

By: Representatives Lamar, Shanks, Wallace

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1020

1 AN ACT TO CREATE INFERIOR COURTS IN THE CAPITOL COMPLEX  
2 IMPROVEMENT DISTRICT (CCID) TO HEAR ALL MATTERS OCCURRING OR  
3 ACCRUING IN THE BOUNDARIES OF THE CAPITOL COMPLEX IMPROVEMENT  
4 DISTRICT; TO PROVIDE JUDGES FOR THE DISTRICT THAT SHALL POSSESS  
5 THE SAME QUALIFICATIONS AS CIRCUIT AND CHANCERY COURT JUDGES; TO  
6 PROVIDE FOR THE APPOINTMENT OF THE JUDGES; TO PROVIDE FOR THE  
7 SALARY AND OPERATING ALLOWANCE OF THE JUDGES; TO REQUIRE THE  
8 ATTORNEY GENERAL TO APPOINT ATTORNEYS TO PROSECUTE CASES WITHIN  
9 THE JURISDICTION OF THE DISTRICT; TO REQUIRE THE STATE DEFENDER TO  
10 APPOINT PUBLIC DEFENDERS FOR DEFENDANTS WHO FALL WITHIN THE  
11 JURISDICTION OF THE DISTRICT; TO PROVIDE FOR THE APPOINTMENT OF A  
12 CLERK AND DEPUTY CLERK FOR THE DISTRICT; TO REQUIRE THE CLERK TO  
13 MAINTAIN A JURY BOX; TO DESCRIBE THE JURISDICTION OF THE CCID  
14 COURTS AS ALL MATTERS THAT OCCUR OR ACCRUE WITHIN THE BOUNDARIES  
15 OF THE CAPITAL COMPLEX IMPROVEMENT DISTRICT; TO PROVIDE THE POWERS  
16 OF THE JUDGES OF THE COURTS; TO AUTHORIZE JURISDICTION FOR ACTIONS  
17 THAT OCCUR OR ACCRUE WITHIN THE DISTRICT; TO PROVIDE THAT THE CCID  
18 COURTS SHALL HAVE JURISDICTION OVER ALL ACTIONS IN WHICH THE STATE  
19 OF MISSISSIPPI IS LISTED AS A PARTY TO THE ACTION; TO AMEND  
20 SECTION 29-5-203, MISSISSIPPI CODE OF 1972, TO REVISE THE  
21 BOUNDARIES OF THE CAPITOL COMPLEX IMPROVEMENT DISTRICT, FOR  
22 PURPOSES OF AMENDMENT; TO AMEND SECTION 9-1-105, MISSISSIPPI CODE  
23 OF 1972, WHICH AUTHORIZES THE MISSISSIPPI SUPREME COURT TO APPOINT  
24 SPECIAL JUDGES, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION  
25 9-1-107, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR APPOINTMENT  
26 OF SENIOR STATUS JUDGES, FOR PURPOSES OF AMENDMENT; TO AMEND  
27 SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO REVISE THE  
28 DISTRIBUTION OF STATE SALES TAX REVENUE; TO AMEND SECTIONS  
29 75-79-29, 63-19-29, 79-11-289, 83-6-41, 79-4-16.04, 41-26-31,  
30 75-71-602, 73-73-33, 83-5-49, 73-63-49, 83-17-521, 83-38-19,  
31 83-6-35, 83-17-423, 73-43-17, 69-7-667, 51-9-209, 73-69-33,  
32 81-27-7.105, 43-33-755, 43-33-741, 41-137-59, 41-9-309, 73-1-31,  
33 41-21-81, 73-33-11, 83-49-31, 79-22-27, 51-9-141, 75-89-21,  
34 81-27-6.104, 89-12-41, 83-1-161, 83-2-31, 77-11-5, 77-3-413,



35 79-37-116, 79-11-117, 79-11-353, 79-11-357, 79-11-389, 41-43-7,  
36 79-13-1109, 1-1-9, 73-21-163, 51-9-109, 41-26-21, 83-34-19,  
37 83-19-109, 43-27-225, 69-15-67, 51-9-113, 69-25-59, 81-27-4.108,  
38 57-44-27, 39-17-119, 43-33-783, 57-1-323, 83-31-137, 65-39-21,  
39 53-11-31, 37-101-321, 79-13-1006, 65-1-161, 83-24-99, 83-24-25,  
40 75-25-29, 75-89-19, 57-67-23, 63-1-218, 29-5-93, 77-3-409,  
41 79-29-1027, 79-4-1.26, 79-4-15.33, 79-29-827, 41-21-89, 83-31-175,  
42 51-9-111, 79-4-13.30, 73-13-37, 69-15-63, 75-59-5, 75-89-23,  
43 41-71-11, 29-7-21, 83-17-83, 83-24-9, 83-24-101, 73-53-25,  
44 75-56-27, 75-29-205, 75-58-15, 31-17-181, 45-14-21, 79-4-14.23,  
45 79-29-209, 79-4-14.08, 41-9-31, 41-29-131, 73-43-14, 51-9-117,  
46 73-60-7, 31-31-33, 43-13-223, 45-45-17, 77-3-733, 77-3-75,  
47 49-17-44, 37-145-35, 37-17-5, 79-4-8.09, 73-7-27, 83-41-349,  
48 73-13-93, 73-34-43, 83-1-155, 79-14-813, 79-4-7.20, 79-14-808,  
49 41-77-21, 75-71-609, 65-43-29, 83-9-23, 79-11-355, 79-11-131,  
50 53-9-67, 73-19-43, 73-39-81, 73-25-30, 81-18-19, 79-11-201,  
51 79-14-204, 37-119-7, 41-51-29, 41-21-83, 73-59-13, 75-63-69,  
52 75-25-7, 75-89-39, 75-35-325, 63-17-99, 73-36-33, 25-9-177,  
53 81-14-175, 81-18-39, 81-12-205, 41-75-23, 99-41-13, 27-35-309,  
54 65-1-46, 73-4-19, 89-12-59, 75-27-113, 79-11-213, 79-29-913,  
55 73-21-191, 7-5-309, 27-3-33, 97-33-315, 67-1-39, 41-21-103,  
56 83-24-35, 73-9-65, 23-17-13, 81-18-43, 97-45-25, 73-35-25,  
57 83-41-363, 83-41-339, 75-60-4, 73-7-37, 79-14-210, 73-11-57,  
58 31-3-23, 27-35-163, 9-9-19, 79-11-509, 43-11-23, 37-9-75,  
59 75-15-27, 73-23-63, 53-9-55, 69-7-616, 43-33-729, 77-3-22,  
60 75-29-604, 77-1-53, 53-1-39, 83-31-107, 73-24-25, 27-77-13,  
61 81-5-85, 75-49-13, 77-7-295, 75-9-501.1, 97-17-71.1, 79-29-803,  
62 75-60-19, 75-45-182, 93-11-157, 73-6-19, 73-1-29, 73-73-31,  
63 73-21-103, 41-7-201, 73-2-16, 73-9-61, 83-31-153, 53-9-69,  
64 73-63-43, 31-25-37, 57-1-255, 41-7-197, 57-67-15, 25-11-105,  
65 25-9-132, 71-5-357, 27-77-7, 57-75-15, 25-11-120, 37-3-2,  
66 71-5-355, 43-13-121, 83-6-33, 55-23-33, 99-11-37, 69-7-209,  
67 25-4-109, 83-53-43, 65-26-29, 37-101-279, 55-23-13, 83-53-41,  
68 29-5-107, 31-29-15, 37-47-59, 83-53-37, 69-2-15, 27-35-527,  
69 61-1-45, 73-30-11, 37-104-27, 59-5-49, 59-17-39, 71-15-7, 83-5-47,  
70 37-115-48, 83-5-39, 83-53-33, 73-4-33, 69-5-25, 83-53-15,  
71 11-11-15, 73-3-2, 23-15-931, 21-29-217, 73-30-21, 25-4-107,  
72 83-54-27, 79-29-819, 37-101-292, 81-25-171, 83-5-43, 25-11-11,  
73 41-29-187, 25-4-21, 77-1-47, 37-101-291, 25-5-1, 83-23-215,  
74 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO  
75 BRING FORWARD SECTIONS 9-9-15, 55-23-6, 79-4-16.05, 9-5-19,  
76 79-4-7.48, 79-4-7.03, 75-55-37, 79-4-14.31, 55-23-35, 55-23-23,  
77 9-7-23, 55-23-41, 9-5-17, 25-3-25, 9-3-31, 99-11-39, 73-1-41,  
78 23-15-1037, 55-23-15, 29-5-213, 79-11-345, 65-3-3, 55-23-21,  
79 39-23-3, 9-4-5, 55-23-25, 69-5-103, 79-4-14.07, 79-14-807,  
80 29-3-157, 41-11-11, 23-15-813, 47-5-931, 41-7-191, 43-13-145,  
81 67-1-5, 13-3-63, 37-101-15, 9-7-25, 37-27-80, 29-1-205, 55-23-5,  
82 29-1-203, 77-6-7, 99-35-127, 31-27-23, 33-11-17, 29-5-113,  
83 69-1-47, 37-125-5, 19-1-49, 29-5-111, 37-115-105, 45-1-19,  
84 37-115-27, 55-23-39, 49-5-94, 73-29-39, 73-36-36, 5-8-17 AND  
85 29-1-201, FOR POSSIBLE AMENDMENT AND FOR RELATED PURPOSES.



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

**SECTION 1.** There shall be created two (2) inferior courts as authorized by Article 6, Section 172 of the Mississippi Constitution of 1890, to be located within the boundaries established in Section 29-5-203 for the Capitol Complex Improvement District, hereinafter referred to as "CCID".

**SECTION 2.** (1) Each Capitol Complex Improvement District (CCID) judge shall possess all qualifications required by law for circuit and chancery court judges. Each judge of the court shall be a qualified elector of this state, and shall have such other qualifications as provided for by law. Each judge shall be appointed by the Chief Justice of the Mississippi Supreme Court to serve four (4) year terms. Vacancies in the office shall be filled in the same manner provided by law for vacancies in the office of circuit judge.

(2) The persons appointed as judges for the CCID shall not practice law in any of the courts of the state.

(3) Each CCID judge shall be paid an annual salary equal to the amount provided by law for circuit and chancery judges. The annual compensation of the judges shall be increased any time the annual salaries for circuit and chancery judges are increased.

(4) Each CCID judge shall be provided an operating allowance equal to the amounts authorized in Section 9-1-36.

(5) The Administrative Office of Courts shall provide monies for the office operating allowances, salaries for support



staff and judges in the same manner as the ones provided to circuit and chancery judges upon annual appropriation by the Legislature.

**SECTION 3.** (1) (a) The Attorney General shall appoint four (4) attorneys to serve as prosecuting attorneys for the Capitol Complex Improvement District (CCID). The attorneys shall prosecute all cases therein, in the same manner and with the same authority of law provided for district attorneys and county prosecuting attorneys.

(b) The Attorney General shall provide support staff and any other staff necessary to carry out the functions and duties for prosecuting attorneys.

(c) The Attorney General shall provide funding for the salaries for support staff and prosecuting attorneys in the same amounts and in the same manner as provided to district attorneys and assistant district attorneys by law.

(2) (a) The State Defender of the Office of State Public Defender shall appoint four (4) attorneys to serve as public defenders on an as needed basis within the CCID court.

(b) The State Defender shall provide reasonable support staff and any other staff necessary to carry out the functions and duties for public defenders.

(c) The State Defender shall provide salaries for the defenders in the same manner as provided by law for public defenders.



136           (d) In addition to any other authority provided by law  
137 for the State Defender, the State Defender may represent indigent  
138 persons in legal proceedings where the person has a constitutional  
139 right to appointed counsel and may provide representation to  
140 parents or guardians who have been determined by the youth court  
141 judge to be indigent and in need of representation in an abuse,  
142 neglect or termination of parental rights proceeding or appeal  
143 therefrom. The State Defender shall promulgate, implement and  
144 enforce standards that define how effective indigent defense  
145 services should be provided in all such cases, subject to the  
146 approval of the Mississippi Supreme Court. In addition to the  
147 representation that may be provided by staff or contract counsel,  
148 county public defender programs shall also be included.

149           (3) (a) The Administrative Office of Courts, in  
150 consultation with the Chief Justice of the Supreme Court, shall  
151 appoint a clerk and a deputy clerk for the CCID court.

152           (b) The Administrative Office of Courts shall provide  
153 reasonable support staff and any other staff necessary to carry  
154 out the functions and duties for public defenders.

155           (c) The Administrative Office of Courts shall provide  
156 monies for the salaries and support staff of the clerk, deputy  
157 clerk and the staff in monies appropriated by the Legislature for  
158 such purpose.



(d) The clerk of the CCID courts is authorized to establish a fee schedule and any other fees authorized to by law to be created by a circuit and/or chancery clerk.

**SECTION 4.** (1) The clerk of the Capitol Complex Improvement District (CCID) court shall maintain a jury box and shall place therein the names or identifying numbers of all prospective jurors drawn from the jury wheel. The names of all qualified electors in Hinds County shall be placed in the jury wheel.

(2) A CCID judge may direct the clerk to draw and assign to the CCID court or official the number of jurors he deems necessary for one or more jury panels or as required by law for a grand jury, except as otherwise provided by subsection (3) of this section. Upon receipt of the direction, and in a manner prescribed by the court, the clerk shall publicly draw at random from the jury box the number of jurors specified.

(3) The court may order that the drawing and assigning of jurors pursuant to subsection (2) of this section may be performed by random selection of a computer or electronic device pursuant to such rules and regulations as may be prescribed by the court. The jurors drawn for jury service shall be assigned at random by the clerk to each jury panel in a manner prescribed by the court.

**SECTION 5.** (1) The Capitol Complex Improvement District Court (CCID) shall have jurisdiction over criminal and civil matters which occurred or accrued within the boundaries established for the Capitol Complex Improvement District in



184 Section 29-5-203. The CCID court shall have jurisdiction  
185 concurrent with the justice court in all matters, civil and  
186 criminal of which the justice court has jurisdiction for actions;  
187 and it shall have jurisdiction concurrent with the circuit and  
188 chancery courts in all matters of law and equity wherein the  
189 amount of value of the thing in controversy shall not exceed,  
190 exclusive of costs and interest, the sum of Twenty Million Dollars  
191 (\$20,000,000.00), and the jurisdiction of the court shall not be  
192 affected by any setoff, counterclaim or cross bill in such actions  
193 where the amount sought to be recovered in such setoff,  
194 counterclaim or cross bill exceeds Twenty Million Dollars  
195 (\$20,000,000.00). Provided, however, the party filing such  
196 setoff, counterclaim or cross bill which exceeds Twenty Million  
197 Dollars (\$20,000,000.00) shall give notice to the opposite party  
198 or parties as provided by law, and on motion of all parties filed  
199 within twenty (20) days after the filing of such setoff,  
200 counterclaim or cross bill, the court shall transfer the case to  
201 the circuit or chancery court wherein the court is situated and  
202 which would otherwise have jurisdiction. It shall exclusively  
203 have the jurisdiction heretofore exercised by the justice court in  
204 the following matters and causes: namely, eminent domain, the  
205 partition of personal property, and actions of unlawful entry and  
206 detainer, provided that the actions of eminent domain and unlawful  
207 entry and detainer may be returnable and triable before the judge



of said court in vacation for actions that occur or accrue within the boundaries of the CCID.

(2) (a) The CCID courts shall have exclusive jurisdiction over all actions filed on or after January 1, 2024, in which the State of Mississippi or a board or commission of the state or a state agency is a named party to the action.

(b) Wherever there is a reference in any law, rule, regulation or document for any action filed against the State of Mississippi, or a board or commission of the state or a state agency; or an appeal from a decision of a board or commission of the state or a state agency to any circuit or chancery court in Hinds County, the same shall be construed to mean the inferior courts of the Capitol Complex Improvement District as created by this act.

**SECTION 6.** Each Capitol Complex Improvement District (CCID) judge shall have power to issue writs, and to try matters, of habeas corpus on application therefor, or when made returnable before the judge by a superior judge. Each CCID judge shall also have the power to order the issuance of writs of certiorari, supersedeas, attachments, and other remedial writs in all cases pending in, or within the jurisdiction of, his or her court. He or she shall have the authority to issue search warrants in his or her returnable to his or her own court or to any court of a justice of the peace within his or her county in the same manner as is provided by law for the issuance of search warrants by





justices of the peace. In all cases pending in, or within the jurisdiction of, his or her court, he or she shall have, in term time, and in vacation, the power to order, do or determine to the same extent and in the same manner as a justice of the peace or a circuit judge or a chancellor could do in term time or in vacation in such cases.

**SECTION 7.** In any civil cases instituted in the circuit court, wherein all parties file a motion to transfer the case to the CCID court for trial, or wherein all parties file an instrument of writing consenting to such a transfer, the circuit court may, in its discretion, transfer the case to the CCID court for trial; and the CCID court shall have full jurisdiction of and shall proceed to try any case so transferred, provided, however, that such order of transfer be rendered prior to the empaneling of the jury in such cases.

In misdemeanor cases and in felony cases, wherein indictments have been returned by the grand jury, the circuit court may transfer with full jurisdiction all or any of the same, in its discretion, to the CCID court for trial; and the CCID court shall have jurisdiction of and shall proceed to try all charges of misdemeanors and felonies which shall be proffered by the CCID prosecuting attorney or by the Capitol Police Chief on affidavit sworn to before the circuit clerk of the county; and prosecutions by affidavit are hereby authorized in misdemeanor cases under the



257 same procedure as if indictments had been returned in the circuit  
258 court and transferred to the CCID court.

259 And, provided further, any reputable citizen may make an  
260 affidavit charging crime before the judge of the CCID court, and  
261 such affidavit shall be filed with the clerk of the CCID court,  
262 and if the crime charged is a misdemeanor, the CCID court shall  
263 have jurisdiction to try and dispose of said charge and, if the  
264 crime charged be a felony, the judge shall have jurisdiction to  
265 hear and determine said cause, the same as now provided by law to  
266 be done by justices of the peace, and to commit the person so  
267 charged, with or without bail as the evidence may warrant, or to  
268 discharge the defendant.

269 **SECTION 8.** The Capitol Complex Improvement District Court  
270 (CCID) shall be a court of record and the clerk of the CCID court  
271 shall be appointed by the Chief Justice of the Supreme Court, and  
272 the clerk or his or her deputy shall attend all the sessions of  
273 the CCID court, and have present at all sessions, all books,  
274 records, files, and papers pertaining to the term then in session.  
275 The dockets, minutes, and records of the county court shall be  
276 kept, so far as is practicable, in the same manner as are those of  
277 the circuit court as provided by statute and the Mississippi Rules  
278 of Civil Procedure. The Capitol Police Chief shall be the  
279 executive officer of the CCID court; he shall by himself, or  
280 deputy, attend all its sessions, and he shall serve all process  
281 and execute all writs issued therefrom in the manner as such



process and writs would be served and executed when issued by the courts. The clerk and Capitol Police Chief shall receive the same fees for attendance, and for other services as are allowed by law to the clerk and to the CCID officers for like duties in the circuit and chancery courts; provided however, that in all cases where the justice courts have concurrent jurisdiction with the CCID court within the CCID boundaries, the clerk shall be allowed to receive only such fees as are allowed to justice courts, and the Capitol Police Chief shall be allowed only such fees as the constable in said justice court would be entitled to under the law for similar services.

**SECTION 9.** The Capitol Complex Improvement District (CCID) court judges shall hold regular terms of their courts, at such times as they may appoint, not exceeding two (2) and not less than one (1) in every month, in the Joint Legislative Budget Committee hearing room in the Woolfolk building and they may continue to hold their courts from day to day so long as business may require; and all process shall be returnable, and all trials shall take place at such regular terms, except where it is otherwise provided; but where the defendant is a nonresident of the Capitol Complex Improvement District or transient person, and it shall be shown by the oath of either party that a delay of the trial until the regular term will be of material injury to him, it shall be lawful for the judge to have the parties brought before him at any reasonable time and hear the evidence and give judgment or where



the defendant is a nonresident or transient person and the judge and all parties agree, it shall be lawful for the judge to have the parties brought before him on the day a citation is made and hear the evidence and give judgment. Such court shall be a court of record, with all the power incident to a court of record, including power to fine in the amount of fine and length of imprisonment as is authorized by law for contempt of court.

**SECTION 10.** Section 29-5-203, Mississippi Code of 1972, is amended as follows:

29-5-203. There is created the Capitol Complex Improvement District to be composed of the following described area in the City of Jackson, Mississippi, and the City of Ridgeland, Mississippi, that surrounds the State Capitol Building:

CAPITOL COMPLEX PROPOSED BOUNDARIES

- Beginning at a point on the west bank of the Pearl River determined by extending the south curb line of High Street east until it meets the bank of the Pearl River;

- Then north along the west bank of the Pearl River \* \* \* until it reaches a point on such bank determined by extending the \* \* \* north curb line of County Line Road until it meets the bank of the Pearl River;

- Then west along the north curb line of County Line Road until it reaches the west curb line of North State Street - U.S. Highway 51;

\* \* \*



332           • Then south along the west curb line of North State Street  
333 - U.S. Highway 51 to the north curb line of Hartfield Street;  
334           • Then west along the north curb line of Hartfield Street to  
335 the west curb line of Oxford Avenue;  
336           • Then south on the west curb line of Oxford Avenue to the  
337 north curb line of Mitchell Avenue which becomes Stonewall Street;  
338           • Then west along the north curb line of Mitchell Street and  
339 then Stonewall Street until it reaches the west curb line of  
340 Livingston Road;  
341           • Then south along the west curb line of Livingston Road  
342 until it reaches the south curb line of Woodrow Wilson Drive;  
343           • Then east along the south curb line of Woodrow Wilson  
344 Drive to the west curb line of Bailey Avenue (which becomes  
345 Gallatin Street);  
346           • Then south along the west curb line of Bailey Avenue and  
347 then Gallatin Street until it reaches the north curb line of \* \* \*  
348 West Monument Street;  
349           • Then west and south along the north curb line of \* \* \*  
350 West Monument Street until it intersects with the north curb line  
351 of Robinson Road;  
352           • Then west on the north curb line of Robinson Road until it  
353 intersects with the west curb line of Prentiss Street;  
354           • Then south along the west curb line of Prentiss Street  
355 until it intersects with the north curb line of John R. Lynch  
356 Street on the west side of Jackson State University;



357           • Then west on the north curb line of John R. Lynch Street  
358 until it reaches the west curb line of Valley Street;  
359           • Then south along the west curb line of Valley Street until  
360 it reaches the south curb line of Morehouse Street;  
361           • Then east along the south curb line of Morehouse Street  
362 until it reaches the west curb line of Dalton Street;  
363           • Then south along the west curb line of Dalton Street until  
364 it reaches the south curb line of Florence Avenue;  
365           • Then east along the south curb line of Florence Avenue  
366 until it reaches the east curb line of University Blvd. (Terry  
367 Road);  
368           • Then \* \* \* south along the east curb line of University  
369 Blvd. (Terry Road) until it reaches the south curb line of \* \* \*  
370 U.S. Highway 80;  
371           • Then east along the south curb line of \* \* \* U.S. Highway  
372 80 until it reaches the western edge of Interstate 55;  
373       \* \* \*  
374           • Then north along the western edge of I-55 until it reaches  
375 the south curb line of High Street;  
376           • Then east along the south curb line of High Street and  
377 extending such line to the Pearl River and the point of the  
378 beginning.  
379       **SECTION 11.** Section 9-1-105, Mississippi Code of 1972, is  
380 amended as follows:



381           9-1-105.   (1)   \* \* \* When any judicial officer is unwilling  
382 or unable to hear a case or unable to hold or attend any of the  
383 courts at the time and place required by law by reason of the  
384 physical disability or sickness of such judicial officer, by  
385 reason of the absence of such judicial officer from the state, by  
386 reason of the disqualification of such judicial officer pursuant  
387 to the provision of Section 165, Mississippi Constitution of 1890,  
388 or any provision of the Code of Judicial Conduct, or for any other  
389 reason, the Chief Justice of the Mississippi Supreme Court, with  
390 the advice and consent of a majority of the justices of the  
391 Mississippi Supreme Court, may appoint a person as a special judge  
392 to hear the case or attend and hold a court.

393           (2)   Upon the request of the Chief Judge of the Court of  
394 Appeals, the senior judge of a chancery or circuit court district,  
395 the senior judge of a county court, or upon his own motion, the  
396 Chief Justice of the Mississippi Supreme Court, with the advice  
397 and consent of a majority of the justices of the Mississippi  
398 Supreme Court, shall have the authority to appoint a special judge  
399 to serve on a temporary basis in a circuit, chancery or county  
400 court in the event of an emergency or overcrowded docket. It  
401 shall be the duty of any special judge so appointed to assist the  
402 court to which he is assigned in the disposition of causes so  
403 pending in such court for whatever period of time is designated by  
404 the Chief Justice. The Chief Justice, in his discretion, may



405 appoint the special judge to hear particular cases, a particular  
406 type of case, or a particular portion of the court's docket.

407 (3) When a vacancy exists for any of the reasons enumerated  
408 in Section 9-1-103, the vacancy has not been filled within seven  
409 (7) days by an appointment by the Governor, and there is a pending  
410 cause or are pending causes in the court where the vacancy exists  
411 that in the interests of justice and in the orderly dispatch of  
412 the court's business require the appointment of a special judge,  
413 the Chief Justice of the Supreme Court, with the advice and  
414 consent of a majority of the justices of the Mississippi Supreme  
415 Court, may appoint a qualified person as a special judge to fill  
416 the vacancy until the Governor makes his appointment and such  
417 appointee has taken the oath of office.

418 (4) If the Chief Justice pursuant to this section shall make  
419 an appointment within the authority vested in the Governor by  
420 reason of Section 165, Mississippi Constitution of 1890, the  
421 Governor may at his election appoint a person to so serve. In the  
422 event that the Governor makes such an appointment, any appointment  
423 made by the Chief Justice pursuant to this section shall be void  
424 and of no further force or effect from the date of the Governor's  
425 appointment.

426 (5) When a judicial officer is unwilling or unable to hear a  
427 case or unable or unwilling to hold court for a period of time not  
428 to exceed two (2) weeks, the trial judge or judges of the affected  
429 district or county and other trial judges may agree among





430 themselves regarding the appointment of a person for such case or  
431 such limited period of time. The trial judges shall submit a  
432 notice to the Chief Justice of the Supreme Court informing him of  
433 their appointment. If the Chief Justice does not appoint another  
434 person to serve as special judge within seven (7) days after  
435 receipt of such notice, the person designated in such order shall  
436 be deemed appointed.

437 (6) A person appointed to serve as a special judge may be  
438 any currently sitting or retired chancery, circuit or county court  
439 judge, Court of Appeals judge or Supreme Court Justice, or any  
440 other person possessing the qualifications of the judicial office  
441 for which the appointment is made; however, a judge or justice who  
442 was retired from service at the polls shall not be eligible for  
443 appointment as a special judge in the district in which he served  
444 prior to his defeat.

445 (7) Except as otherwise provided in subsection (2) of this  
446 section, the need for an appointment pursuant to this section may  
447 be certified to the Chief Justice of the Mississippi Supreme Court  
448 by any attorney in good standing or other officer of the court.

449 (8) The order appointing a person as a special judge  
450 pursuant to this section shall describe as specifically as  
451 possible the duration of the appointment.

452 (9) A special judge appointed pursuant to this section shall  
453 take the oath of office, if necessary, and shall, for the duration



of his appointment, enjoy the full power and authority of the office to which he is appointed.

(10) Any currently sitting justice or judge appointed as a special judge under this section shall receive no additional compensation for his or her service as special judge. Any other person appointed as a special judge hereunder shall, for the period of his service, receive compensation from the state for each day's service a sum equal to 1/260ths of the current salary in effect for the judicial office; however, no retired chancery, circuit or county court judge, retired Court of Appeals judge or any retired Supreme Court Justice appointed as a special judge pursuant to this section may, during any fiscal year, receive compensation in excess of fifty percent (50%) of the current salary in effect for a chancery or circuit court judge. Any person appointed as a special judge shall be reimbursed for travel expenses incurred in the performance of the official duties to which he may be appointed hereunder in the same manner as other public officials and employees as provided by Section 25-3-41, Mississippi Code of 1972.

(11) If any person appointed as such special judge is receiving retirement benefits by virtue of the provisions of the Public Employees' Retirement Law of 1952, appearing as Sections 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits shall not be reduced in any sum whatsoever because of such



478 service, nor shall any sum be deducted as contributions toward  
479 retirement under said law.

480 (12) The Supreme Court shall have authority to prescribe  
481 rules and regulations reasonably necessary to implement and give  
482 effect to the provisions of this section.

483 (13) Nothing in this section shall abrogate the right of  
484 attorneys engaged in a case to agree upon a member of the bar to  
485 preside in a case pursuant to Section 165 of the Mississippi  
486 Constitution of 1890.

487 (14) The Supreme Court shall prepare the necessary payroll  
488 for special judges appointed pursuant to this section and shall  
489 submit such payroll to the Department of Finance and  
490 Administration.

491 (15) Special judges appointed pursuant to this section shall  
492 direct requests for reimbursement for travel expenses authorized  
493 pursuant to this section to the Supreme Court and the Supreme  
494 Court shall submit such requests to the Department of Finance and  
495 Administration. The Supreme Court shall have the power to adopt  
496 rules and regulations regarding the administration of travel  
497 expenses authorized pursuant to this section.

498 **SECTION 12.** Section 9-1-107, Mississippi Code of 1972, is  
499 amended as follows:

500 9-1-107. (1) Retired Court of Appeals, chancery, circuit or  
501 county court judges or retired Supreme Court Justices, who have  
502 served as a judge or justice for at least six (6) years and who



are either at least sixty-two (62) years of age or are receiving state retirement benefits and who desire to be designated as senior judges of the State of Mississippi shall file a certificate for such designation with the Supreme Court. The certificate shall be in such form as prescribed by the Supreme Court. The filing of such certificate shall place such judge on senior status.

(2) If judges who are placed on senior status are receiving retirement benefits by virtue of the provisions of the Public Employees' Retirement Law of 1952, appearing as Sections 25-11-1 through 25-11-139, Mississippi Code of 1972, such benefits shall not be reduced in any sum whatsoever because of being placed on senior status or because of service as a special judge, pursuant to Section 9-1-105, nor shall any sum be deducted as contributions toward retirement under such law.

(3) The Supreme Court shall have the authority to promulgate rules and regulations \* \* \* that govern the service and tenure of senior judges on senior status, and may remove from senior status any judge who does not comply with the dictates of this statute or who, without good cause, refuses appointment under Section 9-1-105.

(4) Any person appointed as senior judge on senior status hereunder shall, for the period of his service as a special judge pursuant to Section 9-1-105, receive compensation from the state for each day's service a sum equal to 1/260ths of the current



528 salary in effect for the judicial offices. Any person appointed  
529 as a senior judge on senior status shall be reimbursed for travel  
530 expenses incurred in the performance of the official duties to  
531 which he may be appointed hereunder in the same manner as other  
532 public officials and employees as provided by Section 25-3-41,  
533 Mississippi Code of 1972. Each judge so serving shall make out an  
534 itemized account of the number of days he in good faith served,  
535 and make affidavit to same and file it with the Clerk of the  
536 Supreme Court. The said clerk shall issue a certificate showing  
537 the length of time such senior judge or judges on senior status  
538 served, and the Department of Finance and Administration shall  
539 issue its warrant therefor.

540 (5) During tenure as a senior judge, senior judges shall be  
541 deemed active members of the Mississippi Conference of Judges and  
542 shall be required to satisfy the requirements of continuing  
543 judicial education.

544 **SECTION 13.** Section 27-65-75, Mississippi Code of 1972, is  
545 amended as follows:

546 27-65-75. On or before the fifteenth day of each month, the  
547 revenue collected under the provisions of this chapter during the  
548 preceding month shall be paid and distributed as follows:

549 (1) (a) On or before August 15, 1992, and each succeeding  
550 month thereafter through July 15, 1993, eighteen percent (18%) of  
551 the total sales tax revenue collected during the preceding month  
552 under the provisions of this chapter, except that collected under



the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. Except as otherwise provided in this paragraph (a), on or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. However, in the event the State Auditor issues a certificate of noncompliance pursuant to Section 21-35-31, the Department of Revenue shall withhold ten percent (10%) of the allocations and payments to the municipality that would otherwise be payable to the municipality under this paragraph (a) until such time that the department receives written notice of the cancellation of a certificate of noncompliance from the State Auditor. On or before August 15, 2023, and each succeeding month thereafter, eighteen and seven hundred fifty-eight one-thousandths percent (18.758%) of the amount that would otherwise be allocated and paid to the City of Jackson, Mississippi, under this paragraph (a) shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215, and the amount that would otherwise have been



578 allocated and paid to the City of Jackson shall be reduced by such  
579 amount.

580 A municipal corporation, for the purpose of distributing the  
581 tax under this subsection, shall mean and include all incorporated  
582 cities, towns and villages.

583 Monies allocated for distribution and credited to a municipal  
584 corporation under this paragraph may be pledged as security for a  
585 loan if the distribution received by the municipal corporation is  
586 otherwise authorized or required by law to be pledged as security  
587 for such a loan.

588 In any county having a county seat that is not an  
589 incorporated municipality, the distribution provided under this  
590 subsection shall be made as though the county seat was an  
591 incorporated municipality; however, the distribution to the  
592 municipality shall be paid to the county treasury in which the  
593 municipality is located, and those funds shall be used for road,  
594 bridge and street construction or maintenance in the county.

595 (b) On or before August 15, 2006, and each succeeding  
596 month thereafter, eighteen and one-half percent (18-1/2%) of the  
597 total sales tax revenue collected during the preceding month under  
598 the provisions of this chapter, except that collected under the  
599 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
600 business activities on the campus of a state institution of higher  
601 learning or community or junior college whose campus is not  
602 located within the corporate limits of a municipality, shall be



allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college.

(c) On or before August 15, 2018, and each succeeding month thereafter until August 14, 2019, two percent (2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2019, and each succeeding month thereafter until August 14, 2020, four percent (4%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2020, and each succeeding month thereafter through July 15, 2023, six percent (6%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits





628 of the City of Jackson, Mississippi, shall be deposited into the  
629 Capitol Complex Improvement District Project Fund created in  
630 Section 29-5-215. On or before August 15, 2023, and each  
631 succeeding month thereafter, nine percent (9%) of the total sales  
632 tax revenue collected during the preceding month under the  
633 provisions of this chapter, except that collected under the  
634 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
635 27-65-24, on business activities within the corporate limits of  
636 the City of Jackson, Mississippi, shall be deposited into the  
637 Capitol Complex Improvement District Project Fund created in  
638 Section 29-5-215.

639 (d) (i) On or before the fifteenth day of the month  
640 that the diversion authorized by this section begins, and each  
641 succeeding month thereafter, eighteen and one-half percent  
642 (18-1/2%) of the total sales tax revenue collected during the  
643 preceding month under the provisions of this chapter, except that  
644 collected under the provisions of Sections 27-65-15, 27-65-19(3)  
645 and 27-65-21, on business activities within a redevelopment  
646 project area developed under a redevelopment plan adopted under  
647 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be  
648 allocated for distribution to the county in which the project area  
649 is located if:

650 1. The county:

651 a. Borders on the Mississippi Sound and  
652 the State of Alabama, or



653                   b. Is Harrison County, Mississippi, and  
654 the project area is within a radius of two (2) miles from the  
655 intersection of Interstate 10 and Menge Avenue;

656                   2. The county has issued bonds under Section  
657 21-45-9 to finance all or a portion of a redevelopment project in  
658 the redevelopment project area;

659                   3. Any debt service for the indebtedness  
660 incurred is outstanding; and

661                   4. A development with a value of Ten Million  
662 Dollars (\$10,000,000.00) or more is, or will be, located in the  
663 redevelopment area.

664                   (ii) Before any sales tax revenue may be allocated  
665 for distribution to a county under this paragraph, the county  
666 shall certify to the Department of Revenue that the requirements  
667 of this paragraph have been met, the amount of bonded indebtedness  
668 that has been incurred by the county for the redevelopment project  
669 and the expected date the indebtedness incurred by the county will  
670 be satisfied.

671                   (iii) The diversion of sales tax revenue  
672 authorized by this paragraph shall begin the month following the  
673 month in which the Department of Revenue determines that the  
674 requirements of this paragraph have been met. The diversion shall  
675 end the month the indebtedness incurred by the county is  
676 satisfied. All revenue received by the county under this  
677 paragraph shall be deposited in the fund required to be created in



678 the tax increment financing plan under Section 21-45-11 and be  
679 utilized solely to satisfy the indebtedness incurred by the  
680 county.

681 (2) On or before September 15, 1987, and each succeeding  
682 month thereafter, from the revenue collected under this chapter  
683 during the preceding month, One Million One Hundred Twenty-five  
684 Thousand Dollars (\$1,125,000.00) shall be allocated for  
685 distribution to municipal corporations as defined under subsection  
686 (1) of this section in the proportion that the number of gallons  
687 of gasoline and diesel fuel sold by distributors to consumers and  
688 retailers in each such municipality during the preceding fiscal  
689 year bears to the total gallons of gasoline and diesel fuel sold  
690 by distributors to consumers and retailers in municipalities  
691 statewide during the preceding fiscal year. The Department of  
692 Revenue shall require all distributors of gasoline and diesel fuel  
693 to report to the department monthly the total number of gallons of  
694 gasoline and diesel fuel sold by them to consumers and retailers  
695 in each municipality during the preceding month. The Department  
696 of Revenue shall have the authority to promulgate such rules and  
697 regulations as is necessary to determine the number of gallons of  
698 gasoline and diesel fuel sold by distributors to consumers and  
699 retailers in each municipality. In determining the percentage  
700 allocation of funds under this subsection for the fiscal year  
701 beginning July 1, 1987, and ending June 30, 1988, the Department  
702 of Revenue may consider gallons of gasoline and diesel fuel sold



for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the Department of Revenue such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be deposited in the State Treasury to the credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million



Dollars (\$4,000,000.00) or an amount equal to twenty-three and one-fourth percent (23-1/4%) of those funds, whichever is the greater amount, shall be deposited in the State Treasury to the credit of the "State Aid Road Fund," created by Section 65-9-17. Those funds shall be pledged to pay the principal of and interest on state aid road bonds heretofore issued under Sections 19-9-51 through 19-9-77, in lieu of and in substitution for the funds previously allocated to counties under this section. Those funds may not be pledged for the payment of any state aid road bonds issued after April 1, 1981; however, this prohibition against the pledging of any such funds for the payment of bonds shall not apply to any bonds for which intent to issue those bonds has been published for the first time, as provided by law before March 29, 1981. From the amount of taxes paid into the special fund under this subsection and subsection (9) of this section, there shall be first deducted and paid the amount necessary to pay the expenses of the Office of State Aid Road Construction, as authorized by the Legislature for all other general and special fund agencies. The remainder of the fund shall be allocated monthly to the several counties in accordance with the following formula:

(a) One-third (1/3) shall be allocated to all counties in equal shares;

(b) One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles



in a county bears to the total number of rural road miles in all counties of the state; and

(c) One-third (1/3) shall be allocated to counties based on the proportion that the rural population of the county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars (\$1,666,666.00) each month shall be paid into the special fund known as the "Educational Facilities Revolving Loan Fund" created and existing under the provisions of Section 37-47-24. Those payments into that fund are to be made on the last day of each succeeding month hereafter. This subsection (5) shall stand repealed on July 1, 2023.

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6, Chapter 542, Laws of



1983, shall be paid into the special fund known as the  
Correctional Facilities Construction Fund created in Section 6,  
Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month  
thereafter through July 15, 2000, two and two hundred sixty-six  
one-thousandths percent (2.266%) of the total sales tax revenue  
collected during the preceding month under the provisions of this  
chapter, except that collected under the provisions of Section  
27-65-17(2), shall be deposited by the department into the School  
Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
or before August 15, 2000, and each succeeding month thereafter,  
two and two hundred sixty-six one-thousandths percent (2.266%) of  
the total sales tax revenue collected during the preceding month  
under the provisions of this chapter, except that collected under  
the provisions of Section 27-65-17(2), shall be deposited into the  
School Ad Valorem Tax Reduction Fund created under Section  
37-61-35 until such time that the total amount deposited into the  
fund during a fiscal year equals Forty-two Million Dollars  
(\$42,000,000.00). Thereafter, the amounts diverted under this  
subsection (7) during the fiscal year in excess of Forty-two  
Million Dollars (\$42,000,000.00) shall be deposited into the  
Education Enhancement Fund created under Section 37-61-33 for  
appropriation by the Legislature as other education needs and  
shall not be subject to the percentage appropriation requirements  
set forth in Section 37-61-33.



802           (8) On or before August 15, 1992, and each succeeding month  
803 thereafter, nine and seventy-three one-thousandths percent  
804 (9.073%) of the total sales tax revenue collected during the  
805 preceding month under the provisions of this chapter, except that  
806 collected under the provisions of Section 27-65-17(2), shall be  
807 deposited into the Education Enhancement Fund created under  
808 Section 37-61-33.

809           (9) On or before August 15, 1994, and each succeeding month  
810 thereafter, from the revenue collected under this chapter during  
811 the preceding month, Two Hundred Fifty Thousand Dollars  
812 (\$250,000.00) shall be paid into the State Aid Road Fund.

813           (10) On or before August 15, 1994, and each succeeding month  
814 thereafter through August 15, 1995, from the revenue collected  
815 under this chapter during the preceding month, Two Million Dollars  
816 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
817 Valorem Tax Reduction Fund established in Section 27-51-105.

818           (11) Notwithstanding any other provision of this section to  
819 the contrary, on or before February 15, 1995, and each succeeding  
820 month thereafter, the sales tax revenue collected during the  
821 preceding month under the provisions of Section 27-65-17(2) and  
822 the corresponding levy in Section 27-65-23 on the rental or lease  
823 of private carriers of passengers and light carriers of property  
824 as defined in Section 27-51-101 shall be deposited, without  
825 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
826 established in Section 27-51-105.





827           (12) Notwithstanding any other provision of this section to  
828 the contrary, on or before August 15, 1995, and each succeeding  
829 month thereafter, the sales tax revenue collected during the  
830 preceding month under the provisions of Section 27-65-17(1) on  
831 retail sales of private carriers of passengers and light carriers  
832 of property, as defined in Section 27-51-101 and the corresponding  
833 levy in Section 27-65-23 on the rental or lease of these vehicles,  
834 shall be deposited, after diversion, into the Motor Vehicle Ad  
835 Valorem Tax Reduction Fund established in Section 27-51-105.

836           (13) On or before July 15, 1994, and on or before the  
837 fifteenth day of each succeeding month thereafter, that portion of  
838 the avails of the tax imposed in Section 27-65-22 that is derived  
839 from activities held on the Mississippi State Fairgrounds Complex  
840 shall be paid into a special fund that is created in the State  
841 Treasury and shall be expended upon legislative appropriation  
842 solely to defray the costs of repairs and renovation at the Trade  
843 Mart and Coliseum.

844           (14) On or before August 15, 1998, and each succeeding month  
845 thereafter through July 15, 2005, that portion of the avails of  
846 the tax imposed in Section 27-65-23 that is derived from sales by  
847 cotton compresses or cotton warehouses and that would otherwise be  
848 paid into the General Fund shall be deposited in an amount not to  
849 exceed Two Million Dollars (\$2,000,000.00) into the special fund  
850 created under Section 69-37-39. On or before August 15, 2007, and  
851 each succeeding month thereafter through July 15, 2010, that



852 portion of the avails of the tax imposed in Section 27-65-23 that  
853 is derived from sales by cotton compresses or cotton warehouses  
854 and that would otherwise be paid into the General Fund shall be  
855 deposited in an amount not to exceed Two Million Dollars  
856 (\$2,000,000.00) into the special fund created under Section  
857 69-37-39 until all debts or other obligations incurred by the  
858 Certified Cotton Growers Organization under the Mississippi Boll  
859 Weevil Management Act before January 1, 2007, are satisfied in  
860 full. On or before August 15, 2010, and each succeeding month  
861 thereafter through July 15, 2011, fifty percent (50%) of that  
862 portion of the avails of the tax imposed in Section 27-65-23 that  
863 is derived from sales by cotton compresses or cotton warehouses  
864 and that would otherwise be paid into the General Fund shall be  
865 deposited into the special fund created under Section 69-37-39  
866 until such time that the total amount deposited into the fund  
867 during a fiscal year equals One Million Dollars (\$1,000,000.00).  
868 On or before August 15, 2011, and each succeeding month  
869 thereafter, that portion of the avails of the tax imposed in  
870 Section 27-65-23 that is derived from sales by cotton compresses  
871 or cotton warehouses and that would otherwise be paid into the  
872 General Fund shall be deposited into the special fund created  
873 under Section 69-37-39 until such time that the total amount  
874 deposited into the fund during a fiscal year equals One Million  
875 Dollars (\$1,000,000.00).



876           (15) Notwithstanding any other provision of this section to  
877 the contrary, on or before September 15, 2000, and each succeeding  
878 month thereafter, the sales tax revenue collected during the  
879 preceding month under the provisions of Section  
880 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,  
881 without diversion, into the Telecommunications Ad Valorem Tax  
882 Reduction Fund established in Section 27-38-7.

883           (16) (a) On or before August 15, 2000, and each succeeding  
884 month thereafter, the sales tax revenue collected during the  
885 preceding month under the provisions of this chapter on the gross  
886 proceeds of sales of a project as defined in Section 57-30-1 shall  
887 be deposited, after all diversions except the diversion provided  
888 for in subsection (1) of this section, into the Sales Tax  
889 Incentive Fund created in Section 57-30-3.

890           (b) On or before August 15, 2007, and each succeeding  
891 month thereafter, eighty percent (80%) of the sales tax revenue  
892 collected during the preceding month under the provisions of this  
893 chapter from the operation of a tourism project under the  
894 provisions of Sections 57-26-1 through 57-26-5, shall be  
895 deposited, after the diversions required in subsections (7) and  
896 (8) of this section, into the Tourism Project Sales Tax Incentive  
897 Fund created in Section 57-26-3.

898           (17) Notwithstanding any other provision of this section to  
899 the contrary, on or before April 15, 2002, and each succeeding  
900 month thereafter, the sales tax revenue collected during the



901 preceding month under Section 27-65-23 on sales of parking  
902 services of parking garages and lots at airports shall be  
903 deposited, without diversion, into the special fund created under  
904 Section 27-5-101(d) .

905 (18) [Repealed]

906 (19) (a) On or before August 15, 2005, and each succeeding  
907 month thereafter, the sales tax revenue collected during the  
908 preceding month under the provisions of this chapter on the gross  
909 proceeds of sales of a business enterprise located within a  
910 redevelopment project area under the provisions of Sections  
911 57-91-1 through 57-91-11, and the revenue collected on the gross  
912 proceeds of sales from sales made to a business enterprise located  
913 in a redevelopment project area under the provisions of Sections  
914 57-91-1 through 57-91-11 (provided that such sales made to a  
915 business enterprise are made on the premises of the business  
916 enterprise), shall, except as otherwise provided in this  
917 subsection (19), be deposited, after all diversions, into the  
918 Redevelopment Project Incentive Fund as created in Section  
919 57-91-9.

920 (b) For a municipality participating in the Economic  
921 Redevelopment Act created in Sections 57-91-1 through 57-91-11,  
922 the diversion provided for in subsection (1) of this section  
923 attributable to the gross proceeds of sales of a business  
924 enterprise located within a redevelopment project area under the  
925 provisions of Sections 57-91-1 through 57-91-11, and attributable



926 to the gross proceeds of sales from sales made to a business  
927 enterprise located in a redevelopment project area under the  
928 provisions of Sections 57-91-1 through 57-91-11 (provided that  
929 such sales made to a business enterprise are made on the premises  
930 of the business enterprise), shall be deposited into the  
931 Redevelopment Project Incentive Fund as created in Section  
932 57-91-9, as follows:

933 (i) For the first six (6) years in which payments  
934 are made to a developer from the Redevelopment Project Incentive  
935 Fund, one hundred percent (100%) of the diversion shall be  
936 deposited into the fund;

937 (ii) For the seventh year in which such payments  
938 are made to a developer from the Redevelopment Project Incentive  
939 Fund, eighty percent (80%) of the diversion shall be deposited  
940 into the fund;

941 (iii) For the eighth year in which such payments  
942 are made to a developer from the Redevelopment Project Incentive  
943 Fund, seventy percent (70%) of the diversion shall be deposited  
944 into the fund;

945 (iv) For the ninth year in which such payments are  
946 made to a developer from the Redevelopment Project Incentive Fund,  
947 sixty percent (60%) of the diversion shall be deposited into the  
948 fund; and



949                   (v) For the tenth year in which such payments are  
950 made to a developer from the Redevelopment Project Incentive Fund,  
951 fifty percent (50%) of the funds shall be deposited into the fund.

952           (20) On or before January 15, 2007, and each succeeding  
953 month thereafter, eighty percent (80%) of the sales tax revenue  
954 collected during the preceding month under the provisions of this  
955 chapter from the operation of a tourism project under the  
956 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,  
957 after the diversions required in subsections (7) and (8) of this  
958 section, into the Tourism Sales Tax Incentive Fund created in  
959 Section 57-28-3.

960           (21) (a) On or before April 15, 2007, and each succeeding  
961 month thereafter through June 15, 2013, One Hundred Fifty Thousand  
962 Dollars (\$150,000.00) of the sales tax revenue collected during  
963 the preceding month under the provisions of this chapter shall be  
964 deposited into the MMEIA Tax Incentive Fund created in Section  
965 57-101-3.

966           (b) On or before July 15, 2013, and each succeeding  
967 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)  
968 of the sales tax revenue collected during the preceding month  
969 under the provisions of this chapter shall be deposited into the  
970 Mississippi Development Authority Job Training Grant Fund created  
971 in Section 57-1-451.

972           (22) Notwithstanding any other provision of this section to  
973 the contrary, on or before August 15, 2009, and each succeeding



974 month thereafter, the sales tax revenue collected during the  
975 preceding month under the provisions of Section 27-65-201 shall be  
976 deposited, without diversion, into the Motor Vehicle Ad Valorem  
977 Tax Reduction Fund established in Section 27-51-105.

978       (23)   (a)   On or before August 15, 2019, and each month  
979 thereafter through July 15, 2020, one percent (1%) of the total  
980 sales tax revenue collected during the preceding month from  
981 restaurants and hotels shall be allocated for distribution to the  
982 Mississippi Development Authority Tourism Advertising Fund  
983 established under Section 57-1-64, to be used exclusively for the  
984 purpose stated therein. On or before August 15, 2020, and each  
985 month thereafter through July 15, 2021, two percent (2%) of the  
986 total sales tax revenue collected during the preceding month from  
987 restaurants and hotels shall be allocated for distribution to the  
988 Mississippi Development Authority Tourism Advertising Fund  
989 established under Section 57-1-64, to be used exclusively for the  
990 purpose stated therein. On or before August 15, 2021, and each  
991 month thereafter, three percent (3%) of the total sales tax  
992 revenue collected during the preceding month from restaurants and  
993 hotels shall be allocated for distribution to the Mississippi  
994 Development Authority Tourism Advertising Fund established under  
995 Section 57-1-64, to be used exclusively for the purpose stated  
996 therein. The revenue diverted pursuant to this subsection shall  
997 not be available for expenditure until February 1, 2020.



998                   (b) The Joint Legislative Committee on Performance  
999 Evaluation and Expenditure Review (PEER) must provide an annual  
1000 report to the Legislature indicating the amount of funds deposited  
1001 into the Mississippi Development Authority Tourism Advertising  
1002 Fund established under Section 57-1-64, and a detailed record of  
1003 how the funds are spent.

1004           (24) The remainder of the amounts collected under the  
1005 provisions of this chapter shall be paid into the State Treasury  
1006 to the credit of the General Fund.

1007           (25) (a) It shall be the duty of the municipal officials of  
1008 any municipality that expands its limits, or of any community that  
1009 incorporates as a municipality, to notify the commissioner of that  
1010 action thirty (30) days before the effective date. Failure to so  
1011 notify the commissioner shall cause the municipality to forfeit  
1012 the revenue that it would have been entitled to receive during  
1013 this period of time when the commissioner had no knowledge of the  
1014 action.

1015                   (b) (i) Except as otherwise provided in subparagraph  
1016 (ii) of this paragraph, if any funds have been erroneously  
1017 disbursed to any municipality or any overpayment of tax is  
1018 recovered by the taxpayer, the commissioner may make correction  
1019 and adjust the error or overpayment with the municipality by  
1020 withholding the necessary funds from any later payment to be made  
1021 to the municipality.





1022 (ii) Subject to the provisions of Sections  
1023 27-65-51 and 27-65-53, if any funds have been erroneously  
1024 disbursed to a municipality under subsection (1) of this section  
1025 for a period of three (3) years or more, the maximum amount that  
1026 may be recovered or withheld from the municipality is the total  
1027 amount of funds erroneously disbursed for a period of three (3)  
1028 years beginning with the date of the first erroneous disbursement.  
1029 However, if during such period, a municipality provides written  
1030 notice to the Department of Revenue indicating the erroneous  
1031 disbursement of funds, then the maximum amount that may be  
1032 recovered or withheld from the municipality is the total amount of  
1033 funds erroneously disbursed for a period of one (1) year beginning  
1034 with the date of the first erroneous disbursement.

1035 **SECTION 14.** Section 75-79-29, Mississippi Code of 1972, is  
1036 amended as follows:

1037 75-79-29. The commissioner shall have power to issue  
1038 subpoenas to compel the attendance of witnesses and the production  
1039 of documents, papers, books, records and other evidence before him  
1040 in any matter over which it has jurisdiction, control or  
1041 supervision pertaining to this chapter.

1042 The commissioner or any agent designated by him, may  
1043 administer oaths and affirmations, examine witnesses and receive  
1044 evidence. Such attendance of witnesses and the production of such  
1045 evidence may be required from any place in the state at any  
1046 designated place of hearing.



1047        If any person refuses to obey any such subpoena, or to give  
1048 testimony, or to produce evidence as required thereby, any  
1049 judge \* \* \* of the \* \* \* inferior courts of the Capitol Complex  
1050 Improvement District may, upon application and proof of such  
1051 refusal, make an order awarding process of subpoena, or subpoena  
1052 duces tecum, out of the court, for the witness to appear before  
1053 the commissioner and to give testimony, and to produce evidence as  
1054 required thereby. Upon filing such order in the office of the  
1055 clerk of the court or the office of the clerk of such chancery  
1056 court, the clerk shall issue process of subpoena, as directed,  
1057 under the seal of the court, requiring the person to whom it is  
1058 directed, to appear at the time and place therein designated.

1059        If any person served with any such subpoena shall refuse to  
1060 obey the same, and to give testimony, and to produce evidence as  
1061 required thereby, the commissioner may apply to any judge \* \* \* of  
1062 the inferior courts of the Capitol Complex Improvement District  
1063 for an attachment against such person, as for a contempt. The  
1064 judge or chancellor, upon satisfactory proof of such refusal,  
1065 shall issue an attachment, directed to any sheriff, constable or  
1066 police officer, for the arrest of such person, and upon his being  
1067 brought before such judge, proceed to a hearing of the case. The  
1068 judge or chancellor shall have power to enforce obedience to such  
1069 subpoena and the answering of any question, and the production of  
1070 any evidence, that may be proper by imposition of a fine, not  
1071 exceeding Five Hundred Dollars (\$500.00), or by imprisonment in



the county jail, or by both imposition of a fine and imprisonment,  
and to compel such witness to pay the costs of such proceeding.

**SECTION 15.** Section 63-19-29, Mississippi Code of 1972, is  
amended as follows:

63-19-29. The administrator shall have power to issue  
subpoenas to compel the attendance of witnesses and the production  
of documents, papers, books, records and other evidence before him  
in any matter over which he has jurisdiction, control or  
supervision pertaining to this chapter. The administrator shall  
have the power to administer oaths and affirmations to any person  
whose testimony is required.

If any person shall refuse to obey any such subpoena, or to  
give testimony, or to produce evidence as required thereby, any  
judge \* \* \* of the inferior courts of the Capitol Complex  
Improvement District may, upon application and proof of such  
refusal, make an order awarding process of subpoena, or subpoena  
duces tecum, out of said court, for the witness to appear before  
the administrator and to give testimony, and to produce evidence  
as required thereby. Upon filing such order in the office of the  
clerk of the said chancery court, the clerk shall issue process of  
subpoena, as directed, under the seal of said court, requiring the  
person to whom it is directed, to appear at the time and place  
therein designated.

If any person served with any such subpoena shall refuse to  
obey the same, and to give testimony, and to produce evidence as



1097 required thereby, the administrator may apply to any judge \* \* \*  
1098 of the inferior courts of the Capitol Complex Improvement District  
1099 for an attachment against such person, as for a contempt. The  
1100 judge, or chancellor, upon satisfactory proof of such refusal,  
1101 shall issue an attachment, directed to any sheriff, constable or  
1102 police officer, for the arrest of such person, and upon his being  
1103 brought before such judge, proceed to a hearing of the case. The  
1104 judge, or chancellor, shall have power to enforce obedience to  
1105 such subpoena, and the answering of any question, and the  
1106 production of any evidence, that may be proper by imposition of a  
1107 fine, not exceeding One Hundred Dollars (\$100.00), or by  
1108 imprisonment in the county jail, or by both imposition of a fine  
1109 and imprisonment, and to compel such witness to pay the costs of  
1110 such proceeding to be taxed.

1111       **SECTION 16.** Section 79-11-289, Mississippi Code of 1972, is  
1112 amended as follows:

1113       79-11-289. (1) If a corporation does not allow a member who  
1114 complies with Section 79-11-285(1) to inspect and copy any records  
1115 required by that subsection to be available for inspection, the  
1116 chancery court in the county where the corporation's principal  
1117 office is located, or the \* \* \* inferior courts of the Capitol  
1118 Complex Improvement District if the corporation does not have a  
1119 principal office in this state, may summarily order inspection and  
1120 copying of the records demanded at the corporation's expense upon  
1121 application of the member.



1122           (2) If a corporation does not within a reasonable time allow  
1123 a member to inspect and copy any other record, the member who  
1124 complies with Section 79-11-285(2) and (3) may apply to the  
1125 chancery court in the county where the corporation's principal  
1126 office is located, or the \* \* \* inferior courts of the Capitol  
1127 Complex Improvement District if the corporation does not have a  
1128 principal office in this state, for an order to permit inspection  
1129 and copying of the records demanded. The court shall dispose of  
1130 an application under this subsection on an expedited basis.

1131           (3) If the court orders inspection and copying of the  
1132 records demanded, it shall also order the corporation to pay the  
1133 member's costs (including reasonable attorney's fees) incurred to  
1134 obtain the order unless the corporation proves that it refused  
1135 inspection in good faith because it had a reasonable basis for  
1136 doubt about the right of the member to inspect the records  
1137 demanded.

1138           (4) If the court orders inspection and copying of the  
1139 records demanded, it may impose reasonable restrictions on the use  
1140 or distribution of the records by the demanding member.

1141           **SECTION 17.** Section 83-6-41, Mississippi Code of 1972, is  
1142 amended as follows:

1143           83-6-41. (1) Any person aggrieved by any act,  
1144 determination, rule, regulation or order or any other action of  
1145 the commissioner pursuant to this chapter may appeal to the \* \* \*



1146 of the inferior courts of the Capitol Complex Improvement  
1147 District.

1148 (2) The filing of an appeal pursuant to this section shall  
1149 stay the application of any such rule, regulation, order or other  
1150 action of the commissioner to the appealing party unless the  
1151 court, after giving such party notice and an opportunity to be  
1152 heard, determines that such a stay would be detrimental to the  
1153 interests of policyholders, shareholders, creditors or the public.

1154 (3) Any person aggrieved by any failure of the commissioner  
1155 to act or make a determination required by this chapter may  
1156 petition the \* \* \* of the inferior courts of the Capitol Complex  
1157 Improvement District for a writ in the nature of a mandamus or a  
1158 peremptory mandamus directing the commissioner to act or make such  
1159 determination forthwith.

1160 **SECTION 18.** Section 79-4-16.04, Mississippi Code of 1972, is  
1161 amended as follows:

1162 79-4-16.04. (a) If a corporation does not allow a  
1163 shareholder who complies with Section 79-4-16.02(a) to inspect and  
1164 copy any records required by that subsection to be available for  
1165 inspection, the chancery court of the county where the  
1166 corporation's principal office is located, or the \* \* \* inferior  
1167 courts of the Capitol Complex Improvement District if the  
1168 corporation does not have a principal office in this state, may  
1169 summarily order inspection and copying of the records demanded at  
1170 the corporation's expense upon application of the shareholder.



1171           (b) If a corporation does not within a reasonable time allow  
1172 a shareholder to inspect and copy any other record, the  
1173 shareholder who complies with Section 79-4-16.02(b) and (c) may  
1174 apply to the chancery court in the county where the corporation's  
1175 principal office is located, or the \* \* \* inferior courts of the  
1176 Capitol Complex Improvement District if the corporation does not  
1177 have a principal office in this state, for an order to permit  
1178 inspection and copying of the records demanded. The court shall  
1179 dispose of an application under this subsection on an expedited  
1180 basis.

1181           (c) If the court orders inspection and copying of the  
1182 records demanded, it shall also order the corporation to pay the  
1183 shareholder's costs (including reasonable counsel fees) incurred  
1184 to obtain the order unless the corporation proves that it refused  
1185 inspection in good faith because it had a reasonable basis for  
1186 doubt about the right of the shareholder to inspect the records  
1187 demanded.

1188           (d) If the court orders inspection and copying of the  
1189 records demanded, it may impose reasonable restrictions on the use  
1190 or distribution of the records by the demanding shareholder.

1191           **SECTION 19.** Section 41-26-31, Mississippi Code of 1972, is  
1192 amended as follows:

1193           41-26-31. (1) If the director finds any person guilty of a  
1194 violation of this chapter, any rule or regulation or written order  
1195 of the director or any condition or limitation of an approval, the



1196 director may assess and levy a civil penalty of not more than  
1197 Twenty-five Thousand Dollars (\$25,000.00) for each violation,  
1198 except as provided in Section 41-26-8(3). Each day of a  
1199 continuing violation is a separate violation. Any penalty shall  
1200 be assessed and levied by the director after a hearing as provided  
1201 in this chapter. Appeals from the imposition of the civil penalty  
1202 may be taken to the \* \* \* inferior courts of the Capitol Complex  
1203 Improvement District or the chancery court of the county of the  
1204 situs, in whole or in part, as provided in Section 41-26-15. If  
1205 the appellant desires to stay the execution of a civil penalty  
1206 assessed under this section, the appellant shall give bond with  
1207 sufficient sureties of one or more guaranty or surety companies  
1208 authorized to do business in this state, payable to the State of  
1209 Mississippi, in an amount equal to double the amount of any civil  
1210 penalty assessed by the director, as to which the stay of  
1211 execution is desired. If the judgment is affirmed, the appellant  
1212 shall pay all costs of the assessment entered against the  
1213 appellant.

1214 (2) In addition to or in lieu of the penalty provided in  
1215 subsection (1) of this section, the director may institute and  
1216 maintain in the name of the state any proceedings necessary or  
1217 appropriate to enforce this chapter, any rule or regulation or  
1218 written order of the director or any condition or limitation of an  
1219 approval. The proceedings may be filed and heard in the  
1220 appropriate circuit, chancery, county or justice court of the





1221 county in which venue may lie, or in the \* \* \* inferior courts of  
1222 the Capitol Complex Improvement District as the case may be. The  
1223 director may obtain mandatory or prohibitory injunctive relief,  
1224 either temporary or permanent. In cases of imminent and  
1225 substantial hazard or endangerment, it shall not be necessary that  
1226 the state plead or prove: (a) that irreparable damage would  
1227 result if the injunction did not issue; (b) that there is no  
1228 adequate remedy at law; or (c) that a written order has first been  
1229 issued for the alleged violation.

1230 (3) In determining the amount of any penalty under this  
1231 section, the director shall consider at a minimum:

- 1232 (a) The willfulness of the violation;
- 1233 (b) Costs of restoration and abatement;
- 1234 (c) Economic benefit as a result of noncompliance;
- 1235 (d) The seriousness of the violation, including any  
1236 harm or hazard to the public health and welfare; and
- 1237 (e) Past performance history.

1238 (4) (a) The owner of any public water system found in  
1239 violation of this chapter may submit to the director a plan for:

- 1240 (i) The physical consolidation of the system with  
1241 one or more other viable public water systems;
- 1242 (ii) The consolidation of significant management  
1243 and administrative functions of the system with one or more other  
1244 viable public water systems or contract or satellite management of  
1245 the system; or



1246 (iii) The transfer of ownership of the system.

1247 (b) If the director approves the plan and the plan is  
1248 fully implemented as determined by the director, the director  
1249 shall waive any penalty assessed under this section for a  
1250 violation identified in the approved plan before the date on which  
1251 the action specified in the approved plan was completed.

1252 (5) (a) In addition to or in lieu of any other penalty  
1253 imposed under this section, the director may require the owner of  
1254 any public water system found in violation to provide a  
1255 performance bond or other acceptable financial security instrument  
1256 including, but not limited to, cash, negotiable bonds of the  
1257 United States government or the state, or negotiable certificates  
1258 of deposit or a letter of credit of any bank organized or  
1259 transacting business in the state and insured by the Federal  
1260 Deposit Insurance Corporation or the Federal Savings and Loan  
1261 Insurance Corporation or a similar federal banking or savings and  
1262 loan insurance organization to the department. The bond or  
1263 financial security must be approved by the director. The purpose  
1264 of the bond or other financial security shall be the protection of  
1265 the health and welfare of the customers of the system. The board  
1266 shall establish by regulation the acceptable forms of financial  
1267 security and the amount of financial security required for the  
1268 various types and sizes of facilities. The director shall notify  
1269 the owner, in writing, of the form and amount of security  
1270 required.



1271           (b) The director may petition the \* \* \* inferior courts  
1272 of the Capitol Complex Improvement District for forfeiture of the  
1273 bond or other financial security, if the director determines that:

1274           (i) The continued operation or lack of operation  
1275 of the system covered by this section represents a threat to the  
1276 public health and welfare;

1277           (ii) All reasonable and practical efforts under  
1278 the circumstances have been made to obtain corrective actions from  
1279 the violators; and

1280           (iii) It does not appear that corrective actions  
1281 can or will be taken within an appropriate time as determined by  
1282 the director, or it appears the facility has been abandoned.

1283           (c) The proceeds of any forfeiture shall be deposited  
1284 in the Public Water Systems Bond Operations Account of the Public  
1285 Water Systems Assistance Fund and shall be used as ordered by the  
1286 court to address or correct the noncompliance at the system. The  
1287 proceeds shall be in addition to any other funds otherwise  
1288 appropriated to the department and may be expended under the  
1289 authority of this section without additional action of the  
1290 Legislature or the Department of Finance and Administration.

1291           (d) If the court finds that a system has been abandoned  
1292 or that services of a system have been terminated, the court may  
1293 enter any orders regarding continued operations of that system as  
1294 it deems necessary to protect the public health and welfare.



(6) (a) Any penalty assessed by the director under this section shall be due and payable within thirty (30) days after notification of the violator of the order, and shall be due and payable jointly or severally, as the order may require or allow.

(b) If the assessed penalty is not paid within the thirty (30) days, or within any additional time as the director may allow, the director may file suit in the \* \* \* inferior courts of the Capitol Complex Improvement District or any other court with appropriate jurisdiction to enforce the order, collect the penalty and recover reasonable attorney's fees and all court costs.

(c) A copy of the administrative order shall be sufficient proof as to the decision of the director.

(7) All fines and penalties recovered or collected by the director under subsection (1) of this section shall be deposited in the Public Water Systems Technical Assistance Account of the Public Water Systems Assistance Fund.

**SECTION 20.** Section 75-71-602, Mississippi Code of 1972, is amended as follows:

75-71-602. **Investigations and subpoenas.** (a) **Authority to investigate.** The administrator may:

(1) Conduct public or private investigations within or outside of this state which the administrator considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this chapter or a rule adopted



or order issued under this chapter, or to aid in the enforcement of this chapter or in the adoption of rules and forms under this chapter;

(2) Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the administrator determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(3) Publish a record concerning an action, proceeding, or an investigation under, or a violation of, this chapter or a rule adopted or order issued under this chapter if the administrator determines it is necessary or appropriate in the public interest and for the protection of investors.

(b) **Administrator powers to investigate.** For the purpose of an investigation under this chapter, the administrator or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the administrator considers relevant or material to the investigation.

(c) **Procedure and remedies for noncompliance.** If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the administrator under this chapter, the administrator may apply to the \* \* \* inferior courts of the Capitol Complex Improvement



1345 District or a court of another state to enforce compliance. The  
1346 court may:

1347 (1) Hold the person in contempt;

1348 (2) Order the person to appear before the  
1349 administrator;

1350 (3) Order the person to testify about the matter under  
1351 investigation or in question;

1352 (4) Order the production of records;

1353 (5) Grant injunctive relief, including restricting or  
1354 prohibiting the offer or sale of securities or the providing of  
1355 investment advice; and

1356 (6) Grant any other necessary or appropriate relief.

1357 (d) **Application for relief.** This section does not preclude  
1358 a person from applying to the \* \* \* inferior courts of the Capitol  
1359 Complex Improvement District or a court of another state for  
1360 relief from a request to appear, testify, file a statement,  
1361 produce records, or obey a subpoena.

1362 (e) **Use immunity procedure.** An individual is not excused  
1363 from attending, testifying, filing a statement, producing a record  
1364 or other evidence, or obeying a subpoena of the administrator  
1365 under this chapter or in an action or proceeding instituted by the  
1366 administrator under this chapter on the ground that the required  
1367 testimony, statement, record, or other evidence, directly or  
1368 indirectly, may tend to incriminate the individual or subject the  
1369 individual to a criminal fine, penalty, or forfeiture. If the



1370 individual refuses to testify, file a statement, or produce a  
1371 record or other evidence on the basis of the individual's  
1372 privilege against self-incrimination, the administrator may apply  
1373 to the \* \* \* inferior courts of the Capitol Complex Improvement  
1374 District to compel the testimony, the filing of the statement, the  
1375 production of the record, or the giving of other evidence. The  
1376 testimony, record, or other evidence compelled under such an order  
1377 may not be used, directly or indirectly, against the individual in  
1378 a criminal case, except in a prosecution for perjury or contempt  
1379 or otherwise failing to comply with the order.

1380 (f) **Assistance to securities regulator of another**  
1381 **jurisdiction.** At the request of the securities regulator of  
1382 another state or a foreign jurisdiction, the administrator may  
1383 provide assistance if the requesting regulator states that it is  
1384 conducting an investigation to determine whether a person has  
1385 violated, is violating, or is about to violate a law or rule of  
1386 the other state or foreign jurisdiction relating to securities  
1387 matters that the requesting regulator administers or enforces.  
1388 The administrator may provide the assistance by using the  
1389 authority to investigate and the powers conferred by this section  
1390 as the administrator determines is necessary or appropriate. The  
1391 assistance may be provided without regard to whether the conduct  
1392 described in the request would also constitute a violation of this  
1393 chapter or other law of this state if occurring in this state. In  
1394 deciding whether to provide the assistance, the administrator may



1395 consider whether the requesting regulator is permitted and has  
1396 agreed to provide assistance reciprocally within its state or  
1397 foreign jurisdiction to the administrator on securities matters  
1398 when requested; whether compliance with the request would violate  
1399 or prejudice the public policy of this state; and the availability  
1400 of resources and employees of the administrator to carry out the  
1401 request for assistance.

1402       **SECTION 21.** Section 73-73-33, Mississippi Code of 1972, is  
1403 amended as follows:

1404       73-73-33. Within thirty (30) days after entry of a final  
1405 order or judgment denying or revoking a certificate to practice as  
1406 a Certified Interior Designer, whether an initial licensure or  
1407 renewal, or action of the board as a result of disciplinary  
1408 proceedings conducted under this section, any person aggrieved may  
1409 appeal the order, judgment or action either to the chancery court  
1410 of the county in which the appellant resides or to the \* \* \*  
1411 inferior courts of the Capitol Complex Improvement District upon  
1412 giving bond with sufficient security in the amount of Five Hundred  
1413 Dollars (\$500.00), approved by the clerk of the chancery court and  
1414 conditioned to pay any costs which may be adjudged against the  
1415 person. If the appellant is a nonresident of this state, the  
1416 appeal shall be made to the \* \* \* inferior courts of the Capitol  
1417 Complex Improvement District.

1418       Notice of appeal shall be filed in the office of the clerk of  
1419 the chancery court, who shall issue a writ of certiorari directed





to the board commanding it, within ten (10) days after service, to certify to the court its entire record in the matter in which the appeal has been taken. The content of the briefs shall be in accordance with M.R.A.P. 28 and the briefing schedule shall be in accordance with M.R.A.P. 31 unless the court, in its discretion, directs otherwise. The appeal shall be heard in due course by the court, and the court shall review the record and make its determination of the cause between the parties within sixty (60) days of the close of briefing.

Any order, judgment or decision of the board shall not take effect until after the time for appeal to the court shall have expired. All appeals perfected under this section shall act as a supersedeas of the order, judgment or action appealed from.

**SECTION 22.** Section 9-9-15, Mississippi Code of 1972, is brought forward as follows:

9-9-15. (1) In order to relieve the crowded condition of the docket in the county court and in the youth court of the first Judicial District of Hinds County and particularly to facilitate and make possible the trial and disposition of the large number of causes on said docket and in the youth court, there shall be three (3) county judges for Hinds County, Mississippi, provided for and elected as herein set out.

(2) For purposes of appointment, nomination and election, the three (3) judgeships shall be separate and distinct, the presently existing judgeship and its succession to be denominated



1445 for purposes of appointment, nomination and election only as Place  
1446 One, Place Two and Place Three. There shall be no distinction  
1447 whatsoever in the powers, duties and emoluments of the three (3)  
1448 offices of county judge, except that the county judge of Hinds  
1449 County who has been for the longest time continuously a county  
1450 judge of said county, shall have the right to assign causes, terms  
1451 and dockets.

1452 (3) While there shall be no limitation whatsoever upon the  
1453 powers and duties of the said county judges other than as cast  
1454 upon them by the constitution and laws of this state, the county  
1455 court in Hinds County may, in the discretion of the county judge  
1456 who has been for the longest time continuously a judge of said  
1457 court, be divided into civil, criminal and youth court divisions  
1458 as a matter of convenience, by the entry of an order upon the  
1459 minutes of the court.

1460 **SECTION 23.** Section 83-5-49, Mississippi Code of 1972, is  
1461 amended as follows:

1462 83-5-49. Any person who willfully violates a cease and  
1463 desist order of the commissioner under Section 83-5-41, after it  
1464 has become final, and while such order is in effect, shall, upon  
1465 proof thereof to the satisfaction of the court, forfeit and pay to  
1466 the commissioner for the use of the public schools of the county  
1467 or counties in which the act or acts complained of occurred, a sum  
1468 to be determined by the commissioner not to exceed One Thousand  
1469 Dollars (\$1,000.00) for each violation, which if not paid may be



1470 recovered in a civil action instituted in the name of the  
1471 commissioner in a court of competent jurisdiction in the county of  
1472 the residence of such person who is a resident of the state. In  
1473 the case of a nonresident, the action shall be brought in a court  
1474 of competent jurisdiction in Hinds County.

1475 In addition to or in lieu of the penalty set out above, the  
1476 commissioner may revoke or suspend the license of such person to  
1477 transact the business of insurance in this state, but from any  
1478 order of the commissioner revoking or suspending such license,  
1479 there shall be a right of appeal therefrom to the \* \* \* inferior  
1480 courts of the Capitol Complex Improvement District in the manner  
1481 provided by law.

1482 **SECTION 24.** Section 73-63-49, Mississippi Code of 1972, is  
1483 amended as follows:

1484 73-63-49. Except as provided in Section 73-63-43(10), any  
1485 person aggrieved by an action of the board revoking that person's  
1486 certificate of registration or certificate of enrollment as a  
1487 geologist-in-training or denying the renewal of registration as a  
1488 professional geologist, or who is aggrieved by the action of the  
1489 board as a result of disciplinary proceedings conducted under  
1490 Section 73-63-43 may appeal to the chancery court of the county in  
1491 which the appellant resides or the \* \* \* inferior courts of the  
1492 Capitol Complex Improvement District at the election of the  
1493 appellant. If the appellant is a nonresident of this state, the  
1494 appeal shall be made to the \* \* \* inferior courts of the Capitol



1495 Complex Improvement District. The appeal shall be perfected  
1496 before the board by the filing with the board of a notice of  
1497 appeal to the chancery court. The notice of appeal shall be filed  
1498 not later than thirty (30) days after the decision of the board is  
1499 forwarded to the guilty party.

1500 All appeals perfected under this section shall act as a  
1501 supersedeas, and shall be made to the chancery court solely upon  
1502 the record made before the board during the disciplinary hearing.  
1503 The appellant shall be required to post a bond with sufficient  
1504 sureties according to law in an amount to be determined by the  
1505 chancellor. When the appeal is properly perfected, the board  
1506 shall cause the record of the proceedings conducted before it to  
1507 be compiled, certified and filed with the chancery court. The  
1508 chancery court shall always be deemed open for hearing of appeals  
1509 and the chancellor may hear the appeal in termtime or in vacation  
1510 at any place in the chancellor's district. The appeal shall have  
1511 precedence over all civil cases, except election contests. The  
1512 chancery court shall review all questions of law and of fact. If  
1513 no prejudicial error is found, the matter shall be affirmed and  
1514 remanded to the board for enforcement. If a prejudicial error is  
1515 found, the matter shall be reversed and the chancery court shall  
1516 remand the matter to the board for appropriate action as may be  
1517 shown or necessary under the circumstances. Appeals may be taken  
1518 from the chancery court to the Supreme Court in the manner as  
1519 required by law.



1520       **SECTION 25.** Section 83-17-521, Mississippi Code of 1972, is  
1521 amended as follows:

1522       83-17-521. Any person aggrieved by any action or decision of  
1523 the commissioner under the provisions of this article may appeal  
1524 therefrom to the \* \* \* inferior courts of the Capitol Complex  
1525 Improvement District in the manner provided by law. The circuit  
1526 court shall have the authority and jurisdiction to hear the appeal  
1527 and render its decision in regard thereto in termtime or vacation.

1528       **SECTION 26.** Section 83-38-19, Mississippi Code of 1972, is  
1529 amended as follows:

1530       83-38-19. Any person insured pursuant to this chapter, or  
1531 his representative, or any affected insurer who may be aggrieved  
1532 by an act, ruling, or decision of the association, within thirty  
1533 (30) days after such ruling, is entitled to appeal to the  
1534 commissioner. A hearing before the commissioner upon such appeal  
1535 shall be in accordance with the procedures promulgated by the  
1536 commissioner. The commissioner is authorized to appoint a member  
1537 of the Insurance Department staff for the purpose of hearing such  
1538 appeals, and a ruling based upon such hearing shall have the same  
1539 effect as if heard by the commissioner. All persons or insureds  
1540 aggrieved by any order or decision of the commissioner may appeal,  
1541 within thirty (30) days of such order or decision to the \* \* \*  
1542 inferior courts of the Capitol Complex Improvement District.

1543       **SECTION 27.** Section 83-6-35, Mississippi Code of 1972, is  
1544 amended as follows:



1545           83-6-35. Whenever it appears to the commissioner that any  
1546 insurer or any director, officer, employee or agent thereof has  
1547 committed a willful violation of this chapter, the commissioner  
1548 may cause criminal proceedings to be instituted in the court  
1549 having criminal jurisdiction for the county in which the principal  
1550 office of the insurer is located, or if such insurer has no such  
1551 office in the state, then in the \* \* \* inferior courts of the  
1552 Capitol Complex Improvement District against such insurer or the  
1553 responsible director, officer, employee or agent thereof. Any  
1554 insurer which willfully violates this chapter may be fined not  
1555 more than Five Hundred Dollars (\$500.00). Any individual who  
1556 willfully violates this chapter upon conviction may be fined not  
1557 more than Five Hundred Dollars (\$500.00), or if such willful  
1558 violation involves the deliberate perpetration of a fraud, may be  
1559 imprisoned in the State Penitentiary for not more than two (2)  
1560 years, or both.

1561           **SECTION 28.** Section 83-17-423, Mississippi Code of 1972, is  
1562 amended as follows:

1563           83-17-423. Any person aggrieved by any action or decision of  
1564 the Commissioner of Insurance under the provisions of this article  
1565 may appeal therefrom to the \* \* \* inferior courts of the Capitol  
1566 Complex Improvement District in the manner provided by law. The  
1567 circuit court shall have the authority and jurisdiction to hear  
1568 the appeal and render its decision in regard thereto in termtime  
1569 or vacation.



1570           **SECTION 29.** Section 73-43-17, Mississippi Code of 1972, is  
1571 amended as follows:

1572           73-43-17. Unless otherwise provided for by law, the venue of  
1573 actions against the state board of medical licensure wherein said  
1574 board is a defendant shall be the \* \* \* inferior courts of the  
1575 Capitol Complex Improvement District.

1576           **SECTION 30.** Section 69-7-667, Mississippi Code of 1972, is  
1577 amended as follows:

1578           69-7-667. (1) The commissioner is hereby authorized to  
1579 apply for and the court to grant a temporary or permanent  
1580 injunction restraining any person from violating or continuing to  
1581 violate any of the provisions of this article or any rule or  
1582 regulation promulgated under this article, notwithstanding the  
1583 existence of other remedies at law. Said injunction shall be  
1584 issued without bond.

1585           (2) Any person adversely affected by an act, order or ruling  
1586 made by the commissioner pursuant to the provisions of this  
1587 article may, within forty-five (45) days thereafter, bring action  
1588 in the \* \* \* inferior courts of the Capitol Complex Improvement  
1589 District for judicial review of such actions. The form of the  
1590 proceeding shall be any which may be provided by statutes of this  
1591 state to review decisions of administrative agencies, or in the  
1592 absence or inadequacy thereof any applicable form of legal action,  
1593 including actions for declaratory judgments or writs of  
1594 prohibitory or mandatory injunctions.



1595           **SECTION 31.** Section 51-9-209, Mississippi Code of 1972, is  
1596 amended as follows:

1597           51-9-209. All bonds (other than refunding bonds, interim  
1598 notes and certificate of indebtedness) issued pursuant to this act  
1599 shall be validated as now provided by law in Sections 31-13-1  
1600 through 31-13-11, Mississippi Code of 1972; provided, however,  
1601 that notice of such validation proceedings shall be addressed to  
1602 the taxpayers of any public agency (i) which has contracted with  
1603 the district pursuant to this act and whose contracts and the  
1604 payments to be made by the public agency thereunder constitute  
1605 security for the bonds of the district proposed to be issued, or  
1606 (ii) which is a member of the district. Such notice shall be  
1607 published at least once in a newspaper or newspapers having a  
1608 general circulation within the geographical boundaries of each of  
1609 the public agencies to whose taxpayers the notice is addressed.  
1610 Such validation proceedings shall be instituted in the \* \* \*  
1611 inferior courts of the Capitol Complex Improvement District. The  
1612 validity of the bonds so validated and of the contracts and  
1613 payments to be made by the public agencies thereunder constituting  
1614 security for the bonds shall be forever conclusive against the  
1615 district and the public agencies which are parties to said  
1616 contracts; and the validity of said bonds and said contracts and  
1617 the payment to be made thereunder shall never be called in  
1618 question in any court in this state.





1619           **SECTION 32.** Section 73-69-33, Mississippi Code of 1972, is  
1620 amended as follows:

1621           73-69-33. Any person aggrieved by any action or decision of  
1622 the State Fire Marshal under the provisions of this chapter may  
1623 appeal therefrom, within thirty (30) days after receipt of notice  
1624 thereof to the \* \* \* inferior courts of the Capitol Complex  
1625 Improvement District in the manner provided by law. Such appeal  
1626 shall be without supersedeas except that the court may grant  
1627 supersedeas as otherwise provided by law here the license is  
1628 revoked. The court shall have the authority and jurisdiction to  
1629 hear the appeal and render its decision in regard thereto in  
1630 termtime or vacation.

1631           **SECTION 33.** Section 81-27-7.105, Mississippi Code of 1972,  
1632 is amended as follows:

1633           81-27-7.105. Administrative orders issued by the  
1634 commissioner and civil money penalties imposed for violation of  
1635 such orders shall be subject to review by the \* \* \* inferior  
1636 courts of the Capitol Complex Improvement District.

1637           **SECTION 34.** Section 43-33-755, Mississippi Code of 1972, is  
1638 amended as follows:

1639           43-33-755. Any action or proceeding to which the corporation  
1640 or the people of the state may be a part in which any question  
1641 arises as to the validity of this article shall be preferred over  
1642 all other civil causes in all courts of the state and shall be  
1643 heard and determined in preference to all other civil business



pending therein irrespective of position on the calendar. The same preference shall be granted upon application of counsel to the corporation in any action or proceeding questioning the validity of the article in which he may be allowed to intervene. The venue of any such action or proceeding shall be in the \* \* \* inferior courts of the Capitol Complex Improvement District.

**SECTION 35.** Section 43-33-741, Mississippi Code of 1972, is amended as follows:

43-33-741. The state does hereby pledge to and agree with the holders of any bonds or notes issued under this article that the state will not limit or alter the rights hereby vested in the corporation to fulfill the terms of any agreements made with the holders thereof in keeping with the provisions of this article, or in any way impair the rights and remedies of such holders until such bonds or notes together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The corporation is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds or notes. The chancery court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action or proceeding shall be in the \* \* \* inferior courts of the Capitol Complex Improvement District.



1669           **SECTION 36.** Section 41-137-59, Mississippi Code of 1972, is  
1670 amended as follows:

1671           41-137-59. (1) Any person or entity aggrieved by a final  
1672 decision or order of an agency under the provisions of this  
1673 chapter may petition for judicial review of the final decision or  
1674 order.

1675           (2) (a) The petition shall be filed within twenty (20) days  
1676 after the issuance of the agency's final decision or order. The  
1677 petition shall be filed in the circuit court of the county in  
1678 which the appellant resides. If the appellant is a nonresident of  
1679 this state, the appeal shall be made to the \* \* \* inferior courts  
1680 of the Capitol Complex Improvement District.

1681           (b) Any person or entity aggrieved by the decision of  
1682 the circuit court may appeal to the Mississippi Supreme Court.

1683           **SECTION 37.** Section 41-9-309, Mississippi Code of 1972, is  
1684 amended as follows:

1685           41-9-309. Any applicant aggrieved by a decision of the  
1686 department under this act shall be entitled to judicial review  
1687 thereof in the \* \* \* inferior courts of the Capitol Complex  
1688 Improvement District. In the review, the decision of the  
1689 department shall be affirmed unless it is arbitrary, capricious,  
1690 or it is not in compliance with this act.

1691           **SECTION 38.** Section 73-1-31, Mississippi Code of 1972, is  
1692 amended as follows:



1693           73-1-31. Within thirty (30) days after entry of a final  
1694 order or judgment denying or revoking a certificate to practice  
1695 architecture, whether an initial licensure or renewal, or action  
1696 of the board as a result of disciplinary proceedings conducted  
1697 under this section, any person aggrieved thereby may appeal such  
1698 order, judgment or action either to the chancery court of the  
1699 county wherein the appellant resides or to the \* \* \* inferior  
1700 courts of the Capitol Complex Improvement District upon giving  
1701 bond with sufficient security in the amount of Five Hundred  
1702 Dollars (\$500.00), approved by the clerk of the chancery court and  
1703 conditioned to pay any costs which may be adjudged against such  
1704 person. If the appellant is a nonresident of this state, the  
1705 appeal shall be made to the \* \* \* inferior courts of the Capitol  
1706 Complex Improvement District.

1707           Notice of appeal shall be filed in the office of the clerk of  
1708 the chancery court, who shall issue a writ of certiorari directed  
1709 to the board commanding it within ten (10) days after service  
1710 thereof to certify to such court its entire record in the matter  
1711 in which the appeal has been taken. The content of the briefs  
1712 shall be in accordance with M.R.A.P. 28 and the briefing schedule  
1713 shall be in accordance with M.R.A.P. 31 unless the court, in its  
1714 discretion, directs otherwise. The appeal shall thereupon be  
1715 heard in due course by the court, and the court shall review the  
1716 record and make its determination of the cause between the parties  
1717 within sixty (60) days of the close of briefing.



1718 Any order, judgment or decision of the board shall not take  
1719 effect until after the time for appeal to the court shall have  
1720 expired. All appeals perfected hereunder shall act as a  
1721 supersedeas of the order, judgment or action appealed from.

1722 Actions taken by the board in suspending a certificate of  
1723 registration when required by Section 93-11-157 or 93-11-163 are  
1724 not actions from which an appeal may be taken under this section.  
1725 Any appeal of a suspension of a certificate that is required by  
1726 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
1727 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
1728 as the case may be, rather than the procedure specified in this  
1729 section.

1730 **SECTION 39.** Section 41-21-81, Mississippi Code of 1972, is  
1731 amended as follows:

1732 41-21-81. If at any time within twenty (20) days after  
1733 admission of a patient to a treatment facility the director  
1734 determines that the patient is in need of continued  
1735 hospitalization, he shall give written notice of his findings,  
1736 together with his reasons for such findings, to the respondent,  
1737 the patient's attorney, the clerk of the admitting court and the  
1738 two (2) nearest relatives or guardian of the patient, if the  
1739 addresses of such relatives or guardian are known. The patient,  
1740 or any aggrieved relative or friend or guardian shall have sixty  
1741 (60) days from the date of such notice to request a hearing on the  
1742 question of the patient's commitment for further treatment. The



1743 patient, or any aggrieved relative or guardian or friend, may  
1744 request a hearing by filing a written notice of request within  
1745 such sixty (60) days with the clerk of the county within which the  
1746 facility is located; provided, however, that the patient may  
1747 request such a hearing in writing to any member of the  
1748 professional staff, which shall be forwarded to the director and  
1749 promptly filed with the clerk of the county within which the  
1750 facility is located and provided further that if the patient is  
1751 confined at the Mississippi State Hospital, Whitfield,  
1752 Mississippi, said notice of request shall be filed with the \* \* \*  
1753 inferior courts of the Capitol Complex Improvement District. A  
1754 copy of the notice of request must be filed by the patient or on  
1755 his behalf with the director and the chancery clerk of the  
1756 admitting court. The notice of the need for continued  
1757 hospitalization shall be explained to the patient by a member of  
1758 the professional staff and the explanation documented in the  
1759 clinical record. At the same time the patient shall be advised of  
1760 his right to request a hearing and of his right to consult a  
1761 lawyer prior to deciding whether to request the hearing, and the  
1762 fact that the patient has been so advised shall be documented in  
1763 the clinical record. Hearings held pursuant to this section shall  
1764 be held in the chancery court of the county where the facility is  
1765 located; provided, however, that if the patient is confined at the  
1766 Mississippi State Hospital at Whitfield, Mississippi, the hearing



1767 shall be conducted by the \* \* \* inferior courts of the Capitol  
1768 Complex Improvement District.

1769 **SECTION 40.** Section 55-23-6, Mississippi Code of 1972, is  
1770 brought forward as follows:

1771 55-23-6. (1) From and after March 16, 2011:

1772 (a) (i) The Department of Finance and Administration  
1773 as managing agency for the Mississippi Veterans Memorial Stadium,  
1774 upon consultation with Jackson State University and the Department  
1775 of Health, shall transfer the operational, administrative and  
1776 managing powers and duties over the Mississippi Veterans Memorial  
1777 Stadium to Jackson State University, subject to an agreement  
1778 reached by the Department of Finance and Administration, Jackson  
1779 State University and the University of Mississippi Medical Center.

1780 (ii) The Department of Finance and Administration  
1781 as managing agency for the Mississippi Veterans Memorial Stadium,  
1782 upon consultation with Jackson State University, the University of  
1783 Mississippi Medical Center and the Department of Health, shall  
1784 transfer the real property located in Hinds County, Mississippi,  
1785 generally known as the "Mississippi Veterans Memorial Stadium  
1786 Property," being any property under the jurisdiction of the  
1787 Department of Finance and Administration as of July 1, 2008, and  
1788 any other state-owned property located in the area bounded on the  
1789 north by Taylor Street, on the west by North West Street, on the  
1790 south by Woodrow Wilson Avenue and on the east by North State  
1791 Street used as part of or in connection with the Mississippi



1792 Veterans Memorial Stadium, to Jackson State University and the  
1793 University of Mississippi Medical Center in accordance with the  
1794 provisions of this section and Sections 55-23-8 and 55-23-9 and  
1795 subject to an agreement reached by the Department of Finance and  
1796 Administration, the University of Mississippi Medical Center and  
1797 the developer of the property with whom the Department of Finance  
1798 and Administration entered into a development lease agreement on  
1799 July 13, 1993, as amended by an agreement on August 19, 1994, less  
1800 and except any portion of real property excluded from the  
1801 development agreement pursuant to a settlement agreement issued in  
1802 the Circuit Court of Hinds County, Mississippi, on September 16,  
1803 2009, better described as Parcel B recorded in Book 4216, page  
1804 330, at Hinds County Courthouse, First Judicial District, Jackson,  
1805 Mississippi;

1806           (b) (i) The property that is the subject of the  
1807 development agreement entered into on July 13, 1993, as amended by  
1808 an agreement on August 19, 1994, less and except any portion of  
1809 real property excluded from the development agreement pursuant to  
1810 a settlement agreement issued in the Circuit Court of Hinds  
1811 County, Mississippi, on September 16, 2009, better described as  
1812 Parcel B recorded in Book 4216, page 330, at Hinds County  
1813 Courthouse, First Judicial District, Jackson, Mississippi, shall  
1814 be transferred to the University of Mississippi Medical Center;

1815           (ii) The remainder of the Mississippi Veterans  
1816 Memorial Stadium Property shall be transferred from the Department





1817 of Finance and Administration to Jackson State University, until  
1818 such time as Jackson State University relocates its home football  
1819 games to another venue. Once Jackson State University relocates  
1820 its home football games to another venue, the portion of  
1821 Mississippi Veterans Memorial Stadium Property conveyed to Jackson  
1822 State University under this subsection (1) shall be transferred to  
1823 the University of Mississippi Medical Center. From and after  
1824 March 16, 2011, and at the point Jackson State University assumes  
1825 possession of an operation of the real property transferred in  
1826 this paragraph, Jackson State University shall have a three-year  
1827 option to transfer said property back to the State of Mississippi;

1828 (c) All necessary records, property, funds and other  
1829 assets of the Mississippi Veterans Memorial Stadium shall be  
1830 transferred from the Department of Finance and Administration to  
1831 Jackson State University and/or the University of Mississippi  
1832 Medical Center as applicable, in proportion to the interests that  
1833 each such entity retains in the real property transferred under  
1834 paragraphs (a) and (b) of this subsection; and

1835 (d) Unless otherwise provided in the provisions of this  
1836 section and Sections 55-23-8 and 55-23-9, any personal service,  
1837 management or other contracts of like nature entered into by the  
1838 Department of Finance and Administration, as such may apply to the  
1839 properties transferred under paragraphs (a) and (b) of this  
1840 subsection, shall be transferred to, acknowledged and complied  
1841 with by Jackson State University and the University of Mississippi



1842 Medical Center as applicable to the interests that each such  
1843 entity retains in the real property transferred under paragraphs  
1844 (a) and (b) of this subsection.

1845 (2) Any agreement reached by the Department of Finance and  
1846 Administration, the University of Mississippi Medical Center and  
1847 the current developer shall comply with all requirements of this  
1848 section and Sections 55-23-8 and 55-23-9.

1849 (3) From and after March 16, 2011, wherever the term  
1850 "Department of Finance and Administration," the term "Mississippi  
1851 Veterans Memorial Stadium Commission" or the term "commission,"  
1852 when referring to the Mississippi Veterans Memorial Stadium  
1853 Commission, appears in the laws of the state, the terms shall mean  
1854 "Jackson State University" or the "University of Mississippi  
1855 Medical Center," which shall be applicable to the interests that  
1856 each such entity retains in the property transferred under  
1857 subsection (1)(b) as stipulated in any agreement entered into by  
1858 the Department of Finance and Administration, Jackson State  
1859 University, the University of Mississippi Medical Center and the  
1860 developer of the property for the transfer of such property and  
1861 the administration and operations relating thereto.

1862 **SECTION 41.** Section 73-33-11, Mississippi Code of 1972, is  
1863 amended as follows:

1864 73-33-11. (1) The Mississippi State Board of Public  
1865 Accountancy may revoke, suspend, impose a civil penalty or take  
1866 other appropriate action with respect to any license, practice



1867 privilege or permit issued pursuant to this chapter for any  
1868 unprofessional conduct by the licensee or permit holder, or for  
1869 other sufficient cause, provided written notice shall have been  
1870 sent by certified mail to the holder thereof at holder's mailing  
1871 address of record with the board, twenty (20) days before any  
1872 hearing thereon, stating the cause for such contemplated action  
1873 and appointing a day and a place for a full hearing thereon by the  
1874 board, provided further, no certificate or license be cancelled or  
1875 revoked until a hearing shall have been given to the holder  
1876 thereof according to law. But, after such hearing, the board may,  
1877 in its discretion, take action against any license, practice  
1878 privilege or permit issued pursuant to this chapter. When payment  
1879 of a civil penalty is assessed and levied by the board in  
1880 accordance with this section, such civil penalty shall not exceed  
1881 Five Thousand Dollars (\$5,000.00) for each violation and shall be  
1882 deposited into the special fund to the credit of the board.

1883       (2) The members of the board are hereby empowered to sit as  
1884 a trial board; to administer oaths (or affirmations); to summon  
1885 any witness and to compel his attendance and/or his testimony,  
1886 under oath (or affirmation) before the board or for purposes of  
1887 deposition during any board authorized investigation; to compel  
1888 the production of any book, paper or document by the owner or  
1889 custodian thereof to a hearing or for purpose of investigation;  
1890 and/or to compel any officer to produce, during investigation or  
1891 at the hearing, a copy of any public record (not privileged from



1892 public inspection by law) in his official custody, certified to,  
1893 by him. The board shall elect one (1) of its members to serve as  
1894 clerk, to issue summons and other processes, and to certify copies  
1895 of its records or, the board may delegate such duties to the  
1896 executive director.

1897 (3) The accused may appear in person and/or by counsel or,  
1898 in the instance of a firm permit holder through its manager and/or  
1899 counsel to defend such charges. If the accused does not appear or  
1900 answer, judgment may be entered by default, provided the board  
1901 finds that proper service was made on the accused.

1902 (4) The minutes of the board shall be recorded in an  
1903 appropriate minute book permanently maintained by the board at its  
1904 office.

1905 (5) In a proceeding conducted under this section by the  
1906 board for disciplinary action, those reasonable costs that are  
1907 expended by the board in the investigation and conduct of a  
1908 proceeding for discipline, including, but not limited to, the cost  
1909 of service of process, court reporters, expert witnesses,  
1910 investigators and legal fees may be imposed by the board on the  
1911 accused, the charging party or both.

1912 (6) Such costs shall be paid to the board upon the  
1913 expiration of the period allowed for appeal of such penalties  
1914 under this section, or may be paid sooner if the guilty party  
1915 elects. Money collected by the board under this section shall be  
1916 deposited to the credit of the board's special fund in the State



Treasury. When payment of a monetary penalty assessed by the board under this section is not paid when due, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the \* \* \* inferior courts of the Capitol Complex Improvement District or in the chancery court of the county where the respondent resides.

(7) In case of a decision adverse to the accused, appeal shall be made within thirty (30) days from the day on which the decision is made to the \* \* \* inferior courts of the Capitol Complex Improvement District or in the circuit court of the county in which the accused resides. In the case of a nonresident licensee, the appeal shall be made to the \* \* \* inferior courts of the Capitol Complex Improvement District. The order of the board shall not take effect until the expiration of said thirty (30) days.

(8) In case of an appeal, bond for costs in the circuit court shall be given as in other cases; and the order of the board shall not take effect until such appeal has been finally disposed of by the court or courts.

(9) The board may, at any time, reinstate a license, practice privilege or permit if it finds that such reinstatement is justified.

(10) In addition to the reasons specified in the first paragraph of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance



with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 42.** Section 83-49-31, Mississippi Code of 1972, is amended as follows:

83-49-31. If the commissioner finds that any prepaid legal services plan operator or its sponsor (a) has failed to comply with any provision of this chapter; (b) is fraudulently operated; (c) is in such condition as to render further plan operations hazardous to the public interest or the interest of subscribers; (d) is financially unable to meet its obligations and claims as



1967 they come due; or (e) has violated any other provision of law, he  
1968 may apply to the \* \* \* inferior courts of the Capitol Complex  
1969 Improvement District for an injunction. The court may forthwith  
1970 issue a temporary injunction restraining the transaction of any  
1971 business by the plan, and it may, after a full hearing, make the  
1972 injunction permanent, and appoint one or more receivers to take  
1973 the plan to settle its affairs, and distribute its funds to those  
1974 entitled thereto, subject to such rules and orders as the court  
1975 may prescribe. If it appears that a crime has been committed in  
1976 connection with the sale, advertisement, administration or  
1977 management of any prepaid legal services plan, the Attorney  
1978 General of the State of Mississippi may pursue the appropriate  
1979 criminal action.

1980 **SECTION 43.** Section 79-22-27, Mississippi Code of 1972, is  
1981 amended as follows:

1982 79-22-27. The Commissioner of Agriculture and Commerce is  
1983 authorized, in his discretion, to issue an order to stop the sale  
1984 or distribution of any product found to be in violation of this  
1985 chapter. Any order to stop the sale of any product regulated  
1986 under the provisions of this chapter may be appealed to the \* \* \*  
1987 inferior courts of the Capitol Complex Improvement District or the  
1988 chancery court in the county where the violation occurred within  
1989 thirty (30) days of receipt of such order.

1990 **SECTION 44.** Section 51-9-141, Mississippi Code of 1972, is  
1991 amended as follows:



1992           51-9-141. All bonds issued pursuant to this article shall be  
1993 validated as now provided by law by Sections 31-13-1 through  
1994 31-13-11, Mississippi Code of 1972. The services of the state's  
1995 bond attorney may be employed in the preparation of such bond  
1996 resolutions, forms, or proceedings as may be necessary, for which  
1997 he shall be paid a reasonable fee. Such validation proceedings  
1998 shall be instituted in the \* \* \* inferior courts of the Capitol  
1999 Complex Improvement District but notice of such validation  
2000 proceedings shall be published at least two times in a newspaper  
2001 of general circulation and published in each of the counties  
2002 comprising the Pearl River Valley Water Supply District, the first  
2003 publication of which in each case shall be made at least ten days  
2004 preceding the date set for the validation.

2005           **SECTION 45.** Section 75-89-21, Mississippi Code of 1972, is  
2006 amended as follows:

2007           75-89-21. (1) If the administrator believes, whether or not  
2008 based upon an investigation conducted under Section 75-89-19, that  
2009 any person has engaged or is about to engage in any act or  
2010 practice constituting a violation of any provision of this chapter  
2011 or any rule or order hereunder, the administrator may seek any or  
2012 all of the following remedies:

2013           (a) Issue a cease and desist order with or without a  
2014 prior hearing against the person(s) engaged in the prohibited  
2015 activities, directing them to cease and desist from further  
2016 illegal activity;





(b) Issue an order imposing an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) for each offense and each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings, to be paid to the administrator and requiring reimbursement to the administrator for all costs and expenses incurred in the investigation of the violation(s) and in the institution of administrative proceedings, if any, as a result thereof; or

(c) Initiate any of the actions specified in subsection (2) of this section.

(2) The administrator may institute any or all of the following actions in the \* \* \* inferior courts of the Capitol Complex Improvement District or in the appropriate courts of another state, in addition to any legal or equitable remedies otherwise available:

(a) An action for a declaratory judgment;

(b) An action for a prohibitory or mandatory injunction to enjoin the violation and to ensure compliance with this chapter or any rule or order of the administrator;

(c) An action for disgorgement; or

(d) An action for appointment of a receiver or conservator for the defendant or the defendant's assets.

**SECTION 46.** Section 81-27-6.104, Mississippi Code of 1972, is amended as follows:



81-27-6.104. (a) If a hearing has been held, the commissioner has entered an order denying the application, and the order has become final, the proposed transferee may appeal the final order to the \* \* \* inferior courts of the Capitol Complex Improvement District.

(b) The filing of an appeal under this section does not stay the order of the commissioner.

**SECTION 47.** Section 89-12-41, Mississippi Code of 1972, is amended as follows:

89-12-41. Any person aggrieved by a decision of the Treasurer or as to whose claim the Treasurer has failed to act within ninety (90) days after the filing of the claim, may commence an action in the \* \* \* inferior courts of the Capitol Complex Improvement District to establish his claim. The proceeding shall be brought within thirty (30) days after the decision of the Treasurer or within sixty (60) days from the filing of the claim if the Treasurer fails to act.

**SECTION 48.** Section 83-1-161, Mississippi Code of 1972, is amended as follows:

83-1-161. During the period of supervision the insurer may contest an action taken or proposed to be taken by the supervisor specifying the manner wherein the action being complained of would not result in improving the condition of the insurer. Denial of the insurer's request upon reconsideration entitles the insurer to



2065 appeal to the \* \* \* inferior courts of the Capitol Complex  
2066 Improvement District.

2067       **SECTION 49.** Section 83-2-31, Mississippi Code of 1972, is  
2068 amended as follows:

2069       83-2-31. Any order issued by the commissioner under this  
2070 chapter may be appealed to the Chancery Court of the \* \* \*  
2071 inferior courts of the Capitol Complex Improvement District in the  
2072 manner provided by law. Where the order of the commissioner  
2073 results in an increase or decrease in rates, any insurer affected  
2074 thereby with leave of court, pending final disposition of the  
2075 proceedings in the court, may continue to charge rates which were  
2076 obtained prior to such order of decrease, or may charge rates  
2077 resulting from such order of increase on condition that the  
2078 difference in the premiums be deposited in a special account by  
2079 the insurer or paid to the holders of policies issued after the  
2080 order of the commissioner, as the court may determine.

2081       **SECTION 50.** Section 77-11-5, Mississippi Code of 1972, is  
2082 amended as follows:

2083       77-11-5. (1) Pursuant to the provisions of Section  
2084 77-3-75, \* \* \* inferior courts of the Capitol Complex Improvement  
2085 District shall have jurisdiction to restrain violations of the  
2086 Natural Gas Pipeline Safety Standards adopted by both the United  
2087 States Department of Transportation and the Mississippi Public  
2088 Service Commission, and to enforce, by mandamus, injunction or  
2089 other appropriate remedy, orders of said commission adopting such



standards. Whenever practicable, the commission shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this article, trial shall be by the court, or upon demand of the accused, by a jury and, upon demand of the accused, a jury trial for criminal contempt shall be transferred to the chancery court of the county in which the accused resides or has his principal place of business.

**SECTION 51.** Section 77-3-413, Mississippi Code of 1972, is amended as follows:

77-3-413. At any time within ten (10) days of the entry of the order forfeiting or refusing to forfeit such charter, the attorney general or the corporation may apply to the \* \* \* inferior courts of the Capitol Complex Improvement District for a writ of certiorari, which, if granted, shall have the effect of transferring the record of the last proceeding to the circuit court. The circuit court, or the circuit judge in vacation, shall examine such record for errors of law. If the said court shall find no errors of law, the order shall be affirmed. If errors of



2115 law appear, the order shall be reversed and such reversal shall  
2116 operate as a stay of such order, and the cause shall be remanded  
2117 to the commission with directions for a new hearing, or dismissal,  
2118 as the circuit court finds proper from the examination of the  
2119 record.

2120       **SECTION 52.** Section 79-37-116, Mississippi Code of 1972, is  
2121 amended as follows:

2122       79-37-116. (a) If the Secretary of State refuses to file a  
2123 document delivered for filing, the domestic or foreign entity that  
2124 submitted the document for filing may appeal the refusal within  
2125 thirty (30) days after the return of the document to the \* \* \*  
2126 inferior courts of the Capitol Complex Improvement District. The  
2127 appeal is commenced by petitioning the court to compel filing the  
2128 document and by attaching to the petition the document and the  
2129 explanation of the Secretary of State for the refusal to file.

2130       (b) The court may summarily order the Secretary of State to  
2131 file the document or take other action the court considers  
2132 appropriate.

2133       (c) The court's final decision may be appealed as in other  
2134 civil proceedings.

2135       **SECTION 53.** Section 79-11-117, Mississippi Code of 1972, is  
2136 amended as follows:

2137       79-11-117. (1) If the Secretary of State refuses to file a  
2138 document delivered for filing to the Secretary of State's office,  
2139 the domestic or foreign corporation may appeal the refusal to the



2140 chancery court in the county where the corporation's principal  
2141 office is or will be located, or the \* \* \* inferior courts of the  
2142 Capitol Complex Improvement District if the corporation does not  
2143 have a principal office in this state. The appeal is commenced by  
2144 petitioning the court to compel filing the document and by  
2145 attaching to the petition the document and the Secretary of  
2146 State's explanation of the refusal to file.

2147 (2) The court may summarily order the Secretary of State to  
2148 file the document or take other action the court considered  
2149 appropriate.

2150 (3) The court's final decision may be appealed as in other  
2151 civil proceedings.

2152 **SECTION 54.** Section 79-11-353, Mississippi Code of 1972, is  
2153 amended as follows:

2154 79-11-353. (1) The Secretary of State, upon denying a  
2155 corporation's application for reinstatement following  
2156 administrative dissolution, shall serve the corporation with a  
2157 written notice that explains the reason or reasons for denial.

2158 (2) The corporation may appeal the denial of reinstatement  
2159 to the chancery court of the county where the corporation's  
2160 principal office is or was located, or in the \* \* \* inferior  
2161 courts of the Capitol Complex Improvement District if the  
2162 corporation does not have a principal office in this state, within  
2163 ninety (90) days after service of the notice of denial is  
2164 perfected. The corporation appeals by petitioning the court to



2165 set aside the dissolution and attaching to the petition copies of  
2166 the Secretary of State's certificate of dissolution, the  
2167 corporation's application for reinstatement and the Secretary of  
2168 State's notice of denial.

2169 (3) The court may summarily order the Secretary of State to  
2170 reinstate the dissolved corporation or may take other action the  
2171 court considers appropriate.

2172 (4) The court's final decision may be appealed as in other  
2173 civil proceedings.

2174 **SECTION 55.** Section 79-11-357, Mississippi Code of 1972, is  
2175 amended as follows:

2176 79-11-357. (1) Venue for a proceeding to dissolve a  
2177 corporation lies in the county where a corporation's principal  
2178 office is or was located, or in the \* \* \* inferior courts of the  
2179 Capitol Complex Improvement District if the corporation does not  
2180 have a principal office in this state.

2181 (2) It is not necessary to make directors or members parties  
2182 to a proceeding to dissolve a corporation unless relief is sought  
2183 against them individually.

2184 (3) A court in a proceeding brought to dissolve a  
2185 corporation may issue injunctions, appoint a receiver or custodian  
2186 pendente lite with all powers and duties the court directs, take  
2187 other action required to preserve the corporate assets wherever  
2188 located and carry on the activities of the corporation until a  
2189 full hearing can be held.



2190           **SECTION 56.** Section 79-11-389, Mississippi Code of 1972, is  
2191 amended as follows:

2192           79-11-389. (1) A foreign corporation may appeal the  
2193 Secretary of State's revocation of its certificate of authority to  
2194 the \* \* \* inferior courts of the Capitol Complex Improvement  
2195 District or the chancery court of the county where the  
2196 corporation's principal office is located within thirty (30) days  
2197 after the service of the certificate of revocation is perfected  
2198 under Section 79-11-381. The foreign corporation applies by  
2199 petitioning the court to set aside the revocation and attaching to  
2200 the petition copies of its certificate of authority and the  
2201 Secretary of State's certificate of revocation.

2202           (2) The court may summarily order the Secretary of State to  
2203 reinstate the certificate of authority or may take any other  
2204 action the court considers appropriate.

2205           (3) The court's final decision may be appealed as in other  
2206 civil proceedings.

2207           **SECTION 57.** Section 41-43-7, Mississippi Code of 1972, is  
2208 amended as follows:

2209           41-43-7. (1) The Secretary of State may impose, following  
2210 notice and an opportunity for a hearing, monetary penalties not to  
2211 exceed One Thousand Dollars (\$1,000.00) per occurrence for any  
2212 violation of this chapter or any rule, regulation or order issued  
2213 by the Secretary of State.





2214           (2) Any person aggrieved by a final order of the Secretary  
2215 of State may obtain a review of the order in the \* \* \* inferior  
2216 courts of the Capitol Complex Improvement District by filing in  
2217 the court, within thirty (30) days after the entry of the order, a  
2218 written petition praying that the order be modified or set aside,  
2219 in whole or in part. A copy of the petition shall be forthwith  
2220 served upon the Secretary of State and thereupon the Secretary of  
2221 State shall certify and file in the court a copy of the filing and  
2222 evidence upon which the order was entered. When these have been  
2223 filed, the court has exclusive jurisdiction to affirm, modify,  
2224 enforce or set aside the order, in whole or in part.

2225           **SECTION 58.** Section 79-13-1109, Mississippi Code of 1972, is  
2226 amended as follows:

2227           79-13-1109. (a) If the Secretary of State denies a foreign  
2228 limited liability partnership's application for reinstatement of  
2229 the statement of foreign qualification following administrative  
2230 revocation, he shall serve the foreign limited liability  
2231 partnership with a written communication that explains the reason  
2232 or reasons for denial.

2233           (b) The foreign limited liability partnership may appeal the  
2234 denial of reinstatement to the \* \* \* inferior courts of the  
2235 Capitol Complex Improvement District or the chancery court of the  
2236 county where the foreign limited liability partnership is  
2237 domiciled within thirty (30) days after service of the  
2238 communication of denial is perfected. The foreign limited



2239 liability partnership appeals by petitioning the court to set  
2240 aside the revocation and attaching to the petition copies of the  
2241 Secretary of State's communication of denial.

2242 (c) The court may summarily order the Secretary of State to  
2243 reinstate the registration of the limited liability partnership or  
2244 may take other action the court considers appropriate.

2245 (d) The court's final decision may be appealed as in other  
2246 civil proceedings.

2247 **SECTION 59.** Section 1-1-9, Mississippi Code of 1972, is  
2248 amended as follows:

2249 1-1-9. (1) Copyrights of the Mississippi Code of 1972 and  
2250 the notes, annotations, and indexes thereof, shall be taken by and  
2251 in the name of the publishers of the compilation who shall  
2252 thereafter promptly assign the same to the State of Mississippi  
2253 and be owned by it.

2254 (2) All parts of any act passed by the Mississippi  
2255 Legislature, or of any code published or authorized to be  
2256 published by the Joint Committee on Compilation, Revision and  
2257 Publication of Legislation, including, without limitation,  
2258 catchlines or frontal analyses; numbers assigned to sections,  
2259 articles, chapters and titles; historical citations or source  
2260 lines; editor's notes; amendment notes; cross references;  
2261 annotations; and summaries of judicial decisions and Attorney  
2262 General's opinions, shall become and remain the exclusive property



2263 of the State of Mississippi, to be used only as the joint  
2264 committee may direct.

2265       (3) (a) If any person or entity uses any part of any act  
2266 passed by the Mississippi Legislature, or any part of any code  
2267 published or authorized to be published by the joint committee, in  
2268 any manner other than as authorized by the committee, the person  
2269 or entity shall be subject to a civil penalty of not less than One  
2270 Thousand Dollars (\$1,000.00) for each violation, and each day upon  
2271 which a violation occurs shall be deemed a separate and additional  
2272 violation.

2273       (b) If the joint committee suspects that any person or  
2274 entity is violating or has violated this section, the Attorney  
2275 General shall investigate the matter upon the request of the joint  
2276 committee. If the Attorney General determines, after  
2277 investigation, that the person or entity is violating or has  
2278 violated this section, the Attorney General shall institute an  
2279 action to impose a civil penalty against the person or entity, or  
2280 seek injunctive relief against the person or entity to prevent  
2281 further violations of this section, or both, as requested by the  
2282 joint committee.

2283       (c) Civil penalties may be recovered in a civil action  
2284 brought by the Attorney General in the \* \* \* inferior courts of  
2285 the Capitol Complex Improvement District or in the chancery court  
2286 of the county of residence of the person or entity against whom  
2287 the penalty is sought. If the person or entity is a nonresident



2288 of the State of Mississippi, the action shall be brought in the  
2289 Chancery Court of the First Judicial District of Hinds County,  
2290 Mississippi.

2291 (d) All civil penalties recovered shall be deposited  
2292 into the State General Fund.

2293 **SECTION 60.** Section 73-21-163, Mississippi Code of 1972, is  
2294 amended as follows:

2295 73-21-163. Whenever the board has reason to believe that a  
2296 pharmacy benefit manager or pharmacy benefit manager affiliate is  
2297 using, has used, or is about to use any method, act or practice  
2298 prohibited in Sections 73-21-151 through 73-21-163 and that  
2299 proceedings would be in the public interest, it may bring an  
2300 action in the name of the board against the pharmacy benefit  
2301 manager or pharmacy benefit manager affiliate to restrain by  
2302 temporary or permanent injunction the use of such method, act or  
2303 practice. The action shall be brought in the \* \* \* inferior  
2304 courts of the Capitol Complex Improvement District. The court is  
2305 authorized to issue temporary or permanent injunctions to restrain  
2306 and prevent violations of Sections 73-21-151 through 73-21-163 and  
2307 such injunctions shall be issued without bond.

2308 (2) The board may impose a monetary penalty on a pharmacy  
2309 benefit manager or a pharmacy benefit manager affiliate for  
2310 noncompliance with the provisions of the Sections 73-21-151  
2311 through 73-21-163, in amounts of not less than One Thousand  
2312 Dollars (\$1,000.00) per violation and not more than Twenty-five



2313 Thousand Dollars (\$25,000.00) per violation. Each day a violation  
2314 continues for the same brand or generic product identifier or  
2315 brand or generic code number is a separate violation. The board  
2316 shall prepare a record entered upon its minutes that states the  
2317 basic facts upon which the monetary penalty was imposed. Any  
2318 penalty collected under this subsection (2) shall be deposited  
2319 into the special fund of the board.

2320 (3) The board may assess a monetary penalty for those  
2321 reasonable costs that are expended by the board in the  
2322 investigation and conduct of a proceeding if the board imposes a  
2323 monetary penalty under subsection (2) of this section. A monetary  
2324 penalty assessed and levied under this section shall be paid to  
2325 the board by the licensee, registrant or permit holder upon the  
2326 expiration of the period allowed for appeal of those penalties  
2327 under Section 73-21-101, or may be paid sooner if the licensee,  
2328 registrant or permit holder elects. Any penalty collected by the  
2329 board under this subsection (3) shall be deposited into the  
2330 special fund of the board.

2331 (4) When payment of a monetary penalty assessed and levied  
2332 by the board against a licensee, registrant or permit holder in  
2333 accordance with this section is not paid by the licensee,  
2334 registrant or permit holder when due under this section, the board  
2335 shall have the power to institute and maintain proceedings in its  
2336 name for enforcement of payment in the chancery court of the  
2337 county and judicial district of residence of the licensee,



2338 registrant or permit holder, or if the licensee, registrant or  
2339 permit holder is a nonresident of the State of Mississippi, in  
2340 the \* \* \* inferior courts of the Capitol Complex Improvement  
2341 District. When those proceedings are instituted, the board shall  
2342 certify the record of its proceedings, together with all documents  
2343 and evidence, to the chancery court and the matter shall be heard  
2344 in due course by the court, which shall review the record and make  
2345 its determination thereon in accordance with the provisions of  
2346 Section 73-21-101. The hearing on the matter may, in the  
2347 discretion of the chancellor, be tried in vacation.

2348 (5) The board shall develop and implement a uniform penalty  
2349 policy that sets the minimum and maximum penalty for any given  
2350 violation of Sections 73-21-151 through 73-21-163. The board  
2351 shall adhere to its uniform penalty policy except in those cases  
2352 where the board specifically finds, by majority vote, that a  
2353 penalty in excess of, or less than, the uniform penalty is  
2354 appropriate. That vote shall be reflected in the minutes of the  
2355 board and shall not be imposed unless it appears as having been  
2356 adopted by the board.

2357 **SECTION 61.** Section 51-9-109, Mississippi Code of 1972, is  
2358 amended as follows:

2359 51-9-109. The Pearl River Industrial Commission, acting  
2360 through its members who favor bringing the counties they represent  
2361 into the Pearl River Valley Water Supply District, shall petition  
2362 the \* \* \* inferior courts of the Capitol Complex Improvement



2363 District to organize and establish the Pearl River Valley Water  
2364 Supply District and shall set forth in the petition:

2365           (a) The counties to be included in the Pearl River  
2366 Valley Water Supply District. Any county through which the Pearl  
2367 River runs or which borders on the Pearl River may be included in  
2368 the district.

2369           (b) The fact that a preliminary report or study to  
2370 determine the engineering feasibility of constructing a dam and  
2371 reservoir in the basin of Pearl River has been made by a competent  
2372 engineer or engineering firm and that such study or report shows  
2373 that the construction of such facilities is feasible for water  
2374 conservation or supply or for any of the other purposes or  
2375 services contemplated by the legislative declaration of public  
2376 policy in this article.

2377           (c) The necessity and desirability for the construction  
2378 of such facilities.

2379           (d) A general description of the purposes of the  
2380 contemplated works, and a general description of the plan  
2381 including the lands to be overflowed or otherwise affected  
2382 thereby, and maps or plats showing the general location of the  
2383 reservoir and dam and related facilities. The word "project" when  
2384 used herein shall mean the general plan and purposes of the Pearl  
2385 River Valley Water Supply District, including its physical  
2386 properties, as set out in this petition to the chancery court; and  
2387 the words "project area" shall mean the physical location of the



2388 reservoir, dam, and related facilities as shown on the plats filed  
2389 with the chancery court and shall include and be limited to an  
2390 area of one mile from the shore line of the reservoir at high  
2391 water. The words "related facilities" as used in this article  
2392 shall mean the facilities indicated on said maps or plats filed  
2393 with the chancery court or otherwise explained in the pleadings  
2394 filed with the chancery court and shall include property, land, or  
2395 areas of land adjacent to, or in the vicinity of, said reservoir  
2396 or dam and within a distance of one mile from the high water mark  
2397 of the proposed shore line of said reservoir as shown on said map,  
2398 which may be acquired, owned, rented, leased, or sold by the  
2399 district in connection with the recreational or industrial  
2400 development and use of the project.

2401 The petition shall be filed with as many copies as there are  
2402 parties defendant. A copy of the preliminary report or study  
2403 shall be attached to the original and each copy of the petition as  
2404 an exhibit.

2405 The board of water commissioners shall be made a party defendant,  
2406 and the chancery clerk shall furnish the board of water  
2407 commissioners with a copy of the petition with attached exhibits.  
2408 Each county named in the petition shall be joined as a party  
2409 defendant by service of process on the president of the board of  
2410 supervisors thereof, and the chancery clerk shall furnish a copy  
2411 of the petition to each such president. Whenever any municipality  
2412 having a population according to the most recent federal census of





2413 ten thousand (10,000) or more is included in such proposed  
2414 district, such municipality shall be made a party defendant.  
2415 It shall not be necessary that any land owners in the counties to  
2416 be included in said proposed district be named in the petition, or  
2417 made parties defendant. The chancellor of the \* \* \* inferior  
2418 courts of the Capitol Complex Improvement District shall have  
2419 jurisdiction of the entire water supply district and project area  
2420 for the purposes of this article. Such jurisdiction may be  
2421 exercised by the chancellor in term time or in vacation, as  
2422 provided in this article.

2423 **SECTION 62.** Section 41-26-21, Mississippi Code of 1972, is  
2424 amended as follows:

2425 41-26-21. Following the hearing, the presiding official  
2426 shall enter an order which shall become a final order of the  
2427 director, unless the petitioner or other interested person  
2428 appearing at the hearing, shall, within ten (10) days after the  
2429 date of the final order was made, appeal to the \* \* \* inferior  
2430 courts of the Capitol Complex Improvement District or the chancery  
2431 court of the county of the situs, in whole or in part. The  
2432 petitioner or other interested person shall give a cost bond with  
2433 sufficient sureties, payable to the state in the sum of not less  
2434 than One Hundred Dollars (\$100.00) nor more than Five Hundred  
2435 Dollars (\$500.00), to be fixed in the order appealed from. The  
2436 cost bond shall be filed with and approved by the director, who  
2437 shall certify the bond, together with a certified copy of the



2438 record of the hearing in the matter, to the chancery court, which  
2439 shall be the record of the cause. Except as provided in this  
2440 section, an appeal to the chancery court as provided in this  
2441 section shall not stay the execution of a final order of the  
2442 director.

2443 Any person who is aggrieved by any final order or other  
2444 decision issued under this section may, within ten (10) days after  
2445 the date of that order or decision, petition the Chancery Court of  
2446 the \* \* \* inferior courts of the Capitol Complex Improvement  
2447 District or the chancery court of the county of the situs, in  
2448 whole or in part, for an appeal with supersedeas. The chancellor  
2449 shall grant a hearing on that petition. Upon good cause shown,  
2450 the chancellor may grant the appeal with supersedeas. The  
2451 appellant shall be required to post a bond with sufficient  
2452 sureties according to law in an amount to be determined by the  
2453 chancellor. Appeals shall be considered only upon the record as  
2454 made at the hearing before the presiding official. The chancery  
2455 court shall always be deemed open for hearing of appeals and the  
2456 chancellor may hear the appeal in termtime or in vacation at any  
2457 place in the chancellor's district. The appeal shall have  
2458 precedence over all civil cases, except election contests. The  
2459 chancery court shall review all questions of law and of fact. If  
2460 no prejudicial error is found, the matter shall be affirmed and  
2461 remanded to the director for enforcement. If a prejudicial error  
2462 is found, the matter shall be reversed and the chancery court



2463 shall remand the matter to the director for appropriate action as  
2464 may be indicated or necessary under the circumstances. Appeals  
2465 may be taken from the chancery court to the Supreme Court in the  
2466 manner as now required by law, but if a supersedeas is desired by  
2467 the party appealing to the chancery court, that party may apply  
2468 for the supersedeas to the chancellor, who shall award a writ of  
2469 supersedeas, without additional bond, if in the chancellor's  
2470 judgment material damage is not likely to result. If material  
2471 damage is likely to result, the chancellor shall require a  
2472 supersedeas bond as deemed proper, which shall be liable to the  
2473 state for any damage.

2474       **SECTION 63.** Section 83-34-19, Mississippi Code of 1972, is  
2475 amended as follows:

2476       83-34-19. (1) Any assessable insurer or other licensed  
2477 insurer, or agent placing insurance through a nonadmitted insurer,  
2478 who may be aggrieved by an act, order, ruling or decision of the  
2479 association may, within thirty (30) days after such ruling, appeal  
2480 to the commissioner. Any hearings held by the commissioner  
2481 pursuant to such an appeal shall be in accordance with the  
2482 procedure set forth in the insurance laws of Mississippi. The  
2483 commissioner is authorized to appoint a member of his staff for  
2484 the purpose of hearing such appeals, and a ruling based upon such  
2485 hearing shall have the same effect as if heard by the  
2486 commissioner. All assessable insurers or other licensed insurers,  
2487 or agents placing insurance through a nonadmitted insurer,



2488 aggrieved by any order or decision of the commissioner may appeal  
2489 to the \* \* \* inferior courts of the Capitol Complex Improvement  
2490 District consistent with the insurance laws of the State of  
2491 Mississippi.

2492 (2) The association and any assessable insurer, other  
2493 licensed insurer or agent placing insurance through a nonadmitted  
2494 insurer that may be aggrieved by an act, order, ruling or decision  
2495 of the commissioner may, within thirty (30) days after such act,  
2496 order, ruling or decision, appeal to the \* \* \* inferior courts of  
2497 the Capitol Complex Improvement District consistent with the  
2498 insurance laws of the State of Mississippi.

2499 **SECTION 64.** Section 83-19-109, Mississippi Code of 1972, is  
2500 amended as follows:

2501 83-19-109. Any person becoming a party as hereinbefore  
2502 provided and feeling aggrieved by the decision of the commissioner  
2503 of insurance under the provisions of Sections 83-19-99 through  
2504 83-19-123 may appeal therefrom within thirty (30) days after the  
2505 receipt of notice thereof to the \* \* \* inferior courts of the  
2506 Capitol Complex Improvement District by writ of certiorari upon  
2507 giving bond with surety or sureties in such penalty as shall be  
2508 approved by the chancery court of said county, conditioned that  
2509 such appellant will pay all costs of the appeal in the event such  
2510 appeal is unsuccessful. The said chancery court shall have the  
2511 authority and jurisdiction to hear said appeal and to render its  
2512 decision in regard thereto either in term time or vacation.



2513           **SECTION 65.** Section 43-27-225, Mississippi Code of 1972, is  
2514 amended as follows:

2515           43-27-225. The bonds authorized under the authority of  
2516 Sections 43-27-207 through 43-27-233 may be validated in the \* \* \*  
2517 inferior courts of the Capitol Complex Improvement District in the  
2518 manner and with the force and effect provided by Chapter 13, Title  
2519 31, Mississippi Code of 1972, for the validation of county,  
2520 municipal, school district and other bonds. The notice to  
2521 taxpayers required by such statutes shall be published in a  
2522 newspaper published or having a general circulation in the City of  
2523 Jackson, Mississippi.

2524           **SECTION 66.** Section 69-15-67, Mississippi Code of 1972, is  
2525 amended as follows:

2526           69-15-67. (1) Any penalty assessed by the Board of Animal  
2527 Health shall be due and payable within forty-five (45) days of the  
2528 notification of the board's decision.

2529           (2) In the event that the judgment is not paid within the  
2530 forty-five (45) days, or within such additional time as the board  
2531 may allow, the Board of Animal Health through its designated  
2532 representative may file suit in the circuit court of the county  
2533 where the defendant resides or in the case of a nonresident  
2534 defendant in the \* \* \* inferior courts of the Capitol Complex  
2535 Improvement District or any other court with appropriate  
2536 jurisdiction to enforce the decision of the board and recover  
2537 reasonable attorney's fees and all court costs.



(3) A copy of the notification sent by the board to the violator shall be sufficient proof as to the judgment of the board.

**SECTION 67.** Section 51-9-113, Mississippi Code of 1972, is amended as follows:

51-9-113. The chancery court of the \* \* \* inferior courts of the Capitol Complex Improvement District may hear the petition at any term thereof, or the chancellor of said court may fix a time to hear such petition at any time in vacation, and may determine all matters pertaining thereto, may adjourn the hearing from time to time, and may continue the case for want of sufficient notice or other good cause. If said petition shall prove defective in any manner, the petitioners, upon motion, shall be permitted to amend the same.

Upon the day set for hearing said petition, or a day to which same may be continued by the court or chancellor, all parties interested may appear and contest the same. If upon the hearing of such petition, it is found that such project is feasible from an engineering standpoint and practical, and if the creation of the water supply district under the terms of this article would meet a public necessity both local and statewide and would be conducive to the public welfare of the state as a whole, such court or chancellor shall so find and shall make and enter an order upon the minutes of the said chancery court stating that the said district to be known as the Pearl River Valley Water Supply



2563 District, should be organized subject to all of the terms and  
2564 provisions of this article.

2565 If the chancellor finds that the proposed water supply  
2566 district should not be organized, he shall dismiss the  
2567 proceedings, and the costs shall be paid by the Pearl River  
2568 Industrial Commission.

2569 **SECTION 68.** Section 69-25-59, Mississippi Code of 1972, is  
2570 amended as follows:

2571 69-25-59. (1) Any individual aggrieved by a final decision  
2572 of the hearing committee shall be entitled to judicial review.

2573 (2) An appeal from the decision of the hearing committee  
2574 shall be made by filing a written notice of appeal with the  
2575 circuit court clerk of the county where the accused resides, or in  
2576 the case of a nonresident accused, in the \* \* \* inferior courts  
2577 of the Capitol Complex Improvement District. The notice of  
2578 appeal and the payment of costs must be filed and paid with the  
2579 circuit clerk, within thirty (30) days of the entry of the order  
2580 being appealed. The appeal shall otherwise be conducted in  
2581 accordance with existing laws and rules.

2582 (3) Any party aggrieved by the action of the circuit court  
2583 may appeal to the Mississippi Supreme Court in the manner provided  
2584 by law and rules.

2585 **SECTION 69.** Section 81-27-4.108, Mississippi Code of 1972,  
2586 is amended as follows:



2587           81-27-4.108. (a) This section does not grant a right to  
2588 hearing to a person that is not otherwise granted by governing  
2589 law.

2590           (b) The commissioner may convene a hearing to receive  
2591 evidence and argument regarding any matter before the commissioner  
2592 for decision or review under this chapter. The hearing shall be  
2593 conducted in the same manner as other hearings conducted by the  
2594 commissioner.

2595           (c) A hearing before the commissioner that is required or  
2596 authorized by law may be conducted by a hearing officer on behalf  
2597 of the commissioner. A matter made confidential by law must be  
2598 considered by the commissioner in a closed hearing.

2599           (d) Except as expressly provided otherwise by this chapter,  
2600 a person affected by a final decision or order of the commissioner  
2601 made under this chapter after a hearing may appeal the final  
2602 decision or order to the \* \* \* inferior courts of the Capitol  
2603 Complex Improvement District. A petition for appeal filed in the  
2604 district court does not stay or vacate the appealed decision or  
2605 order unless the court, after notice and hearing, expressly stays  
2606 or vacates the decision or order.

2607           **SECTION 70.** Section 57-44-27, Mississippi Code of 1972, is  
2608 amended as follows:

2609           57-44-27. The bonds authorized under the authority of  
2610 Sections 57-44-11 through 57-44-39 may be validated in the \* \* \*  
2611 inferior courts of the Capitol Complex Improvement District in the





manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

**SECTION 71.** Section 39-17-119, Mississippi Code of 1972, is amended as follows:

39-17-119. The bonds authorized under the authority of Sections 39-17-101 through 39-17-127 may be validated in the \* \* \* inferior courts of the Capitol Complex Improvement District in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

**SECTION 72.** Section 43-33-783, Mississippi Code of 1972, is amended as follows:

43-33-783. The bonds authorized under the authority of Sections 43-33-767 through 43-33-797 may be validated in the \* \* \* inferior courts of the Capitol Complex Improvement District in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to



2637 taxpayers required by such statutes shall be published in a  
2638 newspaper published or having a general circulation in the City of  
2639 Jackson, Mississippi.

2640       **SECTION 73.** Section 57-1-323, Mississippi Code of 1972, is  
2641 amended as follows:

2642       57-1-323. The bonds authorized under the authority of  
2643 Sections 57-1-307 through 57-1-335 may be validated in the \* \* \*  
2644 inferior courts of the Capitol Complex Improvement District in the  
2645 manner and with the force and effect provided by Chapter 13, Title  
2646 31, Mississippi Code of 1972, for the validation of county,  
2647 municipal, school district and other bonds. The notice to  
2648 taxpayers required by such statutes shall be published in a  
2649 newspaper published or having a general circulation in the City of  
2650 Jackson, Mississippi.

2651       **SECTION 74.** Section 83-31-137, Mississippi Code of 1972, is  
2652 amended as follows:

2653       83-31-137. An action challenging the validity of or arising  
2654 out of acts taken or proposed to be taken regarding a conversion  
2655 plan under Sections 83-31-101 through 83-31-143 must begin in  
2656 the \* \* \* inferior courts of the Capitol Complex Improvement  
2657 District not later than the thirtieth day after the effective date  
2658 of the conversion plan.

2659       **SECTION 75.** Section 65-39-21, Mississippi Code of 1972, is  
2660 amended as follows:



2661           65-39-21. The bonds authorized under the authority of  
2662 Sections 65-39-5 through 65-39-33 may be validated in the \* \* \*  
2663 inferior courts of the Capitol Complex Improvement District in the  
2664 manner and with the force and effect provided by Chapter 13, Title  
2665 31, Mississippi Code of 1972, for the validation of county,  
2666 municipal, school district and other bonds. The notice to  
2667 taxpayers required by such statutes shall be published in a  
2668 newspaper published or having a general circulation in the City of  
2669 Jackson, Mississippi.

2670           **SECTION 76.** Section 53-11-31, Mississippi Code of 1972, is  
2671 amended as follows:

2672           53-11-31. Any interested person, as defined in this section,  
2673 adversely affected by any provision or section of this chapter  
2674 within the jurisdiction of the board or by any rule, regulation or  
2675 order made by the board thereunder, or by any act done or  
2676 threatened thereunder, may obtain court review and seek relief by  
2677 appeal to the \* \* \* inferior courts of the Capitol Complex  
2678 Improvement District or the chancery court of the county in which  
2679 the land involved, or any part thereof, is situated. The term  
2680 "interested person" means all mineral and royalty owners, mineral  
2681 lessees, if any, and the owners of surface on which injection or  
2682 reinjection wells and other surface equipment connected with a  
2683 geologic sequestration facility is or will be situated. Any  
2684 interested party may appeal to the chancery court of the county in  
2685 which the land involved or any part thereof is situated, if appeal



2686 is demanded within thirty (30) days from the date that the rule,  
2687 regulation or order of the board is filed for record in the office  
2688 of the board.

2689 The appeal may be taken by filing notice of the appeal with  
2690 the board, whereupon the board shall, under its certificate,  
2691 transmit to the court appealed to all documents and papers on file  
2692 in the matter, together with a transcript of the record, which  
2693 documents and papers together with said transcript of the record  
2694 shall be transmitted to the clerk of the chancery court of the  
2695 county to which the appeal is taken.

2696 Except as otherwise provided in this section, the appeal  
2697 otherwise shall be made in accordance with the provisions of  
2698 Sections 53-1-39 and 53-1-41.

2699 **SECTION 77.** Section 37-101-321, Mississippi Code of 1972, is  
2700 amended as follows:

2701 37-101-321. The bonds authorized under the authority of  
2702 Sections 37-101-301 through 37-101-331 may be validated in  
2703 the \* \* \* inferior courts of the Capitol Complex Improvement  
2704 District in the manner and with the force and effect provided now  
2705 or hereafter by Chapter 13, Title 31, Mississippi Code of 1972,  
2706 for the validation of county, municipal, school district and other  
2707 bonds. The notice to taxpayers required by the aforesaid statute  
2708 shall be published in a newspaper published in the City of  
2709 Jackson, Mississippi.



2710           **SECTION 78.** Section 79-13-1006, Mississippi Code of 1972, is  
2711 amended as follows:

2712           79-13-1006. (a) If the Secretary of State denies a limited  
2713 liability partnership's application for reinstatement following  
2714 administrative dissolution, the Secretary of State shall serve the  
2715 limited liability partnership with a record that explains the  
2716 reason or reasons for denial.

2717           (b) The limited liability partnership may appeal the denial  
2718 of reinstatement to the \* \* \* inferior courts of the Capitol  
2719 Complex Improvement District or the chancery court of the county  
2720 where the limited partnership is domiciled within thirty (30) days  
2721 after service of the notice of denial is perfected. The limited  
2722 liability partnership appeals by petitioning the court to set  
2723 aside the dissolution and attaching to the petition copies of the  
2724 Secretary of State's certificate of dissolution, the limited  
2725 liability partnership's application for reinstatement, and the  
2726 Secretary of State's notice of denial.

2727           (c) The court may summarily order the Secretary of State to  
2728 reinstate the dissolved limited liability partnership or may take  
2729 other action the court considers appropriate.

2730           (d) The court's final decision may be appealed as in other  
2731 civil proceedings.

2732           **SECTION 79.** Section 65-1-161, Mississippi Code of 1972, is  
2733 amended as follows:





2759 88 degrees 46' East along said Northerly property line,  
2760 a distance of 84.4 feet to a point on a line that is  
2761 parallel with and 26 feet Easterly of the centerline of  
2762 survey of the relocation of the East Frontage Road as  
2763 shown on the plans for Federal Aid Project No.  
2764 51-0055-02-085-10; thence run Southerly along said  
2765 parallel line along the circumference of a circle to  
2766 the left having a radius of 5,703.58 feet, a distance  
2767 of 119.3 feet; thence run South 32 degrees 01' West, a  
2768 distance of 49.9 feet; thence run Southerly along a  
2769 line that is parallel with and 30 feet Easterly of the  
2770 centerline of survey of said relocation and along the  
2771 circumference of a circle to the left having a radius  
2772 of 5,699.58 feet, a distance of 149.2 feet to a point  
2773 that is 30 feet Easterly of and measured radially to  
2774 the centerline of survey of said relocation at Station  
2775 9278 + 00; thence run South 55 degrees 08' East, a  
2776 distance of 50.0 feet; thence run Southerly along a  
2777 line that is parallel with and 80 feet Easterly of the  
2778 centerline of survey of said relocation and along the  
2779 circumference of a circle to the left having a radius  
2780 of 5,649.58 feet, a distance of 64.1 feet to a point  
2781 that is 80 feet Easterly of and measured radially to  
2782 the centerline of survey of said relocation at Station  
2783 9277 + 35; thence run South 74 degrees 58' West, a



2784 distance of 45.8 feet; thence run South 50 degrees 26'  
2785 West, a distance of 51.8 feet; thence run South 38  
2786 degrees 52' West, a distance of 50.0 feet to a point on  
2787 that is 30 feet Easterly of and measured radially to  
2788 the centerline of survey of said relocation at Station  
2789 9276 + 00; thence run Southerly along a line that is  
2790 parallel with and 30 feet Easterly of the centerline of  
2791 survey of said relocation and along the circumference  
2792 of a circle to the left having a radius of 5,699.58  
2793 feet, a distance of 135.9 feet; thence continue  
2794 Southerly along the last mentioned parallel line and  
2795 along the circumference of a circle to the left having  
2796 a radius of 14,293.95 feet, a distance of 212.9 feet to  
2797 a point that is 30 feet Easterly of and measured  
2798 radially to the centerline of survey at said relocation  
2799 at Station 9272 + 50; thence run South 16 degrees 22'  
2800 West, a distance of 102.8 feet; thence run Southerly  
2801 along a line that is parallel with and 55 feet Easterly  
2802 of the centerline of survey of said relocation and  
2803 along the circumference of a circle to the left having  
2804 a radius of 14,268.95 feet, a distance of 249.0 feet to  
2805 a point that is 55 feet Easterly of and measured  
2806 radially to the centerline of survey of said relocation  
2807 at Station 9269 + 00; thence run South 24 degrees 28'  
2808 West, a distance of 61.6 feet to a point that is 60





2809 feet Easterly of and perpendicular to the centerline of  
2810 survey of said relocation at Station 9268 + 38.364;  
2811 thence run South 29 degrees 00' West, along a line that  
2812 is parallel with and 60 feet Easterly of the centerline  
2813 of survey of said relocation, a distance of 188.4 feet  
2814 to a point that is 60 feet Easterly of and  
2815 perpendicular to the centerline of survey of said  
2816 relocation at Station 9266 + 50; thence run South 25  
2817 degrees 35' West, a distance of 43.7 feet to a point  
2818 on the present Northerly right-of-way line of said  
2819 Eastover Drive; thence run North 61 degrees 15' West  
2820 along said present Northerly right-of-way line, a  
2821 distance of 68.3 feet to the point of beginning,  
2822 containing 91,284.03 square feet or 2.096 acres, more  
2823 or less, and all being situated in and a part of the  
2824 West 1/2 of the Southwest 1/4 of Section 24, Township 6  
2825 North, Range 1 East, City of Jackson, First Judicial  
2826 District of Hinds County, Mississippi and  
2827  
2828 Begin at a point that is 60 feet Easterly of and  
2829 perpendicular to the centerline of survey of the  
2830 relocation of the East Frontage Road as shown on the  
2831 plans for Federal Aid Project No. 51-0055-02-085-10 at  
2832 Highway Survey Station 9266 + 50, said point of  
2833 beginning is 2,084.0 feet North of and 440.8 feet East



2834 of the Southwest corner of the Northwest 1/4 of the  
2835 Northwest 1/4 of Section 25, Township 6 North, Range 1  
2836 East; from said point of beginning run thence South 02  
2837 degrees 26' West, a distance of 11.2 feet to a point  
2838 that is 65 feet Easterly of and perpendicular to the  
2839 centerline of survey of said relocation at Station 9266  
2840 + 40; thence run South 56 degrees 22' East, a distance  
2841 of 38.7 feet to a point that is 70 feet Northerly of  
2842 and perpendicular to the centerline of survey of the  
2843 relocation of Eastover Drive as shown on the plans of  
2844 said highway project at Station 12 + 45; thence run  
2845 North 42 degrees 23' East, a distance of 41.2 feet;  
2846 thence run South 61 degrees 39' East, a distance of  
2847 30.0 feet; thence run South 12 degrees 24' West, a  
2848 distance of 36.4 feet to a point that is 75 feet  
2849 Northerly of and perpendicular to the centerline of  
2850 relocation of said Eastover Drive at Station 12 + 95;  
2851 thence run South 56 degrees 27' East, a distance of  
2852 55.2 feet; thence run South 61 degrees 39' East along a  
2853 line that is parallel with and 70 feet Northerly of the  
2854 centerline of survey of the relocation of said Eastover  
2855 Drive, a distance of 120.0 feet; thence run South 81  
2856 degrees 18' East, a distance of 74.3 feet; thence run  
2857 South 61 degrees 39' East, a distance of 21.9 feet;  
2858 thence run South 42 degrees 09' East, a distance of



2859 30.1 feet; thence run South 03 degrees 43' East, a  
2860 distance of 56.5 feet to a point on the present  
2861 Northerly right-of-way line of said Eastover Drive that  
2862 is 37.33 feet Northerly of and measured radially to the  
2863 centerline of relocation of said Eastover Drive at  
2864 Station 16 + 20; thence run North 61 degrees 15' West  
2865 along said present Northerly right-of-way line, a  
2866 distance of 416.6 feet; thence run North 25 degrees 35'  
2867 East, a distance of 43.7 feet to the point of  
2868 beginning, containing 16,721.53 square feet or 0.384  
2869 acres, more or less, and all being situated in and a  
2870 part of the Southwest 1/4 of the Southwest 1/4 of  
2871 Section 24, Township 6 North, Range 1 East, City of  
2872 Jackson, First Judicial District of Hinds County,  
2873 Mississippi. No access will be permitted across the  
2874 retaining wall between Point "C" and Point "D" as shown  
2875 on the right-of-way plans for the above mentioned  
2876 Federal Aid Highway Project.

2877 PARCEL NO. 3

2878 Begin at the point of intersection of the present  
2879 Easterly right-of-way line of Interstate Highway No. 55  
2880 North with the present Southerly right-of-way line of  
2881 Eastover Drive, said point of beginning is 2009.9 feet  
2882 North of and 318.9 feet East of the Southwest corner of  
2883 the Northwest 1/4 of the Northwest 1/4 of Section 25,



2884 Township 6 North, Range 1 East; from said point of  
2885 beginning run thence South 61 degrees 15' East along  
2886 said present Southerly right-of-way line of Eastover  
2887 Drive, a distance of 75.7 feet; thence run South 29  
2888 degrees 00' West, a distance of 26.4 feet to a point  
2889 that is 65 feet Easterly of and measured radially to  
2890 the centerline of survey of the relocation of the East  
2891 Frontage Road as shown on the plans for Federal Aid  
2892 Project No. 51-0055-02-085-10 at Station 9265 + 00;  
2893 thence run South 31 degrees 57' West, a distance of  
2894 336.1 feet to a point that is 55 feet Easterly of and  
2895 perpendicular to the centerline of relocation of said  
2896 East Frontage Road at Station 9261 + 66.667; thence run  
2897 South 33 degrees 57' West, a distance of 116.8 feet;  
2898 thence run South 38 degrees 39' West, a distance of  
2899 160.9 feet; thence run South 37 degrees 02' West, a  
2900 distance of 40.4 feet to a point that is 26 feet  
2901 Easterly of and measured radially to the centerline of  
2902 survey of said East Frontage Road relocation at Station  
2903 9258 + 50; thence run Southerly along a line that is  
2904 parallel with and 26 feet Easterly of said centerline  
2905 of said East Frontage Road relocation and along the  
2906 circumference of a circle to the left having a radius  
2907 of 7613.44 feet, a distance of 80.9 feet to a Southerly  
2908 line of grantors' property; thence run North 61 degrees



2909 51' West along said Southerly property line, a distance  
2910 of 10.3 feet to a point on the present Easterly  
2911 right-of-way line of Interstate Highway No. 55 North;  
2912 thence run North 27 degrees 56' East along said present  
2913 Easterly right-of-way line, a distance of 120.6 feet;  
2914 thence run North 28 degrees 57' East along said present  
2915 Easterly right-of-way line, a distance of 637.0 feet to  
2916 the point of beginning, containing 37,759.63 square  
2917 feet or 0.867 acres, more or less, and all being  
2918 situated in and a part of the Southeast 1/4 of the  
2919 Southeast 1/4 of Section 23, and the Southwest 1/4 of  
2920 the Southwest 1/4 of Section 24, all in Township 6  
2921 North, Range 1 East, City of Jackson, First Judicial  
2922 District of Hinds County, Mississippi, and

2923 PARCEL NO. 4

2924 Begin at a point that is 65 feet Easterly of and  
2925 measured radially to the centerline of survey of the  
2926 relocation of the East Frontage Road as shown on the  
2927 plans for Federal Aid Project No. 51-005-02-085-10 at  
2928 Station 9265 + 00, said point of beginning is 1950.4  
2929 feet North of and 372.5 feet East of the Southwest  
2930 corner of the Northwest 1/4 of the Northwest 1/4 of  
2931 Section 25, Township 6 North, Range 1 East; from said  
2932 point of beginning run thence North 29 degrees 00'  
2933 East, a distance of 26.4 feet to a point on the present



2934 Southerly right-of-way line of Eastover Drive; thence  
2935 run South 61 degrees 15' East along said present  
2936 Southerly right-of-way line of Eastover Drive, a  
2937 distance of 409.6 feet to a point that is 42.68 feet  
2938 Southerly of and measured radially to Station 16 + 15  
2939 on the centerline of the relocation of said Eastover  
2940 Drive as shown on the plans for said project; thence  
2941 run South 62 degrees 15' West, a distance of 44.8 feet;  
2942 thence run North 89 degrees 56' West, a distance of  
2943 31.5 feet to a point that is 95 feet Southerly of and  
2944 perpendicular to the centerline of said relocation of  
2945 Eastover Drive at Station 15 + 61.925; thence run North  
2946 58 degrees 32' West, a distance of 92.1 feet; thence  
2947 run South 42 degrees 23' West, a distance of 61.8 feet;  
2948 thence run North 61 degrees 39' West, a distance of  
2949 30.0 feet; thence run North 28 degrees 21' East, a  
2950 distance of 95.0 feet to a point that is 55 feet  
2951 Southerly of and perpendicular to the centerline of  
2952 said relocation of Eastover Drive at Station 14 + 25;  
2953 thence run North 61 degrees 39' West, a distance of  
2954 75.0 feet; thence run North 67 degrees 22' West, a  
2955 distance of 100.5 feet; thence run North 63 degrees 27'  
2956 West, a distance of 45.2 feet to the point of  
2957 beginning, containing 14,868.52 square feet or 0.341  
2958 acres, more or less, and all being situated in and a



2959 part of the Southwest 1/4 of the Southwest 1/4 of  
2960 Section 24, Township 6 North, Range 1 East, City of  
2961 Jackson, First Judicial District of Hinds County,  
2962 Mississippi.  
2963 No access will be permitted across the retaining wall  
2964 between Point "A" and Point "B" as shown on the  
2965 right-of-way plans for the above mentioned Federal Aid  
2966 Highway Project.

2967 PARCEL NO. 5

2968 Begin at the point of intersection of the North line of  
2969 grantors' property with the present Easterly  
2970 right-of-way line of Interstate Highway No. 55, said  
2971 point is 0.4 feet North of and 745.9 feet West of the  
2972 Northeast corner of the Southeast 1/4 of the Northeast  
2973 1/4 of Section 26, Township 6 North, Range 1 East; from  
2974 said point of beginning run thence East along the North  
2975 line of grantors' property, a distance of 22.32 feet to  
2976 a line that is 26 feet Easterly of and parallel with  
2977 the centerline of the relocation of the East Frontage  
2978 Road as shown on the plans for Federal Aid Project No.  
2979 51-0055-02-085-10; thence run Southeasterly along said  
2980 parallel line and along the circumference of a circle  
2981 to the left having a radius of 1611.02 feet, a distance  
2982 53.76 feet to the present Easterly right-of-way line of  
2983 said Interstate Highway No. 55, thence run North 12



2984 degrees 30' West along said present Easterly  
2985 right-of-way line, a distance of 47.16 feet; thence run  
2986 North 05 degrees 53' East along said present Easterly  
2987 right-of-way line, a distance of 6.22 feet to the point  
2988 of beginning, containing 621.05 square feet or 0.014  
2989 acres, more or less, and being situated in and a part  
2990 of the Southeast 1/4 of the Northeast 1/4 of Section  
2991 26, Township 6 North, Range 1 East, City of Jackson,  
2992 First Judicial District of Hinds County, Mississippi.

2993 **SECTION 80.** Section 83-24-99, Mississippi Code of 1972, is  
2994 amended as follows:

2995 83-24-99. (1) If a domiciliary liquidator has not been  
2996 appointed, the commissioner may apply to the court by verified  
2997 petition for an order directing him to act as conservator to  
2998 conserve the property of an alien insurer not domiciled in this  
2999 state or a foreign insurer on any one or more of the following  
3000 grounds:

3001 (a) Any of the grounds in Section 83-24-23;

3002 (b) That any of the insurer's property has been  
3003 sequestered by official action in its domiciliary state, or in any  
3004 other state;

3005 (c) That enough of the insurer's property has been  
3006 sequestered in a foreign country to give reasonable cause to fear  
3007 that the insurer is or may become insolvent;





3008           (d)   (i)   That the insurer's certificate of authority to  
3009 do business in this state has been revoked or that none was ever  
3010 issued; and

3011                       (ii)   That there are residents of this state with  
3012 outstanding claims or outstanding policies.

3013           (2)   When an order is sought under subsection (1), the court  
3014 shall cause the insurer to be given such notice and time to  
3015 respond thereto as is reasonable under the circumstances.

3016           (3)   The court may issue the order in whatever terms it shall  
3017 deem appropriate. The filing or recording of the order with the  
3018 Clerk of the \* \* \* inferior courts of the Capitol Complex  
3019 Improvement District or of the county in which the principal  
3020 business of the company is located shall impart the same notice as  
3021 a deed, bill of sale or other evidence of title duly filed or  
3022 recorded with that chancery court would have imparted.

3023           (4)   The conservator may at any time petition for and the  
3024 court may grant an order under Section 83-24-101 to liquidate  
3025 assets of a foreign or alien insurer under conservation, or, if  
3026 appropriate, for an order under Section 83-24-105 to be appointed  
3027 ancillary receiver.

3028           (5)   The conservator may at any time petition the court for  
3029 an order terminating conservation of an insurer. If the court  
3030 finds that the conservation is no longer necessary, it shall order  
3031 that the insurer be restored to possession of its property and the  
3032 control of its business. The court may also make such finding and



3033 issue such order at any time upon motion of any interested party,  
3034 but if such motion is denied all costs shall be assessed against  
3035 such party.

3036       **SECTION 81.** Section 83-24-25, Mississippi Code of 1972, is  
3037 amended as follows:

3038       83-24-25. (1) An order to rehabilitate the business of a  
3039 domestic insurer, or an alien insurer domiciled in this state,  
3040 shall appoint the commissioner and his successors in office the  
3041 rehabilitator, and shall direct the rehabilitator forthwith to  
3042 take possession of the assets of the insurer, and to administer  
3043 them under the general supervision of the court. The filing or  
3044 recording of the order with the Clerk of the \* \* \* inferior courts  
3045 of the Capitol Complex Improvement District or of the county in  
3046 which the principal business of the company is conducted, or the  
3047 county in which its principal office or place of business is  
3048 located, shall impart the same notice as a deed, bill of sale, or  
3049 other evidence of title duly filed or recorded with that clerk  
3050 would have imparted. The order to rehabilitate the insurer shall  
3051 by operation of law vest title to all assets of the insurer in the  
3052 rehabilitator.

3053       (2) Any order issued under this section shall require  
3054 accountings to the court by the rehabilitator. Accountings shall  
3055 be at such intervals as the court specifies in its order, but no  
3056 less frequently than semiannually. Each accounting shall include  
3057 a report concerning the rehabilitator's opinion as to the



likelihood that a plan will be prepared by the rehabilitator and the timetable for doing so.

(3) Entry of an order of rehabilitation shall not constitute an anticipatory breach of any contracts of the insurer nor shall it be grounds for retroactive revocation or retroactive cancellation of any contracts of the insurer, unless such revocation or cancellation is done by the rehabilitator pursuant to Section 83-24-27.

**SECTION 82.** Section 75-25-29, Mississippi Code of 1972, is amended as follows:

75-25-29. (a) Actions to require cancellation of a mark registered pursuant to this chapter or to appeal the secretary's refusal to register a mark pursuant to this chapter shall be brought in the \* \* \* inferior courts of the Capitol Complex Improvement District. In an appeal of the secretary's refusal to register a mark, the proceeding shall be based solely upon the record before the secretary. In an action for cancellation, the secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the court and shall be given the right to intervene in the action.

(b) In any action brought against a nonresident registrant, service may be effected by any means authorized by the Mississippi Rules of Civil Procedure.

**SECTION 83.** Section 75-89-19, Mississippi Code of 1972, is amended as follows:



3083           75-89-19. (1) The administrator may conduct investigations,  
3084 within or without this state, as he finds necessary or appropriate  
3085 to:

3086                   (a) Determine whether any person has violated, or is  
3087 about to violate, any provision of this chapter or any rule or  
3088 order of the administrator; or

3089                   (b) Aid in enforcement of this chapter.

3090           (2) The administrator may publish information concerning any  
3091 violation of this chapter or any rule or order of the  
3092 administrator.

3093           (3) For purposes of any investigation or proceeding under  
3094 this chapter, the administrator or any officer or employee  
3095 designated by rule or order, may administer oaths and  
3096 affirmations, subpoena witnesses, compel their attendance, take  
3097 evidence and require the production of any books, papers,  
3098 correspondence, memoranda, agreements or other documents or  
3099 records which the administrator finds to be relevant or material  
3100 to the inquiry.

3101           (4) (a) If a person does not give testimony or produce the  
3102 documents required by the administrator or a designated employee  
3103 pursuant to an administrative subpoena, the administrator or  
3104 designated employee may apply for a court order compelling  
3105 compliance with the subpoena or the giving of the required  
3106 testimony.



3107 (b) The request for order of compliance may be  
3108 addressed to either:

3109 (i) The \* \* \* inferior courts of the Capitol  
3110 Complex Improvement District if the person is within this state;  
3111 or

3112 (ii) The appropriate court of the state having  
3113 jurisdiction over the person refusing to testify or produce, if  
3114 the person is outside this state.

3115 **SECTION 84.** Section 57-67-23, Mississippi Code of 1972, is  
3116 amended as follows:

3117 57-67-23. All bonds (other than state bonds, refunding  
3118 bonds, interim notes and certificates of indebtedness, which may  
3119 be validated) issued pursuant to Sections 57-67-19 through  
3120 57-67-31 shall be validated as provided in Sections 31-13-1  
3121 through 31-13-11, Mississippi Code of 1972; provided, however,  
3122 that notice of such validation proceedings shall be addressed to  
3123 the taxpayers of all public agencies and political subdivisions:

3124 (a) Which have contracted with the authority pursuant  
3125 to Section 57-67-17; and

3126 (b) Whose contracts and the payments to be made  
3127 thereunder constitute security for the bonds of the authority  
3128 proposed to be issued, and such notice shall be published at least  
3129 once in a newspaper or newspapers having a general circulation  
3130 within the geographical boundaries of each public agency or  
3131 political subdivision to whose taxpayers the notice is addressed.



3132 Such validation proceedings shall be instituted in the \* \* \*  
3133 inferior courts of the Capitol Complex Improvement District. The  
3134 validity of the bonds so validated and of the contracts and  
3135 payments to be made by the political subdivisions thereunder  
3136 constituting security for the bonds shall be forever conclusive  
3137 against the authority and the political subdivisions which are  
3138 parties to said contracts; and the validity of said bonds and said  
3139 contracts and the payments to be made thereunder shall never be  
3140 called in question in any court in this state.

3141 **SECTION 85.** Section 63-1-218, Mississippi Code of 1972, is  
3142 amended as follows:

3143 63-1-218. (1) A disqualification from driving a commercial  
3144 motor vehicle shall be effective on not less than ten (10) days'  
3145 notice.

3146 (2) If requested, a hearing on the disqualification shall be  
3147 conducted, under Section 63-1-53. The scope of the hearing shall  
3148 be limited to verification of the conviction.

3149 (3) A person aggrieved by a decision resulting from a  
3150 hearing under this section may have the decision reviewed on the  
3151 record. The appeal shall be to the \* \* \* inferior courts of the  
3152 Capitol Complex Improvement District or, in the discretion of the  
3153 licensee, to the circuit court of the county in which the licensee  
3154 resides or has a principal place of business.

3155 **SECTION 86.** Section 29-5-93, Mississippi Code of 1972, is  
3156 amended as follows:



3157           29-5-93. Any person violating provisions of Sections 29-5-83  
3158 through 29-5-91 shall be punished by a fine not exceeding One  
3159 Hundred Dollars (\$100.00), or by imprisonment not exceeding sixty  
3160 (60) days, or by both such fine and imprisonment. Prosecution for  
3161 such offenses shall be had in the county court of the \* \* \*  
3162 inferior courts of the Capitol Complex Improvement District upon  
3163 affidavit by the Attorney General of Mississippi or any of his  
3164 assistants. In cases where public property is damaged in an  
3165 amount exceeding One Hundred Dollars (\$100.00), the offenses shall  
3166 be punishable by imprisonment for not exceeding one (1) year.

3167           **SECTION 87.** Section 77-3-409, Mississippi Code of 1972, is  
3168 amended as follows:

3169           77-3-409. The Attorney General, or the corporation, may by  
3170 certiorari out of the \* \* \* inferior courts of the Capitol Complex  
3171 Improvement District within ten (10) days from the date of the  
3172 order in the hearing provided in Section 77-3-403, remove the  
3173 entire proceeding to such court, which removal shall not operate  
3174 as a supersedeas. No supersedeas shall be allowed, but the  
3175 circuit court or the circuit judge in vacation shall examine the  
3176 record for errors of law. If the said court shall find no errors  
3177 of law, the order shall be affirmed. If errors of law appear, it  
3178 shall be reversed, and such reversal shall operate as a stay of  
3179 such order, and no subsequent action on the charter forfeiture  
3180 shall be taken by the commission on such order, but the cause  
3181 shall be remanded to the commission with directions for a new



3182 hearing, or dismissed, as the circuit court finds appropriate by  
3183 reason of errors of law appearing on the face of the record.

3184       **SECTION 88.** Section 79-29-1027, Mississippi Code of 1972, is  
3185 amended as follows:

3186       79-29-1027. (1) If the Secretary of State denies a foreign  
3187 limited liability company's application for reinstatement of the  
3188 registration following administrative revocation, the Secretary of  
3189 State shall serve the foreign limited liability company with a  
3190 record that explains the reason or reasons for denial.

3191       (2) The foreign limited liability company may appeal the  
3192 denial of reinstatement to the \* \* \* inferior courts of the  
3193 Capitol Complex Improvement District or the chancery court of the  
3194 county where the foreign limited liability company is domiciled  
3195 within thirty (30) days after service of the notice of denial is  
3196 perfected. The foreign limited liability company appeals by  
3197 petitioning the court to set aside the administrative revocation  
3198 and attaching to the petition copies of the Secretary of State's  
3199 certificate of administrative revocation, the foreign limited  
3200 liability company's application for reinstatement and the  
3201 Secretary of State's notice of denial.

3202       (3) The court may summarily order the Secretary of State to  
3203 reinstate the registration of the foreign limited liability  
3204 company or may take other action the court considers appropriate.

3205       (4) The court's final decision may be appealed as in other  
3206 civil proceedings.





3207           **SECTION 89.** Section 79-4-1.26, Mississippi Code of 1972, is  
3208 amended as follows:

3209           79-4-1.26. (a) If the Secretary of State refuses to file a  
3210 document delivered to his office for filing, the domestic or  
3211 foreign corporation may appeal the refusal to the chancery court  
3212 of the county where the corporation's principal office is or will  
3213 be located, or the \* \* \* inferior courts of the Capitol Complex  
3214 Improvement District if the corporation does not have a principal  
3215 office in this state. The appeal is commenced by petitioning the  
3216 court to compel filing the document and by attaching to the  
3217 petition the document and the Secretary of State's explanation of  
3218 his refusal to file.

3219           (b) The court may summarily order the Secretary of State to  
3220 file the document or take other action the court considers  
3221 appropriate.

3222           (c) The court's final decision may be appealed as in other  
3223 civil proceedings.

3224           **SECTION 90.** Section 79-4-15.33, Mississippi Code of 1972, is  
3225 amended as follows:

3226           79-4-15.33. (a) If the Secretary of State denies a foreign  
3227 corporation's application for reinstatement following  
3228 administrative revocation, he shall serve the corporation under  
3229 Section 79-4-5.04, Mississippi Code of 1972, with a written  
3230 communication that explains the reason or reasons for denial.



3231 (b) The corporation may appeal the denial of reinstatement  
3232 to the \* \* \* inferior courts of the Capitol Complex Improvement  
3233 District or the chancery court of the county where the corporation  
3234 is domiciled within thirty (30) days after service of the  
3235 communication of denial is perfected. The corporation appeals by  
3236 petitioning the court to set aside the revocation and attaching to  
3237 the petition copies of the Secretary of State's communication of  
3238 denial.

3239 (c) The court may summarily order the Secretary of State to  
3240 reinstate the revoked corporation or may take other action the  
3241 court considers appropriate.

3242 (d) The court's final decision may be appealed as in other  
3243 civil proceedings.

3244 **SECTION 91.** Section 79-29-827, Mississippi Code of 1972, is  
3245 amended as follows:

3246 79-29-827. (1) If the Secretary of State denies a limited  
3247 liability company's application for reinstatement following  
3248 administrative dissolution, the Secretary of State shall serve the  
3249 limited liability company under Section 79-35-13 with a record  
3250 that explains the reason or reasons for denial, except that such  
3251 record may be served by first-class mail.

3252 (2) The limited liability company may appeal the denial of  
3253 reinstatement to the \* \* \* inferior courts of the Capitol Complex  
3254 Improvement District or the chancery court where the limited  
3255 liability company is domiciled within thirty (30) days after



3256 service of the notice of denial is perfected. The limited  
3257 liability company appeals by petitioning the court to set aside  
3258 the dissolution and attaching to the petition copies of the  
3259 Secretary of State's certificate of administrative dissolution,  
3260 the limited liability company's application for reinstatement, and  
3261 the Secretary of State's notice of denial.

3262 (3) The court may summarily order the Secretary of State to  
3263 reinstate the dissolved limited liability company or may take  
3264 other action the court considers appropriate.

3265 (4) The court's final decision may be appealed as in other  
3266 civil proceedings.

3267 **SECTION 92.** Section 41-21-89, Mississippi Code of 1972, is  
3268 amended as follows:

3269 41-21-89. Nothing in Sections 41-21-61 through 41-21-107  
3270 shall preclude any patient, his attorney, or relative or guardian  
3271 from seeking a patient's release from a treatment facility by  
3272 application for writ of habeas corpus; provided that the  
3273 application shall be made to the chancellor of the county in which  
3274 the patient is hospitalized. Provided, further, that if the  
3275 patient is hospitalized at the Mississippi State Hospital at  
3276 Whitfield, Mississippi, the said application shall be made  
3277 to \* \* \* any judge of the inferior courts of the Capitol Complex  
3278 Improvement District.

3279 **SECTION 93.** Section 83-31-175, Mississippi Code of 1972, is  
3280 amended as follows:



3281           83-31-175. An action challenging the validity of or arising  
3282 out of acts taken or proposed to be taken regarding a plan of  
3283 reorganization under Section 83-31-47 or 83-31-101 through  
3284 83-31-181 must begin in the \* \* \* inferior courts of the Capitol  
3285 Complex Improvement District not later than the thirtieth day  
3286 after the effective date of the plan of reorganization.

3287           **SECTION 94.** Section 51-9-111, Mississippi Code of 1972, is  
3288 amended as follows:

3289           51-9-111. The board of water commissioners shall make a  
3290 written report on the preliminary study or plans furnished them  
3291 and shall, within thirty (30) days after receipt of the said  
3292 study, file such report with the \* \* \* inferior courts of the  
3293 Capitol Complex Improvement District setting forth their  
3294 recommendations concerning the proposed water supply district.  
3295 After the filing of the report of the board of water  
3296 commissioners, and upon motion of the petitioners, the chancellor  
3297 or judge shall enter an order fixing the date for a hearing of the  
3298 cause on the original petition, the exhibit, the report and  
3299 recommendations of the board of water commissioners, and any  
3300 answers filed or other pleadings. The \* \* \* clerk shall give  
3301 notice of such hearing to all persons interested by posting  
3302 notices thereof at the door of the courthouse of the county or  
3303 counties in which the district is situated and in at least ten  
3304 (10) public places in said proposed district, and also by  
3305 publishing said notice at least once a week for three (3)



3306 consecutive weeks in a newspaper published in Hinds County and in  
3307 a newspaper published in each of the other counties proposed to be  
3308 included in such water supply district. If there is no newspaper  
3309 published in any such county, then it shall be sufficient to  
3310 publish said notice in a newspaper having a general circulation in  
3311 such county. Such notice shall be addressed to the property  
3312 owners and qualified electors of such proposed district and all  
3313 other persons interested, shall state when and in what court said  
3314 petition was and is filed, shall state the counties included in  
3315 such district, and shall command all such persons to appear before  
3316 the \* \* \* court, or the \* \* \* judge in vacation, \* \* \* in  
3317 the \* \* \* inferior courts of the Capitol Complex Improvement  
3318 District upon the date fixed by the chancellor or judge to show  
3319 cause, if any they can, why the proposed water supply district  
3320 should not be organized and established as prayed for in said  
3321 petition. The date of such hearing shall not be less than  
3322 twenty-one (21) days nor more than forty (40) days after the last  
3323 publication of such notice. It shall be sufficient in describing  
3324 the lands to be included in the water supply district to name the  
3325 counties to be included therein in the publication or notice  
3326 hereinbefore mentioned.

3327       If the \* \* \* judge or chancellor finds that the notice or  
3328 publication was not given as provided for in this article, it  
3329 shall not thereby lose jurisdiction, but the court or chancellor  
3330 shall order due publication or notice to be given and shall



3331 continue the hearing until such publication or notice shall be  
3332 properly given, and the \* \* \* judge or chancellor shall thereupon  
3333 proceed as though publication or notice had been properly given in  
3334 the first instance.

3335       **SECTION 95.** Section 79-4-13.30, Mississippi Code of 1972, is  
3336 amended as follows:

3337       79-4-13.30. (a) If a shareholder makes demand for payment  
3338 under Section 79-4-13.26 which remains unsettled, the corporation  
3339 shall commence a proceeding within sixty (60) days after receiving  
3340 the payment demand and petition the court to determine the fair  
3341 value of the shares and accrued interest. If the corporation does  
3342 not commence the proceeding within the sixty-day period, it shall  
3343 pay in cash to each shareholder the amount the shareholder  
3344 demanded pursuant to Section 79-4-13.26 plus interest.

3345       (b) The corporation shall commence the proceeding in the  
3346 appropriate court of the county where the corporation's principal  
3347 office is located, or the \* \* \* inferior courts of the Capitol  
3348 Complex Improvement District if the corporation does not have a  
3349 principal office in this state. If the corporation is a foreign  
3350 corporation, it shall commence the proceeding in the county in  
3351 this state where the principal office of the domestic corporation  
3352 merged with the foreign corporation was located or, if the  
3353 domestic corporation did not have its principal office in this  
3354 state at the time of the transaction, in \* \* \* inferior courts of  
3355 the Capitol Complex Improvement District.



