

By: Representative Foster

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 955
(As Passed the House)

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 SECTION 39-29-1, MISSISSIPPI CODE OF 1972,
7 WHICH ESTABLISHES THE MISSISSIPPI COMMISSION ON THE HOLOCAUST; TO
8 REPEAL SECTIONS 41-73-1 THROUGH 41-73-45, MISSISSIPPI CODE OF
9 1972, AND SECTIONS 41-73-49 THROUGH 41-73-75, MISSISSIPPI CODE OF
10 1972, WHICH ESTABLISH THE HOSPITAL EQUIPMENT AND AUTHORITY ACT; TO
11 AMEND SECTIONS 7-1-403, 7-7-2, 41-73-47 AND 41-13-25, MISSISSIPPI
12 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO REPEAL
13 SECTIONS 65-33-27 AND 65-33-29, MISSISSIPPI CODE OF 1972, WHICH
14 AUTHORIZE THE ESTABLISHMENT OF A ROAD PROTECTION COMMISSION FOR
15 EACH COUNTY; TO AMEND SECTIONS 65-33-31 AND 65-33-33, MISSISSIPPI
16 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO REPEAL
17 SECTIONS 57-33-1 AND 57-33-3, MISSISSIPPI CODE OF 1972, WHICH
18 AUTHORIZE MISSISSIPPI TO BECOME A PARTY STATE IN THE SOUTHERN
19 GROWTH POLICIES AGREEMENT; TO REPEAL SECTION 83-1-201, MISSISSIPPI
20 CODE OF 1972, WHICH ESTABLISHES THE WINDSTORM MITIGATION
21 COORDINATING COUNCIL; TO AMEND SECTION 83-34-5, MISSISSIPPI CODE
22 OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
23 PURPOSES.

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

25 **SECTION 1.** Sections 43-53-1, 43-53-3, 43-53-5, 43-53-7,
26 43-53-9 and 43-53-11, Mississippi Code of 1972, which establish
27 the Mississippi Leadership Council on Aging, provide for the
28 membership of the council, establish the powers and duties of the



29 council and create the Mississippi Leadership Council on Aging
30 Fund, are repealed.

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

33 99-19-73. (1) **Traffic violations.** In addition to any
34 monetary penalties and any other penalties imposed by law, there
35 shall be imposed and collected the following state assessment from
36 each person upon whom a court imposes a fine or other penalty for
37 any violation in Title 63, Mississippi Code of 1972, except
38 offenses relating to the Mississippi Implied Consent Law (Section
39 63-11-1 et seq.) and offenses relating to vehicular parking or
40 registration:

| 41 FUND | AMOUNT |
|---|-----------|
| 42 State Court Education Fund..... | [Deleted] |
| 43 State Prosecutor Education Fund..... | [Deleted] |
| 44 Vulnerable Persons Training, 45 Investigation and Prosecution Trust Fund..... | [Deleted] |
| 46 Child Support Prosecution Trust Fund..... | [Deleted] |
| 47 Driver Training Penalty Assessment Fund..... | [Deleted] |
| 48 Law Enforcement Officers Training Fund..... | [Deleted] |
| 49 Spinal Cord and Head Injury Trust Fund 50 (for all moving violations)..... | [Deleted] |
| 51 Emergency Medical Services Operating Fund..... | [Deleted] |

52 * * *

53 Law Enforcement Officers and Fire Fighters



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

55 Law Enforcement Officers and Fire Fighters

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

57 State Prosecutor Compensation Fund for the purpose

58 of providing additional compensation for

59 district attorneys and their legal assistants.....[Deleted]

