

By: Senator(s) Clarke

To: Appropriations

SENATE BILL NO. 2362
(As Sent to Governor)

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 75-76-325, 75-76-33,
14 75-76-81, 75-76-85, 45-11-3, 45-11-5, 45-11-7, 25-53-5, 7-7-3,
15 25-53-29, 25-53-151, 25-53-171, 31-7-10, 63-9-31, 83-1-27,
16 83-2-33, 83-2-35, 83-5-17, 83-5-41, 83-5-45, 83-5-69, 83-5-72,
17 83-5-73, 83-5-77, 83-9-3, 83-17-71, 83-17-519, 83-19-21, 83-21-1,
18 83-37-29, 83-39-3, 83-73-9, 45-6-15, 53-1-77, 53-11-23, 53-1-7,
19 53-1-73, 53-3-13, 25-9-141, 7-9-22, 7-3-59, 23-15-5, 23-15-169.7,
20 29-1-95, 77-3-87, 77-1-6, 77-1-15, 77-1-29, 77-1-53, 77-3-8,
21 77-3-89, 77-3-503, 77-3-507, 77-3-509, 77-7-127, 77-7-333,
22 77-7-339, 77-7-337, 77-9-489, 77-11-201, 99-18-1, 27-19-179,
23 11-46-17, 71-3-100, 7-5-61, 25-9-119 AND 27-104-103, MISSISSIPPI
24 CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 99-19-73,
25 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL TRAFFIC AND CRIMINAL
26 ASSESSMENTS SHALL BE DEPOSITED INTO THE STATE GENERAL FUND; AND
27 FOR RELATED PURPOSES.

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

29 **SECTION 1.** This act shall be known and may be cited as the

30 "Mississippi Budget Transparency and Simplification Act of 2016."



31 **SECTION 2.** From and after July 1, 2016, no state agency
32 shall charge another state agency a fee, assessment, rent, audit
33 fee, personnel fee or other charge for services or resources
34 received. The provisions of this section shall not apply (a) to
35 grants, contracts, pass-through funds, project fees or other
36 charges for services between state agencies and the Board of
37 Trustees of State Institutions of Higher Learning, any public
38 university, the Mississippi Community College Board, any public
39 community or junior college, and the State Department of
40 Education, nor (b) to charges for services between the Board of
41 Trustees of State Institutions of Higher Learning, any public
42 university, the Mississippi Community College Board, any public
43 community or junior college, and the State Department of
44 Education. The Board of Trustees of State Institutions of Higher
45 Learning, any public university, the Mississippi Community College
46 Board, any public community or junior college, and the State
47 Department of Education shall retain the authority to charge and
48 be charged for expenditures that they deemed nonrecurring in
49 nature by the State Fiscal Officer.

50 **SECTION 3.** (1) From and after July 1, 2016, the expenses of
51 the following enumerated state agencies shall be defrayed by
52 appropriation of the Legislature from the State General Fund: the
53 State Fire Marshal, the State Fire Academy, the Office of
54 Secretary of State, the Mississippi Public Service Commission, the
55 Mississippi Department of Information Technology Services, the



56 State Personnel Board, the Mississippi Department of Insurance,
57 the Mississippi Law Enforcement Officers' Minimum Standards Board;
58 the Mississippi Tort Claims Board; the Mississippi Gaming
59 Commission; the Mississippi Oil and Gas Board; the Mississippi
60 Department of Revenue - License Tag; the Office of the State
61 Public Defender; the Mississippi Workers' Compensation Commission;
62 the Office of Attorney General; and the Mississippi Department of
63 Finance and Administration. Beginning July 1, 2016, any fees,
64 assessments or other revenues charged for the support of the
65 above-named state agencies shall be deposited into the State
66 General Fund, and any special fund or depository established
67 within the State Treasury for the deposit of such fees,
68 assessments or revenues shall be abolished and the balance
69 transferred to the State General Fund. Expenses heretofore drawn
70 from such special funds or other depositories shall be drawn from
71 the agencies General Fund Account.

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

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



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

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

88 **[MISSISSIPPI GAMING COMMISSION]**

89 **SECTION 4.** Section 75-76-325, Mississippi Code of 1972, is
90 amended as follows:

91 75-76-325. (1) There is created in the State Treasury a
92 special fund to be designated as the "Mississippi Gaming
93 Commission Fund." The special fund shall consist of monies
94 deposited therein under Section 75-76-81 and monies from any other
95 source designated for deposit into the fund. Unexpended amounts
96 remaining in the special fund at the end of a fiscal year shall
97 not lapse into the State General Fund, and any interest earned or
98 investment earnings on amounts in the fund shall be deposited to
99 the credit of the fund.

100 (2) Monies in the special fund may be used by the
101 commission, upon appropriation by the Legislature, only for the
102 purposes of carrying out the provisions of this chapter.
103 Unexpended amounts remaining in the special fund at the end of a
104 fiscal year shall be used by the commission in calculating the
105 amounts of fees to be imposed under Section 75-76-33(2)(f) during



106 the next succeeding state fiscal year that will be necessary to
107 provide the commission with sufficient revenue, when combined with
108 other monies deposited into the special fund, to carry out the
109 provisions of this chapter without any state general funds.

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

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

118 **SECTION 5.** Section 75-76-33, Mississippi Code of 1972, is
119 amended as follows:

120 75-76-33. (1) The commission shall, from time to time,
121 adopt, amend or repeal such regulations, consistent with the
122 policy, objects and purposes of this chapter, as it may deem
123 necessary or desirable in the public interest in carrying out the
124 policy and provisions of this chapter. The commission shall
125 comply with the Mississippi Administrative Procedures Law when
126 adopting, amending or repealing any regulations authorized under
127 this section or under any other provision of this chapter.

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



130 (a) Prescribing the method and form of application
131 which any applicant for a license or for a manufacturer's,
132 seller's or distributor's license must follow and complete before
133 consideration of his application by the executive director or the
134 commission.

135 (b) Prescribing the information to be furnished by any
136 applicant or licensee concerning his antecedents, habits,
137 character, associates, criminal record, business activities and
138 financial affairs, past or present.

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

141 (d) Requiring fingerprinting of an applicant or
142 licensee, and gaming employees of a licensee, or other methods of
143 identification and the forwarding of all fingerprints taken
144 pursuant to regulation of the Federal Bureau of Investigation.

145 (e) Prescribing the manner and procedure of all
146 hearings conducted by the commission or any hearing examiner of
147 the commission, including special rules of evidence applicable
148 thereto and notices thereof.

149 (f) Requiring any applicant to pay all or any part of
150 the fees and costs of investigation of such applicant as may be
151 determined by the commission under paragraph (g) of this
152 subsection (2).

153 (g) Prescribing the amounts of investigative fees only
154 as authorized by regulations of the commission under paragraph (f)



155 of this subsection, and collecting those fees. The commission
156 shall adopt regulations setting the amounts of those fees at
157 levels that will provide the commission with sufficient revenue,
158 when combined with any other monies as may be deposited into the
159 Mississippi Gaming Commission Fund created in Section 75-76-325,
160 to carry out the provisions of this chapter without any state
161 general funds. In calculating the amount of such fees, the
162 commission shall:

163 (i) Attempt to set the fees at levels that will
164 create a balance in the Mississippi Gaming Commission Fund that
165 does not exceed, at the end of any state fiscal year, two percent
166 (2%) of the projected amount of funds that will provide the
167 commission with such sufficient revenue; and

168 (ii) Demonstrate the reasonableness of the
169 relationship between a fee and the actual costs of the
170 investigative activity for which the fee is being prescribed.

171 (h) Prescribing the manner and method of collection and
172 payment of fees and issuance of licenses.

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

175 (j) Requiring any applicant or licensee to waive any
176 privilege with respect to any testimony at any hearing or meeting
177 of the commission, except any privilege afforded by the
178 Constitution of the United States or this state.



179 (k) Defining and limiting the area, games and devices
180 permitted, and the method of operation of such games and devices,
181 for the purposes of this chapter.

182 (l) Prescribing under what conditions the nonpayment of
183 a gambling debt by a licensee shall be deemed grounds for
184 revocation or suspension of his license.

185 (m) Governing the use and approval of gambling devices
186 and equipment.

187 (n) Prescribing the qualifications of, and the
188 conditions under which, attorneys, accountants and others are
189 permitted to practice before the commission.

190 (o) Restricting access to confidential information
191 obtained under this chapter and ensuring that the confidentiality
192 of such information is maintained and protected.

193 (p) Prescribing the manner and procedure by which the
194 executive director on behalf of the commission shall notify a
195 county or a municipality wherein an applicant for a license
196 desires to locate.

197 (q) Prescribing the manner and procedure for an
198 objection to be filed with the commission and the executive
199 director by a county or municipality wherein an applicant for a
200 license desires to locate.

201 (3) Notwithstanding any other provision of law, each
202 licensee shall be required to comply with the following
203 regulations:



204 (a) No wagering shall be allowed on the outcome of any
205 athletic event, nor on any matter to be determined during an
206 athletic event, nor on the outcome of any event, which does not
207 take place on the premises.

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

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

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

219 **SECTION 6.** Section 75-76-81, Mississippi Code of 1972, is
220 amended as follows:

221 75-76-81. Except as otherwise provided in this section, the
222 Chairman of the State Tax Commission shall assess and collect all
223 taxes, fees, licenses, interest, penalties, damages and fines
224 imposed by this chapter, and is hereby empowered to promulgate
225 rules and regulations to administer such collections. Any records
226 or other documents submitted by the licensee, or on his behalf, to
227 the Mississippi Gaming Commission or executive director shall be



228 made available to the Chairman of the State Tax Commission or his
229 authorized agent upon written request.

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

235 Except for fees imposed under Section 75-76-33(2)(f), all
236 administrative provisions of the sales tax law, and amendments
237 thereto, including those which provide for collection and
238 administrative appeals procedures, fix damages, penalties and
239 interest for failure to comply with the provisions of said sales
240 tax law, and all other requirements and duties imposed upon any
241 licensee or taxpayer, shall apply to all persons liable for taxes,
242 fees and all other monies imposed under the provisions of this
243 chapter. However, fines or other assessments levied by the
244 Mississippi Gaming Commission or the executive director will not
245 be considered due and payable until thirty (30) days after final
246 determination of such fines or assessments. The Chairman of the
247 State Tax Commission shall exercise all power and authority and
248 perform all duties with respect to licensees or taxpayers under
249 this chapter as are provided in said sales tax law, except where
250 there is conflict, then the provisions of this chapter shall
251 control.



252 The Mississippi Gaming Commission shall assess and collect
253 all fees imposed under Section 75-76-33(2)(f) and shall deposit
254 the funds received from the fees into the Mississippi Gaming
255 Commission Fund created in Section 75-76-325.

256 The determination and/or assessment of any taxes, fees,
257 licenses, interest, penalties, damages and fines under this
258 chapter by the Chairman of the State Tax Commission, the Executive
259 Director of the Mississippi Gaming Commission or the Mississippi
260 Gaming Commission shall be prima facie correct.

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

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

268 **SECTION 7.** Section 75-76-85, Mississippi Code of 1972, is
269 amended as follows:

270 75-76-85. (1) If satisfied that an applicant is eligible to
271 receive a state gaming, manufacturing, selling or distributing
272 license, and upon tender to the State Tax Commission of:

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

275 (b) A bond executed by the applicant as principal, and
276 by a corporation qualified under the laws of this state as surety,



277 payable to the State of Mississippi, and conditioned upon the
278 payment of license fees, taxes, penalties, interest, fines and the
279 faithful performance of all requirements imposed by law or
280 regulation or the conditions of the license, the commission shall
281 issue and deliver to the applicant a license entitling him to
282 engage in the gaming, manufacturing, selling or distributing
283 operation for which he is licensed. The executive director shall
284 prepare and maintain a written record of the specific terms and
285 conditions of any license issued and delivered and of any
286 modification to the license. A duplicate of the record must be
287 delivered to the applicant or licensee.

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

292 (3) In lieu of a bond an applicant may deposit with the
293 commission a like amount of lawful money of the United States or
294 any other form of security authorized by the commission. If
295 security is provided in the form of a savings certificate,
296 certificate of deposit or investment certificate, the certificate
297 must state that the amount is unavailable for withdrawal except
298 upon order of the commission.

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



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

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

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

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

314 **[FIRE MARSHAL AND FIRE ACADEMY]**

315 **SECTION 8.** Section 45-11-3, Mississippi Code of 1972, is
316 amended as follows:

317 45-11-3. Whenever the State Chief Deputy Fire Marshal, or
318 his authorized representative, shall be advised by interested
319 persons of a dangerous or hazardous inflammable condition existing
320 in any building that would tend to impair the safety of persons or
321 property, he shall take proper proceedings, including furnishing
322 of all information in regard thereto to the Attorney General who
323 shall, if he finds such evidence sufficient, bring injunctive
324 proceedings to have the condition corrected. Provided that this



325 section may not apply in any instance where local fire departments
326 or other local agencies have the authority to correct such
327 conditions.

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

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

335 **SECTION 9.** Section 45-11-5, Mississippi Code of 1972, is
336 amended as follows:

337 45-11-5. (1) Any expense, including office supplies,
338 counsel fees, expenses of deputy, detective and officers, incurred
339 by the Commissioner of Insurance in the performance of the duties
340 imposed upon him by Sections 45-11-1 and 45-11-3, and the
341 operation of the State Fire Academy, as provided in Section
342 45-11-7, shall be defrayed by all insurance companies, including
343 stock, mutuals and reciprocals writing fire insurance, including
344 the fire insurance components of automobile insurance, dwelling
345 multiple peril insurance, farm multiple peril insurance and
346 commercial multiple peril insurance, doing business in this state;
347 and a tax of one-half of one percent (1/2 of 1%) of the gross
348 premium receipts of these fire insurance policies is hereby levied
349 for this purpose to be collected by the State Tax Commission in



350 the same manner as the general tax on premiums is collected as
351 provided in Section 25-15-107. In the case of indivisible
352 multiple peril insurance policies when the fire portion of the
353 policy is not specified, a tax of one-half of one percent (1/2 of
354 1%) is hereby levied on forty-five percent (45%) of the gross
355 premium receipts of these policies.

356 (2) There is created a separate account known as the "State
357 Fire Academy Fund" for support of the State Fire Academy. Not
358 later than the fifteenth of the month succeeding the month in
359 which taxes under subsection (1) are collected, the State
360 Treasurer shall transfer into this account all taxes collected
361 under subsection (1) for the operation of the State Fire Academy.
362 The annual expenditure for the operation of the academy shall not
363 exceed the amount in the account; however, any unexpended funds
364 remaining in the account at the close of the fiscal year may be
365 carried over for use in the ensuing years.

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

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

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



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

376 (4) All taxes shall be deposited into the Treasury as
377 provided in Section 7-7-21. The tax commission shall keep
378 separate accounts of all taxes collected under this section and
379 shall include these accounts in its annual report.

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

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

388 **SECTION 10.** Section 45-11-7, Mississippi Code of 1972, is
389 amended as follows:

390 45-11-7. (1) There is hereby created a State Fire Academy
391 for the training and education of persons engaged in municipal,
392 county and industrial fire protection. The Commissioner of
393 Insurance shall appoint an Executive Director of the State Fire
394 Academy who, along with his employees, shall be designated as a
395 division of the Insurance Department. The executive director
396 shall serve at the pleasure of the Commissioner of Insurance. The
397 State Fire Academy shall be under the supervision and direction of
398 the Executive Director of the State Fire Academy. State Fire



399 Academy training programs for fire personnel shall be conducted at
400 the academy with seminars to be conducted in other sections of the
401 state as and when the State Fire Academy Advisory Board considers
402 it necessary and advisable.

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

408 The Executive Director of the State Fire Academy is
409 authorized and empowered to purchase, operate and maintain mobile
410 firefighting equipment as he may find necessary and proper for the
411 operation of the academy subject to approval of the Commissioner
412 of Insurance. The equipment may be utilized wherever training
413 sessions may be held at the discretion of the State Fire Academy
414 Advisory Board.

415 (2) The Commissioner of Insurance shall be authorized to
416 undertake appropriate action to accomplish and fulfill the
417 purposes of the State Fire Academy, including the hiring of
418 instructors and personnel, the lease and purchase of appropriate
419 training equipment and to lease, purchase or construct suitable
420 premises and quarters for conducting annual school and seminars,
421 as the State Fire Academy Advisory Board may deem necessary and
422 required for such purposes. Any contract entered into under and
423 by virtue of the provisions of this section shall first be



424 submitted to and approved by the Public Procurement Review Board,
425 and construction pursuant to the contract shall be under the
426 supervision of the Governor's Office of General Services.

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

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

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

442 (6) The State Fire Academy shall present an appropriate
443 certificate signifying the successful completion of its prescribed
444 courses.

445 (7) National firefighter standards approved by the
446 Mississippi Fire Personnel Minimum Standards and Certification
447 Board shall be used as the basis for classroom instruction at the
448 fire academy.



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

453 (9) The Commissioner of Insurance is hereby authorized and
454 empowered to establish standard guidelines for the use of, and
455 accountability for, municipal and county fire protection funds
456 distributed pursuant to the provisions of Sections 83-1-37 and
457 83-1-39, Mississippi Code of 1972. Such guidelines shall include
458 requirements for the establishment of record keeping and reports
459 to the Commissioner of Insurance by municipalities and counties
460 relating to the receipt and expenditure of fire protection funds,
461 the training of fire department personnel and the submission to
462 the Commissioner of Insurance of other data reasonably related to
463 local fire protection responsibilities which the Commissioner of
464 Insurance deems necessary for the performance of the duties of the
465 State Fire Academy Advisory Board.

466 (10) In order that the Commissioner of Insurance may more
467 effectively execute the duties imposed upon him by subsection (9)
468 of this section, there is hereby created within the State Fire
469 Academy a Division of Fire Services Development. The division
470 shall be staffed by a Fire Services Development Coordinator,
471 appointed by the executive director of the academy from his
472 current staff and by such other personnel as deemed by the
473 Commissioner of Insurance. The division shall work with municipal



474 and county fire coordinators to ensure effective implementation of
475 guidelines established pursuant to subsection (9) of this section
476 and shall serve in an advisory capacity for all aspects of fire
477 service improvement. The Fire Service Coordinator shall annually
478 notify the Department of Finance and Administration of those
479 municipalities and counties which are not eligible to receive a
480 portion of fire protection fund distributions because of failure
481 to comply with requirements imposed in Sections 83-1-37 and
482 83-1-39 as a prerequisite to receipt of such funds.

483 (11) There is created in the State Treasury a separate
484 account to be known as the "State Fire Academy Construction Fund."
485 The State Treasurer shall transfer on July 1, 1997, the sum of Six
486 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
487 1998, the sum of Six Hundred Seventy-five Thousand Dollars
488 (\$675,000.00) from the State Fire Academy Fund 3502 into the
489 separate account created in this subsection. Monies in such
490 account shall be expended solely, upon legislative appropriations,
491 to defray expenses related to the construction of capital
492 improvements project known as "Fire Safety and Education Building"
493 and parking areas at the State Fire Academy by the Bureau of
494 Building, Grounds and Real Property Management of the Office of
495 General Services and to pay any indebtedness incurred to
496 accomplish such construction. Funds not used after the completion
497 of this capital improvements project shall be transferred back
498 into State Fund 3502.



499 (12) From and after July 1, 2016, the expenses of this
500 agency shall be defrayed by appropriation from the State General
501 Fund and all user charges and fees authorized under this section
502 shall be deposited into the State General Fund as authorized by
503 law.

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

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

509 **SECTION 11.** Section 25-53-5, Mississippi Code of 1972, is
510 amended as follows:

511 25-53-5. The authority shall have the following powers,
512 duties, and responsibilities:

513 (a) The authority shall provide for the development of
514 plans for the efficient acquisition and utilization of computer
515 equipment and services by all agencies of state government, and
516 provide for their implementation. In so doing, the authority may
517 use the MDITS' staff, at the discretion of the executive director
518 of the authority, or the authority may contract for the services
519 of qualified consulting firms in the field of information
520 technology and utilize the service of such consultants as may be
521 necessary for such purposes.

522 (b) The authority shall immediately institute
523 procedures for carrying out the purposes of this chapter and



524 supervise the efficient execution of the powers and duties of the
525 office of executive director of the authority. In the execution
526 of its functions under this chapter, the authority shall maintain
527 as a paramount consideration the successful internal organization
528 and operation of the several agencies so that efficiency existing
529 therein shall not be adversely affected or impaired. In executing
530 its functions in relation to the institutions of higher learning
531 and junior colleges in the state, the authority shall take into
532 consideration the special needs of such institutions in relation
533 to the fields of teaching and scientific research.

534 (c) Title of whatever nature of all computer equipment
535 now vested in any agency of the State of Mississippi is hereby
536 vested in the authority, and no such equipment shall be disposed
537 of in any manner except in accordance with the direction of the
538 authority or under the provisions of such rules and regulations as
539 may hereafter be adopted by the authority in relation thereto.

540 (d) The authority shall adopt rules, regulations, and
541 procedures governing the acquisition of computer and
542 telecommunications equipment and services which shall, to the
543 fullest extent practicable, insure the maximum of competition
544 between all manufacturers of supplies or equipment or services.
545 In the writing of specifications, in the making of contracts
546 relating to the acquisition of such equipment and services, and in
547 the performance of its other duties the authority shall provide
548 for the maximum compatibility of all information systems hereafter



549 installed or utilized by all state agencies and may require the
550 use of common computer languages where necessary to accomplish the
551 purposes of this chapter. The authority may establish by
552 regulation and charge reasonable fees on a nondiscriminatory basis
553 for the furnishing to bidders of copies of bid specifications and
554 other documents issued by the authority.

555 (e) The authority shall adopt rules and regulations
556 governing the sharing with, or the sale or lease of information
557 technology services to any nonstate agency or person. Such
558 regulations shall provide that any such sharing, sale or lease
559 shall be restricted in that same shall be accomplished only where
560 such services are not readily available otherwise within the
561 state, and then only at a charge to the user not less than the
562 prevailing rate of charge for similar services by private
563 enterprise within this state.

564 (f) The authority may, in its discretion, establish a
565 special technical advisory committee or committees to study and
566 make recommendations on technology matters within the competence
567 of the authority as the authority may see fit. Persons serving on
568 the Information Resource Council, its task forces, or any such
569 technical advisory committees shall be entitled to receive their
570 actual and necessary expenses actually incurred in the performance
571 of such duties, together with mileage as provided by law for state
572 employees, provided the same has been authorized by a resolution



573 duly adopted by the authority and entered on its minutes prior to
574 the performance of such duties.

575 (g) The authority may provide for the development and
576 require the adoption of standardized computer programs and may
577 provide for the dissemination of information to and the
578 establishment of training programs for the personnel of the
579 various information technology centers of state agencies and
580 personnel of the agencies utilizing the services thereof.

581 (h) The authority shall adopt reasonable rules and
582 regulations requiring the reporting to the authority through the
583 office of executive director of such information as may be
584 required for carrying out the purposes of this chapter and may
585 also establish such reasonable procedures to be followed in the
586 presentation of bills for payment under the terms of all contracts
587 for the acquisition of computer equipment and services now or
588 hereafter in force as may be required by the authority or by the
589 executive director in the execution of their powers and duties.

590 (i) The authority shall require such adequate
591 documentation of information technology procedures utilized by the
592 various state agencies and may require the establishment of such
593 organizational structures within state agencies relating to
594 information technology operations as may be necessary to
595 effectuate the purposes of this chapter.

596 (j) The authority may adopt such further reasonable
597 rules and regulations as may be necessary to fully implement the



598 purposes of this chapter. All rules and regulations adopted by
599 the authority shall be published and disseminated in readily
600 accessible form to all affected state agencies, and to all current
601 suppliers of computer equipment and services to the state, and to
602 all prospective suppliers requesting the same. Such rules and
603 regulations shall be kept current, be periodically revised, and
604 copies thereof shall be available at all times for inspection by
605 the public at reasonable hours in the offices of the authority.
606 Whenever possible no rule, regulation or any proposed amendment to
607 such rules and regulations shall be finally adopted or enforced
608 until copies of said proposed rules and regulations have been
609 furnished to all interested parties for their comment and
610 suggestions.

611 (k) The authority shall establish rules and regulations
612 which shall provide for the submission of all contracts proposed
613 to be executed by the executive director for computer equipment or
614 services to the authority for approval before final execution, and
615 the authority may provide that such contracts involving the
616 expenditure of less than such specified amount as may be
617 established by the authority may be finally executed by the
618 executive director without first obtaining such approval by the
619 authority.

620 (l) The authority is authorized to purchase, lease, or
621 rent computer equipment or services and to operate said equipment
622 and utilize said services in providing services to one or more



623 state agencies when in its opinion such operation will provide
624 maximum efficiency and economy in the functions of any such agency
625 or agencies.

626 (m) Upon the request of the governing body of a
627 political subdivision or instrumentality, the authority shall
628 assist the political subdivision or instrumentality in its
629 development of plans for the efficient acquisition and utilization
630 of computer equipment and services. An appropriate fee shall be
631 charged the political subdivision by the authority for such
632 assistance.

633 (n) The authority shall adopt rules and regulations
634 governing the protest procedures to be followed by any actual or
635 prospective bidder, offerer or contractor who is aggrieved in
636 connection with the solicitation or award of a contract for the
637 acquisition of computer equipment or services. Such rules and
638 regulations shall prescribe the manner, time and procedure for
639 making protests and may provide that a protest not timely filed
640 shall be summarily denied. The authority may require the
641 protesting party, at the time of filing the protest, to post a
642 bond, payable to the state, in an amount that the authority
643 determines sufficient to cover any expense or loss incurred by the
644 state, the authority or any state agency as a result of the
645 protest if the protest subsequently is determined by a court of
646 competent jurisdiction to have been filed without any substantial
647 basis or reasonable expectation to believe that the protest was



648 meritorious; however, in no event may the amount of the bond
649 required exceed a reasonable estimate of the total project cost.
650 The authority, in its discretion, also may prohibit any
651 prospective bidder, offerer or contractor who is a party to any
652 litigation involving any such contract with the state, the
653 authority or any agency of the state to participate in any other
654 such bid, offer or contract, or to be awarded any such contract,
655 during the pendency of the litigation.

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

660 All acquisitions of computer equipment and services involving
661 the expenditure of funds in excess of the dollar amount
662 established in Section 31-7-13(c), or rentals or leases in excess
663 of the dollar amount established in Section 31-7-13(c) for the
664 term of the contract, shall be based upon competitive and open
665 specifications, and contracts therefor shall be entered into only
666 after advertisements for bids are published in one or more daily
667 newspapers having a general circulation in the state not less than
668 fourteen (14) days prior to receiving sealed bids therefor. The
669 authority may reserve the right to reject any or all bids, and if
670 all bids are rejected, the authority may negotiate a contract
671 within the limitations of the specifications so long as the terms
672 of any such negotiated contract are equal to or better than the



673 comparable terms submitted by the lowest and best bidder, and so
674 long as the total cost to the State of Mississippi does not exceed
675 the lowest bid. If the authority accepts one (1) of such bids, it
676 shall be that which is the lowest and best.

