

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2362

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

39 **SECTION 2.** (1) From and after July 1, 2016, the expenses of
40 the following enumerated state agencies shall be defrayed by
41 appropriation of the Legislature from the State General Fund: the
42 Mississippi Fair Commission, the State Fire Marshall, the State
43 Fire Academy, the Mississippi Department of Insurance, the
44 Mississippi Law Enforcement Officers' Minimum Standards Board, the
45 Office of the State Public Defender, the Mississippi Department of
46 Revenue - License Tag, and the Mississippi Workers' Compensation



47 Commission. Beginning July 1, 2016, any fees, assessments or
48 other revenues charged for the support of the above-named state
49 agencies shall be deposited into the State General Fund, and any
50 special fund or depository established within the State Treasury
51 for the deposit of those fees, assessments or revenues shall be
52 abolished and the balance transferred to the State General Fund.
53 Expenses previously drawn from those special funds or other
54 depositories shall be drawn from the agencies' General Fund
55 Account.

56 (2) Beginning with the fiscal year ending June 30, 2016, the
57 amount to be appropriated annually from the State General Fund for
58 the support of each of the above-named state agencies shall not
59 exceed the amount appropriated for that purpose in the preceding
60 fiscal year, plus any increases in or additional fees, assessments
61 or other charges authorized by act of the Legislature for the
62 succeeding fiscal year.

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

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

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



72 **[MISSISSIPPI FAIR COMMISSION]**

73 **SECTION 3.** Section 69-5-1, Mississippi Code of 1972, is
74 amended as follows:

75 69-5-1. In order to promote agricultural and industrial
76 development in Mississippi and to encourage the farmers to grow
77 better livestock and agricultural products, there is hereby
78 created a body politic and corporate to be hereafter known as the
79 "Mississippi Fair Commission," which said body politic and
80 corporate shall be under the management and control of said
81 commission to be named by the Governor as follows: The
82 Commissioner of Agriculture and Commerce, chairman, the Director
83 of the Mississippi Extension Service, President of the Mississippi
84 Livestock Association, the Director of Mississippi Vocational
85 Education, and a representative of Mississippi Association of
86 Fairs, a representative of the Agricultural and Industrial Board,
87 and a representative of the City Commission of Jackson,
88 Mississippi, all to serve four (4) years without salary
89 compensation. Should a vacancy occur by resignation or death, the
90 Governor shall appoint a successor.

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

95 **SECTION 4.** Section 69-5-3, Mississippi Code of 1972, is
96 amended as follows:



97 69-5-3. (1) The Mississippi Fair Commission shall set up
98 rules and regulations consistent with the law governing the
99 distribution of state monies for premiums or awards. It will be
100 the duty of the commission to meet at the call of the chairman, at
101 least twice each year, to approve premium lists or awards, and
102 give out rules governing participants in state premium money in
103 Mississippi. The commission may invite the presidents of the
104 various district livestock shows before the commission when
105 determining policies affecting district livestock shows.

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

109 (3) The Mississippi Fair Commission shall have charge of the
110 State Fairgrounds located in Jackson, Mississippi, including all
111 buildings and improvements thereon, and shall have full power and
112 authority in perfecting plans and causing to be held thereon the
113 Mississippi State Fair and other such events that may be
114 authorized by the commission.

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

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

119 (6) The Mississippi Fair Commission may allow a commercial,
120 charitable or governmental entity to use, publish and advertise
121 such entity's name in connection with any of the buildings,



122 improvements or objects located on the State Fairgrounds in
123 Jackson, except for the Kirk Fordice Equine Center, or in
124 connection with any of the events conducted on the State
125 Fairgrounds in return for a monetary consideration paid to the
126 commission. Those funds received from an entity for allowing its
127 name to be used, published or advertised in connection with the
128 buildings, improvements, objects or events shall be retained by
129 the commission to be used for capital improvements to the
130 fairgrounds or in its annual operating budget. The commission
131 shall not enter into any such agreement with any vendor whose
132 products are illegal for participation in or use by persons
133 eighteen (18) years of age and under.

134 (7) The chairman of the commission is authorized to form and
135 establish a private foundation or nonprofit corporation to receive
136 and disburse the funds generated by the sale of naming rights
137 described in subsection (6) of this section and for any other
138 donations made to the commission. The funds shall be disbursed in
139 accordance with guidelines described in this section, and the
140 foundation or nonprofit corporation shall be subject to the
141 reporting requirements described in subsection (10) of this
142 section. All funds shall remain with the foundation until
143 disbursement and shall not be transferred to the State General
144 Fund. No public funds shall be deposited into the account of the
145 private foundation or nonprofit corporation established by the
146 commission for the benefit of the State Fairgrounds, nor shall the



147 Legislature appropriate any State General Fund or Special Fund
148 monies to the foundation or nonprofit corporation for such
149 purposes. All monies received by the foundation shall be
150 maintained separately from funds allocated to the commission for
151 operating and administrative costs associated with the State
152 Fairgrounds. In addition to the reporting of information to be
153 included in the annual legislative report of the commission, the
154 private foundation or nonprofit corporation shall be subject to
155 annual financial audits by the State Auditor and by auditors of
156 donors in the same manner as required for state agencies.

157 (8) The commission shall have the authority to enter into a
158 lease or right-of-way with a third party covering any land or
159 buildings on the State Fairgrounds and any funds generated from
160 such lease or right-of-way shall remain in a special fund managed
161 by the commission. All monies in the special fund may be used for
162 capital improvements to the State Fairgrounds or in the
163 commission's annual operating budget. Any unexpended funds
164 remaining in the special fund shall not lapse into the State
165 General Fund, and any interest earned or investment earnings on
166 amounts in the fund shall be deposited in the fund.

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

170 (10) The Mississippi Fair Commission shall report by January
171 1 of each year a detailed financial statement of all monies



172 received and expended under subsection (6) and subsection (7) of
173 this section to the Lieutenant Governor, the Speaker of the House
174 of Representatives and the Chairman of the Senate Agriculture
175 Committee and the Chairman of the House of Representatives
176 Agriculture Committee.

177 (11) From and after July 1, 2016, the expenses of this
178 agency shall be defrayed by appropriation from the State General
179 Fund and all user charges and fees authorized under this section
180 shall be deposited into the State General Fund as authorized by
181 law.

182 **SECTION 5.** Section 69-5-11, Mississippi Code of 1972, is
183 amended as follows:

184 69-5-11. (1) The Mississippi Fair Commission created by
185 Section 69-5-1 shall charge for admission to the State Fair. The
186 proceeds thereof shall be used for the repayment of revenue bonds
187 issued for the purpose of constructing, equipping and furnishing
188 new buildings and making improvements on the State Fairgrounds.

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

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



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

201 **SECTION 6.** Section 69-5-15, Mississippi Code of 1972, is
202 amended as follows:

203 69-5-15. (1) The words "revenue bonds" shall be deemed to
204 mean bonds payable solely from the net revenue received by the
205 Mississippi Fair Commission.

206 The Department of Finance and Administration shall have power
207 and is hereby authorized, at one time or from time to time by
208 resolution, to authorize the issuance of negotiable revenue bonds
209 to provide funds for the purpose of paying all or any part of the
210 cost of construction and/or improvements requested by the
211 Mississippi Fair Commission pursuant to Section 69-5-13, or the
212 cost of any purchase of property or improvements thereon pursuant
213 to Section 17-17-49, but in no event shall the amount of such
214 bonds outstanding at any one time exceed Four Million Dollars
215 (\$4,000,000.00); and shall cause a certified copy of such
216 resolution to be delivered to the State Bond Commission. No bonds
217 shall be issued under this section after April 23, 2008. Upon the
218 receipt of said authorizing resolution, the State Bond Commission,
219 acting as the issuing agent, shall issue and sell the revenue
220 bonds of the State of Mississippi when authorized at the time and
221 in the amount indicated in said resolution, prescribe the form of



222 the bonds, advertise for and accept bids therefor, issue and sell
223 the bonds, and do any and all other things necessary and advisable
224 in the issuance and sale of said bonds. The principal of and the
225 interest on such revenue bonds shall be payable solely from a
226 special fund to be provided for that purpose from the net revenue
227 received by the Mississippi Fair Commission. Such bonds shall
228 bear date or dates, be in such denomination or denominations, bear
229 interest at such rate or rates, provided that the bonds of any
230 issue shall not bear a greater overall maximum interest rate to
231 maturity than that allowed in Section 75-17-103, be payable at
232 such place or places within or without the State of Mississippi,
233 shall mature at such time or times, be redeemable prior to
234 maturity at such time or times and upon such terms, with or
235 without premium, shall bear such registration privileges, and
236 shall be substantially in such form, all as shall be determined by
237 the State Bond Commission. Such bonds shall mature in annual
238 installments beginning not more than three (3) years from date
239 thereof and extending not more than twenty (20) years from date
240 thereof. Such bonds shall be signed by the Chairman of the State
241 Bond Commission, or by his facsimile signature, and the official
242 seal of the State Bond Commission shall be affixed thereto, and
243 attested by the Secretary of the State Bond Commission. The
244 interest coupons, if any, to be attached to such bonds or other
245 certificates thereon may be executed by the facsimile signatures
246 of said officers. Whenever any such bonds shall have been signed



247 by the officials herein designated to sign the bonds who were in
248 office at the time of such signing but who may have ceased to be
249 such officers prior to the sale and delivery of such bonds, or who
250 may not have been in office on the date such bonds may bear, the
251 signatures of such officers upon such bonds and coupons shall
252 nevertheless be valid and sufficient for all purposes and have the
253 same effect as if the person so officially signing such bonds had
254 remained in office until the delivery of the same to the purchaser
255 or had been in office on the date such bonds may bear.

256 (2) No bonds shall be issued under the authority of this
257 section prior to February 1, 1983; thereafter such bonds may be
258 issued provided that the expansion and other improvements of the
259 Mississippi Industrial Showcase and Trade Mart Building shall have
260 priority in the use of the proceeds of such bonds and provided
261 that the Department of Finance and Administration has approved
262 plans to increase the size of such building by at least fifty
263 percent (50%).

