

By: Senator(s) Clarke, Gollott, Younger

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2625

1 AN ACT TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE STATE AGENCIES TO CHARGE EACH OTHER FOR SERVICES IF
3 FEDERAL GRANTS, PASS-THROUGH FUNDS, COST ALLOCATION CHARGES,
4 SURPLUS PROPERTY CHARGES OR PROJECT FEES ARE INVOLVED; TO AMEND
5 SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
6 CERTAIN SPECIAL FUNDS SHALL BE EXEMPT FROM THE REQUIREMENT THAT
7 ALL SPECIAL FUNDS ARE TO BE DEPOSITED INTO THE STATE GENERAL FUND;
8 TO AMEND SECTIONS 7-3-59, 23-15-169.7, 23-15-5 AND 79-29-1203,
9 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE END OF YEAR BALANCE
10 OF THE HELP MISSISSIPPI VOTE FUND AND THE ELECTIONS SUPPORT FUND
11 SHALL BE DEPOSITED INTO THE STATE GENERAL FUND AND THE PROGRAM
12 SHALL BE ADMINISTERED FROM APPROPRIATIONS FROM THE STATE GENERAL
13 FUND; TO AMEND SECTION 7-5-305, MISSISSIPPI CODE OF 1972, TO
14 CLARIFY THAT THE EXPENSES OF THE INSURANCE INTEGRITY ENFORCEMENT
15 FUND PROGRAM SHALL BE DEFRAID BY APPROPRIATION FROM THE STATE
16 GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE
17 DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE
18 FISCAL OFFICER; TO AMEND SECTIONS 9-11-35 AND 21-23-23,
19 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI
20 DEPARTMENT OF REVENUE SHALL ADMINISTER THE JUSTICE COURT
21 COLLECTIONS PAYMENT PROGRAM AND THE MUNICIPAL COURT COLLECTIONS
22 PAYMENT PROGRAM; TO DELETE THE JUSTICE COURT COLLECTIONS SPECIAL
23 FUND; TO DELETE THE MUNICIPAL COURT COLLECTIONS SPECIAL FUND; TO
24 AMEND SECTION 11-46-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
25 THE TORT CLAIMS BOARD SHALL BE EXEMPT FROM THE REQUIREMENT THAT
26 SPECIAL FUNDS ARE TO BE DEPOSITED INTO THE STATE GENERAL FUND AND
27 FROM THE PROHIBITION AGAINST CHARGING FEES; TO AMEND SECTIONS
28 25-31-41 AND 99-19-72, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
29 THE DISTRICT ATTORNEYS OPERATION FUND SHALL BE DEPOSITED INTO THE
30 STATE GENERAL FUND AND THE EXPENSES OF THE DISTRICT ATTORNEYS
31 SHALL BE DEFRAID BY APPROPRIATION FROM THE STATE GENERAL FUND; TO
32 AMEND SECTIONS 27-19-99 AND 27-19-155, MISSISSIPPI CODE OF 1972,
33 TO PROVIDE THAT LICENSE PLATES AND DECAL FEES SHALL BE DEPOSITED
34 INTO THE STATE GENERAL FUND; TO AMEND SECTION 27-19-179,



35 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE EXPENSES OF THE
36 DEPARTMENT OF REVENUE LICENSE TAG ACQUISITION FUND PROGRAM SHALL
37 BE DEFRAID BY APPROPRIATION FROM THE STATE GENERAL FUND AND ALL
38 FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE
39 STATE GENERAL FUND AS DETERMINED BY THE STATE FISCAL OFFICER; TO
40 AMEND SECTION 27-104-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
41 REVENUE FROM THE STATEWIDE COST ALLOCATION (SWCA) PLAN SHALL ONLY
42 BE USED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE
43 MAINTENANCE OF STATE-OWNED PROPERTY; TO AMEND SECTION 29-1-95,
44 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PROCEEDS FROM TAX
45 SALES IN THE LAND RECORDS MAINTENANCE FUND ADMINISTERED BY THE
46 SECRETARY OF STATE USED TO PAY TAXES DUE TO LOCAL GOVERNMENTAL
47 ENTITIES SHALL BE EXEMPT FROM THE REQUIREMENT THAT ALL SPECIAL
48 FUNDS ARE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND
49 SECTION 29-1-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
50 EFFECTIVE JULY 1, 2017, PUBLIC TRUST TIDELANDS LEASES SHALL BE
51 NEGOTIATED BY THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT
52 OF MARINE RESOURCES AND EXECUTED BY THE PRESIDENT OF THE BOARD OF
53 SUPERVISORS OF THE COUNTY IN WHICH THE TIDELANDS IS LOCATED AND
54 THE SECRETARY OF STATE MAY ASSIST IN THE MANAGEMENT OF SUCH LANDS
55 ON REQUEST; TO AMEND SECTION 29-15-9, MISSISSIPPI CODE OF 1972, TO
56 PROVIDE THAT THE PUBLIC TRUST TIDELANDS FUND SHALL BE ADMINISTERED
57 BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES TO BE EXPENDED
58 ON THE MISSISSIPPI GULF COAST AS PROVIDED BY LAW; TO AMEND SECTION
59 29-15-10, MISSISSIPPI CODE OF 1972, TO TRANSFER THE PUBLIC TRUST
60 TIDELANDS ASSESSMENT FUND TO THE PUBLIC TRUST TIDELANDS FUND; TO
61 AMEND SECTIONS 37-26-3 AND 37-26-9, MISSISSIPPI CODE OF 1972, TO
62 CLARIFY THAT THE EXPENSES OF THE STATE COURT EDUCATION FUND AND
63 THE STATE PROSECUTOR EDUCATION FUND AND THE STATE COURT
64 CONSTITUENTS FUND AND THE STATE COURT SECURITY SYSTEMS FUND
65 PROGRAMS SHALL BE DEFRAID BY APPROPRIATION FROM THE STATE GENERAL
66 FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED
67 INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE FISCAL
68 OFFICER; TO AMEND SECTION 37-26-11, MISSISSIPPI CODE OF 1972, TO
69 CLARIFY THAT THE EXPENSES OF THE CHILDREN'S ADVOCACY CENTERS FUND
70 PROGRAM SHALL BE DEFRAID BY APPROPRIATION FROM THE STATE GENERAL
71 FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED
72 INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE FISCAL
73 OFFICER; TO AMEND SECTION 43-19-61, MISSISSIPPI CODE OF 1972, TO
74 CLARIFY THAT THE EXPENSES OF THE LEGAL DIVISION OF THE CHILD
75 SUPPORT UNIT SHALL BE DEFRAID BY APPROPRIATION FROM THE STATE
76 GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE
77 DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE
78 FISCAL OFFICER AND TO DELETE REFERENCE TO CERTAIN TRUST FUNDS; TO
79 AMEND SECTION 43-47-39, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
80 THE EXPENSES OF THE VULNERABLE PERSONS UNIT SHALL BE DEFRAID BY
81 APPROPRIATION FROM THE STATE GENERAL FUND AND ALL FEES AUTHORIZED
82 UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE STATE GENERAL FUND
83 AS DETERMINED BY THE STATE FISCAL OFFICER; TO AMEND SECTION
84 45-2-21, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE EXPENSES OF
85 THE LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS DISABILITIES



86 BENEFITS FUND SHALL BE DEFRAIDED BY APPROPRIATION FROM THE STATE
87 GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE
88 DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE
89 FISCAL OFFICER; TO AMEND SECTION 45-6-21, MISSISSIPPI CODE OF
90 1972, TO CLARIFY THAT THE EXPENSES OF THE MOTORCYCLE OFFICERS
91 TRAINING PROGRAM SHALL BE DEFRAIDED BY APPROPRIATION FROM THE STATE
92 GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE
93 DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE
94 FISCAL OFFICER; TO AMEND SECTION 53-1-77, MISSISSIPPI CODE OF
95 1972, TO CLARIFY THAT THE EXPENSES OF THE EMERGENCY PLUGGING
96 PROGRAM AND THE OIL AND GAS CONSERVATION FUND PROGRAM SHALL BE
97 DEFRAIDED BY APPROPRIATION FROM THE STATE GENERAL FUND AND ALL FEES
98 AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE STATE
99 GENERAL FUND AS DETERMINED BY THE STATE FISCAL OFFICER; TO AMEND
100 SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO INCREASE THE
101 INDIVIDUAL PROJECT CAP ON EXPENDITURES FROM THE CAPITAL EXPENSE
102 FUND; TO AMEND SECTION 71-3-73, MISSISSIPPI CODE OF 1972, TO
103 PROVIDE THAT THE YEAR-END BALANCE OF THE SECOND INJURY FUND SHALL
104 BE DEPOSITED INTO THE STATE GENERAL FUND; TO AMEND SECTIONS
105 73-31-7, 73-75-3, 73-75-7, 73-75-11 AND 73-75-27, MISSISSIPPI CODE
106 OF 1972, TO PROVIDE THAT THE LICENSED BEHAVIOR ANALYST LICENSURE
107 LAW SHALL BE ADMINISTERED BY THE STATE BOARD OF PSYCHOLOGY, TO
108 PROVIDE THAT THE MISSISSIPPI AUTISM BOARD SHALL BECOME AN ADVISORY
109 BOARD, AND TO CLARIFY THAT THE EXPENSES OF THE LICENSURE LAW SHALL
110 BE DEFRAIDED BY APPROPRIATION FROM THE STATE GENERAL FUND AND ALL
111 FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE
112 STATE GENERAL FUND AS DETERMINED BY THE STATE FISCAL OFFICER; TO
113 AMEND SECTION 75-57-119, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
114 THE PROPANE EDUCATION AND RESEARCH FUND SHALL BE DIVERTED INTO THE
115 STATE GENERAL FUND AND THE PROGRAM SHALL BE ADMINISTERED BY
116 APPROPRIATION FROM THE STATE GENERAL FUND; TO AMEND SECTION
117 75-63-81, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PRENEED
118 CONTRACTS LOSS RECOVERY FUND SHALL BE EXEMPT FROM THE REQUIREMENT
119 THAT SPECIAL FUNDS BE DIVERTED INTO THE STATE GENERAL FUND AND TO
120 PROVIDE THAT NO SUCH FUNDS MAY BE USED IN THE ADMINISTRATION OF
121 THIS PROGRAM; TO AMEND SECTION 77-1-6, MISSISSIPPI CODE OF 1972,
122 TO CLARIFY THAT THE PUBLIC SERVICE COMMISSION REGULATION FUND
123 SHALL BE DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY
124 THE STATE FISCAL OFFICER; TO AMEND SECTION 77-3-87, MISSISSIPPI
125 CODE OF 1972, TO CLARIFY THAT THE AMOUNT OF THE PUBLIC UTILITIES
126 REGULATORY ASSESSMENT SHALL NOT EXCEED THE TOTAL LEGISLATIVE
127 APPROPRIATION AND THAT THE PROCEEDS OF SUCH ASSESSMENT SHALL BE
128 DEPOSITED INTO THE STATE TREASURY FOR THE CREDIT OF THE GENERAL
129 FUND; TO AMEND SECTION 77-3-721, MISSISSIPPI CODE OF 1972, TO
130 CLARIFY THAT THE MISSISSIPPI TELEPHONE SOLICITATION REGULATION
131 FUND SHALL BE DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED
132 BY THE STATE FISCAL OFFICER; TO AMEND SECTION 93-21-31,
133 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE EXPENSES OF THE
134 DOMESTIC VIOLENCE DIVISION OF THE OFFICE OF ATTORNEY GENERAL SHALL
135 BE DEFRAIDED BY APPROPRIATION BY APPROPRIATION FROM THE STATE
136 GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS PROGRAM SHALL BE



137 DEPOSITED INTO THE STATE GENERAL FUND AS DETERMINED BY THE STATE
138 FISCAL OFFICER; TO AMEND SECTION 97-3-54.8, MISSISSIPPI CODE OF
139 1972, TO CLARIFY THAT THE EXPENSES OF THE RELIEF FOR VICTIMS OF
140 HUMAN TRAFFICKING FUND PROGRAM SHALL BE DEFRAYED BY APPROPRIATION
141 FROM THE STATE GENERAL FUND AND ALL FEES AUTHORIZED UNDER THIS
142 PROGRAM SHALL BE DEPOSITED INTO THE STATE GENERAL FUND AS
143 DETERMINED BY THE STATE FISCAL OFFICER; TO AMEND SECTION 97-33-51,
144 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE CHARITABLE BINGO
145 FUND SHALL BE DIVERTED INTO THE STATE GENERAL FUND AND THE
146 CHARITABLE BINGO LAW SHALL BE ADMINISTERED BY APPROPRIATION FROM
147 THE STATE GENERAL FUND; TO AMEND SECTION 97-45-25, MISSISSIPPI
148 CODE OF 1972, TO CLARIFY THAT THE EXPENSES OF THE ATTORNEY
149 GENERAL'S CYBER CRIME CENTRAL SPECIAL FUND PROGRAM SHALL BE
150 DEFRAYED BY APPROPRIATION FROM THE STATE GENERAL FUND AND ALL FEES
151 AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE STATE
152 GENERAL FUND AS DETERMINED BY THE STATE FISCAL OFFICER; TO AMEND
153 SECTION 99-41-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE
154 EXPENSES OF THE CRIME VICTIMS COMPENSATION FUND PROGRAM SHALL BE
155 DEFRAYED BY APPROPRIATION FROM THE STATE GENERAL FUND AND ALL FEES
156 AUTHORIZED UNDER THIS PROGRAM SHALL BE DEPOSITED INTO THE STATE
157 GENERAL FUND AS DETERMINED BY THE STATE FISCAL OFFICER; TO AMEND
158 CHAPTER 25, LAWS OF 2016 (SENATE BILL NO. 2916), TO REVISE THE
159 APPROPRIATION TO THE OFFICE OF SECRETARY OF STATE FOR FISCAL YEAR
160 2017; AND FOR RELATED PURPOSES.

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

162 **SECTION 1.** Section 27-104-203, Mississippi Code of 1972, is
163 amended as follows:

164 27-104-203. From and after July 1, 2016, no state agency
165 shall charge another state agency a fee, assessment, rent, audit
166 fee, personnel fee or other charge for services or resources
167 received. The provisions of this section shall not apply (a) to
168 grants, contracts, pass-through funds, project fees or other
169 charges for services between state agencies and the Board of
170 Trustees of State Institutions of Higher Learning, any public
171 university, the Mississippi Community College Board, any public
172 community or junior college, and the State Department of
173 Education, nor (b) to charges for services between the Board of



174 Trustees of State Institutions of Higher Learning, any public
175 university, the Mississippi Community College Board, any public
176 community or junior college, and the State Department of
177 Education, nor (c) to federal grants, pass-through funds, cost
178 allocation charges, surplus property charges or project fees
179 between state agencies as approved or determined by the State
180 Fiscal Officer. The Board of Trustees of State Institutions of
181 Higher Learning, any public university, the Mississippi Community
182 College Board, any public community or junior college, and the
183 State Department of Education shall retain the authority to charge
184 and be charged for expenditures that they deemed nonrecurring in
185 nature by the State Fiscal Officer.

186 **SECTION 2.** Section 27-104-205, Mississippi Code of 1972, is
187 amended as follows:

188 27-104-205. (1) From and after July 1, 2016, the expenses
189 of the following enumerated state agencies shall be defrayed by
190 appropriation of the Legislature from the State General Fund: the
191 State Fire Marshal, the State Fire Academy, the Office of
192 Secretary of State (not including the Preneed Contracts Loss
193 Recovery Fund), the Mississippi Public Service Commission, the
194 Mississippi Department of Information Technology Services, the
195 State Personnel Board, the Mississippi Department of Insurance
196 (not including the Municipal Fire Protection Fund, Section
197 83-1-37, and the County Volunteer Fire Department Fund, Section
198 83-1-39), the Mississippi Law Enforcement Officers' Minimum



199 Standards Board; * * * the Mississippi Gaming Commission; the
200 Mississippi Oil and Gas Board; the Mississippi Department of
201 Revenue - License Tag; the Office of the State Public Defender;
202 the Mississippi Workers' Compensation Commission; the Office of
203 Attorney General; and the Mississippi Department of Finance and
204 Administration (not including the Statewide Cost Allocation Plan,
205 the Office of Surplus Property and the Office of Insurance).

206 Beginning July 1, 2016, any fees, assessments or other revenues
207 charged for the support of the above-named state agencies shall be
208 deposited into the State General Fund, and any special fund or
209 depository established within the State Treasury for the deposit
210 of such fees, assessments or revenues shall be abolished and the
211 balance transferred to the State General Fund. Expenses
212 heretofore drawn from such special funds or other depositories
213 shall be drawn from the agencies General Fund Account.

214 (2) Beginning with the fiscal year ending June 30, 2016, the
215 amount to be appropriated annually from the State General Fund for
216 the support of each of the above-named state agencies shall not
217 exceed the amount appropriated for such purpose in the preceding
218 fiscal year, plus any increases in or additional fees, assessments
219 or other charges authorized by act of the Legislature for the
220 succeeding fiscal year.

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



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

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

230 **SECTION 3.** Section 7-3-59, Mississippi Code of 1972, is
231 amended as follows:

232 7-3-59. (1) Except as otherwise provided in this section,
233 all fees collected by the Office of the Secretary of State under
234 Section 75-9-525 shall be deposited in State Treasury Special Fund
235 3111, and shall be used to operate the activities of the Office of
236 the Secretary of State as necessary to administer the filing and
237 research provisions of Revised Article 9 of the Uniform Commercial
238 Code and to pay to each chancery clerk such amounts as that clerk
239 shall be owed under subsection (2) of this section. The
240 expenditure of the funds deposited in this fund shall be paid by
241 the State Treasurer upon requisition signed by the Office of the
242 Secretary of State.