3356           (c) The corporation shall make all shareholders (whether or  
3357 not residents of this state) whose demands remain unsettled  
3358 parties to the proceeding as in an action against their shares,  
3359 and all parties must be served with a copy of the petition.  
3360 Nonresidents may be served by registered or certified mail or by  
3361 publication as provided by law.

3362           (d) The jurisdiction of the court in which the proceeding is  
3363 commenced under subsection (b) is plenary and exclusive. The  
3364 court may appoint one or more persons as appraisers to receive  
3365 evidence and recommend a decision on the question of fair value.  
3366 The appraisers shall have the powers described in the order  
3367 appointing them, or in any amendment to it. The shareholders  
3368 demanding appraisal rights are entitled to the same discovery  
3369 rights as parties in other civil proceedings. There shall be no  
3370 right to a jury trial.

3371           (e) Each shareholder made a party to the proceeding is  
3372 entitled to judgment (i) for the amount, if any, by which the  
3373 court finds the fair value of the shareholder's shares, plus  
3374 interest, exceeds the amount paid by the corporation to the  
3375 shareholder for such shares or (ii) for the fair value, plus  
3376 interest, of the shareholder's shares for which the corporation  
3377 elected to withhold payment under Section 79-4-13.25.

3378           **SECTION 96.** Section 73-13-37, Mississippi Code of 1972, is  
3379 amended as follows:



3380           73-13-37. (1) The board, upon satisfactory proof and in  
3381 accordance with the provisions of this chapter and the  
3382 implementing regulations of the board pertaining thereto, is  
3383 authorized to take the disciplinary actions provided for  
3384 hereinafter against any person or firm practicing engineering or  
3385 surveying, including nonregistrants, for any of the following  
3386 reasons:

3387           (a) Violating any of the provisions of Sections 73-13-1  
3388 through 73-13-45 or the implementing bylaws, rules, regulations,  
3389 or standards of ethics or conduct duly adopted and promulgated by  
3390 the board pertaining to the practice of engineering;

3391           (b) Fraud, deceit or misrepresentation in obtaining a  
3392 certificate of licensure;

3393           (c) Gross negligence, malpractice or incompetency;

3394           (d) Any professional misconduct, as defined by the  
3395 board through bylaws, rules and regulations, and standards of  
3396 conduct and ethics;

3397           (e) Practicing or offering to practice engineering on  
3398 an expired certificate or while under suspension or revocation of  
3399 certificate unless said suspension or revocation be abated through  
3400 probation, as provided for hereinafter; or

3401           (f) Addiction to or dependence on alcohol or other  
3402 habit-forming drugs or being an habitual user of alcohol,  
3403 narcotics, barbiturates, amphetamines, hallucinogens, or other  
3404 drugs having similar effect.





3405           (2) Any person may prefer charges against any other person  
3406 practicing engineering or surveying, including nonlicensees, for  
3407 committing any of the acts set forth in subsection (1). Such  
3408 charges shall be sworn to, either upon actual knowledge or upon  
3409 information and belief, and shall be filed with the board. In the  
3410 event any person certified under Sections 73-13-1 through 73-13-45  
3411 is expelled from membership in any Mississippi professional  
3412 engineering society or association, the board shall thereafter  
3413 cite said person to appear at a hearing before the board and to  
3414 show cause why disciplinary action should not be taken against  
3415 him.

3416           The board shall investigate all charges filed with it and,  
3417 upon finding reasonable cause to believe that the charges are not  
3418 frivolous, unfounded or filed in bad faith, may, in its  
3419 discretion, cause a hearing to be held, at a time and place fixed  
3420 by the board, regarding the charges and may compel the accused by  
3421 subpoena to appear before the board to respond to said charges.

3422           No disciplinary action taken hereunder may be taken until the  
3423 accused has been furnished both a statement of the charges against  
3424 him and notice of the time and place of the hearing thereof, which  
3425 shall be personally served on or mailed by registered or certified  
3426 mail, return receipt requested, to the last-known business or  
3427 residence address of the accused not less than thirty (30) days  
3428 prior to the date fixed for the hearing.



3429 Notice on a firm shall be had by notice on the principal or  
3430 officer designated by the firm as having management or supervision  
3431 of the engineering/surveying practice, or on the registered agent  
3432 in the case of a corporation not domiciled in Mississippi.

3433 (3) At any hearing held hereunder, the board shall have the  
3434 power to subpoena witnesses and compel their attendance and may  
3435 also require the production of books, papers, documents, etc., as  
3436 provided elsewhere in this chapter. The board is authorized to  
3437 designate or secure a hearing officer to conduct the hearing. All  
3438 evidence shall be presented under oath, which may be administered  
3439 by any member of the board, and thereafter the proceedings may, if  
3440 necessary, be transcribed in full by the court reporter and filed  
3441 as part of the record in the case. Copies of such transcriptions  
3442 may be provided to any party to the proceedings at a cost to be  
3443 fixed by the board.

3444 All witnesses who shall be subpoenaed and who shall appear in  
3445 any proceedings before the board shall receive the same fees and  
3446 mileage as allowed by law in judicial civil proceedings, and all  
3447 such fees shall be taxed as part of the costs in the case.

3448 Where in any proceeding before the board any witness shall  
3449 fail or refuse to attend upon subpoena issued by the board, shall  
3450 refuse to testify or shall refuse to produce any books and papers,  
3451 the production of which is called for by the subpoena, the  
3452 attendance of such witness and the giving of his testimony and the  
3453 production of the books and papers shall be enforced by any court



3454 of competent jurisdiction of this state in the manner provided for  
3455 the enforcement of attendance and testimony of witnesses in civil  
3456 cases in the courts of this state.

3457 The accused shall have the right to be present at the hearing  
3458 in person, by counsel or other representative, or both. The board  
3459 is authorized to continue or recess the hearing as may be  
3460 necessary.

3461 (4) At the conclusion of the hearing, the board may either  
3462 decide the issue at that time or take the case under advisement  
3463 for further deliberation. The board shall render its decision not  
3464 more than ninety (90) days after the close of the hearing, and  
3465 shall forward to the last-known business or residence address of  
3466 the accused, by certified or registered mail, return receipt  
3467 requested, a written statement of the decision of the board.

3468 If a majority of the board finds the accused guilty of the  
3469 charges filed, the board may: (a) issue a public or private  
3470 reprimand; (b) require the guilty party to complete a course or  
3471 courses, approved by the board, in ethics or other appropriate  
3472 subjects; (c) suspend or revoke the certificate of the accused, if  
3473 the accused is a licensee; and/or (d) in lieu of or in addition to  
3474 such reprimand, course completion, suspension or revocation,  
3475 assess and levy upon the guilty party a monetary penalty of not  
3476 less than One Hundred Dollars (\$100.00) nor more than Five  
3477 Thousand Dollars (\$5,000.00) for each violation.



3478           (5) A monetary penalty assessed and levied under this  
3479 section shall be paid to the board upon the expiration of the  
3480 period allowed for appeal of such penalties under this section, or  
3481 may be paid sooner if the guilty party elects. Money collected by  
3482 the board under this section shall be deposited to the credit of  
3483 the board's special fund in the State Treasury.

3484           When payment of a monetary penalty assessed and levied by the  
3485 board in accordance with this section is not paid when due, the  
3486 board shall have the power to institute and maintain proceedings  
3487 in its name for enforcement of payment in the chancery court of  
3488 the county and judicial district of residence of the guilty party  
3489 and if the guilty party be a nonresident of the State of  
3490 Mississippi, such proceedings shall be in the \* \* \* inferior  
3491 courts of the Capitol Complex Improvement District.

3492           (6) When the board has taken a disciplinary action under  
3493 this section, the board may, in its discretion, stay such action  
3494 and place the guilty party on probation for a period not to exceed  
3495 one (1) year upon the condition that the guilty party shall not  
3496 further violate either the laws of the State of Mississippi  
3497 pertaining to the practice of engineering or the bylaws, rules and  
3498 regulations, or standards of conduct and ethics promulgated by the  
3499 board.

3500           (7) The board, in its discretion, may assess and tax any  
3501 part or all of the costs of any disciplinary proceedings conducted



3502 under this section against either the accused, the charging party,  
3503 or both, as it may elect.

3504 (8) The power and authority of the board to assess and levy  
3505 the monetary penalties provided for in this section shall not be  
3506 affected or diminished by any other proceeding, civil or criminal,  
3507 concerning the same violation or violations except as provided in  
3508 this section.

3509 (9) The board, for sufficient cause, may reissue a revoked  
3510 certificate of licensure or authority whenever a majority of the  
3511 board members vote to do so.

3512 (10) Any person or firm aggrieved by an action of the board  
3513 denying or revoking his certificate of licensure or authority or  
3514 relicensure as a professional engineer or his certificate of  
3515 enrollment as an engineer intern, or who is aggrieved by the  
3516 action of the board as a result of disciplinary proceedings  
3517 conducted under this section may appeal therefrom to the chancery  
3518 court of either the county wherein the appellant resides or  
3519 the \* \* \* inferior courts of the Capitol Complex Improvement  
3520 District at the election of the appellant. If the appellant is a  
3521 nonresident of this state, the appeal shall be made to the \* \* \*  
3522 inferior courts of the Capitol Complex Improvement District. Such  
3523 appeal shall be perfected before the board by the filing with the  
3524 board of a notice of appeal to the chancery court. The court  
3525 shall require a bond in an amount not to exceed One Thousand  
3526 Dollars (\$1,000.00) conditioned to pay all costs which may be



3527 adjudged against the appellant. The notice of appeal shall be  
3528 filed not later than thirty (30) days after the decision of the  
3529 board is forwarded to the guilty party, as provided hereinabove.

3530 All appeals perfected hereunder shall not act as a  
3531 supersedeas, and shall be made to the chancery court solely upon  
3532 the record made before the board during the disciplinary hearing.  
3533 When the appeal shall have been properly perfected as provided  
3534 herein, the board shall cause the record of the proceedings  
3535 conducted before it to be compiled, certified and filed with the  
3536 chancery court. The briefing schedule shall be the same as for  
3537 appeals to the Supreme Court. The chancery court shall be  
3538 required to rule on the case within sixty (60) days of the close  
3539 of briefing. All procedures and penalties provided for in this  
3540 section shall apply to nonlicensees as well as licensees.

3541 (11) In addition to the reasons specified in subsection (1)  
3542 of this section, the board shall be authorized to suspend the  
3543 certificate of licensure of any person for being out of compliance  
3544 with an order for support, as defined in Section 93-11-153. The  
3545 procedure for suspension of a certificate for being out of  
3546 compliance with an order for support, and the procedure for the  
3547 reissuance or reinstatement of a certificate suspended for that  
3548 purpose, and the payment of any fees for the reissuance or  
3549 reinstatement of a certificate suspended for that purpose, shall  
3550 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
3551 Actions taken by the board in suspending a certificate when



required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(12) Any board member whose objectivity in a disciplinary proceeding is impaired shall either recuse himself from sitting as a member of the board in a formal disciplinary hearing in that proceeding or be disqualified therefrom. In the event a disciplinary proceeding is brought against a member or former member of the board, no member of the board who has served concurrently with the respondent in the disciplinary proceeding shall sit as a member of the board in a formal disciplinary hearing in that proceeding. If, after recusal or disqualification of board members as provided herein, there does not remain a quorum of the board to sit for a disciplinary hearing, the board shall have the power to select, in accordance with duly promulgated regulations of the board, substitute panel members from slates of candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve the



3577 number of panel members equivalent to a quorum of the board.  
3578 Substitute panel members must meet the qualifications of board  
3579 members as provided in Section 73-13-7 and shall receive  
3580 compensation as provided for board members in Section 73-13-9.

3581       **SECTION 97.** Section 69-15-63, Mississippi Code of 1972, is  
3582 amended as follows:

3583       69-15-63. (1) Any individual aggrieved by a final decision  
3584 of the Board of Animal Health after its review of the hearing  
3585 officer's recommendation shall be entitled to judicial review.

3586       (2) An appeal from the board's decision shall be filed in  
3587 the \* \* \* inferior courts of the Capitol Complex Improvement  
3588 District on the record made, including a verbatim transcript of  
3589 the testimony at the hearing held before the designated hearing  
3590 committee of the Board of Animal Health. The appeal shall be  
3591 filed within thirty (30) days after notification of the action of  
3592 the board is mailed or served and the proceedings in circuit court  
3593 shall be conducted as other matters coming before the court. The  
3594 appeal shall be perfected upon filing notice of the appeal and by  
3595 the prepayment of all costs, including the cost of preparation of  
3596 the record of the proceedings by the Board of Animal Health, and  
3597 the filing of a bond in the sum of Five Hundred Dollars (\$500.00)  
3598 conditioned that if the action of the board be affirmed by the  
3599 circuit court, the aggrieved party shall pay the costs of the  
3600 appeal and the action of the circuit court.





(3) The scope of review of the circuit court in such cases shall be limited to a review of the record made before the board or hearing committee to determine if the action of the board is unlawful for the reason that it was:

- (a) Not supported by any substantial evidence;
- (b) Arbitrary or capricious; or
- (c) In violation of some statutory or constitutional right of the individual.

(4) No relief shall be granted based upon the court's finding of harmless error by the board in complying with the procedural requirements of Sections 69-15-51 through 69-15-61. In the event that there is a finding of prejudicial error in the proceedings, the cause may be remanded for a rehearing consistent with the findings of the court.

(5) Any party aggrieved by action of the circuit court may appeal to the State Supreme Court in the manner provided by law.

**SECTION 98.** Section 75-59-5, Mississippi Code of 1972, is amended as follows:

75-59-5. (a) For a violation of a contract with a student, for soliciting or enrolling students through fraud or misrepresentation, or for noncompliance with this chapter or the reasonable rules and regulations promulgated by the Secretary of State pursuant to this chapter, the Secretary of State shall revoke the permit issued under this chapter after serving notice of hearing upon the resident agent for service of summons in the



3626 same manner as service of summons upon nonresident corporations  
3627 qualified to do business in the state. Such notice shall set a  
3628 time and place for a hearing not less than fifteen (15) days nor  
3629 more than thirty (30) days from the receipt of said notice. Said  
3630 permittee shall be allowed to show cause why said permit should  
3631 not be revoked. At said time and place full opportunity shall be  
3632 afforded the permittee to be heard on said revocation. The  
3633 Secretary of State shall have power to issue compulsory process to  
3634 assure the presence of such persons or such records deemed  
3635 necessary for the proper determination of any matter before him  
3636 for consideration, and he may in his discretion require testimony  
3637 under oath and administer the same.

3638 (b) Any person aggrieved by a decision of the Secretary of  
3639 State shall have a right to a judicial review of said decision by  
3640 forwarding notice of his intention to appeal to the Secretary of  
3641 State within fifteen (15) days from the date of revocation. Upon  
3642 receipt of said notice, the Secretary of State shall within sixty  
3643 (60) days after receiving said notice of appeal certify the record  
3644 to the \* \* \* inferior courts of the Capitol Complex Improvement  
3645 District for trial de novo. Appeal may be with or without  
3646 supersedeas at the election of the permittee. The Secretary of  
3647 State shall not be required to certify the record unless the  
3648 permittee shall have filed a cost bond sufficient to pay the costs  
3649 of transcribing and preparing the transcript.



No person, firm or corporation failing to comply with the provisions of this chapter shall have access to any of the courts of this state for the purpose of enforcing any claim or demand against any resident of this state arising out of any contract entered into in violation of the provisions of this chapter.

**SECTION 99.** Section 75-89-23, Mississippi Code of 1972, is amended as follows:

75-89-23. (1) (a) Upon a proper showing by the administrator that a person has violated, or is about to violate, any provision of this chapter or any rule or order of the administrator, the court may grant appropriate legal or equitable remedies.

(b) Upon a showing of violation of this chapter or a rule or order of the administrator, the court, in addition to traditional legal and equitable remedies, including temporary restraining orders, permanent or temporary prohibitory or mandatory injunctions, and writs of prohibition or mandamus, may grant the following special remedies:

- (i) Disgorgement;
- (ii) Declaratory judgment;
- (iii) Restitution to investors wishing restitution; and
- (iv) Appointment of a receiver or conservator for the defendant or the defendant's assets.



3674 (c) Appropriate remedies when the defendant is shown  
3675 only about to violate this chapter or a rule or order of the  
3676 administrator shall be limited to:  
3677 (i) A temporary restraining order;  
3678 (ii) A temporary or permanent injunction;  
3679 (iii) A writ of prohibition or mandamus; or  
3680 (iv) An order appointing a receiver or conservator  
3681 for the defendant or the defendant's assets.

3682 (d) Upon a proper showing by the administrator or  
3683 commodity agency of another state that a person, other than a  
3684 government or governmental agency or instrumentality, has  
3685 violated, or is about to violate, any provision of the commodity  
3686 code of that state or any rule or order of the administrator or  
3687 commodity agency of that state, the \* \* \* inferior courts of the  
3688 Capitol Complex Improvement District may grant appropriate legal  
3689 and equitable remedies.

3690 (e) Upon showing of a violation of the commodity act of  
3691 another state or a rule or order of the administrator or commodity  
3692 agency of another state, the court, in addition to traditional  
3693 legal or equitable remedies including temporary restraining  
3694 orders, permanent or temporary prohibitory or mandatory  
3695 injunctions and writs of prohibition or mandamus, may grant the  
3696 following special remedies:

3697 (i) Disgorgement; and



3698                   (ii) Appointment of a receiver, conservator or  
3699 ancillary receiver or conservator for the defendant or the  
3700 defendant's assets located in this state.

3701                   (f) Appropriate remedies when the defendant is shown  
3702 only about to violate the commodity act of another state or a rule  
3703 or order of the administrator or commodity agency of another state  
3704 shall be limited to:

3705                   (i) A temporary restraining order;  
3706                   (ii) A temporary or permanent injunction;  
3707                   (iii) A writ of prohibition or mandamus; and  
3708                   (iv) An order appointing a receiver, conservator  
3709 or ancillary receiver or conservator for the defendant or the  
3710 defendant's assets located in this state.

3711                   (2) The court shall not require the administrator to post a  
3712 bond in any official action under this chapter.

3713                   **SECTION 100.** Section 41-71-11, Mississippi Code of 1972, is  
3714 amended as follows:

3715                   41-71-11. Any applicant or licensee aggrieved by the  
3716 decision of the licensing agency after a hearing may, within  
3717 thirty (30) days after the mailing or serving of notice of the  
3718 decision, file a notice of appeal in the \* \* \* inferior courts of  
3719 the Capitol Complex Improvement District or the chancery court of  
3720 the county in which the home health agency is located or to be  
3721 located, and the chancery clerk shall serve a copy of the notice  
3722 of appeal upon the licensing agency. Thereupon the licensing



3723 agency shall, within sixty (60) days or such additional time as  
3724 the court may allow from the filing of such notice, certify to the  
3725 court a copy of the record and decision, including the transcript  
3726 of the hearings on which the decision is based. Findings of fact  
3727 by the licensing agency shall be conclusive unless substantially  
3728 contrary to the weight of the evidence, but upon good cause shown,  
3729 the court may remand the case to the licensing agency to take  
3730 further evidence, and the licensing agency may thereupon affirm,  
3731 reverse or modify its decision. The court may affirm, modify or  
3732 reverse the decision of the licensing agency and either the  
3733 applicant or licensee or the licensing agency may appeal from this  
3734 decision to the Supreme Court as in other cases in the chancery  
3735 court. Pending final disposition of the matter the status quo of  
3736 the applicant or licensee shall be preserved, except as the court  
3737 otherwise orders in the public interest. Rules with respect to  
3738 court costs as in other cases in chancery shall apply equally to  
3739 cases under this section.

3740       **SECTION 101.** Section 29-7-21, Mississippi Code of 1972, is  
3741 amended as follows:

3742       29-7-21. (1) Any person or interested party aggrieved by  
3743 any final rule, regulation, permit or order of the commission may  
3744 file a petition with the commission within thirty (30) days after  
3745 the final rule, regulation, permit or order is entered on the  
3746 minutes. The petition shall set forth the grounds and reasons for  
3747 the complaint and request a hearing of the matter involved.



3748 However, there shall be no hearing on the same subject matter that  
3749 has previously been held before the commission or its designated  
3750 hearing officer. The commission shall fix the time and place of  
3751 the hearing and notify the petitioners thereof. In pending  
3752 matters, the commission shall have the same powers as to  
3753 subpoenaing witnesses, administering oaths, examining witnesses  
3754 under oath and conducting the hearing, as is now vested by law in  
3755 the Mississippi Public Service Commission, as to hearings before  
3756 it, with the additional power that the executive director may  
3757 issue all subpoenas, both at the instance of the petitioner and of  
3758 the commission. At the hearings the petitioner, and any other  
3759 interested party, may offer exhibits, present witnesses, and  
3760 otherwise submit evidence, as the commission deems appropriate.  
3761 After the hearing, the commission's decision shall be deemed the  
3762 final administrative agency decision on the matter.

3763 (2) Any interested person aggrieved by any final rule,  
3764 regulation, permit or order of the commission issued under this  
3765 section, regardless of the amount involved, may appeal to  
3766 the \* \* \* inferior courts of the Capitol Complex Improvement  
3767 District which shall be taken and perfected as hereinafter  
3768 provided, within thirty (30) days from the date that the final  
3769 rule, regulation or order is filed for record in the office of the  
3770 commission. The chancery court may affirm the rule, regulation,  
3771 permit, or order, or reverse the same for further proceedings as  
3772 the court may require. All appeals shall be on the record, taken



3773 and perfected, heard and determined either in termtime or in  
3774 vacation, including a transcript of pleadings and testimony, both  
3775 oral and documentary, filed and heard before the commission, and  
3776 the appeal shall be heard and disposed of promptly by the court as  
3777 a preference cause. In perfecting any appeal provided by this  
3778 section, the provisions of law respecting notice to the reporter  
3779 and the allowance of bills of exception, now or hereafter in force  
3780 respecting appeals from the chancery court to the Supreme Court,  
3781 shall be applicable. However, the reporter shall transcribe his  
3782 notes and file the transcript of the record with the board within  
3783 thirty (30) days after approval of the appeal bond.

3784 (3) Upon the filing with the commission of a petition for  
3785 appeal to the Hinds County Chancery Court, it shall be the duty of  
3786 the commission, as promptly as possible and within sixty (60) days  
3787 after approval of the appeal bond, if required, to file with the  
3788 clerk of the chancery court to which the appeal is taken, a copy  
3789 of the petition for appeal and of the rule, regulation, permit or  
3790 order appealed from, and the original and one (1) copy of the  
3791 transcript of the record of proceedings in evidence before the  
3792 commission. After the filing of the petition, the appeal shall be  
3793 perfected by the filing with the clerk of the chancery court to  
3794 which the appeal is taken of bond in the sum of Five Hundred  
3795 Dollars (\$500.00) with two (2) sureties or with a surety company  
3796 qualified to do business in Mississippi as the surety, conditioned  
3797 to pay the cost of the appeal; the bond to be approved by any





3798 member of the commission, or by the clerk of the court to which  
3799 the appeal is taken. The perfection of an appeal shall not stay  
3800 or suspend the operation of any rule, regulation, permit or order  
3801 of the board, but the judge of the chancery court to which the  
3802 appeal is taken may award a writ of supersedeas to any rule,  
3803 regulation, permit or order of the commission after five (5) days'  
3804 notice to the commission and after hearing. Any order or judgment  
3805 staying the operation of any rule, regulation, permit or order of  
3806 the commission shall contain a specific finding, based upon  
3807 evidence submitted to the chancery judge and identified by  
3808 reference thereto, that great or irreparable damage would result  
3809 to the appellant if he is denied relief, and the stay shall not  
3810 become effective until a supersedeas bond shall have been executed  
3811 and filed with and approved by the clerk of the court or the  
3812 chancery judge, payable to the state. The supersedeas bond shall  
3813 be in an amount fixed by the chancery judge to protect the lessee  
3814 or permittee from loss or damage from the stay and conditioned as  
3815 the chancery judge may direct in the order granting the  
3816 supersedeas. If the appeal is of a commission order concerning  
3817 the lease of state lands for minerals, that appeal shall be given  
3818 priority over other matters pending in the chancery court. If the  
3819 appeal is of a commission permit, that appeal shall be given  
3820 priority over other matters pending in chancery court.

3821       **SECTION 102.** Section 83-17-83, Mississippi Code of 1972, is  
3822 amended as follows:



3823           83-17-83. Any person aggrieved by any action or decision of  
3824 the Commissioner of Insurance under the provisions of this article  
3825 may appeal therefrom, within thirty (30) days after receipt of  
3826 notice thereof, to the \* \* \* inferior courts of the Capitol  
3827 Complex Improvement District by certiorari in the manner provided  
3828 by law. Such appeal shall be without supersedeas, except that the  
3829 court may grant supersedeas as otherwise provided by law where the  
3830 license is revoked. The court shall have the authority and  
3831 jurisdiction to hear the appeal and render its decision in regard  
3832 thereto in termtime or vacation.

3833           **SECTION 103.** Section 83-24-9, Mississippi Code of 1972, is  
3834 amended as follows:

3835           83-24-9. (1) No delinquency proceeding shall be commenced  
3836 under this chapter by anyone other than the commissioner and no  
3837 court shall have jurisdiction to entertain, hear or determine any  
3838 proceeding commenced by any other person.

3839           (2) No court shall have jurisdiction to entertain, hear or  
3840 determine any complaint praying for the dissolution, liquidation,  
3841 rehabilitation, sequestration, conservation or receivership of any  
3842 insurer; or praying for an injunction or restraining order or  
3843 other relief preliminary to, incidental to or relating to such  
3844 proceedings other than in accordance with this chapter.

3845           (3) In addition to other grounds for jurisdiction provided  
3846 by the law of this state, a court having jurisdiction of the  
3847 subject matter has jurisdiction over a person served pursuant to



3848 the Mississippi Rules of Civil Procedure or other applicable  
3849 provisions of law in an action brought by the receiver of a  
3850 domestic insurer or an alien insurer domiciled in this state:

3851 (a) If the person served is an agent, broker, or other  
3852 person who has at any time written policies of insurance for or  
3853 has acted in any manner whatsoever on behalf of an insurer against  
3854 which a delinquency proceeding has been instituted, in any action  
3855 resulting from or incident to such a relationship with the  
3856 insurer; or

3857 (b) If the person served is a reinsurer who has at any  
3858 time entered into a contract of reinsurance with an insurer  
3859 against which a delinquency proceeding has been instituted, or is  
3860 an agent or broker of or for the reinsurer, in any action on or  
3861 incident to the reinsurance contract; or

3862 (c) If the person served is or has been an officer,  
3863 director, manager, trustee, organizer, promoter, or other person  
3864 in a position of comparable authority or influence over an insurer  
3865 against which a delinquency proceeding has been instituted, in any  
3866 action resulting from or incident to such a relationship with the  
3867 insurer; or

3868 (d) If the person served is or was at the time of the  
3869 institution of the delinquency proceeding against the insurer  
3870 holding assets in which the receiver claims an interest on behalf  
3871 of the insurer, in any action concerning the assets; or



3872 (e) If the person served is obligated to the insurer in  
3873 any way whatsoever, in any action on or incident to the  
3874 obligation.

3875 (4) If the court on motion of any party finds that any  
3876 action should as a matter of substantial justice be tried in a  
3877 forum outside this state, the court may enter an appropriate order  
3878 to stay further proceedings on the action in this state.

3879 (5) All action herein authorized shall be brought in  
3880 the \* \* \* inferior courts of the Capitol Complex Improvement  
3881 District.

3882 **SECTION 104.** Section 83-24-101, Mississippi Code of 1972, is  
3883 amended as follows:

3884 83-24-101. (1) If no domiciliary receiver has been  
3885 appointed, the commissioner may apply to the court by verified  
3886 petition for an order directing him to liquidate the assets found  
3887 in this state of a foreign insurer or an alien insurer not  
3888 domiciled in this state, on any of the following grounds:

3889 (i) Any of the grounds in Section 83-24-23 or 83-24-33;  
3890 or

3891 (ii) Any of the grounds specified in Section  
3892 83-24-99(1)(b) through (d).

3893 (2) When an order is sought under subsection (1), the court  
3894 shall cause the insurer to be given such notice and time to  
3895 respond thereto as is reasonable under the circumstances.



3896           (3) If it shall appear to the court that the best interests  
3897 of creditors, policyholders and the public require, the court may  
3898 issue an order to liquidate in whatever terms it shall deem  
3899 appropriate. The filing or recording of the order with the Clerk  
3900 of the \* \* \* inferior courts of the Capitol Complex Improvement  
3901 District or of the county in which the principal business of the  
3902 company is located or the county in which its principal office or  
3903 place of business is located, shall impart the same notice as a  
3904 deed, bill of sale or other evidence of title duly filed or  
3905 recorded with that chancery court would have imparted.

3906           (4) If a domiciliary liquidator is appointed in a reciprocal  
3907 state while a liquidation is proceeding under this section, the  
3908 liquidator under this section shall thereafter act as ancillary  
3909 receiver under Section 83-24-105. If a domiciliary liquidator is  
3910 appointed in a nonreciprocal state while a liquidation is  
3911 proceeding under this section, the liquidator under this section  
3912 may petition the court for permission to act as ancillary receiver  
3913 under Section 83-24-105.

3914           (5) On the same grounds as are specified in subsection (1),  
3915 the commissioner may petition any appropriate federal district  
3916 court to be appointed receiver to liquidate that portion of the  
3917 insurer's assets and business over which the court will exercise  
3918 jurisdiction, or any lesser part thereof that the commissioner  
3919 deems desirable for the protection of the policyholders and  
3920 creditors in this state.



3921           (6) The court may order the commissioner, when he has  
3922 liquidated the assets of a foreign or alien insurer under this  
3923 section, to pay claims of residents of this state against the  
3924 insurer under such rules as to the liquidation of insurers under  
3925 this chapter as are otherwise compatible with the provisions of  
3926 this section.

3927           **SECTION 105.** Section 73-53-25, Mississippi Code of 1972, is  
3928 amended as follows:

3929           73-53-25. Any person aggrieved by a decision of the board  
3930 shall have the right to appeal therefrom to the circuit court of  
3931 the county of the residence of the aggrieved party or to the \* \* \*  
3932 inferior courts of the Capitol Complex Improvement District in the  
3933 manner provided by law for appeals from administrative decisions.  
3934 Actions taken by the board in suspending a license when required  
3935 by Section 93-11-157 or 93-11-163 are not actions from which an  
3936 appeal may be taken under this section. Any appeal of a license  
3937 suspension that is required by Section 93-11-157 or 93-11-163  
3938 shall be taken in accordance with the appeal procedure specified  
3939 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
3940 the procedure specified in this section.

3941           **SECTION 106.** Section 75-56-27, Mississippi Code of 1972, is  
3942 amended as follows:

3943           75-56-27. Any person found by the commissioner or the State  
3944 Chemist to be in violation of any provision of this chapter may be  
3945 assessed a penalty as provided in Section 75-55-37. In addition



3946 to or in lieu of such penalties, the commissioner may suspend or  
3947 revoke the permit or license of such person issued under terms of  
3948 this chapter. The commissioner shall notify such person of such  
3949 action in writing delivered by first class United States Mail.  
3950 Such person shall have fifteen (15) days after the notice is  
3951 mailed within which to request in writing a hearing before the  
3952 commissioner or his designee for the purpose of deciding whether  
3953 or not the penalty imposed should be allowed to stand. The  
3954 commissioner may issue subpoenas to compel the attendance of  
3955 witnesses or the production of documents or physical evidence,  
3956 administer oaths and hear testimony.

3957       If such person does not deliver the written request for a  
3958 hearing within such time to the commissioner, the commissioner's  
3959 original decision shall be final. An appeal, if taken, must be  
3960 perfected within thirty (30) days after the decision of the  
3961 commissioner with the circuit court of the county of the residence  
3962 of the accused. If such person is a nonresident of the State of  
3963 Mississippi, the case shall be appealed to the \* \* \* inferior  
3964 courts of the Capitol Complex Improvement District. If any  
3965 penalty imposed by the commissioner is not paid within thirty (30)  
3966 days of becoming final, the commissioner may take appropriate  
3967 legal action to collect such penalty and the court shall award the  
3968 commissioner reasonable attorney's fees and court costs to collect  
3969 the penalty. The commissioner may adopt such rules and



regulations as may be necessary or desirable to carry out the provisions of this chapter.

**SECTION 107.** Section 75-29-205, Mississippi Code of 1972, is amended as follows:

75-29-205. The Commissioner of Agriculture and Commerce is authorized, in his discretion, to issue an order to stop the sale or distribution of any syrup or syrup products found to be in violation of this article. Upon written notice by the commissioner to the manufacturer or distributor of the syrup or syrup products sold in violation of this article, the syrup or syrup products shall be picked up by the manufacturer or distributor and the buyer of the syrup or syrup products shall be refunded the purchase price by the manufacturer or distributor. Any order to stop the sale of syrup or syrup products may be appealed to the \* \* \* inferior courts of the Capitol Complex Improvement District or the chancery court in the county where the violation occurred within thirty (30) days of receipt of the order.

**SECTION 108.** Section 75-58-15, Mississippi Code of 1972, is amended as follows:

75-58-15. (a) Interest. — Should any person fail to make any payment required under this chapter when the same is due, interest shall accrue at the rate of twelve percent (12%) per annum from the date due until paid, provided, however, should operator fail to remit payment of net proceeds to any consenting





3995 nonoperator within the time herein provided because the title of  
3996 such consenting nonoperator is not marketable, the rate of  
3997 interest as to the net proceeds attributable to such consenting  
3998 nonoperator shall be five percent (5%) accruing from the date when  
3999 due until the title is rendered marketable. Marketability of  
4000 title shall be determined in accordance with the then current  
4001 legally recognized real property law governing title to oil and  
4002 gas interests. Where the title to a balancing party's interest is  
4003 not marketable, and where all the claimants to such interest are  
4004 not consenting nonoperators, operator may refuse to produce and  
4005 deliver any gas attributable to such interest until such time as  
4006 the title is rendered marketable. Gas attributable to such  
4007 interest shall be allocated as underproduction.

4008 (b) Interpleader. — An operator shall have the right to  
4009 initiate an action of interpleader where the operator may be  
4010 exposed to double or multiple liability in the payment of net  
4011 proceeds. Upon deposit with the court of the net proceeds plus  
4012 accrued interest thereon as of the date of such deposit as  
4013 provided by this chapter, operator shall thereafter be relieved of  
4014 all liability relating to the net proceeds and accrued interest so  
4015 deposited with the court. Operator shall be entitled to deduct  
4016 and/or receive from the net proceeds and accrued interest all  
4017 reasonable costs incurred by operator in such action of  
4018 interpleader. An overproduced party desiring to cash balance  
4019 shall also have the right to initiate an action of interpleader



where such overproduced party may be exposed to double or multiple liability in the payment of proceeds for cash balancing. Upon deposit with the court of the proceeds for cash balancing, such overproduced party shall thereafter be relieved of all liability relating to such proceeds so deposited with the court. The overproduced party shall be entitled to deduct and/or receive from the proceeds for cash balancing all reasonable costs incurred by such overproduced party in such action of interpleader.

(c) Jurisdiction Over Disputes. — Jurisdiction and venue for any proceeding brought pursuant to this chapter shall be in the \* \* \* inferior courts of the Capitol Complex Improvement District or in the chancery court of any county in which all or part of the unit for the well is situated.

**SECTION 109.** Section 31-17-181, Mississippi Code of 1972, is amended as follows:

31-17-181. Any notes sold and issued under the provisions of Sections 31-17-151 through 31-17-181 may, in the discretion of the commission, be validated in the \* \* \* inferior courts of the Capitol Complex Improvement District in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of municipal bonds.

**SECTION 110.** Section 45-14-21, Mississippi Code of 1972, is amended as follows:



45-14-21. (1) The agency may refuse to grant a license or registration as provided in Sections 45-14-11 and 45-14-13 to any applicant or registrant who does not possess the requirements or qualifications which the agency may prescribe in rules and regulations, or who has been refused issuance or renewal of a license, registration, permit or certificate by a licensing or registering authority of another state or the United States Nuclear Regulatory Commission, or whose license, registration, permit or certificate has been revoked, suspended or restricted by such licensing or registering authority. The agency may suspend, revoke or amend any license or registration in the event that the person to whom such license or registration was granted violates any of the rules and regulations of the agency, or ceases, or fails to have the reasonable facilities prescribed by the agency, or has a license, registration, permit or certificate revoked, suspended or restricted by a licensing or registering authority of another state, or the United States Nuclear Regulatory Commission. Provided, that before any order is entered denying an application for a license or registration or suspending, revoking, modifying or amending a license or registration previously granted, the applicant or person to whom such license or registration was granted shall be given notice and granted a hearing by the State Health Officer.

(2) Whenever the agency in its opinion finds that an emergency exists requiring immediate action to protect the public



4069 health and safety, the agency may, without notice or hearing,  
4070 issue an order reciting the existence of such emergency and  
4071 requiring that such action be taken as is necessary to meet the  
4072 emergency. Notwithstanding any provision of this chapter, such  
4073 order shall be effective immediately. Any person to whom such  
4074 order is directed shall comply therewith immediately, and on  
4075 application to the agency shall be afforded a hearing within ten  
4076 (10) days. On the basis of such a hearing, the emergency order  
4077 shall be continued, modified or revoked within thirty (30) days  
4078 after such hearing, as the board, with consultation of the  
4079 council, may deem appropriate under the evidence.

4080 (3) Any applicant or person to whom a license or  
4081 registration was granted who shall be aggrieved by any order of  
4082 the agency or its duly authorized agent denying such application  
4083 or suspending, revoking or amending such license or registration,  
4084 may appeal directly to the chancery court of the county of his  
4085 residence, or if he is a nonresident, to the \* \* \* inferior courts  
4086 of the Capitol Complex Improvement District.

4087 **SECTION 111.** Section 79-4-16.05, Mississippi Code of 1972,  
4088 is brought forward as follows:

4089 79-4-16.05. (a) A director of a corporation is entitled to  
4090 inspect and copy the books, records and documents of the  
4091 corporation at any reasonable time to the extent reasonably  
4092 related to the performance of the director's duties as a director,  
4093 including duties as a member of a committee, but not for any other



4094 purpose or in any manner that would violate any duty to the  
4095 corporation.

4096 (b) The chancery court of the county where the corporation's  
4097 principal office (or if none in the state, its registered office)  
4098 is located may order inspection and copying of the books, records  
4099 and documents at the corporation's expense, upon application of a  
4100 director who has been refused such inspection rights, unless the  
4101 corporation establishes that the director is not entitled to such  
4102 inspection rights. The court shall dispose of an application  
4103 under this subsection on an expedited basis.

4104 (c) If an order is issued, the court may include provisions  
4105 protecting the corporation from undue burden or expense, and  
4106 prohibiting the director from using information obtained upon  
4107 exercise of the inspection rights in a manner that would violate a  
4108 duty to the corporation, and may also order the corporation to  
4109 reimburse the director for the director's costs (including  
4110 reasonable counsel fees) incurred in connection with the  
4111 application.

4112 **SECTION 112.** Section 79-4-14.23, Mississippi Code of 1972,  
4113 is amended as follows:

4114 79-4-14.23. (a) If the Secretary of State denies a  
4115 corporation's application for reinstatement following  
4116 administrative dissolution, he shall serve the corporation under  
4117 Section 79-4-5.04 with a written notice that explains the reason  
4118 or reasons for denial.



4119           (b) The corporation may appeal the denial of reinstatement  
4120 to the \* \* \* inferior courts of the Capitol Complex Improvement  
4121 District or the chancery court of the county where the corporation  
4122 is domiciled within thirty (30) days after service of the notice  
4123 of denial is perfected. The corporation appeals by petitioning  
4124 the court to set aside the dissolution and attaching to the  
4125 petition copies of the Secretary of State's certificate of  
4126 dissolution, the corporation's application for reinstatement and  
4127 the Secretary of State's notice of denial.

4128           (c) The court may summarily order the Secretary of State to  
4129 reinstate the dissolved corporation or may take other action the  
4130 court considers appropriate.

4131           (d) The court's final decision may be appealed as in other  
4132 civil proceedings.

4133           **SECTION 113.** Section 79-29-209, Mississippi Code of 1972, is  
4134 amended as follows:

4135           79-29-209. If a person required by this Article 2 to sign a  
4136 certificate fails or refuses to do so, any other person who is  
4137 adversely affected by the failure or refusal may petition the  
4138 chancery court of the county in which the principal office is  
4139 located or the \* \* \* inferior courts of the Capitol Complex  
4140 Improvement District if the limited liability company does not  
4141 have a principal office in this state to direct the signing of the  
4142 certificate. If the court finds that it is proper for the  
4143 certificate to be signed and that any person so designated has



4144 failed or refused to sign the certificate, it shall order  
4145 appropriate relief, including an order to the Secretary of State  
4146 to file an appropriate certificate.

4147       **SECTION 114.** Section 79-4-14.08, Mississippi Code of 1972,  
4148 is amended as follows:

4149       79-4-14.08. (a) A dissolved corporation that has published  
4150 a notice under Section 79-4-14.07 may file an application with  
4151 the \* \* \* inferior courts of the Capitol Complex Improvement  
4152 District of the county where the dissolved corporation's principal  
4153 office (or, if none in this state, its registered office) is  
4154 located for a determination of the amount and form of security to  
4155 be provided for payment of claims that are contingent or have not  
4156 been made known to the dissolved corporation or that are based on  
4157 an event occurring after the effective date of dissolution but  
4158 that, based on the facts known to the dissolved corporation, are  
4159 reasonably estimated to arise after the effective date of  
4160 dissolution. Provision need not be made for any claim that is or  
4161 is reasonably anticipated to be barred under Section  
4162 79-4-14.07(c).

4163       (b) Within ten (10) days after the filing of the  
4164 application, notice of the proceeding shall be given by the  
4165 dissolved corporation to each claimant holding a contingent claim  
4166 whose contingent claim is shown on the records of the dissolved  
4167 corporation.



4168 (c) The court may appoint a guardian ad litem to represent  
4169 all claimants whose identities are unknown in any proceeding  
4170 brought under this section. The reasonable fees and expenses of  
4171 such guardian, including all reasonable expert witness fees, shall  
4172 be paid by the dissolved corporation.

4173 (d) Provision by the dissolved corporation for security in  
4174 the amount and the form ordered by the court under subsection (a)  
4175 of this section shall satisfy the dissolved corporation's  
4176 obligations with respect to claims that are contingent, have not  
4177 been made known to the dissolved corporation or are based on an  
4178 event occurring after the effective date of dissolution, and such  
4179 claims may not be enforced against a shareholder who received  
4180 assets in liquidation.

4181 **SECTION 115.** Section 41-9-31, Mississippi Code of 1972, is  
4182 amended as follows:

4183 41-9-31. Any applicant or licensee aggrieved by the decision  
4184 of the licensing agency after a hearing may, within thirty (30)  
4185 days after the mailing or serving of notice of the decision as  
4186 provided in Section 41-9-15, file a notice of appeal in the \* \* \*  
4187 inferior courts of the Capitol Complex Improvement District or the  
4188 chancery court of the county in which the hospital is located or  
4189 to be located, and the chancery clerk thereof shall serve a copy  
4190 of the notice of appeal upon the licensing agency. Thereupon the  
4191 licensing agency shall, within sixty (60) days or such additional  
4192 time as the court may allow from such notice, certify and file





4193 with the court a copy of the record and decision, including the  
4194 transcript of the hearings, on which the decision is based.  
4195 Findings of fact by the licensing agency shall be conclusive  
4196 unless substantially contrary to the weight of the evidence.  
4197 However, upon good cause shown, the court may remand the case to  
4198 the licensing agency to take further evidence, and the licensing  
4199 agency may thereupon affirm, reverse or modify its decision. The  
4200 court may affirm, modify or reverse the decision of the licensing  
4201 agency, and either the applicant or licensee or the licensing  
4202 agency may appeal from this decision to the Supreme Court as in  
4203 other cases in the chancery court. Pending final disposition of  
4204 the matter of the status quo of the applicant or licensee shall be  
4205 preserved, except as the court otherwise orders in the public  
4206 interest. Rules with respect to court costs in other cases in  
4207 chancery shall apply equally to cases hereunder.

4208       **SECTION 116.** Section 41-29-131, Mississippi Code of 1972, is  
4209 amended as follows:

4210       41-29-131. (1) Upon presentation before the State Board of  
4211 Pharmacy by any person showing grounds for denying, suspending or  
4212 revoking a controlled substance registration, or refusing a  
4213 renewal of registration, the State Board of Pharmacy may, in its  
4214 discretion, deny such registration, revoke or suspend such  
4215 registration or refuse a renewal of such registration.

4216       (2) Before denying, suspending or revoking a registration,  
4217 or refusing a renewal of registration, the State Board of Pharmacy



4218 shall serve upon the applicant or registrant an order to show  
4219 cause why registration should not be denied, revoked or suspended,  
4220 or why the renewal should not be refused. The order to show cause  
4221 shall contain a statement of the basis therefor and shall call  
4222 upon the applicant or registrant to appear before the State Board  
4223 of Pharmacy at a time and place not less than twenty (20) days  
4224 after the date of service of the order, but in the case of a  
4225 denial or renewal of registration, the show cause order shall be  
4226 served not later than thirty (30) days before the expiration of  
4227 the registration. Such order may be served by mailing a copy  
4228 thereof by United States, first-class, certified mail, postage  
4229 prepaid, to the last-known residence or business address of such  
4230 registrant. The hearings on such charges shall be at such time  
4231 and place as the State Board of Pharmacy may prescribe.

4232 (3) At such hearings, all witnesses shall be sworn by a  
4233 member of the State Board of Pharmacy, and stenographic notes of  
4234 the proceedings may be taken and filed as a part of the record in  
4235 the case. Any party to the proceedings requesting it shall be  
4236 furnished with a copy of such stenographic notes upon payment to  
4237 the State Board of Pharmacy of such fees as it shall prescribe,  
4238 not exceeding, however, the actual cost thereof.

4239 (4) The State Board of Pharmacy is authorized and empowered  
4240 to issue subpoenas for the attendance of witnesses and the  
4241 production of books and papers. The process issued by the State  
4242 Board of Pharmacy shall extend to all parts of the state and such



4243 process shall be served by any person designated by the State  
4244 Board of Pharmacy for such service. The person serving such  
4245 process shall receive such compensation as may be allowed by the  
4246 State Board of Pharmacy, not to exceed the fee prescribed by law  
4247 for similar services. All witnesses who shall be subpoenaed, and  
4248 who shall appear in any proceedings before the State Board of  
4249 Pharmacy, shall receive the same fees and mileage as allowed by  
4250 law and all such fees shall be taxed as part of the costs in the  
4251 case.

4252 (5) Where in any proceeding before the State Board of  
4253 Pharmacy any witness shall fail or refuse to attend upon subpoena  
4254 issued by the board, shall refuse to testify, or shall refuse to  
4255 produce any books and papers, the production of which is called  
4256 for by the subpoena, the attendance of such witness and the giving  
4257 of his testimony and the production of the books and papers shall  
4258 be enforced by any court of competent jurisdiction of this state  
4259 in the manner provided for the enforcement of attendance and  
4260 testimony of witnesses in civil cases in the courts of this state.

4261 (6) The State Board of Pharmacy shall conduct the hearing in  
4262 an orderly and continuous manner, granting continuances only when  
4263 the ends of justice may be served. The State Board of Pharmacy  
4264 shall, within sixty (60) days after the conclusion of the hearing,  
4265 reduce its decision to writing and forward an attested true copy  
4266 thereof to the last-known residence or business address of such



4267 applicant, registrant or holder of a registration, by way of  
4268 United States, first-class, certified mail, postage prepaid.

4269 (7) Such applicant, registrant, holder of a registration or  
4270 person aggrieved shall have the right of appeal from an adverse  
4271 ruling or order or decision of the State Board of Pharmacy to the  
4272 chancery court, upon forwarding notice of appeal to the State  
4273 Board of Pharmacy thirty (30) days after the decision of the board  
4274 is mailed in the manner here contemplated. An appeal will not be  
4275 allowed in the event notice of appeal, together with the appeal  
4276 bond hereinafter required, shall not have been forwarded for the  
4277 State Board of Pharmacy within the period of thirty (30) days.

4278 (8) Appeal shall be to the chancery court of the county and  
4279 judicial district of the residence of the appellant, or to  
4280 the \* \* \* inferior courts of the Capitol Complex Improvement  
4281 District at the election of the appellant. The notice of appeal  
4282 shall elect venue, unless the appellant be a nonresident, in which  
4283 event the State Board of Pharmacy shall certify all documents and  
4284 evidence directly to the \* \* \* inferior courts of the Capitol  
4285 Complex Improvement District for further proceedings. The appeal  
4286 shall thereupon be heard in due course by the court, which shall  
4287 review the record and make its determination thereon.

4288 (9) The appellant shall, together with the notice of appeal,  
4289 forward to and post with the State Board of Pharmacy a  
4290 satisfactory bond in the amount of Two Hundred Dollars (\$200.00)  
4291 for the payment of any costs which may be adjudged against him.



4292           (10) Any order, rule or decision of the State Board of  
4293 Pharmacy shall not take effect until after the time for appeal  
4294 shall have expired. In the event of an appeal, the appeal shall  
4295 act as a supersedeas and the court shall dispose of the appeal and  
4296 enter its decision promptly. The hearing on the appeal may, in  
4297 the discretion of the chancellor, be tried in vacation.

4298           (11) These proceedings shall be conducted in accordance with  
4299 applicable administrative procedures without regard to any  
4300 criminal prosecution or other proceeding. Proceedings to refuse  
4301 renewal of registration shall not abate the existing registration,  
4302 which shall remain in effect pending the outcome of the  
4303 administrative hearing.

4304           (12) The Mississippi Bureau of Narcotics or the State Board  
4305 of Pharmacy may suspend, without an order to show cause, any  
4306 registration simultaneously with the institution of proceedings  
4307 under Section 41-29-129, or where renewal of registration is  
4308 refused, if it finds that there is an imminent danger to the  
4309 public health or safety which warrants this action. The  
4310 suspension shall continue in effect until the conclusion of the  
4311 proceedings, including judicial review thereof, unless sooner  
4312 withdrawn by the suspending agency or dissolved by a court of  
4313 competent jurisdiction.

4314           **SECTION 117.** Section 73-43-14, Mississippi Code of 1972, is  
4315 amended as follows:



4316           73-43-14. The State Board of Medical Licensure may appoint  
4317 an executive committee, to be composed of three (3) of its  
4318 members, with a chairman to be designated by the board from the  
4319 members appointed to said committee. The executive committee  
4320 shall have authority to execute all the powers vested in the  
4321 board, in the interim of the meetings of the board. The executive  
4322 committee shall have the authority to conduct licensure hearings  
4323 pursuant to Section 73-25-27, provided that the power to revoke  
4324 shall be subject to approval of the board. Any person aggrieved  
4325 by a decision of the executive committee regarding licensure may  
4326 appeal to the board. Any person aggrieved by an action of the  
4327 board regarding licensure may appeal to the \* \* \* inferior courts  
4328 of the Capitol Complex Improvement District. Any action of the  
4329 executive committee shall be legal and binding until modified or  
4330 annulled by the board, and all pains and penalties prescribed for  
4331 violating the rules of the board shall apply to any violation of  
4332 rules and regulations that may be prescribed by the executive  
4333 committee. Any two (2) members of the executive committee shall  
4334 be a quorum for the transaction of business.

4335           All official meetings of the executive committee, as to time  
4336 and place, shall be held pursuant to a call of the president of  
4337 the board.

4338           Actions taken by the board in suspending a license when  
4339 required by Section 93-11-157 or 93-11-163 are not actions from  
4340 which an appeal may be taken under this section. Any appeal of a



license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

**SECTION 118.** Section 51-9-117, Mississippi Code of 1972, is amended as follows:

51-9-117. Such election shall be held, as far as is practicable, in the same manner as other elections are held in counties. At such election, all qualified electors of such counties may vote, and the ballots used at such election shall have printed thereon the words "FOR BEING INCLUDED IN THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT" and "AGAINST BEING INCLUDED IN THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT"; and the voter shall vote by placing a cross (x) or check mark (✓) opposite his choice on the proposition. In any particular county, should a majority of the qualified electors voting in such election in such county vote in favor of the creation of the Pearl River Valley Water Supply District, then that county shall become a part of the water supply district. The \* \* \* inferior courts of the Capitol Complex Improvement District or the chancellor thereof in vacation, shall thereupon enter a final order including such county in the district. In any particular county, should a majority of the qualified electors voting in such election in such county vote against being included in the Pearl River Valley Water Supply



4365 District, then that county shall not become a part of the water  
4366 supply district.

4367       **SECTION 119.** Section 73-60-7, Mississippi Code of 1972, is  
4368 amended as follows:

4369       73-60-7. (1) The Mississippi Real Estate Commission shall  
4370 have the duties and powers to:

4371           (a) Be responsible for matters relating to home  
4372 inspectors' code of ethics and standards, home inspector  
4373 qualifications, testing standards and disciplinary functions.

4374           (b) Hold meetings, public hearings and administrative  
4375 hearings and prepare examination specifications for licensed home  
4376 inspectors.

4377           (c) Conduct investigations, subpoena individuals and  
4378 records, administer oaths, take testimony and receive evidence and  
4379 to do all other things necessary and proper to discipline a person  
4380 licensed under this chapter and to enforce this chapter. In case  
4381 of contumacy by, or refusal to obey a subpoena issued to, any  
4382 person, the \* \* \* inferior courts of the Capitol Complex  
4383 Improvement District, upon application by the commission, may  
4384 issue to this person an order requiring him to appear before the  
4385 commission, or the officer designated by him, there to produce  
4386 documentary evidence if so ordered or to give evidence touching  
4387 the matter under investigation or in question. Failure to obey  
4388 the order of the court may be punished by the court as contempt of  
4389 court.





4390 (d) Further define by regulation, the type of  
4391 educational experience, home inspector experience and equivalent  
4392 experience that will meet the statutory requirements.

4393 (e) Suspend or revoke licenses pursuant to the  
4394 disciplinary proceedings provided for in this chapter.

4395 (f) Present an annual budget to the Mississippi  
4396 Legislature for approval. A copy of the budget shall be given to  
4397 the commission.

4398 (2) The members of the commission shall be immune from any  
4399 civil action or criminal prosecution for initiating or assisting  
4400 in any lawful investigation of the actions of, or participating in  
4401 any disciplinary proceeding concerning, a home inspector licensed  
4402 pursuant to this chapter, provided that such action is taken  
4403 without malicious intent and in the reasonable belief that the  
4404 action was taken pursuant to the powers and duties vested in the  
4405 members of the commission under this chapter.

4406 **SECTION 120.** Section 9-5-19, Mississippi Code of 1972, is  
4407 brought forward as follows:

4408 9-5-19. (1) There shall be four (4) chancellors for the  
4409 Fifth Chancery Court District. One (1) chancellor shall be  
4410 elected from each subdistrict.

4411 (2) While there shall be no limitation whatsoever upon the  
4412 powers and duties of the said chancellors other than as cast upon  
4413 them by the Constitution and laws of this state, the court in the  
4414 First Judicial District of Hinds County, in the discretion of the



4415 senior chancellor, may be divided into four (4) divisions as a  
4416 matter of convenience by the entry of an order upon the minutes of  
4417 the court.

4418       **SECTION 121.** Section 31-31-33, Mississippi Code of 1972, is  
4419 amended as follows:

4420       31-31-33. The bonds authorized under the authority of this  
4421 chapter may be validated in the \* \* \* inferior courts of the  
4422 Capitol Complex Improvement District in the manner and with the  
4423 force and effect provided by this chapter for the validation of  
4424 county, municipal, school district and other bonds. The notice to  
4425 taxpayers required by such statutes shall be published in a  
4426 newspaper published or having a general circulation in the City of  
4427 Jackson, Mississippi.

4428       **SECTION 122.** Section 43-13-223, Mississippi Code of 1972, is  
4429 amended as follows:

4430       43-13-223. (1) An action brought in connection with any  
4431 matter under this article may be filed in the \* \* \* inferior  
4432 courts of the Capitol Complex Improvement District or in the  
4433 circuit court of the county in which the defendant resides, and  
4434 may be prosecuted to final judgment in satisfaction there.

4435       (2) Process issued by a court in which an action is filed  
4436 may be served anywhere in the state.

4437       **SECTION 123.** Section 45-45-17, Mississippi Code of 1972, is  
4438 amended as follows:



4439           45-45-17. (1) A license issued pursuant to this chapter may  
4440 be suspended, revoked or subject to civil penalty by the  
4441 administrator upon verification that any one or more of the  
4442 following reasons exist:

4443               (a) Any false statement as to a material matter in the  
4444 application.

4445               (b) Fraud, misrepresentation or bribery in securing a  
4446 license.

4447               (c) Failure to notify the licensing authority and the  
4448 owner or lessee of an elevator or other conveyance in any  
4449 condition that is not in compliance with this chapter.

4450           (2) No license shall be suspended, revoked, denied or  
4451 subject to civil penalty until after a hearing before the  
4452 administrator upon notice and hearing to the licensee or applicant  
4453 of at least twenty (20) days at the last known address appearing  
4454 on the license or application, served personally or by registered  
4455 mail. The administrator may suspend or revoke the license, deny  
4456 the application, levy a civil penalty, or dismiss the proceeding.

4457           (3) Any person, sole proprietor, firm, or corporation whose  
4458 license is revoked, suspended or subject to civil penalty, or  
4459 whose license application is denied, may appeal from such  
4460 determination to the Commissioner of Insurance, which shall within  
4461 thirty (30) days thereafter, hold a hearing, of which at least  
4462 fifteen (15) days' written notice shall be given to all interested



parties. The commissioner shall, within thirty (30) days after such hearing, issue a decision.

(4) Any person, sole proprietor, firm or corporation whose license is revoked, suspended or subject to civil penalty, or whose license application is denied, may appeal from such determination to the \* \* \* inferior courts of the Capitol Complex Improvement District within twenty (20) days of the final ruling.

**SECTION 124.** Section 77-3-733, Mississippi Code of 1972, is amended as follows:

77-3-733. Any party aggrieved by any final order of the commission pursuant to this article, or any rules and regulations promulgated pursuant to this article, shall have the right of appeal to the \* \* \* inferior courts of the Capitol Complex Improvement District.

**SECTION 125.** Section 77-3-75, Mississippi Code of 1972, is amended as follows:

77-3-75. The commission may apply to the \* \* \* inferior courts of the Capitol Complex Improvement District for enforcement, by mandamus, injunction or other appropriate remedy, of any order of the commission.

**SECTION 126.** Section 49-17-44, Mississippi Code of 1972, is amended as follows:

49-17-44. (1) The Permit Board may require any applicant for a water pollution control permit for the discharge of effluent from any sewer system certificated or required to be certificated



4488 by the Public Service Commission to provide a bond or other  
4489 acceptable financial security instrument payable to the Commission  
4490 on Environmental Quality and conditioned upon full and  
4491 satisfactory performance of the requirements of the Mississippi  
4492 Air and Water Pollution Control Law and any water pollution  
4493 control permit issued under that law. Any bond shall be executed  
4494 by the permittee and a corporate surety licensed to do business in  
4495 the state. The commission shall establish by regulation the  
4496 acceptable forms of financial security and the amount of financial  
4497 security required for the various types and sizes of facilities.  
4498 The purpose of the bond or other financial security shall be the  
4499 protection of the public health, welfare and the environment.

4500 (2) The commission may enter an order requiring forfeiture  
4501 of the bond or other financial security, if the commission  
4502 determines that:

4503 (a) The continued operation or lack of operation and  
4504 maintenance of the facility covered by this section represents an  
4505 imminent threat to the public health, welfare and the environment  
4506 because the permittee is unable or unwilling to adequately operate  
4507 and maintain the facility or the facility has been actually or  
4508 effectively abandoned by the permittee;

4509 (b) Reasonable and practical efforts under the  
4510 circumstances have been made to obtain corrective actions from the  
4511 permittee; and



4512           (c) It does not appear that corrective actions can or  
4513 will be taken within an appropriate time as determined by the  
4514 commission.

4515           (3) (a) The proceeds of any forfeiture shall be deposited  
4516 into a special fund created in subsection (5) of this section and  
4517 shall be used by the commission or any receiver appointed by  
4518 the \* \* \* inferior courts of the Capitol Complex Improvement  
4519 District to address or correct the noncompliance at the facility  
4520 or to continue operation and maintenance of the facility. The  
4521 proceeds shall be in addition to any other funds otherwise  
4522 appropriated to the department and may be expended under the  
4523 authority of this section without additional action of the  
4524 Legislature.

4525           (b) The commission shall file an annual report  
4526 detailing the receipts and expenditure of the bond forfeiture fund  
4527 with the Chairmen of the House and Senate Appropriation  
4528 Committees.

4529           (4) If the commission finds that a facility has been  
4530 abandoned or that services of a facility have been terminated, the  
4531 commission may enter any orders regarding continued operations of  
4532 that facility as it deems necessary to protect the public health,  
4533 welfare and the environment.

4534           (5) (a) There is created in the State Treasury a fund to be  
4535 designated as the "Water Pollution Control Bond Forfeiture Fund."  
4536 Monies in the fund shall be used by the commission or any receiver



4537 appointed by the court to address or correct the noncompliance at  
4538 the facility or to continue operation and maintenance of the  
4539 facility for which the bond or other financial security was  
4540 forfeited.

4541 (b) Expenditures may be made from the fund upon  
4542 requisition by the executive director of the department.

4543 (c) The fund shall be treated as a special trust fund.  
4544 Interest earned on the principal shall be credited by the  
4545 Treasurer to the fund.

4546 (d) The fund may receive monies from any available  
4547 public or private source, including, but not limited to, proceeds  
4548 from bond or other financial security forfeitures, interest, and  
4549 funds from other judicial actions.

4550 (6) An appeal from any decision of the commission under this  
4551 section may be taken as provided in Section 49-17-41, Mississippi  
4552 Code of 1972.

4553 (7) This section shall be applicable to new applications for  
4554 water pollution control permits and to existing water pollution  
4555 control permits upon application for reissuance or transfer of a  
4556 permit.

4557 **SECTION 127.** Section 37-145-35, Mississippi Code of 1972, is  
4558 amended as follows:

4559 37-145-35. Such general obligation bonds may be issued  
4560 without any other proceedings or the happening of any other  
4561 conditions or things than those proceedings, conditions and things



which are specified or required by Sections 37-145-23 through 37-145-41. Any resolution providing for the issuance of general obligation bonds under the provisions of Sections 37-145-23 through 37-145-41 shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular, special or adjourned meeting of the State Bond Commission by a majority of its members.

The bonds authorized under the authority of Sections 37-145-23 through 37-145-41 may, in the discretion of the State Bond Commission, be validated in the \* \* \* inferior courts of the Capitol Complex Improvement District in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Commission, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

**SECTION 128.** Section 37-17-5, Mississippi Code of 1972, is amended as follows:

37-17-5. It shall be the purpose of the Commission on School Accreditation to continually review the standards on accreditation and the enforcement thereof and to make recommendations thereon to the State Board of Education. All controversies involving the accreditation of schools shall be initially heard by a duly authorized representative of the commission before whom a complete





4587 record shall be made. After the conclusion of the hearing, the  
4588 duly authorized representative of the commission shall make a  
4589 recommendation to the commission as to the resolution of the  
4590 controversies, and the commission, after considering the  
4591 transcribed record and the recommendation of its representative,  
4592 shall make its decision which becomes final unless the local  
4593 school board of the school district involved shall appeal to the  
4594 State Board of Education, which appeal shall be on the record  
4595 previously made before the commission's representative except as  
4596 may be provided by rules and regulations adopted by the State  
4597 Board of Education. Such rules and regulations may provide for  
4598 the submission of new factual evidence. All appeals from the  
4599 State Board of Education shall be on the record and shall be filed  
4600 in the \* \* \* inferior courts of the Capitol Complex Improvement  
4601 District. The commission shall select a competent and qualified  
4602 court reporter to record and transcribe all hearings held before  
4603 its duly authorized representative whose fees and costs of  
4604 transcription shall be paid by the school district involved within  
4605 forty-five (45) days after having been notified of such costs and  
4606 fees by the commission. An appropriate member of the staff of the  
4607 State Department of Education shall be designated by the State  
4608 Superintendent of Public Education to serve as executive secretary  
4609 of the commission.

4610       **SECTION 129.** Section 79-4-8.09, Mississippi Code of 1972, is  
4611 amended as follows:



4612           79-4-8.09. (a) The chancery court of the county where a  
4613 corporation's principal office is located, or the \* \* \* inferior  
4614 courts of the Capitol Complex Improvement District if the  
4615 corporation does not have a principal office in this state, may  
4616 remove a director of the corporation from office in a proceeding  
4617 commenced either by the corporation or by its shareholders holding  
4618 at least ten percent (10%) of the outstanding shares of any class  
4619 if the court finds that (1) the director engaged in fraudulent or  
4620 dishonest conduct, or gross abuse of authority or discretion, with  
4621 respect to the corporation, and (2) removal is in the best  
4622 interest of the corporation.

4623           (b) The court that removes a director may bar the director  
4624 from reelection for a period prescribed by the court.

4625           (c) If shareholders commence a proceeding under subsection  
4626 (a), they shall make the corporation a party defendant.

4627           **SECTION 130.** Section 73-7-27, Mississippi Code of 1972, is  
4628 amended as follows:

4629           73-7-27. (1) Any complaint may be filed with the board by a  
4630 member or agent of the board or by any person charging any  
4631 licensee of the board with the commission of any of the offenses  
4632 enumerated in subsection (2) of this section. Such complaint  
4633 shall be in writing, signed by the accuser or accusers, and  
4634 verified under oath, and such complaints shall be investigated as  
4635 set forth in Section 73-7-7. If, after the investigation, the  
4636 board through its administrative review agents determines that



4637 there is not substantial justification to believe that the accused  
4638 licensee has committed any of the offenses enumerated, it may  
4639 dismiss the complaint or may prepare a formal complaint proceeding  
4640 against the licensee as hereinafter provided. When used with  
4641 reference to any complaint filed against a licensee herein, the  
4642 term "not substantial justification" means a complaint that is  
4643 frivolous, groundless in fact or law, or vexatious, as determined  
4644 by unanimous vote of the board. In the event of a dismissal, the  
4645 person filing the accusation and the accused licensee shall be  
4646 given written notice of the board's determination. If the board  
4647 determines there is reasonable cause to believe the accused has  
4648 committed any of those offenses, the secretary of the board shall  
4649 give written notice of such determination to the accused licensee  
4650 and set a day for a hearing as provided in subsection (3) of this  
4651 section.

4652 (2) The board shall have the power to revoke, suspend or  
4653 refuse to issue or renew any license or certificate provided for  
4654 in this chapter, and to fine, place on probation and/or otherwise  
4655 discipline a student or licensee or holder of a certificate, upon  
4656 proof that such person: (a) has not complied with or has violated  
4657 any of the rules and regulations promulgated by the board; (b) has  
4658 not complied with or has violated any of the sections of this  
4659 chapter; (c) has committed fraud or dishonest conduct in the  
4660 taking of the examination herein provided for; (d) has been  
4661 convicted of a felony; (e) has committed grossly unprofessional or



4662 dishonest conduct; (f) is addicted to the excessive use of  
4663 intoxicating liquors or to the use of drugs to such an extent as  
4664 to render him or her unfit to practice in any of the practices or  
4665 occupations set forth in this chapter; (g) has advertised by means  
4666 of knowingly false or deceptive statements; or (h) has failed to  
4667 display the license or certificate issued to him or her as  
4668 provided for in this chapter; or (i) has been convicted of  
4669 violating any of the provisions of this chapter. A conviction of  
4670 violating any of the provisions of this chapter shall be grounds  
4671 for automatic suspension of the license or certificate of such  
4672 person.

4673       (3) The board shall not revoke, suspend or refuse to issue  
4674 or renew any license or certificate, or fine, place on probation  
4675 or otherwise discipline any person in a disciplinary matter except  
4676 after a hearing of which the applicant or licensee or holder of  
4677 the certificate affected shall be given at least twenty (20) days'  
4678 notice in writing, specifying the reason or reasons for denying  
4679 the applicant a license or certificate of registration, or in the  
4680 case of any other disciplinary action, the offense or offenses of  
4681 which the licensee or holder of a certificate of registration is  
4682 charged. Such notice may be served by mailing a copy thereof by  
4683 United States first-class certified mail, postage prepaid, to the  
4684 last-known residence or business address of such applicant,  
4685 licensee or holder of a certificate. The hearing on such charges  
4686 shall be at such time and place as the board may prescribe.



4687           (4) At such hearings, all witnesses shall be sworn by a  
4688 member of the board, and stenographic notes of the proceedings  
4689 shall be taken. Any party to the proceedings desiring it shall be  
4690 furnished with a copy of such stenographic notes upon payment to  
4691 the board of such fees as it shall prescribe, not exceeding,  
4692 however, the actual costs of transcription.

4693           (5) The board is hereby authorized and empowered to issue  
4694 subpoenas for the attendance of witnesses and the production of  
4695 books and papers. The process issued by the board shall extend to  
4696 all parts of the state and such process shall be served by any  
4697 person designated by the board for such service. The person  
4698 serving such process shall receive such compensation as may be  
4699 allowed by the board, not to exceed the fee prescribed by law for  
4700 similar services. All witnesses who shall be subpoenaed, and who  
4701 shall appear in any proceedings before the board, shall receive  
4702 the same fees and mileage as allowed by law.

4703           (6) Where in any proceeding before the board any witness  
4704 shall fail or refuse to attend upon subpoena issued by the board,  
4705 shall refuse to testify, or shall refuse to produce any books and  
4706 papers, the production of which is called for by the subpoena, the  
4707 attendance of such witness and the giving of his testimony and the  
4708 production of the books and papers shall be enforced by any court  
4709 of competent jurisdiction of this state, in the same manner as are  
4710 enforced for the attendance and testimony of witnesses in civil  
4711 cases in the courts of this state.



4712           (7) The board shall conduct the hearing in an orderly and  
4713 continuous manner, granting continuances only when the ends of  
4714 justice may be served. The board shall, within sixty (60) days  
4715 after conclusion of the hearing, reduce its decision to writing  
4716 and forward an attested true copy thereof to the last-known  
4717 residence or business address of such applicant, licensee or  
4718 holder of a certificate, by way of United States first-class  
4719 certified mail, postage prepaid. Such applicant, licensee, holder  
4720 of a certificate, or person aggrieved shall have the right of  
4721 appeal from an adverse ruling, or order, or decision of the board  
4722 to the \* \* \* inferior courts of the Capitol Complex Improvement  
4723 District, upon forwarding notice of appeal to the board within  
4724 thirty (30) days after the decision of the board is mailed in the  
4725 manner here contemplated. An appeal will not be allowed in the  
4726 event notice of appeal, together with the appeal bond hereinafter  
4727 required, shall not have been forwarded to the board within the  
4728 thirty-day period. Appeal shall be to the \* \* \* inferior courts  
4729 of the Capitol Complex Improvement District. The appeal shall  
4730 thereupon be heard in due course by the court which shall review  
4731 the record and make its determination thereon.

4732           (8) The appellant shall, together with the notice of appeal,  
4733 forward to and post with the board a satisfactory bond in the  
4734 amount of Five Hundred Dollars (\$500.00) for the payment of any  
4735 costs which may be adjudged against him.



4736           (9) In the event of an appeal, the court shall dispose of  
4737 the appeal and enter its decision promptly. The hearing on the  
4738 appeal may, in the discretion of the chancellor, be tried in  
4739 vacation. If there is an appeal, such appeal may, in the  
4740 discretion of and on motion to the chancery court, act as a  
4741 supersedeas. However, any fine imposed by the board under the  
4742 provisions of this chapter shall not take effect until after the  
4743 time for appeal has expired, and an appeal of the imposition of  
4744 such a fine shall act as a supersedeas.

4745           (10) Any fine imposed by the board upon a licensee or holder  
4746 of a certificate shall be in accordance with the following  
4747 schedule:

4748                   (a) For the first violation, a fine of not less than  
4749 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)  
4750 for each violation.

4751                   (b) For the second and each subsequent violation, a  
4752 fine of not less than One Hundred Dollars (\$100.00) nor more than  
4753 Four Hundred Dollars (\$400.00) for each violation.

4754           The power and authority of the board to impose such fines  
4755 under this section shall not be affected or diminished by any  
4756 other proceeding, civil or criminal, concerning the same violation  
4757 or violations.

4758           (11) In addition to the reasons specified in subsection (2)  
4759 of this section, the board shall be authorized to suspend the  
4760 license of any licensee for being out of compliance with an order



4761 for support, as defined in Section 93-11-153. The procedure for  
4762 suspension of a license for being out of compliance with an order  
4763 for support, and the procedure for the reissuance or reinstatement  
4764 of a license suspended for that purpose, and the payment of any  
4765 fees for the reissuance or reinstatement of a license suspended  
4766 for that purpose, shall be governed by Section 93-11-157 or  
4767 93-11-163, as the case may be. Actions taken by the board in  
4768 suspending a license when required by Section 93-11-157 or  
4769 93-11-163 are not actions from which an appeal may be taken under  
4770 this section. Any appeal of a license suspension that is required  
4771 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
4772 with the appeal procedure specified in Section 93-11-157 or  
4773 93-11-163, as the case may be, rather than the procedure specified  
4774 in this section. If there is any conflict between any provision  
4775 of Section 93-11-157 or 93-11-163 and any provision of this  
4776 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
4777 case may be, shall control.

4778       **SECTION 131.** Section 83-41-349, Mississippi Code of 1972, is  
4779 amended as follows:

4780       83-41-349. (1) The commissioner may, in lieu of suspension  
4781 or revocation of a certificate of authority under Section  
4782 83-41-339, levy an administrative penalty in an amount not less  
4783 than One Hundred Dollars (\$100.00) per violation, nor more than  
4784 One Thousand Dollars (\$1,000.00) per violation, if reasonable;  
4785 notice in writing is given of the intent to levy the penalty and





4786 the health maintenance organization has a reasonable time within  
4787 which to remedy the defect in its operations which gave rise to  
4788 the penalty citation. The commissioner may augment this penalty  
4789 by an amount equal to the sum that he calculates to be the damages  
4790 suffered by enrollees or other members of the public.

4791 (2) (a) If the commissioner or the State Health Officer  
4792 shall for any reason have cause to believe that any violation of  
4793 this article has occurred or is threatened, the commissioner or  
4794 State Health Officer may give notice to the health maintenance  
4795 organization and to the representatives, or other persons who  
4796 appear to be involved in the suspected violation, to arrange a  
4797 hearing with the alleged violators or their authorized  
4798 representatives for the purpose of attempting to ascertain the  
4799 facts relating to the suspected violation; and, if it appears that  
4800 any violation has occurred or is threatened, to arrive at an  
4801 adequate and effective means of correcting or preventing the  
4802 violation.

4803 (b) Proceedings under this subsection shall not be  
4804 governed by any formal procedural requirements, and may be  
4805 conducted in such manner as the commissioner or the State Health  
4806 Officer may deem appropriate under the circumstances. However,  
4807 unless consented to by the health maintenance organization, no  
4808 rule or order may result from a conference until the requirements  
4809 of this section of this article are satisfied.



4810           (3)   (a)   The commissioner may issue an order directing a  
4811 health maintenance organization or a representative of a health  
4812 maintenance organization to cease and desist from engaging in any  
4813 act or practice in violation of the provisions of this article.

4814           (b)   Within ten (10) days after service of the cease and  
4815 desist order, the respondent may request a hearing on the question  
4816 of whether acts or practices in violation of this article have  
4817 occurred. The hearings shall be conducted pursuant to rules of  
4818 practice and procedure before the Mississippi Insurance Department  
4819 and judicial review shall be available as provided by Section  
4820 83-41-339.

4821           (4)   In the case of any violation of the provisions of this  
4822 article, if the commissioner elects not to issue a cease and  
4823 desist order, or in the event of noncompliance with a cease and  
4824 desist order issued pursuant to subsection (3), the commissioner  
4825 may institute a proceeding to obtain injunctive or other  
4826 appropriate relief in the \* \* \* inferior courts of the Capitol  
4827 Complex Improvement District.

4828           (5)   Notwithstanding any other provisions of this article, if  
4829 a health maintenance organization fails to comply with the net  
4830 worth requirement of this article, the commissioner is authorized  
4831 to take appropriate action to assure that the continued operation  
4832 of the health maintenance organization will not be hazardous to  
4833 its enrollees.



**SECTION 132.** Section 73-13-93, Mississippi Code of 1972, is amended as follows:

73-13-93. Any person who may feel aggrieved by an action of the board denying or revoking his certificate of licensure or relicensure as a professional surveyor or enrollment as surveyor intern may appeal therefrom to the chancery court of the county of residence of such person and, after full hearing, the court shall make such order sustaining or reversing the action of the board as to it may seem just and proper. However, in case of a nonresident licensee or applicant, such appeal shall be taken or made to the \* \* \* inferior courts of the Capitol Complex Improvement District.

Actions taken by the board in suspending a certificate of licensure when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

**SECTION 133.** Section 73-34-43, Mississippi Code of 1972, is amended as follows:

73-34-43. If, at the conclusion of the hearing, the board determines that a licensed appraiser, licensed certified real estate appraiser or appraisal management company is guilty of a



violation of any of the provisions of this chapter, it shall prepare a formal decision that shall contain findings of fact concerning the appropriate disciplinary action to be taken.

The decision and order of the board shall be final. Any applicant, licensee, registrant or person aggrieved by a decision or order of the board shall have the right of appeal from such adverse order or decision of the board to the circuit court of the county of residence of the applicant, licensee, registrant or person, or of the \* \* \* inferior courts of the Capitol Complex Improvement District within thirty (30) days from the service of notice of the action of the board upon the parties in interest. Notice of appeals shall be filed in the office of the clerk of the court who shall issue an order directed to the board commanding it, within ten (10) days after service thereof, to certify to the court its entire record in the matter in which the appeal has been taken. The appeal shall thereupon be heard in due course by the court, without a jury, which shall review the record and make its determination of the cause between the parties. To be effective, an application for review made by an aggrieved party must be filed within thirty (30) days after the party's receipt of the final decision and order of the board.

If an application is filed for review of a final decision and order of the board, the case shall be set for trial within sixty (60) days from the date of the filing of an answer for the board. If the court finds that the board has regularly pursued its



4884 authority and has not acted arbitrarily, it shall affirm the  
4885 decision and order of the board.

4886       Actions taken by the board in suspending a license when  
4887 required by Section 93-11-157 or 93-11-163 are not actions from  
4888 which an appeal may be taken under this section. Any appeal of a  
4889 license suspension that is required by Section 93-11-157 or  
4890 93-11-163 shall be taken in accordance with the appeal procedure  
4891 specified in Section 93-11-157 or 93-11-163, as the case may be,  
4892 rather than the procedure specified in this section.

4893       **SECTION 134.** Section 83-1-155, Mississippi Code of 1972, is  
4894 amended as follows:

4895       83-1-155. (1) An insurer may be subject to administrative  
4896 supervision by the commissioner if upon examination or at any  
4897 other time it appears in the commissioner's discretion that:

4898               (a) The insurer's condition renders the continuance of  
4899 its business hazardous to the public or to its insureds;

4900               (b) The insurer has exceeded its powers granted under  
4901 its certificate of authority and applicable law;

4902               (c) The insurer has failed to comply with the  
4903 applicable provisions of the insurance code;

4904               (d) The business of the insurer is being conducted  
4905 fraudulently; or

4906               (e) The insurer gives its consent.



4907           (2) If the commissioner determines that the conditions set  
4908 forth in subsection (1) of this section exist, the commissioner  
4909 shall:

4910                   (a) Notify the insurer of such determination;

4911                   (b) Furnish to the insurer a written list of the  
4912 requirements to abate this determination; and

4913                   (c) Notify the insurer that it is under the supervision  
4914 of the commissioner and that the commissioner is applying and  
4915 effectuating the provisions of Sections 83-1-151 through 83-1-169.  
4916 Such action by the commissioner may be appealed to the \* \* \*  
4917 inferior courts of the Capitol Complex Improvement District.

4918           (3) If placed under administrative supervision, the insurer  
4919 shall have sixty (60) days, or another period of time as  
4920 designated by the commissioner, to comply with the requirements of  
4921 the commissioner subject to the provisions of Sections 83-1-151  
4922 through 83-1-169.

4923           (4) If it is determined after notice and hearing that the  
4924 conditions giving rise to the supervision still exist at the end  
4925 of the supervision period specified above, the commissioner may  
4926 extend such period.

4927           (5) If it is determined that none of the conditions giving  
4928 rise to the supervision exist, the commissioner shall release the  
4929 insurer from supervision.

4930           **SECTION 135.** Section 79-14-813, Mississippi Code of 1972, is  
4931 amended as follows:



4932           79-14-813. (a) If the Secretary of State denies a limited  
4933 partnership's application for reinstatement following  
4934 administrative dissolution, the Secretary of State shall serve the  
4935 partnership with a notice in a record that explains the reason or  
4936 reasons for the denial.

4937           (b) A limited partnership may seek judicial review of denial  
4938 of reinstatement in the \* \* \* inferior courts of the Capitol  
4939 Complex Improvement District not later than thirty (30) days after  
4940 service of the notice of denial.

4941           (c) The court may summarily order the Secretary of State to  
4942 reinstate the limited partnership or may take other action the  
4943 court considers appropriate.

4944           (d) The court's final decision may be appealed as in other  
4945 civil proceedings.

4946           **SECTION 136.** Section 79-4-7.20, Mississippi Code of 1972, is  
4947 amended as follows:

4948           79-4-7.20. (a) After fixing a record date for a meeting, a  
4949 corporation shall prepare an alphabetical list of the names of all  
4950 its shareholders who are entitled to notice of a shareholders'  
4951 meeting. The list must be arranged by voting group (and within  
4952 each voting group by class or series of shares) and show the  
4953 address of and number of shares held by each shareholder.

4954           (b) The shareholders' list must be available for inspection  
4955 by any shareholder beginning two (2) business days after notice of  
4956 the meeting is given for which the list was prepared and



4957 continuing through the meeting, at the corporation's principal  
4958 office or at a place identified in the meeting notice in the city  
4959 where the meeting will be held. A shareholder, his agent or  
4960 attorney is entitled on written demand to inspect and, subject to  
4961 the requirements of Section 79-4-16.02(c), to copy the list during  
4962 regular business hours and at his expense, during the period it is  
4963 available for inspection.

4964 (c) The corporation shall make the shareholders' list  
4965 available at the meeting, and any shareholder, his agent or  
4966 attorney is entitled to inspect the list at any time during the  
4967 meeting or any adjournment.

4968 (d) If the corporation refuses to allow a shareholder, his  
4969 agent or attorney to inspect the shareholders' list before or at  
4970 the meeting (or copy the list as permitted by subsection (b)), the  
4971 chancery court of the county where a corporation's principal  
4972 office is located, or the \* \* \* inferior courts of the Capitol  
4973 Complex Improvement District, if the corporation does not have a  
4974 principal office in this state, on application of the shareholder,  
4975 may summarily order the inspection or copying at the corporation's  
4976 expense and may postpone the meeting for which the list was  
4977 prepared until the inspection or copying is complete.

4978 (e) Refusal or failure to prepare or make available the  
4979 shareholders' list does not affect the validity of action taken at  
4980 the meeting.





4981           **SECTION 137.** Section 79-14-808, Mississippi Code of 1972, is  
4982 amended as follows:

4983           79-14-808. (a) A dissolved limited partnership that has  
4984 published a notice under Section 79-14-807 may file an application  
4985 with the chancery court in the county where the limited  
4986 partnership's principal office is located or, if the principal  
4987 office is not located in this state, in the \* \* \* inferior courts  
4988 of the Capitol Complex Improvement District for a determination of  
4989 the amount and form of security to be provided for payment of  
4990 claims that are contingent, have not been made known to the  
4991 limited partnership, or are based on an event occurring after the  
4992 date of dissolution but which, based on the facts known to the  
4993 limited partnership, are reasonably expected to arise after the  
4994 date of dissolution. Security is not required for any claim that  
4995 is or is reasonably anticipated to be barred under Section  
4996 79-14-807.

4997           (b) Not later than ten (10) days after the filing of an  
4998 application under subsection (a), the dissolved limited  
4999 partnership shall give notice of the proceeding to each claimant  
5000 holding a contingent claim known to the partnership.

5001           (c) In a proceeding brought under this section, the court  
5002 may appoint a guardian ad litem to represent all claimants whose  
5003 identities are unknown. The reasonable fees and expenses of the  
5004 guardian, including all reasonable expert witness fees, must be  
5005 paid by the dissolved limited partnership.



5006 (d) A dissolved limited partnership that provides security  
5007 in the amount and form ordered by the court under subsection (a)  
5008 satisfies the dissolved limited partnership's obligations with  
5009 respect to claims that are contingent, have not been made known to  
5010 the partnership, or are based on an event occurring after the date  
5011 of dissolution, and such claims may not be enforced against a  
5012 partner or transferee on account of assets received in  
5013 liquidation.

5014 **SECTION 138.** Section 41-77-21, Mississippi Code of 1972, is  
5015 amended as follows:

5016 41-77-21. Any applicant or licensee aggrieved by the  
5017 decision of the licensing agency after a hearing may, within  
5018 thirty (30) days after the mailing or serving of notice of the  
5019 decision as provided in Section 43-11-11, Mississippi Code of  
5020 1972, file a notice of appeal to the \* \* \* inferior courts of the  
5021 Capitol Complex Improvement District or in the chancery court of  
5022 the county in which the institution is located or proposed to be  
5023 located. If such notice of appeal is filed, it shall comply with  
5024 Section 41-7-201(2), (3) and (4), Mississippi Code of 1972.  
5025 Thereupon, the licensing agency shall, within the time and in the  
5026 manner prescribed in Section 41-7-201(2), certify and file with  
5027 the court a copy of the record and decision, including the  
5028 transcript of the hearings in which the decision is based. No new  
5029 or additional evidence shall be introduced in court; the case  
5030 shall be determined upon the record certified to the court. The



5031 court may sustain or dismiss the appeal, modify or vacate the  
5032 order complained of in whole or in part, as the case may be; but  
5033 in case the order is wholly or partly vacated, the court may also,  
5034 in its discretion, remand the matter to the licensing agency for  
5035 such further proceedings, not inconsistent with the court's order,  
5036 as, in the opinion of the court, justice may require. The order  
5037 may not be vacated or set aside, either in whole or in part,  
5038 except for errors of law, unless the court finds that the order of  
5039 the licensing agency is not supported by substantial evidence, is  
5040 contrary to the manifest weight of the evidence, is in excess of  
5041 the statutory authority or jurisdiction of the licensing agency,  
5042 or violates any vested constitutional rights of any party involved  
5043 in the appeal. Pending final disposition of the matter, the  
5044 status quo of the applicant or licensee shall be preserved, except  
5045 as the court otherwise orders in the public interest. Rules with  
5046 respect to court costs in other cases in chancery shall apply  
5047 equally to cases hereunder. Appeals in accordance with law may be  
5048 had to the Supreme Court of the State of Mississippi from any  
5049 final judgment of the chancery court.

5050       **SECTION 139.** Section 75-71-609, Mississippi Code of 1972, is  
5051 amended as follows:

5052       75-71-609. (a) **Petition for judicial review of order;**  
5053 **venue; scope of review.** Any person aggrieved by a final order of  
5054 the administrator may obtain a review of the order in the \* \* \*  
5055 inferior courts of the Capitol Complex Improvement District by



5056 filing in court, within sixty (60) days after the entry of the  
5057 order, a written petition praying that the order be modified or  
5058 set aside, in whole or in part. A copy of the petition shall be  
5059 forthwith served upon the administrator and thereupon the  
5060 administrator shall certify and file in court a copy of the filing  
5061 and evidence upon which the order was entered. When these have  
5062 been filed, the court has exclusive jurisdiction to affirm,  
5063 modify, enforce or set aside the order, in whole or in part. The  
5064 findings of the administrator as to the facts, if supported by  
5065 competent material and substantial evidence, are conclusive.

5066 (b) **Adduction of additional evidence.** If either party  
5067 applies to the court for leave to adduce additional material  
5068 evidence, and shows to the satisfaction of the court that there  
5069 were reasonable grounds for failure to adduce the evidence in the  
5070 hearing before the administrator, the court may order the  
5071 additional evidence to be taken before the administrator and to be  
5072 adduced upon the hearing in such manner and upon such conditions  
5073 as the court considers proper. The administrator may modify his  
5074 findings and order by reason of the additional evidence and shall  
5075 file in court the additional evidence together with any modified  
5076 or new findings or order.

5077 (c) **Stay of administrative order under review.** The  
5078 commencement of proceedings under subsection (a) does not, unless  
5079 specifically ordered by the court, operate as a stay of the  
5080 administrator's order.



**SECTION 140.** Section 65-43-29, Mississippi Code of 1972, is amended as follows:

65-43-29. The bonds authorized under the authority of Sections 65-43-9 through 65-43-39 may be validated in the \* \* \* inferior courts of the Capitol Complex Improvement District in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

**SECTION 141.** Section 9-7-25, Mississippi Code of 1972, is brought forward as follows:

9-7-25. (1) There shall be four (4) circuit judges for the Seventh Circuit Court District. One (1) judge shall be elected from each subdistrict.

(2) While there shall be no limitation whatsoever upon the powers and duties of the said judges other than as cast upon them by the Constitution and laws of this state, the court in the First Judicial District of Hinds County, in the discretion of the senior circuit judge, may be divided into civil and criminal divisions as a matter of convenience, by the entry of an order upon the minutes of the court.

**SECTION 142.** Section 83-9-23, Mississippi Code of 1972, is amended as follows:



5106           83-9-23. (1) Any insurance company authorized to do  
5107 business of health insurance in this state may join with one or  
5108 more other such insurance companies to offer to any resident of  
5109 this state who is sixty-five (65) years of age or older, and to  
5110 the spouse of such resident, insurance against major financial  
5111 loss from accident or disease. Such insurance may be offered by  
5112 such companies in their own names or in the name of a voluntary  
5113 unincorporated association or other organization formed by such  
5114 companies solely for the purpose of this section. The forms of  
5115 applications, certificates, and policies of such insurance and the  
5116 applicable premium rates shall be filed with the Insurance  
5117 Commissioner, who may require additional pertinent information.

5118           (2) A financial summary concerning any insurance written  
5119 under the authority of this section shall be furnished annually to  
5120 the Insurance Commissioner in such form as he may prescribe. If  
5121 the Insurance Commissioner finds that any forms for such insurance  
5122 are not in the public interest or that the premium rates charged  
5123 are, by reasonable assumptions, excessive in relation to the  
5124 benefits provided, he may disapprove such forms or premium rates  
5125 after notice of at least twenty (20) days and hearing.

5126           (3) Any person aggrieved by the decision of the commissioner  
5127 under the provisions of this section may appeal therefrom within  
5128 thirty (30) days after receipt of notice thereof to the \* \* \*  
5129 inferior courts of the Capitol Complex Improvement District by  
5130 writ of certiorari, upon giving bond with surety or sureties and



5131 in such penalty as shall be approved by the chancery court of said  
5132 county, conditioned that such appellant will pay all cost of the  
5133 appeal in the event such appeal is unsuccessful. The said  
5134 chancery court shall have the authority and jurisdiction to hear  
5135 said appeal and render its decision in regard thereto, either in  
5136 termtime or vacation.

5137       **SECTION 143.** Section 79-11-355, Mississippi Code of 1972, is  
5138 amended as follows:

5139       79-11-355. (1) The chancery court of the county where the  
5140 corporation's principal office is or was located, or in the \* \* \*  
5141 inferior courts of the Capitol Complex Improvement District if the  
5142 corporation does not have a principal office in this state, may  
5143 dissolve a corporation:

5144           (a) In a proceeding by the Attorney General or the  
5145 Secretary of State if it is established that:

5146                   (i) The corporation obtained its articles of  
5147 incorporation through fraud;

5148                   (ii) The corporation has continued to exceed or  
5149 abuse the authority conferred upon it by law; or

5150                   (iii) If the corporation is a charitable  
5151 organization, as defined in Section 79-11-501, that:

5152                           1. The corporate assets are being misapplied  
5153 or wasted;

5154                           2. The corporation is unable to carry out its  
5155 purpose(s); or



5156                   3. The corporation has violated the laws  
5157 regulating the solicitation of charitable contributions, Section  
5158 79-11-501 et seq.;

5159                   (b) In a proceeding by fifty (50) members or members  
5160 holding five percent (5%) of the voting power, whichever is less,  
5161 or by a director if it is established that:

5162                   (i) The directors are deadlocked in the management  
5163 of the corporate affairs, and the members, if any, are unable to  
5164 breach the deadlock;

5165                   (ii) The directors or those in control of the  
5166 corporation have acted, are acting or will act in a manner that is  
5167 illegal, oppressive or fraudulent;

5168                   (iii) The members are deadlocked in voting power  
5169 and have failed, for a period that includes at least two (2)  
5170 consecutive annual meeting dates, to elect successors to directors  
5171 whose terms have, or would otherwise have, expired; or

5172                   (iv) The corporate assets are being misapplied or  
5173 wasted;

5174                   (c) In a proceeding by a creditor if it is established  
5175 that:

5176                   (i) The creditor's claim has been reduced to  
5177 judgment, the execution on the judgment returned unsatisfied and  
5178 the corporation is insolvent; or





5179                   (ii) The corporation has admitted in writing that  
5180 the creditor's claim is due and owing and the corporation is  
5181 insolvent; or

5182                   (d) In a proceeding by the corporation to have its  
5183 voluntary dissolution continued under court supervision.

5184                   (2) Prior to dissolving a corporation, the court shall  
5185 consider whether there are reasonable alternatives to dissolution.

5186                   **SECTION 144.** Section 79-11-131, Mississippi Code of 1972, is  
5187 amended as follows:

5188                   79-11-131. (1) If for any reason it is impractical or  
5189 impossible for any corporation to call or conduct a meeting of its  
5190 members, delegates or directors, or otherwise obtain their  
5191 consent, in the manner prescribed by its articles, bylaws or  
5192 Section 79-11-101 et seq., then upon petition of a director,  
5193 officer, delegate, member or the Attorney General, the chancery  
5194 court of the county where the corporation's principal office is  
5195 located, or the \* \* \* inferior courts of the Capitol Complex  
5196 Improvement District if the corporation does not have a principal  
5197 office in this state, may order that such a meeting be called or  
5198 that a written ballot or other form of obtaining the vote of  
5199 members, delegates or directors be authorized in such a manner as  
5200 the court finds fair and equitable under the circumstances.

5201                   (2) The court shall, in an order issued pursuant to this  
5202 section, provide for a method of notice reasonably designed to  
5203 give actual notice to all persons who would be entitled to notice



5204 of a meeting held pursuant to the articles, bylaws and Section  
5205 79-11-101 et seq., whether or not the method results in actual  
5206 notice to all such persons or conforms to the notice requirements  
5207 that would otherwise apply. In a proceeding under this section  
5208 the court may determine who the members or directors are.

5209 (3) The order issued pursuant to this section may dispense  
5210 with any requirement relating to the holding of or voting at  
5211 meetings or obtaining votes, including any requirement as to  
5212 quorums or as to the number or percentage of votes needed for  
5213 approval, that would otherwise be imposed by the articles, bylaws  
5214 or Section 79-11-101 et seq.

5215 (4) Whenever practical any order issued pursuant to this  
5216 section shall limit the subject matter of meetings or other forms  
5217 of consent authorized to items, including amendments to the  
5218 articles or bylaws, the resolution of which will or may enable the  
5219 corporation to continue managing its affairs without further  
5220 resort to this section; provided, however, that an order under  
5221 this section may also authorize the obtaining of whatever votes  
5222 and approvals are necessary for the dissolution, merger or sale of  
5223 assets.

5224 (5) Any meeting or other method of obtaining the vote of  
5225 members, delegates or directors conducted pursuant to an order  
5226 issued under this section, and which complies with all the  
5227 provisions of such order, is for all purposes a valid meeting or  
5228 vote, as the case may be, and shall have the force and effect as



5229 if it complied with every requirement imposed by the articles,  
5230 bylaws and Section 79-11-101 et seq.

5231       **SECTION 145.** Section 53-9-67, Mississippi Code of 1972, is  
5232 amended as follows:

5233       53-9-67. (1) Except as provided in subsection (2) of this  
5234 section, any interested party may commence a civil action to  
5235 compel compliance with this chapter:

5236           (a) Against the state or a state instrumentality or  
5237 agency which is alleged to be in violation of this chapter or any  
5238 rule, regulation, order or permit issued under this chapter, or  
5239 against any other person who is alleged to be in violation of this  
5240 chapter or any rule, regulation, order or permit issued under this  
5241 chapter; or

5242           (b) Against the department, commission or permit board  
5243 if there is alleged a failure of any one or more of them to  
5244 perform any nondiscretionary act or duty under this chapter.

5245       (2) No action may be commenced:

5246           (a) Under subsection (1)(a) of this section, (i) before  
5247 sixty (60) days after the plaintiff has given notice in writing of  
5248 the violation to the executive director, chief legal counsel of  
5249 the department, the Attorney General of the state and to any  
5250 alleged violator, or (ii) if the commission has commenced and is  
5251 diligently prosecuting a civil action in a court of the state or  
5252 the United States to require compliance with this chapter, or any  
5253 rule, regulation, order or permit issued under this chapter, but



5254 in any action any interested party may intervene as a matter of  
5255 right;

5256 (b) Under subsection (1)(b) of this section before  
5257 sixty (60) days after the plaintiff has given notice in writing of  
5258 the action to the executive director, chief legal counsel of the  
5259 department and commission, in the manner as the commission shall  
5260 by regulation prescribe. That action may be brought immediately  
5261 after the notification if the violation or order complained of  
5262 constitutes an imminent threat to the health or safety of the  
5263 plaintiff or would immediately affect a legal interest of the  
5264 plaintiff.

5265 (3) (a) Any action under this section alleging a violation  
5266 of this chapter or any rule or regulation promulgated under this  
5267 chapter may be brought only in the chancery court of the judicial  
5268 district in which the surface coal mining operation complained of  
5269 is located, except any action brought under subsection (1)(b) of  
5270 this section shall be brought in the chancery court of the \* \* \*  
5271 inferior courts of the Capitol Complex Improvement District.

5272 (b) In any action under this section the permit board  
5273 or commission, if not a party, may intervene as a matter of right.

5274 (4) The court, in issuing a final order in any action  
5275 brought under subsection (1) of this section, may award costs of  
5276 litigation, including attorney and expert witness fees, to any  
5277 party, whenever the court determines that award is appropriate,  
5278 but the permittee shall not be entitled to an award of attorney's



fees unless the court determines that the action of the person opposing the permittee was frivolous, unreasonable or without foundation. No award of attorney's fees or expert witness fees shall be made against a person having an interest in real property that is or may be adversely affected by the surface coal mining operations. The court may, if a preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with state law.

(5) Nothing in this section shall restrict any right which any person or class of persons may have under any statute or the common law, to seek enforcement of this chapter and the rules and regulations promulgated under this chapter, or to seek any other relief, including relief against the department, commission or the permit board.

(6) Any provisions of this section and chapter regarding liability for the costs of clean-up, removal, remediation or abatement of any pollution, hazardous waste or solid waste shall be limited as provided in Section 49-17-42 and rules under that section.

**SECTION 146.** Section 73-19-43, Mississippi Code of 1972, is amended as follows:

73-19-43. (1) Upon finding of the existence of grounds for discipline of any person holding a license, seeking a license, or seeking to renew a license under the provisions of this chapter, the board may impose one or more of the following penalties:



5304                   (a)   Suspension of the offender's license for a term to  
5305 be determined by the board;

5306                   (b)   Revocation of the offender's license;

5307                   (c)   Restriction of the offender's license to prohibit  
5308 the offender from performing certain acts or from engaging in the  
5309 practice of optometry in a particular manner for a term to be  
5310 determined by the board;

5311                   (d)   Imposition of a monetary penalty as follows:

5312                         (i)   For the first violation, a monetary penalty of  
5313 not less than Fifty Dollars (\$50.00) nor more than Five Hundred  
5314 Dollars (\$500.00) for each violation;

5315                         (ii)   For the second violation and subsequent  
5316 violations, a monetary penalty of not less than One Hundred  
5317 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)  
5318 for each violation;

5319                   (e)   Refusal to renew offender's license;

5320                   (f)   Placement of the offender on probation and  
5321 supervision by the board for a period to be determined by the  
5322 board;

5323                   (g)   Public or private reprimand.

5324                   (2)   Any person whose license has been suspended, revoked or  
5325 restricted pursuant to this chapter, whether voluntarily or by  
5326 action of the board, shall have the right to petition the board at  
5327 reasonable intervals for reinstatement of such license. Such  
5328 petition shall be made in writing and in the form prescribed by



5329 the board. Upon investigation and hearing, the board may, in its  
5330 discretion, grant or deny such petition, or it may modify its  
5331 original finding to reflect any circumstances which have changed  
5332 sufficiently to warrant such modifications. The procedure for the  
5333 reinstatement of a license that is suspended for being out of  
5334 compliance with an order for support, as defined in Section 2 of  
5335 this act, shall be governed by Section 4 or 7 of this act, as the  
5336 case may be.

5337 (3) Nothing herein shall be construed as barring criminal  
5338 prosecutions for violation of this chapter where such violations  
5339 are deemed as criminal offenses in other statutes of this state or  
5340 of the United States.

5341 (4) A monetary penalty assessed and levied under this  
5342 section shall be paid to the board by the licensee upon the  
5343 expiration of the period allowed for appeal of such penalties  
5344 under Section 73-19-45, Mississippi Code of 1972, or may be paid  
5345 sooner if the licensee elects. Money collected by the board under  
5346 this section shall be deposited to the credit of the General Fund  
5347 of the State Treasury.

5348 (5) When payment of a monetary penalty assessed and levied  
5349 by the board against a licensee in accordance with this section is  
5350 not paid by the licensee when due under this section, the board  
5351 shall have the power to institute and maintain proceedings in its  
5352 name for enforcement of payment in the \* \* \* inferior courts of  
5353 the Capitol Complex Improvement District. When such proceedings



5354 are instituted, the board shall certify its order to the chancery  
5355 court and the matter shall thereupon be heard in due course by the  
5356 court, which shall review the order and make its determination  
5357 thereon. The hearing on the matter may, in the discretion of the  
5358 chancellor, be tried in vacation. If the chancellor finds no  
5359 errors on the face of the board's order, the board shall have a  
5360 judgment for the amount due which shall be enforceable as all  
5361 other judgments.

5362       **SECTION 147.** Section 73-39-81, Mississippi Code of 1972, is  
5363 amended as follows:

5364       73-39-81. Any person aggrieved by a decision of the board  
5365 may appeal to the \* \* \* inferior courts of the Capitol Complex  
5366 Improvement District in accordance with the Uniform Rules of  
5367 Circuit and County Court Practice governing appeals from  
5368 administrative agencies. The appeal shall be made solely on the  
5369 record before the board.

5370       **SECTION 148.** Section 73-25-30, Mississippi Code of 1972, is  
5371 amended as follows:

5372       73-25-30. (1) The Mississippi State Board of Medical  
5373 Licensure, in exercising its authority under the provisions of  
5374 Section 73-25-29, shall have the power to discipline the holder of  
5375 a license who has been found by the board in violation of that  
5376 statute after notice and a hearing as provided by law, and the  
5377 licensee shall be disciplined as follows:





5378                   (a) By placing him upon probation, the terms of which  
5379 may be set by the board, or

5380                   (b) By suspending his right to practice for a time  
5381 deemed proper by the board, or

5382                   (c) By revoking his license, or

5383                   (d) By taking any other action in relation to his  
5384 license as the board may deem proper under the circumstances.

5385           (2) Upon the execution of a disciplinary order by the board,  
5386 either following a hearing or in lieu of a hearing, the board, in  
5387 addition to the disciplinary powers specified in subsection (1) of  
5388 this section, may assess the licensee for those reasonable costs  
5389 that are expended by the board in the investigation and conduct of  
5390 a proceeding for licensure disciplinary action including, but not  
5391 limited to, the cost of process service, court reporters, witness  
5392 fees, expert witnesses, investigators, and other related expenses.  
5393 Money collected by the board under this section shall be deposited  
5394 to the credit of the special fund of the board to reimburse the  
5395 existing current year appropriated budget.

5396           (3) An assessment of costs under this section shall be paid  
5397 to the board by the licensee, upon the expiration of the period  
5398 allowed for appeals under Section 73-25-27, or may be paid sooner  
5399 if the licensee elects. Cost assessed under this section shall  
5400 not exceed Ten Thousand Dollars (\$10,000.00).

5401           (4) When an assessment of costs by the board against a  
5402 licensee in accordance with this section is not paid by the



5403 licensee when due under this section, the licensee shall be  
5404 prohibited from practicing medicine until the full amount is paid.  
5405 In addition, the board may institute and maintain proceedings in  
5406 its name for enforcement of payment in the \* \* \* inferior courts  
5407 of the Capitol Complex Improvement District. When those  
5408 proceedings are instituted, the board shall certify the record of  
5409 its proceedings, together with all documents and evidence, to the  
5410 chancery court. The matter shall be heard in due course by the  
5411 court, which shall review the record and make its determination  
5412 thereon. The hearing on the matter, in the discretion of the  
5413 chancellor, may be tried in vacation.

5414       **SECTION 149.** Section 81-18-19, Mississippi Code of 1972, is  
5415 amended as follows:

5416       81-18-19. (1) Except as provided in this section, no person  
5417 shall acquire directly or indirectly ten percent (10%) or more of  
5418 the voting shares of a corporation or ten percent (10%) or more of  
5419 the ownership of any other entity licensed to conduct business  
5420 under this chapter unless it first files an application in  
5421 accordance with the requirements prescribed in Section 81-18-9.

5422       (2) Upon the filing and investigation of an application, the  
5423 department shall permit the applicant to acquire the interest in  
5424 the licensee if it is satisfied and finds that the applicant and  
5425 its members, if applicable, its directors and officers, if a  
5426 corporation, and any proposed new directors and officers have  
5427 provided its surety bond and have the character, reputation and



5428 experience to warrant belief that the business will be operated  
5429 fairly and in accordance with the law. If the application is  
5430 denied, the department shall notify the applicant of the denial  
5431 and the reasons for the denial.

5432 (3) A decision of the department denying a license, original  
5433 or renewal, shall be conclusive, except that the applicant may  
5434 seek judicial review in the \* \* \* inferior courts of the Capitol  
5435 Complex Improvement District.

5436 (4) The provisions of this section do not apply to the  
5437 following, subject to notification as required in this section:

5438 (a) The acquisition of an interest in a licensee  
5439 directly or indirectly including an acquisition by merger or  
5440 consolidation by or with a person licensed under this chapter or  
5441 exempt from this chapter under Section 81-18-5.

5442 (b) The acquisition of an interest in a licensee  
5443 directly or indirectly including an acquisition by merger or  
5444 consolidation by or with a person affiliated through common  
5445 ownership with the licensee.

5446 (c) The acquisition of an interest in a licensee by a  
5447 person by bequest, devise, gift or survivorship or by operation of  
5448 law.

5449 (5) A person acquiring an interest in a licensee in a  
5450 transaction that is requesting exemption from filing an  
5451 application for approval of the application shall send a written



request to the department for an exemption within thirty (30) days before the closing of the transaction.

**SECTION 150.** Section 79-11-201, Mississippi Code of 1972, is amended as follows:

79-11-201. (1) The chancery court of the county where a corporation's principal office is or will be located, or the \* \* \* inferior courts of the Capitol Complex Improvement District if the corporation does not have a principal office in this state, may summarily order a meeting to be held:

(a) On application of any member or other person entitled to participate in the annual meeting, if an annual meeting was not held within the earlier of six (6) months after the end of the corporation's fiscal year or fifteen (15) months after its last annual meeting; or

(b) On application of a member who signed a demand for a special meeting valid under Section 79-11-199, or a person or persons entitled to call a special meeting, if:

(i) Notice of the special meeting was not given within thirty (30) days after the date the demand was delivered to a corporate officer; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of



5477 the meeting notice, fix the quorum required for specific matters  
5478 to be considered at the meeting (or direct that the votes  
5479 represented at the meeting constitute a quorum for action on those  
5480 matters), and enter other orders necessary to accomplish the  
5481 purpose or purposes of the meeting.

5482 (3) If the court orders a meeting, it may also order the  
5483 corporation to pay the member's cost (including reasonable counsel  
5484 fees) incurred to obtain the order.

5485 **SECTION 151.** Section 79-14-204, Mississippi Code of 1972, is  
5486 amended as follows:

5487 79-14-204. (a) If a person required by this chapter to sign  
5488 a record or deliver a record to the Secretary of State for filing  
5489 under this act does not do so, any other person that is aggrieved  
5490 may petition the \* \* \* inferior courts of the Capitol Complex  
5491 Improvement District to order:

5492 (1) The person to sign the record;

5493 (2) The person to deliver the record to the Secretary  
5494 of State for filing; or

5495 (3) The Secretary of State to file the record unsigned.

5496 (b) If a petitioner under subsection (a) is not the limited  
5497 partnership or foreign limited partnership to which the record  
5498 pertains, the petitioner shall make the partnership or foreign  
5499 partnership a party to the action.

5500 (c) A record filed under subsection (a)(3) is effective  
5501 without being signed.



5502           **SECTION 152.** Section 37-119-7, Mississippi Code of 1972, is  
5503 amended as follows:

5504           37-119-7. The University of Southern Mississippi (herein  
5505 sometimes referred to as the "university") is authorized and  
5506 empowered to require the State Building Commission to issue bonds  
5507 in an amount not exceeding the sum of Seven Hundred Fifty Thousand  
5508 Dollars (\$750,000.00), bearing interest at a rate not exceeding  
5509 six percent (6%) per annum, for the purpose of and to be expended  
5510 in extending, adding to and improving the athletic stadium on its  
5511 campus; to impose student athletic fees; to impose charges, in  
5512 addition to and distinguished from the established price of  
5513 admission, upon persons, other than students, for the privilege of  
5514 attending events held in such stadium, which such charges shall be  
5515 exempt from any amusement tax now levied and collected in the  
5516 State of Mississippi, and to immediately commence, prior to the  
5517 issuance and sale of the bonds herein authorized and to continue,  
5518 the collection of such charges; and to apply to the satisfaction  
5519 and retirement, as and when due, of the principal of and interest  
5520 on such bonds, said athletic fees and said charges, and also,  
5521 rental income from the dormitory facilities now in the stadium,  
5522 and income, not otherwise appropriated or allocated, from any  
5523 other sources. Such bonds shall be authorized by the Board of  
5524 Trustees of State Institutions of Higher Learning in the manner  
5525 now provided by Sections 37-101-91 through 37-101-103, and all of  
5526 the provisions of said sections (except as herein otherwise



5527 provided and as are not in conflict with the provisions hereof)  
5528 shall be applicable to the authorization and issuance of such  
5529 bonds. Reference in Sections 37-101-95 \* \* \* and 37-101-101, to  
5530 "dormitories, dwellings or apartments" shall be understood to  
5531 apply also to all other projects authorized to be financed under  
5532 the provisions of Section 37-101-99.

5533       Upon request of the university, acting through its president  
5534 and financial secretary, authorization having been first obtained  
5535 from the Board of Trustees of State Institutions of Higher  
5536 Learning, the State Building Commission shall issue and sell bonds  
5537 of the university at not less than par and accrued interest in the  
5538 manner provided by Section 21-27-45, Mississippi Code of 1972, for  
5539 the sale of bonds of municipalities issued thereunder and upon  
5540 terms and at interest rates, not to exceed the maximum therein  
5541 authorized, to be fixed by the State Building Commission. The  
5542 State Building Commission is hereby authorized to supervise the  
5543 contracting for, and the erection of, all buildings erected,  
5544 extended, added to, or improved under the provisions of this  
5545 section. The Board of Trustees of State Institutions of Higher  
5546 Learning is hereby authorized and empowered to specify the nature  
5547 of such extensions, additions, improvements or new construction,  
5548 and shall approve the plans and specifications therefor prior to  
5549 the letting of any new contract for any such work. All contracts  
5550 let under the supervision of the State Building Commission shall



5551 be let as provided by law for other contracts let by said  
5552 commission.

5553       The Board of Trustees of State Institutions of Higher  
5554 Learning, in the resolution authorizing such bonds, may provide  
5555 for the imposition of such student athletic fees, such charges for  
5556 the privilege of attending events held in such stadium (as  
5557 hereinabove distinguished from the price of admission), such  
5558 rental charges for use of the dormitories facilities now in the  
5559 stadium and for application to the retirement of such bonds of  
5560 such other sources of income, not otherwise appropriated or  
5561 allocated, as it may consider desirable. Said board may provide  
5562 for the collection and the allocation of such fees and charges.  
5563 Such fees and charges or other income shall always be in such  
5564 amounts as will assure the prompt payment of principal of and  
5565 interest on such bonds and the carrying out of all of the  
5566 covenants and agreements contained in such resolution authorizing  
5567 such bonds.

5568       All bonds so issued shall constitute negotiable instruments  
5569 within the meaning of the Uniform Commercial Code of Mississippi.

5570       Any bonds authorized under authority of this section may be  
5571 validated in the \* \* \* inferior courts of the Capitol Complex  
5572 Improvement District in the manner and with the force and effect  
5573 now or hereafter provided by general law for the validation of  
5574 municipal bonds.





5575           This section, without reference to any other statute or law  
5576 of Mississippi other than the portions of Sections 37-101-91  
5577 through 37-101-103, not in conflict herewith, and Section  
5578 31-19-25, shall constitute full authority for the extension,  
5579 adding to and improvement of the aforesaid stadium and the  
5580 authorization and issuance of bonds hereunder and no other  
5581 provisions of the statutes pertinent thereto, except as herein  
5582 expressly provided, shall be construed as applying to any  
5583 proceedings had hereunder or any acts done pursuant hereto.

5584           **SECTION 153.** Section 41-51-29, Mississippi Code of 1972, is  
5585 amended as follows:

5586           41-51-29. Any licensee or other person, aggrieved by any  
5587 final decision or order of the commissioner made or entered in or  
5588 on such decision or order may appeal to the \* \* \* inferior courts  
5589 of the Capitol Complex Improvement District by filing with the  
5590 commissioner a petition for review within thirty (30) days from  
5591 the date of such decision or order, specifying the grounds upon  
5592 which he relies, and by filing with the clerk of said court a bond  
5593 with such surety or sureties and in such penalty as shall be  
5594 approved by the commissioner or the clerk or judge of said court,  
5595 conditioned that such appellant will pay all costs of the appeal  
5596 in event such appeal is unsuccessful. The state may appeal from  
5597 such decision or order in like time and manner without giving  
5598 bond. Such appeal, and appeal bond, shall not operate as a  
5599 supersedeas, but the commissioner, or the judge of said circuit



5600 court (or any judge of the supreme court in event of appeals  
5601 thereto) may grant a supersedeas upon such terms and conditions  
5602 and upon such bond as may be deemed proper. All appeal and  
5603 supersedeas bonds shall be payable to the state and may from time  
5604 to time and upon cause shown be ordered increased or ordered  
5605 replaced by other bonds with approved sureties, and may be  
5606 enforced in the manner provided by law for the enforcement of  
5607 other similar bonds. In perfecting such an appeal, the provisions  
5608 of law respecting notice to the reporter and the allowance of  
5609 bills of exception, now or hereafter in force respecting appeals  
5610 from circuit courts to the supreme court, shall be applicable.  
5611 The cause shall be triable as a preference cause either in term  
5612 time or vacation, and at such time and place as may be fixed by  
5613 the circuit judge. The appeal shall be upon the record, which  
5614 shall contain the petition for review and the proceedings,  
5615 evidence, and decision or order appealed from, and the same shall  
5616 be signed by the commissioner or the person acting as his  
5617 representative and by him transmitted forthwith to said circuit  
5618 court. Such court shall hear and determine the case presented by  
5619 such record, and may affirm or set aside the decision or order  
5620 from which the appeal was taken and shall thereupon certify its  
5621 judgment to the commissioner. In case the decision or order of  
5622 the commissioner be set aside by the circuit court, such court  
5623 shall enter and render such judgment, decision or order as the  
5624 commissioner should have rendered, unless it be necessary, in



consequence of its decision, that some decision or ruling entirely administrative or legislative in nature be made, or that some fact or question of fact not appearing in or not settled by the record be ascertained or determined, in which cases the matter shall be remanded to the commissioner for further proceedings and action or decision in accord with the judgment and direction of such circuit court from which further proceedings, action, or decision of the commissioner further appeals may be taken to the circuit court in the manner provided in this section. Costs on an appeal shall be awarded as in other cases. Any party, including the state and the commissioner, aggrieved by a final decision of said circuit court, may appeal to the supreme court in the manner provided by law.

**SECTION 154.** Section 41-21-83, Mississippi Code of 1972, is amended as follows:

41-21-83. If a hearing is requested as provided in Section 41-21-74, 41-21-81 or 41-21-99, the court shall not make a determination of the need for continued commitment unless a hearing is held and the court finds by clear and convincing evidence that (a) the person continues to have mental illness or have an intellectual disability; and (b) involuntary commitment is necessary for the protection of the patient or others; and (c) there is no alternative to involuntary commitment. Hearings held under this section shall be held in the chancery court of the county where the facility is located; however, if the patient is confined at the Mississippi State Hospital at Whitfield,



5650 Mississippi, the hearing shall be conducted by the \* \* \* inferior  
5651 courts of the Capitol Complex Improvement District.

5652         The hearing shall be held within fourteen (14) days after  
5653 receipt by the court of the request for a hearing. The court may  
5654 continue the hearing for good cause shown. The clerk shall  
5655 ascertain whether the patient is represented by counsel, and, if  
5656 the patient is not represented, shall notify the chancellor who  
5657 shall appoint counsel for him if the chancellor determines that  
5658 the patient for any reason does not have the services of an  
5659 attorney; however, the patient may waive the appointment of  
5660 counsel subject to the approval of the court. Notice of the time  
5661 and place of the hearing shall be served at least seventy-two (72)  
5662 hours before the time of the hearing upon the patient, his  
5663 attorney, the director, and the person requesting the hearing, if  
5664 other than the patient, and any witnesses requested by the patient  
5665 or his attorney, or any witnesses the court may deem necessary or  
5666 desirable.

5667         The patient must be present at the hearing unless the  
5668 chancellor determines that the patient is unable to attend and  
5669 makes that determination and the reasons therefor part of the  
5670 record.

5671         The court shall put its findings and the reasons supporting  
5672 its findings in writing and shall have copies delivered to the  
5673 patient, his attorney, and the director of the treatment facility.  
5674 An appeal from the final commitment order by either party may be



5675 had on the terms prescribed for appeals in civil cases; however,  
5676 such appeal shall be without supersedeas. The record on appeal  
5677 shall include the transcript of the commitment hearing.

5678       **SECTION 155.** Section 73-59-13, Mississippi Code of 1972, is  
5679 amended as follows:

5680       73-59-13. (1) The board, upon satisfactory proof and in  
5681 accordance with the provisions of this chapter and the regulations  
5682 of the board pertaining thereto, is authorized to take the  
5683 disciplinary actions provided for in this section against any  
5684 person for any of the following reasons:

5685               (a) Violating any of the provisions of this chapter or  
5686 the rules or regulations of the board pertaining to the work of  
5687 residential building or residential improvement;

5688               (b) Fraud, deceit or misrepresentation in obtaining a  
5689 license;

5690               (c) Gross negligence or misconduct;

5691               (d) Engaging in work of residential building or  
5692 residential improvement on an expired license or while under  
5693 suspension or revocation of license unless the suspension or  
5694 revocation be abated in accordance with this chapter;

5695               (e) Loaning a license to an unlicensed person;

5696               (f) Failing to maintain workers' compensation  
5697 insurance, if applicable; or

5698               (g) Failing to pay for goods or services for which the  
5699 builder is contractually bound.



5700           (2) Any person, including members of the board, may prefer  
5701 charges against any other person for committing any of the acts  
5702 set forth in subsection (1) of this section. Such charges shall  
5703 be sworn to, either upon actual knowledge or upon information and  
5704 belief, and shall be filed with the board.

5705           The board shall investigate all charges filed with it and,  
5706 upon finding reasonable cause to believe that the charges are not  
5707 frivolous, unfounded or filed in bad faith, may, in its  
5708 discretion, cause a hearing to be held, at a time and place fixed  
5709 by the board, regarding the charges and may compel the accused by  
5710 subpoena to appear before the board to respond to such charges.

5711           The board may send a certified inspector to inspect the  
5712 building or structure which is the subject of a complaint or the  
5713 board may use a county certified building inspector from the  
5714 county where the building or structure is located to inspect the  
5715 building or structure which is the subject of a complaint. The  
5716 report of the inspector shall be used in the investigation and the  
5717 determination of the board. The provisions above shall only apply  
5718 to hearings.

5719           No disciplinary action may be taken until the accused has  
5720 been furnished both a statement of the charges against him and  
5721 notice of the time and place of the hearing thereon, which shall  
5722 be personally served on such accused or mailed by certified mail,  
5723 return receipt requested, to the last-known business or residence  
5724 address of the accused not less than thirty (30) days prior to the



5725 date fixed for the hearing. The complaining party shall be  
5726 notified of the place and time of the hearing by mail to the  
5727 last-known business or residence address of the complaining party  
5728 not less than thirty (30) days prior to the date fixed for the  
5729 hearing.

5730 (3) At any hearing held hereunder, the board shall have the  
5731 power to subpoena witnesses and compel their attendance and may  
5732 also require the production of books, papers, documents or other  
5733 materials which may be pertinent to the proceedings. The board  
5734 may designate or secure a hearing officer to conduct the hearing.  
5735 All evidence shall be presented under oath, which may be  
5736 administered by any member of the board, and thereafter the  
5737 proceedings may, if necessary, be transcribed in full by a court  
5738 reporter and filed as part of the record in the case. Copies of  
5739 such transcriptions may be provided to any party to the  
5740 proceedings at a price reflecting actual cost, to be fixed by the  
5741 board.

5742 All witnesses who are subpoenaed and appear in any  
5743 proceedings before the board shall receive the same fees and  
5744 mileage as allowed by law to witnesses in county, circuit and  
5745 chancery court pursuant to Section 25-7-47, Mississippi Code of  
5746 1972, and all such fees shall be taxed as part of the costs in the  
5747 case.

5748 When, in any proceeding before the board, any witness shall  
5749 fail or refuse to attend upon subpoena issued by the board, shall



5750 refuse to testify, or shall refuse to produce any books and papers  
5751 the production of which is called for by the subpoena, the  
5752 attendance of such witness and the giving of his testimony and the  
5753 production of the books and papers shall be enforced by any court  
5754 of competent jurisdiction of this state in the manner provided for  
5755 the enforcement of attendance and testimony of witnesses in civil  
5756 cases in the courts of this state.

5757         The accused and the complaining party shall have the right to  
5758 be present at the hearing in person, by counsel or other  
5759 representative, or both. The board is authorized for proper cause  
5760 to continue or recess the hearing as may be necessary.

5761         (4) At the conclusion of the hearing, the board may either  
5762 decide the issue at that time or take the case under advisement  
5763 for further deliberation. The board shall render its decision not  
5764 more than ninety (90) days after the close of the hearing and  
5765 shall forward to the last known business or residence address of  
5766 the accused, by certified mail, return receipt requested, a  
5767 written statement of the decision of the board.

5768         (5) If a majority of the board finds the accused guilty of  
5769 the charges filed, the board may:

- 5770                 (a) Issue a public or private reprimand;  
5771                 (b) Suspend or revoke the license of the accused;  
5772                 (c) Order completion of an additional educational  
5773 requirement prescribed by the board not to exceed two (2) hours  
5774 per violation; or





5775 (d) In lieu of or in addition to any reprimand,  
5776 suspension, revocation, or education requirement, assess and levy  
5777 upon the guilty party a monetary penalty of not less than One  
5778 Hundred Dollars (\$100.00) nor more than Five Thousand Dollars  
5779 (\$5,000.00) for each violation.

5780 (6) A monetary penalty assessed and levied under this  
5781 section shall be paid to the board upon the expiration of the  
5782 period allowed for appeal of such penalties under this section or  
5783 may be paid sooner if the guilty party elects. Money collected by  
5784 the board under this section shall be deposited to the credit of  
5785 the State Board of Contractors Fund.

5786 When payment of a monetary penalty assessed and levied by the  
5787 board in accordance with this section is not paid when due, the  
5788 board shall have the power to institute and maintain proceedings  
5789 in its name for enforcement of payment in the chancery court of  
5790 the county of residence of the delinquent party; however, if the  
5791 delinquent party is a nonresident of the State of Mississippi,  
5792 such proceedings shall be in the \* \* \* inferior courts of the  
5793 Capitol Complex Improvement District.

5794 (7) When the board has taken a disciplinary action under  
5795 this section, the board may, in its discretion, stay such action  
5796 and place the guilty party on probation for a period not to exceed  
5797 one (1) year upon the condition that such party shall not further  
5798 violate either the laws of the State of Mississippi pertaining to



5799 the practice of residential construction or residential remodeling  
5800 or the bylaws, rules or regulations promulgated by the board.

5801 (8) The board shall not assess any of the costs of  
5802 disciplinary proceedings conducted pursuant to this section  
5803 against the prevailing party.

5804 (9) The power and authority of the board to assess and levy  
5805 the monetary penalties provided for in this section shall not be  
5806 affected or diminished by any other proceedings, civil or  
5807 criminal, concerning the same violation or violations except as  
5808 provided in this section.

5809 (10) The board, for sufficient cause, may reissue a revoked  
5810 license whenever a majority of the board members vote to do so.

5811 (11) Within ten (10) days after any order, judgment or  
5812 action of the board, any person aggrieved thereby may appeal such  
5813 order, judgment or action either to the chancery court of the  
5814 county wherein the appellant resides or to the \* \* \* inferior  
5815 courts of the Capitol Complex Improvement District upon giving  
5816 bond with sufficient security in the amount of Two Hundred Fifty  
5817 Dollars (\$250.00), approved by the clerk of the chancery court and  
5818 conditioned to pay any costs which may be adjudged against such  
5819 person. In lieu of the bond, the appellant may post Two Hundred  
5820 Fifty Dollars (\$250.00) with the clerk of the chancery court and  
5821 conditioned to pay any costs which may be adjudged against such  
5822 person.



5823 Notice of appeal shall be filed in the office of the clerk of  
5824 the chancery clerk, who shall issue a writ of certiorari directed  
5825 to the board commanding it within forty-five (45) days after  
5826 service thereof to certify to such court its entire record in the  
5827 matter in which the appeal has been taken. The appeal shall  
5828 thereupon be heard in due course by the court, and the court shall  
5829 review the record and shall affirm or reverse the judgment. If  
5830 the judgment is reversed, the chancery court or chancellor shall  
5831 render such order or judgment as the board ought to have rendered,  
5832 and certify the same to the board; and costs shall be awarded as  
5833 in other cases.

5834 Appeals may be had to the Supreme Court of the State of  
5835 Mississippi as provided by law from any final action of the  
5836 chancery court. The board may employ counsel to defend all such  
5837 appeals, to be paid out of the funds in the State Board of  
5838 Contractors Fund.

5839 On appeal, any order, judgment or action of the board  
5840 revoking a certificate of responsibility or residential license  
5841 shall remain in full force unless the chancery court or Supreme  
5842 Court reverses such order, judgment or action of the board.

5843 The remedies provided under this chapter for any aggrieved  
5844 person shall not be exclusive, but shall be cumulative of and  
5845 supplemental to any other remedies which he may otherwise have in  
5846 law or in equity, whether by injunction or otherwise.



5847           (12) Any political subdivision or agency of this state which  
5848 receives a complaint against a residential builder or remodeler  
5849 shall, in addition to exercising whatever authority such political  
5850 subdivision or agency has been given over such complaint, forward  
5851 the complaint to the board.

5852           (13) In addition to the reasons specified in subsection (1)  
5853 of this section, the board shall be authorized to suspend the  
5854 license of any licensee for being out of compliance with an order  
5855 for support, as defined in Section 93-11-153. The procedure for  
5856 suspension of a license for being out of compliance with an order  
5857 for support, and the procedure for the reissuance or reinstatement  
5858 of a license suspended for that purpose, and the payment of any  
5859 fees for the reissuance or reinstatement of a license suspended  
5860 for that purpose, shall be governed by Section 93-11-157 or  
5861 93-11-163, as the case may be. Actions taken by the board in  
5862 suspending a license when required by Section 93-11-157 or  
5863 93-11-163 are not actions from which an appeal may be taken under  
5864 this section. Any appeal of a license suspension that is required  
5865 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
5866 with the appeal procedure specified in Section 93-11-157 or  
5867 93-11-163, as the case may be, rather than the procedure specified  
5868 in this section. If there is any conflict between any provision  
5869 of Section 93-11-157 or 93-11-163 and any provision of this  
5870 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
5871 case may be, shall control.



5872           **SECTION 156.** Section 75-63-69, Mississippi Code of 1972, is  
5873 amended as follows:

5874           75-63-69. (1) Whenever it appears to the Secretary of State  
5875 that any person has engaged, or is about to engage, in any act or  
5876 practice constituting a violation of any provision of this article  
5877 or any rule or order under this article, he may, in his  
5878 discretion, seek any or all of the following remedies:

5879           (a) Issue a cease and desist order with a prior hearing  
5880 against the person or persons engaged in the prohibited activities  
5881 directing them to cease and desist from further illegal activity;

5882           (b) (i) Issue an order in the case of any person,  
5883 partnership or, if a corporation, the officers and directors who  
5884 sell or offer to sell preneed contracts, or other person who  
5885 violated this article, imposing an administrative penalty up to a  
5886 maximum of One Thousand Dollars (\$1,000.00) for each offense, and  
5887 each violation shall be considered as a separate offense in a  
5888 single proceeding or a series of related proceedings, with total  
5889 penalties not to exceed Ten Thousand Dollars (\$10,000.00) in any  
5890 of those proceedings, to be paid to the Secretary of State and  
5891 requiring reimbursement to the Secretary of State for all costs  
5892 and expenses incurred in the investigation of the violation(s) and  
5893 in the institution of administrative proceedings, if any, as a  
5894 result thereof;

5895           (ii) For the purpose of determining the amount or  
5896 extent of a sanction, if any, to be imposed under



5897 subparagraph \* \* \* (i) of this \* \* \* paragraph (b), the Secretary  
5898 of State shall consider, among other factors, the frequency,  
5899 persistence and willfulness of the conduct constituting a  
5900 violation of this article or a rule promulgated under this  
5901 article, or an order of the Secretary of State, the number of  
5902 persons adversely affected by the conduct and the resources of the  
5903 person committing the violation;

5904           (c) Bring an action in chancery court to enjoin the  
5905 acts or practices to enforce compliance with this article or any  
5906 rule or order under this article. Upon a proper showing, a  
5907 permanent or temporary injunction, restraining order or writ of  
5908 mandamus shall be granted and a receiver or conservator may be  
5909 appointed for the defendant or the defendant's assets. In  
5910 addition, upon a proper showing by the Secretary of State, the  
5911 court may enter an order of rescission or restitution directed to  
5912 any person who has engaged in any act constituting a violation of  
5913 any provision of this article or any rule or order under this  
5914 article, or the court may impose a civil penalty up to a maximum  
5915 of One Thousand Dollars (\$1,000.00) for each offense, and each  
5916 violation shall be considered as a separate offense in a single  
5917 proceeding or a series of related proceedings, with total  
5918 penalties not to exceed Ten Thousand Dollars (\$10,000.00) in any  
5919 of those proceedings. The court may not require the Secretary of  
5920 State to post a bond.



5921           (2) The Secretary of State may, with a prior hearing,  
5922 suspend or revoke any preneed establishment or salesperson  
5923 registration for violation of statutes, regulations, or an order  
5924 issued under this article.

5925           (3) Any person, partnership or, if a corporation, the  
5926 officers and directors who sell or offer to sell a preneed  
5927 contract with a suspended or revoked registration shall be guilty  
5928 of a misdemeanor and, upon conviction thereof, shall be punishable  
5929 by a fine not less than Two Hundred Dollars (\$200.00) nor more  
5930 than Five Hundred Dollars (\$500.00) or by imprisonment for a term  
5931 of not more than one (1) year, or both fine and imprisonment.

5932           (4) Any person, partnership or, if a corporation, the  
5933 officers and directors who embezzle or fraudulently or knowingly  
5934 and willfully misapply or convert preneed funds shall, upon  
5935 conviction, be punished by imprisonment in the custody of the  
5936 Mississippi Department of Corrections for a term of not less than  
5937 ten (10) years, or be fined not more than One Thousand Dollars  
5938 (\$1,000.00) and imprisoned in the county jail not more than one  
5939 (1) year, or both fine and imprisonment. Each such violation  
5940 shall constitute a separate offense.

5941           (5) Upon reasonable belief that a person or corporation is  
5942 acting in violation of the portions of this article requiring  
5943 fines or imprisonment, the Secretary of State shall immediately  
5944 report this violation accompanied by all relevant records to the  
5945 Insurance Integrity Enforcement Bureau within the Office of



5946 Attorney General created in Section 7-5-301, or to the district  
5947 attorney, county or municipal attorney having jurisdiction for the  
5948 same.

5949 (6) No order shall be entered under this section without the  
5950 following:

5951 (a) An appropriate prior notice to the applicant or  
5952 registrant;

5953 (b) An opportunity for a hearing; and

5954 (c) Written findings of fact and conclusions of law.

5955 (7) Any person aggrieved by a final order of the Secretary  
5956 of State may obtain a review of the order in the \* \* \* inferior  
5957 courts of the Capitol Complex Improvement District by filing in  
5958 the court, within thirty (30) days after the entry of the order, a  
5959 written petition praying that the order be modified or set aside,  
5960 in whole or in part. A copy of the petition shall be forthwith  
5961 served upon the Secretary of State and thereupon the Secretary of  
5962 State shall certify and file in court a copy of the filing and  
5963 evidence upon which the order was entered. When these have been  
5964 filed, the court has exclusive jurisdiction to affirm, modify,  
5965 enforce or set aside the order, in whole or in part.

5966 **SECTION 157.** Section 75-25-7, Mississippi Code of 1972, is  
5967 amended as follows:

5968 75-25-7. (a) Upon the filing of an application for  
5969 registration and payment of the application fee, the secretary may





5970 cause the application to be examined for conformity with this  
5971 chapter.

5972 (b) The applicant shall provide any additional pertinent  
5973 information requested by the secretary including a description of  
5974 a design mark and may make, or authorize the secretary to make,  
5975 such amendments to the application as may be reasonably requested  
5976 by the secretary or deemed by applicant to be advisable to respond  
5977 to any rejection or objection.

5978 (c) The secretary may require the applicant to disclaim an  
5979 unregistrable component of a mark otherwise registrable, and an  
5980 applicant may voluntarily disclaim a component of a mark sought to  
5981 be registered. No disclaimer shall prejudice or affect the  
5982 applicant's or registrant's rights then existing or thereafter  
5983 arising in the disclaimed matter, or the applicant's or  
5984 registrant's rights of registration on another application if the  
5985 disclaimed matter be or shall have become distinctive of the  
5986 applicant's or registrant's goods or services.

5987 (d) Amendments may be made by the secretary upon the  
5988 application submitted by the applicant upon applicant's agreement;  
5989 or a fresh application may be required to be submitted.

5990 (e) If the applicant is found not to be entitled to  
5991 registration, the secretary shall advise the applicant thereof and  
5992 of the reasons therefor. The applicant shall have a reasonable  
5993 period of time specified by the secretary in which to reply or to



5994 amend the application, in which event the application shall then  
5995 be reexamined. This procedure may be repeated until:

5996 (1) The secretary finally refuses registration of the  
5997 mark; or

5998 (2) the applicant fails to reply or amend within the  
5999 specified period, whereupon the application shall be deemed to  
6000 have been abandoned.

6001 (f) If the secretary finally refuses registration of the  
6002 mark, the applicant may appeal such refusal to the \* \* \* inferior  
6003 courts of the Capitol Complex Improvement District. The  
6004 secretary's refusal may be reversed, but without costs to the  
6005 secretary, on proof that all the statements in the application are  
6006 true and that the mark is otherwise entitled to registration.

6007 (g) In the instance of applications concurrently being  
6008 processed by the secretary seeking registration of the same or  
6009 confusingly similar marks for the same or related goods or  
6010 services, the secretary shall grant priority to the applications  
6011 in order of filing. If a prior-filed application is granted a  
6012 registration, the other application or applications shall then be  
6013 rejected. Any rejected applicant may bring an action for  
6014 cancellation of the registration upon grounds of prior or superior  
6015 rights to the mark, in accordance with the provisions of Section  
6016 75-25-17.

6017 **SECTION 158.** Section 75-89-39, Mississippi Code of 1972, is  
6018 amended as follows:



6019           75-89-39. (1) Any person aggrieved by a final order of the  
6020 administrator may obtain a review of the order in the \* \* \*  
6021 inferior courts of the Capitol Complex Improvement District by  
6022 filing in court within sixty (60) days after the entry of the  
6023 order a written petition praying that the order be modified or set  
6024 aside in whole or in part. A copy of the petition for review shall  
6025 be served upon the administrator.

6026           (2) Upon the filing of a petition for review, except where  
6027 the taking of additional evidence is ordered by court pursuant to  
6028 subsection (5) or (6) of this section, the court shall have  
6029 exclusive jurisdiction of the matter, and the administrator may  
6030 not modify or set aside the order in whole or in part.

6031           (3) The filing of a petition for review under subsection (1)  
6032 of this section does not, unless specifically ordered by the  
6033 court, operate as a stay of the administrator's order, and the  
6034 administrator may enforce or ask the court to enforce the order  
6035 pending the outcome of the review proceedings.

6036           (4) Upon receipt of the petition for review, the  
6037 administrator shall certify and file in the court a copy of the  
6038 order and the transcript or record of the evidence upon which it  
6039 was based. If the order became final under subsection (4) of  
6040 Section 75-89-37, the administrator shall file in court an  
6041 affidavit certifying that no hearing has been held and that the  
6042 order became final pursuant to subsection (4) of Section 75-89-37.



6043           (5) If either the aggrieved party or the administrator  
6044 applies to the court for leave to adduce additional evidence, and  
6045 shows to the satisfaction of the court, that there were reasonable  
6046 grounds for failure to adduce the evidence in the hearing before  
6047 the administrator or other good cause, the court may order the  
6048 additional evidence to be taken by the administrator under such  
6049 conditions as the court considers proper.

6050           (6) If new evidence is ordered taken by the court, the  
6051 administrator may modify the findings and order by reason of the  
6052 additional evidence and shall file in the court the additional  
6053 evidence together with any modified or new findings or order.

6054           (7) The court shall review the petition based upon the  
6055 original record before the administrator plus any additional  
6056 evidence ordered to be taken pursuant to subsections (5) and (6)  
6057 of this section. The findings of the administrator as to the  
6058 facts, if supported by competent, material and substantive  
6059 evidence, are conclusive. Based upon this review, the court may  
6060 affirm, modify, enforce or set aside the order in whole or in  
6061 part.

6062           **SECTION 159.** Section 75-35-325, Mississippi Code of 1972, is  
6063 amended as follows:

6064           75-35-325. (1) When a written complaint is made against a  
6065 person for violation of any provision of this chapter or of  
6066 Section 75-33-1 et seq., or any of the rules or regulations  
6067 promulgated thereunder, the Commissioner of Agriculture, or his



6068 designee, shall conduct a full evidentiary hearing relative to the  
6069 charges. The complaint shall be in writing and shall be filed in  
6070 the Office of the Mississippi Department of Agriculture and  
6071 Commerce. The commissioner shall cause to be delivered to the  
6072 accused in the manner described herein a copy of the complaint and  
6073 a summons requiring the accused to file a written answer to the  
6074 complaint within thirty (30) days after service of the summons and  
6075 complaint upon the accused. The accused may be notified by  
6076 serving a copy of the summons and complaint on the accused or any  
6077 of his officers, agents or employees by personal service or by  
6078 certified mail. The accused shall file with the department a  
6079 written response to the complaint within the thirty-day period.  
6080 If the accused fails to file an answer within such time, the  
6081 commissioner or his designee may enter an order by default against  
6082 the accused. If the accused has filed an answer, the matter shall  
6083 be set for hearing before the commissioner or his designee.

6084       The commissioner may issue subpoenas to require the  
6085 attendance of witnesses and the production of documents.  
6086 Compliance with such subpoenas may be enforced by any court of  
6087 general jurisdiction in this state. The testimony of witnesses  
6088 shall be upon oath or affirmation, and they shall be subject to  
6089 cross-examination. The proceedings shall be recorded by a court  
6090 reporter. If the commissioner or his designee determines that the  
6091 complaint lacks merit, he may dismiss it. If he finds that there  
6092 is substantial evidence showing that a violation of any of the



6093 statutes or regulations has been committed, he may impose any or  
6094 all of the following penalties upon the accused:

6095 (a) Levy a civil penalty in the amount of no more than  
6096 One Thousand Dollars (\$1,000.00) for each violation;

6097 (b) Revoke or suspend any license, permit or privilege  
6098 granted to the accused under the terms of this chapter or Section  
6099 75-33-1 et seq.;

6100 (c) Retain product, reject equipment or facilities,  
6101 slow or stop a line or refuse to allow the processing of a  
6102 specifically identified product;

6103 (d) Refuse to allow the marks of inspection to be  
6104 applied to a product; or

6105 (e) Take any other action authorized by law or  
6106 regulation. The commissioner's decision shall be in writing, and  
6107 it shall be delivered to the accused by any of the methods  
6108 described herein for service of the summons and complaint on the  
6109 accused.

6110 (2) Either the accused or the department may appeal the  
6111 decision of the commissioner to the circuit court of the county of  
6112 residence of the accused or, if the accused is a nonresident of  
6113 the State of Mississippi, to the \* \* \* inferior courts of the  
6114 Capitol Complex Improvement District. The appellant shall have  
6115 the obligation of having the record transcribed and filed with the  
6116 circuit court. The appeal shall otherwise be governed by all  
6117 applicable laws and rules affecting appeals to circuit court. If



6118 no appeal is perfected within the required time, the decision of  
6119 the commissioner, or his designee, shall then become final.

6120 (3) The decision of the circuit court may then be appealed  
6121 by either party to the Mississippi Supreme Court in accordance  
6122 with the existing laws and rules affecting such appeals.

6123 **SECTION 160.** Section 63-17-99, Mississippi Code of 1972, is  
6124 amended as follows:

6125 63-17-99. The following procedure shall govern in taking and  
6126 perfecting appeals:

6127 1. Any person who is a party to any hearing before the  
6128 commission and who is aggrieved by any decision of the commission  
6129 with respect to any hearing before it shall have the right of  
6130 appeal to the chancery court of the county of such person's  
6131 residence or principal place of business within this state; if  
6132 such person is a nonresident of the state he shall have the right  
6133 of appeal to the chancery court of the residence of the opposing  
6134 party, and if the opposing party is also a nonresident, the appeal  
6135 shall be to the \* \* \* inferior courts of the Capitol Complex  
6136 Improvement District. All such appeals shall be taken and  
6137 perfected within sixty (60) days from the date of the decision of  
6138 the commission which is the subject of the appeal. The chancery  
6139 court to which such appeal is taken may affirm such decision or  
6140 reverse and remand the same to the commission for further  
6141 proceedings as justice may require or dismiss such decision. All  
6142 such appeals shall be taken and perfected, heard and determined,



6143 either in termtime or in vacation, on the record, including a  
6144 transcript of pleadings and evidence, both oral and documentary,  
6145 heard and filed before the commission. In perfecting any such  
6146 appeal, the provisions of law respecting notice to the reporter  
6147 and allowance of bills of exceptions, now or hereafter in force,  
6148 respecting appeals from the chancery court to the Supreme Court  
6149 shall be applicable. The reporter shall transcribe his notes,  
6150 taken stenographically or by machine, and file the record with the  
6151 commission within thirty (30) days after approval of the appeal  
6152 bond, unless, on application of the reporter, or of the appellant,  
6153 an additional fifteen (15) days shall have been allowed by the  
6154 commission to the reporter within which to transcribe his notes  
6155 and file the transcript of the record with the commission.

6156           2. Upon the filing with the commission of a petition of  
6157 appeal to the proper chancery court, it shall be the duty of the  
6158 commission, as promptly as possible, and in any event within sixty  
6159 (60) days after approval of the appeal bond, to file with the  
6160 clerk of said chancery court to which the appeal is taken, a copy  
6161 of the petition for appeal and of the decision appealed from, and  
6162 the original and one (1) copy of the transcript of the record of  
6163 the proceedings and evidence before the commission. After the  
6164 filing of said petition, the appeal shall be perfected by the  
6165 filing of a bond in the penal sum of Five Hundred Dollars  
6166 (\$500.00) with two (2) sureties or with a surety company qualified  
6167 to do business in Mississippi as surety, conditioned to pay the





6168 costs of such appeal, said bond to be approved by any member of  
6169 the commission or by its executive secretary or by the clerk of  
6170 the chancery court to which such appeal is taken.

6171           3. No decision of the commission made as a result of a  
6172 hearing shall become final with respect to any party affected and  
6173 aggrieved by such decision until such party shall have exhausted  
6174 or shall have had an opportunity to exhaust all of his remedies.  
6175 However, any such decision may be made final if the commission  
6176 finds that failure to do so would be detrimental to the public  
6177 interest or public welfare; however, the finality of any such  
6178 decision shall not prevent any party or parties affected and  
6179 aggrieved thereby to appeal the same in accordance with the  
6180 appellate procedure set forth in this section.

6181           **SECTION 161.** Section 73-36-33, Mississippi Code of 1972, is  
6182 amended as follows:

6183           73-36-33. (1) The board shall have the power, after notice  
6184 and hearing, to suspend or revoke the license of any registrant  
6185 who (a) is found guilty by the board of fraud or gross negligence  
6186 in the practice of professional forestry; (b) fails to comply with  
6187 board rules and regulations; (c) is found guilty by the board of  
6188 unprofessional or unethical conduct; or (d) has had his license  
6189 suspended or revoked for cause in another jurisdiction.

6190           (2) Any person may prefer charges of fraud or gross  
6191 negligence in connection with any forestry practice against any  
6192 registrant. Such charges shall be in writing, shall be sworn to



6193 by the person making them, and shall be filed with the secretary  
6194 of the board. All charges shall be heard by the board pursuant to  
6195 its rules and regulations without undue delay.

6196 (3) Any applicant whose license is suspended or revoked by  
6197 the board may apply for a review of the proceedings with reference  
6198 to such suspension or revocation by appealing to the \* \* \*  
6199 inferior courts of the Capitol Complex Improvement District  
6200 provided a notice of appeal is filed by such applicant with the  
6201 clerk of said court within sixty (60) days from entry of an order  
6202 by the board suspending or revoking his license, provided said  
6203 applicant files with said notice of appeal a bond to be approved  
6204 by the court assuring the prompt payment of any and all costs of  
6205 said appeal, said amount to be fixed by the court. Upon the  
6206 filing of such notice of appeal and posting of such bond, the  
6207 clerk of the said court shall notify the secretary of the board  
6208 thereof and the record of the proceedings involved shall be  
6209 prepared by the secretary and forwarded to the court within a  
6210 period of sixty (60) days from such notice by the clerk. The  
6211 court shall thereupon review the proceedings on the record  
6212 presented and may hear such additional testimony as to the court  
6213 may appear material and dispose of the appeal in termtime or in  
6214 vacation, and the court may sustain or dismiss the appeal, or  
6215 modify or vacate the order complained of, but in case the order is  
6216 modified or vacated, the court may also, in its discretion, remand  
6217 the matter to the board for such further proceedings not



6218 inconsistent with the court's order as, in the opinion of the  
6219 court, justice may require. The decision of the chancery court  
6220 may be appealed as other cases to the Supreme Court.

6221 (4) The board is authorized to secure, by contract, the  
6222 services of an investigator when deemed necessary by the board to  
6223 properly consider any charge then before it. The board may, at  
6224 its discretion, establish a program of routine inspections.

6225 (5) In addition to the reasons specified in subsection (1)  
6226 of this section, the board shall be authorized to suspend the  
6227 license of any licensee for being out of compliance with an order  
6228 for support, as defined in Section 93-11-153. The procedure for  
6229 suspension of a license for being out of compliance with an order  
6230 for support, and the procedure for the reissuance or reinstatement  
6231 of a license suspended for that purpose, and the payment of any  
6232 fees for the reissuance or reinstatement of a license suspended  
6233 for that purpose, shall be governed by Section 93-11-157 or  
6234 93-11-163, as the case may be. Actions taken by the board in  
6235 suspending a license when required by Section 93-11-157 or  
6236 93-11-163 are not actions from which an appeal may be taken under  
6237 this section. Any appeal of a license suspension that is required  
6238 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
6239 with the appeal procedure specified in Section 93-11-157 or  
6240 93-11-163, as the case may be, rather than the procedure specified  
6241 in this section. If there is any conflict between any provision  
6242 of Section 93-11-157 or 93-11-163 and any provision of this



6243 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
6244 case may be, shall control.

6245       **SECTION 162.** Section 25-9-177, Mississippi Code of 1972, is  
6246 amended as follows:

6247       25-9-177. Actions to recover civil fines and other remedies  
6248 provided for under Section 25-9-175 may be instituted in the \* \* \*  
6249 inferior courts of the Capitol Complex Improvement District or in  
6250 the circuit court of the public employee's residence. In such  
6251 actions, the public employee shall prove by a preponderance of the  
6252 evidence that, but for his providing information or testimony to a  
6253 state investigative body prior to occurrence of the dismissal or  
6254 any adverse action, his dismissal or any adverse action taken  
6255 against him would not have occurred. Remedies provided for herein  
6256 shall be supplemental to any other remedies, judicial or  
6257 administrative, provided for under law. Any administrative  
6258 remedies provided for state-service employees under Sections  
6259 25-9-127 through 25-9-131, Mississippi Code of 1972, or any  
6260 remedies under a grievance or appeal process of the employing  
6261 governmental entity relating to suspension or termination of  
6262 employment or adverse personnel action, shall not be exhausted or  
6263 diminished as a result of any action taken by the employee under  
6264 Section 25-9-175 and this section, and the employee shall be  
6265 required to exhaust such remedies prior to instituting an action  
6266 authorized under Section 25-9-175 and this section.



6267           **SECTION 163.** Section 81-14-175, Mississippi Code of 1972, is  
6268 amended as follows:

6269           81-14-175. Unless otherwise provided in this chapter, any  
6270 interested person aggrieved by any rule, regulation or order of  
6271 the commissioner and/or the board, as applicable, shall have the  
6272 right, regardless of the amount involved, to appeal to the \* \* \*  
6273 inferior courts of the Capitol Complex Improvement District.

6274 However, if the appellant is an applicant for a charter, the  
6275 appeal shall be taken to the circuit court of the county in which  
6276 the proposed institution is domiciled; or if the appellant is  
6277 seeking to establish a branch office, the appeal shall be taken to  
6278 the circuit court of the county in which the proposed branch is  
6279 located. Such appeal shall be taken and perfected as hereinafter  
6280 provided, within thirty (30) days from the date of such final  
6281 rule, regulation or order. The circuit court may affirm such  
6282 rule, regulation or order, or remand for further proceedings as  
6283 justice may require. All such appeals shall be taken and  
6284 perfected, heard either in termtime or in vacation, and shall be  
6285 heard and disposed of promptly by the court as a preference cause.  
6286 In perfecting any appeal provided by this section, the provisions  
6287 of law respecting notice to the reporter and the allowance of  
6288 bills of exception, now or hereafter in force, and those  
6289 provisions respecting appeals from the circuit court to supreme  
6290 court shall be applicable. However, the reporter shall transcribe  
6291 his notes and file the transcript of the record with the



6292 commissioner or board within thirty (30) days after approval of  
6293 the appeal bond. Upon the filing with the commissioner or board  
6294 of a petition for appeal to the circuit court, it shall be the  
6295 duty of the commissioner or board, within sixty (60) days after  
6296 approval of the appeal bond to file with the clerk of the circuit  
6297 court to which the appeal is taken a copy of the petition for  
6298 appeal, the rule, regulation or order appealed from, and the  
6299 original and one (1) copy of the transcript of the record of  
6300 proceedings in evidence before the commissioner or board. After  
6301 the filing of such petition, the appeal shall be perfected by  
6302 filing of bond in the sum of Five Hundred Dollars (\$500.00) with  
6303 two (2) sufficient sureties, or with a surety company qualified to  
6304 do business in Mississippi as the surety, conditioned to pay the  
6305 cost of such appeal. Such bond shall be approved by the  
6306 commissioner or by the clerk of the court to which such appeal is  
6307 taken. The perfection of an appeal shall not stay or suspend the  
6308 operation of any rule, regulation or order of the commissioner or  
6309 board, but the judge of such circuit court may award a writ of  
6310 supersedeas to any rule, regulation or order of the commissioner  
6311 or board after five (5) days' notice to the commissioner or board.  
6312 Any order or judgment staying the operation of any rule,  
6313 regulation or order of the commissioner or board shall contain a  
6314 specific finding, based upon evidence submitted to the circuit  
6315 judge and identified by reference thereto, that irreparable damage  
6316 would result to the appellant if he is denied relief. Such stay



6317 shall not become effective until a supersedeas bond shall have  
6318 been executed and filed with and approved by the clerk of the  
6319 court payable to the state. The bond shall be in an amount fixed  
6320 by the circuit judge and conditioned as said circuit judge may  
6321 direct.

6322       **SECTION 164.** Section 81-18-39, Mississippi Code of 1972, is  
6323 amended as follows:

6324       81-18-39. (1) For purposes of this section, the term 1617  
6325 "person" shall be construed to include any officer, director, 1618  
6326 employee, affiliate or other person participating in the conduct  
6327 1619 of the affairs of the person subject to the orders issued  
6328 under 1620 this section.

6329       (2) If the department reasonably determines that a person  
6330 required to be licensed under this chapter has violated any law of  
6331 this state or any order or regulation of the department, the  
6332 department may issue a written order requiring the person to cease  
6333 and desist from unlawful or unauthorized practices. In the case  
6334 of an unlawful purchase of mortgage loans, the cease and desist  
6335 order to a purchaser shall constitute the knowledge required under  
6336 this section for any subsequent violations.

6337       (3) Any person required to be licensed under this chapter  
6338 who has been deemed by the commissioner, after notice and hearing,  
6339 to have violated the terms of any order properly issued by the  
6340 department under this section shall be liable for a civil penalty  
6341 not to exceed Three Thousand Dollars (\$3,000.00). The department,



in determining the amount of the penalty, shall take into account the appropriateness of the penalty relative to the size of the financial resources of the person, the good-faith efforts of the person to comply with the order, the gravity of the violation, the history of previous violations by the person, and other factors or circumstances that contributed to the violation. The department may compromise, modify or refund any penalty that has been imposed under this section. Any person assessed a penalty as provided in this subsection shall have the right to request a hearing on the amount of the penalty within ten (10) days after receiving notification of the assessment. If no hearing is requested within ten (10) days of the receipt of the notice, the penalty shall be final except as to judicial review in the \* \* \* inferior courts of the Capitol Complex Improvement District. Upon the filing of a petition for judicial review, the court shall issue an order to the licensee requiring the licensee to show cause why it should not be entered. If the court determines, after a hearing upon the merits or after failure of the person to appear when so ordered, that the order of the department was properly issued, it shall grant the penalty sought by the department.

**SECTION 165.** Section 81-12-205, Mississippi Code of 1972, is amended as follows:

81-12-205. Any interested person aggrieved by any final rule, regulation or order of the commissioner or the board, shall have the right, regardless of the amount involved to appeal to





6367 the \* \* \* inferior courts of the Capitol Complex Improvement  
6368 District except that if the appellant is an applicant for a  
6369 charter the appeal shall be taken to the circuit court of the  
6370 county in which the institution sought to be chartered would be  
6371 domiciled, and if the appellant is seeking to establish a branch  
6372 office, the appeal shall be taken to the circuit court of the  
6373 county in which the branch is proposed to be located. Such appeal  
6374 shall be taken and perfected as hereinafter provided, within  
6375 thirty (30) days from the date of such final rule, regulation or  
6376 order; and the circuit court may affirm such rule, regulation or  
6377 order, or reverse same for further proceedings as justice may  
6378 require. All such appeals shall be taken and perfected, heard and  
6379 determined either in termtime or in vacation on the record,  
6380 including a transcript of pleadings and testimony, both oral and  
6381 documentary, filed and heard before the commissioner or the board,  
6382 and such appeal shall be heard and disposed of promptly by the  
6383 court as a preference cause. In perfecting any appeal provided by  
6384 this section, the provisions of law respecting notice to the  
6385 reporter and the allowance of bills of exception, now or hereafter  
6386 in force respecting appeals from the circuit court to Supreme  
6387 Court shall be applicable. However, the reporter shall transcribe  
6388 his notes and file the transcript of the record with the  
6389 commissioner or the board within thirty (30) days after approval  
6390 of the appeal bond. Upon the filing with the commissioner or the  
6391 board of a petition for appeal to the circuit court, it shall be



6392 the duty of the commissioner or the board, as promptly as  
6393 possible, and in any event within sixty (60) days after approval  
6394 of the appeal bond, to file with the clerk of the circuit court to  
6395 which the appeal is taken, a copy of the petition for appeal and  
6396 of the rule, regulation or order appealed from, and the original  
6397 and one (1) copy of the transcript of the record of proceedings in  
6398 evidence before the commissioner or the board. After the filing  
6399 of the petition, the appeal shall be perfected by the filing of  
6400 bond in the sum of Five Hundred Dollars (\$500.00) with two (2)  
6401 good and sufficient sureties or with a surety company qualified to  
6402 do business in Mississippi as the surety, conditioned to pay the  
6403 cost of such appeal; the bond to be approved by the commissioner  
6404 or by the clerk of the court to which such appeal is taken. The  
6405 perfection of an appeal shall not stay or suspend the operation of  
6406 any rule, regulation or order of the commissioner or the board,  
6407 but the judge of the circuit court to which the appeal is taken  
6408 may award a writ of supersedeas to any rule, regulation or order  
6409 of the commissioner or the board after five (5) days' notice to  
6410 the commissioner or the board and after hearing. Any order or  
6411 judgment staying the operation of any rule, regulation or order of  
6412 the commissioner or the board shall contain a specific finding,  
6413 based upon evidence submitted to the circuit judge and identified  
6414 by reference thereto, that great or irreparable damage would  
6415 result to the appellant if he is denied relief, and the stay shall  
6416 not become effective until a supersedeas bond shall have been



6417 executed and filed with and approved by the clerk of the court  
6418 payable to the state. The bond shall be in an amount fixed by the  
6419 circuit judge and conditioned as the circuit judge may direct in  
6420 the order granting the supersedeas.

6421 **SECTION 166.** Section 79-4-7.48, Mississippi Code of 1972, is  
6422 brought forward as follows:

6423 79-4-7.48. (a) The chancery court of the county where a  
6424 corporation's principal office (or, if none in this state, its  
6425 registered office) is located may appoint one or more persons to  
6426 be custodians, or, if the corporation is insolvent, to be  
6427 receivers, of and for a corporation in a proceeding by a  
6428 shareholder where it is established that:

6429 (1) The directors are deadlocked in the management of  
6430 the corporate affairs, the shareholders are unable to break the  
6431 deadlock, and irreparable injury to the corporation is threatened  
6432 or being suffered; or

6433 (2) The directors or those in control of the  
6434 corporation are acting fraudulently and irreparable injury to the  
6435 corporation is threatened or being suffered.

6436 (b) The court:

6437 (1) May issue injunctions, appoint a temporary  
6438 custodian or temporary receiver with all the powers and duties the  
6439 court directs, take other action to preserve the corporate assets  
6440 wherever located, and carry on the business of the corporation  
6441 until a full hearing is held;



6442               (2) Shall hold a full hearing, after notifying all  
6443 parties to the proceeding and any interested persons designated by  
6444 the court, before appointing a custodian or receiver; and

6445               (3) Has jurisdiction over the corporation and all of  
6446 its property, wherever located.

6447               (c) The court may appoint an individual or domestic or  
6448 foreign corporation (authorized to transact business in this  
6449 state) as a custodian or receiver and may require the custodian or  
6450 receiver to post bond, with or without sureties, in an amount the  
6451 court directs.

6452               (d) The court shall describe the powers and duties of the  
6453 custodian or receiver in its appointing order, which may be  
6454 amended from time to time. Among other powers,

6455               (1) A custodian may exercise all of the powers of the  
6456 corporation, through or in place of its board of directors, to the  
6457 extent necessary to manage the business and affairs of the  
6458 corporation; and

6459               (2) A receiver (i) may dispose of all or any part of  
6460 the assets of the corporation wherever located, at a public or  
6461 private sale, if authorized by the court; and (ii) may sue and  
6462 defend in the receiver's own name as receiver in all courts of  
6463 this state.

6464               (e) The court during a custodianship may redesignate the  
6465 custodian a receiver, and during a receivership may redesignate



6466 the receiver a custodian, if doing so is in the best interests of  
6467 the corporation.

6468 (f) The court from time to time during the custodianship or  
6469 receivership may order compensation paid and expense disbursements  
6470 or reimbursements made to the custodian or receiver from the  
6471 assets of the corporation or proceeds from the sale of its assets.

6472 **SECTION 167.** Section 41-75-23, Mississippi Code of 1972, is  
6473 amended as follows:

6474 41-75-23. Any applicant or licensee aggrieved by the  
6475 decision of the licensing agency after a hearing, may within  
6476 thirty (30) days after the mailing or serving of notice of the  
6477 decision as provided in Section 43-11-11, Mississippi Code of  
6478 1972, file a notice of appeal to the \* \* \* inferior courts of the  
6479 Capitol Complex Improvement District or in the chancery court of  
6480 the county in which the institution is located or proposed to be  
6481 located. Such appeal shall state briefly the nature of the  
6482 proceedings before the licensing agency and shall specify the  
6483 order complained of. Any person or entity whose rights may be  
6484 materially affected by the action of the licensing agency may  
6485 appear and become a party, or the court may, upon motion, order  
6486 that any such person or entity be joined as a necessary party.  
6487 Upon filing of the appeal, the clerk of the chancery court shall  
6488 serve notice on the licensing agency, whereupon the licensing  
6489 agency shall, within sixty (60) days or such additional time as  
6490 the court may allow from the service of such notice, certify with



6491 the court a copy of the record and decision, including the  
6492 transcript of the hearings on which the decision is based. No new  
6493 or additional evidence shall be introduced in court; the case  
6494 shall be determined upon the record certified to the court. The  
6495 court may sustain or dismiss the appeal, modify or vacate the  
6496 order complained of in whole or in part, as the case may be; but  
6497 in case the order is wholly or partly vacated, the court may also,  
6498 in its discretion, remand the matter to the licensing agency for  
6499 such further proceedings, not inconsistent with the court's order,  
6500 as, in the opinion of the court, justice may require. The order  
6501 may not be vacated or set aside, either in whole or in part,  
6502 except for errors of law, unless the court finds that the order of  
6503 the licensing agency is not supported by substantial evidence, is  
6504 contrary to the manifest weight of the evidence, is in excess of  
6505 the statutory authority or jurisdiction of the licensing agency or  
6506 violates any vested constitutional rights of any party involved in  
6507 the appeal. Pending final disposition of the matter, the status  
6508 quo of the applicant or licensee shall be preserved, except as the  
6509 court otherwise orders in the public interest. Rules with respect  
6510 to court costs in other cases in chancery shall apply equally to  
6511 cases hereunder. Appeals in accordance with law may be had to the  
6512 Supreme Court of the State of Mississippi from any final judgment  
6513 of the chancery court.

6514       **SECTION 168.** Section 99-41-13, Mississippi Code of 1972, is  
6515 amended as follows:



6516           99-41-13. Any claimant aggrieved by a final decision of the  
6517 Attorney General shall be entitled to judicial review thereof in  
6518 the manner provided in this section.

6519           (a) An appeal may be taken by such claimant to the  
6520 circuit court of the claimant's residence or the \* \* \* inferior  
6521 courts of the Capitol Complex Improvement District by filing a  
6522 petition with the clerk of the court and executing and filing bond  
6523 payable to the State of Mississippi with sufficient sureties to be  
6524 approved by the clerk of the court, conditioned upon the payment  
6525 of all costs of appeal, including the cost of preparing the  
6526 transcript of the hearing before the Attorney General. The  
6527 petition and bond shall be filed within thirty (30) days of the  
6528 receipt of the final decision of the Attorney General. Upon  
6529 approval of the bond, the clerk of the court shall notify the  
6530 Office of the Attorney General, which shall prepare its record in  
6531 the matter and transmit it to the circuit court.

6532           (b) The scope of review of the circuit court in such  
6533 cases shall be limited to a review of the record made before the  
6534 Attorney General to determine if the action of the Attorney  
6535 General is unlawful for the reason that it was:

6536                   (i) Not supported by a preponderance of the  
6537 evidence;  
6538                   (ii) Arbitrary and capricious; or  
6539                   (iii) In violation of a statutory right of  
6540 claimant.



6541           (c) No relief shall be granted based upon the court's  
6542 finding of harmless error.

6543           (d) Any party aggrieved by action of the circuit court  
6544 may appeal to the Supreme Court in the manner provided by law.

6545           **SECTION 169.** Section 27-35-309, Mississippi Code of 1972, is  
6546 amended as follows:

6547           27-35-309. (1) The Department of Revenue shall, if  
6548 practicable, on or before the first Monday of June of each year,  
6549 make out for each person, firm, company or corporation listed in  
6550 Section 27-35-303, Mississippi Code of 1972, an assessment of the  
6551 company's property, both real and personal, tangible and  
6552 intangible. The Department of Revenue shall apportion the  
6553 assessment of value of each company's property according to the  
6554 provisions of this article, except as provided in subsection (3)  
6555 of this section, as follows:

6556           (a) When the property of such public service company is  
6557 located in more than one (1) county in this state, the Department  
6558 of Revenue shall direct the company to apportion the assessed  
6559 value between the counties and municipalities and all other taxing  
6560 districts therein, in the proportion which the property located  
6561 therein bears to the entire value of the property of such company  
6562 as valued by the department, so that to each county, municipality  
6563 and taxing district therein, there shall be apportioned such part  
6564 of the entire valuation as will fairly equalize the relative value  
6565 of the property therein located to the whole value thereof.





6566           (b) When the property of such public utility required  
6567 to be assessed by the provisions of this article is located in  
6568 more than one (1) state, the assessed value thereof shall be  
6569 apportioned by the Department of Revenue in such manner as will  
6570 fairly and equitably determine the principal sum for the value  
6571 thereof in this state, and after ascertaining such value it shall  
6572 be apportioned by them as herein provided.

6573           The assessment roll shall contain all the property of any  
6574 such public service company, railroad, person, firm or corporation  
6575 and the value thereof, and so made that each county, municipality,  
6576 and taxing district shall receive its just share of taxes  
6577 proportionately to the amount of property therein situated.

6578           (2) (a) The assessment when made shall remain open for  
6579 twenty (20) days in the Office of the Department of Revenue, and  
6580 be for such time subject to the objections thereto which may be  
6581 filed with the Executive Director of the Board of Tax Appeals; but  
6582 real estate belonging to railroads and which forms no part of the  
6583 road, and is wholly disconnected from its railroad business, shall  
6584 not be assessed by the Department of Revenue, but shall be  
6585 assessed as other real estate is assessed by the tax assessor of  
6586 the county where situated.

6587           (b) The apportionment of the assessed value as required  
6588 by this section shall be filed with the Department of Revenue by  
6589 such public service company on or before the last day of the  
6590 objection period established in paragraph (a) of this subsection



6591 (2). If such company shall fail, refuse or neglect to render the  
6592 apportionment of assessed value as required by this section, such  
6593 company shall be subject to the penalties provided for in Section  
6594 27-35-305. The filing of an objection by such public service  
6595 company shall not preclude such company from filing the property  
6596 apportionment as required by this section.

6597 (3) Any nuclear generating plant which is located in the  
6598 state, which is owned or operated by a public utility rendering  
6599 electric service within the state and not exempt from ad valorem  
6600 taxation under any other statute and which is not owned or  
6601 operated by an instrumentality of the federal government shall be  
6602 exempt from county, municipal and district ad valorem taxes. In  
6603 lieu of the payment of county, municipal and district ad valorem  
6604 taxes, such public utility shall pay to the Department of Revenue  
6605 a sum based on the assessed value of such nuclear generating plant  
6606 in an amount to be determined and distributed as follows:

6607 (a) The Department of Revenue shall annually assign an  
6608 assessed value to any nuclear generating plant described in this  
6609 subsection in the same manner as for ad valorem tax purposes by  
6610 using accepted industry methods for appraising and assessing  
6611 public utility property. The assessed value assigned shall be  
6612 used for the purpose of determining the in-lieu tax due under this  
6613 section and shall not be included on the ad valorem tax rolls of  
6614 the situs taxing authority nor be subject to ad valorem taxation  
6615 by the situs taxing authority nor shall the assessed value



6616 assigned be used in determining the debt limit of the situs taxing  
6617 authority. However, the assessed value so assigned may be used by  
6618 the situs taxing authority for the purpose of determining salaries  
6619 of its public officials.

6620 (b) On or before February 1, 1987, for the 1986 taxable  
6621 year and on or before February 1 of each year through the 1989  
6622 taxable year, such utility shall pay to the Department of Revenue  
6623 a sum equal to two percent (2%) of the assessed value as  
6624 ascertained by the Department of Revenue, but such payment shall  
6625 not be less than Sixteen Million Dollars (\$16,000,000.00) for any  
6626 of the four (4) taxable years; all such payments in excess of  
6627 Sixteen Million Dollars (\$16,000,000.00) for these four (4)  
6628 taxable years shall be paid into the General Fund of the state.  
6629 On or before February 1, 1991, for the 1990 taxable year and on or  
6630 before February 1 of each year thereafter, such utility shall pay  
6631 to the Department of Revenue a sum equal to two percent (2%) of  
6632 the assessed value as ascertained by the Department of Revenue,  
6633 but such payment shall not be less than Twenty Million Dollars  
6634 (\$20,000,000.00) for any taxable year for as long as such nuclear  
6635 power plant is licensed to operate and is not being permanently  
6636 decommissioned; all such payments in excess of Sixteen Million  
6637 Dollars (\$16,000,000.00) for taxable years 1990 and thereafter  
6638 shall be paid as follows:

6639 (i) An amount of Three Million Forty Thousand  
6640 Dollars (\$3,040,000.00) annually, beginning with fiscal year 1991,



6641 shall be transferred by the Department of Revenue to Claiborne  
6642 County. Such payments may be expended by the Board of Supervisors  
6643 of Claiborne County for any purpose for which a county is  
6644 authorized by law to levy an ad valorem tax and shall not be  
6645 included or considered as proceeds of ad valorem taxes for the  
6646 purposes of the growth limitation on ad valorem taxes under  
6647 Sections 27-39-305 and 27-39-321. However, should the Board of  
6648 Supervisors of Claiborne County withdraw its support of the Grand  
6649 Gulf Nuclear Station off-site emergency plan or otherwise fail to  
6650 satisfy its off-site emergency plan commitments as determined by  
6651 the Mississippi Emergency Management Agency and the Federal  
6652 Emergency Management Agency, Five Hundred Thousand Dollars  
6653 (\$500,000.00) annually of the funds designated for Claiborne  
6654 County as described by this \* \* \* subparagraph (i) shall be  
6655 deposited in the Grand Gulf Disaster Assistance Fund as provided  
6656 in Section 33-15-51.

6657 (ii) An amount of One Hundred Sixty Thousand  
6658 Dollars (\$160,000.00) annually, beginning with fiscal year 1991,  
6659 shall be transferred by the Department of Revenue to the City of  
6660 Port Gibson, Mississippi. Such payments may be expended by the  
6661 Board of Aldermen of the City of Port Gibson for any purpose for  
6662 which a municipality is authorized by law to levy an ad valorem  
6663 tax and shall not be included or considered as proceeds of ad  
6664 valorem taxes for the purposes of the growth limitation on ad  
6665 valorem taxes under Sections 27-39-305 and 27-39-321. However,



6666 should the Board of Aldermen of the City of Port Gibson withdraw  
6667 its support of the Grand Gulf Nuclear Station off-site emergency  
6668 plan or otherwise fail to satisfy its off-site emergency plan  
6669 commitment, as determined by the Mississippi Emergency Management  
6670 Agency and the Federal Emergency Management Agency, Fifty Thousand  
6671 Dollars (\$50,000.00) annually of the funds designated for the City  
6672 of Port Gibson as described by this \* \* \* subparagraph (ii) shall  
6673 be deposited in the Grand Gulf Disaster Assistance Fund as  
6674 provided in Section 33-15-51.

