

By: Representatives Lamar, Shanks, Wallace

To: Ways and Means

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 BRING
20 FORWARD SECTION 29-5-203, MISSISSIPPI CODE OF 1972, WHICH
21 DESCRIBES THE BOUNDARIES OF THE CAPITOL COMPLEX IMPROVEMENT
22 DISTRICT, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION
23 9-1-105, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
24 MISSISSIPPI SUPREME COURT TO APPOINT SPECIAL JUDGES, FOR PURPOSES
25 OF AMENDMENT; TO BRING FORWARD SECTION 9-1-107, MISSISSIPPI CODE
26 OF 1972, WHICH PROVIDES FOR APPOINTMENT OF SENIOR STATUS JUDGES,
27 FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION 27-65-75,
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DISTRIBUTION OF
29 STATE SALES TAX REVENUE, FOR PURPOSES OF AMENDMENT; TO BRING
30 FORWARD SECTIONS 75-79-29, 63-19-29, 79-11-289, 83-6-41,
31 79-4-16.04, 41-26-31, 75-71-602, 73-73-33, 9-9-15, 83-5-49,
32 73-63-49, 83-17-521, 83-38-19, 83-6-35, 83-17-423, 73-43-17,
33 69-7-667, 51-9-209, 73-69-33, 81-27-7.105, 43-33-755, 43-33-741,
34 41-137-59, 41-9-309, 73-1-31, 41-21-81, 55-23-6, 73-33-11,



35 83-49-31, 79-22-27, 51-9-141, 75-89-21, 81-27-6.104, 89-12-41,
36 83-1-161, 83-2-31, 77-11-5, 77-3-413, 79-37-116, 79-11-117,
37 79-11-353, 79-11-357, 79-11-389, 41-43-7, 79-13-1109, 1-1-9,
38 73-21-163, 51-9-109, 41-26-21, 83-34-19, 83-19-109, 43-27-225,
39 69-15-67, 51-9-113, 69-25-59, 81-27-4.108, 57-44-27, 39-17-119,
40 43-33-783, 57-1-323, 83-31-137, 65-39-21, 53-11-31, 37-101-321,
41 79-13-1006, 65-1-161, 83-24-99, 83-24-25, 75-25-29, 75-89-19,
42 57-67-23, 63-1-218, 29-5-93, 77-3-409, 79-29-1027, 79-4-1.26,
43 79-4-15.33, 79-29-827, 41-21-89, 83-31-175, 51-9-111, 79-4-13.30,
44 73-13-37, 69-15-63, 75-59-5, 75-89-23, 41-71-11, 29-7-21,
45 83-17-83, 83-24-9, 83-24-101, 73-53-25, 75-56-27, 75-29-205,
46 75-58-15, 31-17-181, 45-14-21, 79-4-16.05, 79-4-14.23, 79-29-209,
47 79-4-14.08, 41-9-31, 41-29-131, 73-43-14, 51-9-117, 73-60-7,
48 9-5-19, 31-31-33, 43-13-223, 45-45-17, 77-3-733, 77-3-75,
49 49-17-44, 37-145-35, 37-17-5, 79-4-8.09, 73-7-27, 83-41-349,
50 73-13-93, 73-34-43, 83-1-155, 79-14-813, 79-4-7.20, 79-14-808,
51 41-77-21, 75-71-609, 65-43-29, 9-7-25, 83-9-23, 79-11-355,
52 79-11-131, 53-9-67, 73-19-43, 73-39-81, 73-25-30, 81-18-19,
53 79-11-201, 79-14-204, 37-119-7, 41-51-29, 41-21-83, 73-59-13,
54 75-63-69, 75-25-7, 75-89-39, 75-35-325, 63-17-99, 73-36-33,
55 25-9-177, 81-14-175, 81-18-39, 81-12-205, 79-4-7.48, 41-75-23,
56 99-41-13, 27-35-309, 65-1-46, 73-4-19, 89-12-59, 75-27-113,
57 79-11-213, 79-29-913, 73-21-191, 7-5-309, 27-3-33, 97-33-315,
58 67-1-39, 41-21-103, 83-24-35, 73-9-65, 23-17-13, 81-18-43,
59 97-45-25, 73-35-25, 83-41-363, 83-41-339, 75-60-4, 73-7-37,
60 79-14-210, 73-11-57, 79-4-7.03, 31-3-23, 27-35-163, 9-9-19,
61 75-55-37, 79-11-509, 43-11-23, 37-9-75, 75-15-27, 73-23-63,
62 53-9-55, 69-7-616, 43-33-729, 77-3-22, 75-29-604, 79-4-14.31,
63 77-1-53, 53-1-39, 83-31-107, 73-24-25, 27-77-13, 81-5-85,
64 75-49-13, 77-7-295, 75-9-501.1, 97-17-71.1, 79-29-803, 75-60-19,
65 75-45-182, 93-11-157, 73-6-19, 73-1-29, 73-73-31, 73-21-103,
66 41-7-201, 73-2-16, 73-9-61, 83-31-153, 53-9-69, 73-63-43,
67 31-25-37, 57-1-255, 41-7-197, 57-67-15, 25-11-105, 25-9-132,
68 71-5-357, 27-77-7, 57-75-15, 25-11-120, 37-3-2, 71-5-355,
69 43-13-121, 55-23-35, 55-23-23, 9-7-23, 83-6-33, 55-23-33,
70 55-23-41, 9-5-17, 99-11-37, 37-27-80, 25-3-25, 69-7-209, 25-4-109,
71 83-53-43, 65-26-29, 37-101-279, 29-1-205, 55-23-5, 29-1-203,
72 77-6-7, 55-23-13, 83-53-41, 99-35-127, 9-3-31, 29-5-107, 31-29-15,
73 31-27-23, 37-47-59, 83-53-37, 69-2-15, 33-11-17, 99-11-39,
74 27-35-527, 29-5-113, 61-1-45, 69-1-47, 73-30-11, 37-104-27,
75 37-125-5, 59-5-49, 73-1-41, 59-17-39, 23-15-1037, 71-15-7,
76 19-1-49, 29-5-111, 83-5-47, 37-115-48, 37-115-105, 45-1-19,
77 55-23-15, 29-5-213, 83-5-39, 79-11-345, 37-115-27, 55-23-39,
78 49-5-94, 83-53-33, 73-29-39, 73-4-33, 69-5-25, 83-53-15, 11-11-15,
79 73-3-2, 65-3-3, 73-36-36, 55-23-21, 21-29-217, 39-23-3, 73-30-21,
80 9-4-5, 55-23-25, 69-5-103, 25-4-107, 83-54-27, 79-29-819,
81 79-4-14.07, 79-14-807, 37-101-292, 81-25-171, 83-5-43, 25-11-11,
82 41-29-187, 29-3-157, 41-11-11, 5-8-17, 25-4-21, 77-1-47,
83 37-101-291, 23-15-813, 25-5-1, 47-5-931, 41-7-191, 43-13-145,
84 67-1-5, 83-23-215, 13-3-63, 37-101-15, 23-15-931 AND 29-1-201,



85 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
86 AND FOR RELATED PURPOSES.

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

88 **SECTION 1.** There shall be two (2) inferior courts located
89 within the boundaries established in Section 29-5-203 for the
90 Capitol Complex Improvement District, hereinafter referred to as
91 "CCID".

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

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

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

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

109 (5) The Administrative Office of Courts shall provide
110 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 two (2) 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 two (2) 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.



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

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

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



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

167 **SECTION 5.** (1) The Capitol Complex Improvement District
168 Court (CCID) shall have jurisdiction over criminal and civil
169 matters which occurred or accrued within the boundaries
170 established for the Capitol Complex Improvement District in
171 Section 29-5-203. The CCID court shall have jurisdiction
172 concurrent with the justice court in all matters, civil and
173 criminal of which the justice court has jurisdiction for actions;
174 and it shall have jurisdiction concurrent with the circuit and
175 chancery courts in all matters of law and equity wherein the
176 amount of value of the thing in controversy shall not exceed,
177 exclusive of costs and interest, the sum of Twenty Million Dollars
178 (\$20,000,000.00), and the jurisdiction of the court shall not be
179 affected by any setoff, counterclaim or cross bill in such actions
180 where the amount sought to be recovered in such setoff,
181 counterclaim or cross bill exceeds Twenty Million Dollars
182 (\$20,000,000.00). Provided, however, the party filing such
183 setoff, counterclaim or cross bill which exceeds Twenty Million
184 Dollars (\$20,000,000.00) shall give notice to the opposite party
185 or parties as provided by law, and on motion of all parties filed



186 within twenty (20) days after the filing of such setoff,
187 counterclaim or cross bill, the court shall transfer the case to
188 the circuit or chancery court wherein the court is situated and
189 which would otherwise have jurisdiction. It shall exclusively
190 have the jurisdiction heretofore exercised by the justice court in
191 the following matters and causes: namely, eminent domain, the
192 partition of personal property, and actions of unlawful entry and
193 detainer, provided that the actions of eminent domain and unlawful
194 entry and detainer may be returnable and triable before the judge
195 of said court in vacation for actions that occur or accrue within
196 the boundaries of the CCID.

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

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



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

237 And, provided further, any reputable citizen may make an
238 affidavit charging crime before the judge of the CCID court, and
239 such affidavit shall be filed with the clerk of the county court,
240 and if the crime charged is a misdemeanor, the CCID court shall
241 have jurisdiction to try and dispose of said charge and, if the
242 crime charged be a felony, the judge shall have jurisdiction to
243 hear and determine said cause, the same as now provided by law to
244 be done by justices of the peace, and to commit the person so
245 charged, with or without bail as the evidence may warrant, or to
246 discharge the defendant.

247 **SECTION 8.** The Capitol Complex Improvement District Court
248 (CCID) shall be a court of record and the clerk of the CCID court
249 shall be appointed by the Chief Justice of the Supreme Court, and
250 the clerk or his or her deputy shall attend all the sessions of
251 the CCID court, and have present at all sessions, all books,
252 records, files, and papers pertaining to the term then in session.
253 The dockets, minutes, and records of the county court shall be
254 kept, so far as is practicable, in the same manner as are those of
255 the circuit court as provided by statute and the Mississippi Rules
256 of Civil Procedure. The Capitol Police Chief shall be the
257 executive officer of the county court; he shall by himself, or
258 deputy, attend all its sessions, and he shall serve all process
259 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 sheriffs 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 brought forward 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, 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 (extending along the southern boundary of LeFleur's Bluff State Park) until it reaches a point on such bank determined by extending the east curb line of Ridgewood Road south until it meets the bank of the Pearl River;

- Then north along such line determined by extending the east curb line of Ridgewood Road and continuing along such curb



309 line until it reaches the northern drainage ditch of Eastover
310 Drive;

311 • Then west along the northern drainage ditch and curb line
312 of Eastover Drive until it reaches the western curb line of the
313 west frontage road of I-55;

314 • Then south along the west curb line of such frontage road
315 until it reaches the northern curb line of Lakeland Drive;

316 • Then west along the northern curb line of Lakeland Drive
317 until it reaches the eastern curb line of Old Canton Road;

318 • Then north along the east curb line of Old Canton Road
319 until it reaches the northern curb line of Meadowbrook Road;

320 • Then west along the north curb line of Meadowbrook Road to
321 the west curb line of North State Street;

322 • Then south along the west curb line of North State Street
323 to the north curb line of Hartfield Street;

324 • Then west along the north curb line of Hartfield Street to
325 the west curb line of Oxford Avenue;

326 • Then south on the west curb line of Oxford Avenue to the
327 north curb line of Mitchell Avenue which becomes Stonewall Street;

328 • Then west along the north curb line of Mitchell Street and
329 then Stonewall Street until it reaches the west curb line of
330 Livingston Road;

331 • Then south along the west curb line of Livingston Road
332 until it reaches the south curb line of Woodrow Wilson Drive;



333 • Then east along the south curb line of Woodrow Wilson
334 Drive to the west curb line of Bailey Avenue (which becomes
335 Gallatin Street);

336 • Then south along the west curb line of Bailey Avenue and
337 then Gallatin Street until it reaches the north curb line of West
338 Capitol Street;

339 • Then west along the north curb line of West Capitol Street
340 until it intersects with the north curb line of Robinson Road;

341 • Then west on the north curb line of Robinson Road until it
342 intersects with the west curb line of Prentiss Street;

343 • Then south along the west curb line of Prentiss Street
344 until it intersects with the north curb line of John R. Lynch
345 Street on the west side of Jackson State University;

346 • Then west on the north curb line of John R. Lynch Street
347 until it reaches the west curb line of Valley Street;

348 • Then south along the west curb line of Valley Street until
349 it reaches the south curb line of Morehouse Street;

350 • Then east along the south curb line of Morehouse Street
351 until it reaches the west curb line of Dalton Street;

352 • Then south along the west curb line of Dalton Street until
353 it reaches the south curb line of Florence Avenue;

354 • Then east along the south curb line of Florence Avenue
355 until it reaches the east curb line of University Blvd. (Terry
356 Road);



357 • Then north and along the east curb line of University
358 Blvd. until it reaches the south curb line of Hooker Street;
359 • Then east along the south curb line of Hooker Street
360 extending in a straight line to the railroad tracks;
361 • Then north on the west side of such railroad tracks to the
362 south curb line of South Street;
363 • Then east on South Street to the east curb line of
364 Jefferson Street and extend the south curb line of South Street in
365 a straight line to the east to the western edge of I-55;
366 • Then north along the western edge of I-55 until it reaches
367 the south curb line of High Street;
368 • Then east along the south curb line of High Street and
369 extending such line to the Pearl River and the point of the
370 beginning.

371 **SECTION 11.** Section 9-1-105, Mississippi Code of 1972, is
372 brought forward as follows:

373 9-1-105. (1) Whenever any judicial officer is unwilling or
374 unable to hear a case or unable to hold or attend any of the
375 courts at the time and place required by law by reason of the
376 physical disability or sickness of such judicial officer, by
377 reason of the absence of such judicial officer from the state, by
378 reason of the disqualification of such judicial officer pursuant
379 to the provision of Section 165, Mississippi Constitution of 1890,
380 or any provision of the Code of Judicial Conduct, or for any other
381 reason, the Chief Justice of the Mississippi Supreme Court, with



the advice and consent of a majority of the justices of the Mississippi Supreme Court, may appoint a person as a special judge to hear the case or attend and hold a court.

(2) Upon the request of the Chief Judge of the Court of Appeals, the senior judge of a chancery or circuit court district, the senior judge of a county court, or upon his own motion, the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices of the Mississippi Supreme Court, shall have the authority to appoint a special judge to serve on a temporary basis in a circuit, chancery or county court in the event of an emergency or overcrowded docket. It shall be the duty of any special judge so appointed to assist the court to which he is assigned in the disposition of causes so pending in such court for whatever period of time is designated by the Chief Justice. The Chief Justice, in his discretion, may appoint the special judge to hear particular cases, a particular type of case, or a particular portion of the court's docket.

(3) When a vacancy exists for any of the reasons enumerated in Section 9-1-103, the vacancy has not been filled within seven (7) days by an appointment by the Governor, and there is a pending cause or are pending causes in the court where the vacancy exists that in the interests of justice and in the orderly dispatch of the court's business require the appointment of a special judge, the Chief Justice of the Supreme Court, with the advice and consent of a majority of the justices of the Mississippi Supreme



407 Court, may appoint a qualified person as a special judge to fill
408 the vacancy until the Governor makes his appointment and such
409 appointee has taken the oath of office.

410 (4) If the Chief Justice pursuant to this section shall make
411 an appointment within the authority vested in the Governor by
412 reason of Section 165, Mississippi Constitution of 1890, the
413 Governor may at his election appoint a person to so serve. In the
414 event that the Governor makes such an appointment, any appointment
415 made by the Chief Justice pursuant to this section shall be void
416 and of no further force or effect from the date of the Governor's
417 appointment.

418 (5) When a judicial officer is unwilling or unable to hear a
419 case or unable or unwilling to hold court for a period of time not
420 to exceed two (2) weeks, the trial judge or judges of the affected
421 district or county and other trial judges may agree among
422 themselves regarding the appointment of a person for such case or
423 such limited period of time. The trial judges shall submit a
424 notice to the Chief Justice of the Supreme Court informing him of
425 their appointment. If the Chief Justice does not appoint another
426 person to serve as special judge within seven (7) days after
427 receipt of such notice, the person designated in such order shall
428 be deemed appointed.

429 (6) A person appointed to serve as a special judge may be
430 any currently sitting or retired chancery, circuit or county court
431 judge, Court of Appeals judge or Supreme Court Justice, or any



other person possessing the qualifications of the judicial office for which the appointment is made; however, a judge or justice who was retired from service at the polls shall not be eligible for appointment as a special judge in the district in which he served prior to his defeat.

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

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

(9) A special judge appointed pursuant to this section shall 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 service, nor shall any sum be deducted as contributions toward retirement under said law.

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

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

(14) The Supreme Court shall prepare the necessary payroll for special judges appointed pursuant to this section and shall



481 submit such payroll to the Department of Finance and
482 Administration.

483 (15) Special judges appointed pursuant to this section shall
484 direct requests for reimbursement for travel expenses authorized
485 pursuant to this section to the Supreme Court and the Supreme
486 Court shall submit such requests to the Department of Finance and
487 Administration. The Supreme Court shall have the power to adopt
488 rules and regulations regarding the administration of travel
489 expenses authorized pursuant to this section.

490 **SECTION 12.** Section 9-1-107, Mississippi Code of 1972, is
491 brought forward as follows:

492 9-1-107. (1) Retired Court of Appeals, chancery, circuit or
493 county court judges or retired Supreme Court Justices, who have
494 served as a judge or justice for at least six (6) years and who
495 are either at least sixty-two (62) years of age or are receiving
496 state retirement benefits and who desire to be designated as
497 senior judges of the State of Mississippi shall file a certificate
498 for such designation with the Supreme Court. The certificate
499 shall be in such form as prescribed by the Supreme Court. The
500 filing of such certificate shall place such judge on senior
501 status.

502 (2) If judges who are placed on senior status are receiving
503 retirement benefits by virtue of the provisions of the Public
504 Employees' Retirement Law of 1952, appearing as Sections 25-11-1
505 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 governing 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 salary in effect for the judicial offices. Any person appointed as a senior judge on senior status 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. Each judge so serving shall make out an itemized account of the number of days he in good faith served, and make affidavit to same and file it with the Clerk of the Supreme Court. The said clerk shall issue a certificate showing the length of time such senior judge or judges on senior status



served, and the Department of Finance and Administration shall
issue its warrant therefor.

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

SECTION 13. Section 27-65-75, Mississippi Code of 1972, is
brought forward as follows:

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

(1) (a) On or before August 15, 1992, and each succeeding
month thereafter through July 15, 1993, eighteen percent (18%) 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) 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.

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

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

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



579 (b) On or before August 15, 2006, and each succeeding
580 month thereafter, eighteen and one-half percent (18-1/2%) of the
581 total sales tax revenue collected during the preceding month under
582 the provisions of this chapter, except that collected under the
583 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
584 business activities on the campus of a state institution of higher
585 learning or community or junior college whose campus is not
586 located within the corporate limits of a municipality, shall be
587 allocated for distribution to the state institution of higher
588 learning or community or junior college and paid to the state
589 institution of higher learning or community or junior college.

590 (c) On or before August 15, 2018, and each succeeding
591 month thereafter until August 14, 2019, two percent (2%) of the
592 total sales tax revenue collected during the preceding month under
593 the provisions of this chapter, except that collected under the
594 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
595 27-65-24, on business activities within the corporate limits of
596 the City of Jackson, Mississippi, shall be deposited into the
597 Capitol Complex Improvement District Project Fund created in
598 Section 29-5-215. On or before August 15, 2019, and each
599 succeeding month thereafter until August 14, 2020, four percent
600 (4%) of the total sales tax revenue collected during the preceding
601 month under the provisions of this chapter, except that collected
602 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
603 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, 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 of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215.

(d) (i) On or before the fifteenth day of the month that the diversion authorized by this section begins, 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) and 27-65-21, on business activities within a redevelopment project area developed under a redevelopment plan adopted under the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be allocated for distribution to the county in which the project area is located if:

1. The county:

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



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

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

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

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

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

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



654 the tax increment financing plan under Section 21-45-11 and be
655 utilized solely to satisfy the indebtedness incurred by the
656 county.

657 (2) On or before September 15, 1987, and each succeeding
658 month thereafter, from the revenue collected under this chapter
659 during the preceding month, One Million One Hundred Twenty-five
660 Thousand Dollars (\$1,125,000.00) shall be allocated for
661 distribution to municipal corporations as defined under subsection
662 (1) of this section in the proportion that the number of gallons
663 of gasoline and diesel fuel sold by distributors to consumers and
664 retailers in each such municipality during the preceding fiscal
665 year bears to the total gallons of gasoline and diesel fuel sold
666 by distributors to consumers and retailers in municipalities
667 statewide during the preceding fiscal year. The Department of
668 Revenue shall require all distributors of gasoline and diesel fuel
669 to report to the department monthly the total number of gallons of
670 gasoline and diesel fuel sold by them to consumers and retailers
671 in each municipality during the preceding month. The Department
672 of Revenue shall have the authority to promulgate such rules and
673 regulations as is necessary to determine the number of gallons of
674 gasoline and diesel fuel sold by distributors to consumers and
675 retailers in each municipality. In determining the percentage
676 allocation of funds under this subsection for the fiscal year
677 beginning July 1, 1987, and ending June 30, 1988, the Department
678 of Revenue may consider gallons of gasoline and diesel fuel sold



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

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

694 (4) On or before August 15, 1994, and on or before the
695 fifteenth day of each succeeding month through July 15, 1999, from
696 the proceeds of gasoline, diesel fuel or kerosene taxes as
697 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
698 (\$4,000,000.00) shall be deposited in the State Treasury to the
699 credit of a special fund designated as the "State Aid Road Fund,"
700 created by Section 65-9-17. On or before August 15, 1999, and on
701 or before the fifteenth day of each succeeding month, from the
702 total amount of the proceeds of gasoline, diesel fuel or kerosene
703 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.



778 (8) On or before August 15, 1992, and each succeeding month
779 thereafter, nine and seventy-three one-thousandths percent
780 (9.073%) of the total sales tax revenue collected during the
781 preceding month under the provisions of this chapter, except that
782 collected under the provisions of Section 27-65-17(2), shall be
783 deposited into the Education Enhancement Fund created under
784 Section 37-61-33.

785 (9) On or before August 15, 1994, and each succeeding month
786 thereafter, from the revenue collected under this chapter during
787 the preceding month, Two Hundred Fifty Thousand Dollars
788 (\$250,000.00) shall be paid into the State Aid Road Fund.

789 (10) On or before August 15, 1994, and each succeeding month
790 thereafter through August 15, 1995, from the revenue collected
791 under this chapter during the preceding month, Two Million Dollars
792 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
793 Valorem Tax Reduction Fund established in Section 27-51-105.

794 (11) Notwithstanding any other provision of this section to
795 the contrary, on or before February 15, 1995, and each succeeding
796 month thereafter, the sales tax revenue collected during the
797 preceding month under the provisions of Section 27-65-17(2) and
798 the corresponding levy in Section 27-65-23 on the rental or lease
799 of private carriers of passengers and light carriers of property
800 as defined in Section 27-51-101 shall be deposited, without
801 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
802 established in Section 27-51-105.



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

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

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



828 portion of the avails of the tax imposed in Section 27-65-23 that
829 is derived from sales by cotton compresses or cotton warehouses
830 and that would otherwise be paid into the General Fund shall be
831 deposited in an amount not to exceed Two Million Dollars
832 (\$2,000,000.00) into the special fund created under Section
833 69-37-39 until all debts or other obligations incurred by the
834 Certified Cotton Growers Organization under the Mississippi Boll
835 Weevil Management Act before January 1, 2007, are satisfied in
836 full. On or before August 15, 2010, and each succeeding month
837 thereafter through July 15, 2011, fifty percent (50%) of that
838 portion of the avails of the tax imposed in Section 27-65-23 that
839 is derived from sales by cotton compresses or cotton warehouses
840 and that would otherwise be paid into the General Fund shall be
841 deposited into the special fund created under Section 69-37-39
842 until such time that the total amount deposited into the fund
843 during a fiscal year equals One Million Dollars (\$1,000,000.00).
844 On or before August 15, 2011, and each succeeding month
845 thereafter, that portion of the avails of the tax imposed in
846 Section 27-65-23 that is derived from sales by cotton compresses
847 or cotton warehouses and that would otherwise be paid into the
848 General Fund shall be deposited into the special fund created
849 under Section 69-37-39 until such time that the total amount
850 deposited into the fund during a fiscal year equals One Million
851 Dollars (\$1,000,000.00).



852 (15) Notwithstanding any other provision of this section to
853 the contrary, on or before September 15, 2000, and each succeeding
854 month thereafter, the sales tax revenue collected during the
855 preceding month under the provisions of Section
856 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
857 without diversion, into the Telecommunications Ad Valorem Tax
858 Reduction Fund established in Section 27-38-7.

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

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

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



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

881 (18) [Repealed]

882 (19) (a) On or before August 15, 2005, and each succeeding
883 month thereafter, the sales tax revenue collected during the
884 preceding month under the provisions of this chapter on the gross
885 proceeds of sales of a business enterprise located within a
886 redevelopment project area under the provisions of Sections
887 57-91-1 through 57-91-11, and the revenue collected on the gross
888 proceeds of sales from sales made to a business enterprise located
889 in a redevelopment project area under the provisions of Sections
890 57-91-1 through 57-91-11 (provided that such sales made to a
891 business enterprise are made on the premises of the business
892 enterprise), shall, except as otherwise provided in this
893 subsection (19), be deposited, after all diversions, into the
894 Redevelopment Project Incentive Fund as created in Section
895 57-91-9.

896 (b) For a municipality participating in the Economic
897 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
898 the diversion provided for in subsection (1) of this section
899 attributable to the gross proceeds of sales of a business
900 enterprise located within a redevelopment project area under the
901 provisions of Sections 57-91-1 through 57-91-11, and attributable



902 to the gross proceeds of sales from sales made to a business
903 enterprise located in a redevelopment project area under the
904 provisions of Sections 57-91-1 through 57-91-11 (provided that
905 such sales made to a business enterprise are made on the premises
906 of the business enterprise), shall be deposited into the
907 Redevelopment Project Incentive Fund as created in Section
908 57-91-9, as follows:

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

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

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

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



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

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

936 (21) (a) On or before April 15, 2007, and each succeeding
937 month thereafter through June 15, 2013, One Hundred Fifty Thousand
938 Dollars (\$150,000.00) of the sales tax revenue collected during
939 the preceding month under the provisions of this chapter shall be
940 deposited into the MMEIA Tax Incentive Fund created in Section
941 57-101-3.

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

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



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

(23) (a) On or before August 15, 2019, and each month thereafter through July 15, 2020, one percent (1%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated therein. On or before August 15, 2020, and each month thereafter through July 15, 2021, two percent (2%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated therein. On or before August 15, 2021, and each month thereafter, three percent (3%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated therein. The revenue diverted pursuant to this subsection shall not be available for expenditure until February 1, 2020.



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

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

983 (25) (a) It shall be the duty of the municipal officials of
984 any municipality that expands its limits, or of any community that
985 incorporates as a municipality, to notify the commissioner of that
986 action thirty (30) days before the effective date. Failure to so
987 notify the commissioner shall cause the municipality to forfeit
988 the revenue that it would have been entitled to receive during
989 this period of time when the commissioner had no knowledge of the
990 action.

991 (b) (i) Except as otherwise provided in subparagraph
992 (ii) of this paragraph, if any funds have been erroneously
993 disbursed to any municipality or any overpayment of tax is
994 recovered by the taxpayer, the commissioner may make correction
995 and adjust the error or overpayment with the municipality by
996 withholding the necessary funds from any later payment to be made
997 to the municipality.



998 (ii) Subject to the provisions of Sections
999 27-65-51 and 27-65-53, if any funds have been erroneously
1000 disbursed to a municipality under subsection (1) of this section
1001 for a period of three (3) years or more, the maximum amount that
1002 may be recovered or withheld from the municipality is the total
1003 amount of funds erroneously disbursed for a period of three (3)
1004 years beginning with the date of the first erroneous disbursement.
1005 However, if during such period, a municipality provides written
1006 notice to the Department of Revenue indicating the erroneous
1007 disbursement of funds, then the maximum amount that may be
1008 recovered or withheld from the municipality is the total amount of
1009 funds erroneously disbursed for a period of one (1) year beginning
1010 with the date of the first erroneous disbursement.

1011 **SECTION 14.** Section 75-79-29, Mississippi Code of 1972, is
1012 brought forward as follows:

1013 75-79-29. The commissioner shall have power to issue
1014 subpoenas to compel the attendance of witnesses and the production
1015 of documents, papers, books, records and other evidence before him
1016 in any matter over which it has jurisdiction, control or
1017 supervision pertaining to this chapter.

1018 The commissioner or any agent designated by him, may
1019 administer oaths and affirmations, examine witnesses and receive
1020 evidence. Such attendance of witnesses and the production of such
1021 evidence may be required from any place in the state at any
1022 designated place of hearing.



1023 If any person refuses to obey any such subpoena, or to give
1024 testimony, or to produce evidence as required thereby, any judge
1025 or the chancellor of the chancery court of the First Judicial
1026 District of Hinds County may, upon application and proof of such
1027 refusal, make an order awarding process of subpoena, or subpoena
1028 duces tecum, out of the court, for the witness to appear before
1029 the commissioner and to give testimony, and to produce evidence as
1030 required thereby. Upon filing such order in the office of the
1031 clerk of the court or the office of the clerk of such chancery
1032 court, the clerk shall issue process of subpoena, as directed,
1033 under the seal of the court, requiring the person to whom it is
1034 directed, to appear at the time and place therein designated.

1035 If any person served with any such subpoena shall refuse to
1036 obey the same, and to give testimony, and to produce evidence as
1037 required thereby, the commissioner may apply to any judge or the
1038 chancellor of the Chancery Court of the First Judicial District of
1039 Hinds County for an attachment against such person, as for a
1040 contempt. The judge or chancellor, upon satisfactory proof of
1041 such refusal, shall issue an attachment, directed to any sheriff,
1042 constable or police officer, for the arrest of such person, and
1043 upon his being brought before such judge, proceed to a hearing of
1044 the case. The judge or chancellor shall have power to enforce
1045 obedience to such subpoena and the answering of any question, and
1046 the production of any evidence, that may be proper by imposition
1047 of a fine, not exceeding Five Hundred Dollars (\$500.00), or by



1048 imprisonment in the county jail, or by both imposition of a fine
1049 and imprisonment, and to compel such witness to pay the costs of
1050 such proceeding.

1051 **SECTION 15.** Section 63-19-29, Mississippi Code of 1972, is
1052 brought forward as follows:

1053 63-19-29. The administrator shall have power to issue
1054 subpoenas to compel the attendance of witnesses and the production
1055 of documents, papers, books, records and other evidence before him
1056 in any matter over which he has jurisdiction, control or
1057 supervision pertaining to this chapter. The administrator shall
1058 have the power to administer oaths and affirmations to any person
1059 whose testimony is required.

1060 If any person shall refuse to obey any such subpoena, or to
1061 give testimony, or to produce evidence as required thereby, any
1062 judge or chancellor of the Chancery Court of the First Judicial
1063 District of Hinds County may, upon application and proof of such
1064 refusal, make an order awarding process of subpoena, or subpoena
1065 duces tecum, out of said court, for the witness to appear before
1066 the administrator and to give testimony, and to produce evidence
1067 as required thereby. Upon filing such order in the office of the
1068 clerk of the said chancery court, the clerk shall issue process of
1069 subpoena, as directed, under the seal of said court, requiring the
1070 person to whom it is directed, to appear at the time and place
1071 therein designated.



1072 If any person served with any such subpoena shall refuse to
1073 obey the same, and to give testimony, and to produce evidence as
1074 required thereby, the administrator may apply to any judge or
1075 chancellor of the Chancery Court of the First Judicial District of
1076 Hinds County for an attachment against such person, as for a
1077 contempt. The judge, or chancellor, upon satisfactory proof of
1078 such refusal, shall issue an attachment, directed to any sheriff,
1079 constable or police officer, for the arrest of such person, and
1080 upon his being brought before such judge, proceed to a hearing of
1081 the case. The judge, or chancellor, shall have power to enforce
1082 obedience to such subpoena, and the answering of any question, and
1083 the production of any evidence, that may be proper by imposition
1084 of a fine, not exceeding One Hundred Dollars (\$100.00), or by
1085 imprisonment in the county jail, or by both imposition of a fine
1086 and imprisonment, and to compel such witness to pay the costs of
1087 such proceeding to be taxed.

1088 **SECTION 16.** Section 79-11-289, Mississippi Code of 1972, is
1089 brought forward as follows:

1090 79-11-289. (1) If a corporation does not allow a member who
1091 complies with Section 79-11-285(1) to inspect and copy any records
1092 required by that subsection to be available for inspection, the
1093 chancery court in the county where the corporation's principal
1094 office is located, or the Chancery Court of the First Judicial
1095 District of Hinds County, Mississippi, if the corporation does not
1096 have a principal office in this state, may summarily order



1097 inspection and copying of the records demanded at the
1098 corporation's expense upon application of the member.

1099 (2) If a corporation does not within a reasonable time allow
1100 a member to inspect and copy any other record, the member who
1101 complies with Section 79-11-285(2) and (3) may apply to the
1102 chancery court in the county where the corporation's principal
1103 office is located, or the Chancery Court of the First Judicial
1104 District of Hinds County, Mississippi, if the corporation does not
1105 have a principal office in this state, for an order to permit
1106 inspection and copying of the records demanded. The court shall
1107 dispose of an application under this subsection on an expedited
1108 basis.

1109 (3) If the court orders inspection and copying of the
1110 records demanded, it shall also order the corporation to pay the
1111 member's costs (including reasonable attorney's fees) incurred to
1112 obtain the order unless the corporation proves that it refused
1113 inspection in good faith because it had a reasonable basis for
1114 doubt about the right of the member to inspect the records
1115 demanded.

1116 (4) If the court orders inspection and copying of the
1117 records demanded, it may impose reasonable restrictions on the use
1118 or distribution of the records by the demanding member.

1119 **SECTION 17.** Section 83-6-41, Mississippi Code of 1972, is
1120 brought forward as follows:



1121 83-6-41. (1) Any person aggrieved by any act,
1122 determination, rule, regulation or order or any other action of
1123 the commissioner pursuant to this chapter may appeal to the
1124 Chancery Court of the First Judicial District of Hinds County.

1125 (2) The filing of an appeal pursuant to this section shall
1126 stay the application of any such rule, regulation, order or other
1127 action of the commissioner to the appealing party unless the
1128 court, after giving such party notice and an opportunity to be
1129 heard, determines that such a stay would be detrimental to the
1130 interests of policyholders, shareholders, creditors or the public.

1131 (3) Any person aggrieved by any failure of the commissioner
1132 to act or make a determination required by this chapter may
1133 petition the Chancery Court of the First Judicial District of
1134 Hinds County for a writ in the nature of a mandamus or a
1135 peremptory mandamus directing the commissioner to act or make such
1136 determination forthwith.

1137 **SECTION 18.** Section 79-4-16.04, Mississippi Code of 1972, is
1138 brought forward as follows:

1139 79-4-16.04. (a) If a corporation does not allow a
1140 shareholder who complies with Section 79-4-16.02(a) to inspect and
1141 copy any records required by that subsection to be available for
1142 inspection, the chancery court of the county where the
1143 corporation's principal office is located, or the Chancery Court
1144 of the First Judicial District of Hinds County, Mississippi, if
1145 the corporation does not have a principal office in this state,



may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(b) If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with Section 79-4-16.02(b) and (c) may apply to the chancery court in the county where the corporation's principal office is located, or the Chancery Court of the First Judicial District of Hinds County, Mississippi, if the corporation does not have a principal office in this state, for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

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

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

SECTION 19. Section 41-26-31, Mississippi Code of 1972, is brought forward as follows:



1170 41-26-31. (1) If the director finds any person guilty of a
1171 violation of this chapter, any rule or regulation or written order
1172 of the director or any condition or limitation of an approval, the
1173 director may assess and levy a civil penalty of not more than
1174 Twenty-five Thousand Dollars (\$25,000.00) for each violation,
1175 except as provided in Section 41-26-8(3). Each day of a
1176 continuing violation is a separate violation. Any penalty shall
1177 be assessed and levied by the director after a hearing as provided
1178 in this chapter. Appeals from the imposition of the civil penalty
1179 may be taken to the Chancery Court of the First Judicial District
1180 of Hinds County or the chancery court of the county of the situs,
1181 in whole or in part, as provided in Section 41-26-15. If the
1182 appellant desires to stay the execution of a civil penalty
1183 assessed under this section, the appellant shall give bond with
1184 sufficient sureties of one or more guaranty or surety companies
1185 authorized to do business in this state, payable to the State of
1186 Mississippi, in an amount equal to double the amount of any civil
1187 penalty assessed by the director, as to which the stay of
1188 execution is desired. If the judgment is affirmed, the appellant
1189 shall pay all costs of the assessment entered against the
1190 appellant.

1191 (2) In addition to or in lieu of the penalty provided in
1192 subsection (1) of this section, the director may institute and
1193 maintain in the name of the state any proceedings necessary or
1194 appropriate to enforce this chapter, any rule or regulation or



1195 written order of the director or any condition or limitation of an
1196 approval. The proceedings may be filed and heard in the
1197 appropriate circuit, chancery, county or justice court of the
1198 county in which venue may lie, or in the Circuit, Chancery or
1199 County Court of the First Judicial District of Hinds County, as
1200 the case may be. The director may obtain mandatory or prohibitory
1201 injunctive relief, either temporary or permanent. In cases of
1202 imminent and substantial hazard or endangerment, it shall not be
1203 necessary that the state plead or prove: (a) that irreparable
1204 damage would result if the injunction did not issue; (b) that
1205 there is no adequate remedy at law; or (c) that a written order
1206 has first been issued for the alleged violation.

1207 (3) In determining the amount of any penalty under this
1208 section, the director shall consider at a minimum:

- 1209 (a) The willfulness of the violation;
- 1210 (b) Costs of restoration and abatement;
- 1211 (c) Economic benefit as a result of noncompliance;
- 1212 (d) The seriousness of the violation, including any
1213 harm or hazard to the public health and welfare; and
- 1214 (e) Past performance history.

1215 (4) (a) The owner of any public water system found in
1216 violation of this chapter may submit to the director a plan for:

- 1217 (i) The physical consolidation of the system with
1218 one or more other viable public water systems;



1219 (ii) The consolidation of significant management
1220 and administrative functions of the system with one or more other
1221 viable public water systems or contract or satellite management of
1222 the system; or

1223 (iii) The transfer of ownership of the system.

1224 (b) If the director approves the plan and the plan is
1225 fully implemented as determined by the director, the director
1226 shall waive any penalty assessed under this section for a
1227 violation identified in the approved plan before the date on which
1228 the action specified in the approved plan was completed.

1229 (5) (a) In addition to or in lieu of any other penalty
1230 imposed under this section, the director may require the owner of
1231 any public water system found in violation to provide a
1232 performance bond or other acceptable financial security instrument
1233 including, but not limited to, cash, negotiable bonds of the
1234 United States government or the state, or negotiable certificates
1235 of deposit or a letter of credit of any bank organized or
1236 transacting business in the state and insured by the Federal
1237 Deposit Insurance Corporation or the Federal Savings and Loan
1238 Insurance Corporation or a similar federal banking or savings and
1239 loan insurance organization to the department. The bond or
1240 financial security must be approved by the director. The purpose
1241 of the bond or other financial security shall be the protection of
1242 the health and welfare of the customers of the system. The board
1243 shall establish by regulation the acceptable forms of financial



1244 security and the amount of financial security required for the
1245 various types and sizes of facilities. The director shall notify
1246 the owner, in writing, of the form and amount of security
1247 required.

1248 (b) The director may petition the Chancery Court of the
1249 First Judicial District of Hinds County for forfeiture of the bond
1250 or other financial security, if the director determines that:

1251 (i) The continued operation or lack of operation
1252 of the system covered by this section represents a threat to the
1253 public health and welfare;

1254 (ii) All reasonable and practical efforts under
1255 the circumstances have been made to obtain corrective actions from
1256 the violators; and

1257 (iii) It does not appear that corrective actions
1258 can or will be taken within an appropriate time as determined by
1259 the director, or it appears the facility has been abandoned.

1260 (c) The proceeds of any forfeiture shall be deposited
1261 in the Public Water Systems Bond Operations Account of the Public
1262 Water Systems Assistance Fund and shall be used as ordered by the
1263 court to address or correct the noncompliance at the system. The
1264 proceeds shall be in addition to any other funds otherwise
1265 appropriated to the department and may be expended under the
1266 authority of this section without additional action of the
1267 Legislature or the Department of Finance and Administration.



1268 (d) If the court finds that a system has been abandoned
1269 or that services of a system have been terminated, the court may
1270 enter any orders regarding continued operations of that system as
1271 it deems necessary to protect the public health and welfare.

1272 (6) (a) Any penalty assessed by the director under this
1273 section shall be due and payable within thirty (30) days after
1274 notification of the violator of the order, and shall be due and
1275 payable jointly or severally, as the order may require or allow.

1276 (b) If the assessed penalty is not paid within the
1277 thirty (30) days, or within any additional time as the director
1278 may allow, the director may file suit in the Circuit Court of the
1279 First Judicial District of Hinds County or any other court with
1280 appropriate jurisdiction to enforce the order, collect the penalty
1281 and recover reasonable attorney's fees and all court costs.

1282 (c) A copy of the administrative order shall be
1283 sufficient proof as to the decision of the director.

1284 (7) All fines and penalties recovered or collected by the
1285 director under subsection (1) of this section shall be deposited
1286 in the Public Water Systems Technical Assistance Account of the
1287 Public Water Systems Assistance Fund.

1288 **SECTION 20.** Section 75-71-602, Mississippi Code of 1972, is
1289 brought forward as follows:

1290 75-71-602. **Investigations and subpoenas.** (a) **Authority to**
1291 **investigate.** The administrator may:



1292 (1) Conduct public or private investigations within or
1293 outside of this state which the administrator considers necessary
1294 or appropriate to determine whether a person has violated, is
1295 violating, or is about to violate this chapter or a rule adopted
1296 or order issued under this chapter, or to aid in the enforcement
1297 of this chapter or in the adoption of rules and forms under this
1298 chapter;

1299 (2) Require or permit a person to testify, file a
1300 statement, or produce a record, under oath or otherwise as the
1301 administrator determines, as to all the facts and circumstances
1302 concerning a matter to be investigated or about which an action or
1303 proceeding is to be instituted; and

1304 (3) Publish a record concerning an action, proceeding,
1305 or an investigation under, or a violation of, this chapter or a
1306 rule adopted or order issued under this chapter if the
1307 administrator determines it is necessary or appropriate in the
1308 public interest and for the protection of investors.

1309 (b) **Administrator powers to investigate.** For the purpose of
1310 an investigation under this chapter, the administrator or its
1311 designated officer may administer oaths and affirmations, subpoena
1312 witnesses, seek compulsion of attendance, take evidence, require
1313 the filing of statements, and require the production of any
1314 records that the administrator considers relevant or material to
1315 the investigation.



1316 (c) **Procedure and remedies for noncompliance.** If a person
1317 does not appear or refuses to testify, file a statement, produce
1318 records, or otherwise does not obey a subpoena as required by the
1319 administrator under this chapter, the administrator may apply to
1320 the Chancery Court of the First Judicial District of Hinds County,
1321 Mississippi, or a court of another state to enforce compliance.

1322 The court may:

- 1323 (1) Hold the person in contempt;
- 1324 (2) Order the person to appear before the
1325 administrator;
- 1326 (3) Order the person to testify about the matter under
1327 investigation or in question;
- 1328 (4) Order the production of records;
- 1329 (5) Grant injunctive relief, including restricting or
1330 prohibiting the offer or sale of securities or the providing of
1331 investment advice; and
- 1332 (6) Grant any other necessary or appropriate relief.

1333 (d) **Application for relief.** This section does not preclude
1334 a person from applying to the Chancery Court of the First Judicial
1335 District of Hinds County, Mississippi, or a court of another state
1336 for relief from a request to appear, testify, file a statement,
1337 produce records, or obey a subpoena.

1338 (e) **Use immunity procedure.** An individual is not excused
1339 from attending, testifying, filing a statement, producing a record
1340 or other evidence, or obeying a subpoena of the administrator



under this chapter or in an action or proceeding instituted by the administrator under this chapter on the ground that the required testimony, statement, record, or other evidence, directly or indirectly, may tend to incriminate the individual or subject the individual to a criminal fine, penalty, or forfeiture. If the individual refuses to testify, file a statement, or produce a record or other evidence on the basis of the individual's privilege against self-incrimination, the administrator may apply to the Chancery Court of the First Judicial District of Hinds County, Mississippi, to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence. The testimony, record, or other evidence compelled under such an order may not be used, directly or indirectly, against the individual in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the order.

(f) **Assistance to securities regulator of another jurisdiction.** At the request of the securities regulator of another state or a foreign jurisdiction, the administrator may provide assistance if the requesting regulator states that it is conducting an investigation to determine whether a person has violated, is violating, or is about to violate a law or rule of the other state or foreign jurisdiction relating to securities matters that the requesting regulator administers or enforces. The administrator may provide the assistance by using the



1366 authority to investigate and the powers conferred by this section
1367 as the administrator determines is necessary or appropriate. The
1368 assistance may be provided without regard to whether the conduct
1369 described in the request would also constitute a violation of this
1370 chapter or other law of this state if occurring in this state. In
1371 deciding whether to provide the assistance, the administrator may
1372 consider whether the requesting regulator is permitted and has
1373 agreed to provide assistance reciprocally within its state or
1374 foreign jurisdiction to the administrator on securities matters
1375 when requested; whether compliance with the request would violate
1376 or prejudice the public policy of this state; and the availability
1377 of resources and employees of the administrator to carry out the
1378 request for assistance.

1379 **SECTION 21.** Section 73-73-33, Mississippi Code of 1972, is
1380 brought forward as follows:

1381 73-73-33. Within thirty (30) days after entry of a final
1382 order or judgment denying or revoking a certificate to practice as
1383 a Certified Interior Designer, whether an initial licensure or
1384 renewal, or action of the board as a result of disciplinary
1385 proceedings conducted under this section, any person aggrieved may
1386 appeal the order, judgment or action either to the chancery court
1387 of the county in which the appellant resides or to the Chancery
1388 Court of the First Judicial District of Hinds County, Mississippi,
1389 upon giving bond with sufficient security in the amount of Five
1390 Hundred Dollars (\$500.00), approved by the clerk of the chancery



1391 court and conditioned to pay any costs which may be adjudged
1392 against the person. If the appellant is a nonresident of this
1393 state, the appeal shall be made to the Chancery Court of the First
1394 Judicial District of Hinds County, Mississippi.

1395 Notice of appeal shall be filed in the office of the clerk of
1396 the chancery court, who shall issue a writ of certiorari directed
1397 to the board commanding it, within ten (10) days after service, to
1398 certify to the court its entire record in the matter in which the
1399 appeal has been taken. The content of the briefs shall be in
1400 accordance with M.R.A.P. 28 and the briefing schedule shall be in
1401 accordance with M.R.A.P. 31 unless the court, in its discretion,
1402 directs otherwise. The appeal shall be heard in due course by the
1403 court, and the court shall review the record and make its
1404 determination of the cause between the parties within sixty (60)
1405 days of the close of briefing.

1406 Any order, judgment or decision of the board shall not take
1407 effect until after the time for appeal to the court shall have
1408 expired. All appeals perfected under this section shall act as a
1409 supersedeas of the order, judgment or action appealed from.

1410 **SECTION 22.** Section 9-9-15, Mississippi Code of 1972, is
1411 brought forward as follows:

1412 9-9-15. (1) In order to relieve the crowded condition of
1413 the docket in the county court and in the youth court of the First
1414 Judicial District of Hinds County and particularly to facilitate
1415 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 for purposes of appointment, nomination and election only as Place One, Place Two and Place Three. There shall be no distinction whatsoever in the powers, duties and emoluments of the three (3) offices of county judge, except that the county judge of Hinds County who has been for the longest time continuously a county judge of said county, shall have the right to assign causes, terms and dockets.

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

SECTION 23. Section 83-5-49, Mississippi Code of 1972, is brought forward as follows:

83-5-49. Any person who willfully violates a cease and desist order of the commissioner under Section 83-5-41, after it



1441 has become final, and while such order is in effect, shall, upon
1442 proof thereof to the satisfaction of the court, forfeit and pay to
1443 the commissioner for the use of the public schools of the county
1444 or counties in which the act or acts complained of occurred, a sum
1445 to be determined by the commissioner not to exceed One Thousand
1446 Dollars (\$1,000.00) for each violation, which if not paid may be
1447 recovered in a civil action instituted in the name of the
1448 commissioner in a court of competent jurisdiction in the county of
1449 the residence of such person who is a resident of the state. In
1450 the case of a nonresident, the action shall be brought in a court
1451 of competent jurisdiction in Hinds County.

1452 In addition to or in lieu of the penalty set out above, the
1453 commissioner may revoke or suspend the license of such person to
1454 transact the business of insurance in this state, but from any
1455 order of the commissioner revoking or suspending such license,
1456 there shall be a right of appeal therefrom to the Circuit Court of
1457 the First Judicial District of Hinds County in the manner provided
1458 by law.

1459 **SECTION 24.** Section 73-63-49, Mississippi Code of 1972, is
1460 brought forward as follows:

1461 73-63-49. Except as provided in Section 73-63-43(10), any
1462 person aggrieved by an action of the board revoking that person's
1463 certificate of registration or certificate of enrollment as a
1464 geologist-in-training or denying the renewal of registration as a
1465 professional geologist, or who is aggrieved by the action of the



1466 board as a result of disciplinary proceedings conducted under
1467 Section 73-63-43 may appeal to the chancery court of the county in
1468 which the appellant resides or the Chancery Court of the First
1469 Judicial District of Hinds County, at the election of the
1470 appellant. If the appellant is a nonresident of this state, the
1471 appeal shall be made to the Chancery Court of the First Judicial
1472 District of Hinds County. The appeal shall be perfected before
1473 the board by the filing with the board of a notice of appeal to
1474 the chancery court. The notice of appeal shall be filed not later
1475 than thirty (30) days after the decision of the board is forwarded
1476 to the guilty party.

1477 All appeals perfected under this section shall act as a
1478 supersedeas, and shall be made to the chancery court solely upon
1479 the record made before the board during the disciplinary hearing.
1480 The appellant shall be required to post a bond with sufficient
1481 sureties according to law in an amount to be determined by the
1482 chancellor. When the appeal is properly perfected, the board
1483 shall cause the record of the proceedings conducted before it to
1484 be compiled, certified and filed with the chancery court. The
1485 chancery court shall always be deemed open for hearing of appeals
1486 and the chancellor may hear the appeal in termtime or in vacation
1487 at any place in the chancellor's district. The appeal shall have
1488 precedence over all civil cases, except election contests. The
1489 chancery court shall review all questions of law and of fact. If
1490 no prejudicial error is found, the matter shall be affirmed and



remanded to the board for enforcement. If a prejudicial error is found, the matter shall be reversed and the chancery court shall remand the matter to the board for appropriate action as may be shown or necessary under the circumstances. Appeals may be taken from the chancery court to the Supreme Court in the manner as required by law.

SECTION 25. Section 83-17-521, Mississippi Code of 1972, is brought forward as follows:

83-17-521. Any person aggrieved by any action or decision of the commissioner under the provisions of this article may appeal therefrom to the Circuit Court of the First Judicial District of Hinds County in the manner provided by law. The circuit court shall have the authority and jurisdiction to hear the appeal and render its decision in regard thereto in termtime or vacation.

SECTION 26. Section 83-38-19, Mississippi Code of 1972, is brought forward as follows:

83-38-19. Any person insured pursuant to this chapter, or his representative, or any affected insurer who may be aggrieved by an act, ruling, or decision of the association, within thirty (30) days after such ruling, is entitled to appeal to the commissioner. A hearing before the commissioner upon such appeal shall be in accordance with the procedures promulgated by the commissioner. The commissioner is authorized to appoint a member of the Insurance Department staff for the purpose of hearing such appeals, and a ruling based upon such hearing shall have the same



effect as if heard by the commissioner. All persons or insureds aggrieved by any order or decision of the commissioner may appeal, within thirty (30) days of such order or decision to the Chancery Court of the First Judicial District of Hinds County.

SECTION 27. Section 83-6-35, Mississippi Code of 1972, is brought forward as follows:

83-6-35. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent thereof has committed a willful violation of this chapter, the commissioner may cause criminal proceedings to be instituted in the court having criminal jurisdiction for the county in which the principal office of the insurer is located, or if such insurer has no such office in the state, then in the Circuit Court for the First Judicial District of Hinds County against such insurer or the responsible director, officer, employee or agent thereof. Any insurer which willfully violates this chapter may be fined not more than Five Hundred Dollars (\$500.00). Any individual who willfully violates this chapter upon conviction may be fined not more than Five Hundred Dollars (\$500.00), or if such willful violation involves the deliberate perpetration of a fraud, may be imprisoned in the State Penitentiary for not more than two (2) years, or both.

SECTION 28. Section 83-17-423, Mississippi Code of 1972, is brought forward as follows:



1540 83-17-423. Any person aggrieved by any action or decision of
1541 the Commissioner of Insurance under the provisions of this article
1542 may appeal therefrom to the Circuit Court of the First Judicial
1543 District of Hinds County in the manner provided by law. The
1544 circuit court shall have the authority and jurisdiction to hear
1545 the appeal and render its decision in regard thereto in termtime
1546 or vacation.

1547 **SECTION 29.** Section 73-43-17, Mississippi Code of 1972, is
1548 brought forward as follows:

1549 73-43-17. Unless otherwise provided for by law, the venue of
1550 actions against the state board of medical licensure wherein said
1551 board is a defendant shall be the first judicial district of Hinds
1552 County, Mississippi.

1553 **SECTION 30.** Section 69-7-667, Mississippi Code of 1972, is
1554 brought forward as follows:

1555 69-7-667. (1) The commissioner is hereby authorized to
1556 apply for and the court to grant a temporary or permanent
1557 injunction restraining any person from violating or continuing to
1558 violate any of the provisions of this article or any rule or
1559 regulation promulgated under this article, notwithstanding the
1560 existence of other remedies at law. Said injunction shall be
1561 issued without bond.

1562 (2) Any person adversely affected by an act, order or ruling
1563 made by the commissioner pursuant to the provisions of this
1564 article may, within forty-five (45) days thereafter, bring action



1565 in the Hinds County Circuit Court, First Judicial District, for
1566 judicial review of such actions. The form of the proceeding shall
1567 be any which may be provided by statutes of this state to review
1568 decisions of administrative agencies, or in the absence or
1569 inadequacy thereof any applicable form of legal action, including
1570 actions for declaratory judgments or writs of prohibitory or
1571 mandatory injunctions.

1572 **SECTION 31.** Section 51-9-209, Mississippi Code of 1972, is
1573 brought forward as follows:

1574 51-9-209. All bonds (other than refunding bonds, interim
1575 notes and certificate of indebtedness) issued pursuant to this act
1576 shall be validated as now provided by law in Sections 31-13-1
1577 through 31-13-11, Mississippi Code of 1972; provided, however,
1578 that notice of such validation proceedings shall be addressed to
1579 the taxpayers of any public agency (i) which has contracted with
1580 the district pursuant to this act and whose contracts and the
1581 payments to be made by the public agency thereunder constitute
1582 security for the bonds of the district proposed to be issued, or
1583 (ii) which is a member of the district. Such notice shall be
1584 published at least once in a newspaper or newspapers having a
1585 general circulation within the geographical boundaries of each of
1586 the public agencies to whose taxpayers the notice is addressed.
1587 Such validation proceedings shall be instituted in the First
1588 Judicial District of the Chancery Court of Hinds County. The
1589 validity of the bonds so validated and of the contracts and



1590 payments to be made by the public agencies thereunder constituting
1591 security for the bonds shall be forever conclusive against the
1592 district and the public agencies which are parties to said
1593 contracts; and the validity of said bonds and said contracts and
1594 the payment to be made thereunder shall never be called in
1595 question in any court in this state.

1596 **SECTION 32.** Section 73-69-33, Mississippi Code of 1972, is
1597 brought forward as follows:

1598 73-69-33. Any person aggrieved by any action or decision of
1599 the State Fire Marshal under the provisions of this chapter may
1600 appeal therefrom, within thirty (30) days after receipt of notice
1601 thereof to the Chancery Court of the First Judicial District of
1602 Hinds County by certiorari in the manner provided by law. Such
1603 appeal shall be without supersedeas except that the court may
1604 grant supersedeas as otherwise provided by law here the license is
1605 revoked. The court shall have the authority and jurisdiction to
1606 hear the appeal and render its decision in regard thereto in
1607 termtime or vacation.

1608 **SECTION 33.** Section 81-27-7.105, Mississippi Code of 1972,
1609 is brought forward as follows:

1610 81-27-7.105. Administrative orders issued by the
1611 commissioner and civil money penalties imposed for violation of
1612 such orders shall be subject to review by the Chancery Court of
1613 the First Judicial District of Hinds County, Mississippi.



1614 **SECTION 34.** Section 43-33-755, Mississippi Code of 1972, is
1615 brought forward as follows:

1616 43-33-755. Any action or proceeding to which the corporation
1617 or the people of the state may be a part in which any question
1618 arises as to the validity of this article shall be preferred over
1619 all other civil causes in all courts of the state and shall be
1620 heard and determined in preference to all other civil business
1621 pending therein irrespective of position on the calendar. The
1622 same preference shall be granted upon application of counsel to
1623 the corporation in any action or proceeding questioning the
1624 validity of the article in which he may be allowed to intervene.
1625 The venue of any such action or proceeding shall be in the First
1626 Judicial District of Hinds County, Mississippi.

1627 **SECTION 35.** Section 43-33-741, Mississippi Code of 1972, is
1628 brought forward as follows:

1629 43-33-741. The state does hereby pledge to and agree with
1630 the holders of any bonds or notes issued under this article that
1631 the state will not limit or alter the rights hereby vested in the
1632 corporation to fulfill the terms of any agreements made with the
1633 holders thereof in keeping with the provisions of this article, or
1634 in any way impair the rights and remedies of such holders until
1635 such bonds or notes together with the interest thereon, with
1636 interest on any unpaid installments of interest, and all costs and
1637 expenses in connection with any action or proceedings by or on
1638 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 First Judicial District of Hinds County, Mississippi.

SECTION 36. Section 41-137-59, Mississippi Code of 1972, is brought forward as follows:

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

(2) (a) The petition shall be filed within twenty (20) days after the issuance of the agency's final decision or order. The petition shall be filed in the circuit court of the county in which the appellant resides. If the appellant is a nonresident of this state, the appeal shall be made to the Circuit Court of the First Judicial District of Hinds County, Mississippi.

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

SECTION 37. Section 41-9-309, Mississippi Code of 1972, is brought forward as follows:

41-9-309. Any applicant aggrieved by a decision of the department under this act shall be entitled to judicial review



1664 thereof in the Circuit Court of Hinds County, First Judicial
1665 District. In the review, the decision of the department shall be
1666 affirmed unless it is arbitrary, capricious, or it is not in
1667 compliance with this act.

1668 **SECTION 38.** Section 73-1-31, Mississippi Code of 1972, is
1669 brought forward as follows:

1670 73-1-31. Within thirty (30) days after entry of a final
1671 order or judgment denying or revoking a certificate to practice
1672 architecture, whether an initial licensure or renewal, or action
1673 of the board as a result of disciplinary proceedings conducted
1674 under this section, any person aggrieved thereby may appeal such
1675 order, judgment or action either to the chancery court of the
1676 county wherein the appellant resides or to the Chancery Court of
1677 the First Judicial District of Hinds County, Mississippi, upon
1678 giving bond with sufficient security in the amount of Five Hundred
1679 Dollars (\$500.00), approved by the clerk of the chancery court and
1680 conditioned to pay any costs which may be adjudged against such
1681 person. If the appellant is a nonresident of this state, the
1682 appeal shall be made to the Chancery Court of the First Judicial
1683 District of Hinds County, Mississippi.

1684 Notice of appeal shall be filed in the office of the clerk of
1685 the chancery court, who shall issue a writ of certiorari directed
1686 to the board commanding it within ten (10) days after service
1687 thereof to certify to such court its entire record in the matter
1688 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 thereupon 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 hereunder shall act as a supersedeas of the order, judgment or action appealed from.

Actions taken by the board in suspending a certificate of registration 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 39. Section 41-21-81, Mississippi Code of 1972, is brought forward as follows:

41-21-81. If at any time within twenty (20) days after admission of a patient to a treatment facility the director determines that the patient is in need of continued hospitalization, he shall give written notice of his findings, together with his reasons for such findings, to the respondent,



1714 the patient's attorney, the clerk of the admitting court and the
1715 two (2) nearest relatives or guardian of the patient, if the
1716 addresses of such relatives or guardian are known. The patient,
1717 or any aggrieved relative or friend or guardian shall have sixty
1718 (60) days from the date of such notice to request a hearing on the
1719 question of the patient's commitment for further treatment. The
1720 patient, or any aggrieved relative or guardian or friend, may
1721 request a hearing by filing a written notice of request within
1722 such sixty (60) days with the clerk of the county within which the
1723 facility is located; provided, however, that the patient may
1724 request such a hearing in writing to any member of the
1725 professional staff, which shall be forwarded to the director and
1726 promptly filed with the clerk of the county within which the
1727 facility is located and provided further that if the patient is
1728 confined at the Mississippi State Hospital, Whitfield,
1729 Mississippi, said notice of request shall be filed with the
1730 Chancery Clerk of the First Judicial District of Hinds County,
1731 Mississippi. A copy of the notice of request must be filed by the
1732 patient or on his behalf with the director and the chancery clerk
1733 of the admitting court. The notice of the need for continued
1734 hospitalization shall be explained to the patient by a member of
1735 the professional staff and the explanation documented in the
1736 clinical record. At the same time the patient shall be advised of
1737 his right to request a hearing and of his right to consult a
1738 lawyer prior to deciding whether to request the hearing, and the



1739 fact that the patient has been so advised shall be documented in
1740 the clinical record. Hearings held pursuant to this section shall
1741 be held in the chancery court of the county where the facility is
1742 located; provided, however, that if the patient is confined at the
1743 Mississippi State Hospital at Whitfield, Mississippi, the hearing
1744 shall be conducted by the Chancery Court of the First Judicial
1745 District of Hinds County, Mississippi.

1746 **SECTION 40.** Section 55-23-6, Mississippi Code of 1972, is
1747 brought forward as follows:

1748 55-23-6. (1) From and after March 16, 2011:

1749 (a) (i) The Department of Finance and Administration
1750 as managing agency for the Mississippi Veterans Memorial Stadium,
1751 upon consultation with Jackson State University and the Department
1752 of Health, shall transfer the operational, administrative and
1753 managing powers and duties over the Mississippi Veterans Memorial
1754 Stadium to Jackson State University, subject to an agreement
1755 reached by the Department of Finance and Administration, Jackson
1756 State University and the University of Mississippi Medical Center.

1757 (ii) The Department of Finance and Administration
1758 as managing agency for the Mississippi Veterans Memorial Stadium,
1759 upon consultation with Jackson State University, the University of
1760 Mississippi Medical Center and the Department of Health, shall
1761 transfer the real property located in Hinds County, Mississippi,
1762 generally known as the "Mississippi Veterans Memorial Stadium
1763 Property," being any property under the jurisdiction of the



1764 Department of Finance and Administration as of July 1, 2008, and
1765 any other state-owned property located in the area bounded on the
1766 north by Taylor Street, on the west by North West Street, on the
1767 south by Woodrow Wilson Avenue and on the east by North State
1768 Street used as part of or in connection with the Mississippi
1769 Veterans Memorial Stadium, to Jackson State University and the
1770 University of Mississippi Medical Center in accordance with the
1771 provisions of this section and Sections 55-23-8 and 55-23-9 and
1772 subject to an agreement reached by the Department of Finance and
1773 Administration, the University of Mississippi Medical Center and
1774 the developer of the property with whom the Department of Finance
1775 and Administration entered into a development lease agreement on
1776 July 13, 1993, as amended by an agreement on August 19, 1994, less
1777 and except any portion of real property excluded from the
1778 development agreement pursuant to a settlement agreement issued in
1779 the Circuit Court of Hinds County, Mississippi, on September 16,
1780 2009, better described as Parcel B recorded in Book 4216, page
1781 330, at Hinds County Courthouse, First Judicial District, Jackson,
1782 Mississippi;

1783 (b) (i) The property that is the subject of the
1784 development agreement entered into on July 13, 1993, as amended by
1785 an agreement on August 19, 1994, less and except any portion of
1786 real property excluded from the development agreement pursuant to
1787 a settlement agreement issued in the Circuit Court of Hinds
1788 County, Mississippi, on September 16, 2009, better described as



1789 Parcel B recorded in Book 4216, page 330, at Hinds County
1790 Courthouse, First Judicial District, Jackson, Mississippi, shall
1791 be transferred to the University of Mississippi Medical Center;
1792 (ii) The remainder of the Mississippi Veterans
1793 Memorial Stadium Property shall be transferred from the Department
1794 of Finance and Administration to Jackson State University, until
1795 such time as Jackson State University relocates its home football
1796 games to another venue. Once Jackson State University relocates
1797 its home football games to another venue, the portion of
1798 Mississippi Veterans Memorial Stadium Property conveyed to Jackson
1799 State University under this subsection (1) shall be transferred to
1800 the University of Mississippi Medical Center. From and after
1801 March 16, 2011, and at the point Jackson State University assumes
1802 possession of an operation of the real property transferred in
1803 this paragraph, Jackson State University shall have a three-year
1804 option to transfer said property back to the State of Mississippi;
1805 (c) All necessary records, property, funds and other
1806 assets of the Mississippi Veterans Memorial Stadium shall be
1807 transferred from the Department of Finance and Administration to
1808 Jackson State University and/or the University of Mississippi
1809 Medical Center as applicable, in proportion to the interests that
1810 each such entity retains in the real property transferred under
1811 paragraphs (a) and (b) of this subsection; and
1812 (d) Unless otherwise provided in the provisions of this
1813 section and Sections 55-23-8 and 55-23-9, any personal service,



1814 management or other contracts of like nature entered into by the
1815 Department of Finance and Administration, as such may apply to the
1816 properties transferred under paragraphs (a) and (b) of this
1817 subsection, shall be transferred to, acknowledged and complied
1818 with by Jackson State University and the University of Mississippi
1819 Medical Center as applicable to the interests that each such
1820 entity retains in the real property transferred under paragraphs
1821 (a) and (b) of this subsection.

1822 (2) Any agreement reached by the Department of Finance and
1823 Administration, the University of Mississippi Medical Center and
1824 the current developer shall comply with all requirements of this
1825 section and Sections 55-23-8 and 55-23-9.

1826 (3) From and after March 16, 2011, wherever the term
1827 "Department of Finance and Administration," the term "Mississippi
1828 Veterans Memorial Stadium Commission" or the term "commission,"
1829 when referring to the Mississippi Veterans Memorial Stadium
1830 Commission, appears in the laws of the state, the terms shall mean
1831 "Jackson State University" or the "University of Mississippi
1832 Medical Center," which shall be applicable to the interests that
1833 each such entity retains in the property transferred under
1834 subsection (1)(b) as stipulated in any agreement entered into by
1835 the Department of Finance and Administration, Jackson State
1836 University, the University of Mississippi Medical Center and the
1837 developer of the property for the transfer of such property and
1838 the administration and operations relating thereto.



1839 **SECTION 41.** Section 73-33-11, Mississippi Code of 1972, is
1840 brought forward as follows:

1841 73-33-11. (1) The Mississippi State Board of Public
1842 Accountancy may revoke, suspend, impose a civil penalty or take
1843 other appropriate action with respect to any license, practice
1844 privilege or permit issued pursuant to this chapter for any
1845 unprofessional conduct by the licensee or permit holder, or for
1846 other sufficient cause, provided written notice shall have been
1847 sent by certified mail to the holder thereof at holder's mailing
1848 address of record with the board, twenty (20) days before any
1849 hearing thereon, stating the cause for such contemplated action
1850 and appointing a day and a place for a full hearing thereon by the
1851 board, provided further, no certificate or license be cancelled or
1852 revoked until a hearing shall have been given to the holder
1853 thereof according to law. But, after such hearing, the board may,
1854 in its discretion, take action against any license, practice
1855 privilege or permit issued pursuant to this chapter. When payment
1856 of a civil penalty is assessed and levied by the board in
1857 accordance with this section, such civil penalty shall not exceed
1858 Five Thousand Dollars (\$5,000.00) for each violation and shall be
1859 deposited into the special fund to the credit of the board.

1860 (2) The members of the board are hereby empowered to sit as
1861 a trial board; to administer oaths (or affirmations); to summon
1862 any witness and to compel his attendance and/or his testimony,
1863 under oath (or affirmation) before the board or for purposes of



1864 deposition during any board authorized investigation; to compel
1865 the production of any book, paper or document by the owner or
1866 custodian thereof to a hearing or for purpose of investigation;
1867 and/or to compel any officer to produce, during investigation or
1868 at the hearing, a copy of any public record (not privileged from
1869 public inspection by law) in his official custody, certified to,
1870 by him. The board shall elect one (1) of its members to serve as
1871 clerk, to issue summons and other processes, and to certify copies
1872 of its records or, the board may delegate such duties to the
1873 executive director.

1874 (3) The accused may appear in person and/or by counsel or,
1875 in the instance of a firm permit holder through its manager and/or
1876 counsel to defend such charges. If the accused does not appear or
1877 answer, judgment may be entered by default, provided the board
1878 finds that proper service was made on the accused.

1879 (4) The minutes of the board shall be recorded in an
1880 appropriate minute book permanently maintained by the board at its
1881 office.

1882 (5) In a proceeding conducted under this section by the
1883 board for disciplinary action, those reasonable costs that are
1884 expended by the board in the investigation and conduct of a
1885 proceeding for discipline, including, but not limited to, the cost
1886 of service of process, court reporters, expert witnesses,
1887 investigators and legal fees may be imposed by the board on the
1888 accused, the charging party or both.



1889 (6) Such costs shall be paid to the board upon the
1890 expiration of the period allowed for appeal of such penalties
1891 under this section, or may be paid sooner if the guilty party
1892 elects. Money collected by the board under this section shall be
1893 deposited to the credit of the board's special fund in the State
1894 Treasury. When payment of a monetary penalty assessed by the
1895 board under this section is not paid when due, the board shall
1896 have the power to institute and maintain proceedings in its name
1897 for enforcement of payment in the Chancery Court of the First
1898 Judicial District of Hinds County, Mississippi, or in the chancery
1899 court of the county where the respondent resides.

1900 (7) In case of a decision adverse to the accused, appeal
1901 shall be made within thirty (30) days from the day on which the
1902 decision is made to the circuit court of the First Judicial
1903 District of Hinds County, Mississippi, or in the circuit court of
1904 the county in which the accused resides. In the case of a
1905 nonresident licensee, the appeal shall be made to the Circuit
1906 Court of the First Judicial District of Hinds County, Mississippi.
1907 The order of the board shall not take effect until the expiration
1908 of said thirty (30) days.

1909 (8) In case of an appeal, bond for costs in the circuit
1910 court shall be given as in other cases; and the order of the board
1911 shall not take effect until such appeal has been finally disposed
1912 of by the court or courts.



1913 (9) The board may, at any time, reinstate a license,
1914 practice privilege or permit if it finds that such reinstatement
1915 is justified.

1916 (10) In addition to the reasons specified in the first
1917 paragraph of this section, the board shall be authorized to
1918 suspend the license of any licensee for being out of compliance
1919 with an order for support, as defined in Section 93-11-153. The
1920 procedure for suspension of a license for being out of compliance
1921 with an order for support, and the procedure for the reissuance or
1922 reinstatement of a license suspended for that purpose, and the
1923 payment of any fees for the reissuance or reinstatement of a
1924 license suspended for that purpose, shall be governed by Section
1925 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1926 board in suspending a license when required by Section 93-11-157
1927 or 93-11-163 are not actions from which an appeal may be taken
1928 under this section. Any appeal of a license suspension that is
1929 required by Section 93-11-157 or 93-11-163 shall be taken in
1930 accordance with the appeal procedure specified in Section
1931 93-11-157 or 93-11-163, as the case may be, rather than the
1932 procedure specified in this section. If there is any conflict
1933 between any provision of Section 93-11-157 or 93-11-163 and any
1934 provision of this chapter, the provisions of Section 93-11-157 or
1935 93-11-163, as the case may be, shall control.

1936 **SECTION 42.** Section 83-49-31, Mississippi Code of 1972, is
1937 brought forward as follows:



1938 83-49-31. If the commissioner finds that any prepaid legal
1939 services plan operator or its sponsor (a) has failed to comply
1940 with any provision of this chapter; (b) is fraudulently operated;
1941 (c) is in such condition as to render further plan operations
1942 hazardous to the public interest or the interest of subscribers;
1943 (d) is financially unable to meet its obligations and claims as
1944 they come due; or (e) has violated any other provision of law, he
1945 may apply to the Circuit Court of the First Judicial District of
1946 Hinds County, State of Mississippi, for an injunction. The court
1947 may forthwith issue a temporary injunction restraining the
1948 transaction of any business by the plan, and it may, after a full
1949 hearing, make the injunction permanent, and appoint one or more
1950 receivers to take the plan to settle its affairs, and distribute
1951 its funds to those entitled thereto, subject to such rules and
1952 orders as the court may prescribe. If it appears that a crime has
1953 been committed in connection with the sale, advertisement,
1954 administration or management of any prepaid legal services plan,
1955 the Attorney General of the State of Mississippi may pursue the
1956 appropriate criminal action.

1957 **SECTION 43.** Section 79-22-27, Mississippi Code of 1972, is
1958 brought forward as follows:

1959 79-22-27. The Commissioner of Agriculture and Commerce is
1960 authorized, in his discretion, to issue an order to stop the sale
1961 or distribution of any product found to be in violation of this
1962 chapter. Any order to stop the sale of any product regulated



under the provisions of this chapter may be appealed to the Chancery Court of the First Judicial District of Hinds County or the chancery court in the county where the violation occurred within thirty (30) days of receipt of such order.

SECTION 44. Section 51-9-141, Mississippi Code of 1972, is brought forward as follows:

51-9-141. All bonds issued pursuant to this article shall be validated as now provided by law by Sections 31-13-1 through 31-13-11, Mississippi Code of 1972. The services of the state's bond attorney may be employed in the preparation of such bond resolutions, forms, or proceedings as may be necessary, for which he shall be paid a reasonable fee. Such validation proceedings shall be instituted in the chancery court of the First Judicial District of Hinds County, Mississippi, but notice of such validation proceedings shall be published at least two times in a newspaper of general circulation and published in each of the counties comprising the Pearl River Valley Water Supply District, the first publication of which in each case shall be made at least ten days preceding the date set for the validation.

SECTION 45. Section 75-89-21, Mississippi Code of 1972, is brought forward as follows:

75-89-21. (1) If the administrator believes, whether or not based upon an investigation conducted under Section 75-89-19, that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter



or any rule or order hereunder, the administrator may seek any or all of the following remedies:

(a) Issue a cease and desist order with or without a prior hearing against the person(s) engaged in the prohibited activities, directing them to cease and desist from further 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 Chancery Court of the First Judicial District of Hinds County, Mississippi, 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 brought forward 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 Chancery Court of the First Judicial District of Hinds County, Mississippi.

(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 brought forward 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 Circuit Court of the First Judicial District of Hinds County, Mississippi, 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 brought forward as follows:



2037 83-1-161. During the period of supervision the insurer may
2038 contest an action taken or proposed to be taken by the supervisor
2039 specifying the manner wherein the action being complained of would
2040 not result in improving the condition of the insurer. Denial of
2041 the insurer's request upon reconsideration entitles the insurer to
2042 appeal to the Chancery Court of the First Judicial District of
2043 Hinds County.

2044 **SECTION 49.** Section 83-2-31, Mississippi Code of 1972, is
2045 brought forward as follows:

2046 83-2-31. Any order issued by the commissioner under this
2047 chapter may be appealed to the Chancery Court of the First
2048 Judicial District of Hinds County in the manner provided by law.
2049 Where the order of the commissioner results in an increase or
2050 decrease in rates, any insurer affected thereby with leave of
2051 court, pending final disposition of the proceedings in the court,
2052 may continue to charge rates which were obtained prior to such
2053 order of decrease, or may charge rates resulting from such order
2054 of increase on condition that the difference in the premiums be
2055 deposited in a special account by the insurer or paid to the
2056 holders of policies issued after the order of the commissioner, as
2057 the court may determine.

2058 **SECTION 50.** Section 77-11-5, Mississippi Code of 1972, is
2059 brought forward as follows:

2060 77-11-5. (1) Pursuant to the provisions of Section 77-3-75,
2061 the chancery court, First Judicial District of Hinds County,



2062 Mississippi, shall have jurisdiction to restrain violations of the
2063 Natural Gas Pipeline Safety Standards adopted by both the United
2064 States Department of Transportation and the Mississippi Public
2065 Service Commission, and to enforce, by mandamus, injunction or
2066 other appropriate remedy, orders of said commission adopting such
2067 standards. Whenever practicable, the commission shall give notice
2068 to any person against whom an action for injunctive relief is
2069 contemplated and afford him an opportunity to present his views,
2070 and, except in the case of a knowing and willful violation, shall
2071 afford him reasonable opportunity to achieve compliance. However,
2072 the failure to give such notice and afford such opportunity shall
2073 not preclude the granting of appropriate relief.

2074 (2) In any proceeding for criminal contempt for violation of
2075 an injunction or restraining order issued under this article,
2076 trial shall be by the court, or upon demand of the accused, by a
2077 jury and, upon demand of the accused, a jury trial for criminal
2078 contempt shall be transferred to the chancery court of the county
2079 in which the accused resides or has his principal place of
2080 business.

2081 **SECTION 51.** Section 77-3-413, Mississippi Code of 1972, is
2082 brought forward as follows:

2083 77-3-413. At any time within ten (10) days of the entry of
2084 the order forfeiting or refusing to forfeit such charter, the
2085 attorney general or the corporation may apply to the circuit court
2086 of the First Judicial District of Hinds County, for a writ of



2087 certiorari, which, if granted, shall have the effect of
2088 transferring the record of the last proceeding to the circuit
2089 court. The circuit court, or the circuit judge in vacation, shall
2090 examine such record for errors of law. If the said court shall
2091 find no errors of law, the order shall be affirmed. If errors of
2092 law appear, the order shall be reversed and such reversal shall
2093 operate as a stay of such order, and the cause shall be remanded
2094 to the commission with directions for a new hearing, or dismissal,
2095 as the circuit court finds proper from the examination of the
2096 record.

2097 **SECTION 52.** Section 79-37-116, Mississippi Code of 1972, is
2098 brought forward as follows:

2099 79-37-116. (a) If the Secretary of State refuses to file a
2100 document delivered for filing, the domestic or foreign entity that
2101 submitted the document for filing may appeal the refusal within
2102 thirty (30) days after the return of the document to the Chancery
2103 Court of the First Judicial District of Hinds County, Mississippi.
2104 The appeal is commenced by petitioning the court to compel filing
2105 the document and by attaching to the petition the document and the
2106 explanation of the Secretary of State for the refusal to file.

2107 (b) The court may summarily order the Secretary of State to
2108 file the document or take other action the court considers
2109 appropriate.

2110 (c) The court's final decision may be appealed as in other
2111 civil proceedings.



2112 **SECTION 53.** Section 79-11-117, Mississippi Code of 1972, is
2113 brought forward as follows:

2114 79-11-117. (1) If the Secretary of State refuses to file a
2115 document delivered for filing to the Secretary of State's office,
2116 the domestic or foreign corporation may appeal the refusal to the
2117 chancery court in the county where the corporation's principal
2118 office is or will be located, or the Chancery Court of the First
2119 Judicial District of Hinds County, Mississippi, if the corporation
2120 does not have a principal office in this state. The appeal is
2121 commenced by petitioning the court to compel filing the document
2122 and by attaching to the petition the document and the Secretary of
2123 State's explanation of the refusal to file.

2124 (2) The court may summarily order the Secretary of State to
2125 file the document or take other action the court considered
2126 appropriate.

2127 (3) The court's final decision may be appealed as in other
2128 civil proceedings.

2129 **SECTION 54.** Section 79-11-353, Mississippi Code of 1972, is
2130 brought forward as follows:

2131 79-11-353. (1) The Secretary of State, upon denying a
2132 corporation's application for reinstatement following
2133 administrative dissolution, shall serve the corporation with a
2134 written notice that explains the reason or reasons for denial.

2135 (2) The corporation may appeal the denial of reinstatement
2136 to the chancery court of the county where the corporation's



2137 principal office is or was located, or in the Chancery Court of
2138 the First Judicial District of Hinds County, Mississippi, if the
2139 corporation does not have a principal office in this state, within
2140 ninety (90) days after service of the notice of denial is
2141 perfected. The corporation appeals by petitioning the court to
2142 set aside the dissolution and attaching to the petition copies of
2143 the Secretary of State's certificate of dissolution, the
2144 corporation's application for reinstatement and the Secretary of
2145 State's notice of denial.

2146 (3) The court may summarily order the Secretary of State to
2147 reinstate the dissolved corporation or may take other action the
2148 court considers appropriate.

2149 (4) The court's final decision may be appealed as in other
2150 civil proceedings.

2151 **SECTION 55.** Section 79-11-357, Mississippi Code of 1972, is
2152 brought forward as follows:

2153 79-11-357. (1) Venue for a proceeding to dissolve a
2154 corporation lies in the county where a corporation's principal
2155 office is or was located, or in the Chancery Court of the First
2156 Judicial District of Hinds County, Mississippi, if the corporation
2157 does not have a principal office in this state.

2158 (2) It is not necessary to make directors or members parties
2159 to a proceeding to dissolve a corporation unless relief is sought
2160 against them individually.



2161 (3) A court in a proceeding brought to dissolve a
2162 corporation may issue injunctions, appoint a receiver or custodian
2163 pendente lite with all powers and duties the court directs, take
2164 other action required to preserve the corporate assets wherever
2165 located and carry on the activities of the corporation until a
2166 full hearing can be held.

2167 **SECTION 56.** Section 79-11-389, Mississippi Code of 1972, is
2168 brought forward as follows:

2169 79-11-389. (1) A foreign corporation may appeal the
2170 Secretary of State's revocation of its certificate of authority to
2171 the Chancery Court of the First Judicial District of Hinds County,
2172 Mississippi, or the chancery court of the county where the
2173 corporation's principal office is located within thirty (30) days
2174 after the service of the certificate of revocation is perfected
2175 under Section 79-11-381. The foreign corporation applies by
2176 petitioning the court to set aside the revocation and attaching to
2177 the petition copies of its certificate of authority and the
2178 Secretary of State's certificate of revocation.

2179 (2) The court may summarily order the Secretary of State to
2180 reinstate the certificate of authority or may take any other
2181 action the court considers appropriate.

2182 (3) The court's final decision may be appealed as in other
2183 civil proceedings.

2184 **SECTION 57.** Section 41-43-7, Mississippi Code of 1972, is
2185 brought forward as follows:



2186 41-43-7. (1) The Secretary of State may impose, following
2187 notice and an opportunity for a hearing, monetary penalties not to
2188 exceed One Thousand Dollars (\$1,000.00) per occurrence for any
2189 violation of this chapter or any rule, regulation or order issued
2190 by the Secretary of State.

2191 (2) Any person aggrieved by a final order of the Secretary
2192 of State may obtain a review of the order in the Chancery Court of
2193 the First Judicial District of Hinds County, Mississippi, by
2194 filing in the court, within thirty (30) days after the entry of
2195 the order, a written petition praying that the order be modified
2196 or set aside, in whole or in part. A copy of the petition shall
2197 be forthwith served upon the Secretary of State and thereupon the
2198 Secretary of State shall certify and file in the court a copy of
2199 the filing and evidence upon which the order was entered. When
2200 these have been filed, the court has exclusive jurisdiction to
2201 affirm, modify, enforce or set aside the order, in whole or in
2202 part.

2203 **SECTION 58.** Section 79-13-1109, Mississippi Code of 1972, is
2204 brought forward as follows:

2205 79-13-1109. (a) If the Secretary of State denies a foreign
2206 limited liability partnership's application for reinstatement of
2207 the statement of foreign qualification following administrative
2208 revocation, he shall serve the limited liability partnership with
2209 a written communication that explains the reason or reasons for
2210 denial.



2211 (b) The limited liability partnership may appeal the denial
2212 of reinstatement to the Chancery Court of the First Judicial
2213 District of Hinds County or the chancery court of the county where
2214 the limited liability partnership is domiciled within thirty (30)
2215 days after service of the communication of denial is perfected.
2216 The limited liability partnership appeals by petitioning the court
2217 to set aside the revocation and attaching to the petition copies
2218 of the Secretary of State's communication of denial.

2219 (c) The court may summarily order the Secretary of State to
2220 reinstate the registration of the limited liability partnership or
2221 may take other action the court considers appropriate.

2222 (d) The court's final decision may be appealed as in other
2223 civil proceedings.

2224 **SECTION 59.** Section 1-1-9, Mississippi Code of 1972, is
2225 brought forward as follows:

2226 1-1-9. (1) Copyrights of the Mississippi Code of 1972 and
2227 the notes, annotations, and indexes thereof, shall be taken by and
2228 in the name of the publishers of the compilation who shall
2229 thereafter promptly assign the same to the State of Mississippi
2230 and be owned by it.

2231 (2) All parts of any act passed by the Mississippi
2232 Legislature, or of any code published or authorized to be
2233 published by the Joint Committee on Compilation, Revision and
2234 Publication of Legislation, including, without limitation,
2235 catchlines or frontal analyses; numbers assigned to sections,



2236 articles, chapters and titles; historical citations or source
2237 lines; editor's notes; amendment notes; cross references;
2238 annotations; and summaries of judicial decisions and Attorney
2239 General's opinions, shall become and remain the exclusive property
2240 of the State of Mississippi, to be used only as the joint
2241 committee may direct.

2242 (3) (a) If any person or entity uses any part of any act
2243 passed by the Mississippi Legislature, or any part of any code
2244 published or authorized to be published by the joint committee, in
2245 any manner other than as authorized by the committee, the person
2246 or entity shall be subject to a civil penalty of not less than One
2247 Thousand Dollars (\$1,000.00) for each violation, and each day upon
2248 which a violation occurs shall be deemed a separate and additional
2249 violation.

2250 (b) If the joint committee suspects that any person or
2251 entity is violating or has violated this section, the Attorney
2252 General shall investigate the matter upon the request of the joint
2253 committee. If the Attorney General determines, after
2254 investigation, that the person or entity is violating or has
2255 violated this section, the Attorney General shall institute an
2256 action to impose a civil penalty against the person or entity, or
2257 seek injunctive relief against the person or entity to prevent
2258 further violations of this section, or both, as requested by the
2259 joint committee.



2260 (c) Civil penalties may be recovered in a civil action
2261 brought by the Attorney General in the Chancery Court of the First
2262 Judicial District of Hinds County, Mississippi, or in the chancery
2263 court of the county of residence of the person or entity against
2264 whom the penalty is sought. If the person or entity is a
2265 nonresident of the State of Mississippi, the action shall be
2266 brought in the Chancery Court of the First Judicial District of
2267 Hinds County, Mississippi.

2268 (d) All civil penalties recovered shall be deposited
2269 into the State General Fund.

2270 **SECTION 60.** Section 73-21-163, Mississippi Code of 1972, is
2271 brought forward as follows:

2272 73-21-163. Whenever the board has reason to believe that a
2273 pharmacy benefit manager or pharmacy benefit manager affiliate is
2274 using, has used, or is about to use any method, act or practice
2275 prohibited in Sections 73-21-151 through 73-21-163 and that
2276 proceedings would be in the public interest, it may bring an
2277 action in the name of the board against the pharmacy benefit
2278 manager or pharmacy benefit manager affiliate to restrain by
2279 temporary or permanent injunction the use of such method, act or
2280 practice. The action shall be brought in the Chancery Court of
2281 the First Judicial District of Hinds County, Mississippi. The
2282 court is authorized to issue temporary or permanent injunctions to
2283 restrain and prevent violations of Sections 73-21-151 through
2284 73-21-163 and such injunctions shall be issued without bond.



2285 (2) The board may impose a monetary penalty on a pharmacy
2286 benefit manager or a pharmacy benefit manager affiliate for
2287 noncompliance with the provisions of the Sections 73-21-151
2288 through 73-21-163, in amounts of not less than One Thousand
2289 Dollars (\$1,000.00) per violation and not more than Twenty-five
2290 Thousand Dollars (\$25,000.00) per violation. Each day a violation
2291 continues for the same brand or generic product identifier or
2292 brand or generic code number is a separate violation. The board
2293 shall prepare a record entered upon its minutes that states the
2294 basic facts upon which the monetary penalty was imposed. Any
2295 penalty collected under this subsection (2) shall be deposited
2296 into the special fund of the board.

2297 (3) The board may assess a monetary penalty for those
2298 reasonable costs that are expended by the board in the
2299 investigation and conduct of a proceeding if the board imposes a
2300 monetary penalty under subsection (2) of this section. A monetary
2301 penalty assessed and levied under this section shall be paid to
2302 the board by the licensee, registrant or permit holder upon the
2303 expiration of the period allowed for appeal of those penalties
2304 under Section 73-21-101, or may be paid sooner if the licensee,
2305 registrant or permit holder elects. Any penalty collected by the
2306 board under this subsection (3) shall be deposited into the
2307 special fund of the board.

2308 (4) When payment of a monetary penalty assessed and levied
2309 by the board against a licensee, registrant or permit holder in



2310 accordance with this section is not paid by the licensee,
2311 registrant or permit holder when due under this section, the board
2312 shall have the power to institute and maintain proceedings in its
2313 name for enforcement of payment in the chancery court of the
2314 county and judicial district of residence of the licensee,
2315 registrant or permit holder, or if the licensee, registrant or
2316 permit holder is a nonresident of the State of Mississippi, in the
2317 Chancery Court of the First Judicial District of Hinds County,
2318 Mississippi. When those proceedings are instituted, the board
2319 shall certify the record of its proceedings, together with all
2320 documents and evidence, to the chancery court and the matter shall
2321 be heard in due course by the court, which shall review the record
2322 and make its determination thereon in accordance with the
2323 provisions of Section 73-21-101. The hearing on the matter may,
2324 in the discretion of the chancellor, be tried in vacation.

2325 (5) The board shall develop and implement a uniform penalty
2326 policy that sets the minimum and maximum penalty for any given
2327 violation of Sections 73-21-151 through 73-21-163. The board
2328 shall adhere to its uniform penalty policy except in those cases
2329 where the board specifically finds, by majority vote, that a
2330 penalty in excess of, or less than, the uniform penalty is
2331 appropriate. That vote shall be reflected in the minutes of the
2332 board and shall not be imposed unless it appears as having been
2333 adopted by the board.



2334 **SECTION 61.** Section 51-9-109, Mississippi Code of 1972, is
2335 brought forward as follows:

2336 51-9-109. The Pearl River Industrial Commission, acting
2337 through its members who favor bringing the counties they represent
2338 into the Pearl River Valley Water Supply District, shall petition
2339 the chancery court of the First Judicial District of Hinds County
2340 to organize and establish the Pearl River Valley Water Supply
2341 District and shall set forth in the petition:

2342 (a) The counties to be included in the Pearl River
2343 Valley Water Supply District. Any county through which the Pearl
2344 River runs or which borders on the Pearl River may be included in
2345 the district.

2346 (b) The fact that a preliminary report or study to
2347 determine the engineering feasibility of constructing a dam and
2348 reservoir in the basin of Pearl River has been made by a competent
2349 engineer or engineering firm and that such study or report shows
2350 that the construction of such facilities is feasible for water
2351 conservation or supply or for any of the other purposes or
2352 services contemplated by the legislative declaration of public
2353 policy in this article.

2354 (c) The necessity and desirability for the construction
2355 of such facilities.

2356 (d) A general description of the purposes of the
2357 contemplated works, and a general description of the plan
2358 including the lands to be overflowed or otherwise affected



2359 thereby, and maps or plats showing the general location of the
2360 reservoir and dam and related facilities. The word "project" when
2361 used herein shall mean the general plan and purposes of the Pearl
2362 River Valley Water Supply District, including its physical
2363 properties, as set out in this petition to the chancery court; and
2364 the words "project area" shall mean the physical location of the
2365 reservoir, dam, and related facilities as shown on the plats filed
2366 with the chancery court and shall include and be limited to an
2367 area of one mile from the shore line of the reservoir at high
2368 water. The words "related facilities" as used in this article
2369 shall mean the facilities indicated on said maps or plats filed
2370 with the chancery court or otherwise explained in the pleadings
2371 filed with the chancery court and shall include property, land, or
2372 areas of land adjacent to, or in the vicinity of, said reservoir
2373 or dam and within a distance of one mile from the high water mark
2374 of the proposed shore line of said reservoir as shown on said map,
2375 which may be acquired, owned, rented, leased, or sold by the
2376 district in connection with the recreational or industrial
2377 development and use of the project.

2378 The petition shall be filed with as many copies as there are
2379 parties defendant. A copy of the preliminary report or study
2380 shall be attached to the original and each copy of the petition as
2381 an exhibit.

2382 The board of water commissioners shall be made a party defendant,
2383 and the chancery clerk shall furnish the board of water



2384 commissioners with a copy of the petition with attached exhibits.
2385 Each county named in the petition shall be joined as a party
2386 defendant by service of process on the president of the board of
2387 supervisors thereof, and the chancery clerk shall furnish a copy
2388 of the petition to each such president. Whenever any municipality
2389 having a population according to the most recent federal census of
2390 ten thousand (10,000) or more is included in such proposed
2391 district, such municipality shall be made a party defendant.
2392 It shall not be necessary that any land owners in the counties to
2393 be included in said proposed district be named in the petition, or
2394 made parties defendant. The chancellor of the chancery court of
2395 the First Judicial District of Hinds County, Mississippi, shall
2396 have jurisdiction of the entire water supply district and project
2397 area for the purposes of this article. Such jurisdiction may be
2398 exercised by the chancellor in term time or in vacation, as
2399 provided in this article.

2400 **SECTION 62.** Section 41-26-21, Mississippi Code of 1972, is
2401 brought forward as follows:

2402 41-26-21. Following the hearing, the presiding official
2403 shall enter an order which shall become a final order of the
2404 director, unless the petitioner or other interested person
2405 appearing at the hearing, shall, within ten (10) days after the
2406 date of the final order was made, appeal to the Chancery Court of
2407 the First Judicial District of Hinds County or the chancery court
2408 of the county of the situs, in whole or in part. The petitioner



2409 or other interested person shall give a cost bond with sufficient
2410 sureties, payable to the state in the sum of not less than One
2411 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
2412 (\$500.00), to be fixed in the order appealed from. The cost bond
2413 shall be filed with and approved by the director, who shall
2414 certify the bond, together with a certified copy of the record of
2415 the hearing in the matter, to the chancery court, which shall be
2416 the record of the cause. Except as provided in this section, an
2417 appeal to the chancery court as provided in this section shall not
2418 stay the execution of a final order of the director.

2419 Any person who is aggrieved by any final order or other
2420 decision issued under this section may, within ten (10) days after
2421 the date of that order or decision, petition the Chancery Court of
2422 the First Judicial District of Hinds County or the chancery court
2423 of the county of the situs, in whole or in part, for an appeal
2424 with supersedeas. The chancellor shall grant a hearing on that
2425 petition. Upon good cause shown, the chancellor may grant the
2426 appeal with supersedeas. The appellant shall be required to post
2427 a bond with sufficient sureties according to law in an amount to
2428 be determined by the chancellor. Appeals shall be considered only
2429 upon the record as made at the hearing before the presiding
2430 official. The chancery court shall always be deemed open for
2431 hearing of appeals and the chancellor may hear the appeal in
2432 termtime or in vacation at any place in the chancellor's district.
2433 The appeal shall have precedence over all civil cases, except



2434 election contests. The chancery court shall review all questions
2435 of law and of fact. If no prejudicial error is found, the matter
2436 shall be affirmed and remanded to the director for enforcement.
2437 If a prejudicial error is found, the matter shall be reversed and
2438 the chancery court shall remand the matter to the director for
2439 appropriate action as may be indicated or necessary under the
2440 circumstances. Appeals may be taken from the chancery court to
2441 the Supreme Court in the manner as now required by law, but if a
2442 supersedeas is desired by the party appealing to the chancery
2443 court, that party may apply for the supersedeas to the chancellor,
2444 who shall award a writ of supersedeas, without additional bond, if
2445 in the chancellor's judgment material damage is not likely to
2446 result. If material damage is likely to result, the chancellor
2447 shall require a supersedeas bond as deemed proper, which shall be
2448 liable to the state for any damage.

2449 **SECTION 63.** Section 83-34-19, Mississippi Code of 1972, is
2450 brought forward as follows:

2451 83-34-19. (1) Any assessable insurer or other licensed
2452 insurer, or agent placing insurance through a nonadmitted insurer,
2453 who may be aggrieved by an act, order, ruling or decision of the
2454 association may, within thirty (30) days after such ruling, appeal
2455 to the commissioner. Any hearings held by the commissioner
2456 pursuant to such an appeal shall be in accordance with the
2457 procedure set forth in the insurance laws of Mississippi. The
2458 commissioner is authorized to appoint a member of his staff for



2459 the purpose of hearing such appeals, and a ruling based upon such
2460 hearing shall have the same effect as if heard by the
2461 commissioner. All assessable insurers or other licensed insurers,
2462 or agents placing insurance through a nonadmitted insurer,
2463 aggrieved by any order or decision of the commissioner may appeal
2464 to the Chancery Court of the First Judicial District of Hinds
2465 County, Mississippi, consistent with the insurance laws of the
2466 State of Mississippi.

2467 (2) The association and any assessable insurer, other
2468 licensed insurer or agent placing insurance through a nonadmitted
2469 insurer that may be aggrieved by an act, order, ruling or decision
2470 of the commissioner may, within thirty (30) days after such act,
2471 order, ruling or decision, appeal to the Chancery Court of the
2472 First Judicial District of Hinds County, Mississippi, consistent
2473 with the insurance laws of the State of Mississippi.

2474 **SECTION 64.** Section 83-19-109, Mississippi Code of 1972, is
2475 brought forward as follows:

2476 83-19-109. Any person becoming a party as hereinbefore
2477 provided and feeling aggrieved by the decision of the commissioner
2478 of insurance under the provisions of Sections 83-19-99 through
2479 83-19-123 may appeal therefrom within thirty (30) days after the
2480 receipt of notice thereof to the Chancery Court of the First
2481 Judicial District of Hinds County by writ of certiorari upon
2482 giving bond with surety or sureties in such penalty as shall be
2483 approved by the chancery court of said county, conditioned that



2484 such appellant will pay all costs of the appeal in the event such
2485 appeal is unsuccessful. The said chancery court shall have the
2486 authority and jurisdiction to hear said appeal and to render its
2487 decision in regard thereto either in term time or vacation.

2488 **SECTION 65.** Section 43-27-225, Mississippi Code of 1972, is
2489 brought forward as follows:

2490 43-27-225. The bonds authorized under the authority of
2491 Sections 43-27-207 through 43-27-233 may be validated in the
2492 Chancery Court of the First Judicial District of Hinds County,
2493 Mississippi, in the manner and with the force and effect provided
2494 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2495 validation of county, municipal, school district and other bonds.
2496 The notice to taxpayers required by such statutes shall be
2497 published in a newspaper published or having a general circulation
2498 in the City of Jackson, Mississippi.

2499 **SECTION 66.** Section 69-15-67, Mississippi Code of 1972, is
2500 brought forward as follows:

2501 69-15-67. (1) Any penalty assessed by the Board of Animal
2502 Health shall be due and payable within forty-five (45) days of the
2503 notification of the board's decision.

2504 (2) In the event that the judgment is not paid within the
2505 forty-five (45) days, or within such additional time as the board
2506 may allow, the Board of Animal Health through its designated
2507 representative may file suit in the circuit court of the county
2508 where the defendant resides or in the case of a nonresident



2509 defendant in the Circuit Court of the First Judicial District of
2510 Hinds County or any other court with appropriate jurisdiction to
2511 enforce the decision of the board and recover reasonable
2512 attorney's fees and all court costs.

2513 (3) A copy of the notification sent by the board to the
2514 violator shall be sufficient proof as to the judgment of the
2515 board.

2516 **SECTION 67.** Section 51-9-113, Mississippi Code of 1972, is
2517 brought forward as follows:

2518 51-9-113. The chancery court of the First Judicial District
2519 of Hinds County may hear the petition at any term thereof, or the
2520 chancellor of said court may fix a time to hear such petition at
2521 any time in vacation, and may determine all matters pertaining
2522 thereto, may adjourn the hearing from time to time, and may
2523 continue the case for want of sufficient notice or other good
2524 cause. If said petition shall prove defective in any manner, the
2525 petitioners, upon motion, shall be permitted to amend the same.

2526 Upon the day set for hearing said petition, or a day to which
2527 same may be continued by the court or chancellor, all parties
2528 interested may appear and contest the same. If upon the hearing
2529 of such petition, it is found that such project is feasible from
2530 an engineering standpoint and practical, and if the creation of
2531 the water supply district under the terms of this article would
2532 meet a public necessity both local and statewide and would be
2533 conducive to the public welfare of the state as a whole, such



2534 court or chancellor shall so find and shall make and enter an
2535 order upon the minutes of the said chancery court stating that the
2536 said district to be known as the Pearl River Valley Water Supply
2537 District, should be organized subject to all of the terms and
2538 provisions of this article.

2539 If the chancellor finds that the proposed water supply
2540 district should not be organized, he shall dismiss the
2541 proceedings, and the costs shall be paid by the Pearl River
2542 Industrial Commission.

2543 **SECTION 68.** Section 69-25-59, Mississippi Code of 1972, is
2544 brought forward as follows:

2545 69-25-59. (1) Any individual aggrieved by a final decision
2546 of the hearing committee shall be entitled to judicial review.

2547 (2) An appeal from the decision of the hearing committee
2548 shall be made by filing a written notice of appeal with the
2549 circuit court clerk of the county where the accused resides, or in
2550 the case of a nonresident accused, in the Circuit Court of the
2551 First Judicial District of Hinds County. The notice of
2552 appeal and the payment of costs must be filed and paid with the
2553 circuit clerk, within thirty (30) days of the entry of the order
2554 being appealed. The appeal shall otherwise be conducted in
2555 accordance with existing laws and rules.

2556 (3) Any party aggrieved by the action of the circuit court
2557 may appeal to the Mississippi Supreme Court in the manner provided
2558 by law and rules.



2559 **SECTION 69.** Section 81-27-4.108, Mississippi Code of 1972,
2560 is brought forward as follows:

2561 81-27-4.108. (a) This section does not grant a right to
2562 hearing to a person that is not otherwise granted by governing
2563 law.

2564 (b) The commissioner may convene a hearing to receive
2565 evidence and argument regarding any matter before the commissioner
2566 for decision or review under this chapter. The hearing shall be
2567 conducted in the same manner as other hearings conducted by the
2568 commissioner.

2569 (c) A hearing before the commissioner that is required or
2570 authorized by law may be conducted by a hearing officer on behalf
2571 of the commissioner. A matter made confidential by law must be
2572 considered by the commissioner in a closed hearing.

2573 (d) Except as expressly provided otherwise by this chapter,
2574 a person affected by a final decision or order of the commissioner
2575 made under this chapter after a hearing may appeal the final
2576 decision or order to the Chancery Court of the First Judicial
2577 District of Hinds County, Mississippi. A petition for appeal
2578 filed in the district court does not stay or vacate the appealed
2579 decision or order unless the court, after notice and hearing,
2580 expressly stays or vacates the decision or order.

2581 **SECTION 70.** Section 57-44-27, Mississippi Code of 1972, is
2582 brought forward as follows:



2583 57-44-27. The bonds authorized under the authority of
2584 Sections 57-44-11 through 57-44-39 may be validated in the
2585 Chancery Court of the First Judicial District of Hinds County,
2586 Mississippi, in the manner and with the force and effect provided
2587 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2588 validation of county, municipal, school district and other bonds.
2589 The notice to taxpayers required by such statutes shall be
2590 published in a newspaper published or having a general circulation
2591 in the City of Jackson, Mississippi.

2592 **SECTION 71.** Section 39-17-119, Mississippi Code of 1972, is
2593 brought forward as follows:

2594 39-17-119. The bonds authorized under the authority of
2595 Sections 39-17-101 through 39-17-127 may be validated in the
2596 Chancery Court of the First Judicial District of Hinds County,
2597 Mississippi, in the manner and with the force and effect provided
2598 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2599 validation of county, municipal, school district and other bonds.
2600 The notice to taxpayers required by such statutes shall be
2601 published in a newspaper published or having a general circulation
2602 in the City of Jackson, Mississippi.

2603 **SECTION 72.** Section 43-33-783, Mississippi Code of 1972, is
2604 brought forward as follows:

2605 43-33-783. The bonds authorized under the authority of
2606 Sections 43-33-767 through 43-33-797 may be validated in the
2607 Chancery Court of the First Judicial District of Hinds County,



2608 Mississippi, in the manner and with the force and effect provided
2609 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2610 validation of county, municipal, school district and other bonds.
2611 The notice to taxpayers required by such statutes shall be
2612 published in a newspaper published or having a general circulation
2613 in the City of Jackson, Mississippi.

2614 **SECTION 73.** Section 57-1-323, Mississippi Code of 1972, is
2615 brought forward as follows:

2616 57-1-323. The bonds authorized under the authority of
2617 Sections 57-1-307 through 57-1-335 may be validated in the
2618 Chancery Court of the First Judicial District of Hinds County,
2619 Mississippi, in the manner and with the force and effect provided
2620 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2621 validation of county, municipal, school district and other bonds.
2622 The notice to taxpayers required by such statutes shall be
2623 published in a newspaper published or having a general circulation
2624 in the City of Jackson, Mississippi.

2625 **SECTION 74.** Section 83-31-137, Mississippi Code of 1972, is
2626 brought forward as follows:

2627 83-31-137. An action challenging the validity of or arising
2628 out of acts taken or proposed to be taken regarding a conversion
2629 plan under Sections 83-31-101 through 83-31-143 must begin in the
2630 Chancery Court of the First Judicial District of Hinds County,
2631 Mississippi, not later than the thirtieth day after the effective
2632 date of the conversion plan.



2633 **SECTION 75.** Section 65-39-21, Mississippi Code of 1972, is
2634 brought forward as follows:

2635 65-39-21. The bonds authorized under the authority of
2636 Sections 65-39-5 through 65-39-33 may be validated in the Chancery
2637 Court of the First Judicial District of Hinds County, Mississippi,
2638 in the manner and with the force and effect provided by Chapter
2639 13, Title 31, Mississippi Code of 1972, for the validation of
2640 county, municipal, school district and other bonds. The notice to
2641 taxpayers required by such statutes shall be published in a
2642 newspaper published or having a general circulation in the City of
2643 Jackson, Mississippi.

2644 **SECTION 76.** Section 53-11-31, Mississippi Code of 1972, is
2645 brought forward as follows:

2646 53-11-31. Any interested person, as defined in this section,
2647 adversely affected by any provision or section of this chapter
2648 within the jurisdiction of the board or by any rule, regulation or
2649 order made by the board thereunder, or by any act done or
2650 threatened thereunder, may obtain court review and seek relief by
2651 appeal to the Chancery Court of the First Judicial District of
2652 Hinds County, Mississippi, or the chancery court of the county in
2653 which the land involved, or any part thereof, is situated. The
2654 term "interested person" means all mineral and royalty owners,
2655 mineral lessees, if any, and the owners of surface on which
2656 injection or reinjection wells and other surface equipment
2657 connected with a geologic sequestration facility is or will be



2658 situated. Any interested party may appeal to the chancery court
2659 of the county in which the land involved or any part thereof is
2660 situated, if appeal is demanded within thirty (30) days from the
2661 date that the rule, regulation or order of the board is filed for
2662 record in the office of the board.

2663 The appeal may be taken by filing notice of the appeal with
2664 the board, whereupon the board shall, under its certificate,
2665 transmit to the court appealed to all documents and papers on file
2666 in the matter, together with a transcript of the record, which
2667 documents and papers together with said transcript of the record
2668 shall be transmitted to the clerk of the chancery court of the
2669 county to which the appeal is taken.

2670 Except as otherwise provided in this section, the appeal
2671 otherwise shall be made in accordance with the provisions of
2672 Sections 53-1-39 and 53-1-41.

2673 **SECTION 77.** Section 37-101-321, Mississippi Code of 1972, is
2674 brought forward as follows:

2675 37-101-321. The bonds authorized under the authority of
2676 Sections 37-101-301 through 37-101-331 may be validated in the
2677 Chancery Court of the First Judicial District of Hinds County,
2678 Mississippi, in the manner and with the force and effect provided
2679 now or hereafter by Chapter 13, Title 31, Mississippi Code of
2680 1972, for the validation of county, municipal, school district and
2681 other bonds. The notice to taxpayers required by the aforesaid



2682 statute shall be published in a newspaper published in the City of
2683 Jackson, Mississippi.

2684 **SECTION 78.** Section 79-13-1006, Mississippi Code of 1972, is
2685 brought forward as follows:

2686 79-13-1006. (a) If the Secretary of State denies a limited
2687 liability partnership's application for reinstatement following
2688 administrative dissolution, the Secretary of State shall serve the
2689 limited liability partnership with a record that explains the
2690 reason or reasons for denial.

2691 (b) The limited liability partnership may appeal the denial
2692 of reinstatement to the Chancery Court of the First Judicial
2693 District of Hinds County or the chancery court of the county where
2694 the limited partnership is domiciled within thirty (30) days after
2695 service of the notice of denial is perfected. The limited
2696 liability partnership appeals by petitioning the court to set
2697 aside the dissolution and attaching to the petition copies of the
2698 Secretary of State's certificate of dissolution, the limited
2699 liability partnership's application for reinstatement, and the
2700 Secretary of State's notice of denial.

2701 (c) The court may summarily order the Secretary of State to
2702 reinstate the dissolved limited liability partnership or may take
2703 other action the court considers appropriate.

2704 (d) The court's final decision may be appealed as in other
2705 civil proceedings.



2706 **SECTION 79.** Section 65-1-161, Mississippi Code of 1972, is
2707 brought forward as follows:

2708 65-1-161. The Governor's Office of General Services, acting
2709 through the Bureau of Building, Grounds and Real Property
2710 Management, is authorized, in its discretion, to convey to the
2711 Mississippi State Highway Department, on behalf of the Mississippi
2712 School for the Deaf, the Mississippi School for the Blind and the
2713 Mississippi Agriculture and Forestry Museum, a right-of-way row
2714 easement across real property described as follows:

2715 PARCEL NO. 1

2716 Begin at the point of intersection of the present
2717 Easterly right-of-way line of Interstate Highway No. 55
2718 North with the present Northerly right-of-way line of
2719 Eastover Drive, said point of beginning is 2,077.4 feet
2720 North and 362.1 feet East of the Southwest corner of
2721 the Northwest 1/4 of the Northwest 1/4 of Section 25,
2722 Township 6 North, Range 1 East; from said point of
2723 beginning run thence Northerly along said present
2724 Easterly right-of-way line the following: North 28
2725 degrees 57' East, a distance of 842.4 feet; thence run
2726 South 61 degrees 09' East, a distance of 15.0 feet;
2727 thence run North 28 degrees 35' East, a distance of
2728 439.5 feet; thence run Northeasterly along the
2729 circumference of a circle to the right having a radius
2730 of 676.78 feet, a distance of 183.9 feet to the



2731 Northerly line of grantors property; thence run North
2732 88 degrees 46' East along said Northerly property line,
2733 a distance of 84.4 feet to a point on a line that is
2734 parallel with and 26 feet Easterly of the centerline of
2735 survey of the relocation of the East Frontage Road as
2736 shown on the plans for Federal Aid Project No.
2737 51-0055-02-085-10; thence run Southerly along said
2738 parallel line along the circumference of a circle to
2739 the left having a radius of 5,703.58 feet, a distance
2740 of 119.3 feet; thence run South 32 degrees 01' West, a
2741 distance of 49.9 feet; thence run Southerly along a
2742 line that is parallel with and 30 feet Easterly of the
2743 centerline of survey of said relocation and along the
2744 circumference of a circle to the left having a radius
2745 of 5,699.58 feet, a distance of 149.2 feet to a point
2746 that is 30 feet Easterly of and measured radially to
2747 the centerline of survey of said relocation at Station
2748 9278 + 00; thence run South 55 degrees 08' East, a
2749 distance of 50.0 feet; thence run Southerly along a
2750 line that is parallel with and 80 feet Easterly of the
2751 centerline of survey of said relocation and along the
2752 circumference of a circle to the left having a radius
2753 of 5,649.58 feet, a distance of 64.1 feet to a point
2754 that is 80 feet Easterly of and measured radially to
2755 the centerline of survey of said relocation at Station



2756 9277 + 35; thence run South 74 degrees 58' West, a
2757 distance of 45.8 feet; thence run South 50 degrees 26'
2758 West, a distance of 51.8 feet; thence run South 38
2759 degrees 52' West, a distance of 50.0 feet to a point on
2760 that is 30 feet Easterly of and measured radially to
2761 the centerline of survey of said relocation at Station
2762 9276 + 00; thence run Southerly along a line that is
2763 parallel with and 30 feet Easterly of the centerline of
2764 survey of said relocation and along the circumference
2765 of a circle to the left having a radius of 5,699.58
2766 feet, a distance of 135.9 feet; thence continue
2767 Southerly along the last mentioned parallel line and
2768 along the circumference of a circle to the left having
2769 a radius of 14,293.95 feet, a distance of 212.9 feet to
2770 a point that is 30 feet Easterly of and measured
2771 radially to the centerline of survey at said relocation
2772 at Station 9272 + 50; thence run South 16 degrees 22'
2773 West, a distance of 102.8 feet; thence run Southerly
2774 along a line that is parallel with and 55 feet Easterly
2775 of the centerline of survey of said relocation and
2776 along the circumference of a circle to the left having
2777 a radius of 14,268.95 feet, a distance of 249.0 feet to
2778 a point that is 55 feet Easterly of and measured
2779 radially to the centerline of survey of said relocation
2780 at Station 9269 + 00; thence run South 24 degrees 28'



2781 West, a distance of 61.6 feet to a point that is 60
2782 feet Easterly of and perpendicular to the centerline of
2783 survey of said relocation at Station 9268 + 38.364;
2784 thence run South 29 degrees 00' West, along a line that
2785 is parallel with and 60 feet Easterly of the centerline
2786 of survey of said relocation, a distance of 188.4 feet
2787 to a point that is 60 feet Easterly of and
2788 perpendicular to the centerline of survey of said
2789 relocation at Station 9266 + 50; thence run South 25
2790 degrees 35' West, a distance of 43.7 feet to a point
2791 on the present Northerly right-of-way line of said
2792 Eastover Drive; thence run North 61 degrees 15' West
2793 along said present Northerly right-of-way line, a
2794 distance of 68.3 feet to the point of beginning,
2795 containing 91,284.03 square feet or 2.096 acres, more
2796 or less, and all being situated in and a part of the
2797 West 1/2 of the Southwest 1/4 of Section 24, Township 6
2798 North, Range 1 East, City of Jackson, First Judicial
2799 District of Hinds County, Mississippi and

2800 PARCEL NO. 2

2801 Begin at a point that is 60 feet Easterly of and
2802 perpendicular to the centerline of survey of the
2803 relocation of the East Frontage Road as shown on the
2804 plans for Federal Aid Project No. 51-0055-02-085-10 at
2805 Highway Survey Station 9266 + 50, said point of



2806 beginning is 2,084.0 feet North of and 440.8 feet East
2807 of the Southwest corner of the Northwest 1/4 of the
2808 Northwest 1/4 of Section 25, Township 6 North, Range 1
2809 East; from said point of beginning run thence South 02
2810 degrees 26' West, a distance of 11.2 feet to a point
2811 that is 65 feet Easterly of and perpendicular to the
2812 centerline of survey of said relocation at Station 9266
2813 + 40; thence run South 56 degrees 22' East, a distance
2814 of 38.7 feet to a point that is 70 feet Northerly of
2815 and perpendicular to the centerline of survey of the
2816 relocation of Eastover Drive as shown on the plans of
2817 said highway project at Station 12 + 45; thence run
2818 North 42 degrees 23' East, a distance of 41.2 feet;
2819 thence run South 61 degrees 39' East, a distance of
2820 30.0 feet; thence run South 12 degrees 24' West, a
2821 distance of 36.4 feet to a point that is 75 feet
2822 Northerly of and perpendicular to the centerline of
2823 relocation of said Eastover Drive at Station 12 + 95;
2824 thence run South 56 degrees 27' East, a distance of
2825 55.2 feet; thence run South 61 degrees 39' East along a
2826 line that is parallel with and 70 feet Northerly of the
2827 centerline of survey of the relocation of said Eastover
2828 Drive, a distance of 120.0 feet; thence run South 81
2829 degrees 18' East, a distance of 74.3 feet; thence run
2830 South 61 degrees 39' East, a distance of 21.9 feet;



thence run South 42 degrees 09' East, a distance of 30.1 feet; thence run South 03 degrees 43' East, a distance of 56.5 feet to a point on the present Northerly right-of-way line of said Eastover Drive that is 37.33 feet Northerly of and measured radially to the centerline of relocation of said Eastover Drive at Station 16 + 20; thence run North 61 degrees 15' West along said present Northerly right-of-way line, a distance of 416.6 feet; thence run North 25 degrees 35' East, a distance of 43.7 feet to the point of beginning, containing 16,721.53 square feet or 0.384 acres, more or less, and all being situated in and a part of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi. No access will be permitted across the retaining wall between Point "C" and Point "D" as shown on the right-of-way plans for the above mentioned Federal Aid Highway Project.

PARCEL NO. 3

Begin at the point of intersection of the present Easterly right-of-way line of Interstate Highway No. 55 North with the present Southerly right-of-way line of Eastover Drive, said point of beginning is 2009.9 feet North of and 318.9 feet East of the Southwest corner of



2856 the Northwest 1/4 of the Northwest 1/4 of Section 25,
2857 Township 6 North, Range 1 East; from said point of
2858 beginning run thence South 61 degrees 15' East along
2859 said present Southerly right-of-way line of Eastover
2860 Drive, a distance of 75.7 feet; thence run South 29
2861 degrees 00' West, a distance of 26.4 feet to a point
2862 that is 65 feet Easterly of and measured radially to
2863 the centerline of survey of the relocation of the East
2864 Frontage Road as shown on the plans for Federal Aid
2865 Project No. 51-0055-02-085-10 at Station 9265 + 00;
2866 thence run South 31 degrees 57' West, a distance of
2867 336.1 feet to a point that is 55 feet Easterly of and
2868 perpendicular to the centerline of relocation of said
2869 East Frontage Road at Station 9261 + 66.667; thence run
2870 South 33 degrees 57' West, a distance of 116.8 feet;
2871 thence run South 38 degrees 39' West, a distance of
2872 160.9 feet; thence run South 37 degrees 02' West, a
2873 distance of 40.4 feet to a point that is 26 feet
2874 Easterly of and measured radially to the centerline of
2875 survey of said East Frontage Road relocation at Station
2876 9258 + 50; thence run Southerly along a line that is
2877 parallel with and 26 feet Easterly of said centerline
2878 of said East Frontage Road relocation and along the
2879 circumference of a circle to the left having a radius
2880 of 7613.44 feet, a distance of 80.9 feet to a Southerly



2881 line of grantors' property; thence run North 61 degrees
2882 51' West along said Southerly property line, a distance
2883 of 10.3 feet to a point on the present Easterly
2884 right-of-way line of Interstate Highway No. 55 North;
2885 thence run North 27 degrees 56' East along said present
2886 Easterly right-of-way line, a distance of 120.6 feet;
2887 thence run North 28 degrees 57' East along said present
2888 Easterly right-of-way line, a distance of 637.0 feet to
2889 the point of beginning, containing 37,759.63 square
2890 feet or 0.867 acres, more or less, and all being
2891 situated in and a part of the Southeast 1/4 of the
2892 Southeast 1/4 of Section 23, and the Southwest 1/4 of
2893 the Southwest 1/4 of Section 24, all in Township 6
2894 North, Range 1 East, City of Jackson, First Judicial
2895 District of Hinds County, Mississippi, and
2896
2897 BEGIN at a point that is 65 feet Easterly of and
2898 measured radially to the centerline of survey of the
2899 relocation of the East Frontage Road as shown on the
2900 plans for Federal Aid Project No. 51-005-02-085-10 at
2901 Station 9265 + 00, said point of beginning is 1950.4
2902 feet North of and 372.5 feet East of the Southwest
2903 corner of the Northwest 1/4 of the Northwest 1/4 of
2904 Section 25, Township 6 North, Range 1 East; from said
2905 point of beginning run thence North 29 degrees 00'



2906 East, a distance of 26.4 feet to a point on the present
2907 Southerly right-of-way line of Eastover Drive; thence
2908 run South 61 degrees 15' East along said present
2909 Southerly right-of-way line of Eastover Drive, a
2910 distance of 409.6 feet to a point that is 42.68 feet
2911 Southerly of and measured radially to Station 16 + 15
2912 on the centerline of the relocation of said Eastover
2913 Drive as shown on the plans for said project; thence
2914 run South 62 degrees 15' West, a distance of 44.8 feet;
2915 thence run North 89 degrees 56' West, a distance of
2916 31.5 feet to a point that is 95 feet Southerly of and
2917 perpendicular to the centerline of said relocation of
2918 Eastover Drive at Station 15 + 61.925; thence run North
2919 58 degrees 32' West, a distance of 92.1 feet; thence
2920 run South 42 degrees 23' West, a distance of 61.8 feet;
2921 thence run North 61 degrees 39' West, a distance of
2922 30.0 feet; thence run North 28 degrees 21' East, a
2923 distance of 95.0 feet to a point that is 55 feet
2924 Southerly of and perpendicular to the centerline of
2925 said relocation of Eastover Drive at Station 14 + 25;
2926 thence run North 61 degrees 39' West, a distance of
2927 75.0 feet; thence run North 67 degrees 22' West, a
2928 distance of 100.5 feet; thence run North 63 degrees 27'
2929 West, a distance of 45.2 feet to the point of
2930 beginning, containing 14,868.52 square feet or 0.341



acres, more or less, and all being situated in and a part of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi.

No access will be permitted across the retaining wall between Point "A" and Point "B" as shown on the right-of-way plans for the above mentioned Federal Aid Highway Project.

PARCEL NO. 5

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

said Interstate Highway No. 55, thence run North 12 degrees 30' West along said present Easterly right-of-way line, a distance of 47.16 feet; thence run North 05 degrees 53' East along said present Easterly right-of-way line, a distance of 6.22 feet to the point of beginning, containing 621.05 square feet or 0.014 acres, more or less, and being situated in and a part of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi.

SECTION 80. Section 83-24-99, Mississippi Code of 1972, is brought forward as follows:

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

- (a) Any of the grounds in Section 83-24-23;
- (b) That any of the insurer's property has been sequestered by official action in its domiciliary state, or in any other state;
- (c) That enough of the insurer's property has been sequestered in a foreign country to give reasonable cause to fear that the insurer is or may become insolvent;



2981 (d) (i) That the insurer's certificate of authority to
2982 do business in this state has been revoked or that none was ever
2983 issued; and

2984 (ii) That there are residents of this state with
2985 outstanding claims or outstanding policies.

2986 (2) When an order is sought under subsection (1), the court
2987 shall cause the insurer to be given such notice and time to
2988 respond thereto as is reasonable under the circumstances.

2989 (3) The court may issue the order in whatever terms it shall
2990 deem appropriate. The filing or recording of the order with the
2991 Clerk of the Chancery Court of the First Judicial District of
2992 Hinds County or of the county in which the principal business of
2993 the company is located shall impart the same notice as a deed,
2994 bill of sale or other evidence of title duly filed or recorded
2995 with that chancery court would have imparted.

2996 (4) The conservator may at any time petition for and the
2997 court may grant an order under Section 83-24-101 to liquidate
2998 assets of a foreign or alien insurer under conservation, or, if
2999 appropriate, for an order under Section 83-24-105 to be appointed
3000 ancillary receiver.

3001 (5) The conservator may at any time petition the court for
3002 an order terminating conservation of an insurer. If the court
3003 finds that the conservation is no longer necessary, it shall order
3004 that the insurer be restored to possession of its property and the
3005 control of its business. The court may also make such finding and



3006 issue such order at any time upon motion of any interested party,
3007 but if such motion is denied all costs shall be assessed against
3008 such party.

3009 **SECTION 81.** Section 83-24-25, Mississippi Code of 1972, is
3010 brought forward as follows:

3011 83-24-25. (1) An order to rehabilitate the business of a
3012 domestic insurer, or an alien insurer domiciled in this state,
3013 shall appoint the commissioner and his successors in office the
3014 rehabilitator, and shall direct the rehabilitator forthwith to
3015 take possession of the assets of the insurer, and to administer
3016 them under the general supervision of the court. The filing or
3017 recording of the order with the Clerk of the Chancery Court of the
3018 First Judicial District of Hinds County or of the county in which
3019 the principal business of the company is conducted, or the county
3020 in which its principal office or place of business is located,
3021 shall impart the same notice as a deed, bill of sale, or other
3022 evidence of title duly filed or recorded with that clerk would
3023 have imparted. The order to rehabilitate the insurer shall by
3024 operation of law vest title to all assets of the insurer in the
3025 rehabilitator.

3026 (2) Any order issued under this section shall require
3027 accountings to the court by the rehabilitator. Accountings shall
3028 be at such intervals as the court specifies in its order, but no
3029 less frequently than semiannually. Each accounting shall include
3030 a report concerning the rehabilitator's opinion as to the



3031 likelihood that a plan will be prepared by the rehabilitator and
3032 the timetable for doing so.

3033 (3) Entry of an order of rehabilitation shall not constitute
3034 an anticipatory breach of any contracts of the insurer nor shall
3035 it be grounds for retroactive revocation or retroactive
3036 cancellation of any contracts of the insurer, unless such
3037 revocation or cancellation is done by the rehabilitator pursuant
3038 to Section 83-24-27.

3039 **SECTION 82.** Section 75-25-29, Mississippi Code of 1972, is
3040 brought forward as follows:

3041 75-25-29. (a) Actions to require cancellation of a mark
3042 registered pursuant to this chapter or to appeal the secretary's
3043 refusal to register a mark pursuant to this chapter shall be
3044 brought in the First Judicial District of the Hinds County
3045 Chancery Court. In an appeal of the secretary's refusal to
3046 register a mark, the proceeding shall be based solely upon the
3047 record before the secretary. In an action for cancellation, the
3048 secretary shall not be made a party to the proceeding but shall be
3049 notified of the filing of the complaint by the clerk of the court
3050 and shall be given the right to intervene in the action.

3051 (b) In any action brought against a nonresident registrant,
3052 service may be effected by any means authorized by the Mississippi
3053 Rules of Civil Procedure.

3054 **SECTION 83.** Section 75-89-19, Mississippi Code of 1972, is
3055 brought forward as follows:



3056 75-89-19. (1) The administrator may conduct investigations,
3057 within or without this state, as he finds necessary or appropriate
3058 to:

3059 (a) Determine whether any person has violated, or is
3060 about to violate, any provision of this chapter or any rule or
3061 order of the administrator; or

3062 (b) Aid in enforcement of this chapter.

3063 (2) The administrator may publish information concerning any
3064 violation of this chapter or any rule or order of the
3065 administrator.

3066 (3) For purposes of any investigation or proceeding under
3067 this chapter, the administrator or any officer or employee
3068 designated by rule or order, may administer oaths and
3069 affirmations, subpoena witnesses, compel their attendance, take
3070 evidence and require the production of any books, papers,
3071 correspondence, memoranda, agreements or other documents or
3072 records which the administrator finds to be relevant or material
3073 to the inquiry.

3074 (4) (a) If a person does not give testimony or produce the
3075 documents required by the administrator or a designated employee
3076 pursuant to an administrative subpoena, the administrator or
3077 designated employee may apply for a court order compelling
3078 compliance with the subpoena or the giving of the required
3079 testimony.



3080 (b) The request for order of compliance may be
3081 addressed to either:

3082 (i) The Chancery Court of the First Judicial
3083 District of Hinds County, Mississippi, if the person is within
3084 this state; or

3085 (ii) The appropriate court of the state having
3086 jurisdiction over the person refusing to testify or produce, if
3087 the person is outside this state.

3088 **SECTION 84.** Section 57-67-23, Mississippi Code of 1972, is
3089 brought forward as follows:

3090 57-67-23. All bonds (other than state bonds, refunding
3091 bonds, interim notes and certificates of indebtedness, which may
3092 be validated) issued pursuant to Sections 57-67-19 through
3093 57-67-31 shall be validated as provided in Sections 31-13-1
3094 through 31-13-11, Mississippi Code of 1972; provided, however,
3095 that notice of such validation proceedings shall be addressed to
3096 the taxpayers of all public agencies and political subdivisions:

3097 (a) Which have contracted with the authority pursuant
3098 to Section 57-67-17; and

3099 (b) Whose contracts and the payments to be made
3100 thereunder constitute security for the bonds of the authority
3101 proposed to be issued, and such notice shall be published at least
3102 once in a newspaper or newspapers having a general circulation
3103 within the geographical boundaries of each public agency or
3104 political subdivision to whose taxpayers the notice is addressed.



3105 Such validation proceedings shall be instituted in the First
3106 Judicial District of the Chancery Court of Hinds County. The
3107 validity of the bonds so validated and of the contracts and
3108 payments to be made by the political subdivisions thereunder
3109 constituting security for the bonds shall be forever conclusive
3110 against the authority and the political subdivisions which are
3111 parties to said contracts; and the validity of said bonds and said
3112 contracts and the payments to be made thereunder shall never be
3113 called in question in any court in this state.

3114 **SECTION 85.** Section 63-1-218, Mississippi Code of 1972, is
3115 brought forward as follows:

3116 63-1-218. (1) A disqualification from driving a commercial
3117 motor vehicle shall be effective on not less than ten (10) days'
3118 notice.

3119 (2) If requested, a hearing on the disqualification shall be
3120 conducted, under Section 63-1-53. The scope of the hearing shall
3121 be limited to verification of the conviction.

3122 (3) A person aggrieved by a decision resulting from a
3123 hearing under this section may have the decision reviewed on the
3124 record. The appeal shall be to the Circuit Court of the First
3125 Judicial District of Hinds County or, in the discretion of the
3126 licensee, to the circuit court of the county in which the licensee
3127 resides or has a principal place of business.

3128 **SECTION 86.** Section 29-5-93, Mississippi Code of 1972, is
3129 brought forward as follows:



3130 29-5-93. Any person violating provisions of Sections 29-5-83
3131 through 29-5-91 shall be punished by a fine not exceeding One
3132 Hundred Dollars (\$100.00), or by imprisonment not exceeding sixty
3133 (60) days, or by both such fine and imprisonment. Prosecution for
3134 such offenses shall be had in the county court of the First
3135 Judicial District of Hinds County, Mississippi, upon affidavit by
3136 the Attorney General of Mississippi or any of his assistants. In
3137 cases where public property is damaged in an amount exceeding One
3138 Hundred Dollars (\$100.00), the offenses shall be punishable by
3139 imprisonment for not exceeding one (1) year.

3140 **SECTION 87.** Section 77-3-409, Mississippi Code of 1972, is
3141 brought forward as follows:

3142 77-3-409. The Attorney General, or the corporation, may by
3143 certiorari out of the Circuit Court of the First Judicial District
3144 of Hinds County, Mississippi, within ten (10) days from the date
3145 of the order in the hearing provided in Section 77-3-403, remove
3146 the entire proceeding to such court, which removal shall not
3147 operate as a supersedeas. No supersedeas shall be allowed, but
3148 the circuit court or the circuit judge in vacation shall examine
3149 the record for errors of law. If the said court shall find no
3150 errors of law, the order shall be affirmed. If errors of law
3151 appear, it shall be reversed, and such reversal shall operate as a
3152 stay of such order, and no subsequent action on the charter
3153 forfeiture shall be taken by the commission on such order, but the
3154 cause shall be remanded to the commission with directions for a



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

SECTION 88. Section 79-29-1027, Mississippi Code of 1972, is brought forward as follows:

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

(2) The foreign limited liability company may appeal the denial of reinstatement to the Chancery Court of the First Judicial District of Hinds County or the chancery court of the county where the foreign limited liability company is domiciled within thirty (30) days after service of the notice of denial is perfected. The foreign limited liability company appeals by petitioning the court to set aside the administrative revocation and attaching to the petition copies of the Secretary of State's certificate of administrative revocation, the foreign limited liability company's application for reinstatement and the Secretary of State's notice of denial.

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

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



3180 **SECTION 89.** Section 79-4-1.26, Mississippi Code of 1972, is
3181 brought forward as follows:

3182 79-4-1.26. (a) If the Secretary of State refuses to file a
3183 document delivered to his office for filing, the domestic or
3184 foreign corporation may appeal the refusal to the chancery court
3185 of the county where the corporation's principal office is or will
3186 be located, or the Chancery Court of the First Judicial District
3187 of Hinds County, Mississippi, if the corporation does not have a
3188 principal office in this state. The appeal is commenced by
3189 petitioning the court to compel filing the document and by
3190 attaching to the petition the document and the Secretary of
3191 State's explanation of his refusal to file.

3192 (b) The court may summarily order the Secretary of State to
3193 file the document or take other action the court considers
3194 appropriate.

3195 (c) The court's final decision may be appealed as in other
3196 civil proceedings.

3197 **SECTION 90.** Section 79-4-15.33, Mississippi Code of 1972, is
3198 brought forward as follows:

3199 79-4-15.33. (a) If the Secretary of State denies a foreign
3200 corporation's application for reinstatement following
3201 administrative revocation, he shall serve the corporation under
3202 Section 79-4-5.04, Mississippi Code of 1972, with a written
3203 communication that explains the reason or reasons for denial.



3204 (b) The corporation may appeal the denial of reinstatement
3205 to the Chancery Court of the First Judicial District of Hinds
3206 County or the chancery court of the county where the corporation
3207 is domiciled within thirty (30) days after service of the
3208 communication of denial is perfected. The corporation appeals by
3209 petitioning the court to set aside the revocation and attaching to
3210 the petition copies of the Secretary of State's communication of
3211 denial.

3212 (c) The court may summarily order the Secretary of State to
3213 reinstate the revoked corporation or may take other action the
3214 court considers appropriate.

3215 (d) The court's final decision may be appealed as in other
3216 civil proceedings.

3217 **SECTION 91.** Section 79-29-827, Mississippi Code of 1972, is
3218 brought forward as follows:

3219 79-29-827. (1) If the Secretary of State denies a limited
3220 liability company's application for reinstatement following
3221 administrative dissolution, the Secretary of State shall serve the
3222 limited liability company under Section 79-35-13 with a record
3223 that explains the reason or reasons for denial, except that such
3224 record may be served by first-class mail.

3225 (2) The limited liability company may appeal the denial of
3226 reinstatement to the Chancery Court of the First Judicial District
3227 of Hinds County or the chancery court where the limited liability
3228 company is domiciled within thirty (30) days after service of the



3229 notice of denial is perfected. The limited liability company
3230 appeals by petitioning the court to set aside the dissolution and
3231 attaching to the petition copies of the Secretary of State's
3232 certificate of administrative dissolution, the limited liability
3233 company's application for reinstatement, and the Secretary of
3234 State's notice of denial.

3235 (3) The court may summarily order the Secretary of State to
3236 reinstate the dissolved limited liability company or may take
3237 other action the court considers appropriate.

3238 (4) The court's final decision may be appealed as in other
3239 civil proceedings.

3240 **SECTION 92.** Section 41-21-89, Mississippi Code of 1972, is
3241 brought forward as follows:

3242 41-21-89. Nothing in Sections 41-21-61 through 41-21-107
3243 shall preclude any patient, his attorney, or relative or guardian
3244 from seeking a patient's release from a treatment facility by
3245 application for writ of habeas corpus; provided that the
3246 application shall be made to the chancellor of the county in which
3247 the patient is hospitalized. Provided, further, that if the
3248 patient is hospitalized at the Mississippi State Hospital at
3249 Whitfield, Mississippi, the said application shall be made to a
3250 Chancellor of the First Judicial District of Hinds County,
3251 Mississippi.

3252 **SECTION 93.** Section 83-31-175, Mississippi Code of 1972, is
3253 brought forward as follows:



3254 83-31-175. An action challenging the validity of or arising
3255 out of acts taken or proposed to be taken regarding a plan of
3256 reorganization under Section 83-31-47 or 83-31-101 through
3257 83-31-181 must begin in the Chancery Court of the First Judicial
3258 District of Hinds County, Mississippi, not later than the
3259 thirtieth day after the effective date of the plan of
3260 reorganization.

3261 **SECTION 94.** Section 51-9-111, Mississippi Code of 1972, is
3262 brought forward as follows:

3263 51-9-111. The board of water commissioners shall make a
3264 written report on the preliminary study or plans furnished them
3265 and shall, within thirty days after receipt of the said study,
3266 file such report with the chancery court setting forth their
3267 recommendations concerning the proposed water supply district.
3268 After the filing of the report of the board of water
3269 commissioners, and upon motion of the petitioners, the chancellor
3270 shall enter an order fixing the date for a hearing of the cause on
3271 the original petition, the exhibit, the report and recommendations
3272 of the board of water commissioners, and any answers filed or
3273 other pleadings. The chancery clerk shall give notice of such
3274 hearing to all persons interested by posting notices thereof at
3275 the door of the courthouse of the county or counties in which the
3276 district is situated and in at least ten public places in said
3277 proposed district, and also by publishing said notice at least
3278 once a week for three consecutive weeks in a newspaper published



3279 in Hinds County and in a newspaper published in each of the other
3280 counties proposed to be included in such water supply district.
3281 If there is no newspaper published in any such county, then it
3282 shall be sufficient to publish said notice in a newspaper having a
3283 general circulation in such county. Such notice shall be
3284 addressed to the property owners and qualified electors of such
3285 proposed district and all other persons interested, shall state
3286 when and in what court said petition was and is filed, shall state
3287 the counties included in such district, and shall command all such
3288 persons to appear before the chancery court, or the chancellor in
3289 vacation, at the Chancery Court Building in the First Judicial
3290 District of Hinds County, upon the date fixed by the chancellor to
3291 show cause, if any they can, why the proposed water supply
3292 district should not be organized and established as prayed for in
3293 said petition. The date of such hearing shall not be less than
3294 twenty-one days nor more than forty days after the last
3295 publication of such notice. It shall be sufficient in describing
3296 the lands to be included in the water supply district to name the
3297 counties to be included therein in the publication or notice
3298 hereinbefore mentioned.

3299 If the court or chancellor finds that the notice or
3300 publication was not given as provided for in this article, it
3301 shall not thereby lose jurisdiction, but the court or chancellor
3302 shall order due publication or notice to be given and shall
3303 continue the hearing until such publication or notice shall be



3304 properly given, and the court or chancellor shall thereupon
3305 proceed as though publication or notice had been properly given in
3306 the first instance.

3307 **SECTION 95.** Section 79-4-13.30, Mississippi Code of 1972, is
3308 brought forward as follows:

3309 79-4-13.30. (a) If a shareholder makes demand for payment
3310 under Section 79-4-13.26 which remains unsettled, the corporation
3311 shall commence a proceeding within sixty (60) days after receiving
3312 the payment demand and petition the court to determine the fair
3313 value of the shares and accrued interest. If the corporation does
3314 not commence the proceeding within the sixty-day period, it shall
3315 pay in cash to each shareholder the amount the shareholder
3316 demanded pursuant to Section 79-4-13.26 plus interest.

3317 (b) The corporation shall commence the proceeding in the
3318 appropriate court of the county where the corporation's principal
3319 office is located, or the Chancery Court of the First Judicial
3320 District of Hinds County, Mississippi, if the corporation does not
3321 have a principal office in this state. If the corporation is a
3322 foreign corporation, it shall commence the proceeding in the
3323 county in this state where the principal office of the domestic
3324 corporation merged with the foreign corporation was located or, if
3325 the domestic corporation did not have its principal office in this
3326 state at the time of the transaction, in Chancery Court of the
3327 First Judicial District of Hinds County, Mississippi.



3328 (c) The corporation shall make all shareholders (whether or
3329 not residents of this state) whose demands remain unsettled
3330 parties to the proceeding as in an action against their shares,
3331 and all parties must be served with a copy of the petition.
3332 Nonresidents may be served by registered or certified mail or by
3333 publication as provided by law.

3334 (d) The jurisdiction of the court in which the proceeding is
3335 commenced under subsection (b) is plenary and exclusive. The
3336 court may appoint one or more persons as appraisers to receive
3337 evidence and recommend a decision on the question of fair value.
3338 The appraisers shall have the powers described in the order
3339 appointing them, or in any amendment to it. The shareholders
3340 demanding appraisal rights are entitled to the same discovery
3341 rights as parties in other civil proceedings. There shall be no
3342 right to a jury trial.

3343 (e) Each shareholder made a party to the proceeding is
3344 entitled to judgment (i) for the amount, if any, by which the
3345 court finds the fair value of the shareholder's shares, plus
3346 interest, exceeds the amount paid by the corporation to the
3347 shareholder for such shares or (ii) for the fair value, plus
3348 interest, of the shareholder's shares for which the corporation
3349 elected to withhold payment under Section 79-4-13.25.

3350 **SECTION 96.** Section 73-13-37, Mississippi Code of 1972, is
3351 brought forward as follows:



3352 73-13-37. (1) The board, upon satisfactory proof and in
3353 accordance with the provisions of this chapter and the
3354 implementing regulations of the board pertaining thereto, is
3355 authorized to take the disciplinary actions provided for
3356 hereinafter against any person or firm practicing engineering or
3357 surveying, including nonregistrants, for any of the following
3358 reasons:

3359 (a) Violating any of the provisions of Sections 73-13-1
3360 through 73-13-45 or the implementing bylaws, rules, regulations,
3361 or standards of ethics or conduct duly adopted and promulgated by
3362 the board pertaining to the practice of engineering;

3363 (b) Fraud, deceit or misrepresentation in obtaining a
3364 certificate of licensure;

3365 (c) Gross negligence, malpractice or incompetency;

3366 (d) Any professional misconduct, as defined by the
3367 board through bylaws, rules and regulations, and standards of
3368 conduct and ethics;

3369 (e) Practicing or offering to practice engineering on
3370 an expired certificate or while under suspension or revocation of
3371 certificate unless said suspension or revocation be abated through
3372 probation, as provided for hereinafter; or

3373 (f) Addiction to or dependence on alcohol or other
3374 habit-forming drugs or being an habitual user of alcohol,
3375 narcotics, barbiturates, amphetamines, hallucinogens, or other
3376 drugs having similar effect.



3377 (2) Any person may prefer charges against any other person
3378 practicing engineering or surveying, including nonlicensees, for
3379 committing any of the acts set forth in subsection (1). Such
3380 charges shall be sworn to, either upon actual knowledge or upon
3381 information and belief, and shall be filed with the board. In the
3382 event any person certified under Sections 73-13-1 through 73-13-45
3383 is expelled from membership in any Mississippi professional
3384 engineering society or association, the board shall thereafter
3385 cite said person to appear at a hearing before the board and to
3386 show cause why disciplinary action should not be taken against
3387 him.

3388 The board shall investigate all charges filed with it and,
3389 upon finding reasonable cause to believe that the charges are not
3390 frivolous, unfounded or filed in bad faith, may, in its
3391 discretion, cause a hearing to be held, at a time and place fixed
3392 by the board, regarding the charges and may compel the accused by
3393 subpoena to appear before the board to respond to said charges.

3394 No disciplinary action taken hereunder may be taken until the
3395 accused has been furnished both a statement of the charges against
3396 him and notice of the time and place of the hearing thereof, which
3397 shall be personally served on or mailed by registered or certified
3398 mail, return receipt requested, to the last-known business or
3399 residence address of the accused not less than thirty (30) days
3400 prior to the date fixed for the hearing.



3401 Notice on a firm shall be had by notice on the principal or
3402 officer designated by the firm as having management or supervision
3403 of the engineering/surveying practice, or on the registered agent
3404 in the case of a corporation not domiciled in Mississippi.

3405 (3) At any hearing held hereunder, the board shall have the
3406 power to subpoena witnesses and compel their attendance and may
3407 also require the production of books, papers, documents, etc., as
3408 provided elsewhere in this chapter. The board is authorized to
3409 designate or secure a hearing officer to conduct the hearing. All
3410 evidence shall be presented under oath, which may be administered
3411 by any member of the board, and thereafter the proceedings may, if
3412 necessary, be transcribed in full by the court reporter and filed
3413 as part of the record in the case. Copies of such transcriptions
3414 may be provided to any party to the proceedings at a cost to be
3415 fixed by the board.

3416 All witnesses who shall be subpoenaed and who shall appear in
3417 any proceedings before the board shall receive the same fees and
3418 mileage as allowed by law in judicial civil proceedings, and all
3419 such fees shall be taxed as part of the costs in the case.

3420 Where in any proceeding before the board any witness shall
3421 fail or refuse to attend upon subpoena issued by the board, shall
3422 refuse to testify or shall refuse to produce any books and papers,
3423 the production of which is called for by the subpoena, the
3424 attendance of such witness and the giving of his testimony and the
3425 production of the books and papers shall be enforced by any court



3426 of competent jurisdiction of this state in the manner provided for
3427 the enforcement of attendance and testimony of witnesses in civil
3428 cases in the courts of this state.

3429 The accused shall have the right to be present at the hearing
3430 in person, by counsel or other representative, or both. The board
3431 is authorized to continue or recess the hearing as may be
3432 necessary.

3433 (4) At the conclusion of the hearing, the board may either
3434 decide the issue at that time or take the case under advisement
3435 for further deliberation. The board shall render its decision not
3436 more than ninety (90) days after the close of the hearing, and
3437 shall forward to the last-known business or residence address of
3438 the accused, by certified or registered mail, return receipt
3439 requested, a written statement of the decision of the board.

3440 If a majority of the board finds the accused guilty of the
3441 charges filed, the board may: (a) issue a public or private
3442 reprimand; (b) require the guilty party to complete a course or
3443 courses, approved by the board, in ethics or other appropriate
3444 subjects; (c) suspend or revoke the certificate of the accused, if
3445 the accused is a licensee; and/or (d) in lieu of or in addition to
3446 such reprimand, course completion, suspension or revocation,
3447 assess and levy upon the guilty party a monetary penalty of not
3448 less than One Hundred Dollars (\$100.00) nor more than Five
3449 Thousand Dollars (\$5,000.00) for each violation.



3450 (5) A monetary penalty assessed and levied under this
3451 section shall be paid to the board upon the expiration of the
3452 period allowed for appeal of such penalties under this section, or
3453 may be paid sooner if the guilty party elects. Money collected by
3454 the board under this section shall be deposited to the credit of
3455 the board's special fund in the State Treasury.

3456 When payment of a monetary penalty assessed and levied by the
3457 board in accordance with this section is not paid when due, the
3458 board shall have the power to institute and maintain proceedings
3459 in its name for enforcement of payment in the chancery court of
3460 the county and judicial district of residence of the guilty party
3461 and if the guilty party be a nonresident of the State of
3462 Mississippi, such proceedings shall be in the Chancery Court of
3463 the First Judicial District of Hinds County, Mississippi.

3464 (6) When the board has taken a disciplinary action under
3465 this section, the board may, in its discretion, stay such action
3466 and place the guilty party on probation for a period not to exceed
3467 one (1) year upon the condition that the guilty party shall not
3468 further violate either the laws of the State of Mississippi
3469 pertaining to the practice of engineering or the bylaws, rules and
3470 regulations, or standards of conduct and ethics promulgated by the
3471 board.

3472 (7) The board, in its discretion, may assess and tax any
3473 part or all of the costs of any disciplinary proceedings conducted



3474 under this section against either the accused, the charging party,
3475 or both, as it may elect.

3476 (8) The power and authority of the board to assess and levy
3477 the monetary penalties provided for in this section shall not be
3478 affected or diminished by any other proceeding, civil or criminal,
3479 concerning the same violation or violations except as provided in
3480 this section.

3481 (9) The board, for sufficient cause, may reissue a revoked
3482 certificate of licensure or authority whenever a majority of the
3483 board members vote to do so.

3484 (10) Any person or firm aggrieved by an action of the board
3485 denying or revoking his certificate of licensure or authority or
3486 relicensure as a professional engineer or his certificate of
3487 enrollment as an engineer intern, or who is aggrieved by the
3488 action of the board as a result of disciplinary proceedings
3489 conducted under this section may appeal therefrom to the chancery
3490 court of either the county wherein the appellant resides or the
3491 Chancery Court of the First Judicial District of Hinds County, at
3492 the election of the appellant. If the appellant is a nonresident
3493 of this state, the appeal shall be made to the Chancery Court of
3494 the First Judicial District of Hinds County. Such appeal shall be
3495 perfected before the board by the filing with the board of a
3496 notice of appeal to the chancery court. The court shall require a
3497 bond in an amount not to exceed One Thousand Dollars (\$1,000.00)
3498 conditioned to pay all costs which may be adjudged against the



3499 appellant. The notice of appeal shall be filed not later than
3500 thirty (30) days after the decision of the board is forwarded to
3501 the guilty party, as provided hereinabove.

3502 All appeals perfected hereunder shall not act as a
3503 supersedeas, and shall be made to the chancery court solely upon
3504 the record made before the board during the disciplinary hearing.
3505 When the appeal shall have been properly perfected as provided
3506 herein, the board shall cause the record of the proceedings
3507 conducted before it to be compiled, certified and filed with the
3508 chancery court. The briefing schedule shall be the same as for
3509 appeals to the Supreme Court. The chancery court shall be
3510 required to rule on the case within sixty (60) days of the close
3511 of briefing. All procedures and penalties provided for in this
3512 section shall apply to nonlicensees as well as licensees.

3513 (11) In addition to the reasons specified in subsection (1)
3514 of this section, the board shall be authorized to suspend the
3515 certificate of licensure of any person for being out of compliance
3516 with an order for support, as defined in Section 93-11-153. The
3517 procedure for suspension of a certificate for being out of
3518 compliance with an order for support, and the procedure for the
3519 reissuance or reinstatement of a certificate suspended for that
3520 purpose, and the payment of any fees for the reissuance or
3521 reinstatement of a certificate suspended for that purpose, shall
3522 be governed by Section 93-11-157 or 93-11-163, as the case may be.
3523 Actions taken by the board in suspending a certificate when



3524 required by Section 93-11-157 or 93-11-163 are not actions from
3525 which an appeal may be taken under this section. Any appeal of a
3526 suspension of a certificate that is required by Section 93-11-157
3527 or 93-11-163 shall be taken in accordance with the appeal
3528 procedure specified in Section 93-11-157 or 93-11-163, as the case
3529 may be, rather than the procedure specified in this section. If
3530 there is any conflict between any provision of Section 93-11-157
3531 or 93-11-163 and any provision of this chapter, the provisions of
3532 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3533 (12) Any board member whose objectivity in a disciplinary
3534 proceeding is impaired shall either recuse himself from sitting as
3535 a member of the board in a formal disciplinary hearing in that
3536 proceeding or be disqualified therefrom. In the event a
3537 disciplinary proceeding is brought against a member or former
3538 member of the board, no member of the board who has served
3539 concurrently with the respondent in the disciplinary proceeding
3540 shall sit as a member of the board in a formal disciplinary
3541 hearing in that proceeding. If, after recusal or disqualification
3542 of board members as provided herein, there does not remain a
3543 quorum of the board to sit for a disciplinary hearing, the board
3544 shall have the power to select, in accordance with duly
3545 promulgated regulations of the board, substitute panel members
3546 from slates of candidates established by the Mississippi
3547 Engineering Society and the Mississippi Association of
3548 Professional Surveyors to the extent necessary to achieve the



3549 number of panel members equivalent to a quorum of the board.
3550 Substitute panel members must meet the qualifications of board
3551 members as provided in Section 73-13-7 and shall receive
3552 compensation as provided for board members in Section 73-13-9.

3553 **SECTION 97.** Section 69-15-63, Mississippi Code of 1972, is
3554 brought forward as follows:

3555 69-15-63. (1) Any individual aggrieved by a final decision
3556 of the Board of Animal Health after its review of the hearing
3557 officer's recommendation shall be entitled to judicial review.

3558 (2) An appeal from the board's decision shall be filed in
3559 the Circuit Court of the First Judicial District of Hinds County
3560 on the record made, including a verbatim transcript of the
3561 testimony at the hearing held before the designated hearing
3562 committee of the Board of Animal Health. The appeal shall be
3563 filed within thirty (30) days after notification of the action of
3564 the board is mailed or served and the proceedings in circuit court
3565 shall be conducted as other matters coming before the court. The
3566 appeal shall be perfected upon filing notice of the appeal and by
3567 the prepayment of all costs, including the cost of preparation of
3568 the record of the proceedings by the Board of Animal Health, and
3569 the filing of a bond in the sum of Five Hundred Dollars (\$500.00)
3570 conditioned that if the action of the board be affirmed by the
3571 circuit court, the aggrieved party shall pay the costs of the
3572 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 brought forward 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



3598 same manner as service of summons upon nonresident corporations
3599 qualified to do business in the state. Such notice shall set a
3600 time and place for a hearing not less than fifteen (15) days nor
3601 more than thirty (30) days from the receipt of said notice. Said
3602 permittee shall be allowed to show cause why said permit should
3603 not be revoked. At said time and place full opportunity shall be
3604 afforded the permittee to be heard on said revocation. The
3605 Secretary of State shall have power to issue compulsory process to
3606 assure the presence of such persons or such records deemed
3607 necessary for the proper determination of any matter before him
3608 for consideration, and he may in his discretion require testimony
3609 under oath and administer the same.

3610 (b) Any person aggrieved by a decision of the Secretary of
3611 State shall have a right to a judicial review of said decision by
3612 forwarding notice of his intention to appeal to the Secretary of
3613 State within fifteen (15) days from the date of revocation. Upon
3614 receipt of said notice, the Secretary of State shall within sixty
3615 (60) days after receiving said notice of appeal certify the record
3616 to the chancery court of the First Judicial District of Hinds
3617 County, Mississippi, for trial de novo. Appeal may be with or
3618 without supersedeas at the election of the permittee. The
3619 Secretary of State shall not be required to certify the record
3620 unless the permittee shall have filed a cost bond sufficient to
3621 pay the costs 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 brought forward 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.



3646 (c) Appropriate remedies when the defendant is shown
3647 only about to violate this chapter or a rule or order of the
3648 administrator shall be limited to:
3649 (i) A temporary restraining order;
3650 (ii) A temporary or permanent injunction;
3651 (iii) A writ of prohibition or mandamus; or
3652 (iv) An order appointing a receiver or conservator
3653 for the defendant or the defendant's assets.

3654 (d) Upon a proper showing by the administrator or
3655 commodity agency of another state that a person, other than a
3656 government or governmental agency or instrumentality, has
3657 violated, or is about to violate, any provision of the commodity
3658 code of that state or any rule or order of the administrator or
3659 commodity agency of that state, the Chancery Court of the First
3660 Judicial District of Hinds County, Mississippi, may grant
3661 appropriate legal and equitable remedies.

3662 (e) Upon showing of a violation of the commodity act of
3663 another state or a rule or order of the administrator or commodity
3664 agency of another state, the court, in addition to traditional
3665 legal or equitable remedies including temporary restraining
3666 orders, permanent or temporary prohibitory or mandatory
3667 injunctions and writs of prohibition or mandamus, may grant the
3668 following special remedies:

3669 (i) Disgorgement; and



3670 (ii) Appointment of a receiver, conservator or
3671 ancillary receiver or conservator for the defendant or the
3672 defendant's assets located in this state.

3673 (f) Appropriate remedies when the defendant is shown
3674 only about to violate the commodity act of another state or a rule
3675 or order of the administrator or commodity agency of another state
3676 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; and
3680 (iv) An order appointing a receiver, conservator
3681 or ancillary receiver or conservator for the defendant or the
3682 defendant's assets located in this state.

3683 (2) The court shall not require the administrator to post a
3684 bond in any official action under this chapter.

3685 **SECTION 100.** Section 41-71-11, Mississippi Code of 1972, is
3686 brought forward as follows:

3687 41-71-11. Any applicant or licensee aggrieved by the
3688 decision of the licensing agency after a hearing may, within
3689 thirty (30) days after the mailing or serving of notice of the
3690 decision, file a notice of appeal in the chancery court of the
3691 First Judicial District of Hinds County, Mississippi, or the
3692 chancery court of the county in which the home health agency is
3693 located or to be located, and the chancery clerk shall serve a
3694 copy of the notice of appeal upon the licensing agency. Thereupon



3695 the licensing agency shall, within sixty (60) days or such
3696 additional time as the court may allow from the filing of such
3697 notice, certify to the court a copy of the record and decision,
3698 including the transcript of the hearings on which the decision is
3699 based. Findings of fact by the licensing agency shall be
3700 conclusive unless substantially contrary to the weight of the
3701 evidence, but upon good cause shown, the court may remand the case
3702 to the licensing agency to take further evidence, and the
3703 licensing agency may thereupon affirm, reverse or modify its
3704 decision. The court may affirm, modify or reverse the decision of
3705 the licensing agency and either the applicant or licensee or the
3706 licensing agency may appeal from this decision to the Supreme
3707 Court as in other cases in the chancery court. Pending final
3708 disposition of the matter the status quo of the applicant or
3709 licensee shall be preserved, except as the court otherwise orders
3710 in the public interest. Rules with respect to court costs as in
3711 other cases in chancery shall apply equally to cases under this
3712 section.