243 (2) (a) Through September 30, 2007, for each filing and
244 indexing of a financing statement under Part 5 (Filing) of Title
245 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured
246 Transactions), the Secretary of State shall remit the following
247 fee to the chancery clerk of the Mississippi county, if any,



248 indicated on the face of the financing statement as the domicile
249 of the debtor, or, if no county is so indicated, the Mississippi
250 county of the address of the debtor stated on the financing
251 statement.

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

257 (ii) Five Dollars (\$5.00) if the financing
258 statement is communicated by another medium authorized by
259 filing-office rule.

260 (b) From and after October 1, 2007, for each filing and
261 indexing of a financing statement under Part 5 (Filing) of Title
262 75, Chapter 9 (Uniform Commercial Code Revised Article 9 - Secured
263 Transactions), the Secretary of State shall remit the following
264 fee to the County Voting Systems Assistance Bond Sinking Fund
265 created under Section 3 of House Bill No. 562, 2006 Regular
266 Session, in such amounts as specified in Section 3 of House Bill
267 No. 562, 2006 Regular Session, and shall distribute the remainder
268 of the fees to the "Help Mississippi Vote Fund" created in Section
269 23-15-169.7.

270 (i) Five Dollars (\$5.00), when the financing
271 statement is communicated in writing, either in the standard form
272 prescribed by the Secretary of State or not in the standard form



273 so prescribed, plus Two Dollars (\$2.00) for each additional debtor
274 name more than one (1) required to be indexed.

275 (ii) Five Dollars (\$5.00) if the financing
276 statement is communicated by another medium authorized by
277 filing-office rule.

278 (3) The Secretary of State shall remit to each chancery
279 clerk not less than monthly the amount owed under subsection (2)
280 of this section. Each payment shall be accompanied by a detailed
281 accounting of the transactions represented by that payment.

282 However, from and after October 1, 2007, the Secretary of State
283 shall remit to the County Voting Systems Assistance Bond Sinking
284 Fund and the "Help Mississippi Vote Fund" not less than monthly
285 the amount provided under subsection (2) of this section. Each
286 payment shall be accompanied by a detailed accounting of the
287 transactions represented by that payment.

288 (4) From and after July 1, 2016, the expenses of * * * the
289 Office of Secretary of State shall be defrayed by line item
290 appropriation from the State General Fund to the Office of
291 Secretary of State and all user charges and fees authorized under
292 this section shall be deposited into the State General Fund as
293 authorized by law and as determined necessary by the State Fiscal
294 Officer for the purpose of paying principal and interest on bond
295 issues for county voting systems, and shall not be authorized for
296 expenditure by the Secretary of State to reimburse or otherwise



297 defray the expenses of any office administered by the Secretary of
298 State.

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

303 **SECTION 4.** Section 23-15-169.7, Mississippi Code of 1972, is
304 amended as follows:

305 23-15-169.7. (1) There is created in the State Treasury a
306 special fund, to be designated the "Help Mississippi Vote Fund" to
307 the credit of the Secretary of State, which shall be comprised of
308 the monies required to be deposited into the fund under Section
309 7-3-59, and any other funds that may be made available for the
310 fund by the Legislature.

311 (2) Monies in the fund shall be expended by the Secretary of
312 State to support the state's maintenance of efforts as required by
313 the federal mandates of the Help America Vote Act of 2002.

314 (3) Unexpended amounts remaining in the special fund at the
315 end of a fiscal year shall not lapse into the State General Fund,
316 and any interest earned or investment earnings on amounts in the
317 special fund shall be deposited to the credit of the special fund.

318 (4) From and after July 1, 2016, the expenses of this agency
319 shall be defrayed by line item appropriation from the State
320 General Fund to the Office of Secretary of State and all user
321 charges and fees authorized under this section shall be deposited



322 into the State General Fund as authorized by law and as determined
323 by the State Fiscal Officer, and shall not be authorized for
324 expenditure by the Secretary of State to reimburse or otherwise
325 defray expenses of any office administered by the Secretary of
326 State.

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

331 **SECTION 5.** Section 23-15-5, Mississippi Code of 1972, is
332 amended as follows:

333 23-15-5. (1) There is created in the State Treasury a
334 special fund to be known as the Elections Support Fund. Monies
335 derived from annual report fees imposed upon limited liability
336 companies under Section 79-29-1203 shall be deposited into the
337 Elections Support Fund. Unexpended amounts remaining in the fund
338 at the end of the fiscal year shall not lapse into the State
339 General Fund, and any interest earned or investment earnings on
340 amounts in the fund shall be disbursed as provided in subsection
341 (2) of this section. The expenditure of monies in the fund shall
342 be under the direction of the Secretary of State as provided by
343 subsection (2) of this section, and such funds shall be paid by
344 the State Treasurer upon warrants issued by the Department of
345 Finance and Administration.

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



347 (i) Fifty percent (50%) of the monies in the
348 special fund shall be distributed annually to the counties, based
349 on the proportion that the population of a county bears to the
350 total population in all counties of the state population according
351 to the most recent information from the United States Census
352 Bureau, for the purpose of acquiring, upgrading, maintaining or
353 repairing voting equipment, systems and supplies, hiring temporary
354 technical support, conducting elections using such voting
355 equipment or systems and training election officials; and

356 (ii) The remaining fifty percent (50%) of the
357 monies in the special fund shall be allocated annually to the
358 Secretary of State and expended for the purpose of maintaining,
359 upgrading or equipping the Statewide Elections Management System.

360 (b) The Secretary of State shall create standard
361 training guidelines to assist counties in training election
362 officials with the funds authorized under subsection (2)(a)(ii) of
363 this section. Any criteria established by the Secretary of State
364 for the purposes of this section shall be used in addition to any
365 other training or coursework prescribed by the Secretary of State
366 to train circuit clerks, poll managers and any other election
367 officials participating in county elections.

368 (c) Notwithstanding any other provision of law, no
369 monies from the Elections Support Fund shall be used by the
370 Secretary of State or any person associated with the Office of the
371 Secretary of State to provide or otherwise support expert



372 testimony in any manner for any hearing, trial or election
373 contest.

374 (3) From and after July 1, 2016, the expenses of * * * the
375 Office of Secretary of State shall be defrayed by line item
376 appropriation from the State General Fund to the Office of
377 Secretary of State and all user charges and fees authorized under
378 this section shall be deposited into the State General Fund as
379 authorized by law and as determined by the State Fiscal Officer,
380 and shall not be authorized for expenditure by the Secretary of
381 State to reimburse or otherwise defray the expenses of any office
382 administered by the Secretary of State.

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

387 **SECTION 6.** Section 79-29-1203, Mississippi Code of 1972, is
388 amended as follows:

389 79-29-1203. (1) No document required to be filed under this
390 chapter shall be effective until the applicable fee required by
391 this section is paid. The following fees shall be paid to and
392 collected by the Secretary of State for the use of the State of
393 Mississippi:

394 (a) Filing of Reservation of Limited Liability Company
395 Name or Transfer or Cancellation of Reservation, Twenty-five
396 Dollars (\$25.00).



397 (b) [Reserved]
398 (c) [Reserved]
399 (d) Filing of Certificate of Formation, Fifty Dollars
400 (\$50.00).
401 (e) Filing of Amendment to Certificate of Formation,
402 Fifty Dollars (\$50.00).
403 (f) Filing of Certificate of Dissolution, Fifty Dollars
404 (\$50.00).
405 (g) Filing of Application for Registration of Foreign
406 Limited Liability Company, Two Hundred Fifty Dollars (\$250.00) and
407 Ten Dollars (\$10.00) for each day, but not to exceed a total of
408 One Thousand Dollars (\$1,000.00) for each year the foreign limited
409 liability company transacts business in this state without a
410 registration as a foreign limited liability company.
411 (h) Filing of Certificate of Correction, Fifty Dollars
412 (\$50.00).
413 (i) Filing of Certificate of Cancellation of
414 Registration of Foreign Limited Liability Company, Fifty Dollars
415 (\$50.00).
416 (j) Filing of an Annual Report of Domestic Limited
417 Liability Company, (no fee).
418 (k) Filing of an Annual Report of Foreign Limited
419 Liability Company, to be deposited in the Elections Support Fund
420 created in Section 23-15-5, Two Hundred Fifty Dollars (\$250.00).



421 (1) Certificate of Administrative Dissolution, (no
422 fee).

423 (m) Filing of Application for Reinstatement Following
424 Administrative Dissolution, Fifty Dollars (\$50.00).

425 (n) Certificate of Administrative Revocation of
426 Authority to Transact Business, (no fee).

427 (o) Filing of Application for Reinstatement Following
428 Administrative Revocation, One Hundred Dollars (\$100.00).

429 (p) Certificate of Reinstatement Following
430 Administrative Dissolution, (no fee).

431 (q) Certificate of Reinstatement Following
432 Administrative Revocation of Authority to Transact Business, (no
433 fee).

434 (r) Filing of Certificate of Revocation of Dissolution,
435 Twenty-five Dollars (\$25.00).

436 (s) Application for Certificate of Existence or
437 Authorization, Twenty-five Dollars (\$25.00).

438 (t) Any other document required or permitted to be
439 filed under this chapter, Twenty-five Dollars (\$25.00).

440 (2) The Secretary of State shall collect a fee of
441 Twenty-five Dollars (\$25.00) each time process is served on the
442 Secretary of State under Section 79-29-101 et seq.

443 (3) The Secretary of State shall collect the following fees
444 for copying and certifying the copy of any filed document relating
445 to a domestic or foreign limited liability company:



446 (a) One Dollar (\$1.00) a page for copying; and
447 (b) Ten Dollars (\$10.00) for the certificate.

448 (4) The Secretary of State may promulgate rules to:
449 (a) Reduce the filing fees set forth in this section or
450 provide for discounts of fees as set forth in this section to
451 encourage online filing of documents or for other reasons as
452 determined by the Secretary of State; and
453 (b) Provide for documents to be filed and accepted on
454 an expedited basis upon the request of the applicant. The
455 Secretary of State may promulgate rules to provide for an
456 additional reasonable filing fee to be paid by the applicant and
457 collected by the Secretary of State for the expedited filing
458 services.

459 (5) From and after July 1, 2016, the expenses of the Office
460 of Secretary of State shall be defrayed by line item appropriation
461 from the State General Fund to the Office of Secretary of State
462 and all user charges and fees authorized under this section shall
463 be deposited into the State General Fund as authorized by law and
464 as determined by the State Fiscal Officer, and shall not be
465 authorized for expenditure by the Secretary of State to reimburse
466 or otherwise defray the expenses of any office administered by the
467 Secretary of State.

468 (6) From and after July 1, 2016, no state agency shall
469 charge another state agency a fee, assessment, rent or other



470 charge for services or resources received by authority of this
471 section.

472 **SECTION 7.** Section 7-5-305, Mississippi Code of 1972, is
473 amended as follows:

474 7-5-305. (1) To fund the Insurance Integrity Enforcement
475 Bureau, the Workers' Compensation Commission may assess each
476 workers' compensation carrier and self-insurer, in the manner
477 provided in Section 71-3-99, an amount based upon the proportion
478 that the total gross claims for compensation and medical services
479 and supplies paid by such carrier or self-insurer during the
480 preceding one-year period bore to the total gross claims for
481 compensation and medical services and supplies paid by all
482 carriers and self-insurers during such period. The total amount
483 assessed and collected by the commission from all workers'
484 compensation carriers and self-insurers used to fund the Insurance
485 Integrity Enforcement Bureau during each fiscal year shall be
486 based upon the recommendation of the Insurance Integrity
487 Enforcement Bureau, but shall not exceed One Hundred Fifty
488 Thousand Dollars (\$150,000.00). The funds received from the
489 assessment in this subsection (1) shall be used primarily for the
490 purpose of investigating and prosecuting workers' compensation
491 fraud. Within thirty (30) days of receipt, the Workers'
492 Compensation Commission shall transfer such assessment from the
493 Administrative Expense Fund into a special fund of the Office of



494 the Attorney General created in the State Treasury and designated
495 as the "Insurance Integrity Enforcement Fund."

496 (2) In addition to the monies collected under the assessment
497 provided in this section to fund the Insurance Integrity
498 Enforcement Bureau, for fiscal year 1999 the sum of One Hundred
499 Fifty Thousand Dollars (\$150,000.00) shall be appropriated by the
500 Legislature to the Insurance Integrity Enforcement Fund from the
501 State General Fund. The funds received from the appropriation in
502 this subsection (2) shall be used primarily for the purpose of
503 investigating and prosecuting insurance fraud other than workers'
504 compensation fraud.

505 (3) The Insurance Integrity Enforcement Bureau may accept
506 gifts, grants and appropriations of state and federal funds for
507 deposit in the Insurance Integrity Enforcement Fund. The
508 Insurance Integrity Enforcement Fund shall be used solely to
509 defray the expenses of the Insurance Integrity Enforcement Bureau,
510 and any interest earned on monies in such fund shall be credited
511 to the fund. Expenditures from the Insurance Integrity
512 Enforcement Fund shall be made upon requisition by the Attorney
513 General and subject to appropriation by the Legislature.

514 (4) From and after July 1, 2016, the expenses of this agency
515 shall be defrayed by appropriation from the State General Fund and
516 all user charges and fees authorized under this section shall be
517 deposited into the State General Fund as authorized by law and as
518 determined by the State Fiscal Officer.



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

523 **SECTION 8.** Section 9-11-35, Mississippi Code of 1972, is
524 amended as follows:

525 9-11-35. (1) * * * The Department of Revenue shall
526 administer the Justice Court Collections Payment Program. The
527 purpose of the * * * program shall be to provide support for
528 salaries of justice court personnel, for the purchase, operation
529 and maintenance of software and equipment, for facility planning
530 and improvement, and for other expenses incurred for the purpose
531 of collecting fines and assessments within the justice court
532 system. Monies * * * appropriated by the Legislature to the
533 Department of Revenue for the purposes of funding the Justice
534 Court Collections Payment Program shall be expended by the
535 department * * * to each participating county based upon that
536 county's deposits in the Treasury of the monies received under the
537 provisions of Section 99-19-73.

538 * * *

539 (2) The Department of Revenue shall promulgate rules and
540 procedures relating to * * * the disbursement of monies * * * to
541 participating counties. The department * * * shall promulgate
542 rules and procedures to * * * ensure that the justice court system
543 of a participating county practices proper and effective



544 collection procedures for the collection of fines and other
545 assessments. The county may use monies * * * received from the
546 program to defray the costs associated with collection actions
547 under Section 19-3-41(4) for collection of delinquent fines and
548 other assessments. The county shall participate in collection
549 actions under Section 19-3-41(2) for collection of delinquent
550 fines and other assessments in order to qualify. * * *

551 **SECTION 9.** Section 21-23-23, Mississippi Code of 1972, is
552 amended as follows:

553 21-23-23. (1) * * * The Department of Revenue shall
554 administer the Municipal Court Collections Payment Program. The
555 purpose of the * * * program shall be to provide support for
556 salaries of municipal court personnel, for the purchase, operation
557 and maintenance of software and equipment, for facility planning
558 and improvement, and for other expenses incurred for the purpose
559 of collecting fines and assessments within the municipal court
560 system. Monies * * * appropriated by the Legislature to the
561 Department of Revenue for the purposes of funding the Municipal
562 Court Collections Payment Program shall be expended by the
563 department * * * to each participating municipality based upon
564 that municipality's deposits in the Treasury of the monies
565 received under the provisions of Section 99-19-73.

566 * * *

567 (2) The Department of Revenue shall promulgate rules and
568 procedures relating to * * * the disbursement of monies * * * to



569 participating municipalities. The department * * * shall
570 promulgate rules and procedures to * * * ensure that the municipal
571 court system of a participating municipality practices proper and
572 effective collection procedures for the collection of fines and
573 other assessments. If a municipality uses its own employees to
574 collect delinquent fines and other assessments owed to the
575 municipality, then it may use monies from the fund to defray the
576 costs associated with these collection actions. In addition, the
577 governing authority of a participating municipality shall contract
578 with a private attorney or private collection agent or agency to
579 collect delinquent criminal fines and other assessments as
580 provided in Section 21-17-1(6) in order to qualify. * * *

581 **SECTION 10.** Section 11-46-17, Mississippi Code of 1972, is
582 amended as follows:

583 11-46-17. (1) There is hereby created in the State Treasury
584 a special fund to be known as the "Tort Claims Fund."

585 All monies that the Department of Finance and Administration
586 receives and collects under the provisions of subsection (2) of
587 this section and all funds that the Legislature appropriates for
588 use by the board in administering the provisions of this chapter
589 shall be deposited in the fund. All monies in the fund may be
590 expended by the board for any and all purposes for which the board
591 is authorized to expend funds under the provisions of this
592 chapter. All interest earned from the investment of monies in the
593 fund shall be credited to the fund. Monies remaining in the fund



594 at the end of a fiscal year shall not lapse into the State General
595 Fund.