677 (p) When applicable, the authority may procure
678 equipment, systems and related services in accordance with the law
679 or regulations, or both, which govern the Bureau of Purchasing of
680 the Office of General Services or which govern the Mississippi
681 Department of Information Technology Services procurement of
682 telecommunications equipment, software and services.

683 (q) The authority is authorized to purchase, lease, or
684 rent information technology and services for the purpose of
685 establishing pilot projects to investigate emerging technologies.
686 These acquisitions shall be limited to new technologies and shall
687 be limited to an amount set by annual appropriation of the
688 Legislature. These acquisitions shall be exempt from the
689 advertising and bidding requirement.

690 (r) All fees collected by the Mississippi Department of
691 Information Technology Services shall be deposited into the
692 Mississippi Department of Information Technology Services
693 Revolving Fund unless otherwise specified by the Legislature.

694 (s) The authority shall work closely with the council
695 to bring about effective coordination of policies, standards and
696 procedures relating to procurement of remote sensing and
697 geographic information systems (GIS) resources. In addition, the



698 authority is responsible for development, operation and
699 maintenance of a delivery system infrastructure for geographic
700 information systems data. The authority shall provide a warehouse
701 for Mississippi's geographic information systems data.

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

- 707 (i) Result in savings to the state as a whole;
- 708 (ii) Improve and enhance the security and
709 reliability of the state's information and business systems; and
- 710 (iii) Optimize the efficient use of the state's
711 information technology assets, including, but not limited to,
712 promoting partnerships with the state institutions of higher
713 learning and community colleges to capitalize on advanced
714 information technology resources.

715 (u) The authority shall increase federal participation
716 in the cost of the State Data Center to the extent provided by law
717 and its shared technology infrastructure through providing such
718 shared services to agencies that receive federal funds. With
719 regard to state institutions of higher learning and community
720 colleges, the authority may provide shared services when mutually
721 agreeable, following a determination by both the authority and the
722 Board of Trustees of State Institutions of Higher Learning or the



723 Mississippi Community College Board, as the case may be, that the
724 sharing of services is mutually beneficial.

725 (v) The authority, in its discretion, may require new
726 or replacement agency business applications to be hosted at the
727 State Data Center. With regard to state institutions of higher
728 learning and community colleges, the authority and the Board of
729 Trustees of State Institutions of Higher Learning or the
730 Mississippi Community College Board, as the case may be, may agree
731 that institutions of higher learning or community colleges may
732 utilize business applications that are hosted at the State Data
733 Center, following a determination by both the authority and the
734 applicable board that the hosting of those applications is
735 mutually beneficial. In addition, the authority may establish
736 partnerships to capitalize on the advanced technology resources of
737 the Board of Trustees of State Institutions of Higher Learning or
738 the Mississippi Community College Board, following a determination
739 by both the authority and the applicable board that such a
740 partnership is mutually beneficial.

741 (w) The authority shall provide a periodic update
742 regarding reform-based information technology initiatives to the
743 Chairmen of the House and Senate Accountability, Efficiency and
744 Transparency Committees.

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



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

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

752 **SECTION 12.** Section 7-7-3, Mississippi Code of 1972, is
753 amended as follows:

754 7-7-3. (1) There is hereby established a General Accounting
755 Office for the State of Mississippi, the powers and duties of said
756 office to be performed by the Bureau of Budget and Fiscal
757 Management under the administration of the State Fiscal Officer.

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

770 Each state agency shall adopt and use the system prescribed
771 and approved for it by the State Fiscal Officer, and the State



772 Fiscal Officer shall have the authority and power to impound all
773 funds of such agency until it complies with the provisions of this
774 section. Said state centralized automated accounting system shall
775 be made available to the agencies of state government through the
776 services of the State Computer Center. The State Fiscal Officer
777 shall conduct training seminars on a regular basis to ensure that
778 agencies have access to persons proficient in the correct use of
779 the statewide automated accounting system.

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

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

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



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

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

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

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

813 (5) There is hereby established within the State Treasury a
814 special fund to be designated as the Mississippi Management and
815 Reporting System Revolving Fund. This fund is established for the
816 purpose of developing and maintaining an executive information
817 system within state government. Such a system may include the
818 state centralized automated accounting system, a centralized
819 automated human resource/payroll system for state agencies and the
820 automation of performance programmatic data and other data as



821 needed by the legislative and executive branches to monitor the
822 receipt and expenditure of funds in accordance with desired
823 objectives.

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

830 All disbursements from this fund shall be made pursuant to
831 appropriation by the Legislature. All interest earned from the
832 investment of monies in this fund shall be credited to such fund.

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

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



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

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

867 At the completion of the Mississippi Management and Reporting
868 System, the Steering Committee shall recommend to the Legislature
869 an amount to remain in the Mississippi Management and Reporting



870 System Revolving Fund to fund future upgrades and maintenance for
871 the system. The remaining amount, as repaid by the agencies,
872 shall be returned to the General Fund/Special Fund Pool.

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

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

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

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

890 (c) Approve as to form the manner in which all payrolls
891 shall be prepared; and require each state agency to furnish copies
892 of monthly payrolls as required to the State Fiscal Officer. The
893 Chief of the Fiscal Management Division shall study the
894 feasibility of a central payroll system for all state officers and



895 employees, and report his findings and recommendations to the
896 Legislature.

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



920 perform such functions on behalf of the Fiscal Management
921 Division.

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

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

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



945 **SECTION 13.** Section 25-53-29, Mississippi Code of 1972, is
946 amended as follows:

947 25-53-29. (1) For the purposes of this section the term
948 "bureau" shall mean the "Mississippi Department of Information
949 Technology Services." The authority shall have the following
950 powers and responsibilities to carry out the establishment of
951 policy and provide for long-range planning and consulting:

952 (a) Provide a high level of technical expertise for
953 agencies, institutions, political subdivisions and other
954 governmental entities as follows: planning; consulting; project
955 management; systems and performance review; system definition;
956 design; application programming; training; development and
957 documentation; implementation; maintenance; and other tasks as may
958 be required, within the resources available to the bureau.

959 (b) Publish written planning guides, policies and
960 procedures for use by agencies and institutions in planning future
961 electronic information service systems. The bureau may require
962 agencies and institutions to submit data, including periodic
963 electronic equipment inventory listings, information on agency
964 staffing, systems under study, planned applications for the
965 future, and other information needed for the purposes of preparing
966 the state master plan. The bureau may require agencies and
967 institutions to submit any additional data required for purposes
968 of preparing the state master plan.



969 (c) Inspect agency facilities and equipment, interview
970 agency employees and review records at any time deemed necessary
971 by the bureau for the purpose of identifying cost-effective
972 applications of electronic information technology. Upon
973 conclusion of any inspection, the bureau shall issue a management
974 letter containing cost estimates and recommendations to the agency
975 head and governing board concerning applications identified that
976 would result in staff reductions, other monetary savings and
977 improved delivery of public services.

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

980 (e) Provide consulting services to agencies and
981 institutions or Mississippi governmental subdivisions requesting
982 technical assistance in electronic information services technology
983 applications and systems. The bureau may submit proposals and
984 enter into contracts to provide services to agencies and
985 institutions or governmental subdivisions for such purposes.

986 (2) The bureau shall annually issue a three-year master plan
987 in writing to the Governor, available on request to any member of
988 the Legislature, including recommended statewide strategies and
989 goals for the effective and efficient use of information
990 technology and services in state government. The report shall
991 also include recommended information policy actions and other
992 recommendations for consideration by the Governor and members of
993 the Legislature.



994 (3) The bureau shall make an annual report in writing to the
995 Governor, available on request to any member of the Legislature,
996 to include a full and detailed account of the work of the
997 authority for the preceding year. The report shall contain
998 recommendations to agencies and institutions resulting from
999 inspections or consulting contracts. The report shall also
1000 contain a summary of the master plan, progress made, and
1001 legislative and policy recommendations for consideration by the
1002 Governor and members of the Legislature.

1003 (4) The bureau may charge fees to agencies and institutions
1004 for services rendered to them. The bureau may charge fees to
1005 vendors to recover the cost of providing procurement services and
1006 the delivery of procurement awards to public bodies. The amounts
1007 of such fees shall be set by the authority upon recommendation of
1008 the Executive Director of the MDITS, and all such fees collected
1009 shall be paid into the fund established for carrying out the
1010 purposes of this section.

1011 (5) It is the intention of the Legislature that the
1012 employees of the bureau performing services defined by this
1013 section be staffed by highly qualified persons possessing
1014 technical, consulting and programming expertise. Such employees
1015 shall be considered nonstate service employees as defined in
1016 Section 25-9-107(c) (x) and may be compensated at a rate comparable
1017 to the prevailing rate of individuals in qualified professional
1018 consulting firms in the private sector. Such compensation rates



1019 shall be determined by the State Personnel Director. The number
1020 of such positions shall be set by annual appropriation of the
1021 Legislature. Qualifications and compensation of the bureau
1022 employees shall be set by the State Personnel Board upon
1023 recommendation of the Executive Director of the MDITS. The total
1024 number of positions and classification of positions may be
1025 increased or decreased during a fiscal year depending upon work
1026 load and availability of funds.

1027 (6) The bureau may, from time to time, at the discretion of
1028 the Executive Director of the MDITS, contract with firms or
1029 qualified individuals to be used to augment the bureau's
1030 professional staff in order to assure timely completion and
1031 implementation of assigned tasks, provided that funds are
1032 available in the fund established for carrying out the purposes of
1033 this section. Such individuals may be employees of any agency,
1034 bureau or institution provided that these individuals or firms
1035 meet the requirements of other individuals or firms doing business
1036 with the state through the Mississippi Department of Information
1037 Technology Services. Individuals who are employees of an agency
1038 or institution may contract with the Mississippi Department of
1039 Information Technology Services only with the concurrence of the
1040 agency or institution for whom they are employed.

1041 (7) From and after July 1, 2016, the expenses of this agency
1042 shall be defrayed by appropriation from the State General Fund and



1043 all user charges and fees authorized under this section shall be
1044 deposited into the State General Fund as authorized by law.

1045 (8) From and after July 1, 2016, no state agency shall
1046 charge another state agency a fee, assessment, rent or other
1047 charge for services or resources received by authority of this
1048 section.

1049 **SECTION 14.** Section 25-53-151, Mississippi Code of 1972, is
1050 amended as follows:

1051 25-53-151. (1) There is established in the State Treasury
1052 the "Electronic Government Services Fund," into which shall be
1053 deposited specific funds appropriated by the Legislature for
1054 developing and providing electronic government services within the
1055 State of Mississippi. Any funds in the Electronic Government
1056 Services Fund at the end of a fiscal year shall not lapse into the
1057 State General Fund, but shall be available for expenditure in the
1058 subsequent fiscal year. The funds in the Electronic Government
1059 Fund shall be available for expenditure pursuant to specific
1060 appropriation by the Legislature beginning in fiscal year 2002, to
1061 the Mississippi Department of Information Technology Services.

1062 (2) There is hereby established an Electronic Government
1063 Oversight Committee to oversee the implementation of E-Government
1064 and related technology initiatives. Duties of this committee
1065 would include: (a) prioritize and make recommendations for all
1066 electronic government services, in order to cut across state and
1067 local governmental organizational structures; (b) address policy



1068 issues such as privacy, security, transaction fees and
1069 accessibility; (c) review ongoing fiscal and operational
1070 management and support of portal; (d) provide a mechanism for
1071 gathering input from citizens, businesses and government entities;
1072 (e) encourage self-service models for citizens through state
1073 websites and other electronic services; and (f) promote economic
1074 development and efficient delivery of government services by
1075 encouraging governmental and private sector entities to conduct
1076 their business and transactions using electronic media. The
1077 Electronic Government Oversight Committee shall be composed of the
1078 following: (a) the Executive Director of the Mississippi
1079 Department of Information Technology Services, or his designee;
1080 (b) the State Auditor, or his designee; (c) the State Treasurer,
1081 or his designee; (d) the Secretary of State, or his designee; (e)
1082 the Executive Director of the Department of Finance and
1083 Administration, or his designee; (f) the Commissioner of Public
1084 Safety, or his designee; (g) the Commissioner of Revenue, or his
1085 designee. The committee shall annually elect one (1) member to
1086 serve as chairman and one (1) member to serve as vice chairman,
1087 who shall act as chairman in the absence of the chairman. The
1088 committee shall meet monthly or upon the call of the chairman, and
1089 shall make necessary reports and recommendations to the
1090 Legislature and the appropriate agencies of state government. All
1091 agencies of state government shall cooperate with the committee in
1092 providing requested information, shall work closely with and



1093 provide information to the committee and shall report to the
1094 committee at its request. The Mississippi Department of
1095 Information Technology Services shall provide administrative
1096 support for the committee. Nonlegislative members of the
1097 committee shall serve without compensation.

1098 (3) The Electronic Government Oversight Committee shall
1099 advise and provide direction to the Department of Finance and
1100 Administration to develop a procurement portal that will enable
1101 potential vendors of goods and services to access relevant and
1102 necessary information related to the sale of the following types
1103 of goods and services to the State of Mississippi and its
1104 agencies:

1105 (a) Commodities, as defined by Section 31-7-1;

1106 (b) Contract personnel, as defined by Sections 25-9-107
1107 and 25-9-120; and

1108 (c) Computer equipment and services, as defined by
1109 Section 25-53-3.

1110 (4) The procurement portal provided for in subsection (3)
1111 must provide potential vendors with the following:

1112 (a) A searchable database of business procurement
1113 opportunities with the state which includes a breakdown by product
1114 or service and by the organization seeking the product or service;

1115 (b) Listings of the published date and closing date for
1116 each business procurement opportunity;



1117 (c) A "Frequently Asked Questions" section regarding
1118 doing business with the respective agencies;

1119 (d) A breakdown of "Frequently Asked Questions"
1120 regarding the selection process with the respective agencies;

1121 (e) An open-air forum for questions and answers
1122 relating to the procurement process, in general, as well as
1123 specifically relating to a single contract; and

1124 (f) Links to individual agency websites and contacts to
1125 enable potential vendors to obtain more specific information, if
1126 necessary.

1127 (5) The procurement portal must be linked to the
1128 Transparency Mississippi website established in accordance with
1129 Sections 27-104-151 through 27-104-163. The Mississippi
1130 Department of Information Technology Services shall develop and
1131 maintain a link to the procurement portal from the state website.

1132 (6) From and after July 1, 2016, the expenses of this agency
1133 shall be defrayed by appropriation from the State General Fund and
1134 all user charges and fees authorized under this section shall be
1135 deposited into the State General Fund as authorized by law.

1136 (7) From and after July 1, 2016, no state agency shall
1137 charge another state agency a fee, assessment, rent or other
1138 charge for services or resources received by authority of this
1139 section.

1140 **SECTION 15.** Section 25-53-171, Mississippi Code of 1972, is
1141 amended as follows:



1142 25-53-171. (1) There is hereby created the Wireless
1143 Communication Commission, which shall be responsible for promoting
1144 the efficient use of public resources to ensure that law
1145 enforcement personnel and essential public health and safety
1146 personnel have effective communications services available in
1147 emergency situations, and to ensure the rapid restoration of such
1148 communications services in the event of disruption caused by
1149 natural disaster, terrorist attack or other public emergency.

1150 (2) The Wireless Communication Commission, hereafter
1151 referred to as the "commission," shall consist of the following:

1152 (a) The Executive Director of the Department of
1153 Transportation or his designee;

1154 (b) The Commissioner of Public Safety or his designee;

1155 (c) The Executive Director of the Department of Public
1156 Health or his designee;

1157 (d) The Executive Director of the Department of
1158 Information Technology Services or his designee;

1159 (e) The Executive Director of the Mississippi Emergency
1160 Management Agency or his designee;

1161 (f) The Executive Director of the Mississippi Office of
1162 Homeland Security or his designee;

1163 (g) The President of the Mississippi * * * Sheriffs'
1164 Association or his designee;

1165 (h) The President of the Mississippi Association of
1166 Supervisors or his designee;



- 1167 (i) The President of the Mississippi Municipal
1168 Association or his designee;
- 1169 (j) The President of the Mississippi Association of
1170 Fire Chiefs or his designee;
- 1171 (k) The President of the Mississippi Association of
1172 Police Chiefs or his designee;
- 1173 (l) The Chief of the Mississippi Highway Safety Patrol
1174 or his designee;
- 1175 (m) The Commissioner of the Department of Corrections
1176 or his designee;
- 1177 (n) The Adjutant General of the Mississippi National
1178 Guard or his designee;
- 1179 (o) The Executive Director of the Mississippi
1180 Department of Environmental Quality or his designee; and
- 1181 (p) The Executive Director of Wildlife, Fisheries and
1182 Parks or his designee.

1183 All members of the commission shall serve a term of not less
1184 than four (4) years.

1185 (3) Within forty-five (45) days from April 21, 2005, the
1186 Executive Director of the Department of Information Technology
1187 Services shall call a meeting of the commission in the City of
1188 Jackson, Mississippi, and organize by electing a chairman and
1189 other officers from its membership. The commission shall adopt
1190 rules which govern the time and place for meetings and governing
1191 the manner of conducting its business. The commission shall meet



1192 at least monthly and maintain minutes of such meetings. A quorum
1193 shall consist of a majority of the membership of the commission.

1194 (4) The commission, in conjunction with the Department of
1195 Information Technology Services, shall have the sole authority to
1196 promulgate rules and regulations governing the operations of the
1197 wireless communications system described in paragraph (a) and
1198 shall be vested with all legal authority necessary and proper to
1199 perform this function including, but not limited to:

1200 (a) Purchasing, leasing, acquiring and otherwise
1201 implementing a statewide wireless communications system to serve
1202 wireless users in state and local governments and those private
1203 entities that enter into a partnership with the commission. All
1204 purchases shall be made in accordance with public purchasing laws
1205 and, if required, shall be approved by the Department of
1206 Information Technology Services. This system shall enable
1207 interoperability between various wireless communications
1208 technologies.

1209 (b) Ensuring that federal/state communications
1210 requirements are followed with respect to such wireless
1211 communications systems.

1212 (c) Providing system planning with all public safety
1213 communications systems.

1214 (d) Assisting with establishment of state and local
1215 wireless communications.



1216 (e) In consultation with the Department of Information
1217 Technology Services, having the authority to permit state and
1218 local agencies use of the communications system under the terms
1219 and conditions established by the commission.

1220 (f) Providing technical support to users and bearing
1221 the overall responsibility for the design, engineering,
1222 acquisition and implementation of the statewide communications
1223 system and for ensuring the proper operation and maintenance of
1224 all equipment common to the system.

1225 (g) Seeking proposals for services through competitive
1226 processes where required by law and selecting service providers
1227 under procedures provided for by law.

1228 (h) Establishing, in conjunction with the Department of
1229 Information Technology Services, policies, procedures and
1230 standards which shall be incorporated into a comprehensive
1231 management plan for the operation of the statewide communications
1232 system.

1233 (i) Having sign-off approval on all wireless
1234 communications systems within the state which are owned or
1235 operated by any state or local governmental entity, agency or
1236 department.

1237 (j) Creating a standard user agreement.

1238 (5) The commission, in conjunction with the Department of
1239 Information Technology Services, shall exercise its powers and



1240 duties pursuant to this section to plan, manage and administer the
1241 wireless communications system. The commission may:

1242 (a) In consultation with the advisory board and the
1243 Department of Information Technology Services, establish policies,
1244 procedures and standards to incorporate into a comprehensive
1245 management plan for use and operation of the communications
1246 system.

1247 (b) Enter into mutual aid agreements among federal,
1248 state and local agencies for the use of the communications system.

1249 (c) Establish the cost of maintenance and operation of
1250 the system and charge subscribers for access and use of the
1251 system.

1252 (d) Assess charges for use of the system.

1253 (e) Obtain space through rent or lease of space on any
1254 tower under state control. The commission may also rent, lease or
1255 sublease ground space as necessary to locate equipment to support
1256 antennae on the towers. The costs for use of such space shall be
1257 established by the owner/agent for each site when it is determined
1258 to be practicable and feasible to make space available.

1259 (f) Provide space through rent or lease of space on any
1260 tower under the commission's control. The commission may also
1261 rent, lease or sublease ground space as necessary to locate
1262 equipment to support antennae on the towers. The costs for use of
1263 such space shall be established by the commission when it is
1264 determined to be practicable and feasible to make space available.



1265 (g) Refuse to lease space on any tower at any site.
1266 All monies collected by the commission for such rents, leases or
1267 subleases shall be deposited directly into a special fund hereby
1268 created and known as the "Integrated Public Safety Communications
1269 Fund." This fund shall be administered by the Department of
1270 Information Technology Services and may be used by the commission
1271 to construct, maintain and operate the system.

1272 (h) Rent, lease or sublease ground space on lands
1273 acquired by the commission for the construction of privately owned
1274 or publicly owned towers. The commission, as part of such rental,
1275 lease or sublease agreement, may require space on such towers for
1276 antennae as may be necessary for the construction and operation of
1277 the wireless communications system.

1278 (i) Enter into and perform use and occupancy agreements
1279 concerning the system.

1280 (j) Exercise any power necessary to carry out the
1281 intent of this law.

1282 (6) The Department of Transportation, the Department of
1283 Public Safety and other commission members may provide to the
1284 commission, on a full-time or part-time basis, personnel and
1285 technical support necessary and sufficient to effectively and
1286 efficiently carry out the requirements of this section.

1287 (7) (a) Expenditures from the Integrated Public Safety
1288 Communications Fund shall be administered by the Department of
1289 Information Technology Services with expenditures approved jointly



1290 by the commission and the Department of Information Technology
1291 Services.

1292 (b) The Integrated Public Safety Communications Fund
1293 may consist of the following:

1294 (i) Appropriations from the Legislature;

1295 (ii) Gifts;

1296 (iii) Federal grants;

1297 (iv) Fees and contributions from user agencies
1298 that the commission considers necessary to maintain and operate
1299 the system; and

1300 (v) Monies from any other source permitted by law.

1301 (c) Any monies remaining in the Integrated Public
1302 Safety Communications Fund at the end of the fiscal year shall not
1303 revert to the State General Fund, but shall remain in the
1304 Integrated Public Safety Communications Fund.

1305 (8) Members of the commission shall not receive any
1306 compensation or per diem, but may receive travel reimbursement
1307 provided for under Section 25-3-41.

1308 (9) There is hereby created the Wireless Communication
1309 Advisory Board for the purpose of advising the Mississippi
1310 Wireless Communication Commission in performance of its duties.

1311 The advisory board shall be composed of the following:

1312 (a) The Chairman and Vice Chairman of the Senate Public
1313 Utilities Committee or their designees;



1314 (b) The Chairman and Vice Chairman of the House of
1315 Representatives Public Utilities Committee or their designees;

1316 (c) The Chairman of the Senate Appropriations Committee
1317 or his designee;

1318 (d) The Chairman of the House of Representatives
1319 Appropriations Committee or his designee;

1320 (e) The Chairman of the Senate Finance Committee or his
1321 designee; and

1322 (f) The Chairman of the House of Representatives Ways
1323 and Means Committee or his designee.

1324 Members of the advisory board shall receive per diem and
1325 expenses which shall be paid from the contingent expense funds of
1326 their respective houses in the same amounts as provided for
1327 committee meetings when the Legislature is not in session;
1328 however, no per diem and expenses for attending meetings of the
1329 advisory board shall be paid to legislative members while the
1330 Legislature is in session.

1331 (10) It is the intent of the Legislature that all state and
1332 local government entities make available for purposes of this
1333 section all publicly owned wireless communications infrastructure,
1334 including, but not limited to, communications towers, transmission
1335 equipment, transmission frequencies and other related properties
1336 and facilities.



1337 (11) Nothing in this section shall be construed or
1338 interpreted to provide for the regulation or oversight of
1339 commercial mobile radio services.

1340 (12) Nothing in this section shall be construed to supersede
1341 the authority of the Department of Information Technology Services
1342 provided in Section 25-53-1 et seq.

1343 (13) From and after July 1, 2016, the expenses of this
1344 agency shall be defrayed by appropriation from the State General
1345 Fund and all user charges and fees authorized under this section
1346 shall be deposited into the State General Fund as authorized by
1347 law.

1348 (14) From and after July 1, 2016, no state agency shall
1349 charge another state agency a fee, assessment, rent or other
1350 charge for services or resources received by authority of this
1351 section.

1352 **SECTION 16.** Section 31-7-10, Mississippi Code of 1972, is
1353 amended as follows:

1354 31-7-10. (1) For the purposes of this section, the term
1355 "equipment" shall mean equipment, furniture, and if applicable,
1356 associated software and other applicable direct costs associated
1357 with the acquisition. In addition to its other powers and duties,
1358 the Department of Finance and Administration shall have the
1359 authority to develop a master lease-purchase program and, pursuant
1360 to that program, shall have the authority to execute on behalf of
1361 the state master lease-purchase agreements for equipment to be



1362 used by an agency, as provided in this section. Each agency
1363 electing to acquire equipment by a lease-purchase agreement shall
1364 participate in the Department of Finance and Administration's
1365 master lease-purchase program, unless the Department of Finance
1366 and Administration makes a determination that such equipment
1367 cannot be obtained under the program or unless the equipment can
1368 be obtained elsewhere at an overall cost lower than that for which
1369 the equipment can be obtained under the program. Such
1370 lease-purchase agreements may include the refinancing or
1371 consolidation, or both, of any state agency lease-purchase
1372 agreements entered into after June 30, 1990.

1373 (2) All funds designated by agencies for procurement of
1374 equipment and financing thereof under the master lease-purchase
1375 program shall be paid into a special fund created in the State
1376 Treasury known as the "Master Lease-Purchase Program Fund," which
1377 shall be used by the Department of Finance and Administration for
1378 payment to the lessors for equipment acquired under master
1379 lease-purchase agreements.

1380 (3) Upon final approval of an appropriation bill, each
1381 agency shall submit to the Public Procurement Review Board a
1382 schedule of proposed equipment acquisitions for the master
1383 lease-purchase program. Upon approval of an equipment schedule by
1384 the Public Procurement Review Board with the advice of the
1385 Department of Information Technology Services, the Office of
1386 Purchasing, Travel and Fleet Management, and the Division of



1387 Energy and Transportation of the Mississippi Development Authority
1388 as it pertains to energy efficient climate control systems, the
1389 Public Procurement Review Board shall forward a copy of the
1390 equipment schedule to the Department of Finance and
1391 Administration.

1392 (4) The level of lease-purchase debt recommended by the
1393 Department of Finance and Administration shall be subject to
1394 approval by the State Bond Commission. After such approval, the
1395 Department of Finance and Administration shall be authorized to
1396 advertise and solicit written competitive proposals for a lessor,
1397 who will purchase the equipment pursuant to bid awards made by the
1398 using agency under a given category and then transfer the
1399 equipment to the Department of Finance and Administration as
1400 lessee, pursuant to a master lease-purchase agreement.

