

By: Representative Foster

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 955

1 AN ACT TO ABOLISH CERTAIN INACTIVE BOARDS, COMMISSIONS,
2 COUNCILS, COMMITTEES AND AUTHORITIES; TO REPEAL SECTIONS 43-53-1
3 THROUGH 43-53-11, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE
4 MISSISSIPPI LEADERSHIP COUNCIL ON AGING; TO AMEND SECTION
5 99-19-73, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
6 SECTIONS; TO REPEAL SECTIONS 45-39-1, 45-39-3, 45-39-5 AND
7 45-39-13, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE STATEWIDE
8 CRIME STOPPERS ADVISORY COUNCIL; TO AMEND SECTIONS 45-39-7,
9 45-39-9 AND 45-39-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
10 PRECEDING SECTIONS; TO REPEAL SECTIONS 49-19-401, 49-19-403,
11 49-19-405 AND 49-19-408, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH
12 THE MISSISSIPPI INSTITUTE FOR FOREST INVENTORY; TO AMEND SECTIONS
13 49-19-1, 49-19-3 AND 49-19-407, MISSISSIPPI CODE OF 1972, TO
14 CONFORM TO THE PRECEDING SECTIONS; TO REPEAL SECTION 39-29-1,
15 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE MISSISSIPPI
16 COMMISSION ON THE HOLOCAUST; TO REPEAL SECTIONS 41-73-1 THROUGH
17 41-73-45, MISSISSIPPI CODE OF 1972, AND SECTIONS 41-73-49 THROUGH
18 41-73-75, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE HOSPITAL
19 EQUIPMENT AND AUTHORITY ACT; TO AMEND SECTIONS 7-1-403, 7-7-2,
20 41-73-47 AND 41-13-25, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
21 PRECEDING SECTIONS; TO REPEAL SECTIONS 65-33-27 AND 65-33-29,
22 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE ESTABLISHMENT OF A
23 ROAD PROTECTION COMMISSION FOR EACH COUNTY; TO AMEND SECTIONS
24 65-33-31 AND 65-33-33, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
25 PRECEDING SECTIONS; TO REPEAL SECTIONS 57-33-1 AND 57-33-3,
26 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE MISSISSIPPI TO BECOME A
27 PARTY STATE IN THE SOUTHERN GROWTH POLICIES AGREEMENT; TO REPEAL
28 SECTION 41-113-9, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE
29 MISSISSIPPI TOBACCO CONTROL ADVISORY COUNCIL; TO AMEND SECTIONS
30 41-113-3 AND 41-113-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
31 PRECEDING SECTIONS; TO AMEND SECTIONS 41-59-7 AND 41-59-5,
32 MISSISSIPPI CODE OF 1972, TO ABOLISH THE MISSISSIPPI TRAUMA
33 ADVISORY COMMITTEE; TO REPEAL SECTION 83-1-201, MISSISSIPPI CODE
34 OF 1972, WHICH ESTABLISHES THE WINDSTORM MITIGATION COORDINATING



35 COUNCIL; TO AMEND SECTION 83-34-5, MISSISSIPPI CODE OF 1972, TO
36 CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** Sections 43-53-1, 43-53-3, 43-53-5, 43-53-7,
39 43-53-9 and 43-53-11, Mississippi Code of 1972, which establish
40 the Mississippi Leadership Council on Aging, provide for the
41 membership of the council, establish the powers and duties of the
42 council and create the Mississippi Leadership Council on Aging
43 Fund, are repealed.

44 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is
45 amended as follows:

46 99-19-73. (1) **Traffic violations.** In addition to any
47 monetary penalties and any other penalties imposed by law, there
48 shall be imposed and collected the following state assessment from
49 each person upon whom a court imposes a fine or other penalty for
50 any violation in Title 63, Mississippi Code of 1972, except
51 offenses relating to the Mississippi Implied Consent Law (Section
52 63-11-1 et seq.) and offenses relating to vehicular parking or
53 registration:

54 FUND	AMOUNT
55 State Court Education Fund.....	[Deleted]
56 State Prosecutor Education Fund.....	[Deleted]
57 Vulnerable Persons Training, 58 Investigation and Prosecution Trust Fund.....	[Deleted]
59 Child Support Prosecution Trust Fund.....	[Deleted]
60 Driver Training Penalty Assessment Fund.....	[Deleted]



61 Law Enforcement Officers Training Fund..... [Deleted]
62 Spinal Cord and Head Injury Trust Fund
63 (for all moving violations)..... [Deleted]
64 Emergency Medical Services Operating Fund..... [Deleted]
65 * * *
66 Law Enforcement Officers and Fire Fighters
67 Death Benefits Trust Fund..... [Deleted]
68 Law Enforcement Officers and Fire Fighters
69 Disability Benefits Trust Fund..... [Deleted]
70 State Prosecutor Compensation Fund for the purpose
71 of providing additional compensation for
72 district attorneys and their legal assistants..... [Deleted]
73 Crisis Intervention Mental Health Fund..... [Deleted]
74 Drug Court Fund..... [Deleted]
75 Judicial Performance Fund..... [Deleted]
76 Capital Defense Counsel Fund..... [Deleted]
77 Indigent Appeals Fund..... [Deleted]
78 Capital Post-Conviction Counsel Fund..... [Deleted]
79 Victims of Domestic Violence Fund..... [Deleted]
80 Public Defenders Education Fund..... [Deleted]
81 Domestic Violence Training Fund..... [Deleted]
82 Attorney General's Cyber Crime Unit..... [Deleted]
83 Children's Safe Center Fund..... [Deleted]
84 DuBard School for Language Disorders Fund..... [Deleted]
85 Children's Advocacy Centers Fund..... [Deleted]



86 Judicial System Operation Fund.....[Deleted]

87 GENERAL FUND.....\$ 90.50

88 (2) **Implied Consent Law violations.** In addition to any
89 monetary penalties and any other penalties imposed by law, there
90 shall be imposed and collected the following state assessment from
91 each person upon whom a court imposes a fine or any other penalty
92 for any violation of the Mississippi Implied Consent Law (Section
93 63-11-1 et seq.):

94 FUND AMOUNT

95 Crime Victims' Compensation Fund.....[Deleted]

96 State Court Education Fund.....[Deleted]

97 State Prosecutor Education Fund.....[Deleted]

98 Vulnerable Persons Training,

99 Investigation and Prosecution Trust Fund.....[Deleted]

100 Child Support Prosecution Trust Fund.....[Deleted]

101 Driver Training Penalty Assessment Fund.....[Deleted]

102 Law Enforcement Officers Training Fund.....[Deleted]

103 Emergency Medical Services Operating Fund.....[Deleted]

104 Mississippi Alcohol Safety Education Program Fund.....[Deleted]

105 Federal-State Alcohol Program Fund.....[Deleted]

106 Mississippi Forensics Laboratory

107 Implied Consent Law Fund.....[Deleted]

108 Spinal Cord and Head Injury Trust Fund.....[Deleted]

109 Capital Defense Counsel Fund.....[Deleted]

110 Indigent Appeals Fund.....[Deleted]



136 State Prosecutor Education Fund..... [Deleted]

137 Vulnerable Persons Training,

138 Investigation and Prosecution Trust Fund..... [Deleted]

139 Law Enforcement Officers Training Fund..... [Deleted]

140 Hunter Education and Training Program Fund..... [Deleted]

141 Law Enforcement Officers and Fire Fighters

142 Death Benefits Trust Fund..... [Deleted]

143 Law Enforcement Officers and Fire Fighters

144 Disability Benefits Trust Fund..... [Deleted]

145 State Prosecutor Compensation Fund for the purpose

146 of providing additional compensation for district

147 attorneys and their legal assistants..... [Deleted]