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

268 **SECTION 7.** Section 69-5-19, Mississippi Code of 1972, is
269 amended as follows:

270 69-5-19. The proceeds of bonds sold pursuant to Section
271 69-5-17 shall be paid into the State Treasury to the credit of a



272 special fund known as the State Fair Fund, and shall be used
273 solely for payment of the cost of the project or combined
274 projects, and shall be disbursed upon order of the State Building
275 Commission under such restrictions, if any, as the resolution
276 authorizing the issuance of the bonds may provide. Provided,
277 however, that any surplus in the State Fair Fund over and above
278 the requirements to meet the payments on outstanding bonds and
279 interest thereon when due may, in the discretion of the State Bond
280 Commission, be invested in United States Government bills, notes
281 or bonds, Mississippi General Obligation Bonds, Mississippi
282 Revenue Bonds, Mississippi State Highway Bonds, or in bonds of any
283 municipality or any county in Mississippi; and, upon the sale
284 thereof, the entire proceeds of the sale, including all earnings
285 from the investment, shall be paid into the State Fair Fund. If
286 the proceeds of bonds sold pursuant to Section 69-5-17, by error
287 of calculation or otherwise, shall be less than the cost of the
288 project or combined projects, unless otherwise provided in the
289 resolution authorizing the issuance of the bonds, additional
290 revenue bonds may in like manner be issued to provide the amount
291 of such deficit which, unless otherwise provided in the resolution
292 authorizing the issuance of the bonds, shall be deemed to be one
293 of the same issue and shall be entitled to payment from the same
294 fund without preference or priority of the bonds first issued for
295 the same purpose; provided, that in no event shall the outstanding
296 bonds total more than Seven Hundred Fifty Thousand Dollars



297 (\$750,000.00). If the proceeds of the bonds of any issue shall
298 exceed the amount required for the purpose for which the bonds
299 were issued, the surplus shall be paid into the fund established
300 for the payment of the principal of and the interest on such
301 bonds.

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

306 **[FIRE MARSHAL AND FIRE ACADEMY]**

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

309 45-11-3. Whenever the State Chief Deputy Fire Marshal, or
310 his authorized representative, shall be advised by interested
311 persons of a dangerous or hazardous inflammable condition existing
312 in any building that would tend to impair the safety of persons or
313 property, he shall take proper proceedings, including furnishing
314 of all information in regard thereto to the Attorney General who
315 shall, if he finds such evidence sufficient, bring injunctive
316 proceedings to have the condition corrected. Provided that this
317 section may not apply in any instance where local fire departments
318 or other local agencies have the authority to correct such
319 conditions.

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



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

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

326 45-11-5. (1) Any expense, including office supplies,
327 counsel fees, expenses of deputy, detective and officers, incurred
328 by the Commissioner of Insurance in the performance of the duties
329 imposed upon him by Sections 45-11-1 and 45-11-3, and the
330 operation of the State Fire Academy, as provided in Section
331 45-11-7, shall be defrayed by all insurance companies, including
332 stock, mutuals and reciprocals writing fire insurance, including
333 the fire insurance components of automobile insurance, dwelling
334 multiple peril insurance, farm multiple peril insurance and
335 commercial multiple peril insurance, doing business in this state;
336 and a tax of one-half of one percent (1/2 of 1%) of the gross
337 premium receipts of these fire insurance policies is hereby levied
338 for this purpose to be collected by the * * * Department of
339 Revenue in the same manner as the general tax on premiums is
340 collected as provided in Section 25-15-107. In the case of
341 indivisible multiple peril insurance policies when the fire
342 portion of the policy is not specified, a tax of one-half of one
343 percent (1/2 of 1%) is hereby levied on forty-five percent (45%)
344 of the gross premium receipts of these policies.

345 (2) There is created a separate account known as the "State
346 Fire Academy Fund" for support of the State Fire Academy. Not



347 later than the fifteenth of the month succeeding the month in
348 which taxes under subsection (1) are collected, the State
349 Treasurer shall transfer into this account all taxes collected
350 under subsection (1) for the operation of the State Fire Academy.
351 The annual expenditure for the operation of the academy shall not
352 exceed the amount in the account; however, any unexpended funds
353 remaining in the account at the close of the fiscal year may be
354 carried over for use in the ensuing years.

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

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

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

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

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

369 (5) From and after July 1, 2016, the expenses of this agency
370 shall be defrayed by appropriation from the State General Fund and



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

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

375 45-11-7. (1) There is hereby created a State Fire Academy
376 for the training and education of persons engaged in municipal,
377 county and industrial fire protection. The Commissioner of
378 Insurance shall appoint an Executive Director of the State Fire
379 Academy who, along with his employees, shall be designated as a
380 division of the Insurance Department. The executive director
381 shall serve at the pleasure of the Commissioner of Insurance. The
382 State Fire Academy shall be under the supervision and direction of
383 the Executive Director of the State Fire Academy. State Fire
384 Academy training programs for fire personnel shall be conducted at
385 the academy with seminars to be conducted in other sections of the
386 state as and when the State Fire Academy Advisory Board considers
387 it necessary and advisable.

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

393 The Executive Director of the State Fire Academy is
394 authorized and empowered to purchase, operate and maintain mobile
395 fire fighting equipment as he may find necessary and proper for



396 the operation of the academy subject to approval of the
397 Commissioner of Insurance. The equipment may be utilized wherever
398 training sessions may be held at the discretion of the State Fire
399 Academy Advisory Board.

400 (2) The Commissioner of Insurance shall be authorized to
401 undertake appropriate action to accomplish and fulfill the
402 purposes of the State Fire Academy, including the hiring of
403 instructors and personnel, the lease and purchase of appropriate
404 training equipment and to lease, purchase or construct suitable
405 premises and quarters for conducting annual school and seminars,
406 as the State Fire Academy Advisory Board may deem necessary and
407 required for such purposes. Any contract entered into under and
408 by virtue of the provisions of this section shall first be
409 submitted to and approved by the Public Procurement Review Board,
410 and construction pursuant to the contract shall be under the
411 supervision of the Governor's Office of General Services.

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

417 (4) The State Fire Academy is hereby officially designated
418 as the agency of this state to conduct training for fire personnel
419 on a statewide basis in which members of all duly constituted fire
420 departments may participate. This subsection shall not be



421 construed to affect the authority of any fire department to
422 conduct training for its own personnel.

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

427 (6) The State Fire Academy shall present an appropriate
428 certificate signifying the successful completion of its prescribed
429 courses.

430 (7) National firefighter standards approved by the
431 Mississippi Fire Personnel Minimum Standards and Certification
432 Board shall be used as the basis for classroom instruction at the
433 fire academy.

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

438 (9) The Commissioner of Insurance is hereby authorized and
439 empowered to establish standard guidelines for the use of, and
440 accountability for, municipal and county fire protection funds
441 distributed pursuant to the provisions of Sections 83-1-37 and
442 83-1-39, Mississippi Code of 1972. Such guidelines shall include
443 requirements for the establishment of record keeping and reports
444 to the Commissioner of Insurance by municipalities and counties
445 relating to the receipt and expenditure of fire protection funds,



446 the training of fire department personnel and the submission to
447 the Commissioner of Insurance of other data reasonably related to
448 local fire protection responsibilities which the Commissioner of
449 Insurance deems necessary for the performance of the duties of the
450 State Fire Academy Advisory Board.

451 (10) In order that the Commissioner of Insurance may more
452 effectively execute the duties imposed upon him by subsection (9)
453 of this section, there is hereby created within the State Fire
454 Academy a Division of Fire Services Development. The division
455 shall be staffed by a Fire Services Development Coordinator,
456 appointed by the executive director of the academy from his
457 current staff and by such other personnel as deemed by the
458 Commissioner of Insurance. The division shall work with municipal
459 and county fire coordinators to ensure effective implementation of
460 guidelines established pursuant to subsection (9) of this section
461 and shall serve in an advisory capacity for all aspects of fire
462 service improvement. The Fire Service Coordinator shall annually
463 notify the Department of Finance and Administration of those
464 municipalities and counties which are not eligible to receive a
465 portion of fire protection fund distributions because of failure
466 to comply with requirements imposed in Sections 83-1-37 and
467 83-1-39 as a prerequisite to receipt of such funds.

468 (11) There is created in the State Treasury a separate
469 account to be known as the "State Fire Academy Construction Fund."
470 The State Treasurer shall transfer on July 1, 1997, the sum of Six



471 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
472 1998, the sum of Six Hundred Seventy-five Thousand Dollars
473 (\$675,000.00) from the State Fire Academy Fund 3502 into the
474 separate account created in this subsection. Monies in such
475 account shall be expended solely, upon legislative appropriations,
476 to defray expenses related to the construction of capital
477 improvements project known as "Fire Safety and Education Building"
478 and parking areas at the State Fire Academy by the Bureau of
479 Building, Grounds and Real Property Management of the Office of
480 General Services and to pay any indebtedness incurred to
481 accomplish such construction. Funds not used after the completion
482 of this capital improvements project shall be transferred back
483 into State Fund 3502.

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

489 **[MISSISSIPPI DEPARTMENT OF INSURANCE]**

490 **SECTION 11.** Section 83-1-27, Mississippi Code of 1972, is
491 amended as follows:

492 83-1-27. Whenever the Commissioner of Insurance deems it
493 prudent for the protection of the policyholders in this state, he
494 shall in like manner visit and examine, or cause to be visited and
495 examined by some competent person or persons he may appoint for



496 that purpose, any foreign insurance company applying for admission
497 or already admitted to do business by agencies in this state, and
498 such companies shall pay the proper charges incurred in such
499 examination, including the expense of the commissioner or his
500 deputy and the expenses and compensation of his assistants
501 employed therein. For the purpose aforesaid, the commissioner or
502 his deputy or persons making examination shall have free access to
503 all the books and papers of the insurance company that relate to
504 its business and to the books and papers kept by any of its
505 agents, and may summon and qualify as witnesses, under oath, and
506 examine the directors, officers, agents and trustees of any such
507 company, and any other persons in relation to its affairs,
508 transactions and conditions. Such examination shall be made by
509 the commissioner, or by his accredited representatives, and such
510 companies shall pay the proper charges incurred in such
511 examination, including the expense of the commissioner or
512 financial examiners, actuaries, market conduct examiners,
513 accountants, attorneys or other professional service organizations
514 necessary to administer this section. The Department of Insurance
515 may contract with professional service organizations to examine
516 all companies under its jurisdiction, and the professional service
517 organization may directly bill the company under examination. The
518 commissioner shall monitor the charges for these professional
519 services and verify that all costs are reasonable. If a company
520 fails to pay these fees within thirty (30) days of billing, the



521 commissioner, after notice and a hearing, is authorized to impose
522 an administrative fine not to exceed One Thousand Dollars
523 (\$1,000.00) per day to be deposited into the special fund in the
524 State Treasury designated as the "Insurance Department Fund." The
525 compensation and expense of the commissioner or such examiner for
526 the commissioner shall not exceed that approved by the National
527 Association of Insurance Commissioners for all financial and
528 market conduct examiners on such examinations, itemized account of
529 such charges being rendered to and approved by the Commissioner of
530 Insurance.

531 The results of audits performed hereunder by the Commissioner
532 of Insurance may be furnished to the State Tax Commission.
533 Nothing herein shall be construed to prohibit the State Tax
534 Commission from performing such additional audits or verifications
535 as it may deem necessary to insure the proper payment of taxes.