6675 (iii) The remaining balance of the payments in  
6676 excess of Sixteen Million Dollars (\$16,000,000.00) annually, less  
6677 amounts transferred under (i) and (ii) of this subsection,  
6678 beginning with fiscal year 1991, shall be allocated in accordance  
6679 with subsection (3)(f) of this section.

6680 (c) Pursuant to certification by the Attorney General  
6681 to the State Treasurer and the Department of Revenue that the suit  
6682 against the State of Mississippi pending on the effective date of  
6683 House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex  
6684 Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the  
6685 First Judicial District of Hinds County, Mississippi, styled  
6686 Albert Butler et al v. the Mississippi State Tax Commission et al,  
6687 has been voluntarily dismissed with prejudice as to all plaintiffs  
6688 at the request of the complainants and that no attorney's fees or  
6689 court costs have been assessed against the state and each of the  
6690 parties, including Claiborne County and each municipality and



6691 school district located in the county, have signed and delivered  
6692 to the Attorney General a full and complete release in favor of  
6693 the State of Mississippi and its elected officials of all claims  
6694 that have been asserted or may be asserted in the suit pending on  
6695 the effective date of House Bill 8, First Extraordinary Session of  
6696 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the  
6697 Chancery Court for the First Judicial District of Hinds County,  
6698 Mississippi, styled Albert Butler et al v. the Mississippi State  
6699 Tax Commission et al, and the deposit into the State General Fund  
6700 of in-lieu payments and interest thereon due the state under  
6701 subsection (3)(b) of this section but placed in escrow because of  
6702 the lawsuit described above, the state shall promptly transfer to  
6703 the Board of Supervisors of Claiborne County out of the State  
6704 General Fund an amount of Two Million Dollars (\$2,000,000.00)  
6705 which shall be a one-time distribution to Claiborne County from  
6706 the state. Such payment may be expended by the Board of  
6707 Supervisors of Claiborne County for any purposes for which a  
6708 county is authorized by law to levy an ad valorem tax and shall  
6709 not be included or considered as proceeds of ad valorem taxes for  
6710 the purposes of the growth limitation on ad valorem taxes for the  
6711 1991 fiscal year under Sections 27-39-321 and 27-39-305.

6712 (d) After distribution of the one-time payment to  
6713 Claiborne County as set forth in subsection (3)(c) of this  
6714 section, the Department of Revenue upon certification that the  
6715 pending lawsuit as described in subsection (3)(c) of this section



6716 has been voluntarily dismissed shall promptly deposit an amount of  
6717 Five Hundred Thousand Dollars (\$500,000.00) into the Grand Gulf  
6718 Disaster Assistance Trust Fund as provided for in Section  
6719 33-15-51, which shall be a one-time payment, to be utilized in  
6720 accordance with the provisions of such section.

6721 (e) After distribution of the one-time payment to  
6722 Claiborne County as set forth in subsection (3)(c) of this section  
6723 and the payment to the Grand Gulf Disaster Assistance Trust Fund  
6724 as set forth in subsection (3)(d) of this section, the Department  
6725 of Revenue upon certification that the pending lawsuit as  
6726 described in subsection (3)(c) of this section has been  
6727 voluntarily dismissed shall promptly distribute ten percent (10%)  
6728 of the remainder of the prior payments remaining in escrow to the  
6729 General Fund of the state and the balance of the prior payments  
6730 remaining in escrow shall be distributed to the counties and  
6731 municipalities in this state wherein such public utility has  
6732 rendered electric service in the proportion that the amount of  
6733 electric energy consumed by the retail customers of such public  
6734 utility in each county, excluding municipalities therein, and in  
6735 each municipality, for the next preceding fiscal year bears to the  
6736 total amount of electric energy consumed by all retail customers  
6737 of such public utility in the State of Mississippi for the next  
6738 preceding fiscal year. The payments distributed to the counties  
6739 and municipalities under this paragraph (e) may be expended by  
6740 such counties and municipalities for any lawful purpose and shall



6741 not be included or considered as proceeds of ad valorem taxes for  
6742 the purposes of the growth limitation on ad valorem taxes under  
6743 Sections 27-39-321 and 27-39-305.

6744 (f) After distribution of the payments for fiscal year  
6745 1991 as set forth in Section 19-9-151 and distribution of the  
6746 payments as provided for in subsection (3)(b) of this section, the  
6747 Department of Revenue shall distribute ten percent (10%) of the  
6748 remainder of the payments to the General Fund of the state and the  
6749 balance to the counties and municipalities in this state wherein  
6750 such public utility renders electric service in the proportion  
6751 that the amount of electric energy consumed by the retail  
6752 customers of such public utility in each county, excluding  
6753 municipalities therein, and in each municipality for the next  
6754 preceding fiscal year bears to the total amount of electric energy  
6755 consumed by all retail customers of such public utility in the  
6756 State of Mississippi for the next preceding fiscal year.

6757 (g) No county, including municipalities therein, shall  
6758 receive in excess of twenty percent (20%) of the funds distributed  
6759 under paragraph (f) of this subsection.

6760 (h) The revenues received by counties and  
6761 municipalities under paragraph (f) of this subsection shall not be  
6762 included or considered as proceeds of ad valorem taxes for the  
6763 purposes of the growth limitation on ad valorem taxes under  
6764 Sections 27-39-305 and 27-39-321.





6765           **SECTION 170.** Section 65-1-46, Mississippi Code of 1972, is  
6766 amended as follows:

6767           **[Through June 30, 2023, this section shall read as follows:]**

6768           65-1-46. (1) There is created an Appeals Board of the  
6769 Mississippi Transportation Commission. If any person feels  
6770 aggrieved by a penalty for excess weight assessed against him by  
6771 an agent or employee of the Mississippi Department of  
6772 Transportation pursuant to Section 27-19-89, he may apply to the  
6773 appeals board. Beginning July 1, 2021, the Appeals Board shall be  
6774 administratively located within the Commercial Transportation  
6775 Enforcement Division of the Mississippi Department of Public  
6776 Safety and shall receive appeals with respect to penalties for  
6777 excess weight assessed by agents or employees of the Commercial  
6778 Transportation Enforcement Division.

6779           (2) The members serving on the appeals board on April 7,  
6780 1995, shall continue to serve until July 1, 1995. On July 1,  
6781 1995, the appeals board shall be reconstituted to be composed of  
6782 five (5) qualified people. The initial appointments to the  
6783 reconstituted board shall be made no later than June 30, 1995, for  
6784 terms to begin July 1, 1995, as follows: One (1) member shall be  
6785 appointed by the Governor for a term ending on June 30, 1996, one  
6786 (1) member shall be appointed by the Lieutenant Governor for a  
6787 term ending on June 30, 1997, one (1) member shall be appointed by  
6788 the Attorney General for a term ending on June 30, 1998, one (1)  
6789 member shall be appointed by the Chairman of the State Tax



6790 Commission for a term ending on June 30, 1999, and one (1) member  
6791 shall be appointed by the Executive Director of the Mississippi  
6792 Department of Transportation for a term ending on June 30, 2000.  
6793 After the expiration of the initial terms of the members of the  
6794 reconstituted board, all subsequent appointments shall be made for  
6795 terms of four (4) years from the expiration date of the previous  
6796 term. Any member serving on the appeals board before July 1,  
6797 1995, may be reappointed to the reconstituted appeals board.  
6798 Appointments to the board shall be with the advice and consent of  
6799 the Senate; however, the advice and consent of the Senate shall  
6800 not be required for the appointment of a person to the  
6801 reconstituted appeals board for a term beginning on July 1, 1995,  
6802 if such person was serving as a member of the appeals board on  
6803 June 30, 1995, and such person received the advice and consent of  
6804 the Senate for that appointment. The term of the member appointed  
6805 by the Executive Director of the Mississippi Department of  
6806 Transportation shall end on June 30, 2021, and the vacancy shall  
6807 be filled by a member appointed by the Commissioner of Public  
6808 Safety for a term ending on June 30, 2024, after which the  
6809 position shall be for a four-year term.

6810 (3) There shall be a chairman and vice chairman of the board  
6811 who shall be elected by and from the membership of the board. Any  
6812 member who fails to attend three (3) consecutive regular meetings  
6813 of the board shall be subject to removal by a majority vote of the  
6814 board. A majority of the members of the board shall constitute a



6815 quorum. The chairman, or a majority of the members of the board,  
6816 may call meetings as may be required for the proper discharge of  
6817 the board's duties. Members of the board, except a member who is  
6818 an officer or employee of the Mississippi Department of  
6819 Transportation or, beginning July 1, 2021, is an officer or  
6820 employee of the Department of Public Safety, shall receive per  
6821 diem in the amount authorized by Section 25-3-69, for each day  
6822 spent in the actual discharge of their duties and shall be  
6823 reimbursed for mileage and actual expenses incurred in the  
6824 performance of their duties in accordance with the provisions of  
6825 Section 25-3-41.

6826       Application shall be made by petition in writing, within  
6827 thirty (30) days after assessment of the penalty, for a hearing  
6828 and a review of the amount of the assessment. At the hearing the  
6829 appeals board shall try the issues presented according to the law  
6830 and the facts and within guidelines set by the Transportation  
6831 Commission or, beginning July 1, 2021, by the Department of Public  
6832 Safety. Upon due consideration of all the facts relating to the  
6833 assessment of the penalty, the appeals board, except as otherwise  
6834 provided under this section or under Section 27-19-89, may require  
6835 payment of the full amount of the assessment, may reduce the  
6836 amount of the assessment or may dismiss imposition of the penalty  
6837 entirely. The appeals board shall dismiss in its entirety the  
6838 imposition of any penalty imposed against the holder of a harvest  
6839 permit if the permittee proves to the appeals board, by clear and



6840 convincing evidence, that the average load transported by the  
6841 permittee during the permittee's last five (5) haul days  
6842 immediately preceding the day upon which the penalty appealed from  
6843 was assessed did not exceed eighty thousand (80,000) pounds. The  
6844 appeals board shall reduce the penalty assessed against the holder  
6845 of a harvest permit to a maximum of Two Cents (2¢) per pound of  
6846 overweight if the permittee proves to the appeals board, by clear  
6847 and convincing evidence, that the average load transported by the  
6848 permittee during the permittee's last five (5) haul days  
6849 immediately preceding the day upon which the penalty appealed from  
6850 was assessed exceeded seventy-nine thousand nine hundred  
6851 ninety-nine (79,999) pounds but did not exceed eighty-four  
6852 thousand (84,000) pounds. The board shall make such orders in the  
6853 matter as appear to it just and lawful and shall furnish copies  
6854 thereof to the petitioner. If the appeals board orders the  
6855 payment of the penalty, the petitioner shall pay the penalty,  
6856 damages and interest, if any, within ten (10) days after the order  
6857 is issued unless there is an application for appeal from the  
6858 decision of the board as provided in the succeeding paragraph.  
6859 Interest shall accrue on the penalty at the rate of one percent  
6860 (1%) per month, or part of a month, beginning immediately after  
6861 the expiration of the ten-day period.

6862       If any person feels aggrieved by the decision of the appeals  
6863 board, he may appeal the decision to the \* \* \* inferior courts of  
6864 the Capitol Complex Improvement District.



6865           **[From and after July 1, 2023, this section shall read as**  
6866           **follows:]**

6867           65-1-46. (1) There is created an Appeals Board of the  
6868 Mississippi Transportation Commission. If any person feels  
6869 aggrieved by a penalty for excess weight assessed against him by  
6870 an agent or employee of the Mississippi Department of  
6871 Transportation pursuant to Section 27-19-89, he may apply to the  
6872 appeals board. Beginning July 1, 2021, the Appeals Board shall be  
6873 administratively located within the Commercial Transportation  
6874 Enforcement Division of the Mississippi Department of Public  
6875 Safety and shall receive appeals with respect to penalties for  
6876 excess weight assessed by agents or employees of the Commercial  
6877 Transportation Enforcement Division.

6878           (2) The members serving on the appeals board on April 7,  
6879 1995, shall continue to serve until July 1, 1995. On July 1,  
6880 1995, the appeals board shall be reconstituted to be composed of  
6881 five (5) qualified people. The initial appointments to the  
6882 reconstituted board shall be made no later than June 30, 1995, for  
6883 terms to begin July 1, 1995, as follows: One (1) member shall be  
6884 appointed by the Governor for a term ending on June 30, 1996, one  
6885 (1) member shall be appointed by the Lieutenant Governor for a  
6886 term ending on June 30, 1997, one (1) member shall be appointed by  
6887 the Attorney General for a term ending on June 30, 1998, one (1)  
6888 member shall be appointed by the Chairman of the State Tax  
6889 Commission for a term ending on June 30, 1999, and one (1) member



6890 shall be appointed by the Executive Director of the Mississippi  
6891 Department of Transportation for a term ending on June 30, 2000.  
6892 After the expiration of the initial terms of the members of the  
6893 reconstituted board, all subsequent appointments shall be made for  
6894 terms of four (4) years from the expiration date of the previous  
6895 term. Any member serving on the appeals board before July 1,  
6896 1995, may be reappointed to the reconstituted appeals board.  
6897 Appointments to the board shall be with the advice and consent of  
6898 the Senate; however, the advice and consent of the Senate shall  
6899 not be required for the appointment of a person to the  
6900 reconstituted appeals board for a term beginning on July 1, 1995,  
6901 if such person was serving as a member of the appeals board on  
6902 June 30, 1995, and such person received the advice and consent of  
6903 the Senate for that appointment. The term of the member appointed  
6904 by the Executive Director of the Mississippi Department of  
6905 Transportation shall end on June 30, 2021, and the vacancy shall  
6906 be filled by a member appointed by the Commissioner of Public  
6907 Safety for a term ending on June 30, 2024, after which the  
6908 position shall be for a four-year term.

6909 (3) There shall be a chairman and vice chairman of the board  
6910 who shall be elected by and from the membership of the board. Any  
6911 member who fails to attend three (3) consecutive regular meetings  
6912 of the board shall be subject to removal by a majority vote of the  
6913 board. A majority of the members of the board shall constitute a  
6914 quorum. The chairman, or a majority of the members of the board,



6915 may call meetings as may be required for the proper discharge of  
6916 the board's duties. Members of the board, except a member who is  
6917 an officer or employee of the Mississippi Department of  
6918 Transportation or, beginning July 1, 2021, is an officer or  
6919 employee of the Department of Public Safety, shall receive per  
6920 diem in the amount authorized by Section 25-3-69, for each day  
6921 spent in the actual discharge of their duties and shall be  
6922 reimbursed for mileage and actual expenses incurred in the  
6923 performance of their duties in accordance with the provisions of  
6924 Section 25-3-41.

6925       Application shall be made by petition in writing, within  
6926 thirty (30) days after assessment of the penalty, for a hearing  
6927 and a review of the amount of the assessment. At the hearing the  
6928 appeals board shall try the issues presented according to the law  
6929 and the facts and within guidelines set by the Transportation  
6930 Commission or, beginning July 1, 2021, by the Department of Public  
6931 Safety. Upon due consideration of all the facts relating to the  
6932 assessment of the penalty, the appeals board, except as otherwise  
6933 provided under this section or under Section 27-19-89, may require  
6934 payment of the full amount of the assessment, may reduce the  
6935 amount of the assessment or may dismiss imposition of the penalty  
6936 entirely. The appeals board shall dismiss in its entirety the  
6937 imposition of any penalty imposed against the holder of a harvest  
6938 permit if the permittee proves to the appeals board, by clear and  
6939 convincing evidence, that the average load transported by the



6940 permittee during the permittee's last five (5) haul days  
6941 immediately preceding the day upon which the penalty appealed from  
6942 was assessed did not exceed eighty thousand (80,000) pounds. The  
6943 appeals board shall reduce the penalty assessed against the holder  
6944 of a harvest permit to a maximum of Two Cents (2¢) per pound of  
6945 overweight if the permittee proves to the appeals board, by clear  
6946 and convincing evidence, that the average load transported by the  
6947 permittee during the permittee's last five (5) haul days  
6948 immediately preceding the day upon which the penalty appealed from  
6949 was assessed exceeded seventy-nine thousand nine hundred  
6950 ninety-nine (79,999) pounds but did not exceed a gross vehicle  
6951 weight tolerance of ten percent (10%), not to exceed eighty-eight  
6952 thousand (88,000) pounds. The board shall make such orders in the  
6953 matter as appear to it just and lawful and shall furnish copies  
6954 thereof to the petitioner. If the appeals board orders the  
6955 payment of the penalty, the petitioner shall pay the penalty,  
6956 damages and interest, if any, within ten (10) days after the order  
6957 is issued unless there is an application for appeal from the  
6958 decision of the board as provided in the succeeding paragraph.  
6959 Interest shall accrue on the penalty at the rate of one percent  
6960 (1%) per month, or part of a month, beginning immediately after  
6961 the expiration of the ten-day period.

6962       If any person feels aggrieved by the decision of the appeals  
6963 board, he may appeal the decision to the \* \* \* inferior courts of  
6964 the Capitol Complex Improvement District.





6965           **SECTION 171.** Section 73-4-19, Mississippi Code of 1972, is  
6966 amended as follows:

6967           73-4-19. (1) The commission may, upon its own motion or  
6968 upon the complaint in writing of any person, provided the  
6969 complaint and any evidence presented with it establishes a prima  
6970 facie case, hold a hearing and investigate the actions of any  
6971 auctioneer or auction firm, or any person who holds himself out as  
6972 an auctioneer or auction firm.

6973           (2) Any person desiring to make a complaint against a  
6974 licensee shall submit a complaint to the commission in verified  
6975 form as prescribed by the commission. Upon receipt of a properly  
6976 verified complaint, the commission shall send a copy of the  
6977 complaint to the affected licensee by certified mail, and the  
6978 licensee shall make answer to the complaint in writing within  
6979 twenty (20) days after receipt of the complaint. The licensee  
6980 shall mail a copy of his response to the commission and the  
6981 complainant. Upon receipt of the licensee's response or lapse of  
6982 twenty (20) days, the commission shall make investigation of the  
6983 underlying allegations of the complaint, and upon a finding of  
6984 probable cause that a violation of this chapter has occurred, the  
6985 commission shall order a hearing for the licensee to appear and  
6986 show cause why he should not be disciplined for a violation of  
6987 this chapter.

6988           (3) (a) All hearings held pursuant to this chapter shall be  
6989 held at the offices of the commission. The commission, for good



6990 cause shown, may order that a hearing be held in another location  
6991 convenient to all parties.

6992 (b) The commission shall give the complainant and the  
6993 affected licensee twenty (20) days' notice of any hearing upon a  
6994 complaint. Such notice shall be by United States certified mail.

6995 (c) Any party appearing before the commission may be  
6996 accompanied by counsel.

6997 (d) The commission or its executive director shall have  
6998 the right to subpoena witnesses and documents as they deem  
6999 necessary for the proper conduct of the hearing. The commission  
7000 shall not entertain a motion for a continuance for failure of a  
7001 witness to appear unless such witness shall have been duly  
7002 subpoenaed.

7003 (e) (i) Before commencing a hearing, the chairman of  
7004 the commission shall determine if all parties are present and  
7005 ready to proceed. If the complainant fails to attend a hearing  
7006 without good cause shown, the complaint shall be dismissed  
7007 summarily and all fees and expenses of convening the hearing shall  
7008 be assessed to, and paid by, the complainant. If any affected  
7009 licensee fails to appear for a hearing without good cause shown,  
7010 such licensee shall be presumed to have waived his right to appear  
7011 and be heard.

7012 (ii) Upon the chairman's determination that all  
7013 parties are ready to proceed, the chairman shall call the hearing  
7014 to order and the complainant and the licensee may give opening



7015 statements. At the request of any party, the chairman shall order  
7016 the sequestration of nonparty witnesses. The complainant shall  
7017 then present his complaint through sworn testimony and the  
7018 production of physical evidence. The licensee, any counsel and  
7019 any member of the commission may ask questions of witnesses.

7020 (iii) The licensee shall then present his case in  
7021 rebuttal with equal right of cross-examination of the parties. At  
7022 the completion of the evidence, all parties may give closing  
7023 statements.

7024 (iv) At the conclusion of testimony and argument,  
7025 the commission may go into closed session for deliberation.

7026 (v) At the conclusion of deliberations, the  
7027 commission may announce the commission's decision in an open  
7028 session, and shall notify the parties of its decision by mail  
7029 within ten (10) days after the commission reaches its decision.

7030 (4) Service of notice to the party shall be considered to  
7031 have been given if the notice was personally served on the  
7032 licensee, applicant or complainant or if the notice was sent by  
7033 certified United States mail to the licensee, applicant or  
7034 complainant to that party's last known address of record with the  
7035 board.

7036 (5) No person whose license has been revoked hereunder may  
7037 apply for a new license for a period of at least five (5) years.  
7038 A person whose license has been denied, suspended or revoked may  
7039 not apply in that person's name or in any other manner within the



7040 period during which the order of denial, suspension or revocation  
7041 is in effect, and no firm, partnership or corporation in which any  
7042 person whose license has been denied, suspended or revoked has a  
7043 substantial interest or exercises management responsibility or  
7044 control may be licensed during the period. The procedure for the  
7045 reissuance of a license that is for being out of compliance with  
7046 an order for support, as defined in Section 93-11-153, shall be  
7047 governed by Section 93-11-157 or 93-11-163, as the case may be.

7048       (6) Any civil or monetary penalty, fine or other costs  
7049 imposed by the commission under this chapter shall become due and  
7050 payable within the time allowed by the commission for payment  
7051 thereof. Failure of the licensee or party to pay all penalties or  
7052 fines so assessed as ordered by the commission shall, unless an  
7053 appeal is taken and perfected within the time and in the manner  
7054 provided in this chapter, result in an automatic revocation of  
7055 such licensee's license. In addition, if any amounts assessed  
7056 against a party by final order of the commission become otherwise  
7057 uncollectible or payment is in default, and if all the right to  
7058 appeal has passed, the order of the commission containing the  
7059 amount of money assessed by the commission may be filed with the  
7060 appropriate clerk of the court in the county in which the licensee  
7061 or party is located. The order shall constitute a judgment and  
7062 the filing of such final order shall have the full force and  
7063 effect of a judgment duly docketed in the office of such clerk and  
7064 may be enforced in the same manner and with the same effect as



7065 that provided by law in respect to executions issued against  
7066 property upon judgments of a court of record.

7067 (7) The commission may also assess and levy upon any  
7068 licensee or applicant for licensure the costs incurred or expended  
7069 by the commission in the investigation and prosecution of any  
7070 licensure or disciplinary action, including, but not limited to,  
7071 the cost of process service, court reports, expert witness,  
7072 investigators and attorney fees.

7073 (8) The commission may, upon its own motion, summarily  
7074 suspend a license when the interest, health, safety or welfare of  
7075 the public is at risk, such as in the event of a potential loss of  
7076 consigned items or potential loss of funds. If the commission  
7077 suspends summarily a license under the provisions of this  
7078 subsection, a hearing must begin within twenty (20) days after  
7079 such suspension begins, unless continued at the request of the  
7080 licensee.

7081 (9) Any person aggrieved by an action of the commission may  
7082 file an appeal of such action in the Circuit Court of Hinds  
7083 County. Any appeal must be accompanied by an attested copy of the  
7084 record of the hearing before the commission. An appeal must,  
7085 however, be filed with the \* \* \* inferior courts of the Capitol  
7086 Complex Improvement District, within thirty (30) days immediately  
7087 following the date of the commission's decision, unless the court,  
7088 for good cause shown, extends the time. Appeals may be taken to  
7089 the Mississippi Supreme Court as provided by law from any final



7090 judgment of the chancery court. If the board appeals from any  
7091 judgment of the chancery court, no bond shall be required of it in  
7092 order to perfect its appeal. Any actions taken by the commission  
7093 in suspending a license when required by Section 93-11-157 or  
7094 93-11-163 are not actions from which an appeal may be taken under  
7095 this section. Any appeal of a license suspension that is required  
7096 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
7097 with the appeal procedure specified in Section 93-11-157 or  
7098 93-11-163, as the case may be, rather than the procedure specified  
7099 in this section.

7100 (10) If any licensee is indicted in this or any other state  
7101 for forgery, embezzlement, obtaining money under false pretenses,  
7102 extortion, criminal conspiracy to defraud or other offense, and a  
7103 certified copy of the indictment is filed with the commission or  
7104 other proper evidence is given to it, the commission may, in its  
7105 discretion, suspend the license issued to the licensee pending  
7106 trial of the charges.

7107 (11) If the revocation or suspension of a license issued to  
7108 any member of a partnership, or to any officer of an association,  
7109 corporation or organization to whom an auction license has been  
7110 issued, the license issued to the partnership, association,  
7111 corporation or organization shall be revoked by the commission  
7112 unless, within a time fixed by the commission, the connection of  
7113 the member of the partnership is severed and his interest in the  
7114 partnership and his share in its activities brought to an end, or



the officer of the association, corporation or organization is discharged and has no further participation in its activities.

(12) Nothing in this section shall be deemed as an exclusive remedy or prevent or proscribe any person's right to petition a court of law or equity for redress of a grievance against a licensee or any other entity.

**SECTION 172.** Section 89-12-59, Mississippi Code of 1972, is amended as follows:

89-12-59. (1) Notwithstanding the provisions of any other section of law, United States savings bonds which are unclaimed property and subject to the provisions of this chapter shall escheat to the State of Mississippi three (3) years after becoming unclaimed property by virtue of the provisions of this chapter, and all property rights and legal title to and ownership of such United States savings bonds or proceeds from such bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the State of Mississippi according to the procedure set forth in subsections (2) through (5) of this section.

(2) Within one hundred eighty (180) days after the three (3) years prescribed in subsection (1) of this section, if no claim has been filed in accordance with the provisions of this chapter for such United States savings bonds, the State Treasurer shall commence a civil action in the \* \* \* inferior courts of the Capitol Complex Improvement District for a determination that such



7140 United States savings bonds shall escheat to the State of  
7141 Mississippi. The State Treasurer may postpone the bringing of  
7142 such action until sufficient United States savings bonds have  
7143 accumulated in the State Treasurer custody to justify the expense  
7144 of such proceedings.

7145 (3) If no person shall file a claim or appear at the hearing  
7146 to substantiate a claim or where the court determines that a  
7147 claimant is not entitled to the property claimed by such claimant,  
7148 then the court, if satisfied by evidence that the State Treasurer  
7149 has substantially complied with the laws of the State of  
7150 Mississippi, shall enter a judgment that the subject United States  
7151 savings bonds have escheated to the State of Mississippi, and all  
7152 property rights and legal title to and ownership of such United  
7153 States savings bonds or proceeds from such bonds, including all  
7154 rights, powers and privileges of survivorship of any owner,  
7155 co-owner or beneficiary, shall vest solely in the State of  
7156 Mississippi.

7157 (4) The State Treasurer shall redeem such United States  
7158 savings bonds escheated to the State of Mississippi and the  
7159 proceeds from such redemption of United States savings bonds shall  
7160 be deposited in the State General Fund. The State Treasurer shall  
7161 not deposit the proceeds from the redemption of the United States  
7162 savings bonds in the Abandoned Property Fund or the Abandoned  
7163 Property Claims Payment Fund in accordance with the provisions of  
7164 Section 89-12-37.





7165           (5) Any person making a claim for the United States savings  
7166 bonds escheated to the State of Mississippi under this subsection,  
7167 or for the proceeds from such bonds, may file a claim in  
7168 accordance with the provisions of this chapter. Upon providing  
7169 sufficient proof of the validity of such person's claim, the State  
7170 Treasurer may pay such claim in accordance with the provisions of  
7171 this chapter.

7172           **SECTION 173.** Section 75-27-113, Mississippi Code of 1972, is  
7173 amended as follows:

7174           75-27-113. (1) Timber purchased by weight or measured  
7175 volume shall be purchased by weight on the basis of tonnage or  
7176 pounds with one (1) ton equaling two thousand (2,000) pounds  
7177 avoirdupois weight, or by measured volume so long as the measured  
7178 volume is not calculated by weight but is derived from any of the  
7179 standards provided in subsection (2).

7180           (2) When timber is purchased by measured volume, the timber  
7181 shall be measured by either cubic feet, Doyle Log Rule,  
7182 International  $\frac{1}{4}$  Inch Rule or Scribner Decimal C Rule.

7183           (3) No person, firm or corporation, shall use any scales or  
7184 measuring device in the purchase of timber unless the same is true  
7185 and accurate. All devices used for buying or selling timber shall  
7186 comply with specifications and tolerances and other requirements  
7187 of this chapter, and regulations adopted pursuant thereto.

7188           (4) Purchaser specifications shall be made available to the  
7189 haulers and timber owners and shall be posted in a place easily



7190 accessible to the haulers or timber owners at the location where  
7191 the timber is weighed or measured. Scale tickets shall be made  
7192 available to the haulers and timber owners for each load before  
7193 the close of the following business day and shall include the  
7194 measured volume or weight, the standard of weight or measurement  
7195 used, and the basis and amount of any deductions.

7196 (5) (a) The State Director of Weights and Measures, the  
7197 Deputy Director of Weights and Measures and any state inspector of  
7198 weights and measures are hereby vested with police powers, such as  
7199 given to sheriff and constables, for the sole purpose of issuing  
7200 citations, without warrant, to any person who the Director, Deputy  
7201 Director or inspector has probable cause to believe is violating  
7202 this section, or who shall impede, hinder or otherwise prevent or  
7203 attempt to prevent the testing of scales or measuring devices or  
7204 enforcement of this chapter. The citation shall be returnable to  
7205 the Deputy Director of Weights and Measures. No citation for a  
7206 violation of this section shall be issued after one (1) year from  
7207 the date of the violation.

7208 (b) The Deputy Director of Weights and Measures, or his  
7209 designee, shall within thirty (30) days of the issuance of the  
7210 citation, dismiss the citation, issue a written warning or levy a  
7211 fine of not more than Two Hundred Dollars (\$200.00) for the first  
7212 offense; not more than Five Hundred Dollars (\$500.00) for the  
7213 second offense if the second offense occurs within six (6) months  
7214 of the first offense; or not more than Two Thousand Dollars



7215 (\$2,000.00) for the third and subsequent offenses, if the third or  
7216 subsequent offenses occur within six (6) months of the first  
7217 offense. If the Deputy Director of Weights and Measures, or his  
7218 designee, determines the violation was unintentional and due to an  
7219 act of God or was beyond the reasonable control of the person,  
7220 firm or corporation committing the violation, no fine shall be  
7221 levied. A person, firm or corporation operating any scales or  
7222 measuring devices in the purchase of timber at more than one (1)  
7223 location in the state shall not be subject to fines for second or  
7224 subsequent offenses unless the offenses occur at the same location  
7225 on separate days. A citation shall record each and every  
7226 violation of this section but for the purposes of determining  
7227 second and subsequent offenses under this section, all violations  
7228 of this section committed by one (1) person, firm or corporation  
7229 at one (1) location during one (1) day shall constitute one (1)  
7230 offense.

7231 (c) Any person, firm or corporation may appeal a fine  
7232 to the State Director of Weights and Measures or his designee.  
7233 The appeal must be filed within thirty (30) days after the levy of  
7234 the fine. Any party aggrieved by the final order of the State  
7235 Director of Weights and Measures, or his designee, may appeal to  
7236 the \* \* \* inferior courts of the Capitol Complex Improvement  
7237 District by filing an appeal within thirty (30) days of a final  
7238 order of the Director of Weights and Measures. If no appeal is  
7239 taken and the fine is not paid within sixty (60) days of the order



7240 or if the fine is upheld on appeal and no further appeal is taken  
7241 and the fine is not paid within sixty (60) days of the ruling on  
7242 the appeal, the Director of Weights and Measures may forward an  
7243 abstract of the order or judgment to the circuit clerk of any  
7244 county in the State of Mississippi for enrolling as any other  
7245 judgment. After enrolling the judgment, the Director of Weights  
7246 and Measures may institute an action to recover the fines assessed  
7247 under this section in the name of the State of Mississippi in any  
7248 court of competent jurisdiction or otherwise proceed as a judgment  
7249 creditor pursuant to the laws of the State of Mississippi.

7250 (6) This section does not apply to pulpwood as defined in  
7251 Section 75-79-5 of the Mississippi Uniform Pulpwood Scaling and  
7252 Practices Act.

7253 **SECTION 174.** Section 79-11-213, Mississippi Code of 1972, is  
7254 amended as follows:

7255 79-11-213. (1) After fixing a record date for a notice of a  
7256 meeting, a corporation shall prepare an alphabetical list of the  
7257 names of all its members who are entitled to notice of the  
7258 meeting. The list must show the address and number of votes each  
7259 member is entitled to vote at the meeting. The corporation shall  
7260 prepare on a current basis through the time of the membership  
7261 meeting a list of members, if any, who are entitled to vote at the  
7262 meeting, but not entitled to notice of the meeting. This list  
7263 shall be prepared on the same basis and be part of the list of  
7264 members.



7265           (2) The list of members must be available for inspection by  
7266 any member for the purpose of communication with other members  
7267 concerning the meeting, beginning two (2) business days after  
7268 notice is given of the meeting for which the list was prepared and  
7269 continuing through the meeting, at the corporation's principal  
7270 office or at a reasonable place identified in the meeting notice  
7271 in the city where the meeting will be held. A member, a member's  
7272 agent, or attorney is entitled on written demand to inspect and,  
7273 subject to the limitations of Sections 79-11-285(c) and 79-11-291,  
7274 to copy the list, at a reasonable time and at the member's  
7275 expense, during the period it is available for inspection.

7276           (3) The corporation shall make the list of members available  
7277 at the meeting, and any member, a member's agent, or attorney is  
7278 entitled to inspect the list at any time during the meeting or any  
7279 adjournment.

7280           (4) If the corporation refuses to allow a member, a member's  
7281 agent, or attorney to inspect the list of members before or at the  
7282 meeting (or copy the list as permitted by subsection (2) of this  
7283 section); the chancery court of the county where a corporation's  
7284 principal office is located, or the \* \* \* inferior courts of the  
7285 Capitol Complex Improvement District if the corporation does not  
7286 have a principal office in this state, on application of the  
7287 member, may summarily order the inspection or copying at the  
7288 corporation's expense and may postpone the meeting for which the  
7289 list was prepared until the inspection or copying is complete and



may order the corporation to pay the member's costs (including reasonable counsel fees) incurred to obtain the order.

(5) Unless a written demand to inspect and copy a membership list has been made under subsection (2) of this section prior to the membership meeting and a corporation improperly refuses to comply with the demand, refusal or failure to comply with this section does not affect the validity of action taken at the meeting.

**SECTION 175.** Section 79-29-913, Mississippi Code of 1972, is amended as follows:

79-29-913. (1) If the disqualified member does not accept the professional limited liability company's offer under Section 79-29-912(2) within the thirty-day period, the member during the following thirty-day period may deliver a written notice to the professional limited liability company demanding that it commence a proceeding to determine the fair value of the membership interest. The professional limited liability company may commence a proceeding at any time during the sixty (60) days following the effective date of its offer notice. If it does not do so, the member may commence a proceeding against the professional limited liability company to determine the fair value of the disqualified person's membership interest.

(2) The professional limited liability company or disqualified member shall commence the proceeding in the chancery court of the county where the professional limited liability



7315 company's principal office is located, or the \* \* \* inferior  
7316 courts of the Capitol Complex Improvement District if the  
7317 professional limited liability company does not have a principal  
7318 office in this state. The professional limited liability company  
7319 shall make the disqualified person a party to the proceeding as in  
7320 an action against the disqualified person's membership interest.  
7321 The jurisdiction of the court in which the proceeding is commenced  
7322 is plenary and exclusive.

7323 (3) The court may appoint one or more persons as appraisers  
7324 to receive evidence and recommend decision on the question of fair  
7325 value. The appraisers have the power described in the order  
7326 appointing them, or in any amendment to it.

7327 (4) The disqualified member is entitled to judgment for the  
7328 fair value of the disqualified person's membership interest  
7329 determined by the court as of the date of death, disqualification  
7330 or transfer, together with interest from that date at a rate found  
7331 by the court to be fair and equitable.

7332 (5) The court may order the judgment paid in installments  
7333 determined by the court.

7334 (6) "Fair value" means the value of the membership interest  
7335 of the professional limited liability company determined:

7336 (a) Using customary and current valuation concepts and  
7337 techniques generally employed for similar businesses in the  
7338 context of the transaction requiring appraisal; and



7339                   (b)   Without discounting for lack of marketability or  
7340 minority status.

7341               **SECTION 176.**   Section 73-21-191, Mississippi Code of 1972, is  
7342 amended as follows:

7343               73-21-191.   (1)   The State Board of Pharmacy may impose a  
7344 monetary penalty on pharmacy benefit managers for noncompliance  
7345 with the provisions of the Pharmacy Audit Integrity Act, Sections  
7346 73-21-175 through 73-21-189, in amounts of not less than One  
7347 Thousand Dollars (\$1,000.00) per violation and not more than  
7348 Twenty-five Thousand Dollars (\$25,000.00) per violation.   The  
7349 board shall prepare a record entered upon its minutes which states  
7350 the basic facts upon which the monetary penalty was imposed.   Any  
7351 penalty collected under this subsection (1) shall be deposited  
7352 into the special fund of the board.

7353               (2)   The board may assess a monetary penalty for those  
7354 reasonable costs that are expended by the board in the  
7355 investigation and conduct of a proceeding if the board imposes a  
7356 monetary penalty under subsection (1) of this section.   A monetary  
7357 penalty assessed and levied under this section shall be paid to  
7358 the board by the licensee, registrant or permit holder upon the  
7359 expiration of the period allowed for appeal of those penalties  
7360 under Section 73-21-101, or may be paid sooner if the licensee,  
7361 registrant or permit holder elects.   Money collected by the board  
7362 under this subsection (2) shall be deposited to the credit of the  
7363 special fund of the board.





7364           (3) When payment of a monetary penalty assessed and levied  
7365 by the board against a licensee, registrant or permit holder in  
7366 accordance with this section is not paid by the licensee,  
7367 registrant or permit holder when due under this section, the board  
7368 shall have the power to institute and maintain proceedings in its  
7369 name for enforcement of payment in the chancery court of the  
7370 county and judicial district of residence of the licensee,  
7371 registrant or permit holder, or if the licensee, registrant or  
7372 permit holder is a nonresident of the State of Mississippi, in  
7373 the \* \* \* inferior courts of the Capitol Complex Improvement  
7374 District. When those proceedings are instituted, the board shall  
7375 certify the record of its proceedings, together with all documents  
7376 and evidence, to the chancery court and the matter shall be heard  
7377 in due course by the court, which shall review the record and make  
7378 its determination thereon in accordance with the provisions of  
7379 Section 73-21-101. The hearing on the matter may, in the  
7380 discretion of the chancellor, be tried in vacation.

7381           (4) The board shall develop and implement a uniform penalty  
7382 policy that sets the minimum and maximum penalty for any given  
7383 violation of board regulations and laws governing the practice of  
7384 pharmacy. The board shall adhere to its uniform penalty policy  
7385 except in those cases where the board specifically finds, by  
7386 majority vote, that a penalty in excess of, or less than, the  
7387 uniform penalty is appropriate. That vote shall be reflected in



the minutes of the board and shall not be imposed unless it appears as having been adopted by the board.

**SECTION 177.** Section 7-5-309, Mississippi Code of 1972, is amended as follows:

7-5-309. (1) A person who violates any provision of Section 7-5-303 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than three (3) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00) or double the value of the fraud, whichever is greater, or both. Sentences imposed for convictions of separate offenses under this section may run consecutively.

(2) If the defendant found to have violated any provisions of Section 7-5-303 is an organization, then it shall be subject to a fine of not more than One Hundred Fifty Thousand Dollars (\$150,000.00) for each violation. "Organization" for purposes of this subsection means a person other than an individual. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof and nonprofit organizations.

(3) In a proceeding for violations under Section 7-5-303, the court, in addition to the criminal penalties imposed under this section, shall assess against the defendant convicted of such violation double those reasonable costs that are expended by the Insurance Integrity Enforcement Bureau of the Office of Attorney



General or the district attorney's office in the investigation of such case, including, but not limited to, the cost of investigators, process service, court reporters, expert witnesses and attorney's fees. A monetary penalty assessed and levied under this section shall be deposited to the credit of the State General Fund, and the Attorney General may institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the defendant and, if the defendant is a nonresident, such proceedings shall be in the \* \* \* inferior courts of the Capitol Complex Improvement District.

**SECTION 178.** Section 27-3-33, Mississippi Code of 1972, is amended as follows:

27-3-33. (1) The Commissioner of Revenue shall have the power, authority and duty to direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the penalties, liabilities, and punishment of all persons, officers or agents or corporations, or others required by law to make returns of taxable property, for failure or neglect to comply with such provisions of the tax law; and to cause complaints to be made against assessors, boards of supervisors, and other officers, whose duties concern assessments, in any court of competent jurisdiction for their removal for official misconduct or neglect of such duty, as provided by law in such cases.

(2) The Commissioner of Revenue shall have the power, authority and duty to proceed by suit in the chancery court of the



7438 residence of the taxpayer or, in the case of a nonresident, in  
7439 the \* \* \* inferior courts of the Capitol Complex Improvement  
7440 District, against all persons, corporations, companies and  
7441 associations of persons for all past-due and unpaid taxes,  
7442 together with any penalties, damages and interest due thereon, of  
7443 any kind whatever, either of the state or any county,  
7444 municipality, drainage, levee, or other taxing district, or any  
7445 subdivision thereof, and for all past-due obligations and  
7446 indebtedness of any character due and owing to them or any of  
7447 them; but not, however, including penalties for the violation of  
7448 the antitrust laws; and, provided that the duty and obligation of  
7449 the Commissioner of Revenue hereunder accrues only at such time as  
7450 the tax collector of the county, municipality, drainage, levee, or  
7451 other taxing district, or any subdivision thereof, primarily  
7452 responsible for the collection of taxes for the district has  
7453 exhausted all legal remedies provided by the laws of this state.

7454 (3) All suits by the Commissioner of Revenue under the  
7455 provisions of this section, or under the provisions of Section  
7456 27-3-37 or Section 27-3-39, shall be in his official capacity for  
7457 the use of the state, county, municipality, levee board or other  
7458 taxing district interested; and he shall not be liable for costs,  
7459 and may appeal without bond. Such suits may be tried at the  
7460 return term and shall take precedence over other suits.

7461 (4) All warrants issued by the Commissioner of Revenue for  
7462 the collection of any taxes imposed by statute and collected by



7463 the Department of Revenue shall be used to levy on salaries,  
7464 compensation or other monies due the delinquent taxpayer. The  
7465 warrants shall be served by mail or by delivery by an agent of the  
7466 Department of Revenue on the person or entity responsible or  
7467 liable for the payment of the monies to the delinquent taxpayer.  
7468 Once served, the employer or other person owing compensation due  
7469 the delinquent taxpayer shall pay the monies over to the  
7470 Department of Revenue in complete or partial satisfaction of the  
7471 tax liability. Except as otherwise provided in Section 85-13-3,  
7472 an answer shall be made within thirty (30) days after service of  
7473 the warrant in the form and manner determined satisfactory by the  
7474 commissioner. Failure to pay the money over to the Department of  
7475 Revenue as required by this section shall result in the served  
7476 party being personally liable for the full amount of the monies  
7477 owed and the levy and collection process may be issued against the  
7478 party in the same manner as other taxes. Except as otherwise  
7479 provided by this section, the answer, the amount payable under the  
7480 warrant and the obligation of the payor to continue payment shall  
7481 be governed by the garnishment laws of this state but shall be  
7482 payable to the Department of Revenue.

7483 **SECTION 179.** Section 97-33-315, Mississippi Code of 1972, is  
7484 amended as follows:

7485 97-33-315. (1) The executive director shall make  
7486 appropriate investigations:



7487                   (a) To determine whether there has been any violation  
7488 of Sections 97-33-301 through 97-33-317 or of any regulations  
7489 adopted thereunder.

7490                   (b) To determine any facts, conditions, practices or  
7491 matters which it may deem necessary or proper to aid in the  
7492 enforcement of any such law or regulation.

7493                   (c) To aid in adopting regulations.

7494                   (d) To secure information as a basis for recommending  
7495 legislation relating to Sections 97-33-301 through 97-33-317.

7496                   (e) To determine annual compliance with Sections  
7497 97-33-301 through 97-33-317.

7498                   (2) If after any investigation the executive director is  
7499 satisfied that a license should be limited, conditioned, suspended  
7500 or revoked, he shall initiate a hearing by filing a complaint with  
7501 the commission and transmit therewith a summary of evidence in his  
7502 possession bearing on the matter and the transcript of testimony  
7503 at any investigative hearing conducted by or on behalf of the  
7504 executive director to the licensee.

7505                   (3) Upon receipt of the complaint of the executive director,  
7506 the commission shall review all matter presented in support  
7507 thereof and shall appoint a hearing examiner to conduct further  
7508 proceedings.

7509                   (4) After proceedings required by Sections 97-33-301 through  
7510 97-33-317, the hearing examiner may recommend that the commission  
7511 take any or all of the following actions:



7512                   (a) As to operations at a licensed gaming establishment  
7513 under Section 97-33-307(5):

7514                   (i) Limit, condition, suspend or revoke the  
7515 license of any licensed gaming establishment or the individual  
7516 license of any licensee without affecting the license of the  
7517 establishment; and

7518                   (ii) Order an operator to exclude an individual  
7519 licensee from the operation of the registered business or not to  
7520 pay the licensee any remuneration for services or any profits,  
7521 income or accruals on his investment in the licensed gaming  
7522 establishment;

7523                   (b) Limit, condition, suspend or revoke any license  
7524 granted to any applicant by the commission;

7525                   (c) Fine each licensee for any act or transaction for  
7526 which commission approval was required or permitted, as provided  
7527 in Section 97-33-309.

7528                   (5) The hearing examiner shall prepare a written decision  
7529 containing his recommendation to the commission and shall serve it  
7530 on all parties. Any party disagreeing with the hearing examiner's  
7531 recommendation may ask the commission to review the recommendation  
7532 within ten (10) days of service of the recommendation. The  
7533 commission may hold a hearing to consider the recommendation  
7534 whether there has been a request to review the recommendation or  
7535 not.



7536           (6) If the commission decides to review the recommendation,  
7537 it shall give notice of that fact to all parties within thirty  
7538 (30) days of the recommendation and shall schedule a hearing to  
7539 review the recommendation. The commission's review shall be de  
7540 novo but shall be based upon the evidence presented before the  
7541 hearing examiner. The commission may remand the case to the  
7542 hearing examiner for the presentation of additional evidence upon  
7543 a showing of good cause why the evidence could not have been  
7544 presented at the previous hearing.

7545           (7) If the commission does not decide to review the  
7546 recommendation within thirty (30) days, the recommendation becomes  
7547 the final order of the commission.

7548           (8) If the commission limits, conditions, suspends or  
7549 revokes any license, or imposes a fine, it shall issue its written  
7550 order therefor after causing to be prepared and filed the hearing  
7551 examiner's written decision upon which the order is based.

7552           (9) Any limitation, condition, revocation, suspension or  
7553 fine is effective until reversed upon judicial review, except that  
7554 the commission may stay its order pending a rehearing or judicial  
7555 review upon such terms and conditions as it deems proper.

7556           (10) Judicial review of an order or decision of the  
7557 commission may be had to the \* \* \* inferior courts of the Capitol  
7558 Complex Improvement District as a case in equity.

7559           (11) A license is automatically revoked if the individual is  
7560 convicted of a felony in any court of this state, another state,





7561 or the United States or if the individual is convicted of a crime  
7562 in any court of another state or the United States which, if  
7563 committed in this state, would be a felony. An appeal from the  
7564 conviction shall not act as a supersedeas to the revocation  
7565 required by this subsection.

7566       **SECTION 180.** Section 67-1-39, Mississippi Code of 1972, is  
7567 amended as follows:

7568       67-1-39. Any appeal from an order of the Board of Tax  
7569 Appeals regarding an action taken under this article shall be  
7570 filed without supersedeas to the \* \* \* inferior courts of the  
7571 Capitol Complex Improvement District if the appellant is the  
7572 department, or to the county of the domicile of any other  
7573 appellant. Any such appeal shall be based on the record made  
7574 before the Board of Tax Appeals and shall be filed within thirty  
7575 (30) days from the date of the order being appealed. There may be  
7576 an appeal therefrom to the Supreme Court as in other cases  
7577 provided, but it shall be without supersedeas on the order of the  
7578 Board of Tax Appeals to them made and finally determined either by  
7579 the chancery court or the Supreme Court. Actions taken by the  
7580 department in suspending a permit when required by Section  
7581 93-11-157 or 93-11-163 are not actions resulting in an order from  
7582 which an appeal may be taken under this section. Any appeal of a  
7583 permit suspension that is required by Section 93-11-157 shall be  
7584 taken in accordance with the appeal procedure specified in Section



7585 93-11-157 or 93-11-163, as the case may be, rather than the  
7586 procedure specified in this section.

7587       **SECTION 181.** Section 41-21-103, Mississippi Code of 1972, is  
7588 amended as follows:

7589       41-21-103. (1) Unless he or she has a legal guardian or  
7590 conservator, a married person or a person eighteen (18) years of  
7591 age or older may be admitted to a treatment facility as a  
7592 voluntary admittee for treatment, provided that the director deems  
7593 the person suitable for admission, upon the filing of an  
7594 application with the director, accompanied by certificates of two  
7595 (2) physicians or by one (1) physician and one (1) psychologist,  
7596 one (1) nurse practitioner or one (1) physician assistant who  
7597 certify that they examined the person within the last five (5)  
7598 days and that the person is in need of observation, diagnosis and  
7599 treatment. The director may accept applications from the person  
7600 seeking admission or any interested person with the applicant's  
7601 written consent.

7602       (2) A person with an intellectual disability who is under  
7603 the age of eighteen (18) years and who is not married may be  
7604 admitted to a treatment facility upon application of his or her  
7605 parent or legal guardian if the following has occurred:

7606               (a) An investigation by the director that carefully  
7607 probes the person's social, psychological and developmental  
7608 background; and



7609           (b) A determination by the director that the person  
7610 will benefit from care and treatment of his or her disorder at the  
7611 facility and that services and facilities are available. The  
7612 reasons for the determination shall be recorded in writing.

7613           (3) A person with an intellectual disability or with mental  
7614 illness who is married or eighteen (18) years of age or older and  
7615 who has a legal guardian or conservator may be admitted to a  
7616 treatment facility upon application of his or her legal guardian  
7617 or conservator if authorization to make the application has been  
7618 received from the court having jurisdiction of the guardianship or  
7619 conservatorship and the following has occurred:

7620           (a) An investigation by the director that carefully  
7621 probes the person's social, psychological and developmental  
7622 background; and

7623           (b) A determination by the director that the person  
7624 will benefit from care and treatment of his or her disorder at the  
7625 facility and that services and facilities are available. The  
7626 reasons for the determination shall be recorded in writing.

7627           (4) A person with mental illness who is under the age of  
7628 fourteen (14) years may be admitted to a treatment facility upon  
7629 the application of his or her parent or legal guardian if the  
7630 following has occurred:

7631           (a) An investigation by the director that carefully  
7632 probes the person's social, psychological and developmental  
7633 background; and



7634           (b) A determination by the director that the person  
7635 will benefit from care and treatment of his or her disorder at the  
7636 facility and that services and facilities are available. The  
7637 reasons for the determination shall be recorded in writing.

7638           (5) A person with mental illness who is fourteen (14) years  
7639 of age or older but less than eighteen (18) years of age may be  
7640 admitted to a treatment facility in the same manner as an adult  
7641 may be involuntarily committed.

7642           (6) Any voluntary admittee may leave a treatment facility  
7643 after five (5) days, excluding Saturdays, Sundays and holidays,  
7644 after he or she gives any member of the treatment facility staff  
7645 written notice of his or her desire to leave, unless before  
7646 leaving, the patient withdraws the notice by written withdrawal or  
7647 unless within those five (5) days a petition and the certificates  
7648 of two (2) examining physicians, or one (1) examining physician  
7649 and one (1) psychologist, nurse practitioner or physician  
7650 assistant, stating that the patient is in need of treatment, are  
7651 filed with the chancery clerk in the county of the patient's  
7652 residence or the county in which the treatment facility is  
7653 located; however, if the admittee is at Mississippi State Hospital  
7654 at Whitfield, the petition and certificate shall be filed with the  
7655 chancery clerk in the county of patient's residence or with  
7656 the \* \* \* inferior courts of the Capitol Complex Improvement  
7657 District and the chancellor or clerk shall order a hearing under  
7658 Sections 41-21-61 through 41-21-107. The patient may continue to



7659 be hospitalized pending a final order of the court in the court  
7660 proceedings.

7661 (7) The written application form for voluntary admission  
7662 shall contain in large, bold-face type a statement in simple,  
7663 nontechnical terms that the admittee may not leave for five (5)  
7664 days, excluding Saturdays, Sundays and holidays, after giving  
7665 written notice of his or her desire to leave. This right to leave  
7666 must also be communicated orally to the admittee at the time of  
7667 his or her admission, and a copy of the application form given to  
7668 the admittee and to any parent, guardian, relative, attorney or  
7669 friend who accompanied the patient to the treatment facility.

7670 **SECTION 182.** Section 83-24-35, Mississippi Code of 1972, is  
7671 amended as follows:

7672 83-24-35. (1) An order to liquidate the business of a  
7673 domestic insurer shall appoint the commissioner and his successors  
7674 in office as liquidator, and shall direct the liquidator forthwith  
7675 to take possession of the assets of the insurer and to administer  
7676 them under the general supervision of the court. The liquidator  
7677 shall be vested by operation of law with the title to all of the  
7678 property, contracts and rights of action, and all of the books and  
7679 records of the insurer ordered liquidated, wherever located, as of  
7680 the entry of the final order of liquidation. The filing or  
7681 recording of the order with the Clerk of the \* \* \* inferior  
7682 courts of the Capitol Complex Improvement District and of the  
7683 county in which its principal office or place of business is



7684 located, or, in the case of real estate, of the county where the  
7685 property is located, shall impart the same notice as a deed, bill  
7686 of sale or other evidence of title duly filed or recorded with  
7687 that chancery court would have imparted.

7688 (2) Upon issuance of the order, the rights and liabilities  
7689 of any such insurer and of its creditors, policyholders,  
7690 shareholders, members and all other persons interested in its  
7691 estate shall become fixed as of the date of entry of the order of  
7692 liquidation, except as provided in Sections 83-24-37 and 83-24-73.

7693 (3) An order to liquidate the business of an alien insurer  
7694 domiciled in this state shall be in the same terms and have the  
7695 same legal effect as an order to liquidate a domestic insurer,  
7696 except that the assets and the business in the United States shall  
7697 be the only assets and business included therein.

7698 (4) At the time of petitioning for an order of liquidation,  
7699 or at any time thereafter, the commissioner, after making  
7700 appropriate findings of an insurer's insolvency, may petition the  
7701 court for a judicial declaration of such insolvency. After  
7702 providing such notice and hearing as it deems proper, the court  
7703 may make the declaration.

7704 (5) Any order issued under this section shall require the  
7705 liquidator to submit financial reports to the court. Financial  
7706 reports shall include (at a minimum) the assets and liabilities of  
7707 the insurer and all funds received or disbursed by the liquidator  
7708 during the current period. Financial reports shall be filed



7709 within one (1) year of the liquidation order and at least annually  
7710 thereafter.

7711 (6) (a) Within five (5) days of March 20, 1991, or, if  
7712 later, within five (5) days after the initiation of an appeal of  
7713 an order of liquidation, which order has not been stayed, the  
7714 commissioner shall present for the court's approval a plan for the  
7715 continued performance of the defendant company's policy claims  
7716 obligations, including the duty to defend insureds under liability  
7717 insurance policies, during the pendency of an appeal. Such plan  
7718 shall provide for the continued performance and payment of policy  
7719 claims obligations in the normal course of events, notwithstanding  
7720 the grounds alleged in support of the order of liquidation  
7721 including the ground of insolvency. If the defendant company's  
7722 financial condition will not, in the judgment of the commissioner,  
7723 support the full performance of all policy claims obligations  
7724 during the appeal pendency period, the plan may prefer the claims  
7725 of certain policyholders and claimants over creditors and  
7726 interested parties as well as other policyholders and claimants,  
7727 as the commissioner finds to be fair and equitable considering the  
7728 relative circumstances of such policyholders and claimants. The  
7729 court shall examine the plan submitted by the commissioner and if  
7730 it finds the plan to be in the best interests of the parties, the  
7731 court shall approve the plan. No action shall lie against the  
7732 commissioner or any of his deputies, agents, clerks, assistants or



attorneys by any party based on preference in an appeal pendency plan approved by the court.

(b) The appeal pendency plan shall not supersede or affect the obligations of any insurance guaranty association.

(c) Any such plans shall provide for equitable adjustments to be made by the liquidator to any distributions of assets to guaranty associations, and in the event that the liquidator pays claims from assets of the estate, which would otherwise be the obligations of any particular guaranty association but for the appeal of the order of liquidation, such that all guaranty associations equally benefit on a pro rata basis from the assets of the estate. Further, if an order of liquidation is set aside upon any appeal, the company shall not be released from delinquency proceedings unless and until all funds advanced by any guaranty association, including reasonable administrative expenses relating to obligations of the company, shall be repaid in full, together with interest at the judgment rate of interest or unless an arrangement for repayment thereof has been made with the consent of all applicable guaranty associations.

**SECTION 183.** Section 73-9-65, Mississippi Code of 1972, is amended as follows:

73-9-65. No disciplinary action against a licensee shall be taken until the accused has been furnished a statement of the charges against him or her and a notice of the time and place of hearing thereof. The accused may be present at the hearing in





7758 person, by counsel, or both. The board may, for good cause shown,  
7759 reinstate any license revoked or suspended. The procedure for the  
7760 reinstatement of a license that is suspended for being out of  
7761 compliance with an order for support, as defined in Section  
7762 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
7763 the case may be. The right to appeal any disciplinary actions of  
7764 the board regarding the license of any dentist or dental hygienist  
7765 is granted. The appeal shall be to the chancery court of the  
7766 county in which the dentist or dental hygienist resides, except  
7767 where the dentist or dental hygienist does not reside in the State  
7768 of Mississippi, in which case the appeal shall be to the \* \* \*  
7769 inferior courts of the Capitol Complex Improvement District. The  
7770 appeal must be taken within thirty (30) days after notice of the  
7771 action of the board. The appeal is perfected upon filing a notice  
7772 of appeal, together with a bond in the sum of One Hundred Dollars  
7773 (\$100.00), with two (2) sureties, conditioned that if the action  
7774 of the board regarding the license is affirmed by the chancery  
7775 court the dentist or dental hygienist will pay the costs of the  
7776 appeal and the action in the chancery court. Those bonds shall be  
7777 approved by the president of the board. In lieu of the bond, the  
7778 dentist or dental hygienist may deposit One Hundred Dollars  
7779 (\$100.00) with the clerk of the chancery court. If there is an  
7780 appeal, the appeal may, in the discretion of and on motion to the  
7781 chancery court, act as a supersedeas. The chancery court shall  
7782 dispose of the appeal and enter its decision promptly. The



7783 hearing on the appeal may, in the discretion of the chancellor, be  
7784 tried in vacation. Appeals may be had to the Supreme Court of the  
7785 State of Mississippi as provided by law from any final action of  
7786 the chancery court. No such person shall be allowed to practice  
7787 dentistry or dental hygiene or deliver health care services in  
7788 violation of any action of the chancery court while any such  
7789 appeal to the Supreme Court is pending. All procedural appeal  
7790 requirements as enumerated above also shall apply to any other  
7791 license or permit issued by the board under this chapter or  
7792 regulations duly adopted by the board.

7793       Actions taken by the board in suspending a license when  
7794 required by Section 93-11-157 or 93-11-163 are not actions from  
7795 which an appeal may be taken under this section. Any appeal of a  
7796 license suspension that is required by Section 93-11-157 or  
7797 93-11-163 shall be taken in accordance with the appeal procedure  
7798 specified in Section 93-11-157 or 93-11-163, as the case may be,  
7799 rather than the procedure specified in this section.

7800       **SECTION 184.** Section 23-17-13, Mississippi Code of 1972, is  
7801 amended as follows:

7802       23-17-13. If any person is dissatisfied with the ballot  
7803 title or summary formulated by the Attorney General, he or she  
7804 may, within five (5) days from the publications of the ballot  
7805 title and summary by the office of the Secretary of State, appeal  
7806 to the \* \* \* inferior courts of the Capitol Complex Improvement  
7807 District by petition setting forth the measure, the title or



7808 summary formulated by the Attorney General, and his or her  
7809 objections to the ballot title or summary and requesting amendment  
7810 of the title or summary by the court.

7811 A copy of the petition on appeal together with a notice that  
7812 an appeal has been taken shall be served upon the Secretary of  
7813 State, upon the Attorney General and upon the person proposing the  
7814 measure if the appeal is initiated by someone other than that  
7815 person. Upon the filing of the petition on appeal or at the time  
7816 to which the hearing may be adjourned by consent of the appellant,  
7817 the court shall accord first priority to examining the proposed  
7818 measure, the title or summary prepared by the Attorney General and  
7819 the objections to that title or summary. The court may hear  
7820 arguments, and, within ten (10) days, shall render its decision  
7821 and file with the Secretary of State a certified copy of such  
7822 ballot title or summary as it determines will meet the  
7823 requirements of Section 23-17-9. The decision of the court shall  
7824 be final.

7825 **SECTION 185.** Section 81-18-43, Mississippi Code of 1972, is  
7826 amended as follows:

7827 81-18-43. (1) In order to ensure the effective supervision  
7828 and enforcement of this chapter, the commissioner may:

7829 (a) Deny, suspend, revoke, condition or decline to  
7830 renew a license for a violation of this chapter, rules or  
7831 regulations issued under this chapter or order or directive  
7832 entered under this chapter.



7833                   (b) Deny, suspend, revoke, condition or decline to  
7834 renew a license if an applicant or licensee fails at any time to  
7835 meet the requirements of Section 81-18-9(4) or 81-18-15(2), or  
7836 withholds information or makes a material misstatement in an  
7837 application for a license or renewal of a license.

7838                   (c) Order restitution against persons subject to this  
7839 chapter for violations of this chapter.

7840                   (d) Impose civil penalties on persons subject to this  
7841 chapter under subsections (2) and (3) of this section.

7842                   (e) Issue orders or directives under this chapter as  
7843 follows:

7844                           (i) Order or direct persons subject to this  
7845 chapter to cease and desist from conducting business, including  
7846 immediate temporary orders to cease and desist.

7847                           (ii) Order or direct persons subject to this  
7848 chapter to cease any harmful activities or violations of this  
7849 chapter, including immediate temporary orders to cease and desist.

7850                           (iii) Enter immediate temporary orders to cease  
7851 business under a license issued under the authority granted under  
7852 Section 81-18-7(6) if the commissioner determines that the license  
7853 was erroneously granted or the licensee is currently in violation  
7854 of this chapter.

7855                           (iv) Order or direct such other affirmative action  
7856 as the commissioner deems necessary.



7857           (2) The commissioner may impose a civil penalty on a  
7858 mortgage loan originator or person subject to this chapter, if the  
7859 commissioner finds, on the record after notice and opportunity for  
7860 hearing, that the mortgage loan originator or person subject to  
7861 this chapter has violated or failed to comply with any requirement  
7862 of this chapter or any regulation prescribed by the commissioner  
7863 under this chapter or order issued under authority of this  
7864 chapter. The maximum amount of penalty for each act or omission  
7865 described in this subsection shall be Twenty-five Thousand Dollars  
7866 (\$25,000.00).

7867           (3) Each violation or failure to comply with any directive  
7868 or order of the commissioner is a separate and distinct violation  
7869 or failure.

7870           (4) For a first offense, the licensee, person required to be  
7871 licensed, or employee may be found guilty of a misdemeanor and,  
7872 upon conviction thereof, shall be punishable by imprisonment in  
7873 the county jail for not more than one (1) year.

7874           (5) For a second or subsequent offense, the licensee, person  
7875 required to be licensed, or employee shall be guilty of a felony  
7876 and, upon conviction thereof, may be punished by imprisonment in  
7877 the custody of the State Department of Corrections for a term not  
7878 less than one (1) year nor more than five (5) years.

7879           (6) Compliance with the criminal provisions of this section  
7880 shall be enforced by the appropriate law enforcement agency, which



7881 may exercise for that purpose any authority conferred upon the  
7882 agency by law.

7883 (7) The commissioner shall report regularly violations of  
7884 this chapter, as well as enforcement actions and other relevant  
7885 information, to the Nationwide Mortgage Licensing System and  
7886 Registry subject to the provisions contained in Section 81-18-63.

7887 (8) The state may enforce its rights under the surety bond  
7888 as required in Section 81-18-11 as an available remedy for the  
7889 collection of any civil penalties, criminal fines or costs of  
7890 investigation and/or prosecution incurred.

7891 (9) Any person assessed a penalty as provided in this  
7892 section shall have the right to request a hearing on the amount of  
7893 the penalty within ten (10) days after receiving notification of  
7894 the assessment. If no hearing is requested within ten (10) days  
7895 of the receipt of the notice, the penalty shall be final except as  
7896 to judicial review in the \* \* \* inferior courts of the Capitol  
7897 Complex Improvement District. Upon the filing of a petition for  
7898 judicial review, the court shall issue an order to the licensee  
7899 requiring the licensee to show cause why it should not be entered.  
7900 If the court determines, after a hearing upon the merits or after  
7901 failure of the person to appear when so ordered, that the order of  
7902 the department was properly issued, it shall grant the penalty  
7903 sought by the department.

7904 **SECTION 186.** Section 97-45-25, Mississippi Code of 1972, is  
7905 amended as follows:



7906           97-45-25. (1) In a proceeding for violations under Title  
7907 97, Chapter 45, Section 97-5-33 or Section 97-19-85, the court, in  
7908 addition to the criminal penalties imposed under this chapter,  
7909 shall assess against the defendant convicted of such violation  
7910 double those reasonable costs that are expended by the Office of  
7911 Attorney General, the district attorney's office, the sheriff's  
7912 office or police department involved in the investigation of such  
7913 case, including, but not limited to, the cost of investigators,  
7914 software and equipment utilized in the investigation, together  
7915 with costs associated with process service, court reporters and  
7916 expert witnesses. The Attorney General or district attorney may  
7917 institute and maintain proceedings in his name for enforcement of  
7918 payment in the circuit court of the county of residence of the  
7919 defendant and, if the defendant is a nonresident, such proceedings  
7920 shall be in the \* \* \* inferior courts of the Capitol Complex  
7921 Improvement District. The Attorney General or district attorney  
7922 shall distribute the property or interest assessed under this  
7923 section as follows:

7924           (a) Fifty percent (50%) shall be distributed to the  
7925 unit of state or local government whose officers or employees  
7926 conducted the investigation into computer fraud, identity theft or  
7927 child exploitation which resulted in the arrest or arrests and  
7928 prosecution. Amounts distributed to units of local government  
7929 shall be used for training or enforcement purposes relating to



detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation.

(b) Where the prosecution was maintained by the district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent (50%) of the proceeds shall be paid or distributed into the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for consumer fraud education and investigative and enforcement operations of the Office of Consumer Protection. Where the Attorney General and the district attorney have participated jointly in any part of the proceedings, twenty-five percent (25%) of the property forfeited shall be paid to the county in which the prosecution occurred, and twenty-five percent (25%) shall be paid to the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for the purposes as stated in this paragraph.

(2) From and after July 1, 2016, the expenses of the Attorney General's Cyber Crime Central or Attorney General's special fund program shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under





7955 this section shall be deposited into the State General Fund as  
7956 authorized by law and as determined by the State Fiscal Officer.

7957 (3) From and after July 1, 2016, no state agency shall  
7958 charge another state agency a fee, assessment, rent or other  
7959 charge for services or resources received by authority of this  
7960 section.

7961 **SECTION 187.** Section 73-35-25, Mississippi Code of 1972, is  
7962 amended as follows:

7963 73-35-25. (1) Any applicant or licensee or person aggrieved  
7964 shall have the right of appeal from any adverse ruling or order or  
7965 decision of the commission or administrative hearing officer to  
7966 the circuit court of the county of residence of the applicant,  
7967 licensee or person, or of the \* \* \* inferior courts of the Capitol  
7968 Complex Improvement District, within thirty (30) days from the  
7969 service of notice of the action of the commission upon the parties  
7970 in interest.

7971 (2) Notice of appeals shall be filed in the office of the  
7972 clerk of the court who shall issue a writ of certiorari directed  
7973 to the commission commanding it, within thirty (30) days after  
7974 service thereof, to certify to such court its entire record in the  
7975 matter in which the appeal has been taken. The appeal shall  
7976 thereupon be heard in due course by said court, without a jury,  
7977 which shall review the record and make its determination of the  
7978 cause between the parties.



7979           (3) Any order, rule or decision of the commission or  
7980 administrative hearing officer shall not take effect until after  
7981 the time for appeal to the court has expired. If an appeal is  
7982 taken by a defendant, such appeal shall act as an automatic  
7983 supersedeas and the court shall dispose of the appeal and enter  
7984 its decision promptly. However, the commission may file a motion  
7985 within ten (10) days of the date of filing the notice of appeal  
7986 and request the court to lift the supersedeas upon the  
7987 commission's showing, by clear and convincing evidence, that  
7988 immediate and irreparable harm will or may occur if the licensee  
7989 or person aggrieved were to continue operating as a licensee.

7990           (4) Any person taking an appeal shall post a satisfactory  
7991 bond in the amount of Five Hundred Dollars (\$500.00) for the  
7992 payment of any costs which may be adjudged against him.

7993           (5) Actions taken by the commission in suspending a license  
7994 when required by Section 93-11-157 or 93-11-163 are not actions  
7995 from which an appeal may be taken under this section. Any appeal  
7996 of a license suspension that is required by Section 93-11-157 or  
7997 93-11-163 shall be taken in accordance with the appeal procedure  
7998 specified in Section 93-11-157 or 93-11-163, as the case may be,  
7999 rather than the procedure specified in this section.

8000           **SECTION 188.** Section 83-41-363, Mississippi Code of 1972, is  
8001 amended as follows:

8002           83-41-363. (1) When a health maintenance organization in  
8003 this state is declared insolvent by a court of competent



8004 jurisdiction, the commissioner may levy an assessment on health  
8005 maintenance organizations doing business in this state to pay  
8006 claims for uncovered expenditures for enrollees who are residents  
8007 of this state and to provide continuation of coverage for  
8008 subscribers or enrollees not covered under Section 83-41-329. The  
8009 commissioner may not assess in any one (1) calendar year more than  
8010 two percent (2%) of the aggregate premium written by each health  
8011 maintenance organization in this state the prior calendar year.

8012       (2) (a) The commissioner may use funds obtained under  
8013 subsection (1) to pay claims for uncovered expenditures for  
8014 subscribers or enrollees of an insolvent health maintenance  
8015 organization who are residents of this state, provide for  
8016 continuation of coverage for subscribers or enrollees who are  
8017 residents of this state and are not covered under Section  
8018 83-41-329, and administrative costs. The commissioner may by  
8019 regulation prescribe the time, manner and form for filing claims  
8020 under this section or may require claims to be allowed by an  
8021 ancillary receiver or the domestic liquidator or receiver.

8022       (b) The commissioner may not use funds obtained under  
8023 subsection (1) to pay claims by participating providers for  
8024 services rendered to subscribers or enrollees prior to insolvency  
8025 of the health maintenance organization.

8026       (3) (a) A receiver or liquidator of an insolvent health  
8027 maintenance organization shall allow a claim in the proceeding in



8028 an amount equal to administrative and uncovered expenditures paid  
8029 under this section.

8030 (b) Any person receiving benefits under this section  
8031 for uncovered expenditures is deemed to have assigned the rights  
8032 under the covered health care plan certificates to the  
8033 commissioner to the extent of the benefits received. The  
8034 commissioner may require an assignment to it of such rights by any  
8035 payee, enrollee, or beneficiary as a condition precedent to the  
8036 receipt of any rights or benefits conferred by this section upon  
8037 such person. The commissioner is subrogated to these rights  
8038 against the assets of any insolvent health maintenance  
8039 organization held by a receiver or liquidator of another  
8040 jurisdiction.

8041 (c) The assignment or subrogation rights of the  
8042 commissioner and allowed claim under this subsection have the same  
8043 priority against the assets of the insolvent health maintenance  
8044 organization as those possessed by the person entitled to receive  
8045 benefits under this section or for similar expenses in the  
8046 receivership or liquidation.

8047 (4) When assessed funds are unused following the completion  
8048 of the liquidation of a health maintenance organization, the  
8049 commissioner will distribute on a pro rata basis any amounts  
8050 received under subsection (1) which are not de minimis to the  
8051 health maintenance organizations which have been assessed under  
8052 this section.



8053           (5) The aggregate coverage of uncovered expenditures under  
8054 this section shall not exceed Three Hundred Thousand Dollars  
8055 (\$300,000.00) with respect to any one (1) individual.  
8056 Continuation of coverage shall not continue for more than the  
8057 lesser of one (1) year after the health maintenance organization  
8058 coverage is terminated by insolvency or the remaining term of the  
8059 contract. The commissioner may provide continuation of coverage  
8060 on any reasonable basis; including, but not limited to,  
8061 continuation of the health maintenance organization contract or  
8062 substitution of indemnity coverage in a form determined by the  
8063 commissioner.

8064           (6) The commissioner may waive an assessment of any health  
8065 maintenance organization if it would be or is impaired or placed  
8066 in financially hazardous condition. A health maintenance  
8067 organization which fails to pay an assessment within thirty (30)  
8068 days after notice is subject to a civil forfeiture of not more  
8069 than One Thousand Dollars (\$1,000.00) per day or suspension or  
8070 revocation of its certificate of authority, or both fine and  
8071 suspension. Any action taken by the commissioner in enforcing the  
8072 provisions of this section may be appealed by the health  
8073 maintenance organization in accordance with the \* \* \* inferior  
8074 courts of the Capitol Complex Improvement District.

8075           **SECTION 189.** Section 83-41-339, Mississippi Code of 1972, is  
8076 amended as follows:



8077           83-41-339. (1) Any certificate of authority issued under  
8078 this article may be suspended or revoked, and any application for  
8079 a certificate of authority may be denied, if the commissioner  
8080 after a hearing finds that any of the conditions listed below  
8081 exist:

8082           (a) The health maintenance organization is operating  
8083 significantly in contravention of its basic organizational  
8084 document or in a manner contrary to that described in any other  
8085 information submitted under Section 83-41-305, unless amendments  
8086 to the submissions have been filed with and approved by the  
8087 commissioner;

8088           (b) The health maintenance organization issues an  
8089 evidence of coverage or uses a schedule of charges for health care  
8090 services which do not comply with the requirements of Sections  
8091 83-41-315 and 83-41-331;

8092           (c) The health maintenance organization does not  
8093 provide or arrange for basic health care services;

8094           (d) The State Health Officer certifies to the  
8095 commissioner that:

8096           (i) The health maintenance organization does not  
8097 meet the requirements of Section 83-41-307(1) (b); or

8098           (ii) The health maintenance organization is unable  
8099 to fulfill its obligations to furnish health care services;

8100           (e) The health maintenance organization operating in a  
8101 "hazardous condition," and is no longer financially responsible



8102 and may reasonably be expected to be unable to meet its  
8103 obligations to enrollees or prospective enrollees;

8104 (f) The health maintenance organization has failed to  
8105 correct, within the time prescribed by subsection (3), any  
8106 deficiency occurring due to such health maintenance organization's  
8107 prescribed minimum net worth being impaired;

8108 (g) The health maintenance organization has failed to  
8109 implement the grievance procedures required by Section 83-41-321  
8110 in a reasonable manner to resolve valid complaints;

8111 (h) The health maintenance organization, or any person  
8112 on its behalf, has advertised or merchandised its services in an  
8113 untrue, misrepresentative, misleading, deceptive or unfair manner;

8114 (i) The continued operation of the health maintenance  
8115 organization would be hazardous to its enrollees; or

8116 (j) The health maintenance organization has otherwise  
8117 failed substantially to comply with this article.

8118 (2) In addition to or in lieu of suspension or revocation of  
8119 a certificate of authority pursuant to this section, the applicant  
8120 or health maintenance organization may be subjected to an  
8121 administrative penalty of up to One Thousand Dollars (\$1,000.00)  
8122 for each violation.

8123 (3) The following shall pertain when insufficient net worth  
8124 is maintained:

8125 (a) Whenever the commissioner finds that the net worth  
8126 maintained by any health maintenance organization subject to the



8127 provisions of this article is less than the minimum net worth  
8128 required to be maintained by Section 83-41-325, he shall give  
8129 written notice to the health maintenance organization of the  
8130 amount of the deficiency and require: (i) filing with the  
8131 commissioner a plan for correction of the deficiency acceptable to  
8132 the commissioner and (ii) correction of the deficiency within a  
8133 reasonable time, not to exceed sixty (60) days, unless an  
8134 extension of time, not to exceed sixty (60) additional days, is  
8135 granted by the commissioner. The deficiency shall be deemed an  
8136 impairment, and failure to correct the impairment in the  
8137 prescribed time shall be grounds for suspension or revocation of  
8138 the certificate of authority or for placing the health maintenance  
8139 organization in administrative supervision, rehabilitation or  
8140 liquidation as per the insurance laws of this state.

8141 (b) Unless allowed by the commissioner no health  
8142 maintenance organization or person acting on its behalf may,  
8143 directly or indirectly, renew, issue or deliver any certificate,  
8144 agreement or contract of coverage in this state, for which a  
8145 premium is charged or collected, when the health maintenance  
8146 organization writing such coverage is impaired, and the fact of  
8147 such impairment is known to the health maintenance organization or  
8148 to such person.

8149 However, the existence of an impairment shall not prevent the  
8150 issuance or renewal of a certificate, agreement or contract when





8151 the enrollee exercises an option granted under the plan to obtain  
8152 a new, renewed or converted coverage.

8153 (4) A certificate of authority shall be suspended or revoked  
8154 or an application or a certificate of authority denied or an  
8155 administrative penalty imposed only after compliance with the  
8156 requirements of this section.

8157 (a) Suspension or revocation of a certificate of  
8158 authority or the denial of an application or the imposition of an  
8159 administrative penalty pursuant to this section shall be by  
8160 written order and shall be sent to the health maintenance  
8161 organization or applicant by certified or registered mail and to  
8162 the State Health Officer. The written order shall state the  
8163 grounds, charges or conduct on which suspension, revocation or  
8164 denial or administrative penalty is based. The health maintenance  
8165 organization or applicant may in writing request a hearing within  
8166 twenty (20) days from the date of mailing of the order. The said  
8167 request must be filed with the commissioner within the  
8168 twenty \* \* \*-day period. If no written request is made, such  
8169 order shall be final upon the expiration of said twenty (20) days.

8170 (b) If the health maintenance organization or applicant  
8171 requests a hearing pursuant to this section, the commissioner  
8172 shall issue a written notice of hearing and send it to the health  
8173 maintenance organization or applicant by certified or registered  
8174 mail and to the State Health Officer stating:



8175 (i) A specific time for the hearing, which may not  
8176 be less than twenty (20) days after mailing of the notice of  
8177 hearing; and

8178 (ii) A specific place for the hearing which shall  
8179 be at the discretion of the commissioner and which may be either  
8180 in Jackson, Hinds County, Mississippi, or in the county where the  
8181 health maintenance organization's or applicant's principal place  
8182 of business is located.

8183 (iii) If a hearing is requested, the State Health  
8184 Officer or his designated representative shall be in attendance  
8185 and shall participate in the proceedings. The recommendations and  
8186 findings of the State Health Officer with respect to matters  
8187 relating to the quality of health care services provided in  
8188 connection with any decision regarding denial, suspension or  
8189 revocation of a certificate of authority, shall be conclusive and  
8190 binding upon the commissioner.

8191 After the hearing, or upon failure of the health maintenance  
8192 organization to appear at the hearing, the commissioner shall take  
8193 whatever action he deems necessary based on written findings and  
8194 shall mail his decision to the health maintenance organization or  
8195 applicant with a copy to the State Health Officer. The action of  
8196 the commissioner and the recommendation and findings of the State  
8197 Health Officer shall be subject to review under the Administrative  
8198 Rules of Practice and Procedure Act.



8199           (5) When the certificate of authority of a health  
8200 maintenance organization is suspended, the health maintenance  
8201 organization shall not, during the period of such suspension,  
8202 enroll any additional enrollees except newborn children or other  
8203 newly acquired dependents of existing enrollees, and shall not  
8204 engage in any advertising or solicitation whatsoever.

8205           (6) When the certificate of authority of a health  
8206 maintenance organization is revoked, such organization shall  
8207 proceed, immediately following the effective date of the order of  
8208 revocation, to wind up its affairs, and shall conduct no further  
8209 business except as may be essential to the orderly conclusion of  
8210 the affairs of such organization under supervision of the  
8211 commissioner. It shall engage in no further advertising or  
8212 solicitation whatsoever. The commissioner may, by written order,  
8213 permit such further operation of the organization as he may find  
8214 to be in the best interest of enrollees, to the end that enrollees  
8215 will be afforded the greatest practical opportunity to obtain  
8216 continuing health care coverage.

8217           (7) Any appeal from a decision of the commissioner under  
8218 this section shall be to the \* \* \* inferior courts of the Capitol  
8219 Complex Improvement District, within thirty \* \* \* (30) days from  
8220 the final order of the commissioner.

8221           **SECTION 190.** Section 75-60-4, Mississippi Code of 1972, is  
8222 amended as follows:



8223           75-60-4. (1) The Mississippi Community College Board shall  
8224 appoint a "Commission on Proprietary School and College  
8225 Registration" to be composed of five (5) qualified members, one  
8226 (1) appointed from each of the five (5) Mississippi congressional  
8227 districts existing on January 1, 1992. The membership of said  
8228 commission shall be composed of persons who have held a teaching,  
8229 managerial or other similar position with any public, private,  
8230 trade, technical or other school; provided, however, that one (1)  
8231 member of the commission shall be actively engaged in, or retired  
8232 from, teaching, managerial or other similar position with a  
8233 privately owned trade, technical or other school. The membership  
8234 of said commission shall be appointed by the board within ninety  
8235 (90) days of the passage of this chapter. In making the first  
8236 appointments, two (2) members shall be appointed for three (3)  
8237 years, two (2) members for four (4) years, and one (1) member for  
8238 five (5) years. Thereafter, all members shall be appointed for a  
8239 term of five (5) years. If one (1) of the members appointed by  
8240 the board resigns or is otherwise unable to serve, a new member  
8241 shall be appointed by the commission to fill the unexpired term.  
8242 All five (5) members of the commission have full voting rights.  
8243 The members shall not be paid for their services, but may be  
8244 compensated for the expenses necessarily incurred in the  
8245 attendance at meetings or in performing other services for the  
8246 commission at a rate prescribed under Section 25-3-69, Mississippi  
8247 Code of 1972, plus actual expenses and mileage as provided by



8248 Section 25-3-41, Mississippi Code of 1972. Members of the  
8249 commission shall annually elect a chairman from among its members  
8250 who is not actively engaged with a privately owned trade or  
8251 technical school.

8252 (2) The Mississippi Community College Board shall appoint  
8253 such staff as may be required for the performance of the  
8254 commission's duties and provide necessary facilities.

8255 (3) The Mississippi Community College Board shall levy fees  
8256 authorized in this chapter only in such amounts as may be required  
8257 for the performance of the commission's duties.

8258 (4) In addition to the fees authorized in this chapter, the  
8259 Mississippi Community College Board is authorized to levy and  
8260 collect fees from proprietary schools and colleges to recover the  
8261 cost of audits, investigations and hearings relating to such  
8262 institutions.

8263 (5) It shall be the purpose of the Commission on Proprietary  
8264 School and College Registration to establish and implement the  
8265 registration program as provided in this chapter. All  
8266 controversies involving the registration of such schools shall be  
8267 initially heard by a duly authorized hearing officer of the  
8268 commission before whom a complete record shall be made. After the  
8269 conclusion of the hearing, the duly authorized hearing officer of  
8270 the commission shall make a recommendation to the commission as to  
8271 the resolution of the controversies, and the commission, after  
8272 considering the transcribed record and the recommendation of its



8273 hearing officer, shall make its decision which becomes final  
8274 unless the school or college or other person involved shall appeal  
8275 to the Mississippi Community College Board, which appeal shall be  
8276 on the record previously made before the commission's hearing  
8277 officer except as may be provided by rules and regulations adopted  
8278 by the Mississippi Community College Board. All appeals from the  
8279 Mississippi Community College Board shall be on the record and  
8280 shall be filed in the Chancery Court of the \* \* \* inferior courts  
8281 of the Capitol Complex Improvement District.

8282       **SECTION 191.** Section 73-7-37, Mississippi Code of 1972, is  
8283 amended as follows:

8284       73-7-37. (1) The violation of any of the provisions of this  
8285 chapter, including the use of fraudulent statements to obtain any  
8286 benefits or privileges under this chapter or practicing one (1) of  
8287 these professions without a license, shall constitute a  
8288 misdemeanor, punishable in any court of competent jurisdiction at  
8289 the seat of government, and any person or firm convicted of the  
8290 violation of any of the provisions of this chapter shall be fined  
8291 not less than One Hundred Dollars (\$100.00) nor more than Five  
8292 Hundred Dollars (\$500.00). The court shall not be authorized to  
8293 suspend or suspend the execution of the fine required under this  
8294 section.

8295       (2) If any person, firm or corporation violates any of the  
8296 provisions of this chapter, the secretary of the board, upon  
8297 direction of a majority of the board and in the name of the board,



8298 acting through the Attorney General or an attorney employed by the  
8299 board, shall apply in the \* \* \* inferior courts of the Capitol  
8300 Complex Improvement District for an order enjoining such violation  
8301 or for an order enforcing compliance with the provisions of this  
8302 chapter. Upon the filing of a verified petition in the chancery  
8303 court and after notice as provided under the Mississippi Rules of  
8304 Civil Procedure, such court, if satisfied by the sworn petition,  
8305 by affidavit or otherwise, that such person has violated any of  
8306 the provisions of this chapter, may issue an injunction without  
8307 notice or bond, enjoining such continued violation and such  
8308 injunction shall remain in force and effect until a final hearing.  
8309 If at such hearing it is established that such person has violated  
8310 or is violating any of the provisions of this chapter, the court  
8311 may enter a decree permanently enjoining such violation or  
8312 enforcing compliance with this chapter. In addition, the court may  
8313 enter a judgment against such person for attorney's fees, court  
8314 costs and the actual costs incurred by the board in investigating  
8315 the actions of such person for which the board brought the suit  
8316 for an injunction. In case of violation of any decree issued in  
8317 compliance with this subsection, the court may punish the offender  
8318 for contempt of court and the court shall proceed as in other  
8319 cases.

8320 (3) The proceedings in this section shall be in addition to  
8321 and not in lieu of the other remedies and penalties provided in  
8322 this chapter.



8323           **SECTION 192.** Section 79-14-210, Mississippi Code of 1972, is  
8324 amended as follows:

8325           79-14-210. (a) The Secretary of State shall file a record  
8326 delivered to the Secretary of State for filing which satisfies  
8327 this chapter. The duty of the Secretary of State under this  
8328 section is ministerial.

8329           (b) When the Secretary of State files a record, the  
8330 Secretary of State shall record it as filed on the date and at the  
8331 time of its delivery. After filing a record, the Secretary of  
8332 State shall deliver to the person that submitted the record a copy  
8333 of the record with an acknowledgment of the date and time of  
8334 filing.

8335           (c) If the Secretary of State refuses to file a record, the  
8336 Secretary of State shall, not later than fifteen (15) business  
8337 days after the record is delivered:

8338                   (1) Return the record or notify the person that  
8339 submitted the record of the refusal; and

8340                   (2) Provide a brief explanation in a record of the  
8341 reason for the refusal.

8342           (d) If the Secretary of State refuses to file a record, the  
8343 person that submitted the record may petition the \* \* \* inferior  
8344 courts of the Capitol Complex Improvement District to compel  
8345 filing of the record. The record and the explanation of the  
8346 Secretary of State of the refusal to file must be attached to the





8347 petition. The court may decide the matter in a summary  
8348 proceeding.

8349 (e) The filing of or refusal to file a record does not:

8350 (1) Affect the validity or invalidity of record in  
8351 whole or in part; or

8352 (2) Create a presumption that the information contained  
8353 in the record is correct or incorrect.

8354 (f) Except as otherwise provided by Section 79-35-13 or by  
8355 law other than this chapter, the Secretary of State may deliver  
8356 any record to a person by delivering it:

8357 (1) In person to the person that submitted it;

8358 (2) To the address of the person's registered agent;

8359 (3) To the principal office of the person; or

8360 (4) To another address the person provides to the  
8361 Secretary of State for delivery.

8362 **SECTION 193.** Section 73-11-57, Mississippi Code of 1972, is  
8363 amended as follows:

8364 73-11-57. (1) The board, upon satisfactory proof at proper  
8365 hearing and in accordance with the provisions of this chapter and  
8366 the regulations of the board, may suspend, revoke, or refuse to  
8367 issue or renew any license under this chapter, reprimand or place  
8368 the holder of a license on a term of probation, and/or take any  
8369 other action in relation to a license as the board may deem proper  
8370 under the circumstances upon any of the following grounds:



8371           (a) The employment of fraud or deception in applying  
8372 for a license or in passing the examination provided for in this  
8373 chapter;

8374           (b) The erroneous issuance of a license to any person;

8375           (c) The conviction of a felony by any court in this  
8376 state or any federal court or by the court of any other state or  
8377 territory of the United States; having been convicted of or pled  
8378 guilty to a felony in the courts of this state or any other state,  
8379 territory or country which would prevent a person from holding  
8380 elected office. Conviction, as used in this paragraph, shall  
8381 include a deferred conviction, deferred prosecution, deferred  
8382 sentence, finding or verdict of guilt, an admission of guilty, or  
8383 a plea of nolo contendere;

8384           (d) The practice of embalming under a false name or  
8385 without a license for the practice of funeral service;

8386           (e) The impersonation of another funeral service or  
8387 funeral directing licensee;

8388           (f) The permitting of a person other than a funeral  
8389 service or funeral directing licensee to make arrangements for a  
8390 funeral and/or form of disposition;

8391           (g) Violation of any provision of this chapter or any  
8392 rule or regulation of the board;

8393           (h) Having had a license for the practice of funeral  
8394 service or funeral directing suspended or revoked in any  
8395 jurisdiction, having voluntarily surrendered his license in any



8396 jurisdiction, having been placed on probation in any jurisdiction,  
8397 having been placed under disciplinary order(s) or other  
8398 restriction in any manner for funeral directing and/or funeral  
8399 service, or operating a funeral establishment (a certified copy of  
8400 the order of suspension, revocation, probation or disciplinary  
8401 action shall be prima facie evidence of such action);

8402           (i) Solicitation of dead human bodies by the licensee,  
8403 his agents, assistants or employees, whether such solicitation  
8404 occurs after death or when death is imminent; if the person  
8405 solicited has made known a desire not to receive the  
8406 communication, or if the solicitation involves coercion, duress or  
8407 harassment, or if the solicitation takes place at the residence of  
8408 the client or prospective client and is uninvited by the client or  
8409 prospective client and has not been previously agreed to by the  
8410 client or prospective client; however, this shall not be deemed to  
8411 prohibit general advertising;

8412           (j) Employment directly or indirectly of any  
8413 apprentice, agent, assistant, employee, or other person, on a  
8414 part-time or full-time basis or on commission, for the purpose of  
8415 calling upon individuals or institutions by whose influence dead  
8416 human bodies may be turned over to a particular funeral  
8417 establishment;

8418           (k) Failure to give full cooperation to the board  
8419 and/or its designees, agents or other representatives in the



8420 performance of official duties of the board. Such failure to  
8421 cooperate includes, but is not limited to:

8422 (i) Not furnishing any relevant papers or  
8423 documents requested by or for the board;

8424 (ii) Not furnishing, in writing, an adequate  
8425 explanation covering the matter contained in a complaint filed  
8426 with the board;

8427 (iii) Not responding without cause to subpoenas  
8428 issued by the board, whether or not the licensee is the party  
8429 charged in any proceeding before the board;

8430 (iv) Not reasonably providing access, as directed  
8431 by the board for its authorized agents or representatives seeking  
8432 to perform reviews or inspections at facilities or places utilized  
8433 by the license holder in the practice of funeral service or  
8434 funeral directing and/or in performing any other activity  
8435 regulated by the board under this chapter;

8436 (v) Failure to provide information within the  
8437 specified time allotted and as required by the board and/or its  
8438 representatives or designees;

8439 (vi) Failure to cooperate with the board or its  
8440 designees or representatives in the investigation of any alleged  
8441 misconduct or interfering with a board investigation by willful  
8442 misrepresentation of facts;



8443 (vii) Deceiving or attempting to deceive the board  
8444 regarding any matter under investigation, including altering or  
8445 destroying any records; and

8446 (viii) Failure, without good cause, to cooperate  
8447 with any request by the board to appear before it;

8448 (l) Knowingly performing any act that in any way  
8449 assists an unlicensed person to practice funeral service or  
8450 funeral directing;

8451 (m) Knowingly making a false statement on death  
8452 certificates;

8453 (n) Conviction of a crime involving moral turpitude;

8454 (o) Violating any statute, ordinance, rule or  
8455 regulation of the state or any of its boards, agencies or  
8456 political subdivisions affecting the registration of deaths or the  
8457 handling, custody, care or transportation of dead human bodies; or

8458 (p) Unprofessional conduct in the practice of funeral  
8459 service or funeral directing which includes, but is not limited  
8460 to:

8461 (i) Retaining a dead human body for the payment of  
8462 a fee for the performance of services that are not authorized;

8463 (ii) Knowingly performing any act which in any way  
8464 assists an unlicensed person to practice funeral service or  
8465 funeral directing;

8466 (iii) Being guilty of any dishonorable conduct  
8467 likely to deceive, defraud or harm the public;



8468 (iv) Any act or omission in the practice of  
8469 funeral service or directing which constitutes dishonesty, fraud  
8470 or misrepresentation with the intent to benefit the licensee,  
8471 another person or funeral establishment, or with the intent to  
8472 substantially injure another person, licensee or funeral  
8473 establishment; or

8474 (v) Any act or conduct, whether the same or of a  
8475 different character than specified above, which constitutes or  
8476 demonstrates bad faith, incompetency or untrustworthiness; or  
8477 dishonest, fraudulent or improper dealing; or any other violation  
8478 of the provisions of this chapter, the rules and regulations  
8479 established by the board or any rule or regulation promulgated by  
8480 the Federal Trade Commission relative to the practice of funeral  
8481 service or funeral directing.

8482 (2) Any person, including a member of the board, may  
8483 initiate a complaint against a licensee of the board by filing  
8484 with the board a written complaint on a form prescribed by the  
8485 board.

8486 (a) Upon receipt of a properly verified complaint, the  
8487 board shall send a copy of the complaint to the affected licensee  
8488 by certified mail to the address of such licensee appearing of  
8489 record with the board. The licensee shall answer the complaint in  
8490 writing within twenty (20) days after receipt of the complaint.  
8491 The licensee shall mail a copy of his, her or its response to the  
8492 board and the complainant. Upon receipt of the licensee's



8493 response or lapse of twenty (20) days, the board is authorized to  
8494 investigate a complaint that appears to show the existence of any  
8495 of the causes or grounds for disciplinary action as provided in  
8496 Section 73-11-57. Upon finding reasonable cause to believe that  
8497 the charges are not frivolous, unfounded or filed in bad faith,  
8498 the board may, in its discretion, cause a hearing to be held, at a  
8499 time and place fixed by the board, regarding the charges that a  
8500 violation of this chapter has occurred. The board shall order a  
8501 hearing for the licensee to appear and show cause why he/she  
8502 should not be disciplined for a violation of this chapter.

8503 (b) The board shall give the complainant and the  
8504 affected licensee twenty (20) days' notice of any hearing upon a  
8505 complaint. Such notice shall be by United States certified mail.

8506 (c) Any party appearing before the board may be  
8507 accompanied by counsel.

8508 (d) Before commencing a hearing, the chairman or  
8509 designee of the board shall determine if all parties are present  
8510 and ready to proceed. If the complainant fails to attend a  
8511 hearing without good cause shown, the complaint shall be dismissed  
8512 summarily and all fees and expenses of convening the hearing shall  
8513 be assessed to, and paid by, the complainant. If any affected  
8514 licensee fails to appear for a hearing without good cause shown,  
8515 such licensee shall be presumed to have waived his right to appear  
8516 before the board and be heard.



8517           (e) Upon the chair's determination that all parties are  
8518 ready to proceed, the chair or designee shall call the hearing to  
8519 order and the complainant and the licensee may give opening  
8520 statements. The board may order the sequestration of nonparty  
8521 witnesses.

8522           (f) The complainant shall then present his, her or its  
8523 complaint. The licensee, any counsel and any member or designee  
8524 of the board may ask questions of witnesses.

8525           (g) The licensee shall then present his, her or its  
8526 case in rebuttal. The complainant, any counsel and any member or  
8527 designee of the board may ask questions of witnesses.

8528           (h) At the completion of the evidence, all parties may  
8529 give closing statements.

8530           (i) At the conclusion of the hearing, the board may  
8531 either decide the issue at that time or take the case under  
8532 advisement for further deliberation. The board shall render its  
8533 decision not more than ninety (90) days after the close of the  
8534 hearing and shall forward the decision to the last-known business  
8535 or residence address of the parties.

8536           (3) The board, on its own motion, may file a formal  
8537 complaint against a licensee.

8538           (4) The board may temporarily suspend a license under this  
8539 chapter without any hearing, simultaneously with the institution  
8540 of proceedings under this section, if it finds that the evidence  
8541 in support of the board's determination is clear, competent and





unequivocal and that the licensee's continuation in practice would constitute an imminent danger to public health and safety.

(5) The board may, upon satisfactory proof that the applicant or licensee has been guilty of any of the offenses above enumerated, take the action authorized by this section against an applicant or licensee of the board upon a majority vote of the board members, after a hearing thereon. The board is vested with full power and authority to hold and conduct such hearings, compel the attendance of witnesses and the production of books, records and documents, issue subpoenas therefor, administer oaths, examine witnesses, and do all things necessary to properly conduct such hearings. The board may waive the necessity of a hearing if the person accused of a violation admits that he has been guilty of such offense. Any person who has been refused a license or whose license has been revoked or suspended may, within thirty (30) days after the decision of the board, file with the board a written notice stating that he feels himself aggrieved by such decision and may appeal therefrom to the circuit court of the county and judicial district of residence of the person, or if the person is a nonresident of the State of Mississippi, to the \* \* \* inferior courts of the Capitol Complex Improvement District. The circuit court shall determine the action of the board was in accord or consistent with law, or was arbitrary, unwarranted or an abuse of discretion. The appeal shall be perfected upon filing notice of the appeal with the circuit court and by the prepayment of all



8567 costs, including the cost of the preparation of the record of the  
8568 proceedings by the board. An appeal from the circuit court  
8569 judgment or decree may be reviewed by the Supreme Court as is  
8570 provided by law for other appeals. An appeal of a decision or  
8571 order of the board does not act as a supersedeas.

8572 (6) In addition to any other power that it has, the board  
8573 may, upon finding that an applicant or licensee has committed any  
8574 of the violations listed in Section 73-11-57(1), impose a monetary  
8575 penalty as follows:

8576 (a) For the first violation of any of the subparagraphs  
8577 of subsection (1) of this section, a monetary penalty of not more  
8578 than Five Hundred Dollars (\$500.00).

8579 (b) For the second violation of any of the  
8580 subparagraphs of subsection (1) of this section, a monetary  
8581 penalty of not more than One Thousand Dollars (\$1,000.00).

8582 (c) For the third and any subsequent violation of any  
8583 of the subparagraphs of subsection (1) of this section, a monetary  
8584 penalty of not more than Five Thousand Dollars (\$5,000.00).

8585 (d) For any violation of any of the subparagraphs of  
8586 subsection (1) of this section, those reasonable costs that are  
8587 expended by the board in the investigation and conduct of a  
8588 proceeding for licensure revocation or suspension, including, but  
8589 not limited to, the cost of process service, court reporters,  
8590 expert witnesses and investigators.



8591           (7) The power and authority of the board to assess and levy  
8592 such monetary penalties hereunder shall not be affected or  
8593 diminished by any other proceeding, civil or criminal, concerning  
8594 the same violation or violations except as provided in this  
8595 section.

8596           (8) A licensee shall have the right of appeal from the  
8597 assessment and levy of a monetary penalty as provided in this  
8598 section under the same conditions as a right of appeal is provided  
8599 elsewhere for appeals from an adverse ruling, order or decision of  
8600 the board.

8601           (9) Any monetary penalty assessed and levied under this  
8602 section shall not take effect until after the time for appeal  
8603 shall have expired.

8604           (10) A monetary penalty assessed and levied under this  
8605 section shall be paid to the board by the licensee upon the  
8606 expiration of the period allowed for appeal of such penalties  
8607 under this section or may be paid sooner if the licensee elects.

8608           With the exception of subsection (5)(d) of this section,  
8609 monetary penalties collected by the board under this section shall  
8610 be deposited in the State Treasury to the credit of the State  
8611 Board of Funeral Service. Any monies collected by the board under  
8612 subsection (5)(d) of this section shall be deposited into the  
8613 special fund operating account of the board.

8614           (11) When payment of a monetary penalty assessed and levied  
8615 by the board against a licensee in accordance with this section is



8616 not paid by the licensee when due under this section, the board  
8617 shall have power to institute and maintain proceedings in its name  
8618 for enforcement of payment in the chancery court of the county and  
8619 judicial district of residence of the licensee, or if the licensee  
8620 is a nonresident of the State of Mississippi, in the \* \* \*  
8621 inferior courts of the Capitol Complex Improvement District.

8622 (12) In any administrative or judicial proceeding in which  
8623 the board prevails, the board shall have the right to recover  
8624 reasonable attorney fees.

8625 (13) In addition to the reasons specified in subsection (1)  
8626 of this section, the board shall be authorized to suspend the  
8627 license of any licensee for being out of compliance with an order  
8628 for support, as defined in Section 93-11-153. The procedure for  
8629 suspension of a license for being out of compliance with an order  
8630 for support, and the procedure for the reissuance or reinstatement  
8631 of a license suspended for that purpose, and the payment of any  
8632 fees for the reissuance or reinstatement of a license suspended  
8633 for that purpose, shall be governed by Section 93-11-157 or  
8634 93-11-163, as the case may be. Actions taken by the board in  
8635 suspending a license when required by Section 93-11-157 or  
8636 93-11-163 are not actions from which an appeal may be taken under  
8637 this section. Any appeal of a license suspension that is required  
8638 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
8639 with the appeal procedure specified in Section 93-11-157 or  
8640 93-11-163, as the case may be, rather than the procedure specified



8641 in this section. If there is any conflict between any provision  
8642 of Section 93-11-157 or 93-11-163 and any provision of this  
8643 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
8644 case may be, shall control.

8645 **SECTION 194.** Section 79-4-7.03, Mississippi Code of 1972, is  
8646 brought forward as follows:

8647 79-4-7.03. (a) The chancery court of the county where a  
8648 corporation's principal office (or, if none in this state, its  
8649 registered office) is located may summarily order a meeting to be  
8650 held:

8651 (1) On application of any shareholder of the  
8652 corporation entitled to participate in an annual meeting if an  
8653 annual meeting was not held or action by written consent in lieu  
8654 thereof did not become effective within the earlier of six (6)  
8655 months after the end of the corporation's fiscal year or fifteen  
8656 (15) months after its last annual meeting or written consent in  
8657 lieu thereof; or

8658 (2) On application of a shareholder who signed a demand  
8659 for a special meeting valid under Section 79-4-7.02 if:

8660 (i) Notice of the special meeting was not given  
8661 within thirty (30) days after the date the demand was delivered to  
8662 the corporation's secretary; or

8663 (ii) The special meeting was not held in  
8664 accordance with the notice.



8665 (b) The court may fix the time and place of the meeting,  
8666 determine the shares entitled to participate in the meeting,  
8667 specify a record date for determining shareholders entitled to  
8668 notice of and to vote at the meeting, prescribe the form and  
8669 content of the meeting notice, fix the quorum required for  
8670 specific matters to be considered at the meeting (or direct that  
8671 the votes represented at the meeting constitute a quorum for  
8672 action on those matters), and enter other orders necessary to  
8673 accomplish the purpose or purposes of the meeting.

8674 **SECTION 195.** Section 31-3-23, Mississippi Code of 1972, is  
8675 amended as follows:

8676 31-3-23. Within ten (10) days after any order, judgment or  
8677 action of the board, any person aggrieved thereby may appeal such  
8678 order, judgment or action either to the chancery court of the  
8679 county wherein the appellant resides or to the \* \* \* inferior  
8680 courts of the Capitol Complex Improvement District upon giving  
8681 bond with sufficient security in the amount of Two Hundred Fifty  
8682 Dollars (\$250.00), approved by the clerk of the chancery court and  
8683 conditioned to pay any costs which may be adjudged against such  
8684 person. In lieu of the bond, the appellant may post Two Hundred  
8685 Fifty Dollars (\$250.00) with the clerk of the chancery court and  
8686 conditioned to pay any costs which may be adjudged against such  
8687 person.

8688 Notice of appeal shall be filed in the office of the clerk of  
8689 the chancery court, who shall issue a writ of certiorari directed



8690 to the board commanding it within forty-five (45) days after  
8691 service thereof to certify to such court its entire record in the  
8692 matter in which the appeal has been taken. The appeal shall  
8693 thereupon be heard in due course by the court, and the court shall  
8694 review the record and shall affirm or reverse the judgment. If  
8695 the judgment is reversed, the chancery court or chancellor shall  
8696 render such order or judgment as the board ought to have rendered,  
8697 and certify the same to the board; and costs shall be awarded as  
8698 in other cases.

8699 Appeals may be had to the Supreme Court of the State of  
8700 Mississippi as provided by law from any final action of the  
8701 chancery court. The board may employ counsel to defend such  
8702 appeals, to be paid out of the funds in the State Board of  
8703 Contractors Fund.

8704 On appeal, any order, judgment or action of the board  
8705 revoking a certificate of responsibility or residential license  
8706 shall remain in full force unless the chancery court or Supreme  
8707 Court reverses such order, judgment or action of the board.

8708 The remedies provided under this chapter for any aggrieved  
8709 person shall not be exclusive, but shall be cumulative of and  
8710 supplemental to any other remedies which he may otherwise have in  
8711 law or in equity, whether by injunction or otherwise.

8712 **SECTION 196.** Section 27-35-163, Mississippi Code of 1972, is  
8713 amended as follows:



8714 27-35-163. (1) Except as otherwise provided in subsection  
8715 (2) of this section, any person, firm or corporation aggrieved by  
8716 an order of the Board of Tax Appeals affirming, in whole or in  
8717 part, the assessment of property by the Department of Revenue for  
8718 the purpose of ad valorem taxation may, within thirty (30) days  
8719 from the date of this order, appeal with supersedeas as to the  
8720 amount of taxes in controversy to the \* \* \* inferior courts of the  
8721 Capitol Complex Improvement District or to the circuit court of  
8722 any county in which the property, or any part thereof, is located,  
8723 or to the circuit court of any county in which such person, firm  
8724 or corporation whose property is assessed resides, upon giving  
8725 bond with sufficient sureties, to be approved by the clerk of such  
8726 court, in a sum equal to the amount of taxes due on the contested  
8727 value of such property as affirmed by the Board of Tax Appeals,  
8728 but never less than One Hundred Dollars (\$100.00), payable to the  
8729 state and conditioned to perform the judgment of the circuit  
8730 court. The ad valorem taxes due on the uncontested portion of the  
8731 value as determined by the Board of Tax Appeals shall be due and  
8732 payable at the same time as all other ad valorem taxes are for  
8733 real and personal property. The person, firm or corporation who  
8734 appeals shall file with the clerk of the circuit court a petition  
8735 for appeal and review, together with the bond herein provided for,  
8736 and the clerk shall thereupon give notice to the Department of  
8737 Revenue, who will be the appellee in the appeal, and to the Board  
8738 of Tax Appeals. The Department of Revenue shall file with the





8739 clerk of the circuit court where the petition is pending a  
8740 certified copy of the assessment in issue and the Board of Tax  
8741 Appeals shall file a certified copy of its order or orders in  
8742 regard to this assessment. The assessment by the Department of  
8743 Revenue and the order or orders of the Board of Tax Appeals are to  
8744 be filed with the circuit clerk within thirty (30) days from the  
8745 date that each respective agency and board received the notice  
8746 from the clerk of the circuit court concerning the filing of the  
8747 appeal. The matter of assessing such property shall be heard de  
8748 novo by the circuit court at the first term of the court  
8749 thereafter, or by the judge of the circuit court in vacation, by  
8750 agreement of the parties, without a jury, and such proceeding  
8751 shall be given preference over other pending matters in the court.  
8752 After hearing the evidence, the circuit court, or the judge  
8753 thereof in vacation, shall make an order setting aside, modifying  
8754 or affirming the order of the Board of Tax Appeals. A copy of  
8755 such order shall be certified by the clerk of the court to the  
8756 Department of Revenue, which shall conform thereto.

8757       If the order of the Board of Tax Appeals is affirmed, then  
8758 the person, firm or corporation who appealed, and the sureties on  
8759 the appeal bond, shall be liable to the state for damages at the  
8760 rate of ten percent (10%) on the amount of taxes in controversy,  
8761 and all cost of such appeal.

8762       If the Department of Revenue shall be aggrieved by an order  
8763 of the Board of Tax Appeals regarding an assessment by the



8764 department for ad valorem tax purposes, the department may, within  
8765 thirty (30) days from the date of the order of the Board of Tax  
8766 Appeals regarding this assessment, appeal to the circuit court of  
8767 any county in which the property being assessed, or any part  
8768 thereof, is located or of any county in which the taxpayer  
8769 resides, in like manner as in the case of any person, firm or  
8770 corporation aggrieved as provided in this subsection, except no  
8771 bonds shall be required of the Department of Revenue. Upon the  
8772 filing of a petition for appeal or review as provided in this  
8773 subsection, the clerk of the court in which the petition is filed  
8774 shall thereupon issue process to the person, firm or corporation  
8775 whose property is assessed, and such person, firm or corporation  
8776 shall plead to the petition within thirty (30) days after the  
8777 receipt of the notice.

8778       If the state shall be aggrieved by an assessment for ad  
8779 valorem tax purposes by the Department of Revenue or by an order  
8780 of the Board of Tax Appeals regarding an assessment by the  
8781 Department of Revenue for ad valorem tax purposes, the Attorney  
8782 General or the district attorney, if all the property sought to be  
8783 taxed is located within the judicial district for which such  
8784 district attorney is elected, may, within thirty (30) days from  
8785 the date of the notice from the Department of Revenue to the tax  
8786 assessor or tax assessors in the county or counties where the  
8787 property being assessed is located of the amount of the final  
8788 assessment, appeal to the circuit court of any county in which the



8789 property, or any part thereof, is located or of any county in  
8790 which the taxpayer resides, in like manner as in the case of any  
8791 person, firm or corporation aggrieved as hereinbefore provided,  
8792 except no bonds shall be required of the Attorney General or  
8793 district attorney who may appeal. Upon the filing of a petition  
8794 for appeal or review as herein provided, the clerk of the court in  
8795 which the petition is filed shall thereupon issue process to the  
8796 person, firm or corporation whose property is assessed, and such  
8797 person, firm or corporation shall plead to the petition within  
8798 twenty (20) days after the receipt of the notice.

8799         In the event more than one (1) person appeals an assessment  
8800 by the Department of Revenue for ad valorem tax purposes or an  
8801 order of the Board of Tax Appeals regarding an assessment by the  
8802 Department of Revenue for ad valorem tax purposes under this  
8803 section, the matter shall be heard by the circuit court of the  
8804 county in which the petition for appeal was first filed, unless  
8805 otherwise agreed by the parties.

8806         Any taxpayer aggrieved by an order of the circuit court may  
8807 appeal, with supersedeas, to the Supreme Court by giving bond in  
8808 the amount and conditioned as provided in the preceding paragraphs  
8809 of this section.

8810         The officer who appealed the matter from the ad valorem  
8811 assessment of the Department of Revenue or from the order of the  
8812 Board of Tax Appeals concerning an ad valorem assessment by the



8813 Department of Revenue may have an appeal to the Supreme Court  
8814 without bond.

8815 If the Department of Revenue appeals the matter from the  
8816 order of the Board of Tax Appeals concerning an assessment by the  
8817 Department of Revenue for ad valorem tax purposes, it may have an  
8818 appeal to the Supreme Court without bond.

8819 In the event the appeal by the taxpayer delays the collection  
8820 of the tax due by him, then the taxpayer shall be liable for and  
8821 shall pay, at the time the taxes are paid to the tax collector  
8822 whose duty it is to collect the taxes, interest at the rate of six  
8823 percent (6%) per annum from the date the taxes were due until  
8824 paid.

8825 (2) Any telephone company operating in more than six (6)  
8826 counties, which is aggrieved by an assessment by the Department of  
8827 Revenue for ad valorem tax purposes, may, within thirty (30) days  
8828 from the date of the order of the Board of Tax Appeals regarding  
8829 this assessment, appeal without bond as to the amount of taxes in  
8830 controversy to the \* \* \* inferior courts of the Capitol Complex  
8831 Improvement District or to the circuit court of any county in  
8832 which the property, or any part thereof, is located, or to the  
8833 circuit court of any county in which such telephone company  
8834 resides. Notwithstanding such appeal, all of the ad valorem taxes  
8835 due on the value as set by the Department of Revenue as adjusted  
8836 by the Board of Tax Appeals shall be due and payable at the same  
8837 time as all other ad valorem taxes are for real and personal



8838 property; provided, however, that the ad valorem taxes due on the  
8839 contested portion of such value shall be paid under protest. Such  
8840 telephone company shall file with the clerk of the circuit court a  
8841 petition for appeal and review and the clerk shall thereupon give  
8842 notice to the Department of Revenue, who will be the appellee in  
8843 the appeal, and to the Board of Tax Appeals. The Department of  
8844 Revenue shall file with the clerk of the circuit court where the  
8845 petition is pending a certified copy of the assessment in issue  
8846 and the Board of Tax Appeals shall file a certified copy of its  
8847 order or orders in regard to this assessment. The assessment by  
8848 the Department of Revenue and the order or orders of the Board of  
8849 Tax Appeals are to be filed with the circuit clerk within thirty  
8850 (30) days from the date that each respective agency and board  
8851 received the notice from the clerk of the circuit court concerning  
8852 the filing of the appeal. The matter of assessing such property  
8853 shall be heard de novo by the circuit court at the first term of  
8854 the court thereafter, or by the judge of the circuit court in  
8855 vacation, by agreement of the parties, without a jury, and such  
8856 proceeding shall be given preference over other pending matters in  
8857 the court. After hearing the evidence, the circuit court, or the  
8858 judge thereof in vacation, shall make an order setting aside,  
8859 modifying or affirming the order of the Board of Tax Appeals. A  
8860 copy of such order shall be certified by the clerk of the court to  
8861 the Department of Revenue, which shall conform thereto.



8862           If the Department of Revenue shall be aggrieved by an order  
8863 of the Board of Tax Appeals regarding an assessment by the  
8864 department for ad valorem tax purposes, the department may, within  
8865 thirty (30) days from the date of the order of the Board of Tax  
8866 Appeals regarding this assessment, appeal to the circuit court of  
8867 any county in which the property being assessed, or any part  
8868 thereof, is located or of any county in which the taxpayer  
8869 resides, in like manner as in the case of any person, firm or  
8870 corporation aggrieved as provided in this subsection, except no  
8871 bonds shall be required of the Department of Revenue. Upon the  
8872 filing of a petition for appeal or review as provided in this  
8873 subsection, the clerk of the court in which the petition is filed  
8874 shall thereupon issue process to the person, firm or corporation  
8875 whose property is assessed, and such person, firm or corporation  
8876 shall plead to the petition within thirty (30) days after the  
8877 receipt of the notice.

8878           If the state shall be aggrieved by an assessment for ad  
8879 valorem purposes by the Department of Revenue or by an order of  
8880 the Board of Tax Appeals regarding an assessment by the Department  
8881 of Revenue for ad valorem tax purposes, the Attorney General or  
8882 the district attorney, if all the property sought to be taxed is  
8883 located within the judicial district for which such district  
8884 attorney is elected, may, within thirty (30) days from the date of  
8885 the notice from the Department of Revenue to the tax assessor or  
8886 tax assessors in the county or counties where the property being



8887 assessed is located of the amount of the final assessment, appeal  
8888 without bond to the circuit court of any county in which the  
8889 property, or any part thereof, is located or of any county in  
8890 which such telephone company resides. Upon the filing of a  
8891 petition for appeal or review as herein provided, the clerk of the  
8892 court in which the petition is filed shall thereupon issue process  
8893 to such telephone company, and such telephone company shall plead  
8894 to the petition within thirty (30) days after the receipt of the  
8895 notice.

8896 In the event more than one (1) person appeals an assessment  
8897 of a telephone company by the Department of Revenue for ad valorem  
8898 tax purposes or an order of the Board of Tax Appeals regarding an  
8899 assessment of a telephone company by the Department of Revenue for  
8900 ad valorem tax purposes, the matter shall be heard by the circuit  
8901 court of the county in which the petition for appeal was first  
8902 filed, unless otherwise agreed by the parties.

8903 Any such telephone company aggrieved by an order of the  
8904 circuit court may appeal without bond to the Supreme Court.

8905 The officer who appealed the matter from ad valorem  
8906 assessment of the Department of Revenue of a telephone company or  
8907 from the order of the Board of Tax Appeals concerning an ad  
8908 valorem tax assessment by the Department of Revenue of a telephone  
8909 company may have an appeal to the Supreme Court without bond.

8910 If the Department of Revenue appeals the matter from the  
8911 order of the Board of Tax Appeals concerning an assessment of a



8912 telephone company by the Department of Revenue for ad valorem tax  
8913 purposes, it may have an appeal to the Supreme Court without bond.

8914       If the value as set by the final assessment of the Department  
8915 of Revenue of the telephone company, including any adjustment  
8916 ordered by the Board of Tax Appeals, is reduced by the courts as a  
8917 result of appeals filed by such telephone company, the ad valorem  
8918 taxes attributable to such reduction shall be disposed of by each  
8919 affected local taxing district in the following manner:

8920           (a)   (i)   Such local telephone company shall be entitled  
8921 to a refund equal to the amount of ad valorem taxes paid by such  
8922 company to the taxing district which are attributable to such  
8923 reduction in value, less the portion of any refunds previously  
8924 received by such telephone company pursuant to Section 27-38-5,  
8925 which are attributable to such reduction in value.

8926           (ii)   If the taxing district has not paid the full  
8927 amount of the refund required by this subsection by the time that  
8928 ad valorem taxes become due and payable by such telephone company  
8929 to such taxing district for any subsequent year or years, such  
8930 telephone company shall be entitled to take a credit against the  
8931 ad valorem tax liability for such subsequent year or years up to  
8932 the total amount of the refund owed to such telephone company  
8933 pursuant to this paragraph (a).

8934           (b)   (i)   The remaining portion of the ad valorem taxes  
8935 attributable to such reduction shall be paid by the taxing





8936 district to the state, and such amount shall be credited to the  
8937 Telecommunications Ad Valorem Tax Reduction Fund.

8938 (ii) To the extent that the taxing district has  
8939 not fully paid to the state the amount required by this  
8940 subsection, any monies due by the state to such local taxing  
8941 jurisdiction shall be offset until such amount is fully paid.

8942 **SECTION 197.** Section 9-9-19, Mississippi Code of 1972, is  
8943 amended as follows:

8944 9-9-19. (1) A term of court shall be held in the county  
8945 courthouse of the county, beginning on the second Monday of each  
8946 month and continuing so long as may be necessary; but in counties  
8947 where there are two (2) circuit court districts the county court  
8948 shall meet alternately in the two (2) districts in the county  
8949 courthouse in the same month and in the same district as the board  
8950 of supervisors of said county holds its meetings. Provided that  
8951 in the County of Jones, a county having two (2) judicial  
8952 districts, that a term shall be held in the second judicial  
8953 district of said county on the second Monday of each month; and  
8954 provided that in the first judicial district a term shall be held  
8955 on the fourth Monday of January, the fourth Monday of March, the  
8956 fourth Monday of April, the fourth Monday of June and the fourth  
8957 Monday of October. Provided that in the County of Hinds, a county  
8958 having two (2) judicial districts, a term shall be held in the  
8959 first judicial district on the second Monday of each month and in  
8960 the second judicial district on the second Monday of March, June,



8961 September and December, and provided further that, when such terms  
8962 are held concurrently, either of the county judges of Hinds County  
8963 may be assigned to hold all or any part of such terms in either of  
8964 the two (2) judicial districts. Provided, further, that in the  
8965 County of Bolivar, a county having two (2) judicial districts, a  
8966 term shall be held in the first judicial district on the second  
8967 Monday of April, August and December, and in the second judicial  
8968 district on the second Monday of January, February, March, May,  
8969 June, July, September, October and November. Provided, however,  
8970 that in the County of Harrison, a county having two (2) county  
8971 judges and two (2) judicial districts, that a term shall be held  
8972 in each judicial district concurrently each month. Provided,  
8973 however, that the judge of the county court for good cause shown  
8974 may, by order spread on the minutes of the county court, designate  
8975 some place other than the county courthouse for the holding of  
8976 such term of the county court as may be designated in said order.  
8977 The county judge may call a special term of the county court upon  
8978 giving ten (10) days' notice, and such notice shall be given by  
8979 posting the same at the front door of the courthouse in said  
8980 county and by the publication of said notice for one (1) insertion  
8981 in some newspaper of general circulation in the county.

8982 (2) If a county court is established pursuant to an  
8983 agreement between two (2) or more counties as provided in Section  
8984 9-9-3, the terms thereof shall remain continuously open and shall  
8985 not be closed and the judge of such court shall sit in rotation in



8986 the county seat of each county, beginning on Monday of each week  
8987 for at least a week in each county in each month.

8988 **SECTION 198.** Section 75-55-37, Mississippi Code of 1972, is  
8989 brought forward as follows:

8990 75-55-37. (1) The commissioner or his duly appointed  
8991 representatives shall have the right to request an inspection of  
8992 any pump, truck, or other equipment, and if upon such inspection  
8993 any such pump, truck, or other equipment is found to be inaccurate  
8994 to the extent that a test thereof shows a deficiency of more than  
8995 twenty-five (25) cubic inches on a five (5) gallon measurement, or  
8996 if the right to inspect any such pump, truck, or other equipment  
8997 is refused or denied the commissioner, or his duly authorized  
8998 representatives, he or they shall have the right to immediately  
8999 close and lock said pump and other equipment or to seal same with  
9000 the commissioner's seal. If such pump, truck, or other equipment  
9001 is found to be inaccurate but the deficiency is twenty-five (25)  
9002 cubic inches or less on a five (5) gallon measurement, then the  
9003 commissioner or his representative shall give the owner or  
9004 operator thereof forty-eight (48) hours within which to correct  
9005 such inaccuracy and if such person fails or refuses to correct  
9006 same within said period then the commissioner or his  
9007 representative shall have the right to lock and seal such pump or  
9008 other equipment in the same manner as provided above.

9009 It shall be prima facie presumed upon any refusal to allow  
9010 the right to inspect that the pump, truck, or other equipment



9011 sought to be inspected is inaccurate to the extent set forth  
9012 above, or is operating in violation of this chapter. When any  
9013 such pump or other equipment is locked or sealed, it may not be  
9014 unlocked or the seal thereon broken except in the presence of a  
9015 mechanic or other person called for the purpose of repairing the  
9016 inaccuracy in the machinery of such pump or other equipment, and  
9017 such inaccuracy shall be immediately thereafter repaired, and the  
9018 pump or other equipment properly regulated. The commissioner may,  
9019 in his discretion, require an affidavit from the mechanic  
9020 repairing such pump or other equipment, or any other proof which  
9021 he may deem advisable to the effect that said pump was unlocked or  
9022 the seal thereon broken in the presence of such mechanic, and that  
9023 the inaccuracies therein were thereupon completely repaired or  
9024 regulated.

9025       When a state or factory seal is broken on the measuring  
9026 adjustment device on a retail pump, it shall be the duty of the  
9027 station operator to notify the commissioner by United States mail,  
9028 within twenty-four (24) hours, after the breaking of said seal.  
9029 After the commissioner has received written notice as herein  
9030 provided and he or his agent has resealed the measuring adjustment  
9031 device on the pump or pumps at this station, it shall be unlawful  
9032 for the owner or operator of the station or any of his employees  
9033 to break a state or factory seal on the measuring adjustment  
9034 device on any pump at the station during the ensuing ninety (90)  
9035 days without the prior approval of the commissioner or his agent.



9036           The State of Mississippi shall have a lien on all pumps,  
9037 trucks, and other equipment used by any distributor, or other  
9038 person, in the operation of his business for any tax or penalty  
9039 due the State of Mississippi because of any violation of this  
9040 chapter. Such lien shall be paramount to any and all private  
9041 liens and all the provisions set out in Chapter 7, Title 85,  
9042 Mississippi Code of 1972, shall be applicable herein for the  
9043 purpose of securing the enforcement of said lien, and particularly  
9044 the right to secure the issuance of a writ of summons and seizure  
9045 and proceedings had and done after the issuance of said writ shall  
9046 be applicable. Provided, however, that the commissioner shall not  
9047 be required to give any bond in any such case.

9048           Any person or officer, agent or employee thereof who shall  
9049 violate any provision of this chapter shall be guilty of a  
9050 misdemeanor and, upon conviction, shall be punished by a fine not  
9051 exceeding One Hundred Dollars (\$100.00) for the first offense and  
9052 not less than One Hundred Dollars (\$100.00) nor more than Two  
9053 Hundred Dollars (\$200.00) for each subsequent offense or  
9054 imprisonment in the county jail for a period not to exceed ninety  
9055 (90) days or both.

9056           (2) If a person who, by himself, by his agent, or as the  
9057 servant or agent of another person commits a violation of this  
9058 chapter, the commissioner or his designee may impose any, all or a  
9059 combination of the following penalties:



9060           (a) A stop sale order for any engine fuel, nonengine  
9061 fuel, automotive lubricant or any other petroleum product not in  
9062 compliance with this chapter. A remand of the stop sale order may  
9063 be issued if the engine fuel, nonengine fuel, automotive lubricant  
9064 or petroleum product is brought into full compliance with this  
9065 chapter. The stop sale order may be appealed to the commissioner  
9066 or his designee within twenty (20) days from the receipt of the  
9067 order.

9068           (b) A warning letter for violations of this chapter.

9069           (c) A civil penalty of not more than Three Thousand  
9070 Dollars (\$3,000.00) per violation. A person may request an  
9071 administrative hearing within thirty (30) days of receipt of the  
9072 notice of the penalty. The commissioner or his designee shall  
9073 conduct a hearing after giving reasonable notice to the person.  
9074 The decision may be appealed to the Circuit Court of the First  
9075 Judicial District of Hinds County.

9076           (3) If the person has exhausted his administrative appeals,  
9077 he shall pay the civil penalty within thirty (30) days after the  
9078 effective date of the final decision. If the person fails to pay  
9079 the penalty, the commissioner may bring a civil action in any  
9080 court of competent jurisdiction to recover the penalty.

9081           (4) The commissioner is authorized to suspend, revoke and/or  
9082 permanently deny a registration under the Petroleum Products  
9083 Inspection Law of Mississippi to any person, firm, corporation or  
9084 other organization determined to be guilty of two (2) or more



9085 violations per location, per year, of the Petroleum Products  
9086 Inspection Law of Mississippi and the rules and regulations in  
9087 force pursuant thereto.

9088 (5) In lieu of, or in addition to, the penalties provided  
9089 above, the commissioner and the State Chemist shall have the power  
9090 to institute and maintain in the name of the state any and all  
9091 proceedings necessary or appropriate to enforce the provisions of  
9092 the Petroleum Products Inspection Law of Mississippi and the rules  
9093 and regulations in force pursuant thereto, in the appropriate  
9094 circuit, chancery, county or justice court in which venue may lie.  
9095 The commissioner and the State Chemist may obtain mandatory or  
9096 prohibitory injunctive relief, whether temporary or permanent, and  
9097 it shall not be necessary for the state to post a bond or prove  
9098 that no adequate remedy is available at law.

9099 (6) All penalties assessed by the commissioner under this  
9100 section shall be deposited in the State General Fund.

9101 (7) This section shall stand repealed on July 1, 2023.

9102 **SECTION 199.** Section 79-11-509, Mississippi Code of 1972, is  
9103 amended as follows:

9104 79-11-509. (1) The Secretary of State shall deny, suspend  
9105 or revoke a registration or an exemption for the following  
9106 reasons:

9107 (a) The application for registration or renewal is  
9108 incomplete.



9109                   (b) The application or renewal fee (where applicable)  
9110 has not been paid.

9111                   (c) A document filed with the Secretary of State  
9112 contains one or more false or misleading statements or omits  
9113 material facts.

9114                   (d) The charitable contributions have not been or are  
9115 not being applied for the purpose or purposes stated in the  
9116 documents filed with the Secretary of State.

9117                   (e) The applicant or registrant has violated or failed  
9118 to comply with any provisions of this chapter or any rule or order  
9119 thereunder.

9120                   (f) Any applicant, registrant, officer, director, or  
9121 partner of the applicant or registrant, or any agent or employee  
9122 thereof who has been convicted of a felony or a misdemeanor  
9123 involving misrepresentation, misapplication or misuse of the money  
9124 or property of another maintains a position where he or she has  
9125 access to or control over the funds of the charitable  
9126 organization.

9127                   (g) The applicant or registrant has engaged in the use  
9128 or employment of dishonesty, fraud, deception, misrepresentation,  
9129 false promise or false pretense.

9130                   (h) The applicant or registrant has had the authority  
9131 to engage in charitable or fund-raising activities denied, revoked  
9132 or suspended by the Secretary of State or any other state or  
9133 jurisdiction.





9134           (i) The applicant or registrant has been convicted of  
9135 any criminal offense committed in connection with the performance  
9136 of activities regulated under Sections 79-11-501 through 79-11-529  
9137 or any criminal offense involving untruthfulness or dishonesty or  
9138 any criminal offense relating adversely to the registrant's or  
9139 applicant's fitness to perform activities regulated by Sections  
9140 79-11-501 through 79-11-529. For the purposes of this paragraph,  
9141 a plea of guilty, non vult, nolo contendere or any other similar  
9142 disposition of alleged criminal activity shall be deemed a  
9143 conviction.

9144           (j) Any applicant, registrant, officer, director, or  
9145 partner of the applicant or registrant, or any agent, volunteer or  
9146 employee thereof, who has been convicted under federal or state  
9147 law of any criminal offense involving acts against children  
9148 maintains a position where he or she is in close contact with  
9149 children.

9150           (k) Any officer, director, partner, employee, agent or  
9151 volunteer has accrued three (3) or more unremediated citations  
9152 issued by the Secretary of State pursuant to this section.

9153           (l) The applicant or registrant has engaged in other  
9154 forms of misconduct as may be determined by the rules adopted by  
9155 the Secretary of State.

9156           (2) The Secretary of State shall notify the applicant or  
9157 licensee of his intent to deny, suspend or revoke a license. The  
9158 notification shall contain the reasons for the action and shall



9159 inform him of his right to request an administrative hearing  
9160 within thirty (30) days of receipt of the notification. The  
9161 denial, suspension or revocation shall become effective thirty  
9162 (30) days after receipt of the notification unless a request for  
9163 an administrative hearing is received by the Secretary of State  
9164 before the expiration of the thirty (30) days. If a hearing is  
9165 requested and the denial, suspension or revocation is upheld, the  
9166 denial, suspension or revocation shall become effective upon the  
9167 service of the final administrative decision on the applicant or  
9168 licensee.

9169 (3) Registration shall become effective no later than noon  
9170 of the thirtieth day after a completed application is filed, if no  
9171 denial order is in effect and no proceeding is pending under this  
9172 chapter. The Secretary of State may, by rule or order, specify an  
9173 earlier effective date, and the Secretary of State may, by order,  
9174 defer the effective date until noon of the thirtieth day after the  
9175 filing of any amendment.

9176 (4) (a) Whenever it appears to the Secretary of State that  
9177 any person has engaged in or is about to engage in any act or  
9178 practice constituting a violation of any provision of this chapter  
9179 or any rule or order hereunder, he may, in his discretion, seek  
9180 one or more of the following remedies in addition to other  
9181 remedies authorized by law:

9182 ( \* \* \*i) Issue a cease and desist order, with or  
9183 without a prior hearing against the person or persons engaged in



9184 the prohibited activities, directing them to cease and desist from  
9185 further illegal activity;

9186 ( \* \* \*ii) Administratively dissolve or seek the  
9187 judicial dissolution of a domestic corporation that is a  
9188 charitable organization, or revoke the certificate of authority of  
9189 a foreign corporation that is a charitable organization; or

9190 ( \* \* \*iii) Issue an order imposing an  
9191 administrative penalty up to a maximum of Twenty-five Thousand  
9192 Dollars (\$25,000.00) for each offense, each violation to be  
9193 considered as a separate offense in a single proceeding or a  
9194 series of related proceedings;

9195 ( \* \* \*b) For the purpose of determining the amount or  
9196 extent of a sanction, if any, to be imposed under paragraph  
9197 ( \* \* \*a) (ii) or (iii) \* \* \* of this subsection, the Secretary of  
9198 State shall consider, among other factors, the frequency,  
9199 persistence and willfulness of the conduct constituting a  
9200 violation of this chapter or a rule promulgated thereunder or an  
9201 order of the Secretary of State, the number of persons adversely  
9202 affected by the conduct, and the resources of the person  
9203 committing the violation.

9204 (5) In addition to the above remedies, the Secretary of  
9205 State may issue a citation to any person engaging in any act or  
9206 practice constituting a violation of any provision of this chapter  
9207 or any rule or order hereunder. The Secretary of State shall  
9208 establish rules providing remediation of certain citations, and



9209 the decision whether to allow such remediation will be within the  
9210 Secretary of State's discretion.

9211 (6) Whenever it appears to the Secretary of State or  
9212 Attorney General that any person has engaged in or is about to  
9213 engage in any act or practice constituting a violation of any  
9214 provision of Sections 79-11-501 through 79-11-529 or any rule or  
9215 order thereunder, either official may, in his discretion, take any  
9216 or all of the following actions: bring an action in chancery  
9217 court to obtain a temporary restraining order or injunction to  
9218 enjoin the acts or practices and enforce compliance with Sections  
9219 79-11-501 through 79-11-529 or any rule or order thereunder;  
9220 collect administrative penalties imposed under this section; or  
9221 obtain on behalf of a charitable organization the return or  
9222 repayment of any property or consideration received as private  
9223 inurement or an excess benefit in violation of Section  
9224 79-11-519(3)(j). Upon a proper showing a permanent or temporary  
9225 injunction, restraining order or writ of mandamus shall be granted  
9226 and a receiver or conservator may be appointed for the defendant  
9227 or the defendant's assets. In addition, upon a proper showing,  
9228 the court may enter an order of rescission, restitution or  
9229 disgorgement directed to any person who has engaged in any act  
9230 constituting a violation of any provision of Sections 79-11-501  
9231 through 79-11-529 or any rule or order thereunder. In addition  
9232 the court may impose a civil penalty up to a maximum of  
9233 Twenty-five Thousand Dollars (\$25,000.00) for each offense, and



9234 each violation shall be considered as a separate offense in a  
9235 single proceeding or a series of related proceedings. The court  
9236 may not require the Secretary of State or Attorney General to post  
9237 a bond.

9238 (7) Any person aggrieved by a final order of the Secretary  
9239 of State may obtain a review of the order in the \* \* \* inferior  
9240 courts of the Capitol Complex Improvement District by filing in  
9241 the court, within thirty (30) days after the entry of the order, a  
9242 written petition praying that the order be modified or set aside,  
9243 in whole or in part. A copy of the petition shall be forthwith  
9244 served upon the Secretary of State and thereupon the Secretary of  
9245 State shall certify and file in court a copy of the filing and  
9246 evidence upon which the order was entered. When these have been  
9247 filed, the court has exclusive jurisdiction to affirm, modify,  
9248 enforce or set aside the order, in whole or in part.

9249 **SECTION 200.** Section 43-11-23, Mississippi Code of 1972, is  
9250 amended as follows:

9251 43-11-23. Any applicant or licensee aggrieved by the  
9252 decision of the licensing agency after a hearing, may within  
9253 thirty (30) days after the mailing or serving of notice of the  
9254 decision as provided in Section 43-11-11, file a notice of appeal  
9255 in the \* \* \* inferior courts of the Capitol Complex Improvement  
9256 District or the chancery court of the county in which the  
9257 institution is located or to be located, and the chancery clerk  
9258 thereof shall serve a copy of the notice of appeal upon the



9259 licensing agency. Thereupon the licensing agency shall, within  
9260 sixty (60) days or such additional time as the court may allow  
9261 from the service of such notice, certify and file with the court a  
9262 copy of the record and decision, including the transcript of the  
9263 hearings on which the decision is based. Findings of fact by the  
9264 licensing agency shall be conclusive unless substantially contrary  
9265 to the weight of the evidence but upon good cause shown, the court  
9266 may remand the case to the licensing agency to take further  
9267 evidence, and the licensing agency may thereupon affirm, reverse  
9268 or modify its decision. The court may affirm, modify or reverse  
9269 the decision of the licensing agency and either the applicant or  
9270 licensee or the licensing agency may appeal from this decision to  
9271 the Supreme Court as in other cases in the chancery court. Pending  
9272 final disposition of the matter the status quo of the applicant or  
9273 licensee shall be preserved, except as the court otherwise orders  
9274 in the public interest. Rules with respect to court costs as in  
9275 other cases in chancery shall apply equally to cases hereunder.

9276       **SECTION 201.** Section 37-9-75, Mississippi Code of 1972, is  
9277 amended as follows:

9278       37-9-75. (1) For purposes of this section:

9279               (a) "Strike" means a concerted failure to report for  
9280 duty, a willful absence from one's position, the stoppage of work,  
9281 a deliberate slowing down of work, or the withholding, in whole or  
9282 in part, of the full, faithful and proper performance of the  
9283 duties of employment, for the purpose of inducing, influencing or



9284 coercing a change in the conditions, compensation, rights,  
9285 privileges or obligations of public employment; provided, however,  
9286 that nothing herein shall limit or impair the right of any  
9287 certified teacher to express or communicate a complaint or opinion  
9288 on any matter related to the conditions of public employment so  
9289 long as the same is not designed and does not interfere with the  
9290 full, faithful and proper performance of the duties of employment.

9291 (b) "Certified teacher" shall mean the following  
9292 employees of public school districts: classroom teachers,  
9293 supervisors of programs, librarians, guidance personnel,  
9294 audiovisual personnel and vocational directors.

9295 (2) It is hereby declared that a strike, concerted work  
9296 stoppage or concerted refusal to perform lawful duties in any  
9297 manner by certified teachers against public school districts  
9298 within the State of Mississippi shall be illegal, unprotected and  
9299 contrary to the public policy of the State of Mississippi.

9300 (3) No certified teacher, group of certified teachers or  
9301 teacher organization shall promote, encourage or participate in  
9302 any strike against a public school district, the State of  
9303 Mississippi or any agency thereof.

9304 (4) No person exercising any authority, supervision or  
9305 direction over any certified teacher shall have the power to  
9306 authorize, approve or consent to a strike by one or more certified  
9307 teachers, and such person shall not authorize, approve or consent  
9308 to such strike. No local school governing board or any person



9309 exercising authority, supervision or direction over any public  
9310 school shall attempt to close or curtail the operations of the  
9311 public school, or to change or alter in any manner the schedule of  
9312 operations of said school in order to circumvent the full force  
9313 and effect of this statute. In the event of a strike against the  
9314 public school, the local school governing board shall continue  
9315 school operations as long as practicable in order to ascertain  
9316 which teachers are on strike, and certify the names of such  
9317 teachers to the Attorney General. Any member of a local school  
9318 governing board or public school administrator who violates this  
9319 subsection shall be guilty of a misdemeanor and upon conviction  
9320 shall be fined not less than One Hundred Dollars (\$100.00) nor  
9321 more than Two Hundred Fifty Dollars (\$250.00) for each day such  
9322 violation continues.

9323 (5) Chancery courts having jurisdiction of the parties are  
9324 vested with the authority to hear and determine all actions  
9325 alleging violations of subsection (3) of this section. Suits to  
9326 enjoin violations of subsection (3) of this section shall have  
9327 priority over all matters on the court's docket except other  
9328 emergency matters.

9329 (6) If a certified teacher, a group of certified teachers, a  
9330 teacher organization, or any officer, agent or representative of  
9331 any teacher organization engages in a strike in violation of  
9332 subsection (3) of this section, any public school district whose  
9333 employees are involved or whose employees may be affected by the





9334 strike shall file suit to enjoin the strike in the \* \* \* inferior  
9335 courts of the Capitol Complex Improvement District or in the  
9336 chancery court having proper jurisdiction and proper venue of such  
9337 actions. The chancery court shall conduct a hearing with notice  
9338 to all interested parties, at the earliest practicable time. If  
9339 the complainant makes a prima facie showing that a violation of  
9340 subsection (3) of this section is in progress or that there is a  
9341 clear, real and present danger that such a strike is about to  
9342 commence, the chancery court shall issue a temporary restraining  
9343 order enjoining the strike. Upon final hearing, the chancery  
9344 court shall either make the injunction permanent or dissolve it.

9345 (7) If an injunction to enjoin a strike issued pursuant to  
9346 this section is not promptly complied with, on the application of  
9347 the complainant, the chancery court shall immediately initiate  
9348 contempt proceedings against those who appear to be in violation.  
9349 A teacher organization found to be in contempt of court for  
9350 violating an injunction against a strike shall be fined up to  
9351 Twenty Thousand Dollars (\$20,000.00) for each such calendar day.  
9352 The fines so collected shall immediately accrue to the school  
9353 district and shall be used by it to replace those services denied  
9354 the public as a result of the strike. Each officer, agent or  
9355 representative of a teacher organization found to be in contempt  
9356 of court for violating an injunction against a teacher  
9357 organization shall be liable for any damages which might be  
9358 suffered by a public employer as a result of a violation of the



9359 provisions of subsection (3) of this section by the teacher  
9360 organization or its representatives, officers and agents. The  
9361 chancery court having jurisdiction over such actions is empowered  
9362 to enforce judgment against teacher organizations by the  
9363 attachment or garnishment of organization initiation fees or dues.

9364 (8) If the court, after a hearing on notice, determines that  
9365 a certified teacher has violated subsection (3) of this section,  
9366 it shall order the termination of his or her employment by the  
9367 public school district. No person knowingly violating the  
9368 provision of said subsection may, subsequent to such violation, be  
9369 employed or reemployed as a teacher by any public school district  
9370 in the state unless the court first finds a public necessity  
9371 therefor.

9372 The provisions of this subsection (8) shall be cumulative and  
9373 supplemental to any other applicable provision of law.

9374 **SECTION 202.** Section 75-15-27, Mississippi Code of 1972, is  
9375 amended as follows:

9376 75-15-27. Except where a license is automatically revoked  
9377 without any act of the commissioner as specially provided in this  
9378 chapter, no license shall be denied or revoked except on ten (10)  
9379 days' notice (the first day of the ten-day period to be the date  
9380 stated on the notice, which shall be the day it is mailed) to the  
9381 applicant or licensee by the commissioner, sent by letter by  
9382 United States registered mail, return receipt requested, to the  
9383 applicant's or licensee's business address set forth in the



9384 application. Upon receipt of the notice, as stated in the  
9385 registered mail receipt, the applicant or licensee may, within  
9386 five (5) days thereafter (which five-day period may be wholly or  
9387 partially outside of the ten-day period) make written demand for a  
9388 hearing by the commissioner, which demand, in the case of a  
9389 revocation notice, must be accompanied by an additional surety  
9390 bond or securities deposit, as hereafter provided, the principal  
9391 sum or the market value thereof to be specified by the  
9392 commissioner in the revocation notice. The revocation notice  
9393 shall not become final during the period of time in which the  
9394 licensee may demand such hearing nor if licensee demands a  
9395 hearing, until the matter has been finally determined by the  
9396 commissioner or by the courts, provided as to any revocation  
9397 order, but not a denial order, that the licensee posts together  
9398 with his written demand for hearing an additional corporate surety  
9399 bond, written by the same surety that wrote the bond under  
9400 subsection (b) of Section 75-15-11, or an additional securities  
9401 deposit in addition to the securities deposit theretofore made by  
9402 the licensee under subsection (c) of Section 75-15-11 which  
9403 additional surety bond or securities deposit shall be in a  
9404 principal amount or of a market value deemed adequate by the  
9405 commissioner as specified in the revocation order but not  
9406 exceeding Two Hundred Fifty Thousand Dollars (\$250,000.00),  
9407 provided that if the licensee originally deposited with his  
9408 application under Section 75-15-11 a corporate surety bond, the



9409 additional deposit provided in this section must be another  
9410 corporate surety bond or an increase of the first one and may not  
9411 be a deposit of securities, or if the licensee originally  
9412 deposited securities, the additional deposit shall also be of  
9413 securities and not a corporate surety bond. The bond or  
9414 securities deposit shall secure the same obligations as does the  
9415 corporate surety bond or securities deposit required by Section  
9416 75-15-11, but shall be in addition to the bond or securities  
9417 deposit required thereby. Upon receipt of the written demand, the  
9418 commissioner shall thereafter, with reasonable promptness, hear  
9419 and determine the matter as provided by law. If the applicant or  
9420 licensee deems himself aggrieved by the determination or order of  
9421 the commissioner, he may within fifteen (15) days after the  
9422 determination or order, have the determination or order reviewed  
9423 by an appeal to the \* \* \* inferior courts of the Capitol Complex  
9424 Improvement District by filing a petition setting out the specific  
9425 order or action or part thereof by which the person deems himself  
9426 aggrieved. All those petitions shall be given preferred settings  
9427 and shall be heard by the court as speedily as possible. Such an  
9428 appeal shall be perfected upon the posting of a bond for the costs  
9429 of the appeal accompanied by the petition. Any party to the  
9430 appeal may appeal to the Supreme Court of Mississippi from the  
9431 decree or order of the chancery court, within thirty (30) days  
9432 from the rendition of the decree or order, in the manner provided



9433 by law for appeals to the Supreme Court of Mississippi from  
9434 chancery courts.

9435       Final denial or revocation of the license, whether automatic  
9436 or by final determination of the commissioner or the courts, shall  
9437 cancel as of the date of final revocation all bonds or securities  
9438 deposits theretofore deposited by the applicant or licensee under  
9439 any provision of this chapter, provided that the licensee (and his  
9440 corporate surety, if any) shall not be relieved of any accrued  
9441 liabilities, and provided further, where the licensee deposited  
9442 securities, that there shall not be returned to the licensee any  
9443 of the deposited securities until the commissioner determines that  
9444 all accrued liabilities (including, but not limited to, the  
9445 principal sums thereof, accrued interest thereon, and court costs,  
9446 if any, assessed to the licensee) of the licensee under this  
9447 chapter have been satisfied in full.

9448       The commissioner may at any time revoke a license, on any  
9449 ground on which he might refuse to grant a license, for failure to  
9450 pay an annual fee or for violation of any provision of this  
9451 chapter, subject to the provisions of this chapter.

9452       A license shall be automatically and finally revoked without  
9453 any act or further act of the commissioner and without any right  
9454 of the licensee to any hearing or further hearing by the  
9455 commissioner or the courts and without any right of the licensee  
9456 or the commissioner to reinstate or have reinstated the license,  
9457 in the following instances: (a) at expiration of the sixty-day



9458 notice period, if the corporate surety gives notice of  
9459 cancellation of its bond or any of them; (b) upon failure by  
9460 licensee to pay when due the annual license fee required by  
9461 Section 75-15-15; (c) upon failure by licensee to file when due  
9462 any information required by Section 75-15-19; (d) in case of a  
9463 revocation notice under the first paragraph of this section,  
9464 failure by the licensee to demand hearing as provided therein or  
9465 failure to deposit any additional corporate surety bond or  
9466 securities deposit as required by the commissioner; (e) upon a  
9467 license revocation order becoming final at any stage; (f) failure  
9468 by licensee to deposit when due any additional corporate surety  
9469 bond or securities deposit required by the commissioner under  
9470 Section 75-15-29; or (g) upon final conviction of licensee as to  
9471 any offense covered by Section 75-15-31.

9472       If a revocation order becomes final for any reason or in any  
9473 manner, the license may not be reinstated, except upon new  
9474 application as if the licensee had never been licensed before.  
9475 The commissioner may deny the new application on grounds that a  
9476 previous application was denied or a previous license to applicant  
9477 was revoked or any ground or grounds on which he may deny an  
9478 original application.

9479       **SECTION 203.** Section 73-23-63, Mississippi Code of 1972, is  
9480 amended as follows:

9481       73-23-63. (1) Any person whose application for a license is  
9482 denied shall be entitled to a hearing before the board if he



9483 submits a written request to the board. Such hearing shall be  
9484 conducted at the earliest possible date. The board shall fix a  
9485 time and place for the hearing and shall cause a written copy of  
9486 the reason for denial of the license, together with a notice of  
9487 the time and place fixed for the hearing to be served on the  
9488 applicant requesting the hearing. For purposes of the hearing,  
9489 the board shall have the power to subpoena persons and compel the  
9490 production of records, papers and other documents.

9491 (2) (a) All complaints concerning a licensee's business or  
9492 professional practice shall be received by the board. Each  
9493 complaint received shall be logged, recording at a minimum the  
9494 following information: (i) licensee's name; (ii) name of the  
9495 complaining party, if known; (iii) date of complaint; (iv) brief  
9496 statement of complaint; and (v) disposition.

9497 (b) Following the investigative process, the board may  
9498 file formal charges against the licensee. Such formal complaint  
9499 shall, at a minimum, inform the licensee of the facts which are  
9500 the basis of the charge and which are specific enough to enable  
9501 the licensee to defend against the charges.

9502 (c) Each licensee whose conduct is the subject of a  
9503 formal charge which seeks to impose disciplinary action against  
9504 the licensee shall be served notice of the formal charge at least  
9505 thirty (30) days before the date of the hearing, which hearing  
9506 shall be presided over by the board or the board's designee.  
9507 Service shall be considered to have been given if the notice was



9508 personally served on the licensee or applicant or if the notice  
9509 was sent by certified, United States mail to the licensee's or  
9510 applicant's last known address as listed on record with the board.

9511 (d) The notice of the formal charge shall consist at a  
9512 minimum of the following information:

9513 (i) The time, place and date of the hearing;

9514 (ii) That the licensee shall appear personally at  
9515 the hearing and may be represented by counsel;

9516 (iii) That the licensee shall have the right to  
9517 produce witnesses and evidence in the licensee's behalf and shall  
9518 have the right to cross-examine adverse witnesses and evidence;

9519 (iv) That the hearing could result in disciplinary  
9520 action being taken against the licensee's license;

9521 (v) That rules for the conduct of these hearings  
9522 exist and it may be in the licensee's best interest to obtain a  
9523 copy;

9524 (vi) That the board or its designee shall preside  
9525 at the hearing and following the conclusion of the hearing shall  
9526 make findings of facts, conclusions of law and recommendations,  
9527 separately stated, to the board as to what disciplinary action, if  
9528 any, should be imposed on the licensee;

9529 (vii) The board or its designee shall hear  
9530 evidence produced in support of the formal charges and contrary  
9531 evidence produced by the licensee. At the conclusion of the  
9532 hearing, the board shall issue an order; and





9533 (viii) All proceedings pursuant to this section  
9534 are matters of public record and shall be preserved pursuant to  
9535 state law.

9536 (3) In addition to other remedies provided by law or in  
9537 equity, any applicant or licensee aggrieved by any action of the  
9538 board may appeal the action of the board to the chancery court of  
9539 the county of his residence, if he be a resident of this state, or  
9540 the \* \* \* inferior courts of the Capitol Complex Improvement  
9541 District if he be a nonresident of this state, and the court after  
9542 a hearing may modify, affirm or reverse the judgment of the board  
9543 or may remand the case to the board for further proceedings. An  
9544 appeal shall be filed within thirty (30) days immediately  
9545 following the mailing or delivery to the applicant or licensee of  
9546 a copy of the order of judgment of the board, unless the court,  
9547 for good cause shown, extends the time. Appeals may be had to the  
9548 Supreme Court of the State of Mississippi as provided by law from  
9549 any final judgment of the chancery court. If the board appeals  
9550 from any judgment of the chancery court, no bond shall be required  
9551 of it in order to perfect its appeal. Any appeal of a license  
9552 suspension that is required by Section 93-11-157 or 93-11-163  
9553 shall be taken in accordance with the appeal procedure specified  
9554 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
9555 the procedure specified in this section.

9556 **SECTION 204.** Section 53-9-55, Mississippi Code of 1972, is  
9557 amended as follows:



9558           53-9-55. (1) (a) When the commission or an authorized  
9559 representative of the department has reason to believe that a  
9560 violation of this chapter or any regulation or order of the  
9561 commission or permit board or any condition of a permit has  
9562 occurred, the commission may cause a written complaint to be  
9563 served upon the alleged violator. The complaint shall specify the  
9564 section, regulation, order or permit alleged to be violated and  
9565 the facts alleged to constitute the violation and shall require  
9566 the alleged violator to appear before the commission at a time and  
9567 place specified in the order to answer the complaint. The time of  
9568 appearance before the commission shall be not less than twenty  
9569 (20) days from the date of the mailing or service of the  
9570 complaint, whichever is earlier.

9571           (b) The commission shall afford an opportunity for a  
9572 formal hearing to the alleged violator at the time and place  
9573 specified in the complaint or at another time or place agreed to  
9574 in writing by both the department and the alleged violator, and  
9575 approved by the commission. On the basis of the evidence produced  
9576 at the formal hearing, the commission shall enter an order which  
9577 in its opinion will best further the purposes of this chapter and  
9578 shall give written notice of that order to the alleged violator  
9579 and to any other persons who participated as parties at the formal  
9580 hearing or who made written request for notice of the order. The  
9581 commission may assess penalties as provided in this section.



9582           (c) Except as otherwise expressly provided, any notice  
9583 or other instrument issued by or under authority of the commission  
9584 may be served on any affected person personally or by publication,  
9585 and proof of that service may be made in the same manner as in  
9586 case of service of a summons in a civil action. The proof of  
9587 service shall be filed in the office of the commission. Service  
9588 may also be made by mailing a copy of the notice, order, or other  
9589 instrument by certified mail, directed to the person affected at  
9590 the person's last known post-office address as shown by the files  
9591 or records of the commission. Proof of service may be made by the  
9592 affidavit of the person who did the mailing and shall be filed in  
9593 the office of the commission.

9594           (2) When the commission determines that any person has  
9595 violated this chapter or any regulation promulgated under this  
9596 chapter, order of the commission issued under this chapter or  
9597 condition or limitation of a permit issued under this chapter, the  
9598 commission, after notice and opportunity for a formal hearing as  
9599 provided in this section, unless expressly waived by the violator,  
9600 may assess that person a civil penalty not to exceed Twenty-Five  
9601 Thousand Dollars (\$25,000.00) per violation. Each day of a  
9602 continuing violation may be deemed a separate violation for  
9603 purposes of penalty assessments. If a cessation order is issued  
9604 under Section 53-9-69, the commission shall assess a civil penalty  
9605 under this section. In determining the amount of the penalty, the  
9606 commission shall consider the permittee's history of previous



9607 violations at the particular surface coal mining operation; the  
9608 seriousness of the violation, including any irreparable harm to  
9609 the environment and any hazard to the health or safety of the  
9610 public; whether the permittee was negligent; demonstrated good  
9611 faith of the permittee charged in attempting to achieve rapid  
9612 compliance after notification of the violation; and other factors  
9613 set forth in Section 49-17-43.

9614       (3) Upon the issuance of an order finding that a violation  
9615 of this chapter has occurred, the person found to be in violation  
9616 shall have thirty (30) days to pay the proposed penalty in full  
9617 or, if the person wishes to appeal either the amount of the  
9618 penalty or the fact of the violation or both forward the proposed  
9619 amount as a penalty payment bond to the executive director for  
9620 placement in an escrow account. The executive director shall  
9621 forward any money submitted for placement in an escrow account in  
9622 accordance with regulations promulgated by the commission. If,  
9623 through administrative or judicial review of the violation or  
9624 proposed penalty, the commission or a court of appropriate  
9625 jurisdiction determines that no violation occurred or that the  
9626 amount of the penalty should be reduced, the executive director  
9627 shall within thirty (30) days remit the appropriate amount to the  
9628 person with any interest earned on the money while in escrow.  
9629 Failure to forward the proposed penalty amount to the executive  
9630 director within thirty (30) days shall result in a waiver of all  
9631 legal rights to contest the violation or the amount of the



9632 penalty. When all opportunities for administrative and judicial  
9633 review have been exhausted, a failure to pay the civil penalty  
9634 shall result in forfeiture of the bond or deposit in an amount not  
9635 to exceed the amount of the penalty imposed. The commission may  
9636 promulgate regulations regarding a waiver from the requirement to  
9637 post a penalty payment bond upon a showing by the operator of an  
9638 inability to post the bond.

9639 (4) When a permittee violates this chapter or any regulation  
9640 or written order of the commission promulgated or issued under  
9641 this chapter or any condition of a permit issued any director,  
9642 officer, general partner, joint venturer in or authorized agent of  
9643 the permittee who willfully and knowingly authorized, ordered or  
9644 carried out that violation shall be subject to separate civil  
9645 penalties in the same amount as penalties that may be imposed upon  
9646 a person under subsection (2) of this section.

9647 (5) Civil penalties assessed by the commission and owed  
9648 under this section may be recovered in a civil action brought by  
9649 the department in the \* \* \* inferior courts of the Capitol Complex  
9650 Improvement District or in the chancery or circuit court of any  
9651 county in which the surface coal mining and reclamation operation  
9652 exists or in which the defendant may be found.

9653 (6) Any provisions of this section and chapter regarding  
9654 liability for the costs of clean-up, removal, remediation or  
9655 abatement of any pollution, hazardous waste or solid waste shall



9656 be limited as provided in Section 49-17-42 and rules promulgated  
9657 under that section.

9658       **SECTION 205.** Section 69-7-616, Mississippi Code of 1972, is  
9659 amended as follows:

9660       69-7-616. (1) When a complaint is made against a person for  
9661 violation of any of the provisions of this article, or any of the  
9662 rules or regulations promulgated hereunder, the Director of the  
9663 Regulatory Division of the Mississippi Department of Agriculture  
9664 and Commerce, or his designee, shall act as reviewing  
9665 officer. The complaint shall be filed with the Mississippi  
9666 Department of Agriculture and Commerce. The reviewing officer  
9667 shall cause to be delivered to the accused, in the manner  
9668 described herein, a copy of the complaint and any supporting  
9669 documents along with a summons requiring the accused to respond to  
9670 the allegations within thirty (30) days after service of the  
9671 summons and complaint upon the accused. The accused shall file  
9672 with the department a written response to the complaint and any  
9673 supporting documents within the thirty-day period. The accused  
9674 may be notified by serving a copy of the summons and complaint on  
9675 the accused or any of his officers, agents or employees by  
9676 personal service or by certified mail. Upon the expiration of the  
9677 thirty-day period, the reviewing officer shall review the  
9678 complaint, the written response of the accused, if any, and all  
9679 supporting documents offered by the parties in support of their  
9680 respective positions. The reviewing officer's decision shall be



9681 based solely on the documents provided by the parties. If the  
9682 reviewing officer determines that the complaint lacks merit, he  
9683 may dismiss the complaint. If he finds that there are reasonable  
9684 grounds showing that a violation of the statutes or regulations  
9685 has been committed, he may impose any or all of the following  
9686 penalties upon the accused: (a) levy a civil penalty in the  
9687 amount of no more than One Thousand Dollars (\$1,000.00) for each  
9688 violation; (b) issue a stop-sale order; (c) require the accused to  
9689 relabel any fish that he is offering for sale and which is not  
9690 labeled in accordance with the provisions of this article; or (d)  
9691 seize any fish that is not in compliance with this article, and  
9692 destroy, sell or otherwise dispose of the fish, and apply the  
9693 proceeds of any such sale to the costs herein and any civil  
9694 penalties levied, with the balance to be paid to the accused. The  
9695 reviewing officer's decision shall be in writing, and it shall be  
9696 delivered to the accused by any of the methods described herein  
9697 for service of the summons and complaint on the accused.

9698 (2) Either the accused or the department may appeal the  
9699 decision of the reviewing officer to the Commissioner of  
9700 Agriculture and Commerce by filing a notice of appeal with the  
9701 department within thirty (30) days of receipt of the reviewing  
9702 officer's decision. If no appeal is taken from the order of the  
9703 reviewing officer within the allotted time, the order shall then  
9704 become final. In the event of an appeal, the commissioner, or his  
9705 designee, shall conduct a full evidentiary hearing relative to the



9706 charges. The commissioner may issue subpoenas to require the  
9707 attendance of witnesses and the production of documents.  
9708 Compliance with such subpoenas may be enforced by any court of  
9709 general jurisdiction in this state. The testimony of witnesses  
9710 shall be upon oath or affirmation, and they shall be subject to  
9711 cross-examination. The proceedings shall be recorded by a court  
9712 reporter. The commissioner shall have all the powers of the  
9713 reviewing officer described herein, and the commissioner may  
9714 affirm, reverse or modify the order of the reviewing officer. The  
9715 commissioner's decision shall be in writing, and it shall be  
9716 delivered to the parties in the same manner that the summons and  
9717 complaint may be served upon the accused.

9718 (3) Either the accused or the department may appeal the  
9719 decision of the commissioner to the circuit court of the county of  
9720 residence of the accused, or if the accused is a nonresident of  
9721 the State of Mississippi, to the \* \* \* inferior courts of the  
9722 Capitol Complex Improvement District. The appellant has the  
9723 obligation of having the record transcribed and filed with the  
9724 circuit court. The appeal shall otherwise be governed by all  
9725 applicable laws and rules affecting appeals to the circuit court.  
9726 If no appeal is perfected within the required time, the decision  
9727 of the commissioner, or his designee, shall then become final.

9728 (4) The decision of the circuit court may then be appealed  
9729 by either party to the Mississippi Supreme Court in accordance  
9730 with the existing laws and rules affecting such appeals.





9731           (5) Where any violation of this article, or the rules and  
9732 regulations promulgated hereunder, occurs, or is about to occur,  
9733 that presents a clear and present danger to the public health,  
9734 safety or welfare requiring immediate action, any of the  
9735 department's field inspectors and any other persons authorized by  
9736 the commissioner, may issue an order to be effective immediately,  
9737 before notice and a hearing, that imposes any or all of the  
9738 penalties described herein against the accused. The order shall  
9739 be served upon the accused in the same manner that the summons and  
9740 complaint may be served upon him. The accused shall then have  
9741 thirty (30) days after service of the order upon him within which  
9742 to request an informal administrative review before the reviewing  
9743 officer, or his designee, as described herein. The accused shall  
9744 include within his request all documents that support his  
9745 position. The department may also submit any documents that  
9746 support its position. If the accused makes such a request within  
9747 such time, the reviewing officer, or his designee, shall review  
9748 the documents provided by the parties and render a written  
9749 decision within thirty (30) days after such request is made. Upon  
9750 the making of such a request, the procedure described herein shall  
9751 be followed, except that there is no need for a complaint to be  
9752 filed against the accused. If the accused does not request an  
9753 administrative review within such time frame, then he shall have  
9754 waived his right to an administrative review.



9755           **SECTION 206.** Section 43-33-729, Mississippi Code of 1972, is  
9756 amended as follows:

9757           43-33-729. (1) The corporation may from time to time issue  
9758 its negotiable bonds and notes in such principal amounts as, in  
9759 the opinion of the corporation, shall be necessary to provide  
9760 sufficient funds for achieving the corporate purposes thereof,  
9761 including operating expenses and reserves, the payment of interest  
9762 on bonds and notes of the corporation, establishment of reserves  
9763 to secure such bonds and notes, and all other expenditures of the  
9764 corporation incident to and necessary or convenient to carry out  
9765 its corporate purposes and powers. Provided, except as otherwise  
9766 authorized herein, bonds and notes may be issued annually under  
9767 this article in an aggregate principal amount not to exceed Three  
9768 Hundred Fifty Million Dollars (\$350,000,000.00), excluding bonds  
9769 and notes issued to refund outstanding bonds and notes, bonds and  
9770 notes in which the corporation acts as a conduit issuer and bonds  
9771 and notes issued for purposes related to Hurricane Katrina. Such  
9772 annual period shall be the same as the fiscal year of the state,  
9773 commencing with the annual period of July 1, 2009, to June 30,  
9774 2010.

9775           (2) The provisions of Sections 75-71-1 through 75-71-57,  
9776 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall  
9777 not apply to bonds and notes issued under the authority of this  
9778 article, and no application for a formal exemption from the



9779 provisions of such act shall be required with respect to such  
9780 bonds and notes.

9781       (3) Except as may otherwise be expressly provided by the  
9782 corporation, all bonds and notes issued by the corporation shall  
9783 be general obligations of the corporation, secured by the full  
9784 faith and credit of the corporation and payable out of any monies,  
9785 assets or revenues of the corporation, subject only to any  
9786 agreement with the bondholders or noteholders pledging any  
9787 particular monies, assets or revenues.

9788       The corporation may issue bonds or notes to which the  
9789 principal and interest are payable:

9790           (a) Exclusively from the revenues of the corporation  
9791 resulting from the use of the proceeds of such bonds or notes; or

9792           (b) Exclusively from any particular revenues of the  
9793 corporation, whether or not resulting from the use of the proceeds  
9794 of such bonds or notes.

9795       (4) Any bonds or notes issued by the corporation may be  
9796 additionally secured:

9797           (a) By private insurance, by a direct pay or standby  
9798 letter of credit, or by any other credit enhancement facility  
9799 procured by the corporation for the payment of any such bonds;

9800           (b) By a pledge of any grant, subsidy or contribution  
9801 from the United States or any agency or instrumentality thereof,  
9802 or from the state or any agency, instrumentality or political  
9803 subdivision thereof, or from any person, firm or corporation; or



9804 (c) By the pledge of any securities, funds or reserves  
9805 (or earnings thereon) available to the corporation.

9806 (5) Bonds and notes issued by the corporation shall be  
9807 authorized by a resolution or resolutions of the corporation  
9808 adopted as provided for by this article; provided, that any such  
9809 resolution authorizing the issuance of bonds or notes may delegate  
9810 to an officer or officers of the corporation the power to issue  
9811 such bonds or notes from time to time and to fix the details of  
9812 any such issues of bonds or notes by an appropriate certification  
9813 of such authorized officer.

9814 (6) Except as specifically provided in this article, no  
9815 notice, consent or approval by any governmental body or public  
9816 officer shall be required as a prerequisite to the issuance, sale  
9817 or delivery of any bonds or notes of the corporation pursuant to  
9818 the provisions of this article. However, all bonds or notes  
9819 issued pursuant to this article may be validated, except as  
9820 otherwise provided in this section, in accordance with the  
9821 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code  
9822 of 1972, in the same manner as provided therein for bonds issued  
9823 by a municipality. Any such validation proceedings shall be held  
9824 in the \* \* \* inferior courts of the Capitol Complex Improvement  
9825 District. Notice thereof shall be given by publication in any  
9826 newspaper published in the City of Jackson, Mississippi, and of  
9827 general circulation throughout the state.



9828           (7) It is hereby determined that the corporation is the sole  
9829 entity in the state authorized to issue bonds or notes for the  
9830 purposes of financing low and moderate income rental or  
9831 residential housing as set forth in this article. In addition,  
9832 the corporation shall have the power to issue mortgage credit  
9833 certificates, as provided by Section 25 of the Internal Revenue  
9834 Code of 1954, as amended, and to comply with all of the terms and  
9835 conditions set forth in Section 25, as the same may be amended  
9836 from time to time.

9837           **SECTION 207.** Section 77-3-22, Mississippi Code of 1972, is  
9838 amended as follows:

9839           77-3-22. If the commission determines that any privately  
9840 owned water and/or sewer system within its jurisdiction is unable  
9841 or unwilling to adequately serve its customers or has been  
9842 actually or effectively abandoned by its owner, or that its  
9843 management is grossly inefficient, irresponsible or unresponsive  
9844 to the needs of its customers, the commission or its designated  
9845 representative may petition the \* \* \* inferior courts of the  
9846 Capitol Complex Improvement District or the chancery court of any  
9847 county wherein the public utility does business for an order  
9848 attaching the assets of the privately owned water and/or sewer  
9849 system and placing such water and/or sewer system under the sole  
9850 control and responsibility of a receiver. If the court determines  
9851 that the petition is proper in all respects and finds, after a  
9852 hearing thereon, the allegations contained in the petition are



9853 true, it shall order that the water and/or sewer system be placed  
9854 in receivership. The court, in its discretion and in  
9855 consideration of the recommendation of the commission or its  
9856 designated representative, may appoint a receiver who shall be a  
9857 responsible individual, partnership, corporation or political  
9858 subdivision knowledgeable in water or sewer service affairs and  
9859 who shall maintain control and responsibility for the operation  
9860 and management of the affairs of such water and/or sewer system.  
9861 The receiver shall operate the water and/or sewer system so as to  
9862 preserve the assets of the water and/or sewer system and to serve  
9863 the best interests of its customers. The receiver shall be  
9864 compensated from the assets of the water and/or sewer system in an  
9865 amount to be determined by the court.

9866 Control of and responsibility for the water and/or sewer  
9867 system shall remain in the receiver until the court determines  
9868 that it is in the best interests of the customers that the water  
9869 and/or sewer system be returned to the owner, transferred to  
9870 another owner or assumed by another water and/or sewer system or  
9871 public service corporation. If the court, after hearing,  
9872 determines that control of and responsibility for the affairs of  
9873 the water and/or sewer system should not be returned to the legal  
9874 owner thereof, the receiver may proceed to liquidate the assets of  
9875 such water and/or sewer system in the manner provided by law.



9876           Mississippi laws and Mississippi Rules of Civil Procedure  
9877   generally applicable to receivership shall govern receiverships  
9878   created under this section.

9879           This section is in addition to the provisions of Section  
9880   77-3-21.

9881           **SECTION 208.** Section 75-29-604, Mississippi Code of 1972, is  
9882   amended as follows:

9883           75-29-604. (1) When a written complaint is made against a  
9884   person for violation of this article, or any of the rules or  
9885   regulations, the commissioner, or his designee, shall conduct a  
9886   full evidentiary hearing. The complaint shall be in writing and  
9887   shall be filed in the office of the department. The commissioner  
9888   shall serve the accused with a copy of the complaint and a summons  
9889   by any of the methods set forth in Rule 4 of the Mississippi Rules  
9890   of Civil Procedure or by certified mail. Within thirty (30) days  
9891   after receipt of the summons and a copy of the complaint, the  
9892   accused shall file a written answer with the department. Upon  
9893   receipt of the written answer of the accused, the matter shall be  
9894   set for hearing before the commissioner within a reasonable time.  
9895   If the accused fails to file an answer within the thirty (30)  
9896   days, the commissioner may enter an order by default against the  
9897   accused. The commissioner may issue subpoenas to require the  
9898   attendance of witnesses and the production of documents.  
9899   Compliance with the subpoenas may be enforced by any court of  
9900   general jurisdiction in this state. The testimony of witnesses



9901 shall be upon oath or affirmation, and they shall be subject to  
9902 cross-examination. The proceedings shall be recorded. If the  
9903 commissioner determines that the complaint lacks merit, he may  
9904 dismiss same. If he finds that there is substantial evidence  
9905 showing that a violation has occurred, he may impose any or all of  
9906 the following penalties upon the accused: (a) levy a civil  
9907 penalty in the amount of no more than Five Thousand Dollars  
9908 (\$5,000.00) for each violation; (b) issue a stop sale order; (c)  
9909 require the accused to relabel the honey or honey products that he  
9910 is offering or exposing for sale which is not labeled in  
9911 accordance with this article; or (d) seize any lot of honey or  
9912 honey products that is not in compliance with this article and  
9913 destroy, sell or otherwise dispose of the honey and honey products  
9914 and apply the proceeds of the sale to the costs and civil  
9915 penalties levied with the balance to be paid to the accused. The  
9916 decision of the commissioner, or his designee, shall be in  
9917 writing, and it shall be delivered to the accused by certified  
9918 mail.