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

61 Drug Court Fund.....[Deleted]

62 Judicial Performance Fund.....[Deleted]

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

64 Indigent Appeals Fund.....[Deleted]

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

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

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

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

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

70 Children's Safe Center Fund.....[Deleted]

71 DuBard School for Language Disorders Fund.....[Deleted]

72 Children's Advocacy Centers Fund.....[Deleted]

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

74 GENERAL FUND.....\$ 90.50

75 (2) **Implied Consent Law violations.** In addition to any

76 monetary penalties and any other penalties imposed by law, there

77 shall be imposed and collected the following state assessment from

78 each person upon whom a court imposes a fine or any other penalty



79 for any violation of the Mississippi Implied Consent Law (Section
80 63-11-1 et seq.):

| 81 | FUND | AMOUNT |
|-----|--|-----------|
| 82 | Crime Victims' Compensation Fund..... | [Deleted] |
| 83 | State Court Education Fund..... | [Deleted] |
| 84 | State Prosecutor Education Fund..... | [Deleted] |
| 85 | Vulnerable Persons Training, | |
| 86 | Investigation and Prosecution Trust Fund..... | [Deleted] |
| 87 | Child Support Prosecution Trust Fund..... | [Deleted] |
| 88 | Driver Training Penalty Assessment Fund..... | [Deleted] |
| 89 | Law Enforcement Officers Training Fund..... | [Deleted] |
| 90 | Emergency Medical Services Operating Fund..... | [Deleted] |
| 91 | Mississippi Alcohol Safety Education Program Fund..... | [Deleted] |
| 92 | Federal-State Alcohol Program Fund..... | [Deleted] |
| 93 | Mississippi Forensics Laboratory | |
| 94 | Implied Consent Law Fund..... | [Deleted] |
| 95 | Spinal Cord and Head Injury Trust Fund..... | [Deleted] |
| 96 | Capital Defense Counsel Fund..... | [Deleted] |
| 97 | Indigent Appeals Fund..... | [Deleted] |
| 98 | Capital Post-Conviction Counsel Fund..... | [Deleted] |
| 99 | Victims of Domestic Violence Fund..... | [Deleted] |
| 100 | Law Enforcement Officers and Fire Fighters | |
| 101 | Death Benefits Trust Fund..... | [Deleted] |
| 102 | Law Enforcement Officers and Fire Fighters | |
| 103 | Disability Benefits Trust Fund..... | [Deleted] |



104 State Prosecutor Compensation Fund for the purpose
 105 of providing additional compensation for
 106 district attorneys and their legal assistants.....[Deleted]
 107 Crisis Intervention Mental Health Fund.....[Deleted]
 108 Drug Court Fund.....[Deleted]
 109 Statewide Victims' Information and
 110 Notification System Fund.....[Deleted]
 111 Public Defenders Education Fund.....[Deleted]
 112 Domestic Violence Training Fund.....[Deleted]
 113 Attorney General's Cyber Crime Unit.....[Deleted]
 114 GENERAL FUND.....\$ 243.50

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

| 121 FUND | AMOUNT |
|---|-----------|
| 122 State Court Education Fund..... | [Deleted] |
| 123 State Prosecutor Education Fund..... | [Deleted] |
| 124 Vulnerable Persons Training, 125 Investigation and Prosecution Trust Fund..... | [Deleted] |
| 126 Law Enforcement Officers Training Fund..... | [Deleted] |
| 127 Hunter Education and Training Program Fund..... | [Deleted] |
| 128 Law Enforcement Officers and Fire Fighters | |



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

130 Law Enforcement Officers and Fire Fighters

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

132 State Prosecutor Compensation Fund for the purpose

133 of providing additional compensation for district

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

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

136 Drug Court Fund.....[Deleted]

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

138 Indigent Appeals Fund.....[Deleted]

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

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

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

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

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

144 GENERAL FUND.....\$ 89.00

145 (4) [Deleted]

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

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

148 this section, there shall be imposed and collected the following

149 state assessment from each person upon whom a court imposes a fine

150 or other penalty for driving a vehicle on a road or highway:

151 (a) At a speed that exceeds the posted speed limit by

152 at least ten (10) miles per hour but not more than twenty (20)