3713 **SECTION 101.** Section 29-7-21, Mississippi Code of 1972, is
3714 brought forward as follows:

3715 29-7-21. (1) Any person or interested party aggrieved by
3716 any final rule, regulation, permit or order of the commission may
3717 file a petition with the commission within thirty (30) days after
3718 the final rule, regulation, permit or order is entered on the
3719 minutes. The petition shall set forth the grounds and reasons for



3720 the complaint and request a hearing of the matter involved.
3721 However, there shall be no hearing on the same subject matter that
3722 has previously been held before the commission or its designated
3723 hearing officer. The commission shall fix the time and place of
3724 the hearing and notify the petitioners thereof. In pending
3725 matters, the commission shall have the same powers as to
3726 subpoenaing witnesses, administering oaths, examining witnesses
3727 under oath and conducting the hearing, as is now vested by law in
3728 the Mississippi Public Service Commission, as to hearings before
3729 it, with the additional power that the executive director may
3730 issue all subpoenas, both at the instance of the petitioner and of
3731 the commission. At the hearings the petitioner, and any other
3732 interested party, may offer exhibits, present witnesses, and
3733 otherwise submit evidence, as the commission deems appropriate.
3734 After the hearing, the commission's decision shall be deemed the
3735 final administrative agency decision on the matter.

3736 (2) Any interested person aggrieved by any final rule,
3737 regulation, permit or order of the commission issued under this
3738 section, regardless of the amount involved, may appeal to the
3739 Chancery Court of the First Judicial District of Hinds County,
3740 Mississippi, which shall be taken and perfected as hereinafter
3741 provided, within thirty (30) days from the date that the final
3742 rule, regulation or order is filed for record in the office of the
3743 commission. The chancery court may affirm the rule, regulation,
3744 permit, or order, or reverse the same for further proceedings as



3745 the court may require. All appeals shall be on the record, taken
3746 and perfected, heard and determined either in termtime or in
3747 vacation, including a transcript of pleadings and testimony, both
3748 oral and documentary, filed and heard before the commission, and
3749 the appeal shall be heard and disposed of promptly by the court as
3750 a preference cause. In perfecting any appeal provided by this
3751 section, the provisions of law respecting notice to the reporter
3752 and the allowance of bills of exception, now or hereafter in force
3753 respecting appeals from the chancery court to the Supreme Court,
3754 shall be applicable. However, the reporter shall transcribe his
3755 notes and file the transcript of the record with the board within
3756 thirty (30) days after approval of the appeal bond.

3757 (3) Upon the filing with the commission of a petition for
3758 appeal to the Hinds County Chancery Court, it shall be the duty of
3759 the commission, as promptly as possible and within sixty (60) days
3760 after approval of the appeal bond, if required, to file with the
3761 clerk of the chancery court to which the appeal is taken, a copy
3762 of the petition for appeal and of the rule, regulation, permit or
3763 order appealed from, and the original and one (1) copy of the
3764 transcript of the record of proceedings in evidence before the
3765 commission. After the filing of the petition, the appeal shall be
3766 perfected by the filing with the clerk of the chancery court to
3767 which the appeal is taken of bond in the sum of Five Hundred
3768 Dollars (\$500.00) with two (2) sureties or with a surety company
3769 qualified to do business in Mississippi as the surety, conditioned



3770 to pay the cost of the appeal; the bond to be approved by any
3771 member of the commission, or by the clerk of the court to which
3772 the appeal is taken. The perfection of an appeal shall not stay
3773 or suspend the operation of any rule, regulation, permit or order
3774 of the board, but the judge of the chancery court to which the
3775 appeal is taken may award a writ of supersedeas to any rule,
3776 regulation, permit or order of the commission after five (5) days'
3777 notice to the commission and after hearing. Any order or judgment
3778 staying the operation of any rule, regulation, permit or order of
3779 the commission shall contain a specific finding, based upon
3780 evidence submitted to the chancery judge and identified by
3781 reference thereto, that great or irreparable damage would result
3782 to the appellant if he is denied relief, and the stay shall not
3783 become effective until a supersedeas bond shall have been executed
3784 and filed with and approved by the clerk of the court or the
3785 chancery judge, payable to the state. The supersedeas bond shall
3786 be in an amount fixed by the chancery judge to protect the lessee
3787 or permittee from loss or damage from the stay and conditioned as
3788 the chancery judge may direct in the order granting the
3789 supersedeas. If the appeal is of a commission order concerning
3790 the lease of state lands for minerals, that appeal shall be given
3791 priority over other matters pending in the chancery court. If the
3792 appeal is of a commission permit, that appeal shall be given
3793 priority over other matters pending in chancery court.



3794 **SECTION 102.** Section 83-17-83, Mississippi Code of 1972, is
3795 brought forward as follows:

3796 83-17-83. Any person aggrieved by any action or decision of
3797 the Commissioner of Insurance under the provisions of this article
3798 may appeal therefrom, within thirty (30) days after receipt of
3799 notice thereof, to the Circuit Court of the First Judicial
3800 District of Hinds County by certiorari in the manner provided by
3801 law. Such appeal shall be without supersedeas, except that the
3802 court may grant supersedeas as otherwise provided by law where the
3803 license is revoked. The court shall have the authority and
3804 jurisdiction to hear the appeal and render its decision in regard
3805 thereto in termtime or vacation.

3806 **SECTION 103.** Section 83-24-9, Mississippi Code of 1972, is
3807 brought forward as follows:

3808 83-24-9. (1) No delinquency proceeding shall be commenced
3809 under this chapter by anyone other than the commissioner and no
3810 court shall have jurisdiction to entertain, hear or determine any
3811 proceeding commenced by any other person.

3812 (2) No court shall have jurisdiction to entertain, hear or
3813 determine any complaint praying for the dissolution, liquidation,
3814 rehabilitation, sequestration, conservation or receivership of any
3815 insurer; or praying for an injunction or restraining order or
3816 other relief preliminary to, incidental to or relating to such
3817 proceedings other than in accordance with this chapter.



3818 (3) In addition to other grounds for jurisdiction provided
3819 by the law of this state, a court having jurisdiction of the
3820 subject matter has jurisdiction over a person served pursuant to
3821 the Mississippi Rules of Civil Procedure or other applicable
3822 provisions of law in an action brought by the receiver of a
3823 domestic insurer or an alien insurer domiciled in this state:

3824 (a) If the person served is an agent, broker, or other
3825 person who has at any time written policies of insurance for or
3826 has acted in any manner whatsoever on behalf of an insurer against
3827 which a delinquency proceeding has been instituted, in any action
3828 resulting from or incident to such a relationship with the
3829 insurer; or

3830 (b) If the person served is a reinsurer who has at any
3831 time entered into a contract of reinsurance with an insurer
3832 against which a delinquency proceeding has been instituted, or is
3833 an agent or broker of or for the reinsurer, in any action on or
3834 incident to the reinsurance contract; or

3835 (c) If the person served is or has been an officer,
3836 director, manager, trustee, organizer, promoter, or other person
3837 in a position of comparable authority or influence over an insurer
3838 against which a delinquency proceeding has been instituted, in any
3839 action resulting from or incident to such a relationship with the
3840 insurer; or

3841 (d) If the person served is or was at the time of the
3842 institution of the delinquency proceeding against the insurer



3843 holding assets in which the receiver claims an interest on behalf
3844 of the insurer, in any action concerning the assets; or

3845 (e) If the person served is obligated to the insurer in
3846 any way whatsoever, in any action on or incident to the
3847 obligation.

3848 (4) If the court on motion of any party finds that any
3849 action should as a matter of substantial justice be tried in a
3850 forum outside this state, the court may enter an appropriate order
3851 to stay further proceedings on the action in this state.

3852 (5) All action herein authorized shall be brought in the
3853 Chancery Court of the First Judicial District of Hinds County.

3854 **SECTION 104.** Section 83-24-101, Mississippi Code of 1972, is
3855 brought forward as follows:

3856 83-24-101. (1) If no domiciliary receiver has been
3857 appointed, the commissioner may apply to the court by verified
3858 petition for an order directing him to liquidate the assets found
3859 in this state of a foreign insurer or an alien insurer not
3860 domiciled in this state, on any of the following grounds:

3861 (i) Any of the grounds in Section 83-24-23 or 83-24-33;
3862 or

3863 (ii) Any of the grounds specified in Section
3864 83-24-99(1)(b) through (d).

3865 (2) When an order is sought under subsection (1), the court
3866 shall cause the insurer to be given such notice and time to
3867 respond thereto as is reasonable under the circumstances.



3868 (3) If it shall appear to the court that the best interests
3869 of creditors, policyholders and the public require, the court may
3870 issue an order to liquidate in whatever terms it shall deem
3871 appropriate. The filing or recording of the order with the Clerk
3872 of the Chancery Court of the First Judicial District of Hinds
3873 County or of the county in which the principal business of the
3874 company is located or the county in which its principal office or
3875 place of business is located, shall impart the same notice as a
3876 deed, bill of sale or other evidence of title duly filed or
3877 recorded with that chancery court would have imparted.

3878 (4) If a domiciliary liquidator is appointed in a reciprocal
3879 state while a liquidation is proceeding under this section, the
3880 liquidator under this section shall thereafter act as ancillary
3881 receiver under Section 83-24-105. If a domiciliary liquidator is
3882 appointed in a nonreciprocal state while a liquidation is
3883 proceeding under this section, the liquidator under this section
3884 may petition the court for permission to act as ancillary receiver
3885 under Section 83-24-105.

3886 (5) On the same grounds as are specified in subsection (1),
3887 the commissioner may petition any appropriate federal district
3888 court to be appointed receiver to liquidate that portion of the
3889 insurer's assets and business over which the court will exercise
3890 jurisdiction, or any lesser part thereof that the commissioner
3891 deems desirable for the protection of the policyholders and
3892 creditors in this state.



3893 (6) The court may order the commissioner, when he has
3894 liquidated the assets of a foreign or alien insurer under this
3895 section, to pay claims of residents of this state against the
3896 insurer under such rules as to the liquidation of insurers under
3897 this chapter as are otherwise compatible with the provisions of
3898 this section.

3899 **SECTION 105.** Section 73-53-25, Mississippi Code of 1972, is
3900 brought forward as follows:

3901 73-53-25. Any person aggrieved by a decision of the board
3902 shall have the right to appeal therefrom to the circuit court of
3903 the county of the residence of the aggrieved party or to the
3904 Circuit Court of the First Judicial District of Hinds County in
3905 the manner provided by law for appeals from administrative
3906 decisions. Actions taken by the board in suspending a license
3907 when required by Section 93-11-157 or 93-11-163 are not actions
3908 from which an appeal may be taken under this section. Any appeal
3909 of a license suspension that is required by Section 93-11-157 or
3910 93-11-163 shall be taken in accordance with the appeal procedure
3911 specified in Section 93-11-157 or 93-11-163, as the case may be,
3912 rather than the procedure specified in this section.

3913 **SECTION 106.** Section 75-56-27, Mississippi Code of 1972, is
3914 brought forward as follows:

3915 75-56-27. Any person found by the commissioner or the State
3916 Chemist to be in violation of any provision of this chapter may be
3917 assessed a penalty as provided in Section 75-55-37. In addition



3918 to or in lieu of such penalties, the commissioner may suspend or
3919 revoke the permit or license of such person issued under terms of
3920 this chapter. The commissioner shall notify such person of such
3921 action in writing delivered by first class United States Mail.
3922 Such person shall have fifteen (15) days after the notice is
3923 mailed within which to request in writing a hearing before the
3924 commissioner or his designee for the purpose of deciding whether
3925 or not the penalty imposed should be allowed to stand. The
3926 commissioner may issue subpoenas to compel the attendance of
3927 witnesses or the production of documents or physical evidence,
3928 administer oaths and hear testimony.

3929 If such person does not deliver the written request for a
3930 hearing within such time to the commissioner, the commissioner's
3931 original decision shall be final. An appeal, if taken, must be
3932 perfected within thirty (30) days after the decision of the
3933 commissioner with the circuit court of the county of the residence
3934 of the accused. If such person is a nonresident of the State of
3935 Mississippi, the case shall be appealed to the Circuit Court of
3936 the First Judicial District of Hinds County, Mississippi. If any
3937 penalty imposed by the commissioner is not paid within thirty (30)
3938 days of becoming final, the commissioner may take appropriate
3939 legal action to collect such penalty and the court shall award the
3940 commissioner reasonable attorney's fees and court costs to collect
3941 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 brought forward 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 Chancery Court of the First Judicial District of Hinds County 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 brought forward 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



3967 nonoperator within the time herein provided because the title of
3968 such consenting nonoperator is not marketable, the rate of
3969 interest as to the net proceeds attributable to such consenting
3970 nonoperator shall be five percent (5%) accruing from the date when
3971 due until the title is rendered marketable. Marketability of
3972 title shall be determined in accordance with the then current
3973 legally recognized real property law governing title to oil and
3974 gas interests. Where the title to a balancing party's interest is
3975 not marketable, and where all the claimants to such interest are
3976 not consenting nonoperators, operator may refuse to produce and
3977 deliver any gas attributable to such interest until such time as
3978 the title is rendered marketable. Gas attributable to such
3979 interest shall be allocated as underproduction.

3980 (b) Interpleader. — An operator shall have the right to
3981 initiate an action of interpleader where the operator may be
3982 exposed to double or multiple liability in the payment of net
3983 proceeds. Upon deposit with the court of the net proceeds plus
3984 accrued interest thereon as of the date of such deposit as
3985 provided by this chapter, operator shall thereafter be relieved of
3986 all liability relating to the net proceeds and accrued interest so
3987 deposited with the court. Operator shall be entitled to deduct
3988 and/or receive from the net proceeds and accrued interest all
3989 reasonable costs incurred by operator in such action of
3990 interpleader. An overproduced party desiring to cash balance
3991 shall also have the right to initiate an action of interpleader



3992 where such overproduced party may be exposed to double or multiple
3993 liability in the payment of proceeds for cash balancing. Upon
3994 deposit with the court of the proceeds for cash balancing, such
3995 overproduced party shall thereafter be relieved of all liability
3996 relating to such proceeds so deposited with the court. The
3997 overproduced party shall be entitled to deduct and/or receive from
3998 the proceeds for cash balancing all reasonable costs incurred by
3999 such overproduced party in such action of interpleader.

4000 (c) Jurisdiction Over Disputes. — Jurisdiction and venue for
4001 any proceeding brought pursuant to this chapter shall be in the
4002 Chancery Court of the First Judicial District for Hinds County,
4003 Mississippi, or in the chancery court of any county in which all
4004 or part of the unit for the well is situated.

4005 **SECTION 109.** Section 31-17-181, Mississippi Code of 1972, is
4006 brought forward as follows:

4007 31-17-181. Any notes sold and issued under the provisions of
4008 Sections 31-17-151 through 31-17-181 may, in the discretion of the
4009 commission, be validated in the Chancery Court of the First
4010 Judicial District of Hinds County, Mississippi, in the manner and
4011 with the force and effect provided now or hereafter by Chapter 13,
4012 Title 31, Mississippi Code of 1972, for the validation of
4013 municipal bonds.

4014 **SECTION 110.** Section 45-14-21, Mississippi Code of 1972, is
4015 brought forward 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



4041 health and safety, the agency may, without notice or hearing,
4042 issue an order reciting the existence of such emergency and
4043 requiring that such action be taken as is necessary to meet the
4044 emergency. Notwithstanding any provision of this chapter, such
4045 order shall be effective immediately. Any person to whom such
4046 order is directed shall comply therewith immediately, and on
4047 application to the agency shall be afforded a hearing within ten
4048 (10) days. On the basis of such a hearing, the emergency order
4049 shall be continued, modified or revoked within thirty (30) days
4050 after such hearing, as the board, with consultation of the
4051 council, may deem appropriate under the evidence.

4052 (3) Any applicant or person to whom a license or
4053 registration was granted who shall be aggrieved by any order of
4054 the agency or its duly authorized agent denying such application
4055 or suspending, revoking or amending such license or registration,
4056 may appeal directly to the chancery court of the county of his
4057 residence, or if he is a nonresident, to the Chancery Court of the
4058 First Judicial District of Hinds County, Mississippi.

4059 **SECTION 111.** Section 79-4-16.05, Mississippi Code of 1972,
4060 is brought forward as follows:

4061 79-4-16.05. (a) A director of a corporation is entitled to
4062 inspect and copy the books, records and documents of the
4063 corporation at any reasonable time to the extent reasonably
4064 related to the performance of the director's duties as a director,
4065 including duties as a member of a committee, but not for any other



4066 purpose or in any manner that would violate any duty to the
4067 corporation.

4068 (b) The chancery court of the county where the corporation's
4069 principal office (or if none in the state, its registered office)
4070 is located may order inspection and copying of the books, records
4071 and documents at the corporation's expense, upon application of a
4072 director who has been refused such inspection rights, unless the
4073 corporation establishes that the director is not entitled to such
4074 inspection rights. The court shall dispose of an application
4075 under this subsection on an expedited basis.

4076 (c) If an order is issued, the court may include provisions
4077 protecting the corporation from undue burden or expense, and
4078 prohibiting the director from using information obtained upon
4079 exercise of the inspection rights in a manner that would violate a
4080 duty to the corporation, and may also order the corporation to
4081 reimburse the director for the director's costs (including
4082 reasonable counsel fees) incurred in connection with the
4083 application.

4084 **SECTION 112.** Section 79-4-14.23, Mississippi Code of 1972,
4085 is brought forward as follows:

4086 79-4-14.23. (a) If the Secretary of State denies a
4087 corporation's application for reinstatement following
4088 administrative dissolution, he shall serve the corporation under
4089 Section 79-4-5.04 with a written notice that explains the reason
4090 or reasons for denial.



(b) The corporation may appeal the denial of reinstatement to the Chancery Court of the First Judicial District of Hinds County, Mississippi, or the chancery court of the county where the corporation is domiciled within thirty (30) days after service of the notice of denial is perfected. The corporation appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the Secretary of State's certificate of dissolution, the corporation's application for reinstatement and the Secretary of State's notice of denial.

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

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

SECTION 113. Section 79-29-209, Mississippi Code of 1972, is brought forward as follows:

79-29-209. If a person required by this Article 2 to sign a certificate fails or refuses to do so, any other person who is adversely affected by the failure or refusal may petition the chancery court of the county in which the principal office is located or the Chancery Court of the First Judicial District of Hinds County, Mississippi, if the limited liability company does not have a principal office in this state to direct the signing of the certificate. If the court finds that it is proper for the certificate to be signed and that any person so designated has



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

SECTION 114. Section 79-4-14.08, Mississippi Code of 1972, is brought forward as follows:

79-4-14.08. (a) A dissolved corporation that has published a notice under Section 79-4-14.07 may file an application with the chancery court of the county where the dissolved corporation's principal office (or, if none in this state, its registered office) is located for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under Section 79-4-14.07(c).

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

(c) The court may appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding



brought under this section. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the dissolved corporation.

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

SECTION 115. Section 41-9-31, Mississippi Code of 1972, is brought forward as follows:

41-9-31. Any applicant or licensee aggrieved by the decision of the licensing agency after a hearing may, within thirty (30) days after the mailing or serving of notice of the decision as provided in Section 41-9-15, file a notice of appeal in the chancery court of the First Judicial District of Hinds County or the chancery court of the county in which the hospital is located or to be located, and the chancery clerk thereof shall serve a copy of the notice of appeal upon the licensing agency. Thereupon the licensing agency shall, within sixty (60) days or such additional time as the court may allow from such notice, certify and file with the court a copy of the record and decision, including the transcript of the hearings, on which the decision is



4166 based. Findings of fact by the licensing agency shall be
4167 conclusive unless substantially contrary to the weight of the
4168 evidence. However, upon good cause shown, the court may remand
4169 the case to the licensing agency to take further evidence, and the
4170 licensing agency may thereupon affirm, reverse or modify its
4171 decision. The court may affirm, modify or reverse the decision of
4172 the licensing agency, and either the applicant or licensee or the
4173 licensing agency may appeal from this decision to the Supreme
4174 Court as in other cases in the chancery court. Pending final
4175 disposition of the matter of the status quo of the applicant or
4176 licensee shall be preserved, except as the court otherwise orders
4177 in the public interest. Rules with respect to court costs in
4178 other cases in chancery shall apply equally to cases hereunder.

4179 **SECTION 116.** Section 41-29-131, Mississippi Code of 1972, is
4180 brought forward as follows:

4181 41-29-131. (1) Upon presentation before the State Board of
4182 Pharmacy by any person showing grounds for denying, suspending or
4183 revoking a controlled substance registration, or refusing a
4184 renewal of registration, the State Board of Pharmacy may, in its
4185 discretion, deny such registration, revoke or suspend such
4186 registration or refuse a renewal of such registration.

4187 (2) Before denying, suspending or revoking a registration,
4188 or refusing a renewal of registration, the State Board of Pharmacy
4189 shall serve upon the applicant or registrant an order to show
4190 cause why registration should not be denied, revoked or suspended,



4191 or why the renewal should not be refused. The order to show cause
4192 shall contain a statement of the basis therefor and shall call
4193 upon the applicant or registrant to appear before the State Board
4194 of Pharmacy at a time and place not less than twenty (20) days
4195 after the date of service of the order, but in the case of a
4196 denial or renewal of registration, the show cause order shall be
4197 served not later than thirty (30) days before the expiration of
4198 the registration. Such order may be served by mailing a copy
4199 thereof by United States, first-class, certified mail, postage
4200 prepaid, to the last-known residence or business address of such
4201 registrant. The hearings on such charges shall be at such time
4202 and place as the State Board of Pharmacy may prescribe.

4203 (3) At such hearings, all witnesses shall be sworn by a
4204 member of the State Board of Pharmacy, and stenographic notes of
4205 the proceedings may be taken and filed as a part of the record in
4206 the case. Any party to the proceedings requesting it shall be
4207 furnished with a copy of such stenographic notes upon payment to
4208 the State Board of Pharmacy of such fees as it shall prescribe,
4209 not exceeding, however, the actual cost thereof.

4210 (4) The State Board of Pharmacy is authorized and empowered
4211 to issue subpoenas for the attendance of witnesses and the
4212 production of books and papers. The process issued by the State
4213 Board of Pharmacy shall extend to all parts of the state and such
4214 process shall be served by any person designated by the State
4215 Board of Pharmacy for such service. The person serving such



4216 process shall receive such compensation as may be allowed by the
4217 State Board of Pharmacy, not to exceed the fee prescribed by law
4218 for similar services. All witnesses who shall be subpoenaed, and
4219 who shall appear in any proceedings before the State Board of
4220 Pharmacy, shall receive the same fees and mileage as allowed by
4221 law and all such fees shall be taxed as part of the costs in the
4222 case.

4223 (5) Where in any proceeding before the State Board of
4224 Pharmacy any witness shall fail or refuse to attend upon subpoena
4225 issued by the board, shall refuse to testify, or shall refuse to
4226 produce any books and papers, the production of which is called
4227 for by the subpoena, the attendance of such witness and the giving
4228 of his testimony and the production of the books and papers shall
4229 be enforced by any court of competent jurisdiction of this state
4230 in the manner provided for the enforcement of attendance and
4231 testimony of witnesses in civil cases in the courts of this state.

4232 (6) The State Board of Pharmacy shall conduct the hearing in
4233 an orderly and continuous manner, granting continuances only when
4234 the ends of justice may be served. The State Board of Pharmacy
4235 shall, within sixty (60) days after the conclusion of the hearing,
4236 reduce its decision to writing and forward an attested true copy
4237 thereof to the last-known residence or business address of such
4238 applicant, registrant or holder of a registration, by way of
4239 United States, first-class, certified mail, postage prepaid.



4240 (7) Such applicant, registrant, holder of a registration or
4241 person aggrieved shall have the right of appeal from an adverse
4242 ruling or order or decision of the State Board of Pharmacy to the
4243 chancery court, upon forwarding notice of appeal to the State
4244 Board of Pharmacy thirty (30) days after the decision of the board
4245 is mailed in the manner here contemplated. An appeal will not be
4246 allowed in the event notice of appeal, together with the appeal
4247 bond hereinafter required, shall not have been forwarded for the
4248 State Board of Pharmacy within the period of thirty (30) days.

4249 (8) Appeal shall be to the chancery court of the county and
4250 judicial district of the residence of the appellant, or to the
4251 Chancery Court of the First Judicial District of Hinds County, at
4252 the election of the appellant. The notice of appeal shall elect
4253 venue, unless the appellant be a nonresident, in which event the
4254 State Board of Pharmacy shall certify all documents and evidence
4255 directly to the Chancery Court of the First Judicial District of
4256 Hinds County for further proceedings. The appeal shall thereupon
4257 be heard in due course by the court, which shall review the record
4258 and make its determination thereon.

4259 (9) The appellant shall, together with the notice of appeal,
4260 forward to and post with the State Board of Pharmacy a
4261 satisfactory bond in the amount of Two Hundred Dollars (\$200.00)
4262 for the payment of any costs which may be adjudged against him.

4263 (10) Any order, rule or decision of the State Board of
4264 Pharmacy shall not take effect until after the time for appeal



shall have expired. In the event of an appeal, the appeal shall act as a supersedeas and the court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation.

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

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

SECTION 117. Section 73-43-14, Mississippi Code of 1972, is brought forward as follows:

73-43-14. The State Board of Medical Licensure may appoint an executive committee, to be composed of three (3) of its members, with a chairman to be designated by the board from the



4290 members appointed to said committee. The executive committee
4291 shall have authority to execute all the powers vested in the
4292 board, in the interim of the meetings of the board. The executive
4293 committee shall have the authority to conduct licensure hearings
4294 pursuant to Section 73-25-27, provided that the power to revoke
4295 shall be subject to approval of the board. Any person aggrieved
4296 by a decision of the executive committee regarding licensure may
4297 appeal to the board. Any person aggrieved by an action of the
4298 board regarding licensure may appeal to the Chancery Court of the
4299 First Judicial District of Hinds County. Any action of the
4300 executive committee shall be legal and binding until modified or
4301 annulled by the board, and all pains and penalties prescribed for
4302 violating the rules of the board shall apply to any violation of
4303 rules and regulations that may be prescribed by the executive
4304 committee. Any two (2) members of the executive committee shall
4305 be a quorum for the transaction of business.

4306 All official meetings of the executive committee, as to time
4307 and place, shall be held pursuant to a call of the president of
4308 the board.

4309 Actions taken by the board in suspending a license when
4310 required by Section 93-11-157 or 93-11-163 are not actions from
4311 which an appeal may be taken under this section. Any appeal of a
4312 license suspension that is required by Section 93-11-157 or
4313 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
brought forward 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 chancery court of the First Judicial District of
Hinds County, 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
District, then that county shall not become a part of the water
supply district.



4338 **SECTION 119.** Section 73-60-7, Mississippi Code of 1972, is
4339 brought forward as follows:

4340 73-60-7. (1) The Mississippi Real Estate Commission shall
4341 have the duties and powers to:

4342 (a) Be responsible for matters relating to home
4343 inspectors' code of ethics and standards, home inspector
4344 qualifications, testing standards and disciplinary functions.

4345 (b) Hold meetings, public hearings and administrative
4346 hearings and prepare examination specifications for licensed home
4347 inspectors.

4348 (c) Conduct investigations, subpoena individuals and
4349 records, administer oaths, take testimony and receive evidence and
4350 to do all other things necessary and proper to discipline a person
4351 licensed under this chapter and to enforce this chapter. In case
4352 of contumacy by, or refusal to obey a subpoena issued to, any
4353 person, the Chancery Court of the First Judicial District of Hinds
4354 County, Mississippi, upon application by the commission, may issue
4355 to this person an order requiring him to appear before the
4356 commission, or the officer designated by him, there to produce
4357 documentary evidence if so ordered or to give evidence touching
4358 the matter under investigation or in question. Failure to obey
4359 the order of the court may be punished by the court as contempt of
4360 court.



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

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

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

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

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

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

(2) While there shall be no limitation whatsoever upon the powers and duties of the said chancellors 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



4386 senior chancellor, may be divided into four (4) divisions as a
4387 matter of convenience by the entry of an order upon the minutes of
4388 the court.

4389 **SECTION 121.** Section 31-31-33, Mississippi Code of 1972, is
4390 brought forward as follows:

4391 31-31-33. The bonds authorized under the authority of this
4392 chapter may be validated in the Chancery Court of the First
4393 Judicial District of Hinds County, Mississippi, in the manner and
4394 with the force and effect provided by this chapter for the
4395 validation of county, municipal, school district and other bonds.
4396 The notice to taxpayers required by such statutes shall be
4397 published in a newspaper published or having a general circulation
4398 in the City of Jackson, Mississippi.

4399 **SECTION 122.** Section 43-13-223, Mississippi Code of 1972, is
4400 brought forward as follows:

4401 43-13-223. (1) An action brought in connection with any
4402 matter under this article may be filed in the Circuit Court of the
4403 First Judicial District of Hinds County or in the circuit court of
4404 the county in which the defendant resides, and may be prosecuted
4405 to final judgment in satisfaction there.

4406 (2) Process issued by a court in which an action is filed
4407 may be served anywhere in the state.

4408 **SECTION 123.** Section 45-45-17, Mississippi Code of 1972, is
4409 brought forward as follows:



4410 45-45-17. (1) A license issued pursuant to this chapter may
4411 be suspended, revoked or subject to civil penalty by the
4412 administrator upon verification that any one or more of the
4413 following reasons exist:

4414 (a) Any false statement as to a material matter in the
4415 application.

4416 (b) Fraud, misrepresentation or bribery in securing a
4417 license.

4418 (c) Failure to notify the licensing authority and the
4419 owner or lessee of an elevator or other conveyance in any
4420 condition that is not in compliance with this chapter.

4421 (2) No license shall be suspended, revoked, denied or
4422 subject to civil penalty until after a hearing before the
4423 administrator upon notice and hearing to the licensee or applicant
4424 of at least twenty (20) days at the last known address appearing
4425 on the license or application, served personally or by registered
4426 mail. The administrator may suspend or revoke the license, deny
4427 the application, levy a civil penalty, or dismiss the proceeding.

4428 (3) Any person, sole proprietor, firm, or corporation whose
4429 license is revoked, suspended or subject to civil penalty, or
4430 whose license application is denied, may appeal from such
4431 determination to the Commissioner of Insurance, which shall within
4432 thirty (30) days thereafter, hold a hearing, of which at least
4433 fifteen (15) days' written notice shall be given to all interested



4434 parties. The commissioner shall, within thirty (30) days after
4435 such hearing, issue a decision.

4436 (4) Any person, sole proprietor, firm or corporation whose
4437 license is revoked suspended or subject to civil penalty, or whose
4438 license application is denied, may appeal from such determination
4439 to the Chancery Court of the First Judicial District of Hinds
4440 County, Mississippi, within twenty (20) days of the final ruling.

4441 **SECTION 124.** Section 77-3-733, Mississippi Code of 1972, is
4442 brought forward as follows:

4443 77-3-733. Any party aggrieved by any final order of the
4444 commission pursuant to this article, or any rules and regulations
4445 promulgated pursuant to this article, shall have the right of
4446 appeal to the Chancery Court of Hinds County, Mississippi, First
4447 Judicial District.

4448 **SECTION 125.** Section 77-3-75, Mississippi Code of 1972, is
4449 brought forward as follows:

4450 77-3-75. The commission may apply to the Chancery Court,
4451 First Judicial District of Hinds County, Mississippi, for
4452 enforcement, by mandamus, injunction or other appropriate remedy,
4453 of any order of the commission.

4454 **SECTION 126.** Section 49-17-44, Mississippi Code of 1972, is
4455 brought forward as follows:

4456 49-17-44. (1) The Permit Board may require any applicant
4457 for a water pollution control permit for the discharge of effluent
4458 from any sewer system certificated or required to be certificated



4459 by the Public Service Commission to provide a bond or other
4460 acceptable financial security instrument payable to the Commission
4461 on Environmental Quality and conditioned upon full and
4462 satisfactory performance of the requirements of the Mississippi
4463 Air and Water Pollution Control Law and any water pollution
4464 control permit issued under that law. Any bond shall be executed
4465 by the permittee and a corporate surety licensed to do business in
4466 the state. The commission shall establish by regulation the
4467 acceptable forms of financial security and the amount of financial
4468 security required for the various types and sizes of facilities.
4469 The purpose of the bond or other financial security shall be the
4470 protection of the public health, welfare and the environment.

4471 (2) The commission may enter an order requiring forfeiture
4472 of the bond or other financial security, if the commission
4473 determines that:

4474 (a) The continued operation or lack of operation and
4475 maintenance of the facility covered by this section represents an
4476 imminent threat to the public health, welfare and the environment
4477 because the permittee is unable or unwilling to adequately operate
4478 and maintain the facility or the facility has been actually or
4479 effectively abandoned by the permittee;

4480 (b) Reasonable and practical efforts under the
4481 circumstances have been made to obtain corrective actions from the
4482 permittee; and



4483 (c) It does not appear that corrective actions can or
4484 will be taken within an appropriate time as determined by the
4485 commission.

4486 (3) (a) The proceeds of any forfeiture shall be deposited
4487 into a special fund created in subsection (5) of this section and
4488 shall be used by the commission or any receiver appointed by the
4489 Chancery Court of the First Judicial District of Hinds County to
4490 address or correct the noncompliance at the facility or to
4491 continue operation and maintenance of the facility. The proceeds
4492 shall be in addition to any other funds otherwise appropriated to
4493 the department and may be expended under the authority of this
4494 section without additional action of the Legislature.

4495 (b) The commission shall file an annual report
4496 detailing the receipts and expenditure of the bond forfeiture fund
4497 with the Chairmen of the House and Senate Appropriation
4498 Committees.

4499 (4) If the commission finds that a facility has been
4500 abandoned or that services of a facility have been terminated, the
4501 commission may enter any orders regarding continued operations of
4502 that facility as it deems necessary to protect the public health,
4503 welfare and the environment.

4504 (5) (a) There is created in the State Treasury a fund to be
4505 designated as the "Water Pollution Control Bond Forfeiture Fund."
4506 Monies in the fund shall be used by the commission or any receiver
4507 appointed by the court to address or correct the noncompliance at



4508 the facility or to continue operation and maintenance of the
4509 facility for which the bond or other financial security was
4510 forfeited.

4511 (b) Expenditures may be made from the fund upon
4512 requisition by the executive director of the department.

4513 (c) The fund shall be treated as a special trust fund.
4514 Interest earned on the principal shall be credited by the
4515 Treasurer to the fund.

4516 (d) The fund may receive monies from any available
4517 public or private source, including, but not limited to, proceeds
4518 from bond or other financial security forfeitures, interest, and
4519 funds from other judicial actions.

4520 (6) An appeal from any decision of the commission under this
4521 section may be taken as provided in Section 49-17-41, Mississippi
4522 Code of 1972.

4523 (7) This section shall be applicable to new applications for
4524 water pollution control permits and to existing water pollution
4525 control permits upon application for reissuance or transfer of a
4526 permit.

4527 **SECTION 127.** Section 37-145-35, Mississippi Code of 1972, is
4528 brought forward as follows:

4529 37-145-35. Such general obligation bonds may be issued
4530 without any other proceedings or the happening of any other
4531 conditions or things than those proceedings, conditions and things
4532 which are specified or required by Sections 37-145-23 through



4533 37-145-41. Any resolution providing for the issuance of general
4534 obligation bonds under the provisions of Sections 37-145-23
4535 through 37-145-41 shall become effective immediately upon its
4536 adoption by the State Bond Commission, and any such resolution may
4537 be adopted at any regular, special or adjourned meeting of the
4538 State Bond Commission by a majority of its members.

4539 The bonds authorized under the authority of Sections
4540 37-145-23 through 37-145-41 may, in the discretion of the State
4541 Bond Commission, be validated in the Chancery Court of the First
4542 Judicial District of Hinds County, Mississippi, in the manner and
4543 with the force and effect provided now or hereafter by Chapter 13,
4544 Title 31, Mississippi Code of 1972, for the validation of county,
4545 municipal, school district and other bonds. The necessary papers
4546 for such validation proceedings shall be transmitted to the State
4547 Bond Commission, and the required notice shall be published in a
4548 newspaper published in the City of Jackson, Mississippi.

4549 **SECTION 128.** Section 37-17-5, Mississippi Code of 1972, is
4550 brought forward as follows:

4551 37-17-5. It shall be the purpose of the Commission on School
4552 Accreditation to continually review the standards on accreditation
4553 and the enforcement thereof and to make recommendations thereon to
4554 the State Board of Education. All controversies involving the
4555 accreditation of schools shall be initially heard by a duly
4556 authorized representative of the commission before whom a complete
4557 record shall be made. After the conclusion of the hearing, the



duly authorized representative of the commission shall make a recommendation to the commission as to the resolution of the controversies, and the commission, after considering the transcribed record and the recommendation of its representative, shall make its decision which becomes final unless the local school board of the school district involved shall appeal to the State Board of Education, which appeal shall be on the record previously made before the commission's representative except as may be provided by rules and regulations adopted by the State Board of Education. Such rules and regulations may provide for the submission of new factual evidence. All appeals from the State Board of Education shall be on the record and shall be filed in the Circuit Court of the First Judicial District of Hinds County, Mississippi. The commission shall select a competent and qualified court reporter to record and transcribe all hearings held before its duly authorized representative whose fees and costs of transcription shall be paid by the school district involved within forty-five (45) days after having been notified of such costs and fees by the commission. An appropriate member of the staff of the State Department of Education shall be designated by the State Superintendent of Public Education to serve as executive secretary of the commission.

SECTION 129. Section 79-4-8.09, Mississippi Code of 1972, is brought forward as follows:



4582 79-4-8.09. (a) The chancery court of the county where a
4583 corporation's principal office is located, or the Chancery Court
4584 of the First Judicial District of Hinds County, Mississippi, if
4585 the corporation does not have a principal office in this state,
4586 may remove a director of the corporation from office in a
4587 proceeding commenced either by the corporation or by its
4588 shareholders holding at least ten percent (10%) of the outstanding
4589 shares of any class if the court finds that (1) the director
4590 engaged in fraudulent or dishonest conduct, or gross abuse of
4591 authority or discretion, with respect to the corporation, and (2)
4592 removal is in the best interest of the corporation.

4593 (b) The court that removes a director may bar the director
4594 from reelection for a period prescribed by the court.

4595 (c) If shareholders commence a proceeding under subsection
4596 (a), they shall make the corporation a party defendant.

4597 **SECTION 130.** Section 73-7-27, Mississippi Code of 1972, is
4598 brought forward as follows:

4599 73-7-27. (1) Any complaint may be filed with the board by a
4600 member or agent of the board or by any person charging any
4601 licensee of the board with the commission of any of the offenses
4602 enumerated in subsection (2) of this section. Such complaint
4603 shall be in writing, signed by the accuser or accusers, and
4604 verified under oath, and such complaints shall be investigated as
4605 set forth in Section 73-7-7. If, after the investigation, the
4606 board through its administrative review agents determines that



4607 there is not substantial justification to believe that the accused
4608 licensee has committed any of the offenses enumerated, it may
4609 dismiss the complaint or may prepare a formal complaint proceeding
4610 against the licensee as hereinafter provided. When used with
4611 reference to any complaint filed against a licensee herein, the
4612 term "not substantial justification" means a complaint that is
4613 frivolous, groundless in fact or law, or vexatious, as determined
4614 by unanimous vote of the board. In the event of a dismissal, the
4615 person filing the accusation and the accused licensee shall be
4616 given written notice of the board's determination. If the board
4617 determines there is reasonable cause to believe the accused has
4618 committed any of those offenses, the secretary of the board shall
4619 give written notice of such determination to the accused licensee
4620 and set a day for a hearing as provided in subsection (3) of this
4621 section.

4622 (2) The board shall have the power to revoke, suspend or
4623 refuse to issue or renew any license or certificate provided for
4624 in this chapter, and to fine, place on probation and/or otherwise
4625 discipline a student or licensee or holder of a certificate, upon
4626 proof that such person: (a) has not complied with or has violated
4627 any of the rules and regulations promulgated by the board; (b) has
4628 not complied with or has violated any of the sections of this
4629 chapter; (c) has committed fraud or dishonest conduct in the
4630 taking of the examination herein provided for; (d) has been
4631 convicted of a felony; (e) has committed grossly unprofessional or



4632 dishonest conduct; (f) is addicted to the excessive use of
4633 intoxicating liquors or to the use of drugs to such an extent as
4634 to render him or her unfit to practice in any of the practices or
4635 occupations set forth in this chapter; (g) has advertised by means
4636 of knowingly false or deceptive statements; or (h) has failed to
4637 display the license or certificate issued to him or her as
4638 provided for in this chapter; or (i) has been convicted of
4639 violating any of the provisions of this chapter. A conviction of
4640 violating any of the provisions of this chapter shall be grounds
4641 for automatic suspension of the license or certificate of such
4642 person.

4643 (3) The board shall not revoke, suspend or refuse to issue
4644 or renew any license or certificate, or fine, place on probation
4645 or otherwise discipline any person in a disciplinary matter except
4646 after a hearing of which the applicant or licensee or holder of
4647 the certificate affected shall be given at least twenty (20) days'
4648 notice in writing, specifying the reason or reasons for denying
4649 the applicant a license or certificate of registration, or in the
4650 case of any other disciplinary action, the offense or offenses of
4651 which the licensee or holder of a certificate of registration is
4652 charged. Such notice may be served by mailing a copy thereof by
4653 United States first-class certified mail, postage prepaid, to the
4654 last-known residence or business address of such applicant,
4655 licensee or holder of a certificate. The hearing on such charges
4656 shall be at such time and place as the board may prescribe.



4657 (4) At such hearings, all witnesses shall be sworn by a
4658 member of the board, and stenographic notes of the proceedings
4659 shall be taken. Any party to the proceedings desiring it shall be
4660 furnished with a copy of such stenographic notes upon payment to
4661 the board of such fees as it shall prescribe, not exceeding,
4662 however, the actual costs of transcription.

4663 (5) The board is hereby authorized and empowered to issue
4664 subpoenas for the attendance of witnesses and the production of
4665 books and papers. The process issued by the board shall extend to
4666 all parts of the state and such process shall be served by any
4667 person designated by the board for such service. The person
4668 serving such process shall receive such compensation as may be
4669 allowed by the board, not to exceed the fee prescribed by law for
4670 similar services. All witnesses who shall be subpoenaed, and who
4671 shall appear in any proceedings before the board, shall receive
4672 the same fees and mileage as allowed by law.

4673 (6) Where in any proceeding before the board any witness
4674 shall fail or refuse to attend upon subpoena issued by the board,
4675 shall refuse to testify, or shall refuse to produce any books and
4676 papers, the production of which is called for by the subpoena, the
4677 attendance of such witness and the giving of his testimony and the
4678 production of the books and papers shall be enforced by any court
4679 of competent jurisdiction of this state, in the same manner as are
4680 enforced for the attendance and testimony of witnesses in civil
4681 cases in the courts of this state.



4682 (7) The board shall conduct the hearing in an orderly and
4683 continuous manner, granting continuances only when the ends of
4684 justice may be served. The board shall, within sixty (60) days
4685 after conclusion of the hearing, reduce its decision to writing
4686 and forward an attested true copy thereof to the last-known
4687 residence or business address of such applicant, licensee or
4688 holder of a certificate, by way of United States first-class
4689 certified mail, postage prepaid. Such applicant, licensee, holder
4690 of a certificate, or person aggrieved shall have the right of
4691 appeal from an adverse ruling, or order, or decision of the board
4692 to the Chancery Court of the First Judicial District of Hinds
4693 County, Mississippi, upon forwarding notice of appeal to the board
4694 within thirty (30) days after the decision of the board is mailed
4695 in the manner here contemplated. An appeal will not be allowed in
4696 the event notice of appeal, together with the appeal bond
4697 hereinafter required, shall not have been forwarded to the board
4698 within the thirty-day period. Appeal shall be to the Chancery
4699 Court of the First Judicial District of Hinds County, Mississippi.
4700 The appeal shall thereupon be heard in due course by the court
4701 which shall review the record and make its determination thereon.

4702 (8) The appellant shall, together with the notice of appeal,
4703 forward to and post with the board a satisfactory bond in the
4704 amount of Five Hundred Dollars (\$500.00) for the payment of any
4705 costs which may be adjudged against him.



4706 (9) In the event of an appeal, the court shall dispose of
4707 the appeal and enter its decision promptly. The hearing on the
4708 appeal may, in the discretion of the chancellor, be tried in
4709 vacation. If there is an appeal, such appeal may, in the
4710 discretion of and on motion to the chancery court, act as a
4711 supersedeas. However, any fine imposed by the board under the
4712 provisions of this chapter shall not take effect until after the
4713 time for appeal has expired, and an appeal of the imposition of
4714 such a fine shall act as a supersedeas.

4715 (10) Any fine imposed by the board upon a licensee or holder
4716 of a certificate shall be in accordance with the following
4717 schedule:

4718 (a) For the first violation, a fine of not less than
4719 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
4720 for each violation.

4721 (b) For the second and each subsequent violation, a
4722 fine of not less than One Hundred Dollars (\$100.00) nor more than
4723 Four Hundred Dollars (\$400.00) for each violation.

4724 The power and authority of the board to impose such fines
4725 under this section shall not be affected or diminished by any
4726 other proceeding, civil or criminal, concerning the same violation
4727 or violations.

4728 (11) In addition to the reasons specified in subsection (2)
4729 of this section, the board shall be authorized to suspend the
4730 license of any licensee for being out of compliance with an order



4731 for support, as defined in Section 93-11-153. The procedure for
4732 suspension of a license for being out of compliance with an order
4733 for support, and the procedure for the reissuance or reinstatement
4734 of a license suspended for that purpose, and the payment of any
4735 fees for the reissuance or reinstatement of a license suspended
4736 for that purpose, shall be governed by Section 93-11-157 or
4737 93-11-163, as the case may be. Actions taken by the board in
4738 suspending a license when required by Section 93-11-157 or
4739 93-11-163 are not actions from which an appeal may be taken under
4740 this section. Any appeal of a license suspension that is required
4741 by Section 93-11-157 or 93-11-163 shall be taken in accordance
4742 with the appeal procedure specified in Section 93-11-157 or
4743 93-11-163, as the case may be, rather than the procedure specified
4744 in this section. If there is any conflict between any provision
4745 of Section 93-11-157 or 93-11-163 and any provision of this
4746 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
4747 case may be, shall control.

4748 **SECTION 131.** Section 83-41-349, Mississippi Code of 1972, is
4749 brought forward as follows:

4750 83-41-349. (1) The commissioner may, in lieu of suspension
4751 or revocation of a certificate of authority under Section
4752 83-41-339, levy an administrative penalty in an amount not less
4753 than One Hundred Dollars (\$100.00) per violation, nor more than
4754 One Thousand Dollars (\$1,000.00) per violation, if reasonable;
4755 notice in writing is given of the intent to levy the penalty and



4756 the health maintenance organization has a reasonable time within
4757 which to remedy the defect in its operations which gave rise to
4758 the penalty citation. The commissioner may augment this penalty
4759 by an amount equal to the sum that he calculates to be the damages
4760 suffered by enrollees or other members of the public.

4761 (2) (a) If the commissioner or the State Health Officer
4762 shall for any reason have cause to believe that any violation of
4763 this article has occurred or is threatened, the commissioner or
4764 State Health Officer may give notice to the health maintenance
4765 organization and to the representatives, or other persons who
4766 appear to be involved in the suspected violation, to arrange a
4767 hearing with the alleged violators or their authorized
4768 representatives for the purpose of attempting to ascertain the
4769 facts relating to the suspected violation; and, if it appears that
4770 any violation has occurred or is threatened, to arrive at an
4771 adequate and effective means of correcting or preventing the
4772 violation.

4773 (b) Proceedings under this subsection shall not be
4774 governed by any formal procedural requirements, and may be
4775 conducted in such manner as the commissioner or the State Health
4776 Officer may deem appropriate under the circumstances. However,
4777 unless consented to by the health maintenance organization, no
4778 rule or order may result from a conference until the requirements
4779 of this section of this article are satisfied.



4780 (3) (a) The commissioner may issue an order directing a
4781 health maintenance organization or a representative of a health
4782 maintenance organization to cease and desist from engaging in any
4783 act or practice in violation of the provisions of this article.

4784 (b) Within ten (10) days after service of the cease and
4785 desist order, the respondent may request a hearing on the question
4786 of whether acts or practices in violation of this article have
4787 occurred. The hearings shall be conducted pursuant to rules of
4788 practice and procedure before the Mississippi Insurance Department
4789 and judicial review shall be available as provided by Section
4790 83-41-339.

4791 (4) In the case of any violation of the provisions of this
4792 article, if the commissioner elects not to issue a cease and
4793 desist order, or in the event of noncompliance with a cease and
4794 desist order issued pursuant to subsection (3), the commissioner
4795 may institute a proceeding to obtain injunctive or other
4796 appropriate relief in the Chancery Court of the First Judicial
4797 District of Hinds County, Jackson, Mississippi.

4798 (5) Notwithstanding any other provisions of this article, if
4799 a health maintenance organization fails to comply with the net
4800 worth requirement of this article, the commissioner is authorized
4801 to take appropriate action to assure that the continued operation
4802 of the health maintenance organization will not be hazardous to
4803 its enrollees.



4804 **SECTION 132.** Section 73-13-93, Mississippi Code of 1972, is
4805 brought forward as follows:

4806 73-13-93. Any person who may feel aggrieved by an action of
4807 the board denying or revoking his certificate of licensure or
4808 relicensure as a professional surveyor or enrollment as surveyor
4809 intern may appeal therefrom to the chancery court of the county of
4810 residence of such person and, after full hearing, the court shall
4811 make such order sustaining or reversing the action of the board as
4812 to it may seem just and proper. However, in case of a nonresident
4813 licensee or applicant, such appeal shall be taken or made to the
4814 Chancery Court of the First Judicial District of Hinds County,
4815 Mississippi.

4816 Actions taken by the board in suspending a certificate of
4817 licensure when required by Section 93-11-157 or 93-11-163 are not
4818 actions from which an appeal may be taken under this section. Any
4819 appeal of a suspension of a certificate that is required by
4820 Section 93-11-157 or 93-11-163 shall be taken in accordance with
4821 the appeal procedure specified in Section 93-11-157 or 93-11-163,
4822 as the case may be, rather than the procedure specified in this
4823 section.

4824 **SECTION 133.** Section 73-34-43, Mississippi Code of 1972, is
4825 brought forward as follows:

4826 73-34-43. If, at the conclusion of the hearing, the board
4827 determines that a licensed appraiser, licensed certified real
4828 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 First Judicial District of Hinds County, 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



4854 authority and has not acted arbitrarily, it shall affirm the
4855 decision and order of the board.

4856 Actions taken by the board in suspending a license when
4857 required by Section 93-11-157 or 93-11-163 are not actions from
4858 which an appeal may be taken under this section. Any appeal of a
4859 license suspension that is required by Section 93-11-157 or
4860 93-11-163 shall be taken in accordance with the appeal procedure
4861 specified in Section 93-11-157 or 93-11-163, as the case may be,
4862 rather than the procedure specified in this section.

4863 **SECTION 134.** Section 83-1-155, Mississippi Code of 1972, is
4864 brought forward as follows:

4865 83-1-155. (1) An insurer may be subject to administrative
4866 supervision by the commissioner if upon examination or at any
4867 other time it appears in the commissioner's discretion that:

4868 (a) The insurer's condition renders the continuance of
4869 its business hazardous to the public or to its insureds;

4870 (b) The insurer has exceeded its powers granted under
4871 its certificate of authority and applicable law;

4872 (c) The insurer has failed to comply with the
4873 applicable provisions of the insurance code;

4874 (d) The business of the insurer is being conducted
4875 fraudulently; or

4876 (e) The insurer gives its consent.



4877 (2) If the commissioner determines that the conditions set
4878 forth in subsection (1) of this section exist, the commissioner
4879 shall:

4880 (a) Notify the insurer of such determination;

4881 (b) Furnish to the insurer a written list of the
4882 requirements to abate this determination; and

4883 (c) Notify the insurer that it is under the supervision
4884 of the commissioner and that the commissioner is applying and
4885 effectuating the provisions of Sections 83-1-151 through 83-1-169.
4886 Such action by the commissioner may be appealed to the Chancery
4887 Court of the First Judicial District of Hinds County.

4888 (3) If placed under administrative supervision, the insurer
4889 shall have sixty (60) days, or another period of time as
4890 designated by the commissioner, to comply with the requirements of
4891 the commissioner subject to the provisions of Sections 83-1-151
4892 through 83-1-169.

4893 (4) If it is determined after notice and hearing that the
4894 conditions giving rise to the supervision still exist at the end
4895 of the supervision period specified above, the commissioner may
4896 extend such period.

4897 (5) If it is determined that none of the conditions giving
4898 rise to the supervision exist, the commissioner shall release the
4899 insurer from supervision.

4900 **SECTION 135.** Section 79-14-813, Mississippi Code of 1972, is
4901 brought forward as follows:



4902 79-14-813. (a) If the Secretary of State denies a limited
4903 partnership's application for reinstatement following
4904 administrative dissolution, the Secretary of State shall serve the
4905 partnership with a notice in a record that explains the reason or
4906 reasons for the denial.

4907 (b) A limited partnership may seek judicial review of denial
4908 of reinstatement in the Chancery Court of the First Judicial
4909 District of Hinds County, Mississippi, not later than thirty (30)
4910 days after service of the notice of denial.

4911 (c) The court may summarily order the Secretary of State to
4912 reinstate the limited partnership or may take other action the
4913 court considers appropriate.

4914 (d) The court's final decision may be appealed as in other
4915 civil proceedings.

4916 **SECTION 136.** Section 79-4-7.20, Mississippi Code of 1972, is
4917 brought forward as follows:

4918 79-4-7.20. (a) After fixing a record date for a meeting, a
4919 corporation shall prepare an alphabetical list of the names of all
4920 its shareholders who are entitled to notice of a shareholders'
4921 meeting. The list must be arranged by voting group (and within
4922 each voting group by class or series of shares) and show the
4923 address of and number of shares held by each shareholder.

4924 (b) The shareholders' list must be available for inspection
4925 by any shareholder beginning two (2) business days after notice of
4926 the meeting is given for which the list was prepared and



4927 continuing through the meeting, at the corporation's principal
4928 office or at a place identified in the meeting notice in the city
4929 where the meeting will be held. A shareholder, his agent or
4930 attorney is entitled on written demand to inspect and, subject to
4931 the requirements of Section 79-4-16.02(c), to copy the list during
4932 regular business hours and at his expense, during the period it is
4933 available for inspection.

4934 (c) The corporation shall make the shareholders' list
4935 available at the meeting, and any shareholder, his agent or
4936 attorney is entitled to inspect the list at any time during the
4937 meeting or any adjournment.

4938 (d) If the corporation refuses to allow a shareholder, his
4939 agent or attorney to inspect the shareholders' list before or at
4940 the meeting (or copy the list as permitted by subsection (b)), the
4941 chancery court of the county where a corporation's principal
4942 office is located, or the Chancery Court of the First Judicial
4943 District of Hinds County, Mississippi, if the corporation does not
4944 have a principal office in this state, on application of the
4945 shareholder, may summarily order the inspection or copying at the
4946 corporation's expense and may postpone the meeting for which the
4947 list was prepared until the inspection or copying is complete.

4948 (e) Refusal or failure to prepare or make available the
4949 shareholders' list does not affect the validity of action taken at
4950 the meeting.



4951 **SECTION 137.** Section 79-14-808, Mississippi Code of 1972, is
4952 brought forward as follows:

4953 79-14-808. (a) A dissolved limited partnership that has
4954 published a notice under Section 79-14-807 may file an application
4955 with the chancery court in the county where the limited
4956 partnership's principal office is located or, if the principal
4957 office is not located in this state, in the Chancery Court of the
4958 First Judicial District of Hinds County, Mississippi, for a
4959 determination of the amount and form of security to be provided
4960 for payment of claims that are contingent, have not been made
4961 known to the limited partnership, or are based on an event
4962 occurring after the date of dissolution but which, based on the
4963 facts known to the limited partnership, are reasonably expected to
4964 arise after the date of dissolution. Security is not required for
4965 any claim that is or is reasonably anticipated to be barred under
4966 Section 79-14-807.

4967 (b) Not later than ten (10) days after the filing of an
4968 application under subsection (a), the dissolved limited
4969 partnership shall give notice of the proceeding to each claimant
4970 holding a contingent claim known to the partnership.

4971 (c) In a proceeding brought under this section, the court
4972 may appoint a guardian ad litem to represent all claimants whose
4973 identities are unknown. The reasonable fees and expenses of the
4974 guardian, including all reasonable expert witness fees, must be
4975 paid by the dissolved limited partnership.



4976 (d) A dissolved limited partnership that provides security
4977 in the amount and form ordered by the court under subsection (a)
4978 satisfies the dissolved limited partnership's obligations with
4979 respect to claims that are contingent, have not been made known to
4980 the partnership, or are based on an event occurring after the date
4981 of dissolution, and such claims may not be enforced against a
4982 partner or transferee on account of assets received in
4983 liquidation.

4984 **SECTION 138.** Section 41-77-21, Mississippi Code of 1972, is
4985 brought forward as follows:

4986 41-77-21. Any applicant or licensee aggrieved by the
4987 decision of the licensing agency after a hearing may, within
4988 thirty (30) days after the mailing or serving of notice of the
4989 decision as provided in Section 43-11-11, Mississippi Code of
4990 1972, file a notice of appeal to the Chancery Court of the First
4991 Judicial District of Hinds County or in the chancery court of the
4992 county in which the institution is located or proposed to be
4993 located. If such notice of appeal is filed, it shall comply with
4994 Section 41-7-201(2), (3) and (4), Mississippi Code of 1972.
4995 Thereupon, the licensing agency shall, within the time and in the
4996 manner prescribed in Section 41-7-201(2), certify and file with
4997 the court a copy of the record and decision, including the
4998 transcript of the hearings in which the decision is based. No new
4999 or additional evidence shall be introduced in court; the case
5000 shall be determined upon the record certified to the court. The



5001 court may sustain or dismiss the appeal, modify or vacate the
5002 order complained of in whole or in part, as the case may be; but
5003 in case the order is wholly or partly vacated, the court may also,
5004 in its discretion, remand the matter to the licensing agency for
5005 such further proceedings, not inconsistent with the court's order,
5006 as, in the opinion of the court, justice may require. The order
5007 may not be vacated or set aside, either in whole or in part,
5008 except for errors of law, unless the court finds that the order of
5009 the licensing agency is not supported by substantial evidence, is
5010 contrary to the manifest weight of the evidence, is in excess of
5011 the statutory authority or jurisdiction of the licensing agency,
5012 or violates any vested constitutional rights of any party involved
5013 in the appeal. Pending final disposition of the matter, the
5014 status quo of the applicant or licensee shall be preserved, except
5015 as the court otherwise orders in the public interest. Rules with
5016 respect to court costs in other cases in chancery shall apply
5017 equally to cases hereunder. Appeals in accordance with law may be
5018 had to the Supreme Court of the State of Mississippi from any
5019 final judgment of the chancery court.

5020 **SECTION 139.** Section 75-71-609, Mississippi Code of 1972, is
5021 brought forward as follows:

5022 75-71-609. (a) **Petition for judicial review of order;**
5023 **venue; scope of review.** Any person aggrieved by a final order of
5024 the administrator may obtain a review of the order in the Chancery
5025 Court of the First Judicial District of Hinds County, Mississippi,



5026 by filing in court, within sixty (60) days after the entry of the
5027 order, a written petition praying that the order be modified or
5028 set aside in whole or in part. A copy of the petition shall be
5029 forthwith served upon the administrator and thereupon the
5030 administrator shall certify and file in court a copy of the filing
5031 and evidence upon which the order was entered. When these have
5032 been filed, the court has exclusive jurisdiction to affirm,
5033 modify, enforce or set aside the order, in whole or in part. The
5034 findings of the administrator as to the facts, if supported by
5035 competent material and substantial evidence, are conclusive.

5036 (b) **Adduction of additional evidence.** If either party
5037 applies to the court for leave to adduce additional material
5038 evidence, and shows to the satisfaction of the court that there
5039 were reasonable grounds for failure to adduce the evidence in the
5040 hearing before the administrator, the court may order the
5041 additional evidence to be taken before the administrator and to be
5042 adduced upon the hearing in such manner and upon such conditions
5043 as the court considers proper. The administrator may modify his
5044 findings and order by reason of the additional evidence and shall
5045 file in court the additional evidence together with any modified
5046 or new findings or order.

5047 (c) **Stay of administrative order under review.** The
5048 commencement of proceedings under subsection (a) does not, unless
5049 specifically ordered by the court, operate as a stay of the
5050 administrator's order.



SECTION 140. Section 65-43-29, Mississippi Code of 1972, is brought forward 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 Chancery Court of the First Judicial District of Hinds County, Mississippi, 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 brought forward as follows:



5076 83-9-23. (1) Any insurance company authorized to do
5077 business of health insurance in this state may join with one or
5078 more other such insurance companies to offer to any resident of
5079 this state who is sixty-five (65) years of age or older, and to
5080 the spouse of such resident, insurance against major financial
5081 loss from accident or disease. Such insurance may be offered by
5082 such companies in their own names or in the name of a voluntary
5083 unincorporated association or other organization formed by such
5084 companies solely for the purpose of this section. The forms of
5085 applications, certificates, and policies of such insurance and the
5086 applicable premium rates shall be filed with the Insurance
5087 Commissioner, who may require additional pertinent information.

5088 (2) A financial summary concerning any insurance written
5089 under the authority of this section shall be furnished annually to
5090 the Insurance Commissioner in such form as he may prescribe. If
5091 the Insurance Commissioner finds that any forms for such insurance
5092 are not in the public interest or that the premium rates charged
5093 are, by reasonable assumptions, excessive in relation to the
5094 benefits provided, he may disapprove such forms or premium rates
5095 after notice of at least twenty (20) days and hearing.

5096 (3) Any person aggrieved by the decision of the commissioner
5097 under the provisions of this section may appeal therefrom within
5098 thirty (30) days after receipt of notice thereof to the Chancery
5099 Court of the First Judicial District of Hinds County by writ of
5100 certiorari, upon giving bond with surety or sureties and in such



5101 penalty as shall be approved by the chancery court of said county,
5102 conditioned that such appellant will pay all cost of the appeal in
5103 the event such appeal is unsuccessful. The said chancery court
5104 shall have the authority and jurisdiction to hear said appeal and
5105 render its decision in regard thereto, either in termtime or
5106 vacation.

5107 **SECTION 143.** Section 79-11-355, Mississippi Code of 1972, is
5108 brought forward as follows:

5109 79-11-355. (1) The chancery court of the county where the
5110 corporation's principal office is or was located, or in the
5111 Chancery Court of the First Judicial District of Hinds County,
5112 Mississippi, if the corporation does not have a principal office
5113 in this state, may dissolve a corporation:

5114 (a) In a proceeding by the Attorney General or the
5115 Secretary of State if it is established that:

5116 (i) The corporation obtained its articles of
5117 incorporation through fraud;

5118 (ii) The corporation has continued to exceed or
5119 abuse the authority conferred upon it by law; or

5120 (iii) If the corporation is a charitable
5121 organization, as defined in Section 79-11-501, that:

5122 1. The corporate assets are being misapplied
5123 or wasted;

5124 2. The corporation is unable to carry out its
5125 purpose(s); or



5126 3. The corporation has violated the laws
5127 regulating the solicitation of charitable contributions, Section
5128 79-11-501 et seq.;

5129 (b) In a proceeding by fifty (50) members or members
5130 holding five percent (5%) of the voting power, whichever is less,
5131 or by a director if it is established that:

5132 (i) The directors are deadlocked in the management
5133 of the corporate affairs, and the members, if any, are unable to
5134 breach the deadlock;

5135 (ii) The directors or those in control of the
5136 corporation have acted, are acting or will act in a manner that is
5137 illegal, oppressive or fraudulent;

5138 (iii) The members are deadlocked in voting power
5139 and have failed, for a period that includes at least two (2)
5140 consecutive annual meeting dates, to elect successors to directors
5141 whose terms have, or would otherwise have, expired; or

5142 (iv) The corporate assets are being misapplied or
5143 wasted;

5144 (c) In a proceeding by a creditor if it is established
5145 that:

5146 (i) The creditor's claim has been reduced to
5147 judgment, the execution on the judgment returned unsatisfied and
5148 the corporation is insolvent; or



5149 (ii) The corporation has admitted in writing that
5150 the creditor's claim is due and owing and the corporation is
5151 insolvent; or

5152 (d) In a proceeding by the corporation to have its
5153 voluntary dissolution continued under court supervision.

5154 (2) Prior to dissolving a corporation, the court shall
5155 consider whether there are reasonable alternatives to dissolution.

5156 **SECTION 144.** Section 79-11-131, Mississippi Code of 1972, is
5157 brought forward as follows:

5158 79-11-131. (1) If for any reason it is impractical or
5159 impossible for any corporation to call or conduct a meeting of its
5160 members, delegates or directors, or otherwise obtain their
5161 consent, in the manner prescribed by its articles, bylaws or
5162 Section 79-11-101 et seq., then upon petition of a director,
5163 officer, delegate, member or the Attorney General, the chancery
5164 court of the county where the corporation's principal office is
5165 located, or the Chancery Court of the First Judicial District of
5166 Hinds County, Mississippi, if the corporation does not have a
5167 principal office in this state, may order that such a meeting be
5168 called or that a written ballot or other form of obtaining the
5169 vote of members, delegates or directors be authorized in such a
5170 manner as the court finds fair and equitable under the
5171 circumstances.

5172 (2) The court shall, in an order issued pursuant to this
5173 section, provide for a method of notice reasonably designed to



5174 give actual notice to all persons who would be entitled to notice
5175 of a meeting held pursuant to the articles, bylaws and Section
5176 79-11-101 et seq., whether or not the method results in actual
5177 notice to all such persons or conforms to the notice requirements
5178 that would otherwise apply. In a proceeding under this section
5179 the court may determine who the members or directors are.

5180 (3) The order issued pursuant to this section may dispense
5181 with any requirement relating to the holding of or voting at
5182 meetings or obtaining votes, including any requirement as to
5183 quorums or as to the number or percentage of votes needed for
5184 approval, that would otherwise be imposed by the articles, bylaws
5185 or Section 79-11-101 et seq.

5186 (4) Whenever practical any order issued pursuant to this
5187 section shall limit the subject matter of meetings or other forms
5188 of consent authorized to items, including amendments to the
5189 articles or bylaws, the resolution of which will or may enable the
5190 corporation to continue managing its affairs without further
5191 resort to this section; provided, however, that an order under
5192 this section may also authorize the obtaining of whatever votes
5193 and approvals are necessary for the dissolution, merger or sale of
5194 assets.

5195 (5) Any meeting or other method of obtaining the vote of
5196 members, delegates or directors conducted pursuant to an order
5197 issued under this section, and which complies with all the
5198 provisions of such order, is for all purposes a valid meeting or



vote, as the case may be, and shall have the force and effect as if it complied with every requirement imposed by the articles, bylaws and Section 79-11-101 et seq.

SECTION 145. Section 53-9-67, Mississippi Code of 1972, is brought forward as follows:

53-9-67. (1) Except as provided in subsection (2) of this section, any interested party may commence a civil action to compel compliance with this chapter:

(a) Against the state or a state instrumentality or agency which is alleged to be in violation of this chapter or any rule, regulation, order or permit issued under this chapter, or against any other person who is alleged to be in violation of this chapter or any rule, regulation, order or permit issued under this chapter; or

(b) Against the department, commission or permit board if there is alleged a failure of any one or more of them to perform any nondiscretionary act or duty under this chapter.

(2) No action may be commenced:

(a) Under subsection (1)(a) of this section, (i) before sixty (60) days after the plaintiff has given notice in writing of the violation to the executive director, chief legal counsel of the department, the Attorney General of the state and to any alleged violator, or (ii) if the commission has commenced and is diligently prosecuting a civil action in a court of the state or the United States to require compliance with this chapter, or any



5224 rule, regulation, order or permit issued under this chapter, but
5225 in any action any interested party may intervene as a matter of
5226 right;

5227 (b) Under subsection (1)(b) of this section before
5228 sixty (60) days after the plaintiff has given notice in writing of
5229 the action to the executive director, chief legal counsel of the
5230 department and commission, in the manner as the commission shall
5231 by regulation prescribe. That action may be brought immediately
5232 after the notification if the violation or order complained of
5233 constitutes an imminent threat to the health or safety of the
5234 plaintiff or would immediately affect a legal interest of the
5235 plaintiff.

5236 (3) (a) Any action under this section alleging a violation
5237 of this chapter or any rule or regulation promulgated under this
5238 chapter may be brought only in the chancery court of the judicial
5239 district in which the surface coal mining operation complained of
5240 is located, except any action brought under subsection (1)(b) of
5241 this section shall be brought in the chancery court of the First
5242 Judicial District of Hinds County.

5243 (b) In any action under this section the permit board
5244 or commission, if not a party, may intervene as a matter of right.

5245 (4) The court, in issuing a final order in any action
5246 brought under subsection (1) of this section, may award costs of
5247 litigation, including attorney and expert witness fees, to any
5248 party, whenever the court determines that award is appropriate,



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 brought forward 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



5273 seeking to renew a license under the provisions of this chapter,
5274 the board may impose one or more of the following penalties:

5275 (a) Suspension of the offender's license for a term to
5276 be determined by the board;

5277 (b) Revocation of the offender's license;

5278 (c) Restriction of the offender's license to prohibit
5279 the offender from performing certain acts or from engaging in the
5280 practice of optometry in a particular manner for a term to be
5281 determined by the board;

5282 (d) Imposition of a monetary penalty as follows:

5283 (i) For the first violation, a monetary penalty of
5284 not less than Fifty Dollars (\$50.00) nor more than Five Hundred
5285 Dollars (\$500.00) for each violation;

5286 (ii) For the second violation and subsequent
5287 violations, a monetary penalty of not less than One Hundred
5288 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)
5289 for each violation;

5290 (e) Refusal to renew offender's license;

5291 (f) Placement of the offender on probation and
5292 supervision by the board for a period to be determined by the
5293 board;

5294 (g) Public or private reprimand.

5295 (2) Any person whose license has been suspended, revoked or
5296 restricted pursuant to this chapter, whether voluntarily or by
5297 action of the board, shall have the right to petition the board at



5298 reasonable intervals for reinstatement of such license. Such
5299 petition shall be made in writing and in the form prescribed by
5300 the board. Upon investigation and hearing, the board may, in its
5301 discretion, grant or deny such petition, or it may modify its
5302 original finding to reflect any circumstances which have changed
5303 sufficiently to warrant such modifications. The procedure for the
5304 reinstatement of a license that is suspended for being out of
5305 compliance with an order for support, as defined in Section 2 of
5306 this act, shall be governed by Section 4 or 7 of this act, as the
5307 case may be.

5308 (3) Nothing herein shall be construed as barring criminal
5309 prosecutions for violation of this chapter where such violations
5310 are deemed as criminal offenses in other statutes of this state or
5311 of the United States.

5312 (4) A monetary penalty assessed and levied under this
5313 section shall be paid to the board by the licensee upon the
5314 expiration of the period allowed for appeal of such penalties
5315 under Section 73-19-45, Mississippi Code of 1972, or may be paid
5316 sooner if the licensee elects. Money collected by the board under
5317 this section shall be deposited to the credit of the General Fund
5318 of the State Treasury.

5319 (5) When payment of a monetary penalty assessed and levied
5320 by the board against a licensee in accordance with this section is
5321 not paid by the licensee when due under this section, the board
5322 shall have the power to institute and maintain proceedings in its



name for enforcement of payment in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When such proceedings are instituted, the board shall certify its order to the chancery court and the matter shall thereupon be heard in due course by the court, which shall review the order and make its determination thereon. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation. If the chancellor finds no errors on the face of the board's order, the board shall have a judgment for the amount due which shall be enforceable as all other judgments.

SECTION 147. Section 73-39-81, Mississippi Code of 1972, is brought forward as follows:

73-39-81. Any person aggrieved by a decision of the board may appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with the Uniform Rules of Circuit and County Court Practice governing appeals from administrative agencies. The appeal shall be made solely on the record before the board.

SECTION 148. Section 73-25-30, Mississippi Code of 1972, is brought forward as follows:

73-25-30. (1) The Mississippi State Board of Medical Licensure, in exercising its authority under the provisions of Section 73-25-29, shall have the power to discipline the holder of a license who has been found by the board in violation of that



5347 statute after notice and a hearing as provided by law, and the
5348 licensee shall be disciplined as follows:

5349 (a) By placing him upon probation, the terms of which
5350 may be set by the board, or

5351 (b) By suspending his right to practice for a time
5352 deemed proper by the board, or

5353 (c) By revoking his license, or

5354 (d) By taking any other action in relation to his
5355 license as the board may deem proper under the circumstances.

5356 (2) Upon the execution of a disciplinary order by the board,
5357 either following a hearing or in lieu of a hearing, the board, in
5358 addition to the disciplinary powers specified in subsection (1) of
5359 this section, may assess the licensee for those reasonable costs
5360 that are expended by the board in the investigation and conduct of
5361 a proceeding for licensure disciplinary action including, but not
5362 limited to, the cost of process service, court reporters, witness
5363 fees, expert witnesses, investigators, and other related expenses.
5364 Money collected by the board under this section shall be deposited
5365 to the credit of the special fund of the board to reimburse the
5366 existing current year appropriated budget.

5367 (3) An assessment of costs under this section shall be paid
5368 to the board by the licensee, upon the expiration of the period
5369 allowed for appeals under Section 73-25-27, or may be paid sooner
5370 if the licensee elects. Cost assessed under this section shall
5371 not exceed Ten Thousand Dollars (\$10,000.00).



5372 (4) When an assessment of costs by the board against a
5373 licensee in accordance with this section is not paid by the
5374 licensee when due under this section, the licensee shall be
5375 prohibited from practicing medicine until the full amount is paid.
5376 In addition, the board may institute and maintain proceedings in
5377 its name for enforcement of payment in the Chancery Court of the
5378 First Judicial District of Hinds County. When those proceedings
5379 are instituted, the board shall certify the record of its
5380 proceedings, together with all documents and evidence, to the
5381 chancery court. The matter shall be heard in due course by the
5382 court, which shall review the record and make its determination
5383 thereon. The hearing on the matter, in the discretion of the
5384 chancellor, may be tried in vacation.

5385 **SECTION 149.** Section 81-18-19, Mississippi Code of 1972, is
5386 brought forward as follows:

5387 81-18-19. (1) Except as provided in this section, no person
5388 shall acquire directly or indirectly ten percent (10%) or more of
5389 the voting shares of a corporation or ten percent (10%) or more of
5390 the ownership of any other entity licensed to conduct business
5391 under this chapter unless it first files an application in
5392 accordance with the requirements prescribed in Section 81-18-9.

5393 (2) Upon the filing and investigation of an application, the
5394 department shall permit the applicant to acquire the interest in
5395 the licensee if it is satisfied and finds that the applicant and
5396 its members, if applicable, its directors and officers, if a



5397 corporation, and any proposed new directors and officers have
5398 provided its surety bond and have the character, reputation and
5399 experience to warrant belief that the business will be operated
5400 fairly and in accordance with the law. If the application is
5401 denied, the department shall notify the applicant of the denial
5402 and the reasons for the denial.

5403 (3) A decision of the department denying a license, original
5404 or renewal, shall be conclusive, except that the applicant may
5405 seek judicial review in the Chancery Court of the First Judicial
5406 District of Hinds County, Mississippi.

5407 (4) The provisions of this section do not apply to the
5408 following, subject to notification as required in this section:

5409 (a) The acquisition of an interest in a licensee
5410 directly or indirectly including an acquisition by merger or
5411 consolidation by or with a person licensed under this chapter or
5412 exempt from this chapter under Section 81-18-5.

5413 (b) The acquisition of an interest in a licensee
5414 directly or indirectly including an acquisition by merger or
5415 consolidation by or with a person affiliated through common
5416 ownership with the licensee.

5417 (c) The acquisition of an interest in a licensee by a
5418 person by bequest, devise, gift or survivorship or by operation of
5419 law.

5420 (5) A person acquiring an interest in a licensee in a
5421 transaction that is requesting exemption from filing an



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 brought forward 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 Chancery Court of the First Judicial District of Hinds County, Mississippi, 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 the meeting notice, fix the quorum required for specific matters to be considered at the meeting (or direct that the votes represented at the meeting constitute a quorum for action on those matters), and enter other orders necessary to accomplish the purpose or purposes of the meeting.

(3) If the court orders a meeting, it may also order the corporation to pay the member's cost (including reasonable counsel fees) incurred to obtain the order.

SECTION 151. Section 79-14-204, Mississippi Code of 1972, is brought forward as follows:

79-14-204. (a) If a person required by this chapter to sign a record or deliver a record to the Secretary of State for filing under this act does not do so, any other person that is aggrieved may petition the Chancery Court of the First Judicial District of Hinds County, Mississippi to order:

- (1) The person to sign the record;
- (2) The person to deliver the record to the Secretary of State for filing; or
- (3) The Secretary of State to file the record unsigned.

(b) If a petitioner under subsection (a) is not the limited partnership or foreign limited partnership to which the record pertains, the petitioner shall make the partnership or foreign partnership a party to the action.



(c) A record filed under subsection (a)(3) is effective without being signed.

SECTION 152. Section 37-119-7, Mississippi Code of 1972, is brought forward as follows:

37-119-7. The University of Southern Mississippi (herein sometimes referred to as the "university") is authorized and empowered to require the State Building Commission to issue bonds in an amount not exceeding the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00), bearing interest at a rate not exceeding six percent per annum, for the purpose of and to be expended in extending, adding to and improving the athletic stadium on its campus; to impose student athletic fees; to impose charges, in addition to and distinguished from the established price of admission, upon persons, other than students, for the privilege of attending events held in such stadium, which such charges shall be exempt from any amusement tax now levied and collected in the State of Mississippi, and to immediately commence, prior to the issuance and sale of the bonds herein authorized and to continue, the collection of such charges; and to apply to the satisfaction and retirement, as and when due, of the principal of and interest on such bonds, said athletic fees and said charges, and also, rental income from the dormitory facilities now in the stadium, and income, not otherwise appropriated or allocated, from any other sources. Such bonds shall be authorized by the Board of Trustees of State Institutions of Higher Learning in the manner



5496 now provided by Sections 37-101-91 through 37-101-103, and all of
5497 the provisions of said sections (except as herein otherwise
5498 provided and as are not in conflict with the provisions hereof)
5499 shall be applicable to the authorization and issuance of such
5500 bonds. Reference in Sections 37-101-95, 37-101-101, to
5501 "dormitories, dwellings or apartments" shall be understood to
5502 apply also to all other projects authorized to be financed under
5503 the provisions of Section 37-101-99.

5504 Upon request of the university, acting through its president
5505 and financial secretary, authorization having been first obtained
5506 from the Board of Trustees of State Institutions of Higher
5507 Learning, the State Building Commission shall issue and sell bonds
5508 of the university at not less than par and accrued interest in the
5509 manner provided by Section 21-27-45, Mississippi Code of 1972, for
5510 the sale of bonds of municipalities issued thereunder and upon
5511 terms and at interest rates, not to exceed the maximum therein
5512 authorized, to be fixed by the State Building Commission. The
5513 State Building Commission is hereby authorized to supervise the
5514 contracting for, and the erection of, all buildings erected,
5515 extended, added to, or improved under the provisions of this
5516 section. The Board of Trustees of State Institutions of Higher
5517 Learning is hereby authorized and empowered to specify the nature
5518 of such extensions, additions, improvements or new construction,
5519 and shall approve the plans and specifications therefor prior to
5520 the letting of any new contract for any such work. All contracts



5521 let under the supervision of the State Building Commission shall
5522 be let as provided by law for other contracts let by said
5523 commission.

5524 The Board of Trustees of State Institutions of Higher
5525 Learning, in the resolution authorizing such bonds, may provide
5526 for the imposition of such student athletic fees, such charges for
5527 the privilege of attending events held in such stadium (as
5528 hereinabove distinguished from the price of admission), such
5529 rental charges for use of the dormitories facilities now in the
5530 stadium and for application to the retirement of such bonds of
5531 such other sources of income, not otherwise appropriated or
5532 allocated, as it may consider desirable. Said board may provide
5533 for the collection and the allocation of such fees and charges.
5534 Such fees and charges or other income shall always be in such
5535 amounts as will assure the prompt payment of principal of and
5536 interest on such bonds and the carrying out of all of the
5537 covenants and agreements contained in such resolution authorizing
5538 such bonds.

5539 All bonds so issued shall constitute negotiable instruments
5540 within the meaning of the Uniform Commercial Code of Mississippi.

5541 Any bonds authorized under authority of this section may be
5542 validated in the Chancery Court of First Judicial District, Hinds
5543 County in the manner and with the force and effect now or
5544 hereafter provided by general law for the validation of municipal
5545 bonds.



5546 This section, without reference to any other statute or law
5547 of Mississippi other than the portions of Sections 37-101-91
5548 through 37-101-103, not in conflict herewith, and Section
5549 31-19-25, shall constitute full authority for the extension,
5550 adding to and improvement of the aforesaid stadium and the
5551 authorization and issuance of bonds hereunder and no other
5552 provisions of the statutes pertinent thereto, except as herein
5553 expressly provided, shall be construed as applying to any
5554 proceedings had hereunder or any acts done pursuant hereto.

5555 **SECTION 153.** Section 41-51-29, Mississippi Code of 1972, is
5556 brought forward as follows:

5557 41-51-29. Any licensee or other person, aggrieved by any
5558 final decision or order of the commissioner made or entered in or
5559 on such decision or order may appeal to the Circuit Court of the
5560 First Judicial District of Hinds County, by filing with the
5561 commissioner a petition for review within thirty (30) days from
5562 the date of such decision or order, specifying the grounds upon
5563 which he relies, and by filing with the clerk of said court a bond
5564 with such surety or sureties and in such penalty as shall be
5565 approved by the commissioner or the clerk or judge of said court,
5566 conditioned that such appellant will pay all costs of the appeal
5567 in event such appeal is unsuccessful. The state may appeal from
5568 such decision or order in like time and manner without giving
5569 bond. Such appeal, and appeal bond, shall not operate as a
5570 supersedeas, but the commissioner, or the judge of said circuit



5571 court (or any judge of the supreme court in event of appeals
5572 thereto) may grant a supersedeas upon such terms and conditions
5573 and upon such bond as may be deemed proper. All appeal and
5574 supersedeas bonds shall be payable to the state and may from time
5575 to time and upon cause shown be ordered increased or ordered
5576 replaced by other bonds with approved sureties, and may be
5577 enforced in the manner provided by law for the enforcement of
5578 other similar bonds. In perfecting such an appeal, the provisions
5579 of law respecting notice to the reporter and the allowance of
5580 bills of exception, now or hereafter in force respecting appeals
5581 from circuit courts to the supreme court, shall be applicable.
5582 The cause shall be triable as a preference cause either in term
5583 time or vacation, and at such time and place as may be fixed by
5584 the circuit judge. The appeal shall be upon the record, which
5585 shall contain the petition for review and the proceedings,
5586 evidence, and decision or order appealed from, and the same shall
5587 be signed by the commissioner or the person acting as his
5588 representative and by him transmitted forthwith to said circuit
5589 court. Such court shall hear and determine the case presented by
5590 such record, and may affirm or set aside the decision or order
5591 from which the appeal was taken and shall thereupon certify its
5592 judgment to the commissioner. In case the decision or order of
5593 the commissioner be set aside by the circuit court, such court
5594 shall enter and render such judgment, decision or order as the
5595 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 brought forward 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,



Mississippi, the hearing shall be conducted by the Chancery Court of the First Judicial District of Hinds County, Mississippi.

The hearing shall be held within fourteen (14) days after receipt by the court of the request for a hearing. The court may continue the hearing for good cause shown. The clerk shall ascertain whether the patient is represented by counsel, and, if the patient is not represented, shall notify the chancellor who shall appoint counsel for him if the chancellor determines that the patient for any reason does not have the services of an attorney; however, the patient may waive the appointment of counsel subject to the approval of the court. Notice of the time and place of the hearing shall be served at least seventy-two (72) hours before the time of the hearing upon the patient, his attorney, the director, and the person requesting the hearing, if other than the patient, and any witnesses requested by the patient or his attorney, or any witnesses the court may deem necessary or desirable.

The patient must be present at the hearing unless the chancellor determines that the patient is unable to attend and makes that determination and the reasons therefor part of the record.

The court shall put its findings and the reasons supporting its findings in writing and shall have copies delivered to the patient, his attorney, and the director of the treatment facility. An appeal from the final commitment order by either party may be



had on the terms prescribed for appeals in civil cases; however, such appeal shall be without supersedeas. The record on appeal shall include the transcript of the commitment hearing.

SECTION 155. Section 73-59-13, Mississippi Code of 1972, is brought forward as follows:

73-59-13. (1) The board, upon satisfactory proof and in accordance with the provisions of this chapter and the regulations of the board pertaining thereto, is authorized to take the disciplinary actions provided for in this section against any person for any of the following reasons:

(a) Violating any of the provisions of this chapter or the rules or regulations of the board pertaining to the work of residential building or residential improvement;

(b) Fraud, deceit or misrepresentation in obtaining a license;

(c) Gross negligence or misconduct;

(d) Engaging in work of residential building or residential improvement on an expired license or while under suspension or revocation of license unless the suspension or revocation be abated in accordance with this chapter;

(e) Loaning a license to an unlicensed person;

(f) Failing to maintain workers' compensation insurance, if applicable; or

(g) Failing to pay for goods or services for which the builder is contractually bound.



5671 (2) Any person, including members of the board, may prefer
5672 charges against any other person for committing any of the acts
5673 set forth in subsection (1) of this section. Such charges shall
5674 be sworn to, either upon actual knowledge or upon information and
5675 belief, and shall be filed with the board.

5676 The board shall investigate all charges filed with it and,
5677 upon finding reasonable cause to believe that the charges are not
5678 frivolous, unfounded or filed in bad faith, may, in its
5679 discretion, cause a hearing to be held, at a time and place fixed
5680 by the board, regarding the charges and may compel the accused by
5681 subpoena to appear before the board to respond to such charges.

5682 The board may send a certified inspector to inspect the
5683 building or structure which is the subject of a complaint or the
5684 board may use a county certified building inspector from the
5685 county where the building or structure is located to inspect the
5686 building or structure which is the subject of a complaint. The
5687 report of the inspector shall be used in the investigation and the
5688 determination of the board. The provisions above shall only apply
5689 to hearings.

5690 No disciplinary action may be taken until the accused has
5691 been furnished both a statement of the charges against him and
5692 notice of the time and place of the hearing thereon, which shall
5693 be personally served on such accused or mailed by certified mail,
5694 return receipt requested, to the last known business or residence
5695 address of the accused not less than thirty (30) days prior to the



5696 date fixed for the hearing. The complaining party shall be
5697 notified of the place and time of the hearing by mail to the last
5698 known business or residence address of the complaining party not
5699 less than thirty (30) days prior to the date fixed for the
5700 hearing.

5701 (3) At any hearing held hereunder, the board shall have the
5702 power to subpoena witnesses and compel their attendance and may
5703 also require the production of books, papers, documents or other
5704 materials which may be pertinent to the proceedings. The board
5705 may designate or secure a hearing officer to conduct the hearing.
5706 All evidence shall be presented under oath, which may be
5707 administered by any member of the board, and thereafter the
5708 proceedings may, if necessary, be transcribed in full by a court
5709 reporter and filed as part of the record in the case. Copies of
5710 such transcriptions may be provided to any party to the
5711 proceedings at a price reflecting actual cost, to be fixed by the
5712 board.

5713 All witnesses who are subpoenaed and appear in any
5714 proceedings before the board shall receive the same fees and
5715 mileage as allowed by law to witnesses in county, circuit and
5716 chancery court pursuant to Section 25-7-47, Mississippi Code of
5717 1972, and all such fees shall be taxed as part of the costs in the
5718 case.

5719 When, in any proceeding before the board, any witness shall
5720 fail or refuse to attend upon subpoena issued by the board, shall



5721 refuse to testify, or shall refuse to produce any books and papers
5722 the production of which is called for by the subpoena, the
5723 attendance of such witness and the giving of his testimony and the
5724 production of the books and papers shall be enforced by any court
5725 of competent jurisdiction of this state in the manner provided for
5726 the enforcement of attendance and testimony of witnesses in civil
5727 cases in the courts of this state.

5728 The accused and the complaining party shall have the right to
5729 be present at the hearing in person, by counsel or other
5730 representative, or both. The board is authorized for proper cause
5731 to continue or recess the hearing as may be necessary.

5732 (4) At the conclusion of the hearing, the board may either
5733 decide the issue at that time or take the case under advisement
5734 for further deliberation. The board shall render its decision not
5735 more than ninety (90) days after the close of the hearing and
5736 shall forward to the last known business or residence address of
5737 the accused, by certified mail, return receipt requested, a
5738 written statement of the decision of the board.

5739 (5) If a majority of the board finds the accused guilty of
5740 the charges filed, the board may:

- 5741 (a) Issue a public or private reprimand;
5742 (b) Suspend or revoke the license of the accused;
5743 (c) Order completion of an additional educational
5744 requirement prescribed by the board not to exceed two (2) hours
5745 per violation; or



5746 (d) In lieu of or in addition to any reprimand,
5747 suspension, revocation, or education requirement, assess and levy
5748 upon the guilty party a monetary penalty of not less than One
5749 Hundred Dollars (\$100.00) nor more than Five Thousand Dollars
5750 (\$5,000.00) for each violation.

5751 (6) A monetary penalty assessed and levied under this
5752 section shall be paid to the board upon the expiration of the
5753 period allowed for appeal of such penalties under this section or
5754 may be paid sooner if the guilty party elects. Money collected by
5755 the board under this section shall be deposited to the credit of
5756 the State Board of Contractors Fund.

5757 When payment of a monetary penalty assessed and levied by the
5758 board in accordance with this section is not paid when due, the
5759 board shall have the power to institute and maintain proceedings
5760 in its name for enforcement of payment in the chancery court of
5761 the county of residence of the delinquent party; however, if the
5762 delinquent party is a nonresident of the State of Mississippi,
5763 such proceedings shall be in the Chancery Court of the First
5764 Judicial District of Hinds County, Mississippi.

5765 (7) When the board has taken a disciplinary action under
5766 this section, the board may, in its discretion, stay such action
5767 and place the guilty party on probation for a period not to exceed
5768 one (1) year upon the condition that such party shall not further
5769 violate either the laws of the State of Mississippi pertaining to



the practice of residential construction or residential remodeling or the bylaws, rules or regulations promulgated by the board.

(8) The board shall not assess any of the costs of disciplinary proceedings conducted pursuant to this section against the prevailing party.

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

(10) The board, for sufficient cause, may reissue a revoked license whenever a majority of the board members vote to do so.

(11) Within ten (10) days after any order, judgment or action of the board, any person aggrieved thereby may appeal such order, judgment or action either to the chancery court of the county wherein the appellant resides or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon giving bond with sufficient security in the amount of Two Hundred Fifty Dollars (\$250.00), approved by the clerk of the chancery court and conditioned to pay any costs which may be adjudged against such person. In lieu of the bond, the appellant may post Two Hundred Fifty Dollars (\$250.00) with the clerk of the chancery court and conditioned to pay any costs which may be adjudged against such person.



5794 Notice of appeal shall be filed in the office of the clerk of
5795 the chancery clerk, who shall issue a writ of certiorari directed
5796 to the board commanding it within forty-five (45) days after
5797 service thereof to certify to such court its entire record in the
5798 matter in which the appeal has been taken. The appeal shall
5799 thereupon be heard in due course by the court, and the court shall
5800 review the record and shall affirm or reverse the judgment. If
5801 the judgment is reversed, the chancery court or chancellor shall
5802 render such order or judgment as the board ought to have rendered,
5803 and certify the same to the board; and costs shall be awarded as
5804 in other cases.

5805 Appeals may be had to the Supreme Court of the State of
5806 Mississippi as provided by law from any final action of the
5807 chancery court. The board may employ counsel to defend all such
5808 appeals, to be paid out of the funds in the State Board of
5809 Contractors Fund.

5810 On appeal, any order, judgment or action of the board
5811 revoking a certificate of responsibility or residential license
5812 shall remain in full force unless the chancery court or Supreme
5813 Court reverses such order, judgment or action of the board.

5814 The remedies provided under this chapter for any aggrieved
5815 person shall not be exclusive, but shall be cumulative of and
5816 supplemental to any other remedies which he may otherwise have in
5817 law or in equity, whether by injunction or otherwise.



5818 (12) Any political subdivision or agency of this state which
5819 receives a complaint against a residential builder or remodeler
5820 shall, in addition to exercising whatever authority such political
5821 subdivision or agency has been given over such complaint, forward
5822 the complaint to the board.

5823 (13) In addition to the reasons specified in subsection (1)
5824 of this section, the board shall be authorized to suspend the
5825 license of any licensee for being out of compliance with an order
5826 for support, as defined in Section 93-11-153. The procedure for
5827 suspension of a license for being out of compliance with an order
5828 for support, and the procedure for the reissuance or reinstatement
5829 of a license suspended for that purpose, and the payment of any
5830 fees for the reissuance or reinstatement of a license suspended
5831 for that purpose, shall be governed by Section 93-11-157 or
5832 93-11-163, as the case may be. Actions taken by the board in
5833 suspending a license when required by Section 93-11-157 or
5834 93-11-163 are not actions from which an appeal may be taken under
5835 this section. Any appeal of a license suspension that is required
5836 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5837 with the appeal procedure specified in Section 93-11-157 or
5838 93-11-163, as the case may be, rather than the procedure specified
5839 in this section. If there is any conflict between any provision
5840 of Section 93-11-157 or 93-11-163 and any provision of this
5841 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
5842 case may be, shall control.



5843 **SECTION 156.** Section 75-63-69, Mississippi Code of 1972, is
5844 brought forward as follows:

5845 75-63-69. (1) Whenever it appears to the Secretary of State
5846 that any person has engaged, or is about to engage, in any act or
5847 practice constituting a violation of any provision of this article
5848 or any rule or order under this article, he may, in his
5849 discretion, seek any or all of the following remedies:

5850 (a) Issue a cease and desist order with a prior hearing
5851 against the person or persons engaged in the prohibited activities
5852 directing them to cease and desist from further illegal activity;

5853 (b) (i) Issue an order in the case of any person,
5854 partnership or, if a corporation, the officers and directors who
5855 sell or offer to sell preneed contracts, or other person who
5856 violated this article, imposing an administrative penalty up to a
5857 maximum of One Thousand Dollars (\$1,000.00) for each offense, and
5858 each violation shall be considered as a separate offense in a
5859 single proceeding or a series of related proceedings, with total
5860 penalties not to exceed Ten Thousand Dollars (\$10,000.00) in any
5861 of those proceedings, to be paid to the Secretary of State and
5862 requiring reimbursement to the Secretary of State for all costs
5863 and expenses incurred in the investigation of the violation(s) and
5864 in the institution of administrative proceedings, if any, as a
5865 result thereof;

5866 (ii) For the purpose of determining the amount or
5867 extent of a sanction, if any, to be imposed under paragraph (b)



5868 (i) of this subsection, the Secretary of State shall consider,
5869 among other factors, the frequency, persistence and willfulness of
5870 the conduct constituting a violation of this article or a rule
5871 promulgated under this article, or an order of the Secretary of
5872 State, the number of persons adversely affected by the conduct and
5873 the resources of the person committing the violation;

5874 (c) Bring an action in chancery court to enjoin the
5875 acts or practices to enforce compliance with this article or any
5876 rule or order under this article. Upon a proper showing, a
5877 permanent or temporary injunction, restraining order or writ of
5878 mandamus shall be granted and a receiver or conservator may be
5879 appointed for the defendant or the defendant's assets. In
5880 addition, upon a proper showing by the Secretary of State, the
5881 court may enter an order of rescission or restitution directed to
5882 any person who has engaged in any act constituting a violation of
5883 any provision of this article or any rule or order under this
5884 article, or the court may impose a civil penalty up to a maximum
5885 of One Thousand Dollars (\$1,000.00) for each offense, and each
5886 violation shall be considered as a separate offense in a single
5887 proceeding or a series of related proceedings, with total
5888 penalties not to exceed Ten Thousand Dollars (\$10,000.00) in any
5889 of those proceedings. The court may not require the Secretary of
5890 State to post a bond.

5891 (2) The Secretary of State may, with a prior hearing,
5892 suspend or revoke any preneed establishment or salesperson



5893 registration for violation of statutes, regulations, or an order
5894 issued under this article.

5895 (3) Any person, partnership or, if a corporation, the
5896 officers and directors who sell or offer to sell a preneed
5897 contract with a suspended or revoked registration shall be guilty
5898 of a misdemeanor and, upon conviction thereof, shall be punishable
5899 by a fine not less than Two Hundred Dollars (\$200.00) nor more
5900 than Five Hundred Dollars (\$500.00) or by imprisonment for a term
5901 of not more than one (1) year, or both fine and imprisonment.

5902 (4) Any person, partnership or, if a corporation, the
5903 officers and directors who embezzle or fraudulently or knowingly
5904 and willfully misapply or convert preneed funds shall, upon
5905 conviction, be punished by imprisonment in the custody of the
5906 Mississippi Department of Corrections for a term of not less than
5907 ten (10) years, or be fined not more than One Thousand Dollars
5908 (\$1,000.00) and imprisoned in the county jail not more than one
5909 (1) year, or both fine and imprisonment. Each such violation
5910 shall constitute a separate offense.

5911 (5) Upon reasonable belief that a person or corporation is
5912 acting in violation of the portions of this article requiring
5913 fines or imprisonment, the Secretary of State shall immediately
5914 report this violation accompanied by all relevant records to the
5915 Insurance Integrity Enforcement Bureau within the Office of
5916 Attorney General created in Section 7-5-301, or to the district



attorney, county or municipal attorney having jurisdiction for the same.

(6) No order shall be entered under this section without the following:

(a) An appropriate prior notice to the applicant or registrant;

(b) An opportunity for a hearing; and

(c) Written findings of fact and conclusions of law.

(7) Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Chancery Court of the First Judicial District of Hinds County, Mississippi, 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 served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part.

SECTION 157. Section 75-25-7, Mississippi Code of 1972, is brought forward as follows:

75-25-7. (a) Upon the filing of an application for registration and payment of the application fee, the secretary may cause the application to be examined for conformity with this chapter.



5942 (b) The applicant shall provide any additional pertinent
5943 information requested by the secretary including a description of
5944 a design mark and may make, or authorize the secretary to make,
5945 such amendments to the application as may be reasonably requested
5946 by the secretary or deemed by applicant to be advisable to respond
5947 to any rejection or objection.

5948 (c) The secretary may require the applicant to disclaim an
5949 unregistrable component of a mark otherwise registrable, and an
5950 applicant may voluntarily disclaim a component of a mark sought to
5951 be registered. No disclaimer shall prejudice or affect the
5952 applicant's or registrant's rights then existing or thereafter
5953 arising in the disclaimed matter, or the applicant's or
5954 registrant's rights of registration on another application if the
5955 disclaimed matter be or shall have become distinctive of the
5956 applicant's or registrant's goods or services.

5957 (d) Amendments may be made by the secretary upon the
5958 application submitted by the applicant upon applicant's agreement;
5959 or a fresh application may be required to be submitted.

5960 (e) If the applicant is found not to be entitled to
5961 registration, the secretary shall advise the applicant thereof and
5962 of the reasons therefor. The applicant shall have a reasonable
5963 period of time specified by the secretary in which to reply or to
5964 amend the application, in which event the application shall then
5965 be reexamined. This procedure may be repeated until:



5966 (1) The secretary finally refuses registration of the
5967 mark; or

5968 (2) the applicant fails to reply or amend within the
5969 specified period, whereupon the application shall be deemed to
5970 have been abandoned.

5971 (f) If the secretary finally refuses registration of the
5972 mark, the applicant may appeal such refusal to the First Judicial
5973 District of the Hinds County Chancery Court. The secretary's
5974 refusal may be reversed, but without costs to the secretary, on
5975 proof that all the statements in the application are true and that
5976 the mark is otherwise entitled to registration.

5977 (g) In the instance of applications concurrently being
5978 processed by the secretary seeking registration of the same or
5979 confusingly similar marks for the same or related goods or
5980 services, the secretary shall grant priority to the applications
5981 in order of filing. If a prior-filed application is granted a
5982 registration, the other application or applications shall then be
5983 rejected. Any rejected applicant may bring an action for
5984 cancellation of the registration upon grounds of prior or superior
5985 rights to the mark, in accordance with the provisions of Section
5986 75-25-17.

5987 **SECTION 158.** Section 75-89-39, Mississippi Code of 1972, is
5988 brought forward as follows:

5989 75-89-39. (1) Any person aggrieved by a final order of the
5990 administrator may obtain a review of the order in the Chancery



5991 Court of the First Judicial District of Hinds County, Mississippi,
5992 by filing in court within sixty (60) days after the entry of the
5993 order a written petition praying that the order be modified or set
5994 aside in whole or in part. A copy of the petition for review shall
5995 be served upon the administrator.

5996 (2) Upon the filing of a petition for review, except where
5997 the taking of additional evidence is ordered by court pursuant to
5998 subsection (5) or (6) of this section, the court shall have
5999 exclusive jurisdiction of the matter, and the administrator may
6000 not modify or set aside the order in whole or in part.

6001 (3) The filing of a petition for review under subsection (1)
6002 of this section does not, unless specifically ordered by the
6003 court, operate as a stay of the administrator's order, and the
6004 administrator may enforce or ask the court to enforce the order
6005 pending the outcome of the review proceedings.

6006 (4) Upon receipt of the petition for review, the
6007 administrator shall certify and file in the court a copy of the
6008 order and the transcript or record of the evidence upon which it
6009 was based. If the order became final under subsection (4) of
6010 Section 75-89-37, the administrator shall file in court an
6011 affidavit certifying that no hearing has been held and that the
6012 order became final pursuant to subsection (4) of Section 75-89-37.

6013 (5) If either the aggrieved party or the administrator
6014 applies to the court for leave to adduce additional evidence, and
6015 shows to the satisfaction of the court, that there were reasonable



6016 grounds for failure to adduce the evidence in the hearing before
6017 the administrator or other good cause, the court may order the
6018 additional evidence to be taken by the administrator under such
6019 conditions as the court considers proper.

6020 (6) If new evidence is ordered taken by the court, the
6021 administrator may modify the findings and order by reason of the
6022 additional evidence and shall file in the court the additional
6023 evidence together with any modified or new findings or order.

6024 (7) The court shall review the petition based upon the
6025 original record before the administrator plus any additional
6026 evidence ordered to be taken pursuant to subsections (5) and (6)
6027 of this section. The findings of the administrator as to the
6028 facts, if supported by competent, material and substantive
6029 evidence, are conclusive. Based upon this review, the court may
6030 affirm, modify, enforce or set aside the order in whole or in
6031 part.

6032 **SECTION 159.** Section 75-35-325, Mississippi Code of 1972, is
6033 brought forward as follows:

6034 75-35-325. (1) When a written complaint is made against a
6035 person for violation of any provision of this chapter or of
6036 Section 75-33-1 et seq., or any of the rules or regulations
6037 promulgated thereunder, the Commissioner of Agriculture, or his
6038 designee, shall conduct a full evidentiary hearing relative to the
6039 charges. The complaint shall be in writing and shall be filed in
6040 the Office of the Mississippi Department of Agriculture and



6041 Commerce. The commissioner shall cause to be delivered to the
6042 accused in the manner described herein a copy of the complaint and
6043 a summons requiring the accused to file a written answer to the
6044 complaint within thirty (30) days after service of the summons and
6045 complaint upon the accused. The accused may be notified by
6046 serving a copy of the summons and complaint on the accused or any
6047 of his officers, agents or employees by personal service or by
6048 certified mail. The accused shall file with the department a
6049 written response to the complaint within the thirty-day period.
6050 If the accused fails to file an answer within such time, the
6051 commissioner or his designee may enter an order by default against
6052 the accused. If the accused has filed an answer, the matter shall
6053 be set for hearing before the commissioner or his designee.

6054 The commissioner may issue subpoenas to require the
6055 attendance of witnesses and the production of documents.
6056 Compliance with such subpoenas may be enforced by any court of
6057 general jurisdiction in this state. The testimony of witnesses
6058 shall be upon oath or affirmation, and they shall be subject to
6059 cross-examination. The proceedings shall be recorded by a court
6060 reporter. If the commissioner or his designee determines that the
6061 complaint lacks merit, he may dismiss it. If he finds that there
6062 is substantial evidence showing that a violation of any of the
6063 statutes or regulations has been committed, he may impose any or
6064 all of the following penalties upon the accused:



6065 (a) Levy a civil penalty in the amount of no more than
6066 One Thousand Dollars (\$1,000.00) for each violation;

6067 (b) Revoke or suspend any license, permit or privilege
6068 granted to the accused under the terms of this chapter or Section
6069 75-33-1 et seq.;

6070 (c) Retain product, reject equipment or facilities,
6071 slow or stop a line or refuse to allow the processing of a
6072 specifically identified product;

6073 (d) Refuse to allow the marks of inspection to be
6074 applied to a product; or

6075 (e) Take any other action authorized by law or
6076 regulation. The commissioner's decision shall be in writing, and
6077 it shall be delivered to the accused by any of the methods
6078 described herein for service of the summons and complaint on the
6079 accused.

6080 (2) Either the accused or the department may appeal the
6081 decision of the commissioner to the circuit court of the county of
6082 residence of the accused or, if the accused is a nonresident of
6083 the State of Mississippi, to the Circuit Court of the First
6084 Judicial District of Hinds County, Mississippi. The appellant
6085 shall have the obligation of having the record transcribed and
6086 filed with the circuit court. The appeal shall otherwise be
6087 governed by all applicable laws and rules affecting appeals to
6088 circuit court. If no appeal is perfected within the required



6089 time, the decision of the commissioner, or his designee, shall
6090 then become final.

6091 (3) The decision of the circuit court may then be appealed
6092 by either party to the Mississippi Supreme Court in accordance
6093 with the existing laws and rules affecting such appeals.

6094 **SECTION 160.** Section 63-17-99, Mississippi Code of 1972, is
6095 brought forward as follows:

6096 63-17-99. The following procedure shall govern in taking and
6097 perfecting appeals:

6098 1. Any person who is a party to any hearing before the
6099 commission and who is aggrieved by any decision of the commission
6100 with respect to any hearing before it shall have the right of
6101 appeal to the chancery court of the county of such person's
6102 residence or principal place of business within this state; if
6103 such person is a nonresident of the state he shall have the right
6104 of appeal to the chancery court of the residence of the opposing
6105 party, and if the opposing party is also a nonresident, the appeal
6106 shall be to the Chancery Court of the First Judicial District of
6107 Hinds County, Mississippi. All such appeals shall be taken and
6108 perfected within sixty (60) days from the date of the decision of
6109 the commission which is the subject of the appeal. The chancery
6110 court to which such appeal is taken may affirm such decision or
6111 reverse and remand the same to the commission for further
6112 proceedings as justice may require or dismiss such decision. All
6113 such appeals shall be taken and perfected, heard and determined,



6114 either in termtime or in vacation, on the record, including a
6115 transcript of pleadings and evidence, both oral and documentary,
6116 heard and filed before the commission. In perfecting any such
6117 appeal, the provisions of law respecting notice to the reporter
6118 and allowance of bills of exceptions, now or hereafter in force,
6119 respecting appeals from the chancery court to the Supreme Court
6120 shall be applicable. The reporter shall transcribe his notes,
6121 taken stenographically or by machine, and file the record with the
6122 commission within thirty (30) days after approval of the appeal
6123 bond, unless, on application of the reporter, or of the appellant,
6124 an additional fifteen (15) days shall have been allowed by the
6125 commission to the reporter within which to transcribe his notes
6126 and file the transcript of the record with the commission.

6127 2. Upon the filing with the commission of a petition of
6128 appeal to the proper chancery court, it shall be the duty of the
6129 commission, as promptly as possible, and in any event within sixty
6130 (60) days after approval of the appeal bond, to file with the
6131 clerk of said chancery court to which the appeal is taken, a copy
6132 of the petition for appeal and of the decision appealed from, and
6133 the original and one (1) copy of the transcript of the record of
6134 the proceedings and evidence before the commission. After the
6135 filing of said petition, the appeal shall be perfected by the
6136 filing of a bond in the penal sum of Five Hundred Dollars
6137 (\$500.00) with two (2) sureties or with a surety company qualified
6138 to do business in Mississippi as surety, conditioned to pay the



costs of such appeal, said bond to be approved by any member of the commission or by its executive secretary or by the clerk of the chancery court to which such appeal is taken.

3. No decision of the commission made as a result of a hearing shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies. However, any such decision may be made final if the commission finds that failure to do so would be detrimental to the public interest or public welfare; however, the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.

SECTION 161. Section 73-36-33, Mississippi Code of 1972, is brought forward as follows:

73-36-33. (1) The board shall have the power, after notice and hearing, to suspend or revoke the license of any registrant who (a) is found guilty by the board of fraud or gross negligence in the practice of professional forestry; (b) fails to comply with board rules and regulations; (c) is found guilty by the board of unprofessional or unethical conduct; or (d) has had his license suspended or revoked for cause in another jurisdiction.

(2) Any person may prefer charges of fraud or gross negligence in connection with any forestry practice against any registrant. Such charges shall be in writing, shall be sworn to



6164 by the person making them, and shall be filed with the secretary
6165 of the board. All charges shall be heard by the board pursuant to
6166 its rules and regulations without undue delay.

6167 (3) Any applicant whose license is suspended or revoked by
6168 the board may apply for a review of the proceedings with reference
6169 to such suspension or revocation by appealing to the Chancery
6170 Court of the First Judicial District of Hinds County, Mississippi,
6171 provided a notice of appeal is filed by such applicant with the
6172 clerk of said court within sixty (60) days from entry of an order
6173 by the board suspending or revoking his license, provided said
6174 applicant files with said notice of appeal a bond to be approved
6175 by the court assuring the prompt payment of any and all costs of
6176 said appeal, said amount to be fixed by the court. Upon the
6177 filing of such notice of appeal and posting of such bond, the
6178 clerk of the said court shall notify the secretary of the board
6179 thereof and the record of the proceedings involved shall be
6180 prepared by the secretary and forwarded to the court within a
6181 period of sixty (60) days from such notice by the clerk. The
6182 court shall thereupon review the proceedings on the record
6183 presented and may hear such additional testimony as to the court
6184 may appear material and dispose of the appeal in termtime or in
6185 vacation, and the court may sustain or dismiss the appeal, or
6186 modify or vacate the order complained of, but in case the order is
6187 modified or vacated, the court may also, in its discretion, remand
6188 the matter to the board for such further proceedings not



6189 inconsistent with the court's order as, in the opinion of the
6190 court, justice may require. The decision of the chancery court
6191 may be appealed as other cases to the Supreme Court.

6192 (4) The board is authorized to secure, by contract, the
6193 services of an investigator when deemed necessary by the board to
6194 properly consider any charge then before it. The board may, at
6195 its discretion, establish a program of routine inspections.

6196 (5) In addition to the reasons specified in subsection (1)
6197 of this section, the board shall be authorized to suspend the
6198 license of any licensee for being out of compliance with an order
6199 for support, as defined in Section 93-11-153. The procedure for
6200 suspension of a license for being out of compliance with an order
6201 for support, and the procedure for the reissuance or reinstatement
6202 of a license suspended for that purpose, and the payment of any
6203 fees for the reissuance or reinstatement of a license suspended
6204 for that purpose, shall be governed by Section 93-11-157 or
6205 93-11-163, as the case may be. Actions taken by the board in
6206 suspending a license when required by Section 93-11-157 or
6207 93-11-163 are not actions from which an appeal may be taken under
6208 this section. Any appeal of a license suspension that is required
6209 by Section 93-11-157 or 93-11-163 shall be taken in accordance
6210 with the appeal procedure specified in Section 93-11-157 or
6211 93-11-163, as the case may be, rather than the procedure specified
6212 in this section. If there is any conflict between any provision
6213 of Section 93-11-157 or 93-11-163 and any provision of this



6214 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
6215 case may be, shall control.

6216 **SECTION 162.** Section 25-9-177, Mississippi Code of 1972, is
6217 brought forward as follows:

6218 25-9-177. Actions to recover civil fines and other remedies
6219 provided for under Section 25-9-175 may be instituted in the
6220 Circuit Court for the First Judicial District of Hinds County or
6221 in the circuit court of the public employee's residence. In such
6222 actions, the public employee shall prove by a preponderance of the
6223 evidence that, but for his providing information or testimony to a
6224 state investigative body prior to occurrence of the dismissal or
6225 any adverse action, his dismissal or any adverse action taken
6226 against him would not have occurred. Remedies provided for herein
6227 shall be supplemental to any other remedies, judicial or
6228 administrative, provided for under law. Any administrative
6229 remedies provided for state-service employees under Sections
6230 25-9-127 through 25-9-131, Mississippi Code of 1972, or any
6231 remedies under a grievance or appeal process of the employing
6232 governmental entity relating to suspension or termination of
6233 employment or adverse personnel action, shall not be exhausted or
6234 diminished as a result of any action taken by the employee under
6235 Section 25-9-175 and this section, and the employee shall be
6236 required to exhaust such remedies prior to instituting an action
6237 authorized under Section 25-9-175 and this section.



6238 **SECTION 163.** Section 81-14-175, Mississippi Code of 1972, is
6239 brought forward as follows:

6240 81-14-175. Unless otherwise provided in this chapter, any
6241 interested person aggrieved by any rule, regulation or order of
6242 the commissioner and/or the board, as applicable, shall have the
6243 right, regardless of the amount involved, to appeal to the Circuit
6244 Court of the First Judicial District of Hinds County. However, if
6245 the appellant is an applicant for a charter, the appeal shall be
6246 taken to the circuit court of the county in which the proposed
6247 institution is domiciled; or if the appellant is seeking to
6248 establish a branch office, the appeal shall be taken to the
6249 circuit court of the county in which the proposed branch is
6250 located. Such appeal shall be taken and perfected as hereinafter
6251 provided, within thirty (30) days from the date of such final
6252 rule, regulation or order. The circuit court may affirm such
6253 rule, regulation or order, or remand for further proceedings as
6254 justice may require. All such appeals shall be taken and
6255 perfected, heard either in termtime or in vacation, and shall be
6256 heard and disposed of promptly by the court as a preference cause.
6257 In perfecting any appeal provided by this section, the provisions
6258 of law respecting notice to the reporter and the allowance of
6259 bills of exception, now or hereafter in force, and those
6260 provisions respecting appeals from the circuit court to supreme
6261 court shall be applicable. However, the reporter shall transcribe
6262 his notes and file the transcript of the record with the



6263 commissioner or board within thirty (30) days after approval of
6264 the appeal bond. Upon the filing with the commissioner or board
6265 of a petition for appeal to the circuit court, it shall be the
6266 duty of the commissioner or board, within sixty (60) days after
6267 approval of the appeal bond to file with the clerk of the circuit
6268 court to which the appeal is taken a copy of the petition for
6269 appeal, the rule, regulation or order appealed from, and the
6270 original and one (1) copy of the transcript of the record of
6271 proceedings in evidence before the commissioner or board. After
6272 the filing of such petition, the appeal shall be perfected by
6273 filing of bond in the sum of Five Hundred Dollars (\$500.00) with
6274 two (2) sufficient sureties, or with a surety company qualified to
6275 do business in Mississippi as the surety, conditioned to pay the
6276 cost of such appeal. Such bond shall be approved by the
6277 commissioner or by the clerk of the court to which such appeal is
6278 taken. The perfection of an appeal shall not stay or suspend the
6279 operation of any rule, regulation or order of the commissioner or
6280 board, but the judge of such circuit court may award a writ of
6281 supersedeas to any rule, regulation or order of the commissioner
6282 or board after five (5) days' notice to the commissioner or board.
6283 Any order or judgment staying the operation of any rule,
6284 regulation or order of the commissioner or board shall contain a
6285 specific finding, based upon evidence submitted to the circuit
6286 judge and identified by reference thereto, that irreparable damage
6287 would result to the appellant if he is denied relief. Such stay



6288 shall not become effective until a supersedeas bond shall have
6289 been executed and filed with and approved by the clerk of the
6290 court payable to the state. The bond shall be in an amount fixed
6291 by the circuit judge and conditioned as said circuit judge may
6292 direct.

6293 **SECTION 164.** Section 81-18-39, Mississippi Code of 1972, is
6294 brought forward as follows:

6295 81-18-39. (2) If the department reasonably determines that
6296 a person required to be licensed under this chapter has violated
6297 any law of this state or any order or regulation of the
6298 department, the department may issue a written order requiring the
6299 person to cease and desist from unlawful or unauthorized
6300 practices. In the case of an unlawful purchase of mortgage loans,
6301 the cease and desist order to a purchaser shall constitute the
6302 knowledge required under this section for any subsequent
6303 violations.

6304 (3) Any person required to be licensed under this chapter
6305 who has been deemed by the commissioner, after notice and hearing,
6306 to have violated the terms of any order properly issued by the
6307 department under this section shall be liable for a civil penalty
6308 not to exceed Three Thousand Dollars (\$3,000.00). The department,
6309 in determining the amount of the penalty, shall take into account
6310 the appropriateness of the penalty relative to the size of the
6311 financial resources of the person, the good-faith efforts of the
6312 person to comply with the order, the gravity of the violation, the



6313 history of previous violations by the person, and other factors or
6314 circumstances that contributed to the violation. The department
6315 may compromise, modify or refund any penalty that has been imposed
6316 under this section. Any person assessed a penalty as provided in
6317 this subsection shall have the right to request a hearing on the
6318 amount of the penalty within ten (10) days after receiving
6319 notification of the assessment. If no hearing is requested within
6320 ten (10) days of the receipt of the notice, the penalty shall be
6321 final except as to judicial review in the Chancery Court of the
6322 First Judicial District of Hinds County. Upon the filing of a
6323 petition for judicial review, the court shall issue an order to
6324 the licensee requiring the licensee to show cause why it should
6325 not be entered. If the court determines, after a hearing upon the
6326 merits or after failure of the person to appear when so ordered,
6327 that the order of the department was properly issued, it shall
6328 grant the penalty sought by the department.

6329 **SECTION 165.** Section 81-12-205, Mississippi Code of 1972, is
6330 brought forward as follows:

6331 81-12-205. Any interested person aggrieved by any final
6332 rule, regulation or order of the commissioner or the board, shall
6333 have the right, regardless of the amount involved to appeal to the
6334 Circuit Court of the First Judicial District of Hinds County,
6335 except that if the appellant is an applicant for a charter the
6336 appeal shall be taken to the circuit court of the county in which
6337 the institution sought to be chartered would be domiciled, and if



6338 the appellant is seeking to establish a branch office, the appeal
6339 shall be taken to the circuit court of the county in which the
6340 branch is proposed to be located. Such appeal shall be taken and
6341 perfected as hereinafter provided, within thirty (30) days from
6342 the date of such final rule, regulation or order; and the circuit
6343 court may affirm such rule, regulation or order, or reverse same
6344 for further proceedings as justice may require. All such appeals
6345 shall be taken and perfected, heard and determined either in
6346 termtime or in vacation on the record, including a transcript of
6347 pleadings and testimony, both oral and documentary, filed and
6348 heard before the commissioner or the board, and such appeal shall
6349 be heard and disposed of promptly by the court as a preference
6350 cause. In perfecting any appeal provided by this section, the
6351 provisions of law respecting notice to the reporter and the
6352 allowance of bills of exception, now or hereafter in force
6353 respecting appeals from the circuit court to Supreme Court shall
6354 be applicable. However, the reporter shall transcribe his notes
6355 and file the transcript of the record with the commissioner or the
6356 board within thirty (30) days after approval of the appeal bond.
6357 Upon the filing with the commissioner or the board of a petition
6358 for appeal to the circuit court, it shall be the duty of the
6359 commissioner or the board, as promptly as possible, and in any
6360 event within sixty (60) days after approval of the appeal bond, to
6361 file with the clerk of the circuit court to which the appeal is
6362 taken, a copy of the petition for appeal and of the rule,



6363 regulation or order appealed from, and the original and one (1)
6364 copy of the transcript of the record of proceedings in evidence
6365 before the commissioner or the board. After the filing of the
6366 petition, the appeal shall be perfected by the filing of bond in
6367 the sum of Five Hundred Dollars (\$500.00) with two (2) good and
6368 sufficient sureties or with a surety company qualified to do
6369 business in Mississippi as the surety, conditioned to pay the cost
6370 of such appeal; the bond to be approved by the commissioner or by
6371 the clerk of the court to which such appeal is taken. The
6372 perfection of an appeal shall not stay or suspend the operation of
6373 any rule, regulation or order of the commissioner or the board,
6374 but the judge of the circuit court to which the appeal is taken
6375 may award a writ of supersedeas to any rule, regulation or order
6376 of the commissioner or the board after five (5) days' notice to
6377 the commissioner or the board and after hearing. Any order or
6378 judgment staying the operation of any rule, regulation or order of
6379 the commissioner or the board shall contain a specific finding,
6380 based upon evidence submitted to the circuit judge and identified
6381 by reference thereto, that great or irreparable damage would
6382 result to the appellant if he is denied relief, and the stay shall
6383 not become effective until a supersedeas bond shall have been
6384 executed and filed with and approved by the clerk of the court
6385 payable to the state. The bond shall be in an amount fixed by the
6386 circuit judge and conditioned as the circuit judge may direct in
6387 the order granting the supersedeas.



6388 **SECTION 166.** Section 79-4-7.48, Mississippi Code of 1972, is
6389 brought forward as follows:

6390 79-4-7.48. (a) The chancery court of the county where a
6391 corporation's principal office (or, if none in this state, its
6392 registered office) is located may appoint one or more persons to
6393 be custodians, or, if the corporation is insolvent, to be
6394 receivers, of and for a corporation in a proceeding by a
6395 shareholder where it is established that:

6396 (1) The directors are deadlocked in the management of
6397 the corporate affairs, the shareholders are unable to break the
6398 deadlock, and irreparable injury to the corporation is threatened
6399 or being suffered; or

6400 (2) The directors or those in control of the
6401 corporation are acting fraudulently and irreparable injury to the
6402 corporation is threatened or being suffered.

6403 (b) The court:

6404 (1) May issue injunctions, appoint a temporary
6405 custodian or temporary receiver with all the powers and duties the
6406 court directs, take other action to preserve the corporate assets
6407 wherever located, and carry on the business of the corporation
6408 until a full hearing is held;

6409 (2) Shall hold a full hearing, after notifying all
6410 parties to the proceeding and any interested persons designated by
6411 the court, before appointing a custodian or receiver; and



6412 (3) Has jurisdiction over the corporation and all of
6413 its property, wherever located.

6414 (c) The court may appoint an individual or domestic or
6415 foreign corporation (authorized to transact business in this
6416 state) as a custodian or receiver and may require the custodian or
6417 receiver to post bond, with or without sureties, in an amount the
6418 court directs.

6419 (d) The court shall describe the powers and duties of the
6420 custodian or receiver in its appointing order, which may be
6421 amended from time to time. Among other powers,

6422 (1) A custodian may exercise all of the powers of the
6423 corporation, through or in place of its board of directors, to the
6424 extent necessary to manage the business and affairs of the
6425 corporation; and

6426 (2) A receiver (i) may dispose of all or any part of
6427 the assets of the corporation wherever located, at a public or
6428 private sale, if authorized by the court; and (ii) may sue and
6429 defend in the receiver's own name as receiver in all courts of
6430 this state.

6431 (e) The court during a custodianship may redesignate the
6432 custodian a receiver, and during a receivership may redesignate
6433 the receiver a custodian, if doing so is in the best interests of
6434 the corporation.

6435 (f) The court from time to time during the custodianship or
6436 receivership may order compensation paid and expense disbursements



6437 or reimbursements made to the custodian or receiver from the
6438 assets of the corporation or proceeds from the sale of its assets

6439 **SECTION 167.** Section 41-75-23, Mississippi Code of 1972, is
6440 brought forward as follows:

6441 41-75-23. Any applicant or licensee aggrieved by the
6442 decision of the licensing agency after a hearing, may within
6443 thirty (30) days after the mailing or serving of notice of the
6444 decision as provided in Section 43-11-11, Mississippi Code of
6445 1972, file a notice of appeal to the Chancery Court of the First
6446 Judicial District of Hinds County or in the chancery court of the
6447 county in which the institution is located or proposed to be
6448 located. Such appeal shall state briefly the nature of the
6449 proceedings before the licensing agency and shall specify the
6450 order complained of. Any person or entity whose rights may be
6451 materially affected by the action of the licensing agency may
6452 appear and become a party, or the court may, upon motion, order
6453 that any such person or entity be joined as a necessary party.
6454 Upon filing of the appeal, the clerk of the chancery court shall
6455 serve notice on the licensing agency, whereupon the licensing
6456 agency shall, within sixty (60) days or such additional time as
6457 the court may allow from the service of such notice, certify with
6458 the court a copy of the record and decision, including the
6459 transcript of the hearings on which the decision is based. No new
6460 or additional evidence shall be introduced in court; the case
6461 shall be determined upon the record certified to the court. The



6462 court may sustain or dismiss the appeal, modify or vacate the
6463 order complained of in whole or in part, as the case may be; but
6464 in case the order is wholly or partly vacated, the court may also,
6465 in its discretion, remand the matter to the licensing agency for
6466 such further proceedings, not inconsistent with the court's order,
6467 as, in the opinion of the court, justice may require. The order
6468 may not be vacated or set aside, either in whole or in part,
6469 except for errors of law, unless the court finds that the order of
6470 the licensing agency is not supported by substantial evidence, is
6471 contrary to the manifest weight of the evidence, is in excess of
6472 the statutory authority or jurisdiction of the licensing agency or
6473 violates any vested constitutional rights of any party involved in
6474 the appeal. Pending final disposition of the matter, the status
6475 quo of the applicant or licensee shall be preserved, except as the
6476 court otherwise orders in the public interest. Rules with respect
6477 to court costs in other cases in chancery shall apply equally to
6478 cases hereunder. Appeals in accordance with law may be had to the
6479 Supreme Court of the State of Mississippi from any final judgment
6480 of the chancery court.

6481 **SECTION 168.** Section 99-41-13, Mississippi Code of 1972, is
6482 brought forward as follows:

6483 99-41-13. Any claimant aggrieved by a final decision of the
6484 Attorney General shall be entitled to judicial review thereof in
6485 the manner provided in this section.



6486 (a) An appeal may be taken by such claimant to the
6487 circuit court of the claimant's residence or the Circuit Court of
6488 the First Judicial District of Hinds County by filing a petition
6489 with the clerk of the court and executing and filing bond payable
6490 to the State of Mississippi with sufficient sureties to be
6491 approved by the clerk of the court, conditioned upon the payment
6492 of all costs of appeal, including the cost of preparing the
6493 transcript of the hearing before the Attorney General. The
6494 petition and bond shall be filed within thirty (30) days of the
6495 receipt of the final decision of the Attorney General. Upon
6496 approval of the bond, the clerk of the court shall notify the
6497 Office of the Attorney General, which shall prepare its record in
6498 the matter and transmit it to the circuit court.

6499 (b) The scope of review of the circuit court in such
6500 cases shall be limited to a review of the record made before the
6501 Attorney General to determine if the action of the Attorney
6502 General is unlawful for the reason that it was:

6503 (i) Not supported by a preponderance of the
6504 evidence;

6505 (ii) Arbitrary and capricious; or

6506 (iii) In violation of a statutory right of
6507 claimant.

6508 (c) No relief shall be granted based upon the court's
6509 finding of harmless error.



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

SECTION 169. Section 27-35-309, Mississippi Code of 1972, is brought forward as follows:

27-35-309. (1) The Department of Revenue shall, if practicable, on or before the first Monday of June of each year, make out for each person, firm, company or corporation listed in Section 27-35-303, Mississippi Code of 1972, an assessment of the company's property, both real and personal, tangible and intangible. The Department of Revenue shall apportion the assessment of value of each company's property according to the provisions of this article, except as provided in subsection (3) of this section, as follows:

(a) When the property of such public service company is located in more than one (1) county in this state, the Department of Revenue shall direct the company to apportion the assessed value between the counties and municipalities and all other taxing districts therein, in the proportion which the property located therein bears to the entire value of the property of such company as valued by the department, so that to each county, municipality and taxing district therein, there shall be apportioned such part of the entire valuation as will fairly equalize the relative value of the property therein located to the whole value thereof.

(b) When the property of such public utility required to be assessed by the provisions of this article is located in



6535 more than one (1) state, the assessed value thereof shall be
6536 apportioned by the Department of Revenue in such manner as will
6537 fairly and equitably determine the principal sum for the value
6538 thereof in this state, and after ascertaining such value it shall
6539 be apportioned by them as herein provided.

6540 The assessment roll shall contain all the property of any
6541 such public service company, railroad, person, firm or corporation
6542 and the value thereof, and so made that each county, municipality,
6543 and taxing district shall receive its just share of taxes
6544 proportionately to the amount of property therein situated.

6545 (2) (a) The assessment when made shall remain open for
6546 twenty (20) days in the Office of the Department of Revenue, and
6547 be for such time subject to the objections thereto which may be
6548 filed with the Executive Director of the Board of Tax Appeals; but
6549 real estate belonging to railroads and which forms no part of the
6550 road, and is wholly disconnected from its railroad business, shall
6551 not be assessed by the Department of Revenue, but shall be
6552 assessed as other real estate is assessed by the tax assessor of
6553 the county where situated.

6554 (b) The apportionment of the assessed value as required
6555 by this section shall be filed with the Department of Revenue by
6556 such public service company on or before the last day of the
6557 objection period established in paragraph (a) of this subsection
6558 (2). If such company shall fail, refuse or neglect to render the
6559 apportionment of assessed value as required by this section, such



6560 company shall be subject to the penalties provided for in Section
6561 27-35-305. The filing of an objection by such public service
6562 company shall not preclude such company from filing the property
6563 apportionment as required by this section.

6564 (3) Any nuclear generating plant which is located in the
6565 state, which is owned or operated by a public utility rendering
6566 electric service within the state and not exempt from ad valorem
6567 taxation under any other statute and which is not owned or
6568 operated by an instrumentality of the federal government shall be
6569 exempt from county, municipal and district ad valorem taxes. In
6570 lieu of the payment of county, municipal and district ad valorem
6571 taxes, such public utility shall pay to the Department of Revenue
6572 a sum based on the assessed value of such nuclear generating plant
6573 in an amount to be determined and distributed as follows:

6574 (a) The Department of Revenue shall annually assign an
6575 assessed value to any nuclear generating plant described in this
6576 subsection in the same manner as for ad valorem tax purposes by
6577 using accepted industry methods for appraising and assessing
6578 public utility property. The assessed value assigned shall be
6579 used for the purpose of determining the in-lieu tax due under this
6580 section and shall not be included on the ad valorem tax rolls of
6581 the situs taxing authority nor be subject to ad valorem taxation
6582 by the situs taxing authority nor shall the assessed value
6583 assigned be used in determining the debt limit of the situs taxing
6584 authority. However, the assessed value so assigned may be used by



6585 the situs taxing authority for the purpose of determining salaries
6586 of its public officials.

6587 (b) On or before February 1, 1987, for the 1986 taxable
6588 year and on or before February 1 of each year through the 1989
6589 taxable year, such utility shall pay to the Department of Revenue
6590 a sum equal to two percent (2%) of the assessed value as
6591 ascertained by the Department of Revenue, but such payment shall
6592 not be less than Sixteen Million Dollars (\$16,000,000.00) for any
6593 of the four (4) taxable years; all such payments in excess of
6594 Sixteen Million Dollars (\$16,000,000.00) for these four (4)
6595 taxable years shall be paid into the General Fund of the state.
6596 On or before February 1, 1991, for the 1990 taxable year and on or
6597 before February 1 of each year thereafter, such utility shall pay
6598 to the Department of Revenue a sum equal to two percent (2%) of
6599 the assessed value as ascertained by the Department of Revenue,
6600 but such payment shall not be less than Twenty Million Dollars
6601 (\$20,000,000.00) for any taxable year for as long as such nuclear
6602 power plant is licensed to operate and is not being permanently
6603 decommissioned; all such payments in excess of Sixteen Million
6604 Dollars (\$16,000,000.00) for taxable years 1990 and thereafter
6605 shall be paid as follows:

6606 (i) An amount of Three Million Forty Thousand
6607 Dollars (\$3,040,000.00) annually, beginning with fiscal year 1991,
6608 shall be transferred by the Department of Revenue to Claiborne
6609 County. Such payments may be expended by the Board of Supervisors



6610 of Claiborne County for any purpose for which a county is
6611 authorized by law to levy an ad valorem tax and shall not be
6612 included or considered as proceeds of ad valorem taxes for the
6613 purposes of the growth limitation on ad valorem taxes under
6614 Sections 27-39-305 and 27-39-321. However, should the Board of
6615 Supervisors of Claiborne County withdraw its support of the Grand
6616 Gulf Nuclear Station off-site emergency plan or otherwise fail to
6617 satisfy its off-site emergency plan commitments as determined by
6618 the Mississippi Emergency Management Agency and the Federal
6619 Emergency Management Agency, Five Hundred Thousand Dollars
6620 (\$500,000.00) annually of the funds designated for Claiborne
6621 County as described by this subsection (i) shall be deposited in
6622 the Grand Gulf Disaster Assistance Fund as provided in Section
6623 33-15-51.

6624 (ii) An amount of One Hundred Sixty Thousand
6625 Dollars (\$160,000.00) annually, beginning with fiscal year 1991,
6626 shall be transferred by the Department of Revenue to the City of
6627 Port Gibson, Mississippi. Such payments may be expended by the
6628 Board of Aldermen of the City of Port Gibson for any purpose for
6629 which a municipality is authorized by law to levy an ad valorem
6630 tax and shall not be included or considered as proceeds of ad
6631 valorem taxes for the purposes of the growth limitation on ad
6632 valorem taxes under Sections 27-39-305 and 27-39-321. However,
6633 should the Board of Aldermen of the City of Port Gibson withdraw
6634 its support of the Grand Gulf Nuclear Station off-site emergency



6635 plan or otherwise fail to satisfy its off-site emergency plan
6636 commitment, as determined by the Mississippi Emergency Management
6637 Agency and the Federal Emergency Management Agency, Fifty Thousand
6638 Dollars (\$50,000.00) annually of the funds designated for the City
6639 of Port Gibson as described by this subsection (ii) shall be
6640 deposited in the Grand Gulf Disaster Assistance Fund as provided
6641 in Section 33-15-51.

6642 (iii) The remaining balance of the payments in
6643 excess of Sixteen Million Dollars (\$16,000,000.00) annually, less
6644 amounts transferred under (i) and (ii) of this subsection,
6645 beginning with fiscal year 1991, shall be allocated in accordance
6646 with subsection (3)(f) of this section.

6647 (c) Pursuant to certification by the Attorney General
6648 to the State Treasurer and the Department of Revenue that the suit
6649 against the State of Mississippi pending on the effective date of
6650 House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex
6651 Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the
6652 First Judicial District of Hinds County, Mississippi, styled
6653 Albert Butler et al v. the Mississippi State Tax Commission et al,
6654 has been voluntarily dismissed with prejudice as to all plaintiffs
6655 at the request of the complainants and that no attorney's fees or
6656 court costs have been assessed against the state and each of the
6657 parties, including Claiborne County and each municipality and
6658 school district located in the county, have signed and delivered
6659 to the Attorney General a full and complete release in favor of



6660 the State of Mississippi and its elected officials of all claims
6661 that have been asserted or may be asserted in the suit pending on
6662 the effective date of House Bill 8, First Extraordinary Session of
6663 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the
6664 Chancery Court for the First Judicial District of Hinds County,
6665 Mississippi, styled Albert Butler et al v. the Mississippi State
6666 Tax Commission et al, and the deposit into the State General Fund
6667 of in-lieu payments and interest thereon due the state under
6668 subsection (3)(b) of this section but placed in escrow because of
6669 the lawsuit described above, the state shall promptly transfer to
6670 the Board of Supervisors of Claiborne County out of the State
6671 General Fund an amount of Two Million Dollars (\$2,000,000.00)
6672 which shall be a one-time distribution to Claiborne County from
6673 the state. Such payment may be expended by the Board of
6674 Supervisors of Claiborne County for any purposes for which a
6675 county is authorized by law to levy an ad valorem tax and shall
6676 not be included or considered as proceeds of ad valorem taxes for
6677 the purposes of the growth limitation on ad valorem taxes for the
6678 1991 fiscal year under Sections 27-39-321 and 27-39-305.

6679 (d) After distribution of the one-time payment to
6680 Claiborne County as set forth in subsection (3)(c) of this
6681 section, the Department of Revenue upon certification that the
6682 pending lawsuit as described in subsection (3)(c) of this section
6683 has been voluntarily dismissed shall promptly deposit an amount of
6684 Five Hundred Thousand Dollars (\$500,000.00) into the Grand Gulf



6685 Disaster Assistance Trust Fund as provided for in Section
6686 33-15-51, which shall be a one-time payment, to be utilized in
6687 accordance with the provisions of such section.

6688 (e) After distribution of the one-time payment to
6689 Claiborne County as set forth in subsection (3)(c) of this section
6690 and the payment to the Grand Gulf Disaster Assistance Trust Fund
6691 as set forth in subsection (3)(d) of this section, the Department
6692 of Revenue upon certification that the pending lawsuit as
6693 described in subsection (3)(c) of this section has been
6694 voluntarily dismissed shall promptly distribute ten percent (10%)
6695 of the remainder of the prior payments remaining in escrow to the
6696 General Fund of the state and the balance of the prior payments
6697 remaining in escrow shall be distributed to the counties and
6698 municipalities in this state wherein such public utility has
6699 rendered electric service in the proportion that the amount of
6700 electric energy consumed by the retail customers of such public
6701 utility in each county, excluding municipalities therein, and in
6702 each municipality, for the next preceding fiscal year bears to the
6703 total amount of electric energy consumed by all retail customers
6704 of such public utility in the State of Mississippi for the next
6705 preceding fiscal year. The payments distributed to the counties
6706 and municipalities under this paragraph (e) may be expended by
6707 such counties and municipalities for any lawful purpose and shall
6708 not be included or considered as proceeds of ad valorem taxes for



6709 the purposes of the growth limitation on ad valorem taxes under
6710 Sections 27-39-321 and 27-39-305.

6711 (f) After distribution of the payments for fiscal year
6712 1991 as set forth in Section 19-9-151 and distribution of the
6713 payments as provided for in subsection (3)(b) of this section, the
6714 Department of Revenue shall distribute ten percent (10%) of the
6715 remainder of the payments to the General Fund of the state and the
6716 balance to the counties and municipalities in this state wherein
6717 such public utility renders electric service in the proportion
6718 that the amount of electric energy consumed by the retail
6719 customers of such public utility in each county, excluding
6720 municipalities therein, and in each municipality for the next
6721 preceding fiscal year bears to the total amount of electric energy
6722 consumed by all retail customers of such public utility in the
6723 State of Mississippi for the next preceding fiscal year.

6724 (g) No county, including municipalities therein, shall
6725 receive in excess of twenty percent (20%) of the funds distributed
6726 under paragraph (f) of this subsection.

6727 (h) The revenues received by counties and
6728 municipalities under paragraph (f) of this subsection shall not be
6729 included or considered as proceeds of ad valorem taxes for the
6730 purposes of the growth limitation on ad valorem taxes under
6731 Sections 27-39-305 and 27-39-321.

6732 **SECTION 170.** Section 65-1-46, Mississippi Code of 1972, is
6733 brought forward as follows:



6734 **[Through June 30, 2023, this section shall read as follows:]**

6735 65-1-46. (1) There is created an Appeals Board of the
6736 Mississippi Transportation Commission. If any person feels
6737 aggrieved by a penalty for excess weight assessed against him by
6738 an agent or employee of the Mississippi Department of
6739 Transportation pursuant to Section 27-19-89, he may apply to the
6740 appeals board. Beginning July 1, 2021, the Appeals Board shall be
6741 administratively located within the Commercial Transportation
6742 Enforcement Division of the Mississippi Department of Public
6743 Safety and shall receive appeals with respect to penalties for
6744 excess weight assessed by agents or employees of the Commercial
6745 Transportation Enforcement Division.

6746 (2) The members serving on the appeals board on April 7,
6747 1995, shall continue to serve until July 1, 1995. On July 1,
6748 1995, the appeals board shall be reconstituted to be composed of
6749 five (5) qualified people. The initial appointments to the
6750 reconstituted board shall be made no later than June 30, 1995, for
6751 terms to begin July 1, 1995, as follows: One (1) member shall be
6752 appointed by the Governor for a term ending on June 30, 1996, one
6753 (1) member shall be appointed by the Lieutenant Governor for a
6754 term ending on June 30, 1997, one (1) member shall be appointed by
6755 the Attorney General for a term ending on June 30, 1998, one (1)
6756 member shall be appointed by the Chairman of the State Tax
6757 Commission for a term ending on June 30, 1999, and one (1) member
6758 shall be appointed by the Executive Director of the Mississippi



6759 Department of Transportation for a term ending on June 30, 2000.
6760 After the expiration of the initial terms of the members of the
6761 reconstituted board, all subsequent appointments shall be made for
6762 terms of four (4) years from the expiration date of the previous
6763 term. Any member serving on the appeals board before July 1,
6764 1995, may be reappointed to the reconstituted appeals board.
6765 Appointments to the board shall be with the advice and consent of
6766 the Senate; however, the advice and consent of the Senate shall
6767 not be required for the appointment of a person to the
6768 reconstituted appeals board for a term beginning on July 1, 1995,
6769 if such person was serving as a member of the appeals board on
6770 June 30, 1995, and such person received the advice and consent of
6771 the Senate for that appointment. The term of the member appointed
6772 by the Executive Director of the Mississippi Department of
6773 Transportation shall end on June 30, 2021, and the vacancy shall
6774 be filled by a member appointed by the Commissioner of Public
6775 Safety for a term ending on June 30, 2024, after which the
6776 position shall be for a four-year term.

6777 (3) There shall be a chairman and vice chairman of the board
6778 who shall be elected by and from the membership of the board. Any
6779 member who fails to attend three (3) consecutive regular meetings
6780 of the board shall be subject to removal by a majority vote of the
6781 board. A majority of the members of the board shall constitute a
6782 quorum. The chairman, or a majority of the members of the board,
6783 may call meetings as may be required for the proper discharge of



6784 the board's duties. Members of the board, except a member who is
6785 an officer or employee of the Mississippi Department of
6786 Transportation or, beginning July 1, 2021, is an officer or
6787 employee of the Department of Public Safety, shall receive per
6788 diem in the amount authorized by Section 25-3-69, for each day
6789 spent in the actual discharge of their duties and shall be
6790 reimbursed for mileage and actual expenses incurred in the
6791 performance of their duties in accordance with the provisions of
6792 Section 25-3-41.

6793 Application shall be made by petition in writing, within
6794 thirty (30) days after assessment of the penalty, for a hearing
6795 and a review of the amount of the assessment. At the hearing the
6796 appeals board shall try the issues presented according to the law
6797 and the facts and within guidelines set by the Transportation
6798 Commission or, beginning July 1, 2021, by the Department of Public
6799 Safety. Upon due consideration of all the facts relating to the
6800 assessment of the penalty, the appeals board, except as otherwise
6801 provided under this section or under Section 27-19-89, may require
6802 payment of the full amount of the assessment, may reduce the
6803 amount of the assessment or may dismiss imposition of the penalty
6804 entirely. The appeals board shall dismiss in its entirety the
6805 imposition of any penalty imposed against the holder of a harvest
6806 permit if the permittee proves to the appeals board, by clear and
6807 convincing evidence, that the average load transported by the
6808 permittee during the permittee's last five (5) haul days



6809 immediately preceding the day upon which the penalty appealed from
6810 was assessed did not exceed eighty thousand (80,000) pounds. The
6811 appeals board shall reduce the penalty assessed against the holder
6812 of a harvest permit to a maximum of Two Cents (2¢) per pound of
6813 overweight if the permittee proves to the appeals board, by clear
6814 and convincing evidence, that the average load transported by the
6815 permittee during the permittee's last five (5) haul days
6816 immediately preceding the day upon which the penalty appealed from
6817 was assessed exceeded seventy-nine thousand nine hundred
6818 ninety-nine (79,999) pounds but did not exceed eighty-four
6819 thousand (84,000) pounds. The board shall make such orders in the
6820 matter as appear to it just and lawful and shall furnish copies
6821 thereof to the petitioner. If the appeals board orders the
6822 payment of the penalty, the petitioner shall pay the penalty,
6823 damages and interest, if any, within ten (10) days after the order
6824 is issued unless there is an application for appeal from the
6825 decision of the board as provided in the succeeding paragraph.
6826 Interest shall accrue on the penalty at the rate of one percent
6827 (1%) per month, or part of a month, beginning immediately after
6828 the expiration of the ten-day period.

6829 If any person feels aggrieved by the decision of the appeals
6830 board, he may appeal the decision to the Chancery Court of the
6831 First Judicial District of Hinds County.

6832 **[From and after July 1, 2023, this section shall read as**
6833 **follows:]**



6834 65-1-46. (1) There is created an Appeals Board of the
6835 Mississippi Transportation Commission. If any person feels
6836 aggrieved by a penalty for excess weight assessed against him by
6837 an agent or employee of the Mississippi Department of
6838 Transportation pursuant to Section 27-19-89, he may apply to the
6839 appeals board. Beginning July 1, 2021, the Appeals Board shall be
6840 administratively located within the Commercial Transportation
6841 Enforcement Division of the Mississippi Department of Public
6842 Safety and shall receive appeals with respect to penalties for
6843 excess weight assessed by agents or employees of the Commercial
6844 Transportation Enforcement Division.

6845 (2) The members serving on the appeals board on April 7,
6846 1995, shall continue to serve until July 1, 1995. On July 1,
6847 1995, the appeals board shall be reconstituted to be composed of
6848 five (5) qualified people. The initial appointments to the
6849 reconstituted board shall be made no later than June 30, 1995, for
6850 terms to begin July 1, 1995, as follows: One (1) member shall be
6851 appointed by the Governor for a term ending on June 30, 1996, one
6852 (1) member shall be appointed by the Lieutenant Governor for a
6853 term ending on June 30, 1997, one (1) member shall be appointed by
6854 the Attorney General for a term ending on June 30, 1998, one (1)
6855 member shall be appointed by the Chairman of the State Tax
6856 Commission for a term ending on June 30, 1999, and one (1) member
6857 shall be appointed by the Executive Director of the Mississippi
6858 Department of Transportation for a term ending on June 30, 2000.



6859 After the expiration of the initial terms of the members of the
6860 reconstituted board, all subsequent appointments shall be made for
6861 terms of four (4) years from the expiration date of the previous
6862 term. Any member serving on the appeals board before July 1,
6863 1995, may be reappointed to the reconstituted appeals board.
6864 Appointments to the board shall be with the advice and consent of
6865 the Senate; however, the advice and consent of the Senate shall
6866 not be required for the appointment of a person to the
6867 reconstituted appeals board for a term beginning on July 1, 1995,
6868 if such person was serving as a member of the appeals board on
6869 June 30, 1995, and such person received the advice and consent of
6870 the Senate for that appointment. The term of the member appointed
6871 by the Executive Director of the Mississippi Department of
6872 Transportation shall end on June 30, 2021, and the vacancy shall
6873 be filled by a member appointed by the Commissioner of Public
6874 Safety for a term ending on June 30, 2024, after which the
6875 position shall be for a four-year term.

6876 (3) There shall be a chairman and vice chairman of the board
6877 who shall be elected by and from the membership of the board. Any
6878 member who fails to attend three (3) consecutive regular meetings
6879 of the board shall be subject to removal by a majority vote of the
6880 board. A majority of the members of the board shall constitute a
6881 quorum. The chairman, or a majority of the members of the board,
6882 may call meetings as may be required for the proper discharge of
6883 the board's duties. Members of the board, except a member who is



6884 an officer or employee of the Mississippi Department of
6885 Transportation or, beginning July 1, 2021, is an officer or
6886 employee of the Department of Public Safety, shall receive per
6887 diem in the amount authorized by Section 25-3-69, for each day
6888 spent in the actual discharge of their duties and shall be
6889 reimbursed for mileage and actual expenses incurred in the
6890 performance of their duties in accordance with the provisions of
6891 Section 25-3-41.

6892 Application shall be made by petition in writing, within
6893 thirty (30) days after assessment of the penalty, for a hearing
6894 and a review of the amount of the assessment. At the hearing the
6895 appeals board shall try the issues presented according to the law
6896 and the facts and within guidelines set by the Transportation
6897 Commission or, beginning July 1, 2021, by the Department of Public
6898 Safety. Upon due consideration of all the facts relating to the
6899 assessment of the penalty, the appeals board, except as otherwise
6900 provided under this section or under Section 27-19-89, may require
6901 payment of the full amount of the assessment, may reduce the
6902 amount of the assessment or may dismiss imposition of the penalty
6903 entirely. The appeals board shall dismiss in its entirety the
6904 imposition of any penalty imposed against the holder of a harvest
6905 permit if the permittee proves to the appeals board, by clear and
6906 convincing evidence, that the average load transported by the
6907 permittee during the permittee's last five (5) haul days
6908 immediately preceding the day upon which the penalty appealed from



6909 was assessed did not exceed eighty thousand (80,000) pounds. The
6910 appeals board shall reduce the penalty assessed against the holder
6911 of a harvest permit to a maximum of Two Cents (2¢) per pound of
6912 overweight if the permittee proves to the appeals board, by clear
6913 and convincing evidence, that the average load transported by the
6914 permittee during the permittee's last five (5) haul days
6915 immediately preceding the day upon which the penalty appealed from
6916 was assessed exceeded seventy-nine thousand nine hundred
6917 ninety-nine (79,999) pounds but did not exceed a gross vehicle
6918 weight tolerance of ten percent (10%), not to exceed eighty-eight
6919 thousand (88,000) pounds. The board shall make such orders in the
6920 matter as appear to it just and lawful and shall furnish copies
6921 thereof to the petitioner. If the appeals board orders the
6922 payment of the penalty, the petitioner shall pay the penalty,
6923 damages and interest, if any, within ten (10) days after the order
6924 is issued unless there is an application for appeal from the
6925 decision of the board as provided in the succeeding paragraph.
6926 Interest shall accrue on the penalty at the rate of one percent
6927 (1%) per month, or part of a month, beginning immediately after
6928 the expiration of the ten-day period.

6929 If any person feels aggrieved by the decision of the appeals
6930 board, he may appeal the decision to the Chancery Court of the
6931 First Judicial District of Hinds County.

6932 **SECTION 171.** Section 73-4-19, Mississippi Code of 1972, is
6933 brought forward as follows:



6934 73-4-19. (1) The commission may, upon its own motion or
6935 upon the complaint in writing of any person, provided the
6936 complaint and any evidence presented with it establishes a prima
6937 facie case, hold a hearing and investigate the actions of any
6938 auctioneer or auction firm, or any person who holds himself out as
6939 an auctioneer or auction firm.

6940 (2) Any person desiring to make a complaint against a
6941 licensee shall submit a complaint to the commission in verified
6942 form as prescribed by the commission. Upon receipt of a properly
6943 verified complaint, the commission shall send a copy of the
6944 complaint to the affected licensee by certified mail, and the
6945 licensee shall make answer to the complaint in writing within
6946 twenty (20) days after receipt of the complaint. The licensee
6947 shall mail a copy of his response to the commission and the
6948 complainant. Upon receipt of the licensee's response or lapse of
6949 twenty (20) days, the commission shall make investigation of the
6950 underlying allegations of the complaint, and upon a finding of
6951 probable cause that a violation of this chapter has occurred, the
6952 commission shall order a hearing for the licensee to appear and
6953 show cause why he should not be disciplined for a violation of
6954 this chapter.

6955 (3) (a) All hearings held pursuant to this chapter shall be
6956 held at the offices of the commission. The commission, for good
6957 cause shown, may order that a hearing be held in another location
6958 convenient to all parties.



6959 (b) The commission shall give the complainant and the
6960 affected licensee twenty (20) days' notice of any hearing upon a
6961 complaint. Such notice shall be by United States certified mail.

6962 (c) Any party appearing before the commission may be
6963 accompanied by counsel.

6964 (d) The commission or its executive director shall have
6965 the right to subpoena witnesses and documents as they deem
6966 necessary for the proper conduct of the hearing. The commission
6967 shall not entertain a motion for a continuance for failure of a
6968 witness to appear unless such witness shall have been duly
6969 subpoenaed.

6970 (e) (i) Before commencing a hearing, the chairman of
6971 the commission shall determine if all parties are present and
6972 ready to proceed. If the complainant fails to attend a hearing
6973 without good cause shown, the complaint shall be dismissed
6974 summarily and all fees and expenses of convening the hearing shall
6975 be assessed to, and paid by, the complainant. If any affected
6976 licensee fails to appear for a hearing without good cause shown,
6977 such licensee shall be presumed to have waived his right to appear
6978 and be heard.

6979 (ii) Upon the chairman's determination that all
6980 parties are ready to proceed, the chairman shall call the hearing
6981 to order and the complainant and the licensee may give opening
6982 statements. At the request of any party, the chairman shall order
6983 the sequestration of nonparty witnesses. The complainant shall



6984 then present his complaint through sworn testimony and the
6985 production of physical evidence. The licensee, any counsel and
6986 any member of the commission may ask questions of witnesses.

6987 (iii) The licensee shall then present his case in
6988 rebuttal with equal right of cross-examination of the parties. At
6989 the completion of the evidence, all parties may give closing
6990 statements.

6991 (iv) At the conclusion of testimony and argument,
6992 the commission may go into closed session for deliberation.

6993 (v) At the conclusion of deliberations, the
6994 commission may announce the commission's decision in an open
6995 session, and shall notify the parties of its decision by mail
6996 within ten (10) days after the commission reaches its decision.

6997 (4) Service of notice to the party shall be considered to
6998 have been given if the notice was personally served on the
6999 licensee, applicant or complainant or if the notice was sent by
7000 certified United States mail to the licensee, applicant or
7001 complainant to that party's last known address of record with the
7002 board.

7003 (5) No person whose license has been revoked hereunder may
7004 apply for a new license for a period of at least five (5) years.
7005 A person whose license has been denied, suspended or revoked may
7006 not apply in that person's name or in any other manner within the
7007 period during which the order of denial, suspension or revocation
7008 is in effect, and no firm, partnership or corporation in which any



7009 person whose license has been denied, suspended or revoked has a
7010 substantial interest or exercises management responsibility or
7011 control may be licensed during the period. The procedure for the
7012 reissuance of a license that is for being out of compliance with
7013 an order for support, as defined in Section 93-11-153, shall be
7014 governed by Section 93-11-157 or 93-11-163, as the case may be.

7015 (6) Any civil or monetary penalty, fine or other costs
7016 imposed by the commission under this chapter shall become due and
7017 payable within the time allowed by the commission for payment
7018 thereof. Failure of the licensee or party to pay all penalties or
7019 fines so assessed as ordered by the commission shall, unless an
7020 appeal is taken and perfected within the time and in the manner
7021 provided in this chapter, result in an automatic revocation of
7022 such licensee's license. In addition, if any amounts assessed
7023 against a party by final order of the commission become otherwise
7024 uncollectible or payment is in default, and if all the right to
7025 appeal has passed, the order of the commission containing the
7026 amount of money assessed by the commission may be filed with the
7027 appropriate clerk of the court in the county in which the licensee
7028 or party is located. The order shall constitute a judgment and
7029 the filing of such final order shall have the full force and
7030 effect of a judgment duly docketed in the office of such clerk and
7031 may be enforced in the same manner and with the same effect as
7032 that provided by law in respect to executions issued against
7033 property upon judgments of a court of record.



7034 (7) The commission may also assess and levy upon any
7035 licensee or applicant for licensure the costs incurred or expended
7036 by the commission in the investigation and prosecution of any
7037 licensure or disciplinary action, including, but not limited to,
7038 the cost of process service, court reports, expert witness,
7039 investigators and attorney fees.

7040 (8) The commission may, upon its own motion, summarily
7041 suspend a license when the interest, health, safety or welfare of
7042 the public is at risk, such as in the event of a potential loss of
7043 consigned items or potential loss of funds. If the commission
7044 suspends summarily a license under the provisions of this
7045 subsection, a hearing must begin within twenty (20) days after
7046 such suspension begins, unless continued at the request of the
7047 licensee.