596 (2) From and after July 1, 1993, each governmental entity
597 other than political subdivisions shall participate in a
598 comprehensive plan of self-insurance or one or more policies of
599 liability insurance or combination of the two, all to be
600 administered by the Department of Finance and Administration. The
601 plan shall provide coverage to each of such governmental entities
602 for every risk for which the board determines the respective
603 governmental entities to be liable in the event of a claim or suit
604 for injuries under the provisions of this chapter, including
605 claims or suits for injuries from the use or operation of motor
606 vehicles; the board may allow the plan to contain any reasonable
607 limitations or exclusions not contrary to Mississippi state
608 statutes or case law as are normally included in commercial
609 liability insurance policies generally available to governmental
610 entities. The plan may also provide coverage for liabilities
611 outside the provisions of this chapter, including, but not limited
612 to, liabilities arising from Sections 1983 through 1987 of Title
613 42 of the United States Code and liabilities from actions brought
614 in foreign jurisdictions, and the board shall establish limits of
615 coverage for such liabilities. Each governmental entity
616 participating in the plan shall make payments to the board in such
617 amounts, times and manner determined by the board as the board
618 deems necessary to provide sufficient funds to be available for



619 payment by the board of the costs it incurs in providing coverage
620 for the governmental entity. Each governmental entity of the
621 state other than the political subdivisions thereof participating
622 in the plan procured by the board shall be issued by the board a
623 certificate of coverage whose form and content shall be determined
624 by the board but which shall have the effect of certifying that,
625 in the opinion of the board, each of such governmental entities is
626 adequately insured.

627 Before July 1, 1993, the Board of Trustees of State
628 Institutions of Higher Learning may provide liability coverage for
629 each university, department, trustee, employee, volunteer,
630 facility and activity as the board of trustees, in its discretion,
631 shall determine advisable. If liability coverage, either through
632 insurance policies or self-insurance retention is in effect,
633 immunity from suit shall be waived only to the limit of liability
634 established by the insurance or self-insurance program. From and
635 after July 1, 1993, liability coverage established by the board of
636 trustees must conform to the provisions of this section and must
637 receive approval from the board. Should the board reject a plan,
638 the board of trustees shall participate in the liability program
639 for state agencies established by the board.

640 (3) All political subdivisions shall, from and after October
641 1, 1993, obtain a policy or policies of insurance, establish
642 self-insurance reserves, or provide a combination of insurance and
643 reserves as necessary to cover all risks of claims and suits for



644 which political subdivisions may be liable under this chapter; a
645 political subdivision shall not be required to obtain pollution
646 liability insurance. However, this shall not limit any cause of
647 action against a political subdivision relative to limits of
648 liability under the Tort Claims Act. The policy or policies of
649 insurance or self-insurance may contain any reasonable limitations
650 or exclusions not contrary to Mississippi state statutes or case
651 law as are normally included in commercial liability insurance
652 policies generally available to political subdivisions. All the
653 plans of insurance or reserves or combination of insurance and
654 reserves shall be submitted for approval to the board. The board
655 shall issue a certificate of coverage to each political
656 subdivision whose plan it approves in the same manner as provided
657 in subsection (2) of this section. Whenever any political
658 subdivision fails to obtain the board's approval of its plan, the
659 political subdivision shall act in accordance with the rules and
660 regulations of the board and obtain a satisfactory plan of
661 insurance or reserves or combination of insurance and reserves to
662 be approved by the board.

663 (4) Any governmental entity may purchase liability insurance
664 to cover claims in excess of the amounts provided for in Section
665 11-46-15 and may be sued by anyone in excess of the amounts
666 provided for in Section 11-46-15 to the extent of the excess
667 insurance carried; however, the immunity from suit above the



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

670 (5) Any two (2) or more political subdivisions may contract
671 to pool their liabilities as a group under this chapter. The
672 pooling agreements and contracts may provide for the purchase of
673 one or more policies of liability insurance or the establishment
674 of self-insurance reserves or a combination of insurance and
675 reserves and shall be subject to approval by the board in the
676 manner provided in subsections (2) and (3) of this section.

677 (6) The board shall have subrogation rights against a third
678 party for amounts paid out of any plan of self-insurance
679 administered by the board pursuant to this section on behalf of a
680 governmental entity that is not a political subdivision as a
681 result of damages caused under circumstances creating a cause of
682 action in favor of such governmental entity against a third party.
683 The board shall deposit in the Tort Claims Fund all monies
684 received in connection with the settlement or payment of any
685 claim, including proceeds from the sale of salvage.

686 (7) * * * During Fiscal Year 2017, the board shall have full
687 authority to assess agencies and governmental entities as per
688 Section 11-46-19(1)(r).

689 * * *

690 **SECTION 11.** Section 25-31-41, Mississippi Code of 1972, is
691 amended as follows:



692 25-31-41. (1) There is created in the State Treasury a
693 special fund designated as the District Attorneys Operation Fund.
694 The funds shall be administered by the Attorney General. The fund
695 shall consist of monies deposited therein as provided in Section
696 99-19-72 and monies from any other source designated for deposit
697 into the fund. The Attorney General may also accept monies from
698 any public or private source for deposit into the fund. Money
699 remaining in the fund at the end of a fiscal year shall not lapse
700 into the State General Fund, and any interest earned from the
701 investment of monies in the fund shall be deposited to the credit
702 of the fund.

703 (2) Monies in the fund shall be subject to appropriation by
704 the Legislature and may only be used for the purpose of assisting
705 district attorneys as determined necessary by the Attorney
706 General. Monies in the fund used for the purposes described in
707 this section shall be in addition to other funds available from
708 any other source for such purposes.

709 (3) From and after July 1, 2016, the expenses of district
710 attorneys shall be defrayed by appropriation from the State
711 General Fund and all user charges and fees authorized by Section
712 99-19-72(1) (a) and (b) shall be deposited into the State General
713 Fund as authorized by law and as determined by the State Fiscal
714 Officer, and charges and fees authorized by Section 99-19-72(1) (c)
715 shall be retained by the circuit clerks for expenditures
716 authorized by law.



717 **SECTION 12.** Section 99-19-72, Mississippi Code of 1972, is
718 amended as follows:

719 99-19-72. (1) A filing fee of One Hundred Fifty Dollars
720 (\$150.00) is hereby levied on each petition to expunge an offense
721 under Section 99-19-71 to be collected by the circuit clerk and
722 distributed as follows:

723 (a) One Hundred Dollars (\$100.00) to be deposited into
724 the Judicial System Operation Fund;

725 (b) Forty Dollars (\$40.00) to be deposited into the
726 District Attorneys Operation Fund; and

727 (c) Ten Dollars (\$10.00) to be retained by the circuit
728 clerk collecting the fee for administration purposes.

729 (2) From and after July 1, 2016, the expenses of district
730 attorneys shall be defrayed by appropriation from the State
731 General Fund and all user charges and fees authorized by
732 paragraphs (a) and (b) of subsection (1) of this section shall be
733 deposited into the State General Fund as authorized by law and as
734 determined by the State Fiscal Officer, and charges and fees
735 authorized by paragraph (c) of subsection (1) of this section
736 shall be retained by the circuit clerks for expenditures
737 authorized by law.

738 **SECTION 13.** Section 27-19-99, Mississippi Code of 1972, is
739 amended as follows:

740 27-19-99. (1) The Department of Revenue shall furnish the
741 tax collector of each county a sufficient supply of license tags



742 or plates and a sufficient supply of license receipts with which
743 to make the collection of the taxes imposed by the provisions of
744 this article, which such tax collectors are required to collect.
745 The license tag receipts shall be on forms prescribed by the
746 department. Upon the payment of the taxes and fees required by
747 this article, the tax collector shall issue the license receipt in
748 the form prescribed by the department. The department shall keep
749 account against the tax collector for the license taxes and fees
750 collected. The tax collector shall keep a similar account.

751 (2) The tax collector shall, at the end of each month or
752 within twenty (20) days thereafter, pay into the county road fund
753 all privilege taxes collected by him during the preceding month
754 upon motor vehicle privilege licenses which he is entitled to
755 issue, less the county's commission.

756 (3) The tax collector shall keep a record of the information
757 furnished by the owners of each motor vehicle registered. The
758 record shall be made in numerical order by tag number or decal
759 number, whichever is appropriate. At the end of each month, or
760 within twenty (20) days thereafter, the tax collector shall submit
761 to the department a copy of such record, together with the copy of
762 each registration receipt, and shall, at the same time, remit to
763 the department the registration fee for each license tag or decal
764 sold by him during the preceding month. When the tax collector
765 shall have complied with the provisions of this section and shall
766 have forwarded to the department, within the time specified, all



767 reports required of him hereunder, he shall then be entitled to
768 retain five percent (5%) of the registration fees imposed in
769 Section 27-19-43(3) (a) and (b), to be paid into the county general
770 fund; otherwise the county's commission shall be forfeited. The
771 five percent (5%) shall not apply to any additional registration
772 fee imposed above the amounts imposed in Section 27-19-43(3) (a)
773 and (b). The department shall keep a record from the duplicates
774 filed by the tax collectors of all registered vehicles.

775 (4) Counties that use their existing computer system to
776 communicate all data regarding vehicle title and registration
777 transactions to the state's central computer system shall be
778 allotted Fifty Cents (50¢) for each registration fee collected by
779 the county and remitted to the Department of Revenue. Such
780 communication must successfully pass any edit features and
781 successfully create or update title/registration records on the
782 network system. This amount paid to the county shall be deposited
783 into the county general fund to be expended only for costs
784 incurred for the purchase of equipment, software, maintenance, or
785 other costs directly related to the title/registration network
786 system, and for education and training.

787 (5) All monies remitted to the department by tax collectors
788 as registration or tag fees from the portion of the rate imposed
789 in Section 27-19-43(3) (a) and (b), and all monies received by the
790 department directly as registration or tag fees from the portion
791 of the rate imposed in Section 27-19-43(3) (a) and (b) * * * shall



792 be paid by the department into the General Fund of the State
793 Treasury on the first day of the month succeeding the month in
794 which such fees are received by the department.

795 * * *

796 (* * *6) Except as otherwise provided in Section 31-17-127,
797 all monies remitted to the department by tax collectors as
798 registration or tag fees from the additional rate of Five Dollars
799 (\$5.00) and all monies received by the department directly as
800 registration or tag fees from the additional rate of Five Dollars
801 (\$5.00) shall be paid into the State Treasury to the credit of the
802 State Highway Fund for the construction or reconstruction of
803 highways designated under the highway program created under
804 Section 65-3-97.

805 **SECTION 14.** Section 27-19-155, Mississippi Code of 1972, is
806 amended as follows:

807 27-19-155. The license or number tag herein provided for
808 shall be purchased by the License Tag Commission, composed of the
809 Governor, Commissioner of Revenue, Attorney General and the State
810 Treasurer, upon competitive bids, after having given three (3)
811 weeks' notice of the time and place of purchase, by publishing
812 said notice in at least three (3) newspapers, at least one (1) of
813 which shall be published in the State of Mississippi, for a period
814 of three (3) weeks prior to the date of purchase. The successful
815 bidder shall enter into a bond with some surety company,
816 authorized to do business in the state, as surety thereon, payable



817 to the State of Mississippi, in a sum equal to the amount of his
818 contract, conditioned for the faithful and prompt carrying out of
819 said bid, and, in the event of the failure to comply with the
820 terms of said contract, the amount of said bond shall be forfeited
821 as liquidated damages and may be recovered by the Attorney General
822 in any appropriate action. The License Tag Commission is hereby
823 authorized and empowered to renegotiate any contract entered into
824 for the purchase of license tags in order to obtain any other or
825 additional tags necessitated by the passage of this article.

826 All monies received by the * * * Department of Revenue as
827 registration or tag fees, either from the tax collectors, or from
828 licenses issued by the * * * Department of Revenue, shall be paid
829 into the State Treasury on the same day in which such funds are
830 collected by the * * * Department of Revenue. * * *

831 **SECTION 15.** Section 27-19-179, Mississippi Code of 1972, is
832 amended as follows:

833 27-19-179. (1) There is created in the State Treasury a
834 special fund to be designated as the " Department of Revenue
835 License Tag Acquisition Fund." The special fund shall consist of
836 monies deposited therein under Sections 27-19-99 and 27-19-155 and
837 monies from any other source designated for deposit into the fund.
838 Unexpended amounts remaining in the special fund at the end of a
839 fiscal year shall not lapse into the State General Fund, and any
840 interest earned or investment earnings on amounts in the fund
841 shall be deposited to the credit of the fund.



842 (2) From and after July 1, 2010, monies in the special fund
843 may be used by the Department of Revenue for the purpose of paying
844 the costs incurred for purchasing license tags and decals and
845 associated freight costs under Section 27-19-1 et seq. The
846 department may escalate its budget and expend monies from the
847 special fund in accordance with rules and regulations of the
848 Department of Finance and Administration in a manner consistent
849 with the escalation of federal funds.

850 (3) From and after July 1, 2016, the expenses of * * * the
851 Department of Revenue License Tag Acquisition Fund Program shall
852 be defrayed by appropriation from the State General Fund and all
853 user charges and fees authorized under this section shall be
854 deposited into the State General Fund as authorized by law and as
855 determined by the State Fiscal Officer.

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

860 **SECTION 16.** Section 27-104-21, Mississippi Code of 1972, is
861 amended as follows:

862 27-104-21. (1) All general and special fund agencies shall,
863 upon making application for federal funds, forward a summary of
864 such applications to the Legislative Budget Office. The
865 Legislative Budget Office shall have an opportunity to review such
866 applications and make its comments thereon to the Executive



867 Director of the Department of Finance and Administration and the
868 state agency making application. Unless otherwise specified in
869 the appropriation bill, the Executive Director of the Department
870 of Finance and Administration shall have the authority to approve
871 escalations in a budget using one hundred percent (100%) federal
872 money.

873 (2) New employee positions funded one hundred percent (100%)
874 by or from federal funds may be authorized by the Executive
875 Director of the Department of Finance and Administration subject
876 to the rules and regulations of the State Personnel Board. No
877 federal funds may be expended for programs or activities other
878 than those which have been authorized by act of the Legislature or
879 which are encompassed by a state agency's program structure as
880 provided by law. The Executive Director of the Department of
881 Finance and Administration shall immediately send notice of the
882 approval of such budget escalation to the Legislative Budget
883 Office. The Executive Director of the Department of Finance and
884 Administration shall ensure that the Legislative Budget Office
885 receives timely, detailed and accurate information about the
886 amount and use of federal funds by state agencies.

887 (3) The Department of Finance and Administration shall
888 require, by rule and regulation, that each agency receiving
889 federal funds shall apply for federal reimbursement for state
890 central services costs in accordance with Office of Management and
891 Budget Circular A-21 or A-87, which reimbursement shall be



892 deposited directly into the Statewide Cost Allocation Fund, which
893 is hereby established within the State Treasury. An agency's
894 failure to timely apply for such reimbursement shall be condition
895 sufficient to authorize the Department of Finance and
896 Administration to transfer an amount equal to not less than fifty
897 percent (50%) nor more than one hundred percent (100%) of the
898 total amount designated to such agency in the applicable fixed
899 cost agreement of the state central service cost allocation plan.
900 These funds shall be transferred from any available funds within
901 such agency into the Statewide Cost Allocation Fund upon execution
902 of a requisition for issuance of warrant by the Executive Director
903 of the Department of Finance and Administration. Any funds on
904 hand in said Statewide Cost Allocation Fund at the end of the
905 fiscal year shall lapse into the State General Fund. From and
906 after July 1, 2016, any revenue generated from this fund shall be
907 used only for the maintenance, upkeep and utility costs of
908 state-owned property, and any amount on hand at the end of the
909 fiscal year that is not necessary to defray the cost of such
910 maintenance, upkeep and utility costs shall, after August 15 of
911 each year, be transferred to the State General Fund as authorized
912 by law and as determined by the State Fiscal Officer.

913 **SECTION 17.** Section 29-1-95, Mississippi Code of 1972, is
914 amended as follows:

915 29-1-95. (1) All taxes due the county, municipality, public
916 school district, drainage district or levee board on lands sold to



917 the state for taxes and listed into the Secretary of State's
918 office shall remain in abeyance until the land be sold, and
919 thereafter such taxes shall be paid out of the purchase money; but
920 state, county, municipality, public school district, drainage
921 district or levee board taxes shall not accrue on such lands after
922 the fiscal year in which it was certified to the state. Upon the
923 payment of the purchase money of any tax land into the Treasury,
924 the Secretary of State shall certify to the Department of Finance
925 and Administration and to the Treasurer the amount of fees and
926 costs allowed to the county tax collector and chancery clerk, as
927 in cases of the redemption of lands from tax sales, under the
928 provisions of Section 25-7-21; and the Department of Finance and
929 Administration shall issue warrants in favor of such county tax
930 collector and chancery clerk for the amount of such fees. The
931 Secretary of State shall also certify to the Department of Finance
932 and Administration and the Treasurer the amount of the county,
933 municipality, public school district, drainage district and levee
934 board taxes for which said land was sold to the state, and all
935 taxes accruing on said land until the year in which it was
936 certified to the state; and the Department of Finance and
937 Administration shall issue warrants in favor of the proper county,
938 municipality, public school district, drainage district, and levee
939 board for the said four (4) years' taxes. The balance of the
940 purchase money shall be deposited into a special fund to be known
941 as the "Land Records Maintenance Fund," that is hereby created in



942 the State Treasury * * *. The fund shall be administered by the
943 Secretary of State. Any amount on hand in said Land Records
944 Maintenance Fund at the end of the fiscal year * * * that is not
945 necessary to pay any obligations to local governmental units set
946 out in this subsection shall, after June 30 of each year, be
947 transferred to the General Fund, and shall not be authorized for
948 expenditure by the Secretary of State to reimburse or otherwise
949 defray the expenses of any office administered by the Secretary of
950 State.