153 miles per hour.....\$10.00



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

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

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

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

163 All assessments collected under this subsection shall be
164 deposited into the State General Fund.

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

| 172 FUND | AMOUNT |
|---|-------------|
| 173 Crime Victims' Compensation Fund..... | [\$Deleted] |
| 174 State Court Education Fund..... | [Deleted] |
| 175 State Prosecutor Education Fund..... | [Deleted] |
| 176 Vulnerable Persons Training, Investigation 177 and Prosecution Trust Fund..... | [Deleted] |
| 178 Child Support Prosecution Trust Fund..... | [Deleted] |



- 179 Law Enforcement Officers Training Fund..... [Deleted]
- 180 Capital Defense Counsel Fund..... [Deleted]
- 181 Indigent Appeals Fund..... [Deleted]
- 182 Capital Post-Conviction Counsel Fund..... [Deleted]
- 183 Victims of Domestic Violence Fund..... [Deleted]
- 184 State Crime Stoppers Fund..... [Deleted]
- 185 Law Enforcement Officers and Fire Fighters
- 186 Death Benefits Trust Fund..... [Deleted]
- 187 Law Enforcement Officers and Fire Fighters
- 188 Disability Benefits Trust Fund..... [Deleted]
- 189 State Prosecutor Compensation Fund for the purpose
- 190 of providing additional compensation for
- 191 district attorneys and their legal assistants..... [Deleted]
- 192 Crisis Intervention Mental Health Fund..... [Deleted]
- 193 Drug Court Fund..... [Deleted]
- 194 Judicial Performance Fund..... [Deleted]
- 195 Statewide Victims' Information and
- 196 Notification System Fund..... [Deleted]
- 197 Public Defenders Education Fund..... [Deleted]
- 198 Domestic Violence Training Fund..... [Deleted]
- 199 Attorney General's Cyber Crime Unit..... [Deleted]
- 200 Information Exchange Network Fund..... [Deleted]
- 201 Motorcycle Officer Training Fund..... [Deleted]
- 202 Civil Legal Assistance Fund..... [Deleted]
- 203 Justice Court Collections Fund..... [Deleted]



204 Municipal Court Collections Fund.....[Deleted]

205 GENERAL FUND.....\$121.75

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

212 FUND AMOUNT

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

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

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

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

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

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

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

221 Indigent Appeals Fund.....[Deleted]

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

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

224 Criminal Justice Fund.....[Deleted]

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

227 Law Enforcement Officers and Fire Fighters

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



229 State Prosecutor Compensation Fund for the purpose
 230 of providing additional compensation for
 231 district attorneys and their legal assistants.....[Deleted]
 232 Crisis Intervention Mental Health Fund.....[Deleted]
 233 Drug Court Fund.....[Deleted]
 234 Statewide Victims' Information and
 235 Notification System Fund.....[Deleted]
 236 Public Defenders Education Fund.....[Deleted]
 237 Domestic Violence Training Fund.....[Deleted]
 238 Attorney General's Cyber Crime Unit.....[Deleted]
 239 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 240 GENERAL FUND.....\$280.50

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

242 (a) **Railroad crossing violations.** In addition to any
 243 monetary penalties and any other penalties imposed by law, there
 244 shall be imposed and collected the following state assessment in
 245 addition to all other state assessments due under this section
 246 from each person upon whom a court imposes a fine or other penalty
 247 for any violation involving railroad crossings under Section
 248 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

249 Operation Lifesaver Fund.....\$25.00

250 (b) **Drug violations.** In addition to any monetary
 251 penalties and any other penalties imposed by law, there shall be
 252 imposed and collected the following state assessment in addition
 253 to all other state assessments due under this section from each



254 person upon whom a court imposes a fine or other penalty for any
255 violation of Section 41-29-139:

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

257 (9) If a fine or other penalty imposed is suspended, in
258 whole or in part, such suspension shall not affect the state
259 assessment under this section. No state assessment imposed under
260 the provisions of this section may be suspended or reduced by the
261 court.

262 (10) (a) After a determination by the court of the amount
263 due, it shall be the duty of the clerk of the court to promptly
264 collect all state assessments imposed under the provisions of this
265 section. The state assessments imposed under the provisions of
266 this section may not be paid by personal check.