148 Crisis Intervention Mental Health Fund..... [Deleted]

149 Drug Court Fund..... [Deleted]

150 Capital Defense Counsel Fund..... [Deleted]

151 Indigent Appeals Fund..... [Deleted]

152 Capital Post-Conviction Counsel Fund..... [Deleted]

153 Victims of Domestic Violence Fund..... [Deleted]

154 Public Defenders Education Fund..... [Deleted]

155 Domestic Violence Training Fund..... [Deleted]

156 Attorney General's Cyber Crime Unit..... [Deleted]

157 GENERAL FUND.....\$ 89.00

158 (4) [Deleted]

159 (5) **Speeding, reckless and careless driving violations.** In

160 addition to any assessment imposed under subsection (1) or (2) of



161 this section, there shall be imposed and collected the following
162 state assessment from each person upon whom a court imposes a fine
163 or other penalty for driving a vehicle on a road or highway:

164 (a) At a speed that exceeds the posted speed limit by
165 at least ten (10) miles per hour but not more than twenty (20)
166 miles per hour.....\$10.00

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

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

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

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

176 All assessments collected under this subsection shall be
177 deposited into the State General Fund.

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

185 FUND AMOUNT



186 Crime Victims' Compensation Fund..... \$[Deleted]

187 State Court Education Fund..... [Deleted]

188 State Prosecutor Education Fund..... [Deleted]

189 Vulnerable Persons Training, Investigation
and Prosecution Trust Fund..... [Deleted]

191 Child Support Prosecution Trust Fund..... [Deleted]

192 Law Enforcement Officers Training Fund..... [Deleted]

193 Capital Defense Counsel Fund..... [Deleted]

194 Indigent Appeals Fund..... [Deleted]

195 Capital Post-Conviction Counsel Fund..... [Deleted]

196 Victims of Domestic Violence Fund..... [Deleted]

197 State Crime Stoppers Fund..... [Deleted]

198 Law Enforcement Officers and Fire Fighters
Death Benefits Trust Fund..... [Deleted]

200 Law Enforcement Officers and Fire Fighters
Disability Benefits Trust Fund..... [Deleted]

202 State Prosecutor Compensation Fund for the purpose
of providing additional compensation for
district attorneys and their legal assistants..... [Deleted]

205 Crisis Intervention Mental Health Fund..... [Deleted]

206 Drug Court Fund..... [Deleted]

207 Judicial Performance Fund..... [Deleted]

208 Statewide Victims' Information and
Notification System Fund..... [Deleted]

210 Public Defenders Education Fund..... [Deleted]



211 Domestic Violence Training Fund.....[Deleted]
 212 Attorney General's Cyber Crime Unit.....[Deleted]
 213 Information Exchange Network Fund.....[Deleted]
 214 Motorcycle Officer Training Fund.....[Deleted]
 215 Civil Legal Assistance Fund.....[Deleted]
 216 Justice Court Collections Fund.....[Deleted]
 217 Municipal Court Collections Fund.....[Deleted]
 218 GENERAL FUND.....\$121.75

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

225 FUND	AMOUNT
226 Crime Victims' Compensation Fund.....	\$[Deleted]
227 State Court Education Fund.....	[Deleted]
228 State Prosecutor Education Fund.....	[Deleted]
229 Vulnerable Persons Training, Investigation 230 and Prosecution Trust Fund.....	[Deleted]
231 Child Support Prosecution Trust Fund.....	[Deleted]
232 Law Enforcement Officers Training Fund.....	[Deleted]
233 Capital Defense Counsel Fund.....	[Deleted]
234 Indigent Appeals Fund.....	[Deleted]
235 Capital Post-Conviction Counsel Fund.....	[Deleted]



236 Victims of Domestic Violence Fund.....[Deleted]
 237 Criminal Justice Fund.....[Deleted]
 238 Law Enforcement Officers and Fire Fighters
 239 Death Benefits Trust Fund.....[Deleted]
 240 Law Enforcement Officers and Fire Fighters
 241 Disability Benefits Trust Fund.....[Deleted]
 242 State Prosecutor Compensation Fund for the purpose
 243 of providing additional compensation for
 244 district attorneys and their legal assistants.....[Deleted]
 245 Crisis Intervention Mental Health Fund.....[Deleted]
 246 Drug Court Fund.....[Deleted]
 247 Statewide Victims' Information and
 248 Notification System Fund.....[Deleted]
 249 Public Defenders Education Fund.....[Deleted]
 250 Domestic Violence Training Fund.....[Deleted]
 251 Attorney General's Cyber Crime Unit.....[Deleted]
 252 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 253 GENERAL FUND.....\$280.50

254 (8) **Additional assessments on certain violations:**

255 (a) **Railroad crossing violations.** In addition to any
 256 monetary penalties and any other penalties imposed by law, there
 257 shall be imposed and collected the following state assessment in
 258 addition to all other state assessments due under this section
 259 from each person upon whom a court imposes a fine or other penalty



260 for any violation involving railroad crossings under Section
261 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:
262 Operation Lifesaver Fund.....\$25.00

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

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

270 (9) If a fine or other penalty imposed is suspended, in
271 whole or in part, such suspension shall not affect the state
272 assessment under this section. No state assessment imposed under
273 the provisions of this section may be suspended or reduced by the
274 court.

275 (10) (a) After a determination by the court of the amount
276 due, it shall be the duty of the clerk of the court to promptly
277 collect all state assessments imposed under the provisions of this
278 section. The state assessments imposed under the provisions of
279 this section may not be paid by personal check.

280 (b) It shall be the duty of the chancery clerk of each
281 county to deposit all state assessments collected in the circuit,
282 county and justice courts in the county on a monthly basis with
283 the State Treasurer pursuant to appropriate procedures established
284 by the State Auditor. The chancery clerk shall make a monthly



285 lump-sum deposit of the total state assessments collected in the
286 circuit, county and justice courts in the county under this
287 section, and shall report to the Department of Finance and
288 Administration the total number of violations under each
289 subsection for which state assessments were collected in the
290 circuit, county and justice courts in the county during that
291 month.

292 (c) It shall be the duty of the municipal clerk of each
293 municipality to deposit all the state assessments collected in the
294 municipal court in the municipality on a monthly basis with the
295 State Treasurer pursuant to appropriate procedures established by
296 the State Auditor. The municipal clerk shall make a monthly
297 lump-sum deposit of the total state assessments collected in the
298 municipal court in the municipality under this section, and shall
299 report to the Department of Finance and Administration the total
300 number of violations under each subsection for which state
301 assessments were collected in the municipal court in the
302 municipality during that month.

303 (11) It shall be the duty of the Department of Finance and
304 Administration to deposit on a monthly basis all state assessments
305 into the State General Fund or proper special fund in the State
306 Treasury. The Department of Finance and Administration shall
307 issue regulations providing for the proper allocation of these
308 funds.



309 (12) The State Auditor shall establish by regulation
310 procedures for refunds of state assessments, including refunds
311 associated with assessments imposed before July 1, 1990, and
312 refunds after appeals in which the defendant's conviction is
313 reversed. The Auditor shall provide in the regulations for
314 certification of eligibility for refunds and may require the
315 defendant seeking a refund to submit a verified copy of a court
316 order or abstract by which the defendant is entitled to a refund.
317 All refunds of state assessments shall be made in accordance with
318 the procedures established by the Auditor.

319 **SECTION 3.** Sections 45-39-1, 45-39-3, 45-39-5 and 45-39-13,
320 Mississippi Code of 1972, which establish the Statewide Crime
321 Stoppers Advisory Council and provide for the power and duties of
322 the council, are repealed.