1401 The Department of Finance and Administration shall select the
1402 successful proposer for the financing of equipment under the
1403 master lease-purchase program with the approval of the State Bond
1404 Commission.

1405 (5) Each master lease-purchase agreement, and any subsequent
1406 amendments, shall include such terms and conditions as the State
1407 Bond Commission shall determine to be appropriate and in the
1408 public interest, and may include any covenants deemed necessary or
1409 desirable to protect the interests of the lessor, including, but
1410 not limited to, provisions setting forth the interest rate (or
1411 method for computing interest rates) for financing pursuant to



1412 such agreement, covenants concerning application of payments and
1413 funds held in the Master Lease-Purchase Program Fund, covenants to
1414 maintain casualty insurance with respect to equipment subject to
1415 the master lease-purchase agreement (and all state agencies are
1416 specifically authorized to purchase any insurance required by a
1417 master lease-purchase agreement) and covenants precluding or
1418 limiting the right of the lessee or user to acquire equipment
1419 within a specified time (not to exceed five (5) years) after
1420 cancellation on the basis of a failure to appropriate funds for
1421 payment of amounts due under a lease-purchase agreement covering
1422 comparable equipment. The State Bond Commission shall transmit
1423 copies of each such master lease-purchase agreement and each such
1424 amendment to the Joint Legislative Budget Committee. To the
1425 extent provided in any master lease-purchase agreement, title to
1426 equipment leased pursuant thereto shall be deemed to be vested in
1427 the state or the user of the equipment (as specified in such
1428 master lease-purchase agreement), subject to default under or
1429 termination of such master lease-purchase agreement.

1430 A master lease-purchase agreement may provide for payment by
1431 the lessor to the lessee of the purchase price of the equipment to
1432 be acquired pursuant thereto prior to the date on which payment is
1433 due to the vendor for such equipment and that the lease payments
1434 by the lessee shall commence as though the equipment had been
1435 provided on the date of payment. If the lessee, or lessee's
1436 escrow agent, has sufficient funds for payment of equipment



1437 purchases prior to payment due date to vendor of equipment, such
1438 funds shall be held or utilized on an as-needed basis for payment
1439 of equipment purchases either by the State Treasurer (in which
1440 event the master lease-purchase agreement may include provisions
1441 concerning the holding of such funds, the creation of a security
1442 interest for the benefit of the lessor in such funds until
1443 disbursed and other appropriate provisions approved by the Bond
1444 Commission) or by a corporate trustee selected by the Department
1445 of Finance and Administration (in which event the Department of
1446 Finance and Administration shall have the authority to enter into
1447 an agreement with such a corporate trustee containing terms and
1448 conditions approved by the Bond Commission). Earnings on any
1449 amount paid by the lessor prior to the acquisition of the
1450 equipment may be used to make lease payments under the master
1451 lease-purchase agreement or applied to pay costs and expenses
1452 incurred in connection with such lease-purchase agreement. In
1453 such event, the equipment-use agreements with the user agency may
1454 provide for lease payments to commence upon the date of payment by
1455 the lessor and may also provide for a credit against such payments
1456 to the extent that investment receipts from investment of the
1457 purchase price are to be used to make lease-purchase payments.

1458 (6) The annual rate of interest paid under any
1459 lease-purchase agreement authorized under this section shall not
1460 exceed the maximum interest rate to maturity on general obligation
1461 indebtedness permitted under Section 75-17-101.



1462 (7) The Department of Finance and Administration shall
1463 furnish the equipment to the various agencies, also known as the
1464 user, pursuant to an equipment-use agreement developed by the
1465 Department of Finance and Administration. Such agreements shall
1466 require that all monthly payments due from such agency be paid,
1467 transferred or allocated into the Master Lease-Purchase Program
1468 Fund pursuant to a schedule established by the Department of
1469 Finance and Administration. In the event such sums are not paid
1470 by the defined payment period, the Executive Director of the
1471 Department of Finance and Administration shall issue a requisition
1472 for a warrant to draw such amount as may be due from any funds
1473 appropriated for the use of the agency which has failed to make
1474 the payment as agreed.

1475 (8) All master lease-purchase agreements executed under the
1476 authority of this section shall contain the following annual
1477 allocation dependency clause or an annual allocation dependency
1478 clause which is substantially equivalent thereto: "The
1479 continuation of each equipment schedule to this agreement is
1480 contingent in whole or in part upon the appropriation of funds by
1481 the Legislature to make the lease-purchase payments required under
1482 such equipment schedule. If the Legislature fails to appropriate
1483 sufficient funds to provide for the continuation of the
1484 lease-purchase payments under any such equipment schedule, then
1485 the obligations of the lessee and of the agency to make such
1486 lease-purchase payments and the corresponding provisions of any



1487 such equipment schedule to this agreement shall terminate on the
1488 last day of the fiscal year for which appropriations were made."

1489 (9) The maximum lease term for any equipment acquired under
1490 the master lease-purchase program shall not exceed the useful life
1491 of such equipment as determined according to the upper limit of
1492 the asset depreciation range (ADR) guidelines for the Class Life
1493 Asset Depreciation Range System established by the Internal
1494 Revenue Service pursuant to the United States Internal Revenue
1495 Code and Regulations thereunder as in effect on December 31, 1980,
1496 or comparable depreciation guidelines with respect to any
1497 equipment not covered by ADR guidelines. The Department of
1498 Finance and Administration shall be deemed to have met the
1499 requirements of this subsection if the term of a master
1500 lease-purchase agreement does not exceed the weighted average
1501 useful life of all equipment covered by such agreement and the
1502 schedules thereto as determined by the Department of Finance and
1503 Administration. For purposes of this subsection, the "term of a
1504 master lease-purchase agreement" shall be the weighted average
1505 maturity of all principal payments to be made under such master
1506 lease-purchase agreement and all schedules thereto.

1507 (10) Interest paid on any master lease-purchase agreement
1508 under this section shall be exempt from State of Mississippi
1509 income taxation. All equipment, and the purchase thereof by any
1510 lessor, acquired under the master lease-purchase program and all



1511 lease-purchase payments with respect thereto shall be exempt from
1512 all Mississippi sales, use and ad valorem taxes.

1513 (11) The Governor, in his annual executive budget to the
1514 Legislature, shall recommend appropriations sufficient to provide
1515 funds to pay all amounts due and payable during the applicable
1516 fiscal year under master lease-purchase agreements entered into
1517 pursuant to this section.

1518 (12) Any master lease-purchase agreement reciting in
1519 substance that such agreement has been entered into pursuant to
1520 this section shall be conclusively deemed to have been entered
1521 into in accordance with all of the provisions and conditions set
1522 forth in this section. Any defect or irregularity arising with
1523 respect to procedures applicable to the acquisition of any
1524 equipment shall not invalidate or otherwise limit the obligation
1525 of the Department of Finance and Administration, or the state or
1526 any agency of the state, under any master lease-purchase agreement
1527 or any equipment-use agreement.

1528 (13) There shall be maintained by the Department of Finance
1529 and Administration, with respect to each master lease-purchase
1530 agreement, an itemized statement of the cash price, interest
1531 rates, interest costs, commissions, debt service schedules and all
1532 other costs and expenses paid by the state incident to the
1533 lease-purchase of equipment under such agreement.

1534 (14) Lease-purchase agreements entered into by the Board of
1535 Trustees of State Institutions of Higher Learning pursuant to the



1536 authority of Section 37-101-413 or by any other agency which has
1537 specific statutory authority other than pursuant to Section
1538 31-7-13(e) to acquire equipment by lease-purchase shall not be
1539 made pursuant to the master lease-purchase program under this
1540 section, unless the Board of Trustees of State Institutions of
1541 Higher Learning or such other agency elects to participate as to
1542 part or all of its lease-purchase acquisitions in the master
1543 lease-purchase program pursuant to this section.

1544 (15) The Department of Finance and Administration may
1545 develop a master lease-purchase program for school districts and,
1546 pursuant to that program, may execute on behalf of the school
1547 districts master lease-purchase agreements for equipment to be
1548 used by the school districts. The form and structure of this
1549 program shall be substantially the same as set forth in this
1550 section for the master lease-purchase program for state agencies.
1551 If sums due from a school district under the master lease-purchase
1552 program are not paid by the expiration of the defined payment
1553 period, the Executive Director of the Department of Finance and
1554 Administration may withhold such amount that is due from the
1555 school district's minimum education or adequate education program
1556 fund allotments.

1557 (16) The Department of Finance and Administration may
1558 develop a master lease-purchase program for community and junior
1559 college districts and, pursuant to that program, may execute on
1560 behalf of the community and junior college districts master



1561 lease-purchase agreements for equipment to be used by the
1562 community and junior college districts. The form and structure of
1563 this program must be substantially the same as set forth in this
1564 section for the master lease-purchase program for state agencies.
1565 If sums due from a community or junior college district under the
1566 master lease-purchase program are not paid by the expiration of
1567 the defined payment period, the Executive Director of the
1568 Department of Finance and Administration may withhold an amount
1569 equal to the amount due under the program from any funds allocated
1570 for that community or junior college district in the state
1571 appropriations for the use and support of the community and junior
1572 colleges.

1573 (17) From and after July 1, 2016, the expenses of this
1574 agency shall be defrayed by appropriation from the State General
1575 Fund and all user charges and fees authorized under this section
1576 shall be deposited into the State General Fund as authorized by
1577 law.

1578 (18) From and after July 1, 2016, no state agency shall
1579 charge another state agency a fee, assessment, rent or other
1580 charge for services or resources received by authority of this
1581 section.

1582 **SECTION 17.** Section 63-9-31, Mississippi Code of 1972, is
1583 amended as follows:

1584 63-9-31. (1) In addition to any other monetary penalties
1585 and other penalties imposed by law, any county, municipality or



1586 the Pearl River Valley Water Supply District Patrol which
1587 participates in a wireless radio communications program approved
1588 by the applicable governing authorities may assess an additional
1589 surcharge in an amount not to exceed Ten Dollars (\$10.00) on each
1590 person upon whom a court imposes a fine or other penalty for each
1591 violation of Title 63, Mississippi Code of 1972, except offenses
1592 relating to vehicular parking or registration. On all citations
1593 issued by Mississippi Highway Safety Patrol officers, a surcharge
1594 in the amount of Ten Dollars (\$10.00) shall be collected by the
1595 court and deposited as provided in subsection (2) of this section.
1596 The proceeds from the surcharge on citations issued by county and
1597 municipal law enforcement officers or the Pearl River Valley Water
1598 Supply District Patrol may be used by a county or municipality
1599 only to fund that county's or municipality's or the Pearl River
1600 Valley Water Supply District Patrol's participation in the
1601 wireless radio communications program by funding public safety
1602 wireless communications systems and related computer and
1603 communications equipment. The proceeds from the surcharge on
1604 citations issued by Mississippi Highway Safety Patrol officers
1605 shall be used as provided in subsection (2) of this section. All
1606 proceeds from the surcharge imposed by this subsection shall be
1607 deposited into a special fund in the Department of Public Safety's
1608 Office of Public Safety Planning. The Office of Public Safety
1609 Planning shall promulgate rules and procedures relating to the
1610 administration of the special fund and the disbursement of monies



1611 in the fund to participating governmental entities. The maximum
1612 amount that a governmental entity may receive from the special
1613 fund shall be an amount equal to the deposits made into the fund
1614 by that entity, less one percent (1%) to be retained by the Office
1615 of Public Safety Planning to defray the costs of administering the
1616 special fund. Interest earned on the special fund shall remain in
1617 the fund and shall be used by the Office of Public Safety Planning
1618 to further defray the costs of administering the special fund.

1619 (2) Deposits into the special fund resulting from citations
1620 issued by the Mississippi Highway Safety Patrol shall be utilized
1621 as follows: Fifty percent (50%) of the deposits into the special
1622 fund shall be used to automate the citations issued by Mississippi
1623 Highway Safety Patrol officers (including the transmittal of
1624 citations to the justice court, retrieval of the disposition from
1625 the justice court, and updating the driver's records) and fifty
1626 percent (50%) of the deposits into the special fund shall be used
1627 for the purpose of funding wireless communications and related
1628 computer equipment and computer software, subject to the approval
1629 of the Mississippi Department of Information Technology Services.

1630 (3) Approval of a wireless radio communications program must
1631 be given by the applicable governing authorities when:

1632 (a) The program includes the sharing of support
1633 facilities including, but not limited to, towers, shelters and
1634 microwave by participating entities; or



1635 (b) The program includes the establishment of a mutual
1636 aid system using common radio frequency channels between
1637 participating entities; or

1638 (c) The program sets forth a feasible methodology that
1639 utilizes the radio frequency spectrum in an efficient manner.

1640 (4) Participating counties, municipalities, the Pearl River
1641 Valley Water Supply District Patrol and the Mississippi Highway
1642 Safety Patrol must provide notification of facilities available
1643 for interoperability to the Mississippi Department of Information
1644 Technology Services annually.

1645 (5) Counties and municipalities and the Pearl River Valley
1646 Water Supply District Patrol participating in a wireless radio
1647 communications program and the Mississippi Highway Safety Patrol
1648 must comply with competitive bidding requirements prescribed in
1649 Section 31-7-13 and are encouraged to utilize an open
1650 architecture, nonproprietary system.

1651 (6) From and after July 1, 2016, the expenses of this agency
1652 shall be defrayed by appropriation from the State General Fund and
1653 all user charges and fees authorized under this section shall be
1654 deposited into the State General Fund as authorized by law.

1655 (7) From and after July 1, 2016, no state agency shall
1656 charge another state agency a fee, assessment, rent or other
1657 charge for services or resources received by authority of this
1658 section.

1659 **[MISSISSIPPI DEPARTMENT OF INSURANCE]**



1660 **SECTION 18.** Section 83-1-27, Mississippi Code of 1972, is
1661 amended as follows:

1662 83-1-27. Whenever the Commissioner of Insurance deems it
1663 prudent for the protection of the policyholders in this state, he
1664 shall in like manner visit and examine, or cause to be visited and
1665 examined by some competent person or persons he may appoint for
1666 that purpose, any foreign insurance company applying for admission
1667 or already admitted to do business by agencies in this state, and
1668 such companies shall pay the proper charges incurred in such
1669 examination, including the expense of the commissioner or his
1670 deputy and the expenses and compensation of his assistants
1671 employed therein. For the purpose aforesaid, the commissioner or
1672 his deputy or persons making examination shall have free access to
1673 all the books and papers of the insurance company that relate to
1674 its business and to the books and papers kept by any of its
1675 agents, and may summon and qualify as witnesses, under oath, and
1676 examine the directors, officers, agents and trustees of any such
1677 company, and any other persons in relation to its affairs,
1678 transactions and conditions. Such examination shall be made by
1679 the commissioner, or by his accredited representatives, and such
1680 companies shall pay the proper charges incurred in such
1681 examination, including the expense of the commissioner or
1682 financial examiners, actuaries, market conduct examiners,
1683 accountants, attorneys or other professional service organizations
1684 necessary to administer this section. The Department of Insurance



1685 may contract with professional service organizations to examine
1686 all companies under its jurisdiction, and the professional service
1687 organization may directly bill the company under examination. The
1688 commissioner shall monitor the charges for these professional
1689 services and verify that all costs are reasonable. If a company
1690 fails to pay these fees within thirty (30) days of billing, the
1691 commissioner, after notice and a hearing, is authorized to impose
1692 an administrative fine not to exceed One Thousand Dollars
1693 (\$1,000.00) per day to be deposited into the special fund in the
1694 State Treasury designated as the "Insurance Department Fund." The
1695 compensation and expense of the commissioner or such examiner for
1696 the commissioner shall not exceed that approved by the National
1697 Association of Insurance Commissioners for all financial and
1698 market conduct examiners on such examinations, itemized account of
1699 such charges being rendered to and approved by the Commissioner of
1700 Insurance.

1701 The results of audits performed hereunder by the Commissioner
1702 of Insurance may be furnished to the State Tax Commission.
1703 Nothing herein shall be construed to prohibit the State Tax
1704 Commission from performing such additional audits or verifications
1705 as it may deem necessary to insure the proper payment of taxes.

1706 From and after July 1, 2016, the expenses of this agency
1707 shall be defrayed by appropriation from the State General Fund and
1708 all user charges and fees authorized under this section shall be
1709 deposited into the State General Fund as authorized by law.



1710 From and after July 1, 2016, no state agency shall charge
1711 another state agency a fee, assessment, rent or other charge for
1712 services or resources received by authority of this section.

1713 **SECTION 19.** Section 83-2-33, Mississippi Code of 1972, is
1714 amended as follows:

1715 83-2-33. All property and casualty insurance companies doing
1716 business in this state shall contribute annually, at such times as
1717 the Insurance Commissioner shall determine, in proportion to their
1718 gross premiums collected within the State of Mississippi during
1719 the preceding year, to a special fund in the State Treasury to be
1720 known as the "Insurance Department Fund" to be expended by the
1721 Insurance Commissioner in the payment of the expenses of the
1722 Department of Insurance as the commissioner may deem necessary.
1723 The commissioner is hereby authorized to employ such actuarial and
1724 other assistance as shall be necessary to carry out the duties of
1725 the department; and such employees shall be under the authority
1726 and direction of the Insurance Commissioner. The amount to be
1727 contributed annually to the fund shall be fixed each year by the
1728 Insurance Commissioner at a percentage of the gross premiums so
1729 collected during the preceding year. However, a minimum
1730 assessment of One Hundred Dollars (\$100.00) shall be charged to
1731 each licensed property and casualty insurance company regardless
1732 of the gross premium amount collected during the preceding year.



1733 The total contributions collected for the Insurance
1734 Department Fund shall not exceed the sum of Seven Hundred Fifty
1735 Thousand Dollars (\$750,000.00) in each fiscal year.

1736 From and after July 1, 2016, the expenses of this agency
1737 shall be defrayed by appropriation from the State General Fund and
1738 all user charges and fees authorized under this section shall be
1739 deposited into the State General Fund as authorized by law.

1740 From and after July 1, 2016, no state agency shall charge
1741 another state agency a fee, assessment, rent or other charge for
1742 services or resources received by authority of this section.

1743 **SECTION 20.** Section 83-2-35, Mississippi Code of 1972, is
1744 amended as follows:

1745 83-2-35. (1) This section applies to all forms of property
1746 and casualty insurance on risks or operations in this state by any
1747 insurer authorized to do business in this state, except:

- 1748 (a) Accident and health;
- 1749 (b) Ocean marine insurance;
- 1750 (c) Reinsurance;
- 1751 (d) Aircraft liability and aircraft hull insurance;
- 1752 (e) Title insurance;
- 1753 (f) Credit accident and health insurance.

1754 (2) All such insurers shall pay to the Commissioner of
1755 Insurance a fee of Fifteen Dollars (\$15.00) for each form or rate
1756 filing filed with the commissioner. The commissioner shall pay



1757 such fees into the special fund in the State Treasury designated
1758 as the "Insurance Department Fund."

1759 (3) From and after July 1, 2016, the expenses of this agency
1760 shall be defrayed by appropriation from the State General Fund and
1761 all user charges and fees authorized under this section shall be
1762 deposited into the State General Fund as authorized by law.

1763 (4) From and after July 1, 2016, no state agency shall
1764 charge another state agency a fee, assessment, rent or other
1765 charge for services or resources received by authority of this
1766 section.

1767 **SECTION 21.** Section 83-5-17, Mississippi Code of 1972, is
1768 amended as follows:

1769 83-5-17. The Commissioner of Insurance may, after notice and
1770 a hearing, revoke the authority of a domestic or foreign insurance
1771 company or impose an administrative fine, or both, if it violates
1772 or neglects to comply with any provision of law obligatory on it,
1773 and whenever in the opinion of the commissioner its condition is
1774 unsound, or its assets above its liabilities, exclusive of capital
1775 and inclusive of unearned premiums, are less than the amount of
1776 its original capital or required unimpaired funds. Such
1777 administrative fine shall not exceed Five Thousand Dollars
1778 (\$5,000.00) per violation and shall be deposited into the special
1779 fund in the State Treasury designated as the "Insurance Department
1780 Fund."



1781 From and after July 1, 2016, the expenses of this agency
1782 shall be defrayed by appropriation from the State General Fund and
1783 all user charges and fees authorized under this section shall be
1784 deposited into the State General Fund as authorized by law.

1785 From and after July 1, 2016, no state agency shall charge
1786 another state agency a fee, assessment, rent or other charge for
1787 services or resources received by authority of this section.

1788 **SECTION 22.** Section 83-5-41, Mississippi Code of 1972, is
1789 amended as follows:

1790 83-5-41. (1) If, after such hearing, the commissioner shall
1791 determine that the method of competition or the act or practice in
1792 question is defined in Section 83-5-35, and that the person
1793 complained of has engaged in such method of competition, act or
1794 practice in violation of Sections 83-5-29 through 83-5-51, he
1795 shall reduce his findings to writing and shall issue and cause to
1796 be served upon the person charged with the violation an order
1797 requiring such person to cease and desist from engaging in such
1798 method of competition, act or practice. In addition to, or in
1799 lieu of, the cease and desist order, the commissioner may, after
1800 such hearing, impose an administrative fine not to exceed Five
1801 Thousand Dollars (\$5,000.00) per violation, which shall be
1802 deposited into the special fund in the State Treasury designated
1803 as the "Insurance Department Fund."

1804 (2) Until the expiration of the time allowed under Section
1805 83-5-43(1) for filing a petition for review (by appeal), if no



1806 such petition has been duly filed within such time or, if the
1807 petition for review has been filed within such time, then until
1808 the transcript of the record in the proceeding has been filed in
1809 the circuit court, as hereinafter provided, the commissioner may
1810 at any time, upon such notice and in such manner as he shall deem
1811 proper, modify or set aside in whole or in part any order issued
1812 by him under this section.

1813 (3) After the expiration of the time allowed for filing such
1814 a petition for review, if no such petition has been duly filed
1815 within such time, the commissioner may, at any time after notice
1816 and opportunity for hearing, reopen and alter, modify, or set
1817 aside, in whole or in part, any order issued by him under this
1818 section whenever in his opinion conditions of fact or of law have
1819 so changed as to require such action, or if the public interest
1820 shall so require.

1821 (4) From and after July 1, 2016, the expenses of this agency
1822 shall be defrayed by appropriation from the State General Fund and
1823 all user charges and fees authorized under this section shall be
1824 deposited into the State General Fund as authorized by law.

1825 (5) From and after July 1, 2016, no state agency shall
1826 charge another state agency a fee, assessment, rent or other
1827 charge for services or resources received by authority of this
1828 section.

1829 **SECTION 23.** Section 83-5-45, Mississippi Code of 1972, is
1830 amended as follows:



1831 83-5-45. (1) Whenever the commissioner shall have reason to
1832 believe that any person engaged in the business of insurance is
1833 engaging in this state in any method of competition or in any act
1834 or practice in the conduct of such business which is not defined
1835 in Section 83-5-35, that such method of competition is unfair or
1836 that such act or practice is unfair or deceptive, and that a
1837 proceeding by him in respect thereto would be to the interest of
1838 the public, he may issue and serve upon such person a statement of
1839 the charges in that respect and a notice of a hearing thereon to
1840 be held at a time and place fixed in the notice, which shall not
1841 be less than ten (10) days after the date of the service thereof.
1842 Each such hearing shall be conducted in the same manner as the
1843 hearings provided in Section 83-5-39. The commissioner shall,
1844 after such hearing, make a report in writing in which he shall
1845 state his findings as to the facts, and he shall serve a copy
1846 thereof upon such person.

1847 (2) If such report charges a violation of Sections 83-5-29
1848 through 83-5-51, and if such method of competition, act or
1849 practice has not been discontinued, the commissioner may, through
1850 the Attorney General of this state, at any time after thirty (30)
1851 days after the service of such report, cause a petition to be
1852 filed in the circuit court of this state within the district
1853 wherein the person resides, or has his principal place of
1854 business, to enjoin and restrain such person from engaging in such
1855 method, act or practice. The court shall have jurisdiction of the



1856 proceeding and shall have power to make and enter appropriate
1857 orders in connection therewith and to issue such writs as are
1858 ancillary to its jurisdiction or are necessary in its judgment to
1859 prevent injury to the public pendente lite.

1860 (3) A transcript of the proceedings before the commissioner,
1861 including all evidence taken and the report and findings, shall be
1862 filed with such petition. If either party shall apply to the
1863 court for leave to adduce additional evidence and shall show, to
1864 the satisfaction of the court, that such additional evidence is
1865 material and there were reasonable grounds for the failure to
1866 adduce such evidence in the proceeding before the commissioner,
1867 the court may order such additional evidence to be taken before
1868 the commissioner and to be adduced upon the hearing in such manner
1869 and upon such terms and conditions as to the court may seem
1870 proper. The commissioner may modify his findings of fact or make
1871 new findings by reason of the additional evidence so taken, and he
1872 shall file such modified or new findings with the return of such
1873 additional evidence.

1874 (4) If the court finds that the method of competition
1875 complained of is unfair or that the act or practice complained of
1876 is unfair or deceptive, that the proceeding by the commissioner
1877 with respect thereto is to the interest of the public, and that
1878 the findings of the commissioner are supported by substantial
1879 evidence, it shall issue its order enjoining and restraining the
1880 continuance of such method of competition, act or practice.



1881 (5) In addition to, or in lieu of, filing, through the
1882 Attorney General, a petition for a cease and desist order, the
1883 commissioner may, after a hearing in accordance with subsection
1884 (1), impose an administrative fine not to exceed Five Thousand
1885 Dollars (\$5,000.00) per violation, which shall be deposited into
1886 the special fund in the State Treasury designated as the
1887 "Insurance Department Fund."

1888 (6) From and after July 1, 2016, the expenses of this agency
1889 shall be defrayed by appropriation from the State General Fund and
1890 all user charges and fees authorized under this section shall be
1891 deposited into the State General Fund as authorized by law.

1892 (7) From and after July 1, 2016, no state agency shall
1893 charge another state agency a fee, assessment, rent or other
1894 charge for services or resources received by authority of this
1895 section.

1896 **SECTION 24.** Section 83-5-69, Mississippi Code of 1972, is
1897 amended as follows:

1898 83-5-69. Any company that neglects to make and file its
1899 quarterly and annual statement within the time provided in this
1900 chapter shall pay to the Commissioner of Insurance One Hundred
1901 Dollars (\$100.00) for each day's neglect, which penalty shall be
1902 deposited into the special fund in the State Treasury designated
1903 as the "Insurance Department Fund"; and upon notice by the
1904 commissioner to that effect, its authority to do new business
1905 shall cease while such default continues. For willfully making a



1906 false annual, quarterly or other statement it is required by law
1907 to make, any insurance company, association or order, and the
1908 person making oath to or subscribing the same, shall severally be
1909 guilty of a misdemeanor; and, upon conviction, be punished by a
1910 fine of not less than Five Hundred Dollars (\$500.00) nor more than
1911 One Thousand Dollars (\$1,000.00). Any person making oath to such
1912 false statement shall be guilty of the crime of perjury.