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

540 **SECTION 12.** Section 83-2-33, Mississippi Code of 1972, is
541 amended as follows:

542 83-2-33. All property and casualty insurance companies doing
543 business in this state shall contribute annually, at such times as
544 the Insurance Commissioner shall determine, in proportion to their
545 gross premiums collected within the State of Mississippi during



546 the preceding year, to a special fund in the State Treasury to be
547 known as the "Insurance Department Fund" to be expended by the
548 Insurance Commissioner in the payment of the expenses of the
549 Department of Insurance as the commissioner may deem necessary.
550 The commissioner is hereby authorized to employ such actuarial and
551 other assistance as shall be necessary to carry out the duties of
552 the department; and such employees shall be under the authority
553 and direction of the Insurance Commissioner. The amount to be
554 contributed annually to the fund shall be fixed each year by the
555 Insurance Commissioner at a percentage of the gross premiums so
556 collected during the preceding year. However, a minimum
557 assessment of One Hundred Dollars (\$100.00) shall be charged to
558 each licensed property and casualty insurance company regardless
559 of the gross premium amount collected during the preceding year.

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

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

567 **SECTION 13.** Section 83-2-35, Mississippi Code of 1972, is
568 amended as follows:



569 83-2-35. (1) This section applies to all forms of property
570 and casualty insurance on risks or operations in this state by any
571 insurer authorized to do business in this state, except:

- 572 (a) Accident and health;
- 573 (b) Ocean marine insurance;
- 574 (c) Reinsurance;
- 575 (d) Aircraft liability and aircraft hull insurance;
- 576 (e) Title insurance;
- 577 (f) Credit accident and health insurance.

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

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

587 **SECTION 14.** Section 83-5-17, Mississippi Code of 1972, is
588 amended as follows:

589 83-5-17. The Commissioner of Insurance may, after notice and
590 a hearing, revoke the authority of a domestic or foreign insurance
591 company or impose an administrative fine, or both, if it violates
592 or neglects to comply with any provision of law obligatory on it,
593 and whenever in the opinion of the commissioner its condition is



594 unsound, or its assets above its liabilities, exclusive of capital
595 and inclusive of unearned premiums, are less than the amount of
596 its original capital or required unimpaired funds. Such
597 administrative fine shall not exceed Five Thousand Dollars
598 (\$5,000.00) per violation and shall be deposited into the special
599 fund in the State Treasury designated as the "Insurance Department
600 Fund."

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

605 **SECTION 15.** Section 83-5-41, Mississippi Code of 1972, is
606 amended as follows:

607 83-5-41. (1) If, after such hearing, the commissioner shall
608 determine that the method of competition or the act or practice in
609 question is defined in Section 83-5-35, and that the person
610 complained of has engaged in such method of competition, act or
611 practice in violation of Sections 83-5-29 through 83-5-51, he
612 shall reduce his findings to writing and shall issue and cause to
613 be served upon the person charged with the violation an order
614 requiring such person to cease and desist from engaging in such
615 method of competition, act or practice. In addition to, or in
616 lieu of, the cease and desist order, the commissioner may, after
617 such hearing, impose an administrative fine not to exceed Five
618 Thousand Dollars (\$5,000.00) per violation, which shall be



619 deposited into the special fund in the State Treasury designated
620 as the "Insurance Department Fund."

621 (2) Until the expiration of the time allowed under Section
622 83-5-43(1) for filing a petition for review (by appeal), if no
623 such petition has been duly filed within such time or, if the
624 petition for review has been filed within such time, then until
625 the transcript of the record in the proceeding has been filed in
626 the circuit court, as hereinafter provided, the commissioner may
627 at any time, upon such notice and in such manner as he shall deem
628 proper, modify or set aside in whole or in part any order issued
629 by him under this section.

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

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

642 **SECTION 16.** Section 83-5-45, Mississippi Code of 1972, is
643 amended as follows:



644 83-5-45. (1) Whenever the commissioner shall have reason to
645 believe that any person engaged in the business of insurance is
646 engaging in this state in any method of competition or in any act
647 or practice in the conduct of such business which is not defined
648 in Section 83-5-35, that such method of competition is unfair or
649 that such act or practice is unfair or deceptive, and that a
650 proceeding by him in respect thereto would be to the interest of
651 the public, he may issue and serve upon such person a statement of
652 the charges in that respect and a notice of a hearing thereon to
653 be held at a time and place fixed in the notice, which shall not
654 be less than ten (10) days after the date of the service thereof.
655 Each such hearing shall be conducted in the same manner as the
656 hearings provided in Section 83-5-39. The commissioner shall,
657 after such hearing, make a report in writing in which he shall
658 state his findings as to the facts, and he shall serve a copy
659 thereof upon such person.

660 (2) If such report charges a violation of Sections 83-5-29
661 through 83-5-51, and if such method of competition, act or
662 practice has not been discontinued, the commissioner may, through
663 the Attorney General of this state, at any time after thirty (30)
664 days after the service of such report, cause a petition to be
665 filed in the circuit court of this state within the district
666 wherein the person resides, or has his principal place of
667 business, to enjoin and restrain such person from engaging in such
668 method, act or practice. The court shall have jurisdiction of the



669 proceeding and shall have power to make and enter appropriate
670 orders in connection therewith and to issue such writs as are
671 ancillary to its jurisdiction or are necessary in its judgment to
672 prevent injury to the public pendente lite.

673 (3) A transcript of the proceedings before the commissioner,
674 including all evidence taken and the report and findings, shall be
675 filed with such petition. If either party shall apply to the
676 court for leave to adduce additional evidence and shall show, to
677 the satisfaction of the court, that such additional evidence is
678 material and there were reasonable grounds for the failure to
679 adduce such evidence in the proceeding before the commissioner,
680 the court may order such additional evidence to be taken before
681 the commissioner and to be adduced upon the hearing in such manner
682 and upon such terms and conditions as to the court may seem
683 proper. The commissioner may modify his findings of fact or make
684 new findings by reason of the additional evidence so taken, and he
685 shall file such modified or new findings with the return of such
686 additional evidence.

687 (4) If the court finds that the method of competition
688 complained of is unfair or that the act or practice complained of
689 is unfair or deceptive, that the proceeding by the commissioner
690 with respect thereto is to the interest of the public, and that
691 the findings of the commissioner are supported by substantial
692 evidence, it shall issue its order enjoining and restraining the
693 continuance of such method of competition, act or practice.



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

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

705 **SECTION 17.** Section 83-5-69, Mississippi Code of 1972, is
706 amended as follows:

707 83-5-69. Any company that neglects to make and file its
708 quarterly and annual statement within the time provided in this
709 chapter shall pay to the Commissioner of Insurance One Hundred
710 Dollars (\$100.00) for each day's neglect, which penalty shall be
711 deposited into the special fund in the State Treasury designated
712 as the "Insurance Department Fund"; and upon notice by the
713 commissioner to that effect, its authority to do new business
714 shall cease while such default continues. For willfully making a
715 false annual, quarterly or other statement it is required by law
716 to make, any insurance company, association or order, and the
717 person making oath to or subscribing the same, shall severally be
718 guilty of a misdemeanor; and, upon conviction, be punished by a



719 fine of not less than Five Hundred Dollars (\$500.00) nor more than
720 One Thousand Dollars (\$1,000.00). Any person making oath to such
721 false statement shall be guilty of the crime of perjury.

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

726 **SECTION 18.** Section 83-5-72, Mississippi Code of 1972, is
727 amended as follows:

728 83-5-72. All life, health and accident insurance companies
729 and health maintenance organizations doing business in this state
730 shall contribute annually, at such times as the Insurance
731 Commissioner shall determine, in proportion to their gross
732 premiums collected within the State of Mississippi during the
733 preceding year, to a special fund in the State Treasury to be
734 known as the "Insurance Department Fund" to be expended by the
735 Insurance Commissioner in the payment of the expenses of the
736 Department of Insurance as the commissioner may deem necessary.
737 The commissioner is hereby authorized to employ such actuarial and
738 other assistance as shall be necessary to carry out the duties of
739 the department; and the employees shall be under the authority and
740 direction of the Insurance Commissioner. The amount to be
741 contributed annually to the fund shall be fixed each year by the
742 Insurance Commissioner at a percentage of the gross premiums so
743 collected during the preceding year. However, a minimum



744 assessment of One Hundred Dollars (\$100.00) shall be charged each
745 licensed life, health and accident insurance company regardless of
746 the gross premium amount collected during the preceding year.

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

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

754 **SECTION 19.** Section 83-5-73, Mississippi Code of 1972, is
755 amended as follows:

756 83-5-73. The commissioner shall collect and pay into the
757 special fund in the State Treasury designated as the "Insurance
758 Department Fund" the following fees: for certificate of authority
759 to each general or district agent or manager, Twenty-five Dollars
760 (\$25.00); for filing and processing an agent's certificate of
761 authority, Twenty-five Dollars (\$25.00); for filing and examining
762 statement preliminary to admission, One Thousand Dollars
763 (\$1,000.00); for filing and processing a Form A application, Two
764 Thousand Dollars (\$2,000.00); for filing and auditing annual
765 statement, Five Hundred Dollars (\$500.00); for filing any other
766 paper required by law, Fifty Dollars (\$50.00); for continuing
767 education courses or programs filed by the providers for approval,
768 Fifty Dollars (\$50.00); for each certification company licensed



769 status, Forty Dollars (\$40.00); for each seal when required,
770 Twenty Dollars (\$20.00); for service of process on the
771 commissioner as attorney, Twenty-five Dollars (\$25.00).

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

776 **SECTION 20.** Section 83-5-77, Mississippi Code of 1972, is
777 amended as follows:

778 83-5-77. For publication of annual statement, there shall be
779 a fee of Eighty Dollars (\$80.00), Forty Dollars (\$40.00) of which
780 shall be paid to the publishers and Forty Dollars (\$40.00) paid to
781 the special fund in the State Treasury known as the "Insurance
782 Department Fund". The commissioner shall receive for copy of any
783 record or paper in his office, Fifty Cents (50¢) per page, and
784 Twenty Dollars (\$20.00) for certifying same, or any fact or data
785 from the records of the office.

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

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

792 83-5-17. The Commissioner of Insurance may, after notice and
793 a hearing, revoke the authority of a domestic or foreign insurance



794 company or impose an administrative fine, or both, if it violates
795 or neglects to comply with any provision of law obligatory on it,
796 and whenever in the opinion of the commissioner its condition is
797 unsound, or its assets above its liabilities, exclusive of capital
798 and inclusive of unearned premiums, are less than the amount of
799 its original capital or required unimpaired funds. Such
800 administrative fine shall not exceed Five Thousand Dollars
801 (\$5,000.00) per violation and shall be deposited into the special
802 fund in the State Treasury designated as the "Insurance Department
803 Fund."