9919 (2) Either the accused or the department may appeal the  
9920 decision of the commissioner to the circuit court of the county of  
9921 residence of the accused or, if the accused is a nonresident of  
9922 the State of Mississippi, to the \* \* \* inferior courts of the  
9923 Capitol Complex Improvement District. The appellant shall have  
9924 the record transcribed and file it with the circuit court. The  
9925 appeal shall otherwise be governed by all applicable laws and





9926 rules affecting appeals to circuit court. If no appeal is  
9927 perfected within the required time, the decision of the  
9928 commissioner shall then become final.

9929 (3) The decision of the circuit court may then be appealed  
9930 by either party to the Mississippi Supreme Court in accordance  
9931 with the existing law and rules affecting such appeals.

9932 (4) When any violation of this article, or the rules and  
9933 regulations occurs, or is about to occur, that presents a clear  
9934 and present danger to the public health, safety or welfare  
9935 requiring immediate action, any of the department's field  
9936 inspectors, and any other persons authorized by the commissioner,  
9937 may issue an order to be effective immediately before notice and a  
9938 hearing that imposes any or all of the following penalties against  
9939 the accused: (a) issue a stop sale order; (b) require the accused  
9940 to relabel any honey or honey products that he is offering or  
9941 exposing for sale and which is not labeled in accordance with this  
9942 article; or (c) seize any lot of honey or honey products that is  
9943 not in compliance with this article and destroy, sell or otherwise  
9944 dispose of the honey or honey products and apply the proceeds of  
9945 the sale to the cost and any civil penalties levied with the  
9946 balance to be paid to the accused. The order shall be served upon  
9947 the accused in the same manner that the summons and complaint may  
9948 be served upon him. The accused shall then have thirty (30) days  
9949 after service of the order upon him within which to request an  
9950 informal administrative review before the Director of the Bureau



9951 of Regulatory Services in the department, or his designee, who  
9952 shall act as reviewing officer. If the accused makes a timely  
9953 request, the reviewing officer shall conduct an informal  
9954 administrative review within ten (10) days after the request is  
9955 made. If the accused does not request an informal administrative  
9956 review within the thirty (30) days, then he will be deemed to have  
9957 waived his right to the review. At the informal administrative  
9958 review, subpoena power shall not be available, witnesses shall not  
9959 be sworn nor be subject to cross-examination and there shall be no  
9960 court reporter or record made of the proceedings. Each party may  
9961 present its case in the form of documents, oral statements or any  
9962 other method. The rules of evidence shall not apply. The  
9963 reviewing officer's decision shall be in writing, and it shall be  
9964 delivered to the parties by certified mail. If either party is  
9965 aggrieved by the order of the reviewing officer, he may appeal to  
9966 the commissioner for a full evidentiary hearing in accordance with  
9967 the procedures in subsection (1) of this section, except that  
9968 there shall be no requirement for a written complaint or answer to  
9969 be filed by the parties. The appeal shall be perfected by filing  
9970 a notice of appeal with the commissioner within thirty (30) days  
9971 after the order of the reviewing officer is served on the  
9972 appealing party. The hearing before the commissioner, or his  
9973 designee, shall be held within a reasonable time after the appeal  
9974 has been perfected. Failure to perfect an appeal within the  
9975 allotted time shall be deemed a waiver of such right.



(5) The Commissioner may publish the names and addresses of anyone who violates this article.

**SECTION 209.** Section 79-4-14.31, Mississippi Code of 1972, is brought forward as follows:

79-4-14.31. (a) Venue for a proceeding brought by any party named in Section 79-4-14.30 lies in the county where a corporation's principal office (or, if none in this state, its registered office) is or was last located.

(b) It is not necessary to make shareholders parties to a proceeding to dissolve a corporation unless relief is sought against them individually.

(c) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

(d) Within ten (10) days of the commencement of a proceeding under Section 79-4-14.30(2) to dissolve a corporation that is not a public corporation, the corporation shall send to all shareholders, other than the petitioner, a notice stating that the shareholders are entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under Section 79-4-14.34 and accompanied by a copy of Section 79-4-14.34.



10001           **SECTION 210.** Section 77-1-53, Mississippi Code of 1972, is  
10002 amended as follows:

10003           77-1-53. (1) Whenever the commission, an employee of the  
10004 commission or any employee of the public utilities staff has  
10005 reason to believe that a willful and knowing violation of any  
10006 statute administered by the commission or any regulation or any  
10007 order of the commission has occurred, the commission may cause a  
10008 written complaint to be served upon the alleged violator or  
10009 violators. The complaint shall specify the provisions of such  
10010 statute, regulation or order alleged to be violated and the facts  
10011 alleged to constitute a violation thereof and shall require that  
10012 the alleged violator appear before the commission at a time and  
10013 place specified in the notice and answer the charges complained  
10014 of. The time of appearance before the commission shall not be  
10015 less than twenty (20) days from the date of the service of the  
10016 complaint, unless the commission finds that the public convenience  
10017 or necessity requires that such hearing be held at an earlier  
10018 date.

10019           (2) The commission shall afford an opportunity for a fair  
10020 hearing to the alleged violator or violators at the time and place  
10021 specified in the complaint. On the basis of the evidence produced  
10022 at the hearing, the commission shall make findings of fact and  
10023 conclusions of law and enter its order, which in its opinion will  
10024 be in the best interests of the consuming public. Failure to  
10025 appear at any such hearing, without prior authorization to do so



10026 from the commission, may result in the commission finding the  
10027 alleged violator guilty of the charges complained of by default,  
10028 and at such time an order may be entered, including the assessment  
10029 of a penalty. The commission shall give written notice of such  
10030 order to the alleged violator and to such other persons as shall  
10031 have appeared at the hearing or made written request for notice of  
10032 the order. The commission may assess such penalties as provided  
10033 in subsection (3) of this section.

10034 (3) Any person found by the commission, pursuant to a  
10035 hearing or by default as provided in this section, violating any  
10036 statute administered by the commission, or any regulation or order  
10037 of the commission in pursuance thereof, shall be subject to a  
10038 civil penalty of not more than Five Thousand Dollars (\$5,000.00)  
10039 for each violation, to be assessed and collected by the  
10040 commission. Each day that a violation continues shall constitute  
10041 a separate violation. In lieu of, or in addition to, the monetary  
10042 penalty, the commission, for any violation by a certificate  
10043 holder, may impose a penalty in accordance with Section 77-3-21,  
10044 Mississippi Code of 1972, if it finds that the violator is not  
10045 rendering reasonably adequate service. Appeals from the  
10046 imposition of the civil penalty may be taken to the \* \* \* inferior  
10047 courts of the Capitol Complex Improvement District in the same  
10048 manner as appeals from orders of the commission constituting  
10049 judicial findings.



10050           (4) All penalties collected by the commission under this  
10051 section shall be deposited in the Public Service Commission  
10052 Regulation Fund.

10053           (5) No portion of any penalty or costs associated with an  
10054 administrative or court proceeding which results in the assessment  
10055 of a penalty against a public utility for violation of any statute  
10056 administered by the commission, or any regulation or order of the  
10057 commission shall be considered by the commission in fixing any  
10058 rates or charges of such public utility.

10059           (6) This section shall be in addition to any other law which  
10060 provides for the imposition of penalties for the violation of any  
10061 statute administered by the commission or any regulation or order  
10062 of the commission.

10063           (7) From and after July 1, 2016, the expenses of this agency  
10064 shall be defrayed by appropriation from the State General Fund and  
10065 all user charges and fees authorized under this section shall be  
10066 deposited into the State General Fund as authorized by law.

10067           (8) From and after July 1, 2016, no state agency shall  
10068 charge another state agency a fee, assessment, rent or other  
10069 charge for services or resources received by authority of this  
10070 section.

10071           **SECTION 211.** Section 53-1-39, Mississippi Code of 1972, is  
10072 amended as follows:

10073           53-1-39. (a) In addition to other remedies now available,  
10074 the state, or any interested person aggrieved by any final rule,



10075 regulation or order of the board, shall have the right, regardless  
10076 of the amount involved, of appeal to the \* \* \* inferior courts of  
10077 the Capitol Complex Improvement District or to the chancery court  
10078 of the county in which all or a part of appellant's property  
10079 affected by such rule, regulation or order is situated, which  
10080 shall be taken and perfected as hereinafter provided, within  
10081 thirty (30) days from the date that such final rule, regulation or  
10082 order is filed for record in the office of the board; and the said  
10083 chancery court may affirm such rule, regulation or order, or  
10084 reverse same for further proceedings as justice may require. All  
10085 such appeals shall be taken and perfected, heard and determined  
10086 either in termtime or in vacation on the record, including a  
10087 transcript of pleadings and testimony, both oral and documentary,  
10088 filed and heard before the board, and such appeal shall be heard  
10089 and disposed of promptly by the court as a preference cause. In  
10090 perfecting any appeal provided by this section, the provisions of  
10091 law respecting notice to the reporter and the allowance of bills  
10092 of exception, now or hereafter in force respecting appeals from  
10093 the chancery court to Supreme Court shall be applicable. However,  
10094 the reporter shall transcribe his notes and file the transcript of  
10095 the record with the board within thirty (30) days after approval  
10096 of the appeal bond.

10097 (b) Upon the filing with the board of a petition for  
10098 appeal to the chancery court, it shall be the duty of the board,  
10099 as promptly as possible, and in any event within sixty (60) days



10100 after approval of the appeal bond, to file with the clerk of the  
10101 chancery court to which the appeal is taken, a copy of the  
10102 petition for appeal and of the rule, regulation or order appealed  
10103 from, and the original and one (1) copy of the transcript of the  
10104 record of proceedings in evidence before the board. After the  
10105 filing of said petition, the appeal shall be perfected by the  
10106 filing with the clerk of the chancery court to which the appeal is  
10107 taken of bond in the sum of Five Hundred Dollars (\$500.00) with  
10108 two (2) sureties or with a surety company qualified to do business  
10109 in Mississippi as the surety, conditioned to pay the cost of such  
10110 appeal; said bond to be approved by any member of the board or by  
10111 the supervisor, or by the clerk of the court to which such appeal  
10112 is taken. The perfection of an appeal shall not stay or suspend  
10113 the operation of any rule, regulation or order of the board, but  
10114 the judge of the chancery court to which the appeal is taken may  
10115 award a writ of supersedeas to any rule, regulation or order of  
10116 the board after five (5) days' notice to the board and after  
10117 hearing. Any order or judgment staying the operation of any rule,  
10118 regulation or order of the board shall contain a specific finding,  
10119 based upon evidence submitted to the chancery judge and identified  
10120 by reference thereto, that great or irreparable damage would  
10121 result to the appellant if he is denied relief, and the stay shall  
10122 not become effective until a supersedeas bond shall have been  
10123 executed and filed with and approved by the clerk of the court or  
10124 the chancery judge, payable to the state. The bond shall be in an





10125 amount fixed by the chancery judge and conditioned as said  
10126 chancery judge may direct in the order granting the supersedeas.

10127 Appeals of rules, regulations or orders of the board pending  
10128 in the circuit court prior to July 1, 1988, shall proceed in the  
10129 circuit court having jurisdiction under the appropriate statutes  
10130 and rules applicable to such cases in the circuit courts. Appeals  
10131 of rules, regulations or orders of the board on or after July 1,  
10132 1988, shall be perfected in the appropriate chancery court and  
10133 shall proceed under the statutes and rules applicable to such  
10134 cases in the chancery courts.

10135 **SECTION 212.** Section 83-31-107, Mississippi Code of 1972, is  
10136 amended as follows:

10137 83-31-107. (1) Not later than the ninetieth day after the  
10138 date on which a mutual insurance company's board of directors  
10139 adopts a conversion plan, the company shall file with the  
10140 commissioner:

10141 (a) A copy of the conversion plan, including the  
10142 documents relating to the conversion plan;

10143 (b) The independent evaluation of a pro forma market  
10144 value required by Section 83-31-121(2);

10145 (c) The form of notice required by Section 83-31-111;

10146 (d) The form of proxy to be solicited from eligible  
10147 members under Section 83-31-113(2);

10148 (e) The form of notice required by Section 83-31-129(3)  
10149 to persons whose policies are issued after adoption of the



10150 conversion plan but before the effective date of the conversion  
10151 plan;

10152 (f) An audited financial statement prepared on a  
10153 statutory basis in accordance with the insurance laws of the State  
10154 of Mississippi, including an actuarial opinion for the most recent  
10155 calendar year ended, or a copy thereof, if the statement was  
10156 previously filed with the commissioner;

10157 (g) The proposed amended or restated articles of  
10158 association of the converted stock company, which shall include a  
10159 change of the name of the company to delete the word "mutual" from  
10160 the name of such company and proposed amended or restated bylaws  
10161 of such company;

10162 (h) A statement regarding acquisition of control, if  
10163 applicable, as required by Section 83-6-1 et seq.; and

10164 (i) Any other information as required under rules or  
10165 regulations or as requested by the commissioner.

10166 (2) Except as otherwise provided by this subsection, the  
10167 commissioner shall approve or disapprove a conversion plan not  
10168 later than the ninetieth day after the first day on which all the  
10169 documents and other information required under subsection (1) of  
10170 this section are filed with the commissioner. The commissioner  
10171 may not extend the time for approval or disapproval beyond the  
10172 ninety-day time period unless he finds it necessary to retain a  
10173 qualified expert in accordance with subsection (4) of this  
10174 section, in which case he may extend the time for review for an



10175 additional sixty (60) days beyond the initial ninety-day period.  
10176 Notwithstanding the stated time limits herein, the commissioner  
10177 may extend the time for approval or disapproval for an additional  
10178 thirty (30) days beyond the date on which any amendment to such  
10179 plan is filed with the commissioner. The commissioner shall,  
10180 within five (5) days of approving or disapproving a conversion  
10181 plan, give written notice to the mutual insurance company of the  
10182 commissioner's decision and, in the event of disapproval, a  
10183 detailed statement of the reasons for the adverse decision. If a  
10184 plan is disapproved, then the conversion plan may be amended and  
10185 resubmitted to the commissioner for his approval or disapproval as  
10186 provided in Sections 83-31-101 through 83-31-143. If the  
10187 commissioner disapproves the plan, then the mutual insurance  
10188 company may appeal the commissioner's decision as provided by the  
10189 laws of this state to the \* \* \* inferior courts of the Capitol  
10190 Complex Improvement District.

10191 (3) The commissioner shall approve a conversion plan if the  
10192 commissioner finds that the conversion plan complies with Sections  
10193 83-31-101 through 83-31-143, the conversion plan's method of  
10194 allocating subscription rights or other value is fair and  
10195 equitable and the conversion plan is otherwise fair and equitable  
10196 to members and policyholders, and the converted stock company  
10197 would satisfy the requirements applicable to a domestic stock  
10198 company; however, the commissioner may not approve such a  
10199 conversion plan and shall disapprove such a plan if the



10200 commissioner finds that (a) the effect of the conversion plan  
10201 would be substantially to lessen competition in insurance in this  
10202 state or tend to create a monopoly therein; (b) the financial  
10203 condition of any party to the conversion plan is such as might  
10204 jeopardize the financial stability of the insurers which are  
10205 parties to the plan or prejudice the interests of their  
10206 policyholders; (c) the conversion plan or the plans for operation  
10207 of the parties to the conversion plan following implementation of  
10208 the conversion plan are not in the public interest; (d) the  
10209 competence, experience and integrity of those persons who would  
10210 control the operations of the parties to the conversion plan are  
10211 such that it would not be in the interest of policyholders of the  
10212 parties to the conversion plan or of the public to permit the  
10213 conversion plan; (e) the conversion plan's method of allocating  
10214 subscription rights or other value is not fair and equitable; (f)  
10215 the conversion plan is not fair and equitable to the members and  
10216 policyholders; (g) implementation of the conversion plan is likely  
10217 to be hazardous or prejudicial to the insurance buying public; or  
10218 (h) the conversion unfairly enriches the officers and directors of  
10219 the converting insurer.

10220       (4) The commissioner may retain, at the mutual insurance  
10221 company's expense, a qualified expert or experts, including but  
10222 not limited to appraisers, actuaries, accountants and attorneys,  
10223 not otherwise a part of the commissioner's staff to assist the  
10224 commissioner in reviewing the conversion plan and the independent



10225 evaluation of the pro forma market value required under Section  
10226 83-31-121(2).

10227 (5) The commissioner may hold a public hearing to allow  
10228 comment on the conversion plan after giving written notice to the  
10229 mutual insurance company and other interested persons, all of whom  
10230 have the right to appear at the hearing. Notice to interested  
10231 persons who have not filed an appearance in the matter may be made  
10232 in any reasonable manner deemed appropriate by the commissioner  
10233 with the costs thereof assessed to the mutual insurance company.

10234 **SECTION 213.** Section 73-24-25, Mississippi Code of 1972, is  
10235 amended as follows:

10236 73-24-25. (1) Any person whose application for a license is  
10237 denied shall be entitled to a hearing before the board if he  
10238 submits a written request to the board. Such hearing shall be  
10239 conducted at the earliest possible date. A subcommittee of the  
10240 council shall attend and may offer relevant evidence at any such  
10241 hearing. The board shall fix a time and place for the hearing and  
10242 shall cause a written copy of the reason for denial of the  
10243 license, together with a notice of the time and place fixed for  
10244 the hearing, to be served on the applicant requesting the hearing  
10245 and shall serve notice of such hearing on the council. Service of  
10246 and notice of the hearing may be given by United States certified  
10247 mail, return receipt requested, to the last known address of the  
10248 licensee or applicant. For purposes of the hearing, the board,  
10249 acting by and through the Executive Director of the State Board of



10250 Health, shall have the power to subpoena persons and compel the  
10251 production of records, papers and other documents.

10252 (2) (a) All complaints concerning a licensee's business or  
10253 professional practice shall be received by the board. Each  
10254 complaint received shall be registered, recording at a minimum the  
10255 following information: (i) licensee's name; (ii) name of the  
10256 complaining party, if known; (iii) date of complaint; (iv) brief  
10257 statement of complaint; and (v) disposition.

10258 (b) Following the investigative process, the board may  
10259 file formal charges against the licensee. Such formal complaint,  
10260 at a minimum, shall inform the licensee of the facts which are the  
10261 basis of the charge and which are specific enough to enable the  
10262 licensee to defend against the charges.

10263 (c) Each licensee whose conduct is the subject of a  
10264 formal charge which seeks to impose disciplinary action against  
10265 the licensee shall be served notice of the formal charge at least  
10266 thirty (30) days before the date of the hearing, which hearing  
10267 shall be presided over by the board or the board's designee.  
10268 Service shall be considered to have been given if the notice was  
10269 personally received by the licensee or if the notice was sent by  
10270 United States certified mail, return receipt requested, to the  
10271 licensee at the licensee's last known address as listed with the  
10272 state agency.

10273 (d) The notice of the formal charge shall consist, at a  
10274 minimum, of the following information:



10275 (i) The time, place and date of the hearing;  
10276 (ii) Notification that the licensee shall appear  
10277 personally at the hearing and may be represented by counsel;  
10278 (iii) Notification that the licensee shall have  
10279 the right to produce witnesses and evidence in his behalf and  
10280 shall have the right to cross-examine adverse witnesses and  
10281 evidence;  
10282 (iv) Notification that the hearing could result in  
10283 disciplinary action being taken against the licensee;  
10284 (v) Notification that rules for the conduct of the  
10285 hearing exist, and it may be in the licensee's best interest to  
10286 obtain a copy;  
10287 (vi) Notification that the board or its designee  
10288 shall preside at the hearing, and following the conclusion of the  
10289 hearing, shall make findings of facts, conclusions of law and  
10290 recommendations, separately stated, to the board as to what  
10291 disciplinary action, if any, should be imposed on the licensee;  
10292 (vii) The board or its designee shall hear  
10293 evidence produced in support of the formal charges and contrary  
10294 evidence produced by the licensee. At the conclusion of the  
10295 hearing, the board shall issue an order; and  
10296 (viii) All proceedings under this section are  
10297 matters of public record and shall be preserved in accordance with  
10298 state law.



10299           (3) In addition to other remedies provided by law or in  
10300 equity, any applicant or licensee aggrieved by any action of the  
10301 board may appeal the action of the board to the chancery court of  
10302 the county of his residence if he be a resident of this state, or  
10303 to the \* \* \* inferior courts of the Capitol Complex Improvement  
10304 District if he be a nonresident of this state. An appeal shall be  
10305 filed within thirty (30) days immediately following the mailing or  
10306 delivery to the applicant or licensee of a copy of the order of  
10307 judgment of the board, unless the court, for good cause shown,  
10308 extends the time. The court after a hearing may modify, affirm or  
10309 reverse the judgment of the board or may remand the case to the  
10310 board for further proceedings. An appeal from the chancery court  
10311 may be had to the Supreme Court of the State of Mississippi as  
10312 provided by law for any final judgment of the chancery court. If  
10313 the board appeals a judgment of the chancery court, no bond shall  
10314 be required of it in order to perfect its appeal.

10315           (4) The board may impose any of the following sanctions,  
10316 singly or in combination, when it finds that a licensee is guilty  
10317 of any such offense:

- 10318                   (a) Revoke the license;  
10319                   (b) Suspend the license, for any period of time;  
10320                   (c) Censure the licensee;  
10321                   (d) Impose a monetary penalty of not more than Two  
10322 Hundred Dollars (\$200.00);





10323           (e) Place a licensee on probationary status and  
10324 requiring the licensee to submit to any of the following: (i)  
10325 report regularly to the board, or its designee, upon matters which  
10326 are the basis of probation; (ii) continue to renew professional  
10327 education until a satisfactory degree of skill has been attained  
10328 in those areas which are the basis of probation; or (iii) such  
10329 other reasonable requirement or restrictions as the board deems  
10330 proper;

10331           (f) Refuse to renew a license; or

10332           (g) Revoke probation which has been granted and impose  
10333 any other disciplinary action under this subsection when the  
10334 requirements of probation have not been fulfilled or have been  
10335 violated.

10336       (5) The board summarily may suspend a license under this  
10337 chapter without the filing of a formal complaint, notice or a  
10338 hearing, if the board finds that the continued practice in the  
10339 profession by the licensee would constitute an immediate danger to  
10340 the public. If the board summarily suspends a license under the  
10341 provisions of this subsection a hearing must be held within twenty  
10342 (20) days after suspension begins, unless the hearing date is  
10343 continued at the request of the licensee.

10344       (6) Disposition of any formal complaint may be made by  
10345 consent order or stipulation between the board and the licensee.



10346           (7) The board may reinstate any licensee to good standing  
10347 under this chapter if, after hearing, the board is satisfied that  
10348 the applicant's renewed practice is in the public interest.

10349           (8) The board may seek the counsel of the Occupational  
10350 Therapy Advisory Council regarding disciplinary actions.

10351           (9) The board shall seek to achieve consistency in the  
10352 application of the foregoing sanctions, and significant departure  
10353 from prior decisions involving similar conduct shall be explained  
10354 by the board.

10355           (10) In addition, the board shall be authorized to suspend  
10356 the license of any licensee for being out of compliance with an  
10357 order for support, as defined in Section 93-11-153. The procedure  
10358 for suspension of a license for being out of compliance with an  
10359 order for support, and the procedure for reissuance or  
10360 reinstatement of a license suspended for that purpose, and the  
10361 payment of any fees for the reissuance or reinstatement of a  
10362 license suspended for that purpose, shall be governed by Section  
10363 93-11-157 or 93-11-163, as the case may be. If there is any  
10364 conflict between any provision of Section 93-11-157 or 93-11-163  
10365 and any provision of this chapter, the provisions of Section  
10366 93-11-157 or 93-11-163, as the case may be, shall control.

10367           **SECTION 214.** Section 27-77-13, Mississippi Code of 1972, is  
10368 amended as follows:

10369           27-77-13. (1) The findings and order of the Board of Tax  
10370 Appeals entered in accordance with Section 27-77-9, 27-77-11 or



10371 Section 27-77-12, shall be final unless the agency or the  
10372 permittee, IFTA licensee, IRP registrant, tag holder, or title  
10373 interest holder of the permit, IFTA license, IRP registration, tag  
10374 or title in regard to which action was taken in the order shall,  
10375 within thirty (30) days from the date of the order, file a  
10376 petition in chancery court seeking a review of the order. If a  
10377 petition under this subsection is filed by the permittee, IFTA  
10378 licensee, IRP registrant, tag holder or title interest holder, the  
10379 petition shall be filed against the agency as respondent. If a  
10380 petition under this subsection is filed by the agency, the  
10381 petition shall be filed against the permittee, IFTA licensee, IRP  
10382 registrant, tag holder or title interest holder of the permit,  
10383 IFTA license, IRP registration, tag or title which is the subject  
10384 of the order sought to be reviewed as respondent. The respondent  
10385 to a petition has thirty (30) days from the date of service of the  
10386 petition to file a cross-appeal. The petition shall contain a  
10387 concise statement of the facts as contended by the petitioner,  
10388 identify the order from which the appeal is being taken and the  
10389 type of relief sought. Where the petition is being filed by a  
10390 permittee, IFTA licensee, IRP registrant, tag holder or title  
10391 interest holder, the petition shall also contain a certificate  
10392 that the petitioner has paid to the executive director the  
10393 estimated cost of the preparation of the entire record of the  
10394 Board of Tax Appeals on the matter for which a review is sought.



10395           (2) A petition under subsection (1) of this section shall be  
10396 filed in the chancery court of the county or judicial district in  
10397 which the permittee, IFTA licensee, IRP registrant, tag holder or  
10398 title interest holder of the permit, IFTA license, IRP  
10399 registration, tag or title which is the subject of the order of  
10400 the Board of Tax Appeals sought to be reviewed has a place of  
10401 business or in the \* \* \* inferior courts of the Capitol Complex  
10402 Improvement District; however, a resident permittee, IFTA  
10403 licensee, IRP registrant, tag holder or title interest holder may  
10404 file a petition in the chancery court of the county or judicial  
10405 district in which he is a resident. If both the agency and the  
10406 permittee, IFTA licensee, IRP registrant, tag holder or title  
10407 interest holder file a petition under subsection (1) of this  
10408 section, the appeals shall be consolidated and the chancery court  
10409 where the first petition was filed shall have jurisdiction over  
10410 the consolidated appeal. If it cannot be determined which  
10411 petition was filed first, the chancery court where the permittee,  
10412 IFTA licensee, IRP registrant, tag holder or title interest holder  
10413 filed his petition shall have jurisdiction over the consolidated  
10414 appeal.

10415           (3) The review by the chancery court of the order of the  
10416 Board of Tax Appeals on a petition filed under subsection (1) of  
10417 this section shall be based on the record made before the Board of  
10418 Tax Appeals. Before filing a petition under subsection (1) of  
10419 this section, a petitioner, who is a permittee, IFTA licensee, IRP



10420 registrant, tag holder or title interest holder, shall obtain from  
10421 the executive director an estimate of the cost to prepare the  
10422 entire record of the Board of Tax Appeals and shall pay to the  
10423 executive director the amount of the estimate. If, upon the  
10424 preparation of the record, it is determined that the estimate paid  
10425 was insufficient to pay the actual cost of the preparation of the  
10426 record, the executive director shall mail to the petitioner a  
10427 written notice of the deficiency. The petitioner shall pay the  
10428 deficiency to the executive director within thirty (30) days from  
10429 the date of this written notice. If upon the preparation of the  
10430 record, it is determined that the estimate paid by the petitioner  
10431 exceeds the actual cost of the preparation of the record, the  
10432 executive director shall remit to the petitioner the amount by  
10433 which the estimate paid exceeds the actual cost. The chancery  
10434 court shall dismiss with prejudice any petition filed by a  
10435 permittee, IFTA licensee, IRP registrant, tag holder or title  
10436 interest holder where it is shown that the petitioner failed to  
10437 pay prior to filing the petition the estimated cost for  
10438 preparation of the record of the Board of Tax Appeals or failed to  
10439 pay any deficiency in the estimate within thirty (30) days of a  
10440 notice of deficiency. Where the agency files a petition under  
10441 subsection (1) of this section, the agency shall pay the cost of  
10442 the preparation of the entire record of the Board of Tax Appeals  
10443 on the matter for which a review is sought. Where both the agency  
10444 and the permittee, IFTA licensee, IRP registrant, tag holder or



10445 title interest holder file a petition under subsection (1) of this  
10446 section from the same Board of Tax Appeals order, the executive  
10447 director shall remit to the permittee, IFTA licensee, IRP  
10448 registrant, tag holder or title interest holder that filed the  
10449 petition the amount by which, if any, the payment received from  
10450 this permittee, IFTA licensee, IRP registrant, tag holder or title  
10451 interest holder for preparation of the record exceeds one-half  
10452 (1/2) of the actual cost of preparation of the record. The other  
10453 half of the actual cost of preparation of the record in this  
10454 situation shall be paid by the agency.

10455 (4) Upon the filing of the petition under subsection (1) of  
10456 this section, the clerk of the court in which the petition is  
10457 filed shall issue a summons to the respondent requiring the  
10458 respondent to answer or otherwise respond to the petition within  
10459 thirty (30) days of service. Where the agency is the respondent,  
10460 the summons shall be served on the agency by personal service on  
10461 the commissioner as the chief executive officer of the agency.

10462 (5) Upon the filing of an answer and/or response to the  
10463 petition filed under subsection (1) of this section, and upon the  
10464 filing of the record made before the Board of Tax Appeals with the  
10465 clerk of the court, the chancery court shall, upon the motion of  
10466 either party, establish a schedule for the filing of briefs in the  
10467 action. The scope of review of the chancery court in an action  
10468 filed under subsection (1) of this section shall be limited to a  
10469 review of the record made before the Board of Tax Appeals to



10470 determine if the action of the Board of Tax Appeals is unlawful  
10471 for the reason that it was:

10472 (a) Not supported by substantial evidence;

10473 (b) Arbitrary or capricious;

10474 (c) Beyond the power of the Board of Tax Appeals to  
10475 make; or

10476 (d) In violation of some statutory or constitutional  
10477 right of the petitioner.

10478 (6) No relief shall be granted based upon the chancery  
10479 court's finding of harmless error by the Board of Tax Appeals in  
10480 complying with any procedural requirement; however, in the event  
10481 that there is a finding of prejudicial error in the proceedings,  
10482 the cause shall be remanded to the Board of Tax Appeals for a  
10483 rehearing consistent with the findings of the court.

10484 (7) The respondent, the petitioner, or both, shall have the  
10485 right to appeal from the order of the chancery court to the  
10486 Supreme Court as in other cases.

10487 **SECTION 215.** Section 81-5-85, Mississippi Code of 1972, is  
10488 amended as follows:

10489 81-5-85. A bank chartered by the State of Mississippi, may,  
10490 with the approval of the commissioner, enter into a business  
10491 combination with another bank, savings bank, savings and loan  
10492 association or other entity, on such terms and conditions, as may  
10493 be lawfully agreed upon, adopted and approved in a plan of merger  
10494 or share exchange in accordance with Article 11, Chapter 4 \* \* \*,



10495 Title 79, Mississippi Code of 1972, and provided that the survivor  
10496 is a financial institution insured by the Federal Deposit  
10497 Insurance Corporation. Following receipt of the required  
10498 corporate approvals and approval of the plan of merger or share  
10499 exchange plan by the commissioner, the resulting amendments to  
10500 charters of the survivor shall be approved and filed with other  
10501 state officials in accordance with Section 81-3-15. The capital  
10502 stock of the survivor shall not be less than that required under  
10503 applicable law for the survivor. And all the rights, franchises  
10504 and interests of the institutions so consolidated in and to every  
10505 species of property, personal and mixed, and choses in action  
10506 thereto belonging, shall be deemed to be transferred to and vested  
10507 in such survivor without any deed or other transfer, and the said  
10508 survivor shall hold and enjoy the same and all rights of property,  
10509 franchises and interests in the same manner and to the same extent  
10510 as were held and enjoyed by the institutions so combined.

10511 A bank chartered by the State of Mississippi may, with the  
10512 approval of the commissioner, sell or transfer all, or  
10513 substantially all, of its assets, liabilities, and businesses only  
10514 to another bank, savings bank, savings and loan association or  
10515 other entity, in a transaction agreed upon, adopted and approved  
10516 in accordance with Article 12, Chapter 4, Title 79, Mississippi  
10517 Code of 1972, and provided that the buyer or transferee is a  
10518 financial institution insured by the Federal Deposit Insurance  
10519 Corporation.





10520 Any national bank, state or federal savings and loan  
10521 association, or state or federal savings bank may apply for  
10522 conversion into a state-chartered bank upon the affirmative vote  
10523 of the shareholders owning at least two-thirds (2/3) of its  
10524 capital stock outstanding, or of fifty-one percent (51%) or more  
10525 of the total number of the members, at a meeting called by the  
10526 directors, notice of which, specifying the purpose, shall be given  
10527 the manner required by the bylaws, or in the absence of such  
10528 bylaw, then by sending the notice to each shareholder of record by  
10529 registered mail at least ten (10) days before the meeting. Upon  
10530 such affirmative vote, the converting institution may apply for a  
10531 certificate of authority by filing with the commissioner a  
10532 certificate signed by its president and cashier which sets forth  
10533 the corporate action herein prescribed and asserts that the  
10534 institution has complied with the provisions of the laws of the  
10535 United States. The converting institution shall also file with  
10536 the commissioner the plan of conversion and the proposed  
10537 amendments to its articles of incorporation as approved by the  
10538 stockholders for the operation of the institution as a state bank.  
10539 Upon receipt of the prescribed application, the commissioner shall  
10540 examine all facts associated with the conversion. The expenses  
10541 and cost incurred for such special examination shall be paid by  
10542 the institution applying for permission to convert. The  
10543 commissioner shall present his findings and recommendations to the  
10544 State Board of Banking Review for consideration. Upon approval by



10545 the State Board of Banking Review, the commissioner shall issue a  
10546 certificate of authority to the applicant allowing the conversion  
10547 to proceed.

10548 Any bank, savings and loan association or savings bank  
10549 chartered by the State of Mississippi is hereby authorized to  
10550 convert into, consolidate with, or merge with a national bank,  
10551 with the national bank charter surviving, without approval of the  
10552 Department of Banking and Consumer Finance, the Commissioner of  
10553 Banking and Consumer Finance, or any state authority whatsoever.

10554 Notwithstanding any provision of law to the contrary, if any  
10555 bank, savings and loan association or savings bank chartered by  
10556 the State of Mississippi has or proposes to engage in a business  
10557 combination or sale or transfer of substantially all assets that  
10558 is not authorized under this section, the commissioner shall  
10559 enforce the provisions of this section by issuing a  
10560 cease-and-desist order.

10561 The bank, savings and loan association or savings bank may  
10562 appeal such order to the \* \* \* inferior courts of the Capitol  
10563 Complex Improvement District. Said appeal must be filed within  
10564 thirty (30) days from the date the order was issued.

10565 **SECTION 216.** Section 75-49-13, Mississippi Code of 1972, is  
10566 amended as follows:

10567 75-49-13. (1) The commissioner shall not:

10568 (a) Deny an application for a license without first  
10569 giving the applicant a hearing, or an opportunity to be heard, on



10570 the question of whether he is qualified under the provisions of  
10571 this chapter to receive the license applied for.

10572 (b) Revoke or suspend a license without first giving  
10573 the licensee a hearing, or an opportunity to be heard, on the  
10574 question of whether there are sufficient grounds under the  
10575 provisions of this chapter upon which to base such revocation or  
10576 suspension.

10577 (2) Any interested party shall have the right to have the  
10578 commissioner call a hearing for the purpose of taking action in  
10579 respect to any matter within the commissioner's jurisdiction by  
10580 filing with the commissioner a verified complaint setting forth  
10581 the grounds upon which the complaint is based.

10582 (3) The commissioner may on his own motion call a hearing  
10583 for the purpose of taking action in respect to any matter within  
10584 his jurisdiction.

10585 (4) When a hearing is to be held before the commissioner,  
10586 the commissioner shall give written notice thereof to all parties  
10587 whose rights may be affected thereby. The notice shall set forth  
10588 the reason for the hearing and the questions or issues to be  
10589 decided by the commissioner at such hearing and the time when and  
10590 the place where the hearing will be held. All such notices shall  
10591 be mailed to all parties, whose rights may be affected by such  
10592 hearing by registered or certified mail, and addressed to their  
10593 last known address.



10594           (5) All parties whose rights may be affected at any hearing  
10595 before the commissioner shall have the right to appear personally  
10596 and by counsel, to cross-examine witnesses appearing against them,  
10597 and to produce evidence and witnesses in their own behalf. The  
10598 commissioner shall make and keep a record of each such hearing and  
10599 shall provide a transcript thereof to any interested party upon  
10600 his request and at his expense. Testimony taken at all such  
10601 hearings shall be taken either stenographically or by machine.

10602           (6) If any party who is notified of a hearing in accordance  
10603 with the requirements of this chapter fails to appear at such  
10604 hearing, either in person or by counsel, then and in that event  
10605 the commissioner may make any decision and take any action he may  
10606 deem necessary or appropriate with respect to any issue or  
10607 question scheduled for hearing and decision by him at such hearing  
10608 which affects or may affect the rights of such defaulting party,  
10609 and such defaulting party shall have no right of appeal under the  
10610 provisions of this chapter.

10611           (7) All decisions of the commissioner with respect to the  
10612 hearings provided for in this section shall be incorporated into  
10613 orders of the commissioner. All such orders shall be made  
10614 available during normal office hours for inspection by interested  
10615 persons.

10616           (8) It shall be the duty of the sheriffs and constables of  
10617 the counties of this state and of any employee of the  
10618 commissioner, when so directed by the commissioner, to execute any



10619 summons, citation or subpoena which the commissioner may cause to  
10620 be issued and to make his return thereof to the commissioner. The  
10621 sheriffs and constables so serving and returning same shall be  
10622 paid for so doing fees provided for such services in the circuit  
10623 court. Any person who appears before the commissioner or a duly  
10624 designated employee of his department in response to a summons,  
10625 citation or subpoena shall be paid the same witness fee and  
10626 mileage allowance as witnesses in the circuit court. In case of  
10627 failure or refusal on the part of any person to comply with any  
10628 summons, citation or subpoena issued and served as above  
10629 authorized or in the case of the refusal of any person to testify  
10630 or answer to any matter regarding which he may be lawfully  
10631 interrogated or the refusal of any person to produce his record  
10632 books and accounts relating to any matter regarding which he may  
10633 be lawfully interrogated, the chancery court of any county of the  
10634 State of Mississippi, or any chancellor of any such court in  
10635 vacation, may, on application of the commissioner, issue an  
10636 attachment for such person and compel him to comply with such  
10637 summons, citation or subpoena and to attend before the  
10638 commissioner or his designated employee and to produce the  
10639 documents specified in any subpoena duces tecum and give his  
10640 testimony upon such matters as he may be lawfully required. Any  
10641 such chancery court, or any chancellor of any such court in  
10642 vacation, shall have the power to punish for contempt as in case  
10643 of disobedience of like process issued from or by any such



10644 chancery court, or by refusal to testify therein in response to  
10645 such process, and such person shall be taxed with the costs of  
10646 such proceedings.

10647 (9) The following procedure shall govern in taking and  
10648 perfecting appeals:

10649 (a) Any person who is a party to any hearing before the  
10650 commissioner and who is aggrieved by any decision of the  
10651 commissioner with respect to any hearing before him, unless  
10652 prevented by the provisions of subsection (6) of this section,  
10653 shall have the right of appeal to the chancery court of the county  
10654 of such person's residence or principal place of business within  
10655 this state, but if any such person is a nonresident of this state  
10656 he shall have the right of appeal to the \* \* \* inferior courts of  
10657 the Capitol Complex Improvement District. All such appeals shall  
10658 be taken and perfected within sixty (60) days from the date of the  
10659 decision of the commissioner which is the subject of the appeal,  
10660 and the chancery court to which such appeal is taken may affirm  
10661 such decision or reverse and remand the same to the commissioner  
10662 for further proceedings as justice may require or dismiss such  
10663 decision. All such appeals shall be taken and perfected, heard  
10664 and determined, either in term time or in vacation, on the record,  
10665 including a transcript of pleadings and evidence, both oral and  
10666 documentary, heard and filed before the commissioner. In  
10667 perfecting any appeal provided by this chapter, the provisions of  
10668 law respecting notice to the reporter and allowance of bills of



10669 exceptions, now or hereafter in force, respecting appeals from the  
10670 chancery court to the supreme court shall be applicable, provided,  
10671 however, that the reporter shall transcribe his notes, taken  
10672 stenographically or by machine, and file the record with the  
10673 commissioner within thirty (30) days after approval of the appeal  
10674 bond, unless, on application of the reporter, or of the appellant,  
10675 an additional fifteen (15) days shall have been allowed by the  
10676 commissioner to the reporter within which to transcribe his notes  
10677 and file the transcript of the record with the commission.

10678           (b) Upon the filing with the commissioner of a petition  
10679 of appeal to the proper chancery court, it shall be the duty of  
10680 the commissioner, as promptly as possible, and in any event within  
10681 sixty (60) days after approval of the appeal bond, to file with  
10682 the clerk of said chancery court to which the appeal is taken, a  
10683 copy of the petition for appeal and of the decision appealed from,  
10684 and the original and one (1) copy of the transcript of the record  
10685 of the proceedings and evidence before the commission. After the  
10686 filing of said petition, the appeal shall be perfected by the  
10687 filing of a bond in the penal sum of Five Hundred Dollars  
10688 (\$500.00) with two (2) sureties or with a surety company qualified  
10689 to do business in Mississippi as surety, conditioned to pay the  
10690 costs of such appeal, said bond to be approved by the commissioner  
10691 or by the clerk of the chancery court to which such appeal is  
10692 taken.



10693           (10) No decision of the commissioner made as a result of a  
10694 hearing under the provisions of this section shall become final  
10695 with respect to any party affected and aggrieved by such decision  
10696 until such party shall have exhausted or shall have had an  
10697 opportunity to exhaust all of his remedies provided for by this  
10698 section; provided, however, any such decision may be made final if  
10699 the commissioner finds that failure to do so would be detrimental  
10700 to the public interest or public welfare, but the finality of any  
10701 such decision shall not prevent any party or parties affected and  
10702 aggrieved thereby to appeal the same in accordance with the  
10703 appellate procedure set forth in this section.

10704           (11) The commissioner shall prescribe his rules of order or  
10705 procedure in hearings or other proceedings before it under this  
10706 chapter; provided, however, that such rules of order or procedure  
10707 shall not be in conflict or contrary to the provisions of this  
10708 section.

10709           **SECTION 217.** Section 77-7-295, Mississippi Code of 1972, is  
10710 amended as follows:

10711           77-7-295. In addition to other remedies now available, the  
10712 state, or any party aggrieved by any final finding, order or  
10713 judgment of the commission, shall have the right, regardless of  
10714 the amount involved, of appeal to the \* \* \* inferior courts of  
10715 the Capitol Complex Improvement District. If an application for  
10716 rehearing has been filed, an appeal must be filed within thirty  
10717 (30) days after the application for rehearing has been refused or





10718 deemed refused because of the commission's failure to act thereon  
10719 within the time specified in Section 77-7-293, or if the  
10720 application is granted, within thirty (30) days after the  
10721 rendition of the decision on rehearing. If an application for  
10722 rehearing has not been filed, an appeal must be filed within  
10723 thirty (30) days after the entry of the commission's order. In  
10724 those cases wherein an administrative order of the commission is  
10725 involved, the circuit court may affirm or reverse for further  
10726 proceedings as justice may require. In those cases wherein the  
10727 commission's order appealed from is a judicial finding, the  
10728 circuit court shall review, affirm, reverse or modify the same and  
10729 enter therein such order or judgment as may be right and just.  
10730 Without excluding any other finding, order or judgment of the  
10731 commission as constituting a judicial finding, the granting or  
10732 denial by the commission of an application for a certificate of  
10733 public convenience and necessity, or the granting of denial of an  
10734 application for a permit to operate as a contract carrier, shall  
10735 be construed as a judicial finding, and appealable as such. All  
10736 such appeals shall be taken and perfected, heard and determined  
10737 either in term time or in vacation, on the record, including a  
10738 transcript of pleadings and testimony, both oral and documentary,  
10739 filed and heard before the commission; and such appeal shall be  
10740 heard and disposed of promptly by the court as a preference cause.  
10741 In perfecting any appeal provided by this section, the provisions  
10742 of law respecting notice to the reporter and the allowance of



10743 bills of exception, now or hereafter in force respecting appeals  
10744 from circuit courts to the Supreme Court, shall be applicable.

10745       **SECTION 218.** Section 75-9-501.1, Mississippi Code of 1972,  
10746 is amended as follows:

10747       75-9-501.1. (a) No person shall cause to be communicated to  
10748 the filing office for filing a false record the person knows or  
10749 reasonably should know:

10750               (1) Is filed with the intent to harass or defraud the  
10751 person identified as debtor in the record or any other person;

10752               (2) Is not authorized or permitted under Section  
10753 75-9-509, 75-9-708 or 75-9-808 of this article; or

10754               (3) Is not related to a valid existing or potential  
10755 commercial or financial transaction, an existing agricultural or  
10756 other lien, or a judgment of a court of competent jurisdiction.

10757       (b) The Secretary of State may initiate a review of a record  
10758 presented for filing or a filed record if:

10759               (1) The Secretary of State receives an information  
10760 statement filed by the debtor with the Secretary of State under  
10761 Section 75-9-518 alleging the record was communicated to the  
10762 filing office in violation of subsection (a); or

10763               (2) The Secretary of State has reason to believe, from  
10764 information contained in the record or obtained from the person  
10765 that communicated the record to the filing office, that the record  
10766 was communicated to the filing office in violation of subsection  
10767 (a).



10768           (c) Upon initiating the review, the Secretary of State shall  
10769 communicate to the secured party of record on the record to which  
10770 the review relates and to the person that communicated the record  
10771 to the filing, if different and known to the office, a request for  
10772 additional documentation supporting the effectiveness of the  
10773 record. The Secretary of State may terminate the record effective  
10774 thirty (30) days after the first request for additional  
10775 documentation is sent if it has a reasonable basis for concluding  
10776 that the record was communicated to the filing office in violation  
10777 of subsection (a). The Secretary of State may give heightened  
10778 scrutiny to a record when:

10779           (1) The record asserts a claim against a current or  
10780 former employee or officer of a federal, state, county, or other  
10781 local governmental unit that relates to the performance of the  
10782 officer's or employee's public duties, and for which the filer  
10783 does not hold a properly executed security agreement or judgment  
10784 from a court of competent jurisdiction;

10785           (2) The record indicates that the debtor and the  
10786 secured party are substantially the same;

10787           (3) The debtor is a transmitting utility; or

10788           (4) The transaction to which the record relates is a  
10789 public-finance transaction.

10790           (d) The Secretary of State shall not return any fee paid for  
10791 filing a record refused or terminated under this section.



10792           (e) The Secretary of State shall promptly communicate to the  
10793 secured party of record a notice of the refusal or termination of  
10794 a record under subsection (c). A secured party of record that  
10795 believes in good faith the record was not communicated to the  
10796 filing office in violation of subsection (a) may commence an  
10797 action in the \* \* \* inferior courts of the Capitol Complex  
10798 Improvement District to require the Secretary of State to accept  
10799 or reinstate the record.

10800           (f) A record ordered by the court to be accepted or  
10801 reinstated is effective as a filed record from the initial filing  
10802 date except as against a purchaser of the collateral which gives  
10803 value in reasonable reliance on the absence of the record from the  
10804 files.

10805           (g) Neither the filing office nor any of its employees shall  
10806 incur liability for the termination or failure to terminate a  
10807 record under this section or for the refusal to accept a record  
10808 for filing in the lawful performance of the duties of the office  
10809 or employee.

10810           (h) This section does not apply to a record communicated to  
10811 the filing office by a regulated financial institution or by a  
10812 representative of a regulated financial institution except that  
10813 the Secretary of State may request from the secured party of  
10814 record on the record or from the person that communicated the  
10815 record to the filing office, if different and known to the office,  
10816 additional documentation supporting that the record was



10817 communicated to the filing office by a regulated financial  
10818 institution or by a representative of a regulated financial  
10819 institution. "Regulated financial institution" means a financial  
10820 institution subject to regulatory oversight or examination by a  
10821 state or federal agency, including, but not limited to, any bank,  
10822 commercial finance lender or insurer, consumer loan broker, credit  
10823 union, debt management service provider, finance company,  
10824 industrial loan company, insurance premium finance company,  
10825 investment company, investment fund, mortgage service provider,  
10826 savings association, small loan company, and trust company.

10827 (i) This section applies to records communicated to the  
10828 filing office for filing before the effective date if the  
10829 communication constitutes a violation of subsection (a).

10830 **SECTION 219.** Section 97-17-71.1, Mississippi Code of 1972,  
10831 is amended as follows:

10832 97-17-71.1. (1) (a) From and after August 7, 2008, it  
10833 shall be unlawful for any scrap metal dealer or any person who  
10834 purchases scrap metal, deals in scrap metal, or otherwise engages  
10835 in the scrap metal business to fail to register with the Secretary  
10836 of State. All registrations under this section shall expire two  
10837 (2) years from the date of the registration or the renewal  
10838 thereof.

10839 (b) The Secretary of State may promulgate and adopt  
10840 such rules and regulations as are reasonably necessary to carry  
10841 out the provisions of this section and establish such registration



10842 and renewal fees as are adequate to cover the administrative costs  
10843 associated with the registration program.

10844 (c) The Secretary of State may deny, suspend, revoke or  
10845 refuse to renew any registration following notice to the applicant  
10846 or registrant in accordance with the promulgated rules and an  
10847 opportunity for a hearing for any failure to comply with this  
10848 section, or for other good cause.

10849 (2) A violation of this section is a misdemeanor punishable  
10850 by a fine of not less than Five Hundred Dollars (\$500.00) but not  
10851 to exceed One Thousand Dollars (\$1,000.00) for the first offense.  
10852 Any person who shall be guilty of any subsequent violations of  
10853 this section requiring registration shall be guilty of a felony  
10854 offense and shall be imprisoned in the custody of the Department  
10855 of Corrections for a term not to exceed three (3) years, fined not  
10856 more than Five Thousand Dollars (\$5,000.00), or both.

10857 (3) (a) To register or renew registration, the registrant  
10858 must declare, under penalty of perjury, whether such registrant  
10859 has ever been convicted of any felony offense, or any misdemeanor  
10860 offense involving fraud, dishonesty, or deceit within five (5)  
10861 years preceding the date of application. If the registrant is a  
10862 business entity, the registrant shall make the same declarations  
10863 on behalf of every owner of the business who participates in the  
10864 operation or management of the business.

10865 (b) (i) An applicant who has been convicted of an  
10866 offense as described in paragraph (a) of this subsection may be



10867 prohibited from registering under this section for five (5) years  
10868 from the date of conviction.

10869 (ii) Any false statement submitted to the  
10870 Secretary of State for the purpose of unlawfully registering under  
10871 this section shall be punished as perjury in the manner provided  
10872 in Section 97-9-61, and a person so convicted shall be  
10873 disqualified for life from registering as a scrap metal dealer  
10874 under this section.

10875 (4) The Secretary of State shall immediately report any  
10876 suspected criminal violation accompanied by all relevant records  
10877 to the Office of Attorney General and the appropriate district  
10878 attorney for further proceedings.

10879 (5) It is unlawful for a person to make or cause to be made,  
10880 in a record or statement that is used or obtained in an  
10881 examination, action, proceeding, or filed under this section, a  
10882 statement that, at the time and in light of the circumstances  
10883 under which it is made, is false or misleading in a material  
10884 respect, or, in connection with the statement, to omit to state a  
10885 material fact necessary to make the statement made, in light of  
10886 the circumstances under which it was made, not false or  
10887 misleading.

10888 (6) The Secretary of State shall have the authority to:

10889 (a) Conduct and carry out criminal background history  
10890 verification of the information provided by the applicant or  
10891 registrant and to require the submission of information and forms



10892 from the applicant or registrant in order to accomplish the  
10893 registration duties imposed by this section;

10894 (b) Require or permit a person to testify, file a  
10895 statement, or produce a record, under oath or otherwise, as to all  
10896 the facts and circumstances concerning a matter to be investigated  
10897 or about which an action or proceeding is to be instituted;

10898 (c) Issue a cease and desist order, with a prior  
10899 hearing, against the scrap metal dealer or other purchaser alleged  
10900 to be in violation of this section, directing the person or  
10901 persons to cease and desist from further illegal activity. When  
10902 an immediate cease and desist order is issued, the Secretary of  
10903 State shall hold an administrative hearing on the alleged  
10904 violations within fifteen (15) business days;

10905 (d) (i) Issue an order against any scrap metal dealer  
10906 or other purchaser for any violation of this section, imposing an  
10907 administrative penalty up to a maximum of One Thousand Dollars  
10908 (\$1,000.00) for each offense. Each violation shall be considered  
10909 a separate offense in a single proceeding or a series of related  
10910 proceedings. Any administrative penalty, plus reimbursement for  
10911 all costs and expenses incurred in the investigation of the  
10912 violation and any administrative proceedings, shall be paid to the  
10913 Secretary of State;

10914 (ii) For the purpose of determining the amount or  
10915 extent of a sanction, if any, to be imposed under paragraph (c)(i)  
10916 of this subsection, the Secretary of State shall consider, among





other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this section or any rule or order hereunder; the number of persons adversely affected by the conduct; and the resources of the person committing the violation;

(e) Bring an action in chancery court to enjoin the acts or practices complained of to enforce compliance with this section or any rule promulgated or order entered hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. In addition, upon a proper showing by the Secretary of State, the court may enter an order of rescission or restitution directed to any person who has engaged in any act constituting a violation of any provision of this section or any rule or order hereunder, or the court may impose a civil penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense, provided that each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings. The court may not require the Secretary of State to post a bond.

(7) Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the \* \* \* inferior courts of the Capitol Complex Improvement District by filing in the court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside, in whole or in part. A copy of the petition shall be forthwith



10942 served upon the Secretary of State and thereupon the Secretary of  
10943 State shall certify and file in court a copy of the filing and  
10944 evidence upon which the order was entered. When these have been  
10945 filed, the court has exclusive jurisdiction to affirm, modify,  
10946 enforce or set aside the order, in whole or in part.

10947 **SECTION 220.** Section 79-29-803, Mississippi Code of 1972, is  
10948 amended as follows:

10949 79-29-803. (1) On application by or for a member, the  
10950 chancery court for the county in which the principal office of the  
10951 limited liability company is located, or the \* \* \* inferior courts  
10952 of the Capitol Complex Improvement District if the limited  
10953 liability company does not have a principal office in this state,  
10954 may decree dissolution of a limited liability company:

10955 (a) Whenever it is not reasonably practicable to carry  
10956 on the business in conformity with the certificate of formation or  
10957 the operating agreement;

10958 (b) Whenever the managers or the members in control of  
10959 the limited liability company have been guilty of or have  
10960 knowingly countenanced persistent and pervasive fraud or abuse of  
10961 authority, or the property of the limited liability company is  
10962 being misapplied or wasted by such persons; or

10963 (c) In a proceeding by the limited liability company to  
10964 have its voluntary dissolution continued under court supervision.

10965 (2) If a limited liability company has no members due to the  
10966 expulsion or withdrawal of the last remaining member pursuant to



10967 the terms of the certificate of formation or the written operating  
10968 agreement and the certificate of formation or the written  
10969 operating agreement of the limited liability company prohibits the  
10970 substitution of a member, then an officer, manager or any assignee  
10971 or owner of a financial interest of the limited liability company  
10972 or the personal representative of the member may apply to the  
10973 chancery court to dissolve the limited liability company; however,  
10974 if there are no persons that hold the above-described positions,  
10975 then any creditor of the limited liability company or the  
10976 Secretary of State may apply to the chancery court to dissolve the  
10977 limited liability company.

10978 (3) A court in a judicial proceeding brought to dissolve a  
10979 limited liability company may appoint one or more receivers to  
10980 wind-up and liquidate, or one or more custodians to manage, the  
10981 business and affairs of the limited liability company. The court  
10982 appointing a receiver or custodian has jurisdiction over the  
10983 limited liability company and all its property wherever located.  
10984 The court may appoint an individual or entity (authorized to  
10985 transact business in this state) as a receiver or custodian. The  
10986 court may require the receiver or custodian to post bond, with or  
10987 without sureties, in an amount the court directs.

10988 The court shall describe the powers and duties of the  
10989 receiver or custodian in its appointing order, which may be  
10990 amended from time to time. Among other powers:



10991           (a) The receiver (i) may dispose of all or any part of  
10992 the assets of the limited liability company wherever located, at a  
10993 public or private sale, if authorized by the court; and (ii) may  
10994 sue and defend in the receiver's own name as receiver of the  
10995 limited liability company in all courts of this state; and

10996           (b) The custodian may exercise all the powers of the  
10997 limited liability company, through or in place of its members,  
10998 managers or officers, to the extent necessary to manage the  
10999 affairs of the limited liability company in the best interests of  
11000 its members and creditors.

11001           The court during a receivership may redesignate the receiver  
11002 a custodian, and during a custodianship may redesignate the  
11003 custodian a receiver, if doing so is in the best interests of the  
11004 limited liability company, its members and creditors.

11005           The court from time to time during the receivership or  
11006 custodianship may order compensation paid and expenses paid or  
11007 reimbursed to the receiver or custodian from the assets of the  
11008 limited liability company or proceeds from the sale of the assets.

11009           **SECTION 221.** Section 75-60-19, Mississippi Code of 1972, is  
11010 amended as follows:

11011           75-60-19. (1) The Commission on Proprietary School and  
11012 College Registration may suspend, revoke or cancel a certificate  
11013 of registration for any one (1) or any combination of the  
11014 following causes:



11015           (a) Violation of any provision of the sections of this  
11016 chapter or any regulation made by the commission;  
11017           (b) The furnishing of false, misleading or incomplete  
11018 information requested by the commission;  
11019           (c) The signing of an application or the holding of a  
11020 certificate of registration by a person who has pleaded guilty or  
11021 has been found guilty of a felony or has pleaded guilty or been  
11022 found guilty of any other indictable offense;  
11023           (d) The signing of an application or the holding of a  
11024 certificate of registration by a person who is addicted to the use  
11025 of any narcotic drug, or who is found to be mentally incompetent;  
11026           (e) Violation of any commitment made in an application  
11027 for a certificate of registration;  
11028           (f) Presentation to prospective students of misleading,  
11029 false or fraudulent information relating to the course of  
11030 instruction, employment opportunity, or opportunities for  
11031 enrollment in accredited institutions of higher education after  
11032 entering or completing courses offered by the holder of a  
11033 certificate of registration;  
11034           (g) Failure to provide or maintain premises or  
11035 equipment for offering courses of instruction in a safe and  
11036 sanitary condition;  
11037           (h) Refusal by an agent to display his agent permit  
11038 upon demand of a prospective student or other interested person;



11039           (i) Failure to maintain financial resources adequate  
11040 for the satisfactory conduct of courses of study as presented in  
11041 the plan of operation or to retain a sufficient number and  
11042 qualified staff of instruction; however nothing in this chapter  
11043 shall require an instructor to be certificated by the Commission  
11044 on Proprietary School and College Registration or to hold any type  
11045 of post-high school degree;

11046           (j) Offering training or courses of instruction other  
11047 than those presented in the application; however, schools may  
11048 offer special courses adapted to the needs of individual students  
11049 where the special courses are in the subject field specified in  
11050 the application;

11051           (k) Accepting the services of an agent not licensed in  
11052 accordance with Sections 75-60-23 through 75-60-37, inclusive;

11053           (l) Conviction or a plea of nolo contendere on the part  
11054 of any owner, operator or director of a registered school of any  
11055 felony under Mississippi law or the law of another jurisdiction;

11056           (m) Continued employment of a teacher or instructor who  
11057 has been convicted of or entered a plea of nolo contendere to any  
11058 felony under Mississippi law or the law of another jurisdiction;

11059           (n) Incompetence of any owner or operator to operate a  
11060 school.

11061           (2) (a) Any person who believes he has been aggrieved by a  
11062 violation of this section shall have the right to file a written  
11063 complaint within two (2) years of the alleged violation. The



11064 commission shall maintain a written record of each complaint that  
11065 is made. The commission shall also send to the complainant a form  
11066 acknowledging the complaint and requesting further information if  
11067 necessary and shall advise the director of the school that a  
11068 complaint has been made and, where appropriate, the nature of the  
11069 complaint.

11070 (b) The commission shall within twenty (20) days of  
11071 receipt of such written complaint commence an investigation of the  
11072 alleged violation and shall, within ninety (90) days of the  
11073 receipt of such written complaint, issue a written finding. The  
11074 commission shall furnish such findings to the person who filed the  
11075 complaint and to the chief operating officer of the school cited  
11076 in the complaint. If the commission finds that there has been a  
11077 violation of this section, the commission shall take appropriate  
11078 action.

11079 (c) Schools shall disclose in writing to all  
11080 prospective and current students their right to file a complaint  
11081 with the commission.

11082 (d) The existence of an arbitration clause in no way  
11083 negates the student's right to file a complaint with the  
11084 commission.

11085 (e) The commission may initiate an investigation  
11086 without a complaint.

11087 (3) **Hearing procedures.** (a) Upon a finding that there is  
11088 good cause to believe that a school, or an officer, agent,



11089 employee, partner or teacher, has committed a violation of  
11090 subsection (1) of this section, the commission shall initiate  
11091 proceedings by serving a notice of hearing upon each and every  
11092 such party subject to the administrative action. The school or  
11093 such party shall be given reasonable notice of hearing, including  
11094 the time, place and nature of the hearing and a statement  
11095 sufficiently particular to give notice of the transactions or  
11096 occurrences intended to be proved, the material elements of each  
11097 cause of action and the civil penalties and/or administrative  
11098 sanctions sought.

11099 (b) Opportunity shall be afforded to the party to  
11100 respond and present evidence and argument on the issues involved  
11101 in the hearing including the right of cross-examination. In a  
11102 hearing, the school or such party shall be accorded the right to  
11103 have its representative appear in person or by or with counsel or  
11104 other representative. Disposition may be made in any hearing by  
11105 stipulation, agreed settlement, consent order, default or other  
11106 informal method.

11107 (c) The commission shall designate an impartial hearing  
11108 officer to conduct the hearing, who shall be empowered to:

11109 (i) Administer oaths and affirmations; and

11110 (ii) Regulate the course of the hearings, set the  
11111 time and place for continued hearings, and fix the time for filing  
11112 of briefs and other documents; and





11113 (iii) Direct the school or such party to appear  
11114 and confer to consider the simplification of the issues by  
11115 consent; and

11116 (iv) Grant a request for an adjournment of the  
11117 hearing only upon good cause shown.

11118 The strict legal rules of evidence shall not apply, but the  
11119 decision shall be supported by substantial evidence in the record.

11120 (4) The commission, acting by and through its hearing  
11121 officer, is hereby authorized and empowered to issue subpoenas for  
11122 the attendance of witnesses and the production of books and papers  
11123 at such hearing. Process issued by the commission shall extend to  
11124 all parts of the state and shall be served by any person  
11125 designated by the commission for such service. Where, in any  
11126 proceeding before the hearing officer, any witness fails or  
11127 refuses to attend upon a subpoena issued by the commission,  
11128 refuses to testify, or refuses to produce any books and papers the  
11129 production of which is called for by a subpoena, the attendance of  
11130 such witness, the giving of his testimony or the production of the  
11131 books and papers shall be enforced by any court of competent  
11132 jurisdiction of this state in the manner provided for the  
11133 enforcement of attendance and testimony of witnesses in civil  
11134 cases in the courts of this state.

11135 (5) **Decision after hearing.** The hearing officer shall make  
11136 written findings of fact and conclusions of law, and shall also  
11137 recommend in writing to the commission a final decision, including



11138 penalties. The hearing officer shall mail a copy of his findings  
11139 of fact, conclusions of law and recommended penalty to the party  
11140 and his attorney, or representative. The commission shall make  
11141 the final decision, which shall be based exclusively on evidence  
11142 and other materials introduced at the hearing. If it is  
11143 determined that a party has committed a violation, the commission  
11144 shall issue a final order and shall impose penalties in accordance  
11145 with this section. The commission shall send by certified mail,  
11146 return receipt requested, a copy of the final order to the party  
11147 and his attorney, or representative. The commission shall, at the  
11148 request of the school or such party, furnish a copy of the  
11149 transcript or any part thereof upon payment of the cost thereof.

11150       (6) **Civil penalties and administrative sanctions.** (a) A  
11151 hearing officer may recommend, and the commission may impose, a  
11152 civil penalty not to exceed Two Thousand Five Hundred Dollars  
11153 (\$2,500.00) for any violation of this section. In the case of a  
11154 second or further violation committed within the previous five (5)  
11155 years, the liability shall be a civil penalty not to exceed Five  
11156 Thousand Dollars (\$5,000.00) for each such violation.

11157       (b) Notwithstanding the provisions of paragraph (a) of  
11158 this subsection, a hearing officer may recommend and the  
11159 commission may impose a civil penalty not to exceed Twenty-five  
11160 Thousand Dollars (\$25,000.00) for any of the following violations:  
11161 (i) operation of a school without a registration in violation of  
11162 this chapter; (ii) operation of a school knowing that the school's



11163 registration has been suspended or revoked; (iii) use of false,  
11164 misleading, deceptive or fraudulent advertising; (iv) employment  
11165 of recruiters on the basis of a commission, bonus or quota, except  
11166 as authorized by the commission; (v) directing or authorizing  
11167 recruiters to offer guarantees of jobs upon completion of a  
11168 course; (vi) failure to make a tuition refund when such failure is  
11169 part of a pattern of misconduct; or (vii) violation of any other  
11170 provision of this chapter, or any rule or regulation promulgated  
11171 pursuant thereto, when such violation constitutes part of a  
11172 pattern of misconduct which significantly impairs the educational  
11173 quality of the program or programs being offered by the school.  
11174 For each enumerated offense, a second or further violation  
11175 committed within the previous five (5) years shall be subject to a  
11176 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)  
11177 for each such violation.

11178 (c) In addition to the penalties authorized in  
11179 paragraphs (a) and (b) of this subsection, a hearing officer may  
11180 recommend and the commission may impose any of the following  
11181 administrative sanctions: (i) a cease and desist order; (ii) a  
11182 mandatory direction; (iii) a suspension or revocation of a  
11183 certificate of registration; (iv) a probation order; or (v) an  
11184 order of restitution.

11185 (d) The commission may suspend a registration upon the  
11186 failure of a school to pay any fee, fine or penalty as required by



11187 this chapter unless such failure is determined by the commission  
11188 to be for good cause.

11189 (e) All civil penalties, fines and settlements received  
11190 shall accrue to the credit of the Commission on Proprietary School  
11191 and College Registration.

11192 (7) Any penalty or administrative sanction imposed by the  
11193 commission under this section may be appealed by the school,  
11194 college or other person affected to the Mississippi Community  
11195 College Board as provided in Section 75-60-4(3), which appeal  
11196 shall be on the record previously made before the commission's  
11197 hearing officer. All appeals from the Mississippi Community  
11198 College Board shall be on the record and shall be filed in  
11199 the \* \* \* inferior courts of the Capitol Complex Improvement  
11200 District.

11201 **SECTION 222.** Section 75-45-182, Mississippi Code of 1972, is  
11202 amended as follows:

11203 75-45-182. (1) When a complaint is made against a person  
11204 for violating any of the provisions of this article, or any of the  
11205 rules and regulations promulgated hereunder, the Director of the  
11206 Commercial Feed Division within the Mississippi Department of  
11207 Agriculture and Commerce, or his designee, shall act as the  
11208 reviewing officer. The complaint shall be in writing and shall be  
11209 filed in the office of the Mississippi Department of Agriculture  
11210 and Commerce ("department"). The reviewing officer shall deliver  
11211 to the accused a copy of the complaint along with any supporting



11212 documents and a request for the accused to respond to the charges  
11213 within thirty (30) days after service of the complaint upon the  
11214 accused. Notification to the accused may be accomplished by  
11215 certified mail or by \* \* \* any of the methods provided in Rule 4  
11216 of the Mississippi Rules of Civil Procedure. The accused shall  
11217 respond in the form of a written answer along with all supporting  
11218 documents. Upon expiration of the thirty-day period, the  
11219 reviewing officer shall examine all pleadings and documents filed  
11220 in the case for the purpose of determining the merit of the  
11221 complaint, or the lack thereof. No evidentiary hearing shall be  
11222 held at this stage.

11223       If the reviewing officer determines that the complaint lacks  
11224 merit, he may dismiss same. If he finds that there is substantial  
11225 evidence showing that a violation of this article or the rules and  
11226 regulations promulgated hereunder has occurred, the reviewing  
11227 officer may impose any or all of the following penalties upon the  
11228 accused: (a) levy a civil penalty in an amount of no more than  
11229 One Thousand Dollars (\$1,000.00) for each violation; (b) revoke or  
11230 suspend any permit, license or registration issued to the accused  
11231 under the terms of this article and accompanying regulations; (c)  
11232 issue a stop sale order; (d) issue a "withdrawal from  
11233 distribution" order; (e) require the accused to relabel any  
11234 product offered for sale which is not labeled in accordance with  
11235 the provisions of this article; or (f) seize any product that is  
11236 not in compliance with this article and destroy, sell or otherwise



11237 dispose of the product and apply the proceeds of any such sale to  
11238 the costs herein and any civil penalties levied hereunder, with  
11239 the balance to be paid according to the law. If any costs or  
11240 penalties assessed hereunder have not been paid, they may be  
11241 collected through a court system. A copy of the reviewing  
11242 officer's decision shall be sent to the accused by certified mail.  
11243 Either the accused or the department may appeal the decision of  
11244 the reviewing officer to the commissioner by filing a notice of  
11245 appeal with the department within thirty (30) days of receipt of  
11246 the reviewing officer's decision. If no appeal is taken from the  
11247 order of the reviewing officer within the allotted time, the order  
11248 shall then become final.

11249 (2) In the event of an appeal, the commissioner, or his  
11250 designee, shall conduct a hearing relative to the charges. At the  
11251 hearing before the commissioner, or his designee, the matter shall  
11252 be heard de novo; the department shall have subpoena power, the  
11253 witnesses shall be placed under oath and shall be subject to  
11254 direct and cross examination and the testimony shall be recorded.  
11255 Compliance with such subpoenas may be enforced by any court of  
11256 general jurisdiction in this state. The commissioner, or his  
11257 designee, shall receive and hear all the evidence and arguments  
11258 offered by both parties and shall afford the accused a full  
11259 opportunity to present all his defenses.

11260 Within a reasonable time after the hearing, the commissioner,  
11261 or his designee, shall render an opinion, which either affirms,



11262 reverses or amends the order of the reviewing officer in whole or  
11263 in part, and the order shall be final. A copy of the  
11264 commissioner's order shall be sent to the accused by certified  
11265 mail.

11266 (3) Either the accused or the department may appeal the  
11267 decision of the commissioner or his designee to the circuit court  
11268 of the county of the residence of the accused, or if the accused  
11269 is a nonresident of the State of Mississippi, to the \* \* \*  
11270 inferior courts of the Capitol Complex Improvement District. The  
11271 appellant shall have the obligation of having the record  
11272 transcribed and filing same with the circuit court. The appeal  
11273 shall otherwise be governed by all applicable laws and rules  
11274 affecting appeals to the circuit court. If no appeal is perfected  
11275 within the required time, the decision of the commissioner, or his  
11276 designee, shall then become final.

11277 (4) The decision of the circuit court may then be appealed  
11278 by either party to the Mississippi Supreme Court in accordance  
11279 with the existing law and rules affecting such appeals.

11280 (5) When any violation of this article or the rules and  
11281 regulations promulgated hereunder occurs or is about to occur that  
11282 presents a clear and present danger to the public health, safety  
11283 or welfare requiring immediate action, the commissioner or any of  
11284 the department's field inspectors may issue an order to be  
11285 effective immediately before notice and a hearing that imposes any  
11286 or all of the following penalties upon the accused: (a) a stop



11287 sale order; (b) a "withdrawal from distribution" order; (c) a  
11288 requirement that the accused relabel a product that he is offering  
11289 for sale which is not labeled in accordance with this article; or  
11290 (d) the seizure of any product that is not in compliance with this  
11291 article and the destruction, sale or disposal of the product and  
11292 the application of the proceeds of such sale to the costs and  
11293 civil penalties herein, with the balance to be paid according to  
11294 law. The order shall be served upon the accused in the same  
11295 manner that the summons and complaint may be served upon him. The  
11296 accused shall then have thirty (30) days after service of the  
11297 order upon him within which to request an informal administrative  
11298 review before the reviewing officer. If the accused makes such a  
11299 request within the required time, the reviewing officer shall  
11300 provide an informal administrative review to the accused within  
11301 ten (10) days after such request is made. If the accused does not  
11302 request an informal administrative review within such time, then  
11303 he will be deemed to have waived his right to same. At the  
11304 informal administrative review, subpoena power shall not be  
11305 available, witnesses shall not be sworn nor be subject to  
11306 cross-examination and there shall be no court reporter or record  
11307 made of the proceedings. Each party may present its case in the  
11308 form of documents, oral statements or any other method. The rules  
11309 of evidence shall not apply. The reviewing officer's decision  
11310 shall be in writing, and it shall be sent to the accused by  
11311 certified mail. If either party is aggrieved by the order of the





11312 reviewing officer, he may appeal to the commissioner for a full  
11313 evidentiary hearing in accordance with the procedures described in  
11314 subsection (2) of this section, except that there shall be no  
11315 requirement for a written complaint or answer to be filed by the  
11316 parties. Such appeal shall be perfected by filing a notice of  
11317 appeal with the commissioner within thirty (30) days after the  
11318 order of the reviewing officer is served on the appealing party.  
11319 The hearing before the commissioner, or his designee, shall be  
11320 held within a reasonable time after the appeal has been perfected.  
11321 Failure to perfect an appeal within the allotted time shall be  
11322 deemed a waiver of such right.

11323       **SECTION 223.** Section 93-11-157, Mississippi Code of 1972, is  
11324 amended as follows:

11325       93-11-157. (1) The division shall review the information  
11326 received under Section 93-11-155 and any other information  
11327 available to the division, and shall determine if a licensee is  
11328 out of compliance with an order for support. If a licensee is out  
11329 of compliance with the order for support, the division shall  
11330 notify the licensee by first class mail that ninety (90) days  
11331 after the licensee receives the notice of being out of compliance  
11332 with the order, the licensing entity will be notified to  
11333 immediately suspend the licensee's license unless the licensee  
11334 pays the arrearage owing, according to the accounting records of  
11335 the Mississippi Department of Human Services or the attorney  
11336 representing the party to whom support is due, as the case may be,



11337 or enters into a stipulated agreement and agreed judgment  
11338 establishing a schedule for the payment of the arrearage. The  
11339 licensee shall be presumed to have received the notice five (5)  
11340 days after it is deposited in the mail.

11341 (2) Upon receiving the notice provided in subsection (1) of  
11342 this section the licensee may:

11343 (a) Request a review with the division; however, the  
11344 issues the licensee may raise at the review are limited to whether  
11345 the licensee is the person required to pay under the order for  
11346 support and whether the licensee is out of compliance with the  
11347 order for support; or

11348 (b) Request to participate in negotiations with the  
11349 division for the purpose of establishing a payment schedule for  
11350 the arrearage.

11351 (3) The division director or the designees of the division  
11352 director may and, upon request of a licensee, shall negotiate with  
11353 a licensee to establish a payment schedule for the arrearage.  
11354 Payments made under the payment schedule shall be in addition to  
11355 the licensee's ongoing obligation under the latest entered  
11356 periodic order for support.

11357 (4) Should the division and the licensee reach an agreement  
11358 on a payment schedule for the arrearage, the division director may  
11359 submit to the court a stipulated agreement and agreed judgment  
11360 containing the payment schedule which, upon the court's approval,  
11361 is enforceable as any order of the court. If the court does not



11362 approve the stipulated agreement and agreed judgment, the court  
11363 may require a hearing on a case-by-case basis for the judicial  
11364 review of the payment schedule agreement.

11365 (5) If the licensee and the division do not reach an  
11366 agreement on a payment schedule for the arrearage, the licensee  
11367 may move the court to establish a payment schedule. However, this  
11368 action does not stay the license suspension.

11369 (6) The notice given to a licensee that the licensee's  
11370 license will be suspended in ninety (90) days must clearly state  
11371 the remedies and procedures that are available to a licensee under  
11372 this section.

11373 (7) If at the end of the ninety (90) days the licensee has  
11374 an arrearage according to the accounting records of the  
11375 Mississippi Department of Human Services or the attorney  
11376 representing the party to whom support is due, as the case may be,  
11377 and the licensee has not entered into a stipulated agreement and  
11378 agreed judgment establishing a payment schedule for the arrearage,  
11379 the division shall immediately notify all applicable licensing  
11380 entities in writing to suspend the licensee's license, and the  
11381 licensing entities shall immediately suspend the license and shall  
11382 within three (3) business days notify the licensee and the  
11383 licensee's employer, where known, of the license suspension and  
11384 the date of such suspension by certified mail return receipt  
11385 requested. Within forty-eight (48) hours of receipt of a request  
11386 in writing delivered personally, by mail or by electronic means,



11387 the department shall furnish to the licensee, licensee's attorney  
11388 or other authorized representative a copy of the department's  
11389 accounting records of the licensee's payment history. A licensing  
11390 entity shall immediately reinstate the suspended license upon the  
11391 division's notification of the licensing entities in writing that  
11392 the licensee no longer has an arrearage or that the licensee has  
11393 entered into a stipulated agreement and agreed judgment.

11394 (8) Within thirty (30) days after a licensing entity  
11395 suspends the licensee's license at the direction of the division  
11396 under subsection (7) of this section, the licensee may appeal the  
11397 license suspension to the chancery court of the county in which  
11398 the licensee resides or to the \* \* \* inferior courts of the  
11399 Capitol Complex Improvement District upon giving bond with  
11400 sufficient sureties in the amount of Two Hundred Dollars  
11401 (\$200.00), approved by the clerk of the chancery court and  
11402 conditioned to pay any costs that may be adjudged against the  
11403 licensee. Notice of appeal shall be filed in the office of the  
11404 clerk of the chancery court. If there is an appeal, the appeal  
11405 may, in the discretion of and on motion to the chancery court, act  
11406 as a supersedeas of the license suspension. The department shall  
11407 be the appellee in the appeal, and the licensing entity shall not  
11408 be a party in the appeal. The chancery court shall dispose of the  
11409 appeal and enter its decision within thirty (30) days of the  
11410 filing of the appeal. The hearing on the appeal may, in the  
11411 discretion of the chancellor, be tried in vacation. The decision



11412 of the chancery court may be appealed to the Supreme Court in the  
11413 manner provided by the rules of the Supreme Court. In the  
11414 discretion of and on motion to the chancery court, no person shall  
11415 be allowed to practice any business, occupation or profession or  
11416 take any other action under the authority of any license the  
11417 suspension of which has been affirmed by the chancery court while  
11418 an appeal to the Supreme Court from the decision of the chancery  
11419 court is pending.

11420 (9) If a licensee who has entered a stipulated agreement and  
11421 agreed judgment for the payment of an arrearage under this section  
11422 subsequently is out of compliance with an order for support, the  
11423 division shall immediately notify the licensing entity to suspend  
11424 the licensee's license, and the licensing entity shall immediately  
11425 suspend the license without a hearing and shall within three (3)  
11426 business days notify the licensee in writing of the license  
11427 suspension. In the case of a license suspension under the  
11428 provisions of this subsection, the procedures provided for under  
11429 subsections (1) and (2) of this section are not required; however,  
11430 the appeal provisions of subsection (8) of this section still  
11431 apply. After suspension of the license, if the licensee  
11432 subsequently enters into a stipulated agreement and agreed  
11433 judgment or the licensee otherwise informs the division of  
11434 compliance with the order for support, the division shall within  
11435 seven (7) days notify in writing the licensing entity that the  
11436 licensee is in compliance. Upon receipt of that notice from the



11437 division, a licensing entity shall immediately reinstate the  
11438 license of the licensee and shall within three (3) business days  
11439 notify the licensee of the reinstatement.

11440 (10) Nothing in this section prohibits a licensee from  
11441 filing a motion for the modification of an order for support or  
11442 for any other applicable relief. However, no such action shall  
11443 stay the license suspension procedure, except as may be allowed  
11444 under subsection (8) of this section.

11445 (11) If a license is suspended under the provisions of this  
11446 section, the licensing entity is not required to refund any fees  
11447 paid by a licensee in connection with obtaining or renewing a  
11448 license.

11449 (12) The requirement of a licensing entity to suspend a  
11450 license under this section does not affect the power of the  
11451 licensing entity to deny, suspend, revoke or terminate a license  
11452 for any other reason.

11453 (13) The procedure for suspension of a license for being out  
11454 of compliance with an order for support, and the procedure for the  
11455 reissuance or reinstatement of a license suspended for that  
11456 purpose, shall be governed by this section and not by the general  
11457 licensing and disciplinary provisions applicable to a licensing  
11458 entity. Actions taken by a licensing entity in suspending a  
11459 license when required by this section are not actions from which  
11460 an appeal may be taken under the general licensing and  
11461 disciplinary provisions applicable to the licensing entity. Any



11462 appeal of a license suspension that is required by this section  
11463 shall be taken in accordance with the appeal procedure specified  
11464 in subsection (8) of this section rather than any procedure  
11465 specified in the general licensing and disciplinary provisions  
11466 applicable to the licensing entity. If there is any conflict  
11467 between any provision of this section and any provision of the  
11468 general licensing and disciplinary provisions applicable to a  
11469 licensing entity, the provisions of this section shall control.

11470 (14) No license shall be suspended under this section until  
11471 ninety (90) days after July 1, 1996. This ninety-day period shall  
11472 be a one-time amnesty period in which any person who may be  
11473 subject to license suspension under this article may comply with  
11474 an order of support in order to avoid the suspension of any  
11475 license.

11476 (15) Any individual who fails to comply with a subpoena or  
11477 warrant relating to paternity or child support proceedings after  
11478 receiving appropriate notice may be subject to suspension or  
11479 withholding of issuance of a license under this section.

11480 **SECTION 224.** Section 73-6-19, Mississippi Code of 1972, is  
11481 amended as follows:

11482 73-6-19. (1) The board shall refuse to grant a certificate  
11483 of licensure to any applicant or may cancel, revoke or suspend the  
11484 certificate upon the finding of any of the following facts  
11485 regarding the applicant or licensed practitioner:



11486                   (a) Failure to comply with the rules and regulations  
11487 adopted by the State Board of Chiropractic Examiners;  
11488                   (b) Violation of any of the provisions of this chapter  
11489 or any of the rules and regulations of the State Board of Health  
11490 pursuant to this chapter with regard to the operation and use of  
11491 x-rays;  
11492                   (c) Fraud or deceit in obtaining a license;  
11493                   (d) Addiction to the use of alcohol, narcotic drugs, or  
11494 anything which would seriously interfere with the competent  
11495 performance of his professional duties;  
11496                   (e) Conviction by a court of competent jurisdiction of  
11497 a felony, other than manslaughter or any violation of the United  
11498 States Internal Revenue Code;  
11499                   (f) Unprofessional and unethical conduct;  
11500                   (g) Contraction of a contagious disease which may be  
11501 carried for a prolonged period;  
11502                   (h) Failure to report to the Mississippi Department of  
11503 Human Services or the county attorney any case wherein there are  
11504 reasonable grounds to believe that a child or vulnerable adult has  
11505 been abused by its parent or person responsible for such person's  
11506 welfare;  
11507                   (i) Advising a patient to use drugs, prescribing or  
11508 providing drugs for a patient, or advising a patient not to use a  
11509 drug prescribed by a licensed physician or dentist;





11510                   (j) Professional incompetency in the practice of  
11511 chiropractic;  
11512                   (k) Having disciplinary action taken by his peers  
11513 within any professional chiropractic association or society;  
11514                   (l) Offering to accept or accepting payment for  
11515 services rendered by assignment from any third-party payor after  
11516 offering to accept or accepting whatever the third-party payor  
11517 covers as payment in full, if the effect of the offering or  
11518 acceptance is to eliminate or give the impression of eliminating  
11519 the need for payment by an insured of any required deductions  
11520 applicable in the policy of the insured;  
11521                   (m) Associating his practice with any chiropractor who  
11522 does not hold a valid chiropractic license in Mississippi, or  
11523 teach chiropractic manipulation to nonqualified persons under  
11524 Section 73-6-13;  
11525                   (n) Failure to make payment on chiropractic student  
11526 loans;  
11527                   (o) Failure to follow record keeping requirements  
11528 prescribed in Section 73-6-18;  
11529                   (p) If the practitioner is certified to provide animal  
11530 chiropractic treatment, failure to follow guidelines approved by  
11531 the Mississippi Board of Veterinary Medicine; or  
11532                   (q) Violation(s) of the provisions of Sections 41-121-1  
11533 through 41-121-9 relating to deceptive advertisement by health



11534 care practitioners. This paragraph shall stand repealed on July  
11535 1, 2025.

11536 (2) Any holder of such certificate or any applicant therefor  
11537 against whom is preferred any of the designated charges shall be  
11538 furnished a copy of the complaint and shall receive a formal  
11539 hearing in Jackson, Mississippi, before the board, at which time  
11540 he may be represented by counsel and examine witnesses. The board  
11541 is authorized to administer oaths as may be necessary for the  
11542 proper conduct of any such hearing. In addition, the board is  
11543 authorized and empowered to issue subpoenas for the attendance of  
11544 witnesses and the production of books and papers. The process  
11545 issued by the board shall extend to all parts of the state. Where  
11546 in any proceeding before the board any witness shall fail or  
11547 refuse to attend upon subpoena issued by the board, shall refuse  
11548 to testify, or shall refuse to produce any books and papers, the  
11549 production of which is called for by the subpoena, the attendance  
11550 of such witness and the giving of his testimony and the production  
11551 of the books and papers shall be enforced by any court of  
11552 competent jurisdiction of this state in the manner provided for  
11553 the enforcement of attendance and testimony of witnesses in civil  
11554 cases in the courts of this state.

11555 (3) In addition to any other investigators the board  
11556 employs, the board shall appoint one or more licensed  
11557 chiropractors to act for the board in investigating the conduct  
11558 relating to the competency of a chiropractor, whenever



11559 disciplinary action is being considered for professional  
11560 incompetence and unprofessional conduct.

11561 (4) Whenever the board finds any person unqualified to  
11562 practice chiropractic because of any of the grounds set forth in  
11563 subsection (1) of this section, after a hearing has been conducted  
11564 as prescribed by this section, the board may enter an order  
11565 imposing one or more of the following:

11566 (a) Deny his application for a license or other  
11567 authorization to practice chiropractic;

11568 (b) Administer a public or private reprimand;

11569 (c) Suspend, limit or restrict his license or other  
11570 authorization to practice chiropractic for up to five (5) years;

11571 (d) Revoke or cancel his license or other authorization  
11572 to practice chiropractic;

11573 (e) Require him to submit to care, counseling or  
11574 treatment by physicians or chiropractors designated by the board,  
11575 as a condition for initial, continued or renewal of licensure or  
11576 other authorization to practice chiropractic;

11577 (f) Require him to participate in a program of  
11578 education prescribed by the board; or

11579 (g) Require him to practice under the direction of a  
11580 chiropractor designated by the board for a specified period of  
11581 time.

11582 (5) Any person whose application for a license or whose  
11583 license to practice chiropractic has been cancelled, revoked or



11584 suspended by the board within thirty (30) days from the date of  
11585 such final decision shall have the right of a de novo appeal to  
11586 the circuit court of his county of residence or the \* \* \* inferior  
11587 courts of the Capitol Complex Improvement District. If there is  
11588 an appeal, such appeal may, in the discretion of and on motion to  
11589 the circuit court, act as a supersedeas. The circuit court shall  
11590 dispose of the appeal and enter its decision promptly. The hearing  
11591 on the appeal may, in the discretion of the circuit judge, be  
11592 tried in vacation. Either party shall have the right of appeal to  
11593 the Supreme Court as provided by law from any decision of the  
11594 circuit court.

11595 (6) In a proceeding conducted under this section by the  
11596 board for the revocation, suspension or cancellation of a license  
11597 to practice chiropractic, after a hearing has been conducted as  
11598 prescribed by this section, the board shall have the power and  
11599 authority for the grounds stated in subsection (1) of this  
11600 section, with the exception of paragraph (c) thereof, to assess  
11601 and levy upon any person licensed to practice chiropractic in the  
11602 state a monetary penalty in lieu of such revocation, suspension or  
11603 cancellation, as follows:

11604 (a) For the first violation, a monetary penalty of not  
11605 less than Five Hundred Dollars (\$500.00) nor more than One  
11606 Thousand Dollars (\$1,000.00) for each violation.

11607 (b) For the second and each subsequent violation, a  
11608 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



11609 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
11610 each violation.

11611         The power and authority of the board to assess and levy such  
11612 monetary penalties under this section shall not be affected or  
11613 diminished by any other proceeding, civil or criminal, concerning  
11614 the same violation or violations. A licensee shall have the right  
11615 of appeal from the assessment and levy of a monetary penalty as  
11616 provided in this section to the circuit court under the same  
11617 conditions as a right of appeal is provided for in this section  
11618 for appeals from an adverse ruling, or order, or decision of the  
11619 board. Any monetary penalty assessed and levied under this  
11620 section shall not take effect until after the time for appeal has  
11621 expired, and an appeal of the assessment and levy of such a  
11622 monetary penalty shall act as a supersedeas.

11623         (7) In addition to the grounds specified in subsection (1)  
11624 of this section, the board shall be authorized to suspend the  
11625 license of any licensee for being out of compliance with an order  
11626 for support, as defined in Section 93-11-153. The procedure for  
11627 suspension of a license for being out of compliance with an order  
11628 for support, and the procedure for the reissuance or reinstatement  
11629 of a license suspended for that purpose, and the payment of any  
11630 fees for the reissuance or reinstatement of a license suspended  
11631 for that purpose, shall be governed by Section 93-11-157 or  
11632 93-11-163, as the case may be. Actions taken by the board in  
11633 suspending a license when required by Section 93-11-157 or



11634 93-11-163 are not actions from which an appeal may be taken under  
11635 this section. Any appeal of a license suspension that is required  
11636 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
11637 with the appeal procedure specified in Section 93-11-157 or  
11638 93-11-163, as the case may be, rather than the procedure specified  
11639 in this section. If there is any conflict between any provision  
11640 of Section 93-11-157 or 93-11-163 and any provision of this  
11641 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
11642 case may be, shall control.

11643 **SECTION 225.** Section 73-1-29, Mississippi Code of 1972, is  
11644 amended as follows:

11645 73-1-29. (1) The board, upon satisfactory proof and in  
11646 accordance with this chapter and the regulations of the board, is  
11647 authorized to take the disciplinary actions provided for  
11648 hereinafter against any person for any of the following reasons:

11649 (a) Violating any of the provisions of Sections 73-1-1  
11650 through 73-1-43 or the bylaws, rules, regulations or standards of  
11651 ethics or conduct duly adopted by the board pertaining to the  
11652 practice of architecture;

11653 (b) Obtaining a certificate of registration by fraud,  
11654 deceit or misrepresentation;

11655 (c) Gross negligence, malpractice, incompetency or  
11656 misconduct in the practice of architecture;

11657 (d) Any professional misconduct, as defined by the  
11658 board through bylaws, rules and regulations, and standards of



11659 conduct and ethics; (professional misconduct may not be defined to  
11660 include bidding by architects for contracts based on price);

11661 (e) Practicing or offering to practice architecture on  
11662 an expired certificate or while under suspension or revocation of  
11663 certificate unless such suspension or revocation is abated through  
11664 probation, as provided for hereinafter;

11665 (f) Practicing architecture under an assumed or  
11666 fictitious name;

11667 (g) Being convicted by any court of a felony, except  
11668 conviction of culpable negligent manslaughter, in which case the  
11669 record of conviction shall be conclusive evidence;

11670 (h) Willfully misleading or defrauding any person  
11671 employing him as an architect by any artifice or false statement;  
11672 or

11673 (i) Having undisclosed financial or personal interests  
11674 which compromise his obligation to his client.

11675 (2) Any person may prefer charges against any other person  
11676 for committing any of the acts set forth in subsection (1). Such  
11677 charges need not be sworn to, may be made upon actual knowledge or  
11678 upon information and belief, and must be filed with the board. If  
11679 any person licensed under Sections 73-1-1 through 73-1-43 is  
11680 expelled from membership in any Mississippi or national  
11681 professional architectural society or association, the board shall  
11682 thereafter cite such person to appear at a hearing before the



11683 board to show cause why disciplinary action should not be taken  
11684 against that person.

11685         The board shall investigate all charges filed with it and,  
11686 upon finding reasonable cause to believe that the charges are not  
11687 frivolous, unfounded or filed in bad faith, may cause a hearing to  
11688 be held, at a time and place fixed by the board, regarding the  
11689 charges and may compel the accused by subpoena to appear before  
11690 the board to respond to the charges.

11691         No disciplinary action may be taken until the accused has  
11692 been furnished both a statement of the charges against him and  
11693 notice of the time and place of the hearing thereof, which shall  
11694 be personally served on the accused or mailed by registered or  
11695 certified mail, return receipt requested, to the last known  
11696 business or residence address of the accused not less than thirty  
11697 (30) days prior to the date of the hearing.

11698         (3) At any hearing held hereunder, the board, upon  
11699 application and approval of the chancery court, shall have the  
11700 power to subpoena witnesses and compel their attendance and may  
11701 also require the production of books, papers and other documents,  
11702 as provided in this chapter. The hearing shall be conducted  
11703 before the full board with the president of the board serving as  
11704 the presiding judge. Counsel for the board shall present all  
11705 evidence relating to the charges. All evidence shall be presented  
11706 under oath, which may be administered by any member of the board,  
11707 and thereafter the proceedings may, if necessary, be transcribed





11708 in full by the court reporter and filed as part of the record in  
11709 the case. Copies of such transcriptions may be provided to any  
11710 party to the proceedings at a cost fixed by the board.

11711 All witnesses who are subpoenaed and who appear in any  
11712 proceedings before the board shall receive the same fees and  
11713 mileage as allowed by law in judicial civil proceedings, and all  
11714 such fees shall be taxed as part of the costs in the case.

11715 If in any proceeding before the board any witness fails or  
11716 refuses to attend upon subpoena issued by the board, refuses to  
11717 testify, or refuses to produce any books and papers the production  
11718 of which is called for by the subpoena, the attendance of such  
11719 witness and the giving of his testimony and the production of the  
11720 books and papers shall be enforced by any court of competent  
11721 jurisdiction of this state in the manner provided for the  
11722 enforcement of attendance and testimony of witnesses in civil  
11723 cases in the courts of this state.

11724 The accused shall have the right to be present at the hearing  
11725 in person, by counsel or other representative, or both. The  
11726 accused shall have the right to present evidence and to examine  
11727 and cross-examine all witnesses. The board may continue or recess  
11728 the hearing as may be necessary.

11729 (4) At the conclusion of the hearing, the board may either  
11730 decide the issue at that time or take the case under advisement  
11731 for further deliberation. The board shall render its decision not  
11732 more than forty-five (45) days after the close of the hearing and



11733 shall forward to the last known business or residence address of  
11734 the accused by certified or registered mail, return receipt  
11735 requested, a written statement of the decision of the board.

11736 If a majority of the board finds the accused guilty of the  
11737 charges filed, the board may:

11738 (a) Issue a public or private reprimand;

11739 (b) Suspend or revoke the certificate of the accused,  
11740 if the accused is a registrant; or

11741 (c) In lieu of or in addition to such reprimand,  
11742 suspension or revocation, assess and levy upon the guilty party a  
11743 monetary penalty of not less than One Hundred Dollars (\$100.00)  
11744 nor more than Five Thousand Dollars (\$5,000.00) for each  
11745 violation.

11746 (5) A monetary penalty assessed and levied under this  
11747 section shall be paid to the board upon the expiration of the  
11748 period allowed for appeal of such penalties under this section, or  
11749 may be paid sooner if the guilty party elects. Money collected by  
11750 the board under this section shall be deposited to the credit of  
11751 the special fund created in Section 73-1-43, Mississippi Code of  
11752 1972.

11753 When payment of such monetary penalty assessed and levied by  
11754 the board is delinquent, the board shall have the power to  
11755 institute and maintain proceedings in its name for enforcement of  
11756 payment in the chancery court of the county of residence of the  
11757 guilty party. If the guilty party is a nonresident of the State



11758 of Mississippi, such proceedings shall be in the \* \* \* inferior  
11759 courts of the Capitol Complex Improvement District.

11760 (6) When the board has taken a disciplinary action under  
11761 this section, the board may stay such action and place the guilty  
11762 party on probation for a period not to exceed one (1) year upon  
11763 condition that the guilty party shall not further violate either  
11764 the laws of the State of Mississippi pertaining to the practice of  
11765 architecture or the bylaws, rules and regulations, or standards of  
11766 conduct and ethics promulgated by the board.

11767 (7) The board may assess and tax any part or all of the  
11768 costs of any disciplinary proceedings conducted under this section  
11769 against the accused if the accused is found guilty of the charges.

11770 (8) The power and authority of the board to assess and levy  
11771 the monetary penalties provided for in this section shall not be  
11772 affected or diminished by any other proceeding, civil or criminal,  
11773 concerning the same violation or violations except as provided in  
11774 this section.

11775 (9) The board, for sufficient cause, may reissue a revoked  
11776 certificate of registration by a majority vote of the board  
11777 members; but in no event shall a revoked certificate be issued  
11778 within two (2) years of the revocation. A new certificate of  
11779 registration required to replace a revoked, lost, mutilated or  
11780 destroyed certificate may be issued, subject to the rules of the  
11781 board, for a charge not to exceed Ten Dollars (\$10.00).



11782           (10) In addition to the reasons specified in subsection (1)  
11783 of this section, the board shall be authorized to suspend the  
11784 certificate of registration of any person for being out of  
11785 compliance with an order for support, as defined in Section  
11786 93-11-153. The procedure for suspension of a certificate for  
11787 being out of compliance with an order for support, and the  
11788 procedure for the reissuance or reinstatement of a certificate  
11789 suspended for that purpose, and the payment of any fees for the  
11790 reissuance or reinstatement of a certificate suspended for that  
11791 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
11792 the case may be. If there is any conflict between any provision  
11793 of Section 93-11-157 or 93-11-163 and any provision of this  
11794 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
11795 case may be, shall control.

11796           **SECTION 226.** Section 73-73-31, Mississippi Code of 1972, is  
11797 amended as follows:

11798           73-73-31. (1) The board may revoke, suspend or annul the  
11799 certificate of a Mississippi Certified Interior Designer or  
11800 reprimand, censure or otherwise discipline a Mississippi Certified  
11801 Interior Designer.

11802           (2) The board and IDAC, upon satisfactory proof and in  
11803 accordance with the provisions of this chapter, may take any  
11804 necessary disciplinary actions against any Mississippi Certified  
11805 Interior Designer for any of the following reasons:



11806           (a) Violating any of the provisions of this chapter, or  
11807 the bylaws, rules, regulations or standards of ethics or conduct  
11808 duly adopted and promulgated by IDAC pertaining to using the title  
11809 Mississippi Certified Interior Designer;

11810           (b) Obtaining or attempting to obtain a certificate as  
11811 a Mississippi Certified Interior Designer by fraud, deceit or  
11812 misrepresentation;

11813           (c) Gross negligence, malpractice, incompetence or  
11814 misconduct by a Mississippi Certified Interior Designer;

11815           (d) Any professional misconduct, as defined by IDAC  
11816 through bylaws, rules and regulations and standards of conduct and  
11817 ethics;

11818           (e) Use of the term Mississippi Certified Interior  
11819 Designer on an expired certificate or while under suspension or  
11820 revocation of a certificate unless such suspension or revocation  
11821 is abated through probation, as provided for in this chapter;

11822           (f) Use of the term Mississippi Certified Interior  
11823 Designer under an assumed or fictitious name;

11824           (g) Being convicted by any court of a felony, except  
11825 conviction of culpable negligent manslaughter, in which case the  
11826 record of conviction shall be conclusive evidence;

11827           (h) Willfully misleading or defrauding any person  
11828 employing him or her as a Mississippi Certified Interior Designer  
11829 by any artifice or false statement; or



11830                   (i) Having any undisclosed financial or personal  
11831 interest which compromises his obligation to his client.

11832                   (3) Any person may prefer charges against any other person  
11833 for committing any of the acts set forth in this section. The  
11834 charges, which need not be sworn to, may be made upon actual  
11835 knowledge, or upon information and belief, and must be filed with  
11836 the board. If any person certified under this chapter is expelled  
11837 from membership in any Mississippi or national professional  
11838 interior design society or association, the board and IDAC shall  
11839 thereafter cite such person to appear at a hearing before the  
11840 board and IDAC to show cause why disciplinary action should not be  
11841 taken against that person.

11842                   The board and IDAC shall investigate all charges filed with  
11843 it and, upon finding reasonable cause to believe that the charges  
11844 are not frivolous, unfounded or filed in bad faith, may cause, in  
11845 its discretion, a hearing to be held at a time and place fixed by  
11846 the board regarding the charges. The board may compel, by  
11847 subpoena, the accused to appear before the board to respond to the  
11848 charges.

11849                   No disciplinary action may be taken until the accused has  
11850 been furnished with both a statement of the charges against him  
11851 and notice of the time and place of the hearing on those charges,  
11852 which must be served personally on the accused or mailed by  
11853 registered or certified mail, return receipt requested, to the



11854 last known business or residence address of the accused not less  
11855 than thirty (30) days before the date fixed for the hearing.

11856 (4) At a hearing held under this section, the board may  
11857 subpoena witnesses and compel their attendance and require the  
11858 production of any books, papers or documents. The hearing must be  
11859 conducted before the full board and IDAC with the president of the  
11860 board serving as the presiding officer. Counsel for the board  
11861 shall present all evidence relating to the charges. All evidence  
11862 must be presented under oath, which may be administered by any  
11863 member of the board. The proceedings, if necessary, may be  
11864 transcribed in full by a court reporter and filed as part of the  
11865 record in the case. Copies of the transcription may be provided  
11866 to any party to the proceedings at a cost to be fixed by the  
11867 board.

11868 All witnesses who are subpoenaed and who appear in any  
11869 proceeding before the board shall receive the same fee and mileage  
11870 as allowed by law in judicial civil proceedings, and all such fees  
11871 shall be taxed as part of the costs of the case.

11872 In any proceedings before the board in which any witness  
11873 fails or refuses to attend upon a subpoena issued by the board or  
11874 refuses to testify or to produce any books and papers, the  
11875 production of which is called for by the subpoena, the attendance  
11876 of the witness and the giving of his testimony and the production  
11877 of the books and papers shall be enforced by any court of  
11878 competent jurisdiction of this state in the manner provided for



11879 the enforcement of attendance and testimony of witnesses in civil  
11880 cases in the courts of this state.

11881 The accused shall have the right to be present at the hearing  
11882 in person, by counsel or other representative, or both. The  
11883 accused shall have the right to present evidence and to examine  
11884 and cross-examine all witnesses. The board may continue or recess  
11885 the hearing as may be necessary.

11886 (5) At the conclusion of the hearing, the board may either  
11887 decide the issue at the time or take the case under advisement for  
11888 further deliberation. The board must render its decision not more  
11889 than forty-five (45) days after the close of the hearing and shall  
11890 forward to the last known business or residence address of the  
11891 accused by certified or registered mail, return receipt requested,  
11892 a written statement of the decision of the board.

11893 If a majority of the board finds the accused guilty of the  
11894 charges filed, the board may:

11895 (a) Issue a public or private reprimand;

11896 (b) Suspend or revoke the certificate of the accused,  
11897 if the accused is a Mississippi Certified Interior Designer; or

11898 (c) In lieu of or in addition to such reprimand,  
11899 suspension or revocation, assess and levy upon the guilty party a  
11900 monetary penalty of not less than One Hundred Dollars (\$100.00)  
11901 nor more than Five Thousand Dollars (\$5,000.00) for each  
11902 violation.





11903           (6) A monetary penalty assessed and levied under this  
11904 section must be paid to the board within thirty (30) days. Money  
11905 collected by the board under this section and all fines shall be  
11906 deposited into the account of the board.

11907           When payment of a monetary penalty assessed and levied by the  
11908 board under this section is not paid when due, the board may  
11909 institute and maintain proceedings in its name for enforcement of  
11910 payment in the chancery court of the county of the residence of  
11911 the guilty party. If the guilty party is a nonresident of the  
11912 State of Mississippi, the proceedings must be instituted in  
11913 the \* \* \* inferior courts of the Capitol Complex Improvement  
11914 District.

11915           (7) When the board has taken a disciplinary action under  
11916 this section, the board, in its discretion, may stay the action  
11917 and place the guilty party on probation for a period not to exceed  
11918 one (1) year, upon the condition that the guilty party shall not  
11919 further violate either the law of the State of Mississippi  
11920 pertaining to the use of the term Mississippi Certified Interior  
11921 Designer or the rules and regulations or standards of conduct and  
11922 ethics promulgated by IDAC and the board.

11923           (8) The board, in its discretion, may assess and tax any  
11924 part of all costs of any disciplinary proceedings conducted under  
11925 this section against the accused if the accused is found guilty of  
11926 the charges.



11927           (9) The power and authority of the board to assess and levy  
11928 the monetary penalties provided for in this section shall not be  
11929 affected or diminished by any other proceedings, civil or  
11930 criminal, concerning the same violation or violations except as  
11931 provided in this section.

11932           (10) The board, on the recommendation of IDAC, for  
11933 sufficient cause, may reissue a revoked certificate by an  
11934 affirmative vote of a majority of the board members; however, a  
11935 revoked certificate may not be issued within two (2) years of the  
11936 revocation under any circumstances. A new certificate required to  
11937 replace a revoked certificate may be issued, subject to the rules  
11938 of the board, for a charge established by the rules and  
11939 regulations set forth by IDAC.

11940           (11) In addition to the reasons specified in this section,  
11941 the board may suspend the certificate of any person for being out  
11942 of compliance with an order for support, as defined in Section  
11943 93-11-153. The procedure for suspension of a certificate for  
11944 being out of compliance with an order for support, and the  
11945 procedure for the reissuance or reinstatement of a certificate  
11946 suspended for that purpose, and the payment of any fees for the  
11947 reissuance or reinstatement of a certificate suspended for that  
11948 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
11949 the case may be. If there is any conflict between any provision  
11950 of Section 93-11-157 or 93-11-163 and any provision of this



11951 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
11952 case may be, shall control.

11953       The board, for reasons it may deem sufficient, may reissue a  
11954 certificate to any person whose certificate has been suspended or  
11955 revoked if three (3) or more members of the board vote in favor of  
11956 the reissuance. The procedure for the reissuance of a certificate  
11957 that is suspended for being out of compliance with an order for  
11958 support, as defined in Section 93-11-153, shall be governed by  
11959 Section 93-11-157 or 93-11-163, as the case may be.

11960       **SECTION 227.** Section 73-21-103, Mississippi Code of 1972, is  
11961 amended as follows:

11962       73-21-103. (1) Upon the finding of the existence of grounds  
11963 for action against any permitted facility or discipline of any  
11964 person holding a license, registration or permit, seeking a  
11965 license, registration or permit, seeking to renew a license or  
11966 permit under the provisions of this chapter, or practicing or  
11967 doing business without a license, registration or permit, the  
11968 board may impose one or more of the following penalties:

11969           (a) Suspension of the offender's license, registration  
11970 and/or permit for a term to be determined by the board;

11971           (b) Revocation of the offender's license, registration  
11972 and/or permit;

11973           (c) Restriction of the offender's license, registration  
11974 and/or permit to prohibit the offender from performing certain



11975 acts or from engaging in the practice of pharmacy in a particular  
11976 manner for a term to be determined by the board;

11977 (d) Imposition of a monetary penalty as follows:

11978 (i) For the first violation, a monetary penalty of  
11979 not less than Two Hundred Fifty Dollars (\$250.00) nor more than  
11980 One Thousand Dollars (\$1,000.00) for each violation;

11981 (ii) For the second violation and subsequent  
11982 violations, a monetary penalty of not less than Five Hundred  
11983 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00)  
11984 for each violation.

11985 Money collected by the board under paragraph (d)(i), (ii) and  
11986 (iv) of this section shall be deposited to the credit of the State  
11987 General Fund of the State Treasury;

11988 (iii) The board may assess a monetary penalty for  
11989 those reasonable costs that are expended by the board in the  
11990 investigation and conduct of a proceeding for licensure  
11991 revocation, suspension or restriction, including, but not limited  
11992 to, the cost of process service, court reporters, expert witnesses  
11993 and investigators.

11994 Money collected by the board under paragraph (d)(iii) of this  
11995 section, shall be deposited to the credit of the Special Fund of  
11996 the Pharmacy Board;

11997 (iv) The board may impose a monetary penalty for  
11998 those facilities/businesses registered with the Pharmacy Board as  
11999 wholesalers/manufacturers of not less than Three Hundred Dollars



12000 (\$300.00) per violation and not more than Fifty Thousand Dollars  
12001 (\$50,000.00) per violation;

12002 (v) The board may impose a monetary penalty for  
12003 any dispenser, pharmacist or practitioner licensed to dispense  
12004 controlled substance and specified noncontrolled substance drugs,  
12005 who knowingly fails to submit drug monitoring information or  
12006 knowingly submits incorrect dispensing information of not more  
12007 than Ten Thousand Dollars (\$10,000.00) per violation. Any penalty  
12008 collected under this subparagraph (v) shall be deposited into the  
12009 special fund of the State Pharmacy Board to support the operations  
12010 of the Prescription Monitoring Program (PMP);

12011 (vi) The board may impose a monetary penalty for  
12012 any person who obtains prescription information and who knowingly  
12013 discloses this information for misuse or purposely alters the  
12014 reporting information, or uses the PMP in any manner other than  
12015 for which it was intended, of not more than Fifty Thousand Dollars  
12016 (\$50,000.00) per violation. Any penalty collected under this  
12017 subparagraph (vi) shall be deposited into the special fund of the  
12018 State Board of Pharmacy and used to support the operations of the  
12019 Prescription Monitoring Program;

12020 (vii) The board may impose a monetary penalty of  
12021 not more than One Thousand Dollars (\$1,000.00) per day upon any  
12022 person or business that practices or does business without the  
12023 license, registration or permit required by this chapter.



12024                   (e) Refusal to renew offender's license, registration  
12025 and/or permit;

12026                   (f) Placement of the offender on probation and  
12027 supervision by the board for a period to be determined by the  
12028 board;

12029                   (g) Public or private reprimand.

12030           Whenever the board imposes any penalty under this subsection,  
12031 the board may require rehabilitation and/or additional education  
12032 as the board may deem proper under the circumstances, in addition  
12033 to the penalty imposed.

12034           (2) Any person whose license, registration and/or permit has  
12035 been suspended, revoked or restricted pursuant to this chapter,  
12036 whether voluntarily or by action of the board, shall have the  
12037 right to petition the board at reasonable intervals for  
12038 reinstatement of such license, registration and/or permit. Such  
12039 petition shall be made in writing and in the form prescribed by  
12040 the board. Upon investigation and hearing, the board may, in its  
12041 discretion, grant or deny such petition, or it may modify its  
12042 original finding to reflect any circumstances which have changed  
12043 sufficiently to warrant such modifications. The procedure for the  
12044 reinstatement of a license, registration or permit that is  
12045 suspended for being out of compliance with an order for support,  
12046 as defined in Section 93-11-153, shall be governed by Section  
12047 93-11-157 or 93-11-163, as the case may be.



12048           (3) Nothing herein shall be construed as barring criminal  
12049 prosecutions for violation of this chapter where such violations  
12050 are deemed as criminal offenses in other statutes of this state or  
12051 of the United States.

12052           (4) A monetary penalty assessed and levied under this  
12053 section shall be paid to the board by the licensee, registrant or  
12054 permit holder upon the expiration of the period allowed for appeal  
12055 of such penalties under Section 73-21-101, or may be paid sooner  
12056 if the licensee, registrant or permit holder elects.

12057           (5) When payment of a monetary penalty assessed and levied  
12058 by the board against a licensee, registrant or permit holder in  
12059 accordance with this section is not paid by the licensee,  
12060 registrant or permit holder when due under this section, the board  
12061 shall have the power to institute and maintain proceedings in its  
12062 name for enforcement of payment in the chancery court of the  
12063 county and judicial district of residence of the licensee,  
12064 registrant or permit holder, or if the licensee, registrant or  
12065 permit holder is a nonresident of the State of Mississippi, in  
12066 the \* \* \* inferior courts of the Capitol Complex Improvement  
12067 District. When such proceedings are instituted, the board shall  
12068 certify the record of its proceedings, together with all documents  
12069 and evidence, to the chancery court and the matter shall thereupon  
12070 be heard in due course by the court, which shall review the record  
12071 and make its determination thereon. The hearing on the matter  
12072 may, in the discretion of the chancellor, be tried in vacation.



12073           (6) The board shall develop and implement a uniform penalty  
12074 policy which shall set the minimum and maximum penalty for any  
12075 given violation of board regulations and laws governing the  
12076 practice of pharmacy. The board shall adhere to its uniform  
12077 penalty policy except in such cases where the board specifically  
12078 finds, by majority vote, that a penalty in excess of, or less  
12079 than, the uniform penalty is appropriate. Such vote shall be  
12080 reflected in the minutes of the board and shall not be imposed  
12081 unless such appears as having been adopted by the board.

12082           **SECTION 228.** Section 41-7-201, Mississippi Code of 1972, is  
12083 amended as follows:

12084           41-7-201. (1) The provisions of this subsection (1) shall  
12085 apply to any party appealing any final order of the State  
12086 Department of Health pertaining to a certificate of need for a  
12087 home health agency, as defined in Section 41-7-173(h)(ix):

12088           (a) In addition to other remedies now available at law  
12089 or in equity, any party aggrieved by any such final order of the  
12090 State Department of Health shall have the right of appeal to  
12091 the \* \* \* inferior courts of the Capitol Complex Improvement  
12092 District, which appeal must be filed within thirty (30) days after  
12093 the date of the final order. Provided, however, that any appeal  
12094 of an order disapproving an application for such a certificate of  
12095 need may be made to the chancery court of the county where the  
12096 proposed construction, expansion or alteration was to be located  
12097 or the new service or purpose of the capital expenditure was to be





12098 located. Such appeal must be filed in accordance with the thirty  
12099 (30) days for filing as heretofore provided. Any appeal shall  
12100 state briefly the nature of the proceedings before the State  
12101 Department of Health and shall specify the order complained of.  
12102 Any appeal shall state briefly the nature of the proceedings  
12103 before the State Department of Health and shall specify the order  
12104 complained of. Any person whose rights may be materially affected  
12105 by the action of the State Department of Health may appear and  
12106 become a party or the court may, upon motion, order that any such  
12107 person, organization or entity be joined as a necessary party.

12108 (b) Upon the filing of such an appeal, the clerk of the  
12109 chancery court shall serve notice thereof upon the State  
12110 Department of Health, whereupon the State Department of Health  
12111 shall, within thirty (30) days or within such additional time as  
12112 the court may by order for cause allow from the service of such  
12113 notice, certify to the chancery court the record in the case,  
12114 which records shall include a transcript of all testimony,  
12115 together with all exhibits or copies thereof, all pleadings,  
12116 proceedings, orders, findings and opinions entered in the case;  
12117 provided, however, that the parties and the State Department of  
12118 Health may stipulate that a specified portion only of the record  
12119 shall be certified to the court as the record on appeal.

12120 (c) The court may dispose of the appeal in termtime or  
12121 vacation and may sustain or dismiss the appeal, modify or vacate  
12122 the order complained of, in whole or in part, as the case may be;



12123 but in case the order is wholly or partly vacated, the court may  
12124 also, in its discretion, remand the matter to the State Department  
12125 of Health for such further proceedings, not inconsistent with the  
12126 court's order, as, in the opinion of the court, justice may  
12127 require. The order shall not be vacated or set aside, either in  
12128 whole or in part, except for errors of law, unless the court finds  
12129 that the order of the State Department of Health is not supported  
12130 by substantial evidence, is contrary to the manifest weight of the  
12131 evidence, is in excess of the statutory authority or jurisdiction  
12132 of the State Department of Health, or violates any vested  
12133 constitutional rights of any party involved in the appeal.  
12134 Provided, however, an order of the chancery court reversing the  
12135 denial of a certificate of need by the State Department of Health  
12136 shall not entitle the applicant to effectuate the certificate of  
12137 need until either:

12138                   (i) Such order of the chancery court has become  
12139 final and has not been appealed to the Supreme Court; or  
12140                   (ii) The Supreme Court has entered a final order  
12141 affirming the chancery court.

12142                   (d) Appeals in accordance with law may be had to the  
12143 Supreme Court of the State of Mississippi from any final judgment  
12144 of the chancery court.

12145                   (2) The provisions of this subsection (2) shall apply to any  
12146 party appealing any final order of the State Department of Health  
12147 pertaining to a certificate of need for any health care facility



12148 as defined in Section 41-7-173(h), with the exception of any home  
12149 health agency as defined in Section 41-7-173(h)(ix):

12150 (a) There shall be a "stay of proceedings" of any final  
12151 order issued by the State Department of Health pertaining to the  
12152 issuance of a certificate of need for the establishment,  
12153 construction, expansion or replacement of a health care facility  
12154 for a period of thirty (30) days from the date of the order, if an  
12155 existing provider located in the same service area where the  
12156 health care facility is or will be located has requested a hearing  
12157 during the course of review in opposition to the issuance of the  
12158 certificate of need. The stay of proceedings shall expire at the  
12159 termination of thirty (30) days; however, no construction,  
12160 renovation or other capital expenditure that is the subject of the  
12161 order shall be undertaken, no license to operate any facility that  
12162 is the subject of the order shall be issued by the licensing  
12163 agency, and no certification to participate in the Title XVII or  
12164 Title XIX programs of the Social Security Act shall be granted,  
12165 until all statutory appeals have been exhausted or the time for  
12166 such appeals has expired. Notwithstanding the foregoing, the  
12167 filing of an appeal from a final order of the State Department of  
12168 Health or the chancery court for the issuance of a certificate of  
12169 need shall not prevent the purchase of medical equipment or  
12170 development or offering of institutional health services granted  
12171 in a certificate of need issued by the State Department of Health.



12172           (b) In addition to other remedies now available at law  
12173 or in equity, any party aggrieved by such final order of the State  
12174 Department of Health shall have the right of appeal to the \* \* \*  
12175 inferior courts of the Capitol Complex Improvement District, which  
12176 appeal must be filed within twenty (20) days after the date of the  
12177 final order. Provided, however, that any appeal of an order  
12178 disapproving an application for such a certificate of need may be  
12179 made to the chancery court of the county where the proposed  
12180 construction, expansion or alteration was to be located or the new  
12181 service or purpose of the capital expenditure was to be located.  
12182 Such appeal must be filed in accordance with the twenty (20) days  
12183 for filing as heretofore provided. Any appeal shall state briefly  
12184 the nature of the proceedings before the State Department of  
12185 Health and shall specify the order complained of.

12186           (c) Upon the filing of such an appeal, the clerk of the  
12187 chancery court shall serve notice thereof upon the State  
12188 Department of Health, whereupon the State Department of Health  
12189 shall, within thirty (30) days of the date of the filing of the  
12190 appeal, certify to the chancery court the record in the case,  
12191 which records shall include a transcript of all testimony,  
12192 together with all exhibits or copies thereof, all proceedings,  
12193 orders, findings and opinions entered in the case; provided,  
12194 however, that the parties and the State Department of Health may  
12195 stipulate that a specified portion only of the record shall be  
12196 certified to the court as the record on appeal. The chancery



12197 court shall give preference to any such appeal from a final order  
12198 by the State Department of Health in a certificate of need  
12199 proceeding, and shall render a final order regarding such appeal  
12200 no later than one hundred twenty (120) days from the date of the  
12201 final order by the State Department of Health. If the chancery  
12202 court has not rendered a final order within this  
12203 one-hundred-twenty-day period, then the final order of the State  
12204 Department of Health shall be deemed to have been affirmed by the  
12205 chancery court, and any party to the appeal shall have the right  
12206 to appeal from the chancery court to the Supreme Court on the  
12207 record certified by the State Department of Health as otherwise  
12208 provided in paragraph (g) of this subsection. In the event the  
12209 chancery court has not rendered a final order within the  
12210 one-hundred-twenty-day period and an appeal is made to the Supreme  
12211 Court as provided herein, the Supreme Court shall remand the case  
12212 to the chancery court to make an award of costs, fees, reasonable  
12213 expenses and attorney's fees incurred in favor of appellee payable  
12214 by the appellant(s) should the Supreme Court affirm the order of  
12215 the State Department of Health.

12216 (d) Any appeal of a final order by the State Department  
12217 of Health in a certificate of need proceeding shall require the  
12218 giving of a bond by the appellant(s) sufficient to secure the  
12219 appellee against the loss of costs, fees, expenses and attorney's  
12220 fees incurred in defense of the appeal, approved by the chancery  
12221 court within five (5) days of the date of filing the appeal.



12222           (e) No new or additional evidence shall be introduced  
12223 in the chancery court but the case shall be determined upon the  
12224 record certified to the court.

12225           (f) The court may dispose of the appeal in termtime or  
12226 vacation and may sustain or dismiss the appeal, modify or vacate  
12227 the order complained of in whole or in part and may make an award  
12228 of costs, fees, expenses and attorney's fees, as the case may be;  
12229 but in case the order is wholly or partly vacated, the court may  
12230 also, in its discretion, remand the matter to the State Department  
12231 of Health for such further proceedings, not inconsistent with the  
12232 court's order, as, in the opinion of the court, justice may  
12233 require. The court, as part of the final order, shall make an  
12234 award of costs, fees, reasonable expenses and attorney's fees  
12235 incurred in favor of appellee payable by the appellant(s) should  
12236 the court affirm the order of the State Department of Health. The  
12237 order shall not be vacated or set aside, either in whole or in  
12238 part, except for errors of law, unless the court finds that the  
12239 order of the State Department of Health is not supported by  
12240 substantial evidence, is contrary to the manifest weight of the  
12241 evidence, is in excess of the statutory authority or jurisdiction  
12242 of the State Department of Health, or violates any vested  
12243 constitutional rights of any party involved in the appeal.  
12244 Provided, however, an order of the chancery court reversing the  
12245 denial of a certificate of need by the State Department of Health



12246 shall not entitle the applicant to effectuate the certificate of  
12247 need until either:

12248 (i) Such order of the chancery court has become  
12249 final and has not been appealed to the Supreme Court; or

12250 (ii) The Supreme Court has entered a final order  
12251 affirming the chancery court.

12252 (g) Appeals in accordance with law may be had to the  
12253 Supreme Court of the State of Mississippi from any final judgment  
12254 of the chancery court. The Supreme Court must give preference and  
12255 conduct an expedited judicial review of an appeal of a final order  
12256 of the chancery court relating to a certificate of need proceeding  
12257 and must render a final order regarding the appeal no later than  
12258 one hundred twenty (120) days from the date the final order by the  
12259 chancery court is certified to the Supreme Court. The Supreme  
12260 Court shall consider such appeals in an expeditious manner without  
12261 regard to position on the court docket.

12262 (h) Within thirty (30) days from the date of a final  
12263 order by the Supreme Court or a final order of the chancery court  
12264 not appealed to the Supreme Court that modifies or wholly or  
12265 partly vacates the final order of the State Department of Health  
12266 granting a certificate of need, the State Department of Health  
12267 shall issue another order in conformity with the final order of  
12268 the Supreme Court, or the final order of the chancery court not  
12269 appealed to the Supreme Court.



12270           **SECTION 229.** Section 73-2-16, Mississippi Code of 1972, is  
12271 amended as follows:

12272           73-2-16. (1) The board shall also have the power to revoke,  
12273 suspend or annul the certificate or registration of a landscape  
12274 architect or reprimand, censure or otherwise discipline a  
12275 landscape architect.

12276           (2) The board, upon satisfactory proof and in accordance  
12277 with the provisions of this chapter, may take the disciplinary  
12278 actions against any registered landscape architect for any of the  
12279 following reasons:

12280                   (a) Violating any of the provisions of Sections 73-2-1  
12281 through 73-2-21 or the implementing bylaws, rules, regulations or  
12282 standards of ethics or conduct duly adopted and promulgated by the  
12283 board pertaining to the practice of landscape architecture;

12284                   (b) Fraud, deceit or misrepresentation in obtaining a  
12285 certificate of registration;

12286                   (c) Gross negligence, malpractice, incompetency or  
12287 misconduct in the practice of landscape architecture;

12288                   (d) Any professional misconduct, as defined by the  
12289 board through bylaws, rules and regulations and standards of  
12290 conduct and ethics (professional misconduct shall not be defined  
12291 to include bidding on contracts for a price);

12292                   (e) Practicing or offering to practice landscape  
12293 architecture on an expired license or while under suspension or





12294 revocation of a license unless said suspension or revocation be  
12295 abated through probation;

12296 (f) Practicing landscape architecture under an assumed  
12297 or fictitious name;

12298 (g) Being convicted by any court of a felony, except  
12299 conviction of culpable negligent manslaughter, in which case the  
12300 record of conviction shall be conclusive evidence;

12301 (h) Willfully misleading or defrauding any person  
12302 employing him as a landscape architect by any artifice or false  
12303 statement;

12304 (i) Having undisclosed financial or personal interest  
12305 which compromises his obligation to his client;

12306 (j) Obtaining a certificate by fraud or deceit; or

12307 (k) Violating any of the provisions of this chapter.

12308 (3) Any person may prefer charges against any other person  
12309 for committing any of the acts set forth in subsection (2). Such  
12310 charges need not be sworn to, may be made upon actual knowledge,  
12311 or upon information and belief, and shall be filed with the board.  
12312 In the event any person licensed under Sections 73-2-1 through  
12313 73-2-21 is expelled from membership in any Mississippi or national  
12314 professional landscape architectural society or association, the  
12315 board shall thereafter cite said person to appear at a hearing  
12316 before the board and to show cause why disciplinary action should  
12317 not be taken against that person.



12318           The board shall investigate all charges filed with it and,  
12319 upon finding reasonable cause to believe that the charges are not  
12320 frivolous, unfounded or filed in bad faith, may, in its  
12321 discretion, cause a hearing to be held, at a time and place fixed  
12322 by the board, regarding the charges and may compel the accused by  
12323 subpoena to appear before the board to respond to said charges.

12324           No disciplinary action taken hereunder may be taken until the  
12325 accused has been furnished both a statement of the charges against  
12326 him and notice of the time and place of the hearing thereof, which  
12327 shall be personally served on the accused or mailed by registered  
12328 or certified mail, return receipt requested, to the last known  
12329 business or residence address of the accused not less than thirty  
12330 (30) days prior to the date fixed for the hearing.

12331           (4) At any hearing held under the provisions of this  
12332 section, the board shall have the power to subpoena witnesses and  
12333 compel their attendance and require the production of any books,  
12334 papers or documents. The hearing shall be conducted before the  
12335 full board with the president of the board serving as the  
12336 presiding judge. Counsel for the board shall present all evidence  
12337 relating to the charges. All evidence shall be presented under  
12338 oath, which may be administered by any member of the board, and  
12339 thereafter the proceedings may, if necessary, be transcribed in  
12340 full by the court reporter and filed as part of the record in the  
12341 case. Copies of such transcription may be provided to any party  
12342 to the proceedings at a cost to be fixed by the board.



12343 All witnesses who shall be subpoenaed and who shall appear in  
12344 any proceedings before the board shall receive the same fees and  
12345 mileage as allowed by law in judicial civil proceedings, and all  
12346 such fees shall be taxed as part of the costs of the case.

12347 Where in any proceedings before the board any witness shall  
12348 fail or refuse to attend upon subpoena issued by the board, shall  
12349 refuse to testify or shall refuse to produce any books and papers,  
12350 the production of which is called for by the subpoena, the  
12351 attendance of such witness and the giving of his testimony and the  
12352 production of the books and papers shall be enforced by any court  
12353 of competent jurisdiction of this state in the manner provided for  
12354 the enforcement of attendance and testimony of witnesses in civil  
12355 cases in the courts of this state.

12356 The accused shall have the right to be present at the hearing  
12357 in person, by counsel or other representative, or both. The  
12358 accused shall have the right to present evidence and to examine  
12359 and cross-examine all witnesses. The board is authorized to  
12360 continue or recess the hearing as may be necessary.

12361 (5) At the conclusion of the hearing, the board may either  
12362 decide the issue at that time or take the case under advisement  
12363 for further deliberation. The board shall render its decision not  
12364 more than forty-five (45) days after the close of the hearing, and  
12365 shall forward to the last known business or residence address of  
12366 the accused by certified or registered mail, return receipt  
12367 requested, a written statement of the decision of the board.



12368           If a majority of the board finds the accused guilty of the  
12369 charges filed, the board may: (a) issue a public or private  
12370 reprimand; (b) suspend or revoke the license of the accused, if  
12371 the accused is a registrant; or (c) in lieu of or in addition to  
12372 such reprimand, suspension or revocation, assess and levy upon the  
12373 guilty party a monetary penalty of not less than One Hundred  
12374 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)  
12375 for each violation.

12376           (6) A monetary penalty assessed and levied under this  
12377 section shall be paid to the board upon the expiration of the  
12378 period allowed for appeal of such penalties under this section, or  
12379 may be paid sooner if the guilty party elects. Money collected by  
12380 the board under this section shall be deposited to the credit of  
12381 the board's general operating fund.

12382           When payment of a monetary penalty assessed and levied by the  
12383 board in accordance with this section is not paid when due, the  
12384 board shall have the power to institute and maintain proceedings  
12385 in its name for enforcement of payment in the chancery court of  
12386 the county and judicial district of the residence of the guilty  
12387 party and if the guilty party be a nonresident of the State of  
12388 Mississippi, such proceedings shall be in the \* \* \* inferior  
12389 courts of the Capitol Complex Improvement District.

12390           (7) When the board has taken a disciplinary action under  
12391 this section, the board may, in its discretion, stay such action  
12392 and place the guilty party on probation for a period not to exceed



12393 one (1) year upon the condition that the guilty party shall not  
12394 further violate either the law of the State of Mississippi  
12395 pertaining to the practice of landscape architecture or the  
12396 bylaws, rules and regulations, or standards of conduct and ethics  
12397 promulgated by the board.

12398 (8) The board, in its discretion, may assess and tax any  
12399 part or all of the costs of any disciplinary proceedings conducted  
12400 under this section against the accused, if the accused is found  
12401 guilty of the charges.

12402 (9) The power and authority of the board to assess and levy  
12403 the monetary penalties provided for in this section shall not be  
12404 affected or diminished by any other proceeding, civil or criminal,  
12405 concerning the same violation or violations except as provided in  
12406 this section.

12407 (10) The board, for sufficient cause, may reissue a revoked  
12408 license of registration whenever a majority of the board members  
12409 vote to do so but in no event shall a revoked license be issued  
12410 within two (2) years of the revocation. A new license of  
12411 registration required to replace a revoked, lost, mutilated or  
12412 destroyed license may be issued, subject to the rules of the  
12413 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

12414 (11) The board may direct the advisory committee to review  
12415 and investigate any charges brought against any landscape  
12416 architect under this chapter and to hold the hearings provided for



12417 in this section and to make findings of fact and recommendations  
12418 to the board concerning the disposition of such charges.

12419 (12) Nothing herein contained shall preclude the board or  
12420 advisory committee from initiating proceedings in any case. The  
12421 advisory committee shall furnish legal advice and assistance to  
12422 the board whenever such service is requested.

12423 (13) In addition to the reasons specified in subsection (2)  
12424 of this section, the board shall be authorized to suspend the  
12425 license of any licensee for being out of compliance with an order  
12426 for support, as defined in Section 93-11-153. The procedure for  
12427 suspension of a license for being out of compliance with an order  
12428 for support, and the procedure for the reissuance or reinstatement  
12429 of a license suspended for that purpose, and the payment of any  
12430 fees for the reissuance or reinstatement of a license suspended  
12431 for that purpose, shall be governed by Section 93-11-157 or  
12432 93-11-163, as the case may be. If there is any conflict between  
12433 any provision of Section 93-11-157 or 93-11-163 and any provision  
12434 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
12435 as the case may be, shall control.

12436 **SECTION 230.** Section 73-9-61, Mississippi Code of 1972, is  
12437 amended as follows:

12438 73-9-61. (1) Upon satisfactory proof, and in accordance  
12439 with statutory provisions elsewhere set out for such hearings and  
12440 protecting the rights of the accused as well as the public, the  
12441 State Board of Dental Examiners may deny the issuance or renewal



12442 of a license or may revoke or suspend the license of any licensed  
12443 dentist or dental hygienist practicing in the State of  
12444 Mississippi, or take any other action in relation to the license  
12445 as the board may deem proper under the circumstances, for any of  
12446 the following reasons:

12447           (a) Misrepresentation in obtaining a license, or  
12448 attempting to obtain, obtaining, attempting to renew or renewing a  
12449 license or professional credential by making any material  
12450 misrepresentation, including the signing in his or her  
12451 professional capacity any certificate that is known to be false at  
12452 the time he or she makes or signs the certificate.

12453           (b) Willful violation of any of the rules or  
12454 regulations duly promulgated by the board, or of any of the rules  
12455 or regulations duly promulgated by the appropriate dental  
12456 licensure agency of another state or jurisdiction.

12457           (c) Being impaired in the ability to practice dentistry  
12458 or dental hygiene with reasonable skill and safety to patients by  
12459 reason of illness or use of alcohol, drugs, narcotics, chemicals,  
12460 or any other type of material or as a result of any mental or  
12461 physical condition.

12462           (d) Administering, dispensing or prescribing any  
12463 prescriptive medication or drug outside the course of legitimate  
12464 professional dental practice.

12465           (e) Being convicted or found guilty of or entering a  
12466 plea of nolo contendere to, regardless of adjudication, a



12467 violation of any federal or state law regulating the possession,  
12468 distribution or use of any narcotic drug or any drug considered a  
12469 controlled substance under state or federal law, a certified copy  
12470 of the conviction order or judgment rendered by the trial court  
12471 being prima facie evidence thereof, notwithstanding the pendency  
12472 of any appeal.

12473 (f) Practicing incompetently or negligently, regardless  
12474 of whether there is actual harm to the patient.

12475 (g) Being convicted or found guilty of or entering a  
12476 plea of nolo contendere to, regardless of adjudication, a crime in  
12477 any jurisdiction that relates to the practice of dentistry or  
12478 dental hygiene, a certified copy of the conviction order or  
12479 judgment rendered by the trial court being prima facie evidence  
12480 thereof, notwithstanding the pendency of any appeal.

12481 (h) Being convicted or found guilty of or entering a  
12482 plea of nolo contendere to, regardless of adjudication, a felony  
12483 in any jurisdiction, a certified copy of the conviction order or  
12484 judgment rendered by the trial court being prima facie evidence  
12485 thereof, notwithstanding the pendency of any appeal.

12486 (i) Delegating professional responsibilities to a  
12487 person who is not qualified by training, experience or licensure  
12488 to perform them.

12489 (j) The refusal of a licensing authority of another  
12490 state or jurisdiction to issue or renew a license, permit or  
12491 certificate to practice dentistry or dental hygiene in that





12492 jurisdiction or the revocation, suspension or other restriction  
12493 imposed on a license, permit or certificate issued by the  
12494 licensing authority that prevents or restricts practice in that  
12495 jurisdiction, a certified copy of the disciplinary order or action  
12496 taken by the other state or jurisdiction being prima facie  
12497 evidence thereof, notwithstanding the pendency of any appeal.

12498           (k) Surrender of a license or authorization to practice  
12499 dentistry or dental hygiene in another state or jurisdiction when  
12500 the board has reasonable cause to believe that the surrender is  
12501 made to avoid or in anticipation of a disciplinary action.

12502           (l) Any unprofessional conduct to be determined by the  
12503 board on a case-by-case basis, which shall include, but not be  
12504 restricted to, the following:

12505                   (i) Committing any crime involving moral  
12506 turpitude.

12507                   (ii) Practicing deceit or other fraud upon the  
12508 public.

12509                   (iii) Practicing dentistry or dental hygiene under  
12510 a false or assumed name.

12511                   (iv) Advertising that is false, deceptive or  
12512 misleading.

12513                   (v) Announcing a specialized practice shall be  
12514 considered advertising that tends to deceive or mislead the public  
12515 unless the dentist announcing as a specialist conforms to other  
12516 statutory provisions and the duly promulgated rules or regulations



12517 of the board pertaining to practice of dentistry in the State of  
12518 Mississippi.

12519 (m) Failure to provide and maintain reasonable sanitary  
12520 facilities and conditions or failure to follow board rules  
12521 regarding infection control.

12522 (n) Committing any act which would constitute sexual  
12523 misconduct upon a patient or upon ancillary staff. For purposes  
12524 of this subsection, the term sexual misconduct means:

12525 (i) Use of the licensee-patient relationship to  
12526 engage or attempt to engage the patient in sexual activity; or

12527 (ii) Conduct of a licensee that is intended to  
12528 intimidate, coerce, influence or trick any person employed by or  
12529 for the licensee in a dental practice or educational setting for  
12530 the purpose of engaging in sexual activity or activity intended  
12531 for the sexual gratification of the licensee.

12532 (o) Violation of a lawful order of the board previously  
12533 entered in a disciplinary or licensure hearing; failure to  
12534 cooperate with any lawful request or investigation by the board;  
12535 or failure to comply with a lawfully issued subpoena of the board.

12536 (p) Willful, obstinate and continuing refusal to  
12537 cooperate with the board in observing its rules and regulations in  
12538 promptly paying all legal license or other fees required by law.

12539 (q) Practicing dentistry or dental hygiene while the  
12540 person's license is suspended.



12541           (r) Violation(s) of the provisions of Sections 41-121-1  
12542 through 41-121-9 relating to deceptive advertisement by health  
12543 care practitioners. This paragraph shall stand repealed on July  
12544 1, 2025.

12545           (2) In lieu of revocation of a license as provided for  
12546 above, the board may suspend the license of the offending dentist  
12547 or dental hygienist, suspend the sedation permit of the offending  
12548 dentist, or take any other action in relation to his or her  
12549 license as the board may deem proper under the circumstances.

12550           (3) When a license to practice dentistry or dental hygiene  
12551 is revoked or suspended by the board, the board may, in its  
12552 discretion, stay the revocation or suspension and simultaneously  
12553 place the licensee on probation upon the condition that the  
12554 licensee shall not violate the laws of the State of Mississippi  
12555 pertaining to the practice of dentistry or dental hygiene and  
12556 shall not violate the rules and regulations of the board and shall  
12557 not violate any terms in relation to his or her license as may be  
12558 set by the board.

12559           (4) In a proceeding conducted under this section by the  
12560 board for the denial, revocation or suspension of a license to  
12561 practice dentistry or dental hygiene, the board shall have the  
12562 power and authority for the grounds stated for that denial,  
12563 revocation or suspension, and in addition thereto or in lieu of  
12564 that denial, revocation or suspension may assess and levy upon any



12565 person licensed to practice dentistry or dental hygiene in the  
12566 State of Mississippi, a monetary penalty, as follows:

12567 (a) For the first violation of any of \* \* \* paragraph  
12568 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
12569 subsection (1) of this section, a monetary penalty of not less  
12570 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
12571 (\$500.00).

12572 (b) For the second violation of any of \* \* \* paragraph  
12573 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
12574 subsection (1) of this section, a monetary penalty of not less  
12575 than One Hundred Dollars (\$100.00) nor more than One Thousand  
12576 Dollars (\$1,000.00).

12577 (c) For the third and any subsequent violation of any  
12578 of \* \* \* paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),  
12579 (o) or (q) of subsection (1) of this section, a monetary penalty  
12580 of not less than Five Hundred Dollars (\$500.00) and not more than  
12581 Five Thousand Dollars (\$5,000.00).

12582 (d) For any violation of any of \* \* \* paragraph (a)  
12583 through (q) of subsection (1) of this section, those reasonable  
12584 costs that are expended by the board in the investigation and  
12585 conduct of a proceeding for licensure revocation or suspension,  
12586 including, but not limited to, the cost of process service, court  
12587 reporters, expert witnesses and investigators.

12588 (5) The power and authority of the board to assess and levy  
12589 monetary penalties under this section shall not be affected or



12590 diminished by any other proceeding, civil or criminal, concerning  
12591 the same violation or violations except as provided in this  
12592 section.

12593 (6) A licensee shall have the right of appeal from the  
12594 assessment and levy of a monetary penalty as provided in this  
12595 section under the same conditions as a right of appeal is provided  
12596 elsewhere for appeals from an adverse ruling, order or decision of  
12597 the board.

12598 (7) Any monetary penalty assessed and levied under this  
12599 section shall not take effect until after the time for appeal has  
12600 expired. In the event of an appeal, the appeal shall act as a  
12601 supersedeas.

12602 (8) A monetary penalty assessed and levied under this  
12603 section shall be paid to the board by the licensee upon the  
12604 expiration of the period allowed for appeal of those penalties  
12605 under this section or may be paid sooner if the licensee elects.  
12606 With the exception of subsection (4)(d) of this section, monetary  
12607 penalties collected by the board under this section shall be  
12608 deposited to the credit of the General Fund of the State Treasury.  
12609 Any monies collected by the board under subsection (4)(d) of this  
12610 section shall be deposited into the special fund operating account  
12611 of the board.

12612 (9) When payment of a monetary penalty assessed and levied  
12613 by the board against a licensee in accordance with this section is  
12614 not paid by the licensee when due under this section, the board



12615 shall have power to institute and maintain proceedings in its name  
12616 for enforcement of payment in the chancery court of the county and  
12617 judicial district of residence of the licensee, and if the  
12618 licensee is a nonresident of the State of Mississippi, the  
12619 proceedings shall be in the \* \* \* inferior courts of the Capitol  
12620 Complex Improvement District.

12621 (10) In addition to the reasons specified in subsection (1)  
12622 of this section, the board shall be authorized to suspend the  
12623 license of any licensee for being out of compliance with an order  
12624 for support, as defined in Section 93-11-153. The procedure for  
12625 suspension of a license for being out of compliance with an order  
12626 for support, and the procedure for the reissuance or reinstatement  
12627 of a license suspended for that purpose, and the payment of any  
12628 fees for the reissuance or reinstatement of a license suspended  
12629 for that purpose, shall be governed by Section 93-11-157 or  
12630 93-11-163, as the case may be. If there is any conflict between  
12631 any provision of Section 93-11-157 or 93-11-163 and any provision  
12632 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
12633 as the case may be, shall control.

12634 (11) All grounds for disciplinary action, including  
12635 imposition of fines and assessment of costs as enumerated above,  
12636 shall also apply to any other license or permit issued by the  
12637 board under this chapter or regulations duly adopted by the board.

12638 **SECTION 231.** Section 83-31-153, Mississippi Code of 1972, is  
12639 amended as follows:



12640           83-31-153. (1) A plan of reorganization shall include the  
12641 following provisions:

12642           (a) A description of the structure of the proposed  
12643 mutual insurance holding company system consistent with the  
12644 requirements therefor set forth in Sections 83-31-145 through  
12645 83-31-181.

12646           (b) A description of the qualifications for membership  
12647 in and the rights of members of the mutual insurance holding  
12648 company consistent with the requirements therefor set forth in  
12649 Sections 83-31-145 through 83-31-181, provisions for the  
12650 extinguishment of membership interests in the mutual insurance  
12651 company and provisions for the conversion of such membership  
12652 interests in the mutual insurance company into membership  
12653 interests in the mutual insurance holding company.

12654           (c) A description of the transactions, and parties to  
12655 such transactions, that will effect the reorganization, including,  
12656 but not limited to, transfer and assumption of policies,  
12657 contracts, assets and liabilities.

12658           (d) A description of corporate restructuring and other  
12659 corporate transactions that will effect the reorganization,  
12660 including, but not limited to, formation or organization of  
12661 companies, amendment or restatement of articles of association or  
12662 bylaws or those proposed in connection with the formation or  
12663 organization of companies in connection with the plan and mergers  
12664 and consolidations.



12665           (e) A description of those persons who shall serve as  
12666 directors and officers of the mutual insurance holding company,  
12667 its intermediate stock holding companies, if any, its controlled  
12668 subsidiaries and other subsidiaries as of the effective date of  
12669 the reorganization. The initial directors of each such company  
12670 shall be the directors of the mutual insurance company who shall  
12671 have terms concurrent with the terms as directors of the  
12672 reorganized mutual insurance company unless otherwise specified in  
12673 the plan.

12674           (f) Provisions requiring that, following the  
12675 reorganization, the material terms and conditions of  
12676 indemnification or coverage of policyholders of the mutual  
12677 insurance company shall remain in full force and effect under  
12678 policies transferred to and assumed by one or more subsidiaries of  
12679 the mutual insurance holding company.

12680           (g) Provisions requiring that, following the  
12681 reorganization, the material terms and conditions of subordinated  
12682 surplus notes and other contractual obligations, other than those  
12683 arising under policies described in paragraph (f) of this  
12684 subsection (1), of the mutual insurance company, subject to the  
12685 rights of the mutual insurance company under applicable law, and  
12686 to the extent such obligations are not otherwise satisfied or  
12687 terminated in accordance with their terms or retained by a mutual  
12688 insurance holding company or controlled subsidiary, shall remain  
12689 in full force and effect upon the transfer of such obligations to,





12690 and assumption of such obligations by, one or more subsidiaries of  
12691 the mutual insurance holding company.

12692 (2) A plan of reorganization must be adopted by two-thirds  
12693 (2/3) of the members of the board of directors of the mutual  
12694 insurance company or, in the case of the formation of any  
12695 intermediate stock insurance holding company that is not  
12696 concurrent with the formation of the mutual insurance holding  
12697 company, by two-thirds (2/3) of the members of the board of  
12698 directors of the mutual insurance holding company.

12699 (3) Not later than the ninetieth day following the adoption  
12700 of a plan of reorganization by the board of directors, and before  
12701 the meeting of the mutual insurance company members to approve the  
12702 plan, the mutual insurance company shall submit to the  
12703 commissioner the following:

12704 (a) The plan of reorganization, as adopted.

12705 (b) The form of notice to be sent to the mutual  
12706 insurance company members, informing them of their right to vote  
12707 on the plan of reorganization.

12708 (c) The form of proxy statement to be sent to the  
12709 mutual insurance company members informing them of their right to  
12710 vote by proxy on the plan of reorganization and describing the  
12711 plan.

12712 (d) The form of proxy to be sent to the mutual  
12713 insurance company members to solicit their vote on the plan of  
12714 reorganization.



12715           (e) Proposed articles of association, merger or  
12716 consolidation, bylaws, restatements of or amendments to articles  
12717 of association and bylaws and plans of merger or consolidation  
12718 with respect to each entity to be organized, reorganized or  
12719 otherwise subject to such action under the plan of reorganization.

12720           (f) An audited financial statement prepared on a  
12721 statutory basis in accordance with the insurance laws of the State  
12722 of Mississippi, including an actuarial opinion for the most recent  
12723 calendar year ended, or a copy thereof, if the statement was  
12724 previously filed with the commissioner.

12725           (g) Such other information as required under rules or  
12726 regulations or as requested by the commissioner.

12727           (4) The commissioner may hold a public hearing to allow  
12728 public comment on the plan of reorganization after giving written  
12729 notice to the mutual insurance company and other interested  
12730 persons, all of whom have the right to appear at the hearing.  
12731 Notice to interested persons who have not filed an appearance in  
12732 the matter may be made in any reasonable manner deemed appropriate  
12733 by the commissioner with the costs thereof assessed to the mutual  
12734 insurance company.

12735           (5) (a) Within twenty (20) business days after filing with  
12736 the commissioner the documents required in connection with a plan  
12737 of reorganization, the mutual insurance company shall send to each  
12738 eligible member a notice advising the eligible member of the  
12739 adoption and filing of the plan of reorganization and of the



12740 member's right to provide to the commissioner and the mutual  
12741 insurance company comments on the plan.

12742 (b) As an alternative to the notice required under  
12743 paragraph (a) of this subsection, the mutual insurance company may  
12744 use any other means which is reasonably designed to provide notice  
12745 to eligible members and which alternative means of providing  
12746 notice is approved by the commissioner.

12747 (c) The notice required under paragraph (a) or (b) of  
12748 this subsection shall include a description of the procedure to be  
12749 used in making comments.

12750 (d) An eligible member who elects to make comments must  
12751 make the comments in writing (i) if notice is sent to each  
12752 eligible member, not later than the thirtieth day after the date  
12753 on which the notice is sent, or (ii) if an alternative means of  
12754 providing notice is approved by the commissioner, not later than  
12755 such date for receipt of comments approved by the commissioner.

12756 (6) Except as otherwise provided by this subsection, the  
12757 commissioner shall approve or disapprove a plan of reorganization  
12758 not later than the ninetieth day after the first day on which all  
12759 the documents and other information required are filed with the  
12760 commissioner. The commissioner may not extend the time for  
12761 approval or disapproval beyond the ninety-day time period unless  
12762 he finds it necessary to retain a qualified expert in accordance  
12763 with subsection (7) of this section, in which case he may extend  
12764 the time for review for an additional sixty (60) days beyond the



12765 initial ninety-day period. Notwithstanding the stated time limits  
12766 herein, the commissioner may extend the time for approval or  
12767 disapproval for an additional thirty (30) days beyond the date on  
12768 which any amendment to such plan is filed with the commissioner.  
12769 The commissioner shall, within five (5) days of approving or  
12770 disapproving a plan of reorganization, give written notice to the  
12771 mutual insurance company of the commissioner's decision and, in  
12772 the event of disapproval, a detailed statement of the reasons for  
12773 the adverse decision. If a plan is disapproved, then the plan of  
12774 reorganization may be amended and resubmitted to the commissioner  
12775 for his approval or disapproval as provided in Sections 83-31-145  
12776 through 83-31-181. If the commissioner disapproves the plan then  
12777 the mutual insurance company may appeal the commissioner's  
12778 decision as provided by the laws of this state to the \* \* \*  
12779 inferior courts of the Capitol Complex Improvement District.

12780 (7) The commissioner may retain, at the mutual insurance  
12781 company's expense, a qualified expert or experts, including but  
12782 not limited to, appraisers, actuaries, accountants and attorneys,  
12783 not otherwise a part of the commissioner's staff to assist the  
12784 commissioner in reviewing the plan of reorganization.

12785 (8) The commissioner shall approve a plan of reorganization  
12786 if the commissioner finds that the plan of reorganization complies  
12787 with Sections 83-31-145 through 83-31-181 and the plan of  
12788 reorganization is fair and equitable to members and policyholders;  
12789 however, the commissioner may not approve such a plan of



12790 reorganization and shall disapprove such a plan if the  
12791 commissioner finds that (a) the effect of the plan of  
12792 reorganization would be substantially to lessen competition in  
12793 insurance in this state or tend to create a monopoly therein; (b)  
12794 the financial condition of any party to the plan of reorganization  
12795 is such as might jeopardize the financial stability of the  
12796 insurers which are parties to the plan, or prejudice the interests  
12797 of their policyholders; (c) the plan of reorganization or the  
12798 plans for operation of the parties to the plan of reorganization  
12799 following implementation of the plan of reorganization are not in  
12800 the public interest; (d) the competence, experience and integrity  
12801 of those persons who would control the operations of the parties  
12802 to the plan of reorganization are such that it would not be in the  
12803 interest of policyholders of the parties to the plan of  
12804 reorganization or of the public to permit the plan of  
12805 reorganization; (e) the plan of reorganization's method of  
12806 allocating value is not fair and equitable; (f) the plan of  
12807 reorganization is not fair and equitable to the members and  
12808 policyholders; (g) implementation of the plan of reorganization is  
12809 likely to be hazardous or prejudicial to the insurance buying  
12810 public; or (h) the plan of reorganization unfairly enriches the  
12811 officers and directors of the reorganizing insurer.

12812       (9)   (a)   A plan of reorganization adopted by the board of  
12813 directors of the mutual insurance company may be:



12814 (i) Amended by the board of directors of the  
12815 mutual insurance company in response to the comments or  
12816 recommendations of the commissioner or any other state or federal  
12817 agency or governmental entity before any solicitation of proxies  
12818 from members of the mutual insurance company to vote on the plan  
12819 of reorganization or at any time with the consent of the  
12820 commissioner, except that any material amendment after the  
12821 members' approval shall require the members' approval; or

12822 (ii) Terminated by the board of directors of the  
12823 applicant at any time before members of the mutual insurance  
12824 company vote on the plan of reorganization and, otherwise, at any  
12825 time with the consent of the commissioner.

12826 (b) The plan of reorganization is approved upon the  
12827 affirmative vote of at least two-thirds (2/3) of the votes cast by  
12828 members of the mutual insurance company, notwithstanding quorum or  
12829 voting action requirements otherwise applicable to the mutual  
12830 insurance company to the contrary.

12831 (c) Within thirty (30) days after members have approved  
12832 the plan of reorganization, the applicant must file with the  
12833 commissioner the minutes of the meeting at which the plan of  
12834 reorganization was approved.

12835 **SECTION 232.** Section 53-9-69, Mississippi Code of 1972, is  
12836 amended as follows:

12837 53-9-69. (1) (a) When, on the basis of any information  
12838 available, including receipt of information from any person, the



12839 executive director or state geologist as the executive director's  
12840 designee has reason to believe that any person is in violation of  
12841 this chapter, any regulation or written order of the commission  
12842 issued or promulgated under this chapter or any condition of a  
12843 permit, the executive director or state geologist as the executive  
12844 director's designee shall immediately order inspection of the  
12845 surface coal mining operation at which the alleged violation is  
12846 occurring unless the information available is a result of a  
12847 previous inspection of the surface coal mining operation. When  
12848 the inspection results from information provided to the executive  
12849 director or state geologist by any person who is not an employee  
12850 of the department, the executive director or state geologist as  
12851 the executive director's designee shall notify the person when the  
12852 inspection is proposed to be carried out and the person shall be  
12853 allowed to accompany the inspector during the inspection.

12854           (b) When, on the basis of any inspection, the  
12855 executive director or the executive director's authorized  
12856 representative determines that any condition or practices exist or  
12857 that any permittee is in violation of this chapter or any  
12858 regulation or written order of the commission promulgated or  
12859 issued under this chapter or any condition of a permit and the  
12860 condition, practice or violation also creates an imminent danger  
12861 to the health and safety of the public, or is causing or can  
12862 reasonably be expected to cause significant imminent environmental  
12863 harm to land, air or water resources, the executive director or



12864 the executive director's authorized representative shall  
12865 immediately order a cessation of surface coal mining and  
12866 reclamation operations or the portion of those operations relevant  
12867 to the condition, practice or violation. The cessation order  
12868 shall remain in effect until the executive director or the  
12869 executive director's authorized representative determines that the  
12870 condition, practice or violation has been abated or until the  
12871 order is modified, vacated or terminated by the executive director  
12872 or the executive director's authorized representative.  
12873 If the commission, executive director or the executive director's  
12874 authorized representative finds that the ordered cessation of  
12875 surface coal mining and reclamation operations, or any portion of  
12876 those operations shall not completely abate the imminent danger to  
12877 health or safety of the public or the significant imminent  
12878 environmental harm to land, air or water resources, the  
12879 commission, executive director or the executive director's  
12880 authorized representative shall, in addition to the cessation  
12881 order, impose obligations on the operator requiring the operator  
12882 to take whatever steps the commission, executive director or the  
12883 executive director's authorized representative deems necessary to  
12884 abate the imminent danger or the significant environmental harm.

12885 (c) (i) When, on the basis of an inspection, the  
12886 executive director or the executive director's authorized  
12887 representative determines that any permittee is in violation of  
12888 this chapter, any regulation or written order of the commission





12889 promulgated or issued under this chapter or any condition of a  
12890 permit but that violation does not create an imminent danger to  
12891 the health and safety of the public or cannot be reasonably  
12892 expected to cause significant imminent environmental harm to land,  
12893 air or water resources, the commission, executive director or the  
12894 executive director's authorized representative shall issue an  
12895 order to the permittee or agent of the permittee setting a  
12896 reasonable time of not more than ninety (90) days for the  
12897 abatement of the violation and if deemed necessary by the  
12898 commission, executive director or the executive director's  
12899 authorized representative ordering an immediate cessation of  
12900 activities violating or resulting in the violation of this  
12901 chapter, the regulations promulgated under this chapter or any  
12902 condition or limitation of a permit.

12903                   (ii) If, upon expiration of the period of time as  
12904 originally fixed or subsequently extended, for good cause shown  
12905 and upon the written finding of the commission, the executive  
12906 director or the executive director's authorized representative  
12907 finds that the violation has not been abated, the commission, the  
12908 executive director or the executive director's authorized  
12909 representative shall immediately order a cessation of surface coal  
12910 mining and reclamation operations or the portion of those  
12911 operations relevant to the violation. The cessation order shall  
12912 remain in effect until the commission, the executive director or  
12913 the executive director's authorized representative determines that



12914 the violation has been abated or until that order is modified,  
12915 vacated or terminated by the commission, the executive director or  
12916 the executive director's authorized representative. In the  
12917 cessation order issued by the commission, the executive director  
12918 or the executive director's authorized representative, the  
12919 commission, the executive director or the executive director's  
12920 authorized representative shall determine the steps necessary to  
12921 abate the violation in the most expeditious manner possible, and  
12922 shall include measures in the order necessary to achieve that  
12923 abatement.

12924 (d) When, on the basis of an inspection, the executive  
12925 director has reason to believe that a pattern of violations of  
12926 this chapter, any regulation promulgated under this chapter or any  
12927 condition of a permit exists or has existed, and if the executive  
12928 director also finds that the violations are caused by the  
12929 unwarranted failure of the permittee to comply with this chapter,  
12930 any regulation promulgated under this chapter or any condition of  
12931 a permit, or that the violations are willfully caused by the  
12932 permittee, the executive director shall issue an order to the  
12933 permittee to show cause as to why the permit should not be  
12934 suspended or revoked by the permit board. Upon the permittee's  
12935 failure to show cause to the satisfaction of the executive  
12936 director or the executive director's authorized representative as  
12937 to why the permit should not be suspended or revoked, the  
12938 executive director or the executive director's authorized



12939 representative shall present this information to the permit board  
12940 and request that the permit board suspend or revoke the permit.  
12941 The permit board shall decide the executive director's request  
12942 under the procedures of Section 49-17-29(4) and (5). Any request  
12943 by an interested party for a formal hearing regarding the permit  
12944 board's initial decision on suspension or revocation of the permit  
12945 or any appeal of the final decision following the formal hearing  
12946 by any person who participated as a party in the formal hearing  
12947 may be taken as provided under Section 49-17-29(4) and (5).

12948 (e) The permittee or other interested party may request  
12949 a formal hearing concerning an order of the commission issued  
12950 under paragraph (b) or (c) of this subsection as provided under  
12951 Section 49-17-41.

12952 (2) (a) The commission may institute a civil action for  
12953 relief, including a permanent or temporary injunction or any other  
12954 appropriate order, in the chancery court of the county or judicial  
12955 district in which the surface coal mining and reclamation  
12956 operation is located, in which the permittee has its principal  
12957 office, or in the \* \* \* inferior courts of the Capitol Complex  
12958 Improvement District when the permittee or its agent:

12959 (i) Violates or fails or refuses to comply with  
12960 any permit, order or decision issued by the permit board or  
12961 commission under this chapter;

12962 (ii) Interferes with, hinders or delays the  
12963 commission, permit board, department, executive director or any



12964 authorized representative of the executive director in carrying  
12965 out this chapter;

12966 (iii) Refuses to admit any authorized  
12967 representative of the executive director, commission, permit board  
12968 or department to the mine;

12969 (iv) Refuses to permit inspection of the mine by  
12970 that authorized representative;

12971 (v) Refuses to furnish any information or report  
12972 requested by the commission, permit board or department in  
12973 furtherance of this chapter; or

12974 (vi) Refuses to permit access to and copying of  
12975 any records as the commission, permit board or department  
12976 determines necessary in carrying out this chapter.

12977 (b) The court shall have jurisdiction to provide any  
12978 relief as may be appropriate. Preliminary injunctions shall be  
12979 issued in accordance with state law. The commission may obtain  
12980 mandatory or prohibitory injunctive relief, either temporary or  
12981 permanent, and in cases of imminent and substantial hazard or  
12982 endangerment to the environment or public health, it is not  
12983 necessary that the commission plead or prove: (i) that  
12984 irreparable damage would result if the injunction did not issue;  
12985 (ii) that there is no adequate remedy at law; or (iii) that a  
12986 written complaint or commission order has first been issued for  
12987 the alleged violation. Any relief granted by the court to enforce  
12988 an order under subsection 2(a)(i) of this section shall continue



12989 in effect until the completion or final termination of all  
12990 proceedings for review of that order under this chapter unless,  
12991 before that time, the court granting the relief sets it aside or  
12992 modifies it.

12993 (3) Nothing in this section shall be construed to eliminate  
12994 any additional enforcement rights or procedures which are  
12995 available under state law to a state agency but which are not  
12996 specifically stated in this section.

12997 (4) When an order is issued under this section, or as a  
12998 result of any administrative proceeding under this chapter, at the  
12999 request of any person, a sum equal to the aggregate amount of all  
13000 costs and expenses, including attorney's fees, as determined by  
13001 the commission to have been reasonably incurred by that person for  
13002 or in conjunction with that person's participation in the  
13003 proceedings, including any judicial review of agency actions, may  
13004 be assessed against either party as the court, resulting from  
13005 judicial review, or the commission, resulting from administrative  
13006 proceedings deems proper.

13007 **SECTION 233.** Section 73-63-43, Mississippi Code of 1972, is  
13008 amended as follows:

13009 73-63-43. (1) The board, upon satisfactory proof and in  
13010 accordance with this chapter and rules and regulations of the  
13011 board, may take the disciplinary actions provided under this  
13012 chapter against any person for the following reasons:



13013           (a) Violation of this chapter, any rule or regulation  
13014 or written order of the board, any condition of registration or  
13015 standards of professional conduct;

13016           (b) Fraud, deceit or misrepresentation in obtaining a  
13017 certificate of registration as a registered professional geologist  
13018 or certificate of enrollment as a geologist-in-training;

13019           (c) Gross negligence, malpractice, incompetency,  
13020 misconduct, or repeated incidents of simple negligence in or  
13021 related to the practice of geology;

13022           (d) Practicing or offering to practice geology, or  
13023 holding oneself out as being registered or qualified to practice  
13024 geology, by an individual who is not registered under this  
13025 chapter, or by any other person not employing a registered  
13026 professional geologist as required by this chapter;

13027           (e) Using the seal of another, or using or allowing use  
13028 of one's seal on geologic work not performed by or under the  
13029 supervision of the registered professional geologist, or otherwise  
13030 aiding or abetting any person in the violation of this chapter;

13031           (f) Disciplinary action by any state agency, board of  
13032 registration or similar licensing agency for geologists or any  
13033 profession or occupation related to the practice of geology. The  
13034 sanction imposed by the board shall not exceed in severity or  
13035 duration the sanction upon which that action is based;

13036           (g) Addiction to or chronic dependence on alcohol or  
13037 other habit-forming drugs or being an habitual user of alcohol,



13038 narcotics, barbiturates, amphetamines, hallucinogens or other  
13039 drugs having similar effect resulting in the impairment of  
13040 professional or ethical judgment; or

13041 (h) Injuring or damaging, or attempting to injure or  
13042 damage, the professional reputation of another by any means  
13043 whatsoever; this provision shall not relieve a registered  
13044 professional geologist from the obligation to expose unethical or  
13045 illegal conduct to the proper authorities nor shall it preclude  
13046 confidential appraisals of geologists or other persons or firms  
13047 under consideration for employment.

13048 (2) Any person may bring a complaint alleging a violation of  
13049 this chapter, any rule or regulation or written order of the  
13050 board, any condition of registration or standards of professional  
13051 conduct. Complaints shall be made in writing, sworn to by the  
13052 person filing the complaint, and filed with the board. The board  
13053 shall investigate all complaints and upon finding a basis for that  
13054 complaint, shall notify the accused in writing specifying the  
13055 provisions of this chapter, rule, regulation or order of the board  
13056 or the condition or standard alleged to be violated and the facts  
13057 alleged to constitute the violation. The notice shall require the  
13058 accused to appear before the board at a time and place to answer  
13059 the charges. The time of appearance shall be at least thirty (30)  
13060 days from the date of service of the notice. Notice shall be made  
13061 by service on the person or by registered or certified mail,  
13062 return receipt requested, to the last known business or residence



13063 address of the accused, as shown on the records of the board.  
13064 Within fifteen (15) days following receipt of that notice, the  
13065 accused shall file a written response, admitting, denying or  
13066 taking exception to the charges. In the absence of a response or  
13067 if the charges are admitted or if no exception is taken, the board  
13068 may take disciplinary action without holding a hearing. A  
13069 disciplinary action may be settled by the board and the accused,  
13070 either before or after a hearing has begun.

13071 A person who reports or provides information to the board in  
13072 good faith is not subject to an action for civil damages.

13073 (3) Any hearing under this section may be conducted by the  
13074 board itself at a regular or special meeting of the board or by a  
13075 hearing officer designated by the board. The hearing officer may  
13076 conduct the hearings in the name of the board at any time and  
13077 place as conditions and circumstances may warrant. The hearing  
13078 officer or any member of the board may administer oaths or  
13079 affirmations to witnesses appearing before the hearing officer or  
13080 the board.

13081 If any witness fails or refuses to attend upon subpoena  
13082 issued by the board, refuses to testify or refuses to produce  
13083 books, papers, reports, documents and similar material, the  
13084 production of which is called for by a subpoena, the attendance of  
13085 any witness and the giving of that person's testimony and the  
13086 production of books, papers, reports, documents and similar  
13087 material shall be enforced by any court of competent jurisdiction





13088 of this state in the manner provided for the enforcement of the  
13089 attendance and testimony of witnesses in civil cases in the courts  
13090 of this state.

13091 All hearings before the board shall be recorded either by a  
13092 court reporter or by tape or mechanical recorders and subject to  
13093 transcription upon order of the board or any interested person.  
13094 If the request for transcription originates with an interested  
13095 person, that person shall pay the cost of transcription.

13096 The accused shall have the right to be present at the hearing  
13097 in person, by counsel or other representative, or both. The board  
13098 may continue or recess the hearing as may be necessary.

13099 (4) If a hearing officer conducts the hearing on behalf of  
13100 the board, the hearing officer shall upon completion have the  
13101 record of that hearing prepared. The record shall be submitted to  
13102 the board along with that hearing officer's findings of fact and  
13103 recommended decision. Upon receipt and review of the record of  
13104 the hearing and the hearing officer's findings of fact and  
13105 recommended decision, the board shall render its final decision as  
13106 provided in subsection (5) of this section.

13107 Any person ordered to appear for an alleged violation may  
13108 request a hearing before a majority of the board. A verbatim  
13109 record of any previous hearings on that matter shall be filed with  
13110 the board, together with findings of fact and conclusions of law  
13111 made by the board based on the record.



13112           (5) At the conclusion of the hearing, the board may either  
13113 decide the issue at that time or take the case under advisement  
13114 for further deliberation. The board shall render its decision not  
13115 more than ninety (90) days after the close of the hearing, and  
13116 shall forward to the last known business or residence address of  
13117 the accused, by certified or registered mail, return receipt  
13118 requested, a written statement of the decision of the board.

13119           If a majority of the board finds the accused guilty of the  
13120 charges filed, the board may take any combination of the following  
13121 actions:

13122                   (a) Deny the renewal of a certificate of registration  
13123 or certificate of enrollment;

13124                   (b) Suspend the certificate of registration or  
13125 certificate of enrollment of any registrant for a specified period  
13126 of time, not to exceed three (3) years, or revoke the certificate  
13127 of registration or certificate of enrollment of any registrant;

13128                   (c) Censure, reprimand or issue a public or private  
13129 admonishment to an applicant, a registrant or any other person  
13130 engaged in the practice of geology under this chapter;

13131                   (d) Impose limitations, conditions or restrictions upon  
13132 the practice of an applicant, a registrant or upon any other  
13133 person engaged in the practice of geology;

13134                   (e) Require the guilty party to complete a course,  
13135 approved by the board, in ethics;



13136 (f) Impose probation upon a registrant, requiring  
13137 regular reporting to the board;

13138 (g) Require restitution, in whole or in part, of the  
13139 compensation or fees earned by a registrant or by any other person  
13140 engaging in the practice of geology; or

13141 (h) Assess and levy upon the guilty party a monetary  
13142 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each  
13143 violation.

13144 (6) Any monetary penalty assessed and levied under this  
13145 section shall be paid to the board upon the expiration of the  
13146 period allowed for appeal of that penalty, or may be paid sooner  
13147 if the guilty party elects. Money collected by the board under  
13148 this section shall be deposited to the credit of the Registered  
13149 Professional Geologists Fund.

13150 When payment of a monetary penalty assessed and levied by the  
13151 board in accordance with this section is not paid when due, the  
13152 board may begin and maintain proceedings in its name for  
13153 enforcement of payment in the chancery court of the county and  
13154 judicial district of residence of the guilty party and if the  
13155 guilty party is a nonresident of the State of Mississippi, the  
13156 proceedings shall be in the \* \* \* inferior courts of the Capitol  
13157 Complex Improvement District.

13158 (7) The board may assess and impose the costs of any  
13159 disciplinary proceedings conducted under this section against  
13160 either the accused, the charging party, or both, as it may elect.



13161           (8) The authority of the board to assess and levy the  
13162 monetary penalties under this section shall not be affected or  
13163 diminished by any other proceeding, civil or criminal, concerning  
13164 the same violation or violations, unless provided in this section.

13165           (9) If the board determines there is an imminent danger to  
13166 the public welfare, the board may issue an order for the immediate  
13167 suspension of a certificate of registration or a certificate of  
13168 enrollment. The registrant may request a hearing on the matter  
13169 within fifteen (15) days after receipt of the order of suspension.  
13170 The board shall file charges as provided in this section within  
13171 thirty (30) days after the issuance of an order, or the suspension  
13172 shall be of no further force and effect. If charges are filed,  
13173 the order of suspension shall remain in effect until disposition  
13174 of all charges.

13175           (10) The board, for sufficient cause, may reissue a revoked  
13176 certificate of registration or certificate of enrollment, upon  
13177 written application to the board by the applicant. The  
13178 application shall be made not less than three (3) years after the  
13179 revocation. The board may impose reasonable conditions or  
13180 limitations in connection with any reissuance.

13181           (11) In addition to the reasons named in subsection (1) of  
13182 this section, the board may suspend the certificate of  
13183 registration or certificate of enrollment of any person for being  
13184 out of compliance with an order for support, as defined in Section  
13185 93-11-153. The procedure for suspension of a certificate for



13186 being out of compliance with an order for support, and the  
13187 procedure for the reissuance or reinstatement of a certificate  
13188 suspended for that purpose, and the payment of any fees for the  
13189 reissuance or reinstatement of a certificate suspended for that  
13190 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
13191 the case may be. Actions taken by the board in suspending a  
13192 certificate when required by Section 93-11-157 or 93-11-163 are  
13193 not actions from which an appeal may be taken under Section  
13194 73-63-49. Any appeal of a suspension of a certificate that is  
13195 required by Section 93-11-157 or 93-11-163 shall be taken in  
13196 accordance with the appeal procedure specified in Section  
13197 93-11-157 or 93-11-163, as the case may be, rather than the  
13198 procedure specified in Section 73-63-49. If there is any conflict  
13199 between Section 93-11-157 or 93-11-163 and this chapter, Section  
13200 93-11-157 or 93-11-163, as the case may be, shall control.