951 (2) If, after the payment of the fees and costs allowed to
952 the county tax collector and the chancery clerk, as aforesaid, the
953 balance of the purchase money of any tax land paid into the
954 Treasury shall be insufficient to cover the amount of the state,
955 county, municipality, public school district, drainage district or
956 levee board taxes due thereon, or if the records of the Secretary
957 of State fail to show the amount of state, county, municipality,
958 public school district, drainage district or levee board taxes
959 accruing for the years until said land was certified to the state,
960 on lands sold by the Secretary of State, he shall apportion the
961 balance of the purchase money derived from the sale of such lands
962 between the state, county, municipality, public school district,
963 drainage district and levee board upon the basis of the amount of
964 taxes due the state, county, municipality, public school district,
965 drainage district and levee board, respectively, at the time said
966 land was struck off to the state for delinquent taxes by the



967 sheriff and tax collector, and for which said lands were struck
968 off to the state.

969 (3) All funds derived from the sale of properties under the
970 provisions of Sections 7-11-15, 29-1-27, 29-1-29, 29-1-35,
971 29-1-37, 29-1-53 through 29-1-57, 29-1-73 and 29-1-81 through
972 29-1-87 shall be handled in the manner provided herein for funds
973 derived from the sale of lands.

974 (4) From and after July 1, 2016, the expenses of this agency
975 shall be defrayed by appropriation from the State General Fund and
976 all user charges and fees authorized under this section shall be
977 deposited into the State General Fund as authorized by law. The
978 requirements of this subsection (4) shall not apply to
979 disbursements made to local governmental units from the Land
980 Records Maintenance Fund, and to any funds which by law are to be
981 collected and deposited to the Land Records Maintenance Fund.

982 (5) From and after July 1, 2016, no state agency shall
983 charge another state agency a fee, assessment, rent or other
984 charge for services or resources received by authority of this
985 section. This prohibition shall not apply to payments made from
986 the Land Records Maintenance Fund provided for in subsection (1)
987 of this section.

988 **SECTION 18.** Section 29-1-107, Mississippi Code of 1972, is
989 amended as follows:

990 29-1-107. (1) The Secretary of State with the approval of
991 the Governor shall, as far as practicable, rent or lease all lands



992 belonging to the state, except as otherwise provided by law for a
993 period of not exceeding one (1) year, and account for the rents
994 therefrom in the same manner as money received from the sale of
995 state lands, provided that no state land shall be rented or leased
996 to individuals, corporations, partnerships, or association of
997 persons for hunting or fishing purposes. Property belonging to
998 the state in municipalities, even though it may have been
999 subdivided into lots, blocks, divisions, or otherwise escheated or
1000 was sold to the state by such description, may likewise be leased
1001 or rented by the Secretary of State under the terms provided above
1002 for other state lands, and the rents accounted for in the same
1003 manner. The state shall have all the liens, rights and remedies
1004 accorded to landlords in Sections 89-7-1 through 89-7-125; said
1005 leases and rental contracts shall automatically terminate on the
1006 date provided in said leases or contracts.

1007 (2) (a) The Secretary of State, with the approval of the
1008 Governor, may rent or lease surface lands, tidelands or submerged
1009 lands owned or controlled by the State of Mississippi lying in or
1010 adjacent to the Mississippi Sound or Gulf of Mexico or streams
1011 emptying therein, for a period not exceeding forty (40) years for
1012 rental payable to the state annually. However, the term of any
1013 lease of state public trust tidelands to a person possessing a
1014 license under the Mississippi Gaming Control Act shall be governed
1015 by the provisions of subsection (4) of this section. Provided
1016 however, that effective July 1, 2017, all such public tidelands



1017 and submerged land leases shall be negotiated by the Executive
1018 Director of the Mississippi Department of Marine Resources and
1019 executed by the president of the board of supervisors of the
1020 county in which the surface, tidelands or submerged lands are
1021 located, on behalf of such board of supervisors, subject to the
1022 approval of the Secretary of State as an advisory trustee. From
1023 and after July 1, 2017, it shall be the duty of the Secretary of
1024 State to collect the lease rentals on all such tidelands or
1025 submerged land leases which shall be deposited into a clearing
1026 account at the State Treasury for transfer into the Public Trust
1027 Tidelands Fund established in Section 29-15-9, Mississippi Code of
1028 1972. It shall be the duty of the Secretary of State to assist
1029 the appropriate board of supervisors, when so requested, in
1030 establishing and maintaining public tidelands management systems.

1031 (b) The lessee under such agreement may construct such
1032 necessary items for marking channels, docking, wharfing, mooring
1033 or fleeting vessels which shall be in aid of navigation and not
1034 obstructions thereto.

1035 (c) A lessee of record may be given the option to renew
1036 for an additional period not to exceed twenty-five (25) years;
1037 however, the term of a renewal for a lease of state public trust
1038 tidelands to a person possessing a gaming license under the
1039 Mississippi Gaming Control Act shall be governed by the provisions
1040 of subsection (4) of this section. The holder of a lease of
1041 Public Trust Tidelands, at the expiration thereof, shall have a



1042 prior right, exclusive of all other persons, to re-lease as may be
1043 negotiated by the Executive Director of the Mississippi Department
1044 of Marine Resources and agreed upon between the holder of the
1045 lease and the board of supervisors of the county in which the
1046 tidelands is located with the approval of the Secretary of State
1047 as co-trustee in the same manner as provided in paragraph (a) of
1048 this subsection relating to the prior lease.

1049 (d) Leases shall provide for review and rent
1050 adjustments at each fifth anniversary tied either to the All Urban
1051 Consumer Price Index-All Items (CPI) or to an appraisal which
1052 deducts the value of any improvements by the lessee which
1053 substantially enhance the value of the land. In the case where
1054 the initial rental was based on the value set by the ad valorem
1055 tax rolls, then the rent review and adjustment clause shall be
1056 likewise based on the value set by such tax rolls. In the event
1057 that the lessor and lessee cannot agree on a rental amount, the
1058 lease may be cancelled at the option of the lessor. The lessee
1059 shall, within thirty (30) days after execution of a sublease or
1060 assignment, file a copy thereof, including the total consideration
1061 therefor, with the Secretary of State. This paragraph shall not
1062 apply to a lease of state public trust tidelands or submerged
1063 lands to a person possessing a gaming license under the
1064 Mississippi Gaming Control Act who operates a gaming establishment
1065 on such tidelands.



1066 (3) Provided, however, the current occupants of public trust
1067 tidelands that were developed after the determinable mean
1068 high-water line nearest the effective date of the Coastal Wetlands
1069 Protection Law shall pay an annual rental based on the fair market
1070 value as determined by the assessed valuation of the property.
1071 The holder of a lease of Public Trust Tidelands, at the expiration
1072 thereof, shall have a prior right, exclusive of all other persons,
1073 to re-lease as may negotiated by the Executive Director of the
1074 Mississippi Department of Marine Resources and agreed upon between
1075 the holder of the lease and the board of supervisors of the county
1076 in which the tidelands is located with the approval of the
1077 Secretary of State as co-trustee in the same manner as provided in
1078 subsection (2) (a) of this section relating to the prior lease.

1079 (4) (a) This section shall apply to any person possessing a
1080 license under the Mississippi Gaming Control Act who operates a
1081 gaming establishment in any of the three (3) most southern
1082 counties of the state.

1083 (b) The following shall apply to all leases of state
1084 public trust tidelands executed by such a licensee:

1085 (i) Every lease executed after August 29, 2005,
1086 shall be for a period of thirty (30) years for rental payable to
1087 the state annually.

1088 (ii) By operation of this section, any lease
1089 executed before August 29, 2005, may, at the option of the lessee,
1090 either remain at the term stated in the original execution of the



1091 lease or be converted to a thirty-year term lease, beginning on
1092 such date after August 29, 2005, that the lessee either resumes or
1093 begins permanent gaming activities as approved by the Mississippi
1094 Gaming Commission, and the lessee shall be required to comply with
1095 all other provisions of the lease. Should the lessee choose to
1096 operate in a structure that is not on state public trust tidelands
1097 and that is on property contiguous to tidelands leased by the
1098 lessee, the lessee shall be required to comply with all other
1099 provisions of the lease and shall be exempt from the assessment
1100 provided for in paragraph (c) of this subsection. Easements for
1101 and rights-of-way for public streets and highways shall not be
1102 construed to interrupt the contiguous nature of a parcel of
1103 property. In the event that a lessee does not elect either to
1104 remain bound by the original term of the lease or to convert the
1105 lease to a thirty-year term, the board of supervisors of the
1106 county in which the tidelands leasehold is located with the
1107 approval of the Secretary of State as co-trustee may lease the
1108 state public trust tidelands that are the subject of the lease to
1109 any other person or entity in the same manner as provided in
1110 subsection (2) (a) of this section relating to the prior lease.

1111 (iii) Leases shall provide for review and rent
1112 adjustments at each annual anniversary tied to the All Urban
1113 Consumer Price Index-All Items (CPI). In the case of the renewal
1114 of a lease after the expiration of the original thirty-year term
1115 under this subsection, each renewal shall be for a term of thirty



1116 (30) years. The base rate to which the CPI shall apply for
1117 purposes of executing the subsequent lease shall be negotiated by
1118 the lessee with the board of supervisors of the county in which
1119 the tidelands leasehold is located with the approval of the
1120 Secretary of State as co-trustee in the same manner as provided in
1121 subsection (2) (a) of this section relating to the prior lease.

1122 (c) (i) Except as otherwise provided in this
1123 paragraph, any person possessing a license under the Mississippi
1124 Gaming Control Act who does not lease public trust tidelands from
1125 the state or any of its political subdivisions, and who operates a
1126 gaming establishment in any of the three (3) most southern
1127 counties of the state, shall pay an annual in-lieu tidelands
1128 assessment to the Public Trust Tidelands Assessments Fund
1129 (hereinafter referred to as "fund") created in Section 29-15-10,
1130 in the amount and manner provided for in this paragraph.

1131 For calendar year 2006, the annual in-lieu tidelands
1132 assessment paid by the licensee to the fund shall be:

1133 1. Four Hundred Thousand Dollars
1134 (\$400,000.00), if the capital investment in the part of the
1135 structure in which licensed gaming activities are conducted is
1136 Fifty Million Dollars (\$50,000,000.00) or less.

1137 2. Four Hundred Fifty Thousand Dollars
1138 (\$450,000.00), if the capital investment in the part of the
1139 structure in which licensed gaming activities are conducted is



1140 equal to or more than Fifty Million Dollars (\$50,000,000.00) but
1141 less than Sixty Million Dollars (\$60,000,000.00).

1142 3. Five Hundred Thousand Dollars
1143 (\$500,000.00), if the capital investment in the part of the
1144 structure in which licensed gaming activities are conducted is
1145 equal to or more than Sixty Million Dollars (\$60,000,000.00) but
1146 less than Seventy-five Million Dollars (\$75,000,000.00).

1147 4. Six Hundred Thousand Dollars
1148 (\$600,000.00), if the capital investment in the part of the
1149 structure in which licensed gaming activities are conducted is
1150 equal to or more than Seventy-five Million Dollars
1151 (\$75,000,000.00) but less than One Hundred Million Dollars
1152 (\$100,000,000.00).

1153 5. Seven Hundred Thousand Dollars
1154 (\$700,000.00), if the capital investment in the part of the
1155 structure in which licensed gaming activities are conducted is
1156 equal to or more than One Hundred Million Dollars
1157 (\$100,000,000.00) but less than One Hundred Twenty-five Million
1158 Dollars (\$125,000,000.00).

1159 6. Seven Hundred Fifty Thousand Dollars
1160 (\$750,000.00), if the capital investment in the part of the
1161 structure in which licensed gaming activities are conducted is
1162 equal to or more than One Hundred Twenty-five Million Dollars
1163 (\$125,000,000.00).



1164 For each calendar year thereafter, the Secretary of State
1165 shall review and adjust the value of the capital investment and
1166 the annual in-lieu tidelands assessment due. Such review and
1167 adjustment shall be tied to the CPI.

1168 (ii) This paragraph shall not apply to a gaming
1169 licensee if the licensee conducts gaming in a structure that is
1170 located on property that is leased from the Mississippi State Port
1171 at Gulfport or any political subdivision of the state, or to a
1172 licensee who conducts gaming in a structure that is located on
1173 property that is leased to the licensee jointly by the State of
1174 Mississippi and the City of Biloxi; however, with regard to
1175 property owned by a political subdivision of the state, this
1176 exception shall only apply to property owned by the political
1177 subdivision on August 29, 2005, if legal gaming could have been
1178 conducted on such property on that date.

1179 (iii) This paragraph shall not apply to a gaming
1180 licensee if the licensee conducts gaming in a structure that is
1181 located on property that is not leased from the State of
1182 Mississippi and/or a political subdivision of the State of
1183 Mississippi and is not on state public trust tidelands, and if the
1184 licensee conducted gaming on that property before August 29, 2005.

1185 **SECTION 19.** Section 29-15-9, Mississippi Code of 1972, is
1186 amended as follows:

1187 29-15-9. (1) There is created in the State Treasury a
1188 special fund to be known as the "Public Trust Tidelands Fund."



1189 The fund shall be administered by the * * * Mississippi Commission
1190 on Marine Resources, acting through the Mississippi Department of
1191 Marine Resources.

1192 (2) Forty percent (40%) of any funds derived from lease
1193 rentals of tidelands and submerged lands, except those funds
1194 derived from mineral leases, or funds previously specifically
1195 designated to be applied to other agencies, shall be transferred
1196 annually to the special fund and shall be available for programs
1197 of tidelands management and access as authorized under this
1198 subsection (2). * * * The Secretary of State shall annually
1199 provide to the Chairmen of the House and Senate Ports and Marine
1200 Resources Committees the total rental amounts received pursuant to
1201 Section 29-1-107, Mississippi Code of 1972, and shall not use any
1202 of the funds for administrative costs. * * * Funds derived from
1203 lease rentals shall be disbursed pro rata to the local taxing
1204 authorities for the replacement of lost ad valorem taxes, if any.
1205 Then, any remaining funds shall be disbursed to the Mississippi
1206 Commission on Marine Resources for new and extra programs of
1207 tidelands management, such as conservation, reclamation,
1208 preservation, acquisition, education or the enhancement of public
1209 access to the public trust tidelands or public improvement
1210 projects as they relate to those lands. Any political
1211 subdivision, agency or nonprofit entity seeking to qualify for
1212 tidelands funds for the subsequent fiscal year shall submit a
1213 proposal to the commission no later than July 1 of the preceding



1214 fiscal year, and all proposals submitted will be reviewed and
1215 evaluated by the commission in accordance to department plans and
1216 procedures.

1217 (3) Sixty percent (60%) of any funds * * * derived from
1218 lease rentals of tidelands and submerged lands shall be
1219 appropriated as separate line items in an appropriation bill for
1220 tideland programs or projects authorized under this section for
1221 political subdivisions or other agencies or nonprofit entities,
1222 and shall be disbursed as provided in this subsection (3).

1223 (a) The Department of Marine Resources shall make
1224 progress payments in installments based on the work completed and
1225 material used in the performance of a tidelands project only after
1226 receiving written verification from the political
1227 subdivision * * *, agency or nonprofit entity. The political
1228 subdivision * * *, agency or nonprofit entity shall submit
1229 verification of the work completed or materials in such detail and
1230 form that the department may require.

1231 (b) The Department of Marine Resources shall make funds
1232 available for the purpose of using such funds as a match or
1233 leverage for federal or other funds that are available for the
1234 designated tidelands project. Funds that have been appropriated
1235 by the Legislature shall not be repurposed and instead shall be
1236 returned to the Public Trust Tidelands Fund for allocation and
1237 appropriation.



1238 **SECTION 20.** Section 29-15-10, Mississippi Code of 1972, is
1239 amended as follows:

1240 29-15-10. * * * Effective July 1, 2017, the "Public Trust
1241 Tidelands Assessments Fund" shall be abolished and the outstanding
1242 balance of this fund, and all future assessments, shall be
1243 transferred to the "Public Trust Tidelands Fund" created in
1244 Section 29-15-9, Mississippi Code of 1972, to be expended as
1245 provided by law.

1246 **SECTION 21.** Section 37-26-3, Mississippi Code of 1972, is
1247 amended as follows:

1248 37-26-3. (1) In addition to any other fees or costs now or
1249 as may hereafter be provided by law, there is hereby charged in
1250 all civil cases in the chancery, circuit, county, justice and
1251 municipal courts of this state a court education and training cost
1252 in the amount of Two Dollars (\$2.00), except in justice court
1253 cases where the amount sued for is less than Fifteen Dollars
1254 (\$15.00). Such cost shall be collected by the clerk or judicial
1255 officer from the party bringing the civil action at the time of
1256 filing and taxed as costs.

1257 (2) From and after July 1, 2017, the expenses of this agency
1258 shall be defrayed by appropriation from the State General Fund and
1259 all user charges and fees authorized under this section shall be
1260 deposited into the State General Fund as authorized by law and as
1261 determined by the State Fiscal Officer.



1262 (3) From and after July 1, 2017, no state agency shall
1263 charge another state agency a fee, assessment, rent or other
1264 charge for services or resources received by authority of this
1265 section.