1913 From and after July 1, 2016, the expenses of this agency
1914 shall be defrayed by appropriation from the State General Fund and
1915 all user charges and fees authorized under this section shall be
1916 deposited into the State General Fund as authorized by law.

1917 From and after July 1, 2016, no state agency shall charge
1918 another state agency a fee, assessment, rent or other charge for
1919 services or resources received by authority of this section.

1920 **SECTION 25.** Section 83-5-72, Mississippi Code of 1972, is
1921 amended as follows:

1922 83-5-72. All life, health and accident insurance companies
1923 and health maintenance organizations doing business in this state
1924 shall contribute annually, at such times as the Insurance
1925 Commissioner shall determine, in proportion to their gross
1926 premiums collected within the State of Mississippi during the
1927 preceding year, to a special fund in the State Treasury to be
1928 known as the "Insurance Department Fund" to be expended by the
1929 Insurance Commissioner in the payment of the expenses of the
1930 Department of Insurance as the commissioner may deem necessary.



1931 The commissioner is hereby authorized to employ such actuarial and
1932 other assistance as shall be necessary to carry out the duties of
1933 the department; and the employees shall be under the authority and
1934 direction of the Insurance Commissioner. The amount to be
1935 contributed annually to the fund shall be fixed each year by the
1936 Insurance Commissioner at a percentage of the gross premiums so
1937 collected during the preceding year. However, a minimum
1938 assessment of One Hundred Dollars (\$100.00) shall be charged each
1939 licensed life, health and accident insurance company regardless of
1940 the gross premium amount collected during the preceding year.

1941 The total contributions collected for the Insurance
1942 Department Fund shall not exceed the sum of Seven Hundred Fifty
1943 Thousand Dollars (\$750,000.00) in each fiscal year.

1944 From and after July 1, 2016, the expenses of this agency
1945 shall be defrayed by appropriation from the State General Fund and
1946 all user charges and fees authorized under this section shall be
1947 deposited into the State General Fund as authorized by law.

1948 From and after July 1, 2016, no state agency shall charge
1949 another state agency a fee, assessment, rent or other charge for
1950 services or resources received by authority of this section.

1951 **SECTION 26.** Section 83-5-73, Mississippi Code of 1972, is
1952 amended as follows:

1953 83-5-73. The commissioner shall collect and pay into the
1954 special fund in the State Treasury designated as the "Insurance
1955 Department Fund" the following fees: for certificate of authority



1956 to each general or district agent or manager, Twenty-five Dollars
1957 (\$25.00); for filing and processing an agent's certificate of
1958 authority, Twenty-five Dollars (\$25.00); for filing and examining
1959 statement preliminary to admission, One Thousand Dollars
1960 (\$1,000.00); for filing and processing a Form A application, Two
1961 Thousand Dollars (\$2,000.00); for filing and auditing annual
1962 statement, Five Hundred Dollars (\$500.00); for filing any other
1963 paper required by law, Fifty Dollars (\$50.00); for continuing
1964 education courses or programs filed by the providers for approval,
1965 Fifty Dollars (\$50.00); for each certification company licensed
1966 status, Forty Dollars (\$40.00); for each seal when required,
1967 Twenty Dollars (\$20.00); for service of process on the
1968 commissioner as attorney, Twenty-five Dollars (\$25.00).

1969 From and after July 1, 2016, the expenses of this agency
1970 shall be defrayed by appropriation from the State General Fund and
1971 all user charges and fees authorized under this section shall be
1972 deposited into the State General Fund as authorized by law.

1973 From and after July 1, 2016, no state agency shall charge
1974 another state agency a fee, assessment, rent or other charge for
1975 services or resources received by authority of this section.

1976 **SECTION 27.** Section 83-5-77, Mississippi Code of 1972, is
1977 amended as follows:

1978 83-5-77. For publication of annual statement, there shall be
1979 a fee of Eighty Dollars (\$80.00), Forty Dollars (\$40.00) of which
1980 shall be paid to the publishers and Forty Dollars (\$40.00) paid to



1981 the special fund in the State Treasury known as the "Insurance
1982 Department Fund". The commissioner shall receive for copy of any
1983 record or paper in his office, Fifty Cents (50¢) per page, and
1984 Twenty Dollars (\$20.00) for certifying same, or any fact or data
1985 from the records of the office.

1986 From and after July 1, 2016, the expenses of this agency
1987 shall be defrayed by appropriation from the State General Fund and
1988 all user charges and fees authorized under this section shall be
1989 deposited into the State General Fund as authorized by law.

1990 From and after July 1, 2016, no state agency shall charge
1991 another state agency a fee, assessment, rent or other charge for
1992 services or resources received by authority of this section.

1993 **SECTION 28.** Section 83-9-3, Mississippi Code of 1972, is
1994 amended as follows:

1995 83-9-3. (1) No policy of accident and sickness insurance
1996 shall be delivered or issued for delivery to any person in this
1997 state unless:

1998 (a) The entire money and other considerations therefor
1999 are expressed therein; and

2000 (b) The time at which the insurance takes effect and
2001 terminates is expressed therein; and

2002 (c) It purports to insure only one (1) person, except
2003 that a policy may insure, originally or by subsequent amendment,
2004 upon the application of an adult member of a family who shall be
2005 deemed the policyholder, any two (2) or more eligible members of



2006 that family, including husband, wife, dependent children or any
2007 children under a specified age which shall not exceed nineteen
2008 (19) years, and any other person dependent upon the policyholder;
2009 and

2010 (d) The style, arrangement and overall appearance of
2011 the policy give no undue prominence to any portion of the text,
2012 and unless every printed portion of the text of the policy and of
2013 any endorsements or attached papers is plainly printed in
2014 lightfaced type of a style in general use, the size of which shall
2015 be uniform and not less than ten-point with a lowercase unspaced
2016 alphabet length not less than one-hundred-twenty-point (the "text"
2017 shall include all printed matter except the name and address of
2018 the insurer, name or title of the policy, the brief description if
2019 any, and captions and subcaptions); and

2020 (e) The exceptions and reductions of indemnity are set
2021 forth in the policy and, except those which are set forth in
2022 Section 83-9-5, are printed, at the insurer's option, either with
2023 the benefit provision to which they apply, or under an appropriate
2024 caption such as "Exceptions" or "Exceptions and Reductions,"
2025 provided that if an exception or reduction specifically applies
2026 only to a particular benefit of the policy, a statement of such
2027 exception or reduction shall be included with the benefit
2028 provision to which it applies; and



2029 (f) Each such form, including riders and endorsements,
2030 shall be identified by a form number in the lower left-hand corner
2031 of the first page thereof; and

2032 (g) It contains no provision purporting to make any
2033 portion of the charter, rules, constitution or bylaws of the
2034 insurer a part of the policy unless such portion is set forth in
2035 full in the policy, except in the case of the incorporation of, or
2036 reference to, a statement of rates or classification of risks, or
2037 short-rate table filed with the commissioner.

2038 (2) No individual or group policy covering health and
2039 accident insurance (including experience-rated insurance
2040 contracts, indemnity contracts, self-insured plans and self-funded
2041 plans), or any group combinations of these coverages, shall be
2042 issued by any commercial insurer doing business in this state
2043 which, by the terms of such policy, limits or excludes payment
2044 because the individual or group insured is eligible for or is
2045 being provided medical assistance under the Mississippi Medicaid
2046 Law. Any such policy provision in violation of this section shall
2047 be invalid.

2048 (3) No individual or group policy covering health and
2049 accident insurance (including experience-rated insurance
2050 contracts, indemnity contracts, self-insured plans and self-funded
2051 plans) or any group combinations of these coverages, shall be
2052 issued by any commercial insurer doing business in this state,
2053 which, by the terms of such policy, limits or restricts the



2054 insured's ability to assign the insured's benefits under the
2055 policy to a licensed health care provider that provides health
2056 care services to the insured. Commercial insurers doing business
2057 in this state shall honor an assignment for a period of one (1)
2058 year starting from the initial date of an assignment or until the
2059 insured revokes the assignment, whichever occurs first. Any such
2060 policy provision in violation of this subsection shall be invalid.

2061 (4) If any policy is issued by an insurer domiciled in this
2062 state for delivery to a person residing in another state, and if
2063 the official having responsibility for the administration of the
2064 insurance laws of such other state shall have advised the
2065 commissioner that any such policy is not subject to approval or
2066 disapproval by such official, the commissioner may, by ruling,
2067 require that such policy meet the standards set forth in
2068 subsection (1) of this section and in Section 83-9-5.

2069 (5) The commissioner shall collect and pay into the special
2070 fund in the State Treasury designated as the "Insurance Department
2071 Fund" the following fees for services provided under this section:

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



2079	is required and is to be made a part of the policy or	
2080	contract.....	10.00
2081	Each questionnaire.....	7.00
2082	Charge for resubmission where payment is not included	
2083	with original submission.....	5.00
2084	Additional charge for tentative approval same as above.	

2085 (6) In order to expedite and become more efficient in
2086 reviewing and approving accident and health form and rate filings,
2087 the commissioner may establish an expedited form and rate review
2088 procedure whereby insurers may elect to pay reasonable actuarial
2089 fees directly to a department-approved actuarial service in
2090 exchange for an expedited review of form and rate filings by the
2091 actuarial service. The commissioner may make such reasonable
2092 rules and regulations concerning the expedited procedure, and may
2093 set reasonable fees for the actuarial services provided. This
2094 provision shall not abridge any other authority granted to the
2095 commissioner by law, including the authority to collect the filing
2096 fees prescribed by this section.

2097 (7) From and after July 1, 2016, the expenses of this agency
2098 shall be defrayed by appropriation from the State General Fund and
2099 all user charges and fees authorized under this section shall be
2100 deposited into the State General Fund as authorized by law.

2101 (8) From and after July 1, 2016, no state agency shall
2102 charge another state agency a fee, assessment, rent or other



2103 charge for services or resources received by authority of this
2104 section.

2105 **SECTION 29.** Section 83-17-71, Mississippi Code of 1972, is
2106 amended as follows:

2107 83-17-71. (1) The commissioner may place on probation,
2108 suspend, revoke or refuse to issue or renew an insurance
2109 producer's license or may levy a civil penalty in an amount not to
2110 exceed One Thousand Dollars (\$1,000.00) per violation and such
2111 penalty shall be deposited into the special fund of the State
2112 Treasury designated as the "Insurance Department Fund" for any one
2113 or more of the following causes:

2114 (a) Providing incorrect, misleading, incomplete or
2115 materially untrue information in the license application;

2116 (b) Violating any insurance laws, or violating any
2117 regulation, subpoena or order of the commissioner or of another
2118 state's commissioner;

2119 (c) Obtaining or attempting to obtain a license through
2120 misrepresentation or fraud;

2121 (d) Improperly withholding, misappropriating or
2122 converting any monies or properties received in the course of
2123 doing insurance business;

2124 (e) Intentionally misrepresenting the terms of an
2125 actual or proposed insurance contract or application for
2126 insurance;

2127 (f) Having been convicted of a felony;



2128 (g) Having admitted or been found to have committed any
2129 insurance unfair trade practice or fraud;

2130 (h) Using fraudulent, coercive or dishonest practices
2131 or demonstrating incompetence, untrustworthiness or financial
2132 irresponsibility in the conduct of business in this state or
2133 elsewhere;

2134 (i) Having an insurance producer license, or its
2135 equivalent, denied, suspended or revoked in any other state,
2136 province, district or territory;

2137 (j) Forging another's name to an application for
2138 insurance or to any document related to an insurance transaction;

2139 (k) Improperly using notes or any other reference
2140 material to complete an examination for an insurance license;

2141 (l) Knowingly accepting insurance business from an
2142 individual who is not licensed;

2143 (m) Failing to comply with an administrative or court
2144 order imposing a child support obligation; or

2145 (n) Failing to pay state income tax or comply with any
2146 administrative or court order directing payment of state income
2147 tax.

2148 (2) If the action by the commissioner is to nonrenew or to
2149 deny an application for a license, the commissioner shall notify
2150 the applicant or licensee and advise, in writing, the applicant or
2151 licensee of the reason for the denial or nonrenewal of the
2152 applicant's or licensee's license. The applicant or licensee may



2153 make written demand upon the commissioner within ten (10) days for
2154 a hearing before the commissioner to determine the reasonableness
2155 of the commissioner's action. The hearing shall be held within
2156 thirty (30) days.

2157 (3) The license of a business entity may be suspended,
2158 revoked or refused if the commissioner finds, after hearing, that
2159 an individual licensee's violation was known or should have been
2160 known by one or more of the partners, officers or managers acting
2161 on behalf of the partnership or corporation and the violation was
2162 neither reported to the commissioner nor corrective action taken.

2163 (4) In addition to, or in lieu of, any applicable denial,
2164 suspension or revocation of a license, a person may, after
2165 hearing, be subject to a civil fine not to exceed One Thousand
2166 Dollars (\$1,000.00) per violation and such fine shall be deposited
2167 into the special fund in the State Treasury designated as the
2168 "Insurance Department Fund."

2169 (5) The commissioner shall retain the authority to enforce
2170 the provisions of and impose any penalty or remedy authorized by
2171 this article and Title 83, Mississippi Code of 1972, against any
2172 person who is under investigation for or charged with a violation
2173 of this article or Title 83, Mississippi Code of 1972, even if the
2174 person's license or registration has been surrendered or has
2175 lapsed by operation of law.

2176 (6) No licensee whose license has been revoked hereunder
2177 shall be entitled to file another application for a license as a



2178 producer within one (1) year from the effective date of such
2179 revocation or, if judicial review of such revocation is sought,
2180 within one (1) year from the date of final court order or decree
2181 affirming such revocation. Such application, when filed, may be
2182 refused by the commissioner unless the applicant shows good cause
2183 why the revocation of his license shall not be deemed a bar to the
2184 issuance of a new license.

2185 (7) From and after July 1, 2016, the expenses of this agency
2186 shall be defrayed by appropriation from the State General Fund and
2187 all user charges and fees authorized under this section shall be
2188 deposited into the State General Fund as authorized by law.

2189 (8) From and after July 1, 2016, no state agency shall
2190 charge another state agency a fee, assessment, rent or other
2191 charge for services or resources received by authority of this
2192 section.

2193 **SECTION 30.** Section 83-17-519, Mississippi Code of 1972, is
2194 amended as follows:

2195 83-17-519. (1) A license may be refused, or a license duly
2196 issued may be suspended or revoked or the renewal thereof refused
2197 by the commissioner, or the commissioner may levy a civil penalty
2198 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
2199 violation, or both, and any such penalty shall be deposited into
2200 the special fund of the State Treasury designated as the
2201 "Insurance Department Fund," if, after notice and hearing as



2202 hereinafter provided, he finds that the applicant for, or holder
2203 of, such license:

2204 (a) Has intentionally made a material misstatement in
2205 the application for such license; or

2206 (b) Has obtained, or attempted to obtain, such license
2207 by fraud or misrepresentation; or

2208 (c) Has misappropriated or converted to his own use or
2209 illegally withheld money belonging to another person or entity; or

2210 (d) Has otherwise demonstrated lack of trustworthiness
2211 or competence to act as a public adjuster; or

2212 (e) Has been guilty of fraudulent or dishonest
2213 practices or has been convicted of a felony; or

2214 (f) Has materially misrepresented the terms and
2215 conditions of insurance policies or contracts or failed to
2216 identify himself as a public adjuster; or

2217 (g) Has obtained or attempted to obtain such license
2218 for a purpose other than holding himself out to the general public
2219 as a public adjuster; or

2220 (h) Has violated any insurance laws, or any regulation,
2221 subpoena or order of the commissioner or of another state's
2222 commissioner of insurance.

2223 (2) Before any license shall be refused (except for failure
2224 to pass a required written examination) or suspended or revoked or
2225 the renewal thereof refused hereunder, the commissioner shall give
2226 notice of his intention so to do, by certified mail, return



2227 receipt requested, to the applicant for or holder of such license,
2228 and shall set a date not less than twenty (20) days from the date
2229 of mailing such notice when the applicant or licensee may appear
2230 to be heard and produce evidence in opposition to such refusal,
2231 suspension or revocation. Such notice shall constitute automatic
2232 suspension of license if the person involved is a licensed public
2233 adjuster. In the conduct of such hearing, the commissioner or any
2234 regular salaried employee of the department specially designated
2235 by him for such purpose shall have the power to administer oaths,
2236 to require the appearance of and examine any person under oath,
2237 and to require the production of books, records or papers relevant
2238 to the inquiry upon his own initiative or upon the request of the
2239 applicant or licensee. Upon the termination of such hearing,
2240 findings shall be reduced to writing and, upon approval by the
2241 commissioner, shall be filed in his office; and notice of the
2242 findings shall be sent by certified mail, return receipt
2243 requested, to the applicant or licensee.

2244 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
2245 of this section are the grounds for any hearing, the commissioner
2246 may, in his discretion in lieu of the hearing provided for in
2247 subsection (2) of this section, file a petition requesting the
2248 court to suspend or revoke any license authorized hereunder in a
2249 court of competent jurisdiction of the county or district in which
2250 the alleged offense occurred. In such cases, subpoenas may be
2251 issued for witnesses, and mileage and witness fees paid as in



2252 other cases. All costs of such cause shall be paid by the
2253 defendant, if the finding of the court be against him.

2254 (4) No licensee whose license has been revoked hereunder
2255 shall be entitled to file another application for a license as a
2256 public adjuster within one (1) year from the effective date of
2257 such revocation or, if judicial review of such revocation is
2258 sought, within one (1) year from the date of final court order or
2259 decree affirming such revocation. An application filed after such
2260 one-year period shall be refused by the commissioner unless the
2261 applicant shows good cause why the revocation of his license shall
2262 not be deemed a bar to the issuance of a new license.

2263 (5) From and after July 1, 2016, the expenses of this agency
2264 shall be defrayed by appropriation from the State General Fund and
2265 all user charges and fees authorized under this section shall be
2266 deposited into the State General Fund as authorized by law.

2267 (6) From and after July 1, 2016, no state agency shall
2268 charge another state agency a fee, assessment, rent or other
2269 charge for services or resources received by authority of this
2270 section.

2271 **SECTION 31.** Section 83-19-21, Mississippi Code of 1972, is
2272 amended as follows:

2273 83-19-21. If it appears that the requirements of the law
2274 herein have been complied with, the commissioner shall collect a
2275 fee of Two Hundred Dollars (\$200.00), to be paid into the special
2276 fund in the State Treasury designated as the "Insurance Department



2277 Fund" and shall certify the fact and his approval of the articles
2278 of association, by endorsement thereon. The commissioner shall
2279 also collect a fee of Fifty Dollars (\$50.00) for any amendment
2280 filed thereon and such fee shall be deposited into the "Insurance
2281 Department Fund."

2282 From and after July 1, 2016, the expenses of this agency
2283 shall be defrayed by appropriation from the State General Fund and
2284 all user charges and fees authorized under this section shall be
2285 deposited into the State General Fund as authorized by law.

2286 From and after July 1, 2016, no state agency shall charge
2287 another state agency a fee, assessment, rent or other charge for
2288 services or resources received by authority of this section.

2289 **SECTION 32.** Section 83-21-1, Mississippi Code of 1972, is
2290 amended as follows:

2291 83-21-1. No foreign insurance, indemnity or guaranty company
2292 or other insurer shall be admitted and authorized to do business
2293 in this state until:

2294 (a) It shall deposit with the Commissioner of Insurance
2295 a certified copy of its charter, articles of incorporation, bylaws
2296 or deed of settlement, and shall pay for the filing of such
2297 document the sum of One Thousand Dollars (\$1,000.00) and a
2298 statement of its financial condition and business in such form and
2299 detail as he may require, signed and sworn to by its president and
2300 secretary or other proper officer.



2301 (b) It shall satisfy the commissioner that it is fully
2302 and legally organized under the laws of its state or government to
2303 do the business it proposes to transact; and such capital or net
2304 assets are well invested and immediately available for the payment
2305 of losses in this state, and that it insures on any single hazard
2306 a sum no larger than one-tenth (1/10) of its net assets.

2307 (c) It shall, by a duly executed instrument filed in
2308 his office, constitute and appoint the Commissioner of Insurance,
2309 and his successor, its true and lawful attorney, upon whom all
2310 process in any action or legal proceeding against it may be
2311 served, and therein shall agree that any process against it which
2312 may be served upon its attorney shall be of the same force and
2313 validity as if served on the company, and the authority thereof
2314 shall continue in force irrevocable so long as any liability of
2315 the company remains outstanding in this state. The service of
2316 such process shall be made by leaving a copy of the same in the
2317 hands or office of the commissioner. Copies of such instrument
2318 certified by the commissioner shall be deemed sufficient evidence
2319 thereof, and service upon such attorney shall be deemed sufficient
2320 service upon the principal.

2321 (d) It shall appoint as its agent or agents in this
2322 state some resident or residents thereof, other than the
2323 commissioner; such appointment to be made in writing, signed by
2324 the president and secretary or manager or general agent, and filed
2325 in the office of the commissioner, authorizing the agent to



2326 acknowledge service of process for and on behalf of the company,
2327 consenting that service of process on the agent shall be as valid
2328 as if served upon the company, according to the laws of this
2329 state, and waiving all claims of error by reason of such service.

2330 (e) It shall obtain from the commissioner a certificate
2331 that it has complied with the laws of the state and is authorized
2332 to make contracts of insurance.

2333 (f) Such fees collected by the commissioner shall be
2334 deposited in the special fund in the State Treasury designated as
2335 the "Insurance Department Fund."

2336 From and after July 1, 2016, the expenses of this agency
2337 shall be defrayed by appropriation from the State General Fund and
2338 all user charges and fees authorized under this section shall be
2339 deposited into the State General Fund as authorized by law.

2340 From and after July 1, 2016, no state agency shall charge
2341 another state agency a fee, assessment, rent or other charge for
2342 services or resources received by authority of this section.

2343 **SECTION 33.** Section 83-37-29, Mississippi Code of 1972, is
2344 amended as follows:

2345 83-37-29. Any person, firm, association, or corporation
2346 engaging in the business herein described without first having
2347 complied with the provisions hereof, or any person who shall
2348 knowingly make any false statement in the reports required by this
2349 chapter as determined by the Commissioner of Insurance after
2350 written notice and hearing, shall be assessed a penalty for each



2351 violation of not less than Two Hundred Fifty Dollars (\$250.00) nor
2352 more than Five Hundred Dollars (\$500.00), and in addition thereto
2353 shall forfeit the license to do business in this state. Funds
2354 from such penalties shall be deposited with the State Treasurer to
2355 be placed in a fund designated as the "Insurance Department Fund."

2356 From and after July 1, 2016, the expenses of this agency
2357 shall be defrayed by appropriation from the State General Fund and
2358 all user charges and fees authorized under this section shall be
2359 deposited into the State General Fund as authorized by law.

2360 From and after July 1, 2016, no state agency shall charge
2361 another state agency a fee, assessment, rent or other charge for
2362 services or resources received by authority of this section.

2363 **SECTION 34.** Section 83-39-3, Mississippi Code of 1972, is
2364 amended as follows:

2365 83-39-3. (1) No person shall act in the capacity of
2366 professional bail agent, soliciting bail agent or bail enforcement
2367 agent, as defined in Section 83-39-1, or perform any of the
2368 functions, duties or powers of the same unless that person shall
2369 be qualified and licensed as provided in this chapter. The terms
2370 of this chapter shall not apply to any automobile club or
2371 association, financial institution, insurance company or other
2372 organization or association or their employees who execute bail
2373 bonds on violations arising out of the use of a motor vehicle by
2374 their members, policyholders or borrowers when bail bond is not



2375 the principal benefit of membership, the policy of insurance or of
2376 a loan to such member, policyholder or borrower.

2377 (2) (a) No license shall be issued or renewed except in
2378 compliance with this chapter, and none shall be issued except to
2379 an individual. No firm, partnership, association or corporation,
2380 as such, shall be so licensed. No professional bail agent shall
2381 operate under more than one (1) trade name. A soliciting bail
2382 agent and bail enforcement agent shall operate only under the
2383 professional bail agent's name. No license shall be issued to or
2384 renewed for any person who has ever been convicted of a felony or
2385 any crime involving moral turpitude or who is under twenty-one
2386 (21) years of age. No person engaged as a law enforcement or
2387 judicial official or attorney shall be licensed hereunder. A
2388 person who is employed in any capacity at any jail or corrections
2389 facility that houses state, county or municipal inmates who are or
2390 may be eligible for bail, whether the person is a public employee,
2391 independent contractor, or the employee of an independent
2392 contractor, may not be licensed under this section.

2393 (b) (i) No person who is a relative of either a sworn
2394 state, county or municipal law enforcement official or judicial
2395 official, or an employee, independent contractor or the
2396 contractor's employee of any police department, sheriff's
2397 department, jail or corrections facility that houses or holds
2398 federal, state, county or municipal inmates who are or may be
2399 eligible for bail, shall write a bond in the county where the law



2400 enforcement entity or court in which the person's relative serves
2401 is located. "Relative" means a spouse, parent, grandparent,
2402 child, sister, brother, or a consanguineous aunt, uncle, niece or
2403 nephew. Violation of this prohibition shall result in license
2404 revocation.

2405 (ii) No person licensed under this chapter shall
2406 act as a personal surety agent in the writing of bail during a
2407 period he or she is licensed as a limited surety agent, as defined
2408 herein.

2409 (iii) No person licensed under this chapter shall
2410 give legal advice or a legal opinion in any form.

2411 (3) The department is vested with the authority to enforce
2412 this chapter. The department may conduct investigations or
2413 request other state, county or local officials to conduct
2414 investigations and promulgate such rules and regulations as may be
2415 necessary for the enforcement of this chapter. The department may
2416 establish monetary fines and collect such fines as necessary for
2417 the enforcement of such rules and regulations. All fines
2418 collected shall be deposited in the Special Insurance Department
2419 Fund for the operation of that agency.

2420 (4) (a) Each license issued hereunder shall expire
2421 biennially on the last day of September of each odd-numbered year,
2422 unless revoked or suspended prior thereto by the department, or
2423 upon notice served upon the commissioner by the insurer that the
2424 authority of a limited surety agent to act for or on behalf of



2425 such insurer had been terminated, or upon notice served upon the
2426 commissioner that the authority of a soliciting bail agent or bail
2427 enforcement agent had been terminated by such professional bail
2428 agent.

2429 (b) A soliciting bail agent or bail enforcement agent
2430 may, upon termination by a professional bail agent or upon his
2431 cessation of employment with a professional bail agent, be
2432 relicensed without having to comply with the provisions of
2433 subsection (7) (a) and (b) of this section, if he has held a
2434 license in his respective license category within ninety (90) days
2435 of the new application, meets all other requirements set forth in
2436 Section 83-39-5 and subsection (7) (b) of this section, and
2437 notifies the previous professional bail agent in writing that he
2438 is submitting an application for a new license.