7048 (9) Any person aggrieved by an action of the commission may
7049 file an appeal of such action in the Circuit Court of Hinds
7050 County. Any appeal must be accompanied by an attested copy of the
7051 record of the hearing before the commission. An appeal must,
7052 however, be filed with the Chancery Court of the First Judicial
7053 District of Hinds County, Mississippi, within thirty (30) days
7054 immediately following the date of the commission's decision,
7055 unless the court, for good cause shown, extends the time. Appeals
7056 may be taken to the Mississippi Supreme Court as provided by law
7057 from any final judgment of the chancery court. If the board
7058 appeals from any judgment of the chancery court, no bond shall be



7059 required of it in order to perfect its appeal. Any actions taken
7060 by the commission in suspending a license when required by Section
7061 93-11-157 or 93-11-163 are not actions from which an appeal may be
7062 taken under this section. Any appeal of a license suspension that
7063 is required by Section 93-11-157 or 93-11-163 shall be taken in
7064 accordance with the appeal procedure specified in Section
7065 93-11-157 or 93-11-163, as the case may be, rather than the
7066 procedure specified in this section.

7067 (10) If any licensee is indicted in this or any other state
7068 for forgery, embezzlement, obtaining money under false pretenses,
7069 extortion, criminal conspiracy to defraud or other offense, and a
7070 certified copy of the indictment is filed with the commission or
7071 other proper evidence is given to it, the commission may, in its
7072 discretion, suspend the license issued to the licensee pending
7073 trial of the charges.

7074 (11) If the revocation or suspension of a license issued to
7075 any member of a partnership, or to any officer of an association,
7076 corporation or organization to whom an auction license has been
7077 issued, the license issued to the partnership, association,
7078 corporation or organization shall be revoked by the commission
7079 unless, within a time fixed by the commission, the connection of
7080 the member of the partnership is severed and his interest in the
7081 partnership and his share in its activities brought to an end, or
7082 the officer of the association, corporation or organization is
7083 discharged and has no further participation in its activities.



7084 (12) Nothing in this section shall be deemed as an exclusive
7085 remedy or prevent or proscribe any person's right to petition a
7086 court of law or equity for redress of a grievance against a
7087 licensee or any other entity.

7088 **SECTION 172.** Section 89-12-59, Mississippi Code of 1972, is
7089 brought forward as follows:

7090 89-12-59. (1) Notwithstanding the provisions of any other
7091 section of law, United States savings bonds which are unclaimed
7092 property and subject to the provisions of this chapter shall
7093 escheat to the State of Mississippi three (3) years after becoming
7094 unclaimed property by virtue of the provisions of this chapter,
7095 and all property rights and legal title to and ownership of such
7096 United States savings bonds or proceeds from such bonds, including
7097 all rights, powers and privileges of survivorship of any owner,
7098 co-owner or beneficiary, shall vest solely in the State of
7099 Mississippi according to the procedure set forth in subsections
7100 (2) through (5) of this section.

7101 (2) Within one hundred eighty (180) days after the three (3)
7102 years prescribed in subsection (1) of this section, if no claim
7103 has been filed in accordance with the provisions of this chapter
7104 for such United States savings bonds, the State Treasurer shall
7105 commence a civil action in the Circuit Court of the First Judicial
7106 District of Hinds County for a determination that such United
7107 States savings bonds shall escheat to the State of Mississippi.
7108 The State Treasurer may postpone the bringing of such action until



7109 sufficient United States savings bonds have accumulated in the
7110 State Treasurer custody to justify the expense of such
7111 proceedings.

7112 (3) If no person shall file a claim or appear at the hearing
7113 to substantiate a claim or where the court determines that a
7114 claimant is not entitled to the property claimed by such claimant,
7115 then the court, if satisfied by evidence that the State Treasurer
7116 has substantially complied with the laws of the State of
7117 Mississippi, shall enter a judgment that the subject United States
7118 savings bonds have escheated to the State of Mississippi, and all
7119 property rights and legal title to and ownership of such United
7120 States savings bonds or proceeds from such bonds, including all
7121 rights, powers and privileges of survivorship of any owner,
7122 co-owner or beneficiary, shall vest solely in the State of
7123 Mississippi.

7124 (4) The State Treasurer shall redeem such United States
7125 savings bonds escheated to the State of Mississippi and the
7126 proceeds from such redemption of United States savings bonds shall
7127 be deposited in the State General Fund. The State Treasurer shall
7128 not deposit the proceeds from the redemption of the United States
7129 savings bonds in the Abandoned Property Fund or the Abandoned
7130 Property Claims Payment Fund in accordance with the provisions of
7131 Section 89-12-37.

7132 (5) Any person making a claim for the United States savings
7133 bonds escheated to the State of Mississippi under this subsection,



7134 or for the proceeds from such bonds, may file a claim in
7135 accordance with the provisions of this chapter. Upon providing
7136 sufficient proof of the validity of such person's claim, the State
7137 Treasurer may pay such claim in accordance with the provisions of
7138 this chapter.

7139 **SECTION 173.** Section 75-27-113, Mississippi Code of 1972, is
7140 brought forward as follows:

7141 75-27-113. (1) Timber purchased by weight or measured
7142 volume shall be purchased by weight on the basis of tonnage or
7143 pounds with one (1) ton equaling two thousand (2,000) pounds
7144 avoirdupois weight, or by measured volume so long as the measured
7145 volume is not calculated by weight but is derived from any of the
7146 standards provided in subsection (2).

7147 (2) When timber is purchased by measured volume, the timber
7148 shall be measured by either cubic feet, Doyle Log Rule,
7149 International $\frac{1}{4}$ Inch Rule or Scribner Decimal C Rule.

7150 (3) No person, firm or corporation, shall use any scales or
7151 measuring device in the purchase of timber unless the same is true
7152 and accurate. All devices used for buying or selling timber shall
7153 comply with specifications and tolerances and other requirements
7154 of this chapter, and regulations adopted pursuant thereto.

7155 (4) Purchaser specifications shall be made available to the
7156 haulers and timber owners and shall be posted in a place easily
7157 accessible to the haulers or timber owners at the location where
7158 the timber is weighed or measured. Scale tickets shall be made



7159 available to the haulers and timber owners for each load before
7160 the close of the following business day and shall include the
7161 measured volume or weight, the standard of weight or measurement
7162 used, and the basis and amount of any deductions.

7163 (5) (a) The State Director of Weights and Measures, the
7164 Deputy Director of Weights and Measures and any state inspector of
7165 weights and measures are hereby vested with police powers, such as
7166 given to sheriff and constables, for the sole purpose of issuing
7167 citations, without warrant, to any person who the Director, Deputy
7168 Director or inspector has probable cause to believe is violating
7169 this section, or who shall impede, hinder or otherwise prevent or
7170 attempt to prevent the testing of scales or measuring devices or
7171 enforcement of this chapter. The citation shall be returnable to
7172 the Deputy Director of Weights and Measures. No citation for a
7173 violation of this section shall be issued after one (1) year from
7174 the date of the violation.

7175 (b) The Deputy Director of Weights and Measures, or his
7176 designee, shall within thirty (30) days of the issuance of the
7177 citation, dismiss the citation, issue a written warning or levy a
7178 fine of not more than Two Hundred Dollars (\$200.00) for the first
7179 offense; not more than Five Hundred Dollars (\$500.00) for the
7180 second offense if the second offense occurs within six (6) months
7181 of the first offense; or not more than Two Thousand Dollars
7182 (\$2,000.00) for the third and subsequent offenses, if the third or
7183 subsequent offenses occur within six (6) months of the first



7184 offense. If the Deputy Director of Weights and Measures, or his
7185 designee, determines the violation was unintentional and due to an
7186 act of God or was beyond the reasonable control of the person,
7187 firm or corporation committing the violation, no fine shall be
7188 levied. A person, firm or corporation operating any scales or
7189 measuring devices in the purchase of timber at more than one (1)
7190 location in the state shall not be subject to fines for second or
7191 subsequent offenses unless the offenses occur at the same location
7192 on separate days. A citation shall record each and every
7193 violation of this section but for the purposes of determining
7194 second and subsequent offenses under this section, all violations
7195 of this section committed by one (1) person, firm or corporation
7196 at one (1) location during one (1) day shall constitute one (1)
7197 offense.

7198 (c) Any person, firm or corporation may appeal a fine
7199 to the State Director of Weights and Measures or his designee.
7200 The appeal must be filed within thirty (30) days after the levy of
7201 the fine. Any party aggrieved by the final order of the State
7202 Director of Weights and Measures, or his designee, may appeal to
7203 the Chancery Court of the First Judicial District of Hinds County,
7204 Mississippi, by filing an appeal within thirty (30) days of a
7205 final order of the Director of Weights and Measures. If no appeal
7206 is taken and the fine is not paid within sixty (60) days of the
7207 order or if the fine is upheld on appeal and no further appeal is
7208 taken and the fine is not paid within sixty (60) days of the



7209 ruling on the appeal, the Director of Weights and Measures may
7210 forward an abstract of the order or judgment to the circuit clerk
7211 of any county in the State of Mississippi for enrolling as any
7212 other judgment. After enrolling the judgment, the Director of
7213 Weights and Measures may institute an action to recover the fines
7214 assessed under this section in the name of the State of
7215 Mississippi in any court of competent jurisdiction or otherwise
7216 proceed as a judgment creditor pursuant to the laws of the State
7217 of Mississippi.

7218 (6) This section does not apply to pulpwood as defined in
7219 Section 75-79-5 of the Mississippi Uniform Pulpwood Scaling and
7220 Practices Act.

7221 **SECTION 174.** Section 79-11-213, Mississippi Code of 1972, is
7222 brought forward as follows:

7223 79-11-213. (1) After fixing a record date for a notice of a
7224 meeting, a corporation shall prepare an alphabetical list of the
7225 names of all its members who are entitled to notice of the
7226 meeting. The list must show the address and number of votes each
7227 member is entitled to vote at the meeting. The corporation shall
7228 prepare on a current basis through the time of the membership
7229 meeting a list of members, if any, who are entitled to vote at the
7230 meeting, but not entitled to notice of the meeting. This list
7231 shall be prepared on the same basis and be part of the list of
7232 members.



7233 (2) The list of members must be available for inspection by
7234 any member for the purpose of communication with other members
7235 concerning the meeting, beginning two (2) business days after
7236 notice is given of the meeting for which the list was prepared and
7237 continuing through the meeting, at the corporation's principal
7238 office or at a reasonable place identified in the meeting notice
7239 in the city where the meeting will be held. A member, a member's
7240 agent, or attorney is entitled on written demand to inspect and,
7241 subject to the limitations of Sections 79-11-285(c) and 79-11-291,
7242 to copy the list, at a reasonable time and at the member's
7243 expense, during the period it is available for inspection.

7244 (3) The corporation shall make the list of members available
7245 at the meeting, and any member, a member's agent, or attorney is
7246 entitled to inspect the list at any time during the meeting or any
7247 adjournment.

7248 (4) If the corporation refuses to allow a member, a member's
7249 agent, or attorney to inspect the list of members before or at the
7250 meeting (or copy the list as permitted by subsection (2) of this
7251 section); the chancery court of the county where a corporation's
7252 principal office is located, or the Chancery Court of the First
7253 Judicial District of Hinds County, Mississippi, if the corporation
7254 does not have a principal office in this state, on application of
7255 the member, may summarily order the inspection or copying at the
7256 corporation's expense and may postpone the meeting for which the
7257 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 brought forward 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



7283 company's principal office is located, or the Chancery Court of
7284 the First Judicial District of Hinds County, Mississippi, if the
7285 professional limited liability company does not have a principal
7286 office in this state. The professional limited liability company
7287 shall make the disqualified person a party to the proceeding as in
7288 an action against the disqualified person's membership interest.
7289 The jurisdiction of the court in which the proceeding is commenced
7290 is plenary and exclusive.

7291 (3) The court may appoint one or more persons as appraisers
7292 to receive evidence and recommend decision on the question of fair
7293 value. The appraisers have the power described in the order
7294 appointing them, or in any amendment to it.

7295 (4) The disqualified member is entitled to judgment for the
7296 fair value of the disqualified person's membership interest
7297 determined by the court as of the date of death, disqualification
7298 or transfer, together with interest from that date at a rate found
7299 by the court to be fair and equitable.

7300 (5) The court may order the judgment paid in installments
7301 determined by the court.

7302 (6) "Fair value" means the value of the membership interest
7303 of the professional limited liability company determined:

7304 (a) Using customary and current valuation concepts and
7305 techniques generally employed for similar businesses in the
7306 context of the transaction requiring appraisal; and



7307 (b) Without discounting for lack of marketability or
7308 minority status.

7309 **SECTION 176.** Section 73-21-191, Mississippi Code of 1972, is
7310 brought forward as follows:

7311 73-21-191. (1) The State Board of Pharmacy may impose a
7312 monetary penalty on pharmacy benefit managers for noncompliance
7313 with the provisions of the Pharmacy Audit Integrity Act, Sections
7314 73-21-175 through 73-21-189, in amounts of not less than One
7315 Thousand Dollars (\$1,000.00) per violation and not more than
7316 Twenty-five Thousand Dollars (\$25,000.00) per violation. The
7317 board shall prepare a record entered upon its minutes which states
7318 the basic facts upon which the monetary penalty was imposed. Any
7319 penalty collected under this subsection (1) shall be deposited
7320 into the special fund of the board.

7321 (2) The board may assess a monetary penalty for those
7322 reasonable costs that are expended by the board in the
7323 investigation and conduct of a proceeding if the board imposes a
7324 monetary penalty under subsection (1) of this section. A monetary
7325 penalty assessed and levied under this section shall be paid to
7326 the board by the licensee, registrant or permit holder upon the
7327 expiration of the period allowed for appeal of those penalties
7328 under Section 73-21-101, or may be paid sooner if the licensee,
7329 registrant or permit holder elects. Money collected by the board
7330 under this subsection (2) shall be deposited to the credit of the
7331 special fund of the board.



7332 (3) When payment of a monetary penalty assessed and levied
7333 by the board against a licensee, registrant or permit holder in
7334 accordance with this section is not paid by the licensee,
7335 registrant or permit holder when due under this section, the board
7336 shall have the power to institute and maintain proceedings in its
7337 name for enforcement of payment in the chancery court of the
7338 county and judicial district of residence of the licensee,
7339 registrant or permit holder, or if the licensee, registrant or
7340 permit holder is a nonresident of the State of Mississippi, in the
7341 Chancery Court of the First Judicial District of Hinds County,
7342 Mississippi. When those proceedings are instituted, the board
7343 shall certify the record of its proceedings, together with all
7344 documents and evidence, to the chancery court and the matter shall
7345 be heard in due course by the court, which shall review the record
7346 and make its determination thereon in accordance with the
7347 provisions of Section 73-21-101. The hearing on the matter may,
7348 in the discretion of the chancellor, be tried in vacation.

7349 (4) The board shall develop and implement a uniform penalty
7350 policy that sets the minimum and maximum penalty for any given
7351 violation of board regulations and laws governing the practice of
7352 pharmacy. The board shall adhere to its uniform penalty policy
7353 except in those cases where the board specifically finds, by
7354 majority vote, that a penalty in excess of, or less than, the
7355 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 brought forward 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 Circuit Court of the First Judicial District of Hinds County, Mississippi.

SECTION 178. Section 27-3-33, Mississippi Code of 1972, is brought forward 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.



7405 (2) The Commissioner of Revenue shall have the power,
7406 authority and duty to proceed by suit in the chancery court of the
7407 residence of the taxpayer or, in the case of a nonresident, in the
7408 Chancery Court of the First Judicial District of Hinds County,
7409 against all persons, corporations, companies and associations of
7410 persons for all past-due and unpaid taxes, together with any
7411 penalties, damages and interest due thereon, of any kind whatever,
7412 either of the state or any county, municipality, drainage, levee,
7413 or other taxing district, or any subdivision thereof, and for all
7414 past-due obligations and indebtedness of any character due and
7415 owing to them or any of them; but not, however, including
7416 penalties for the violation of the antitrust laws; and, provided
7417 that the duty and obligation of the Commissioner of Revenue
7418 hereunder accrues only at such time as the tax collector of the
7419 county, municipality, drainage, levee, or other taxing district,
7420 or any subdivision thereof, primarily responsible for the
7421 collection of taxes for the district has exhausted all legal
7422 remedies provided by the laws of this state.

7423 (3) All suits by the Commissioner of Revenue under the
7424 provisions of this section, or under the provisions of Section
7425 27-3-37 or Section 27-3-39, shall be in his official capacity for
7426 the use of the state, county, municipality, levee board or other
7427 taxing district interested; and he shall not be liable for costs,
7428 and may appeal without bond. Such suits may be tried at the
7429 return term and shall take precedence over other suits.



7430 (4) All warrants issued by the Commissioner of Revenue for
7431 the collection of any taxes imposed by statute and collected by
7432 the Department of Revenue shall be used to levy on salaries,
7433 compensation or other monies due the delinquent taxpayer. The
7434 warrants shall be served by mail or by delivery by an agent of the
7435 Department of Revenue on the person or entity responsible or
7436 liable for the payment of the monies to the delinquent taxpayer.
7437 Once served, the employer or other person owing compensation due
7438 the delinquent taxpayer shall pay the monies over to the
7439 Department of Revenue in complete or partial satisfaction of the
7440 tax liability. Except as otherwise provided in Section 85-13-3,
7441 an answer shall be made within thirty (30) days after service of
7442 the warrant in the form and manner determined satisfactory by the
7443 commissioner. Failure to pay the money over to the Department of
7444 Revenue as required by this section shall result in the served
7445 party being personally liable for the full amount of the monies
7446 owed and the levy and collection process may be issued against the
7447 party in the same manner as other taxes. Except as otherwise
7448 provided by this section, the answer, the amount payable under the
7449 warrant and the obligation of the payor to continue payment shall
7450 be governed by the garnishment laws of this state but shall be
7451 payable to the Department of Revenue.

7452 **SECTION 179.** Section 97-33-315, Mississippi Code of 1972, is
7453 brought forward as follows:



7454 97-33-315. (1) The executive director shall make
7455 appropriate investigations:

7456 (a) To determine whether there has been any violation
7457 of Sections 97-33-301 through 97-33-317 or of any regulations
7458 adopted thereunder.

7459 (b) To determine any facts, conditions, practices or
7460 matters which it may deem necessary or proper to aid in the
7461 enforcement of any such law or regulation.

7462 (c) To aid in adopting regulations.

7463 (d) To secure information as a basis for recommending
7464 legislation relating to Sections 97-33-301 through 97-33-317.

7465 (e) To determine annual compliance with Sections
7466 97-33-301 through 97-33-317.

7467 (2) If after any investigation the executive director is
7468 satisfied that a license should be limited, conditioned, suspended
7469 or revoked, he shall initiate a hearing by filing a complaint with
7470 the commission and transmit therewith a summary of evidence in his
7471 possession bearing on the matter and the transcript of testimony
7472 at any investigative hearing conducted by or on behalf of the
7473 executive director to the licensee.

7474 (3) Upon receipt of the complaint of the executive director,
7475 the commission shall review all matter presented in support
7476 thereof and shall appoint a hearing examiner to conduct further
7477 proceedings.



7478 (4) After proceedings required by Sections 97-33-301 through
7479 97-33-317, the hearing examiner may recommend that the commission
7480 take any or all of the following actions:

7481 (a) As to operations at a licensed gaming establishment
7482 under Section 97-33-307(5):

7483 (i) Limit, condition, suspend or revoke the
7484 license of any licensed gaming establishment or the individual
7485 license of any licensee without affecting the license of the
7486 establishment; and

7487 (ii) Order an operator to exclude an individual
7488 licensee from the operation of the registered business or not to
7489 pay the licensee any remuneration for services or any profits,
7490 income or accruals on his investment in the licensed gaming
7491 establishment;

7492 (b) Limit, condition, suspend or revoke any license
7493 granted to any applicant by the commission;

7494 (c) Fine each licensee for any act or transaction for
7495 which commission approval was required or permitted, as provided
7496 in Section 97-33-309.

7497 (5) The hearing examiner shall prepare a written decision
7498 containing his recommendation to the commission and shall serve it
7499 on all parties. Any party disagreeing with the hearing examiner's
7500 recommendation may ask the commission to review the recommendation
7501 within ten (10) days of service of the recommendation. The
7502 commission may hold a hearing to consider the recommendation



7503 whether there has been a request to review the recommendation or
7504 not.

7505 (6) If the commission decides to review the recommendation,
7506 it shall give notice of that fact to all parties within thirty
7507 (30) days of the recommendation and shall schedule a hearing to
7508 review the recommendation. The commission's review shall be de
7509 novo but shall be based upon the evidence presented before the
7510 hearing examiner. The commission may remand the case to the
7511 hearing examiner for the presentation of additional evidence upon
7512 a showing of good cause why the evidence could not have been
7513 presented at the previous hearing.

7514 (7) If the commission does not decide to review the
7515 recommendation within thirty (30) days, the recommendation becomes
7516 the final order of the commission.

7517 (8) If the commission limits, conditions, suspends or
7518 revokes any license, or imposes a fine, it shall issue its written
7519 order therefor after causing to be prepared and filed the hearing
7520 examiner's written decision upon which the order is based.

7521 (9) Any limitation, condition, revocation, suspension or
7522 fine is effective until reversed upon judicial review, except that
7523 the commission may stay its order pending a rehearing or judicial
7524 review upon such terms and conditions as it deems proper.

7525 (10) Judicial review of an order or decision of the
7526 commission may be had to the Chancery Court of the First Judicial
7527 District of Hinds County, Mississippi, as a case in equity.



7528 (11) A license is automatically revoked if the individual is
7529 convicted of a felony in any court of this state, another state,
7530 or the United States or if the individual is convicted of a crime
7531 in any court of another state or the United States which, if
7532 committed in this state, would be a felony. An appeal from the
7533 conviction shall not act as a supersedeas to the revocation
7534 required by this subsection.

7535 **SECTION 180.** Section 67-1-39, Mississippi Code of 1972, is
7536 brought forward as follows:

7537 67-1-39. Any appeal from an order of the Board of Tax
7538 Appeals regarding an action taken under this article shall be
7539 filed without supersedeas to the Chancery Court of the First
7540 Judicial District of Hinds County, Mississippi, if the appellant
7541 is the department, or to the county of the domicile of any other
7542 appellant. Any such appeal shall be based on the record made
7543 before the Board of Tax Appeals and shall be filed within thirty
7544 (30) days from the date of the order being appealed. There may be
7545 an appeal therefrom to the Supreme Court as in other cases
7546 provided, but it shall be without supersedeas on the order of the
7547 Board of Tax Appeals to them made and finally determined either by
7548 the chancery court or the Supreme Court. Actions taken by the
7549 department in suspending a permit when required by Section
7550 93-11-157 or 93-11-163 are not actions resulting in an order from
7551 which an appeal may be taken under this section. Any appeal of a
7552 permit suspension that is required by Section 93-11-157 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 181. Section 41-21-103, Mississippi Code of 1972, is brought forward as follows:

41-21-103. (1) Unless he or she has a legal guardian or conservator, a married person or a person eighteen (18) years of age or older may be admitted to a treatment facility as a voluntary admittee for treatment, provided that the director deems the person suitable for admission, upon the filing of an application with the director, accompanied by certificates of two (2) physicians or by one (1) physician and one (1) psychologist, one (1) nurse practitioner or one (1) physician assistant who certify that they examined the person within the last five (5) days and that the person is in need of observation, diagnosis and treatment. The director may accept applications from the person seeking admission or any interested person with the applicant's written consent.

(2) A person with an intellectual disability who is under the age of eighteen (18) years and who is not married may be admitted to a treatment facility upon application of his or her parent or legal guardian if the following has occurred:

(a) An investigation by the director that carefully probes the person's social, psychological and developmental background; and



7578 (b) A determination by the director that the person
7579 will benefit from care and treatment of his or her disorder at the
7580 facility and that services and facilities are available. The
7581 reasons for the determination shall be recorded in writing.

7582 (3) A person with an intellectual disability or with mental
7583 illness who is married or eighteen (18) years of age or older and
7584 who has a legal guardian or conservator may be admitted to a
7585 treatment facility upon application of his or her legal guardian
7586 or conservator if authorization to make the application has been
7587 received from the court having jurisdiction of the guardianship or
7588 conservatorship and the following has occurred:

7589 (a) An investigation by the director that carefully
7590 probes the person's social, psychological and developmental
7591 background; and

7592 (b) A determination by the director that the person
7593 will benefit from care and treatment of his or her disorder at the
7594 facility and that services and facilities are available. The
7595 reasons for the determination shall be recorded in writing.

7596 (4) A person with mental illness who is under the age of
7597 fourteen (14) years may be admitted to a treatment facility upon
7598 the application of his or her parent or legal guardian if the
7599 following has occurred:

7600 (a) An investigation by the director that carefully
7601 probes the person's social, psychological and developmental
7602 background; and



7603 (b) A determination by the director that the person
7604 will benefit from care and treatment of his or her disorder at the
7605 facility and that services and facilities are available. The
7606 reasons for the determination shall be recorded in writing.

7607 (5) A person with mental illness who is fourteen (14) years
7608 of age or older but less than eighteen (18) years of age may be
7609 admitted to a treatment facility in the same manner as an adult
7610 may be involuntarily committed.

7611 (6) Any voluntary admittee may leave a treatment facility
7612 after five (5) days, excluding Saturdays, Sundays and holidays,
7613 after he or she gives any member of the treatment facility staff
7614 written notice of his or her desire to leave, unless before
7615 leaving, the patient withdraws the notice by written withdrawal or
7616 unless within those five (5) days a petition and the certificates
7617 of two (2) examining physicians, or one (1) examining physician
7618 and one (1) psychologist, nurse practitioner or physician
7619 assistant, stating that the patient is in need of treatment, are
7620 filed with the chancery clerk in the county of the patient's
7621 residence or the county in which the treatment facility is
7622 located; however, if the admittee is at Mississippi State Hospital
7623 at Whitfield, the petition and certificate shall be filed with the
7624 chancery clerk in the county of patient's residence or with the
7625 Chancery Clerk for the First Judicial District of Hinds County,
7626 and the chancellor or clerk shall order a hearing under Sections
7627 41-21-61 through 41-21-107. The patient may continue to be



7628 hospitalized pending a final order of the court in the court
7629 proceedings.

7630 (7) The written application form for voluntary admission
7631 shall contain in large, bold-face type a statement in simple,
7632 nontechnical terms that the admittee may not leave for five (5)
7633 days, excluding Saturdays, Sundays and holidays, after giving
7634 written notice of his or her desire to leave. This right to leave
7635 must also be communicated orally to the admittee at the time of
7636 his or her admission, and a copy of the application form given to
7637 the admittee and to any parent, guardian, relative, attorney or
7638 friend who accompanied the patient to the treatment facility.

7639 **SECTION 182.** Section 83-24-35, Mississippi Code of 1972, is
7640 brought forward as follows:

7641 83-24-35. (1) An order to liquidate the business of a
7642 domestic insurer shall appoint the commissioner and his successors
7643 in office as liquidator, and shall direct the liquidator forthwith
7644 to take possession of the assets of the insurer and to administer
7645 them under the general supervision of the court. The liquidator
7646 shall be vested by operation of law with the title to all of the
7647 property, contracts and rights of action, and all of the books and
7648 records of the insurer ordered liquidated, wherever located, as of
7649 the entry of the final order of liquidation. The filing or
7650 recording of the order with the Clerk of the Chancery Court of the
7651 First Judicial District of Hinds County and of the county in which
7652 its principal office or place of business is located, or, in the



7653 case of real estate, of the county where the property is located,
7654 shall impart the same notice as a deed, bill of sale or other
7655 evidence of title duly filed or recorded with that chancery court
7656 would have imparted.

7657 (2) Upon issuance of the order, the rights and liabilities
7658 of any such insurer and of its creditors, policyholders,
7659 shareholders, members and all other persons interested in its
7660 estate shall become fixed as of the date of entry of the order of
7661 liquidation, except as provided in Sections 83-24-37 and 83-24-73.

7662 (3) An order to liquidate the business of an alien insurer
7663 domiciled in this state shall be in the same terms and have the
7664 same legal effect as an order to liquidate a domestic insurer,
7665 except that the assets and the business in the United States shall
7666 be the only assets and business included therein.

7667 (4) At the time of petitioning for an order of liquidation,
7668 or at any time thereafter, the commissioner, after making
7669 appropriate findings of an insurer's insolvency, may petition the
7670 court for a judicial declaration of such insolvency. After
7671 providing such notice and hearing as it deems proper, the court
7672 may make the declaration.

7673 (5) Any order issued under this section shall require the
7674 liquidator to submit financial reports to the court. Financial
7675 reports shall include (at a minimum) the assets and liabilities of
7676 the insurer and all funds received or disbursed by the liquidator
7677 during the current period. Financial reports shall be filed



7678 within one (1) year of the liquidation order and at least annually
7679 thereafter.

7680 (6) (a) Within five (5) days of March 20, 1991, or, if
7681 later, within five (5) days after the initiation of an appeal of
7682 an order of liquidation, which order has not been stayed, the
7683 commissioner shall present for the court's approval a plan for the
7684 continued performance of the defendant company's policy claims
7685 obligations, including the duty to defend insureds under liability
7686 insurance policies, during the pendency of an appeal. Such plan
7687 shall provide for the continued performance and payment of policy
7688 claims obligations in the normal course of events, notwithstanding
7689 the grounds alleged in support of the order of liquidation
7690 including the ground of insolvency. If the defendant company's
7691 financial condition will not, in the judgment of the commissioner,
7692 support the full performance of all policy claims obligations
7693 during the appeal pendency period, the plan may prefer the claims
7694 of certain policyholders and claimants over creditors and
7695 interested parties as well as other policyholders and claimants,
7696 as the commissioner finds to be fair and equitable considering the
7697 relative circumstances of such policyholders and claimants. The
7698 court shall examine the plan submitted by the commissioner and if
7699 it finds the plan to be in the best interests of the parties, the
7700 court shall approve the plan. No action shall lie against the
7701 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 brought forward 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



7727 person, by counsel, or both. The board may, for good cause shown,
7728 reinstate any license revoked or suspended. The procedure for the
7729 reinstatement of a license that is suspended for being out of
7730 compliance with an order for support, as defined in Section
7731 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
7732 the case may be. The right to appeal any disciplinary actions of
7733 the board regarding the license of any dentist or dental hygienist
7734 is granted. The appeal shall be to the chancery court of the
7735 county in which the dentist or dental hygienist resides, except
7736 where the dentist or dental hygienist does not reside in the State
7737 of Mississippi, in which case the appeal shall be to the Chancery
7738 Court of the First Judicial District of Hinds County, Mississippi.
7739 The appeal must be taken within thirty (30) days after notice of
7740 the action of the board. The appeal is perfected upon filing a
7741 notice of appeal, together with a bond in the sum of One Hundred
7742 Dollars (\$100.00), with two (2) sureties, conditioned that if the
7743 action of the board regarding the license is affirmed by the
7744 chancery court the dentist or dental hygienist will pay the costs
7745 of the appeal and the action in the chancery court. Those bonds
7746 shall be approved by the president of the board. In lieu of the
7747 bond, the dentist or dental hygienist may deposit One Hundred
7748 Dollars (\$100.00) with the clerk of the chancery court. If there
7749 is an appeal, the appeal may, in the discretion of and on motion
7750 to the chancery court, act as a supersedeas. The chancery court
7751 shall dispose of the appeal and enter its decision promptly. The



7752 hearing on the appeal may, in the discretion of the chancellor, be
7753 tried in vacation. Appeals may be had to the Supreme Court of the
7754 State of Mississippi as provided by law from any final action of
7755 the chancery court. No such person shall be allowed to practice
7756 dentistry or dental hygiene or deliver health care services in
7757 violation of any action of the chancery court while any such
7758 appeal to the Supreme Court is pending. All procedural appeal
7759 requirements as enumerated above also shall apply to any other
7760 license or permit issued by the board under this chapter or
7761 regulations duly adopted by the board.

7762 Actions taken by the board in suspending a license when
7763 required by Section 93-11-157 or 93-11-163 are not actions from
7764 which an appeal may be taken under this section. Any appeal of a
7765 license suspension that is required by Section 93-11-157 or
7766 93-11-163 shall be taken in accordance with the appeal procedure
7767 specified in Section 93-11-157 or 93-11-163, as the case may be,
7768 rather than the procedure specified in this section.

7769 **SECTION 184.** Section 23-17-13, Mississippi Code of 1972, is
7770 brought forward as follows:

7771 23-17-13. If any person is dissatisfied with the ballot
7772 title or summary formulated by the Attorney General, he or she
7773 may, within five (5) days from the publications of the ballot
7774 title and summary by the office of the Secretary of State, appeal
7775 to the circuit court of the First Judicial District of Hinds
7776 County by petition setting forth the measure, the title or summary



7777 formulated by the Attorney General, and his or her objections to
7778 the ballot title or summary and requesting amendment of the title
7779 or summary by the court.

7780 A copy of the petition on appeal together with a notice that
7781 an appeal has been taken shall be served upon the Secretary of
7782 State, upon the Attorney General and upon the person proposing the
7783 measure if the appeal is initiated by someone other than that
7784 person. Upon the filing of the petition on appeal or at the time
7785 to which the hearing may be adjourned by consent of the appellant,
7786 the court shall accord first priority to examining the proposed
7787 measure, the title or summary prepared by the Attorney General and
7788 the objections to that title or summary. The court may hear
7789 arguments, and, within ten (10) days, shall render its decision
7790 and file with the Secretary of State a certified copy of such
7791 ballot title or summary as it determines will meet the
7792 requirements of Section 23-17-9. The decision of the court shall
7793 be final.

7794 **SECTION 185.** Section 81-18-43, Mississippi Code of 1972, is
7795 brought forward as follows:

7796 81-18-43. (1) In order to ensure the effective supervision
7797 and enforcement of this chapter, the commissioner may:

7798 (a) Deny, suspend, revoke, condition or decline to
7799 renew a license for a violation of this chapter, rules or
7800 regulations issued under this chapter or order or directive
7801 entered under this chapter.



7802 (b) Deny, suspend, revoke, condition or decline to
7803 renew a license if an applicant or licensee fails at any time to
7804 meet the requirements of Section 81-18-9(4) or 81-18-15(2), or
7805 withholds information or makes a material misstatement in an
7806 application for a license or renewal of a license.

7807 (c) Order restitution against persons subject to this
7808 chapter for violations of this chapter.

7809 (d) Impose civil penalties on persons subject to this
7810 chapter under subsections (2) and (3) of this section.

7811 (e) Issue orders or directives under this chapter as
7812 follows:

7813 (i) Order or direct persons subject to this
7814 chapter to cease and desist from conducting business, including
7815 immediate temporary orders to cease and desist.

7816 (ii) Order or direct persons subject to this
7817 chapter to cease any harmful activities or violations of this
7818 chapter, including immediate temporary orders to cease and desist.

7819 (iii) Enter immediate temporary orders to cease
7820 business under a license issued under the authority granted under
7821 Section 81-18-7(6) if the commissioner determines that the license
7822 was erroneously granted or the licensee is currently in violation
7823 of this chapter.

7824 (iv) Order or direct such other affirmative action
7825 as the commissioner deems necessary.



7826 (2) The commissioner may impose a civil penalty on a
7827 mortgage loan originator or person subject to this chapter, if the
7828 commissioner finds, on the record after notice and opportunity for
7829 hearing, that the mortgage loan originator or person subject to
7830 this chapter has violated or failed to comply with any requirement
7831 of this chapter or any regulation prescribed by the commissioner
7832 under this chapter or order issued under authority of this
7833 chapter. The maximum amount of penalty for each act or omission
7834 described in this subsection shall be Twenty-five Thousand Dollars
7835 (\$25,000.00).

7836 (3) Each violation or failure to comply with any directive
7837 or order of the commissioner is a separate and distinct violation
7838 or failure.

7839 (4) For a first offense, the licensee, person required to be
7840 licensed, or employee may be found guilty of a misdemeanor and,
7841 upon conviction thereof, shall be punishable by imprisonment in
7842 the county jail for not more than one (1) year.

7843 (5) For a second or subsequent offense, the licensee, person
7844 required to be licensed, or employee shall be guilty of a felony
7845 and, upon conviction thereof, may be punished by imprisonment in
7846 the custody of the State Department of Corrections for a term not
7847 less than one (1) year nor more than five (5) years.

7848 (6) Compliance with the criminal provisions of this section
7849 shall be enforced by the appropriate law enforcement agency, which



7850 may exercise for that purpose any authority conferred upon the
7851 agency by law.

7852 (7) The commissioner shall report regularly violations of
7853 this chapter, as well as enforcement actions and other relevant
7854 information, to the Nationwide Mortgage Licensing System and
7855 Registry subject to the provisions contained in Section 81-18-63.

7856 (8) The state may enforce its rights under the surety bond
7857 as required in Section 81-18-11 as an available remedy for the
7858 collection of any civil penalties, criminal fines or costs of
7859 investigation and/or prosecution incurred.

7860 (9) Any person assessed a penalty as provided in this
7861 section shall have the right to request a hearing on the amount of
7862 the penalty within ten (10) days after receiving notification of
7863 the assessment. If no hearing is requested within ten (10) days
7864 of the receipt of the notice, the penalty shall be final except as
7865 to judicial review in the Chancery Court of the First Judicial
7866 District of Hinds County. Upon the filing of a petition for
7867 judicial review, the court shall issue an order to the licensee
7868 requiring the licensee to show cause why it should not be entered.
7869 If the court determines, after a hearing upon the merits or after
7870 failure of the person to appear when so ordered, that the order of
7871 the department was properly issued, it shall grant the penalty
7872 sought by the department.

7873 **SECTION 186.** Section 97-45-25, Mississippi Code of 1972, is
7874 brought forward as follows:



7875 97-45-25. (1) In a proceeding for violations under Title
7876 97, Chapter 45, Section 97-5-33 or Section 97-19-85, the court, in
7877 addition to the criminal penalties imposed under this chapter,
7878 shall assess against the defendant convicted of such violation
7879 double those reasonable costs that are expended by the Office of
7880 Attorney General, the district attorney's office, the sheriff's
7881 office or police department involved in the investigation of such
7882 case, including, but not limited to, the cost of investigators,
7883 software and equipment utilized in the investigation, together
7884 with costs associated with process service, court reporters and
7885 expert witnesses. The Attorney General or district attorney may
7886 institute and maintain proceedings in his name for enforcement of
7887 payment in the circuit court of the county of residence of the
7888 defendant and, if the defendant is a nonresident, such proceedings
7889 shall be in the Circuit Court of the First Judicial District of
7890 Hinds County, Mississippi. The Attorney General or district
7891 attorney shall distribute the property or interest assessed under
7892 this section as follows:

7893 (a) Fifty percent (50%) shall be distributed to the
7894 unit of state or local government whose officers or employees
7895 conducted the investigation into computer fraud, identity theft or
7896 child exploitation which resulted in the arrest or arrests and
7897 prosecution. Amounts distributed to units of local government
7898 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



7924 this section shall be deposited into the State General Fund as
7925 authorized by law and as determined by the State Fiscal Officer.

7926 (3) From and after July 1, 2016, no state agency shall
7927 charge another state agency a fee, assessment, rent or other
7928 charge for services or resources received by authority of this
7929 section.

7930 **SECTION 187.** Section 73-35-25, Mississippi Code of 1972, is
7931 brought forward as follows:

7932 73-35-25. (1) Any applicant or licensee or person aggrieved
7933 shall have the right of appeal from any adverse ruling or order or
7934 decision of the commission or administrative hearing officer to
7935 the circuit court of the county of residence of the applicant,
7936 licensee or person, or of the First Judicial District of Hinds
7937 County, within thirty (30) days from the service of notice of the
7938 action of the commission upon the parties in interest.

7939 (2) Notice of appeals shall be filed in the office of the
7940 clerk of the court who shall issue a writ of certiorari directed
7941 to the commission commanding it, within thirty (30) days after
7942 service thereof, to certify to such court its entire record in the
7943 matter in which the appeal has been taken. The appeal shall
7944 thereupon be heard in due course by said court, without a jury,
7945 which shall review the record and make its determination of the
7946 cause between the parties.

7947 (3) Any order, rule or decision of the commission or
7948 administrative hearing officer shall not take effect until after



7949 the time for appeal to the court has expired. If an appeal is
7950 taken by a defendant, such appeal shall act as an automatic
7951 supersedeas and the court shall dispose of the appeal and enter
7952 its decision promptly. However, the commission may file a motion
7953 within ten (10) days of the date of filing the notice of appeal
7954 and request the court to lift the supersedeas upon the
7955 commission's showing, by clear and convincing evidence, that
7956 immediate and irreparable harm will or may occur if the licensee
7957 or person aggrieved were to continue operating as a licensee.

7958 (4) Any person taking an appeal shall post a satisfactory
7959 bond in the amount of Five Hundred Dollars (\$500.00) for the
7960 payment of any costs which may be adjudged against him.

7961 (5) Actions taken by the commission in suspending a license
7962 when required by Section 93-11-157 or 93-11-163 are not actions
7963 from which an appeal may be taken under this section. Any appeal
7964 of a license suspension that is required by Section 93-11-157 or
7965 93-11-163 shall be taken in accordance with the appeal procedure
7966 specified in Section 93-11-157 or 93-11-163, as the case may be,
7967 rather than the procedure specified in this section.

7968 **SECTION 188.** Section 83-41-363, Mississippi Code of 1972, is
7969 brought forward as follows:

7970 83-41-363. (1) When a health maintenance organization in
7971 this state is declared insolvent by a court of competent
7972 jurisdiction, the commissioner may levy an assessment on health
7973 maintenance organizations doing business in this state to pay



7974 claims for uncovered expenditures for enrollees who are residents
7975 of this state and to provide continuation of coverage for
7976 subscribers or enrollees not covered under Section 83-41-329. The
7977 commissioner may not assess in any one (1) calendar year more than
7978 two percent (2%) of the aggregate premium written by each health
7979 maintenance organization in this state the prior calendar year.

7980 (2) (a) The commissioner may use funds obtained under
7981 subsection (1) to pay claims for uncovered expenditures for
7982 subscribers or enrollees of an insolvent health maintenance
7983 organization who are residents of this state, provide for
7984 continuation of coverage for subscribers or enrollees who are
7985 residents of this state and are not covered under Section
7986 83-41-329, and administrative costs. The commissioner may by
7987 regulation prescribe the time, manner and form for filing claims
7988 under this section or may require claims to be allowed by an
7989 ancillary receiver or the domestic liquidator or receiver.

7990 (b) The commissioner may not use funds obtained under
7991 subsection (1) to pay claims by participating providers for
7992 services rendered to subscribers or enrollees prior to insolvency
7993 of the health maintenance organization.

7994 (3) (a) A receiver or liquidator of an insolvent health
7995 maintenance organization shall allow a claim in the proceeding in
7996 an amount equal to administrative and uncovered expenditures paid
7997 under this section.



7998 (b) Any person receiving benefits under this section
7999 for uncovered expenditures is deemed to have assigned the rights
8000 under the covered health care plan certificates to the
8001 commissioner to the extent of the benefits received. The
8002 commissioner may require an assignment to it of such rights by any
8003 payee, enrollee, or beneficiary as a condition precedent to the
8004 receipt of any rights or benefits conferred by this section upon
8005 such person. The commissioner is subrogated to these rights
8006 against the assets of any insolvent health maintenance
8007 organization held by a receiver or liquidator of another
8008 jurisdiction.

8009 (c) The assignment or subrogation rights of the
8010 commissioner and allowed claim under this subsection have the same
8011 priority against the assets of the insolvent health maintenance
8012 organization as those possessed by the person entitled to receive
8013 benefits under this section or for similar expenses in the
8014 receivership or liquidation.

8015 (4) When assessed funds are unused following the completion
8016 of the liquidation of a health maintenance organization, the
8017 commissioner will distribute on a pro rata basis any amounts
8018 received under subsection (1) which are not de minimis to the
8019 health maintenance organizations which have been assessed under
8020 this section.

8021 (5) The aggregate coverage of uncovered expenditures under
8022 this section shall not exceed Three Hundred Thousand Dollars



8023 (\$300,000.00) with respect to any one (1) individual.
8024 Continuation of coverage shall not continue for more than the
8025 lesser of one (1) year after the health maintenance organization
8026 coverage is terminated by insolvency or the remaining term of the
8027 contract. The commissioner may provide continuation of coverage
8028 on any reasonable basis; including, but not limited to,
8029 continuation of the health maintenance organization contract or
8030 substitution of indemnity coverage in a form determined by the
8031 commissioner.

8032 (6) The commissioner may waive an assessment of any health
8033 maintenance organization if it would be or is impaired or placed
8034 in financially hazardous condition. A health maintenance
8035 organization which fails to pay an assessment within thirty (30)
8036 days after notice is subject to a civil forfeiture of not more
8037 than One Thousand Dollars (\$1,000.00) per day or suspension or
8038 revocation of its certificate of authority, or both fine and
8039 suspension. Any action taken by the commissioner in enforcing the
8040 provisions of this section may be appealed by the health
8041 maintenance organization in accordance with the Chancery Court of
8042 the First Judicial District of Hinds County, Mississippi.

8043 **SECTION 189.** Section 83-41-339, Mississippi Code of 1972, is
8044 brought forward as follows:

8045 83-41-339. (1) Any certificate of authority issued under
8046 this article may be suspended or revoked, and any application for
8047 a certificate of authority may be denied, if the commissioner



8048 after a hearing finds that any of the conditions listed below
8049 exist:

8050 (a) The health maintenance organization is operating
8051 significantly in contravention of its basic organizational
8052 document or in a manner contrary to that described in any other
8053 information submitted under Section 83-41-305, unless amendments
8054 to the submissions have been filed with and approved by the
8055 commissioner;

8056 (b) The health maintenance organization issues an
8057 evidence of coverage or uses a schedule of charges for health care
8058 services which do not comply with the requirements of Sections
8059 83-41-315 and 83-41-331;

8060 (c) The health maintenance organization does not
8061 provide or arrange for basic health care services;

8062 (d) The State Health Officer certifies to the
8063 commissioner that:

8064 (i) The health maintenance organization does not
8065 meet the requirements of Section 83-41-307(1) (b); or

8066 (ii) The health maintenance organization is unable
8067 to fulfill its obligations to furnish health care services;

8068 (e) The health maintenance organization operating in a
8069 "hazardous condition," and is no longer financially responsible
8070 and may reasonably be expected to be unable to meet its
8071 obligations to enrollees or prospective enrollees;



8072 (f) The health maintenance organization has failed to
8073 correct, within the time prescribed by subsection (3), any
8074 deficiency occurring due to such health maintenance organization's
8075 prescribed minimum net worth being impaired;

8076 (g) The health maintenance organization has failed to
8077 implement the grievance procedures required by Section 83-41-321
8078 in a reasonable manner to resolve valid complaints;

8079 (h) The health maintenance organization, or any person
8080 on its behalf, has advertised or merchandised its services in an
8081 untrue, misrepresentative, misleading, deceptive or unfair manner;

8082 (i) The continued operation of the health maintenance
8083 organization would be hazardous to its enrollees; or

8084 (j) The health maintenance organization has otherwise
8085 failed substantially to comply with this article.

8086 (2) In addition to or in lieu of suspension or revocation of
8087 a certificate of authority pursuant to this section, the applicant
8088 or health maintenance organization may be subjected to an
8089 administrative penalty of up to One Thousand Dollars (\$1,000.00)
8090 for each violation.

8091 (3) The following shall pertain when insufficient net worth
8092 is maintained:

8093 (a) Whenever the commissioner finds that the net worth
8094 maintained by any health maintenance organization subject to the
8095 provisions of this article is less than the minimum net worth
8096 required to be maintained by Section 83-41-325, he shall give



8097 written notice to the health maintenance organization of the
8098 amount of the deficiency and require: (i) filing with the
8099 commissioner a plan for correction of the deficiency acceptable to
8100 the commissioner and (ii) correction of the deficiency within a
8101 reasonable time, not to exceed sixty (60) days, unless an
8102 extension of time, not to exceed sixty (60) additional days, is
8103 granted by the commissioner. The deficiency shall be deemed an
8104 impairment, and failure to correct the impairment in the
8105 prescribed time shall be grounds for suspension or revocation of
8106 the certificate of authority or for placing the health maintenance
8107 organization in administrative supervision, rehabilitation or
8108 liquidation as per the insurance laws of this state.

8109 (b) Unless allowed by the commissioner no health
8110 maintenance organization or person acting on its behalf may,
8111 directly or indirectly, renew, issue or deliver any certificate,
8112 agreement or contract of coverage in this state, for which a
8113 premium is charged or collected, when the health maintenance
8114 organization writing such coverage is impaired, and the fact of
8115 such impairment is known to the health maintenance organization or
8116 to such person.

8117 However, the existence of an impairment shall not prevent the
8118 issuance or renewal of a certificate, agreement or contract when
8119 the enrollee exercises an option granted under the plan to obtain
8120 a new, renewed or converted coverage.



8121 (4) A certificate of authority shall be suspended or revoked
8122 or an application or a certificate of authority denied or an
8123 administrative penalty imposed only after compliance with the
8124 requirements of this section.

8125 (a) Suspension or revocation of a certificate of
8126 authority or the denial of an application or the imposition of an
8127 administrative penalty pursuant to this section shall be by
8128 written order and shall be sent to the health maintenance
8129 organization or applicant by certified or registered mail and to
8130 the State Health Officer. The written order shall state the
8131 grounds, charges or conduct on which suspension, revocation or
8132 denial or administrative penalty is based. The health maintenance
8133 organization or applicant may in writing request a hearing within
8134 twenty (20) days from the date of mailing of the order. The said
8135 request must be filed with the commissioner within the
8136 twenty * * *-day period. If no written request is made, such
8137 order shall be final upon the expiration of said twenty (20) days.

8138 (b) If the health maintenance organization or applicant
8139 requests a hearing pursuant to this section, the commissioner
8140 shall issue a written notice of hearing and send it to the health
8141 maintenance organization or applicant by certified or registered
8142 mail and to the State Health Officer stating:

8143 (i) A specific time for the hearing, which may not
8144 be less than twenty (20) days after mailing of the notice of
8145 hearing; and



8146 (ii) A specific place for the hearing which shall
8147 be at the discretion of the commissioner and which may be either
8148 in Jackson, Hinds County, Mississippi, or in the county where the
8149 health maintenance organization's or applicant's principal place
8150 of business is located.

8151 (iii) If a hearing is requested, the State Health
8152 Officer or his designated representative shall be in attendance
8153 and shall participate in the proceedings. The recommendations and
8154 findings of the State Health Officer with respect to matters
8155 relating to the quality of health care services provided in
8156 connection with any decision regarding denial, suspension or
8157 revocation of a certificate of authority, shall be conclusive and
8158 binding upon the commissioner.

8159 After the hearing, or upon failure of the health maintenance
8160 organization to appear at the hearing, the commissioner shall take
8161 whatever action he deems necessary based on written findings and
8162 shall mail his decision to the health maintenance organization or
8163 applicant with a copy to the State Health Officer. The action of
8164 the commissioner and the recommendation and findings of the State
8165 Health Officer shall be subject to review under the Administrative
8166 Rules of Practice and Procedure Act.

8167 (5) When the certificate of authority of a health
8168 maintenance organization is suspended, the health maintenance
8169 organization shall not, during the period of such suspension,
8170 enroll any additional enrollees except newborn children or other



8171 newly acquired dependents of existing enrollees, and shall not
8172 engage in any advertising or solicitation whatsoever.

8173 (6) When the certificate of authority of a health
8174 maintenance organization is revoked, such organization shall
8175 proceed, immediately following the effective date of the order of
8176 revocation, to wind up its affairs, and shall conduct no further
8177 business except as may be essential to the orderly conclusion of
8178 the affairs of such organization under supervision of the
8179 commissioner. It shall engage in no further advertising or
8180 solicitation whatsoever. The commissioner may, by written order,
8181 permit such further operation of the organization as he may find
8182 to be in the best interest of enrollees, to the end that enrollees
8183 will be afforded the greatest practical opportunity to obtain
8184 continuing health care coverage.

8185 (7) Any appeal from a decision of the commissioner under
8186 this section shall be to the Chancery Court of the First Judicial
8187 District of Hinds County, Mississippi, within thirty * * * (30)
8188 days from the final order of the commissioner.

8189 **SECTION 190.** Section 75-60-4, Mississippi Code of 1972, is
8190 brought forward as follows:

8191 75-60-4. (1) The Mississippi Community College Board shall
8192 appoint a "Commission on Proprietary School and College
8193 Registration" to be composed of five (5) qualified members, one
8194 (1) appointed from each of the five (5) Mississippi congressional
8195 districts existing on January 1, 1992. The membership of said



8196 commission shall be composed of persons who have held a teaching,
8197 managerial or other similar position with any public, private,
8198 trade, technical or other school; provided, however, that one (1)
8199 member of the commission shall be actively engaged in, or retired
8200 from, teaching, managerial or other similar position with a
8201 privately owned trade, technical or other school. The membership
8202 of said commission shall be appointed by the board within ninety
8203 (90) days of the passage of this chapter. In making the first
8204 appointments, two (2) members shall be appointed for three (3)
8205 years, two (2) members for four (4) years, and one (1) member for
8206 five (5) years. Thereafter, all members shall be appointed for a
8207 term of five (5) years. If one (1) of the members appointed by
8208 the board resigns or is otherwise unable to serve, a new member
8209 shall be appointed by the commission to fill the unexpired term.
8210 All five (5) members of the commission have full voting rights.
8211 The members shall not be paid for their services, but may be
8212 compensated for the expenses necessarily incurred in the
8213 attendance at meetings or in performing other services for the
8214 commission at a rate prescribed under Section 25-3-69, Mississippi
8215 Code of 1972, plus actual expenses and mileage as provided by
8216 Section 25-3-41, Mississippi Code of 1972. Members of the
8217 commission shall annually elect a chairman from among its members
8218 who is not actively engaged with a privately owned trade or
8219 technical school.



8220 (2) The Mississippi Community College Board shall appoint
8221 such staff as may be required for the performance of the
8222 commission's duties and provide necessary facilities.

8223 (3) The Mississippi Community College Board shall levy fees
8224 authorized in this chapter only in such amounts as may be required
8225 for the performance of the commission's duties.

8226 (4) In addition to the fees authorized in this chapter, the
8227 Mississippi Community College Board is authorized to levy and
8228 collect fees from proprietary schools and colleges to recover the
8229 cost of audits, investigations and hearings relating to such
8230 institutions.

8231 (5) It shall be the purpose of the Commission on Proprietary
8232 School and College Registration to establish and implement the
8233 registration program as provided in this chapter. All
8234 controversies involving the registration of such schools shall be
8235 initially heard by a duly authorized hearing officer of the
8236 commission before whom a complete record shall be made. After the
8237 conclusion of the hearing, the duly authorized hearing officer of
8238 the commission shall make a recommendation to the commission as to
8239 the resolution of the controversies, and the commission, after
8240 considering the transcribed record and the recommendation of its
8241 hearing officer, shall make its decision which becomes final
8242 unless the school or college or other person involved shall appeal
8243 to the Mississippi Community College Board, which appeal shall be
8244 on the record previously made before the commission's hearing



8245 officer except as may be provided by rules and regulations adopted
8246 by the Mississippi Community College Board. All appeals from the
8247 Mississippi Community College Board shall be on the record and
8248 shall be filed in the Chancery Court of the First Judicial
8249 District of Hinds County, Mississippi.

8250 **SECTION 191.** Section 73-7-37, Mississippi Code of 1972, is
8251 brought forward as follows:

8252 73-7-37. (1) The violation of any of the provisions of this
8253 chapter, including the use of fraudulent statements to obtain any
8254 benefits or privileges under this chapter or practicing one (1) of
8255 these professions without a license, shall constitute a
8256 misdemeanor, punishable in any court of competent jurisdiction at
8257 the seat of government, and any person or firm convicted of the
8258 violation of any of the provisions of this chapter shall be fined
8259 not less than One Hundred Dollars (\$100.00) nor more than Five
8260 Hundred Dollars (\$500.00). The court shall not be authorized to
8261 suspend or suspend the execution of the fine required under this
8262 section.

8263 (2) If any person, firm or corporation violates any of the
8264 provisions of this chapter, the secretary of the board, upon
8265 direction of a majority of the board and in the name of the board,
8266 acting through the Attorney General or an attorney employed by the
8267 board, shall apply in the Chancery Court of the First Judicial
8268 District of Hinds County, Mississippi, for an order enjoining such
8269 violation or for an order enforcing compliance with the provisions



of this chapter. Upon the filing of a verified petition in the chancery court and after notice as provided under the Mississippi Rules of Civil Procedure, such court, if satisfied by the sworn petition, by affidavit or otherwise, that such person has violated any of the provisions of this chapter, may issue an injunction without notice or bond, enjoining such continued violation and such injunction shall remain in force and effect until a final hearing. If at such hearing it is established that such person has violated or is violating any of the provisions of this chapter, the court may enter a decree permanently enjoining such violation or enforcing compliance with this chapter. In addition, the court may enter a judgment against such person for attorney's fees, court costs and the actual costs incurred by the board in investigating the actions of such person for which the board brought the suit for an injunction. In case of violation of any decree issued in compliance with this subsection, the court may punish the offender for contempt of court and the court shall proceed as in other cases.

(3) The proceedings in this section shall be in addition to and not in lieu of the other remedies and penalties provided in this chapter.

SECTION 192. Section 79-14-210, Mississippi Code of 1972, is brought forward as follows:

79-14-210. (a) The Secretary of State shall file a record delivered to the Secretary of State for filing which satisfies



8295 this chapter. The duty of the Secretary of State under this
8296 section is ministerial.

8297 (b) When the Secretary of State files a record, the
8298 Secretary of State shall record it as filed on the date and at the
8299 time of its delivery. After filing a record, the Secretary of
8300 State shall deliver to the person that submitted the record a copy
8301 of the record with an acknowledgment of the date and time of
8302 filing.

8303 (c) If the Secretary of State refuses to file a record, the
8304 Secretary of State shall, not later than fifteen (15) business
8305 days after the record is delivered:

8306 (1) Return the record or notify the person that
8307 submitted the record of the refusal; and

8308 (2) Provide a brief explanation in a record of the
8309 reason for the refusal.

8310 (d) If the Secretary of State refuses to file a record, the
8311 person that submitted the record may petition the Chancery Court
8312 of the First Judicial District of Hinds County, Mississippi, to
8313 compel filing of the record. The record and the explanation of
8314 the Secretary of State of the refusal to file must be attached to
8315 the petition. The court may decide the matter in a summary
8316 proceeding.

8317 (e) The filing of or refusal to file a record does not:

8318 (1) Affect the validity or invalidity of record in
8319 whole or in part; or



8320 (2) Create a presumption that the information contained
8321 in the record is correct or incorrect.

8322 (f) Except as otherwise provided by Section 79-35-13 or by
8323 law other than this chapter, the Secretary of State may deliver
8324 any record to a person by delivering it:

- 8325 (1) In person to the person that submitted it;
8326 (2) To the address of the person's registered agent;
8327 (3) To the principal office of the person; or
8328 (4) To another address the person provides to the
8329 Secretary of State for delivery.

8330 **SECTION 193.** Section 73-11-57, Mississippi Code of 1972, is
8331 brought forward as follows:

8332 73-11-57. (1) The board, upon satisfactory proof at proper
8333 hearing and in accordance with the provisions of this chapter and
8334 the regulations of the board, may suspend, revoke, or refuse to
8335 issue or renew any license under this chapter, reprimand or place
8336 the holder of a license on a term of probation, and/or take any
8337 other action in relation to a license as the board may deem proper
8338 under the circumstances upon any of the following grounds:

8339 (a) The employment of fraud or deception in applying
8340 for a license or in passing the examination provided for in this
8341 chapter;

8342 (b) The erroneous issuance of a license to any person;

8343 (c) The conviction of a felony by any court in this
8344 state or any federal court or by the court of any other state or



8345 territory of the United States; having been convicted of or pled
8346 guilty to a felony in the courts of this state or any other state,
8347 territory or country which would prevent a person from holding
8348 elected office. Conviction, as used in this paragraph, shall
8349 include a deferred conviction, deferred prosecution, deferred
8350 sentence, finding or verdict of guilt, an admission of guilty, or
8351 a plea of nolo contendere;

8352 (d) The practice of embalming under a false name or
8353 without a license for the practice of funeral service;

8354 (e) The impersonation of another funeral service or
8355 funeral directing licensee;

8356 (f) The permitting of a person other than a funeral
8357 service or funeral directing licensee to make arrangements for a
8358 funeral and/or form of disposition;

8359 (g) Violation of any provision of this chapter or any
8360 rule or regulation of the board;

8361 (h) Having had a license for the practice of funeral
8362 service or funeral directing suspended or revoked in any
8363 jurisdiction, having voluntarily surrendered his license in any
8364 jurisdiction, having been placed on probation in any jurisdiction,
8365 having been placed under disciplinary order(s) or other
8366 restriction in any manner for funeral directing and/or funeral
8367 service, or operating a funeral establishment (a certified copy of
8368 the order of suspension, revocation, probation or disciplinary
8369 action shall be prima facie evidence of such action);



8370 (i) Solicitation of dead human bodies by the licensee,
8371 his agents, assistants or employees, whether such solicitation
8372 occurs after death or when death is imminent; if the person
8373 solicited has made known a desire not to receive the
8374 communication, or if the solicitation involves coercion, duress or
8375 harassment, or if the solicitation takes place at the residence of
8376 the client or prospective client and is uninvited by the client or
8377 prospective client and has not been previously agreed to by the
8378 client or prospective client; however, this shall not be deemed to
8379 prohibit general advertising;

8380 (j) Employment directly or indirectly of any
8381 apprentice, agent, assistant, employee, or other person, on a
8382 part-time or full-time basis or on commission, for the purpose of
8383 calling upon individuals or institutions by whose influence dead
8384 human bodies may be turned over to a particular funeral
8385 establishment;

8386 (k) Failure to give full cooperation to the board
8387 and/or its designees, agents or other representatives in the
8388 performance of official duties of the board. Such failure to
8389 cooperate includes, but is not limited to:

8390 (i) Not furnishing any relevant papers or
8391 documents requested by or for the board;

8392 (ii) Not furnishing, in writing, an adequate
8393 explanation covering the matter contained in a complaint filed
8394 with the board;



8395 (iii) Not responding without cause to subpoenas
8396 issued by the board, whether or not the licensee is the party
8397 charged in any preceding before the board;

8398 (iv) Not reasonably providing access, as directed
8399 by the board for its authorized agents or representatives seeking
8400 to perform reviews or inspections at facilities or places utilized
8401 by the license holder in the practice of funeral service or
8402 funeral directing and/or in performing any other activity
8403 regulated by the board under this chapter;

8404 (v) Failure to provide information within the
8405 specified time allotted and as required by the board and/or its
8406 representatives or designees;

8407 (vi) Failure to cooperate with the board or its
8408 designees or representatives in the investigation of any alleged
8409 misconduct or interfering with a board investigation by willful
8410 misrepresentation of facts;

8411 (vii) Deceiving or attempting to deceive the board
8412 regarding any matter under investigation, including altering or
8413 destroying any records; and

8414 (viii) Failure, without good cause, to cooperate
8415 with any request by the board to appear before it;

8416 (1) Knowingly performing any act that in any way
8417 assists an unlicensed person to practice funeral service or
8418 funeral directing;



8419 (m) Knowingly making a false statement on death
8420 certificates;
8421 (n) Conviction of a crime involving moral turpitude;
8422 (o) Violating any statute, ordinance, rule or
8423 regulation of the state or any of its boards, agencies or
8424 political subdivisions affecting the registration of deaths or the
8425 handling, custody, care or transportation of dead human bodies; or
8426 (p) Unprofessional conduct in the practice of funeral
8427 service or funeral directing which includes, but is not limited
8428 to:
8429 (i) Retaining a dead human body for the payment of
8430 a fee for the performance of services that are not authorized;
8431 (ii) Knowingly performing any act which in any way
8432 assists an unlicensed person to practice funeral service or
8433 funeral directing;
8434 (iii) Being guilty of any dishonorable conduct
8435 likely to deceive, defraud or harm the public;
8436 (iv) Any act or omission in the practice of
8437 funeral service or directing which constitutes dishonesty, fraud
8438 or misrepresentation with the intent to benefit the licensee,
8439 another person or funeral establishment, or with the intent to
8440 substantially injure another person, licensee or funeral
8441 establishment; or
8442 (v) Any act or conduct, whether the same or of a
8443 different character than specified above, which constitutes or



8444 demonstrates bad faith, incompetency or untrustworthiness; or
8445 dishonest, fraudulent or improper dealing; or any other violation
8446 of the provisions of this chapter, the rules and regulations
8447 established by the board or any rule or regulation promulgated by
8448 the Federal Trade Commission relative to the practice of funeral
8449 service or funeral directing.

8450 (2) Any person, including a member of the board, may
8451 initiate a complaint against a licensee of the board by filing
8452 with the board a written complaint on a form prescribed by the
8453 board.

8454 (a) Upon receipt of a properly verified complaint, the
8455 board shall send a copy of the complaint to the affected licensee
8456 by certified mail to the address of such licensee appearing of
8457 record with the board. The licensee shall answer the complaint in
8458 writing within twenty (20) days after receipt of the complaint.
8459 The licensee shall mail a copy of his, her or its response to the
8460 board and the complainant. Upon receipt of the licensee's
8461 response or lapse of twenty (20) days, the board is authorized to
8462 investigate a complaint that appears to show the existence of any
8463 of the causes or grounds for disciplinary action as provided in
8464 Section 73-11-57. Upon finding reasonable cause to believe that
8465 the charges are not frivolous, unfounded or filed in bad faith,
8466 the board may, in its discretion, cause a hearing to be held, at a
8467 time and place fixed by the board, regarding the charges that a
8468 violation of this chapter has occurred. The board shall order a



8469 hearing for the licensee to appear and show cause why he/she
8470 should not be disciplined for a violation of this chapter.

8471 (b) The board shall give the complainant and the
8472 affected licensee twenty (20) days' notice of any hearing upon a
8473 complaint. Such notice shall be by United States certified mail.

8474 (c) Any party appearing before the board may be
8475 accompanied by counsel.

8476 (d) Before commencing a hearing, the chairman or
8477 designee of the board shall determine if all parties are present
8478 and ready to proceed. If the complainant fails to attend a
8479 hearing without good cause shown, the complaint shall be dismissed
8480 summarily and all fees and expenses of convening the hearing shall
8481 be assessed to, and paid by, the complainant. If any affected
8482 licensee fails to appear for a hearing without good cause shown,
8483 such licensee shall be presumed to have waived his right to appear
8484 before the board and be heard.

8485 (e) Upon the chair's determination that all parties are
8486 ready to proceed, the chair or designee shall call the hearing to
8487 order and the complainant and the licensee may give opening
8488 statements. The board may order the sequestration of nonparty
8489 witnesses.

8490 (f) The complainant shall then present his, her or its
8491 complaint. The licensee, any counsel and any member or designee
8492 of the board may ask questions of witnesses.



8493 (g) The licensee shall then present his, her or its
8494 case in rebuttal. The complainant, any counsel and any member or
8495 designee of the board may ask questions of witnesses.

8496 (h) At the completion of the evidence, all parties may
8497 give closing statements.

8498 (i) At the conclusion of the hearing, the board may
8499 either decide the issue at that time or take the case under
8500 advisement for further deliberation. The board shall render its
8501 decision not more than ninety (90) days after the close of the
8502 hearing and shall forward the decision to the last-known business
8503 or residence address of the parties.

8504 (3) The board, on its own motion, may file a formal
8505 complaint against a licensee.

8506 (4) The board may temporarily suspend a license under this
8507 chapter without any hearing, simultaneously with the institution
8508 of proceedings under this section, if it finds that the evidence
8509 in support of the board's determination is clear, competent and
8510 unequivocal and that the licensee's continuation in practice would
8511 constitute an imminent danger to public health and safety.

8512 (5) The board may, upon satisfactory proof that the
8513 applicant or licensee has been guilty of any of the offenses above
8514 enumerated, take the action authorized by this section against an
8515 applicant or licensee of the board upon a majority vote of the
8516 board members, after a hearing thereon. The board is vested with
8517 full power and authority to hold and conduct such hearings, compel



8518 the attendance of witnesses and the production of books, records
8519 and documents, issue subpoenas therefor, administer oaths, examine
8520 witnesses, and do all things necessary to properly conduct such
8521 hearings. The board may waive the necessity of a hearing if the
8522 person accused of a violation admits that he has been guilty of
8523 such offense. Any person who has been refused a license or whose
8524 license has been revoked or suspended may, within thirty (30) days
8525 after the decision of the board, file with the board a written
8526 notice stating that he feels himself aggrieved by such decision
8527 and may appeal therefrom to the circuit court of the county and
8528 judicial district of residence of the person, or if the person is
8529 a nonresident of the State of Mississippi, to the Circuit Court of
8530 the First Judicial District of Hinds County. The circuit court
8531 shall determine the action of the board was in accord or
8532 consistent with law, or was arbitrary, unwarranted or an abuse of
8533 discretion. The appeal shall be perfected upon filing notice of
8534 the appeal with the circuit court and by the prepayment of all
8535 costs, including the cost of the preparation of the record of the
8536 proceedings by the board. An appeal from the circuit court
8537 judgment or decree may be reviewed by the Supreme Court as is
8538 provided by law for other appeals. An appeal of a decision or
8539 order of the board does not act as a supersedeas.

8540 (6) In addition to any other power that it has, the board
8541 may, upon finding that an applicant or licensee has committed any



8542 of the violations listed in Section 73-11-57(1), impose a monetary
8543 penalty as follows:

8544 (a) For the first violation of any of the subparagraphs
8545 of subsection (1) of this section, a monetary penalty of not more
8546 than Five Hundred Dollars (\$500.00).

8547 (b) For the second violation of any of the
8548 subparagraphs of subsection (1) of this section, a monetary
8549 penalty of not more than One Thousand Dollars (\$1,000.00).

8550 (c) For the third and any subsequent violation of any
8551 of the subparagraphs of subsection (1) of this section, a monetary
8552 penalty of not more than Five Thousand Dollars (\$5,000.00).

8553 (d) For any violation of any of the subparagraphs of
8554 subsection (1) of this section, those reasonable costs that are
8555 expended by the board in the investigation and conduct of a
8556 proceeding for licensure revocation or suspension, including, but
8557 not limited to, the cost of process service, court reporters,
8558 expert witnesses and investigators.

8559 (7) The power and authority of the board to assess and levy
8560 such monetary penalties hereunder shall not be affected or
8561 diminished by any other proceeding, civil or criminal, concerning
8562 the same violation or violations except as provided in this
8563 section.

8564 (8) A licensee shall have the right of appeal from the
8565 assessment and levy of a monetary penalty as provided in this
8566 section under the same conditions as a right of appeal is provided



8567 elsewhere for appeals from an adverse ruling, order or decision of
8568 the board.

8569 (9) Any monetary penalty assessed and levied under this
8570 section shall not take effect until after the time for appeal
8571 shall have expired.

8572 (10) A monetary penalty assessed and levied under this
8573 section shall be paid to the board by the licensee upon the
8574 expiration of the period allowed for appeal of such penalties
8575 under this section or may be paid sooner if the licensee elects.

8576 With the exception of subsection (5)(d) of this section,
8577 monetary penalties collected by the board under this section shall
8578 be deposited in the State Treasury to the credit of the State
8579 Board of Funeral Service. Any monies collected by the board under
8580 subsection (5)(d) of this section shall be deposited into the
8581 special fund operating account of the board.

8582 (11) When payment of a monetary penalty assessed and levied
8583 by the board against a licensee in accordance with this section is
8584 not paid by the licensee when due under this section, the board
8585 shall have power to institute and maintain proceedings in its name
8586 for enforcement of payment in the chancery court of the county and
8587 judicial district of residence of the licensee, or if the licensee
8588 is a nonresident of the State of Mississippi, in the Chancery
8589 Court of the First Judicial District of Hinds County, Mississippi.



8590 (12) In any administrative or judicial proceeding in which
8591 the board prevails, the board shall have the right to recover
8592 reasonable attorney fees.

8593 (13) In addition to the reasons specified in subsection (1)
8594 of this section, the board shall be authorized to suspend the
8595 license of any licensee for being out of compliance with an order
8596 for support, as defined in Section 93-11-153. The procedure for
8597 suspension of a license for being out of compliance with an order
8598 for support, and the procedure for the reissuance or reinstatement
8599 of a license suspended for that purpose, and the payment of any
8600 fees for the reissuance or reinstatement of a license suspended
8601 for that purpose, shall be governed by Section 93-11-157 or
8602 93-11-163, as the case may be. Actions taken by the board in
8603 suspending a license when required by Section 93-11-157 or
8604 93-11-163 are not actions from which an appeal may be taken under
8605 this section. Any appeal of a license suspension that is required
8606 by Section 93-11-157 or 93-11-163 shall be taken in accordance
8607 with the appeal procedure specified in Section 93-11-157 or
8608 93-11-163, as the case may be, rather than the procedure specified
8609 in this section. If there is any conflict between any provision
8610 of Section 93-11-157 or 93-11-163 and any provision of this
8611 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
8612 case may be, shall control.

8613 **SECTION 194.** Section 79-4-7.03, Mississippi Code of 1972, is
8614 brought forward as follows:



8615 79-4-7.03. (a) The chancery court of the county where a
8616 corporation's principal office (or, if none in this state, its
8617 registered office) is located may summarily order a meeting to be
8618 held:

8619 (1) On application of any shareholder of the
8620 corporation entitled to participate in an annual meeting if an
8621 annual meeting was not held or action by written consent in lieu
8622 thereof did not become effective within the earlier of six (6)
8623 months after the end of the corporation's fiscal year or fifteen
8624 (15) months after its last annual meeting or written consent in
8625 lieu thereof; or

8626 (2) On application of a shareholder who signed a demand
8627 for a special meeting valid under Section 79-4-7.02 if:

8628 (i) Notice of the special meeting was not given
8629 within thirty (30) days after the date the demand was delivered to
8630 the corporation's secretary; or

8631 (ii) The special meeting was not held in
8632 accordance with the notice.

8633 (b) The court may fix the time and place of the meeting,
8634 determine the shares entitled to participate in the meeting,
8635 specify a record date for determining shareholders entitled to
8636 notice of and to vote at the meeting, prescribe the form and
8637 content of the meeting notice, fix the quorum required for
8638 specific matters to be considered at the meeting (or direct that
8639 the votes represented at the meeting constitute a quorum for



8640 action on those matters), and enter other orders necessary to
8641 accomplish the purpose or purposes of the meeting.

8642 **SECTION 195.** Section 31-3-23, Mississippi Code of 1972, is
8643 brought forward as follows:

8644 31-3-23. Within ten (10) days after any order, judgment or
8645 action of the board, any person aggrieved thereby may appeal such
8646 order, judgment or action either to the chancery court of the
8647 county wherein the appellant resides or to the Chancery Court of
8648 the First Judicial District of Hinds County, Mississippi, upon
8649 giving bond with sufficient security in the amount of Two Hundred
8650 Fifty Dollars (\$250.00), approved by the clerk of the chancery
8651 court and conditioned to pay any costs which may be adjudged
8652 against such person. In lieu of the bond, the appellant may post
8653 Two Hundred Fifty Dollars (\$250.00) with the clerk of the chancery
8654 court and conditioned to pay any costs which may be adjudged
8655 against such person.

8656 Notice of appeal shall be filed in the office of the clerk of
8657 the chancery court, who shall issue a writ of certiorari directed
8658 to the board commanding it within forty-five (45) days after
8659 service thereof to certify to such court its entire record in the
8660 matter in which the appeal has been taken. The appeal shall
8661 thereupon be heard in due course by the court, and the court shall
8662 review the record and shall affirm or reverse the judgment. If
8663 the judgment is reversed, the chancery court or chancellor shall
8664 render such order or judgment as the board ought to have rendered,



8665 and certify the same to the board; and costs shall be awarded as
8666 in other cases.

8667 Appeals may be had to the Supreme Court of the State of
8668 Mississippi as provided by law from any final action of the
8669 chancery court. The board may employ counsel to defend such
8670 appeals, to be paid out of the funds in the State Board of
8671 Contractors Fund.

8672 On appeal, any order, judgment or action of the board
8673 revoking a certificate of responsibility or residential license
8674 shall remain in full force unless the chancery court or Supreme
8675 Court reverses such order, judgment or action of the board.

8676 The remedies provided under this chapter for any aggrieved
8677 person shall not be exclusive, but shall be cumulative of and
8678 supplemental to any other remedies which he may otherwise have in
8679 law or in equity, whether by injunction or otherwise.

8680 **SECTION 196.** Section 27-35-163, Mississippi Code of 1972, is
8681 brought forward as follows:

8682 27-35-163. (1) Except as otherwise provided in subsection
8683 (2) of this section, any person, firm or corporation aggrieved by
8684 an order of the Board of Tax Appeals affirming, in whole or in
8685 part, the assessment of property by the Department of Revenue for
8686 the purpose of ad valorem taxation may, within thirty (30) days
8687 from the date of this order, appeal with supersedeas as to the
8688 amount of taxes in controversy to the Circuit Court of the First
8689 Judicial District of Hinds County, or to the circuit court of any



8690 county in which the property, or any part thereof, is located, or
8691 to the circuit court of any county in which such person, firm or
8692 corporation whose property is assessed resides, upon giving bond
8693 with sufficient sureties, to be approved by the clerk of such
8694 court, in a sum equal to the amount of taxes due on the contested
8695 value of such property as affirmed by the Board of Tax Appeals,
8696 but never less than One Hundred Dollars (\$100.00), payable to the
8697 state and conditioned to perform the judgment of the circuit
8698 court. The ad valorem taxes due on the uncontested portion of the
8699 value as determined by the Board of Tax Appeals shall be due and
8700 payable at the same time as all other ad valorem taxes are for
8701 real and personal property. The person, firm or corporation who
8702 appeals shall file with the clerk of the circuit court a petition
8703 for appeal and review, together with the bond herein provided for,
8704 and the clerk shall thereupon give notice to the Department of
8705 Revenue, who will be the appellee in the appeal, and to the Board
8706 of Tax Appeals. The Department of Revenue shall file with the
8707 clerk of the circuit court where the petition is pending a
8708 certified copy of the assessment in issue and the Board of Tax
8709 Appeals shall file a certified copy of its order or orders in
8710 regard to this assessment. The assessment by the Department of
8711 Revenue and the order or orders of the Board of Tax Appeals are to
8712 be filed with the circuit clerk within thirty (30) days from the
8713 date that each respective agency and board received the notice
8714 from the clerk of the circuit court concerning the filing of the



8715 appeal. The matter of assessing such property shall be heard de
8716 novo by the circuit court at the first term of the court
8717 thereafter, or by the judge of the circuit court in vacation, by
8718 agreement of the parties, without a jury, and such proceeding
8719 shall be given preference over other pending matters in the court.
8720 After hearing the evidence, the circuit court, or the judge
8721 thereof in vacation, shall make an order setting aside, modifying
8722 or affirming the order of the Board of Tax Appeals. A copy of
8723 such order shall be certified by the clerk of the court to the
8724 Department of Revenue, which shall conform thereto.

8725 If the order of the Board of Tax Appeals is affirmed, then
8726 the person, firm or corporation who appealed, and the sureties on
8727 the appeal bond, shall be liable to the state for damages at the
8728 rate of ten percent (10%) on the amount of taxes in controversy,
8729 and all cost of such appeal.

8730 If the Department of Revenue shall be aggrieved by an order
8731 of the Board of Tax Appeals regarding an assessment by the
8732 department for ad valorem tax purposes, the department may, within
8733 thirty (30) days from the date of the order of the Board of Tax
8734 Appeals regarding this assessment, appeal to the circuit court of
8735 any county in which the property being assessed, or any part
8736 thereof, is located or of any county in which the taxpayer
8737 resides, in like manner as in the case of any person, firm or
8738 corporation aggrieved as provided in this subsection, except no
8739 bonds shall be required of the Department of Revenue. Upon the



8740 filing of a petition for appeal or review as provided in this
8741 subsection, the clerk of the court in which the petition is filed
8742 shall thereupon issue process to the person, firm or corporation
8743 whose property is assessed, and such person, firm or corporation
8744 shall plead to the petition within thirty (30) days after the
8745 receipt of the notice.

8746 If the state shall be aggrieved by an assessment for ad
8747 valorem tax purposes by the Department of Revenue or by an order
8748 of the Board of Tax Appeals regarding an assessment by the
8749 Department of Revenue for ad valorem tax purposes, the Attorney
8750 General or the district attorney, if all the property sought to be
8751 taxed is located within the judicial district for which such
8752 district attorney is elected, may, within thirty (30) days from
8753 the date of the notice from the Department of Revenue to the tax
8754 assessor or tax assessors in the county or counties where the
8755 property being assessed is located of the amount of the final
8756 assessment, appeal to the circuit court of any county in which the
8757 property, or any part thereof, is located or of any county in
8758 which the taxpayer resides, in like manner as in the case of any
8759 person, firm or corporation aggrieved as hereinbefore provided,
8760 except no bonds shall be required of the Attorney General or
8761 district attorney who may appeal. Upon the filing of a petition
8762 for appeal or review as herein provided, the clerk of the court in
8763 which the petition is filed shall thereupon issue process to the
8764 person, firm or corporation whose property is assessed, and such



8765 person, firm or corporation shall plead to the petition within
8766 twenty (20) days after the receipt of the notice.

8767 In the event more than one (1) person appeals an assessment
8768 by the Department of Revenue for ad valorem tax purposes or an
8769 order of the Board of Tax Appeals regarding an assessment by the
8770 Department of Revenue for ad valorem tax purposes under this
8771 section, the matter shall be heard by the circuit court of the
8772 county in which the petition for appeal was first filed, unless
8773 otherwise agreed by the parties.

8774 Any taxpayer aggrieved by an order of the circuit court may
8775 appeal, with supersedeas, to the Supreme Court by giving bond in
8776 the amount and conditioned as provided in the preceding paragraphs
8777 of this section.

8778 The officer who appealed the matter from the ad valorem
8779 assessment of the Department of Revenue or from the order of the
8780 Board of Tax Appeals concerning an ad valorem assessment by the
8781 Department of Revenue may have an appeal to the Supreme Court
8782 without bond.

8783 If the Department of Revenue appeals the matter from the
8784 order of the Board of Tax Appeals concerning an assessment by the
8785 Department of Revenue for ad valorem tax purposes, it may have an
8786 appeal to the Supreme Court without bond.

8787 In the event the appeal by the taxpayer delays the collection
8788 of the tax due by him, then the taxpayer shall be liable for and
8789 shall pay, at the time the taxes are paid to the tax collector



8790 whose duty it is to collect the taxes, interest at the rate of six
8791 percent (6%) per annum from the date the taxes were due until
8792 paid.

8793 (2) Any telephone company operating in more than six (6)
8794 counties, which is aggrieved by an assessment by the Department of
8795 Revenue for ad valorem tax purposes, may, within thirty (30) days
8796 from the date of the order of the Board of Tax Appeals regarding
8797 this assessment, appeal without bond as to the amount of taxes in
8798 controversy to the Circuit Court of the First Judicial District of
8799 Hinds County, or to the circuit court of any county in which the
8800 property, or any part thereof, is located, or to the circuit court
8801 of any county in which such telephone company resides.

8802 Notwithstanding such appeal, all of the ad valorem taxes due on
8803 the value as set by the Department of Revenue as adjusted by the
8804 Board of Tax Appeals shall be due and payable at the same time as
8805 all other ad valorem taxes are for real and personal property;
8806 provided, however, that the ad valorem taxes due on the contested
8807 portion of such value shall be paid under protest. Such telephone
8808 company shall file with the clerk of the circuit court a petition
8809 for appeal and review and the clerk shall thereupon give notice to
8810 the Department of Revenue, who will be the appellee in the appeal,
8811 and to the Board of Tax Appeals. The Department of Revenue shall
8812 file with the clerk of the circuit court where the petition is
8813 pending a certified copy of the assessment in issue and the Board
8814 of Tax Appeals shall file a certified copy of its order or orders



8815 in regard to this assessment. The assessment by the Department of
8816 Revenue and the order or orders of the Board of Tax Appeals are to
8817 be filed with the circuit clerk within thirty (30) days from the
8818 date that each respective agency and board received the notice
8819 from the clerk of the circuit court concerning the filing of the
8820 appeal. The matter of assessing such property shall be heard de
8821 novo by the circuit court at the first term of the court
8822 thereafter, or by the judge of the circuit court in vacation, by
8823 agreement of the parties, without a jury, and such proceeding
8824 shall be given preference over other pending matters in the court.
8825 After hearing the evidence, the circuit court, or the judge
8826 thereof in vacation, shall make an order setting aside, modifying
8827 or affirming the order of the Board of Tax Appeals. A copy of
8828 such order shall be certified by the clerk of the court to the
8829 Department of Revenue, which shall conform thereto.

8830 If the Department of Revenue shall be aggrieved by an order
8831 of the Board of Tax Appeals regarding an assessment by the
8832 department for ad valorem tax purposes, the department may, within
8833 thirty (30) days from the date of the order of the Board of Tax
8834 Appeals regarding this assessment, appeal to the circuit court of
8835 any county in which the property being assessed, or any part
8836 thereof, is located or of any county in which the taxpayer
8837 resides, in like manner as in the case of any person, firm or
8838 corporation aggrieved as provided in this subsection, except no
8839 bonds shall be required of the Department of Revenue. Upon the



8840 filing of a petition for appeal or review as provided in this
8841 subsection, the clerk of the court in which the petition is filed
8842 shall thereupon issue process to the person, firm or corporation
8843 whose property is assessed, and such person, firm or corporation
8844 shall plead to the petition within thirty (30) days after the
8845 receipt of the notice.

8846 If the state shall be aggrieved by an assessment for ad
8847 valorem purposes by the Department of Revenue or by an order of
8848 the Board of Tax Appeals regarding an assessment by the Department
8849 of Revenue for ad valorem tax purposes, the Attorney General or
8850 the district attorney, if all the property sought to be taxed is
8851 located within the judicial district for which such district
8852 attorney is elected, may, within thirty (30) days from the date of
8853 the notice from the Department of Revenue to the tax assessor or
8854 tax assessors in the county or counties where the property being
8855 assessed is located of the amount of the final assessment, appeal
8856 without bond to the circuit court of any county in which the
8857 property, or any part thereof, is located or of any county in
8858 which such telephone company resides. Upon the filing of a
8859 petition for appeal or review as herein provided, the clerk of the
8860 court in which the petition is filed shall thereupon issue process
8861 to such telephone company, and such telephone company shall plead
8862 to the petition within thirty (30) days after the receipt of the
8863 notice.



8864 In the event more than one (1) person appeals an assessment
8865 of a telephone company by the Department of Revenue for ad valorem
8866 tax purposes or an order of the Board of Tax Appeals regarding an
8867 assessment of a telephone company by the Department of Revenue for
8868 ad valorem tax purpose, the matter shall be heard by the circuit
8869 court of the county in which the petition for appeal was first
8870 filed, unless otherwise agreed by the parties.

8871 Any such telephone company aggrieved by an order of the
8872 circuit court may appeal without bond to the Supreme Court.

8873 The officer who appealed the matter from ad valorem
8874 assessment of the Department of Revenue of a telephone company or
8875 from the order of the Board of Tax Appeals concerning an ad
8876 valorem tax assessment by the Department of Revenue of a telephone
8877 company may have an appeal to the Supreme Court without bond.

8878 If the Department of Revenue appeals the matter from the
8879 order of the Board of Tax Appeals concerning an assessment of a
8880 telephone company by the Department of Revenue for ad valorem tax
8881 purposes, it may have an appeal to the Supreme Court without bond.

8882 If the value as set by the final assessment of the Department
8883 of Revenue of the telephone company, including any adjustment
8884 ordered by the Board of Tax Appeals, is reduced by the courts as a
8885 result of appeals filed by such telephone company, the ad valorem
8886 taxes attributable to such reduction shall be disposed of by each
8887 affected local taxing district in the following manner:



8888 (a) (i) Such local telephone company shall be entitled
8889 to a refund equal to the amount of ad valorem taxes paid by such
8890 company to the taxing district which are attributable to such
8891 reduction in value, less the portion of any refunds previously
8892 received by such telephone company pursuant to Section 27-38-5,
8893 which are attributable to such reduction in value.

8894 (ii) If the taxing district has not paid the full
8895 amount of the refund required by this subsection by the time that
8896 ad valorem taxes become due and payable by such telephone company
8897 to such taxing district for any subsequent year or years, such
8898 telephone company shall be entitled to take a credit against the
8899 ad valorem tax liability for such subsequent year or years up to
8900 the total amount of the refund owed to such telephone company
8901 pursuant to this paragraph (a).

8902 (b) (i) The remaining portion of the ad valorem taxes
8903 attributable to such reduction shall be paid by the taxing
8904 district to the state, and such amount shall be credited to the
8905 Telecommunications Ad Valorem Tax Reduction Fund.

8906 (ii) To the extent that the taxing district has
8907 not fully paid to the state the amount required by this
8908 subsection, any monies due by the state to such local taxing
8909 jurisdiction shall be offset until such amount is fully paid.

8910 **SECTION 197.** Section 9-9-19, Mississippi Code of 1972, is
8911 brought forward as follows:



8912 9-9-19. (1) A term of court shall be held in the county
8913 courthouse of the county, beginning on the second Monday of each
8914 month and continuing so long as may be necessary; but in counties
8915 where there are two (2) circuit court districts the county court
8916 shall meet alternately in the two (2) districts in the county
8917 courthouse in the same month and in the same district as the board
8918 of supervisors of said county holds its meetings. Provided that
8919 in the County of Jones, a county having two (2) judicial
8920 districts, that a term shall be held in the second judicial
8921 district of said county on the second Monday of each month; and
8922 provided that in the first judicial district a term shall be held
8923 on the fourth Monday of January, the fourth Monday of March, the
8924 fourth Monday of April, the fourth Monday of June and the fourth
8925 Monday of October. Provided that in the County of Hinds, a county
8926 having two (2) judicial districts, a term shall be held in the
8927 first judicial district on the second Monday of each month and in
8928 the second judicial district on the second Monday of March, June,
8929 September and December, and provided further that, when such terms
8930 are held concurrently, either of the county judges of Hinds County
8931 may be assigned to hold all or any part of such terms in either of
8932 the two (2) judicial districts. Provided, further, that in the
8933 County of Bolivar, a county having two (2) judicial districts, a
8934 term shall be held in the first judicial district on the second
8935 Monday of April, August and December, and in the second judicial
8936 district on the second Monday of January, February, March, May,



8937 June, July, September, October and November. Provided, however,
8938 that in the County of Harrison, a county having two (2) county
8939 judges and two (2) judicial districts, that a term shall be held
8940 in each judicial district concurrently each month. Provided,
8941 however, that the judge of the county court for good cause shown
8942 may, by order spread on the minutes of the county court, designate
8943 some place other than the county courthouse for the holding of
8944 such term of the county court as may be designated in said order.
8945 The county judge may call a special term of the county court upon
8946 giving ten (10) days' notice, and such notice shall be given by
8947 posting the same at the front door of the courthouse in said
8948 county and by the publication of said notice for one insertion in
8949 some newspaper of general circulation in the county.

8950 (2) If a county court is established pursuant to an
8951 agreement between two or more counties as provided in Section
8952 9-9-3, the terms thereof shall remain continuously open and shall
8953 not be closed and the judge of such court shall sit in rotation in
8954 the county seat of each county, beginning on Monday of each week
8955 for at least a week in each county in each month.

8956 **SECTION 198.** Section 75-55-37, Mississippi Code of 1972, is
8957 brought forward as follows:

8958 75-55-37. (1) The commissioner or his duly appointed
8959 representatives shall have the right to request an inspection of
8960 any pump, truck, or other equipment, and if upon such inspection
8961 any such pump, truck, or other equipment is found to be inaccurate



8962 to the extent that a test thereof shows a deficiency of more than
8963 twenty-five (25) cubic inches on a five (5) gallon measurement, or
8964 if the right to inspect any such pump, truck, or other equipment
8965 is refused or denied the commissioner, or his duly authorized
8966 representatives, he or they shall have the right to immediately
8967 close and lock said pump and other equipment or to seal same with
8968 the commissioner's seal. If such pump, truck, or other equipment
8969 is found to be inaccurate but the deficiency is twenty-five (25)
8970 cubic inches or less on a five (5) gallon measurement, then the
8971 commissioner or his representative shall give the owner or
8972 operator thereof forty-eight (48) hours within which to correct
8973 such inaccuracy and if such person fails or refuses to correct
8974 same within said period then the commissioner or his
8975 representative shall have the right to lock and seal such pump or
8976 other equipment in the same manner as provided above.

8977 It shall be prima facie presumed upon any refusal to allow
8978 the right to inspect that the pump, truck, or other equipment
8979 sought to be inspected is inaccurate to the extent set forth
8980 above, or is operating in violation of this chapter. When any
8981 such pump or other equipment is locked or sealed, it may not be
8982 unlocked or the seal thereon broken except in the presence of a
8983 mechanic or other person called for the purpose of repairing the
8984 inaccuracy in the machinery of such pump or other equipment, and
8985 such inaccuracy shall be immediately thereafter repaired, and the
8986 pump or other equipment properly regulated. The commissioner may,



8987 in his discretion, require an affidavit from the mechanic
8988 repairing such pump or other equipment, or any other proof which
8989 he may deem advisable to the effect that said pump was unlocked or
8990 the seal thereon broken in the presence of such mechanic, and that
8991 the inaccuracies therein were thereupon completely repaired or
8992 regulated.

8993 When a state or factory seal is broken on the measuring
8994 adjustment device on a retail pump, it shall be the duty of the
8995 station operator to notify the commissioner by United States mail,
8996 within twenty-four (24) hours, after the breaking of said seal.
8997 After the commissioner has received written notice as herein
8998 provided and he or his agent has resealed the measuring adjustment
8999 device on the pump or pumps at this station, it shall be unlawful
9000 for the owner or operator of the station or any of his employees
9001 to break a state or factory seal on the measuring adjustment
9002 device on any pump at the station during the ensuing ninety (90)
9003 days without the prior approval of the commissioner or his agent.

9004 The State of Mississippi shall have a lien on all pumps,
9005 trucks, and other equipment used by any distributor, or other
9006 person, in the operation of his business for any tax or penalty
9007 due the State of Mississippi because of any violation of this
9008 chapter. Such lien shall be paramount to any and all private
9009 liens and all the provisions set out in Chapter 7, Title 85,
9010 Mississippi Code of 1972, shall be applicable herein for the
9011 purpose of securing the enforcement of said lien, and particularly



9012 the right to secure the issuance of a writ of summons and seizure
9013 and proceedings had and done after the issuance of said writ shall
9014 be applicable. Provided, however, that the commissioner shall not
9015 be required to give any bond in any such case.

9016 Any person or officer, agent or employee thereof who shall
9017 violate any provision of this chapter shall be guilty of a
9018 misdemeanor and, upon conviction, shall be punished by a fine not
9019 exceeding One Hundred Dollars (\$100.00) for the first offense and
9020 not less than One Hundred Dollars (\$100.00) nor more than Two
9021 Hundred Dollars (\$200.00) for each subsequent offense or
9022 imprisonment in the county jail for a period not to exceed ninety
9023 (90) days or both.

9024 (2) If a person who, by himself, by his agent, or as the
9025 servant or agent of another person commits a violation of this
9026 chapter, the commissioner or his designee may impose any, all or a
9027 combination of the following penalties:

9028 (a) A stop sale order for any engine fuel, nonengine
9029 fuel, automotive lubricant or any other petroleum product not in
9030 compliance with this chapter. A remand of the stop sale order may
9031 be issued if the engine fuel, nonengine fuel, automotive lubricant
9032 or petroleum product is brought into full compliance with this
9033 chapter. The stop sale order may be appealed to the commissioner
9034 or his designee within twenty (20) days from the receipt of the
9035 order.

9036 (b) A warning letter for violations of this chapter.



9037 (c) A civil penalty of not more than Three Thousand
9038 Dollars (\$3,000.00) per violation. A person may request an
9039 administrative hearing within thirty (30) days of receipt of the
9040 notice of the penalty. The commissioner or his designee shall
9041 conduct a hearing after giving reasonable notice to the person.
9042 The decision may be appealed to the Circuit Court of the First
9043 Judicial District of Hinds County.

9044 (3) If the person has exhausted his administrative appeals,
9045 he shall pay the civil penalty within thirty (30) days after the
9046 effective date of the final decision. If the person fails to pay
9047 the penalty, the commissioner may bring a civil action in any
9048 court of competent jurisdiction to recover the penalty.

9049 (4) The commissioner is authorized to suspend, revoke and/or
9050 permanently deny a registration under the Petroleum Products
9051 Inspection Law of Mississippi to any person, firm, corporation or
9052 other organization determined to be guilty of two (2) or more
9053 violations per location, per year, of the Petroleum Products
9054 Inspection Law of Mississippi and the rules and regulations in
9055 force pursuant thereto.

9056 (5) In lieu of, or in addition to, the penalties provided
9057 above, the commissioner and the State Chemist shall have the power
9058 to institute and maintain in the name of the state any and all
9059 proceedings necessary or appropriate to enforce the provisions of
9060 the Petroleum Products Inspection Law of Mississippi and the rules
9061 and regulations in force pursuant thereto, in the appropriate



9062 circuit, chancery, county or justice court in which venue may lie.
9063 The commissioner and the State Chemist may obtain mandatory or
9064 prohibitory injunctive relief, whether temporary or permanent, and
9065 it shall not be necessary for the state to post a bond or prove
9066 that no adequate remedy is available at law.

9067 (6) All penalties assessed by the commissioner under this
9068 section shall be deposited in the State General Fund.

9069 (7) This section shall stand repealed on July 1, 2023.

9070 **SECTION 199.** Section 79-11-509, Mississippi Code of 1972, is
9071 brought forward as follows:

9072 79-11-509. (1) The Secretary of State shall deny, suspend
9073 or revoke a registration or an exemption for the following
9074 reasons:

9075 (a) The application for registration or renewal is
9076 incomplete.

9077 (b) The application or renewal fee (where applicable)
9078 has not been paid.

9079 (c) A document filed with the Secretary of State
9080 contains one or more false or misleading statements or omits
9081 material facts.

9082 (d) The charitable contributions have not been or are
9083 not being applied for the purpose or purposes stated in the
9084 documents filed with the Secretary of State.



9085 (e) The applicant or registrant has violated or failed
9086 to comply with any provisions of this chapter or any rule or order
9087 thereunder.

9088 (f) Any applicant, registrant, officer, director, or
9089 partner of the applicant or registrant, or any agent or employee
9090 thereof who has been convicted of a felony or a misdemeanor
9091 involving misrepresentation, misapplication or misuse of the money
9092 or property of another maintains a position where he or she has
9093 access to or control over the funds of the charitable
9094 organization.

9095 (g) The applicant or registrant has engaged in the use
9096 or employment of dishonesty, fraud, deception, misrepresentation,
9097 false promise or false pretense.

9098 (h) The applicant or registrant has had the authority
9099 to engage in charitable or fund-raising activities denied, revoked
9100 or suspended by the Secretary of State or any other state or
9101 jurisdiction.

9102 (i) The applicant or registrant has been convicted of
9103 any criminal offense committed in connection with the performance
9104 of activities regulated under Sections 79-11-501 through 79-11-529
9105 or any criminal offense involving untruthfulness or dishonesty or
9106 any criminal offense relating adversely to the registrant's or
9107 applicant's fitness to perform activities regulated by Sections
9108 79-11-501 through 79-11-529. For the purposes of this paragraph,
9109 a plea of guilty, non vult, nolo contendere or any other similar



9110 disposition of alleged criminal activity shall be deemed a
9111 conviction.

9112 (j) Any applicant, registrant, officer, director, or
9113 partner of the applicant or registrant, or any agent, volunteer or
9114 employee thereof, who has been convicted under federal or state
9115 law of any criminal offense involving acts against children
9116 maintains a position where he or she is in close contact with
9117 children.

9118 (k) Any officer, director, partner, employee, agent or
9119 volunteer has accrued three (3) or more unremediated citations
9120 issued by the Secretary of State pursuant to this section.

9121 (l) The applicant or registrant has engaged in other
9122 forms of misconduct as may be determined by the rules adopted by
9123 the Secretary of State.

9124 (2) The Secretary of State shall notify the applicant or
9125 licensee of his intent to deny, suspend or revoke a license. The
9126 notification shall contain the reasons for the action and shall
9127 inform him of his right to request an administrative hearing
9128 within thirty (30) days of receipt of the notification. The
9129 denial, suspension or revocation shall become effective thirty
9130 (30) days after receipt of the notification unless a request for
9131 an administrative hearing is received by the Secretary of State
9132 before the expiration of the thirty (30) days. If a hearing is
9133 requested and the denial, suspension or revocation is upheld, the
9134 denial, suspension or revocation shall become effective upon the



9135 service of the final administrative decision on the applicant or
9136 licensee.

9137 (3) Registration shall become effective no later than noon
9138 of the thirtieth day after a completed application is filed, if no
9139 denial order is in effect and no proceeding is pending under this
9140 chapter. The Secretary of State may, by rule or order, specify an
9141 earlier effective date, and the Secretary of State may, by order,
9142 defer the effective date until noon of the thirtieth day after the
9143 filing of any amendment.

9144 (4) Whenever it appears to the Secretary of State that any
9145 person has engaged in or is about to engage in any act or practice
9146 constituting a violation of any provision of this chapter or any
9147 rule or order hereunder, he may, in his discretion, seek one or
9148 more of the following remedies in addition to other remedies
9149 authorized by law:

9150 (a) Issue a cease and desist order, with or without a
9151 prior hearing against the person or persons engaged in the
9152 prohibited activities, directing them to cease and desist from
9153 further illegal activity;

9154 (b) Administratively dissolve or seek the judicial
9155 dissolution of a domestic corporation that is a charitable
9156 organization, or revoke the certificate of authority of a foreign
9157 corporation that is a charitable organization; or

9158 (c) Issue an order imposing an administrative penalty
9159 up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) for



each offense, each violation to be considered as a separate offense in a single proceeding or a series of related proceedings;

(d) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under paragraph (b) or (c) 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 chapter or a rule promulgated thereunder or an order of the Secretary of State, the number of persons adversely affected by the conduct, and the resources of the person committing the violation.

(5) In addition to the above remedies, the Secretary of State may issue a citation to any person engaging in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder. The Secretary of State shall establish rules providing remediation of certain citations, and the decision whether to allow such remediation will be within the Secretary of State's discretion.

(6) Whenever it appears to the Secretary of State or Attorney General that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of Sections 79-11-501 through 79-11-529 or any rule or order thereunder, either official may, in his discretion, take any or all of the following actions: bring an action in chancery court to obtain a temporary restraining order or injunction to enjoin the acts or practices and enforce compliance with Sections



9185 79-11-501 through 79-11-529 or any rule or order thereunder;
9186 collect administrative penalties imposed under this section; or
9187 obtain on behalf of a charitable organization the return or
9188 repayment of any property or consideration received as private
9189 inurement or an excess benefit in violation of Section
9190 79-11-519(3)(j). Upon a proper showing a permanent or temporary
9191 injunction, restraining order or writ of mandamus shall be granted
9192 and a receiver or conservator may be appointed for the defendant
9193 or the defendant's assets. In addition, upon a proper showing,
9194 the court may enter an order of rescission, restitution or
9195 disgorgement directed to any person who has engaged in any act
9196 constituting a violation of any provision of Sections 79-11-501
9197 through 79-11-529 or any rule or order thereunder. In addition
9198 the court may impose a civil penalty up to a maximum of
9199 Twenty-five Thousand Dollars (\$25,000.00) for each offense, and
9200 each violation shall be considered as a separate offense in a
9201 single proceeding or a series of related proceedings. The court
9202 may not require the Secretary of State or Attorney General to post
9203 a bond.

9204 (7) Any person aggrieved by a final order of the Secretary
9205 of State may obtain a review of the order in the Chancery Court of
9206 the First Judicial District of Hinds County, Mississippi, by
9207 filing in the court, within thirty (30) days after the entry of
9208 the order, a written petition praying that the order be modified
9209 or set aside, in whole or in part. A copy of the petition shall



be forthwith served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part.

SECTION 200. Section 43-11-23, Mississippi Code of 1972, is brought forward as follows:

43-11-23. Any applicant or licensee aggrieved by the decision of the licensing agency after a hearing, may within thirty (30) days after the mailing or serving of notice of the decision as provided in Section 43-11-11, file a notice of appeal in the chancery court of the First Judicial District of Hinds County or the chancery court of the county in which the institution is located or to be located, and the chancery clerk thereof shall serve a copy of the notice of appeal upon the licensing agency. Thereupon the licensing agency shall, within sixty (60) days or such additional time as the court may allow from the service of such notice, certify and file with the court a copy of the record and decision, including the transcript of the hearings on which the decision is based. Findings of fact by the licensing agency shall be conclusive unless substantially contrary to the weight of the evidence but upon good cause shown, the court may remand the case to the licensing agency to take further evidence, and the licensing agency may thereupon affirm, reverse or modify its decision. The court may affirm, modify or reverse



9235 the decision of the licensing agency and either the applicant or
9236 licensee or the licensing agency may appeal from this decision to
9237 the Supreme Court as in other cases in the chancery court. Pending
9238 final disposition of the matter the status quo of the applicant or
9239 licensee shall be preserved, except as the court otherwise orders
9240 in the public interest. Rules with respect to court costs as in
9241 other cases in chancery shall apply equally to cases hereunder.

9242 **SECTION 201.** Section 37-9-75, Mississippi Code of 1972, is
9243 brought forward as follows:

9244 37-9-75. (1) For purposes of this section:

9245 (a) "Strike" means a concerted failure to report for
9246 duty, a willful absence from one's position, the stoppage of work,
9247 a deliberate slowing down of work, or the withholding, in whole or
9248 in part, of the full, faithful and proper performance of the
9249 duties of employment, for the purpose of inducing, influencing or
9250 coercing a change in the conditions, compensation, rights,
9251 privileges or obligations of public employment; provided, however,
9252 that nothing herein shall limit or impair the right of any
9253 certified teacher to express or communicate a complaint or opinion
9254 on any matter related to the conditions of public employment so
9255 long as the same is not designed and does not interfere with the
9256 full, faithful and proper performance of the duties of employment.

9257 (b) "Certified teacher" shall mean the following
9258 employees of public school districts: classroom teachers,



9259 supervisors of programs, librarians, guidance personnel,
9260 audiovisual personnel and vocational directors.

9261 (2) It is hereby declared that a strike, concerted work
9262 stoppage or concerted refusal to perform lawful duties in any
9263 manner by certified teachers against public school districts
9264 within the State of Mississippi shall be illegal, unprotected and
9265 contrary to the public policy of the State of Mississippi.

9266 (3) No certified teacher, group of certified teachers or
9267 teacher organization shall promote, encourage or participate in
9268 any strike against a public school district, the State of
9269 Mississippi or any agency thereof.

9270 (4) No person exercising any authority, supervision or
9271 direction over any certified teacher shall have the power to
9272 authorize, approve or consent to a strike by one or more certified
9273 teachers, and such person shall not authorize, approve or consent
9274 to such strike. No local school governing board or any person
9275 exercising authority, supervision or direction over any public
9276 school shall attempt to close or curtail the operations of the
9277 public school, or to change or alter in any manner the schedule of
9278 operations of said school in order to circumvent the full force
9279 and effect of this statute. In the event of a strike against the
9280 public school, the local school governing board shall continue
9281 school operations as long as practicable in order to ascertain
9282 which teachers are on strike, and certify the names of such
9283 teachers to the Attorney General. Any member of a local school



governing board or public school administrator who violates this subsection shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each day such violation continues.

(5) Chancery courts having jurisdiction of the parties are vested with the authority to hear and determine all actions alleging violations of subsection (3) of this section. Suits to enjoin violations of subsection (3) of this section shall have priority over all matters on the court's docket except other emergency matters.

(6) If a certified teacher, a group of certified teachers, a teacher organization, or any officer, agent or representative of any teacher organization engages in a strike in violation of subsection (3) of this section, any public school district whose employees are involved or whose employees may be affected by the strike shall file suit to enjoin the strike in the Chancery Court of the First Judicial District of Hinds County, Mississippi, or in the chancery court having proper jurisdiction and proper venue of such actions. The chancery court shall conduct a hearing with notice to all interested parties, at the earliest practicable time. If the complainant makes a prima facie showing that a violation of subsection (3) of this section is in progress or that there is a clear, real and present danger that such a strike is about to commence, the chancery court shall issue a temporary



9309 restraining order enjoining the strike. Upon final hearing, the
9310 chancery court shall either make the injunction permanent or
9311 dissolve it.

9312 (7) If an injunction to enjoin a strike issued pursuant to
9313 this section is not promptly complied with, on the application of
9314 the complainant, the chancery court shall immediately initiate
9315 contempt proceedings against those who appear to be in violation.
9316 A teacher organization found to be in contempt of court for
9317 violating an injunction against a strike shall be fined up to
9318 Twenty Thousand Dollars (\$20,000.00) for each such calendar day.
9319 The fines so collected shall immediately accrue to the school
9320 district and shall be used by it to replace those services denied
9321 the public as a result of the strike. Each officer, agent or
9322 representative of a teacher organization found to be in contempt
9323 of court for violating an injunction against a teacher
9324 organization shall be liable for any damages which might be
9325 suffered by a public employer as a result of a violation of the
9326 provisions of subsection (3) of this section by the teacher
9327 organization or its representatives, officers and agents. The
9328 chancery court having jurisdiction over such actions is empowered
9329 to enforce judgment against teacher organizations by the
9330 attachment or garnishment of organization initiation fees or dues.
9331 (8) If the court, after a hearing on notice, determines that
9332 a certified teacher has violated subsection (3) of this section,
9333 it shall order the termination of his or her employment by the



9334 public school district. No person knowingly violating the
9335 provision of said subsection may, subsequent to such violation, be
9336 employed or reemployed as a teacher by any public school district
9337 in the state unless the court first finds a public necessity
9338 therefor.

9339 The provisions of this subsection (8) shall be cumulative and
9340 supplemental to any other applicable provision of law.

9341 **SECTION 202.** Section 75-15-27, Mississippi Code of 1972, is
9342 brought forward as follows:

9343 75-15-27. Except where a license is automatically revoked
9344 without any act of the commissioner as specially provided in this
9345 chapter, no license shall be denied or revoked except on ten (10)
9346 days' notice (the first day of the ten-day period to be the date
9347 stated on the notice, which shall be the day it is mailed) to the
9348 applicant or licensee by the commissioner, sent by letter by
9349 United States registered mail, return receipt requested, to the
9350 applicant's or licensee's business address set forth in the
9351 application. Upon receipt of the notice, as stated in the
9352 registered mail receipt, the applicant or licensee may, within
9353 five (5) days thereafter (which five-day period may be wholly or
9354 partially outside of the ten-day period) make written demand for a
9355 hearing by the commissioner, which demand, in the case of a
9356 revocation notice, must be accompanied by an additional surety
9357 bond or securities deposit, as hereafter provided, the principal
9358 sum or the market value thereof to be specified by the



9359 commissioner in the revocation notice. The revocation notice
9360 shall not become final during the period of time in which the
9361 licensee may demand such hearing nor if licensee demands a
9362 hearing, until the matter has been finally determined by the
9363 commissioner or by the courts, provided as to any revocation
9364 order, but not a denial order, that the licensee posts together
9365 with his written demand for hearing an additional corporate surety
9366 bond, written by the same surety that wrote the bond under
9367 subsection (b) of Section 75-15-11, or an additional securities
9368 deposit in addition to the securities deposit theretofore made by
9369 the licensee under subsection (c) of Section 75-15-11 which
9370 additional surety bond or securities deposit shall be in a
9371 principal amount or of a market value deemed adequate by the
9372 commissioner as specified in the revocation order but not
9373 exceeding Two Hundred Fifty Thousand Dollars (\$250,000.00),
9374 provided that if the licensee originally deposited with his
9375 application under Section 75-15-11 a corporate surety bond, the
9376 additional deposit provided in this section must be another
9377 corporate surety bond or an increase of the first one and may not
9378 be a deposit of securities, or if the licensee originally
9379 deposited securities, the additional deposit shall also be of
9380 securities and not a corporate surety bond. The bond or
9381 securities deposit shall secure the same obligations as does the
9382 corporate surety bond or securities deposit required by Section
9383 75-15-11, but shall be in addition to the bond or securities



9384 deposit required thereby. Upon receipt of the written demand, the
9385 commissioner shall thereafter, with reasonable promptness, hear
9386 and determine the matter as provided by law. If the applicant or
9387 licensee deems himself aggrieved by the determination or order of
9388 the commissioner, he may within fifteen (15) days after the
9389 determination or order, have the determination or order reviewed
9390 by an appeal to the Chancery Court of the First Judicial District
9391 of Hinds County, Mississippi, by filing a petition setting out the
9392 specific order or action or part thereof by which the person deems
9393 himself aggrieved. All those petitions shall be given preferred
9394 settings and shall be heard by the court as speedily as possible.
9395 Such an appeal shall be perfected upon the posting of a bond for
9396 the costs of the appeal accompanied by the petition. Any party to
9397 the appeal may appeal to the Supreme Court of Mississippi from the
9398 decree or order of the chancery court, within thirty (30) days
9399 from the rendition of the decree or order, in the manner provided
9400 by law for appeals to the Supreme Court of Mississippi from
9401 chancery courts.

9402 Final denial or revocation of the license, whether automatic
9403 or by final determination of the commissioner or the courts, shall
9404 cancel as of the date of final revocation all bonds or securities
9405 deposits theretofore deposited by the applicant or licensee under
9406 any provision of this chapter, provided that the licensee (and his
9407 corporate surety, if any) shall not be relieved of any accrued
9408 liabilities, and provided further, where the licensee deposited



9409 securities, that there shall not be returned to the licensee any
9410 of the deposited securities until the commissioner determines that
9411 all accrued liabilities (including, but not limited to, the
9412 principal sums thereof, accrued interest thereon, and court costs,
9413 if any, assessed to the licensee) of the licensee under this
9414 chapter have been satisfied in full.

9415 The commissioner may at any time revoke a license, on any
9416 ground on which he might refuse to grant a license, for failure to
9417 pay an annual fee or for violation of any provision of this
9418 chapter, subject to the provisions of this chapter.

9419 A license shall be automatically and finally revoked without
9420 any act or further act of the commissioner and without any right
9421 of the licensee to any hearing or further hearing by the
9422 commissioner or the courts and without any right of the licensee
9423 or the commissioner to reinstate or have reinstated the license,
9424 in the following instances: (a) at expiration of the sixty-day
9425 notice period, if the corporate surety gives notice of
9426 cancellation of its bond or any of them; (b) upon failure by
9427 licensee to pay when due the annual license fee required by
9428 Section 75-15-15; (c) upon failure by licensee to file when due
9429 any information required by Section 75-15-19; (d) in case of a
9430 revocation notice under the first paragraph of this section,
9431 failure by the licensee to demand hearing as provided therein or
9432 failure to deposit any additional corporate surety bond or
9433 securities deposit as required by the commissioner; (e) upon a



9434 license revocation order becoming final at any stage; (f) failure
9435 by licensee to deposit when due any additional corporate surety
9436 bond or securities deposit required by the commissioner under
9437 Section 75-15-29; or (g) upon final conviction of licensee as to
9438 any offense covered by Section 75-15-31.

9439 If a revocation order becomes final for any reason or in any
9440 manner, the license may not be reinstated, except upon new
9441 application as if the licensee had never been licensed before.
9442 The commissioner may deny the new application on grounds that a
9443 previous application was denied or a previous license to applicant
9444 was revoked or any ground or grounds on which he may deny an
9445 original application.

9446 **SECTION 203.** Section 73-23-63, Mississippi Code of 1972, is
9447 brought forward as follows:

9448 73-23-63. (1) Any person whose application for a license is
9449 denied shall be entitled to a hearing before the board if he
9450 submits a written request to the board. Such hearing shall be
9451 conducted at the earliest possible date. The board shall fix a
9452 time and place for the hearing and shall cause a written copy of
9453 the reason for denial of the license, together with a notice of
9454 the time and place fixed for the hearing to be served on the
9455 applicant requesting the hearing. For purposes of the hearing,
9456 the board shall have the power to subpoena persons and compel the
9457 production of records, papers and other documents.



9458 (2) (a) All complaints concerning a licensee's business or
9459 professional practice shall be received by the board. Each
9460 complaint received shall be logged, recording at a minimum the
9461 following information: (i) licensee's name; (ii) name of the
9462 complaining party, if known; (iii) date of complaint; (iv) brief
9463 statement of complaint; and (v) disposition.

9464 (b) Following the investigative process, the board may
9465 file formal charges against the licensee. Such formal complaint
9466 shall, at a minimum, inform the licensee of the facts which are
9467 the basis of the charge and which are specific enough to enable
9468 the licensee to defend against the charges.

9469 (c) Each licensee whose conduct is the subject of a
9470 formal charge which seeks to impose disciplinary action against
9471 the licensee shall be served notice of the formal charge at least
9472 thirty (30) days before the date of the hearing, which hearing
9473 shall be presided over by the board or the board's designee.
9474 Service shall be considered to have been given if the notice was
9475 personally served on the licensee or applicant or if the notice
9476 was sent by certified, United States mail to the licensee's or
9477 applicant's last known address as listed on record with the board.

9478 (d) The notice of the formal charge shall consist at a
9479 minimum of the following information:

9480 (i) The time, place and date of the hearing;
9481 (ii) That the licensee shall appear personally at
9482 the hearing and may be represented by counsel;



9483 (iii) That the licensee shall have the right to
9484 produce witnesses and evidence in the licensee's behalf and shall
9485 have the right to cross-examine adverse witnesses and evidence;
9486 (iv) That the hearing could result in disciplinary
9487 action being taken against the licensee's license;
9488 (v) That rules for the conduct of these hearings
9489 exist and it may be in the licensee's best interest to obtain a
9490 copy;
9491 (vi) That the board or its designee shall preside
9492 at the hearing and following the conclusion of the hearing shall
9493 make findings of facts, conclusions of law and recommendations,
9494 separately stated, to the board as to what disciplinary action, if
9495 any, should be imposed on the licensee;
9496 (vii) The board or its designee shall hear
9497 evidence produced in support of the formal charges and contrary
9498 evidence produced by the licensee. At the conclusion of the
9499 hearing, the board shall issue an order; and
9500 (viii) All proceedings pursuant to this section
9501 are matters of public record and shall be preserved pursuant to
9502 state law.
9503 (3) In addition to other remedies provided by law or in
9504 equity, any applicant or licensee aggrieved by any action of the
9505 board may appeal the action of the board to the chancery court of
9506 the county of his residence, if he be a resident of this state, or
9507 the Chancery Court of the First Judicial District of Hinds County,



9508 Mississippi, if he be a nonresident of this state, and the court
9509 after a hearing may modify, affirm or reverse the judgment of the
9510 board or may remand the case to the board for further proceedings.
9511 An appeal shall be filed within thirty (30) days immediately
9512 following the mailing or delivery to the applicant or licensee of
9513 a copy of the order of judgment of the board, unless the court,
9514 for good cause shown, extends the time. Appeals may be had to the
9515 Supreme Court of the State of Mississippi as provided by law from
9516 any final judgment of the chancery court. If the board appeals
9517 from any judgment of the chancery court, no bond shall be required
9518 of it in order to perfect its appeal. Any appeal of a license
9519 suspension that is required by Section 93-11-157 or 93-11-163
9520 shall be taken in accordance with the appeal procedure specified
9521 in Section 93-11-157 or 93-11-163, as the case may be, rather than
9522 the procedure specified in this section.

9523 **SECTION 204.** Section 53-9-55, Mississippi Code of 1972, is
9524 brought forward as follows:

9525 53-9-55. (1) (a) When the commission or an authorized
9526 representative of the department has reason to believe that a
9527 violation of this chapter or any regulation or order of the
9528 commission or permit board or any condition of a permit has
9529 occurred, the commission may cause a written complaint to be
9530 served upon the alleged violator. The complaint shall specify the
9531 section, regulation, order or permit alleged to be violated and
9532 the facts alleged to constitute the violation and shall require



9533 the alleged violator to appear before the commission at a time and
9534 place specified in the order to answer the complaint. The time of
9535 appearance before the commission shall be not less than twenty
9536 (20) days from the date of the mailing or service of the
9537 complaint, whichever is earlier.

9538 (b) The commission shall afford an opportunity for a
9539 formal hearing to the alleged violator at the time and place
9540 specified in the complaint or at another time or place agreed to
9541 in writing by both the department and the alleged violator, and
9542 approved by the commission. On the basis of the evidence produced
9543 at the formal hearing, the commission shall enter an order which
9544 in its opinion will best further the purposes of this chapter and
9545 shall give written notice of that order to the alleged violator
9546 and to any other persons who participated as parties at the formal
9547 hearing or who made written request for notice of the order. The
9548 commission may assess penalties as provided in this section.

9549 (c) Except as otherwise expressly provided, any notice
9550 or other instrument issued by or under authority of the commission
9551 may be served on any affected person personally or by publication,
9552 and proof of that service may be made in the same manner as in
9553 case of service of a summons in a civil action. The proof of
9554 service shall be filed in the office of the commission. Service
9555 may also be made by mailing a copy of the notice, order, or other
9556 instrument by certified mail, directed to the person affected at
9557 the person's last known post-office address as shown by the files



9558 or records of the commission. Proof of service may be made by the
9559 affidavit of the person who did the mailing and shall be filed in
9560 the office of the commission.

9561 (2) When the commission determines that any person has
9562 violated this chapter or any regulation promulgated under this
9563 chapter, order of the commission issued under this chapter or
9564 condition or limitation of a permit issued under this chapter, the
9565 commission, after notice and opportunity for a formal hearing as
9566 provided in this section, unless expressly waived by the violator,
9567 may assess that person a civil penalty not to exceed Twenty-Five
9568 Thousand Dollars (\$25,000.00) per violation. Each day of a
9569 continuing violation may be deemed a separate violation for
9570 purposes of penalty assessments. If a cessation order is issued
9571 under Section 53-9-69, the commission shall assess a civil penalty
9572 under this section. In determining the amount of the penalty, the
9573 commission shall consider the permittee's history of previous
9574 violations at the particular surface coal mining operation; the
9575 seriousness of the violation, including any irreparable harm to
9576 the environment and any hazard to the health or safety of the
9577 public; whether the permittee was negligent; demonstrated good
9578 faith of the permittee charged in attempting to achieve rapid
9579 compliance after notification of the violation; and other factors
9580 set forth in Section 49-17-43.

9581 (3) Upon the issuance of an order finding that a violation
9582 of this chapter has occurred, the person found to be in violation



9583 shall have thirty (30) days to pay the proposed penalty in full
9584 or, if the person wishes to appeal either the amount of the
9585 penalty or the fact of the violation or both forward the proposed
9586 amount as a penalty payment bond to the executive director for
9587 placement in an escrow account. The executive director shall
9588 forward any money submitted for placement in an escrow account in
9589 accordance with regulations promulgated by the commission. If,
9590 through administrative or judicial review of the violation or
9591 proposed penalty, the commission or a court of appropriate
9592 jurisdiction determines that no violation occurred or that the
9593 amount of the penalty should be reduced, the executive director
9594 shall within thirty (30) days remit the appropriate amount to the
9595 person with any interest earned on the money while in escrow.
9596 Failure to forward the proposed penalty amount to the executive
9597 director within thirty (30) days shall result in a waiver of all
9598 legal rights to contest the violation or the amount of the
9599 penalty. When all opportunities for administrative and judicial
9600 review have been exhausted, a failure to pay the civil penalty
9601 shall result in forfeiture of the bond or deposit in an amount not
9602 to exceed the amount of the penalty imposed. The commission may
9603 promulgate regulations regarding a waiver from the requirement to
9604 post a penalty payment bond upon a showing by the operator of an
9605 inability to post the bond.

9606 (4) When a permittee violates this chapter or any regulation
9607 or written order of the commission promulgated or issued under



9608 this chapter or any condition of a permit issued any director,
9609 officer, general partner, joint venturer in or authorized agent of
9610 the permittee who willfully and knowingly authorized, ordered or
9611 carried out that violation shall be subject to separate civil
9612 penalties in the same amount as penalties that may be imposed upon
9613 a person under subsection (2) of this section.

9614 (5) Civil penalties assessed by the commission and owed
9615 under this section may be recovered in a civil action brought by
9616 the department in the chancery or circuit court of the First
9617 Judicial District of Hinds County or in the chancery or circuit
9618 court of any county in which the surface coal mining and
9619 reclamation operation exists or in which the defendant may be
9620 found.

9621 (6) Any provisions of this section and chapter regarding
9622 liability for the costs of clean-up, removal, remediation or
9623 abatement of any pollution, hazardous waste or solid waste shall
9624 be limited as provided in Section 49-17-42 and rules promulgated
9625 under that section.

9626 **SECTION 205.** Section 69-7-616, Mississippi Code of 1972, is
9627 brought forward as follows:

9628 69-7-616. (1) When a complaint is made against a person for
9629 violation of any of the provisions of this article, or any of the
9630 rules or regulations promulgated hereunder, the Director of the
9631 Regulatory Division of the Mississippi Department of Agriculture
9632 and Commerce, or his designee, shall act as reviewing



9633 officer. The complaint shall be filed with the Mississippi
9634 Department of Agriculture and Commerce. The reviewing officer
9635 shall cause to be delivered to the accused, in the manner
9636 described herein, a copy of the complaint and any supporting
9637 documents along with a summons requiring the accused to respond to
9638 the allegations within thirty (30) days after service of the
9639 summons and complaint upon the accused. The accused shall file
9640 with the department a written response to the complaint and any
9641 supporting documents within the thirty-day period. The accused
9642 may be notified by serving a copy of the summons and complaint on
9643 the accused or any of his officers, agents or employees by
9644 personal service or by certified mail. Upon the expiration of the
9645 thirty-day period, the reviewing officer shall review the
9646 complaint, the written response of the accused, if any, and all
9647 supporting documents offered by the parties in support of their
9648 respective positions. The reviewing officer's decision shall be
9649 based solely on the documents provided by the parties. If the
9650 reviewing officer determines that the complaint lacks merit, he
9651 may dismiss the complaint. If he finds that there are reasonable
9652 grounds showing that a violation of the statutes or regulations
9653 has been committed, he may impose any or all of the following
9654 penalties upon the accused: (a) levy a civil penalty in the
9655 amount of no more than One Thousand Dollars (\$1,000.00) for each
9656 violation; (b) issue a stop-sale order; (c) require the accused to
9657 relabel any fish that he is offering for sale and which is not



9658 labeled in accordance with the provisions of this article; or (d)
9659 seize any fish that is not in compliance with this article, and
9660 destroy, sell or otherwise dispose of the fish, and apply the
9661 proceeds of any such sale to the costs herein and any civil
9662 penalties levied, with the balance to be paid to the accused. The
9663 reviewing officer's decision shall be in writing, and it shall be
9664 delivered to the accused by any of the methods described herein
9665 for service of the summons and complaint on the accused.

9666 (2) Either the accused or the department may appeal the
9667 decision of the reviewing officer to the Commissioner of
9668 Agriculture and Commerce by filing a notice of appeal with the
9669 department within thirty (30) days of receipt of the reviewing
9670 officer's decision. If no appeal is taken from the order of the
9671 reviewing officer within the allotted time, the order shall then
9672 become final. In the event of an appeal, the commissioner, or his
9673 designee, shall conduct a full evidentiary hearing relative to the
9674 charges. The commissioner may issue subpoenas to require the
9675 attendance of witnesses and the production of documents.
9676 Compliance with such subpoenas may be enforced by any court of
9677 general jurisdiction in this state. The testimony of witnesses
9678 shall be upon oath or affirmation, and they shall be subject to
9679 cross-examination. The proceedings shall be recorded by a court
9680 reporter. The commissioner shall have all the powers of the
9681 reviewing officer described herein, and the commissioner may
9682 affirm, reverse or modify the order of the reviewing officer. The



9683 commissioner's decision shall be in writing, and it shall be
9684 delivered to the parties in the same manner that the summons and
9685 complaint may be served upon the accused.

9686 (3) Either the accused or the department may appeal the
9687 decision of the commissioner to the circuit court of the county of
9688 residence of the accused, or if the accused is a nonresident of
9689 the State of Mississippi, to the Circuit Court of the First
9690 Judicial District of Hinds County, Mississippi. The appellant has
9691 the obligation of having the record transcribed and filed with the
9692 circuit court. The appeal shall otherwise be governed by all
9693 applicable laws and rules affecting appeals to the circuit court.
9694 If no appeal is perfected within the required time, the decision
9695 of the commissioner, or his designee, shall then become final.

9696 (4) The decision of the circuit court may then be appealed
9697 by either party to the Mississippi Supreme Court in accordance
9698 with the existing laws and rules affecting such appeals.

9699 (5) Where any violation of this article, or the rules and
9700 regulations promulgated hereunder, occurs, or is about to occur,
9701 that presents a clear and present danger to the public health,
9702 safety or welfare requiring immediate action, any of the
9703 department's field inspectors and any other persons authorized by
9704 the commissioner, may issue an order to be effective immediately,
9705 before notice and a hearing, that imposes any or all of the
9706 penalties described herein against the accused. The order shall
9707 be served upon the accused in the same manner that the summons and



9708 complaint may be served upon him. The accused shall then have
9709 thirty (30) days after service of the order upon him within which
9710 to request an informal administrative review before the reviewing
9711 officer, or his designee, as described herein. The accused shall
9712 include within his request all documents that support his
9713 position. The department may also submit any documents that
9714 support its position. If the accused makes such a request within
9715 such time, the reviewing officer, or his designee, shall review
9716 the documents provided by the parties and render a written
9717 decision within thirty (30) days after such request is made. Upon
9718 the making of such a request, the procedure described herein shall
9719 be followed, except that there is no need for a complaint to be
9720 filed against the accused. If the accused does not request an
9721 administrative review within such time frame, then he shall have
9722 waived his right to an administrative review.

9723 **SECTION 206.** Section 43-33-729, Mississippi Code of 1972, is
9724 brought forward as follows:

9725 43-33-729. (1) The corporation may from time to time issue
9726 its negotiable bonds and notes in such principal amounts as, in
9727 the opinion of the corporation, shall be necessary to provide
9728 sufficient funds for achieving the corporate purposes thereof,
9729 including operating expenses and reserves, the payment of interest
9730 on bonds and notes of the corporation, establishment of reserves
9731 to secure such bonds and notes, and all other expenditures of the
9732 corporation incident to and necessary or convenient to carry out



9733 its corporate purposes and powers. Provided, except as otherwise
9734 authorized herein, bonds and notes may be issued annually under
9735 this article in an aggregate principal amount not to exceed Three
9736 Hundred Fifty Million Dollars (\$350,000,000.00), excluding bonds
9737 and notes issued to refund outstanding bonds and notes, bonds and
9738 notes in which the corporation acts as a conduit issuer and bonds
9739 and notes issued for purposes related to Hurricane Katrina. Such
9740 annual period shall be the same as the fiscal year of the state,
9741 commencing with the annual period of July 1, 2009, to June 30,
9742 2010.

9743 (2) The provisions of Sections 75-71-1 through 75-71-57,
9744 Mississippi Code of 1972 (the "Mississippi Securities Act"), shall
9745 not apply to bonds and notes issued under the authority of this
9746 article, and no application for a formal exemption from the
9747 provisions of such act shall be required with respect to such
9748 bonds and notes.

9749 (3) Except as may otherwise be expressly provided by the
9750 corporation, all bonds and notes issued by the corporation shall
9751 be general obligations of the corporation, secured by the full
9752 faith and credit of the corporation and payable out of any monies,
9753 assets or revenues of the corporation, subject only to any
9754 agreement with the bondholders or noteholders pledging any
9755 particular monies, assets or revenues.

9756 The corporation may issue bonds or notes to which the
9757 principal and interest are payable:



9758 (a) Exclusively from the revenues of the corporation
9759 resulting from the use of the proceeds of such bonds or notes; or
9760 (b) Exclusively from any particular revenues of the
9761 corporation, whether or not resulting from the use of the proceeds
9762 of such bonds or notes.

9763 (4) Any bonds or notes issued by the corporation may be
9764 additionally secured:

9765 (a) By private insurance, by a direct pay or standby
9766 letter of credit, or by any other credit enhancement facility
9767 procured by the corporation for the payment of any such bonds;

9768 (b) By a pledge of any grant, subsidy or contribution
9769 from the United States or any agency or instrumentality thereof,
9770 or from the state or any agency, instrumentality or political
9771 subdivision thereof, or from any person, firm or corporation; or

9772 (c) By the pledge of any securities, funds or reserves
9773 (or earnings thereon) available to the corporation.

9774 (5) Bonds and notes issued by the corporation shall be
9775 authorized by a resolution or resolutions of the corporation
9776 adopted as provided for by this article; provided, that any such
9777 resolution authorizing the issuance of bonds or notes may delegate
9778 to an officer or officers of the corporation the power to issue
9779 such bonds or notes from time to time and to fix the details of
9780 any such issues of bonds or notes by an appropriate certification
9781 of such authorized officer.



9782 (6) Except as specifically provided in this article, no
9783 notice, consent or approval by any governmental body or public
9784 officer shall be required as a prerequisite to the issuance, sale
9785 or delivery of any bonds or notes of the corporation pursuant to
9786 the provisions of this article. However, all bonds or notes
9787 issued pursuant to this article may be validated, except as
9788 otherwise provided in this section, in accordance with the
9789 provisions of Sections 31-13-1 through 31-13-11, Mississippi Code
9790 of 1972, in the same manner as provided therein for bonds issued
9791 by a municipality. Any such validation proceedings shall be held
9792 in the First Judicial District of Hinds County, Mississippi.
9793 Notice thereof shall be given by publication in any newspaper
9794 published in the City of Jackson, Mississippi, and of general
9795 circulation throughout the state.

9796 (7) It is hereby determined that the corporation is the sole
9797 entity in the state authorized to issue bonds or notes for the
9798 purposes of financing low and moderate income rental or
9799 residential housing as set forth in this article. In addition,
9800 the corporation shall have the power to issue mortgage credit
9801 certificates, as provided by Section 25 of the Internal Revenue
9802 Code of 1954, as amended, and to comply with all of the terms and
9803 conditions set forth in Section 25, as the same may be amended
9804 from time to time.

9805 **SECTION 207.** Section 77-3-22, Mississippi Code of 1972, is
9806 brought forward as follows:



9807 77-3-22. If the commission determines that any privately
9808 owned water and/or sewer system within its jurisdiction is unable
9809 or unwilling to adequately serve its customers or has been
9810 actually or effectively abandoned by its owner, or that its
9811 management is grossly inefficient, irresponsible or unresponsive
9812 to the needs of its customers, the commission or its designated
9813 representative may petition the Chancery Court of the First
9814 Judicial District of Hinds County or the chancery court of any
9815 county wherein the public utility does business for an order
9816 attaching the assets of the privately owned water and/or sewer
9817 system and placing such water and/or sewer system under the sole
9818 control and responsibility of a receiver. If the court determines
9819 that the petition is proper in all respects and finds, after a
9820 hearing thereon, the allegations contained in the petition are
9821 true, it shall order that the water and/or sewer system be placed
9822 in receivership. The court, in its discretion and in
9823 consideration of the recommendation of the commission or its
9824 designated representative, may appoint a receiver who shall be a
9825 responsible individual, partnership, corporation or political
9826 subdivision knowledgeable in water or sewer service affairs and
9827 who shall maintain control and responsibility for the operation
9828 and management of the affairs of such water and/or sewer system.
9829 The receiver shall operate the water and/or sewer system so as to
9830 preserve the assets of the water and/or sewer system and to serve
9831 the best interests of its customers. The receiver shall be



9832 compensated from the assets of the water and/or sewer system in an
9833 amount to be determined by the court.

9834 Control of and responsibility for the water and/or sewer
9835 system shall remain in the receiver until the court determines
9836 that it is in the best interests of the customers that the water
9837 and/or sewer system be returned to the owner, transferred to
9838 another owner or assumed by another water and/or sewer system or
9839 public service corporation. If the court, after hearing,
9840 determines that control of and responsibility for the affairs of
9841 the water and/or sewer system should not be returned to the legal
9842 owner thereof, the receiver may proceed to liquidate the assets of
9843 such water and/or sewer system in the manner provided by law.

9844 Mississippi laws and Mississippi Rules of Civil Procedure
9845 generally applicable to receivership shall govern receiverships
9846 created under this section.

9847 This section is in addition to the provisions of Section
9848 77-3-21.

9849 **SECTION 208.** Section 75-29-604, Mississippi Code of 1972, is
9850 brought forward as follows:

9851 75-29-604. (1) When a written complaint is made against a
9852 person for violation of this article, or any of the rules or
9853 regulations, the commissioner, or his designee, shall conduct a
9854 full evidentiary hearing. The complaint shall be in writing and
9855 shall be filed in the office of the department. The commissioner
9856 shall serve the accused with a copy of the complaint and a summons



9857 by any of the methods set forth in Rule 4 of the Mississippi Rules
9858 of Civil Procedure or by certified mail. Within thirty (30) days
9859 after receipt of the summons and a copy of the complaint, the
9860 accused shall file a written answer with the department. Upon
9861 receipt of the written answer of the accused, the matter shall be
9862 set for hearing before the commissioner within a reasonable time.
9863 If the accused fails to file an answer within the thirty (30)
9864 days, the commissioner may enter an order by default against the
9865 accused. The commissioner may issue subpoenas to require the
9866 attendance of witnesses and the production of documents.
9867 Compliance with the subpoenas may be enforced by any court of
9868 general jurisdiction in this state. The testimony of witnesses
9869 shall be upon oath or affirmation, and they shall be subject to
9870 cross-examination. The proceedings shall be recorded. If the
9871 commissioner determines that the complaint lacks merit, he may
9872 dismiss same. If he finds that there is substantial evidence
9873 showing that a violation has occurred, he may impose any or all of
9874 the following penalties upon the accused: (a) levy a civil
9875 penalty in the amount of no more than Five Thousand Dollars
9876 (\$5,000.00) for each violation; (b) issue a stop sale order; (c)
9877 require the accused to relabel the honey or honey products that he
9878 is offering or exposing for sale which is not labeled in
9879 accordance with this article; or (d) seize any lot of honey or
9880 honey products that is not in compliance with this article and
9881 destroy, sell or otherwise dispose of the honey and honey products



9882 and apply the proceeds of the sale to the costs and civil
9883 penalties levied with the balance to be paid to the accused. The
9884 decision of the commissioner, or his designee, shall be in
9885 writing, and it shall be delivered to the accused by certified
9886 mail.

9887 (2) Either the accused or the department may appeal the
9888 decision of the commissioner to the circuit court of the county of
9889 residence of the accused or, if the accused is a nonresident of
9890 the State of Mississippi, to the Circuit Court of the First
9891 Judicial District of Hinds County, Mississippi. The appellant
9892 shall have the record transcribed and file it with the circuit
9893 court. The appeal shall otherwise be governed by all applicable
9894 laws and rules affecting appeals to circuit court. If no appeal
9895 is perfected within the required time, the decision of the
9896 commissioner shall then become final.

9897 (3) The decision of the circuit court may then be appealed
9898 by either party to the Mississippi Supreme Court in accordance
9899 with the existing law and rules affecting such appeals.

9900 (4) When any violation of this article, or the rules and
9901 regulations occurs, or is about to occur, that presents a clear
9902 and present danger to the public health, safety or welfare
9903 requiring immediate action, any of the department's field
9904 inspectors, and any other persons authorized by the commissioner,
9905 may issue an order to be effective immediately before notice and a
9906 hearing that imposes any or all of the following penalties against



9907 the accused: (a) issue a stop sale order; (b) require the accused
9908 to relabel any honey or honey products that he is offering or
9909 exposing for sale and which is not labeled in accordance with this
9910 article; or (c) seize any lot of honey or honey products that is
9911 not in compliance with this article and destroy, sell or otherwise
9912 dispose of the honey or honey products and apply the proceeds of
9913 the sale to the cost and any civil penalties levied with the
9914 balance to be paid to the accused. The order shall be served upon
9915 the accused in the same manner that the summons and complaint may
9916 be served upon him. The accused shall then have thirty (30) days
9917 after service of the order upon him within which to request an
9918 informal administrative review before the Director of the Bureau
9919 of Regulatory Services in the department, or his designee, who
9920 shall act as reviewing officer. If the accused makes a timely
9921 request, the reviewing officer shall conduct an informal
9922 administrative review within ten (10) days after the request is
9923 made. If the accused does not request an informal administrative
9924 review within the thirty (30) days, then he will be deemed to have
9925 waived his right to the review. At the informal administrative
9926 review, subpoena power shall not be available, witnesses shall not
9927 be sworn nor be subject to cross-examination and there shall be no
9928 court reporter or record made of the proceedings. Each party may
9929 present its case in the form of documents, oral statements or any
9930 other method. The rules of evidence shall not apply. The
9931 reviewing officer's decision shall be in writing, and it shall be



9932 delivered to the parties by certified mail. If either party is
9933 aggrieved by the order of the reviewing officer, he may appeal to
9934 the commissioner for a full evidentiary hearing in accordance with
9935 the procedures in subsection (1) of this section, except that
9936 there shall be no requirement for a written complaint or answer to
9937 be filed by the parties. The appeal shall be perfected by filing
9938 a notice of appeal with the commissioner within thirty (30) days
9939 after the order of the reviewing officer is served on the
9940 appealing party. The hearing before the commissioner, or his
9941 designee, shall be held within a reasonable time after the appeal
9942 has been perfected. Failure to perfect an appeal within the
9943 allotted time shall be deemed a waiver of such right.

9944 (5) The Commissioner may publish the names and addresses of
9945 anyone who violates this article.

9946 **SECTION 209.** Section 79-4-14.31, Mississippi Code of 1972,
9947 is brought forward as follows:

9948 79-4-14.31. (a) Venue for a proceeding brought by any party
9949 named in Section 79-4-14.30 lies in the county where a
9950 corporation's principal office (or, if none in this state, its
9951 registered office) is or was last located.

9952 (b) It is not necessary to make shareholders parties to a
9953 proceeding to dissolve a corporation unless relief is sought
9954 against them individually.

9955 (c) A court in a proceeding brought to dissolve a
9956 corporation may issue injunctions, appoint a receiver or custodian



9957 pendente lite with all powers and duties the court directs, take
9958 other action required to preserve the corporate assets wherever
9959 located, and carry on the business of the corporation until a full
9960 hearing can be held.

9961 (d) Within ten (10) days of the commencement of a proceeding
9962 under Section 79-4-14.30(2) to dissolve a corporation that is not
9963 a public corporation, the corporation shall send to all
9964 shareholders, other than the petitioner, a notice stating that the
9965 shareholders are entitled to avoid the dissolution of the
9966 corporation by electing to purchase the petitioner's shares under
9967 Section 79-4-14.34 and accompanied by a copy of Section
9968 79-4-14.34.

9969 **SECTION 210.** Section 77-1-53, Mississippi Code of 1972, is
9970 brought forward as follows:

9971 77-1-53. (1) Whenever the commission, an employee of the
9972 commission or any employee of the public utilities staff has
9973 reason to believe that a willful and knowing violation of any
9974 statute administered by the commission or any regulation or any
9975 order of the commission has occurred, the commission may cause a
9976 written complaint to be served upon the alleged violator or
9977 violators. The complaint shall specify the provisions of such
9978 statute, regulation or order alleged to be violated and the facts
9979 alleged to constitute a violation thereof and shall require that
9980 the alleged violator appear before the commission at a time and
9981 place specified in the notice and answer the charges complained



of. The time of appearance before the commission shall not be less than twenty (20) days from the date of the service of the complaint, unless the commission finds that the public convenience or necessity requires that such hearing be held at an earlier date.

(2) The commission shall afford an opportunity for a fair hearing to the alleged violator or violators at the time and place specified in the complaint. On the basis of the evidence produced at the hearing, the commission shall make findings of fact and conclusions of law and enter its order, which in its opinion will be in the best interests of the consuming public. Failure to appear at any such hearing, without prior authorization to do so from the commission, may result in the commission finding the alleged violator guilty of the charges complained of by default, and at such time an order may be entered, including the assessment of a penalty. The commission shall give written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing or made written request for notice of the order. The commission may assess such penalties as provided in subsection (3) of this section.

(3) Any person found by the commission, pursuant to a hearing or by default as provided in this section, violating any statute administered by the commission, or any regulation or order of the commission in pursuance thereof, shall be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000.00)



10007 for each violation, to be assessed and collected by the
10008 commission. Each day that a violation continues shall constitute
10009 a separate violation. In lieu of, or in addition to, the monetary
10010 penalty, the commission, for any violation by a certificate
10011 holder, may impose a penalty in accordance with Section 77-3-21,
10012 Mississippi Code of 1972, if it finds that the violator is not
10013 rendering reasonably adequate service. Appeals from the
10014 imposition of the civil penalty may be taken to the Circuit Court
10015 of the First Judicial District of Hinds County in the same manner
10016 as appeals from orders of the commission constituting judicial
10017 findings.

10018 (4) All penalties collected by the commission under this
10019 section shall be deposited in the Public Service Commission
10020 Regulation Fund.

10021 (5) No portion of any penalty or costs associated with an
10022 administrative or court proceeding which results in the assessment
10023 of a penalty against a public utility for violation of any statute
10024 administered by the commission, or any regulation or order of the
10025 commission shall be considered by the commission in fixing any
10026 rates or charges of such public utility.

10027 (6) This section shall be in addition to any other law which
10028 provides for the imposition of penalties for the violation of any
10029 statute administered by the commission or any regulation or order
10030 of the commission.



10031 (7) From and after July 1, 2016, the expenses of this agency
10032 shall be defrayed by appropriation from the State General Fund and
10033 all user charges and fees authorized under this section shall be
10034 deposited into the State General Fund as authorized by law.

10035 (8) From and after July 1, 2016, no state agency shall
10036 charge another state agency a fee, assessment, rent or other
10037 charge for services or resources received by authority of this
10038 section.

10039 **SECTION 211.** Section 53-1-39, Mississippi Code of 1972, is
10040 brought forward as follows:

10041 53-1-39. (a) In addition to other remedies now available,
10042 the state, or any interested person aggrieved by any final rule,
10043 regulation or order of the board, shall have the right, regardless
10044 of the amount involved, of appeal to the Chancery Court of the
10045 First Judicial District of Hinds County, Mississippi, or to the
10046 chancery court of the county in which all or a part of appellant's
10047 property affected by such rule, regulation or order is situated,
10048 which shall be taken and perfected as hereinafter provided, within
10049 thirty (30) days from the date that such final rule, regulation or
10050 order is filed for record in the office of the board; and the said
10051 chancery court may affirm such rule, regulation or order, or
10052 reverse same for further proceedings as justice may require. All
10053 such appeals shall be taken and perfected, heard and determined
10054 either in termtime or in vacation on the record, including a
10055 transcript of pleadings and testimony, both oral and documentary,



10056 filed and heard before the board, and such appeal shall be heard
10057 and disposed of promptly by the court as a preference cause. In
10058 perfecting any appeal provided by this section, the provisions of
10059 law respecting notice to the reporter and the allowance of bills
10060 of exception, now or hereafter in force respecting appeals from
10061 the chancery court to Supreme Court shall be applicable. However,
10062 the reporter shall transcribe his notes and file the transcript of
10063 the record with the board within thirty (30) days after approval
10064 of the appeal bond.

10065 (b) Upon the filing with the board of a petition for
10066 appeal to the chancery court, it shall be the duty of the board,
10067 as promptly as possible, and in any event within sixty (60) days
10068 after approval of the appeal bond, to file with the clerk of the
10069 chancery court to which the appeal is taken, a copy of the
10070 petition for appeal and of the rule, regulation or order appealed
10071 from, and the original and one (1) copy of the transcript of the
10072 record of proceedings in evidence before the board. After the
10073 filing of said petition, the appeal shall be perfected by the
10074 filing with the clerk of the chancery court to which the appeal is
10075 taken of bond in the sum of Five Hundred Dollars (\$500.00) with
10076 two (2) sureties or with a surety company qualified to do business
10077 in Mississippi as the surety, conditioned to pay the cost of such
10078 appeal; said bond to be approved by any member of the board or by
10079 the supervisor, or by the clerk of the court to which such appeal
10080 is taken. The perfection of an appeal shall not stay or suspend



10081 the operation of any rule, regulation or order of the board, but
10082 the judge of the chancery court to which the appeal is taken may
10083 award a writ of supersedeas to any rule, regulation or order of
10084 the board after five (5) days' notice to the board and after
10085 hearing. Any order or judgment staying the operation of any rule,
10086 regulation or order of the board shall contain a specific finding,
10087 based upon evidence submitted to the chancery judge and identified
10088 by reference thereto, that great or irreparable damage would
10089 result to the appellant if he is denied relief, and the stay shall
10090 not become effective until a supersedeas bond shall have been
10091 executed and filed with and approved by the clerk of the court or
10092 the chancery judge, payable to the state. The bond shall be in an
10093 amount fixed by the chancery judge and conditioned as said
10094 chancery judge may direct in the order granting the supersedeas.

10095 Appeals of rules, regulations or orders of the board pending
10096 in the circuit court prior to July 1, 1988, shall proceed in the
10097 circuit court having jurisdiction under the appropriate statutes
10098 and rules applicable to such cases in the circuit courts. Appeals
10099 of rules, regulations or orders of the board on or after July 1,
10100 1988, shall be perfected in the appropriate chancery court and
10101 shall proceed under the statutes and rules applicable to such
10102 cases in the chancery courts.

10103 **SECTION 212.** Section 83-31-107, Mississippi Code of 1972, is
10104 brought forward as follows:



10105 83-31-107. (1) Not later than the ninetieth day after the
10106 date on which a mutual insurance company's board of directors
10107 adopts a conversion plan, the company shall file with the
10108 commissioner:

10109 (a) A copy of the conversion plan, including the
10110 documents relating to the conversion plan;

10111 (b) The independent evaluation of a pro forma market
10112 value required by Section 83-31-121(2);

10113 (c) The form of notice required by Section 83-31-111;

10114 (d) The form of proxy to be solicited from eligible
10115 members under Section 83-31-113(2);

10116 (e) The form of notice required by Section 83-31-129(3)
10117 to persons whose policies are issued after adoption of the
10118 conversion plan but before the effective date of the conversion
10119 plan;

10120 (f) An audited financial statement prepared on a
10121 statutory basis in accordance with the insurance laws of the State
10122 of Mississippi, including an actuarial opinion for the most recent
10123 calendar year ended, or a copy thereof, if the statement was
10124 previously filed with the commissioner;

10125 (g) The proposed amended or restated articles of
10126 association of the converted stock company, which shall include a
10127 change of the name of the company to delete the word "mutual" from
10128 the name of such company and proposed amended or restated bylaws
10129 of such company;



10130 (h) A statement regarding acquisition of control, if
10131 applicable, as required by Section 83-6-1 et seq.; and

10132 (i) Any other information as required under rules or
10133 regulations or as requested by the commissioner.

10134 (2) Except as otherwise provided by this subsection, the
10135 commissioner shall approve or disapprove a conversion plan not
10136 later than the ninetieth day after the first day on which all the
10137 documents and other information required under subsection (1) of
10138 this section are filed with the commissioner. The commissioner may
10139 not extend the time for approval or disapproval beyond the
10140 ninety-day time period unless he finds it necessary to retain a
10141 qualified expert in accordance with subsection (4) of this
10142 section, in which case he may extend the time for review for an
10143 additional sixty (60) days beyond the initial ninety-day period.
10144 Notwithstanding the stated time limits herein, the commissioner
10145 may extend the time for approval or disapproval for an additional
10146 thirty (30) days beyond the date on which any amendment to such
10147 plan is filed with the commissioner. The commissioner shall,
10148 within five (5) days of approving or disapproving a conversion
10149 plan, give written notice to the mutual insurance company of the
10150 commissioner's decision and, in the event of disapproval, a
10151 detailed statement of the reasons for the adverse decision. If a
10152 plan is disapproved, then the conversion plan may be amended and
10153 resubmitted to the commissioner for his approval or disapproval as
10154 provided in Sections 83-31-101 through 83-31-143. If the



10155 commissioner disapproves the plan, then the mutual insurance
10156 company may appeal the commissioner's decision as provided by the
10157 laws of this state to the Chancery Court of the First Judicial
10158 District of Hinds County, Mississippi.

10159 (3) The commissioner shall approve a conversion plan if the
10160 commissioner finds that the conversion plan complies with Sections
10161 83-31-101 through 83-31-143, the conversion plan's method of
10162 allocating subscription rights or other value is fair and
10163 equitable and the conversion plan is otherwise fair and equitable
10164 to members and policyholders, and the converted stock company
10165 would satisfy the requirements applicable to a domestic stock
10166 company; however, the commissioner may not approve such a
10167 conversion plan and shall disapprove such a plan if the
10168 commissioner finds that (a) the effect of the conversion plan
10169 would be substantially to lessen competition in insurance in this
10170 state or tend to create a monopoly therein; (b) the financial
10171 condition of any party to the conversion plan is such as might
10172 jeopardize the financial stability of the insurers which are
10173 parties to the plan or prejudice the interests of their
10174 policyholders; (c) the conversion plan or the plans for operation
10175 of the parties to the conversion plan following implementation of
10176 the conversion plan are not in the public interest; (d) the
10177 competence, experience and integrity of those persons who would
10178 control the operations of the parties to the conversion plan are
10179 such that it would not be in the interest of policyholders of the



10180 parties to the conversion plan or of the public to permit the
10181 conversion plan; (e) the conversion plan's method of allocating
10182 subscription rights or other value is not fair and equitable; (f)
10183 the conversion plan is not fair and equitable to the members and
10184 policyholders; (g) implementation of the conversion plan is likely
10185 to be hazardous or prejudicial to the insurance buying public; or
10186 (h) the conversion unfairly enriches the officers and directors of
10187 the converting insurer.

10188 (4) The commissioner may retain, at the mutual insurance
10189 company's expense, a qualified expert or experts, including but
10190 not limited to appraisers, actuaries, accountants and attorneys,
10191 not otherwise a part of the commissioner's staff to assist the
10192 commissioner in reviewing the conversion plan and the independent
10193 evaluation of the pro forma market value required under Section
10194 83-31-121(2).

10195 (5) The commissioner may hold a public hearing to allow
10196 comment on the conversion plan after giving written notice to the
10197 mutual insurance company and other interested persons, all of whom
10198 have the right to appear at the hearing. Notice to interested
10199 persons who have not filed an appearance in the matter may be made
10200 in any reasonable manner deemed appropriate by the commissioner
10201 with the costs thereof assessed to the mutual insurance company.

10202 **SECTION 213.** Section 73-24-25, Mississippi Code of 1972, is
10203 brought forward as follows:



10204 73-24-25. (1) Any person whose application for a license is
10205 denied shall be entitled to a hearing before the board if he
10206 submits a written request to the board. Such hearing shall be
10207 conducted at the earliest possible date. A subcommittee of the
10208 council shall attend and may offer relevant evidence at any such
10209 hearing. The board shall fix a time and place for the hearing and
10210 shall cause a written copy of the reason for denial of the
10211 license, together with a notice of the time and place fixed for
10212 the hearing, to be served on the applicant requesting the hearing
10213 and shall serve notice of such hearing on the council. Service of
10214 and notice of the hearing may be given by United States certified
10215 mail, return receipt requested, to the last known address of the
10216 licensee or applicant. For purposes of the hearing, the board,
10217 acting by and through the Executive Director of the State Board of
10218 Health, shall have the power to subpoena persons and compel the
10219 production of records, papers and other documents.

10220 (2) (a) All complaints concerning a licensee's business or
10221 professional practice shall be received by the board. Each
10222 complaint received shall be registered, recording at a minimum the
10223 following information: (i) licensee's name; (ii) name of the
10224 complaining party, if known; (iii) date of complaint; (iv) brief
10225 statement of complaint; and (v) disposition.

10226 (b) Following the investigative process, the board may
10227 file formal charges against the licensee. Such formal complaint,
10228 at a minimum, shall inform the licensee of the facts which are the



10229 basis of the charge and which are specific enough to enable the
10230 licensee to defend against the charges.

10231 (c) Each licensee whose conduct is the subject of a
10232 formal charge which seeks to impose disciplinary action against
10233 the licensee shall be served notice of the formal charge at least
10234 thirty (30) days before the date of the hearing, which hearing
10235 shall be presided over by the board or the board's designee.
10236 Service shall be considered to have been given if the notice was
10237 personally received by the licensee or if the notice was sent by
10238 United States certified mail, return receipt requested, to the
10239 licensee at the licensee's last known address as listed with the
10240 state agency.

10241 (d) The notice of the formal charge shall consist, at a
10242 minimum, of the following information:

10243 (i) The time, place and date of the hearing;

10244 (ii) Notification that the licensee shall appear
10245 personally at the hearing and may be represented by counsel;

10246 (iii) Notification that the licensee shall have
10247 the right to produce witnesses and evidence in his behalf and
10248 shall have the right to cross-examine adverse witnesses and
10249 evidence;

10250 (iv) Notification that the hearing could result in
10251 disciplinary action being taken against the licensee;



10252 (v) Notification that rules for the conduct of the
10253 hearing exist, and it may be in the licensee's best interest to
10254 obtain a copy;

10255 (vi) Notification that the board or its designee
10256 shall preside at the hearing, and following the conclusion of the
10257 hearing, shall make findings of facts, conclusions of law and
10258 recommendations, separately stated, to the board as to what
10259 disciplinary action, if any, should be imposed on the licensee;

10260 (vii) The board or its designee shall hear
10261 evidence produced in support of the formal charges and contrary
10262 evidence produced by the licensee. At the conclusion of the
10263 hearing, the board shall issue an order; and

10264 (viii) All proceedings under this section are
10265 matters of public record and shall be preserved in accordance with
10266 state law.