267 (b) It shall be the duty of the chancery clerk of each
268 county to deposit all state assessments collected in the circuit,
269 county and justice courts in the county on a monthly basis with
270 the State Treasurer pursuant to appropriate procedures established
271 by the State Auditor. The chancery clerk shall make a monthly
272 lump-sum deposit of the total state assessments collected in the
273 circuit, county and justice courts in the county under this
274 section, and shall report to the Department of Finance and
275 Administration the total number of violations under each
276 subsection for which state assessments were collected in the
277 circuit, county and justice courts in the county during that
278 month.



279 (c) It shall be the duty of the municipal clerk of each
280 municipality to deposit all the state assessments collected in the
281 municipal court in the municipality on a monthly basis with the
282 State Treasurer pursuant to appropriate procedures established by
283 the State Auditor. The municipal clerk shall make a monthly
284 lump-sum deposit of the total state assessments collected in the
285 municipal court in the municipality under this section, and shall
286 report to the Department of Finance and Administration the total
287 number of violations under each subsection for which state
288 assessments were collected in the municipal court in the
289 municipality during that month.

290 (11) It shall be the duty of the Department of Finance and
291 Administration to deposit on a monthly basis all state assessments
292 into the State General Fund or proper special fund in the State
293 Treasury. The Department of Finance and Administration shall
294 issue regulations providing for the proper allocation of these
295 funds.

296 (12) The State Auditor shall establish by regulation
297 procedures for refunds of state assessments, including refunds
298 associated with assessments imposed before July 1, 1990, and
299 refunds after appeals in which the defendant's conviction is
300 reversed. The Auditor shall provide in the regulations for
301 certification of eligibility for refunds and may require the
302 defendant seeking a refund to submit a verified copy of a court
303 order or abstract by which the defendant is entitled to a refund.



304 All refunds of state assessments shall be made in accordance with
305 the procedures established by the Auditor.

306 **SECTION 3.** Section 39-29-1, Mississippi Code of 1972, which
307 establishes the Mississippi Commission on the Holocaust, is
308 repealed.

309 **SECTION 4.** Sections 41-73-1, 41-73-3, 41-73-5, 41-73-7,
310 41-73-9, 41-73-11, 41-73-13, 41-73-15, 41-73-17, 41-73-19,
311 41-73-21, 41-73-23, 41-73-25, 41-73-27, 41-73-29, 41-73-31,
312 41-73-33, 41-73-35, 41-73-37, 41-73-39, 41-73-41, 41-73-43,
313 41-73-45, 41-73-49, 41-73-51, 41-73-53, 41-73-55, 41-73-57,
314 41-73-59, 41-73-61, 41-73-63, 41-73-65, 41-73-67, 41-73-69,
315 41-73-71, 41-73-73 and 41-73-75, Mississippi Code of 1972, which
316 establish the Hospital Equipment and Authority Act, provide the
317 powers and responsibilities of the authority, and authorize the
318 authority to issue bonds, are repealed.

319 **SECTION 5.** Section 7-1-403, Mississippi Code of 1972, is
320 amended as follows:

321 7-1-403. (1) The Bond Advisory Division is hereby granted
322 the authority and charged with the responsibility to perform the
323 following duties:

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



328 (b) To require all state agencies authorized to incur
329 bonded indebtedness, in addition to cooperation required in
330 subsection (a), to submit written notice of intent to sell bonds
331 at least thirty (30) days prior to requesting the State Bond
332 Commission to approve the sale of such bonds. Such notification
333 shall contain such information as may be required by the director.
334 However, with the concurrence of the State Fiscal Officer, in
335 cases of emergency the requirement of thirty (30) days' notice may
336 be waived by the director.

337 (c) To require all state agencies or political
338 subdivisions to submit annual financial reports, and such other
339 interim reports as deemed necessary, on projects financed by state
340 revenue bonds or by state bonds which have the general obligation
341 pledge of the state, but which are primarily backed by specified
342 revenues.