323 **SECTION 4.** Section 45-39-7, Mississippi Code of 1972, is
324 amended as follows:

325 45-39-7. (1) * * * Records relating to reports of criminal
326 acts are confidential.

327 (2) Evidence of a communication between a person submitting
328 a report of a criminal act to * * * a local crime stoppers program
329 and the person who accepted the report on behalf of the * * *
330 local crime stoppers program is not admissible in a court or an
331 administrative proceeding whether the evidence is held by * * * a
332 local crime stoppers program or is held by a telecommunication
333 service provider.



334 (3) Records of * * * a local crime stoppers program
335 concerning a report of criminal activity and records of a
336 telecommunication service provider relating to a report made
337 to * * * a local crime stoppers program may not be compelled to be
338 produced before a court or other tribunal except on the motion of
339 a criminal defendant to the court in which the offense is being
340 tried that the records or report contain evidence that is
341 exculpatory to the defendant in the trial of that offense. On
342 motion of a defendant under this subsection, the court may
343 subpoena the records or report. The court shall conduct an
344 in-camera inspection of materials produced under subpoena to
345 determine whether the materials contain evidence that is
346 exculpatory to the defendant. If the court determines that the
347 materials produced contain evidence that is exculpatory to the
348 defendant, the court shall present the evidence to the defendant
349 in a form that does not disclose the identity of the person who
350 was the source of the evidence, unless the state or federal
351 Constitution requires the disclosure of that person's identity.
352 The court shall execute an affidavit accompanying the disclosed
353 materials swearing that, in the opinion of the court, the
354 materials disclosed represent the exculpatory evidence the
355 defendant is entitled to receive under this section. The court
356 shall return to * * * the local crime stoppers program materials
357 that are produced under this section but not disclosed to the
358 defendant. The * * * local crime stoppers program shall store the



359 materials until the conclusion of the criminal trial and the
360 expiration of the time for all direct appeals in the case.

361 **SECTION 5.** Section 45-39-9, Mississippi Code of 1972, is
362 amended as follows:

363 45-39-9. A person who * * * accepts a report of criminal
364 activity on behalf of a local crime stoppers program is guilty of
365 a misdemeanor if the person intentionally or knowingly divulges to
366 a person not employed by a law enforcement agency the content of a
367 report of a criminal act or the identity of the person who made
368 the report without the consent of the person who made the report.

369 A person convicted of an offense under this section shall be
370 punished as provided in Section 99-19-31 * * *, and is not
371 eligible for state employment during the five-year period
372 following the date that the conviction becomes final.

373 **SECTION 6.** Section 45-39-11, Mississippi Code of 1972, is
374 amended as follows:

375 45-39-11. * * * A toll-free telephone service * * * shall be
376 accessible to persons residing in areas of the state not served by
377 a local crime stoppers program for reporting * * * information
378 about criminal acts. The toll-free service must be available
379 between the hours of 5:00 p.m. and 8:00 a.m. Monday through
380 Thursday and from 5:00 p.m. Friday until 8:00 a.m. Monday.
381 The * * * information received shall be forwarded * * * to
382 appropriate law enforcement agencies or local crime stoppers
383 programs.



384 **SECTION 7.** Sections 49-19-401, 49-19-403, 49-19-405 and
385 49-19-408, Mississippi Code of 1972, which establish the
386 Mississippi Institute for Forest Inventory, are repealed.

387 **SECTION 8.** Section 49-19-1, Mississippi Code of 1972, is
388 amended as follows:

389 49-19-1. (1) There shall be a State Forestry Commission
390 composed of ten (10) members, who shall be qualified electors of
391 the state. The Dean of the School of Forest Resources at
392 Mississippi State University shall be an ex officio member of the
393 commission, with full voting authority. * * * The Governor shall
394 appoint eight (8) members, with the advice and consent of the
395 Senate, for a term of six (6) years. The Governor shall appoint
396 one (1) member from each congressional district as constituted at
397 the time the appointments are made and shall appoint the remainder
398 of the members from the state at large. A member from a
399 congressional district must be a certified tree farmer who owns
400 eighty (80) or more acres of forest land or a person who derives a
401 major portion of his personal income from forest-related business,
402 industry or other related activities. Members of the commission
403 from the state at large may or may not possess the same
404 qualifications as members appointed from the congressional
405 districts.

406 (2) The members of the commission shall receive no annual
407 salary but each member of the commission shall receive a per diem
408 plus expenses and mileage as authorized by law for each day



409 devoted to the discharge of official duties. No member of the
410 commission shall receive total per diem in excess of twenty-four
411 (24) days' compensation per annum.

412 (3) If a vacancy occurs in the office of an appointed member
413 of the commission, the vacancy shall be filled by appointment for
414 the balance of the unexpired term.

415 (4) The commission shall elect from its membership a
416 chairman, who shall preside over meetings, and a vice chairman,
417 who shall preside in the absence of the chairman or when the
418 chairman is excused.

419 (5) The commission shall adopt rules and regulations
420 governing times and places for meetings, and governing the manner
421 of conducting its business. Each member of the commission shall
422 take the oath prescribed by Section 268 of the Mississippi
423 Constitution of 1890 and shall enter into a bond in the amount of
424 Thirty Thousand Dollars (\$30,000.00) to be approved by the
425 Secretary of State, conditioned according to law and payable to
426 the State of Mississippi before assuming the duties of office.

427 (6) Any appointment made to the commission contrary to this
428 section shall be void, and it is unlawful for the State Fiscal
429 Officer to pay any per diem or authorize the expenses of the
430 appointee.

431 **SECTION 9.** Section 49-19-3, Mississippi Code of 1972, is
432 amended as follows:

433 49-19-3. The duties and powers of the commission shall be:



434 (a) To appoint a State Forester, who shall serve at the
435 will and pleasure of the commission and who is qualified to
436 perform the duties as set forth herein; and to pay him such salary
437 as is provided by the Legislature, and allow him such office
438 expenses incidental to the performance of his official duties as
439 the commission, in its discretion, may deem necessary; and to
440 charge him with the immediate direction and control, subject to
441 the supervision and approval of the commission, of all matters
442 relating to forestry as authorized herein. Any person appointed
443 by the commission as State Forester shall have received a
444 bachelor's degree in forestry from an accredited school or college
445 of forestry and shall be licensed and registered under the
446 provisions of the Mississippi Foresters Registration Law (Section
447 73-36-1 et seq.) and in addition shall have had at least five (5)
448 years' administrative experience in a forestry-related field.

449 (b) To take such action and provide and maintain such
450 organized means as may seem necessary and expedient to prevent,
451 control and extinguish forest fires, including the enforcement of
452 any and all laws pertaining to the protection of forests and
453 woodland.

454 (c) To encourage forest and tree planting for the
455 production of a wood crop, for the protection of water supply, for
456 windbreak and shade, or for any other beneficial purposes
457 contributing to the general welfare, public hygiene and comfort of
458 the people.



459 (d) To cause to be made such technical investigations
460 and studies concerning forest conditions, the propagation, care
461 and protection of forest and shade trees, the care and management
462 of forests, their growth, yield and the products and by-products
463 thereof, and any other competent subject, including forest
464 taxation, bearing on the timber supply and needs of the state,
465 which the commission, in its discretion, may deem proper.

466 (e) To assist and cooperate with any federal or state
467 department or institution, county, town, corporation or
468 individual, under such terms as in the judgment of the commission
469 will best serve the public interest, in the preparation and
470 execution of plans for the protection, management, replacement, or
471 extension of the forest, woodland and roadside or other ornamental
472 tree growth in the state.