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

808 **SECTION 22.** Section 83-9-3, Mississippi Code of 1972, is
809 amended as follows:

810 83-9-3. (1) No policy of accident and sickness insurance
811 shall be delivered or issued for delivery to any person in this
812 state unless:

813 (a) The entire money and other considerations therefor
814 are expressed therein; and

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

817 (c) It purports to insure only one (1) person, except
818 that a policy may insure, originally or by subsequent amendment,



819 upon the application of an adult member of a family who shall be
820 deemed the policyholder, any two (2) or more eligible members of
821 that family, including husband, wife, dependent children or any
822 children under a specified age which shall not exceed nineteen
823 (19) years, and any other person dependent upon the policyholder;
824 and

825 (d) The style, arrangement and overall appearance of
826 the policy give no undue prominence to any portion of the text,
827 and unless every printed portion of the text of the policy and of
828 any endorsements or attached papers is plainly printed in
829 lightfaced type of a style in general use, the size of which shall
830 be uniform and not less than ten-point with a lowercase unspaced
831 alphabet length not less than one-hundred-twenty-point (the "text"
832 shall include all printed matter except the name and address of
833 the insurer, name or title of the policy, the brief description if
834 any, and captions and subcaptions); and

835 (e) The exceptions and reductions of indemnity are set
836 forth in the policy and, except those which are set forth in
837 Section 83-9-5, are printed, at the insurer's option, either with
838 the benefit provision to which they apply, or under an appropriate
839 caption such as "Exceptions" or "Exceptions and Reductions,"
840 provided that if an exception or reduction specifically applies
841 only to a particular benefit of the policy, a statement of such
842 exception or reduction shall be included with the benefit
843 provision to which it applies; and



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

847 (g) It contains no provision purporting to make any
848 portion of the charter, rules, constitution or bylaws of the
849 insurer a part of the policy unless such portion is set forth in
850 full in the policy, except in the case of the incorporation of, or
851 reference to, a statement of rates or classification of risks, or
852 short-rate table filed with the commissioner.

853 (2) No individual or group policy covering health and
854 accident insurance (including experience-rated insurance
855 contracts, indemnity contracts, self-insured plans and self-funded
856 plans), or any group combinations of these coverages, shall be
857 issued by any commercial insurer doing business in this state
858 which, by the terms of such policy, limits or excludes payment
859 because the individual or group insured is eligible for or is
860 being provided medical assistance under the Mississippi Medicaid
861 Law. Any such policy provision in violation of this section shall
862 be invalid.

863 (3) No individual or group policy covering health and
864 accident insurance (including experience-rated insurance
865 contracts, indemnity contracts, self-insured plans and self-funded
866 plans) or any group combinations of these coverages, shall be
867 issued by any commercial insurer doing business in this state,
868 which, by the terms of such policy, limits or restricts the



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

876 (4) If any policy is issued by an insurer domiciled in this
 877 state for delivery to a person residing in another state, and if
 878 the official having responsibility for the administration of the
 879 insurance laws of such other state shall have advised the
 880 commissioner that any such policy is not subject to approval or
 881 disapproval by such official, the commissioner may, by ruling,
 882 require that such policy meet the standards set forth in
 883 subsection (1) of this section and in Section 83-9-5.

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

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



894	is required and is to be made a part of the policy or	
895	contract.....	10.00
896	Each questionnaire.....	7.00
897	Charge for resubmission where payment is not included	
898	with original submission.....	5.00
899	Additional charge for tentative approval same as above.	

900 (6) In order to expedite and become more efficient in
901 reviewing and approving accident and health form and rate filings,
902 the commissioner may establish an expedited form and rate review
903 procedure whereby insurers may elect to pay reasonable actuarial
904 fees directly to a department-approved actuarial service in
905 exchange for an expedited review of form and rate filings by the
906 actuarial service. The commissioner may make such reasonable
907 rules and regulations concerning the expedited procedure, and may
908 set reasonable fees for the actuarial services provided. This
909 provision shall not abridge any other authority granted to the
910 commissioner by law, including the authority to collect the filing
911 fees prescribed by this section.

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

916 **SECTION 23.** Section 83-17-71, Mississippi Code of 1972, is
917 amended as follows:



918 83-17-71. (1) The commissioner may place on probation,
919 suspend, revoke or refuse to issue or renew an insurance
920 producer's license or may levy a civil penalty in an amount not to
921 exceed One Thousand Dollars (\$1,000.00) per violation and such
922 penalty shall be deposited into the special fund of the State
923 Treasury designated as the "Insurance Department Fund" for any one
924 or more of the following causes:

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

927 (b) Violating any insurance laws, or violating any
928 regulation, subpoena or order of the commissioner or of another
929 state's commissioner;

930 (c) Obtaining or attempting to obtain a license through
931 misrepresentation or fraud;

932 (d) Improperly withholding, misappropriating or
933 converting any monies or properties received in the course of
934 doing insurance business;

935 (e) Intentionally misrepresenting the terms of an
936 actual or proposed insurance contract or application for
937 insurance;

938 (f) Having been convicted of a felony;

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

941 (h) Using fraudulent, coercive or dishonest practices
942 or demonstrating incompetence, untrustworthiness or financial



943 irresponsibility in the conduct of business in this state or
944 elsewhere;

945 (i) Having an insurance producer license, or its
946 equivalent, denied, suspended or revoked in any other state,
947 province, district or territory;

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

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

952 (l) Knowingly accepting insurance business from an
953 individual who is not licensed;

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

956 (n) Failing to pay state income tax or comply with any
957 administrative or court order directing payment of state income
958 tax.

959 (2) If the action by the commissioner is to nonrenew or to
960 deny an application for a license, the commissioner shall notify
961 the applicant or licensee and advise, in writing, the applicant or
962 licensee of the reason for the denial or nonrenewal of the
963 applicant's or licensee's license. The applicant or licensee may
964 make written demand upon the commissioner within ten (10) days for
965 a hearing before the commissioner to determine the reasonableness
966 of the commissioner's action. The hearing shall be held within
967 thirty (30) days.



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

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

980 (5) The commissioner shall retain the authority to enforce
981 the provisions of and impose any penalty or remedy authorized by
982 this article and Title 83, Mississippi Code of 1972, against any
983 person who is under investigation for or charged with a violation
984 of this article or Title 83, Mississippi Code of 1972, even if the
985 person's license or registration has been surrendered or has
986 lapsed by operation of law.

987 (6) No licensee whose license has been revoked hereunder
988 shall be entitled to file another application for a license as a
989 producer within one (1) year from the effective date of such
990 revocation or, if judicial review of such revocation is sought,
991 within one (1) year from the date of final court order or decree
992 affirming such revocation. Such application, when filed, may be



993 refused by the commissioner unless the applicant shows good cause
994 why the revocation of his license shall not be deemed a bar to the
995 issuance of a new license.

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

1000 **SECTION 24.** Section 83-17-519, Mississippi Code of 1972, is
1001 amended as follows:

1002 83-17-519. (1) A license may be refused, or a license duly
1003 issued may be suspended or revoked or the renewal thereof refused
1004 by the commissioner, or the commissioner may levy a civil penalty
1005 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
1006 violation, or both, and any such penalty shall be deposited into
1007 the special fund of the State Treasury designated as the
1008 "Insurance Department Fund," if, after notice and hearing as
1009 hereinafter provided, he finds that the applicant for, or holder
1010 of, such license:

1011 (a) Has intentionally made a material misstatement in
1012 the application for such license; or

1013 (b) Has obtained, or attempted to obtain, such license
1014 by fraud or misrepresentation; or

1015 (c) Has misappropriated or converted to his own use or
1016 illegally withheld money belonging to another person or entity; or



1017 (d) Has otherwise demonstrated lack of trustworthiness
1018 or competence to act as a public adjuster; or

1019 (e) Has been guilty of fraudulent or dishonest
1020 practices or has been convicted of a felony; or

1021 (f) Has materially misrepresented the terms and
1022 conditions of insurance policies or contracts or failed to
1023 identify himself as a public adjuster; or

1024 (g) Has obtained or attempted to obtain such license
1025 for a purpose other than holding himself out to the general public
1026 as a public adjuster; or

1027 (h) Has violated any insurance laws, or any regulation,
1028 subpoena or order of the commissioner or of another state's
1029 commissioner of insurance.

1030 (2) Before any license shall be refused (except for failure
1031 to pass a required written examination) or suspended or revoked or
1032 the renewal thereof refused hereunder, the commissioner shall give
1033 notice of his intention so to do, by certified mail, return
1034 receipt requested, to the applicant for or holder of such license,
1035 and shall set a date not less than twenty (20) days from the date
1036 of mailing such notice when the applicant or licensee may appear
1037 to be heard and produce evidence in opposition to such refusal,
1038 suspension or revocation. Such notice shall constitute automatic
1039 suspension of license if the person involved is a licensed public
1040 adjuster. In the conduct of such hearing, the commissioner or any
1041 regular salaried employee of the department specially designated



1042 by him for such purpose shall have the power to administer oaths,
1043 to require the appearance of and examine any person under oath,
1044 and to require the production of books, records or papers relevant
1045 to the inquiry upon his own initiative or upon the request of the
1046 applicant or licensee. Upon the termination of such hearing,
1047 findings shall be reduced to writing and, upon approval by the
1048 commissioner, shall be filed in his office; and notice of the
1049 findings shall be sent by certified mail, return receipt
1050 requested, to the applicant or licensee.

1051 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
1052 of this section are the grounds for any hearing, the commissioner
1053 may, in his discretion in lieu of the hearing provided for in
1054 subsection (2) of this section, file a petition requesting the
1055 court to suspend or revoke any license authorized hereunder in a
1056 court of competent jurisdiction of the county or district in which
1057 the alleged offense occurred. In such cases, subpoenas may be
1058 issued for witnesses, and mileage and witness fees paid as in
1059 other cases. All costs of such cause shall be paid by the
1060 defendant, if the finding of the court be against him.

1061 (4) No licensee whose license has been revoked hereunder
1062 shall be entitled to file another application for a license as a
1063 public adjuster within one (1) year from the effective date of
1064 such revocation or, if judicial review of such revocation is
1065 sought, within one (1) year from the date of final court order or
1066 decree affirming such revocation. An application filed after such



1067 one-year period shall be refused by the commissioner unless the
1068 applicant shows good cause why the revocation of his license shall
1069 not be deemed a bar to the issuance of a new license.

1070 (5) From and after July 1, 2016, the expenses of this agency
1071 shall be defrayed by appropriation from the State General Fund and
1072 all user charges and fees authorized under this section shall be
1073 deposited into the State General Fund as authorized by law.

1074 **SECTION 25.** Section 83-19-21, Mississippi Code of 1972, is
1075 amended as follows:

1076 83-19-21. If it appears that the requirements of the law
1077 herein have been complied with, the commissioner shall collect a
1078 fee of Two Hundred Dollars (\$200.00), to be paid into the special
1079 fund in the State Treasury designated as the "Insurance Department
1080 Fund" and shall certify the fact and his approval of the articles
1081 of association, by endorsement thereon. The commissioner shall
1082 also collect a fee of Fifty Dollars (\$50.00) for any amendment
1083 filed thereon and such fee shall be deposited into the "Insurance
1084 Department Fund."