1266 **SECTION 22.** Section 37-26-9, Mississippi Code of 1972, is
1267 amended as follows:

1268 37-26-9. (1) It shall be the duty of the clerk of any court
1269 to promptly collect the costs imposed pursuant to the provisions
1270 of Section 37-26-3. In all cases the clerk shall monthly deposit
1271 all such costs so collected with the State Treasurer either
1272 directly or by other appropriate procedures. All such deposits
1273 shall be clearly marked for the State Court Education Fund and the
1274 State Prosecutor Education Fund. Upon receipt of such deposits,
1275 the State Treasurer shall credit seventy-five percent (75%) of any
1276 amounts so deposited to the State Court Education Fund created
1277 pursuant to subsection (2) of this section, and shall credit the
1278 remaining twenty-five percent (25%) of any amounts so deposited to
1279 the State Prosecutor Education Fund created pursuant to subsection
1280 (3) of this section.

1281 (2) Such assessments as are collected under Section 99-19-73
1282 shall be deposited in a special fund hereby created in the State
1283 Treasury and designated the "State Court Education Fund." Monies
1284 deposited in such fund shall be expended by the Board of Trustees
1285 of State Institutions of Higher Learning as authorized and
1286 appropriated by the Legislature to defray the cost of providing:



1287 (i) education and training for the courts of Mississippi and
1288 related personnel; (ii) technical assistance for the courts of
1289 Mississippi and related personnel; and (iii) current and accurate
1290 information for the Mississippi Legislature pertaining to the
1291 needs of the courts of Mississippi and related personnel.

1292 (3) Such assessments as are collected under Section 99-19-73
1293 shall be deposited in a special fund hereby created in the State
1294 Treasury and designated the "State Prosecutor Education Fund."
1295 Monies deposited in such fund shall be expended by the Attorney
1296 General of the State of Mississippi as authorized and appropriated
1297 by the Legislature to defray the cost of providing: (i) education
1298 and training for district attorneys, county prosecuting attorneys
1299 and municipal prosecuting attorneys; (ii) technical assistance for
1300 district attorneys, county prosecuting attorneys and municipal
1301 prosecuting attorneys; and (iii) current and accurate information
1302 for the Mississippi Legislature pertaining to the needs of
1303 district attorneys, county prosecuting attorneys and municipal
1304 prosecuting attorneys.

1305 (4) A supplemental fund is hereby created in the State
1306 Treasury and designated the State Court Constituents Fund. Monies
1307 deposited in such fund shall be for the education and training of
1308 judges and related court personnel other than those specified in
1309 Section 37-26-1(b). In addition to any other fees or costs now or
1310 as may hereafter be provided by law, there is hereby charged in
1311 all civil cases in the chancery, circuit, county, justice and



1312 municipal courts of this state a supplemental court education and
1313 training cost in the amount of Fifty Cents (50¢), except in
1314 justice court cases where the amount sued for is less than Fifteen
1315 Dollars (\$15.00); and in all criminal cases in the circuit,
1316 county, justice and municipal courts of this state, except in
1317 cases where the fine is less than Ten Dollars (\$10.00). Such
1318 costs shall be charged and collected as provided by Sections
1319 37-26-3 and 37-26-5.

1320 After the transfer to the State Prosecutor Education Fund of
1321 twenty-five percent (25%) of the money provided for in subsection
1322 (1) of this section, there shall then be transferred into the
1323 State Court Education Fund the money on deposit in the State Court
1324 Constituents Fund.

1325 (5) A special fund is created in the State Treasury and
1326 designated the "State Court Security Systems Fund." Monies
1327 deposited in such fund shall be expended for general courtroom
1328 security as well as the maintenance and operation of security
1329 surveillance and detection devices for the courtrooms of each
1330 court of the State of Mississippi specified in Section 37-26-1(2).
1331 The Administrative Office of Courts shall conduct a study to
1332 assess and determine the security needs of the courts and is
1333 authorized to expend monies in the fund for the purposes of the
1334 fund as authorized and appropriated by the Legislature.

1335 (6) From and after July 1, 2017, the expenses of the State
1336 Court Education Fund, the State Prosecutors Education Fund, the



1337 State Court Constituents Fund and the State Court Security Systems
1338 Fund shall be defrayed by appropriation from the State General
1339 Fund and all user charges and fees authorized under this section
1340 shall be deposited into the State General Fund as authorized by
1341 law and as determined by the State Fiscal Officer.

1342 (7) From and after July 1, 2016, no state agency shall
1343 charge another state agency a fee, assessment, rent or other
1344 charge for services or resources received by authority of this
1345 section.

1346 **SECTION 23.** Section 37-26-11, Mississippi Code of 1972, is
1347 amended as follows:

1348 37-26-11. (1) There is created in the State Treasury a
1349 special fund to be known as the Children's Advocacy Centers Fund,
1350 which shall be administered by the Office of the Attorney General.
1351 The purpose of the fund shall be for training forensic
1352 interviewers in child abuse and child sexual abuse cases, training
1353 law enforcement officers and prosecutors about child abuse cases,
1354 expanding the number of Children's Advocacy Centers of Mississippi
1355 to underserved areas, and other related purposes. Monies in the
1356 fund shall be expended by the Attorney General, upon appropriation
1357 by the Legislature. The fund shall be a continuing fund, not
1358 subject to fiscal-year limitations, and shall consist of:

1359 (a) Monies appropriated by the Legislature for the
1360 purposes of funding the Children's Advocacy Centers of
1361 Mississippi;



1362 (b) The interest accruing to the fund;
1363 (c) Monies received under the provisions of Section
1364 99-19-73;
1365 (d) Monies received from the federal government;
1366 (e) Donations; and
1367 (f) Monies received from such other sources as may be
1368 provided by law.

1369 (2) From and after July 1, 2016, the expenses of the
1370 Children's Advocacy Centers Fund Program shall be defrayed by
1371 appropriation from the State General Fund and all user charges and
1372 fees authorized under this section shall be deposited into the
1373 State General Fund as authorized by law and as determined by the
1374 State Fiscal Officer.

1375 (3) From and after July 1, 2016, no state agency shall
1376 charge another state agency a fee, assessment, rent or other
1377 charge for services or resources received by authority of this
1378 section.

1379 **SECTION 24.** Section 43-19-61, Mississippi Code of 1972, is
1380 amended as follows:

1381 43-19-61. (1) There is created in the State Treasury a
1382 special * * * fund to be designated as the "Child Support
1383 Prosecution * * * Fund." The fund shall be used by the Office of
1384 the Attorney General for the prosecution of delinquent child
1385 support cases and may also be used to draw down the sixty-six
1386 percent (66%) federal reimbursement IV-D funds for support of the



1387 Legal Division of the Child Support Unit of the Mississippi
1388 Department of Human Services.

1389 (2) From and after July 1, 2016, the expenses of the legal
1390 division of the Child Support Unit shall be defrayed by
1391 appropriation from the State General Fund and all user charges and
1392 fees authorized under this section shall be deposited into the
1393 State General Fund as authorized by law and as determined by the
1394 State Fiscal Officer.

1395 (3) From and after July 1, 2016, no state agency shall
1396 charge another state agency a fee, assessment, rent or other
1397 charge for services or resources received by authority of this
1398 section.

1399 **SECTION 25.** Section 43-47-39, Mississippi Code of 1972, is
1400 amended as follows:

1401 43-47-39. (1) There is created in the State Treasury a
1402 special fund to be known as the Vulnerable Persons Training,
1403 Investigation and Prosecution * * * Fund. The purpose of the fund
1404 shall be to provide funding for the Vulnerable Persons Unit in the
1405 Office of the Attorney General to assist in the training of law
1406 enforcement officers, judges, district attorneys, state agencies
1407 and investigators at the Department of Human Services with regard
1408 to issues arising under the Vulnerable Persons Act, and to provide
1409 funding for the Vulnerable Persons Unit in the Office of the
1410 Attorney General to assist in the investigation and prosecution of
1411 statewide offenders who abuse, neglect or exploit vulnerable



1412 persons. The fund shall be a continuing fund, not subject to
1413 fiscal-year limitations.

1414 (2) Funding shall be provided by assessments collected from
1415 violations set out in Section 99-19-73.

1416 (3) From and after July 1, 2016, the expenses of the
1417 Vulnerable Persons Unit shall be defrayed by appropriation from
1418 the State General Fund and all user charges and fees authorized
1419 under this section shall be deposited into the State General Fund
1420 as authorized by law and as determined by the State Fiscal
1421 Officer.

1422 (4) From and after July 1, 2016, no state agency shall
1423 charge another state agency a fee, assessment, rent or other
1424 charge for services or resources received by authority of this
1425 section.

1426 **SECTION 26.** Section 45-2-21, Mississippi Code of 1972, is
1427 amended as follows:

1428 45-2-21. (1) Whenever used in this section, the term:

1429 (a) "Covered individual" means a law enforcement
1430 officer or firefighter, including volunteer firefighters, as
1431 defined in this section while actively engaged in protecting the
1432 lives and property of the citizens of this state when employed by
1433 an employer as defined in this section; it does not include
1434 employees of independent contractors.

1435 (b) "Employer" means a state board, commission,
1436 department, division, bureau, or agency, or a county, municipality



1437 or other political subdivision of the state, which employs,
1438 appoints or otherwise engages the services of covered individuals.

1439 (c) "Firefighter" means an individual who is trained
1440 for the prevention and control of loss of life and property from
1441 fire or other emergencies, who is assigned to firefighting
1442 activity, and is required to respond to alarms and perform
1443 emergency actions at the location of a fire, hazardous materials
1444 or other emergency incident.

1445 (d) "Law enforcement officer" means any lawfully sworn
1446 officer or employee of the state or any political subdivision of
1447 the state whose duties require the officer or employee to
1448 investigate, pursue, apprehend, arrest, transport or maintain
1449 custody of persons who are charged with, suspected of committing,
1450 or convicted of a crime.

1451 (2) (a) The Attorney General's office shall make a monthly
1452 disability benefit payment equal to thirty-four percent (34%) of
1453 the covered individual's regular base salary at the time of injury
1454 when a covered individual, while engaged in the performance of the
1455 individual's official duties, is accidentally or intentionally
1456 injured in the line of duty as a direct result of a single
1457 incident. The benefit shall be payable for the period of time the
1458 covered individual is physically unable to perform the duties of
1459 the covered individual's employment, not to exceed twelve (12)
1460 total payments for any one (1) injury. Chronic or repetitive
1461 injury is not covered. Benefits made available under this section



1462 shall be in addition to any workers' compensation benefits and
1463 shall be limited to the difference between the amount of workers'
1464 compensation benefits and the amount of the covered individual's
1465 regular base salary. Compensation under this section shall not be
1466 awarded where a penal violation committed by the covered
1467 individual contributed to the disability or the injury was
1468 intentionally self-inflicted.

1469 (b) Payments made under this subsection are exempt from
1470 the claims and demands of creditors of the covered individual.

1471 (3) (a) There is established in the State Treasury a
1472 special fund to be known as the Law Enforcement Officers and Fire
1473 Fighters Disability Benefits * * * Fund. The * * * fund shall be
1474 funded by any funds made available by the Legislature or by
1475 donation, contribution, gift or any other source.

1476 (b) The State Treasurer shall invest the monies of
1477 the * * * fund in any of the investments authorized for the funds
1478 of the Public Employees' Retirement System under Section
1479 25-11-121, and those investments shall be subject to the
1480 limitations prescribed by Section 25-11-121.

1481 (c) Unexpended amounts remaining in the * * * fund at
1482 the end of the state fiscal year shall not lapse into the State
1483 General Fund, and any income earned on amounts in the * * * fund
1484 shall be deposited to the credit of the * * * fund.

1485 (4) The Attorney General's office shall be responsible for
1486 the management of the * * * fund and the disbursement of



1487 disability benefits authorized under this section. The Attorney
1488 General shall adopt rules and regulations necessary to implement
1489 and standardize the payment of disability benefits under this
1490 section, to administer the * * * fund created by this section and
1491 to carry out the purposes of this section. The Attorney General's
1492 office may expend up to ten percent (10%) of the monies in
1493 the * * * fund for the administration and management of the * * *
1494 fund and carrying out the purposes of this section.

1495 (5) From and after July 1, 2016, the expenses of the Law
1496 Enforcement Officers and Fire Fighters Disability Benefits Fund
1497 shall be defrayed by appropriation from the State General Fund and
1498 all user charges and fees authorized under this section shall be
1499 deposited into the State General Fund as authorized by law and as
1500 determined by the State Fiscal Officer.

1501 (6) From and after July 1, 2016, no state agency shall
1502 charge another state agency a fee, assessment, rent or other
1503 charge for services or resources received by authority of this
1504 section.

1505 **SECTION 27.** Section 45-6-21, Mississippi Code of 1972, is
1506 amended as follows:

1507 45-6-21. (1) There is created in the State Treasury a
1508 special fund to be known as the Motorcycle Officers Training
1509 Program Fund, which shall be administered by the Office of the
1510 Attorney General. The purpose of the fund shall be to provide
1511 funding for the training of state and local law enforcement



1512 officers, including, but not limited to, motorcycle officers
1513 training. All courses provided under the Motorcycle Officers
1514 Training Program shall be administered and approved by the
1515 Mississippi Law Enforcement Officers Association. Monies in the
1516 fund shall be expended by the Attorney General, upon appropriation
1517 by the Legislature. The fund shall be a continuing fund, not
1518 subject to fiscal-year limitations, and shall consist of:

1519 (a) Monies appropriated by the Legislature for the
1520 purposes of funding the Motorcycle Officers Training Program;

1521 (b) The interest accruing to the fund;

1522 (c) Monies received under the provisions of Section
1523 99-19-73;

1524 (d) Monies received from the federal government;

1525 (e) Donations; and

1526 (f) Monies received from such other sources as may be
1527 provided by law.

1528 (2) From and after July 1, 2016, the expenses of the
1529 Motorcycle Officers Training Program shall be defrayed by
1530 appropriation from the State General Fund and all user charges and
1531 fees authorized under this section shall be deposited into the
1532 State General Fund as authorized by law and as determined by the
1533 State Fiscal Officer.

1534 (3) From and after July 1, 2016, no state agency shall
1535 charge another state agency a fee, assessment, rent or other



1536 charge for services or resources received by authority of this
1537 section.

1538 **SECTION 28.** Section 53-1-77, Mississippi Code of 1972, is
1539 amended as follows:

1540 53-1-77. (1) The State Oil and Gas Supervisor, as ex
1541 officio secretary of such board, shall remit to the State
1542 Treasurer all monies collected by reason of the assessments made
1543 and fixed under the provisions of Section 53-1-73, and the State
1544 Treasurer shall deposit all such monies in a special fund known as
1545 the "Oil and Gas Conservation Fund," which is hereby continued in
1546 effect.

1547 (2) All monies on deposit in the Oil and Gas Conservation
1548 Fund on April 10, 1948, and all monies hereafter deposited in such
1549 fund, shall be * * * for the use of the board to pay the expenses
1550 and costs incurred in connection with the administration and
1551 enforcement of the oil and gas conservation laws of the State of
1552 Mississippi and the rules, regulations and orders of the State Oil
1553 and Gas Board issued thereunder. Disbursements shall be made from
1554 such fund only upon requisition of the State Oil and Gas
1555 Supervisor, as approved and allowed by the board, and which
1556 requisitions shall be supported by itemized statements thereto
1557 attached showing the purpose or purposes of such expenditures.
1558 Such requisitions shall be drawn upon the State Auditor, who shall
1559 issue a warrant upon said fund. Such warrants so issued shall be
1560 paid by the State Treasurer upon presentation.



1561 (3) The State Oil and Gas Supervisor, as ex officio
1562 secretary of the Oil and Gas Board, shall submit, within ten (10)
1563 days, after the convening of each session of the Legislature, to
1564 the Legislature a detailed report of all receipts, expenditures
1565 and balance on hand, of funds coming to the Oil and Gas Board from
1566 any source whatsoever.

1567 (4) In the event that at any particular time, the Oil and
1568 Gas Conservation Fund contains an amount greater than Two Hundred
1569 Thousand Dollars (\$200,000.00) more than the current fiscal year's
1570 estimated budget, the amount of the excess may be used by the
1571 board and at the board's discretion, to plug any oil or gas well,
1572 including any Class II well, in the state which has been
1573 determined by the board to represent an imminent threat to the
1574 environment and which has been determined by the board to be an
1575 "orphan" well.

1576 (5) The board shall have the authority, in its discretion,
1577 to use whatever legal means available to it to attempt to collect
1578 any amounts so expended from any responsible party. Any amounts
1579 so collected shall be returned to the Oil and Gas Board's
1580 Emergency Plugging Fund created herein.

1581 (6) Amounts of surplus in the Oil and Gas Conservation Fund
1582 of over Two Hundred Thousand Dollars (\$200,000.00) shall be
1583 transferred to a separate special fund of the Oil and Gas Board to
1584 be known as the Emergency Plugging Fund, for the proper plugging
1585 of wells pursuant to this section. The supervisor shall have the



1586 authority, and it shall be his duty to transfer any amounts in the
1587 Emergency Plugging Fund back to the Oil and Gas Conservation Fund
1588 in the event and to the extent to which the Oil and Gas
1589 Conservation Fund should at any time contain less than a Two
1590 Hundred Thousand Dollars (\$200,000.00) surplus.

1591 (7) For purposes of this section, orphan well means any oil
1592 or gas well in the state, including Class II wells, which has not
1593 been properly plugged according to the requirements of the
1594 statutes, rules and regulations governing same and for which a
1595 responsible party such as an owner or operator cannot be located
1596 or for which, for whatever reason, there is no other party which
1597 can be forced to plug the well.

1598 (8) From and after July 1, 2016, the expenses of * * * the
1599 Emergency Plugging Fund program and the Oil and Gas Conservation
1600 Fund program shall be defrayed by appropriation from the State
1601 General Fund and all user charges and fees authorized under this
1602 section shall be deposited into the State General Fund as
1603 authorized by law and as determined by the State Fiscal Officer.