10267 (3) In addition to other remedies provided by law or in
10268 equity, any applicant or licensee aggrieved by any action of the
10269 board may appeal the action of the board to the chancery court of
10270 the county of his residence if he be a resident of this state, or
10271 to the Chancery Court of the First Judicial District of Hinds
10272 County, Mississippi, if he be a nonresident of this state. An
10273 appeal shall be filed within thirty (30) days immediately
10274 following the mailing or delivery to the applicant or licensee of
10275 a copy of the order of judgment of the board, unless the court,
10276 for good cause shown, extends the time. The court after a hearing



10277 may modify, affirm or reverse the judgment of the board or may
10278 remand the case to the board for further proceedings. An appeal
10279 from the chancery court may be had to the Supreme Court of the
10280 State of Mississippi as provided by law for any final judgment of
10281 the chancery court. If the board appeals a judgment of the
10282 chancery court, no bond shall be required of it in order to
10283 perfect its appeal.

10284 (4) The board may impose any of the following sanctions,
10285 singly or in combination, when it finds that a licensee is guilty
10286 of any such offense:

10287 (a) Revoke the license;

10288 (b) Suspend the license, for any period of time;

10289 (c) Censure the licensee;

10290 (d) Impose a monetary penalty of not more than Two
10291 Hundred Dollars (\$200.00);

10292 (e) Place a licensee on probationary status and
10293 requiring the licensee to submit to any of the following: (i)
10294 report regularly to the board, or its designee, upon matters which
10295 are the basis of probation; (ii) continue to renew professional
10296 education until a satisfactory degree of skill has been attained
10297 in those areas which are the basis of probation; or (iii) such
10298 other reasonable requirement or restrictions as the board deems
10299 proper;

10300 (f) Refuse to renew a license; or



10301 (g) Revoke probation which has been granted and impose
10302 any other disciplinary action under this subsection when the
10303 requirements of probation have not been fulfilled or have been
10304 violated.

10305 (5) The board summarily may suspend a license under this
10306 chapter without the filing of a formal complaint, notice or a
10307 hearing, if the board finds that the continued practice in the
10308 profession by the licensee would constitute an immediate danger to
10309 the public. If the board summarily suspends a license under the
10310 provisions of this subsection a hearing must be held within twenty
10311 (20) days after suspension begins, unless the hearing date is
10312 continued at the request of the licensee.

10313 (6) Disposition of any formal complaint may be made by
10314 consent order or stipulation between the board and the licensee.

10315 (7) The board may reinstate any licensee to good standing
10316 under this chapter if, after hearing, the board is satisfied that
10317 the applicant's renewed practice is in the public interest.

10318 (8) The board may seek the counsel of the Occupational
10319 Therapy Advisory Council regarding disciplinary actions.

10320 (9) The board shall seek to achieve consistency in the
10321 application of the foregoing sanctions, and significant departure
10322 from prior decisions involving similar conduct shall be explained
10323 by the board.

10324 (10) In addition, the board shall be authorized to suspend
10325 the license of any licensee for being out of compliance with an



10326 order for support, as defined in Section 93-11-153. The procedure
10327 for suspension of a license for being out of compliance with an
10328 order for support, and the procedure for reissuance or
10329 reinstatement of a license suspended for that purpose, and the
10330 payment of any fees for the reissuance or reinstatement of a
10331 license suspended for that purpose, shall be governed by Section
10332 93-11-157 or 93-11-163, as the case may be. If there is any
10333 conflict between any provision of Section 93-11-157 or 93-11-163
10334 and any provision of this chapter, the provisions of Section
10335 93-11-157 or 93-11-163, as the case may be, shall control.

10336 **SECTION 214.** Section 27-77-13, Mississippi Code of 1972, is
10337 brought forward as follows:

10338 27-77-13. (1) The findings and order of the Board of Tax
10339 Appeals entered in accordance with Section 27-77-9, 27-77-11 or
10340 Section 27-77-12, shall be final unless the agency or the
10341 permittee, IFTA licensee, IRP registrant, tag holder, or title
10342 interest holder of the permit, IFTA license, IRP registration, tag
10343 or title in regard to which action was taken in the order shall,
10344 within thirty (30) days from the date of the order, file a
10345 petition in chancery court seeking a review of the order. If a
10346 petition under this subsection is filed by the permittee, IFTA
10347 licensee, IRP registrant, tag holder or title interest holder, the
10348 petition shall be filed against the agency as respondent. If a
10349 petition under this subsection is filed by the agency, the
10350 petition shall be filed against the permittee, IFTA licensee, IRP



10351 registrant, tag holder or title interest holder of the permit,
10352 IFTA license, IRP registration, tag or title which is the subject
10353 of the order sought to be reviewed as respondent. The respondent
10354 to a petition has thirty (30) days from the date of service of the
10355 petition to file a cross-appeal. The petition shall contain a
10356 concise statement of the facts as contended by the petitioner,
10357 identify the order from which the appeal is being taken and the
10358 type of relief sought. Where the petition is being filed by a
10359 permittee, IFTA licensee, IRP registrant, tag holder or title
10360 interest holder, the petition shall also contain a certificate
10361 that the petitioner has paid to the executive director the
10362 estimated cost of the preparation of the entire record of the
10363 Board of Tax Appeals on the matter for which a review is sought.

10364 (2) A petition under subsection (1) of this section shall be
10365 filed in the chancery court of the county or judicial district in
10366 which the permittee, IFTA licensee, IRP registrant, tag holder or
10367 title interest holder of the permit, IFTA license, IRP
10368 registration, tag or title which is the subject of the order of
10369 the Board of Tax Appeals sought to be reviewed has a place of
10370 business or in the First Judicial District of Hinds County,
10371 Mississippi; however, a resident permittee, IFTA licensee, IRP
10372 registrant, tag holder or title interest holder may file a
10373 petition in the chancery court of the county or judicial district
10374 in which he is a resident. If both the agency and the permittee,
10375 IFTA licensee, IRP registrant, tag holder or title interest holder



10376 file a petition under subsection (1) of this section, the appeals
10377 shall be consolidated and the chancery court where the first
10378 petition was filed shall have jurisdiction over the consolidated
10379 appeal. If it cannot be determined which petition was filed
10380 first, the chancery court where the permittee, IFTA licensee, IRP
10381 registrant, tag holder or title interest holder filed his petition
10382 shall have jurisdiction over the consolidated appeal.

10383 (3) The review by the chancery court of the order of the
10384 Board of Tax Appeals on a petition filed under subsection (1) of
10385 this section shall be based on the record made before the Board of
10386 Tax Appeals. Before filing a petition under subsection (1) of
10387 this section, a petitioner, who is a permittee, IFTA licensee, IRP
10388 registrant, tag holder or title interest holder, shall obtain from
10389 the executive director an estimate of the cost to prepare the
10390 entire record of the Board of Tax Appeals and shall pay to the
10391 executive director the amount of the estimate. If, upon the
10392 preparation of the record, it is determined that the estimate paid
10393 was insufficient to pay the actual cost of the preparation of the
10394 record, the executive director shall mail to the petitioner a
10395 written notice of the deficiency. The petitioner shall pay the
10396 deficiency to the executive director within thirty (30) days from
10397 the date of this written notice. If upon the preparation of the
10398 record, it is determined that the estimate paid by the petitioner
10399 exceeds the actual cost of the preparation of the record, the
10400 executive director shall remit to the petitioner the amount by



10401 which the estimate paid exceeds the actual cost. The chancery
10402 court shall dismiss with prejudice any petition filed by a
10403 permittee, IFTA licensee, IRP registrant, tag holder or title
10404 interest holder where it is shown that the petitioner failed to
10405 pay prior to filing the petition the estimated cost for
10406 preparation of the record of the Board of Tax Appeals or failed to
10407 pay any deficiency in the estimate within thirty (30) days of a
10408 notice of deficiency. Where the agency files a petition under
10409 subsection (1) of this section, the agency shall pay the cost of
10410 the preparation of the entire record of the Board of Tax Appeals
10411 on the matter for which a review is sought. Where both the agency
10412 and the permittee, IFTA licensee, IRP registrant, tag holder or
10413 title interest holder file a petition under subsection (1) of this
10414 section from the same Board of Tax Appeals order, the executive
10415 director shall remit to the permittee, IFTA licensee, IRP
10416 registrant, tag holder or title interest holder that filed the
10417 petition the amount by which, if any, the payment received from
10418 this permittee, IFTA licensee, IRP registrant, tag holder or title
10419 interest holder for preparation of the record exceeds one-half
10420 (1/2) of the actual cost of preparation of the record. The other
10421 half of the actual cost of preparation of the record in this
10422 situation shall be paid by the agency.

10423 (4) Upon the filing of the petition under subsection (1) of
10424 this section, the clerk of the court in which the petition is
10425 filed shall issue a summons to the respondent requiring the



10426 respondent to answer or otherwise respond to the petition within
10427 thirty (30) days of service. Where the agency is the respondent,
10428 the summons shall be served on the agency by personal service on
10429 the commissioner as the chief executive officer of the agency.

10430 (5) Upon the filing of an answer and/or response to the
10431 petition filed under subsection (1) of this section, and upon the
10432 filing of the record made before the Board of Tax Appeals with the
10433 clerk of the court, the chancery court shall, upon the motion of
10434 either party, establish a schedule for the filing of briefs in the
10435 action. The scope of review of the chancery court in an action
10436 filed under subsection (1) of this section shall be limited to a
10437 review of the record made before the Board of Tax Appeals to
10438 determine if the action of the Board of Tax Appeals is unlawful
10439 for the reason that it was:

10440 (a) Not supported by substantial evidence;
10441 (b) Arbitrary or capricious;
10442 (c) Beyond the power of the Board of Tax Appeals to
10443 make; or
10444 (d) In violation of some statutory or constitutional
10445 right of the petitioner.

10446 (6) No relief shall be granted based upon the chancery
10447 court's finding of harmless error by the Board of Tax Appeals in
10448 complying with any procedural requirement; however, in the event
10449 that there is a finding of prejudicial error in the proceedings,



10450 the cause shall be remanded to the Board of Tax Appeals for a
10451 rehearing consistent with the findings of the court.

10452 (7) The respondent, the petitioner, or both, shall have the
10453 right to appeal from the order of the chancery court to the
10454 Supreme Court as in other cases.

10455 **SECTION 215.** Section 81-5-85, Mississippi Code of 1972, is
10456 brought forward as follows:

10457 81-5-85. A bank chartered by the State of Mississippi, may,
10458 with the approval of the commissioner, enter into a business
10459 combination with another bank, savings bank, savings and loan
10460 association or other entity, on such terms and conditions, as may
10461 be lawfully agreed upon, adopted and approved in a plan of merger
10462 or share exchange in accordance with Article 11, Chapter 4 of
10463 Title 79, Mississippi Code of 1972, and provided that the survivor
10464 is a financial institution insured by the Federal Deposit
10465 Insurance Corporation. Following receipt of the required
10466 corporate approvals and approval of the plan of merger or share
10467 exchange plan by the commissioner, the resulting amendments to
10468 charters of the survivor shall be approved and filed with other
10469 state officials in accordance with Section 81-3-15. The capital
10470 stock of the survivor shall not be less than that required under
10471 applicable law for the survivor. And all the rights, franchises
10472 and interests of the institutions so consolidated in and to every
10473 species of property, personal and mixed, and choses in action
10474 thereto belonging, shall be deemed to be transferred to and vested



10475 in such survivor without any deed or other transfer, and the said
10476 survivor shall hold and enjoy the same and all rights of property,
10477 franchises and interests in the same manner and to the same extent
10478 as were held and enjoyed by the institutions so combined.

10479 A bank chartered by the State of Mississippi may, with the
10480 approval of the commissioner, sell or transfer all, or
10481 substantially all, of its assets, liabilities, and businesses only
10482 to another bank, savings bank, savings and loan association or
10483 other entity, in a transaction agreed upon, adopted and approved
10484 in accordance with Article 12, Chapter 4, Title 79, Mississippi
10485 Code of 1972, and provided that the buyer or transferee is a
10486 financial institution insured by the Federal Deposit Insurance
10487 Corporation.

10488 Any national bank, state or federal savings and loan
10489 association, or state or federal savings bank may apply for
10490 conversion into a state-chartered bank upon the affirmative vote
10491 of the shareholders owning at least two-thirds (2/3) of its
10492 capital stock outstanding, or of fifty-one percent (51%) or more
10493 of the total number of the members, at a meeting called by the
10494 directors, notice of which, specifying the purpose, shall be given
10495 the manner required by the bylaws, or in the absence of such
10496 bylaw, then by sending the notice to each shareholder of record by
10497 registered mail at least ten (10) days before the meeting. Upon
10498 such affirmative vote, the converting institution may apply for a
10499 certificate of authority by filing with the commissioner a



10500 certificate signed by its president and cashier which sets forth
10501 the corporate action herein prescribed and asserts that the
10502 institution has complied with the provisions of the laws of the
10503 United States. The converting institution shall also file with
10504 the commissioner the plan of conversion and the proposed
10505 amendments to its articles of incorporation as approved by the
10506 stockholders for the operation of the institution as a state bank.
10507 Upon receipt of the prescribed application, the commissioner shall
10508 examine all facts associated with the conversion. The expenses
10509 and cost incurred for such special examination shall be paid by
10510 the institution applying for permission to convert. The
10511 commissioner shall present his findings and recommendations to the
10512 State Board of Banking Review for consideration. Upon approval by
10513 the State Board of Banking Review, the commissioner shall issue a
10514 certificate of authority to the applicant allowing the conversion
10515 to proceed.

10516 Any bank, savings and loan association or savings bank
10517 chartered by the State of Mississippi is hereby authorized to
10518 convert into, consolidate with, or merge with a national bank,
10519 with the national bank charter surviving, without approval of the
10520 Department of Banking and Consumer Finance, the Commissioner of
10521 Banking and Consumer Finance, or any state authority whatsoever.

10522 Notwithstanding any provision of law to the contrary, if any
10523 bank, savings and loan association or savings bank chartered by
10524 the State of Mississippi has or proposes to engage in a business



10525 combination or sale or transfer of substantially all assets that
10526 is not authorized under this section, the commissioner shall
10527 enforce the provisions of this section by issuing a
10528 cease-and-desist order.

10529 The bank, savings and loan association or savings bank may
10530 appeal such order to the First Judicial District of Hinds County,
10531 Mississippi. Said appeal must be filed within thirty (30) days
10532 from the date the order was issued.

10533 **SECTION 216.** Section 75-49-13, Mississippi Code of 1972, is
10534 brought forward as follows:

10535 75-49-13. (1) The commissioner shall not:

10536 (a) Deny an application for a license without first
10537 giving the applicant a hearing, or an opportunity to be heard, on
10538 the question of whether he is qualified under the provisions of
10539 this chapter to receive the license applied for.

10540 (b) Revoke or suspend a license without first giving
10541 the licensee a hearing, or an opportunity to be heard, on the
10542 question of whether there are sufficient grounds under the
10543 provisions of this chapter upon which to base such revocation or
10544 suspension.

10545 (2) Any interested party shall have the right to have the
10546 commissioner call a hearing for the purpose of taking action in
10547 respect to any matter within the commissioner's jurisdiction by
10548 filing with the commissioner a verified complaint setting forth
10549 the grounds upon which the complaint is based.



10550 (3) The commissioner may on his own motion call a hearing
10551 for the purpose of taking action in respect to any matter within
10552 his jurisdiction.

10553 (4) When a hearing is to be held before the commissioner,
10554 the commissioner shall give written notice thereof to all parties
10555 whose rights may be affected thereby. The notice shall set forth
10556 the reason for the hearing and the questions or issues to be
10557 decided by the commissioner at such hearing and the time when and
10558 the place where the hearing will be held. All such notices shall
10559 be mailed to all parties, whose rights may be affected by such
10560 hearing by registered or certified mail, and addressed to their
10561 last known address.

10562 (5) All parties whose rights may be affected at any hearing
10563 before the commissioner shall have the right to appear personally
10564 and by counsel, to cross-examine witnesses appearing against them,
10565 and to produce evidence and witnesses in their own behalf. The
10566 commissioner shall make and keep a record of each such hearing and
10567 shall provide a transcript thereof to any interested party upon
10568 his request and at his expense. Testimony taken at all such
10569 hearings shall be taken either stenographically or by machine.

10570 (6) If any party who is notified of a hearing in accordance
10571 with the requirements of this chapter fails to appear at such
10572 hearing, either in person or by counsel, then and in that event
10573 the commissioner may make any decision and take any action he may
10574 deem necessary or appropriate with respect to any issue or



10575 question scheduled for hearing and decision by him at such hearing
10576 which affects or may affect the rights of such defaulting party,
10577 and such defaulting party shall have no right of appeal under the
10578 provisions of this chapter.

10579 (7) All decisions of the commissioner with respect to the
10580 hearings provided for in this section shall be incorporated into
10581 orders of the commissioner. All such orders shall be made
10582 available during normal office hours for inspection by interested
10583 persons.

10584 (8) It shall be the duty of the sheriffs and constables of
10585 the counties of this state and of any employee of the
10586 commissioner, when so directed by the commissioner, to execute any
10587 summons, citation or subpoena which the commissioner may cause to
10588 be issued and to make his return thereof to the commissioner. The
10589 sheriffs and constables so serving and returning same shall be
10590 paid for so doing fees provided for such services in the circuit
10591 court. Any person who appears before the commissioner or a duly
10592 designated employee of his department in response to a summons,
10593 citation or subpoena shall be paid the same witness fee and
10594 mileage allowance as witnesses in the circuit court. In case of
10595 failure or refusal on the part of any person to comply with any
10596 summons, citation or subpoena issued and served as above
10597 authorized or in the case of the refusal of any person to testify
10598 or answer to any matter regarding which he may be lawfully
10599 interrogated or the refusal of any person to produce his record



10600 books and accounts relating to any matter regarding which he may
10601 be lawfully interrogated, the chancery court of any county of the
10602 State of Mississippi, or any chancellor of any such court in
10603 vacation, may, on application of the commissioner, issue an
10604 attachment for such person and compel him to comply with such
10605 summons, citation or subpoena and to attend before the
10606 commissioner or his designated employee and to produce the
10607 documents specified in any subpoena duces tecum and give his
10608 testimony upon such matters as he may be lawfully required. Any
10609 such chancery court, or any chancellor of any such court in
10610 vacation, shall have the power to punish for contempt as in case
10611 of disobedience of like process issued from or by any such
10612 chancery court, or by refusal to testify therein in response to
10613 such process, and such person shall be taxed with the costs of
10614 such proceedings.

10615 (9) The following procedure shall govern in taking and
10616 perfecting appeals:

10617 (a) Any person who is a party to any hearing before the
10618 commissioner and who is aggrieved by any decision of the
10619 commissioner with respect to any hearing before him, unless
10620 prevented by the provisions of subsection (6) of this section,
10621 shall have the right of appeal to the chancery court of the county
10622 of such person's residence or principal place of business within
10623 this state, but if any such person is a nonresident of this state
10624 he shall have the right of appeal to the chancery court of the



10625 First Judicial District of Hinds County, Mississippi. All such
10626 appeals shall be taken and perfected within sixty (60) days from
10627 the date of the decision of the commissioner which is the subject
10628 of the appeal, and the chancery court to which such appeal is
10629 taken may affirm such decision or reverse and remand the same to
10630 the commissioner for further proceedings as justice may require or
10631 dismiss such decision. All such appeals shall be taken and
10632 perfected, heard and determined, either in term time or in
10633 vacation, on the record, including a transcript of pleadings and
10634 evidence, both oral and documentary, heard and filed before the
10635 commissioner. In perfecting any appeal provided by this chapter,
10636 the provisions of law respecting notice to the reporter and
10637 allowance of bills of exceptions, now or hereafter in force,
10638 respecting appeals from the chancery court to the supreme court
10639 shall be applicable, provided, however, that the reporter shall
10640 transcribe his notes, taken stenographically or by machine, and
10641 file the record with the commissioner within thirty (30) days
10642 after approval of the appeal bond, unless, on application of the
10643 reporter, or of the appellant, an additional fifteen (15) days
10644 shall have been allowed by the commissioner to the reporter within
10645 which to transcribe his notes and file the transcript of the
10646 record with the commission.

10647 (b) Upon the filing with the commissioner of a petition
10648 of appeal to the proper chancery court, it shall be the duty of
10649 the commissioner, as promptly as possible, and in any event within



10650 sixty (60) days after approval of the appeal bond, to file with
10651 the clerk of said chancery court to which the appeal is taken, a
10652 copy of the petition for appeal and of the decision appealed from,
10653 and the original and one (1) copy of the transcript of the record
10654 of the proceedings and evidence before the commission. After the
10655 filing of said petition, the appeal shall be perfected by the
10656 filing of a bond in the penal sum of Five Hundred Dollars
10657 (\$500.00) with two (2) sureties or with a surety company qualified
10658 to do business in Mississippi as surety, conditioned to pay the
10659 costs of such appeal, said bond to be approved by the commissioner
10660 or by the clerk of the chancery court to which such appeal is
10661 taken.

10662 (10) No decision of the commissioner made as a result of a
10663 hearing under the provisions of this section shall become final
10664 with respect to any party affected and aggrieved by such decision
10665 until such party shall have exhausted or shall have had an
10666 opportunity to exhaust all of his remedies provided for by this
10667 section; provided, however, any such decision may be made final if
10668 the commissioner finds that failure to do so would be detrimental
10669 to the public interest or public welfare, but the finality of any
10670 such decision shall not prevent any party or parties affected and
10671 aggrieved thereby to appeal the same in accordance with the
10672 appellate procedure set forth in this section.

10673 (11) The commissioner shall prescribe his rules of order or
10674 procedure in hearings or other proceedings before it under this



10675 chapter; provided, however, that such rules of order or procedure
10676 shall not be in conflict or contrary to the provisions of this
10677 section.

10678 **SECTION 217.** Section 77-7-295, Mississippi Code of 1972, is
10679 brought forward as follows:

10680 77-7-295. In addition to other remedies now available, the
10681 state, or any party aggrieved by any final finding, order or
10682 judgment of the commission, shall have the right, regardless of
10683 the amount involved, of appeal to the First Judicial District
10684 Circuit Court of Hinds County, Mississippi. If an application for
10685 rehearing has been filed, an appeal must be filed within thirty
10686 (30) days after the application for rehearing has been refused or
10687 deemed refused because of the commission's failure to act thereon
10688 within the time specified in Section 77-7-293, or if the
10689 application is granted, within thirty (30) days after the
10690 rendition of the decision on rehearing. If an application for
10691 rehearing has not been filed, an appeal must be filed within
10692 thirty (30) days after the entry of the commission's order. In
10693 those cases wherein an administrative order of the commission is
10694 involved, the circuit court may affirm or reverse for further
10695 proceedings as justice may require. In those cases wherein the
10696 commission's order appealed from is a judicial finding, the
10697 circuit court shall review, affirm, reverse or modify the same and
10698 enter therein such order or judgment as may be right and just.
10699 Without excluding any other finding, order or judgment of the



10700 commission as constituting a judicial finding, the granting or
10701 denial by the commission of an application for a certificate of
10702 public convenience and necessity, or the granting of denial of an
10703 application for a permit to operate as a contract carrier, shall
10704 be construed as a judicial finding, and appealable as such. All
10705 such appeals shall be taken and perfected, heard and determined
10706 either in term time or in vacation, on the record, including a
10707 transcript of pleadings and testimony, both oral and documentary,
10708 filed and heard before the commission; and such appeal shall be
10709 heard and disposed of promptly by the court as a preference cause.
10710 In perfecting any appeal provided by this section, the provisions
10711 of law respecting notice to the reporter and the allowance of
10712 bills of exception, now or hereafter in force respecting appeals
10713 from circuit courts to the Supreme Court, shall be applicable.

10714 **SECTION 218.** Section 75-9-501.1, Mississippi Code of 1972,
10715 is brought forward as follows:

10716 75-9-501.1. (a) No person shall cause to be communicated to
10717 the filing office for filing a false record the person knows or
10718 reasonably should know:

10719 (1) Is filed with the intent to harass or defraud the
10720 person identified as debtor in the record or any other person;

10721 (2) Is not authorized or permitted under Section
10722 75-9-509, 75-9-708 or 75-9-808 of this article; or



10723 (3) Is not related to a valid existing or potential
10724 commercial or financial transaction, an existing agricultural or
10725 other lien, or a judgment of a court of competent jurisdiction.

10726 (b) The Secretary of State may initiate a review of a record
10727 presented for filing or a filed record if:

10728 (1) The Secretary of State receives an information
10729 statement filed by the debtor with the Secretary of State under
10730 Section 75-9-518 alleging the record was communicated to the
10731 filing office in violation of subsection (a); or

10732 (2) The Secretary of State has reason to believe, from
10733 information contained in the record or obtained from the person
10734 that communicated the record to the filing office, that the record
10735 was communicated to the filing office in violation of subsection
10736 (a).

10737 (c) Upon initiating the review, the Secretary of State shall
10738 communicate to the secured party of record on the record to which
10739 the review relates and to the person that communicated the record
10740 to the filing, if different and known to the office, a request for
10741 additional documentation supporting the effectiveness of the
10742 record. The Secretary of State may terminate the record effective
10743 thirty (30) days after the first request for additional
10744 documentation is sent if it has a reasonable basis for concluding
10745 that the record was communicated to the filing office in violation
10746 of subsection (a). The Secretary of State may give heightened
10747 scrutiny to a record when:



10748 (1) The record asserts a claim against a current or
10749 former employee or officer of a federal, state, county, or other
10750 local governmental unit that relates to the performance of the
10751 officer's or employee's public duties, and for which the filer
10752 does not hold a properly executed security agreement or judgment
10753 from a court of competent jurisdiction;

10754 (2) The record indicates that the debtor and the
10755 secured party are substantially the same;

10756 (3) The debtor is a transmitting utility; or

10757 (4) The transaction to which the record relates is a
10758 public-finance transaction.

10759 (d) The Secretary of State shall not return any fee paid for
10760 filing a record refused or terminated under this section.

10761 (e) The Secretary of State shall promptly communicate to the
10762 secured party of record a notice of the refusal or termination of
10763 a record under subsection (c). A secured party of record that
10764 believes in good faith the record was not communicated to the
10765 filing office in violation of subsection (a) may commence an
10766 action in the Chancery Court of the First Judicial District of
10767 Hinds County, Mississippi, to require the Secretary of State to
10768 accept or reinstate the record.

10769 (f) A record ordered by the court to be accepted or
10770 reinstated is effective as a filed record from the initial filing
10771 date except as against a purchaser of the collateral which gives



10772 value in reasonable reliance on the absence of the record from the
10773 files.

10774 (g) Neither the filing office nor any of its employees shall
10775 incur liability for the termination or failure to terminate a
10776 record under this section or for the refusal to accept a record
10777 for filing in the lawful performance of the duties of the office
10778 or employee.

10779 (h) This section does not apply to a record communicated to
10780 the filing office by a regulated financial institution or by a
10781 representative of a regulated financial institution except that
10782 the Secretary of State may request from the secured party of
10783 record on the record or from the person that communicated the
10784 record to the filing office, if different and known to the office,
10785 additional documentation supporting that the record was
10786 communicated to the filing office by a regulated financial
10787 institution or by a representative of a regulated financial
10788 institution. "Regulated financial institution" means a financial
10789 institution subject to regulatory oversight or examination by a
10790 state or federal agency, including, but not limited to, any bank,
10791 commercial finance lender or insurer, consumer loan broker, credit
10792 union, debt management service provider, finance company,
10793 industrial loan company, insurance premium finance company,
10794 investment company, investment fund, mortgage service provider,
10795 savings association, small loan company, and trust company.



(i) This section applies to records communicated to the filing office for filing before the effective date if the communication constitutes a violation of subsection (a).

SECTION 219. Section 97-17-71.1, Mississippi Code of 1972, is brought forward as follows:

97-17-71.1. (1) (a) From and after August 7, 2008, it shall be unlawful for any scrap metal dealer or any person who purchases scrap metal, deals in scrap metal, or otherwise engages in the scrap metal business to fail to register with the Secretary of State. All registrations under this section shall expire two (2) years from the date of the registration or the renewal thereof.

(b) The Secretary of State may promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program.

(c) The Secretary of State may deny, suspend, revoke or refuse to renew any registration following notice to the applicant or registrant in accordance with the promulgated rules and an opportunity for a hearing for any failure to comply with this section, or for other good cause.

(2) A violation of this section is a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) but not to exceed One Thousand Dollars (\$1,000.00) for the first offense.



10821 Any person who shall be guilty of any subsequent violations of
10822 this section requiring registration shall be guilty of a felony
10823 offense and shall be imprisoned in the custody of the Department
10824 of Corrections for a term not to exceed three (3) years, fined not
10825 more than Five Thousand Dollars (\$5,000.00), or both.

10826 (3) (a) To register or renew registration, the registrant
10827 must declare, under penalty of perjury, whether such registrant
10828 has ever been convicted of any felony offense, or any misdemeanor
10829 offense involving fraud, dishonesty, or deceit within five (5)
10830 years preceding the date of application. If the registrant is a
10831 business entity, the registrant shall make the same declarations
10832 on behalf of every owner of the business who participates in the
10833 operation or management of the business.

10834 (b) (i) An applicant who has been convicted of an
10835 offense as described in paragraph (a) of this subsection may be
10836 prohibited from registering under this section for five (5) years
10837 from the date of conviction.

10838 (ii) Any false statement submitted to the
10839 Secretary of State for the purpose of unlawfully registering under
10840 this section shall be punished as perjury in the manner provided
10841 in Section 97-9-61, and a person so convicted shall be
10842 disqualified for life from registering as a scrap metal dealer
10843 under this section.

10844 (4) The Secretary of State shall immediately report any
10845 suspected criminal violation accompanied by all relevant records



to the Office of Attorney General and the appropriate district attorney for further proceedings.

(5) It is unlawful for a person to make or cause to be made, in a record or statement that is used or obtained in an examination, action, proceeding, or filed under this section, a statement that, at the time and in light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in light of the circumstances under which it was made, not false or misleading.

(6) The Secretary of State shall have the authority to:

(a) Conduct and carry out criminal background history verification of the information provided by the applicant or registrant and to require the submission of information and forms from the applicant or registrant in order to accomplish the registration duties imposed by this section;

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

(c) Issue a cease and desist order, with a prior hearing, against the scrap metal dealer or other purchaser alleged to be in violation of this section, directing the person or persons to cease and desist from further illegal activity. When



10871 an immediate cease and desist order is issued, the Secretary of
10872 State shall hold an administrative hearing on the alleged
10873 violations within fifteen (15) business days;

10874 (d) (i) Issue an order against any scrap metal dealer
10875 or other purchaser for any violation of this section, imposing an
10876 administrative penalty up to a maximum of One Thousand Dollars
10877 (\$1,000.00) for each offense. Each violation shall be considered
10878 a separate offense in a single proceeding or a series of related
10879 proceedings. Any administrative penalty, plus reimbursement for
10880 all costs and expenses incurred in the investigation of the
10881 violation and any administrative proceedings, shall be paid to the
10882 Secretary of State;

10883 (ii) For the purpose of determining the amount or
10884 extent of a sanction, if any, to be imposed under paragraph (c)(i)
10885 of this subsection, the Secretary of State shall consider, among
10886 other factors, the frequency, persistence and willfulness of the
10887 conduct constituting a violation of this section or any rule or
10888 order hereunder; the number of persons adversely affected by the
10889 conduct; and the resources of the person committing the violation;

10890 (e) Bring an action in chancery court to enjoin the
10891 acts or practices complained of to enforce compliance with this
10892 section or any rule promulgated or order entered hereunder. Upon
10893 a proper showing, a permanent or temporary injunction, restraining
10894 order, or writ of mandamus shall be granted and a receiver or
10895 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 Chancery Court of the First Judicial District of Hinds County, Mississippi, 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 served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part.

SECTION 220. Section 79-29-803, Mississippi Code of 1972, is brought forward as follows:

79-29-803. (1) On application by or for a member, the chancery court for the county in which the principal office of the limited liability company is located, or the Chancery Court of the



10921 First Judicial District of Hinds County, Mississippi, if the
10922 limited liability company does not have a principal office in this
10923 state, may decree dissolution of a limited liability company:

10924 (a) Whenever it is not reasonably practicable to carry
10925 on the business in conformity with the certificate of formation or
10926 the operating agreement;

10927 (b) Whenever the managers or the members in control of
10928 the limited liability company have been guilty of or have
10929 knowingly countenanced persistent and pervasive fraud or abuse of
10930 authority, or the property of the limited liability company is
10931 being misapplied or wasted by such persons; or

10932 (c) In a proceeding by the limited liability company to
10933 have its voluntary dissolution continued under court supervision.

10934 (2) If a limited liability company has no members due to the
10935 expulsion or withdrawal of the last remaining member pursuant to
10936 the terms of the certificate of formation or the written operating
10937 agreement and the certificate of formation or the written
10938 operating agreement of the limited liability company prohibits the
10939 substitution of a member, then an officer, manager or any assignee
10940 or owner of a financial interest of the limited liability company
10941 or the personal representative of the member may apply to the
10942 chancery court to dissolve the limited liability company; however,
10943 if there are no persons that hold the above-described positions,
10944 then any creditor of the limited liability company or the



10945 Secretary of State may apply to the chancery court to dissolve the
10946 limited liability company.

10947 (3) A court in a judicial proceeding brought to dissolve a
10948 limited liability company may appoint one or more receivers to
10949 wind-up and liquidate, or one or more custodians to manage, the
10950 business and affairs of the limited liability company. The court
10951 appointing a receiver or custodian has jurisdiction over the
10952 limited liability company and all its property wherever located.
10953 The court may appoint an individual or entity (authorized to
10954 transact business in this state) as a receiver or custodian. The
10955 court may require the receiver or custodian to post bond, with or
10956 without sureties, in an amount the court directs.

10957 The court shall describe the powers and duties of the
10958 receiver or custodian in its appointing order, which may be
10959 amended from time to time. Among other powers:

10960 (a) The receiver (i) may dispose of all or any part of
10961 the assets of the limited liability company wherever located, at a
10962 public or private sale, if authorized by the court; and (ii) may
10963 sue and defend in the receiver's own name as receiver of the
10964 limited liability company in all courts of this state; and

10965 (b) The custodian may exercise all the powers of the
10966 limited liability company, through or in place of its members,
10967 managers or officers, to the extent necessary to manage the
10968 affairs of the limited liability company in the best interests of
10969 its members and creditors.



10970 The court during a receivership may redesignate the receiver
10971 a custodian, and during a custodianship may redesignate the
10972 custodian a receiver, if doing so is in the best interests of the
10973 limited liability company, its members and creditors.

10974 The court from time to time during the receivership or
10975 custodianship may order compensation paid and expenses paid or
10976 reimbursed to the receiver or custodian from the assets of the
10977 limited liability company or proceeds from the sale of the assets.

10978 **SECTION 221.** Section 75-60-19, Mississippi Code of 1972, is
10979 brought forward as follows:

10980 75-60-19. (1) The Commission on Proprietary School and
10981 College Registration may suspend, revoke or cancel a certificate
10982 of registration for any one (1) or any combination of the
10983 following causes:

10984 (a) Violation of any provision of the sections of this
10985 chapter or any regulation made by the commission;

10986 (b) The furnishing of false, misleading or incomplete
10987 information requested by the commission;

10988 (c) The signing of an application or the holding of a
10989 certificate of registration by a person who has pleaded guilty or
10990 has been found guilty of a felony or has pleaded guilty or been
10991 found guilty of any other indictable offense;

10992 (d) The signing of an application or the holding of a
10993 certificate of registration by a person who is addicted to the use
10994 of any narcotic drug, or who is found to be mentally incompetent;



10995 (e) Violation of any commitment made in an application
10996 for a certificate of registration;

10997 (f) Presentation to prospective students of misleading,
10998 false or fraudulent information relating to the course of
10999 instruction, employment opportunity, or opportunities for
11000 enrollment in accredited institutions of higher education after
11001 entering or completing courses offered by the holder of a
11002 certificate of registration;

11003 (g) Failure to provide or maintain premises or
11004 equipment for offering courses of instruction in a safe and
11005 sanitary condition;

11006 (h) Refusal by an agent to display his agent permit
11007 upon demand of a prospective student or other interested person;

11008 (i) Failure to maintain financial resources adequate
11009 for the satisfactory conduct of courses of study as presented in
11010 the plan of operation or to retain a sufficient number and
11011 qualified staff of instruction; however nothing in this chapter
11012 shall require an instructor to be certificated by the Commission
11013 on Proprietary School and College Registration or to hold any type
11014 of post-high school degree;

11015 (j) Offering training or courses of instruction other
11016 than those presented in the application; however, schools may
11017 offer special courses adapted to the needs of individual students
11018 where the special courses are in the subject field specified in
11019 the application;



11020 (k) Accepting the services of an agent not licensed in
11021 accordance with Sections 75-60-23 through 75-60-37, inclusive;

11022 (l) Conviction or a plea of nolo contendere on the part
11023 of any owner, operator or director of a registered school of any
11024 felony under Mississippi law or the law of another jurisdiction;

11025 (m) Continued employment of a teacher or instructor who
11026 has been convicted of or entered a plea of nolo contendere to any
11027 felony under Mississippi law or the law of another jurisdiction;

11028 (n) Incompetence of any owner or operator to operate a
11029 school.

11030 (2) (a) Any person who believes he has been aggrieved by a
11031 violation of this section shall have the right to file a written
11032 complaint within two (2) years of the alleged violation. The
11033 commission shall maintain a written record of each complaint that
11034 is made. The commission shall also send to the complainant a form
11035 acknowledging the complaint and requesting further information if
11036 necessary and shall advise the director of the school that a
11037 complaint has been made and, where appropriate, the nature of the
11038 complaint.

11039 (b) The commission shall within twenty (20) days of
11040 receipt of such written complaint commence an investigation of the
11041 alleged violation and shall, within ninety (90) days of the
11042 receipt of such written complaint, issue a written finding. The
11043 commission shall furnish such findings to the person who filed the
11044 complaint and to the chief operating officer of the school cited



11045 in the complaint. If the commission finds that there has been a
11046 violation of this section, the commission shall take appropriate
11047 action.

11048 (c) Schools shall disclose in writing to all
11049 prospective and current students their right to file a complaint
11050 with the commission.

11051 (d) The existence of an arbitration clause in no way
11052 negates the student's right to file a complaint with the
11053 commission.

11054 (e) The commission may initiate an investigation
11055 without a complaint.

11056 (3) **Hearing procedures.** (a) Upon a finding that there is
11057 good cause to believe that a school, or an officer, agent,
11058 employee, partner or teacher, has committed a violation of
11059 subsection (1) of this section, the commission shall initiate
11060 proceedings by serving a notice of hearing upon each and every
11061 such party subject to the administrative action. The school or
11062 such party shall be given reasonable notice of hearing, including
11063 the time, place and nature of the hearing and a statement
11064 sufficiently particular to give notice of the transactions or
11065 occurrences intended to be proved, the material elements of each
11066 cause of action and the civil penalties and/or administrative
11067 sanctions sought.

11068 (b) Opportunity shall be afforded to the party to
11069 respond and present evidence and argument on the issues involved



11070 in the hearing including the right of cross-examination. In a
11071 hearing, the school or such party shall be accorded the right to
11072 have its representative appear in person or by or with counsel or
11073 other representative. Disposition may be made in any hearing by
11074 stipulation, agreed settlement, consent order, default or other
11075 informal method.

11076 (c) The commission shall designate an impartial hearing
11077 officer to conduct the hearing, who shall be empowered to:

11078 (i) Administer oaths and affirmations; and

11079 (ii) Regulate the course of the hearings, set the
11080 time and place for continued hearings, and fix the time for filing
11081 of briefs and other documents; and

11082 (iii) Direct the school or such party to appear
11083 and confer to consider the simplification of the issues by
11084 consent; and

11085 (iv) Grant a request for an adjournment of the
11086 hearing only upon good cause shown.

11087 The strict legal rules of evidence shall not apply, but the
11088 decision shall be supported by substantial evidence in the record.

11089 (4) The commission, acting by and through its hearing
11090 officer, is hereby authorized and empowered to issue subpoenas for
11091 the attendance of witnesses and the production of books and papers
11092 at such hearing. Process issued by the commission shall extend to
11093 all parts of the state and shall be served by any person
11094 designated by the commission for such service. Where, in any



11095 proceeding before the hearing officer, any witness fails or
11096 refuses to attend upon a subpoena issued by the commission,
11097 refuses to testify, or refuses to produce any books and papers the
11098 production of which is called for by a subpoena, the attendance of
11099 such witness, the giving of his testimony or the production of the
11100 books and papers shall be enforced by any court of competent
11101 jurisdiction of this state in the manner provided for the
11102 enforcement of attendance and testimony of witnesses in civil
11103 cases in the courts of this state.

11104 (5) **Decision after hearing.** The hearing officer shall make
11105 written findings of fact and conclusions of law, and shall also
11106 recommend in writing to the commission a final decision, including
11107 penalties. The hearing officer shall mail a copy of his findings
11108 of fact, conclusions of law and recommended penalty to the party
11109 and his attorney, or representative. The commission shall make
11110 the final decision, which shall be based exclusively on evidence
11111 and other materials introduced at the hearing. If it is
11112 determined that a party has committed a violation, the commission
11113 shall issue a final order and shall impose penalties in accordance
11114 with this section. The commission shall send by certified mail,
11115 return receipt requested, a copy of the final order to the party
11116 and his attorney, or representative. The commission shall, at the
11117 request of the school or such party, furnish a copy of the
11118 transcript or any part thereof upon payment of the cost thereof.



11119 (6) **Civil penalties and administrative sanctions.** (a) A
11120 hearing officer may recommend, and the commission may impose, a
11121 civil penalty not to exceed Two Thousand Five Hundred Dollars
11122 (\$2,500.00) for any violation of this section. In the case of a
11123 second or further violation committed within the previous five (5)
11124 years, the liability shall be a civil penalty not to exceed Five
11125 Thousand Dollars (\$5,000.00) for each such violation.

11126 (b) Notwithstanding the provisions of paragraph (a) of
11127 this subsection, a hearing officer may recommend and the
11128 commission may impose a civil penalty not to exceed Twenty-five
11129 Thousand Dollars (\$25,000.00) for any of the following violations:
11130 (i) operation of a school without a registration in violation of
11131 this chapter; (ii) operation of a school knowing that the school's
11132 registration has been suspended or revoked; (iii) use of false,
11133 misleading, deceptive or fraudulent advertising; (iv) employment
11134 of recruiters on the basis of a commission, bonus or quota, except
11135 as authorized by the commission; (v) directing or authorizing
11136 recruiters to offer guarantees of jobs upon completion of a
11137 course; (vi) failure to make a tuition refund when such failure is
11138 part of a pattern of misconduct; or (vii) violation of any other
11139 provision of this chapter, or any rule or regulation promulgated
11140 pursuant thereto, when such violation constitutes part of a
11141 pattern of misconduct which significantly impairs the educational
11142 quality of the program or programs being offered by the school.
11143 For each enumerated offense, a second or further violation



11144 committed within the previous five (5) years shall be subject to a
11145 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
11146 for each such violation.

11147 (c) In addition to the penalties authorized in
11148 paragraphs (a) and (b) of this subsection, a hearing officer may
11149 recommend and the commission may impose any of the following
11150 administrative sanctions: (i) a cease and desist order; (ii) a
11151 mandatory direction; (iii) a suspension or revocation of a
11152 certificate of registration; (iv) a probation order; or (v) an
11153 order of restitution.

11154 (d) The commission may suspend a registration upon the
11155 failure of a school to pay any fee, fine or penalty as required by
11156 this chapter unless such failure is determined by the commission
11157 to be for good cause.

11158 (e) All civil penalties, fines and settlements received
11159 shall accrue to the credit of the Commission on Proprietary School
11160 and College Registration.

11161 (7) Any penalty or administrative sanction imposed by the
11162 commission under this section may be appealed by the school,
11163 college or other person affected to the Mississippi Community
11164 College Board as provided in Section 75-60-4(3), which appeal
11165 shall be on the record previously made before the commission's
11166 hearing officer. All appeals from the Mississippi Community
11167 College Board shall be on the record and shall be filed in the



11168 Chancery Court of the First Judicial District of Hinds County,
11169 Mississippi.

11170 **SECTION 222.** Section 75-45-182, Mississippi Code of 1972, is
11171 brought forward as follows:

11172 75-45-182. (1) When a complaint is made against a person
11173 for violating any of the provisions of this article, or any of the
11174 rules and regulations promulgated hereunder, the Director of the
11175 Commercial Feed Division within the Mississippi Department of
11176 Agriculture and Commerce, or his designee, shall act as the
11177 reviewing officer. The complaint shall be in writing and shall be
11178 filed in the office of the Mississippi Department of Agriculture
11179 and Commerce ("department"). The reviewing officer shall deliver
11180 to the accused a copy of the complaint along with any supporting
11181 documents and a request for the accused to respond to the charges
11182 within thirty (30) days after service of the complaint upon the
11183 accused. Notification to the accused may be accomplished by
11184 certified mail or by any of the methods provided in Rule 4 of the
11185 Mississippi Rules of Civil Procedure. The accused shall respond
11186 in the form of a written answer along with all supporting
11187 documents. Upon expiration of the thirty-day period, the
11188 reviewing officer shall examine all pleadings and documents filed
11189 in the case for the purpose of determining the merit of the
11190 complaint, or the lack thereof. No evidentiary hearing shall be
11191 held at this stage.



11192 If the reviewing officer determines that the complaint lacks
11193 merit, he may dismiss same. If he finds that there is substantial
11194 evidence showing that a violation of this article or the rules and
11195 regulations promulgated hereunder has occurred, the reviewing
11196 officer may impose any or all of the following penalties upon the
11197 accused: (a) levy a civil penalty in an amount of no more than
11198 One Thousand Dollars (\$1,000.00) for each violation; (b) revoke or
11199 suspend any permit, license or registration issued to the accused
11200 under the terms of this article and accompanying regulations; (c)
11201 issue a stop sale order; (d) issue a "withdrawal from
11202 distribution" order; (e) require the accused to relabel any
11203 product offered for sale which is not labeled in accordance with
11204 the provisions of this article; or (f) seize any product that is
11205 not in compliance with this article and destroy, sell or otherwise
11206 dispose of the product and apply the proceeds of any such sale to
11207 the costs herein and any civil penalties levied hereunder, with
11208 the balance to be paid according to the law. If any costs or
11209 penalties assessed hereunder have not been paid, they may be
11210 collected through a court system. A copy of the reviewing
11211 officer's decision shall be sent to the accused by certified mail.
11212 Either the accused or the department may appeal the decision of
11213 the reviewing officer to the commissioner by filing a notice of
11214 appeal with the department within thirty (30) days of receipt of
11215 the reviewing officer's decision. If no appeal is taken from the



11216 order of the reviewing officer within the allotted time, the order
11217 shall then become final.

11218 (2) In the event of an appeal, the commissioner, or his
11219 designee, shall conduct a hearing relative to the charges. At the
11220 hearing before the commissioner, or his designee, the matter shall
11221 be heard de novo; the department shall have subpoena power, the
11222 witnesses shall be placed under oath and shall be subject to
11223 direct and cross examination and the testimony shall be recorded.
11224 Compliance with such subpoenas may be enforced by any court of
11225 general jurisdiction in this state. The commissioner, or his
11226 designee, shall receive and hear all the evidence and arguments
11227 offered by both parties and shall afford the accused a full
11228 opportunity to present all his defenses.

11229 Within a reasonable time after the hearing, the commissioner,
11230 or his designee, shall render an opinion, which either affirms,
11231 reverses or amends the order of the reviewing officer in whole or
11232 in part, and the order shall be final. A copy of the
11233 commissioner's order shall be sent to the accused by certified
11234 mail.

11235 (3) Either the accused or the department may appeal the
11236 decision of the commissioner or his designee to the circuit court
11237 of the county of the residence of the accused, or if the accused
11238 is a nonresident of the State of Mississippi, to the Circuit Court
11239 of the First Judicial District of Hinds County, Mississippi. The
11240 appellant shall have the obligation of having the record



11241 transcribed and filing same with the circuit court. The appeal
11242 shall otherwise be governed by all applicable laws and rules
11243 affecting appeals to the circuit court. If no appeal is perfected
11244 within the required time, the decision of the commissioner, or his
11245 designee, shall then become final.

11246 (4) The decision of the circuit court may then be appealed
11247 by either party to the Mississippi Supreme Court in accordance
11248 with the existing law and rules affecting such appeals.

11249 (5) When any violation of this article or the rules and
11250 regulations promulgated hereunder occurs or is about to occur that
11251 presents a clear and present danger to the public health, safety
11252 or welfare requiring immediate action, the commissioner or any of
11253 the department's field inspectors may issue an order to be
11254 effective immediately before notice and a hearing that imposes any
11255 or all of the following penalties upon the accused: (a) a stop
11256 sale order; (b) a "withdrawal from distribution" order; (c) a
11257 requirement that the accused relabel a product that he is offering
11258 for sale which is not labeled in accordance with this article; or
11259 (d) the seizure of any product that is not in compliance with this
11260 article and the destruction, sale or disposal of the product and
11261 the application of the proceeds of such sale to the costs and
11262 civil penalties herein, with the balance to be paid according to
11263 law. The order shall be served upon the accused in the same
11264 manner that the summons and complaint may be served upon him. The
11265 accused shall then have thirty (30) days after service of the



11266 order upon him within which to request an informal administrative
11267 review before the reviewing officer. If the accused makes such a
11268 request within the required time, the reviewing officer shall
11269 provide an informal administrative review to the accused within
11270 ten (10) days after such request is made. If the accused does not
11271 request an informal administrative review within such time, then
11272 he will be deemed to have waived his right to same. At the
11273 informal administrative review, subpoena power shall not be
11274 available, witnesses shall not be sworn nor be subject to
11275 cross-examination and there shall be no court reporter or record
11276 made of the proceedings. Each party may present its case in the
11277 form of documents, oral statements or any other method. The rules
11278 of evidence shall not apply. The reviewing officer's decision
11279 shall be in writing, and it shall be sent to the accused by
11280 certified mail. If either party is aggrieved by the order of the
11281 reviewing officer, he may appeal to the commissioner for a full
11282 evidentiary hearing in accordance with the procedures described in
11283 subsection (2) of this section, except that there shall be no
11284 requirement for a written complaint or answer to be filed by the
11285 parties. Such appeal shall be perfected by filing a notice of
11286 appeal with the commissioner within thirty (30) days after the
11287 order of the reviewing officer is served on the appealing party.
11288 The hearing before the commissioner, or his designee, shall be
11289 held within a reasonable time after the appeal has been perfected.



11290 Failure to perfect an appeal within the allotted time shall be
11291 deemed a waiver of such right.

11292 **SECTION 223.** Section 93-11-157, Mississippi Code of 1972, is
11293 brought forward as follows:

11294 93-11-157. (1) The division shall review the information
11295 received under Section 93-11-155 and any other information
11296 available to the division, and shall determine if a licensee is
11297 out of compliance with an order for support. If a licensee is out
11298 of compliance with the order for support, the division shall
11299 notify the licensee by first class mail that ninety (90) days
11300 after the licensee receives the notice of being out of compliance
11301 with the order, the licensing entity will be notified to
11302 immediately suspend the licensee's license unless the licensee
11303 pays the arrearage owing, according to the accounting records of
11304 the Mississippi Department of Human Services or the attorney
11305 representing the party to whom support is due, as the case may be,
11306 or enters into a stipulated agreement and agreed judgment
11307 establishing a schedule for the payment of the arrearage. The
11308 licensee shall be presumed to have received the notice five (5)
11309 days after it is deposited in the mail.

11310 (2) Upon receiving the notice provided in subsection (1) of
11311 this section the licensee may:

11312 (a) Request a review with the division; however, the
11313 issues the licensee may raise at the review are limited to whether
11314 the licensee is the person required to pay under the order for



11315 support and whether the licensee is out of compliance with the
11316 order for support; or

11317 (b) Request to participate in negotiations with the
11318 division for the purpose of establishing a payment schedule for
11319 the arrearage.

11320 (3) The division director or the designees of the division
11321 director may and, upon request of a licensee, shall negotiate with
11322 a licensee to establish a payment schedule for the arrearage.
11323 Payments made under the payment schedule shall be in addition to
11324 the licensee's ongoing obligation under the latest entered
11325 periodic order for support.

11326 (4) Should the division and the licensee reach an agreement
11327 on a payment schedule for the arrearage, the division director may
11328 submit to the court a stipulated agreement and agreed judgment
11329 containing the payment schedule which, upon the court's approval,
11330 is enforceable as any order of the court. If the court does not
11331 approve the stipulated agreement and agreed judgment, the court
11332 may require a hearing on a case-by-case basis for the judicial
11333 review of the payment schedule agreement.

11334 (5) If the licensee and the division do not reach an
11335 agreement on a payment schedule for the arrearage, the licensee
11336 may move the court to establish a payment schedule. However, this
11337 action does not stay the license suspension.

11338 (6) The notice given to a licensee that the licensee's
11339 license will be suspended in ninety (90) days must clearly state



11340 the remedies and procedures that are available to a licensee under
11341 this section.

11342 (7) If at the end of the ninety (90) days the licensee has
11343 an arrearage according to the accounting records of the
11344 Mississippi Department of Human Services or the attorney
11345 representing the party to whom support is due, as the case may be,
11346 and the licensee has not entered into a stipulated agreement and
11347 agreed judgment establishing a payment schedule for the arrearage,
11348 the division shall immediately notify all applicable licensing
11349 entities in writing to suspend the licensee's license, and the
11350 licensing entities shall immediately suspend the license and shall
11351 within three (3) business days notify the licensee and the
11352 licensee's employer, where known, of the license suspension and
11353 the date of such suspension by certified mail return receipt
11354 requested. Within forty-eight (48) hours of receipt of a request
11355 in writing delivered personally, by mail or by electronic means,
11356 the department shall furnish to the licensee, licensee's attorney
11357 or other authorized representative a copy of the department's
11358 accounting records of the licensee's payment history. A licensing
11359 entity shall immediately reinstate the suspended license upon the
11360 division's notification of the licensing entities in writing that
11361 the licensee no longer has an arrearage or that the licensee has
11362 entered into a stipulated agreement and agreed judgment.

11363 (8) Within thirty (30) days after a licensing entity
11364 suspends the licensee's license at the direction of the division



11365 under subsection (7) of this section, the licensee may appeal the
11366 license suspension to the chancery court of the county in which
11367 the licensee resides or to the Chancery Court of the First
11368 Judicial District of Hinds County, Mississippi, upon giving bond
11369 with sufficient sureties in the amount of Two Hundred Dollars
11370 (\$200.00), approved by the clerk of the chancery court and
11371 conditioned to pay any costs that may be adjudged against the
11372 licensee. Notice of appeal shall be filed in the office of the
11373 clerk of the chancery court. If there is an appeal, the appeal
11374 may, in the discretion of and on motion to the chancery court, act
11375 as a supersedeas of the license suspension. The department shall
11376 be the appellee in the appeal, and the licensing entity shall not
11377 be a party in the appeal. The chancery court shall dispose of the
11378 appeal and enter its decision within thirty (30) days of the
11379 filing of the appeal. The hearing on the appeal may, in the
11380 discretion of the chancellor, be tried in vacation. The decision
11381 of the chancery court may be appealed to the Supreme Court in the
11382 manner provided by the rules of the Supreme Court. In the
11383 discretion of and on motion to the chancery court, no person shall
11384 be allowed to practice any business, occupation or profession or
11385 take any other action under the authority of any license the
11386 suspension of which has been affirmed by the chancery court while
11387 an appeal to the Supreme Court from the decision of the chancery
11388 court is pending.



11389 (9) If a licensee who has entered a stipulated agreement and
11390 agreed judgment for the payment of an arrearage under this section
11391 subsequently is out of compliance with an order for support, the
11392 division shall immediately notify the licensing entity to suspend
11393 the licensee's license, and the licensing entity shall immediately
11394 suspend the license without a hearing and shall within three (3)
11395 business days notify the licensee in writing of the license
11396 suspension. In the case of a license suspension under the
11397 provisions of this subsection, the procedures provided for under
11398 subsections (1) and (2) of this section are not required; however,
11399 the appeal provisions of subsection (8) of this section still
11400 apply. After suspension of the license, if the licensee
11401 subsequently enters into a stipulated agreement and agreed
11402 judgment or the licensee otherwise informs the division of
11403 compliance with the order for support, the division shall within
11404 seven (7) days notify in writing the licensing entity that the
11405 licensee is in compliance. Upon receipt of that notice from the
11406 division, a licensing entity shall immediately reinstate the
11407 license of the licensee and shall within three (3) business days
11408 notify the licensee of the reinstatement.

11409 (10) Nothing in this section prohibits a licensee from
11410 filing a motion for the modification of an order for support or
11411 for any other applicable relief. However, no such action shall
11412 stay the license suspension procedure, except as may be allowed
11413 under subsection (8) of this section.



11414 (11) If a license is suspended under the provisions of this
11415 section, the licensing entity is not required to refund any fees
11416 paid by a licensee in connection with obtaining or renewing a
11417 license.

11418 (12) The requirement of a licensing entity to suspend a
11419 license under this section does not affect the power of the
11420 licensing entity to deny, suspend, revoke or terminate a license
11421 for any other reason.

11422 (13) The procedure for suspension of a license for being out
11423 of compliance with an order for support, and the procedure for the
11424 reissuance or reinstatement of a license suspended for that
11425 purpose, shall be governed by this section and not by the general
11426 licensing and disciplinary provisions applicable to a licensing
11427 entity. Actions taken by a licensing entity in suspending a
11428 license when required by this section are not actions from which
11429 an appeal may be taken under the general licensing and
11430 disciplinary provisions applicable to the licensing entity. Any
11431 appeal of a license suspension that is required by this section
11432 shall be taken in accordance with the appeal procedure specified
11433 in subsection (8) of this section rather than any procedure
11434 specified in the general licensing and disciplinary provisions
11435 applicable to the licensing entity. If there is any conflict
11436 between any provision of this section and any provision of the
11437 general licensing and disciplinary provisions applicable to a
11438 licensing entity, the provisions of this section shall control.



11439 (14) No license shall be suspended under this section until
11440 ninety (90) days after July 1, 1996. This ninety-day period shall
11441 be a one-time amnesty period in which any person who may be
11442 subject to license suspension under this article may comply with
11443 an order of support in order to avoid the suspension of any
11444 license.

11445 (15) Any individual who fails to comply with a subpoena or
11446 warrant relating to paternity or child support proceedings after
11447 receiving appropriate notice may be subject to suspension or
11448 withholding of issuance of a license under this section.

11449 **SECTION 224.** Section 73-6-19, Mississippi Code of 1972, is
11450 brought forward as follows:

11451 73-6-19. (1) The board shall refuse to grant a certificate
11452 of licensure to any applicant or may cancel, revoke or suspend the
11453 certificate upon the finding of any of the following facts
11454 regarding the applicant or licensed practitioner:

11455 (a) Failure to comply with the rules and regulations
11456 adopted by the State Board of Chiropractic Examiners;

11457 (b) Violation of any of the provisions of this chapter
11458 or any of the rules and regulations of the State Board of Health
11459 pursuant to this chapter with regard to the operation and use of
11460 x-rays;

11461 (c) Fraud or deceit in obtaining a license;



11462 (d) Addiction to the use of alcohol, narcotic drugs, or
11463 anything which would seriously interfere with the competent
11464 performance of his professional duties;

11465 (e) Conviction by a court of competent jurisdiction of
11466 a felony, other than manslaughter or any violation of the United
11467 States Internal Revenue Code;

11468 (f) Unprofessional and unethical conduct;

11469 (g) Contraction of a contagious disease which may be
11470 carried for a prolonged period;

11471 (h) Failure to report to the Mississippi Department of
11472 Human Services or the county attorney any case wherein there are
11473 reasonable grounds to believe that a child or vulnerable adult has
11474 been abused by its parent or person responsible for such person's
11475 welfare;

11476 (i) Advising a patient to use drugs, prescribing or
11477 providing drugs for a patient, or advising a patient not to use a
11478 drug prescribed by a licensed physician or dentist;

11479 (j) Professional incompetency in the practice of
11480 chiropractic;

11481 (k) Having disciplinary action taken by his peers
11482 within any professional chiropractic association or society;

11483 (l) Offering to accept or accepting payment for
11484 services rendered by assignment from any third-party payor after
11485 offering to accept or accepting whatever the third-party payor
11486 covers as payment in full, if the effect of the offering or



11487 acceptance is to eliminate or give the impression of eliminating
11488 the need for payment by an insured of any required deductions
11489 applicable in the policy of the insured;

11490 (m) Associating his practice with any chiropractor who
11491 does not hold a valid chiropractic license in Mississippi, or
11492 teach chiropractic manipulation to nonqualified persons under
11493 Section 73-6-13;

11494 (n) Failure to make payment on chiropractic student
11495 loans;

11496 (o) Failure to follow record keeping requirements
11497 prescribed in Section 73-6-18;

11498 (p) If the practitioner is certified to provide animal
11499 chiropractic treatment, failure to follow guidelines approved by
11500 the Mississippi Board of Veterinary Medicine; or

11501 (q) Violation(s) of the provisions of Sections 41-121-1
11502 through 41-121-9 relating to deceptive advertisement by health
11503 care practitioners. This paragraph shall stand repealed on July
11504 1, 2025.

11505 (2) Any holder of such certificate or any applicant therefor
11506 against whom is preferred any of the designated charges shall be
11507 furnished a copy of the complaint and shall receive a formal
11508 hearing in Jackson, Mississippi, before the board, at which time
11509 he may be represented by counsel and examine witnesses. The board
11510 is authorized to administer oaths as may be necessary for the
11511 proper conduct of any such hearing. In addition, the board is



11512 authorized and empowered to issue subpoenas for the attendance of
11513 witnesses and the production of books and papers. The process
11514 issued by the board shall extend to all parts of the state. Where
11515 in any proceeding before the board any witness shall fail or
11516 refuse to attend upon subpoena issued by the board, shall refuse
11517 to testify, or shall refuse to produce any books and papers, the
11518 production of which is called for by the subpoena, the attendance
11519 of such witness and the giving of his testimony and the production
11520 of the books and papers shall be enforced by any court of
11521 competent jurisdiction of this state in the manner provided for
11522 the enforcement of attendance and testimony of witnesses in civil
11523 cases in the courts of this state.

11524 (3) In addition to any other investigators the board
11525 employs, the board shall appoint one or more licensed
11526 chiropractors to act for the board in investigating the conduct
11527 relating to the competency of a chiropractor, whenever
11528 disciplinary action is being considered for professional
11529 incompetence and unprofessional conduct.

11530 (4) Whenever the board finds any person unqualified to
11531 practice chiropractic because of any of the grounds set forth in
11532 subsection (1) of this section, after a hearing has been conducted
11533 as prescribed by this section, the board may enter an order
11534 imposing one or more of the following:

11535 (a) Deny his application for a license or other
11536 authorization to practice chiropractic;



11537 (b) Administer a public or private reprimand;
11538 (c) Suspend, limit or restrict his license or other
11539 authorization to practice chiropractic for up to five (5) years;
11540 (d) Revoke or cancel his license or other authorization
11541 to practice chiropractic;
11542 (e) Require him to submit to care, counseling or
11543 treatment by physicians or chiropractors designated by the board,
11544 as a condition for initial, continued or renewal of licensure or
11545 other authorization to practice chiropractic;
11546 (f) Require him to participate in a program of
11547 education prescribed by the board; or
11548 (g) Require him to practice under the direction of a
11549 chiropractor designated by the board for a specified period of
11550 time.
11551 (5) Any person whose application for a license or whose
11552 license to practice chiropractic has been cancelled, revoked or
11553 suspended by the board within thirty (30) days from the date of
11554 such final decision shall have the right of a de novo appeal to
11555 the circuit court of his county of residence or the Circuit Court
11556 of the First Judicial District of Hinds County, Mississippi. If
11557 there is an appeal, such appeal may, in the discretion of and on
11558 motion to the circuit court, act as a supersedeas. The circuit
11559 court shall dispose of the appeal and enter its decision promptly.
11560 The hearing on the appeal may, in the discretion of the circuit
11561 judge, be tried in vacation. Either party shall have the right of



11562 appeal to the Supreme Court as provided by law from any decision
11563 of the circuit court.

11564 (6) In a proceeding conducted under this section by the
11565 board for the revocation, suspension or cancellation of a license
11566 to practice chiropractic, after a hearing has been conducted as
11567 prescribed by this section, the board shall have the power and
11568 authority for the grounds stated in subsection (1) of this
11569 section, with the exception of paragraph (c) thereof, to assess
11570 and levy upon any person licensed to practice chiropractic in the
11571 state a monetary penalty in lieu of such revocation, suspension or
11572 cancellation, as follows:

11573 (a) For the first violation, a monetary penalty of not
11574 less than Five Hundred Dollars (\$500.00) nor more than One
11575 Thousand Dollars (\$1,000.00) for each violation.

11576 (b) For the second and each subsequent violation, a
11577 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
11578 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
11579 each violation.

11580 The power and authority of the board to assess and levy such
11581 monetary penalties under this section shall not be affected or
11582 diminished by any other proceeding, civil or criminal, concerning
11583 the same violation or violations. A licensee shall have the right
11584 of appeal from the assessment and levy of a monetary penalty as
11585 provided in this section to the circuit court under the same
11586 conditions as a right of appeal is provided for in this section



11587 for appeals from an adverse ruling, or order, or decision of the
11588 board. Any monetary penalty assessed and levied under this
11589 section shall not take effect until after the time for appeal has
11590 expired, and an appeal of the assessment and levy of such a
11591 monetary penalty shall act as a supersedeas.

11592 (7) In addition to the grounds specified in subsection (1)
11593 of this section, the board shall be authorized to suspend the
11594 license of any licensee for being out of compliance with an order
11595 for support, as defined in Section 93-11-153. The procedure for
11596 suspension of a license for being out of compliance with an order
11597 for support, and the procedure for the reissuance or reinstatement
11598 of a license suspended for that purpose, and the payment of any
11599 fees for the reissuance or reinstatement of a license suspended
11600 for that purpose, shall be governed by Section 93-11-157 or
11601 93-11-163, as the case may be. Actions taken by the board in
11602 suspending a license when required by Section 93-11-157 or
11603 93-11-163 are not actions from which an appeal may be taken under
11604 this section. Any appeal of a license suspension that is required
11605 by Section 93-11-157 or 93-11-163 shall be taken in accordance
11606 with the appeal procedure specified in Section 93-11-157 or
11607 93-11-163, as the case may be, rather than the procedure specified
11608 in this section. If there is any conflict between any provision
11609 of Section 93-11-157 or 93-11-163 and any provision of this
11610 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
11611 case may be, shall control.



11612 **SECTION 225.** Section 73-1-29, Mississippi Code of 1972, is
11613 brought forward as follows:

11614 73-1-29. (1) The board, upon satisfactory proof and in
11615 accordance with this chapter and the regulations of the board, is
11616 authorized to take the disciplinary actions provided for
11617 hereinafter against any person for any of the following reasons:

11618 (a) Violating any of the provisions of Sections 73-1-1
11619 through 73-1-43 or the bylaws, rules, regulations or standards of
11620 ethics or conduct duly adopted by the board pertaining to the
11621 practice of architecture;

11622 (b) Obtaining a certificate of registration by fraud,
11623 deceit or misrepresentation;

11624 (c) Gross negligence, malpractice, incompetency or
11625 misconduct in the practice of architecture;

11626 (d) Any professional misconduct, as defined by the
11627 board through bylaws, rules and regulations, and standards of
11628 conduct and ethics; (professional misconduct may not be defined to
11629 include bidding by architects for contracts based on price);

11630 (e) Practicing or offering to practice architecture on
11631 an expired certificate or while under suspension or revocation of
11632 certificate unless such suspension or revocation is abated through
11633 probation, as provided for hereinafter;

11634 (f) Practicing architecture under an assumed or
11635 fictitious name;



11636 (g) Being convicted by any court of a felony, except
11637 conviction of culpable negligent manslaughter, in which case the
11638 record of conviction shall be conclusive evidence;

11639 (h) Willfully misleading or defrauding any person
11640 employing him as an architect by any artifice or false statement;
11641 or

11642 (i) Having undisclosed financial or personal interests
11643 which compromise his obligation to his client.

11644 (2) Any person may prefer charges against any other person
11645 for committing any of the acts set forth in subsection (1). Such
11646 charges need not be sworn to, may be made upon actual knowledge or
11647 upon information and belief, and must be filed with the board. If
11648 any person licensed under Sections 73-1-1 through 73-1-43 is
11649 expelled from membership in any Mississippi or national
11650 professional architectural society or association, the board shall
11651 thereafter cite such person to appear at a hearing before the
11652 board to show cause why disciplinary action should not be taken
11653 against that person.

11654 The board shall investigate all charges filed with it and,
11655 upon finding reasonable cause to believe that the charges are not
11656 frivolous, unfounded or filed in bad faith, may cause a hearing to
11657 be held, at a time and place fixed by the board, regarding the
11658 charges and may compel the accused by subpoena to appear before
11659 the board to respond to the charges.



11660 No disciplinary action may be taken until the accused has
11661 been furnished both a statement of the charges against him and
11662 notice of the time and place of the hearing thereof, which shall
11663 be personally served on the accused or mailed by registered or
11664 certified mail, return receipt requested, to the last known
11665 business or residence address of the accused not less than thirty
11666 (30) days prior to the date of the hearing.

11667 (3) At any hearing held hereunder, the board, upon
11668 application and approval of the chancery court, shall have the
11669 power to subpoena witnesses and compel their attendance and may
11670 also require the production of books, papers and other documents,
11671 as provided in this chapter. The hearing shall be conducted
11672 before the full board with the president of the board serving as
11673 the presiding judge. Counsel for the board shall present all
11674 evidence relating to the charges. All evidence shall be presented
11675 under oath, which may be administered by any member of the board,
11676 and thereafter the proceedings may, if necessary, be transcribed
11677 in full by the court reporter and filed as part of the record in
11678 the case. Copies of such transcriptions may be provided to any
11679 party to the proceedings at a cost fixed by the board.

11680 All witnesses who are subpoenaed and who appear in any
11681 proceedings before the board shall receive the same fees and
11682 mileage as allowed by law in judicial civil proceedings, and all
11683 such fees shall be taxed as part of the costs in the case.



11684 If in any proceeding before the board any witness fails or
11685 refuses to attend upon subpoena issued by the board, refuses to
11686 testify, or refuses to produce any books and papers the production
11687 of which is called for by the subpoena, the attendance of such
11688 witness and the giving of his testimony and the production of the
11689 books and papers shall be enforced by any court of competent
11690 jurisdiction of this state in the manner provided for the
11691 enforcement of attendance and testimony of witnesses in civil
11692 cases in the courts of this state.

11693 The accused shall have the right to be present at the hearing
11694 in person, by counsel or other representative, or both. The
11695 accused shall have the right to present evidence and to examine
11696 and cross-examine all witnesses. The board may continue or recess
11697 the hearing as may be necessary.

11698 (4) At the conclusion of the hearing, the board may either
11699 decide the issue at that time or take the case under advisement
11700 for further deliberation. The board shall render its decision not
11701 more than forty-five (45) days after the close of the hearing and
11702 shall forward to the last known business or residence address of
11703 the accused by certified or registered mail, return receipt
11704 requested, a written statement of the decision of the board.

11705 If a majority of the board finds the accused guilty of the
11706 charges filed, the board may:

11707 (a) Issue a public or private reprimand;



11708 (b) Suspend or revoke the certificate of the accused,
11709 if the accused is a registrant; or

11710 (c) In lieu of or in addition to such reprimand,
11711 suspension or revocation, assess and levy upon the guilty party a
11712 monetary penalty of not less than One Hundred Dollars (\$100.00)
11713 nor more than Five Thousand Dollars (\$5,000.00) for each
11714 violation.

11715 (5) A monetary penalty assessed and levied under this
11716 section shall be paid to the board upon the expiration of the
11717 period allowed for appeal of such penalties under this section, or
11718 may be paid sooner if the guilty party elects. Money collected by
11719 the board under this section shall be deposited to the credit of
11720 the special fund created in Section 73-1-43, Mississippi Code of
11721 1972.

11722 When payment of such monetary penalty assessed and levied by
11723 the board is delinquent, the board shall have the power to
11724 institute and maintain proceedings in its name for enforcement of
11725 payment in the chancery court of the county of residence of the
11726 guilty party. If the guilty party is a nonresident of the State
11727 of Mississippi, such proceedings shall be in the Chancery Court of
11728 the First Judicial District of Hinds County, Mississippi.

11729 (6) When the board has taken a disciplinary action under
11730 this section, the board may stay such action and place the guilty
11731 party on probation for a period not to exceed one (1) year upon
11732 condition that the guilty party shall not further violate either



11733 the laws of the State of Mississippi pertaining to the practice of
11734 architecture or the bylaws, rules and regulations, or standards of
11735 conduct and ethics promulgated by the board.

11736 (7) The board may assess and tax any part or all of the
11737 costs of any disciplinary proceedings conducted under this section
11738 against the accused if the accused is found guilty of the charges.

11739 (8) The power and authority of the board to assess and levy
11740 the monetary penalties provided for in this section shall not be
11741 affected or diminished by any other proceeding, civil or criminal,
11742 concerning the same violation or violations except as provided in
11743 this section.

11744 (9) The board, for sufficient cause, may reissue a revoked
11745 certificate of registration by a majority vote of the board
11746 members; but in no event shall a revoked certificate be issued
11747 within two (2) years of the revocation. A new certificate of
11748 registration required to replace a revoked, lost, mutilated or
11749 destroyed certificate may be issued, subject to the rules of the
11750 board, for a charge not to exceed Ten Dollars (\$10.00).

11751 (10) In addition to the reasons specified in subsection (1)
11752 of this section, the board shall be authorized to suspend the
11753 certificate of registration of any person for being out of
11754 compliance with an order for support, as defined in Section
11755 93-11-153. The procedure for suspension of a certificate for
11756 being out of compliance with an order for support, and the
11757 procedure for the reissuance or reinstatement of a certificate



11758 suspended for that purpose, and the payment of any fees for the
11759 reissuance or reinstatement of a certificate suspended for that
11760 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
11761 the case may be. If there is any conflict between any provision
11762 of Section 93-11-157 or 93-11-163 and any provision of this
11763 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
11764 case may be, shall control.

11765 **SECTION 226.** Section 73-73-31, Mississippi Code of 1972, is
11766 brought forward as follows:

11767 73-73-31. (1) The board may revoke, suspend or annul the
11768 certificate of a Mississippi Certified Interior Designer or
11769 reprimand, censure or otherwise discipline a Mississippi Certified
11770 Interior Designer.

11771 (2) The board and IDAC, upon satisfactory proof and in
11772 accordance with the provisions of this chapter, may take any
11773 necessary disciplinary actions against any Mississippi Certified
11774 Interior Designer for any of the following reasons:

11775 (a) Violating any of the provisions of this chapter, or
11776 the bylaws, rules, regulations or standards of ethics or conduct
11777 duly adopted and promulgated by IDAC pertaining to using the title
11778 Mississippi Certified Interior Designer;

11779 (b) Obtaining or attempting to obtain a certificate as
11780 a Mississippi Certified Interior Designer by fraud, deceit or
11781 misrepresentation;



11782 (c) Gross negligence, malpractice, incompetence or
11783 misconduct by a Mississippi Certified Interior Designer;
11784 (d) Any professional misconduct, as defined by IDAC
11785 through bylaws, rules and regulations and standards of conduct and
11786 ethics;
11787 (e) Use of the term Mississippi Certified Interior
11788 Designer on an expired certificate or while under suspension or
11789 revocation of a certificate unless such suspension or revocation
11790 is abated through probation, as provided for in this chapter;
11791 (f) Use of the term Mississippi Certified Interior
11792 Designer under an assumed or fictitious name;
11793 (g) Being convicted by any court of a felony, except
11794 conviction of culpable negligent manslaughter, in which case the
11795 record of conviction shall be conclusive evidence;
11796 (h) Willfully misleading or defrauding any person
11797 employing him or her as a Mississippi Certified Interior Designer
11798 by any artifice or false statement; or
11799 (i) Having any undisclosed financial or personal
11800 interest which compromises his obligation to his client.
11801 (3) Any person may prefer charges against any other person
11802 for committing any of the acts set forth in this section. The
11803 charges, which need not be sworn to, may be made upon actual
11804 knowledge, or upon information and belief, and must be filed with
11805 the board. If any person certified under this chapter is expelled
11806 from membership in any Mississippi or national professional



11807 interior design society or association, the board and IDAC shall
11808 thereafter cite such person to appear at a hearing before the
11809 board and IDAC to show cause why disciplinary action should not be
11810 taken against that person.

11811 The board and IDAC shall investigate all charges filed with
11812 it and, upon finding reasonable cause to believe that the charges
11813 are not frivolous, unfounded or filed in bad faith, may cause, in
11814 its discretion, a hearing to be held at a time and place fixed by
11815 the board regarding the charges. The board may compel, by
11816 subpoena, the accused to appear before the board to respond to the
11817 charges.

11818 No disciplinary action may be taken until the accused has
11819 been furnished with both a statement of the charges against him
11820 and notice of the time and place of the hearing on those charges,
11821 which must be served personally on the accused or mailed by
11822 registered or certified mail, return receipt requested, to the
11823 last known business or residence address of the accused not less
11824 than thirty (30) days before the date fixed for the hearing.

11825 (4) At a hearing held under this section, the board may
11826 subpoena witnesses and compel their attendance and require the
11827 production of any books, papers or documents. The hearing must be
11828 conducted before the full board and IDAC with the president of the
11829 board serving as the presiding officer. Counsel for the board
11830 shall present all evidence relating to the charges. All evidence
11831 must be presented under oath, which may be administered by any



11832 member of the board. The proceedings, if necessary, may be
11833 transcribed in full by a court reporter and filed as part of the
11834 record in the case. Copies of the transcription may be provided
11835 to any party to the proceedings at a cost to be fixed by the
11836 board.

11837 All witnesses who are subpoenaed and who appear in any
11838 proceeding before the board shall receive the same fee and mileage
11839 as allowed by law in judicial civil proceedings, and all such fees
11840 shall be taxed as part of the costs of the case.

11841 In any proceedings before the board in which any witness
11842 fails or refuses to attend upon a subpoena issued by the board or
11843 refuses to testify or to produce any books and papers, the
11844 production of which is called for by the subpoena, the attendance
11845 of the witness and the giving of his testimony and the production
11846 of the books and papers shall be enforced by any court of
11847 competent jurisdiction of this state in the manner provided for
11848 the enforcement of attendance and testimony of witnesses in civil
11849 cases in the courts of this state.

11850 The accused shall have the right to be present at the hearing
11851 in person, by counsel or other representative, or both. The
11852 accused shall have the right to present evidence and to examine
11853 and cross-examine all witnesses. The board may continue or recess
11854 the hearing as may be necessary.

11855 (5) At the conclusion of the hearing, the board may either
11856 decide the issue at the time or take the case under advisement for



11857 further deliberation. The board must render its decision not more
11858 than forty-five (45) days after the close of the hearing and shall
11859 forward to the last known business or residence address of the
11860 accused by certified or registered mail, return receipt requested,
11861 a written statement of the decision of the board.

11862 If a majority of the board finds the accused guilty of the
11863 charges filed, the board may:

11864 (a) Issue a public or private reprimand;

11865 (b) Suspend or revoke the certificate of the accused,
11866 if the accused is a Mississippi Certified Interior Designer; or

11867 (c) In lieu of or in addition to such reprimand,
11868 suspension or revocation, assess and levy upon the guilty party a
11869 monetary penalty of not less than One Hundred Dollars (\$100.00)
11870 nor more than Five Thousand Dollars (\$5,000.00) for each
11871 violation.

11872 (6) A monetary penalty assessed and levied under this
11873 section must be paid to the board within thirty (30) days. Money
11874 collected by the board under this section and all fines shall be
11875 deposited into the account of the board.

11876 When payment of a monetary penalty assessed and levied by the
11877 board under this section is not paid when due, the board may
11878 institute and maintain proceedings in its name for enforcement of
11879 payment in the chancery court of the county of the residence of
11880 the guilty party. If the guilty party is a nonresident of the
11881 State of Mississippi, the proceedings must be instituted in the



11882 Chancery Court of the First Judicial District of Hinds County,
11883 Mississippi.

11884 (7) When the board has taken a disciplinary action under
11885 this section, the board, in its discretion, may stay the action
11886 and place the guilty party on probation for a period not to exceed
11887 one (1) year, upon the condition that the guilty party shall not
11888 further violate either the law of the State of Mississippi
11889 pertaining to the use of the term Mississippi Certified Interior
11890 Designer or the rules and regulations or standards of conduct and
11891 ethics promulgated by IDAC and the board.

11892 (8) The board, in its discretion, may assess and tax any
11893 part of all costs of any disciplinary proceedings conducted under
11894 this section against the accused if the accused is found guilty of
11895 the charges.

11896 (9) The power and authority of the board to assess and levy
11897 the monetary penalties provided for in this section shall not be
11898 affected or diminished by any other proceedings, civil or
11899 criminal, concerning the same violation or violations except as
11900 provided in this section.

11901 (10) The board, on the recommendation of IDAC, for
11902 sufficient cause, may reissue a revoked certificate by an
11903 affirmative vote of a majority of the board members; however, a
11904 revoked certificate may not be issued within two (2) years of the
11905 revocation under any circumstances. A new certificate required to
11906 replace a revoked certificate may be issued, subject to the rules



11907 of the board, for a charge established by the rules and
11908 regulations set forth by IDAC.

11909 (11) In addition to the reasons specified in this section,
11910 the board may suspend the certificate of any person for being out
11911 of compliance with an order for support, as defined in Section
11912 93-11-153. The procedure for suspension of a certificate for
11913 being out of compliance with an order for support, and the
11914 procedure for the reissuance or reinstatement of a certificate
11915 suspended for that purpose, and the payment of any fees for the
11916 reissuance or reinstatement of a certificate suspended for that
11917 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
11918 the case may be. If there is any conflict between any provision
11919 of Section 93-11-157 or 93-11-163 and any provision of this
11920 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
11921 case may be, shall control.

11922 The board, for reasons it may deem sufficient, may reissue a
11923 certificate to any person whose certificate has been suspended or
11924 revoked if three (3) or more members of the board vote in favor of
11925 the reissuance. The procedure for the reissuance of a certificate
11926 that is suspended for being out of compliance with an order for
11927 support, as defined in Section 93-11-153, shall be governed by
11928 Section 93-11-157 or 93-11-163, as the case may be.

11929 **SECTION 227.** Section 73-21-103, Mississippi Code of 1972, is
11930 brought forward as follows:



11931 73-21-103. (1) Upon the finding of the existence of grounds
11932 for action against any permitted facility or discipline of any
11933 person holding a license, registration or permit, seeking a
11934 license, registration or permit, seeking to renew a license or
11935 permit under the provisions of this chapter, or practicing or
11936 doing business without a license, registration or permit, the
11937 board may impose one or more of the following penalties:

11938 (a) Suspension of the offender's license, registration
11939 and/or permit for a term to be determined by the board;

11940 (b) Revocation of the offender's license, registration
11941 and/or permit;

11942 (c) Restriction of the offender's license, registration
11943 and/or permit to prohibit the offender from performing certain
11944 acts or from engaging in the practice of pharmacy in a particular
11945 manner for a term to be determined by the board;

11946 (d) Imposition of a monetary penalty as follows:

11947 (i) For the first violation, a monetary penalty of
11948 not less than Two Hundred Fifty Dollars (\$250.00) nor more than
11949 One Thousand Dollars (\$1,000.00) for each violation;

11950 (ii) For the second violation and subsequent
11951 violations, a monetary penalty of not less than Five Hundred
11952 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00)
11953 for each violation.



11954 Money collected by the board under paragraph (d)(i), (ii) and
11955 (iv) of this section shall be deposited to the credit of the State
11956 General Fund of the State Treasury;

11957 (iii) The board may assess a monetary penalty for
11958 those reasonable costs that are expended by the board in the
11959 investigation and conduct of a proceeding for licensure
11960 revocation, suspension or restriction, including, but not limited
11961 to, the cost of process service, court reporters, expert witnesses
11962 and investigators.

11963 Money collected by the board under paragraph (d)(iii) of this
11964 section, shall be deposited to the credit of the Special Fund of
11965 the Pharmacy Board;

11966 (iv) The board may impose a monetary penalty for
11967 those facilities/businesses registered with the Pharmacy Board as
11968 wholesalers/manufacturers of not less than Three Hundred Dollars
11969 (\$300.00) per violation and not more than Fifty Thousand Dollars
11970 (\$50,000.00) per violation;

11971 (v) The board may impose a monetary penalty for
11972 any dispenser, pharmacist or practitioner licensed to dispense
11973 controlled substance and specified noncontrolled substance drugs,
11974 who knowingly fails to submit drug monitoring information or
11975 knowingly submits incorrect dispensing information of not more
11976 than Ten Thousand Dollars (\$10,000.00) per violation. Any penalty
11977 collected under this paragraph (v) shall be deposited into the



11978 special fund of the State Pharmacy Board to support the operations
11979 of the Prescription Monitoring Program (PMP);

11980 (vi) The board may impose a monetary penalty for
11981 any person who obtains prescription information and who knowingly
11982 discloses this information for misuse or purposely alters the
11983 reporting information, or uses the PMP in any manner other than
11984 for which it was intended, of not more than Fifty Thousand Dollars
11985 (\$50,000.00) per violation. Any penalty collected under this
11986 paragraph (vi) shall be deposited into the special fund of the
11987 State Board of Pharmacy and used to support the operations of the
11988 Prescription Monitoring Program;

11989 (vii) The board may impose a monetary penalty of
11990 not more than One Thousand Dollars (\$1,000.00) per day upon any
11991 person or business that practices or does business without the
11992 license, registration or permit required by this chapter.

11993 (e) Refusal to renew offender's license, registration
11994 and/or permit;

11995 (f) Placement of the offender on probation and
11996 supervision by the board for a period to be determined by the
11997 board;

11998 (g) Public or private reprimand.

11999 Whenever the board imposes any penalty under this subsection,
12000 the board may require rehabilitation and/or additional education
12001 as the board may deem proper under the circumstances, in addition
12002 to the penalty imposed.



12003 (2) Any person whose license, registration and/or permit has
12004 been suspended, revoked or restricted pursuant to this chapter,
12005 whether voluntarily or by action of the board, shall have the
12006 right to petition the board at reasonable intervals for
12007 reinstatement of such license, registration and/or permit. Such
12008 petition shall be made in writing and in the form prescribed by
12009 the board. Upon investigation and hearing, the board may, in its
12010 discretion, grant or deny such petition, or it may modify its
12011 original finding to reflect any circumstances which have changed
12012 sufficiently to warrant such modifications. The procedure for the
12013 reinstatement of a license, registration or permit that is
12014 suspended for being out of compliance with an order for support,
12015 as defined in Section 93-11-153, shall be governed by Section
12016 93-11-157 or 93-11-163, as the case may be.

12017 (3) Nothing herein shall be construed as barring criminal
12018 prosecutions for violation of this chapter where such violations
12019 are deemed as criminal offenses in other statutes of this state or
12020 of the United States.

12021 (4) A monetary penalty assessed and levied under this
12022 section shall be paid to the board by the licensee, registrant or
12023 permit holder upon the expiration of the period allowed for appeal
12024 of such penalties under Section 73-21-101, or may be paid sooner
12025 if the licensee, registrant or permit holder elects.

12026 (5) When payment of a monetary penalty assessed and levied
12027 by the board against a licensee, registrant or permit holder in



12028 accordance with this section is not paid by the licensee,
12029 registrant or permit holder when due under this section, the board
12030 shall have the power to institute and maintain proceedings in its
12031 name for enforcement of payment in the chancery court of the
12032 county and judicial district of residence of the licensee,
12033 registrant or permit holder, or if the licensee, registrant or
12034 permit holder is a nonresident of the State of Mississippi, in the
12035 Chancery Court of the First Judicial District of Hinds County,
12036 Mississippi. When such proceedings are instituted, the board
12037 shall certify the record of its proceedings, together with all
12038 documents and evidence, to the chancery court and the matter shall
12039 thereupon be heard in due course by the court, which shall review
12040 the record and make its determination thereon. The hearing on the
12041 matter may, in the discretion of the chancellor, be tried in
12042 vacation.

12043 (6) The board shall develop and implement a uniform penalty
12044 policy which shall set the minimum and maximum penalty for any
12045 given violation of board regulations and laws governing the
12046 practice of pharmacy. The board shall adhere to its uniform
12047 penalty policy except in such cases where the board specifically
12048 finds, by majority vote, that a penalty in excess of, or less
12049 than, the uniform penalty is appropriate. Such vote shall be
12050 reflected in the minutes of the board and shall not be imposed
12051 unless such appears as having been adopted by the board.



SECTION 228. Section 41-7-201, Mississippi Code of 1972, is brought forward as follows:

41-7-201. (1) The provisions of this subsection (1) shall apply to any party appealing any final order of the State Department of Health pertaining to a certificate of need for a home health agency, as defined in Section 41-7-173(h)(ix):

(a) In addition to other remedies now available at law or in equity, any party aggrieved by any such final order of the State Department of Health shall have the right of appeal to the Chancery Court of the First Judicial District of Hinds County, Mississippi, which appeal must be filed within thirty (30) days after the date of the final order. Provided, however, that any appeal of an order disapproving an application for such a certificate of need may be made to the chancery court of the county where the proposed construction, expansion or alteration was to be located or the new service or purpose of the capital expenditure was to be located. Such appeal must be filed in accordance with the thirty (30) days for filing as heretofore provided. Any appeal shall state briefly the nature of the proceedings before the State Department of Health and shall specify the order complained of. Any appeal shall state briefly the nature of the proceedings before the State Department of Health and shall specify the order complained of. Any person whose rights may be materially affected by the action of the State Department of Health may appear and become a party or the court



12077 may, upon motion, order that any such person, organization or
12078 entity be joined as a necessary party.

12079 (b) Upon the filing of such an appeal, the clerk of the
12080 chancery court shall serve notice thereof upon the State
12081 Department of Health, whereupon the State Department of Health
12082 shall, within thirty (30) days or within such additional time as
12083 the court may by order for cause allow from the service of such
12084 notice, certify to the chancery court the record in the case,
12085 which records shall include a transcript of all testimony,
12086 together with all exhibits or copies thereof, all pleadings,
12087 proceedings, orders, findings and opinions entered in the case;
12088 provided, however, that the parties and the State Department of
12089 Health may stipulate that a specified portion only of the record
12090 shall be certified to the court as the record on appeal.

12091 (c) The court may dispose of the appeal in termtime or
12092 vacation and may sustain or dismiss the appeal, modify or vacate
12093 the order complained of, in whole or in part, as the case may be;
12094 but in case the order is wholly or partly vacated, the court may
12095 also, in its discretion, remand the matter to the State Department
12096 of Health for such further proceedings, not inconsistent with the
12097 court's order, as, in the opinion of the court, justice may
12098 require. The order shall not be vacated or set aside, either in
12099 whole or in part, except for errors of law, unless the court finds
12100 that the order of the State Department of Health is not supported
12101 by substantial evidence, is contrary to the manifest weight of the



12102 evidence, is in excess of the statutory authority or jurisdiction
12103 of the State Department of Health, or violates any vested
12104 constitutional rights of any party involved in the appeal.

12105 Provided, however, an order of the chancery court reversing the
12106 denial of a certificate of need by the State Department of Health
12107 shall not entitle the applicant to effectuate the certificate of
12108 need until either:

12109 (i) Such order of the chancery court has become
12110 final and has not been appealed to the Supreme Court; or

12111 (ii) The Supreme Court has entered a final order
12112 affirming the chancery court.

12113 (d) Appeals in accordance with law may be had to the
12114 Supreme Court of the State of Mississippi from any final judgment
12115 of the chancery court.

12116 (2) The provisions of this subsection (2) shall apply to any
12117 party appealing any final order of the State Department of Health
12118 pertaining to a certificate of need for any health care facility
12119 as defined in Section 41-7-173(h), with the exception of any home
12120 health agency as defined in Section 41-7-173(h)(ix):

12121 (a) There shall be a "stay of proceedings" of any final
12122 order issued by the State Department of Health pertaining to the
12123 issuance of a certificate of need for the establishment,
12124 construction, expansion or replacement of a health care facility
12125 for a period of thirty (30) days from the date of the order, if an
12126 existing provider located in the same service area where the



12127 health care facility is or will be located has requested a hearing
12128 during the course of review in opposition to the issuance of the
12129 certificate of need. The stay of proceedings shall expire at the
12130 termination of thirty (30) days; however, no construction,
12131 renovation or other capital expenditure that is the subject of the
12132 order shall be undertaken, no license to operate any facility that
12133 is the subject of the order shall be issued by the licensing
12134 agency, and no certification to participate in the Title XVII or
12135 Title XIX programs of the Social Security Act shall be granted,
12136 until all statutory appeals have been exhausted or the time for
12137 such appeals has expired. Notwithstanding the foregoing, the
12138 filing of an appeal from a final order of the State Department of
12139 Health or the chancery court for the issuance of a certificate of
12140 need shall not prevent the purchase of medical equipment or
12141 development or offering of institutional health services granted
12142 in a certificate of need issued by the State Department of Health.

12143 (b) In addition to other remedies now available at law
12144 or in equity, any party aggrieved by such final order of the State
12145 Department of Health shall have the right of appeal to the
12146 Chancery Court of the First Judicial District of Hinds County,
12147 Mississippi, which appeal must be filed within twenty (20) days
12148 after the date of the final order. Provided, however, that any
12149 appeal of an order disapproving an application for such a
12150 certificate of need may be made to the chancery court of the
12151 county where the proposed construction, expansion or alteration



12152 was to be located or the new service or purpose of the capital
12153 expenditure was to be located. Such appeal must be filed in
12154 accordance with the twenty (20) days for filing as heretofore
12155 provided. Any appeal shall state briefly the nature of the
12156 proceedings before the State Department of Health and shall
12157 specify the order complained of.

12158 (c) Upon the filing of such an appeal, the clerk of the
12159 chancery court shall serve notice thereof upon the State
12160 Department of Health, whereupon the State Department of Health
12161 shall, within thirty (30) days of the date of the filing of the
12162 appeal, certify to the chancery court the record in the case,
12163 which records shall include a transcript of all testimony,
12164 together with all exhibits or copies thereof, all proceedings,
12165 orders, findings and opinions entered in the case; provided,
12166 however, that the parties and the State Department of Health may
12167 stipulate that a specified portion only of the record shall be
12168 certified to the court as the record on appeal. The chancery
12169 court shall give preference to any such appeal from a final order
12170 by the State Department of Health in a certificate of need
12171 proceeding, and shall render a final order regarding such appeal
12172 no later than one hundred twenty (120) days from the date of the
12173 final order by the State Department of Health. If the chancery
12174 court has not rendered a final order within this
12175 one-hundred-twenty-day period, then the final order of the State
12176 Department of Health shall be deemed to have been affirmed by the



12177 chancery court, and any party to the appeal shall have the right
12178 to appeal from the chancery court to the Supreme Court on the
12179 record certified by the State Department of Health as otherwise
12180 provided in paragraph (g) of this subsection. In the event the
12181 chancery court has not rendered a final order within the
12182 one-hundred-twenty-day period and an appeal is made to the Supreme
12183 Court as provided herein, the Supreme Court shall remand the case
12184 to the chancery court to make an award of costs, fees, reasonable
12185 expenses and attorney's fees incurred in favor of appellee payable
12186 by the appellant(s) should the Supreme Court affirm the order of
12187 the State Department of Health.

12188 (d) Any appeal of a final order by the State Department
12189 of Health in a certificate of need proceeding shall require the
12190 giving of a bond by the appellant(s) sufficient to secure the
12191 appellee against the loss of costs, fees, expenses and attorney's
12192 fees incurred in defense of the appeal, approved by the chancery
12193 court within five (5) days of the date of filing the appeal.

12194 (e) No new or additional evidence shall be introduced
12195 in the chancery court but the case shall be determined upon the
12196 record certified to the court.

12197 (f) The court may dispose of the appeal in termtime or
12198 vacation and may sustain or dismiss the appeal, modify or vacate
12199 the order complained of in whole or in part and may make an award
12200 of costs, fees, expenses and attorney's fees, as the case may be;
12201 but in case the order is wholly or partly vacated, the court may



12202 also, in its discretion, remand the matter to the State Department
12203 of Health for such further proceedings, not inconsistent with the
12204 court's order, as, in the opinion of the court, justice may
12205 require. The court, as part of the final order, shall make an
12206 award of costs, fees, reasonable expenses and attorney's fees
12207 incurred in favor of appellee payable by the appellant(s) should
12208 the court affirm the order of the State Department of Health. The
12209 order shall not be vacated or set aside, either in whole or in
12210 part, except for errors of law, unless the court finds that the
12211 order of the State Department of Health is not supported by
12212 substantial evidence, is contrary to the manifest weight of the
12213 evidence, is in excess of the statutory authority or jurisdiction
12214 of the State Department of Health, or violates any vested
12215 constitutional rights of any party involved in the appeal.
12216 Provided, however, an order of the chancery court reversing the
12217 denial of a certificate of need by the State Department of Health
12218 shall not entitle the applicant to effectuate the certificate of
12219 need until either:

12220 (i) Such order of the chancery court has become
12221 final and has not been appealed to the Supreme Court; or

12222 (ii) The Supreme Court has entered a final order
12223 affirming the chancery court.

12224 (g) Appeals in accordance with law may be had to the
12225 Supreme Court of the State of Mississippi from any final judgment
12226 of the chancery court. The Supreme Court must give preference and



12227 conduct an expedited judicial review of an appeal of a final order
12228 of the chancery court relating to a certificate of need proceeding
12229 and must render a final order regarding the appeal no later than
12230 one hundred twenty (120) days from the date the final order by the
12231 chancery court is certified to the Supreme Court. The Supreme
12232 Court shall consider such appeals in an expeditious manner without
12233 regard to position on the court docket.

12234 (h) Within thirty (30) days from the date of a final
12235 order by the Supreme Court or a final order of the chancery court
12236 not appealed to the Supreme Court that modifies or wholly or
12237 partly vacates the final order of the State Department of Health
12238 granting a certificate of need, the State Department of Health
12239 shall issue another order in conformity with the final order of
12240 the Supreme Court, or the final order of the chancery court not
12241 appealed to the Supreme Court.

12242 **SECTION 229.** Section 73-2-16, Mississippi Code of 1972, is
12243 brought forward as follows:

12244 73-2-16. (1) The board shall also have the power to revoke,
12245 suspend or annul the certificate or registration of a landscape
12246 architect or reprimand, censure or otherwise discipline a
12247 landscape architect.

12248 (2) The board, upon satisfactory proof and in accordance
12249 with the provisions of this chapter, may take the disciplinary
12250 actions against any registered landscape architect for any of the
12251 following reasons:



12252 (a) Violating any of the provisions of Sections 73-2-1
12253 through 73-2-21 or the implementing bylaws, rules, regulations or
12254 standards of ethics or conduct duly adopted and promulgated by the
12255 board pertaining to the practice of landscape architecture;
12256 (b) Fraud, deceit or misrepresentation in obtaining a
12257 certificate of registration;
12258 (c) Gross negligence, malpractice, incompetency or
12259 misconduct in the practice of landscape architecture;
12260 (d) Any professional misconduct, as defined by the
12261 board through bylaws, rules and regulations and standards of
12262 conduct and ethics (professional misconduct shall not be defined
12263 to include bidding on contracts for a price);
12264 (e) Practicing or offering to practice landscape
12265 architecture on an expired license or while under suspension or
12266 revocation of a license unless said suspension or revocation be
12267 abated through probation;
12268 (f) Practicing landscape architecture under an assumed
12269 or fictitious name;
12270 (g) Being convicted by any court of a felony, except
12271 conviction of culpable negligent manslaughter, in which case the
12272 record of conviction shall be conclusive evidence;
12273 (h) Willfully misleading or defrauding any person
12274 employing him as a landscape architect by any artifice or false
12275 statement;



12276 (i) Having undisclosed financial or personal interest
12277 which compromises his obligation to his client;

12278 (j) Obtaining a certificate by fraud or deceit; or

12279 (k) Violating any of the provisions of this chapter.

12280 (3) Any person may prefer charges against any other person
12281 for committing any of the acts set forth in subsection (2). Such
12282 charges need not be sworn to, may be made upon actual knowledge,
12283 or upon information and belief, and shall be filed with the board.
12284 In the event any person licensed under Sections 73-2-1 through
12285 73-2-21 is expelled from membership in any Mississippi or national
12286 professional landscape architectural society or association, the
12287 board shall thereafter cite said person to appear at a hearing
12288 before the board and to show cause why disciplinary action should
12289 not be taken against that person.

12290 The board shall investigate all charges filed with it and,
12291 upon finding reasonable cause to believe that the charges are not
12292 frivolous, unfounded or filed in bad faith, may, in its
12293 discretion, cause a hearing to be held, at a time and place fixed
12294 by the board, regarding the charges and may compel the accused by
12295 subpoena to appear before the board to respond to said charges.

12296 No disciplinary action taken hereunder may be taken until the
12297 accused has been furnished both a statement of the charges against
12298 him and notice of the time and place of the hearing thereof, which
12299 shall be personally served on the accused or mailed by registered
12300 or certified mail, return receipt requested, to the last known



12301 business or residence address of the accused not less than thirty
12302 (30) days prior to the date fixed for the hearing.

12303 (4) At any hearing held under the provisions of this
12304 section, the board shall have the power to subpoena witnesses and
12305 compel their attendance and require the production of any books,
12306 papers or documents. The hearing shall be conducted before the
12307 full board with the president of the board serving as the
12308 presiding judge. Counsel for the board shall present all evidence
12309 relating to the charges. All evidence shall be presented under
12310 oath, which may be administered by any member of the board, and
12311 thereafter the proceedings may, if necessary, be transcribed in
12312 full by the court reporter and filed as part of the record in the
12313 case. Copies of such transcription may be provided to any party
12314 to the proceedings at a cost to be fixed by the board.

12315 All witnesses who shall be subpoenaed and who shall appear in
12316 any proceedings before the board shall receive the same fees and
12317 mileage as allowed by law in judicial civil proceedings, and all
12318 such fees shall be taxed as part of the costs of the case.

12319 Where in any proceedings before the board any witness shall
12320 fail or refuse to attend upon subpoena issued by the board, shall
12321 refuse to testify or shall refuse to produce any books and papers,
12322 the production of which is called for by the subpoena, the
12323 attendance of such witness and the giving of his testimony and the
12324 production of the books and papers shall be enforced by any court
12325 of competent jurisdiction of this state in the manner provided for



12326 the enforcement of attendance and testimony of witnesses in civil
12327 cases in the courts of this state.

12328 The accused shall have the right to be present at the hearing
12329 in person, by counsel or other representative, or both. The
12330 accused shall have the right to present evidence and to examine
12331 and cross-examine all witnesses. The board is authorized to
12332 continue or recess the hearing as may be necessary.

12333 (5) At the conclusion of the hearing, the board may either
12334 decide the issue at that time or take the case under advisement
12335 for further deliberation. The board shall render its decision not
12336 more than forty-five (45) days after the close of the hearing, and
12337 shall forward to the last known business or residence address of
12338 the accused by certified or registered mail, return receipt
12339 requested, a written statement of the decision of the board.

12340 If a majority of the board finds the accused guilty of the
12341 charges filed, the board may: (a) issue a public or private
12342 reprimand; (b) suspend or revoke the license of the accused, if
12343 the accused is a registrant; or (c) in lieu of or in addition to
12344 such reprimand, suspension or revocation, assess and levy upon the
12345 guilty party a monetary penalty of not less than One Hundred
12346 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
12347 for each violation.

12348 (6) A monetary penalty assessed and levied under this
12349 section shall be paid to the board upon the expiration of the
12350 period allowed for appeal of such penalties under this section, or



12351 may be paid sooner if the guilty party elects. Money collected by
12352 the board under this section shall be deposited to the credit of
12353 the board's general operating fund.

12354 When payment of a monetary penalty assessed and levied by the
12355 board in accordance with this section is not paid when due, the
12356 board shall have the power to institute and maintain proceedings
12357 in its name for enforcement of payment in the chancery court of
12358 the county and judicial district of the residence of the guilty
12359 party and if the guilty party be a nonresident of the State of
12360 Mississippi, such proceedings shall be in the Chancery Court of
12361 the First Judicial District of Hinds County, Mississippi.

12362 (7) When the board has taken a disciplinary action under
12363 this section, the board may, in its discretion, stay such action
12364 and place the guilty party on probation for a period not to exceed
12365 one (1) year upon the condition that the guilty party shall not
12366 further violate either the law of the State of Mississippi
12367 pertaining to the practice of landscape architecture or the
12368 bylaws, rules and regulations, or standards of conduct and ethics
12369 promulgated by the board.

12370 (8) The board, in its discretion, may assess and tax any
12371 part or all of the costs of any disciplinary proceedings conducted
12372 under this section against the accused, if the accused is found
12373 guilty of the charges.

12374 (9) The power and authority of the board to assess and levy
12375 the monetary penalties provided for in this section shall not be



12376 affected or diminished by any other proceeding, civil or criminal,
12377 concerning the same violation or violations except as provided in
12378 this section.

12379 (10) The board, for sufficient cause, may reissue a revoked
12380 license of registration whenever a majority of the board members
12381 vote to do so but in no event shall a revoked license be issued
12382 within two (2) years of the revocation. A new license of
12383 registration required to replace a revoked, lost, mutilated or
12384 destroyed license may be issued, subject to the rules of the
12385 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

12386 (11) The board may direct the advisory committee to review
12387 and investigate any charges brought against any landscape
12388 architect under this chapter and to hold the hearings provided for
12389 in this section and to make findings of fact and recommendations
12390 to the board concerning the disposition of such charges.

12391 (12) Nothing herein contained shall preclude the board or
12392 advisory committee from initiating proceedings in any case. The
12393 advisory committee shall furnish legal advice and assistance to
12394 the board whenever such service is requested.

12395 (13) In addition to the reasons specified in subsection (2)
12396 of this section, the board shall be authorized to suspend the
12397 license of any licensee for being out of compliance with an order
12398 for support, as defined in Section 93-11-153. The procedure for
12399 suspension of a license for being out of compliance with an order
12400 for support, and the procedure for the reissuance or reinstatement



12401 of a license suspended for that purpose, and the payment of any
12402 fees for the reissuance or reinstatement of a license suspended
12403 for that purpose, shall be governed by Section 93-11-157 or
12404 93-11-163, as the case may be. If there is any conflict between
12405 any provision of Section 93-11-157 or 93-11-163 and any provision
12406 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
12407 as the case may be, shall control.

12408 **SECTION 230.** Section 73-9-61, Mississippi Code of 1972, is
12409 brought forward as follows:

12410 73-9-61. (1) Upon satisfactory proof, and in accordance
12411 with statutory provisions elsewhere set out for such hearings and
12412 protecting the rights of the accused as well as the public, the
12413 State Board of Dental Examiners may deny the issuance or renewal
12414 of a license or may revoke or suspend the license of any licensed
12415 dentist or dental hygienist practicing in the State of
12416 Mississippi, or take any other action in relation to the license
12417 as the board may deem proper under the circumstances, for any of
12418 the following reasons:

12419 (a) Misrepresentation in obtaining a license, or
12420 attempting to obtain, obtaining, attempting to renew or renewing a
12421 license or professional credential by making any material
12422 misrepresentation, including the signing in his or her
12423 professional capacity any certificate that is known to be false at
12424 the time he or she makes or signs the certificate.



12425 (b) Willful violation of any of the rules or
12426 regulations duly promulgated by the board, or of any of the rules
12427 or regulations duly promulgated by the appropriate dental
12428 licensure agency of another state or jurisdiction.

12429 (c) Being impaired in the ability to practice dentistry
12430 or dental hygiene with reasonable skill and safety to patients by
12431 reason of illness or use of alcohol, drugs, narcotics, chemicals,
12432 or any other type of material or as a result of any mental or
12433 physical condition.

12434 (d) Administering, dispensing or prescribing any
12435 prescriptive medication or drug outside the course of legitimate
12436 professional dental practice.

12437 (e) Being convicted or found guilty of or entering a
12438 plea of nolo contendere to, regardless of adjudication, a
12439 violation of any federal or state law regulating the possession,
12440 distribution or use of any narcotic drug or any drug considered a
12441 controlled substance under state or federal law, a certified copy
12442 of the conviction order or judgment rendered by the trial court
12443 being prima facie evidence thereof, notwithstanding the pendency
12444 of any appeal.

12445 (f) Practicing incompetently or negligently, regardless
12446 of whether there is actual harm to the patient.

12447 (g) Being convicted or found guilty of or entering a
12448 plea of nolo contendere to, regardless of adjudication, a crime in
12449 any jurisdiction that relates to the practice of dentistry or



12450 dental hygiene, a certified copy of the conviction order or
12451 judgment rendered by the trial court being prima facie evidence
12452 thereof, notwithstanding the pendency of any appeal.

12453 (h) Being convicted or found guilty of or entering a
12454 plea of nolo contendere to, regardless of adjudication, a felony
12455 in any jurisdiction, a certified copy of the conviction order or
12456 judgment rendered by the trial court being prima facie evidence
12457 thereof, notwithstanding the pendency of any appeal.

12458 (i) Delegating professional responsibilities to a
12459 person who is not qualified by training, experience or licensure
12460 to perform them.

12461 (j) The refusal of a licensing authority of another
12462 state or jurisdiction to issue or renew a license, permit or
12463 certificate to practice dentistry or dental hygiene in that
12464 jurisdiction or the revocation, suspension or other restriction
12465 imposed on a license, permit or certificate issued by the
12466 licensing authority that prevents or restricts practice in that
12467 jurisdiction, a certified copy of the disciplinary order or action
12468 taken by the other state or jurisdiction being prima facie
12469 evidence thereof, notwithstanding the pendency of any appeal.

12470 (k) Surrender of a license or authorization to practice
12471 dentistry or dental hygiene in another state or jurisdiction when
12472 the board has reasonable cause to believe that the surrender is
12473 made to avoid or in anticipation of a disciplinary action.



12474 (1) Any unprofessional conduct to be determined by the
12475 board on a case-by-case basis, which shall include, but not be
12476 restricted to, the following:

12477 (i) Committing any crime involving moral
12478 turpitude.

12479 (ii) Practicing deceit or other fraud upon the
12480 public.

12481 (iii) Practicing dentistry or dental hygiene under
12482 a false or assumed name.

12483 (iv) Advertising that is false, deceptive or
12484 misleading.

12485 (v) Announcing a specialized practice shall be
12486 considered advertising that tends to deceive or mislead the public
12487 unless the dentist announcing as a specialist conforms to other
12488 statutory provisions and the duly promulgated rules or regulations
12489 of the board pertaining to practice of dentistry in the State of
12490 Mississippi.

12491 (m) Failure to provide and maintain reasonable sanitary
12492 facilities and conditions or failure to follow board rules
12493 regarding infection control.

12494 (n) Committing any act which would constitute sexual
12495 misconduct upon a patient or upon ancillary staff. For purposes
12496 of this subsection, the term sexual misconduct means:

12497 (i) Use of the licensee-patient relationship to
12498 engage or attempt to engage the patient in sexual activity; or



12499 (ii) Conduct of a licensee that is intended to
12500 intimidate, coerce, influence or trick any person employed by or
12501 for the licensee in a dental practice or educational setting for
12502 the purpose of engaging in sexual activity or activity intended
12503 for the sexual gratification of the licensee.

12504 (o) Violation of a lawful order of the board previously
12505 entered in a disciplinary or licensure hearing; failure to
12506 cooperate with any lawful request or investigation by the board;
12507 or failure to comply with a lawfully issued subpoena of the board.

12508 (p) Willful, obstinate and continuing refusal to
12509 cooperate with the board in observing its rules and regulations in
12510 promptly paying all legal license or other fees required by law.

12511 (q) Practicing dentistry or dental hygiene while the
12512 person's license is suspended.

12513 (r) Violation(s) of the provisions of Sections 41-121-1
12514 through 41-121-9 relating to deceptive advertisement by health
12515 care practitioners. This paragraph shall stand repealed on July
12516 1, 2025.

12517 (2) In lieu of revocation of a license as provided for
12518 above, the board may suspend the license of the offending dentist
12519 or dental hygienist, suspend the sedation permit of the offending
12520 dentist, or take any other action in relation to his or her
12521 license as the board may deem proper under the circumstances.

12522 (3) When a license to practice dentistry or dental hygiene
12523 is revoked or suspended by the board, the board may, in its



12524 discretion, stay the revocation or suspension and simultaneously
12525 place the licensee on probation upon the condition that the
12526 licensee shall not violate the laws of the State of Mississippi
12527 pertaining to the practice of dentistry or dental hygiene and
12528 shall not violate the rules and regulations of the board and shall
12529 not violate any terms in relation to his or her license as may be
12530 set by the board.

12531 (4) In a proceeding conducted under this section by the
12532 board for the denial, revocation or suspension of a license to
12533 practice dentistry or dental hygiene, the board shall have the
12534 power and authority for the grounds stated for that denial,
12535 revocation or suspension, and in addition thereto or in lieu of
12536 that denial, revocation or suspension may assess and levy upon any
12537 person licensed to practice dentistry or dental hygiene in the
12538 State of Mississippi, a monetary penalty, as follows:

12539 (a) For the first violation of any of subparagraph (a),
12540 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
12541 (1) of this section, a monetary penalty of not less than Fifty
12542 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

12543 (b) For the second violation of any of subparagraph
12544 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
12545 subsection (1) of this section, a monetary penalty of not less
12546 than One Hundred Dollars (\$100.00) nor more than One Thousand
12547 Dollars (\$1,000.00).



12548 (c) For the third and any subsequent violation of any
12549 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
12550 or (q) of subsection (1) of this section, a monetary penalty of
12551 not less than Five Hundred Dollars (\$500.00) and not more than
12552 Five Thousand Dollars (\$5,000.00).

12553 (d) For any violation of any of subparagraph (a)
12554 through (q) of subsection (1) of this section, those reasonable
12555 costs that are expended by the board in the investigation and
12556 conduct of a proceeding for licensure revocation or suspension,
12557 including, but not limited to, the cost of process service, court
12558 reporters, expert witnesses and investigators.

12559 (5) The power and authority of the board to assess and levy
12560 monetary penalties under this section shall not be affected or
12561 diminished by any other proceeding, civil or criminal, concerning
12562 the same violation or violations except as provided in this
12563 section.

12564 (6) A licensee shall have the right of appeal from the
12565 assessment and levy of a monetary penalty as provided in this
12566 section under the same conditions as a right of appeal is provided
12567 elsewhere for appeals from an adverse ruling, order or decision of
12568 the board.

12569 (7) Any monetary penalty assessed and levied under this
12570 section shall not take effect until after the time for appeal has
12571 expired. In the event of an appeal, the appeal shall act as a
12572 supersedeas.



12573 (8) A monetary penalty assessed and levied under this
12574 section shall be paid to the board by the licensee upon the
12575 expiration of the period allowed for appeal of those penalties
12576 under this section or may be paid sooner if the licensee elects.
12577 With the exception of subsection (4)(d) of this section, monetary
12578 penalties collected by the board under this section shall be
12579 deposited to the credit of the General Fund of the State Treasury.
12580 Any monies collected by the board under subsection (4)(d) of this
12581 section shall be deposited into the special fund operating account
12582 of the board.

12583 (9) When payment of a monetary penalty assessed and levied
12584 by the board against a licensee in accordance with this section is
12585 not paid by the licensee when due under this section, the board
12586 shall have power to institute and maintain proceedings in its name
12587 for enforcement of payment in the chancery court of the county and
12588 judicial district of residence of the licensee, and if the
12589 licensee is a nonresident of the State of Mississippi, the
12590 proceedings shall be in the Chancery Court of the First Judicial
12591 District of Hinds County, Mississippi.

12592 (10) In addition to the reasons specified in subsection (1)
12593 of this section, the board shall be authorized to suspend the
12594 license of any licensee for being out of compliance with an order
12595 for support, as defined in Section 93-11-153. The procedure for
12596 suspension of a license for being out of compliance with an order
12597 for support, and the procedure for the reissuance or reinstatement



12598 of a license suspended for that purpose, and the payment of any
12599 fees for the reissuance or reinstatement of a license suspended
12600 for that purpose, shall be governed by Section 93-11-157 or
12601 93-11-163, as the case may be. If there is any conflict between
12602 any provision of Section 93-11-157 or 93-11-163 and any provision
12603 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
12604 as the case may be, shall control.

12605 (11) All grounds for disciplinary action, including
12606 imposition of fines and assessment of costs as enumerated above,
12607 shall also apply to any other license or permit issued by the
12608 board under this chapter or regulations duly adopted by the board.

12609 **SECTION 231.** Section 83-31-153, Mississippi Code of 1972, is
12610 brought forward as follows:

12611 83-31-153. (1) A plan of reorganization shall include the
12612 following provisions:

12613 (a) A description of the structure of the proposed
12614 mutual insurance holding company system consistent with the
12615 requirements therefor set forth in Sections 83-31-145 through
12616 83-31-181.

12617 (b) A description of the qualifications for membership
12618 in and the rights of members of the mutual insurance holding
12619 company consistent with the requirements therefor set forth in
12620 Sections 83-31-145 through 83-31-181, provisions for the
12621 extinguishment of membership interests in the mutual insurance
12622 company and provisions for the conversion of such membership



12623 interests in the mutual insurance company into membership
12624 interests in the mutual insurance holding company.

12625 (c) A description of the transactions, and parties to
12626 such transactions, that will effect the reorganization, including,
12627 but not limited to, transfer and assumption of policies,
12628 contracts, assets and liabilities.

12629 (d) A description of corporate restructuring and other
12630 corporate transactions that will effect the reorganization,
12631 including, but not limited to, formation or organization of
12632 companies, amendment or restatement of articles of association or
12633 bylaws or those proposed in connection with the formation or
12634 organization of companies in connection with the plan and mergers
12635 and consolidations.

12636 (e) A description of those persons who shall serve as
12637 directors and officers of the mutual insurance holding company,
12638 its intermediate stock holding companies, if any, its controlled
12639 subsidiaries and other subsidiaries as of the effective date of
12640 the reorganization. The initial directors of each such company
12641 shall be the directors of the mutual insurance company who shall
12642 have terms concurrent with the terms as directors of the
12643 reorganized mutual insurance company unless otherwise specified in
12644 the plan.

12645 (f) Provisions requiring that, following the
12646 reorganization, the material terms and conditions of
12647 indemnification or coverage of policyholders of the mutual



12648 insurance company shall remain in full force and effect under
12649 policies transferred to and assumed by one or more subsidiaries of
12650 the mutual insurance holding company.

12651 (g) Provisions requiring that, following the
12652 reorganization, the material terms and conditions of subordinated
12653 surplus notes and other contractual obligations, other than those
12654 arising under policies described in paragraph (f) of this
12655 subsection (1), of the mutual insurance company, subject to the
12656 rights of the mutual insurance company under applicable law, and
12657 to the extent such obligations are not otherwise satisfied or
12658 terminated in accordance with their terms or retained by a mutual
12659 insurance holding company or controlled subsidiary, shall remain
12660 in full force and effect upon the transfer of such obligations to,
12661 and assumption of such obligations by, one or more subsidiaries of
12662 the mutual insurance holding company.

12663 (2) A plan of reorganization must be adopted by two-thirds
12664 (2/3) of the members of the board of directors of the mutual
12665 insurance company or, in the case of the formation of any
12666 intermediate stock insurance holding company that is not
12667 concurrent with the formation of the mutual insurance holding
12668 company, by two-thirds (2/3) of the members of the board of
12669 directors of the mutual insurance holding company.

12670 (3) Not later than the ninetieth day following the adoption
12671 of a plan of reorganization by the board of directors, and before
12672 the meeting of the mutual insurance company members to approve the



12673 plan, the mutual insurance company shall submit to the
12674 commissioner the following:

12675 (a) The plan of reorganization, as adopted.

12676 (b) The form of notice to be sent to the mutual
12677 insurance company members, informing them of their right to vote
12678 on the plan of reorganization.

12679 (c) The form of proxy statement to be sent to the
12680 mutual insurance company members informing them of their right to
12681 vote by proxy on the plan of reorganization and describing the
12682 plan.

12683 (d) The form of proxy to be sent to the mutual
12684 insurance company members to solicit their vote on the plan of
12685 reorganization.

12686 (e) Proposed articles of association, merger or
12687 consolidation, bylaws, restatements of or amendments to articles
12688 of association and bylaws and plans of merger or consolidation
12689 with respect to each entity to be organized, reorganized or
12690 otherwise subject to such action under the plan of reorganization.

12691 (f) An audited financial statement prepared on a
12692 statutory basis in accordance with the insurance laws of the State
12693 of Mississippi, including an actuarial opinion for the most recent
12694 calendar year ended, or a copy thereof, if the statement was
12695 previously filed with the commissioner.

12696 (g) Such other information as required under rules or
12697 regulations or as requested by the commissioner.



12698 (4) The commissioner may hold a public hearing to allow
12699 public comment on the plan of reorganization after giving written
12700 notice to the mutual insurance company and other interested
12701 persons, all of whom have the right to appear at the hearing.
12702 Notice to interested persons who have not filed an appearance in
12703 the matter may be made in any reasonable manner deemed appropriate
12704 by the commissioner with the costs thereof assessed to the mutual
12705 insurance company.

12706 (5) (a) Within twenty (20) business days after filing with
12707 the commissioner the documents required in connection with a plan
12708 of reorganization, the mutual insurance company shall send to each
12709 eligible member a notice advising the eligible member of the
12710 adoption and filing of the plan of reorganization and of the
12711 member's right to provide to the commissioner and the mutual
12712 insurance company comments on the plan.

12713 (b) As an alternative to the notice required under
12714 paragraph (a) of this subsection, the mutual insurance company may
12715 use any other means which is reasonably designed to provide notice
12716 to eligible members and which alternative means of providing
12717 notice is approved by the commissioner.

12718 (c) The notice required under paragraph (a) or (b) of
12719 this subsection shall include a description of the procedure to be
12720 used in making comments.

12721 (d) An eligible member who elects to make comments must
12722 make the comments in writing (i) if notice is sent to each



12723 eligible member, not later than the thirtieth day after the date
12724 on which the notice is sent, or (ii) if an alternative means of
12725 providing notice is approved by the commissioner, not later than
12726 such date for receipt of comments approved by the commissioner.

12727 (6) Except as otherwise provided by this subsection, the
12728 commissioner shall approve or disapprove a plan of reorganization
12729 not later than the ninetieth day after the first day on which all
12730 the documents and other information required are filed with the
12731 commissioner. The commissioner may not extend the time for
12732 approval or disapproval beyond the ninety-day time period unless
12733 he finds it necessary to retain a qualified expert in accordance
12734 with subsection (7) of this section, in which case he may extend
12735 the time for review for an additional sixty (60) days beyond the
12736 initial ninety-day period. Notwithstanding the stated time limits
12737 herein, the commissioner may extend the time for approval or
12738 disapproval for an additional thirty (30) days beyond the date on
12739 which any amendment to such plan is filed with the commissioner.
12740 The commissioner shall, within five (5) days of approving or
12741 disapproving a plan of reorganization, give written notice to the
12742 mutual insurance company of the commissioner's decision and, in
12743 the event of disapproval, a detailed statement of the reasons for
12744 the adverse decision. If a plan is disapproved, then the plan of
12745 reorganization may be amended and resubmitted to the commissioner
12746 for his approval or disapproval as provided in Sections 83-31-145
12747 through 83-31-181. If the commissioner disapproves the plan then



12748 the mutual insurance company may appeal the commissioner's
12749 decision as provided by the laws of this state to the Chancery
12750 Court of the First Judicial District of Hinds County, Mississippi.

12751 (7) The commissioner may retain, at the mutual insurance
12752 company's expense, a qualified expert or experts, including but
12753 not limited to appraisers, actuaries, accountants and attorneys,
12754 not otherwise a part of the commissioner's staff to assist the
12755 commissioner in reviewing the plan of reorganization.

12756 (8) The commissioner shall approve a plan of reorganization
12757 if the commissioner finds that the plan of reorganization complies
12758 with Sections 83-31-145 through 83-31-181 and the plan of
12759 reorganization is fair and equitable to members and policyholders;
12760 however, the commissioner may not approve such a plan of
12761 reorganization and shall disapprove such a plan if the
12762 commissioner finds that (a) the effect of the plan of
12763 reorganization would be substantially to lessen competition in
12764 insurance in this state or tend to create a monopoly therein; (b)
12765 the financial condition of any party to the plan of reorganization
12766 is such as might jeopardize the financial stability of the
12767 insurers which are parties to the plan, or prejudice the interests
12768 of their policyholders; (c) the plan of reorganization or the
12769 plans for operation of the parties to the plan of reorganization
12770 following implementation of the plan of reorganization are not in
12771 the public interest; (d) the competence, experience and integrity
12772 of those persons who would control the operations of the parties



12773 to the plan of reorganization are such that it would not be in the
12774 interest of policyholders of the parties to the plan of
12775 reorganization or of the public to permit the plan of
12776 reorganization; (e) the plan of reorganization's method of
12777 allocating value is not fair and equitable; (f) the plan of
12778 reorganization is not fair and equitable to the members and
12779 policyholders; (g) implementation of the plan of reorganization is
12780 likely to be hazardous or prejudicial to the insurance buying
12781 public; or (h) the plan of reorganization unfairly enriches the
12782 officers and directors of the reorganizing insurer.

12783 (9) (a) A plan of reorganization adopted by the board of
12784 directors of the mutual insurance company may be:

12785 (i) Amended by the board of directors of the
12786 mutual insurance company in response to the comments or
12787 recommendations of the commissioner or any other state or federal
12788 agency or governmental entity before any solicitation of proxies
12789 from members of the mutual insurance company to vote on the plan
12790 of reorganization or at any time with the consent of the
12791 commissioner, except that any material amendment after the
12792 members' approval shall require the members' approval; or

12793 (ii) Terminated by the board of directors of the
12794 applicant at any time before members of the mutual insurance
12795 company vote on the plan of reorganization and, otherwise, at any
12796 time with the consent of the commissioner.



12797 (b) The plan of reorganization is approved upon the
12798 affirmative vote of at least two-thirds (2/3) of the votes cast by
12799 members of the mutual insurance company, notwithstanding quorum or
12800 voting action requirements otherwise applicable to the mutual
12801 insurance company to the contrary.

12802 (c) Within thirty (30) days after members have approved
12803 the plan of reorganization, the applicant must file with the
12804 commissioner the minutes of the meeting at which the plan of
12805 reorganization was approved.

12806 **SECTION 232.** Section 53-9-69, Mississippi Code of 1972, is
12807 brought forward as follows:

12808 53-9-69. (1) (a) When, on the basis of any information
12809 available, including receipt of information from any person, the
12810 executive director or state geologist as the executive director's
12811 designee has reason to believe that any person is in violation of
12812 this chapter, any regulation or written order of the commission
12813 issued or promulgated under this chapter or any condition of a
12814 permit, the executive director or state geologist as the executive
12815 director's designee shall immediately order inspection of the
12816 surface coal mining operation at which the alleged violation is
12817 occurring unless the information available is a result of a
12818 previous inspection of the surface coal mining operation. When
12819 the inspection results from information provided to the executive
12820 director or state geologist by any person who is not an employee
12821 of the department, the executive director or state geologist as



12822 the executive director's designee shall notify the person when the
12823 inspection is proposed to be carried out and the person shall be
12824 allowed to accompany the inspector during the inspection.

12825 (b) When, on the basis of any inspection, the
12826 executive director or the executive director's authorized
12827 representative determines that any condition or practices exist or
12828 that any permittee is in violation of this chapter or any
12829 regulation or written order of the commission promulgated or
12830 issued under this chapter or any condition of a permit and the
12831 condition, practice or violation also creates an imminent danger
12832 to the health and safety of the public, or is causing or can
12833 reasonably be expected to cause significant imminent environmental
12834 harm to land, air or water resources, the executive director or
12835 the executive director's authorized representative shall
12836 immediately order a cessation of surface coal mining and
12837 reclamation operations or the portion of those operations relevant
12838 to the condition, practice or violation. The cessation order
12839 shall remain in effect until the executive director or the
12840 executive director's authorized representative determines that the
12841 condition, practice or violation has been abated or until the
12842 order is modified, vacated or terminated by the executive director
12843 or the executive director's authorized representative.
12844 If the commission, executive director or the executive director's
12845 authorized representative finds that the ordered cessation of
12846 surface coal mining and reclamation operations, or any portion of



12847 those operations shall not completely abate the imminent danger to
12848 health or safety of the public or the significant imminent
12849 environmental harm to land, air or water resources, the
12850 commission, executive director or the executive director's
12851 authorized representative shall, in addition to the cessation
12852 order, impose obligations on the operator requiring the operator
12853 to take whatever steps the commission, executive director or the
12854 executive director's authorized representative deems necessary to
12855 abate the imminent danger or the significant environmental harm.

12856 (c) (i) When, on the basis of an inspection, the
12857 executive director or the executive director's authorized
12858 representative determines that any permittee is in violation of
12859 this chapter, any regulation or written order of the commission
12860 promulgated or issued under this chapter or any condition of a
12861 permit but that violation does not create an imminent danger to
12862 the health and safety of the public or cannot be reasonably
12863 expected to cause significant imminent environmental harm to land,
12864 air or water resources, the commission, executive director or the
12865 executive director's authorized representative shall issue an
12866 order to the permittee or agent of the permittee setting a
12867 reasonable time of not more than ninety (90) days for the
12868 abatement of the violation and if deemed necessary by the
12869 commission, executive director or the executive director's
12870 authorized representative ordering an immediate cessation of
12871 activities violating or resulting in the violation of this



12872 chapter, the regulations promulgated under this chapter or any
12873 condition or limitation of a permit.

12874 (ii) If, upon expiration of the period of time as
12875 originally fixed or subsequently extended, for good cause shown
12876 and upon the written finding of the commission, the executive
12877 director or the executive director's authorized representative
12878 finds that the violation has not been abated, the commission, the
12879 executive director or the executive director's authorized
12880 representative shall immediately order a cessation of surface coal
12881 mining and reclamation operations or the portion of those
12882 operations relevant to the violation. The cessation order shall
12883 remain in effect until the commission, the executive director or
12884 the executive director's authorized representative determines that
12885 the violation has been abated or until that order is modified,
12886 vacated or terminated by the commission, the executive director or
12887 the executive director's authorized representative. In the
12888 cessation order issued by the commission, the executive director
12889 or the executive director's authorized representative, the
12890 commission, the executive director or the executive director's
12891 authorized representative shall determine the steps necessary to
12892 abate the violation in the most expeditious manner possible, and
12893 shall include measures in the order necessary to achieve that
12894 abatement.

12895 (d) When, on the basis of an inspection, the executive
12896 director has reason to believe that a pattern of violations of



12897 this chapter, any regulation promulgated under this chapter or any
12898 condition of a permit exists or has existed, and if the executive
12899 director also finds that the violations are caused by the
12900 unwarranted failure of the permittee to comply with this chapter,
12901 any regulation promulgated under this chapter or any condition of
12902 a permit, or that the violations are willfully caused by the
12903 permittee, the executive director shall issue an order to the
12904 permittee to show cause as to why the permit should not be
12905 suspended or revoked by the permit board. Upon the permittee's
12906 failure to show cause to the satisfaction of the executive
12907 director or the executive director's authorized representative as
12908 to why the permit should not be suspended or revoked, the
12909 executive director or the executive director's authorized
12910 representative shall present this information to the permit board
12911 and request that the permit board suspend or revoke the permit.
12912 The permit board shall decide the executive director's request
12913 under the procedures of Section 49-17-29(4) and (5). Any request
12914 by an interested party for a formal hearing regarding the permit
12915 board's initial decision on suspension or revocation of the permit
12916 or any appeal of the final decision following the formal hearing
12917 by any person who participated as a party in the formal hearing
12918 may be taken as provided under Section 49-17-29(4) and (5).
12919 (e) The permittee or other interested party may request
12920 a formal hearing concerning an order of the commission issued



12921 under paragraph (b) or (c) of this subsection as provided under
12922 Section 49-17-41.

12923 (2) (a) The commission may institute a civil action for
12924 relief, including a permanent or temporary injunction or any other
12925 appropriate order, in the chancery court of the county or judicial
12926 district in which the surface coal mining and reclamation
12927 operation is located, in which the permittee has its principal
12928 office, or in the First Judicial District of Hinds County when the
12929 permittee or its agent:

12930 (i) Violates or fails or refuses to comply with
12931 any permit, order or decision issued by the permit board or
12932 commission under this chapter;

12933 (ii) Interferes with, hinders or delays the
12934 commission, permit board, department, executive director or any
12935 authorized representative of the executive director in carrying
12936 out this chapter;

12937 (iii) Refuses to admit any authorized
12938 representative of the executive director, commission, permit board
12939 or department to the mine;

12940 (iv) Refuses to permit inspection of the mine by
12941 that authorized representative;

12942 (v) Refuses to furnish any information or report
12943 requested by the commission, permit board or department in
12944 furtherance of this chapter; or



12945 (vi) Refuses to permit access to and copying of
12946 any records as the commission, permit board or department
12947 determines necessary in carrying out this chapter.

12948 (b) The court shall have jurisdiction to provide any
12949 relief as may be appropriate. Preliminary injunctions shall be
12950 issued in accordance with state law. The commission may obtain
12951 mandatory or prohibitory injunctive relief, either temporary or
12952 permanent, and in cases of imminent and substantial hazard or
12953 endangerment to the environment or public health, it is not
12954 necessary that the commission plead or prove: (i) that
12955 irreparable damage would result if the injunction did not issue;
12956 (ii) that there is no adequate remedy at law; or (iii) that a
12957 written complaint or commission order has first been issued for
12958 the alleged violation. Any relief granted by the court to enforce
12959 an order under subsection 2(a)(i) of this section shall continue
12960 in effect until the completion or final termination of all
12961 proceedings for review of that order under this chapter unless,
12962 before that time, the court granting the relief sets it aside or
12963 modifies it.

12964 (3) Nothing in this section shall be construed to eliminate
12965 any additional enforcement rights or procedures which are
12966 available under state law to a state agency but which are not
12967 specifically stated in this section.

12968 (4) When an order is issued under this section, or as a
12969 result of any administrative proceeding under this chapter, at the



12970 request of any person, a sum equal to the aggregate amount of all
12971 costs and expenses, including attorney's fees, as determined by
12972 the commission to have been reasonably incurred by that person for
12973 or in conjunction with that person's participation in the
12974 proceedings, including any judicial review of agency actions, may
12975 be assessed against either party as the court, resulting from
12976 judicial review, or the commission, resulting from administrative
12977 proceedings deems proper.

12978 **SECTION 233.** Section 73-63-43, Mississippi Code of 1972, is
12979 brought forward as follows:

12980 73-63-43. (1) The board, upon satisfactory proof and in
12981 accordance with this chapter and rules and regulations of the
12982 board, may take the disciplinary actions provided under this
12983 chapter against any person for the following reasons:

12984 (a) Violation of this chapter, any rule or regulation
12985 or written order of the board, any condition of registration or
12986 standards of professional conduct;

12987 (b) Fraud, deceit or misrepresentation in obtaining a
12988 certificate of registration as a registered professional geologist
12989 or certificate of enrollment as a geologist-in-training;

12990 (c) Gross negligence, malpractice, incompetency,
12991 misconduct, or repeated incidents of simple negligence in or
12992 related to the practice of geology;

12993 (d) Practicing or offering to practice geology, or
12994 holding oneself out as being registered or qualified to practice



12995 geology, by an individual who is not registered under this
12996 chapter, or by any other person not employing a registered
12997 professional geologist as required by this chapter;

12998 (e) Using the seal of another, or using or allowing use
12999 of one's seal on geologic work not performed by or under the
13000 supervision of the registered professional geologist, or otherwise
13001 aiding or abetting any person in the violation of this chapter;

13002 (f) Disciplinary action by any state agency, board of
13003 registration or similar licensing agency for geologists or any
13004 profession or occupation related to the practice of geology. The
13005 sanction imposed by the board shall not exceed in severity or
13006 duration the sanction upon which that action is based;

13007 (g) Addiction to or chronic dependence on alcohol or
13008 other habit-forming drugs or being an habitual user of alcohol,
13009 narcotics, barbiturates, amphetamines, hallucinogens or other
13010 drugs having similar effect resulting in the impairment of
13011 professional or ethical judgment; or

13012 (h) Injuring or damaging, or attempting to injure or
13013 damage, the professional reputation of another by any means
13014 whatsoever; this provision shall not relieve a registered
13015 professional geologist from the obligation to expose unethical or
13016 illegal conduct to the proper authorities nor shall it preclude
13017 confidential appraisals of geologists or other persons or firms
13018 under consideration for employment.



13019 (2) Any person may bring a complaint alleging a violation of
13020 this chapter, any rule or regulation or written order of the
13021 board, any condition of registration or standards of professional
13022 conduct. Complaints shall be made in writing, sworn to by the
13023 person filing the complaint, and filed with the board. The board
13024 shall investigate all complaints and upon finding a basis for that
13025 complaint, shall notify the accused in writing specifying the
13026 provisions of this chapter, rule, regulation or order of the board
13027 or the condition or standard alleged to be violated and the facts
13028 alleged to constitute the violation. The notice shall require the
13029 accused to appear before the board at a time and place to answer
13030 the charges. The time of appearance shall be at least thirty (30)
13031 days from the date of service of the notice. Notice shall be made
13032 by service on the person or by registered or certified mail,
13033 return receipt requested, to the last known business or residence
13034 address of the accused, as shown on the records of the board.
13035 Within fifteen (15) days following receipt of that notice, the
13036 accused shall file a written response, admitting, denying or
13037 taking exception to the charges. In the absence of a response or
13038 if the charges are admitted or if no exception is taken, the board
13039 may take disciplinary action without holding a hearing. A
13040 disciplinary action may be settled by the board and the accused,
13041 either before or after a hearing has begun.

13042 A person who reports or provides information to the board in
13043 good faith is not subject to an action for civil damages.



13044 (3) Any hearing under this section may be conducted by the
13045 board itself at a regular or special meeting of the board or by a
13046 hearing officer designated by the board. The hearing officer may
13047 conduct the hearings in the name of the board at any time and
13048 place as conditions and circumstances may warrant. The hearing
13049 officer or any member of the board may administer oaths or
13050 affirmations to witnesses appearing before the hearing officer or
13051 the board.

13052 If any witness fails or refuses to attend upon subpoena
13053 issued by the board, refuses to testify or refuses to produce
13054 books, papers, reports, documents and similar material, the
13055 production of which is called for by a subpoena, the attendance of
13056 any witness and the giving of that person's testimony and the
13057 production of books, papers, reports, documents and similar
13058 material shall be enforced by any court of competent jurisdiction
13059 of this state in the manner provided for the enforcement of the
13060 attendance and testimony of witnesses in civil cases in the courts
13061 of this state.

13062 All hearings before the board shall be recorded either by a
13063 court reporter or by tape or mechanical recorders and subject to
13064 transcription upon order of the board or any interested person.
13065 If the request for transcription originates with an interested
13066 person, that person shall pay the cost of transcription.



13067 The accused shall have the right to be present at the hearing
13068 in person, by counsel or other representative, or both. The board
13069 may continue or recess the hearing as may be necessary.

13070 (4) If a hearing officer conducts the hearing on behalf of
13071 the board, the hearing officer shall upon completion have the
13072 record of that hearing prepared. The record shall be submitted to
13073 the board along with that hearing officer's findings of fact and
13074 recommended decision. Upon receipt and review of the record of
13075 the hearing and the hearing officer's findings of fact and
13076 recommended decision, the board shall render its final decision as
13077 provided in subsection (5) of this section.

13078 Any person ordered to appear for an alleged violation may
13079 request a hearing before a majority of the board. A verbatim
13080 record of any previous hearings on that matter shall be filed with
13081 the board, together with findings of fact and conclusions of law
13082 made by the board based on the record.

13083 (5) At the conclusion of the hearing, the board may either
13084 decide the issue at that time or take the case under advisement
13085 for further deliberation. The board shall render its decision not
13086 more than ninety (90) days after the close of the hearing, and
13087 shall forward to the last known business or residence address of
13088 the accused, by certified or registered mail, return receipt
13089 requested, a written statement of the decision of the board.



13090 If a majority of the board finds the accused guilty of the
13091 charges filed, the board may take any combination of the following
13092 actions:

13093 (a) Deny the renewal of a certificate of registration
13094 or certificate of enrollment;

13095 (b) Suspend the certificate of registration or
13096 certificate of enrollment of any registrant for a specified period
13097 of time, not to exceed three (3) years, or revoke the certificate
13098 of registration or certificate of enrollment of any registrant;

13099 (c) Censure, reprimand or issue a public or private
13100 admonishment to an applicant, a registrant or any other person
13101 engaged in the practice of geology under this chapter;

13102 (d) Impose limitations, conditions or restrictions upon
13103 the practice of an applicant, a registrant or upon any other
13104 person engaged in the practice of geology;

13105 (e) Require the guilty party to complete a course,
13106 approved by the board, in ethics;

13107 (f) Impose probation upon a registrant, requiring
13108 regular reporting to the board;

13109 (g) Require restitution, in whole or in part, of the
13110 compensation or fees earned by a registrant or by any other person
13111 engaging in the practice of geology; or

13112 (h) Assess and levy upon the guilty party a monetary
13113 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
13114 violation.



13115 (6) Any monetary penalty assessed and levied under this
13116 section shall be paid to the board upon the expiration of the
13117 period allowed for appeal of that penalty, or may be paid sooner
13118 if the guilty party elects. Money collected by the board under
13119 this section shall be deposited to the credit of the Registered
13120 Professional Geologists Fund.

13121 When payment of a monetary penalty assessed and levied by the
13122 board in accordance with this section is not paid when due, the
13123 board may begin and maintain proceedings in its name for
13124 enforcement of payment in the chancery court of the county and
13125 judicial district of residence of the guilty party and if the
13126 guilty party is a nonresident of the State of Mississippi, the
13127 proceedings shall be in the Chancery Court of the First Judicial
13128 District of Hinds County, Mississippi.

13129 (7) The board may assess and impose the costs of any
13130 disciplinary proceedings conducted under this section against
13131 either the accused, the charging party, or both, as it may elect.

13132 (8) The authority of the board to assess and levy the
13133 monetary penalties under this section shall not be affected or
13134 diminished by any other proceeding, civil or criminal, concerning
13135 the same violation or violations, unless provided in this section.

13136 (9) If the board determines there is an imminent danger to
13137 the public welfare, the board may issue an order for the immediate
13138 suspension of a certificate of registration or a certificate of
13139 enrollment. The registrant may request a hearing on the matter



13140 within fifteen (15) days after receipt of the order of suspension.
13141 The board shall file charges as provided in this section within
13142 thirty (30) days after the issuance of an order, or the suspension
13143 shall be of no further force and effect. If charges are filed,
13144 the order of suspension shall remain in effect until disposition
13145 of all charges.

13146 (10) The board, for sufficient cause, may reissue a revoked
13147 certificate of registration or certificate of enrollment, upon
13148 written application to the board by the applicant. The
13149 application shall be made not less than three (3) years after the
13150 revocation. The board may impose reasonable conditions or
13151 limitations in connection with any reissuance.

13152 (11) In addition to the reasons named in subsection (1) of
13153 this section, the board may suspend the certificate of
13154 registration or certificate of enrollment of any person for being
13155 out of compliance with an order for support, as defined in Section
13156 93-11-153. The procedure for suspension of a certificate for
13157 being out of compliance with an order for support, and the
13158 procedure for the reissuance or reinstatement of a certificate
13159 suspended for that purpose, and the payment of any fees for the
13160 reissuance or reinstatement of a certificate suspended for that
13161 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
13162 the case may be. Actions taken by the board in suspending a
13163 certificate when required by Section 93-11-157 or 93-11-163 are
13164 not actions from which an appeal may be taken under Section



13165 73-63-49. Any appeal of a suspension of a certificate that is
13166 required by Section 93-11-157 or 93-11-163 shall be taken in
13167 accordance with the appeal procedure specified in Section
13168 93-11-157 or 93-11-163, as the case may be, rather than the
13169 procedure specified in Section 73-63-49. If there is any conflict
13170 between Section 93-11-157 or 93-11-163 and this chapter, Section
13171 93-11-157 or 93-11-163, as the case may be, shall control.

13172 **SECTION 234.** Section 31-25-37, Mississippi Code of 1972, is
13173 brought forward as follows:

13174 31-25-37. (1) The bank shall have the power, from time to
13175 time, to issue bonds for any of its corporate purposes, including
13176 without limitation to pay bonds, including the interest thereon,
13177 and whenever it deems refunding expedient, to refund any bonds by
13178 the issuance of new bonds, whether the bonds to be refunded have
13179 or have not matured, and to issue bonds partly to refund bonds
13180 then outstanding and partly for any of its corporate purposes.
13181 The refunding bonds may be exchanged for bonds to be refunded or
13182 sold and the proceeds applied to the purchase, redemption or
13183 payment of such bonds.

13184 (2) The bank shall have power to make contracts for the
13185 future sale from time to time of bonds, pursuant to which the
13186 purchaser shall be committed to purchase and the bank shall have
13187 the power to pay such consideration as it shall deem proper for
13188 such commitments.



13189 (3) Except as otherwise provided in this subsection (3),
13190 every issue of bonds of the bank shall be general obligations of
13191 the bank payable out of any revenues or funds of the bank, subject
13192 only to the provisions of the resolution of the bank authorizing
13193 the issuance of, or to any agreements with the holders of,
13194 particular bonds pledging any particular revenues or funds. Any
13195 such bonds may be additionally secured by a pledge of any grants,
13196 subsidies, contributions, funds or moneys from the United States
13197 of America or the state or any agency or instrumentality thereof,
13198 or any other governmental unit. However, bonds issued by the bank
13199 under Section 31-25-21(k) for the purposes provided in Section
13200 31-25-20(g) shall be general obligations of the State of
13201 Mississippi, and for the payment thereof the full faith and credit
13202 of the State of Mississippi is irrevocably pledged. If the funds
13203 appropriated by the Legislature are insufficient to pay the
13204 principal of and the interest on such bonds as they become due,
13205 then the deficiency shall be paid by the State Treasurer from any
13206 funds in the State Treasury not otherwise appropriated. All such
13207 state general obligation bonds shall contain recitals on their
13208 faces substantially covering these provisions.

13209 (4) Any law to the contrary notwithstanding, a bond issued
13210 under this chapter is fully negotiable and each holder or owner of
13211 a bond, or of any coupon appurtenant thereto, by accepting the
13212 bond or coupon shall be conclusively deemed to have agreed that



13213 the bond or coupon is fully negotiable for those purposes subject
13214 only to any provisions of bonds for registration.

13215 (5) Bonds of the bank shall be authorized by resolution of
13216 the board of the bank, may be issued as serial bonds payable in
13217 annual installments or as term bonds or as a combination thereof,
13218 and shall bear such date or dates, mature at such time or times,
13219 be in such denomination or denominations, be in such form, either
13220 coupon or registered, carry such conversion or registration
13221 privileges, have such rank or priority, be payable from such
13222 sources in such medium of payment at such place or places within
13223 or without the state, and be subject to such terms of redemption,
13224 with or without premiums, as such resolution or resolutions may
13225 provide, except that no bond shall mature more than forty (40)
13226 years from the date of its issue. The bonds may bear interest at
13227 such rate or rates as the bank may by resolution determine, and
13228 such rate or rates shall not be limited by any other law relating
13229 to the issuance of bonds except that the interest rate on any
13230 bonds issued as general obligation bonds of the State of
13231 Mississippi shall not exceed the limits set forth in Section
13232 75-17-101. The bonds and coupons appertaining thereto may be
13233 executed in such manner as shall be determined by the bank. In
13234 case any of the members or officers of the bank whose signatures
13235 appear on any bonds or coupons shall cease to be such members or
13236 officers before the delivery of such bonds, such signatures shall,
13237 nevertheless, be valid and sufficient for all purposes, the same



13238 as if such members or officers had remained in office until such
13239 delivery.

13240 (6) Bonds of the bank may be sold at public or private sale
13241 at such time or times and at such price or prices as the bank
13242 shall determine.

13243 (7) In connection with the issuance of bonds, the board of
13244 the bank may delegate to the executive director of the bank the
13245 power to determine the time or times of sale of such bonds, the
13246 amounts of such bonds, the maturities of such bonds, the rate or
13247 rates of interest of such bonds, and such other terms and details
13248 of the bonds, as may be determined by the board of the bank;
13249 provided, however, the board of the bank shall have adopted a
13250 resolution making such delegation and such resolution shall
13251 specify the maximum amount of the bonds which may be outstanding
13252 at any one time, the maximum rate of interest or interest rate
13253 formula (to be determined in the manner specified in such
13254 resolution) to be incurred through the issuance of such bonds and
13255 the maximum maturity date of such bonds. The board of the bank
13256 may also provide in the resolution authorizing the issuance of
13257 such bonds, in its discretion, (a) for the employment of one or
13258 more persons or firms to assist the bank in the sale of the bonds,
13259 (b) for the appointment of one or more banks or trust companies,
13260 either within or without the State of Mississippi, as depository
13261 for safekeeping, and as agent for the delivery and payment, of the
13262 bonds, (c) for the refunding of such bonds, from time to time,



13263 without further action by the board of the bank, unless and until
13264 the board of the bank revokes such authority to refund, and (d)
13265 other terms and conditions as the board of the bank may deem
13266 appropriate. In connection with the issuance and sale of such
13267 bonds, the board of the bank may arrange for lines of credit with
13268 any bank, firm or person for the purpose of providing an
13269 additional source of repayment for bonds issued pursuant to this
13270 section. Amounts drawn on such lines of credit may be evidenced
13271 by negotiable or nonnegotiable bonds or other evidences of
13272 indebtedness, containing such terms and conditions as the board of
13273 the bank may authorize in the resolution approving the same, and
13274 such notes or other evidences of indebtedness shall constitute
13275 bonds issued under their act. The board of the bank is authorized
13276 to pay all costs of issuance of the bonds.

13277 (8) Neither the members of the bank nor any other person
13278 executing the bank's bonds issued pursuant to this chapter shall
13279 be liable personally on such bonds by reason of the issuance
13280 thereof.

13281 (9) Bonds of the bank may be issued under this chapter
13282 without obtaining the consent of any department, division,
13283 commission, board, body, bureau or agency of the state, and
13284 without any other proceeding or the happening of any other
13285 conditions or things other than those proceedings, conditions or
13286 things which are specifically required by this chapter and by
13287 provisions of the resolution authorizing such bonds.



13288 (10) Bonds of the bank may be validated in accordance with
13289 the provision of Sections 31-13-1 to 31-13-11 in the same manner
13290 as provided therein for bonds issued by a municipality. Any such
13291 validation proceedings shall be held in the First Judicial
13292 District of Hinds County. Notice thereof shall be given by
13293 publication in any newspaper published in the City of Jackson and
13294 of general circulation through the state.

13295 **SECTION 235.** Section 57-1-255, Mississippi Code of 1972, is
13296 brought forward as follows:

13297 57-1-255. (1) Upon notification to the department by the
13298 enterprise that the state has been finally selected as the site
13299 for the project, the State Bond Commission shall have the power
13300 and is hereby authorized and directed, upon receipt of a
13301 declaration from the department as hereinafter provided, to borrow
13302 money and issue general obligation bonds of the state in one or
13303 more series for the purposes herein set out. Upon such
13304 notification, the department may thereafter from time to time
13305 declare the necessity for the issuance of general obligation bonds
13306 as authorized by this section and forward such declaration to the
13307 State Bond Commission, provided that prior to said notification,
13308 the department may enter into agreements with the United States
13309 government, private companies and others that will commit the
13310 department to direct the State Bond Commission to issue bonds for
13311 eligible undertakings set out in subsection (4) of this section,
13312 conditioned on the siting of the project in the state.



13313 (2) Upon receipt of any such declaration from the
13314 department, the State Bond Commission, upon verifying that the
13315 state has been selected as the site of the project, shall act as
13316 the issuing agent for the series of bonds directed to be issued in
13317 such declaration pursuant to authority granted in this section.

13318 (3) Bonds issued under the authority of this section shall
13319 not exceed an aggregate principal amount in the sum of Thirty
13320 Million Dollars (\$30,000,000.00). No bonds shall be issued under
13321 the authority of this section after June 30, 2000.

13322 (4) The proceeds from the sale of the bonds issued pursuant
13323 to this section may be applied for the purposes of: (a) defraying
13324 all or any designated portion of the costs incurred with respect
13325 to acquisition, planning, design, construction, installation,
13326 rehabilitation, improvement and relocation of the project and any
13327 facility related to the project, including costs of design and
13328 engineering, all costs incurred to provide land, easements and
13329 rights-of-way, relocation costs with respect to the project and
13330 with respect to any facility related to the project located within
13331 the project area, and costs associated with mitigation of
13332 environmental impacts; (b) providing for the payment of interest
13333 on the bonds; (c) providing debt service reserves; and (d) paying
13334 underwriters discount, original issue discount, accountants' fees,
13335 engineers' fees, attorneys' fees, rating agency fees and other
13336 fees and expenses in connection with the issuance of the bonds.
13337 Such bonds shall be issued from time to time and in such principal



13338 amounts as shall be designated by the department not to exceed in
13339 aggregate principal amount the amount authorized in subsection (3)
13340 of this section. Proceeds from the sale of the bonds issued
13341 pursuant to this section may be invested, subject to federal
13342 limitations, pending their use, in such securities as may be
13343 specified in the resolution authorizing the issuance of the bonds
13344 or the trust indenture securing them, and the earning on such
13345 investment applied as provided in such resolution or trust
13346 indenture.

13347 (5) The principal of and the interest on the bonds shall be
13348 payable in the manner hereinafter set forth. The bonds shall bear
13349 date or dates, be in such denomination or denominations, bear
13350 interest at such rate or rates, be payable at such place or places
13351 within or without the state, shall mature absolutely at such time
13352 or times, be redeemable prior to maturity at such time or times
13353 and upon such terms, with or without premium, shall bear such
13354 registration privileges, and shall be substantially in such form,
13355 all as shall be determined by resolution of the State Bond
13356 Commission. Provided, however, that such bonds shall mature or
13357 otherwise be retired in annual installments beginning not more
13358 than five (5) years from date thereof and extending not more than
13359 twenty-five (25) years from date thereof. The bonds shall be
13360 signed by the Chairman of the State Bond Commission, or by his
13361 facsimile signature, and the official seal of the State Bond
13362 Commission shall be imprinted on or affixed thereto, attested by



13363 the manual or facsimile signature of the Secretary of the State
13364 Bond Commission. Whenever any such bonds shall have been signed
13365 by the officials herein designated to sign the bonds, who were in
13366 office at the time of such signing but who may have ceased to be
13367 such officers prior to the sale and delivery of such bonds, or who
13368 may not have been in office on the date such bonds may bear, the
13369 signatures of such officers upon such bonds shall nevertheless be
13370 valid and sufficient for all purposes and have the same effect as
13371 if the person so officially signing such bonds had remained in
13372 office until the delivery of the same to the purchaser, or had
13373 been in office on the date such bonds may bear.

13374 (6) All bonds issued under the provisions of this section
13375 shall be and are hereby declared to have all the qualities and
13376 incidents of negotiable instruments under the provisions of the
13377 Uniform Commercial Code and in exercising the powers granted by
13378 Sections 57-1-251 through 57-1-261, the State Bond Commission
13379 shall not be required to and need not comply with the provisions
13380 of the Uniform Commercial Code.

13381 (7) The State Bond Commission shall sell the bonds on sealed
13382 bids at public sale, and for such price as it may determine to be
13383 for the best interest of the State of Mississippi, but no such
13384 sale shall be made at a price less than par plus accrued interest
13385 to date of delivery of the bonds to the purchaser. The bonds
13386 shall bear interest at such rate or rates not exceeding the limits
13387 set forth in Section 75-17-101, as shall be fixed by the State



13388 Bond Commission. All interest accruing on such bonds so issued
13389 shall be payable semiannually or annually; provided that the first
13390 interest payment may be for any period of not more than one (1)
13391 year.

13392 Notice of the sale of any bond shall be published at least
13393 one (1) time, the first of which shall be made not less than ten
13394 (10) days prior to the date of sale, and shall be so published in
13395 one or more newspapers having a general circulation in the City of
13396 Jackson and in one or more other newspapers or financial journals
13397 with a large national circulation, to be selected by the State
13398 Bond Commission.

13399 The State Bond Commission, when issuing any bonds under the
13400 authority of this section, may provide that the bonds, at the
13401 option of the state, may be called in for payment and redemption
13402 at the call price named therein and accrued interest on such date
13403 or dates named therein.

13404 (8) State bonds issued under the provisions of this section
13405 shall be the general obligations of the state and backed by the
13406 full faith and credit of the state, and if the funds appropriated
13407 by the Legislature shall be insufficient to pay the principal of
13408 and the interest on such bonds as they become due, then the
13409 deficiency shall be paid by the State Treasurer from any funds in
13410 the State Treasury not otherwise appropriated. All bonds shall
13411 contain recitals on their faces substantially covering the
13412 foregoing provisions of this section.