13201       **SECTION 234.** Section 31-25-37, Mississippi Code of 1972, is  
13202 amended as follows:

13203       31-25-37. (1) The bank shall have the power, from time to  
13204 time, to issue bonds for any of its corporate purposes, including  
13205 without limitation to pay bonds, including the interest thereon,  
13206 and whenever it deems refunding expedient, to refund any bonds by  
13207 the issuance of new bonds, whether the bonds to be refunded have  
13208 or have not matured, and to issue bonds partly to refund bonds  
13209 then outstanding and partly for any of its corporate purposes.  
13210 The refunding bonds may be exchanged for bonds to be refunded or



13211 sold and the proceeds applied to the purchase, redemption or  
13212 payment of such bonds.

13213 (2) The bank shall have power to make contracts for the  
13214 future sale from time to time of bonds, pursuant to which the  
13215 purchaser shall be committed to purchase and the bank shall have  
13216 the power to pay such consideration as it shall deem proper for  
13217 such commitments.

13218 (3) Except as otherwise provided in this subsection (3),  
13219 every issue of bonds of the bank shall be general obligations of  
13220 the bank payable out of any revenues or funds of the bank, subject  
13221 only to the provisions of the resolution of the bank authorizing  
13222 the issuance of, or to any agreements with the holders of,  
13223 particular bonds pledging any particular revenues or funds. Any  
13224 such bonds may be additionally secured by a pledge of any grants,  
13225 subsidies, contributions, funds or moneys from the United States  
13226 of America or the state or any agency or instrumentality thereof,  
13227 or any other governmental unit. However, bonds issued by the bank  
13228 under Section 31-25-21(k) for the purposes provided in Section  
13229 31-25-20(g) shall be general obligations of the State of  
13230 Mississippi, and for the payment thereof the full faith and credit  
13231 of the State of Mississippi is irrevocably pledged. If the funds  
13232 appropriated by the Legislature are insufficient to pay the  
13233 principal of and the interest on such bonds as they become due,  
13234 then the deficiency shall be paid by the State Treasurer from any  
13235 funds in the State Treasury not otherwise appropriated. All such



13236 state general obligation bonds shall contain recitals on their  
13237 faces substantially covering these provisions.

13238 (4) Any law to the contrary notwithstanding, a bond issued  
13239 under this chapter is fully negotiable and each holder or owner of  
13240 a bond, or of any coupon appurtenant thereto, by accepting the  
13241 bond or coupon shall be conclusively deemed to have agreed that  
13242 the bond or coupon is fully negotiable for those purposes subject  
13243 only to any provisions of bonds for registration.

13244 (5) Bonds of the bank shall be authorized by resolution of  
13245 the board of the bank, may be issued as serial bonds payable in  
13246 annual installments or as term bonds or as a combination thereof,  
13247 and shall bear such date or dates, mature at such time or times,  
13248 be in such denomination or denominations, be in such form, either  
13249 coupon or registered, carry such conversion or registration  
13250 privileges, have such rank or priority, be payable from such  
13251 sources in such medium of payment at such place or places within  
13252 or without the state, and be subject to such terms of redemption,  
13253 with or without premiums, as such resolution or resolutions may  
13254 provide, except that no bond shall mature more than forty (40)  
13255 years from the date of its issue. The bonds may bear interest at  
13256 such rate or rates as the bank may by resolution determine, and  
13257 such rate or rates shall not be limited by any other law relating  
13258 to the issuance of bonds except that the interest rate on any  
13259 bonds issued as general obligation bonds of the State of  
13260 Mississippi shall not exceed the limits set forth in Section



13261 75-17-101. The bonds and coupons appertaining thereto may be  
13262 executed in such manner as shall be determined by the bank. In  
13263 case any of the members or officers of the bank whose signatures  
13264 appear on any bonds or coupons shall cease to be such members or  
13265 officers before the delivery of such bonds, such signatures shall,  
13266 nevertheless, be valid and sufficient for all purposes, the same  
13267 as if such members or officers had remained in office until such  
13268 delivery.

13269 (6) Bonds of the bank may be sold at public or private sale  
13270 at such time or times and at such price or prices as the bank  
13271 shall determine.

13272 (7) In connection with the issuance of bonds, the board of  
13273 the bank may delegate to the executive director of the bank the  
13274 power to determine the time or times of sale of such bonds, the  
13275 amounts of such bonds, the maturities of such bonds, the rate or  
13276 rates of interest of such bonds, and such other terms and details  
13277 of the bonds, as may be determined by the board of the bank;  
13278 provided, however, the board of the bank shall have adopted a  
13279 resolution making such delegation and such resolution shall  
13280 specify the maximum amount of the bonds which may be outstanding  
13281 at any one time, the maximum rate of interest or interest rate  
13282 formula (to be determined in the manner specified in such  
13283 resolution) to be incurred through the issuance of such bonds and  
13284 the maximum maturity date of such bonds. The board of the bank  
13285 may also provide in the resolution authorizing the issuance of





13286 such bonds, in its discretion, (a) for the employment of one or  
13287 more persons or firms to assist the bank in the sale of the bonds,  
13288 (b) for the appointment of one or more banks or trust companies,  
13289 either within or without the State of Mississippi, as depository  
13290 for safekeeping, and as agent for the delivery and payment, of the  
13291 bonds, (c) for the refunding of such bonds, from time to time,  
13292 without further action by the board of the bank, unless and until  
13293 the board of the bank revokes such authority to refund, and (d)  
13294 other terms and conditions as the board of the bank may deem  
13295 appropriate. In connection with the issuance and sale of such  
13296 bonds, the board of the bank may arrange for lines of credit with  
13297 any bank, firm or person for the purpose of providing an  
13298 additional source of repayment for bonds issued pursuant to this  
13299 section. Amounts drawn on such lines of credit may be evidenced  
13300 by negotiable or nonnegotiable bonds or other evidences of  
13301 indebtedness, containing such terms and conditions as the board of  
13302 the bank may authorize in the resolution approving the same, and  
13303 such notes or other evidences of indebtedness shall constitute  
13304 bonds issued under their act. The board of the bank is authorized  
13305 to pay all costs of issuance of the bonds.

13306 (8) Neither the members of the bank nor any other person  
13307 executing the bank's bonds issued pursuant to this chapter shall  
13308 be liable personally on such bonds by reason of the issuance  
13309 thereof.



13310           (9) Bonds of the bank may be issued under this chapter  
13311 without obtaining the consent of any department, division,  
13312 commission, board, body, bureau or agency of the state, and  
13313 without any other proceeding or the happening of any other  
13314 conditions or things other than those proceedings, conditions or  
13315 things which are specifically required by this chapter and by  
13316 provisions of the resolution authorizing such bonds.

13317           (10) Bonds of the bank may be validated in accordance with  
13318 the provision of Sections 31-13-1 \* \* \* through 31-13-11 in the  
13319 same manner as provided therein for bonds issued by a  
13320 municipality. Any such validation proceedings shall be held in  
13321 the \* \* \* inferior courts of the Capitol Complex Improvement  
13322 District. Notice thereof shall be given by publication in any  
13323 newspaper published in the City of Jackson and of general  
13324 circulation through the state.

13325           **SECTION 235.** Section 57-1-255, Mississippi Code of 1972, is  
13326 amended as follows:

13327           57-1-255. (1) Upon notification to the department by the  
13328 enterprise that the state has been finally selected as the site  
13329 for the project, the State Bond Commission shall have the power  
13330 and is hereby authorized and directed, upon receipt of a  
13331 declaration from the department as hereinafter provided, to borrow  
13332 money and issue general obligation bonds of the state in one or  
13333 more series for the purposes herein set out. Upon such  
13334 notification, the department may thereafter from time to time



13335 declare the necessity for the issuance of general obligation bonds  
13336 as authorized by this section and forward such declaration to the  
13337 State Bond Commission, provided that prior to said notification,  
13338 the department may enter into agreements with the United States  
13339 government, private companies and others that will commit the  
13340 department to direct the State Bond Commission to issue bonds for  
13341 eligible undertakings set out in subsection (4) of this section,  
13342 conditioned on the siting of the project in the state.

13343       (2) Upon receipt of any such declaration from the  
13344 department, the State Bond Commission, upon verifying that the  
13345 state has been selected as the site of the project, shall act as  
13346 the issuing agent for the series of bonds directed to be issued in  
13347 such declaration pursuant to authority granted in this section.

13348       (3) Bonds issued under the authority of this section shall  
13349 not exceed an aggregate principal amount in the sum of Thirty  
13350 Million Dollars (\$30,000,000.00). No bonds shall be issued under  
13351 the authority of this section after June 30, 2000.

13352       (4) The proceeds from the sale of the bonds issued pursuant  
13353 to this section may be applied for the purposes of: (a) defraying  
13354 all or any designated portion of the costs incurred with respect  
13355 to acquisition, planning, design, construction, installation,  
13356 rehabilitation, improvement and relocation of the project and any  
13357 facility related to the project, including costs of design and  
13358 engineering, all costs incurred to provide land, easements and  
13359 rights-of-way, relocation costs with respect to the project and



13360 with respect to any facility related to the project located within  
13361 the project area, and costs associated with mitigation of  
13362 environmental impacts; (b) providing for the payment of interest  
13363 on the bonds; (c) providing debt service reserves; and (d) paying  
13364 underwriters discount, original issue discount, accountants' fees,  
13365 engineers' fees, attorneys' fees, rating agency fees and other  
13366 fees and expenses in connection with the issuance of the bonds.  
13367 Such bonds shall be issued from time to time and in such principal  
13368 amounts as shall be designated by the department not to exceed in  
13369 aggregate principal amount the amount authorized in subsection (3)  
13370 of this section. Proceeds from the sale of the bonds issued  
13371 pursuant to this section may be invested, subject to federal  
13372 limitations, pending their use, in such securities as may be  
13373 specified in the resolution authorizing the issuance of the bonds  
13374 or the trust indenture securing them, and the earning on such  
13375 investment applied as provided in such resolution or trust  
13376 indenture.

13377       (5) The principal of and the interest on the bonds shall be  
13378 payable in the manner hereinafter set forth. The bonds shall bear  
13379 date or dates, be in such denomination or denominations, bear  
13380 interest at such rate or rates, be payable at such place or places  
13381 within or without the state, shall mature absolutely at such time  
13382 or times, be redeemable prior to maturity at such time or times  
13383 and upon such terms, with or without premium, shall bear such  
13384 registration privileges, and shall be substantially in such form,



13385 all as shall be determined by resolution of the State Bond  
13386 Commission. Provided, however, that such bonds shall mature or  
13387 otherwise be retired in annual installments beginning not more  
13388 than five (5) years from date thereof and extending not more than  
13389 twenty-five (25) years from date thereof. The bonds shall be  
13390 signed by the Chairman of the State Bond Commission, or by his  
13391 facsimile signature, and the official seal of the State Bond  
13392 Commission shall be imprinted on or affixed thereto, attested by  
13393 the manual or facsimile signature of the Secretary of the State  
13394 Bond Commission. Whenever any such bonds shall have been signed  
13395 by the officials herein designated to sign the bonds, who were in  
13396 office at the time of such signing but who may have ceased to be  
13397 such officers prior to the sale and delivery of such bonds, or who  
13398 may not have been in office on the date such bonds may bear, the  
13399 signatures of such officers upon such bonds shall nevertheless be  
13400 valid and sufficient for all purposes and have the same effect as  
13401 if the person so officially signing such bonds had remained in  
13402 office until the delivery of the same to the purchaser, or had  
13403 been in office on the date such bonds may bear.

13404 (6) All bonds issued under the provisions of this section  
13405 shall be and are hereby declared to have all the qualities and  
13406 incidents of negotiable instruments under the provisions of the  
13407 Uniform Commercial Code and in exercising the powers granted by  
13408 Sections 57-1-251 through 57-1-261, the State Bond Commission



13409 shall not be required to and need not comply with the provisions  
13410 of the Uniform Commercial Code.

13411 (7) The State Bond Commission shall sell the bonds on sealed  
13412 bids at public sale, and for such price as it may determine to be  
13413 for the best interest of the State of Mississippi, but no such  
13414 sale shall be made at a price less than par plus accrued interest  
13415 to date of delivery of the bonds to the purchaser. The bonds  
13416 shall bear interest at such rate or rates not exceeding the limits  
13417 set forth in Section 75-17-101, as shall be fixed by the State  
13418 Bond Commission. All interest accruing on such bonds so issued  
13419 shall be payable semiannually or annually; provided that the first  
13420 interest payment may be for any period of not more than one (1)  
13421 year.

13422 Notice of the sale of any bond shall be published at least  
13423 one (1) time, the first of which shall be made not less than ten  
13424 (10) days prior to the date of sale, and shall be so published in  
13425 one or more newspapers having a general circulation in the City of  
13426 Jackson and in one or more other newspapers or financial journals  
13427 with a large national circulation, to be selected by the State  
13428 Bond Commission.

13429 The State Bond Commission, when issuing any bonds under the  
13430 authority of this section, may provide that the bonds, at the  
13431 option of the state, may be called in for payment and redemption  
13432 at the call price named therein and accrued interest on such date  
13433 or dates named therein.



13434           (8) State bonds issued under the provisions of this section  
13435 shall be the general obligations of the state and backed by the  
13436 full faith and credit of the state, and if the funds appropriated  
13437 by the Legislature shall be insufficient to pay the principal of  
13438 and the interest on such bonds as they become due, then the  
13439 deficiency shall be paid by the State Treasurer from any funds in  
13440 the State Treasury not otherwise appropriated. All bonds shall  
13441 contain recitals on their faces substantially covering the  
13442 foregoing provisions of this section.

13443           (9) The State Treasurer is hereby authorized, without  
13444 further process of law, to certify to the Department of Finance  
13445 and Administration the necessity for warrants, and the Department  
13446 of Finance and Administration is hereby authorized and directed to  
13447 issue such warrants payable out of any funds authorized by this  
13448 section for such purpose, in such amounts as may be necessary to  
13449 pay when due the principal of and interest on all bonds issued  
13450 under the provisions of this section; and the State Treasurer  
13451 shall forward the necessary amount to the designated place or  
13452 places of payment of such bonds in ample time to discharge such  
13453 bonds, or the interest thereon, on the due dates thereof.

13454           (10) The bonds may be issued without any other proceedings  
13455 or the happening of any other conditions or things other than  
13456 those proceedings, conditions and things which are specified or  
13457 required by Sections 57-1-251 through 57-1-261. Any resolution  
13458 providing for the issuance of general obligation bonds under the



13459 provisions of this section shall become effective immediately upon  
13460 its adoption by the State Bond Commission, and any such resolution  
13461 may be adopted at any regular or special meeting of the State Bond  
13462 Commission by a majority of its members.

13463       (11) In anticipation of the issuance of bonds hereunder, the  
13464 State Bond Commission is hereby authorized to negotiate and enter  
13465 into any purchase, loan, credit or other agreement with any bank,  
13466 trust company or other lending institution or to issue and sell  
13467 interim notes for the purpose of making any payments authorized  
13468 under this section. All borrowings made under this provision  
13469 shall be evidenced by notes of the state which shall be issued  
13470 from time to time, for such amounts not exceeding the amount of  
13471 bonds authorized herein, in such form and in such denomination and  
13472 subject to such terms and conditions of sale and issuance,  
13473 prepayment or redemption and maturity, rate or rates of interest  
13474 not to exceed the maximum rate authorized herein for bonds, and  
13475 time of payment of interest as the State Bond Commission shall  
13476 agree to in such agreement. Such notes shall constitute general  
13477 obligations of the state and shall be backed by the full faith and  
13478 credit of the state. Such notes may also be issued for the  
13479 purpose of refunding previously issued notes; provided that no  
13480 notes shall mature more than three (3) years following the date of  
13481 issuance of the first note hereunder and provided further, that  
13482 all outstanding notes shall be retired from the proceeds of the  
13483 first issuance of bonds hereunder. The State Bond Commission is





13484 authorized to provide for the compensation of any purchaser of the  
13485 notes by payment of a fixed fee or commission and for all other  
13486 costs and expenses of issuance and service, including paying agent  
13487 costs. Such costs and expenses may be paid from the proceeds of  
13488 the notes.

13489 (12) The bonds and interim notes authorized under the  
13490 authority of this section may be validated in the \* \* \* inferior  
13491 courts of the Capitol Complex Improvement District, in the manner  
13492 and with the force and effect provided now or hereafter by Chapter  
13493 13, Title 31, Mississippi Code of 1972, for the validation of  
13494 county, municipal, school district and other bonds. The necessary  
13495 papers for such validation proceedings shall be transmitted to the  
13496 State Bond Attorney, and the required notice shall be published in  
13497 a newspaper published in the City of Jackson, Mississippi.

13498 (13) Any bonds or interim notes issued under the provisions  
13499 of Sections 57-1-251 through 57-1-261, a transaction relating to  
13500 the sale or securing of such bonds or interim notes, their  
13501 transfer and the income therefrom shall at all times be free from  
13502 taxation by the state or any local unit or political subdivision  
13503 or other instrumentality of the state, excepting inheritance and  
13504 gift taxes.

13505 (14) All bonds issued pursuant to Sections 57-1-251 through  
13506 57-1-261 shall be legal investments for trustees, other  
13507 fiduciaries, savings banks, trust companies and insurance  
13508 companies organized under the laws of the State of Mississippi;



13509 and such bonds shall be legal securities which may be deposited  
13510 with and shall be received by all public officers and bodies of  
13511 the state and all municipalities and other political subdivisions  
13512 thereof for the purpose of securing the deposit of public funds.

13513 (15) There is hereby created a special fund in the State  
13514 Treasury to be known as the "Major Energy Project Development  
13515 Fund" wherein shall be deposited the proceeds of the bonds issued  
13516 under Sections 57-1-251 through 57-1-261 and all monies received  
13517 by the department to carry out the purposes of such sections.  
13518 Expenditures authorized herein shall be paid by the State  
13519 Treasurer upon warrants drawn from the fund, and the Department of  
13520 Finance and Administration shall issue warrants upon requisitions  
13521 signed by the director of the department.

13522 (16) (a) There is hereby created the "Major Energy Project  
13523 Development Sinking Fund" from which the principal of and interest  
13524 on such bonds shall be paid by appropriation. All monies paid  
13525 into the sinking fund not appropriated to pay accruing bonds and  
13526 interest shall be invested by the State Treasurer in such  
13527 securities as are provided by law for the investment of the  
13528 sinking funds of the state.

13529 (b) In the event that all or any part of the bonds and  
13530 notes are purchased, they shall be canceled and returned to the  
13531 loan and transfer agent as canceled and paid bonds and notes and  
13532 thereafter all payments of interest thereon shall cease and the  
13533 canceled bonds, notes and coupons, together with any other



13534 canceled bonds, notes and coupons, shall be destroyed as promptly  
13535 as possible after cancellation but not later than two (2) years  
13536 after cancellation. A certificate evidencing the destruction of  
13537 the canceled bonds, notes and coupons shall be provided by the  
13538 loan and transfer agent to the seller.

13539 (c) The State Treasurer shall determine and report to  
13540 the Department of Finance and Administration and Legislative  
13541 Budget Office by September 1 of each year the amount of money  
13542 necessary for the payment of the principal of and interest on  
13543 outstanding obligations for the following fiscal year and the  
13544 times and amounts of the payments. It shall be the duty of the  
13545 Governor to include in every executive budget submitted to the  
13546 Legislature full information relating to the issuance of bonds and  
13547 notes under the provisions of Sections 57-1-251 through 57-1-261  
13548 and the status of the sinking fund for the payment of the  
13549 principal of and interest on the bonds and notes.

13550 **SECTION 236.** Section 41-7-197, Mississippi Code of 1972, is  
13551 amended as follows:

13552 41-7-197. (1) The State Department of Health shall adopt  
13553 and utilize procedures for conducting certificate of need reviews.  
13554 Such procedures shall include, inter alia, the following: (a)  
13555 written notification to the applicant; (b) written notification to  
13556 health care facilities in the same health service area as the  
13557 proposed service; (c) written notification to other persons who  
13558 prior to the receipt of the application have filed a formal notice



13559 of intent to provide the proposed services in the same service  
13560 area; and (d) notification to members of the public who reside in  
13561 the service area where the service is proposed, which may be  
13562 provided through newspapers or public information channels.

13563 (2) All notices provided shall include, inter alia, the  
13564 following: (a) the proposed schedule for the review; (b) written  
13565 notification of the period within which a public hearing during  
13566 the course of the review may be requested in writing by one or  
13567 more affected persons, such request to be made within ten (10)  
13568 days of the department's staff recommendation for approval or  
13569 disapproval of an application; and (c) the manner in which  
13570 notification will be provided of the time and place of any hearing  
13571 so requested. Any such hearing shall be commenced by an  
13572 independent hearing officer designated by the State Department of  
13573 Health within sixty (60) days of the filing of the hearing request  
13574 unless all parties to the hearing agree to extend the time for the  
13575 commencement of the hearing. At such hearing, the hearing officer  
13576 and any person affected by the proposal being reviewed may conduct  
13577 reasonable questioning of persons who make relevant factual  
13578 allegations concerning the proposal. The hearing officer shall  
13579 require that all persons be sworn before they may offer any  
13580 testimony at the hearing, and the hearing officer is authorized to  
13581 administer oaths. Any person so choosing may be represented by  
13582 counsel at the hearing. A record of the hearing shall be made,  
13583 which shall consist of a transcript of all testimony received, all



13584 documents and other material introduced by any interested person,  
13585 the staff report and recommendation and such other material as the  
13586 hearing officer considers relevant, including his own  
13587 recommendation, which he shall make, after reviewing, studying and  
13588 analyzing the evidence presented during the hearing, within a  
13589 reasonable period of time after the hearing is closed, which in no  
13590 event shall exceed forty-five (45) days. The completed record  
13591 shall be certified to the State Health Officer, who shall consider  
13592 only the record in making his decision, and shall not consider any  
13593 evidence or material which is not included therein. All final  
13594 decisions regarding the issuance of a certificate of need shall be  
13595 made by the State Health Officer. The State Health Officer shall  
13596 make his or her written findings and issue his or her order after  
13597 reviewing said record. The findings and decision of the State  
13598 Health Officer shall not be deferred to any later date.

13599       (3) Unless a hearing is held, if review by the State  
13600 Department of Health concerning the issuance of a certificate of  
13601 need is not complete with a final decision issued by the State  
13602 Health Officer within the time specified by rule or regulation,  
13603 which shall not exceed ninety (90) days from the filing of the  
13604 application for a certificate of need, the proponent of the  
13605 proposal may, within thirty (30) days after the expiration of the  
13606 specified time for review, commence such legal action as is  
13607 necessary, in the \* \* \* inferior courts of the Capitol Complex  
13608 Improvement District or in the chancery court of the county in



13609 which the service or facility is proposed to be provided, to  
13610 compel the State Health Officer to issue written findings and  
13611 written order approving or disapproving the proposal in question.

13612       **SECTION 237.** Section 57-67-15, Mississippi Code of 1972, is  
13613 amended as follows:

13614       57-67-15. (1) Upon notification to the authority by the  
13615 Department of Energy that the state has been finally selected as  
13616 the site for the project, the State Bond Commission shall have the  
13617 power and is hereby authorized and directed, upon receipt of a  
13618 declaration from the Governor as hereinafter provided, to borrow  
13619 money and issue general obligation bonds of the state in one or  
13620 more series for the purposes herein set out. Upon such  
13621 notification, the Governor may thereafter, from time to time,  
13622 declare the necessity for the issuance of general obligation state  
13623 bonds as authorized by this section and forward such declaration  
13624 to the State Bond Commission, provided that prior to said  
13625 notification, the Governor may enter into agreements with the  
13626 United States Government and others that will commit the Governor  
13627 to direct the State Bond Commission to issue bonds for eligible  
13628 undertakings set out in subsection (4) of this section,  
13629 conditioned on the siting of the project in the state.

13630       (2) Upon receipt of any such declaration from the Governor,  
13631 the State Bond Commission, upon verifying that the state has been  
13632 selected as the site of the project, shall act as the issuing



13633 agent for the series of state bonds directed to be issued in such  
13634 declaration pursuant to authority granted in this section.

13635 (3) Bonds issued under the authority of this section shall  
13636 not exceed an aggregate principal amount in the sum of Five  
13637 Hundred Million Dollars (\$500,000,000.00).

13638 (4) The proceeds from the sale of the state bonds issued  
13639 pursuant to this section may be applied for the purposes of: (a)  
13640 defraying all or any designated portion of the costs incurred with  
13641 respect to acquisition, planning, design, construction,  
13642 installation, rehabilitation, improvement and relocation of the  
13643 project and any facility related to the project located within the  
13644 project area, including costs of design and engineering, all costs  
13645 incurred to provide land, easements and rights-of-way, relocation  
13646 costs with respect to the project and with respect to any facility  
13647 related to the project located within the project area, and costs  
13648 associated with mitigation of environmental impacts; (b) providing  
13649 for the payment of interest on the bonds; (c) providing debt  
13650 service reserves; and (d) paying underwriters discount, original  
13651 issue discount, accountants' fees, engineers' fees, attorney's  
13652 fees, rating agency fees and other fees and expenses in connection  
13653 with the issuance of the bonds. Such bonds shall be issued, from  
13654 time to time and in such principal amounts as shall be designated  
13655 by the Governor not to exceed in aggregate principal amount the  
13656 amount authorized in subsection (3) of this section. Proceeds  
13657 from the sale of the state bonds issued pursuant to this section



13658 may be invested, subject to federal limitations, pending their  
13659 use, in such securities as may be specified in the resolution  
13660 authorizing the issuance of the bonds or the trust indenture  
13661 securing them, and the earning on such investment applied as  
13662 provided in such resolution or trust indenture.

13663       (5) The principal of and the interest on the state bonds  
13664 shall be payable in the manner hereinafter set forth. The state  
13665 bonds shall bear date or dates, be in such denomination or  
13666 denominations, bear interest at such rate or rates, be payable at  
13667 such place or places within or without the state, shall mature  
13668 absolutely at such time or times, be redeemable prior to maturity  
13669 at such time or times and upon such terms, with or without  
13670 premium, shall bear such registration privileges, and shall be  
13671 substantially in such form, all as shall be determined by  
13672 resolution of the State Bond Commission. Provided, however, that  
13673 such state bonds shall mature or otherwise be retired in annual  
13674 installments beginning not more than five (5) years from date  
13675 thereof and extending not more than twenty-five (25) years from  
13676 date thereof. The state bonds shall be signed by the Chairman of  
13677 the State Bond Commission, or by his facsimile signature, and the  
13678 official seal of the State Bond Commission shall be imprinted on  
13679 or affixed thereto, attested by the manual or facsimile signature  
13680 of the Secretary of the State Bond Commission. Whenever any such  
13681 state bonds shall have been signed by the officials herein  
13682 designated to sign the bonds, who were in the office at the time





13683 of such signing but who may have ceased to be such officers prior  
13684 to the sale and delivery of such bonds, or who may not have been  
13685 in office on the date such bonds may bear, the signatures of such  
13686 officers upon such bonds shall nevertheless be valid and  
13687 sufficient for all purposes and have the same effect as if the  
13688 person so officially signing such bonds had remained in office  
13689 until the delivery of the same to the purchaser, or had been in  
13690 office on the date such bonds may bear.

13691 (6) All state bonds issued under the provisions of this  
13692 section shall be and are hereby declared to have all the qualities  
13693 and incidents of negotiable instruments under the provisions of  
13694 the Uniform Commercial Code and in exercising the powers granted  
13695 by this chapter, the State Bond Commission shall not be required  
13696 to and need not comply with the provisions of the Uniform  
13697 Commercial Code.

13698 (7) The State Bond Commission shall sell the state bonds on  
13699 sealed bids at public sale, and for such price as it may determine  
13700 to be for the best interest of the State of Mississippi, but no  
13701 such sale shall be made at a price less than par plus accrued  
13702 interest to date of delivery of the bonds to the purchaser. The  
13703 state bonds shall bear interest at such rate or rates not  
13704 exceeding the limits set forth in Section 75-17-101 as shall be  
13705 fixed by the State Bond Commission. All interest accruing on such  
13706 bonds so issued shall be payable semiannually or annually;



13707 provided that the first interest payment may be for any period of  
13708 not more than one (1) year.

13709       The lowest interest rate specified for any bonds issued shall  
13710 not be less than sixty percent (60%) of the highest interest rate  
13711 specified for the same bond issue. Each interest rate specified  
13712 in any bid must be in a multiple of one-eighth of one percent (1/8  
13713 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of  
13714 interest cannot be named. Notice of the sale of any state bond  
13715 shall be published at least one (1) time, the first of which shall  
13716 be made not less than ten (10) days prior to the date of sale, and  
13717 shall be so published in one or more newspapers having a general  
13718 circulation in the City of Jackson and in one or more other  
13719 newspapers or financial journals with a large national  
13720 circulation, to be selected by the State Bond Commission.

13721       The State Bond Commission, when issuing any state bonds under  
13722 the authority of this section, may provide that the bonds, at the  
13723 option of the state, may be called in for payment and redemption  
13724 in reverse order of maturity at the call price named therein and  
13725 accrued interest on such date or dates named therein.

13726       (8) State bonds issued under the provisions of this section  
13727 shall be the general obligations of the state and backed by the  
13728 full faith and credit of the state, and if the funds appropriated  
13729 by the Legislature shall be insufficient to pay the principal of  
13730 and the interest on such bonds as they become due, then the  
13731 deficiency shall be paid by the State Treasurer from any funds in



13732 the State Treasury not otherwise appropriated. All state bonds  
13733 shall contain recitals on their faces substantially covering the  
13734 foregoing provisions of this section.

13735 (9) The State Treasurer is hereby authorized, without  
13736 further process of law, to certify to the State Fiscal Management  
13737 Board the necessity for warrants, and the State Fiscal Management  
13738 Board is hereby authorized and directed to issue such warrants  
13739 payable out of any funds authorized by this section for such  
13740 purpose, in such amounts as may be necessary to pay when due the  
13741 principal of and interest on all state bonds issued under the  
13742 provisions of this section; and the State Treasurer shall forward  
13743 the necessary amount to the designated place or places of payment  
13744 of such bonds in ample time to discharge such bonds, or the  
13745 interest thereon, on the due dates thereof.

13746 (10) The state bonds may be issued without any other  
13747 proceedings or the happening of any other conditions or things  
13748 other than those proceedings, conditions and things which are  
13749 specified or required by this chapter. Any resolution providing  
13750 for the issuance of general obligation state bonds under the  
13751 provisions of this section shall become effective immediately upon  
13752 its adoption by the State Bond Commission, and any such resolution  
13753 may be adopted at any regular or special meeting of the State Bond  
13754 Commission by a majority of its members.

13755 (11) In anticipation of the issuance of state bonds  
13756 hereunder, the State Bond Commission is hereby authorized to



13757 negotiate and enter into any purchase, loan, credit or other  
13758 agreement with any bank, trust company or other lending  
13759 institution or to issue and sell short-term notes for the purpose  
13760 of making any payments authorized under this section. All  
13761 borrowings made under this provision shall be evidenced by notes  
13762 of the state which shall be issued from time to time, for such  
13763 amounts not exceeding the amount of state bonds authorized herein,  
13764 in such form and in such denomination and subject to such terms  
13765 and conditions of sale and issuance, prepayment or redemption and  
13766 maturity, rate or rates of interest not to exceed the maximum rate  
13767 authorized herein for bonds, and time of payment of interest as  
13768 the State Bond Commission shall agree to in such agreement. Such  
13769 notes shall constitute general obligations of the state and shall  
13770 be backed by the full faith and credit of the state. Such notes  
13771 may also be issued for the purpose of refunding previously issued  
13772 notes; provided that no notes shall mature more than three (3)  
13773 years following the date of issuance of the first note hereunder  
13774 and provided further, that all outstanding notes shall be retired  
13775 from the proceeds of the first issuance of bonds hereunder. The  
13776 State Bond Commission is authorized to provide for the  
13777 compensation of any purchaser of the notes by payment of a fixed  
13778 fee or commission and for all other costs and expenses of issuance  
13779 and service, including paying agent costs. Such costs and  
13780 expenses may be paid from the proceeds of the notes.



13781           (12) The bonds and notes authorized under the authority of  
13782 this section may be validated in the \* \* \* inferior courts of the  
13783 Capitol Complex Improvement District in the manner and with the  
13784 force and effect provided now or hereafter by Chapter 13, Title  
13785 31, Mississippi Code of 1972, for the validation of county,  
13786 municipal, school district and other bonds. The necessary papers  
13787 for such validation proceedings shall be transmitted to the state  
13788 bond attorney, and the required notice shall be published in a  
13789 newspaper published in the City of Jackson, Mississippi.

13790           (13) There is hereby created in the State Treasury a special  
13791 fund, separate and apart from any other fund, to be designated as  
13792 the "Superconducting Super Collider Special Fund." On July 15  
13793 immediately succeeding the date that the state has been finally  
13794 selected as the site for the project and on or before the  
13795 fifteenth day of each succeeding month thereafter until a period  
13796 of time not to exceed twenty-five (25) years from the initial  
13797 deposit or until the date that all state bonds issued under this  
13798 chapter are retired, whichever occurs last in time, the State  
13799 Treasurer shall deposit into the Superconducting Super Collider  
13800 Special Fund the sum of Three Million Seven Hundred Fifty Thousand  
13801 Dollars (\$3,750,000.00) from taxes collected under the provisions  
13802 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited  
13803 in the special fund shall be used to pay the principal of and  
13804 interest on the state bonds issued under this section and any  
13805 balance in the special fund in excess of the amount needed to pay



13806 the principal of and interest on the state bonds shall be  
13807 appropriated by the Legislature to defray expenses of the project,  
13808 facilities related to the project or enhancements within the  
13809 project area.

13810 **SECTION 238.** Section 25-11-105, Mississippi Code of 1972, is  
13811 amended as follows:

13812 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

13813 The membership of this retirement system shall be composed as  
13814 follows:

13815 (a) (i) All persons who become employees in the state  
13816 service after January 31, 1953, and whose wages are subject to  
13817 payroll taxes and are lawfully reported on IRS Form W-2, except  
13818 those specifically excluded, or as to whom election is provided in  
13819 Articles 1 and 3, shall become members of the retirement system as  
13820 a condition of their employment.

13821 (ii) From and after July 1, 2002, any individual  
13822 who is employed by a governmental entity to perform professional  
13823 services shall become a member of the system if the individual is  
13824 paid regular periodic compensation for those services that is  
13825 subject to payroll taxes, is provided all other employee benefits  
13826 and meets the membership criteria established by the regulations  
13827 adopted by the board of trustees that apply to all other members  
13828 of the system; however, any active member employed in such a  
13829 position on July 1, 2002, will continue to be an active member for  
13830 as long as they are employed in any such position.



13831           (b) All persons who become employees in the state  
13832 service after January 31, 1953, except those specifically excluded  
13833 or as to whom election is provided in Articles 1 and 3, unless  
13834 they file with the board before the lapse of sixty (60) days of  
13835 employment or sixty (60) days after the effective date of the  
13836 cited articles, whichever is later, on a form prescribed by the  
13837 board, a notice of election not to be covered by the membership of  
13838 the retirement system and a duly executed waiver of all present  
13839 and prospective benefits that would otherwise inure to them on  
13840 account of their participation in the system, shall become members  
13841 of the retirement system; however, no credit for prior service  
13842 will be granted to members who became members of the system before  
13843 July 1, 2007, until they have contributed to Article 3 of the  
13844 retirement system for a minimum period of at least four (4) years,  
13845 or to members who became members of the system on or after July 1,  
13846 2007, until they have contributed to Article 3 of the retirement  
13847 system for a minimum period of at least eight (8) years. Those  
13848 members shall receive credit for services performed before January  
13849 1, 1953, in employment now covered by Article 3, but no credit  
13850 shall be granted for retroactive services between January 1, 1953,  
13851 and the date of their entry into the retirement system, unless the  
13852 employee pays into the retirement system both the employer's and  
13853 the employee's contributions on wages paid him during the period  
13854 from January 31, 1953, to the date of his becoming a contributing  
13855 member, together with interest at the rate determined by the board



13856 of trustees. Members reentering after withdrawal from service  
13857 shall qualify for prior service under the provisions of Section  
13858 25-11-117. From and after July 1, 1998, upon eligibility as noted  
13859 above, the member may receive credit for such retroactive service  
13860 provided:

13861 (i) The member shall furnish proof satisfactory to  
13862 the board of trustees of certification of that service from the  
13863 covered employer where the services were performed; and

13864 (ii) The member shall pay to the retirement system  
13865 on the date he or she is eligible for that credit or at any time  
13866 thereafter before the date of retirement the actuarial cost for  
13867 each year of that creditable service. The provisions of this  
13868 subparagraph (ii) shall be subject to the limitations of Section  
13869 415 of the Internal Revenue Code and regulations promulgated under  
13870 Section 415.

13871 Nothing contained in this paragraph (b) shall be construed to  
13872 limit the authority of the board to allow the correction of  
13873 reporting errors or omissions based on the payment of the employee  
13874 and employer contributions plus applicable interest.

13875 (c) All persons who become employees in the state  
13876 service after January 31, 1953, and who are eligible for  
13877 membership in any other retirement system shall become members of  
13878 this retirement system as a condition of their employment, unless  
13879 they elect at the time of their employment to become a member of  
13880 that other system.





13881           (d) All persons who are employees in the state service  
13882 on January 31, 1953, and who are members of any nonfunded  
13883 retirement system operated by the State of Mississippi, or any of  
13884 its departments or agencies, shall become members of this system  
13885 with prior service credit unless, before February 1, 1953, they  
13886 file a written notice with the board of trustees that they do not  
13887 elect to become members.

13888           (e) All persons who are employees in the state service  
13889 on January 31, 1953, and who under existing laws are members of  
13890 any fund operated for the retirement of employees by the State of  
13891 Mississippi, or any of its departments or agencies, shall not be  
13892 entitled to membership in this retirement system unless, before  
13893 February 1, 1953, any such person indicates by a notice filed with  
13894 the board, on a form prescribed by the board, his individual  
13895 election and choice to participate in this system, but no such  
13896 person shall receive prior service credit unless he becomes a  
13897 member on or before February 1, 1953.

13898           (f) Each political subdivision of the state and each  
13899 instrumentality of the state or a political subdivision, or both,  
13900 is authorized to submit, for approval by the board of trustees, a  
13901 plan for extending the benefits of this article to employees of  
13902 any such political subdivision or instrumentality. Each such plan  
13903 or any amendment to the plan for extending benefits thereof shall  
13904 be approved by the board of trustees if it finds that the plan, or  
13905 the plan as amended, is in conformity with such requirements as



13906 are provided in Articles 1 and 3; however, upon approval of the  
13907 plan or any such plan previously approved by the board of  
13908 trustees, the approved plan shall not be subject to cancellation  
13909 or termination by the political subdivision or instrumentality.  
13910 No such plan shall be approved unless:

13911 (i) It provides that all services that constitute  
13912 employment as defined in Section 25-11-5 and are performed in the  
13913 employ of the political subdivision or instrumentality, by any  
13914 employees thereof, shall be covered by the plan, with the  
13915 exception of municipal employees who are already covered by  
13916 existing retirement plans; however, those employees in this class  
13917 may elect to come under the provisions of this article;

13918 (ii) It specifies the source or sources from which  
13919 the funds necessary to make the payments required by paragraph (d)  
13920 of Section 25-11-123 and of paragraph (f)(v)2 and 3 of this  
13921 section are expected to be derived and contains reasonable  
13922 assurance that those sources will be adequate for that purpose;

13923 (iii) It provides for such methods of  
13924 administration of the plan by the political subdivision or  
13925 instrumentality as are found by the board of trustees to be  
13926 necessary for the proper and efficient administration thereof;

13927 (iv) It provides that the political subdivision or  
13928 instrumentality will make such reports, in such form and  
13929 containing such information, as the board of trustees may from  
13930 time to time require;



13931                   (v) It authorizes the board of trustees to  
13932 terminate the plan in its entirety in the discretion of the board  
13933 if it finds that there has been a failure to comply substantially  
13934 with any provision contained in the plan, the termination to take  
13935 effect at the expiration of such notice and on such conditions as  
13936 may be provided by regulations of the board and as may be  
13937 consistent with applicable federal law.

13938                   1. The board of trustees shall not finally  
13939 refuse to approve a plan submitted under paragraph (f), and shall  
13940 not terminate an approved plan without reasonable notice and  
13941 opportunity for hearing to each political subdivision or  
13942 instrumentality affected by the board's decision. The board's  
13943 decision in any such case shall be final, conclusive and binding  
13944 unless an appeal is taken by the political subdivision or  
13945 instrumentality aggrieved by the decision to the \* \* \* inferior  
13946 courts of the Capitol Complex Improvement District, in accordance  
13947 with the provisions of law with respect to civil causes by  
13948 certiorari.

13949                   2. Each political subdivision or  
13950 instrumentality as to which a plan has been approved under this  
13951 section shall pay into the contribution fund, with respect to  
13952 wages (as defined in Section 25-11-5), at such time or times as  
13953 the board of trustees may by regulation prescribe, contributions  
13954 in the amounts and at the rates specified in the applicable  
13955 agreement entered into by the board.



13956                   3. Every political subdivision or  
13957 instrumentality required to make payments under paragraph (f)(v)2  
13958 of this section is authorized, in consideration of the employees'  
13959 retention in or entry upon employment after enactment of Articles  
13960 1 and 3, to impose upon its employees, as to services that are  
13961 covered by an approved plan, a contribution with respect to wages  
13962 (as defined in Section 25-11-5) not exceeding the amount provided  
13963 in Section 25-11-123(d) if those services constituted employment  
13964 within the meaning of Articles 1 and 3, and to deduct the amount  
13965 of the contribution from the wages as and when paid.  
13966 Contributions so collected shall be paid into the contribution  
13967 fund as partial discharge of the liability of the political  
13968 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
13969 section. Failure to deduct the contribution shall not relieve the  
13970 employee or employer of liability for the contribution.

13971                   4. Any state agency, school, political  
13972 subdivision, instrumentality or any employer that is required to  
13973 submit contribution payments or wage reports under any section of  
13974 this chapter shall be assessed interest on delinquent payments or  
13975 wage reports as determined by the board of trustees in accordance  
13976 with rules and regulations adopted by the board and delinquent  
13977 payments, assessed interest and any other amount certified by the  
13978 board as owed by an employer, may be recovered by action in a  
13979 court of competent jurisdiction against the reporting agency  
13980 liable therefor or may, upon due certification of delinquency and



13981 at the request of the board of trustees, be deducted from any  
13982 other monies payable to the reporting agency by any department or  
13983 agency of the state.

13984                   5. Each political subdivision of the state  
13985 and each instrumentality of the state or a political subdivision  
13986 or subdivisions that submit a plan for approval of the board, as  
13987 provided in this section, shall reimburse the board for coverage  
13988 into the expense account, its pro rata share of the total expense  
13989 of administering Articles 1 and 3 as provided by regulations of  
13990 the board.

13991                   (g) The board may, in its discretion, deny the right of  
13992 membership in this system to any class of employees whose  
13993 compensation is only partly paid by the state or who are occupying  
13994 positions on a part-time or intermittent basis. The board may, in  
13995 its discretion, make optional with employees in any such classes  
13996 their individual entrance into this system.

13997                   (h) An employee whose membership in this system is  
13998 contingent on his own election, and who elects not to become a  
13999 member, may thereafter apply for and be admitted to membership;  
14000 but no such employee shall receive prior service credit unless he  
14001 becomes a member before July 1, 1953, except as provided in  
14002 paragraph (b).

14003                   (i) If any member of this system changes his employment  
14004 to any agency of the state having an actuarially funded retirement  
14005 system, the board of trustees may authorize the transfer of the



14006 member's creditable service and of the present value of the  
14007 member's employer's accumulation account and of the present value  
14008 of the member's accumulated membership contributions to that other  
14009 system, provided that the employee agrees to the transfer of his  
14010 accumulated membership contributions and provided that the other  
14011 system is authorized to receive and agrees to make the transfer.

14012       If any member of any other actuarially funded system  
14013 maintained by an agency of the state changes his employment to an  
14014 agency covered by this system, the board of trustees may authorize  
14015 the receipt of the transfer of the member's creditable service and  
14016 of the present value of the member's employer's accumulation  
14017 account and of the present value of the member's accumulated  
14018 membership contributions from the other system, provided that the  
14019 employee agrees to the transfer of his accumulated membership  
14020 contributions to this system and provided that the other system is  
14021 authorized and agrees to make the transfer.

14022       (j) Wherever state employment is referred to in this  
14023 section, it includes joint employment by state and federal  
14024 agencies of all kinds.

14025       (k) Employees of a political subdivision or  
14026 instrumentality who were employed by the political subdivision or  
14027 instrumentality before an agreement between the entity and the  
14028 Public Employees' Retirement System to extend the benefits of this  
14029 article to its employees, and which agreement provides for the  
14030 establishment of retroactive service credit, and who became



14031 members of the retirement system before July 1, 2007, and have  
14032 remained contributors to the retirement system for four (4) years,  
14033 or who became members of the retirement system on or after July 1,  
14034 2007, and have remained contributors to the retirement system for  
14035 eight (8) years, may receive credit for that retroactive service  
14036 with the political subdivision or instrumentality, provided that  
14037 the employee and/or employer, as provided under the terms of the  
14038 modification of the joinder agreement in allowing that coverage,  
14039 pay into the retirement system the employer's and employee's  
14040 contributions on wages paid the member during the previous  
14041 employment, together with interest or actuarial cost as determined  
14042 by the board covering the period from the date the service was  
14043 rendered until the payment for the credit for the service was  
14044 made. Those wages shall be verified by the Social Security  
14045 Administration or employer payroll records. Effective July 1,  
14046 1998, upon eligibility as noted above, a member may receive credit  
14047 for that retroactive service with the political subdivision or  
14048 instrumentality provided:

14049                   (i) The member shall furnish proof satisfactory to  
14050 the board of trustees of certification of those services from the  
14051 political subdivision or instrumentality where the services were  
14052 rendered or verification by the Social Security Administration;  
14053 and

14054                   (ii) The member shall pay to the retirement system  
14055 on the date he or she is eligible for that credit or at any time



14056 thereafter before the date of retirement the actuarial cost for  
14057 each year of that creditable service. The provisions of this  
14058 subparagraph (ii) shall be subject to the limitations of Section  
14059 415 of the Internal Revenue Code and regulations promulgated under  
14060 Section 415.

14061       Nothing contained in this paragraph (k) shall be construed to  
14062 limit the authority of the board to allow the correction of  
14063 reporting errors or omissions based on the payment of employee and  
14064 employer contributions plus applicable interest. Payment for that  
14065 time shall be made beginning with the most recent service. Upon  
14066 the payment of all or part of the required contributions, plus  
14067 interest or the actuarial cost as provided above, the member shall  
14068 receive credit for the period of creditable service for which full  
14069 payment has been made to the retirement system.

14070       (1) Through June 30, 1998, any state service eligible  
14071 for retroactive service credit, no part of which has ever been  
14072 reported, and requiring the payment of employee and employer  
14073 contributions plus interest, or, from and after July 1, 1998, any  
14074 state service eligible for retroactive service credit, no part of  
14075 which has ever been reported to the retirement system, and  
14076 requiring the payment of the actuarial cost for that creditable  
14077 service, may, at the member's option, be purchased in quarterly  
14078 increments as provided above at the time that its purchase is  
14079 otherwise allowed.





14080 (m) All rights to purchase retroactive service credit  
14081 or repay a refund as provided in Section 25-11-101 et seq. shall  
14082 terminate upon retirement.

14083 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

14084 The following classes of employees and officers shall not  
14085 become members of this retirement system, any other provisions of  
14086 Articles 1 and 3 to the contrary notwithstanding:

14087 (a) Patient or inmate help in state charitable, penal  
14088 or correctional institutions;

14089 (b) Students of any state educational institution  
14090 employed by any agency of the state for temporary, part-time or  
14091 intermittent work;

14092 (c) Participants of Comprehensive Employment and  
14093 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
14094 or after July 1, 1979;

14095 (d) From and after July 1, 2002, individuals who are  
14096 employed by a governmental entity to perform professional service  
14097 on less than a full-time basis who do not meet the criteria  
14098 established in I(a)(ii) of this section.

14099 **III. TERMINATION OF MEMBERSHIP**

14100 Membership in this system shall cease by a member withdrawing  
14101 his accumulated contributions, or by a member withdrawing from  
14102 active service with a retirement allowance, or by a member's  
14103 death.



14104           **SECTION 239.** Section 25-9-132, Mississippi Code of 1972, is  
14105 amended as follows:

14106           25-9-132. Any employee aggrieved by a final decision of the  
14107 Employee Appeals Board shall be entitled to judicial review  
14108 thereof in the manner provided in this section.

14109           (1) An appeal may be taken by such employee to the circuit  
14110 court of the principal county of the employee's employment or  
14111 the \* \* \* inferior courts of the Capitol Complex Improvement  
14112 District, by filing a petition with the clerk of such court and  
14113 executing and filing bond payable to the State of Mississippi with  
14114 sufficient sureties to be approved by the clerk of the court, in  
14115 the penalty of Five Hundred Dollars (\$500.00), conditioned upon  
14116 the payment of all costs of appeal, including the cost of  
14117 preparing the transcript of the hearing before the Employee  
14118 Appeals Board. The petition and bond shall be filed within thirty  
14119 (30) days of the receipt of the final decision of the Employee  
14120 Appeals Board. Upon approval of the bond, the clerk of the court  
14121 shall notify the Employee Appeals Board, which shall prepare its  
14122 record in the matter and transmit it to the circuit court.

14123           (2) The scope of review of the circuit court in such cases  
14124 shall be limited to a review of the record made before the  
14125 Employee Appeals Board or hearing officer to determine if the  
14126 action of the Employee Appeals Board is unlawful for the reason  
14127 that it was:

14128           (a) Not supported by any substantial evidence;



14129                   (b)   Arbitrary or capricious; or  
14130                   (c)   In violation of some statutory or constitutional  
14131 right of the employee.

14132           (3)   No relief shall be granted based upon the court's  
14133 finding of harmless error by the board in complying with the  
14134 procedural requirements of Sections 25-9-127 through 25-9-129;  
14135 provided, however, in the event that there is a finding of  
14136 prejudicial error in the proceedings, the cause may be remanded  
14137 for a rehearing consistent with the findings of the court.

14138           (4)   Any party aggrieved by action of the circuit court may  
14139 appeal to the Supreme Court in the manner provided by law.

14140           (5)   In each controversy in which the Employee Appeals Board  
14141 assumes jurisdiction, the State Personnel Board shall assess the  
14142 respondent state agency a reasonable fee to defray the cost of  
14143 recording the hearing. The State Personnel Board is hereby  
14144 authorized to contract with certified court reporters to record  
14145 hearings before the Employee Appeals Board.

14146           **SECTION 240.** Section 71-5-357, Mississippi Code of 1972, is  
14147 amended as follows:

14148           71-5-357. Benefits paid to employees of nonprofit  
14149 organizations shall be financed in accordance with the provisions  
14150 of this section. For the purpose of this section, a nonprofit  
14151 organization is an organization (or group of organizations)  
14152 described in Section 501(c)(3) of the Internal Revenue Code of



14153 1954 which is exempt from income tax under Section 501(a) of such  
14154 code (26 USCS Section 501).

14155 (a) Any nonprofit organization which, under Section  
14156 71-5-11, subsection H(3), is or becomes subject to this chapter  
14157 shall pay contributions under the provisions of Sections 71-5-351  
14158 through 71-5-355 unless it elects, in accordance with this  
14159 paragraph, to pay to the department for the unemployment fund an  
14160 amount equal to the amount of regular benefits and one-half (1/2)  
14161 of the extended benefits paid, that is attributable to service in  
14162 the employ of such nonprofit organization, to individuals for  
14163 weeks of unemployment which begin during the effective period of  
14164 such election.

14165 (i) Any nonprofit organization which becomes  
14166 subject to this chapter may elect to become liable for payments in  
14167 lieu of contributions for a period of not less than twelve (12)  
14168 months, beginning with the date on which such subjectivity begins,  
14169 by filing a written notice of its election with the department not  
14170 later than thirty (30) days immediately following the date of the  
14171 determination of such subjectivity.

14172 (ii) Any nonprofit organization which makes an  
14173 election in accordance with subparagraph (i) of this paragraph  
14174 will continue to be liable for payments in lieu of contributions  
14175 unless it files with the department a written termination notice  
14176 not later than thirty (30) days prior to the beginning of the tax  
14177 year for which such termination shall first be effective.



14178 (iii) Any nonprofit organization which has been  
14179 paying contributions under this chapter may change to a  
14180 reimbursable basis by filing with the department, not later than  
14181 thirty (30) days prior to the beginning of any tax year, a written  
14182 notice of election to become liable for payments in lieu of  
14183 contributions. Such election shall not be terminable by the  
14184 organization for that and the next tax year.

14185 (iv) The department may for good cause extend the  
14186 period within which a notice of election or a notice of  
14187 termination must be filed, and may permit an election to be  
14188 retroactive.

14189 (v) The department, in accordance with such  
14190 regulations as it may prescribe, shall notify each nonprofit  
14191 organization of any determination which it may make of its status  
14192 as an employer, of the effective date of any election which it  
14193 makes and of any termination of such election. Such  
14194 determinations shall be subject to reconsideration, appeal and  
14195 review in accordance with the provisions of Sections 71-5-351  
14196 through 71-5-355.

14197 (b) Payments in lieu of contributions shall be made in  
14198 accordance with the provisions of subparagraph (i) of this  
14199 paragraph.

14200 (i) At the end of each calendar quarter, or at the  
14201 end of any other period as determined by the department, the  
14202 department shall bill each nonprofit organization (or group of



14203 such organizations) which has elected to make payments in lieu of  
14204 contributions, for an amount equal to the full amount of regular  
14205 benefits plus one-half (1/2) of the amount of extended benefits  
14206 paid during such quarter or other prescribed period that is  
14207 attributable to service in the employ of such organization.

14208 (ii) Payment of any bill rendered under  
14209 subparagraph (i) of this paragraph shall be made not later than  
14210 forty-five (45) days after such bill was delivered to the  
14211 nonprofit organization, unless there has been an application for  
14212 review and redetermination in accordance with subparagraph (v) of  
14213 this paragraph.

14214 1. All of the enforcement procedures for the  
14215 collection of delinquent contributions contained in Sections  
14216 71-5-363 through 71-5-383 shall be applicable in all respects for  
14217 the collection of delinquent payments due by nonprofit  
14218 organizations who have elected to become liable for payments in  
14219 lieu of contributions.

14220 2. If any nonprofit organization is  
14221 delinquent in making payments in lieu of contributions, the  
14222 department may terminate such organization's election to make  
14223 payments in lieu of contributions as of the beginning of the next  
14224 tax year, and such termination shall be effective for the balance  
14225 of such tax year.

14226 (iii) Payments made by any nonprofit organization  
14227 under the provisions of this paragraph shall not be deducted or



14228 deductible, in whole or in part, from the remuneration of  
14229 individuals in the employ of the organization.

14230 (iv) Payments due by employers who elect to  
14231 reimburse the fund in lieu of contributions as provided in this  
14232 paragraph may not be noncharged under any condition. The  
14233 reimbursement must be on a dollar-for-dollar basis (One Dollar  
14234 (\$1.00) reimbursement for each dollar paid in benefits) in every  
14235 case, so that the trust fund shall be reimbursed in full, such  
14236 reimbursement to include, but not be limited to, benefits or  
14237 payments erroneously or incorrectly paid, or paid as a result of a  
14238 determination of eligibility which is subsequently reversed, or  
14239 paid as a result of claimant fraud. However, political  
14240 subdivisions who are reimbursing employers may elect to pay to the  
14241 fund an amount equal to five-tenths percent (.5%) through December  
14242 31, 2010, and shall pay twenty-five one-hundredths percent (.25%)  
14243 thereafter of the taxable wages paid during the calendar year with  
14244 respect to employment, and those employers who so elect shall be  
14245 relieved of liability for reimbursement of benefits paid under the  
14246 same conditions that benefits are not charged to the  
14247 experience-rating record of a contributing employer as provided in  
14248 Section 71-5-355(2)(b)(ii) other than Clause 5 thereof. Benefits  
14249 paid in such circumstances for which reimbursing employers are  
14250 relieved of liability for reimbursement shall not be considered  
14251 attributable to service in the employment of such reimbursing  
14252 employer.



14253 (v) The amount due specified in any bill from the  
14254 department shall be conclusive on the organization unless, not  
14255 later than fifteen (15) days after the bill was delivered to it,  
14256 the organization files an application for redetermination by the  
14257 department, setting forth the grounds for such application or  
14258 appeal. The department shall promptly review and reconsider the  
14259 amount due specified in the bill and shall thereafter issue a  
14260 redetermination in any case in which such application for  
14261 redetermination has been filed. Any such redetermination shall be  
14262 conclusive on the organization unless, not later than fifteen (15)  
14263 days after the redetermination was delivered to it, the  
14264 organization files an appeal to the \* \* \* inferior courts of the  
14265 Capitol Complex Improvement District in accordance with the  
14266 provisions of law with respect to review of civil causes by  
14267 certiorari.

14268 (vi) Past-due payments of amounts in lieu of  
14269 contributions shall be subject to the same interest and penalties  
14270 that, pursuant to Section 71-5-363, apply to past-due  
14271 contributions.

14272 (c) Each employer that is liable for payments in lieu  
14273 of contributions shall pay to the department for the fund the  
14274 amount of regular benefits plus the amount of one-half (1/2) of  
14275 extended benefits paid are attributable to service in the employ  
14276 of such employer. If benefits paid to an individual are based on  
14277 wages paid by more than one (1) employer and one or more of such





14278 employers are liable for payments in lieu of contributions, the  
14279 amount payable to the fund by each employer that is liable for  
14280 such payments shall be determined in accordance with the  
14281 provisions of subparagraph (i) or subparagraph (ii) of this  
14282 paragraph.

14283                   (i) If benefits paid to an individual are based on  
14284 wages paid by one or more employers that are liable for payment in  
14285 lieu of contributions and on wages paid by one or more employers  
14286 who are liable for contributions, the amount of benefits payable  
14287 by each employer that is liable for payments in lieu of  
14288 contributions shall be an amount which bears the same ratio to the  
14289 total benefits paid to the individual as the total base period  
14290 wages paid to the individual by such employer bear to the total  
14291 base period wages paid to the individual by all of his base period  
14292 employers.

14293                   (ii) If benefits paid to an individual are based  
14294 on wages paid by two (2) or more employers that are liable for  
14295 payments in lieu of contributions, the amount of benefits payable  
14296 by each such employer shall be an amount which bears the same  
14297 ratio to the total benefits paid to the individual as the total  
14298 base period wages paid to the individual by such employer bear to  
14299 the total base period wages paid to the individual by all of his  
14300 base period employers.

14301                   (d) In the discretion of the department, any nonprofit  
14302 organization that elects to become liable for payments in lieu of



14303 contributions shall be required to execute and file with the  
14304 department a surety bond approved by the department, or it may  
14305 elect instead to deposit with the department money or securities.  
14306 The amount of such bond or deposit shall be determined in  
14307 accordance with the provisions of this paragraph.

14308                   (i) The amount of the bond or deposit required by  
14309 paragraph (d) shall be equal to two and seven-tenths percent  
14310 (2.7%) thereafter to December 31, 2010, and one and thirty-five  
14311 one-hundredths percent (1.35%) thereafter, of the organization's  
14312 taxable wages paid for employment as defined in Section 71-5-11,  
14313 subsection I(4), for the four (4) calendar quarters immediately  
14314 preceding the effective date of the election, the renewal date in  
14315 the case of a bond, or the biennial anniversary of the effective  
14316 date of election in the case of a deposit of money or securities,  
14317 whichever date shall be most recent and applicable. If the  
14318 nonprofit organization did not pay wages in each of such four (4)  
14319 calendar quarters, the amount of the bond or deposit shall be as  
14320 determined by the department.

14321                   (ii) Any bond deposited under paragraph (d) shall  
14322 be in force for a period of not less than two (2) tax years and  
14323 shall be renewed with the approval of the department at such times  
14324 as the department may prescribe, but not less frequently than at  
14325 intervals of two (2) years as long as the organization continues  
14326 to be liable for payments in lieu of contributions. The  
14327 department shall require adjustments to be made in a previously



14328 filed bond as it deems appropriate. If the bond is to be  
14329 increased, the adjusted bond shall be filed by the organization  
14330 within thirty (30) days of the date notice of the required  
14331 adjustment was delivered to it. Failure by any organization  
14332 covered by such bond to pay the full amount of payments in lieu of  
14333 contributions when due, together with any applicable interest and  
14334 penalties provided in paragraph (b)(v) of this section, shall  
14335 render the surety liable on the bond to the extent of the bond, as  
14336 though the surety was such organization.

14337 (iii) Any deposit of money or securities in  
14338 accordance with paragraph (d) shall be retained by the department  
14339 in an escrow account until liability under the election is  
14340 terminated, at which time it shall be returned to the  
14341 organization, less any deductions as hereinafter provided. The  
14342 department may deduct from the money deposited under paragraph (d)  
14343 by a nonprofit organization, or sell the securities it has so  
14344 deposited, to the extent necessary to satisfy any due and unpaid  
14345 payments in lieu of contributions and any applicable interest and  
14346 penalties provided for in paragraph (b)(v) of this section. The  
14347 department shall require the organization, within thirty (30) days  
14348 following any deduction from a money deposit or sale of deposited  
14349 securities under the provisions hereof, to deposit sufficient  
14350 additional money or securities to make whole the organization's  
14351 deposit at the prior level. Any cash remaining from the sale of  
14352 such securities shall be a part of the organization's escrow



14353 account. The department may, at any time, review the adequacy of  
14354 the deposit made by any organization. If, as a result of such  
14355 review, it determines that an adjustment is necessary, it shall  
14356 require the organization to make additional deposit within thirty  
14357 (30) days of notice of its determination or shall return to it  
14358 such portion of the deposit as it no longer considers necessary,  
14359 whichever action is appropriate. Disposition of income from  
14360 securities held in escrow shall be governed by the applicable  
14361 provisions of the state law.

14362 (iv) If any nonprofit organization fails to file a  
14363 bond or make a deposit, or to file a bond in an increased amount,  
14364 or to increase or make whole the amount of a previously made  
14365 deposit as provided under this subparagraph, the department may  
14366 terminate such organization's election to make payments in lieu of  
14367 contributions, and such termination shall continue for not less  
14368 than the four (4) consecutive calendar-quarter periods beginning  
14369 with the quarter in which such termination becomes effective;  
14370 however, the department may extend for good cause the applicable  
14371 filing, deposit or adjustment period by not more than thirty (30)  
14372 days.

14373 (v) Group account shall be established according  
14374 to regulations prescribed by the department.

14375 (e) Any employer which elects to make payments in lieu  
14376 of contributions into the Unemployment Compensation Fund as  
14377 provided in this paragraph shall not be liable to make such



14378 payments with respect to the benefits paid to any individual whose  
14379 base period wages include wages for previously uncovered services  
14380 as defined in Section 71-5-511(e) to the extent that the  
14381 Unemployment Compensation Fund is reimbursed for such benefits  
14382 pursuant to Section 121 of Public Law 94-566.

14383       **SECTION 241.** Section 27-77-7, Mississippi Code of 1972, is  
14384 amended as follows:

14385       27-77-7. (1) The findings and order of the Board of Tax  
14386 Appeals entered under Section 27-77-5 shall be final unless the  
14387 agency or the taxpayer shall, within sixty (60) days from the date  
14388 the Board of Tax Appeals mailed the order, file a petition in the  
14389 chancery court appealing the order. If the petition under this  
14390 subsection is filed by the taxpayer, the petition shall be filed  
14391 against the Department of Revenue as respondent. If the petition  
14392 under this subsection is filed by the agency, the petition shall  
14393 be filed against the taxpayer as respondent. The petition shall  
14394 contain a concise statement of the facts as contended by the  
14395 petitioner, identify the order from which the appeal is being  
14396 taken and set out the type of relief sought. If in the action,  
14397 the taxpayer is seeking a refund or credit for an alleged  
14398 overpayment of any tax other than individual or corporate income  
14399 tax or franchise tax, the taxpayer shall allege in the petition or  
14400 in his answer, where the appeal is filed by the agency, that he  
14401 alone bore the burden of the tax sought to be refunded or credited  
14402 and did not directly or indirectly collect the tax from anyone



14403 else; however, this requirement shall not apply in any case  
14404 involving a claim for incentives based on payroll withholding or  
14405 other incentives, rebates or other economic benefits the  
14406 computation of which is based, in whole or in part, upon taxes  
14407 withheld or paid. The respondent to the petition has thirty (30)  
14408 days from the date of service of the petition to file a  
14409 cross-appeal.

14410 (2) A petition under subsection (1) of this section shall be  
14411 filed in the chancery court of the county or judicial district in  
14412 which the taxpayer has a place of business or in the \* \* \*  
14413 inferior courts of the Capitol Complex Improvement, District  
14414 however, a resident taxpayer may file the petition in the chancery  
14415 court of the county or judicial district in which he is a  
14416 resident. If both the agency and the taxpayer file a petition  
14417 under subsection (1) of this section, the appeals shall be  
14418 consolidated and the chancery court where the taxpayer filed his  
14419 petition shall have jurisdiction over the consolidated appeal.

14420 (3) Unless otherwise ordered by the chancery court upon  
14421 motion by the agency, no taxpayer appealing an order of the Board  
14422 of Tax Appeals under this section shall be required to post  
14423 security or a bond, or otherwise pay to the agency, under protest  
14424 or otherwise, any contested taxes, interest, penalties or other  
14425 amounts. After a petition or cross-appeal is filed by a taxpayer  
14426 under this section, if the agency believes that its ability to  
14427 obtain payment from the taxpayer of the taxes, penalties and



14428 interest in issue is jeopardized by its inability to proceed with  
14429 collection due to the filing of the appeal or cross-appeal by the  
14430 taxpayer or if the agency believes that the appeal or cross-appeal  
14431 is being brought to delay payment of the taxes, penalties or  
14432 interest in issue, the agency may move the chancery court to  
14433 require the taxpayer to post a bond or other adequate security for  
14434 the payment of any judgment of the court. Upon consideration of  
14435 such motion, after notice and hearing, the chancellor shall  
14436 determine whether a bond or other security is needed to protect  
14437 the interest of the state in regard to the timely payment of the  
14438 taxes, penalties and interest in issue. If the chancellor  
14439 determines that a bond or other security is necessary to protect  
14440 the interest of the state, the chancellor shall provide the  
14441 taxpayer sixty (60) days from the date that he enters an order on  
14442 the motion to post with the clerk of the court the bond or other  
14443 security that the chancellor determines is needed to protect the  
14444 state's interest. To avoid the accruing of additional penalty and  
14445 interest while an appeal is pending, a taxpayer appealing an order  
14446 of the Board of Tax Appeals affirming a tax assessment may, prior  
14447 to the filing of the petition, pay to the agency, under protest,  
14448 the amount ordered by the Board of Tax Appeals to be paid and seek  
14449 a refund of such taxes, plus interest thereon, in the appeal. The  
14450 taxpayer shall pay to the agency any tax included in the  
14451 assessment which he is not contesting. If the petition initiating  
14452 the appeal is filed by the taxpayer, the payment of the



14453 uncontested tax shall be made prior to the expiration of the  
14454 sixty-day time period for filing a petition under subsection (1)  
14455 of this section or the commissioner may institute collection  
14456 proceedings for such uncontested amount. If the petition  
14457 initiating the appeal is filed by the agency, the payment of the  
14458 uncontested tax shall be made prior to the expiration of the  
14459 sixty-day time period for the filing of the petition. Failure of  
14460 the taxpayer to timely pay the uncontested tax shall not bar the  
14461 taxpayer from obtaining a reduction, abatement and/or refund of  
14462 any contested tax in the appeal and shall not result in the  
14463 taxpayer's appeal or cross-appeal being dismissed or delayed or  
14464 judgment being entered granting the agency the relief it  
14465 requested.

14466 (4) In an action under this section resulting from an order  
14467 of the Board of Tax Appeals involving a refund claim denial, the  
14468 agency shall refund or credit to the taxpayer, as provided by law,  
14469 the amount of any overpayment included in the refund claim which  
14470 the agency does not contest. If the petition initiating the  
14471 appeal is filed by the agency, the uncontested overpayment shall  
14472 be paid or credited to the taxpayer prior to the expiration of the  
14473 sixty-day time period for filing a petition under subsection (1)  
14474 of this section. If the petition initiating the appeal is filed  
14475 by the taxpayer, such uncontested overpayment shall be paid or  
14476 credited to the taxpayer prior to the expiration of the thirty-day  
14477 time period for the filing of an answer or other response to the





14478 petition as provided in subsection (5) of this section. Failure  
14479 of the agency to timely pay or credit the uncontested overpayment  
14480 to the taxpayer shall bar the agency from obtaining an  
14481 affirmation, in whole or in part, of the refund claim denial in  
14482 issue until the payment or claim is made, but shall not result in  
14483 the agency's appeal or cross-appeal being dismissed or judgment  
14484 being entered granting the taxpayer the relief he requested.

14485       (5) Upon the filing of the petition under subsection (1) of  
14486 this section, the clerk of the court shall issue a summons to the  
14487 respondent requiring the respondent to answer or otherwise respond  
14488 to the petition within thirty (30) days of service. Where the  
14489 agency is the respondent, the summons shall be served on the  
14490 agency by personal service on the commissioner as the chief  
14491 executive officer of the agency. The chancery court in which a  
14492 petition under subsection (1) of this section is properly filed  
14493 shall have jurisdiction to hear and determine the cause or issues  
14494 joined as in other cases. In any petition, cross-appeal or answer  
14495 in which the taxpayer is seeking a refund or credit for an alleged  
14496 overpayment of any tax other than individual or corporate income  
14497 tax or franchise tax the taxpayer shall prove by a preponderance  
14498 of the evidence that he alone bore the burden of the tax sought to  
14499 be refunded or credited and did not directly or indirectly collect  
14500 the tax from anyone else; however, this requirement shall not  
14501 apply in any case involving a claim for incentives based on  
14502 withholding taxes or other incentives, rebates or other economic



14503 benefits the computation of which is based, in whole or in part,  
14504 upon taxes withheld or paid. At trial of any action brought under  
14505 this section, the chancery court shall give no deference to the  
14506 decision of the Board of Tax Appeals, the Board of Review or the  
14507 Department of Revenue, but shall give deference to the  
14508 department's interpretation and application of the statutes as  
14509 reflected in duly enacted regulations and other officially adopted  
14510 publications. The chancery court shall try the case de novo and  
14511 conduct a full evidentiary judicial hearing on all factual and  
14512 legal issues raised by the taxpayer which address the substantive  
14513 or procedural propriety of the actions of the Department of  
14514 Revenue being appealed. The chancery court is expressly  
14515 prohibited from trying any action filed pursuant to this section  
14516 using the more limited standard of review specified for appeals in  
14517 Section 27-77-13 of this chapter. Based on the evidence presented  
14518 at trial, the chancery court shall determine whether the party  
14519 bringing the appeal has proven by a preponderance of the evidence  
14520 or a higher standard if required by the issues raised, that he is  
14521 entitled to any or all of the relief he has requested. The  
14522 chancery court shall decide all factual and legal questions  
14523 presented, including those as to legality and the amount of tax,  
14524 refund, tax credit or tax incentive due as well as whether and to  
14525 what extent the imposition of interest and/or penalties are  
14526 warranted under the facts of the case, and if it finds that the  
14527 tax assessment, denial of the claim for a tax refund, tax credit



14528 or tax incentive or other action of the agency in issue is  
14529 incorrect or invalid, in whole or in part, it shall determine the  
14530 amount of tax or refund due, including interest and, if  
14531 applicable, penalty to date, and enter such order or judgment as  
14532 it deems proper. Interest and penalty included in this  
14533 determination shall be computed by the court based on the methods  
14534 for computing penalty and interest as specified by law for the  
14535 type of tax in issue, and the court shall have the same discretion  
14536 as the commissioner in determining whether and to what extent such  
14537 amounts are warranted under the facts of the case. When the  
14538 chancery court determines that an overpayment exists, the  
14539 determination as to whether such overpayment shall be refunded to  
14540 the taxpayer or credited against the taxpayer's future taxes shall  
14541 be made by the chancery court based on the method for handling  
14542 overpayments as specified by the law for the type of tax in issue.  
14543 Either the agency or the taxpayer, or both, shall have the right  
14544 to appeal from the order of the chancery court to the Supreme  
14545 Court as in other cases. If an appeal is taken from the order of  
14546 the chancery court, any bond or other security required to be  
14547 posted by order of the chancery court shall continue to remain in  
14548 place until a final decision is rendered in the case.

14549       **SECTION 242.** Section 57-75-15, Mississippi Code of 1972, is  
14550 amended as follows:

14551       **[Through June 30, 2025, this section shall read as follows:]**



14552           57-75-15. (1) Upon notification to the authority by the  
14553 enterprise that the state has been finally selected as the site  
14554 for the project, the State Bond Commission shall have the power  
14555 and is hereby authorized and directed, upon receipt of a  
14556 declaration from the authority as hereinafter provided, to borrow  
14557 money and issue general obligation bonds of the state in one or  
14558 more series for the purposes herein set out. Upon such  
14559 notification, the authority may thereafter, from time to time,  
14560 declare the necessity for the issuance of general obligation bonds  
14561 as authorized by this section and forward such declaration to the  
14562 State Bond Commission, provided that before such notification, the  
14563 authority may enter into agreements with the United States  
14564 government, private companies and others that will commit the  
14565 authority to direct the State Bond Commission to issue bonds for  
14566 eligible undertakings set out in subsection (4) of this section,  
14567 conditioned on the siting of the project in the state.

14568           (2) Upon receipt of any such declaration from the authority,  
14569 the State Bond Commission shall verify that the state has been  
14570 selected as the site of the project and shall act as the issuing  
14571 agent for the series of bonds directed to be issued in such  
14572 declaration pursuant to authority granted in this section.

14573           (3) (a) Bonds issued under the authority of this section  
14574 for projects as defined in Section 57-75-5(f)(i) shall not exceed  
14575 an aggregate principal amount in the sum of Sixty-seven Million  
14576 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).



14577           (b) Bonds issued under the authority of this section  
14578 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
14579 Seventy-seven Million Dollars (\$77,000,000.00). The authority,  
14580 with the express direction of the State Bond Commission, is  
14581 authorized to expend any remaining proceeds of bonds issued under  
14582 the authority of this act prior to January 1, 1998, for the  
14583 purpose of financing projects as then defined in Section  
14584 57-75-5(f)(ii) or for any other projects as defined in Section  
14585 57-75-5(f)(ii), as it may be amended from time to time. No bonds  
14586 shall be issued under this paragraph (b) until the State Bond  
14587 Commission by resolution adopts a finding that the issuance of  
14588 such bonds will improve, expand or otherwise enhance the military  
14589 installation, its support areas or military operations, or will  
14590 provide employment opportunities to replace those lost by closure  
14591 or reductions in operations at the military installation or will  
14592 support critical studies or investigations authorized by Section  
14593 57-75-5(f)(ii).

14594           (c) Bonds issued under the authority of this section  
14595 for projects as defined in Section 57-75-5(f)(iii) shall not  
14596 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
14597 issued under this paragraph after December 31, 1996.

14598           (d) Bonds issued under the authority of this section  
14599 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
14600 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
14601 additional amount of bonds in an amount not to exceed Twelve



14602 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
14603 issued under the authority of this section for the purpose of  
14604 defraying costs associated with the construction of surface water  
14605 transmission lines for a project defined in Section 57-75-5(f)(iv)  
14606 or for any facility related to the project. No bonds shall be  
14607 issued under this paragraph after June 30, 2005.

14608 (e) Bonds issued under the authority of this section  
14609 for projects defined in Section 57-75-5(f)(v) and for facilities  
14610 related to such projects shall not exceed Thirty-eight Million  
14611 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
14612 issued under this paragraph after April 1, 2005.

14613 (f) Bonds issued under the authority of this section  
14614 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
14615 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
14616 under this paragraph after June 30, 2006.

14617 (g) Bonds issued under the authority of this section  
14618 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
14619 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
14620 bonds shall be issued under this paragraph after June 30, 2008.

14621 (h) Bonds issued under the authority of this section  
14622 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
14623 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
14624 under this paragraph after June 30, 2007.

14625 (i) Bonds issued under the authority of this section  
14626 for projects defined in Section 57-75-5(f)(x) shall not exceed



14627 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
14628 under this paragraph after April 1, 2005.

14629 (j) Bonds issued under the authority of this section  
14630 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
14631 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
14632 bonds that may be issued under this paragraph for projects defined  
14633 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
14634 federal or local funds made available for such projects. No bonds  
14635 shall be issued under this paragraph until local governments in or  
14636 near the county in which the project is located have irrevocably  
14637 committed funds to the project in an amount of not less than Two  
14638 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
14639 aggregate; however, this irrevocable commitment requirement may be  
14640 waived by the authority upon a finding that due to the unforeseen  
14641 circumstances created by Hurricane Katrina, the local governments  
14642 are unable to comply with such commitment. No bonds shall be  
14643 issued under this paragraph after June 30, 2008.

14644 (k) Bonds issued under the authority of this section  
14645 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
14646 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
14647 under this paragraph after June 30, 2009.

14648 (l) Bonds issued under the authority of this section  
14649 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
14650 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
14651 issued under this paragraph until local governments in the county



14652 in which the project is located have irrevocably committed funds  
14653 to the project in an amount of not less than Two Million Dollars  
14654 (\$2,000,000.00). No bonds shall be issued under this paragraph  
14655 after June 30, 2009.

14656 (m) Bonds issued under the authority of this section  
14657 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
14658 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
14659 issued under this paragraph after June 30, 2009.

14660 (n) Bonds issued under the authority of this section  
14661 for projects defined in Section 57-75-5(f)(xvi) shall not exceed  
14662 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
14663 under this paragraph after June 30, 2011.

14664 (o) Bonds issued under the authority of this section  
14665 for projects defined in Section 57-75-5(f)(xvii) shall not exceed  
14666 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
14667 bonds shall be issued under this paragraph after June 30, 2010.

14668 (p) Bonds issued under the authority of this section  
14669 for projects defined in Section 57-75-5(f)(xviii) shall not exceed  
14670 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
14671 issued under this paragraph after June 30, 2011.

14672 (q) Bonds issued under the authority of this section  
14673 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
14674 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
14675 issued under this paragraph after June 30, 2012.





14676 (r) Bonds issued under the authority of this section  
14677 for projects defined in Section 57-75-5(f)(xx) shall not exceed  
14678 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
14679 issued under this paragraph after April 25, 2013.

14680 (s) Bonds issued under the authority of this section  
14681 for projects defined in Section 57-75-5(f)(xxi) shall not exceed  
14682 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars  
14683 (\$293,900,000.00). No bonds shall be issued under this paragraph  
14684 after July 1, 2020.

14685 (t) Bonds issued under the authority of this section  
14686 for Tier One suppliers shall not exceed Thirty Million Dollars  
14687 (\$30,000,000.00). No bonds shall be issued under this paragraph  
14688 after July 1, 2020.

14689 (u) Bonds issued under the authority of this section  
14690 for projects defined in Section 57-75-5(f)(xxii) shall not exceed  
14691 Forty-eight Million Four Hundred Thousand Dollars  
14692 (\$48,400,000.00). No bonds shall be issued under this paragraph  
14693 after July 1, 2020.

14694 (v) Bonds issued under the authority of this section  
14695 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed  
14696 Eighty-eight Million Two Hundred Fifty Thousand Dollars  
14697 (\$88,250,000.00). No bonds shall be issued under this paragraph  
14698 after July 1, 2009.

14699 (w) Bonds issued under the authority of this section  
14700 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed



14701 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be  
14702 issued under this paragraph after July 1, 2020.

14703 (x) Bonds issued under the authority of this section  
14704 for projects defined in Section 57-75-5(f)(xxv) shall not exceed  
14705 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be  
14706 issued under this paragraph after July 1, 2017.

14707 (y) Bonds issued under the authority of this section  
14708 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed  
14709 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).  
14710 No bonds shall be issued under this paragraph after July 1, 2021.

14711 (z) Bonds issued under the authority of this section  
14712 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed  
14713 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued  
14714 under this paragraph after April 25, 2013.

14715 (aa) Bonds issued under the authority of this section  
14716 for projects defined in Section 57-75-5(f)(xxviii) shall not  
14717 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No  
14718 bonds shall be issued under this paragraph after July 1, 2023.

14719 (bb) Bonds issued under the authority of this section  
14720 for projects defined in Section 57-75-5(f)(xxix) shall not exceed  
14721 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No  
14722 bonds shall be issued under this paragraph after July 1, 2034.

14723 (cc) Bonds issued under the authority of this section  
14724 for projects defined in Section 57-75-5(f)(xxx) shall not exceed



14725 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued  
14726 under this paragraph after July 1, 2025.

14727 (dd) Bonds issued under the authority of this section  
14728 for projects defined in Section 57-75-5(f)(xxxi) shall not exceed  
14729 Two Hundred Forty-six Million Seven Hundred Ninety-eight Thousand  
14730 Five Hundred Fifty Dollars (\$246,798,550.00); however, the total  
14731 amount of bonds that may be issued under the authority of this  
14732 section for projects defined in Section 57-75-5(f)(xxxi) shall be  
14733 reduced by the amount of any other funds authorized by the  
14734 Legislature during the 2022 First Extraordinary Session  
14735 specifically for such projects. No bonds shall be issued under  
14736 this paragraph after July 1, 2040.

14737 (4) (a) The proceeds from the sale of the bonds issued  
14738 under this section may be applied for the following purposes:

14739 (i) Defraying all or any designated portion of the  
14740 costs incurred with respect to acquisition, planning, design,  
14741 construction, installation, rehabilitation, improvement,  
14742 relocation and with respect to state-owned property, operation and  
14743 maintenance of the project and any facility related to the project  
14744 located within the project area, including costs of design and  
14745 engineering, all costs incurred to provide land, easements and  
14746 rights-of-way, relocation costs with respect to the project and  
14747 with respect to any facility related to the project located within  
14748 the project area, and costs associated with mitigation of  
14749 environmental impacts and environmental impact studies;



14750 (ii) Defraying the cost of providing for the  
14751 recruitment, screening, selection, training or retraining of  
14752 employees, candidates for employment or replacement employees of  
14753 the project and any related activity;

14754 (iii) Reimbursing the Mississippi Development  
14755 Authority for expenses it incurred in regard to projects defined  
14756 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
14757 Mississippi Development Authority shall submit an itemized list of  
14758 expenses it incurred in regard to such projects to the Chairmen of  
14759 the Finance and Appropriations Committees of the Senate and the  
14760 Chairmen of the Ways and Means and Appropriations Committees of  
14761 the House of Representatives;

14762 (iv) Providing grants to enterprises operating  
14763 projects defined in Section 57-75-5(f)(iv)1;

14764 (v) Paying any warranty made by the authority  
14765 regarding site work for a project defined in Section  
14766 57-75-5(f)(iv)1;

14767 (vi) Defraying the cost of marketing and promotion  
14768 of a project as defined in Section 57-75-5(f)(iv)1, Section  
14769 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall  
14770 submit an itemized list of costs incurred for marketing and  
14771 promotion of such project to the Chairmen of the Finance and  
14772 Appropriations Committees of the Senate and the Chairmen of the  
14773 Ways and Means and Appropriations Committees of the House of  
14774 Representatives;



14775 (vii) Providing for the payment of interest on the  
14776 bonds;  
14777 (viii) Providing debt service reserves;  
14778 (ix) Paying underwriters' discount, original issue  
14779 discount, accountants' fees, engineers' fees, attorneys' fees,  
14780 rating agency fees and other fees and expenses in connection with  
14781 the issuance of the bonds;  
14782 (x) For purposes authorized in paragraphs (b) and  
14783 (c) of this subsection (4);  
14784 (xi) Providing grants to enterprises operating  
14785 projects defined in Section 57-75-5(f)(v), or, in connection with  
14786 a facility related to such a project, for any purposes deemed by  
14787 the authority in its sole discretion to be necessary and  
14788 appropriate;  
14789 (xii) Providing grant funds or loans to a public  
14790 agency or an enterprise owning, leasing or operating a project  
14791 defined in Section 57-75-5(f)(ii);  
14792 (xiii) Providing grant funds or loans to an  
14793 enterprise owning, leasing or operating a project defined in  
14794 Section 57-75-5(f)(xiv);  
14795 (xiv) Providing grants, loans and payments to or  
14796 for the benefit of an enterprise owning or operating a project  
14797 defined in Section 57-75-5(f)(xviii);



14798 (xv) Purchasing equipment for a project defined in  
14799 Section 57-75-5(f)(viii) subject to such terms and conditions as  
14800 the authority considers necessary and appropriate;  
14801 (xvi) Providing grant funds to an enterprise  
14802 developing or owning a project defined in Section 57-75-5(f)(xx);  
14803 (xvii) Providing grants and loans for projects as  
14804 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in  
14805 connection with a facility related to such a project, for any  
14806 purposes deemed by the authority in its sole discretion to be  
14807 necessary and appropriate;  
14808 (xviii) Providing grants for projects as  
14809 authorized in Section 57-75-11(pp) for any purposes deemed by the  
14810 authority in its sole discretion to be necessary and appropriate;  
14811 (xix) Providing grants and loans for projects as  
14812 authorized in Section 57-75-11(qq);  
14813 (xx) Providing grants for projects as authorized  
14814 in Section 57-75-11(rr);  
14815 (xxi) Providing grants, loans and payments as  
14816 authorized in Section 57-75-11(ss);  
14817 (xxii) Providing grants and loans as authorized in  
14818 Section 57-75-11(tt);  
14819 (xxiii) Providing grants as authorized in Section  
14820 57-75-11(wv) for any purposes deemed by the authority in its sole  
14821 discretion to be necessary and appropriate; and



14822                   (xxiv) Providing loans, grants and other funds as  
14823 authorized in Sections 57-75-11(xx) and 57-75-11(yy) for any  
14824 purposes deemed by the authority in its sole discretion to be  
14825 necessary and appropriate.

14826           Such bonds shall be issued, from time to time, and in such  
14827 principal amounts as shall be designated by the authority, not to  
14828 exceed in aggregate principal amounts the amount authorized in  
14829 subsection (3) of this section. Proceeds from the sale of the  
14830 bonds issued under this section may be invested, subject to  
14831 federal limitations, pending their use, in such securities as may  
14832 be specified in the resolution authorizing the issuance of the  
14833 bonds or the trust indenture securing them, and the earning on  
14834 such investment applied as provided in such resolution or trust  
14835 indenture.

14836           (b) (i) The proceeds of bonds issued after June 21,  
14837 2002, under this section for projects described in Section  
14838 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
14839 necessary costs incurred by the Mississippi Development Authority  
14840 in providing assistance related to a project for which funding is  
14841 provided from the use of proceeds of such bonds. The Mississippi  
14842 Development Authority shall maintain an accounting of actual costs  
14843 incurred for each project for which reimbursements are sought.  
14844 Reimbursements under this paragraph (b)(i) shall not exceed Three  
14845 Hundred Thousand Dollars (\$300,000.00) in the aggregate.



14846 Reimbursements under this paragraph (b) (i) shall satisfy any  
14847 applicable federal tax law requirements.

14848 (ii) The proceeds of bonds issued after June 21,  
14849 2002, under this section for projects described in Section  
14850 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
14851 necessary costs incurred by the Department of Audit in providing  
14852 services related to a project for which funding is provided from  
14853 the use of proceeds of such bonds. The Department of Audit shall  
14854 maintain an accounting of actual costs incurred for each project  
14855 for which reimbursements are sought. The Department of Audit may  
14856 escalate its budget and expend such funds in accordance with rules  
14857 and regulations of the Department of Finance and Administration in  
14858 a manner consistent with the escalation of federal funds.

14859 Reimbursements under this paragraph (b) (ii) shall not exceed One  
14860 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

14861 Reimbursements under this paragraph (b) (ii) shall satisfy any  
14862 applicable federal tax law requirements.

14863 (c) (i) Except as otherwise provided in this  
14864 subsection, the proceeds of bonds issued under this section for a  
14865 project described in Section 57-75-5(f) may be used to reimburse  
14866 reasonable actual and necessary costs incurred by the Mississippi  
14867 Development Authority in providing assistance related to the  
14868 project for which funding is provided for the use of proceeds of  
14869 such bonds. The Mississippi Development Authority shall maintain  
14870 an accounting of actual costs incurred for each project for which





14871 reimbursements are sought. Reimbursements under this paragraph  
14872 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
14873 each project.

14874                   (ii) Except as otherwise provided in this  
14875 subsection, the proceeds of bonds issued under this section for a  
14876 project described in Section 57-75-5(f) may be used to reimburse  
14877 reasonable actual and necessary costs incurred by the Department  
14878 of Audit in providing services related to the project for which  
14879 funding is provided from the use of proceeds of such bonds. The  
14880 Department of Audit shall maintain an accounting of actual costs  
14881 incurred for each project for which reimbursements are sought.  
14882 The Department of Audit may escalate its budget and expend such  
14883 funds in accordance with rules and regulations of the Department  
14884 of Finance and Administration in a manner consistent with the  
14885 escalation of federal funds. Reimbursements under this paragraph  
14886 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
14887 each project. Reimbursements under this paragraph shall satisfy  
14888 any applicable federal tax law requirements.

14889           (5) The principal of and the interest on the bonds shall be  
14890 payable in the manner hereinafter set forth. The bonds shall bear  
14891 date or dates; be in such denomination or denominations; bear  
14892 interest at such rate or rates; be payable at such place or places  
14893 within or without the state; mature absolutely at such time or  
14894 times; be redeemable before maturity at such time or times and  
14895 upon such terms, with or without premium; bear such registration



14896 privileges; and be substantially in such form; all as shall be  
14897 determined by resolution of the State Bond Commission except that  
14898 such bonds shall mature or otherwise be retired in annual  
14899 installments beginning not more than five (5) years from the date  
14900 thereof and extending not more than twenty-five (25) years from  
14901 the date thereof. The bonds shall be signed by the Chairman of  
14902 the State Bond Commission, or by his facsimile signature, and the  
14903 official seal of the State Bond Commission shall be imprinted on  
14904 or affixed thereto, attested by the manual or facsimile signature  
14905 of the Secretary of the State Bond Commission. Whenever any such  
14906 bonds have been signed by the officials herein designated to sign  
14907 the bonds, who were in office at the time of such signing but who  
14908 may have ceased to be such officers before the sale and delivery  
14909 of such bonds, or who may not have been in office on the date such  
14910 bonds may bear, the signatures of such officers upon such bonds  
14911 shall nevertheless be valid and sufficient for all purposes and  
14912 have the same effect as if the person so officially signing such  
14913 bonds had remained in office until the delivery of the same to the  
14914 purchaser, or had been in office on the date such bonds may bear.

14915       (6) All bonds issued under the provisions of this section  
14916 shall be and are hereby declared to have all the qualities and  
14917 incidents of negotiable instruments under the provisions of the  
14918 Uniform Commercial Code and in exercising the powers granted by  
14919 this chapter, the State Bond Commission shall not be required to



14920 and need not comply with the provisions of the Uniform Commercial  
14921 Code.

14922 (7) The State Bond Commission shall act as issuing agent for  
14923 the bonds, prescribe the form of the bonds, determine the  
14924 appropriate method for sale of the bonds, advertise for and accept  
14925 bids or negotiate the sale of the bonds, issue and sell the bonds,  
14926 pay all fees and costs incurred in such issuance and sale, and do  
14927 any and all other things necessary and advisable in connection  
14928 with the issuance and sale of the bonds. The State Bond  
14929 Commission may sell such bonds on sealed bids at public sale or  
14930 may negotiate the sale of the bonds for such price as it may  
14931 determine to be for the best interest of the State of Mississippi.  
14932 The bonds shall bear interest at such rate or rates not exceeding  
14933 the limits set forth in Section 75-17-101 as shall be fixed by the  
14934 State Bond Commission. All interest accruing on such bonds so  
14935 issued shall be payable semiannually or annually.

14936 If the bonds are to be sold on sealed bids at public sale,  
14937 notice of the sale of any bonds shall be published at least one  
14938 time, the first of which shall be made not less than ten (10) days  
14939 prior to the date of sale, and shall be so published in one or  
14940 more newspapers having a general circulation in the City of  
14941 Jackson, Mississippi, selected by the State Bond Commission.

14942 The State Bond Commission, when issuing any bonds under the  
14943 authority of this section, may provide that the bonds, at the  
14944 option of the state, may be called in for payment and redemption



14945 at the call price named therein and accrued interest on such date  
14946 or dates named therein.

14947 (8) State bonds issued under the provisions of this section  
14948 shall be the general obligations of the state and backed by the  
14949 full faith and credit of the state. The Legislature shall  
14950 appropriate annually an amount sufficient to pay the principal of  
14951 and the interest on such bonds as they become due. All bonds  
14952 shall contain recitals on their faces substantially covering the  
14953 foregoing provisions of this section.

14954 (9) The State Treasurer is authorized to certify to the  
14955 Department of Finance and Administration the necessity for  
14956 warrants, and the Department of Finance and Administration is  
14957 authorized and directed to issue such warrants payable out of any  
14958 funds appropriated by the Legislature under this section for such  
14959 purpose, in such amounts as may be necessary to pay when due the  
14960 principal of and interest on all bonds issued under the provisions  
14961 of this section. The State Treasurer shall forward the necessary  
14962 amount to the designated place or places of payment of such bonds  
14963 in ample time to discharge such bonds, or the interest thereon, on  
14964 the due dates thereof.

14965 (10) The bonds may be issued without any other proceedings  
14966 or the happening of any other conditions or things other than  
14967 those proceedings, conditions and things which are specified or  
14968 required by this chapter. Any resolution providing for the  
14969 issuance of general obligation bonds under the provisions of this



14970 section shall become effective immediately upon its adoption by  
14971 the State Bond Commission, and any such resolution may be adopted  
14972 at any regular or special meeting of the State Bond Commission by  
14973 a majority of its members.

14974       (11) In anticipation of the issuance of bonds hereunder, the  
14975 State Bond Commission is authorized to negotiate and enter into  
14976 any purchase, loan, credit or other agreement with any bank, trust  
14977 company or other lending institution or to issue and sell interim  
14978 notes for the purpose of making any payments authorized under this  
14979 section. All borrowings made under this provision shall be  
14980 evidenced by notes of the state which shall be issued from time to  
14981 time, for such amounts not exceeding the amount of bonds  
14982 authorized herein, in such form and in such denomination and  
14983 subject to such terms and conditions of sale and issuance,  
14984 prepayment or redemption and maturity, rate or rates of interest  
14985 not to exceed the maximum rate authorized herein for bonds, and  
14986 time of payment of interest as the State Bond Commission shall  
14987 agree to in such agreement. Such notes shall constitute general  
14988 obligations of the state and shall be backed by the full faith and  
14989 credit of the state. Such notes may also be issued for the  
14990 purpose of refunding previously issued notes. No note shall  
14991 mature more than three (3) years following the date of its  
14992 issuance. The State Bond Commission is authorized to provide for  
14993 the compensation of any purchaser of the notes by payment of a  
14994 fixed fee or commission and for all other costs and expenses of



14995 issuance and service, including paying agent costs. Such costs  
14996 and expenses may be paid from the proceeds of the notes.

14997 (12) The bonds and interim notes authorized under the  
14998 authority of this section may be validated in the \* \* \* inferior  
14999 courts of the Capitol Complex Improvement District, in the manner  
15000 and with the force and effect provided now or hereafter by Chapter  
15001 13, Title 31, Mississippi Code of 1972, for the validation of  
15002 county, municipal, school district and other bonds. The necessary  
15003 papers for such validation proceedings shall be transmitted to the  
15004 State Bond Attorney, and the required notice shall be published in  
15005 a newspaper published in the City of Jackson, Mississippi.

15006 (13) Any bonds or interim notes issued under the provisions  
15007 of this chapter, a transaction relating to the sale or securing of  
15008 such bonds or interim notes, their transfer and the income  
15009 therefrom shall at all times be free from taxation by the state or  
15010 any local unit or political subdivision or other instrumentality  
15011 of the state, excepting inheritance and gift taxes.

15012 (14) All bonds issued under this chapter shall be legal  
15013 investments for trustees, other fiduciaries, savings banks, trust  
15014 companies and insurance companies organized under the laws of the  
15015 State of Mississippi; and such bonds shall be legal securities  
15016 which may be deposited with and shall be received by all public  
15017 officers and bodies of the state and all municipalities and other  
15018 political subdivisions thereof for the purpose of securing the  
15019 deposit of public funds.



15020           (15) The Attorney General of the State of Mississippi shall  
15021 represent the State Bond Commission in issuing, selling and  
15022 validating bonds herein provided for, and the Bond Commission is  
15023 hereby authorized and empowered to expend from the proceeds  
15024 derived from the sale of the bonds authorized hereunder all  
15025 necessary administrative, legal and other expenses incidental and  
15026 related to the issuance of bonds authorized under this chapter.

15027           (16) There is hereby created a special fund in the State  
15028 Treasury to be known as the Mississippi Major Economic Impact  
15029 Authority Fund wherein shall be deposited the proceeds of the  
15030 bonds issued under this chapter and all monies received by the  
15031 authority to carry out the purposes of this chapter. Expenditures  
15032 authorized herein shall be paid by the State Treasurer upon  
15033 warrants drawn from the fund, and the Department of Finance and  
15034 Administration shall issue warrants upon requisitions signed by  
15035 the director of the authority.

15036           (17) (a) There is hereby created the Mississippi Economic  
15037 Impact Authority Sinking Fund from which the principal of and  
15038 interest on such bonds shall be paid by appropriation. All monies  
15039 paid into the sinking fund not appropriated to pay accruing bonds  
15040 and interest shall be invested by the State Treasurer in such  
15041 securities as are provided by law for the investment of the  
15042 sinking funds of the state.

15043           (b) In the event that all or any part of the bonds and  
15044 notes are purchased, they shall be cancelled and returned to the



15045 loan and transfer agent as cancelled and paid bonds and notes and  
15046 thereafter all payments of interest thereon shall cease and the  
15047 cancelled bonds, notes and coupons, together with any other  
15048 cancelled bonds, notes and coupons, shall be destroyed as promptly  
15049 as possible after cancellation but not later than two (2) years  
15050 after cancellation. A certificate evidencing the destruction of  
15051 the cancelled bonds, notes and coupons shall be provided by the  
15052 loan and transfer agent to the seller.

15053 (c) The State Treasurer shall determine and report to  
15054 the Department of Finance and Administration and Legislative  
15055 Budget Office by September 1 of each year the amount of money  
15056 necessary for the payment of the principal of and interest on  
15057 outstanding obligations for the following fiscal year and the  
15058 times and amounts of the payments. It shall be the duty of the  
15059 Governor to include in every executive budget submitted to the  
15060 Legislature full information relating to the issuance of bonds and  
15061 notes under the provisions of this chapter and the status of the  
15062 sinking fund for the payment of the principal of and interest on  
15063 the bonds and notes.

15064 (d) Any monies repaid to the state from loans  
15065 authorized in Section 57-75-11(hh) shall be deposited into the  
15066 Mississippi Major Economic Impact Authority Sinking Fund unless  
15067 the State Bond Commission, at the request of the authority, shall  
15068 determine that such loan repayments are needed to provide  
15069 additional loans as authorized under Section 57-75-11(hh). For





15070 purposes of providing additional loans, there is hereby created  
15071 the Mississippi Major Economic Impact Authority Revolving Loan  
15072 Fund and loan repayments shall be deposited into the fund. The  
15073 fund shall be maintained for such period as determined by the  
15074 State Bond Commission for the sole purpose of making additional  
15075 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
15076 remaining in the fund at the end of a fiscal year shall not lapse  
15077 into the State General Fund and any interest earned on amounts in  
15078 such fund shall be deposited to the credit of the fund.

15079 (e) Any monies repaid to the state from loans  
15080 authorized in Section 57-75-11(ii) shall be deposited into the  
15081 Mississippi Major Economic Impact Authority Sinking Fund.

15082 (f) Any monies repaid to the state from loans  
15083 authorized in Section 57-75-11(jj), Section 57-75-11(vv) and  
15084 Section 57-75-11(xx) shall be deposited into the Mississippi Major  
15085 Economic Impact Authority Sinking Fund.

15086 (18) (a) Upon receipt of a declaration by the authority  
15087 that it has determined that the state is a potential site for a  
15088 project, the State Bond Commission is authorized and directed to  
15089 authorize the State Treasurer to borrow money from any special  
15090 fund in the State Treasury not otherwise appropriated to be  
15091 utilized by the authority for the purposes provided for in this  
15092 subsection.

15093 (b) The proceeds of the money borrowed under this  
15094 subsection may be utilized by the authority for the purpose of



15095 defraying all or a portion of the costs incurred by the authority  
15096 with respect to acquisition options and planning, design and  
15097 environmental impact studies with respect to a project defined in  
15098 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority  
15099 may escalate its budget and expend the proceeds of the money  
15100 borrowed under this subsection in accordance with rules and  
15101 regulations of the Department of Finance and Administration in a  
15102 manner consistent with the escalation of federal funds.

15103 (c) The authority shall request an appropriation or  
15104 additional authority to issue general obligation bonds to repay  
15105 the borrowed funds and establish a date for the repayment of the  
15106 funds so borrowed.

15107 (d) Borrowings made under the provisions of this  
15108 subsection shall not exceed Five Hundred Thousand Dollars  
15109 (\$500,000.00) at any one time.

15110 **[From and after July 1, 2025, this section shall read as**  
15111 **follows:]**

15112 57-75-15. (1) Upon notification to the authority by the  
15113 enterprise that the state has been finally selected as the site  
15114 for the project, the State Bond Commission shall have the power  
15115 and is hereby authorized and directed, upon receipt of a  
15116 declaration from the authority as hereinafter provided, to borrow  
15117 money and issue general obligation bonds of the state in one or  
15118 more series for the purposes herein set out. Upon such  
15119 notification, the authority may thereafter, from time to time,



15120 declare the necessity for the issuance of general obligation bonds  
15121 as authorized by this section and forward such declaration to the  
15122 State Bond Commission, provided that before such notification, the  
15123 authority may enter into agreements with the United States  
15124 government, private companies and others that will commit the  
15125 authority to direct the State Bond Commission to issue bonds for  
15126 eligible undertakings set out in subsection (4) of this section,  
15127 conditioned on the siting of the project in the state.

15128       (2) Upon receipt of any such declaration from the authority,  
15129 the State Bond Commission shall verify that the state has been  
15130 selected as the site of the project and shall act as the issuing  
15131 agent for the series of bonds directed to be issued in such  
15132 declaration pursuant to authority granted in this section.

15133       (3) (a) Bonds issued under the authority of this section  
15134 for projects as defined in Section 57-75-5(f)(i) shall not exceed  
15135 an aggregate principal amount in the sum of Sixty-seven Million  
15136 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

15137       (b) Bonds issued under the authority of this section  
15138 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
15139 Seventy-seven Million Dollars (\$77,000,000.00). The authority,  
15140 with the express direction of the State Bond Commission, is  
15141 authorized to expend any remaining proceeds of bonds issued under  
15142 the authority of this act prior to January 1, 1998, for the  
15143 purpose of financing projects as then defined in Section  
15144 57-75-5(f)(ii) or for any other projects as defined in Section



15145 57-75-5(f)(ii), as it may be amended from time to time. No bonds  
15146 shall be issued under this paragraph (b) until the State Bond  
15147 Commission by resolution adopts a finding that the issuance of  
15148 such bonds will improve, expand or otherwise enhance the military  
15149 installation, its support areas or military operations, or will  
15150 provide employment opportunities to replace those lost by closure  
15151 or reductions in operations at the military installation or will  
15152 support critical studies or investigations authorized by Section  
15153 57-75-5(f)(ii).

15154 (c) Bonds issued under the authority of this section  
15155 for projects as defined in Section 57-75-5(f)(iii) shall not  
15156 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
15157 issued under this paragraph after December 31, 1996.

15158 (d) Bonds issued under the authority of this section  
15159 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
15160 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
15161 additional amount of bonds in an amount not to exceed Twelve  
15162 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
15163 issued under the authority of this section for the purpose of  
15164 defraying costs associated with the construction of surface water  
15165 transmission lines for a project defined in Section 57-75-5(f)(iv)  
15166 or for any facility related to the project. No bonds shall be  
15167 issued under this paragraph after June 30, 2005.

15168 (e) Bonds issued under the authority of this section  
15169 for projects defined in Section 57-75-5(f)(v) and for facilities



15170 related to such projects shall not exceed Thirty-eight Million  
15171 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
15172 issued under this paragraph after April 1, 2005.

15173 (f) Bonds issued under the authority of this section  
15174 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
15175 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
15176 under this paragraph after June 30, 2006.

15177 (g) Bonds issued under the authority of this section  
15178 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
15179 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
15180 bonds shall be issued under this paragraph after June 30, 2008.

15181 (h) Bonds issued under the authority of this section  
15182 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
15183 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
15184 under this paragraph after June 30, 2007.

15185 (i) Bonds issued under the authority of this section  
15186 for projects defined in Section 57-75-5(f)(x) shall not exceed  
15187 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
15188 under this paragraph after April 1, 2005.

15189 (j) Bonds issued under the authority of this section  
15190 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
15191 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
15192 bonds that may be issued under this paragraph for projects defined  
15193 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
15194 federal or local funds made available for such projects. No bonds



15195 shall be issued under this paragraph until local governments in or  
15196 near the county in which the project is located have irrevocably  
15197 committed funds to the project in an amount of not less than Two  
15198 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
15199 aggregate; however, this irrevocable commitment requirement may be  
15200 waived by the authority upon a finding that due to the unforeseen  
15201 circumstances created by Hurricane Katrina, the local governments  
15202 are unable to comply with such commitment. No bonds shall be  
15203 issued under this paragraph after June 30, 2008.

15204 (k) Bonds issued under the authority of this section  
15205 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
15206 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
15207 under this paragraph after June 30, 2009.

15208 (l) Bonds issued under the authority of this section  
15209 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
15210 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
15211 issued under this paragraph until local governments in the county  
15212 in which the project is located have irrevocably committed funds  
15213 to the project in an amount of not less than Two Million Dollars  
15214 (\$2,000,000.00). No bonds shall be issued under this paragraph  
15215 after June 30, 2009.

15216 (m) Bonds issued under the authority of this section  
15217 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
15218 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
15219 issued under this paragraph after June 30, 2009.



15220           (n) Bonds issued under the authority of this section  
15221 for projects defined in Section 57-75-5(f)(xvi) shall not exceed  
15222 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
15223 under this paragraph after June 30, 2011.

15224           (o) Bonds issued under the authority of this section  
15225 for projects defined in Section 57-75-5(f)(xvii) shall not exceed  
15226 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
15227 bonds shall be issued under this paragraph after June 30, 2010.

15228           (p) Bonds issued under the authority of this section  
15229 for projects defined in Section 57-75-5(f)(xviii) shall not exceed  
15230 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
15231 issued under this paragraph after June 30, 2016.

15232           (q) Bonds issued under the authority of this section  
15233 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
15234 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
15235 issued under this paragraph after June 30, 2012.

15236           (r) Bonds issued under the authority of this section  
15237 for projects defined in Section 57-75-5(f)(xx) shall not exceed  
15238 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
15239 issued under this paragraph after April 25, 2013.

15240           (s) Bonds issued under the authority of this section  
15241 for projects defined in Section 57-75-5(f)(xxi) shall not exceed  
15242 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars  
15243 (\$293,900,000.00). No bonds shall be issued under this paragraph  
15244 after July 1, 2020.



15245           (t) Bonds issued under the authority of this section  
15246 for Tier One suppliers shall not exceed Thirty Million Dollars  
15247 (\$30,000,000.00). No bonds shall be issued under this paragraph  
15248 after July 1, 2020.

15249           (u) Bonds issued under the authority of this section  
15250 for projects defined in Section 57-75-5(f)(xxii) shall not exceed  
15251 Forty-eight Million Four Hundred Thousand Dollars  
15252 (\$48,400,000.00). No bonds shall be issued under this paragraph  
15253 after July 1, 2020.

15254           (v) Bonds issued under the authority of this section  
15255 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed  
15256 Eighty-eight Million Two Hundred Fifty Thousand Dollars  
15257 (\$88,250,000.00). No bonds shall be issued under this paragraph  
15258 after July 1, 2009.

15259           (w) Bonds issued under the authority of this section  
15260 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed  
15261 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be  
15262 issued under this paragraph after July 1, 2020.

15263           (x) Bonds issued under the authority of this section  
15264 for projects defined in Section 57-75-5(f)(xxv) shall not exceed  
15265 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be  
15266 issued under this paragraph after July 1, 2017.

15267           (y) Bonds issued under the authority of this section  
15268 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed





15269 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).

15270 No bonds shall be issued under this paragraph after July 1, 2021.

15271 (z) Bonds issued under the authority of this section  
15272 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed  
15273 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued  
15274 under this paragraph after April 25, 2013.

15275 (aa) Bonds issued under the authority of this section  
15276 for projects defined in Section 57-75-5(f)(xxviii) shall not  
15277 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No  
15278 bonds shall be issued under this paragraph after July 1, 2023.

15279 (bb) Bonds issued under the authority of this section  
15280 for projects defined in Section 57-75-5(f)(xxix) shall not exceed  
15281 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No  
15282 bonds shall be issued under this paragraph after July 1, 2034.

15283 (cc) Bonds issued under the authority of this section  
15284 for projects defined in Section 57-75-5(f)(xxx) shall not exceed  
15285 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued  
15286 under this paragraph after July 1, 2025.

15287 (dd) Bonds issued under the authority of this section  
15288 for projects defined in Section 57-75-5(f)(xxxi) shall not exceed  
15289 Two Hundred Forty-six Million Seven Hundred Ninety-eight Thousand  
15290 Five Hundred Fifty Dollars (\$246,798,550.00); however, the total  
15291 amount of bonds that may be issued under the authority of this  
15292 section for projects defined in Section 57-75-5(f)(xxxi) shall be  
15293 reduced by the amount of any other funds authorized by the



15294 Legislature during the 2022 First Extraordinary Session  
15295 specifically for such projects. No bonds shall be issued under  
15296 this paragraph after July 1, 2040.

15297 (4) (a) The proceeds from the sale of the bonds issued  
15298 under this section may be applied for the following purposes:

15299 (i) Defraying all or any designated portion of the  
15300 costs incurred with respect to acquisition, planning, design,  
15301 construction, installation, rehabilitation, improvement,  
15302 relocation and with respect to state-owned property, operation and  
15303 maintenance of the project and any facility related to the project  
15304 located within the project area, including costs of design and  
15305 engineering, all costs incurred to provide land, easements and  
15306 rights-of-way, relocation costs with respect to the project and  
15307 with respect to any facility related to the project located within  
15308 the project area, and costs associated with mitigation of  
15309 environmental impacts and environmental impact studies;

15310 (ii) Defraying the cost of providing for the  
15311 recruitment, screening, selection, training or retraining of  
15312 employees, candidates for employment or replacement employees of  
15313 the project and any related activity;

15314 (iii) Reimbursing the Mississippi Development  
15315 Authority for expenses it incurred in regard to projects defined  
15316 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
15317 Mississippi Development Authority shall submit an itemized list of  
15318 expenses it incurred in regard to such projects to the Chairmen of



15319 the Finance and Appropriations Committees of the Senate and the  
15320 Chairmen of the Ways and Means and Appropriations Committees of  
15321 the House of Representatives;

15322 (iv) Providing grants to enterprises operating  
15323 projects defined in Section 57-75-5(f)(iv)1;

15324 (v) Paying any warranty made by the authority  
15325 regarding site work for a project defined in Section  
15326 57-75-5(f)(iv)1;

15327 (vi) Defraying the cost of marketing and promotion  
15328 of a project as defined in Section 57-75-5(f)(iv)1, Section  
15329 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall  
15330 submit an itemized list of costs incurred for marketing and  
15331 promotion of such project to the Chairmen of the Finance and  
15332 Appropriations Committees of the Senate and the Chairmen of the  
15333 Ways and Means and Appropriations Committees of the House of  
15334 Representatives;

15335 (vii) Providing for the payment of interest on the  
15336 bonds;

15337 (viii) Providing debt service reserves;

15338 (ix) Paying underwriters' discount, original issue  
15339 discount, accountants' fees, engineers' fees, attorneys' fees,  
15340 rating agency fees and other fees and expenses in connection with  
15341 the issuance of the bonds;

15342 (x) For purposes authorized in paragraphs (b) and  
15343 (c) of this subsection (4);



15344                   (xi) Providing grants to enterprises operating  
15345 projects defined in Section 57-75-5(f)(v), or, in connection with  
15346 a facility related to such a project, for any purposes deemed by  
15347 the authority in its sole discretion to be necessary and  
15348 appropriate;

15349                   (xii) Providing grant funds or loans to a public  
15350 agency or an enterprise owning, leasing or operating a project  
15351 defined in Section 57-75-5(f)(ii);

15352                   (xiii) Providing grant funds or loans to an  
15353 enterprise owning, leasing or operating a project defined in  
15354 Section 57-75-5(f)(xiv);

15355                   (xiv) Providing grants, loans and payments to or  
15356 for the benefit of an enterprise owning or operating a project  
15357 defined in Section 57-75-5(f)(xviii);

15358                   (xv) Purchasing equipment for a project defined in  
15359 Section 57-75-5(f)(viii) subject to such terms and conditions as  
15360 the authority considers necessary and appropriate;

15361                   (xvi) Providing grant funds to an enterprise  
15362 developing or owning a project defined in Section 57-75-5(f)(xx);

15363                   (xvii) Providing grants and loans for projects as  
15364 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in  
15365 connection with a facility related to such a project, for any  
15366 purposes deemed by the authority in its sole discretion to be  
15367 necessary and appropriate;



15368 (xviii) Providing grants for projects as  
15369 authorized in Section 57-75-11(pp) for any purposes deemed by the  
15370 authority in its sole discretion to be necessary and appropriate;  
15371 (xix) Providing grants and loans for projects as  
15372 authorized in Section 57-75-11(qq);  
15373 (xx) Providing grants for projects as authorized  
15374 in Section 57-75-11(rr);  
15375 (xxi) Providing grants, loans and payments as  
15376 authorized in Section 57-75-11(ss);  
15377 (xxii) Providing loans as authorized in Section  
15378 57-75-11(tt);  
15379 (xxiii) Providing grants as authorized in Section  
15380 57-75-11(wv) for any purposes deemed by the authority in its sole  
15381 discretion to be necessary and appropriate; and  
15382 (xxiv) Providing loans, grants and other funds as  
15383 authorized in Sections 57-75-11(xx) and 57-75-11(yy) for any  
15384 purposes deemed by the authority in its sole discretion to be  
15385 necessary and appropriate.  
15386 Such bonds shall be issued, from time to time, and in such  
15387 principal amounts as shall be designated by the authority, not to  
15388 exceed in aggregate principal amounts the amount authorized in  
15389 subsection (3) of this section. Proceeds from the sale of the  
15390 bonds issued under this section may be invested, subject to  
15391 federal limitations, pending their use, in such securities as may  
15392 be specified in the resolution authorizing the issuance of the



15393 bonds or the trust indenture securing them, and the earning on  
15394 such investment applied as provided in such resolution or trust  
15395 indenture.

15396           (b)   (i)   The proceeds of bonds issued after June 21,  
15397 2002, under this section for projects described in Section  
15398 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
15399 necessary costs incurred by the Mississippi Development Authority  
15400 in providing assistance related to a project for which funding is  
15401 provided from the use of proceeds of such bonds. The Mississippi  
15402 Development Authority shall maintain an accounting of actual costs  
15403 incurred for each project for which reimbursements are sought.  
15404 Reimbursements under this paragraph (b)(i) shall not exceed Three  
15405 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
15406 Reimbursements under this paragraph (b)(i) shall satisfy any  
15407 applicable federal tax law requirements.

15408           (ii)   The proceeds of bonds issued after June 21,  
15409 2002, under this section for projects described in Section  
15410 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
15411 necessary costs incurred by the Department of Audit in providing  
15412 services related to a project for which funding is provided from  
15413 the use of proceeds of such bonds. The Department of Audit shall  
15414 maintain an accounting of actual costs incurred for each project  
15415 for which reimbursements are sought. The Department of Audit may  
15416 escalate its budget and expend such funds in accordance with rules  
15417 and regulations of the Department of Finance and Administration in



15418 a manner consistent with the escalation of federal funds.  
15419 Reimbursements under this paragraph (b)(ii) shall not exceed One  
15420 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
15421 Reimbursements under this paragraph (b)(ii) shall satisfy any  
15422 applicable federal tax law requirements.

15423 (c) (i) Except as otherwise provided in this  
15424 subsection, the proceeds of bonds issued under this section for a  
15425 project described in Section 57-75-5(f) may be used to reimburse  
15426 reasonable actual and necessary costs incurred by the Mississippi  
15427 Development Authority in providing assistance related to the  
15428 project for which funding is provided for the use of proceeds of  
15429 such bonds. The Mississippi Development Authority shall maintain  
15430 an accounting of actual costs incurred for each project for which  
15431 reimbursements are sought. Reimbursements under this paragraph  
15432 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
15433 each project.

15434 (ii) Except as otherwise provided in this  
15435 subsection, the proceeds of bonds issued under this section for a  
15436 project described in Section 57-75-5(f) may be used to reimburse  
15437 reasonable actual and necessary costs incurred by the Department  
15438 of Audit in providing services related to the project for which  
15439 funding is provided from the use of proceeds of such bonds. The  
15440 Department of Audit shall maintain an accounting of actual costs  
15441 incurred for each project for which reimbursements are sought.  
15442 The Department of Audit may escalate its budget and expend such



15443 funds in accordance with rules and regulations of the Department  
15444 of Finance and Administration in a manner consistent with the  
15445 escalation of federal funds. Reimbursements under this paragraph  
15446 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
15447 each project. Reimbursements under this paragraph shall satisfy  
15448 any applicable federal tax law requirements.

15449       (5) The principal of and the interest on the bonds shall be  
15450 payable in the manner hereinafter set forth. The bonds shall bear  
15451 date or dates; be in such denomination or denominations; bear  
15452 interest at such rate or rates; be payable at such place or places  
15453 within or without the state; mature absolutely at such time or  
15454 times; be redeemable before maturity at such time or times and  
15455 upon such terms, with or without premium; bear such registration  
15456 privileges; and be substantially in such form; all as shall be  
15457 determined by resolution of the State Bond Commission except that  
15458 such bonds shall mature or otherwise be retired in annual  
15459 installments beginning not more than five (5) years from the date  
15460 thereof and extending not more than twenty-five (25) years from  
15461 the date thereof. The bonds shall be signed by the Chairman of  
15462 the State Bond Commission, or by his facsimile signature, and the  
15463 official seal of the State Bond Commission shall be imprinted on  
15464 or affixed thereto, attested by the manual or facsimile signature  
15465 of the Secretary of the State Bond Commission. Whenever any such  
15466 bonds have been signed by the officials herein designated to sign  
15467 the bonds, who were in office at the time of such signing but who





15468 may have ceased to be such officers before the sale and delivery  
15469 of such bonds, or who may not have been in office on the date such  
15470 bonds may bear, the signatures of such officers upon such bonds  
15471 shall nevertheless be valid and sufficient for all purposes and  
15472 have the same effect as if the person so officially signing such  
15473 bonds had remained in office until the delivery of the same to the  
15474 purchaser, or had been in office on the date such bonds may bear.

15475       (6) All bonds issued under the provisions of this section  
15476 shall be and are hereby declared to have all the qualities and  
15477 incidents of negotiable instruments under the provisions of the  
15478 Uniform Commercial Code and in exercising the powers granted by  
15479 this chapter, the State Bond Commission shall not be required to  
15480 and need not comply with the provisions of the Uniform Commercial  
15481 Code.

15482       (7) The State Bond Commission shall act as issuing agent for  
15483 the bonds, prescribe the form of the bonds, advertise for and  
15484 accept bids, issue and sell the bonds on sealed bids at public  
15485 sale, pay all fees and costs incurred in such issuance and sale,  
15486 and do any and all other things necessary and advisable in  
15487 connection with the issuance and sale of the bonds. The State  
15488 Bond Commission may sell such bonds on sealed bids at public sale  
15489 for such price as it may determine to be for the best interest of  
15490 the State of Mississippi, but no such sale shall be made at a  
15491 price less than par plus accrued interest to date of delivery of  
15492 the bonds to the purchaser. The bonds shall bear interest at such



15493 rate or rates not exceeding the limits set forth in Section  
15494 75-17-101 as shall be fixed by the State Bond Commission. All  
15495 interest accruing on such bonds so issued shall be payable  
15496 semiannually or annually; provided that the first interest payment  
15497 may be for any period of not more than one (1) year.

15498 Notice of the sale of any bonds shall be published at least  
15499 one time, the first of which shall be made not less than ten (10)  
15500 days prior to the date of sale, and shall be so published in one  
15501 or more newspapers having a general circulation in the City of  
15502 Jackson, Mississippi, selected by the State Bond Commission.

15503 The State Bond Commission, when issuing any bonds under the  
15504 authority of this section, may provide that the bonds, at the  
15505 option of the state, may be called in for payment and redemption  
15506 at the call price named therein and accrued interest on such date  
15507 or dates named therein.

15508 (8) State bonds issued under the provisions of this section  
15509 shall be the general obligations of the state and backed by the  
15510 full faith and credit of the state. The Legislature shall  
15511 appropriate annually an amount sufficient to pay the principal of  
15512 and the interest on such bonds as they become due. All bonds  
15513 shall contain recitals on their faces substantially covering the  
15514 foregoing provisions of this section.

15515 (9) The State Treasurer is authorized to certify to the  
15516 Department of Finance and Administration the necessity for  
15517 warrants, and the Department of Finance and Administration is



15518 authorized and directed to issue such warrants payable out of any  
15519 funds appropriated by the Legislature under this section for such  
15520 purpose, in such amounts as may be necessary to pay when due the  
15521 principal of and interest on all bonds issued under the provisions  
15522 of this section. The State Treasurer shall forward the necessary  
15523 amount to the designated place or places of payment of such bonds  
15524 in ample time to discharge such bonds, or the interest thereon, on  
15525 the due dates thereof.

15526       (10) The bonds may be issued without any other proceedings  
15527 or the happening of any other conditions or things other than  
15528 those proceedings, conditions and things which are specified or  
15529 required by this chapter. Any resolution providing for the  
15530 issuance of general obligation bonds under the provisions of this  
15531 section shall become effective immediately upon its adoption by  
15532 the State Bond Commission, and any such resolution may be adopted  
15533 at any regular or special meeting of the State Bond Commission by  
15534 a majority of its members.

15535       (11) In anticipation of the issuance of bonds hereunder, the  
15536 State Bond Commission is authorized to negotiate and enter into  
15537 any purchase, loan, credit or other agreement with any bank, trust  
15538 company or other lending institution or to issue and sell interim  
15539 notes for the purpose of making any payments authorized under this  
15540 section. All borrowings made under this provision shall be  
15541 evidenced by notes of the state which shall be issued from time to  
15542 time, for such amounts not exceeding the amount of bonds



15543 authorized herein, in such form and in such denomination and  
15544 subject to such terms and conditions of sale and issuance,  
15545 prepayment or redemption and maturity, rate or rates of interest  
15546 not to exceed the maximum rate authorized herein for bonds, and  
15547 time of payment of interest as the State Bond Commission shall  
15548 agree to in such agreement. Such notes shall constitute general  
15549 obligations of the state and shall be backed by the full faith and  
15550 credit of the state. Such notes may also be issued for the  
15551 purpose of refunding previously issued notes. No note shall  
15552 mature more than three (3) years following the date of its  
15553 issuance. The State Bond Commission is authorized to provide for  
15554 the compensation of any purchaser of the notes by payment of a  
15555 fixed fee or commission and for all other costs and expenses of  
15556 issuance and service, including paying agent costs. Such costs  
15557 and expenses may be paid from the proceeds of the notes.

15558 (12) The bonds and interim notes authorized under the  
15559 authority of this section may be validated in the \* \* \* inferior  
15560 courts of the Capitol Complex Improvement District, in the manner  
15561 and with the force and effect provided now or hereafter by Chapter  
15562 13, Title 31, Mississippi Code of 1972, for the validation of  
15563 county, municipal, school district and other bonds. The necessary  
15564 papers for such validation proceedings shall be transmitted to the  
15565 State Bond Attorney, and the required notice shall be published in  
15566 a newspaper published in the City of Jackson, Mississippi.



15567           (13) Any bonds or interim notes issued under the provisions  
15568 of this chapter, a transaction relating to the sale or securing of  
15569 such bonds or interim notes, their transfer and the income  
15570 therefrom shall at all times be free from taxation by the state or  
15571 any local unit or political subdivision or other instrumentality  
15572 of the state, excepting inheritance and gift taxes.

15573           (14) All bonds issued under this chapter shall be legal  
15574 investments for trustees, other fiduciaries, savings banks, trust  
15575 companies and insurance companies organized under the laws of the  
15576 State of Mississippi; and such bonds shall be legal securities  
15577 which may be deposited with and shall be received by all public  
15578 officers and bodies of the state and all municipalities and other  
15579 political subdivisions thereof for the purpose of securing the  
15580 deposit of public funds.

15581           (15) The Attorney General of the State of Mississippi shall  
15582 represent the State Bond Commission in issuing, selling and  
15583 validating bonds herein provided for, and the Bond Commission is  
15584 hereby authorized and empowered to expend from the proceeds  
15585 derived from the sale of the bonds authorized hereunder all  
15586 necessary administrative, legal and other expenses incidental and  
15587 related to the issuance of bonds authorized under this chapter.

15588           (16) There is hereby created a special fund in the State  
15589 Treasury to be known as the Mississippi Major Economic Impact  
15590 Authority Fund wherein shall be deposited the proceeds of the  
15591 bonds issued under this chapter and all monies received by the



15592 authority to carry out the purposes of this chapter. Expenditures  
15593 authorized herein shall be paid by the State Treasurer upon  
15594 warrants drawn from the fund, and the Department of Finance and  
15595 Administration shall issue warrants upon requisitions signed by  
15596 the director of the authority.

15597       (17) (a) There is hereby created the Mississippi Economic  
15598 Impact Authority Sinking Fund from which the principal of and  
15599 interest on such bonds shall be paid by appropriation. All monies  
15600 paid into the sinking fund not appropriated to pay accruing bonds  
15601 and interest shall be invested by the State Treasurer in such  
15602 securities as are provided by law for the investment of the  
15603 sinking funds of the state.

15604       (b) In the event that all or any part of the bonds and  
15605 notes are purchased, they shall be cancelled and returned to the  
15606 loan and transfer agent as cancelled and paid bonds and notes and  
15607 thereafter all payments of interest thereon shall cease and the  
15608 cancelled bonds, notes and coupons, together with any other  
15609 cancelled bonds, notes and coupons, shall be destroyed as promptly  
15610 as possible after cancellation but not later than two (2) years  
15611 after cancellation. A certificate evidencing the destruction of  
15612 the cancelled bonds, notes and coupons shall be provided by the  
15613 loan and transfer agent to the seller.

15614       (c) The State Treasurer shall determine and report to  
15615 the Department of Finance and Administration and Legislative  
15616 Budget Office by September 1 of each year the amount of money



15617 necessary for the payment of the principal of and interest on  
15618 outstanding obligations for the following fiscal year and the  
15619 times and amounts of the payments. It shall be the duty of the  
15620 Governor to include in every executive budget submitted to the  
15621 Legislature full information relating to the issuance of bonds and  
15622 notes under the provisions of this chapter and the status of the  
15623 sinking fund for the payment of the principal of and interest on  
15624 the bonds and notes.

15625           (d) Any monies repaid to the state from loans  
15626 authorized in Section 57-75-11(hh) shall be deposited into the  
15627 Mississippi Major Economic Impact Authority Sinking Fund unless  
15628 the State Bond Commission, at the request of the authority, shall  
15629 determine that such loan repayments are needed to provide  
15630 additional loans as authorized under Section 57-75-11(hh). For  
15631 purposes of providing additional loans, there is hereby created  
15632 the Mississippi Major Economic Impact Authority Revolving Loan  
15633 Fund and loan repayments shall be deposited into the fund. The  
15634 fund shall be maintained for such period as determined by the  
15635 State Bond Commission for the sole purpose of making additional  
15636 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
15637 remaining in the fund at the end of a fiscal year shall not lapse  
15638 into the State General Fund and any interest earned on amounts in  
15639 such fund shall be deposited to the credit of the fund.



15640 (e) Any monies repaid to the state from loans  
15641 authorized in Section 57-75-11(ii) shall be deposited into the  
15642 Mississippi Major Economic Impact Authority Sinking Fund.

15643 (f) Any monies repaid to the state from loans  
15644 authorized in Section 57-75-11(jj), Section 57-75-11(vv) and  
15645 Section 57-75-11(xx) shall be deposited into the Mississippi Major  
15646 Economic Impact Authority Sinking Fund.

15647 (18) (a) Upon receipt of a declaration by the authority  
15648 that it has determined that the state is a potential site for a  
15649 project, the State Bond Commission is authorized and directed to  
15650 authorize the State Treasurer to borrow money from any special  
15651 fund in the State Treasury not otherwise appropriated to be  
15652 utilized by the authority for the purposes provided for in this  
15653 subsection.

15654 (b) The proceeds of the money borrowed under this  
15655 subsection may be utilized by the authority for the purpose of  
15656 defraying all or a portion of the costs incurred by the authority  
15657 with respect to acquisition options and planning, design and  
15658 environmental impact studies with respect to a project defined in  
15659 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority  
15660 may escalate its budget and expend the proceeds of the money  
15661 borrowed under this subsection in accordance with rules and  
15662 regulations of the Department of Finance and Administration in a  
15663 manner consistent with the escalation of federal funds.





15664 (c) The authority shall request an appropriation or  
15665 additional authority to issue general obligation bonds to repay  
15666 the borrowed funds and establish a date for the repayment of the  
15667 funds so borrowed.

15668 (d) Borrowings made under the provisions of this  
15669 subsection shall not exceed Five Hundred Thousand Dollars  
15670 (\$500,000.00) at any one time.

15671 **SECTION 243.** Section 25-11-120, Mississippi Code of 1972, is  
15672 amended as follows:

15673 25-11-120. (1) Any individual aggrieved by an  
15674 administrative determination, including a determination of the  
15675 medical board, relating to the eligibility for or payment of  
15676 benefits, or the calculation of creditable service or other  
15677 similar matters relating to the Public Employees' Retirement  
15678 System or any other retirement system or program administered by  
15679 the board, may request a hearing before a hearing officer  
15680 designated by the board. Such hearings shall be conducted in  
15681 accordance with rules and regulations adopted by the board and  
15682 formal rules of evidence shall not apply. The hearing officer is  
15683 authorized to administer oaths, hear testimony of witnesses and  
15684 receive documentary and other evidence. In case of disability  
15685 appeals, the hearing officer shall have the authority to defer a  
15686 decision in order to request a medical evaluation or test or  
15687 additional existing medical records not previously furnished by  
15688 the claimant. After the hearing and the receipt of any additional



15689 medical evidence requested by the hearing officer, the hearing  
15690 officer shall certify the record to the board, which shall include  
15691 the hearing officer's proposed statement of facts, conclusions of  
15692 law and recommendation. The record may include a taped recording  
15693 of the proceedings of the hearing in lieu of a transcribed copy of  
15694 the proceedings. The board shall receive the record and make its  
15695 determination based solely on matters contained therein.

15696 (2) Any individual aggrieved by the determination of the  
15697 board may appeal to the \* \* \* inferior courts of the Capitol  
15698 Complex Improvement District in accordance with the Uniform  
15699 Circuit Court Rules governing appeals to the circuit court in  
15700 civil cases. Such appeal shall be made solely on the record  
15701 before the board and this procedure shall be the exclusive method  
15702 of appealing determinations of the board.

15703 (3) The board is authorized to appoint a committee of the  
15704 board to serve as hearing officer or to employ or contract with  
15705 qualified personnel to perform the duties of hearing officer and  
15706 court reporter as may be necessary for conducting, recording and  
15707 transcribing such hearings. The board may assess and collect fees  
15708 to offset costs related to such hearings. Those fees shall be  
15709 deposited to the credit of the Public Employees' Retirement  
15710 System.

15711 (4) Interest shall not be paid on any benefits, including,  
15712 but not limited to, benefits that are delayed as a result of an



15713 administrative determination or an appeal from an administrative  
15714 determination.

15715         **SECTION 244.** Section 37-3-2, Mississippi Code of 1972, is  
15716 amended as follows:

15717         37-3-2. (1) There is established within the State  
15718 Department of Education the Commission on Teacher and  
15719 Administrator Education, Certification and Licensure and  
15720 Development. It shall be the purpose and duty of the commission  
15721 to make recommendations to the State Board of Education regarding  
15722 standards for the certification and licensure and continuing  
15723 professional development of those who teach or perform tasks of an  
15724 educational nature in the public schools of Mississippi.

15725         (2) (a) The commission shall be composed of fifteen (15)  
15726 qualified members. The membership of the commission shall be  
15727 composed of the following members to be appointed, three (3) from  
15728 each of the four (4) congressional districts, as such districts  
15729 existed on January 1, 2011, in accordance with the population  
15730 calculations determined by the 2010 federal decennial census,  
15731 including: four (4) classroom teachers; three (3) school  
15732 administrators; one (1) representative of schools of education of  
15733 public institutions of higher learning located within the state to  
15734 be recommended by the Board of Trustees of State Institutions of  
15735 Higher Learning; one (1) representative from the schools of  
15736 education of independent institutions of higher learning to be  
15737 recommended by the Board of the Mississippi Association of



15738 Independent Colleges; one (1) representative from public community  
15739 and junior colleges located within the state to be recommended by  
15740 the Mississippi Community College Board; one (1) local school  
15741 board member; and four (4) laypersons. Three (3) members of the  
15742 commission, at the sole discretion of the State Board of  
15743 Education, shall be appointed from the state at large.

15744 (b) All appointments shall be made by the State Board  
15745 of Education after consultation with the State Superintendent of  
15746 Public Education. The first appointments by the State Board of  
15747 Education shall be made as follows: five (5) members shall be  
15748 appointed for a term of one (1) year; five (5) members shall be  
15749 appointed for a term of two (2) years; and five (5) members shall  
15750 be appointed for a term of three (3) years. Thereafter, all  
15751 members shall be appointed for a term of four (4) years.

15752 (3) The State Board of Education when making appointments  
15753 shall designate a chairman. The commission shall meet at least  
15754 once every two (2) months or more often if needed. Members of the  
15755 commission shall be compensated at a rate of per diem as  
15756 authorized by Section 25-3-69 and be reimbursed for actual and  
15757 necessary expenses as authorized by Section 25-3-41.

15758 (4) (a) An appropriate staff member of the State Department  
15759 of Education shall be designated and assigned by the State  
15760 Superintendent of Public Education to serve as executive secretary  
15761 and coordinator for the commission. No less than two (2) other  
15762 appropriate staff members of the State Department of Education



15763 shall be designated and assigned by the State Superintendent of  
15764 Public Education to serve on the staff of the commission.

15765 (b) An Office of Educator Misconduct Evaluations shall  
15766 be established within the State Department of Education to assist  
15767 the commission in responding to infractions and violations, and in  
15768 conducting hearings and enforcing the provisions of subsections  
15769 (11), (12), (13), (14) and (15) of this section, and violations of  
15770 the Mississippi Educator Code of Ethics.

15771 (5) It shall be the duty of the commission to:

15772 (a) Set standards and criteria, subject to the approval  
15773 of the State Board of Education, for all educator preparation  
15774 programs in the state;

15775 (b) Recommend to the State Board of Education each year  
15776 approval or disapproval of each educator preparation program in  
15777 the state, subject to a process and schedule determined by the  
15778 State Board of Education;

15779 (c) Establish, subject to the approval of the State  
15780 Board of Education, standards for initial teacher certification  
15781 and licensure in all fields;

15782 (d) Establish, subject to the approval of the State  
15783 Board of Education, standards for the renewal of teacher licenses  
15784 in all fields;

15785 (e) Review and evaluate objective measures of teacher  
15786 performance, such as test scores, which may form part of the  
15787 licensure process, and to make recommendations for their use;



15788                   (f) Review all existing requirements for certification  
15789 and licensure;  
15790                   (g) Consult with groups whose work may be affected by  
15791 the commission's decisions;  
15792                   (h) Prepare reports from time to time on current  
15793 practices and issues in the general area of teacher education and  
15794 certification and licensure;  
15795                   (i) Hold hearings concerning standards for teachers'  
15796 and administrators' education and certification and licensure with  
15797 approval of the State Board of Education;  
15798                   (j) Hire expert consultants with approval of the State  
15799 Board of Education;  
15800                   (k) Set up ad hoc committees to advise on specific  
15801 areas;  
15802                   (l) Perform such other functions as may fall within  
15803 their general charge and which may be delegated to them by the  
15804 State Board of Education; and  
15805                   (m) Establish standards, subject to the approval of the  
15806 State Board of Education, for supplemental endorsements, provided  
15807 that the standards allow teachers as many options as possible to  
15808 receive a supplemental endorsement, including, but not limited to,  
15809 the option of taking additional coursework or earning at least the  
15810 minimum qualifying score or higher on the required licensure  
15811 subject assessment relevant to the endorsement area for which the  
15812 licensure is sought. The subject assessment option shall not



15813 apply to certain subject areas, including, but not limited to,  
15814 Early/Primary Education PreK-3, Elementary Education, or Special  
15815 Education, except by special approval by the State Board of  
15816 Education.

15817       (6)   (a)   **Standard License - Approved Program Route.**   An  
15818 educator entering the school system of Mississippi for the first  
15819 time and meeting all requirements as established by the State  
15820 Board of Education shall be granted a standard five-year license.  
15821 Persons who possess two (2) years of classroom experience as an  
15822 assistant teacher or who have taught for one (1) year in an  
15823 accredited public or private school shall be allowed to fulfill  
15824 student teaching requirements under the supervision of a qualified  
15825 participating teacher approved by an accredited college of  
15826 education. The local school district in which the assistant  
15827 teacher is employed shall compensate such assistant teachers at  
15828 the required salary level during the period of time such  
15829 individual is completing student teaching requirements.

15830 Applicants for a standard license shall submit to the department:

- 15831                   (i)   An application on a department form;  
15832                   (ii)  An official transcript of completion of a  
15833 teacher education program approved by the department or a  
15834 nationally accredited program, subject to the following:  
15835 Licensure to teach in Mississippi prekindergarten through  
15836 kindergarten classrooms shall require completion of a teacher  
15837 education program or a Bachelor of Science degree with child



15838 development emphasis from a program accredited by the American  
15839 Association of Family and Consumer Sciences (AAFCS) or by the  
15840 National Association for Education of Young Children (NAEYC) or by  
15841 the National Council for Accreditation of Teacher Education  
15842 (NCATE). Licensure to teach in Mississippi kindergarten, for  
15843 those applicants who have completed a teacher education program,  
15844 and in Grade 1 through Grade 4 shall require the completion of an  
15845 interdisciplinary program of studies. Licenses for Grades 4  
15846 through 8 shall require the completion of an interdisciplinary  
15847 program of studies with two (2) or more areas of concentration.  
15848 Licensure to teach in Mississippi Grades 7 through 12 shall  
15849 require a major in an academic field other than education, or a  
15850 combination of disciplines other than education. Students  
15851 preparing to teach a subject shall complete a major in the  
15852 respective subject discipline. All applicants for standard  
15853 licensure shall demonstrate that such person's college preparation  
15854 in those fields was in accordance with the standards set forth by  
15855 the National Council for Accreditation of Teacher Education  
15856 (NCATE) or the National Association of State Directors of Teacher  
15857 Education and Certification (NASDTEC) or, for those applicants who  
15858 have a Bachelor of Science degree with child development emphasis,  
15859 the American Association of Family and Consumer Sciences (AAFCS).  
15860 Effective July 1, 2016, for initial elementary education  
15861 licensure, a teacher candidate must earn a passing score on a  
15862 rigorous test of scientifically research-based reading instruction





15863 and intervention and data-based decision-making principles as  
15864 approved by the State Board of Education;

15865 (iii) A copy of test scores evidencing  
15866 satisfactory completion of nationally administered examinations of  
15867 achievement, such as the Educational Testing Service's teacher  
15868 testing examinations;

15869 (iv) Any other document required by the State  
15870 Board of Education; and

15871 (v) From and after July 1, 2020, no teacher  
15872 candidate shall be licensed to teach in Mississippi who did not  
15873 meet the following criteria for entrance into an approved teacher  
15874 education program:

15875 1. An ACT Score of twenty-one (21) (or SAT  
15876 equivalent); or

15877 2. Achieve a qualifying passing score on the  
15878 Praxis Core Academic Skills for Educators examination as  
15879 established by the State Board of Education; or

15880 3. A minimum GPA of 3.0 on coursework prior  
15881 to admission to an approved teacher education program.

15882 (b) (i) **Standard License - Nontraditional Teaching**  
15883 **Route.** From and after July 1, 2020, no teacher candidate shall be  
15884 licensed to teach in Mississippi under the alternate route who did  
15885 not meet the following criteria:

15886 1. An ACT Score of twenty-one (21) (or SAT  
15887 equivalent); or



15888                   2. Achieve a qualifying passing score on the  
15889 Praxis Core Academic Skills for Educators examination as  
15890 established by the State Board of Education; or

15891                   3. A minimum GPA of 3.0 on coursework prior  
15892 to admission to an approved teacher education program.

15893                   (ii) Beginning July 1, 2020, an individual who has  
15894 attained a passing score on the Praxis Core Academic Skills for  
15895 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)  
15896 or a minimum GPA of 3.0 on coursework prior to admission to an  
15897 approved teacher education program and a passing score on the  
15898 Praxis Subject Assessment in the requested area of endorsement may  
15899 apply for admission to the Teach Mississippi Institute (TMI)  
15900 program to teach students in Grades 7 through 12 if the individual  
15901 meets the requirements of this paragraph (b). The State Board of  
15902 Education shall adopt rules requiring that teacher preparation  
15903 institutions which provide the Teach Mississippi Institute (TMI)  
15904 program for the preparation of nontraditional teachers shall meet  
15905 the standards and comply with the provisions of this paragraph.

15906                   1. The Teach Mississippi Institute (TMI)  
15907 shall include an intensive eight-week, nine-semester-hour summer  
15908 program or a curriculum of study in which the student matriculates  
15909 in the fall or spring semester, which shall include, but not be  
15910 limited to, instruction in education, effective teaching  
15911 strategies, classroom management, state curriculum requirements,  
15912 planning and instruction, instructional methods and pedagogy,



15913 using test results to improve instruction, and a one (1) semester  
15914 three-hour supervised internship to be completed while the teacher  
15915 is employed as a full-time teacher intern in a local school  
15916 district. The TMI shall be implemented on a pilot program basis,  
15917 with courses to be offered at up to four (4) locations in the  
15918 state, with one (1) TMI site to be located in each of the three  
15919 (3) Mississippi Supreme Court districts.

15920                   2. The school sponsoring the teacher intern  
15921 shall enter into a written agreement with the institution  
15922 providing the Teach Mississippi Institute (TMI) program, under  
15923 terms and conditions as agreed upon by the contracting parties,  
15924 providing that the school district shall provide teacher interns  
15925 seeking a nontraditional provisional teaching license with a  
15926 one-year classroom teaching experience. The teacher intern shall  
15927 successfully complete the one (1) semester three-hour intensive  
15928 internship in the school district during the semester immediately  
15929 following successful completion of the TMI and prior to the end of  
15930 the one-year classroom teaching experience.

15931                   3. Upon completion of the nine-semester-hour  
15932 TMI or the fall or spring semester option, the individual shall  
15933 submit his transcript to the commission for provisional licensure  
15934 of the intern teacher, and the intern teacher shall be issued a  
15935 provisional teaching license by the commission, which will allow  
15936 the individual to legally serve as a teacher while the person  
15937 completes a nontraditional teacher preparation internship program.



15938                   4. During the semester of internship in the  
15939 school district, the teacher preparation institution shall monitor  
15940 the performance of the intern teacher. The school district that  
15941 employs the provisional teacher shall supervise the provisional  
15942 teacher during the teacher's intern year of employment under a  
15943 nontraditional provisional license, and shall, in consultation  
15944 with the teacher intern's mentor at the school district of  
15945 employment, submit to the commission a comprehensive evaluation of  
15946 the teacher's performance sixty (60) days prior to the expiration  
15947 of the nontraditional provisional license. If the comprehensive  
15948 evaluation establishes that the provisional teacher intern's  
15949 performance fails to meet the standards of the approved  
15950 nontraditional teacher preparation internship program, the  
15951 individual shall not be approved for a standard license.

15952                   5. An individual issued a provisional  
15953 teaching license under this nontraditional route shall  
15954 successfully complete, at a minimum, a one-year beginning teacher  
15955 mentoring and induction program administered by the employing  
15956 school district with the assistance of the State Department of  
15957 Education.

15958                   6. Upon successful completion of the TMI and  
15959 the internship provisional license period, applicants for a  
15960 Standard License - Nontraditional Route shall submit to the  
15961 commission a transcript of successful completion of the twelve  
15962 (12) semester hours required in the internship program, and the



15963 employing school district shall submit to the commission a  
15964 recommendation for standard licensure of the intern. If the  
15965 school district recommends licensure, the applicant shall be  
15966 issued a Standard License - Nontraditional Route which shall be  
15967 valid for a five-year period and be renewable.

15968                         7. At the discretion of the teacher  
15969 preparation institution, the individual shall be allowed to credit  
15970 the twelve (12) semester hours earned in the nontraditional  
15971 teacher internship program toward the graduate hours required for  
15972 a Master of Arts in Teacher (MAT) Degree.

15973                         8. The local school district in which the  
15974 nontraditional teacher intern or provisional licensee is employed  
15975 shall compensate such teacher interns at Step 1 of the required  
15976 salary level during the period of time such individual is  
15977 completing teacher internship requirements and shall compensate  
15978 such Standard License - Nontraditional Route teachers at Step 3 of  
15979 the required salary level when they complete license requirements.

15980                         (iii) Implementation of the TMI program provided  
15981 for under this paragraph (b) shall be contingent upon the  
15982 availability of funds appropriated specifically for such purpose  
15983 by the Legislature. Such implementation of the TMI program may  
15984 not be deemed to prohibit the State Board of Education from  
15985 developing and implementing additional alternative route teacher  
15986 licensure programs, as deemed appropriate by the board. The



15987 emergency certification program in effect prior to July 1, 2002,  
15988 shall remain in effect.

15989 (iv) A Standard License - Approved Program Route  
15990 shall be issued for a five-year period, and may be renewed.  
15991 Recognizing teaching as a profession, a hiring preference shall be  
15992 granted to persons holding a Standard License - Approved Program  
15993 Route or Standard License - Nontraditional Teaching Route over  
15994 persons holding any other license.

15995 (c) **Special License - Expert Citizen.** In order to  
15996 allow a school district to offer specialized or technical courses,  
15997 the State Department of Education, in accordance with rules and  
15998 regulations established by the State Board of Education, may grant  
15999 a five-year expert citizen-teacher license to local business or  
16000 other professional personnel to teach in a public school or  
16001 nonpublic school accredited or approved by the state. Such person  
16002 shall be required to have a high school diploma, an  
16003 industry-recognized certification related to the subject area in  
16004 which they are teaching and a minimum of five (5) years of  
16005 relevant experience but shall not be required to hold an associate  
16006 or bachelor's degree, provided that he or she possesses the  
16007 minimum qualifications required for his or her profession, and may  
16008 begin teaching upon his employment by the local school board and  
16009 licensure by the Mississippi Department of Education. If a school  
16010 board hires a career technical education pathway instructor who  
16011 does not have an industry certification in his or her area of



16012 expertise but does have the required experience, the school board  
16013 shall spread their decision on the minutes at their next meeting  
16014 and provide a detailed explanation for why they hired the  
16015 instructor. Such instructor shall present the minutes of the  
16016 school board to the State Department of Education when he or she  
16017 applies for an expert citizen license. The board shall adopt  
16018 rules and regulations to administer the expert citizen-teacher  
16019 license. A Special License - Expert Citizen may be renewed in  
16020 accordance with the established rules and regulations of the State  
16021 Department of Education.

16022 (d) **Special License - Nonrenewable.** The State Board of  
16023 Education is authorized to establish rules and regulations to  
16024 allow those educators not meeting requirements in paragraph (a),  
16025 (b) or (c) of this subsection (6) to be licensed for a period of  
16026 not more than three (3) years, except by special approval of the  
16027 State Board of Education.

16028 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
16029 person may teach for a maximum of three (3) periods per teaching  
16030 day in a public school district or a nonpublic school  
16031 accredited/approved by the state. Such person shall submit to the  
16032 department a transcript or record of his education and experience  
16033 which substantiates his preparation for the subject to be taught  
16034 and shall meet other qualifications specified by the commission  
16035 and approved by the State Board of Education. In no case shall  
16036 any local school board hire nonlicensed personnel as authorized



16037 under this paragraph in excess of five percent (5%) of the total  
16038 number of licensed personnel in any single school.

16039 (f) **Special License - Transitional Bilingual Education.**

16040 Beginning July 1, 2003, the commission shall grant special  
16041 licenses to teachers of transitional bilingual education who  
16042 possess such qualifications as are prescribed in this section.  
16043 Teachers of transitional bilingual education shall be compensated  
16044 by local school boards at not less than one (1) step on the  
16045 regular salary schedule applicable to permanent teachers licensed  
16046 under this section. The commission shall grant special licenses  
16047 to teachers of transitional bilingual education who present the  
16048 commission with satisfactory evidence that they (i) possess a  
16049 speaking and reading ability in a language, other than English, in  
16050 which bilingual education is offered and communicative skills in  
16051 English; (ii) are in good health and sound moral character; (iii)  
16052 possess a bachelor's degree or an associate's degree in teacher  
16053 education from an accredited institution of higher education; (iv)  
16054 meet such requirements as to courses of study, semester hours  
16055 therein, experience and training as may be required by the  
16056 commission; and (v) are legally present in the United States and  
16057 possess legal authorization for employment. A teacher of  
16058 transitional bilingual education serving under a special license  
16059 shall be under an exemption from standard licensure if he achieves  
16060 the requisite qualifications therefor. Two (2) years of service  
16061 by a teacher of transitional bilingual education under such an





16062 exemption shall be credited to the teacher in acquiring a Standard  
16063 Educator License. Nothing in this paragraph shall be deemed to  
16064 prohibit a local school board from employing a teacher licensed in  
16065 an appropriate field as approved by the State Department of  
16066 Education to teach in a program in transitional bilingual  
16067 education.

16068 (g) In the event any school district meets the highest  
16069 accreditation standards as defined by the State Board of Education  
16070 in the accountability system, the State Board of Education, in its  
16071 discretion, may exempt such school district from any restrictions  
16072 in paragraph (e) relating to the employment of nonlicensed  
16073 teaching personnel.

16074 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
16075 any teacher from any state meeting the federal definition of  
16076 highly qualified, as described in the No Child Left Behind Act,  
16077 must be granted a standard five-year license by the State  
16078 Department of Education.

16079 (7) **Administrator License.** The State Board of Education is  
16080 authorized to establish rules and regulations and to administer  
16081 the licensure process of the school administrators in the State of  
16082 Mississippi. There will be four (4) categories of administrator  
16083 licensure with exceptions only through special approval of the  
16084 State Board of Education.

16085 (a) **Administrator License - Nonpracticing.** Those  
16086 educators holding administrative endorsement but having no



16087 administrative experience or not serving in an administrative  
16088 position on January 15, 1997.

16089 (b) **Administrator License - Entry Level.** Those  
16090 educators holding administrative endorsement and having met the  
16091 department's qualifications to be eligible for employment in a  
16092 Mississippi school district. Administrator License - Entry Level  
16093 shall be issued for a five-year period and shall be nonrenewable.

16094 (c) **Standard Administrator License - Career Level.** An  
16095 administrator who has met all the requirements of the department  
16096 for standard administrator licensure.

16097 (d) **Administrator License - Nontraditional Route.** The  
16098 board may establish a nontraditional route for licensing  
16099 administrative personnel. Such nontraditional route for  
16100 administrative licensure shall be available for persons holding,  
16101 but not limited to, a master of business administration degree, a  
16102 master of public administration degree, a master of public  
16103 planning and policy degree or a doctor of jurisprudence degree  
16104 from an accredited college or university, with five (5) years of  
16105 administrative or supervisory experience. Successful completion  
16106 of the requirements of alternate route licensure for  
16107 administrators shall qualify the person for a standard  
16108 administrator license.

16109 Individuals seeking school administrator licensure under  
16110 paragraph (b), (c) or (d) shall successfully complete a training  
16111 program and an assessment process prescribed by the State Board of



16112 Education. All applicants for school administrator licensure  
16113 shall meet all requirements prescribed by the department under  
16114 paragraph (b), (c) or (d), and the cost of the assessment process  
16115 required shall be paid by the applicant.

16116 (8) **Reciprocity.** The department shall grant a standard  
16117 five-year license to any individual who possesses a valid standard  
16118 license from another state, or another country or political  
16119 subdivision thereof, within a period of twenty-one (21) days from  
16120 the date of a completed application. The issuance of a license by  
16121 reciprocity to a military-trained applicant, military spouse or  
16122 person who establishes residence in this state shall be subject to  
16123 the provisions of Section 73-50-1 or 73-50-2, as applicable.

16124 (9) **Renewal and Reinstatement of Licenses.** The State Board  
16125 of Education is authorized to establish rules and regulations for  
16126 the renewal and reinstatement of educator and administrator  
16127 licenses. Effective May 15, 1997, the valid standard license held  
16128 by an educator shall be extended five (5) years beyond the  
16129 expiration date of the license in order to afford the educator  
16130 adequate time to fulfill new renewal requirements established  
16131 pursuant to this subsection. An educator completing a master of  
16132 education, educational specialist or doctor of education degree in  
16133 May 1997 for the purpose of upgrading the educator's license to a  
16134 higher class shall be given this extension of five (5) years plus  
16135 five (5) additional years for completion of a higher degree. For  
16136 all license types with a current valid expiration date of June 30,



16137 2021, the State Department of Education shall grant a one-year  
16138 extension to June 30, 2022. Beginning July 1, 2022, and  
16139 thereafter, applicants for licensure renewal shall meet all  
16140 requirements in effect on the date that the complete application  
16141 is received by the State Department of Education.

16142 (10) All controversies involving the issuance, revocation,  
16143 suspension or any change whatsoever in the licensure of an  
16144 educator required to hold a license shall be initially heard in a  
16145 hearing de novo, by the commission or by a subcommittee  
16146 established by the commission and composed of commission members,  
16147 or by a hearing officer retained and appointed by the commission,  
16148 for the purpose of holding hearings. Any complaint seeking the  
16149 denial of issuance, revocation or suspension of a license shall be  
16150 by sworn affidavit filed with the Commission on Teacher and  
16151 Administrator Education, Certification and Licensure and  
16152 Development. The decision thereon by the commission, its  
16153 subcommittee or hearing officer, shall be final, unless the  
16154 aggrieved party shall appeal to the State Board of Education,  
16155 within ten (10) days, of the decision of the commission, its  
16156 subcommittee or hearing officer. An appeal to the State Board of  
16157 Education shall be perfected upon filing a notice of the appeal  
16158 and by the prepayment of the costs of the preparation of the  
16159 record of proceedings by the commission, its subcommittee or  
16160 hearing officer. An appeal shall be on the record previously made  
16161 before the commission, its subcommittee or hearing officer, unless



16162 otherwise provided by rules and regulations adopted by the board.  
16163 The decision of the commission, its subcommittee or hearing  
16164 officer shall not be disturbed on appeal if supported by  
16165 substantial evidence, was not arbitrary or capricious, within the  
16166 authority of the commission, and did not violate some statutory or  
16167 constitutional right. The State Board of Education in its  
16168 authority may reverse, or remand with instructions, the decision  
16169 of the commission, its subcommittee or hearing officer. The  
16170 decision of the State Board of Education shall be final.

16171 (11) (a) The State Board of Education, acting through the  
16172 commission, may deny an application for any teacher or  
16173 administrator license for one or more of the following:

16174 (i) Lack of qualifications which are prescribed by  
16175 law or regulations adopted by the State Board of Education;

16176 (ii) The applicant has a physical, emotional or  
16177 mental disability that renders the applicant unfit to perform the  
16178 duties authorized by the license, as certified by a licensed  
16179 psychologist or psychiatrist;

16180 (iii) The applicant is actively addicted to or  
16181 actively dependent on alcohol or other habit-forming drugs or is a  
16182 habitual user of narcotics, barbiturates, amphetamines,  
16183 hallucinogens or other drugs having similar effect, at the time of  
16184 application for a license;

16185 (iv) Fraud or deceit committed by the applicant in  
16186 securing or attempting to secure such certification and license;



16187 (v) Failing or refusing to furnish reasonable  
16188 evidence of identification;

16189 (vi) The applicant has been convicted, has pled  
16190 guilty or entered a plea of nolo contendere to a felony, as  
16191 defined by federal or state law. For purposes of this  
16192 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
16193 a plea of guilty, entry of a plea of nolo contendere, or entry of  
16194 an order granting pretrial or judicial diversion;

16195 (vii) The applicant or licensee is on probation or  
16196 post-release supervision for a felony or conviction, as defined by  
16197 federal or state law. However, this disqualification expires upon  
16198 the end of the probationary or post-release supervision period.

16199 (b) The State Board of Education, acting through the  
16200 commission, shall deny an application for any teacher or  
16201 administrator license, or immediately revoke the current teacher  
16202 or administrator license, for one or more of the following:

16203 (i) If the applicant or licensee has been  
16204 convicted, has pled guilty or entered a plea of nolo contendere to  
16205 a sex offense as defined by federal or state law. For purposes of  
16206 this subparagraph (i) of this paragraph (b), a "guilty plea"  
16207 includes a plea of guilty, entry of a plea of nolo contendere, or  
16208 entry of an order granting pretrial or judicial diversion;

16209 (ii) The applicant or licensee is on probation or  
16210 post-release supervision for a sex offense conviction, as defined  
16211 by federal or state law;



16212                   (iii) The license holder has fondled a student as  
16213 described in Section 97-5-23, or had any type of sexual  
16214 involvement with a student as described in Section 97-3-95; or

16215                   (iv) The license holder has failed to report  
16216 sexual involvement of a school employee with a student as required  
16217 by Section 97-5-24.

16218           (12) The State Board of Education, acting through the  
16219 commission, may revoke, suspend or refuse to renew any teacher or  
16220 administrator license for specified periods of time or may place  
16221 on probation, reprimand a licensee, or take other disciplinary  
16222 action with regard to any license issued under this chapter for  
16223 one or more of the following:

16224                   (a) Breach of contract or abandonment of employment may  
16225 result in the suspension of the license for one (1) school year as  
16226 provided in Section 37-9-57;

16227                   (b) Obtaining a license by fraudulent means shall  
16228 result in immediate suspension and continued suspension for one  
16229 (1) year after correction is made;

16230                   (c) Suspension or revocation of a certificate or  
16231 license by another state shall result in immediate suspension or  
16232 revocation and shall continue until records in the prior state  
16233 have been cleared;

16234                   (d) The license holder has been convicted, has pled  
16235 guilty or entered a plea of nolo contendere to a felony, as  
16236 defined by federal or state law. For purposes of this paragraph,



16237 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
16238 contendere, or entry of an order granting pretrial or judicial  
16239 diversion;

16240 (e) The license holder knowingly and willfully  
16241 committing any of the acts affecting validity of mandatory uniform  
16242 test results as provided in Section 37-16-4(1);

16243 (f) The license holder has engaged in unethical conduct  
16244 relating to an educator/student relationship as identified by the  
16245 State Board of Education in its rules;

16246 (g) The license holder served as superintendent or  
16247 principal in a school district during the time preceding and/or  
16248 that resulted in the Governor declaring a state of emergency and  
16249 the State Board of Education appointing a conservator;

16250 (h) The license holder submitted a false certification  
16251 to the State Department of Education that a statewide test was  
16252 administered in strict accordance with the Requirements of the  
16253 Mississippi Statewide Assessment System; or

16254 (i) The license holder has failed to comply with the  
16255 Procedures for Reporting Infractions as promulgated by the  
16256 commission and approved by the State Board of Education pursuant  
16257 to subsection (15) of this section.

16258 For purposes of this subsection, probation shall be defined  
16259 as a length of time determined by the commission, its subcommittee  
16260 or hearing officer, and based on the severity of the offense in  
16261 which the license holder shall meet certain requirements as





16262 prescribed by the commission, its subcommittee or hearing officer.  
16263 Failure to complete the requirements in the time specified shall  
16264 result in immediate suspension of the license for one (1) year.

16265 (13) (a) Dismissal or suspension of a licensed employee by  
16266 a local school board pursuant to Section 37-9-59 may result in the  
16267 suspension or revocation of a license for a length of time which  
16268 shall be determined by the commission and based upon the severity  
16269 of the offense.

16270 (b) Any offense committed or attempted in any other  
16271 state shall result in the same penalty as if committed or  
16272 attempted in this state.

16273 (c) A person may voluntarily surrender a license. The  
16274 surrender of such license may result in the commission  
16275 recommending any of the above penalties without the necessity of a  
16276 hearing. However, any such license which has voluntarily been  
16277 surrendered by a licensed employee may only be reinstated by a  
16278 majority vote of all members of the commission present at the  
16279 meeting called for such purpose.

16280 (14) (a) A person whose license has been suspended or  
16281 surrendered on any grounds except criminal grounds may petition  
16282 for reinstatement of the license after one (1) year from the date  
16283 of suspension or surrender, or after one-half (1/2) of the  
16284 suspended or surrendered time has lapsed, whichever is greater. A  
16285 person whose license has been suspended or revoked on any grounds  
16286 or violations under subsection (12) of this section may be



16287 reinstated automatically or approved for a reinstatement hearing,  
16288 upon submission of a written request to the commission. A license  
16289 suspended, revoked or surrendered on criminal grounds may be  
16290 reinstated upon petition to the commission filed after expiration  
16291 of the sentence and parole or probationary period imposed upon  
16292 conviction. A revoked, suspended or surrendered license may be  
16293 reinstated upon satisfactory showing of evidence of  
16294 rehabilitation. The commission shall require all who petition for  
16295 reinstatement to furnish evidence satisfactory to the commission  
16296 of good character, good mental, emotional and physical health and  
16297 such other evidence as the commission may deem necessary to  
16298 establish the petitioner's rehabilitation and fitness to perform  
16299 the duties authorized by the license.

16300 (b) A person whose license expires while under  
16301 investigation by the Office of Educator Misconduct for an alleged  
16302 violation may not be reinstated without a hearing before the  
16303 commission if required based on the results of the investigation.

16304 (15) Reporting procedures and hearing procedures for dealing  
16305 with infractions under this section shall be promulgated by the  
16306 commission, subject to the approval of the State Board of  
16307 Education. The revocation or suspension of a license shall be  
16308 effected at the time indicated on the notice of suspension or  
16309 revocation. The commission shall immediately notify the  
16310 superintendent of the school district or school board where the  
16311 teacher or administrator is employed of any disciplinary action



16312 and also notify the teacher or administrator of such revocation or  
16313 suspension and shall maintain records of action taken. The State  
16314 Board of Education may reverse or remand with instructions any  
16315 decision of the commission, its subcommittee or hearing officer  
16316 regarding a petition for reinstatement of a license, and any such  
16317 decision of the State Board of Education shall be final.

16318 (16) An appeal from the action of the State Board of  
16319 Education in denying an application, revoking or suspending a  
16320 license or otherwise disciplining any person under the provisions  
16321 of this section shall be filed in the \* \* \* inferior courts of the  
16322 Capitol Complex Improvement District on the record made, including  
16323 a verbatim transcript of the testimony at the hearing. The appeal  
16324 shall be filed within thirty (30) days after notification of the  
16325 action of the board is mailed or served and the proceedings in  
16326 chancery court shall be conducted as other matters coming before  
16327 the court. The appeal shall be perfected upon filing notice of  
16328 the appeal and by the prepayment of all costs, including the cost  
16329 of preparation of the record of the proceedings by the State Board  
16330 of Education, and the filing of a bond in the sum of Two Hundred  
16331 Dollars (\$200.00) conditioned that if the action of the board be  
16332 affirmed by the chancery court, the applicant or license holder  
16333 shall pay the costs of the appeal and the action of the chancery  
16334 court.

16335 (17) All such programs, rules, regulations, standards and  
16336 criteria recommended or authorized by the commission shall become



16337 effective upon approval by the State Board of Education as  
16338 designated by appropriate orders entered upon the minutes thereof.

16339 (18) The granting of a license shall not be deemed a  
16340 property right nor a guarantee of employment in any public school  
16341 district. A license is a privilege indicating minimal eligibility  
16342 for teaching in the public school districts of Mississippi. This  
16343 section shall in no way alter or abridge the authority of local  
16344 school districts to require greater qualifications or standards of  
16345 performance as a prerequisite of initial or continued employment  
16346 in such districts.

16347 (19) In addition to the reasons specified in subsections  
16348 (12) and (13) of this section, the board shall be authorized to  
16349 suspend the license of any licensee for being out of compliance  
16350 with an order for support, as defined in Section 93-11-153. The  
16351 procedure for suspension of a license for being out of compliance  
16352 with an order for support, and the procedure for the reissuance or  
16353 reinstatement of a license suspended for that purpose, and the  
16354 payment of any fees for the reissuance or reinstatement of a  
16355 license suspended for that purpose, shall be governed by Section  
16356 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
16357 board in suspending a license when required by Section 93-11-157  
16358 or 93-11-163 are not actions from which an appeal may be taken  
16359 under this section. Any appeal of a license suspension that is  
16360 required by Section 93-11-157 or 93-11-163 shall be taken in  
16361 accordance with the appeal procedure specified in Section



16362 93-11-157 or 93-11-163, as the case may be, rather than the  
16363 procedure specified in this section. If there is any conflict  
16364 between any provision of Section 93-11-157 or 93-11-163 and any  
16365 provision of this chapter, the provisions of Section 93-11-157 or  
16366 93-11-163, as the case may be, shall control.

16367 (20) The Department of Education shall grant and renew all  
16368 licenses and certifications of teachers and administrators within  
16369 twenty-one (21) days from the date of a completed application if  
16370 the applicant has otherwise met all established requirements for  
16371 the license or certification.

16372 **SECTION 245.** Section 71-5-355, Mississippi Code of 1972, is  
16373 amended as follows:

16374 71-5-355. (1) As used in this section, the following words  
16375 and phrases shall have the following meanings, unless the context  
16376 clearly requires otherwise:

16377 (a) "Tax year" means any period beginning on January 1  
16378 and ending on December 31 of a year.

16379 (b) "Computation date" means June 30 of any calendar  
16380 year immediately preceding the tax year during which the  
16381 particular contribution rates are effective.

16382 (c) "Effective date" means January 1 of the tax year.

16383 (d) Except as hereinafter provided, "payroll" means the  
16384 total of all wages paid for employment by an employer as defined  
16385 in Section 71-5-11, subsection H, plus the total of all  
16386 remuneration paid by such employer excluded from the definition of



16387 wages by Section 71-5-351. For the computation of modified rates,  
16388 "payroll" means the total of all wages paid for employment by an  
16389 employer as defined in Section 71-5-11, subsection H.

16390 (e) For the computation of modified rates, "eligible  
16391 employer" means an employer whose experience-rating record has  
16392 been chargeable with benefits throughout the thirty-six (36)  
16393 consecutive calendar-month period ending on the computation date,  
16394 except that any employer who has not been subject to the  
16395 Mississippi Employment Security Law for a period of time  
16396 sufficient to meet the thirty-six (36) consecutive calendar-month  
16397 requirement shall be an eligible employer if his or her  
16398 experience-rating record has been chargeable throughout not less  
16399 than the twelve (12) consecutive calendar-month period ending on  
16400 the computation date. No employer shall be considered eligible  
16401 for a contribution rate less than five and four-tenths percent  
16402 (5.4%) with respect to any tax year, who has failed to file any  
16403 two (2) quarterly reports within the qualifying period by  
16404 September 30 following the computation date. No employer or  
16405 employing unit shall be eligible for a contribution rate of less  
16406 than five and four-tenths percent (5.4%) for the tax year in which  
16407 the employing unit is found by the department to be in violation  
16408 of Section 71-5-19(2) or (3) and for the next two (2) succeeding  
16409 tax years. No representative of such employing unit who was a  
16410 party to a violation as described in Section 71-5-19(2) or (3), if  
16411 such representative was or is an employing unit in this state,



16412 shall be eligible for a contribution rate of less than five and  
16413 four-tenths percent (5.4%) for the tax year in which such  
16414 violation was detected by the department and for the next two (2)  
16415 succeeding tax years.

16416 (f) With respect to any tax year, "reserve ratio" means  
16417 the ratio which the total amount available for the payment of  
16418 benefits in the Unemployment Compensation Fund, excluding any  
16419 amount which has been credited to the account of this state under  
16420 Section 903 of the Social Security Act, as amended, and which has  
16421 been appropriated for the expenses of administration pursuant to  
16422 Section 71-5-457 whether or not withdrawn from such account, on  
16423 October 31 (close of business) of each calendar year bears to the  
16424 aggregate of the taxable payrolls of all employers for the twelve  
16425 (12) calendar months ending on June 30 next preceding.

16426 (g) "Modified rates" means the rates of employer  
16427 unemployment insurance contributions determined under the  
16428 provisions of this chapter and the rates of newly subject  
16429 employers, as provided in Section 71-5-353.

16430 (h) For the computation of modified rates, "qualifying  
16431 period" means a period of not less than the thirty-six (36)  
16432 consecutive calendar months ending on the computation date  
16433 throughout which an employer's experience-rating record has been  
16434 chargeable with benefits; except that with respect to any eligible  
16435 employer who has not been subject to this article for a period of  
16436 time sufficient to meet the thirty-six (36) consecutive



16437 calendar-month requirement, "qualifying period" means the period  
16438 ending on the computation date throughout which his or her  
16439 experience-rating record has been chargeable with benefits, but in  
16440 no event less than the twelve (12) consecutive calendar-month  
16441 period ending on the computation date throughout which his or her  
16442 experience-rating record has been so chargeable.

16443           (i) The "exposure criterion" (EC) is defined as the  
16444 cash balance of the Unemployment Compensation Fund which is  
16445 available for the payment of benefits as of November 16 of each  
16446 calendar year or the next working day if November 16 falls on a  
16447 holiday or a weekend, divided by the total wages, exclusive of  
16448 wages paid by all state agencies, all political subdivisions,  
16449 reimbursable nonprofit corporations, and tax-exempt public service  
16450 employment, for the twelve-month period ending June 30 immediately  
16451 preceding such date. The EC shall be computed to four (4) decimal  
16452 places and rounded up if any fraction remains. Notwithstanding  
16453 any other provision contained herein, the date for determining the  
16454 cash balance of the Unemployment Compensation Fund which is  
16455 available for the payment of benefits for the calendar years 2020  
16456 and 2021 shall be December 31.

16457           (j) The "cost rate criterion" (CRC) is defined as  
16458 follows: Beginning with January 1974, the benefits paid for the  
16459 twelve-month period ending December 1974 are summed and divided by  
16460 the total wages for the twelve-month period ending on June 30,  
16461 1975. Similar ratios are computed by subtracting the earliest





16462 month's benefit payments and adding the benefits of the next month  
16463 in the sequence and dividing each sum of twelve (12) months'  
16464 benefits by the total wages for the twelve-month period ending on  
16465 the June 30 which is nearest to the final month of the period used  
16466 to compute the numerator. If December is the final month of the  
16467 period used to compute the numerator, then the twelve-month period  
16468 ending the following June 30 will be used for the denominator.  
16469 Benefits and total wages used in the computation of the cost rate  
16470 criterion shall exclude all benefits and total wages applicable to  
16471 state agencies, political subdivisions, reimbursable nonprofit  
16472 corporations, and tax-exempt PSE employment.