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

346 (i) Amount of principal of the bonds issued and
347 the rates of interest;

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

350 (iii) The overall average interest rate to be paid
351 on each issue;

352 (iv) The name of the paying agent;



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

355 (vi) The statutes under which such bonds were
356 issued and the statutory authority for all bonds authorized,
357 whether issued or unissued.

358 (e) To maintain a close working relationship with the
359 Mississippi Development Authority, the University Research Center
360 and the Commissioner of Revenue in order to obtain current
361 information concerning the economic, financial and growth
362 conditions of the state and such other information necessary to
363 properly comply with the intent of Sections 7-1-401 and 7-1-403.

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

367 (g) To make continuing studies and investigations of
368 government bond interest costs throughout the United States of
369 America and to advise the Governor, the State Bond Commission and
370 the Legislature concerning market conditions and credit condition
371 of the state.

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



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

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

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

388 (l) To maintain a personal relationship with rating
389 agencies and state bond investors, including the responsibility to
390 invite people in the national financial community to visit our
391 state in order for them to better understand our undertakings, and
392 to incur and pay all expenses in connection with the
393 administration and function of the division, including information
394 meetings or other appropriate forms of communication. All such
395 expenses for these trips shall be paid from appropriations made
396 for the operation of this division.

397 (m) To cooperate with and provide assistance to
398 counties, municipalities and other political subdivisions when the
399 respective governing authorities request such assistance regarding
400 matters of financial and credit administration and in the
401 preparation of materials and information required to be used in
402 connection with credit ratings and the sale of bonds.



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

405 (o) To maintain a complete record of the name and
406 business address of any person, firm, corporation or other entity
407 deriving any income for services performed with respect to any
408 bonds issued after May 16, 1988, by the State Bond Commission,
409 State Development Bank, Mississippi Housing Finance Corporation,
410 Certified Development Company of Mississippi, Inc., * * * or any
411 other entity issuing bonds or notes of the State of Mississippi.
412 The report shall specify the amount of funds, whether from bond
413 proceeds or otherwise, paid or to be paid to each such person or
414 entity for services performed for each such bond issue. The
415 initial report shall be made available on or before January 15,
416 1989, to the Clerk of the House of Representatives and to the
417 Secretary of the Senate. All subsequent updated reports shall be
418 submitted on or before January 15 of each year to the Clerk of the
419 House of Representatives, the Secretary of the Senate, the
420 Chairman of the House Ways and Means Committee and the Chairman of
421 the Senate Finance Committee. The State Bond Attorney shall
422 annually compile a list of all local bond issues, itemizing the
423 name of the issuer, a description of the issue, the amount of the
424 bonds issued and the name and address of the person acting as bond
425 counsel on the issue. Such list shall be submitted on or before
426 January 15 of each year to the Clerk of the House of
427 Representatives, the Secretary of the Senate, the Chairman of the



428 House Ways and Means Committee, the Chairman of the Senate Finance
429 Committee, and the Joint Performance Evaluation and Expenditure
430 Review Committee (PEER). The reports required to be compiled
431 pursuant to this paragraph shall be posted on the Department of
432 Finance and Administration's website by not later than January 15
433 of each year.

434 **SECTION 6.** Section 7-7-2, Mississippi Code of 1972, is
435 amended as follows:

436 7-7-2. (1) The Mississippi General Accounting Office and
437 the State Fiscal Officer, acting through the Bureau of Budget and
438 Fiscal Management, shall be the Department of Public Accounts
439 formerly in the Office of the State Auditor of Public Accounts.