473 (f) To encourage public interest in forestry by means
474 of correspondence, the public press, periodicals, the publication
475 of bulletins and leaflets for general distribution, the delivery
476 of lectures in the schools and other suitable means, and to
477 cooperate to the fullest extent with the extension department
478 services of the state colleges in promoting reforestation. It
479 shall be the duty of the State Forester to cooperate with private
480 timber owners in laying plans for the protection, management and
481 replacement of forests and in aiding them to form protection
482 associations. It shall be his duty to examine all timbered lands
483 belonging to the state and its institutions and report to the



484 commission upon their timber conditions and actual value, and also
485 whether some of these lands may not be held as state forests. He
486 shall be responsible for the protection and management of lands
487 donated, purchased or belonging to the state or state
488 institutions, and all other lands reserved by the state as state
489 forests.

490 (g) To control the expenditure of any and all funds
491 appropriated or otherwise made available for the several purposes
492 set forth herein under suitable regulations and restrictions by
493 the commission and to specifically authorize any officer or
494 employee of the commission to incur necessary and stipulated
495 expenses in connection with the work in which such person may be
496 engaged.

497 (h) To submit annually to the Legislature a report of
498 the expenditures, proceedings and results achieved, together with
499 such other matters including recommendations concerning
500 legislation as are germane to the aims and purposes of this
501 chapter.

502 (i) To create, establish and organize the State of
503 Mississippi into forestry districts for the most effective and
504 efficient administration of the commission.

505 (j) To appoint, upon the State Forester's
506 recommendation, six (6) individuals who shall be designated
507 Mississippi Forestry Commission Law Enforcement Officers with
508 authority to bear arms, investigate and make arrests; however, the



509 law enforcement duties and authority of the officers shall be
510 limited to woods arson. The officers shall comply with applicable
511 minimum educational and training standards for law enforcement
512 officers. These officers may issue citations for any violation of
513 those laws for recklessly or with gross negligence causing fire to
514 burn the lands of another. A citation issued by a Forestry
515 Commission law enforcement officer shall be issued on a uniform
516 citation form consisting of an original and at least two (2)
517 copies. Such citation shall show, among other necessary
518 information, the name of the issuing officer, the name of the
519 court in which the cause is to be heard and the date and time the
520 person charged with a violation is to appear to answer the charge.
521 The uniform citation form shall make a provision on it for
522 information that will constitute a complaint charging the offense
523 for which the citation was issued and, when duly sworn to and
524 filed with a court of competent jurisdiction, prosecution may
525 proceed under that complaint. For the purposes of this paragraph,
526 the fact that any person is found to have a brush or debris pile
527 or other material which is or was being burned and reasonable and
528 prudent efforts were not taken to prevent the spread of the fire
529 onto the lands of another shall be evidence that such person
530 recklessly or with gross negligence caused the land to burn.

531 This paragraph shall stand repealed on June 30, 2018.

532 * * *



533 **SECTION 10.** Section 49-19-407, Mississippi Code of 1972, is
534 amended as follows:

535 49-19-407. The Executive Directors of * * * the Mississippi
536 Forestry Commission, the Mississippi Development Authority, the
537 MSU Forest and Wildlife Research Center, and the Cooperative
538 Extension Service shall establish a procedure and guidelines for
539 the coordination of outreach and education programs. It shall be
540 the duty of each agency to cooperate and to promote a coordinated
541 outreach and education program to increase the utilization of
542 private nonindustrial forest landowner forest resources and
543 increase profitability for such resources.

544 **SECTION 11.** Section 39-29-1, Mississippi Code of 1972, which
545 establishes the Mississippi Commission on the Holocaust, is
546 repealed.

547 **SECTION 12.** Sections 41-73-1, 41-73-3, 41-73-5, 41-73-7,
548 41-73-9, 41-73-11, 41-73-13, 41-73-15, 41-73-17, 41-73-19,
549 41-73-21, 41-73-23, 41-73-25, 41-73-27, 41-73-29, 41-73-31,
550 41-73-33, 41-73-35, 41-73-37, 41-73-39, 41-73-41, 41-73-43,
551 41-73-45, 41-73-49, 41-73-51, 41-73-53, 41-73-55, 41-73-57,
552 41-73-59, 41-73-61, 41-73-63, 41-73-65, 41-73-67, 41-73-69,
553 41-73-71, 41-73-73 and 41-73-75, Mississippi Code of 1972, which
554 establish the Hospital Equipment and Authority Act, provide the
555 powers and responsibilities of the authority, and authorize the
556 authority to issue bonds, are repealed.



557 **SECTION 13.** Section 7-1-403, Mississippi Code of 1972, is
558 amended as follows:

559 7-1-403. (1) The Bond Advisory Division is hereby granted
560 the authority and charged with the responsibility to perform the
561 following duties:

562 (a) To maintain a close working relationship with
563 agencies authorized to incur bonded indebtedness in order to know
564 the probable schedule for the issuance of bonds so that
565 coordination may be accomplished for orderly issuance.

566 (b) To require all state agencies authorized to incur
567 bonded indebtedness, in addition to cooperation required in
568 subsection (a), to submit written notice of intent to sell bonds
569 at least thirty (30) days prior to requesting the State Bond
570 Commission to approve the sale of such bonds. Such notification
571 shall contain such information as may be required by the director.
572 However, with the concurrence of the State Fiscal Officer, in
573 cases of emergency the requirement of thirty (30) days' notice may
574 be waived by the director.

575 (c) To require all state agencies or political
576 subdivisions to submit annual financial reports, and such other
577 interim reports as deemed necessary, on projects financed by state
578 revenue bonds or by state bonds which have the general obligation
579 pledge of the state, but which are primarily backed by specified
580 revenues.



581 (d) To maintain a complete record of all outstanding
582 state bonds. The record shall include, but shall not be limited
583 to, the following:

584 (i) Amount of principal of the bonds issued and
585 the rates of interest;

586 (ii) Dates the bonds were issued, the term or
587 terms of the bonds, and maturities;

588 (iii) The overall average interest rate to be paid
589 on each issue;

590 (iv) The name of the paying agent;

591 (v) The trustees named to administer the issue and
592 the pledges securing such bonds;

593 (vi) The statutes under which such bonds were
594 issued and the statutory authority for all bonds authorized,
595 whether issued or unissued.

596 (e) To maintain a close working relationship with the
597 Mississippi Development Authority, the University Research Center
598 and the Commissioner of Revenue in order to obtain current
599 information concerning the economic, financial and growth
600 conditions of the state and such other information necessary to
601 properly comply with the intent of Sections 7-1-401 and 7-1-403.

602 (f) To receive the cooperation of all state agencies
603 and institutions in accumulating the information required by
604 Sections 7-1-401 and 7-1-403.



605 (g) To make continuing studies and investigations of
606 government bond interest costs throughout the United States of
607 America and to advise the Governor, the State Bond Commission and
608 the Legislature concerning market conditions and credit condition
609 of the state.

610 (h) To contract with the Department of Information
611 Technology Services for such data processing or computer services
612 as are necessary in providing complete, current and accurate
613 information regarding bonds issued, maturity dates, interest
614 costs, bond market trends and other data necessary for the proper
615 management of the state's debt and investments of state funds.

616 (i) To issue rules and regulations as are necessary for
617 the enforcement of the provisions of Sections 7-1-401 and 7-1-403.

618 (j) To investigate and require reports covering
619 proposed transactions involving refunding bond issues, bond
620 exchanges, bond trades, bond "swaps," redemptions, etc., which may
621 be engaged in with regard to any state bond.

622 (k) To keep the Governor, Bond Commission and the
623 Legislature informed regarding the credit outlook for the state
624 and to furnish whatever information the Legislature requests which
625 is required to be maintained under Sections 7-1-401 and 7-1-403.