16473       The CRC shall be computed as the average for the highest  
16474 monthly value of the cost rate criterion computations during each  
16475 of the economic cycles since the calendar year 1974 as defined by  
16476 the National Bureau of Economic Research. The CRC shall be  
16477 computed to four (4) decimal places and any remainder shall be  
16478 rounded up.

16479       The CRC shall be adjusted only through annual computations  
16480 and additions of future economic cycles.

16481       (k) "Size of fund index" (SOFI) is defined as the ratio  
16482 of the exposure criterion (EC) to the cost rate criterion (CRC).  
16483 The target size of fund index will be fixed at 1.0. If the  
16484 insured unemployment rate (IUR) exceeds a four and five-tenths  
16485 percent (4.5%) average for the most recent completed July to June  
16486 period, the target SOFI will be .8 and will remain at that level



16487 until the computed SOFI (the average exposure criterion of the  
16488 current year and the preceding year divided by the average cost  
16489 rate criterion) equals 1.0 or the average IUR falls to four and  
16490 five-tenths percent (4.5%) or less for any period July to June.  
16491 However, if the IUR falls below two and five-tenths percent (2.5%)  
16492 for any period July to June the target SOFI shall be 1.2 until  
16493 such time as the computed SOFI is equal to or greater than 1.0 or  
16494 the IUR is equal to or greater than two and five-tenths percent  
16495 (2.5%), at which point the target SOFI shall return to 1.0.

16496 (1) No employer's unemployment contribution general  
16497 experience rate plus individual unemployment experience rate shall  
16498 exceed five and four-tenths percent (5.4%). Accrual rules shall  
16499 apply for purposes of computing contribution rates including  
16500 associated functions.

16501 (m) The term "general experience rate" has the same  
16502 meaning as the minimum tax rate.

16503 (2) Modified rates:

16504 (a) For any tax year, when the reserve ratio on the  
16505 preceding November 16, in the case of any tax year, equals or  
16506 exceeds three percent (3%), the modified rates, as hereinafter  
16507 prescribed, shall be in effect. In computation of this reserve  
16508 ratio, any remainder shall be rounded down.

16509 (b) Modified rates shall be determined for the tax year  
16510 for each eligible employer on the basis of his or her  
16511 experience-rating record in the following manner:



16512                   (i) The department shall maintain an  
16513 experience-rating record for each employer. Nothing in this  
16514 chapter shall be construed to grant any employer or individuals  
16515 performing services for him or her any prior claim or rights to  
16516 the amounts paid by the employer into the fund.

16517                   (ii) Benefits paid to an eligible individual shall  
16518 be charged against the experience-rating record of his or her base  
16519 period employers in the proportion to which the wages paid by each  
16520 base period employer bears to the total wages paid to the  
16521 individual by all the base period employers, provided that  
16522 benefits shall not be charged to an employer's experience-rating  
16523 record if the department finds that the individual:

16524                   1. Voluntarily left the employ of such  
16525 employer without good cause attributable to the employer or to  
16526 accept other work;

16527                   2. Was discharged by such employer for  
16528 misconduct connected with his or her work;

16529                   3. Refused an offer of suitable work by such  
16530 employer without good cause, and the department further finds that  
16531 such benefits are based on wages for employment for such employer  
16532 prior to such voluntary leaving, discharge or refusal of suitable  
16533 work, as the case may be;

16534                   4. Had base period wages which included wages  
16535 for previously uncovered services as defined in Section  
16536 71-5-511(e) to the extent that the Unemployment Compensation Fund



16537 is reimbursed for such benefits pursuant to Section 121 of Public  
16538 Law 94-566;

16539                   5. Extended benefits paid under the  
16540 provisions of Section 71-5-541 which are not reimbursable from  
16541 federal funds shall be charged to the experience-rating record of  
16542 base period employers;

16543                   6. Is still working for such employer on a  
16544 regular part-time basis under the same employment conditions as  
16545 hired. Provided, however, that benefits shall be charged against  
16546 an employer if an eligible individual is paid benefits who is  
16547 still working for such employer on a part-time "as-needed" basis;

16548                   7. Was hired to replace a United States  
16549 serviceman or servicewoman called into active duty and was laid  
16550 off upon the return to work by that serviceman or servicewoman,  
16551 unless such employer is a state agency or other political  
16552 subdivision or instrumentality of the state;

16553                   8. Was paid benefits during any week while in  
16554 training with the approval of the department, under the provisions  
16555 of Section 71-5-513B, or for any week while in training approved  
16556 under Section 236(a)(1) of the Trade Act of 1974, under the  
16557 provisions of Section 71-5-513C;

16558                   9. Is not required to serve the one-week  
16559 waiting period as described in Section 71-5-505(2). In that  
16560 event, only the benefits paid in lieu of the waiting period week  
16561 may be noncharged; or



16562                   10. Was paid benefits as a result of a  
16563 fraudulent claim, provided notification was made to the  
16564 Mississippi Department of Employment Security in writing or by  
16565 email by the employer, within ten (10) days of the mailing of the  
16566 notice of claim filed to the employer's last-known address.

16567                   (iii) Notwithstanding any other provision  
16568 contained herein, an employer shall not be noncharged when the  
16569 department finds that the employer or the employer's agent of  
16570 record was at fault for failing to respond timely or adequately to  
16571 the request of the department for information relating to an  
16572 unemployment claim that was subsequently determined to be  
16573 improperly paid, unless the employer or the employer's agent of  
16574 record shows good cause for having failed to respond timely or  
16575 adequately to the request of the department for information. For  
16576 purposes of this subparagraph "good cause" means an event that  
16577 prevents the employer or employer's agent of record from timely  
16578 responding, and includes a natural disaster, emergency or similar  
16579 event, or an illness on the part of the employer, the employer's  
16580 agent of record, or their staff charged with responding to such  
16581 inquiries when there is no other individual who has the knowledge  
16582 or ability to respond. Any agency error that resulted in a delay  
16583 in, or the failure to deliver notice to, the employer or the  
16584 employer's agent of record shall also be considered good cause for  
16585 purposes of this subparagraph.



16586                   (iv) The department shall compute a benefit ratio  
16587 for each eligible employer, which shall be the quotient obtained  
16588 by dividing the total benefits charged to his or her  
16589 experience-rating record during the period his or her  
16590 experience-rating record has been chargeable, but not less than  
16591 the twelve (12) consecutive calendar-month period nor more than  
16592 the thirty-six (36) consecutive calendar-month period ending on  
16593 the computation date, by his or her total taxable payroll for the  
16594 same period on which all unemployment insurance contributions due  
16595 have been paid on or before the September 30 immediately following  
16596 the computation date. Such benefit ratio shall be computed to the  
16597 tenth of a percent (.1%), rounding any remainder to the next  
16598 higher tenth.

16599                   (v) 1. The unemployment insurance contribution  
16600 rate for each eligible employer shall be the sum of two (2) rates:  
16601 his or her individual experience rate in the range from zero  
16602 percent (0%) to five and four-tenths percent (5.4%), plus a  
16603 general experience rate. In no event shall the resulting  
16604 unemployment insurance rate be in excess of five and four-tenths  
16605 percent (5.4%), however, it is the intent of this section to  
16606 provide the ability for employers to have a tax rate, the general  
16607 experience rate plus the individual experience rate, of up to five  
16608 and four-tenths percent (5.4%).



16609                   2. The employer's individual experience rate  
16610 shall be equal to his or her benefit ratio as computed under  
16611 paragraph (b)(iv) of this subsection (2).

16612                   3. The general experience rate shall be  
16613 determined in the following manner: The department shall  
16614 determine annually, for the thirty-six (36) consecutive  
16615 calendar-month period ending on the computation date, the amount  
16616 of benefits which were not charged to the record of any employer  
16617 and of benefits which were ineffectively charged to the employer's  
16618 experience-rating record. For the purposes of this item 3, the  
16619 term "ineffectively charged benefits" shall include:

16620                   a. The total of the amounts of benefits  
16621 charged to the experience-rating records of all eligible employers  
16622 which caused their benefit ratios to exceed five and four-tenths  
16623 percent (5.4%);

16624                   b. The total of the amounts of benefits  
16625 charged to the experience-rating records of all ineligible  
16626 employers which would cause their benefit ratios to exceed five  
16627 and four-tenths percent (5.4%) if they were eligible employers;  
16628 and

16629                   c. The total of the amounts of benefits  
16630 charged or chargeable to the experience-rating record of any  
16631 employer who has discontinued his or her business or whose  
16632 coverage has been terminated within such period; provided, that  
16633 solely for the purposes of determining the amounts of



16634 ineffectively charged benefits as herein defined, a "benefit  
16635 ratio" shall be computed for each ineligible employer, which shall  
16636 be the quotient obtained by dividing the total benefits charged to  
16637 his or her experience-rating record throughout the period ending  
16638 on the computation date, during which his or her experience-rating  
16639 record has been chargeable with benefits, by his or her total  
16640 taxable payroll for the same period on which all unemployment  
16641 insurance contributions due have been paid on or before the  
16642 September 30 immediately following the computation date; and  
16643 provided further, that such benefit ratio shall be computed to the  
16644 tenth of one percent (.1%) and any remainder shall be rounded to  
16645 the next higher tenth.

16646       The ratio of the sum of these amounts (subsection  
16647 (2)(b)(v)3a, b and c) to the taxable wages paid during the same  
16648 period divided by all eligible employers whose benefit ratio did  
16649 not exceed five and four-tenths percent (5.4%), computed to the  
16650 next higher tenth of one percent (.1%), shall be the general  
16651 experience rate; however, the general experience rate for rate  
16652 year 2014 shall be two tenths of one percent (.2%) and to that  
16653 will be added the employer's individual experience rate for the  
16654 total unemployment insurance rate.

16655                   4. a. Except as otherwise provided in this  
16656 item 4, the general experience rate shall be adjusted by use of  
16657 the size of fund index factor. This factor may be positive or  
16658 negative, and shall be determined as follows: From the target





16659 SOFI, as defined in subsection (1)(k) of this section, subtract  
16660 the simple average of the current and preceding years' exposure  
16661 criterions divided by the cost rate criterion, as defined in  
16662 subsection (1)(j) of this section. The result is then multiplied  
16663 by the product of the CRC, as defined in subsection (1)(j) of this  
16664 section, and total wages for the twelve-month period ending June  
16665 30 divided by the taxable wages for the twelve-month period ending  
16666 June 30. This is the percentage positive or negative added to the  
16667 general experience rate. The sum of the general experience rate  
16668 and the trust fund adjustment factor shall be multiplied by fifty  
16669 percent (50%) and this product shall be computed to one (1)  
16670 decimal place, and rounded to the next higher tenth.

16671                               b. Notwithstanding the minimum rate  
16672 provisions as set forth in subsection (1)(l) of this section, the  
16673 general experience rate of all employers shall be reduced by seven  
16674 one-hundredths of one percent (.07%) for calendar year 2013 only.

16675                               5. The general experience rate shall be zero  
16676 percent (0%) unless the general experience ratio for any tax year  
16677 as computed and adjusted on the basis of the trust fund adjustment  
16678 factor and reduced by fifty percent (50%) is an amount equal to or  
16679 greater than two-tenths of one percent (.2%), then the general  
16680 experience rate shall be the computed general experience ratio and  
16681 adjusted on the basis of the trust fund adjustment factor and  
16682 reduced by fifty percent (50%); however, in no case shall the sum  
16683 of the general experience plus the individual experience



16684 unemployment insurance rate exceed five and four-tenths percent  
16685 (5.4%). For rate years subsequent to 2014, Mississippi Workforce  
16686 Enhancement Training contribution rate, and/or State Workforce  
16687 Investment contribution rate, and/or Mississippi Works  
16688 contribution rate, when in effect, shall be added to the  
16689 unemployment contribution rate, regardless of whether the addition  
16690 of this contribution rate causes the total contribution rate for  
16691 the employer to exceed five and four-tenths percent (5.4%).

16692                 6. The department shall include in its annual  
16693 rate notice to employers a brief explanation of the elements of  
16694 the general experience rate, and shall include in its regular  
16695 publications an annual analysis of benefits not charged to the  
16696 record of any employer, and of the benefit experience of employers  
16697 by industry group whose benefit ratio exceeds four percent (4%),  
16698 and of any other factors which may affect the size of the general  
16699 experience rate.

16700                 7. Notwithstanding any other provision  
16701 contained herein, the general experience rate for calendar year  
16702 2021 shall be zero percent (0%). Charges attributed to each  
16703 employer's individual experience rate for the period March 8,  
16704 2020, through June 30, 2020, will not impact the employer's  
16705 individual experience rate calculations for purposes of  
16706 calculating the total unemployment insurance rate for 2021 and the  
16707 two (2) subsequent tax rate years. Moreover, charges attributed  
16708 to each employer's individual experience rate for the period July



16709 1, 2020, through December 31, 2020, will not impact the employer's  
16710 individual experience rate calculations for purposes of  
16711 calculating the total unemployment insurance rate for 2022 and the  
16712 two (2) subsequent tax rate years.

16713 (vi) When any employing unit in any manner  
16714 succeeds to or acquires the organization, trade, business or  
16715 substantially all the assets thereof of an employer, excepting any  
16716 assets retained by such employer incident to the liquidation of  
16717 his or her obligations, whether or not such acquiring employing  
16718 unit was an employer within the meaning of Section 71-5-11,  
16719 subsection H, prior to such acquisition, and continues such  
16720 organization, trade or business, the experience-rating and payroll  
16721 records of the predecessor employer shall be transferred as of the  
16722 date of acquisition to the successor employer for the purpose of  
16723 rate determination.

16724 (vii) When any employing unit succeeds to or  
16725 acquires a distinct and severable portion of an organization,  
16726 trade or business, the experience-rating and payroll records of  
16727 such portion, if separately identifiable, shall be transferred to  
16728 the successor upon:

- 16729 1. The mutual consent of the predecessor and  
16730 the successor;
- 16731 2. Approval of the department;
- 16732 3. Continued operation of the transferred  
16733 portion by the successor after transfer; and



16734                               4. The execution and the filing with the  
16735 department by the predecessor employer of a waiver relinquishing  
16736 all rights to have the experience-rating and payroll records of  
16737 the transferred portion used for the purpose of determining  
16738 modified rates of contribution for such predecessor.

16739                               (viii) If the successor was an employer subject to  
16740 this chapter prior to the date of acquisition, it shall continue  
16741 to pay unemployment insurance contributions at the rate applicable  
16742 to it from the date the acquisition occurred until the end of the  
16743 then current tax year. If the successor was not an employer prior  
16744 to the date of acquisition, it shall pay unemployment insurance  
16745 contributions at the rate applicable to the predecessor or, if  
16746 more than one (1) predecessor and the same rate is applicable to  
16747 both, the rate applicable to the predecessor or predecessors, from  
16748 the date the acquisition occurred until the end of the then  
16749 current tax year. If the successor was not an employer prior to  
16750 the date the acquisition occurred and simultaneously acquires the  
16751 businesses of two (2) or more employers to whom different rates of  
16752 unemployment insurance contributions are applicable, it shall pay  
16753 unemployment insurance contributions from the date of the  
16754 acquisition until the end of the current tax year at a rate  
16755 computed on the basis of the combined experience-rating and  
16756 payroll records of the predecessors as of the computation date for  
16757 such tax year. In all cases the rate of unemployment insurance  
16758 contributions applicable to such successor for each succeeding tax



16759 year shall be computed on the basis of the combined  
16760 experience-rating and payroll records of the successor and the  
16761 predecessor or predecessors.

16762 (ix) The department shall notify each employer  
16763 quarterly of the benefits paid and charged to his or her  
16764 experience-rating record; and such notification, in the absence of  
16765 an application for redetermination filed within thirty (30) days  
16766 after the date of such notice, shall be final, conclusive and  
16767 binding upon the employer for all purposes. A redetermination,  
16768 made after notice and opportunity for a fair hearing, by a hearing  
16769 officer designated by the department who shall consider and decide  
16770 these and related applications and protests; and the finding of  
16771 fact in connection therewith may be introduced into any subsequent  
16772 administrative or judicial proceedings involving the determination  
16773 of the rate of unemployment insurance contributions of any  
16774 employer for any tax year, and shall be entitled to the same  
16775 finality as is provided in this subsection with respect to the  
16776 findings of fact in proceedings to redetermine the contribution  
16777 rate of an employer.

16778 (x) The department shall notify each employer of  
16779 his or her rate of contribution as determined for any tax year as  
16780 soon as reasonably possible after September 1 of the preceding  
16781 year. Such determination shall be final, conclusive and binding  
16782 upon such employer unless, within thirty (30) days after the date  
16783 of such notice to his or her last-known address, the employer



16784 files with the department an application for review and  
16785 redetermination of his or her contribution rate, setting forth his  
16786 or her reasons therefor. If the department grants such review,  
16787 the employer shall be promptly notified thereof and shall be  
16788 afforded an opportunity for a fair hearing by a hearing officer  
16789 designated by the department who shall consider and decide these  
16790 and related applications and protests; but no employer shall be  
16791 allowed, in any proceeding involving his or her rate of  
16792 unemployment insurance contributions or contribution liability, to  
16793 contest the chargeability to his or her account of any benefits  
16794 paid in accordance with a determination, redetermination or  
16795 decision pursuant to Sections 71-5-515 through 71-5-533 except  
16796 upon the ground that the services on the basis of which such  
16797 benefits were found to be chargeable did not constitute services  
16798 performed in employment for him or her, and then only in the event  
16799 that he or she was not a party to such determination,  
16800 redetermination, decision or to any other proceedings provided in  
16801 this chapter in which the character of such services was  
16802 determined. The employer shall be promptly notified of the denial  
16803 of this application or of the redetermination, both of which shall  
16804 become final unless, within ten (10) days after the date of notice  
16805 thereof, there shall be an appeal to the department itself. Any  
16806 such appeal shall be on the record before said designated hearing  
16807 officer, and the decision of said department shall become final  
16808 unless, within thirty (30) days after the date of notice thereof



16809 to the employer's last-known address, there shall be an appeal to  
16810 the \* \* \* inferior courts of the Capitol Complex Improvement  
16811 District in accordance with the provisions of law with respect to  
16812 review of civil causes by certiorari.

16813 (3) Notwithstanding any other provision of law, the  
16814 following shall apply regarding assignment of rates and transfers  
16815 of experience:

16816 (a) (i) If an employer transfers its trade or  
16817 business, or a portion thereof, to another employer and, at the  
16818 time of the transfer, there is substantially common ownership,  
16819 management or control of the two (2) employers, then the  
16820 unemployment experience attributable to the transferred trade or  
16821 business shall be transferred to the employer to whom such  
16822 business is so transferred. The rates of both employers shall be  
16823 recalculated and made effective on January 1 of the year following  
16824 the year the transfer occurred.

16825 (ii) If, following a transfer of experience under  
16826 subparagraph (i) of this paragraph (a), the department determines  
16827 that a substantial purpose of the transfer of trade or business  
16828 was to obtain a reduced liability of unemployment insurance  
16829 contributions, then the experience-rating accounts of the  
16830 employers involved shall be combined into a single account and a  
16831 single rate assigned to such account.

16832 (b) Whenever a person who is not an employer or an  
16833 employing unit under this chapter at the time it acquires the



16834 trade or business of an employer, the unemployment experience of  
16835 the acquired business shall not be transferred to such person if  
16836 the department finds that such person acquired the business solely  
16837 or primarily for the purpose of obtaining a lower rate of  
16838 unemployment insurance contributions. Instead, such person shall  
16839 be assigned the new employer rate under Section 71-5-353, unless  
16840 assignment of the new employer rate results in an increase of less  
16841 than two percent (2%), in which case such person would be assigned  
16842 the new employer rate plus an additional two percent (2%) penalty  
16843 for the rate year. In determining whether the business was  
16844 acquired solely or primarily for the purpose of obtaining a lower  
16845 rate of unemployment insurance contributions, the department shall  
16846 use objective factors which may include the cost of acquiring the  
16847 business, whether the person continued the business enterprise of  
16848 the acquired business, how long such business enterprise was  
16849 continued, or whether a substantial number of new employees were  
16850 hired for performance of duties unrelated to the business activity  
16851 conducted prior to acquisition.

16852 (c) (i) If a person knowingly violates or attempts to  
16853 violate paragraph (a) or (b) of this subsection or any other  
16854 provision of this chapter related to determining the assignment of  
16855 a contribution rate, or if a person knowingly advises another  
16856 person in a way that results in a violation of such provision, the  
16857 person shall be subject to the following penalties:





16858                   1. If the person is an employer, then such  
16859 employer shall be assigned the highest rate assignable under this  
16860 chapter for the rate year during which such violation or attempted  
16861 violation occurred and the three (3) rate years immediately  
16862 following this rate year. However, if the person's business is  
16863 already at such highest rate for any year, or if the amount of  
16864 increase in the person's rate would be less than two percent (2%)  
16865 for such year, then the person's tax rate shall be increased by  
16866 two percent (2%) for such year. The penalty rate will apply to  
16867 the successor business as well as the related entity from which  
16868 the employees were transferred in an effort to obtain a lower rate  
16869 of unemployment insurance contributions.

16870                   2. If the person is not an employer, such  
16871 person shall be subject to a civil money penalty of not more than  
16872 Five Thousand Dollars (\$5,000.00). Each such transaction for  
16873 which advice was given and each occurrence or reoccurrence after  
16874 notification being given by the department shall be a separate  
16875 offense and punishable by a separate penalty. Any such fine shall  
16876 be deposited in the penalty and interest account established under  
16877 Section 71-5-114.

16878                   (ii) For purposes of this paragraph (c), the term  
16879 "knowingly" means having actual knowledge of or acting with  
16880 deliberate ignorance or reckless disregard for the prohibition  
16881 involved.



16882 (iii) For purposes of this paragraph (c), the term  
16883 "violates or attempts to violate" includes, but is not limited to,  
16884 intent to evade, misrepresentation or willful nondisclosure.

16885 (iv) In addition to the penalty imposed by  
16886 subparagraph (i) of this paragraph (c), any violation of this  
16887 subsection may be punishable by a fine of not more than Ten  
16888 Thousand Dollars (\$10,000.00) or by imprisonment for not more than  
16889 five (5) years, or by both such fine and imprisonment. This  
16890 subsection shall prohibit prosecution under any other criminal  
16891 statute of this state.

16892 (d) The department shall establish procedures to  
16893 identify the transfer or acquisition of a business for purposes of  
16894 this subsection.

16895 (e) For purposes of this subsection:

16896 (i) "Person" has the meaning given such term by  
16897 Section 7701(a)(1) of the Internal Revenue Code of 1986; and

16898 (ii) "Employing unit" has the meaning as set forth  
16899 in Section 71-5-11.

16900 (f) This subsection shall be interpreted and applied in  
16901 such a manner as to meet the minimum requirements contained in any  
16902 guidance or regulations issued by the United States Department of  
16903 Labor.

16904 **SECTION 246.** Section 43-13-121, Mississippi Code of 1972, is  
16905 amended as follows:



16906           43-13-121. (1) The division shall administer the Medicaid  
16907 program under the provisions of this article, and may do the  
16908 following:

16909           (a) Adopt and promulgate reasonable rules, regulations  
16910 and standards, with approval of the Governor, and in accordance  
16911 with the Administrative Procedures Law, Section 25-43-1.101 et  
16912 seq.:

16913                   (i) Establishing methods and procedures as may be  
16914 necessary for the proper and efficient administration of this  
16915 article;

16916                   (ii) Providing Medicaid to all qualified  
16917 recipients under the provisions of this article as the division  
16918 may determine and within the limits of appropriated funds;

16919                   (iii) Establishing reasonable fees, charges and  
16920 rates for medical services and drugs; in doing so, the division  
16921 shall fix all of those fees, charges and rates at the minimum  
16922 levels absolutely necessary to provide the medical assistance  
16923 authorized by this article, and shall not change any of those  
16924 fees, charges or rates except as may be authorized in Section  
16925 43-13-117;

16926                   (iv) Providing for fair and impartial hearings;

16927                   (v) Providing safeguards for preserving the  
16928 confidentiality of records; and

16929                   (vi) For detecting and processing fraudulent  
16930 practices and abuses of the program;



16931           (b) Receive and expend state, federal and other funds  
16932 in accordance with court judgments or settlements and agreements  
16933 between the State of Mississippi and the federal government, the  
16934 rules and regulations promulgated by the division, with the  
16935 approval of the Governor, and within the limitations and  
16936 restrictions of this article and within the limits of funds  
16937 available for that purpose;

16938           (c) Subject to the limits imposed by this article and  
16939 subject to the provisions of subsection (8) of this section, to  
16940 submit a Medicaid plan to the United States Department of Health  
16941 and Human Services for approval under the provisions of the  
16942 federal Social Security Act, to act for the state in making  
16943 negotiations relative to the submission and approval of that plan,  
16944 to make such arrangements, not inconsistent with the law, as may  
16945 be required by or under federal law to obtain and retain that  
16946 approval and to secure for the state the benefits of the  
16947 provisions of that law.

16948           No agreements, specifically including the general plan for  
16949 the operation of the Medicaid program in this state, shall be made  
16950 by and between the division and the United States Department of  
16951 Health and Human Services unless the Attorney General of the State  
16952 of Mississippi has reviewed the agreements, specifically including  
16953 the operational plan, and has certified in writing to the Governor  
16954 and to the executive director of the division that the agreements,



16955 including the plan of operation, have been drawn strictly in  
16956 accordance with the terms and requirements of this article;

16957 (d) In accordance with the purposes and intent of this  
16958 article and in compliance with its provisions, provide for aged  
16959 persons otherwise eligible for the benefits provided under Title  
16960 XVIII of the federal Social Security Act by expenditure of funds  
16961 available for those purposes;

16962 (e) To make reports to the United States Department of  
16963 Health and Human Services as from time to time may be required by  
16964 that federal department and to the Mississippi Legislature as  
16965 provided in this section;

16966 (f) Define and determine the scope, duration and amount  
16967 of Medicaid that may be provided in accordance with this article  
16968 and establish priorities therefor in conformity with this article;

16969 (g) Cooperate and contract with other state agencies  
16970 for the purpose of coordinating Medicaid provided under this  
16971 article and eliminating duplication and inefficiency in the  
16972 Medicaid program;

16973 (h) Adopt and use an official seal of the division;

16974 (i) Sue in its own name on behalf of the State of  
16975 Mississippi and employ legal counsel on a contingency basis with  
16976 the approval of the Attorney General;

16977 (j) To recover any and all payments incorrectly made by  
16978 the division to a recipient or provider from the recipient or  
16979 provider receiving the payments. The division shall be authorized



16980 to collect any overpayments to providers sixty (60) days after the  
16981 conclusion of any administrative appeal unless the matter is  
16982 appealed to a court of proper jurisdiction and bond is posted.  
16983 Any appeal filed after July 1, 2015, shall be to the \* \* \*  
16984 inferior courts of the Capitol Complex Improvement District within  
16985 sixty (60) days after the date that the division has notified the  
16986 provider by certified mail sent to the proper address of the  
16987 provider on file with the division and the provider has signed for  
16988 the certified mail notice, or sixty (60) days after the date of  
16989 the final decision if the provider does not sign for the certified  
16990 mail notice. To recover those payments, the division may use the  
16991 following methods, in addition to any other methods available to  
16992 the division:

16993 (i) The division shall report to the Department of  
16994 Revenue the name of any current or former Medicaid recipient who  
16995 has received medical services rendered during a period of  
16996 established Medicaid ineligibility and who has not reimbursed the  
16997 division for the related medical service payment(s). The  
16998 Department of Revenue shall withhold from the state tax refund of  
16999 the individual, and pay to the division, the amount of the  
17000 payment(s) for medical services rendered to the ineligible  
17001 individual that have not been reimbursed to the division for the  
17002 related medical service payment(s).

17003 (ii) The division shall report to the Department  
17004 of Revenue the name of any Medicaid provider to whom payments were



17005 incorrectly made that the division has not been able to recover by  
17006 other methods available to the division. The Department of  
17007 Revenue shall withhold from the state tax refund of the provider,  
17008 and pay to the division, the amount of the payments that were  
17009 incorrectly made to the provider that have not been recovered by  
17010 other available methods;

17011 (k) To recover any and all payments by the division  
17012 fraudulently obtained by a recipient or provider. Additionally,  
17013 if recovery of any payments fraudulently obtained by a recipient  
17014 or provider is made in any court, then, upon motion of the  
17015 Governor, the judge of the court may award twice the payments  
17016 recovered as damages;

17017 (l) Have full, complete and plenary power and authority  
17018 to conduct such investigations as it may deem necessary and  
17019 requisite of alleged or suspected violations or abuses of the  
17020 provisions of this article or of the regulations adopted under  
17021 this article, including, but not limited to, fraudulent or  
17022 unlawful act or deed by applicants for Medicaid or other benefits,  
17023 or payments made to any person, firm or corporation under the  
17024 terms, conditions and authority of this article, to suspend or  
17025 disqualify any provider of services, applicant or recipient for  
17026 gross abuse, fraudulent or unlawful acts for such periods,  
17027 including permanently, and under such conditions as the division  
17028 deems proper and just, including the imposition of a legal rate of  
17029 interest on the amount improperly or incorrectly paid. Recipients



17030 who are found to have misused or abused Medicaid benefits may be  
17031 locked into one (1) physician and/or one (1) pharmacy of the  
17032 recipient's choice for a reasonable amount of time in order to  
17033 educate and promote appropriate use of medical services, in  
17034 accordance with federal regulations. If an administrative hearing  
17035 becomes necessary, the division may, if the provider does not  
17036 succeed in his or her defense, tax the costs of the administrative  
17037 hearing, including the costs of the court reporter or stenographer  
17038 and transcript, to the provider. The convictions of a recipient  
17039 or a provider in a state or federal court for abuse, fraudulent or  
17040 unlawful acts under this chapter shall constitute an automatic  
17041 disqualification of the recipient or automatic disqualification of  
17042 the provider from participation under the Medicaid program.

17043 A conviction, for the purposes of this chapter, shall include  
17044 a judgment entered on a plea of nolo contendere or a  
17045 nonadjudicated guilty plea and shall have the same force as a  
17046 judgment entered pursuant to a guilty plea or a conviction  
17047 following trial. A certified copy of the judgment of the court of  
17048 competent jurisdiction of the conviction shall constitute prima  
17049 facie evidence of the conviction for disqualification purposes;

17050 (m) Establish and provide such methods of  
17051 administration as may be necessary for the proper and efficient  
17052 operation of the Medicaid program, fully utilizing computer  
17053 equipment as may be necessary to oversee and control all current  
17054 expenditures for purposes of this article, and to closely monitor





17055 and supervise all recipient payments and vendors rendering  
17056 services under this article. Notwithstanding any other provision  
17057 of state law, the division is authorized to enter into a ten-year  
17058 contract(s) with a vendor(s) to provide services described in this  
17059 paragraph (m). Notwithstanding any provision of law to the  
17060 contrary, the division is authorized to extend its Medicaid  
17061 Management Information System, including all related components  
17062 and services, and Decision Support System, including all related  
17063 components and services, contracts in effect on June 30, 2020, for  
17064 a period not to exceed two (2) years without complying with state  
17065 procurement regulations;

17066           (n) To cooperate and contract with the federal  
17067 government for the purpose of providing Medicaid to Vietnamese and  
17068 Cambodian refugees, under the provisions of Public Law 94-23 and  
17069 Public Law 94-24, including any amendments to those laws, only to  
17070 the extent that the Medicaid assistance and the administrative  
17071 cost related thereto are one hundred percent (100%) reimbursable  
17072 by the federal government. For the purposes of Section 43-13-117,  
17073 persons receiving Medicaid under Public Law 94-23 and Public Law  
17074 94-24, including any amendments to those laws, shall not be  
17075 considered a new group or category of recipient; and

17076           (o) The division shall impose penalties upon Medicaid  
17077 only, Title XIX participating long-term care facilities found to  
17078 be in noncompliance with division and certification standards in  
17079 accordance with federal and state regulations, including interest



17080 at the same rate calculated by the United States Department of  
17081 Health and Human Services and/or the Centers for Medicare and  
17082 Medicaid Services (CMS) under federal regulations.

17083 (2) The division also shall exercise such additional powers  
17084 and perform such other duties as may be conferred upon the  
17085 division by act of the Legislature.

17086 (3) The division, and the State Department of Health as the  
17087 agency for licensure of health care facilities and certification  
17088 and inspection for the Medicaid and/or Medicare programs, shall  
17089 contract for or otherwise provide for the consolidation of on-site  
17090 inspections of health care facilities that are necessitated by the  
17091 respective programs and functions of the division and the  
17092 department.

17093 (4) The division and its hearing officers shall have power  
17094 to preserve and enforce order during hearings; to issue subpoenas  
17095 for, to administer oaths to and to compel the attendance and  
17096 testimony of witnesses, or the production of books, papers,  
17097 documents and other evidence, or the taking of depositions before  
17098 any designated individual competent to administer oaths; to  
17099 examine witnesses; and to do all things conformable to law that  
17100 may be necessary to enable them effectively to discharge the  
17101 duties of their office. In compelling the attendance and  
17102 testimony of witnesses, or the production of books, papers,  
17103 documents and other evidence, or the taking of depositions, as  
17104 authorized by this section, the division or its hearing officers



17105 may designate an individual employed by the division or some other  
17106 suitable person to execute and return that process, whose action  
17107 in executing and returning that process shall be as lawful as if  
17108 done by the sheriff or some other proper officer authorized to  
17109 execute and return process in the county where the witness may  
17110 reside. In carrying out the investigatory powers under the  
17111 provisions of this article, the executive director or other  
17112 designated person or persons may examine, obtain, copy or  
17113 reproduce the books, papers, documents, medical charts,  
17114 prescriptions and other records relating to medical care and  
17115 services furnished by the provider to a recipient or designated  
17116 recipients of Medicaid services under investigation. In the  
17117 absence of the voluntary submission of the books, papers,  
17118 documents, medical charts, prescriptions and other records, the  
17119 Governor, the executive director, or other designated person may  
17120 issue and serve subpoenas instantly upon the provider, his or her  
17121 agent, servant or employee for the production of the books,  
17122 papers, documents, medical charts, prescriptions or other records  
17123 during an audit or investigation of the provider. If any provider  
17124 or his or her agent, servant or employee refuses to produce the  
17125 records after being duly subpoenaed, the executive director may  
17126 certify those facts and institute contempt proceedings in the  
17127 manner, time and place as authorized by law for administrative  
17128 proceedings. As an additional remedy, the division may recover  
17129 all amounts paid to the provider covering the period of the audit



17130 or investigation, inclusive of a legal rate of interest and a  
17131 reasonable attorney's fee and costs of court if suit becomes  
17132 necessary. Division staff shall have immediate access to the  
17133 provider's physical location, facilities, records, documents,  
17134 books, and any other records relating to medical care and services  
17135 rendered to recipients during regular business hours.

17136 (5) If any person in proceedings before the division  
17137 disobeys or resists any lawful order or process, or misbehaves  
17138 during a hearing or so near the place thereof as to obstruct the  
17139 hearing, or neglects to produce, after having been ordered to do  
17140 so, any pertinent book, paper or document, or refuses to appear  
17141 after having been subpoenaed, or upon appearing refuses to take  
17142 the oath as a witness, or after having taken the oath refuses to  
17143 be examined according to law, the executive director shall certify  
17144 the facts to any court having jurisdiction in the place in which  
17145 it is sitting, and the court shall thereupon, in a summary manner,  
17146 hear the evidence as to the acts complained of, and if the  
17147 evidence so warrants, punish that person in the same manner and to  
17148 the same extent as for a contempt committed before the court, or  
17149 commit that person upon the same condition as if the doing of the  
17150 forbidden act had occurred with reference to the process of, or in  
17151 the presence of, the court.

17152 (6) In suspending or terminating any provider from  
17153 participation in the Medicaid program, the division shall preclude  
17154 the provider from submitting claims for payment, either personally



17155 or through any clinic, group, corporation or other association to  
17156 the division or its fiscal agents for any services or supplies  
17157 provided under the Medicaid program except for those services or  
17158 supplies provided before the suspension or termination. No  
17159 clinic, group, corporation or other association that is a provider  
17160 of services shall submit claims for payment to the division or its  
17161 fiscal agents for any services or supplies provided by a person  
17162 within that organization who has been suspended or terminated from  
17163 participation in the Medicaid program except for those services or  
17164 supplies provided before the suspension or termination. When this  
17165 provision is violated by a provider of services that is a clinic,  
17166 group, corporation or other association, the division may suspend  
17167 or terminate that organization from participation. Suspension may  
17168 be applied by the division to all known affiliates of a provider,  
17169 provided that each decision to include an affiliate is made on a  
17170 case-by-case basis after giving due regard to all relevant facts  
17171 and circumstances. The violation, failure or inadequacy of  
17172 performance may be imputed to a person with whom the provider is  
17173 affiliated where that conduct was accomplished within the course  
17174 of his or her official duty or was effectuated by him or her with  
17175 the knowledge or approval of that person.

17176 (7) The division may deny or revoke enrollment in the  
17177 Medicaid program to a provider if any of the following are found  
17178 to be applicable to the provider, his or her agent, a managing



17179 employee or any person having an ownership interest equal to five  
17180 percent (5%) or greater in the provider:

17181 (a) Failure to truthfully or fully disclose any and all  
17182 information required, or the concealment of any and all  
17183 information required, on a claim, a provider application or a  
17184 provider agreement, or the making of a false or misleading  
17185 statement to the division relative to the Medicaid program.

17186 (b) Previous or current exclusion, suspension,  
17187 termination from or the involuntary withdrawing from participation  
17188 in the Medicaid program, any other state's Medicaid program,  
17189 Medicare or any other public or private health or health insurance  
17190 program. If the division ascertains that a provider has been  
17191 convicted of a felony under federal or state law for an offense  
17192 that the division determines is detrimental to the best interest  
17193 of the program or of Medicaid beneficiaries, the division may  
17194 refuse to enter into an agreement with that provider, or may  
17195 terminate or refuse to renew an existing agreement.

17196 (c) Conviction under federal or state law of a criminal  
17197 offense relating to the delivery of any goods, services or  
17198 supplies, including the performance of management or  
17199 administrative services relating to the delivery of the goods,  
17200 services or supplies, under the Medicaid program, any other  
17201 state's Medicaid program, Medicare or any other public or private  
17202 health or health insurance program.



17203                   (d) Conviction under federal or state law of a criminal  
17204 offense relating to the neglect or abuse of a patient in  
17205 connection with the delivery of any goods, services or supplies.

17206                   (e) Conviction under federal or state law of a criminal  
17207 offense relating to the unlawful manufacture, distribution,  
17208 prescription or dispensing of a controlled substance.

17209                   (f) Conviction under federal or state law of a criminal  
17210 offense relating to fraud, theft, embezzlement, breach of  
17211 fiduciary responsibility or other financial misconduct.

17212                   (g) Conviction under federal or state law of a criminal  
17213 offense punishable by imprisonment of a year or more that involves  
17214 moral turpitude, or acts against the elderly, children or infirm.

17215                   (h) Conviction under federal or state law of a criminal  
17216 offense in connection with the interference or obstruction of any  
17217 investigation into any criminal offense listed in paragraphs (c)  
17218 through (i) of this subsection.

17219                   (i) Sanction for a violation of federal or state laws  
17220 or rules relative to the Medicaid program, any other state's  
17221 Medicaid program, Medicare or any other public health care or  
17222 health insurance program.

17223                   (j) Revocation of license or certification.

17224                   (k) Failure to pay recovery properly assessed or  
17225 pursuant to an approved repayment schedule under the Medicaid  
17226 program.

17227                   (l) Failure to meet any condition of enrollment.



17228           (8)   (a)   As used in this subsection (8), the following terms  
17229 shall be defined as provided in this paragraph, except as  
17230 otherwise provided in this subsection:

17231                       (i)   "Committees" means the Medicaid Committees of  
17232 the House of Representatives and the Senate, and "committee" means  
17233 either one of those committees.

17234                       (ii)   "State Plan" means the agreement between the  
17235 State of Mississippi and the federal government regarding the  
17236 nature and scope of Mississippi's Medicaid Program.

17237                       (iii)   "State Plan Amendment" means a change to the  
17238 State Plan, which must be approved by the Centers for Medicare and  
17239 Medicaid Services (CMS) before its implementation.

17240           (b)   Whenever the Division of Medicaid proposes a State  
17241 Plan Amendment, the division shall give notice to the chairmen of  
17242 the committees at least thirty (30) calendar days before the  
17243 proposed State Plan Amendment is filed with CMS. The division  
17244 shall furnish the chairmen with a concise summary of each proposed  
17245 State Plan Amendment along with the notice, and shall furnish the  
17246 chairmen with a copy of any proposed State Plan Amendment upon  
17247 request. The division also shall provide a summary and copy of  
17248 any proposed State Plan Amendment to any other member of the  
17249 Legislature upon request.

17250           (c)   If the chairman of either committee or both  
17251 chairmen jointly object to the proposed State Plan Amendment or  
17252 any part thereof, the chairman or chairmen shall notify the





17253 division and provide the reasons for their objection in writing  
17254 not later than seven (7) calendar days after receipt of the notice  
17255 from the division. The chairman or chairmen may make written  
17256 recommendations to the division for changes to be made to a  
17257 proposed State Plan Amendment.

17258 (d) (i) The chairman of either committee or both  
17259 chairmen jointly may hold a committee meeting to review a proposed  
17260 State Plan Amendment. If either chairman or both chairmen decide  
17261 to hold a meeting, they shall notify the division of their  
17262 intention in writing within seven (7) calendar days after receipt  
17263 of the notice from the division, and shall set the date and time  
17264 for the meeting in their notice to the division, which shall not  
17265 be later than fourteen (14) calendar days after receipt of the  
17266 notice from the division.

17267 (ii) After the committee meeting, the committee or  
17268 committees may object to the proposed State Plan Amendment or any  
17269 part thereof. The committee or committees shall notify the  
17270 division and the reasons for their objection in writing not later  
17271 than seven (7) calendar days after the meeting. The committee or  
17272 committees may make written recommendations to the division for  
17273 changes to be made to a proposed State Plan Amendment.

17274 (e) If both chairmen notify the division in writing  
17275 within seven (7) calendar days after receipt of the notice from  
17276 the division that they do not object to the proposed State Plan  
17277 Amendment and will not be holding a meeting to review the proposed



17278 State Plan Amendment, the division may proceed to file the  
17279 proposed State Plan Amendment with CMS.

17280 (f) (i) If there are any objections to a proposed rate  
17281 change or any part thereof from either or both of the chairmen or  
17282 the committees, the division may withdraw the proposed State Plan  
17283 Amendment, make any of the recommended changes to the proposed  
17284 State Plan Amendment, or not make any changes to the proposed  
17285 State Plan Amendment.

17286 (ii) If the division does not make any changes to  
17287 the proposed State Plan Amendment, it shall notify the chairmen of  
17288 that fact in writing, and may proceed to file the State Plan  
17289 Amendment with CMS.

17290 (iii) If the division makes any changes to the  
17291 proposed State Plan Amendment, the division shall notify the  
17292 chairmen of its actions in writing, and may proceed to file the  
17293 State Plan Amendment with CMS.

17294 (g) Nothing in this subsection (8) shall be construed  
17295 as giving the chairmen or the committees any authority to veto,  
17296 nullify or revise any State Plan Amendment proposed by the  
17297 division. The authority of the chairmen or the committees under  
17298 this subsection shall be limited to reviewing, making objections  
17299 to and making recommendations for changes to State Plan Amendments  
17300 proposed by the division.

17301 (i) If the division does not make any changes to  
17302 the proposed State Plan Amendment, it shall notify the chairmen of



17303 that fact in writing, and may proceed to file the proposed State  
17304 Plan Amendment with CMS.

17305 (ii) If the division makes any changes to the  
17306 proposed State Plan Amendment, the division shall notify the  
17307 chairmen of the changes in writing, and may proceed to file the  
17308 proposed State Plan Amendment with CMS.

17309 (h) Nothing in this subsection (8) shall be construed  
17310 as giving the chairmen of the committees any authority to veto,  
17311 nullify or revise any State Plan Amendment proposed by the  
17312 division. The authority of the chairmen of the committees under  
17313 this subsection shall be limited to reviewing, making objections  
17314 to and making recommendations for suggested changes to State Plan  
17315 Amendments proposed by the division.

17316 **SECTION 247.** Section 55-23-35, Mississippi Code of 1972, is  
17317 brought forward as follows:

17318 55-23-35. (1) It is the intent of the Legislature that  
17319 Hinds County, Mississippi, be fully reimbursed for the amount of  
17320 money contributed by it to the enlargement and renovation of  
17321 Mississippi Veterans Memorial Stadium. To that end, the State  
17322 Treasurer shall pay to the county out of any excess in the  
17323 Mississippi Veterans Memorial Stadium Bond Sinking Fund not  
17324 necessary to pay the debt service on bonds issued pursuant to  
17325 Sections 55-23-21 through 55-23-43 an amount not to exceed Fifty  
17326 Thousand Dollars (\$50,000.00) per year or, in his discretion, a  
17327 greater sum which will expedite such repayment provided the



17328 revenue paid into the fund exceeds that projected at the time of  
17329 passage of Sections 55-23-21 through 55-23-43; provided, however,  
17330 the percentage of money paid Hinds County shall not exceed the  
17331 percentage of the state obligation which has been paid. In the  
17332 event the state refunds bonds issued under Sections 55-23-21  
17333 through 55-23-43, the obligation created hereunder to Hinds County  
17334 shall not be construed to impair such refunding issue but shall be  
17335 a continuing subordinate obligation of the state until its  
17336 repayment is effected.

17337       (2) Notwithstanding the provisions of subsection (1) to the  
17338 contrary, the Board of Supervisors of Hinds County may forgive and  
17339 cancel all or any portion of such obligation of the commission or  
17340 the State of Mississippi incurred pursuant to Sections 55-23-21  
17341 through 55-23-43, by resolution duly entered at any regular  
17342 meeting to be held, or previously held, in calendar year 1989.  
17343 However, if the Mississippi Veterans Memorial Stadium is sold, or  
17344 any interest in same is permanently conveyed by the State of  
17345 Mississippi, then Hinds County shall be paid all sums which were  
17346 previously forgiven or cancelled by Hinds County in accordance  
17347 with subsection (1) of this section.

17348       **SECTION 248.** Section 55-23-23, Mississippi Code of 1972, is  
17349 brought forward as follows:

17350       55-23-23. In keeping with the purposes of Sections 55-23-21  
17351 through 55-23-43, the Board of Supervisors of Hinds County,  
17352 Mississippi, is authorized and empowered, in its discretion, to



17353 transfer and deliver to the Building Commission a sum of One  
17354 Million Dollars (\$1,000,000.00) out of any funds on hand or  
17355 received by Hinds County.

17356 When such funds are received by the Building Commission, they  
17357 shall be deposited at interest in banks located in Hinds County  
17358 according to the same formula used for the investment of excess  
17359 state funds, and all interest accruing as a result thereof shall  
17360 be returned to the Board of Supervisors of Hinds County.

17361 **SECTION 249.** Section 9-7-23, Mississippi Code of 1972, is  
17362 brought forward as follows:

17363 9-7-23. (1) The Seventh Circuit Court District shall be  
17364 Hinds County.

17365 (2) The Seventh Circuit Court District shall be divided into  
17366 four (4) subdistricts in Hinds County as follows:

17367 (a) Subdistrict 7-1 shall consist of the following  
17368 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,  
17369 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96  
17370 and 97.

17371 (b) Subdistrict 7-2 shall consist of the following  
17372 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,  
17373 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,  
17374 Brownsville, Cynthia, Pocahontas and Tinnin.

17375 (c) Subdistrict 7-3 shall consist of the following  
17376 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,



17377 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,  
17378 67, 68, 69, 70, 71, 86, 89, and Jackson State.

17379 (d) Subdistrict 7-4 shall consist of the following  
17380 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram  
17381 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,  
17382 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old  
17383 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,  
17384 Terry, Utica 1 and Utica 2.

17385 **SECTION 250.** Section 83-6-33, Mississippi Code of 1972, is  
17386 amended as follows:

17387 83-6-33. (1) Whenever it appears to the commissioner that  
17388 any insurer or any director, officer, employee or agent thereof  
17389 has committed or is about to commit a violation of this chapter or  
17390 of any rule, regulation or order issued by the commissioner  
17391 hereunder, the commissioner may apply to chancery court for the  
17392 county in which the principal office of the insurer is located, or  
17393 if such insurer has no office in this state, then to the \* \* \*  
17394 inferior courts of the Capitol Complex Improvement District for an  
17395 order enjoining such insurer or such director, officer, employee  
17396 or agent thereof from violating or continuing to violate this  
17397 chapter or any such rule, regulation or order, and for such other  
17398 equitable relief as the nature of the case and the interests of  
17399 the insurer's policyholders, creditors and shareholders or the  
17400 public may require.



17401           (2) No security that is the subject of any agreement or  
17402 arrangement regarding acquisition, or that is acquired or to be  
17403 acquired, in contravention of the provisions of this chapter or of  
17404 any rule, regulation or order issued by the commissioner hereunder  
17405 may be voted at any shareholder's meeting or may be counted for  
17406 quorum purposes, and any action of shareholders requiring the  
17407 affirmative vote of a percentage of shares may be taken as though  
17408 such securities were not issued and outstanding; but no action  
17409 taken at any such meeting shall be invalidated by the voting of  
17410 such securities unless the action would materially affect control  
17411 of the insurer or unless the courts of this state have so ordered.  
17412 If an insurer or the commissioner has reason to believe that any  
17413 security of the insurer has been or is about to be acquired in  
17414 contravention of the provisions of this chapter or of any rule,  
17415 regulation or order issued by the commissioner hereunder, the  
17416 insurer or the commissioner may apply to the \* \* \* inferior courts  
17417 of the Capitol Complex Improvement District to enjoin any offer,  
17418 request, invitation, agreement or acquisition made in  
17419 contravention of any rule, regulation or order issued by the  
17420 commissioner thereunder to enjoin the voting of any security so  
17421 acquired, to void any vote of such security already cast at any  
17422 meeting of shareholders and for such other equitable relief as the  
17423 nature of the case and the interest of the insurer's  
17424 policyholders, creditors and shareholders or the public may  
17425 require.



17426           (3) In any case where a person has acquired or is proposing  
17427 to acquire any voting securities in violation of this chapter or  
17428 any rule, regulation or order issued by the commissioner  
17429 hereunder, the \* \* \* on the notice as the court requires, inferior  
17430 courts of the Capitol Complex Improvement District, upon the  
17431 application of the insurer or the commissioner, may seize or  
17432 sequester any voting securities of the insurer owned directly or  
17433 indirectly by the person and issue the order with respect thereto  
17434 as may be appropriate to effectuate the provisions of this  
17435 chapter. For the purposes of this section, the situs of the  
17436 ownership of the securities of domestic insurers shall be in this  
17437 state.

17438           **SECTION 251.** Section 55-23-33, Mississippi Code of 1972, is  
17439 amended as follows:

17440           55-23-33. (1) An additional charge of Fifty Cents (50¢) per  
17441 ticket is hereby imposed upon every ticket which is sold (a) to an  
17442 event conducted in the Mississippi Veterans Memorial Stadium in  
17443 which there participates any team of a university which is a  
17444 member of the National Collegiate Athletic Association with the  
17445 exception of a university located in Hinds County, in which case  
17446 an additional charge of Twenty-five Cents (25¢) per ticket shall  
17447 be imposed, and (b) to any event in which there participates a  
17448 professional team or in which the entertainers, performers or  
17449 other participants are professionals. The funds derived from this  
17450 additional charge shall be paid by the Stadium Commission to the





17451 State Treasurer to be deposited in the Mississippi Veterans  
17452 Memorial Stadium Operating Fund and are specifically reserved and  
17453 dedicated for the payment of the principal of and the interest on  
17454 bonds issued under the provisions of Sections 55-23-21 through  
17455 55-23-43 to enlarge and renovate the Mississippi Veterans Memorial  
17456 Stadium. Upon a determination by the State Treasurer, the  
17457 additional charge provided by this subsection may cease to be  
17458 imposed when the other revenue pledged out of the Mississippi  
17459 Veterans Memorial Stadium Operating Fund to retire the bonds is at  
17460 least one and one tenth (1.1) times the annual debt service plus  
17461 the obligation to Hinds County or when the fund contains an amount  
17462 sufficient to retire the amount of bonds then outstanding plus the  
17463 obligation to Hinds County. If the charge ceases to be imposed as  
17464 hereinbefore provided and revenues pledged out of the Mississippi  
17465 Veterans Memorial Stadium Operating Fund to retire the bonds fall  
17466 below one (1.0) times the annual debt service plus the obligation  
17467 to Hinds County, then at that time the State Treasurer shall  
17468 notify the Stadium Commission and the charge shall be restored.

17469 (2) Forty-two percent (42%) of the tax levied pursuant to  
17470 Section 27-65-22, Mississippi Code of 1972, on gross revenue  
17471 derived from the sale of admission to events conducted in the  
17472 Mississippi Veterans Memorial Stadium, which is deposited in the  
17473 Mississippi Veterans Memorial Stadium Operating Fund, is hereby  
17474 specifically reserved and dedicated for the payment of the  
17475 principal of and the interest on bonds issued under the provisions



17476 of Sections 55-23-21 through 55-23-43 and repayment of the  
17477 contribution of Hinds County to enlarge and renovate the  
17478 Mississippi Veterans Memorial Stadium.

17479 (3) It is the intent of the Legislature that a university's  
17480 share in revenue derived from events conducted at Mississippi  
17481 Veterans Memorial Stadium not be reduced as a result of the  
17482 enactment of this section; and, to that end, any proceeds derived  
17483 from an event at the Mississippi Veterans Memorial Stadium to  
17484 which a university is entitled shall not be less than that share  
17485 to which it would otherwise have been entitled prior to the  
17486 effective date of Sections 55-23-21 through 55-23-43.

17487 (4) Notwithstanding the provisions of subsections (1) and  
17488 (2) of this section, on and after April 19, 1989, the imposition  
17489 and deposit of the additional per ticket charge described in  
17490 subsection (1) of this section and the diversion of the portion of  
17491 the tax described in subsection (2) of this section shall each be  
17492 suspended so long as not less than thirty (30) days prior to the  
17493 first day of each fiscal year of the State of Mississippi either  
17494 (a) the Legislature has theretofore appropriated for deposit to  
17495 the Mississippi Veterans Memorial Bond Sinking Fund an amount of  
17496 monies from any source sufficient to fully pay in a timely manner  
17497 all of the principal and interest scheduled to become due in such  
17498 fiscal year on all bonds theretofore issued and then outstanding  
17499 under the provisions of Sections 55-23-21 through 55-23-43, plus  
17500 an amount sufficient to pay all then overdue and unpaid



17501 installments of principal and interest on such bonds, if any, or  
17502 (b) the amount on deposit in the Mississippi Veterans Memorial  
17503 Stadium Bond Sinking Fund shall be sufficient to fully pay in a  
17504 timely manner all of the principal and interest scheduled to  
17505 become due prior to such fiscal year on all bonds theretofore  
17506 issued and then outstanding under the provisions of Sections  
17507 55-23-21 through 55-23-43, plus all of the principal and interest  
17508 scheduled to become due in such fiscal year on all such bonds,  
17509 plus an amount sufficient to pay all then overdue and unpaid  
17510 installments of principal and interest on such bonds, if any.  
17511 Whenever the State Treasurer shall determine that the conditions  
17512 of the aforesaid suspensions have not or will not be satisfied as  
17513 provided in the immediately preceding sentence, the State  
17514 Treasurer shall notify all appropriate state officials of the same  
17515 and the imposition and deposit of said additional per ticket  
17516 charge under subsection (1) of this section and the diversion of  
17517 said portion of the tax under subsection (2) of this section, each  
17518 to the Mississippi Veterans Memorial Stadium Bond Sinking Fund,  
17519 shall be automatically and immediately restored.

17520       **SECTION 252.** Section 55-23-41, Mississippi Code of 1972, is  
17521 brought forward as follows:

17522       55-23-41. The proceeds of the bonds authorized in Sections  
17523 55-23-21 through 55-23-43 and funds appropriated for the  
17524 enlargement and renovation of the Mississippi Veterans Memorial  
17525 Stadium, including the funds to be supplied by Hinds County and



17526 also including funds from any and all other sources set aside for  
17527 such enlargement and renovation by the Building Commission shall  
17528 be used for the purpose of enlarging and renovating all physical  
17529 components which make up the Mississippi Veterans Memorial Stadium  
17530 and, except for the funds contributed by Hinds County, shall be  
17531 deposited in the Mississippi Memorial Stadium Construction Fund,  
17532 hereby created in the State Treasury. The funds contributed by  
17533 Hinds County shall be deposited as provided in Section 55-23-23.  
17534 To that end the commission is hereby authorized and empowered to  
17535 make and enter into such contracts and execute such instruments  
17536 containing such reasonably appropriate terms and conditions as, in  
17537 its discretion, it may deem necessary, proper or advisable for the  
17538 purpose of carrying out the terms of Sections 55-23-21 through  
17539 55-23-43, including the acceptance of that proportion of the cost  
17540 of improvements required by the terms of Sections 55-23-21 through  
17541 55-23-43 to be contributed by Hinds County. Any funds received by  
17542 the Mississippi Veterans Memorial Stadium Commission under Section  
17543 55-23-8 may be used for any purpose authorized in this section or  
17544 Section 55-23-8, or both.

17545       **SECTION 253.** Section 9-5-17, Mississippi Code of 1972, is  
17546 brought forward as follows:

17547       9-5-17. (1) The Fifth Chancery Court District is composed  
17548 of Hinds County.

17549       (2) The Fifth Chancery Court District shall be divided into  
17550 the following four (4) subdistricts:



17551                   (a) Subdistrict 5-1 shall consist of the following  
17552 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,  
17553 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96  
17554 and 97.

17555                   (b) Subdistrict 5-2 shall consist of the following  
17556 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,  
17557 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,  
17558 Brownsville, Cynthia, Pocahontas and Tinnin.

17559                   (c) Subdistrict 5-3 shall consist of the following  
17560 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,  
17561 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,  
17562 67, 68, 69, 70, 71, 86, 89 and Jackson State.

17563                   (d) Subdistrict 5-4 shall consist of the following  
17564 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram  
17565 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,  
17566 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old  
17567 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,  
17568 Terry, Utica 1 and Utica 2.

17569                   **SECTION 254.** Section 99-11-37, Mississippi Code of 1972, is  
17570 amended as follows:

17571                   99-11-37. (1) In Harrison County, a county having two (2)  
17572 judicial districts, all crimes and misdemeanors shall be  
17573 cognizable only in the proper court of the district in which the  
17574 offense may be committed, and such court shall have jurisdiction  
17575 of the same.



17576           (2) In Hinds County, a county having two (2) judicial  
17577 districts, all crimes and misdemeanors committed in Hinds County  
17578 shall be cognizable in the court of either judicial district of  
17579 the county, except as otherwise provided for the authority  
17580 provided to inferior courts of the Capitol Complex Improvement  
17581 District in this act and such court shall have jurisdiction of the  
17582 same. Any and all proceedings may be conducted in either judicial  
17583 district.

17584           **SECTION 255.** Section 37-27-80, Mississippi Code of 1972, is  
17585 brought forward as follows:

17586           37-27-80. (1) Effective July 1, 2014, the Hinds Agriculture  
17587 High School shall be closed. Upon closure, all real property  
17588 titled to or used by Hinds Agricultural High School will become  
17589 the property of the Hinds Community College District.

17590           (2) All personal property used by the Hinds Agricultural  
17591 High School for secondary school purposes, including all  
17592 nondisposable sports and/or extracurricular equipment (i.e.,  
17593 football helmets, shoulder pads, baseball bats and helmets, and  
17594 band equipment) will become the property of the Hinds County  
17595 School District. The division of such personal property will be  
17596 determined by joint order of the Boards of Trustees of Hinds  
17597 Community College District and Hinds County School District. Any  
17598 cost of transferring title of such real or personal property will  
17599 be paid by Hinds Community College District.



17600           (3) Any such joint order directing the transfer of the  
17601 personal property of the Hinds Agricultural High School shall be  
17602 submitted and approved by the State Board of Education. The  
17603 finding of the State Board of Education shall be final and  
17604 conclusive for the purpose of the transfer of property required by  
17605 such administrative consolidation.

17606           (4) The students attending the said agricultural high school  
17607 shall be deemed to be students of the school district where they  
17608 reside. After closure of Hinds Agricultural High School, any  
17609 student who is enrolled at the Hinds Agricultural High School when  
17610 the closure is effected may receive two (2) diplomas upon  
17611 successful completion of all graduation requirements of the school  
17612 district they subsequently attend: one (1) diploma to be the  
17613 official completion with the school district they subsequently  
17614 attend and the second to be a courtesy diploma reflecting  
17615 graduation from Hinds Agriculture High School.

17616           (5) In the event that Hinds Agricultural High School is  
17617 closed, there will be a two-year waiver of test scores of Hinds  
17618 Agricultural High School students being included in accountability  
17619 calculations for Raymond High School and the Hinds County School  
17620 District, subject to approval by the State Department of  
17621 Education. In addition, the students from Hinds Agricultural High  
17622 School will not be included in the graduation cohort for  
17623 accountability calculations for the Hinds County School District,  
17624 subject to approval by the State Department of Education.



17625           **SECTION 256.** Section 25-3-25, Mississippi Code of 1972, is  
17626 brought forward as follows:

17627           25-3-25. (1) Except as otherwise provided in subsections  
17628 (2) through (9), the salaries of sheriffs of the various counties  
17629 are fixed as full compensation for their services.

17630           The annual salary for each sheriff shall be based upon the  
17631 total population of his county according to the latest federal  
17632 decennial census in the following categories and for the following  
17633 amounts; however, no sheriff shall be paid less than the salary  
17634 authorized under this section to be paid the sheriff based upon  
17635 the population of the county according to the most recent federal  
17636 decennial census:

17637           (a) For counties with a total population of more than  
17638 one hundred thousand (100,000), a salary of One Hundred Four  
17639 Thousand Dollars (\$104,000.00).

17640           (b) For counties with a total population of more than  
17641 forty-four thousand (44,000) and not more than one hundred  
17642 thousand (100,000), a salary of Ninety-five Thousand Dollars  
17643 (\$95,000.00).

17644           (c) For counties with a total population of more than  
17645 thirty thousand (30,000) and not more than forty-four thousand  
17646 (44,000), a salary of Ninety Thousand Dollars (\$90,000.00).

17647           (d) For counties with a total population of more than  
17648 twelve thousand five hundred (12,500) and not more than thirty





17649 thousand (30,000), a salary of Eighty-five Thousand Dollars  
17650 (\$85,000.00).

17651 (e) For counties with a total population of not more  
17652 than twelve thousand five hundred (12,500), a salary of Eighty  
17653 Thousand Dollars (\$80,000.00).

17654 (2) In addition to the salary provided for in subsection (1)  
17655 of this section, the Board of Supervisors of Leflore County, in  
17656 its discretion, may pay an annual supplement to the sheriff of the  
17657 county in an amount not to exceed Ten Thousand Dollars  
17658 (\$10,000.00). The Legislature finds and declares that the annual  
17659 supplement authorized by this subsection is justified in such  
17660 county for the following reasons:

17661 (a) The Mississippi Department of Corrections operates  
17662 and maintains a restitution center within the county;

17663 (b) The Mississippi Department of Corrections operates  
17664 and maintains a community work center within the county;

17665 (c) There is a resident circuit court judge in the  
17666 county whose office is located at the Leflore County Courthouse;

17667 (d) There is a resident chancery court judge in the  
17668 county whose office is located at the Leflore County Courthouse;

17669 (e) The Magistrate for the Fourth Circuit Court  
17670 District is located in the county and maintains his office at the  
17671 Leflore County Courthouse;

17672 (f) The Region VI Mental Health-Mental Retardation  
17673 Center, which serves a multicounty area, calls upon the sheriff to



17674 provide security for out-of-town mental patients, as well as  
17675 patients from within the county;

17676 (g) The increased activity of the Child Support  
17677 Division of the Department of Human Services in enforcing in the  
17678 courts parental obligations has imposed additional duties on the  
17679 sheriff; and

17680 (h) The dispatchers of the enhanced E-911 system in  
17681 place in Leflore County have been placed under the direction and  
17682 control of the sheriff.

17683 (3) In addition to the salary provided for in subsection (1)  
17684 of this section, the Board of Supervisors of Rankin County, in its  
17685 discretion, may pay an annual supplement to the sheriff of the  
17686 county in an amount not to exceed Ten Thousand Dollars  
17687 (\$10,000.00). The Legislature finds and declares that the annual  
17688 supplement authorized by this subsection is justified in such  
17689 county for the following reasons:

17690 (a) The Mississippi Department of Corrections operates  
17691 and maintains the Central Mississippi Correctional Facility within  
17692 the county;

17693 (b) The State Hospital is operated and maintained  
17694 within the county at Whitfield;

17695 (c) Hudspeth Regional Center, a facility maintained for  
17696 the care and treatment of persons with an intellectual disability,  
17697 is located within the county;



17698                   (d)   The Mississippi Law Enforcement Officers Training  
17699 Academy is operated and maintained within the county;

17700                   (e)   The State Fire Academy is operated and maintained  
17701 within the county;

17702                   (f)   The Pearl River Valley Water Supply District,  
17703 ordinarily known as the "Reservoir District," is located within  
17704 the county;

17705                   (g)   The Jackson-Medgar Wiley Evers International  
17706 Airport is located within the county;

17707                   (h)   The patrolling of the state properties located  
17708 within the county has imposed additional duties on the sheriff;  
17709 and

17710                   (i)   The sheriff, in addition to providing security to  
17711 the nearly one hundred thousand (100,000) residents of the county,  
17712 has the duty to investigate, solve and assist in the prosecution  
17713 of any misdemeanor or felony committed upon any state property  
17714 located in Rankin County.

17715                   (4)   In addition to the salary provided for in subsection (1)  
17716 of this section, the Board of Supervisors of Neshoba County shall  
17717 pay an annual supplement to the sheriff of the county an amount  
17718 equal to Ten Thousand Dollars (\$10,000.00).

17719                   (5)   In addition to the salary provided for in subsection (1)  
17720 of this section, the Board of Supervisors of Tunica County, in its  
17721 discretion, may pay an annual supplement to the sheriff of the



17722 county an amount equal to Ten Thousand Dollars (\$10,000.00),  
17723 payable beginning April 1, 1997.

17724 (6) In addition to the salary provided for in subsection (1)  
17725 of this section, the Board of Supervisors of Hinds County shall  
17726 pay an annual supplement to the sheriff of the county in an amount  
17727 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature  
17728 finds and declares that the annual supplement authorized by this  
17729 subsection is justified in such county for the following reasons:

17730 (a) Hinds County has the greatest population of any  
17731 county, two hundred fifty-four thousand four hundred forty-one  
17732 (254,441) by the 1990 census, being almost one hundred thousand  
17733 (100,000) more than the next most populous county;

17734 (b) Hinds County is home to the State Capitol and the  
17735 seat of all state government offices;

17736 (c) Hinds County is the third largest county in  
17737 geographic area, containing eight hundred seventy-five (875)  
17738 square miles;

17739 (d) Hinds County is comprised of two (2) judicial  
17740 districts, each having a courthouse and county office buildings;

17741 (e) There are four (4) resident circuit judges, four  
17742 (4) resident chancery judges, and three (3) resident county judges  
17743 in Hinds County, the most of any county, with the sheriff acting  
17744 as chief executive officer and provider of bailiff services for  
17745 all;



17746                   (f) The main offices for the clerk and most of the  
17747 judges and magistrates for the United States District Court for  
17748 the Southern District of Mississippi are located within the  
17749 county;

17750                   (g) The state's only urban university, Jackson State  
17751 University, is located within the county;

17752                   (h) The University of Mississippi Medical Center,  
17753 combining the medical school, dental school, nursing school and  
17754 hospital, is located within the county;

17755                   (i) Mississippi Veterans Memorial Stadium, the state's  
17756 largest sports arena, is located within the county;

17757                   (j) The Mississippi State Fairgrounds, including the  
17758 Coliseum and Trade Mart, are located within the county;

17759                   (k) Hinds County has the largest criminal population in  
17760 the state, such that the Hinds County Sheriff's Department  
17761 operates the largest county jail system in the state, housing  
17762 almost one thousand (1,000) inmates in three (3) separate  
17763 detention facilities;

17764                   (l) The Hinds County Sheriff's Department handles more  
17765 mental and drug and alcohol commitment cases than any other  
17766 sheriff's department in the state;

17767                   (m) The Mississippi Department of Corrections maintains  
17768 a restitution center within the county;



17769                   (n)   The Mississippi Department of Corrections regularly  
17770 houses as many as one hundred (100) state convicts within the  
17771 Hinds County jail system; and

17772                   (o)   The Hinds County Sheriff's Department is regularly  
17773 asked to provide security services not only at the Fairgrounds and  
17774 Memorial Stadium, but also for events at the Mississippi Museum of  
17775 Art and Jackson City Auditorium.

17776           (7)   In addition to the salary provided for in subsection (1)  
17777 of this section, the Board of Supervisors of Wilkinson County, in  
17778 its discretion, may pay an annual supplement to the sheriff of the  
17779 county in an amount not to exceed Ten Thousand Dollars  
17780 (\$10,000.00). The Legislature finds and declares that the annual  
17781 supplement authorized by this subsection is justified in such  
17782 county because the Mississippi Department of Corrections contracts  
17783 for the private incarceration of state inmates at a private  
17784 correctional facility within the county.

17785           (8)   In addition to the salary provided for in subsection (1)  
17786 of this section, the Board of Supervisors of Marshall County, in  
17787 its discretion, may pay an annual supplement to the sheriff of the  
17788 county in an amount not to exceed Ten Thousand Dollars  
17789 (\$10,000.00). The Legislature finds and declares that the annual  
17790 supplement authorized by this subsection is justified in such  
17791 county because the Mississippi Department of Corrections contracts  
17792 for the private incarceration of state inmates at a private  
17793 correctional facility within the county.



17794           (9) In addition to the salary provided in subsection (1) of  
17795 this section, the Board of Supervisors of Greene County, in its  
17796 discretion, may pay an annual supplement to the sheriff of the  
17797 county in an amount not to exceed Ten Thousand Dollars  
17798 (\$10,000.00). The Legislature finds and declares that the annual  
17799 supplement authorized by this subsection is justified in such  
17800 county for the following reasons:

17801                   (a) The Mississippi Department of Corrections operates  
17802 and maintains the South Mississippi Correctional Facility within  
17803 the county;

17804                   (b) In 1996, additional facilities to house another one  
17805 thousand four hundred sixteen (1,416) male offenders were  
17806 constructed at the South Mississippi Correctional Facility within  
17807 the county; and

17808                   (c) The patrolling of the state properties located  
17809 within the county has imposed additional duties on the sheriff  
17810 justifying additional compensation.

17811           (10) In addition to the salary provided in subsection (1) of  
17812 this section, the board of supervisors of any county, in its  
17813 discretion, may pay an annual supplement to the sheriff of the  
17814 county in an amount not to exceed Ten Thousand Dollars  
17815 (\$10,000.00). The amount of the supplement shall be spread on the  
17816 minutes of the board. The annual supplement authorized in this  
17817 subsection shall not be in addition to the annual supplements  
17818 authorized in subsections (2) through (9).



17819           (11) In addition to the salary provided in subsection (1)  
17820 and the supplements authorized in subsections (2) through (10),  
17821 the board of supervisors of any county, in its discretion, may pay  
17822 an annual supplement in an amount not to exceed Five Thousand  
17823 Dollars (\$5,000.00) to the sheriff of any county in which a  
17824 juvenile detention center is located. The amount of the  
17825 supplement shall be spread on the minutes of the board.

17826           (12) (a) The salaries provided in this section shall be  
17827 payable monthly on the first day of each calendar month by  
17828 chancery clerk's warrant drawn on the general fund of the county;  
17829 however, the board of supervisors, by resolution duly adopted and  
17830 entered on its minutes, may provide that such salaries shall be  
17831 paid semimonthly on the first and fifteenth day of each month. If  
17832 a pay date falls on a weekend or legal holiday, salary payments  
17833 shall be made on the workday immediately preceding the weekend or  
17834 legal holiday.

17835           (b) At least Ten Dollars (\$10.00) from each fee  
17836 collected and deposited into the county's general fund under the  
17837 provisions of paragraphs (a), (c) and (g) of subsection (1) of  
17838 Section 25-7-19 shall be used for the sheriffs' salaries  
17839 authorized in Section 25-3-25; as such Ten Dollar (\$10.00) amount  
17840 was authorized during the 2007 Regular Session in Chapter 331,  
17841 Laws of 2007, for the purpose of providing additional monies to  
17842 the counties for sheriffs' salaries.





17843           (13)   (a)   All sheriffs, each year, shall attend twenty (20)  
17844 hours of continuing education courses in law enforcement. Such  
17845 courses shall be approved by the Mississippi Board on Law  
17846 Enforcement Officers Standards and Training. Such education  
17847 courses may be provided by an accredited law enforcement academy  
17848 or by the Mississippi Sheriffs' Association.

17849           (b)   The Mississippi Board on Law Enforcement Officers  
17850 Standards and Training shall reimburse each county for the  
17851 expenses incurred by sheriffs and deputy sheriffs for attendance  
17852 at any approved training programs as required by this subsection.

17853           **SECTION 257.** Section 69-7-209, Mississippi Code of 1972, is  
17854 amended as follows:

17855           69-7-209. Any person feeling aggrieved with the decision of  
17856 the commissioner of agriculture and commerce in refusing to grant  
17857 a license hereunder shall have recourse by an appeal to the \* \* \*  
17858 inferior courts of the Capitol Complex Improvement District by  
17859 petition filed within thirty days from the date of final refusal  
17860 to issue such license. The \* \* \* inferior courts of the Capitol  
17861 Complex Improvement District shall have and it is hereby given  
17862 full jurisdiction of such appeal and it may enter any appropriate  
17863 orders therein in term time or in vacation.

17864           **SECTION 258.** Section 25-4-109, Mississippi Code of 1972, is  
17865 amended as follows:

17866           25-4-109. (1) Upon a finding by clear and convincing  
17867 evidence that any elected public servant or other person has



17868 violated any provision of this article, the commission may censure  
17869 the elected public servant or impose a civil fine of not more than  
17870 Ten Thousand Dollars (\$10,000.00), or both. The commission may  
17871 further recommend to the \* \* \* inferior courts of the Capitol  
17872 Complex Improvement District that the elected public servant be  
17873 removed from office.

17874 (2) Upon a finding by clear and convincing evidence that any  
17875 nonelected public servant has violated any provision of this  
17876 article, the commission may censure the nonelected public servant  
17877 or impose a civil fine of not more than Ten Thousand Dollars  
17878 (\$10,000.00), or both. The commission may further recommend to  
17879 the \* \* \* inferior courts of the Capitol Complex Improvement  
17880 District that the nonelected public servant be removed from  
17881 office, suspended, or subjected to a demotion or reduction in pay.

17882 (3) The commission may order restitution or other equitable  
17883 or legal remedies to recover public funds or property unlawfully  
17884 taken, as well as unjust enrichment, although not public funds.  
17885 Any pecuniary benefit received by a public servant in violation of  
17886 this article may be declared forfeited by the commission for the  
17887 benefit of the governmental entity injured.

17888 (4) In the event a public servant does not appeal the  
17889 decision or recommendation of the commission, the commission may  
17890 petition the \* \* \* inferior courts of the Capitol Complex  
17891 Improvement District for the removal, suspension, demotion or  
17892 reduction of pay of the public servant as provided by law.



17893           **SECTION 259.** Section 83-53-43, Mississippi Code of 1972, is  
17894 amended as follows:

17895           83-53-43. Any person who violates an order of the  
17896 commissioner, after it has become final, and while such order is  
17897 in effect, shall, upon proof thereof to the satisfaction of the  
17898 court, forfeit and pay to the State of Mississippi a sum to be  
17899 determined by the commissioner not to exceed Five Thousand Dollars  
17900 (\$5,000.00) for each violation, which if not paid may be recovered  
17901 in a civil action instituted in the name of the commissioner in  
17902 the circuit court in the county of the residence of such person  
17903 who is a resident of the state. In the case of a nonresident, the  
17904 action shall be brought in the \* \* \* inferior courts of the  
17905 Capitol Complex Improvement District.

17906           **SECTION 260.** Section 65-26-29, Mississippi Code of 1972, is  
17907 amended as follows:

17908           65-26-29. (1) Such general obligation bonds may be issued  
17909 without any other proceedings or the happening of any other  
17910 conditions or things than those proceedings, conditions and things  
17911 which are specified or required by this chapter. Any resolution  
17912 providing for the issuance of general obligation bonds under the  
17913 provisions of this chapter shall become effective immediately upon  
17914 its adoption by the Bond Commission, and any such resolution may  
17915 be adopted at any regular, special or adjourned meeting of the  
17916 Bond Commission by a majority of its members.



17917           (2) The bonds authorized under the authority of this chapter  
17918 shall be validated in the \* \* \* inferior courts of the Capitol  
17919 Complex Improvement District in the manner and with the force and  
17920 effect provided now or hereafter by Chapter 13, Title 31,  
17921 Mississippi Code of 1972, for the validation of county, municipal,  
17922 school district, and other bonds. The necessary papers for such  
17923 validation proceedings shall be transmitted to the State Bond  
17924 Attorney by the Secretary of the Bond Commission, and the required  
17925 notice shall be published in a newspaper published in the City of  
17926 Jackson, Mississippi.

17927           **SECTION 261.** Section 37-101-279, Mississippi Code of 1972,  
17928 is amended as follows:

17929           37-101-279. (1) If a borrower defaults on an educational  
17930 loan or scholarship, the Attorney General of the State of  
17931 Mississippi shall bring suit against the defaulting party as soon  
17932 as practicable.

17933           (2) A suit against a defaulting party under this section may  
17934 be brought in the county in which the defaulting person resides,  
17935 in which the lender is located, or in any \* \* \* inferior courts of  
17936 the Capitol Complex Improvement District.

17937           **SECTION 262.** Section 29-1-205, Mississippi Code of 1972, is  
17938 brought forward as follows:

17939           29-1-205. (1) The Department of Finance and Administration,  
17940 Bureau of Building, Grounds and Real Property Management, is  
17941 hereby authorized, empowered and directed to sell and convey on



17942 behalf of the State of Mississippi to a nationally recognized  
17943 organization which has as its purpose the recognition and  
17944 promotion of scholarship, leadership and service among two-year  
17945 college students throughout the country for the purpose of  
17946 constructing a national headquarters thereon, the following  
17947 described state-owned lands. The property authorized to be sold  
17948 and conveyed is a certain parcel of land situated in the Northwest  
17949 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds  
17950 County, Mississippi, and being more particularly described as  
17951 follows, to wit:

17952           Commence at the Southwest corner of Lot 2 of  
17953           Northeast Heights, a subdivision on file and of record in  
17954           the Office of the Chancery Clerk at Jackson, Hinds  
17955           County, Mississippi, in Plat Book 10 at page 45; run  
17956           thence Southerly along the extension of the West line of  
17957           said Lot 2 for a distance of 80.00 feet to a point on the  
17958           South line of Eastover Drive; turn thence right through a  
17959           deflection angle of 89 degrees 13 minutes and run  
17960           westerly along the South line of Eastover Drive for a  
17961           distance of 43.84 feet to the POINT OF BEGINNING; thence  
17962           leaving said South line of Eastover Drive, turn left  
17963           through a deflection angle of 95 degrees 41 minutes 50  
17964           seconds and run Southerly along a line twenty-five feet  
17965           from and parallel to the centerline of a 31 foot asphalt  
17966           drive for a distance of 118.08 feet; turn thence right



17967 through a deflection angle of 3 degrees 07 minutes 37  
17968 seconds and continue Southerly along a line twenty-five  
17969 feet from and parallel to the centerline of a 31 foot  
17970 asphalt drive for a distance of 132.71 feet to a point on  
17971 the North line of a United Gas Pipe Line Company  
17972 easement; turn thence right through a deflection angle of  
17973 59 degrees 18 minutes 47 seconds and run Southwesterly  
17974 along the North line of said United Gas Pipe Line Company  
17975 easement for a distance of 520.00 feet; turn thence right  
17976 through a deflection angle of 90 degrees 00 minutes 00  
17977 seconds and run Northwesterly for a distance of 410.00  
17978 feet; turn thence right through a deflection angle of 69  
17979 degrees 42 minutes 33 seconds and run Northeasterly for a  
17980 distance of 238.99 feet to a point on the South line of  
17981 said Eastover Drive; said point further being on a 2  
17982 degrees 27 minutes curve bearing to the right, said curve  
17983 having a central angle of 8 degrees 58 minutes 45 seconds  
17984 and a radius of 2258.60 feet; turn thence right through a  
17985 deflection angle of 53 degrees 12 minutes 08 seconds and  
17986 run Easterly along the chord of said 2 degrees 27 minutes  
17987 curve bearing to the right and the South line of said  
17988 Eastover Drive for a distance of 27.26 feet to the Point  
17989 of Tangency; turn thence right through a deflection angle  
17990 of 00 degrees 20 minutes 45 seconds and run Easterly  
17991 along the South line said Eastover Drive for a distance



17992 of 472.74 feet to the POINT OF BEGINNING, containing 5.44  
17993 acres more or less.

17994 (2) The Legislature recognizes that Mississippi's public  
17995 two-year college system is the oldest system of its kind in the  
17996 nation, and further recognizes that this system enjoys national  
17997 notoriety and respect for its achievement and promotion of  
17998 educational, civic, social and cultural excellence. The  
17999 Legislature declares and finds that the purpose of this  
18000 legislation is to promote, enhance and foster continued excellence  
18001 in Mississippi's two-year college system and the overall  
18002 educational development and improvement of the State of  
18003 Mississippi and the educational, civic, social, cultural, moral  
18004 and economic welfare thereof, and that such purposes will be  
18005 accomplished by the conveyance of the above-described property to  
18006 an organization within the aforesaid classification for  
18007 construction of a national headquarters thereon.

18008 (3) The conveyance to be executed by the Department of  
18009 Finance and Administration, acting through the Bureau of Building,  
18010 Grounds and Real Property Management, shall be within the limits  
18011 contained in Sections 29-1-205 and 29-1-209 and contain a  
18012 provision reserving unto the state all oil, gas and mineral rights  
18013 of every kind and character. The conveyance shall make provision  
18014 for reasonable access to the conveyed premises over existing  
18015 roadways and to existing utility lines for the benefit of the  
18016 conveyed premises. The conveyance shall include terms granting to



18017 the Board of Trustees of State Institutions of Higher Learning, to  
18018 the Mississippi Community College Board and to the Mississippi  
18019 Authority for Educational Television reasonable rights to utilize  
18020 the improvements to be constructed thereon, or portions thereof,  
18021 for conference or meeting purposes, specifying the architectural  
18022 style of the improvements and providing a reasonable setback of  
18023 wooded undeveloped property contiguous to the improvements in  
18024 order to maintain the natural environment of the site.

18025       (4) The conveyance herein shall be for such consideration as  
18026 determined appropriate by the Public Procurement Review Board.  
18027 Such consideration may be paid or provided in installments over a  
18028 period of time (not to exceed twenty-five (25) years) and may also  
18029 be provided in kind. In kind consideration may include the  
18030 reasonable use of the improvements constructed on the property by  
18031 the Board of Trustees of State Institutions of Higher Learning and  
18032 its institutions, the Mississippi Community College Board and the  
18033 community and junior colleges, and the Mississippi Authority for  
18034 Educational Television and other state agencies, and the provision  
18035 of leadership training certification programs for community and  
18036 junior college faculty and others. Such in kind consideration may  
18037 also constitute full and fair consideration for the property. In  
18038 establishing consideration, the board may take into account the  
18039 appraised value of the property, but shall allow reasonable credit  
18040 to the purchaser for benefits accruing to the State of  
18041 Mississippi, including the enhancement of the state's community





18042 and junior college program and the promotion of excellence in  
18043 public education afforded by the location of such organization and  
18044 its headquarters in this state, the increase in employment made  
18045 possible, and that the only use which can be made of the conveyed  
18046 premises is for the organization's national headquarters with  
18047 reversion to the state otherwise.

18048         **SECTION 263.** Section 55-23-5, Mississippi Code of 1972, is  
18049 brought forward as follows:

18050         55-23-5. There is hereby created a commission to be known as  
18051 "The Mississippi Veterans Memorial Stadium Commission,"  
18052 hereinafter sometimes referred to as the commission, which shall  
18053 consist of six (6) members as follows:

18054                 (a) One (1) member shall be appointed by the Mayor of  
18055 the City of Jackson, Mississippi;

18056                 (b) One (1) member shall be selected by the Board of  
18057 Trustees of State Institutions of Higher Learning from among the  
18058 membership of the board or shall be some other person designated  
18059 by the board;

18060                 (c) Two (2) members shall be appointed by the Governor  
18061 from the state at large outside of Hinds County, Mississippi, and  
18062 one (1) member shall be appointed by the Governor from Hinds  
18063 County, Mississippi. The appointee from Hinds County may be  
18064 selected from a list of three (3) persons submitted by the Hinds  
18065 County Board of Supervisors to the Governor;



18066 (d) One (1) member shall be the President of Jackson  
18067 State University, or his designee.

18068 Terms of members shall begin on May 1, 1987, as follows: Of  
18069 the members appointed by the Governor, one (1) shall serve for a  
18070 term of one (1) year, one (1) for a term of two (2) years and one  
18071 (1) for a term of three (3) years; the member appointed by the  
18072 Mayor of the City of Jackson shall serve for a term of four (4)  
18073 years; and the member representing the Board of Trustees of State  
18074 Institutions of Higher Learning shall serve for a term of five (5)  
18075 years. Upon the expiration of the foregoing terms, members shall  
18076 serve for terms of five (5) years each. The appointing authority  
18077 shall fill any vacancy in the above terms by appointment of a  
18078 member for the unexpired term. Members shall be eligible for  
18079 reappointment. An appointed member serving on the commission on  
18080 April 30, 1987, shall be eligible for appointment to the  
18081 commission for a term beginning May 1, 1987, of either one (1),  
18082 two (2), three (3), four (4) or five (5) years, if such member is  
18083 otherwise qualified. One (1) member of the commission appointed  
18084 by the Governor shall be a person knowledgeable in marketing with  
18085 at least three (3) years actual experience therein and one (1)  
18086 member appointed by the Governor shall be a person of recognized  
18087 ability in a trade or business with at least five (5) years actual  
18088 experience therein. From and after May 1, 1987, the name of the  
18089 commission shall be the "Mississippi Veterans Memorial Stadium  
18090 Commission" and any references in Sections 55-23-3 through



18091 55-23-11 to the Mississippi Memorial Stadium Commission or  
18092 commission shall mean the Mississippi Veterans Memorial Stadium  
18093 Commission unless the context clearly indicates a different  
18094 meaning. From and after May 1, 1987, the stadium shall be known  
18095 as the "Mississippi Veterans Memorial Stadium." The commission is  
18096 authorized to accept donations of money, property or services from  
18097 any public or private source to accomplish any physical  
18098 replacement or alterations of stadium property necessary to  
18099 accomplish the renaming of the stadium.

18100 The members of the commission shall serve without  
18101 compensation except that members shall be paid their actual and  
18102 necessary expenses in connection with the performance of their  
18103 duties as members of the commission, including mileage, as  
18104 authorized in Section 25-3-41, Mississippi Code of 1972, plus a  
18105 per diem as is authorized by Section 25-3-69, Mississippi Code of  
18106 1972, while engaged in the performance of their duties. The  
18107 expenses, mileage and per diem allowance shall be paid out of the  
18108 Mississippi Veterans Memorial Stadium Fund.

18109 The commission shall elect from its membership a chairman who  
18110 shall preside over meetings and a vice chairman who shall preside  
18111 in the absence of the chairman. Three (3) members of the  
18112 commission shall constitute a quorum for the transaction of any  
18113 and all business of the commission.

18114 The powers of the commission shall be exercised by a majority  
18115 of the members thereof, but it may delegate to one or more of its



18116 members, or to its agents and employees, such powers and duties as  
18117 it may deem proper, and may adopt rules and regulations for the  
18118 conduct of its business and affairs. The commission shall  
18119 contract with a certified public accounting firm to conduct audits  
18120 of concession and novelty sales by vendors at the stadium. The  
18121 commission shall, as far as is practicable, provide that the cost  
18122 of such audits shall be paid by the vendor of such concessions or  
18123 novelties, or both.

18124       The commission shall appoint a director who shall have at  
18125 least a bachelor's degree from an accredited university or  
18126 college. The director shall have the responsibility for insuring  
18127 the marketing of tickets to events conducted in the stadium, in  
18128 addition to such other duties as the commission may designate.  
18129 Before entering upon the duties of his office, the director shall  
18130 give bond to the State of Mississippi in the sum of Fifty Thousand  
18131 Dollars (\$50,000.00), and said bond shall be conditioned upon the  
18132 faithful discharge and performance of his official duty. The  
18133 principal and surety on said bond shall be liable thereunder to  
18134 the state for double the amount of value of any money or property  
18135 which the state may lose, if any, by reason of any wrongful or  
18136 criminal act of said director. Said bond, when approved by the  
18137 commission, shall be filed with the Secretary of State, and the  
18138 premium thereon shall be paid from the Mississippi Veterans  
18139 Memorial Stadium Fund.



18140           **SECTION 264.** Section 29-1-203, Mississippi Code of 1972, is  
18141 brought forward as follows:

18142           29-1-203. (1) The Governor's Office of General Services is  
18143 hereby authorized and empowered, in its discretion, to lease for a  
18144 period of not more than twenty (20) years with an option to renew  
18145 for a period of twenty (20) years all, or to rent on a monthly  
18146 basis any part, of those lands being part of the southwest corner  
18147 of Section 14, Township 6 North, Range 1 East, in the City of  
18148 Jackson, Hinds County, Mississippi, and being more particularly  
18149 described as follows:

18150           Beginning at southwest corner of West Broadmoor Subdivision,  
18151 as recorded in Plat Book 6, Page 35, in the office of the Chancery  
18152 Clerk of Hinds County, Mississippi, and run thence easterly along  
18153 the south boundary of Lot I, of the aforesaid subdivision 261.4  
18154 feet to the western right-of-way line of North State Street, run  
18155 thence southwesterly along the western right-of-way line of North  
18156 State Street, 111 feet, run thence westerly 242 feet, more or less  
18157 to the point of beginning.

18158           The rental or lease shall be subject to the following terms  
18159 and conditions:

18160           (a) That the Governor's Office of General Services find  
18161 and determine that the said lands, or parts thereof, are neither  
18162 now needed nor are they programmed by the State of Mississippi for  
18163 governmental purposes within the period of the proposed term of  
18164 said lease or rental.



18165           (b) That the annual amount paid for leased lands be in  
18166 an amount of not less than seven and one-half percent (7-1/2%) of  
18167 the current fair market value as determined by the averaging of at  
18168 least two (2) appraisals. Thereafter, appraisals on said property  
18169 may be made every five (5) years (computed from the date of the  
18170 beginning of each such lease) at the insistence of either party  
18171 and at the cost of the party demanding same, and the annual rental  
18172 shall be adjusted in accordance with said appraisal. All such  
18173 appraisals shall be based on land value less any improvements that  
18174 may have been heretofore added by the leaseholder in possession,  
18175 or that may hereafter be added by the leaseholder in possession;  
18176 provided, however, that all improvements permanently affixed to  
18177 any of the said lands under lease or rental as provided for herein  
18178 shall become the property of the State of Mississippi upon final  
18179 termination of such lease or rental.

18180           (c) That in the case of monthly rental of said lands or  
18181 any part thereof, the Governor's Office of General Services be  
18182 authorized to make such terms and agreements as to the amount and  
18183 conditions thereof, and to follow such procedures as will insure a  
18184 fair and equitable return to the state.

18185           (d) That all lease and rental monies from any such  
18186 leases or rentals be deposited in the state land acquisition fund.

18187           (e) That nothing in this section be construed to  
18188 authorize the sale or transfer of title to the said lands.



18189           (2) It is the intent and purpose of this section to provide  
18190 a fair and equitable return for the lease or rental of said state  
18191 lands. The Governor's Office of General Services is hereby  
18192 empowered and authorized to follow such procedures and to make  
18193 such arrangements, not inconsistent with the provisions here, as  
18194 may be reasonably necessary to effect such purpose and intent.

18195           **SECTION 265.** Section 77-6-7, Mississippi Code of 1972, is  
18196 brought forward as follows:

18197           77-6-7. There shall be created a local distribution company  
18198 of the state to be known as the Municipal Gas Authority of  
18199 Mississippi for the purpose of undertaking the planning,  
18200 financing, development, acquisition, construction, reconstruction,  
18201 improvement, enlargement, betterment, operation and maintenance of  
18202 a project or projects to supply gas for present or future needs as  
18203 an alternative or supplemental method of obtaining the benefits  
18204 and assuming the responsibilities of ownership in a project. In  
18205 determining whether or not membership in the authority for such  
18206 purpose is in the best interests of the municipalities, the  
18207 utility commissions shall take into consideration, but shall not  
18208 be limited to the following:

18209           (a) Whether or not a separate entity may be able to  
18210 finance the cost of projects in a more efficient and economical  
18211 manner;

18212           (b) Whether or not better financial market acceptance  
18213 may result if one (1) entity is responsible for issuing all of the



18214 bonds required for a project or projects in a timely and orderly  
18215 manner and with a uniform credit rating instead of multiple  
18216 entities issuing separate issues of bonds;

18217 (c) Whether or not savings and other advantages may be  
18218 obtained by providing a separate entity responsible for the  
18219 acquisition, construction, ownership and operation of a project or  
18220 projects; and

18221 (d) Whether or not the existence of such a separate  
18222 entity will foster the continuation of joint planning and  
18223 undertaking of projects, and the resulting economies and  
18224 efficiencies to be derived from such joint planning and  
18225 undertaking.

18226 If a utility commission shall determine that it is in the  
18227 best interest of the municipality to become a member of the  
18228 Municipal Gas Authority of Mississippi, it shall adopt a  
18229 resolution so finding, which need not prescribe in detail the  
18230 basis for the determination, and which shall set forth the names  
18231 of the municipalities which are proposed to be initial members of  
18232 the authority. Said resolution shall be certified to the  
18233 governing authorities who shall thereupon disapprove or ratify the  
18234 determination of said utility commission by resolution or  
18235 ordinance spread upon its official minutes. The governing  
18236 authorities shall cause notice of such determination to be given  
18237 to the presiding officer of the utility commission of the  
18238 municipality, which utility commission shall thereupon appoint in





18239 writing one (1) commissioner of the authority, which commissioner  
18240 may, in the discretion of the utility commission, be an officer or  
18241 employee of the municipality.

18242 All such resolutions of intent to become initial members of  
18243 the authority shall be presented, by the appointed commissioner of  
18244 such utility commission, at its organizational meeting which shall  
18245 be held in the old Supreme Court chamber of the New Capitol at  
18246 2:00 p.m. on May 16, 1988. The commissioners shall organize and  
18247 elect a chairman and other such officers as may be desirable in  
18248 the determination of the commissioners.

18249 The authority shall have its principal office in Hinds County  
18250 and its legal situs or residence for the purposes of this chapter  
18251 shall be Hinds County.

18252 **SECTION 266.** Section 55-23-13, Mississippi Code of 1972, is  
18253 amended as follows:

18254 55-23-13. The \* \* \* Mississippi Department of Transportation  
18255 is hereby authorized and empowered to maintain the driveways which  
18256 lead to the Mississippi Veterans Memorial Stadium and are a part  
18257 of the state-owned real property under the jurisdiction of the  
18258 Mississippi Veterans Memorial Stadium Commission. In carrying out  
18259 this section, the department is authorized to use its personnel,  
18260 funds, equipment and machinery, and it may accept donations of  
18261 funds from said commission, the City of Jackson, and Hinds County,  
18262 which funds are hereby authorized to be expended, and other grants  
18263 and bequests for carrying out the provisions of this section.



18264           **SECTION 267.** Section 83-53-41, Mississippi Code of 1972, is  
18265 amended as follows:

18266           83-53-41. If the order of the commissioner under Section  
18267 83-53-35 does not charge a violation of this chapter or any rule  
18268 or regulation pursuant thereto, then any petitioner or intervenor  
18269 in the proceedings may, within thirty (30) days after the service  
18270 of such report, file a petition or complaint in the \* \* \* inferior  
18271 courts of the Capitol Complex Improvement District for a review of  
18272 such order. Upon such review, the court shall have the authority  
18273 to issue appropriate orders and decrees in connection therewith,  
18274 including orders enjoining and restraining the continuance of any  
18275 act which it finds, notwithstanding such order of the  
18276 commissioner, constitutes a violation of this chapter or any rule  
18277 or regulation issued pursuant thereto.

18278           **SECTION 268.** Section 99-35-127, Mississippi Code of 1972, is  
18279 brought forward as follows:

18280           99-35-127. The sheriff of Hinds County shall receive and  
18281 safely keep, according to the order of the supreme court, all  
18282 persons ordered into his custody. The sheriff shall be paid his  
18283 fees therefor out of the treasury of the proper county, or out of  
18284 the state appropriation for the judicial department, when  
18285 certified by the supreme court.

18286           **SECTION 269.** Section 9-3-31, Mississippi Code of 1972, is  
18287 brought forward as follows:



18288           9-3-31. The Supreme Court may at any time require the  
18289 sheriff of Hinds county, with a competent number of deputies, to  
18290 attend and perform all lawful orders of the court; and, for any  
18291 failure in this, after notice of the requirement by the court, the  
18292 sheriff may be punished by the court for a contempt; and for  
18293 attending the court he shall be allowed two dollars a day for each  
18294 person so attending, to be paid as the marshal and porter are  
18295 paid. And at all times, when proper, the court shall dispense with  
18296 the services of a marshal and require the said sheriff to perform  
18297 all its duties.

18298           **SECTION 270.** Section 29-5-107, Mississippi Code of 1972, is  
18299 brought forward as follows:

18300           29-5-107. The Mississippi Department of Transportation  
18301 Building, located at 401 North West Street in Jackson, Hinds  
18302 County, Mississippi, shall be renamed the "William J. 'Billy'  
18303 McCoy Building." The Department of Finance and Administration  
18304 shall prepare or have prepared a distinctive plaque, to be placed  
18305 in a prominent place within the building, that states the  
18306 background, accomplishments and service to the state of the  
18307 Honorable William J. "Billy" McCoy. The Department of Finance and  
18308 Administration in conjunction with the Mississippi Department of  
18309 Transportation shall erect or cause to be erected proper lettering  
18310 or signage on the eastern outdoor facade of the building facing  
18311 North West Street displaying the official name of the building as  
18312 the "William J. 'Billy' McCoy Building."



18313           **SECTION 271.** Section 31-29-15, Mississippi Code of 1972, is  
18314 amended as follows:

18315           31-29-15. Such general obligation bonds may be issued  
18316 without any other proceedings or the happening of any other  
18317 conditions or things than those proceedings, conditions and things  
18318 which are specified or required by this chapter. Any resolution  
18319 providing for the issuance of general obligation bonds under the  
18320 provisions of this chapter shall become effective immediately upon  
18321 its adoption by the State Bond Commission, and any such resolution  
18322 may be adopted at any regular, special or adjourned meeting of the  
18323 State Bond Commission by a majority of its members.

18324           The bonds authorized under the authority of this chapter may,  
18325 in the discretion of the State Bond Commission, be validated in  
18326 the \* \* \* inferior courts of the Capitol Complex Improvement  
18327 District in the manner and with the force and effect provided now  
18328 or hereafter by Chapter 13, Title 31, Mississippi Code of 1972,  
18329 for the validation of county, municipal, school district and other  
18330 bonds. The necessary papers for such validation proceedings shall  
18331 be transmitted to the State Bond Commission, and the required  
18332 notice shall be published in a newspaper published in the City of  
18333 Jackson, Mississippi.

18334           **SECTION 272.** Section 31-27-23, Mississippi Code of 1972, is  
18335 brought forward as follows:

18336           31-27-23. The refunding bonds authorized under authority of  
18337 this chapter may, in the discretion of the governing body of the



18338 governmental unit, be validated in the chancery court of the  
18339 county in which the governing body resides in the manner and with  
18340 the force and effect provided now or hereafter by Chapter 13,  
18341 Title 31, Mississippi Code of 1972, for the validation of  
18342 municipal bonds. If the governing body is the State Bond  
18343 Commission, the residence of the commission shall be Hinds County  
18344 for the purposes of this section. The necessary papers shall be  
18345 transmitted to the state's bond attorney by the governing body,  
18346 and the required notice shall be published in a newspaper having  
18347 general circulation in the State of Mississippi or the county in  
18348 which the refunding bonds are to be validated.

18349       **SECTION 273.** Section 37-47-59, Mississippi Code of 1972, is  
18350 amended as follows:

18351       37-47-59. All bonds issued under the authority of this  
18352 chapter may, in the discretion of the state bond commission, be  
18353 validated in the \* \* \* inferior courts of the Capitol Complex  
18354 Improvement District in the manner and with the force and effect  
18355 now or hereafter provided by Chapter 13, Title 31, of the  
18356 Mississippi Code of 1972. In the event of such validation, the  
18357 necessary papers shall be transmitted to the state bond attorney  
18358 by the secretary of said state bond commission and the required  
18359 notice shall be addressed to the taxpayers of the State of  
18360 Mississippi and shall be published in a newspaper of general  
18361 circulation published in the City of Jackson, Mississippi.



18362           **SECTION 274.** Section 83-53-37, Mississippi Code of 1972, is  
18363 amended as follows:

18364           83-53-37. Any person affected by an order of the  
18365 commissioner under Section 83-53-35 may obtain a review of such  
18366 order by filing in the \* \* \* inferior courts of the Capitol  
18367 Complex Improvement District within thirty (30) days from the date  
18368 of the service of such order, a complaint praying that the order  
18369 of the commissioner be modified or set aside. A copy of such  
18370 petition or complaint shall be forthwith served upon the  
18371 commissioner, and thereupon the commissioner forthwith shall  
18372 certify and file in such court a transcript of the entire record  
18373 in the proceeding, including all the evidence taken and the  
18374 findings and order of the commissioner. Upon such filing of the  
18375 petition and transcript, such court shall have jurisdiction of the  
18376 proceedings and of the question determined therein, shall  
18377 determine whether the filing of such petition shall operate as a  
18378 stay of such order of the commissioner, and shall have power to  
18379 make and enter upon the pleadings, evidence and proceedings set  
18380 forth in such transcript a judgment modifying, affirming or  
18381 reversing the order of the commissioner, in whole or in part. Any  
18382 party, including the commissioner, aggrieved by a final decision  
18383 of said circuit court, may appeal to the Supreme Court in the  
18384 manner provided by law.

18385           **SECTION 275.** Section 69-2-15, Mississippi Code of 1972, is  
18386 amended as follows:



18387           69-2-15. (1) Any lender which has made a loan to a farmer  
18388 to finance the nonland capital costs of establishing production of  
18389 an emerging crop on land in Mississippi may make application to  
18390 the department for payment of the interest on the loan during the  
18391 period from beginning of production to harvest or initial sale of  
18392 the product, which payment shall be made from the fund. The  
18393 maximum amount of interest loans from the fund for the benefit of  
18394 any one (1) farmer shall be Fifty Thousand Dollars (\$50,000.00).  
18395 During the period that the department pays the interest on a loan,  
18396 the maximum rate of interest which may be charged on the loan by  
18397 the lender shall be four percent (4%) per annum above the New York  
18398 prime rate. By payment of the interest on a loan, neither the  
18399 department nor the State of Mississippi shall be a guarantor of  
18400 the loan, but the state shall have a lien junior to any lien that  
18401 the lender may have on the loan.

18402           (2) If a farmer defaults on the interest loan the Attorney  
18403 General of the State of Mississippi shall take the necessary legal  
18404 action, as soon as practicable, to recover the monies due and  
18405 owing to the State of Mississippi. A suit against a defaulting  
18406 party under this section may be brought in the county in which the  
18407 lender is located, or in any \* \* \* inferior courts of the Capitol  
18408 Complex Improvement District.

18409           **SECTION 276.** Section 33-11-17, Mississippi Code of 1972, is  
18410 brought forward as follows:



18411           33-11-17. The Adjutant General is authorized to lease the  
18412 Camp Shelby training site for oil and gas and other minerals  
18413 exploration and to expend revenues therefrom in maintaining and  
18414 developing the facilities.

18415           He shall cause to be published a legal notice of the proposed  
18416 lease once each week for three (3) consecutive weeks in a  
18417 newspaper of general circulation published in Forrest, Harrison  
18418 and Hinds Counties and in not less than one (1) oil and gas  
18419 periodical having general circulation in this state, with the last  
18420 publication to be completed not less than ten (10) days from the  
18421 date sealed bids are to be received. All bids will be accompanied  
18422 by a five percent (5%) bid bond in the form of a certified or  
18423 cashier's check or in the form of a bid bond of a surety company  
18424 qualified to do business in this state. If the Adjutant General  
18425 deems the highest and best bid acceptable, he will make his  
18426 recommendations in writing to the state oil and gas board for its  
18427 consideration. The board is hereby authorized to either approve  
18428 or disapprove the bid or bids, which action shall become final.  
18429 Any such lease executed by the Adjutant General for oil, gas and  
18430 for other minerals shall contain contractual provisions which  
18431 shall not be for more than seven-eighths ( $\frac{7}{8}$ ) of such oil, gas and  
18432 for other minerals, retaining to the state at least one-eighth ( $\frac{1}{8}$ )  
18433 royalty to be paid as prescribed by the state oil and gas board.  
18434 No lease shall be for a primary term in excess of six (6) years.





18435           **SECTION 277.** Section 99-11-39, Mississippi Code of 1972, is  
18436 brought forward as follows:

18437           99-11-39. (1) In Harrison County, a county having two (2)  
18438 judicial districts, in all criminal cases where the venue thereof  
18439 shall be changed, or the trial transferred or removed from one  
18440 district to the other, the original papers, together with  
18441 certified copies of all motions, orders and decrees made and  
18442 entered in such suits, proceedings, matters and cases, shall be  
18443 transmitted, transferred and filed by the proper clerk to and in  
18444 his office at the proper place to which such change of venue or  
18445 transfer shall be made.

18446           (2) In Hinds County, a county having two (2) judicial  
18447 districts, in all criminal cases where the venue thereof may be  
18448 changed, or the trial transferred or removed from one district to  
18449 the other, the original papers, together with certified copies of  
18450 all motions, orders and decrees made and entered in such suits,  
18451 proceedings, matters and cases, may be transmitted, transferred  
18452 and filed by the proper clerk to and in his office at the proper  
18453 place to which such change of venue or transfer may be made.

18454           **SECTION 278.** Section 27-35-527, Mississippi Code of 1972, is  
18455 amended as follows:

18456           27-35-527. Any company, failing to make a report to the  
18457 Mississippi Tax Commission as herein required, or which shall fail  
18458 to comply with any of the above provisions, shall be prohibited  
18459 from doing business in the State of Mississippi, or operating its



18460 rolling stock over any railroad in the State of Mississippi; and  
18461 it shall be the duty of the \* \* \* inferior courts of the Capitol  
18462 Complex Improvement District upon application of the state tax  
18463 commission, to issue an injunction prohibiting all such companies  
18464 who have failed or refused to comply with the provisions of this  
18465 article from further operating their rolling stock over any  
18466 railroad in the State of Mississippi. Provided that all such  
18467 companies shall have the right to have the injunction issued as  
18468 above mentioned, dissolved on showing to the court that they have  
18469 complied with the provisions of this article.

18470       **SECTION 279.** Section 29-5-113, Mississippi Code of 1972, is  
18471 brought forward as follows:

18472       29-5-113. The Mississippi Department Of Environmental  
18473 Quality Building, located at 515 East Amite Street in Jackson,  
18474 Hinds County, Mississippi, shall be renamed the "Patrick Alan  
18475 Nunnelee Building." The Department of Finance and Administration  
18476 shall prepare or have prepared a distinctive plaque, to be placed  
18477 in a prominent place within the building, that states the  
18478 background, accomplishments and service to the state of the  
18479 Honorable Congressman Patrick Alan Nunnelee. The Department of  
18480 Finance and Administration in conjunction with the Mississippi  
18481 Department Of Environmental Quality shall erect or cause to be  
18482 erected proper lettering or signage on the northern outdoor facade  
18483 of the building facing Amite Street displaying the official name  
18484 of the building as the "Patrick Alan Nunnelee Building." Any and



18485 all funds necessary to accomplish this act will be appropriated by  
18486 the Legislature for such purpose.

18487       **SECTION 280.** Section 61-1-45, Mississippi Code of 1972, is  
18488 amended as follows:

18489       61-1-45. Every order of the commission requiring performance  
18490 of certain acts or compliance with certain requirements, and every  
18491 denial or revocation of an approval, certificate or license, shall  
18492 set forth the reasons and shall state the acts to be done or  
18493 requirements to be met before approval by the commission will be  
18494 given or the approval, license or certificate granted or restored  
18495 or the order modified or changed. Orders issued by the commission  
18496 pursuant to the provisions of this chapter shall be served upon  
18497 the persons affected either by registered mail or in person. In  
18498 every case where notice and opportunity for hearing are required  
18499 under the provisions of this chapter the order of the commission  
18500 shall, on not less than thirty days' notice, specify a time when  
18501 and place where the person affected may be heard, or the time  
18502 within which he may request hearing. Such order shall become  
18503 effective upon the expiration of the time for exercising such  
18504 opportunity for hearing, unless a hearing is held or requested  
18505 within the time provided, in which case the order shall be  
18506 suspended until the commission shall affirm, disaffirm or modify  
18507 such order after hearing held or default by the person affected.  
18508 To the extent practicable, hearings on such orders shall be held  
18509 in the county where the affected person resides or does business.



18510 Any person aggrieved by an order of the commission or by the  
18511 grant, denial or revocation of any approval, license or  
18512 certificate may have the action of the commission reviewed by  
18513 the \* \* \* inferior courts of the Capitol Complex Improvement  
18514 District.

18515       **SECTION 281.** Section 69-1-47, Mississippi Code of 1972, is  
18516 brought forward as follows:

18517       69-1-47. The Mississippi Department of Agriculture and  
18518 Commerce is hereby authorized and empowered, subject to the  
18519 approval of the Department of Finance and Administration to  
18520 borrow, from time to time, an amount not to exceed One Hundred  
18521 Fifty Thousand Dollars (\$150,000.00) in the aggregate for repairs  
18522 and renovations at the Farmers' Market in Jackson, Hinds County,  
18523 Mississippi.

18524       The rental proceeds received by the Central Market Board  
18525 shall be pledged for the payment of the principal of and interest  
18526 on such loan, which shall not exceed a term of ten (10) years and  
18527 shall bear an interest rate not to exceed that provided in Section  
18528 75-17-101, Mississippi Code of 1972.

18529       **SECTION 282.** Section 73-30-11, Mississippi Code of 1972, is  
18530 amended as follows:

18531       73-30-11. Following a decision by the board not to license,  
18532 the applicant may request a hearing at the next regularly  
18533 scheduled meeting of the board. The applicant will be notified of  
18534 the decision of the majority of the board members within sixty



18535 (60) days of the hearing. Upon a final decision by the board not  
18536 to license, the applicant may (after waiting a period of at least  
18537 one (1) year) resubmit the application accompanied by new evidence  
18538 and a nonrefundable application fee of One Hundred Dollars  
18539 (\$100.00) for reconsideration for licensure.

18540 The applicant may appeal the decision of the board to the  
18541 circuit court of the county of the applicant's residence. If an  
18542 applicant does not reside in Mississippi, the applicant may appeal  
18543 the decision of the board to the \* \* \* inferior courts of the  
18544 Capitol Complex Improvement District. Any appeal to the circuit  
18545 court must be taken within thirty (30) days of the date of the  
18546 board's decision. An appeal of the decision of the circuit court  
18547 may be taken to the Mississippi Supreme Court not later than sixty  
18548 (60) days from the date of the decision by the circuit court.

18549 **SECTION 283.** Section 37-104-27, Mississippi Code of 1972, is  
18550 amended as follows:

18551 37-104-27. Revenue bonds may be issued without any other  
18552 proceeding or the happening of any other conditions or things than  
18553 those proceedings, conditions and things which are specified or  
18554 required in this chapter. The revenue bonds authorized under this  
18555 chapter may, in the discretion of the Authority, be validated by  
18556 the \* \* \* inferior courts of the Capitol Complex Improvement  
18557 District in the manner and with the force and effect provided now  
18558 or hereafter by Sections 31-13-1 through 31-13-11, Mississippi  
18559 Code of 1972, for the validation of county, municipal, school



18560 district and other bonds. The necessary papers for such validation  
18561 proceedings shall be transmitted to the State Bond Attorney by the  
18562 Authority and the required notice shall be published in a  
18563 newspaper published in the City of Jackson, Mississippi.

18564       **SECTION 284.** Section 37-125-5, Mississippi Code of 1972, is  
18565 brought forward as follows:

18566       37-125-5. The Jackson State College shall be located on the  
18567 property situated near the City of Jackson, Hinds County,  
18568 Mississippi, and containing forty-nine acres more or less north of  
18569 the Y. & M. V. railroad, west of Dalton street, Section 9,  
18570 township 6, range 1, east, and otherwise known as Jackson College.

18571       **SECTION 285.** Section 59-5-49, Mississippi Code of 1972, is  
18572 amended as follows:

18573       59-5-49. Such bonds as are authorized by this chapter may be  
18574 issued without any other proceedings or the happening of any other  
18575 conditions or things than those proceedings, conditions, and  
18576 things which are specified or required by this chapter. The bonds  
18577 authorized under the authority of this chapter may, in the  
18578 discretion of the State Bond Commission, be validated in the \* \* \*  
18579 inferior courts of the Capitol Complex Improvement District in the  
18580 manner and with the force and effect provided now or hereafter by  
18581 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, for  
18582 the validation of county, municipal, school district, and other  
18583 bonds. The necessary papers for such validation proceedings shall  
18584 be transmitted to the State Bond Attorney by the Attorney General,



18585 and the required notice shall be published in a newspaper  
18586 published in the City of Jackson, Mississippi, and in a newspaper  
18587 of general circulation published in the city or county where the  
18588 planned development is located.

18589       **SECTION 286.** Section 73-1-41, Mississippi Code of 1972, is  
18590 brought forwardas follows:

18591       73-1-41. The venue of action against the State Board of  
18592 Architecture wherein said board is a defendant shall be in Hinds  
18593 County.

18594       **SECTION 287.** Section 59-17-39, Mississippi Code of 1972, is  
18595 amended as follows:

18596       59-17-39. Such bonds as are issued under this chapter may be  
18597 issued without any other proceedings or the happening of any other  
18598 conditions or things than those proceedings, conditions, and  
18599 things which are specified or required by this chapter. The bonds  
18600 authorized under the authority of this chapter may, in the  
18601 discretion of the State Bond Commission, be validated in the \* \* \*  
18602 inferior courts of the Capitol Complex Improvement District in the  
18603 manner and with the force and effect provided now or hereafter by  
18604 Sections 31-13-1 through 31-13-11, Mississippi Code of 1971, for  
18605 the validation of county, municipal, school district, and other  
18606 bonds. The necessary papers for such validation proceedings shall  
18607 be transmitted to the State Bond Attorney by the Attorney General,  
18608 and the required notice shall be published in a newspaper  
18609 published in the City of Jackson, Mississippi, and in a newspaper



18610 of general circulation published in the city or county where the  
18611 planned development is located.

18612       **SECTION 288.** Section 23-15-1037, Mississippi Code of 1972,  
18613 is brought forward as follows:

18614       23-15-1037. (1) The State of Mississippi is hereby divided  
18615 into four (4) congressional districts below:

18616       **FIRST DISTRICT.** - The First Congressional District shall be  
18617 composed of the following counties and portions of counties:

18618       Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto,  
18619 Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Pontotoc,  
18620 Prentiss, Tate, Tippah, Tishomingo, Union, Webster; in Oktibbeha  
18621 County, the precincts of Self Creek/Double Springs, Maben and  
18622 \*Sturgis/North Bradley.

18623       **SECOND DISTRICT.** - The Second Congressional District shall  
18624 be composed of the following counties and portions of counties:

18625       Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma,  
18626 Copiah, Franklin, Grenada, Holmes, Humphreys, Issaquena,  
18627 Jefferson, Leake, Leflore, Montgomery, Panola, Quitman, Sharkey,  
18628 Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson,  
18629 Yalobusha, Yazoo; in Hinds County Precincts 1, 2, 4, 6, 10, 11,  
18630 12, 13, \*16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,  
18631 31, 37, 38, 39, 40, 41, 42, 43, 45, \*46, 47, 49, 50, 51, 52, 54,  
18632 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72,  
18633 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89,  
18634 90, 91, 92, 93, 94, 95, 96, 97, and the precincts of Bolton,





18635 Brownsville, Byram 1, Byram 2, Byram 3, Cayuga, Chapel Hill,  
18636 Clinton 1, Clinton 2, Clinton 3, Clinton 4, Clinton 5, Clinton 6,  
18637 Clinton 7, Cynthia, Dry Grove, Edwards, Learned, Old Byram, Pine  
18638 Haven, Pocahontas, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,  
18639 Terry 1, Terry 2, Tinnin, Utica 1 and Utica 2; in Madison County  
18640 the precincts of Anderson Lodge, Camden, Cameron, Canton Bible  
18641 Church, Canton Catholic Parish Center, Canton Community Center,  
18642 Canton Fire Station #4, \*Canton National Guard Armory, Canton  
18643 South Liberty, Canton St. Paul Methodist, Cedar Grove, \*Colonial  
18644 Heights, Couparle, Farmhaven Fire Station, Greater Mt. Levi  
18645 Church, Madison County Baptist Family Life Center, Magnolia  
18646 Heights, Mount Hope, Pleasant Gift Church, Pleasant Green,  
18647 Tougaloo.

18648       **THIRD DISTRICT.**   — The Third Congressional District shall be  
18649 composed of the following counties and portions of counties:

18650       Clarke, Covington, Jasper, Jefferson Davis, Kemper,  
18651 Lauderdale, Lawrence, Lincoln, Marion, Neshoba, Newton, Noxubee,  
18652 Pike, Rankin, Scott, Simpson, Smith, Walthall, Winston; in Hinds  
18653 County the precincts of 8, 9, 14, \*16, 17, 32, 33, 34, 35, 36, 44,  
18654 \*46 and 78; in Jones County the precincts of Matthews, Shady  
18655 Grove, Sharon, and Sandersville Civic Center; in Madison County  
18656 the precincts of First Presbyterian, \*Canton National Guard  
18657 Armory, China Grove, \*Colonial Heights, Fellowship Baptist Church,  
18658 Ferns Chapel Freewill, First Baptist, Franklin Bible Church,  
18659 Gluckstadt, Grace Crossing, Highland Colony Baptist Church, Lake



18660 Caroline Clubhouse, Mark Apartments, New Life, NorthBay, Parkway  
18661 Church, Ridgeland First Methodist Church, Ridgeland Recreational  
18662 Center, SunnyBrook, Trace Ridge, Twin Lakes Baptist, Vertical  
18663 Church, Victory Baptist Church and Victory Christian; in Oktibbeha  
18664 County the precincts of Bell Schoolhouse, Center Grove/North  
18665 Adaton, Central Starkville, Craig Springs/South Bradley, East  
18666 Starkville, Hickory Grove/Southeast Oktibbeha, Needmore Voting  
18667 District, North Longview, North Starkville 2, North Starkville 3,  
18668 Oktoc, Osborn, Sessums, South Adaton, South Longview, South  
18669 Starkville, \*Sturgis/North Bradley and West Starkville.

18670       **FOURTH DISTRICT.**   — The Fourth Congressional District shall  
18671 be composed of the following counties and portions of counties:

18672       Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar,  
18673 Pearl River, Perry, Stone, Wayne; in Jones County the precincts of  
18674 Antioch, Blackwell, Bruce, Calhoun, Centerville, County Barn,  
18675 Currie, Erata, G.V. Harrison Multipurpose Building, Gitano, Glade  
18676 School, Hebron, Johnson, Landrum Community Center, Lt. Ellis  
18677 Center, Magnolia Center, Mauldin Community Center, Moselle,  
18678 Myrick, North Laurel, Oak Park School, Ovett, Parkview Baptist  
18679 Church, Pinegrove, Pleasant Ridge, Powers Community Center,  
18680 Rainey, Rustin, Sandhill, Shelton, Soso, Tuckers, Union and West  
18681 Ellisville.

18682       (2) The boundaries of the congressional districts described  
18683 in subsection (1) of this section shall be the boundaries of the  
18684 counties along such congressional district boundaries as the



18685 boundaries of such counties existed on January 1, 2022, and the  
18686 precinct boundaries along such congressional district boundaries  
18687 as such precinct boundaries are contained in Census Bureau's P.L.  
18688 94-171 geographic support products provided for use with the  
18689 September 16th data deliveries officially called the "2020 Census  
18690 State Redistricting Data (Public Law 94-171) Summary Files."

18691 **SECTION 289.** Section 71-15-7, Mississippi Code of 1972, is  
18692 amended as follows:

18693 71-15-7. (1) The state shall retain the exclusive authority  
18694 to require an employer or multiemployer association to accept or  
18695 otherwise agree to any provisions of a labor peace agreement or  
18696 any provisions that are mandatory or nonmandatory subjects of  
18697 collective bargaining under federal labor laws, including, but not  
18698 limited to, any limitations on an employer or multiemployer  
18699 association's rights to engage in collective bargaining with a  
18700 labor organization, to lock out employees, or to operate during a  
18701 work stoppage; however, this subsection shall not invalidate or  
18702 otherwise restrict the state from requiring the use of project  
18703 labor agreements to the extent permissible under federal labor  
18704 laws.

18705 (2) This section shall be interpreted and enforced in a  
18706 manner that is consistent with the National Labor Relations Act,  
18707 compiled in 29 USCS, Section 151 et seq.

18708 (3) Any agreement, contract, understanding or practice,  
18709 written or oral, implied or expressed, between any employer and



18710 any labor organization containing requirements in violation of  
18711 this section is declared to be unlawful, null and void, and of no  
18712 legal effect.

18713 (4) An employer or employee may seek injunctive relief in  
18714 the \* \* \* inferior courts of the Capitol Complex Improvement  
18715 District for violations of the provisions of this section.

18716 **SECTION 290.** Section 19-1-49, Mississippi Code of 1972, is  
18717 brought forward as follows:

18718 19-1-49. Hinds County is bounded by beginning at a point on  
18719 Big Black River where the line between ranges two and three, west,  
18720 intersects said river; thence south on said range line to the  
18721 lines between townships seven and eight; thence east on said  
18722 township line to the Choctaw basis meridian; thence south on said  
18723 meridian line to the line between townships six and seven; thence  
18724 east on said township line to Pearl River; thence down said river,  
18725 with its meanderings, to the line between townships two and three;  
18726 thence west with said township line to the old Choctaw boundary  
18727 line; thence north on said Choctaw boundary line to Big Black  
18728 River; thence up said river, with the meanderings thereof, to the  
18729 beginning. The county sites are Jackson and Raymond.

18730 **SECTION 291.** Section 29-5-111, Mississippi Code of 1972, is  
18731 brought forward as follows:

18732 29-5-111. The Public Employees' Retirement System of  
18733 Mississippi Building, located at 429 Mississippi Street in  
18734 Jackson, Hinds County, Mississippi, shall be renamed the "Timothy



18735 Alan (Tim) Ford Building." The Department of Finance and  
18736 Administration shall prepare or have prepared a distinctive  
18737 plaque, to be placed in a prominent place within the building,  
18738 that states the background, accomplishments and service to the  
18739 state of the Honorable Timothy Alan (Tim) Ford. The Department of  
18740 Finance and Administration in conjunction with the Public  
18741 Employees' Retirement System of Mississippi shall erect or cause  
18742 to be erected proper lettering or signage on the northern outdoor  
18743 facade of the building facing Mississippi Street displaying the  
18744 official name of the building as the "Timothy Alan (Tim) Ford  
18745 Building." Nothing in this section shall infringe on the  
18746 authority or responsibilities of the Board of Trustees as it  
18747 relates to the ownership of the Public Employees' Retirement  
18748 System of Mississippi Building. The Public Employees' Retirement  
18749 System of Mississippi Building is an asset of the Public  
18750 Employees' Retirement System Trust Fund by virtue of the  
18751 Constitution, Section 272-A, and title thereto shall remain in the  
18752 name of the system. Accordingly, no funds of the system shall be  
18753 used in the implementation of this section. Any and all funds  
18754 necessary to accomplish this section will be appropriated by the  
18755 Legislature for such purpose.

18756       **SECTION 292.** Section 83-5-47, Mississippi Code of 1972, is  
18757 amended as follows:

18758       83-5-47. If the report of the commissioner does not charge a  
18759 violation of Sections 83-5-29 through 83-5-51, then any intervenor



18760 in the proceedings may, within ten (10) days after the service of  
18761 such report, cause a notice of appeal to be filed in the \* \* \*  
18762 inferior courts of the Capitol Complex Improvement District for a  
18763 review of such report. Upon such review, the court shall have  
18764 authority to issue appropriate orders and decrees in connection  
18765 therewith, including, if the court finds that it is to the  
18766 interest of the public, orders enjoining and restraining the  
18767 continuance of any method of competition, act, or practice which  
18768 it finds, notwithstanding such report of the commissioner,  
18769 constitutes a violation of the cited sections.

18770       **SECTION 293.** Section 37-115-48, Mississippi Code of 1972, is  
18771 amended as follows:

18772       37-115-48. (1) The University of Mississippi Medical Center  
18773 is authorized, in its discretion, to rearrange or disinter, remove  
18774 or reinter, where applicable, human remains reposing in the  
18775 potter's field located on the University of Mississippi Medical  
18776 Center's property to a different location on the medical center's  
18777 property when the disinterment, removal or reinterment, where  
18778 applicable, is necessary for proper and efficient maintenance and  
18779 management.

18780       (2) Markers, headstones, or other identification shall  
18781 accompany the remains whenever identification exists, and a record  
18782 of the removal and reinterment, where applicable, shall be  
18783 maintained in the files of the Chancery Clerk of Hinds County,



18784 Mississippi or the inferior courts of the Capitol Complex  
18785 Improvement District.

18786 (3) Before taking any action authorized under this section,  
18787 the University of Mississippi Medical Center shall first advertise  
18788 its intent to rearrange, disinter, remove or reinter, where  
18789 applicable, remains from the property by publishing notice in a  
18790 newspaper of the county once a week for three (3) consecutive  
18791 weeks.

18792 (4) The University of Mississippi Medical Center and its  
18793 officers and employees shall be immune from any action or suit  
18794 arising from the maintenance or attempted maintenance of the  
18795 potter's field and the rearrangement, removal or reinterment,  
18796 where applicable, of remains, when performed in good faith under  
18797 authority of this section.

18798 **SECTION 294.** Section 37-115-105, Mississippi Code of 1972,  
18799 is brought forward as follows:

18800 37-115-105. The school of dentistry created and authorized  
18801 by Sections 37-115-101 through 37-115-111 shall be in operation  
18802 within three (3) years from the date the legislature makes funds  
18803 available for the construction of a building to house said school;  
18804 provided, however, that no staff may be employed and no  
18805 construction may begin until one million two hundred fifty  
18806 thousand dollars (\$1,250,000.00) from the City of Jackson and one  
18807 million two hundred fifty thousand dollars (\$1,250,000.00) from  
18808 Hinds County has been deposited in the state treasury for use by



18809 the building commission in construction and furnishing of the  
18810 dental school. The board of trustees of state institutions of  
18811 higher learning is authorized and directed to take any and all  
18812 necessary and proper actions for the implementation of this  
18813 section.

18814 **SECTION 295.** Section 45-1-19, Mississippi Code of 1972, is  
18815 brought forward as follows:

18816 45-1-19. (1) The Department of Public Safety, through the  
18817 Office of Capitol Police, shall have jurisdiction relative to the  
18818 enforcement of all laws of the State of Mississippi on the  
18819 properties, from curb to curb, including adjoining streets,  
18820 sidewalks and leased parking lots within the Capitol Complex, set  
18821 forth in Section 29-5-2, the Court of Appeals Building, the  
18822 Mississippi Department of Transportation Building and the Public  
18823 Employees' Retirement System Building, and any property purchased,  
18824 constructed or otherwise acquired by the State of Mississippi for  
18825 conducting state business and not specifically under the  
18826 supervision and care by any other state entity, but which is  
18827 reasonably assumed the Department of Public Safety would be  
18828 responsible for such. The Department of Public Safety shall,  
18829 through any person or persons appointed by the commissioner, make  
18830 arrests for any violation of any law of the State of Mississippi  
18831 on the grounds of or within those properties. The Department of  
18832 Public Safety shall, in addition, enforce the provisions of this  
18833 section and Sections 29-5-57 through 29-5-67, 29-5-73 through





18834 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and  
18835 regulations as are necessary therefor. The powers and duties  
18836 related to the administration of Sections 29-5-57 through 29-5-67,  
18837 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain  
18838 with the Department of Finance and Administration.

18839 (2) Subject to the approval of the Board of Trustees of  
18840 State Institutions of Higher Learning, the Board of Trustees and  
18841 the Department of Public Safety shall be authorized to enter into  
18842 a contract for the Department of Public Safety to supply the  
18843 security personnel with jurisdiction to enforce all laws of the  
18844 State of Mississippi on the property of the Board of Trustees  
18845 located at the corner of Ridgewood Road and Lakeland Drive in the  
18846 City of Jackson.

18847 (3) The Department of Public Safety and the Department of  
18848 Agriculture are authorized to enter into a contract for the  
18849 Department of Public Safety to have jurisdiction and enforce all  
18850 laws of the State of Mississippi on the property of the Department  
18851 of Agriculture located at 121 North Jefferson Street and the new  
18852 Farmers Market Building located at the corner of High and  
18853 Jefferson Streets in the City of Jackson, Hinds County,  
18854 Mississippi. It is the intent of the Legislature that the  
18855 Department of Public Safety will not post any security personnel  
18856 at such buildings, but will provide regular vehicle patrols and  
18857 responses to security system alarms.



18858           (4) The Department of Public Safety and the Mississippi Fair  
18859 Commission are authorized to enter into a contract for the  
18860 Department of Public Safety to have jurisdiction and enforce all  
18861 laws of the State of Mississippi on the property of the  
18862 Mississippi Fair Commission known as the "Mississippi State  
18863 Fairgrounds Complex" and any and all of its outlying buildings and  
18864 property. The Department of Public Safety and the Mississippi  
18865 Fair Commission are authorized to enter into a contract for the  
18866 Department of Public Safety to supply the security personnel to  
18867 the Mississippi Fair Commission with jurisdiction to enforce all  
18868 laws of the State of Mississippi on this property and any and all  
18869 buildings on this property.

18870           (5) The Department of Public Safety and the Department of  
18871 Revenue are authorized to enter into a contract for the Department  
18872 of Public Safety to supply the security personnel with  
18873 jurisdiction to enforce all laws of the State of Mississippi at  
18874 the Alcoholic Beverage Control facility and the Department of  
18875 Revenue main office.

18876           (6) The Department of Public Safety shall have jurisdiction  
18877 relative to the enforcement of all laws of the State of  
18878 Mississippi within the boundaries of the Capitol Complex  
18879 Improvement District created in Section 29-5-203. The Department  
18880 of Public Safety shall, through any person or persons appointed by  
18881 the Department of Public Safety, make arrests for any violation of  
18882 any law of the State of Mississippi which occurs within the



18883 boundaries of the district. The jurisdiction of the Department of  
18884 Public Safety under this subsection (6) shall be concurrent with  
18885 the jurisdiction of the City of Jackson, Mississippi, and that of  
18886 Hinds County, Mississippi. At any time and/or during any event  
18887 necessitating the coordination of and/or utilization at multiple  
18888 jurisdictions, the Department of Public Safety shall be the lead  
18889 agency when the event occurs on property as defined herein. The  
18890 jurisdiction and authority of the Department of Public Safety  
18891 under this subsection (6) shall be in addition to any other  
18892 jurisdiction and authority provided to the department under this  
18893 section or any other law.

18894 (7) The Department of Public Safety is authorized to enter  
18895 into a contract with any county for the county to take custody of  
18896 the misdemeanor offenders arrested under the authority granted  
18897 under this section.

18898 (8) All accrued personal leave earned pursuant to Section  
18899 25-3-93, accrued major medical leave earned pursuant to Section  
18900 25-3-95, accrued state compensatory leave earned pursuant to  
18901 Section 25-3-92, and compensatory leave earned pursuant to the  
18902 Fair Labor Standards Act (FLSA) shall transfer from the Department  
18903 of Finance and Administration to the Department of Public Safety  
18904 for all employees transferred under this section.

18905 **SECTION 296.** Section 55-23-15, Mississippi Code of 1972, is  
18906 brought forward as follows:



18907           55-23-15. The Mississippi Veterans Memorial Stadium  
18908 Commission is hereby authorized to utilize certain state-owned  
18909 land in Hinds County bounded on the east by North State Street, on  
18910 the north by Taylor Street, on the west by North West Street, and  
18911 on the south by a street or driveway known as Stadium Drive as a  
18912 public parking facility establishing reasonable rules and  
18913 regulations connected with the operation of such a facility,  
18914 including fees for the privilege of parking. The parking  
18915 facilities shall not be extended any farther to the east than as  
18916 the facilities existed on January 1, 1996. Further, the portion  
18917 of the property described in this section, except the property  
18918 west of the stadium between the stadium and North West Street,  
18919 that was undeveloped as of January 1, 1996, shall remain  
18920 undeveloped unless the Legislature enacts legislation approving  
18921 the development of such property. The portion of the property  
18922 described in this section that is west of the stadium between the  
18923 stadium and North West Street may be developed to provide parking  
18924 facilities for the Mississippi Department of Transportation  
18925 offices located on North West Street. The Mississippi Veterans  
18926 Memorial Stadium Commission may take any action authorized in  
18927 Section 55-23-8 relating to the property described in such  
18928 section.

18929           The Mississippi Veterans Memorial Stadium Commission is  
18930 authorized to lease such property to the Mississippi  
18931 Transportation Commission for parking facilities for Department of



18932 Transportation offices, notwithstanding the time limitation on  
18933 leases or other agreements provided in Section 55-23-8(9).

18934 **SECTION 297.** Section 29-5-213, Mississippi Code of 1972, is  
18935 brought forward as follows:

18936 29-5-213. (1) There is created the Capitol Complex  
18937 Improvement District Project Advisory Committee composed of the  
18938 following nine (9) members:

18939 (a) The Mayor of the City of Jackson or his or her  
18940 designee;

18941 (b) One (1) member appointed by the City Council of the  
18942 City of Jackson with an initial term of one (1) year and  
18943 subsequent regular terms of four (4) years;

18944 (c) Two (2) members appointed by the Governor, one (1)  
18945 for an initial term of two (2) years and one (1) for an initial  
18946 term of four (4) years, both with subsequent regular terms of four  
18947 (4) years;

18948 (d) One (1) member appointed by the Lieutenant Governor  
18949 for an initial term of four (4) years and subsequent regular terms  
18950 of four (4) years;

18951 (e) One (1) member appointed by the Speaker of the  
18952 House of Representatives for an initial term of two (2) years and  
18953 subsequent regular terms of four (4) years;

18954 (f) One (1) member appointed by the President of  
18955 Jackson State University;



18956 (g) One (1) member appointed by the Vice Chancellor for  
18957 Health Affairs of University of Mississippi Medical Center; and

18958 (h) The Director of the City of Jackson Department of  
18959 Public Works or his or her designee.

18960 The member appointed under paragraph (b) of this subsection (1)  
18961 shall be a resident of the City of Jackson in Hinds County.

18962 (2) Members appointed to the committee shall not also serve  
18963 as members of the commission established by the City of Jackson  
18964 pursuant to Section 27-65-241. Appointed members shall serve  
18965 without compensation at the will and pleasure of the appointing  
18966 authority.

18967 (3) The committee shall elect a chairman and such other  
18968 officers as it considers necessary from among its members.

18969 (4) A majority of the members of the committee shall  
18970 constitute a quorum for the conduct of meetings and all actions of  
18971 the committee shall be by a majority vote.

18972 (5) The committee shall consult with the Department of  
18973 Finance and Administration and advise the department in the  
18974 development of comprehensive plans for improvement projects in the  
18975 city and any changes to such plans.

18976 (6) The committee shall meet, subject to call by the  
18977 Executive Director of the Department of Finance and  
18978 Administration, at least quarterly to conduct business.

18979 **SECTION 298.** Section 83-5-39, Mississippi Code of 1972, is  
18980 amended as follows:



18981           83-5-39. (1) Whenever the commissioner shall have reason to  
18982 believe that any such person has been engaged or is engaging in  
18983 this state in any unfair method of competition or any unfair or  
18984 deceptive act or practice defined in Section 83-5-35, and that a  
18985 proceeding by him in respect thereto would be to the interest of  
18986 the public, he shall issue and serve upon such person a statement  
18987 of the charges in that respect and a notice of the hearing thereon  
18988 to be held at the time and place fixed in the notice, which shall  
18989 not be less than ten (10) days after the date of the service  
18990 thereof.

18991           (2) At the time and place fixed for such hearing, such  
18992 person shall have an opportunity to be heard and to show cause why  
18993 an order should not be made by the commissioner requiring such  
18994 person to cease and desist from the acts, methods, or practices so  
18995 complained of. Upon good cause shown, the commissioner shall  
18996 permit any person to intervene, appear, and be heard at such  
18997 hearing by counsel or in person.

18998           (3) Nothing contained in Sections 83-5-29 through 83-5-51  
18999 shall require the observance at any such hearing of formal rules  
19000 of pleadings or evidence.

19001           (4) The commissioner, upon such hearing, may administer  
19002 oaths, examine and cross-examine witnesses, receive oral and  
19003 documentary evidence, and shall have the power to subpoena  
19004 witnesses, compel their attendance, and require the production of  
19005 books, papers, records, correspondence, or other documents which



19006 he deems relevant to the inquiry. The commissioner, upon such  
19007 hearing, may, and upon the request of any party shall, cause to be  
19008 made a stenographic record of all the evidence and all the  
19009 proceedings had at such hearing. If no stenographic record is  
19010 made and if a judicial review is sought, the commissioner shall  
19011 prepare a statement of the evidence and proceeding for use on  
19012 review. In case of a refusal of any person to comply with any  
19013 subpoena issued hereunder or to testify with respect to any matter  
19014 concerning which he may be lawfully interrogated, the \* \* \*  
19015 inferior courts of the Capitol Complex Improvement District on  
19016 application of the commissioner, may issue an order requiring such  
19017 person to comply with such subpoena and to testify; and any  
19018 failure to obey any such order of the court may be punished by the  
19019 court as a contempt thereof.

19020 (5) Statements of charges, notices, orders, and other  
19021 processes of the commissioner under the cited sections may be  
19022 served by anyone duly authorized by the commissioner, either in  
19023 the manner provided by law for service of process in civil actions  
19024 or by registering and mailing a copy thereof to the person  
19025 affected by such statement, notice, order, or other process at his  
19026 or its residence or principal office or place of business. The  
19027 verified return by the person so serving such statement, notice,  
19028 order, or other process, setting forth the manner of such service,  
19029 shall be proof of the same; and the return postcard receipt for





19030 such statement, notice, order, or other process, registered and  
19031 mailed as aforesaid, shall be proof of the service of the same.

19032 **SECTION 299.** Section 79-11-345, Mississippi Code of 1972, is  
19033 brought forward as follows:

19034 79-11-345. (1) A dissolved corporation may also publish  
19035 notice of its dissolution and request that persons with claims  
19036 against the corporation present them in accordance with the  
19037 notice.

19038 (2) The notice must:

19039 (a) Be published one (1) time in a newspaper of general  
19040 circulation in the county where the dissolved corporation's  
19041 principal office is or was located, or in Hinds County if the  
19042 corporation does not have a principal office in this state;

19043 (b) Describe the information that must be included in a  
19044 claim and provide a mailing address where the claim may be sent;  
19045 and

19046 (c) State that a claim against the corporation will be  
19047 barred unless a proceeding to enforce the claim is commenced  
19048 within two (2) years after publication of this notice.

19049 (3) If the dissolved corporation publishes a newspaper  
19050 notice in accordance with subsection (2) of this section, the  
19051 claim of each of the following claimants is barred unless the  
19052 claimant commences a proceeding to enforce the claim against the  
19053 dissolved corporation within two (2) years after the publication  
19054 date of the newspaper notice:



19055               (a) A claimant who did not receive written notice under  
19056 Section 79-11-343;

19057               (b) A claimant whose claim was timely sent to the  
19058 dissolved corporation but not acted on; and

19059               (c) A claimant whose claim is contingent or based on an  
19060 event occurring after the effective date of dissolution.

19061               (4) A claim may be enforced under this section:

19062               (a) Against the dissolved corporation, to the extent of  
19063 its undistributed assets; or

19064               (b) If the assets have been distributed in liquidation,  
19065 against any person, other than a creditor of the corporation, to  
19066 whom the corporation distributed its property to the extent of the  
19067 distributee's pro rata share of the claim or the corporate assets  
19068 distributed to such person in liquidation, whichever is less, but  
19069 the distributee's total liability for all claims under this  
19070 section may not exceed the total amount of assets distributed to  
19071 the distributee.

19072               **SECTION 300.** Section 37-115-27, Mississippi Code of 1972, is  
19073 brought forward as follows:

19074               37-115-27. The medical school and teaching hospital shall be  
19075 built and equipped together, in connection with each other, or as  
19076 nearly together or connected as may promote the most efficient  
19077 operation of both of them in proper coordination one with the  
19078 other. The medical school and teaching hospital shall be located  
19079 and built upon part of the lands owned by the State of Mississippi



19080 in or near the City of Jackson, Hinds County, Mississippi, and  
19081 commonly known as the old asylum lands, to be selected by the  
19082 State Building Commission. The medical school and teaching  
19083 hospital may have other locations as determined to be reasonable  
19084 and necessary by the University of Mississippi Medical Center.  
19085 All University of Mississippi Medical Center locations shall  
19086 provide in the aggregate not less than fifty percent (50%) of  
19087 their services to indigent persons including qualified  
19088 beneficiaries of the State Medicaid Program.

19089 **SECTION 301.** Section 55-23-39, Mississippi Code of 1972, is  
19090 brought forward as follows:

19091 55-23-39. Such general obligation bonds may be issued  
19092 without any other proceedings or the happening of any other  
19093 conditions or things than those proceedings, conditions and things  
19094 which are specified or required by Sections 55-23-21 through  
19095 55-23-43. Any resolution providing for the issuance of general  
19096 obligation bonds under the provisions of Sections 55-23-21 through  
19097 55-23-43 shall become effective immediately upon its adoption by  
19098 the State Bond Commission, and any such resolution may be adopted  
19099 at any regular, special or adjourned meeting of the State Bond  
19100 Commission by a majority of its members.

19101 The bonds authorized under the authority of Sections 55-23-21  
19102 through 55-23-43 may be validated in the Chancery Court of Hinds  
19103 County, Mississippi, in the manner and with the force and effect  
19104 provided now or hereafter by Chapter 13, Title 31, Mississippi



19105 Code of 1972, for the validation of county, municipal, school  
19106 district and other bonds. The necessary papers for such  
19107 validation proceedings shall be transmitted to the State Bond  
19108 Commission, and the required notice shall be published in a  
19109 newspaper published in the City of Jackson, Mississippi.

19110 **SECTION 302.** Section 49-5-94, Mississippi Code of 1972, is  
19111 brought forward as follows:

19112 49-5-94. Such general obligation bonds may be issued without  
19113 any other proceedings or the happening of any other conditions or  
19114 things than those proceedings, conditions and things which are  
19115 specified or required by Sections 49-5-86 through 49-5-98. Any  
19116 resolution providing for the issuance of general obligation bonds  
19117 under the provisions of Sections 49-5-86 through 49-5-98 shall  
19118 become effective immediately upon its adoption by the State Bond  
19119 Commission, and any such resolution may be adopted at any regular,  
19120 special or adjourned meeting of the State Bond Commission by a  
19121 majority of its members.

19122 The bonds authorized under the authority of Sections 49-5-86  
19123 through 49-5-98 shall be validated in the chancery court of Hinds  
19124 County, Mississippi, in the manner and with the force and effect  
19125 provided now or hereafter by Chapter 13, Title 31, Mississippi  
19126 Code of 1972, for the validation of county, municipal, school  
19127 district, and other bonds. The necessary papers for such  
19128 validation proceedings shall be transmitted to the state bond  
19129 attorney by the Secretary of the State Bond Commission, and the



19130 required notice shall be published in a newspaper published in the  
19131 City of Jackson, Mississippi.

19132       **SECTION 303.** Section 83-53-33, Mississippi Code of 1972, is  
19133 amended as follows:

19134       83-53-33. Any person affected by a cease and desist order  
19135 issued under Section 83-53-31 may, within thirty (30) days after  
19136 being served with such cease and desist order, petition the  
19137 commissioner for a hearing to consider the alleged violation of  
19138 this chapter or any rule or regulation issued pursuant thereto.  
19139 The commissioner shall set the time and place of such hearing,  
19140 which shall not be less than ten (10) days nor more than thirty  
19141 (30) days after the date the petition is received by the  
19142 commissioner.

19143       At the time and place fixed for such hearing, such person  
19144 shall have an opportunity to be heard and to show cause why the  
19145 order of the commissioner requiring such person to cease and  
19146 desist from the violation or violations complained of should not  
19147 be made final.

19148       Upon good cause shown, the commissioner shall permit any  
19149 person to intervene, appear and be heard at such hearing by  
19150 counsel or in person.

19151       Nothing contained herein shall require the observance at any  
19152 such hearing of formal rules of pleadings or evidence.

19153       The commissioner, upon such hearing, may administer oaths,  
19154 examine and cross-examine witnesses, receive oral and documentary



19155 evidence, and shall have the power to subpoena witnesses, compel  
19156 their attendance and require the production of books, papers,  
19157 records, correspondence or other documents which he deems relevant  
19158 to the inquiry. The commissioner, upon such hearing, may, and  
19159 upon the request of any party shall, cause to be made a  
19160 stenographic record of all the evidence and all the proceeding had  
19161 at such hearing. If no stenographic record is made and if a  
19162 judicial review is sought, the commissioner shall prepare a  
19163 statement of the evidence and proceeding for use on review. In  
19164 case of a refusal of any person to comply with any subpoena issued  
19165 hereunder or to testify with respect to any matter concerning  
19166 which he may be lawfully interrogated, the \* \* \* inferior courts  
19167 of the Capitol Complex Improvement District on application of the  
19168 commissioner, may issue an order requiring such person to comply  
19169 with such subpoena and to testify; and any failure to obey any  
19170 such order of the court may be punished by the court as a contempt  
19171 thereof.

19172       The commissioner by regulation shall provide for the  
19173 assessment of, costs for stenographic records, process and other  
19174 related expenses pertaining to proceedings pursuant to this  
19175 section, and may require a deposit or other security therefor.

19176       Statements of charges, notices, orders and other processes of  
19177 the commissioner may be served by anyone duly authorized by the  
19178 commissioner, either in the manner provided by law for service of  
19179 process in civil actions or by registering and mailing a copy



19180 thereof to the person affected by such statement, notice, order or  
19181 other process at his or its residence or principal office or place  
19182 of business. The verified return by the person so serving such  
19183 statement, notice, order or other process, setting forth the  
19184 manner of such service, shall be proof of the same; and the return  
19185 postcard receipt for such statement, notice, order or other  
19186 process, registered and mailed as aforesaid, shall be proof of the  
19187 service of the same.

19188       **SECTION 304.** Section 73-29-39, Mississippi Code of 1972, is  
19189 brought forward as follows:

19190       73-29-39. Any person dissatisfied with the action of the  
19191 board in refusing his application or suspending or revoking his  
19192 license, or any other action of the board, may appeal the action  
19193 of the board by filing a petition within thirty (30) days  
19194 thereafter in the circuit court in the county where the person  
19195 resides or in the Circuit Court of Hinds County, Mississippi, and  
19196 the court is vested with jurisdiction and it shall be the duty of  
19197 the court to set the matter for hearing upon ten (10) days'  
19198 written notice to the board and the attorney representing the  
19199 board. The court in which the petition of appeal is filed shall  
19200 determine whether or not a cancellation or suspension of a license  
19201 shall be abated until the hearing shall have been consummated with  
19202 final judgment thereon or whether any other action of the board  
19203 should be suspended pending hearing, and enter its order  
19204 accordingly, which shall be operative when served upon the board,



19205 and the court shall provide the attorney representing the board  
19206 with a copy of the petition and order. Except as otherwise  
19207 authorized in Section 7-5-39, the board shall be represented in  
19208 such appeals by the district or county attorney of the county or  
19209 the Attorney General, or any of their assistants. The board shall  
19210 initially determine all facts, but the court upon appeal shall set  
19211 aside the determination of the board if the board's determination  
19212 (1) is not based upon substantial evidence upon the entire record;  
19213 (2) is arbitrary or capricious; (3) is in violation of statutory  
19214 requirements; or (4) was made without affording to licensee or  
19215 applicant due process of law.

19216       Actions taken by the board in suspending a license when  
19217 required by Section 93-11-157 or 93-11-163 are not actions from  
19218 which an appeal may be taken under this section. Any appeal of a  
19219 license suspension that is required by Section 93-11-157 or  
19220 93-11-163 shall be taken in accordance with the appeal procedure  
19221 specified in Section 93-11-157 or 93-11-163, as the case may be,  
19222 rather than the procedure specified in this section.

19223       **SECTION 305.** Section 73-4-33, Mississippi Code of 1972, is  
19224 amended as follows:

19225       73-4-33. (1) If any licensee fails, or is alleged to have  
19226 failed, to meet the obligations under this chapter and the rules  
19227 and regulations promulgated hereunder, the commission shall hold a  
19228 hearing and determine whether there has been such a failure,  
19229 determine those persons who are proven claimants under the bond





19230 and, if appropriate, distribute the bond proceeds to the proven  
19231 claimants.

19232 (2) Actions upon the bond and the right to payment under the  
19233 bond shall extend solely to the commission, except that if the  
19234 commission has not initiated action under the bond by scheduling  
19235 and holding a hearing, by litigation or otherwise, within thirty  
19236 (30) days of a written request to do so, any claimant may initiate  
19237 an action in the \* \* \* inferior courts of the Capitol Complex  
19238 Improvement District to require the commission to take action.

19239 (3) If, after a hearing, the commission determines that  
19240 proven claims exceed the amount of the bond proceeds, the proceeds  
19241 shall be prorated among proven claimants in the ratio that the  
19242 amount of their proven claim bears to the total amount of all  
19243 proven claims.

19244 (4) The determination of the commission as to the fact and  
19245 the amount of liability under the bond and the amount distributed  
19246 to the claimants under the bond shall be binding upon the  
19247 principal and surety of the bond.

19248 (5) All hearings held under this section shall be held in  
19249 accordance with the laws of this state.

19250 (6) The existence of the bond and the bond recovery  
19251 procedure shall in no way affect or alter any other right or  
19252 remedy which a person may have under applicable law.

19253 **SECTION 306.** Section 69-5-25, Mississippi Code of 1972, is  
19254 amended as follows:



19255           69-5-25. Revenue bonds may be issued without any other  
19256 proceedings or the happening of any other conditions or things  
19257 than those proceedings, conditions, and things which are specified  
19258 or required by Sections 69-5-13 through 69-5-25. The bonds  
19259 authorized under the authority of said sections shall be validated  
19260 in the \* \* \* inferior courts of the Capitol Complex Improvement  
19261 District in the manner and with the force and effect provided now  
19262 or hereafter by Sections 31-13-1 through 31-13-11, Mississippi  
19263 Code of 1972, for the validation of county, municipal, school  
19264 district, and other bonds. The necessary papers for such  
19265 validation proceedings shall be transmitted to the State Bond  
19266 Attorney by the Secretary of the State Bond Commission, and the  
19267 required notice shall be published in a newspaper in the City of  
19268 Jackson, having a general circulation within the State of  
19269 Mississippi. Any resolution providing for the issuance of revenue  
19270 bonds under the provisions of Sections 69-5-13 through 69-5-25  
19271 shall become effective immediately upon its adoption by the State  
19272 Building Commission and need not be published or posted, and any  
19273 such resolution may be adopted at any regular, special, or  
19274 adjourned meeting of the State Building Commission by a majority  
19275 of its members.

19276           **SECTION 307.** Section 83-53-15, Mississippi Code of 1972, is  
19277 amended as follows:

19278           83-53-15. All policies, certificates of insurance, notices  
19279 of proposed insurance, applications for insurance, endorsements



19280 and riders delivered or issued for delivery in this state, and the  
19281 schedules of premium rates pertaining thereto, shall be filed with  
19282 the commissioner for his approval prior to use.

19283 If after filing, the commissioner notifies the insurer that  
19284 the form is disapproved, it is unlawful for the insurer to issue  
19285 or use the form. In the notice the commissioner shall specify the  
19286 reason for his disapproval and state that a hearing will be  
19287 granted within thirty (30) days after receipt of request in  
19288 writing by the insurer. No such policy, certificate of insurance,  
19289 notice of proposed insurance, nor any application, endorsement or  
19290 rider shall be issued or used unless and until the commissioner  
19291 shall give his prior written approval thereto.

19292 Any insurer or other party affected by any order or final  
19293 determination of the commissioner under the provisions of this  
19294 section may obtain judicial review thereof by filing in the \* \* \*  
19295 inferior courts of the Capitol Complex Improvement District within  
19296 thirty (30) days from the date thereof a written petition or  
19297 complaint praying that said order or final determination be  
19298 modified or reversed. A copy of such petition or complaint shall  
19299 be forthwith served upon the commissioner, and the commissioner  
19300 shall file a transcript of the entire record of the proceedings  
19301 with said court, which shall then have jurisdiction of the  
19302 proceedings and questions determined therein. Said court shall  
19303 have the power to make or enter a judgment modifying, affirming or



19304 reversing the order or final determination of the commissioner in  
19305 whole or in part.

19306       A premium rate or schedule of premium rates shall be deemed  
19307 reasonable for all purposes under this chapter and shall be deemed  
19308 approved by the commissioner upon filing with the commissioner as  
19309 required by this section if the premium rate or schedule of  
19310 premium rates meets the requirements for being considered  
19311 reasonable under Section 83-53-23. However, a different premium  
19312 rate or schedule of premium rates shall be deemed reasonable upon  
19313 the filing thereof with the commissioner as required by this  
19314 section if it produces, or reasonably may be expected to result in  
19315 claims incurred in excess of fifty percent (50%) of earned  
19316 premiums.

19317       **SECTION 308.** Section 11-11-15, Mississippi Code of 1972, is  
19318 amended as follows:

19319       11-11-15. The venue of actions against the Mississippi State  
19320 Board of Health wherein said board is a defendant, or the State  
19321 Board of Medical Licensure wherein said board is a defendant,  
19322 shall be in \* \* \* inferior courts of the Capitol Complex  
19323 Improvement District.

19324       **SECTION 309.** Section 73-3-2, Mississippi Code of 1972, is  
19325 amended as follows:

19326       73-3-2. (1) **Power to admit persons to practice.** The power  
19327 to admit persons to practice as attorneys in the courts of this  
19328 state is vested exclusively in the Supreme Court of Mississippi.



19329           (2) **Qualifications.** (a) Each applicant for admission to  
19330 the bar, in order to be eligible for examination for admission,  
19331 shall be at least twenty-one (21) years of age, of good moral  
19332 character, and shall present to the Board of Bar Admissions  
19333 satisfactory evidence:

19334                       (i) That he has successfully completed, or is  
19335 within sixty (60) days of completion of, a general course of study  
19336 of law in a law school which is provisionally or fully approved by  
19337 the section on legal education and admission to the bar of the  
19338 American Bar Association, and that such applicant has received, or  
19339 will receive within sixty (60) days, a diploma or certificate from  
19340 such school evidencing the satisfactory completion of such course,  
19341 but in no event shall any applicant under this paragraph be  
19342 admitted to the bar until such applicant actually receives such  
19343 diploma or certificate. However, an applicant who, as of November  
19344 1, 1981, was previously enrolled in a law school in active  
19345 existence in Mississippi for more than ten (10) years prior to the  
19346 date of application shall be eligible for examination for  
19347 admission; provided that such an applicant graduated prior to  
19348 November 1, 1984;

19349                       (ii) That he has notified the Board of Bar  
19350 Admissions in writing of an intention to pursue a general course  
19351 of study of law under the supervision of a Mississippi lawyer  
19352 prior to July 1, 1979, and in fact began study prior to July 1,  
19353 1979, and who completed the required course of study prior to



19354 November 1, 1984, in accordance with Sections 73-3-13(b) and  
19355 73-3-15 as the same exist prior to November 1, 1979; or

19356 (iii) That in addition to complying with either of  
19357 the above requirements, he has received a bachelor's degree from  
19358 an accredited college or university or that he has received credit  
19359 for the requirements of the first three (3) years of college work  
19360 from a college or university offering an integrated six-year  
19361 prelaw and law course, and has completed his law course at a  
19362 college or university offering such an integrated six-year course.  
19363 However, applicants who have already begun the general course of  
19364 study of law as of November 1, 1979, either in a law school or  
19365 under the supervision of a Mississippi lawyer shall submit proof  
19366 they have successfully completed two (2) full years of college  
19367 work.

19368 (b) The applicant shall bear the burden of establishing  
19369 his or her qualifications for admission to the satisfaction of the  
19370 Board of Bar Admissions. An applicant denied admission for  
19371 failure to satisfy qualifications for admission shall have the  
19372 right to appeal from the final order of the board to the Chancery  
19373 Court of Hinds County, Mississippi, within thirty (30) days of  
19374 entry of such order of denial.

19375 (3) **Creation of Board of Bar Admissions.** There is hereby  
19376 created a board to be known as the "Board of Bar Admissions" which  
19377 shall be appointed by the Supreme Court of Mississippi. The board  
19378 shall consist of nine (9) members, who shall be members in good



19379 standing of the Mississippi State Bar and shall serve for terms of  
19380 three (3) years. Three (3) members shall be appointed from each  
19381 Supreme Court district, one (1) by each Supreme Court Justice from  
19382 his district, with the original appointments to be as follows:  
19383 Three (3) to be appointed for a term of one (1) year, three (3) to  
19384 be appointed for a term of two (2) years, and three (3) to be  
19385 appointed for a term of three (3) years, one (1) from each  
19386 district to be appointed each year. No member of the Board of Bar  
19387 Admissions may be a member of the Legislature. Vacancies during a  
19388 term shall be filled by the appointing justice or his successor  
19389 for the remainder of the unexpired term.

19390 The board shall promulgate the necessary rules for the  
19391 administration of their duties, subject to the approval of the  
19392 Chief Justice of the Supreme Court.

19393 (4) **Written examination as prerequisite to admission.** Every  
19394 person desiring admission to the bar, shall be required to take  
19395 and pass a written bar examination in a manner satisfactory to the  
19396 Board of Bar Admissions. The Board of Bar Admissions shall  
19397 conduct not less than two (2) bar examinations each year.

19398 (5) **Oath and compensation of board members.** The members of  
19399 the Board of Bar Admissions shall take and subscribe an oath to be  
19400 administered by one (1) of the judges of the Supreme Court to  
19401 faithfully and impartially discharge the duties of the office.  
19402 The members shall receive compensation as established by the  
19403 Supreme Court for preparing, giving and grading the examination



19404 plus all reasonable and necessary travel expenses incurred in the  
19405 performance of their duties under the provisions of this section.

19406       (6) **Procedure for applicants who have failed.** Any applicant  
19407 who fails the examination shall be allowed to take the next  
19408 scheduled examination. A failing applicant may request in writing  
19409 from the board, within thirty (30) days after the results of the  
19410 examination have been made public, copies of his answers and model  
19411 answers used in grading the examination, at his expense. If a  
19412 uniform, standardized examination is administered, the board shall  
19413 only be required to provide the examination grade and such other  
19414 information concerning the applicant's examination results which  
19415 are available to the board. Any failing applicant shall have a  
19416 right to a review of his failure by the board. The board shall  
19417 enter an order on its minutes, prior to the administration of the  
19418 next bar examination, either granting or denying the applicant's  
19419 review, and shall notify the applicant of such order. The  
19420 applicant shall have the right to appeal from this order to  
19421 the \* \* \* inferior courts of the Capitol Complex Improvement  
19422 District within thirty (30) days of entry of such order.

19423       (7) **Fees.** The board shall set and collect the fees for  
19424 examination and for admission to the bar. The fees for  
19425 examination shall be based upon the annual cost of administering  
19426 the examinations. The fees for admission shall be based upon the  
19427 cost of conducting an investigation of the applicant and the





19428 administrative costs of sustaining the board, which shall include,  
19429 but shall not be limited to:

- 19430 (a) Expenses and travel for board members;
- 19431 (b) Office facilities, supplies and equipment; and
- 19432 (c) Clerical assistance.

19433 All fees collected by the board shall be paid to the State  
19434 Treasurer, who shall issue receipts therefor and who shall deposit  
19435 such funds in the State Treasury in a special fund to the credit  
19436 of said board. All such funds shall be expended only in  
19437 accordance with the provisions of Chapter 496, Laws of 1962, as  
19438 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

19439 (8) The board, upon finding the applicant qualified for  
19440 admission, shall issue to the applicant a certificate of  
19441 admission. The applicant shall file the certificate and a  
19442 petition for admission in the \* \* \* inferior courts of the Capitol  
19443 Complex Improvement District or in the chancery court in the  
19444 county of his residence, or, in the case of an applicant who is a  
19445 nonresident of the State of Mississippi, in the chancery court of  
19446 a county in which the applicant intends to practice. The chancery  
19447 court shall, in termtime or in vacation, enter on the minutes of  
19448 that court an order granting to the applicant license to practice  
19449 in all courts in this state, upon taking by the applicant in the  
19450 presence of the court, the oath prescribed by law, Section  
19451 73-3-35, Mississippi Code of 1972.



19452           (9) Each application or filing made under this section shall  
19453 include the social security number(s) of the applicant in  
19454 accordance with Section 93-11-64, Mississippi Code of 1972.

19455           **SECTION 310.** Section 65-3-3, Mississippi Code of 1972, is  
19456 brought forward as follows:

19457           65-3-3. The following highways are designated as state  
19458 highways and shall be under the jurisdiction of the Mississippi  
19459 Transportation Commission for construction and maintenance, and  
19460 such highways, along with all other laws adding links to the  
19461 designated state highway system, are declared to be the state  
19462 highway system of Mississippi:

19463           **Mississippi 1** -- Begins at Onward, Sharkey County, thence in  
19464 a westerly direction to Filer, thence in a northerly direction to  
19465 Mayersville, thence continues from Mississippi 14 approximately  
19466 midway between Mayersville and Rolling Fork to or near Greenville,  
19467 Rosedale, Sherard and ends at U.S. 49 east of Mississippi River  
19468 Bridge at Helena, Coahoma County.

19469           **Mississippi 2** -- Begins at or near Hickory Flat, Benton  
19470 County, and extends in a northeasterly direction to or near Blue  
19471 Mountain, thence continues from or near Ripley to or near Kossuth  
19472 to U.S. 72 west of Corinth, thence from U.S. 45 north of Corinth,  
19473 Alcorn County, northeasterly to the Mississippi-Tennessee state  
19474 line.

19475           **Mississippi 3** -- Begins at a point on U.S. 61 at or near  
19476 Redwood, Warren County, and extends in a northeasterly direction



19477 to or near Satartia and Yazoo City, thence follows U.S. 49W to or  
19478 near Inverness, thence in a northeasterly direction to Moorhead,  
19479 thence north to Sunflower, thence continues along U.S. 49W to  
19480 Tutwiler, thence in a northeasterly direction to Lambert, Marks,  
19481 Sledge, Crenshaw, Sarah and Savage to intersect U.S. 61 at or near  
19482 Lake Cormorant, DeSoto County.

19483       **Mississippi 4** -- Begins at or near Fox Island and extends  
19484 east to or near Tunica, Coahoma County, thence continues from U.S.  
19485 61 south of Tunica to or near Savage, Strayhorn, Senatobia, Holly  
19486 Springs, and Ashland, thence continues from Mississippi 5  
19487 approximately six and one-half miles south of Ashland to or near  
19488 Ripley, Booneville, Bentonite Mill, Livingstons Store, New Site,  
19489 and Bay Springs to Mississippi 25 at or near Dennis.

19490       **Mississippi 5** -- Begins on Mississippi 178 near Hickory Flat,  
19491 Benton County, and extends north to Elvis Chapel Church on U.S.  
19492 72, and thence west on U.S. 72 to Harris Chapel Church and thence  
19493 northwest to Mississippi 7, Benton County.

19494       **Mississippi 6** -- Begins on Mississippi 161 in Clarksdale,  
19495 thence easterly to Marks, Batesville, Oxford, Pontotoc, Tupelo,  
19496 thence southerly to Nettleton and ends at its intersection with  
19497 Mississippi 25 north of Amory.

19498       **Mississippi 7** -- Begins at or near Belzoni, Humphreys County,  
19499 and extends in a northeasterly direction to or near Swiftown to  
19500 U.S. 82 north of Itta Bena, thence continues from or near  
19501 Greenwood to or near Holcomb, Grenada, Coffeeville, Water Valley,



19502 Oxford and Holly Springs to the Mississippi-Tennessee state line  
19503 northeast of Michigan City, Benton County.

19504       **Mississippi 8** -- Begins on Mississippi 1 at or near Rosedale,  
19505 Bolivar County, and extends in an easterly direction to or near  
19506 Cleveland, Ruleville, Minter City, Philipp and Holcomb, thence  
19507 continues from or near Grenada to or near Calhoun City, Houston  
19508 and Aberdeen and ends on U.S. 278 at or near Greenwood Springs,  
19509 Monroe County.

19510       **Mississippi 9** -- Begins at or near Ackerman, Choctaw County,  
19511 and extends in a northerly direction to or near Eupora,  
19512 Bellefontaine and Slate Springs to Mississippi 8 south of Calhoun  
19513 City, thence continues from or near Calhoun City to or near Bruce,  
19514 Sarepta, Pontotoc and Sherman, thence continuing from U.S. 78  
19515 northwest of Sherman to, at or near Blue Springs and ending at  
19516 Mississippi 30 at or near Graham, Union County.

19517       **Mississippi 9W** -- Begins on Mississippi 9 north of Bruce,  
19518 Calhoun County, and extends northerly to or near Banner and Paris  
19519 to Mississippi 7 at Airport Road south of Markette, Lafayette  
19520 County.

19521       **I-10** -- From the Mississippi-Louisiana state line east of  
19522 Slidell, Louisiana, to the Mississippi-Alabama state line  
19523 southwest of Mobile, Alabama.

19524       **U.S. 11** -- Begins on I-59 at or near Nicholson, south of  
19525 Picayune, Pearl River County, and extends in a northeasterly  
19526 direction to or near Picayune, Poplarville, Hattiesburg, Laurel,



19527 Enterprise and Meridian, and thence easterly to the  
19528 Mississippi-Alabama state line, Lauderdale County.

19529       **Mississippi 12** -- Begins on Mississippi 1 at or near James,  
19530 Washington County, thence continuing through LeRoy Percy State  
19531 Park and extends in an easterly direction to or near Hollandale,  
19532 Belzoni, Tchula, Lexington, Durant, Kosciusko and Ackerman to a  
19533 point on U.S. 82 north of Mississippi State University, thence  
19534 continues from or near Columbus and extends in a northeasterly  
19535 direction to the Mississippi-Alabama state line, Lowndes County.

19536       **Mississippi 13** -- Begins at a point on U.S. 49 at or near  
19537 Maxie, Forrest County, and extends in a northwesterly direction to  
19538 or near Lumberton and Columbia, thence continues in a northerly  
19539 direction to or near Prentiss, Mendenhall, Puckett, Daniel,  
19540 Polkville, Morton and Lena and ends at a point on Mississippi 16  
19541 west of Carthage at or near Pine Tree, Leake County.

19542       **Mississippi 14** -- Begins at or near Mayersville, Issaquena  
19543 County, and extends in an easterly direction to or near Rolling  
19544 Fork, thence continues from U.S. 61 at or near Anguilla to U.S.  
19545 49W at or near Louise, thence continues from, at or near Ebenezer  
19546 to or near Goodman, Newport and Zemuly to south of Kosciusko to or  
19547 near Louisville and Macon ending at the Mississippi-Alabama state  
19548 line east of Macon, Noxubee County.

19549       **Mississippi 15** -- Begins at the intersection of I-10 and  
19550 I-110, Harrison County, and extends in a northerly direction to or  
19551 near Beaumont, Laurel, Bay Springs, Newton, Philadelphia,



19552 Louisville, Ackerman, Mathiston, Houston, Pontotoc, New Albany,  
19553 Ripley, Walnut and ends at the Mississippi-Tennessee state line,  
19554 Tippah County.

19555       **Mississippi 16** -- Begins on Mississippi 1 at or near the  
19556 Issaquena-Washington county line, thence in a southeasterly  
19557 direction to Rolling Fork and extends in a southeasterly direction  
19558 near Little Sunflower River, thence continues from or near Holly  
19559 Bluff in a northeasterly direction to U.S. 49W at or near Craig,  
19560 thence continues from or near Yazoo City to or near Benton to U.S.  
19561 51 at or near Canton, thence continues to or near Carthage,  
19562 Philadelphia, Dekalb and Scooba to the Mississippi-Alabama state  
19563 line east of Scooba, Kemper County.

19564       **Mississippi 17** -- Begins in Scott County on designated  
19565 Mississippi 25, thence northerly to Mississippi 16 near Farmhaven,  
19566 thence to or near Pickens, Lexington, Carrollton and ends  
19567 approximately three and one-tenth miles northeast of North  
19568 Carrollton, Carroll County.

19569       **Mississippi 18** -- Begins at or near Grand Gulf, Claiborne  
19570 County, then to or near Port Gibson and extends in a northeasterly  
19571 direction to or near Hermanville, Utica and Raymond to an  
19572 intersection with U.S. 80 at or near Jackson, thence from Brandon  
19573 continues in a southeasterly direction to or near Raleigh and Bay  
19574 Springs, thence continues in a northeasterly direction to or near  
19575 Rose Hill, thence southeast to or near Pachuta, thence east to or



19576 near Quitman and ends at the Mississippi-Alabama state line east  
19577 of Quitman, Clarke County.

19578       **Mississippi 19** -- Begins on U.S. 51 at or near West, Holmes  
19579 County, and extends in a southeasterly direction to or near  
19580 Kosciusko, Zama, Arlington High School, Yates Crossing,  
19581 Philadelphia and Meridian, and ends at the Mississippi-Alabama  
19582 state line southeast of Meridian, Lauderdale County.

19583       **I-20** -- From the Mississippi-Louisiana state line at  
19584 Vicksburg to a point on I-55 in Jackson and from another point on  
19585 I-55 southeast of Jackson to a point on I-59 west of Meridian.

19586       **Mississippi 21** -- Begins at a point on Mississippi 35 at or  
19587 near Forest, Scott County, and runs in a northeasterly direction  
19588 to or near Sebastopol, Dixon, Neshoba County Fairgrounds,  
19589 Philadelphia, Bond High School, Preston, Gholson, thence in a  
19590 northeasterly direction to intersect Mississippi 39 at or near  
19591 Shuqualak, Noxubee County.

19592       **Mississippi 22** -- Begins at or near Edwards, Hinds County,  
19593 thence in a northeasterly direction to or near Flora, thence to a  
19594 point on U.S. 51 at or near Canton, Madison County.

19595       **Mississippi 23** -- Begins on Mississippi 25 at or near  
19596 Smithville in Monroe County, thence northerly to Tremont, thence  
19597 to the Mississippi-Alabama state line, Itawamba County, southeast  
19598 of Golden, Mississippi.



19599       **Mississippi 24** -- Begins at or near Fort Adams, Wilkinson  
19600 County, and extends in an easterly direction to or near Woodville,  
19601 Centreville, Gloster, Liberty and McComb, Pike County.