2439 (5) The department shall prepare and deliver to each
2440 licensee a license showing the name, address and classification of
2441 the licensee, and shall certify that the person is a licensed
2442 professional bail agent, being designated as a personal surety
2443 agent or a limited surety agent, a soliciting bail agent or a bail
2444 enforcement agent. In addition, the license of a soliciting bail
2445 agent or bail enforcement agent, shall show the name of the
2446 professional bail agent and any other information as the
2447 commissioner deems proper.

2448 (6) The commissioner, after a hearing under Section
2449 83-39-17, may refuse to issue a privilege license for a soliciting



2450 bail agent to change from one (1) professional bail agent to
2451 another if he owes any premium or debt to the professional bail
2452 agent with whom he is currently licensed. The commissioner, after
2453 a hearing under Section 83-39-17, shall refuse to issue a license
2454 for a limited surety agent if he owes any premium or debt to an
2455 insurer to which he has been appointed. If a license has been
2456 granted to a limited surety agent or a soliciting bail agent who
2457 owed any premium or debt to an insurer or professional bail agent,
2458 the commissioner, after a hearing under Section 83-39-17, shall
2459 revoke the license.

2460 (7) (a) Before the issuance of any initial professional
2461 bail agent, soliciting bail agent or bail enforcement agent
2462 license, the applicant shall submit proof of successful completion
2463 of forty (40) classroom hours of prelicensing education approved
2464 by the Professional Bail Agents Association of Mississippi, Inc.,
2465 and conducted by persons or entities approved by the Professional
2466 Bail Agents Association of Mississippi, Inc., unless the applicant
2467 is currently licensed under this chapter on July 1, 2014, and has
2468 maintained that license in compliance with the continuing
2469 education requirements of subsection (8) of this section. The
2470 hours required by this subsection shall be classroom hours and may
2471 not be acquired through correspondence or over the Internet. Any
2472 applicant who has met all continuing education requirements as set
2473 forth in subsection (8)(a) of this section and has been properly
2474 licensed under this chapter within ninety (90) days of submitting



2475 an application for a license shall not be subject to the
2476 prelicensing education requirement.

2477 (b) All applicants for a professional bail agent,
2478 soliciting bail agent or bail enforcement agent license applying
2479 for an original license after July 1, 2014, shall successfully
2480 complete a limited examination by the department for the
2481 restricted lines of business before the license can be issued;
2482 however, this examination requirement shall not apply to any
2483 licensed bail soliciting agent and bail enforcement agent
2484 transferring to another professional bail agent license, any
2485 licensed bail soliciting agent applying for a bail enforcement
2486 agent license, and any licensed bail enforcement agent applying
2487 for a bail soliciting agent license. An applicant shall only be
2488 required to successfully complete the limited examination once.

2489 (c) Beginning on July 1, 2011, in order to assist the
2490 department in determining an applicant's suitability for a license
2491 under this chapter, the applicant shall submit a set of
2492 fingerprints with the submission of an application for license.
2493 The department shall forward the fingerprints to the Department of
2494 Public Safety for the purpose of conducting a criminal history
2495 record check. If no disqualifying record is identified at the
2496 state level, the Department of Public Safety shall forward the
2497 fingerprints to the Federal Bureau of Investigation for a national
2498 criminal history record check. Fees related to the criminal
2499 history record check shall be paid by the applicant to the



2500 commissioner and the monies from such fees shall be deposited in
2501 the special fund in the State Treasury designated as the
2502 "Insurance Department Fund."

2503 (8) (a) Before the renewal of the license of any
2504 professional bail agent, soliciting bail agent or bail enforcement
2505 agent, the applicant shall submit proof of successful completion
2506 of continuing education hours as follows:

2507 (i) There shall be no continuing education
2508 required for the first licensure year;

2509 (ii) Except as provided in subparagraph (i), eight
2510 (8) classroom hours of continuing education for each year or part
2511 of a year of the two-year license period, for a total of sixteen
2512 (16) hours per license period.

2513 (b) If an applicant for renewal failed to obtain the
2514 required eight (8) hours for each year of the license period
2515 during the actual license year in which the education was required
2516 to be obtained, the applicant shall not be eligible for a renewal
2517 license but shall be required to obtain an original license and be
2518 subject to the education requirements set forth in subsection (7).
2519 The commissioner shall not be required to comply with Section
2520 83-39-17 in denying an application for a renewal license under
2521 this paragraph (b).

2522 (c) The education hours required under this subsection
2523 (8) shall consist of classroom hours approved by the Professional
2524 Bail Agents Association of Mississippi, Inc., and provided by



2525 persons or entities approved by the Professional Bail Agents
2526 Association of Mississippi, Inc. The hours required by this
2527 subsection shall be classroom hours and may not be acquired
2528 through correspondence or over the Internet.

2529 (d) The continuing education requirements under this
2530 subsection (8) shall not be required for renewal of a bail agent
2531 license for any applicant who is sixty-five (65) years of age and
2532 who has been licensed as a bail agent for a continuous period of
2533 twenty (20) years immediately preceding the submission of the
2534 application as evidenced by submission of an affidavit, under
2535 oath, on a form prescribed by the department, signed by the
2536 licensee attesting to satisfaction of the age, licensing, and
2537 experience requirements of this paragraph (d).

2538 (9) No license as a professional bail agent shall be issued
2539 unless the applicant has been duly licensed by the department as a
2540 soliciting bail agent for a period of three (3) consecutive years
2541 immediately preceding the submission of the application. However,
2542 this subsection (9) shall not apply to any person who was licensed
2543 as a professional bail agent before July 1, 2011.

2544 (10) A nonresident person may be licensed as a professional
2545 bail agent, bail soliciting agent or bail enforcement agent if:

2546 (a) The person's home state awards licenses to
2547 residents of this state on the same basis; and

2548 (b) The person has satisfied all requirements set forth
2549 in this chapter.



2550 (11) From and after July 1, 2016, the expenses of this
2551 agency shall be defrayed by appropriation from the State General
2552 Fund and all user charges and fees authorized under this section
2553 shall be deposited into the State General Fund as authorized by
2554 law.

2555 (12) From and after July 1, 2016, no state agency shall
2556 charge another state agency a fee, assessment, rent or other
2557 charge for services or resources received by authority of this
2558 section.

2559 **SECTION 35.** Section 83-73-9, Mississippi Code of 1972, is
2560 amended as follows:

2561 83-73-9. **Suspension or revocation of license.** (1) If a
2562 vendor of portable electronics or its employee, subsidiary
2563 corporation or authorized representative violates any provision of
2564 this section, the commissioner may do any of the following:

2565 (a) After notice and hearing, impose fines not to
2566 exceed One Thousand Dollars (\$1,000.00) per violation or Thirty
2567 Thousand Dollars (\$30,000.00) in the aggregate for such violations
2568 and such penalty shall be deposited into the special fund of the
2569 State Treasury designated as the "Insurance Department Fund."

2570 (b) After notice and hearing, impose other penalties
2571 that the commissioner deems necessary and reasonable to carry out
2572 the purpose of this chapter, including, but not limited to:



2573 (i) Suspending the privilege of transacting
2574 portable electronics insurance pursuant to this section at
2575 specific business locations where violations have occurred;

2576 (ii) Suspending or revoking the ability of
2577 individual employees, subsidiary corporations or authorized
2578 representatives to act under the license; and

2579 (iii) Placing on probation, suspending or revoking
2580 the license of the portable electronics insurance producer.

2581 (2) From and after July 1, 2016, the expenses of this agency
2582 shall be defrayed by appropriation from the State General Fund and
2583 all user charges and fees authorized under this section shall be
2584 deposited into the State General Fund as authorized by law.

2585 (3) From and after July 1, 2016, no state agency shall
2586 charge another state agency a fee, assessment, rent or other
2587 charge for services or resources received by authority of this
2588 section.

2589 **[LAW ENFORCEMENT MINIMUM STANDARDS BOARD]**

2590 **SECTION 36.** Section 45-6-15, Mississippi Code of 1972, is
2591 amended as follows:

2592 45-6-15. (1) (a) Such assessments as are collected under
2593 Section 99-19-73, Mississippi Code of 1972, and contributions,
2594 grants and other monies received by the board under the provisions
2595 of this chapter shall be deposited in a special fund hereby
2596 created in the State Treasury and designated the "Law Enforcement
2597 Officers Training Fund," which shall be expended by the board to



2598 defray the expenses of the program as authorized and appropriated
2599 by the Legislature.

2600 (b) Twenty-five percent (25%) of the assessments
2601 collected under Section 99-19-73, Mississippi Code of 1972, shall
2602 be deposited into the "Jail Officer Training Account" which is
2603 hereby created in the "Law Enforcement Officers Training Fund."
2604 The funds in such account shall be expended by the Board on Jail
2605 Officer Standards and Training to defray the expenses of the jail
2606 officers training program as authorized and appropriated by the
2607 Legislature.

2608 (c) Unexpended amounts remaining in the fund and
2609 account at the end of the fiscal year shall not lapse into the
2610 State General Fund and any interest earned on the fund shall be
2611 deposited to the credit of the fund.

2612 (2) The board may accept for any of its purposes and
2613 functions under this chapter any and all donations, both real and
2614 personal property, and grants of money from any governmental unit
2615 or public agency, or from any institution, person, firm or
2616 corporation.

2617 (3) Money authorized and appropriated by the Legislature
2618 shall be paid by the State Treasurer upon warrants issued by the
2619 Department of Finance and Administration, which shall issue its
2620 warrants upon requisitions signed by the proper person, officer or
2621 officers of the commission, in the manner provided by law.



2622 (4) From and after July 1, 2016, the expenses of this agency
2623 shall be defrayed by appropriation from the State General Fund and
2624 all user charges and fees authorized under this section shall be
2625 deposited into the State General Fund as authorized by law.

2626 (5) From and after July 1, 2016, no state agency shall
2627 charge another state agency a fee, assessment, rent or other
2628 charge for services or resources received by authority of this
2629 section.

2630 **[OIL AND GAS BOARD]**

2631 **SECTION 37.** Section 53-1-77, Mississippi Code of 1972, is
2632 amended as follows:

2633 53-1-77. (1) The State Oil and Gas Supervisor, as ex
2634 officio secretary of such board, shall remit to the State
2635 Treasurer all monies collected by reason of the assessments made
2636 and fixed under the provisions of Section 53-1-73, and the State
2637 Treasurer shall deposit all such monies in a special fund known as
2638 the "Oil and Gas Conservation Fund," which is hereby continued in
2639 effect.

2640 (2) All monies on deposit in the Oil and Gas Conservation
2641 Fund on April 10, 1948, and all monies hereafter deposited in such
2642 fund, shall be held in trust for the use of the board to pay the
2643 expenses and costs incurred in connection with the administration
2644 and enforcement of the oil and gas conservation laws of the State
2645 of Mississippi and the rules, regulations and orders of the State
2646 Oil and Gas Board issued thereunder. Disbursements shall be made



2647 from such fund only upon requisition of the State Oil and Gas
2648 Supervisor, as approved and allowed by the board, and which
2649 requisitions shall be supported by itemized statements thereto
2650 attached showing the purpose or purposes of such expenditures.
2651 Such requisitions shall be drawn upon the State Auditor, who shall
2652 issue a warrant upon said fund. Such warrants so issued shall be
2653 paid by the State Treasurer upon presentation.

2654 (3) The State Oil and Gas Supervisor, as ex officio
2655 secretary of the Oil and Gas Board, shall submit, within ten (10)
2656 days, after the convening of each session of the Legislature, to
2657 the Legislature a detailed report of all receipts, expenditures
2658 and balance on hand, of funds coming to the Oil and Gas Board from
2659 any source whatsoever.

2660 (4) In the event that at any particular time, the Oil and
2661 Gas Conservation Fund contains an amount greater than Two Hundred
2662 Thousand Dollars (\$200,000.00) more than the current fiscal year's
2663 estimated budget, the amount of the excess may be used by the
2664 board and at the board's discretion, to plug any oil or gas well,
2665 including any Class II well, in the state which has been
2666 determined by the board to represent an imminent threat to the
2667 environment and which has been determined by the board to be an
2668 "orphan" well.

2669 (5) The board shall have the authority, in its discretion,
2670 to use whatever legal means available to it to attempt to collect
2671 any amounts so expended from any responsible party. Any amounts



2672 so collected shall be returned to the Oil and Gas Board's
2673 Emergency Plugging Fund created herein.

2674 (6) Amounts of surplus in the Oil and Gas Conservation Fund
2675 of over Two Hundred Thousand Dollars (\$200,000.00) shall be
2676 transferred to a separate special fund of the Oil and Gas Board to
2677 be known as the Emergency Plugging Fund, for the proper plugging
2678 of wells pursuant to this section. The supervisor shall have the
2679 authority, and it shall be his duty to transfer any amounts in the
2680 Emergency Plugging Fund back to the Oil and Gas Conservation Fund
2681 in the event and to the extent to which the Oil and Gas
2682 Conservation Fund should at any time contain less than a Two
2683 Hundred Thousand Dollars (\$200,000.00) surplus.

2684 (7) For purposes of this section, orphan well means any oil
2685 or gas well in the state, including Class II wells, which has not
2686 been properly plugged according to the requirements of the
2687 statutes, rules and regulations governing same and for which a
2688 responsible party such as an owner or operator cannot be located
2689 or for which, for whatever reason, there is no other party which
2690 can be forced to plug the well.

2691 (8) From and after July 1, 2016, the expenses of this agency
2692 shall be defrayed by appropriation from the State General Fund and
2693 all user charges and fees authorized under this section shall be
2694 deposited into the State General Fund as authorized by law.

2695 (9) From and after July 1, 2016, no state agency shall
2696 charge another state agency a fee, assessment, rent or other



2697 charge for services or resources received by authority of this
2698 section.

2699 **SECTION 38.** Section 53-11-23, Mississippi Code of 1972, is
2700 amended as follows:

2701 53-11-23. (1) (a) The board is authorized to adopt
2702 regulations within its jurisdiction to assess sequestration fees
2703 that shall be subject to the approval of the Legislature.

2704 (b) Any monies collected shall be used exclusively:
2705 (i) to pay the expenses and other costs connected with
2706 administration and enforcement of this chapter and the rules,
2707 regulations and orders of the board pursuant to this chapter; and
2708 (ii) to fund the Carbon Dioxide Storage Fund established in this
2709 chapter.

2710 (c) Any per-ton fee shall first be applied to the
2711 administration and enforcement costs of the board's activities
2712 required or authorized by this chapter, and any amount exceeding
2713 those costs shall be transferred to a separate special fund of the
2714 State Oil and Gas Board which is hereby created and is to be known
2715 as the Carbon Dioxide Storage Fund.

2716 (d) Transfers to the Carbon Dioxide Storage Fund from
2717 the per-ton fees shall be made monthly. Transfers from excess
2718 funds collected under subsection (1)(c) of this section may be
2719 made at any time in the fiscal year that the board shall determine
2720 appropriate. At the beginning of the following fiscal year after
2721 the transfer of the excess funds, the rate or rates to be



2722 collected under subsection (1)(c) of this section shall be reduced
2723 to reflect the excess from the prior year.

2724 (e) When the balance in the Carbon Dioxide Storage Fund
2725 reaches or exceeds Two Million Five Hundred Thousand Dollars
2726 (\$2,500,000.00) per geologic sequestration facility, the board
2727 shall abate the per-ton fee, and may adjust the annual regulatory
2728 fee as prescribed herein. The abatement shall be effective at the
2729 beginning of the ensuing fiscal year. When the Carbon Dioxide
2730 Storage Fund is reduced below Two Million Five Hundred Thousand
2731 Dollars (\$2,500,000.00) per geologic sequestration facility, the
2732 per-ton fee shall again be imposed on all geologic storage
2733 operators until such time as the fund shall reach or exceed Two
2734 Million Five Hundred Thousand Dollars (\$2,500,000.00) per geologic
2735 sequestration facility. The imposition of the per-ton fee shall
2736 be effective at the beginning of the ensuing fiscal year.

2737 (f) Monies in the Carbon Dioxide Storage Fund created
2738 in this chapter may be used in the board's discretion but only if
2739 inadequate funds are available from responsible parties including
2740 the financial assurance funds provided in Section 53-11-27(2).
2741 Monies in the Carbon Dioxide Storage Fund shall only be used for
2742 oversight of geologic storage facilities after cessation of
2743 injection at the facility and release of the facility's
2744 performance bond or other assurance of performance and as shall be
2745 necessary or appropriate to satisfy the requirements of the
2746 federal Safe Drinking Water Act, including, without limitation,



2747 matters with respect to closed facilities such as: (i)
2748 inspecting, testing and monitoring of the facility, including
2749 remaining surface facilities and wells; (ii) repairing mechanical
2750 problems associated with remaining wells and surface
2751 infrastructure; and (iii) repairing mechanical leaks at the
2752 facility.

2753 (g) The Carbon Dioxide Storage Fund shall be used for
2754 the purposes set forth in this chapter and for no other
2755 governmental purposes, nor shall any portion of the fund ever be
2756 available to borrow from by any branch of government, it being the
2757 intent of the Legislature that this fund and its increments shall
2758 remain intact and inviolate. Any interest earned on monies in
2759 this fund shall remain in this fund and shall not lapse into the
2760 General Fund.

2761 (2) To facilitate the proper administration of the Class VI
2762 underground injection control program within its jurisdiction, the
2763 commission is authorized to assess and collect fees from Class VI
2764 permit applicants for Class VI underground injection control wells
2765 permitted by the permit board. The commission is further
2766 authorized to promulgate rules and regulations for the assessment
2767 and collection of permit fees for Class VI underground injection
2768 control wells within its jurisdiction.

2769 (3) From and after July 1, 2016, the expenses of this agency
2770 shall be defrayed by appropriation from the State General Fund and



2771 all user charges and fees authorized under this section shall be
2772 deposited into the State General Fund as authorized by law.

2773 (4) From and after July 1, 2016, no state agency shall
2774 charge another state agency a fee, assessment, rent or other
2775 charge for services or resources received by authority of this
2776 section.

2777 **SECTION 39.** Section 53-1-7, Mississippi Code of 1972, is
2778 amended as follows:

2779 53-1-7. The board shall appoint a State Oil and Gas
2780 Supervisor, herein called supervisor, who shall be a competent and
2781 qualified administrator and receive as compensation for his
2782 services an annual salary to be fixed by law. The supervisor
2783 shall be solely responsible for the administration of the offices
2784 of the State Oil and Gas Board and shall be charged with the duty
2785 of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3
2786 through 53-3-165, and all rules, regulations and orders duly
2787 adopted by the board. The supervisor shall be ex officio
2788 secretary of the board and shall give bond, in such sum as the
2789 board may direct, with corporate surety to be approved by the
2790 board, conditioned that he will well and truly account for all
2791 funds coming into his hands as such secretary. He shall remit to
2792 the State Treasurer all * * * monies collected by him as such
2793 secretary for deposit in trust for the use of the board in a
2794 special fund known as the Oil and Gas Conservation Fund to be
2795 expended as provided by law.



2796 The supervisor shall devote his entire time to his official
2797 duties.

2798 In addition, it shall be the supervisor's duty and
2799 responsibility to:

2800 (a) Supervise and manage all personnel of the offices
2801 of the Oil and Gas Board.

2802 (b) Formulate the duties and responsibilities of every
2803 staff employee in detail, including written job descriptions and
2804 written policies and procedures for performing staff tasks.

2805 (c) Outline a detailed method of preparing, and devise
2806 a systematic procedure for the filing of reports by field
2807 inspectors.

2808 (d) Formulate written policies and procedures for the
2809 effective and efficient operation of the office, and present these
2810 policies and procedures to the board for promulgation.

2811 (e) Supervise the provision of technical support and
2812 assistance to the board in its decision-making capacity.

2813 From and after July 1, 2016, the expenses of this agency
2814 shall be defrayed by appropriation from the State General Fund and
2815 all user charges and fees authorized under this section shall be
2816 deposited into the State General Fund as authorized by law.

2817 From and after July 1, 2016, no state agency shall charge
2818 another state agency a fee, assessment, rent or other charge for
2819 services or resources received by authority of this section.



2820 **SECTION 40.** Section 53-1-73, Mississippi Code of 1972, is
2821 amended as follows:

2822 53-1-73. For the purposes of paying the costs and expenses
2823 incurred in connection with the administration and enforcement of
2824 the oil and gas conservation laws of the State of Mississippi and
2825 of the rules, regulations and orders of the State Oil and Gas
2826 Board, there is hereby levied and assessed against each barrel of
2827 oil produced in the State of Mississippi a charge not to exceed
2828 sixty (60) mills on each barrel of such oil sold, and against each
2829 one thousand (1,000) cubic feet of gas produced and sold a charge
2830 not to exceed six (6) mills on each one thousand (1,000) cubic
2831 feet of gas. The State Oil and Gas Board shall fix the amount of
2832 such charge in the first instances, and may, from time to time,
2833 change, reduce or increase the amount thereof, as in its judgment
2834 the charges against the fund may require, but the amounts fixed by
2835 said board shall not exceed the limits hereinabove prescribed; and
2836 it shall be the duty of the board to make collection of such
2837 assessments. All monies collected shall be used exclusively to
2838 pay the expenses and other costs in connection with the
2839 functioning of the State Oil and Gas Board and the administration
2840 of the oil and gas conservation laws of the State of Mississippi
2841 now in force or hereafter enacted and the rules, regulations and
2842 orders of said board.

2843 From and after July 1, 2016, the expenses of this agency
2844 shall be defrayed by appropriation from the State General Fund and



2845 all user charges and fees authorized under this section shall be
2846 deposited into the State General Fund as authorized by law.

2847 From and after July 1, 2016, no state agency shall charge
2848 another state agency a fee, assessment, rent or other charge for
2849 services or resources received by authority of this section.

2850 **SECTION 41.** Section 53-3-13, Mississippi Code of 1972, is
2851 amended as follows:

2852 53-3-13. (1) Any person securing a permit to drill a well
2853 in search of oil or gas under the provisions of Section 53-3-11
2854 shall pay to the Oil and Gas Supervisor a fee of Six Hundred
2855 Dollars (\$600.00) upon and for the issuance of the permit. A
2856 lesser sum may be paid if the State Oil and Gas Board shall adopt
2857 a rule fixing the amount to be paid at a sum less than Six Hundred
2858 Dollars (\$600.00). Any such permit, when issued and the fee paid
2859 thereon, shall be good for a period of one (1) year from the date
2860 thereof; and in the event drilling has commenced within one (1)
2861 year, the permit shall be good for the life of the well commenced,
2862 unless during the course of drilling or production the operator is
2863 changed. In the event a change of operators from that listed in
2864 the drilling permit is desired, the operator listed and the
2865 proposed new operator shall apply to the State Oil and Gas Board
2866 for authority to change operators on forms to be prescribed by
2867 order of the State Oil and Gas Board. The fee for such change of
2868 operators shall be One Hundred Dollars (\$100.00) per change, or
2869 some lesser sum as may be fixed by order of the board.



2895 agencies and institutions shall pay their share of the cost upon
2896 receipt of billing from the board. However, for the period
2897 beginning July 1, 2010, and ending June 30, 2011, the annual
2898 agency assessment authorized in this section shall not be less
2899 than One Hundred Twenty Dollars (\$120.00) nor more than One
2900 Hundred Twenty-seven Dollars (\$127.00) per State Personnel Board
2901 PIN number.

2902 From and after July 1, 2016, the expenses of this agency
2903 shall be defrayed by appropriation from the State General Fund and
2904 all user charges and fees authorized under this section shall be
2905 deposited into the State General Fund as authorized by law.

2906 From and after July 1, 2016, no state agency shall charge
2907 another state agency a fee, assessment, rent or other charge for
2908 services or resources received by authority of this section.

2909 **[SECRETARY OF STATE]**

2910 **SECTION 43.** Section 7-9-22, Mississippi Code of 1972, is
2911 amended as follows:

2912 7-9-22. All funds collected by the Office of the Secretary
2913 of State, unless otherwise specifically provided for by law, shall
2914 be deposited, in accordance with Section 7-9-21, Mississippi Code
2915 of 1972, into a special fund hereby created in the State Treasury.
2916 Monies in the special fund shall be expended, pursuant to
2917 legislative appropriation, to defray the expenses of the Office of
2918 the Secretary of State or as otherwise authorized. All
2919 unobligated monies in such special fund at the end of the fiscal



2920 year shall be paid over into the General Fund of the State
2921 Treasury.

2922 From and after July 1, 2016, the expenses of this agency
2923 shall be defrayed by appropriation from the State General Fund and
2924 all user charges and fees authorized under this section shall be
2925 deposited into the State General Fund as authorized by law.

2926 From and after July 1, 2016, no state agency shall charge
2927 another state agency a fee, assessment, rent or other charge for
2928 services or resources received by authority of this section.

2929 **SECTION 44.** Section 7-3-59, Mississippi Code of 1972, is
2930 amended as follows:

2931 7-3-59. (1) Except as otherwise provided in this section,
2932 all fees collected by the Office of the Secretary of State under
2933 Section 75-9-525 shall be deposited in State Treasury Special Fund
2934 3111, and shall be used to operate the activities of the Office of
2935 the Secretary of State as necessary to administer the filing and
2936 research provisions of Revised Article 9 of the Uniform Commercial
2937 Code and to pay to each chancery clerk such amounts as that clerk
2938 shall be owed under subsection (2) of this section. The
2939 expenditure of the funds deposited in this fund shall be paid by
2940 the State Treasurer upon requisition signed by the Office of the
2941 Secretary of State.

2942 (2) (a) Through September 30, 2007, for each filing and
2943 indexing of a financing statement under Part 5 (Filing) of Title
2944 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured



2945 Transactions), the Secretary of State shall remit the following
2946 fee to the chancery clerk of the Mississippi county, if any,
2947 indicated on the face of the financing statement as the domicile
2948 of the debtor, or, if no county is so indicated, the Mississippi
2949 county of the address of the debtor stated on the financing
2950 statement.

2951 (i) Five Dollars (\$5.00), when the financing
2952 statement is communicated in writing, either in the standard form
2953 prescribed by the Secretary of State or not in the standard form
2954 so prescribed, plus Two Dollars (\$2.00) for each additional debtor
2955 name more than one (1) required to be indexed.

2956 (ii) Five Dollars (\$5.00) if the financing
2957 statement is communicated by another medium authorized by
2958 filing-office rule.

2959 (b) From and after October 1, 2007, for each filing and
2960 indexing of a financing statement under Part 5 (Filing) of Title
2961 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured
2962 Transactions), the Secretary of State shall remit the following
2963 fee to the County Voting Systems Assistance Bond Sinking Fund
2964 created under Section 3 of House Bill No. 562, 2006 Regular
2965 Session, in such amounts as specified in Section 3 of House Bill
2966 No. 562, 2006 Regular Session, and shall distribute the remainder
2967 of the fees to the "Help Mississippi Vote Fund" created in Section
2968 23-15-169.7.