626 (l) To maintain a personal relationship with rating
627 agencies and state bond investors, including the responsibility to
628 invite people in the national financial community to visit our
629 state in order for them to better understand our undertakings, and



630 to incur and pay all expenses in connection with the
631 administration and function of the division, including information
632 meetings or other appropriate forms of communication. All such
633 expenses for these trips shall be paid from appropriations made
634 for the operation of this division.

635 (m) To cooperate with and provide assistance to
636 counties, municipalities and other political subdivisions when the
637 respective governing authorities request such assistance regarding
638 matters of financial and credit administration and in the
639 preparation of materials and information required to be used in
640 connection with credit ratings and the sale of bonds.

641 (n) To perform such other duties and acts necessary to
642 carry out the intent of Sections 7-1-401 and 7-1-403.

643 (o) To maintain a complete record of the name and
644 business address of any person, firm, corporation or other entity
645 deriving any income for services performed with respect to any
646 bonds issued after May 16, 1988, by the State Bond Commission,
647 State Development Bank, Mississippi Housing Finance Corporation,
648 Certified Development Company of Mississippi, Inc., * * * or any
649 other entity issuing bonds or notes of the State of Mississippi.
650 The report shall specify the amount of funds, whether from bond
651 proceeds or otherwise, paid or to be paid to each such person or
652 entity for services performed for each such bond issue. The
653 initial report shall be made available on or before January 15,
654 1989, to the Clerk of the House of Representatives and to the



655 Secretary of the Senate. All subsequent updated reports shall be
656 submitted on or before January 15 of each year to the Clerk of the
657 House of Representatives, the Secretary of the Senate, the
658 Chairman of the House Ways and Means Committee and the Chairman of
659 the Senate Finance Committee. The State Bond Attorney shall
660 annually compile a list of all local bond issues, itemizing the
661 name of the issuer, a description of the issue, the amount of the
662 bonds issued and the name and address of the person acting as bond
663 counsel on the issue. Such list shall be submitted on or before
664 January 15 of each year to the Clerk of the House of
665 Representatives, the Secretary of the Senate, the Chairman of the
666 House Ways and Means Committee, the Chairman of the Senate Finance
667 Committee, and the Joint Performance Evaluation and Expenditure
668 Review Committee (PEER). The reports required to be compiled
669 pursuant to this paragraph shall be posted on the Department of
670 Finance and Administration's website by not later than January 15
671 of each year.

672 **SECTION 14.** Section 7-7-2, Mississippi Code of 1972, is
673 amended as follows:

674 7-7-2. (1) The Mississippi General Accounting Office and
675 the State Fiscal Officer, acting through the Bureau of Budget and
676 Fiscal Management, shall be the Department of Public Accounts
677 formerly in the Office of the State Auditor of Public Accounts.

678 (2) The words "State Auditor of Public Accounts," "State
679 Auditor" and "Auditor" appearing in the laws of this state in



680 connection with the performance of Auditor's functions shall mean
681 the State Fiscal Officer, and, more particularly, such words or
682 terms shall mean the State Fiscal Officer whenever they appear in
683 Sections 5-1-57, 5-1-59, 5-3-23, 7-1-33, 7-1-63, 7-3-29, 7-5-31,
684 7-11-25, 17-13-11, 9-1-36, 9-3-7, 9-3-23, 9-3-27, 9-3-29, 9-3-45,
685 11-35-11, 11-45-1, 21-33-47, 21-33-401, 23-5-215, 25-1-75,
686 25-1-81, 25-1-95, 25-1-98, 25-3-41, 25-3-51, 25-3-53, 25-3-55,
687 25-3-57, 25-3-59, 25-3-97, 25-7-7, 25-7-83, 25-9-135, 25-31-8,
688 25-31-10, 25-31-37, 27-1-35, 27-3-43, 27-3-45, 27-3-57, 27-3-59,
689 27-5-22, 27-5-103, 27-7-45, 27-7-313, 27-9-49, 27-11-3, 27-13-55,
690 27-15-203, 27-15-239, 27-15-241, 27-21-13, 27-29-1, 27-29-5,
691 27-29-11, 27-29-13, 27-29-15, 27-29-17, 27-29-25, 27-29-33,
692 27-31-109, 27-33-11, 27-33-41, 27-33-45, 27-33-47, 27-35-121,
693 27-35-149, 27-37-303, 27-39-13, 27-39-319, 27-41-19, 27-41-23,
694 27-41-25, 27-41-27, 27-41-41, 27-41-75, 27-45-1, 27-45-13,
695 27-45-19, 27-49-5, 27-49-9, 27-55-19, 27-55-47, 27-55-555,
696 27-57-35, 27-59-51, 27-65-51, 27-65-53, 27-67-29, 27-69-3,
697 27-69-73, 27-69-77, 27-71-301, 27-71-305, 27-71-339, 27-73-1,
698 27-73-7, 27-73-11, 27-103-55, 27-103-67, 27-105-7, 27-105-19,
699 27-105-21, 27-105-23, 27-105-33, 27-107-11, 27-107-59, 27-107-81,
700 27-107-101, 27-107-121, 27-107-141, 27-107-157, 27-107-173,
701 29-1-27, 29-1-79, 29-1-85, 29-1-87, 29-1-93, 29-1-95, 29-1-111,
702 31-3-17, 31-7-9, 31-9-15, 31-17-3, 31-17-59, 31-17-105, 31-19-17,
703 31-19-19, 31-19-21, 31-19-23, 31-5-15, 33-9-11, 35-7-45, 35-9-3,
704 35-9-5, 35-9-27, 35-9-29, 35-9-33, 37-3-7, 37-3-15, 37-3-17,



705 37-3-39, 37-13-33, 37-19-27, 37-19-29, 37-19-45, 37-19-47,
706 37-25-27, 37-27-17, 37-29-165, 37-31-41, 37-33-31, 37-33-71,
707 37-43-47, 37-101-103, 37-101-149, 37-109-25, 37-113-5, 37-133-7,
708 39-1-31, 39-3-109, 41-3-13, 41-4-19, 41-7-25, * * * 43-9-35,
709 43-13-113, 43-29-29, 45-1-11, 45-1-23, 47-5-77, 47-5-155, 49-1-65,
710 49-5-21, 49-5-97, 49-17-69, 49-19-1, 51-5-15, 51-33-77, 51-33-79,
711 51-33-81, 51-33-87, 53-1-77, 55-3-41, 57-4-21, 57-9-5, 57-10-123,
712 57-13-7, 57-13-19, 57-15-5, 59-5-53, 59-7-103, 59-9-71, 59-17-47,
713 63-19-51, 65-1-111, 65-1-117, 65-9-9, 65-9-17, 65-9-25, 65-11-43,
714 65-11-45, 65-23-107, 65-26-7, 65-26-35, 69-9-5, 69-15-113,
715 71-5-359, 73-5-5, 73-6-9, 73-19-13, 73-36-17, 75-75-109, 77-3-89,
716 77-9-493, 77-11-201, 81-1-49, 83-1-13, 83-1-37, 83-1-39, 83-43-7,
717 83-43-21, 89-11-27, 97-11-29, 97-21-1, 97-21-61 and 99-15-19,
718 Mississippi Code of 1972.