1085 From and after July 1, 2016, the expenses of this agency
1086 shall be defrayed by appropriation from the State General Fund and
1087 all user charges and fees authorized under this section shall be
1088 deposited into the State General Fund as authorized by law.

1089 **SECTION 26.** Section 83-21-1, Mississippi Code of 1972, is
1090 amended as follows:



1091 83-21-1. No foreign insurance, indemnity or guaranty company
1092 or other insurer shall be admitted and authorized to do business
1093 in this state until:

1094 (a) It shall deposit with the Commissioner of Insurance
1095 a certified copy of its charter, articles of incorporation, bylaws
1096 or deed of settlement, and shall pay for the filing of such
1097 document the sum of One Thousand Dollars (\$1,000.00) and a
1098 statement of its financial condition and business in such form and
1099 detail as he may require, signed and sworn to by its president and
1100 secretary or other proper officer.

1101 (b) It shall satisfy the commissioner that it is fully
1102 and legally organized under the laws of its state or government to
1103 do the business it proposes to transact; and such capital or net
1104 assets are well invested and immediately available for the payment
1105 of losses in this state, and that it insures on any single hazard
1106 a sum no larger than one-tenth (1/10) of its net assets.

1107 (c) It shall, by a duly executed instrument filed in
1108 his office, constitute and appoint the Commissioner of Insurance,
1109 and his successor, its true and lawful attorney, upon whom all
1110 process in any action or legal proceeding against it may be
1111 served, and therein shall agree that any process against it which
1112 may be served upon its attorney shall be of the same force and
1113 validity as if served on the company, and the authority thereof
1114 shall continue in force irrevocable so long as any liability of
1115 the company remains outstanding in this state. The service of



1116 such process shall be made by leaving a copy of the same in the
1117 hands or office of the commissioner. Copies of such instrument
1118 certified by the commissioner shall be deemed sufficient evidence
1119 thereof, and service upon such attorney shall be deemed sufficient
1120 service upon the principal.

1121 (d) It shall appoint as its agent or agents in this
1122 state some resident or residents thereof, other than the
1123 commissioner; such appointment to be made in writing, signed by
1124 the president and secretary or manager or general agent, and filed
1125 in the office of the commissioner, authorizing the agent to
1126 acknowledge service of process for and on behalf of the company,
1127 consenting that service of process on the agent shall be as valid
1128 as if served upon the company, according to the laws of this
1129 state, and waiving all claims of error by reason of such service.

1130 (e) It shall obtain from the commissioner a certificate
1131 that it has complied with the laws of the state and is authorized
1132 to make contracts of insurance.

1133 (f) Such fees collected by the commissioner shall be
1134 deposited in the special fund in the State Treasury designated as
1135 the "Insurance Department Fund."

1136 From and after July 1, 2016, the expenses of this agency
1137 shall be defrayed by appropriation from the State General Fund and
1138 all user charges and fees authorized under this section shall be
1139 deposited into the State General Fund as authorized by law.



1140 **SECTION 27.** Section 83-37-29, Mississippi Code of 1972, is
1141 amended as follows:

1142 83-37-29. Any person, firm, association, or corporation
1143 engaging in the business herein described without first having
1144 complied with the provisions hereof, or any person who shall
1145 knowingly make any false statement in the reports required by this
1146 chapter as determined by the Commissioner of Insurance after
1147 written notice and hearing, shall be assessed a penalty for each
1148 violation of not less than Two Hundred Fifty Dollars (\$250.00) nor
1149 more than Five Hundred Dollars (\$500.00), and in addition thereto
1150 shall forfeit the license to do business in this state. Funds
1151 from such penalties shall be deposited with the State Treasurer to
1152 be placed in a fund designated as the "Insurance Department Fund."

1153 From and after July 1, 2016, the expenses of this agency
1154 shall be defrayed by appropriation from the State General Fund and
1155 all user charges and fees authorized under this section shall be
1156 deposited into the State General Fund as authorized by law.

1157 **SECTION 28.** Section 83-39-3, Mississippi Code of 1972, is
1158 amended as follows:

1159 83-39-3. (1) No person shall act in the capacity of
1160 professional bail agent, soliciting bail agent or bail enforcement
1161 agent, as defined in Section 83-39-1, or perform any of the
1162 functions, duties or powers of the same unless that person shall
1163 be qualified and licensed as provided in this chapter. The terms
1164 of this chapter shall not apply to any automobile club or



1165 association, financial institution, insurance company or other
1166 organization or association or their employees who execute bail
1167 bonds on violations arising out of the use of a motor vehicle by
1168 their members, policyholders or borrowers when bail bond is not
1169 the principal benefit of membership, the policy of insurance or of
1170 a loan to such member, policyholder or borrower.

1171 (2) (a) No license shall be issued or renewed except in
1172 compliance with this chapter, and none shall be issued except to
1173 an individual. No firm, partnership, association or corporation,
1174 as such, shall be so licensed. No professional bail agent shall
1175 operate under more than one (1) trade name. A soliciting bail
1176 agent and bail enforcement agent shall operate only under the
1177 professional bail agent's name. No license shall be issued to or
1178 renewed for any person who has ever been convicted of a felony or
1179 any crime involving moral turpitude or who is under twenty-one
1180 (21) years of age. No person engaged as a law enforcement or
1181 judicial official or attorney shall be licensed hereunder. A
1182 person who is employed in any capacity at any jail or corrections
1183 facility that houses state, county or municipal inmates who are or
1184 may be eligible for bail, whether the person is a public employee,
1185 independent contractor, or the employee of an independent
1186 contractor, may not be licensed under this section.

1187 (b) (i) No person who is a relative of either a sworn
1188 state, county or municipal law enforcement official or judicial
1189 official, or an employee, independent contractor or the



1190 contractor's employee of any police department, sheriff's
1191 department, jail or corrections facility that houses or holds
1192 federal, state, county or municipal inmates who are or may be
1193 eligible for bail, shall write a bond in the county where the law
1194 enforcement entity or court in which the person's relative serves
1195 is located. "Relative" means a spouse, parent, grandparent,
1196 child, sister, brother, or a consanguineous aunt, uncle, niece or
1197 nephew. Violation of this prohibition shall result in license
1198 revocation.

1199 (ii) No person licensed under this chapter shall
1200 act as a personal surety agent in the writing of bail during a
1201 period he or she is licensed as a limited surety agent, as defined
1202 herein.

1203 (iii) No person licensed under this chapter shall
1204 give legal advice or a legal opinion in any form.

1205 (3) The department is vested with the authority to enforce
1206 this chapter. The department may conduct investigations or
1207 request other state, county or local officials to conduct
1208 investigations and promulgate such rules and regulations as may be
1209 necessary for the enforcement of this chapter. The department may
1210 establish monetary fines and collect such fines as necessary for
1211 the enforcement of such rules and regulations. All fines
1212 collected shall be deposited in the Special Insurance Department
1213 Fund for the operation of that agency.



1214 (4) (a) Each license issued hereunder shall expire
1215 biennially on the last day of September of each odd-numbered year,
1216 unless revoked or suspended prior thereto by the department, or
1217 upon notice served upon the commissioner by the insurer that the
1218 authority of a limited surety agent to act for or on behalf of
1219 such insurer had been terminated, or upon notice served upon the
1220 commissioner that the authority of a soliciting bail agent or bail
1221 enforcement agent had been terminated by such professional bail
1222 agent.

1223 (b) A soliciting bail agent or bail enforcement agent
1224 may, upon termination by a professional bail agent or upon his
1225 cessation of employment with a professional bail agent, be
1226 relicensed without having to comply with the provisions of
1227 subsection (7) (a) and (b) of this section, if he has held a
1228 license in his respective license category within ninety (90) days
1229 of the new application, meets all other requirements set forth in
1230 Section 83-39-5 and subsection (7) (b) of this section, and
1231 notifies the previous professional bail agent in writing that he
1232 is submitting an application for a new license.

1233 (5) The department shall prepare and deliver to each
1234 licensee a license showing the name, address and classification of
1235 the licensee, and shall certify that the person is a licensed
1236 professional bail agent, being designated as a personal surety
1237 agent or a limited surety agent, a soliciting bail agent or a bail
1238 enforcement agent. In addition, the license of a soliciting bail



1239 agent or bail enforcement agent, shall show the name of the
1240 professional bail agent and any other information as the
1241 commissioner deems proper.

1242 (6) The commissioner, after a hearing under Section
1243 83-39-17, may refuse to issue a privilege license for a soliciting
1244 bail agent to change from one (1) professional bail agent to
1245 another if he owes any premium or debt to the professional bail
1246 agent with whom he is currently licensed. The commissioner, after
1247 a hearing under Section 83-39-17, shall refuse to issue a license
1248 for a limited surety agent if he owes any premium or debt to an
1249 insurer to which he has been appointed. If a license has been
1250 granted to a limited surety agent or a soliciting bail agent who
1251 owed any premium or debt to an insurer or professional bail agent,
1252 the commissioner, after a hearing under Section 83-39-17, shall
1253 revoke the license.

1254 (7) (a) Before the issuance of any initial professional
1255 bail agent, soliciting bail agent or bail enforcement agent
1256 license, the applicant shall submit proof of successful completion
1257 of forty (40) classroom hours of prelicensing education approved
1258 by the Professional Bail Agents Association of Mississippi, Inc.,
1259 and conducted by persons or entities approved by the Professional
1260 Bail Agents Association of Mississippi, Inc., unless the applicant
1261 is currently licensed under this chapter on July 1, 2014, and has
1262 maintained that license in compliance with the continuing
1263 education requirements of subsection (8) of this section. The



1264 hours required by this subsection shall be classroom hours and may
1265 not be acquired through correspondence or over the Internet. Any
1266 applicant who has met all continuing education requirements as set
1267 forth in subsection (8)(a) of this section and has been properly
1268 licensed under this chapter within ninety (90) days of submitting
1269 an application for a license shall not be subject to the
1270 prelicensing education requirement.

1271 (b) All applicants for a professional bail agent,
1272 soliciting bail agent or bail enforcement agent license applying
1273 for an original license after July 1, 2014, shall successfully
1274 complete a limited examination by the department for the
1275 restricted lines of business before the license can be issued;
1276 however, this examination requirement shall not apply to any
1277 licensed bail soliciting agent and bail enforcement agent
1278 transferring to another professional bail agent license, any
1279 licensed bail soliciting agent applying for a bail enforcement
1280 agent license, and any licensed bail enforcement agent applying
1281 for a bail soliciting agent license. An applicant shall only be
1282 required to successfully complete the limited examination once.