2969 (i) Five Dollars (\$5.00), when the financing
2970 statement is communicated in writing, either in the standard form
2971 prescribed by the Secretary of State or not in the standard form
2972 so prescribed, plus Two Dollars (\$2.00) for each additional debtor
2973 name more than one (1) required to be indexed.

2974 (ii) Five Dollars (\$5.00) if the financing
2975 statement is communicated by another medium authorized by
2976 filing-office rule.

2977 (3) The Secretary of State shall remit to each chancery
2978 clerk not less than monthly the amount owed under subsection (2)
2979 of this section. Each payment shall be accompanied by a detailed
2980 accounting of the transactions represented by that payment.
2981 However, from and after October 1, 2007, the Secretary of State
2982 shall remit to the County Voting Systems Assistance Bond Sinking
2983 Fund and the "Help Mississippi Vote Fund" not less than monthly
2984 the amount provided under subsection (2) of this section. Each
2985 payment shall be accompanied by a detailed accounting of the
2986 transactions represented by that payment.

2987 (4) From and after July 1, 2016, the expenses of this agency
2988 shall be defrayed by appropriation from the State General Fund and
2989 all user charges and fees authorized under this section shall be
2990 deposited into the State General Fund as authorized by law.

2991 (5) From and after July 1, 2016, no state agency shall
2992 charge another state agency a fee, assessment, rent or other



2993 charge for services or resources received by authority of this
2994 section.

2995 **SECTION 45.** Section 23-15-5, Mississippi Code of 1972, is
2996 amended as follows:

2997 23-15-5. (1) There is created in the State Treasury a
2998 special fund to be known as the Elections Support Fund. Monies
2999 derived from annual report fees imposed upon limited liability
3000 companies under Section 79-29-1203 shall be deposited into the
3001 Elections Support Fund. Unexpended amounts remaining in the fund
3002 at the end of the fiscal year shall not lapse into the State
3003 General Fund, and any interest earned or investment earnings on
3004 amounts in the fund shall be disbursed as provided in subsection
3005 (2) of this section. The expenditure of monies in the fund shall
3006 be under the direction of the Secretary of State as provided by
3007 subsection (2) of this section, and such funds shall be paid by
3008 the State Treasurer upon warrants issued by the Department of
3009 Finance and Administration.

3010 (2) (a) Monies in the fund shall be used as follows:

3011 (i) Fifty percent (50%) of the monies in the
3012 special fund shall be distributed annually to the counties, based
3013 on the proportion that the population of a county bears to the
3014 total population in all counties of the state population according
3015 to the most recent information from the United States Census
3016 Bureau, for the purpose of acquiring, upgrading, maintaining or
3017 repairing voting equipment, systems and supplies, hiring temporary



3018 technical support, conducting elections using such voting
3019 equipment or systems and training election officials; and
3020 (ii) The remaining fifty percent (50%) of the
3021 monies in the special fund shall be allocated annually to the
3022 Secretary of State and expended for the purpose of maintaining,
3023 upgrading or equipping the Statewide Elections Management System.

3024 (b) The Secretary of State shall create standard
3025 training guidelines to assist counties in training election
3026 officials with the funds authorized under subsection (2)(a)(ii) of
3027 this section. Any criteria established by the Secretary of State
3028 for the purposes of this section shall be used in addition to any
3029 other training or coursework prescribed by the Secretary of State
3030 to train circuit clerks, poll managers and any other election
3031 officials participating in county elections.

3032 (c) Notwithstanding any other provision of law, no
3033 monies from the Elections Support Fund shall be used by the
3034 Secretary of State or any person associated with the Office of the
3035 Secretary of State to provide or otherwise support expert
3036 testimony in any manner for any hearing, trial or election
3037 contest.

3038 (3) From and after July 1, 2016, the expenses of this agency
3039 shall be defrayed by appropriation from the State General Fund and
3040 all user charges and fees authorized under this section shall be
3041 deposited into the State General Fund as authorized by law.



3042 (4) From and after July 1, 2016, no state agency shall
3043 charge another state agency a fee, assessment, rent or other
3044 charge for services or resources received by authority of this
3045 section.

3046 **SECTION 46.** Section 23-15-169.7, Mississippi Code of 1972,
3047 is amended as follows:

3048 23-15-169.7. (1) * * * There is created in the State
3049 Treasury a special fund, to be designated the "Help Mississippi
3050 Vote Fund" to the credit of the Secretary of State, which shall be
3051 comprised of the monies required to be deposited into the fund
3052 under Section 7-3-59, and any other funds that may be made
3053 available for the fund by the Legislature.

3054 (* * *2) Monies in the fund shall be expended by the
3055 Secretary of State to support the state's maintenance of efforts
3056 as required by the federal mandates of the Help America Vote Act
3057 of 2002.

3058 (* * *3) Unexpended amounts remaining in the special fund
3059 at the end of a fiscal year shall not lapse into the State General
3060 Fund, and any interest earned or investment earnings on amounts in
3061 the special fund shall be deposited to the credit of the special
3062 fund.

3063 (4) From and after July 1, 2016, the expenses of this agency
3064 shall be defrayed by appropriation from the State General Fund and
3065 all user charges and fees authorized under this section shall be
3066 deposited into the State General Fund as authorized by law.



3067 (5) From and after July 1, 2016, no state agency shall
3068 charge another state agency a fee, assessment, rent or other
3069 charge for services or resources received by authority of this
3070 section.

3071 **SECTION 47.** Section 29-1-95, Mississippi Code of 1972, is
3072 amended as follows:

3073 29-1-95. (1) All taxes due the county, municipality, public
3074 school district, drainage district or levee board on lands sold to
3075 the state for taxes and listed into the Secretary of State's
3076 office shall remain in abeyance until the land be sold, and
3077 thereafter such taxes shall be paid out of the purchase money; but
3078 state, county, municipality, public school district, drainage
3079 district or levee board taxes shall not accrue on such lands after
3080 the fiscal year in which it was certified to the state. Upon the
3081 payment of the purchase money of any tax land into the Treasury,
3082 the Secretary of State shall certify to the Department of Finance
3083 and Administration and to the Treasurer the amount of fees and
3084 costs allowed to the county tax collector and chancery clerk, as
3085 in cases of the redemption of lands from tax sales, under the
3086 provisions of Section 25-7-21; and the Department of Finance and
3087 Administration shall issue warrants in favor of such county tax
3088 collector and chancery clerk for the amount of such fees. The
3089 Secretary of State shall also certify to the Department of Finance
3090 and Administration and the Treasurer the amount of the county,
3091 municipality, public school district, drainage district and levee



3092 board taxes for which said land was sold to the state, and all
3093 taxes accruing on said land until the year in which it was
3094 certified to the state; and the Department of Finance and
3095 Administration shall issue warrants in favor of the proper county,
3096 municipality, public school district, drainage district, and levee
3097 board for the said four (4) years' taxes. The balance of the
3098 purchase money shall be deposited into a special fund to be known
3099 as the "Land Records Maintenance Fund," that is hereby created in
3100 the State Treasury and shall be used for the restoration,
3101 preservation and maintenance of the records of state-owned land
3102 and the disposition of lands sold to the state for taxes. The
3103 fund shall be administered by the Secretary of State. Any amount
3104 on hand in said Land Records Maintenance Fund at the end of the
3105 fiscal year shall not lapse into the State General Fund.

3106 (2) If, after the payment of the fees and costs allowed to
3107 the county tax collector and the chancery clerk, as aforesaid, the
3108 balance of the purchase money of any tax land paid into the
3109 Treasury shall be insufficient to cover the amount of the state,
3110 county, municipality, public school district, drainage district or
3111 levee board taxes due thereon, or if the records of the Secretary
3112 of State fail to show the amount of state, county, municipality,
3113 public school district, drainage district or levee board taxes
3114 accruing for the years until said land was certified to the state,
3115 on lands sold by the Secretary of State, he shall apportion the
3116 balance of the purchase money derived from the sale of such lands



3117 between the state, county, municipality, public school district,
3118 drainage district and levee board upon the basis of the amount of
3119 taxes due the state, county, municipality, public school district,
3120 drainage district and levee board, respectively, at the time said
3121 land was struck off to the state for delinquent taxes by the
3122 sheriff and tax collector, and for which said lands were struck
3123 off to the state.

3124 (3) All funds derived from the sale of properties under the
3125 provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35,
3126 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through
3127 29-1-87 shall be handled in the manner provided herein for funds
3128 derived from the sale of lands.

3129 (4) From and after July 1, 2016, the expenses of this agency
3130 shall be defrayed by appropriation from the State General Fund and
3131 all user charges and fees authorized under this section shall be
3132 deposited into the State General Fund as authorized by law.

3133 (5) From and after July 1, 2016, no state agency shall
3134 charge another state agency a fee, assessment, rent or other
3135 charge for services or resources received by authority of this
3136 section.

3137 **[PUBLIC SERVICE COMMISSION]**

3138 **SECTION 48.** Section 77-3-87, Mississippi Code of 1972, is
3139 amended as follows:

3140 77-3-87. All reasonable and necessary expenses of the
3141 administration of the duties imposed on the public utilities staff



3142 and on the commission by Title 77, Mississippi Code of 1972,
3143 excluding the reasonable and necessary expenses of the
3144 administration and enforcement by the commission of the laws of
3145 this state pursuant to Chapters 7 and 9 * * *, Title 77,
3146 Mississippi Code of 1972, shall be provided as follows: There is
3147 hereby levied a tax upon (a) all utilities, the rates of which are
3148 subject to regulation by the provisions of this chapter and upon
3149 (b) all utilities not subject to such rate regulation which
3150 furnish to the ultimate consumer utility services of the type
3151 described by subparagraph (i) of paragraph (d) of Section 77-3-3
3152 and otherwise subject to regulation by the provisions of this
3153 chapter, such levy to be effective on the first day of each year
3154 and to be calculated as follows: The rate of the tax shall be one
3155 hundred sixty-four thousandths of one percent (164/1000 of 1%) per
3156 year, of the gross revenues from the intrastate operations of the
3157 utilities taxed under this section. The rate of the tax for
3158 electric power associations and rural electrification authorities
3159 shall be ninety thousandths of one percent (90/1000 of 1%) per
3160 year of the gross revenues from the intrastate operations of
3161 electric power associations and rural electrification authorities
3162 taxed under this section. The sum of all taxes levied by this
3163 section shall not exceed the total legislative appropriation of
3164 monies from the "Public Utilities Staff Regulation Fund" and the
3165 "Public Service Commission Regulation Fund" for the ensuing fiscal
3166 year. The commission and the executive director of the public



3167 utilities staff shall certify to the * * * Department of Revenue
3168 the amount of legislative appropriations of monies for the
3169 regulation of utilities. The * * * Department of Revenue shall
3170 adjust the tax rates on a pro rata basis to generate the necessary
3171 revenues established by such legislative appropriations. Each
3172 utility which is subject to the tax levied by this section shall
3173 file a statement of its gross revenue by April 1 of each year
3174 showing the gross revenue for the preceding year's operation.
3175 These statements of gross revenue shall be filed with the * * *
3176 Department of Revenue on forms prescribed and furnished by
3177 the * * * Department of Revenue. The * * * Department of Revenue
3178 shall file a copy of these statements of gross revenue with the
3179 public utilities staff and the commission. The * * * Department
3180 of Revenue shall calculate the amount of tax to be paid by each of
3181 the utilities and shall submit a statement thereof to the
3182 respective utilities, and the amount shown due in the statements
3183 to the utilities shall be paid by them within thirty (30) days
3184 thereafter to the * * * Department of Revenue. The * * *
3185 Department of Revenue shall furnish the public utilities staff and
3186 the commission with an itemized list showing gross and net
3187 revenues, assessments, tax collections and other related
3188 information for the respective utilities. The * * * Department of
3189 Revenue shall pay these funds into the State Treasury on the same
3190 day collected to the credit of the "Public Utilities Staff
3191 Regulation Fund" and to the "Public Service Commission Regulation



3192 Fund" in the proportion that the legislative appropriation of
3193 monies from each fund for the regulation of utilities for the
3194 ensuing fiscal year bears to the total legislative appropriation
3195 of monies from both funds for the regulation of utilities for the
3196 ensuing fiscal year.

3197 All administrative provisions of the Mississippi Sales Tax
3198 Law, including those which fix damages, penalties and interest for
3199 nonpayment of taxes and for noncompliance with the provisions of
3200 such chapter, and all other duties and requirements imposed upon
3201 taxpayers, shall apply to all persons liable for taxes under the
3202 provisions of this chapter, and the * * * Commissioner of Revenue
3203 shall exercise all the power and authority and perform all the
3204 duties with respect to taxpayers under this chapter as are
3205 provided in the Mississippi Sales Tax Law except where there is a
3206 conflict, then the provisions of this chapter shall control. The
3207 term "gross revenue" as used in this section is the total amount
3208 of all revenue derived by each of the utilities from its
3209 intrastate operations, which are subject to rate regulation under
3210 the provisions of this chapter or which constitute utility
3211 services of the type described by subparagraph (i) of paragraph
3212 (d) of Section 77-3-3 and which are regulated by this chapter and
3213 furnished to ultimate consumers. The * * * Department of Revenue
3214 is hereby authorized to use all tax returns of any utilities
3215 available to it and to make audits as may be deemed necessary of



3216 all records of utilities in order to correctly determine the
3217 amount of such gross revenue.

3218 All proceeds of the above-mentioned tax are hereby allocated
3219 to the public utilities staff and to the commission in the manner
3220 provided in this section for the purpose of this chapter.

3221 Each utility subject to the provisions of this section shall
3222 be allowed to recover, through the use of a rate adjustment clause
3223 or rider, the total amount of taxes paid by the utility pursuant
3224 to this section for the reasonable and necessary expenses of the
3225 commission and the public utilities staff.

3226 From and after July 1, 2016, the expenses of this agency
3227 shall be defrayed by appropriation from the State General Fund and
3228 all user charges and fees authorized under this section shall be
3229 deposited into the State General Fund as authorized by law.

3230 From and after July 1, 2016, no state agency shall charge
3231 another state agency a fee, assessment, rent or other charge for
3232 services or resources received by authority of this section.

3233 **SECTION 49.** Section 77-1-6, Mississippi Code of 1972, is
3234 amended as follows:

3235 77-1-6. There is hereby established in the State Treasury a
3236 special fund to be known as the "Public Service Commission
3237 Regulation Fund." Such fund shall be the sole fund of the
3238 commission for all monies collected and deposited to the credit of
3239 or appropriated to the commission. The fund shall be administered



3240 as provided in this title and shall be audited annually by the
3241 State Auditor.

3242 From and after July 1, 2016, the expenses of this agency
3243 shall be defrayed by appropriation from the State General Fund and
3244 all user charges and fees authorized under this section shall be
3245 deposited into the State General Fund as authorized by law.

3246 From and after July 1, 2016, no state agency shall charge
3247 another state agency a fee, assessment, rent or other charge for
3248 services or resources received by authority of this section.

3249 **SECTION 50.** Section 77-1-15, Mississippi Code of 1972, is
3250 amended as follows:

3251 77-1-15. (1) There shall be an executive secretary of the
3252 commission, hereinafter referred to in this chapter as the
3253 secretary, to be appointed by the commission, by and with the
3254 advice and consent of the Senate, for the term of the
3255 commissioners. The secretary must have the same qualifications as
3256 the commissioners and shall be subject to the same
3257 disqualifications and to like penalties, except that he shall not
3258 be liable to impeachment. He shall receive a salary fixed by the
3259 Legislature. He shall take the oath of office and shall be
3260 removable at the pleasure of the commission, which may fill any
3261 vacancy until the Senate confirms a successor. The secretary
3262 shall make bond as provided for other state officers, in the sum
3263 of Ten Thousand Dollars (\$10,000.00), conditioned upon the
3264 faithful performance of the duties of his office.



3265 (2) The secretary shall collect all fees and penalties
3266 collected by or paid to the commission, and shall cover the same
3267 into the State Treasury; and all fees and penalties collected
3268 under the Mississippi Motor Carrier Regulatory Law of 1938 shall
3269 be covered into the Public Service Commission Regulation Fund.

3270 (3) The secretary of the commission shall be the custodian
3271 of all records, documents, and the seal of the commission. He
3272 shall issue all citations, subpoenas and other rightful orders and
3273 documents, and perform all other duties usually required of such
3274 officer, and as required by the commission.

3275 (4) It shall be the duty and responsibility of the secretary
3276 to supervise and manage the offices and staff of the Public
3277 Service Commission and formulate written policies and procedures
3278 for the effective and efficient operation of the office and
3279 present these policies and procedures to the board for
3280 promulgation.

3281 (5) From and after July 1, 2016, the expenses of this agency
3282 shall be defrayed by appropriation from the State General Fund and
3283 all user charges and fees authorized under this section shall be
3284 deposited into the State General Fund as authorized by law.

3285 (6) From and after July 1, 2016, no state agency shall
3286 charge another state agency a fee, assessment, rent or other
3287 charge for services or resources received by authority of this
3288 section.



3289 **SECTION 51.** Section 77-1-29, Mississippi Code of 1972, is
3290 amended as follows:

3291 77-1-29. On or before the twentieth day of each calendar
3292 month, the commission shall pay into the State Treasury to the
3293 account of the "Public Service Commission Regulation Fund" all
3294 monies collected by it during the preceding calendar month,
3295 showing from whom collected, when collected and for what purposes
3296 collected. All disbursements made by the commission or from the
3297 regulation fund for any purposes, other than for salaries provided
3298 by law, shall be supported by a detailed and itemized statement
3299 approved by the commission for commission disbursements. The
3300 commission shall not expend funds from the "Public Service
3301 Commission Regulation Fund" to employ personnel whose services
3302 would duplicate services provided by any employee of the Public
3303 Utilities Staff.

3304 From and after July 1, 2016, the expenses of this agency
3305 shall be defrayed by appropriation from the State General Fund and
3306 all user charges and fees authorized under this section shall be
3307 deposited into the State General Fund as authorized by law.

3308 From and after July 1, 2016, no state agency shall charge
3309 another state agency a fee, assessment, rent or other charge for
3310 services or resources received by authority of this section.

3311 **SECTION 52.** Section 77-1-53, Mississippi Code of 1972, is
3312 amended as follows:



3313 77-1-53. (1) Whenever the commission, an employee of the
3314 commission or any employee of the public utilities staff has
3315 reason to believe that a willful and knowing violation of any
3316 statute administered by the commission or any regulation or any
3317 order of the commission has occurred, the commission may cause a
3318 written complaint to be served upon the alleged violator or
3319 violators. The complaint shall specify the provisions of such
3320 statute, regulation or order alleged to be violated and the facts
3321 alleged to constitute a violation thereof and shall require that
3322 the alleged violator appear before the commission at a time and
3323 place specified in the notice and answer the charges complained
3324 of. The time of appearance before the commission shall not be
3325 less than twenty (20) days from the date of the service of the
3326 complaint, unless the commission finds that the public convenience
3327 or necessity requires that such hearing be held at an earlier
3328 date.

3329 (2) The commission shall afford an opportunity for a fair
3330 hearing to the alleged violator or violators at the time and place
3331 specified in the complaint. On the basis of the evidence produced
3332 at the hearing, the commission shall make findings of fact and
3333 conclusions of law and enter its order, which in its opinion will
3334 be in the best interests of the consuming public. Failure to
3335 appear at any such hearing, without prior authorization to do so
3336 from the commission, may result in the commission finding the
3337 alleged violator guilty of the charges complained of by default,



3338 and at such time an order may be entered, including the assessment
3339 of a penalty. The commission shall give written notice of such
3340 order to the alleged violator and to such other persons as shall
3341 have appeared at the hearing or made written request for notice of
3342 the order. The commission may assess such penalties as provided
3343 in subsection (3) of this section.

3344 (3) Any person found by the commission, pursuant to a
3345 hearing or by default as provided in this section, violating any
3346 statute administered by the commission, or any regulation or order
3347 of the commission in pursuance thereof, shall be subject to a
3348 civil penalty of not more than Five Thousand Dollars (\$5,000.00)
3349 for each violation, to be assessed and collected by the
3350 commission. Each day that a violation continues shall constitute
3351 a separate violation. In lieu of, or in addition to, the monetary
3352 penalty, the commission, for any violation by a certificate
3353 holder, may impose a penalty in accordance with Section 77-3-21,
3354 Mississippi Code of 1972, if it finds that the violator is not
3355 rendering reasonably adequate service. Appeals from the
3356 imposition of the civil penalty may be taken to the Circuit Court
3357 of the First Judicial District of Hinds County in the same manner
3358 as appeals from orders of the commission constituting judicial
3359 findings.

3360 (4) All penalties collected by the commission under this
3361 section shall be deposited in the Public Service Commission
3362 Regulation Fund.



3363 (5) No portion of any penalty or costs associated with an
3364 administrative or court proceeding which results in the assessment
3365 of a penalty against a public utility for violation of any statute
3366 administered by the commission, or any regulation or order of the
3367 commission shall be considered by the commission in fixing any
3368 rates or charges of such public utility.

3369 (6) This section shall be in addition to any other law which
3370 provides for the imposition of penalties for the violation of any
3371 statute administered by the commission or any regulation or order
3372 of the commission.

3373 (7) From and after July 1, 2016, the expenses of this agency
3374 shall be defrayed by appropriation from the State General Fund and
3375 all user charges and fees authorized under this section shall be
3376 deposited into the State General Fund as authorized by law.

3377 (8) From and after July 1, 2016, no state agency shall
3378 charge another state agency a fee, assessment, rent or other
3379 charge for services or resources received by authority of this
3380 section.

3381 **SECTION 53.** Section 77-3-8, Mississippi Code of 1972, is
3382 amended as follows:

3383 77-3-8. (1) There is established in the commission a Public
3384 Service Commission staff, which staff shall be a unit, remain as a
3385 unit therein, and be responsive to the commission. The Public
3386 Service Commission staff shall consist of a sufficient number of
3387 professional, administrative, technical, clerical and other



3388 personnel as may be necessary for the staff to perform its duties
3389 and responsibilities as hereinafter provided. All such personnel
3390 of the Public Service Commission staff shall be recommended by the
3391 executive secretary and hired or rejected by the commission.
3392 Personnel shall be dismissed only for cause in accordance with the
3393 rules and regulations of the State Personnel Board. The personnel
3394 of the Public Service Commission staff shall be compensated and
3395 reimbursed for their actual and necessary expenses, including
3396 food, lodging and travel, by the commission from the Public
3397 Service Commission Regulation Fund established by Section 77-1-6,
3398 and as authorized by Section 25-3-41. The Public Service
3399 Commission staff shall be responsible for gathering and analyzing
3400 information relating to all matters within the authority of the
3401 commission.

3402 (2) The State Personnel Board shall establish and maintain
3403 entry-level salaries sufficiently competitive to attract
3404 competent, qualified applicants for the specialized skills and
3405 positions required by this section without regard to the salaries
3406 paid the commissioners and notwithstanding any other provisions of
3407 law to the contrary. The State Personnel Board shall authorize,
3408 where necessary, a range of salaries within which salary
3409 negotiations may be conducted for those positions for which
3410 specific knowledge, skills and abilities are set forth herein.

3411 (3) The Public Service Commission staff shall perform such
3412 duties as are assigned to them by the commission.



3413 (4) From and after July 1, 2016, the expenses of this agency
3414 shall be defrayed by appropriation from the State General Fund and
3415 all user charges and fees authorized under this section shall be
3416 deposited into the State General Fund as authorized by law.

3417 (5) From and after July 1, 2016, no state agency shall
3418 charge another state agency a fee, assessment, rent or other
3419 charge for services or resources received by authority of this
3420 section.

3421 **SECTION 54.** Section 77-3-89, Mississippi Code of 1972, is
3422 amended as follows:

3423 77-3-89. It shall be the duty of the State Auditor to advise
3424 the commission of the amount of money on hand in the "Public
3425 Service Commission Regulation Fund" from time to time. All
3426 expenses of the commission authorized by this article, or any
3427 other act of the Legislature, shall be paid by the State Treasurer
3428 upon warrants issued by the State Fiscal Officer, which warrants
3429 shall be issued upon requisition signed by the chairman of the
3430 commission and countersigned by one (1) of the commissioners.
3431 Said requisition shall show upon its face the purpose for which
3432 the payment is being made by reference to the minute book in which
3433 such payment was authorized. It shall be unlawful for any person
3434 to withdraw any money from said fund other than by requisition
3435 issued as herein provided. A record of all requisitions issued by
3436 the commission showing to whom, for what purpose, and date issued,



3437 shall be placed upon the minute books of the commission and shall
3438 become a part of the official record of the commission.

3439 The books and accounts of the commission shall be audited at
3440 the end of each fiscal year, and at any other time deemed
3441 necessary, by the State Auditor and a copy of such audits shall be
3442 furnished to the Governor and the commission. The State Auditor
3443 may prescribe such further accounting procedure as he deems
3444 necessary for the withdrawal of funds by the commission from said
3445 special fund. All requisitions drawn in compliance with this
3446 article shall be honored by the State Auditor and the funds
3447 disbursed in accordance therewith. The commission shall file a
3448 report at each regular session of the Legislature showing the
3449 expenditure of all funds by the commission.

3450 The "Public Utilities Staff Regulation Fund" shall be
3451 administered in accordance with Section 77-2-19.

3452 From and after July 1, 2016, the expenses of this agency
3453 shall be defrayed by appropriation from the State General Fund and
3454 all user charges and fees authorized under this section shall be
3455 deposited into the State General Fund as authorized by law.

3456 From and after July 1, 2016, no state agency shall charge
3457 another state agency a fee, assessment, rent or other charge for
3458 services or resources received by authority of this section.

3459 **SECTION 55.** Section 77-3-503, Mississippi Code of 1972, is
3460 amended as follows:



3461 77-3-503. The following terms and phrases when used in this
3462 article shall have the following meaning ascribed to them, except
3463 where the context clearly indicates a different meaning:

3464 (a) "Deaf person" means an individual who is unable to
3465 hear and understand oral communication, with or without the
3466 assistance of amplification devices.

3467 (b) "Dual party relay system" means a procedure whereby
3468 a deaf, hearing or speech impaired TDD user can communicate with
3469 an intermediary party, who then orally relays the first party's
3470 message or request to a third party, or vice versa.

3471 (c) "Exchange access facility" means the access from a
3472 particular telephone subscriber's premise to the telephone system
3473 of a local exchange telephone company. Exchange access facilities
3474 include local exchange company provided access lines, private
3475 branch exchange trunks and centrex network access registers, all
3476 as defined by tariffs of telephone companies as approved by the
3477 commission.

3478 (d) "Hard of hearing person" means an individual who
3479 has suffered a permanent hearing loss which is severe enough to
3480 necessitate the use of amplification devices to hear oral
3481 communication.