719 **SECTION 15.** Section 41-73-47, Mississippi Code of 1972, is
720 amended as follows:

721 41-73-47. The commissioners or board of trustees of any
722 hospital owned or operated separately or jointly by one or more
723 counties, cities, towns, supervisors districts or election
724 districts, or combination thereof, organized and existing pursuant
725 to Section 41-13-1 et seq., are hereby authorized to enter into a
726 lease, installment purchase contract, sale agreement or loan
727 agreement with * * * any participating hospital institution, in
728 connection with the financing, refinancing or receiving
729 reimbursement for all or any part of the cost of hospital



730 equipment or hospital facilities, or in order to sell or borrow
731 against receivables * * *, to document any payment obligation or
732 debt thereby acquired by executing one or more notes, bonds or
733 other written evidences of obligation or indebtedness, to secure
734 any such payment obligation or debt by entering into one or more
735 security agreements, indentures or other written pledges of
736 collateral rights or security interests in hospital equipment,
737 hospital facilities or in the revenues of a hospital institution,
738 and to enter into contracts in connection with guarantees and
739 letters of credit issued to secure obligations incurred under such
740 lease, installment purchase contract, sale agreement or loan
741 agreement. Any payments due under such lease, installment
742 purchase contract, sale agreement or loan agreement, and any
743 obligation incurred under such guarantee or letter of credit may
744 be secured by a pledge of the revenues of the participating
745 hospital institution and such pledge, if made, may be on a parity
746 with or subordinate to any present or future indebtedness of the
747 hospital or of the political subdivision or subdivisions which own
748 the participating hospital institution, all as shall be provided
749 in the contract * * *. If required to qualify for any program
750 whereby such payments of the participating hospital institution or
751 obligations of the authority backed in whole or in part by such
752 payments will be secured or guaranteed directly or indirectly by
753 the Federal Housing Administration, the Farmers Home
754 Administration or any other agency or instrumentality of the



755 United States Government, the owner or owners of the participating
756 hospital institution may enter into one or more mortgages, deeds
757 of trust or other instruments to grant a security interest in a
758 hospital facility, or any part thereof, or in hospital equipment.
759 No existing indebtedness may be refunded, refinanced or otherwise
760 retired in advance of the due date of such indebtedness pursuant
761 to this section unless such refunding, refinancing or retirement
762 of such indebtedness will result in a net savings to the hospital
763 incurring such indebtedness. Any indebtedness or liability
764 incurred pursuant to this section shall not constitute
765 indebtedness for the purpose of any statutory limitation of
766 indebtedness. Except with regard to refundings or refinancings of
767 existing indebtedness and with regard to obligations subject to
768 unilateral termination by a hospital institution on at least an
769 annual basis, for none of which any such consent shall be
770 required, no payment obligation or debt shall be entered into
771 under authority of this section unless each owner of a hospital
772 institution first has given its written consent to the maximum
773 principal amount of obligation or debt that may be incurred and
774 the maximum time for payment thereof, neither of which maximums
775 may be exceeded.

776 **SECTION 16.** Section 41-13-25, Mississippi Code of 1972, is
777 amended as follows:

778 41-13-25. The board of supervisors acting for a county,
779 supervisors district or districts or an election district of such



780 county, and the board of aldermen, city council or other like
781 governing body acting for a city or town, are hereby authorized
782 and empowered to levy ad valorem taxes on all the taxable property
783 of such counties, cities, towns, supervisors district or election
784 district for the purposes of raising funds for the maintenance and
785 operation of hospitals, nurses' homes, health centers, health
786 departments, diagnostic or treatment centers, rehabilitation
787 facilities, nursing homes and related facilities established under
788 the provisions of Sections 41-13-15 through 41-13-51, and for
789 making additions and improvements thereto and to pledge such ad
790 valorem taxes, whether or not actually levied, for the retirement
791 of debt incurred either by or on behalf of such facilities * * *;
792 however, any debt incurred by the pledge of taxes to retire debt
793 incurred either by or on behalf of such facilities * * * shall not
794 be included in debt limits prescribed by Section 19-9-5 or Section
795 21-33-303, as the case may be * * * until such pledged taxes are
796 actually levied. The amount levied for such purpose shall not
797 exceed five (5) mills on the dollar in any one (1) year.
798 Expenditures of said taxes for such additions and improvements
799 shall not exceed in any fiscal year the total amount budgeted
800 therefor by the board of trustees for the respective institutions
801 affected. The tax levy authorized in this section shall be in
802 addition to all other taxes now or hereafter authorized to be
803 levied by such counties, cities, towns, supervisors districts or
804 election district.



805 It is further provided that any such supervisors district in
806 a county with a land area of five hundred ninety-two (592) square
807 miles, wherein Mississippi Highways 8 and 9 intersect,
808 participating with a municipality under provisions of law by
809 contracting to assist the cost of operation and maintenance of an
810 erected hospital, may levy such ad valorem tax as is needed to
811 operate and maintain such hospital as is provided herein.

812 **SECTION 17.** Sections 65-33-27 and 65-33-29, Mississippi Code
813 of 1972, which authorize the establishment of a road protection
814 commission for each county and provide for the organization of the
815 commission, are repealed.

816 **SECTION 18.** Section 65-33-31, Mississippi Code of 1972, is
817 amended as follows:

818 65-33-31. Whenever it shall become necessary to construct,
819 widen, or protect any highway under the provisions hereof,
820 the * * * board of supervisors shall make publication for thirty
821 (30) days in some newspaper published in the county wherein such
822 improvements are made, setting forth the commencement and
823 termination, with a general outline of the nature and extent
824 thereof. When any owner of land or other person shall claim
825 compensation for land taken for such purpose, or for damage
826 sustained by the construction, widening, improvement, or
827 protection of such road or highway, he shall petition the board of
828 supervisors in writing within thirty (30) days after the
829 expiration of the time provided for such publication, setting



830 forth the nature and character of the damages claimed. Thereupon
831 the board shall, on five (5) days' notice to petitioner, go on the
832 premises and assess the damages sustained by him. The finding of
833 the board shall be in writing, signed by the members agreeing to
834 it, and must be entered on the minutes at the next meeting; but if
835 the damages sustained and claimed be less than the cost of
836 assessing, the board may allow the same without inquiry.

837 **SECTION 19.** Section 65-33-33, Mississippi Code of 1972, is
838 amended as follows:

839 65-33-33. All proceedings of the board of supervisors * * *
840 in widening, improving, or protecting any such highway and
841 assessing damages therefor may be reviewed by the circuit court in
842 respect to any matter of law arising on the face of the
843 proceeding. On the question of damages, the case may be tried
844 anew and the damages may be assessed by a jury if the owner of the
845 land so desires. The board of supervisors shall grant appeals for
846 that purpose when prayed for, on appellant giving bond for cost in
847 such penalty as the board may require, not exceeding Two Hundred
848 Dollars (\$200.00), payable to the county.

849 **SECTION 20.** Sections 57-33-1 and 57-33-3, Mississippi Code
850 of 1972, which authorize Mississippi to become a party state in
851 the Southern Growth Policies Agreement, are repealed.

852 **SECTION 21.** Section 41-113-9, Mississippi Code of 1972,
853 which establishes the Mississippi Tobacco Control Advisory
854 Council, is repealed.



855 **SECTION 22.** Section 41-113-3, Mississippi Code of 1972, is
856 amended as follows:

857 41-113-3. (1) There is hereby created the Office of Tobacco
858 Control (office) which shall be an administrative division of the
859 State Department of Health.

860 (2) The Office of Tobacco Control * * * shall develop and
861 implement a comprehensive and statewide tobacco education,
862 prevention and cessation program that is consistent with the
863 recommendations for effective program components and funding
864 recommendations in the 1999 Best Practices for Comprehensive
865 Tobacco Control Programs of the federal Centers for Disease
866 Control and Prevention, as those Best Practices may be
867 periodically amended by the Centers for Disease Control and
868 Prevention.