1604 (9) From and after July 1, 2016, no state agency shall
1605 charge another state agency a fee, assessment, rent or other
1606 charge for services or resources received by authority of this
1607 section.

1608 **SECTION 29.** Section 27-103-303, Mississippi Code of 1972, is
1609 amended as follows:



1610 27-103-303. (1) There is created in the State Treasury a
1611 special fund, separate and apart from any other fund, to be
1612 designated the Capital Expense Fund.

1613 (2) The Capital Expense Fund shall not be considered as a
1614 surplus or available funds when adopting a balanced budget as
1615 required by law. The State Treasurer shall invest all sums in the
1616 Capital Expense Fund not needed for the purposes provided for in
1617 this section in certificates of deposit, repurchase agreements and
1618 other securities as authorized in Section 27-105-33(d) or Section
1619 7-9-103, as the State Treasurer may determine to yield the highest
1620 market rate available. Interest earned on this fund shall be
1621 deposited by the State Treasurer into the State General Fund.

1622 (3) The Capital Expense Fund shall be used for capital
1623 expense needs, repair and renovation of state-owned properties and
1624 specific * * * expenditures authorized by the Legislature. The
1625 Legislature shall designate those capital expense projects, repair
1626 and renovation projects and other authorized projects in an
1627 appropriation act passed by the Legislature, which shall direct
1628 the Director of the Department of Finance and Administration to
1629 administer the projects.

1630 (4) In addition to the purposes specified in subsection (3)
1631 of this section, the Capital Expense Fund shall be used to provide
1632 funds for emergency repairs on state-owned buildings and the
1633 emergency plugging of orphaned wells identified by the Oil and Gas
1634 Board, upon requisition of the Director of the Department of



1635 Finance and Administration. Whenever the director determines that
1636 funds are immediately needed for emergency repairs on state-owned
1637 buildings, he shall requisition the funds needed from the Capital
1638 Expense Fund, which shall be subject to the limitations set forth
1639 in this subsection. At the same time he makes the requisition,
1640 the director shall notify the Lieutenant Governor, the Speaker of
1641 the House of Representatives, the respective Chairmen of the
1642 Senate Appropriations Committee, the Senate Finance Committee, the
1643 House Appropriations Committee and the House Ways and Means
1644 Committee and the Legislative Budget Office of his determination
1645 of the need for the funds, the amount that he has requisitioned
1646 and where the funds will be used. If the amount requisitioned is
1647 available in the Capital Expense Fund, is not allocated for any
1648 specific projects as authorized in subsection (3) of this section
1649 and is within the limitations set forth below in this subsection,
1650 then the director may escalate the budget of the Bureau of
1651 Building, Grounds and Real Property Management to use the full
1652 amount of the requisitioned funds for the emergency repairs, and
1653 transfer that amount to the bureau for that purpose. If the
1654 amount requisitioned is more than the amount available in the
1655 Capital Expense Fund or above the limitations set forth below in
1656 this subsection, then the director may escalate the budget of the
1657 bureau to use the amount that is available within the limitations
1658 for the emergency repairs, and transfer that amount to the bureau
1659 for that purpose. The maximum amount that may be transferred from



1660 the Capital Expense Fund to the bureau for any single emergency
1661 shall be * * * One Million Dollars (\$1,000,000.00), and the
1662 maximum amount that may be transferred to the bureau for all
1663 emergencies during any fiscal year shall be * * * Four Million
1664 Dollars (\$4,000,000.00).

1665 (5) Funds deposited in the Capital Expense Fund shall be
1666 used only for the purposes specified in this section, and as long
1667 as the provisions of this section remain in effect, no other
1668 expenditure, appropriation or transfer of funds in the Capital
1669 Expense Fund shall be made except by act of the Legislature making
1670 specific reference to the Capital Expense Fund as the source of
1671 those funds.

1672 (6) Unexpended funds in the Capital Expense Fund at the end
1673 of a fiscal year shall not lapse into the State General Fund but
1674 shall remain in the fund for use under this section. Any funds
1675 appropriated from the Capital Expense Fund that are unexpended at
1676 the end of a fiscal year shall lapse into the Capital Expense
1677 Fund.

1678 **SECTION 30.** Section 71-3-73, Mississippi Code of 1972, is
1679 amended as follows:

1680 71-3-73. (1) If an employee who has previously lost, or
1681 lost the use of, one (1) hand, one (1) arm, one (1) foot, one (1)
1682 leg, or one (1) eye, becomes permanently and totally incapacitated
1683 through the loss, or loss of use, of another member or organ, the
1684 employer shall be liable only for the compensation payable for



1685 such second injury. In addition to such compensation and after
1686 the completion of the payment therefor, the employee shall be paid
1687 the remainder of the compensation that would be due for permanent
1688 total incapacity, out of a special fund known as the "Second
1689 Injury Fund," and created for such purpose in the following
1690 manner:

1691 In every case of compensable death of an employee under this
1692 chapter, the employer or, if insured, his insurance carrier shall
1693 pay to the commission the sum of Three Hundred Dollars (\$300.00)
1694 except in cases where there is no dependency, then there shall be
1695 paid to the commission the sum of Five Hundred Dollars (\$500.00)
1696 to be deposited with the State Treasurer for the benefit of said
1697 fund. A suspension of said payments of Three Hundred Dollars
1698 (\$300.00) per death shall be made when the total amount of all
1699 such payments, together with the accumulated interest thereon,
1700 equals or exceeds Three Hundred Fifty Thousand Dollars
1701 (\$350,000.00), and no further contributions to said fund shall be
1702 made except in cases where there is no dependency. Whenever,
1703 thereafter, the amount of such sum shall be reduced below One
1704 Hundred Fifty Thousand Dollars (\$150,000.00) by reason of payments
1705 made pursuant to this section, then such contributions of Three
1706 Hundred Dollars (\$300.00) per death shall be resumed forthwith and
1707 shall continue until such sum, together with accumulated interest
1708 thereon, shall again amount to Three Hundred Fifty Thousand



1709 Dollars (\$350,000.00); and the commission shall direct the
1710 distribution thereof.

1711 (2) From and after July 1, 2016, the expenses of this agency
1712 shall be defrayed by appropriation from the State General Fund and
1713 all user charges and fees and contributions authorized under this
1714 section and the outstanding balance of said fund on July 1, 2016,
1715 shall be deposited into the State General Fund as authorized by
1716 law and as determined by the State Fiscal Officer.

1717 (3) From and after July 1, 2016, no state agency shall
1718 charge another state agency a fee, assessment, rent or other
1719 charge for services or resources received by authority of this
1720 section.

1721 **SECTION 31.** Section 73-31-7, Mississippi Code of 1972, is
1722 amended as follows:

1723 73-31-7. (1) The board shall annually elect from its
1724 membership a chairman and executive secretary at a meeting held
1725 during the last two (2) quarters of the fiscal year. The board
1726 shall meet at any other times as it deems necessary or advisable,
1727 or as deemed necessary and advisable by the chairman or a majority
1728 of its members or the Governor. Reasonable notice of all meetings
1729 shall be given in the manner prescribed by the board. A majority
1730 of the board shall constitute a quorum at any meeting or hearing;
1731 except that when only four (4) members are present, decisions not
1732 gaining unanimous support shall be decided by mail ballot to all
1733 board members within fifteen (15) days succeeding the board



1734 meeting. Any meeting at which the chairman is not present shall
1735 be chaired by his designee.

1736 (2) The board is authorized and empowered to:

1737 (a) Adopt and, from time to time, revise any rules and
1738 regulations not inconsistent with, and as may be necessary to
1739 carry into effect the provisions of this chapter.

1740 (b) Within the funds available, employ and/or contract
1741 with a stenographer and other personnel, and contract for
1742 services, as are necessary for the proper performance of its work
1743 under this chapter.

1744 (c) Adopt a seal, and the executive secretary or board
1745 administrator shall have the care and custody thereof.

1746 (d) Examine, license, and renew the license of duly
1747 qualified applicants.

1748 (e) Conduct hearings upon complaints concerning the
1749 disciplining or licensing of applicants and psychologists.

1750 (f) Deny, approve, withhold, revoke, suspend and/or
1751 otherwise discipline applicants and licensed psychologists.

1752 (g) Issue an educational letter to a licensee in order
1753 to assist that individual in his or her practice as a
1754 psychologist. Such a letter will not be considered to be
1755 disciplinary action.

1756 (h) Cause the prosecution and enjoinder of all persons
1757 violating this chapter, and incur necessary expenses therefor.



1758 (i) Charge a fee of not more than Seven Hundred Dollars
1759 (\$700.00) to a qualified psychologist as determined by the board
1760 who is applying for certification by the board to conduct
1761 examinations in civil commitment proceedings.

1762 (j) Purchase general liability insurance coverage,
1763 including errors and omissions insurance, to cover the official
1764 actions of the board members and contract personnel and suits
1765 against them in their individual capacity. That coverage shall be
1766 in an amount determined by the board to be adequate, and the costs
1767 of the insurance shall be paid out of any funds available to the
1768 board.

1769 (k) As additional responsibilities, effective July 1,
1770 2018, the board shall administer and carry out the functions of
1771 Sections 73-75-1 through 73-75-25, relating to the licensure of
1772 licensed behavior analysts and licensed assistant behavior
1773 analysts.

1774 (3) Within thirty (30) days after the close of each fiscal
1775 year ending June 30, the board shall submit an official report,
1776 reviewed and signed by all board members, to the Governor
1777 concerning the work of the board during the preceding fiscal year.
1778 The report shall include the names of all psychologists to whom
1779 licenses have been granted; any cases heard and decisions rendered
1780 in relation to the work of the board; the names, remuneration and
1781 duties of any employees of the board; and an account of all monies
1782 received and expended by the board.



1783 **SECTION 32.** Section 73-75-3, Mississippi Code of 1972, is
1784 amended as follows:

1785 73-75-3. **Definitions.** The following definitions apply as
1786 used in this chapter, unless the context otherwise requires:

1787 (a) "Board" means the Mississippi Autism Board and
1788 effective July 1, 2018, means the State Board of Psychology
1789 established and empowered under Section 73-31-5 et seq.,
1790 Mississippi Code of 1972.

1791 (b) "Person" means any individual, organization or
1792 corporate body, except that only an individual may be licensed
1793 under this chapter.

1794 (c) "Practice of applied behavior analysis" means
1795 interventions based on scientific research and the direct
1796 observation and measurement of behavior and the environment.
1797 Behavior analysts utilize contextual factors, motivating
1798 operations, antecedent stimuli, positive reinforcement, and other
1799 consequences to help people develop new behaviors, increase or
1800 decrease existing behaviors, and emit behaviors under specific
1801 environmental conditions. The practice of behavior analysis
1802 expressly excludes psychological testing, diagnosis of a mental or
1803 physical disorder, neuropsychology, psychotherapy, cognitive
1804 therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term
1805 counseling as treatment modalities.

1806 (d) "Licensed behavior analyst" means an individual
1807 currently certified by the Behavior Analyst Certification Board as



1808 a Board Certified Behavior Analyst (BCBA) or Board Certified
1809 Behavior Analyst-Doctoral (BCBA-D) and licensed under Section
1810 73-75-13(d) to practice applied behavior analysis.

1811 (e) "Licensed assistant behavior analyst" means an
1812 individual currently certified by the Behavior Analyst
1813 Certification Board as a Board Certified Assistant Behavior
1814 Analyst (BCABA) and licensed pursuant to Section 73-75-13(e) to
1815 practice applied behavior analysis under the supervision of a
1816 licensed behavior analyst.

1817 (f) "Behavior technician" means an individual currently
1818 certified by the Behavior Analyst Certification Board as a
1819 Registered Behavior Technician (RBT) to provide applied behavior
1820 analysis treatments under the supervision and direction of a
1821 licensed behavior analyst or licensed assistant behavior analyst.

1822 **SECTION 33.** Section 73-75-7, Mississippi Code of 1972, is
1823 amended as follows:

1824 73-75-7. **Mississippi Autism Board; membership; term of**
1825 **office; appointment; qualifications.** (1) The Mississippi Autism
1826 Board of Advisors shall consist of five (5) members. Effective
1827 July 1, 2018, the board shall be reconstituted as the Mississippi
1828 Autism Board of Advisors appointed as follows: The Governor shall
1829 appoint one (1) licensed psychologist practicing in the area of
1830 applied behavior analysis, one (1) licensed behavior analyst, and
1831 one (1) public member who is not licensed in behavior analysis and
1832 who is the family member of a recipient of applied behavior



1833 analysis services. The Lieutenant Governor shall appoint two (2)
1834 licensed behavior analysts.

1835 (2) The licensed psychologist member shall serve an initial
1836 term of one (1) year, the licensed behavior analyst appointed by
1837 the Governor shall serve an initial term of two (2) years, the
1838 public member shall serve an initial term of three (3) years, and
1839 the two (2) licensed behavior analysts appointed by the Lieutenant
1840 Governor shall serve initial terms of four (4) years. All
1841 subsequent appointees shall serve four-year terms.

1842 (3) All appointees shall serve at the will and pleasure of
1843 the appointing official.

1844 (4) Each board member shall serve without compensation, but
1845 shall receive actual traveling and incidental expenses necessarily
1846 incurred while engaged in the discharge of official duties.

1847 Effective July 1, 2018, the Mississippi Autism Board of
1848 Advisors shall advise the State Board of Psychology on any rules
1849 and regulations relating to the licensure of licensed behavior
1850 analysts or licensed assistant behavior analysts under this
1851 chapter.

1852 **SECTION 34.** Section 73-75-11, Mississippi Code of 1972, is
1853 amended as follows:

1854 73-75-11. (1) * * * From and after July 1, 2016, the
1855 expenses of the administration of the provisions of this chapter
1856 shall be defrayed by appropriation from the State General Fund and
1857 all fees, licenses and other charges assessed under this section



1858 shall be deposited into the State General Fund as authorized by
1859 law and determined by the State Fiscal Officer.

1860 (2) The State Board of Psychology shall receive and account
1861 for all funds received. * * * Such funds shall be subject to
1862 audit by the Auditor of the State of Mississippi.

1863 (3) The Mississippi Autism Board of Advisors shall be
1864 assigned to the * * * State Board of Psychology for administrative
1865 and ministerial purposes.

1866 **SECTION 35.** Section 73-75-27, Mississippi Code of 1972, is
1867 amended as follows:

1868 73-75-27. * * * (1) From and after July 1, 2016, the
1869 expenses of the administration of the provisions of this chapter
1870 shall be defrayed by appropriation from the State General Fund and
1871 all fees, licenses and other charges assessed under this section
1872 shall be deposited into the State General Fund as authorized by
1873 law and determined by the State Fiscal Officer.

1874 (2) From and after July 1, 2016, no state agency shall
1875 charge another state agency a fee, assessment, rent or other
1876 charge for services or resources received by authority of this
1877 section.

1878 **SECTION 36.** Section 75-57-119, Mississippi Code of 1972, is
1879 amended as follows:

1880 75-57-119. (1) There is established a propane education and
1881 research program to be administered by the Department of Insurance
1882 through the State Liquefied Compressed Gas Board, created in



1883 Section 75-57-101, Mississippi Code of 1972, for the purpose of
1884 promoting the growth and development of the propane industry in
1885 Mississippi.

1886 (2) There is created in the State Treasury a special fund to
1887 be designated as the "Mississippi Propane Education and Research
1888 Fund."

1889 (3) (a) There is imposed and levied an assessment of
1890 One-tenth Cent (1/10¢) per gallon on compressed gas except for
1891 compressed natural gas or liquefied natural gas. The assessment
1892 may be increased by not more than One-tenth Cent (1/10¢) per
1893 gallon per year and the total assessment shall not exceed One-half
1894 Cent (1/2¢) per gallon.

1895 (b) The assessment shall accrue at the same time and in
1896 the same manner as the tax levied on compressed gas under the
1897 provisions of Section 27-59-11(1), Mississippi Code of 1972. On
1898 or before the fifteenth day of each month the funds collected by
1899 the State Tax Commission during the previous month, less three and
1900 one-half percent (3-1/2%) of the gross amount collected, shall be
1901 deposited into the special fund created in subsection (2) of this
1902 section. The State Tax Commission may retain three and one-half
1903 percent (3-1/2%) of the funds collected under this section as
1904 administrative fees.

1905 (c) Disbursements from the special fund created in
1906 subsection (2) of this section shall be made upon warrants issued
1907 by the State Fiscal Officer upon requisitions signed by the



1908 Commissioner of Insurance, or his designee, in the manner provided
1909 by law. Any interest earned by investing the proceeds in such
1910 special fund shall be credited to such special fund and shall not
1911 be deposited in the State General Fund. The State Fiscal Officer
1912 may issue warrants for the payment of monies from the special
1913 fund, upon requisition by the Commissioner of Insurance, or his
1914 designee, for refunds to dealers as provided in subsection (4) of
1915 this section.

1916 (4) Any propane dealer may request and receive a refund of
1917 the amount of assessment remitted from the sale of propane if he
1918 makes a written application with the Department of Insurance by
1919 the end of each quarter in which the sales were made, supported by
1920 bona fide copies of tax reports. The application forms shall be
1921 prepared by the Department of Insurance and shall be available to
1922 all retailers. All such applications shall be processed and
1923 refunds paid by the Department of Insurance within sixty (60) days
1924 after the funds have been received by the department.