13413 (9) The State Treasurer is hereby authorized, without
13414 further process of law, to certify to the Department of Finance
13415 and Administration the necessity for warrants, and the Department
13416 of Finance and Administration is hereby authorized and directed to
13417 issue such warrants payable out of any funds authorized by this
13418 section for such purpose, in such amounts as may be necessary to
13419 pay when due the principal of and interest on all bonds issued
13420 under the provisions of this section; and the State Treasurer
13421 shall forward the necessary amount to the designated place or
13422 places of payment of such bonds in ample time to discharge such
13423 bonds, or the interest thereon, on the due dates thereof.

13424 (10) The bonds may be issued without any other proceedings
13425 or the happening of any other conditions or things other than
13426 those proceedings, conditions and things which are specified or
13427 required by Sections 57-1-251 through 57-1-261. Any resolution
13428 providing for the issuance of general obligation bonds under the
13429 provisions of this section shall become effective immediately upon
13430 its adoption by the State Bond Commission, and any such resolution
13431 may be adopted at any regular or special meeting of the State Bond
13432 Commission by a majority of its members.

13433 (11) In anticipation of the issuance of bonds hereunder, the
13434 State Bond Commission is hereby authorized to negotiate and enter
13435 into any purchase, loan, credit or other agreement with any bank,
13436 trust company or other lending institution or to issue and sell
13437 interim notes for the purpose of making any payments authorized



13438 under this section. All borrowings made under this provision
13439 shall be evidenced by notes of the state which shall be issued
13440 from time to time, for such amounts not exceeding the amount of
13441 bonds authorized herein, in such form and in such denomination and
13442 subject to such terms and conditions of sale and issuance,
13443 prepayment or redemption and maturity, rate or rates of interest
13444 not to exceed the maximum rate authorized herein for bonds, and
13445 time of payment of interest as the State Bond Commission shall
13446 agree to in such agreement. Such notes shall constitute general
13447 obligations of the state and shall be backed by the full faith and
13448 credit of the state. Such notes may also be issued for the
13449 purpose of refunding previously issued notes; provided that no
13450 notes shall mature more than three (3) years following the date of
13451 issuance of the first note hereunder and provided further, that
13452 all outstanding notes shall be retired from the proceeds of the
13453 first issuance of bonds hereunder. The State Bond Commission is
13454 authorized to provide for the compensation of any purchaser of the
13455 notes by payment of a fixed fee or commission and for all other
13456 costs and expenses of issuance and service, including paying agent
13457 costs. Such costs and expenses may be paid from the proceeds of
13458 the notes.

13459 (12) The bonds and interim notes authorized under the
13460 authority of this section may be validated in the First Judicial
13461 District of the Chancery Court of Hinds County, Mississippi, in
13462 the manner and with the force and effect provided now or hereafter



13463 by Chapter 13, Title 31, Mississippi Code of 1972, for the
13464 validation of county, municipal, school district and other bonds.
13465 The necessary papers for such validation proceedings shall be
13466 transmitted to the State Bond Attorney, and the required notice
13467 shall be published in a newspaper published in the City of
13468 Jackson, Mississippi.

13469 (13) Any bonds or interim notes issued under the provisions
13470 of Sections 57-1-251 through 57-1-261, a transaction relating to
13471 the sale or securing of such bonds or interim notes, their
13472 transfer and the income therefrom shall at all times be free from
13473 taxation by the state or any local unit or political subdivision
13474 or other instrumentality of the state, excepting inheritance and
13475 gift taxes.

13476 (14) All bonds issued pursuant to Sections 57-1-251 through
13477 57-1-261 shall be legal investments for trustees, other
13478 fiduciaries, savings banks, trust companies and insurance
13479 companies organized under the laws of the State of Mississippi;
13480 and such bonds shall be legal securities which may be deposited
13481 with and shall be received by all public officers and bodies of
13482 the state and all municipalities and other political subdivisions
13483 thereof for the purpose of securing the deposit of public funds.

13484 (15) There is hereby created a special fund in the State
13485 Treasury to be known as the "Major Energy Project Development
13486 Fund" wherein shall be deposited the proceeds of the bonds issued
13487 under Sections 57-1-251 through 57-1-261 and all monies received



13488 by the department to carry out the purposes of such sections.
13489 Expenditures authorized herein shall be paid by the State
13490 Treasurer upon warrants drawn from the fund, and the Department of
13491 Finance and Administration shall issue warrants upon requisitions
13492 signed by the director of the department.

13493 (16) (a) There is hereby created the "Major Energy Project
13494 Development Sinking Fund" from which the principal of and interest
13495 on such bonds shall be paid by appropriation. All monies paid
13496 into the sinking fund not appropriated to pay accruing bonds and
13497 interest shall be invested by the State Treasurer in such
13498 securities as are provided by law for the investment of the
13499 sinking funds of the state.

13500 (b) In the event that all or any part of the bonds and
13501 notes are purchased, they shall be canceled and returned to the
13502 loan and transfer agent as canceled and paid bonds and notes and
13503 thereafter all payments of interest thereon shall cease and the
13504 canceled bonds, notes and coupons, together with any other
13505 canceled bonds, notes and coupons, shall be destroyed as promptly
13506 as possible after cancellation but not later than two (2) years
13507 after cancellation. A certificate evidencing the destruction of
13508 the canceled bonds, notes and coupons shall be provided by the
13509 loan and transfer agent to the seller.

13510 (c) The State Treasurer shall determine and report to
13511 the Department of Finance and Administration and Legislative
13512 Budget Office by September 1 of each year the amount of money



13513 necessary for the payment of the principal of and interest on
13514 outstanding obligations for the following fiscal year and the
13515 times and amounts of the payments. It shall be the duty of the
13516 Governor to include in every executive budget submitted to the
13517 Legislature full information relating to the issuance of bonds and
13518 notes under the provisions of Sections 57-1-251 through 57-1-261
13519 and the status of the sinking fund for the payment of the
13520 principal of and interest on the bonds and notes.

13521 **SECTION 236.** Section 41-7-197, Mississippi Code of 1972, is
13522 brought forward as follows:

13523 41-7-197. (1) The State Department of Health shall adopt
13524 and utilize procedures for conducting certificate of need reviews.
13525 Such procedures shall include, inter alia, the following: (a)
13526 written notification to the applicant; (b) written notification to
13527 health care facilities in the same health service area as the
13528 proposed service; (c) written notification to other persons who
13529 prior to the receipt of the application have filed a formal notice
13530 of intent to provide the proposed services in the same service
13531 area; and (d) notification to members of the public who reside in
13532 the service area where the service is proposed, which may be
13533 provided through newspapers or public information channels.

13534 (2) All notices provided shall include, inter alia, the
13535 following: (a) the proposed schedule for the review; (b) written
13536 notification of the period within which a public hearing during
13537 the course of the review may be requested in writing by one or



13538 more affected persons, such request to be made within ten (10)
13539 days of the department's staff recommendation for approval or
13540 disapproval of an application; and (c) the manner in which
13541 notification will be provided of the time and place of any hearing
13542 so requested. Any such hearing shall be commenced by an
13543 independent hearing officer designated by the State Department of
13544 Health within sixty (60) days of the filing of the hearing request
13545 unless all parties to the hearing agree to extend the time for the
13546 commencement of the hearing. At such hearing, the hearing officer
13547 and any person affected by the proposal being reviewed may conduct
13548 reasonable questioning of persons who make relevant factual
13549 allegations concerning the proposal. The hearing officer shall
13550 require that all persons be sworn before they may offer any
13551 testimony at the hearing, and the hearing officer is authorized to
13552 administer oaths. Any person so choosing may be represented by
13553 counsel at the hearing. A record of the hearing shall be made,
13554 which shall consist of a transcript of all testimony received, all
13555 documents and other material introduced by any interested person,
13556 the staff report and recommendation and such other material as the
13557 hearing officer considers relevant, including his own
13558 recommendation, which he shall make, after reviewing, studying and
13559 analyzing the evidence presented during the hearing, within a
13560 reasonable period of time after the hearing is closed, which in no
13561 event shall exceed forty-five (45) days. The completed record
13562 shall be certified to the State Health Officer, who shall consider



13563 only the record in making his decision, and shall not consider any
13564 evidence or material which is not included therein. All final
13565 decisions regarding the issuance of a certificate of need shall be
13566 made by the State Health Officer. The State Health Officer shall
13567 make his or her written findings and issue his or her order after
13568 reviewing said record. The findings and decision of the State
13569 Health Officer shall not be deferred to any later date.

13570 (3) Unless a hearing is held, if review by the State
13571 Department of Health concerning the issuance of a certificate of
13572 need is not complete with a final decision issued by the State
13573 Health Officer within the time specified by rule or regulation,
13574 which shall not exceed ninety (90) days from the filing of the
13575 application for a certificate of need, the proponent of the
13576 proposal may, within thirty (30) days after the expiration of the
13577 specified time for review, commence such legal action as is
13578 necessary, in the Chancery Court of the First Judicial District of
13579 Hinds County or in the chancery court of the county in which the
13580 service or facility is proposed to be provided, to compel the
13581 State Health Officer to issue written findings and written order
13582 approving or disapproving the proposal in question.

13583 **SECTION 237.** Section 57-67-15, Mississippi Code of 1972, is
13584 brought forward as follows:

13585 57-67-15. (1) Upon notification to the authority by the
13586 Department of Energy that the state has been finally selected as
13587 the site for the project, the State Bond Commission shall have the



13588 power and is hereby authorized and directed, upon receipt of a
13589 declaration from the Governor as hereinafter provided, to borrow
13590 money and issue general obligation bonds of the state in one or
13591 more series for the purposes herein set out. Upon such
13592 notification, the Governor may thereafter, from time to time,
13593 declare the necessity for the issuance of general obligation state
13594 bonds as authorized by this section and forward such declaration
13595 to the State Bond Commission, provided that prior to said
13596 notification, the Governor may enter into agreements with the
13597 United States Government and others that will commit the Governor
13598 to direct the State Bond Commission to issue bonds for eligible
13599 undertakings set out in subsection (4) of this section,
13600 conditioned on the siting of the project in the state.

13601 (2) Upon receipt of any such declaration from the Governor,
13602 the State Bond Commission, upon verifying that the state has been
13603 selected as the site of the project, shall act as the issuing
13604 agent for the series of state bonds directed to be issued in such
13605 declaration pursuant to authority granted in this section.

13606 (3) Bonds issued under the authority of this section shall
13607 not exceed an aggregate principal amount in the sum of Five
13608 Hundred Million Dollars (\$500,000,000.00).

13609 (4) The proceeds from the sale of the state bonds issued
13610 pursuant to this section may be applied for the purposes of: (a)
13611 defraying all or any designated portion of the costs incurred with
13612 respect to acquisition, planning, design, construction,



13613 installation, rehabilitation, improvement and relocation of the
13614 project and any facility related to the project located within the
13615 project area, including costs of design and engineering, all costs
13616 incurred to provide land, easements and rights-of-way, relocation
13617 costs with respect to the project and with respect to any facility
13618 related to the project located within the project area, and costs
13619 associated with mitigation of environmental impacts; (b) providing
13620 for the payment of interest on the bonds; (c) providing debt
13621 service reserves; and (d) paying underwriters discount, original
13622 issue discount, accountants' fees, engineers' fees, attorney's
13623 fees, rating agency fees and other fees and expenses in connection
13624 with the issuance of the bonds. Such bonds shall be issued, from
13625 time to time and in such principal amounts as shall be designated
13626 by the Governor not to exceed in aggregate principal amount the
13627 amount authorized in subsection (3) of this section. Proceeds
13628 from the sale of the state bonds issued pursuant to this section
13629 may be invested, subject to federal limitations, pending their
13630 use, in such securities as may be specified in the resolution
13631 authorizing the issuance of the bonds or the trust indenture
13632 securing them, and the earning on such investment applied as
13633 provided in such resolution or trust indenture.

13634 (5) The principal of and the interest on the state bonds
13635 shall be payable in the manner hereinafter set forth. The state
13636 bonds shall bear date or dates, be in such denomination or
13637 denominations, bear interest at such rate or rates, be payable at



13638 such place or places within or without the state, shall mature
13639 absolutely at such time or times, be redeemable prior to maturity
13640 at such time or times and upon such terms, with or without
13641 premium, shall bear such registration privileges, and shall be
13642 substantially in such form, all as shall be determined by
13643 resolution of the State Bond Commission. Provided, however, that
13644 such state bonds shall mature or otherwise be retired in annual
13645 installments beginning not more than five (5) years from date
13646 thereof and extending not more than twenty-five (25) years from
13647 date thereof. The state bonds shall be signed by the Chairman of
13648 the State Bond Commission, or by his facsimile signature, and the
13649 official seal of the State Bond Commission shall be imprinted on
13650 or affixed thereto, attested by the manual or facsimile signature
13651 of the Secretary of the State Bond Commission. Whenever any such
13652 state bonds shall have been signed by the officials herein
13653 designated to sign the bonds, who were in the office at the time
13654 of such signing but who may have ceased to be such officers prior
13655 to the sale and delivery of such bonds, or who may not have been
13656 in office on the date such bonds may bear, the signatures of such
13657 officers upon such bonds shall nevertheless be valid and
13658 sufficient for all purposes and have the same effect as if the
13659 person so officially signing such bonds had remained in office
13660 until the delivery of the same to the purchaser, or had been in
13661 office on the date such bonds may bear.



13662 (6) All state bonds issued under the provisions of this
13663 section shall be and are hereby declared to have all the qualities
13664 and incidents of negotiable instruments under the provisions of
13665 the Uniform Commercial Code and in exercising the powers granted
13666 by this chapter, the State Bond Commission shall not be required
13667 to and need not comply with the provisions of the Uniform
13668 Commercial Code.

13669 (7) The State Bond Commission shall sell the state bonds on
13670 sealed bids at public sale, and for such price as it may determine
13671 to be for the best interest of the State of Mississippi, but no
13672 such sale shall be made at a price less than par plus accrued
13673 interest to date of delivery of the bonds to the purchaser. The
13674 state bonds shall bear interest at such rate or rates not
13675 exceeding the limits set forth in Section 75-17-101 as shall be
13676 fixed by the State Bond Commission. All interest accruing on such
13677 bonds so issued shall be payable semiannually or annually;
13678 provided that the first interest payment may be for any period of
13679 not more than one (1) year.

13680 The lowest interest rate specified for any bonds issued shall
13681 not be less than sixty percent (60%) of the highest interest rate
13682 specified for the same bond issue. Each interest rate specified
13683 in any bid must be in a multiple of one-eighth of one percent (1/8
13684 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of
13685 interest cannot be named. Notice of the sale of any state bond
13686 shall be published at least one (1) time, the first of which shall



13687 be made not less than ten (10) days prior to the date of sale, and
13688 shall be so published in one or more newspapers having a general
13689 circulation in the City of Jackson and in one or more other
13690 newspapers or financial journals with a large national
13691 circulation, to be selected by the State Bond Commission.

13692 The State Bond Commission, when issuing any state bonds under
13693 the authority of this section, may provide that the bonds, at the
13694 option of the state, may be called in for payment and redemption
13695 in reverse order of maturity at the call price named therein and
13696 accrued interest on such date or dates named therein.

13697 (8) State bonds issued under the provisions of this section
13698 shall be the general obligations of the state and backed by the
13699 full faith and credit of the state, and if the funds appropriated
13700 by the Legislature shall be insufficient to pay the principal of
13701 and the interest on such bonds as they become due, then the
13702 deficiency shall be paid by the State Treasurer from any funds in
13703 the State Treasury not otherwise appropriated. All state bonds
13704 shall contain recitals on their faces substantially covering the
13705 foregoing provisions of this section.

13706 (9) The State Treasurer is hereby authorized, without
13707 further process of law, to certify to the State Fiscal Management
13708 Board the necessity for warrants, and the State Fiscal Management
13709 Board is hereby authorized and directed to issue such warrants
13710 payable out of any funds authorized by this section for such
13711 purpose, in such amounts as may be necessary to pay when due the



13712 principal of and interest on all state bonds issued under the
13713 provisions of this section; and the State Treasurer shall forward
13714 the necessary amount to the designated place or places of payment
13715 of such bonds in ample time to discharge such bonds, or the
13716 interest thereon, on the due dates thereof.

13717 (10) The state bonds may be issued without any other
13718 proceedings or the happening of any other conditions or things
13719 other than those proceedings, conditions and things which are
13720 specified or required by this chapter. Any resolution providing
13721 for the issuance of general obligation state bonds under the
13722 provisions of this section shall become effective immediately upon
13723 its adoption by the State Bond Commission, and any such resolution
13724 may be adopted at any regular or special meeting of the State Bond
13725 Commission by a majority of its members.

13726 (11) In anticipation of the issuance of state bonds
13727 hereunder, the State Bond Commission is hereby authorized to
13728 negotiate and enter into any purchase, loan, credit or other
13729 agreement with any bank, trust company or other lending
13730 institution or to issue and sell short-term notes for the purpose
13731 of making any payments authorized under this section. All
13732 borrowings made under this provision shall be evidenced by notes
13733 of the state which shall be issued from time to time, for such
13734 amounts not exceeding the amount of state bonds authorized herein,
13735 in such form and in such denomination and subject to such terms
13736 and conditions of sale and issuance, prepayment or redemption and



13737 maturity, rate or rates of interest not to exceed the maximum rate
13738 authorized herein for bonds, and time of payment of interest as
13739 the State Bond Commission shall agree to in such agreement. Such
13740 notes shall constitute general obligations of the state and shall
13741 be backed by the full faith and credit of the state. Such notes
13742 may also be issued for the purpose of refunding previously issued
13743 notes; provided that no notes shall mature more than three (3)
13744 years following the date of issuance of the first note hereunder
13745 and provided further, that all outstanding notes shall be retired
13746 from the proceeds of the first issuance of bonds hereunder. The
13747 State Bond Commission is authorized to provide for the
13748 compensation of any purchaser of the notes by payment of a fixed
13749 fee or commission and for all other costs and expenses of issuance
13750 and service, including paying agent costs. Such costs and
13751 expenses may be paid from the proceeds of the notes.

13752 (12) The bonds and notes authorized under the authority of
13753 this section may be validated in the First Judicial District of
13754 the Chancery Court of Hinds County, Mississippi, in the manner and
13755 with the force and effect provided now or hereafter by Chapter 13,
13756 Title 31, Mississippi Code of 1972, for the validation of county,
13757 municipal, school district and other bonds. The necessary papers
13758 for such validation proceedings shall be transmitted to the state
13759 bond attorney, and the required notice shall be published in a
13760 newspaper published in the City of Jackson, Mississippi.



13761 (13) There is hereby created in the State Treasury a special
13762 fund, separate and apart from any other fund, to be designated as
13763 the "Superconducting Super Collider Special Fund." On July 15
13764 immediately succeeding the date that the state has been finally
13765 selected as the site for the project and on or before the
13766 fifteenth day of each succeeding month thereafter until a period
13767 of time not to exceed twenty-five (25) years from the initial
13768 deposit or until the date that all state bonds issued under this
13769 chapter are retired, whichever occurs last in time, the State
13770 Treasurer shall deposit into the Superconducting Super Collider
13771 Special Fund the sum of Three Million Seven Hundred Fifty Thousand
13772 Dollars (\$3,750,000.00) from taxes collected under the provisions
13773 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited
13774 in the special fund shall be used to pay the principal of and
13775 interest on the state bonds issued under this section and any
13776 balance in the special fund in excess of the amount needed to pay
13777 the principal of and interest on the state bonds shall be
13778 appropriated by the Legislature to defray expenses of the project,
13779 facilities related to the project or enhancements within the
13780 project area.

13781 **SECTION 238.** Section 25-11-105, Mississippi Code of 1972, is
13782 brought forward as follows:

13783 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

13784 The membership of this retirement system shall be composed as
13785 follows:



13786 (a) (i) All persons who become employees in the state
13787 service after January 31, 1953, and whose wages are subject to
13788 payroll taxes and are lawfully reported on IRS Form W-2, except
13789 those specifically excluded, or as to whom election is provided in
13790 Articles 1 and 3, shall become members of the retirement system as
13791 a condition of their employment.

13792 (ii) From and after July 1, 2002, any individual
13793 who is employed by a governmental entity to perform professional
13794 services shall become a member of the system if the individual is
13795 paid regular periodic compensation for those services that is
13796 subject to payroll taxes, is provided all other employee benefits
13797 and meets the membership criteria established by the regulations
13798 adopted by the board of trustees that apply to all other members
13799 of the system; however, any active member employed in such a
13800 position on July 1, 2002, will continue to be an active member for
13801 as long as they are employed in any such position.

13802 (b) All persons who become employees in the state
13803 service after January 31, 1953, except those specifically excluded
13804 or as to whom election is provided in Articles 1 and 3, unless
13805 they file with the board before the lapse of sixty (60) days of
13806 employment or sixty (60) days after the effective date of the
13807 cited articles, whichever is later, on a form prescribed by the
13808 board, a notice of election not to be covered by the membership of
13809 the retirement system and a duly executed waiver of all present
13810 and prospective benefits that would otherwise inure to them on



13811 account of their participation in the system, shall become members
13812 of the retirement system; however, no credit for prior service
13813 will be granted to members who became members of the system before
13814 July 1, 2007, until they have contributed to Article 3 of the
13815 retirement system for a minimum period of at least four (4) years,
13816 or to members who became members of the system on or after July 1,
13817 2007, until they have contributed to Article 3 of the retirement
13818 system for a minimum period of at least eight (8) years. Those
13819 members shall receive credit for services performed before January
13820 1, 1953, in employment now covered by Article 3, but no credit
13821 shall be granted for retroactive services between January 1, 1953,
13822 and the date of their entry into the retirement system, unless the
13823 employee pays into the retirement system both the employer's and
13824 the employee's contributions on wages paid him during the period
13825 from January 31, 1953, to the date of his becoming a contributing
13826 member, together with interest at the rate determined by the board
13827 of trustees. Members reentering after withdrawal from service
13828 shall qualify for prior service under the provisions of Section
13829 25-11-117. From and after July 1, 1998, upon eligibility as noted
13830 above, the member may receive credit for such retroactive service
13831 provided:

13832 (i) The member shall furnish proof satisfactory to
13833 the board of trustees of certification of that service from the
13834 covered employer where the services were performed; and



13835 (ii) The member shall pay to the retirement system
13836 on the date he or she is eligible for that credit or at any time
13837 thereafter before the date of retirement the actuarial cost for
13838 each year of that creditable service. The provisions of this
13839 subparagraph (ii) shall be subject to the limitations of Section
13840 415 of the Internal Revenue Code and regulations promulgated under
13841 Section 415.

13842 Nothing contained in this paragraph (b) shall be construed to
13843 limit the authority of the board to allow the correction of
13844 reporting errors or omissions based on the payment of the employee
13845 and employer contributions plus applicable interest.

13846 (c) All persons who become employees in the state
13847 service after January 31, 1953, and who are eligible for
13848 membership in any other retirement system shall become members of
13849 this retirement system as a condition of their employment, unless
13850 they elect at the time of their employment to become a member of
13851 that other system.

13852 (d) All persons who are employees in the state service
13853 on January 31, 1953, and who are members of any nonfunded
13854 retirement system operated by the State of Mississippi, or any of
13855 its departments or agencies, shall become members of this system
13856 with prior service credit unless, before February 1, 1953, they
13857 file a written notice with the board of trustees that they do not
13858 elect to become members.



13859 (e) All persons who are employees in the state service
13860 on January 31, 1953, and who under existing laws are members of
13861 any fund operated for the retirement of employees by the State of
13862 Mississippi, or any of its departments or agencies, shall not be
13863 entitled to membership in this retirement system unless, before
13864 February 1, 1953, any such person indicates by a notice filed with
13865 the board, on a form prescribed by the board, his individual
13866 election and choice to participate in this system, but no such
13867 person shall receive prior service credit unless he becomes a
13868 member on or before February 1, 1953.

13869 (f) Each political subdivision of the state and each
13870 instrumentality of the state or a political subdivision, or both,
13871 is authorized to submit, for approval by the board of trustees, a
13872 plan for extending the benefits of this article to employees of
13873 any such political subdivision or instrumentality. Each such plan
13874 or any amendment to the plan for extending benefits thereof shall
13875 be approved by the board of trustees if it finds that the plan, or
13876 the plan as amended, is in conformity with such requirements as
13877 are provided in Articles 1 and 3; however, upon approval of the
13878 plan or any such plan previously approved by the board of
13879 trustees, the approved plan shall not be subject to cancellation
13880 or termination by the political subdivision or instrumentality.
13881 No such plan shall be approved unless:

13882 (i) It provides that all services that constitute
13883 employment as defined in Section 25-11-5 and are performed in the



13884 employ of the political subdivision or instrumentality, by any
13885 employees thereof, shall be covered by the plan, with the
13886 exception of municipal employees who are already covered by
13887 existing retirement plans; however, those employees in this class
13888 may elect to come under the provisions of this article;

13889 (ii) It specifies the source or sources from which
13890 the funds necessary to make the payments required by paragraph (d)
13891 of Section 25-11-123 and of paragraph (f) (v)2 and 3 of this
13892 section are expected to be derived and contains reasonable
13893 assurance that those sources will be adequate for that purpose;

13894 (iii) It provides for such methods of
13895 administration of the plan by the political subdivision or
13896 instrumentality as are found by the board of trustees to be
13897 necessary for the proper and efficient administration thereof;

13898 (iv) It provides that the political subdivision or
13899 instrumentality will make such reports, in such form and
13900 containing such information, as the board of trustees may from
13901 time to time require;

13902 (v) It authorizes the board of trustees to
13903 terminate the plan in its entirety in the discretion of the board
13904 if it finds that there has been a failure to comply substantially
13905 with any provision contained in the plan, the termination to take
13906 effect at the expiration of such notice and on such conditions as
13907 may be provided by regulations of the board and as may be
13908 consistent with applicable federal law.



13909 1. The board of trustees shall not finally
13910 refuse to approve a plan submitted under paragraph (f), and shall
13911 not terminate an approved plan without reasonable notice and
13912 opportunity for hearing to each political subdivision or
13913 instrumentality affected by the board's decision. The board's
13914 decision in any such case shall be final, conclusive and binding
13915 unless an appeal is taken by the political subdivision or
13916 instrumentality aggrieved by the decision to the Circuit Court of
13917 the First Judicial District of Hinds County, Mississippi, in
13918 accordance with the provisions of law with respect to civil causes
13919 by certiorari.

13920 2. Each political subdivision or
13921 instrumentality as to which a plan has been approved under this
13922 section shall pay into the contribution fund, with respect to
13923 wages (as defined in Section 25-11-5), at such time or times as
13924 the board of trustees may by regulation prescribe, contributions
13925 in the amounts and at the rates specified in the applicable
13926 agreement entered into by the board.

13927 3. Every political subdivision or
13928 instrumentality required to make payments under paragraph (f)(v)2
13929 of this section is authorized, in consideration of the employees'
13930 retention in or entry upon employment after enactment of Articles
13931 1 and 3, to impose upon its employees, as to services that are
13932 covered by an approved plan, a contribution with respect to wages
13933 (as defined in Section 25-11-5) not exceeding the amount provided



13934 in Section 25-11-123(d) if those services constituted employment
13935 within the meaning of Articles 1 and 3, and to deduct the amount
13936 of the contribution from the wages as and when paid.
13937 Contributions so collected shall be paid into the contribution
13938 fund as partial discharge of the liability of the political
13939 subdivisions or instrumentalities under paragraph (f)(v)2 of this
13940 section. Failure to deduct the contribution shall not relieve the
13941 employee or employer of liability for the contribution.

13942 4. Any state agency, school, political
13943 subdivision, instrumentality or any employer that is required to
13944 submit contribution payments or wage reports under any section of
13945 this chapter shall be assessed interest on delinquent payments or
13946 wage reports as determined by the board of trustees in accordance
13947 with rules and regulations adopted by the board and delinquent
13948 payments, assessed interest and any other amount certified by the
13949 board as owed by an employer, may be recovered by action in a
13950 court of competent jurisdiction against the reporting agency
13951 liable therefor or may, upon due certification of delinquency and
13952 at the request of the board of trustees, be deducted from any
13953 other monies payable to the reporting agency by any department or
13954 agency of the state.

13955 5. Each political subdivision of the state
13956 and each instrumentality of the state or a political subdivision
13957 or subdivisions that submit a plan for approval of the board, as
13958 provided in this section, shall reimburse the board for coverage



13959 into the expense account, its pro rata share of the total expense
13960 of administering Articles 1 and 3 as provided by regulations of
13961 the board.

13962 (g) The board may, in its discretion, deny the right of
13963 membership in this system to any class of employees whose
13964 compensation is only partly paid by the state or who are occupying
13965 positions on a part-time or intermittent basis. The board may, in
13966 its discretion, make optional with employees in any such classes
13967 their individual entrance into this system.

13968 (h) An employee whose membership in this system is
13969 contingent on his own election, and who elects not to become a
13970 member, may thereafter apply for and be admitted to membership;
13971 but no such employee shall receive prior service credit unless he
13972 becomes a member before July 1, 1953, except as provided in
13973 paragraph (b).

13974 (i) If any member of this system changes his employment
13975 to any agency of the state having an actuarially funded retirement
13976 system, the board of trustees may authorize the transfer of the
13977 member's creditable service and of the present value of the
13978 member's employer's accumulation account and of the present value
13979 of the member's accumulated membership contributions to that other
13980 system, provided that the employee agrees to the transfer of his
13981 accumulated membership contributions and provided that the other
13982 system is authorized to receive and agrees to make the transfer.



13983 If any member of any other actuarially funded system
13984 maintained by an agency of the state changes his employment to an
13985 agency covered by this system, the board of trustees may authorize
13986 the receipt of the transfer of the member's creditable service and
13987 of the present value of the member's employer's accumulation
13988 account and of the present value of the member's accumulated
13989 membership contributions from the other system, provided that the
13990 employee agrees to the transfer of his accumulated membership
13991 contributions to this system and provided that the other system is
13992 authorized and agrees to make the transfer.

13993 (j) Wherever state employment is referred to in this
13994 section, it includes joint employment by state and federal
13995 agencies of all kinds.

13996 (k) Employees of a political subdivision or
13997 instrumentality who were employed by the political subdivision or
13998 instrumentality before an agreement between the entity and the
13999 Public Employees' Retirement System to extend the benefits of this
14000 article to its employees, and which agreement provides for the
14001 establishment of retroactive service credit, and who became
14002 members of the retirement system before July 1, 2007, and have
14003 remained contributors to the retirement system for four (4) years,
14004 or who became members of the retirement system on or after July 1,
14005 2007, and have remained contributors to the retirement system for
14006 eight (8) years, may receive credit for that retroactive service
14007 with the political subdivision or instrumentality, provided that



14008 the employee and/or employer, as provided under the terms of the
14009 modification of the joinder agreement in allowing that coverage,
14010 pay into the retirement system the employer's and employee's
14011 contributions on wages paid the member during the previous
14012 employment, together with interest or actuarial cost as determined
14013 by the board covering the period from the date the service was
14014 rendered until the payment for the credit for the service was
14015 made. Those wages shall be verified by the Social Security
14016 Administration or employer payroll records. Effective July 1,
14017 1998, upon eligibility as noted above, a member may receive credit
14018 for that retroactive service with the political subdivision or
14019 instrumentality provided:

14020 (i) The member shall furnish proof satisfactory to
14021 the board of trustees of certification of those services from the
14022 political subdivision or instrumentality where the services were
14023 rendered or verification by the Social Security Administration;
14024 and

14025 (ii) The member shall pay to the retirement system
14026 on the date he or she is eligible for that credit or at any time
14027 thereafter before the date of retirement the actuarial cost for
14028 each year of that creditable service. The provisions of this
14029 subparagraph (ii) shall be subject to the limitations of Section
14030 415 of the Internal Revenue Code and regulations promulgated under
14031 Section 415.



14032 Nothing contained in this paragraph (k) shall be construed to
14033 limit the authority of the board to allow the correction of
14034 reporting errors or omissions based on the payment of employee and
14035 employer contributions plus applicable interest. Payment for that
14036 time shall be made beginning with the most recent service. Upon
14037 the payment of all or part of the required contributions, plus
14038 interest or the actuarial cost as provided above, the member shall
14039 receive credit for the period of creditable service for which full
14040 payment has been made to the retirement system.

14041 (1) Through June 30, 1998, any state service eligible
14042 for retroactive service credit, no part of which has ever been
14043 reported, and requiring the payment of employee and employer
14044 contributions plus interest, or, from and after July 1, 1998, any
14045 state service eligible for retroactive service credit, no part of
14046 which has ever been reported to the retirement system, and
14047 requiring the payment of the actuarial cost for that creditable
14048 service, may, at the member's option, be purchased in quarterly
14049 increments as provided above at the time that its purchase is
14050 otherwise allowed.

14051 (m) All rights to purchase retroactive service credit
14052 or repay a refund as provided in Section 25-11-101 et seq. shall
14053 terminate upon retirement.

14054 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**



14055 The following classes of employees and officers shall not
14056 become members of this retirement system, any other provisions of
14057 Articles 1 and 3 to the contrary notwithstanding:

14058 (a) Patient or inmate help in state charitable, penal
14059 or correctional institutions;

14060 (b) Students of any state educational institution
14061 employed by any agency of the state for temporary, part-time or
14062 intermittent work;

14063 (c) Participants of Comprehensive Employment and
14064 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on
14065 or after July 1, 1979;

14066 (d) From and after July 1, 2002, individuals who are
14067 employed by a governmental entity to perform professional service
14068 on less than a full-time basis who do not meet the criteria
14069 established in I(a)(ii) of this section.

14070 **III. TERMINATION OF MEMBERSHIP**

14071 Membership in this system shall cease by a member withdrawing
14072 his accumulated contributions, or by a member withdrawing from
14073 active service with a retirement allowance, or by a member's
14074 death.

14075 **SECTION 239.** Section 25-9-132, Mississippi Code of 1972, is
14076 brought forward as follows:

14077 25-9-132. Any employee aggrieved by a final decision of the
14078 Employee Appeals Board shall be entitled to judicial review
14079 thereof in the manner provided in this section.



14080 (1) An appeal may be taken by such employee to the circuit
14081 court of the principal county of the employee's employment or the
14082 Circuit Court of the First Judicial District of Hinds County, by
14083 filing a petition with the clerk of such court and executing and
14084 filing bond payable to the State of Mississippi with sufficient
14085 sureties to be approved by the clerk of the court, in the penalty
14086 of Five Hundred Dollars (\$500.00), conditioned upon the payment of
14087 all costs of appeal, including the cost of preparing the
14088 transcript of the hearing before the Employee Appeals Board. The
14089 petition and bond shall be filed within thirty (30) days of the
14090 receipt of the final decision of the Employee Appeals Board. Upon
14091 approval of the bond, the clerk of the court shall notify the
14092 Employee Appeals Board, which shall prepare its record in the
14093 matter and transmit it to the circuit court.

14094 (2) The scope of review of the circuit court in such cases
14095 shall be limited to a review of the record made before the
14096 Employee Appeals Board or hearing officer to determine if the
14097 action of the Employee Appeals Board is unlawful for the reason
14098 that it was:

- 14099 (a) Not supported by any substantial evidence;
14100 (b) Arbitrary or capricious; or
14101 (c) In violation of some statutory or constitutional
14102 right of the employee.

14103 (3) No relief shall be granted based upon the court's
14104 finding of harmless error by the board in complying with the



14105 procedural requirements of Sections 25-9-127 through 25-9-129;
14106 provided, however, in the event that there is a finding of
14107 prejudicial error in the proceedings, the cause may be remanded
14108 for a rehearing consistent with the findings of the court.

14109 (4) Any party aggrieved by action of the circuit court may
14110 appeal to the Supreme Court in the manner provided by law.

14111 (5) In each controversy in which the Employee Appeals Board
14112 assumes jurisdiction, the State Personnel Board shall assess the
14113 respondent state agency a reasonable fee to defray the cost of
14114 recording the hearing. The State Personnel Board is hereby
14115 authorized to contract with certified court reporters to record
14116 hearings before the Employee Appeals Board.

14117 **SECTION 240.** Section 71-5-357, Mississippi Code of 1972, is
14118 brought forward as follows:

14119 71-5-357. Benefits paid to employees of nonprofit
14120 organizations shall be financed in accordance with the provisions
14121 of this section. For the purpose of this section, a nonprofit
14122 organization is an organization (or group of organizations)
14123 described in Section 501(c)(3) of the Internal Revenue Code of
14124 1954 which is exempt from income tax under Section 501(a) of such
14125 code (26 USCS Section 501).

14126 (a) Any nonprofit organization which, under Section
14127 71-5-11, subsection H(3), is or becomes subject to this chapter
14128 shall pay contributions under the provisions of Sections 71-5-351
14129 through 71-5-355 unless it elects, in accordance with this



14130 paragraph, to pay to the department for the unemployment fund an
14131 amount equal to the amount of regular benefits and one-half (1/2)
14132 of the extended benefits paid, that is attributable to service in
14133 the employ of such nonprofit organization, to individuals for
14134 weeks of unemployment which begin during the effective period of
14135 such election.

14136 (i) Any nonprofit organization which becomes
14137 subject to this chapter may elect to become liable for payments in
14138 lieu of contributions for a period of not less than twelve (12)
14139 months, beginning with the date on which such subjectivity begins,
14140 by filing a written notice of its election with the department not
14141 later than thirty (30) days immediately following the date of the
14142 determination of such subjectivity.

14143 (ii) Any nonprofit organization which makes an
14144 election in accordance with subparagraph (i) of this paragraph
14145 will continue to be liable for payments in lieu of contributions
14146 unless it files with the department a written termination notice
14147 not later than thirty (30) days prior to the beginning of the tax
14148 year for which such termination shall first be effective.

14149 (iii) Any nonprofit organization which has been
14150 paying contributions under this chapter may change to a
14151 reimbursable basis by filing with the department, not later than
14152 thirty (30) days prior to the beginning of any tax year, a written
14153 notice of election to become liable for payments in lieu of



14154 contributions. Such election shall not be terminable by the
14155 organization for that and the next tax year.

14156 (iv) The department may for good cause extend the
14157 period within which a notice of election or a notice of
14158 termination must be filed, and may permit an election to be
14159 retroactive.

14160 (v) The department, in accordance with such
14161 regulations as it may prescribe, shall notify each nonprofit
14162 organization of any determination which it may make of its status
14163 as an employer, of the effective date of any election which it
14164 makes and of any termination of such election. Such
14165 determinations shall be subject to reconsideration, appeal and
14166 review in accordance with the provisions of Sections 71-5-351
14167 through 71-5-355.

14168 (b) Payments in lieu of contributions shall be made in
14169 accordance with the provisions of subparagraph (i) of this
14170 paragraph.

14171 (i) At the end of each calendar quarter, or at the
14172 end of any other period as determined by the department, the
14173 department shall bill each nonprofit organization (or group of
14174 such organizations) which has elected to make payments in lieu of
14175 contributions, for an amount equal to the full amount of regular
14176 benefits plus one-half (1/2) of the amount of extended benefits
14177 paid during such quarter or other prescribed period that is
14178 attributable to service in the employ of such organization.



14179 (ii) Payment of any bill rendered under
14180 subparagraph (i) of this paragraph shall be made not later than
14181 forty-five (45) days after such bill was delivered to the
14182 nonprofit organization, unless there has been an application for
14183 review and redetermination in accordance with subparagraph (v) of
14184 this paragraph.

14185 1. All of the enforcement procedures for the
14186 collection of delinquent contributions contained in Sections
14187 71-5-363 through 71-5-383 shall be applicable in all respects for
14188 the collection of delinquent payments due by nonprofit
14189 organizations who have elected to become liable for payments in
14190 lieu of contributions.

14191 2. If any nonprofit organization is
14192 delinquent in making payments in lieu of contributions, the
14193 department may terminate such organization's election to make
14194 payments in lieu of contributions as of the beginning of the next
14195 tax year, and such termination shall be effective for the balance
14196 of such tax year.

14197 (iii) Payments made by any nonprofit organization
14198 under the provisions of this paragraph shall not be deducted or
14199 deductible, in whole or in part, from the remuneration of
14200 individuals in the employ of the organization.

14201 (iv) Payments due by employers who elect to
14202 reimburse the fund in lieu of contributions as provided in this
14203 paragraph may not be noncharged under any condition. The



14204 reimbursement must be on a dollar-for-dollar basis (One Dollar
14205 (\$1.00) reimbursement for each dollar paid in benefits) in every
14206 case, so that the trust fund shall be reimbursed in full, such
14207 reimbursement to include, but not be limited to, benefits or
14208 payments erroneously or incorrectly paid, or paid as a result of a
14209 determination of eligibility which is subsequently reversed, or
14210 paid as a result of claimant fraud. However, political
14211 subdivisions who are reimbursing employers may elect to pay to the
14212 fund an amount equal to five-tenths percent (.5%) through December
14213 31, 2010, and shall pay twenty-five one-hundredths percent (.25%)
14214 thereafter of the taxable wages paid during the calendar year with
14215 respect to employment, and those employers who so elect shall be
14216 relieved of liability for reimbursement of benefits paid under the
14217 same conditions that benefits are not charged to the
14218 experience-rating record of a contributing employer as provided in
14219 Section 71-5-355(2)(b)(ii) other than Clause 5 thereof. Benefits
14220 paid in such circumstances for which reimbursing employers are
14221 relieved of liability for reimbursement shall not be considered
14222 attributable to service in the employment of such reimbursing
14223 employer.

14224 (v) The amount due specified in any bill from the
14225 department shall be conclusive on the organization unless, not
14226 later than fifteen (15) days after the bill was delivered to it,
14227 the organization files an application for redetermination by the
14228 department, setting forth the grounds for such application or



14229 appeal. The department shall promptly review and reconsider the
14230 amount due specified in the bill and shall thereafter issue a
14231 redetermination in any case in which such application for
14232 redetermination has been filed. Any such redetermination shall be
14233 conclusive on the organization unless, not later than fifteen (15)
14234 days after the redetermination was delivered to it, the
14235 organization files an appeal to the Circuit Court of the First
14236 Judicial District of Hinds County, Mississippi, in accordance with
14237 the provisions of law with respect to review of civil causes by
14238 certiorari.

14239 (vi) Past-due payments of amounts in lieu of
14240 contributions shall be subject to the same interest and penalties
14241 that, pursuant to Section 71-5-363, apply to past-due
14242 contributions.

14243 (c) Each employer that is liable for payments in lieu
14244 of contributions shall pay to the department for the fund the
14245 amount of regular benefits plus the amount of one-half (1/2) of
14246 extended benefits paid are attributable to service in the employ
14247 of such employer. If benefits paid to an individual are based on
14248 wages paid by more than one (1) employer and one or more of such
14249 employers are liable for payments in lieu of contributions, the
14250 amount payable to the fund by each employer that is liable for
14251 such payments shall be determined in accordance with the
14252 provisions of subparagraph (i) or subparagraph (ii) of this
14253 paragraph.



14254 (i) If benefits paid to an individual are based on
14255 wages paid by one or more employers that are liable for payment in
14256 lieu of contributions and on wages paid by one or more employers
14257 who are liable for contributions, the amount of benefits payable
14258 by each employer that is liable for payments in lieu of
14259 contributions shall be an amount which bears the same ratio to the
14260 total benefits paid to the individual as the total base period
14261 wages paid to the individual by such employer bear to the total
14262 base period wages paid to the individual by all of his base period
14263 employers.

14264 (ii) If benefits paid to an individual are based
14265 on wages paid by two (2) or more employers that are liable for
14266 payments in lieu of contributions, the amount of benefits payable
14267 by each such employer shall be an amount which bears the same
14268 ratio to the total benefits paid to the individual as the total
14269 base period wages paid to the individual by such employer bear to
14270 the total base period wages paid to the individual by all of his
14271 base period employers.

14272 (d) In the discretion of the department, any nonprofit
14273 organization that elects to become liable for payments in lieu of
14274 contributions shall be required to execute and file with the
14275 department a surety bond approved by the department, or it may
14276 elect instead to deposit with the department money or securities.
14277 The amount of such bond or deposit shall be determined in
14278 accordance with the provisions of this paragraph.



14279 (i) The amount of the bond or deposit required by
14280 paragraph (d) shall be equal to two and seven-tenths percent
14281 (2.7%) thereafter to December 31, 2010, and one and thirty-five
14282 one-hundredths percent (1.35%) thereafter, of the organization's
14283 taxable wages paid for employment as defined in Section 71-5-11,
14284 subsection I(4), for the four (4) calendar quarters immediately
14285 preceding the effective date of the election, the renewal date in
14286 the case of a bond, or the biennial anniversary of the effective
14287 date of election in the case of a deposit of money or securities,
14288 whichever date shall be most recent and applicable. If the
14289 nonprofit organization did not pay wages in each of such four (4)
14290 calendar quarters, the amount of the bond or deposit shall be as
14291 determined by the department.

14292 (ii) Any bond deposited under paragraph (d) shall
14293 be in force for a period of not less than two (2) tax years and
14294 shall be renewed with the approval of the department at such times
14295 as the department may prescribe, but not less frequently than at
14296 intervals of two (2) years as long as the organization continues
14297 to be liable for payments in lieu of contributions. The
14298 department shall require adjustments to be made in a previously
14299 filed bond as it deems appropriate. If the bond is to be
14300 increased, the adjusted bond shall be filed by the organization
14301 within thirty (30) days of the date notice of the required
14302 adjustment was delivered to it. Failure by any organization
14303 covered by such bond to pay the full amount of payments in lieu of



14304 contributions when due, together with any applicable interest and
14305 penalties provided in paragraph (b) (v) of this section, shall
14306 render the surety liable on the bond to the extent of the bond, as
14307 though the surety was such organization.

14308 (iii) Any deposit of money or securities in
14309 accordance with paragraph (d) shall be retained by the department
14310 in an escrow account until liability under the election is
14311 terminated, at which time it shall be returned to the
14312 organization, less any deductions as hereinafter provided. The
14313 department may deduct from the money deposited under paragraph (d)
14314 by a nonprofit organization, or sell the securities it has so
14315 deposited, to the extent necessary to satisfy any due and unpaid
14316 payments in lieu of contributions and any applicable interest and
14317 penalties provided for in paragraph (b) (v) of this section. The
14318 department shall require the organization, within thirty (30) days
14319 following any deduction from a money deposit or sale of deposited
14320 securities under the provisions hereof, to deposit sufficient
14321 additional money or securities to make whole the organization's
14322 deposit at the prior level. Any cash remaining from the sale of
14323 such securities shall be a part of the organization's escrow
14324 account. The department may, at any time, review the adequacy of
14325 the deposit made by any organization. If, as a result of such
14326 review, it determines that an adjustment is necessary, it shall
14327 require the organization to make additional deposit within thirty
14328 (30) days of notice of its determination or shall return to it



14329 such portion of the deposit as it no longer considers necessary,
14330 whichever action is appropriate. Disposition of income from
14331 securities held in escrow shall be governed by the applicable
14332 provisions of the state law.

14333 (iv) If any nonprofit organization fails to file a
14334 bond or make a deposit, or to file a bond in an increased amount,
14335 or to increase or make whole the amount of a previously made
14336 deposit as provided under this subparagraph, the department may
14337 terminate such organization's election to make payments in lieu of
14338 contributions, and such termination shall continue for not less
14339 than the four (4) consecutive calendar-quarter periods beginning
14340 with the quarter in which such termination becomes effective;
14341 however, the department may extend for good cause the applicable
14342 filing, deposit or adjustment period by not more than thirty (30)
14343 days.

14344 (v) Group account shall be established according
14345 to regulations prescribed by the department.

14346 (e) Any employer which elects to make payments in lieu
14347 of contributions into the Unemployment Compensation Fund as
14348 provided in this paragraph shall not be liable to make such
14349 payments with respect to the benefits paid to any individual whose
14350 base period wages include wages for previously uncovered services
14351 as defined in Section 71-5-511(e) to the extent that the
14352 Unemployment Compensation Fund is reimbursed for such benefits
14353 pursuant to Section 121 of Public Law 94-566.



SECTION 241. Section 27-77-7, Mississippi Code of 1972, is brought forward as follows:

27-77-7. (1) The findings and order of the Board of Tax Appeals entered under Section 27-77-5 shall be final unless the agency or the taxpayer shall, within sixty (60) days from the date the Board of Tax Appeals mailed the order, file a petition in the chancery court appealing the order. If the petition under this subsection is filed by the taxpayer, the petition shall be filed against the Department of Revenue as respondent. If the petition under this subsection is filed by the agency, the petition shall be filed against the taxpayer as respondent. The petition shall contain a concise statement of the facts as contended by the petitioner, identify the order from which the appeal is being taken and set out the type of relief sought. If in the action, the taxpayer is seeking a refund or credit for an alleged overpayment of any tax other than individual or corporate income tax or franchise tax, the taxpayer shall allege in the petition or in his answer, where the appeal is filed by the agency, that he alone bore the burden of the tax sought to be refunded or credited and did not directly or indirectly collect the tax from anyone else; however, this requirement shall not apply in any case involving a claim for incentives based on payroll withholding or other incentives, rebates or other economic benefits the computation of which is based, in whole or in part, upon taxes withheld or paid. The respondent to the petition has thirty (30)



14379 days from the date of service of the petition to file a
14380 cross-appeal.

14381 (2) A petition under subsection (1) of this section shall be
14382 filed in the chancery court of the county or judicial district in
14383 which the taxpayer has a place of business or in the Chancery
14384 Court of the First Judicial District of Hinds County, Mississippi;
14385 however, a resident taxpayer may file the petition in the chancery
14386 court of the county or judicial district in which he is a
14387 resident. If both the agency and the taxpayer file a petition
14388 under subsection (1) of this section, the appeals shall be
14389 consolidated and the chancery court where the taxpayer filed his
14390 petition shall have jurisdiction over the consolidated appeal.

14391 (3) Unless otherwise ordered by the chancery court upon
14392 motion by the agency, no taxpayer appealing an order of the Board
14393 of Tax Appeals under this section shall be required to post
14394 security or a bond, or otherwise pay to the agency, under protest
14395 or otherwise, any contested taxes, interest, penalties or other
14396 amounts. After a petition or cross-appeal is filed by a taxpayer
14397 under this section, if the agency believes that its ability to
14398 obtain payment from the taxpayer of the taxes, penalties and
14399 interest in issue is jeopardized by its inability to proceed with
14400 collection due to the filing of the appeal or cross-appeal by the
14401 taxpayer or if the agency believes that the appeal or cross-appeal
14402 is being brought to delay payment of the taxes, penalties or
14403 interest in issue, the agency may move the chancery court to



14404 require the taxpayer to post a bond or other adequate security for
14405 the payment of any judgment of the court. Upon consideration of
14406 such motion, after notice and hearing, the chancellor shall
14407 determine whether a bond or other security is needed to protect
14408 the interest of the state in regard to the timely payment of the
14409 taxes, penalties and interest in issue. If the chancellor
14410 determines that a bond or other security is necessary to protect
14411 the interest of the state, the chancellor shall provide the
14412 taxpayer sixty (60) days from the date that he enters an order on
14413 the motion to post with the clerk of the court the bond or other
14414 security that the chancellor determines is needed to protect the
14415 state's interest. To avoid the accruing of additional penalty and
14416 interest while an appeal is pending, a taxpayer appealing an order
14417 of the Board of Tax Appeals affirming a tax assessment may, prior
14418 to the filing of the petition, pay to the agency, under protest,
14419 the amount ordered by the Board of Tax Appeals to be paid and seek
14420 a refund of such taxes, plus interest thereon, in the appeal. The
14421 taxpayer shall pay to the agency any tax included in the
14422 assessment which he is not contesting. If the petition initiating
14423 the appeal is filed by the taxpayer, the payment of the
14424 uncontested tax shall be made prior to the expiration of the
14425 sixty-day time period for filing a petition under subsection (1)
14426 of this section or the commissioner may institute collection
14427 proceedings for such uncontested amount. If the petition
14428 initiating the appeal is filed by the agency, the payment of the



14429 uncontested tax shall be made prior to the expiration of the
14430 sixty-day time period for the filing of the petition. Failure of
14431 the taxpayer to timely pay the uncontested tax shall not bar the
14432 taxpayer from obtaining a reduction, abatement and/or refund of
14433 any contested tax in the appeal and shall not result in the
14434 taxpayer's appeal or cross-appeal being dismissed or delayed or
14435 judgment being entered granting the agency the relief it
14436 requested.

14437 (4) In an action under this section resulting from an order
14438 of the Board of Tax Appeals involving a refund claim denial, the
14439 agency shall refund or credit to the taxpayer, as provided by law,
14440 the amount of any overpayment included in the refund claim which
14441 the agency does not contest. If the petition initiating the
14442 appeal is filed by the agency, the uncontested overpayment shall
14443 be paid or credited to the taxpayer prior to the expiration of the
14444 sixty-day time period for filing a petition under subsection (1)
14445 of this section. If the petition initiating the appeal is filed
14446 by the taxpayer, such uncontested overpayment shall be paid or
14447 credited to the taxpayer prior to the expiration of the thirty-day
14448 time period for the filing of an answer or other response to the
14449 petition as provided in subsection (5) of this section. Failure
14450 of the agency to timely pay or credit the uncontested overpayment
14451 to the taxpayer shall bar the agency from obtaining an
14452 affirmation, in whole or in part, of the refund claim denial in
14453 issue until the payment or claim is made, but shall not result in



14454 the agency's appeal or cross-appeal being dismissed or judgment
14455 being entered granting the taxpayer the relief he requested.

14456 (5) Upon the filing of the petition under subsection (1) of
14457 this section, the clerk of the court shall issue a summons to the
14458 respondent requiring the respondent to answer or otherwise respond
14459 to the petition within thirty (30) days of service. Where the
14460 agency is the respondent, the summons shall be served on the
14461 agency by personal service on the commissioner as the chief
14462 executive officer of the agency. The chancery court in which a
14463 petition under subsection (1) of this section is properly filed
14464 shall have jurisdiction to hear and determine the cause or issues
14465 joined as in other cases. In any petition, cross-appeal or answer
14466 in which the taxpayer is seeking a refund or credit for an alleged
14467 overpayment of any tax other than individual or corporate income
14468 tax or franchise tax the taxpayer shall prove by a preponderance
14469 of the evidence that he alone bore the burden of the tax sought to
14470 be refunded or credited and did not directly or indirectly collect
14471 the tax from anyone else; however, this requirement shall not
14472 apply in any case involving a claim for incentives based on
14473 withholding taxes or other incentives, rebates or other economic
14474 benefits the computation of which is based, in whole or in part,
14475 upon taxes withheld or paid. At trial of any action brought under
14476 this section, the chancery court shall give no deference to the
14477 decision of the Board of Tax Appeals, the Board of Review or the
14478 Department of Revenue, but shall give deference to the



14479 department's interpretation and application of the statutes as
14480 reflected in duly enacted regulations and other officially adopted
14481 publications. The chancery court shall try the case de novo and
14482 conduct a full evidentiary judicial hearing on all factual and
14483 legal issues raised by the taxpayer which address the substantive
14484 or procedural propriety of the actions of the Department of
14485 Revenue being appealed. The chancery court is expressly
14486 prohibited from trying any action filed pursuant to this section
14487 using the more limited standard of review specified for appeals in
14488 Section 27-77-13 of this chapter. Based on the evidence presented
14489 at trial, the chancery court shall determine whether the party
14490 bringing the appeal has proven by a preponderance of the evidence
14491 or a higher standard if required by the issues raised, that he is
14492 entitled to any or all of the relief he has requested. The
14493 chancery court shall decide all factual and legal questions
14494 presented, including those as to legality and the amount of tax,
14495 refund, tax credit or tax incentive due as well as whether and to
14496 what extent the imposition of interest and/or penalties are
14497 warranted under the facts of the case, and if it finds that the
14498 tax assessment, denial of the claim for a tax refund, tax credit
14499 or tax incentive or other action of the agency in issue is
14500 incorrect or invalid, in whole or in part, it shall determine the
14501 amount of tax or refund due, including interest and, if
14502 applicable, penalty to date, and enter such order or judgment as
14503 it deems proper. Interest and penalty included in this



14504 determination shall be computed by the court based on the methods
14505 for computing penalty and interest as specified by law for the
14506 type of tax in issue, and the court shall have the same discretion
14507 as the commissioner in determining whether and to what extent such
14508 amounts are warranted under the facts of the case. When the
14509 chancery court determines that an overpayment exists, the
14510 determination as to whether such overpayment shall be refunded to
14511 the taxpayer or credited against the taxpayer's future taxes shall
14512 be made by the chancery court based on the method for handling
14513 overpayments as specified by the law for the type of tax in issue.
14514 Either the agency or the taxpayer, or both, shall have the right
14515 to appeal from the order of the chancery court to the Supreme
14516 Court as in other cases. If an appeal is taken from the order of
14517 the chancery court, any bond or other security required to be
14518 posted by order of the chancery court shall continue to remain in
14519 place until a final decision is rendered in the case.

14520 **SECTION 242.** Section 57-75-15, Mississippi Code of 1972, is
14521 brought forward as follows:

14522 **[Through June 30, 2025, this section shall read as follows:]**

14523 57-75-15. (1) Upon notification to the authority by the
14524 enterprise that the state has been finally selected as the site
14525 for the project, the State Bond Commission shall have the power
14526 and is hereby authorized and directed, upon receipt of a
14527 declaration from the authority as hereinafter provided, to borrow
14528 money and issue general obligation bonds of the state in one or



14529 more series for the purposes herein set out. Upon such
14530 notification, the authority may thereafter, from time to time,
14531 declare the necessity for the issuance of general obligation bonds
14532 as authorized by this section and forward such declaration to the
14533 State Bond Commission, provided that before such notification, the
14534 authority may enter into agreements with the United States
14535 government, private companies and others that will commit the
14536 authority to direct the State Bond Commission to issue bonds for
14537 eligible undertakings set out in subsection (4) of this section,
14538 conditioned on the siting of the project in the state.

14539 (2) Upon receipt of any such declaration from the authority,
14540 the State Bond Commission shall verify that the state has been
14541 selected as the site of the project and shall act as the issuing
14542 agent for the series of bonds directed to be issued in such
14543 declaration pursuant to authority granted in this section.

14544 (3) (a) Bonds issued under the authority of this section
14545 for projects as defined in Section 57-75-5(f)(i) shall not exceed
14546 an aggregate principal amount in the sum of Sixty-seven Million
14547 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

14548 (b) Bonds issued under the authority of this section
14549 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
14550 Seventy-seven Million Dollars (\$77,000,000.00). The authority,
14551 with the express direction of the State Bond Commission, is
14552 authorized to expend any remaining proceeds of bonds issued under
14553 the authority of this act prior to January 1, 1998, for the



14554 purpose of financing projects as then defined in Section
14555 57-75-5(f)(ii) or for any other projects as defined in Section
14556 57-75-5(f)(ii), as it may be amended from time to time. No bonds
14557 shall be issued under this paragraph (b) until the State Bond
14558 Commission by resolution adopts a finding that the issuance of
14559 such bonds will improve, expand or otherwise enhance the military
14560 installation, its support areas or military operations, or will
14561 provide employment opportunities to replace those lost by closure
14562 or reductions in operations at the military installation or will
14563 support critical studies or investigations authorized by Section
14564 57-75-5(f)(ii).

14565 (c) Bonds issued under the authority of this section
14566 for projects as defined in Section 57-75-5(f)(iii) shall not
14567 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
14568 issued under this paragraph after December 31, 1996.

14569 (d) Bonds issued under the authority of this section
14570 for projects defined in Section 57-75-5(f)(iv) shall not exceed
14571 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
14572 additional amount of bonds in an amount not to exceed Twelve
14573 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
14574 issued under the authority of this section for the purpose of
14575 defraying costs associated with the construction of surface water
14576 transmission lines for a project defined in Section 57-75-5(f)(iv)
14577 or for any facility related to the project. No bonds shall be
14578 issued under this paragraph after June 30, 2005.



14579 (e) Bonds issued under the authority of this section
14580 for projects defined in Section 57-75-5(f)(v) and for facilities
14581 related to such projects shall not exceed Thirty-eight Million
14582 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
14583 issued under this paragraph after April 1, 2005.

14584 (f) Bonds issued under the authority of this section
14585 for projects defined in Section 57-75-5(f)(vii) shall not exceed
14586 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
14587 under this paragraph after June 30, 2006.

14588 (g) Bonds issued under the authority of this section
14589 for projects defined in Section 57-75-5(f)(viii) shall not exceed
14590 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
14591 bonds shall be issued under this paragraph after June 30, 2008.

14592 (h) Bonds issued under the authority of this section
14593 for projects defined in Section 57-75-5(f)(ix) shall not exceed
14594 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
14595 under this paragraph after June 30, 2007.

14596 (i) Bonds issued under the authority of this section
14597 for projects defined in Section 57-75-5(f)(x) shall not exceed
14598 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
14599 under this paragraph after April 1, 2005.

14600 (j) Bonds issued under the authority of this section
14601 for projects defined in Section 57-75-5(f)(xii) shall not exceed
14602 Thirty-three Million Dollars (\$33,000,000.00). The amount of
14603 bonds that may be issued under this paragraph for projects defined



14604 in Section 57-75-5(f)(xii) may be reduced by the amount of any
14605 federal or local funds made available for such projects. No bonds
14606 shall be issued under this paragraph until local governments in or
14607 near the county in which the project is located have irrevocably
14608 committed funds to the project in an amount of not less than Two
14609 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
14610 aggregate; however, this irrevocable commitment requirement may be
14611 waived by the authority upon a finding that due to the unforeseen
14612 circumstances created by Hurricane Katrina, the local governments
14613 are unable to comply with such commitment. No bonds shall be
14614 issued under this paragraph after June 30, 2008.

14615 (k) Bonds issued under the authority of this section
14616 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
14617 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
14618 under this paragraph after June 30, 2009.

14619 (l) Bonds issued under the authority of this section
14620 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
14621 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
14622 issued under this paragraph until local governments in the county
14623 in which the project is located have irrevocably committed funds
14624 to the project in an amount of not less than Two Million Dollars
14625 (\$2,000,000.00). No bonds shall be issued under this paragraph
14626 after June 30, 2009.

14627 (m) Bonds issued under the authority of this section
14628 for projects defined in Section 57-75-5(f)(xv) shall not exceed



14629 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
14630 issued under this paragraph after June 30, 2009.

14631 (n) Bonds issued under the authority of this section
14632 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
14633 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
14634 under this paragraph after June 30, 2011.

14635 (o) Bonds issued under the authority of this section
14636 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
14637 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
14638 bonds shall be issued under this paragraph after June 30, 2010.

14639 (p) Bonds issued under the authority of this section
14640 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
14641 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
14642 issued under this paragraph after June 30, 2011.

14643 (q) Bonds issued under the authority of this section
14644 for projects defined in Section 57-75-5(f)(xix) shall not exceed
14645 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
14646 issued under this paragraph after June 30, 2012.

14647 (r) Bonds issued under the authority of this section
14648 for projects defined in Section 57-75-5(f)(xx) shall not exceed
14649 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
14650 issued under this paragraph after April 25, 2013.

14651 (s) Bonds issued under the authority of this section
14652 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
14653 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars



14654 (\$293,900,000.00). No bonds shall be issued under this paragraph
14655 after July 1, 2020.

14656 (t) Bonds issued under the authority of this section
14657 for Tier One suppliers shall not exceed Thirty Million Dollars
14658 (\$30,000,000.00). No bonds shall be issued under this paragraph
14659 after July 1, 2020.

14660 (u) Bonds issued under the authority of this section
14661 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
14662 Forty-eight Million Four Hundred Thousand Dollars
14663 (\$48,400,000.00). No bonds shall be issued under this paragraph
14664 after July 1, 2020.

14665 (v) Bonds issued under the authority of this section
14666 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
14667 Eighty-eight Million Two Hundred Fifty Thousand Dollars
14668 (\$88,250,000.00). No bonds shall be issued under this paragraph
14669 after July 1, 2009.

14670 (w) Bonds issued under the authority of this section
14671 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed
14672 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
14673 issued under this paragraph after July 1, 2020.

14674 (x) Bonds issued under the authority of this section
14675 for projects defined in Section 57-75-5(f)(xxv) shall not exceed
14676 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
14677 issued under this paragraph after July 1, 2017.



14678 (y) Bonds issued under the authority of this section
14679 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed
14680 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
14681 No bonds shall be issued under this paragraph after July 1, 2021.

14682 (z) Bonds issued under the authority of this section
14683 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed
14684 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
14685 under this paragraph after April 25, 2013.

14686 (aa) Bonds issued under the authority of this section
14687 for projects defined in Section 57-75-5(f)(xxviii) shall not
14688 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
14689 bonds shall be issued under this paragraph after July 1, 2023.

14690 (bb) Bonds issued under the authority of this section
14691 for projects defined in Section 57-75-5(f)(xxix) shall not exceed
14692 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
14693 bonds shall be issued under this paragraph after July 1, 2034.

14694 (cc) Bonds issued under the authority of this section
14695 for projects defined in Section 57-75-5(f)(xxx) shall not exceed
14696 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
14697 under this paragraph after July 1, 2025.

14698 (dd) Bonds issued under the authority of this section
14699 for projects defined in Section 57-75-5(f)(xxxi) shall not exceed
14700 Two Hundred Forty-six Million Seven Hundred Ninety-eight Thousand
14701 Five Hundred Fifty Dollars (\$246,798,550.00); however, the total
14702 amount of bonds that may be issued under the authority of this



14703 section for projects defined in Section 57-75-5(f)(xxxi) shall be
14704 reduced by the amount of any other funds authorized by the
14705 Legislature during the 2022 First Extraordinary Session
14706 specifically for such projects. No bonds shall be issued under
14707 this paragraph after July 1, 2040.

14708 (4) (a) The proceeds from the sale of the bonds issued
14709 under this section may be applied for the following purposes:

14710 (i) Defraying all or any designated portion of the
14711 costs incurred with respect to acquisition, planning, design,
14712 construction, installation, rehabilitation, improvement,
14713 relocation and with respect to state-owned property, operation and
14714 maintenance of the project and any facility related to the project
14715 located within the project area, including costs of design and
14716 engineering, all costs incurred to provide land, easements and
14717 rights-of-way, relocation costs with respect to the project and
14718 with respect to any facility related to the project located within
14719 the project area, and costs associated with mitigation of
14720 environmental impacts and environmental impact studies;

14721 (ii) Defraying the cost of providing for the
14722 recruitment, screening, selection, training or retraining of
14723 employees, candidates for employment or replacement employees of
14724 the project and any related activity;

14725 (iii) Reimbursing the Mississippi Development
14726 Authority for expenses it incurred in regard to projects defined
14727 in Section 57-75-5(f)(iv) prior to November 6, 2000. The



14728 Mississippi Development Authority shall submit an itemized list of
14729 expenses it incurred in regard to such projects to the Chairmen of
14730 the Finance and Appropriations Committees of the Senate and the
14731 Chairmen of the Ways and Means and Appropriations Committees of
14732 the House of Representatives;

14733 (iv) Providing grants to enterprises operating
14734 projects defined in Section 57-75-5(f)(iv)1;

14735 (v) Paying any warranty made by the authority
14736 regarding site work for a project defined in Section
14737 57-75-5(f)(iv)1;

14738 (vi) Defraying the cost of marketing and promotion
14739 of a project as defined in Section 57-75-5(f)(iv)1, Section
14740 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
14741 submit an itemized list of costs incurred for marketing and
14742 promotion of such project to the Chairmen of the Finance and
14743 Appropriations Committees of the Senate and the Chairmen of the
14744 Ways and Means and Appropriations Committees of the House of
14745 Representatives;

14746 (vii) Providing for the payment of interest on the
14747 bonds;

14748 (viii) Providing debt service reserves;

14749 (ix) Paying underwriters' discount, original issue
14750 discount, accountants' fees, engineers' fees, attorneys' fees,
14751 rating agency fees and other fees and expenses in connection with
14752 the issuance of the bonds;



14753 (x) For purposes authorized in paragraphs (b) and
14754 (c) of this subsection (4);

14755 (xi) Providing grants to enterprises operating
14756 projects defined in Section 57-75-5(f)(v), or, in connection with
14757 a facility related to such a project, for any purposes deemed by
14758 the authority in its sole discretion to be necessary and
14759 appropriate;

14760 (xii) Providing grant funds or loans to a public
14761 agency or an enterprise owning, leasing or operating a project
14762 defined in Section 57-75-5(f)(ii);

14763 (xiii) Providing grant funds or loans to an
14764 enterprise owning, leasing or operating a project defined in
14765 Section 57-75-5(f)(xiv);

14766 (xiv) Providing grants, loans and payments to or
14767 for the benefit of an enterprise owning or operating a project
14768 defined in Section 57-75-5(f)(xviii);

14769 (xv) Purchasing equipment for a project defined in
14770 Section 57-75-5(f)(viii) subject to such terms and conditions as
14771 the authority considers necessary and appropriate;

14772 (xvi) Providing grant funds to an enterprise
14773 developing or owning a project defined in Section 57-75-5(f)(xx);

14774 (xvii) Providing grants and loans for projects as
14775 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
14776 connection with a facility related to such a project, for any



14777 purposes deemed by the authority in its sole discretion to be
14778 necessary and appropriate;

14779 (xviii) Providing grants for projects as
14780 authorized in Section 57-75-11(pp) for any purposes deemed by the
14781 authority in its sole discretion to be necessary and appropriate;

14782 (xix) Providing grants and loans for projects as
14783 authorized in Section 57-75-11(qq);

14784 (xx) Providing grants for projects as authorized
14785 in Section 57-75-11(rr);

14786 (xxi) Providing grants, loans and payments as
14787 authorized in Section 57-75-11(ss);

14788 (xxii) Providing grants and loans as authorized in
14789 Section 57-75-11(tt);

14790 (xxiii) Providing grants as authorized in Section
14791 57-75-11(wv) for any purposes deemed by the authority in its sole
14792 discretion to be necessary and appropriate; and

14793 (xxiv) Providing loans, grants and other funds as
14794 authorized in Sections 57-75-11(xx) and 57-75-11(yy) for any
14795 purposes deemed by the authority in its sole discretion to be
14796 necessary and appropriate.

14797 Such bonds shall be issued, from time to time, and in such
14798 principal amounts as shall be designated by the authority, not to
14799 exceed in aggregate principal amounts the amount authorized in
14800 subsection (3) of this section. Proceeds from the sale of the
14801 bonds issued under this section may be invested, subject to



14802 federal limitations, pending their use, in such securities as may
14803 be specified in the resolution authorizing the issuance of the
14804 bonds or the trust indenture securing them, and the earning on
14805 such investment applied as provided in such resolution or trust
14806 indenture.

14807 (b) (i) The proceeds of bonds issued after June 21,
14808 2002, under this section for projects described in Section
14809 57-75-5(f) (iv) may be used to reimburse reasonable actual and
14810 necessary costs incurred by the Mississippi Development Authority
14811 in providing assistance related to a project for which funding is
14812 provided from the use of proceeds of such bonds. The Mississippi
14813 Development Authority shall maintain an accounting of actual costs
14814 incurred for each project for which reimbursements are sought.
14815 Reimbursements under this paragraph (b) (i) shall not exceed Three
14816 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
14817 Reimbursements under this paragraph (b) (i) shall satisfy any
14818 applicable federal tax law requirements.

14819 (ii) The proceeds of bonds issued after June 21,
14820 2002, under this section for projects described in Section
14821 57-75-5(f) (iv) may be used to reimburse reasonable actual and
14822 necessary costs incurred by the Department of Audit in providing
14823 services related to a project for which funding is provided from
14824 the use of proceeds of such bonds. The Department of Audit shall
14825 maintain an accounting of actual costs incurred for each project
14826 for which reimbursements are sought. The Department of Audit may



14827 escalate its budget and expend such funds in accordance with rules
14828 and regulations of the Department of Finance and Administration in
14829 a manner consistent with the escalation of federal funds.

14830 Reimbursements under this paragraph (b)(ii) shall not exceed One
14831 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

14832 Reimbursements under this paragraph (b)(ii) shall satisfy any
14833 applicable federal tax law requirements.

14834 (c) (i) Except as otherwise provided in this
14835 subsection, the proceeds of bonds issued under this section for a
14836 project described in Section 57-75-5(f) may be used to reimburse
14837 reasonable actual and necessary costs incurred by the Mississippi
14838 Development Authority in providing assistance related to the
14839 project for which funding is provided for the use of proceeds of
14840 such bonds. The Mississippi Development Authority shall maintain
14841 an accounting of actual costs incurred for each project for which
14842 reimbursements are sought. Reimbursements under this paragraph
14843 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
14844 each project.

14845 (ii) Except as otherwise provided in this
14846 subsection, the proceeds of bonds issued under this section for a
14847 project described in Section 57-75-5(f) may be used to reimburse
14848 reasonable actual and necessary costs incurred by the Department
14849 of Audit in providing services related to the project for which
14850 funding is provided from the use of proceeds of such bonds. The
14851 Department of Audit shall maintain an accounting of actual costs



14852 incurred for each project for which reimbursements are sought.
14853 The Department of Audit may escalate its budget and expend such
14854 funds in accordance with rules and regulations of the Department
14855 of Finance and Administration in a manner consistent with the
14856 escalation of federal funds. Reimbursements under this paragraph
14857 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
14858 each project. Reimbursements under this paragraph shall satisfy
14859 any applicable federal tax law requirements.

14860 (5) The principal of and the interest on the bonds shall be
14861 payable in the manner hereinafter set forth. The bonds shall bear
14862 date or dates; be in such denomination or denominations; bear
14863 interest at such rate or rates; be payable at such place or places
14864 within or without the state; mature absolutely at such time or
14865 times; be redeemable before maturity at such time or times and
14866 upon such terms, with or without premium; bear such registration
14867 privileges; and be substantially in such form; all as shall be
14868 determined by resolution of the State Bond Commission except that
14869 such bonds shall mature or otherwise be retired in annual
14870 installments beginning not more than five (5) years from the date
14871 thereof and extending not more than twenty-five (25) years from
14872 the date thereof. The bonds shall be signed by the Chairman of
14873 the State Bond Commission, or by his facsimile signature, and the
14874 official seal of the State Bond Commission shall be imprinted on
14875 or affixed thereto, attested by the manual or facsimile signature
14876 of the Secretary of the State Bond Commission. Whenever any such



14877 bonds have been signed by the officials herein designated to sign
14878 the bonds, who were in office at the time of such signing but who
14879 may have ceased to be such officers before the sale and delivery
14880 of such bonds, or who may not have been in office on the date such
14881 bonds may bear, the signatures of such officers upon such bonds
14882 shall nevertheless be valid and sufficient for all purposes and
14883 have the same effect as if the person so officially signing such
14884 bonds had remained in office until the delivery of the same to the
14885 purchaser, or had been in office on the date such bonds may bear.

14886 (6) All bonds issued under the provisions of this section
14887 shall be and are hereby declared to have all the qualities and
14888 incidents of negotiable instruments under the provisions of the
14889 Uniform Commercial Code and in exercising the powers granted by
14890 this chapter, the State Bond Commission shall not be required to
14891 and need not comply with the provisions of the Uniform Commercial
14892 Code.

14893 (7) The State Bond Commission shall act as issuing agent for
14894 the bonds, prescribe the form of the bonds, determine the
14895 appropriate method for sale of the bonds, advertise for and accept
14896 bids or negotiate the sale of the bonds, issue and sell the bonds,
14897 pay all fees and costs incurred in such issuance and sale, and do
14898 any and all other things necessary and advisable in connection
14899 with the issuance and sale of the bonds. The State Bond
14900 Commission may sell such bonds on sealed bids at public sale or
14901 may negotiate the sale of the bonds for such price as it may



14902 determine to be for the best interest of the State of Mississippi.
14903 The bonds shall bear interest at such rate or rates not exceeding
14904 the limits set forth in Section 75-17-101 as shall be fixed by the
14905 State Bond Commission. All interest accruing on such bonds so
14906 issued shall be payable semiannually or annually.

14907 If the bonds are to be sold on sealed bids at public sale,
14908 notice of the sale of any bonds shall be published at least one
14909 time, the first of which shall be made not less than ten (10) days
14910 prior to the date of sale, and shall be so published in one or
14911 more newspapers having a general circulation in the City of
14912 Jackson, Mississippi, selected by the State Bond Commission.

14913 The State Bond Commission, when issuing any bonds under the
14914 authority of this section, may provide that the bonds, at the
14915 option of the state, may be called in for payment and redemption
14916 at the call price named therein and accrued interest on such date
14917 or dates named therein.

14918 (8) State bonds issued under the provisions of this section
14919 shall be the general obligations of the state and backed by the
14920 full faith and credit of the state. The Legislature shall
14921 appropriate annually an amount sufficient to pay the principal of
14922 and the interest on such bonds as they become due. All bonds
14923 shall contain recitals on their faces substantially covering the
14924 foregoing provisions of this section.

14925 (9) The State Treasurer is authorized to certify to the
14926 Department of Finance and Administration the necessity for



14927 warrants, and the Department of Finance and Administration is
14928 authorized and directed to issue such warrants payable out of any
14929 funds appropriated by the Legislature under this section for such
14930 purpose, in such amounts as may be necessary to pay when due the
14931 principal of and interest on all bonds issued under the provisions
14932 of this section. The State Treasurer shall forward the necessary
14933 amount to the designated place or places of payment of such bonds
14934 in ample time to discharge such bonds, or the interest thereon, on
14935 the due dates thereof.

14936 (10) The bonds may be issued without any other proceedings
14937 or the happening of any other conditions or things other than
14938 those proceedings, conditions and things which are specified or
14939 required by this chapter. Any resolution providing for the
14940 issuance of general obligation bonds under the provisions of this
14941 section shall become effective immediately upon its adoption by
14942 the State Bond Commission, and any such resolution may be adopted
14943 at any regular or special meeting of the State Bond Commission by
14944 a majority of its members.

14945 (11) In anticipation of the issuance of bonds hereunder, the
14946 State Bond Commission is authorized to negotiate and enter into
14947 any purchase, loan, credit or other agreement with any bank, trust
14948 company or other lending institution or to issue and sell interim
14949 notes for the purpose of making any payments authorized under this
14950 section. All borrowings made under this provision shall be
14951 evidenced by notes of the state which shall be issued from time to



14952 time, for such amounts not exceeding the amount of bonds
14953 authorized herein, in such form and in such denomination and
14954 subject to such terms and conditions of sale and issuance,
14955 prepayment or redemption and maturity, rate or rates of interest
14956 not to exceed the maximum rate authorized herein for bonds, and
14957 time of payment of interest as the State Bond Commission shall
14958 agree to in such agreement. Such notes shall constitute general
14959 obligations of the state and shall be backed by the full faith and
14960 credit of the state. Such notes may also be issued for the
14961 purpose of refunding previously issued notes. No note shall
14962 mature more than three (3) years following the date of its
14963 issuance. The State Bond Commission is authorized to provide for
14964 the compensation of any purchaser of the notes by payment of a
14965 fixed fee or commission and for all other costs and expenses of
14966 issuance and service, including paying agent costs. Such costs
14967 and expenses may be paid from the proceeds of the notes.

14968 (12) The bonds and interim notes authorized under the
14969 authority of this section may be validated in the Chancery Court
14970 of the First Judicial District of Hinds County, Mississippi, in
14971 the manner and with the force and effect provided now or hereafter
14972 by Chapter 13, Title 31, Mississippi Code of 1972, for the
14973 validation of county, municipal, school district and other bonds.
14974 The necessary papers for such validation proceedings shall be
14975 transmitted to the State Bond Attorney, and the required notice



14976 shall be published in a newspaper published in the City of
14977 Jackson, Mississippi.

14978 (13) Any bonds or interim notes issued under the provisions
14979 of this chapter, a transaction relating to the sale or securing of
14980 such bonds or interim notes, their transfer and the income
14981 therefrom shall at all times be free from taxation by the state or
14982 any local unit or political subdivision or other instrumentality
14983 of the state, excepting inheritance and gift taxes.

14984 (14) All bonds issued under this chapter shall be legal
14985 investments for trustees, other fiduciaries, savings banks, trust
14986 companies and insurance companies organized under the laws of the
14987 State of Mississippi; and such bonds shall be legal securities
14988 which may be deposited with and shall be received by all public
14989 officers and bodies of the state and all municipalities and other
14990 political subdivisions thereof for the purpose of securing the
14991 deposit of public funds.

14992 (15) The Attorney General of the State of Mississippi shall
14993 represent the State Bond Commission in issuing, selling and
14994 validating bonds herein provided for, and the Bond Commission is
14995 hereby authorized and empowered to expend from the proceeds
14996 derived from the sale of the bonds authorized hereunder all
14997 necessary administrative, legal and other expenses incidental and
14998 related to the issuance of bonds authorized under this chapter.

14999 (16) There is hereby created a special fund in the State
15000 Treasury to be known as the Mississippi Major Economic Impact



15001 Authority Fund wherein shall be deposited the proceeds of the
15002 bonds issued under this chapter and all monies received by the
15003 authority to carry out the purposes of this chapter. Expenditures
15004 authorized herein shall be paid by the State Treasurer upon
15005 warrants drawn from the fund, and the Department of Finance and
15006 Administration shall issue warrants upon requisitions signed by
15007 the director of the authority.

15008 (17) (a) There is hereby created the Mississippi Economic
15009 Impact Authority Sinking Fund from which the principal of and
15010 interest on such bonds shall be paid by appropriation. All monies
15011 paid into the sinking fund not appropriated to pay accruing bonds
15012 and interest shall be invested by the State Treasurer in such
15013 securities as are provided by law for the investment of the
15014 sinking funds of the state.

15015 (b) In the event that all or any part of the bonds and
15016 notes are purchased, they shall be cancelled and returned to the
15017 loan and transfer agent as cancelled and paid bonds and notes and
15018 thereafter all payments of interest thereon shall cease and the
15019 cancelled bonds, notes and coupons, together with any other
15020 cancelled bonds, notes and coupons, shall be destroyed as promptly
15021 as possible after cancellation but not later than two (2) years
15022 after cancellation. A certificate evidencing the destruction of
15023 the cancelled bonds, notes and coupons shall be provided by the
15024 loan and transfer agent to the seller.



15025 (c) The State Treasurer shall determine and report to
15026 the Department of Finance and Administration and Legislative
15027 Budget Office by September 1 of each year the amount of money
15028 necessary for the payment of the principal of and interest on
15029 outstanding obligations for the following fiscal year and the
15030 times and amounts of the payments. It shall be the duty of the
15031 Governor to include in every executive budget submitted to the
15032 Legislature full information relating to the issuance of bonds and
15033 notes under the provisions of this chapter and the status of the
15034 sinking fund for the payment of the principal of and interest on
15035 the bonds and notes.

15036 (d) Any monies repaid to the state from loans
15037 authorized in Section 57-75-11(hh) shall be deposited into the
15038 Mississippi Major Economic Impact Authority Sinking Fund unless
15039 the State Bond Commission, at the request of the authority, shall
15040 determine that such loan repayments are needed to provide
15041 additional loans as authorized under Section 57-75-11(hh). For
15042 purposes of providing additional loans, there is hereby created
15043 the Mississippi Major Economic Impact Authority Revolving Loan
15044 Fund and loan repayments shall be deposited into the fund. The
15045 fund shall be maintained for such period as determined by the
15046 State Bond Commission for the sole purpose of making additional
15047 loans as authorized by Section 57-75-11(hh). Unexpended amounts
15048 remaining in the fund at the end of a fiscal year shall not lapse



15049 into the State General Fund and any interest earned on amounts in
15050 such fund shall be deposited to the credit of the fund.

15051 (e) Any monies repaid to the state from loans
15052 authorized in Section 57-75-11(ii) shall be deposited into the
15053 Mississippi Major Economic Impact Authority Sinking Fund.

15054 (f) Any monies repaid to the state from loans
15055 authorized in Section 57-75-11(jj), Section 57-75-11(vv) and
15056 Section 57-75-11(xx) shall be deposited into the Mississippi Major
15057 Economic Impact Authority Sinking Fund.

15058 (18) (a) Upon receipt of a declaration by the authority
15059 that it has determined that the state is a potential site for a
15060 project, the State Bond Commission is authorized and directed to
15061 authorize the State Treasurer to borrow money from any special
15062 fund in the State Treasury not otherwise appropriated to be
15063 utilized by the authority for the purposes provided for in this
15064 subsection.

15065 (b) The proceeds of the money borrowed under this
15066 subsection may be utilized by the authority for the purpose of
15067 defraying all or a portion of the costs incurred by the authority
15068 with respect to acquisition options and planning, design and
15069 environmental impact studies with respect to a project defined in
15070 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
15071 may escalate its budget and expend the proceeds of the money
15072 borrowed under this subsection in accordance with rules and



15073 regulations of the Department of Finance and Administration in a
15074 manner consistent with the escalation of federal funds.

15075 (c) The authority shall request an appropriation or
15076 additional authority to issue general obligation bonds to repay
15077 the borrowed funds and establish a date for the repayment of the
15078 funds so borrowed.

15079 (d) Borrowings made under the provisions of this
15080 subsection shall not exceed Five Hundred Thousand Dollars
15081 (\$500,000.00) at any one time.

15082 **[From and after July 1, 2025, this section shall read as**
15083 **follows:]**

15084 57-75-15. (1) Upon notification to the authority by the
15085 enterprise that the state has been finally selected as the site
15086 for the project, the State Bond Commission shall have the power
15087 and is hereby authorized and directed, upon receipt of a
15088 declaration from the authority as hereinafter provided, to borrow
15089 money and issue general obligation bonds of the state in one or
15090 more series for the purposes herein set out. Upon such
15091 notification, the authority may thereafter, from time to time,
15092 declare the necessity for the issuance of general obligation bonds
15093 as authorized by this section and forward such declaration to the
15094 State Bond Commission, provided that before such notification, the
15095 authority may enter into agreements with the United States
15096 government, private companies and others that will commit the
15097 authority to direct the State Bond Commission to issue bonds for



15098 eligible undertakings set out in subsection (4) of this section,
15099 conditioned on the siting of the project in the state.

15100 (2) Upon receipt of any such declaration from the authority,
15101 the State Bond Commission shall verify that the state has been
15102 selected as the site of the project and shall act as the issuing
15103 agent for the series of bonds directed to be issued in such
15104 declaration pursuant to authority granted in this section.

15105 (3) (a) Bonds issued under the authority of this section
15106 for projects as defined in Section 57-75-5(f)(i) shall not exceed
15107 an aggregate principal amount in the sum of Sixty-seven Million
15108 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

15109 (b) Bonds issued under the authority of this section
15110 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
15111 Seventy-seven Million Dollars (\$77,000,000.00). The authority,
15112 with the express direction of the State Bond Commission, is
15113 authorized to expend any remaining proceeds of bonds issued under
15114 the authority of this act prior to January 1, 1998, for the
15115 purpose of financing projects as then defined in Section
15116 57-75-5(f)(ii) or for any other projects as defined in Section
15117 57-75-5(f)(ii), as it may be amended from time to time. No bonds
15118 shall be issued under this paragraph (b) until the State Bond
15119 Commission by resolution adopts a finding that the issuance of
15120 such bonds will improve, expand or otherwise enhance the military
15121 installation, its support areas or military operations, or will
15122 provide employment opportunities to replace those lost by closure



15123 or reductions in operations at the military installation or will
15124 support critical studies or investigations authorized by Section
15125 57-75-5(f)(ii).

15126 (c) Bonds issued under the authority of this section
15127 for projects as defined in Section 57-75-5(f)(iii) shall not
15128 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
15129 issued under this paragraph after December 31, 1996.

15130 (d) Bonds issued under the authority of this section
15131 for projects defined in Section 57-75-5(f)(iv) shall not exceed
15132 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
15133 additional amount of bonds in an amount not to exceed Twelve
15134 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
15135 issued under the authority of this section for the purpose of
15136 defraying costs associated with the construction of surface water
15137 transmission lines for a project defined in Section 57-75-5(f)(iv)
15138 or for any facility related to the project. No bonds shall be
15139 issued under this paragraph after June 30, 2005.

15140 (e) Bonds issued under the authority of this section
15141 for projects defined in Section 57-75-5(f)(v) and for facilities
15142 related to such projects shall not exceed Thirty-eight Million
15143 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
15144 issued under this paragraph after April 1, 2005.

15145 (f) Bonds issued under the authority of this section
15146 for projects defined in Section 57-75-5(f)(vii) shall not exceed



15147 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
15148 under this paragraph after June 30, 2006.

15149 (g) Bonds issued under the authority of this section
15150 for projects defined in Section 57-75-5(f)(viii) shall not exceed
15151 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
15152 bonds shall be issued under this paragraph after June 30, 2008.

15153 (h) Bonds issued under the authority of this section
15154 for projects defined in Section 57-75-5(f)(ix) shall not exceed
15155 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
15156 under this paragraph after June 30, 2007.

15157 (i) Bonds issued under the authority of this section
15158 for projects defined in Section 57-75-5(f)(x) shall not exceed
15159 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
15160 under this paragraph after April 1, 2005.

15161 (j) Bonds issued under the authority of this section
15162 for projects defined in Section 57-75-5(f)(xii) shall not exceed
15163 Thirty-three Million Dollars (\$33,000,000.00). The amount of
15164 bonds that may be issued under this paragraph for projects defined
15165 in Section 57-75-5(f)(xii) may be reduced by the amount of any
15166 federal or local funds made available for such projects. No bonds
15167 shall be issued under this paragraph until local governments in or
15168 near the county in which the project is located have irrevocably
15169 committed funds to the project in an amount of not less than Two
15170 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
15171 aggregate; however, this irrevocable commitment requirement may be



15172 waived by the authority upon a finding that due to the unforeseen
15173 circumstances created by Hurricane Katrina, the local governments
15174 are unable to comply with such commitment. No bonds shall be
15175 issued under this paragraph after June 30, 2008.

15176 (k) Bonds issued under the authority of this section
15177 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
15178 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
15179 under this paragraph after June 30, 2009.

15180 (l) Bonds issued under the authority of this section
15181 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
15182 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
15183 issued under this paragraph until local governments in the county
15184 in which the project is located have irrevocably committed funds
15185 to the project in an amount of not less than Two Million Dollars
15186 (\$2,000,000.00). No bonds shall be issued under this paragraph
15187 after June 30, 2009.

15188 (m) Bonds issued under the authority of this section
15189 for projects defined in Section 57-75-5(f)(xv) shall not exceed
15190 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
15191 issued under this paragraph after June 30, 2009.

15192 (n) Bonds issued under the authority of this section
15193 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
15194 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
15195 under this paragraph after June 30, 2011.



15196 (o) Bonds issued under the authority of this section
15197 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
15198 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
15199 bonds shall be issued under this paragraph after June 30, 2010.

15200 (p) Bonds issued under the authority of this section
15201 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
15202 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
15203 issued under this paragraph after June 30, 2016.

15204 (q) Bonds issued under the authority of this section
15205 for projects defined in Section 57-75-5(f)(xix) shall not exceed
15206 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
15207 issued under this paragraph after June 30, 2012.

15208 (r) Bonds issued under the authority of this section
15209 for projects defined in Section 57-75-5(f)(xx) shall not exceed
15210 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
15211 issued under this paragraph after April 25, 2013.

15212 (s) Bonds issued under the authority of this section
15213 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
15214 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
15215 (\$293,900,000.00). No bonds shall be issued under this paragraph
15216 after July 1, 2020.

15217 (t) Bonds issued under the authority of this section
15218 for Tier One suppliers shall not exceed Thirty Million Dollars
15219 (\$30,000,000.00). No bonds shall be issued under this paragraph
15220 after July 1, 2020.



15221 (u) Bonds issued under the authority of this section
15222 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
15223 Forty-eight Million Four Hundred Thousand Dollars
15224 (\$48,400,000.00). No bonds shall be issued under this paragraph
15225 after July 1, 2020.

15226 (v) Bonds issued under the authority of this section
15227 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
15228 Eighty-eight Million Two Hundred Fifty Thousand Dollars
15229 (\$88,250,000.00). No bonds shall be issued under this paragraph
15230 after July 1, 2009.

15231 (w) Bonds issued under the authority of this section
15232 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed
15233 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
15234 issued under this paragraph after July 1, 2020.

15235 (x) Bonds issued under the authority of this section
15236 for projects defined in Section 57-75-5(f)(xxv) shall not exceed
15237 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
15238 issued under this paragraph after July 1, 2017.

15239 (y) Bonds issued under the authority of this section
15240 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed
15241 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
15242 No bonds shall be issued under this paragraph after July 1, 2021.

15243 (z) Bonds issued under the authority of this section
15244 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed



15245 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
15246 under this paragraph after April 25, 2013.

15247 (aa) Bonds issued under the authority of this section
15248 for projects defined in Section 57-75-5(f)(xxviii) shall not
15249 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
15250 bonds shall be issued under this paragraph after July 1, 2023.

15251 (bb) Bonds issued under the authority of this section
15252 for projects defined in Section 57-75-5(f)(xxix) shall not exceed
15253 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
15254 bonds shall be issued under this paragraph after July 1, 2034.

15255 (cc) Bonds issued under the authority of this section
15256 for projects defined in Section 57-75-5(f)(xxx) shall not exceed
15257 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
15258 under this paragraph after July 1, 2025.

15259 (dd) Bonds issued under the authority of this section
15260 for projects defined in Section 57-75-5(f)(xxxi) shall not exceed
15261 Two Hundred Forty-six Million Seven Hundred Ninety-eight Thousand
15262 Five Hundred Fifty Dollars (\$246,798,550.00); however, the total
15263 amount of bonds that may be issued under the authority of this
15264 section for projects defined in Section 57-75-5(f)(xxxi) shall be
15265 reduced by the amount of any other funds authorized by the
15266 Legislature during the 2022 First Extraordinary Session
15267 specifically for such projects. No bonds shall be issued under
15268 this paragraph after July 1, 2040.



15269 (4) (a) The proceeds from the sale of the bonds issued
15270 under this section may be applied for the following purposes:

15271 (i) Defraying all or any designated portion of the
15272 costs incurred with respect to acquisition, planning, design,
15273 construction, installation, rehabilitation, improvement,
15274 relocation and with respect to state-owned property, operation and
15275 maintenance of the project and any facility related to the project
15276 located within the project area, including costs of design and
15277 engineering, all costs incurred to provide land, easements and
15278 rights-of-way, relocation costs with respect to the project and
15279 with respect to any facility related to the project located within
15280 the project area, and costs associated with mitigation of
15281 environmental impacts and environmental impact studies;

15282 (ii) Defraying the cost of providing for the
15283 recruitment, screening, selection, training or retraining of
15284 employees, candidates for employment or replacement employees of
15285 the project and any related activity;

15286 (iii) Reimbursing the Mississippi Development
15287 Authority for expenses it incurred in regard to projects defined
15288 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
15289 Mississippi Development Authority shall submit an itemized list of
15290 expenses it incurred in regard to such projects to the Chairmen of
15291 the Finance and Appropriations Committees of the Senate and the
15292 Chairmen of the Ways and Means and Appropriations Committees of
15293 the House of Representatives;



15294 (iv) Providing grants to enterprises operating
15295 projects defined in Section 57-75-5(f)(iv)1;
15296 (v) Paying any warranty made by the authority
15297 regarding site work for a project defined in Section
15298 57-75-5(f)(iv)1;
15299 (vi) Defraying the cost of marketing and promotion
15300 of a project as defined in Section 57-75-5(f)(iv)1, Section
15301 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
15302 submit an itemized list of costs incurred for marketing and
15303 promotion of such project to the Chairmen of the Finance and
15304 Appropriations Committees of the Senate and the Chairmen of the
15305 Ways and Means and Appropriations Committees of the House of
15306 Representatives;
15307 (vii) Providing for the payment of interest on the
15308 bonds;
15309 (viii) Providing debt service reserves;
15310 (ix) Paying underwriters' discount, original issue
15311 discount, accountants' fees, engineers' fees, attorneys' fees,
15312 rating agency fees and other fees and expenses in connection with
15313 the issuance of the bonds;
15314 (x) For purposes authorized in paragraphs (b) and
15315 (c) of this subsection (4);
15316 (xi) Providing grants to enterprises operating
15317 projects defined in Section 57-75-5(f)(v), or, in connection with
15318 a facility related to such a project, for any purposes deemed by



15319 the authority in its sole discretion to be necessary and
15320 appropriate;

15321 (xii) Providing grant funds or loans to a public
15322 agency or an enterprise owning, leasing or operating a project
15323 defined in Section 57-75-5(f)(ii);

15324 (xiii) Providing grant funds or loans to an
15325 enterprise owning, leasing or operating a project defined in
15326 Section 57-75-5(f)(xiv);

15327 (xiv) Providing grants, loans and payments to or
15328 for the benefit of an enterprise owning or operating a project
15329 defined in Section 57-75-5(f)(xviii);

15330 (xv) Purchasing equipment for a project defined in
15331 Section 57-75-5(f)(viii) subject to such terms and conditions as
15332 the authority considers necessary and appropriate;

15333 (xvi) Providing grant funds to an enterprise
15334 developing or owning a project defined in Section 57-75-5(f)(xx);

15335 (xvii) Providing grants and loans for projects as
15336 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
15337 connection with a facility related to such a project, for any
15338 purposes deemed by the authority in its sole discretion to be
15339 necessary and appropriate;

15340 (xviii) Providing grants for projects as
15341 authorized in Section 57-75-11(pp) for any purposes deemed by the
15342 authority in its sole discretion to be necessary and appropriate;



15343 (xix) Providing grants and loans for projects as
15344 authorized in Section 57-75-11(qq);

15345 (xx) Providing grants for projects as authorized
15346 in Section 57-75-11(rr);

15347 (xxi) Providing grants, loans and payments as
15348 authorized in Section 57-75-11(ss);

15349 (xxii) Providing loans as authorized in Section
15350 57-75-11(tt);

15351 (xxiii) Providing grants as authorized in Section
15352 57-75-11(ww) for any purposes deemed by the authority in its sole
15353 discretion to be necessary and appropriate; and

15354 (xxiv) Providing loans, grants and other funds as
15355 authorized in Sections 57-75-11(xx) and 57-75-11(yy) for any
15356 purposes deemed by the authority in its sole discretion to be
15357 necessary and appropriate.

15358 Such bonds shall be issued, from time to time, and in such
15359 principal amounts as shall be designated by the authority, not to
15360 exceed in aggregate principal amounts the amount authorized in
15361 subsection (3) of this section. Proceeds from the sale of the
15362 bonds issued under this section may be invested, subject to
15363 federal limitations, pending their use, in such securities as may
15364 be specified in the resolution authorizing the issuance of the
15365 bonds or the trust indenture securing them, and the earning on
15366 such investment applied as provided in such resolution or trust
15367 indenture.



15368 (b) (i) The proceeds of bonds issued after June 21,
15369 2002, under this section for projects described in Section
15370 57-75-5(f) (iv) may be used to reimburse reasonable actual and
15371 necessary costs incurred by the Mississippi Development Authority
15372 in providing assistance related to a project for which funding is
15373 provided from the use of proceeds of such bonds. The Mississippi
15374 Development Authority shall maintain an accounting of actual costs
15375 incurred for each project for which reimbursements are sought.
15376 Reimbursements under this paragraph (b) (i) shall not exceed Three
15377 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
15378 Reimbursements under this paragraph (b) (i) shall satisfy any
15379 applicable federal tax law requirements.

15380 (ii) The proceeds of bonds issued after June 21,
15381 2002, under this section for projects described in Section
15382 57-75-5(f) (iv) may be used to reimburse reasonable actual and
15383 necessary costs incurred by the Department of Audit in providing
15384 services related to a project for which funding is provided from
15385 the use of proceeds of such bonds. The Department of Audit shall
15386 maintain an accounting of actual costs incurred for each project
15387 for which reimbursements are sought. The Department of Audit may
15388 escalate its budget and expend such funds in accordance with rules
15389 and regulations of the Department of Finance and Administration in
15390 a manner consistent with the escalation of federal funds.
15391 Reimbursements under this paragraph (b) (ii) shall not exceed One
15392 Hundred Thousand Dollars (\$100,000.00) in the aggregate.



15393 Reimbursements under this paragraph (b)(ii) shall satisfy any
15394 applicable federal tax law requirements.

15395 (c) (i) Except as otherwise provided in this
15396 subsection, the proceeds of bonds issued under this section for a
15397 project described in Section 57-75-5(f) may be used to reimburse
15398 reasonable actual and necessary costs incurred by the Mississippi
15399 Development Authority in providing assistance related to the
15400 project for which funding is provided for the use of proceeds of
15401 such bonds. The Mississippi Development Authority shall maintain
15402 an accounting of actual costs incurred for each project for which
15403 reimbursements are sought. Reimbursements under this paragraph
15404 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
15405 each project.

15406 (ii) Except as otherwise provided in this
15407 subsection, the proceeds of bonds issued under this section for a
15408 project described in Section 57-75-5(f) may be used to reimburse
15409 reasonable actual and necessary costs incurred by the Department
15410 of Audit in providing services related to the project for which
15411 funding is provided from the use of proceeds of such bonds. The
15412 Department of Audit shall maintain an accounting of actual costs
15413 incurred for each project for which reimbursements are sought.
15414 The Department of Audit may escalate its budget and expend such
15415 funds in accordance with rules and regulations of the Department
15416 of Finance and Administration in a manner consistent with the
15417 escalation of federal funds. Reimbursements under this paragraph



15418 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
15419 each project. Reimbursements under this paragraph shall satisfy
15420 any applicable federal tax law requirements.

15421 (5) The principal of and the interest on the bonds shall be
15422 payable in the manner hereinafter set forth. The bonds shall bear
15423 date or dates; be in such denomination or denominations; bear
15424 interest at such rate or rates; be payable at such place or places
15425 within or without the state; mature absolutely at such time or
15426 times; be redeemable before maturity at such time or times and
15427 upon such terms, with or without premium; bear such registration
15428 privileges; and be substantially in such form; all as shall be
15429 determined by resolution of the State Bond Commission except that
15430 such bonds shall mature or otherwise be retired in annual
15431 installments beginning not more than five (5) years from the date
15432 thereof and extending not more than twenty-five (25) years from
15433 the date thereof. The bonds shall be signed by the Chairman of
15434 the State Bond Commission, or by his facsimile signature, and the
15435 official seal of the State Bond Commission shall be imprinted on
15436 or affixed thereto, attested by the manual or facsimile signature
15437 of the Secretary of the State Bond Commission. Whenever any such
15438 bonds have been signed by the officials herein designated to sign
15439 the bonds, who were in office at the time of such signing but who
15440 may have ceased to be such officers before the sale and delivery
15441 of such bonds, or who may not have been in office on the date such
15442 bonds may bear, the signatures of such officers upon such bonds



15443 shall nevertheless be valid and sufficient for all purposes and
15444 have the same effect as if the person so officially signing such
15445 bonds had remained in office until the delivery of the same to the
15446 purchaser, or had been in office on the date such bonds may bear.

15447 (6) All bonds issued under the provisions of this section
15448 shall be and are hereby declared to have all the qualities and
15449 incidents of negotiable instruments under the provisions of the
15450 Uniform Commercial Code and in exercising the powers granted by
15451 this chapter, the State Bond Commission shall not be required to
15452 and need not comply with the provisions of the Uniform Commercial
15453 Code.

15454 (7) The State Bond Commission shall act as issuing agent for
15455 the bonds, prescribe the form of the bonds, advertise for and
15456 accept bids, issue and sell the bonds on sealed bids at public
15457 sale, pay all fees and costs incurred in such issuance and sale,
15458 and do any and all other things necessary and advisable in
15459 connection with the issuance and sale of the bonds. The State
15460 Bond Commission may sell such bonds on sealed bids at public sale
15461 for such price as it may determine to be for the best interest of
15462 the State of Mississippi, but no such sale shall be made at a
15463 price less than par plus accrued interest to date of delivery of
15464 the bonds to the purchaser. The bonds shall bear interest at such
15465 rate or rates not exceeding the limits set forth in Section
15466 75-17-101 as shall be fixed by the State Bond Commission. All
15467 interest accruing on such bonds so issued shall be payable



15468 semiannually or annually; provided that the first interest payment
15469 may be for any period of not more than one (1) year.

15470 Notice of the sale of any bonds shall be published at least
15471 one time, the first of which shall be made not less than ten (10)
15472 days prior to the date of sale, and shall be so published in one
15473 or more newspapers having a general circulation in the City of
15474 Jackson, Mississippi, selected by the State Bond Commission.

15475 The State Bond Commission, when issuing any bonds under the
15476 authority of this section, may provide that the bonds, at the
15477 option of the state, may be called in for payment and redemption
15478 at the call price named therein and accrued interest on such date
15479 or dates named therein.

15480 (8) State bonds issued under the provisions of this section
15481 shall be the general obligations of the state and backed by the
15482 full faith and credit of the state. The Legislature shall
15483 appropriate annually an amount sufficient to pay the principal of
15484 and the interest on such bonds as they become due. All bonds
15485 shall contain recitals on their faces substantially covering the
15486 foregoing provisions of this section.

15487 (9) The State Treasurer is authorized to certify to the
15488 Department of Finance and Administration the necessity for
15489 warrants, and the Department of Finance and Administration is
15490 authorized and directed to issue such warrants payable out of any
15491 funds appropriated by the Legislature under this section for such
15492 purpose, in such amounts as may be necessary to pay when due the



15493 principal of and interest on all bonds issued under the provisions
15494 of this section. The State Treasurer shall forward the necessary
15495 amount to the designated place or places of payment of such bonds
15496 in ample time to discharge such bonds, or the interest thereon, on
15497 the due dates thereof.

15498 (10) The bonds may be issued without any other proceedings
15499 or the happening of any other conditions or things other than
15500 those proceedings, conditions and things which are specified or
15501 required by this chapter. Any resolution providing for the
15502 issuance of general obligation bonds under the provisions of this
15503 section shall become effective immediately upon its adoption by
15504 the State Bond Commission, and any such resolution may be adopted
15505 at any regular or special meeting of the State Bond Commission by
15506 a majority of its members.

15507 (11) In anticipation of the issuance of bonds hereunder, the
15508 State Bond Commission is authorized to negotiate and enter into
15509 any purchase, loan, credit or other agreement with any bank, trust
15510 company or other lending institution or to issue and sell interim
15511 notes for the purpose of making any payments authorized under this
15512 section. All borrowings made under this provision shall be
15513 evidenced by notes of the state which shall be issued from time to
15514 time, for such amounts not exceeding the amount of bonds
15515 authorized herein, in such form and in such denomination and
15516 subject to such terms and conditions of sale and issuance,
15517 prepayment or redemption and maturity, rate or rates of interest



15518 not to exceed the maximum rate authorized herein for bonds, and
15519 time of payment of interest as the State Bond Commission shall
15520 agree to in such agreement. Such notes shall constitute general
15521 obligations of the state and shall be backed by the full faith and
15522 credit of the state. Such notes may also be issued for the
15523 purpose of refunding previously issued notes. No note shall
15524 mature more than three (3) years following the date of its
15525 issuance. The State Bond Commission is authorized to provide for
15526 the compensation of any purchaser of the notes by payment of a
15527 fixed fee or commission and for all other costs and expenses of
15528 issuance and service, including paying agent costs. Such costs
15529 and expenses may be paid from the proceeds of the notes.

15530 (12) The bonds and interim notes authorized under the
15531 authority of this section may be validated in the Chancery Court
15532 of the First Judicial District of Hinds County, Mississippi, in
15533 the manner and with the force and effect provided now or hereafter
15534 by Chapter 13, Title 31, Mississippi Code of 1972, for the
15535 validation of county, municipal, school district and other bonds.
15536 The necessary papers for such validation proceedings shall be
15537 transmitted to the State Bond Attorney, and the required notice
15538 shall be published in a newspaper published in the City of
15539 Jackson, Mississippi.

15540 (13) Any bonds or interim notes issued under the provisions
15541 of this chapter, a transaction relating to the sale or securing of
15542 such bonds or interim notes, their transfer and the income



15543 therefrom shall at all times be free from taxation by the state or
15544 any local unit or political subdivision or other instrumentality
15545 of the state, excepting inheritance and gift taxes.

15546 (14) All bonds issued under this chapter shall be legal
15547 investments for trustees, other fiduciaries, savings banks, trust
15548 companies and insurance companies organized under the laws of the
15549 State of Mississippi; and such bonds shall be legal securities
15550 which may be deposited with and shall be received by all public
15551 officers and bodies of the state and all municipalities and other
15552 political subdivisions thereof for the purpose of securing the
15553 deposit of public funds.

15554 (15) The Attorney General of the State of Mississippi shall
15555 represent the State Bond Commission in issuing, selling and
15556 validating bonds herein provided for, and the Bond Commission is
15557 hereby authorized and empowered to expend from the proceeds
15558 derived from the sale of the bonds authorized hereunder all
15559 necessary administrative, legal and other expenses incidental and
15560 related to the issuance of bonds authorized under this chapter.

15561 (16) There is hereby created a special fund in the State
15562 Treasury to be known as the Mississippi Major Economic Impact
15563 Authority Fund wherein shall be deposited the proceeds of the
15564 bonds issued under this chapter and all monies received by the
15565 authority to carry out the purposes of this chapter. Expenditures
15566 authorized herein shall be paid by the State Treasurer upon
15567 warrants drawn from the fund, and the Department of Finance and



15568 Administration shall issue warrants upon requisitions signed by
15569 the director of the authority.

15570 (17) (a) There is hereby created the Mississippi Economic
15571 Impact Authority Sinking Fund from which the principal of and
15572 interest on such bonds shall be paid by appropriation. All monies
15573 paid into the sinking fund not appropriated to pay accruing bonds
15574 and interest shall be invested by the State Treasurer in such
15575 securities as are provided by law for the investment of the
15576 sinking funds of the state.

15577 (b) In the event that all or any part of the bonds and
15578 notes are purchased, they shall be cancelled and returned to the
15579 loan and transfer agent as cancelled and paid bonds and notes and
15580 thereafter all payments of interest thereon shall cease and the
15581 cancelled bonds, notes and coupons, together with any other
15582 cancelled bonds, notes and coupons, shall be destroyed as promptly
15583 as possible after cancellation but not later than two (2) years
15584 after cancellation. A certificate evidencing the destruction of
15585 the cancelled bonds, notes and coupons shall be provided by the
15586 loan and transfer agent to the seller.

15587 (c) The State Treasurer shall determine and report to
15588 the Department of Finance and Administration and Legislative
15589 Budget Office by September 1 of each year the amount of money
15590 necessary for the payment of the principal of and interest on
15591 outstanding obligations for the following fiscal year and the
15592 times and amounts of the payments. It shall be the duty of the



15593 Governor to include in every executive budget submitted to the
15594 Legislature full information relating to the issuance of bonds and
15595 notes under the provisions of this chapter and the status of the
15596 sinking fund for the payment of the principal of and interest on
15597 the bonds and notes.

15598 (d) Any monies repaid to the state from loans
15599 authorized in Section 57-75-11(hh) shall be deposited into the
15600 Mississippi Major Economic Impact Authority Sinking Fund unless
15601 the State Bond Commission, at the request of the authority, shall
15602 determine that such loan repayments are needed to provide
15603 additional loans as authorized under Section 57-75-11(hh). For
15604 purposes of providing additional loans, there is hereby created
15605 the Mississippi Major Economic Impact Authority Revolving Loan
15606 Fund and loan repayments shall be deposited into the fund. The
15607 fund shall be maintained for such period as determined by the
15608 State Bond Commission for the sole purpose of making additional
15609 loans as authorized by Section 57-75-11(hh). Unexpended amounts
15610 remaining in the fund at the end of a fiscal year shall not lapse
15611 into the State General Fund and any interest earned on amounts in
15612 such fund shall be deposited to the credit of the fund.

15613 (e) Any monies repaid to the state from loans
15614 authorized in Section 57-75-11(ii) shall be deposited into the
15615 Mississippi Major Economic Impact Authority Sinking Fund.

15616 (f) Any monies repaid to the state from loans
15617 authorized in Section 57-75-11(jj), Section 57-75-11(vv) and



15618 Section 57-75-11(xx) shall be deposited into the Mississippi Major
15619 Economic Impact Authority Sinking Fund.

15620 (18) (a) Upon receipt of a declaration by the authority
15621 that it has determined that the state is a potential site for a
15622 project, the State Bond Commission is authorized and directed to
15623 authorize the State Treasurer to borrow money from any special
15624 fund in the State Treasury not otherwise appropriated to be
15625 utilized by the authority for the purposes provided for in this
15626 subsection.

15627 (b) The proceeds of the money borrowed under this
15628 subsection may be utilized by the authority for the purpose of
15629 defraying all or a portion of the costs incurred by the authority
15630 with respect to acquisition options and planning, design and
15631 environmental impact studies with respect to a project defined in
15632 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
15633 may escalate its budget and expend the proceeds of the money
15634 borrowed under this subsection in accordance with rules and
15635 regulations of the Department of Finance and Administration in a
15636 manner consistent with the escalation of federal funds.

15637 (c) The authority shall request an appropriation or
15638 additional authority to issue general obligation bonds to repay
15639 the borrowed funds and establish a date for the repayment of the
15640 funds so borrowed.



15641 (d) Borrowings made under the provisions of this
15642 subsection shall not exceed Five Hundred Thousand Dollars
15643 (\$500,000.00) at any one time.

15644 **SECTION 243.** Section 25-11-120, Mississippi Code of 1972, is
15645 brought forward as follows:

15646 25-11-120. (1) Any individual aggrieved by an
15647 administrative determination, including a determination of the
15648 medical board, relating to the eligibility for or payment of
15649 benefits, or the calculation of creditable service or other
15650 similar matters relating to the Public Employees' Retirement
15651 System or any other retirement system or program administered by
15652 the board, may request a hearing before a hearing officer
15653 designated by the board. Such hearings shall be conducted in
15654 accordance with rules and regulations adopted by the board and
15655 formal rules of evidence shall not apply. The hearing officer is
15656 authorized to administer oaths, hear testimony of witnesses and
15657 receive documentary and other evidence. In case of disability
15658 appeals, the hearing officer shall have the authority to defer a
15659 decision in order to request a medical evaluation or test or
15660 additional existing medical records not previously furnished by
15661 the claimant. After the hearing and the receipt of any additional
15662 medical evidence requested by the hearing officer, the hearing
15663 officer shall certify the record to the board, which shall include
15664 the hearing officer's proposed statement of facts, conclusions of
15665 law and recommendation. The record may include a taped recording



15666 of the proceedings of the hearing in lieu of a transcribed copy of
15667 the proceedings. The board shall receive the record and make its
15668 determination based solely on matters contained therein.

15669 (2) Any individual aggrieved by the determination of the
15670 board may appeal to the Circuit Court of the First Judicial
15671 District of Hinds County, Mississippi, in accordance with the
15672 Uniform Circuit Court Rules governing appeals to the circuit court
15673 in civil cases. Such appeal shall be made solely on the record
15674 before the board and this procedure shall be the exclusive method
15675 of appealing determinations of the board.

15676 (3) The board is authorized to appoint a committee of the
15677 board to serve as hearing officer or to employ or contract with
15678 qualified personnel to perform the duties of hearing officer and
15679 court reporter as may be necessary for conducting, recording and
15680 transcribing such hearings. The board may assess and collect fees
15681 to offset costs related to such hearings. Those fees shall be
15682 deposited to the credit of the Public Employees' Retirement
15683 System.

15684 (4) Interest shall not be paid on any benefits, including,
15685 but not limited to, benefits that are delayed as a result of an
15686 administrative determination or an appeal from an administrative
15687 determination.

15688 **SECTION 244.** Section 37-3-2, Mississippi Code of 1972, is
15689 brought forward as follows:



15690 37-3-2. (1) There is established within the State
15691 Department of Education the Commission on Teacher and
15692 Administrator Education, Certification and Licensure and
15693 Development. It shall be the purpose and duty of the commission
15694 to make recommendations to the State Board of Education regarding
15695 standards for the certification and licensure and continuing
15696 professional development of those who teach or perform tasks of an
15697 educational nature in the public schools of Mississippi.

15698 (2) (a) The commission shall be composed of fifteen (15)
15699 qualified members. The membership of the commission shall be
15700 composed of the following members to be appointed, three (3) from
15701 each of the four (4) congressional districts, as such districts
15702 existed on January 1, 2011, in accordance with the population
15703 calculations determined by the 2010 federal decennial census,
15704 including: four (4) classroom teachers; three (3) school
15705 administrators; one (1) representative of schools of education of
15706 public institutions of higher learning located within the state to
15707 be recommended by the Board of Trustees of State Institutions of
15708 Higher Learning; one (1) representative from the schools of
15709 education of independent institutions of higher learning to be
15710 recommended by the Board of the Mississippi Association of
15711 Independent Colleges; one (1) representative from public community
15712 and junior colleges located within the state to be recommended by
15713 the Mississippi Community College Board; one (1) local school
15714 board member; and four (4) laypersons. Three (3) members of the



15715 commission, at the sole discretion of the State Board of
15716 Education, shall be appointed from the state at large.

15717 (b) All appointments shall be made by the State Board
15718 of Education after consultation with the State Superintendent of
15719 Public Education. The first appointments by the State Board of
15720 Education shall be made as follows: five (5) members shall be
15721 appointed for a term of one (1) year; five (5) members shall be
15722 appointed for a term of two (2) years; and five (5) members shall
15723 be appointed for a term of three (3) years. Thereafter, all
15724 members shall be appointed for a term of four (4) years.

15725 (3) The State Board of Education when making appointments
15726 shall designate a chairman. The commission shall meet at least
15727 once every two (2) months or more often if needed. Members of the
15728 commission shall be compensated at a rate of per diem as
15729 authorized by Section 25-3-69 and be reimbursed for actual and
15730 necessary expenses as authorized by Section 25-3-41.

15731 (4) (a) An appropriate staff member of the State Department
15732 of Education shall be designated and assigned by the State
15733 Superintendent of Public Education to serve as executive secretary
15734 and coordinator for the commission. No less than two (2) other
15735 appropriate staff members of the State Department of Education
15736 shall be designated and assigned by the State Superintendent of
15737 Public Education to serve on the staff of the commission.

15738 (b) An Office of Educator Misconduct Evaluations shall
15739 be established within the State Department of Education to assist



15740 the commission in responding to infractions and violations, and in
15741 conducting hearings and enforcing the provisions of subsections
15742 (11), (12), (13), (14) and (15) of this section, and violations of
15743 the Mississippi Educator Code of Ethics.

15744 (5) It shall be the duty of the commission to:

15745 (a) Set standards and criteria, subject to the approval
15746 of the State Board of Education, for all educator preparation
15747 programs in the state;

15748 (b) Recommend to the State Board of Education each year
15749 approval or disapproval of each educator preparation program in
15750 the state, subject to a process and schedule determined by the
15751 State Board of Education;

15752 (c) Establish, subject to the approval of the State
15753 Board of Education, standards for initial teacher certification
15754 and licensure in all fields;

15755 (d) Establish, subject to the approval of the State
15756 Board of Education, standards for the renewal of teacher licenses
15757 in all fields;

15758 (e) Review and evaluate objective measures of teacher
15759 performance, such as test scores, which may form part of the
15760 licensure process, and to make recommendations for their use;

15761 (f) Review all existing requirements for certification
15762 and licensure;

15763 (g) Consult with groups whose work may be affected by
15764 the commission's decisions;



15765 (h) Prepare reports from time to time on current
15766 practices and issues in the general area of teacher education and
15767 certification and licensure;

15768 (i) Hold hearings concerning standards for teachers'
15769 and administrators' education and certification and licensure with
15770 approval of the State Board of Education;

15771 (j) Hire expert consultants with approval of the State
15772 Board of Education;

15773 (k) Set up ad hoc committees to advise on specific
15774 areas;

15775 (l) Perform such other functions as may fall within
15776 their general charge and which may be delegated to them by the
15777 State Board of Education; and

15778 (m) Establish standards, subject to the approval of the
15779 State Board of Education, for supplemental endorsements, provided
15780 that the standards allow teachers as many options as possible to
15781 receive a supplemental endorsement, including, but not limited to,
15782 the option of taking additional coursework or earning at least the
15783 minimum qualifying score or higher on the required licensure
15784 subject assessment relevant to the endorsement area for which the
15785 licensure is sought. The subject assessment option shall not
15786 apply to certain subject areas, including, but not limited to,
15787 Early/Primary Education PreK-3, Elementary Education, or Special
15788 Education, except by special approval by the State Board of
15789 Education.



15790 (6) (a) **Standard License - Approved Program Route.** An
15791 educator entering the school system of Mississippi for the first
15792 time and meeting all requirements as established by the State
15793 Board of Education shall be granted a standard five-year license.
15794 Persons who possess two (2) years of classroom experience as an
15795 assistant teacher or who have taught for one (1) year in an
15796 accredited public or private school shall be allowed to fulfill
15797 student teaching requirements under the supervision of a qualified
15798 participating teacher approved by an accredited college of
15799 education. The local school district in which the assistant
15800 teacher is employed shall compensate such assistant teachers at
15801 the required salary level during the period of time such
15802 individual is completing student teaching requirements.
15803 Applicants for a standard license shall submit to the department:
15804 (i) An application on a department form;
15805 (ii) An official transcript of completion of a
15806 teacher education program approved by the department or a
15807 nationally accredited program, subject to the following:
15808 Licensure to teach in Mississippi prekindergarten through
15809 kindergarten classrooms shall require completion of a teacher
15810 education program or a Bachelor of Science degree with child
15811 development emphasis from a program accredited by the American
15812 Association of Family and Consumer Sciences (AAFCS) or by the
15813 National Association for Education of Young Children (NAEYC) or by
15814 the National Council for Accreditation of Teacher Education



15815 (NCATE). Licensure to teach in Mississippi kindergarten, for
15816 those applicants who have completed a teacher education program,
15817 and in Grade 1 through Grade 4 shall require the completion of an
15818 interdisciplinary program of studies. Licenses for Grades 4
15819 through 8 shall require the completion of an interdisciplinary
15820 program of studies with two (2) or more areas of concentration.
15821 Licensure to teach in Mississippi Grades 7 through 12 shall
15822 require a major in an academic field other than education, or a
15823 combination of disciplines other than education. Students
15824 preparing to teach a subject shall complete a major in the
15825 respective subject discipline. All applicants for standard
15826 licensure shall demonstrate that such person's college preparation
15827 in those fields was in accordance with the standards set forth by
15828 the National Council for Accreditation of Teacher Education
15829 (NCATE) or the National Association of State Directors of Teacher
15830 Education and Certification (NASDTEC) or, for those applicants who
15831 have a Bachelor of Science degree with child development emphasis,
15832 the American Association of Family and Consumer Sciences (AAFCS).
15833 Effective July 1, 2016, for initial elementary education
15834 licensure, a teacher candidate must earn a passing score on a
15835 rigorous test of scientifically research-based reading instruction
15836 and intervention and data-based decision-making principles as
15837 approved by the State Board of Education;
15838 (iii) A copy of test scores evidencing
15839 satisfactory completion of nationally administered examinations of



15840 achievement, such as the Educational Testing Service's teacher
15841 testing examinations;

15842 (iv) Any other document required by the State
15843 Board of Education; and

15844 (v) From and after July 1, 2020, no teacher
15845 candidate shall be licensed to teach in Mississippi who did not
15846 meet the following criteria for entrance into an approved teacher
15847 education program:

15848 1. An ACT Score of twenty-one (21) (or SAT
15849 equivalent); or

15850 2. Achieve a qualifying passing score on the
15851 Praxis Core Academic Skills for Educators examination as
15852 established by the State Board of Education; or

15853 3. A minimum GPA of 3.0 on coursework prior
15854 to admission to an approved teacher education program.

15855 (b) (i) **Standard License - Nontraditional Teaching**
15856 **Route.** From and after July 1, 2020, no teacher candidate shall be
15857 licensed to teach in Mississippi under the alternate route who did
15858 not meet the following criteria:

15859 1. An ACT Score of twenty-one (21) (or SAT
15860 equivalent); or

15861 2. Achieve a qualifying passing score on the
15862 Praxis Core Academic Skills for Educators examination as
15863 established by the State Board of Education; or



15864 3. A minimum GPA of 3.0 on coursework prior
15865 to admission to an approved teacher education program.

15866 (ii) Beginning July 1, 2020, an individual who has
15867 attained a passing score on the Praxis Core Academic Skills for
15868 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
15869 or a minimum GPA of 3.0 on coursework prior to admission to an
15870 approved teacher education program and a passing score on the
15871 Praxis Subject Assessment in the requested area of endorsement may
15872 apply for admission to the Teach Mississippi Institute (TMI)
15873 program to teach students in Grades 7 through 12 if the individual
15874 meets the requirements of this paragraph (b). The State Board of
15875 Education shall adopt rules requiring that teacher preparation
15876 institutions which provide the Teach Mississippi Institute (TMI)
15877 program for the preparation of nontraditional teachers shall meet
15878 the standards and comply with the provisions of this paragraph.

15879 1. The Teach Mississippi Institute (TMI)
15880 shall include an intensive eight-week, nine-semester-hour summer
15881 program or a curriculum of study in which the student matriculates
15882 in the fall or spring semester, which shall include, but not be
15883 limited to, instruction in education, effective teaching
15884 strategies, classroom management, state curriculum requirements,
15885 planning and instruction, instructional methods and pedagogy,
15886 using test results to improve instruction, and a one (1) semester
15887 three-hour supervised internship to be completed while the teacher
15888 is employed as a full-time teacher intern in a local school



15889 district. The TMI shall be implemented on a pilot program basis,
15890 with courses to be offered at up to four (4) locations in the
15891 state, with one (1) TMI site to be located in each of the three
15892 (3) Mississippi Supreme Court districts.

15893 2. The school sponsoring the teacher intern
15894 shall enter into a written agreement with the institution
15895 providing the Teach Mississippi Institute (TMI) program, under
15896 terms and conditions as agreed upon by the contracting parties,
15897 providing that the school district shall provide teacher interns
15898 seeking a nontraditional provisional teaching license with a
15899 one-year classroom teaching experience. The teacher intern shall
15900 successfully complete the one (1) semester three-hour intensive
15901 internship in the school district during the semester immediately
15902 following successful completion of the TMI and prior to the end of
15903 the one-year classroom teaching experience.

15904 3. Upon completion of the nine-semester-hour
15905 TMI or the fall or spring semester option, the individual shall
15906 submit his transcript to the commission for provisional licensure
15907 of the intern teacher, and the intern teacher shall be issued a
15908 provisional teaching license by the commission, which will allow
15909 the individual to legally serve as a teacher while the person
15910 completes a nontraditional teacher preparation internship program.

15911 4. During the semester of internship in the
15912 school district, the teacher preparation institution shall monitor
15913 the performance of the intern teacher. The school district that



15914 employs the provisional teacher shall supervise the provisional
15915 teacher during the teacher's intern year of employment under a
15916 nontraditional provisional license, and shall, in consultation
15917 with the teacher intern's mentor at the school district of
15918 employment, submit to the commission a comprehensive evaluation of
15919 the teacher's performance sixty (60) days prior to the expiration
15920 of the nontraditional provisional license. If the comprehensive
15921 evaluation establishes that the provisional teacher intern's
15922 performance fails to meet the standards of the approved
15923 nontraditional teacher preparation internship program, the
15924 individual shall not be approved for a standard license.

15925 5. An individual issued a provisional
15926 teaching license under this nontraditional route shall
15927 successfully complete, at a minimum, a one-year beginning teacher
15928 mentoring and induction program administered by the employing
15929 school district with the assistance of the State Department of
15930 Education.

15931 6. Upon successful completion of the TMI and
15932 the internship provisional license period, applicants for a
15933 Standard License - Nontraditional Route shall submit to the
15934 commission a transcript of successful completion of the twelve
15935 (12) semester hours required in the internship program, and the
15936 employing school district shall submit to the commission a
15937 recommendation for standard licensure of the intern. If the
15938 school district recommends licensure, the applicant shall be



15939 issued a Standard License - Nontraditional Route which shall be
15940 valid for a five-year period and be renewable.

15941 7. At the discretion of the teacher
15942 preparation institution, the individual shall be allowed to credit
15943 the twelve (12) semester hours earned in the nontraditional
15944 teacher internship program toward the graduate hours required for
15945 a Master of Arts in Teacher (MAT) Degree.

15946 8. The local school district in which the
15947 nontraditional teacher intern or provisional licensee is employed
15948 shall compensate such teacher interns at Step 1 of the required
15949 salary level during the period of time such individual is
15950 completing teacher internship requirements and shall compensate
15951 such Standard License - Nontraditional Route teachers at Step 3 of
15952 the required salary level when they complete license requirements.

15953 (iii) Implementation of the TMI program provided
15954 for under this paragraph (b) shall be contingent upon the
15955 availability of funds appropriated specifically for such purpose
15956 by the Legislature. Such implementation of the TMI program may
15957 not be deemed to prohibit the State Board of Education from
15958 developing and implementing additional alternative route teacher
15959 licensure programs, as deemed appropriate by the board. The
15960 emergency certification program in effect prior to July 1, 2002,
15961 shall remain in effect.

15962 (iv) A Standard License - Approved Program Route
15963 shall be issued for a five-year period, and may be renewed.



15964 Recognizing teaching as a profession, a hiring preference shall be
15965 granted to persons holding a Standard License - Approved Program
15966 Route or Standard License - Nontraditional Teaching Route over
15967 persons holding any other license.

15968 (c) **Special License - Expert Citizen.** In order to
15969 allow a school district to offer specialized or technical courses,
15970 the State Department of Education, in accordance with rules and
15971 regulations established by the State Board of Education, may grant
15972 a five-year expert citizen-teacher license to local business or
15973 other professional personnel to teach in a public school or
15974 nonpublic school accredited or approved by the state. Such person
15975 shall be required to have a high school diploma, an
15976 industry-recognized certification related to the subject area in
15977 which they are teaching and a minimum of five (5) years of
15978 relevant experience but shall not be required to hold an associate
15979 or bachelor's degree, provided that he or she possesses the
15980 minimum qualifications required for his or her profession, and may
15981 begin teaching upon his employment by the local school board and
15982 licensure by the Mississippi Department of Education. If a school
15983 board hires a career technical education pathway instructor who
15984 does not have an industry certification in his or her area of
15985 expertise but does have the required experience, the school board
15986 shall spread their decision on the minutes at their next meeting
15987 and provide a detailed explanation for why they hired the
15988 instructor. Such instructor shall present the minutes of the



15989 school board to the State Department of Education when he or she
15990 applies for an expert citizen license. The board shall adopt
15991 rules and regulations to administer the expert citizen-teacher
15992 license. A Special License - Expert Citizen may be renewed in
15993 accordance with the established rules and regulations of the State
15994 Department of Education.

15995 (d) **Special License - Nonrenewable.** The State Board of
15996 Education is authorized to establish rules and regulations to
15997 allow those educators not meeting requirements in paragraph (a),
15998 (b) or (c) of this subsection (6) to be licensed for a period of
15999 not more than three (3) years, except by special approval of the
16000 State Board of Education.

16001 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
16002 person may teach for a maximum of three (3) periods per teaching
16003 day in a public school district or a nonpublic school
16004 accredited/approved by the state. Such person shall submit to the
16005 department a transcript or record of his education and experience
16006 which substantiates his preparation for the subject to be taught
16007 and shall meet other qualifications specified by the commission
16008 and approved by the State Board of Education. In no case shall
16009 any local school board hire nonlicensed personnel as authorized
16010 under this paragraph in excess of five percent (5%) of the total
16011 number of licensed personnel in any single school.

16012 (f) **Special License - Transitional Bilingual Education.**
16013 Beginning July 1, 2003, the commission shall grant special



16014 licenses to teachers of transitional bilingual education who
16015 possess such qualifications as are prescribed in this section.
16016 Teachers of transitional bilingual education shall be compensated
16017 by local school boards at not less than one (1) step on the
16018 regular salary schedule applicable to permanent teachers licensed
16019 under this section. The commission shall grant special licenses
16020 to teachers of transitional bilingual education who present the
16021 commission with satisfactory evidence that they (i) possess a
16022 speaking and reading ability in a language, other than English, in
16023 which bilingual education is offered and communicative skills in
16024 English; (ii) are in good health and sound moral character; (iii)
16025 possess a bachelor's degree or an associate's degree in teacher
16026 education from an accredited institution of higher education; (iv)
16027 meet such requirements as to courses of study, semester hours
16028 therein, experience and training as may be required by the
16029 commission; and (v) are legally present in the United States and
16030 possess legal authorization for employment. A teacher of
16031 transitional bilingual education serving under a special license
16032 shall be under an exemption from standard licensure if he achieves
16033 the requisite qualifications therefor. Two (2) years of service
16034 by a teacher of transitional bilingual education under such an
16035 exemption shall be credited to the teacher in acquiring a Standard
16036 Educator License. Nothing in this paragraph shall be deemed to
16037 prohibit a local school board from employing a teacher licensed in
16038 an appropriate field as approved by the State Department of



16039 Education to teach in a program in transitional bilingual
16040 education.

16041 (g) In the event any school district meets the highest
16042 accreditation standards as defined by the State Board of Education
16043 in the accountability system, the State Board of Education, in its
16044 discretion, may exempt such school district from any restrictions
16045 in paragraph (e) relating to the employment of nonlicensed
16046 teaching personnel.

16047 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
16048 any teacher from any state meeting the federal definition of
16049 highly qualified, as described in the No Child Left Behind Act,
16050 must be granted a standard five-year license by the State
16051 Department of Education.

16052 (7) **Administrator License.** The State Board of Education is
16053 authorized to establish rules and regulations and to administer
16054 the licensure process of the school administrators in the State of
16055 Mississippi. There will be four (4) categories of administrator
16056 licensure with exceptions only through special approval of the
16057 State Board of Education.

16058 (a) **Administrator License - Nonpracticing.** Those
16059 educators holding administrative endorsement but having no
16060 administrative experience or not serving in an administrative
16061 position on January 15, 1997.

16062 (b) **Administrator License - Entry Level.** Those
16063 educators holding administrative endorsement and having met the



16064 department's qualifications to be eligible for employment in a
16065 Mississippi school district. Administrator License - Entry Level
16066 shall be issued for a five-year period and shall be nonrenewable.

16067 (c) **Standard Administrator License - Career Level.** An
16068 administrator who has met all the requirements of the department
16069 for standard administrator licensure.

16070 (d) **Administrator License - Nontraditional Route.** The
16071 board may establish a nontraditional route for licensing
16072 administrative personnel. Such nontraditional route for
16073 administrative licensure shall be available for persons holding,
16074 but not limited to, a master of business administration degree, a
16075 master of public administration degree, a master of public
16076 planning and policy degree or a doctor of jurisprudence degree
16077 from an accredited college or university, with five (5) years of
16078 administrative or supervisory experience. Successful completion
16079 of the requirements of alternate route licensure for
16080 administrators shall qualify the person for a standard
16081 administrator license.

16082 Individuals seeking school administrator licensure under
16083 paragraph (b), (c) or (d) shall successfully complete a training
16084 program and an assessment process prescribed by the State Board of
16085 Education. All applicants for school administrator licensure
16086 shall meet all requirements prescribed by the department under
16087 paragraph (b), (c) or (d), and the cost of the assessment process
16088 required shall be paid by the applicant.



16089 (8) **Reciprocity.** The department shall grant a standard
16090 five-year license to any individual who possesses a valid standard
16091 license from another state, or another country or political
16092 subdivision thereof, within a period of twenty-one (21) days from
16093 the date of a completed application. The issuance of a license by
16094 reciprocity to a military-trained applicant, military spouse or
16095 person who establishes residence in this state shall be subject to
16096 the provisions of Section 73-50-1 or 73-50-2, as applicable.

16097 (9) **Renewal and Reinstatement of Licenses.** The State Board
16098 of Education is authorized to establish rules and regulations for
16099 the renewal and reinstatement of educator and administrator
16100 licenses. Effective May 15, 1997, the valid standard license held
16101 by an educator shall be extended five (5) years beyond the
16102 expiration date of the license in order to afford the educator
16103 adequate time to fulfill new renewal requirements established
16104 pursuant to this subsection. An educator completing a master of
16105 education, educational specialist or doctor of education degree in
16106 May 1997 for the purpose of upgrading the educator's license to a
16107 higher class shall be given this extension of five (5) years plus
16108 five (5) additional years for completion of a higher degree. For
16109 all license types with a current valid expiration date of June 30,
16110 2021, the State Department of Education shall grant a one-year
16111 extension to June 30, 2022. Beginning July 1, 2022, and
16112 thereafter, applicants for licensure renewal shall meet all



16113 requirements in effect on the date that the complete application
16114 is received by the State Department of Education.

16115 (10) All controversies involving the issuance, revocation,
16116 suspension or any change whatsoever in the licensure of an
16117 educator required to hold a license shall be initially heard in a
16118 hearing de novo, by the commission or by a subcommittee
16119 established by the commission and composed of commission members,
16120 or by a hearing officer retained and appointed by the commission,
16121 for the purpose of holding hearings. Any complaint seeking the
16122 denial of issuance, revocation or suspension of a license shall be
16123 by sworn affidavit filed with the Commission on Teacher and
16124 Administrator Education, Certification and Licensure and
16125 Development. The decision thereon by the commission, its
16126 subcommittee or hearing officer, shall be final, unless the
16127 aggrieved party shall appeal to the State Board of Education,
16128 within ten (10) days, of the decision of the commission, its
16129 subcommittee or hearing officer. An appeal to the State Board of
16130 Education shall be perfected upon filing a notice of the appeal
16131 and by the prepayment of the costs of the preparation of the
16132 record of proceedings by the commission, its subcommittee or
16133 hearing officer. An appeal shall be on the record previously made
16134 before the commission, its subcommittee or hearing officer, unless
16135 otherwise provided by rules and regulations adopted by the board.
16136 The decision of the commission, its subcommittee or hearing
16137 officer shall not be disturbed on appeal if supported by



16138 substantial evidence, was not arbitrary or capricious, within the
16139 authority of the commission, and did not violate some statutory or
16140 constitutional right. The State Board of Education in its
16141 authority may reverse, or remand with instructions, the decision
16142 of the commission, its subcommittee or hearing officer. The
16143 decision of the State Board of Education shall be final.

16144 (11) (a) The State Board of Education, acting through the
16145 commission, may deny an application for any teacher or
16146 administrator license for one or more of the following:

16147 (i) Lack of qualifications which are prescribed by
16148 law or regulations adopted by the State Board of Education;

16149 (ii) The applicant has a physical, emotional or
16150 mental disability that renders the applicant unfit to perform the
16151 duties authorized by the license, as certified by a licensed
16152 psychologist or psychiatrist;

16153 (iii) The applicant is actively addicted to or
16154 actively dependent on alcohol or other habit-forming drugs or is a
16155 habitual user of narcotics, barbiturates, amphetamines,
16156 hallucinogens or other drugs having similar effect, at the time of
16157 application for a license;

16158 (iv) Fraud or deceit committed by the applicant in
16159 securing or attempting to secure such certification and license;

16160 (v) Failing or refusing to furnish reasonable
16161 evidence of identification;



16162 (vi) The applicant has been convicted, has pled
16163 guilty or entered a plea of nolo contendere to a felony, as
16164 defined by federal or state law. For purposes of this
16165 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
16166 a plea of guilty, entry of a plea of nolo contendere, or entry of
16167 an order granting pretrial or judicial diversion;

16168 (vii) The applicant or licensee is on probation or
16169 post-release supervision for a felony or conviction, as defined by
16170 federal or state law. However, this disqualification expires upon
16171 the end of the probationary or post-release supervision period.

16172 (b) The State Board of Education, acting through the
16173 commission, shall deny an application for any teacher or
16174 administrator license, or immediately revoke the current teacher
16175 or administrator license, for one or more of the following:

16176 (i) If the applicant or licensee has been
16177 convicted, has pled guilty or entered a plea of nolo contendere to
16178 a sex offense as defined by federal or state law. For purposes of
16179 this subparagraph (i) of this paragraph (b), a "guilty plea"
16180 includes a plea of guilty, entry of a plea of nolo contendere, or
16181 entry of an order granting pretrial or judicial diversion;

16182 (ii) The applicant or licensee is on probation or
16183 post-release supervision for a sex offense conviction, as defined
16184 by federal or state law;



16185 (iii) The license holder has fondled a student as
16186 described in Section 97-5-23, or had any type of sexual
16187 involvement with a student as described in Section 97-3-95; or

16188 (iv) The license holder has failed to report
16189 sexual involvement of a school employee with a student as required
16190 by Section 97-5-24.

16191 (12) The State Board of Education, acting through the
16192 commission, may revoke, suspend or refuse to renew any teacher or
16193 administrator license for specified periods of time or may place
16194 on probation, reprimand a licensee, or take other disciplinary
16195 action with regard to any license issued under this chapter for
16196 one or more of the following:

16197 (a) Breach of contract or abandonment of employment may
16198 result in the suspension of the license for one (1) school year as
16199 provided in Section 37-9-57;

16200 (b) Obtaining a license by fraudulent means shall
16201 result in immediate suspension and continued suspension for one
16202 (1) year after correction is made;

16203 (c) Suspension or revocation of a certificate or
16204 license by another state shall result in immediate suspension or
16205 revocation and shall continue until records in the prior state
16206 have been cleared;

16207 (d) The license holder has been convicted, has pled
16208 guilty or entered a plea of nolo contendere to a felony, as
16209 defined by federal or state law. For purposes of this paragraph,



16210 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
16211 contendere, or entry of an order granting pretrial or judicial
16212 diversion;

16213 (e) The license holder knowingly and willfully
16214 committing any of the acts affecting validity of mandatory uniform
16215 test results as provided in Section 37-16-4(1);

16216 (f) The license holder has engaged in unethical conduct
16217 relating to an educator/student relationship as identified by the
16218 State Board of Education in its rules;

16219 (g) The license holder served as superintendent or
16220 principal in a school district during the time preceding and/or
16221 that resulted in the Governor declaring a state of emergency and
16222 the State Board of Education appointing a conservator;

16223 (h) The license holder submitted a false certification
16224 to the State Department of Education that a statewide test was
16225 administered in strict accordance with the Requirements of the
16226 Mississippi Statewide Assessment System; or

16227 (i) The license holder has failed to comply with the
16228 Procedures for Reporting Infractions as promulgated by the
16229 commission and approved by the State Board of Education pursuant
16230 to subsection (15) of this section.

16231 For purposes of this subsection, probation shall be defined
16232 as a length of time determined by the commission, its subcommittee
16233 or hearing officer, and based on the severity of the offense in
16234 which the license holder shall meet certain requirements as



16235 prescribed by the commission, its subcommittee or hearing officer.
16236 Failure to complete the requirements in the time specified shall
16237 result in immediate suspension of the license for one (1) year.

16238 (13) (a) Dismissal or suspension of a licensed employee by
16239 a local school board pursuant to Section 37-9-59 may result in the
16240 suspension or revocation of a license for a length of time which
16241 shall be determined by the commission and based upon the severity
16242 of the offense.

16243 (b) Any offense committed or attempted in any other
16244 state shall result in the same penalty as if committed or
16245 attempted in this state.

16246 (c) A person may voluntarily surrender a license. The
16247 surrender of such license may result in the commission
16248 recommending any of the above penalties without the necessity of a
16249 hearing. However, any such license which has voluntarily been
16250 surrendered by a licensed employee may only be reinstated by a
16251 majority vote of all members of the commission present at the
16252 meeting called for such purpose.

16253 (14) (a) A person whose license has been suspended or
16254 surrendered on any grounds except criminal grounds may petition
16255 for reinstatement of the license after one (1) year from the date
16256 of suspension or surrender, or after one-half (1/2) of the
16257 suspended or surrendered time has lapsed, whichever is greater. A
16258 person whose license has been suspended or revoked on any grounds
16259 or violations under subsection (12) of this section may be



16260 reinstated automatically or approved for a reinstatement hearing,
16261 upon submission of a written request to the commission. A license
16262 suspended, revoked or surrendered on criminal grounds may be
16263 reinstated upon petition to the commission filed after expiration
16264 of the sentence and parole or probationary period imposed upon
16265 conviction. A revoked, suspended or surrendered license may be
16266 reinstated upon satisfactory showing of evidence of
16267 rehabilitation. The commission shall require all who petition for
16268 reinstatement to furnish evidence satisfactory to the commission
16269 of good character, good mental, emotional and physical health and
16270 such other evidence as the commission may deem necessary to
16271 establish the petitioner's rehabilitation and fitness to perform
16272 the duties authorized by the license.

16273 (b) A person whose license expires while under
16274 investigation by the Office of Educator Misconduct for an alleged
16275 violation may not be reinstated without a hearing before the
16276 commission if required based on the results of the investigation.

16277 (15) Reporting procedures and hearing procedures for dealing
16278 with infractions under this section shall be promulgated by the
16279 commission, subject to the approval of the State Board of
16280 Education. The revocation or suspension of a license shall be
16281 effected at the time indicated on the notice of suspension or
16282 revocation. The commission shall immediately notify the
16283 superintendent of the school district or school board where the
16284 teacher or administrator is employed of any disciplinary action



16285 and also notify the teacher or administrator of such revocation or
16286 suspension and shall maintain records of action taken. The State
16287 Board of Education may reverse or remand with instructions any
16288 decision of the commission, its subcommittee or hearing officer
16289 regarding a petition for reinstatement of a license, and any such
16290 decision of the State Board of Education shall be final.

16291 (16) An appeal from the action of the State Board of
16292 Education in denying an application, revoking or suspending a
16293 license or otherwise disciplining any person under the provisions
16294 of this section shall be filed in the Chancery Court of the First
16295 Judicial District of Hinds County, Mississippi, on the record
16296 made, including a verbatim transcript of the testimony at the
16297 hearing. The appeal shall be filed within thirty (30) days after
16298 notification of the action of the board is mailed or served and
16299 the proceedings in chancery court shall be conducted as other
16300 matters coming before the court. The appeal shall be perfected
16301 upon filing notice of the appeal and by the prepayment of all
16302 costs, including the cost of preparation of the record of the
16303 proceedings by the State Board of Education, and the filing of a
16304 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
16305 if the action of the board be affirmed by the chancery court, the
16306 applicant or license holder shall pay the costs of the appeal and
16307 the action of the chancery court.

16308 (17) All such programs, rules, regulations, standards and
16309 criteria recommended or authorized by the commission shall become



16310 effective upon approval by the State Board of Education as
16311 designated by appropriate orders entered upon the minutes thereof.

16312 (18) The granting of a license shall not be deemed a
16313 property right nor a guarantee of employment in any public school
16314 district. A license is a privilege indicating minimal eligibility
16315 for teaching in the public school districts of Mississippi. This
16316 section shall in no way alter or abridge the authority of local
16317 school districts to require greater qualifications or standards of
16318 performance as a prerequisite of initial or continued employment
16319 in such districts.

16320 (19) In addition to the reasons specified in subsections
16321 (12) and (13) of this section, the board shall be authorized to
16322 suspend the license of any licensee for being out of compliance
16323 with an order for support, as defined in Section 93-11-153. The
16324 procedure for suspension of a license for being out of compliance
16325 with an order for support, and the procedure for the reissuance or
16326 reinstatement of a license suspended for that purpose, and the
16327 payment of any fees for the reissuance or reinstatement of a
16328 license suspended for that purpose, shall be governed by Section
16329 93-11-157 or 93-11-163, as the case may be. Actions taken by the
16330 board in suspending a license when required by Section 93-11-157
16331 or 93-11-163 are not actions from which an appeal may be taken
16332 under this section. Any appeal of a license suspension that is
16333 required by Section 93-11-157 or 93-11-163 shall be taken in
16334 accordance with the appeal procedure specified in Section



16335 93-11-157 or 93-11-163, as the case may be, rather than the
16336 procedure specified in this section. If there is any conflict
16337 between any provision of Section 93-11-157 or 93-11-163 and any
16338 provision of this chapter, the provisions of Section 93-11-157 or
16339 93-11-163, as the case may be, shall control.

16340 (20) The Department of Education shall grant and renew all
16341 licenses and certifications of teachers and administrators within
16342 twenty-one (21) days from the date of a completed application if
16343 the applicant has otherwise met all established requirements for
16344 the license or certification.

16345 **SECTION 245.** Section 71-5-355, Mississippi Code of 1972, is
16346 brought forward as follows:

16347 71-5-355. (1) As used in this section, the following words
16348 and phrases shall have the following meanings, unless the context
16349 clearly requires otherwise:

16350 (a) "Tax year" means any period beginning on January 1
16351 and ending on December 31 of a year.

16352 (b) "Computation date" means June 30 of any calendar
16353 year immediately preceding the tax year during which the
16354 particular contribution rates are effective.

16355 (c) "Effective date" means January 1 of the tax year.

16356 (d) Except as hereinafter provided, "payroll" means the
16357 total of all wages paid for employment by an employer as defined
16358 in Section 71-5-11, subsection H, plus the total of all
16359 remuneration paid by such employer excluded from the definition of



16360 wages by Section 71-5-351. For the computation of modified rates,
16361 "payroll" means the total of all wages paid for employment by an
16362 employer as defined in Section 71-5-11, subsection H.

16363 (e) For the computation of modified rates, "eligible
16364 employer" means an employer whose experience-rating record has
16365 been chargeable with benefits throughout the thirty-six (36)
16366 consecutive calendar-month period ending on the computation date,
16367 except that any employer who has not been subject to the
16368 Mississippi Employment Security Law for a period of time
16369 sufficient to meet the thirty-six (36) consecutive calendar-month
16370 requirement shall be an eligible employer if his or her
16371 experience-rating record has been chargeable throughout not less
16372 than the twelve (12) consecutive calendar-month period ending on
16373 the computation date. No employer shall be considered eligible
16374 for a contribution rate less than five and four-tenths percent
16375 (5.4%) with respect to any tax year, who has failed to file any
16376 two (2) quarterly reports within the qualifying period by
16377 September 30 following the computation date. No employer or
16378 employing unit shall be eligible for a contribution rate of less
16379 than five and four-tenths percent (5.4%) for the tax year in which
16380 the employing unit is found by the department to be in violation
16381 of Section 71-5-19(2) or (3) and for the next two (2) succeeding
16382 tax years. No representative of such employing unit who was a
16383 party to a violation as described in Section 71-5-19(2) or (3), if
16384 such representative was or is an employing unit in this state,



16385 shall be eligible for a contribution rate of less than five and
16386 four-tenths percent (5.4%) for the tax year in which such
16387 violation was detected by the department and for the next two (2)
16388 succeeding tax years.

16389 (f) With respect to any tax year, "reserve ratio" means
16390 the ratio which the total amount available for the payment of
16391 benefits in the Unemployment Compensation Fund, excluding any
16392 amount which has been credited to the account of this state under
16393 Section 903 of the Social Security Act, as amended, and which has
16394 been appropriated for the expenses of administration pursuant to
16395 Section 71-5-457 whether or not withdrawn from such account, on
16396 October 31 (close of business) of each calendar year bears to the
16397 aggregate of the taxable payrolls of all employers for the twelve
16398 (12) calendar months ending on June 30 next preceding.

16399 (g) "Modified rates" means the rates of employer
16400 unemployment insurance contributions determined under the
16401 provisions of this chapter and the rates of newly subject
16402 employers, as provided in Section 71-5-353.

16403 (h) For the computation of modified rates, "qualifying
16404 period" means a period of not less than the thirty-six (36)
16405 consecutive calendar months ending on the computation date
16406 throughout which an employer's experience-rating record has been
16407 chargeable with benefits; except that with respect to any eligible
16408 employer who has not been subject to this article for a period of
16409 time sufficient to meet the thirty-six (36) consecutive



16410 calendar-month requirement, "qualifying period" means the period
16411 ending on the computation date throughout which his or her
16412 experience-rating record has been chargeable with benefits, but in
16413 no event less than the twelve (12) consecutive calendar-month
16414 period ending on the computation date throughout which his or her
16415 experience-rating record has been so chargeable.

16416 (i) The "exposure criterion" (EC) is defined as the
16417 cash balance of the Unemployment Compensation Fund which is
16418 available for the payment of benefits as of November 16 of each
16419 calendar year or the next working day if November 16 falls on a
16420 holiday or a weekend, divided by the total wages, exclusive of
16421 wages paid by all state agencies, all political subdivisions,
16422 reimbursable nonprofit corporations, and tax-exempt public service
16423 employment, for the twelve-month period ending June 30 immediately
16424 preceding such date. The EC shall be computed to four (4) decimal
16425 places and rounded up if any fraction remains. Notwithstanding
16426 any other provision contained herein, the date for determining the
16427 cash balance of the Unemployment Compensation Fund which is
16428 available for the payment of benefits for the calendar years 2020
16429 and 2021 shall be December 31.

16430 (j) The "cost rate criterion" (CRC) is defined as
16431 follows: Beginning with January 1974, the benefits paid for the
16432 twelve-month period ending December 1974 are summed and divided by
16433 the total wages for the twelve-month period ending on June 30,
16434 1975. Similar ratios are computed by subtracting the earliest



16435 month's benefit payments and adding the benefits of the next month
16436 in the sequence and dividing each sum of twelve (12) months'
16437 benefits by the total wages for the twelve-month period ending on
16438 the June 30 which is nearest to the final month of the period used
16439 to compute the numerator. If December is the final month of the
16440 period used to compute the numerator, then the twelve-month period
16441 ending the following June 30 will be used for the denominator.
16442 Benefits and total wages used in the computation of the cost rate
16443 criterion shall exclude all benefits and total wages applicable to
16444 state agencies, political subdivisions, reimbursable nonprofit
16445 corporations, and tax-exempt PSE employment.

16446 The CRC shall be computed as the average for the highest
16447 monthly value of the cost rate criterion computations during each
16448 of the economic cycles since the calendar year 1974 as defined by
16449 the National Bureau of Economic Research. The CRC shall be
16450 computed to four (4) decimal places and any remainder shall be
16451 rounded up.

16452 The CRC shall be adjusted only through annual computations
16453 and additions of future economic cycles.

16454 (k) "Size of fund index" (SOFI) is defined as the ratio
16455 of the exposure criterion (EC) to the cost rate criterion (CRC).
16456 The target size of fund index will be fixed at 1.0. If the
16457 insured unemployment rate (IUR) exceeds a four and five-tenths
16458 percent (4.5%) average for the most recent completed July to June
16459 period, the target SOFI will be .8 and will remain at that level



16460 until the computed SOFI (the average exposure criterion of the
16461 current year and the preceding year divided by the average cost
16462 rate criterion) equals 1.0 or the average IUR falls to four and
16463 five-tenths percent (4.5%) or less for any period July to June.
16464 However, if the IUR falls below two and five-tenths percent (2.5%)
16465 for any period July to June the target SOFI shall be 1.2 until
16466 such time as the computed SOFI is equal to or greater than 1.0 or
16467 the IUR is equal to or greater than two and five-tenths percent
16468 (2.5%), at which point the target SOFI shall return to 1.0.

16469 (1) No employer's unemployment contribution general
16470 experience rate plus individual unemployment experience rate shall
16471 exceed five and four-tenths percent (5.4%). Accrual rules shall
16472 apply for purposes of computing contribution rates including
16473 associated functions.

16474 (m) The term "general experience rate" has the same
16475 meaning as the minimum tax rate.

16476 (2) Modified rates:

16477 (a) For any tax year, when the reserve ratio on the
16478 preceding November 16, in the case of any tax year, equals or
16479 exceeds three percent (3%), the modified rates, as hereinafter
16480 prescribed, shall be in effect. In computation of this reserve
16481 ratio, any remainder shall be rounded down.

16482 (b) Modified rates shall be determined for the tax year
16483 for each eligible employer on the basis of his or her
16484 experience-rating record in the following manner:



16485 (i) The department shall maintain an
16486 experience-rating record for each employer. Nothing in this
16487 chapter shall be construed to grant any employer or individuals
16488 performing services for him or her any prior claim or rights to
16489 the amounts paid by the employer into the fund.

16490 (ii) Benefits paid to an eligible individual shall
16491 be charged against the experience-rating record of his or her base
16492 period employers in the proportion to which the wages paid by each
16493 base period employer bears to the total wages paid to the
16494 individual by all the base period employers, provided that
16495 benefits shall not be charged to an employer's experience-rating
16496 record if the department finds that the individual:

16497 1. Voluntarily left the employ of such
16498 employer without good cause attributable to the employer or to
16499 accept other work;

16500 2. Was discharged by such employer for
16501 misconduct connected with his or her work;

16502 3. Refused an offer of suitable work by such
16503 employer without good cause, and the department further finds that
16504 such benefits are based on wages for employment for such employer
16505 prior to such voluntary leaving, discharge or refusal of suitable
16506 work, as the case may be;

16507 4. Had base period wages which included wages
16508 for previously uncovered services as defined in Section
16509 71-5-511(e) to the extent that the Unemployment Compensation Fund



16510 is reimbursed for such benefits pursuant to Section 121 of Public
16511 Law 94-566;

16512 5. Extended benefits paid under the
16513 provisions of Section 71-5-541 which are not reimbursable from
16514 federal funds shall be charged to the experience-rating record of
16515 base period employers;

16516 6. Is still working for such employer on a
16517 regular part-time basis under the same employment conditions as
16518 hired. Provided, however, that benefits shall be charged against
16519 an employer if an eligible individual is paid benefits who is
16520 still working for such employer on a part-time "as-needed" basis;

16521 7. Was hired to replace a United States
16522 serviceman or servicewoman called into active duty and was laid
16523 off upon the return to work by that serviceman or servicewoman,
16524 unless such employer is a state agency or other political
16525 subdivision or instrumentality of the state;

16526 8. Was paid benefits during any week while in
16527 training with the approval of the department, under the provisions
16528 of Section 71-5-513B, or for any week while in training approved
16529 under Section 236(a)(1) of the Trade Act of 1974, under the
16530 provisions of Section 71-5-513C;

16531 9. Is not required to serve the one-week
16532 waiting period as described in Section 71-5-505(2). In that
16533 event, only the benefits paid in lieu of the waiting period week
16534 may be noncharged; or



16535 10. Was paid benefits as a result of a
16536 fraudulent claim, provided notification was made to the
16537 Mississippi Department of Employment Security in writing or by
16538 email by the employer, within ten (10) days of the mailing of the
16539 notice of claim filed to the employer's last-known address.