869 (3) At a minimum, the program shall include the following
870 components, and may include additional components that are
871 contained within the Best Practices for Comprehensive Tobacco
872 Control Programs of the federal Centers for Disease Control and
873 Prevention, as periodically amended, and that based on scientific
874 data and research have been shown to be effective at accomplishing
875 the purposes of this section:

876 (a) The use of mass media, including paid advertising
877 and other communication tools to discourage the use of tobacco
878 products and to educate people, especially youth, about the health
879 hazards from the use of tobacco products, which shall be designed



880 to be effective at achieving these goals and shall include, but
881 need not be limited to, television, radio, and print advertising,
882 as well as sponsorship, exhibits and other opportunities to raise
883 awareness statewide;

884 (b) Evidence-based curricula and programs implemented
885 in schools to educate youth about tobacco and to discourage their
886 use of tobacco products, including, but not limited to, programs
887 that involve youth, educate youth about the health hazards from
888 the use of tobacco products, help youth develop skills to refuse
889 tobacco products, and demonstrate to youth how to stop using
890 tobacco products;

891 (c) Local community programs, including, but not
892 limited to, youth-based partnerships that discourage the use of
893 tobacco products and involve community-based organizations in
894 tobacco education, prevention and cessation programs in their
895 communities;

896 (d) Enforcement of laws, regulations and policies
897 against the sale or other provision of tobacco products to minors,
898 and the possession of tobacco products by minors;

899 (e) Programs to assist and help people to stop using
900 tobacco products; and

901 (f) A surveillance and evaluation system that monitors
902 program accountability and results, produces publicly available
903 reports that review how monies expended for the program are spent,
904 and includes an evaluation of the program's effectiveness in



905 reducing and preventing the use of tobacco products, and annual
906 recommendations for improvements to enhance the program's
907 effectiveness.

908 (4) All programs or activities funded by the State
909 Department of Health through the tobacco education, prevention and
910 cessation program, whether part of a component described in
911 subsection (2) or an additional component, must be consistent with
912 the Best Practices for Comprehensive Tobacco Control Programs of
913 the federal Centers for Disease Control and Prevention, as
914 periodically amended, and all funds received by any person or
915 entity under any such program or activity must be expended for
916 purposes that are consistent with those Best Practices. The State
917 Department of Health shall exercise sole discretion in determining
918 whether components are consistent with the Best Practices for
919 Comprehensive Tobacco Control Programs of the federal Centers for
920 Disease Control and Prevention.

921 (5) Funding for the different components of the program
922 shall be apportioned between the components based on the
923 recommendations in the Best Practices for Comprehensive Tobacco
924 Control Programs of the federal Centers for Disease Control and
925 Prevention, as periodically amended, or any additional programs as
926 determined by the State Board of Health to provide adequate
927 program development, implementation and evaluation for effective
928 control of the use of tobacco products. While the office shall
929 develop annual budgets based on strategic planning, components of



930 the program shall be funded using the following areas as
931 guidelines for priority:

- 932 (a) School nurses and school programs;
- 933 (b) Mass media (counter-marketing);
- 934 (c) Cessation programs (including media promotions);
- 935 (d) Community programs;
- 936 (e) Surveillance and evaluation;
- 937 (f) Law enforcement; and
- 938 (g) Administration and management; however, not more
939 than five percent (5%) of the total budget may be expended for
940 administration and management purposes.

941 (6) In funding the components of the program, the State
942 Department of Health may provide funding for health care programs
943 at the University of Mississippi Medical Center and Mississippi
944 Quality Health Center Grants that are related to the prevention
945 and cessation of the use of tobacco products and the treatment of
946 illnesses that are related to the use of tobacco products.

947 (7) No statewide, district, local, county or municipal
948 elected official shall take part as a public official in mass
949 media advertising under the provisions of this chapter.

950 **SECTION 23.** Section 41-113-7, Mississippi Code of 1972, is
951 amended as follows:

952 41-113-7. The Office of Tobacco Control shall perform the
953 following duties * * *:



954 (a) Develop and implement appropriate policies and
955 procedures for the operation of the tobacco education, prevention
956 and cessation program;

957 (b) Develop and implement a five-year strategic plan
958 for the tobacco education, prevention and cessation program;

959 (c) Develop and maintain an annual operating budget and
960 oversee fiscal management of the tobacco education, prevention and
961 cessation program;

962 (d) Execute any contracts, agreements or other
963 documents with any governmental agency or any person, corporation,
964 association, partnership or other organization or entity that are
965 necessary to accomplish the purposes of this chapter;

966 (e) Receive grants, bequeaths, gifts, donations or any
967 other contributions made to the office to be used for specific
968 purposes related to the goals of this chapter;

969 (f) Submit an annual report to the Legislature
970 regarding the operation of the office;

971 (g) Submit to the State Auditor any financial records
972 that are necessary for the Auditor to perform an annual audit of
973 the office as required by law; and

974 (h) Take any other actions that are necessary to carry
975 out the purposes of this chapter.

976 **SECTION 24.** Section 41-59-7, Mississippi Code of 1972, is
977 amended as follows:



978 41-59-7. (1) There is created an Emergency Medical Services
979 Advisory Council to consist of the following members who shall be
980 appointed by the Governor:

981 (a) One (1) licensed physician to be appointed from a
982 list of nominees presented by the Mississippi Trauma Committee,
983 American College of Surgeons;

984 (b) One (1) licensed physician to be appointed from a
985 list of nominees who are actively engaged in rendering emergency
986 medical services presented by the Mississippi State Medical
987 Association;

988 (c) One (1) registered nurse whose employer renders
989 emergency medical services, to be appointed from a list of
990 nominees presented by the Mississippi Nurses Association;

991 (d) Two (2) hospital administrators who are employees
992 of hospitals which provide emergency medical services, to be
993 appointed from a list of nominees presented by the Mississippi
994 Hospital Association;

995 (e) Two (2) operators of ambulance services;

996 (f) Three (3) officials of county or municipal
997 government;

998 (g) One (1) licensed physician to be appointed from a
999 list of nominees presented by the Mississippi Chapter of the
1000 American College of Emergency Physicians;



1001 (h) One (1) representative from each designated trauma
1002 care region, to be appointed from a list of nominees submitted by
1003 each region;

1004 (i) One (1) registered nurse to be appointed from a
1005 list of nominees submitted by the Mississippi Emergency Nurses
1006 Association;

1007 (j) One (1) EMT-Paramedic whose employer renders
1008 emergency medical services in a designated trauma care region;

1009 (k) One (1) representative from the Mississippi
1010 Department of Rehabilitation Services;

1011 (l) One (1) member who shall be a person who has been a
1012 recipient of trauma care in Mississippi or who has an immediate
1013 family member who has been a recipient of trauma care in
1014 Mississippi;

1015 (m) One (1) licensed neurosurgeon to be appointed from
1016 a list of nominees presented by the Mississippi State Medical
1017 Association;

1018 (n) One (1) licensed physician with certification or
1019 experience in trauma care to be appointed from a list of nominees
1020 presented by the Mississippi Medical and Surgical Association;

1021 (o) One (1) representative from the Mississippi
1022 Firefighters Memorial Burn Association, to be appointed by the
1023 association's governing body; and



1024 (p) One (1) representative from the Mississippians for
1025 Emergency Medical Services, to be appointed by the association's
1026 governing body.

1027 The terms of the advisory council members shall begin on July
1028 1, 1974. Four (4) members shall be appointed for a term of two
1029 (2) years, three (3) members shall be appointed for a term of
1030 three (3) years, and three (3) members shall be appointed for a
1031 term of four (4) years. Thereafter, members shall be appointed
1032 for a term of four (4) years. The executive officer or his
1033 designated representative shall serve as ex officio chairman of
1034 the advisory council. Advisory council members may hold over and
1035 shall continue to serve until a replacement is named by the
1036 Governor.