1925 (5) At the end of each quarter, the Department of Insurance
1926 shall make available to the State Liquefied Compressed Gas Board
1927 all unencumbered funds collected under the provisions of this
1928 section. The Department of Insurance may retain an amount not to
1929 exceed three and one-half percent (3-1/2%) of the funds collected
1930 under the provisions of this section as administrative fees.

1931 (6) (a) Any person liable for the assessment shall be
1932 subject to the same requirements and penalties set forth for



1933 distributors under the provisions of Section 27-59-1 et seq.,
1934 Mississippi Code of 1972.

1935 (b) The State Tax Commission is hereby authorized and
1936 empowered to promulgate all rules and regulations necessary for
1937 the collection of the assessment.

1938 (7) The State Liquefied Compressed Gas Board shall
1939 establish, with the approval of the Commissioner of Insurance,
1940 rules and regulations necessary to carry out the provisions of
1941 this section.

1942 (8) The State Liquefied Compressed Gas Board may expend the
1943 proceeds collected under this section only on research and
1944 development of more cost effective uses of propane and on
1945 educational programs, safety programs and market development of
1946 propane.

1947 (9) This section shall not be implemented until such time as
1948 the State Liquefied Compressed Gas Board conducts an election by
1949 all licensed propane dealers in this state. Each license holder
1950 shall have one (1) vote in such election. A ballot shall be sent
1951 to each license holder by certified mail. A majority of those
1952 ballots returned within thirty (30) days after the ballots are
1953 received by the propane dealers must be in the affirmative before
1954 this section is effective. An additional election may be held by
1955 the State Liquefied Compressed Gas Board at such time as approved
1956 by the Commissioner of Insurance.



1957 (10) The State Liquefied Compressed Gas Board shall notify
1958 the State Tax Commission in writing of the imposition of the
1959 assessment and of any increase of the assessment. The imposition
1960 of the assessment and any increase of the assessment shall become
1961 effective on the first day of the second month succeeding the
1962 month in which the notice to impose or increase the assessment was
1963 given.

1964 (11) The State Liquefied Compressed Gas Board shall notify
1965 the State Tax Commission in writing of the abatement or reduction
1966 of the assessment. The abatement or reduction of the assessment
1967 shall become effective on the last day of the month succeeding the
1968 month in which such notice was given.

1969 (12) From and after July 1, 2016, the expenses of this
1970 program shall be defrayed by appropriation from the State General
1971 Fund and all user charges and fees authorized under this section
1972 shall be deposited into the State General Fund as authorized by
1973 law and as determined by the State Fiscal Officer.

1974 (13) From and after July 1, 2016, no state agency shall
1975 charge another state agency a fee, assessment, rent or other
1976 charge for services or resources received by authority of this
1977 section.

1978 **SECTION 37.** Section 75-63-81, Mississippi Code of 1972, is
1979 amended as follows:

1980 75-63-81. (1) There is established a Preneed Contracts Loss
1981 Recovery Fund, hereinafter referred to as the "fund," to be



1982 administered by directors of the Preneed Contracts Loss Recovery
1983 Association, hereinafter referred to as the "association."
1984 Directors are to be appointed by the Secretary of State. The
1985 purpose of the fund is to reimburse the estates, or in the absence
1986 of an estate filing, the purchaser or applicant with payment
1987 jointly to the funeral home providing services or merchandise, or
1988 both, of beneficiaries of preneed funeral contracts who have
1989 suffered financial loss as a result of the misfeasance, fraud,
1990 default, failure or insolvency of a registered Mississippi preneed
1991 provider.

1992 (2) The fund shall be funded from a charge not to exceed Ten
1993 Dollars (\$10.00) to be added to the cost of every preneed contract
1994 sold from and after July 1, 2009; however, if the preneed contract
1995 is funded solely with insurance that is protected by the
1996 Mississippi Life and Health Insurance Guaranty Association, then
1997 that fee shall not be charged. The association may reduce,
1998 suspend or resume collection of the fee at any time and for any
1999 period to ensure that a sufficient amount is available to meet
2000 anticipated disbursements and to maintain an adequate reserve
2001 consistent with actuarial guidance.

2002 The per-contract fees shall be remitted quarterly to the
2003 association for each quarter of the calendar year with a quarterly
2004 fee form as prescribed by the Secretary of State. The
2005 per-contract fee is not subject to the trusting requirements of
2006 Section 75-63-59. The fees shall be remitted to the association



2007 no later than fifteen (15) days after each quarter. Absent the
2008 Secretary of State's approval of an extension for good cause
2009 shown, preneed providers failing to timely report and remit the
2010 per-contract fee to the association may be subject to a penalty of
2011 One Hundred Dollars (\$100.00) per day for each day of delinquency,
2012 payable to the fund.

2013 (3) All sums received by the association shall be held in a
2014 separate account maintained by the State Treasurer to be used
2015 solely as provided in this article. Warrants to the fund may only
2016 be issued by the Department of Finance and Administration upon
2017 request by a majority vote of the directors of the Preneed
2018 Contracts Loss Recovery Association. All interest or other income
2019 earned on the fund shall be retained by the fund.

2020 (4) Reimbursements from the fund must not exceed the total
2021 payment made for preneed funeral services or merchandise, cemetery
2022 services or merchandise, or both. No current insurance benefits
2023 or future graduated insurance benefits may be reimbursed,
2024 including any current or future graduated insurance benefits in
2025 any insurance company insolvency guaranty fund association. Upon
2026 the death of the beneficiary and the applicant's compliance with
2027 all applicable rules of the association, reimbursement from the
2028 fund may be made to the estate of the beneficiary, the purchaser
2029 or applicant with payment jointly to the funeral home or cemetery
2030 providing services or merchandise, or both, only to the extent to
2031 which losses are not bonded or otherwise covered. If the



2032 association makes payments from the fund under this section, the
2033 association is subrogated in the reimbursed amount and may bring
2034 an action against any person or entity, including a preneed
2035 provider. The association may enforce claims it may have for
2036 restitution or otherwise and may employ and compensate from the
2037 fund consultants, legal counsel, accountants and other persons it
2038 considers appropriate to assure compliance with this section.

2039 (5) The association shall investigate all applications made
2040 and may reject or allow claims, in whole or in part. Payment may
2041 be made only to the extent that monies are available in the fund,
2042 and payments may be prorated among claimants. Reimbursements for
2043 completed claims must be processed subject to availability of
2044 monies in the fund. The association has complete discretion to
2045 determine the order and manner of payment of approved
2046 applications. The association may approve one (1) application, in
2047 whole or in part, that includes more than one (1) reparation claim
2048 for the benefit of purchasers of prepaid contracts of an insolvent
2049 registrant as part of a plan to arrange for another registrant to
2050 assume the obligations of the licensee being liquidated if the
2051 association finds that the plan is reasonable and is in the best
2052 interests of the contract beneficiaries. All payments are a
2053 matter of privilege and not a right, and no person has a right in
2054 the fund as a third-party beneficiary or otherwise.

2055 (6) The association shall develop a form of application for
2056 reimbursement.



2057 (7) This fund and all interest earned may be used only as
2058 prescribed in this section and may not be used for any other
2059 purposes to the extent losses are not bonded, insured, or
2060 otherwise covered, protected or reimbursed. Further, all monies
2061 deposited into the fund shall not be subject to any deduction,
2062 tax, judgment lien, levy, or any other type of assessment except
2063 as may be provided in this article. The association may expend
2064 monies from the fund to:

2065 (a) Make reimbursements on approved applications;

2066 (b) Purchase insurance to cover losses and association
2067 liability as considered appropriate by the directors and not
2068 inconsistent with the purpose of the fund;

2069 (c) Invest portions of the fund as are not currently
2070 needed to reimburse losses and maintain adequate reserves, as are
2071 permitted to be made by fiduciaries under state law;

2072 (d) Pay the expenses of the association for
2073 administering the fund, including employment of legal counsel,
2074 accountants, consultants and other persons the board considers
2075 necessary to assure compliance with this section * * *;

2076 (e) Effective upon passage of this act, no monies
2077 deposited to the fund may be used to reimburse, or otherwise
2078 defray any costs that the Office of the Secretary of State may
2079 incur in administering this fund, or in support of the
2080 association.



2081 (8) No person may make, publish, disseminate, circulate or
2082 place before the public, or cause, directly or indirectly, to be
2083 made, published, disseminated, circulated, or placed before the
2084 public, in a newspaper, magazine or other publication, or in the
2085 form of a notice, circular, pamphlet, letter, poster or over any
2086 radio station or television station, or in any other way, any
2087 advertisement, announcement, or statement that uses the existence
2088 of the fund for the purpose of sales, solicitation or inducement
2089 to purchase any form of preneed contract covered under this
2090 article.

2091 (9) The Secretary of State may establish rules and
2092 regulations necessary to implement the purposes of * * * this
2093 section including, but not limited to, rules governing the
2094 association's operations, claim procedures, determination of
2095 solvency or insolvency of a preneed provider, claimant eligibility
2096 and determination of appropriate loss payee.

2097 (10) No purchaser or representative of a purchaser is
2098 provided in this section with any administrative right or legal or
2099 equitable right to any funds collected for this association to
2100 satisfy any judgment or economic loss of the purchaser from a
2101 prepaid funeral or cemetery organization except for the purposes
2102 of this section. This fund is established for the discretionary
2103 relief of purchasers and their representatives of prepaid funeral
2104 or cemetery contracts from insolvent prepaid funeral or cemetery
2105 organizations or prepaid funeral businesses with severe trust fund



2106 account shortages as determined by the directors. Coverage is
2107 limited to the claimant's actual contract payments made. There
2108 shall be no fund coverage for additional economic damages,
2109 attorney's fees, recovery costs, interest, other equitable relief
2110 or noneconomic damages.

2111 Further, no claimant shall be eligible for compensation from
2112 the fund unless the contract purchaser for whom a claim is
2113 asserted paid to the preneed provider the loss recovery fee
2114 required by subsection (2) of this section. The fund shall have
2115 no liability for preneed contracts sold or claims that occurred or
2116 accrued before July 1, 2009.

2117 (11) There shall be no liability on the part of and no cause
2118 of action of any nature shall arise against any director of the
2119 association, the Secretary of State, his representatives, agents
2120 or employees for any act or omission by them in the performance of
2121 their powers and duties under this article, or in its
2122 administration, dispensation, handling or collection of funds for
2123 the program.

2124 (12) Directors of the association shall be appointed by the
2125 Secretary of State and shall consist of no fewer than five (5),
2126 one (1) from each of the Mississippi Supreme Court Districts and
2127 two (2) from the state at large. In making director appointments
2128 the Secretary of State shall consider, among other things, whether
2129 all association members are fairly represented. At least three
2130 (3) of the directors must possess five (5) years or more



2131 experience in the preneed funeral service and merchandise business
2132 as an owner or manager. All directors shall be appointed for
2133 staggered six-year terms, with the exception of the initial terms
2134 of service for the original five (5) directors. The Secretary of
2135 State may appoint any director to a successive six-year term. The
2136 initial term of service for all directors shall begin on October
2137 1, 2009, with the initial term of two (2) directors to be
2138 determined by the Secretary of State at appointment expiring on
2139 September 30, 2011, and two (2) directors to be determined by the
2140 Secretary of State at appointment expiring on September 30, 2013.
2141 The initial term for the remaining director to be determined by
2142 the Secretary of State at appointment shall expire on September
2143 30, 2015.

2144 (13) * * * [Deleted]

2145 (14) The association and its directors shall assist the
2146 Secretary of State and be subject to the applicable provisions of
2147 the laws of this state. The association shall be subject to
2148 examination and regulation by the Secretary of State. The
2149 association by its directors shall prepare and submit to the
2150 Secretary of State each year, not later than March 1 of each year,
2151 a financial report in a form approved by the Secretary of State
2152 and a report of activities during the preceding calendar year.

2153 (15) Appeal rights for claim decisions issued by the
2154 association directors exist in the chancery court in this state in
2155 which an estate has been open for probate by the representative of



2156 the claimant; the chancery court in the county in which the
2157 preneed contract was purchased; or the chancery court in this
2158 state of the claimant's or decedent's home county. A notice of
2159 appeal must be filed within thirty (30) days of the association's
2160 written order denying the claim, in whole or in part, and appeal
2161 to the chancery court is limited to a review of the record made
2162 before the association's directors on a substantial evidence
2163 evidentiary standard.

2164 **SECTION 38.** Section 77-1-6, Mississippi Code of 1972, is
2165 amended as follows:

2166 77-1-6. There is hereby established in the State Treasury a
2167 special fund to be known as the "Public Service Commission
2168 Regulation Fund." Such fund shall be the sole fund of the
2169 commission for all monies collected and deposited to the credit of
2170 or appropriated to the commission. The fund shall be administered
2171 as provided in this title and shall be audited annually by the
2172 State Auditor.

2173 From and after July 1, 2016, the expenses of this agency
2174 shall be defrayed by appropriation from the State General Fund and
2175 all user charges and fees authorized under this section shall be
2176 deposited into the State General Fund as authorized by law and as
2177 determined by the State Fiscal Officer.

2178 From and after July 1, 2016, no state agency shall charge
2179 another state agency a fee, assessment, rent or other charge for
2180 services or resources received by authority of this section.



2181 **SECTION 39.** Section 77-3-87, Mississippi Code of 1972, is
2182 amended as follows:

2183 77-3-87. All reasonable and necessary expenses of the
2184 administration of the duties imposed on the public utilities staff
2185 and on the commission by Title 77, Mississippi Code of 1972,
2186 excluding the reasonable and necessary expenses of the
2187 administration and enforcement by the commission of the laws of
2188 this state pursuant to Chapters 7 and 9, Title 77, Mississippi
2189 Code of 1972, shall be provided as follows: There is hereby
2190 levied a tax upon (a) all utilities, the rates of which are
2191 subject to regulation by the provisions of this chapter and upon
2192 (b) all utilities not subject to such rate regulation which
2193 furnish to the ultimate consumer utility services of the type
2194 described by subparagraph (i) of paragraph (d) of Section 77-3-3
2195 and otherwise subject to regulation by the provisions of this
2196 chapter, such levy to be effective on the first day of each year
2197 and to be calculated as follows: The rate of the tax shall be one
2198 hundred sixty-four thousandths of one percent (164/1000 of 1%) per
2199 year, of the gross revenues from the intrastate operations of the
2200 utilities taxed under this section. The rate of the tax for
2201 electric power associations and rural electrification authorities
2202 shall be ninety thousandths of one percent (90/1000 of 1%) per
2203 year of the gross revenues from the intrastate operations of
2204 electric power associations and rural electrification authorities
2205 taxed under this section. Effective July 1, 2017, the sum of all



2206 taxes levied by this section shall not exceed the total
2207 legislative appropriation of monies * * * for the Public Utilities
2208 staff and the Public Service Commission for the ensuing fiscal
2209 year. The commission and the executive director of the public
2210 utilities staff shall certify to the Department of Revenue the
2211 amount of legislative appropriations of monies for the regulation
2212 of utilities. The Department of Revenue shall adjust the tax
2213 rates on a pro rata basis to generate the necessary revenues
2214 established by such legislative appropriations. Each utility
2215 which is subject to the tax levied by this section shall file a
2216 statement of its gross revenue by April 1 of each year showing the
2217 gross revenue for the preceding year's operation. These
2218 statements of gross revenue shall be filed with the Department of
2219 Revenue on forms prescribed and furnished by the Department of
2220 Revenue. The Department of Revenue shall file a copy of these
2221 statements of gross revenue with the public utilities staff and
2222 the commission. The Department of Revenue shall calculate the
2223 amount of tax to be paid by each of the utilities and shall submit
2224 a statement thereof to the respective utilities, and the amount
2225 shown due in the statements to the utilities shall be paid by them
2226 within thirty (30) days thereafter to the Department of Revenue.
2227 The Department of Revenue shall furnish the public utilities staff
2228 and the commission with an itemized list showing gross and net
2229 revenues, assessments, tax collections and other related
2230 information for the respective utilities. * * * The Department of



2231 Revenue shall deposit these funds into the General Fund of the
2232 State Treasury on the same day collected.

2233 All administrative provisions of the Mississippi Sales Tax
2234 Law, including those which fix damages, penalties and interest for
2235 nonpayment of taxes and for noncompliance with the provisions of
2236 such chapter, and all other duties and requirements imposed upon
2237 taxpayers, shall apply to all persons liable for taxes under the
2238 provisions of this chapter, and the Commissioner of Revenue shall
2239 exercise all the power and authority and perform all the duties
2240 with respect to taxpayers under this chapter as are provided in
2241 the Mississippi Sales Tax Law except where there is a conflict,
2242 then the provisions of this chapter shall control. The term
2243 "gross revenue" as used in this section is the total amount of all
2244 revenue derived by each of the utilities from its intrastate
2245 operations, which are subject to rate regulation under the
2246 provisions of this chapter or which constitute utility services of
2247 the type described by subparagraph (i) of paragraph (d) of Section
2248 77-3-3 and which are regulated by this chapter and furnished to
2249 ultimate consumers. The Department of Revenue is hereby
2250 authorized to use all tax returns of any utilities available to it
2251 and to make audits as may be deemed necessary of all records of
2252 utilities in order to correctly determine the amount of such gross
2253 revenue.



2254 All proceeds of the above-mentioned tax are hereby allocated
2255 to the public utilities staff and to the commission in the manner
2256 provided in this section for the purpose of this chapter.

2257 Each utility subject to the provisions of this section shall
2258 be allowed to recover, through the use of a rate adjustment clause
2259 or rider, the total amount of taxes paid by the utility pursuant
2260 to this section for the reasonable and necessary expenses of the
2261 commission and the public utilities staff.