1283 (c) Beginning on July 1, 2011, in order to assist the
1284 department in determining an applicant's suitability for a license
1285 under this chapter, the applicant shall submit a set of
1286 fingerprints with the submission of an application for license.
1287 The department shall forward the fingerprints to the Department of
1288 Public Safety for the purpose of conducting a criminal history



1289 record check. If no disqualifying record is identified at the
1290 state level, the Department of Public Safety shall forward the
1291 fingerprints to the Federal Bureau of Investigation for a national
1292 criminal history record check. Fees related to the criminal
1293 history record check shall be paid by the applicant to the
1294 commissioner and the monies from such fees shall be deposited in
1295 the special fund in the State Treasury designated as the
1296 "Insurance Department Fund."

1297 (8) (a) Before the renewal of the license of any
1298 professional bail agent, soliciting bail agent or bail enforcement
1299 agent, the applicant shall submit proof of successful completion
1300 of continuing education hours as follows:

1301 (i) There shall be no continuing education
1302 required for the first licensure year;

1303 (ii) Except as provided in subparagraph (i), eight
1304 (8) classroom hours of continuing education for each year or part
1305 of a year of the two-year license period, for a total of sixteen
1306 (16) hours per license period.

1307 (b) If an applicant for renewal failed to obtain the
1308 required eight (8) hours for each year of the license period
1309 during the actual license year in which the education was required
1310 to be obtained, the applicant shall not be eligible for a renewal
1311 license but shall be required to obtain an original license and be
1312 subject to the education requirements set forth in subsection (7).
1313 The commissioner shall not be required to comply with Section



1314 83-39-17 in denying an application for a renewal license under
1315 this paragraph (b).

1316 (c) The education hours required under this subsection
1317 (8) shall consist of classroom hours approved by the Professional
1318 Bail Agents Association of Mississippi, Inc., and provided by
1319 persons or entities approved by the Professional Bail Agents
1320 Association of Mississippi, Inc. The hours required by this
1321 subsection shall be classroom hours and may not be acquired
1322 through correspondence or over the Internet.

1323 (d) The continuing education requirements under this
1324 subsection (8) shall not be required for renewal of a bail agent
1325 license for any applicant who is sixty-five (65) years of age and
1326 who has been licensed as a bail agent for a continuous period of
1327 twenty (20) years immediately preceding the submission of the
1328 application as evidenced by submission of an affidavit, under
1329 oath, on a form prescribed by the department, signed by the
1330 licensee attesting to satisfaction of the age, licensing, and
1331 experience requirements of this paragraph (d).

1332 (9) No license as a professional bail agent shall be issued
1333 unless the applicant has been duly licensed by the department as a
1334 soliciting bail agent for a period of three (3) consecutive years
1335 immediately preceding the submission of the application. However,
1336 this subsection (9) shall not apply to any person who was licensed
1337 as a professional bail agent before July 1, 2011.



1338 (10) A nonresident person may be licensed as a professional
1339 bail agent, bail soliciting agent or bail enforcement agent if:

1340 (a) The person's home state awards licenses to
1341 residents of this state on the same basis; and

1342 (b) The person has satisfied all requirements set forth
1343 in this chapter.

1344 (11) From and after July 1, 2016, the expenses of this
1345 agency shall be defrayed by appropriation from the State General
1346 Fund and all user charges and fees authorized under this section
1347 shall be deposited into the State General Fund as authorized by
1348 law.

1349 **SECTION 29.** Section 83-73-9, Mississippi Code of 1972, is
1350 amended as follows:

1351 83-73-9. **Suspension or revocation of license.** (1) If a
1352 vendor of portable electronics or its employee, subsidiary
1353 corporation or authorized representative violates any provision of
1354 this section, the commissioner may do any of the following:

1355 (a) After notice and hearing, impose fines not to
1356 exceed One Thousand Dollars (\$1,000.00) per violation or Thirty
1357 Thousand Dollars (\$30,000.00) in the aggregate for such violations
1358 and such penalty shall be deposited into the special fund of the
1359 State Treasury designated as the "Insurance Department Fund."

1360 (b) After notice and hearing, impose other penalties
1361 that the commissioner deems necessary and reasonable to carry out
1362 the purpose of this chapter, including, but not limited to:



1363 (i) Suspending the privilege of transacting
1364 portable electronics insurance pursuant to this section at
1365 specific business locations where violations have occurred;

1366 (ii) Suspending or revoking the ability of
1367 individual employees, subsidiary corporations or authorized
1368 representatives to act under the license; and

1369 (iii) Placing on probation, suspending or revoking
1370 the license of the portable electronics insurance producer.

1371 (2) From and after July 1, 2016, the expenses of this agency
1372 shall be defrayed by appropriation from the State General Fund and
1373 all user charges and fees authorized under this section shall be
1374 deposited into the State General Fund as authorized by law.

1375 **[LAW ENFORCEMENT MINIMUM STANDARDS BOARD]**

1376 **SECTION 30.** Section 45-6-15, Mississippi Code of 1972, is
1377 amended as follows:

1378 45-6-15. (1) (a) Such assessments as are collected under
1379 Section 99-19-73, Mississippi Code of 1972, and contributions,
1380 grants and other monies received by the board under the provisions
1381 of this chapter shall be deposited in a special fund hereby
1382 created in the State Treasury and designated the "Law Enforcement
1383 Officers Training Fund," which shall be expended by the board to
1384 defray the expenses of the program as authorized and appropriated
1385 by the Legislature.

1386 (b) Twenty-five percent (25%) of the assessments
1387 collected under Section 99-19-73, Mississippi Code of 1972, shall



1388 be deposited into the "Jail Officer Training Account" which is
1389 hereby created in the "Law Enforcement Officers Training Fund."
1390 The funds in such account shall be expended by the Board on Jail
1391 Officer Standards and Training to defray the expenses of the jail
1392 officers training program as authorized and appropriated by the
1393 Legislature.

1394 (c) Unexpended amounts remaining in the fund and
1395 account at the end of the fiscal year shall not lapse into the
1396 State General Fund and any interest earned on the fund shall be
1397 deposited to the credit of the fund.

1398 (2) The board may accept for any of its purposes and
1399 functions under this chapter any and all donations, both real and
1400 personal property, and grants of money from any governmental unit
1401 or public agency, or from any institution, person, firm or
1402 corporation.

1403 (3) Money authorized and appropriated by the Legislature
1404 shall be paid by the State Treasurer upon warrants issued by the
1405 Department of Finance and Administration, which shall issue its
1406 warrants upon requisitions signed by the proper person, officer or
1407 officers of the commission, in the manner provided by law.

1408 (4) From and after July 1, 2016, the expenses of this agency
1409 shall be defrayed by appropriation from the State General Fund and
1410 all user charges and fees authorized under this section shall be
1411 deposited into the State General Fund as authorized by law.

1412 **[OFFICE OF PUBLIC DEFENDER]**



1413 **SECTION 31.** Section 99-18-1, Mississippi Code of 1972, is
1414 amended as follows:

1415 99-18-1. (1) There is hereby created the Office of State
1416 Public Defender. The Office of State Public Defender shall
1417 consist of a State Defender who shall be appointed by the Governor
1418 with the advice and consent of the Senate for a term of four (4)
1419 years and staffed by any necessary personnel as determined and
1420 hired by the State Defender.

1421 (2) Funding for the Office of State Public Defender shall
1422 come from funds available in the Capital Defense Counsel Fund, the
1423 Indigent Appeals Fund and the Public Defenders Education Fund as
1424 determined by the State Defender. The State Defender shall have
1425 the authority to transfer funds between the various funds to
1426 efficiently and effectively accomplish the mission of the Office
1427 of State Public Defender and its divisions.

1428 (3) The State Defender must be a duly licensed attorney
1429 admitted to the practice of law in this state, have practiced in
1430 the area of criminal law for at least five (5) years and shall
1431 meet all qualifications to serve as lead trial and appellate
1432 counsel in death penalty cases as may be set by the Supreme Court
1433 of Mississippi. The salary of the State Defender shall be no more
1434 than the maximum amount allowed by statute for a district
1435 attorney.

1436 (4) The State Defender may be removed by the Governor upon
1437 finding that the State Defender is not qualified under law, has



1438 failed to perform the duties of the office, or has acted beyond
1439 the scope of the authority granted by law for the office.

1440 (5) The Office of State Public Defender shall be responsible
1441 for the administration, budget and finances of the Divisions of
1442 Capital Defense Counsel, Indigent Appeals and Public Defender
1443 Training, which shall be divisions of the Office of State Public
1444 Defender.

1445 (6) The State Defender may simultaneously serve as State
1446 Defender and as director of one or more divisions but shall
1447 receive no additional compensation for doing so. Nothing in this
1448 chapter shall prohibit the State Defender from directly
1449 representing clients of the office. Nothing in this chapter shall
1450 be construed to prevent an employee of one (1) division of the
1451 Office of the State Public Defender from working, in * * * whole
1452 or in * * * part, for another division.

1453 (7) The State Defender shall coordinate the collection and
1454 dissemination of statistical data and make such reports as are
1455 required of the divisions, develop plans and proposals for further
1456 development of a statewide public defender system in coordination
1457 with the Mississippi Public Defenders Task Force and to act as
1458 spokesperson for all matters relating to indigent defense
1459 representation.

1460 (8) From and after July 1, 2016, the expenses of this agency
1461 shall be defrayed by appropriation from the State General Fund and



1462 all user charges and fees authorized under this section shall be
1463 deposited into the State General Fund as authorized by law.

1464 **[DEPARTMENT OF REVENUE - LICENSE TAGS]**

1465 **SECTION 32.** Section 27-19-179, Mississippi Code of 1972, is
1466 amended as follows:

1467 27-19-179. (1) There is created in the State Treasury a
1468 special fund to be designated as the " * * * Department of Revenue
1469 License Tag Acquisition Fund." The special fund shall consist of
1470 monies deposited therein under Sections 27-19-99 and 27-19-155 and
1471 monies from any other source designated for deposit into the fund.
1472 Unexpended amounts remaining in the special fund at the end of a
1473 fiscal year shall not lapse into the State General Fund, and any
1474 interest earned or investment earnings on amounts in the fund
1475 shall be deposited to the credit of the fund.

1476 (2) From and after July 1, 2010, monies in the special fund
1477 may be used by the * * * Department of Revenue for the purpose of
1478 paying the costs incurred for purchasing license tags and decals
1479 and associated freight costs under Section 27-19-1 et seq.

1480 The * * * department may escalate its budget and expend monies
1481 from the special fund in accordance with rules and regulations of
1482 the Department of Finance and Administration in a manner
1483 consistent with the escalation of federal funds.

1484 (3) From and after July 1, 2016, the expenses of this agency
1485 shall be defrayed by appropriation from the State General Fund and



1486 all user charges and fees authorized under this section shall be
1487 deposited into the State General Fund as authorized by law.