3482 (e) "Hearing impaired person" means a person who is
3483 deaf or hard of hearing.

3484 (f) "Ring signaling device" means a mechanism such as a
3485 flashing light which visually indicates that a communication is



3486 being received through a telephone line. This phrase also means a
3487 mechanism such as adjustable volume ringers and buzzers which
3488 audibly and loudly indicate an incoming telephone communication.

3489 (g) "Speech impaired person" means an individual who
3490 has suffered a loss of oral communication ability which prohibits
3491 normal usage of a standard telephone handset.

3492 (h) "Telecommunications device" or "telecommunications
3493 device for the deaf, hearing or speech impaired" or "TDD" means a
3494 keyboard mechanism attached to or in place of a standard telephone
3495 by some coupling device used to transmit or receive signals
3496 through telephone lines.

3497 (i) "Telephone company" means every corporation,
3498 company, association, joint stock association, partnership, and
3499 person and their lessees, trustees or receivers appointed by any
3500 court whatsoever, and every city or town owning, operating or
3501 managing any telephone line or part of a telephone line used in
3502 the conduct of the business of affording telephonic communication
3503 service for hire within this state.

3504 (j) "Telephone line" includes conduits, ducts, poles,
3505 wires, cables, crossarms, receivers, transmitters, instruments,
3506 machines, appliances, instrumentalities and all devices, including
3507 radio and other advancements of the art of telephony, real estate,
3508 easements, apparatus, property and routes used and operated to
3509 facilitate the business of affording telephonic communication
3510 services to the public for hire within this state.



3511 (k) "Trust fund" means the Dual Party Relay Service
3512 Trust Fund which is a specific trust to be created by the Public
3513 Service Commission and to be established, invested, managed and
3514 maintained for the exclusive purpose of fulfilling the provisions
3515 of this article according to Public Service Commission rules and
3516 regulations.

3517 From and after July 1, 2016, the expenses of this agency
3518 shall be defrayed by appropriation from the State General Fund and
3519 all user charges and fees authorized under this section shall be
3520 deposited into the State General Fund as authorized by law.

3521 From and after July 1, 2016, no state agency shall charge
3522 another state agency a fee, assessment, rent or other charge for
3523 services or resources received by authority of this section.

3524 **SECTION 56.** Section 77-3-507, Mississippi Code of 1972, is
3525 amended as follows:

3526 77-3-507. (1) The Public Service Commission may impose upon
3527 all local exchange telephone companies operating in the State of
3528 Mississippi a monthly relay service fee in an amount to be
3529 determined by the commission based upon the amount of funding
3530 necessary to accomplish the purposes of this article and to
3531 provide dual party telephone relay services on a continuous basis.
3532 Such fees shall be paid by the local exchange companies to the
3533 credit of the Dual Party Relay Service Trust Fund. The commission
3534 may authorize local exchange companies to recover relay service
3535 fees through a surcharge on their customers in the manner



3536 prescribed by the commission. The relay service fees remitted by
3537 the local exchange companies shall not be subject to any tax, fee
3538 or assessment, nor shall it be considered revenue of the local
3539 exchange companies. The Dual Party Relay Service Trust Fund shall
3540 be credited with all interest income and earnings of the fund.
3541 The fund shall be established, invested and managed for the
3542 exclusive purpose of fulfilling the provisions of this article
3543 according to rules and regulations established by the Public
3544 Service Commission.

3545 (2) Monies in the fund shall also include any appropriations
3546 authorized by the Legislature, any available funds authorized by
3547 the Public Service Commission, grants from other governmental or
3548 private entities, and any contributions or donations received by
3549 the Public Service Commission for the dual party relay service.
3550 All monies in the Dual Party Relay Service Trust Fund shall be
3551 used solely for the administration and operation of a statewide
3552 program to provide telecommunications access to persons who are
3553 speech and hearing impaired or similarly impaired.

3554 (3) The users of the relay service shall be charged for
3555 telephone services, without additional charges for the use of the
3556 relay service other than any surcharge which may be imposed upon
3557 them under this section. The calling or called party shall bear
3558 an expense for making intrastate nonlocal calls considered and
3559 approved by the Public Service Commission as being equitable in
3560 comparison with non-TDD or DPR service customers.



3561 (4) From and after July 1, 2016, the expenses of this agency
3562 shall be defrayed by appropriation from the State General Fund and
3563 all user charges and fees authorized under this section shall be
3564 deposited into the State General Fund as authorized by law.

3565 (5) From and after July 1, 2016, no state agency shall
3566 charge another state agency a fee, assessment, rent or other
3567 charge for services or resources received by authority of this
3568 section.

3569 **SECTION 57.** Section 77-3-509, Mississippi Code of 1972, is
3570 amended as follows:

3571 77-3-509. (1) On or before August 1, 1990, the Public
3572 Service Commission shall appoint an advisory committee to monitor
3573 the statewide telecommunications relay access service and advise
3574 and make recommendations to the Public Service Commission in
3575 pursuing services which meet the needs of the hearing or speech
3576 impaired and others similarly impaired in communicating with other
3577 users of telecommunications services.

3578 (2) The advisory committee shall be composed of:

3579 (a) One (1) deaf person recommended by the Mississippi
3580 Association of the Deaf;

3581 (b) One (1) speech or hearing impaired person
3582 recommended by the Mississippi Association for Retired Persons;

3583 (c) One (1) person recommended by the Coalition of
3584 Citizens with Disabilities;



3585 (d) One (1) representative of telecommunications
3586 utilities chosen from a list of candidates provided by the
3587 Mississippi/Alabama Telephone Association;

3588 (e) One (1) representative of the Mississippi Speech
3589 and Hearing Association;

3590 (f) One (1) representative of the Veterans
3591 Administration;

3592 (g) One (1) representative from Vocational
3593 Rehabilitation Deaf Services;

3594 (h) One (1) hearing impaired representative of the
3595 Mississippi School for the Deaf;

3596 (i) Two (2) representatives chosen from the Public
3597 Service Commission's staff and employees;

3598 (j) One (1) person appointed by the Speaker of the
3599 House of Representatives;

3600 (k) One (1) person appointed by the Lieutenant Governor
3601 of the Senate;

3602 (l) One (1) representative from the provider of the DPR
3603 service; and

3604 (m) Three (3) "at-large" individuals who have
3605 particular skills, knowledge, experience or ability but who are
3606 not necessarily speech or hearing impaired or otherwise affiliated
3607 with an organization serving the speech or hearing impaired.



3608 The commission, in its discretion, may name a successor or
3609 similar organization to be represented on the committee if an
3610 organization or agency named in this subsection ceases to exist.

3611 (3) The committee shall be appointed based on candidate
3612 names submitted by the recommending agency or organization. Each
3613 member of the advisory committee shall serve for a term of two (2)
3614 years. A member whose term has expired shall continue to serve
3615 until a qualified replacement is appointed. The members of the
3616 advisory committee shall serve without compensation but shall be
3617 entitled to reimbursement for travel and expenses incurred in the
3618 performance of their official duties and per diem, which shall be
3619 paid out of the trust fund on the same basis established for state
3620 employees.

3621 (4) From and after July 1, 2016, the expenses of this agency
3622 shall be defrayed by appropriation from the State General Fund and
3623 all user charges and fees authorized under this section shall be
3624 deposited into the State General Fund as authorized by law.

3625 (5) From and after July 1, 2016, no state agency shall
3626 charge another state agency a fee, assessment, rent or other
3627 charge for services or resources received by authority of this
3628 section.

3629 **SECTION 58.** Section 77-7-127, Mississippi Code of 1972, is
3630 amended as follows:

3631 77-7-127. All funds collected by the Public Service
3632 Commission under the provisions of this chapter shall be deposited



3633 in the State Treasury to the credit of the "Public Service
3634 Commission Regulation Fund" for use by the Public Service
3635 Commission for the administration and enforcement of the laws of
3636 this state relative to the inspection, control and supervision of
3637 the business, equipment, service or accounts of motor carriers
3638 subject to this chapter.

3639 From and after July 1, 2016, the expenses of this agency
3640 shall be defrayed by appropriation from the State General Fund and
3641 all user charges and fees authorized under this section shall be
3642 deposited into the State General Fund as authorized by law.

3643 From and after July 1, 2016, no state agency shall charge
3644 another state agency a fee, assessment, rent or other charge for
3645 services or resources received by authority of this section.

3646 **SECTION 59.** Section 77-7-333, Mississippi Code of 1972, is
3647 amended as follows:

3648 77-7-333. After selection, the chief enforcement officer and
3649 the inspectors shall go through thirty (30) days of intensive
3650 instruction of the laws of this state pertaining to the Public
3651 Service Commission, the Mississippi Department of Transportation,
3652 and the Department of Public Safety, together with rules and
3653 regulations of all these departments, and the laws of this state
3654 pertaining to arrest. The expenses of attending such school shall
3655 be paid out of the "Public Service Commission Regulation Fund" on
3656 presentation of paid bills for travel and subsistence to the
3657 secretary of the commission.



3658 From and after July 1, 2016, the expenses of this agency
3659 shall be defrayed by appropriation from the State General Fund and
3660 all user charges and fees authorized under this section shall be
3661 deposited into the State General Fund as authorized by law.

3662 From and after July 1, 2016, no state agency shall charge
3663 another state agency a fee, assessment, rent or other charge for
3664 services or resources received by authority of this section.

3665 **SECTION 60.** Section 77-7-339, Mississippi Code of 1972, is
3666 amended as follows:

3667 77-7-339. The salary of the chief enforcement officer and
3668 the inspectors, and the reasonable and necessary expenses of such
3669 employees and the administration of the duties imposed on the
3670 commission by this chapter, shall be paid out of the special fund
3671 in the State Treasury designated as the "Public Service Commission
3672 Regulation Fund," upon requisition and warrants in the same manner
3673 provided by law for the disbursements of appropriations for the
3674 commission. An itemized account shall be kept of all receipts and
3675 expenditures and shall be reported to the Legislature by the
3676 commission.

3677 From and after July 1, 2016, the expenses of this agency
3678 shall be defrayed by appropriation from the State General Fund and
3679 all user charges and fees authorized under this section shall be
3680 deposited into the State General Fund as authorized by law.



3681 From and after July 1, 2016, no state agency shall charge
3682 another state agency a fee, assessment, rent or other charge for
3683 services or resources received by authority of this section.

3684 **SECTION 61.** Section 77-7-337, Mississippi Code of 1972, is
3685 amended as follows:

3686 77-7-337. The commission is hereby authorized and empowered
3687 to purchase all necessary equipment to enforce the provisions of
3688 this chapter, and to pay for the same out of the "Public Service
3689 Commission Regulation Fund."

3690 From and after July 1, 2016, the expenses of this agency
3691 shall be defrayed by appropriation from the State General Fund and
3692 all user charges and fees authorized under this section shall be
3693 deposited into the State General Fund as authorized by law.

3694 From and after July 1, 2016, no state agency shall charge
3695 another state agency a fee, assessment, rent or other charge for
3696 services or resources received by authority of this section.

3697 **SECTION 62.** Section 77-9-489, Mississippi Code of 1972, is
3698 amended as follows:

3699 77-9-489. The salaries of all employees authorized to
3700 enforce the provisions of the railroad laws, and the reasonable
3701 and necessary expenses of such employees, shall be paid out of the
3702 special fund in the State Treasury designated as the "Public
3703 Service Commission Regulation Fund" upon the requisition and
3704 warrant in the manner provided by law. An itemized account shall



3705 be kept of all receipts and expenditures and reported to the
3706 Legislature by the commission.

3707 From and after July 1, 2016, the expenses of this agency
3708 shall be defrayed by appropriation from the State General Fund and
3709 all user charges and fees authorized under this section shall be
3710 deposited into the State General Fund as authorized by law.

3711 From and after July 1, 2016, no state agency shall charge
3712 another state agency a fee, assessment, rent or other charge for
3713 services or resources received by authority of this section.

3714 **SECTION 63.** Section 77-11-201, Mississippi Code of 1972, is
3715 amended as follows:

3716 77-11-201. All reasonable and necessary operating expenses
3717 of the administration of the duties imposed by law upon the Public
3718 Service Commission, including the salaries of personnel, in its
3719 regulation, inspection and supervision of municipally owned and/or
3720 operated gas utilities operating within the State of Mississippi
3721 shall be provided as follows: There is hereby levied a tax. The
3722 amount of said tax is the sum of Twenty-five Thousand Dollars
3723 (\$25,000.00) per year which shall be prorated by the State Tax
3724 Commission among the municipally owned and/or operated gas
3725 utilities which are subject to the tax levied by this section each
3726 year, according to the gross revenue of each of such utilities
3727 from their intrastate operation during the calendar year preceding
3728 the assessment. Each utility which is subject to the tax levied
3729 by this section shall file a statement of such gross revenue by



3730 April 1 of each year showing the gross revenue for the preceding
3731 year's operation. These statements of gross revenue shall be
3732 filed with the commission and a copy thereof filed with the State
3733 Tax Commission. The State Tax Commission shall thereupon
3734 calculate the pro rata amount of tax to be paid by each of said
3735 utilities in order to provide the total amount above stated and
3736 shall thereupon submit a statement thereof to the respective
3737 utilities and the amount shown due in such statements to the
3738 respective utilities shall be paid by the respective utilities
3739 within thirty (30) days thereafter to the State Tax Commission.
3740 The State Tax Commission shall pay such funds into the State
3741 Treasury on the same day collected to the credit of the
3742 "Municipality Owned and/or Operated Gas Utilities Special Fund."
3743 All administrative provisions of the Mississippi Sales Tax Law,
3744 including those which fix damages, penalties and interest for
3745 nonpayment of taxes and for noncompliance with the provisions of
3746 such chapter, and all other duties and requirements imposed upon
3747 taxpayers, shall apply to all persons liable for taxes under the
3748 provisions of this chapter, and the Tax Commissioner shall
3749 exercise all the power and authority and perform all the duties
3750 with respect to taxpayers under this chapter as are provided in
3751 the Mississippi Sales Tax Law except where there is a conflict,
3752 then the provisions of this chapter shall control. The term
3753 "gross revenue" as used in this section shall be deemed to be the
3754 total amount of all revenue derived by each of such utilities from



3755 its intrastate operations and the State Tax Commission is hereby
3756 authorized to make such audits as may be deemed necessary of any
3757 and all records of such utilities in order to correctly determine
3758 the amount of such gross revenue. It shall be the duty of the
3759 Department of Finance and Administration to advise the commission
3760 of the amount of money on hand from time to time. All expenses of
3761 the commission authorized by this section or any other act of the
3762 Legislature shall be paid by the State Treasurer upon warrants
3763 issued by the Department of Finance and Administration, which
3764 warrants shall be issued upon requisition signed by the chairman
3765 of the commission and countersigned by one (1) of the
3766 commissioners, and said requisition shall show upon its face the
3767 purpose for which the payment is being made by reference to the
3768 minute book in which such payment was authorized. It shall be
3769 unlawful for any person to withdraw any money from said fund other
3770 than by requisition issued as provided herein. A record of all
3771 requisitions issued by the commission showing to whom, for what
3772 purpose, and date issued shall be placed upon the minute books of
3773 the commission and shall become a part of the official records of
3774 the commission.

3775 The books and accounts of the commission shall be audited at
3776 the end of each fiscal year, and at any other time deemed
3777 necessary, by the State Auditor and a copy of such audits shall be
3778 furnished to the Governor and the commission. The State Auditor
3779 may prescribe such further accounting procedure as he deems



3780 necessary for the withdrawal of funds by the commission from said
3781 special fund. All requisitions drawn in compliance with this
3782 section shall be honored by the Department of Finance and
3783 Administration and the funds disbursed in accordance therewith.
3784 The commission shall file a report at each regular session of the
3785 Legislature showing the expenditure of all funds by the
3786 commission. All proceeds of the above-mentioned tax are hereby
3787 allocated to the commission for the purpose of this section. In
3788 the event the funds provided by said tax exceed the amount
3789 necessary for the purposes of this section at the end of any
3790 fiscal year, the commission shall certify the amount which the
3791 commission estimates will be necessary for the commission for each
3792 fiscal year to the State Tax Commission, and the State Tax
3793 Commission shall reduce the tax hereby imposed to such amount for
3794 the next fiscal year and shall collect the proportionate amount
3795 thereof as above provided.

3796 From and after July 1, 2016, the expenses of this agency
3797 shall be defrayed by appropriation from the State General Fund and
3798 all user charges and fees authorized under this section shall be
3799 deposited into the State General Fund as authorized by law.

3800 From and after July 1, 2016, no state agency shall charge
3801 another state agency a fee, assessment, rent or other charge for
3802 services or resources received by authority of this section.

3803 **[OFFICE OF PUBLIC DEFENDER]**



3804 **SECTION 64.** Section 99-18-1, Mississippi Code of 1972, is
3805 amended as follows:

3806 99-18-1. (1) There is hereby created the Office of State
3807 Public Defender. The Office of State Public Defender shall
3808 consist of a State Defender who shall be appointed by the Governor
3809 with the advice and consent of the Senate for a term of four (4)
3810 years and staffed by any necessary personnel as determined and
3811 hired by the State Defender.

3812 (2) Funding for the Office of State Public Defender shall
3813 come from funds available in the Capital Defense Counsel Fund, the
3814 Indigent Appeals Fund and the Public Defenders Education Fund as
3815 determined by the State Defender. The State Defender shall have
3816 the authority to transfer funds between the various funds to
3817 efficiently and effectively accomplish the mission of the Office
3818 of State Public Defender and its divisions.

3819 (3) The State Defender must be a duly licensed attorney
3820 admitted to the practice of law in this state, have practiced in
3821 the area of criminal law for at least five (5) years and shall
3822 meet all qualifications to serve as lead trial and appellate
3823 counsel in death penalty cases as may be set by the Supreme Court
3824 of Mississippi. The salary of the State Defender shall be no more
3825 than the maximum amount allowed by statute for a district
3826 attorney.

3827 (4) The State Defender may be removed by the Governor upon
3828 finding that the State Defender is not qualified under law, has



3829 failed to perform the duties of the office, or has acted beyond
3830 the scope of the authority granted by law for the office.

3831 (5) The Office of State Public Defender shall be responsible
3832 for the administration, budget and finances of the Divisions of
3833 Capital Defense Counsel, Indigent Appeals and Public Defender
3834 Training, which shall be divisions of the Office of State Public
3835 Defender.

3836 (6) The State Defender may simultaneously serve as State
3837 Defender and as director of one or more divisions but shall
3838 receive no additional compensation for doing so. Nothing in this
3839 chapter shall prohibit the State Defender from directly
3840 representing clients of the office. Nothing in this chapter shall
3841 be construed to prevent an employee of one (1) division of the
3842 Office of the State Public Defender from working, in * * * whole
3843 or in * * * part, for another division.

3844 (7) The State Defender shall coordinate the collection and
3845 dissemination of statistical data and make such reports as are
3846 required of the divisions, develop plans and proposals for further
3847 development of a statewide public defender system in coordination
3848 with the Mississippi Public Defenders Task Force and to act as
3849 spokesperson for all matters relating to indigent defense
3850 representation.

3851 (8) From and after July 1, 2016, the expenses of this agency
3852 shall be defrayed by appropriation from the State General Fund and



3853 all user charges and fees authorized under this section shall be
3854 deposited into the State General Fund as authorized by law.

3855 (9) From and after July 1, 2016, no state agency shall
3856 charge another state agency a fee, assessment, rent or other
3857 charge for services or resources received by authority of this
3858 section.

3859 **[DEPARTMENT OF REVENUE - LICENSE TAGS]**

3860 **SECTION 65.** Section 27-19-179, Mississippi Code of 1972, is
3861 amended as follows:

3862 27-19-179. (1) There is created in the State Treasury a
3863 special fund to be designated as the " * * * Department of Revenue
3864 License Tag Acquisition Fund." The special fund shall consist of
3865 monies deposited therein under Sections 27-19-99 and 27-19-155 and
3866 monies from any other source designated for deposit into the fund.
3867 Unexpended amounts remaining in the special fund at the end of a
3868 fiscal year shall not lapse into the State General Fund, and any
3869 interest earned or investment earnings on amounts in the fund
3870 shall be deposited to the credit of the fund.

3871 (2) From and after July 1, 2010, monies in the special fund
3872 may be used by the * * * Department of Revenue for the purpose of
3873 paying the costs incurred for purchasing license tags and decals
3874 and associated freight costs under Section 27-19-1 et seq.
3875 The * * * department may escalate its budget and expend monies
3876 from the special fund in accordance with rules and regulations of



3877 the Department of Finance and Administration in a manner
3878 consistent with the escalation of federal funds.

3879 (3) From and after July 1, 2016, the expenses of this agency
3880 shall be defrayed by appropriation from the State General Fund and
3881 all user charges and fees authorized under this section shall be
3882 deposited into the State General Fund as authorized by law.

3883 (4) From and after July 1, 2016, no state agency shall
3884 charge another state agency a fee, assessment, rent or other
3885 charge for services or resources received by authority of this
3886 section.

3887 **[TORT CLAIMS BOARD]**

3888 **SECTION 66.** Section 11-46-17, Mississippi Code of 1972, is
3889 amended as follows:

3890 11-46-17. (1) There is hereby created in the State Treasury
3891 a special fund to be known as the "Tort Claims Fund."

3892 All monies that the Department of Finance and Administration
3893 receives and collects under the provisions of subsection (2) of
3894 this section and all funds that the Legislature appropriates for
3895 use by the board in administering the provisions of this chapter
3896 shall be deposited in the fund. All monies in the fund may be
3897 expended by the board for any and all purposes for which the board
3898 is authorized to expend funds under the provisions of this
3899 chapter. All interest earned from the investment of monies in the
3900 fund shall be credited to the fund. Monies remaining in the fund



3901 at the end of a fiscal year shall not lapse into the State General
3902 Fund.

3903 (2) From and after July 1, 1993, each governmental entity
3904 other than political subdivisions shall participate in a
3905 comprehensive plan of self-insurance or one or more policies of
3906 liability insurance or combination of the two, all to be
3907 administered by the Department of Finance and Administration. The
3908 plan shall provide coverage to each of such governmental entities
3909 for every risk for which the board determines the respective
3910 governmental entities to be liable in the event of a claim or suit
3911 for injuries under the provisions of this chapter, including
3912 claims or suits for injuries from the use or operation of motor
3913 vehicles; the board may allow the plan to contain any reasonable
3914 limitations or exclusions not contrary to Mississippi state
3915 statutes or case law as are normally included in commercial
3916 liability insurance policies generally available to governmental
3917 entities. The plan may also provide coverage for liabilities
3918 outside the provisions of this chapter, including, but not limited
3919 to, liabilities arising from Sections 1983 through 1987 of Title
3920 42 of the United States Code and liabilities from actions brought
3921 in foreign jurisdictions, and the board shall establish limits of
3922 coverage for such liabilities. Each governmental entity
3923 participating in the plan shall make payments to the board in such
3924 amounts, times and manner determined by the board as the board
3925 deems necessary to provide sufficient funds to be available for



3926 payment by the board of the costs it incurs in providing coverage
3927 for the governmental entity. Each governmental entity of the
3928 state other than the political subdivisions thereof participating
3929 in the plan procured by the board shall be issued by the board a
3930 certificate of coverage whose form and content shall be determined
3931 by the board but which shall have the effect of certifying that,
3932 in the opinion of the board, each of such governmental entities is
3933 adequately insured.

3934 Before July 1, 1993, the Board of Trustees of State
3935 Institutions of Higher Learning may provide liability coverage for
3936 each university, department, trustee, employee, volunteer,
3937 facility and activity as the board of trustees, in its discretion,
3938 shall determine advisable. If liability coverage, either through
3939 insurance policies or self-insurance retention is in effect,
3940 immunity from suit shall be waived only to the limit of liability
3941 established by the insurance or self-insurance program. From and
3942 after July 1, 1993, liability coverage established by the board of
3943 trustees must conform to the provisions of this section and must
3944 receive approval from the board. Should the board reject a plan,
3945 the board of trustees shall participate in the liability program
3946 for state agencies established by the board.

3947 (3) All political subdivisions shall, from and after October
3948 1, 1993, obtain a policy or policies of insurance, establish
3949 self-insurance reserves, or provide a combination of insurance and
3950 reserves as necessary to cover all risks of claims and suits for



3951 which political subdivisions may be liable under this chapter; a
3952 political subdivision shall not be required to obtain pollution
3953 liability insurance. However, this shall not limit any cause of
3954 action against a political subdivision relative to limits of
3955 liability under the Tort Claims Act. The policy or policies of
3956 insurance or self-insurance may contain any reasonable limitations
3957 or exclusions not contrary to Mississippi state statutes or case
3958 law as are normally included in commercial liability insurance
3959 policies generally available to political subdivisions. All the
3960 plans of insurance or reserves or combination of insurance and
3961 reserves shall be submitted for approval to the board. The board
3962 shall issue a certificate of coverage to each political
3963 subdivision whose plan it approves in the same manner as provided
3964 in subsection (2) of this section. Whenever any political
3965 subdivision fails to obtain the board's approval of its plan, the
3966 political subdivision shall act in accordance with the rules and
3967 regulations of the board and obtain a satisfactory plan of
3968 insurance or reserves or combination of insurance and reserves to
3969 be approved by the board.

3970 (4) Any governmental entity may purchase liability insurance
3971 to cover claims in excess of the amounts provided for in Section
3972 11-46-15 and may be sued by anyone in excess of the amounts
3973 provided for in Section 11-46-15 to the extent of the excess
3974 insurance carried; however, the immunity from suit above the



3975 amounts provided for in Section 11-46-15 shall be waived only to
3976 the extent of excess liability insurance carried.

3977 (5) Any two (2) or more political subdivisions may contract
3978 to pool their liabilities as a group under this chapter. The
3979 pooling agreements and contracts may provide for the purchase of
3980 one or more policies of liability insurance or the establishment
3981 of self-insurance reserves or a combination of insurance and
3982 reserves and shall be subject to approval by the board in the
3983 manner provided in subsections (2) and (3) of this section.

3984 (6) The board shall have subrogation rights against a third
3985 party for amounts paid out of any plan of self-insurance
3986 administered by the board pursuant to this section on behalf of a
3987 governmental entity that is not a political subdivision as a
3988 result of damages caused under circumstances creating a cause of
3989 action in favor of such governmental entity against a third party.
3990 The board shall deposit in the Tort Claims Fund all monies
3991 received in connection with the settlement or payment of any
3992 claim, including proceeds from the sale of salvage.

3993 (7) From and after July 1, 2016, the expenses of this agency
3994 shall be defrayed by appropriation from the State General Fund and
3995 all user charges and fees authorized under this section shall be
3996 deposited into the State General Fund as authorized by law.

3997 (8) From and after July 1, 2016, no state agency shall
3998 charge another state agency a fee, assessment, rent or other



3999 charge for services or resources received by authority of this
4000 section.