2262 From and after July 1, 2016, the expenses of this agency
2263 shall be defrayed by appropriation from the State General Fund and
2264 all user charges and fees authorized under this section shall be
2265 deposited into the State General Fund as authorized by law.

2266 From and after July 1, 2016, no state agency shall charge
2267 another state agency a fee, assessment, rent or other charge for
2268 services or resources received by authority of this section.

2269 **SECTION 40.** Section 77-3-721, Mississippi Code of 1972, is
2270 amended as follows:

2271 77-3-721. All fees collected under the provisions of this
2272 article shall be deposited into a special fund which is created in
2273 the State Treasury to be expended by the commission for the
2274 implementation and administration of this article. * * * From and
2275 after July 1, 2016, the expenses of this agency shall be defrayed
2276 by appropriation from the State General Fund and all user charges
2277 and fees authorized under this section shall be deposited into the



2278 State General Fund as authorized by law and as determined by the
2279 State Fiscal Officer.

2280 This section shall stand repealed July 1, 2017.

2281 **SECTION 41.** Section 93-21-31, Mississippi Code of 1972, is
2282 amended as follows:

2283 93-21-31. (1) There is hereby created in the State Treasury
2284 a special fund designated as the Domestic Violence Training Fund.
2285 The fund shall be administered by the Attorney General. Money
2286 remaining in the fund at the end of a fiscal year shall not lapse
2287 into the State General Fund and any interest earned from the
2288 investment of monies in the fund shall be deposited to the credit
2289 of the fund. Monies appropriated to the fund shall be used by the
2290 Attorney General for the general administration and expenses of
2291 the Domestic Violence Division which provides training to law
2292 enforcement, prosecutors, judges, court clerks and other
2293 professionals in the field of domestic violence awareness,
2294 prevention and enforcement.

2295 (2) The clerks of the various courts shall remit the
2296 proceeds generated by Chapter 434, Laws of 2009, to the Department
2297 of Finance and Administration as is done generally for other fees
2298 collected by the clerks.

2299 (3) From and after July 1, 2016, the expenses of the
2300 Domestic Violence Division of the Office of Attorney General shall
2301 be defrayed by appropriation from the State General Fund and all
2302 user charges and fees authorized under this section shall be



2303 deposited into the State General fund as authorized by law and as
2304 determined by the State Fiscal Officer.

2305 (4) From and after July 1, 2016, no state agency shall
2306 charge another state agency a fee, assessment, rent or other
2307 charge for services or resources received by authority of this
2308 section.

2309 **SECTION 42.** Section 97-3-54.8, Mississippi Code of 1972, is
2310 amended as follows:

2311 97-3-54.8. **Relief for Victims of Human Trafficking Fund.**

2312 (1) There is hereby created in the State Treasury a special fund
2313 to be known as the "Relief for Victims of Human Trafficking Fund."
2314 The fund shall be a continuing fund, not subject to fiscal-year
2315 limitations, and shall consist of:

- 2316 (a) Monies appropriated by the Legislature;
- 2317 (b) The interest accruing to the fund;
- 2318 (c) Donations or grant funds received; and
- 2319 (d) Monies received from such other sources as may be
2320 provided by law.

2321 (2) The monies in the Relief for Victims of Human
2322 Trafficking Fund shall be used by the Mississippi Attorney
2323 General's office solely for the administration of programs
2324 designed to assist victims of human trafficking, to conduct
2325 training on human trafficking to law enforcement, court personnel,
2326 attorneys, and nongovernmental service providers, and to support



2327 the duties of the statewide human trafficking coordinator as set
2328 forth in this act.

2329 (3) From and after July 1, 2016, the expenses of the Relief
2330 for Victims of Human Trafficking Fund program shall be defrayed by
2331 appropriation from the State General Fund and all user charges and
2332 fees authorized under this section shall be deposited into the
2333 State General Fund as authorized by law and as determined by the
2334 State Fiscal Officer.

2335 (4) From and after July 1, 2016, no state agency shall
2336 charge another state agency a fee, assessment, rent or other
2337 charge for services or resources received by authority of this
2338 section.

2339 **SECTION 43.** Section 97-33-51, Mississippi Code of 1972, is
2340 amended as follows:

2341 97-33-51. (1) The provisions of Sections 97-33-1 through
2342 97-33-49 shall not apply to any raffle wherein a ticket is sold
2343 and a prize is offered when such raffle is being held by and for
2344 the benefit of any nonprofit civic, educational, wildlife
2345 conservation or religious organization with all proceeds going to
2346 said organization.

2347 (2) The provisions of Sections 97-33-1 through 97-33-49
2348 shall not apply to any bingo game wherein a prize is offered when
2349 such bingo game is being held in accordance with the provisions of
2350 the Charitable Bingo Law.



2351 (3) A bingo game or a raffle held pursuant to the provisions
2352 of the Charitable Bingo Law shall not be considered a game or
2353 gambling game for the purposes of Section 75-76-1 et seq.

2354 (4) From and after July 1, 2016, the expenses of this
2355 program shall be defrayed by appropriation from the State General
2356 Fund and all user charges and fees authorized under this section
2357 shall be deposited into the State General Fund as authorized by
2358 law and as determined by the State Fiscal Officer.

2359 (5) From and after July 1, 2016, no state agency shall
2360 charge another state agency a fee, assessment, rent or other
2361 charge for services or resources received by authority of this
2362 section.

2363 **SECTION 44.** Section 97-45-25, Mississippi Code of 1972, is
2364 amended as follows:

2365 97-45-25. (1) In a proceeding for violations under Title
2366 97, Chapter 45, Section 97-5-33 or Section 97-19-85, the court, in
2367 addition to the criminal penalties imposed under this chapter,
2368 shall assess against the defendant convicted of such violation
2369 double those reasonable costs that are expended by the Office of
2370 Attorney General, the district attorney's office, the sheriff's
2371 office or police department involved in the investigation of such
2372 case, including, but not limited to, the cost of investigators,
2373 software and equipment utilized in the investigation, together
2374 with costs associated with process service, court reporters and
2375 expert witnesses. The Attorney General or district attorney may



2376 institute and maintain proceedings in his name for enforcement of
2377 payment in the circuit court of the county of residence of the
2378 defendant and, if the defendant is a nonresident, such proceedings
2379 shall be in the Circuit Court of the First Judicial District of
2380 Hinds County, Mississippi. The Attorney General or district
2381 attorney shall distribute the property or interest assessed under
2382 this section as follows:

2383 (a) Fifty percent (50%) shall be distributed to the
2384 unit of state or local government whose officers or employees
2385 conducted the investigation into computer fraud, identity theft or
2386 child exploitation which resulted in the arrest or arrests and
2387 prosecution. Amounts distributed to units of local government
2388 shall be used for training or enforcement purposes relating to
2389 detection, investigation or prosecution of computer and financial
2390 crimes, including computer fraud or child exploitation.

2391 (b) Where the prosecution was maintained by the
2392 district attorney, fifty percent (50%) shall be distributed to the
2393 county in which the prosecution was instituted by the district
2394 attorney and appropriated to the district attorney for use in
2395 training or enforcement purposes relating to detection,
2396 investigation or prosecution of computer and financial crimes,
2397 including computer fraud or child exploitation. Where a
2398 prosecution was maintained by the Attorney General, fifty percent
2399 (50%) of the proceeds shall be paid or distributed into the
2400 Attorney General's Cyber Crime Central or the Attorney General's



2401 special fund to be used for consumer fraud education and
2402 investigative and enforcement operations of the Office of Consumer
2403 Protection. Where the Attorney General and the district attorney
2404 have participated jointly in any part of the proceedings,
2405 twenty-five percent (25%) of the property forfeited shall be paid
2406 to the county in which the prosecution occurred, and twenty-five
2407 percent (25%) shall be paid to the Attorney General's Cyber Crime
2408 Central or the Attorney General's special fund to be used for the
2409 purposes as stated in this paragraph.

2410 (2) From and after July 1, 2016, the expenses of the
2411 Attorney General's Cyber Crime Central or Attorney General's
2412 special fund program shall be defrayed by appropriation from the
2413 State General Fund and all user charges and fees authorized under
2414 this section shall be deposited into the State General Fund as
2415 authorized by law and as determined by the State Fiscal Officer.

2416 (3) From and after July 1, 2016, no state agency shall
2417 charge another state agency a fee, assessment, rent or other
2418 charge for services or resources received by authority of this
2419 section.

2420 **SECTION 45.** Section 99-41-29, Mississippi Code of 1972, is
2421 amended as follows:

2422 99-41-29. (1) From and after July 1, 1990, there is hereby
2423 created in the State Treasury a special interest-bearing fund to
2424 be known as the Crime Victims' Compensation Fund. The monies
2425 contained in the fund shall be * * * used for the sole purpose of



2426 payment of awards of compensation to victims and claimants
2427 pursuant to this chapter, the payment of all necessary and proper
2428 expenses incurred by the division in the administration of this
2429 chapter, payment of sexual assault examinations pursuant to
2430 Section 99-37-25, payment of Address Confidentiality Program
2431 administrative expenses pursuant to Section 99-47-1(7) and payment
2432 of other expenses in furtherance of providing assistance to
2433 victims of crime through information referrals, advocacy outreach
2434 programs and victim-related services. Expenditures from the fund
2435 shall be paid by the State Treasurer upon warrants issued by the
2436 Department of Finance and Administration, and upon requisitions
2437 signed by the Attorney General or his duly designated
2438 representative in the manner provided by law. The fund shall be a
2439 continuing fund, not subject to fiscal-year limitations, and shall
2440 consist of: (a) monies appropriated by the Legislature for the
2441 purposes of compensating the victims of crime and other claimants
2442 under this chapter; (b) the interest accruing to the fund; (c)
2443 monies recovered by the director under the provisions of Section
2444 99-41-21; (d) monies received from the federal government; and (e)
2445 monies received from such other sources as may be provided by law.

2446 (2) No compensation payments shall be made which exceed the
2447 amount of money in the fund. The state shall not be liable for a
2448 written order to pay compensation, except to the extent that
2449 monies are available in the fund on the date the award is ordered.
2450 The Attorney General shall establish such rules and regulations as



2451 shall be necessary to adjust awards and payments so that the total
2452 amount awarded does not exceed the amount of money on deposit in
2453 the fund. Such rules and regulations may include, but shall not
2454 be limited to, the authority to provide for suspension of payments
2455 and proportioned reduction of benefits to all claimants; provided,
2456 however, no such reductions as provided for shall entitle
2457 claimants to future retroactive reimbursements in future years.

2458 (3) From and after July 1, 2016, the expenses of the Crime
2459 Victims Compensation Fund Program (including the Crime Victims
2460 Compensation Administration Fund) shall be defrayed by
2461 appropriation from the State General Fund and all user charges and
2462 fees authorized under this section shall be deposited into the
2463 State General Fund as authorized by law and as determined by the
2464 State Fiscal Officer.

2465 (4) From and after July 1, 2016, no state agency shall
2466 charge another state agency a fee, assessment, rent or other
2467 charge for services or resources received by authority of this
2468 section.

2469 **SECTION 46.** Chapter 25, Laws of 2016 (Senate Bill No. 2916),
2470 is amended as follows:

2471 Section 1. The following sum, or so much thereof as may be
2472 necessary, is hereby appropriated out of any money in the State
2473 General Fund not otherwise appropriated, for the support and
2474 maintenance of the Secretary of State for the fiscal year
2475 beginning July 1, 2016, and ending



2476 June 30, 2017.....\$ 16,046,492.00.

2477 Section 2. Of the funds appropriated in Section 1 and all
2478 sums available in the Point Cadet Leasing Fund, the Secretary of
2479 State shall make the payments due in the amount of One Million
2480 Five Hundred Ninety-three Thousand Nine Hundred Seventy Dollars
2481 and Fifty-two Cents (\$1,593,970.52) in accordance with the Point
2482 Cadet Compromise and Settlement Agreement dated August 15, 2002.

2483 Section * * * 3. Of the funds appropriated under the
2484 provisions of Section 1, the following positions are authorized:

2485 AUTHORIZED POSITIONS:

2486	Permanent:	Full Time.....	98
2487		Part Time.....	0
2488	Time-Limited:	Full Time.....	13
2489		Part Time.....	0

2490 With the funds herein appropriated, it shall be the agency's
2491 responsibility to make certain that funds required to be
2492 appropriated for "Personal Services" for Fiscal Year 2018 do not
2493 exceed Fiscal Year 2017 funds appropriated for that purpose,
2494 unless programs or positions are added to the agency's Fiscal Year
2495 2017 budget by the Mississippi Legislature. Based on data
2496 provided by the Legislative Budget Office, the State Personnel
2497 Board shall determine and publish the projected annual cost to
2498 fully fund all appropriated positions in compliance with the
2499 provisions of this act. It shall be the responsibility of the
2500 agency head to ensure that no single personnel action increases



2501 this projected annual cost and/or the Fiscal Year 2017
2502 appropriations for "Personal Services" when annualized, with the
2503 exception of escalated funds and the award of benchmarks. If, at
2504 the time the agency takes any action to change "Personal
2505 Services," the State Personnel Board determines that the agency
2506 has taken an action which would cause the agency to exceed this
2507 projected annual cost or the Fiscal Year 2017 "Personal Services"
2508 appropriated level, when annualized, then only those actions which
2509 reduce the projected annual cost and/or the appropriation
2510 requirement will be processed by the State Personnel Board until
2511 such time as the requirements of this provision are met.

2512 Any transfers or escalations shall be made in accordance with
2513 the terms, conditions and procedures established by law or
2514 allowable under the terms set forth within this act. The State
2515 Personnel Board shall not escalate positions without written
2516 approval from the Department of Finance and Administration. The
2517 Department of Finance and Administration shall not provide written
2518 approval to escalate any funds for salaries and/or positions
2519 without proof of availability of new or additional funds above the
2520 appropriated level.

2521 No general funds authorized to be expended herein shall be
2522 used to replace federal funds and/or other special funds which are
2523 being used for salaries authorized under the provisions of this
2524 act and which are withdrawn and no longer available.



2525 None of the funds herein appropriated shall be used in
2526 violation of Internal Revenue Service's Publication 15-A relating
2527 to the reporting of income paid to contract employees, as
2528 interpreted by the Office of the State Auditor.

2529 Section * * * 4. None of the funds appropriated by this act
2530 shall be expended for any purpose that is not actually required or
2531 necessary for performing any of the powers or duties of the Office
2532 of the Secretary of State that are authorized by the Mississippi
2533 Constitution of 1890, state or federal law, or rules or
2534 regulations that implement state or federal law.

2535 Section * * * 5. No part of the funds appropriated herein
2536 shall be used, either directly or indirectly, for the purpose of
2537 paying any clerk, stenographer, assistant, deputy, or other person
2538 who may be related by blood or marriage within the third degree,
2539 computed by the rules of the civil law, to the official employing
2540 or having the right of employment or selection thereof; and in the
2541 event of any such payment, then the official or person approving
2542 and making or receiving such payment shall be jointly and
2543 severally liable to return to the State of Mississippi and to pay
2544 into the State Treasury three (3) times any such amount so paid or
2545 received, to be recovered at suit of the Attorney General;
2546 provided that when the relationship is by affinity and the person
2547 through whom the relationship was established is dead, this
2548 provision shall not apply.



2549 Section * * * 6. Of the funds appropriated in Section 1, the
 2550 Secretary of State may use funds appropriated for the purposes of
 2551 defraying litigation expenses associated with the enforcement of
 2552 the Mississippi Securities Act, the Regulation of Charitable
 2553 Solicitations Act, and the administration of the Public Trust.

2554 Section * * * 7. In compliance with the "Mississippi
 2555 Performance Budget and Strategic Planning Act of 1994," it is the
 2556 intent of the Legislature that the funds provided herein shall be
 2557 utilized in the most efficient and effective manner possible to
 2558 achieve the intended mission of this agency. Based on the funding
 2559 authorized, this agency shall make every effort to attain the
 2560 targeted performance measures provided below:

2561		FY2017
2562	<u>Performance Measures</u>	<u>Target</u>
2563	Business Services	
2564	Percentage of Phone Calls Answered within	
2565	10 Seconds (%)	92.00
2566	Elections	
2567	Number of Voter Registrations Updated via	
2568	Secure Online Website	50.00
2569	Number of Poll Workers to Successfully	
2570	Complete the Online Training Program	82.00
2571	Percentage of Poll Workers who Successfully	
2572	Complete the Online Poll Manager Training	
2573	on their First Attempt (%)	60.00



2599 Section * * * 10. It is the intention of the Legislature
2600 that whenever two (2) or more bids are received by this agency for
2601 the purchase of commodities or equipment, and whenever all things
2602 stated in such received bids are equal with respect to price,
2603 quality and service, the Mississippi Industries for the Blind
2604 shall be given preference. A similar preference shall be given to
2605 the Mississippi Industries for the Blind whenever purchases are
2606 made without competitive bids.

2607 Section * * * 11. The money herein appropriated shall be
2608 paid by the State Treasurer out of any money in the State Treasury
2609 to the credit of the proper fund or funds as set forth in this
2610 act, upon warrants issued by the State Fiscal Officer; and the
2611 State Fiscal Officer shall issue his warrants upon requisitions
2612 signed by the proper person, officer or officers in the manner
2613 provided by law.

2614 Section * * * 12. This act shall take effect and be in force
2615 from and after July 1, 2016.

2616 **SECTION 47.** This act shall take effect and be in force from
2617 and after its passage.