1037 The advisory council shall meet at the call of the chairman
1038 at least annually. For attendance at such meetings, the members
1039 of the advisory council shall be reimbursed for their actual and
1040 necessary expenses including food, lodging and mileage as
1041 authorized by law, and they shall be paid per diem compensation
1042 authorized under Section 25-3-69.

1043 The advisory council shall advise and make recommendations to
1044 the board regarding rules and regulations promulgated pursuant to
1045 this chapter.

1046 * * *

1047 **SECTION 25.** Section 41-59-5, Mississippi Code of 1972, is
1048 amended as follows:



1049 41-59-5. (1) The State Board of Health shall establish and
1050 maintain a program for the improvement and regulation of emergency
1051 medical services (hereinafter EMS) in the State of Mississippi.
1052 The responsibility for implementation and conduct of this program
1053 shall be vested in the State Health Officer of the State Board of
1054 Health along with such other officers and boards as may be
1055 specified by law or regulation.

1056 (2) The board shall provide for the regulation and licensing
1057 of public and private ambulance service, inspection and issuance
1058 of permits for ambulance vehicles, training and certification of
1059 EMS personnel, including drivers and attendants, the development
1060 and maintenance of a statewide EMS records program, development
1061 and adoption of EMS regulations, the coordination of an EMS
1062 communications system, and other related EMS activities.

1063 (3) The board is authorized to promulgate and enforce such
1064 rules, regulations and minimum standards as needed to carry out
1065 the provisions of this chapter.

1066 (4) The board is authorized to receive any funds
1067 appropriated to the board from the Emergency Medical Services
1068 Operating Fund created in Section 41-59-61 and is further
1069 authorized, with the Emergency Medical Services Advisory Council
1070 acting in an advisory capacity, to administer the disbursement of
1071 such funds to the counties, municipalities and organized emergency
1072 medical service districts and the utilization of such funds by the
1073 same, as provided in Section 41-59-61.



1074 (5) The department acting as the lead agency, in
1075 consultation with and having solicited advice from the EMS
1076 Advisory Council, shall develop a uniform nonfragmented inclusive
1077 statewide trauma care system that provides excellent patient care.
1078 It is the intent of the Legislature that the purpose of this
1079 system is to reduce death and disability resulting from traumatic
1080 injury, and in order to accomplish this goal it is necessary to
1081 assign additional responsibilities to the department. The
1082 department is assigned the responsibility for creating,
1083 implementing and managing the statewide trauma care system. The
1084 department shall be designated as the lead agency for trauma care
1085 systems development. The department shall develop and administer
1086 trauma regulations that include, but are not limited to, the
1087 Mississippi Trauma Care System Plan, trauma system standards,
1088 trauma center designations, field triage, interfacility trauma
1089 transfer, EMS aero medical transportation, trauma data collection,
1090 trauma care system evaluation and management of state trauma
1091 systems funding. The department shall promulgate regulations
1092 specifying the methods and procedures by which
1093 Mississippi-licensed acute care facilities shall participate in
1094 the statewide trauma system. Those regulations shall include
1095 mechanisms for determining the appropriate level of participation
1096 for each facility or class of facilities. The department shall
1097 also adopt a schedule of fees to be assessed for facilities that
1098 choose not to participate in the statewide trauma care system, or



1099 which participate at a level lower than the level at which they
1100 are capable of participating. The fees paid under this provision
1101 shall be for the exclusive benefit of the statewide trauma care
1102 system and shall not lapse into the State General Fund. The
1103 department shall promulgate rules and regulations necessary to
1104 effectuate this provision by September 1, 2008, with an
1105 implementation date of September 1, 2008. The department shall
1106 take the necessary steps to develop, adopt and implement the
1107 Mississippi Trauma Care System Plan and all associated trauma care
1108 system regulations necessary to implement the Mississippi Trauma
1109 Care System. The department shall cause the implementation of
1110 both professional and lay trauma education programs. These trauma
1111 educational programs shall include both clinical trauma education
1112 and injury prevention. As it is recognized that rehabilitation
1113 services are essential for traumatized individuals to be returned
1114 to active, productive lives, the department shall coordinate the
1115 development of the inclusive trauma system with the Mississippi
1116 Department of Rehabilitation Services and all other appropriate
1117 rehabilitation systems.

1118 (6) The State Board of Health is authorized to receive any
1119 funds appropriated to the board from the Mississippi Trauma Care
1120 Systems Fund created in Section 41-59-75. It is further
1121 authorized, with the Emergency Medical Services Advisory
1122 Council * * * acting in an advisory * * * capacity, to administer
1123 the disbursements of those funds according to adopted trauma care



1124 system regulations. Any Level I trauma care facility or center
1125 located in a state contiguous to the State of Mississippi that
1126 participates in the Mississippi Trauma Care System and has been
1127 designated by the department to perform specified trauma care
1128 services within the Trauma Care System under standards adopted by
1129 the department shall receive a reasonable amount of reimbursement
1130 from the department for the cost of providing trauma care services
1131 to Mississippi residents whose treatment is uncompensated.

1132 (7) In addition to the trauma-related duties provided for in
1133 this section, the Board of Health shall develop a plan for the
1134 delivery of services to Mississippi burn victims through the
1135 existing trauma care system of hospitals. Such plan shall be
1136 operational by July 1, 2005, and shall include:

1137 (a) Systems by which burn patients will be assigned or
1138 transferred to hospitals capable of meeting their needs;

1139 (b) Until the Mississippi Burn Center established at
1140 the University of Mississippi Medical Center under Section
1141 37-115-45 is operational, procedures for allocating funds
1142 appropriated from the Mississippi Burn Care Fund to hospitals that
1143 provide services to Mississippi burn victims; and

1144 (c) Such other provisions necessary to provide burn
1145 care for Mississippi residents, including reimbursement for
1146 travel, lodging, if no free lodging is available, meals and other
1147 reasonable travel-related expenses incurred by burn victims,



1148 family members and/or caregivers, as established by the State
1149 Board of Health through rules and regulations.

1150 After the Mississippi Burn Center established at the
1151 University of Mississippi Medical Center under Section 37-115-45
1152 is operational, the Board of Health shall revise the plan to
1153 include the Mississippi Burn Center.

1154 **SECTION 26.** Section 83-1-201, Mississippi Code of 1972,
1155 which establishes the Windstorm Mitigation Coordinating Council,
1156 is repealed.

1157 **SECTION 27.** Section 83-34-5, Mississippi Code of 1972, is
1158 amended as follows:

1159 83-34-5. The association shall, pursuant to the provisions
1160 of this chapter and the plan of operation, and with respect to
1161 essential property insurance on insurable property, have the
1162 power:

1163 (a) To issue policies of essential property insurance
1164 on insurable property to applicants;

1165 (b) At its option, and with consent of the
1166 commissioner, to issue policies of related essential property
1167 insurance on insurable property to applicants;

1168 (c) To purchase reinsurance for all or part of the
1169 risks of the association;

1170 (d) To levy and collect regular assessments from
1171 assessable insurers;



1172 (e) To issue bonds or incur other forms of
1173 indebtedness, including, but not limited to, loans, lines of
1174 credit or letters of credit;

1175 (f) To establish underwriting criteria consistent with
1176 the provisions of this chapter and as approved by the
1177 commissioner;

1178 (g) To invest and reinvest income and assets subject to
1179 the oversight of the commissioner;

1180 (h) To enter into contractual agreements with third
1181 parties * * * for the purposes of developing and implementing
1182 windstorm mitigation programs; and

1183 (i) All other powers necessary to carry out the
1184 provisions and intent of this chapter.

1185 **SECTION 28.** This act shall take effect and be in force from
1186 and after July 1, 2018.