440 (2) The words "State Auditor of Public Accounts," "State
441 Auditor" and "Auditor" appearing in the laws of this state in
442 connection with the performance of Auditor's functions shall mean
443 the State Fiscal Officer, and, more particularly, such words or
444 terms shall mean the State Fiscal Officer whenever they appear in
445 Sections 5-1-57, 5-1-59, 5-3-23, 7-1-33, 7-1-63, 7-3-29, 7-5-31,
446 7-11-25, 17-13-11, 9-1-36, 9-3-7, 9-3-23, 9-3-27, 9-3-29, 9-3-45,
447 11-35-11, 11-45-1, 21-33-47, 21-33-401, 23-5-215, 25-1-75,
448 25-1-81, 25-1-95, 25-1-98, 25-3-41, 25-3-51, 25-3-53, 25-3-55,
449 25-3-57, 25-3-59, 25-3-97, 25-7-7, 25-7-83, 25-9-135, 25-31-8,
450 25-31-10, 25-31-37, 27-1-35, 27-3-43, 27-3-45, 27-3-57, 27-3-59,
451 27-5-22, 27-5-103, 27-7-45, 27-7-313, 27-9-49, 27-11-3, 27-13-55,
452 27-15-203, 27-15-239, 27-15-241, 27-21-13, 27-29-1, 27-29-5,



453 27-29-11, 27-29-13, 27-29-15, 27-29-17, 27-29-25, 27-29-33,
454 27-31-109, 27-33-11, 27-33-41, 27-33-45, 27-33-47, 27-35-121,
455 27-35-149, 27-37-303, 27-39-13, 27-39-319, 27-41-19, 27-41-23,
456 27-41-25, 27-41-27, 27-41-41, 27-41-75, 27-45-1, 27-45-13,
457 27-45-19, 27-49-5, 27-49-9, 27-55-19, 27-55-47, 27-55-555,
458 27-57-35, 27-59-51, 27-65-51, 27-65-53, 27-67-29, 27-69-3,
459 27-69-73, 27-69-77, 27-71-301, 27-71-305, 27-71-339, 27-73-1,
460 27-73-7, 27-73-11, 27-103-55, 27-103-67, 27-105-7, 27-105-19,
461 27-105-21, 27-105-23, 27-105-33, 27-107-11, 27-107-59, 27-107-81,
462 27-107-101, 27-107-121, 27-107-141, 27-107-157, 27-107-173,
463 29-1-27, 29-1-79, 29-1-85, 29-1-87, 29-1-93, 29-1-95, 29-1-111,
464 31-3-17, 31-7-9, 31-9-15, 31-17-3, 31-17-59, 31-17-105, 31-19-17,
465 31-19-19, 31-19-21, 31-19-23, 31-5-15, 33-9-11, 35-7-45, 35-9-3,
466 35-9-5, 35-9-27, 35-9-29, 35-9-33, 37-3-7, 37-3-15, 37-3-17,
467 37-3-39, 37-13-33, 37-19-27, 37-19-29, 37-19-45, 37-19-47,
468 37-25-27, 37-27-17, 37-29-165, 37-31-41, 37-33-31, 37-33-71,
469 37-43-47, 37-101-103, 37-101-149, 37-109-25, 37-113-5, 37-133-7,
470 39-1-31, 39-3-109, 41-3-13, 41-4-19, 41-7-25, * * * 43-9-35,
471 43-13-113, 43-29-29, 45-1-11, 45-1-23, 47-5-77, 47-5-155, 49-1-65,
472 49-5-21, 49-5-97, 49-17-69, 49-19-1, 51-5-15, 51-33-77, 51-33-79,
473 51-33-81, 51-33-87, 53-1-77, 55-3-41, 57-4-21, 57-9-5, 57-10-123,
474 57-13-7, 57-13-19, 57-15-5, 59-5-53, 59-7-103, 59-9-71, 59-17-47,
475 63-19-51, 65-1-111, 65-1-117, 65-9-9, 65-9-17, 65-9-25, 65-11-43,
476 65-11-45, 65-23-107, 65-26-7, 65-26-35, 69-9-5, 69-15-113,
477 71-5-359, 73-5-5, 73-6-9, 73-19-13, 73-36-17, 75-75-109, 77-3-89,



478 77-9-493, 77-11-201, 81-1-49, 83-1-13, 83-1-37, 83-1-39, 83-43-7,
479 83-43-21, 89-11-27, 97-11-29, 97-21-1, 97-21-61 and 99-15-19,
480 Mississippi Code of 1972.