1488 **[WORKERS' COMPENSATION COMMISSION]**

1489 **SECTION 33.** Section 71-3-100, Mississippi Code of 1972, is
1490 amended as follows:

1491 71-3-100. All funds received by the * * * Workers'
1492 Compensation Commission, as established by Section 71-3-85 et
1493 seq., shall be paid to the State Treasurer, who shall issue
1494 receipts therefor and who shall deposit such funds in the State
1495 Treasury in a special fund to the credit of said commission. All
1496 such funds shall be expended only pursuant to appropriation
1497 approved by the Legislature and as provided by law.

1498 From and after July 1, 2016, the expenses of this agency
1499 shall be defrayed by appropriation from the State General Fund and
1500 all user charges and fees authorized under this section shall be
1501 deposited into the State General Fund as authorized by law.

1502 **[TRAFFIC AND CRIMINAL ASSESSMENTS]**

1503 **SECTION 34.** Section 99-19-73, Mississippi Code of 1972, is
1504 brought forward as follows:

1505 99-19-73. (1) **Traffic violations.** In addition to any
1506 monetary penalties and any other penalties imposed by law, there
1507 shall be imposed and collected the following state assessment from
1508 each person upon whom a court imposes a fine or other penalty for
1509 any violation in Title 63, Mississippi Code of 1972, except
1510 offenses relating to the Mississippi Implied Consent Law (Section



1511	63-11-1 et seq.) and offenses relating to vehicular parking or	
1512	registration:	
1513	FUND	AMOUNT
1514	State Court Education Fund.....	\$.85
1515	State Prosecutor Education Fund.....	1.25
1516	Vulnerable Persons Training,	
1517	Investigation and Prosecution Trust Fund.....	1.50
1518	Child Support Prosecution Trust Fund.....	.30
1519	Driver Training Penalty Assessment Fund.....	3.82
1520	Law Enforcement Officers Training Fund.....	5.00
1521	Spinal Cord and Head Injury Trust Fund	
1522	(for all moving violations).....	5.45
1523	Emergency Medical Services Operating Fund.....	20.00
1524	Mississippi Leadership Council on Aging Fund.....	1.00
1525	Law Enforcement Officers and Fire Fighters	
1526	Death Benefits Trust Fund.....	.50
1527	Law Enforcement Officers and Fire Fighters	
1528	Disability Benefits Trust Fund.....	.15
1529	State Prosecutor Compensation Fund for the purpose	
1530	of providing additional compensation for	
1531	district attorneys and their legal assistants.....	10.00
1532	Crisis Intervention Mental Health Fund.....	10.00
1533	Drug Court Fund, through June 30, 2016.....	10.53
1534	Drug Court Fund, from and after July 1, 2016.....	10.00
1535	Judicial Performance Fund.....	.50



1536	Capital Defense Counsel Fund,	
1537	through June 30, 2016.....	3.09
1538	from and after July 1, 2016.....	2.89
1539	Indigent Appeals Fund.....	2.29
1540	Capital Post-Conviction Counsel Fund.....	2.83
1541	Victims of Domestic Violence Fund.....	.49
1542	Public Defenders Education Fund.....	1.00
1543	Domestic Violence Training Fund.....	1.00
1544	Attorney General's Cyber Crime Unit.....	2.50
1545	Children's Safe Center Fund.....	2.31
1546	DuBard School for Language Disorders Fund.....	.88
1547	Children's Advocacy Centers Fund.....	1.91
1548	Judicial System Operation Fund,	
1549	through June 30, 2016.....	1.35
1550	TOTAL STATE ASSESSMENT THROUGH JUNE 30, 2016.....	\$ 90.50
1551	TOTAL STATE ASSESSMENT	
1552	FROM AND AFTER JULY 1, 2016.....	\$ 88.42
1553	(2) Implied Consent Law violations. In addition to any	
1554	monetary penalties and any other penalties imposed by law, there	
1555	shall be imposed and collected the following state assessment from	
1556	each person upon whom a court imposes a fine or any other penalty	
1557	for any violation of the Mississippi Implied Consent Law (Section	
1558	63-11-1 et seq.):	
1559	FUND	AMOUNT
1560	Crime Victims' Compensation Fund.....	\$ 10.00



1561	State Court Education Fund.....	1.50
1562	State Prosecutor Education Fund.....	2.00
1563	Vulnerable Persons Training,	
1564	Investigation and Prosecution Trust Fund.....	1.50
1565	Child Support Prosecution Trust Fund.....	.50
1566	Driver Training Penalty Assessment Fund.....	22.00
1567	Law Enforcement Officers Training Fund.....	11.00
1568	Emergency Medical Services Operating Fund.....	45.00
1569	Mississippi Alcohol Safety Education Program Fund.....	5.00
1570	Federal-State Alcohol Program Fund.....	10.00
1571	Mississippi Forensics Laboratory	
1572	Implied Consent Law Fund.....	25.00
1573	Spinal Cord and Head Injury Trust Fund.....	25.00
1574	Capital Defense Counsel Fund.....	2.89
1575	Indigent Appeals Fund.....	2.29
1576	Capital Post-Conviction Counsel Fund.....	2.33
1577	Victims of Domestic Violence Fund.....	.49
1578	State General Fund.....	35.00
1579	Law Enforcement Officers and Fire Fighters	
1580	Death Benefits Trust Fund.....	.50
1581	Law Enforcement Officers and Fire Fighters	
1582	Disability Benefits Trust Fund.....	1.00
1583	State Prosecutor Compensation Fund for the purpose	
1584	of providing additional compensation for	
1585	district attorneys and their legal assistants.....	10.00



1586	Crisis Intervention Mental Health Fund.....	10.00
1587	Drug Court Fund.....	10.00
1588	Statewide Victims' Information and	
1589	Notification System Fund.....	6.00
1590	Public Defenders Education Fund.....	1.00
1591	Domestic Violence Training Fund.....	1.00
1592	Attorney General's Cyber Crime Unit.....	2.50
1593	TOTAL STATE ASSESSMENT.....	\$243.50

1594 (3) **Game and Fish Law violations.** In addition to any
1595 monetary penalties and any other penalties imposed by law, there
1596 shall be imposed and collected the following state assessment from
1597 each person upon whom a court imposes a fine or other penalty for
1598 any violation of the game and fish statutes or regulations of this
1599 state:

1600	FUND	AMOUNT
1601	State Court Education Fund.....	\$ 1.50
1602	State Prosecutor Education Fund.....	2.00
1603	Vulnerable Persons Training,	
1604	Investigation and Prosecution Trust Fund.....	1.50
1605	Law Enforcement Officers Training Fund.....	5.00
1606	Hunter Education and Training Program Fund.....	5.00
1607	State General Fund.....	30.00
1608	Law Enforcement Officers and Fire Fighters	
1609	Death Benefits Trust Fund.....	.50
1610	Law Enforcement Officers and Fire Fighters	



1611	Disability Benefits Trust Fund.....	1.00
1612	State Prosecutor Compensation Fund for the purpose	
1613	of providing additional compensation for district	
1614	attorneys and their legal assistants.....	10.00
1615	Crisis Intervention Mental Health Fund.....	10.00
1616	Drug Court Fund.....	10.00
1617	Capital Defense Counsel Fund.....	2.89
1618	Indigent Appeals Fund.....	2.29
1619	Capital Post-Conviction Counsel Fund.....	2.33
1620	Victims of Domestic Violence Fund.....	.49
1621	Public Defenders Education Fund.....	1.00
1622	Domestic Violence Training Fund.....	1.00
1623	Attorney General's Cyber Crime Unit.....	2.50
1624	TOTAL STATE ASSESSMENT.....	\$ 89.00
1625	(4) [Deleted]	
1626	(5) Speeding, reckless and careless driving violations. In	
1627	addition to any assessment imposed under subsection (1) or (2) of	
1628	this section, there shall be imposed and collected the following	
1629	state assessment from each person upon whom a court imposes a fine	
1630	or other penalty for driving a vehicle on a road or highway:	
1631	(a) At a speed that exceeds the posted speed limit by	
1632	at least ten (10) miles per hour but not more than twenty (20)	
1633	miles per hour.....	\$ 10.00



1634 (b) At a speed that exceeds the posted speed limit by
1635 at least twenty (20) miles per hour but not more than thirty (30)
1636 miles per hour.....\$ 20.00

1637 (c) At a speed that exceeds the posted speed limit by
1638 thirty (30) miles per hour or more.....\$ 30.00

1639 (d) In violation of Section 63-3-1201, which is the
1640 offense of reckless driving.....\$ 10.00

1641 (e) In violation of Section 63-3-1213, which is the
1642 offense of careless driving.....\$ 10.00

1643 All assessments collected under this subsection shall be
1644 deposited into the Mississippi Trauma Care Systems Fund
1645 established under Section 41-59-75.

1646 (6) **Other misdemeanors.** In addition to any monetary
1647 penalties and any other penalties imposed by law, there shall be
1648 imposed and collected the following state assessment from each
1649 person upon whom a court imposes a fine or other penalty for any
1650 misdemeanor violation not specified in subsection (1), (2) or (3)
1651 of this section, except offenses relating to vehicular parking or
1652 registration:

1653 FUND	AMOUNT
1654 Crime Victims' Compensation Fund.....	\$ 6.92
1655 State Court Education Fund.....	1.50
1656 State Prosecutor Education Fund.....	2.00
1657 Vulnerable Persons Training, Investigation 1658 and Prosecution Trust Fund.....	1.50



1659	Child Support Prosecution Trust Fund.....	.50
1660	Law Enforcement Officers Training Fund.....	5.00
1661	Capital Defense Counsel Fund.....	2.89
1662	Indigent Appeals Fund.....	2.29
1663	Capital Post-Conviction Counsel Fund.....	2.33
1664	Victims of Domestic Violence Fund.....	.49
1665	State General Fund.....	30.00
1666	State Crime Stoppers Fund.....	1.50
1667	Law Enforcement Officers and Fire Fighters	
1668	Death Benefits Trust Fund.....	.50
1669	Law Enforcement Officers and Fire Fighters	
1670	Disability Benefits Trust Fund.....	1.00
1671	State Prosecutor Compensation Fund for the purpose	
1672	of providing additional compensation for	
1673	district attorneys and their legal assistants.....	10.00
1674	Crisis Intervention Mental Health Fund.....	10.00
1675	Drug Court Fund.....	8.00
1676	Judicial Performance Fund.....	2.00
1677	Statewide Victims' Information and	
1678	Notification System Fund.....	6.00
1679	Public Defenders Education Fund.....	1.00
1680	Domestic Violence Training Fund.....	1.00
1681	Attorney General's Cyber Crime Unit.....	2.50
1682	Information Exchange Network Fund.....	4.00
1683	Motorcycle Officer Training Fund.....	1.06



1684	Civil Legal Assistance Fund.....	2.77
1685	Justice Court Collections Fund.....	7.50
1686	Municipal Court Collections Fund.....	7.50
1687	TOTAL STATE ASSESSMENT.....	\$121.75