16540 (iii) Notwithstanding any other provision
16541 contained herein, an employer shall not be noncharged when the
16542 department finds that the employer or the employer's agent of
16543 record was at fault for failing to respond timely or adequately to
16544 the request of the department for information relating to an
16545 unemployment claim that was subsequently determined to be
16546 improperly paid, unless the employer or the employer's agent of
16547 record shows good cause for having failed to respond timely or
16548 adequately to the request of the department for information. For
16549 purposes of this subparagraph "good cause" means an event that
16550 prevents the employer or employer's agent of record from timely
16551 responding, and includes a natural disaster, emergency or similar
16552 event, or an illness on the part of the employer, the employer's
16553 agent of record, or their staff charged with responding to such
16554 inquiries when there is no other individual who has the knowledge
16555 or ability to respond. Any agency error that resulted in a delay
16556 in, or the failure to deliver notice to, the employer or the
16557 employer's agent of record shall also be considered good cause for
16558 purposes of this subparagraph.



16559 (iv) The department shall compute a benefit ratio
16560 for each eligible employer, which shall be the quotient obtained
16561 by dividing the total benefits charged to his or her
16562 experience-rating record during the period his or her
16563 experience-rating record has been chargeable, but not less than
16564 the twelve (12) consecutive calendar-month period nor more than
16565 the thirty-six (36) consecutive calendar-month period ending on
16566 the computation date, by his or her total taxable payroll for the
16567 same period on which all unemployment insurance contributions due
16568 have been paid on or before the September 30 immediately following
16569 the computation date. Such benefit ratio shall be computed to the
16570 tenth of a percent (.1%), rounding any remainder to the next
16571 higher tenth.

16572 (v) 1. The unemployment insurance contribution
16573 rate for each eligible employer shall be the sum of two (2) rates:
16574 his or her individual experience rate in the range from zero
16575 percent (0%) to five and four-tenths percent (5.4%), plus a
16576 general experience rate. In no event shall the resulting
16577 unemployment insurance rate be in excess of five and four-tenths
16578 percent (5.4%), however, it is the intent of this section to
16579 provide the ability for employers to have a tax rate, the general
16580 experience rate plus the individual experience rate, of up to five
16581 and four-tenths percent (5.4%).



16582 2. The employer's individual experience rate
16583 shall be equal to his or her benefit ratio as computed under
16584 paragraph (b)(iv) of this subsection (2).

16585 3. The general experience rate shall be
16586 determined in the following manner: The department shall
16587 determine annually, for the thirty-six (36) consecutive
16588 calendar-month period ending on the computation date, the amount
16589 of benefits which were not charged to the record of any employer
16590 and of benefits which were ineffectively charged to the employer's
16591 experience-rating record. For the purposes of this item 3, the
16592 term "ineffectively charged benefits" shall include:

16593 a. The total of the amounts of benefits
16594 charged to the experience-rating records of all eligible employers
16595 which caused their benefit ratios to exceed five and four-tenths
16596 percent (5.4%);

16597 b. The total of the amounts of benefits
16598 charged to the experience-rating records of all ineligible
16599 employers which would cause their benefit ratios to exceed five
16600 and four-tenths percent (5.4%) if they were eligible employers;
16601 and

16602 c. The total of the amounts of benefits
16603 charged or chargeable to the experience-rating record of any
16604 employer who has discontinued his or her business or whose
16605 coverage has been terminated within such period; provided, that
16606 solely for the purposes of determining the amounts of



16607 ineffectively charged benefits as herein defined, a "benefit
16608 ratio" shall be computed for each ineligible employer, which shall
16609 be the quotient obtained by dividing the total benefits charged to
16610 his or her experience-rating record throughout the period ending
16611 on the computation date, during which his or her experience-rating
16612 record has been chargeable with benefits, by his or her total
16613 taxable payroll for the same period on which all unemployment
16614 insurance contributions due have been paid on or before the
16615 September 30 immediately following the computation date; and
16616 provided further, that such benefit ratio shall be computed to the
16617 tenth of one percent (.1%) and any remainder shall be rounded to
16618 the next higher tenth.

16619 The ratio of the sum of these amounts (subsection
16620 (2)(b)(v)3a, b and c) to the taxable wages paid during the same
16621 period divided by all eligible employers whose benefit ratio did
16622 not exceed five and four-tenths percent (5.4%), computed to the
16623 next higher tenth of one percent (.1%), shall be the general
16624 experience rate; however, the general experience rate for rate
16625 year 2014 shall be two tenths of one percent (.2%) and to that
16626 will be added the employer's individual experience rate for the
16627 total unemployment insurance rate.

16628 4. a. Except as otherwise provided in this
16629 item 4, the general experience rate shall be adjusted by use of
16630 the size of fund index factor. This factor may be positive or
16631 negative, and shall be determined as follows: From the target



16632 SOFI, as defined in subsection (1)(k) of this section, subtract
16633 the simple average of the current and preceding years' exposure
16634 criterions divided by the cost rate criterion, as defined in
16635 subsection (1)(j) of this section. The result is then multiplied
16636 by the product of the CRC, as defined in subsection (1)(j) of this
16637 section, and total wages for the twelve-month period ending June
16638 30 divided by the taxable wages for the twelve-month period ending
16639 June 30. This is the percentage positive or negative added to the
16640 general experience rate. The sum of the general experience rate
16641 and the trust fund adjustment factor shall be multiplied by fifty
16642 percent (50%) and this product shall be computed to one (1)
16643 decimal place, and rounded to the next higher tenth.

16644 b. Notwithstanding the minimum rate
16645 provisions as set forth in subsection (1)(l) of this section, the
16646 general experience rate of all employers shall be reduced by seven
16647 one-hundredths of one percent (.07%) for calendar year 2013 only.

16648 5. The general experience rate shall be zero
16649 percent (0%) unless the general experience ratio for any tax year
16650 as computed and adjusted on the basis of the trust fund adjustment
16651 factor and reduced by fifty percent (50%) is an amount equal to or
16652 greater than two-tenths of one percent (.2%), then the general
16653 experience rate shall be the computed general experience ratio and
16654 adjusted on the basis of the trust fund adjustment factor and
16655 reduced by fifty percent (50%); however, in no case shall the sum
16656 of the general experience plus the individual experience



16657 unemployment insurance rate exceed five and four-tenths percent
16658 (5.4%). For rate years subsequent to 2014, Mississippi Workforce
16659 Enhancement Training contribution rate, and/or State Workforce
16660 Investment contribution rate, and/or Mississippi Works
16661 contribution rate, when in effect, shall be added to the
16662 unemployment contribution rate, regardless of whether the addition
16663 of this contribution rate causes the total contribution rate for
16664 the employer to exceed five and four-tenths percent (5.4%).

16665 6. The department shall include in its annual
16666 rate notice to employers a brief explanation of the elements of
16667 the general experience rate, and shall include in its regular
16668 publications an annual analysis of benefits not charged to the
16669 record of any employer, and of the benefit experience of employers
16670 by industry group whose benefit ratio exceeds four percent (4%),
16671 and of any other factors which may affect the size of the general
16672 experience rate.

16673 7. Notwithstanding any other provision
16674 contained herein, the general experience rate for calendar year
16675 2021 shall be zero percent (0%). Charges attributed to each
16676 employer's individual experience rate for the period March 8,
16677 2020, through June 30, 2020, will not impact the employer's
16678 individual experience rate calculations for purposes of
16679 calculating the total unemployment insurance rate for 2021 and the
16680 two (2) subsequent tax rate years. Moreover, charges attributed
16681 to each employer's individual experience rate for the period July



16682 1, 2020, through December 31, 2020, will not impact the employer's
16683 individual experience rate calculations for purposes of
16684 calculating the total unemployment insurance rate for 2022 and the
16685 two (2) subsequent tax rate years.

16686 (vi) When any employing unit in any manner
16687 succeeds to or acquires the organization, trade, business or
16688 substantially all the assets thereof of an employer, excepting any
16689 assets retained by such employer incident to the liquidation of
16690 his or her obligations, whether or not such acquiring employing
16691 unit was an employer within the meaning of Section 71-5-11,
16692 subsection H, prior to such acquisition, and continues such
16693 organization, trade or business, the experience-rating and payroll
16694 records of the predecessor employer shall be transferred as of the
16695 date of acquisition to the successor employer for the purpose of
16696 rate determination.

16697 (vii) When any employing unit succeeds to or
16698 acquires a distinct and severable portion of an organization,
16699 trade or business, the experience-rating and payroll records of
16700 such portion, if separately identifiable, shall be transferred to
16701 the successor upon:

- 16702 1. The mutual consent of the predecessor and
16703 the successor;
- 16704 2. Approval of the department;
- 16705 3. Continued operation of the transferred
16706 portion by the successor after transfer; and



16707 4. The execution and the filing with the
16708 department by the predecessor employer of a waiver relinquishing
16709 all rights to have the experience-rating and payroll records of
16710 the transferred portion used for the purpose of determining
16711 modified rates of contribution for such predecessor.

16712 (viii) If the successor was an employer subject to
16713 this chapter prior to the date of acquisition, it shall continue
16714 to pay unemployment insurance contributions at the rate applicable
16715 to it from the date the acquisition occurred until the end of the
16716 then current tax year. If the successor was not an employer prior
16717 to the date of acquisition, it shall pay unemployment insurance
16718 contributions at the rate applicable to the predecessor or, if
16719 more than one (1) predecessor and the same rate is applicable to
16720 both, the rate applicable to the predecessor or predecessors, from
16721 the date the acquisition occurred until the end of the then
16722 current tax year. If the successor was not an employer prior to
16723 the date the acquisition occurred and simultaneously acquires the
16724 businesses of two (2) or more employers to whom different rates of
16725 unemployment insurance contributions are applicable, it shall pay
16726 unemployment insurance contributions from the date of the
16727 acquisition until the end of the current tax year at a rate
16728 computed on the basis of the combined experience-rating and
16729 payroll records of the predecessors as of the computation date for
16730 such tax year. In all cases the rate of unemployment insurance
16731 contributions applicable to such successor for each succeeding tax



16732 year shall be computed on the basis of the combined
16733 experience-rating and payroll records of the successor and the
16734 predecessor or predecessors.

16735 (ix) The department shall notify each employer
16736 quarterly of the benefits paid and charged to his or her
16737 experience-rating record; and such notification, in the absence of
16738 an application for redetermination filed within thirty (30) days
16739 after the date of such notice, shall be final, conclusive and
16740 binding upon the employer for all purposes. A redetermination,
16741 made after notice and opportunity for a fair hearing, by a hearing
16742 officer designated by the department who shall consider and decide
16743 these and related applications and protests; and the finding of
16744 fact in connection therewith may be introduced into any subsequent
16745 administrative or judicial proceedings involving the determination
16746 of the rate of unemployment insurance contributions of any
16747 employer for any tax year, and shall be entitled to the same
16748 finality as is provided in this subsection with respect to the
16749 findings of fact in proceedings to redetermine the contribution
16750 rate of an employer.

16751 (x) The department shall notify each employer of
16752 his or her rate of contribution as determined for any tax year as
16753 soon as reasonably possible after September 1 of the preceding
16754 year. Such determination shall be final, conclusive and binding
16755 upon such employer unless, within thirty (30) days after the date
16756 of such notice to his or her last-known address, the employer



16757 files with the department an application for review and
16758 redetermination of his or her contribution rate, setting forth his
16759 or her reasons therefor. If the department grants such review,
16760 the employer shall be promptly notified thereof and shall be
16761 afforded an opportunity for a fair hearing by a hearing officer
16762 designated by the department who shall consider and decide these
16763 and related applications and protests; but no employer shall be
16764 allowed, in any proceeding involving his or her rate of
16765 unemployment insurance contributions or contribution liability, to
16766 contest the chargeability to his or her account of any benefits
16767 paid in accordance with a determination, redetermination or
16768 decision pursuant to Sections 71-5-515 through 71-5-533 except
16769 upon the ground that the services on the basis of which such
16770 benefits were found to be chargeable did not constitute services
16771 performed in employment for him or her, and then only in the event
16772 that he or she was not a party to such determination,
16773 redetermination, decision or to any other proceedings provided in
16774 this chapter in which the character of such services was
16775 determined. The employer shall be promptly notified of the denial
16776 of this application or of the redetermination, both of which shall
16777 become final unless, within ten (10) days after the date of notice
16778 thereof, there shall be an appeal to the department itself. Any
16779 such appeal shall be on the record before said designated hearing
16780 officer, and the decision of said department shall become final
16781 unless, within thirty (30) days after the date of notice thereof



16782 to the employer's last-known address, there shall be an appeal to
16783 the Circuit Court of the First Judicial District of Hinds County,
16784 Mississippi, in accordance with the provisions of law with respect
16785 to review of civil causes by certiorari.

16786 (3) Notwithstanding any other provision of law, the
16787 following shall apply regarding assignment of rates and transfers
16788 of experience:

16789 (a) (i) If an employer transfers its trade or
16790 business, or a portion thereof, to another employer and, at the
16791 time of the transfer, there is substantially common ownership,
16792 management or control of the two (2) employers, then the
16793 unemployment experience attributable to the transferred trade or
16794 business shall be transferred to the employer to whom such
16795 business is so transferred. The rates of both employers shall be
16796 recalculated and made effective on January 1 of the year following
16797 the year the transfer occurred.

16798 (ii) If, following a transfer of experience under
16799 subparagraph (i) of this paragraph (a), the department determines
16800 that a substantial purpose of the transfer of trade or business
16801 was to obtain a reduced liability of unemployment insurance
16802 contributions, then the experience-rating accounts of the
16803 employers involved shall be combined into a single account and a
16804 single rate assigned to such account.

16805 (b) Whenever a person who is not an employer or an
16806 employing unit under this chapter at the time it acquires the



16807 trade or business of an employer, the unemployment experience of
16808 the acquired business shall not be transferred to such person if
16809 the department finds that such person acquired the business solely
16810 or primarily for the purpose of obtaining a lower rate of
16811 unemployment insurance contributions. Instead, such person shall
16812 be assigned the new employer rate under Section 71-5-353, unless
16813 assignment of the new employer rate results in an increase of less
16814 than two percent (2%), in which case such person would be assigned
16815 the new employer rate plus an additional two percent (2%) penalty
16816 for the rate year. In determining whether the business was
16817 acquired solely or primarily for the purpose of obtaining a lower
16818 rate of unemployment insurance contributions, the department shall
16819 use objective factors which may include the cost of acquiring the
16820 business, whether the person continued the business enterprise of
16821 the acquired business, how long such business enterprise was
16822 continued, or whether a substantial number of new employees were
16823 hired for performance of duties unrelated to the business activity
16824 conducted prior to acquisition.

16825 (c) (i) If a person knowingly violates or attempts to
16826 violate paragraph (a) or (b) of this subsection or any other
16827 provision of this chapter related to determining the assignment of
16828 a contribution rate, or if a person knowingly advises another
16829 person in a way that results in a violation of such provision, the
16830 person shall be subject to the following penalties:



16831 1. If the person is an employer, then such
16832 employer shall be assigned the highest rate assignable under this
16833 chapter for the rate year during which such violation or attempted
16834 violation occurred and the three (3) rate years immediately
16835 following this rate year. However, if the person's business is
16836 already at such highest rate for any year, or if the amount of
16837 increase in the person's rate would be less than two percent (2%)
16838 for such year, then the person's tax rate shall be increased by
16839 two percent (2%) for such year. The penalty rate will apply to
16840 the successor business as well as the related entity from which
16841 the employees were transferred in an effort to obtain a lower rate
16842 of unemployment insurance contributions.

16843 2. If the person is not an employer, such
16844 person shall be subject to a civil money penalty of not more than
16845 Five Thousand Dollars (\$5,000.00). Each such transaction for
16846 which advice was given and each occurrence or reoccurrence after
16847 notification being given by the department shall be a separate
16848 offense and punishable by a separate penalty. Any such fine shall
16849 be deposited in the penalty and interest account established under
16850 Section 71-5-114.

16851 (ii) For purposes of this paragraph (c), the term
16852 "knowingly" means having actual knowledge of or acting with
16853 deliberate ignorance or reckless disregard for the prohibition
16854 involved.



16855 (iii) For purposes of this paragraph (c), the term
16856 "violates or attempts to violate" includes, but is not limited to,
16857 intent to evade, misrepresentation or willful nondisclosure.

16858 (iv) In addition to the penalty imposed by
16859 subparagraph (i) of this paragraph (c), any violation of this
16860 subsection may be punishable by a fine of not more than Ten
16861 Thousand Dollars (\$10,000.00) or by imprisonment for not more than
16862 five (5) years, or by both such fine and imprisonment. This
16863 subsection shall prohibit prosecution under any other criminal
16864 statute of this state.

16865 (d) The department shall establish procedures to
16866 identify the transfer or acquisition of a business for purposes of
16867 this subsection.

16868 (e) For purposes of this subsection:

16869 (i) "Person" has the meaning given such term by
16870 Section 7701(a)(1) of the Internal Revenue Code of 1986; and

16871 (ii) "Employing unit" has the meaning as set forth
16872 in Section 71-5-11.

16873 (f) This subsection shall be interpreted and applied in
16874 such a manner as to meet the minimum requirements contained in any
16875 guidance or regulations issued by the United States Department of
16876 Labor.

16877 **SECTION 246.** Section 43-13-121, Mississippi Code of 1972, is
16878 brought forward as follows:



16879 43-13-121. (1) The division shall administer the Medicaid
16880 program under the provisions of this article, and may do the
16881 following:

16882 (a) Adopt and promulgate reasonable rules, regulations
16883 and standards, with approval of the Governor, and in accordance
16884 with the Administrative Procedures Law, Section 25-43-1.101 et
16885 seq.:

16886 (i) Establishing methods and procedures as may be
16887 necessary for the proper and efficient administration of this
16888 article;

16889 (ii) Providing Medicaid to all qualified
16890 recipients under the provisions of this article as the division
16891 may determine and within the limits of appropriated funds;

16892 (iii) Establishing reasonable fees, charges and
16893 rates for medical services and drugs; in doing so, the division
16894 shall fix all of those fees, charges and rates at the minimum
16895 levels absolutely necessary to provide the medical assistance
16896 authorized by this article, and shall not change any of those
16897 fees, charges or rates except as may be authorized in Section
16898 43-13-117;

16899 (iv) Providing for fair and impartial hearings;

16900 (v) Providing safeguards for preserving the
16901 confidentiality of records; and

16902 (vi) For detecting and processing fraudulent
16903 practices and abuses of the program;



16904 (b) Receive and expend state, federal and other funds
16905 in accordance with court judgments or settlements and agreements
16906 between the State of Mississippi and the federal government, the
16907 rules and regulations promulgated by the division, with the
16908 approval of the Governor, and within the limitations and
16909 restrictions of this article and within the limits of funds
16910 available for that purpose;

16911 (c) Subject to the limits imposed by this article and
16912 subject to the provisions of subsection (8) of this section, to
16913 submit a Medicaid plan to the United States Department of Health
16914 and Human Services for approval under the provisions of the
16915 federal Social Security Act, to act for the state in making
16916 negotiations relative to the submission and approval of that plan,
16917 to make such arrangements, not inconsistent with the law, as may
16918 be required by or under federal law to obtain and retain that
16919 approval and to secure for the state the benefits of the
16920 provisions of that law.

16921 No agreements, specifically including the general plan for
16922 the operation of the Medicaid program in this state, shall be made
16923 by and between the division and the United States Department of
16924 Health and Human Services unless the Attorney General of the State
16925 of Mississippi has reviewed the agreements, specifically including
16926 the operational plan, and has certified in writing to the Governor
16927 and to the executive director of the division that the agreements,



16928 including the plan of operation, have been drawn strictly in
16929 accordance with the terms and requirements of this article;

16930 (d) In accordance with the purposes and intent of this
16931 article and in compliance with its provisions, provide for aged
16932 persons otherwise eligible for the benefits provided under Title
16933 XVIII of the federal Social Security Act by expenditure of funds
16934 available for those purposes;

16935 (e) To make reports to the United States Department of
16936 Health and Human Services as from time to time may be required by
16937 that federal department and to the Mississippi Legislature as
16938 provided in this section;

16939 (f) Define and determine the scope, duration and amount
16940 of Medicaid that may be provided in accordance with this article
16941 and establish priorities therefor in conformity with this article;

16942 (g) Cooperate and contract with other state agencies
16943 for the purpose of coordinating Medicaid provided under this
16944 article and eliminating duplication and inefficiency in the
16945 Medicaid program;

16946 (h) Adopt and use an official seal of the division;

16947 (i) Sue in its own name on behalf of the State of
16948 Mississippi and employ legal counsel on a contingency basis with
16949 the approval of the Attorney General;

16950 (j) To recover any and all payments incorrectly made by
16951 the division to a recipient or provider from the recipient or
16952 provider receiving the payments. The division shall be authorized



16953 to collect any overpayments to providers sixty (60) days after the
16954 conclusion of any administrative appeal unless the matter is
16955 appealed to a court of proper jurisdiction and bond is posted.
16956 Any appeal filed after July 1, 2015, shall be to the Chancery
16957 Court of the First Judicial District of Hinds County, Mississippi,
16958 within sixty (60) days after the date that the division has
16959 notified the provider by certified mail sent to the proper address
16960 of the provider on file with the division and the provider has
16961 signed for the certified mail notice, or sixty (60) days after the
16962 date of the final decision if the provider does not sign for the
16963 certified mail notice. To recover those payments, the division
16964 may use the following methods, in addition to any other methods
16965 available to the division:

16966 (i) The division shall report to the Department of
16967 Revenue the name of any current or former Medicaid recipient who
16968 has received medical services rendered during a period of
16969 established Medicaid ineligibility and who has not reimbursed the
16970 division for the related medical service payment(s). The
16971 Department of Revenue shall withhold from the state tax refund of
16972 the individual, and pay to the division, the amount of the
16973 payment(s) for medical services rendered to the ineligible
16974 individual that have not been reimbursed to the division for the
16975 related medical service payment(s).

16976 (ii) The division shall report to the Department
16977 of Revenue the name of any Medicaid provider to whom payments were



16978 incorrectly made that the division has not been able to recover by
16979 other methods available to the division. The Department of
16980 Revenue shall withhold from the state tax refund of the provider,
16981 and pay to the division, the amount of the payments that were
16982 incorrectly made to the provider that have not been recovered by
16983 other available methods;

16984 (k) To recover any and all payments by the division
16985 fraudulently obtained by a recipient or provider. Additionally,
16986 if recovery of any payments fraudulently obtained by a recipient
16987 or provider is made in any court, then, upon motion of the
16988 Governor, the judge of the court may award twice the payments
16989 recovered as damages;

16990 (l) Have full, complete and plenary power and authority
16991 to conduct such investigations as it may deem necessary and
16992 requisite of alleged or suspected violations or abuses of the
16993 provisions of this article or of the regulations adopted under
16994 this article, including, but not limited to, fraudulent or
16995 unlawful act or deed by applicants for Medicaid or other benefits,
16996 or payments made to any person, firm or corporation under the
16997 terms, conditions and authority of this article, to suspend or
16998 disqualify any provider of services, applicant or recipient for
16999 gross abuse, fraudulent or unlawful acts for such periods,
17000 including permanently, and under such conditions as the division
17001 deems proper and just, including the imposition of a legal rate of
17002 interest on the amount improperly or incorrectly paid. Recipients



17003 who are found to have misused or abused Medicaid benefits may be
17004 locked into one (1) physician and/or one (1) pharmacy of the
17005 recipient's choice for a reasonable amount of time in order to
17006 educate and promote appropriate use of medical services, in
17007 accordance with federal regulations. If an administrative hearing
17008 becomes necessary, the division may, if the provider does not
17009 succeed in his or her defense, tax the costs of the administrative
17010 hearing, including the costs of the court reporter or stenographer
17011 and transcript, to the provider. The convictions of a recipient
17012 or a provider in a state or federal court for abuse, fraudulent or
17013 unlawful acts under this chapter shall constitute an automatic
17014 disqualification of the recipient or automatic disqualification of
17015 the provider from participation under the Medicaid program.

17016 A conviction, for the purposes of this chapter, shall include
17017 a judgment entered on a plea of nolo contendere or a
17018 nonadjudicated guilty plea and shall have the same force as a
17019 judgment entered pursuant to a guilty plea or a conviction
17020 following trial. A certified copy of the judgment of the court of
17021 competent jurisdiction of the conviction shall constitute prima
17022 facie evidence of the conviction for disqualification purposes;

17023 (m) Establish and provide such methods of
17024 administration as may be necessary for the proper and efficient
17025 operation of the Medicaid program, fully utilizing computer
17026 equipment as may be necessary to oversee and control all current
17027 expenditures for purposes of this article, and to closely monitor



17028 and supervise all recipient payments and vendors rendering
17029 services under this article. Notwithstanding any other provision
17030 of state law, the division is authorized to enter into a ten-year
17031 contract(s) with a vendor(s) to provide services described in this
17032 paragraph (m). Notwithstanding any provision of law to the
17033 contrary, the division is authorized to extend its Medicaid
17034 Management Information System, including all related components
17035 and services, and Decision Support System, including all related
17036 components and services, contracts in effect on June 30, 2020, for
17037 a period not to exceed two (2) years without complying with state
17038 procurement regulations;

17039 (n) To cooperate and contract with the federal
17040 government for the purpose of providing Medicaid to Vietnamese and
17041 Cambodian refugees, under the provisions of Public Law 94-23 and
17042 Public Law 94-24, including any amendments to those laws, only to
17043 the extent that the Medicaid assistance and the administrative
17044 cost related thereto are one hundred percent (100%) reimbursable
17045 by the federal government. For the purposes of Section 43-13-117,
17046 persons receiving Medicaid under Public Law 94-23 and Public Law
17047 94-24, including any amendments to those laws, shall not be
17048 considered a new group or category of recipient; and

17049 (o) The division shall impose penalties upon Medicaid
17050 only, Title XIX participating long-term care facilities found to
17051 be in noncompliance with division and certification standards in
17052 accordance with federal and state regulations, including interest



17053 at the same rate calculated by the United States Department of
17054 Health and Human Services and/or the Centers for Medicare and
17055 Medicaid Services (CMS) under federal regulations.

17056 (2) The division also shall exercise such additional powers
17057 and perform such other duties as may be conferred upon the
17058 division by act of the Legislature.

17059 (3) The division, and the State Department of Health as the
17060 agency for licensure of health care facilities and certification
17061 and inspection for the Medicaid and/or Medicare programs, shall
17062 contract for or otherwise provide for the consolidation of on-site
17063 inspections of health care facilities that are necessitated by the
17064 respective programs and functions of the division and the
17065 department.

17066 (4) The division and its hearing officers shall have power
17067 to preserve and enforce order during hearings; to issue subpoenas
17068 for, to administer oaths to and to compel the attendance and
17069 testimony of witnesses, or the production of books, papers,
17070 documents and other evidence, or the taking of depositions before
17071 any designated individual competent to administer oaths; to
17072 examine witnesses; and to do all things conformable to law that
17073 may be necessary to enable them effectively to discharge the
17074 duties of their office. In compelling the attendance and
17075 testimony of witnesses, or the production of books, papers,
17076 documents and other evidence, or the taking of depositions, as
17077 authorized by this section, the division or its hearing officers



17078 may designate an individual employed by the division or some other
17079 suitable person to execute and return that process, whose action
17080 in executing and returning that process shall be as lawful as if
17081 done by the sheriff or some other proper officer authorized to
17082 execute and return process in the county where the witness may
17083 reside. In carrying out the investigatory powers under the
17084 provisions of this article, the executive director or other
17085 designated person or persons may examine, obtain, copy or
17086 reproduce the books, papers, documents, medical charts,
17087 prescriptions and other records relating to medical care and
17088 services furnished by the provider to a recipient or designated
17089 recipients of Medicaid services under investigation. In the
17090 absence of the voluntary submission of the books, papers,
17091 documents, medical charts, prescriptions and other records, the
17092 Governor, the executive director, or other designated person may
17093 issue and serve subpoenas instantly upon the provider, his or her
17094 agent, servant or employee for the production of the books,
17095 papers, documents, medical charts, prescriptions or other records
17096 during an audit or investigation of the provider. If any provider
17097 or his or her agent, servant or employee refuses to produce the
17098 records after being duly subpoenaed, the executive director may
17099 certify those facts and institute contempt proceedings in the
17100 manner, time and place as authorized by law for administrative
17101 proceedings. As an additional remedy, the division may recover
17102 all amounts paid to the provider covering the period of the audit



17103 or investigation, inclusive of a legal rate of interest and a
17104 reasonable attorney's fee and costs of court if suit becomes
17105 necessary. Division staff shall have immediate access to the
17106 provider's physical location, facilities, records, documents,
17107 books, and any other records relating to medical care and services
17108 rendered to recipients during regular business hours.

17109 (5) If any person in proceedings before the division
17110 disobeys or resists any lawful order or process, or misbehaves
17111 during a hearing or so near the place thereof as to obstruct the
17112 hearing, or neglects to produce, after having been ordered to do
17113 so, any pertinent book, paper or document, or refuses to appear
17114 after having been subpoenaed, or upon appearing refuses to take
17115 the oath as a witness, or after having taken the oath refuses to
17116 be examined according to law, the executive director shall certify
17117 the facts to any court having jurisdiction in the place in which
17118 it is sitting, and the court shall thereupon, in a summary manner,
17119 hear the evidence as to the acts complained of, and if the
17120 evidence so warrants, punish that person in the same manner and to
17121 the same extent as for a contempt committed before the court, or
17122 commit that person upon the same condition as if the doing of the
17123 forbidden act had occurred with reference to the process of, or in
17124 the presence of, the court.

17125 (6) In suspending or terminating any provider from
17126 participation in the Medicaid program, the division shall preclude
17127 the provider from submitting claims for payment, either personally



17128 or through any clinic, group, corporation or other association to
17129 the division or its fiscal agents for any services or supplies
17130 provided under the Medicaid program except for those services or
17131 supplies provided before the suspension or termination. No
17132 clinic, group, corporation or other association that is a provider
17133 of services shall submit claims for payment to the division or its
17134 fiscal agents for any services or supplies provided by a person
17135 within that organization who has been suspended or terminated from
17136 participation in the Medicaid program except for those services or
17137 supplies provided before the suspension or termination. When this
17138 provision is violated by a provider of services that is a clinic,
17139 group, corporation or other association, the division may suspend
17140 or terminate that organization from participation. Suspension may
17141 be applied by the division to all known affiliates of a provider,
17142 provided that each decision to include an affiliate is made on a
17143 case-by-case basis after giving due regard to all relevant facts
17144 and circumstances. The violation, failure or inadequacy of
17145 performance may be imputed to a person with whom the provider is
17146 affiliated where that conduct was accomplished within the course
17147 of his or her official duty or was effectuated by him or her with
17148 the knowledge or approval of that person.

17149 (7) The division may deny or revoke enrollment in the
17150 Medicaid program to a provider if any of the following are found
17151 to be applicable to the provider, his or her agent, a managing



17152 employee or any person having an ownership interest equal to five
17153 percent (5%) or greater in the provider:

17154 (a) Failure to truthfully or fully disclose any and all
17155 information required, or the concealment of any and all
17156 information required, on a claim, a provider application or a
17157 provider agreement, or the making of a false or misleading
17158 statement to the division relative to the Medicaid program.

17159 (b) Previous or current exclusion, suspension,
17160 termination from or the involuntary withdrawing from participation
17161 in the Medicaid program, any other state's Medicaid program,
17162 Medicare or any other public or private health or health insurance
17163 program. If the division ascertains that a provider has been
17164 convicted of a felony under federal or state law for an offense
17165 that the division determines is detrimental to the best interest
17166 of the program or of Medicaid beneficiaries, the division may
17167 refuse to enter into an agreement with that provider, or may
17168 terminate or refuse to renew an existing agreement.

17169 (c) Conviction under federal or state law of a criminal
17170 offense relating to the delivery of any goods, services or
17171 supplies, including the performance of management or
17172 administrative services relating to the delivery of the goods,
17173 services or supplies, under the Medicaid program, any other
17174 state's Medicaid program, Medicare or any other public or private
17175 health or health insurance program.



17176 (d) Conviction under federal or state law of a criminal
17177 offense relating to the neglect or abuse of a patient in
17178 connection with the delivery of any goods, services or supplies.

17179 (e) Conviction under federal or state law of a criminal
17180 offense relating to the unlawful manufacture, distribution,
17181 prescription or dispensing of a controlled substance.

17182 (f) Conviction under federal or state law of a criminal
17183 offense relating to fraud, theft, embezzlement, breach of
17184 fiduciary responsibility or other financial misconduct.

17185 (g) Conviction under federal or state law of a criminal
17186 offense punishable by imprisonment of a year or more that involves
17187 moral turpitude, or acts against the elderly, children or infirm.

17188 (h) Conviction under federal or state law of a criminal
17189 offense in connection with the interference or obstruction of any
17190 investigation into any criminal offense listed in paragraphs (c)
17191 through (i) of this subsection.

17192 (i) Sanction for a violation of federal or state laws
17193 or rules relative to the Medicaid program, any other state's
17194 Medicaid program, Medicare or any other public health care or
17195 health insurance program.

17196 (j) Revocation of license or certification.

17197 (k) Failure to pay recovery properly assessed or
17198 pursuant to an approved repayment schedule under the Medicaid
17199 program.

17200 (l) Failure to meet any condition of enrollment.



17201 (8) (a) As used in this subsection (8), the following terms
17202 shall be defined as provided in this paragraph, except as
17203 otherwise provided in this subsection:

17204 (i) "Committees" means the Medicaid Committees of
17205 the House of Representatives and the Senate, and "committee" means
17206 either one of those committees.

17207 (ii) "State Plan" means the agreement between the
17208 State of Mississippi and the federal government regarding the
17209 nature and scope of Mississippi's Medicaid Program.

17210 (iii) "State Plan Amendment" means a change to the
17211 State Plan, which must be approved by the Centers for Medicare and
17212 Medicaid Services (CMS) before its implementation.

17213 (b) Whenever the Division of Medicaid proposes a State
17214 Plan Amendment, the division shall give notice to the chairmen of
17215 the committees at least thirty (30) calendar days before the
17216 proposed State Plan Amendment is filed with CMS. The division
17217 shall furnish the chairmen with a concise summary of each proposed
17218 State Plan Amendment along with the notice, and shall furnish the
17219 chairmen with a copy of any proposed State Plan Amendment upon
17220 request. The division also shall provide a summary and copy of
17221 any proposed State Plan Amendment to any other member of the
17222 Legislature upon request.

17223 (c) If the chairman of either committee or both
17224 chairmen jointly object to the proposed State Plan Amendment or
17225 any part thereof, the chairman or chairmen shall notify the



17226 division and provide the reasons for their objection in writing
17227 not later than seven (7) calendar days after receipt of the notice
17228 from the division. The chairman or chairmen may make written
17229 recommendations to the division for changes to be made to a
17230 proposed State Plan Amendment.

17231 (d) (i) The chairman of either committee or both
17232 chairmen jointly may hold a committee meeting to review a proposed
17233 State Plan Amendment. If either chairman or both chairmen decide
17234 to hold a meeting, they shall notify the division of their
17235 intention in writing within seven (7) calendar days after receipt
17236 of the notice from the division, and shall set the date and time
17237 for the meeting in their notice to the division, which shall not
17238 be later than fourteen (14) calendar days after receipt of the
17239 notice from the division.

17240 (ii) After the committee meeting, the committee or
17241 committees may object to the proposed State Plan Amendment or any
17242 part thereof. The committee or committees shall notify the
17243 division and the reasons for their objection in writing not later
17244 than seven (7) calendar days after the meeting. The committee or
17245 committees may make written recommendations to the division for
17246 changes to be made to a proposed State Plan Amendment.

17247 (e) If both chairmen notify the division in writing
17248 within seven (7) calendar days after receipt of the notice from
17249 the division that they do not object to the proposed State Plan
17250 Amendment and will not be holding a meeting to review the proposed



17251 State Plan Amendment, the division may proceed to file the
17252 proposed State Plan Amendment with CMS.

17253 (f) (i) If there are any objections to a proposed rate
17254 change or any part thereof from either or both of the chairmen or
17255 the committees, the division may withdraw the proposed State Plan
17256 Amendment, make any of the recommended changes to the proposed
17257 State Plan Amendment, or not make any changes to the proposed
17258 State Plan Amendment.

17259 (ii) If the division does not make any changes to
17260 the proposed State Plan Amendment, it shall notify the chairmen of
17261 that fact in writing, and may proceed to file the State Plan
17262 Amendment with CMS.

17263 (iii) If the division makes any changes to the
17264 proposed State Plan Amendment, the division shall notify the
17265 chairmen of its actions in writing, and may proceed to file the
17266 State Plan Amendment with CMS.

17267 (g) Nothing in this subsection (8) shall be construed
17268 as giving the chairmen or the committees any authority to veto,
17269 nullify or revise any State Plan Amendment proposed by the
17270 division. The authority of the chairmen or the committees under
17271 this subsection shall be limited to reviewing, making objections
17272 to and making recommendations for changes to State Plan Amendments
17273 proposed by the division.

17274 (i) If the division does not make any changes to
17275 the proposed State Plan Amendment, it shall notify the chairmen of



17276 that fact in writing, and may proceed to file the proposed State
17277 Plan Amendment with CMS.

17278 (ii) If the division makes any changes to the
17279 proposed State Plan Amendment, the division shall notify the
17280 chairmen of the changes in writing, and may proceed to file the
17281 proposed State Plan Amendment with CMS.

17282 (h) Nothing in this subsection (8) shall be construed
17283 as giving the chairmen of the committees any authority to veto,
17284 nullify or revise any State Plan Amendment proposed by the
17285 division. The authority of the chairmen of the committees under
17286 this subsection shall be limited to reviewing, making objections
17287 to and making recommendations for suggested changes to State Plan
17288 Amendments proposed by the division.

17289 **SECTION 247.** Section 55-23-35, Mississippi Code of 1972, is
17290 brought forward as follows:

17291 55-23-35. (1) It is the intent of the Legislature that
17292 Hinds County, Mississippi, be fully reimbursed for the amount of
17293 money contributed by it to the enlargement and renovation of
17294 Mississippi Veterans Memorial Stadium. To that end, the State
17295 Treasurer shall pay to the county out of any excess in the
17296 Mississippi Veterans Memorial Stadium Bond Sinking Fund not
17297 necessary to pay the debt service on bonds issued pursuant to
17298 Sections 55-23-21 through 55-23-43 an amount not to exceed Fifty
17299 Thousand Dollars (\$50,000.00) per year or, in his discretion, a
17300 greater sum which will expedite such repayment provided the



17301 revenue paid into the fund exceeds that projected at the time of
17302 passage of Sections 55-23-21 through 55-23-43; provided, however,
17303 the percentage of money paid Hinds County shall not exceed the
17304 percentage of the state obligation which has been paid. In the
17305 event the state refunds bonds issued under Sections 55-23-21
17306 through 55-23-43, the obligation created hereunder to Hinds County
17307 shall not be construed to impair such refunding issue but shall be
17308 a continuing subordinate obligation of the state until its
17309 repayment is effected.

17310 (2) Notwithstanding the provisions of subsection (1) to the
17311 contrary, the Board of Supervisors of Hinds County may forgive and
17312 cancel all or any portion of such obligation of the commission or
17313 the State of Mississippi incurred pursuant to Sections 55-23-21
17314 through 55-23-43, by resolution duly entered at any regular
17315 meeting to be held, or previously held, in calendar year 1989.
17316 However, if the Mississippi Veterans Memorial Stadium is sold, or
17317 any interest in same is permanently conveyed by the State of
17318 Mississippi, then Hinds County shall be paid all sums which were
17319 previously forgiven or cancelled by Hinds County in accordance
17320 with subsection (1) of this section.

17321 **SECTION 248.** Section 55-23-23, Mississippi Code of 1972, is
17322 brought forward as follows:

17323 55-23-23. In keeping with the purposes of Sections 55-23-21
17324 through 55-23-43, the Board of Supervisors of Hinds County,
17325 Mississippi, is authorized and empowered, in its discretion, to



17326 transfer and deliver to the Building Commission a sum of One
17327 Million Dollars (\$1,000,000.00) out of any funds on hand or
17328 received by Hinds County.

17329 When such funds are received by the Building Commission, they
17330 shall be deposited at interest in banks located in Hinds County
17331 according to the same formula used for the investment of excess
17332 state funds, and all interest accruing as a result thereof shall
17333 be returned to the Board of Supervisors of Hinds County.

17334 **SECTION 249.** Section 9-7-23, Mississippi Code of 1972, is
17335 brought forward as follows:

17336 9-7-23. (1) The Seventh Circuit Court District shall be
17337 Hinds County.

17338 (2) The Seventh Circuit Court District shall be divided into
17339 four (4) subdistricts in Hinds County as follows:

17340 (a) Subdistrict 7-1 shall consist of the following
17341 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,
17342 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96
17343 and 97.

17344 (b) Subdistrict 7-2 shall consist of the following
17345 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,
17346 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,
17347 Brownsville, Cynthia, Pocahontas and Tinnin.

17348 (c) Subdistrict 7-3 shall consist of the following
17349 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,



17350 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,
17351 67, 68, 69, 70, 71, 86, 89, and Jackson State.

17352 (d) Subdistrict 7-4 shall consist of the following
17353 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram
17354 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,
17355 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old
17356 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,
17357 Terry, Utica 1 and Utica 2.

17358 **SECTION 250.** Section 83-6-33, Mississippi Code of 1972, is
17359 brought forward as follows:

17360 83-6-33. (1) Whenever it appears to the commissioner that
17361 any insurer or any director, officer, employee or agent thereof
17362 has committed or is about to commit a violation of this chapter or
17363 of any rule, regulation or order issued by the commissioner
17364 hereunder, the commissioner may apply to chancery court for the
17365 county in which the principal office of the insurer is located, or
17366 if such insurer has no office in this state, then to the Chancery
17367 Court of Hinds County for an order enjoining such insurer or such
17368 director, officer, employee or agent thereof from violating or
17369 continuing to violate this chapter or any such rule, regulation or
17370 order, and for such other equitable relief as the nature of the
17371 case and the interests of the insurer's policyholders, creditors
17372 and shareholders or the public may require.

17373 (2) No security that is the subject of any agreement or
17374 arrangement regarding acquisition, or that is acquired or to be



17375 acquired, in contravention of the provisions of this chapter or of
17376 any rule, regulation or order issued by the commissioner hereunder
17377 may be voted at any shareholder's meeting or may be counted for
17378 quorum purposes, and any action of shareholders requiring the
17379 affirmative vote of a percentage of shares may be taken as though
17380 such securities were not issued and outstanding; but no action
17381 taken at any such meeting shall be invalidated by the voting of
17382 such securities unless the action would materially affect control
17383 of the insurer or unless the courts of this state have so ordered.
17384 If an insurer or the commissioner has reason to believe that any
17385 security of the insurer has been or is about to be acquired in
17386 contravention of the provisions of this chapter or of any rule,
17387 regulation or order issued by the commissioner hereunder, the
17388 insurer or the commissioner may apply to the Chancery Court of
17389 Hinds County to enjoin any offer, request, invitation, agreement
17390 or acquisition made in contravention of any rule, regulation or
17391 order issued by the commissioner thereunder to enjoin the voting
17392 of any security so acquired, to void any vote of such security
17393 already cast at any meeting of shareholders and for such other
17394 equitable relief as the nature of the case and the interest of the
17395 insurer's policyholders, creditors and shareholders or the public
17396 may require.

17397 (3) In any case where a person has acquired or is proposing
17398 to acquire any voting securities in violation of this chapter or
17399 any rule, regulation or order issued by the commissioner



17400 hereunder, the Chancery Court of Hinds County, on the notice as
17401 the court requires, upon the application of the insurer or the
17402 commissioner, may seize or sequester any voting securities of the
17403 insurer owned directly or indirectly by the person and issue the
17404 order with respect thereto as may be appropriate to effectuate the
17405 provisions of this chapter. For the purposes of this section, the
17406 situs of the ownership of the securities of domestic insurers
17407 shall be in this state.

17408 **SECTION 251.** Section 55-23-33, Mississippi Code of 1972, is
17409 brought forward as follows:

17410 55-23-33. (1) An additional charge of Fifty Cents (50¢) per
17411 ticket is hereby imposed upon every ticket which is sold (a) to an
17412 event conducted in the Mississippi Veterans Memorial Stadium in
17413 which there participates any team of a university which is a
17414 member of the National Collegiate Athletic Association with the
17415 exception of a university located in Hinds County, in which case
17416 an additional charge of Twenty-five Cents (25¢) per ticket shall
17417 be imposed, and (b) to any event in which there participates a
17418 professional team or in which the entertainers, performers or
17419 other participants are professionals. The funds derived from this
17420 additional charge shall be paid by the Stadium Commission to the
17421 State Treasurer to be deposited in the Mississippi Memorial
17422 Stadium Fund and are specifically reserved and dedicated for the
17423 payment of the principal of and the interest on bonds issued under
17424 the provisions of Sections 55-23-21 through 55-23-43 to enlarge



17425 and renovate the Mississippi Memorial Stadium. Upon a
17426 determination by the State Treasurer, the additional charge
17427 provided by this subsection may cease to be imposed when the other
17428 revenue pledged out of the Mississippi Memorial Stadium Fund to
17429 retire the bonds is at least one and one tenth (1.1) times the
17430 annual debt service plus the obligation to Hinds County or when
17431 the fund contains an amount sufficient to retire the amount of
17432 bonds then outstanding plus the obligation to Hinds County. If
17433 the charge ceases to be imposed as hereinbefore provided and
17434 revenues pledged out of the Mississippi Memorial Stadium Fund to
17435 retire the bonds fall below one (1.0) times the annual debt
17436 service plus the obligation to Hinds County, then at that time the
17437 State Treasurer shall notify the Stadium Commission and the charge
17438 shall be restored.

17439 (2) Forty-two percent (42%) of the tax levied pursuant to
17440 Section 27-65-22, Mississippi Code of 1972, on gross revenue
17441 derived from the sale of admission to events conducted in the
17442 Mississippi Veterans Memorial Stadium, which is deposited in the
17443 Mississippi Memorial Stadium Fund, is hereby specifically reserved
17444 and dedicated for the payment of the principal of and the interest
17445 on bonds issued under the provisions of Sections 55-23-21 through
17446 55-23-43 and repayment of the contribution of Hinds County to
17447 enlarge and renovate the Mississippi Veterans Memorial Stadium.

17448 (3) It is the intent of the Legislature that a university's
17449 share in revenue derived from events conducted at Mississippi



17450 Veterans Memorial Stadium not be reduced as a result of the
17451 enactment of this section; and, to that end, any proceeds derived
17452 from an event at the Mississippi Veterans Memorial Stadium to
17453 which a university is entitled shall not be less than that share
17454 to which it would otherwise have been entitled prior to the
17455 effective date of Sections 55-23-21 through 55-23-43.

17456 (4) Notwithstanding the provisions of subsections (1) and
17457 (2) of this section, on and after April 19, 1989, the imposition
17458 and deposit of the additional per ticket charge described in
17459 subsection (1) of this section and the diversion of the portion of
17460 the tax described in subsection (2) of this section shall each be
17461 suspended so long as not less than thirty (30) days prior to the
17462 first day of each fiscal year of the State of Mississippi either
17463 (a) the Legislature has theretofore appropriated for deposit to
17464 the Mississippi Veterans Memorial Bond Sinking Fund an amount of
17465 monies from any source sufficient to fully pay in a timely manner
17466 all of the principal and interest scheduled to become due in such
17467 fiscal year on all bonds theretofore issued and then outstanding
17468 under the provisions of Sections 55-23-21 through 55-23-43, plus
17469 an amount sufficient to pay all then overdue and unpaid
17470 installments of principal and interest on such bonds, if any, or
17471 (b) the amount on deposit in the Mississippi Veterans Memorial
17472 Stadium Bond Sinking Fund shall be sufficient to fully pay in a
17473 timely manner all of the principal and interest scheduled to
17474 become due prior to such fiscal year on all bonds theretofore



17475 issued and then outstanding under the provisions of Sections
17476 55-23-21 through 55-23-43, plus all of the principal and interest
17477 scheduled to become due in such fiscal year on all such bonds,
17478 plus an amount sufficient to pay all then overdue and unpaid
17479 installments of principal and interest on such bonds, if any.
17480 Whenever the State Treasurer shall determine that the conditions
17481 of the aforesaid suspensions have not or will not be satisfied as
17482 provided in the immediately preceding sentence, the State
17483 Treasurer shall notify all appropriate state officials of the same
17484 and the imposition and deposit of said additional per ticket
17485 charge under subsection (1) of this section and the diversion of
17486 said portion of the tax under subsection (2) of this section, each
17487 to the Mississippi Veterans Memorial Stadium Bond Sinking Fund,
17488 shall be automatically and immediately restored.

17489 **SECTION 252.** Section 55-23-41, Mississippi Code of 1972, is
17490 brought forward as follows:

17491 55-23-41. The proceeds of the bonds authorized in Sections
17492 55-23-21 through 55-23-43 and funds appropriated for the
17493 enlargement and renovation of the Mississippi Veterans Memorial
17494 Stadium, including the funds to be supplied by Hinds County and
17495 also including funds from any and all other sources set aside for
17496 such enlargement and renovation by the Building Commission shall
17497 be used for the purpose of enlarging and renovating all physical
17498 components which make up the Mississippi Veterans Memorial Stadium
17499 and, except for the funds contributed by Hinds County, shall be



17500 deposited in the Mississippi Memorial Stadium Construction Fund,
17501 hereby created in the State Treasury. The funds contributed by
17502 Hinds County shall be deposited as provided in Section 55-23-23.
17503 To that end the commission is hereby authorized and empowered to
17504 make and enter into such contracts and execute such instruments
17505 containing such reasonably appropriate terms and conditions as, in
17506 its discretion, it may deem necessary, proper or advisable for the
17507 purpose of carrying out the terms of Sections 55-23-21 through
17508 55-23-43, including the acceptance of that proportion of the cost
17509 of improvements required by the terms of Sections 55-23-21 through
17510 55-23-43 to be contributed by Hinds County. Any funds received by
17511 the Mississippi Veterans Memorial Stadium Commission under Section
17512 55-23-8 may be used for any purpose authorized in this section or
17513 Section 55-23-8, or both.

17514 **SECTION 253.** Section 9-5-17, Mississippi Code of 1972, is
17515 brought forward as follows:

17516 9-5-17. (1) The Fifth Chancery Court District is composed
17517 of Hinds County.

17518 (2) The Fifth Chancery Court District shall be divided into
17519 the following four (4) subdistricts:

17520 (a) Subdistrict 5-1 shall consist of the following
17521 precincts in Hinds County: 1, 2, 4, 5, 6, 8, 9, 10, 32, 33, 34,
17522 35, 36, 44, 45, 46, 47, 72, 73, 74, 75, 76, 77, 78, 79, 92, 93, 96
17523 and 97.



17524 (b) Subdistrict 5-2 shall consist of the following
17525 precincts in Hinds County: 11, 12, 13, 14, 15, 16, 17, 23, 27,
17526 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 80, 81, 82, 83, 84, 85,
17527 Brownsville, Cynthia, Pocahontas and Tinnin.

17528 (c) Subdistrict 5-3 shall consist of the following
17529 precincts in Hinds County: 18, 19, 20, 21, 22, 24, 25, 26, 31,
17530 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66,
17531 67, 68, 69, 70, 71, 86, 89 and Jackson State.

17532 (d) Subdistrict 5-4 shall consist of the following
17533 precincts in Hinds County: 87, 88, 90, 91, 94, 95, Bolton, Byram
17534 1, Byram 2, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3,
17535 Clinton 4, Clinton 5, Clinton 6, Dry Grove, Edwards, Learned, Old
17536 Byram, Pinehaven, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,
17537 Terry, Utica 1 and Utica 2.

17538 **SECTION 254.** Section 99-11-37, Mississippi Code of 1972, is
17539 brought forward as follows:

17540 99-11-37. (1) In Harrison County, a county having two (2)
17541 judicial districts, all crimes and misdemeanors shall be
17542 cognizable only in the proper court of the district in which the
17543 offense may be committed, and such court shall have jurisdiction
17544 of the same.

17545 (2) In Hinds County, a county having two (2) judicial
17546 districts, all crimes and misdemeanors committed in Hinds County
17547 shall be cognizable in the court of either judicial district of
17548 the county, and such court shall have jurisdiction of the same.



17549 Any and all proceedings may be conducted in either judicial
17550 district.

17551 **SECTION 255.** Section 37-27-80, Mississippi Code of 1972, is
17552 brought forward as follows:

17553 37-27-80. (1) Effective July 1, 2014, the Hinds Agriculture
17554 High School shall be closed. Upon closure, all real property
17555 titled to or used by Hinds Agricultural High School will become
17556 the property of the Hinds Community College District.

17557 (2) All personal property used by the Hinds Agricultural
17558 High School for secondary school purposes, including all
17559 nondisposable sports and/or extracurricular equipment (i.e.,
17560 football helmets, shoulder pads, baseball bats and helmets, and
17561 band equipment) will become the property of the Hinds County
17562 School District. The division of such personal property will be
17563 determined by joint order of the Boards of Trustees of Hinds
17564 Community College District and Hinds County School District. Any
17565 cost of transferring title of such real or personal property will
17566 be paid by Hinds Community College District.

17567 (3) Any such joint order directing the transfer of the
17568 personal property of the Hinds Agricultural High School shall be
17569 submitted and approved by the State Board of Education. The
17570 finding of the State Board of Education shall be final and
17571 conclusive for the purpose of the transfer of property required by
17572 such administrative consolidation.



17573 (4) The students attending the said agricultural high school
17574 shall be deemed to be students of the school district where they
17575 reside. After closure of Hinds Agricultural High School, any
17576 student who is enrolled at the Hinds Agricultural High School when
17577 the closure is effected may receive two (2) diplomas upon
17578 successful completion of all graduation requirements of the school
17579 district they subsequently attend: one (1) diploma to be the
17580 official completion with the school district they subsequently
17581 attend and the second to be a courtesy diploma reflecting
17582 graduation from Hinds Agriculture High School.

17583 (5) In the event that Hinds Agricultural High School is
17584 closed, there will be a two-year waiver of test scores of Hinds
17585 Agricultural High School students being included in accountability
17586 calculations for Raymond High School and the Hinds County School
17587 District, subject to approval by the State Department of
17588 Education. In addition, the students from Hinds Agricultural High
17589 School will not be included in the graduation cohort for
17590 accountability calculations for the Hinds County School District,
17591 subject to approval by the State Department of Education.

17592 **SECTION 256.** Section 25-3-25, Mississippi Code of 1972, is
17593 brought forward as follows:

17594 25-3-25. (1) Except as otherwise provided in subsections
17595 (2) through (9), the salaries of sheriffs of the various counties
17596 are fixed as full compensation for their services.



17597 The annual salary for each sheriff shall be based upon the
17598 total population of his county according to the latest federal
17599 decennial census in the following categories and for the following
17600 amounts; however, no sheriff shall be paid less than the salary
17601 authorized under this section to be paid the sheriff based upon
17602 the population of the county according to the most recent federal
17603 decennial census:

17604 (a) For counties with a total population of more than
17605 one hundred thousand (100,000), a salary of One Hundred Four
17606 Thousand Dollars (\$104,000.00).

17607 (b) For counties with a total population of more than
17608 forty-four thousand (44,000) and not more than one hundred
17609 thousand (100,000), a salary of Ninety-five Thousand Dollars
17610 (\$95,000.00).

17611 (c) For counties with a total population of more than
17612 thirty thousand (30,000) and not more than forty-four thousand
17613 (44,000), a salary of Ninety Thousand Dollars (\$90,000.00).

17614 (d) For counties with a total population of more than
17615 twelve thousand five hundred (12,500) and not more than thirty
17616 thousand (30,000), a salary of Eighty-five Thousand Dollars
17617 (\$85,000.00).

17618 (e) For counties with a total population of not more
17619 than twelve thousand five hundred (12,500), a salary of Eighty
17620 Thousand Dollars (\$80,000.00).



17621 (2) In addition to the salary provided for in subsection (1)
17622 of this section, the Board of Supervisors of Leflore County, in
17623 its discretion, may pay an annual supplement to the sheriff of the
17624 county in an amount not to exceed Ten Thousand Dollars
17625 (\$10,000.00). The Legislature finds and declares that the annual
17626 supplement authorized by this subsection is justified in such
17627 county for the following reasons:

17628 (a) The Mississippi Department of Corrections operates
17629 and maintains a restitution center within the county;

17630 (b) The Mississippi Department of Corrections operates
17631 and maintains a community work center within the county;

17632 (c) There is a resident circuit court judge in the
17633 county whose office is located at the Leflore County Courthouse;

17634 (d) There is a resident chancery court judge in the
17635 county whose office is located at the Leflore County Courthouse;

17636 (e) The Magistrate for the Fourth Circuit Court
17637 District is located in the county and maintains his office at the
17638 Leflore County Courthouse;

17639 (f) The Region VI Mental Health-Mental Retardation
17640 Center, which serves a multicounty area, calls upon the sheriff to
17641 provide security for out-of-town mental patients, as well as
17642 patients from within the county;

17643 (g) The increased activity of the Child Support
17644 Division of the Department of Human Services in enforcing in the



17645 courts parental obligations has imposed additional duties on the
17646 sheriff; and

17647 (h) The dispatchers of the enhanced E-911 system in
17648 place in Leflore County have been placed under the direction and
17649 control of the sheriff.

17650 (3) In addition to the salary provided for in subsection (1)
17651 of this section, the Board of Supervisors of Rankin County, in its
17652 discretion, may pay an annual supplement to the sheriff of the
17653 county in an amount not to exceed Ten Thousand Dollars
17654 (\$10,000.00). The Legislature finds and declares that the annual
17655 supplement authorized by this subsection is justified in such
17656 county for the following reasons:

17657 (a) The Mississippi Department of Corrections operates
17658 and maintains the Central Mississippi Correctional Facility within
17659 the county;

17660 (b) The State Hospital is operated and maintained
17661 within the county at Whitfield;

17662 (c) Hudspeth Regional Center, a facility maintained for
17663 the care and treatment of persons with an intellectual disability,
17664 is located within the county;

17665 (d) The Mississippi Law Enforcement Officers Training
17666 Academy is operated and maintained within the county;

17667 (e) The State Fire Academy is operated and maintained
17668 within the county;



17669 (f) The Pearl River Valley Water Supply District,
17670 ordinarily known as the "Reservoir District," is located within
17671 the county;

17672 (g) The Jackson-Medgar Wiley Evers International
17673 Airport is located within the county;

17674 (h) The patrolling of the state properties located
17675 within the county has imposed additional duties on the sheriff;
17676 and

17677 (i) The sheriff, in addition to providing security to
17678 the nearly one hundred thousand (100,000) residents of the county,
17679 has the duty to investigate, solve and assist in the prosecution
17680 of any misdemeanor or felony committed upon any state property
17681 located in Rankin County.

17682 (4) In addition to the salary provided for in subsection (1)
17683 of this section, the Board of Supervisors of Neshoba County shall
17684 pay an annual supplement to the sheriff of the county an amount
17685 equal to Ten Thousand Dollars (\$10,000.00).

17686 (5) In addition to the salary provided for in subsection (1)
17687 of this section, the Board of Supervisors of Tunica County, in its
17688 discretion, may pay an annual supplement to the sheriff of the
17689 county an amount equal to Ten Thousand Dollars (\$10,000.00),
17690 payable beginning April 1, 1997.

17691 (6) In addition to the salary provided for in subsection (1)
17692 of this section, the Board of Supervisors of Hinds County shall
17693 pay an annual supplement to the sheriff of the county in an amount



17694 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature
17695 finds and declares that the annual supplement authorized by this
17696 subsection is justified in such county for the following reasons:

17697 (a) Hinds County has the greatest population of any
17698 county, two hundred fifty-four thousand four hundred forty-one
17699 (254,441) by the 1990 census, being almost one hundred thousand
17700 (100,000) more than the next most populous county;

17701 (b) Hinds County is home to the State Capitol and the
17702 seat of all state government offices;

17703 (c) Hinds County is the third largest county in
17704 geographic area, containing eight hundred seventy-five (875)
17705 square miles;

17706 (d) Hinds County is comprised of two (2) judicial
17707 districts, each having a courthouse and county office buildings;

17708 (e) There are four (4) resident circuit judges, four
17709 (4) resident chancery judges, and three (3) resident county judges
17710 in Hinds County, the most of any county, with the sheriff acting
17711 as chief executive officer and provider of bailiff services for
17712 all;

17713 (f) The main offices for the clerk and most of the
17714 judges and magistrates for the United States District Court for
17715 the Southern District of Mississippi are located within the
17716 county;

17717 (g) The state's only urban university, Jackson State
17718 University, is located within the county;



17719 (h) The University of Mississippi Medical Center,
17720 combining the medical school, dental school, nursing school and
17721 hospital, is located within the county;

17722 (i) Mississippi Veterans Memorial Stadium, the state's
17723 largest sports arena, is located within the county;

17724 (j) The Mississippi State Fairgrounds, including the
17725 Coliseum and Trade Mart, are located within the county;

17726 (k) Hinds County has the largest criminal population in
17727 the state, such that the Hinds County Sheriff's Department
17728 operates the largest county jail system in the state, housing
17729 almost one thousand (1,000) inmates in three (3) separate
17730 detention facilities;

17731 (l) The Hinds County Sheriff's Department handles more
17732 mental and drug and alcohol commitment cases than any other
17733 sheriff's department in the state;

17734 (m) The Mississippi Department of Corrections maintains
17735 a restitution center within the county;

17736 (n) The Mississippi Department of Corrections regularly
17737 houses as many as one hundred (100) state convicts within the
17738 Hinds County jail system; and

17739 (o) The Hinds County Sheriff's Department is regularly
17740 asked to provide security services not only at the Fairgrounds and
17741 Memorial Stadium, but also for events at the Mississippi Museum of
17742 Art and Jackson City Auditorium.



17743 (7) In addition to the salary provided for in subsection (1)
17744 of this section, the Board of Supervisors of Wilkinson County, in
17745 its discretion, may pay an annual supplement to the sheriff of the
17746 county in an amount not to exceed Ten Thousand Dollars
17747 (\$10,000.00). The Legislature finds and declares that the annual
17748 supplement authorized by this subsection is justified in such
17749 county because the Mississippi Department of Corrections contracts
17750 for the private incarceration of state inmates at a private
17751 correctional facility within the county.

17752 (8) In addition to the salary provided for in subsection (1)
17753 of this section, the Board of Supervisors of Marshall County, in
17754 its discretion, may pay an annual supplement to the sheriff of the
17755 county in an amount not to exceed Ten Thousand Dollars
17756 (\$10,000.00). The Legislature finds and declares that the annual
17757 supplement authorized by this subsection is justified in such
17758 county because the Mississippi Department of Corrections contracts
17759 for the private incarceration of state inmates at a private
17760 correctional facility within the county.

17761 (9) In addition to the salary provided in subsection (1) of
17762 this section, the Board of Supervisors of Greene County, in its
17763 discretion, may pay an annual supplement to the sheriff of the
17764 county in an amount not to exceed Ten Thousand Dollars
17765 (\$10,000.00). The Legislature finds and declares that the annual
17766 supplement authorized by this subsection is justified in such
17767 county for the following reasons:



17768 (a) The Mississippi Department of Corrections operates
17769 and maintains the South Mississippi Correctional Facility within
17770 the county;

17771 (b) In 1996, additional facilities to house another one
17772 thousand four hundred sixteen (1,416) male offenders were
17773 constructed at the South Mississippi Correctional Facility within
17774 the county; and

17775 (c) The patrolling of the state properties located
17776 within the county has imposed additional duties on the sheriff
17777 justifying additional compensation.

17778 (10) In addition to the salary provided in subsection (1) of
17779 this section, the board of supervisors of any county, in its
17780 discretion, may pay an annual supplement to the sheriff of the
17781 county in an amount not to exceed Ten Thousand Dollars
17782 (\$10,000.00). The amount of the supplement shall be spread on the
17783 minutes of the board. The annual supplement authorized in this
17784 subsection shall not be in addition to the annual supplements
17785 authorized in subsections (2) through (9).

17786 (11) In addition to the salary provided in subsection (1)
17787 and the supplements authorized in subsections (2) through (10),
17788 the board of supervisors of any county, in its discretion, may pay
17789 an annual supplement in an amount not to exceed Five Thousand
17790 Dollars (\$5,000.00) to the sheriff of any county in which a
17791 juvenile detention center is located. The amount of the
17792 supplement shall be spread on the minutes of the board.



17793 (12) (a) The salaries provided in this section shall be
17794 payable monthly on the first day of each calendar month by
17795 chancery clerk's warrant drawn on the general fund of the county;
17796 however, the board of supervisors, by resolution duly adopted and
17797 entered on its minutes, may provide that such salaries shall be
17798 paid semimonthly on the first and fifteenth day of each month. If
17799 a pay date falls on a weekend or legal holiday, salary payments
17800 shall be made on the workday immediately preceding the weekend or
17801 legal holiday.

17802 (b) At least Ten Dollars (\$10.00) from each fee
17803 collected and deposited into the county's general fund under the
17804 provisions of paragraphs (a), (c) and (g) of subsection (1) of
17805 Section 25-7-19 shall be used for the sheriffs' salaries
17806 authorized in Section 25-3-25; as such Ten Dollar (\$10.00) amount
17807 was authorized during the 2007 Regular Session in Chapter 331,
17808 Laws of 2007, for the purpose of providing additional monies to
17809 the counties for sheriffs' salaries.

17810 (13) (a) All sheriffs, each year, shall attend twenty (20)
17811 hours of continuing education courses in law enforcement. Such
17812 courses shall be approved by the Mississippi Board on Law
17813 Enforcement Officers Standards and Training. Such education
17814 courses may be provided by an accredited law enforcement academy
17815 or by the Mississippi Sheriffs' Association.

17816 (b) The Mississippi Board on Law Enforcement Officers
17817 Standards and Training shall reimburse each county for the



17818 expenses incurred by sheriffs and deputy sheriffs for attendance
17819 at any approved training programs as required by this subsection.

17820 **SECTION 257.** Section 69-7-209, Mississippi Code of 1972, is
17821 brought forward as follows:

17822 69-7-209. Any person feeling aggrieved with the decision of
17823 the commissioner of agriculture and commerce in refusing to grant
17824 a license hereunder shall have recourse by an appeal to the
17825 chancery court of Hinds County, Mississippi, by petition filed
17826 within thirty days from the date of final refusal to issue such
17827 license. The chancery court of Hinds County shall have and it is
17828 hereby given full jurisdiction of such appeal and it may enter any
17829 appropriate orders therein in term time or in vacation.

17830 **SECTION 258.** Section 25-4-109, Mississippi Code of 1972, is
17831 brought forward as follows:

17832 25-4-109. (1) Upon a finding by clear and convincing
17833 evidence that any elected public servant or other person has
17834 violated any provision of this article, the commission may censure
17835 the elected public servant or impose a civil fine of not more than
17836 Ten Thousand Dollars (\$10,000.00), or both. The commission may
17837 further recommend to the Circuit Court for Hinds County that the
17838 elected public servant be removed from office.

17839 (2) Upon a finding by clear and convincing evidence that any
17840 nonelected public servant has violated any provision of this
17841 article, the commission may censure the nonelected public servant
17842 or impose a civil fine of not more than Ten Thousand Dollars



17843 (\$10,000.00), or both. The commission may further recommend to
17844 the Circuit Court for Hinds County that the nonelected public
17845 servant be removed from office, suspended, or subjected to a
17846 demotion or reduction in pay.

17847 (3) The commission may order restitution or other equitable
17848 or legal remedies to recover public funds or property unlawfully
17849 taken, as well as unjust enrichment, although not public funds.
17850 Any pecuniary benefit received by a public servant in violation of
17851 this article may be declared forfeited by the commission for the
17852 benefit of the governmental entity injured.

17853 (4) In the event a public servant does not appeal the
17854 decision or recommendation of the commission, the commission may
17855 petition the Circuit Court for Hinds County for the removal,
17856 suspension, demotion or reduction of pay of the public servant as
17857 provided by law.

17858 **SECTION 259.** Section 83-53-43, Mississippi Code of 1972, is
17859 brought forward as follows:

17860 83-53-43. Any person who violates an order of the
17861 commissioner, after it has become final, and while such order is
17862 in effect, shall, upon proof thereof to the satisfaction of the
17863 court, forfeit and pay to the State of Mississippi a sum to be
17864 determined by the commissioner not to exceed Five Thousand Dollars
17865 (\$5,000.00) for each violation, which if not paid may be recovered
17866 in a civil action instituted in the name of the commissioner in
17867 the circuit court in the county of the residence of such person



who is a resident of the state. In the case of a nonresident, the action shall be brought in the Circuit Court of Hinds County.

SECTION 260. Section 65-26-29, Mississippi Code of 1972, is brought forward as follows:

65-26-29. (1) Such general obligation bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this chapter shall become effective immediately upon its adoption by the Bond Commission, and any such resolution may be adopted at any regular, special or adjourned meeting of the Bond Commission by a majority of its members.

(2) The bonds authorized under the authority of this chapter shall be validated in the Chancery Court of Hinds County, Mississippi, 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 Attorney by the Secretary of the Bond Commission, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.



17891 of Transportation shall erect and maintain appropriate signs
17892 along and approaching the intersection described in subsection (1)
17893 of this section.

17894 **SECTION 261.** Section 37-101-279, Mississippi Code of 1972,
17895 is brought forward as follows:

17896 37-101-279. (1) If a borrower defaults on an educational
17897 loan or scholarship, the Attorney General of the State of
17898 Mississippi shall bring suit against the defaulting party as soon
17899 as practicable.

17900 (2) A suit against a defaulting party under this section may
17901 be brought in the county in which the defaulting person resides,
17902 in which the lender is located, or in any Hinds County court.

17903 **SECTION 262.** Section 29-1-205, Mississippi Code of 1972, is
17904 brought forward as follows:

17905 29-1-205. (1) The Department of Finance and Administration,
17906 Bureau of Building, Grounds and Real Property Management, is
17907 hereby authorized, empowered and directed to sell and convey on
17908 behalf of the State of Mississippi to a nationally recognized
17909 organization which has as its purpose the recognition and
17910 promotion of scholarship, leadership and service among two-year
17911 college students throughout the country for the purpose of
17912 constructing a national headquarters thereon, the following
17913 described state-owned lands. The property authorized to be sold
17914 and conveyed is a certain parcel of land situated in the Northwest
17915 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds



17916 County, Mississippi, and being more particularly described as
17917 follows, to wit:

17918 Commence at the Southwest corner of Lot 2 of
17919 Northeast Heights, a subdivision on file and of record in
17920 the Office of the Chancery Clerk at Jackson, Hinds
17921 County, Mississippi, in Plat Book 10 at page 45; run
17922 thence Southerly along the extension of the West line of
17923 said Lot 2 for a distance of 80.00 feet to a point on the
17924 South line of Eastover Drive; turn thence right through a
17925 deflection angle of 89 degrees 13 minutes and run
17926 westerly along the South line of Eastover Drive for a
17927 distance of 43.84 feet to the POINT OF BEGINNING; thence
17928 leaving said South line of Eastover Drive, turn left
17929 through a deflection angle of 95 degrees 41 minutes 50
17930 seconds and run Southerly along a line twenty-five feet
17931 from and parallel to the centerline of a 31 foot asphalt
17932 drive for a distance of 118.08 feet; turn thence right
17933 through a deflection angle of 3 degrees 07 minutes 37
17934 seconds and continue Southerly along a line twenty-five
17935 feet from and parallel to the centerline of a 31 foot
17936 asphalt drive for a distance of 132.71 feet to a point on
17937 the North line of a United Gas Pipe Line Company
17938 easement; turn thence right through a deflection angle of
17939 59 degrees 18 minutes 47 seconds and run Southwesterly
17940 along the North line of said United Gas Pipe Line Company



17941 easement for a distance of 520.00 feet; turn thence right
17942 through a deflection angle of 90 degrees 00 minutes 00
17943 seconds and run Northwesterly for a distance of 410.00
17944 feet; turn thence right through a deflection angle of 69
17945 degrees 42 minutes 33 seconds and run Northeasterly for a
17946 distance of 238.99 feet to a point on the South line of
17947 said Eastover Drive; said point further being on a 2
17948 degrees 27 minutes curve bearing to the right, said curve
17949 having a central angle of 8 degrees 58 minutes 45 seconds
17950 and a radius of 2258.60 feet; turn thence right through a
17951 deflection angle of 53 degrees 12 minutes 08 seconds and
17952 run Easterly along the chord of said 2 degrees 27 minutes
17953 curve bearing to the right and the South line of said
17954 Eastover Drive for a distance of 27.26 feet to the Point
17955 of Tangency; turn thence right through a deflection angle
17956 of 00 degrees 20 minutes 45 seconds and run Easterly
17957 along the South line said Eastover Drive for a distance
17958 of 472.74 feet to the POINT OF BEGINNING, containing 5.44
17959 acres more or less.

17960 (2) The Legislature recognizes that Mississippi's public
17961 two-year college system is the oldest system of its kind in the
17962 nation, and further recognizes that this system enjoys national
17963 notoriety and respect for its achievement and promotion of
17964 educational, civic, social and cultural excellence. The
17965 Legislature declares and finds that the purpose of this



17966 legislation is to promote, enhance and foster continued excellence
17967 in Mississippi's two-year college system and the overall
17968 educational development and improvement of the State of
17969 Mississippi and the educational, civic, social, cultural, moral
17970 and economic welfare thereof, and that such purposes will be
17971 accomplished by the conveyance of the above-described property to
17972 an organization within the aforesaid classification for
17973 construction of a national headquarters thereon.

17974 (3) The conveyance to be executed by the Department of
17975 Finance and Administration, acting through the Bureau of Building,
17976 Grounds and Real Property Management, shall be within the limits
17977 contained in Sections 29-1-205 and 29-1-209 and contain a
17978 provision reserving unto the state all oil, gas and mineral rights
17979 of every kind and character. The conveyance shall make provision
17980 for reasonable access to the conveyed premises over existing
17981 roadways and to existing utility lines for the benefit of the
17982 conveyed premises. The conveyance shall include terms granting to
17983 the Board of Trustees of State Institutions of Higher Learning, to
17984 the Mississippi Community College Board and to the Mississippi
17985 Authority for Educational Television reasonable rights to utilize
17986 the improvements to be constructed thereon, or portions thereof,
17987 for conference or meeting purposes, specifying the architectural
17988 style of the improvements and providing a reasonable setback of
17989 wooded undeveloped property contiguous to the improvements in
17990 order to maintain the natural environment of the site.



17991 (4) The conveyance herein shall be for such consideration as
17992 determined appropriate by the Public Procurement Review Board.
17993 Such consideration may be paid or provided in installments over a
17994 period of time (not to exceed twenty-five (25) years) and may also
17995 be provided in kind. In kind consideration may include the
17996 reasonable use of the improvements constructed on the property by
17997 the Board of Trustees of State Institutions of Higher Learning and
17998 its institutions, the Mississippi Community College Board and the
17999 community and junior colleges, and the Mississippi Authority for
18000 Educational Television and other state agencies, and the provision
18001 of leadership training certification programs for community and
18002 junior college faculty and others. Such in kind consideration may
18003 also constitute full and fair consideration for the property. In
18004 establishing consideration, the board may take into account the
18005 appraised value of the property, but shall allow reasonable credit
18006 to the purchaser for benefits accruing to the State of
18007 Mississippi, including the enhancement of the state's community
18008 and junior college program and the promotion of excellence in
18009 public education afforded by the location of such organization and
18010 its headquarters in this state, the increase in employment made
18011 possible, and that the only use which can be made of the conveyed
18012 premises is for the organization's national headquarters with
18013 reversion to the state otherwise.

18014 **SECTION 263.** Section 55-23-5, Mississippi Code of 1972, is
18015 brought forward as follows:



18016 55-23-5. There is hereby created a commission to be known as
18017 "The Mississippi Veterans Memorial Stadium Commission,"
18018 hereinafter sometimes referred to as the commission, which shall
18019 consist of six (6) members as follows:

18020 (a) One (1) member shall be appointed by the Mayor of
18021 the City of Jackson, Mississippi;

18022 (b) One (1) member shall be selected by the Board of
18023 Trustees of State Institutions of Higher Learning from among the
18024 membership of the board or shall be some other person designated
18025 by the board;

18026 (c) Two (2) members shall be appointed by the Governor
18027 from the state at large outside of Hinds County, Mississippi, and
18028 one (1) member shall be appointed by the Governor from Hinds
18029 County, Mississippi. The appointee from Hinds County may be
18030 selected from a list of three (3) persons submitted by the Hinds
18031 County Board of Supervisors to the Governor;

18032 (d) One (1) member shall be the President of Jackson
18033 State University, or his designee.

18034 Terms of members shall begin on May 1, 1987, as follows: Of
18035 the members appointed by the Governor, one (1) shall serve for a
18036 term of one (1) year, one (1) for a term of two (2) years and one
18037 (1) for a term of three (3) years; the member appointed by the
18038 Mayor of the City of Jackson shall serve for a term of four (4)
18039 years; and the member representing the Board of Trustees of State
18040 Institutions of Higher Learning shall serve for a term of five (5)



18041 years. Upon the expiration of the foregoing terms, members shall
18042 serve for terms of five (5) years each. The appointing authority
18043 shall fill any vacancy in the above terms by appointment of a
18044 member for the unexpired term. Members shall be eligible for
18045 reappointment. An appointed member serving on the commission on
18046 April 30, 1987, shall be eligible for appointment to the
18047 commission for a term beginning May 1, 1987, of either one (1),
18048 two (2), three (3), four (4) or five (5) years, if such member is
18049 otherwise qualified. One (1) member of the commission appointed
18050 by the Governor shall be a person knowledgeable in marketing with
18051 at least three (3) years actual experience therein and one (1)
18052 member appointed by the Governor shall be a person of recognized
18053 ability in a trade or business with at least five (5) years actual
18054 experience therein. From and after May 1, 1987, the name of the
18055 commission shall be the "Mississippi Veterans Memorial Stadium
18056 Commission" and any references in Sections 55-23-3 through
18057 55-23-11 to the Mississippi Memorial Stadium Commission or
18058 commission shall mean the Mississippi Veterans Memorial Stadium
18059 Commission unless the context clearly indicates a different
18060 meaning. From and after May 1, 1987, the stadium shall be known
18061 as the "Mississippi Veterans Memorial Stadium." The commission is
18062 authorized to accept donations of money, property or services from
18063 any public or private source to accomplish any physical
18064 replacement or alterations of stadium property necessary to
18065 accomplish the renaming of the stadium.



18066 The members of the commission shall serve without
18067 compensation except that members shall be paid their actual and
18068 necessary expenses in connection with the performance of their
18069 duties as members of the commission, including mileage, as
18070 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
18071 per diem as is authorized by Section 25-3-69, Mississippi Code of
18072 1972, while engaged in the performance of their duties. The
18073 expenses, mileage and per diem allowance shall be paid out of the
18074 Mississippi Veterans Memorial Stadium Fund.

18075 The commission shall elect from its membership a chairman who
18076 shall preside over meetings and a vice chairman who shall preside
18077 in the absence of the chairman. Three (3) members of the
18078 commission shall constitute a quorum for the transaction of any
18079 and all business of the commission.

18080 The powers of the commission shall be exercised by a majority
18081 of the members thereof, but it may delegate to one or more of its
18082 members, or to its agents and employees, such powers and duties as
18083 it may deem proper, and may adopt rules and regulations for the
18084 conduct of its business and affairs. The commission shall
18085 contract with a certified public accounting firm to conduct audits
18086 of concession and novelty sales by vendors at the stadium. The
18087 commission shall, as far as is practicable, provide that the cost
18088 of such audits shall be paid by the vendor of such concessions or
18089 novelties, or both.



18090 The commission shall appoint a director who shall have at
18091 least a bachelor's degree from an accredited university or
18092 college. The director shall have the responsibility for insuring
18093 the marketing of tickets to events conducted in the stadium, in
18094 addition to such other duties as the commission may designate.
18095 Before entering upon the duties of his office, the director shall
18096 give bond to the State of Mississippi in the sum of Fifty Thousand
18097 Dollars (\$50,000.00), and said bond shall be conditioned upon the
18098 faithful discharge and performance of his official duty. The
18099 principal and surety on said bond shall be liable thereunder to
18100 the state for double the amount of value of any money or property
18101 which the state may lose, if any, by reason of any wrongful or
18102 criminal act of said director. Said bond, when approved by the
18103 commission, shall be filed with the Secretary of State, and the
18104 premium thereon shall be paid from the Mississippi Veterans
18105 Memorial Stadium Fund.

18106 **SECTION 264.** Section 29-1-203, Mississippi Code of 1972, is
18107 brought forward as follows:

18108 29-1-203. (1) The Governor's Office of General Services is
18109 hereby authorized and empowered, in its discretion, to lease for a
18110 period of not more than twenty (20) years with an option to renew
18111 for a period of twenty (20) years all, or to rent on a monthly
18112 basis any part, of those lands being part of the southwest corner
18113 of Section 14, Township 6 North, Range 1 East, in the City of



18114 Jackson, Hinds County, Mississippi, and being more particularly
18115 described as follows:

18116 Beginning at southwest corner of West Broadmoor Subdivision,
18117 as recorded in Plat Book 6, Page 35, in the office of the Chancery
18118 Clerk of Hinds County, Mississippi, and run thence easterly along
18119 the south boundary of Lot I, of the aforesaid subdivision 261.4
18120 feet to the western right-of-way line of North State Street, run
18121 thence southwesterly along the western right-of-way line of North
18122 State Street, 111 feet, run thence westerly 242 feet, more or less
18123 to the point of beginning.

18124 The rental or lease shall be subject to the following terms
18125 and conditions:

18126 (a) That the Governor's Office of General Services find
18127 and determine that the said lands, or parts thereof, are neither
18128 now needed nor are they programmed by the State of Mississippi for
18129 governmental purposes within the period of the proposed term of
18130 said lease or rental.

18131 (b) That the annual amount paid for leased lands be in
18132 an amount of not less than seven and one-half percent (7-1/2%) of
18133 the current fair market value as determined by the averaging of at
18134 least two (2) appraisals. Thereafter, appraisals on said property
18135 may be made every five (5) years (computed from the date of the
18136 beginning of each such lease) at the insistence of either party
18137 and at the cost of the party demanding same, and the annual rental
18138 shall be adjusted in accordance with said appraisal. All such



18139 appraisals shall be based on land value less any improvements that
18140 may have been heretofore added by the leaseholder in possession,
18141 or that may hereafter be added by the leaseholder in possession;
18142 provided, however, that all improvements permanently affixed to
18143 any of the said lands under lease or rental as provided for herein
18144 shall become the property of the State of Mississippi upon final
18145 termination of such lease or rental.

18146 (c) That in the case of monthly rental of said lands or
18147 any part thereof, the Governor's Office of General Services be
18148 authorized to make such terms and agreements as to the amount and
18149 conditions thereof, and to follow such procedures as will insure a
18150 fair and equitable return to the state.

18151 (d) That all lease and rental monies from any such
18152 leases or rentals be deposited in the state land acquisition fund.

18153 (e) That nothing in this section be construed to
18154 authorize the sale or transfer of title to the said lands.

18155 (2) It is the intent and purpose of this section to provide
18156 a fair and equitable return for the lease or rental of said state
18157 lands. The Governor's Office of General Services is hereby
18158 empowered and authorized to follow such procedures and to make
18159 such arrangements, not inconsistent with the provisions here, as
18160 may be reasonably necessary to effect such purpose and intent.

18161 **SECTION 265.** Section 77-6-7, Mississippi Code of 1972, is
18162 brought forward as follows:



18163 77-6-7. There shall be created a local distribution company
18164 of the state to be known as the Municipal Gas Authority of
18165 Mississippi for the purpose of undertaking the planning,
18166 financing, development, acquisition, construction, reconstruction,
18167 improvement, enlargement, betterment, operation and maintenance of
18168 a project or projects to supply gas for present or future needs as
18169 an alternative or supplemental method of obtaining the benefits
18170 and assuming the responsibilities of ownership in a project. In
18171 determining whether or not membership in the authority for such
18172 purpose is in the best interests of the municipalities, the
18173 utility commissions shall take into consideration, but shall not
18174 be limited to the following:

18175 (a) Whether or not a separate entity may be able to
18176 finance the cost of projects in a more efficient and economical
18177 manner;

18178 (b) Whether or not better financial market acceptance
18179 may result if one (1) entity is responsible for issuing all of the
18180 bonds required for a project or projects in a timely and orderly
18181 manner and with a uniform credit rating instead of multiple
18182 entities issuing separate issues of bonds;

18183 (c) Whether or not savings and other advantages may be
18184 obtained by providing a separate entity responsible for the
18185 acquisition, construction, ownership and operation of a project or
18186 projects; and



18187 (d) Whether or not the existence of such a separate
18188 entity will foster the continuation of joint planning and
18189 undertaking of projects, and the resulting economies and
18190 efficiencies to be derived from such joint planning and
18191 undertaking.

18192 If a utility commission shall determine that it is in the
18193 best interest of the municipality to become a member of the
18194 Municipal Gas Authority of Mississippi, it shall adopt a
18195 resolution so finding, which need not prescribe in detail the
18196 basis for the determination, and which shall set forth the names
18197 of the municipalities which are proposed to be initial members of
18198 the authority. Said resolution shall be certified to the governing
18199 authorities who shall thereupon disapprove or ratify the
18200 determination of said utility commission by resolution or
18201 ordinance spread upon its official minutes. The governing
18202 authorities shall cause notice of such determination to be given
18203 to the presiding officer of the utility commission of the
18204 municipality, which utility commission shall thereupon appoint in
18205 writing one (1) commissioner of the authority, which commissioner
18206 may, in the discretion of the utility commission, be an officer or
18207 employee of the municipality.

18208 All such resolutions of intent to become initial members of
18209 the authority shall be presented, by the appointed commissioner of
18210 such utility commission, at its organizational meeting which shall
18211 be held in the old Supreme Court chamber of the New Capitol at



18212 2:00 p.m. on May 16, 1988. The commissioners shall organize and
18213 elect a chairman and other such officers as may be desirable in
18214 the determination of the commissioners.

18215 The authority shall have its principal office in Hinds County
18216 and its legal situs or residence for the purposes of this chapter
18217 shall be Hinds County.

18218 **SECTION 266.** Section 55-23-13, Mississippi Code of 1972, is
18219 brought forward as follows:

18220 55-23-13. The State Highway Department is hereby authorized
18221 and empowered to maintain the driveways which lead to the
18222 Mississippi Veterans Memorial Stadium and are a part of the
18223 state-owned real property under the jurisdiction of the
18224 Mississippi Veterans Memorial Stadium Commission. In carrying out
18225 this section, the department is authorized to use its personnel,
18226 funds, equipment and machinery, and it may accept donations of
18227 funds from said commission, the City of Jackson, and Hinds County,
18228 which funds are hereby authorized to be expended, and other grants
18229 and bequests for carrying out the provisions of this section.

18230 **SECTION 267.** Section 83-53-41, Mississippi Code of 1972, is
18231 brought forward as follows:

18232 83-53-41. If the order of the commissioner under Section
18233 83-53-35 does not charge a violation of this chapter or any rule
18234 or regulation pursuant thereto, then any petitioner or intervenor
18235 in the proceedings may, within thirty (30) days after the service
18236 of such report, file a petition or complaint in the Circuit Court



18237 of Hinds County for a review of such order. Upon such review, the
18238 court shall have the authority to issue appropriate orders and
18239 decrees in connection therewith, including orders enjoining and
18240 restraining the continuance of any act which it finds,
18241 notwithstanding such order of the commissioner, constitutes a
18242 violation of this chapter or any rule or regulation issued
18243 pursuant thereto.

18244 **SECTION 268.** Section 99-35-127, Mississippi Code of 1972, is
18245 brought forward as follows:

18246 99-35-127. The sheriff of Hinds County shall receive and
18247 safely keep, according to the order of the supreme court, all
18248 persons ordered into his custody. The sheriff shall be paid his
18249 fees therefor out of the treasury of the proper county, or out of
18250 the state appropriation for the judicial department, when
18251 certified by the supreme court.

18252 **SECTION 269.** Section 9-3-31, Mississippi Code of 1972, is
18253 brought forward as follows:

18254 9-3-31. The Supreme Court may at any time require the
18255 sheriff of Hinds county, with a competent number of deputies, to
18256 attend and perform all lawful orders of the court; and, for any
18257 failure in this, after notice of the requirement by the court, the
18258 sheriff may be punished by the court for a contempt; and for
18259 attending the court he shall be allowed two dollars a day for each
18260 person so attending, to be paid as the marshal and porter are
18261 paid. And at all times, when proper, the court shall dispense with



18262 the services of a marshal and require the said sheriff to perform
18263 all its duties.

18264 **SECTION 270.** Section 29-5-107, Mississippi Code of 1972, is
18265 brought forward as follows:

18266 29-5-107. The Mississippi Department of Transportation
18267 Building, located at 401 North West Street in Jackson, Hinds
18268 County, Mississippi, shall be renamed the "William J. 'Billy'
18269 McCoy Building." The Department of Finance and Administration
18270 shall prepare or have prepared a distinctive plaque, to be placed
18271 in a prominent place within the building, that states the
18272 background, accomplishments and service to the state of the
18273 Honorable William J. "Billy" McCoy. The Department of Finance and
18274 Administration in conjunction with the Mississippi Department of
18275 Transportation shall erect or cause to be erected proper lettering
18276 or signage on the eastern outdoor facade of the building facing
18277 North West Street displaying the official name of the building as
18278 the "William J. 'Billy' McCoy Building."

18279 **SECTION 271.** Section 31-29-15, Mississippi Code of 1972, is
18280 brought forward as follows:

18281 31-29-15. Such general obligation bonds may be issued
18282 without any other proceedings or the happening of any other
18283 conditions or things than those proceedings, conditions and things
18284 which are specified or required by this chapter. Any resolution
18285 providing for the issuance of general obligation bonds under the
18286 provisions of this chapter shall become effective immediately upon



18287 its adoption by the State Bond Commission, and any such resolution
18288 may be adopted at any regular, special or adjourned meeting of the
18289 State Bond Commission by a majority of its members.

18290 The bonds authorized under the authority of this chapter may,
18291 in the discretion of the State Bond Commission, be validated in
18292 the Chancery Court of Hinds County, Mississippi, in the manner and
18293 with the force and effect provided now or hereafter by Chapter 13,
18294 Title 31, Mississippi Code of 1972, for the validation of county,
18295 municipal, school district and other bonds. The necessary papers
18296 for such validation proceedings shall be transmitted to the State
18297 Bond Commission, and the required notice shall be published in a
18298 newspaper published in the City of Jackson, Mississippi.

18299 **SECTION 272.** Section 31-27-23, Mississippi Code of 1972, is
18300 brought forward as follows:

18301 31-27-23. The refunding bonds authorized under authority of
18302 this chapter may, in the discretion of the governing body of the
18303 governmental unit, be validated in the chancery court of the
18304 county in which the governing body resides in the manner and with
18305 the force and effect provided now or hereafter by Chapter 13,
18306 Title 31, Mississippi Code of 1972, for the validation of
18307 municipal bonds. If the governing body is the State Bond
18308 Commission, the residence of the commission shall be Hinds County
18309 for the purposes of this section. The necessary papers shall be
18310 transmitted to the state's bond attorney by the governing body,
18311 and the required notice shall be published in a newspaper having



18312 general circulation in the State of Mississippi or the county in
18313 which the refunding bonds are to be validated.

18314 **SECTION 273.** Section 37-47-59, Mississippi Code of 1972, is
18315 brought forward as follows:

18316 37-47-59. All bonds issued under the authority of this
18317 chapter may, in the discretion of the state bond commission, be
18318 validated in the chancery court of Hinds County, Mississippi, in
18319 the manner and with the force and effect now or hereafter provided
18320 by Chapter 13, Title 31, of the Mississippi Code of 1972. In the
18321 event of such validation, the necessary papers shall be
18322 transmitted to the state bond attorney by the secretary of said
18323 state bond commission and the required notice shall be addressed
18324 to the taxpayers of the State of Mississippi and shall be
18325 published in a newspaper of general circulation published in the
18326 City of Jackson, Mississippi.

18327 **SECTION 274.** Section 83-53-37, Mississippi Code of 1972, is
18328 brought forward as follows:

18329 83-53-37. Any person affected by an order of the
18330 commissioner under Section 83-53-35 may obtain a review of such
18331 order by filing in the Circuit Court of Hinds County, within
18332 thirty (30) days from the date of the service of such order, a
18333 complaint praying that the order of the commissioner be modified
18334 or set aside. A copy of such petition or complaint shall be
18335 forthwith served upon the commissioner, and thereupon the
18336 commissioner forthwith shall certify and file in such court a



18337 transcript of the entire record in the proceeding, including all
18338 the evidence taken and the findings and order of the commissioner.
18339 Upon such filing of the petition and transcript, such court shall
18340 have jurisdiction of the proceedings and of the question
18341 determined therein, shall determine whether the filing of such
18342 petition shall operate as a stay of such order of the
18343 commissioner, and shall have power to make and enter upon the
18344 pleadings, evidence and proceedings set forth in such transcript a
18345 judgment modifying, affirming or reversing the order of the
18346 commissioner, in whole or in part. Any party, including the
18347 commissioner, aggrieved by a final decision of said circuit court,
18348 may appeal to the Supreme Court in the manner provided by law.

18349 **SECTION 275.** Section 69-2-15, Mississippi Code of 1972, is
18350 brought forward as follows:

18351 69-2-15. (1) Any lender which has made a loan to a farmer
18352 to finance the nonland capital costs of establishing production of
18353 an emerging crop on land in Mississippi may make application to
18354 the department for payment of the interest on the loan during the
18355 period from beginning of production to harvest or initial sale of
18356 the product, which payment shall be made from the fund. The
18357 maximum amount of interest loans from the fund for the benefit of
18358 any one (1) farmer shall be Fifty Thousand Dollars (\$50,000.00).
18359 During the period that the department pays the interest on a loan,
18360 the maximum rate of interest which may be charged on the loan by
18361 the lender shall be four percent (4%) per annum above the New York



18362 prime rate. By payment of the interest on a loan, neither the
18363 department nor the State of Mississippi shall be a guarantor of
18364 the loan, but the state shall have a lien junior to any lien that
18365 the lender may have on the loan.

18366 (2) If a farmer defaults on the interest loan the Attorney
18367 General of the State of Mississippi shall take the necessary legal
18368 action, as soon as practicable, to recover the monies due and
18369 owing to the State of Mississippi. A suit against a defaulting
18370 party under this section may be brought in the county in which the
18371 lender is located, or in any Hinds County court.

18372 **SECTION 276.** Section 33-11-17, Mississippi Code of 1972, is
18373 brought forward as follows:

18374 33-11-17. The Adjutant General is authorized to lease the
18375 Camp Shelby training site for oil and gas and other minerals
18376 exploration and to expend revenues therefrom in maintaining and
18377 developing the facilities.

18378 He shall cause to be published a legal notice of the proposed
18379 lease once each week for three (3) consecutive weeks in a
18380 newspaper of general circulation published in Forrest, Harrison
18381 and Hinds Counties and in not less than one (1) oil and gas
18382 periodical having general circulation in this state, with the last
18383 publication to be completed not less than ten (10) days from the
18384 date sealed bids are to be received. All bids will be accompanied
18385 by a five percent (5%) bid bond in the form of a certified or
18386 cashier's check or in the form of a bid bond of a surety company



18387 qualified to do business in this state. If the Adjutant General
18388 deems the highest and best bid acceptable, he will make his
18389 recommendations in writing to the state oil and gas board for its
18390 consideration. The board is hereby authorized to either approve
18391 or disapprove the bid or bids, which action shall become final.
18392 Any such lease executed by the Adjutant General for oil, gas and
18393 for other minerals shall contain contractual provisions which
18394 shall not be for more than seven-eighths ($\frac{7}{8}$) of such oil, gas and
18395 for other minerals, retaining to the state at least one-eighth ($\frac{1}{8}$)
18396 royalty to be paid as prescribed by the state oil and gas board.
18397 No lease shall be for a primary term in excess of six (6) years.

18398 **SECTION 277.** Section 99-11-39, Mississippi Code of 1972, is
18399 brought forward as follows:

18400 99-11-39. (1) In Harrison County, a county having two (2)
18401 judicial districts, in all criminal cases where the venue thereof
18402 shall be changed, or the trial transferred or removed from one
18403 district to the other, the original papers, together with
18404 certified copies of all motions, orders and decrees made and
18405 entered in such suits, proceedings, matters and cases, shall be
18406 transmitted, transferred and filed by the proper clerk to and in
18407 his office at the proper place to which such change of venue or
18408 transfer shall be made.

18409 (2) In Hinds County, a county having two (2) judicial
18410 districts, in all criminal cases where the venue thereof may be
18411 changed, or the trial transferred or removed from one district to



18412 the other, the original papers, together with certified copies of
18413 all motions, orders and decrees made and entered in such suits,
18414 proceedings, matters and cases, may be transmitted, transferred
18415 and filed by the proper clerk to and in his office at the proper
18416 place to which such change of venue or transfer may be made.

18417 **SECTION 278.** Section 27-35-527, Mississippi Code of 1972, is
18418 brought forward as follows:

18419 27-35-527. Any company, failing to make a report to the
18420 Mississippi Tax Commission as herein required, or which shall fail
18421 to comply with any of the above provisions, shall be prohibited
18422 from doing business in the State of Mississippi, or operating its
18423 rolling stock over any railroad in the State of Mississippi; and
18424 it shall be the duty of the chancery court of Hinds County, upon
18425 application of the state tax commission, to issue an injunction
18426 prohibiting all such companies who have failed or refused to
18427 comply with the provisions of this article from further operating
18428 their rolling stock over any railroad in the State of Mississippi.
18429 Provided that all such companies shall have the right to have the
18430 injunction issued as above mentioned, dissolved on showing to the
18431 court that they have complied with the provisions of this article.

18432 **SECTION 279.** Section 29-5-113, Mississippi Code of 1972, is
18433 brought forward as follows:

18434 29-5-113. The Mississippi Department Of Environmental
18435 Quality Building, located at 515 East Amite Street in Jackson,
18436 Hinds County, Mississippi, shall be renamed the "Patrick Alan



18437 Nunnelee Building." The Department of Finance and Administration
18438 shall prepare or have prepared a distinctive plaque, to be placed
18439 in a prominent place within the building, that states the
18440 background, accomplishments and service to the state of the
18441 Honorable Congressman Patrick Alan Nunnelee. The Department of
18442 Finance and Administration in conjunction with the Mississippi
18443 Department Of Environmental Quality shall erect or cause to be
18444 erected proper lettering or signage on the northern outdoor facade
18445 of the building facing Amite Street displaying the official name
18446 of the building as the "Patrick Alan Nunnelee Building." Any and
18447 all funds necessary to accomplish this act will be appropriated by
18448 the Legislature for such purpose.

18449 **SECTION 280.** Section 61-1-45, Mississippi Code of 1972, is
18450 brought forward as follows:

18451 61-1-45. Every order of the commission requiring performance
18452 of certain acts or compliance with certain requirements, and every
18453 denial or revocation of an approval, certificate or license, shall
18454 set forth the reasons and shall state the acts to be done or
18455 requirements to be met before approval by the commission will be
18456 given or the approval, license or certificate granted or restored
18457 or the order modified or changed. Orders issued by the commission
18458 pursuant to the provisions of this chapter shall be served upon
18459 the persons affected either by registered mail or in person. In
18460 every case where notice and opportunity for hearing are required
18461 under the provisions of this chapter the order of the commission



18462 shall, on not less than thirty days' notice, specify a time when
18463 and place where the person affected may be heard, or the time
18464 within which he may request hearing. Such order shall become
18465 effective upon the expiration of the time for exercising such
18466 opportunity for hearing, unless a hearing is held or requested
18467 within the time provided, in which case the order shall be
18468 suspended until the commission shall affirm, disaffirm or modify
18469 such order after hearing held or default by the person affected.
18470 To the extent practicable, hearings on such orders shall be held
18471 in the county where the affected person resides or does business.
18472 Any person aggrieved by an order of the commission or by the
18473 grant, denial or revocation of any approval, license or
18474 certificate may have the action of the commission reviewed by the
18475 circuit court of Hinds County, Mississippi, on appeal thereto.

18476 **SECTION 281.** Section 69-1-47, Mississippi Code of 1972, is
18477 brought forward as follows:

18478 69-1-47. The Mississippi Department of Agriculture and
18479 Commerce is hereby authorized and empowered, subject to the
18480 approval of the Department of Finance and Administration to
18481 borrow, from time to time, an amount not to exceed One Hundred
18482 Fifty Thousand Dollars (\$150,000.00) in the aggregate for repairs
18483 and renovations at the Farmers' Market in Jackson, Hinds County,
18484 Mississippi.

18485 The rental proceeds received by the Central Market Board
18486 shall be pledged for the payment of the principal of and interest



18487 on such loan, which shall not exceed a term of ten (10) years and
18488 shall bear an interest rate not to exceed that provided in Section
18489 75-17-101, Mississippi Code of 1972.

18490 **SECTION 282.** Section 73-30-11, Mississippi Code of 1972, is
18491 brought forward as follows:

18492 73-30-11. Following a decision by the board not to license,
18493 the applicant may request a hearing at the next regularly
18494 scheduled meeting of the board. The applicant will be notified of
18495 the decision of the majority of the board members within sixty
18496 (60) days of the hearing. Upon a final decision by the board not
18497 to license, the applicant may (after waiting a period of at least
18498 one (1) year) resubmit the application accompanied by new evidence
18499 and a nonrefundable application fee of One Hundred Dollars
18500 (\$100.00) for reconsideration for licensure.

18501 The applicant may appeal the decision of the board to the
18502 circuit court of the county of the applicant's residence. If an
18503 applicant does not reside in Mississippi, the applicant may appeal
18504 the decision of the board to the Hinds County Circuit Court. Any
18505 appeal to the circuit court must be taken within thirty (30) days
18506 of the date of the board's decision. An appeal of the decision of
18507 the circuit court may be taken to the Mississippi Supreme Court
18508 not later than sixty (60) days from the date of the decision by
18509 the circuit court.

18510 **SECTION 283.** Section 37-104-27, Mississippi Code of 1972, is
18511 brought forward as follows:



18512 37-104-27. Revenue bonds may be issued without any other
18513 proceeding or the happening of any other conditions or things than
18514 those proceedings, conditions and things which are specified or
18515 required in this chapter. The revenue bonds authorized under this
18516 chapter may, in the discretion of the Authority, be validated by
18517 the Chancery Court of Hinds County, Mississippi, in the manner and
18518 with the force and effect provided now or hereafter by Sections
18519 31-13-1 through 31-13-11, Mississippi Code of 1972, for the
18520 validation of county, municipal, school district and other bonds.
18521 The necessary papers for such validation proceedings shall be
18522 transmitted to the State Bond Attorney by the Authority and the
18523 required notice shall be published in a newspaper published in the
18524 City of Jackson, Mississippi.

18525 **SECTION 284.** Section 37-125-5, Mississippi Code of 1972, is
18526 brought forward as follows:

18527 37-125-5. The Jackson State College shall be located on the
18528 property situated near the City of Jackson, Hinds County,
18529 Mississippi, and containing forty-nine acres more or less north of
18530 the Y. & M. V. railroad, west of Dalton street, Section 9,
18531 township 6, range 1, east, and otherwise known as Jackson College.

18532 **SECTION 285.** Section 59-5-49, Mississippi Code of 1972, is
18533 brought forward as follows:

18534 59-5-49. Such bonds as are authorized by this chapter may be
18535 issued without any other proceedings or the happening of any other
18536 conditions or things than those proceedings, conditions, and



18537 things which are specified or required by this chapter. The bonds
18538 authorized under the authority of this chapter may, in the
18539 discretion of the State Bond Commission, be validated in the
18540 chancery court of Hinds County, Mississippi, in the manner and
18541 with the force and effect provided now or hereafter by Sections
18542 31-13-1 through 31-13-11, Mississippi Code of 1972, for the
18543 validation of county, municipal, school district, and other bonds.
18544 The necessary papers for such validation proceedings shall be
18545 transmitted to the State Bond Attorney by the ATTORNEY GENERAL,
18546 and the required notice shall be published in a newspaper
18547 published in the City of Jackson, Mississippi, and in a newspaper
18548 of general circulation published in the city or county where the
18549 planned development is located.

18550 **SECTION 286.** Section 73-1-41, Mississippi Code of 1972, is
18551 brought forward as follows:

18552 73-1-41. The venue of action against the State Board of
18553 Architecture wherein said board is a defendant shall be in Hinds
18554 County.

18555 **SECTION 287.** Section 59-17-39, Mississippi Code of 1972, is
18556 brought forward as follows:

18557 59-17-39. Such bonds as are issued under this chapter may be
18558 issued without any other proceedings or the happening of any other
18559 conditions or things than those proceedings, conditions, and
18560 things which are specified or required by this chapter. The bonds
18561 authorized under the authority of this chapter may, in the



18562 discretion of the State Bond Commission, be validated in the
18563 Chancery Court of Hinds County, Mississippi, in the manner and
18564 with the force and effect provided now or hereafter by Sections
18565 31-13-1 through 31-13-11, Mississippi Code of 1971, for the
18566 validation of county, municipal, school district, and other bonds.
18567 The necessary papers for such validation proceedings shall be
18568 transmitted to the State Bond Attorney by the Attorney General,
18569 and the required notice shall be published in a newspaper
18570 published in the City of Jackson, Mississippi, and in a newspaper
18571 of general circulation published in the city or county where the
18572 planned development is located.

18573 **SECTION 288.** Section 23-15-1037, Mississippi Code of 1972,
18574 is brought forward as follows:

18575 23-15-1037. (1) The State of Mississippi is hereby divided
18576 into four (4) congressional districts below:

18577 **FIRST DISTRICT.** - The First Congressional District shall be
18578 composed of the following counties and portions of counties:

18579 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto,
18580 Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Pontotoc,
18581 Prentiss, Tate, Tippah, Tishomingo, Union, Webster; in Oktibbeha
18582 County, the precincts of Self Creek/Double Springs, Maben and
18583 *Sturgis/North Bradley.

18584 **SECOND DISTRICT.** - The Second Congressional District shall
18585 be composed of the following counties and portions of counties:



18586 Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma,
18587 Copiah, Franklin, Grenada, Holmes, Humphreys, Issaquena,
18588 Jefferson, Leake, Leflore, Montgomery, Panola, Quitman, Sharkey,
18589 Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson,
18590 Yalobusha, Yazoo; in Hinds County Precincts 1, 2, 4, 6, 10, 11,
18591 12, 13, *16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
18592 31, 37, 38, 39, 40, 41, 42, 43, 45, *46, 47, 49, 50, 51, 52, 54,
18593 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72,
18594 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89,
18595 90, 91, 92, 93, 94, 95, 96, 97, and the precincts of Bolton,
18596 Brownsville, Byram 1, Byram 2, Byram 3, Cayuga, Chapel Hill,
18597 Clinton 1, Clinton 2, Clinton 3, Clinton 4, Clinton 5, Clinton 6,
18598 Clinton 7, Cynthia, Dry Grove, Edwards, Learned, Old Byram, Pine
18599 Haven, Pocahontas, Raymond 1, Raymond 2, Spring Ridge, St. Thomas,
18600 Terry 1, Terry 2, Tinnin, Utica 1 and Utica 2; in Madison County
18601 the precincts of Anderson Lodge, Camden, Cameron, Canton Bible
18602 Church, Canton Catholic Parish Center, Canton Community Center,
18603 Canton Fire Station #4, *Canton National Guard Armory, Canton
18604 South Liberty, Canton St. Paul Methodist, Cedar Grove, *Colonial
18605 Heights, Couparle, Farmhaven Fire Station, Greater Mt. Levi
18606 Church, Madison County Baptist Family Life Center, Magnolia
18607 Heights, Mount Hope, Pleasant Gift Church, Pleasant Green,
18608 Tougaloo.

18609 **THIRD DISTRICT.** — The Third Congressional District shall be
18610 composed of the following counties and portions of counties:



18611 Clarke, Covington, Jasper, Jefferson Davis, Kemper,
18612 Lauderdale, Lawrence, Lincoln, Marion, Neshoba, Newton, Noxubee,
18613 Pike, Rankin, Scott, Simpson, Smith, Walthall, Winston; in Hinds
18614 County the precincts of 8, 9, 14, *16, 17, 32, 33, 34, 35, 36, 44,
18615 *46 and 78; in Jones County the precincts of Matthews, Shady
18616 Grove, Sharon, and Sandersville Civic Center; in Madison County
18617 the precincts of First Presbyterian, *Canton National Guard
18618 Armory, China Grove, *Colonial Heights, Fellowship Baptist Church,
18619 Ferns Chapel Freewill, First Baptist, Franklin Bible Church,
18620 Gluckstadt, Grace Crossing, Highland Colony Baptist Church, Lake
18621 Caroline Clubhouse, Mark Apartments, New Life, NorthBay, Parkway
18622 Church, Ridgeland First Methodist Church, Ridgeland Recreational
18623 Center, SunnyBrook, Trace Ridge, Twin Lakes Baptist, Vertical
18624 Church, Victory Baptist Church and Victory Christian; in Oktibbeha
18625 County the precincts of Bell Schoolhouse, Center Grove/North
18626 Adaton, Central Starkville, Craig Springs/South Bradley, East
18627 Starkville, Hickory Grove/Southeast Oktibbeha, Needmore Voting
18628 District, North Longview, North Starkville 2, North Starkville 3,
18629 Oktoc, Osborn, Sessums, South Adaton, South Longview, South
18630 Starkville, *Sturgis/North Bradley and West Starkville.

18631 **FOURTH DISTRICT.** — The Fourth Congressional District shall
18632 be composed of the following counties and portions of counties:

18633 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar,
18634 Pearl River, Perry, Stone, Wayne; in Jones County the precincts of
18635 Antioch, Blackwell, Bruce, Calhoun, Centerville, County Barn,



18636 Currie, Erata, G.V. Harrison Multipurpose Building, Gitano, Glade
18637 School, Hebron, Johnson, Landrum Community Center, Lt. Ellis
18638 Center, Magnolia Center, Mauldin Community Center, Moselle,
18639 Myrick, North Laurel, Oak Park School, Ovett, Parkview Baptist
18640 Church, Pinegrove, Pleasant Ridge, Powers Community Center,
18641 Rainey, Rustin, Sandhill, Shelton, Soso, Tuckers, Union and West
18642 Ellisville.

18643 (2) The boundaries of the congressional districts described
18644 in subsection (1) of this section shall be the boundaries of the
18645 counties along such congressional district boundaries as the
18646 boundaries of such counties existed on January 1, 2022, and the
18647 precinct boundaries along such congressional district boundaries
18648 as such precinct boundaries are contained in Census Bureau's P.L.
18649 94-171 geographic support products provided for use with the
18650 September 16th data deliveries officially called the "2020 Census
18651 State Redistricting Data (Public Law 94-171) Summary Files."

18652 **SECTION 289.** Section 71-15-7, Mississippi Code of 1972, is
18653 brought forward as follows:

18654 71-15-7. (1) The state shall retain the exclusive authority
18655 to require an employer or multiemployer association to accept or
18656 otherwise agree to any provisions of a labor peace agreement or
18657 any provisions that are mandatory or nonmandatory subjects of
18658 collective bargaining under federal labor laws, including, but not
18659 limited to, any limitations on an employer or multiemployer
18660 association's rights to engage in collective bargaining with a



18661 labor organization, to lock out employees, or to operate during a
18662 work stoppage; however, this subsection shall not invalidate or
18663 otherwise restrict the state from requiring the use of project
18664 labor agreements to the extent permissible under federal labor
18665 laws.

18666 (2) This section shall be interpreted and enforced in a
18667 manner that is consistent with the National Labor Relations Act,
18668 compiled in 29 USCS, Section 151 et seq.

18669 (3) Any agreement, contract, understanding or practice,
18670 written or oral, implied or expressed, between any employer and
18671 any labor organization containing requirements in violation of
18672 this section is declared to be unlawful, null and void, and of no
18673 legal effect.

18674 (4) An employer or employee may seek injunctive relief in
18675 the Chancery Court of Hinds County, Mississippi, for violations of
18676 the provisions of this section.

18677 **SECTION 290.** Section 19-1-49, Mississippi Code of 1972, is
18678 brought forward as follows:

18679 19-1-49. Hinds County is bounded by beginning at a point on
18680 Big Black River where the line between ranges two and three, west,
18681 intersects said river; thence south on said range line to the
18682 lines between townships seven and eight; thence east on said
18683 township line to the Choctaw basis meridian; thence south on said
18684 meridian line to the line between townships six and seven; thence
18685 east on said township line to Pearl River; thence down said river,



18686 with its meanderings, to the line between townships two and three;
18687 thence west with said township line to the old Choctaw boundary
18688 line; thence north on said Choctaw boundary line to Big Black
18689 River; thence up said river, with the meanderings thereof, to the
18690 beginning. The county sites are Jackson and Raymond.

18691 **SECTION 291.** Section 29-5-111, Mississippi Code of 1972, is
18692 brought forward as follows:

18693 29-5-111. The Public Employees' Retirement System of
18694 Mississippi Building, located at 429 Mississippi Street in
18695 Jackson, Hinds County, Mississippi, shall be renamed the "Timothy
18696 Alan (Tim) Ford Building." The Department of Finance and
18697 Administration shall prepare or have prepared a distinctive
18698 plaque, to be placed in a prominent place within the building,
18699 that states the background, accomplishments and service to the
18700 state of the Honorable Timothy Alan (Tim) Ford. The Department of
18701 Finance and Administration in conjunction with the Public
18702 Employees' Retirement System of Mississippi shall erect or cause
18703 to be erected proper lettering or signage on the northern outdoor
18704 facade of the building facing Mississippi Street displaying the
18705 official name of the building as the "Timothy Alan (Tim) Ford
18706 Building." Nothing in this section shall infringe on the
18707 authority or responsibilities of the Board of Trustees as it
18708 relates to the ownership of the Public Employees' Retirement
18709 System of Mississippi Building. The Public Employees' Retirement
18710 System of Mississippi Building is an asset of the Public



18711 Employees' Retirement System Trust Fund by virtue of the
18712 Constitution, Section 272-A, and title thereto shall remain in the
18713 name of the system. Accordingly, no funds of the system shall be
18714 used in the implementation of this section. Any and all funds
18715 necessary to accomplish this section will be appropriated by the
18716 Legislature for such purpose.

18717 **SECTION 292.** Section 83-5-47, Mississippi Code of 1972, is
18718 brought forward as follows:

18719 83-5-47. If the report of the commissioner does not charge a
18720 violation of Sections 83-5-29 through 83-5-51, then any intervenor
18721 in the proceedings may, within ten (10) days after the service of
18722 such report, cause a notice of appeal to be filed in the Circuit
18723 Court of Hinds County for a review of such report. Upon such
18724 review, the court shall have authority to issue appropriate orders
18725 and decrees in connection therewith, including, if the court finds
18726 that it is to the interest of the public, orders enjoining and
18727 restraining the continuance of any method of competition, act, or
18728 practice which it finds, notwithstanding such report of the
18729 commissioner, constitutes a violation of the cited sections.

18730 **SECTION 293.** Section 37-115-48, Mississippi Code of 1972, is
18731 brought forward as follows:

18732 37-115-48. (1) The University of Mississippi Medical Center
18733 is authorized, in its discretion, to rearrange or disinter, remove
18734 or reinter, where applicable, human remains reposing in the
18735 potter's field located on the University of Mississippi Medical



18736 Center's property to a different location on the medical center's
18737 property when the disinterment, removal or reinterment, where
18738 applicable, is necessary for proper and efficient maintenance and
18739 management.

18740 (2) Markers, headstones, or other identification shall
18741 accompany the remains whenever identification exists, and a record
18742 of the removal and reinterment, where applicable, shall be
18743 maintained in the files of the Chancery Clerk of Hinds County,
18744 Mississippi.

18745 (3) Before taking any action authorized under this section,
18746 the University of Mississippi Medical Center shall first advertise
18747 its intent to rearrange, disinter, remove or reinter, where
18748 applicable, remains from the property by publishing notice in a
18749 newspaper of the county once a week for three (3) consecutive
18750 weeks.

18751 (4) The University of Mississippi Medical Center and its
18752 officers and employees shall be immune from any action or suit
18753 arising from the maintenance or attempted maintenance of the
18754 potter's field and the rearrangement, removal or reinterment,
18755 where applicable, of remains, when performed in good faith under
18756 authority of this section.

18757 **SECTION 294.** Section 37-115-105, Mississippi Code of 1972,
18758 is brought forward as follows:

18759 37-115-105. The school of dentistry created and authorized
18760 by Sections 37-115-101 through 37-115-111 shall be in operation



18761 within three (3) years from the date the legislature makes funds
18762 available for the construction of a building to house said school;
18763 provided, however, that no staff may be employed and no
18764 construction may begin until one million two hundred fifty
18765 thousand dollars (\$1,250,000.00) from the City of Jackson and one
18766 million two hundred fifty thousand dollars (\$1,250,000.00) from
18767 Hinds County has been deposited in the state treasury for use by
18768 the building commission in construction and furnishing of the
18769 dental school. The board of trustees of state institutions of
18770 higher learning is authorized and directed to take any and all
18771 necessary and proper actions for the implementation of this
18772 section.

18773 **SECTION 295.** Section 45-1-19, Mississippi Code of 1972, is
18774 brought forward as follows:

18775 45-1-19. (1) The Department of Public Safety, through the
18776 Office of Capitol Police, shall have jurisdiction relative to the
18777 enforcement of all laws of the State of Mississippi on the
18778 properties, from curb to curb, including adjoining streets,
18779 sidewalks and leased parking lots within the Capitol Complex, set
18780 forth in Section 29-5-2, the Court of Appeals Building, the
18781 Mississippi Department of Transportation Building and the Public
18782 Employees' Retirement System Building, and any property purchased,
18783 constructed or otherwise acquired by the State of Mississippi for
18784 conducting state business and not specifically under the
18785 supervision and care by any other state entity, but which is



18786 reasonably assumed the Department of Public Safety would be
18787 responsible for such. The Department of Public Safety shall,
18788 through any person or persons appointed by the commissioner, make
18789 arrests for any violation of any law of the State of Mississippi
18790 on the grounds of or within those properties. The Department of
18791 Public Safety shall, in addition, enforce the provisions of this
18792 section and Sections 29-5-57 through 29-5-67, 29-5-73 through
18793 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and
18794 regulations as are necessary therefor. The powers and duties
18795 related to the administration of Sections 29-5-57 through 29-5-67,
18796 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain
18797 with the Department of Finance and Administration.

18798 (2) Subject to the approval of the Board of Trustees of
18799 State Institutions of Higher Learning, the Board of Trustees and
18800 the Department of Public Safety shall be authorized to enter into
18801 a contract for the Department of Public Safety to supply the
18802 security personnel with jurisdiction to enforce all laws of the
18803 State of Mississippi on the property of the Board of Trustees
18804 located at the corner of Ridgewood Road and Lakeland Drive in the
18805 City of Jackson.

18806 (3) The Department of Public Safety and the Department of
18807 Agriculture are authorized to enter into a contract for the
18808 Department of Public Safety to have jurisdiction and enforce all
18809 laws of the State of Mississippi on the property of the Department
18810 of Agriculture located at 121 North Jefferson Street and the new



18811 Farmers Market Building located at the corner of High and
18812 Jefferson Streets in the City of Jackson, Hinds County,
18813 Mississippi. It is the intent of the Legislature that the
18814 Department of Public Safety will not post any security personnel
18815 at such buildings, but will provide regular vehicle patrols and
18816 responses to security system alarms.

18817 (4) The Department of Public Safety and the Mississippi Fair
18818 Commission are authorized to enter into a contract for the
18819 Department of Public Safety to have jurisdiction and enforce all
18820 laws of the State of Mississippi on the property of the
18821 Mississippi Fair Commission known as the "Mississippi State
18822 Fairgrounds Complex" and any and all of its outlying buildings and
18823 property. The Department of Public Safety and the Mississippi
18824 Fair Commission are authorized to enter into a contract for the
18825 Department of Public Safety to supply the security personnel to
18826 the Mississippi Fair Commission with jurisdiction to enforce all
18827 laws of the State of Mississippi on this property and any and all
18828 buildings on this property.

18829 (5) The Department of Public Safety and the Department of
18830 Revenue are authorized to enter into a contract for the Department
18831 of Public Safety to supply the security personnel with
18832 jurisdiction to enforce all laws of the State of Mississippi at
18833 the Alcoholic Beverage Control facility and the Department of
18834 Revenue main office.



18835 (6) The Department of Public Safety shall have jurisdiction
18836 relative to the enforcement of all laws of the State of
18837 Mississippi within the boundaries of the Capitol Complex
18838 Improvement District created in Section 29-5-203. The Department
18839 of Public Safety shall, through any person or persons appointed by
18840 the Department of Public Safety, make arrests for any violation of
18841 any law of the State of Mississippi which occurs within the
18842 boundaries of the district. The jurisdiction of the Department of
18843 Public Safety under this subsection (6) shall be concurrent with
18844 the jurisdiction of the City of Jackson, Mississippi, and that of
18845 Hinds County, Mississippi. At any time and/or during any event
18846 necessitating the coordination of and/or utilization at multiple
18847 jurisdictions, the Department of Public Safety shall be the lead
18848 agency when the event occurs on property as defined herein. The
18849 jurisdiction and authority of the Department of Public Safety
18850 under this subsection (6) shall be in addition to any other
18851 jurisdiction and authority provided to the department under this
18852 section or any other law.

18853 (7) The Department of Public Safety is authorized to enter
18854 into a contract with any county for the county to take custody of
18855 the misdemeanor offenders arrested under the authority granted
18856 under this section.

18857 (8) All accrued personal leave earned pursuant to Section
18858 25-3-93, accrued major medical leave earned pursuant to Section
18859 25-3-95, accrued state compensatory leave earned pursuant to



18860 Section 25-3-92, and compensatory leave earned pursuant to the
18861 Fair Labor Standards Act (FLSA) shall transfer from the Department
18862 of Finance and Administration to the Department of Public Safety
18863 for all employees transferred under this section.

18864 **SECTION 296.** Section 55-23-15, Mississippi Code of 1972, is
18865 brought forward as follows:

18866 55-23-15. The Mississippi Veterans Memorial Stadium
18867 Commission is hereby authorized to utilize certain state-owned
18868 land in Hinds County bounded on the east by North State Street, on
18869 the north by Taylor Street, on the west by North West Street, and
18870 on the south by a street or driveway known as Stadium Drive as a
18871 public parking facility establishing reasonable rules and
18872 regulations connected with the operation of such a facility,
18873 including fees for the privilege of parking. The parking
18874 facilities shall not be extended any farther to the east than as
18875 the facilities existed on January 1, 1996. Further, the portion
18876 of the property described in this section, except the property
18877 west of the stadium between the stadium and North West Street,
18878 that was undeveloped as of January 1, 1996, shall remain
18879 undeveloped unless the Legislature enacts legislation approving
18880 the development of such property. The portion of the property
18881 described in this section that is west of the stadium between the
18882 stadium and North West Street may be developed to provide parking
18883 facilities for the Mississippi Department of Transportation
18884 offices located on North West Street. The Mississippi Veterans



18885 Memorial Stadium Commission may take any action authorized in
18886 Section 55-23-8 relating to the property described in such
18887 section.

18888 The Mississippi Veterans Memorial Stadium Commission is
18889 authorized to lease such property to the Mississippi
18890 Transportation Commission for parking facilities for Department of
18891 Transportation offices, notwithstanding the time limitation on
18892 leases or other agreements provided in Section 55-23-8(9).

18893 **SECTION 297.** Section 29-5-213, Mississippi Code of 1972, is
18894 brought forward as follows:

18895 29-5-213. (1) There is created the Capitol Complex
18896 Improvement District Project Advisory Committee composed of the
18897 following nine (9) members:

18898 (a) The Mayor of the City of Jackson or his or her
18899 designee;

18900 (b) One (1) member appointed by the City Council of the
18901 City of Jackson with an initial term of one (1) year and
18902 subsequent regular terms of four (4) years;

18903 (c) Two (2) members appointed by the Governor, one (1)
18904 for an initial term of two (2) years and one (1) for an initial
18905 term of four (4) years, both with subsequent regular terms of four
18906 (4) years;

18907 (d) One (1) member appointed by the Lieutenant Governor
18908 for an initial term of four (4) years and subsequent regular terms
18909 of four (4) years;



18910 (e) One (1) member appointed by the Speaker of the
18911 House of Representatives for an initial term of two (2) years and
18912 subsequent regular terms of four (4) years;

18913 (f) One (1) member appointed by the President of
18914 Jackson State University;

18915 (g) One (1) member appointed by the Vice Chancellor for
18916 Health Affairs of University of Mississippi Medical Center; and

18917 (h) The Director of the City of Jackson Department of
18918 Public Works or his or her designee.

18919 The member appointed under paragraph (b) of this subsection (1)
18920 shall be a resident of the City of Jackson in Hinds County.

18921 (2) Members appointed to the committee shall not also serve
18922 as members of the commission established by the City of Jackson
18923 pursuant to Section 27-65-241. Appointed members shall serve
18924 without compensation at the will and pleasure of the appointing
18925 authority.

18926 (3) The committee shall elect a chairman and such other
18927 officers as it considers necessary from among its members.

18928 (4) A majority of the members of the committee shall
18929 constitute a quorum for the conduct of meetings and all actions of
18930 the committee shall be by a majority vote.

18931 (5) The committee shall consult with the Department of
18932 Finance and Administration and advise the department in the
18933 development of comprehensive plans for improvement projects in the
18934 city and any changes to such plans.



18935 (6) The committee shall meet, subject to call by the
18936 Executive Director of the Department of Finance and
18937 Administration, at least quarterly to conduct business.

18938 **SECTION 298.** Section 83-5-39, Mississippi Code of 1972, is
18939 brought forward as follows:

18940 83-5-39. (1) Whenever the commissioner shall have reason to
18941 believe that any such person has been engaged or is engaging in
18942 this state in any unfair method of competition or any unfair or
18943 deceptive act or practice defined in Section 83-5-35, and that a
18944 proceeding by him in respect thereto would be to the interest of
18945 the public, he shall issue and serve upon such person a statement
18946 of the charges in that respect and a notice of the hearing thereon
18947 to be held at the time and place fixed in the notice, which shall
18948 not be less than ten (10) days after the date of the service
18949 thereof.

18950 (2) At the time and place fixed for such hearing, such
18951 person shall have an opportunity to be heard and to show cause why
18952 an order should not be made by the commissioner requiring such
18953 person to cease and desist from the acts, methods, or practices so
18954 complained of. Upon good cause shown, the commissioner shall
18955 permit any person to intervene, appear, and be heard at such
18956 hearing by counsel or in person.

18957 (3) Nothing contained in Sections 83-5-29 through 83-5-51
18958 shall require the observance at any such hearing of formal rules
18959 of pleadings or evidence.



18960 (4) The commissioner, upon such hearing, may administer
18961 oaths, examine and cross-examine witnesses, receive oral and
18962 documentary evidence, and shall have the power to subpoena
18963 witnesses, compel their attendance, and require the production of
18964 books, papers, records, correspondence, or other documents which
18965 he deems relevant to the inquiry. The commissioner, upon such
18966 hearing, may, and upon the request of any party shall, cause to be
18967 made a stenographic record of all the evidence and all the
18968 proceedings had at such hearing. If no stenographic record is
18969 made and if a judicial review is sought, the commissioner shall
18970 prepare a statement of the evidence and proceeding for use on
18971 review. In case of a refusal of any person to comply with any
18972 subpoena issued hereunder or to testify with respect to any matter
18973 concerning which he may be lawfully interrogated, the Circuit
18974 Court of Hinds County, on application of the commissioner, may
18975 issue an order requiring such person to comply with such subpoena
18976 and to testify; and any failure to obey any such order of the
18977 court may be punished by the court as a contempt thereof.

18978 (5) Statements of charges, notices, orders, and other
18979 processes of the commissioner under the cited sections may be
18980 served by anyone duly authorized by the commissioner, either in
18981 the manner provided by law for service of process in civil actions
18982 or by registering and mailing a copy thereof to the person
18983 affected by such statement, notice, order, or other process at his
18984 or its residence or principal office or place of business. The



18985 verified return by the person so serving such statement, notice,
18986 order, or other process, setting forth the manner of such service,
18987 shall be proof of the same; and the return postcard receipt for
18988 such statement, notice, order, or other process, registered and
18989 mailed as aforesaid, shall be proof of the service of the same.

18990 **SECTION 299.** Section 79-11-345, Mississippi Code of 1972, is
18991 brought forward as follows:

18992 79-11-345. (1) A dissolved corporation may also publish
18993 notice of its dissolution and request that persons with claims
18994 against the corporation present them in accordance with the
18995 notice.

18996 (2) The notice must:

18997 (a) Be published one (1) time in a newspaper of general
18998 circulation in the county where the dissolved corporation's
18999 principal office is or was located, or in Hinds County if the
19000 corporation does not have a principal office in this state;

19001 (b) Describe the information that must be included in a
19002 claim and provide a mailing address where the claim may be sent;
19003 and

19004 (c) State that a claim against the corporation will be
19005 barred unless a proceeding to enforce the claim is commenced
19006 within two (2) years after publication of this notice.

19007 (3) If the dissolved corporation publishes a newspaper
19008 notice in accordance with subsection (2) of this section, the
19009 claim of each of the following claimants is barred unless the



19010 claimant commences a proceeding to enforce the claim against the
19011 dissolved corporation within two (2) years after the publication
19012 date of the newspaper notice:

19013 (a) A claimant who did not receive written notice under
19014 Section 79-11-343;

19015 (b) A claimant whose claim was timely sent to the
19016 dissolved corporation but not acted on; and

19017 (c) A claimant whose claim is contingent or based on an
19018 event occurring after the effective date of dissolution.

19019 (4) A claim may be enforced under this section:

19020 (a) Against the dissolved corporation, to the extent of
19021 its undistributed assets; or

19022 (b) If the assets have been distributed in liquidation,
19023 against any person, other than a creditor of the corporation, to
19024 whom the corporation distributed its property to the extent of the
19025 distributee's pro rata share of the claim or the corporate assets
19026 distributed to such person in liquidation, whichever is less, but
19027 the distributee's total liability for all claims under this
19028 section may not exceed the total amount of assets distributed to
19029 the distributee.

19030 **SECTION 300.** Section 37-115-27, Mississippi Code of 1972, is
19031 brought forward as follows:

19032 37-115-27. The medical school and teaching hospital shall be
19033 built and equipped together, in connection with each other, or as
19034 nearly together or connected as may promote the most efficient



19035 operation of both of them in proper coordination one with the
19036 other. The medical school and teaching hospital shall be located
19037 and built upon part of the lands owned by the State of Mississippi
19038 in or near the City of Jackson, Hinds County, Mississippi, and
19039 commonly known as the old asylum lands, to be selected by the
19040 State Building Commission. The medical school and teaching
19041 hospital may have other locations as determined to be reasonable
19042 and necessary by the University of Mississippi Medical Center.
19043 All University of Mississippi Medical Center locations shall
19044 provide in the aggregate not less than fifty percent (50%) of
19045 their services to indigent persons including qualified
19046 beneficiaries of the State Medicaid Program.

19047 **SECTION 301.** Section 55-23-39, Mississippi Code of 1972, is
19048 brought forward as follows:

19049 55-23-39. Such general obligation bonds may be issued
19050 without any other proceedings or the happening of any other
19051 conditions or things than those proceedings, conditions and things
19052 which are specified or required by Sections 55-23-21 through
19053 55-23-43. Any resolution providing for the issuance of general
19054 obligation bonds under the provisions of Sections 55-23-21 through
19055 55-23-43 shall become effective immediately upon its adoption by
19056 the State Bond Commission, and any such resolution may be adopted
19057 at any regular, special or adjourned meeting of the State Bond
19058 Commission by a majority of its members.



19059 The bonds authorized under the authority of Sections 55-23-21
19060 through 55-23-43 may be validated in the Chancery Court of Hinds
19061 County, Mississippi, in the manner and with the force and effect
19062 provided now or hereafter by Chapter 13, Title 31, Mississippi
19063 Code of 1972, for the validation of county, municipal, school
19064 district and other bonds. The necessary papers for such validation
19065 proceedings shall be transmitted to the State Bond Commission, and
19066 the required notice shall be published in a newspaper published in
19067 the City of Jackson, Mississippi.

19068 **SECTION 302.** Section 49-5-94, Mississippi Code of 1972, is
19069 brought forward as follows:

19070 49-5-94. Such general obligation bonds may be issued without
19071 any other proceedings or the happening of any other conditions or
19072 things than those proceedings, conditions and things which are
19073 specified or required by Sections 49-5-86 through 49-5-98. Any
19074 resolution providing for the issuance of general obligation bonds
19075 under the provisions of Sections 49-5-86 through 49-5-98 shall
19076 become effective immediately upon its adoption by the State Bond
19077 Commission, and any such resolution may be adopted at any regular,
19078 special or adjourned meeting of the State Bond Commission by a
19079 majority of its members.

19080 The bonds authorized under the authority of Sections 49-5-86
19081 through 49-5-98 shall be validated in the chancery court of Hinds
19082 County, Mississippi, in the manner and with the force and effect
19083 provided now or hereafter by Chapter 13, Title 31, Mississippi



19084 Code of 1972, for the validation of county, municipal, school
19085 district, and other bonds. The necessary papers for such
19086 validation proceedings shall be transmitted to the state bond
19087 attorney by the Secretary of the State Bond Commission, and the
19088 required notice shall be published in a newspaper published in the
19089 City of Jackson, Mississippi.

19090 **SECTION 303.** Section 83-53-33, Mississippi Code of 1972, is
19091 brought forward as follows:

19092 83-53-33. Any person affected by a cease and desist order
19093 issued under Section 83-53-31 may, within thirty (30) days after
19094 being served with such cease and desist order, petition the
19095 commissioner for a hearing to consider the alleged violation of
19096 this chapter or any rule or regulation issued pursuant thereto.
19097 The commissioner shall set the time and place of such hearing,
19098 which shall not be less than ten (10) days nor more than thirty
19099 (30) days after the date the petition is received by the
19100 commissioner.

19101 At the time and place fixed for such hearing, such person
19102 shall have an opportunity to be heard and to show cause why the
19103 order of the commissioner requiring such person to cease and
19104 desist from the violation or violations complained of should not
19105 be made final.

19106 Upon good cause shown, the commissioner shall permit any
19107 person to intervene, appear and be heard at such hearing by
19108 counsel or in person.



19109 Nothing contained herein shall require the observance at any
19110 such hearing of formal rules of pleadings or evidence.

19111 The commissioner, upon such hearing, may administer oaths,
19112 examine and cross-examine witnesses, receive oral and documentary
19113 evidence, and shall have the power to subpoena witnesses, compel
19114 their attendance and require the production of books, papers,
19115 records, correspondence or other documents which he deems relevant
19116 to the inquiry. The commissioner, upon such hearing, may, and upon
19117 the request of any party shall, cause to be made a stenographic
19118 record of all the evidence and all the proceeding had at such
19119 hearing. If no stenographic record is made and if a judicial
19120 review is sought, the commissioner shall prepare a statement of
19121 the evidence and proceeding for use on review. In case of a
19122 refusal of any person to comply with any subpoena issued hereunder
19123 or to testify with respect to any matter concerning which he may
19124 be lawfully interrogated, the Circuit Court of Hinds County, on
19125 application of the commissioner, may issue an order requiring such
19126 person to comply with such subpoena and to testify; and any
19127 failure to obey any such order of the court may be punished by the
19128 court as a contempt thereof.

19129 The commissioner by regulation shall provide for the
19130 assessment of, costs for stenographic records, process and other
19131 related expenses pertaining to proceedings pursuant to this
19132 section, and may require a deposit or other security therefor.



19133 Statements of charges, notices, orders and other processes of
19134 the commissioner may be served by anyone duly authorized by the
19135 commissioner, either in the manner provided by law for service of
19136 process in civil actions or by registering and mailing a copy
19137 thereof to the person affected by such statement, notice, order or
19138 other process at his or its residence or principal office or place
19139 of business. The verified return by the person so serving such
19140 statement, notice, order or other process, setting forth the
19141 manner of such service, shall be proof of the same; and the return
19142 postcard receipt for such statement, notice, order or other
19143 process, registered and mailed as aforesaid, shall be proof of the
19144 service of the same.

19145 **SECTION 304.** Section 73-29-39, Mississippi Code of 1972, is
19146 brought forward as follows:

19147 73-29-39. Any person dissatisfied with the action of the
19148 board in refusing his application or suspending or revoking his
19149 license, or any other action of the board, may appeal the action
19150 of the board by filing a petition within thirty (30) days
19151 thereafter in the circuit court in the county where the person
19152 resides or in the Circuit Court of Hinds County, Mississippi, and
19153 the court is vested with jurisdiction and it shall be the duty of
19154 the court to set the matter for hearing upon ten (10) days'
19155 written notice to the board and the attorney representing the
19156 board. The court in which the petition of appeal is filed shall
19157 determine whether or not a cancellation or suspension of a license



19158 shall be abated until the hearing shall have been consummated with
19159 final judgment thereon or whether any other action of the board
19160 should be suspended pending hearing, and enter its order
19161 accordingly, which shall be operative when served upon the board,
19162 and the court shall provide the attorney representing the board
19163 with a copy of the petition and order. Except as otherwise
19164 authorized in Section 7-5-39, the board shall be represented in
19165 such appeals by the district or county attorney of the county or
19166 the Attorney General, or any of their assistants. The board shall
19167 initially determine all facts, but the court upon appeal shall set
19168 aside the determination of the board if the board's determination
19169 (1) is not based upon substantial evidence upon the entire record;
19170 (2) is arbitrary or capricious; (3) is in violation of statutory
19171 requirements; or (4) was made without affording to licensee or
19172 applicant due process of law.

19173 Actions taken by the board in suspending a license when
19174 required by Section 93-11-157 or 93-11-163 are not actions from
19175 which an appeal may be taken under this section. Any appeal of a
19176 license suspension that is required by Section 93-11-157 or
19177 93-11-163 shall be taken in accordance with the appeal procedure
19178 specified in Section 93-11-157 or 93-11-163, as the case may be,
19179 rather than the procedure specified in this section.

19180 **SECTION 305.** Section 73-4-33, Mississippi Code of 1972, is
19181 brought forward as follows:



19182 73-4-33. (1) If any licensee fails, or is alleged to have
19183 failed, to meet the obligations under this chapter and the rules
19184 and regulations promulgated hereunder, the commission shall hold a
19185 hearing and determine whether there has been such a failure,
19186 determine those persons who are proven claimants under the bond
19187 and, if appropriate, distribute the bond proceeds to the proven
19188 claimants.

19189 (2) Actions upon the bond and the right to payment under the
19190 bond shall extend solely to the commission, except that if the
19191 commission has not initiated action under the bond by scheduling
19192 and holding a hearing, by litigation or otherwise, within thirty
19193 (30) days of a written request to do so, any claimant may initiate
19194 an action in the Circuit Court of Hinds County, Mississippi, to
19195 require the commission to take action.

19196 (3) If, after a hearing, the commission determines that
19197 proven claims exceed the amount of the bond proceeds, the proceeds
19198 shall be prorated among proven claimants in the ratio that the
19199 amount of their proven claim bears to the total amount of all
19200 proven claims.

19201 (4) The determination of the commission as to the fact and
19202 the amount of liability under the bond and the amount distributed
19203 to the claimants under the bond shall be binding upon the
19204 principal and surety of the bond.

19205 (5) All hearings held under this section shall be held in
19206 accordance with the laws of this state.



19207 (6) The existence of the bond and the bond recovery
19208 procedure shall in no way affect or alter any other right or
19209 remedy which a person may have under applicable law.

19210 **SECTION 306.** Section 69-5-25, Mississippi Code of 1972, is
19211 brought forward as follows:

19212 69-5-25. Revenue bonds may be issued without any other
19213 proceedings or the happening of any other conditions or things
19214 than those proceedings, conditions, and things which are specified
19215 or required by Sections 69-5-13 through 69-5-25. The bonds
19216 authorized under the authority of said sections shall be validated
19217 in the Chancery Court of Hinds County, Mississippi, in the manner
19218 and with the force and effect provided now or hereafter by
19219 Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, for
19220 the validation of county, municipal, school district, and other
19221 bonds. The necessary papers for such validation proceedings shall
19222 be transmitted to the State Bond Attorney by the Secretary of the
19223 State Bond Commission, and the required notice shall be published
19224 in a newspaper in the City of Jackson, having a general
19225 circulation within the State of Mississippi. Any resolution
19226 providing for the issuance of revenue bonds under the provisions
19227 of Sections 69-5-13 through 69-5-25 shall become effective
19228 immediately upon its adoption by the State Building Commission and
19229 need not be published or posted, and any such resolution may be
19230 adopted at any regular, special, or adjourned meeting of the State
19231 Building Commission by a majority of its members.



19232 **SECTION 307.** Section 83-53-15, Mississippi Code of 1972, is
19233 brought forward as follows:

19234 83-53-15. All policies, certificates of insurance, notices
19235 of proposed insurance, applications for insurance, endorsements
19236 and riders delivered or issued for delivery in this state, and the
19237 schedules of premium rates pertaining thereto, shall be filed with
19238 the commissioner for his approval prior to use.

19239 If after filing, the commissioner notifies the insurer that
19240 the form is disapproved, it is unlawful for the insurer to issue
19241 or use the form. In the notice the commissioner shall specify the
19242 reason for his disapproval and state that a hearing will be
19243 granted within thirty (30) days after receipt of request in
19244 writing by the insurer. No such policy, certificate of insurance,
19245 notice of proposed insurance, nor any application, endorsement or
19246 rider shall be issued or used unless and until the commissioner
19247 shall give his prior written approval thereto.

19248 Any insurer or other party affected by any order or final
19249 determination of the commissioner under the provisions of this
19250 section may obtain judicial review thereof by filing in the
19251 Circuit Court of Hinds County within thirty (30) days from the
19252 date thereof a written petition or complaint praying that said
19253 order or final determination be modified or reversed. A copy of
19254 such petition or complaint shall be forthwith served upon the
19255 commissioner, and the commissioner shall file a transcript of the
19256 entire record of the proceedings with said court, which shall then



19257 have jurisdiction of the proceedings and questions determined
19258 therein. Said court shall have the power to make or enter a
19259 judgment modifying, affirming or reversing the order or final
19260 determination of the commissioner in whole or in part.

19261 A premium rate or schedule of premium rates shall be deemed
19262 reasonable for all purposes under this chapter and shall be deemed
19263 approved by the commissioner upon filing with the commissioner as
19264 required by this section if the premium rate or schedule of
19265 premium rates meets the requirements for being considered
19266 reasonable under Section 83-53-23. However, a different premium
19267 rate or schedule of premium rates shall be deemed reasonable upon
19268 the filing thereof with the commissioner as required by this
19269 section if it produces, or reasonably may be expected to result in
19270 claims incurred in excess of fifty percent (50%) of earned
19271 premiums.

19272 **SECTION 308.** Section 11-11-15, Mississippi Code of 1972, is
19273 brought forward as follows:

19274 11-11-15. The venue of actions against the Mississippi State
19275 Board of Health wherein said board is a defendant, or the State
19276 Board of Medical Licensure wherein said board is a defendant,
19277 shall be in Hinds County.

19278 **SECTION 309.** Section 73-3-2, Mississippi Code of 1972, is
19279 brought forward as follows:



19280 73-3-2. (1) **Power to admit persons to practice.** The power
19281 to admit persons to practice as attorneys in the courts of this
19282 state is vested exclusively in the Supreme Court of Mississippi.

19283 (2) **Qualifications.** (a) Each applicant for admission to
19284 the bar, in order to be eligible for examination for admission,
19285 shall be at least twenty-one (21) years of age, of good moral
19286 character, and shall present to the Board of Bar Admissions
19287 satisfactory evidence:

19288 (i) That he has successfully completed, or is
19289 within sixty (60) days of completion of, a general course of study
19290 of law in a law school which is provisionally or fully approved by
19291 the section on legal education and admission to the bar of the
19292 American Bar Association, and that such applicant has received, or
19293 will receive within sixty (60) days, a diploma or certificate from
19294 such school evidencing the satisfactory completion of such course,
19295 but in no event shall any applicant under this paragraph be
19296 admitted to the bar until such applicant actually receives such
19297 diploma or certificate. However, an applicant who, as of November
19298 1, 1981, was previously enrolled in a law school in active
19299 existence in Mississippi for more than ten (10) years prior to the
19300 date of application shall be eligible for examination for
19301 admission; provided that such an applicant graduated prior to
19302 November 1, 1984;

19303 (ii) That he has notified the Board of Bar
19304 Admissions in writing of an intention to pursue a general course



19305 of study of law under the supervision of a Mississippi lawyer
19306 prior to July 1, 1979, and in fact began study prior to July 1,
19307 1979, and who completed the required course of study prior to
19308 November 1, 1984, in accordance with Sections 73-3-13(b) and
19309 73-3-15 as the same exist prior to November 1, 1979; or

19310 (iii) That in addition to complying with either of
19311 the above requirements, he has received a bachelor's degree from
19312 an accredited college or university or that he has received credit
19313 for the requirements of the first three (3) years of college work
19314 from a college or university offering an integrated six-year
19315 prelaw and law course, and has completed his law course at a
19316 college or university offering such an integrated six-year course.
19317 However, applicants who have already begun the general course of
19318 study of law as of November 1, 1979, either in a law school or
19319 under the supervision of a Mississippi lawyer shall submit proof
19320 they have successfully completed two (2) full years of college
19321 work.

19322 (b) The applicant shall bear the burden of establishing
19323 his or her qualifications for admission to the satisfaction of the
19324 Board of Bar Admissions. An applicant denied admission for
19325 failure to satisfy qualifications for admission shall have the
19326 right to appeal from the final order of the board to the Chancery
19327 Court of Hinds County, Mississippi, within thirty (30) days of
19328 entry of such order of denial.



19329 (3) **Creation of Board of Bar Admissions.** There is hereby
19330 created a board to be known as the "Board of Bar Admissions" which
19331 shall be appointed by the Supreme Court of Mississippi. The board
19332 shall consist of nine (9) members, who shall be members in good
19333 standing of the Mississippi State Bar and shall serve for terms of
19334 three (3) years. Three (3) members shall be appointed from each
19335 Supreme Court district, one (1) by each Supreme Court Justice from
19336 his district, with the original appointments to be as follows:
19337 Three (3) to be appointed for a term of one (1) year, three (3) to
19338 be appointed for a term of two (2) years, and three (3) to be
19339 appointed for a term of three (3) years, one (1) from each
19340 district to be appointed each year. No member of the Board of Bar
19341 Admissions may be a member of the Legislature. Vacancies during a
19342 term shall be filled by the appointing justice or his successor
19343 for the remainder of the unexpired term.

19344 The board shall promulgate the necessary rules for the
19345 administration of their duties, subject to the approval of the
19346 Chief Justice of the Supreme Court.

19347 (4) **Written examination as prerequisite to admission.** Every
19348 person desiring admission to the bar, shall be required to take
19349 and pass a written bar examination in a manner satisfactory to the
19350 Board of Bar Admissions. The Board of Bar Admissions shall
19351 conduct not less than two (2) bar examinations each year.

19352 (5) **Oath and compensation of board members.** The members of
19353 the Board of Bar Admissions shall take and subscribe an oath to be



19354 administered by one (1) of the judges of the Supreme Court to
19355 faithfully and impartially discharge the duties of the office.
19356 The members shall receive compensation as established by the
19357 Supreme Court for preparing, giving and grading the examination
19358 plus all reasonable and necessary travel expenses incurred in the
19359 performance of their duties under the provisions of this section.

19360 (6) **Procedure for applicants who have failed.** Any applicant
19361 who fails the examination shall be allowed to take the next
19362 scheduled examination. A failing applicant may request in writing
19363 from the board, within thirty (30) days after the results of the
19364 examination have been made public, copies of his answers and model
19365 answers used in grading the examination, at his expense. If a
19366 uniform, standardized examination is administered, the board shall
19367 only be required to provide the examination grade and such other
19368 information concerning the applicant's examination results which
19369 are available to the board. Any failing applicant shall have a
19370 right to a review of his failure by the board. The board shall
19371 enter an order on its minutes, prior to the administration of the
19372 next bar examination, either granting or denying the applicant's
19373 review, and shall notify the applicant of such order. The
19374 applicant shall have the right to appeal from this order to the
19375 Chancery Court of Hinds County, Mississippi, within thirty (30)
19376 days of entry of such order.

19377 (7) **Fees.** The board shall set and collect the fees for
19378 examination and for admission to the bar. The fees for



19379 examination shall be based upon the annual cost of administering
19380 the examinations. The fees for admission shall be based upon the
19381 cost of conducting an investigation of the applicant and the
19382 administrative costs of sustaining the board, which shall include,
19383 but shall not be limited to:

- 19384 (a) Expenses and travel for board members;
- 19385 (b) Office facilities, supplies and equipment; and
- 19386 (c) Clerical assistance.

19387 All fees collected by the board shall be paid to the State
19388 Treasurer, who shall issue receipts therefor and who shall deposit
19389 such funds in the State Treasury in a special fund to the credit
19390 of said board. All such funds shall be expended only in
19391 accordance with the provisions of Chapter 496, Laws of 1962, as
19392 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

19393 (8) The board, upon finding the applicant qualified for
19394 admission, shall issue to the applicant a certificate of
19395 admission. The applicant shall file the certificate and a
19396 petition for admission in the Chancery Court of Hinds County,
19397 Mississippi, or in the chancery court in the county of his
19398 residence, or, in the case of an applicant who is a nonresident of
19399 the State of Mississippi, in the chancery court of a county in
19400 which the applicant intends to practice. The chancery court
19401 shall, in termtime or in vacation, enter on the minutes of that
19402 court an order granting to the applicant license to practice in
19403 all courts in this state, upon taking by the applicant in the



19404 presence of the court, the oath prescribed by law, Section
19405 73-3-35, Mississippi Code of 1972.

19406 (9) Each application or filing made under this section shall
19407 include the social security number(s) of the applicant in
19408 accordance with Section 93-11-64, Mississippi Code of 1972.

19409 **SECTION 310.** Section 65-3-3, Mississippi Code of 1972, is
19410 brought forward as follows:

19411 65-3-3. The following highways are designated as state
19412 highways and shall be under the jurisdiction of the Mississippi
19413 Transportation Commission for construction and maintenance, and
19414 such highways, along with all other laws adding links to the
19415 designated state highway system, are declared to be the state
19416 highway system of Mississippi:

19417 **Mississippi 1** -- Begins at Onward, Sharkey County, thence in
19418 a westerly direction to Filer, thence in a northerly direction to
19419 Mayersville, thence continues from Mississippi 14 approximately
19420 midway between Mayersville and Rolling Fork to or near Greenville,
19421 Rosedale, Sherard and ends at U.S. 49 east of Mississippi River
19422 Bridge at Helena, Coahoma County.

19423 **Mississippi 2** -- Begins at or near Hickory Flat, Benton
19424 County, and extends in a northeasterly direction to or near Blue
19425 Mountain, thence continues from or near Ripley to or near Kossuth
19426 to U.S. 72 west of Corinth, thence from U.S. 45 north of Corinth,
19427 Alcorn County, northeasterly to the Mississippi-Tennessee state
19428 line.



19429 **Mississippi 3** -- Begins at a point on U.S. 61 at or near
19430 Redwood, Warren County, and extends in a northeasterly direction
19431 to or near Satartia and Yazoo City, thence follows U.S. 49W to or
19432 near Inverness, thence in a northeasterly direction to Moorhead,
19433 thence north to Sunflower, thence continues along U.S. 49W to
19434 Tutwiler, thence in a northeasterly direction to Lambert, Marks,
19435 Sledge, Crenshaw, Sarah and Savage to intersect U.S. 61 at or near
19436 Lake Cormorant, DeSoto County.

19437 **Mississippi 4** -- Begins at or near Fox Island and extends
19438 east to or near Tunica, Coahoma County, thence continues from U.S.
19439 61 south of Tunica to or near Savage, Strayhorn, Senatobia, Holly
19440 Springs, and Ashland, thence continues from Mississippi 5
19441 approximately six and one-half miles south of Ashland to or near
19442 Ripley, Booneville, Bentonite Mill, Livingstons Store, New Site,
19443 and Bay Springs to Mississippi 25 at or near Dennis.

19444 **Mississippi 5** -- Begins on Mississippi 178 near Hickory Flat,
19445 Benton County, and extends north to Elvis Chapel Church on U.S.
19446 72, and thence west on U.S. 72 to Harris Chapel Church and thence
19447 northwest to Mississippi 7, Benton County.

19448 **Mississippi 6** -- Begins on Mississippi 161 in Clarksdale,
19449 thence easterly to Marks, Batesville, Oxford, Pontotoc, Tupelo,
19450 thence southerly to Nettleton and ends at its intersection with
19451 Mississippi 25 north of Amory.

19452 **Mississippi 7** -- Begins at or near Belzoni, Humphreys County,
19453 and extends in a northeasterly direction to or near Swiftown to



19454 U.S. 82 north of Itta Bena, thence continues from or near
19455 Greenwood to or near Holcomb, Grenada, Coffeerville, Water Valley,
19456 Oxford and Holly Springs to the Mississippi-Tennessee state line
19457 northeast of Michigan City, Benton County.

19458 **Mississippi 8** -- Begins on Mississippi 1 at or near Rosedale,
19459 Bolivar County, and extends in an easterly direction to or near
19460 Cleveland, Ruleville, Minter City, Philipp and Holcomb, thence
19461 continues from or near Grenada to or near Calhoun City, Houston
19462 and Aberdeen and ends on U.S. 278 at or near Greenwood Springs,
19463 Monroe County.

19464 **Mississippi 9** -- Begins at or near Ackerman, Choctaw County,
19465 and extends in a northerly direction to or near Eupora,
19466 Bellefontaine and Slate Springs to Mississippi 8 south of Calhoun
19467 City, thence continues from or near Calhoun City to or near Bruce,
19468 Sarepta, Pontotoc and Sherman, thence continuing from U.S. 78
19469 northwest of Sherman to, at or near Blue Springs and ending at
19470 Mississippi 30 at or near Graham, Union County.

19471 **Mississippi 9W** -- Begins on Mississippi 9 north of Bruce,
19472 Calhoun County, and extends northerly to or near Banner and Paris
19473 to Mississippi 7 at Airport Road south of Markette, Lafayette
19474 County.

19475 **I-10** -- From the Mississippi-Louisiana state line east of
19476 Slidell, Louisiana, to the Mississippi-Alabama state line
19477 southwest of Mobile, Alabama.



19478 **U.S. 11** -- Begins on I-59 at or near Nicholson, south of
19479 Picayune, Pearl River County, and extends in a northeasterly
19480 direction to or near Picayune, Poplarville, Hattiesburg, Laurel,
19481 Enterprise and Meridian, and thence easterly to the
19482 Mississippi-Alabama state line, Lauderdale County.

19483 **Mississippi 12** -- Begins on Mississippi 1 at or near James,
19484 Washington County, thence continuing through LeRoy Percy State
19485 Park and extends in an easterly direction to or near Hollandale,
19486 Belzoni, Tchula, Lexington, Durant, Kosciusko and Ackerman to a
19487 point on U.S. 82 north of Mississippi State University, thence
19488 continues from or near Columbus and extends in a northeasterly
19489 direction to the Mississippi-Alabama state line, Lowndes County.

19490 **Mississippi 13** -- Begins at a point on U.S. 49 at or near
19491 Maxie, Forrest County, and extends in a northwesterly direction to
19492 or near Lumberton and Columbia, thence continues in a northerly
19493 direction to or near Prentiss, Mendenhall, Puckett, Daniel,
19494 Polkville, Morton and Lena and ends at a point on Mississippi 16
19495 west of Carthage at or near Pine Tree, Leake County.

19496 **Mississippi 14** -- Begins at or near Mayersville, Issaquena
19497 County, and extends in an easterly direction to or near Rolling
19498 Fork, thence continues from U.S. 61 at or near Anguilla to U.S.
19499 49W at or near Louise, thence continues from, at or near Ebenezer
19500 to or near Goodman, Newport and Zemuly to south of Kosciusko to or
19501 near Louisville and Macon ending at the Mississippi-Alabama state
19502 line east of Macon, Noxubee County.



