Intervention Mental Health Fund.....	* * *
8027	Drug Court Fund.....	* * *
8028	Judicial Performance Fund.....	* * *
8029	Statewide Victims' Information and	
8030	Notification System Fund.....	* * *
8031	Public Defenders Education Fund.....	* * *
8032	Domestic Violence Training Fund.....	* * *
8033	Attorney General's Cyber Crime Unit.....	* * *
8034	Information Exchange Network Fund.....	* * *
8035	Motorcycle Officer Training Fund.....	* * *
8036	Civil Legal Assistance Fund.....	* * *
8037	Justice Court Collections Fund.....	* * *
8038	Municipal Court Collections Fund.....	* * *
8039	* * * <u>GENERAL FUND</u>	\$121.75



8040 (7) **Other felonies.** In addition to any monetary penalties
 8041 and any other penalties imposed by law, there shall be imposed and
 8042 collected the following state assessment from each person upon
 8043 whom a court imposes a fine or other penalty for any felony
 8044 violation not specified in subsection (1), (2) or (3) of this
 8045 section:

8046 FUND	AMOUNT
8047 Crime Victims' Compensation Fund.....	\$ * * *
8048 State Court Education Fund.....	* * *
8049 State Prosecutor Education Fund.....	* * *
8050 Vulnerable Persons Training, Investigation 8051 and Prosecution Trust Fund.....	* * *
8052 Child Support Prosecution Trust Fund.....	* * *
8053 Law Enforcement Officers Training Fund.....	* * *
8054 Capital Defense Counsel Fund.....	* * *
8055 Indigent Appeals Fund.....	* * *
8056 Capital Post-Conviction Counsel Fund.....	* * *
8057 Victims of Domestic Violence Fund.....	* * *
8058 * * *	
8059 Criminal Justice Fund.....	* * *
8060 Law Enforcement Officers and Fire Fighters 8061 Death Benefits Trust Fund.....	* * *
8062 Law Enforcement Officers and Fire Fighters 8063 Disability Benefits Trust Fund.....	* * *
8064 State Prosecutor Compensation Fund for the purpose	



8065 of providing additional compensation for

8066 district attorneys and their legal assistants..... * * *

8067 Crisis Intervention Mental Health Fund..... * * *

8068 Drug Court Fund..... * * *

8069 Statewide Victims' Information and

8070 Notification System Fund..... * * *

8071 Public Defenders Education Fund..... * * *

8072 Domestic Violence Training Fund..... * * *

8073 Attorney General's Cyber Crime Unit..... * * *

8074 Forensics Laboratory DNA Identification System Fund..... * * *

8075 * * * GENERAL FUND.....\$280.50

8076 (8) **Additional assessments on certain violations:**

8077 (a) **Railroad crossing violations.** In addition to any

8078 monetary penalties and any other penalties imposed by law, there

8079 shall be imposed and collected the following state assessment in

8080 addition to all other state assessments due under this section

8081 from each person upon whom a court imposes a fine or other penalty

8082 for any violation involving railroad crossings under Section

8083 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

8084 Operation Lifesaver Fund.....\$25.00

8085 (b) **Drug violations.** In addition to any monetary

8086 penalties and any other penalties imposed by law, there shall be

8087 imposed and collected the following state assessment in addition

8088 to all other state assessments due under this section from each



8089 person upon whom a court imposes a fine or other penalty for any
8090 violation of Section 41-29-139:

8091 Drug Evidence Disposition Fund.....\$25.00

8092 (9) If a fine or other penalty imposed is suspended, in
8093 whole or in part, such suspension shall not affect the state
8094 assessment under this section. No state assessment imposed under
8095 the provisions of this section may be suspended or reduced by the
8096 court.

8097 (10) (a) After a determination by the court of the amount
8098 due, it shall be the duty of the clerk of the court to promptly
8099 collect all state assessments imposed under the provisions of this
8100 section. The state assessments imposed under the provisions of
8101 this section may not be paid by personal check.

8102 (b) It shall be the duty of the chancery clerk of each
8103 county to deposit all * * * state assessments collected in the
8104 circuit, county and justice courts in * * * the county on a
8105 monthly basis with the State Treasurer pursuant to appropriate
8106 procedures established by the State Auditor. The chancery clerk
8107 shall make a monthly lump-sum deposit of the total state
8108 assessments collected in the circuit, county and justice courts
8109 in * * * the county under this section, and shall report to the
8110 Department of Finance and Administration the total number of
8111 violations under each subsection for which state assessments were
8112 collected in the circuit, county and justice courts in * * * the
8113 county during * * * that month.



8114 (c) It shall be the duty of the municipal clerk of each
8115 municipality to deposit all * * * the state assessments collected
8116 in the municipal court in * * * the municipality on a monthly
8117 basis with the State Treasurer pursuant to appropriate procedures
8118 established by the State Auditor. The municipal clerk shall make
8119 a monthly lump-sum deposit of the total state assessments
8120 collected in the municipal court in * * * the municipality under
8121 this section, and shall report to the Department of Finance and
8122 Administration the total number of violations under each
8123 subsection for which state assessments were collected in the
8124 municipal court in * * * the municipality during * * * that month.

8125 (11) It shall be the duty of the Department of Finance and
8126 Administration to deposit on a monthly basis all * * * state
8127 assessments into the proper special fund in the State
8128 Treasury. * * * The Department of Finance and Administration
8129 shall issue regulations providing for the proper allocation of
8130 these special funds.

8131 (12) The State Auditor shall establish by regulation
8132 procedures for refunds of state assessments, including refunds
8133 associated with assessments imposed before July 1, 1990, and
8134 refunds after appeals in which the defendant's conviction is
8135 reversed. The Auditor shall provide in * * * the regulations for
8136 certification of eligibility for refunds and may require the
8137 defendant seeking a refund to submit a verified copy of a court
8138 order or abstract by which * * * the defendant is entitled to a



8139 refund. All refunds of state assessments shall be made in
8140 accordance with the procedures established by the Auditor.

8141 **SECTION 136.** This act shall take effect and be in force from
8142 and after July 1, 2016, and shall stand repealed on June 30, 2016.