481 **SECTION 7.** Section 41-73-47, Mississippi Code of 1972, is
482 amended as follows:

483 41-73-47. The commissioners or board of trustees of any
484 hospital owned or operated separately or jointly by one or more
485 counties, cities, towns, supervisors districts or election
486 districts, or combination thereof, organized and existing pursuant
487 to Section 41-13-1 et seq., are hereby authorized to enter into a
488 lease, installment purchase contract, sale agreement or loan
489 agreement with * * * any participating hospital institution, in
490 connection with the financing, refinancing or receiving
491 reimbursement for all or any part of the cost of hospital
492 equipment or hospital facilities, or in order to sell or borrow
493 against receivables * * *, to document any payment obligation or
494 debt thereby acquired by executing one or more notes, bonds or
495 other written evidences of obligation or indebtedness, to secure
496 any such payment obligation or debt by entering into one or more
497 security agreements, indentures or other written pledges of
498 collateral rights or security interests in hospital equipment,
499 hospital facilities or in the revenues of a hospital institution,
500 and to enter into contracts in connection with guarantees and
501 letters of credit issued to secure obligations incurred under such
502 lease, installment purchase contract, sale agreement or loan



503 agreement. Any payments due under such lease, installment
504 purchase contract, sale agreement or loan agreement, and any
505 obligation incurred under such guarantee or letter of credit may
506 be secured by a pledge of the revenues of the participating
507 hospital institution and such pledge, if made, may be on a parity
508 with or subordinate to any present or future indebtedness of the
509 hospital or of the political subdivision or subdivisions which own
510 the participating hospital institution, all as shall be provided
511 in the contract * * *. If required to qualify for any program
512 whereby such payments of the participating hospital institution or
513 obligations of the authority backed in whole or in part by such
514 payments will be secured or guaranteed directly or indirectly by
515 the Federal Housing Administration, the Farmers Home
516 Administration or any other agency or instrumentality of the
517 United States Government, the owner or owners of the participating
518 hospital institution may enter into one or more mortgages, deeds
519 of trust or other instruments to grant a security interest in a
520 hospital facility, or any part thereof, or in hospital equipment.
521 No existing indebtedness may be refunded, refinanced or otherwise
522 retired in advance of the due date of such indebtedness pursuant
523 to this section unless such refunding, refinancing or retirement
524 of such indebtedness will result in a net savings to the hospital
525 incurring such indebtedness. Any indebtedness or liability
526 incurred pursuant to this section shall not constitute
527 indebtedness for the purpose of any statutory limitation of



528 indebtedness. Except with regard to refundings or refinancings of
529 existing indebtedness and with regard to obligations subject to
530 unilateral termination by a hospital institution on at least an
531 annual basis, for none of which any such consent shall be
532 required, no payment obligation or debt shall be entered into
533 under authority of this section unless each owner of a hospital
534 institution first has given its written consent to the maximum
535 principal amount of obligation or debt that may be incurred and
536 the maximum time for payment thereof, neither of which maximums
537 may be exceeded.

538 **SECTION 8.** Section 41-13-25, Mississippi Code of 1972, is
539 amended as follows:

540 41-13-25. The board of supervisors acting for a county,
541 supervisors district or districts or an election district of such
542 county, and the board of aldermen, city council or other like
543 governing body acting for a city or town, are hereby authorized
544 and empowered to levy ad valorem taxes on all the taxable property
545 of such counties, cities, towns, supervisors district or election
546 district for the purposes of raising funds for the maintenance and
547 operation of hospitals, nurses' homes, health centers, health
548 departments, diagnostic or treatment centers, rehabilitation
549 facilities, nursing homes and related facilities established under
550 the provisions of Sections 41-13-15 through 41-13-51, and for
551 making additions and improvements thereto and to pledge such ad
552 valorem taxes, whether or not actually levied, for the retirement