19503 **Mississippi 15** -- Begins at the intersection of I-10 and
19504 I-110, Harrison County, and extends in a northerly direction to or
19505 near Beaumont, Laurel, Bay Springs, Newton, Philadelphia,
19506 Louisville, Ackerman, Mathiston, Houston, Pontotoc, New Albany,
19507 Ripley, Walnut and ends at the Mississippi-Tennessee state line,
19508 Tippah County.

19509 **Mississippi 16** -- Begins on Mississippi 1 at or near the
19510 Issaquena-Washington county line, thence in a southeasterly
19511 direction to Rolling Fork and extends in a southeasterly direction
19512 near Little Sunflower River, thence continues from or near Holly
19513 Bluff in a northeasterly direction to U.S. 49W at or near Craig,
19514 thence continues from or near Yazoo City to or near Benton to U.S.
19515 51 at or near Canton, thence continues to or near Carthage,
19516 Philadelphia, Dekalb and Scooba to the Mississippi-Alabama state
19517 line east of Scooba, Kemper County.

19518 **Mississippi 17** -- Begins in Scott County on designated
19519 Mississippi 25, thence northerly to Mississippi 16 near Farmhaven,
19520 thence to or near Pickens, Lexington, Carrollton and ends
19521 approximately three and one-tenth miles northeast of North
19522 Carrollton, Carroll County.

19523 **Mississippi 18** -- Begins at or near Grand Gulf, Claiborne
19524 County, then to or near Port Gibson and extends in a northeasterly
19525 direction to or near Hermanville, Utica and Raymond to an
19526 intersection with U.S. 80 at or near Jackson, thence from Brandon
19527 continues in a southeasterly direction to or near Raleigh and Bay



19528 Springs, thence continues in a northeasterly direction to or near
19529 Rose Hill, thence southeast to or near Pachuta, thence east to or
19530 near Quitman and ends at the Mississippi-Alabama state line east
19531 of Quitman, Clarke County.

19532 **Mississippi 19** -- Begins on U.S. 51 at or near West, Holmes
19533 County, and extends in a southeasterly direction to or near
19534 Kosciusko, Zama, Arlington High School, Yates Crossing,
19535 Philadelphia and Meridian, and ends at the Mississippi-Alabama
19536 state line southeast of Meridian, Lauderdale County.

19537 **I-20** -- From the Mississippi-Louisiana state line at
19538 Vicksburg to a point on I-55 in Jackson and from another point on
19539 I-55 southeast of Jackson to a point on I-59 west of Meridian.

19540 **Mississippi 21** -- Begins at a point on Mississippi 35 at or
19541 near Forest, Scott County, and runs in a northeasterly direction
19542 to or near Sebastopol, Dixon, Neshoba County Fairgrounds,
19543 Philadelphia, Bond High School, Preston, Gholson, thence in a
19544 northeasterly direction to intersect Mississippi 39 at or near
19545 Shuqualak, Noxubee County.

19546 **Mississippi 22** -- Begins at or near Edwards, Hinds County,
19547 thence in a northeasterly direction to or near Flora, thence to a
19548 point on U.S. 51 at or near Canton, Madison County.

19549 **Mississippi 23** -- Begins on Mississippi 25 at or near
19550 Smithville in Monroe County, thence northerly to Tremont, thence
19551 to the Mississippi-Alabama state line, Itawamba County, southeast
19552 of Golden, Mississippi.



19553 **Mississippi 24** -- Begins at or near Fort Adams, Wilkinson
19554 County, and extends in an easterly direction to or near Woodville,
19555 Centreville, Gloster, Liberty and McComb, Pike County.

19556 **Mississippi 25** -- Begins at or near Jackson, Hinds County,
19557 thence in a northeasterly direction to or near Carthage,
19558 Louisville and Starkville, thence along U.S. 82 to its
19559 intersection with U.S. 45A, thence along U.S. 45A to Muldon,
19560 thence to or near Aberdeen, Amory, Smithville, to U.S. 78, thence
19561 continuing to Belmont, Dennis, Tishomingo, Iuka and to the
19562 Mississippi-Tennessee state line north of Cross Roads, Tishomingo
19563 County.

19564 **Mississippi 26** -- Begins at the Mississippi-Louisiana state
19565 line east of Bogalusa, Pearl River County, and extends in an
19566 easterly direction to or near Poplarville and Wiggins and ends at
19567 or near Lucedale, George County.

19568 **Mississippi 27** -- Begins on the Mississippi-Louisiana state
19569 line south of Tylertown, Walthall County, and extends northerly to
19570 Tylertown, Monticello, Georgetown, Crystal Springs, Utica and ends
19571 at or near Vicksburg, Warren County.

19572 **Mississippi 28** -- Begins at or near Fayette, Jefferson
19573 County, and extends to, at or near Hazlehurst, Georgetown, Pinola,
19574 Magee and Taylorsville and ends on U.S. 84 west of Laurel, Jones
19575 County.

19576 **Mississippi 29** -- Begins at or near Wiggins, Stone County,
19577 and extends in a northerly direction to or near Janice, New



19578 Augusta, Runnelstown, Ellisville and ends at Mississippi 28 at or
19579 near Soso, Jones County.

19580 **Mississippi 30** -- Begins at or near Oxford, Lafayette County,
19581 and extends in a northeasterly direction to or near New Albany,
19582 thence by Keownsville and Pleasant Ridge, thence to a point at or
19583 near Wheeler to intersect U.S. 45, thence along U.S. 45 to south
19584 of Booneville, thence from U.S. 45 northeasterly to intersect
19585 Mississippi 4 and Mississippi 364, thence to Walden's Store, Hills
19586 Chapel, Burton and ends at the Natchez Trace Parkway east of
19587 Tishomingo, Tishomingo County.

19588 **Mississippi 32** -- Begins on Mississippi Highway 1 at or near
19589 Perthshire, Bolivar County, and extends east to or near Shelby,
19590 thence continues from U.S. 49W at or near Parchman easterly to or
19591 near Webb, Charleston, Oakland, Water Valley, Bruce and Houlka,
19592 thence continues from Mississippi 15 south of Houlka to or near
19593 Van Vleet and Okolona, Chickasaw County.

19594 **Mississippi 33** -- Begins at the Mississippi-Louisiana state
19595 line, Wilkinson County, and extends northerly to Mississippi 24 at
19596 or near Centreville, thence to Gloster to or near Crosby,
19597 Knoxville, Roxie and McNair to U.S. 61 south of Fayette, then from
19598 or near Fayette northeasterly to or near Red Lick and Pattison to
19599 Mississippi 18 at or near Hermanville, Claiborne County.

19600 **Mississippi 35** -- Begins at the Mississippi-Louisiana state
19601 line, Marion County, south of Sandy Hook and extends in a
19602 northerly direction to a point on U.S. 98 at or near Foxworth,



19603 thence continues from or near Columbia to or near Bassfield, Lone
19604 Star, Mount Olive, Mize, Raleigh, Forest, Carthage, Kosciusko,
19605 Vaiden, Holcomb, Charleston and Batesville and ends at or near the
19606 Sardis Dam northeast of Batesville, Panola County.

19607 **Mississippi 37** -- Begins at a point on U.S. 84, Covington
19608 County, south of Hot Coffee and extends in a northerly direction
19609 to or near Taylorsville, Center Ridge and ends on Mississippi 35
19610 south of Raleigh, Smith County.

19611 **Mississippi 39** -- Begins at or near Meridian, Lauderdale
19612 County, and extends in a northerly direction to or near DeKalb and
19613 ends on U.S. 45 at or near Shuqualak, Noxubee County.

19614 **Mississippi 41** -- Begins at or near Pontotoc, Pontotoc
19615 County, and extends southeasterly to or near Okolona, thence
19616 easterly to U.S. 45 at or near Wren, Monroe County.

19617 **Mississippi 42** -- Begins at the Lawrence-Simpson county line
19618 northeast of New Hebron and extends to or near New Hebron,
19619 Prentiss, Bassfield and Sumrall to U.S. 49 north of Hattiesburg to
19620 or near Petal, Runnelstown, Richton, Sand Hill and State Line to
19621 the Mississippi-Alabama state line, Wayne County.

19622 **Mississippi 43** -- Begins on U.S. 90 west of Bay St. Louis,
19623 Hancock County, and extends in a north northwesterly direction to
19624 or near Picayune, thence continues from or near Picayune to
19625 Mississippi 26 at or near Cross Roads then to Mississippi 13 south
19626 of Prentiss west and north to Arm Road in Section 5, Township 6
19627 North, Range 20 West, Lawrence County, and proceeds northwesterly



19628 for approximately four miles to its intersection with U.S. 84 in
19629 Section 24, Township 7 North, Range 21 West, thence continues
19630 from, at or near Silver Creek, New Hebron and Pinola to
19631 Mississippi 13 southwest of Mendenhall, thence continues from
19632 Mississippi 18 at or near Puckett, Cross Roads, Pelahatchie and
19633 Pisgah to Mississippi 16 at or near Canton, thence to or near
19634 Thomastown, Kosciusko, Shady Grove and Friendship ending at the
19635 intersection of Mississippi 407 south of Kilmichael, Montgomery
19636 County.

19637 **Mississippi 44** -- Begins at or near McComb, Pike County, and
19638 extends to or near Pricedale and Jayess to Mississippi 27 east of
19639 Jayess, thence continues easterly across the Pearl River to
19640 Mississippi 13, Marion County, thence continues from, at or near
19641 Columbia to or near Sumrall, Lamar County.

19642 **U.S. 45** -- Begins at the Mississippi-Alabama state line at or
19643 near the Town of State Line, Greene County, and extends in a
19644 northerly direction to or near Waynesboro, Quitman, Meridian,
19645 Scooba, Macon, Brooksville, Columbus, Aberdeen, Nettleton,
19646 Shannon, Tupelo, Booneville, Corinth and ends at the
19647 Mississippi-Tennessee state line north of Corinth, Alcorn County.

19648 **U.S. 45A** -- Begins at a point on U.S. 45 at or near
19649 Brooksville, Noxubee County, and extends in a northerly direction
19650 to or near West Point, Okolona, and ends at a point on U.S. 45 at
19651 or near Shannon, Lee County.



19652 **Mississippi 46** -- Begins at a point on Mississippi 9 south of
19653 Calhoun City, Calhoun County, and extends southeasterly to or near
19654 Hohenlinden, Mantee, Montpelier to Mississippi 50 approximately
19655 seven miles west of West Point, Clay County.

19656 **Mississippi 47** -- Begins at approximately seven miles west of
19657 West Point, Clay County, on Mississippi 50 and runs in a northerly
19658 direction to intersect with Mississippi 8 at or near Trebloc, and
19659 thence north to Buena Vista, Chickasaw County.

19660 **Mississippi 48** -- Begins at or near Centreville, Wilkinson
19661 County, and extends to Liberty, thence continues from Mississippi
19662 24 west of McComb and extends in a southeasterly direction to or
19663 near Magnolia, Tylertown and Dexter, thence continues in a
19664 southeasterly direction to intersect with Mississippi 35 at Sandy
19665 Hook, thence in an easterly direction to or near Lumberton, Lamar
19666 County.

19667 **U.S. 49** -- Begins at or near Gulfport, Harrison County, and
19668 extends in a northerly direction to or near Wiggins, Hattiesburg,
19669 Collins, Mendenhall, Jackson and Yazoo City, thence continues from
19670 or near Tutwiler to or near Clarksdale, and thence continues from
19671 U.S. 61 north of Clarksdale westward to or near the Mississippi
19672 River, Coahoma County, near Helena, Arkansas.

19673 **U.S. 49E** -- Begins at or near Yazoo City, Yazoo County, and
19674 extends in a northerly direction to or near Tchula and Greenwood
19675 and ends at or near Tutwiler, Tallahatchie County.



19676 **U.S. 49W** -- Begins at or near Yazoo City, Yazoo County, and
19677 extends in a northerly direction to or near Belzoni, Indianola and
19678 Ruleville and ends at or near Tutwiler, Tallahatchie County.

19679 **Mississippi 50** -- Begins at or near Walthall, Webster County,
19680 thence easterly to or near Cumberland to Mississippi 15, thence to
19681 or near Pheba, Cedar Bluff and West Point to or near junction
19682 Mississippi 373 and U.S. 45, then continues from, at or near
19683 Columbus on U.S. 82 northeasterly to the Mississippi-Alabama state
19684 line, Lowndes County.

19685 **U.S. 51** -- Begins at the Mississippi-Louisiana state line at
19686 or near Osyka, Pike County, and extends in a northerly direction
19687 to or near Magnolia, McComb, Summit, Brookhaven, Hazlehurst,
19688 Crystal Springs, Jackson, Canton, Durant, Winona, Grenada,
19689 Batesville, Senatobia and Hernando and ends at the
19690 Mississippi-Tennessee state line north of Horn Lake, DeSoto
19691 County.

19692 **Mississippi 53** -- Begins at or near Poplarville, Pearl River
19693 County, and extends in a southeasterly direction to or near
19694 Necaie and ends at or near Lyman, Harrison County.

19695 **I-55** -- From the Mississippi-Louisiana state line south of
19696 McComb via Jackson to the Mississippi-Tennessee state line south
19697 of Memphis, Tennessee.

19698 **Mississippi 57** -- Begins at or near Fontainebleau, Jackson
19699 County, and extends to or near Vancleave, Benndale, Avent, and
19700 McLain, thence continues from U.S. 98 east of McLain to or near



19701 Leakesville, thence continues from or near Leakesville northerly
19702 to or near State Line on U.S. 45 and ends at its intersection with
19703 Mississippi 42, Greene County.

19704 **I-59** -- From the Mississippi-Louisiana state line near
19705 Picayune via Hattiesburg, Laurel and Meridian to the
19706 Mississippi-Alabama state line west of Cuba, Alabama.

19707 **U.S. 61** -- Begins at the Mississippi-Louisiana state line
19708 south of Woodville, Wilkinson County, and extends in a northerly
19709 direction to or near Woodville, Natchez, Fayette, Port Gibson,
19710 Vicksburg, Rolling Fork, Leland, Cleveland, Clarksdale and Tunica
19711 and ends at the Mississippi-Tennessee state line north of Lake
19712 View, DeSoto County.

19713 **Mississippi 63** -- Begins from U.S. 90 at or near Pascagoula,
19714 Jackson County, and extends in a northerly direction to or near
19715 Moss Point, Wade, Lucedale, Leakesville, Sand Hill and ends at or
19716 near Waynesboro, Wayne County.

19717 **U.S. 65** -- Begins at the west end of the Mississippi River
19718 Bridge at Natchez, Adams County, and extends in an easterly
19719 direction to U.S. 61 and thence continues south jointly with U.S.
19720 61 to the Mississippi-Louisiana state line south of Woodville,
19721 Wilkinson County.

19722 **Mississippi 67** -- Begins at I-10 and extends north to U.S. 49
19723 at or near Saucier, all in Harrison County.



19724 **Mississippi 69** -- Begins at the Mississippi-Alabama state
19725 line and extends northerly to or near Columbus, all in Lowndes
19726 County.

19727 **U.S. 72** -- Begins at the Mississippi-Tennessee state line
19728 northwest of Mt. Pleasant, Marshall County, and extends in a
19729 southeasterly direction to or near Walnut, Corinth and Iuka and
19730 ends at the Mississippi-Alabama state line southeast of Iuka,
19731 Tishomingo County.

19732 **Mississippi 76** -- Begins on Mississippi 6 west of Pontotoc to
19733 Mississippi 9, from Mississippi 9 easterly to U.S. 45 south of
19734 Tupelo and continuing easterly to existing Mississippi 6 near
19735 Plantersville, and continues from a point approximately 7.482
19736 miles northeast of U.S. 78 near the community of Fairview and
19737 extends northeasterly approximately 11 miles to the
19738 Mississippi-Alabama state line, Itawamba County.

19739 **U.S. 78** -- Begins at the Mississippi-Tennessee state line
19740 northwest of Olive Branch, DeSoto County, and extends in a
19741 southeasterly direction to or near Holly Springs, New Albany,
19742 Tupelo and Fulton and ends at the Mississippi-Alabama state line
19743 east of Fulton, Itawamba County.

19744 **U.S. 80** -- Begins at or near Vicksburg, Warren County, and
19745 extends in an easterly direction to or near Jackson, Brandon,
19746 Forest, Newton and Meridian and ends at the Mississippi-Alabama
19747 state line east of Meridian, Lauderdale County.



19748 **U.S. 82** -- Begins at the Mississippi River Bridge southwest
19749 of Greenville, Washington County, and extends in a northeasterly
19750 direction to or near Greenville, thence east to or near Leland,
19751 Indianola, Greenwood, Carrollton, Winona, Mathiston and Starkville
19752 to a point on U.S. 45 west of Columbus, thence continues from or
19753 near Columbus to the Mississippi-Alabama state line east of
19754 Columbus, Lowndes County.

19755 **U.S. 84** -- Begins at the Mississippi River Bridge at or near
19756 Natchez, Adams County, and extends in an easterly direction to
19757 U.S. 61 in Natchez, thence continues jointly with U.S. 61 to or
19758 near Washington, thence continues from U.S. 61 at or near
19759 Washington, to or near Meadville, Brookhaven, Monticello,
19760 Prentiss, Collins, Laurel and Waynesboro to the
19761 Mississippi-Alabama state line east of Tokio, Wayne County.

19762 **U.S. 90** -- Begins at the Mississippi-Louisiana state line
19763 southwest of Pearlington, Hancock County, and extends in an
19764 easterly direction to or near Bay St. Louis, Gulfport, Biloxi,
19765 Pascagoula, and ends at the Mississippi-Alabama state line,
19766 Jackson County, en route to Mobile, Alabama.

19767 **U.S. 98** -- Begins at or near Bude, Franklin County, and
19768 extends in a southeasterly direction to or near Summit, thence
19769 continues from, at or near McComb to or near Tylertown, Columbia
19770 and Hattiesburg, thence continues from I-59 southwest of
19771 Hattiesburg to or near New Augusta, Beaumont, McLain and Lucedale



19772 to the Mississippi-Alabama state line southeast of Lucedale,
19773 George County.

19774 **I-110** -- Begins at its intersection with U.S. 90 in Biloxi
19775 thence north to I-10.

19776 **Mississippi 145** -- The various sections of Old U.S. 45 that
19777 have been relocated by new construction.

19778 **Mississippi 149** -- The various sections of Old U.S. 49 that
19779 have been relocated by new construction.

19780 **Mississippi 161** -- The various sections of Old U.S. 61 that
19781 have been relocated by new construction.

19782 **Mississippi 172** -- The various sections of Old U.S. 72 that
19783 have been relocated by new construction.

19784 **Mississippi 178** -- The various sections of Old U.S. 78 that
19785 have been relocated by new construction.

19786 **Mississippi 182** -- The various sections of Old U.S. 82 that
19787 have been relocated by new construction.

19788 **Mississippi 184** -- The various sections of Old U.S. 84 that
19789 have been relocated by new construction.

19790 **Mississippi 198** -- The various sections of Old U.S. 98 that
19791 have been relocated by new construction.

19792 **Mississippi 245** -- Begins on U.S. 45A south of Okolona,
19793 Chickasaw County, thence continues to Mississippi 32/Mississippi
19794 41 at Okolona and continues to Mississippi 145 at Shannon, Lee
19795 County.



19796 **I-220** -- Begins at its intersection with I-20 at or near Van
19797 Winkle and thence northeasterly a distance of approximately 12
19798 miles to intersect with I-55 at or near the Hinds-Madison county
19799 line.

19800 **U.S. 278** -- Begins at the Mississippi-Arkansas state line,
19801 continues along U.S. 82 to Leland, thence along U.S. 61 to
19802 Clarksdale, continues along Mississippi 6 to Batesville, Oxford,
19803 Pontotoc and Tupelo, thence along U.S. 45 to south of Nettleton,
19804 near Wren, thence easterly to Amory and ends at the
19805 Mississippi-Alabama state line near Gattman, Monroe County.

19806 **Mississippi 301** -- Begins at or near Arkabutla, Tate County,
19807 thence north to the Tate-DeSoto county line, thence begins on
19808 Mississippi 304 at Eudora to or near Lynchburg and ends at the
19809 Mississippi-Tennessee state line, DeSoto County.

19810 **Mississippi 302** -- Begins at U.S. 61, DeSoto County, thence
19811 east to U.S. 78 at or near Olive Branch in DeSoto County, thence
19812 to U.S. 72 at or near Mount Pleasant in Marshall County.

19813 **Mississippi 304** -- Begins at the Mississippi-Tennessee state
19814 line at or near U.S. 72, Marshall County, and thence runs in a
19815 southwesterly direction to intersect with U.S. 78 at or near
19816 Byhalia and thence runs in a westerly direction to intersect I-55
19817 at or near Hernando and thence runs in a westerly direction to
19818 intersect with U.S. 61 in DeSoto County.

19819 **Mississippi 305** -- Begins at or near the north boundary line
19820 of Sardis Reservoir, Lafayette County, and extends northerly to



19821 Mississippi 310 in Lafayette County, then from Mississippi 4 north
19822 to or near Independence, Lewisburg, Olive Branch and ends at the
19823 Mississippi-Tennessee state line, DeSoto County.

19824 **Mississippi 306** -- Begins at or near Coldwater and extends to
19825 or near Independence, all in Tate County.

19826 **Mississippi 309** -- Begins on Mississippi 4 at or near
19827 Chulahoma, Marshall County, Mississippi, and runs thence in a
19828 northerly direction to or near the communities of Watson, the Town
19829 of Byhalia, and ends at the Mississippi-Tennessee state line north
19830 of Barton, Marshall County.

19831 **Mississippi 310** -- Begins on Mississippi 3 in Crenshaw,
19832 Panola County, and extends in an easterly direction to Como, then
19833 returns from I-55 easterly to the Lafayette county line near Laws
19834 Hill, then to Mississippi 7 at or near Malone, Marshall County.

19835 **Mississippi 311** -- Begins on Mississippi 7 at or near Holly
19836 Springs and extends northerly to U.S. 72 at or near Mt. Pleasant,
19837 all in Marshall County.

19838 **Mississippi 313** -- Begins at or near Hudsonville and extends
19839 westerly to Atway, thence northerly to U.S. 72 at or near Slayden,
19840 all in Marshall County.

19841 **Mississippi 314** -- Begins at or near Sardis Reservoir and
19842 extends southeasterly to or near Oxford, all in Lafayette County.

19843 **Mississippi 315** -- Begins at U.S. Highway 49/Mississippi 61
19844 near the Town of Rich, continues to the Coahoma-Quitman county
19845 line, thence easterly to or near Sledge and Sardis, southeasterly



19846 to or near Sardis Dam and Water Valley to Mississippi 9W at or
19847 near Paris, Lafayette County.

19848 **Mississippi 316** -- Begins at a point on U.S. 61 in Coahoma
19849 County, at or near Frank Montory's Place and runs thence in a
19850 generally southeasterly direction through Jonestown, thence
19851 through Belen to Mississippi 6 west of Marks, Quitman County.

19852 **Mississippi 321** -- Begins on Mississippi 32 east of Webb and
19853 extends northerly and ends at or near Brazil, all in Tallahatchie
19854 County.

19855 **Mississippi 322** -- Begins at or near Sherard, Coahoma County,
19856 and extends east to or near Clarksdale, thence from or near Hopson
19857 on U.S. 49 south of Clarksdale east to Mississippi 3 approximately
19858 three miles south of Lambert, thence from Lambert to Crowder and
19859 ends on the Batesville-Charleston Road east of Crowder, Panola
19860 County.

19861 **Mississippi 328** -- Begins where it intersects with
19862 Mississippi 315, and extends easterly in a direction approximately
19863 eight miles to or near Taylor, thence to or near Markette,
19864 Lafayette County.

19865 **Mississippi 330** -- Begins on U.S. 51 west of Tillatoba,
19866 Yalobusha County, and extends easterly to or near Coffeeville and
19867 Gums, thence east to Bruce, Calhoun County.

19868 **Mississippi 331** -- Begins on Mississippi 9 southwest of
19869 Sarepta, Calhoun County, and extends north to or near Tula and
19870 ends on Mississippi 334 north of Tula, Lafayette County.



19871 **Mississippi 332** -- Begins at the intersection of Old
19872 Mississippi 7 with U.S. 51 approximately one mile north of Grenada
19873 and extends in a northeasterly direction to the north abutment of
19874 the Grenada Dam, all in Grenada County.

19875 **Mississippi 333** -- Begins at the intersection of Old
19876 Mississippi 8 with new Mississippi 8, approximately one mile east
19877 of Grenada and extends in a northeasterly direction to its
19878 intersection with a federally maintained road leading to the south
19879 abutment of the Grenada Dam, all in Grenada County.

19880 **Mississippi 334** -- Begins at or near Oxford, Lafayette
19881 County, and extends in an easterly direction to or near Toccopola
19882 and ends on Mississippi 9 at or near Springville, Pontotoc County.

19883 **Mississippi 336** -- Begins on Mississippi 6 at or near
19884 Lafayette Springs, Lafayette County, and extends to or near
19885 Thaxton and Pontotoc, Pontotoc County.

19886 **Mississippi 340** -- Begins at the Calhoun-Chickasaw county
19887 line near the Riley Ball Home, thence easterly to Mississippi 341,
19888 then continues to Mississippi 15 near Woodland, all in Chickasaw
19889 County.

19890 **Mississippi 341** -- Begins at the Webster-Chickasaw county
19891 line, thence northerly to or near Atlanta, Vardaman to Mississippi
19892 32, then continues to or near Buckhorn ending on Mississippi 9
19893 southwest of Pontotoc, Pontotoc County.



19894 **Mississippi 342** -- Begins on Mississippi 41 at or near
19895 Pontotoc and extends to Mississippi 6 east of Pontotoc, all in
19896 Pontotoc County.

19897 **Mississippi 345** -- Begins at or near Pontotoc and extends
19898 north and west to or near Ecu, all in Pontotoc County.

19899 **Mississippi 346** -- Begins at or near Sand Springs Church,
19900 thence east to or near Esperanza, thence to Mississippi 15
19901 approximately three-fourths mile south of Ecu, all in Pontotoc
19902 County.

19903 **Mississippi 347** -- Begins on Mississippi 349 at or near
19904 Bethlehem, thence northeasterly and northwesterly to Mississippi
19905 349 approximately two miles south of Potts Camp, all in Marshall
19906 County.

19907 **Mississippi 348** -- Begins at or near New Albany, Union
19908 County, and extends east to or near Guntown, Lee County.

19909 **Mississippi 349** -- Begins where it intersects with
19910 Mississippi 30, Union County, and extends northwesterly to or near
19911 Cornersville and Bethlehem and ends at or near Potts Camp,
19912 Marshall County.

19913 **Mississippi 350** -- Begins from Mississippi 2 northeast of
19914 Corinth, Alcorn County, thence in an easterly direction to
19915 Mississippi 25 near the State Line Resort, Tishomingo County.

19916 **Mississippi 351** -- Begins on the Alcorn-Tippah county line
19917 thence north to or near Gorforth's Place on Mississippi 2 in
19918 Alcorn County.



19919 **Mississippi 354** -- Begins at or near Walnut, thence in a
19920 southeasterly direction approximately two and nine-tenths miles,
19921 all in Tippah County.

19922 **Mississippi 355** -- Begins at Mississippi 346 near Esperanza,
19923 Pontotoc County, and extends northwesterly to or near Pinedale and
19924 Etta, then to Mississippi 30 near Gallway, Union County.

19925 **Mississippi 356** -- Begins on the Kossuth-Rienzi Road, Alcorn
19926 County, approximately six and one-half miles west of Rienzi and
19927 extends east to or near Rienzi and Jacinto, to intersect
19928 Mississippi 365 southeast of Jacinto, Prentiss County.

19929 **Mississippi 362** -- Begins at Mississippi 145, runs through
19930 Wheeler to Wheeler School, thence from Hopewell Road easterly to
19931 intersect at or near the junction with a county road in the
19932 northwest quarter of Section 20 approximately one and four-tenths
19933 miles west of Mississippi 371, all in Prentiss County.

19934 **Mississippi 363** -- Begins on Mississippi 178 west of Fulton,
19935 Itawamba County, and extends north to or near Mantachie, thence
19936 north and west to Mississippi 145 at Saltillo, Lee County.

19937 **Mississippi 364** -- Begins on Mississippi 30 east of
19938 Booneville, Prentiss County, runs northeast to Mississippi 365 and
19939 thence from a point near Holcut east to Mississippi 25 south of
19940 Iuka, Tishomingo County.

19941 **Mississippi 365** -- Begins on Mississippi 30 at or near
19942 Burton, Prentiss County, thence north to Burnsville to intersect
19943 Mississippi 25 at or near Cross Roads, Tishomingo County.



19944 **Mississippi 366** -- Begins east of Baldwyn on Mississippi 370,
19945 Prentiss County, thence in an easterly direction to Mississippi
19946 371 at Marietta, thence from Mississippi 25 at or near Belmont to
19947 the Mississippi-Alabama state line east of Golden, Tishomingo
19948 County.

19949 **Mississippi 367** -- Begins on Mississippi 356 southeast of
19950 Jacinto, thence in a northeasterly direction to Alcorn-Tishomingo
19951 county line, all in Alcorn County.

19952 **Mississippi 368** -- Begins where it intersects Mississippi 15
19953 at or near Blue Mountain thence easterly to or near Buena Vista
19954 School, all in Tippah County.

19955 **Mississippi 369** -- Begins on Mississippi 370 approximately
19956 two miles east of Benton-Tippah county line, thence northeasterly
19957 to or near Walnut, all in Tippah County.

19958 **Mississippi 370** -- Begins at Mississippi 5 at or near
19959 Ashland, Benton County, thence easterly to Mississippi 15 at or
19960 near Falkner, thence from Mississippi 4 at or near Ripley
19961 southeasterly to or near Dumas thence to Mississippi 30 at or near
19962 Pleasant Ridge, thence from Mississippi 30 east of Pleasant Ridge
19963 to or near Baldwyn and ends at Mississippi 371 at or near
19964 Kirkville, Itawamba County.

19965 **Mississippi 371** -- Begins on Mississippi 6 south of
19966 Nettleton, Monroe County, thence north to or near Richmond and
19967 Mooreville, thence northeast to or near Mantachie, thence north to



19968 or near Marietta and ends on Mississippi 4 southeast of
19969 Booneville, Prentiss County.

19970 **Mississippi 373** -- Begins on U.S. 45 approximately four miles
19971 north of Columbus, Lowndes County, thence to the South Gate of
19972 Columbus Air Force Base, thence from the North Gate of Columbus
19973 Air Force Base to U.S. 45 at or near Hamilton, Monroe County.

19974 **Mississippi 379** -- Begins at the Itawamba-Monroe county line
19975 and extends northward to a point on Mississippi 371 near
19976 Evergreen, all in Itawamba County.

19977 **Mississippi 382** -- Begins on U.S. 45A and thence runs in an
19978 easterly direction through Prairie to intersect Mississippi 25
19979 approximately three miles south of Aberdeen, all in Monroe County.

19980 **Mississippi 385** -- Begins at or near Buena Vista and runs in
19981 a northwesterly direction to Mississippi 32 at or near Van Vleet,
19982 all in Chickasaw County.

19983 **Mississippi 388** -- Begins at or near Brooksville and extends
19984 east to or near Cliftonville and to the Mississippi-Alabama state
19985 line, all in Noxubee County.

19986 **Mississippi 389** -- Begins on U.S. 82 in Starkville, Oktibbeha
19987 County, and runs in a northwesterly direction to the
19988 Oktibbeha-Clay county line, thence to a point on Mississippi 46 at
19989 Montpelier, continues in a northerly direction to a point on
19990 Mississippi 8 in Houston, Chickasaw County.



19991 **Mississippi 391** -- Begins at the east side of T.N. Kinard
19992 property line and runs in a northeasterly direction to
19993 Winston-Noxubee county line, all in Winston County.

19994 **Mississippi 393** -- Begins on the Winston-Neshoba county line
19995 and extends northward to Mississippi 490 at or near Claytown,
19996 Winston County.

19997 **Mississippi 395** -- Begins on Mississippi 19 at or near
19998 Arlington, Neshoba County, and runs north to Plattsburg, thence
19999 east to or near Noxapater, Winston County.

20000 **Mississippi 397** -- Begins at or near Louisville, Winston
20001 County, and extends southeast to or near DeKalb, Kemper County.

20002 **Mississippi 403** -- Begins at or near Mathiston and extends
20003 north and west to the county highway maintenance barn for District
20004 No. 4 in Webster County.

20005 **Mississippi 404** -- Begins at I-55 in Carroll County and
20006 extends east to U.S. 51 north of Duck Hill, thence from a point on
20007 U.S. 51 at Duck Hill in an easterly direction to beat line of Beat
20008 No. 2 in Montgomery County and from the intersection of
20009 Cadaretta-Bellefontaine Road at Spring Hill, and extends easterly
20010 to or near Bellefontaine in Webster County.

20011 **Mississippi 407** -- Begins on U.S. 51, Montgomery County,
20012 thence in a southeasterly direction to Mississippi 413 at French
20013 Camp, then from Mississippi 12 at or near Weir southwesterly to
20014 the Town of McCool, thence west to intersect Mississippi 12,
20015 Attala County.



20016 **Mississippi 411** -- Begins at a point at or near Glendale
20017 School on Mississippi 14 in Attala County, Mississippi, and runs
20018 in a northerly direction to or near Antioch Church, thence to the
20019 Town of McCool, continues over the business route of Mississippi
20020 12 through the Town of McCool to a point just west of the bridge
20021 over the Yockanookany River, thence north to Mississippi 12, all
20022 in Attala County.

20023 **Mississippi 413** -- Begins at or near Kilmichael, Montgomery
20024 County, and extends southeast to or near Weir, Choctaw County.

20025 **Mississippi 415** -- Begins where it intersects the Natchez
20026 Trace Parkway, thence southeast to or near Chester, and ends on
20027 Mississippi 9 about two and one-half miles northwest of Ackerman,
20028 Choctaw County.

20029 **Mississippi 424** -- Begins at or near Holmes State Park and
20030 extends east to U.S. 51 south of Durant, Holmes County.

20031 **Mississippi 425** -- Begins at a point on Mississippi 12 and
20032 runs in a southeasterly direction to the east city limits of
20033 Ethel, all in Attala County.

20034 **Mississippi 427** -- Begins at or near Laurel Hill, Neshoba
20035 County, and extends in a northerly direction to Mississippi 16 at
20036 Edinburg, then begins approximately two miles north of Edinburg
20037 and extends in a northerly direction to Mississippi 25 between
20038 Marydell, Leake County, and Mississippi 19 intersection.

20039 **Mississippi 429** -- Begins at or near Blocker's Store, Leake
20040 County, and extends northwest to intersect the Natchez Trace



20041 Parkway at or near Thomastown, thence northerly to Mississippi 14
20042 at or near Zemuly, thence from Mississippi 14 at or near Newport
20043 north to intersect Mississippi 12 north of Sallis, Attala County.

20044 **Mississippi 430** -- Begins at or near Greenwood, Leflore
20045 County, thence in a southeasterly direction to Leflore-Carroll
20046 county line, thence from a point at or near Black Hawk east to or
20047 near Vaiden, Carroll County.

20048 **Mississippi 431** -- Begins in the Village of Sallis, Attala
20049 County, 600 feet west of Mississippi 429 and extends easterly to
20050 Mississippi 12 east of Sallis.

20051 **Mississippi 432** -- Begins at or near Benton, Yazoo County,
20052 and extends northeast to or near Pickens, Holmes County.

20053 **Mississippi 433** -- Begins on U.S. 61 at or near Kelso,
20054 Sharkey County, thence northeast to a point south of Spanish Fort,
20055 and thence from, at or near Satartia, east to or near Bentonia,
20056 thence in a northerly direction to or near Benton, and thence to a
20057 point approximately four miles north of the Holmes-Yazoo county
20058 line.

20059 **Mississippi 434** -- Begins on U.S. 61 north of Anguilla and
20060 extends east to or near Catchings, now Delta City, all in Sharkey
20061 County.

20062 **Mississippi 436** -- Begins at or near Glen Allen and extends
20063 northeasterly to U.S. 61 at or near Percy, all in Washington
20064 County.



20065 **Mississippi 438** -- Begins at or near Wayside, Washington
20066 County, and extends to the Washington-Humphreys county line.

20067 **Mississippi 440** -- Begins on Mississippi 19 in Section 2,
20068 Township 15 North, Range 5 East, thence easterly to intersect
20069 Mississippi 35 at Hesterville, all in Attala County.

20070 **Mississippi 442** -- Begins at Mississippi 448 one mile east of
20071 Shaw, Sunflower County, thence in an easterly direction to
20072 Steiner, thence in a northerly direction to Linn, thence in an
20073 easterly direction to Doddsville and extends easterly to U.S. 49E
20074 near Schalter, Leflore County.

20075 **Mississippi 444** -- Begins at Mississippi 1 at or near Round
20076 Lake in Bolivar County, thence easterly to intersect U.S. 61 at or
20077 near Duncan, Bolivar County.

20078 **Mississippi 446** -- Begins at Mississippi 1 at or near Lobdell
20079 and extends east to U.S. 61 at or near Boyle, all in Bolivar
20080 County.

20081 **Mississippi 448** -- Begins at or near Benoit, Bolivar County,
20082 and extends southeast to or near Shaw, thence in a southeasterly
20083 direction to join U.S. 82 at or near Indianola, Sunflower County.

20084 **Mississippi 450** -- Begins at or near Scott on Mississippi 1
20085 and runs in a southeasterly direction to Choctaw on U.S. 61, all
20086 in Bolivar County.

20087 **Mississippi 454** -- Begins at or near the Mississippi River
20088 Bridge southwest of Greenville and extends east to Mississippi 1
20089 north of Wayside, all in Washington County.



20090 **Mississippi 462** -- Begins on U.S. 61, three miles north of
20091 Port Gibson, thence in a northerly direction to a point at or near
20092 Willows, being a part of road connecting U.S. 61 and Mississippi
20093 27 formerly Mississippi 3, all in Claiborne County.

20094 **Mississippi 463** -- Begins on Mississippi 22 at or near
20095 Livingston, thence southeasterly to U.S. 51 at or near Madison,
20096 all in Madison County.

20097 **Mississippi 465** -- Begins at Mississippi 1 near Fidler,
20098 Issaquena County, thence southerly via Brunswick and Eagle Lake to
20099 U.S. 61 north of Redwood, Warren County.

20100 **Mississippi 467** -- Begins at or near Edwards and extends
20101 southeast to or near Raymond, all in Hinds County.

20102 **Mississippi 468** -- Begins three miles north of U.S. 80 on the
20103 Fannin Road thence south to U.S. 80, thence in a southeasterly
20104 direction to Whitfield, and thence in a northeasterly direction to
20105 or near Brandon, all in Rankin County.

20106 **Mississippi 469** -- Begins on Mississippi 28 at or near Fork
20107 Church, Simpson County, thence northerly to Harrisville, Florence
20108 and extends northeasterly to intersect Mississippi 468, Rankin
20109 County.

20110 **Mississippi 471** -- Begins at or near Brandon and extends in a
20111 northerly direction to Mississippi 25, thence from a point seven
20112 and five-tenths miles northeast on Mississippi 25 to intersect
20113 Sand Hill-Canton Road or Mississippi 43, all in Rankin County.



20114 **Mississippi 472** -- Begins approximately two miles east of
20115 Hazlehurst, Copiah County, on Old Mississippi 28 near Shady Grove,
20116 thence in a southeasterly direction to Rockport; thence begins
20117 again in Section 23, Township 10 North, Range 21 West, Simpson
20118 County, thence in a northeasterly direction to Mississippi 28 at
20119 or near Pinola.

20120 **Mississippi 473** -- Begins at a point on the Copiah-Hinds
20121 county line northeast of Crystal Springs, thence northerly to new
20122 U.S. 51 near Terry, Hinds County.

20123 **Mississippi 475** -- Begins at a point on Mississippi 468 and
20124 extends in a northerly direction to I-20, thence northerly along
20125 the western boundary line of the Jackson Municipal Airport (Allen
20126 C. Thompson Field) to a point on Mississippi 25, all in Rankin
20127 County.

20128 **Mississippi 476** -- Begins at or near Van Winkle and extends
20129 easterly to the west corporate limits of Jackson, as the corporate
20130 limits were in 1949, all in Hinds County.

20131 **Mississippi 477** -- West Rankin Parkway (New Route)--Begins at
20132 Mississippi 25 in the City of Flowood, thence south to U.S. 80 at
20133 Pearson Road in the City of Pearl, all in Rankin County.

20134 **Mississippi 478** -- Begins about three miles east of Rockport
20135 in Simpson County, and extends in an easterly direction to a point
20136 on Mississippi 43.

20137 **Mississippi 481** -- Begins on Mississippi 43, Rankin County,
20138 and extends east to the Rankin-Scott county line to Morton,



20139 Pulaski, Trenton, Burns and intersects Mississippi 35, Smith
20140 County.

20141 **Mississippi 482** -- Begins on Mississippi 16 east of
20142 Philadelphia where Sandtown Road leaves Mississippi 16, thence in
20143 a northeasterly direction to intersect with Mississippi 491 near
20144 Bogue Chitto Indian School; all in Neshoba County. Also begins on
20145 Mississippi 19 south of Philadelphia near the Neshoba County
20146 Hospital and extends in a northeasterly direction to intersect
20147 present Mississippi 482 about one and three-tenths miles north of
20148 its intersection with Mississippi 16. This route is now numbered
20149 Mississippi 894.

20150 **Mississippi 483** -- Begins at a point on Mississippi 13 at
20151 Forkville, thence in a northwesterly direction to Ludlow, Scott
20152 County.

20153 **Mississippi 484** -- Begins on Mississippi 488 west of Madden,
20154 Leake County, thence through the community of Wright's Springs and
20155 thence easterly to the Neshoba county line at the intersection of
20156 Mississippi 488 and Mississippi 427.

20157 **Mississippi 485** -- Begins on Mississippi 21, thence in a
20158 northeasterly direction to Mississippi 15 at Good Hope, Neshoba
20159 County.

20160 **Mississippi 486** -- Begins on Mississippi 16 east of
20161 Philadelphia, thence southeasterly to the intersection of
20162 Mississippi 491, all in Neshoba County.



20163 **Mississippi 487** -- Begins at or near Lena, Leake County,
20164 thence northeasterly to or near Tuscola and Carthage, thence in an
20165 easterly direction by Standing Pine, Rosebud and Salem, thence in
20166 a southeasterly direction to the intersection of Mississippi 21 at
20167 Sebastopol, Scott County.

20168 **Mississippi 488** -- Begins at or near Mississippi 35 at
20169 Carthage, Leake County, and extends to or near Madden, Laurel
20170 Hill, and to a point on Mississippi 21 approximately two miles
20171 west of Williamsville, Neshoba County.

20172 **Mississippi 489** -- Begins at or near Lake, Scott County, and
20173 extends northeast to or near Conehatta to Union, Newton County.

20174 **Mississippi 490** -- Begins at or near Noxapater, Winston
20175 County, thence in an easterly direction to intersect Mississippi
20176 397, thence in a northeasterly direction by Old Fearn Springs Post
20177 Office to the Noxubee county line.

20178 **Mississippi 491** -- Begins on Mississippi 19, approximately
20179 200 yards south of the Neshoba-Newton county line, thence in a
20180 northerly direction to Mississippi 486 southwest of DeWeese and
20181 thence from Mississippi 16 at Cross Roads north to Mississippi 21
20182 near the center of Section 22, Township 12 North, Range 13 East,
20183 Neshoba County.

20184 **Mississippi 492** -- Begins at the intersection of Mississippi
20185 487 at or near Tuscola, Leake County, and runs in an easterly
20186 direction to or near Walnut Grove and to the south boundary of
20187 Golden State Park and continues as Golden State Park Road until it



20188 reaches Mississippi 21. Then from a point on Mississippi 21 at or
20189 near Sebastopol to or near Union and ends at or near House School
20190 east of Mississippi 19, Neshoba County.

20191 **Mississippi 493** -- Begins at or near Meridian, Lauderdale
20192 County, thence in a northerly direction to or near Bailey and
20193 Moscow, and ends on Mississippi 16 in Kemper County.

20194 **Mississippi 494** -- Begins on Mississippi 15 at or near Union,
20195 Newton County, and extends southeast to or near Little Rock and
20196 Dufree to intersect Mississippi 19 at or near Hookston, Lauderdale
20197 County.

20198 **Mississippi 495** -- Begins on Mississippi 493 at Bailey's
20199 Store, in Lauderdale County, thence in a northerly direction to
20200 the Kemper county line, thence by Damacus School and intersection
20201 Mississippi 16 at or near Daw's Store and from another point on
20202 Mississippi 16 at Daw's Brothers Store, thence northerly to a
20203 point on Mississippi 397 approximately one and one-half miles
20204 south of Preston, Kemper County.

20205 **Mississippi 496** -- Begins at the intersection of Mississippi
20206 19 in Lauderdale County at Old Odom Store Place, thence in an
20207 easterly direction by way of Culpepper, thence to the
20208 Mississippi-Alabama state line, Lauderdale County.

20209 **Mississippi 498** -- Begins at a point on U.S. 45 about 12
20210 miles south of Scooba, Kemper County, thence in an easterly
20211 direction to Porterville.



20212 **Mississippi 500** -- Begins with its intersection with
20213 Mississippi 13 at or near Lena, thence in a easterly direction to
20214 a local road at Frank Reeves', thence in a northerly direction to
20215 Mississippi 487 at Tuscola, Leake County.

20216 **Mississippi 501** -- Begins on Mississippi 18 approximately
20217 eight miles east of Raleigh and extends in a northerly direction
20218 to or near Pineville to U.S. 80 in Forest.

20219 **Mississippi 502** -- Begins with its intersection with
20220 Mississippi 488 between Standing Pine and Free Trade, thence in an
20221 easterly direction by Springfield Baptist Church, Thaggards
20222 Clinic, Madden School and intersects Mississippi 488 at Madden
20223 Baptist Church in the Village of Madden, all in Leake County.

20224 **Mississippi 503** -- Begins on Mississippi 528 at or near
20225 Heidelberg, Jasper County, thence in a northerly direction to
20226 Paulding, Hero, Hickory and ends at or near Decatur, Newton
20227 County.

20228 **Mississippi 504** -- Begins on Mississippi 15 north of
20229 Jasper-Newton county line to Mississippi 503 at Hero, Jasper
20230 County.

20231 **Mississippi 505** -- Begins at or near Roberts, Newton County,
20232 and extends north to U.S. 80 at or near Lawrence.

20233 **Mississippi 508** -- Begins on U.S. 45 approximately six miles
20234 south of Waynesboro and runs southeasterly approximately three
20235 miles to Waynesboro Pine Tree Nursery, all in Wayne County.



20236 **Mississippi 510** -- Begins on U.S. 45 at or near Shubuta in
20237 Wayne County, thence in an easterly direction to Matherville,
20238 thence in a southerly direction to the end of state maintenance,
20239 Wayne County.

20240 **Mississippi 511** -- Begins at a point on Mississippi 18 at or
20241 near Quitman, Clarke County, thence in a southeasterly direction
20242 about seven and two-tenths miles, now known as the
20243 Quitman-Crandall Road in Clarke County.

20244 **Mississippi 512** -- Begins on the Clarke-Jasper county line,
20245 thence easterly on the Old Paulding and Pachuta Road to
20246 Mississippi 18 at Pachuta, thence continues jointly with
20247 Mississippi 18 approximately two miles southeast of Pachuta,
20248 thence to U.S. 45 in Quitman, Clarke County.

20249 **Mississippi 513** -- Begins on Mississippi 18 in the Town of
20250 Rose Hill, Jasper County, thence to Enterprise on U.S. 11 and
20251 extends southeasterly to or near Quitman, Clarke County.

20252 **Mississippi 514** -- Begins at a point on Mississippi 513 in
20253 Enterprise, thence in an easterly direction to a point on U.S. 45
20254 near the northeast corner of the southeast quarter of Section 20,
20255 Township 4 North, Range 16 East, all in Clarke County.

20256 **Mississippi 528** -- Begins at or near Bay Springs and extends
20257 to U.S. 11 at or near Heidelberg, all in Jasper County.

20258 **Mississippi 529** -- Begins with its intersection on U.S. 84 at
20259 or near Hebron community, thence in a northerly direction to
20260 Mississippi 28 at Gitano, Jones County.



20261 **Mississippi 531** -- Begins on Mississippi 28 approximately one
20262 mile east of Taylorsville in Smith County, thence in a
20263 northeasterly direction to the intersection with Mississippi 18
20264 approximately three miles west of Bay Springs, Jasper County.

20265 **Mississippi 532** -- Begins at or near Mt. Olive, Covington
20266 County, and extends southeasterly via Hot Coffee, ending at U.S.
20267 84 at or near Reddoch, Covington County.

20268 **Mississippi 533** -- Begins where it intersects Mississippi 28
20269 at or near Soso, Jones County, thence in a northerly direction
20270 along the Ridge Road to Mississippi 15 at or near Stringer, Jasper
20271 County.

20272 **Mississippi 535** -- Begins at Seminary, thence in a
20273 northeasterly direction to a point on Mississippi 588, all in
20274 Covington County.

20275 **Mississippi 536** -- Begins on Mississippi 15 in Section 12,
20276 Township 7 North, Range 11 West, in Jones County, and extending in
20277 a northerly and southeasterly direction to Mississippi 63 in Wayne
20278 County in Section 26, Township 7 North, Range 8 West.

20279 **Mississippi 537** -- Begins at or near Laurel, Jones County,
20280 and extends northerly to the Jones-Jasper county line, thence
20281 northwesterly and southwesterly via Mossville to Mississippi 15,
20282 Jones County.

20283 **Mississippi 540** -- Begins at the intersection of Mississippi
20284 469 at Harrisville, Simpson County, and extends easterly to Old
20285 U.S. 49 and Mississippi 13 at or near Mendenhall, thence



20286 southeasterly to new U.S. 49, thence in a northerly and easterly
20287 direction to a point on Mississippi 541 at Roy Upton's Store,
20288 thence northeasterly and easterly to intersect Mississippi 35
20289 south of Raleigh, Smith County.

20290 **Mississippi 541** -- Begins approximately five miles south of
20291 the Simpson county line in Jefferson Davis County, thence in a
20292 northerly direction to or near Magee, Martinville and to intersect
20293 Mississippi 18 southeast of Puckett, and from another point on
20294 Mississippi 18 at or near White Oak, thence in a northwesterly
20295 direction to intersect Mississippi 13 north of Puckett, Smith
20296 County.

20297 **Mississippi 545** -- Begins at the intersection with
20298 Mississippi 28 in Simpson County, thence in a northerly direction
20299 for a distance of approximately two miles along the State Farm
20300 Road by and through the State Sanatorium Farm to a point of
20301 intersection with U.S. 49, all in Simpson County.

20302 **Mississippi 547** -- Begins at or near Port Gibson, Claiborne
20303 County, and extends southeasterly via Pattison to or near Allen,
20304 thence from a point on Mississippi 28 at or near Allen and
20305 extending in an easterly direction to Covich-Lincoln county line.

20306 **Mississippi 548** -- Begins four miles east of Mississippi 18
20307 at or near Hermanville, Claiborne County, thence easterly to the
20308 Claiborne-Covich county line.



20309 **Mississippi 550** -- Begins on Mississippi 28 at or near Union
20310 Church, Jefferson County, and extends southeasterly to or near
20311 Brookhaven, Lincoln County.

20312 **Mississippi 552** -- Begins at the Mississippi River at or near
20313 the mouth of Bayou Pierre, Claiborne County, thence easterly then
20314 southerly on the Port Gibson-Alcorn University Road, and extends
20315 southerly to Alcorn State University, thence southeasterly to or
20316 near Lorman, thence in an easterly direction to Red Lick, thence
20317 near Blue Hill, and continues from McBride and intersects
20318 Mississippi 28 at Pleasant Hill, Jefferson County.

20319 **Mississippi 553** -- Begins on U.S. 61 at or near Stanton,
20320 Adams County, and extends in a northerly direction to or near
20321 Church Hill, thence in an easterly direction to Fayette, thence in
20322 a northerly direction to Harriston, Jefferson County.

20323 **Mississippi 554** -- Begins at or near Pine Ridge and extends
20324 to U.S. 61 at or near Selma, all in Adams County.

20325 **Mississippi 555** -- Begins at the road junction in Section 50,
20326 Township 6 North, Range 2 West, and extends in a northwesterly
20327 direction to U.S. 61 south of Natchez and from another point in
20328 Natchez, northeasterly to Pine Ridge, and thence three and
20329 eight-tenths miles north to Old Pine Ridge School, all in Adams
20330 County.

20331 **Mississippi 556** -- Begins on Mississippi 184 at or near
20332 Meadville, thence in a southeasterly direction to intersect U.S.
20333 98, all in Franklin County.



20334 **Mississippi 558** -- Begins west of I-55 and extends along
20335 Brookway Boulevard to U.S. 51, thence continues to Mississippi 184
20336 (Monticello Street), all in Brookhaven, Lincoln County.

20337 **Mississippi 563** -- Begins on U.S. 61 approximately three
20338 miles north of Woodville, thence to Wilkinson in a northeasterly
20339 direction to or near Crosby, all in Wilkinson County.

20340 **Mississippi 567** -- Begins on Mississippi 24 at or near
20341 Liberty, Amite County, and runs in a northerly direction to U.S.
20342 98 south of Bude, Franklin County, except that section from
20343 Butler's Crossing, easterly to Zion Hill Baptist Church.

20344 **Mississippi 568** -- Begins at the Mississippi-Louisiana state
20345 line in Amite County and extends in a northeasterly direction to
20346 or near Gillsburg and ends on U.S. 51 south of Magnolia, Pike
20347 County.

20348 **Mississippi 569** -- Begins on Mississippi-Louisiana state
20349 line, Amite County, and extends in a northeasterly direction to
20350 Mississippi 48 at or near Beachwood, and from Mississippi 24 at or
20351 near Liberty in a northeasterly direction to Smithdale to
20352 intersect U.S. 98 at or near Auburn, Lincoln County.

20353 **Mississippi 570** -- Begins on U.S. 98 in Franklin County,
20354 thence in a southeasterly direction to or near Smithdale and
20355 McComb, thence from a point on Mississippi 44 in McComb to or near
20356 Felders and to intersect Mississippi 44 at or near Pricedale, Pike
20357 County.



20358 **Mississippi 571** -- Begins at a point approximately one mile
20359 east of Gillsburg on Mississippi 584 and runs in a southerly
20360 direction to connect with Louisiana 441, all in Amite County.

20361 **Mississippi 575** -- Begins at Progress, thence northeasterly
20362 for a distance of approximately four miles to a point of
20363 intersection with Mississippi 48, all in Pike County.

20364 **Mississippi 583** -- Begins at or near Brookhaven, Lincoln
20365 County, thence in a southeasterly direction through Enterprise and
20366 Ruth to intersect Mississippi 44 at Alton Brister's Store, thence
20367 southeasterly to or near Tylertown, Walthall County.

20368 **Mississippi 584** -- Begins at Liberty, Amite County, and runs
20369 in a southeasterly direction to or near Gillsburg, then to U.S. 51
20370 at or near Osyka, Pike County.

20371 **Mississippi 585** -- Begins on U.S. 98 east of Tylertown,
20372 thence in a northeasterly direction to intersect Mississippi 586
20373 at or near Darbon, all in Walthall County.

20374 **Mississippi 586** -- Begins at or near Darbon on Mississippi
20375 585, thence in a southeasterly direction to U.S. 98 at or near
20376 Foxworth, Marion County.

20377 **Mississippi 587** -- Begins on U.S. 98 at Foxworth, Marion
20378 County, thence northwesterly to Morgantown, Whitebluff, Tilton and
20379 Robinwood to connect with U.S. 84 in Monticello, Lawrence County.

20380 **Mississippi 588** -- Begins on U.S. 84 approximately one mile
20381 east of Collins, Covington County, thence in an easterly direction
20382 to or near Ellisville, Jones County.



20383 **Mississippi 589** -- Begins at a point on I-59 at or near
20384 Purvis, Lamar County, thence in a northwesterly direction to
20385 intersect U.S. 98, thence continues northerly to or near Sumrall,
20386 then north to U.S. 49 at or near Seminary, Covington County.

20387 **Mississippi 590** -- Begins at a point on U.S. 49 at or near
20388 Seminary, Covington County, and extends in an easterly direction
20389 to a point on U.S. 11 at or near Ellisville, Jones County.

20390 **Mississippi 591** -- Begins on Mississippi 570 at Felder's Camp
20391 Ground, thence northerly approximately two-tenths mile, all in
20392 Pike County.

20393 **Mississippi 594** -- Begins on Mississippi 63 south of
20394 Leakesville and runs easterly to the Mississippi-Alabama state
20395 line, all in Greene County.

20396 **Mississippi 598** -- Begins on U.S. 49 at a point west of
20397 Sanford, continues in an easterly direction to another point at
20398 Sanford, all in Covington County.

20399 **Mississippi 601** -- A central Harrison County connector from
20400 I-10 to U.S. 90 in the vicinity of Canal Road to the Mississippi
20401 State Port at Gulfport.

20402 **Mississippi 603** -- Begins on Mississippi 43 at or near Kiln
20403 and extends in a northerly direction to or near Necaize, all in
20404 Hancock County.

20405 **Mississippi 604** -- Begins on U.S. 90 at or near the
20406 Mississippi-Louisiana state line and extends in a northeasterly



20407 direction to the Picayune-Bay St. Louis Road near Westonia, all in
20408 Hancock County.

20409 **Mississippi 605** -- Begins on U.S. 90 at Cowan Road in
20410 Gulfport, thence in a northerly direction along Cowan and Lorraine
20411 Roads to I-10, thence continuing to relocated/reconstructed
20412 Mississippi 67, northwest to relocated Mississippi 67 at or near
20413 U.S. 49, all in Harrison County.

20414 **Mississippi 606** -- Begins at the southern end of the Beach
20415 Highway in Hancock County, thence in a northeasterly direction
20416 across U.S. 90 to the northern end of Beach Highway.

20417 **Mississippi 607** -- Begins on U.S. 90 west of Bay St. Louis
20418 and runs in a westerly and northwesterly direction to I-10 south
20419 of N.A.S.A., thence from the intersection with unnumbered state
20420 highway at Santa Rosa north of N.A.S.A. to a point on I-59 at or
20421 near Nicholson, all in Hancock County.

20422 **Mississippi 609** -- Begins on U.S. 90 in Ocean Springs, thence
20423 north to I-10 and thence from the north end of the bridge over
20424 Bayou Costapia and extends northerly along what is known as the
20425 Old Spanish Trail Highway to approximately three-tenths mile south
20426 of George-Jackson county line, all in Jackson County.

20427 **Mississippi 611** -- Begins at the entrance to H.K. Porter
20428 Company, Inc., plant site in the Bayou Cassotte Industrial Area at
20429 Station 220-00, thence in a northerly direction for a distance of
20430 approximately four miles to intersect U.S. 90 at a point about one
20431 mile west of Kreole, thence westerly on U.S. 90 to intersect Chico



20432 Road, thence northerly on Chico Road and ends on Mississippi 613
20433 south of Moss Point, all in Jackson County to be designated as
20434 Mississippi 613.

20435 **Mississippi 612** -- Begins on Mississippi 613 at or near
20436 Hathaway's Store, thence in an easterly direction to the
20437 Mississippi-Alabama state line, all in George County.

20438 **Mississippi 613** -- Begins on U.S. 90 in Pascagoula, Jackson
20439 County, thence northerly via Call Town, Bigpoint, Hurley,
20440 Harleston and Agricola to Mississippi 198 at Lucedale, George
20441 County.

20442 **Mississippi 614** -- Begins at Wade on Mississippi 63, thence
20443 in an easterly direction to or near Hurley, thence to the
20444 Mississippi-Alabama state line, all in Jackson County.

20445 **Mississippi 615** -- An east Harrison County connector from
20446 U.S. 90 to I-10 to be located between the Cowan-Lorraine Road
20447 interchange and the I-110 interchange, thence northerly to
20448 relocated/reconstructed Mississippi 67.

20449 **Mississippi 617** -- Begins at Litton Industries, Inc., between
20450 West Pascagoula River and East Pascagoula River in the City of
20451 Pascagoula and extends north to U.S. 90, all in Jackson County.

20452 **Mississippi 618** -- Mississippi 613 Spur--Begins on
20453 Mississippi 613 in Moss Point and extends east to U.S. 90 at
20454 Orange Grove, Jackson County.

20455 **Mississippi 619** -- Spur--Extends south to Naval Station, also
20456 known as Singing River Island Causeway, all in Jackson County.



20457 **Mississippi 621** -- Begins I-10 and extends in a northerly
20458 direction to North Swan Road ending on U.S. 49 at or near Lyman,
20459 all in Harrison County.

20460 **Mississippi 701** -- Begins at the intersection of U.S. 78 with
20461 Mulberry Street in the Town of Potts Camp, thence southwesterly
20462 along Mulberry Street to Front Street, thence southeasterly along
20463 Front Street to Ash Street, thence northerly to Mississippi 178,
20464 all in Marshall County.

20465 **Mississippi 702** -- Mississippi 5 Spur--Begins on Mississippi
20466 7 and extends east to Michigan City, Benton County.

20467 **Mississippi 703** -- Begins at or near Byhalia Cemetery on
20468 Mississippi 178 in the north part of the City of Byhalia, thence
20469 runs southeasterly down Main Street to Hood's Store on U.S. 78,
20470 all in Marshall County.

20471 **Mississippi 704** -- Begins on Mississippi 7, thence in an
20472 easterly direction, approximately one-half mile to Lamar, Benton
20473 County.

20474 **Mississippi 705** -- Loop--All in the Town of Hickory Flat off
20475 Mississippi 178 in Benton County.

20476 **Mississippi 706** -- Spur--Begins on U.S. 49E and extends west
20477 to Sidon, Leflore County.

20478 **Mississippi 713** -- Mississippi 304 Spur--Extends
20479 southwesterly to or near Robinsonville, Tunica County, from
20480 Mississippi 304.



20481 **Mississippi 714** -- Mississippi 3 Spur--Begins on Mississippi
20482 3 and extends west into Sledge, Quitman County.

20483 **Mississippi 716** -- Mississippi 315 Spur--Begins on
20484 Mississippi 315 thence west to Quitman-Tunica county line.

20485 **Mississippi 718** -- U.S. 51 Spur--Begins on U.S. 51 and
20486 extends west to Courtland, Panola County.

20487 **Mississippi 720** -- I-55 Connection--Begins on I-55 and
20488 extends west to U.S. 51 between Courtland and Pope, Panola County.

20489 **Mississippi 722** -- Spur--Begins on U.S. 51 and extends west
20490 to Pope, Panola County.

20491 **Mississippi 723** -- Begins at a point on Mississippi 32
20492 approximately eight miles northwest of Bruce, Calhoun County, runs
20493 north of Gulf Interstate Gas Pumping Station.

20494 **Mississippi 724** -- U.S. 51 Spur--Begins on U.S. 51 north of
20495 Oakland, Yalobusha County, and extends west into Enid,
20496 Tallahatchie County.

20497 **Mississippi 725** -- Mississippi 6 Spur--Begins on Mississippi
20498 6 and extends north to Batesville, Panola County.

20499 **Mississippi 726** -- U.S. 49 Spur--Begins on U.S. 49 and
20500 extends south to Tutwiler, Tallahatchie County.

20501 **Mississippi 727** -- Mississippi 32 Connection--Begins on
20502 Mississippi 32, Tallahatchie County, and extends east to U.S. 51
20503 in Oakland, Yalobusha County.

20504 **Mississippi 728** -- U.S. 49E Spur--Begins on U.S. 49E and
20505 extends east into Sumner, Tallahatchie County.



20506 **Mississippi 729** -- Begins on U.S. 51 and extends

20507 northeasterly to I-55, all in Grenada County.

20508 **Mississippi 731** -- Mississippi 35 Connection--Begins on

20509 Mississippi 35 in South Kosciusko and extends north to Mississippi

20510 12, all in Attala County.

20511 **Mississippi 732** -- Begins on Mississippi 35 approximately

20512 three and one-half miles south of Charleston, thence runs in an

20513 easterly direction to Camp Tallaha, Tallahatchie County.

20514 **Mississippi 733** -- Begins at the junction of Old

20515 Taylor-Oxford Road with Mississippi 328 near the railroad overpass

20516 southwest of Taylor and extends in a northerly direction

20517 approximately one mile to an intersection in Taylor, Lafayette

20518 County.

20519 **Mississippi 734** -- Spur--Begins on U.S. 49E and extends east

20520 into Glendora, Tallahatchie County.

20521 **Mississippi 735** -- Mississippi 12 Loop--Begins on Mississippi

20522 12 and extends east and north to Mississippi 12 in Kosciusko,

20523 Attala County.

20524 **Mississippi 736** -- Begins on Mississippi 35 south of the

20525 Yockanookany River, then runs easterly through Williamsville to

20526 Mississippi 14, all in Attala County.

20527 **Mississippi 737** -- Begins on Mississippi 178 at or near Red

20528 Banks, thence through the business district of Red Banks and ends

20529 on Mississippi 178, all in Marshall County.



20530 **Mississippi 738** -- Mississippi 6 Connection--Begins on
20531 Mississippi 6 and extends west to Mississippi 334 in East Oxford,
20532 Lafayette County.

20533 **Mississippi 739** -- Loop--Begins on Mississippi 12 and extends
20534 east and north through Ethel, Attala County, to Mississippi 12.

20535 **Mississippi 741** -- Begins at a point at or near Gilliland
20536 Hill approximately five miles south of the corporate limits of the
20537 City of Kosciusko, Mississippi, thence runs in an easterly
20538 direction to Old Mississippi 35, thence in a northerly direction
20539 to Texas Eastern Pumping Station, all in Attala County.

20540 **Mississippi 743** -- Spur--Begins on U.S. 82 in South Greenwood
20541 at U.S. 49E and extends north, all in Leflore County.

20542 **Mississippi 744** -- Spur--Begins on U.S. 82 in East Greenwood
20543 and extends west on East Stone Street, all in Leflore County.

20544 **Mississippi 745** -- Mississippi 182 Connection--Begins on
20545 Mississippi 182 and extends southeast to Mississippi 413 in the
20546 Town of Kilmichael, all in Montgomery County.

20547 **Mississippi 747** -- That portion of Getwell Road from the
20548 Mississippi-Tennessee state line south to its intersection with
20549 Church Road, all in DeSoto County.

20550 **Mississippi 758** -- Mississippi 25 Connection--Begins on
20551 Mississippi 25 and extends southwest .310 mile to a local road.

20552 **Mississippi 759** -- Mississippi 12 Loop--Begins on Mississippi
20553 12 and extends east and north to Mississippi 12 through Ackerman,
20554 all in Choctaw County.



20555 **Mississippi 760** -- Mississippi 25 Connection--Begins on
20556 Mississippi 25 south of Belmont and extends east to Golden as
20557 Mississippi 366, all in Tishomingo County.

20558 **Mississippi 761** -- Mississippi 178 Spur--Begins on
20559 Mississippi 178 and extends north to Myrtle, all in Union County.

20560 **Mississippi 762** -- Mississippi 15 Spur--Begins on Mississippi
20561 15 and extends west to Ingomar, Union County.

20562 **Mississippi 763** -- U.S. 82 Connection--Begins on U.S. 82 and
20563 extends northwest to Mississippi 15 in Maben, Oktibbeha County.

20564 **Mississippi 764** -- Mississippi 9 Spur--Begins on Mississippi
20565 9 in Blue Springs, Union County, and extends north.

20566 **Mississippi 765** -- Begins at the Natchez Trace Parkway, runs
20567 thence easterly for a distance of approximately 2,800 feet to or
20568 near Bland's Store, in the Village of Cumberland, all in Webster
20569 County.

20570 **Mississippi 766** -- Begins in the Town of Saltillo at
20571 Mississippi 363, and runs in a northerly direction to the
20572 intersection of Mississippi 145, all in Lee County.

20573 **Mississippi 767** -- Begins at the intersection of Ridgeroad
20574 and Mississippi 25, Tishomingo County, thence southeasterly along
20575 Ridgeroad to the Mississippi-Alabama state line, Itawamba County.

20576 **Mississippi 768** -- Begins on Mississippi 15 south of
20577 Ackerman, thence in an easterly direction past Choctaw Lake to the
20578 4-H Club Picnic Grounds. This includes a spur past the clubhouse
20579 and ends at the picnic grounds, all in Choctaw County.



20580 **Mississippi 769** -- Begins at or near the south corporate
20581 limits of Tupelo and extends over Old U.S. 45, proceeds to Green
20582 Street in Tupelo, through Tupelo on Green Street to the
20583 intersection of Green Street and Mississippi 145 near the north
20584 corporate limits of Tupelo, all in Lee County.

20585 **Mississippi 770** -- Connection--Begins on Mississippi 15 and
20586 extends west to the intersection of Mississippi 6 and 9 in the
20587 Town of Pontotoc, all in Pontotoc County.

20588 **Mississippi 772** -- Mississippi 15 Spur--Begins on Mississippi
20589 15 and extends west to Algoma, Pontotoc County.

20590 **Mississippi 773** -- Commences at the intersection of Center
20591 Road and Mississippi 2 and extends northeasterly along Center Road
20592 for about two miles to its intersection with Peoples Farm to
20593 Market Road, all in Tippah County.

20594 **Mississippi 774** -- U.S. 45 Connection--Begins on U.S. 45 and
20595 extends east to Mississippi 6 in the Town of Nettleton, Lee/Monroe
20596 County.

20597 **Mississippi 775** -- Mississippi 12 Spur--Begins on Mississippi
20598 12 and extends east at Mississippi State University in Starkville
20599 on Old Mississippi 12, all in Oktibbeha County.

20600 **Mississippi 776** -- Begins at the intersection of Old
20601 Mississippi 6 and new Mississippi 6, thence runs northeast along
20602 Old Mississippi 6 to its intersection with Mississippi 371, all in
20603 Monroe County.



20604 **Mississippi 777** -- Begins at or near the southern boundary of
20605 the Town of Walnut at or near the intersection of old and new
20606 Mississippi 15, follows the route of Old Mississippi 15, and runs
20607 through the business section of Walnut and in a northerly
20608 direction to intersect U.S. 72, all in Tippah County.

20609 **Mississippi 778** -- Begins at U.S. 78 in Section 22, Township
20610 8 South, Range 4 East, thence in a southeasterly direction in the
20611 vicinity of Old U.S. 78 to intersect U.S. 78, or Mississippi 9, at
20612 or near Sherman.

20613 **Mississippi 779** -- Spur--Begins on U.S. 72 and extends north
20614 to Glen, Alcorn County.

20615 **Mississippi 781** -- Mississippi 50 Spur--Begins on Mississippi
20616 50 near Cedar Bluff and extends to State Lime Plant, all in Clay
20617 County.

20618 **Mississippi 782** -- Mississippi 15 Connection--Begins on
20619 Mississippi 15 and extends west in Mantee, Webster County.

20620 **Mississippi 784** -- Mississippi 9 Loop--Begins on Mississippi
20621 9 and extends east and north across Mississippi 50 and back to
20622 Mississippi 9 in the Town of Walthall, Webster County.

20623 **Mississippi 785** -- U.S. 72 Spur--Begins on U.S. 72 in Corinth
20624 and extends north on Davis Street and Cass Street to Wick Street,
20625 all in Alcorn County.

20626 **Mississippi 786** -- Begins at a point on U.S. 45, and runs
20627 west at distance of approximately 1.27 miles to the Columbus Air
20628 Force Base, all in Lowndes County.



20629 **Mississippi 788** -- U.S. 45A Spur--Begins on U.S. 45A and
20630 extends east to Artesia, Lowndes County.

20631 **Mississippi 789** -- Begins on U.S. 82 and extends
20632 southeasterly along Airport Road and Industrial Park Road to
20633 Artesia Road, thence northeasterly along Artesia Road to U.S. 45.

20634 **Mississippi 790** -- Mississippi 9 Connection--Begins on
20635 Mississippi 9 and extends northeast to Mississippi 15 north of
20636 Ackerman, Choctaw County.

20637 **Mississippi 792** -- Begins on U.S. 45 and extends easterly
20638 along Carson Road, for a distance of approximately four and
20639 one-half miles to the new Weyerhauser Road, Lowndes County, thence
20640 continues south to Mississippi 388 in Noxubee County.

20641 **Mississippi 793** -- Mississippi 30 Spur--Begins on Mississippi
20642 30 west of Tishomingo and extends north to Paden, Tishomingo
20643 County.

20644 **Mississippi 795** -- Mississippi Economic and Community
20645 Development Highway Project No. DECD-0044(19)B located from Eka
20646 Chemical Plant entrance on Nashville Ferry Road located in Section
20647 11, Township 19 South, Range 18 West, northerly along Nashville
20648 Ferry Road until it intersects with Pickensville Road, thence
20649 northerly along Pickensville Road (existing and relocated) until
20650 it intersects with Yorkville Road, thence east along Yorkville
20651 Road to U.S. 69 located in Section 26, Township 18 South, Range 18
20652 West, for a total length of 4.419 miles.



20653 **Mississippi 801** -- Begins on Mississippi 27 north of Crystal
20654 Springs, Covich County, thence north to Covich-Hinds county line.
20655 This was Old U.S. 51.

20656 **Mississippi 802** -- U.S. 61 Spur--Begins on U.S. 61 and
20657 extends northwest into the Town of Alligator, Bolivar County.

20658 **Mississippi 804** -- Mississippi 1 Loop--A loop on Mississippi
20659 1 at Gunnison, Bolivar County.

20660 **Mississippi 806** -- Begins at the intersection of the south
20661 end of new U.S. 49W bypass just south of Isola, thence into Isola
20662 to the north end of U.S. 49 bypass, Humphreys County.

20663 **Mississippi 808** -- Begins on U.S. 61 in Port Gibson, thence
20664 west to Market Street, thence in a northeasterly direction along
20665 Market Street, thence to U.S. 61 approximately three-fourths mile
20666 north of Port Gibson, all in Claiborne County.

20667 **Mississippi 809** -- Industrial access road from the port and
20668 industrial area to U.S. 82 in Greenville, Washington County.

20669 **Mississippi 810** -- Spur--Begins on U.S. 49W and extends west
20670 to Sunflower, Sunflower County.

20671 **Mississippi 812** -- Spur--Begins on U.S. 49W and extends north
20672 into Ruleville, Sunflower County.

20673 **Mississippi 814** -- Begins on Mississippi 1 north of
20674 Greenville and extends south to north corporate limits of
20675 Greenville as Old Mississippi 1 Business Route, thence extends
20676 along North Broadway Street in a southerly direction, to the
20677 intersection of U.S. 82 and the south corporate limits of



20678 Greenville, thence runs easterly to Mississippi 1, all in
20679 Washington County.

20680 **Mississippi 816** -- Mississippi 149 Spur--Begins on
20681 Mississippi 149 and extends west to Inverness, Sunflower County.

20682 **Mississippi 817** -- Mississippi 8 Spur--Begins at Pace and
20683 extends north to Mississippi 8, all in Bolivar County.

20684 **Mississippi 818** -- U.S. 49E Spur--Begins on U.S. 49E and
20685 extends west to Cruger, Holmes County.

20686 **Mississippi 819** -- Begins on Mississippi 548 in Hermanville,
20687 thence extends northward to Mississippi 18 at Hermanville,
20688 Claiborne County.

20689 **Mississippi 820** -- Spur--Begins on U.S. 49W and extends west
20690 to Drew, Sunflower County.

20691 **Mississippi 822** -- Begins four-tenths mile west of the
20692 intersection of I-20 and U.S. 80 on West Street and extends east
20693 approximately six and two-tenths miles, all in Warren County.

20694 **Mississippi 824** -- U.S. 61 Spur--Begins on U.S. 61 and
20695 extends west in Anguilla, Sharkey County.

20696 **Mississippi 826** -- Begins at a point on Mississippi 14
20697 approximately one mile west of Rolling Fork and runs south to U.S.
20698 61 south of Rolling Fork, all in Sharkey County.

20699 **Mississippi 828** -- U.S. 49E Spur--Begins on U.S. 49E and
20700 extends west to Yazoo City, Yazoo County.



20701 **Mississippi 830** -- U.S. 49 Loop--Begins on U.S. 49 and
20702 extends east and north to U.S. 49 at and in Bentonia, Yazoo
20703 County.

20704 **Mississippi 832** -- Connection--Begins on U.S. 49W and extends
20705 into Doddsville, Sunflower County.

20706 **Mississippi 834** -- A truck route from Harbor Industrial Park
20707 to U.S. 61 north, Warren County.

20708 **Mississippi 835** -- Spur--Begins on U.S. 49E and extends north
20709 to Tchula, Holmes County.

20710 **Mississippi 844** -- U.S. 51 Loop--Begins at I-55 south of
20711 Crystal Springs and extends east across U.S. 51 and north to U.S.
20712 51 in Crystal Springs, all in Copiah County.

20713 **Mississippi 848** -- Spur--Begins on U.S. 51 in Beauregard and
20714 extends south on North Street, all in Copiah County.

20715 **Mississippi 850** -- A route from the Wesson Campus of
20716 Copiah-Lincoln Junior College directly to U.S. 51, all in Copiah
20717 County.

20718 **Mississippi 852** -- U.S. 45A Loop--Begins on U.S. 45A in
20719 Brooksville and extends south and east to U.S. 45 at Brooksville,
20720 all in Noxubee County.

20721 **Mississippi 853** -- Begins at the point where Mississippi 16
20722 intersects the gravel road and runs along Sections 35 and 36,
20723 Township 11 North, Range 12 East, Neshoba County, and runs south
20724 along the section lines between Sections 35 and 36 and between
20725 Sections 1 and 2, Township 10 North, Range 12 East, to the



20726 intersection of the gravel road with Mississippi 486, all in
20727 Neshoba County.

20728 **Mississippi 854** -- Begins at its intersection with
20729 Mississippi 39 at or near Lizelia and extends easterly
20730 approximately three and one-half miles to the United States Naval
20731 Auxiliary Air Station, Lauderdale County. The Transportation
20732 Commission shall maintain, construct, take over and assume
20733 jurisdiction of such highway in the same manner and subject to the
20734 same conditions as set out in Sections 65-1-75 and 65-3-3. Such
20735 highway shall remain under the jurisdiction of the Transportation
20736 Commission for as long as the highway is used to provide access to
20737 the United States Naval Auxiliary Air Station or to any other
20738 United States government facility.

20739 **Mississippi 855** -- Mississippi 890 Connection--Between
20740 Mississippi 890 in Bolton and I-20 north of Bolton, Hinds County.

20741 **Mississippi 878** -- Mississippi 35 Connection--Begins on
20742 Mississippi 35 and extends east and north to Mississippi 35 in
20743 Walnut Grove, Leake County.

20744 **Mississippi 881** -- U.S. 80 Connection--Begins on U.S. 80 west
20745 of Newton and extends southeast approximately two-tenths mile, all
20746 in Newton County.

20747 **Mississippi 882** -- Loop--Begins on Mississippi 35 and extends
20748 west and north to Mississippi 35 at Harperville, Scott County.

20749 **Mississippi 883** -- Spur--Begins on U.S. 80 and extends south
20750 on Decatur Street, Newton County. Was Old Mississippi 15.



20751 **Mississippi 884** -- U.S. 45 Spur--Begins on U.S. 45 and
20752 extends south toward Marion, Lauderdale County.

20753 **Mississippi 885** -- Mississippi 16 Connection--Begins on
20754 Mississippi 16 west of Philadelphia and extends northwest to
20755 intersect with Mississippi 15, all in Neshoba County.

20756 **Mississippi 886** -- Begins at the intersection of I-55 in the
20757 Town of Ridgeland thence runs in an easterly direction to U.S. 51
20758 and Jackson Avenue, all in Madison County.

20759 **Mississippi 888** -- Mississippi 13 Spur--Begins on Mississippi
20760 13 and extends west at Roosevelt State Park south of Morton, Scott
20761 County.

20762 **Mississippi 889** -- I-20 Connection--Begins at the junction of
20763 U.S. 80 and Adams Street in Chunky, thence north to I-20, all in
20764 Newton County.

20765 **Mississippi 890** -- U.S. 80 Connection--Frontage Road
20766 Connection at Bolton, Hinds County.

20767 **Mississippi 892** -- Mississippi 35 Spur--Begins on Mississippi
20768 35 and extends east to Homewood, Scott County.

20769 **Mississippi 894** -- Begins on Mississippi 19 south of
20770 Philadelphia near the Neshoba County Hospital and extends in a
20771 northeasterly direction to intersect present Mississippi 482 about
20772 one and three-tenths miles north of its intersection with
20773 Mississippi 16.

20774 **Mississippi 895** -- Begins at road intersection with U.S. 11
20775 and 80 near the center of Section 26, Township 7 North, Range 17



20776 East, thence northwesterly, northeasterly and southeasterly
20777 through Sections 23, 24, 25 and 26 to intersection of U.S. 11 and
20778 U.S. 80 in the northeast quarter of the southeast quarter of
20779 Section 25, Township 7 North, Range 17 East, Lauderdale County.

20780 **Mississippi 897** -- Begins on Mississippi 496 in Section 11
20781 and continues through Section 13, all in Township 6 North, Range
20782 18 East, to the Mississippi-Alabama state line.

20783 **Mississippi 902** -- Mississippi 35 Connection--Begins on
20784 Mississippi 35 at Lorena and extends southwest to Mississippi 481
20785 at Burns, all in Smith County.

20786 **Mississippi 903** -- Begins on U.S. 84 approximately three
20787 miles west of Monticello, thence runs in a northerly direction to
20788 Lake Mary Crawford, all in Lawrence County.

20789 **Mississippi 904** -- Begins at Lake Lincoln Road, Lincoln
20790 County, proceeds easterly to Mississippi 27 at or near Wanilla,
20791 Lawrence County.

20792 **Mississippi 905** -- Begins at the intersection of Adams Road
20793 with U.S. 51, thence west to Wardlaw Road, and thence continues
20794 north to Mississippi 24, all in Pike County.

20795 **Mississippi 906** -- Begins on U.S. 51 in Summit and runs in an
20796 easterly direction to intersect Mississippi 570, all in Pike
20797 County.

20798 **Mississippi 908** -- A route providing direct access from the
20799 interchange at I-55 at or near Summit to Southwest Community
20800 College, all in Pike County.



20801 **Mississippi 911** -- Begins on Mississippi 24, now Mississippi
20802 33 in South Gloster, and extends northwest on Kahnville Road,
20803 Amite County.

20804 **Mississippi 913** -- Spur--Begins on Mississippi 24, now
20805 Mississippi 33 in East Gloster, and extends west to Liberty Road,
20806 Amite County.

20807 **Mississippi 915** -- Mississippi 42 and Mississippi 43
20808 Connection--Begins on Jones Street and runs between Mississippi 43
20809 and Mississippi 42, in the Town of New Hebron, Lawrence County.

20810 **Mississippi 917** -- Mississippi 18 Loop--Begins at the
20811 intersection of Mississippi 18 at or near the Sylvarena Masonic
20812 Lodge and makes what is known as the Sylvarena Loop, coming back
20813 into Mississippi 18 at or near the residence of Will Houston, all
20814 in Smith County.

20815 **Mississippi 923** -- Mississippi 584 Spur--Begins on
20816 Mississippi 584 in the southeast corner of Amite County east of
20817 Gillsburg and extends southeast to the Louisiana-Mississippi state
20818 line.

20819 **Mississippi 927** -- Spur--Begins on Mississippi 906 east of
20820 Summit and extends north to Southwest Community College, Pike
20821 County.

20822 **Mississippi 928** -- U.S. 65 Spur--Begins on U.S. 65 in Natchez
20823 and extends north on Homochitto Street, Adams County.

20824 **Mississippi 930 and 932** -- Begin on U.S. 61 North in Adams
20825 County, in the vicinity of the weighing scales and proceed



20826 therefrom to the intersection of Melrose Avenue and East Franklin
20827 Street.

20828 **Mississippi 937** -- U.S. 84 Spur--Begins on U.S. 84 in south
20829 Prentiss and extends north on Columbia Avenue to the railroad
20830 crossing, all in Jefferson Davis County.

20831 **Mississippi 938** -- Begins at the northwest corner of new
20832 Mississippi Transportation Department District Office site and
20833 extends easterly to U.S. 51 approximately forty-five
20834 one-hundredths mile north of the north corporate limits of the
20835 City of McComb, Pike County.

20836 **Mississippi 946** -- Mississippi 24 Spur--Begins on Mississippi
20837 24, now Mississippi 33, Amite County, and extends northwest to
20838 Centreville, Wilkinson County.

20839 **Mississippi 952** -- Mississippi 513 Spur--Begins on
20840 Mississippi 513 and extends north to U.S. 11 in Enterprise, Clarke
20841 County.

20842 **Mississippi 967** -- U.S. 49 Spur--Begins on Mississippi 42 in
20843 north Hattiesburg and extends south on Main Street, all in Forrest
20844 County.

20845 **Mississippi 969** -- Spur--Begins on U.S. 49 approximately 2.84
20846 miles south of U.S. 11, and extends north on Edwards Street
20847 approximately .83 miles, all in Hattiesburg, Forrest County.

20848 **Mississippi 992** -- Mississippi 43 Spur--Begins on Mississippi
20849 43 northwest of Picayune and extends south to Picayune, Pearl
20850 River County.



20851 **SECTION 311.** Section 73-36-36, Mississippi Code of 1972, is
20852 brought forward as follows:

20853 73-36-36. In addition to the penalties provided under
20854 Section 73-36-33 and Section 73-36-35, any person, found by the
20855 board to be in violation of this chapter or any rule or regulation
20856 of the board, shall be subject to an administrative fine of not
20857 more than One Thousand Dollars (\$1,000.00) for each violation.
20858 The person shall be given at least ten (10) days' written notice
20859 and an opportunity for a hearing before the board. If the
20860 administrative fine is not paid within ninety (90) days after the
20861 date of the board's order, the order shall become a judgment and
20862 may be filed and executed. Any person aggrieved of the board's
20863 order may appeal the order to the Circuit Court of Hinds County
20864 within thirty (30) days after the date of the order of the board
20865 is issued. Appeal shall be on the record made before the board.

20866 **SECTION 312.** Section 55-23-21, Mississippi Code of 1972, is
20867 brought forward as follows:

20868 55-23-21. The Building Commission is hereby authorized and
20869 empowered, in addition to all other powers and duties of such
20870 commission, to enlarge and renovate the Mississippi Veterans
20871 Memorial Stadium in order to provide for a modern stadium having a
20872 seating capacity of approximately sixty-two thousand seven hundred
20873 thirty-one (62,731) persons, such authority to be conditioned upon
20874 a contribution by Hinds County, Mississippi, to the Building
20875 Commission of a sum of One Million Dollars (\$1,000,000.00) for



20876 such enlargement and renovation. The parking facilities shall not
20877 be extended any farther to the east than as the facilities existed
20878 on January 1, 1996. Further, the portion of the state-owned
20879 property on which the stadium and parking facilities are located,
20880 except the property west of the stadium between the stadium and
20881 North West Street, that was undeveloped as of January 1, 1996,
20882 shall remain undeveloped unless the Legislature enacts legislation
20883 approving the development of such property. The portion of the
20884 state-owned property on which the stadium is located that is west
20885 of the stadium between the stadium and North West Street may be
20886 developed to provide parking facilities for the Mississippi
20887 Department of Transportation offices located on North West Street.
20888 The Mississippi Veterans Memorial Stadium Commission may take any
20889 action authorized in Section 55-23-8 relating to the property
20890 described in such section.

20891 **SECTION 313.** Section 21-29-217, Mississippi Code of 1972, is
20892 brought forward as follows:

20893 21-29-217. Any applicant for benefits of the disability and
20894 relief fund for firemen and policemen, or any two (2) active
20895 members of said fire department, or any two (2) active members of
20896 said police department, being aggrieved at the decision or order
20897 of the board of trustees, may file with the board of trustees and
20898 with said board of disability and relief appeals duplicate copies
20899 of a petition for a rehearing of the matter in which such decision
20900 or order was made. Within thirty (30) days thereafter the board of



20901 trustees shall file with said appeal board, true copies of all
20902 papers and documents which were before it, all evidence of record
20903 before it and a statement of all evidence heard by it and not of
20904 record, all certified to be true and correct, whereupon said
20905 appeal board shall fix a time for hearing and shall give the board
20906 of trustees and the petitioner or petitioners for appeal notice of
20907 said such time for hearing. When the matter shall come on for
20908 hearing said appeal board shall have before it all papers,
20909 statements, matters and things certified to it by the board of
20910 trustees, as well as such additional evidence and documents as it
20911 may hear and receive and upon all of the same shall hear, consider
20912 and decide said matter fully and finally according to this article
20913 and the facts. Said appeal board may cause witnesses to be sworn
20914 by any one (1) of its members, or by any other authority competent
20915 to administer oaths. Said appeal board may meet for all purposes
20916 at any time in the State of Mississippi when all are present, or
20917 upon the call of two (2) members thereof. Said appeal board shall
20918 certify its decision to the board of trustees, and such decision
20919 or order shall be final and binding and said fund shall be
20920 disbursed according thereto. Any suit or other action affecting
20921 said fund shall be by or against the board of trustees as
20922 custodian of said fund and shall be filed in the Chancery Court of
20923 Hinds County.

20924 **SECTION 314.** Section 39-23-3, Mississippi Code of 1972, is
20925 brought forward as follows:



20926 39-23-3. The Mississippi Children's Museum may be located:

20927 (a) At the old National Guard Armory located on the
20928 Mississippi State Fairgrounds in Jackson, Mississippi, after the
20929 repair, renovation, furnishing and equipping of such facility by
20930 the Department of Finance and Administration as provided for in
20931 Sections 16 through 33 of Chapter 535, Laws of 1997, as amended;

20932 (b) In such structure and at such location as shall be
20933 submitted by the Board of Directors of the Mississippi Children's
20934 Museum, a Mississippi nonprofit corporation, to and approved as an
20935 appropriate structure and location by the Department of Finance
20936 and Administration, after the repair, renovation, furnishing and
20937 equipping of such facility by the Department of Finance and
20938 Administration as provided in Sections 16 through 33 of Chapter
20939 535, Laws of 1997, as amended; or

20940 (c) In the building, formerly known as the Mississippi
20941 Museum of Natural Science, on land located adjacent to the State
20942 Fairgrounds in the City of Jackson, County of Hinds, Mississippi,
20943 described more specifically as follows:

20944 Starting at the point of intersection of the
20945 North line of Pearl Street and the West line of
20946 Jefferson Street, run Northerly along the West
20947 line of Jefferson Street a distance of 240 feet
20948 to the point of beginning, an iron pin.
20949 Continue Northerly along the West line of
20950 Jefferson Street for a distance of 257.9 feet to



20951 an iron pin; turn left through an angle of 89 degrees -
20952 57 minutes - 14 seconds and run Westerly for a
20953 distance of 278.9 feet to an iron pin on the east
20954 right-of-way line of the G.M. & O. Railroad; turn
20955 left through an angle of 79 degrees - 29 minutes -
20956 30 seconds and run Southerly along the East right-of-way
20957 of the G.M. & O. Railroad (Said line being a curve
20958 to the left with a radius of 2814.93 feet, chord
20959 definition) for a distance of 260.4 feet to an iron
20960 pipe; turn left through an angle of 95 degrees - 12
20961 minutes - 26 seconds and run Easterly and parallel
20962 with the North line of this tract for a distance of
20963 314.7 feet to the point of beginning.

20964 (d) On certain real property owned by the State of
20965 Mississippi and held by the Mississippi Department of Agriculture
20966 and Commerce, more particularly described as follows:

20967 39 acres lying in the northeast corner of the
20968 intersection of Mississippi 25 and Interstate 55.

20969 (e) At any location in Hinds County as shall be
20970 submitted by the Board of Directors of the Mississippi Children's
20971 Museum, a Mississippi nonprofit corporation, to the Department of
20972 Finance and Administration and approved as an appropriate location
20973 by the Department of Finance and Administration.

20974 **SECTION 315.** Section 73-30-21, Mississippi Code of 1972, is
20975 brought forward as follows:



20976 73-30-21. (1) The board may, after notice and opportunity
20977 for a hearing, suspend, revoke or refuse to issue or renew a
20978 license or the privilege to practice or may reprimand the license
20979 holder or holder of the privilege to practice, upon a
20980 determination by the board that such license holder or holder of
20981 the privilege to practice or applicant for licensure or the
20982 privilege to practice has:

20983 (a) Been adjudged by any court to be mentally
20984 incompetent or have had a guardian of person appointed;

20985 (b) Been convicted of a felony;

20986 (c) Sworn falsely under oath or affirmation;

20987 (d) Obtained a license or certificate or the privilege
20988 to practice by fraud, deceit or other misrepresentation;

20989 (e) Engaged in the conduct of professional counseling
20990 in a grossly negligent or incompetent manner;

20991 (f) Intentionally violated any provision of this
20992 article;

20993 (g) Violated any rules or regulations of the board; or

20994 (h) Aided or assisted another in falsely obtaining a
20995 license or the privilege to practice under this article.

20996 With regard to a refusal to issue a privilege to practice,
20997 such refusal by the board shall be in accordance with the terms of
20998 the Professional Counseling Compact instead of this subsection
20999 (1).



21000 (2) Appeals from disciplinary action are to be brought in
21001 the circuit court in the county of residence of the practitioner.
21002 In the event the practitioner resides out of state the appeal
21003 should be brought in Hinds County Circuit Court.

21004 (3) The board may assess and levy upon any licensee,
21005 practitioner or applicant for licensure or the privilege to
21006 practice the costs incurred or expended by the board in the
21007 investigation and prosecution of any licensure, privilege to
21008 practice or disciplinary action, including, but not limited to,
21009 the costs of process service, court reporters, expert witnesses,
21010 investigators and attorney's fees.

21011 (4) No revoked license or privilege to practice may be
21012 reinstated within twelve (12) months after such revocation.
21013 Reinstatement thereafter shall be upon such conditions as the
21014 board may prescribe, which may include, without being limited to,
21015 successful passing of the examination required by this article.

21016 (5) A license or privilege to practice certificate issued by
21017 the board is the property of the board and must be surrendered on
21018 demand.

21019 (6) The chancery court is hereby vested with the
21020 jurisdiction and power to enjoin the unlawful practice of
21021 counseling and/or the false representation as a licensed counselor
21022 in a proceeding brought by the board or any members thereof or by
21023 any citizen of this state.



21024 (7) In addition to the reasons specified in subsection (1)
21025 of this section, the board shall be authorized to suspend the
21026 license of any licensee for being out of compliance with an order
21027 for support, as defined in Section 93-11-153. The procedure for
21028 suspension of a license for being out of compliance with an order
21029 for support, and the procedure for the reissuance or reinstatement
21030 of a license suspended for that purpose, and the payment of any
21031 fees for the reissuance or reinstatement of a license suspended
21032 for that purpose, shall be governed by Section 93-11-157 or
21033 93-11-163, as the case may be. If there is any conflict between
21034 any provision of Section 93-11-157 or 93-11-163 and any provision
21035 of this article, the provisions of Section 93-11-157 or 93-11-163,
21036 as the case may be, shall control.

21037 **SECTION 316.** Section 9-4-5, Mississippi Code of 1972, is
21038 brought forward as follows:

21039 9-4-5. (1) The term of office of judges of the Court of
21040 Appeals shall be eight (8) years. An election shall be held on
21041 the first Tuesday after the first Monday in November 1994, to
21042 elect the ten (10) judges of the Court of Appeals, two (2) from
21043 each congressional district; provided, however, judges of the
21044 Court of Appeals who are elected to take office after the first
21045 Monday of January 2002, shall be elected from the Court of Appeals
21046 Districts described in subsection (5) of this section. The judges
21047 of the Court of Appeals shall begin service on the first Monday of
21048 January 1995.



21049 (2) (a) In order to provide that the offices of not more
21050 than a majority of the judges of said court shall become vacant at
21051 any one (1) time, the terms of office of six (6) of the judges
21052 first to be elected shall expire in less than eight (8) years.
21053 For the purpose of all elections of members of the court, each of
21054 the ten (10) judges of the Court of Appeals shall be considered a
21055 separate office. The two (2) offices in each of the five (5)
21056 districts shall be designated Position Number 1 and Position
21057 Number 2, and in qualifying for office as a candidate for any
21058 office of judge of the Court of Appeals each candidate shall state
21059 the position number of the office to which he aspires and the
21060 election ballots shall so indicate.

21061 (i) In Congressional District Number 1, the judge
21062 of the Court of Appeals for Position Number 1 shall be that office
21063 for which the term ends January 1, 1999, and the judge of the
21064 Court of Appeals for Position Number 2 shall be that office for
21065 which the term ends January 1, 2003.

21066 (ii) In Congressional District Number 2, the judge
21067 of the Court of Appeals for Position Number 1 shall be that office
21068 for which the term ends on January 1, 2003, and the judge of the
21069 Court of Appeals for Position Number 2 shall be that office for
21070 which the term ends January 1, 2001.

21071 (iii) In Congressional District Number 3, the
21072 judge of the Court of Appeals for Position Number 1 shall be that
21073 office for which the term ends on January 1, 2001, and the judge



21074 of the Court of Appeals for Position Number 2 shall be that office
21075 for which the term ends January 1, 1999.

21076 (iv) In Congressional District Number 4, the judge
21077 of the Court of Appeals for Position Number 1 shall be that office
21078 for which the term ends on January 1, 1999, and the judge of the
21079 Court of Appeals for Position Number 2 shall be that office for
21080 which the term ends January 1, 2003.

21081 (v) In Congressional District Number 5, the judge
21082 of the Court of Appeals for Position Number 1 shall be that office
21083 for which the term ends on January 1, 2003, and the judge of the
21084 Court of Appeals for Position Number 2 shall be that office for
21085 which the term ends January 1, 2001.

21086 (b) The laws regulating the general elections shall
21087 apply to and govern the elections of judges of the Court of
21088 Appeals except as otherwise provided in Sections 23-15-974 through
21089 23-15-985.

21090 (c) In the year prior to the expiration of the term of
21091 an incumbent, and likewise each eighth year thereafter, an
21092 election shall be held in the manner provided in this section in
21093 the district from which the incumbent Court of Appeals judge was
21094 elected at which there shall be elected a successor to the
21095 incumbent, whose term of office shall thereafter begin on the
21096 first Monday of January of the year in which the term of the
21097 incumbent he succeeds expires.



21098 (3) No person shall be eligible for the office of judge of
21099 the Court of Appeals who has not attained the age of thirty (30)
21100 years at the time of his election and who has not been a
21101 practicing attorney and citizen of the state for five (5) years
21102 immediately preceding such election.

21103 (4) Any vacancy on the Court of Appeals shall be filled by
21104 appointment of the Governor for that portion of the unexpired term
21105 prior to the election to fill the remainder of said term according
21106 to provisions of Section 23-15-849, Mississippi Code of 1972.

21107 (5) (a) The State of Mississippi is hereby divided into
21108 five (5) Court of Appeals Districts as follows:

21109 **FIRST DISTRICT.** The First Court of Appeals District shall be
21110 composed of the following counties and portions of counties:
21111 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
21112 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
21113 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
21114 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
21115 in Montgomery County the precincts of North Winona, Lodi, Stewart,
21116 Nations and Poplar Creek; in Panola County the precincts of East
21117 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
21118 Springport, South Springport, Eureka, Williamson, East Batesville
21119 4, West Batesville 4, Fern Hill, North Batesville A, East
21120 Batesville 5 and West Batesville 5; and in Tallahatchie County the
21121 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,



21122 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
21123 Murphreesboro and Rosebloom.

21124 **SECOND DISTRICT.** The Second Court of Appeals District shall
21125 be composed of the following counties and portions of counties:
21126 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
21127 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
21128 Tunica, Warren, Washington and Yazoo; in Attala County the
21129 precincts of Northeast, Hesterville, Possomneck, North Central,
21130 McAdams, Newport, Sallis and Southwest; that portion of Grenada
21131 County not included in the First Court of Appeals District; in
21132 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
21133 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
21134 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
21135 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
21136 precincts of Conway, West Carthage, Wiggins, Thomastown and
21137 Ofahoma; in Madison County the precincts of Farmhaven, Canton
21138 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
21139 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
21140 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
21141 Canton Precinct 1 and Canton Precinct 4; that portion of
21142 Montgomery County not included in the First Court of Appeals
21143 District; that portion of Panola County not included in the First
21144 Court of Appeals District; and that portion of Tallahatchie County
21145 not included in the First Court of Appeals District.



21146 **THIRD DISTRICT.** The Third Court of Appeals District shall be
21147 composed of the following counties and portions of counties:
21148 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
21149 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
21150 portion of Attala County not included in the Second Court of
21151 Appeals District; in Jones County the precincts of Northwest High
21152 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
21153 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
21154 Antioch and Landrum; that portion of Leake County not included in
21155 the Second Court of Appeals District; that portion of Madison
21156 County not included in the Second Court of Appeals District; and
21157 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
21158 Diamond, Chaparral, Matherville, Coit and Eucutta.

21159 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
21160 be composed of the following counties and portions of counties:
21161 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
21162 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
21163 that portion of Hinds County not included in the Second Court of
21164 Appeals District; and that portion of Jones county not included in
21165 the Third Court of Appeals District.

21166 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
21167 composed of the following counties and portions of counties:
21168 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
21169 River, Perry and Stone; and that portion of Wayne County not
21170 included in the Third Court of Appeals District.



21171 (b) The boundaries of the Court of Appeals Districts
21172 described in paragraph (a) of this subsection shall be the
21173 boundaries of the counties and precincts listed in paragraph (a)
21174 of this subsection as such boundaries existed on October 1, 1990.

21175 **SECTION 317.** Section 55-23-25, Mississippi Code of 1972, is
21176 brought forward as follows:

21177 55-23-25. Upon receipt of a sum of One Million Dollars
21178 (\$1,000,000.00) from the Board of Supervisors of Hinds County, the
21179 Building Commission is authorized at one (1) time or from time to
21180 time to petition by resolution to the State Bond Commission for
21181 the issuance of negotiable bonds of the State of Mississippi by
21182 the State Bond Commission to provide funds for the purpose of
21183 paying all or any part of the cost of enlarging and renovating the
21184 Mississippi Veterans Memorial Stadium in accordance with the
21185 provisions of Sections 55-23-21 through 55-23-43. The amounts of
21186 bonds issued shall not exceed an aggregate sum of Three Million
21187 Dollars (\$3,000,000.00).

21188 The principal of and the interest on such bonds shall be
21189 payable from the Mississippi Veterans Memorial Stadium Bond
21190 Sinking Fund, hereby created in the State Treasury, in the manner
21191 hereinafter set forth. Such bonds shall bear date or dates, be in
21192 such denomination or denominations, bear interest at such rate or
21193 rates, be payable at such place or places within or without the
21194 State of Mississippi, shall mature absolutely at such time or
21195 times, be redeemable prior to maturity at such time or times and



21196 upon such terms, with or without premium, shall bear such
21197 registration privileges, and shall be substantially in such form,
21198 all as shall be determined by resolution of the State Bond
21199 Commission. Provided, however, that such bonds shall mature or
21200 otherwise be retired in annual installments beginning not more
21201 than five (5) years from date thereof and extending not more than
21202 twenty-five (25) years from date thereof. Such bonds shall be
21203 signed by the Chairman of the State Bond Commission, or by his
21204 facsimile signature, and the official seal of the State Bond
21205 Commission shall be affixed thereto, attested by the Secretary of
21206 the State Bond Commission. The interest coupons to be attached to
21207 such bonds may be executed by the facsimile signatures of said
21208 officers. Whenever any such bonds shall have been signed by the
21209 officials herein designated to sign the bonds, who were in the
21210 office at the time of such signing but who may have ceased to be
21211 such officers prior to the sale and delivery of such bonds, or who
21212 may not have been in office on the date such bonds may bear, the
21213 signatures of such officers upon such bonds and coupons shall
21214 nevertheless be valid and sufficient for all purposes and have the
21215 same effect as if the person so officially signing such bonds had
21216 remained in office until the delivery of the same to the
21217 purchaser, or had been in office on the date such bonds may bear.

21218 **SECTION 318.** Section 69-5-103, Mississippi Code of 1972, is
21219 brought forward as follows:



21220 69-5-103. For the purposes of this article, the State of
21221 Mississippi is hereby divided into five (5) livestock show
21222 districts, as follows:

21223 (a) The Northwest District, which shall embrace the
21224 Counties of Coahoma, DeSoto, Grenada, Lafayette, Marshall, Panola,
21225 Quitman, Tallahatchie, Tate, Tunica and Yalobusha Counties. The
21226 place for holding the livestock show shall be at Batesville, in
21227 Panola County.

21228 (b) The North Delta District, which shall embrace the
21229 Counties of Attala, Bolivar, Carroll, Holmes, Humphreys,
21230 Issaquena, Leflore, Montgomery, Sharkey, Sunflower and Washington
21231 Counties. The place for holding the livestock show shall be at
21232 Greenwood, in Leflore County.

21233 (c) The Northeast District, which shall embrace the
21234 Counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay,
21235 Itawamba, Lee, Lowndes, Monroe, Noxubee, Oktibbeha, Pontotoc,
21236 Prentiss, Tippah, Tishomingo, Union, Webster and Winston. The
21237 place for holding the livestock show shall be at Verona, in Lee
21238 County.

21239 (d) The Southwest District, which shall embrace the
21240 Counties of Adams, Amite, Claiborne, Copiah, Franklin, Hinds,
21241 Jefferson, Lawrence, Leake, Lincoln, Madison, Neshoba, Newton,
21242 Pike, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wilkinson
21243 and Yazoo. The place for holding the livestock show shall be at
21244 Jackson, in Hinds County.



21245 (e) The Southeast District, which shall embrace the
21246 Counties of Clarke, Covington, Forrest, George, Greene, Hancock,
21247 Harrison, Jackson, Jasper, Jefferson Davis, Jones, Kemper, Lamar,
21248 Lauderdale, Marion, Pearl River, Perry, Stone and Wayne. The
21249 place for holding the livestock show shall be at Hattiesburg, in
21250 Forrest County.

21251 **SECTION 319.** Section 25-4-107, Mississippi Code of 1972, is
21252 brought forward as follows:

21253 25-4-107. (1) The commission may pursue enforcement of this
21254 chapter by means of hearings held before the commission or an
21255 independent hearing officer to determine whether a respondent
21256 violated the law and, if so, what penalty should be imposed.
21257 Hearings shall be conducted according to the Mississippi Rules of
21258 Civil Procedure and the Mississippi Rules of Evidence.

21259 (2) Any person aggrieved by a decision of the commission
21260 made pursuant to its hearing procedures may appeal de novo to the
21261 Circuit Court for Hinds County, and execution of the commission's
21262 decision shall be stayed upon the filing of a notice of appeal.

21263 **SECTION 320.** Section 83-54-27, Mississippi Code of 1972, is
21264 brought forward as follows:

21265 83-54-27. (1) The commissioner may conduct investigations
21266 and/or examinations of insurers and producers to ensure compliance
21267 with the provisions of this chapter or any rule, regulation or
21268 order hereunder, as well as under any other applicable statutes or
21269 regulations.



21270 (2) The commissioner may by order, deny, suspend or revoke
21271 an insurer's certificate of authority or a producer's license if
21272 the commissioner finds that such insurer or producer has violated
21273 any provision of this chapter.

21274 (3) If the commissioner has reason to believe that any
21275 person or entity is engaging in any activity that would be a
21276 violation of this chapter or any rule promulgated under this
21277 chapter, the commissioner may issue an order directing that person
21278 or entity to cease and desist from committing the violations,
21279 impose a civil penalty for the violations, provide an equitable
21280 remedy for past violations, or any combination of these. Such
21281 order may be issued without prior notice if the commissioner makes
21282 a finding that such order is necessary for the protection of
21283 policyholders and that the public health, safety and welfare
21284 require the order to be issued without prior notice to affected
21285 parties. At any hearing or other proceeding conducted as a result
21286 of an order to cease and desist, pursuant to this chapter, the
21287 person or entity subject to the order shall be required to show
21288 cause why such order should be annulled, modified or confirmed.

21289 (4) Whenever it appears to the commissioner that any person
21290 or entity has engaged or is about to engage in an act of practice
21291 constituting a violation of any provision of this chapter or any
21292 rule, regulation or order hereunder, the commissioner may, in the
21293 commissioner's discretion, bring an action in chancery court of
21294 any county in this state to enjoin the acts or practices and to



21295 enforce compliance with this chapter or any rule, regulation or
21296 order hereunder. Upon a proper showing, a permanent or temporary
21297 injunction, restraining order, writ of mandamus, disgorgement or
21298 other proper equitable relief shall be granted.

21299 (5) Additionally, upon a finding that any person or entity
21300 has violated a provision of this chapter, the commissioner may
21301 impose a civil penalty of not more than One Thousand Dollars
21302 (\$1,000.00) for each violation, and may revoke, suspend or decline
21303 to renew any license of such person or entity to sell or issue
21304 insurance.

21305 (6) Any person aggrieved by a final order of the
21306 commissioner under this chapter may obtain judicial review of the
21307 order in the Circuit Court of Hinds County by filing, within
21308 thirty (30) days of the issuance and service of such order, a
21309 written petition or complaint praying that said order be modified
21310 or set aside. A copy of such petition shall be served upon the
21311 commissioner, and the commissioner shall file a complete record of
21312 the proceedings with said court, which shall then have
21313 jurisdiction of the proceedings and questions determined therein.

21314 **SECTION 321.** Section 79-29-819, Mississippi Code of 1972, is
21315 brought forward as follows:

21316 79-29-819. (1) A dissolved limited liability company may
21317 publish notice of its dissolution pursuant to this section which
21318 requests that persons with claims against the limited liability
21319 company present them in accordance with the notice.



21320 (2) The notice must:

21321 (a) Be published one time in a newspaper of general
21322 circulation in the county where the dissolved limited liability
21323 company's principal office is or was last located, or in Hinds
21324 County if the limited liability company does or did not have a
21325 principal office in this state;

21326 (b) Describe the information that must be included in a
21327 claim and provide a mailing address where the claim may be sent;
21328 and

21329 (c) State that a claim against the limited liability
21330 company not otherwise barred will be barred unless a proceeding to
21331 enforce the claim is commenced within three (3) years after the
21332 latter of the publication of the notice or the filing of a
21333 certificate of dissolution with respect to the limited liability
21334 company.

21335 (3) If the dissolved limited liability company publishes a
21336 newspaper notice in accordance with subsection (2) and files a
21337 certificate of dissolution pursuant to Section 79-29-205, the
21338 claim of each of the following claimants which is not otherwise
21339 barred is barred unless the claimant commences a proceeding to
21340 enforce the claim against the dissolved limited liability company
21341 within three (3) years after the latter of the publication date of
21342 the newspaper notice or the filing of the certificate of
21343 dissolution:



21344 (a) A claimant who did not receive written notice under
21345 Section 79-29-817;

21346 (b) A claimant whose claim was timely sent to the
21347 dissolved limited liability company but not acted on within the
21348 three-year period; and

21349 (c) A claimant whose claim is contingent or based on an
21350 event occurring after the effective date of dissolution.

21351 (4) A claim may be enforced under this section:

21352 (a) Against the dissolved limited liability company, to
21353 the extent of its undistributed assets; or

21354 (b) If the assets have been distributed in liquidation,
21355 against a member of the dissolved limited liability company to the
21356 extent of the member's pro rata share of the claim or the assets
21357 of the limited liability company distributed to the member in
21358 liquidation, whichever is less, but a member's total liability for
21359 all claims under this section may not exceed the total amount of
21360 assets distributed to the member, subject to Section 79-29-611(1).

21361 **SECTION 322.** Section 79-4-14.07, Mississippi Code of 1972,
21362 is brought forward as follows:

21363 79-4-14.07. (a) A dissolved corporation may also publish
21364 notice of its dissolution and request that persons with claims
21365 against the dissolved corporation present them in accordance with
21366 the notice.

21367 (b) The notice must:



21368 (1) Be published one (1) time in a newspaper of general
21369 circulation in the county where the dissolved corporation's
21370 principal office (or, if none in this state, its registered
21371 office) is or was last located;

21372 (2) Describe the information that must be included in a
21373 claim and provide a mailing address where the claim may be sent;
21374 and

21375 (3) State that a claim against the dissolved
21376 corporation will be barred unless a proceeding to enforce the
21377 claim is commenced within three (3) years after the publication of
21378 the notice.

21379 (c) If the dissolved corporation publishes a newspaper
21380 notice in accordance with subsection (b), the claim of each of the
21381 following claimants is barred unless the claimant commences a
21382 proceeding to enforce the claim against the dissolved corporation
21383 within the lesser of three (3) years after the publication date of
21384 the newspaper notice, or any other applicable limitations period
21385 established by applicable law:

21386 (1) A claimant who was not given written notice under
21387 Section 79-4-14.06;

21388 (2) A claimant whose claim was timely sent to the
21389 dissolved corporation but not acted on;

21390 (3) A claimant whose claim is contingent or based on an
21391 event occurring after the effective date of dissolution.



21392 (d) A claim that is not barred by Section 79-4-14.06(c) or
21393 subsection (c) of this section may be enforced:

21394 (1) Against the dissolved corporation, to the extent of
21395 its undistributed assets; or

21396 (2) Except as provided in Section 79-4-14.08(d), if the
21397 assets have been distributed in liquidation, against a shareholder
21398 of the dissolved corporation to the extent of the shareholder's
21399 pro rata share of the claim or the corporate assets distributed to
21400 the shareholder in liquidation, whichever is less, but a
21401 shareholder's total liability for all claims under this section
21402 may not exceed the total amount of assets distributed to the
21403 shareholder.

21404 **SECTION 323.** Section 79-14-807, Mississippi Code of 1972, is
21405 brought forward as follows:

21406 79-14-807. (a) A dissolved limited partnership may publish
21407 notice of its dissolution and request persons having claims
21408 against the partnership to present them in accordance with the
21409 notice.

21410 (b) A notice under subsection (a) must:

21411 (1) Be published at least once in a newspaper of
21412 general circulation in the county in this state in which the
21413 dissolved limited partnership's principal office is located or, if
21414 the principal office is not located in this state, in Hinds
21415 County, Mississippi;



21416 (2) Describe the information required to be contained
21417 in a claim, state that the claim must be in writing, and provide a
21418 mailing address to which the claim is to be sent;

21419 (3) State that a claim against the partnership is
21420 barred unless an action to enforce the claim is commenced not
21421 later than three (3) years after publication of the notice; and

21422 (4) Unless the partnership has been throughout its
21423 existence a limited liability limited partnership, state that the
21424 barring of a claim against the partnership will also bar any
21425 corresponding claim against any general partner or person
21426 dissociated as a general partner which is based on Section
21427 79-14-404.

21428 (c) If a dissolved limited partnership publishes a notice in
21429 accordance with subsection (b), the claim of each of the following
21430 claimants is barred unless the claimant commences an action to
21431 enforce the claim against the partnership not later than three (3)
21432 years after the publication date of the notice:

21433 (1) A claimant that did not receive notice in a record
21434 under Section 79-14-806;

21435 (2) A claimant whose claim was timely sent to the
21436 partnership but not acted on; and

21437 (3) A claimant whose claim is contingent at, or based
21438 on an event occurring after, the date of dissolution.

21439 (d) A claim not barred under this section or Section
21440 79-14-806 may be enforced:



21441 (1) Against the dissolved limited partnership, to the
21442 extent of its undistributed assets;

21443 (2) Except as otherwise provided in Section 79-14-808,
21444 if assets of the partnership have been distributed after
21445 dissolution, against a partner or transferee to the extent of that
21446 person's proportionate share of the claim or of the partnership's
21447 assets distributed to the partner or transferee after dissolution,
21448 whichever is less, but a person's total liability for all claims
21449 under this paragraph may not exceed the total amount of assets
21450 distributed to the person after dissolution; and

21451 (3) Against any person liable on the claim under
21452 Sections 79-14-404 and 79-14-607.

21453 **SECTION 324.** Section 37-101-292, Mississippi Code of 1972,
21454 is brought forward as follows:

21455 37-101-292. (1) Within the limits of the funds available to
21456 the Mississippi Transportation Commission for such purpose, the
21457 Executive Director of the Mississippi Department of Transportation
21458 may pay a stipend to contractual services employees for
21459 educational expenses such as tuition, books and related fees to
21460 pursue junior or senior undergraduate level year coursework toward
21461 a bachelor's degree in civil engineering or graduate level
21462 coursework toward a master's degree in civil engineering to those
21463 applicants deemed qualified. It is the intent of the Legislature
21464 that such an educational program shall be used as a method of



21465 encouraging recruitment of well-qualified civil engineers for
21466 employment with the Mississippi Department of Transportation.

21467 (2) (a) In order to be eligible for this program an
21468 undergraduate participant must:

21469 (i) Have successfully obtained a minimum of
21470 fifty-eight (58) semester hours toward a bachelor of science in
21471 civil engineering from a state institution of higher learning that
21472 has been fully accredited by the Accreditation Board of
21473 Engineering and Technology;

21474 (ii) Have achieved a minimum grade point average
21475 of 2.75 on a 4.0 scale on the previously obtained semester hours
21476 toward a bachelor of science in civil engineering; and

21477 (iii) Agree to work as a civil engineer at the
21478 Mississippi Department of Transportation for a period of time
21479 equivalent to the period of time for which the applicant receives
21480 a stipend for educational expenses calculated to the nearest whole
21481 month.

21482 (b) In order to be eligible for this program a graduate
21483 participant must:

21484 (i) Have obtained a bachelor of science in civil
21485 engineering from a state institution of higher learning that has
21486 been fully accredited by the Accreditation Board of Engineering
21487 and Technology;

21488 (ii) Have met the regular admission standards and
21489 been accepted into a master of science in civil engineering



21490 program at a state institution of higher learning that has been
21491 fully accredited by the Accreditation Board of Engineering and
21492 Technology;

21493 (iii) Have submitted a proposed graduate program
21494 thesis project for review by the Department of Transportation; and

21495 (iv) Agree to work as a civil engineer at the
21496 Mississippi Department of Transportation for a period of time
21497 equivalent to the period of time for which the applicant receives
21498 a stipend for educational expenses calculated to the nearest whole
21499 month.

21500 (3) (a) Each participant shall enter into a contract with
21501 the Mississippi Transportation Commission, which shall be deemed a
21502 contract with the State of Mississippi, agreeing to the terms and
21503 conditions upon which the stipend shall be granted to him. The
21504 contract shall include such terms and provisions necessary to
21505 carry out the full purpose and intent of this section. The form
21506 of such contract shall be prepared and approved by the Attorney
21507 General of this state, and shall be signed by the Executive
21508 Director of the Mississippi Department of Transportation and the
21509 recipient. If the recipient is a minor, his minority disabilities
21510 shall be removed by a chancery court of competent jurisdiction
21511 before the contract is signed.

21512 (b) The Mississippi Transportation Commission may
21513 cancel any contract made between it and any participant upon such
21514 cause being deemed sufficient by the executive director.



21515 (c) The Mississippi Transportation Commission is vested
21516 with full and complete authority and power to sue in its own name
21517 any recipient for any balance due the state on any such
21518 uncompleted contract, which suit shall be filed and handled by the
21519 Attorney General of the state. The Mississippi Transportation
21520 Commission may contract with a collection agency or banking
21521 institution, subject to approval by the Attorney General, for
21522 collection of any balance due the state from any recipient. The
21523 State of Mississippi, the Mississippi Transportation Commission
21524 and the Mississippi Department of Transportation and its employees
21525 are immune from any suit brought in law or equity for actions
21526 taken by the collection agency or banking institution incidental
21527 to or arising from their performance under the contract. The
21528 Mississippi Transportation Commission may negotiate for the
21529 payment of a sum that is less than full payment in order to
21530 satisfy any balance the recipient owes the state, if necessary or
21531 advisable.

21532 (d) Notice of pending default status shall be mailed to
21533 the recipient at the last known address prior to commencing a
21534 lawsuit.

21535 (e) The sponsoring agency shall conduct a
21536 hearing of pending default status, make a final determination, and
21537 issue an Order of Default, if appropriate.

21538 (f) Recipients may appear either personally or by
21539 counsel, or both, and produce and cross-examine witnesses or



21540 evidence in the recipient's behalf. The procedure of the hearing
21541 shall not be bound by the Mississippi Rules of Civil Procedure and
21542 Evidence.

21543 (g) Appeals from a finding of default by the sponsoring
21544 agency shall be to the Circuit Court of Hinds County.

21545 (h) Rules and regulations governing this program and
21546 other applicable matters may be promulgated by the sponsoring
21547 agency.

21548 **SECTION 325.** Section 81-25-171, Mississippi Code of 1972, is
21549 brought forward as follows:

21550 81-25-171. (1) If the commissioner finds that any of the
21551 factors set forth in Section 81-25-167 are true with respect to
21552 any foreign bank which is licensed to establish and maintain a
21553 Mississippi state branch or Mississippi state agency and that it
21554 is necessary for the protection of the interests of the creditors
21555 of such foreign bank's business in the State of Mississippi or for
21556 the protection of the public interest that he or she take
21557 immediate possession of the property and business of the foreign
21558 bank, the commissioner may by order forthwith take possession of
21559 the property and business of the foreign bank in the State of
21560 Mississippi and retain possession until the foreign bank resumes
21561 business in the State of Mississippi or is finally liquidated.
21562 The foreign bank may, with the consent of the commissioner resume
21563 business in the State of Mississippi upon such conditions as the
21564 commissioner may prescribe by regulation or order.



21565 (2) At any time within ten (10) days after the commissioner
21566 has taken possession of the property and business of a foreign
21567 bank pursuant to subsection (1) of this section, such foreign bank
21568 may petition the Chancery Court of Hinds County, Mississippi, for
21569 an order requiring the commissioner to show cause why he or she
21570 should not be enjoined from continuing such possession. The court
21571 may, upon good cause being shown, direct the commissioner to
21572 refrain from further proceedings and to surrender such possession.
21573 The judgment of the court may be appealed by the commissioner or
21574 by the foreign bank in the manner provided by law for appeals from
21575 a judgment of Chancery Court of the State of Mississippi. Where
21576 the commissioner appeals the judgment of the court, such appeal
21577 shall operate as a stay of the judgment and a reinstatement of the
21578 commissioner's possession. The commissioner shall not be required
21579 to post any bond.

21580 (3) Whenever the commissioner takes possession of the
21581 property and business of a foreign bank pursuant to subsection (1)
21582 of this section, he or she shall conserve or liquidate the
21583 property and business of such foreign bank pursuant to the laws of
21584 the State of Mississippi as if the foreign bank were a Mississippi
21585 state bank, with absolute preference and priority given to the
21586 creditors of such foreign bank arising out of transactions with,
21587 and recorded on the books of, its Mississippi state branch or
21588 Mississippi state agency over the creditors of such foreign bank's
21589 offices located outside the State of Mississippi.



21590 (4) When the commissioner has completed the liquidation of
21591 the property and business of a foreign bank, the commissioner
21592 shall transfer any remaining assets to such foreign bank in
21593 accordance with such orders as the court may issue. However, in
21594 case the foreign bank has an office in another state of the United
21595 States which is in liquidation and the assets of such office
21596 appear to be insufficient to pay in full the creditors of that
21597 office, the court shall order the commissioner to transfer to the
21598 liquidator of that office such amount of any such remaining assets
21599 as appears to be necessary to cover such insufficiency; if there
21600 are two (2) or more such offices and the amount of remaining
21601 assets is less than the aggregate amount of insufficiencies with
21602 respect to the offices, the court shall order the commissioner to
21603 distribute the remaining assets among the liquidators of such
21604 offices in such manner as the court finds equitable.

21605 **SECTION 326.** Section 83-5-43, Mississippi Code of 1972, is
21606 brought forward as follows:

21607 83-5-43. (1) Any person required by an order of the
21608 commissioner under Section 83-5-41 to cease and desist from
21609 engaging in any unfair method of competition or any unfair or
21610 deceptive act or practice defined in Section 83-5-35 may obtain a
21611 review of such order by filing in the Circuit Court of Hinds
21612 County, within thirty (30) days from the date of the service of
21613 such order, a written petition praying that the order of the
21614 commissioner be set aside. A copy of such petition shall be



21615 forthwith served upon the commissioner, and thereupon the
21616 commissioner forthwith shall certify and file in such court a
21617 transcript of the entire record in the proceeding, including all
21618 the evidence taken and the report and order of the commissioner.
21619 Upon such filing of the petition and transcript, such court shall
21620 have jurisdiction of the proceeding and of the question determined
21621 therein, shall determine whether the filing of such petition shall
21622 operate as a stay of such order of the commissioner, and shall
21623 have power to make and enter upon the pleadings, evidence, and
21624 proceedings set forth in such transcript a judgment modifying,
21625 affirming, or reversing the order of the commissioner, in whole or
21626 in part. The findings of the commissioner as to the facts, if
21627 supported by substantial evidence, shall be conclusive.

21628 (2) To the extent that the order of the commissioner is
21629 affirmed, the court shall thereupon issue its own order commanding
21630 obedience to the terms of such order of the commissioner. If
21631 either party shall apply to the court for leave to adduce
21632 additional evidence, and shall show to the satisfaction of the
21633 court that such additional evidence is material and that there
21634 were reasonable grounds for the failure to adduce such evidence in
21635 the proceeding before the commissioner, the court may order such
21636 additional evidence to be taken before the commissioner and to be
21637 adduced upon the hearing in such manner and upon such terms and
21638 conditions as to the court may seem proper. The commissioner may
21639 modify his findings of fact or make new findings by reason of the



21640 additional evidence so taken; and he shall file such modified or
21641 new findings which, if supported by substantial evidence, shall be
21642 conclusive, and his recommendations, if any, for the modification
21643 or setting aside of his original order, with the return of such
21644 additional evidence.

21645 (3) A cease and desist order issued by the commissioner
21646 under Section 83-5-41 shall become final:

21647 (a) Upon the completion of the time allowed for filing
21648 a petition for review if no such petition has been duly filed
21649 within such time; except that the commissioner may thereafter
21650 modify or set aside his order to the extent provided in Section
21651 83-5-41(2) or

21652 (b) Upon the final decision of the court if the court
21653 directs that the order of the commissioner be affirmed or the
21654 petition for review dismissed.

21655 (4) No order of the commissioner under Sections 83-5-29
21656 through 83-5-51 or order of a court to enforce the same shall in
21657 any way relieve or absolve any person affected by such order from
21658 any liability under any other laws of this state.

21659 **SECTION 327.** Section 25-11-11, Mississippi Code of 1972, is
21660 brought forward as follows:

21661 25-11-11. (1) Each political subdivision of the state and
21662 each instrumentality of the state or of a political subdivision,
21663 or of both, is hereby authorized to submit for approval by the
21664 board a plan for extending the benefits of this article, in



21665 conformity with applicable federal law, to employees of any such
21666 political subdivision or instrumentality. Each such plan or any
21667 amendment thereof shall be approved by the board if it finds that
21668 such plan, or such plan as amended, is in conformity with such
21669 requirements as are provided in regulations of the board, except
21670 that no such plan shall be approved unless:

21671 (a) It is in conformity with the requirements of the
21672 applicable federal law and with the agreement entered into under
21673 Section 25-11-7;

21674 (b) It provides that all services which constitute
21675 employment as defined in Section 25-11-5 and are performed in the
21676 employ of the political subdivision or instrumentality, by any
21677 employees thereof, shall be covered by the plan; except that it
21678 may exclude services performed by individuals to whom Section
21679 218(C) (3) (c) of the Social Security Act is applicable;

21680 (c) It specifies the source or sources from which the
21681 funds necessary to make the payments required by paragraph (a) of
21682 subsection (3) and by subsection (4) are expected to be derived
21683 and contains reasonable assurance that such sources will be
21684 adequate for such purpose;

21685 (d) It provides for such methods of administration of
21686 the plan by the political subdivision or instrumentality as are
21687 found by the board to be necessary for the proper and efficient
21688 administration thereof;



21689 (e) It provides that the political subdivision or
21690 instrumentality will make such reports, in such form and
21691 containing such information, as the board may from time to time
21692 require, and comply with such provisions as the board or the
21693 Secretary of Health and Human Services may from time to time find
21694 necessary to assure the correctness and verification of such
21695 reports; and

21696 (f) It authorizes the board to terminate the plan in
21697 its entirety in the discretion of the board if it finds that there
21698 has been a failure to comply substantially with any provision
21699 contained in such plan, such determination to take effect at the
21700 expiration of such notice and on such conditions as may be
21701 provided by regulations of the board and as may be consistent with
21702 applicable federal law.

21703 (2) The board shall not finally refuse to approve a plan
21704 submitted under subsection (1) and shall not terminate an approved
21705 plan, without reasonable notice and opportunity for hearing to
21706 each political subdivision or instrumentality affected thereby.
21707 The board's decision in any such case shall be final, conclusive,
21708 and binding unless an appeal be taken by the political subdivision
21709 or instrumentality aggrieved thereby to the Circuit Court of Hinds
21710 County, Mississippi, in accordance with the provisions of law with
21711 respect to review of civil cause by certiorari.

21712 (3) (a) Each political subdivision or instrumentality as to
21713 which a plan has been approved under this section shall pay into



21714 the contribution fund, with respect to wages (as defined in
21715 Section 25-11-5 of this article,) at such time or times as the
21716 board may by regulation prescribe, contributions in the amounts
21717 and at the rates specified in the applicable agreement entered
21718 into by the board under Section 25-11-7.

21719 (b) Every political subdivision or instrumentality
21720 required to make payments under paragraph (a) of this subsection
21721 is authorized, in consideration of the employees' retention in, or
21722 entry upon, employment after enactment of this article, to impose
21723 upon its employees, as to services which are covered by an
21724 approved plan, a contribution with respect to wages (as defined in
21725 Section 25-11-5 of this article), not exceeding the amount of tax
21726 which would be imposed by the Federal Insurance Contributions Act
21727 if such services constituted employment within the meaning of that
21728 act, and to deduct the amount of such contribution from the wages
21729 as and when paid. Contributions so collected shall be paid into
21730 the contribution fund in partial discharge of the liability of
21731 such political subdivision or instrumentality under paragraph (a)
21732 of this subsection. Failure to deduct such contribution shall not
21733 relieve the employee or employer of liability therefor.

21734 (4) Any state agency, school, political subdivision,
21735 instrumentality or any employer that is required to submit
21736 contribution payments or wage reports under any section of this
21737 chapter shall be assessed interest on delinquent payments or wage
21738 reports as determined by the board of trustees and such assessed



21739 interest may be recovered by action in a court of competent
21740 jurisdiction against such reporting agency liable therefor or may,
21741 upon due certification of delinquency and at the request of the
21742 board, be deducted from any other monies payable to such reporting
21743 agency by any department or agency of the state.

21744 (5) **Referenda and certification.** The Governor is empowered
21745 to authorize a referendum, upon request of the governing body of a
21746 political subdivision or juristic entity of the state and to
21747 designate any agency or individual to supervise its conduct, in
21748 accordance with the requirements of Section 218(d)(3) of the
21749 Social Security Act, on the question of whether service in
21750 positions covered by a retirement system established by a
21751 political subdivision or juristic entity of the state should be
21752 excluded from or included under an agreement under this article.
21753 The notice of referendum required by Section 218(d)(3)(C) of the
21754 Social Security Act to be given to employees shall contain or
21755 shall be accompanied by a statement, in such form and such detail
21756 as the agency or individual designated to supervise the referendum
21757 shall deem necessary and sufficient, to inform the employees of
21758 the rights which will accrue to them and their dependents and
21759 survivors, and the liabilities to which they will be subject, if
21760 their services are included under an agreement under this article.

21761 (6) Only those persons may be allowed to vote in the
21762 referendum who are actually employed in the employment which
21763 occasioned their membership in their retirement system at the time



21764 that the referendum is offered, and a majority of the members so
21765 qualified to vote must vote in favor of the referendum in order
21766 for it to become effective.

21767 (7) In the event of a negative vote in the referendum, no
21768 additional referendum may be held within a period of less than one
21769 (1) year; and in the event of an affirmative vote of the
21770 referendum, their agreement must be executed with the Public
21771 Employees' Retirement System of Mississippi to cover such
21772 employees within six (6) months after the affirmative vote has
21773 been determined in the referendum.

21774 (8) Upon receiving evidence satisfactory to him that, with
21775 respect to any such referendum, the conditions specified in
21776 Section 218(d)(3) of the Social Security Act have been met, the
21777 Governor shall so certify to the Secretary of Health and Human
21778 Services.

21779 **SECTION 328.** Section 41-29-187, Mississippi Code of 1972, is
21780 brought forward as follows:

21781 41-29-187. (1) Attorneys for the Mississippi Bureau of
21782 Narcotics, by and through the Director of the Mississippi Bureau
21783 of Narcotics, are authorized to seek judicial subpoenas to require
21784 any person, firm or corporation in the State of Mississippi to
21785 produce for inspection and copying business records and other
21786 documents which are relevant to the investigation of any felony
21787 violation of the Uniform Controlled Substances Law of the State of
21788 Mississippi. The production of the designated documents shall be



21789 at the location of the named person's, firm's or corporation's
21790 principal place of business, residence or other place at which the
21791 person, firm or corporation agrees to produce the documents. The
21792 cost of reproducing the documents shall be borne by the bureau at
21793 prevailing rates. At the conclusion of the investigation and any
21794 related judicial proceedings, the person, firm or corporation from
21795 whom the records or documents were subpoenaed shall, upon written
21796 request, be entitled to the return or destruction of all copies
21797 remaining in the possession of the bureau.

21798 (2) The bureau is authorized to make an ex parte and in
21799 camera application to the county or circuit court of the county in
21800 which such person, firm or corporation resides or has his
21801 principal place of business, or if the person, firm or corporation
21802 is absent or a nonresident of the State of Mississippi, to the
21803 County or Circuit Court of Hinds County. On application of the
21804 county or circuit court, a subpoena duces tecum shall be issued
21805 only upon a showing of probable cause that the documents sought
21806 are relevant to the investigation of a felony violation of the
21807 Uniform Controlled Substances Law or may reasonably lead to the
21808 discovery of such relevant evidence. Nothing contained in this
21809 section shall affect the right of a person to assert a claim that
21810 the information sought is privileged by law. Such application to
21811 the court shall be in writing and accompanied by a sworn affidavit
21812 from an agent of the Bureau of Narcotics which sets forth facts



21813 which the court shall consider in determining that probable cause
21814 exists.

21815 (3) Any person, firm or corporation complying in good faith
21816 with a judicial subpoena issued pursuant to this section shall not
21817 be liable to any other person, firm or corporation for damages
21818 caused in whole or in part by such compliance.

21819 (4) Documents in the possession of the Mississippi Bureau of
21820 Narcotics gathered pursuant to the provisions of this section and
21821 subpoenas issued by the court shall be maintained in confidential
21822 files with access limited to prosecutorial and other law
21823 enforcement investigative personnel on a "need to know" basis and
21824 shall be exempt from the provisions of the Mississippi Public
21825 Records Act of 1983, except that upon the filing of an indictment
21826 or information, or upon the filing of an action for forfeiture or
21827 recovery of property, funds or fines, such documents shall be
21828 subject to such disclosure as may be required pursuant to the
21829 applicable statutes or court rules governing the trial of any such
21830 judicial proceeding.

21831 (5) The circuit or county judge shall seal each application
21832 and affidavit filed and each subpoena issued after service of said
21833 subpoena. The application, affidavit and subpoena may not be
21834 disclosed except in the course of a judicial proceeding. Any
21835 unauthorized disclosure of a sealed subpoena, application or
21836 affidavit shall be punishable as contempt of court.



21837 (6) No person, including the Director of the Mississippi
21838 Bureau of Narcotics, an agent or member of his staff, prosecuting
21839 attorney, law enforcement officer, witness, court reporter,
21840 attorney or other person, shall disclose to an unauthorized person
21841 documents gathered by the bureau pursuant to the provisions of
21842 this section, nor investigative demands and subpoenas issued and
21843 served, except that upon the filing of an indictment or
21844 information, or upon the filing of an action for forfeiture or
21845 recovery of property, funds or fines, or in other legal
21846 proceedings, the documents shall be subject to such disclosure as
21847 may be required pursuant to applicable statutes and court rules
21848 governing the trial of any such judicial proceeding. In the event
21849 of an unauthorized disclosure of any such documents gathered by
21850 the Mississippi Bureau of Narcotics pursuant to the provisions of
21851 this section, the person making any such unauthorized disclosure
21852 shall be guilty of a misdemeanor, and upon conviction thereof
21853 shall be punished by a fine of not more than One Thousand Dollars
21854 (\$1,000.00), or imprisonment of not more than six (6) months, or
21855 by both such fine and imprisonment.

21856 (7) No person, agent or employee upon whom a subpoena is
21857 served pursuant to this section shall disclose the existence of
21858 said subpoena or the existence of the investigation to any person
21859 unless such disclosure is necessary for compliance with the
21860 subpoena. Any person who willfully violates this subsection shall
21861 be guilty of a misdemeanor and may be confined in the county jail,



21862 for a period not to exceed one (1) year, or fined not more than
21863 Ten Thousand Dollars (\$10,000.00), or both.

21864 **SECTION 329.** Section 29-3-157, Mississippi Code of 1972, is
21865 brought forward as follows:

21866 29-3-157. All powers of the authority shall be exercised by
21867 a board of trustees to be selected and composed as follows:

21868 (a) There shall be five (5) members of the board of
21869 trustees. One (1) member shall be appointed by the board of
21870 supervisors to serve one (1) year and four (4) members shall be
21871 appointed by the county board of education, one (1) of whom shall
21872 serve two (2) years, one (1) of whom shall serve three (3) years,
21873 one (1) of whom shall serve four (4) years, and one (1) of whom
21874 shall serve five (5) years after June 30, 1973; provided, however,
21875 that in the event any part of the sixteenth section, or lands
21876 granted in lieu thereof, to be developed by the authority is
21877 located within the corporate limits of any municipal separate
21878 school district, then the aforesaid two (2) members of the
21879 authority serving an initial term of three (3) and five (5) years
21880 shall be appointed by the trustees of the municipal separate
21881 school district. The terms of office of the respective members
21882 shall expire June 30 of each year, and after their initial term,
21883 each member shall be appointed to a term of five (5) years or
21884 until his successor has been appointed and has accepted. The
21885 Superintendent of the Hinds County School Board shall be an ex
21886 officio member of the board and shall act as chairman thereof.



21887 The member of the authority serving the initial five-year term
21888 shall be the secretary of the board of trustees. In the event a
21889 vacancy occurs, the appointment or the unexpired term shall be
21890 made in the same manner as provided for the original appointment.

21891 (b) Members of the board of trustees of the authority
21892 may succeed themselves upon reappointment by a two-thirds (2/3)
21893 vote of the appointing authority.

21894 (c) No member shall be appointed as a trustee who is
21895 not a qualified elector and bona fide resident of the county.

21896 (d) Each member of the board of trustees shall take and
21897 subscribe to the general oath of office required by Section 268 of
21898 the Constitution of the State of Mississippi before the chancery
21899 clerk of the county in which the authority is created that he will
21900 faithfully discharge the duties of the office, which oath shall be
21901 filed with the said clerk and by him preserved.

21902 (e) Each trustee not being paid for the day of the
21903 meeting by a political subdivision of the state shall receive not
21904 more than Twenty-two Dollars and Fifty Cents (\$22.50) per diem
21905 while actually performing the business of the authority and Ten
21906 Cents (10¢) per mile for distance traveled while actually on the
21907 business of the authority. Provided, however, that the
21908 compensation herein authorized shall apply for not more than
21909 fourteen (14) days per member during any calendar year.

21910 **SECTION 330.** Section 41-11-11, Mississippi Code of 1972, is
21911 brought forward as follows:



21912 41-11-11. (1) From and after July 1, 1989, the Kuhn
21913 Memorial State Hospital at Vicksburg, the South Mississippi State
21914 Hospital at Laurel, and the Matty Hersee Hospital at Meridian
21915 shall be closed, and the Legislature shall not appropriate any
21916 funds for the operation of those hospitals after that date. For
21917 each such hospital for which title to the hospital buildings and
21918 the land upon which they are located remains in the State of
21919 Mississippi after closure of the hospital, except for any part
21920 thereof which has been previously leased to a political
21921 subdivision or which is used by another state agency or
21922 department, the Governor's Office of General Services, Bureau of
21923 Building, Grounds and Real Property Management, shall be
21924 authorized to sell and transfer title to each of such hospital
21925 buildings and such land to any individual, corporation or other
21926 entity for an amount not less than the fair market value thereof
21927 as determined by three (3) real estate appraisers. However, prior
21928 to any such sale, the Office of General Services shall publish
21929 notice of its intention to sell the same in a newspaper of general
21930 circulation in the county in which the property is located and in
21931 Hinds County, Mississippi, and in such publication shall solicit
21932 requests for proposals for the use of such property by agencies,
21933 departments or political subdivisions of the State of Mississippi.
21934 If proposals are received, the Office of General Services shall
21935 review the proposals to determine if any proposed use of the
21936 property, both real and personal, will reasonably be used to



21937 provide a needed service not presently provided by the State of
21938 Mississippi or by a political subdivision thereof. If the Office
21939 of General Services determines that such needed service may be
21940 provided by another state agency, department or political
21941 subdivision, it shall transfer title to the real and personal
21942 property, as may be needed, to such agency, department or
21943 political subdivision subject to any leases or uses of the
21944 property by another state agency, department or political
21945 subdivision. If no proposals are received, the Office of General
21946 Services may proceed with the sale of the property as provided
21947 above in this subsection. The Office of General Services shall
21948 submit to the Governor and the Legislature a copy of all proposals
21949 received and a detailed statement and explanation of its decision
21950 to transfer or not transfer such property no later than October 1,
21951 1989. Any funds received from the sale of such buildings and land
21952 shall be paid into the State General Fund.

21953 (2) Any equipment and supplies of such hospitals which
21954 cannot be used by any transferee agency, department or political
21955 subdivision and which may be used by the University Medical Center
21956 or any other agency or institution of the state shall be offered
21957 to the Medical Center and other state agencies and institutions,
21958 and may be given to any such agency or institution desiring the
21959 same upon request, at no charge. If the same equipment or
21960 supplies are requested by more than one (1) agency or institution,
21961 the State Fiscal Management Board shall determine which agency or



21962 institution will be given the equipment or supplies being
21963 requested. Any equipment and supplies remaining after being
21964 offered to the state agencies and institutions shall be sold by
21965 the Fiscal Management Board after advertising for bids thereon.
21966 Any funds received from the sale of such equipment and supplies
21967 shall be paid into the State General Fund.

21968 (3) None of such hospitals shall admit any person as an
21969 inpatient into the hospital after June 15, 1989. Each of the
21970 hospitals shall make every effort to locate and make arrangements
21971 with hospitals or other appropriate institutions to provide
21972 treatment and care to any patients who will continue to need
21973 treatment and care after June 30, 1989.

21974 (4) Any monies owed to such hospitals but not collected by
21975 June 30, 1989, including, but not limited to payments from
21976 Medicare, health or hospitalization insurance, other third
21977 parties, or from the patient or his family or estate, shall be
21978 paid to the Fiscal Management Board, which shall transfer all such
21979 monies received into the State General Fund. Any valid debts or
21980 other obligations of such hospitals incurred before July 1, 1989,
21981 which have not been paid or finally satisfied by June 30, 1989,
21982 including any that were not billed to the hospitals until after
21983 June 30, 1989, shall remain an obligation of the state and shall
21984 be paid by the Fiscal Management Board from funds appropriated for
21985 such purpose. Any ending cash balance of any such hospital on
21986 June 30, 1989, shall be applied to payment of any indebtedness or



21987 other obligations of that hospital before any other funds are used
21988 for such purpose.

21989 **SECTION 331.** Section 5-8-17, Mississippi Code of 1972, is
21990 brought forward as follows:

21991 5-8-17. (1) In addition to any other penalty permitted by
21992 law, the Secretary of State shall require any person who fails to
21993 file a report as required under Sections 5-8-1 through 5-8-19 of
21994 this chapter, or who shall file a report which fails to comply
21995 with the material particulars of Sections 5-8-1 through 5-8-19 of
21996 this chapter or any rules, regulations or procedures implemented
21997 pursuant to Sections 5-8-1 through 5-8-19 of this chapter, to be
21998 assessed a civil penalty as follows:

21999 (a) Within five (5) calendar days after any deadline
22000 for filing a report pursuant to Sections 5-8-1 through 5-8-19 of
22001 this chapter, the Secretary of State shall compile a list of those
22002 lobbyists and lobbyists' clients who have failed to file a
22003 required report. The Secretary of State shall provide each
22004 lobbyist or lobbyist's client who has failed to file such a report
22005 notice of such failure by certified mail.

22006 (b) Beginning with the tenth calendar day after which
22007 any report shall be due, the Secretary of State shall assess the
22008 delinquent lobbyist and delinquent lobbyist's client a civil
22009 penalty of Fifty Dollars (\$50.00) per day and part of any day
22010 until a valid report is delivered to the Secretary of State, up to
22011 a maximum of ten (10) days. However, in the discretion of the



22012 Secretary of State, the assessing of such fine may be waived if
22013 the Secretary of State shall determine that unforeseeable
22014 mitigating circumstances, such as the health of the lobbyist,
22015 shall interfere with timely filing of a required report.

22016 (c) Filing of the required report and payment of the
22017 fine within ten (10) calendar days of notice by the Secretary of
22018 State that a required statement has not been filed constitutes
22019 compliance with Sections 5-8-1 through 5-8-19 of this chapter.

22020 (d) Payment of the fine without filing the required
22021 report does not in any way excuse or exempt any person required to
22022 file from the filing requirements of Sections 5-8-1 through 5-8-19
22023 of this chapter.

22024 (2) (a) Upon the sworn application of a lobbyist or
22025 lobbyist's client against whom a civil penalty has been assessed
22026 pursuant to subsection (1), the Secretary of State shall forward
22027 the application to the Mississippi Ethics Commission. The
22028 commission shall fix a time and place for a hearing and shall
22029 cause a written notice specifying the civil penalties that have
22030 been assessed against the lobbyist or lobbyist's client and notice
22031 of the time and place of the hearing to be served upon the
22032 lobbyist or lobbyist's client at least twenty (20) calendar days
22033 prior to the hearing date. Such notice may be served by mailing a
22034 copy thereof by certified mail, postage prepaid, to the last known
22035 business address of the lobbyist or lobbyist's client.



22036 (b) The commission is authorized to issue subpoenas for
22037 the attendance of witnesses and the production of books and papers
22038 at such hearing. Process issued by the commission shall extend to
22039 all parts of the state and shall be served by any person
22040 designated by the commission for such service.

22041 (c) The lobbyist or lobbyist's client shall have the
22042 right to appear either personally or by counsel, or both, to
22043 produce witnesses or evidence in his behalf, to cross-examine
22044 witnesses and to have subpoenas issued by the commission.

22045 (d) A hearing officer shall be appointed by the
22046 commission to conduct the hearing. At the hearing, the hearing
22047 officer shall administer oaths as may be necessary for the proper
22048 conduct of the hearing. All hearings shall be conducted by the
22049 commission, who shall not be bound by strict rules of procedure or
22050 by the laws of evidence in the conduct of the proceedings, but the
22051 determination shall be based upon sufficient evidence to sustain
22052 it.

22053 (e) Where, in any proceeding before the commission, any
22054 witness fails or refuses to attend upon a subpoena issued by the
22055 commission, refuses to testify, or refuses to produce any books
22056 and papers the production of which is called for by a subpoena,
22057 the attendance of such witness, the giving of his testimony or the
22058 production of the books and papers shall be enforced by any court
22059 of competent jurisdiction of this state in the manner provided for



22060 the enforcement of attendance and testimony of witnesses in civil
22061 cases in the courts of this state.

22062 (f) Within fifteen (15) calendar days after conclusion
22063 of the hearing, the commission shall reduce its decision to
22064 writing and forward an attested true copy thereof to the last
22065 known business address of the lobbyist or lobbyist's client by way
22066 of United States first-class, certified mail, postage prepaid.

22067 (3) (a) The right to appeal from the decision of the
22068 commission in an administrative hearing concerning the assessment
22069 of civil penalties authorized pursuant to this section is hereby
22070 granted. Such appeal shall be to the Circuit Court of Hinds
22071 County and shall include a verbatim transcript of the testimony at
22072 the hearing. The appeal shall be taken within thirty (30)
22073 calendar days after notice of the decision of the commission
22074 following an administrative hearing. The appeal shall be
22075 perfected upon filing notice of the appeal and by the prepayment
22076 of all costs, including the cost of the preparation of the record in
22077 of the proceedings by the commission, and the filing of a bond in
22078 the sum of Two Hundred Dollars (\$200.00), conditioned that if the
22079 decision of the commission be affirmed by the court, the lobbyist
22080 or lobbyist's client will pay the costs of the appeal and the
22081 action in court. If the decision is reversed by the court, the
22082 Secretary of State will pay the costs of the appeal and the action
22083 in court.



22084 (b) If there is an appeal, such appeal shall act as a
22085 supersedeas. The court shall dispose of the appeal and enter its
22086 decision promptly. The hearing on the appeal may be tried in
22087 vacation, in the court's discretion. The scope of review of the
22088 court shall be limited to a review of the record made before the
22089 commission to determine if the action of the commission is
22090 unlawful for the reason that it was (i) not supported by
22091 substantial evidence, (ii) arbitrary or capricious, (iii) beyond
22092 the power of the commission to make, or (iv) in violation of some
22093 statutory or constitutional right of the appellant. The decision
22094 of the court may be appealed to the Supreme Court in the manner
22095 provided by law.

22096 (4) If, after forty-five (45) calendar days of the date of
22097 the administrative hearing procedure set forth in subsection (2),
22098 the lobbyist or lobbyist's client shall not file a valid report as
22099 required by law, the commission shall notify the Attorney General
22100 of the delinquency. The Attorney General shall investigate said
22101 offense in accordance with the provisions of this chapter.

22102 **SECTION 332.** Section 25-4-21, Mississippi Code of 1972, is
22103 brought forward as follows:

22104 25-4-21. (1) Upon receipt of a complaint that complies with
22105 Section 25-4-19, the commission shall authorize a confidential
22106 investigation of the complaint. Upon completion of the
22107 investigation, the commission shall proceed as follows:



22108 (a) If the complaint concerns a public official in the
22109 legislative branch, the commission shall refer the complaint,
22110 confidentially, to the public official and to the appropriate
22111 committee of the House of Representatives or the Senate having
22112 jurisdiction over the ethical conduct of its members and
22113 employees.

22114 (b) If the complaint concerns a public official in the
22115 judicial branch, the commission shall refer the complaint,
22116 confidentially, to the public official and to the Commission on
22117 Judicial Performance or the Chief Justice of the Supreme Court.

22118 (c) If the complaint concerns a public official in the
22119 executive branch or persons not covered in paragraph (a) or (b) of
22120 this subsection, then the commission shall refer the complaint,
22121 confidentially, to the public official and to the head of the
22122 department or agency, if the person is in the executive branch,
22123 or, for other public officials, to the person about whom the
22124 complaint is filed.

22125 (d) The persons, committees or commission receiving
22126 complaints referred in paragraph (a), (b) or (c) shall have thirty
22127 (30) days within which to respond to the complaint.

22128 (e) After receiving the response to the complaint or,
22129 if no response is received after thirty (30) days from the notice
22130 of referral, the commission may, in its discretion, terminate the
22131 matter or proceed with an investigation as follows:



22132 (i) The commission may terminate any and all
22133 proceedings at any stage of its procedure upon a determination
22134 that an appropriate disposition of the matter has occurred.

22135 (ii) If the investigation indicates probable cause
22136 for belief that a violation of law has occurred, the commission
22137 may set a hearing of the matter to be held in accordance with the
22138 Mississippi Rules of Civil Procedure and the Mississippi Rules of
22139 Evidence. After the hearing, the commission may order penalties
22140 as prescribed in this chapter. The commission may enroll its
22141 order as a civil judgment with the circuit clerk in the county of
22142 residence of the judgment debtor. The commission may enforce the
22143 judgment on behalf of the State General Fund in the same manner as
22144 prescribed for other civil judgments, after complying with
22145 subsection (2) of this section.

22146 (iii) The commission may refer the complaint with
22147 any evidence gathered during the investigation to the Attorney
22148 General and to the district attorney having jurisdiction, with a
22149 recommendation that it be considered for presentation to the grand
22150 jury. The Attorney General and the district attorney shall report
22151 back to the commission within ninety (90) days as to what action
22152 was taken following receipt of the complaint and recommendations
22153 of the commission, including the intent of the Attorney General to
22154 seek further civil remedies and the intent of the district
22155 attorney to present such matter to the grand jury.



22156 (2) Any person aggrieved by a decision of the commission
22157 made pursuant to its hearing procedures may appeal de novo to the
22158 Circuit Court for Hinds County and execution of the commission's
22159 decision shall be stayed upon the filing of a notice of appeal.

22160 (3) Civil actions taken by the commission shall not bar
22161 prosecutions for violations of the criminal law.

22162 **SECTION 333.** Section 77-1-47, Mississippi Code of 1972, is
22163 brought forward as follows:

22164 77-1-47. Appeals from any final finding, order or judgment
22165 of the commission shall be taken and perfected by the filing of a
22166 bond in the sum of Five Hundred Dollars (\$500.00) with two (2)
22167 sureties, or with a surety company qualified to do business in
22168 Mississippi as the surety, conditioned to pay the cost of such
22169 appeal. Said bond shall be approved by the chairman or secretary
22170 of the commission, or by the judge of the court to which such
22171 appeal is taken in case the chairman or secretary of the
22172 commission refuses to approve a proper bond tendered to them
22173 within the time limited for taking appeals. The commission may
22174 grant a supersedeas bond on any appeal, in such penalty and with
22175 such surety thereon as it may deem sufficient, and may, during the
22176 pendency of any appeal, at any time, require the increase of any
22177 such supersedeas bond or additional securities thereon. The judge
22178 of the Circuit Court of Hinds County may on petition therefor by
22179 any party entitled to an appeal, presented to him within six (6)
22180 months of the date of the final finding, order, or judgment of the



22181 commission appealed from, award a writ of supersedeas to any such
22182 final finding, order, or judgment of the commission, upon the
22183 filing of a supersedeas bond in an amount to be fixed by said
22184 judge. All appeal bonds for the payment of costs, and all
22185 supersedeas bonds, shall be made payable to the state and may be
22186 enforced in the name of the state by motion or other legal
22187 proceedings or remedy in any circuit court of this state having
22188 jurisdiction of a motion or action on such bond, and the process
22189 and proceedings thereon shall be as provided by law upon bonds of
22190 like character required and taken by any court of this state.
22191 Such circuit court may render and enter like judgments upon such
22192 bonds as may, by law, be rendered and entered upon bonds of like
22193 character, and process of execution shall issue upon such
22194 judgments, and may be levied and executed as provided by law in
22195 other cases.

22196 **SECTION 334.** Section 37-101-291, Mississippi Code of 1972,
22197 is brought forward as follows:

22198 37-101-291. (1) In order to help alleviate the problem of
22199 the shortage of health care professionals at the state health
22200 institutions, there is established a program of paid educational
22201 leave for the study of such health care professions as defined in
22202 Section 37-101-285 and licensed practical nursing by any employee
22203 who works at a state health institution and who declares an
22204 intention to work in such respective health care occupation in the
22205 same state health institution in which the employee was working



22206 when granted educational leave, for a minimum period of time after
22207 graduation.

22208 (2) The paid educational leave program shall be administered
22209 by the respective state health institutions.

22210 (3) (a) Within the limits of the funds available to a state
22211 health institution for such purpose, the institution may grant
22212 paid educational leave to those applicants deemed qualified
22213 therefor, upon such terms and conditions as it may impose and as
22214 provided for in this section.

22215 (b) In order to be eligible for paid educational leave,
22216 an applicant must:

22217 (i) Be working at a state health institution at
22218 the time of application;

22219 (ii) Attend any college or school approved and
22220 designated by the state health institution; and

22221 (iii) Agree to work in a health care profession as
22222 defined in Section 37-101-285 or as a licensed practical nurse in
22223 the same state health institution for a period of time equivalent
22224 to the period of time for which the applicant receives paid
22225 educational leave compensation, calculated to the nearest whole
22226 month, but in no event less than two (2) years.

22227 (c) (i) Before being granted paid educational leave,
22228 each applicant shall enter into a contract with the state health
22229 institution, which shall be deemed a contract with the State of
22230 Mississippi, agreeing to the terms and conditions upon which the



22231 paid educational leave shall be granted to him. The contract
22232 shall include such terms and provisions necessary to carry out the
22233 full purpose and intent of this section. The form of such
22234 contract shall be prepared and approved by the Attorney General of
22235 this state, and shall be signed by the executive director of the
22236 respective state health institution and the recipient. If the
22237 recipient is a minor, his minority disabilities shall be removed
22238 by a chancery court of competent jurisdiction before the contract
22239 is signed.

22240 (ii) The state health institution shall have the
22241 authority to cancel any contract made between it and any recipient
22242 for paid educational leave upon such cause being deemed sufficient
22243 by the executive director of such institution.