19602       **Mississippi 25** -- Begins at or near Jackson, Hinds County,  
19603 thence in a northeasterly direction to or near Carthage,  
19604 Louisville and Starkville, thence along U.S. 82 to its  
19605 intersection with U.S. 45A, thence along U.S. 45A to Muldon,  
19606 thence to or near Aberdeen, Amory, Smithville, to U.S. 78, thence  
19607 continuing to Belmont, Dennis, Tishomingo, Iuka and to the  
19608 Mississippi-Tennessee state line north of Cross Roads, Tishomingo  
19609 County.

19610       **Mississippi 26** -- Begins at the Mississippi-Louisiana state  
19611 line east of Bogalusa, Pearl River County, and extends in an  
19612 easterly direction to or near Poplarville and Wiggins and ends at  
19613 or near Lucedale, George County.

19614       **Mississippi 27** -- Begins on the Mississippi-Louisiana state  
19615 line south of Tylertown, Walthall County, and extends northerly to  
19616 Tylertown, Monticello, Georgetown, Crystal Springs, Utica and ends  
19617 at or near Vicksburg, Warren County.

19618       **Mississippi 28** -- Begins at or near Fayette, Jefferson  
19619 County, and extends to, at or near Hazlehurst, Georgetown, Pinola,  
19620 Magee and Taylorsville and ends on U.S. 84 west of Laurel, Jones  
19621 County.

19622       **Mississippi 29** -- Begins at or near Wiggins, Stone County,  
19623 and extends in a northerly direction to or near Janice, New





19624 Augusta, Runnelstown, Ellisville and ends at Mississippi 28 at or  
19625 near Soso, Jones County.

19626       **Mississippi 30** -- Begins at or near Oxford, Lafayette County,  
19627 and extends in a northeasterly direction to or near New Albany,  
19628 thence by Keownsville and Pleasant Ridge, thence to a point at or  
19629 near Wheeler to intersect U.S. 45, thence along U.S. 45 to south  
19630 of Booneville, thence from U.S. 45 northeasterly to intersect  
19631 Mississippi 4 and Mississippi 364, thence to Walden's Store, Hills  
19632 Chapel, Burton and ends at the Natchez Trace Parkway east of  
19633 Tishomingo, Tishomingo County.

19634       **Mississippi 32** -- Begins on Mississippi Highway 1 at or near  
19635 Perthshire, Bolivar County, and extends east to or near Shelby,  
19636 thence continues from U.S. 49W at or near Parchman easterly to or  
19637 near Webb, Charleston, Oakland, Water Valley, Bruce and Houlka,  
19638 thence continues from Mississippi 15 south of Houlka to or near  
19639 Van Vleet and Okolona, Chickasaw County.

19640       **Mississippi 33** -- Begins at the Mississippi-Louisiana state  
19641 line, Wilkinson County, and extends northerly to Mississippi 24 at  
19642 or near Centreville, thence to Gloster to or near Crosby,  
19643 Knoxville, Roxie and McNair to U.S. 61 south of Fayette, then from  
19644 or near Fayette northeasterly to or near Red Lick and Pattison to  
19645 Mississippi 18 at or near Hermanville, Claiborne County.

19646       **Mississippi 35** -- Begins at the Mississippi-Louisiana state  
19647 line, Marion County, south of Sandy Hook and extends in a  
19648 northerly direction to a point on U.S. 98 at or near Foxworth,



19649 thence continues from or near Columbia to or near Bassfield, Lone  
19650 Star, Mount Olive, Mize, Raleigh, Forest, Carthage, Kosciusko,  
19651 Vaiden, Holcomb, Charleston and Batesville and ends at or near the  
19652 Sardis Dam northeast of Batesville, Panola County.

19653 **Mississippi 37** -- Begins at a point on U.S. 84, Covington  
19654 County, south of Hot Coffee and extends in a northerly direction  
19655 to or near Taylorsville, Center Ridge and ends on Mississippi 35  
19656 south of Raleigh, Smith County.

19657 **Mississippi 39** -- Begins at or near Meridian, Lauderdale  
19658 County, and extends in a northerly direction to or near DeKalb and  
19659 ends on U.S. 45 at or near Shuqualak, Noxubee County.

19660 **Mississippi 41** -- Begins at or near Pontotoc, Pontotoc  
19661 County, and extends southeasterly to or near Okolona, thence  
19662 easterly to U.S. 45 at or near Wren, Monroe County.

19663 **Mississippi 42** -- Begins at the Lawrence-Simpson county line  
19664 northeast of New Hebron and extends to or near New Hebron,  
19665 Prentiss, Bassfield and Sumrall to U.S. 49 north of Hattiesburg to  
19666 or near Petal, Runnelstown, Richton, Sand Hill and State Line to  
19667 the Mississippi-Alabama state line, Wayne County.

19668 **Mississippi 43** -- Begins on U.S. 90 west of Bay St. Louis,  
19669 Hancock County, and extends in a north northwesterly direction to  
19670 or near Picayune, thence continues from or near Picayune to  
19671 Mississippi 26 at or near Cross Roads then to Mississippi 13 south  
19672 of Prentiss west and north to Arm Road in Section 5, Township 6  
19673 North, Range 20 West, Lawrence County, and proceeds northwesterly



19674 for approximately four miles to its intersection with U.S. 84 in  
19675 Section 24, Township 7 North, Range 21 West, thence continues  
19676 from, at or near Silver Creek, New Hebron and Pinola to  
19677 Mississippi 13 southwest of Mendenhall, thence continues from  
19678 Mississippi 18 at or near Puckett, Cross Roads, Pelahatchie and  
19679 Pisgah to Mississippi 16 at or near Canton, thence to or near  
19680 Thomastown, Kosciusko, Shady Grove and Friendship ending at the  
19681 intersection of Mississippi 407 south of Kilmichael, Montgomery  
19682 County.

19683       **Mississippi 44** -- Begins at or near McComb, Pike County, and  
19684 extends to or near Pricedale and Jayess to Mississippi 27 east of  
19685 Jayess, thence continues easterly across the Pearl River to  
19686 Mississippi 13, Marion County, thence continues from, at or near  
19687 Columbia to or near Sumrall, Lamar County.

19688       **U.S. 45** -- Begins at the Mississippi-Alabama state line at or  
19689 near the Town of State Line, Greene County, and extends in a  
19690 northerly direction to or near Waynesboro, Quitman, Meridian,  
19691 Scooba, Macon, Brooksville, Columbus, Aberdeen, Nettleton,  
19692 Shannon, Tupelo, Booneville, Corinth and ends at the  
19693 Mississippi-Tennessee state line north of Corinth, Alcorn County.

19694       **U.S. 45A** -- Begins at a point on U.S. 45 at or near  
19695 Brooksville, Noxubee County, and extends in a northerly direction  
19696 to or near West Point, Okolona, and ends at a point on U.S. 45 at  
19697 or near Shannon, Lee County.



19698           **Mississippi 46** -- Begins at a point on Mississippi 9 south of  
19699 Calhoun City, Calhoun County, and extends southeasterly to or near  
19700 Hohenlinden, Mantee, Montpelier to Mississippi 50 approximately  
19701 seven miles west of West Point, Clay County.

19702           **Mississippi 47** -- Begins at approximately seven miles west of  
19703 West Point, Clay County, on Mississippi 50 and runs in a northerly  
19704 direction to intersect with Mississippi 8 at or near Trebloc, and  
19705 thence north to Buena Vista, Chickasaw County.

19706           **Mississippi 48** -- Begins at or near Centreville, Wilkinson  
19707 County, and extends to Liberty, thence continues from Mississippi  
19708 24 west of McComb and extends in a southeasterly direction to or  
19709 near Magnolia, Tylertown and Dexter, thence continues in a  
19710 southeasterly direction to intersect with Mississippi 35 at Sandy  
19711 Hook, thence in an easterly direction to or near Lumberton, Lamar  
19712 County.

19713           **U.S. 49** -- Begins at or near Gulfport, Harrison County, and  
19714 extends in a northerly direction to or near Wiggins, Hattiesburg,  
19715 Collins, Mendenhall, Jackson and Yazoo City, thence continues from  
19716 or near Tutwiler to or near Clarksdale, and thence continues from  
19717 U.S. 61 north of Clarksdale westward to or near the Mississippi  
19718 River, Coahoma County, near Helena, Arkansas.

19719           **U.S. 49E** -- Begins at or near Yazoo City, Yazoo County, and  
19720 extends in a northerly direction to or near Tchula and Greenwood  
19721 and ends at or near Tutwiler, Tallahatchie County.



19722           **U.S. 49W** -- Begins at or near Yazoo City, Yazoo County, and  
19723 extends in a northerly direction to or near Belzoni, Indianola and  
19724 Ruleville and ends at or near Tutwiler, Tallahatchie County.

19725           **Mississippi 50** -- Begins at or near Walthall, Webster County,  
19726 thence easterly to or near Cumberland to Mississippi 15, thence to  
19727 or near Pheba, Cedar Bluff and West Point to or near junction  
19728 Mississippi 373 and U.S. 45, then continues from, at or near  
19729 Columbus on U.S. 82 northeasterly to the Mississippi-Alabama state  
19730 line, Lowndes County.

19731           **U.S. 51** -- Begins at the Mississippi-Louisiana state line at  
19732 or near Osyka, Pike County, and extends in a northerly direction  
19733 to or near Magnolia, McComb, Summit, Brookhaven, Hazlehurst,  
19734 Crystal Springs, Jackson, Canton, Durant, Winona, Grenada,  
19735 Batesville, Senatobia and Hernando and ends at the  
19736 Mississippi-Tennessee state line north of Horn Lake, DeSoto  
19737 County.

19738           **Mississippi 53** -- Begins at or near Poplarville, Pearl River  
19739 County, and extends in a southeasterly direction to or near  
19740 Necaie and ends at or near Lyman, Harrison County.

19741           **I-55** -- From the Mississippi-Louisiana state line south of  
19742 McComb via Jackson to the Mississippi-Tennessee state line south  
19743 of Memphis, Tennessee.

19744           **Mississippi 57** -- Begins at or near Fontainebleau, Jackson  
19745 County, and extends to or near Vancleave, Benndale, Avent, and  
19746 McLain, thence continues from U.S. 98 east of McLain to or near



19747 Leakesville, thence continues from or near Leakesville northerly  
19748 to or near State Line on U.S. 45 and ends at its intersection with  
19749 Mississippi 42, Greene County.

19750 **I-59** -- From the Mississippi-Louisiana state line near  
19751 Picayune via Hattiesburg, Laurel and Meridian to the  
19752 Mississippi-Alabama state line west of Cuba, Alabama.

19753 **U.S. 61** -- Begins at the Mississippi-Louisiana state line  
19754 south of Woodville, Wilkinson County, and extends in a northerly  
19755 direction to or near Woodville, Natchez, Fayette, Port Gibson,  
19756 Vicksburg, Rolling Fork, Leland, Cleveland, Clarksdale and Tunica  
19757 and ends at the Mississippi-Tennessee state line north of Lake  
19758 View, DeSoto County.

19759 **Mississippi 63** -- Begins from U.S. 90 at or near Pascagoula,  
19760 Jackson County, and extends in a northerly direction to or near  
19761 Moss Point, Wade, Lucedale, Leakesville, Sand Hill and ends at or  
19762 near Waynesboro, Wayne County.

19763 **U.S. 65** -- Begins at the west end of the Mississippi River  
19764 Bridge at Natchez, Adams County, and extends in an easterly  
19765 direction to U.S. 61 and thence continues south jointly with U.S.  
19766 61 to the Mississippi-Louisiana state line south of Woodville,  
19767 Wilkinson County.

19768 **Mississippi 67** -- Begins at I-10 and extends north to U.S. 49  
19769 at or near Saucier, all in Harrison County.



19770           **Mississippi 69** -- Begins at the Mississippi-Alabama state  
19771 line and extends northerly to or near Columbus, all in Lowndes  
19772 County.

19773           **U.S. 72** -- Begins at the Mississippi-Tennessee state line  
19774 northwest of Mt. Pleasant, Marshall County, and extends in a  
19775 southeasterly direction to or near Walnut, Corinth and Iuka and  
19776 ends at the Mississippi-Alabama state line southeast of Iuka,  
19777 Tishomingo County.

19778           **Mississippi 76** -- Begins on Mississippi 6 west of Pontotoc to  
19779 Mississippi 9, from Mississippi 9 easterly to U.S. 45 south of  
19780 Tupelo and continuing easterly to existing Mississippi 6 near  
19781 Plantersville, and continues from a point approximately 7.482  
19782 miles northeast of U.S. 78 near the community of Fairview and  
19783 extends northeasterly approximately 11 miles to the  
19784 Mississippi-Alabama state line, Itawamba County.

19785           **U.S. 78** -- Begins at the Mississippi-Tennessee state line  
19786 northwest of Olive Branch, DeSoto County, and extends in a  
19787 southeasterly direction to or near Holly Springs, New Albany,  
19788 Tupelo and Fulton and ends at the Mississippi-Alabama state line  
19789 east of Fulton, Itawamba County.

19790           **U.S. 80** -- Begins at or near Vicksburg, Warren County, and  
19791 extends in an easterly direction to or near Jackson, Brandon,  
19792 Forest, Newton and Meridian and ends at the Mississippi-Alabama  
19793 state line east of Meridian, Lauderdale County.



19794           **U.S. 82** -- Begins at the Mississippi River Bridge southwest  
19795 of Greenville, Washington County, and extends in a northeasterly  
19796 direction to or near Greenville, thence east to or near Leland,  
19797 Indianola, Greenwood, Carrollton, Winona, Mathiston and Starkville  
19798 to a point on U.S. 45 west of Columbus, thence continues from or  
19799 near Columbus to the Mississippi-Alabama state line east of  
19800 Columbus, Lowndes County.

19801           **U.S. 84** -- Begins at the Mississippi River Bridge at or near  
19802 Natchez, Adams County, and extends in an easterly direction to  
19803 U.S. 61 in Natchez, thence continues jointly with U.S. 61 to or  
19804 near Washington, thence continues from U.S. 61 at or near  
19805 Washington, to or near Meadville, Brookhaven, Monticello,  
19806 Prentiss, Collins, Laurel and Waynesboro to the  
19807 Mississippi-Alabama state line east of Tokio, Wayne County.

19808           **U.S. 90** -- Begins at the Mississippi-Louisiana state line  
19809 southwest of Pearlington, Hancock County, and extends in an  
19810 easterly direction to or near Bay St. Louis, Gulfport, Biloxi,  
19811 Pascagoula, and ends at the Mississippi-Alabama state line,  
19812 Jackson County, en route to Mobile, Alabama.

19813           **U.S. 98** -- Begins at or near Bude, Franklin County, and  
19814 extends in a southeasterly direction to or near Summit, thence  
19815 continues from, at or near McComb to or near Tylertown, Columbia  
19816 and Hattiesburg, thence continues from I-59 southwest of  
19817 Hattiesburg to or near New Augusta, Beaumont, McLain and Lucedale





19818 to the Mississippi-Alabama state line southeast of Lucedale,  
19819 George County.

19820 **I-110** -- Begins at its intersection with U.S. 90 in Biloxi  
19821 thence north to I-10.

19822 **Mississippi 145** -- The various sections of Old U.S. 45 that  
19823 have been relocated by new construction.

19824 **Mississippi 149** -- The various sections of Old U.S. 49 that  
19825 have been relocated by new construction.

19826 **Mississippi 161** -- The various sections of Old U.S. 61 that  
19827 have been relocated by new construction.

19828 **Mississippi 172** -- The various sections of Old U.S. 72 that  
19829 have been relocated by new construction.

19830 **Mississippi 178** -- The various sections of Old U.S. 78 that  
19831 have been relocated by new construction.

19832 **Mississippi 182** -- The various sections of Old U.S. 82 that  
19833 have been relocated by new construction.

19834 **Mississippi 184** -- The various sections of Old U.S. 84 that  
19835 have been relocated by new construction.

19836 **Mississippi 198** -- The various sections of Old U.S. 98 that  
19837 have been relocated by new construction.

19838 **Mississippi 245** -- Begins on U.S. 45A south of Okolona,  
19839 Chickasaw County, thence continues to Mississippi 32/Mississippi  
19840 41 at Okolona and continues to Mississippi 145 at Shannon, Lee  
19841 County.



19842           **I-220** -- Begins at its intersection with I-20 at or near Van  
19843 Winkle and thence northeasterly a distance of approximately 12  
19844 miles to intersect with I-55 at or near the Hinds-Madison county  
19845 line.

19846           **U.S. 278** -- Begins at the Mississippi-Arkansas state line,  
19847 continues along U.S. 82 to Leland, thence along U.S. 61 to  
19848 Clarksdale, continues along Mississippi 6 to Batesville, Oxford,  
19849 Pontotoc and Tupelo, thence along U.S. 45 to south of Nettleton,  
19850 near Wren, thence easterly to Amory and ends at the  
19851 Mississippi-Alabama state line near Gattman, Monroe County.

19852           **Mississippi 301** -- Begins at or near Arkabutla, Tate County,  
19853 thence north to the Tate-DeSoto county line, thence begins on  
19854 Mississippi 304 at Eudora to or near Lynchburg and ends at the  
19855 Mississippi-Tennessee state line, DeSoto County.

19856           **Mississippi 302** -- Begins at U.S. 61, DeSoto County, thence  
19857 east to U.S. 78 at or near Olive Branch in DeSoto County, thence  
19858 to U.S. 72 at or near Mount Pleasant in Marshall County.

19859           **Mississippi 304** -- Begins at the Mississippi-Tennessee state  
19860 line at or near U.S. 72, Marshall County, and thence runs in a  
19861 southwesterly direction to intersect with U.S. 78 at or near  
19862 Byhalia and thence runs in a westerly direction to intersect I-55  
19863 at or near Hernando and thence runs in a westerly direction to  
19864 intersect with U.S. 61 in DeSoto County.

19865           **Mississippi 305** -- Begins at or near the north boundary line  
19866 of Sardis Reservoir, Lafayette County, and extends northerly to



19867 Mississippi 310 in Lafayette County, then from Mississippi 4 north  
19868 to or near Independence, Lewisburg, Olive Branch and ends at the  
19869 Mississippi-Tennessee state line, DeSoto County.

19870       **Mississippi 306** -- Begins at or near Coldwater and extends to  
19871 or near Independence, all in Tate County.

19872       **Mississippi 309** -- Begins on Mississippi 4 at or near  
19873 Chulahoma, Marshall County, Mississippi, and runs thence in a  
19874 northerly direction to or near the communities of Watson, the Town  
19875 of Byhalia, and ends at the Mississippi-Tennessee state line north  
19876 of Barton, Marshall County.

19877       **Mississippi 310** -- Begins on Mississippi 3 in Crenshaw,  
19878 Panola County, and extends in an easterly direction to Como, then  
19879 returns from I-55 easterly to the Lafayette county line near Laws  
19880 Hill, then to Mississippi 7 at or near Malone, Marshall County.

19881       **Mississippi 311** -- Begins on Mississippi 7 at or near Holly  
19882 Springs and extends northerly to U.S. 72 at or near Mt. Pleasant,  
19883 all in Marshall County.

19884       **Mississippi 313** -- Begins at or near Hudsonville and extends  
19885 westerly to Atway, thence northerly to U.S. 72 at or near Slayden,  
19886 all in Marshall County.

19887       **Mississippi 314** -- Begins at or near Sardis Reservoir and  
19888 extends southeasterly to or near Oxford, all in Lafayette County.

19889       **Mississippi 315** -- Begins at U.S. Highway 49/Mississippi 61  
19890 near the Town of Rich, continues to the Coahoma-Quitman county  
19891 line, thence easterly to or near Sledge and Sardis, southeasterly



19892 to or near Sardis Dam and Water Valley to Mississippi 9W at or  
19893 near Paris, Lafayette County.

19894 **Mississippi 316** -- Begins at a point on U.S. 61 in Coahoma  
19895 County, at or near Frank Montory's Place and runs thence in a  
19896 generally southeasterly direction through Jonestown, thence  
19897 through Belen to Mississippi 6 west of Marks, Quitman County.

19898 **Mississippi 321** -- Begins on Mississippi 32 east of Webb and  
19899 extends northerly and ends at or near Brazil, all in Tallahatchie  
19900 County.

19901 **Mississippi 322** -- Begins at or near Sherard, Coahoma County,  
19902 and extends east to or near Clarksdale, thence from or near Hopson  
19903 on U.S. 49 south of Clarksdale east to Mississippi 3 approximately  
19904 three miles south of Lambert, thence from Lambert to Crowder and  
19905 ends on the Batesville-Charleston Road east of Crowder, Panola  
19906 County.

19907 **Mississippi 328** -- Begins where it intersects with  
19908 Mississippi 315, and extends easterly in a direction approximately  
19909 eight miles to or near Taylor, thence to or near Markette,  
19910 Lafayette County.

19911 **Mississippi 330** -- Begins on U.S. 51 west of Tillatoba,  
19912 Yalobusha County, and extends easterly to or near Coffeeville and  
19913 Gums, thence east to Bruce, Calhoun County.

19914 **Mississippi 331** -- Begins on Mississippi 9 southwest of  
19915 Sarepta, Calhoun County, and extends north to or near Tula and  
19916 ends on Mississippi 334 north of Tula, Lafayette County.



19917           **Mississippi 332** -- Begins at the intersection of Old  
19918 Mississippi 7 with U.S. 51 approximately one mile north of Grenada  
19919 and extends in a northeasterly direction to the north abutment of  
19920 the Grenada Dam, all in Grenada County.

19921           **Mississippi 333** -- Begins at the intersection of Old  
19922 Mississippi 8 with new Mississippi 8, approximately one mile east  
19923 of Grenada and extends in a northeasterly direction to its  
19924 intersection with a federally maintained road leading to the south  
19925 abutment of the Grenada Dam, all in Grenada County.

19926           **Mississippi 334** -- Begins at or near Oxford, Lafayette  
19927 County, and extends in an easterly direction to or near Toccopola  
19928 and ends on Mississippi 9 at or near Springville, Pontotoc County.

19929           **Mississippi 336** -- Begins on Mississippi 6 at or near  
19930 Lafayette Springs, Lafayette County, and extends to or near  
19931 Thaxton and Pontotoc, Pontotoc County.

19932           **Mississippi 340** -- Begins at the Calhoun-Chickasaw county  
19933 line near the Riley Ball Home, thence easterly to Mississippi 341,  
19934 then continues to Mississippi 15 near Woodland, all in Chickasaw  
19935 County.

19936           **Mississippi 341** -- Begins at the Webster-Chickasaw county  
19937 line, thence northerly to or near Atlanta, Vardaman to Mississippi  
19938 32, then continues to or near Buckhorn ending on Mississippi 9  
19939 southwest of Pontotoc, Pontotoc County.



19940           **Mississippi 342** -- Begins on Mississippi 41 at or near  
19941 Pontotoc and extends to Mississippi 6 east of Pontotoc, all in  
19942 Pontotoc County.

19943           **Mississippi 345** -- Begins at or near Pontotoc and extends  
19944 north and west to or near Ecu, all in Pontotoc County.

19945           **Mississippi 346** -- Begins at or near Sand Springs Church,  
19946 thence east to or near Esperanza, thence to Mississippi 15  
19947 approximately three-fourths mile south of Ecu, all in Pontotoc  
19948 County.

19949           **Mississippi 347** -- Begins on Mississippi 349 at or near  
19950 Bethlehem, thence northeasterly and northwesterly to Mississippi  
19951 349 approximately two miles south of Potts Camp, all in Marshall  
19952 County.

19953           **Mississippi 348** -- Begins at or near New Albany, Union  
19954 County, and extends east to or near Guntown, Lee County.

19955           **Mississippi 349** -- Begins where it intersects with  
19956 Mississippi 30, Union County, and extends northwesterly to or near  
19957 Cornersville and Bethlehem and ends at or near Potts Camp,  
19958 Marshall County.

19959           **Mississippi 350** -- Begins from Mississippi 2 northeast of  
19960 Corinth, Alcorn County, thence in an easterly direction to  
19961 Mississippi 25 near the State Line Resort, Tishomingo County.

19962           **Mississippi 351** -- Begins on the Alcorn-Tippah county line  
19963 thence north to or near Gorforth's Place on Mississippi 2 in  
19964 Alcorn County.



19965           **Mississippi 354** -- Begins at or near Walnut, thence in a  
19966           southeasterly direction approximately two and nine-tenths miles,  
19967           all in Tippah County.

19968           **Mississippi 355** -- Begins at Mississippi 346 near Esperanza,  
19969           Pontotoc County, and extends northwesterly to or near Pinedale and  
19970           Etta, then to Mississippi 30 near Gallway, Union County.

19971           **Mississippi 356** -- Begins on the Kossuth-Rienzi Road, Alcorn  
19972           County, approximately six and one-half miles west of Rienzi and  
19973           extends east to or near Rienzi and Jacinto, to intersect  
19974           Mississippi 365 southeast of Jacinto, Prentiss County.

19975           **Mississippi 362** -- Begins at Mississippi 145, runs through  
19976           Wheeler to Wheeler School, thence from Hopewell Road easterly to  
19977           intersect at or near the junction with a county road in the  
19978           northwest quarter of Section 20 approximately one and four-tenths  
19979           miles west of Mississippi 371, all in Prentiss County.

19980           **Mississippi 363** -- Begins on Mississippi 178 west of Fulton,  
19981           Itawamba County, and extends north to or near Mantachie, thence  
19982           north and west to Mississippi 145 at Saltillo, Lee County.

19983           **Mississippi 364** -- Begins on Mississippi 30 east of  
19984           Booneville, Prentiss County, runs northeast to Mississippi 365 and  
19985           thence from a point near Holcut east to Mississippi 25 south of  
19986           Iuka, Tishomingo County.

19987           **Mississippi 365** -- Begins on Mississippi 30 at or near  
19988           Burton, Prentiss County, thence north to Burnsville to intersect  
19989           Mississippi 25 at or near Cross Roads, Tishomingo County.



19990           **Mississippi 366** -- Begins east of Baldwyn on Mississippi 370,  
19991   Prentiss County, thence in an easterly direction to Mississippi  
19992   371 at Marietta, thence from Mississippi 25 at or near Belmont to  
19993   the Mississippi-Alabama state line east of Golden, Tishomingo  
19994   County.

19995           **Mississippi 367** -- Begins on Mississippi 356 southeast of  
19996   Jacinto, thence in a northeasterly direction to Alcorn-Tishomingo  
19997   county line, all in Alcorn County.

19998           **Mississippi 368** -- Begins where it intersects Mississippi 15  
19999   at or near Blue Mountain thence easterly to or near Buena Vista  
20000   School, all in Tippah County.

20001           **Mississippi 369** -- Begins on Mississippi 370 approximately  
20002   two miles east of Benton-Tippah county line, thence northeasterly  
20003   to or near Walnut, all in Tippah County.

20004           **Mississippi 370** -- Begins at Mississippi 5 at or near  
20005   Ashland, Benton County, thence easterly to Mississippi 15 at or  
20006   near Falkner, thence from Mississippi 4 at or near Ripley  
20007   southeasterly to or near Dumas thence to Mississippi 30 at or near  
20008   Pleasant Ridge, thence from Mississippi 30 east of Pleasant Ridge  
20009   to or near Baldwyn and ends at Mississippi 371 at or near  
20010   Kirkville, Itawamba County.

20011           **Mississippi 371** -- Begins on Mississippi 6 south of  
20012   Nettleton, Monroe County, thence north to or near Richmond and  
20013   Mooreville, thence northeast to or near Mantachie, thence north to





20014 or near Marietta and ends on Mississippi 4 southeast of  
20015 Booneville, Prentiss County.

20016 **Mississippi 373** -- Begins on U.S. 45 approximately four miles  
20017 north of Columbus, Lowndes County, thence to the South Gate of  
20018 Columbus Air Force Base, thence from the North Gate of Columbus  
20019 Air Force Base to U.S. 45 at or near Hamilton, Monroe County.

20020 **Mississippi 379** -- Begins at the Itawamba-Monroe county line  
20021 and extends northward to a point on Mississippi 371 near  
20022 Evergreen, all in Itawamba County.

20023 **Mississippi 382** -- Begins on U.S. 45A and thence runs in an  
20024 easterly direction through Prairie to intersect Mississippi 25  
20025 approximately three miles south of Aberdeen, all in Monroe County.

20026 **Mississippi 385** -- Begins at or near Buena Vista and runs in  
20027 a northwesterly direction to Mississippi 32 at or near Van Vleet,  
20028 all in Chickasaw County.

20029 **Mississippi 388** -- Begins at or near Brooksville and extends  
20030 east to or near Cliftonville and to the Mississippi-Alabama state  
20031 line, all in Noxubee County.

20032 **Mississippi 389** -- Begins on U.S. 82 in Starkville, Oktibbeha  
20033 County, and runs in a northwesterly direction to the  
20034 Oktibbeha-Clay county line, thence to a point on Mississippi 46 at  
20035 Montpelier, continues in a northerly direction to a point on  
20036 Mississippi 8 in Houston, Chickasaw County.



20037           **Mississippi 391** -- Begins at the east side of T.N. Kinard  
20038 property line and runs in a northeasterly direction to  
20039 Winston-Noxubee county line, all in Winston County.

20040           **Mississippi 393** -- Begins on the Winston-Neshoba county line  
20041 and extends northward to Mississippi 490 at or near Claytown,  
20042 Winston County.

20043           **Mississippi 395** -- Begins on Mississippi 19 at or near  
20044 Arlington, Neshoba County, and runs north to Plattsburg, thence  
20045 east to or near Noxapater, Winston County.

20046           **Mississippi 397** -- Begins at or near Louisville, Winston  
20047 County, and extends southeast to or near DeKalb, Kemper County.

20048           **Mississippi 403** -- Begins at or near Mathiston and extends  
20049 north and west to the county highway maintenance barn for District  
20050 No. 4 in Webster County.

20051           **Mississippi 404** -- Begins at I-55 in Carroll County and  
20052 extends east to U.S. 51 north of Duck Hill, thence from a point on  
20053 U.S. 51 at Duck Hill in an easterly direction to beat line of Beat  
20054 No. 2 in Montgomery County and from the intersection of  
20055 Cadaretta-Bellefontaine Road at Spring Hill, and extends easterly  
20056 to or near Bellefontaine in Webster County.

20057           **Mississippi 407** -- Begins on U.S. 51, Montgomery County,  
20058 thence in a southeasterly direction to Mississippi 413 at French  
20059 Camp, then from Mississippi 12 at or near Weir southwesterly to  
20060 the Town of McCool, thence west to intersect Mississippi 12,  
20061 Attala County.



20062           **Mississippi 411** -- Begins at a point at or near Glendale  
20063 School on Mississippi 14 in Attala County, Mississippi, and runs  
20064 in a northerly direction to or near Antioch Church, thence to the  
20065 Town of McCool, continues over the business route of Mississippi  
20066 12 through the Town of McCool to a point just west of the bridge  
20067 over the Yockanookany River, thence north to Mississippi 12, all  
20068 in Attala County.

20069           **Mississippi 413** -- Begins at or near Kilmichael, Montgomery  
20070 County, and extends southeast to or near Weir, Choctaw County.

20071           **Mississippi 415** -- Begins where it intersects the Natchez  
20072 Trace Parkway, thence southeast to or near Chester, and ends on  
20073 Mississippi 9 about two and one-half miles northwest of Ackerman,  
20074 Choctaw County.

20075           **Mississippi 424** -- Begins at or near Holmes State Park and  
20076 extends east to U.S. 51 south of Durant, Holmes County.

20077           **Mississippi 425** -- Begins at a point on Mississippi 12 and  
20078 runs in a southeasterly direction to the east city limits of  
20079 Ethel, all in Attala County.

20080           **Mississippi 427** -- Begins at or near Laurel Hill, Neshoba  
20081 County, and extends in a northerly direction to Mississippi 16 at  
20082 Edinburg, then begins approximately two miles north of Edinburg  
20083 and extends in a northerly direction to Mississippi 25 between  
20084 Marydell, Leake County, and Mississippi 19 intersection.

20085           **Mississippi 429** -- Begins at or near Blocker's Store, Leake  
20086 County, and extends northwest to intersect the Natchez Trace



20087 Parkway at or near Thomastown, thence northerly to Mississippi 14  
20088 at or near Zemuly, thence from Mississippi 14 at or near Newport  
20089 north to intersect Mississippi 12 north of Sallis, Attala County.

20090 **Mississippi 430** -- Begins at or near Greenwood, Leflore  
20091 County, thence in a southeasterly direction to Leflore-Carroll  
20092 county line, thence from a point at or near Black Hawk east to or  
20093 near Vaiden, Carroll County.

20094 **Mississippi 431** -- Begins in the Village of Sallis, Attala  
20095 County, 600 feet west of Mississippi 429 and extends easterly to  
20096 Mississippi 12 east of Sallis.

20097 **Mississippi 432** -- Begins at or near Benton, Yazoo County,  
20098 and extends northeast to or near Pickens, Holmes County.

20099 **Mississippi 433** -- Begins on U.S. 61 at or near Kelso,  
20100 Sharkey County, thence northeast to a point south of Spanish Fort,  
20101 and thence from, at or near Satartia, east to or near Bentonia,  
20102 thence in a northerly direction to or near Benton, and thence to a  
20103 point approximately four miles north of the Holmes-Yazoo county  
20104 line.

20105 **Mississippi 434** -- Begins on U.S. 61 north of Anguilla and  
20106 extends east to or near Catchings, now Delta City, all in Sharkey  
20107 County.

20108 **Mississippi 436** -- Begins at or near Glen Allen and extends  
20109 northeasterly to U.S. 61 at or near Percy, all in Washington  
20110 County.



20111       **Mississippi 438** -- Begins at or near Wayside, Washington  
20112 County, and extends to the Washington-Humphreys county line.

20113       **Mississippi 440** -- Begins on Mississippi 19 in Section 2,  
20114 Township 15 North, Range 5 East, thence easterly to intersect  
20115 Mississippi 35 at Hesterville, all in Attala County.

20116       **Mississippi 442** -- Begins at Mississippi 448 one mile east of  
20117 Shaw, Sunflower County, thence in an easterly direction to  
20118 Steiner, thence in a northerly direction to Linn, thence in an  
20119 easterly direction to Doddsville and extends easterly to U.S. 49E  
20120 near Schalter, Leflore County.

20121       **Mississippi 444** -- Begins at Mississippi 1 at or near Round  
20122 Lake in Bolivar County, thence easterly to intersect U.S. 61 at or  
20123 near Duncan, Bolivar County.

20124       **Mississippi 446** -- Begins at Mississippi 1 at or near Lobdell  
20125 and extends east to U.S. 61 at or near Boyle, all in Bolivar  
20126 County.

20127       **Mississippi 448** -- Begins at or near Benoit, Bolivar County,  
20128 and extends southeast to or near Shaw, thence in a southeasterly  
20129 direction to join U.S. 82 at or near Indianola, Sunflower County.

20130       **Mississippi 450** -- Begins at or near Scott on Mississippi 1  
20131 and runs in a southeasterly direction to Choctaw on U.S. 61, all  
20132 in Bolivar County.

20133       **Mississippi 454** -- Begins at or near the Mississippi River  
20134 Bridge southwest of Greenville and extends east to Mississippi 1  
20135 north of Wayside, all in Washington County.



20136           **Mississippi 462** -- Begins on U.S. 61, three miles north of  
20137 Port Gibson, thence in a northerly direction to a point at or near  
20138 Willows, being a part of road connecting U.S. 61 and Mississippi  
20139 27 formerly Mississippi 3, all in Claiborne County.

20140           **Mississippi 463** -- Begins on Mississippi 22 at or near  
20141 Livingston, thence southeasterly to U.S. 51 at or near Madison,  
20142 all in Madison County.

20143           **Mississippi 465** -- Begins at Mississippi 1 near Fidler,  
20144 Issaquena County, thence southerly via Brunswick and Eagle Lake to  
20145 U.S. 61 north of Redwood, Warren County.

20146           **Mississippi 467** -- Begins at or near Edwards and extends  
20147 southeast to or near Raymond, all in Hinds County.

20148           **Mississippi 468** -- Begins three miles north of U.S. 80 on the  
20149 Fannin Road thence south to U.S. 80, thence in a southeasterly  
20150 direction to Whitfield, and thence in a northeasterly direction to  
20151 or near Brandon, all in Rankin County.

20152           **Mississippi 469** -- Begins on Mississippi 28 at or near Fork  
20153 Church, Simpson County, thence northerly to Harrisville, Florence  
20154 and extends northeasterly to intersect Mississippi 468, Rankin  
20155 County.

20156           **Mississippi 471** -- Begins at or near Brandon and extends in a  
20157 northerly direction to Mississippi 25, thence from a point seven  
20158 and five-tenths miles northeast on Mississippi 25 to intersect  
20159 Sand Hill-Canton Road or Mississippi 43, all in Rankin County.



20160           **Mississippi 472** -- Begins approximately two miles east of  
20161 Hazlehurst, Copiah County, on Old Mississippi 28 near Shady Grove,  
20162 thence in a southeasterly direction to Rockport; thence begins  
20163 again in Section 23, Township 10 North, Range 21 West, Simpson  
20164 County, thence in a northeasterly direction to Mississippi 28 at  
20165 or near Pinola.

20166           **Mississippi 473** -- Begins at a point on the Copiah-Hinds  
20167 county line northeast of Crystal Springs, thence northerly to new  
20168 U.S. 51 near Terry, Hinds County.

20169           **Mississippi 475** -- Begins at a point on Mississippi 468 and  
20170 extends in a northerly direction to I-20, thence northerly along  
20171 the western boundary line of the Jackson Municipal Airport (Allen  
20172 C. Thompson Field) to a point on Mississippi 25, all in Rankin  
20173 County.

20174           **Mississippi 476** -- Begins at or near Van Winkle and extends  
20175 easterly to the west corporate limits of Jackson, as the corporate  
20176 limits were in 1949, all in Hinds County.

20177           **Mississippi 477** -- West Rankin Parkway (New Route)--Begins at  
20178 Mississippi 25 in the City of Flowood, thence south to U.S. 80 at  
20179 Pearson Road in the City of Pearl, all in Rankin County.

20180           **Mississippi 478** -- Begins about three miles east of Rockport  
20181 in Simpson County, and extends in an easterly direction to a point  
20182 on Mississippi 43.

20183           **Mississippi 481** -- Begins on Mississippi 43, Rankin County,  
20184 and extends east to the Rankin-Scott county line to Morton,



20185 Pulaski, Trenton, Burns and intersects Mississippi 35, Smith  
20186 County.

20187       **Mississippi 482** -- Begins on Mississippi 16 east of  
20188 Philadelphia where Sandtown Road leaves Mississippi 16, thence in  
20189 a northeasterly direction to intersect with Mississippi 491 near  
20190 Bogue Chitto Indian School; all in Neshoba County. Also begins on  
20191 Mississippi 19 south of Philadelphia near the Neshoba County  
20192 Hospital and extends in a northeasterly direction to intersect  
20193 present Mississippi 482 about one and three-tenths miles north of  
20194 its intersection with Mississippi 16. This route is now numbered  
20195 Mississippi 894.

20196       **Mississippi 483** -- Begins at a point on Mississippi 13 at  
20197 Forkville, thence in a northwesterly direction to Ludlow, Scott  
20198 County.

20199       **Mississippi 484** -- Begins on Mississippi 488 west of Madden,  
20200 Leake County, thence through the community of Wright's Springs and  
20201 thence easterly to the Neshoba county line at the intersection of  
20202 Mississippi 488 and Mississippi 427.

20203       **Mississippi 485** -- Begins on Mississippi 21, thence in a  
20204 northeasterly direction to Mississippi 15 at Good Hope, Neshoba  
20205 County.

20206       **Mississippi 486** -- Begins on Mississippi 16 east of  
20207 Philadelphia, thence southeasterly to the intersection of  
20208 Mississippi 491, all in Neshoba County.





20209           **Mississippi 487** -- Begins at or near Lena, Leake County,  
20210   thence northeasterly to or near Tuscola and Carthage, thence in an  
20211   easterly direction by Standing Pine, Rosebud and Salem, thence in  
20212   a southeasterly direction to the intersection of Mississippi 21 at  
20213   Sebastopol, Scott County.

20214           **Mississippi 488** -- Begins at or near Mississippi 35 at  
20215   Carthage, Leake County, and extends to or near Madden, Laurel  
20216   Hill, and to a point on Mississippi 21 approximately two miles  
20217   west of Williamsville, Neshoba County.

20218           **Mississippi 489** -- Begins at or near Lake, Scott County, and  
20219   extends northeast to or near Conehatta to Union, Newton County.

20220           **Mississippi 490** -- Begins at or near Noxapater, Winston  
20221   County, thence in an easterly direction to intersect Mississippi  
20222   397, thence in a northeasterly direction by Old Fearn Springs Post  
20223   Office to the Noxubee county line.

20224           **Mississippi 491** -- Begins on Mississippi 19, approximately  
20225   200 yards south of the Neshoba-Newton county line, thence in a  
20226   northerly direction to Mississippi 486 southwest of DeWeese and  
20227   thence from Mississippi 16 at Cross Roads north to Mississippi 21  
20228   near the center of Section 22, Township 12 North, Range 13 East,  
20229   Neshoba County.

20230           **Mississippi 492** -- Begins at the intersection of Mississippi  
20231   487 at or near Tuscola, Leake County, and runs in an easterly  
20232   direction to or near Walnut Grove and to the south boundary of  
20233   Golden State Park and continues as Golden State Park Road until it



20234 reaches Mississippi 21. Then from a point on Mississippi 21 at or  
20235 near Sebastopol to or near Union and ends at or near House School  
20236 east of Mississippi 19, Neshoba County.

20237 **Mississippi 493** -- Begins at or near Meridian, Lauderdale  
20238 County, thence in a northerly direction to or near Bailey and  
20239 Moscow, and ends on Mississippi 16 in Kemper County.

20240 **Mississippi 494** -- Begins on Mississippi 15 at or near Union,  
20241 Newton County, and extends southeast to or near Little Rock and  
20242 Dufee to intersect Mississippi 19 at or near Hookston, Lauderdale  
20243 County.

20244 **Mississippi 495** -- Begins on Mississippi 493 at Bailey's  
20245 Store, in Lauderdale County, thence in a northerly direction to  
20246 the Kemper county line, thence by Damacus School and intersection  
20247 Mississippi 16 at or near Daw's Store and from another point on  
20248 Mississippi 16 at Daw's Brothers Store, thence northerly to a  
20249 point on Mississippi 397 approximately one and one-half miles  
20250 south of Preston, Kemper County.

20251 **Mississippi 496** -- Begins at the intersection of Mississippi  
20252 19 in Lauderdale County at Old Odom Store Place, thence in an  
20253 easterly direction by way of Culpepper, thence to the  
20254 Mississippi-Alabama state line, Lauderdale County.

20255 **Mississippi 498** -- Begins at a point on U.S. 45 about 12  
20256 miles south of Scooba, Kemper County, thence in an easterly  
20257 direction to Porterville.



20258           **Mississippi 500** -- Begins with its intersection with  
20259 Mississippi 13 at or near Lena, thence in a easterly direction to  
20260 a local road at Frank Reeves', thence in a northerly direction to  
20261 Mississippi 487 at Tuscola, Leake County.

20262           **Mississippi 501** -- Begins on Mississippi 18 approximately  
20263 eight miles east of Raleigh and extends in a northerly direction  
20264 to or near Pineville to U.S. 80 in Forest.

20265           **Mississippi 502** -- Begins with its intersection with  
20266 Mississippi 488 between Standing Pine and Free Trade, thence in an  
20267 easterly direction by Springfield Baptist Church, Thaggards  
20268 Clinic, Madden School and intersects Mississippi 488 at Madden  
20269 Baptist Church in the Village of Madden, all in Leake County.

20270           **Mississippi 503** -- Begins on Mississippi 528 at or near  
20271 Heidelberg, Jasper County, thence in a northerly direction to  
20272 Paulding, Hero, Hickory and ends at or near Decatur, Newton  
20273 County.

20274           **Mississippi 504** -- Begins on Mississippi 15 north of  
20275 Jasper-Newton county line to Mississippi 503 at Hero, Jasper  
20276 County.

20277           **Mississippi 505** -- Begins at or near Roberts, Newton County,  
20278 and extends north to U.S. 80 at or near Lawrence.

20279           **Mississippi 508** -- Begins on U.S. 45 approximately six miles  
20280 south of Waynesboro and runs southeasterly approximately three  
20281 miles to Waynesboro Pine Tree Nursery, all in Wayne County.



20282           **Mississippi 510** -- Begins on U.S. 45 at or near Shubuta in  
20283 Wayne County, thence in an easterly direction to Matherville,  
20284 thence in a southerly direction to the end of state maintenance,  
20285 Wayne County.

20286           **Mississippi 511** -- Begins at a point on Mississippi 18 at or  
20287 near Quitman, Clarke County, thence in a southeasterly direction  
20288 about seven and two-tenths miles, now known as the  
20289 Quitman-Crandall Road in Clarke County.

20290           **Mississippi 512** -- Begins on the Clarke-Jasper county line,  
20291 thence easterly on the Old Paulding and Pachuta Road to  
20292 Mississippi 18 at Pachuta, thence continues jointly with  
20293 Mississippi 18 approximately two miles southeast of Pachuta,  
20294 thence to U.S. 45 in Quitman, Clarke County.

20295           **Mississippi 513** -- Begins on Mississippi 18 in the Town of  
20296 Rose Hill, Jasper County, thence to Enterprise on U.S. 11 and  
20297 extends southeasterly to or near Quitman, Clarke County.

20298           **Mississippi 514** -- Begins at a point on Mississippi 513 in  
20299 Enterprise, thence in an easterly direction to a point on U.S. 45  
20300 near the northeast corner of the southeast quarter of Section 20,  
20301 Township 4 North, Range 16 East, all in Clarke County.

20302           **Mississippi 528** -- Begins at or near Bay Springs and extends  
20303 to U.S. 11 at or near Heidelberg, all in Jasper County.

20304           **Mississippi 529** -- Begins with its intersection on U.S. 84 at  
20305 or near Hebron community, thence in a northerly direction to  
20306 Mississippi 28 at Gitano, Jones County.



20307           **Mississippi 531** -- Begins on Mississippi 28 approximately one  
20308 mile east of Taylorsville in Smith County, thence in a  
20309 northeasterly direction to the intersection with Mississippi 18  
20310 approximately three miles west of Bay Springs, Jasper County.

20311           **Mississippi 532** -- Begins at or near Mt. Olive, Covington  
20312 County, and extends southeasterly via Hot Coffee, ending at U.S.  
20313 84 at or near Reddoch, Covington County.

20314           **Mississippi 533** -- Begins where it intersects Mississippi 28  
20315 at or near Soso, Jones County, thence in a northerly direction  
20316 along the Ridge Road to Mississippi 15 at or near Stringer, Jasper  
20317 County.

20318           **Mississippi 535** -- Begins at Seminary, thence in a  
20319 northeasterly direction to a point on Mississippi 588, all in  
20320 Covington County.

20321           **Mississippi 536** -- Begins on Mississippi 15 in Section 12,  
20322 Township 7 North, Range 11 West, in Jones County, and extending in  
20323 a northerly and southeasterly direction to Mississippi 63 in Wayne  
20324 County in Section 26, Township 7 North, Range 8 West.

20325           **Mississippi 537** -- Begins at or near Laurel, Jones County,  
20326 and extends northerly to the Jones-Jasper county line, thence  
20327 northwesterly and southwesterly via Mossville to Mississippi 15,  
20328 Jones County.

20329           **Mississippi 540** -- Begins at the intersection of Mississippi  
20330 469 at Harrisville, Simpson County, and extends easterly to Old  
20331 U.S. 49 and Mississippi 13 at or near Mendenhall, thence



20332 southeasterly to new U.S. 49, thence in a northerly and easterly  
20333 direction to a point on Mississippi 541 at Roy Upton's Store,  
20334 thence northeasterly and easterly to intersect Mississippi 35  
20335 south of Raleigh, Smith County.

20336       **Mississippi 541** -- Begins approximately five miles south of  
20337 the Simpson county line in Jefferson Davis County, thence in a  
20338 northerly direction to or near Magee, Martinville and to intersect  
20339 Mississippi 18 southeast of Puckett, and from another point on  
20340 Mississippi 18 at or near White Oak, thence in a northwesterly  
20341 direction to intersect Mississippi 13 north of Puckett, Smith  
20342 County.

20343       **Mississippi 545** -- Begins at the intersection with  
20344 Mississippi 28 in Simpson County, thence in a northerly direction  
20345 for a distance of approximately two miles along the State Farm  
20346 Road by and through the State Sanatorium Farm to a point of  
20347 intersection with U.S. 49, all in Simpson County.

20348       **Mississippi 547** -- Begins at or near Port Gibson, Claiborne  
20349 County, and extends southeasterly via Pattison to or near Allen,  
20350 thence from a point on Mississippi 28 at or near Allen and  
20351 extending in an easterly direction to Covich-Lincoln county line.

20352       **Mississippi 548** -- Begins four miles east of Mississippi 18  
20353 at or near Hermanville, Claiborne County, thence easterly to the  
20354 Claiborne-Covich county line.



20355           **Mississippi 550** -- Begins on Mississippi 28 at or near Union  
20356 Church, Jefferson County, and extends southeasterly to or near  
20357 Brookhaven, Lincoln County.

20358           **Mississippi 552** -- Begins at the Mississippi River at or near  
20359 the mouth of Bayou Pierre, Claiborne County, thence easterly then  
20360 southerly on the Port Gibson-Alcorn University Road, and extends  
20361 southerly to Alcorn State University, thence southeasterly to or  
20362 near Lorman, thence in an easterly direction to Red Lick, thence  
20363 near Blue Hill, and continues from McBride and intersects  
20364 Mississippi 28 at Pleasant Hill, Jefferson County.

20365           **Mississippi 553** -- Begins on U.S. 61 at or near Stanton,  
20366 Adams County, and extends in a northerly direction to or near  
20367 Church Hill, thence in an easterly direction to Fayette, thence in  
20368 a northerly direction to Harriston, Jefferson County.

20369           **Mississippi 554** -- Begins at or near Pine Ridge and extends  
20370 to U.S. 61 at or near Selma, all in Adams County.

20371           **Mississippi 555** -- Begins at the road junction in Section 50,  
20372 Township 6 North, Range 2 West, and extends in a northwesterly  
20373 direction to U.S. 61 south of Natchez and from another point in  
20374 Natchez, northeasterly to Pine Ridge, and thence three and  
20375 eight-tenths miles north to Old Pine Ridge School, all in Adams  
20376 County.

20377           **Mississippi 556** -- Begins on Mississippi 184 at or near  
20378 Meadville, thence in a southeasterly direction to intersect U.S.  
20379 98, all in Franklin County.



20380           **Mississippi 558** -- Begins west of I-55 and extends along  
20381 Brookway Boulevard to U.S. 51, thence continues to Mississippi 184  
20382 (Monticello Street), all in Brookhaven, Lincoln County.

20383           **Mississippi 563** -- Begins on U.S. 61 approximately three  
20384 miles north of Woodville, thence to Wilkinson in a northeasterly  
20385 direction to or near Crosby, all in Wilkinson County.

20386           **Mississippi 567** -- Begins on Mississippi 24 at or near  
20387 Liberty, Amite County, and runs in a northerly direction to U.S.  
20388 98 south of Bude, Franklin County, except that section from  
20389 Butler's Crossing, easterly to Zion Hill Baptist Church.

20390           **Mississippi 568** -- Begins at the Mississippi-Louisiana state  
20391 line in Amite County and extends in a northeasterly direction to  
20392 or near Gillsburg and ends on U.S. 51 south of Magnolia, Pike  
20393 County.

20394           **Mississippi 569** -- Begins on Mississippi-Louisiana state  
20395 line, Amite County, and extends in a northeasterly direction to  
20396 Mississippi 48 at or near Beachwood, and from Mississippi 24 at or  
20397 near Liberty in a northeasterly direction to Smithdale to  
20398 intersect U.S. 98 at or near Auburn, Lincoln County.

20399           **Mississippi 570** -- Begins on U.S. 98 in Franklin County,  
20400 thence in a southeasterly direction to or near Smithdale and  
20401 McComb, thence from a point on Mississippi 44 in McComb to or near  
20402 Felders and to intersect Mississippi 44 at or near Pricedale, Pike  
20403 County.





20404           **Mississippi 571** -- Begins at a point approximately one mile  
20405 east of Gillsburg on Mississippi 584 and runs in a southerly  
20406 direction to connect with Louisiana 441, all in Amite County.

20407           **Mississippi 575** -- Begins at Progress, thence northeasterly  
20408 for a distance of approximately four miles to a point of  
20409 intersection with Mississippi 48, all in Pike County.

20410           **Mississippi 583** -- Begins at or near Brookhaven, Lincoln  
20411 County, thence in a southeasterly direction through Enterprise and  
20412 Ruth to intersect Mississippi 44 at Alton Brister's Store, thence  
20413 southeasterly to or near Tylertown, Walthall County.

20414           **Mississippi 584** -- Begins at Liberty, Amite County, and runs  
20415 in a southeasterly direction to or near Gillsburg, then to U.S. 51  
20416 at or near Osyka, Pike County.

20417           **Mississippi 585** -- Begins on U.S. 98 east of Tylertown,  
20418 thence in a northeasterly direction to intersect Mississippi 586  
20419 at or near Darbon, all in Walthall County.

20420           **Mississippi 586** -- Begins at or near Darbon on Mississippi  
20421 585, thence in a southeasterly direction to U.S. 98 at or near  
20422 Foxworth, Marion County.

20423           **Mississippi 587** -- Begins on U.S. 98 at Foxworth, Marion  
20424 County, thence northwesterly to Morgantown, Whitebluff, Tilton and  
20425 Robinwood to connect with U.S. 84 in Monticello, Lawrence County.

20426           **Mississippi 588** -- Begins on U.S. 84 approximately one mile  
20427 east of Collins, Covington County, thence in an easterly direction  
20428 to or near Ellisville, Jones County.



20429           **Mississippi 589** -- Begins at a point on I-59 at or near  
20430 Purvis, Lamar County, thence in a northwesterly direction to  
20431 intersect U.S. 98, thence continues northerly to or near Sumrall,  
20432 then north to U.S. 49 at or near Seminary, Covington County.

20433           **Mississippi 590** -- Begins at a point on U.S. 49 at or near  
20434 Seminary, Covington County, and extends in an easterly direction  
20435 to a point on U.S. 11 at or near Ellisville, Jones County.

20436           **Mississippi 591** -- Begins on Mississippi 570 at Felder's Camp  
20437 Ground, thence northerly approximately two-tenths mile, all in  
20438 Pike County.

20439           **Mississippi 594** -- Begins on Mississippi 63 south of  
20440 Leakesville and runs easterly to the Mississippi-Alabama state  
20441 line, all in Greene County.

20442           **Mississippi 598** -- Begins on U.S. 49 at a point west of  
20443 Sanford, continues in an easterly direction to another point at  
20444 Sanford, all in Covington County.

20445           **Mississippi 601** -- A central Harrison County connector from  
20446 I-10 to U.S. 90 in the vicinity of Canal Road to the Mississippi  
20447 State Port at Gulfport.

20448           **Mississippi 603** -- Begins on Mississippi 43 at or near Kiln  
20449 and extends in a northerly direction to or near Necaise, all in  
20450 Hancock County.

20451           **Mississippi 604** -- Begins on U.S. 90 at or near the  
20452 Mississippi-Louisiana state line and extends in a northeasterly



20453 direction to the Picayune-Bay St. Louis Road near Westonia, all in  
20454 Hancock County.

20455       **Mississippi 605** -- Begins on U.S. 90 at Cowan Road in  
20456 Gulfport, thence in a northerly direction along Cowan and Lorraine  
20457 Roads to I-10, thence continuing to relocated/reconstructed  
20458 Mississippi 67, northwest to relocated Mississippi 67 at or near  
20459 U.S. 49, all in Harrison County.

20460       **Mississippi 606** -- Begins at the southern end of the Beach  
20461 Highway in Hancock County, thence in a northeasterly direction  
20462 across U.S. 90 to the northern end of Beach Highway.

20463       **Mississippi 607** -- Begins on U.S. 90 west of Bay St. Louis  
20464 and runs in a westerly and northwesterly direction to I-10 south  
20465 of N.A.S.A., thence from the intersection with unnumbered state  
20466 highway at Santa Rosa north of N.A.S.A. to a point on I-59 at or  
20467 near Nicholson, all in Hancock County.

20468       **Mississippi 609** -- Begins on U.S. 90 in Ocean Springs, thence  
20469 north to I-10 and thence from the north end of the bridge over  
20470 Bayou Costapia and extends northerly along what is known as the  
20471 Old Spanish Trail Highway to approximately three-tenths mile south  
20472 of George-Jackson county line, all in Jackson County.

20473       **Mississippi 611** -- Begins at the entrance to H.K. Porter  
20474 Company, Inc., plant site in the Bayou Cassotte Industrial Area at  
20475 Station 220-00, thence in a northerly direction for a distance of  
20476 approximately four miles to intersect U.S. 90 at a point about one  
20477 mile west of Kreole, thence westerly on U.S. 90 to intersect Chico



20478 Road, thence northerly on Chico Road and ends on Mississippi 613  
20479 south of Moss Point, all in Jackson County to be designated as  
20480 Mississippi 613.

20481 **Mississippi 612** -- Begins on Mississippi 613 at or near  
20482 Hathaway's Store, thence in an easterly direction to the  
20483 Mississippi-Alabama state line, all in George County.

20484 **Mississippi 613** -- Begins on U.S. 90 in Pascagoula, Jackson  
20485 County, thence northerly via Call Town, Bigpoint, Hurley,  
20486 Harleston and Agricola to Mississippi 198 at Lucedale, George  
20487 County.

20488 **Mississippi 614** -- Begins at Wade on Mississippi 63, thence  
20489 in an easterly direction to or near Hurley, thence to the  
20490 Mississippi-Alabama state line, all in Jackson County.

20491 **Mississippi 615** -- An east Harrison County connector from  
20492 U.S. 90 to I-10 to be located between the Cowan-Lorraine Road  
20493 interchange and the I-110 interchange, thence northerly to  
20494 relocated/reconstructed Mississippi 67.

20495 **Mississippi 617** -- Begins at Litton Industries, Inc., between  
20496 West Pascagoula River and East Pascagoula River in the City of  
20497 Pascagoula and extends north to U.S. 90, all in Jackson County.

20498 **Mississippi 618** -- Mississippi 613 Spur--Begins on  
20499 Mississippi 613 in Moss Point and extends east to U.S. 90 at  
20500 Orange Grove, Jackson County.

20501 **Mississippi 619** -- Spur--Extends south to Naval Station, also  
20502 known as Singing River Island Causeway, all in Jackson County.



20503           **Mississippi 621** -- Begins I-10 and extends in a northerly  
20504 direction to North Swan Road ending on U.S. 49 at or near Lyman,  
20505 all in Harrison County.

20506           **Mississippi 701** -- Begins at the intersection of U.S. 78 with  
20507 Mulberry Street in the Town of Potts Camp, thence southwesterly  
20508 along Mulberry Street to Front Street, thence southeasterly along  
20509 Front Street to Ash Street, thence northerly to Mississippi 178,  
20510 all in Marshall County.

20511           **Mississippi 702** -- Mississippi 5 Spur--Begins on Mississippi  
20512 7 and extends east to Michigan City, Benton County.

20513           **Mississippi 703** -- Begins at or near Byhalia Cemetery on  
20514 Mississippi 178 in the north part of the City of Byhalia, thence  
20515 runs southeasterly down Main Street to Hood's Store on U.S. 78,  
20516 all in Marshall County.

20517           **Mississippi 704** -- Begins on Mississippi 7, thence in an  
20518 easterly direction, approximately one-half mile to Lamar, Benton  
20519 County.

20520           **Mississippi 705** -- Loop--All in the Town of Hickory Flat off  
20521 Mississippi 178 in Benton County.

20522           **Mississippi 706** -- Spur--Begins on U.S. 49E and extends west  
20523 to Sidon, Leflore County.

20524           **Mississippi 713** -- Mississippi 304 Spur--Extends  
20525 southwesterly to or near Robinsonville, Tunica County, from  
20526 Mississippi 304.



20527           **Mississippi 714** -- Mississippi 3 Spur--Begins on Mississippi  
20528 3 and extends west into Sledge, Quitman County.

20529           **Mississippi 716** -- Mississippi 315 Spur--Begins on  
20530 Mississippi 315 thence west to Quitman-Tunica county line.

20531           **Mississippi 718** -- U.S. 51 Spur--Begins on U.S. 51 and  
20532 extends west to Courtland, Panola County.

20533           **Mississippi 720** -- I-55 Connection--Begins on I-55 and  
20534 extends west to U.S. 51 between Courtland and Pope, Panola County.

20535           **Mississippi 722** -- Spur--Begins on U.S. 51 and extends west  
20536 to Pope, Panola County.

20537           **Mississippi 723** -- Begins at a point on Mississippi 32  
20538 approximately eight miles northwest of Bruce, Calhoun County, runs  
20539 north of Gulf Interstate Gas Pumping Station.

20540           **Mississippi 724** -- U.S. 51 Spur--Begins on U.S. 51 north of  
20541 Oakland, Yalobusha County, and extends west into Enid,  
20542 Tallahatchie County.

20543           **Mississippi 725** -- Mississippi 6 Spur--Begins on Mississippi  
20544 6 and extends north to Batesville, Panola County.

20545           **Mississippi 726** -- U.S. 49 Spur--Begins on U.S. 49 and  
20546 extends south to Tutwiler, Tallahatchie County.

20547           **Mississippi 727** -- Mississippi 32 Connection--Begins on  
20548 Mississippi 32, Tallahatchie County, and extends east to U.S. 51  
20549 in Oakland, Yalobusha County.

20550           **Mississippi 728** -- U.S. 49E Spur--Begins on U.S. 49E and  
20551 extends east into Sumner, Tallahatchie County.



20552           **Mississippi 729** -- Begins on U.S. 51 and extends  
20553 northeasterly to I-55, all in Grenada County.

20554           **Mississippi 731** -- Mississippi 35 Connection--Begins on  
20555 Mississippi 35 in South Kosciusko and extends north to Mississippi  
20556 12, all in Attala County.

20557           **Mississippi 732** -- Begins on Mississippi 35 approximately  
20558 three and one-half miles south of Charleston, thence runs in an  
20559 easterly direction to Camp Tallaha, Tallahatchie County.

20560           **Mississippi 733** -- Begins at the junction of Old  
20561 Taylor-Oxford Road with Mississippi 328 near the railroad overpass  
20562 southwest of Taylor and extends in a northerly direction  
20563 approximately one mile to an intersection in Taylor, Lafayette  
20564 County.

20565           **Mississippi 734** -- Spur--Begins on U.S. 49E and extends east  
20566 into Glendora, Tallahatchie County.

20567           **Mississippi 735** -- Mississippi 12 Loop--Begins on Mississippi  
20568 12 and extends east and north to Mississippi 12 in Kosciusko,  
20569 Attala County.

20570           **Mississippi 736** -- Begins on Mississippi 35 south of the  
20571 Yockanookany River, then runs easterly through Williamsville to  
20572 Mississippi 14, all in Attala County.

20573           **Mississippi 737** -- Begins on Mississippi 178 at or near Red  
20574 Banks, thence through the business district of Red Banks and ends  
20575 on Mississippi 178, all in Marshall County.



20576           **Mississippi 738** -- Mississippi 6 Connection--Begins on  
20577 Mississippi 6 and extends west to Mississippi 334 in East Oxford,  
20578 Lafayette County.

20579           **Mississippi 739** -- Loop--Begins on Mississippi 12 and extends  
20580 east and north through Ethel, Attala County, to Mississippi 12.

20581           **Mississippi 741** -- Begins at a point at or near Gilliland  
20582 Hill approximately five miles south of the corporate limits of the  
20583 City of Kosciusko, Mississippi, thence runs in an easterly  
20584 direction to Old Mississippi 35, thence in a northerly direction  
20585 to Texas Eastern Pumping Station, all in Attala County.

20586           **Mississippi 743** -- Spur--Begins on U.S. 82 in South Greenwood  
20587 at U.S. 49E and extends north, all in Leflore County.

20588           **Mississippi 744** -- Spur--Begins on U.S. 82 in East Greenwood  
20589 and extends west on East Stone Street, all in Leflore County.

20590           **Mississippi 745** -- Mississippi 182 Connection--Begins on  
20591 Mississippi 182 and extends southeast to Mississippi 413 in the  
20592 Town of Kilmichael, all in Montgomery County.

20593           **Mississippi 747** -- That portion of Getwell Road from the  
20594 Mississippi-Tennessee state line south to its intersection with  
20595 Church Road, all in DeSoto County.

20596           **Mississippi 758** -- Mississippi 25 Connection--Begins on  
20597 Mississippi 25 and extends southwest .310 mile to a local road.

20598           **Mississippi 759** -- Mississippi 12 Loop--Begins on Mississippi  
20599 12 and extends east and north to Mississippi 12 through Ackerman,  
20600 all in Choctaw County.





20601           **Mississippi 760** -- Mississippi 25 Connection--Begins on  
20602 Mississippi 25 south of Belmont and extends east to Golden as  
20603 Mississippi 366, all in Tishomingo County.

20604           **Mississippi 761** -- Mississippi 178 Spur--Begins on  
20605 Mississippi 178 and extends north to Myrtle, all in Union County.

20606           **Mississippi 762** -- Mississippi 15 Spur--Begins on Mississippi  
20607 15 and extends west to Ingomar, Union County.

20608           **Mississippi 763** -- U.S. 82 Connection--Begins on U.S. 82 and  
20609 extends northwest to Mississippi 15 in Maben, Oktibbeha County.

20610           **Mississippi 764** -- Mississippi 9 Spur--Begins on Mississippi  
20611 9 in Blue Springs, Union County, and extends north.

20612           **Mississippi 765** -- Begins at the Natchez Trace Parkway, runs  
20613 thence easterly for a distance of approximately 2,800 feet to or  
20614 near Bland's Store, in the Village of Cumberland, all in Webster  
20615 County.

20616           **Mississippi 766** -- Begins in the Town of Saltillo at  
20617 Mississippi 363, and runs in a northerly direction to the  
20618 intersection of Mississippi 145, all in Lee County.

20619           **Mississippi 767** -- Begins at the intersection of Ridgeroad  
20620 and Mississippi 25, Tishomingo County, thence southeasterly along  
20621 Ridgeroad to the Mississippi-Alabama state line, Itawamba County.

20622           **Mississippi 768** -- Begins on Mississippi 15 south of  
20623 Ackerman, thence in an easterly direction past Choctaw Lake to the  
20624 4-H Club Picnic Grounds. This includes a spur past the clubhouse  
20625 and ends at the picnic grounds, all in Choctaw County.



20626           **Mississippi 769** -- Begins at or near the south corporate  
20627 limits of Tupelo and extends over Old U.S. 45, proceeds to Green  
20628 Street in Tupelo, through Tupelo on Green Street to the  
20629 intersection of Green Street and Mississippi 145 near the north  
20630 corporate limits of Tupelo, all in Lee County.

20631           **Mississippi 770** -- Connection--Begins on Mississippi 15 and  
20632 extends west to the intersection of Mississippi 6 and 9 in the  
20633 Town of Pontotoc, all in Pontotoc County.

20634           **Mississippi 772** -- Mississippi 15 Spur--Begins on Mississippi  
20635 15 and extends west to Algoma, Pontotoc County.

20636           **Mississippi 773** -- Commences at the intersection of Center  
20637 Road and Mississippi 2 and extends northeasterly along Center Road  
20638 for about two miles to its intersection with Peoples Farm to  
20639 Market Road, all in Tippah County.

20640           **Mississippi 774** -- U.S. 45 Connection--Begins on U.S. 45 and  
20641 extends east to Mississippi 6 in the Town of Nettleton, Lee/Monroe  
20642 County.

20643           **Mississippi 775** -- Mississippi 12 Spur--Begins on Mississippi  
20644 12 and extends east at Mississippi State University in Starkville  
20645 on Old Mississippi 12, all in Oktibbeha County.

20646           **Mississippi 776** -- Begins at the intersection of Old  
20647 Mississippi 6 and new Mississippi 6, thence runs northeast along  
20648 Old Mississippi 6 to its intersection with Mississippi 371, all in  
20649 Monroe County.



20650           **Mississippi 777** -- Begins at or near the southern boundary of  
20651 the Town of Walnut at or near the intersection of old and new  
20652 Mississippi 15, follows the route of Old Mississippi 15, and runs  
20653 through the business section of Walnut and in a northerly  
20654 direction to intersect U.S. 72, all in Tippah County.

20655           **Mississippi 778** -- Begins at U.S. 78 in Section 22, Township  
20656 8 South, Range 4 East, thence in a southeasterly direction in the  
20657 vicinity of Old U.S. 78 to intersect U.S. 78, or Mississippi 9, at  
20658 or near Sherman.

20659           **Mississippi 779** -- Spur--Begins on U.S. 72 and extends north  
20660 to Glen, Alcorn County.

20661           **Mississippi 781** -- Mississippi 50 Spur--Begins on Mississippi  
20662 50 near Cedar Bluff and extends to State Lime Plant, all in Clay  
20663 County.

20664           **Mississippi 782** -- Mississippi 15 Connection--Begins on  
20665 Mississippi 15 and extends west in Mantee, Webster County.

20666           **Mississippi 784** -- Mississippi 9 Loop--Begins on Mississippi  
20667 9 and extends east and north across Mississippi 50 and back to  
20668 Mississippi 9 in the Town of Walthall, Webster County.

20669           **Mississippi 785** -- U.S. 72 Spur--Begins on U.S. 72 in Corinth  
20670 and extends north on Davis Street and Cass Street to Wick Street,  
20671 all in Alcorn County.

20672           **Mississippi 786** -- Begins at a point on U.S. 45, and runs  
20673 west at distance of approximately 1.27 miles to the Columbus Air  
20674 Force Base, all in Lowndes County.



20675           **Mississippi 788** -- U.S. 45A Spur--Begins on U.S. 45A and  
20676 extends east to Artesia, Lowndes County.

20677           **Mississippi 789** -- Begins on U.S. 82 and extends  
20678 southeasterly along Airport Road and Industrial Park Road to  
20679 Artesia Road, thence northeasterly along Artesia Road to U.S. 45.

20680           **Mississippi 790** -- Mississippi 9 Connection--Begins on  
20681 Mississippi 9 and extends northeast to Mississippi 15 north of  
20682 Ackerman, Choctaw County.

20683           **Mississippi 792** -- Begins on U.S. 45 and extends easterly  
20684 along Carson Road, for a distance of approximately four and  
20685 one-half miles to the new Weyerhauser Road, Lowndes County, thence  
20686 continues south to Mississippi 388 in Noxubee County.

20687           **Mississippi 793** -- Mississippi 30 Spur--Begins on Mississippi  
20688 30 west of Tishomingo and extends north to Paden, Tishomingo  
20689 County.

20690           **Mississippi 795** -- Mississippi Economic and Community  
20691 Development Highway Project No. DECD-0044(19)B located from Eka  
20692 Chemical Plant entrance on Nashville Ferry Road located in Section  
20693 11, Township 19 South, Range 18 West, northerly along Nashville  
20694 Ferry Road until it intersects with Pickensville Road, thence  
20695 northerly along Pickensville Road (existing and relocated) until  
20696 it intersects with Yorkville Road, thence east along Yorkville  
20697 Road to U.S. 69 located in Section 26, Township 18 South, Range 18  
20698 West, for a total length of 4.419 miles.



20699       **Mississippi 801** -- Begins on Mississippi 27 north of Crystal  
20700 Springs, Covich County, thence north to Covich-Hinds county line.  
20701 This was Old U.S. 51.

20702       **Mississippi 802** -- U.S. 61 Spur--Begins on U.S. 61 and  
20703 extends northwest into the Town of Alligator, Bolivar County.

20704       **Mississippi 804** -- Mississippi 1 Loop--A loop on Mississippi  
20705 1 at Gunnison, Bolivar County.

20706       **Mississippi 806** -- Begins at the intersection of the south  
20707 end of new U.S. 49W bypass just south of Isola, thence into Isola  
20708 to the north end of U.S. 49 bypass, Humphreys County.

20709       **Mississippi 808** -- Begins on U.S. 61 in Port Gibson, thence  
20710 west to Market Street, thence in a northeasterly direction along  
20711 Market Street, thence to U.S. 61 approximately three-fourths mile  
20712 north of Port Gibson, all in Claiborne County.

20713       **Mississippi 809** -- Industrial access road from the port and  
20714 industrial area to U.S. 82 in Greenville, Washington County.

20715       **Mississippi 810** -- Spur--Begins on U.S. 49W and extends west  
20716 to Sunflower, Sunflower County.

20717       **Mississippi 812** -- Spur--Begins on U.S. 49W and extends north  
20718 into Ruleville, Sunflower County.

20719       **Mississippi 814** -- Begins on Mississippi 1 north of  
20720 Greenville and extends south to north corporate limits of  
20721 Greenville as Old Mississippi 1 Business Route, thence extends  
20722 along North Broadway Street in a southerly direction, to the  
20723 intersection of U.S. 82 and the south corporate limits of



20724 Greenville, thence runs easterly to Mississippi 1, all in  
20725 Washington County.

20726       **Mississippi 816** -- Mississippi 149 Spur--Begins on  
20727 Mississippi 149 and extends west to Inverness, Sunflower County.

20728       **Mississippi 817** -- Mississippi 8 Spur--Begins at Pace and  
20729 extends north to Mississippi 8, all in Bolivar County.

20730       **Mississippi 818** -- U.S. 49E Spur--Begins on U.S. 49E and  
20731 extends west to Cruger, Holmes County.

20732       **Mississippi 819** -- Begins on Mississippi 548 in Hermanville,  
20733 thence extends northward to Mississippi 18 at Hermanville,  
20734 Claiborne County.

20735       **Mississippi 820** -- Spur--Begins on U.S. 49W and extends west  
20736 to Drew, Sunflower County.

20737       **Mississippi 822** -- Begins four-tenths mile west of the  
20738 intersection of I-20 and U.S. 80 on West Street and extends east  
20739 approximately six and two-tenths miles, all in Warren County.

20740       **Mississippi 824** -- U.S. 61 Spur--Begins on U.S. 61 and  
20741 extends west in Anguilla, Sharkey County.

20742       **Mississippi 826** -- Begins at a point on Mississippi 14  
20743 approximately one mile west of Rolling Fork and runs south to U.S.  
20744 61 south of Rolling Fork, all in Sharkey County.

20745       **Mississippi 828** -- U.S. 49E Spur--Begins on U.S. 49E and  
20746 extends west to Yazoo City, Yazoo County.



20747           **Mississippi 830** -- U.S. 49 Loop--Begins on U.S. 49 and  
20748 extends east and north to U.S. 49 at and in Bentonia, Yazoo  
20749 County.

20750           **Mississippi 832** -- Connection--Begins on U.S. 49W and extends  
20751 into Doddsville, Sunflower County.

20752           **Mississippi 834** -- A truck route from Harbor Industrial Park  
20753 to U.S. 61 north, Warren County.

20754           **Mississippi 835** -- Spur--Begins on U.S. 49E and extends north  
20755 to Tchula, Holmes County.

20756           **Mississippi 844** -- U.S. 51 Loop--Begins at I-55 south of  
20757 Crystal Springs and extends east across U.S. 51 and north to U.S.  
20758 51 in Crystal Springs, all in Copiah County.

20759           **Mississippi 848** -- Spur--Begins on U.S. 51 in Beauregard and  
20760 extends south on North Street, all in Copiah County.

20761           **Mississippi 850** -- A route from the Wesson Campus of  
20762 Copiah-Lincoln Junior College directly to U.S. 51, all in Copiah  
20763 County.

20764           **Mississippi 852** -- U.S. 45A Loop--Begins on U.S. 45A in  
20765 Brooksville and extends south and east to U.S. 45 at Brooksville,  
20766 all in Noxubee County.

20767           **Mississippi 853** -- Begins at the point where Mississippi 16  
20768 intersects the gravel road and runs along Sections 35 and 36,  
20769 Township 11 North, Range 12 East, Neshoba County, and runs south  
20770 along the section lines between Sections 35 and 36 and between  
20771 Sections 1 and 2, Township 10 North, Range 12 East, to the



20772 intersection of the gravel road with Mississippi 486, all in  
20773 Neshoba County.

20774       **Mississippi 854** -- Begins at its intersection with  
20775 Mississippi 39 at or near Lizelia and extends easterly  
20776 approximately three and one-half miles to the United States Naval  
20777 Auxiliary Air Station, Lauderdale County. The Transportation  
20778 Commission shall maintain, construct, take over and assume  
20779 jurisdiction of such highway in the same manner and subject to the  
20780 same conditions as set out in Sections 65-1-75 and 65-3-3. Such  
20781 highway shall remain under the jurisdiction of the Transportation  
20782 Commission for as long as the highway is used to provide access to  
20783 the United States Naval Auxiliary Air Station or to any other  
20784 United States government facility.

20785       **Mississippi 855** -- Mississippi 890 Connection--Between  
20786 Mississippi 890 in Bolton and I-20 north of Bolton, Hinds County.

20787       **Mississippi 878** -- Mississippi 35 Connection--Begins on  
20788 Mississippi 35 and extends east and north to Mississippi 35 in  
20789 Walnut Grove, Leake County.

20790       **Mississippi 881** -- U.S. 80 Connection--Begins on U.S. 80 west  
20791 of Newton and extends southeast approximately two-tenths mile, all  
20792 in Newton County.

20793       **Mississippi 882** -- Loop--Begins on Mississippi 35 and extends  
20794 west and north to Mississippi 35 at Harperville, Scott County.

20795       **Mississippi 883** -- Spur--Begins on U.S. 80 and extends south  
20796 on Decatur Street, Newton County. Was Old Mississippi 15.





20797           **Mississippi 884** -- U.S. 45 Spur--Begins on U.S. 45 and  
20798 extends south toward Marion, Lauderdale County.

20799           **Mississippi 885** -- Mississippi 16 Connection--Begins on  
20800 Mississippi 16 west of Philadelphia and extends northwest to  
20801 intersect with Mississippi 15, all in Neshoba County.

20802           **Mississippi 886** -- Begins at the intersection of I-55 in the  
20803 Town of Ridgeland thence runs in an easterly direction to U.S. 51  
20804 and Jackson Avenue, all in Madison County.

20805           **Mississippi 888** -- Mississippi 13 Spur--Begins on Mississippi  
20806 13 and extends west at Roosevelt State Park south of Morton, Scott  
20807 County.

20808           **Mississippi 889** -- I-20 Connection--Begins at the junction of  
20809 U.S. 80 and Adams Street in Chunky, thence north to I-20, all in  
20810 Newton County.

20811           **Mississippi 890** -- U.S. 80 Connection--Frontage Road  
20812 Connection at Bolton, Hinds County.

20813           **Mississippi 892** -- Mississippi 35 Spur--Begins on Mississippi  
20814 35 and extends east to Homewood, Scott County.

20815           **Mississippi 894** -- Begins on Mississippi 19 south of  
20816 Philadelphia near the Neshoba County Hospital and extends in a  
20817 northeasterly direction to intersect present Mississippi 482 about  
20818 one and three-tenths miles north of its intersection with  
20819 Mississippi 16.

20820           **Mississippi 895** -- Begins at road intersection with U.S. 11  
20821 and 80 near the center of Section 26, Township 7 North, Range 17



20822 East, thence northwesterly, northeasterly and southeasterly  
20823 through Sections 23, 24, 25 and 26 to intersection of U.S. 11 and  
20824 U.S. 80 in the northeast quarter of the southeast quarter of  
20825 Section 25, Township 7 North, Range 17 East, Lauderdale County.

20826 **Mississippi 897** -- Begins on Mississippi 496 in Section 11  
20827 and continues through Section 13, all in Township 6 North, Range  
20828 18 East, to the Mississippi-Alabama state line.

20829 **Mississippi 902** -- Mississippi 35 Connection--Begins on  
20830 Mississippi 35 at Lorena and extends southwest to Mississippi 481  
20831 at Burns, all in Smith County.

20832 **Mississippi 903** -- Begins on U.S. 84 approximately three  
20833 miles west of Monticello, thence runs in a northerly direction to  
20834 Lake Mary Crawford, all in Lawrence County.

20835 **Mississippi 904** -- Begins at Lake Lincoln Road, Lincoln  
20836 County, proceeds easterly to Mississippi 27 at or near Wanilla,  
20837 Lawrence County.

20838 **Mississippi 905** -- Begins at the intersection of Adams Road  
20839 with U.S. 51, thence west to Wardlaw Road, and thence continues  
20840 north to Mississippi 24, all in Pike County.

20841 **Mississippi 906** -- Begins on U.S. 51 in Summit and runs in an  
20842 easterly direction to intersect Mississippi 570, all in Pike  
20843 County.

20844 **Mississippi 908** -- A route providing direct access from the  
20845 interchange at I-55 at or near Summit to Southwest Community  
20846 College, all in Pike County.



20847           **Mississippi 911** -- Begins on Mississippi 24, now Mississippi  
20848 33 in South Gloster, and extends northwest on Kahnville Road,  
20849 Amite County.

20850           **Mississippi 913** -- Spur--Begins on Mississippi 24, now  
20851 Mississippi 33 in East Gloster, and extends west to Liberty Road,  
20852 Amite County.

20853           **Mississippi 915** -- Mississippi 42 and Mississippi 43  
20854 Connection--Begins on Jones Street and runs between Mississippi 43  
20855 and Mississippi 42, in the Town of New Hebron, Lawrence County.

20856           **Mississippi 917** -- Mississippi 18 Loop--Begins at the  
20857 intersection of Mississippi 18 at or near the Sylvarena Masonic  
20858 Lodge and makes what is known as the Sylvarena Loop, coming back  
20859 into Mississippi 18 at or near the residence of Will Houston, all  
20860 in Smith County.

20861           **Mississippi 923** -- Mississippi 584 Spur--Begins on  
20862 Mississippi 584 in the southeast corner of Amite County east of  
20863 Gillsburg and extends southeast to the Louisiana-Mississippi state  
20864 line.

20865           **Mississippi 927** -- Spur--Begins on Mississippi 906 east of  
20866 Summit and extends north to Southwest Community College, Pike  
20867 County.

20868           **Mississippi 928** -- U.S. 65 Spur--Begins on U.S. 65 in Natchez  
20869 and extends north on Homochitto Street, Adams County.

20870           **Mississippi 930 and 932** -- Begin on U.S. 61 North in Adams  
20871 County, in the vicinity of the weighing scales and proceed



20872 therefrom to the intersection of Melrose Avenue and East Franklin  
20873 Street.

20874       **Mississippi 937** -- U.S. 84 Spur--Begins on U.S. 84 in south  
20875 Prentiss and extends north on Columbia Avenue to the railroad  
20876 crossing, all in Jefferson Davis County.

20877       **Mississippi 938** -- Begins at the northwest corner of new  
20878 Mississippi Transportation Department District Office site and  
20879 extends easterly to U.S. 51 approximately forty-five  
20880 one-hundredths mile north of the north corporate limits of the  
20881 City of McComb, Pike County.

20882       **Mississippi 946** -- Mississippi 24 Spur--Begins on Mississippi  
20883 24, now Mississippi 33, Amite County, and extends northwest to  
20884 Centreville, Wilkinson County.

20885       **Mississippi 952** -- Mississippi 513 Spur--Begins on  
20886 Mississippi 513 and extends north to U.S. 11 in Enterprise, Clarke  
20887 County.

20888       **Mississippi 967** -- U.S. 49 Spur--Begins on Mississippi 42 in  
20889 north Hattiesburg and extends south on Main Street, all in Forrest  
20890 County.

20891       **Mississippi 969** -- Spur--Begins on U.S. 49 approximately 2.84  
20892 miles south of U.S. 11, and extends north on Edwards Street  
20893 approximately .83 miles, all in Hattiesburg, Forrest County.

20894       **Mississippi 992** -- Mississippi 43 Spur--Begins on Mississippi  
20895 43 northwest of Picayune and extends south to Picayune, Pearl  
20896 River County.



20897           **SECTION 311.** Section 73-36-36, Mississippi Code of 1972, is  
20898 brought forward as follows:

20899           73-36-36. In addition to the penalties provided under  
20900 Section 73-36-33 and Section 73-36-35, any person, found by the  
20901 board to be in violation of this chapter or any rule or regulation  
20902 of the board, shall be subject to an administrative fine of not  
20903 more than One Thousand Dollars (\$1,000.00) for each violation.  
20904 The person shall be given at least ten (10) days' written notice  
20905 and an opportunity for a hearing before the board. If the  
20906 administrative fine is not paid within ninety (90) days after the  
20907 date of the board's order, the order shall become a judgment and  
20908 may be filed and executed. Any person aggrieved of the board's  
20909 order may appeal the order to the Circuit Court of Hinds County  
20910 within thirty (30) days after the date of the order of the board  
20911 is issued. Appeal shall be on the record made before the board.

20912           **SECTION 312.** Section 55-23-21, Mississippi Code of 1972, is  
20913 brought forward as follows:

20914           55-23-21. The Building Commission is hereby authorized and  
20915 empowered, in addition to all other powers and duties of such  
20916 commission, to enlarge and renovate the Mississippi Veterans  
20917 Memorial Stadium in order to provide for a modern stadium having a  
20918 seating capacity of approximately sixty-two thousand seven hundred  
20919 thirty-one (62,731) persons, such authority to be conditioned upon  
20920 a contribution by Hinds County, Mississippi, to the Building  
20921 Commission of a sum of One Million Dollars (\$1,000,000.00) for



20922 such enlargement and renovation. The parking facilities shall not  
20923 be extended any farther to the east than as the facilities existed  
20924 on January 1, 1996. Further, the portion of the state-owned  
20925 property on which the stadium and parking facilities are located,  
20926 except the property west of the stadium between the stadium and  
20927 North West Street, that was undeveloped as of January 1, 1996,  
20928 shall remain undeveloped unless the Legislature enacts legislation  
20929 approving the development of such property. The portion of the  
20930 state-owned property on which the stadium is located that is west  
20931 of the stadium between the stadium and North West Street may be  
20932 developed to provide parking facilities for the Mississippi  
20933 Department of Transportation offices located on North West Street.  
20934 The Mississippi Veterans Memorial Stadium Commission may take any  
20935 action authorized in Section 55-23-8 relating to the property  
20936 described in such section.

20937       **SECTION 313.** Section 21-29-217, Mississippi Code of 1972, is  
20938 amended as follows:

20939       21-29-217. Any applicant for benefits of the disability and  
20940 relief fund for firemen and policemen, or any two (2) active  
20941 members of said fire department, or any two (2) active members of  
20942 said police department, being aggrieved at the decision or order  
20943 of the board of trustees, may file with the board of trustees and  
20944 with said board of disability and relief appeals duplicate copies  
20945 of a petition for a rehearing of the matter in which such decision  
20946 or order was made. Within thirty (30) days thereafter the board of



20947 trustees shall file with said appeal board, true copies of all  
20948 papers and documents which were before it, all evidence of record  
20949 before it and a statement of all evidence heard by it and not of  
20950 record, all certified to be true and correct, whereupon said  
20951 appeal board shall fix a time for hearing and shall give the board  
20952 of trustees and the petitioner or petitioners for appeal notice of  
20953 said such time for hearing. When the matter shall come on for  
20954 hearing said appeal board shall have before it all papers,  
20955 statements, matters and things certified to it by the board of  
20956 trustees, as well as such additional evidence and documents as it  
20957 may hear and receive and upon all of the same shall hear, consider  
20958 and decide said matter fully and finally according to this article  
20959 and the facts. Said appeal board may cause witnesses to be sworn  
20960 by any one (1) of its members, or by any other authority competent  
20961 to administer oaths. Said appeal board may meet for all purposes  
20962 at any time in the State of Mississippi when all are present, or  
20963 upon the call of two (2) members thereof. Said appeal board shall  
20964 certify its decision to the board of trustees, and such decision  
20965 or order shall be final and binding and said fund shall be  
20966 disbursed according thereto. Any suit or other action affecting  
20967 said fund shall be by or against the board of trustees as  
20968 custodian of said fund and shall be filed in the \* \* \* inferior  
20969 courts of the Capitol Complex Improvement District.

20970       **SECTION 314.** Section 39-23-3, Mississippi Code of 1972, is  
20971 brought forward as follows:



20972           39-23-3. The Mississippi Children's Museum may be located:

20973           (a) At the old National Guard Armory located on the  
20974 Mississippi State Fairgrounds in Jackson, Mississippi, after the  
20975 repair, renovation, furnishing and equipping of such facility by  
20976 the Department of Finance and Administration as provided for in  
20977 Sections 16 through 33 of Chapter 535, Laws of 1997, as amended;

20978           (b) In such structure and at such location as shall be  
20979 submitted by the Board of Directors of the Mississippi Children's  
20980 Museum, a Mississippi nonprofit corporation, to and approved as an  
20981 appropriate structure and location by the Department of Finance  
20982 and Administration, after the repair, renovation, furnishing and  
20983 equipping of such facility by the Department of Finance and  
20984 Administration as provided in Sections 16 through 33 of Chapter  
20985 535, Laws of 1997, as amended; or

20986           (c) In the building, formerly known as the Mississippi  
20987 Museum of Natural Science, on land located adjacent to the State  
20988 Fairgrounds in the City of Jackson, County of Hinds, Mississippi,  
20989 described more specifically as follows:

20990           Starting at the point of intersection of the  
20991 North line of Pearl Street and the West line of  
20992 Jefferson Street, run Northerly along the West  
20993 line of Jefferson Street a distance of 240 feet  
20994 to the point of beginning, an iron pin.  
20995 Continue Northerly along the West line of  
20996 Jefferson Street for a distance of 257.9 feet to





20997 an iron pin; turn left through an angle of 89 degrees -  
20998 57 minutes - 14 seconds and run Westerly for a  
20999 distance of 278.9 feet to an iron pin on the east  
21000 right-of-way line of the G.M. & O. Railroad; turn  
21001 left through an angle of 79 degrees - 29 minutes -  
21002 30 seconds and run Southerly along the East right-of-way  
21003 of the G.M. & O. Railroad (Said line being a curve  
21004 to the left with a radius of 2814.93 feet, chord  
21005 definition) for a distance of 260.4 feet to an iron  
21006 pipe; turn left through an angle of 95 degrees - 12  
21007 minutes - 26 seconds and run Easterly and parallel  
21008 with the North line of this tract for a distance of  
21009 314.7 feet to the point of beginning.

21010 (d) On certain real property owned by the State of  
21011 Mississippi and held by the Mississippi Department of Agriculture  
21012 and Commerce, more particularly described as follows:

21013 39 acres lying in the northeast corner of the  
21014 intersection of Mississippi 25 and Interstate 55.

21015 (e) At any location in Hinds County as shall be  
21016 submitted by the Board of Directors of the Mississippi Children's  
21017 Museum, a Mississippi nonprofit corporation, to the Department of  
21018 Finance and Administration and approved as an appropriate location  
21019 by the Department of Finance and Administration.

21020 **SECTION 315.** Section 73-30-21, Mississippi Code of 1972, is  
21021 amended as follows:



21022           73-30-21. (1) The board may, after notice and opportunity  
21023 for a hearing, suspend, revoke or refuse to issue or renew a  
21024 license or the privilege to practice or may reprimand the license  
21025 holder or holder of the privilege to practice, upon a  
21026 determination by the board that such license holder or holder of  
21027 the privilege to practice or applicant for licensure or the  
21028 privilege to practice has:

21029                   (a) Been adjudged by any court to be mentally  
21030 incompetent or have had a guardian of person appointed;

21031                   (b) Been convicted of a felony;

21032                   (c) Sworn falsely under oath or affirmation;

21033                   (d) Obtained a license or certificate or the privilege  
21034 to practice by fraud, deceit or other misrepresentation;

21035                   (e) Engaged in the conduct of professional counseling  
21036 in a grossly negligent or incompetent manner;

21037                   (f) Intentionally violated any provision of this  
21038 article;

21039                   (g) Violated any rules or regulations of the board; or

21040                   (h) Aided or assisted another in falsely obtaining a  
21041 license or the privilege to practice under this article.

21042           With regard to a refusal to issue a privilege to practice,  
21043 such refusal by the board shall be in accordance with the terms of  
21044 the Professional Counseling Compact instead of this subsection  
21045 (1).



21046           (2) Appeals from disciplinary action are to be brought in  
21047 the circuit court in the county of residence of the practitioner.  
21048 In the event the practitioner resides out of state the appeal  
21049 should be brought in \* \* \* inferior courts of the Capitol Complex  
21050 Improvement District.

21051           (3) The board may assess and levy upon any licensee,  
21052 practitioner or applicant for licensure or the privilege to  
21053 practice the costs incurred or expended by the board in the  
21054 investigation and prosecution of any licensure, privilege to  
21055 practice or disciplinary action, including, but not limited to,  
21056 the costs of process service, court reporters, expert witnesses,  
21057 investigators and attorney's fees.

21058           (4) No revoked license or privilege to practice may be  
21059 reinstated within twelve (12) months after such revocation.  
21060 Reinstatement thereafter shall be upon such conditions as the  
21061 board may prescribe, which may include, without being limited to,  
21062 successful passing of the examination required by this article.

21063           (5) A license or privilege to practice certificate issued by  
21064 the board is the property of the board and must be surrendered on  
21065 demand.

21066           (6) The chancery court is hereby vested with the  
21067 jurisdiction and power to enjoin the unlawful practice of  
21068 counseling and/or the false representation as a licensed counselor  
21069 in a proceeding brought by the board or any members thereof or by  
21070 any citizen of this state.



21071           (7) In addition to the reasons specified in subsection (1)  
21072 of this section, the board shall be authorized to suspend the  
21073 license of any licensee for being out of compliance with an order  
21074 for support, as defined in Section 93-11-153. The procedure for  
21075 suspension of a license for being out of compliance with an order  
21076 for support, and the procedure for the reissuance or reinstatement  
21077 of a license suspended for that purpose, and the payment of any  
21078 fees for the reissuance or reinstatement of a license suspended  
21079 for that purpose, shall be governed by Section 93-11-157 or  
21080 93-11-163, as the case may be. If there is any conflict between  
21081 any provision of Section 93-11-157 or 93-11-163 and any provision  
21082 of this article, the provisions of Section 93-11-157 or 93-11-163,  
21083 as the case may be, shall control.

21084           **SECTION 316.** Section 9-4-5, Mississippi Code of 1972, is  
21085 brought forward as follows:

21086           9-4-5. (1) The term of office of judges of the Court of  
21087 Appeals shall be eight (8) years. An election shall be held on  
21088 the first Tuesday after the first Monday in November 1994, to  
21089 elect the ten (10) judges of the Court of Appeals, two (2) from  
21090 each congressional district; provided, however, judges of the  
21091 Court of Appeals who are elected to take office after the first  
21092 Monday of January 2002, shall be elected from the Court of Appeals  
21093 Districts described in subsection (5) of this section. The judges  
21094 of the Court of Appeals shall begin service on the first Monday of  
21095 January 1995.



21096           (2)   (a)   In order to provide that the offices of not more  
21097 than a majority of the judges of said court shall become vacant at  
21098 any one (1) time, the terms of office of six (6) of the judges  
21099 first to be elected shall expire in less than eight (8) years.  
21100 For the purpose of all elections of members of the court, each of  
21101 the ten (10) judges of the Court of Appeals shall be considered a  
21102 separate office. The two (2) offices in each of the five (5)  
21103 districts shall be designated Position Number 1 and Position  
21104 Number 2, and in qualifying for office as a candidate for any  
21105 office of judge of the Court of Appeals each candidate shall state  
21106 the position number of the office to which he aspires and the  
21107 election ballots shall so indicate.

21108                       (i)   In Congressional District Number 1, the judge  
21109 of the Court of Appeals for Position Number 1 shall be that office  
21110 for which the term ends January 1, 1999, and the judge of the  
21111 Court of Appeals for Position Number 2 shall be that office for  
21112 which the term ends January 1, 2003.

21113                       (ii)   In Congressional District Number 2, the judge  
21114 of the Court of Appeals for Position Number 1 shall be that office  
21115 for which the term ends on January 1, 2003, and the judge of the  
21116 Court of Appeals for Position Number 2 shall be that office for  
21117 which the term ends January 1, 2001.

21118                       (iii)   In Congressional District Number 3, the  
21119 judge of the Court of Appeals for Position Number 1 shall be that  
21120 office for which the term ends on January 1, 2001, and the judge



21121 of the Court of Appeals for Position Number 2 shall be that office  
21122 for which the term ends January 1, 1999.

21123 (iv) In Congressional District Number 4, the judge  
21124 of the Court of Appeals for Position Number 1 shall be that office  
21125 for which the term ends on January 1, 1999, and the judge of the  
21126 Court of Appeals for Position Number 2 shall be that office for  
21127 which the term ends January 1, 2003.

21128 (v) In Congressional District Number 5, the judge  
21129 of the Court of Appeals for Position Number 1 shall be that office  
21130 for which the term ends on January 1, 2003, and the judge of the  
21131 Court of Appeals for Position Number 2 shall be that office for  
21132 which the term ends January 1, 2001.

21133 (b) The laws regulating the general elections shall  
21134 apply to and govern the elections of judges of the Court of  
21135 Appeals except as otherwise provided in Sections 23-15-974 through  
21136 23-15-985.

21137 (c) In the year prior to the expiration of the term of  
21138 an incumbent, and likewise each eighth year thereafter, an  
21139 election shall be held in the manner provided in this section in  
21140 the district from which the incumbent Court of Appeals judge was  
21141 elected at which there shall be elected a successor to the  
21142 incumbent, whose term of office shall thereafter begin on the  
21143 first Monday of January of the year in which the term of the  
21144 incumbent he succeeds expires.



21145 (3) No person shall be eligible for the office of judge of  
21146 the Court of Appeals who has not attained the age of thirty (30)  
21147 years at the time of his election and who has not been a  
21148 practicing attorney and citizen of the state for five (5) years  
21149 immediately preceding such election.

21150 (4) Any vacancy on the Court of Appeals shall be filled by  
21151 appointment of the Governor for that portion of the unexpired term  
21152 prior to the election to fill the remainder of said term according  
21153 to provisions of Section 23-15-849, Mississippi Code of 1972.

21154 (5) (a) The State of Mississippi is hereby divided into  
21155 five (5) Court of Appeals Districts as follows:

21156 **FIRST DISTRICT.** The First Court of Appeals District shall be  
21157 composed of the following counties and portions of counties:  
21158 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
21159 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
21160 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
21161 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
21162 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
21163 Nations and Poplar Creek; in Panola County the precincts of East  
21164 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North  
21165 Springport, South Springport, Eureka, Williamson, East Batesville  
21166 4, West Batesville 4, Fern Hill, North Batesville A, East  
21167 Batesville 5 and West Batesville 5; and in Tallahatchie County the  
21168 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,



21169 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,  
21170 Murphreesboro and Rosebloom.

21171       **SECOND DISTRICT.** The Second Court of Appeals District shall  
21172 be composed of the following counties and portions of counties:  
21173 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
21174 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,  
21175 Tunica, Warren, Washington and Yazoo; in Attala County the  
21176 precincts of Northeast, Hesterville, Possomneck, North Central,  
21177 McAdams, Newport, Sallis and Southwest; that portion of Grenada  
21178 County not included in the First Court of Appeals District; in  
21179 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
21180 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
21181 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
21182 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
21183 precincts of Conway, West Carthage, Wiggins, Thomastown and  
21184 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
21185 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
21186 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,  
21187 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
21188 Canton Precinct 1 and Canton Precinct 4; that portion of  
21189 Montgomery County not included in the First Court of Appeals  
21190 District; that portion of Panola County not included in the First  
21191 Court of Appeals District; and that portion of Tallahatchie County  
21192 not included in the First Court of Appeals District.





21193           **THIRD DISTRICT.** The Third Court of Appeals District shall be  
21194 composed of the following counties and portions of counties:  
21195 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
21196 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that  
21197 portion of Attala County not included in the Second Court of  
21198 Appeals District; in Jones County the precincts of Northwest High  
21199 School, Shady Grove, Sharon, Erata, Glade, Myrick School,  
21200 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,  
21201 Antioch and Landrum; that portion of Leake County not included in  
21202 the Second Court of Appeals District; that portion of Madison  
21203 County not included in the Second Court of Appeals District; and  
21204 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,  
21205 Diamond, Chaparral, Matherville, Coit and Eucutta.

21206           **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
21207 be composed of the following counties and portions of counties:  
21208 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
21209 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
21210 that portion of Hinds County not included in the Second Court of  
21211 Appeals District; and that portion of Jones county not included in  
21212 the Third Court of Appeals District.

21213           **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
21214 composed of the following counties and portions of counties:  
21215 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
21216 River, Perry and Stone; and that portion of Wayne County not  
21217 included in the Third Court of Appeals District.



21218 (b) The boundaries of the Court of Appeals Districts  
21219 described in paragraph (a) of this subsection shall be the  
21220 boundaries of the counties and precincts listed in paragraph (a)  
21221 of this subsection as such boundaries existed on October 1, 1990.

21222 **SECTION 317.** Section 55-23-25, Mississippi Code of 1972, is  
21223 brought forward as follows:

21224 55-23-25. Upon receipt of a sum of One Million Dollars  
21225 (\$1,000,000.00) from the Board of Supervisors of Hinds County, the  
21226 Building Commission is authorized at one (1) time or from time to  
21227 time to petition by resolution to the State Bond Commission for  
21228 the issuance of negotiable bonds of the State of Mississippi by  
21229 the State Bond Commission to provide funds for the purpose of  
21230 paying all or any part of the cost of enlarging and renovating the  
21231 Mississippi Veterans Memorial Stadium in accordance with the  
21232 provisions of Sections 55-23-21 through 55-23-43. The amounts of  
21233 bonds issued shall not exceed an aggregate sum of Three Million  
21234 Dollars (\$3,000,000.00).

21235 The principal of and the interest on such bonds shall be  
21236 payable from the Mississippi Veterans Memorial Stadium Bond  
21237 Sinking Fund, hereby created in the State Treasury, in the manner  
21238 hereinafter set forth. Such bonds shall bear date or dates, be in  
21239 such denomination or denominations, bear interest at such rate or  
21240 rates, be payable at such place or places within or without the  
21241 State of Mississippi, shall mature absolutely at such time or  
21242 times, be redeemable prior to maturity at such time or times and



21243 upon such terms, with or without premium, shall bear such  
21244 registration privileges, and shall be substantially in such form,  
21245 all as shall be determined by resolution of the State Bond  
21246 Commission. Provided, however, that such bonds shall mature or  
21247 otherwise be retired in annual installments beginning not more  
21248 than five (5) years from date thereof and extending not more than  
21249 twenty-five (25) years from date thereof. Such bonds shall be  
21250 signed by the Chairman of the State Bond Commission, or by his  
21251 facsimile signature, and the official seal of the State Bond  
21252 Commission shall be affixed thereto, attested by the Secretary of  
21253 the State Bond Commission. The interest coupons to be attached to  
21254 such bonds may be executed by the facsimile signatures of said  
21255 officers. Whenever any such bonds shall have been signed by the  
21256 officials herein designated to sign the bonds, who were in the  
21257 office at the time of such signing but who may have ceased to be  
21258 such officers prior to the sale and delivery of such bonds, or who  
21259 may not have been in office on the date such bonds may bear, the  
21260 signatures of such officers upon such bonds and coupons shall  
21261 nevertheless be valid and sufficient for all purposes and have the  
21262 same effect as if the person so officially signing such bonds had  
21263 remained in office until the delivery of the same to the  
21264 purchaser, or had been in office on the date such bonds may bear.

21265       **SECTION 318.** Section 69-5-103, Mississippi Code of 1972, is  
21266 brought forward as follows:



21267           69-5-103. For the purposes of this article, the State of  
21268 Mississippi is hereby divided into five (5) livestock show  
21269 districts, as follows:

21270           (a) The Northwest District, which shall embrace the  
21271 Counties of Coahoma, DeSoto, Grenada, Lafayette, Marshall, Panola,  
21272 Quitman, Tallahatchie, Tate, Tunica and Yalobusha Counties. The  
21273 place for holding the livestock show shall be at Batesville, in  
21274 Panola County.

21275           (b) The North Delta District, which shall embrace the  
21276 Counties of Attala, Bolivar, Carroll, Holmes, Humphreys,  
21277 Issaquena, Leflore, Montgomery, Sharkey, Sunflower and Washington  
21278 Counties. The place for holding the livestock show shall be at  
21279 Greenwood, in Leflore County.

21280           (c) The Northeast District, which shall embrace the  
21281 Counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay,  
21282 Itawamba, Lee, Lowndes, Monroe, Noxubee, Oktibbeha, Pontotoc,  
21283 Prentiss, Tippah, Tishomingo, Union, Webster and Winston. The  
21284 place for holding the livestock show shall be at Verona, in Lee  
21285 County.

21286           (d) The Southwest District, which shall embrace the  
21287 Counties of Adams, Amite, Claiborne, Copiah, Franklin, Hinds,  
21288 Jefferson, Lawrence, Leake, Lincoln, Madison, Neshoba, Newton,  
21289 Pike, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wilkinson  
21290 and Yazoo. The place for holding the livestock show shall be at  
21291 Jackson, in Hinds County.



21292 (e) The Southeast District, which shall embrace the  
21293 Counties of Clarke, Covington, Forrest, George, Greene, Hancock,  
21294 Harrison, Jackson, Jasper, Jefferson Davis, Jones, Kemper, Lamar,  
21295 Lauderdale, Marion, Pearl River, Perry, Stone and Wayne. The  
21296 place for holding the livestock show shall be at Hattiesburg, in  
21297 Forrest County.

21298 **SECTION 319.** Section 25-4-107, Mississippi Code of 1972, is  
21299 amended as follows:

21300 25-4-107. (1) The commission may pursue enforcement of this  
21301 chapter by means of hearings held before the commission or an  
21302 independent hearing officer to determine whether a respondent  
21303 violated the law and, if so, what penalty should be imposed.  
21304 Hearings shall be conducted according to the Mississippi Rules of  
21305 Civil Procedure and the Mississippi Rules of Evidence.

21306 (2) Any person aggrieved by a decision of the commission  
21307 made pursuant to its hearing procedures may appeal de novo to  
21308 the \* \* \* inferior courts of the Capitol Complex Improvement  
21309 District and execution of the commission's decision shall be  
21310 stayed upon the filing of a notice of appeal.

21311 **SECTION 320.** Section 83-54-27, Mississippi Code of 1972, is  
21312 amended as follows:

21313 83-54-27. (1) The commissioner may conduct investigations  
21314 and/or examinations of insurers and producers to ensure compliance  
21315 with the provisions of this chapter or any rule, regulation or



21316 order hereunder, as well as under any other applicable statutes or  
21317 regulations.

21318 (2) The commissioner may by order, deny, suspend or revoke  
21319 an insurer's certificate of authority or a producer's license if  
21320 the commissioner finds that such insurer or producer has violated  
21321 any provision of this chapter.

21322 (3) If the commissioner has reason to believe that any  
21323 person or entity is engaging in any activity that would be a  
21324 violation of this chapter or any rule promulgated under this  
21325 chapter, the commissioner may issue an order directing that person  
21326 or entity to cease and desist from committing the violations,  
21327 impose a civil penalty for the violations, provide an equitable  
21328 remedy for past violations, or any combination of these. Such  
21329 order may be issued without prior notice if the commissioner makes  
21330 a finding that such order is necessary for the protection of  
21331 policyholders and that the public health, safety and welfare  
21332 require the order to be issued without prior notice to affected  
21333 parties. At any hearing or other proceeding conducted as a result  
21334 of an order to cease and desist, pursuant to this chapter, the  
21335 person or entity subject to the order shall be required to show  
21336 cause why such order should be annulled, modified or confirmed.

21337 (4) Whenever it appears to the commissioner that any person  
21338 or entity has engaged or is about to engage in an act of practice  
21339 constituting a violation of any provision of this chapter or any  
21340 rule, regulation or order hereunder, the commissioner may, in the



21341 commissioner's discretion, bring an action in chancery court of  
21342 any county in this state to enjoin the acts or practices and to  
21343 enforce compliance with this chapter or any rule, regulation or  
21344 order hereunder. Upon a proper showing, a permanent or temporary  
21345 injunction, restraining order, writ of mandamus, disgorgement or  
21346 other proper equitable relief shall be granted.

21347 (5) Additionally, upon a finding that any person or entity  
21348 has violated a provision of this chapter, the commissioner may  
21349 impose a civil penalty of not more than One Thousand Dollars  
21350 (\$1,000.00) for each violation, and may revoke, suspend or decline  
21351 to renew any license of such person or entity to sell or issue  
21352 insurance.

21353 (6) Any person aggrieved by a final order of the  
21354 commissioner under this chapter may obtain judicial review of the  
21355 order in the \* \* \* inferior courts of the Capitol Complex  
21356 Improvement District by filing, within thirty (30) days of the  
21357 issuance and service of such order, a written petition or  
21358 complaint praying that said order be modified or set aside. A  
21359 copy of such petition shall be served upon the commissioner, and  
21360 the commissioner shall file a complete record of the proceedings  
21361 with said court, which shall then have jurisdiction of the  
21362 proceedings and questions determined therein.

21363 **SECTION 321.** Section 79-29-819, Mississippi Code of 1972, is  
21364 amended as follows:



21365           79-29-819. (1) A dissolved limited liability company may  
21366 publish notice of its dissolution pursuant to this section which  
21367 requests that persons with claims against the limited liability  
21368 company present them in accordance with the notice.

21369           (2) The notice must:

21370                 (a) Be published one time in a newspaper of general  
21371 circulation in the county where the dissolved limited liability  
21372 company's principal office is or was last located, or in Hinds  
21373 County, Mississippi, if the limited liability company does or did  
21374 not have a principal office in this state;

21375                 (b) Describe the information that must be included in a  
21376 claim and provide a mailing address where the claim may be sent;  
21377 and

21378                 (c) State that a claim against the limited liability  
21379 company not otherwise barred will be barred unless a proceeding to  
21380 enforce the claim is commenced within three (3) years after the  
21381 latter of the publication of the notice or the filing of a  
21382 certificate of dissolution with respect to the limited liability  
21383 company.

21384           (3) If the dissolved limited liability company publishes a  
21385 newspaper notice in accordance with subsection (2) and files a  
21386 certificate of dissolution pursuant to Section 79-29-205, the  
21387 claim of each of the following claimants which is not otherwise  
21388 barred is barred unless the claimant commences a proceeding to  
21389 enforce the claim against the dissolved limited liability company





21390 within three (3) years after the latter of the publication date of  
21391 the newspaper notice or the filing of the certificate of  
21392 dissolution:

21393 (a) A claimant who did not receive written notice under  
21394 Section 79-29-817;

21395 (b) A claimant whose claim was timely sent to the  
21396 dissolved limited liability company but not acted on within the  
21397 three-year period; and

21398 (c) A claimant whose claim is contingent or based on an  
21399 event occurring after the effective date of dissolution.

21400 (4) A claim may be enforced under this section:

21401 (a) Against the dissolved limited liability company, to  
21402 the extent of its undistributed assets; or

21403 (b) If the assets have been distributed in liquidation,  
21404 against a member of the dissolved limited liability company to the  
21405 extent of the member's pro rata share of the claim or the assets  
21406 of the limited liability company distributed to the member in  
21407 liquidation, whichever is less, but a member's total liability for  
21408 all claims under this section may not exceed the total amount of  
21409 assets distributed to the member, subject to Section 79-29-611(1).

21410 **SECTION 322.** Section 79-4-14.07, Mississippi Code of 1972,  
21411 is brought forward as follows:

21412 79-4-14.07. (a) A dissolved corporation may also publish  
21413 notice of its dissolution and request that persons with claims



21414 against the dissolved corporation present them in accordance with  
21415 the notice.

21416 (b) The notice must:

21417 (1) Be published one (1) time in a newspaper of general  
21418 circulation in the county where the dissolved corporation's  
21419 principal office (or, if none in this state, its registered  
21420 office) is or was last located;

21421 (2) Describe the information that must be included in a  
21422 claim and provide a mailing address where the claim may be sent;  
21423 and

21424 (3) State that a claim against the dissolved  
21425 corporation will be barred unless a proceeding to enforce the  
21426 claim is commenced within three (3) years after the publication of  
21427 the notice.

21428 (c) If the dissolved corporation publishes a newspaper  
21429 notice in accordance with subsection (b), the claim of each of the  
21430 following claimants is barred unless the claimant commences a  
21431 proceeding to enforce the claim against the dissolved corporation  
21432 within the lesser of three (3) years after the publication date of  
21433 the newspaper notice, or any other applicable limitations period  
21434 established by applicable law:

21435 (1) A claimant who was not given written notice under  
21436 Section 79-4-14.06;

21437 (2) A claimant whose claim was timely sent to the  
21438 dissolved corporation but not acted on;



21439           (3) A claimant whose claim is contingent or based on an  
21440 event occurring after the effective date of dissolution.

21441           (d) A claim that is not barred by Section 79-4-14.06(c) or  
21442 subsection (c) of this section may be enforced:

21443           (1) Against the dissolved corporation, to the extent of  
21444 its undistributed assets; or

21445           (2) Except as provided in Section 79-4-14.08(d), if the  
21446 assets have been distributed in liquidation, against a shareholder  
21447 of the dissolved corporation to the extent of the shareholder's  
21448 pro rata share of the claim or the corporate assets distributed to  
21449 the shareholder in liquidation, whichever is less, but a  
21450 shareholder's total liability for all claims under this section  
21451 may not exceed the total amount of assets distributed to the  
21452 shareholder.

21453           **SECTION 323.** Section 79-14-807, Mississippi Code of 1972, is  
21454 brought forward as follows:

21455           79-14-807. (a) A dissolved limited partnership may publish  
21456 notice of its dissolution and request persons having claims  
21457 against the partnership to present them in accordance with the  
21458 notice.

21459           (b) A notice under subsection (a) must:

21460           (1) Be published at least once in a newspaper of  
21461 general circulation in the county in this state in which the  
21462 dissolved limited partnership's principal office is located or, if



21463 the principal office is not located in this state, in Hinds  
21464 County, Mississippi;

21465 (2) Describe the information required to be contained  
21466 in a claim, state that the claim must be in writing, and provide a  
21467 mailing address to which the claim is to be sent;

21468 (3) State that a claim against the partnership is  
21469 barred unless an action to enforce the claim is commenced not  
21470 later than three (3) years after publication of the notice; and

21471 (4) Unless the partnership has been throughout its  
21472 existence a limited liability limited partnership, state that the  
21473 barring of a claim against the partnership will also bar any  
21474 corresponding claim against any general partner or person  
21475 dissociated as a general partner which is based on Section  
21476 79-14-404.

21477 (c) If a dissolved limited partnership publishes a notice in  
21478 accordance with subsection (b), the claim of each of the following  
21479 claimants is barred unless the claimant commences an action to  
21480 enforce the claim against the partnership not later than three (3)  
21481 years after the publication date of the notice:

21482 (1) A claimant that did not receive notice in a record  
21483 under Section 79-14-806;

21484 (2) A claimant whose claim was timely sent to the  
21485 partnership but not acted on; and

21486 (3) A claimant whose claim is contingent at, or based  
21487 on an event occurring after, the date of dissolution.



21488 (d) A claim not barred under this section or Section  
21489 79-14-806 may be enforced:

21490 (1) Against the dissolved limited partnership, to the  
21491 extent of its undistributed assets;

21492 (2) Except as otherwise provided in Section 79-14-808,  
21493 if assets of the partnership have been distributed after  
21494 dissolution, against a partner or transferee to the extent of that  
21495 person's proportionate share of the claim or of the partnership's  
21496 assets distributed to the partner or transferee after dissolution,  
21497 whichever is less, but a person's total liability for all claims  
21498 under this paragraph may not exceed the total amount of assets  
21499 distributed to the person after dissolution; and

21500 (3) Against any person liable on the claim under  
21501 Sections 79-14-404 and 79-14-607.

21502 **SECTION 324.** Section 37-101-292, Mississippi Code of 1972,  
21503 is amended as follows:

21504 37-101-292. (1) Within the limits of the funds available to  
21505 the Mississippi Transportation Commission for such purpose, the  
21506 Executive Director of the Mississippi Department of Transportation  
21507 may pay a stipend to contractual services employees for  
21508 educational expenses such as tuition, books and related fees to  
21509 pursue junior or senior undergraduate level year coursework toward  
21510 a bachelor's degree in civil engineering or graduate level  
21511 coursework toward a master's degree in civil engineering to those  
21512 applicants deemed qualified. It is the intent of the Legislature



21513 that such an educational program shall be used as a method of  
21514 encouraging recruitment of well-qualified civil engineers for  
21515 employment with the Mississippi Department of Transportation.

21516 (2) (a) In order to be eligible for this program an  
21517 undergraduate participant must:

21518 (i) Have successfully obtained a minimum of  
21519 fifty-eight (58) semester hours toward a bachelor of science in  
21520 civil engineering from a state institution of higher learning that  
21521 has been fully accredited by the Accreditation Board of  
21522 Engineering and Technology;

21523 (ii) Have achieved a minimum grade point average  
21524 of 2.75 on a 4.0 scale on the previously obtained semester hours  
21525 toward a bachelor of science in civil engineering; and

21526 (iii) Agree to work as a civil engineer at the  
21527 Mississippi Department of Transportation for a period of time  
21528 equivalent to the period of time for which the applicant receives  
21529 a stipend for educational expenses calculated to the nearest whole  
21530 month.

21531 (b) In order to be eligible for this program a graduate  
21532 participant must:

21533 (i) Have obtained a bachelor of science in civil  
21534 engineering from a state institution of higher learning that has  
21535 been fully accredited by the Accreditation Board of Engineering  
21536 and Technology;



21537                   (ii) Have met the regular admission standards and  
21538 been accepted into a master of science in civil engineering  
21539 program at a state institution of higher learning that has been  
21540 fully accredited by the Accreditation Board of Engineering and  
21541 Technology;

21542                   (iii) Have submitted a proposed graduate program  
21543 thesis project for review by the Department of Transportation; and

21544                   (iv) Agree to work as a civil engineer at the  
21545 Mississippi Department of Transportation for a period of time  
21546 equivalent to the period of time for which the applicant receives  
21547 a stipend for educational expenses calculated to the nearest whole  
21548 month.

21549           (3) (a) Each participant shall enter into a contract with  
21550 the Mississippi Transportation Commission, which shall be deemed a  
21551 contract with the State of Mississippi, agreeing to the terms and  
21552 conditions upon which the stipend shall be granted to him. The  
21553 contract shall include such terms and provisions necessary to  
21554 carry out the full purpose and intent of this section. The form  
21555 of such contract shall be prepared and approved by the Attorney  
21556 General of this state, and shall be signed by the Executive  
21557 Director of the Mississippi Department of Transportation and the  
21558 recipient. If the recipient is a minor, his minority disabilities  
21559 shall be removed by a chancery court of competent jurisdiction  
21560 before the contract is signed.



21561           (b) The Mississippi Transportation Commission may  
21562 cancel any contract made between it and any participant upon such  
21563 cause being deemed sufficient by the executive director.

21564           (c) The Mississippi Transportation Commission is vested  
21565 with full and complete authority and power to sue in its own name  
21566 any recipient for any balance due the state on any such  
21567 uncompleted contract, which suit shall be filed and handled by the  
21568 Attorney General of the state. The Mississippi Transportation  
21569 Commission may contract with a collection agency or banking  
21570 institution, subject to approval by the Attorney General, for  
21571 collection of any balance due the state from any recipient. The  
21572 State of Mississippi, the Mississippi Transportation Commission  
21573 and the Mississippi Department of Transportation and its employees  
21574 are immune from any suit brought in law or equity for actions  
21575 taken by the collection agency or banking institution incidental  
21576 to or arising from their performance under the contract. The  
21577 Mississippi Transportation Commission may negotiate for the  
21578 payment of a sum that is less than full payment in order to  
21579 satisfy any balance the recipient owes the state, if necessary or  
21580 advisable.

21581           (d) Notice of pending default status shall be mailed to  
21582 the recipient at the last known address prior to commencing a  
21583 lawsuit.





21584 (e) The sponsoring agency shall conduct a hearing of  
21585 pending default status, make a final determination, and issue an  
21586 Order of Default, if appropriate.

21587 (f) Recipients may appear either personally or by  
21588 counsel, or both, and produce and cross-examine witnesses or  
21589 evidence in the recipient's behalf. The procedure of the hearing  
21590 shall not be bound by the Mississippi Rules of Civil Procedure and  
21591 Evidence.

21592 (g) Appeals from a finding of default by the sponsoring  
21593 agency shall be to the \* \* \* inferior courts of the Capitol  
21594 Complex Improvement District.

21595 (h) Rules and regulations governing this program and  
21596 other applicable matters may be promulgated by the sponsoring  
21597 agency.

21598 **SECTION 325.** Section 81-25-171, Mississippi Code of 1972, is  
21599 amended as follows:

21600 81-25-171. (1) If the commissioner finds that any of the  
21601 factors set forth in Section 81-25-167 are true with respect to  
21602 any foreign bank which is licensed to establish and maintain a  
21603 Mississippi state branch or Mississippi state agency and that it  
21604 is necessary for the protection of the interests of the creditors  
21605 of such foreign bank's business in the State of Mississippi or for  
21606 the protection of the public interest that he or she take  
21607 immediate possession of the property and business of the foreign  
21608 bank, the commissioner may by order forthwith take possession of



21609 the property and business of the foreign bank in the State of  
21610 Mississippi and retain possession until the foreign bank resumes  
21611 business in the State of Mississippi or is finally liquidated.  
21612 The foreign bank may, with the consent of the commissioner resume  
21613 business in the State of Mississippi upon such conditions as the  
21614 commissioner may prescribe by regulation or order.

21615 (2) At any time within ten (10) days after the commissioner  
21616 has taken possession of the property and business of a foreign  
21617 bank pursuant to subsection (1) of this section, such foreign bank  
21618 may petition the \* \* \* inferior courts of the Capitol Complex  
21619 Improvement District for an order requiring the commissioner to  
21620 show cause why he or she should not be enjoined from continuing  
21621 such possession. The court may, upon good cause being shown,  
21622 direct the commissioner to refrain from further proceedings and to  
21623 surrender such possession. The judgment of the court may be  
21624 appealed by the commissioner or by the foreign bank in the manner  
21625 provided by law for appeals from a judgment of Chancery Court of  
21626 the State of Mississippi. Where the commissioner appeals the  
21627 judgment of the court, such appeal shall operate as a stay of the  
21628 judgment and a reinstatement of the commissioner's possession.  
21629 The commissioner shall not be required to post any bond.

21630 (3) Whenever the commissioner takes possession of the  
21631 property and business of a foreign bank pursuant to subsection (1)  
21632 of this section, he or she shall conserve or liquidate the  
21633 property and business of such foreign bank pursuant to the laws of



21634 the State of Mississippi as if the foreign bank were a Mississippi  
21635 state bank, with absolute preference and priority given to the  
21636 creditors of such foreign bank arising out of transactions with,  
21637 and recorded on the books of, its Mississippi state branch or  
21638 Mississippi state agency over the creditors of such foreign bank's  
21639 offices located outside the State of Mississippi.

21640 (4) When the commissioner has completed the liquidation of  
21641 the property and business of a foreign bank, the commissioner  
21642 shall transfer any remaining assets to such foreign bank in  
21643 accordance with such orders as the court may issue. However, in  
21644 case the foreign bank has an office in another state of the United  
21645 States which is in liquidation and the assets of such office  
21646 appear to be insufficient to pay in full the creditors of that  
21647 office, the court shall order the commissioner to transfer to the  
21648 liquidator of that office such amount of any such remaining assets  
21649 as appears to be necessary to cover such insufficiency; if there  
21650 are two (2) or more such offices and the amount of remaining  
21651 assets is less than the aggregate amount of insufficiencies with  
21652 respect to the offices, the court shall order the commissioner to  
21653 distribute the remaining assets among the liquidators of such  
21654 offices in such manner as the court finds equitable.

21655 **SECTION 326.** Section 83-5-43, Mississippi Code of 1972, is  
21656 amended as follows:

21657 83-5-43. (1) Any person required by an order of the  
21658 commissioner under Section 83-5-41 to cease and desist from



21659 engaging in any unfair method of competition or any unfair or  
21660 deceptive act or practice defined in Section 83-5-35 may obtain a  
21661 review of such order by filing in the Circuit Court of Hinds  
21662 County, within thirty (30) days from the date of the service of  
21663 such order, a written petition praying that the order of the  
21664 commissioner be set aside. A copy of such petition shall be  
21665 forthwith served upon the commissioner, and thereupon the  
21666 commissioner forthwith shall certify and file in such court a  
21667 transcript of the entire record in the proceeding, including all  
21668 the evidence taken and the report and order of the commissioner.  
21669 Upon such filing of the petition and transcript, such court shall  
21670 have jurisdiction of the proceeding and of the question determined  
21671 therein, shall determine whether the filing of such petition shall  
21672 operate as a stay of such order of the commissioner, and shall  
21673 have power to make and enter upon the pleadings, evidence, and  
21674 proceedings set forth in such transcript a judgment modifying,  
21675 affirming, or reversing the order of the commissioner, in whole or  
21676 in part. The findings of the commissioner as to the facts, if  
21677 supported by substantial evidence, shall be conclusive.

21678       (2) To the extent that the order of the commissioner is  
21679 affirmed, the court shall thereupon issue its own order commanding  
21680 obedience to the terms of such order of the commissioner. If  
21681 either party shall apply to the court for leave to adduce  
21682 additional evidence, and shall show to the satisfaction of the  
21683 court that such additional evidence is material and that there



21684 were reasonable grounds for the failure to adduce such evidence in  
21685 the proceeding before the commissioner, the court may order such  
21686 additional evidence to be taken before the commissioner and to be  
21687 adduced upon the hearing in such manner and upon such terms and  
21688 conditions as to the court may seem proper. The commissioner may  
21689 modify his findings of fact or make new findings by reason of the  
21690 additional evidence so taken; and he shall file such modified or  
21691 new findings which, if supported by substantial evidence, shall be  
21692 conclusive, and his recommendations, if any, for the modification  
21693 or setting aside of his original order, with the return of such  
21694 additional evidence.

21695 (3) A cease and desist order issued by the commissioner  
21696 under Section 83-5-41 shall become final:

21697 (a) Upon the completion of the time allowed for filing  
21698 a petition for review if no such petition has been duly filed  
21699 within such time; except that the commissioner may thereafter  
21700 modify or set aside his order to the extent provided in Section  
21701 83-5-41(2); or

21702 (b) Upon the final decision of the court if the court  
21703 directs that the order of the commissioner be affirmed or the  
21704 petition for review dismissed.

21705 (4) No order of the commissioner under Sections 83-5-29  
21706 through 83-5-51 or order of a court to enforce the same shall in  
21707 any way relieve or absolve any person affected by such order from  
21708 any liability under any other laws of this state.



21709           **SECTION 327.** Section 25-11-11, Mississippi Code of 1972, is  
21710 amended as follows:

21711           25-11-11. (1) Each political subdivision of the state and  
21712 each instrumentality of the state or of a political subdivision,  
21713 or of both, is hereby authorized to submit for approval by the  
21714 board a plan for extending the benefits of this article, in  
21715 conformity with applicable federal law, to employees of any such  
21716 political subdivision or instrumentality. Each such plan or any  
21717 amendment thereof shall be approved by the board if it finds that  
21718 such plan, or such plan as amended, is in conformity with such  
21719 requirements as are provided in regulations of the board, except  
21720 that no such plan shall be approved unless:

21721           (a) It is in conformity with the requirements of the  
21722 applicable federal law and with the agreement entered into under  
21723 Section 25-11-7;

21724           (b) It provides that all services which constitute  
21725 employment as defined in Section 25-11-5 and are performed in the  
21726 employ of the political subdivision or instrumentality, by any  
21727 employees thereof, shall be covered by the plan; except that it  
21728 may exclude services performed by individuals to whom Section  
21729 218(C) (3) (c) of the Social Security Act is applicable;

21730           (c) It specifies the source or sources from which the  
21731 funds necessary to make the payments required by paragraph (a) of  
21732 subsection (3) and by subsection (4) are expected to be derived



21733 and contains reasonable assurance that such sources will be  
21734 adequate for such purpose;

21735 (d) It provides for such methods of administration of  
21736 the plan by the political subdivision or instrumentality as are  
21737 found by the board to be necessary for the proper and efficient  
21738 administration thereof;

21739 (e) It provides that the political subdivision or  
21740 instrumentality will make such reports, in such form and  
21741 containing such information, as the board may from time to time  
21742 require, and comply with such provisions as the board or the  
21743 Secretary of Health and Human Services may from time to time find  
21744 necessary to assure the correctness and verification of such  
21745 reports; and

21746 (f) It authorizes the board to terminate the plan in  
21747 its entirety in the discretion of the board if it finds that there  
21748 has been a failure to comply substantially with any provision  
21749 contained in such plan, such determination to take effect at the  
21750 expiration of such notice and on such conditions as may be  
21751 provided by regulations of the board and as may be consistent with  
21752 applicable federal law.

21753 (2) The board shall not finally refuse to approve a plan  
21754 submitted under subsection (1) and shall not terminate an approved  
21755 plan, without reasonable notice and opportunity for hearing to  
21756 each political subdivision or instrumentality affected thereby.  
21757 The board's decision in any such case shall be final, conclusive,



21758 and binding unless an appeal be taken by the political subdivision  
21759 or instrumentality aggrieved thereby to the \* \* \* inferior courts  
21760 of the Capitol Complex Improvement District in accordance with the  
21761 provisions of law with respect to review of civil cause by  
21762 certiorari.

21763 (3) (a) Each political subdivision or instrumentality as to  
21764 which a plan has been approved under this section shall pay into  
21765 the contribution fund, with respect to wages (as defined in  
21766 Section 25-11-5 of this article,) at such time or times as the  
21767 board may by regulation prescribe, contributions in the amounts  
21768 and at the rates specified in the applicable agreement entered  
21769 into by the board under Section 25-11-7.

21770 (b) Every political subdivision or instrumentality  
21771 required to make payments under paragraph (a) of this subsection  
21772 is authorized, in consideration of the employees' retention in, or  
21773 entry upon, employment after enactment of this article, to impose  
21774 upon its employees, as to services which are covered by an  
21775 approved plan, a contribution with respect to wages (as defined in  
21776 Section 25-11-5 of this article), not exceeding the amount of tax  
21777 which would be imposed by the Federal Insurance Contributions Act  
21778 if such services constituted employment within the meaning of that  
21779 act, and to deduct the amount of such contribution from the wages  
21780 as and when paid. Contributions so collected shall be paid into  
21781 the contribution fund in partial discharge of the liability of  
21782 such political subdivision or instrumentality under paragraph (a)





21783 of this subsection. Failure to deduct such contribution shall not  
21784 relieve the employee or employer of liability therefor.

21785 (4) Any state agency, school, political subdivision,  
21786 instrumentality or any employer that is required to submit  
21787 contribution payments or wage reports under any section of this  
21788 chapter shall be assessed interest on delinquent payments or wage  
21789 reports as determined by the board of trustees and such assessed  
21790 interest may be recovered by action in a court of competent  
21791 jurisdiction against such reporting agency liable therefor or may,  
21792 upon due certification of delinquency and at the request of the  
21793 board, be deducted from any other monies payable to such reporting  
21794 agency by any department or agency of the state.

21795 (5) **Referenda and certification.** The Governor is empowered  
21796 to authorize a referendum, upon request of the governing body of a  
21797 political subdivision or juristic entity of the state and to  
21798 designate any agency or individual to supervise its conduct, in  
21799 accordance with the requirements of Section 218(d) (3) of the  
21800 Social Security Act, on the question of whether service in  
21801 positions covered by a retirement system established by a  
21802 political subdivision or juristic entity of the state should be  
21803 excluded from or included under an agreement under this article.  
21804 The notice of referendum required by Section 218(d) (3) (C) of the  
21805 Social Security Act to be given to employees shall contain or  
21806 shall be accompanied by a statement, in such form and such detail  
21807 as the agency or individual designated to supervise the referendum



21808 shall deem necessary and sufficient, to inform the employees of  
21809 the rights which will accrue to them and their dependents and  
21810 survivors, and the liabilities to which they will be subject, if  
21811 their services are included under an agreement under this article.

21812 (6) Only those persons may be allowed to vote in the  
21813 referendum who are actually employed in the employment which  
21814 occasioned their membership in their retirement system at the time  
21815 that the referendum is offered, and a majority of the members so  
21816 qualified to vote must vote in favor of the referendum in order  
21817 for it to become effective.

21818 (7) In the event of a negative vote in the referendum, no  
21819 additional referendum may be held within a period of less than one  
21820 (1) year; and in the event of an affirmative vote of the  
21821 referendum, their agreement must be executed with the Public  
21822 Employees' Retirement System of Mississippi to cover such  
21823 employees within six (6) months after the affirmative vote has  
21824 been determined in the referendum.

21825 (8) Upon receiving evidence satisfactory to him that, with  
21826 respect to any such referendum, the conditions specified in  
21827 Section 218(d)(3) of the Social Security Act have been met, the  
21828 Governor shall so certify to the Secretary of Health and Human  
21829 Services.

21830 **SECTION 328.** Section 41-29-187, Mississippi Code of 1972, is  
21831 amended as follows:



21832           41-29-187.   (1)   Attorneys for the Mississippi Bureau of  
21833   Narcotics, by and through the Director of the Mississippi Bureau  
21834   of Narcotics, are authorized to seek judicial subpoenas to require  
21835   any person, firm or corporation in the State of Mississippi to  
21836   produce for inspection and copying business records and other  
21837   documents which are relevant to the investigation of any felony  
21838   violation of the Uniform Controlled Substances Law of the State of  
21839   Mississippi. The production of the designated documents shall be  
21840   at the location of the named person's, firm's or corporation's  
21841   principal place of business, residence or other place at which the  
21842   person, firm or corporation agrees to produce the documents. The  
21843   cost of reproducing the documents shall be borne by the bureau at  
21844   prevailing rates. At the conclusion of the investigation and any  
21845   related judicial proceedings, the person, firm or corporation from  
21846   whom the records or documents were subpoenaed shall, upon written  
21847   request, be entitled to the return or destruction of all copies  
21848   remaining in the possession of the bureau.

21849           (2)   The bureau is authorized to make an ex parte and in  
21850   camera application to the county or circuit court of the county in  
21851   which such person, firm or corporation resides or has his  
21852   principal place of business, or if the person, firm or corporation  
21853   is absent or a nonresident of the State of Mississippi, to  
21854   the \* \* \* inferior courts of the Capitol Complex Improvement  
21855   District. On application of the county or circuit court, a  
21856   subpoena duces tecum shall be issued only upon a showing of



21857 probable cause that the documents sought are relevant to the  
21858 investigation of a felony violation of the Uniform Controlled  
21859 Substances Law or may reasonably lead to the discovery of such  
21860 relevant evidence. Nothing contained in this section shall affect  
21861 the right of a person to assert a claim that the information  
21862 sought is privileged by law. Such application to the court shall  
21863 be in writing and accompanied by a sworn affidavit from an agent  
21864 of the Bureau of Narcotics which sets forth facts which the court  
21865 shall consider in determining that probable cause exists.

21866 (3) Any person, firm or corporation complying in good faith  
21867 with a judicial subpoena issued pursuant to this section shall not  
21868 be liable to any other person, firm or corporation for damages  
21869 caused in whole or in part by such compliance.

21870 (4) Documents in the possession of the Mississippi Bureau of  
21871 Narcotics gathered pursuant to the provisions of this section and  
21872 subpoenas issued by the court shall be maintained in confidential  
21873 files with access limited to prosecutorial and other law  
21874 enforcement investigative personnel on a "need to know" basis and  
21875 shall be exempt from the provisions of the Mississippi Public  
21876 Records Act of 1983, except that upon the filing of an indictment  
21877 or information, or upon the filing of an action for forfeiture or  
21878 recovery of property, funds or fines, such documents shall be  
21879 subject to such disclosure as may be required pursuant to the  
21880 applicable statutes or court rules governing the trial of any such  
21881 judicial proceeding.



21882           (5) The circuit or county judge shall seal each application  
21883 and affidavit filed and each subpoena issued after service of said  
21884 subpoena. The application, affidavit and subpoena may not be  
21885 disclosed except in the course of a judicial proceeding. Any  
21886 unauthorized disclosure of a sealed subpoena, application or  
21887 affidavit shall be punishable as contempt of court.

21888           (6) No person, including the Director of the Mississippi  
21889 Bureau of Narcotics, an agent or member of his staff, prosecuting  
21890 attorney, law enforcement officer, witness, court reporter,  
21891 attorney or other person, shall disclose to an unauthorized person  
21892 documents gathered by the bureau pursuant to the provisions of  
21893 this section, nor investigative demands and subpoenas issued and  
21894 served, except that upon the filing of an indictment or  
21895 information, or upon the filing of an action for forfeiture or  
21896 recovery of property, funds or fines, or in other legal  
21897 proceedings, the documents shall be subject to such disclosure as  
21898 may be required pursuant to applicable statutes and court rules  
21899 governing the trial of any such judicial proceeding. In the event  
21900 of an unauthorized disclosure of any such documents gathered by  
21901 the Mississippi Bureau of Narcotics pursuant to the provisions of  
21902 this section, the person making any such unauthorized disclosure  
21903 shall be guilty of a misdemeanor, and upon conviction thereof  
21904 shall be punished by a fine of not more than One Thousand Dollars  
21905 (\$1,000.00), or imprisonment of not more than six (6) months, or  
21906 by both such fine and imprisonment.



21907           (7) No person, agent or employee upon whom a subpoena is  
21908 served pursuant to this section shall disclose the existence of  
21909 said subpoena or the existence of the investigation to any person  
21910 unless such disclosure is necessary for compliance with the  
21911 subpoena. Any person who willfully violates this subsection shall  
21912 be guilty of a misdemeanor and may be confined in the county jail,  
21913 for a period not to exceed one (1) year, or fined not more than  
21914 Ten Thousand Dollars (\$10,000.00), or both.

21915           **SECTION 329.** Section 29-3-157, Mississippi Code of 1972, is  
21916 brought forward as follows:

21917           29-3-157. All powers of the authority shall be exercised by  
21918 a board of trustees to be selected and composed as follows:

21919           (a) There shall be five (5) members of the board of  
21920 trustees. One (1) member shall be appointed by the board of  
21921 supervisors to serve one (1) year and four (4) members shall be  
21922 appointed by the county board of education, one (1) of whom shall  
21923 serve two (2) years, one (1) of whom shall serve three (3) years,  
21924 one (1) of whom shall serve four (4) years, and one (1) of whom  
21925 shall serve five (5) years after June 30, 1973; provided, however,  
21926 that in the event any part of the sixteenth section, or lands  
21927 granted in lieu thereof, to be developed by the authority is  
21928 located within the corporate limits of any municipal separate  
21929 school district, then the aforesaid two (2) members of the  
21930 authority serving an initial term of three (3) and five (5) years  
21931 shall be appointed by the trustees of the municipal separate



21932 school district. The terms of office of the respective members  
21933 shall expire June 30 of each year, and after their initial term,  
21934 each member shall be appointed to a term of five (5) years or  
21935 until his successor has been appointed and has accepted. The  
21936 Superintendent of the Hinds County School Board shall be an ex  
21937 officio member of the board and shall act as chairman thereof.  
21938 The member of the authority serving the initial five-year term  
21939 shall be the secretary of the board of trustees. In the event a  
21940 vacancy occurs, the appointment or the unexpired term shall be  
21941 made in the same manner as provided for the original appointment.

21942 (b) Members of the board of trustees of the authority  
21943 may succeed themselves upon reappointment by a two-thirds (2/3)  
21944 vote of the appointing authority.

21945 (c) No member shall be appointed as a trustee who is  
21946 not a qualified elector and bona fide resident of the county.

21947 (d) Each member of the board of trustees shall take and  
21948 subscribe to the general oath of office required by Section 268 of  
21949 the Constitution of the State of Mississippi before the chancery  
21950 clerk of the county in which the authority is created that he will  
21951 faithfully discharge the duties of the office, which oath shall be  
21952 filed with the said clerk and by him preserved.

21953 (e) Each trustee not being paid for the day of the  
21954 meeting by a political subdivision of the state shall receive not  
21955 more than Twenty-two Dollars and Fifty Cents (\$22.50) per diem  
21956 while actually performing the business of the authority and Ten



21957 Cents (10¢) per mile for distance traveled while actually on the  
21958 business of the authority. Provided, however, that the  
21959 compensation herein authorized shall apply for not more than  
21960 fourteen (14) days per member during any calendar year.

21961 **SECTION 330.** Section 41-11-11, Mississippi Code of 1972, is  
21962 brought forward as follows:

21963 41-11-11. (1) From and after July 1, 1989, the Kuhn  
21964 Memorial State Hospital at Vicksburg, the South Mississippi State  
21965 Hospital at Laurel, and the Matty Hersee Hospital at Meridian  
21966 shall be closed, and the Legislature shall not appropriate any  
21967 funds for the operation of those hospitals after that date. For  
21968 each such hospital for which title to the hospital buildings and  
21969 the land upon which they are located remains in the State of  
21970 Mississippi after closure of the hospital, except for any part  
21971 thereof which has been previously leased to a political  
21972 subdivision or which is used by another state agency or  
21973 department, the Governor's Office of General Services, Bureau of  
21974 Building, Grounds and Real Property Management, shall be  
21975 authorized to sell and transfer title to each of such hospital  
21976 buildings and such land to any individual, corporation or other  
21977 entity for an amount not less than the fair market value thereof  
21978 as determined by three (3) real estate appraisers. However, prior  
21979 to any such sale, the Office of General Services shall publish  
21980 notice of its intention to sell the same in a newspaper of general  
21981 circulation in the county in which the property is located and in





21982 Hinds County, Mississippi, and in such publication shall solicit  
21983 requests for proposals for the use of such property by agencies,  
21984 departments or political subdivisions of the State of Mississippi.  
21985 If proposals are received, the Office of General Services shall  
21986 review the proposals to determine if any proposed use of the  
21987 property, both real and personal, will reasonably be used to  
21988 provide a needed service not presently provided by the State of  
21989 Mississippi or by a political subdivision thereof. If the Office  
21990 of General Services determines that such needed service may be  
21991 provided by another state agency, department or political  
21992 subdivision, it shall transfer title to the real and personal  
21993 property, as may be needed, to such agency, department or  
21994 political subdivision subject to any leases or uses of the  
21995 property by another state agency, department or political  
21996 subdivision. If no proposals are received, the Office of General  
21997 Services may proceed with the sale of the property as provided  
21998 above in this subsection. The Office of General Services shall  
21999 submit to the Governor and the Legislature a copy of all proposals  
22000 received and a detailed statement and explanation of its decision  
22001 to transfer or not transfer such property no later than October 1,  
22002 1989. Any funds received from the sale of such buildings and land  
22003 shall be paid into the State General Fund.

22004 (2) Any equipment and supplies of such hospitals which  
22005 cannot be used by any transferee agency, department or political  
22006 subdivision and which may be used by the University Medical Center



22007 or any other agency or institution of the state shall be offered  
22008 to the Medical Center and other state agencies and institutions,  
22009 and may be given to any such agency or institution desiring the  
22010 same upon request, at no charge. If the same equipment or  
22011 supplies are requested by more than one (1) agency or institution,  
22012 the State Fiscal Management Board shall determine which agency or  
22013 institution will be given the equipment or supplies being  
22014 requested. Any equipment and supplies remaining after being  
22015 offered to the state agencies and institutions shall be sold by  
22016 the Fiscal Management Board after advertising for bids thereon.  
22017 Any funds received from the sale of such equipment and supplies  
22018 shall be paid into the State General Fund.

22019 (3) None of such hospitals shall admit any person as an  
22020 inpatient into the hospital after June 15, 1989. Each of the  
22021 hospitals shall make every effort to locate and make arrangements  
22022 with hospitals or other appropriate institutions to provide  
22023 treatment and care to any patients who will continue to need  
22024 treatment and care after June 30, 1989.

22025 (4) Any monies owed to such hospitals but not collected by  
22026 June 30, 1989, including, but not limited to payments from  
22027 Medicare, health or hospitalization insurance, other third  
22028 parties, or from the patient or his family or estate, shall be  
22029 paid to the Fiscal Management Board, which shall transfer all such  
22030 monies received into the State General Fund. Any valid debts or  
22031 other obligations of such hospitals incurred before July 1, 1989,



22032 which have not been paid or finally satisfied by June 30, 1989,  
22033 including any that were not billed to the hospitals until after  
22034 June 30, 1989, shall remain an obligation of the state and shall  
22035 be paid by the Fiscal Management Board from funds appropriated for  
22036 such purpose. Any ending cash balance of any such hospital on  
22037 June 30, 1989, shall be applied to payment of any indebtedness or  
22038 other obligations of that hospital before any other funds are used  
22039 for such purpose.

22040       **SECTION 331.** Section 5-8-17, Mississippi Code of 1972, is  
22041 brought forward as follows:

22042       5-8-17. (1) In addition to any other penalty permitted by  
22043 law, the Secretary of State shall require any person who fails to  
22044 file a report as required under Sections 5-8-1 through 5-8-19 of  
22045 this chapter, or who shall file a report which fails to comply  
22046 with the material particulars of Sections 5-8-1 through 5-8-19 of  
22047 this chapter or any rules, regulations or procedures implemented  
22048 pursuant to Sections 5-8-1 through 5-8-19 of this chapter, to be  
22049 assessed a civil penalty as follows:

22050       (a) Within five (5) calendar days after any deadline  
22051 for filing a report pursuant to Sections 5-8-1 through 5-8-19 of  
22052 this chapter, the Secretary of State shall compile a list of those  
22053 lobbyists and lobbyists' clients who have failed to file a  
22054 required report. The Secretary of State shall provide each  
22055 lobbyist or lobbyist's client who has failed to file such a report  
22056 notice of such failure by certified mail.



22057                   (b) Beginning with the tenth calendar day after which  
22058 any report shall be due, the Secretary of State shall assess the  
22059 delinquent lobbyist and delinquent lobbyist's client a civil  
22060 penalty of Fifty Dollars (\$50.00) per day and part of any day  
22061 until a valid report is delivered to the Secretary of State, up to  
22062 a maximum of ten (10) days. However, in the discretion of the  
22063 Secretary of State, the assessing of such fine may be waived if  
22064 the Secretary of State shall determine that unforeseeable  
22065 mitigating circumstances, such as the health of the lobbyist,  
22066 shall interfere with timely filing of a required report.

22067                   (c) Filing of the required report and payment of the  
22068 fine within ten (10) calendar days of notice by the Secretary of  
22069 State that a required statement has not been filed constitutes  
22070 compliance with Sections 5-8-1 through 5-8-19 of this chapter.

22071                   (d) Payment of the fine without filing the required  
22072 report does not in any way excuse or exempt any person required to  
22073 file from the filing requirements of Sections 5-8-1 through 5-8-19  
22074 of this chapter.

22075           (2) (a) Upon the sworn application of a lobbyist or  
22076 lobbyist's client against whom a civil penalty has been assessed  
22077 pursuant to subsection (1), the Secretary of State shall forward  
22078 the application to the Mississippi Ethics Commission. The  
22079 commission shall fix a time and place for a hearing and shall  
22080 cause a written notice specifying the civil penalties that have  
22081 been assessed against the lobbyist or lobbyist's client and notice



22082 of the time and place of the hearing to be served upon the  
22083 lobbyist or lobbyist's client at least twenty (20) calendar days  
22084 prior to the hearing date. Such notice may be served by mailing a  
22085 copy thereof by certified mail, postage prepaid, to the last known  
22086 business address of the lobbyist or lobbyist's client.

22087 (b) The commission is authorized to issue subpoenas for  
22088 the attendance of witnesses and the production of books and papers  
22089 at such hearing. Process issued by the commission shall extend to  
22090 all parts of the state and shall be served by any person  
22091 designated by the commission for such service.

22092 (c) The lobbyist or lobbyist's client shall have the  
22093 right to appear either personally or by counsel, or both, to  
22094 produce witnesses or evidence in his behalf, to cross-examine  
22095 witnesses and to have subpoenas issued by the commission.

22096 (d) A hearing officer shall be appointed by the  
22097 commission to conduct the hearing. At the hearing, the hearing  
22098 officer shall administer oaths as may be necessary for the proper  
22099 conduct of the hearing. All hearings shall be conducted by the  
22100 commission, who shall not be bound by strict rules of procedure or  
22101 by the laws of evidence in the conduct of the proceedings, but the  
22102 determination shall be based upon sufficient evidence to sustain  
22103 it.

22104 (e) Where, in any proceeding before the commission, any  
22105 witness fails or refuses to attend upon a subpoena issued by the  
22106 commission, refuses to testify, or refuses to produce any books



22107 and papers the production of which is called for by a subpoena,  
22108 the attendance of such witness, the giving of his testimony or the  
22109 production of the books and papers shall be enforced by any court  
22110 of competent jurisdiction of this state in the manner provided for  
22111 the enforcement of attendance and testimony of witnesses in civil  
22112 cases in the courts of this state.

22113 (f) Within fifteen (15) calendar days after conclusion  
22114 of the hearing, the commission shall reduce its decision to  
22115 writing and forward an attested true copy thereof to the last  
22116 known business address of the lobbyist or lobbyist's client by way  
22117 of United States first-class, certified mail, postage prepaid.

22118 (3) (a) The right to appeal from the decision of the  
22119 commission in an administrative hearing concerning the assessment  
22120 of civil penalties authorized pursuant to this section is hereby  
22121 granted. Such appeal shall be to the Circuit Court of Hinds  
22122 County and shall include a verbatim transcript of the testimony at  
22123 the hearing. The appeal shall be taken within thirty (30)  
22124 calendar days after notice of the decision of the commission  
22125 following an administrative hearing. The appeal shall be  
22126 perfected upon filing notice of the appeal and by the prepayment  
22127 of all costs, including the cost of the preparation of the record  
22128 of the proceedings by the commission, and the filing of a bond in  
22129 the sum of Two Hundred Dollars (\$200.00), conditioned that if the  
22130 decision of the commission be affirmed by the court, the lobbyist  
22131 or lobbyist's client will pay the costs of the appeal and the



22132 action in court. If the decision is reversed by the court, the  
22133 Secretary of State will pay the costs of the appeal and the action  
22134 in court.

22135 (b) If there is an appeal, such appeal shall act as a  
22136 supersedeas. The court shall dispose of the appeal and enter its  
22137 decision promptly. The hearing on the appeal may be tried in  
22138 vacation, in the court's discretion. The scope of review of the  
22139 court shall be limited to a review of the record made before the  
22140 commission to determine if the action of the commission is  
22141 unlawful for the reason that it was (i) not supported by  
22142 substantial evidence, (ii) arbitrary or capricious, (iii) beyond  
22143 the power of the commission to make, or (iv) in violation of some  
22144 statutory or constitutional right of the appellant. The decision  
22145 of the court may be appealed to the Supreme Court in the manner  
22146 provided by law.

22147 (4) If, after forty-five (45) calendar days of the date of  
22148 the administrative hearing procedure set forth in subsection (2),  
22149 the lobbyist or lobbyist's client shall not file a valid report as  
22150 required by law, the commission shall notify the Attorney General  
22151 of the delinquency. The Attorney General shall investigate said  
22152 offense in accordance with the provisions of this chapter.

22153 **SECTION 332.** Section 25-4-21, Mississippi Code of 1972, is  
22154 amended as follows:

22155 25-4-21. (1) Upon receipt of a complaint that complies with  
22156 Section 25-4-19, the commission shall authorize a confidential



22157 investigation of the complaint. Upon completion of the  
22158 investigation, the commission shall proceed as follows:

22159 (a) If the complaint concerns a public official in the  
22160 legislative branch, the commission shall refer the complaint,  
22161 confidentially, to the public official and to the appropriate  
22162 committee of the House of Representatives or the Senate having  
22163 jurisdiction over the ethical conduct of its members and  
22164 employees.

22165 (b) If the complaint concerns a public official in the  
22166 judicial branch, the commission shall refer the complaint,  
22167 confidentially, to the public official and to the Commission on  
22168 Judicial Performance or the Chief Justice of the Supreme Court.

22169 (c) If the complaint concerns a public official in the  
22170 executive branch or persons not covered in paragraph (a) or (b) of  
22171 this subsection, then the commission shall refer the complaint,  
22172 confidentially, to the public official and to the head of the  
22173 department or agency, if the person is in the executive branch,  
22174 or, for other public officials, to the person about whom the  
22175 complaint is filed.

22176 (d) The persons, committees or commission receiving  
22177 complaints referred in paragraph (a), (b) or (c) shall have thirty  
22178 (30) days within which to respond to the complaint.

22179 (e) After receiving the response to the complaint or,  
22180 if no response is received after thirty (30) days from the notice





22181 of referral, the commission may, in its discretion, terminate the  
22182 matter or proceed with an investigation as follows:

22183 (i) The commission may terminate any and all  
22184 proceedings at any stage of its procedure upon a determination  
22185 that an appropriate disposition of the matter has occurred.

22186 (ii) If the investigation indicates probable cause  
22187 for belief that a violation of law has occurred, the commission  
22188 may set a hearing of the matter to be held in accordance with the  
22189 Mississippi Rules of Civil Procedure and the Mississippi Rules of  
22190 Evidence. After the hearing, the commission may order penalties  
22191 as prescribed in this chapter. The commission may enroll its  
22192 order as a civil judgment with the circuit clerk in the county of  
22193 residence of the judgment debtor. The commission may enforce the  
22194 judgment on behalf of the State General Fund in the same manner as  
22195 prescribed for other civil judgments, after complying with  
22196 subsection (2) of this section.

22197 (iii) The commission may refer the complaint with  
22198 any evidence gathered during the investigation to the Attorney  
22199 General and to the district attorney having jurisdiction, with a  
22200 recommendation that it be considered for presentation to the grand  
22201 jury. The Attorney General and the district attorney shall report  
22202 back to the commission within ninety (90) days as to what action  
22203 was taken following receipt of the complaint and recommendations  
22204 of the commission, including the intent of the Attorney General to



22205 seek further civil remedies and the intent of the district  
22206 attorney to present such matter to the grand jury.

22207 (2) Any person aggrieved by a decision of the commission  
22208 made pursuant to its hearing procedures may appeal de novo to  
22209 the \* \* \* inferior courts of the Capitol Complex Improvement  
22210 District and execution of the commission's decision shall be  
22211 stayed upon the filing of a notice of appeal. (3) Civil  
22212 actions taken by the commission shall not bar prosecutions for  
22213 violations of the criminal law.

22214 **SECTION 333.** Section 77-1-47, Mississippi Code of 1972, is  
22215 amended as follows:

22216 77-1-47. Appeals from any final finding, order or judgment  
22217 of the commission shall be taken and perfected by the filing of a  
22218 bond in the sum of Five Hundred Dollars (\$500.00) with two (2)  
22219 sureties, or with a surety company qualified to do business in  
22220 Mississippi as the surety, conditioned to pay the cost of such  
22221 appeal. Said bond shall be approved by the chairman or secretary  
22222 of the commission, or by the judge of the court to which such  
22223 appeal is taken in case the chairman or secretary of the  
22224 commission refuses to approve a proper bond tendered to them  
22225 within the time limited for taking appeals. The commission may  
22226 grant a supersedeas bond on any appeal, in such penalty and with  
22227 such surety thereon as it may deem sufficient, and may, during the  
22228 pendency of any appeal, at any time, require the increase of any  
22229 such supersedeas bond or additional securities thereon. The judge



22230 of the \* \* \* inferior courts of the Capitol Complex Improvement  
22231 District may on petition therefor by any party entitled to an  
22232 appeal, presented to him within six (6) months of the date of the  
22233 final finding, order, or judgment of the commission appealed from,  
22234 award a writ of supersedeas to any such final finding, order, or  
22235 judgment of the commission, upon the filing of a supersedeas bond  
22236 in an amount to be fixed by said judge. All appeal bonds for the  
22237 payment of costs, and all supersedeas bonds, shall be made payable  
22238 to the state and may be enforced in the name of the state by  
22239 motion or other legal proceedings or remedy in any circuit court  
22240 of this state having jurisdiction of a motion or action on such  
22241 bond, and the process and proceedings thereon shall be as provided  
22242 by law upon bonds of like character required and taken by any  
22243 court of this state. Such circuit court may render and enter like  
22244 judgments upon such bonds as may, by law, be rendered and entered  
22245 upon bonds of like character, and process of execution shall issue  
22246 upon such judgments, and may be levied and executed as provided by  
22247 law in other cases.

22248       **SECTION 334.** Section 37-101-291, Mississippi Code of 1972,  
22249 is amended as follows:

22250       37-101-291. (1) In order to help alleviate the problem of  
22251 the shortage of health care professionals at the state health  
22252 institutions, there is established a program of paid educational  
22253 leave for the study of such health care professions as defined in  
22254 Section 37-101-285 and licensed practical nursing by any employee



22255 who works at a state health institution and who declares an  
22256 intention to work in such respective health care occupation in the  
22257 same state health institution in which the employee was working  
22258 when granted educational leave, for a minimum period of time after  
22259 graduation.

22260 (2) The paid educational leave program shall be administered  
22261 by the respective state health institutions.

22262 (3) (a) Within the limits of the funds available to a state  
22263 health institution for such purpose, the institution may grant  
22264 paid educational leave to those applicants deemed qualified  
22265 therefor, upon such terms and conditions as it may impose and as  
22266 provided for in this section.

22267 (b) In order to be eligible for paid educational leave,  
22268 an applicant must:

22269 (i) Be working at a state health institution at  
22270 the time of application;

22271 (ii) Attend any college or school approved and  
22272 designated by the state health institution; and

22273 (iii) Agree to work in a health care profession as  
22274 defined in Section 37-101-285 or as a licensed practical nurse in  
22275 the same state health institution for a period of time equivalent  
22276 to the period of time for which the applicant receives paid  
22277 educational leave compensation, calculated to the nearest whole  
22278 month, but in no event less than two (2) years.



22279                   (c)   (i)   Before being granted paid educational leave,  
22280 each applicant shall enter into a contract with the state health  
22281 institution, which shall be deemed a contract with the State of  
22282 Mississippi, agreeing to the terms and conditions upon which the  
22283 paid educational leave shall be granted to him. The contract  
22284 shall include such terms and provisions necessary to carry out the  
22285 full purpose and intent of this section. The form of such  
22286 contract shall be prepared and approved by the Attorney General of  
22287 this state, and shall be signed by the executive director of the  
22288 respective state health institution and the recipient. If the  
22289 recipient is a minor, his minority disabilities shall be removed  
22290 by a chancery court of competent jurisdiction before the contract  
22291 is signed.

22292                   (ii)   The state health institution shall have the  
22293 authority to cancel any contract made between it and any recipient  
22294 for paid educational leave upon such cause being deemed sufficient  
22295 by the executive director of such institution.

22296                   (iii)   The state health institution is vested with  
22297 full and complete authority and power to sue in its own name any  
22298 recipient for any balance due the state on any such uncompleted  
22299 contract, which suit shall be filed and handled by the Attorney  
22300 General of the state. The state health institution may contract  
22301 with a collection agency or banking institution, subject to  
22302 approval by the Attorney General, for collection of any balance  
22303 due the state from any recipient. The State of Mississippi,



22304 agencies of the state and the state health institution and its  
22305 employees are immune from any suit brought in law or equity for  
22306 actions taken by the collection agency or banking institution  
22307 incidental to or arising from their performance under the  
22308 contract. The state health institution, collection agency and  
22309 banking institution may negotiate for the payment of a sum that is  
22310 less than full payment in order to satisfy any balance the  
22311 recipient owes the state, subject to approval by the facility  
22312 director of the sponsoring facility within the state health  
22313 institution.

22314 (iv) Failure to meet the terms of an educational  
22315 loan contract shall be grounds for revocation of the professional  
22316 license which was earned through the paid educational leave  
22317 compensation granted under this section.

22318 (v) A finding by the sponsoring agency of a  
22319 default by the recipient shall be a finding of unprofessional  
22320 conduct and therefore, a basis for the revocation of the  
22321 professional license which was obtained through the educational  
22322 leave program. The finding also will be grounds for revocation of  
22323 any license, as defined by Section 93-11-153.

22324 (vi) Notice of pending default status shall be  
22325 mailed to the recipient at the last known address by the  
22326 sponsoring agency.



22327 (vii) The sponsoring agency shall conduct a  
22328 hearing of pending default status, make a final determination, and  
22329 issue an Order of Default, if appropriate.

22330 (viii) Recipients may appear either personally or  
22331 by counsel, or both, and produce and cross-examine witnesses or  
22332 evidence in the recipient's behalf. The procedure of the hearing  
22333 shall not be bound by the Mississippi Rules of Civil Procedure and  
22334 Evidence.

22335 (ix) If a recipient is found to be in default, a  
22336 copy of an Order of Default shall be forwarded to the appropriate  
22337 licensing agency.

22338 (x) Appeals from a finding of default by the  
22339 sponsoring agency shall be to the \* \* \* inferior courts of the  
22340 Capitol Complex Improvement District. Actions taken by a  
22341 licensing entity in revoking a license when required by this  
22342 section are not actions from which an appeal may be taken under  
22343 the general licensing and disciplinary provisions applicable to  
22344 the licensing agency.

22345 (xi) Rules and regulations governing hearing and  
22346 other applicable matters shall be promulgated by the sponsoring  
22347 agency.

22348 (xii) A license which has been revoked pursuant to  
22349 this statute shall be reinstated upon a showing of proof that the  
22350 recipient is no longer in default.



22351 (xiii) A finding by the sponsoring facility of  
22352 educational leave default is a disciplinary action, not a  
22353 collection action, and therefore shall not be affected by the  
22354 recipient declaring bankruptcy.

22355 (4) (a) Any recipient who is granted paid educational leave  
22356 by a state health institution shall be compensated by the  
22357 institution during the time the recipient is in school, at the  
22358 rate of pay received by a nurse's aide employed at the respective  
22359 state health institution. All educational leave compensation  
22360 received by the recipient while in school shall be considered  
22361 earned conditioned upon the fulfillment of the terms and  
22362 obligations of the educational leave contract and this section.  
22363 However, no recipient of full-time educational leave shall accrue  
22364 personal or major medical leave while the recipient is on paid  
22365 educational leave. Recipients of paid educational leave shall be  
22366 responsible for their individual costs of tuition and books.

22367 (b) Paid educational leave shall be granted only upon  
22368 the following conditions:

22369 (i) The recipient shall fulfill his or her  
22370 obligation under the contract with the State of Mississippi by  
22371 working as a professional in a health care profession defined in  
22372 Section 37-101-285 or as a licensed practical nurse in a state  
22373 health institution; a recipient sponsored by a health institution  
22374 under the supervision of the Mississippi Department of Mental  
22375 Health may fulfill his or her obligation under the contract with





22376 the State of Mississippi at another health institution under the  
22377 supervision of the Mississippi Department of Mental Health with  
22378 prior written approval of the Director of the Department of Mental  
22379 Health institution with which he or she originally contracted for  
22380 educational leave. The total compensation that the recipient was  
22381 paid while on educational leave shall be considered as  
22382 unconditionally earned on an annual pro rata basis for each year  
22383 of service rendered under the educational leave contract as a  
22384 health care professional in his respective state health  
22385 institution.

22386 (ii) If the recipient does not work as a  
22387 professional in a health care profession as defined in Section  
22388 37-101-285 or as a licensed practical nurse in his respective  
22389 state health institution for the period required under subsection  
22390 (3)(b)(iii) of this section, the recipient shall be liable for  
22391 repayment on demand of the remaining portion of the compensation  
22392 that the recipient was paid while on paid educational leave which  
22393 has not been unconditionally earned, with interest accruing at ten  
22394 percent (10%) per annum from the recipient's date of graduation or  
22395 the date that the recipient last worked at that state health  
22396 institution, whichever is the later date. In addition, there  
22397 shall be included in any contract for paid educational leave a  
22398 provision for liquidated damages equal to Five Thousand Dollars  
22399 (\$5,000.00) which may be reduced on a pro rata basis for each year  
22400 served under such contract.



22401                   (iii) If any recipient fails or withdraws from  
22402 school at any time before completing his or her health care  
22403 training, the recipient shall be liable for repayment on demand of  
22404 the amount of the total compensation that the recipient was paid  
22405 while on paid educational leave, with interest accruing at ten  
22406 percent (10%) per annum from the date the recipient failed or  
22407 withdrew from school. However, the recipient shall not be liable  
22408 for liquidated damages, and if the recipient returns to work in  
22409 the same position held in the same state health institution prior  
22410 to accepting educational leave, the recipient shall not be liable  
22411 for payment of any interest on the amount owed.

22412                   (iv) The issuance and renewal of the professional  
22413 license required to work in a health care profession as defined in  
22414 Section 37-101-285 for which the educational leave was granted  
22415 shall be contingent upon the repayment of the total compensation  
22416 that the recipient received while on paid educational leave. No  
22417 license shall be granted until a contract for repayment is  
22418 executed. No license shall be renewed without proof of an  
22419 existing contract which is not in default. Failure to meet the  
22420 terms of an educational loan contract shall be grounds for  
22421 revocation of the professional license which was earned through  
22422 the paid educational leave compensation granted under this  
22423 section. Any person who receives any amount of paid educational  
22424 leave compensation while in school and subsequently receives a



22425 professional license shall be deemed to have earned the  
22426 professional license through paid educational leave.

22427 (v) The obligations of educational leave  
22428 recipients under contracts entered into before July 1, 2002, shall  
22429 remain unchanged. However, state health institutions may use the  
22430 collection or license revocation provisions of this section to  
22431 collect money owed under all educational leave contracts,  
22432 regardless of when those contracts were executed.

22433 **SECTION 335.** Section 23-15-813, Mississippi Code of 1972, is  
22434 brought forward as follows:

22435 23-15-813. (a) In addition to any other penalty permitted  
22436 by law, the Mississippi Ethics Commission shall require any  
22437 candidate or political committee, as identified in Section  
22438 23-15-805(a), and any other political committee registered with  
22439 the Secretary of State, who fails to file a campaign finance  
22440 disclosure report as required under Sections 23-15-801 through  
22441 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall  
22442 file a report that fails to substantially comply with the  
22443 requirements of Sections 23-15-801 through 23-15-813, or Sections  
22444 23-17-47 through 23-17-53, to be assessed a civil penalty as  
22445 follows:

22446 (i) Within five (5) calendar days after any deadline  
22447 for filing a report pursuant to Sections 23-15-801 through  
22448 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of  
22449 State shall compile a list of those candidates and political



22450 committees who have failed to file a report. The list shall be  
22451 provided to the Mississippi Ethics Commission. The Secretary of  
22452 State shall provide each candidate or political committee, who has  
22453 failed to file a report, notice of the failure by first-class  
22454 mail.

22455           (ii) Beginning with the tenth calendar day after which  
22456 any report is due, the Mississippi Ethics Commission shall assess  
22457 the delinquent candidate and political committee a civil penalty  
22458 of Fifty Dollars (\$50.00) for each day or part of any day until a  
22459 valid report is delivered to the Secretary of State, up to a  
22460 maximum of ten (10) days. In the discretion of the Mississippi  
22461 Ethics Commission, the assessing of the fine may be waived, in  
22462 whole or in part, if the Commission determines that unforeseeable  
22463 mitigating circumstances, such as the health of the candidate,  
22464 interfered with the timely filing of a report. Failure of a  
22465 candidate or political committee to receive notice of failure to  
22466 file a report from the Secretary of State is not an unforeseeable  
22467 mitigating circumstance, and failure to receive the notice shall  
22468 not result in removal or reduction of any assessed civil penalty.

22469           (iii) Filing of the required report and payment of the  
22470 fine within ten (10) calendar days of notice by the Secretary of  
22471 State that a required statement has not been filed constitutes  
22472 compliance with Sections 23-15-801 through 23-15-813, or Sections  
22473 23-17-47 through 23-17-53.



22474           (iv) Payment of the fine without filing the required  
22475 report does not excuse or exempt any person from the filing  
22476 requirements of Sections 23-15-801 through 23-15-813, and Sections  
22477 23-17-47 through 23-17-53.

22478           (v) If any candidate or political committee is assessed  
22479 a civil penalty, and the penalty is not subsequently waived by the  
22480 Mississippi Ethics Commission, the candidate or political  
22481 committee shall pay the fine to the Commission within ninety (90)  
22482 days of the date of the assessment of the fine. If, after one  
22483 hundred twenty (120) days of the assessment of the fine the  
22484 payment for the entire amount of the assessed fine has not been  
22485 received by the Commission, the Commission shall notify the  
22486 Attorney General of the delinquency, and the Attorney General  
22487 shall file, where necessary, a suit to compel payment of the civil  
22488 penalty.

22489           (b) (i) Upon the sworn application, made within sixty (60)  
22490 calendar days of the date upon which the required report is due,  
22491 of a candidate or political committee against whom a civil penalty  
22492 has been assessed pursuant to subsection (a) of this section, the  
22493 Secretary of State shall forward the application to the State  
22494 Board of Election Commissioners. The State Board of Election  
22495 Commissioners shall appoint one or more hearing officers who shall  
22496 be former chancellors, circuit court judges, judges of the Court  
22497 of Appeals or justices of the Supreme Court, to conduct hearings  
22498 held pursuant to this article. The hearing officer shall fix a



22499 time and place for a hearing and shall cause a written notice  
22500 specifying the civil penalties that have been assessed against the  
22501 candidate or political committee and notice of the time and place  
22502 of the hearing to be served upon the candidate or political  
22503 committee at least twenty (20) calendar days before the hearing  
22504 date. The notice may be served by mailing a copy of the notice by  
22505 certified mail, postage prepaid, to the last-known business  
22506 address of the candidate or political committee.

22507 (ii) The hearing officer may issue subpoenas for the  
22508 attendance of witnesses and the production of documents at the  
22509 hearing. Process issued by the hearing officer shall extend to  
22510 all parts of the state and shall be served by any person  
22511 designated by the hearing officer for the service.

22512 (iii) The candidate or political committee has the  
22513 right to appear either personally, by counsel or both, to produce  
22514 witnesses or evidence in his or her behalf, to cross-examine  
22515 witnesses and to have subpoenas issued by the hearing officer.

22516 (iv) At the hearing, the hearing officer shall  
22517 administer oaths as may be necessary for the proper conduct of the  
22518 hearing. All hearings shall be conducted by the hearing officer,  
22519 who shall not be bound by strict rules of procedure or by the laws  
22520 of evidence, but the determination shall be based upon sufficient  
22521 evidence to sustain it. The scope of review at the hearing shall  
22522 be limited to making a determination of whether failure to file a



22523 required report was due to an unforeseeable mitigating  
22524 circumstance.

22525           (v) In any proceeding before the hearing officer, if  
22526 any witness fails or refuses to attend upon a subpoena issued by  
22527 the commission, refuses to testify, or refuses to produce any  
22528 documents called for by a subpoena, the attendance of the witness,  
22529 the giving of his or her testimony or the production of the  
22530 documents shall be enforced by a court of competent jurisdiction  
22531 of this state in the manner provided for the enforcement of  
22532 attendance and testimony of witnesses in civil cases in the courts  
22533 of this state.

22534           (vi) Within fifteen (15) calendar days after conclusion  
22535 of the hearing, the hearing officer shall reduce his or her  
22536 decision to writing and forward an attested true copy of the  
22537 decision to the last-known business address of the candidate or  
22538 political committee by way of United States first-class, certified  
22539 mail, postage prepaid.

22540           (c) (i) The right to appeal from the decision of the  
22541 hearing officer in an administrative hearing concerning the  
22542 assessment of civil penalties authorized pursuant to this section  
22543 is granted. The appeal shall be to the Circuit Court of Hinds  
22544 County and shall include a verbatim transcript of the testimony at  
22545 the hearing. The appeal shall be taken within thirty (30)  
22546 calendar days after notice of the decision of the commission  
22547 following an administrative hearing. The appeal shall be



22548 perfected upon filing notice of the appeal and the prepayment of  
22549 all costs, including the cost of preparing the record of the  
22550 proceedings by the hearing officer, and filing a bond in the sum  
22551 of Two Hundred Dollars (\$200.00), conditioned that if the decision  
22552 of the hearing officer is affirmed by the court, the candidate or  
22553 political committee will pay the costs of the appeal and the  
22554 action in court. If the decision is reversed by the court, the  
22555 Mississippi Ethics Commission will pay the costs of the appeal and  
22556 the action in court.