553 of debt incurred either by or on behalf of such facilities * * *;
554 however, any debt incurred by the pledge of taxes to retire debt
555 incurred either by or on behalf of such facilities * * * shall not
556 be included in debt limits prescribed by Section 19-9-5 or Section
557 21-33-303, as the case may be * * * until such pledged taxes are
558 actually levied. The amount levied for such purpose shall not
559 exceed five (5) mills on the dollar in any one (1) year.
560 Expenditures of said taxes for such additions and improvements
561 shall not exceed in any fiscal year the total amount budgeted
562 therefor by the board of trustees for the respective institutions
563 affected. The tax levy authorized in this section shall be in
564 addition to all other taxes now or hereafter authorized to be
565 levied by such counties, cities, towns, supervisors districts or
566 election district.

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

574 **SECTION 9.** Sections 65-33-27 and 65-33-29, Mississippi Code
575 of 1972, which authorize the establishment of a road protection
576 commission for each county and provide for the organization of the
577 commission, are repealed.



578 **SECTION 10.** Section 65-33-31, Mississippi Code of 1972, is
579 amended as follows:

580 65-33-31. Whenever it shall become necessary to construct,
581 widen, or protect any highway under the provisions hereof,
582 the * * * board of supervisors shall make publication for thirty
583 (30) days in some newspaper published in the county wherein such
584 improvements are made, setting forth the commencement and
585 termination, with a general outline of the nature and extent
586 thereof. When any owner of land or other person shall claim
587 compensation for land taken for such purpose, or for damage
588 sustained by the construction, widening, improvement, or
589 protection of such road or highway, he shall petition the board of
590 supervisors in writing within thirty (30) days after the
591 expiration of the time provided for such publication, setting
592 forth the nature and character of the damages claimed. Thereupon
593 the board shall, on five (5) days' notice to petitioner, go on the
594 premises and assess the damages sustained by him. The finding of
595 the board shall be in writing, signed by the members agreeing to
596 it, and must be entered on the minutes at the next meeting; but if
597 the damages sustained and claimed be less than the cost of
598 assessing, the board may allow the same without inquiry.

599 **SECTION 11.** Section 65-33-33, Mississippi Code of 1972, is
600 amended as follows:

601 65-33-33. All proceedings of the board of supervisors * * *
602 in widening, improving, or protecting any such highway and



603 assessing damages therefor may be reviewed by the circuit court in
604 respect to any matter of law arising on the face of the
605 proceeding. On the question of damages, the case may be tried
606 anew and the damages may be assessed by a jury if the owner of the
607 land so desires. The board of supervisors shall grant appeals for
608 that purpose when prayed for, on appellant giving bond for cost in
609 such penalty as the board may require, not exceeding Two Hundred
610 Dollars (\$200.00), payable to the county.

611 **SECTION 12.** Sections 57-33-1 and 57-33-3, Mississippi Code
612 of 1972, which authorize Mississippi to become a party state in
613 the Southern Growth Policies Agreement, are repealed.

614 **SECTION 13.** Section 83-1-201, Mississippi Code of 1972,
615 which establishes the Windstorm Mitigation Coordinating Council,
616 is repealed.

617 **SECTION 14.** Section 83-34-5, Mississippi Code of 1972, is
618 amended as follows:

619 83-34-5. The association shall, pursuant to the provisions
620 of this chapter and the plan of operation, and with respect to
621 essential property insurance on insurable property, have the
622 power:

623 (a) To issue policies of essential property insurance
624 on insurable property to applicants;

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



628 (c) To purchase reinsurance for all or part of the
629 risks of the association;

630 (d) To levy and collect regular assessments from
631 assessable insurers;

632 (e) To issue bonds or incur other forms of
633 indebtedness, including, but not limited to, loans, lines of
634 credit or letters of credit;

635 (f) To establish underwriting criteria consistent with
636 the provisions of this chapter and as approved by the
637 commissioner;

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

640 (h) To enter into contractual agreements with third
641 parties * * * for the purposes of developing and implementing
642 windstorm mitigation programs; and

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

645 **SECTION 15.** This act shall take effect and be in force from
646 and after July 1, 2018.