4001 **[WORKERS' COMPENSATION COMMISSION]**

4002 **SECTION 67.** Section 71-3-100, Mississippi Code of 1972, is
4003 amended as follows:

4004 71-3-100. All funds received by the * * * Workers'
4005 Compensation Commission, as established by Section 71-3-85 et
4006 seq., shall be paid to the State Treasurer, who shall issue
4007 receipts therefor and who shall deposit such funds in the State
4008 Treasury in a special fund to the credit of said commission. All
4009 such funds shall be expended only pursuant to appropriation
4010 approved by the Legislature and as provided by law.

4011 From and after July 1, 2016, the expenses of this agency
4012 shall be defrayed by appropriation from the State General Fund and
4013 all user charges and fees authorized under this section shall be
4014 deposited into the State General Fund as authorized by law.

4015 From and after July 1, 2016, no state agency shall charge
4016 another state agency a fee, assessment, rent or other charge for
4017 services or resources received by authority of this section.

4018 **[OFFICE OF ATTORNEY GENERAL]**

4019 **SECTION 68.** Section 7-5-61, Mississippi Code of 1972, is
4020 amended as follows:

4021 7-5-61. (1) In addition to the keeping of the general
4022 docket as hereinabove required, the Attorney General shall keep in
4023 his office a comprehensive set of books showing all receipts and



4024 disbursement of funds received by the office from whatever source,
4025 including appropriations by the Legislature, the contingent fund,
4026 and other funds. He shall deposit all funds received by his
4027 office in a state depository in his name as Attorney General of
4028 the State of Mississippi, shall not commingle or mix any funds
4029 received by him in his official capacity with his personal funds
4030 or other funds, and shall make disbursement and distribution
4031 thereof within the time and in the manner required by law of state
4032 officers. The receipt of funds by the Attorney General pending
4033 litigation or final determination as to the proper distribution
4034 thereof may be held until such adjudication or determination.

4035 (2) From and after July 1, 2016, the Office of the Attorney
4036 General shall not charge another state agency a fee, assessment,
4037 or other charge for services or resources received by that agency
4038 from the Attorney General.

4039 (3) From and after July 1, 2016, the expenses of the Office
4040 of the Attorney General shall be defrayed by appropriation from
4041 the State General Fund and all user charges and fees authorized
4042 under this section shall be deposited into the State General Fund
4043 as authorized by law.

4044 **[STATE PERSONNEL BOARD]**

4045 **SECTION 69.** Section 25-9-119, Mississippi Code of 1972, is
4046 amended as follows:

4047 25-9-119. (1) There is created the position of the State
4048 Personnel Director who shall be selected by the State Personnel



4049 Board, with the advice and consent of the Senate. The director
4050 shall have at least a Juris Doctor degree from an accredited law
4051 school or a master's degree in business administration, personnel
4052 management or the equivalent and shall have not less than five (5)
4053 years' experience therein. His salary shall be in accordance with
4054 the Mississippi Compensation Plan. The State Personnel Director
4055 shall serve at the will and pleasure of the State Personnel Board.

4056 (2) The duties and responsibilities of the director shall
4057 be:

4058 (a) To serve as executive secretary to the board, to
4059 attend meetings as directed by the board and to provide such
4060 professional, technical and other supportive assistance as may be
4061 required by the board in the performance of its duties;

4062 (b) Consistent with board policy, to administer the
4063 operations of the State Personnel System and to otherwise act in
4064 the capacity of Chief Executive Officer to the State Personnel
4065 Board;

4066 (c) To submit for board approval proposed rules and
4067 regulations which shall require a uniform system of personnel
4068 administration within all agencies included in this chapter. Such
4069 rules and regulations, when approved by the board, shall be
4070 binding upon the state departments, agencies and institutions
4071 covered by this chapter and shall include provisions for the
4072 establishment and maintenance of classification and compensation
4073 plans, the conduct of examinations, employee recruiting, employee



4074 selection, the certification of eligible persons, appointments,
4075 promotions, transfers, demotions, separations, reinstatement,
4076 appeals, reports of performance, payroll certification, employee
4077 training, vacation and sick leave, compensatory leave,
4078 administrative leave, standardized recordkeeping forms and
4079 procedures for leave earned, accrued and used, and all other
4080 phases of personnel administration. Such rules and regulations
4081 shall not be applicable to the emergency hiring of employees by
4082 the Public Employees' Retirement System pursuant to Section
4083 25-11-15(7). Copies of the rules and regulations, or
4084 modifications thereto, as are approved by the State Personnel
4085 Board, shall be provided to the Chairmen of the Accountability,
4086 Efficiency and Transparency Committee of the Senate and the Fees
4087 and Salaries of Public Officers Committee of the House of
4088 Representatives, the Lieutenant Governor and the Governor at least
4089 sixty (60) days before their effective date. The respective
4090 parties may submit comments to the board regarding such rules and
4091 regulations before their effective date;

4092 (i) Compensation plans and modifications thereto
4093 promulgated under rules and regulations shall become effective as
4094 adopted, upon appropriation therefor by the State Legislature;

4095 (ii) The director and the board shall provide for:

4096 * * *1. Cost-of-living adjustments;



4097 * * *2. Salary increases for outstanding
4098 performance based upon documented employee productivity and
4099 exceptional performance in assigned duties; and

4100 * * *3. Plans to compensate employees for
4101 suggestions which result in improved management in technical or
4102 administrative procedures and result in documented cost savings
4103 for the state. In certifying promotions, the director shall
4104 ensure that an employee's anniversary date remains the same
4105 regardless of the date of his promotion;

4106 (d) To submit to the board any proposed legislation as
4107 may be necessary to bring existing statutes relating to the
4108 administration of public employees into uniformity;

4109 (e) To administer the rules and regulations and all
4110 other operational aspects of the State Personnel System and to
4111 assure compliance therewith in all the departments, agencies and
4112 institutions covered by the State Personnel System;

4113 (f) To appoint and prescribe the duties of the State
4114 Personnel System staff, all positions of which shall be included
4115 in the state service;

4116 (g) To prepare an annual budget for the board covering
4117 all the costs of operating the State Personnel System, including
4118 the State Personnel Board, and the costs of administering such
4119 federal laws relating to personnel administration as the board may
4120 direct, including the Intergovernmental Personnel Act of 1970;



4121 (h) To assist state agencies, departments and
4122 institutions in complying with all applicable state and federal
4123 statutes and regulations concerning discrimination in employment,
4124 personnel administration and related matters;

4125 (i) To recommend procedures for the establishment and
4126 abolishment of employment positions within those departments,
4127 agencies and institutions not excluded from this chapter; and

4128 (j) To cooperate with appointing authorities in the
4129 administration of this chapter in order to promote public service
4130 and establish conditions of service which will attract and retain
4131 employees of character and capacity and to increase efficiency and
4132 economy in governmental departments by the improvement of methods
4133 of personnel administration with full recognition of the
4134 requirements and needs of management.

4135 (3) From and after July 1, 2016, the State Personnel Board
4136 shall not charge another state agency a fee, assessment, or other
4137 charge for services or resources received by that agency from the
4138 State Personnel Board.

4139 (4) From and after July 1, 2016, the expenses of this agency
4140 shall be defrayed by appropriation from the State General Fund and
4141 all user charges and fees authorized under this section shall be
4142 deposited into the State General Fund as authorized by law.

4143 **[MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION]**

4144 **SECTION 70.** Section 27-104-103, Mississippi Code of 1972, is
4145 amended as follows:



4146 27-104-103. (1) The Department of Finance and
4147 Administration shall have the following duties and powers:
4148 (a) To provide administrative guidance to the various
4149 departments and agencies of state government;
4150 (b) To facilitate the expedient delivery of services
4151 and programs for the benefit of the citizens of the state;
4152 (c) To analyze and develop efficient management
4153 practices and assist departments and agencies in implementing
4154 effective and efficient work management systems;
4155 (d) To conduct management review of state agencies and
4156 departments and recommend a management plan to state departments
4157 and agencies when corrective action is required;
4158 (e) To, at least annually, report to the Governor and
4159 the Legislature on programs and actions taken to improve the
4160 conduct of state operations and to prepare and recommend
4161 management programs for effective and efficient management of the
4162 operations of state government;
4163 (f) To allocate the federal-state programs funds to the
4164 departments responsible for the delivery of the programs and
4165 services for which the appropriation was made;
4166 (g) To coordinate the planning functions of all
4167 agencies in the executive branch of government and review any and
4168 all plans which are developed by those agencies and departments;
4169 (h) To collect and maintain the necessary data on which
4170 to base budget and policy development issues;



4171 (i) To develop and analyze policy recommendations to
4172 the Governor;

4173 (j) To develop and manage the executive budget process;

4174 (k) To prepare the executive branch budget
4175 recommendations;

4176 (l) To review and monitor the expenditures of the
4177 executive agencies and departments of government;

4178 (m) To manage the state's fiscal affairs;

4179 (n) To administer programs relating to general
4180 services, public procurement, insurance and the Bond Advisory
4181 Division;

4182 (o) To administer the state's aircraft operation.

4183 (2) The department shall have the following additional
4184 powers and duties under Chapter 18 of Title 17:

4185 (a) It shall acquire the site submitted by the
4186 Mississippi Hazardous Waste Facility Siting Authority and, if
4187 determined necessary, design, finance, construct and operate a
4188 state commercial hazardous waste management facility;

4189 (b) It may acquire by deed, purchase, lease, contract,
4190 gift, devise or otherwise any real or personal property,
4191 structures, rights-of-way, franchises, easements and other
4192 interest in land which is necessary and convenient for the
4193 construction or operation of the state commercial hazardous waste
4194 management facility, upon such terms and conditions as it deems
4195 advisable, hold, mortgage, pledge or otherwise encumber the same,



4196 and lease, sell, convey or otherwise dispose of the same in such a
4197 manner as may be necessary or advisable to carry out the purposes
4198 of Chapter 18 of Title 17;

4199 (c) It shall develop and implement, in consultation
4200 with the Department of Environmental Quality, schedules of user
4201 fees, franchise fees and other charges, including nonregulatory
4202 penalties and surcharges applicable to the state commercial
4203 hazardous waste management facility;

4204 (d) It may employ consultants and contractors to
4205 provide services including site acquisition, design, construction,
4206 operation, closure, post-closure and perpetual care of the state
4207 commercial hazardous waste management facility;

4208 (e) It may apply for and accept loans, grants and gifts
4209 from any federal or state agency or any political subdivision or
4210 any private or public organization;

4211 (f) It shall make plans, surveys, studies and
4212 investigations as may be necessary or desirable with respect to
4213 the acquisition, development and use of real property and the
4214 design, construction, operation, closure and long-term care of the
4215 state commercial hazardous waste management facility;

4216 (g) It shall have the authority to preempt any local
4217 ordinance or restriction which prohibits or has the effect of
4218 prohibiting the establishment or operation of the state commercial
4219 hazardous waste management facility;



4220 (h) It may negotiate any agreement for site
4221 acquisition, design, construction, operation, closure,
4222 post-closure and perpetual care of the state commercial hazardous
4223 waste management facility and may negotiate any agreement with any
4224 local governmental unit pursuant to Chapter 18 of Title 17;

4225 (i) It may promulgate rules and regulations necessary
4226 to effectuate the purposes of Chapter 18 of Title 17 not
4227 inconsistent therewith;

4228 (j) If funds are not appropriated or if the
4229 appropriated funds are insufficient to carry out the provisions of
4230 Chapter 18 of Title 17, the department shall expend any funds
4231 available to it from any source to defray its costs to implement
4232 Chapter 18 of Title 17 through February 1, 1991.

4233 (3) From and after July 1, 2016, the expenses of the
4234 Department of Finance and Administration shall be defrayed by
4235 appropriation from the State General Fund and all user charges and
4236 fees authorized under law such as rents, MAGIC fees, and other
4237 fees for services shall be deposited into the State General Fund
4238 as authorized by law.

4239 (4) From and after July 1, 2016, the Department of Finance
4240 and Administration shall not charge another state agency a fee,
4241 assessment, rent or other charge for services or resources
4242 received by that state agency from the department.

4243 **[TRAFFIC AND CRIMINAL ASSESSMENTS]**



4244 **SECTION 71.** Section 99-19-73, Mississippi Code of 1972, is
4245 amended as follows:

4246 99-19-73. (1) **Traffic violations.** In addition to any
4247 monetary penalties and any other penalties imposed by law, there
4248 shall be imposed and collected the following state assessment from
4249 each person upon whom a court imposes a fine or other penalty for
4250 any violation in Title 63, Mississippi Code of 1972, except
4251 offenses relating to the Mississippi Implied Consent Law (Section
4252 63-11-1 et seq.) and offenses relating to vehicular parking or
4253 registration:

4254	FUND	AMOUNT
4255	State Court Education Fund.....\$	* * *
4256	State Prosecutor Education Fund.....	* * *
4257	Vulnerable Persons Training, 4258 Investigation and Prosecution Trust Fund.....	* * *
4259	Child Support Prosecution Trust Fund.....	* * *
4260	Driver Training Penalty Assessment Fund.....	* * *
4261	Law Enforcement Officers Training Fund.....	* * *
4262	Spinal Cord and Head Injury Trust Fund 4263 (for all moving violations).....	* * *
4264	Emergency Medical Services Operating Fund.....	* * *
4265	Mississippi Leadership Council on Aging Fund.....	* * *
4266	Law Enforcement Officers and Fire Fighters 4267 Death Benefits Trust Fund.....	* * *
4268	Law Enforcement Officers and Fire Fighters	



4269	Disability Benefits Trust Fund.....	* * *
4270	State Prosecutor Compensation Fund for the purpose	
4271	of providing additional compensation for	
4272	district attorneys and their legal assistants.....	* * *
4273	Crisis Intervention Mental Health Fund.....	* * *
4274	Drug Court Fund * * *.....	* * *
4275	Drug Court Fund * * *.....	* * *
4276	Judicial Performance Fund.....	* * *
4277	Capital Defense Counsel Fund * * *	
4278	* * *	
4279	Indigent Appeals Fund.....	* * *
4280	Capital Post-Conviction Counsel Fund.....	* * *
4281	Victims of Domestic Violence Fund.....	* * *
4282	Public Defenders Education Fund.....	* * *
4283	Domestic Violence Training Fund.....	* * *
4284	Attorney General's Cyber Crime Unit.....	* * *
4285	Children's Safe Center Fund.....	* * *
4286	DuBard School for Language Disorders Fund.....	* * *
4287	Children's Advocacy Centers Fund.....	* * *
4288	Judicial System Operation Fund * * *	
4289	* * *.....	* * *
4290	* * *	
4291	* * *.....	* * *
4292	TOTAL STATE ASSESSMENT <u>TO THE GENERAL FUND</u>	
4293	* * *.....\$	88.42



4294 (2) **Implied Consent Law violations.** In addition to any
 4295 monetary penalties and any other penalties imposed by law, there
 4296 shall be imposed and collected the following state assessment from
 4297 each person upon whom a court imposes a fine or any other penalty
 4298 for any violation of the Mississippi Implied Consent Law (Section
 4299 63-11-1 et seq.):

4300 FUND	AMOUNT
4301 Crime Victims' Compensation Fund.....	\$ * * *
4302 State Court Education Fund.....	* * *
4303 State Prosecutor Education Fund.....	* * *
4304 Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	* * *
4306 Child Support Prosecution Trust Fund.....	* * *
4307 Driver Training Penalty Assessment Fund.....	* * *
4308 Law Enforcement Officers Training Fund.....	* * *
4309 Emergency Medical Services Operating Fund.....	* * *
4310 Mississippi Alcohol Safety Education Program Fund.....	* * *
4311 Federal-State Alcohol Program Fund.....	* * *
4312 Mississippi Forensics Laboratory Implied Consent Law Fund.....	* * *
4314 Spinal Cord and Head Injury Trust Fund.....	* * *
4315 Capital Defense Counsel Fund.....	* * *
4316 Indigent Appeals Fund.....	* * *
4317 Capital Post-Conviction Counsel Fund.....	* * *
4318 Victims of Domestic Violence Fund.....	* * *



4319	***		
4320	Law Enforcement Officers and Fire Fighters		
4321	Death Benefits Trust Fund.....	***	
4322	Law Enforcement Officers and Fire Fighters		
4323	Disability Benefits Trust Fund.....	***	
4324	State Prosecutor Compensation Fund for the purpose		
4325	of providing additional compensation for		
4326	district attorneys and their legal assistants.....	***	
4327	Crisis Intervention Mental Health Fund.....	***	
4328	Drug Court Fund.....	***	
4329	Statewide Victims' Information and		
4330	Notification System Fund.....	***	
4331	Public Defenders Education Fund.....	***	
4332	Domestic Violence Training Fund.....	***	
4333	Attorney General's Cyber Crime Unit.....	***	
4334	TOTAL STATE ASSESSMENT <u>TO THE GENERAL FUND</u>	\$	243.50

4335 (3) **Game and Fish Law violations.** In addition to any
4336 monetary penalties and any other penalties imposed by law, there
4337 shall be imposed and collected the following state assessment from
4338 each person upon whom a court imposes a fine or other penalty for
4339 any violation of the game and fish statutes or regulations of this
4340 state:

4341	FUND		AMOUNT
4342	State Court Education Fund.....	\$	***
4343	State Prosecutor Education Fund.....		***



4344 Vulnerable Persons Training,

4345 Investigation and Prosecution Trust Fund..... * * *

4346 Law Enforcement Officers Training Fund..... * * *

4347 Hunter Education and Training Program Fund..... * * *

4348 * * *

4349 Law Enforcement Officers and Fire Fighters

4350 Death Benefits Trust Fund..... * * *

4351 Law Enforcement Officers and Fire Fighters

4352 Disability Benefits Trust Fund..... * * *

4353 State Prosecutor Compensation Fund for the purpose

4354 of providing additional compensation for district

4355 attorneys and their legal assistants..... * * *

4356 Crisis Intervention Mental Health Fund..... * * *

4357 Drug Court Fund..... * * *

4358 Capital Defense Counsel Fund..... * * *

4359 Indigent Appeals Fund..... * * *

4360 Capital Post-Conviction Counsel Fund..... * * *

4361 Victims of Domestic Violence Fund..... * * *

4362 Public Defenders Education Fund..... * * *

4363 Domestic Violence Training Fund..... * * *

4364 Attorney General's Cyber Crime Unit..... * * *

4365 TOTAL STATE ASSESSMENT TO THE GENERAL FUND.....\$ 89.00

4366 (4) [Deleted]

4367 (5) **Speeding, reckless and careless driving violations.** In

4368 addition to any assessment imposed under subsection (1) or (2) of



4369 this section, there shall be imposed and collected the following
4370 state assessment from each person upon whom a court imposes a fine
4371 or other penalty for driving a vehicle on a road or highway:

4372 (a) At a speed that exceeds the posted speed limit by
4373 at least ten (10) miles per hour but not more than twenty (20)
4374 miles per hour.....\$ * * *

4375 (b) At a speed that exceeds the posted speed limit by
4376 at least twenty (20) miles per hour but not more than thirty (30)
4377 miles per hour.....\$ * * *

4378 (c) At a speed that exceeds the posted speed limit by
4379 thirty (30) miles per hour or more.....\$ * * *

4380 (d) In violation of Section 63-3-1201, which is the
4381 offense of reckless driving.....\$ * * *

4382 (e) In violation of Section 63-3-1213, which is the
4383 offense of careless driving.....\$ * * *

4384 All assessments collected under this subsection shall be
4385 deposited into the * * * State General Fund.....\$ 80.00

4386 (6) **Other misdemeanors.** In addition to any monetary
4387 penalties and any other penalties imposed by law, there shall be
4388 imposed and collected the following state assessment from each
4389 person upon whom a court imposes a fine or other penalty for any
4390 misdemeanor violation not specified in subsection (1), (2) or (3)
4391 of this section, except offenses relating to vehicular parking or
4392 registration:

4393 FUND AMOUNT



4394	Crime Victims' Compensation Fund.....	\$ * * *
4395	State Court Education Fund.....	* * *
4396	State Prosecutor Education Fund.....	* * *
4397	Vulnerable Persons Training, Investigation	
4398	and Prosecution Trust Fund.....	* * *
4399	Child Support Prosecution Trust Fund.....	* * *
4400	Law Enforcement Officers Training Fund.....	* * *
4401	Capital Defense Counsel Fund.....	* * *
4402	Indigent Appeals Fund.....	* * *
4403	Capital Post-Conviction Counsel Fund.....	* * *
4404	Victims of Domestic Violence Fund.....	* * *
4405	* * *	
4406	State Crime Stoppers Fund.....	* * *
4407	Law Enforcement Officers and Fire Fighters	
4408	Death Benefits Trust Fund.....	* * *
4409	Law Enforcement Officers and Fire Fighters	
4410	Disability Benefits Trust Fund.....	* * *
4411	State Prosecutor Compensation Fund for the purpose	
4412	of providing additional compensation for	
4413	district attorneys and their legal assistants.....	* * *
4414	Crisis Intervention Mental Health Fund.....	* * *
4415	Drug Court Fund.....	* * *
4416	Judicial Performance Fund.....	* * *
4417	Statewide Victims' Information and	
4418	Notification System Fund.....	* * *



4419	Public Defenders Education Fund.....	* * *
4420	Domestic Violence Training Fund.....	* * *
4421	Attorney General's Cyber Crime Unit.....	* * *
4422	Information Exchange Network Fund.....	* * *
4423	Motorcycle Officer Training Fund.....	* * *
4424	Civil Legal Assistance Fund.....	* * *
4425	Justice Court Collections Fund.....	* * *
4426	Municipal Court Collections Fund.....	* * *
4427	TOTAL STATE ASSESSMENT <u>TO THE GENERAL FUND</u>	\$ 121.75

4428 (7) **Other felonies.** In addition to any monetary penalties
4429 and any other penalties imposed by law, there shall be imposed and
4430 collected the following state assessment from each person upon
4431 whom a court imposes a fine or other penalty for any felony
4432 violation not specified in subsection (1), (2) or (3) of this
4433 section:

4434	FUND	AMOUNT
4435	Crime Victims' Compensation Fund.....	\$ * * *
4436	State Court Education Fund.....	* * *
4437	State Prosecutor Education Fund.....	* * *
4438	Vulnerable Persons Training, Investigation 4439 and Prosecution Trust Fund.....	* * *
4440	Child Support Prosecution Trust Fund.....	* * *
4441	Law Enforcement Officers Training Fund.....	* * *
4442	Capital Defense Counsel Fund.....	* * *
4443	Indigent Appeals Fund.....	* * *



4444	Capital Post-Conviction Counsel Fund.....	* * *
4445	Victims of Domestic Violence Fund.....	* * *
4446	* * *	
4447	Criminal Justice Fund.....	* * *
4448	Law Enforcement Officers and Fire Fighters	
4449	Death Benefits Trust Fund.....	* * *
4450	Law Enforcement Officers and Fire Fighters	
4451	Disability Benefits Trust Fund.....	* * *
4452	State Prosecutor Compensation Fund for the purpose	
4453	of providing additional compensation for	
4454	district attorneys and their legal assistants.....	* * *
4455	Crisis Intervention Mental Health Fund.....	* * *
4456	Drug Court Fund.....	* * *
4457	Statewide Victims' Information and	
4458	Notification System Fund.....	* * *
4459	Public Defenders Education Fund.....	* * *
4460	Domestic Violence Training Fund.....	* * *
4461	Attorney General's Cyber Crime Unit.....	* * *
4462	Forensics Laboratory DNA Identification System Fund.....	* * *
4463	TOTAL STATE ASSESSMENT <u>TO THE GENERAL FUND</u>	\$ 280.50

4464 (8) **Additional assessments on certain violations:**

4465 (a) **Railroad crossing violations.** In addition to any

4466 monetary penalties and any other penalties imposed by law, there

4467 shall be imposed and collected the following state assessment in

4468 addition to all other state assessments due under this section



4469 from each person upon whom a court imposes a fine or other penalty
4470 for any violation involving railroad crossings under Section
4471 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

4472 * * * State General Fund.....\$25.00

4473 (b) **Drug violations.** In addition to any monetary
4474 penalties and any other penalties imposed by law, there shall be
4475 imposed and collected the following state assessment in addition
4476 to all other state assessments due under this section from each
4477 person upon whom a court imposes a fine or other penalty for any
4478 violation of Section 41-29-139:

4479 * * * State General Fund.....\$25.00

4480 (9) If a fine or other penalty imposed is suspended, in
4481 whole or in part, such suspension shall not affect the state
4482 assessment under this section. No state assessment imposed under
4483 the provisions of this section may be suspended or reduced by the
4484 court.

4485 (10) (a) After a determination by the court of the amount
4486 due, it shall be the duty of the clerk of the court to promptly
4487 collect all state assessments imposed under the provisions of this
4488 section. The state assessments imposed under the provisions of
4489 this section may not be paid by personal check.

4490 (b) It shall be the duty of the chancery clerk of each
4491 county to deposit all * * * state assessments collected in the
4492 circuit, county and justice courts in * * * the county on a
4493 monthly basis with the State Treasurer pursuant to appropriate



4494 procedures established by the State Auditor. The chancery clerk
4495 shall make a monthly lump-sum deposit of the total state
4496 assessments collected in the circuit, county and justice courts
4497 in * * * the county under this section, and shall report to the
4498 Department of Finance and Administration the total number of
4499 violations under each subsection for which state assessments were
4500 collected in the circuit, county and justice courts in * * * the
4501 county during * * * that month.

4502 (c) It shall be the duty of the municipal clerk of each
4503 municipality to deposit all * * * the state assessments collected
4504 in the municipal court in * * * the municipality on a monthly
4505 basis with the State Treasurer pursuant to appropriate procedures
4506 established by the State Auditor. The municipal clerk shall make
4507 a monthly lump-sum deposit of the total state assessments
4508 collected in the municipal court in * * * the municipality under
4509 this section, and shall report to the Department of Finance and
4510 Administration the total number of violations under each
4511 subsection for which state assessments were collected in the
4512 municipal court in * * * the municipality during * * * that month.

4513 (11) It shall be the duty of the Department of Finance and
4514 Administration to deposit on a monthly basis all * * * state
4515 assessments into the proper special fund in the State
4516 Treasury. * * * The Department of Finance and Administration
4517 shall issue regulations providing for the proper allocation of
4518 these special funds.



4519 (12) The State Auditor shall establish by regulation
4520 procedures for refunds of state assessments, including refunds
4521 associated with assessments imposed before July 1, 1990, and
4522 refunds after appeals in which the defendant's conviction is
4523 reversed. The Auditor shall provide in * * * the regulations for
4524 certification of eligibility for refunds and may require the
4525 defendant seeking a refund to submit a verified copy of a court
4526 order or abstract by which * * * the defendant is entitled to a
4527 refund. All refunds of state assessments shall be made in
4528 accordance with the procedures established by the Auditor.

4529 **SECTION 72.** This act shall take effect and be in force from
4530 and after July 1, 2016.