22557           (ii) If there is an appeal, the appeal shall act as a  
22558 supersedeas. The court shall dispose of the appeal and enter its  
22559 decision promptly. The hearing on the appeal may be tried in  
22560 vacation, in the court's discretion. The scope of review of the  
22561 court shall be limited to a review of the record made before the  
22562 hearing officer to determine if the action of the hearing officer  
22563 is unlawful for the reason that it was 1. not supported by  
22564 substantial evidence, 2. arbitrary or capricious, 3. beyond the  
22565 power of the hearing officer to make, or 4. in violation of some  
22566 statutory or constitutional right of the appellant. The decision  
22567 of the court may be appealed to the Supreme Court in the manner  
22568 provided by law.

22569           (d) If, after forty-five (45) calendar days of the date of  
22570 the administrative hearing procedure set forth in subsection (b),  
22571 the candidate or political committee identified in subsection (a)  
22572 of this section fails to pay the monetary civil penalty imposed by





22573 the hearing officer, the Secretary of State shall notify the  
22574 Attorney General of the delinquency. The Attorney General shall  
22575 investigate the offense in accordance with the provisions of this  
22576 chapter, and where necessary, file suit to compel payment of the  
22577 unpaid civil penalty.

22578 (e) If, after twenty (20) calendar days of the date upon  
22579 which a campaign finance disclosure report is due, a candidate or  
22580 political committee identified in subsection (a) of this section  
22581 shall not have filed a valid report with the Secretary of State,  
22582 the Secretary of State shall notify the Attorney General of those  
22583 candidates and political committees who have not filed a valid  
22584 report, and the Attorney General shall prosecute the delinquent  
22585 candidates and political committees.

22586 **SECTION 336.** Section 25-5-1, Mississippi Code of 1972, is  
22587 amended as follows:

22588 25-5-1. If any public officer, state, district, county or  
22589 municipal, shall be convicted or enter a plea of guilty or nolo  
22590 contendere in any court of this state or any other state or in any  
22591 federal court of any felony other than manslaughter or any  
22592 violation of the United States Internal Revenue Code, of  
22593 corruption in office or peculation therein, or of gambling or  
22594 dealing in futures with money coming to his hands by virtue of his  
22595 office, any court of this state, in addition to such other  
22596 punishment as may be prescribed, shall adjudge the defendant  
22597 removed from office; and the office of the defendant shall thereby



22598 become vacant. If any such officer be found by inquest to be of  
22599 unsound mind during the term for which he was elected or  
22600 appointed, or shall be removed from office by the judgment of a  
22601 court of competent jurisdiction or otherwise lawfully, his office  
22602 shall thereby be vacated; and in any such case the vacancy shall  
22603 be filled as provided by law.

22604       When any such officer is found guilty of a crime which is a  
22605 felony under the laws of this state or which is punishable by  
22606 imprisonment for one (1) year or more, other than manslaughter or  
22607 any violation of the United States Internal Revenue Code, in a  
22608 federal court or a court of competent jurisdiction of any other  
22609 state, the Attorney General of the State of Mississippi shall  
22610 promptly enter a motion for removal from office in the \* \* \*  
22611 inferior courts of the Capitol Complex Improvement District in the  
22612 case of a state officer, and in the circuit court of the county of  
22613 residence in the case of a district, county or municipal officer.  
22614 The court, or the judge in vacation, shall, upon notice and a  
22615 proper hearing, issue an order removing such person from office  
22616 and the vacancy shall be filled as provided by law.

22617       **SECTION 337.** Section 47-5-931, Mississippi Code of 1972, is  
22618 brought forward as follows:

22619       47-5-931. (1) The Department of Corrections, in its  
22620 discretion, may contract with the board of supervisors of one or  
22621 more counties or with a regional facility operated by one or more  
22622 counties, to provide for housing, care and control of offenders



22623 who are in the custody of the State of Mississippi. Any facility  
22624 owned or leased by a county or counties for this purpose shall be  
22625 designed, constructed, operated and maintained in accordance with  
22626 American Correctional Association standards, and shall comply with  
22627 all constitutional standards of the United States and the State of  
22628 Mississippi, and with all court orders that may now or hereinafter  
22629 be applicable to the facility. If the Department of Corrections  
22630 contracts with more than one (1) county to house state offenders  
22631 in county correctional facilities, excluding a regional facility,  
22632 then the first of such facilities shall be constructed in Sharkey  
22633 County and the second of such facilities shall be constructed in  
22634 Jefferson County.

22635       (2) The Department of Corrections shall contract with the  
22636 board of supervisors of the following counties to house state  
22637 inmates in regional facilities: (a) Marion and Walthall Counties;  
22638 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River  
22639 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba  
22640 Counties; (f) Alcorn County and any contiguous county in which  
22641 there is located an unapproved jail; (g) Yazoo County and any  
22642 contiguous county in which there is located an unapproved jail;  
22643 (h) Chickasaw County and any contiguous county in which there is  
22644 located an unapproved jail; (i) George and Greene Counties and any  
22645 contiguous county in which there is located an unapproved jail;  
22646 (j) Washington County and any contiguous county in which there is  
22647 located an unapproved jail; (k) Hinds County and any contiguous



22648 county in which there is located an unapproved jail; (l) Leake  
22649 County and any contiguous county in which there is located an  
22650 unapproved jail; (m) Issaquena County and any contiguous county in  
22651 which there is located an unapproved jail; (n) Jefferson County  
22652 and any contiguous county in which there is located an unapproved  
22653 jail; (o) Franklin County and any contiguous county in which there  
22654 is located an unapproved jail; (p) Holmes County and any  
22655 contiguous county in which there is located an unapproved jail;  
22656 and (q) Bolivar County and any contiguous county in which there is  
22657 located an unapproved jail. The Department of Corrections shall  
22658 decide the order of priority of the counties listed in this  
22659 subsection with which it will contract for the housing of state  
22660 inmates. For the purposes of this subsection, the term  
22661 "unapproved jail" means any jail that the local grand jury  
22662 determines should be condemned or has found to be of substandard  
22663 condition or in need of substantial repair or reconstruction.

22664 (3) In addition to the offenders authorized to be housed  
22665 under subsection (1) of this section, the Department of  
22666 Corrections may contract with any regional facility to provide for  
22667 housing, care and control of not more than seventy-five (75)  
22668 additional offenders who are in the custody of the State of  
22669 Mississippi.

22670 (4) The Governor and the Commissioner of Corrections are  
22671 authorized to increase administratively the number of offenders



22672 who are in the custody of the State of Mississippi that can be  
22673 placed in regional correctional facilities.

22674       **SECTION 338.** Section 41-7-191, Mississippi Code of 1972, is  
22675 brought forward as follows:

22676       41-7-191. (1) No person shall engage in any of the  
22677 following activities without obtaining the required certificate of  
22678 need:

22679           (a) The construction, development or other  
22680 establishment of a new health care facility, which establishment  
22681 shall include the reopening of a health care facility that has  
22682 ceased to operate for a period of sixty (60) months or more;

22683           (b) The relocation of a health care facility or portion  
22684 thereof, or major medical equipment, unless such relocation of a  
22685 health care facility or portion thereof, or major medical  
22686 equipment, which does not involve a capital expenditure by or on  
22687 behalf of a health care facility, is within five thousand two  
22688 hundred eighty (5,280) feet from the main entrance of the health  
22689 care facility;

22690           (c) Any change in the existing bed complement of any  
22691 health care facility through the addition or conversion of any  
22692 beds or the alteration, modernizing or refurbishing of any unit or  
22693 department in which the beds may be located; however, if a health  
22694 care facility has voluntarily delicensed some of its existing bed  
22695 complement, it may later relicense some or all of its delicensed  
22696 beds without the necessity of having to acquire a certificate of



22697 need. The State Department of Health shall maintain a record of  
22698 the delicensing health care facility and its voluntarily  
22699 delicensed beds and continue counting those beds as part of the  
22700 state's total bed count for health care planning purposes. If a  
22701 health care facility that has voluntarily delicensed some of its  
22702 beds later desires to relicense some or all of its voluntarily  
22703 delicensed beds, it shall notify the State Department of Health of  
22704 its intent to increase the number of its licensed beds. The State  
22705 Department of Health shall survey the health care facility within  
22706 thirty (30) days of that notice and, if appropriate, issue the  
22707 health care facility a new license reflecting the new contingent  
22708 of beds. However, in no event may a health care facility that has  
22709 voluntarily delicensed some of its beds be reissued a license to  
22710 operate beds in excess of its bed count before the voluntary  
22711 delicensure of some of its beds without seeking certificate of  
22712 need approval;

22713 (d) Offering of the following health services if those  
22714 services have not been provided on a regular basis by the proposed  
22715 provider of such services within the period of twelve (12) months  
22716 prior to the time such services would be offered:

- 22717 (i) Open-heart surgery services;  
22718 (ii) Cardiac catheterization services;  
22719 (iii) Comprehensive inpatient rehabilitation  
22720 services;  
22721 (iv) Licensed psychiatric services;



22722 (v) Licensed chemical dependency services;  
22723 (vi) Radiation therapy services;  
22724 (vii) Diagnostic imaging services of an invasive  
22725 nature, i.e. invasive digital angiography;  
22726 (viii) Nursing home care as defined in  
22727 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);  
22728 (ix) Home health services;  
22729 (x) Swing-bed services;  
22730 (xi) Ambulatory surgical services;  
22731 (xii) Magnetic resonance imaging services;  
22732 (xiii) [Deleted]  
22733 (xiv) Long-term care hospital services;  
22734 (xv) Positron emission tomography (PET) services;  
22735 (e) The relocation of one or more health services from  
22736 one physical facility or site to another physical facility or  
22737 site, unless such relocation, which does not involve a capital  
22738 expenditure by or on behalf of a health care facility, (i) is to a  
22739 physical facility or site within five thousand two hundred eighty  
22740 (5,280) feet from the main entrance of the health care facility  
22741 where the health care service is located, or (ii) is the result of  
22742 an order of a court of appropriate jurisdiction or a result of  
22743 pending litigation in such court, or by order of the State  
22744 Department of Health, or by order of any other agency or legal  
22745 entity of the state, the federal government, or any political



22746 subdivision of either, whose order is also approved by the State  
22747 Department of Health;

22748 (f) The acquisition or otherwise control of any major  
22749 medical equipment for the provision of medical services; however,  
22750 (i) the acquisition of any major medical equipment used only for  
22751 research purposes, and (ii) the acquisition of major medical  
22752 equipment to replace medical equipment for which a facility is  
22753 already providing medical services and for which the State  
22754 Department of Health has been notified before the date of such  
22755 acquisition shall be exempt from this paragraph; an acquisition  
22756 for less than fair market value must be reviewed, if the  
22757 acquisition at fair market value would be subject to review;

22758 (g) Changes of ownership of existing health care  
22759 facilities in which a notice of intent is not filed with the State  
22760 Department of Health at least thirty (30) days prior to the date  
22761 such change of ownership occurs, or a change in services or bed  
22762 capacity as prescribed in paragraph (c) or (d) of this subsection  
22763 as a result of the change of ownership; an acquisition for less  
22764 than fair market value must be reviewed, if the acquisition at  
22765 fair market value would be subject to review;

22766 (h) The change of ownership of any health care facility  
22767 defined in subparagraphs (iv), (vi) and (viii) of Section  
22768 41-7-173(h), in which a notice of intent as described in paragraph  
22769 (g) has not been filed and if the Executive Director, Division of  
22770 Medicaid, Office of the Governor, has not certified in writing





22771 that there will be no increase in allowable costs to Medicaid from  
22772 revaluation of the assets or from increased interest and  
22773 depreciation as a result of the proposed change of ownership;

22774 (i) Any activity described in paragraphs (a) through  
22775 (h) if undertaken by any person if that same activity would  
22776 require certificate of need approval if undertaken by a health  
22777 care facility;

22778 (j) Any capital expenditure or deferred capital  
22779 expenditure by or on behalf of a health care facility not covered  
22780 by paragraphs (a) through (h);

22781 (k) The contracting of a health care facility as  
22782 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)  
22783 to establish a home office, subunit, or branch office in the space  
22784 operated as a health care facility through a formal arrangement  
22785 with an existing health care facility as defined in subparagraph  
22786 (ix) of Section 41-7-173(h);

22787 (l) The replacement or relocation of a health care  
22788 facility designated as a critical access hospital shall be exempt  
22789 from subsection (1) of this section so long as the critical access  
22790 hospital complies with all applicable federal law and regulations  
22791 regarding such replacement or relocation;

22792 (m) Reopening a health care facility that has ceased to  
22793 operate for a period of sixty (60) months or more, which reopening  
22794 requires a certificate of need for the establishment of a new  
22795 health care facility.



22796           (2) The State Department of Health shall not grant approval  
22797 for or issue a certificate of need to any person proposing the new  
22798 construction of, addition to, or expansion of any health care  
22799 facility defined in subparagraphs (iv) (skilled nursing facility)  
22800 and (vi) (intermediate care facility) of Section 41-7-173(h) or  
22801 the conversion of vacant hospital beds to provide skilled or  
22802 intermediate nursing home care, except as hereinafter authorized:

22803           (a) The department may issue a certificate of need to  
22804 any person proposing the new construction of any health care  
22805 facility defined in subparagraphs (iv) and (vi) of Section  
22806 41-7-173(h) as part of a life care retirement facility, in any  
22807 county bordering on the Gulf of Mexico in which is located a  
22808 National Aeronautics and Space Administration facility, not to  
22809 exceed forty (40) beds. From and after July 1, 1999, there shall  
22810 be no prohibition or restrictions on participation in the Medicaid  
22811 program (Section 43-13-101 et seq.) for the beds in the health  
22812 care facility that were authorized under this paragraph (a).

22813           (b) The department may issue certificates of need in  
22814 Harrison County to provide skilled nursing home care for  
22815 Alzheimer's disease patients and other patients, not to exceed one  
22816 hundred fifty (150) beds. From and after July 1, 1999, there  
22817 shall be no prohibition or restrictions on participation in the  
22818 Medicaid program (Section 43-13-101 et seq.) for the beds in the  
22819 nursing facilities that were authorized under this paragraph (b).



22820 (c) The department may issue a certificate of need for  
22821 the addition to or expansion of any skilled nursing facility that  
22822 is part of an existing continuing care retirement community  
22823 located in Madison County, provided that the recipient of the  
22824 certificate of need agrees in writing that the skilled nursing  
22825 facility will not at any time participate in the Medicaid program  
22826 (Section 43-13-101 et seq.) or admit or keep any patients in the  
22827 skilled nursing facility who are participating in the Medicaid  
22828 program. This written agreement by the recipient of the  
22829 certificate of need shall be fully binding on any subsequent owner  
22830 of the skilled nursing facility, if the ownership of the facility  
22831 is transferred at any time after the issuance of the certificate  
22832 of need. Agreement that the skilled nursing facility will not  
22833 participate in the Medicaid program shall be a condition of the  
22834 issuance of a certificate of need to any person under this  
22835 paragraph (c), and if such skilled nursing facility at any time  
22836 after the issuance of the certificate of need, regardless of the  
22837 ownership of the facility, participates in the Medicaid program or  
22838 admits or keeps any patients in the facility who are participating  
22839 in the Medicaid program, the State Department of Health shall  
22840 revoke the certificate of need, if it is still outstanding, and  
22841 shall deny or revoke the license of the skilled nursing facility,  
22842 at the time that the department determines, after a hearing  
22843 complying with due process, that the facility has failed to comply  
22844 with any of the conditions upon which the certificate of need was



22845 issued, as provided in this paragraph and in the written agreement  
22846 by the recipient of the certificate of need. The total number of  
22847 beds that may be authorized under the authority of this paragraph  
22848 (c) shall not exceed sixty (60) beds.

22849 (d) The State Department of Health may issue a  
22850 certificate of need to any hospital located in DeSoto County for  
22851 the new construction of a skilled nursing facility, not to exceed  
22852 one hundred twenty (120) beds, in DeSoto County. From and after  
22853 July 1, 1999, there shall be no prohibition or restrictions on  
22854 participation in the Medicaid program (Section 43-13-101 et seq.)  
22855 for the beds in the nursing facility that were authorized under  
22856 this paragraph (d).

22857 (e) The State Department of Health may issue a  
22858 certificate of need for the construction of a nursing facility or  
22859 the conversion of beds to nursing facility beds at a personal care  
22860 facility for the elderly in Lowndes County that is owned and  
22861 operated by a Mississippi nonprofit corporation, not to exceed  
22862 sixty (60) beds. From and after July 1, 1999, there shall be no  
22863 prohibition or restrictions on participation in the Medicaid  
22864 program (Section 43-13-101 et seq.) for the beds in the nursing  
22865 facility that were authorized under this paragraph (e).

22866 (f) The State Department of Health may issue a  
22867 certificate of need for conversion of a county hospital facility  
22868 in Itawamba County to a nursing facility, not to exceed sixty (60)  
22869 beds, including any necessary construction, renovation or



22870 expansion. From and after July 1, 1999, there shall be no  
22871 prohibition or restrictions on participation in the Medicaid  
22872 program (Section 43-13-101 et seq.) for the beds in the nursing  
22873 facility that were authorized under this paragraph (f).

22874 (g) The State Department of Health may issue a  
22875 certificate of need for the construction or expansion of nursing  
22876 facility beds or the conversion of other beds to nursing facility  
22877 beds in either Hinds, Madison or Rankin County, not to exceed  
22878 sixty (60) beds. From and after July 1, 1999, there shall be no  
22879 prohibition or restrictions on participation in the Medicaid  
22880 program (Section 43-13-101 et seq.) for the beds in the nursing  
22881 facility that were authorized under this paragraph (g).

22882 (h) The State Department of Health may issue a  
22883 certificate of need for the construction or expansion of nursing  
22884 facility beds or the conversion of other beds to nursing facility  
22885 beds in either Hancock, Harrison or Jackson County, not to exceed  
22886 sixty (60) beds. From and after July 1, 1999, there shall be no  
22887 prohibition or restrictions on participation in the Medicaid  
22888 program (Section 43-13-101 et seq.) for the beds in the facility  
22889 that were authorized under this paragraph (h).

22890 (i) The department may issue a certificate of need for  
22891 the new construction of a skilled nursing facility in Leake  
22892 County, provided that the recipient of the certificate of need  
22893 agrees in writing that the skilled nursing facility will not at  
22894 any time participate in the Medicaid program (Section 43-13-101 et



22895 seq.) or admit or keep any patients in the skilled nursing  
22896 facility who are participating in the Medicaid program. This  
22897 written agreement by the recipient of the certificate of need  
22898 shall be fully binding on any subsequent owner of the skilled  
22899 nursing facility, if the ownership of the facility is transferred  
22900 at any time after the issuance of the certificate of need.  
22901 Agreement that the skilled nursing facility will not participate  
22902 in the Medicaid program shall be a condition of the issuance of a  
22903 certificate of need to any person under this paragraph (i), and if  
22904 such skilled nursing facility at any time after the issuance of  
22905 the certificate of need, regardless of the ownership of the  
22906 facility, participates in the Medicaid program or admits or keeps  
22907 any patients in the facility who are participating in the Medicaid  
22908 program, the State Department of Health shall revoke the  
22909 certificate of need, if it is still outstanding, and shall deny or  
22910 revoke the license of the skilled nursing facility, at the time  
22911 that the department determines, after a hearing complying with due  
22912 process, that the facility has failed to comply with any of the  
22913 conditions upon which the certificate of need was issued, as  
22914 provided in this paragraph and in the written agreement by the  
22915 recipient of the certificate of need. The provision of Section  
22916 41-7-193(1) regarding substantial compliance of the projection of  
22917 need as reported in the current State Health Plan is waived for  
22918 the purposes of this paragraph. The total number of nursing  
22919 facility beds that may be authorized by any certificate of need



22920 issued under this paragraph (i) shall not exceed sixty (60) beds.  
22921 If the skilled nursing facility authorized by the certificate of  
22922 need issued under this paragraph is not constructed and fully  
22923 operational within eighteen (18) months after July 1, 1994, the  
22924 State Department of Health, after a hearing complying with due  
22925 process, shall revoke the certificate of need, if it is still  
22926 outstanding, and shall not issue a license for the skilled nursing  
22927 facility at any time after the expiration of the eighteen-month  
22928 period.

22929           (j) The department may issue certificates of need to  
22930 allow any existing freestanding long-term care facility in  
22931 Tishomingo County and Hancock County that on July 1, 1995, is  
22932 licensed with fewer than sixty (60) beds. For the purposes of  
22933 this paragraph (j), the provisions of Section 41-7-193(1)  
22934 requiring substantial compliance with the projection of need as  
22935 reported in the current State Health Plan are waived. From and  
22936 after July 1, 1999, there shall be no prohibition or restrictions  
22937 on participation in the Medicaid program (Section 43-13-101 et  
22938 seq.) for the beds in the long-term care facilities that were  
22939 authorized under this paragraph (j).

22940           (k) The department may issue a certificate of need for  
22941 the construction of a nursing facility at a continuing care  
22942 retirement community in Lowndes County. The total number of beds  
22943 that may be authorized under the authority of this paragraph (k)  
22944 shall not exceed sixty (60) beds. From and after July 1, 2001,



22945 the prohibition on the facility participating in the Medicaid  
22946 program (Section 43-13-101 et seq.) that was a condition of  
22947 issuance of the certificate of need under this paragraph (k) shall  
22948 be revised as follows: The nursing facility may participate in  
22949 the Medicaid program from and after July 1, 2001, if the owner of  
22950 the facility on July 1, 2001, agrees in writing that no more than  
22951 thirty (30) of the beds at the facility will be certified for  
22952 participation in the Medicaid program, and that no claim will be  
22953 submitted for Medicaid reimbursement for more than thirty (30)  
22954 patients in the facility in any month or for any patient in the  
22955 facility who is in a bed that is not Medicaid-certified. This  
22956 written agreement by the owner of the facility shall be a  
22957 condition of licensure of the facility, and the agreement shall be  
22958 fully binding on any subsequent owner of the facility if the  
22959 ownership of the facility is transferred at any time after July 1,  
22960 2001. After this written agreement is executed, the Division of  
22961 Medicaid and the State Department of Health shall not certify more  
22962 than thirty (30) of the beds in the facility for participation in  
22963 the Medicaid program. If the facility violates the terms of the  
22964 written agreement by admitting or keeping in the facility on a  
22965 regular or continuing basis more than thirty (30) patients who are  
22966 participating in the Medicaid program, the State Department of  
22967 Health shall revoke the license of the facility, at the time that  
22968 the department determines, after a hearing complying with due  
22969 process, that the facility has violated the written agreement.





22970                   (1)   Provided that funds are specifically appropriated  
22971   therefor by the Legislature, the department may issue a  
22972   certificate of need to a rehabilitation hospital in Hinds County  
22973   for the construction of a sixty-bed long-term care nursing  
22974   facility dedicated to the care and treatment of persons with  
22975   severe disabilities including persons with spinal cord and  
22976   closed-head injuries and ventilator dependent patients.   The  
22977   provisions of Section 41-7-193(1) regarding substantial compliance  
22978   with projection of need as reported in the current State Health  
22979   Plan are waived for the purpose of this paragraph.

22980                   (m)   The State Department of Health may issue a  
22981   certificate of need to a county-owned hospital in the Second  
22982   Judicial District of Panola County for the conversion of not more  
22983   than seventy-two (72) hospital beds to nursing facility beds,  
22984   provided that the recipient of the certificate of need agrees in  
22985   writing that none of the beds at the nursing facility will be  
22986   certified for participation in the Medicaid program (Section  
22987   43-13-101 et seq.), and that no claim will be submitted for  
22988   Medicaid reimbursement in the nursing facility in any day or for  
22989   any patient in the nursing facility.   This written agreement by  
22990   the recipient of the certificate of need shall be a condition of  
22991   the issuance of the certificate of need under this paragraph, and  
22992   the agreement shall be fully binding on any subsequent owner of  
22993   the nursing facility if the ownership of the nursing facility is  
22994   transferred at any time after the issuance of the certificate of



22995 need. After this written agreement is executed, the Division of  
22996 Medicaid and the State Department of Health shall not certify any  
22997 of the beds in the nursing facility for participation in the  
22998 Medicaid program. If the nursing facility violates the terms of  
22999 the written agreement by admitting or keeping in the nursing  
23000 facility on a regular or continuing basis any patients who are  
23001 participating in the Medicaid program, the State Department of  
23002 Health shall revoke the license of the nursing facility, at the  
23003 time that the department determines, after a hearing complying  
23004 with due process, that the nursing facility has violated the  
23005 condition upon which the certificate of need was issued, as  
23006 provided in this paragraph and in the written agreement. If the  
23007 certificate of need authorized under this paragraph is not issued  
23008 within twelve (12) months after July 1, 2001, the department shall  
23009 deny the application for the certificate of need and shall not  
23010 issue the certificate of need at any time after the twelve-month  
23011 period, unless the issuance is contested. If the certificate of  
23012 need is issued and substantial construction of the nursing  
23013 facility beds has not commenced within eighteen (18) months after  
23014 July 1, 2001, the State Department of Health, after a hearing  
23015 complying with due process, shall revoke the certificate of need  
23016 if it is still outstanding, and the department shall not issue a  
23017 license for the nursing facility at any time after the  
23018 eighteen-month period. However, if the issuance of the  
23019 certificate of need is contested, the department shall require



23020 substantial construction of the nursing facility beds within six  
23021 (6) months after final adjudication on the issuance of the  
23022 certificate of need.

23023           (n) The department may issue a certificate of need for  
23024 the new construction, addition or conversion of skilled nursing  
23025 facility beds in Madison County, provided that the recipient of  
23026 the certificate of need agrees in writing that the skilled nursing  
23027 facility will not at any time participate in the Medicaid program  
23028 (Section 43-13-101 et seq.) or admit or keep any patients in the  
23029 skilled nursing facility who are participating in the Medicaid  
23030 program. This written agreement by the recipient of the  
23031 certificate of need shall be fully binding on any subsequent owner  
23032 of the skilled nursing facility, if the ownership of the facility  
23033 is transferred at any time after the issuance of the certificate  
23034 of need. Agreement that the skilled nursing facility will not  
23035 participate in the Medicaid program shall be a condition of the  
23036 issuance of a certificate of need to any person under this  
23037 paragraph (n), and if such skilled nursing facility at any time  
23038 after the issuance of the certificate of need, regardless of the  
23039 ownership of the facility, participates in the Medicaid program or  
23040 admits or keeps any patients in the facility who are participating  
23041 in the Medicaid program, the State Department of Health shall  
23042 revoke the certificate of need, if it is still outstanding, and  
23043 shall deny or revoke the license of the skilled nursing facility,  
23044 at the time that the department determines, after a hearing



23045 complying with due process, that the facility has failed to comply  
23046 with any of the conditions upon which the certificate of need was  
23047 issued, as provided in this paragraph and in the written agreement  
23048 by the recipient of the certificate of need. The total number of  
23049 nursing facility beds that may be authorized by any certificate of  
23050 need issued under this paragraph (n) shall not exceed sixty (60)  
23051 beds. If the certificate of need authorized under this paragraph  
23052 is not issued within twelve (12) months after July 1, 1998, the  
23053 department shall deny the application for the certificate of need  
23054 and shall not issue the certificate of need at any time after the  
23055 twelve-month period, unless the issuance is contested. If the  
23056 certificate of need is issued and substantial construction of the  
23057 nursing facility beds has not commenced within eighteen (18)  
23058 months after July 1, 1998, the State Department of Health, after a  
23059 hearing complying with due process, shall revoke the certificate  
23060 of need if it is still outstanding, and the department shall not  
23061 issue a license for the nursing facility at any time after the  
23062 eighteen-month period. However, if the issuance of the  
23063 certificate of need is contested, the department shall require  
23064 substantial construction of the nursing facility beds within six  
23065 (6) months after final adjudication on the issuance of the  
23066 certificate of need.

23067           (o) The department may issue a certificate of need for  
23068 the new construction, addition or conversion of skilled nursing  
23069 facility beds in Leake County, provided that the recipient of the



23070 certificate of need agrees in writing that the skilled nursing  
23071 facility will not at any time participate in the Medicaid program  
23072 (Section 43-13-101 et seq.) or admit or keep any patients in the  
23073 skilled nursing facility who are participating in the Medicaid  
23074 program. This written agreement by the recipient of the  
23075 certificate of need shall be fully binding on any subsequent owner  
23076 of the skilled nursing facility, if the ownership of the facility  
23077 is transferred at any time after the issuance of the certificate  
23078 of need. Agreement that the skilled nursing facility will not  
23079 participate in the Medicaid program shall be a condition of the  
23080 issuance of a certificate of need to any person under this  
23081 paragraph (o), and if such skilled nursing facility at any time  
23082 after the issuance of the certificate of need, regardless of the  
23083 ownership of the facility, participates in the Medicaid program or  
23084 admits or keeps any patients in the facility who are participating  
23085 in the Medicaid program, the State Department of Health shall  
23086 revoke the certificate of need, if it is still outstanding, and  
23087 shall deny or revoke the license of the skilled nursing facility,  
23088 at the time that the department determines, after a hearing  
23089 complying with due process, that the facility has failed to comply  
23090 with any of the conditions upon which the certificate of need was  
23091 issued, as provided in this paragraph and in the written agreement  
23092 by the recipient of the certificate of need. The total number of  
23093 nursing facility beds that may be authorized by any certificate of  
23094 need issued under this paragraph (o) shall not exceed sixty (60)



23095 beds. If the certificate of need authorized under this paragraph  
23096 is not issued within twelve (12) months after July 1, 2001, the  
23097 department shall deny the application for the certificate of need  
23098 and shall not issue the certificate of need at any time after the  
23099 twelve-month period, unless the issuance is contested. If the  
23100 certificate of need is issued and substantial construction of the  
23101 nursing facility beds has not commenced within eighteen (18)  
23102 months after July 1, 2001, the State Department of Health, after a  
23103 hearing complying with due process, shall revoke the certificate  
23104 of need if it is still outstanding, and the department shall not  
23105 issue a license for the nursing facility at any time after the  
23106 eighteen-month period. However, if the issuance of the  
23107 certificate of need is contested, the department shall require  
23108 substantial construction of the nursing facility beds within six  
23109 (6) months after final adjudication on the issuance of the  
23110 certificate of need.

23111 (p) The department may issue a certificate of need for  
23112 the construction of a municipally owned nursing facility within  
23113 the Town of Belmont in Tishomingo County, not to exceed sixty (60)  
23114 beds, provided that the recipient of the certificate of need  
23115 agrees in writing that the skilled nursing facility will not at  
23116 any time participate in the Medicaid program (Section 43-13-101 et  
23117 seq.) or admit or keep any patients in the skilled nursing  
23118 facility who are participating in the Medicaid program. This  
23119 written agreement by the recipient of the certificate of need



23120 shall be fully binding on any subsequent owner of the skilled  
23121 nursing facility, if the ownership of the facility is transferred  
23122 at any time after the issuance of the certificate of need.  
23123 Agreement that the skilled nursing facility will not participate  
23124 in the Medicaid program shall be a condition of the issuance of a  
23125 certificate of need to any person under this paragraph (p), and if  
23126 such skilled nursing facility at any time after the issuance of  
23127 the certificate of need, regardless of the ownership of the  
23128 facility, participates in the Medicaid program or admits or keeps  
23129 any patients in the facility who are participating in the Medicaid  
23130 program, the State Department of Health shall revoke the  
23131 certificate of need, if it is still outstanding, and shall deny or  
23132 revoke the license of the skilled nursing facility, at the time  
23133 that the department determines, after a hearing complying with due  
23134 process, that the facility has failed to comply with any of the  
23135 conditions upon which the certificate of need was issued, as  
23136 provided in this paragraph and in the written agreement by the  
23137 recipient of the certificate of need. The provision of Section  
23138 41-7-193(1) regarding substantial compliance of the projection of  
23139 need as reported in the current State Health Plan is waived for  
23140 the purposes of this paragraph. If the certificate of need  
23141 authorized under this paragraph is not issued within twelve (12)  
23142 months after July 1, 1998, the department shall deny the  
23143 application for the certificate of need and shall not issue the  
23144 certificate of need at any time after the twelve-month period,



23145 unless the issuance is contested. If the certificate of need is  
23146 issued and substantial construction of the nursing facility beds  
23147 has not commenced within eighteen (18) months after July 1, 1998,  
23148 the State Department of Health, after a hearing complying with due  
23149 process, shall revoke the certificate of need if it is still  
23150 outstanding, and the department shall not issue a license for the  
23151 nursing facility at any time after the eighteen-month period.  
23152 However, if the issuance of the certificate of need is contested,  
23153 the department shall require substantial construction of the  
23154 nursing facility beds within six (6) months after final  
23155 adjudication on the issuance of the certificate of need.

23156 (q) (i) Beginning on July 1, 1999, the State  
23157 Department of Health shall issue certificates of need during each  
23158 of the next four (4) fiscal years for the construction or  
23159 expansion of nursing facility beds or the conversion of other beds  
23160 to nursing facility beds in each county in the state having a need  
23161 for fifty (50) or more additional nursing facility beds, as shown  
23162 in the fiscal year 1999 State Health Plan, in the manner provided  
23163 in this paragraph (q). The total number of nursing facility beds  
23164 that may be authorized by any certificate of need authorized under  
23165 this paragraph (q) shall not exceed sixty (60) beds.

23166 (ii) Subject to the provisions of subparagraph  
23167 (v), during each of the next four (4) fiscal years, the department  
23168 shall issue six (6) certificates of need for new nursing facility  
23169 beds, as follows: During fiscal years 2000, 2001 and 2002, one





23170 (1) certificate of need shall be issued for new nursing facility  
23171 beds in the county in each of the four (4) Long-Term Care Planning  
23172 Districts designated in the fiscal year 1999 State Health Plan  
23173 that has the highest need in the district for those beds; and two  
23174 (2) certificates of need shall be issued for new nursing facility  
23175 beds in the two (2) counties from the state at large that have the  
23176 highest need in the state for those beds, when considering the  
23177 need on a statewide basis and without regard to the Long-Term Care  
23178 Planning Districts in which the counties are located. During  
23179 fiscal year 2003, one (1) certificate of need shall be issued for  
23180 new nursing facility beds in any county having a need for fifty  
23181 (50) or more additional nursing facility beds, as shown in the  
23182 fiscal year 1999 State Health Plan, that has not received a  
23183 certificate of need under this paragraph (q) during the three (3)  
23184 previous fiscal years. During fiscal year 2000, in addition to  
23185 the six (6) certificates of need authorized in this subparagraph,  
23186 the department also shall issue a certificate of need for new  
23187 nursing facility beds in Amite County and a certificate of need  
23188 for new nursing facility beds in Carroll County.

23189 (iii) Subject to the provisions of subparagraph  
23190 (v), the certificate of need issued under subparagraph (ii) for  
23191 nursing facility beds in each Long-Term Care Planning District  
23192 during each fiscal year shall first be available for nursing  
23193 facility beds in the county in the district having the highest  
23194 need for those beds, as shown in the fiscal year 1999 State Health



23195 Plan. If there are no applications for a certificate of need for  
23196 nursing facility beds in the county having the highest need for  
23197 those beds by the date specified by the department, then the  
23198 certificate of need shall be available for nursing facility beds  
23199 in other counties in the district in descending order of the need  
23200 for those beds, from the county with the second highest need to  
23201 the county with the lowest need, until an application is received  
23202 for nursing facility beds in an eligible county in the district.

23203 (iv) Subject to the provisions of subparagraph  
23204 (v), the certificate of need issued under subparagraph (ii) for  
23205 nursing facility beds in the two (2) counties from the state at  
23206 large during each fiscal year shall first be available for nursing  
23207 facility beds in the two (2) counties that have the highest need  
23208 in the state for those beds, as shown in the fiscal year 1999  
23209 State Health Plan, when considering the need on a statewide basis  
23210 and without regard to the Long-Term Care Planning Districts in  
23211 which the counties are located. If there are no applications for  
23212 a certificate of need for nursing facility beds in either of the  
23213 two (2) counties having the highest need for those beds on a  
23214 statewide basis by the date specified by the department, then the  
23215 certificate of need shall be available for nursing facility beds  
23216 in other counties from the state at large in descending order of  
23217 the need for those beds on a statewide basis, from the county with  
23218 the second highest need to the county with the lowest need, until



23219 an application is received for nursing facility beds in an  
23220 eligible county from the state at large.

23221 (v) If a certificate of need is authorized to be  
23222 issued under this paragraph (q) for nursing facility beds in a  
23223 county on the basis of the need in the Long-Term Care Planning  
23224 District during any fiscal year of the four-year period, a  
23225 certificate of need shall not also be available under this  
23226 paragraph (q) for additional nursing facility beds in that county  
23227 on the basis of the need in the state at large, and that county  
23228 shall be excluded in determining which counties have the highest  
23229 need for nursing facility beds in the state at large for that  
23230 fiscal year. After a certificate of need has been issued under  
23231 this paragraph (q) for nursing facility beds in a county during  
23232 any fiscal year of the four-year period, a certificate of need  
23233 shall not be available again under this paragraph (q) for  
23234 additional nursing facility beds in that county during the  
23235 four-year period, and that county shall be excluded in determining  
23236 which counties have the highest need for nursing facility beds in  
23237 succeeding fiscal years.

23238 (vi) If more than one (1) application is made for  
23239 a certificate of need for nursing home facility beds available  
23240 under this paragraph (q), in Yalobusha, Newton or Tallahatchie  
23241 County, and one (1) of the applicants is a county-owned hospital  
23242 located in the county where the nursing facility beds are  
23243 available, the department shall give priority to the county-owned



23244 hospital in granting the certificate of need if the following  
23245 conditions are met:

23246                   1. The county-owned hospital fully meets all  
23247 applicable criteria and standards required to obtain a certificate  
23248 of need for the nursing facility beds; and

23249                   2. The county-owned hospital's qualifications  
23250 for the certificate of need, as shown in its application and as  
23251 determined by the department, are at least equal to the  
23252 qualifications of the other applicants for the certificate of  
23253 need.

23254                   (r) (i) Beginning on July 1, 1999, the State  
23255 Department of Health shall issue certificates of need during each  
23256 of the next two (2) fiscal years for the construction or expansion  
23257 of nursing facility beds or the conversion of other beds to  
23258 nursing facility beds in each of the four (4) Long-Term Care  
23259 Planning Districts designated in the fiscal year 1999 State Health  
23260 Plan, to provide care exclusively to patients with Alzheimer's  
23261 disease.

23262                   (ii) Not more than twenty (20) beds may be  
23263 authorized by any certificate of need issued under this paragraph  
23264 (r), and not more than a total of sixty (60) beds may be  
23265 authorized in any Long-Term Care Planning District by all  
23266 certificates of need issued under this paragraph (r). However,  
23267 the total number of beds that may be authorized by all  
23268 certificates of need issued under this paragraph (r) during any



23269 fiscal year shall not exceed one hundred twenty (120) beds, and  
23270 the total number of beds that may be authorized in any Long-Term  
23271 Care Planning District during any fiscal year shall not exceed  
23272 forty (40) beds. Of the certificates of need that are issued for  
23273 each Long-Term Care Planning District during the next two (2)  
23274 fiscal years, at least one (1) shall be issued for beds in the  
23275 northern part of the district, at least one (1) shall be issued  
23276 for beds in the central part of the district, and at least one (1)  
23277 shall be issued for beds in the southern part of the district.

23278 (iii) The State Department of Health, in  
23279 consultation with the Department of Mental Health and the Division  
23280 of Medicaid, shall develop and prescribe the staffing levels,  
23281 space requirements and other standards and requirements that must  
23282 be met with regard to the nursing facility beds authorized under  
23283 this paragraph (r) to provide care exclusively to patients with  
23284 Alzheimer's disease.

23285 (s) The State Department of Health may issue a  
23286 certificate of need to a nonprofit skilled nursing facility using  
23287 the Green House model of skilled nursing care and located in Yazoo  
23288 City, Yazoo County, Mississippi, for the construction, expansion  
23289 or conversion of not more than nineteen (19) nursing facility  
23290 beds. For purposes of this paragraph (s), the provisions of  
23291 Section 41-7-193(1) requiring substantial compliance with the  
23292 projection of need as reported in the current State Health Plan  
23293 and the provisions of Section 41-7-197 requiring a formal



23294 certificate of need hearing process are waived. There shall be no  
23295 prohibition or restrictions on participation in the Medicaid  
23296 program for the person receiving the certificate of need  
23297 authorized under this paragraph (s).

23298 (t) The State Department of Health shall issue  
23299 certificates of need to the owner of a nursing facility in  
23300 operation at the time of Hurricane Katrina in Hancock County that  
23301 was not operational on December 31, 2005, because of damage  
23302 sustained from Hurricane Katrina to authorize the following: (i)  
23303 the construction of a new nursing facility in Harrison County;  
23304 (ii) the relocation of forty-nine (49) nursing facility beds from  
23305 the Hancock County facility to the new Harrison County facility;  
23306 (iii) the establishment of not more than twenty (20) non-Medicaid  
23307 nursing facility beds at the Hancock County facility; and (iv) the  
23308 establishment of not more than twenty (20) non-Medicaid beds at  
23309 the new Harrison County facility. The certificates of need that  
23310 authorize the non-Medicaid nursing facility beds under  
23311 subparagraphs (iii) and (iv) of this paragraph (t) shall be  
23312 subject to the following conditions: The owner of the Hancock  
23313 County facility and the new Harrison County facility must agree in  
23314 writing that no more than fifty (50) of the beds at the Hancock  
23315 County facility and no more than forty-nine (49) of the beds at  
23316 the Harrison County facility will be certified for participation  
23317 in the Medicaid program, and that no claim will be submitted for  
23318 Medicaid reimbursement for more than fifty (50) patients in the



23319 Hancock County facility in any month, or for more than forty-nine  
23320 (49) patients in the Harrison County facility in any month, or for  
23321 any patient in either facility who is in a bed that is not  
23322 Medicaid-certified. This written agreement by the owner of the  
23323 nursing facilities shall be a condition of the issuance of the  
23324 certificates of need under this paragraph (t), and the agreement  
23325 shall be fully binding on any later owner or owners of either  
23326 facility if the ownership of either facility is transferred at any  
23327 time after the certificates of need are issued. After this  
23328 written agreement is executed, the Division of Medicaid and the  
23329 State Department of Health shall not certify more than fifty (50)  
23330 of the beds at the Hancock County facility or more than forty-nine  
23331 (49) of the beds at the Harrison County facility for participation  
23332 in the Medicaid program. If the Hancock County facility violates  
23333 the terms of the written agreement by admitting or keeping in the  
23334 facility on a regular or continuing basis more than fifty (50)  
23335 patients who are participating in the Medicaid program, or if the  
23336 Harrison County facility violates the terms of the written  
23337 agreement by admitting or keeping in the facility on a regular or  
23338 continuing basis more than forty-nine (49) patients who are  
23339 participating in the Medicaid program, the State Department of  
23340 Health shall revoke the license of the facility that is in  
23341 violation of the agreement, at the time that the department  
23342 determines, after a hearing complying with due process, that the  
23343 facility has violated the agreement.



23344 (u) The State Department of Health shall issue a  
23345 certificate of need to a nonprofit venture for the establishment,  
23346 construction and operation of a skilled nursing facility of not  
23347 more than sixty (60) beds to provide skilled nursing care for  
23348 ventilator dependent or otherwise medically dependent pediatric  
23349 patients who require medical and nursing care or rehabilitation  
23350 services to be located in a county in which an academic medical  
23351 center and a children's hospital are located, and for any  
23352 construction and for the acquisition of equipment related to those  
23353 beds. The facility shall be authorized to keep such ventilator  
23354 dependent or otherwise medically dependent pediatric patients  
23355 beyond age twenty-one (21) in accordance with regulations of the  
23356 State Board of Health. For purposes of this paragraph (u), the  
23357 provisions of Section 41-7-193(1) requiring substantial compliance  
23358 with the projection of need as reported in the current State  
23359 Health Plan are waived, and the provisions of Section 41-7-197  
23360 requiring a formal certificate of need hearing process are waived.  
23361 The beds authorized by this paragraph shall be counted as  
23362 pediatric skilled nursing facility beds for health planning  
23363 purposes under Section 41-7-171 et seq. There shall be no  
23364 prohibition of or restrictions on participation in the Medicaid  
23365 program for the person receiving the certificate of need  
23366 authorized by this paragraph.

23367 (3) The State Department of Health may grant approval for  
23368 and issue certificates of need to any person proposing the new





23369 construction of, addition to, conversion of beds of or expansion  
23370 of any health care facility defined in subparagraph (x)  
23371 (psychiatric residential treatment facility) of Section  
23372 41-7-173(h). The total number of beds which may be authorized by  
23373 such certificates of need shall not exceed three hundred  
23374 thirty-four (334) beds for the entire state.

23375 (a) Of the total number of beds authorized under this  
23376 subsection, the department shall issue a certificate of need to a  
23377 privately owned psychiatric residential treatment facility in  
23378 Simpson County for the conversion of sixteen (16) intermediate  
23379 care facility for the mentally retarded (ICF-MR) beds to  
23380 psychiatric residential treatment facility beds, provided that  
23381 facility agrees in writing that the facility shall give priority  
23382 for the use of those sixteen (16) beds to Mississippi residents  
23383 who are presently being treated in out-of-state facilities.

23384 (b) Of the total number of beds authorized under this  
23385 subsection, the department may issue a certificate or certificates  
23386 of need for the construction or expansion of psychiatric  
23387 residential treatment facility beds or the conversion of other  
23388 beds to psychiatric residential treatment facility beds in Warren  
23389 County, not to exceed sixty (60) psychiatric residential treatment  
23390 facility beds, provided that the facility agrees in writing that  
23391 no more than thirty (30) of the beds at the psychiatric  
23392 residential treatment facility will be certified for participation  
23393 in the Medicaid program (Section 43-13-101 et seq.) for the use of



23394 any patients other than those who are participating only in the  
23395 Medicaid program of another state, and that no claim will be  
23396 submitted to the Division of Medicaid for Medicaid reimbursement  
23397 for more than thirty (30) patients in the psychiatric residential  
23398 treatment facility in any day or for any patient in the  
23399 psychiatric residential treatment facility who is in a bed that is  
23400 not Medicaid-certified. This written agreement by the recipient  
23401 of the certificate of need shall be a condition of the issuance of  
23402 the certificate of need under this paragraph, and the agreement  
23403 shall be fully binding on any subsequent owner of the psychiatric  
23404 residential treatment facility if the ownership of the facility is  
23405 transferred at any time after the issuance of the certificate of  
23406 need. After this written agreement is executed, the Division of  
23407 Medicaid and the State Department of Health shall not certify more  
23408 than thirty (30) of the beds in the psychiatric residential  
23409 treatment facility for participation in the Medicaid program for  
23410 the use of any patients other than those who are participating  
23411 only in the Medicaid program of another state. If the psychiatric  
23412 residential treatment facility violates the terms of the written  
23413 agreement by admitting or keeping in the facility on a regular or  
23414 continuing basis more than thirty (30) patients who are  
23415 participating in the Mississippi Medicaid program, the State  
23416 Department of Health shall revoke the license of the facility, at  
23417 the time that the department determines, after a hearing complying  
23418 with due process, that the facility has violated the condition



23419 upon which the certificate of need was issued, as provided in this  
23420 paragraph and in the written agreement.

23421         The State Department of Health, on or before July 1, 2002,  
23422 shall transfer the certificate of need authorized under the  
23423 authority of this paragraph (b), or reissue the certificate of  
23424 need if it has expired, to River Region Health System.

23425             (c) Of the total number of beds authorized under this  
23426 subsection, the department shall issue a certificate of need to a  
23427 hospital currently operating Medicaid-certified acute psychiatric  
23428 beds for adolescents in DeSoto County, for the establishment of a  
23429 forty-bed psychiatric residential treatment facility in DeSoto  
23430 County, provided that the hospital agrees in writing (i) that the  
23431 hospital shall give priority for the use of those forty (40) beds  
23432 to Mississippi residents who are presently being treated in  
23433 out-of-state facilities, and (ii) that no more than fifteen (15)  
23434 of the beds at the psychiatric residential treatment facility will  
23435 be certified for participation in the Medicaid program (Section  
23436 43-13-101 et seq.), and that no claim will be submitted for  
23437 Medicaid reimbursement for more than fifteen (15) patients in the  
23438 psychiatric residential treatment facility in any day or for any  
23439 patient in the psychiatric residential treatment facility who is  
23440 in a bed that is not Medicaid-certified. This written agreement  
23441 by the recipient of the certificate of need shall be a condition  
23442 of the issuance of the certificate of need under this paragraph,  
23443 and the agreement shall be fully binding on any subsequent owner



23444 of the psychiatric residential treatment facility if the ownership  
23445 of the facility is transferred at any time after the issuance of  
23446 the certificate of need. After this written agreement is  
23447 executed, the Division of Medicaid and the State Department of  
23448 Health shall not certify more than fifteen (15) of the beds in the  
23449 psychiatric residential treatment facility for participation in  
23450 the Medicaid program. If the psychiatric residential treatment  
23451 facility violates the terms of the written agreement by admitting  
23452 or keeping in the facility on a regular or continuing basis more  
23453 than fifteen (15) patients who are participating in the Medicaid  
23454 program, the State Department of Health shall revoke the license  
23455 of the facility, at the time that the department determines, after  
23456 a hearing complying with due process, that the facility has  
23457 violated the condition upon which the certificate of need was  
23458 issued, as provided in this paragraph and in the written  
23459 agreement.

23460 (d) Of the total number of beds authorized under this  
23461 subsection, the department may issue a certificate or certificates  
23462 of need for the construction or expansion of psychiatric  
23463 residential treatment facility beds or the conversion of other  
23464 beds to psychiatric treatment facility beds, not to exceed thirty  
23465 (30) psychiatric residential treatment facility beds, in either  
23466 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,  
23467 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.



23468                   (e) Of the total number of beds authorized under this  
23469 subsection (3) the department shall issue a certificate of need to  
23470 a privately owned, nonprofit psychiatric residential treatment  
23471 facility in Hinds County for an eight-bed expansion of the  
23472 facility, provided that the facility agrees in writing that the  
23473 facility shall give priority for the use of those eight (8) beds  
23474 to Mississippi residents who are presently being treated in  
23475 out-of-state facilities.

23476                   (f) The department shall issue a certificate of need to  
23477 a one-hundred-thirty-four-bed specialty hospital located on  
23478 twenty-nine and forty-four one-hundredths (29.44) commercial acres  
23479 at 5900 Highway 39 North in Meridian (Lauderdale County),  
23480 Mississippi, for the addition, construction or expansion of  
23481 child/adolescent psychiatric residential treatment facility beds  
23482 in Lauderdale County. As a condition of issuance of the  
23483 certificate of need under this paragraph, the facility shall give  
23484 priority in admissions to the child/adolescent psychiatric  
23485 residential treatment facility beds authorized under this  
23486 paragraph to patients who otherwise would require out-of-state  
23487 placement. The Division of Medicaid, in conjunction with the  
23488 Department of Human Services, shall furnish the facility a list of  
23489 all out-of-state patients on a quarterly basis. Furthermore,  
23490 notice shall also be provided to the parent, custodial parent or  
23491 guardian of each out-of-state patient notifying them of the  
23492 priority status granted by this paragraph. For purposes of this



23493 paragraph, the provisions of Section 41-7-193(1) requiring  
23494 substantial compliance with the projection of need as reported in  
23495 the current State Health Plan are waived. The total number of  
23496 child/adolescent psychiatric residential treatment facility beds  
23497 that may be authorized under the authority of this paragraph shall  
23498 be sixty (60) beds. There shall be no prohibition or restrictions  
23499 on participation in the Medicaid program (Section 43-13-101 et  
23500 seq.) for the person receiving the certificate of need authorized  
23501 under this paragraph or for the beds converted pursuant to the  
23502 authority of that certificate of need.

23503       (4) (a) From and after March 25, 2021, the department may  
23504 issue a certificate of need to any person for the new construction  
23505 of any hospital, psychiatric hospital or chemical dependency  
23506 hospital that will contain any child/adolescent psychiatric or  
23507 child/adolescent chemical dependency beds, or for the conversion  
23508 of any other health care facility to a hospital, psychiatric  
23509 hospital or chemical dependency hospital that will contain any  
23510 child/adolescent psychiatric or child/adolescent chemical  
23511 dependency beds. There shall be no prohibition or restrictions on  
23512 participation in the Medicaid program (Section 43-13-101 et seq.)  
23513 for the person(s) receiving the certificate(s) of need authorized  
23514 under this paragraph (a) or for the beds converted pursuant to the  
23515 authority of that certificate of need. In issuing any new  
23516 certificate of need for any child/adolescent psychiatric or  
23517 child/adolescent chemical dependency beds, either by new



23518 construction or conversion of beds of another category, the  
23519 department shall give preference to beds which will be located in  
23520 an area of the state which does not have such beds located in it,  
23521 and to a location more than sixty-five (65) miles from existing  
23522 beds. Upon receiving 2020 census data, the department may amend  
23523 the State Health Plan regarding child/adolescent psychiatric and  
23524 child/adolescent chemical dependency beds to reflect the need  
23525 based on new census data.

23526 (i) [Deleted]

23527 (ii) The department may issue a certificate of  
23528 need for the conversion of existing beds in a county hospital in  
23529 Choctaw County from acute care beds to child/adolescent chemical  
23530 dependency beds. For purposes of this subparagraph (ii), the  
23531 provisions of Section 41-7-193(1) requiring substantial compliance  
23532 with the projection of need as reported in the current State  
23533 Health Plan are waived. The total number of beds that may be  
23534 authorized under authority of this subparagraph shall not exceed  
23535 twenty (20) beds. There shall be no prohibition or restrictions  
23536 on participation in the Medicaid program (Section 43-13-101 et  
23537 seq.) for the hospital receiving the certificate of need  
23538 authorized under this subparagraph or for the beds converted  
23539 pursuant to the authority of that certificate of need.

23540 (iii) The department may issue a certificate or  
23541 certificates of need for the construction or expansion of  
23542 child/adolescent psychiatric beds or the conversion of other beds



23543 to child/adolescent psychiatric beds in Warren County. For  
23544 purposes of this subparagraph (iii), the provisions of Section  
23545 41-7-193(1) requiring substantial compliance with the projection  
23546 of need as reported in the current State Health Plan are waived.  
23547 The total number of beds that may be authorized under the  
23548 authority of this subparagraph shall not exceed twenty (20) beds.  
23549 There shall be no prohibition or restrictions on participation in  
23550 the Medicaid program (Section 43-13-101 et seq.) for the person  
23551 receiving the certificate of need authorized under this  
23552 subparagraph or for the beds converted pursuant to the authority  
23553 of that certificate of need.

23554       If by January 1, 2002, there has been no significant  
23555 commencement of construction of the beds authorized under this  
23556 subparagraph (iii), or no significant action taken to convert  
23557 existing beds to the beds authorized under this subparagraph, then  
23558 the certificate of need that was previously issued under this  
23559 subparagraph shall expire. If the previously issued certificate  
23560 of need expires, the department may accept applications for  
23561 issuance of another certificate of need for the beds authorized  
23562 under this subparagraph, and may issue a certificate of need to  
23563 authorize the construction, expansion or conversion of the beds  
23564 authorized under this subparagraph.

23565               (iv) The department shall issue a certificate of  
23566 need to the Region 7 Mental Health/Retardation Commission for the  
23567 construction or expansion of child/adolescent psychiatric beds or





23568 the conversion of other beds to child/adolescent psychiatric beds  
23569 in any of the counties served by the commission. For purposes of  
23570 this subparagraph (iv), the provisions of Section 41-7-193(1)  
23571 requiring substantial compliance with the projection of need as  
23572 reported in the current State Health Plan are waived. The total  
23573 number of beds that may be authorized under the authority of this  
23574 subparagraph shall not exceed twenty (20) beds. There shall be no  
23575 prohibition or restrictions on participation in the Medicaid  
23576 program (Section 43-13-101 et seq.) for the person receiving the  
23577 certificate of need authorized under this subparagraph or for the  
23578 beds converted pursuant to the authority of that certificate of  
23579 need.

23580 (v) The department may issue a certificate of need  
23581 to any county hospital located in Leflore County for the  
23582 construction or expansion of adult psychiatric beds or the  
23583 conversion of other beds to adult psychiatric beds, not to exceed  
23584 twenty (20) beds, provided that the recipient of the certificate  
23585 of need agrees in writing that the adult psychiatric beds will not  
23586 at any time be certified for participation in the Medicaid program  
23587 and that the hospital will not admit or keep any patients who are  
23588 participating in the Medicaid program in any of such adult  
23589 psychiatric beds. This written agreement by the recipient of the  
23590 certificate of need shall be fully binding on any subsequent owner  
23591 of the hospital if the ownership of the hospital is transferred at  
23592 any time after the issuance of the certificate of need. Agreement



23593 that the adult psychiatric beds will not be certified for  
23594 participation in the Medicaid program shall be a condition of the  
23595 issuance of a certificate of need to any person under this  
23596 subparagraph (v), and if such hospital at any time after the  
23597 issuance of the certificate of need, regardless of the ownership  
23598 of the hospital, has any of such adult psychiatric beds certified  
23599 for participation in the Medicaid program or admits or keeps any  
23600 Medicaid patients in such adult psychiatric beds, the State  
23601 Department of Health shall revoke the certificate of need, if it  
23602 is still outstanding, and shall deny or revoke the license of the  
23603 hospital at the time that the department determines, after a  
23604 hearing complying with due process, that the hospital has failed  
23605 to comply with any of the conditions upon which the certificate of  
23606 need was issued, as provided in this subparagraph and in the  
23607 written agreement by the recipient of the certificate of need.

23608                   (vi) The department may issue a certificate or  
23609 certificates of need for the expansion of child psychiatric beds  
23610 or the conversion of other beds to child psychiatric beds at the  
23611 University of Mississippi Medical Center. For purposes of this  
23612 subparagraph (vi), the provisions of Section 41-7-193(1) requiring  
23613 substantial compliance with the projection of need as reported in  
23614 the current State Health Plan are waived. The total number of  
23615 beds that may be authorized under the authority of this  
23616 subparagraph shall not exceed fifteen (15) beds. There shall be  
23617 no prohibition or restrictions on participation in the Medicaid



23618 program (Section 43-13-101 et seq.) for the hospital receiving the  
23619 certificate of need authorized under this subparagraph or for the  
23620 beds converted pursuant to the authority of that certificate of  
23621 need.

23622 (b) From and after July 1, 1990, no hospital,  
23623 psychiatric hospital or chemical dependency hospital shall be  
23624 authorized to add any child/adolescent psychiatric or  
23625 child/adolescent chemical dependency beds or convert any beds of  
23626 another category to child/adolescent psychiatric or  
23627 child/adolescent chemical dependency beds without a certificate of  
23628 need under the authority of subsection (1)(c) and subsection  
23629 (4)(a) of this section.

23630 (5) The department may issue a certificate of need to a  
23631 county hospital in Winston County for the conversion of fifteen  
23632 (15) acute care beds to geriatric psychiatric care beds.

23633 (6) The State Department of Health shall issue a certificate  
23634 of need to a Mississippi corporation qualified to manage a  
23635 long-term care hospital as defined in Section 41-7-173(h)(xii) in  
23636 Harrison County, not to exceed eighty (80) beds, including any  
23637 necessary renovation or construction required for licensure and  
23638 certification, provided that the recipient of the certificate of  
23639 need agrees in writing that the long-term care hospital will not  
23640 at any time participate in the Medicaid program (Section 43-13-101  
23641 et seq.) or admit or keep any patients in the long-term care  
23642 hospital who are participating in the Medicaid program. This



23643 written agreement by the recipient of the certificate of need  
23644 shall be fully binding on any subsequent owner of the long-term  
23645 care hospital, if the ownership of the facility is transferred at  
23646 any time after the issuance of the certificate of need. Agreement  
23647 that the long-term care hospital will not participate in the  
23648 Medicaid program shall be a condition of the issuance of a  
23649 certificate of need to any person under this subsection (6), and  
23650 if such long-term care hospital at any time after the issuance of  
23651 the certificate of need, regardless of the ownership of the  
23652 facility, participates in the Medicaid program or admits or keeps  
23653 any patients in the facility who are participating in the Medicaid  
23654 program, the State Department of Health shall revoke the  
23655 certificate of need, if it is still outstanding, and shall deny or  
23656 revoke the license of the long-term care hospital, at the time  
23657 that the department determines, after a hearing complying with due  
23658 process, that the facility has failed to comply with any of the  
23659 conditions upon which the certificate of need was issued, as  
23660 provided in this subsection and in the written agreement by the  
23661 recipient of the certificate of need. For purposes of this  
23662 subsection, the provisions of Section 41-7-193(1) requiring  
23663 substantial compliance with the projection of need as reported in  
23664 the current State Health Plan are waived.

23665       (7) The State Department of Health may issue a certificate  
23666 of need to any hospital in the state to utilize a portion of its  
23667 beds for the "swing-bed" concept. Any such hospital must be in



23668 conformance with the federal regulations regarding such swing-bed  
23669 concept at the time it submits its application for a certificate  
23670 of need to the State Department of Health, except that such  
23671 hospital may have more licensed beds or a higher average daily  
23672 census (ADC) than the maximum number specified in federal  
23673 regulations for participation in the swing-bed program. Any  
23674 hospital meeting all federal requirements for participation in the  
23675 swing-bed program which receives such certificate of need shall  
23676 render services provided under the swing-bed concept to any  
23677 patient eligible for Medicare (Title XVIII of the Social Security  
23678 Act) who is certified by a physician to be in need of such  
23679 services, and no such hospital shall permit any patient who is  
23680 eligible for both Medicaid and Medicare or eligible only for  
23681 Medicaid to stay in the swing beds of the hospital for more than  
23682 thirty (30) days per admission unless the hospital receives prior  
23683 approval for such patient from the Division of Medicaid, Office of  
23684 the Governor. Any hospital having more licensed beds or a higher  
23685 average daily census (ADC) than the maximum number specified in  
23686 federal regulations for participation in the swing-bed program  
23687 which receives such certificate of need shall develop a procedure  
23688 to ensure that before a patient is allowed to stay in the swing  
23689 beds of the hospital, there are no vacant nursing home beds  
23690 available for that patient located within a fifty-mile radius of  
23691 the hospital. When any such hospital has a patient staying in the  
23692 swing beds of the hospital and the hospital receives notice from a



23693 nursing home located within such radius that there is a vacant bed  
23694 available for that patient, the hospital shall transfer the  
23695 patient to the nursing home within a reasonable time after receipt  
23696 of the notice. Any hospital which is subject to the requirements  
23697 of the two (2) preceding sentences of this subsection may be  
23698 suspended from participation in the swing-bed program for a  
23699 reasonable period of time by the State Department of Health if the  
23700 department, after a hearing complying with due process, determines  
23701 that the hospital has failed to comply with any of those  
23702 requirements.

23703       (8) The Department of Health shall not grant approval for or  
23704 issue a certificate of need to any person proposing the new  
23705 construction of, addition to or expansion of a health care  
23706 facility as defined in subparagraph (viii) of Section 41-7-173(h),  
23707 except as hereinafter provided: The department may issue a  
23708 certificate of need to a nonprofit corporation located in Madison  
23709 County, Mississippi, for the construction, expansion or conversion  
23710 of not more than twenty (20) beds in a community living program  
23711 for developmentally disabled adults in a facility as defined in  
23712 subparagraph (viii) of Section 41-7-173(h). For purposes of this  
23713 subsection (8), the provisions of Section 41-7-193(1) requiring  
23714 substantial compliance with the projection of need as reported in  
23715 the current State Health Plan and the provisions of Section  
23716 41-7-197 requiring a formal certificate of need hearing process  
23717 are waived. There shall be no prohibition or restrictions on



23718 participation in the Medicaid program for the person receiving the  
23719 certificate of need authorized under this subsection (8).

23720       (9) The Department of Health shall not grant approval for or  
23721 issue a certificate of need to any person proposing the  
23722 establishment of, or expansion of the currently approved territory  
23723 of, or the contracting to establish a home office, subunit or  
23724 branch office within the space operated as a health care facility  
23725 as defined in Section 41-7-173(h)(i) through (viii) by a health  
23726 care facility as defined in subparagraph (ix) of Section  
23727 41-7-173(h).

23728       (10) Health care facilities owned and/or operated by the  
23729 state or its agencies are exempt from the restraints in this  
23730 section against issuance of a certificate of need if such addition  
23731 or expansion consists of repairing or renovation necessary to  
23732 comply with the state licensure law. This exception shall not  
23733 apply to the new construction of any building by such state  
23734 facility. This exception shall not apply to any health care  
23735 facilities owned and/or operated by counties, municipalities,  
23736 districts, unincorporated areas, other defined persons, or any  
23737 combination thereof.

23738       (11) The new construction, renovation or expansion of or  
23739 addition to any health care facility defined in subparagraph (ii)  
23740 (psychiatric hospital), subparagraph (iv) (skilled nursing  
23741 facility), subparagraph (vi) (intermediate care facility),  
23742 subparagraph (viii) (intermediate care facility for the mentally



23743 retarded) and subparagraph (x) (psychiatric residential treatment  
23744 facility) of Section 41-7-173(h) which is owned by the State of  
23745 Mississippi and under the direction and control of the State  
23746 Department of Mental Health, and the addition of new beds or the  
23747 conversion of beds from one category to another in any such  
23748 defined health care facility which is owned by the State of  
23749 Mississippi and under the direction and control of the State  
23750 Department of Mental Health, shall not require the issuance of a  
23751 certificate of need under Section 41-7-171 et seq.,  
23752 notwithstanding any provision in Section 41-7-171 et seq. to the  
23753 contrary.

23754 (12) The new construction, renovation or expansion of or  
23755 addition to any veterans homes or domiciliaries for eligible  
23756 veterans of the State of Mississippi as authorized under Section  
23757 35-1-19 shall not require the issuance of a certificate of need,  
23758 notwithstanding any provision in Section 41-7-171 et seq. to the  
23759 contrary.

23760 (13) The repair or the rebuilding of an existing, operating  
23761 health care facility that sustained significant damage from a  
23762 natural disaster that occurred after April 15, 2014, in an area  
23763 that is proclaimed a disaster area or subject to a state of  
23764 emergency by the Governor or by the President of the United States  
23765 shall be exempt from all of the requirements of the Mississippi  
23766 Certificate of Need Law (Section 41-7-171 et seq.) and any and all





23767 rules and regulations promulgated under that law, subject to the  
23768 following conditions:

23769 (a) The repair or the rebuilding of any such damaged  
23770 health care facility must be within one (1) mile of the  
23771 pre-disaster location of the campus of the damaged health care  
23772 facility, except that any temporary post-disaster health care  
23773 facility operating location may be within five (5) miles of the  
23774 pre-disaster location of the damaged health care facility;

23775 (b) The repair or the rebuilding of the damaged health  
23776 care facility (i) does not increase or change the complement of  
23777 its bed capacity that it had before the Governor's or the  
23778 President's proclamation, (ii) does not increase or change its  
23779 levels and types of health care services that it provided before  
23780 the Governor's or the President's proclamation, and (iii) does not  
23781 rebuild in a different county; however, this paragraph does not  
23782 restrict or prevent a health care facility from decreasing its bed  
23783 capacity that it had before the Governor's or the President's  
23784 proclamation, or from decreasing the levels of or decreasing or  
23785 eliminating the types of health care services that it provided  
23786 before the Governor's or the President's proclamation, when the  
23787 damaged health care facility is repaired or rebuilt;

23788 (c) The exemption from Certificate of Need Law provided  
23789 under this subsection (13) is valid for only five (5) years from  
23790 the date of the Governor's or the President's proclamation. If



23791 actual construction has not begun within that five-year period,  
23792 the exemption provided under this subsection is inapplicable; and

23793 (d) The Division of Health Facilities Licensure and  
23794 Certification of the State Department of Health shall provide the  
23795 same oversight for the repair or the rebuilding of the damaged  
23796 health care facility that it provides to all health care facility  
23797 construction projects in the state.

23798 For the purposes of this subsection (13), "significant  
23799 damage" to a health care facility means damage to the health care  
23800 facility requiring an expenditure of at least One Million Dollars  
23801 (\$1,000,000.00).

23802 (14) The State Department of Health shall issue a  
23803 certificate of need to any hospital which is currently licensed  
23804 for two hundred fifty (250) or more acute care beds and is located  
23805 in any general hospital service area not having a comprehensive  
23806 cancer center, for the establishment and equipping of such a  
23807 center which provides facilities and services for outpatient  
23808 radiation oncology therapy, outpatient medical oncology therapy,  
23809 and appropriate support services including the provision of  
23810 radiation therapy services. The provisions of Section 41-7-193(1)  
23811 regarding substantial compliance with the projection of need as  
23812 reported in the current State Health Plan are waived for the  
23813 purpose of this subsection.

23814 (15) The State Department of Health may authorize the  
23815 transfer of hospital beds, not to exceed sixty (60) beds, from the



23816 North Panola Community Hospital to the South Panola Community  
23817 Hospital. The authorization for the transfer of those beds shall  
23818 be exempt from the certificate of need review process.

23819 (16) The State Department of Health shall issue any  
23820 certificates of need necessary for Mississippi State University  
23821 and a public or private health care provider to jointly acquire  
23822 and operate a linear accelerator and a magnetic resonance imaging  
23823 unit. Those certificates of need shall cover all capital  
23824 expenditures related to the project between Mississippi State  
23825 University and the health care provider, including, but not  
23826 limited to, the acquisition of the linear accelerator, the  
23827 magnetic resonance imaging unit and other radiological modalities;  
23828 the offering of linear accelerator and magnetic resonance imaging  
23829 services; and the cost of construction of facilities in which to  
23830 locate these services. The linear accelerator and the magnetic  
23831 resonance imaging unit shall be (a) located in the City of  
23832 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by  
23833 Mississippi State University and the public or private health care  
23834 provider selected by Mississippi State University through a  
23835 request for proposals (RFP) process in which Mississippi State  
23836 University selects, and the Board of Trustees of State  
23837 Institutions of Higher Learning approves, the health care provider  
23838 that makes the best overall proposal; (c) available to Mississippi  
23839 State University for research purposes two-thirds (2/3) of the  
23840 time that the linear accelerator and magnetic resonance imaging



23841 unit are operational; and (d) available to the public or private  
23842 health care provider selected by Mississippi State University and  
23843 approved by the Board of Trustees of State Institutions of Higher  
23844 Learning one-third (1/3) of the time for clinical, diagnostic and  
23845 treatment purposes. For purposes of this subsection, the  
23846 provisions of Section 41-7-193(1) requiring substantial compliance  
23847 with the projection of need as reported in the current State  
23848 Health Plan are waived.

23849       (17) The State Department of Health shall issue a  
23850 certificate of need for the construction of an acute care hospital  
23851 in Kemper County, not to exceed twenty-five (25) beds, which shall  
23852 be named the "John C. Stennis Memorial Hospital." In issuing the  
23853 certificate of need under this subsection, the department shall  
23854 give priority to a hospital located in Lauderdale County that has  
23855 two hundred fifteen (215) beds. For purposes of this subsection,  
23856 the provisions of Section 41-7-193(1) requiring substantial  
23857 compliance with the projection of need as reported in the current  
23858 State Health Plan and the provisions of Section 41-7-197 requiring  
23859 a formal certificate of need hearing process are waived. There  
23860 shall be no prohibition or restrictions on participation in the  
23861 Medicaid program (Section 43-13-101 et seq.) for the person or  
23862 entity receiving the certificate of need authorized under this  
23863 subsection or for the beds constructed under the authority of that  
23864 certificate of need.



23865           (18) The planning, design, construction, renovation,  
23866 addition, furnishing and equipping of a clinical research unit at  
23867 any health care facility defined in Section 41-7-173(h) that is  
23868 under the direction and control of the University of Mississippi  
23869 Medical Center and located in Jackson, Mississippi, and the  
23870 addition of new beds or the conversion of beds from one (1)  
23871 category to another in any such clinical research unit, shall not  
23872 require the issuance of a certificate of need under Section  
23873 41-7-171 et seq., notwithstanding any provision in Section  
23874 41-7-171 et seq. to the contrary.

23875           (19) [Repealed]

23876           (20) Nothing in this section or in any other provision of  
23877 Section 41-7-171 et seq. shall prevent any nursing facility from  
23878 designating an appropriate number of existing beds in the facility  
23879 as beds for providing care exclusively to patients with  
23880 Alzheimer's disease.

23881           (21) Nothing in this section or any other provision of  
23882 Section 41-7-171 et seq. shall prevent any health care facility  
23883 from the new construction, renovation, conversion or expansion of  
23884 new beds in the facility designated as intensive care units,  
23885 negative pressure rooms, or isolation rooms pursuant to the  
23886 provisions of Sections 41-14-1 through 41-14-11, or Section  
23887 41-14-31. For purposes of this subsection, the provisions of  
23888 Section 41-7-193(1) requiring substantial compliance with the  
23889 projection of need as reported in the current State Health Plan



23890 and the provisions of Section 41-7-197 requiring a formal  
23891 certificate of need hearing process are waived.

23892       **SECTION 339.** Section 43-13-145, Mississippi Code of 1972, is  
23893 brought forward as follows:

23894       43-13-145. (1) (a) Upon each nursing facility licensed by  
23895 the State of Mississippi, there is levied an assessment in an  
23896 amount set by the division, equal to the maximum rate allowed by  
23897 federal law or regulation, for each licensed and occupied bed of  
23898 the facility.

23899       (b) A nursing facility is exempt from the assessment  
23900 levied under this subsection if the facility is operated under the  
23901 direction and control of:

23902               (i) The United States Veterans Administration or  
23903 other agency or department of the United States government; or

23904               (ii) The State Veterans Affairs Board.

23905       (2) (a) Upon each intermediate care facility for  
23906 individuals with intellectual disabilities licensed by the State  
23907 of Mississippi, there is levied an assessment in an amount set by  
23908 the division, equal to the maximum rate allowed by federal law or  
23909 regulation, for each licensed and occupied bed of the facility.

23910       (b) An intermediate care facility for individuals with  
23911 intellectual disabilities is exempt from the assessment levied  
23912 under this subsection if the facility is operated under the  
23913 direction and control of:



23914 (i) The United States Veterans Administration or  
23915 other agency or department of the United States government;  
23916 (ii) The State Veterans Affairs Board; or  
23917 (iii) The University of Mississippi Medical  
23918 Center.

23919 (3) (a) Upon each psychiatric residential treatment  
23920 facility licensed by the State of Mississippi, there is levied an  
23921 assessment in an amount set by the division, equal to the maximum  
23922 rate allowed by federal law or regulation, for each licensed and  
23923 occupied bed of the facility.

23924 (b) A psychiatric residential treatment facility is  
23925 exempt from the assessment levied under this subsection if the  
23926 facility is operated under the direction and control of:

23927 (i) The United States Veterans Administration or  
23928 other agency or department of the United States government;

23929 (ii) The University of Mississippi Medical Center;  
23930 or

23931 (iii) A state agency or a state facility that  
23932 either provides its own state match through intergovernmental  
23933 transfer or certification of funds to the division.

23934 (4) Hospital assessment.

23935 (a) (i) Subject to and upon fulfillment of the  
23936 requirements and conditions of paragraph (f) below, and  
23937 notwithstanding any other provisions of this section, an annual  
23938 assessment on each hospital licensed in the state is imposed on



23939 each non-Medicare hospital inpatient day as defined below at a  
23940 rate that is determined by dividing the sum prescribed in this  
23941 subparagraph (i), plus the nonfederal share necessary to maximize  
23942 the Disproportionate Share Hospital (DSH) and Medicare Upper  
23943 Payment Limits (UPL) Program payments and hospital access payments  
23944 and such other supplemental payments as may be developed pursuant  
23945 to Section 43-13-117(A)(18), by the total number of non-Medicare  
23946 hospital inpatient days as defined below for all licensed  
23947 Mississippi hospitals, except as provided in paragraph (d) below.  
23948 If the state-matching funds percentage for the Mississippi  
23949 Medicaid program is sixteen percent (16%) or less, the sum used in  
23950 the formula under this subparagraph (i) shall be Seventy-four  
23951 Million Dollars (\$74,000,000.00). If the state-matching funds  
23952 percentage for the Mississippi Medicaid program is twenty-four  
23953 percent (24%) or higher, the sum used in the formula under this  
23954 subparagraph (i) shall be One Hundred Four Million Dollars  
23955 (\$104,000,000.00). If the state-matching funds percentage for the  
23956 Mississippi Medicaid program is between sixteen percent (16%) and  
23957 twenty-four percent (24%), the sum used in the formula under this  
23958 subparagraph (i) shall be a pro rata amount determined as follows:  
23959 the current state-matching funds percentage rate minus sixteen  
23960 percent (16%) divided by eight percent (8%) multiplied by Thirty  
23961 Million Dollars (\$30,000,000.00) and add that amount to  
23962 Seventy-four Million Dollars (\$74,000,000.00). However, no  
23963 assessment in a quarter under this subparagraph (i) may exceed the





23964 assessment in the previous quarter by more than Three Million  
23965 Seven Hundred Fifty Thousand Dollars (\$3,750,000.00) (which would  
23966 be Fifteen Million Dollars (\$15,000,000.00) on an annualized  
23967 basis). The division shall publish the state-matching funds  
23968 percentage rate applicable to the Mississippi Medicaid program on  
23969 the tenth day of the first month of each quarter and the  
23970 assessment determined under the formula prescribed above shall be  
23971 applicable in the quarter following any adjustment in that  
23972 state-matching funds percentage rate. The division shall notify  
23973 each hospital licensed in the state as to any projected increases  
23974 or decreases in the assessment determined under this subparagraph  
23975 (i). However, if the Centers for Medicare and Medicaid Services  
23976 (CMS) does not approve the provision in Section 43-13-117(39)  
23977 requiring the division to reimburse crossover claims for inpatient  
23978 hospital services and crossover claims covered under Medicare Part  
23979 B for dually eligible beneficiaries in the same manner that was in  
23980 effect on January 1, 2008, the sum that otherwise would have been  
23981 used in the formula under this subparagraph (i) shall be reduced  
23982 by Seven Million Dollars (\$7,000,000.00).

23983 (ii) In addition to the assessment provided under  
23984 subparagraph (i), an additional annual assessment on each hospital  
23985 licensed in the state is imposed on each non-Medicare hospital  
23986 inpatient day as defined below at a rate that is determined by  
23987 dividing twenty-five percent (25%) of any provider reductions in  
23988 the Medicaid program as authorized in Section 43-13-117(F) for



23989 that fiscal year up to the following maximum amount, plus the  
23990 nonfederal share necessary to maximize the Disproportionate Share  
23991 Hospital (DSH) and inpatient Medicare Upper Payment Limits (UPL)  
23992 Program payments and inpatient hospital access payments, by the  
23993 total number of non-Medicare hospital inpatient days as defined  
23994 below for all licensed Mississippi hospitals: in fiscal year  
23995 2010, the maximum amount shall be Twenty-four Million Dollars  
23996 (\$24,000,000.00); in fiscal year 2011, the maximum amount shall be  
23997 Thirty-two Million Dollars (\$32,000,000.00); and in fiscal year  
23998 2012 and thereafter, the maximum amount shall be Forty Million  
23999 Dollars (\$40,000,000.00). Any such deficit in the Medicaid  
24000 program shall be reviewed by the PEER Committee as provided in  
24001 Section 43-13-117(F).

24002 (iii) In addition to the assessments provided in  
24003 subparagraphs (i) and (ii), an additional annual assessment on  
24004 each hospital licensed in the state is imposed pursuant to the  
24005 provisions of Section 43-13-117(F) if the cost-containment  
24006 measures described therein have been implemented and there are  
24007 insufficient funds in the Health Care Trust Fund to reconcile any  
24008 remaining deficit in any fiscal year. If the Governor institutes  
24009 any other additional cost-containment measures on any program or  
24010 programs authorized under the Medicaid program pursuant to Section  
24011 43-13-117(F), hospitals shall be responsible for twenty-five  
24012 percent (25%) of any such additional imposed provider cuts, which  
24013 shall be in the form of an additional assessment not to exceed the



24014 twenty-five percent (25%) of provider expenditure reductions.  
24015 Such additional assessment shall be imposed on each non-Medicare  
24016 hospital inpatient day in the same manner as assessments are  
24017 imposed under subparagraphs (i) and (ii).

24018 (b) Definitions.

24019 (i) [Deleted]

24020 (ii) For purposes of this subsection (4):

24021 1. "Non-Medicare hospital inpatient day"

24022 means total hospital inpatient days including subcomponent days  
24023 less Medicare inpatient days including subcomponent days from the  
24024 hospital's most recent Medicare cost report for the second  
24025 calendar year preceding the beginning of the state fiscal year, on  
24026 file with CMS per the CMS HCRIS database, or cost report submitted  
24027 to the Division if the HCRIS database is not available to the  
24028 division, as of June 1 of each year.

24029 a. Total hospital inpatient days shall  
24030 be the sum of Worksheet S-3, Part 1, column 8 row 14, column 8 row  
24031 16, and column 8 row 17, excluding column 8 rows 5 and 6.

24032 b. Hospital Medicare inpatient days  
24033 shall be the sum of Worksheet S-3, Part 1, column 6 row 14, column  
24034 6 row 16.00, and column 6 row 17, excluding column 6 rows 5 and 6.

24035 c. Inpatient days shall not include  
24036 residential treatment or long-term care days.

24037 2. "Subcomponent inpatient day" means the  
24038 number of days of care charged to a beneficiary for inpatient



24039 hospital rehabilitation and psychiatric care services in units of  
24040 full days. A day begins at midnight and ends twenty-four (24)  
24041 hours later. A part of a day, including the day of admission and  
24042 day on which a patient returns from leave of absence, counts as a  
24043 full day. However, the day of discharge, death, or a day on which  
24044 a patient begins a leave of absence is not counted as a day unless  
24045 discharge or death occur on the day of admission. If admission  
24046 and discharge or death occur on the same day, the day is  
24047 considered a day of admission and counts as one (1) subcomponent  
24048 inpatient day.

24049 (c) The assessment provided in this subsection is  
24050 intended to satisfy and not be in addition to the assessment and  
24051 intergovernmental transfers provided in Section 43-13-117(A) (18).  
24052 Nothing in this section shall be construed to authorize any state  
24053 agency, division or department, or county, municipality or other  
24054 local governmental unit to license for revenue, levy or impose any  
24055 other tax, fee or assessment upon hospitals in this state not  
24056 authorized by a specific statute.

24057 (d) Hospitals operated by the United States Department  
24058 of Veterans Affairs and state-operated facilities that provide  
24059 only inpatient and outpatient psychiatric services shall not be  
24060 subject to the hospital assessment provided in this subsection.

24061 (e) Multihospital systems, closure, merger, change of  
24062 ownership and new hospitals.



24063 (i) If a hospital conducts, operates or maintains  
24064 more than one (1) hospital licensed by the State Department of  
24065 Health, the provider shall pay the hospital assessment for each  
24066 hospital separately.

24067 (ii) Notwithstanding any other provision in this  
24068 section, if a hospital subject to this assessment operates or  
24069 conducts business only for a portion of a fiscal year, the  
24070 assessment for the state fiscal year shall be adjusted by  
24071 multiplying the assessment by a fraction, the numerator of which  
24072 is the number of days in the year during which the hospital  
24073 operates, and the denominator of which is three hundred sixty-five  
24074 (365). Immediately upon ceasing to operate, the hospital shall  
24075 pay the assessment for the year as so adjusted (to the extent not  
24076 previously paid).

24077 (iii) The division shall determine the tax for new  
24078 hospitals and hospitals that undergo a change of ownership in  
24079 accordance with this section, using the best available  
24080 information, as determined by the division.

24081 (f) Applicability.

24082 The hospital assessment imposed by this subsection shall not  
24083 take effect and/or shall cease to be imposed if:

24084 (i) The assessment is determined to be an  
24085 impermissible tax under Title XIX of the Social Security Act; or



24086 (ii) CMS revokes its approval of the division's  
24087 2009 Medicaid State Plan Amendment for the methodology for DSH  
24088 payments to hospitals under Section 43-13-117(A)(18).

24089 (5) Each health care facility that is subject to the  
24090 provisions of this section shall keep and preserve such suitable  
24091 books and records as may be necessary to determine the amount of  
24092 assessment for which it is liable under this section. The books  
24093 and records shall be kept and preserved for a period of not less  
24094 than five (5) years, during which time those books and records  
24095 shall be open for examination during business hours by the  
24096 division, the Department of Revenue, the Office of the Attorney  
24097 General and the State Department of Health.

24098 (6) [Deleted]

24099 (7) All assessments collected under this section shall be  
24100 deposited in the Medical Care Fund created by Section 43-13-143.

24101 (8) The assessment levied under this section shall be in  
24102 addition to any other assessments, taxes or fees levied by law,  
24103 and the assessment shall constitute a debt due the State of  
24104 Mississippi from the time the assessment is due until it is paid.

24105 (9) (a) If a health care facility that is liable for  
24106 payment of an assessment levied by the division does not pay the  
24107 assessment when it is due, the division shall give written notice  
24108 to the health care facility demanding payment of the assessment  
24109 within ten (10) days from the date of delivery of the notice. If  
24110 the health care facility fails or refuses to pay the assessment



24111 after receiving the notice and demand from the division, the  
24112 division shall withhold from any Medicaid reimbursement payments  
24113 that are due to the health care facility the amount of the unpaid  
24114 assessment and a penalty of ten percent (10%) of the amount of the  
24115 assessment, plus the legal rate of interest until the assessment  
24116 is paid in full. If the health care facility does not participate  
24117 in the Medicaid program, the division shall turn over to the  
24118 Office of the Attorney General the collection of the unpaid  
24119 assessment by civil action. In any such civil action, the Office  
24120 of the Attorney General shall collect the amount of the unpaid  
24121 assessment and a penalty of ten percent (10%) of the amount of the  
24122 assessment, plus the legal rate of interest until the assessment  
24123 is paid in full.

24124 (b) As an additional or alternative method for  
24125 collecting unpaid assessments levied by the division, if a health  
24126 care facility fails or refuses to pay the assessment after  
24127 receiving notice and demand from the division, the division may  
24128 file a notice of a tax lien with the chancery clerk of the county  
24129 in which the health care facility is located, for the amount of  
24130 the unpaid assessment and a penalty of ten percent (10%) of the  
24131 amount of the assessment, plus the legal rate of interest until  
24132 the assessment is paid in full. Immediately upon receipt of  
24133 notice of the tax lien for the assessment, the chancery clerk  
24134 shall forward the notice to the circuit clerk who shall enter the  
24135 notice of the tax lien as a judgment upon the judgment roll and



24136 show in the appropriate columns the name of the health care  
24137 facility as judgment debtor, the name of the division as judgment  
24138 creditor, the amount of the unpaid assessment, and the date and  
24139 time of enrollment. The judgment shall be valid as against  
24140 mortgagees, pledgees, entrusters, purchasers, judgment creditors  
24141 and other persons from the time of filing with the clerk. The  
24142 amount of the judgment shall be a debt due the State of  
24143 Mississippi and remain a lien upon the tangible property of the  
24144 health care facility until the judgment is satisfied. The  
24145 judgment shall be the equivalent of any enrolled judgment of a  
24146 court of record and shall serve as authority for the issuance of  
24147 writs of execution, writs of attachment or other remedial writs.

24148       (10) (a) To further the provisions of Section  
24149 43-13-117(A)(18), the Division of Medicaid shall submit to the  
24150 Centers for Medicare and Medicaid Services (CMS) any documents  
24151 regarding the hospital assessment established under subsection (4)  
24152 of this section. In addition to defining the assessment  
24153 established in subsection (4) of this section if necessary, the  
24154 documents shall describe any supplement payment programs and/or  
24155 payment methodologies as authorized in Section 43-13-117(A)(18) if  
24156 necessary.

24157       (b) All hospitals satisfying the minimum federal DSH  
24158 eligibility requirements (Section 1923(d) of the Social Security  
24159 Act) may, subject to OBRA 1993 payment limitations, receive a DSH  
24160 payment. This DSH payment shall expend the balance of the federal





24161 DSH allotment and associated state share not utilized in DSH  
24162 payments to state-owned institutions for treatment of mental  
24163 diseases. The payment to each hospital shall be calculated by  
24164 applying a uniform percentage to the uninsured costs of each  
24165 eligible hospital, excluding state-owned institutions for  
24166 treatment of mental diseases; however, that percentage for a  
24167 state-owned teaching hospital located in Hinds County shall be  
24168 multiplied by a factor of two (2).

24169 (11) The division shall implement DSH and supplemental  
24170 payment calculation methodologies that result in the maximization  
24171 of available federal funds.

24172 (12) The DSH payments shall be paid on or before December  
24173 31, March 31, and June 30 of each fiscal year, in increments of  
24174 one-third (1/3) of the total calculated DSH amounts. Supplemental  
24175 payments developed pursuant to Section 43-13-117(A)(18) shall be  
24176 paid monthly.

24177 (13) Payment.

24178 (a) The hospital assessment as described in subsection  
24179 (4) for the nonfederal share necessary to maximize the Medicare  
24180 Upper Payments Limits (UPL) Program payments and hospital access  
24181 payments and such other supplemental payments as may be developed  
24182 pursuant to Section 43-3-117(A)(18) shall be assessed and  
24183 collected monthly no later than the fifteenth calendar day of each  
24184 month.



24185 (b) The hospital assessment as described in subsection  
24186 (4) for the nonfederal share necessary to maximize the  
24187 Disproportionate Share Hospital (DSH) payments shall be assessed  
24188 and collected on December 15, March 15 and June 15.

24189 (c) The annual hospital assessment and any additional  
24190 hospital assessment as described in subsection (4) shall be  
24191 assessed and collected on September 15 and on the 15th of each  
24192 month from December through June.

24193 (14) If for any reason any part of the plan for annual DSH  
24194 and supplemental payment programs to hospitals provided under  
24195 subsection (10) of this section and/or developed pursuant to  
24196 Section 43-13-117(A) (18) is not approved by CMS, the remainder of  
24197 the plan shall remain in full force and effect.

24198 (15) Nothing in this section shall prevent the Division of  
24199 Medicaid from facilitating participation in Medicaid supplemental  
24200 hospital payment programs by a hospital located in a county  
24201 contiguous to the State of Mississippi that is also authorized by  
24202 federal law to submit intergovernmental transfers (IGTs) to the  
24203 State of Mississippi to fund the state share of the hospital's  
24204 supplemental and/or MHAP payments.

24205 (16) This section shall stand repealed on July 1, 2024.

24206 **SECTION 340.** Section 67-1-5, Mississippi Code of 1972, is  
24207 brought forward as follows:

24208 67-1-5. For the purposes of this article and unless  
24209 otherwise required by the context:



24210           (a) "Alcoholic beverage" means any alcoholic liquid,  
24211 including wines of more than five percent (5%) of alcohol by  
24212 weight, capable of being consumed as a beverage by a human being,  
24213 but shall not include light wine, light spirit product and beer,  
24214 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
24215 include native wines and native spirits. The words "alcoholic  
24216 beverage" shall not include ethyl alcohol manufactured or  
24217 distilled solely for fuel purposes or beer of an alcoholic content  
24218 of more than eight percent (8%) by weight if the beer is legally  
24219 manufactured in this state for sale in another state.

24220           (b) "Alcohol" means the product of distillation of any  
24221 fermented liquid, whatever the origin thereof, and includes  
24222 synthetic ethyl alcohol, but does not include denatured alcohol or  
24223 wood alcohol.

24224           (c) "Distilled spirits" means any beverage containing  
24225 more than six percent (6%) of alcohol by weight produced by  
24226 distillation of fermented grain, starch, molasses or sugar,  
24227 including dilutions and mixtures of these beverages.

24228           (d) "Wine" or "vinous liquor" means any product  
24229 obtained from the alcoholic fermentation of the juice of sound,  
24230 ripe grapes, fruits, honey or berries and made in accordance with  
24231 the revenue laws of the United States.

24232           (e) "Person" means and includes any individual,  
24233 partnership, corporation, association or other legal entity  
24234 whatsoever.



24235 (f) "Manufacturer" means any person engaged in  
24236 manufacturing, distilling, rectifying, blending or bottling any  
24237 alcoholic beverage.

24238 (g) "Wholesaler" means any person, other than a  
24239 manufacturer, engaged in distributing or selling any alcoholic  
24240 beverage at wholesale for delivery within or without this state  
24241 when such sale is for the purpose of resale by the purchaser.

24242 (h) "Retailer" means any person who sells, distributes,  
24243 or offers for sale or distribution, any alcoholic beverage for use  
24244 or consumption by the purchaser and not for resale.

24245 (i) "State Tax Commission," "commission" or  
24246 "department" means the Department of Revenue of the State of  
24247 Mississippi, which shall create a division in its organization to  
24248 be known as the Alcoholic Beverage Control Division. Any  
24249 reference to the commission or the department hereafter means the  
24250 powers and duties of the Department of Revenue with reference to  
24251 supervision of the Alcoholic Beverage Control Division.

24252 (j) "Division" means the Alcoholic Beverage Control  
24253 Division of the Department of Revenue.

24254 (k) "Municipality" means any incorporated city or town  
24255 of this state.

24256 (l) "Hotel" means an establishment within a  
24257 municipality, or within a qualified resort area approved as such  
24258 by the department, where, in consideration of payment, food and  
24259 lodging are habitually furnished to travelers and wherein are



24260 located at least twenty (20) adequately furnished and completely  
24261 separate sleeping rooms with adequate facilities that persons  
24262 usually apply for and receive as overnight accommodations. Hotels  
24263 in towns or cities of more than twenty-five thousand (25,000)  
24264 population are similarly defined except that they must have fifty  
24265 (50) or more sleeping rooms. Any such establishment described in  
24266 this paragraph with less than fifty (50) beds shall operate one or  
24267 more regular dining rooms designed to be constantly frequented by  
24268 customers each day. When used in this article, the word "hotel"  
24269 shall also be construed to include any establishment that meets  
24270 the definition of "bed and breakfast inn" as provided in this  
24271 section.

24272 (m) "Restaurant" means:

24273 (i) A place which is regularly and in a bona fide  
24274 manner used and kept open for the serving of meals to guests for  
24275 compensation, which has suitable seating facilities for guests,  
24276 and which has suitable kitchen facilities connected therewith for  
24277 cooking an assortment of foods and meals commonly ordered at  
24278 various hours of the day; the service of such food as sandwiches  
24279 and salads only shall not be deemed in compliance with this  
24280 requirement. Except as otherwise provided in this paragraph, no  
24281 place shall qualify as a restaurant under this article unless  
24282 twenty-five percent (25%) or more of the revenue derived from such  
24283 place shall be from the preparation, cooking and serving of meals  
24284 and not from the sale of beverages, or unless the value of food



24285 given to and consumed by customers is equal to twenty-five percent  
24286 (25%) or more of total revenue; or

24287                   (ii) Any privately owned business located in a  
24288 building in a historic district where the district is listed in  
24289 the National Register of Historic Places, where the building has a  
24290 total occupancy rating of not less than one thousand (1,000) and  
24291 where the business regularly utilizes ten thousand (10,000) square  
24292 feet or more in the building for live entertainment, including not  
24293 only the stage, lobby or area where the audience sits and/or  
24294 stands, but also any other portion of the building necessary for  
24295 the operation of the business, including any kitchen area, bar  
24296 area, storage area and office space, but excluding any area for  
24297 parking. In addition to the other requirements of this  
24298 subparagraph, the business must also serve food to guests for  
24299 compensation within the building and derive the majority of its  
24300 revenue from event-related fees, including, but not limited to,  
24301 admission fees or ticket sales to live entertainment in the  
24302 building, and from the rental of all or part of the facilities of  
24303 the business in the building to another party for a specific event  
24304 or function.

24305                   (n) "Club" means an association or a corporation:

24306                   (i) Organized or created under the laws of this  
24307 state for a period of five (5) years prior to July 1, 1966;



24308 (ii) Organized not primarily for pecuniary profit  
24309 but for the promotion of some common object other than the sale or  
24310 consumption of alcoholic beverages;

24311 (iii) Maintained by its members through the  
24312 payment of annual dues;

24313 (iv) Owning, hiring or leasing a building or space  
24314 in a building of such extent and character as may be suitable and  
24315 adequate for the reasonable and comfortable use and accommodation  
24316 of its members and their guests;

24317 (v) The affairs and management of which are  
24318 conducted by a board of directors, board of governors, executive  
24319 committee, or similar governing body chosen by the members at a  
24320 regular meeting held at some periodic interval; and

24321 (vi) No member, officer, agent or employee of  
24322 which is paid, or directly or indirectly receives, in the form of  
24323 a salary or other compensation any profit from the distribution or  
24324 sale of alcoholic beverages to the club or to members or guests of  
24325 the club beyond such salary or compensation as may be fixed and  
24326 voted at a proper meeting by the board of directors or other  
24327 governing body out of the general revenues of the club.

24328 The department may, in its discretion, waive the five-year  
24329 provision of this paragraph. In order to qualify under this  
24330 paragraph, a club must file with the department, at the time of  
24331 its application for a license under this article, two (2) copies  
24332 of a list of the names and residences of its members and similarly



24333 file, within ten (10) days after the election of any additional  
24334 member, his name and address. Each club applying for a license  
24335 shall also file with the department at the time of the application  
24336 a copy of its articles of association, charter of incorporation,  
24337 bylaws or other instruments governing the business and affairs  
24338 thereof.

24339           (o) "Qualified resort area" means any area or locality  
24340 outside of the limits of incorporated municipalities in this state  
24341 commonly known and accepted as a place which regularly and  
24342 customarily attracts tourists, vacationists and other transients  
24343 because of its historical, scenic or recreational facilities or  
24344 attractions, or because of other attributes which regularly and  
24345 customarily appeal to and attract tourists, vacationists and other  
24346 transients in substantial numbers; however, no area or locality  
24347 shall so qualify as a resort area until it has been duly and  
24348 properly approved as such by the department. The department may  
24349 not approve an area as a qualified resort area after July 1, 2018,  
24350 if any portion of such proposed area is located within two (2)  
24351 miles of a convent or monastery that is located in a county  
24352 traversed by Interstate 55 and U.S. Highway 98. A convent or  
24353 monastery may waive such distance restrictions in favor of  
24354 allowing approval by the department of an area as a qualified  
24355 resort area. Such waiver shall be in written form from the owner,  
24356 the governing body, or the appropriate officer of the convent or  
24357 monastery having the authority to execute such a waiver, and the





24358 waiver shall be filed with and verified by the department before  
24359 becoming effective.

24360 (i) The department may approve an area or locality  
24361 outside of the limits of an incorporated municipality that is in  
24362 the process of being developed as a qualified resort area if such  
24363 area or locality, when developed, can reasonably be expected to  
24364 meet the requisites of the definition of the term "qualified  
24365 resort area." In such a case, the status of qualified resort area  
24366 shall not take effect until completion of the development.

24367 (ii) The term includes any state park which is  
24368 declared a resort area by the department; however, such  
24369 declaration may only be initiated in a written request for resort  
24370 area status made to the department by the Executive Director of  
24371 the Department of Wildlife, Fisheries and Parks, and no permit for  
24372 the sale of any alcoholic beverage, as defined in this article,  
24373 except an on-premises retailer's permit, shall be issued for a  
24374 hotel, restaurant or bed and breakfast inn in such park.

24375 (iii) The term includes:

24376 1. The clubhouses associated with the state  
24377 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
24378 State Park, the Percy Quin State Park and the Hugh White State  
24379 Park;

24380 2. The clubhouse and associated golf course,  
24381 tennis courts and related facilities and swimming pool and related  
24382 facilities where the golf course, tennis courts and related



24383 facilities and swimming pool and related facilities are adjacent  
24384 to one or more planned residential developments and the golf  
24385 course and all such developments collectively include at least  
24386 seven hundred fifty (750) acres and at least four hundred (400)  
24387 residential units;

24388                               3. Any facility located on property that is a  
24389 game reserve with restricted access that consists of at least  
24390 three thousand (3,000) contiguous acres with no public roads and  
24391 that offers as a service hunts for a fee to overnight guests of  
24392 the facility;

24393                               4. Any facility located on federal property  
24394 surrounding a lake and designated as a recreational area by the  
24395 United States Army Corps of Engineers that consists of at least  
24396 one thousand five hundred (1,500) acres;

24397                               5. Any facility that is located in a  
24398 municipality that is bordered by the Pearl River, traversed by  
24399 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
24400 International Airport and is located in a county which has voted  
24401 against coming out from under the dry law; however, any such  
24402 facility may only be located in areas designated by the governing  
24403 authorities of such municipality;

24404                               6. Any municipality with a population in  
24405 excess of ten thousand (10,000) according to the latest federal  
24406 decennial census that is located in a county that is bordered by  
24407 the Pearl River and is not traversed by Interstate Highway 20,



24408 with a population in excess of forty-five thousand (45,000)  
24409 according to the latest federal decennial census;

24410 7. The West Pearl Restaurant Tax District as  
24411 defined in Chapter 912, Local and Private Laws of 2007;

24412 8. a. Land that is located in any county in  
24413 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
24414 and:

24415 A. Owned by the Pearl River Valley  
24416 Water Supply District, and/or

24417 B. Located within the Reservoir  
24418 Community District, zoned commercial, east of Old Fannin Road,  
24419 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
24420 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
24421 Drive and/or Lake Vista Place, and/or

24422 C. Located within the Reservoir  
24423 Community District, zoned commercial, west of Old Fannin Road,  
24424 south of Spillway Road and extending to the boundary of the  
24425 corporate limits of the City of Flowood, Mississippi;

24426 b. The board of supervisors of such  
24427 county, with respect to B and C of item 8.a., may by resolution or  
24428 other order:

24429 A. Specify the hours of operation  
24430 of facilities that offer alcoholic beverages for sale,

24431 B. Specify the percentage of  
24432 revenue that facilities that offer alcoholic beverages for sale



24433 must derive from the preparation, cooking and serving of meals and  
24434 not from the sale of beverages, and

24435 C. Designate the areas in which  
24436 facilities that offer alcoholic beverages for sale may be located;

24437 9. Any facility located on property that is a  
24438 game reserve with restricted access that consists of at least  
24439 eight hundred (800) contiguous acres with no public roads, that  
24440 offers as a service hunts for a fee to overnight guests of the  
24441 facility, and has accommodations for at least fifty (50) overnight  
24442 guests;

24443 10. Any facility that:

24444 a. Consists of at least six thousand  
24445 (6,000) square feet being heated and cooled along with an  
24446 additional adjacent area that consists of at least two thousand  
24447 two hundred (2,200) square feet regardless of whether heated and  
24448 cooled,

24449 b. For a fee is used to host events such  
24450 as weddings, reunions and conventions,

24451 c. Provides lodging accommodations  
24452 regardless of whether part of the facility and/or located adjacent  
24453 to or in close proximity to the facility, and

24454 d. Is located on property that consists  
24455 of at least thirty (30) contiguous acres;

24456 11. Any facility and related property:



24457                           a.    Located on property that consists of  
24458   at least one hundred twenty-five (125) contiguous acres and  
24459   consisting of an eighteen-hole golf course, and/or located in a  
24460   facility that consists of at least eight thousand (8,000) square  
24461   feet being heated and cooled,

24462                           b.    Used for the purpose of providing  
24463   meals and hosting events, and

24464                           c.    Used for the purpose of teaching  
24465   culinary arts courses and/or turf management and grounds keeping  
24466   courses, and/or outdoor recreation and leadership courses;

24467                           12.   Any facility and related property that:

24468                           a.    Consist of at least eight thousand  
24469   (8,000) square feet being heated and cooled,

24470                           b.    For a fee is used to host events,

24471                           c.    Is used for the purpose of culinary  
24472   arts courses, and/or live entertainment courses and art  
24473   performances, and/or outdoor recreation and leadership courses;

24474                           13.   The clubhouse and associated golf course  
24475   where the golf course is adjacent to one or more residential  
24476   developments and the golf course and all such developments  
24477   collectively include at least two hundred (200) acres and at least  
24478   one hundred fifty (150) residential units and are located a. in a  
24479   county that has voted against coming out from under the dry law;  
24480   and b. outside of but in close proximity to a municipality in such



24481 county which has voted under Section 67-1-14, after January 1,  
24482 2013, to come out from under the dry law;

24483                   14. The clubhouse and associated  
24484 eighteen-hole golf course located in a municipality traversed by  
24485 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
24486 out from under the dry law;

24487                   15. a. Land that is planned for mixed-use  
24488 development and consists of at least two hundred (200) contiguous  
24489 acres with one or more planned residential developments  
24490 collectively planned to include at least two hundred (200)  
24491 residential units when completed, and also including a facility  
24492 that consists of at least four thousand (4,000) square feet that  
24493 is not part of such land but is located adjacent to or in close  
24494 proximity thereto, and which land is located:

24495                               A. In a county that has voted to  
24496 come out from under the dry law,

24497                               B. Outside the corporate limits of  
24498 any municipality in such county and adjacent to or in close  
24499 proximity to a golf course located in a municipality in such  
24500 county, and

24501                               C. Within one (1) mile of a state  
24502 institution of higher learning;

24503                               b. The board of supervisors of such  
24504 county may by resolution or other order:



24505                                   A. Specify the hours of operation  
24506 of facilities that offer alcoholic beverages for sale,  
24507                                   B. Specify the percentage of  
24508 revenue that facilities that offer alcoholic beverages for sale  
24509 must derive from the preparation, cooking and serving of meals and  
24510 not from the sale of beverages, and  
24511                                   C. Designate the areas in which  
24512 facilities that offer alcoholic beverages for sale may be located;  
24513                                   16. Any facility with a capacity of five  
24514 hundred (500) people or more, to be used as a venue for private  
24515 events, on a tract of land in the Southwest Quarter of Section 33,  
24516 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
24517 and U.S. Highway 72 intersect and that has not voted to come out  
24518 from under the dry law;  
24519                                   17. One hundred five (105) contiguous acres,  
24520 more or less, located in Hinds County, Mississippi, and in the  
24521 City of Jackson, Mississippi, whereon are constructed a variety of  
24522 buildings, improvements, grounds or objects for the purpose of  
24523 holding events thereon to promote agricultural and industrial  
24524 development in Mississippi;  
24525                                   18. Land that is owned by a state institution  
24526 of higher learning, and:  
24527                                   a. Located entirely within a county that  
24528 has elected by majority vote not to permit the transportation,



24529 storage, sale, distribution, receipt and/or manufacture of light  
24530 wine and beer pursuant to Section 67-3-7, and

24531                               b. Adjacent to but outside the  
24532 incorporated limits of a municipality that has elected by majority  
24533 vote to permit the sale, receipt, storage and transportation of  
24534 light wine and beer pursuant to Section 67-3-9.

24535               If any portion of the land described in this item 18 has been  
24536 declared a qualified resort area by the department before July 1,  
24537 2020, then that qualified resort area shall be incorporated into  
24538 the qualified resort area created by this item 18;

24539                               19. Any facility and related property:

24540                               a. Used as a flea market or similar  
24541 venue during a weekend (Saturday and Sunday) immediately preceding  
24542 the first Monday of a month and having an annual average of at  
24543 least one thousand (1,000) visitors for each such weekend and five  
24544 hundred (500) vendors for Saturday of each such weekend, and

24545                               b. Located in a county that has not  
24546 voted to come out from under the dry law and outside of but in  
24547 close proximity to a municipality located in such county and which  
24548 municipality has voted to come out from under the dry law;

24549                               20. Blocks 1, 2 and 3 of the original town  
24550 square in any municipality with a population in excess of one  
24551 thousand five hundred (1,500) according to the latest federal  
24552 decennial census and which is located in:





24553 a. A county traversed by Interstate 55  
24554 and Interstate 20, and

24555 b. A judicial district that has not  
24556 voted to come out from under the dry law;

24557 21. Any municipality with a population in  
24558 excess of two thousand (2,000) according to the latest federal  
24559 decennial census and in which is located a part of White's Creek  
24560 Lake and in which U.S. Highway 82 intersects with Mississippi  
24561 Highway 9 and located in a county that is partially bordered on  
24562 one (1) side by the Big Black River;

24563 22. A restaurant located on a two-acre tract  
24564 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
24565 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

24566 23. Any tracts of land in Oktibbeha County,  
24567 situated north of Bailey Howell Drive, Lee Boulevard and Old  
24568 Mayhew Road, east of George Perry Street and south of Mississippi  
24569 Highway 182, and not located on the property of a state  
24570 institution of higher learning; however, the board of supervisors  
24571 of such county may by resolution or other order:

24572 a. Specify the hours of operation of  
24573 facilities that offer alcoholic beverages for sale;

24574 b. Specify the percentage of revenue  
24575 that facilities that offer alcoholic beverages for sale must  
24576 derive from the preparation, cooking and serving of meals and not  
24577 from the sale of beverages; and



24578 c. Designate the areas in which  
24579 facilities that offer alcoholic beverages for sale may be located;  
24580 24. A municipality in which Mississippi  
24581 Highway 27 and Mississippi Highway 28 intersect;  
24582 25. A municipality through which run  
24583 Mississippi Highway 35 and Interstate 20;  
24584 26. A municipality in which Mississippi  
24585 Highway 16 and Mississippi Highway 35 intersect;  
24586 27. A municipality in which U.S. Highway 82  
24587 and Old Highway 61 intersect;  
24588 28. A municipality in which Mississippi  
24589 Highway 8 meets Mississippi Highway 1;  
24590 29. A municipality in which U.S. Highway 82  
24591 and Mississippi Highway 1 intersect;  
24592 30. A municipality in which Mississippi  
24593 Highway 50 meets Mississippi Highway 9;  
24594 31. An area bounded on the north by Pearl  
24595 Street, on the east by West Street, on the south by Court Street  
24596 and on the west by Farish Street, within a municipality bordered  
24597 on the east by the Pearl River and through which run Interstate 20  
24598 and Interstate 55;  
24599 32. Any facility and related property that:  
24600 a. Is contracted for mixed-use  
24601 development improvements consisting of office and residential  
24602 space and a restaurant and lounge, partially occupying the



24603 renovated space of a four-story commercial building which  
24604 previously served as a financial institution; and adjacent  
24605 property to the west consisting of a single-story office building  
24606 that was originally occupied by the Brotherhood of Carpenters and  
24607 Joiners of American Local Number 569; and

24608                               b. Is situated on a tract of land  
24609 consisting of approximately one and one-tenth (1.10) acres, and  
24610 the adjacent property to the west consisting of approximately 0.5  
24611 acres, located in a municipality which is the seat of county  
24612 government, situated south of Interstate 10, traversed by U.S.  
24613 Highway 90, partially bordered on one (1) side by the Pascagoula  
24614 River and having its most southern boundary bordered by the Gulf  
24615 of Mexico, with a population greater than twenty-two thousand  
24616 (22,000) according to the 2010 federal decennial census; however,  
24617 the governing authorities of such a municipality may by ordinance:

24618                               A. Specify the hours of operation  
24619 of facilities that offer alcoholic beverages for sale;

24620                               B. Specify the percentage of  
24621 revenue that facilities that offer alcoholic beverages for sale  
24622 must derive from the preparation, cooking and serving of meals and  
24623 not from the sale of beverages; and

24624                               C. Designate the areas within the  
24625 facilities in which alcoholic beverages may be offered for sale;

24626                               33. Any facility with a maximum capacity of  
24627 one hundred twenty (120) people that consists of at least three



24628 thousand (3,000) square feet being heated and cooled, has a  
24629 commercial kitchen, has a pavilion that consists of at least nine  
24630 thousand (9,000) square feet and is located on land more  
24631 particularly described as follows:

24632 All that part of the East Half of the Northwest Quarter of  
24633 Section 21, Township 7 South, Range 4 East, Union County,  
24634 Mississippi, that lies South of Mississippi State Highway 348  
24635 right-of-way and containing 19.48 acres, more or less.

24636 ALSO,

24637 The Northeast 38 acres of the Southwest Quarter of Section  
24638 21, Township 7 South, Range 4 East, Union County, Mississippi.

24639 ALSO,

24640 The South 81 1/2 acres of the Southwest Quarter of Section  
24641 21, Township 7 South, Range 4 East, Union County, Mississippi;

24642 34. A municipality in which U.S. Highway 51  
24643 and Mississippi Highway 16 intersect;

24644 35. A municipality in which Interstate 20  
24645 passes over Mississippi Highway 15;

24646 36. Any municipality that is bordered in its  
24647 northwestern boundary by the Pearl River, traversed by U.S.  
24648 Highway 49 and Interstate 20, and is located in a county which has  
24649 voted against coming out from under the dry law;

24650 37. A municipality in which Mississippi  
24651 Highway 28 and Mississippi Highway 29 North intersect;



24652                   38. An area bounded as follows within a  
24653 municipality through which run Interstate 22 and Mississippi  
24654 Highway 15: Beginning at a point at the intersection of Bankhead  
24655 Street and Tallahatchie Trails; then running to a point at the  
24656 intersection of Tallahatchie Trails and Interstate 22; then  
24657 running to a point at the intersection of Interstate 22 and Carter  
24658 Avenue; then running to a point at the intersection of Carter  
24659 Avenue and Camp Avenue; then running to a point at the  
24660 intersection of Camp Avenue and King Street; then running to a  
24661 point at the intersection of King Street and E. Main Street; then  
24662 running to a point at the intersection of E. Main Street and Camp  
24663 Avenue; then running to a point at the intersection of Camp Avenue  
24664 and Highland Street; then running to a point at the intersection  
24665 of Highland Street and Adams Street; then running to a point at  
24666 the intersection of Adams Street and Cleveland Street; then  
24667 running to a point at the intersection of Cleveland Street and N.  
24668 Railroad Avenue; then running to a point at the intersection of N.  
24669 Railroad Avenue and McGill Street; then running to a point at the  
24670 intersection of McGill Street and Snyder Street; then running to a  
24671 point at the intersection of Snyder Street and Bankhead Street;  
24672 then running to a point at the intersection of Bankhead Street and  
24673 Tallahatchie Trails and the point of the beginning;

24674                   39. A municipality through which run  
24675 Mississippi Highway 43 and U.S. Highway 80;



24676 40. The coliseum in a municipality in which  
24677 U.S. Highway 72 passes over U.S. Highway 45;

24678 41. A piece of property on the northeast  
24679 corner of the T-intersection where Builders Square Drive meets  
24680 Mississippi Highway 471;

24681 42. The clubhouse and associated golf course,  
24682 tennis courts and related facilities and swimming pool and related  
24683 facilities located on Oaks Country Club Road less than one-half  
24684 (1/2) mile to the east of Mississippi Highway 15;

24685 43. Any facility located on land more  
24686 particularly described as follows:

24687 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of  
24688 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the  
24689 Southwest Corner of the Southwest Quarter (SW 1/4) of the  
24690 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2  
24691 East, running 210 feet east and west and 840 feet running north  
24692 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter  
24693 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in  
24694 Rankin County, Mississippi;

24695 44. Any facility located on land more  
24696 particularly described as follows:

24697 Beginning at a point 1915 feet west and 2171 feet north of  
24698 southeast corner, Section 11, Township 24 North, Range 2 West,  
24699 Second Judicial District, Tallahatchie County, Mississippi, which  
24700 point is the southwest corner of J.C. Section Lot mentioned in



24701 deed recorded in Book 50, page 34, in the records of the Chancery  
24702 Clerk's Office at Sumner, in said District of said County; thence  
24703 South 80° West, 19 feet to the east boundary of United States  
24704 Highway 49-E, thence East along the east boundary of said Highway  
24705 270 feet to point of beginning of Lot to be conveyed; thence  
24706 southeast along the east boundary of said Highway 204 feet to a  
24707 concrete post at the intersection of the east boundary of said  
24708 Highway with the west boundary of gravel road from Sumner to Webb,  
24709 known as Oil Mill Road, thence Northwest along west boundary of  
24710 said Oil Mill Road 194 feet to center of driveway running  
24711 southwest from said Oil Mill Road to U.S. Highway 49-E; thence  
24712 South 66° West along center of said driveway 128 feet to point of  
24713 beginning, being situated in Northwest Quarter of Southeast  
24714 Quarter of Section 11, together with all improvements situated  
24715 thereon;

24716 45. Any facility that:

24717 a. Consists of at least five thousand  
24718 six hundred (5,600) square feet being heated and cooled along with  
24719 a lakeside patio that consists of at least two thousand two  
24720 hundred (2,200) square feet, regardless of whether such patio is  
24721 part of the facility and/or located adjacent to or in close  
24722 proximity to the facility;

24723 b. Includes a caterer's kitchen and  
24724 green room for entertainment preparation;

24725 c. For a fee is used to host events; and



24726 d. Is located adjacent to or in close  
24727 proximity to an approximately nine (9) acre lake on property that  
24728 consists of at least one hundred twenty (120) acres in a county  
24729 traversed by Mississippi Highway 15 and U.S. Highway 278;

24730 46. Any municipality with a population in  
24731 excess of one thousand (1,000) according to the 2010 federal  
24732 decennial census and which is located in a county that is  
24733 traversed by U.S. Highways 84 and 98 and has not voted to come out  
24734 from under the dry law;

24735 47. The clubhouse and associated nine-hole  
24736 golf course, tennis courts and related facilities and swimming  
24737 pool and related facilities located on or near U.S. Highway 82  
24738 between Mississippi Highway 15 and Mississippi Highway 9;

24739 48. The downtown square area bound by East  
24740 Service Drive, Commerce Street, Second Street and Court Street and  
24741 adjacent properties in a municipality through which run Interstate  
24742 55, U.S. Highway 51 and Mississippi Highway 306;

24743 49. All parcels zoned for mixed-use  
24744 development located west of Mississippi Highway 589, more than  
24745 four hundred (400) feet north of Old Highway 24, east of  
24746 Parkers Creek and Black Creek, and south of J M Burge Road;  
24747 and

24748 50. Any facility used by a soccer club and  
24749 located on Old Highway 11 between one-tenth (0.1) and two-tenths  
24750 (0.2) of a mile from its intersection with Oak Grove Road, in a





24751 county in which U.S. Highway 98 and Mississippi Highway 589  
24752 intersect.

24753       The status of these municipalities, districts, clubhouses,  
24754 facilities, golf courses and areas described in this paragraph  
24755 (o)(iii) as qualified resort areas does not require any  
24756 declaration of same by the department.

24757       The governing authorities of a municipality described, in  
24758 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
24759 34, 35, 36, 37, 38, 39, 46 or 48 of this paragraph (o)(iii) may by  
24760 ordinance: specify the hours of operation of facilities offering  
24761 alcoholic beverages for sale; specify the percentage of revenue  
24762 that facilities offering alcoholic beverages for sale must derive  
24763 from the preparation, cooking and serving of meals and not from  
24764 the sale of beverages; and designate the areas in which facilities  
24765 offering alcoholic beverages for sale may be located.

24766       (p) "Native wine" means any product, produced in  
24767 Mississippi for sale, having an alcohol content not to exceed  
24768 twenty-one percent (21%) by weight and made in accordance with  
24769 revenue laws of the United States, which shall be obtained  
24770 primarily from the alcoholic fermentation of the juice of ripe  
24771 grapes, fruits, berries, honey or vegetables grown and produced in  
24772 Mississippi; provided that bulk, concentrated or fortified wines  
24773 used for blending may be produced without this state and used in  
24774 producing native wines. The department shall adopt and promulgate  
24775 rules and regulations to permit a producer to import such bulk



24776 and/or fortified wines into this state for use in blending with  
24777 native wines without payment of any excise tax that would  
24778 otherwise accrue thereon.

24779 (q) "Native winery" means any place or establishment  
24780 within the State of Mississippi where native wine is produced, in  
24781 whole or in part, for sale.

24782 (r) "Bed and breakfast inn" means an establishment  
24783 within a municipality where in consideration of payment, breakfast  
24784 and lodging are habitually furnished to travelers and wherein are  
24785 located not less than eight (8) and not more than nineteen (19)  
24786 adequately furnished and completely separate sleeping rooms with  
24787 adequate facilities, that persons usually apply for and receive as  
24788 overnight accommodations; however, such restriction on the minimum  
24789 number of sleeping rooms shall not apply to establishments on the  
24790 National Register of Historic Places. No place shall qualify as a  
24791 bed and breakfast inn under this article unless on the date of the  
24792 initial application for a license under this article more than  
24793 fifty percent (50%) of the sleeping rooms are located in a  
24794 structure formerly used as a residence.

24795 (s) "Board" shall refer to the Board of Tax Appeals of  
24796 the State of Mississippi.

24797 (t) "Spa facility" means an establishment within a  
24798 municipality or qualified resort area and owned by a hotel where,  
24799 in consideration of payment, patrons receive from licensed



24800 professionals a variety of private personal care treatments such  
24801 as massages, facials, waxes, exfoliation and hairstyling.

24802 (u) "Art studio or gallery" means an establishment  
24803 within a municipality or qualified resort area that is in the sole  
24804 business of allowing patrons to view and/or purchase paintings and  
24805 other creative artwork.

24806 (v) "Cooking school" means an establishment within a  
24807 municipality or qualified resort area and owned by a nationally  
24808 recognized company that offers an established culinary education  
24809 curriculum and program where, in consideration of payment, patrons  
24810 are given scheduled professional group instruction on culinary  
24811 techniques. For purposes of this paragraph, the definition of  
24812 cooking school shall not include schools or classes offered by  
24813 grocery stores, convenience stores or drugstores.

24814 (w) "Campus" means property owned by a public school  
24815 district, community or junior college, college or university in  
24816 this state where educational courses are taught, school functions  
24817 are held, tests and examinations are administered or academic  
24818 course credits are awarded; however, the term shall not include  
24819 any "restaurant" or "hotel" that is located on property owned by a  
24820 community or junior college, college or university in this state,  
24821 and is operated by a third party who receives all revenue  
24822 generated from food and alcoholic beverage sales.

24823 (x) "Native spirit" shall mean any beverage, produced  
24824 in Mississippi for sale, manufactured primarily by the



24825 distillation of fermented grain, starch, molasses or sugar  
24826 produced in Mississippi, including dilutions and mixtures of these  
24827 beverages. In order to be classified as "native spirit" under the  
24828 provisions of this article, at least fifty-one percent (51%) of  
24829 the finished product by volume shall have been obtained from  
24830 distillation of fermented grain, starch, molasses or sugar grown  
24831 and produced in Mississippi.

24832 (y) "Native distillery" shall mean any place or  
24833 establishment within this state where native spirit is produced in  
24834 whole or in part for sale.

24835 (z) "Warehouse operator" shall have the meaning  
24836 ascribed in Section 67-1-201.

24837 **SECTION 341.** Section 83-23-215, Mississippi Code of 1972, is  
24838 amended as follows:

24839 83-23-215. (1) If a member insurer is an impaired insurer,  
24840 the association may, in its discretion, and subject to any  
24841 conditions imposed by the association that do not impair the  
24842 contractual obligations of the impaired insurer, and that are  
24843 approved by the commissioner:

24844 (a) Guarantee, assume, reissue, or reinsure, or cause  
24845 to be guaranteed, assumed, reissued or reinsured, any or all of  
24846 the policies or contracts of the impaired insurer; or

24847 (b) Provide such monies, pledges, loans, notes,  
24848 guarantees or other means as are proper to effectuate paragraph



24849 (a), and assure payment of the contractual obligations of the  
24850 impaired insurer pending action under paragraph (a).

24851 (2) If a member insurer is an insolvent insurer, the  
24852 association shall, in its discretion, either:

24853 (a) (i) 1. Guarantee, assume, reissue, or reinsure,  
24854 or cause to be guaranteed, assumed, reissued or reinsured, the  
24855 policies or contracts of the insolvent insurer; or

24856 2. Assure payment of the contractual  
24857 obligations of the insolvent insurer; and

24858 (ii) Provide monies, pledges, loans, notes,  
24859 guarantees or other means reasonably necessary to discharge the  
24860 association's duties; or

24861 (b) Provide benefits and coverages in accordance with  
24862 the following provisions:

24863 (i) With respect to policies and contracts, assure  
24864 payment of benefits that would have been payable under the  
24865 policies or contracts of the insolvent insurer, for claims  
24866 incurred:

24867 1. With respect to group policies and  
24868 contracts, not later than the earlier of the next renewal date  
24869 under those policies or contracts or forty-five (45) days, but in  
24870 no event less than thirty (30) days, after the date on which the  
24871 association becomes obligated with respect to the policies and  
24872 contracts;



24873                   2. With respect to nongroup policies,  
24874 contracts and annuities not later than the earlier of the next  
24875 renewal date (if any) under the policies or contracts or one (1)  
24876 year, but in no event less than thirty (30) days, from the date on  
24877 which the association becomes obligated with respect to the  
24878 policies or contracts;

24879                   (ii) Make diligent efforts to provide all known  
24880 insureds, enrollees or annuitants (for nongroup policies and  
24881 contracts), or group policy or contract owners with respect to  
24882 group policies and contracts, thirty (30) days' notice of the  
24883 termination (pursuant to subparagraph (i) of this paragraph) of  
24884 the benefits provided;

24885                   (iii) With respect to nongroup policies and  
24886 contracts covered by the association, make available to each known  
24887 insured, enrollee, or annuitant, or owner if other than the  
24888 insured, or annuitant, and with respect to an individual formerly  
24889 an insured, enrollee or annuitant under a group policy or contract  
24890 who is not eligible for replacement group coverage, make available  
24891 substitute coverage on an individual basis in accordance with the  
24892 provisions of subparagraph (iv), if the insureds, enrollees or  
24893 annuitants had a right under law or the terminated policy,  
24894 contract or annuity to convert coverage to individual coverage or  
24895 to continue an individual policy, contract or annuity in force  
24896 until a specified age or for a specified time, during which the  
24897 insurer or health maintenance organization had no right



24898 unilaterally to make changes in any provision of the policy,  
24899 contract or annuity or had a right only to make changes in premium  
24900 by class;

24901 (iv) 1. In providing the substitute coverage  
24902 required under subparagraph (iii), the association may offer  
24903 either to reissue the terminated coverage or to issue an  
24904 alternative policy or contract at actuarially justified rates,  
24905 subject to the prior approval of the commissioner;

24906 2. Alternative or reissued policies or  
24907 contracts shall be offered without requiring evidence of  
24908 insurability, and shall not provide for any waiting period or  
24909 exclusion that would not have applied under the terminated policy  
24910 or contract;

24911 3. The association may reinsure any  
24912 alternative or reissued policy or contract;

24913 (v) 1. Alternative policies or contracts adopted  
24914 by the association shall be subject to the approval of the  
24915 commissioner. The association may adopt alternative policies or  
24916 contracts of various types for future issuance without regard to  
24917 any particular impairment or insolvency;

24918 2. Alternative policies or contracts shall  
24919 contain at least the minimum statutory provisions required in this  
24920 state and provide benefits that shall not be unreasonable in  
24921 relation to the premium charged. The association shall set the  
24922 premium in accordance with a table of rates which it shall adopt.



24923 The premium shall reflect the amount of insurance to be provided  
24924 and the age and class of risk of each insured, but shall not  
24925 reflect any changes in the health of the insured after the  
24926 original policy or contract was last underwritten;

24927                   3. Any alternative policy or contract issued  
24928 by the association shall provide coverage of a type similar to  
24929 that of the policy or contract issued by the impaired or insolvent  
24930 insurer, as determined by the association;

24931                   (vi) If the association elects to reissue  
24932 terminated coverage at a premium rate different from that charged  
24933 under the terminated policy or contract, the premium shall be  
24934 actuarially justified and set by the association in accordance  
24935 with the amount of insurance or coverage provided and the age and  
24936 class of risk, subject to prior approval of the commissioner;

24937                   (vii) The association's obligations with respect  
24938 to coverage under any policy or contract of the impaired or  
24939 insolvent insurer or under any reissued or alternative policy or  
24940 contract shall cease on the date such coverage or policy or  
24941 contract is replaced by another similar policy or contract by the  
24942 policy or contract owner, the insured, the enrollee or the  
24943 association;

24944                   (viii) When proceeding under subsection (2) of  
24945 this section with respect to any policy or contract carrying  
24946 guaranteed minimum interest rates, the association shall assure





24947 the payment or crediting of a rate of interest consistent with  
24948 Section 83-23-205(2) (b) (iii).

24949 (3) Nonpayment of premiums within thirty-one (31) days after  
24950 the date required under the terms of any guaranteed, assumed,  
24951 alternative or reissued policy or contract or substitute coverage  
24952 shall terminate the association's obligations under the policy,  
24953 contract or coverage under this article with respect to the  
24954 policy, contract or coverage, except with respect to any claims  
24955 incurred or any net cash surrender value which may be due in  
24956 accordance with the provisions of this article.

24957 (4) Premiums due for coverage after entry of an order of  
24958 liquidation of an insolvent insurer shall belong to and be payable  
24959 at the direction of the association. If the liquidator of an  
24960 insolvent insurer requests, the association shall provide a report  
24961 to the liquidator regarding such premium collected by the  
24962 association. The association shall be liable for unearned  
24963 premiums due to policy or contract owners arising after the entry  
24964 of such order.

24965 (5) The protection provided by this article shall not apply  
24966 where any guaranty protection is provided to residents of this  
24967 state by the laws of the domiciliary state or jurisdiction of the  
24968 impaired or insolvent insurer other than this state.

24969 (6) In carrying out its duties under subsection (2) of this  
24970 section, the association may:



24971           (a) Subject to approval by a court in this state,  
24972 impose permanent policy or contract liens in connection with a  
24973 guarantee, assumption or reinsurance agreement, if the association  
24974 finds that the amounts which can be assessed under this article  
24975 are less than the amounts needed to assure full and prompt  
24976 performance of the association's duties under this article, or  
24977 that the economic or financial conditions as they affect member  
24978 insurers are sufficiently adverse to render the imposition of such  
24979 permanent policy or contract liens, to be in the public interest;

24980           (b) Subject to approval by a court in this state,  
24981 impose temporary moratoriums or liens on payments of cash values  
24982 and policy loans, or any other right to withdraw funds held in  
24983 conjunction with policies or contracts, in addition to any  
24984 contractual provisions for deferral of cash or policy loan value.  
24985 In addition, in the event of a temporary moratorium or moratorium  
24986 charge imposed by the receivership court on payment of cash values  
24987 or policy loans, or on any other right to withdraw funds held in  
24988 conjunction with policies or contracts, out of the assets of the  
24989 impaired or insolvent insurer, the association may defer the  
24990 payment of cash values, policy loans or other rights by the  
24991 association for a period of the moratorium or moratorium charge  
24992 imposed by the receivership court, except for claims covered by  
24993 the association to be paid in accordance with a hardship procedure  
24994 established by the liquidator or rehabilitator and approved by the  
24995 receivership court.



24996           (7) A deposit in this state, held pursuant to law or  
24997 required by the commissioner for the benefit of creditors,  
24998 including policy or contract owners, not turned over to the  
24999 domiciliary liquidator upon the entry of a final order of  
25000 liquidation or order approving a rehabilitation plan of a member  
25001 insurer domiciled in this state or in a reciprocal state, pursuant  
25002 to Section 83-24-103 of the Insurers Rehabilitation and  
25003 Liquidation Act, shall be promptly paid to the association. The  
25004 association shall be entitled to retain a portion of any amount so  
25005 paid to it equal to the percentage determined by dividing the  
25006 aggregate amount of policy or contract owners' claims related to  
25007 that insolvency for which the association has provided statutory  
25008 benefits by the aggregate amount of all policy or contract owners'  
25009 claims in this state related to that insolvency and shall remit to  
25010 the domiciliary receiver the amount so paid to the association  
25011 less the amount retained pursuant to this subsection. Any amount  
25012 so paid to the association and retained by it shall be treated as  
25013 a distribution of estate assets pursuant to Section 83-24-67 of  
25014 the Insurers Rehabilitation and Liquidation Act or similar  
25015 provision of the state of domicile of the impaired or insolvent  
25016 insurer.

25017           (8) If the association fails to act within a reasonable  
25018 period of time with respect to an insolvent insurer as provided in  
25019 subsection (2) of this section, the commissioner shall have the



25020 powers and duties of the association under this article with  
25021 respect to the insolvent insurer.

25022       (9) The association may render assistance and advice to the  
25023 commissioner, upon the commissioner's request, concerning  
25024 rehabilitation, payment of claims, continuance of coverage or the  
25025 performance of other contractual obligations of an impaired or  
25026 insolvent insurer.

25027       (10) The association shall have standing to appear or  
25028 intervene before a court or agency in this state with jurisdiction  
25029 over an impaired or insolvent insurer concerning which the  
25030 association is or may become obligated under this article or with  
25031 jurisdiction over any person or property against which the  
25032 association may have rights through subrogation or otherwise.  
25033 Standing shall extend to all matters germane to the powers and  
25034 duties of the association, including, but not limited to,  
25035 proposals for reinsuring, reissuing, modifying or guaranteeing the  
25036 policies or contracts of the impaired or insolvent insurer and the  
25037 determination of the policies or contracts and contractual  
25038 obligations. The association shall also have the right to appear  
25039 or intervene before a court or agency in another state with  
25040 jurisdiction over an impaired or insolvent insurer for which the  
25041 association is or may become obligated or with jurisdiction over  
25042 any person or property against whom the association may have  
25043 rights through subrogation or otherwise.



25044           (11) (a) A person receiving benefits under this article  
25045 shall be deemed to have assigned the rights under, and any causes  
25046 of action against any person for losses arising under, resulting  
25047 from or otherwise relating to, the covered policy or contract to  
25048 the association to the extent of the benefits received because of  
25049 this article, whether the benefits are payments of or on account  
25050 of contractual obligations, continuation of coverage or provision  
25051 of substitute or alternative policies, contracts or coverages.  
25052 The association may require an assignment to it of such rights and  
25053 causes of action by any enrollee, payee, policy or contract owner,  
25054 beneficiary, insured or annuitant as a condition precedent to the  
25055 receipt of any right or benefits conferred by this article upon  
25056 the person.

25057           (b) The subrogation rights of the association under  
25058 this subsection shall have the same priority against the assets of  
25059 the impaired or insolvent insurer as that possessed by the person  
25060 entitled to receive benefits under this article.

25061           (c) In addition to paragraphs (a) and (b) above, the  
25062 association shall have all common law rights of subrogation and  
25063 any other equitable or legal remedy that would have been available  
25064 to the impaired or insolvent insurer or owner, beneficiary,  
25065 enrollee or payee of a policy or contract with respect to such  
25066 policy or contracts (including, without limitation, in the case of  
25067 a structured settlement annuity, any rights of the owner,  
25068 beneficiary or payee of the annuity, to the extent of benefits



25069 received pursuant to this article, against a person originally or  
25070 by succession responsible for the losses arising from the personal  
25071 injury relating to the annuity or payment therefore), excepting  
25072 any such person responsible solely by reason of serving as an  
25073 assignee in respect of a qualified assignment under Internal  
25074 Revenue Code Section 130.

25075 (d) If the preceding provisions of this subsection are  
25076 invalid or ineffective with respect to any person or claim for any  
25077 reason, the amount payable by the association with respect to the  
25078 related covered obligations shall be reduced by the amount  
25079 realized by any other person with respect to the person or claim  
25080 that is attributable to the policies or contracts (or portion  
25081 thereof) covered by the association.

25082 (e) If the association has provided benefits with  
25083 respect to a covered obligation and a person recovers amounts as  
25084 to which the association has rights as described in the preceding  
25085 paragraphs of this subsection, the person shall pay to the  
25086 association the portion of the recovery attributable to the  
25087 policies or contracts (or portion thereof) covered by the  
25088 association.

25089 (12) In addition to the rights and powers elsewhere in this  
25090 article, the association may:

25091 (a) Enter into such contracts as are necessary or  
25092 proper to carry out the provisions and purposes of this article;



25093                   (b) Sue or be sued, including taking any legal actions  
25094 necessary or proper to recover any unpaid assessments under  
25095 Section 83-23-217 and to settle claims or potential claims against  
25096 it;

25097                   (c) Borrow money to effect the purposes of this  
25098 article; any notes or other evidence of indebtedness of the  
25099 association not in default shall be legal investments for domestic  
25100 insurers and may be carried as admitted assets;

25101                   (d) Employ or retain such persons as are necessary or  
25102 appropriate to handle the financial transactions of the  
25103 association, and to perform such other functions as become  
25104 necessary or proper under this article;

25105                   (e) Take such legal action as may be necessary or  
25106 appropriate to avoid or recover payment of improper claims;

25107                   (f) Exercise, for the purposes of this article and to  
25108 the extent approved by the commissioner, the powers of a domestic  
25109 life insurer, health insurer or health maintenance organization,  
25110 but in no case may the association issue policies or contracts  
25111 other than those issued to perform its obligations under this  
25112 article;

25113                   (g) Organize itself as a corporation or in other legal  
25114 form permitted by the laws of the state;

25115                   (h) Request information from a person seeking coverage  
25116 from the association in order to aid the association in



25117 determining its obligations under this article with respect to the  
25118 person, and the person shall promptly comply with the request;

25119 (i) Unless prohibited by law, in accordance with the  
25120 terms and conditions of the policy or contract, file for  
25121 actuarially justified rate or premium increases for any policy or  
25122 contract for which it provides coverage under this article; and

25123 (j) Take other necessary or appropriate action to  
25124 discharge its duties and obligations under this article or to  
25125 exercise its powers under this article.

25126 (13) The association may join an organization of one or more  
25127 other state associations of similar purposes, to further the  
25128 purposes and administer the powers and duties of the association.

25129 (14) (a) (i) At any time within one hundred eighty (180)  
25130 days of the date of the order of liquidation, the association may  
25131 elect to succeed to the rights and obligations of the ceding  
25132 member insurer that relate to policies, contracts or annuities  
25133 covered, in whole or in part, by the association, in each case  
25134 under any one or more indemnity reinsurance contracts entered into  
25135 by the insolvent insurer and its reinsurers and selected by the  
25136 association. Any such assumption shall be effective as of the  
25137 date of the order of liquidation. The election shall be effected  
25138 by the association or the National Organization of Life and Health  
25139 Insurance Guaranty Associations (NOLHGA) on its behalf sending  
25140 written notice, return receipt requested to the affected  
25141 reinsurers.





25142 (ii) To facilitate the earliest practicable  
25143 decision about whether to assume any of the contracts of  
25144 reinsurance, and in order to protect the financial position of the  
25145 estate, the receiver and each reinsurer of the ceding member  
25146 insurer shall make available upon request to the association or to  
25147 NOLHGA on its behalf as soon as possible after commencement of  
25148 formal delinquency proceedings.

25149 1. Copies of in-force contracts of  
25150 reinsurance and all related files and records relevant to the  
25151 determination of whether such contracts should be assumed, and

25152 2. Notices of any defaults under the  
25153 reinsurance contracts or any known event or condition which with  
25154 the passage of time could become a default under the reinsurance  
25155 contracts.

25156 (iii) The following items 1 through 4 shall apply  
25157 to reinsurance contracts so assumed by the association:

25158 1. The association shall be responsible for  
25159 all unpaid premiums due under the reinsurance contracts for  
25160 periods both before and after the date of the order of  
25161 liquidation, and shall be responsible for the performance of all  
25162 other obligations to be performed after the date of the order of  
25163 liquidation, in each case which relate to policies, contracts or  
25164 annuities covered, in whole or in part, by the association. The  
25165 association may charge policies, contracts or annuities covered in  
25166 part by the association, through reasonable allocation methods,



25167 the costs for reinsurance in excess of the obligations of the  
25168 association and shall provide notice and an accounting of these  
25169 charges to the liquidator;

25170                 2. The association shall be entitled to any  
25171 amounts payable by the reinsurer under the reinsurance contracts  
25172 with respect to losses or events that occur in periods after the  
25173 date of the order of liquidation and that relate to policies,  
25174 contracts or annuities covered, in whole or in part, by the  
25175 association provided that, upon receipt of any such amounts, the  
25176 association shall be obliged to pay to the beneficiary under the  
25177 policy, contract or annuity on account of which the amounts were  
25178 paid a portion of the amount equal to the lesser of:

25179                         a. The amount received by the association,  
25180 and

25181                         b. The excess of the amount received by the  
25182 association over the amount equal to the benefits paid by the  
25183 association on account of the policy, contract or annuity less the  
25184 retention of the insurer applicable to the loss or event;

25185                 3. Within thirty (30) days following the  
25186 association's election (the "election date"), the association and  
25187 each reinsurer under contracts assumed by the association shall  
25188 calculate the net balance due to or from the association under  
25189 each reinsurance contract as of the election date with respect to  
25190 policies, contracts or annuities covered, in whole or in part, by  
25191 the association, which calculation shall give full credit to all



25192 items paid by either the member insurer or its receiver or the  
25193 reinsurer prior to the election date. The reinsurer shall pay the  
25194 receiver any amounts due for losses or events prior to the date of  
25195 the order of liquidation, subject to any set-off for premiums  
25196 unpaid for periods prior to the date, and the association or  
25197 reinsurer shall pay any remaining balance due the other, in each  
25198 case within five (5) days of the completion of the aforementioned  
25199 calculation. Any disputes over the amounts due to either the  
25200 association or the reinsurer shall be resolved by arbitration  
25201 pursuant to the terms of the affected reinsurance contracts or, if  
25202 the contract contains no arbitration clause, as otherwise provided  
25203 by law. If the receiver has received any amounts due the  
25204 association pursuant to subparagraph (iii), the receiver shall  
25205 remit the same to the association as promptly as practicable;

25206               4. If the association or receiver, on the  
25207 association's behalf, within sixty (60) days of the election date,  
25208 pays the unpaid premiums due for periods both before and after the  
25209 election date that relate to policies, contracts or annuities  
25210 covered, in whole or in part, by the association, the reinsurer  
25211 shall not be entitled to terminate the reinsurance contracts for  
25212 failure to pay premium (insofar as the reinsurance contracts)  
25213 relate to policies, contracts or annuities covered, in whole or in  
25214 part, by the association and shall not be entitled to set off any  
25215 unpaid amounts due under other contracts, or unpaid amounts due



25216 from parties other than the association against amounts due the  
25217 association.

25218 (b) During the period from the date of the order of  
25219 liquidation until the election date (or, if the election date does  
25220 not occur, until one hundred eighty (180) days after the date of  
25221 the order of liquidation).

25222 (i) 1. Neither the association nor the reinsurer  
25223 shall have any rights or obligations under reinsurance contracts  
25224 that the association has the right to assume under paragraph (a),  
25225 whether for periods prior to or after the date of the order of  
25226 liquidation; and

25227 2. The reinsurer, the receiver and the  
25228 association shall, to the extent practicable, provide each other  
25229 data and record reasonably requested;

25230 (ii) Provided that once the association has  
25231 elected to assume a reinsurance contract, the parties' rights and  
25232 obligations shall be governed by paragraph (a).

25233 (c) If the association does not elect to assume a  
25234 reinsurance contract by the election date pursuant to paragraph  
25235 (a), the association shall have no rights or obligations, in each  
25236 case for periods both before and after the date of the order of  
25237 liquidation, with respect to the reinsurance contract.

25238 (d) When policies, contracts, or annuities, or covered  
25239 obligations with respect thereto, are transferred to an assuming  
25240 insurer, reinsurance on the policies, contracts or annuities may



25241 also be transferred by the association, in the case of contracts  
25242 assumed under paragraph (a), subject to the following:

25243 (i) Unless the reinsurer and the assuming insurer  
25244 agree otherwise, the reinsurance contract transferred shall not  
25245 cover any new policies of insurance, contracts or annuities in  
25246 addition to those transferred;

25247 (ii) The obligations described in paragraph (a) of  
25248 this subsection shall no longer apply with respect to matters  
25249 arising after the effective date of the transfer; and

25250 (iii) Notice shall be given in writing, return  
25251 receipt requested, by the transferring party to the affected  
25252 reinsurer not less than thirty (30) days prior to the effective  
25253 date of the transfer.

25254 (e) The provisions of this subsection shall supersede  
25255 the provisions of any law or of any affected reinsurance contract  
25256 that provides for or requires any payment of reinsurance proceeds,  
25257 on account of losses or events that occur in periods after the  
25258 date of the order of liquidation, to the receiver of the insolvent  
25259 insurer or any other person. The receiver shall remain entitled  
25260 to any amounts payable by the reinsurer under the reinsurance  
25261 contracts with respect to losses or events that occur in periods  
25262 prior to the date of the order of liquidation (subject to  
25263 applicable setoff provisions).

25264 (f) Except as otherwise provided in this subsection,  
25265 nothing in this subsection shall alter or modify the terms and



25266 conditions of any reinsurance contract. Nothing in this  
25267 subsection shall abrogate or limit any rights of any reinsurer to  
25268 claim that it is entitled to rescind a reinsurance contract.  
25269 Nothing in this subsection shall give a policyholder, contract  
25270 owner, enrollee, certificate holder or beneficiary an independent  
25271 cause of action against a reinsurer that is not otherwise set  
25272 forth in the reinsurance contract. Nothing in this subsection  
25273 shall limit or affect the association's rights as a creditor of  
25274 the estate against the assets of the estate. Nothing in this  
25275 subsection shall apply to reinsurance agreements covering property  
25276 or casualty risks.

25277 (15) The board of directors of the association shall have  
25278 discretion and may exercise a reasonable business judgment to  
25279 determine the means by which the association is to provide the  
25280 benefits of this article in an economical and efficient manner.

25281 (16) Where the association has arranged or offered to  
25282 provide the benefits of this article to a covered person under a  
25283 plan or arrangement that fulfills the association's obligations  
25284 under this article, the person shall not be entitled to benefits  
25285 from the association in addition to or other than those provided  
25286 under the plan or arrangement.

25287 (17) Venue in a suit against the association arising under  
25288 the article shall be in \* \* \* inferior courts of the Capitol  
25289 Complex Improvement District. The association shall not be



25290 required to give an appeal bond in an appeal that relates to a  
25291 cause of action arising under this article.

25292 (18) In carrying out its duties in connection with  
25293 guaranteeing, assuming, reissuing, or reinsuring policies or  
25294 contracts under subsections (1) and (2) of this section, the  
25295 association may issue substitute coverage for a policy or contract  
25296 that provides an interest rate, crediting rate or similar factor  
25297 determined by use of an index or other external reference stated  
25298 in the policy or contract employed in calculating returns or  
25299 changes in value by issuing an alternative policy or contract in  
25300 accordance with the following provisions:

25301 (a) In lieu of the index or other external reference  
25302 provided for in the original policy or contract, the alternative  
25303 policy or contract provides for (i) a fixed interest rate or (ii)  
25304 payment of dividends with minimum guarantees or (iii) a different  
25305 method for calculating interest or changes in value;

25306 (b) There is no requirement for evidence of  
25307 insurability, waiting period or other exclusion that would not  
25308 have applied under the replaced policy or contract; and

25309 (c) The alternative policy or contract is substantially  
25310 similar to the replaced policy or contract in all other material  
25311 terms.

25312 **SECTION 342.** Section 13-3-63, Mississippi Code of 1972, is  
25313 brought forward as follows:



25314           13-3-63. The acceptance by a nonresident of the rights and  
25315 privileges conferred by the provisions of this section, as  
25316 evidenced by his operating, either in person or by agent or  
25317 employee, a motor vehicle upon any public street, road or highway  
25318 of this state, or elsewhere in this state, or the operation by a  
25319 nonresident of a motor vehicle on any public street, road or  
25320 highway of this state, or elsewhere in this state, other than  
25321 under this section, shall be deemed equivalent to an appointment  
25322 by such nonresident of the Secretary of State of the State of  
25323 Mississippi to be his true and lawful attorney, upon whom may be  
25324 served all lawful processes or summonses in any action or  
25325 proceeding against him, growing out of any accident or collision  
25326 in which said nonresident may be involved while operating a motor  
25327 vehicle on such street, road or highway, or elsewhere in this  
25328 state, and said acceptance or operation shall be a signification  
25329 of his agreement that any such process or summons against him  
25330 which is so served shall be of the same legal force and validity  
25331 as if served on him personally. Service of such process or  
25332 summons shall be made by the sheriff of Hinds County, upon  
25333 prepayment of the fees to which he is entitled by law, by serving  
25334 two (2) copies of the process or summons for each nonresident  
25335 defendant, with a fee of Fifteen Dollars (\$15.00) for each such  
25336 defendant on the Secretary of State or by leaving two (2) copies  
25337 of said process or summons with the fee in the Office of the  
25338 Secretary of State, and such service shall be service upon said





25339 nonresident defendant with the same force and effect as if such  
25340 nonresident had been personally served with such process or  
25341 summons within the State of Mississippi. One (1) of the copies of  
25342 such process or summons shall be preserved by the Secretary of  
25343 State as a record of his office. Notice of such service, together  
25344 with a copy of the process or summons, shall be mailed forthwith  
25345 as certified or registered mail, restricted for delivery to  
25346 addressee only and with postage prepaid, by the Secretary of State  
25347 to each such nonresident defendant at his last known address,  
25348 which address shall be written on the process or summons upon the  
25349 issuance thereof by the clerk of the court wherein the action is  
25350 pending, or notice of such service and copy of process or summons  
25351 actually shall be delivered to the said defendant. The  
25352 defendant's return receipt or evidence of defendant's refusal to  
25353 accept delivery of such certified or registered mail, in case such  
25354 notice and copy of process or summons are sent by certified or  
25355 registered mail, or affidavit of the person delivering such notice  
25356 and copy of process or summons, in case such notice and copy of  
25357 process or summons actually are delivered, shall be filed in the  
25358 court wherein such action is pending before judgment can be  
25359 entered against such nonresident defendant. The Secretary of  
25360 State, upon receipt of such return receipt or evidence of the  
25361 refusal of such defendant to accept delivery of such certified or  
25362 registered mail, shall promptly return same to the clerk of the  
25363 court wherein such action is pending, and the said clerk of the



25364 court shall promptly file and preserve same among the records of  
25365 such action or proceeding. The court in which the action is  
25366 pending may order such continuance as may be necessary to afford  
25367 the defendant reasonable opportunity to defend the action.

25368 Any cause of action arising out of such accident or collision  
25369 against any such nonresident, in case of the death of such  
25370 nonresident, shall survive against his administrator, executor or  
25371 other personal representative of his estate, and service of all  
25372 necessary and lawful process or summons, when had or obtained upon  
25373 any such nonresident owner, nonresident operator or agent or  
25374 employee, or upon the executor, administrator or other legal  
25375 representative of the estate of such nonresident owner or  
25376 nonresident operator, in the manner as hereinbefore provided, for  
25377 the service of all lawful processes or summonses, herein, shall be  
25378 deemed sufficient service of process or summons to give any court  
25379 of this state, in which such action may be filed in accordance  
25380 with the statutes of the State of Mississippi, jurisdiction over  
25381 the cause of action and over the nonresident owner, nonresident  
25382 operator or agent or employee, or the nonresident executor, or  
25383 administrator of such nonresident owner or nonresident operator,  
25384 defendant or defendants, and shall warrant and authorize personal  
25385 judgment against such nonresident owner, nonresident operator,  
25386 agent, employee, executor or administrator or other legal  
25387 representative of the estate of such nonresident owner or



25388 nonresident operator, defendant or defendants, in the event the  
25389 plaintiff in such cause of action shall prevail.

25390       The agency or relationship created under the provisions of  
25391 this section by and between the nonresident owner or nonresident  
25392 operator of a motor vehicle operating upon the public road, street  
25393 or highway of this state, or elsewhere in this state, as  
25394 hereinbefore set forth, in the event of the death of such  
25395 nonresident owner or nonresident operator of such motor vehicle,  
25396 shall survive and continue and extend to his executor,  
25397 administrator or other legal representative of his estate, and the  
25398 Secretary of State of the State of Mississippi shall be in the  
25399 same position and relationship with respect to the executor,  
25400 administrator or other legal representative of the estate of such  
25401 nonresident owner or nonresident operator of such motor vehicle,  
25402 as he was in or would have been in with the nonresident owner or  
25403 nonresident operator of said motor vehicle, had such nonresident  
25404 owner or nonresident operator survived, and in any action arising  
25405 or growing out of such accident or collision in which such  
25406 nonresident owner or nonresident operator of a motor vehicle may  
25407 be involved while operating a motor vehicle on such street, road  
25408 or highway or elsewhere in this state, where the nonresident owner  
25409 or nonresident operator of such motor vehicle has died prior to  
25410 the commencement of an action against him because of or growing  
25411 out of such accident or collision, service of process or summons  
25412 may be had or made upon the nonresident executor, administrator or



25413 other legal representative of the estate of such nonresident owner  
25414 or operator of the motor vehicle involved in such accident or  
25415 collision, in the same manner and upon the same notice as  
25416 hereinbefore provided in the case of process or summons upon the  
25417 nonresident owner or nonresident operator of such motor vehicle.  
25418 When such process or summons is served, made or had against the  
25419 nonresident executor or administrator or such nonresident owner or  
25420 such nonresident operator of such motor vehicle involved in such  
25421 accident or collision, it shall be deemed sufficient service of  
25422 such summons or process to give any court in this state in which  
25423 such action may be filed, in accordance with the provisions of the  
25424 statutes of the State of Mississippi, jurisdiction over the cause  
25425 of action and over such nonresident executor or administrator of  
25426 such nonresident owner or operator of such motor vehicle insofar  
25427 as such cause of action is involved.

25428       The provisions of this section shall likewise apply to any  
25429 person who is a nonresident at the time any action or proceeding  
25430 is commenced against him, even though said person was a resident  
25431 at the time any action or proceeding accrued against him.

25432       **SECTION 343.** Section 37-101-15, Mississippi Code of 1972, is  
25433 brought forward as follows:

25434       37-101-15. (a) The Board of Trustees of State Institutions  
25435 of Higher Learning shall succeed to and continue to exercise  
25436 control of all records, books, papers, equipment, and supplies,  
25437 and all lands, buildings, and other real and personal property



25438 belonging to or assigned to the use and benefit of the board of  
25439 trustees formerly supervising and controlling the institutions of  
25440 higher learning named in Section 37-101-1. The board shall have  
25441 and exercise control of the use, distribution and disbursement of  
25442 all funds, appropriations and taxes, now and hereafter in  
25443 possession, levied and collected, received, or appropriated for  
25444 the use, benefit, support, and maintenance or capital outlay  
25445 expenditures of the institutions of higher learning, including the  
25446 authorization of employees to sign vouchers for the disbursement  
25447 of funds for the various institutions, except where otherwise  
25448 specifically provided by law.

25449       (b) The board shall have general supervision of the affairs  
25450 of all the institutions of higher learning, including the  
25451 departments and the schools thereof. The board shall have the  
25452 power in its discretion to determine who shall be privileged to  
25453 enter, to remain in, or to graduate therefrom. The board shall  
25454 have general supervision of the conduct of libraries and  
25455 laboratories, the care of dormitories, buildings, and grounds; the  
25456 business methods and arrangement of accounts and records; the  
25457 organization of the administrative plan of each institution; and  
25458 all other matters incident to the proper functioning of the  
25459 institutions. The board shall have the authority to establish  
25460 minimum standards of achievement as a prerequisite for entrance  
25461 into any of the institutions under its jurisdiction, which



25462 standards need not be uniform between the various institutions and  
25463 which may be based upon such criteria as the board may establish.

25464 (c) The board shall exercise all the powers and prerogatives  
25465 conferred upon it under the laws establishing and providing for  
25466 the operation of the several institutions herein specified. The  
25467 board shall adopt such bylaws and regulations from time to time as  
25468 it deems expedient for the proper supervision and control of the  
25469 several institutions of higher learning, insofar as such bylaws  
25470 and regulations are not repugnant to the Constitution and laws,  
25471 and not inconsistent with the object for which these institutions  
25472 were established. The board shall have power and authority to  
25473 prescribe rules and regulations for policing the campuses and all  
25474 buildings of the respective institutions, to authorize the arrest  
25475 of all persons violating on any campus any criminal law of the  
25476 state, and to have such law violators turned over to the civil  
25477 authorities.

25478 (d) For all institutions specified herein, the board shall  
25479 provide a uniform system of recording and of accounting approved  
25480 by the State Department of Audit. The board shall annually  
25481 prepare, or cause to be prepared, a budget for each institution of  
25482 higher learning for the succeeding year which must be prepared and  
25483 in readiness for at least thirty (30) days before the convening of  
25484 the regular session of the Legislature. All relationships and  
25485 negotiations between the State Legislature and its various  
25486 committees and the institutions named herein shall be carried on



25487 through the board of trustees. No official, employee or agent  
25488 representing any of the separate institutions shall appear before  
25489 the Legislature or any committee thereof except upon the written  
25490 order of the board or upon the request of the Legislature or a  
25491 committee thereof.

25492 (e) For all institutions specified herein, the board shall  
25493 prepare an annual report to the Legislature setting forth the  
25494 disbursements of all monies appropriated to the respective  
25495 institutions. Each report to the Legislature shall show how the  
25496 money appropriated to the several institutions has been expended,  
25497 beginning and ending with the fiscal years of the institutions,  
25498 showing the name of each teacher, officer, and employee, and the  
25499 salary paid each, and an itemized statement of each and every item  
25500 of receipts and expenditures. Each report must be balanced, and  
25501 must begin with the former balance. If any property belonging to  
25502 the state or the institution is used for profit, the reports shall  
25503 show the expense incurred in managing the property and the amount  
25504 received therefrom. The reports shall also show a summary of the  
25505 gross receipts and gross disbursements for each year and shall  
25506 show the money on hand at the beginning of the fiscal period of  
25507 the institution next preceding each session of the Legislature and  
25508 the necessary amount of expense to be incurred from said date to  
25509 January 1 following. The board shall keep the annual expenditures  
25510 of each institution herein mentioned within the income derived  
25511 from legislative appropriations and other sources, but in case of



25512 emergency arising from acts of providence, epidemics, fire or  
25513 storm with the written approval of the Governor and by written  
25514 consent of a majority of the senators and of the representatives  
25515 it may exceed the income. The board shall require a surety bond  
25516 in a surety company authorized to do business in this state of  
25517 every employee who is the custodian of funds belonging to one or  
25518 more of the institutions mentioned herein, which bond shall be in  
25519 a sum to be fixed by the board in an amount that will properly  
25520 safeguard the said funds, the premium for which shall be paid out  
25521 of the funds appropriated for said institutions.

25522 (f) The board shall have the power and authority to elect  
25523 the heads of the various institutions of higher learning and to  
25524 contract with all deans, professors, and other members of the  
25525 teaching staff, and all administrative employees of said  
25526 institutions for a term not exceeding four (4) years. The board  
25527 shall have the power and authority to terminate any such contract  
25528 at any time for malfeasance, inefficiency, or contumacious  
25529 conduct, but never for political reasons. It shall be the policy  
25530 of the board to permit the executive head of each institution to  
25531 nominate for election by the board all subordinate employees of  
25532 the institution over which he presides. It shall be the policy of  
25533 the board to elect all officials for a definite tenure of service  
25534 and to reelect during the period of satisfactory service. The  
25535 board shall have the power to make any adjustments it thinks





25536 necessary between the various departments and schools of any  
25537 institution or between the different institutions.

25538 (g) The board shall keep complete minutes and records of all  
25539 proceedings which shall be open for inspection by any citizen of  
25540 the state.

25541 (h) The board shall have the power to enter into an energy  
25542 performance contract, energy services contract, on a  
25543 shared-savings, lease or lease-purchase basis, for energy  
25544 efficiency services and/or equipment as prescribed in Section  
25545 31-7-14.

25546 (i) The Board of Trustees of State Institutions of Higher  
25547 Learning, for and on behalf of Jackson State University, is hereby  
25548 authorized to convey by donation or otherwise easements across  
25549 portions of certain real estate located in the City of Jackson,  
25550 Hinds County, Mississippi, for right-of-way required for the Metro  
25551 Parkway Project.

25552 (j) In connection with any international contract between  
25553 the board or one (1) of the state's institutions of higher  
25554 learning and any party outside of the United States, the board or  
25555 institution that is the party to the international contract is  
25556 hereby authorized and empowered to include in the contract a  
25557 provision for the resolution by arbitration of any controversy  
25558 between the parties to the contract relating to such contract or  
25559 the failure or refusal to perform any part of the contract. Such  
25560 provision shall be valid, enforceable and irrevocable without



25561 regard to the justiciable character of the controversy. Provided,  
25562 however, that in the event either party to such contract initiates  
25563 litigation against the other with respect to the contract, the  
25564 arbitration provision shall be deemed waived unless asserted as a  
25565 defense on or before the responding party is required to answer  
25566 such litigation.

25567 (k) The Board of Trustees of State Institutions of Higher  
25568 Learning ("board"), on behalf of any institution under its  
25569 jurisdiction, shall purchase and maintain business property  
25570 insurance and business personal property insurance on all  
25571 university-owned buildings and/or contents as required by federal  
25572 law and regulations of the Federal Emergency Management Agency  
25573 (FEMA) as is necessary for receiving public assistance or  
25574 reimbursement for repair, reconstruction, replacement or other  
25575 damage to those buildings and/or contents caused by the Hurricane  
25576 Katrina Disaster of 2005 or subsequent disasters. The board is  
25577 authorized to expend funds from any available source for the  
25578 purpose of obtaining and maintaining that property insurance. The  
25579 board is authorized to enter into agreements with the Department  
25580 of Finance and Administration, local school districts,  
25581 community/junior college districts, community hospitals and/or  
25582 other state agencies to pool their liabilities to participate in a  
25583 group business property and/or business personal property  
25584 insurance program, subject to uniform rules and regulations as may  
25585 be adopted by the Department of Finance and Administration.



25586           (1) The Board of Trustees of State Institutions of Higher  
25587 Learning, or its designee, may approve the payment or  
25588 reimbursement of reasonable travel expenses incurred by candidates  
25589 for open positions at the board's executive office or at any of  
25590 the state institutions of higher learning, when the job candidate  
25591 has incurred expenses in traveling to a job interview at the  
25592 request of the board, the Commissioner of Higher Education or a  
25593 state institution of higher learning administrator.

25594           (m) (i) The Board of Trustees of State Institutions of  
25595 Higher Learning is authorized to administer and approve contracts  
25596 for the construction and maintenance of buildings and other  
25597 facilities of the state institutions of higher learning, including  
25598 related contracts for architectural and engineering services,  
25599 which are paid for with self-generated funds.

25600           (ii) Additionally, the board is authorized to oversee,  
25601 administer and approve contracts for the construction and  
25602 maintenance of buildings and other facilities of the state  
25603 institutions of higher learning, including related contracts for  
25604 architectural and engineering services, which are funded in whole  
25605 or in part by general obligation bonds of the State of Mississippi  
25606 at institutions designated annually by the board as being capable  
25607 to procure and administer all such contracts. Prior to the  
25608 disbursement of funds, an agreement for each project between the  
25609 institution and the Department of Finance and Administration shall  
25610 be executed. The approval and execution of the agreement shall



25611 not be withheld by either party unless the withholding party  
25612 provides a written, detailed explanation of the basis for  
25613 withholding to the other party. The agreement shall stipulate the  
25614 responsibilities of each party, applicable procurement  
25615 regulations, documentation and reporting requirements, conditions  
25616 prior to, and schedule of, disbursement of general obligation bond  
25617 funds to the institution and provisions concerning handling any  
25618 remaining general obligation bonds at the completion of the  
25619 project. Such agreement shall not include provisions that  
25620 constitute additional qualifications or criteria that act to  
25621 invalidate the designation of an institution as capable of  
25622 procuring and administering such project. Inclusion of any such  
25623 provisions may be appealed to the Public Procurement Review Board.  
25624 This paragraph (ii) shall stand repealed from and after July 1,  
25625 2025.

25626 **SECTION 344.** Section 23-15-931, Mississippi Code of 1972, is  
25627 amended as follows:

25628 23-15-931. When the day for the hearing has been set, the  
25629 circuit clerk shall issue subpoenas for witnesses as in other  
25630 litigated cases, and he shall also issue a summons to each of the  
25631 five (5) election commissioners of the county, unless they waive  
25632 summons, requiring them to attend the hearing, throughout which  
25633 the commissioners shall sit with the judge as advisors or  
25634 assistants in the trial and determination of the facts, and as  
25635 assistants in counts, calculations and inspections, and in seeing



25636 to it that ballots, papers, documents, books and the like are  
25637 diligently secured against misplacement, alteration, concealment  
25638 or loss both in the sessions and during recesses or adjournments.  
25639 The judge is, however, the controlling judge both of the facts and  
25640 the law, and has all the power in every respect of a circuit judge  
25641 in termtime. The tribunal shall be attended by the sheriff, and  
25642 clerk, each with sufficient deputies, and by a court reporter.  
25643 The special tribunal so constituted shall fully hear the contest  
25644 or complaint de novo, and the original contestant before the party  
25645 executive committee shall have the burden of proof and the burden  
25646 of going forward with the evidence in the hearing before the  
25647 special tribunal. The special tribunal, after the contest or  
25648 complaint has been fully heard anew, shall make a finding dictated  
25649 to the reporter covering all controverted material issues of fact,  
25650 together with any dissents of any commissioner, and thereupon, the  
25651 trial judge shall enter the judgment which the county executive  
25652 committee should have entered, of which the election commissioners  
25653 shall take judicial notice, or if the matter be one within the  
25654 jurisdiction of the State Executive Committee, the judgment shall  
25655 be certified and promptly forwarded to the Secretary of the State  
25656 Executive Committee, and, in the absence of an appeal, it shall be  
25657 the duty of the State Executive Committee forthwith to reassemble  
25658 and revise any decision theretofore made by it so as to conform to  
25659 the judicial judgment; that when the contest is upon a complaint  
25660 filed with the State Executive Committee and the petition to the



25661 court avers that the wrong or irregularity is one which occurred  
25662 wholly within the proceedings of the state committee, the petition  
25663 to the court shall be filed in the \* \* \* inferior courts of the  
25664 Capitol Complex Improvement District and, after notice served,  
25665 shall be promptly heard by the circuit judge of that county,  
25666 without the attendance of commissioners.

25667       **SECTION 345.** Section 29-1-201, Mississippi Code of 1972, is  
25668 brought forward as follows:

25669       29-1-201. (1) The Governor's Office of General Services is  
25670 hereby authorized and empowered, in its discretion, to lease for a  
25671 period of not more than fifteen (15) years all or any part of  
25672 those lands originally leased for ninety-nine (99) years as  
25673 authorized by an act of the Legislature on March 2, 1875, the same  
25674 appearing as Chapter LXII, Laws of 1875; said lands lying and  
25675 being situated in the City of Jackson, First Judicial District,  
25676 State of Mississippi; or to lease such lands to a public service  
25677 corporation serving the general public of the State of Mississippi  
25678 in the City of Jackson, the lease not to exceed a period of  
25679 twenty-five (25) years; or to rent on a monthly basis the said  
25680 lands; said rental or lease to be subject to the following terms  
25681 and conditions applicable thereto:

25682       (a) That the Governor's Office of General Services find  
25683 and determine that the said lands, or parts thereof, are neither  
25684 now needed nor are they programmed by the State of Mississippi for



25685 governmental purposes within the period of the proposed term of  
25686 said lease or rental.

25687 (b) That any lease period shall be computed from the  
25688 expiration of the present lease, if any, on said lands.

25689 (c) That the annual amount paid for leased lands be in  
25690 an amount of not less than seven and one-half percent (7-1/2%) of  
25691 the current fair market value as determined by the averaging of at  
25692 least two (2) appraisals by members of the American Institute of  
25693 Real Estate Appraisers or the Society of Real Estate Appraisers.  
25694 The said appraisals shall be made not later than six (6) months  
25695 prior to the expiration of any existing lease, and the said  
25696 appraisals shall be made available to all interested parties.  
25697 Thereafter, appraisals on said property may be made every five (5)  
25698 years (computed from the date of the beginning of each such lease)  
25699 at the insistence of either party and at the cost of the party  
25700 demanding same, and the annual dollar rent shall be adjusted in  
25701 accordance with said appraisal. All such appraisals shall be  
25702 based on land value less any improvements that may have been  
25703 heretofore added by the leaseholder in possession, or that  
25704 hereafter be added by the leaseholder in possession; provided,  
25705 however, that all improvements permanently affixed to any of the  
25706 said lands under lease or rental as provided for herein shall  
25707 become the property of the State of Mississippi upon final  
25708 termination of such lease or rental.



25709                   (d) That the present holders under the unexpired terms  
25710 of the existing leases shall have the first right and option to  
25711 re-lease such lands, as they now may hold, provided that the  
25712 existing leaseholders agree to pay rent at an annual amount of not  
25713 less than seven and one-half percent (7-1/2%) of the fair market  
25714 value of the property as determined by the terms and conditions  
25715 stated in paragraph (c) of this subsection, and the re-leasing of  
25716 such lands shall be subject to the other terms and conditions  
25717 stated in this section. Consideration may be given to the present  
25718 leaseholders under the existing leases in determining the term of  
25719 the lease period to be granted under the first right and option as  
25720 herein provided.

25721                   (e) That in the case of monthly rental of said lands or  
25722 any part thereof, the Governor's Office of General Services is  
25723 authorized to make such terms and agreements as to the amount and  
25724 conditions thereof, and to follow such procedure as will insure  
25725 that a fair and equitable return to the state is effectuated  
25726 thereby.

25727                   (f) That in the event the Governor's Office of General  
25728 Services is unable to lease the said lands as hereinabove provided  
25729 or in the event the present leaseholders fail to exercise their  
25730 option to re-lease, then in that event the Governor's Office of  
25731 General Services shall, by public notice, offer the said lands to  
25732 the highest and best bidder therefor; with said notice being  
25733 published in one or more newspapers of general circulation in each





25734 existing congressional district; provided, however, the Governor's  
25735 Office of General Services shall reserve unto itself the right to  
25736 reject any or all such bids.

25737 (g) That any present leaseholder of said lands who  
25738 desires to exercise his right to first option to re-lease, as  
25739 provided for herein, shall notify the Governor's Office of General  
25740 Services in writing of his intent to exercise that right not later  
25741 than three (3) months after the said appraisals provided for in  
25742 subsection (c) are made available.

25743 (h) That any lease or rental contract or agreement  
25744 entered into by virtue of this section shall be approved as to  
25745 form by the Public Procurement Review Board before the same is to  
25746 be effective.

25747 (i) That all monies derived from the lease, rental,  
25748 sale or conveyance of such lands be deposited in the state land  
25749 acquisition fund, which may be utilized for the purchase of  
25750 additional state lands where authorized by act of the Legislature,  
25751 for necessary repairs or renovations to facilities on such lands,  
25752 or for appraisals, studies and other consulting costs related to  
25753 the potential development, marketing, sale or long-term lease of  
25754 such lands.

25755 (j) That the Governor's Office of General Services is  
25756 authorized to borrow money from the Mississippi Development Bank  
25757 or other financial institution for the purpose of renovation of  
25758 vacant buildings or portions thereof on such lands and lease the



25759 same in an amount less than that required under paragraph (c) of  
25760 this subsection under the following conditions:

25761 (i) The lease is made to a public service  
25762 corporation serving the general public of the State of Mississippi  
25763 in the City of Jackson;

25764 (ii) The lease payments over the initial lease  
25765 term cover the actual costs of renovation including any interest  
25766 and fees as well as all costs of the Governor's Office of General  
25767 Services for utilities, maintenance and security over the lease  
25768 term; and

25769 (iii) The lease may be subsequently renewed for  
25770 additional periods not to exceed fifteen (15) years each for an  
25771 annual amount to be renegotiated and set by the Governor's Office  
25772 of General Services.

25773 (k) Nothing in this section shall be construed to  
25774 authorize the sale or transfer of title to the said lands.

25775 (2) It is the intent and purpose of this section to provide  
25776 a fair and equitable return for the lease or rental of the said  
25777 seat of government lands, and to afford lessees holding existing  
25778 leases the first right and option to lease the same lands that  
25779 they presently hold so as to continue any business or other  
25780 utilization of the said lands not to exceed the periods provided  
25781 for herein; and the Governor's Office of General Services is  
25782 hereby empowered and authorized to follow such procedure and to



25783 make such arrangements, not inconsistent with the provisions here,  
25784 as may be reasonably necessary to effect such purpose and intent.  
25785       **SECTION 346.** This act shall take effect and be in force from  
25786 and after July 1, 2023.