1688 (7) **Other felonies.** In addition to any monetary penalties
1689 and any other penalties imposed by law, there shall be imposed and
1690 collected the following state assessment from each person upon
1691 whom a court imposes a fine or other penalty for any felony
1692 violation not specified in subsection (1), (2) or (3) of this
1693 section:

1694	FUND	AMOUNT
1695	Crime Victims' Compensation Fund.....	\$ 10.00
1696	State Court Education Fund.....	1.50
1697	State Prosecutor Education Fund.....	2.00
1698	Vulnerable Persons Training, Investigation	
1699	and Prosecution Trust Fund.....	1.50
1700	Child Support Prosecution Trust Fund.....	.50
1701	Law Enforcement Officers Training Fund.....	5.00
1702	Capital Defense Counsel Fund.....	2.89
1703	Indigent Appeals Fund.....	2.29
1704	Capital Post-Conviction Counsel Fund.....	2.33
1705	Victims of Domestic Violence Fund.....	.49
1706	State General Fund.....	60.00
1707	Criminal Justice Fund.....	50.00
1708	Law Enforcement Officers and Fire Fighters	



1709	Death Benefits Trust Fund.....	.50
1710	Law Enforcement Officers and Fire Fighters	
1711	Disability Benefits Trust Fund.....	1.00
1712	State Prosecutor Compensation Fund for the purpose	
1713	of providing additional compensation for	
1714	district attorneys and their legal assistants.....	10.00
1715	Crisis Intervention Mental Health Fund.....	10.00
1716	Drug Court Fund.....	10.00
1717	Statewide Victims' Information and	
1718	Notification System Fund.....	6.00
1719	Public Defenders Education Fund.....	1.00
1720	Domestic Violence Training Fund.....	1.00
1721	Attorney General's Cyber Crime Unit.....	2.50
1722	Forensics Laboratory DNA Identification System Fund.....	100.00
1723	TOTAL STATE ASSESSMENT.....	\$280.50
1724	(8) Additional assessments on certain violations:	
1725	(a) Railroad crossing violations. In addition to any	
1726	monetary penalties and any other penalties imposed by law, there	
1727	shall be imposed and collected the following state assessment in	
1728	addition to all other state assessments due under this section	
1729	from each person upon whom a court imposes a fine or other penalty	
1730	for any violation involving railroad crossings under Section	
1731	37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:	
1732	Operation Lifesaver Fund.....	\$25.00



1733 (b) **Drug violations.** In addition to any monetary
1734 penalties and any other penalties imposed by law, there shall be
1735 imposed and collected the following state assessment in addition
1736 to all other state assessments due under this section from each
1737 person upon whom a court imposes a fine or other penalty for any
1738 violation of Section 41-29-139:

1739 Drug Evidence Disposition Fund.....\$25.00

1740 (9) If a fine or other penalty imposed is suspended, in
1741 whole or in part, such suspension shall not affect the state
1742 assessment under this section. No state assessment imposed under
1743 the provisions of this section may be suspended or reduced by the
1744 court.

1745 (10) After a determination by the court of the amount due,
1746 it shall be the duty of the clerk of the court to promptly collect
1747 all state assessments imposed under the provisions of this
1748 section. The state assessments imposed under the provisions of
1749 this section may not be paid by personal check. It shall be the
1750 duty of the chancery clerk of each county to deposit all such
1751 state assessments collected in the circuit, county and justice
1752 courts in such county on a monthly basis with the State Treasurer
1753 pursuant to appropriate procedures established by the State
1754 Auditor. The chancery clerk shall make a monthly lump-sum deposit
1755 of the total state assessments collected in the circuit, county
1756 and justice courts in such county under this section, and shall
1757 report to the Department of Finance and Administration the total



1758 number of violations under each subsection for which state
1759 assessments were collected in the circuit, county and justice
1760 courts in such county during such month. It shall be the duty of
1761 the municipal clerk of each municipality to deposit all such state
1762 assessments collected in the municipal court in such municipality
1763 on a monthly basis with the State Treasurer pursuant to
1764 appropriate procedures established by the State Auditor. The
1765 municipal clerk shall make a monthly lump-sum deposit of the total
1766 state assessments collected in the municipal court in such
1767 municipality under this section, and shall report to the
1768 Department of Finance and Administration the total number of
1769 violations under each subsection for which state assessments were
1770 collected in the municipal court in such municipality during such
1771 month.

1772 (11) It shall be the duty of the Department of Finance and
1773 Administration to deposit on a monthly basis all such state
1774 assessments into the proper special fund in the State Treasury.
1775 The monthly deposit shall be based upon the number of violations
1776 reported under each subsection and the pro rata amount of such
1777 assessment due to the appropriate special fund. The Department of
1778 Finance and Administration shall issue regulations providing for
1779 the proper allocation of these special funds.

1780 (12) The State Auditor shall establish by regulation
1781 procedures for refunds of state assessments, including refunds
1782 associated with assessments imposed before July 1, 1990, and



1783 refunds after appeals in which the defendant's conviction is
1784 reversed. The Auditor shall provide in such regulations for
1785 certification of eligibility for refunds and may require the
1786 defendant seeking a refund to submit a verified copy of a court
1787 order or abstract by which such defendant is entitled to a refund.
1788 All refunds of state assessments shall be made in accordance with
1789 the procedures established by the Auditor.

1790 **SECTION 35.** (1) From and after the effective date of this
1791 section, no state agency is authorized to hire any new employees
1792 in an employment position that is classified as an information
1793 technology position by the State Personnel Board. The State
1794 Personnel Board shall immediately suspend all hirings of new
1795 information technology positions by state agencies from and after
1796 the effective date of this section.

1797 (2) On July 1, 2016, each employment position of a state
1798 agency that is classified as an information technology (IT)
1799 position by the State Personnel Board shall be transferred to the
1800 Mississippi Department of Information Technology Services. The
1801 department shall assign the persons holding those IT positions to
1802 the respective agencies with which they are currently employed,
1803 and each such state agency shall contract with the department to
1804 pay for the services of such person. The department shall, in
1805 conjunction with the state agencies, evaluate technology needs and
1806 responsibilities and execute personnel changes to reduce
1807 duplication and improve efficiency across state government. Each



1808 person employed on or after July 1, 2016, in a position that is
1809 classified as an IT position by the State Personnel Board shall be
1810 an employee of the Mississippi Department of Information
1811 Technology Services. The department may assign IT employees to
1812 state agencies and contract with the agencies for the agencies to
1813 pay for the services of those employees.

1814 (3) Subsections (1) and (2) of this section do not apply to
1815 the Office of the Governor, the Office of the Secretary of State,
1816 the Office of the Attorney General, the Office of the State
1817 Treasurer, the Office of the State Auditor, the Mississippi
1818 Supreme Court, the Court of Appeals, the Military Department, the
1819 Department of Agriculture and Commerce, the Department of
1820 Insurance, the State Fire Academy, the Public Employees'
1821 Retirement System, the Senate, the House of Representatives,
1822 Legislative Joint Operations, the Legislative Budget Office, the
1823 PEER Committee, the state institutions of higher learning, and the
1824 public community and junior colleges.

1825 **SECTION 36.** Section 35 of this act shall take effect and be
1826 in force from and after the passage of this act. The other
1827 sections of this act shall take effect and be in force from and
1828 after July 1, 2016, and shall stand repealed on June 30, 2016.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT ENTITLED THE "MISSISSIPPI BUDGET TRANSPARENCY AND
2 SIMPLIFICATION ACT OF 2016"; TO PROVIDE THAT BEGINNING JULY 1,



3 2016, THE EXPENSES OF CERTAIN STATE SPECIAL FUND AGENCIES SHALL BE
4 DEFRAIDED BY APPROPRIATION OF THE LEGISLATURE FROM THE STATE
5 GENERAL FUND, TO PROVIDE THAT ANY FEES, ASSESSMENTS OR OTHER
6 CHARGES FOR THE SUPPORT OF THOSE AGENCIES SHALL BE DEPOSITED INTO
7 THE STATE GENERAL FUND, TO ABOLISH ANY SPECIAL FUNDS CREATED IN
8 THE STATE TREASURY FOR THE SUPPORT OF THOSE AGENCIES, AND TO
9 PROVIDE CERTAIN LIMITATIONS ON AMOUNTS APPROPRIATED BY THE
10 LEGISLATURE FOR THE SUPPORT OF THOSE AGENCIES; TO AMEND SECTIONS
11 69-5-1, 69-5-3, 69-5-11, 69-5-15, 69-5-19, 45-11-3, 45-11-5,
12 45-11-7, 83-1-27, 83-5-17, 83-5-41, 83-5-45, 83-5-69, 83-5-72,
13 83-7-73, 83-5-77, 83-5-17, 83-9-3, 83-17-71, 83-17-519, 83-19-21,
14 83-21-1, 83-37-29, 83-39-3, 83-73-9, 45-6-15, 99-18-1 AND
15 71-3-100, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
16 PROVISIONS; TO BRING FORWARD SECTION 99-19-73, MISSISSIPPI CODE OF
17 1972, WHICH PROVIDES FOR TRAFFIC AND CRIMINAL ASSESSMENTS, FOR THE
18 PURPOSES OF POSSIBLE AMENDMENT; TO PROVIDE FOR AN IMMEDIATE FREEZE
19 ON THE EMPLOYMENT BY STATE AGENCIES OF NEW EMPLOYEES IN EMPLOYMENT
20 POSITIONS THAT ARE CLASSIFIED AS INFORMATION TECHNOLOGY POSITIONS
21 BY THE STATE PERSONNEL BOARD; TO TRANSFER ON JULY 1, 2016, THE
22 EMPLOYMENT POSITIONS OF STATE AGENCIES THAT ARE CLASSIFIED AS
23 INFORMATION TECHNOLOGY POSITIONS BY THE STATE PERSONNEL BOARD TO
24 THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; TO
25 PROVIDE THAT THE DEPARTMENT SHALL ASSIGN THE PERSONS HOLDING THOSE
26 POSITIONS TO THE RESPECTIVE AGENCIES WITH WHICH THEY ARE CURRENTLY
27 EMPLOYED, AND EACH SUCH STATE AGENCY SHALL CONTRACT WITH THE
28 DEPARTMENT TO PAY FOR THE SERVICES OF SUCH PERSON; TO PROVIDE THAT
29 EACH PERSON EMPLOYED ON OR AFTER JULY 1, 2016, IN A POSITION THAT
30 IS CLASSIFIED AS AN INFORMATION TECHNOLOGY POSITION BY THE STATE
31 PERSONNEL BOARD SHALL BE AN EMPLOYEE OF THE DEPARTMENT; TO
32 AUTHORIZE THE DEPARTMENT TO ASSIGN INFORMATION TECHNOLOGY
33 EMPLOYEES TO STATE AGENCIES AND CONTRACT WITH THE AGENCIES FOR THE
34 AGENCIES TO PAY FOR THE SERVICES OF THOSE EMPLOYEES; AND FOR
35 RELATED PURPOSES.