22244 (iii) The state health institution is vested with
22245 full and complete authority and power to sue in its own name any
22246 recipient for any balance due the state on any such uncompleted
22247 contract, which suit shall be filed and handled by the Attorney
22248 General of the state. The state health institution may contract
22249 with a collection agency or banking institution, subject to
22250 approval by the Attorney General, for collection of any balance
22251 due the state from any recipient. The State of Mississippi,
22252 agencies of the state and the state health institution and its
22253 employees are immune from any suit brought in law or equity for
22254 actions taken by the collection agency or banking institution
22255 incidental to or arising from their performance under the



22256 contract. The state health institution, collection agency and
22257 banking institution may negotiate for the payment of a sum that is
22258 less than full payment in order to satisfy any balance the
22259 recipient owes the state, subject to approval by the facility
22260 director of the sponsoring facility within the state health
22261 institution.

22262 (iv) Failure to meet the terms of an educational
22263 loan contract shall be grounds for revocation of the professional
22264 license which was earned through the paid educational leave
22265 compensation granted under this section.

22266 (v) A finding by the sponsoring agency of a
22267 default by the recipient shall be a finding of unprofessional
22268 conduct and therefore, a basis for the revocation of the
22269 professional license which was obtained through the educational
22270 leave program. The finding also will be grounds for revocation of
22271 any license, as defined by Section 93-11-153.

22272 (vi) Notice of pending default status shall be
22273 mailed to the recipient at the last known address by the
22274 sponsoring agency.

22275 (vii) The sponsoring agency shall conduct a
22276 hearing of pending default status, make a final determination, and
22277 issue an Order of Default, if appropriate.

22278 (viii) Recipients may appear either personally or
22279 by counsel, or both, and produce and cross-examine witnesses or
22280 evidence in the recipient's behalf. The procedure of the hearing



22281 shall not be bound by the Mississippi Rules of Civil Procedure and
22282 Evidence.

22283 (ix) If a recipient is found to be in default, a
22284 copy of an Order of Default shall be forwarded to the appropriate
22285 licensing agency.

22286 (x) Appeals from a finding of default by the
22287 sponsoring agency shall be to the Circuit Court of Hinds County.
22288 Actions taken by a licensing entity in revoking a license when
22289 required by this section are not actions from which an appeal may
22290 be taken under the general licensing and disciplinary provisions
22291 applicable to the licensing agency.

22292 (xi) Rules and regulations governing hearing and
22293 other applicable matters shall be promulgated by the sponsoring
22294 agency.

22295 (xii) A license which has been revoked pursuant to
22296 this statute shall be reinstated upon a showing of proof that the
22297 recipient is no longer in default.

22298 (xiii) A finding by the sponsoring facility of
22299 educational leave default is a disciplinary action, not a
22300 collection action, and therefore shall not be affected by the
22301 recipient declaring bankruptcy.

22302 (4) (a) Any recipient who is granted paid educational leave
22303 by a state health institution shall be compensated by the
22304 institution during the time the recipient is in school, at the
22305 rate of pay received by a nurse's aide employed at the respective



22306 state health institution. All educational leave compensation
22307 received by the recipient while in school shall be considered
22308 earned conditioned upon the fulfillment of the terms and
22309 obligations of the educational leave contract and this section.
22310 However, no recipient of full-time educational leave shall accrue
22311 personal or major medical leave while the recipient is on paid
22312 educational leave. Recipients of paid educational leave shall be
22313 responsible for their individual costs of tuition and books.

22314 (b) Paid educational leave shall be granted only upon
22315 the following conditions:

22316 (i) The recipient shall fulfill his or her
22317 obligation under the contract with the State of Mississippi by
22318 working as a professional in a health care profession defined in
22319 Section 37-101-285 or as a licensed practical nurse in a state
22320 health institution; a recipient sponsored by a health institution
22321 under the supervision of the Mississippi Department of Mental
22322 Health may fulfill his or her obligation under the contract with
22323 the State of Mississippi at another health institution under the
22324 supervision of the Mississippi Department of Mental Health with
22325 prior written approval of the Director of the Department of Mental
22326 Health institution with which he or she originally contracted for
22327 educational leave. The total compensation that the recipient was
22328 paid while on educational leave shall be considered as
22329 unconditionally earned on an annual pro rata basis for each year
22330 of service rendered under the educational leave contract as a



22331 health care professional in his respective state health
22332 institution.

22333 (ii) If the recipient does not work as a
22334 professional in a health care profession as defined in Section
22335 37-101-285 or as a licensed practical nurse in his respective
22336 state health institution for the period required under subsection
22337 (3)(b)(iii) of this section, the recipient shall be liable for
22338 repayment on demand of the remaining portion of the compensation
22339 that the recipient was paid while on paid educational leave which
22340 has not been unconditionally earned, with interest accruing at ten
22341 percent (10%) per annum from the recipient's date of graduation or
22342 the date that the recipient last worked at that state health
22343 institution, whichever is the later date. In addition, there
22344 shall be included in any contract for paid educational leave a
22345 provision for liquidated damages equal to Five Thousand Dollars
22346 (\$5,000.00) which may be reduced on a pro rata basis for each year
22347 served under such contract.

22348 (iii) If any recipient fails or withdraws from
22349 school at any time before completing his or her health care
22350 training, the recipient shall be liable for repayment on demand of
22351 the amount of the total compensation that the recipient was paid
22352 while on paid educational leave, with interest accruing at ten
22353 percent (10%) per annum from the date the recipient failed or
22354 withdrew from school. However, the recipient shall not be liable
22355 for liquidated damages, and if the recipient returns to work in



22356 the same position held in the same state health institution prior
22357 to accepting educational leave, the recipient shall not be liable
22358 for payment of any interest on the amount owed.

22359 (iv) The issuance and renewal of the professional
22360 license required to work in a health care profession as defined in
22361 Section 37-101-285 for which the educational leave was granted
22362 shall be contingent upon the repayment of the total compensation
22363 that the recipient received while on paid educational leave. No
22364 license shall be granted until a contract for repayment is
22365 executed. No license shall be renewed without proof of an
22366 existing contract which is not in default. Failure to meet the
22367 terms of an educational loan contract shall be grounds for
22368 revocation of the professional license which was earned through
22369 the paid educational leave compensation granted under this
22370 section. Any person who receives any amount of paid educational
22371 leave compensation while in school and subsequently receives a
22372 professional license shall be deemed to have earned the
22373 professional license through paid educational leave.

22374 (v) The obligations of educational leave
22375 recipients under contracts entered into before July 1, 2002, shall
22376 remain unchanged. However, state health institutions may use the
22377 collection or license revocation provisions of this section to
22378 collect money owed under all educational leave contracts,
22379 regardless of when those contracts were executed.



22380 **SECTION 335.** Section 23-15-813, Mississippi Code of 1972, is
22381 brought forward as follows:

22382 23-15-813. (a) In addition to any other penalty permitted
22383 by law, the Mississippi Ethics Commission shall require any
22384 candidate or political committee, as identified in Section
22385 23-15-805(a), and any other political committee registered with
22386 the Secretary of State, who fails to file a campaign finance
22387 disclosure report as required under Sections 23-15-801 through
22388 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
22389 file a report that fails to substantially comply with the
22390 requirements of Sections 23-15-801 through 23-15-813, or Sections
22391 23-17-47 through 23-17-53, to be assessed a civil penalty as
22392 follows:

22393 (i) Within five (5) calendar days after any deadline
22394 for filing a report pursuant to Sections 23-15-801 through
22395 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
22396 State shall compile a list of those candidates and political
22397 committees who have failed to file a report. The list shall be
22398 provided to the Mississippi Ethics Commission. The Secretary of
22399 State shall provide each candidate or political committee, who has
22400 failed to file a report, notice of the failure by first-class
22401 mail.

22402 (ii) Beginning with the tenth calendar day after which
22403 any report is due, the Mississippi Ethics Commission shall assess
22404 the delinquent candidate and political committee a civil penalty



22405 of Fifty Dollars (\$50.00) for each day or part of any day until a
22406 valid report is delivered to the Secretary of State, up to a
22407 maximum of ten (10) days. In the discretion of the Mississippi
22408 Ethics Commission, the assessing of the fine may be waived, in
22409 whole or in part, if the Commission determines that unforeseeable
22410 mitigating circumstances, such as the health of the candidate,
22411 interfered with the timely filing of a report. Failure of a
22412 candidate or political committee to receive notice of failure to
22413 file a report from the Secretary of State is not an unforeseeable
22414 mitigating circumstance, and failure to receive the notice shall
22415 not result in removal or reduction of any assessed civil penalty.

22416 (iii) Filing of the required report and payment of the
22417 fine within ten (10) calendar days of notice by the Secretary of
22418 State that a required statement has not been filed constitutes
22419 compliance with Sections 23-15-801 through 23-15-813, or Sections
22420 23-17-47 through 23-17-53.

22421 (iv) Payment of the fine without filing the required
22422 report does not excuse or exempt any person from the filing
22423 requirements of Sections 23-15-801 through 23-15-813, and Sections
22424 23-17-47 through 23-17-53.

22425 (v) If any candidate or political committee is assessed
22426 a civil penalty, and the penalty is not subsequently waived by the
22427 Mississippi Ethics Commission, the candidate or political
22428 committee shall pay the fine to the Commission within ninety (90)
22429 days of the date of the assessment of the fine. If, after one



22430 hundred twenty (120) days of the assessment of the fine the
22431 payment for the entire amount of the assessed fine has not been
22432 received by the Commission, the Commission shall notify the
22433 Attorney General of the delinquency, and the Attorney General
22434 shall file, where necessary, a suit to compel payment of the civil
22435 penalty.

22436 (b) (i) Upon the sworn application, made within sixty (60)
22437 calendar days of the date upon which the required report is due,
22438 of a candidate or political committee against whom a civil penalty
22439 has been assessed pursuant to subsection (a) of this section, the
22440 Secretary of State shall forward the application to the State
22441 Board of Election Commissioners. The State Board of Election
22442 Commissioners shall appoint one or more hearing officers who shall
22443 be former chancellors, circuit court judges, judges of the Court
22444 of Appeals or justices of the Supreme Court, to conduct hearings
22445 held pursuant to this article. The hearing officer shall fix a
22446 time and place for a hearing and shall cause a written notice
22447 specifying the civil penalties that have been assessed against the
22448 candidate or political committee and notice of the time and place
22449 of the hearing to be served upon the candidate or political
22450 committee at least twenty (20) calendar days before the hearing
22451 date. The notice may be served by mailing a copy of the notice by
22452 certified mail, postage prepaid, to the last-known business
22453 address of the candidate or political committee.



22454 (ii) The hearing officer may issue subpoenas for the
22455 attendance of witnesses and the production of documents at the
22456 hearing. Process issued by the hearing officer shall extend to
22457 all parts of the state and shall be served by any person
22458 designated by the hearing officer for the service.

22459 (iii) The candidate or political committee has the
22460 right to appear either personally, by counsel or both, to produce
22461 witnesses or evidence in his or her behalf, to cross-examine
22462 witnesses and to have subpoenas issued by the hearing officer.

22463 (iv) At the hearing, the hearing officer shall
22464 administer oaths as may be necessary for the proper conduct of the
22465 hearing. All hearings shall be conducted by the hearing officer,
22466 who shall not be bound by strict rules of procedure or by the laws
22467 of evidence, but the determination shall be based upon sufficient
22468 evidence to sustain it. The scope of review at the hearing shall
22469 be limited to making a determination of whether failure to file a
22470 required report was due to an unforeseeable mitigating
22471 circumstance.

22472 (v) In any proceeding before the hearing officer, if
22473 any witness fails or refuses to attend upon a subpoena issued by
22474 the commission, refuses to testify, or refuses to produce any
22475 documents called for by a subpoena, the attendance of the witness,
22476 the giving of his or her testimony or the production of the
22477 documents shall be enforced by a court of competent jurisdiction
22478 of this state in the manner provided for the enforcement of



22479 attendance and testimony of witnesses in civil cases in the courts
22480 of this state.

22481 (vi) Within fifteen (15) calendar days after conclusion
22482 of the hearing, the hearing officer shall reduce his or her
22483 decision to writing and forward an attested true copy of the
22484 decision to the last-known business address of the candidate or
22485 political committee by way of United States first-class, certified
22486 mail, postage prepaid.

22487 (c) (i) The right to appeal from the decision of the
22488 hearing officer in an administrative hearing concerning the
22489 assessment of civil penalties authorized pursuant to this section
22490 is granted. The appeal shall be to the Circuit Court of Hinds
22491 County and shall include a verbatim transcript of the testimony at
22492 the hearing. The appeal shall be taken within thirty (30)
22493 calendar days after notice of the decision of the commission
22494 following an administrative hearing. The appeal shall be
22495 perfected upon filing notice of the appeal and the prepayment of
22496 all costs, including the cost of preparing the record of the
22497 proceedings by the hearing officer, and filing a bond in the sum
22498 of Two Hundred Dollars (\$200.00), conditioned that if the decision
22499 of the hearing officer is affirmed by the court, the candidate or
22500 political committee will pay the costs of the appeal and the
22501 action in court. If the decision is reversed by the court, the
22502 Mississippi Ethics Commission will pay the costs of the appeal and
22503 the action in court.



22504 (ii) If there is an appeal, the appeal shall act as a
22505 supersedeas. The court shall dispose of the appeal and enter its
22506 decision promptly. The hearing on the appeal may be tried in
22507 vacation, in the court's discretion. The scope of review of the
22508 court shall be limited to a review of the record made before the
22509 hearing officer to determine if the action of the hearing officer
22510 is unlawful for the reason that it was 1. not supported by
22511 substantial evidence, 2. arbitrary or capricious, 3. beyond the
22512 power of the hearing officer to make, or 4. in violation of some
22513 statutory or constitutional right of the appellant. The decision
22514 of the court may be appealed to the Supreme Court in the manner
22515 provided by law.

22516 (d) If, after forty-five (45) calendar days of the date of
22517 the administrative hearing procedure set forth in subsection (b),
22518 the candidate or political committee identified in subsection (a)
22519 of this section fails to pay the monetary civil penalty imposed by
22520 the hearing officer, the Secretary of State shall notify the
22521 Attorney General of the delinquency. The Attorney General shall
22522 investigate the offense in accordance with the provisions of this
22523 chapter, and where necessary, file suit to compel payment of the
22524 unpaid civil penalty.

22525 (e) If, after twenty (20) calendar days of the date upon
22526 which a campaign finance disclosure report is due, a candidate or
22527 political committee identified in subsection (a) of this section
22528 shall not have filed a valid report with the Secretary of State,



22529 the Secretary of State shall notify the Attorney General of those
22530 candidates and political committees who have not filed a valid
22531 report, and the Attorney General shall prosecute the delinquent
22532 candidates and political committees.

22533 **SECTION 336.** Section 25-5-1, Mississippi Code of 1972, is
22534 brought forward as follows:

22535 25-5-1. If any public officer, state, district, county or
22536 municipal, shall be convicted or enter a plea of guilty or nolo
22537 contendere in any court of this state or any other state or in any
22538 federal court of any felony other than manslaughter or any
22539 violation of the United States Internal Revenue Code, of
22540 corruption in office or peculation therein, or of gambling or
22541 dealing in futures with money coming to his hands by virtue of his
22542 office, any court of this state, in addition to such other
22543 punishment as may be prescribed, shall adjudge the defendant
22544 removed from office; and the office of the defendant shall thereby
22545 become vacant. If any such officer be found by inquest to be of
22546 unsound mind during the term for which he was elected or
22547 appointed, or shall be removed from office by the judgment of a
22548 court of competent jurisdiction or otherwise lawfully, his office
22549 shall thereby be vacated; and in any such case the vacancy shall
22550 be filled as provided by law.

22551 When any such officer is found guilty of a crime which is a
22552 felony under the laws of this state or which is punishable by
22553 imprisonment for one (1) year or more, other than manslaughter or



22554 any violation of the United States Internal Revenue Code, in a
22555 federal court or a court of competent jurisdiction of any other
22556 state, the Attorney General of the State of Mississippi shall
22557 promptly enter a motion for removal from office in the circuit
22558 court of Hinds County in the case of a state officer, and in the
22559 circuit court of the county of residence in the case of a
22560 district, county or municipal officer. The court, or the judge in
22561 vacation, shall, upon notice and a proper hearing, issue an order
22562 removing such person from office and the vacancy shall be filled
22563 as provided by law.

22564 **SECTION 337.** Section 47-5-931, Mississippi Code of 1972, is
22565 brought forward as follows:

22566 47-5-931. (1) The Department of Corrections, in its
22567 discretion, may contract with the board of supervisors of one or
22568 more counties or with a regional facility operated by one or more
22569 counties, to provide for housing, care and control of offenders
22570 who are in the custody of the State of Mississippi. Any facility
22571 owned or leased by a county or counties for this purpose shall be
22572 designed, constructed, operated and maintained in accordance with
22573 American Correctional Association standards, and shall comply with
22574 all constitutional standards of the United States and the State of
22575 Mississippi, and with all court orders that may now or hereinafter
22576 be applicable to the facility. If the Department of Corrections
22577 contracts with more than one (1) county to house state offenders
22578 in county correctional facilities, excluding a regional facility,



22579 then the first of such facilities shall be constructed in Sharkey
22580 County and the second of such facilities shall be constructed in
22581 Jefferson County.

22582 (2) The Department of Corrections shall contract with the
22583 board of supervisors of the following counties to house state
22584 inmates in regional facilities: (a) Marion and Walthall Counties;
22585 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River
22586 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
22587 Counties; (f) Alcorn County and any contiguous county in which
22588 there is located an unapproved jail; (g) Yazoo County and any
22589 contiguous county in which there is located an unapproved jail;
22590 (h) Chickasaw County and any contiguous county in which there is
22591 located an unapproved jail; (i) George and Greene Counties and any
22592 contiguous county in which there is located an unapproved jail;
22593 (j) Washington County and any contiguous county in which there is
22594 located an unapproved jail; (k) Hinds County and any contiguous
22595 county in which there is located an unapproved jail; (l) Leake
22596 County and any contiguous county in which there is located an
22597 unapproved jail; (m) Issaquena County and any contiguous county in
22598 which there is located an unapproved jail; (n) Jefferson County
22599 and any contiguous county in which there is located an unapproved
22600 jail; (o) Franklin County and any contiguous county in which there
22601 is located an unapproved jail; (p) Holmes County and any
22602 contiguous county in which there is located an unapproved jail;
22603 and (q) Bolivar County and any contiguous county in which there is



22604 located an unapproved jail. The Department of Corrections shall
22605 decide the order of priority of the counties listed in this
22606 subsection with which it will contract for the housing of state
22607 inmates. For the purposes of this subsection, the term
22608 "unapproved jail" means any jail that the local grand jury
22609 determines should be condemned or has found to be of substandard
22610 condition or in need of substantial repair or reconstruction.

22611 (3) In addition to the offenders authorized to be housed
22612 under subsection (1) of this section, the Department of
22613 Corrections may contract with any regional facility to provide for
22614 housing, care and control of not more than seventy-five (75)
22615 additional offenders who are in the custody of the State of
22616 Mississippi.

22617 (4) The Governor and the Commissioner of Corrections are
22618 authorized to increase administratively the number of offenders
22619 who are in the custody of the State of Mississippi that can be
22620 placed in regional correctional facilities.

22621 **SECTION 338.** Section 41-7-191, Mississippi Code of 1972, is
22622 brought forward as follows:

22623 41-7-191. (1) No person shall engage in any of the
22624 following activities without obtaining the required certificate of
22625 need:

22626 (a) The construction, development or other
22627 establishment of a new health care facility, which establishment



22628 shall include the reopening of a health care facility that has
22629 ceased to operate for a period of sixty (60) months or more;

22630 (b) The relocation of a health care facility or portion
22631 thereof, or major medical equipment, unless such relocation of a
22632 health care facility or portion thereof, or major medical
22633 equipment, which does not involve a capital expenditure by or on
22634 behalf of a health care facility, is within five thousand two
22635 hundred eighty (5,280) feet from the main entrance of the health
22636 care facility;

22637 (c) Any change in the existing bed complement of any
22638 health care facility through the addition or conversion of any
22639 beds or the alteration, modernizing or refurbishing of any unit or
22640 department in which the beds may be located; however, if a health
22641 care facility has voluntarily delicensed some of its existing bed
22642 complement, it may later relicense some or all of its delicensed
22643 beds without the necessity of having to acquire a certificate of
22644 need. The State Department of Health shall maintain a record of
22645 the delicensing health care facility and its voluntarily
22646 delicensed beds and continue counting those beds as part of the
22647 state's total bed count for health care planning purposes. If a
22648 health care facility that has voluntarily delicensed some of its
22649 beds later desires to relicense some or all of its voluntarily
22650 delicensed beds, it shall notify the State Department of Health of
22651 its intent to increase the number of its licensed beds. The State
22652 Department of Health shall survey the health care facility within



22653 thirty (30) days of that notice and, if appropriate, issue the
22654 health care facility a new license reflecting the new contingent
22655 of beds. However, in no event may a health care facility that has
22656 voluntarily delicensed some of its beds be reissued a license to
22657 operate beds in excess of its bed count before the voluntary
22658 delicensure of some of its beds without seeking certificate of
22659 need approval;

22660 (d) Offering of the following health services if those
22661 services have not been provided on a regular basis by the proposed
22662 provider of such services within the period of twelve (12) months
22663 prior to the time such services would be offered:

- 22664 (i) Open-heart surgery services;
- 22665 (ii) Cardiac catheterization services;
- 22666 (iii) Comprehensive inpatient rehabilitation
22667 services;
- 22668 (iv) Licensed psychiatric services;
- 22669 (v) Licensed chemical dependency services;
- 22670 (vi) Radiation therapy services;
- 22671 (vii) Diagnostic imaging services of an invasive
22672 nature, i.e. invasive digital angiography;
- 22673 (viii) Nursing home care as defined in
22674 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);
- 22675 (ix) Home health services;
- 22676 (x) Swing-bed services;
- 22677 (xi) Ambulatory surgical services;



22678 (xii) Magnetic resonance imaging services;
22679 (xiii) [Deleted]
22680 (xiv) Long-term care hospital services;
22681 (xv) Positron emission tomography (PET) services;
22682 (e) The relocation of one or more health services from
22683 one physical facility or site to another physical facility or
22684 site, unless such relocation, which does not involve a capital
22685 expenditure by or on behalf of a health care facility, (i) is to a
22686 physical facility or site within five thousand two hundred eighty
22687 (5,280) feet from the main entrance of the health care facility
22688 where the health care service is located, or (ii) is the result of
22689 an order of a court of appropriate jurisdiction or a result of
22690 pending litigation in such court, or by order of the State
22691 Department of Health, or by order of any other agency or legal
22692 entity of the state, the federal government, or any political
22693 subdivision of either, whose order is also approved by the State
22694 Department of Health;
22695 (f) The acquisition or otherwise control of any major
22696 medical equipment for the provision of medical services; however,
22697 (i) the acquisition of any major medical equipment used only for
22698 research purposes, and (ii) the acquisition of major medical
22699 equipment to replace medical equipment for which a facility is
22700 already providing medical services and for which the State
22701 Department of Health has been notified before the date of such
22702 acquisition shall be exempt from this paragraph; an acquisition



22703 for less than fair market value must be reviewed, if the
22704 acquisition at fair market value would be subject to review;

22705 (g) Changes of ownership of existing health care
22706 facilities in which a notice of intent is not filed with the State
22707 Department of Health at least thirty (30) days prior to the date
22708 such change of ownership occurs, or a change in services or bed
22709 capacity as prescribed in paragraph (c) or (d) of this subsection
22710 as a result of the change of ownership; an acquisition for less
22711 than fair market value must be reviewed, if the acquisition at
22712 fair market value would be subject to review;

22713 (h) The change of ownership of any health care facility
22714 defined in subparagraphs (iv), (vi) and (viii) of Section
22715 41-7-173(h), in which a notice of intent as described in paragraph
22716 (g) has not been filed and if the Executive Director, Division of
22717 Medicaid, Office of the Governor, has not certified in writing
22718 that there will be no increase in allowable costs to Medicaid from
22719 revaluation of the assets or from increased interest and
22720 depreciation as a result of the proposed change of ownership;

22721 (i) Any activity described in paragraphs (a) through
22722 (h) if undertaken by any person if that same activity would
22723 require certificate of need approval if undertaken by a health
22724 care facility;

22725 (j) Any capital expenditure or deferred capital
22726 expenditure by or on behalf of a health care facility not covered
22727 by paragraphs (a) through (h);



22728 (k) The contracting of a health care facility as
22729 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)
22730 to establish a home office, subunit, or branch office in the space
22731 operated as a health care facility through a formal arrangement
22732 with an existing health care facility as defined in subparagraph
22733 (ix) of Section 41-7-173(h);

22734 (l) The replacement or relocation of a health care
22735 facility designated as a critical access hospital shall be exempt
22736 from subsection (1) of this section so long as the critical access
22737 hospital complies with all applicable federal law and regulations
22738 regarding such replacement or relocation;

22739 (m) Reopening a health care facility that has ceased to
22740 operate for a period of sixty (60) months or more, which reopening
22741 requires a certificate of need for the establishment of a new
22742 health care facility.

22743 (2) The State Department of Health shall not grant approval
22744 for or issue a certificate of need to any person proposing the new
22745 construction of, addition to, or expansion of any health care
22746 facility defined in subparagraphs (iv) (skilled nursing facility)
22747 and (vi) (intermediate care facility) of Section 41-7-173(h) or
22748 the conversion of vacant hospital beds to provide skilled or
22749 intermediate nursing home care, except as hereinafter authorized:

22750 (a) The department may issue a certificate of need to
22751 any person proposing the new construction of any health care
22752 facility defined in subparagraphs (iv) and (vi) of Section



22753 41-7-173(h) as part of a life care retirement facility, in any
22754 county bordering on the Gulf of Mexico in which is located a
22755 National Aeronautics and Space Administration facility, not to
22756 exceed forty (40) beds. From and after July 1, 1999, there shall
22757 be no prohibition or restrictions on participation in the Medicaid
22758 program (Section 43-13-101 et seq.) for the beds in the health
22759 care facility that were authorized under this paragraph (a).

22760 (b) The department may issue certificates of need in
22761 Harrison County to provide skilled nursing home care for
22762 Alzheimer's disease patients and other patients, not to exceed one
22763 hundred fifty (150) beds. From and after July 1, 1999, there
22764 shall be no prohibition or restrictions on participation in the
22765 Medicaid program (Section 43-13-101 et seq.) for the beds in the
22766 nursing facilities that were authorized under this paragraph (b).

22767 (c) The department may issue a certificate of need for
22768 the addition to or expansion of any skilled nursing facility that
22769 is part of an existing continuing care retirement community
22770 located in Madison County, provided that the recipient of the
22771 certificate of need agrees in writing that the skilled nursing
22772 facility will not at any time participate in the Medicaid program
22773 (Section 43-13-101 et seq.) or admit or keep any patients in the
22774 skilled nursing facility who are participating in the Medicaid
22775 program. This written agreement by the recipient of the
22776 certificate of need shall be fully binding on any subsequent owner
22777 of the skilled nursing facility, if the ownership of the facility



22778 is transferred at any time after the issuance of the certificate
22779 of need. Agreement that the skilled nursing facility will not
22780 participate in the Medicaid program shall be a condition of the
22781 issuance of a certificate of need to any person under this
22782 paragraph (c), and if such skilled nursing facility at any time
22783 after the issuance of the certificate of need, regardless of the
22784 ownership of the facility, participates in the Medicaid program or
22785 admits or keeps any patients in the facility who are participating
22786 in the Medicaid program, the State Department of Health shall
22787 revoke the certificate of need, if it is still outstanding, and
22788 shall deny or revoke the license of the skilled nursing facility,
22789 at the time that the department determines, after a hearing
22790 complying with due process, that the facility has failed to comply
22791 with any of the conditions upon which the certificate of need was
22792 issued, as provided in this paragraph and in the written agreement
22793 by the recipient of the certificate of need. The total number of
22794 beds that may be authorized under the authority of this paragraph
22795 (c) shall not exceed sixty (60) beds.

22796 (d) The State Department of Health may issue a
22797 certificate of need to any hospital located in DeSoto County for
22798 the new construction of a skilled nursing facility, not to exceed
22799 one hundred twenty (120) beds, in DeSoto County. From and after
22800 July 1, 1999, there shall be no prohibition or restrictions on
22801 participation in the Medicaid program (Section 43-13-101 et seq.)



22802 for the beds in the nursing facility that were authorized under
22803 this paragraph (d).

22804 (e) The State Department of Health may issue a
22805 certificate of need for the construction of a nursing facility or
22806 the conversion of beds to nursing facility beds at a personal care
22807 facility for the elderly in Lowndes County that is owned and
22808 operated by a Mississippi nonprofit corporation, not to exceed
22809 sixty (60) beds. From and after July 1, 1999, there shall be no
22810 prohibition or restrictions on participation in the Medicaid
22811 program (Section 43-13-101 et seq.) for the beds in the nursing
22812 facility that were authorized under this paragraph (e).

22813 (f) The State Department of Health may issue a
22814 certificate of need for conversion of a county hospital facility
22815 in Itawamba County to a nursing facility, not to exceed sixty (60)
22816 beds, including any necessary construction, renovation or
22817 expansion. From and after July 1, 1999, there shall be no
22818 prohibition or restrictions on participation in the Medicaid
22819 program (Section 43-13-101 et seq.) for the beds in the nursing
22820 facility that were authorized under this paragraph (f).

22821 (g) The State Department of Health may issue a
22822 certificate of need for the construction or expansion of nursing
22823 facility beds or the conversion of other beds to nursing facility
22824 beds in either Hinds, Madison or Rankin County, not to exceed
22825 sixty (60) beds. From and after July 1, 1999, there shall be no
22826 prohibition or restrictions on participation in the Medicaid



22827 program (Section 43-13-101 et seq.) for the beds in the nursing
22828 facility that were authorized under this paragraph (g).

22829 (h) The State Department of Health may issue a
22830 certificate of need for the construction or expansion of nursing
22831 facility beds or the conversion of other beds to nursing facility
22832 beds in either Hancock, Harrison or Jackson County, not to exceed
22833 sixty (60) beds. From and after July 1, 1999, there shall be no
22834 prohibition or restrictions on participation in the Medicaid
22835 program (Section 43-13-101 et seq.) for the beds in the facility
22836 that were authorized under this paragraph (h).

22837 (i) The department may issue a certificate of need for
22838 the new construction of a skilled nursing facility in Leake
22839 County, provided that the recipient of the certificate of need
22840 agrees in writing that the skilled nursing facility will not at
22841 any time participate in the Medicaid program (Section 43-13-101 et
22842 seq.) or admit or keep any patients in the skilled nursing
22843 facility who are participating in the Medicaid program. This
22844 written agreement by the recipient of the certificate of need
22845 shall be fully binding on any subsequent owner of the skilled
22846 nursing facility, if the ownership of the facility is transferred
22847 at any time after the issuance of the certificate of need.
22848 Agreement that the skilled nursing facility will not participate
22849 in the Medicaid program shall be a condition of the issuance of a
22850 certificate of need to any person under this paragraph (i), and if
22851 such skilled nursing facility at any time after the issuance of



22852 the certificate of need, regardless of the ownership of the
22853 facility, participates in the Medicaid program or admits or keeps
22854 any patients in the facility who are participating in the Medicaid
22855 program, the State Department of Health shall revoke the
22856 certificate of need, if it is still outstanding, and shall deny or
22857 revoke the license of the skilled nursing facility, at the time
22858 that the department determines, after a hearing complying with due
22859 process, that the facility has failed to comply with any of the
22860 conditions upon which the certificate of need was issued, as
22861 provided in this paragraph and in the written agreement by the
22862 recipient of the certificate of need. The provision of Section
22863 41-7-193(1) regarding substantial compliance of the projection of
22864 need as reported in the current State Health Plan is waived for
22865 the purposes of this paragraph. The total number of nursing
22866 facility beds that may be authorized by any certificate of need
22867 issued under this paragraph (i) shall not exceed sixty (60) beds.
22868 If the skilled nursing facility authorized by the certificate of
22869 need issued under this paragraph is not constructed and fully
22870 operational within eighteen (18) months after July 1, 1994, the
22871 State Department of Health, after a hearing complying with due
22872 process, shall revoke the certificate of need, if it is still
22873 outstanding, and shall not issue a license for the skilled nursing
22874 facility at any time after the expiration of the eighteen-month
22875 period.



22876 (j) The department may issue certificates of need to
22877 allow any existing freestanding long-term care facility in
22878 Tishomingo County and Hancock County that on July 1, 1995, is
22879 licensed with fewer than sixty (60) beds. For the purposes of
22880 this paragraph (j), the provisions of Section 41-7-193(1)
22881 requiring substantial compliance with the projection of need as
22882 reported in the current State Health Plan are waived. From and
22883 after July 1, 1999, there shall be no prohibition or restrictions
22884 on participation in the Medicaid program (Section 43-13-101 et
22885 seq.) for the beds in the long-term care facilities that were
22886 authorized under this paragraph (j).

22887 (k) The department may issue a certificate of need for
22888 the construction of a nursing facility at a continuing care
22889 retirement community in Lowndes County. The total number of beds
22890 that may be authorized under the authority of this paragraph (k)
22891 shall not exceed sixty (60) beds. From and after July 1, 2001,
22892 the prohibition on the facility participating in the Medicaid
22893 program (Section 43-13-101 et seq.) that was a condition of
22894 issuance of the certificate of need under this paragraph (k) shall
22895 be revised as follows: The nursing facility may participate in
22896 the Medicaid program from and after July 1, 2001, if the owner of
22897 the facility on July 1, 2001, agrees in writing that no more than
22898 thirty (30) of the beds at the facility will be certified for
22899 participation in the Medicaid program, and that no claim will be
22900 submitted for Medicaid reimbursement for more than thirty (30)



22901 patients in the facility in any month or for any patient in the
22902 facility who is in a bed that is not Medicaid-certified. This
22903 written agreement by the owner of the facility shall be a
22904 condition of licensure of the facility, and the agreement shall be
22905 fully binding on any subsequent owner of the facility if the
22906 ownership of the facility is transferred at any time after July 1,
22907 2001. After this written agreement is executed, the Division of
22908 Medicaid and the State Department of Health shall not certify more
22909 than thirty (30) of the beds in the facility for participation in
22910 the Medicaid program. If the facility violates the terms of the
22911 written agreement by admitting or keeping in the facility on a
22912 regular or continuing basis more than thirty (30) patients who are
22913 participating in the Medicaid program, the State Department of
22914 Health shall revoke the license of the facility, at the time that
22915 the department determines, after a hearing complying with due
22916 process, that the facility has violated the written agreement.

22917 (1) Provided that funds are specifically appropriated
22918 therefor by the Legislature, the department may issue a
22919 certificate of need to a rehabilitation hospital in Hinds County
22920 for the construction of a sixty-bed long-term care nursing
22921 facility dedicated to the care and treatment of persons with
22922 severe disabilities including persons with spinal cord and
22923 closed-head injuries and ventilator dependent patients. The
22924 provisions of Section 41-7-193(1) regarding substantial compliance



22925 with projection of need as reported in the current State Health
22926 Plan are waived for the purpose of this paragraph.

22927 (m) The State Department of Health may issue a
22928 certificate of need to a county-owned hospital in the Second
22929 Judicial District of Panola County for the conversion of not more
22930 than seventy-two (72) hospital beds to nursing facility beds,
22931 provided that the recipient of the certificate of need agrees in
22932 writing that none of the beds at the nursing facility will be
22933 certified for participation in the Medicaid program (Section
22934 43-13-101 et seq.), and that no claim will be submitted for
22935 Medicaid reimbursement in the nursing facility in any day or for
22936 any patient in the nursing facility. This written agreement by
22937 the recipient of the certificate of need shall be a condition of
22938 the issuance of the certificate of need under this paragraph, and
22939 the agreement shall be fully binding on any subsequent owner of
22940 the nursing facility if the ownership of the nursing facility is
22941 transferred at any time after the issuance of the certificate of
22942 need. After this written agreement is executed, the Division of
22943 Medicaid and the State Department of Health shall not certify any
22944 of the beds in the nursing facility for participation in the
22945 Medicaid program. If the nursing facility violates the terms of
22946 the written agreement by admitting or keeping in the nursing
22947 facility on a regular or continuing basis any patients who are
22948 participating in the Medicaid program, the State Department of
22949 Health shall revoke the license of the nursing facility, at the



22950 time that the department determines, after a hearing complying
22951 with due process, that the nursing facility has violated the
22952 condition upon which the certificate of need was issued, as
22953 provided in this paragraph and in the written agreement. If the
22954 certificate of need authorized under this paragraph is not issued
22955 within twelve (12) months after July 1, 2001, the department shall
22956 deny the application for the certificate of need and shall not
22957 issue the certificate of need at any time after the twelve-month
22958 period, unless the issuance is contested. If the certificate of
22959 need is issued and substantial construction of the nursing
22960 facility beds has not commenced within eighteen (18) months after
22961 July 1, 2001, the State Department of Health, after a hearing
22962 complying with due process, shall revoke the certificate of need
22963 if it is still outstanding, and the department shall not issue a
22964 license for the nursing facility at any time after the
22965 eighteen-month period. However, if the issuance of the
22966 certificate of need is contested, the department shall require
22967 substantial construction of the nursing facility beds within six
22968 (6) months after final adjudication on the issuance of the
22969 certificate of need.

22970 (n) The department may issue a certificate of need for
22971 the new construction, addition or conversion of skilled nursing
22972 facility beds in Madison County, provided that the recipient of
22973 the certificate of need agrees in writing that the skilled nursing
22974 facility will not at any time participate in the Medicaid program



22975 (Section 43-13-101 et seq.) or admit or keep any patients in the
22976 skilled nursing facility who are participating in the Medicaid
22977 program. This written agreement by the recipient of the
22978 certificate of need shall be fully binding on any subsequent owner
22979 of the skilled nursing facility, if the ownership of the facility
22980 is transferred at any time after the issuance of the certificate
22981 of need. Agreement that the skilled nursing facility will not
22982 participate in the Medicaid program shall be a condition of the
22983 issuance of a certificate of need to any person under this
22984 paragraph (n), and if such skilled nursing facility at any time
22985 after the issuance of the certificate of need, regardless of the
22986 ownership of the facility, participates in the Medicaid program or
22987 admits or keeps any patients in the facility who are participating
22988 in the Medicaid program, the State Department of Health shall
22989 revoke the certificate of need, if it is still outstanding, and
22990 shall deny or revoke the license of the skilled nursing facility,
22991 at the time that the department determines, after a hearing
22992 complying with due process, that the facility has failed to comply
22993 with any of the conditions upon which the certificate of need was
22994 issued, as provided in this paragraph and in the written agreement
22995 by the recipient of the certificate of need. The total number of
22996 nursing facility beds that may be authorized by any certificate of
22997 need issued under this paragraph (n) shall not exceed sixty (60)
22998 beds. If the certificate of need authorized under this paragraph
22999 is not issued within twelve (12) months after July 1, 1998, the



23000 department shall deny the application for the certificate of need
23001 and shall not issue the certificate of need at any time after the
23002 twelve-month period, unless the issuance is contested. If the
23003 certificate of need is issued and substantial construction of the
23004 nursing facility beds has not commenced within eighteen (18)
23005 months after July 1, 1998, the State Department of Health, after a
23006 hearing complying with due process, shall revoke the certificate
23007 of need if it is still outstanding, and the department shall not
23008 issue a license for the nursing facility at any time after the
23009 eighteen-month period. However, if the issuance of the
23010 certificate of need is contested, the department shall require
23011 substantial construction of the nursing facility beds within six
23012 (6) months after final adjudication on the issuance of the
23013 certificate of need.

23014 (o) The department may issue a certificate of need for
23015 the new construction, addition or conversion of skilled nursing
23016 facility beds in Leake County, provided that the recipient of the
23017 certificate of need agrees in writing that the skilled nursing
23018 facility will not at any time participate in the Medicaid program
23019 (Section 43-13-101 et seq.) or admit or keep any patients in the
23020 skilled nursing facility who are participating in the Medicaid
23021 program. This written agreement by the recipient of the
23022 certificate of need shall be fully binding on any subsequent owner
23023 of the skilled nursing facility, if the ownership of the facility
23024 is transferred at any time after the issuance of the certificate



23025 of need. Agreement that the skilled nursing facility will not
23026 participate in the Medicaid program shall be a condition of the
23027 issuance of a certificate of need to any person under this
23028 paragraph (o), and if such skilled nursing facility at any time
23029 after the issuance of the certificate of need, regardless of the
23030 ownership of the facility, participates in the Medicaid program or
23031 admits or keeps any patients in the facility who are participating
23032 in the Medicaid program, the State Department of Health shall
23033 revoke the certificate of need, if it is still outstanding, and
23034 shall deny or revoke the license of the skilled nursing facility,
23035 at the time that the department determines, after a hearing
23036 complying with due process, that the facility has failed to comply
23037 with any of the conditions upon which the certificate of need was
23038 issued, as provided in this paragraph and in the written agreement
23039 by the recipient of the certificate of need. The total number of
23040 nursing facility beds that may be authorized by any certificate of
23041 need issued under this paragraph (o) shall not exceed sixty (60)
23042 beds. If the certificate of need authorized under this paragraph
23043 is not issued within twelve (12) months after July 1, 2001, the
23044 department shall deny the application for the certificate of need
23045 and shall not issue the certificate of need at any time after the
23046 twelve-month period, unless the issuance is contested. If the
23047 certificate of need is issued and substantial construction of the
23048 nursing facility beds has not commenced within eighteen (18)
23049 months after July 1, 2001, the State Department of Health, after a



23050 hearing complying with due process, shall revoke the certificate
23051 of need if it is still outstanding, and the department shall not
23052 issue a license for the nursing facility at any time after the
23053 eighteen-month period. However, if the issuance of the
23054 certificate of need is contested, the department shall require
23055 substantial construction of the nursing facility beds within six
23056 (6) months after final adjudication on the issuance of the
23057 certificate of need.

23058 (p) The department may issue a certificate of need for
23059 the construction of a municipally owned nursing facility within
23060 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
23061 beds, provided that the recipient of the certificate of need
23062 agrees in writing that the skilled nursing facility will not at
23063 any time participate in the Medicaid program (Section 43-13-101 et
23064 seq.) or admit or keep any patients in the skilled nursing
23065 facility who are participating in the Medicaid program. This
23066 written agreement by the recipient of the certificate of need
23067 shall be fully binding on any subsequent owner of the skilled
23068 nursing facility, if the ownership of the facility is transferred
23069 at any time after the issuance of the certificate of need.
23070 Agreement that the skilled nursing facility will not participate
23071 in the Medicaid program shall be a condition of the issuance of a
23072 certificate of need to any person under this paragraph (p), and if
23073 such skilled nursing facility at any time after the issuance of
23074 the certificate of need, regardless of the ownership of the



23075 facility, participates in the Medicaid program or admits or keeps
23076 any patients in the facility who are participating in the Medicaid
23077 program, the State Department of Health shall revoke the
23078 certificate of need, if it is still outstanding, and shall deny or
23079 revoke the license of the skilled nursing facility, at the time
23080 that the department determines, after a hearing complying with due
23081 process, that the facility has failed to comply with any of the
23082 conditions upon which the certificate of need was issued, as
23083 provided in this paragraph and in the written agreement by the
23084 recipient of the certificate of need. The provision of Section
23085 41-7-193(1) regarding substantial compliance of the projection of
23086 need as reported in the current State Health Plan is waived for
23087 the purposes of this paragraph. If the certificate of need
23088 authorized under this paragraph is not issued within twelve (12)
23089 months after July 1, 1998, the department shall deny the
23090 application for the certificate of need and shall not issue the
23091 certificate of need at any time after the twelve-month period,
23092 unless the issuance is contested. If the certificate of need is
23093 issued and substantial construction of the nursing facility beds
23094 has not commenced within eighteen (18) months after July 1, 1998,
23095 the State Department of Health, after a hearing complying with due
23096 process, shall revoke the certificate of need if it is still
23097 outstanding, and the department shall not issue a license for the
23098 nursing facility at any time after the eighteen-month period.
23099 However, if the issuance of the certificate of need is contested,



23100 the department shall require substantial construction of the
23101 nursing facility beds within six (6) months after final
23102 adjudication on the issuance of the certificate of need.

23103 (q) (i) Beginning on July 1, 1999, the State
23104 Department of Health shall issue certificates of need during each
23105 of the next four (4) fiscal years for the construction or
23106 expansion of nursing facility beds or the conversion of other beds
23107 to nursing facility beds in each county in the state having a need
23108 for fifty (50) or more additional nursing facility beds, as shown
23109 in the fiscal year 1999 State Health Plan, in the manner provided
23110 in this paragraph (q). The total number of nursing facility beds
23111 that may be authorized by any certificate of need authorized under
23112 this paragraph (q) shall not exceed sixty (60) beds.

23113 (ii) Subject to the provisions of subparagraph
23114 (v), during each of the next four (4) fiscal years, the department
23115 shall issue six (6) certificates of need for new nursing facility
23116 beds, as follows: During fiscal years 2000, 2001 and 2002, one
23117 (1) certificate of need shall be issued for new nursing facility
23118 beds in the county in each of the four (4) Long-Term Care Planning
23119 Districts designated in the fiscal year 1999 State Health Plan
23120 that has the highest need in the district for those beds; and two
23121 (2) certificates of need shall be issued for new nursing facility
23122 beds in the two (2) counties from the state at large that have the
23123 highest need in the state for those beds, when considering the
23124 need on a statewide basis and without regard to the Long-Term Care



23125 Planning Districts in which the counties are located. During
23126 fiscal year 2003, one (1) certificate of need shall be issued for
23127 new nursing facility beds in any county having a need for fifty
23128 (50) or more additional nursing facility beds, as shown in the
23129 fiscal year 1999 State Health Plan, that has not received a
23130 certificate of need under this paragraph (q) during the three (3)
23131 previous fiscal years. During fiscal year 2000, in addition to
23132 the six (6) certificates of need authorized in this subparagraph,
23133 the department also shall issue a certificate of need for new
23134 nursing facility beds in Amite County and a certificate of need
23135 for new nursing facility beds in Carroll County.

23136 (iii) Subject to the provisions of subparagraph
23137 (v), the certificate of need issued under subparagraph (ii) for
23138 nursing facility beds in each Long-Term Care Planning District
23139 during each fiscal year shall first be available for nursing
23140 facility beds in the county in the district having the highest
23141 need for those beds, as shown in the fiscal year 1999 State Health
23142 Plan. If there are no applications for a certificate of need for
23143 nursing facility beds in the county having the highest need for
23144 those beds by the date specified by the department, then the
23145 certificate of need shall be available for nursing facility beds
23146 in other counties in the district in descending order of the need
23147 for those beds, from the county with the second highest need to
23148 the county with the lowest need, until an application is received
23149 for nursing facility beds in an eligible county in the district.



23150 (iv) Subject to the provisions of subparagraph
23151 (v), the certificate of need issued under subparagraph (ii) for
23152 nursing facility beds in the two (2) counties from the state at
23153 large during each fiscal year shall first be available for nursing
23154 facility beds in the two (2) counties that have the highest need
23155 in the state for those beds, as shown in the fiscal year 1999
23156 State Health Plan, when considering the need on a statewide basis
23157 and without regard to the Long-Term Care Planning Districts in
23158 which the counties are located. If there are no applications for
23159 a certificate of need for nursing facility beds in either of the
23160 two (2) counties having the highest need for those beds on a
23161 statewide basis by the date specified by the department, then the
23162 certificate of need shall be available for nursing facility beds
23163 in other counties from the state at large in descending order of
23164 the need for those beds on a statewide basis, from the county with
23165 the second highest need to the county with the lowest need, until
23166 an application is received for nursing facility beds in an
23167 eligible county from the state at large.

23168 (v) If a certificate of need is authorized to be
23169 issued under this paragraph (q) for nursing facility beds in a
23170 county on the basis of the need in the Long-Term Care Planning
23171 District during any fiscal year of the four-year period, a
23172 certificate of need shall not also be available under this
23173 paragraph (q) for additional nursing facility beds in that county
23174 on the basis of the need in the state at large, and that county



23175 shall be excluded in determining which counties have the highest
23176 need for nursing facility beds in the state at large for that
23177 fiscal year. After a certificate of need has been issued under
23178 this paragraph (q) for nursing facility beds in a county during
23179 any fiscal year of the four-year period, a certificate of need
23180 shall not be available again under this paragraph (q) for
23181 additional nursing facility beds in that county during the
23182 four-year period, and that county shall be excluded in determining
23183 which counties have the highest need for nursing facility beds in
23184 succeeding fiscal years.

23185 (vi) If more than one (1) application is made for
23186 a certificate of need for nursing home facility beds available
23187 under this paragraph (q), in Yalobusha, Newton or Tallahatchie
23188 County, and one (1) of the applicants is a county-owned hospital
23189 located in the county where the nursing facility beds are
23190 available, the department shall give priority to the county-owned
23191 hospital in granting the certificate of need if the following
23192 conditions are met:

23193 1. The county-owned hospital fully meets all
23194 applicable criteria and standards required to obtain a certificate
23195 of need for the nursing facility beds; and

23196 2. The county-owned hospital's qualifications
23197 for the certificate of need, as shown in its application and as
23198 determined by the department, are at least equal to the



23199 qualifications of the other applicants for the certificate of
23200 need.

23201 (r) (i) Beginning on July 1, 1999, the State
23202 Department of Health shall issue certificates of need during each
23203 of the next two (2) fiscal years for the construction or expansion
23204 of nursing facility beds or the conversion of other beds to
23205 nursing facility beds in each of the four (4) Long-Term Care
23206 Planning Districts designated in the fiscal year 1999 State Health
23207 Plan, to provide care exclusively to patients with Alzheimer's
23208 disease.

23209 (ii) Not more than twenty (20) beds may be
23210 authorized by any certificate of need issued under this paragraph
23211 (r), and not more than a total of sixty (60) beds may be
23212 authorized in any Long-Term Care Planning District by all
23213 certificates of need issued under this paragraph (r). However,
23214 the total number of beds that may be authorized by all
23215 certificates of need issued under this paragraph (r) during any
23216 fiscal year shall not exceed one hundred twenty (120) beds, and
23217 the total number of beds that may be authorized in any Long-Term
23218 Care Planning District during any fiscal year shall not exceed
23219 forty (40) beds. Of the certificates of need that are issued for
23220 each Long-Term Care Planning District during the next two (2)
23221 fiscal years, at least one (1) shall be issued for beds in the
23222 northern part of the district, at least one (1) shall be issued



23223 for beds in the central part of the district, and at least one (1)
23224 shall be issued for beds in the southern part of the district.

23225 (iii) The State Department of Health, in
23226 consultation with the Department of Mental Health and the Division
23227 of Medicaid, shall develop and prescribe the staffing levels,
23228 space requirements and other standards and requirements that must
23229 be met with regard to the nursing facility beds authorized under
23230 this paragraph (r) to provide care exclusively to patients with
23231 Alzheimer's disease.

23232 (s) The State Department of Health may issue a
23233 certificate of need to a nonprofit skilled nursing facility using
23234 the Green House model of skilled nursing care and located in Yazoo
23235 City, Yazoo County, Mississippi, for the construction, expansion
23236 or conversion of not more than nineteen (19) nursing facility
23237 beds. For purposes of this paragraph (s), the provisions of
23238 Section 41-7-193(1) requiring substantial compliance with the
23239 projection of need as reported in the current State Health Plan
23240 and the provisions of Section 41-7-197 requiring a formal
23241 certificate of need hearing process are waived. There shall be no
23242 prohibition or restrictions on participation in the Medicaid
23243 program for the person receiving the certificate of need
23244 authorized under this paragraph (s).

23245 (t) The State Department of Health shall issue
23246 certificates of need to the owner of a nursing facility in
23247 operation at the time of Hurricane Katrina in Hancock County that



23248 was not operational on December 31, 2005, because of damage
23249 sustained from Hurricane Katrina to authorize the following: (i)
23250 the construction of a new nursing facility in Harrison County;
23251 (ii) the relocation of forty-nine (49) nursing facility beds from
23252 the Hancock County facility to the new Harrison County facility;
23253 (iii) the establishment of not more than twenty (20) non-Medicaid
23254 nursing facility beds at the Hancock County facility; and (iv) the
23255 establishment of not more than twenty (20) non-Medicaid beds at
23256 the new Harrison County facility. The certificates of need that
23257 authorize the non-Medicaid nursing facility beds under
23258 subparagraphs (iii) and (iv) of this paragraph (t) shall be
23259 subject to the following conditions: The owner of the Hancock
23260 County facility and the new Harrison County facility must agree in
23261 writing that no more than fifty (50) of the beds at the Hancock
23262 County facility and no more than forty-nine (49) of the beds at
23263 the Harrison County facility will be certified for participation
23264 in the Medicaid program, and that no claim will be submitted for
23265 Medicaid reimbursement for more than fifty (50) patients in the
23266 Hancock County facility in any month, or for more than forty-nine
23267 (49) patients in the Harrison County facility in any month, or for
23268 any patient in either facility who is in a bed that is not
23269 Medicaid-certified. This written agreement by the owner of the
23270 nursing facilities shall be a condition of the issuance of the
23271 certificates of need under this paragraph (t), and the agreement
23272 shall be fully binding on any later owner or owners of either



23273 facility if the ownership of either facility is transferred at any
23274 time after the certificates of need are issued. After this
23275 written agreement is executed, the Division of Medicaid and the
23276 State Department of Health shall not certify more than fifty (50)
23277 of the beds at the Hancock County facility or more than forty-nine
23278 (49) of the beds at the Harrison County facility for participation
23279 in the Medicaid program. If the Hancock County facility violates
23280 the terms of the written agreement by admitting or keeping in the
23281 facility on a regular or continuing basis more than fifty (50)
23282 patients who are participating in the Medicaid program, or if the
23283 Harrison County facility violates the terms of the written
23284 agreement by admitting or keeping in the facility on a regular or
23285 continuing basis more than forty-nine (49) patients who are
23286 participating in the Medicaid program, the State Department of
23287 Health shall revoke the license of the facility that is in
23288 violation of the agreement, at the time that the department
23289 determines, after a hearing complying with due process, that the
23290 facility has violated the agreement.

23291 (u) The State Department of Health shall issue a
23292 certificate of need to a nonprofit venture for the establishment,
23293 construction and operation of a skilled nursing facility of not
23294 more than sixty (60) beds to provide skilled nursing care for
23295 ventilator dependent or otherwise medically dependent pediatric
23296 patients who require medical and nursing care or rehabilitation
23297 services to be located in a county in which an academic medical



23298 center and a children's hospital are located, and for any
23299 construction and for the acquisition of equipment related to those
23300 beds. The facility shall be authorized to keep such ventilator
23301 dependent or otherwise medically dependent pediatric patients
23302 beyond age twenty-one (21) in accordance with regulations of the
23303 State Board of Health. For purposes of this paragraph (u), the
23304 provisions of Section 41-7-193(1) requiring substantial compliance
23305 with the projection of need as reported in the current State
23306 Health Plan are waived, and the provisions of Section 41-7-197
23307 requiring a formal certificate of need hearing process are waived.
23308 The beds authorized by this paragraph shall be counted as
23309 pediatric skilled nursing facility beds for health planning
23310 purposes under Section 41-7-171 et seq. There shall be no
23311 prohibition of or restrictions on participation in the Medicaid
23312 program for the person receiving the certificate of need
23313 authorized by this paragraph.

23314 (3) The State Department of Health may grant approval for
23315 and issue certificates of need to any person proposing the new
23316 construction of, addition to, conversion of beds of or expansion
23317 of any health care facility defined in subparagraph (x)
23318 (psychiatric residential treatment facility) of Section
23319 41-7-173(h). The total number of beds which may be authorized by
23320 such certificates of need shall not exceed three hundred
23321 thirty-four (334) beds for the entire state.



23322 (a) Of the total number of beds authorized under this
23323 subsection, the department shall issue a certificate of need to a
23324 privately owned psychiatric residential treatment facility in
23325 Simpson County for the conversion of sixteen (16) intermediate
23326 care facility for the mentally retarded (ICF-MR) beds to
23327 psychiatric residential treatment facility beds, provided that
23328 facility agrees in writing that the facility shall give priority
23329 for the use of those sixteen (16) beds to Mississippi residents
23330 who are presently being treated in out-of-state facilities.

23331 (b) Of the total number of beds authorized under this
23332 subsection, the department may issue a certificate or certificates
23333 of need for the construction or expansion of psychiatric
23334 residential treatment facility beds or the conversion of other
23335 beds to psychiatric residential treatment facility beds in Warren
23336 County, not to exceed sixty (60) psychiatric residential treatment
23337 facility beds, provided that the facility agrees in writing that
23338 no more than thirty (30) of the beds at the psychiatric
23339 residential treatment facility will be certified for participation
23340 in the Medicaid program (Section 43-13-101 et seq.) for the use of
23341 any patients other than those who are participating only in the
23342 Medicaid program of another state, and that no claim will be
23343 submitted to the Division of Medicaid for Medicaid reimbursement
23344 for more than thirty (30) patients in the psychiatric residential
23345 treatment facility in any day or for any patient in the
23346 psychiatric residential treatment facility who is in a bed that is



23347 not Medicaid-certified. This written agreement by the recipient
23348 of the certificate of need shall be a condition of the issuance of
23349 the certificate of need under this paragraph, and the agreement
23350 shall be fully binding on any subsequent owner of the psychiatric
23351 residential treatment facility if the ownership of the facility is
23352 transferred at any time after the issuance of the certificate of
23353 need. After this written agreement is executed, the Division of
23354 Medicaid and the State Department of Health shall not certify more
23355 than thirty (30) of the beds in the psychiatric residential
23356 treatment facility for participation in the Medicaid program for
23357 the use of any patients other than those who are participating
23358 only in the Medicaid program of another state. If the psychiatric
23359 residential treatment facility violates the terms of the written
23360 agreement by admitting or keeping in the facility on a regular or
23361 continuing basis more than thirty (30) patients who are
23362 participating in the Mississippi Medicaid program, the State
23363 Department of Health shall revoke the license of the facility, at
23364 the time that the department determines, after a hearing complying
23365 with due process, that the facility has violated the condition
23366 upon which the certificate of need was issued, as provided in this
23367 paragraph and in the written agreement.

23368 The State Department of Health, on or before July 1, 2002,
23369 shall transfer the certificate of need authorized under the
23370 authority of this paragraph (b), or reissue the certificate of
23371 need if it has expired, to River Region Health System.



23372 (c) Of the total number of beds authorized under this
23373 subsection, the department shall issue a certificate of need to a
23374 hospital currently operating Medicaid-certified acute psychiatric
23375 beds for adolescents in DeSoto County, for the establishment of a
23376 forty-bed psychiatric residential treatment facility in DeSoto
23377 County, provided that the hospital agrees in writing (i) that the
23378 hospital shall give priority for the use of those forty (40) beds
23379 to Mississippi residents who are presently being treated in
23380 out-of-state facilities, and (ii) that no more than fifteen (15)
23381 of the beds at the psychiatric residential treatment facility will
23382 be certified for participation in the Medicaid program (Section
23383 43-13-101 et seq.), and that no claim will be submitted for
23384 Medicaid reimbursement for more than fifteen (15) patients in the
23385 psychiatric residential treatment facility in any day or for any
23386 patient in the psychiatric residential treatment facility who is
23387 in a bed that is not Medicaid-certified. This written agreement
23388 by the recipient of the certificate of need shall be a condition
23389 of the issuance of the certificate of need under this paragraph,
23390 and the agreement shall be fully binding on any subsequent owner
23391 of the psychiatric residential treatment facility if the ownership
23392 of the facility is transferred at any time after the issuance of
23393 the certificate of need. After this written agreement is
23394 executed, the Division of Medicaid and the State Department of
23395 Health shall not certify more than fifteen (15) of the beds in the
23396 psychiatric residential treatment facility for participation in



23397 the Medicaid program. If the psychiatric residential treatment
23398 facility violates the terms of the written agreement by admitting
23399 or keeping in the facility on a regular or continuing basis more
23400 than fifteen (15) patients who are participating in the Medicaid
23401 program, the State Department of Health shall revoke the license
23402 of the facility, at the time that the department determines, after
23403 a hearing complying with due process, that the facility has
23404 violated the condition upon which the certificate of need was
23405 issued, as provided in this paragraph and in the written
23406 agreement.

23407 (d) Of the total number of beds authorized under this
23408 subsection, the department may issue a certificate or certificates
23409 of need for the construction or expansion of psychiatric
23410 residential treatment facility beds or the conversion of other
23411 beds to psychiatric treatment facility beds, not to exceed thirty
23412 (30) psychiatric residential treatment facility beds, in either
23413 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
23414 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

23415 (e) Of the total number of beds authorized under this
23416 subsection (3) the department shall issue a certificate of need to
23417 a privately owned, nonprofit psychiatric residential treatment
23418 facility in Hinds County for an eight-bed expansion of the
23419 facility, provided that the facility agrees in writing that the
23420 facility shall give priority for the use of those eight (8) beds



23421 to Mississippi residents who are presently being treated in
23422 out-of-state facilities.

23423 (f) The department shall issue a certificate of need to
23424 a one-hundred-thirty-four-bed specialty hospital located on
23425 twenty-nine and forty-four one-hundredths (29.44) commercial acres
23426 at 5900 Highway 39 North in Meridian (Lauderdale County),
23427 Mississippi, for the addition, construction or expansion of
23428 child/adolescent psychiatric residential treatment facility beds
23429 in Lauderdale County. As a condition of issuance of the
23430 certificate of need under this paragraph, the facility shall give
23431 priority in admissions to the child/adolescent psychiatric
23432 residential treatment facility beds authorized under this
23433 paragraph to patients who otherwise would require out-of-state
23434 placement. The Division of Medicaid, in conjunction with the
23435 Department of Human Services, shall furnish the facility a list of
23436 all out-of-state patients on a quarterly basis. Furthermore,
23437 notice shall also be provided to the parent, custodial parent or
23438 guardian of each out-of-state patient notifying them of the
23439 priority status granted by this paragraph. For purposes of this
23440 paragraph, the provisions of Section 41-7-193(1) requiring
23441 substantial compliance with the projection of need as reported in
23442 the current State Health Plan are waived. The total number of
23443 child/adolescent psychiatric residential treatment facility beds
23444 that may be authorized under the authority of this paragraph shall
23445 be sixty (60) beds. There shall be no prohibition or restrictions



23446 on participation in the Medicaid program (Section 43-13-101 et
23447 seq.) for the person receiving the certificate of need authorized
23448 under this paragraph or for the beds converted pursuant to the
23449 authority of that certificate of need.

23450 (4) (a) From and after March 25, 2021, the department may
23451 issue a certificate of need to any person for the new construction
23452 of any hospital, psychiatric hospital or chemical dependency
23453 hospital that will contain any child/adolescent psychiatric or
23454 child/adolescent chemical dependency beds, or for the conversion
23455 of any other health care facility to a hospital, psychiatric
23456 hospital or chemical dependency hospital that will contain any
23457 child/adolescent psychiatric or child/adolescent chemical
23458 dependency beds. There shall be no prohibition or restrictions on
23459 participation in the Medicaid program (Section 43-13-101 et seq.)
23460 for the person(s) receiving the certificate(s) of need authorized
23461 under this paragraph (a) or for the beds converted pursuant to the
23462 authority of that certificate of need. In issuing any new
23463 certificate of need for any child/adolescent psychiatric or
23464 child/adolescent chemical dependency beds, either by new
23465 construction or conversion of beds of another category, the
23466 department shall give preference to beds which will be located in
23467 an area of the state which does not have such beds located in it,
23468 and to a location more than sixty-five (65) miles from existing
23469 beds. Upon receiving 2020 census data, the department may amend
23470 the State Health Plan regarding child/adolescent psychiatric and



23471 child/adolescent chemical dependency beds to reflect the need
23472 based on new census data.

23473 (i) [Deleted]

23474 (ii) The department may issue a certificate of
23475 need for the conversion of existing beds in a county hospital in
23476 Choctaw County from acute care beds to child/adolescent chemical
23477 dependency beds. For purposes of this subparagraph (ii), the
23478 provisions of Section 41-7-193(1) requiring substantial compliance
23479 with the projection of need as reported in the current State
23480 Health Plan are waived. The total number of beds that may be
23481 authorized under authority of this subparagraph shall not exceed
23482 twenty (20) beds. There shall be no prohibition or restrictions
23483 on participation in the Medicaid program (Section 43-13-101 et
23484 seq.) for the hospital receiving the certificate of need
23485 authorized under this subparagraph or for the beds converted
23486 pursuant to the authority of that certificate of need.

23487 (iii) The department may issue a certificate or
23488 certificates of need for the construction or expansion of
23489 child/adolescent psychiatric beds or the conversion of other beds
23490 to child/adolescent psychiatric beds in Warren County. For
23491 purposes of this subparagraph (iii), the provisions of Section
23492 41-7-193(1) requiring substantial compliance with the projection
23493 of need as reported in the current State Health Plan are waived.
23494 The total number of beds that may be authorized under the
23495 authority of this subparagraph shall not exceed twenty (20) beds.



23496 There shall be no prohibition or restrictions on participation in
23497 the Medicaid program (Section 43-13-101 et seq.) for the person
23498 receiving the certificate of need authorized under this
23499 subparagraph or for the beds converted pursuant to the authority
23500 of that certificate of need.

23501 If by January 1, 2002, there has been no significant
23502 commencement of construction of the beds authorized under this
23503 subparagraph (iii), or no significant action taken to convert
23504 existing beds to the beds authorized under this subparagraph, then
23505 the certificate of need that was previously issued under this
23506 subparagraph shall expire. If the previously issued certificate
23507 of need expires, the department may accept applications for
23508 issuance of another certificate of need for the beds authorized
23509 under this subparagraph, and may issue a certificate of need to
23510 authorize the construction, expansion or conversion of the beds
23511 authorized under this subparagraph.

23512 (iv) The department shall issue a certificate of
23513 need to the Region 7 Mental Health/Retardation Commission for the
23514 construction or expansion of child/adolescent psychiatric beds or
23515 the conversion of other beds to child/adolescent psychiatric beds
23516 in any of the counties served by the commission. For purposes of
23517 this subparagraph (iv), the provisions of Section 41-7-193(1)
23518 requiring substantial compliance with the projection of need as
23519 reported in the current State Health Plan are waived. The total
23520 number of beds that may be authorized under the authority of this



23521 subparagraph shall not exceed twenty (20) beds. There shall be no
23522 prohibition or restrictions on participation in the Medicaid
23523 program (Section 43-13-101 et seq.) for the person receiving the
23524 certificate of need authorized under this subparagraph or for the
23525 beds converted pursuant to the authority of that certificate of
23526 need.

23527 (v) The department may issue a certificate of need
23528 to any county hospital located in Leflore County for the
23529 construction or expansion of adult psychiatric beds or the
23530 conversion of other beds to adult psychiatric beds, not to exceed
23531 twenty (20) beds, provided that the recipient of the certificate
23532 of need agrees in writing that the adult psychiatric beds will not
23533 at any time be certified for participation in the Medicaid program
23534 and that the hospital will not admit or keep any patients who are
23535 participating in the Medicaid program in any of such adult
23536 psychiatric beds. This written agreement by the recipient of the
23537 certificate of need shall be fully binding on any subsequent owner
23538 of the hospital if the ownership of the hospital is transferred at
23539 any time after the issuance of the certificate of need. Agreement
23540 that the adult psychiatric beds will not be certified for
23541 participation in the Medicaid program shall be a condition of the
23542 issuance of a certificate of need to any person under this
23543 subparagraph (v), and if such hospital at any time after the
23544 issuance of the certificate of need, regardless of the ownership
23545 of the hospital, has any of such adult psychiatric beds certified



23546 for participation in the Medicaid program or admits or keeps any
23547 Medicaid patients in such adult psychiatric beds, the State
23548 Department of Health shall revoke the certificate of need, if it
23549 is still outstanding, and shall deny or revoke the license of the
23550 hospital at the time that the department determines, after a
23551 hearing complying with due process, that the hospital has failed
23552 to comply with any of the conditions upon which the certificate of
23553 need was issued, as provided in this subparagraph and in the
23554 written agreement by the recipient of the certificate of need.

23555 (vi) The department may issue a certificate or
23556 certificates of need for the expansion of child psychiatric beds
23557 or the conversion of other beds to child psychiatric beds at the
23558 University of Mississippi Medical Center. For purposes of this
23559 subparagraph (vi), the provisions of Section 41-7-193(1) requiring
23560 substantial compliance with the projection of need as reported in
23561 the current State Health Plan are waived. The total number of
23562 beds that may be authorized under the authority of this
23563 subparagraph shall not exceed fifteen (15) beds. There shall be
23564 no prohibition or restrictions on participation in the Medicaid
23565 program (Section 43-13-101 et seq.) for the hospital receiving the
23566 certificate of need authorized under this subparagraph or for the
23567 beds converted pursuant to the authority of that certificate of
23568 need.

23569 (b) From and after July 1, 1990, no hospital,
23570 psychiatric hospital or chemical dependency hospital shall be



23571 authorized to add any child/adolescent psychiatric or
23572 child/adolescent chemical dependency beds or convert any beds of
23573 another category to child/adolescent psychiatric or
23574 child/adolescent chemical dependency beds without a certificate of
23575 need under the authority of subsection (1)(c) and subsection
23576 (4)(a) of this section.

23577 (5) The department may issue a certificate of need to a
23578 county hospital in Winston County for the conversion of fifteen
23579 (15) acute care beds to geriatric psychiatric care beds.

23580 (6) The State Department of Health shall issue a certificate
23581 of need to a Mississippi corporation qualified to manage a
23582 long-term care hospital as defined in Section 41-7-173(h)(xii) in
23583 Harrison County, not to exceed eighty (80) beds, including any
23584 necessary renovation or construction required for licensure and
23585 certification, provided that the recipient of the certificate of
23586 need agrees in writing that the long-term care hospital will not
23587 at any time participate in the Medicaid program (Section 43-13-101
23588 et seq.) or admit or keep any patients in the long-term care
23589 hospital who are participating in the Medicaid program. This
23590 written agreement by the recipient of the certificate of need
23591 shall be fully binding on any subsequent owner of the long-term
23592 care hospital, if the ownership of the facility is transferred at
23593 any time after the issuance of the certificate of need. Agreement
23594 that the long-term care hospital will not participate in the
23595 Medicaid program shall be a condition of the issuance of a



23596 certificate of need to any person under this subsection (6), and
23597 if such long-term care hospital at any time after the issuance of
23598 the certificate of need, regardless of the ownership of the
23599 facility, participates in the Medicaid program or admits or keeps
23600 any patients in the facility who are participating in the Medicaid
23601 program, the State Department of Health shall revoke the
23602 certificate of need, if it is still outstanding, and shall deny or
23603 revoke the license of the long-term care hospital, at the time
23604 that the department determines, after a hearing complying with due
23605 process, that the facility has failed to comply with any of the
23606 conditions upon which the certificate of need was issued, as
23607 provided in this subsection and in the written agreement by the
23608 recipient of the certificate of need. For purposes of this
23609 subsection, the provisions of Section 41-7-193(1) requiring
23610 substantial compliance with the projection of need as reported in
23611 the current State Health Plan are waived.

23612 (7) The State Department of Health may issue a certificate
23613 of need to any hospital in the state to utilize a portion of its
23614 beds for the "swing-bed" concept. Any such hospital must be in
23615 conformance with the federal regulations regarding such swing-bed
23616 concept at the time it submits its application for a certificate
23617 of need to the State Department of Health, except that such
23618 hospital may have more licensed beds or a higher average daily
23619 census (ADC) than the maximum number specified in federal
23620 regulations for participation in the swing-bed program. Any



23621 hospital meeting all federal requirements for participation in the
23622 swing-bed program which receives such certificate of need shall
23623 render services provided under the swing-bed concept to any
23624 patient eligible for Medicare (Title XVIII of the Social Security
23625 Act) who is certified by a physician to be in need of such
23626 services, and no such hospital shall permit any patient who is
23627 eligible for both Medicaid and Medicare or eligible only for
23628 Medicaid to stay in the swing beds of the hospital for more than
23629 thirty (30) days per admission unless the hospital receives prior
23630 approval for such patient from the Division of Medicaid, Office of
23631 the Governor. Any hospital having more licensed beds or a higher
23632 average daily census (ADC) than the maximum number specified in
23633 federal regulations for participation in the swing-bed program
23634 which receives such certificate of need shall develop a procedure
23635 to ensure that before a patient is allowed to stay in the swing
23636 beds of the hospital, there are no vacant nursing home beds
23637 available for that patient located within a fifty-mile radius of
23638 the hospital. When any such hospital has a patient staying in the
23639 swing beds of the hospital and the hospital receives notice from a
23640 nursing home located within such radius that there is a vacant bed
23641 available for that patient, the hospital shall transfer the
23642 patient to the nursing home within a reasonable time after receipt
23643 of the notice. Any hospital which is subject to the requirements
23644 of the two (2) preceding sentences of this subsection may be
23645 suspended from participation in the swing-bed program for a



23646 reasonable period of time by the State Department of Health if the
23647 department, after a hearing complying with due process, determines
23648 that the hospital has failed to comply with any of those
23649 requirements.

23650 (8) The Department of Health shall not grant approval for or
23651 issue a certificate of need to any person proposing the new
23652 construction of, addition to or expansion of a health care
23653 facility as defined in subparagraph (viii) of Section 41-7-173(h),
23654 except as hereinafter provided: The department may issue a
23655 certificate of need to a nonprofit corporation located in Madison
23656 County, Mississippi, for the construction, expansion or conversion
23657 of not more than twenty (20) beds in a community living program
23658 for developmentally disabled adults in a facility as defined in
23659 subparagraph (viii) of Section 41-7-173(h). For purposes of this
23660 subsection (8), the provisions of Section 41-7-193(1) requiring
23661 substantial compliance with the projection of need as reported in
23662 the current State Health Plan and the provisions of Section
23663 41-7-197 requiring a formal certificate of need hearing process
23664 are waived. There shall be no prohibition or restrictions on
23665 participation in the Medicaid program for the person receiving the
23666 certificate of need authorized under this subsection (8).

23667 (9) The Department of Health shall not grant approval for or
23668 issue a certificate of need to any person proposing the
23669 establishment of, or expansion of the currently approved territory
23670 of, or the contracting to establish a home office, subunit or



23671 branch office within the space operated as a health care facility
23672 as defined in Section 41-7-173(h)(i) through (viii) by a health
23673 care facility as defined in subparagraph (ix) of Section
23674 41-7-173(h).

23675 (10) Health care facilities owned and/or operated by the
23676 state or its agencies are exempt from the restraints in this
23677 section against issuance of a certificate of need if such addition
23678 or expansion consists of repairing or renovation necessary to
23679 comply with the state licensure law. This exception shall not
23680 apply to the new construction of any building by such state
23681 facility. This exception shall not apply to any health care
23682 facilities owned and/or operated by counties, municipalities,
23683 districts, unincorporated areas, other defined persons, or any
23684 combination thereof.

23685 (11) The new construction, renovation or expansion of or
23686 addition to any health care facility defined in subparagraph (ii)
23687 (psychiatric hospital), subparagraph (iv) (skilled nursing
23688 facility), subparagraph (vi) (intermediate care facility),
23689 subparagraph (viii) (intermediate care facility for the mentally
23690 retarded) and subparagraph (x) (psychiatric residential treatment
23691 facility) of Section 41-7-173(h) which is owned by the State of
23692 Mississippi and under the direction and control of the State
23693 Department of Mental Health, and the addition of new beds or the
23694 conversion of beds from one category to another in any such
23695 defined health care facility which is owned by the State of



23696 Mississippi and under the direction and control of the State
23697 Department of Mental Health, shall not require the issuance of a
23698 certificate of need under Section 41-7-171 et seq.,
23699 notwithstanding any provision in Section 41-7-171 et seq. to the
23700 contrary.

23701 (12) The new construction, renovation or expansion of or
23702 addition to any veterans homes or domiciliaries for eligible
23703 veterans of the State of Mississippi as authorized under Section
23704 35-1-19 shall not require the issuance of a certificate of need,
23705 notwithstanding any provision in Section 41-7-171 et seq. to the
23706 contrary.

23707 (13) The repair or the rebuilding of an existing, operating
23708 health care facility that sustained significant damage from a
23709 natural disaster that occurred after April 15, 2014, in an area
23710 that is proclaimed a disaster area or subject to a state of
23711 emergency by the Governor or by the President of the United States
23712 shall be exempt from all of the requirements of the Mississippi
23713 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
23714 rules and regulations promulgated under that law, subject to the
23715 following conditions:

23716 (a) The repair or the rebuilding of any such damaged
23717 health care facility must be within one (1) mile of the
23718 pre-disaster location of the campus of the damaged health care
23719 facility, except that any temporary post-disaster health care



23720 facility operating location may be within five (5) miles of the
23721 pre-disaster location of the damaged health care facility;

23722 (b) The repair or the rebuilding of the damaged health
23723 care facility (i) does not increase or change the complement of
23724 its bed capacity that it had before the Governor's or the
23725 President's proclamation, (ii) does not increase or change its
23726 levels and types of health care services that it provided before
23727 the Governor's or the President's proclamation, and (iii) does not
23728 rebuild in a different county; however, this paragraph does not
23729 restrict or prevent a health care facility from decreasing its bed
23730 capacity that it had before the Governor's or the President's
23731 proclamation, or from decreasing the levels of or decreasing or
23732 eliminating the types of health care services that it provided
23733 before the Governor's or the President's proclamation, when the
23734 damaged health care facility is repaired or rebuilt;

23735 (c) The exemption from Certificate of Need Law provided
23736 under this subsection (13) is valid for only five (5) years from
23737 the date of the Governor's or the President's proclamation. If
23738 actual construction has not begun within that five-year period,
23739 the exemption provided under this subsection is inapplicable; and

23740 (d) The Division of Health Facilities Licensure and
23741 Certification of the State Department of Health shall provide the
23742 same oversight for the repair or the rebuilding of the damaged
23743 health care facility that it provides to all health care facility
23744 construction projects in the state.



23745 For the purposes of this subsection (13), "significant
23746 damage" to a health care facility means damage to the health care
23747 facility requiring an expenditure of at least One Million Dollars
23748 (\$1,000,000.00).

23749 (14) The State Department of Health shall issue a
23750 certificate of need to any hospital which is currently licensed
23751 for two hundred fifty (250) or more acute care beds and is located
23752 in any general hospital service area not having a comprehensive
23753 cancer center, for the establishment and equipping of such a
23754 center which provides facilities and services for outpatient
23755 radiation oncology therapy, outpatient medical oncology therapy,
23756 and appropriate support services including the provision of
23757 radiation therapy services. The provisions of Section 41-7-193(1)
23758 regarding substantial compliance with the projection of need as
23759 reported in the current State Health Plan are waived for the
23760 purpose of this subsection.

23761 (15) The State Department of Health may authorize the
23762 transfer of hospital beds, not to exceed sixty (60) beds, from the
23763 North Panola Community Hospital to the South Panola Community
23764 Hospital. The authorization for the transfer of those beds shall
23765 be exempt from the certificate of need review process.

23766 (16) The State Department of Health shall issue any
23767 certificates of need necessary for Mississippi State University
23768 and a public or private health care provider to jointly acquire
23769 and operate a linear accelerator and a magnetic resonance imaging



23770 unit. Those certificates of need shall cover all capital
23771 expenditures related to the project between Mississippi State
23772 University and the health care provider, including, but not
23773 limited to, the acquisition of the linear accelerator, the
23774 magnetic resonance imaging unit and other radiological modalities;
23775 the offering of linear accelerator and magnetic resonance imaging
23776 services; and the cost of construction of facilities in which to
23777 locate these services. The linear accelerator and the magnetic
23778 resonance imaging unit shall be (a) located in the City of
23779 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by
23780 Mississippi State University and the public or private health care
23781 provider selected by Mississippi State University through a
23782 request for proposals (RFP) process in which Mississippi State
23783 University selects, and the Board of Trustees of State
23784 Institutions of Higher Learning approves, the health care provider
23785 that makes the best overall proposal; (c) available to Mississippi
23786 State University for research purposes two-thirds (2/3) of the
23787 time that the linear accelerator and magnetic resonance imaging
23788 unit are operational; and (d) available to the public or private
23789 health care provider selected by Mississippi State University and
23790 approved by the Board of Trustees of State Institutions of Higher
23791 Learning one-third (1/3) of the time for clinical, diagnostic and
23792 treatment purposes. For purposes of this subsection, the
23793 provisions of Section 41-7-193(1) requiring substantial compliance



23794 with the projection of need as reported in the current State
23795 Health Plan are waived.

23796 (17) The State Department of Health shall issue a
23797 certificate of need for the construction of an acute care hospital
23798 in Kemper County, not to exceed twenty-five (25) beds, which shall
23799 be named the "John C. Stennis Memorial Hospital." In issuing the
23800 certificate of need under this subsection, the department shall
23801 give priority to a hospital located in Lauderdale County that has
23802 two hundred fifteen (215) beds. For purposes of this subsection,
23803 the provisions of Section 41-7-193(1) requiring substantial
23804 compliance with the projection of need as reported in the current
23805 State Health Plan and the provisions of Section 41-7-197 requiring
23806 a formal certificate of need hearing process are waived. There
23807 shall be no prohibition or restrictions on participation in the
23808 Medicaid program (Section 43-13-101 et seq.) for the person or
23809 entity receiving the certificate of need authorized under this
23810 subsection or for the beds constructed under the authority of that
23811 certificate of need.

23812 (18) The planning, design, construction, renovation,
23813 addition, furnishing and equipping of a clinical research unit at
23814 any health care facility defined in Section 41-7-173(h) that is
23815 under the direction and control of the University of Mississippi
23816 Medical Center and located in Jackson, Mississippi, and the
23817 addition of new beds or the conversion of beds from one (1)
23818 category to another in any such clinical research unit, shall not



23819 require the issuance of a certificate of need under Section
23820 41-7-171 et seq., notwithstanding any provision in Section
23821 41-7-171 et seq. to the contrary.

23822 (19) [Repealed]

23823 (20) Nothing in this section or in any other provision of
23824 Section 41-7-171 et seq. shall prevent any nursing facility from
23825 designating an appropriate number of existing beds in the facility
23826 as beds for providing care exclusively to patients with
23827 Alzheimer's disease.

23828 (21) Nothing in this section or any other provision of
23829 Section 41-7-171 et seq. shall prevent any health care facility
23830 from the new construction, renovation, conversion or expansion of
23831 new beds in the facility designated as intensive care units,
23832 negative pressure rooms, or isolation rooms pursuant to the
23833 provisions of Sections 41-14-1 through 41-14-11, or Section
23834 41-14-31. For purposes of this subsection, the provisions of
23835 Section 41-7-193(1) requiring substantial compliance with the
23836 projection of need as reported in the current State Health Plan
23837 and the provisions of Section 41-7-197 requiring a formal
23838 certificate of need hearing process are waived.

23839 **SECTION 339.** Section 43-13-145, Mississippi Code of 1972, is
23840 brought forward as follows:

23841 43-13-145. (1) (a) Upon each nursing facility licensed by
23842 the State of Mississippi, there is levied an assessment in an
23843 amount set by the division, equal to the maximum rate allowed by



23844 federal law or regulation, for each licensed and occupied bed of
23845 the facility.

23846 (b) A nursing facility is exempt from the assessment
23847 levied under this subsection if the facility is operated under the
23848 direction and control of:

23849 (i) The United States Veterans Administration or
23850 other agency or department of the United States government; or

23851 (ii) The State Veterans Affairs Board.

23852 (2) (a) Upon each intermediate care facility for
23853 individuals with intellectual disabilities licensed by the State
23854 of Mississippi, there is levied an assessment in an amount set by
23855 the division, equal to the maximum rate allowed by federal law or
23856 regulation, for each licensed and occupied bed of the facility.

23857 (b) An intermediate care facility for individuals with
23858 intellectual disabilities is exempt from the assessment levied
23859 under this subsection if the facility is operated under the
23860 direction and control of:

23861 (i) The United States Veterans Administration or
23862 other agency or department of the United States government;

23863 (ii) The State Veterans Affairs Board; or

23864 (iii) The University of Mississippi Medical
23865 Center.

23866 (3) (a) Upon each psychiatric residential treatment
23867 facility licensed by the State of Mississippi, there is levied an
23868 assessment in an amount set by the division, equal to the maximum



23869 rate allowed by federal law or regulation, for each licensed and
23870 occupied bed of the facility.

23871 (b) A psychiatric residential treatment facility is
23872 exempt from the assessment levied under this subsection if the
23873 facility is operated under the direction and control of:

23874 (i) The United States Veterans Administration or
23875 other agency or department of the United States government;

23876 (ii) The University of Mississippi Medical Center;
23877 or

23878 (iii) A state agency or a state facility that
23879 either provides its own state match through intergovernmental
23880 transfer or certification of funds to the division.

23881 (4) Hospital assessment.

23882 (a) (i) Subject to and upon fulfillment of the
23883 requirements and conditions of paragraph (f) below, and
23884 notwithstanding any other provisions of this section, an annual
23885 assessment on each hospital licensed in the state is imposed on
23886 each non-Medicare hospital inpatient day as defined below at a
23887 rate that is determined by dividing the sum prescribed in this
23888 subparagraph (i), plus the nonfederal share necessary to maximize
23889 the Disproportionate Share Hospital (DSH) and Medicare Upper
23890 Payment Limits (UPL) Program payments and hospital access payments
23891 and such other supplemental payments as may be developed pursuant
23892 to Section 43-13-117(A)(18), by the total number of non-Medicare
23893 hospital inpatient days as defined below for all licensed



23894 Mississippi hospitals, except as provided in paragraph (d) below.
23895 If the state-matching funds percentage for the Mississippi
23896 Medicaid program is sixteen percent (16%) or less, the sum used in
23897 the formula under this subparagraph (i) shall be Seventy-four
23898 Million Dollars (\$74,000,000.00). If the state-matching funds
23899 percentage for the Mississippi Medicaid program is twenty-four
23900 percent (24%) or higher, the sum used in the formula under this
23901 subparagraph (i) shall be One Hundred Four Million Dollars
23902 (\$104,000,000.00). If the state-matching funds percentage for the
23903 Mississippi Medicaid program is between sixteen percent (16%) and
23904 twenty-four percent (24%), the sum used in the formula under this
23905 subparagraph (i) shall be a pro rata amount determined as follows:
23906 the current state-matching funds percentage rate minus sixteen
23907 percent (16%) divided by eight percent (8%) multiplied by Thirty
23908 Million Dollars (\$30,000,000.00) and add that amount to
23909 Seventy-four Million Dollars (\$74,000,000.00). However, no
23910 assessment in a quarter under this subparagraph (i) may exceed the
23911 assessment in the previous quarter by more than Three Million
23912 Seven Hundred Fifty Thousand Dollars (\$3,750,000.00) (which would
23913 be Fifteen Million Dollars (\$15,000,000.00) on an annualized
23914 basis). The division shall publish the state-matching funds
23915 percentage rate applicable to the Mississippi Medicaid program on
23916 the tenth day of the first month of each quarter and the
23917 assessment determined under the formula prescribed above shall be
23918 applicable in the quarter following any adjustment in that



23919 state-matching funds percentage rate. The division shall notify
23920 each hospital licensed in the state as to any projected increases
23921 or decreases in the assessment determined under this subparagraph
23922 (i). However, if the Centers for Medicare and Medicaid Services
23923 (CMS) does not approve the provision in Section 43-13-117(39)
23924 requiring the division to reimburse crossover claims for inpatient
23925 hospital services and crossover claims covered under Medicare Part
23926 B for dually eligible beneficiaries in the same manner that was in
23927 effect on January 1, 2008, the sum that otherwise would have been
23928 used in the formula under this subparagraph (i) shall be reduced
23929 by Seven Million Dollars (\$7,000,000.00).

23930 (ii) In addition to the assessment provided under
23931 subparagraph (i), an additional annual assessment on each hospital
23932 licensed in the state is imposed on each non-Medicare hospital
23933 inpatient day as defined below at a rate that is determined by
23934 dividing twenty-five percent (25%) of any provider reductions in
23935 the Medicaid program as authorized in Section 43-13-117(F) for
23936 that fiscal year up to the following maximum amount, plus the
23937 nonfederal share necessary to maximize the Disproportionate Share
23938 Hospital (DSH) and inpatient Medicare Upper Payment Limits (UPL)
23939 Program payments and inpatient hospital access payments, by the
23940 total number of non-Medicare hospital inpatient days as defined
23941 below for all licensed Mississippi hospitals: in fiscal year
23942 2010, the maximum amount shall be Twenty-four Million Dollars
23943 (\$24,000,000.00); in fiscal year 2011, the maximum amount shall be



23944 Thirty-two Million Dollars (\$32,000,000.00); and in fiscal year
23945 2012 and thereafter, the maximum amount shall be Forty Million
23946 Dollars (\$40,000,000.00). Any such deficit in the Medicaid
23947 program shall be reviewed by the PEER Committee as provided in
23948 Section 43-13-117(F).

23949 (iii) In addition to the assessments provided in
23950 subparagraphs (i) and (ii), an additional annual assessment on
23951 each hospital licensed in the state is imposed pursuant to the
23952 provisions of Section 43-13-117(F) if the cost-containment
23953 measures described therein have been implemented and there are
23954 insufficient funds in the Health Care Trust Fund to reconcile any
23955 remaining deficit in any fiscal year. If the Governor institutes
23956 any other additional cost-containment measures on any program or
23957 programs authorized under the Medicaid program pursuant to Section
23958 43-13-117(F), hospitals shall be responsible for twenty-five
23959 percent (25%) of any such additional imposed provider cuts, which
23960 shall be in the form of an additional assessment not to exceed the
23961 twenty-five percent (25%) of provider expenditure reductions.
23962 Such additional assessment shall be imposed on each non-Medicare
23963 hospital inpatient day in the same manner as assessments are
23964 imposed under subparagraphs (i) and (ii).

23965 (b) Definitions.

23966 (i) [Deleted]

23967 (ii) For purposes of this subsection (4):



23968 1. "Non-Medicare hospital inpatient day"
23969 means total hospital inpatient days including subcomponent days
23970 less Medicare inpatient days including subcomponent days from the
23971 hospital's most recent Medicare cost report for the second
23972 calendar year preceding the beginning of the state fiscal year, on
23973 file with CMS per the CMS HCRIS database, or cost report submitted
23974 to the Division if the HCRIS database is not available to the
23975 division, as of June 1 of each year.

23976 a. Total hospital inpatient days shall
23977 be the sum of Worksheet S-3, Part 1, column 8 row 14, column 8 row
23978 16, and column 8 row 17, excluding column 8 rows 5 and 6.

23979 b. Hospital Medicare inpatient days
23980 shall be the sum of Worksheet S-3, Part 1, column 6 row 14, column
23981 6 row 16.00, and column 6 row 17, excluding column 6 rows 5 and 6.

23982 c. Inpatient days shall not include
23983 residential treatment or long-term care days.

23984 2. "Subcomponent inpatient day" means the
23985 number of days of care charged to a beneficiary for inpatient
23986 hospital rehabilitation and psychiatric care services in units of
23987 full days. A day begins at midnight and ends twenty-four (24)
23988 hours later. A part of a day, including the day of admission and
23989 day on which a patient returns from leave of absence, counts as a
23990 full day. However, the day of discharge, death, or a day on which
23991 a patient begins a leave of absence is not counted as a day unless
23992 discharge or death occur on the day of admission. If admission



23993 and discharge or death occur on the same day, the day is
23994 considered a day of admission and counts as one (1) subcomponent
23995 inpatient day.

23996 (c) The assessment provided in this subsection is
23997 intended to satisfy and not be in addition to the assessment and
23998 intergovernmental transfers provided in Section 43-13-117(A)(18).
23999 Nothing in this section shall be construed to authorize any state
24000 agency, division or department, or county, municipality or other
24001 local governmental unit to license for revenue, levy or impose any
24002 other tax, fee or assessment upon hospitals in this state not
24003 authorized by a specific statute.

24004 (d) Hospitals operated by the United States Department
24005 of Veterans Affairs and state-operated facilities that provide
24006 only inpatient and outpatient psychiatric services shall not be
24007 subject to the hospital assessment provided in this subsection.

24008 (e) Multihospital systems, closure, merger, change of
24009 ownership and new hospitals.

24010 (i) If a hospital conducts, operates or maintains
24011 more than one (1) hospital licensed by the State Department of
24012 Health, the provider shall pay the hospital assessment for each
24013 hospital separately.

24014 (ii) Notwithstanding any other provision in this
24015 section, if a hospital subject to this assessment operates or
24016 conducts business only for a portion of a fiscal year, the
24017 assessment for the state fiscal year shall be adjusted by



24018 multiplying the assessment by a fraction, the numerator of which
24019 is the number of days in the year during which the hospital
24020 operates, and the denominator of which is three hundred sixty-five
24021 (365). Immediately upon ceasing to operate, the hospital shall
24022 pay the assessment for the year as so adjusted (to the extent not
24023 previously paid).

24024 (iii) The division shall determine the tax for new
24025 hospitals and hospitals that undergo a change of ownership in
24026 accordance with this section, using the best available
24027 information, as determined by the division.

24028 (f) Applicability.

24029 The hospital assessment imposed by this subsection shall not
24030 take effect and/or shall cease to be imposed if:

24031 (i) The assessment is determined to be an
24032 impermissible tax under Title XIX of the Social Security Act; or

24033 (ii) CMS revokes its approval of the division's
24034 2009 Medicaid State Plan Amendment for the methodology for DSH
24035 payments to hospitals under Section 43-13-117(A)(18).

24036 (5) Each health care facility that is subject to the
24037 provisions of this section shall keep and preserve such suitable
24038 books and records as may be necessary to determine the amount of
24039 assessment for which it is liable under this section. The books
24040 and records shall be kept and preserved for a period of not less
24041 than five (5) years, during which time those books and records
24042 shall be open for examination during business hours by the



24043 division, the Department of Revenue, the Office of the Attorney
24044 General and the State Department of Health.

24045 (6) [Deleted]

24046 (7) All assessments collected under this section shall be
24047 deposited in the Medical Care Fund created by Section 43-13-143.

24048 (8) The assessment levied under this section shall be in
24049 addition to any other assessments, taxes or fees levied by law,
24050 and the assessment shall constitute a debt due the State of
24051 Mississippi from the time the assessment is due until it is paid.

24052 (9) (a) If a health care facility that is liable for
24053 payment of an assessment levied by the division does not pay the
24054 assessment when it is due, the division shall give written notice
24055 to the health care facility demanding payment of the assessment
24056 within ten (10) days from the date of delivery of the notice. If
24057 the health care facility fails or refuses to pay the assessment
24058 after receiving the notice and demand from the division, the
24059 division shall withhold from any Medicaid reimbursement payments
24060 that are due to the health care facility the amount of the unpaid
24061 assessment and a penalty of ten percent (10%) of the amount of the
24062 assessment, plus the legal rate of interest until the assessment
24063 is paid in full. If the health care facility does not participate
24064 in the Medicaid program, the division shall turn over to the
24065 Office of the Attorney General the collection of the unpaid
24066 assessment by civil action. In any such civil action, the Office
24067 of the Attorney General shall collect the amount of the unpaid



24068 assessment and a penalty of ten percent (10%) of the amount of the
24069 assessment, plus the legal rate of interest until the assessment
24070 is paid in full.

24071 (b) As an additional or alternative method for
24072 collecting unpaid assessments levied by the division, if a health
24073 care facility fails or refuses to pay the assessment after
24074 receiving notice and demand from the division, the division may
24075 file a notice of a tax lien with the chancery clerk of the county
24076 in which the health care facility is located, for the amount of
24077 the unpaid assessment and a penalty of ten percent (10%) of the
24078 amount of the assessment, plus the legal rate of interest until
24079 the assessment is paid in full. Immediately upon receipt of
24080 notice of the tax lien for the assessment, the chancery clerk
24081 shall forward the notice to the circuit clerk who shall enter the
24082 notice of the tax lien as a judgment upon the judgment roll and
24083 show in the appropriate columns the name of the health care
24084 facility as judgment debtor, the name of the division as judgment
24085 creditor, the amount of the unpaid assessment, and the date and
24086 time of enrollment. The judgment shall be valid as against
24087 mortgagees, pledgees, entrusters, purchasers, judgment creditors
24088 and other persons from the time of filing with the clerk. The
24089 amount of the judgment shall be a debt due the State of
24090 Mississippi and remain a lien upon the tangible property of the
24091 health care facility until the judgment is satisfied. The
24092 judgment shall be the equivalent of any enrolled judgment of a



24093 court of record and shall serve as authority for the issuance of
24094 writs of execution, writs of attachment or other remedial writs.

24095 (10) (a) To further the provisions of Section
24096 43-13-117(A)(18), the Division of Medicaid shall submit to the
24097 Centers for Medicare and Medicaid Services (CMS) any documents
24098 regarding the hospital assessment established under subsection (4)
24099 of this section. In addition to defining the assessment
24100 established in subsection (4) of this section if necessary, the
24101 documents shall describe any supplement payment programs and/or
24102 payment methodologies as authorized in Section 43-13-117(A)(18) if
24103 necessary.

24104 (b) All hospitals satisfying the minimum federal DSH
24105 eligibility requirements (Section 1923(d) of the Social Security
24106 Act) may, subject to OBRA 1993 payment limitations, receive a DSH
24107 payment. This DSH payment shall expend the balance of the federal
24108 DSH allotment and associated state share not utilized in DSH
24109 payments to state-owned institutions for treatment of mental
24110 diseases. The payment to each hospital shall be calculated by
24111 applying a uniform percentage to the uninsured costs of each
24112 eligible hospital, excluding state-owned institutions for
24113 treatment of mental diseases; however, that percentage for a
24114 state-owned teaching hospital located in Hinds County shall be
24115 multiplied by a factor of two (2).



24116 (11) The division shall implement DSH and supplemental
24117 payment calculation methodologies that result in the maximization
24118 of available federal funds.

24119 (12) The DSH payments shall be paid on or before December
24120 31, March 31, and June 30 of each fiscal year, in increments of
24121 one-third (1/3) of the total calculated DSH amounts. Supplemental
24122 payments developed pursuant to Section 43-13-117(A)(18) shall be
24123 paid monthly.

24124 (13) Payment.

24125 (a) The hospital assessment as described in subsection
24126 (4) for the nonfederal share necessary to maximize the Medicare
24127 Upper Payments Limits (UPL) Program payments and hospital access
24128 payments and such other supplemental payments as may be developed
24129 pursuant to Section 43-3-117(A)(18) shall be assessed and
24130 collected monthly no later than the fifteenth calendar day of each
24131 month.

24132 (b) The hospital assessment as described in subsection
24133 (4) for the nonfederal share necessary to maximize the
24134 Disproportionate Share Hospital (DSH) payments shall be assessed
24135 and collected on December 15, March 15 and June 15.

24136 (c) The annual hospital assessment and any additional
24137 hospital assessment as described in subsection (4) shall be
24138 assessed and collected on September 15 and on the 15th of each
24139 month from December through June.



24140 (14) If for any reason any part of the plan for annual DSH
24141 and supplemental payment programs to hospitals provided under
24142 subsection (10) of this section and/or developed pursuant to
24143 Section 43-13-117(A) (18) is not approved by CMS, the remainder of
24144 the plan shall remain in full force and effect.

24145 (15) Nothing in this section shall prevent the Division of
24146 Medicaid from facilitating participation in Medicaid supplemental
24147 hospital payment programs by a hospital located in a county
24148 contiguous to the State of Mississippi that is also authorized by
24149 federal law to submit intergovernmental transfers (IGTs) to the
24150 State of Mississippi to fund the state share of the hospital's
24151 supplemental and/or MHAP payments.

24152 (16) This section shall stand repealed on July 1, 2024.

24153 **SECTION 340.** Section 67-1-5, Mississippi Code of 1972, is
24154 brought forward as follows:

24155 67-1-5. For the purposes of this article and unless
24156 otherwise required by the context:

24157 (a) "Alcoholic beverage" means any alcoholic liquid,
24158 including wines of more than five percent (5%) of alcohol by
24159 weight, capable of being consumed as a beverage by a human being,
24160 but shall not include light wine, light spirit product and beer,
24161 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
24162 include native wines and native spirits. The words "alcoholic
24163 beverage" shall not include ethyl alcohol manufactured or
24164 distilled solely for fuel purposes or beer of an alcoholic content



24165 of more than eight percent (8%) by weight if the beer is legally
24166 manufactured in this state for sale in another state.

24167 (b) "Alcohol" means the product of distillation of any
24168 fermented liquid, whatever the origin thereof, and includes
24169 synthetic ethyl alcohol, but does not include denatured alcohol or
24170 wood alcohol.

24171 (c) "Distilled spirits" means any beverage containing
24172 more than six percent (6%) of alcohol by weight produced by
24173 distillation of fermented grain, starch, molasses or sugar,
24174 including dilutions and mixtures of these beverages.

24175 (d) "Wine" or "vinous liquor" means any product
24176 obtained from the alcoholic fermentation of the juice of sound,
24177 ripe grapes, fruits, honey or berries and made in accordance with
24178 the revenue laws of the United States.

24179 (e) "Person" means and includes any individual,
24180 partnership, corporation, association or other legal entity
24181 whatsoever.

24182 (f) "Manufacturer" means any person engaged in
24183 manufacturing, distilling, rectifying, blending or bottling any
24184 alcoholic beverage.

24185 (g) "Wholesaler" means any person, other than a
24186 manufacturer, engaged in distributing or selling any alcoholic
24187 beverage at wholesale for delivery within or without this state
24188 when such sale is for the purpose of resale by the purchaser.



24189 (h) "Retailer" means any person who sells, distributes,
24190 or offers for sale or distribution, any alcoholic beverage for use
24191 or consumption by the purchaser and not for resale.

24192 (i) "State Tax Commission," "commission" or
24193 "department" means the Department of Revenue of the State of
24194 Mississippi, which shall create a division in its organization to
24195 be known as the Alcoholic Beverage Control Division. Any
24196 reference to the commission or the department hereafter means the
24197 powers and duties of the Department of Revenue with reference to
24198 supervision of the Alcoholic Beverage Control Division.

24199 (j) "Division" means the Alcoholic Beverage Control
24200 Division of the Department of Revenue.

24201 (k) "Municipality" means any incorporated city or town
24202 of this state.

24203 (l) "Hotel" means an establishment within a
24204 municipality, or within a qualified resort area approved as such
24205 by the department, where, in consideration of payment, food and
24206 lodging are habitually furnished to travelers and wherein are
24207 located at least twenty (20) adequately furnished and completely
24208 separate sleeping rooms with adequate facilities that persons
24209 usually apply for and receive as overnight accommodations. Hotels
24210 in towns or cities of more than twenty-five thousand (25,000)
24211 population are similarly defined except that they must have fifty
24212 (50) or more sleeping rooms. Any such establishment described in
24213 this paragraph with less than fifty (50) beds shall operate one or



24214 more regular dining rooms designed to be constantly frequented by
24215 customers each day. When used in this article, the word "hotel"
24216 shall also be construed to include any establishment that meets
24217 the definition of "bed and breakfast inn" as provided in this
24218 section.

24219 (m) "Restaurant" means:

24220 (i) A place which is regularly and in a bona fide
24221 manner used and kept open for the serving of meals to guests for
24222 compensation, which has suitable seating facilities for guests,
24223 and which has suitable kitchen facilities connected therewith for
24224 cooking an assortment of foods and meals commonly ordered at
24225 various hours of the day; the service of such food as sandwiches
24226 and salads only shall not be deemed in compliance with this
24227 requirement. Except as otherwise provided in this paragraph, no
24228 place shall qualify as a restaurant under this article unless
24229 twenty-five percent (25%) or more of the revenue derived from such
24230 place shall be from the preparation, cooking and serving of meals
24231 and not from the sale of beverages, or unless the value of food
24232 given to and consumed by customers is equal to twenty-five percent
24233 (25%) or more of total revenue; or

24234 (ii) Any privately owned business located in a
24235 building in a historic district where the district is listed in
24236 the National Register of Historic Places, where the building has a
24237 total occupancy rating of not less than one thousand (1,000) and
24238 where the business regularly utilizes ten thousand (10,000) square



24239 feet or more in the building for live entertainment, including not
24240 only the stage, lobby or area where the audience sits and/or
24241 stands, but also any other portion of the building necessary for
24242 the operation of the business, including any kitchen area, bar
24243 area, storage area and office space, but excluding any area for
24244 parking. In addition to the other requirements of this
24245 subparagraph, the business must also serve food to guests for
24246 compensation within the building and derive the majority of its
24247 revenue from event-related fees, including, but not limited to,
24248 admission fees or ticket sales to live entertainment in the
24249 building, and from the rental of all or part of the facilities of
24250 the business in the building to another party for a specific event
24251 or function.

24252 (n) "Club" means an association or a corporation:

24253 (i) Organized or created under the laws of this
24254 state for a period of five (5) years prior to July 1, 1966;

24255 (ii) Organized not primarily for pecuniary profit
24256 but for the promotion of some common object other than the sale or
24257 consumption of alcoholic beverages;

24258 (iii) Maintained by its members through the
24259 payment of annual dues;

24260 (iv) Owning, hiring or leasing a building or space
24261 in a building of such extent and character as may be suitable and
24262 adequate for the reasonable and comfortable use and accommodation
24263 of its members and their guests;



24264 (v) The affairs and management of which are
24265 conducted by a board of directors, board of governors, executive
24266 committee, or similar governing body chosen by the members at a
24267 regular meeting held at some periodic interval; and

24268 (vi) No member, officer, agent or employee of
24269 which is paid, or directly or indirectly receives, in the form of
24270 a salary or other compensation any profit from the distribution or
24271 sale of alcoholic beverages to the club or to members or guests of
24272 the club beyond such salary or compensation as may be fixed and
24273 voted at a proper meeting by the board of directors or other
24274 governing body out of the general revenues of the club.

24275 The department may, in its discretion, waive the five-year
24276 provision of this paragraph. In order to qualify under this
24277 paragraph, a club must file with the department, at the time of
24278 its application for a license under this article, two (2) copies
24279 of a list of the names and residences of its members and similarly
24280 file, within ten (10) days after the election of any additional
24281 member, his name and address. Each club applying for a license
24282 shall also file with the department at the time of the application
24283 a copy of its articles of association, charter of incorporation,
24284 bylaws or other instruments governing the business and affairs
24285 thereof.

24286 (o) "Qualified resort area" means any area or locality
24287 outside of the limits of incorporated municipalities in this state
24288 commonly known and accepted as a place which regularly and



24289 customarily attracts tourists, vacationists and other transients
24290 because of its historical, scenic or recreational facilities or
24291 attractions, or because of other attributes which regularly and
24292 customarily appeal to and attract tourists, vacationists and other
24293 transients in substantial numbers; however, no area or locality
24294 shall so qualify as a resort area until it has been duly and
24295 properly approved as such by the department. The department may
24296 not approve an area as a qualified resort area after July 1, 2018,
24297 if any portion of such proposed area is located within two (2)
24298 miles of a convent or monastery that is located in a county
24299 traversed by Interstate 55 and U.S. Highway 98. A convent or
24300 monastery may waive such distance restrictions in favor of
24301 allowing approval by the department of an area as a qualified
24302 resort area. Such waiver shall be in written form from the owner,
24303 the governing body, or the appropriate officer of the convent or
24304 monastery having the authority to execute such a waiver, and the
24305 waiver shall be filed with and verified by the department before
24306 becoming effective.

24307 (i) The department may approve an area or locality
24308 outside of the limits of an incorporated municipality that is in
24309 the process of being developed as a qualified resort area if such
24310 area or locality, when developed, can reasonably be expected to
24311 meet the requisites of the definition of the term "qualified
24312 resort area." In such a case, the status of qualified resort area
24313 shall not take effect until completion of the development.



24314 (ii) The term includes any state park which is
24315 declared a resort area by the department; however, such
24316 declaration may only be initiated in a written request for resort
24317 area status made to the department by the Executive Director of
24318 the Department of Wildlife, Fisheries and Parks, and no permit for
24319 the sale of any alcoholic beverage, as defined in this article,
24320 except an on-premises retailer's permit, shall be issued for a
24321 hotel, restaurant or bed and breakfast inn in such park.

24322 (iii) The term includes:

24323 1. The clubhouses associated with the state
24324 park golf courses at the Lefleur's Bluff State Park, the John Kyle
24325 State Park, the Percy Quin State Park and the Hugh White State
24326 Park;

24327 2. The clubhouse and associated golf course,
24328 tennis courts and related facilities and swimming pool and related
24329 facilities where the golf course, tennis courts and related
24330 facilities and swimming pool and related facilities are adjacent
24331 to one or more planned residential developments and the golf
24332 course and all such developments collectively include at least
24333 seven hundred fifty (750) acres and at least four hundred (400)
24334 residential units;

24335 3. Any facility located on property that is a
24336 game reserve with restricted access that consists of at least
24337 three thousand (3,000) contiguous acres with no public roads and



24338 that offers as a service hunts for a fee to overnight guests of
24339 the facility;

24340 4. Any facility located on federal property
24341 surrounding a lake and designated as a recreational area by the
24342 United States Army Corps of Engineers that consists of at least
24343 one thousand five hundred (1,500) acres;

24344 5. Any facility that is located in a
24345 municipality that is bordered by the Pearl River, traversed by
24346 Mississippi Highway 25, adjacent to the boundaries of the Jackson
24347 International Airport and is located in a county which has voted
24348 against coming out from under the dry law; however, any such
24349 facility may only be located in areas designated by the governing
24350 authorities of such municipality;

24351 6. Any municipality with a population in
24352 excess of ten thousand (10,000) according to the latest federal
24353 decennial census that is located in a county that is bordered by
24354 the Pearl River and is not traversed by Interstate Highway 20,
24355 with a population in excess of forty-five thousand (45,000)
24356 according to the latest federal decennial census;

24357 7. The West Pearl Restaurant Tax District as
24358 defined in Chapter 912, Local and Private Laws of 2007;

24359 8. a. Land that is located in any county in
24360 which Mississippi Highway 43 and Mississippi Highway 25 intersect
24361 and:



24362 A. Owned by the Pearl River Valley
24363 Water Supply District, and/or

24364 B. Located within the Reservoir
24365 Community District, zoned commercial, east of Old Fannin Road,
24366 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
24367 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
24368 Drive and/or Lake Vista Place, and/or

24369 C. Located within the Reservoir
24370 Community District, zoned commercial, west of Old Fannin Road,
24371 south of Spillway Road and extending to the boundary of the
24372 corporate limits of the City of Flowood, Mississippi;

24373 b. The board of supervisors of such
24374 county, with respect to B and C of item 8.a., may by resolution or
24375 other order:

24376 A. Specify the hours of operation
24377 of facilities that offer alcoholic beverages for sale,

24378 B. Specify the percentage of
24379 revenue that facilities that offer alcoholic beverages for sale
24380 must derive from the preparation, cooking and serving of meals and
24381 not from the sale of beverages, and

24382 C. Designate the areas in which
24383 facilities that offer alcoholic beverages for sale may be located;

24384 9. Any facility located on property that is a
24385 game reserve with restricted access that consists of at least
24386 eight hundred (800) contiguous acres with no public roads, that



24387 offers as a service hunts for a fee to overnight guests of the
24388 facility, and has accommodations for at least fifty (50) overnight
24389 guests;

24390 10. Any facility that:

24391 a. Consists of at least six thousand
24392 (6,000) square feet being heated and cooled along with an
24393 additional adjacent area that consists of at least two thousand
24394 two hundred (2,200) square feet regardless of whether heated and
24395 cooled,

24396 b. For a fee is used to host events such
24397 as weddings, reunions and conventions,

24398 c. Provides lodging accommodations
24399 regardless of whether part of the facility and/or located adjacent
24400 to or in close proximity to the facility, and

24401 d. Is located on property that consists
24402 of at least thirty (30) contiguous acres;

24403 11. Any facility and related property:

24404 a. Located on property that consists of
24405 at least one hundred twenty-five (125) contiguous acres and
24406 consisting of an eighteen-hole golf course, and/or located in a
24407 facility that consists of at least eight thousand (8,000) square
24408 feet being heated and cooled,

24409 b. Used for the purpose of providing
24410 meals and hosting events, and



24411 c. Used for the purpose of teaching
24412 culinary arts courses and/or turf management and grounds keeping
24413 courses, and/or outdoor recreation and leadership courses;
24414 12. Any facility and related property that:
24415 a. Consist of at least eight thousand
24416 (8,000) square feet being heated and cooled,
24417 b. For a fee is used to host events,
24418 c. Is used for the purpose of culinary
24419 arts courses, and/or live entertainment courses and art
24420 performances, and/or outdoor recreation and leadership courses;
24421 13. The clubhouse and associated golf course
24422 where the golf course is adjacent to one or more residential
24423 developments and the golf course and all such developments
24424 collectively include at least two hundred (200) acres and at least
24425 one hundred fifty (150) residential units and are located a. in a
24426 county that has voted against coming out from under the dry law;
24427 and b. outside of but in close proximity to a municipality in such
24428 county which has voted under Section 67-1-14, after January 1,
24429 2013, to come out from under the dry law;
24430 14. The clubhouse and associated
24431 eighteen-hole golf course located in a municipality traversed by
24432 Interstate Highway 55 and U.S. Highway 51 that has voted to come
24433 out from under the dry law;
24434 15. a. Land that is planned for mixed-use
24435 development and consists of at least two hundred (200) contiguous



24436 acres with one or more planned residential developments
24437 collectively planned to include at least two hundred (200)
24438 residential units when completed, and also including a facility
24439 that consists of at least four thousand (4,000) square feet that
24440 is not part of such land but is located adjacent to or in close
24441 proximity thereto, and which land is located:

24442 A. In a county that has voted to
24443 come out from under the dry law,

24444 B. Outside the corporate limits of
24445 any municipality in such county and adjacent to or in close
24446 proximity to a golf course located in a municipality in such
24447 county, and

24448 C. Within one (1) mile of a state
24449 institution of higher learning;

24450 b. The board of supervisors of such
24451 county may by resolution or other order:

24452 A. Specify the hours of operation
24453 of facilities that offer alcoholic beverages for sale,

24454 B. Specify the percentage of
24455 revenue that facilities that offer alcoholic beverages for sale
24456 must derive from the preparation, cooking and serving of meals and
24457 not from the sale of beverages, and

24458 C. Designate the areas in which
24459 facilities that offer alcoholic beverages for sale may be located;



24460 16. Any facility with a capacity of five
24461 hundred (500) people or more, to be used as a venue for private
24462 events, on a tract of land in the Southwest Quarter of Section 33,
24463 Township 2 South, Range 7 East, of a county where U.S. Highway 45
24464 and U.S. Highway 72 intersect and that has not voted to come out
24465 from under the dry law;

24466 17. One hundred five (105) contiguous acres,
24467 more or less, located in Hinds County, Mississippi, and in the
24468 City of Jackson, Mississippi, whereon are constructed a variety of
24469 buildings, improvements, grounds or objects for the purpose of
24470 holding events thereon to promote agricultural and industrial
24471 development in Mississippi;

24472 18. Land that is owned by a state institution
24473 of higher learning, and:

24474 a. Located entirely within a county that
24475 has elected by majority vote not to permit the transportation,
24476 storage, sale, distribution, receipt and/or manufacture of light
24477 wine and beer pursuant to Section 67-3-7, and

24478 b. Adjacent to but outside the
24479 incorporated limits of a municipality that has elected by majority
24480 vote to permit the sale, receipt, storage and transportation of
24481 light wine and beer pursuant to Section 67-3-9.

24482 If any portion of the land described in this item 18 has been
24483 declared a qualified resort area by the department before July 1,



24484 2020, then that qualified resort area shall be incorporated into
24485 the qualified resort area created by this item 18;

24486 19. Any facility and related property:

24487 a. Used as a flea market or similar
24488 venue during a weekend (Saturday and Sunday) immediately preceding
24489 the first Monday of a month and having an annual average of at
24490 least one thousand (1,000) visitors for each such weekend and five
24491 hundred (500) vendors for Saturday of each such weekend, and

24492 b. Located in a county that has not
24493 voted to come out from under the dry law and outside of but in
24494 close proximity to a municipality located in such county and which
24495 municipality has voted to come out from under the dry law;

24496 20. Blocks 1, 2 and 3 of the original town
24497 square in any municipality with a population in excess of one
24498 thousand five hundred (1,500) according to the latest federal
24499 decennial census and which is located in:

24500 a. A county traversed by Interstate 55
24501 and Interstate 20, and

24502 b. A judicial district that has not
24503 voted to come out from under the dry law;

24504 21. Any municipality with a population in
24505 excess of two thousand (2,000) according to the latest federal
24506 decennial census and in which is located a part of White's Creek
24507 Lake and in which U.S. Highway 82 intersects with Mississippi



24508 Highway 9 and located in a county that is partially bordered on
24509 one (1) side by the Big Black River;

24510 22. A restaurant located on a two-acre tract
24511 adjacent to a five-hundred-fifty-acre lake in the northeast corner
24512 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

24513 23. Any tracts of land in Oktibbeha County,
24514 situated north of Bailey Howell Drive, Lee Boulevard and Old
24515 Mayhew Road, east of George Perry Street and south of Mississippi
24516 Highway 182, and not located on the property of a state
24517 institution of higher learning; however, the board of supervisors
24518 of such county may by resolution or other order:

24519 a. Specify the hours of operation of
24520 facilities that offer alcoholic beverages for sale;

24521 b. Specify the percentage of revenue
24522 that facilities that offer alcoholic beverages for sale must
24523 derive from the preparation, cooking and serving of meals and not
24524 from the sale of beverages; and

24525 c. Designate the areas in which
24526 facilities that offer alcoholic beverages for sale may be located;

24527 24. A municipality in which Mississippi
24528 Highway 27 and Mississippi Highway 28 intersect;

24529 25. A municipality through which run
24530 Mississippi Highway 35 and Interstate 20;

24531 26. A municipality in which Mississippi
24532 Highway 16 and Mississippi Highway 35 intersect;



24533 27. A municipality in which U.S. Highway 82
24534 and Old Highway 61 intersect;
24535 28. A municipality in which Mississippi
24536 Highway 8 meets Mississippi Highway 1;
24537 29. A municipality in which U.S. Highway 82
24538 and Mississippi Highway 1 intersect;
24539 30. A municipality in which Mississippi
24540 Highway 50 meets Mississippi Highway 9;
24541 31. An area bounded on the north by Pearl
24542 Street, on the east by West Street, on the south by Court Street
24543 and on the west by Farish Street, within a municipality bordered
24544 on the east by the Pearl River and through which run Interstate 20
24545 and Interstate 55;
24546 32. Any facility and related property that:
24547 a. Is contracted for mixed-use
24548 development improvements consisting of office and residential
24549 space and a restaurant and lounge, partially occupying the
24550 renovated space of a four-story commercial building which
24551 previously served as a financial institution; and adjacent
24552 property to the west consisting of a single-story office building
24553 that was originally occupied by the Brotherhood of Carpenters and
24554 Joiners of American Local Number 569; and
24555 b. Is situated on a tract of land
24556 consisting of approximately one and one-tenth (1.10) acres, and
24557 the adjacent property to the west consisting of approximately 0.5



24558 acres, located in a municipality which is the seat of county
24559 government, situated south of Interstate 10, traversed by U.S.
24560 Highway 90, partially bordered on one (1) side by the Pascagoula
24561 River and having its most southern boundary bordered by the Gulf
24562 of Mexico, with a population greater than twenty-two thousand
24563 (22,000) according to the 2010 federal decennial census; however,
24564 the governing authorities of such a municipality may by ordinance:

24565 A. Specify the hours of operation
24566 of facilities that offer alcoholic beverages for sale;

24567 B. Specify the percentage of
24568 revenue that facilities that offer alcoholic beverages for sale
24569 must derive from the preparation, cooking and serving of meals and
24570 not from the sale of beverages; and

24571 C. Designate the areas within the
24572 facilities in which alcoholic beverages may be offered for sale;

24573 33. Any facility with a maximum capacity of
24574 one hundred twenty (120) people that consists of at least three
24575 thousand (3,000) square feet being heated and cooled, has a
24576 commercial kitchen, has a pavilion that consists of at least nine
24577 thousand (9,000) square feet and is located on land more
24578 particularly described as follows:

24579 All that part of the East Half of the Northwest Quarter of
24580 Section 21, Township 7 South, Range 4 East, Union County,
24581 Mississippi, that lies South of Mississippi State Highway 348
24582 right-of-way and containing 19.48 acres, more or less.



24583 ALSO,
24584 The Northeast 38 acres of the Southwest Quarter of Section
24585 21, Township 7 South, Range 4 East, Union County, Mississippi.

24586 ALSO,
24587 The South 81 1/2 acres of the Southwest Quarter of Section
24588 21, Township 7 South, Range 4 East, Union County, Mississippi;

24589 34. A municipality in which U.S. Highway 51
24590 and Mississippi Highway 16 intersect;

24591 35. A municipality in which Interstate 20
24592 passes over Mississippi Highway 15;

24593 36. Any municipality that is bordered in its
24594 northwestern boundary by the Pearl River, traversed by U.S.
24595 Highway 49 and Interstate 20, and is located in a county which has
24596 voted against coming out from under the dry law;

24597 37. A municipality in which Mississippi
24598 Highway 28 and Mississippi Highway 29 North intersect;

24599 38. An area bounded as follows within a
24600 municipality through which run Interstate 22 and Mississippi
24601 Highway 15: Beginning at a point at the intersection of Bankhead
24602 Street and Tallahatchie Trails; then running to a point at the
24603 intersection of Tallahatchie Trails and Interstate 22; then
24604 running to a point at the intersection of Interstate 22 and Carter
24605 Avenue; then running to a point at the intersection of Carter
24606 Avenue and Camp Avenue; then running to a point at the
24607 intersection of Camp Avenue and King Street; then running to a



24608 point at the intersection of King Street and E. Main Street; then
24609 running to a point at the intersection of E. Main Street and Camp
24610 Avenue; then running to a point at the intersection of Camp Avenue
24611 and Highland Street; then running to a point at the intersection
24612 of Highland Street and Adams Street; then running to a point at
24613 the intersection of Adams Street and Cleveland Street; then
24614 running to a point at the intersection of Cleveland Street and N.
24615 Railroad Avenue; then running to a point at the intersection of N.
24616 Railroad Avenue and McGill Street; then running to a point at the
24617 intersection of McGill Street and Snyder Street; then running to a
24618 point at the intersection of Snyder Street and Bankhead Street;
24619 then running to a point at the intersection of Bankhead Street and
24620 Tallahatchie Trails and the point of the beginning;

24621 39. A municipality through which run
24622 Mississippi Highway 43 and U.S. Highway 80;

24623 40. The coliseum in a municipality in which
24624 U.S. Highway 72 passes over U.S. Highway 45;

24625 41. A piece of property on the northeast
24626 corner of the T-intersection where Builders Square Drive meets
24627 Mississippi Highway 471;

24628 42. The clubhouse and associated golf course,
24629 tennis courts and related facilities and swimming pool and related
24630 facilities located on Oaks Country Club Road less than one-half
24631 (1/2) mile to the east of Mississippi Highway 15;



24632 43. Any facility located on land more
24633 particularly described as follows:

24634 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
24635 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
24636 Southwest Corner of the Southwest Quarter (SW 1/4) of the
24637 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
24638 East, running 210 feet east and west and 840 feet running north
24639 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
24640 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
24641 Rankin County, Mississippi;

24642 44. Any facility located on land more
24643 particularly described as follows:

24644 Beginning at a point 1915 feet west and 2171 feet north of
24645 southeast corner, Section 11, Township 24 North, Range 2 West,
24646 Second Judicial District, Tallahatchie County, Mississippi, which
24647 point is the southwest corner of J.C. Section Lot mentioned in
24648 deed recorded in Book 50, page 34, in the records of the Chancery
24649 Clerk's Office at Sumner, in said District of said County; thence
24650 South 80° West, 19 feet to the east boundary of United States
24651 Highway 49-E, thence East along the east boundary of said Highway
24652 270 feet to point of beginning of Lot to be conveyed; thence
24653 southeast along the east boundary of said Highway 204 feet to a
24654 concrete post at the intersection of the east boundary of said
24655 Highway with the west boundary of gravel road from Sumner to Webb,
24656 known as Oil Mill Road, thence Northwest along west boundary of



24657 said Oil Mill Road 194 feet to center of driveway running
24658 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
24659 South 66° West along center of said driveway 128 feet to point of
24660 beginning, being situated in Northwest Quarter of Southeast
24661 Quarter of Section 11, together with all improvements situated
24662 thereon;

24663 45. Any facility that:

24664 a. Consists of at least five thousand
24665 six hundred (5,600) square feet being heated and cooled along with
24666 a lakeside patio that consists of at least two thousand two
24667 hundred (2,200) square feet, regardless of whether such patio is
24668 part of the facility and/or located adjacent to or in close
24669 proximity to the facility;

24670 b. Includes a caterer's kitchen and
24671 green room for entertainment preparation;

24672 c. For a fee is used to host events; and

24673 d. Is located adjacent to or in close
24674 proximity to an approximately nine (9) acre lake on property that
24675 consists of at least one hundred twenty (120) acres in a county
24676 traversed by Mississippi Highway 15 and U.S. Highway 278;

24677 46. Any municipality with a population in
24678 excess of one thousand (1,000) according to the 2010 federal
24679 decennial census and which is located in a county that is
24680 traversed by U.S. Highways 84 and 98 and has not voted to come out
24681 from under the dry law;



24682 47. The clubhouse and associated nine-hole
24683 golf course, tennis courts and related facilities and swimming
24684 pool and related facilities located on or near U.S. Highway 82
24685 between Mississippi Highway 15 and Mississippi Highway 9;

24686 48. The downtown square area bound by East
24687 Service Drive, Commerce Street, Second Street and Court Street and
24688 adjacent properties in a municipality through which run Interstate
24689 55, U.S. Highway 51 and Mississippi Highway 306;

24690 49. All parcels zoned for mixed-use
24691 development located west of Mississippi Highway 589, more than
24692 four hundred (400) feet north of Old Highway 24, east of
24693 Parkers Creek and Black Creek, and south of J M Burge Road;
24694 and

24695 50. Any facility used by a soccer club and
24696 located on Old Highway 11 between one-tenth (0.1) and two-tenths
24697 (0.2) of a mile from its intersection with Oak Grove Road, in a
24698 county in which U.S. Highway 98 and Mississippi Highway 589
24699 intersect.

24700 The status of these municipalities, districts, clubhouses,
24701 facilities, golf courses and areas described in this paragraph
24702 (o)(iii) as qualified resort areas does not require any
24703 declaration of same by the department.

24704 The governing authorities of a municipality described, in
24705 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
24706 34, 35, 36, 37, 38, 39, 46 or 48 of this paragraph (o)(iii) may by



24707 ordinance: specify the hours of operation of facilities offering
24708 alcoholic beverages for sale; specify the percentage of revenue
24709 that facilities offering alcoholic beverages for sale must derive
24710 from the preparation, cooking and serving of meals and not from
24711 the sale of beverages; and designate the areas in which facilities
24712 offering alcoholic beverages for sale may be located.

24713 (p) "Native wine" means any product, produced in
24714 Mississippi for sale, having an alcohol content not to exceed
24715 twenty-one percent (21%) by weight and made in accordance with
24716 revenue laws of the United States, which shall be obtained
24717 primarily from the alcoholic fermentation of the juice of ripe
24718 grapes, fruits, berries, honey or vegetables grown and produced in
24719 Mississippi; provided that bulk, concentrated or fortified wines
24720 used for blending may be produced without this state and used in
24721 producing native wines. The department shall adopt and promulgate
24722 rules and regulations to permit a producer to import such bulk
24723 and/or fortified wines into this state for use in blending with
24724 native wines without payment of any excise tax that would
24725 otherwise accrue thereon.

24726 (q) "Native winery" means any place or establishment
24727 within the State of Mississippi where native wine is produced, in
24728 whole or in part, for sale.

24729 (r) "Bed and breakfast inn" means an establishment
24730 within a municipality where in consideration of payment, breakfast
24731 and lodging are habitually furnished to travelers and wherein are



24732 located not less than eight (8) and not more than nineteen (19)
24733 adequately furnished and completely separate sleeping rooms with
24734 adequate facilities, that persons usually apply for and receive as
24735 overnight accommodations; however, such restriction on the minimum
24736 number of sleeping rooms shall not apply to establishments on the
24737 National Register of Historic Places. No place shall qualify as a
24738 bed and breakfast inn under this article unless on the date of the
24739 initial application for a license under this article more than
24740 fifty percent (50%) of the sleeping rooms are located in a
24741 structure formerly used as a residence.

24742 (s) "Board" shall refer to the Board of Tax Appeals of
24743 the State of Mississippi.

24744 (t) "Spa facility" means an establishment within a
24745 municipality or qualified resort area and owned by a hotel where,
24746 in consideration of payment, patrons receive from licensed
24747 professionals a variety of private personal care treatments such
24748 as massages, facials, waxes, exfoliation and hairstyling.

24749 (u) "Art studio or gallery" means an establishment
24750 within a municipality or qualified resort area that is in the sole
24751 business of allowing patrons to view and/or purchase paintings and
24752 other creative artwork.

24753 (v) "Cooking school" means an establishment within a
24754 municipality or qualified resort area and owned by a nationally
24755 recognized company that offers an established culinary education
24756 curriculum and program where, in consideration of payment, patrons



24757 are given scheduled professional group instruction on culinary
24758 techniques. For purposes of this paragraph, the definition of
24759 cooking school shall not include schools or classes offered by
24760 grocery stores, convenience stores or drugstores.

24761 (w) "Campus" means property owned by a public school
24762 district, community or junior college, college or university in
24763 this state where educational courses are taught, school functions
24764 are held, tests and examinations are administered or academic
24765 course credits are awarded; however, the term shall not include
24766 any "restaurant" or "hotel" that is located on property owned by a
24767 community or junior college, college or university in this state,
24768 and is operated by a third party who receives all revenue
24769 generated from food and alcoholic beverage sales.

24770 (x) "Native spirit" shall mean any beverage, produced
24771 in Mississippi for sale, manufactured primarily by the
24772 distillation of fermented grain, starch, molasses or sugar
24773 produced in Mississippi, including dilutions and mixtures of these
24774 beverages. In order to be classified as "native spirit" under the
24775 provisions of this article, at least fifty-one percent (51%) of
24776 the finished product by volume shall have been obtained from
24777 distillation of fermented grain, starch, molasses or sugar grown
24778 and produced in Mississippi.

24779 (y) "Native distillery" shall mean any place or
24780 establishment within this state where native spirit is produced in
24781 whole or in part for sale.



24782 (z) "Warehouse operator" shall have the meaning
24783 ascribed in Section 67-1-201.

24784 **SECTION 341.** Section 83-23-215, Mississippi Code of 1972, is
24785 brought forward as follows:

24786 83-23-215. (1) If a member insurer is an impaired insurer,
24787 the association may, in its discretion, and subject to any
24788 conditions imposed by the association that do not impair the
24789 contractual obligations of the impaired insurer, and that are
24790 approved by the commissioner:

24791 (a) Guarantee, assume, reissue, or reinsure, or cause
24792 to be guaranteed, assumed, reissued or reinsured, any or all of
24793 the policies or contracts of the impaired insurer; or

24794 (b) Provide such monies, pledges, loans, notes,
24795 guarantees or other means as are proper to effectuate paragraph
24796 (a), and assure payment of the contractual obligations of the
24797 impaired insurer pending action under paragraph (a).

24798 (2) If a member insurer is an insolvent insurer, the
24799 association shall, in its discretion, either:

24800 (a) (i) 1. Guarantee, assume, reissue, or reinsure,
24801 or cause to be guaranteed, assumed, reissued or reinsured, the
24802 policies or contracts of the insolvent insurer; or

24803 2. Assure payment of the contractual
24804 obligations of the insolvent insurer; and



24805 (ii) Provide monies, pledges, loans, notes,
24806 guarantees or other means reasonably necessary to discharge the
24807 association's duties; or

24808 (b) Provide benefits and coverages in accordance with
24809 the following provisions:

24810 (i) With respect to policies and contracts, assure
24811 payment of benefits that would have been payable under the
24812 policies or contracts of the insolvent insurer, for claims
24813 incurred:

24814 1. With respect to group policies and
24815 contracts, not later than the earlier of the next renewal date
24816 under those policies or contracts or forty-five (45) days, but in
24817 no event less than thirty (30) days, after the date on which the
24818 association becomes obligated with respect to the policies and
24819 contracts;

24820 2. With respect to nongroup policies,
24821 contracts and annuities not later than the earlier of the next
24822 renewal date (if any) under the policies or contracts or one (1)
24823 year, but in no event less than thirty (30) days, from the date on
24824 which the association becomes obligated with respect to the
24825 policies or contracts;

24826 (ii) Make diligent efforts to provide all known
24827 insureds, enrollees or annuitants (for nongroup policies and
24828 contracts), or group policy or contract owners with respect to
24829 group policies and contracts, thirty (30) days' notice of the



24830 termination (pursuant to subparagraph (i) of this paragraph) of
24831 the benefits provided;

24832 (iii) With respect to nongroup policies and
24833 contracts covered by the association, make available to each known
24834 insured, enrollee, or annuitant, or owner if other than the
24835 insured, or annuitant, and with respect to an individual formerly
24836 an insured, enrollee or annuitant under a group policy or contract
24837 who is not eligible for replacement group coverage, make available
24838 substitute coverage on an individual basis in accordance with the
24839 provisions of subparagraph (iv), if the insureds, enrollees or
24840 annuitants had a right under law or the terminated policy,
24841 contract or annuity to convert coverage to individual coverage or
24842 to continue an individual policy, contract or annuity in force
24843 until a specified age or for a specified time, during which the
24844 insurer or health maintenance organization had no right
24845 unilaterally to make changes in any provision of the policy,
24846 contract or annuity or had a right only to make changes in premium
24847 by class;

24848 (iv) 1. In providing the substitute coverage
24849 required under subparagraph (iii), the association may offer
24850 either to reissue the terminated coverage or to issue an
24851 alternative policy or contract at actuarially justified rates,
24852 subject to the prior approval of the commissioner;

24853 2. Alternative or reissued policies or
24854 contracts shall be offered without requiring evidence of



24855 insurability, and shall not provide for any waiting period or
24856 exclusion that would not have applied under the terminated policy
24857 or contract;

24858 3. The association may reinsure any
24859 alternative or reissued policy or contract;

24860 (v) 1. Alternative policies or contracts adopted
24861 by the association shall be subject to the approval of the
24862 commissioner. The association may adopt alternative policies or
24863 contracts of various types for future issuance without regard to
24864 any particular impairment or insolvency;

24865 2. Alternative policies or contracts shall
24866 contain at least the minimum statutory provisions required in this
24867 state and provide benefits that shall not be unreasonable in
24868 relation to the premium charged. The association shall set the
24869 premium in accordance with a table of rates which it shall adopt.
24870 The premium shall reflect the amount of insurance to be provided
24871 and the age and class of risk of each insured, but shall not
24872 reflect any changes in the health of the insured after the
24873 original policy or contract was last underwritten;

24874 3. Any alternative policy or contract issued
24875 by the association shall provide coverage of a type similar to
24876 that of the policy or contract issued by the impaired or insolvent
24877 insurer, as determined by the association;

24878 (vi) If the association elects to reissue
24879 terminated coverage at a premium rate different from that charged



24880 under the terminated policy or contract, the premium shall be
24881 actuarially justified and set by the association in accordance
24882 with the amount of insurance or coverage provided and the age and
24883 class of risk, subject to prior approval of the commissioner;

24884 (vii) The association's obligations with respect
24885 to coverage under any policy or contract of the impaired or
24886 insolvent insurer or under any reissued or alternative policy or
24887 contract shall cease on the date such coverage or policy or
24888 contract is replaced by another similar policy or contract by the
24889 policy or contract owner, the insured, the enrollee or the
24890 association;

24891 (viii) When proceeding under subsection (2) of
24892 this section with respect to any policy or contract carrying
24893 guaranteed minimum interest rates, the association shall assure
24894 the payment or crediting of a rate of interest consistent with
24895 Section 83-23-205(2) (b) (iii).

24896 (3) Nonpayment of premiums within thirty-one (31) days after
24897 the date required under the terms of any guaranteed, assumed,
24898 alternative or reissued policy or contract or substitute coverage
24899 shall terminate the association's obligations under the policy,
24900 contract or coverage under this article with respect to the
24901 policy, contract or coverage, except with respect to any claims
24902 incurred or any net cash surrender value which may be due in
24903 accordance with the provisions of this article.



24904 (4) Premiums due for coverage after entry of an order of
24905 liquidation of an insolvent insurer shall belong to and be payable
24906 at the direction of the association. If the liquidator of an
24907 insolvent insurer requests, the association shall provide a report
24908 to the liquidator regarding such premium collected by the
24909 association. The association shall be liable for unearned
24910 premiums due to policy or contract owners arising after the entry
24911 of such order.

24912 (5) The protection provided by this article shall not apply
24913 where any guaranty protection is provided to residents of this
24914 state by the laws of the domiciliary state or jurisdiction of the
24915 impaired or insolvent insurer other than this state.

24916 (6) In carrying out its duties under subsection (2) of this
24917 section, the association may:

24918 (a) Subject to approval by a court in this state,
24919 impose permanent policy or contract liens in connection with a
24920 guarantee, assumption or reinsurance agreement, if the association
24921 finds that the amounts which can be assessed under this article
24922 are less than the amounts needed to assure full and prompt
24923 performance of the association's duties under this article, or
24924 that the economic or financial conditions as they affect member
24925 insurers are sufficiently adverse to render the imposition of such
24926 permanent policy or contract liens, to be in the public interest;

24927 (b) Subject to approval by a court in this state,
24928 impose temporary moratoriums or liens on payments of cash values



24929 and policy loans, or any other right to withdraw funds held in
24930 conjunction with policies or contracts, in addition to any
24931 contractual provisions for deferral of cash or policy loan value.
24932 In addition, in the event of a temporary moratorium or moratorium
24933 charge imposed by the receivership court on payment of cash values
24934 or policy loans, or on any other right to withdraw funds held in
24935 conjunction with policies or contracts, out of the assets of the
24936 impaired or insolvent insurer, the association may defer the
24937 payment of cash values, policy loans or other rights by the
24938 association for a period of the moratorium or moratorium charge
24939 imposed by the receivership court, except for claims covered by
24940 the association to be paid in accordance with a hardship procedure
24941 established by the liquidator or rehabilitator and approved by the
24942 receivership court.

24943 (7) A deposit in this state, held pursuant to law or
24944 required by the commissioner for the benefit of creditors,
24945 including policy or contract owners, not turned over to the
24946 domiciliary liquidator upon the entry of a final order of
24947 liquidation or order approving a rehabilitation plan of a member
24948 insurer domiciled in this state or in a reciprocal state, pursuant
24949 to Section 83-24-103 of the Insurers Rehabilitation and
24950 Liquidation Act, shall be promptly paid to the association. The
24951 association shall be entitled to retain a portion of any amount so
24952 paid to it equal to the percentage determined by dividing the
24953 aggregate amount of policy or contract owners' claims related to



24954 that insolvency for which the association has provided statutory
24955 benefits by the aggregate amount of all policy or contract owners'
24956 claims in this state related to that insolvency and shall remit to
24957 the domiciliary receiver the amount so paid to the association
24958 less the amount retained pursuant to this subsection. Any amount
24959 so paid to the association and retained by it shall be treated as
24960 a distribution of estate assets pursuant to Section 83-24-67 of
24961 the Insurers Rehabilitation and Liquidation Act or similar
24962 provision of the state of domicile of the impaired or insolvent
24963 insurer.

24964 (8) If the association fails to act within a reasonable
24965 period of time with respect to an insolvent insurer as provided in
24966 subsection (2) of this section, the commissioner shall have the
24967 powers and duties of the association under this article with
24968 respect to the insolvent insurer.

24969 (9) The association may render assistance and advice to the
24970 commissioner, upon the commissioner's request, concerning
24971 rehabilitation, payment of claims, continuance of coverage or the
24972 performance of other contractual obligations of an impaired or
24973 insolvent insurer.

24974 (10) The association shall have standing to appear or
24975 intervene before a court or agency in this state with jurisdiction
24976 over an impaired or insolvent insurer concerning which the
24977 association is or may become obligated under this article or with
24978 jurisdiction over any person or property against which the



24979 association may have rights through subrogation or otherwise.
24980 Standing shall extend to all matters germane to the powers and
24981 duties of the association, including, but not limited to,
24982 proposals for reinsuring, reissuing, modifying or guaranteeing the
24983 policies or contracts of the impaired or insolvent insurer and the
24984 determination of the policies or contracts and contractual
24985 obligations. The association shall also have the right to appear
24986 or intervene before a court or agency in another state with
24987 jurisdiction over an impaired or insolvent insurer for which the
24988 association is or may become obligated or with jurisdiction over
24989 any person or property against whom the association may have
24990 rights through subrogation or otherwise.

24991 (11) (a) A person receiving benefits under this article
24992 shall be deemed to have assigned the rights under, and any causes
24993 of action against any person for losses arising under, resulting
24994 from or otherwise relating to, the covered policy or contract to
24995 the association to the extent of the benefits received because of
24996 this article, whether the benefits are payments of or on account
24997 of contractual obligations, continuation of coverage or provision
24998 of substitute or alternative policies, contracts or coverages.
24999 The association may require an assignment to it of such rights and
25000 causes of action by any enrollee, payee, policy or contract owner,
25001 beneficiary, insured or annuitant as a condition precedent to the
25002 receipt of any right or benefits conferred by this article upon
25003 the person.



25004 (b) The subrogation rights of the association under
25005 this subsection shall have the same priority against the assets of
25006 the impaired or insolvent insurer as that possessed by the person
25007 entitled to receive benefits under this article.

25008 (c) In addition to paragraphs (a) and (b) above, the
25009 association shall have all common law rights of subrogation and
25010 any other equitable or legal remedy that would have been available
25011 to the impaired or insolvent insurer or owner, beneficiary,
25012 enrollee or payee of a policy or contract with respect to such
25013 policy or contracts (including, without limitation, in the case of
25014 a structured settlement annuity, any rights of the owner,
25015 beneficiary or payee of the annuity, to the extent of benefits
25016 received pursuant to this article, against a person originally or
25017 by succession responsible for the losses arising from the personal
25018 injury relating to the annuity or payment therefore), excepting
25019 any such person responsible solely by reason of serving as an
25020 assignee in respect of a qualified assignment under Internal
25021 Revenue Code Section 130.

25022 (d) If the preceding provisions of this subsection are
25023 invalid or ineffective with respect to any person or claim for any
25024 reason, the amount payable by the association with respect to the
25025 related covered obligations shall be reduced by the amount
25026 realized by any other person with respect to the person or claim
25027 that is attributable to the policies or contracts (or portion
25028 thereof) covered by the association.



25029 (e) If the association has provided benefits with
25030 respect to a covered obligation and a person recovers amounts as
25031 to which the association has rights as described in the preceding
25032 paragraphs of this subsection, the person shall pay to the
25033 association the portion of the recovery attributable to the
25034 policies or contracts (or portion thereof) covered by the
25035 association.

25036 (12) In addition to the rights and powers elsewhere in this
25037 article, the association may:

25038 (a) Enter into such contracts as are necessary or
25039 proper to carry out the provisions and purposes of this article;

25040 (b) Sue or be sued, including taking any legal actions
25041 necessary or proper to recover any unpaid assessments under
25042 Section 83-23-217 and to settle claims or potential claims against
25043 it;

25044 (c) Borrow money to effect the purposes of this
25045 article; any notes or other evidence of indebtedness of the
25046 association not in default shall be legal investments for domestic
25047 insurers and may be carried as admitted assets;

25048 (d) Employ or retain such persons as are necessary or
25049 appropriate to handle the financial transactions of the
25050 association, and to perform such other functions as become
25051 necessary or proper under this article;

25052 (e) Take such legal action as may be necessary or
25053 appropriate to avoid or recover payment of improper claims;



25054 (f) Exercise, for the purposes of this article and to
25055 the extent approved by the commissioner, the powers of a domestic
25056 life insurer, health insurer or health maintenance organization,
25057 but in no case may the association issue policies or contracts
25058 other than those issued to perform its obligations under this
25059 article;

25060 (g) Organize itself as a corporation or in other legal
25061 form permitted by the laws of the state;

25062 (h) Request information from a person seeking coverage
25063 from the association in order to aid the association in
25064 determining its obligations under this article with respect to the
25065 person, and the person shall promptly comply with the request;

25066 (i) Unless prohibited by law, in accordance with the
25067 terms and conditions of the policy or contract, file for
25068 actuarially justified rate or premium increases for any policy or
25069 contract for which it provides coverage under this article; and

25070 (j) Take other necessary or appropriate action to
25071 discharge its duties and obligations under this article or to
25072 exercise its powers under this article.

25073 (13) The association may join an organization of one or more
25074 other state associations of similar purposes, to further the
25075 purposes and administer the powers and duties of the association.

25076 (14) (a) (i) At any time within one hundred eighty (180)
25077 days of the date of the order of liquidation, the association may
25078 elect to succeed to the rights and obligations of the ceding



25079 member insurer that relate to policies, contracts or annuities
25080 covered, in whole or in part, by the association, in each case
25081 under any one or more indemnity reinsurance contracts entered into
25082 by the insolvent insurer and its reinsurers and selected by the
25083 association. Any such assumption shall be effective as of the
25084 date of the order of liquidation. The election shall be effected
25085 by the association or the National Organization of Life and Health
25086 Insurance Guaranty Associations (NOLHGA) on its behalf sending
25087 written notice, return receipt requested to the affected
25088 reinsurers.

25089 (ii) To facilitate the earliest practicable
25090 decision about whether to assume any of the contracts of
25091 reinsurance, and in order to protect the financial position of the
25092 estate, the receiver and each reinsurer of the ceding member
25093 insurer shall make available upon request to the association or to
25094 NOLHGA on its behalf as soon as possible after commencement of
25095 formal delinquency proceedings.

25096 1. Copies of in-force contracts of
25097 reinsurance and all related files and records relevant to the
25098 determination of whether such contracts should be assumed, and

25099 2. Notices of any defaults under the
25100 reinsurance contracts or any known event or condition which with
25101 the passage of time could become a default under the reinsurance
25102 contracts.



25103 (iii) The following items 1 through 4 shall apply
25104 to reinsurance contracts so assumed by the association:

25105 1. The association shall be responsible for
25106 all unpaid premiums due under the reinsurance contracts for
25107 periods both before and after the date of the order of
25108 liquidation, and shall be responsible for the performance of all
25109 other obligations to be performed after the date of the order of
25110 liquidation, in each case which relate to policies, contracts or
25111 annuities covered, in whole or in part, by the association. The
25112 association may charge policies, contracts or annuities covered in
25113 part by the association, through reasonable allocation methods,
25114 the costs for reinsurance in excess of the obligations of the
25115 association and shall provide notice and an accounting of these
25116 charges to the liquidator;

25117 2. The association shall be entitled to any
25118 amounts payable by the reinsurer under the reinsurance contracts
25119 with respect to losses or events that occur in periods after the
25120 date of the order of liquidation and that relate to policies,
25121 contracts or annuities covered, in whole or in part, by the
25122 association provided that, upon receipt of any such amounts, the
25123 association shall be obliged to pay to the beneficiary under the
25124 policy, contract or annuity on account of which the amounts were
25125 paid a portion of the amount equal to the lesser of:

25126 a. The amount received by the association,
25127 and



25128 b. The excess of the amount received by the
25129 association over the amount equal to the benefits paid by the
25130 association on account of the policy, contract or annuity less the
25131 retention of the insurer applicable to the loss or event;

25132 3. Within thirty (30) days following the
25133 association's election (the "election date"), the association and
25134 each reinsurer under contracts assumed by the association shall
25135 calculate the net balance due to or from the association under
25136 each reinsurance contract as of the election date with respect to
25137 policies, contracts or annuities covered, in whole or in part, by
25138 the association, which calculation shall give full credit to all
25139 items paid by either the member insurer or its receiver or the
25140 reinsurer prior to the election date. The reinsurer shall pay the
25141 receiver any amounts due for losses or events prior to the date of
25142 the order of liquidation, subject to any set-off for premiums
25143 unpaid for periods prior to the date, and the association or
25144 reinsurer shall pay any remaining balance due the other, in each
25145 case within five (5) days of the completion of the aforementioned
25146 calculation. Any disputes over the amounts due to either the
25147 association or the reinsurer shall be resolved by arbitration
25148 pursuant to the terms of the affected reinsurance contracts or, if
25149 the contract contains no arbitration clause, as otherwise provided
25150 by law. If the receiver has received any amounts due the
25151 association pursuant to subparagraph (iii), the receiver shall
25152 remit the same to the association as promptly as practicable;



25153 4. If the association or receiver, on the
25154 association's behalf, within sixty (60) days of the election date,
25155 pays the unpaid premiums due for periods both before and after the
25156 election date that relate to policies, contracts or annuities
25157 covered, in whole or in part, by the association, the reinsurer
25158 shall not be entitled to terminate the reinsurance contracts for
25159 failure to pay premium (insofar as the reinsurance contracts)
25160 relate to policies, contracts or annuities covered, in whole or in
25161 part, by the association and shall not be entitled to set off any
25162 unpaid amounts due under other contracts, or unpaid amounts due
25163 from parties other than the association against amounts due the
25164 association.

25165 (b) During the period from the date of the order of
25166 liquidation until the election date (or, if the election date does
25167 not occur, until one hundred eighty (180) days after the date of
25168 the order of liquidation).

25169 (i) 1. Neither the association nor the reinsurer
25170 shall have any rights or obligations under reinsurance contracts
25171 that the association has the right to assume under paragraph (a),
25172 whether for periods prior to or after the date of the order of
25173 liquidation; and

25174 2. The reinsurer, the receiver and the
25175 association shall, to the extent practicable, provide each other
25176 data and record reasonably requested;



25177 (ii) Provided that once the association has
25178 elected to assume a reinsurance contract, the parties' rights and
25179 obligations shall be governed by paragraph (a).

25180 (c) If the association does not elect to assume a
25181 reinsurance contract by the election date pursuant to paragraph
25182 (a), the association shall have no rights or obligations, in each
25183 case for periods both before and after the date of the order of
25184 liquidation, with respect to the reinsurance contract.

25185 (d) When policies, contracts, or annuities, or covered
25186 obligations with respect thereto, are transferred to an assuming
25187 insurer, reinsurance on the policies, contracts or annuities may
25188 also be transferred by the association, in the case of contracts
25189 assumed under paragraph (a), subject to the following:

25190 (i) Unless the reinsurer and the assuming insurer
25191 agree otherwise, the reinsurance contract transferred shall not
25192 cover any new policies of insurance, contracts or annuities in
25193 addition to those transferred;

25194 (ii) The obligations described in paragraph (a) of
25195 this subsection shall no longer apply with respect to matters
25196 arising after the effective date of the transfer; and

25197 (iii) Notice shall be given in writing, return
25198 receipt requested, by the transferring party to the affected
25199 reinsurer not less than thirty (30) days prior to the effective
25200 date of the transfer.



25201 (e) The provisions of this subsection shall supersede
25202 the provisions of any law or of any affected reinsurance contract
25203 that provides for or requires any payment of reinsurance proceeds,
25204 on account of losses or events that occur in periods after the
25205 date of the order of liquidation, to the receiver of the insolvent
25206 insurer or any other person. The receiver shall remain entitled
25207 to any amounts payable by the reinsurer under the reinsurance
25208 contracts with respect to losses or events that occur in periods
25209 prior to the date of the order of liquidation (subject to
25210 applicable setoff provisions).

25211 (f) Except as otherwise provided in this subsection,
25212 nothing in this subsection shall alter or modify the terms and
25213 conditions of any reinsurance contract. Nothing in this
25214 subsection shall abrogate or limit any rights of any reinsurer to
25215 claim that it is entitled to rescind a reinsurance contract.
25216 Nothing in this subsection shall give a policyholder, contract
25217 owner, enrollee, certificate holder or beneficiary an independent
25218 cause of action against a reinsurer that is not otherwise set
25219 forth in the reinsurance contract. Nothing in this subsection
25220 shall limit or affect the association's rights as a creditor of
25221 the estate against the assets of the estate. Nothing in this
25222 subsection shall apply to reinsurance agreements covering property
25223 or casualty risks.

25224 (15) The board of directors of the association shall have
25225 discretion and may exercise a reasonable business judgment to



25226 determine the means by which the association is to provide the
25227 benefits of this article in an economical and efficient manner.

25228 (16) Where the association has arranged or offered to
25229 provide the benefits of this article to a covered person under a
25230 plan or arrangement that fulfills the association's obligations
25231 under this article, the person shall not be entitled to benefits
25232 from the association in addition to or other than those provided
25233 under the plan or arrangement.

25234 (17) Venue in a suit against the association arising under
25235 the article shall be in Hinds County, Mississippi. The
25236 association shall not be required to give an appeal bond in an
25237 appeal that relates to a cause of action arising under this
25238 article.

25239 (18) In carrying out its duties in connection with
25240 guaranteeing, assuming, reissuing, or reinsuring policies or
25241 contracts under subsections (1) and (2) of this section, the
25242 association may issue substitute coverage for a policy or contract
25243 that provides an interest rate, crediting rate or similar factor
25244 determined by use of an index or other external reference stated
25245 in the policy or contract employed in calculating returns or
25246 changes in value by issuing an alternative policy or contract in
25247 accordance with the following provisions:

25248 (a) In lieu of the index or other external reference
25249 provided for in the original policy or contract, the alternative
25250 policy or contract provides for (i) a fixed interest rate or (ii)



25251 payment of dividends with minimum guarantees or (iii) a different
25252 method for calculating interest or changes in value;

25253 (b) There is no requirement for evidence of
25254 insurability, waiting period or other exclusion that would not
25255 have applied under the replaced policy or contract; and

25256 (c) The alternative policy or contract is substantially
25257 similar to the replaced policy or contract in all other material
25258 terms.

25259 **SECTION 342.** Section 13-3-63, Mississippi Code of 1972, is
25260 brought forward as follows:

25261 13-3-63. The acceptance by a nonresident of the rights and
25262 privileges conferred by the provisions of this section, as
25263 evidenced by his operating, either in person or by agent or
25264 employee, a motor vehicle upon any public street, road or highway
25265 of this state, or elsewhere in this state, or the operation by a
25266 nonresident of a motor vehicle on any public street, road or
25267 highway of this state, or elsewhere in this state, other than
25268 under this section, shall be deemed equivalent to an appointment
25269 by such nonresident of the Secretary of State of the State of
25270 Mississippi to be his true and lawful attorney, upon whom may be
25271 served all lawful processes or summonses in any action or
25272 proceeding against him, growing out of any accident or collision
25273 in which said nonresident may be involved while operating a motor
25274 vehicle on such street, road or highway, or elsewhere in this
25275 state, and said acceptance or operation shall be a signification



25276 of his agreement that any such process or summons against him
25277 which is so served shall be of the same legal force and validity
25278 as if served on him personally. Service of such process or
25279 summons shall be made by the sheriff of Hinds County, upon
25280 prepayment of the fees to which he is entitled by law, by serving
25281 two (2) copies of the process or summons for each nonresident
25282 defendant, with a fee of Fifteen Dollars (\$15.00) for each such
25283 defendant on the Secretary of State or by leaving two (2) copies
25284 of said process or summons with the fee in the Office of the
25285 Secretary of State, and such service shall be service upon said
25286 nonresident defendant with the same force and effect as if such
25287 nonresident had been personally served with such process or
25288 summons within the State of Mississippi. One (1) of the copies of
25289 such process or summons shall be preserved by the Secretary of
25290 State as a record of his office. Notice of such service, together
25291 with a copy of the process or summons, shall be mailed forthwith
25292 as certified or registered mail, restricted for delivery to
25293 addressee only and with postage prepaid, by the Secretary of State
25294 to each such nonresident defendant at his last known address,
25295 which address shall be written on the process or summons upon the
25296 issuance thereof by the clerk of the court wherein the action is
25297 pending, or notice of such service and copy of process or summons
25298 actually shall be delivered to the said defendant. The
25299 defendant's return receipt or evidence of defendant's refusal to
25300 accept delivery of such certified or registered mail, in case such



25301 notice and copy of process or summons are sent by certified or
25302 registered mail, or affidavit of the person delivering such notice
25303 and copy of process or summons, in case such notice and copy of
25304 process or summons actually are delivered, shall be filed in the
25305 court wherein such action is pending before judgment can be
25306 entered against such nonresident defendant. The Secretary of
25307 State, upon receipt of such return receipt or evidence of the
25308 refusal of such defendant to accept delivery of such certified or
25309 registered mail, shall promptly return same to the clerk of the
25310 court wherein such action is pending, and the said clerk of the
25311 court shall promptly file and preserve same among the records of
25312 such action or proceeding. The court in which the action is
25313 pending may order such continuance as may be necessary to afford
25314 the defendant reasonable opportunity to defend the action.

25315 Any cause of action arising out of such accident or collision
25316 against any such nonresident, in case of the death of such
25317 nonresident, shall survive against his administrator, executor or
25318 other personal representative of his estate, and service of all
25319 necessary and lawful process or summons, when had or obtained upon
25320 any such nonresident owner, nonresident operator or agent or
25321 employee, or upon the executor, administrator or other legal
25322 representative of the estate of such nonresident owner or
25323 nonresident operator, in the manner as hereinbefore provided, for
25324 the service of all lawful processes or summonses, herein, shall be
25325 deemed sufficient service of process or summons to give any court



25326 of this state, in which such action may be filed in accordance
25327 with the statutes of the State of Mississippi, jurisdiction over
25328 the cause of action and over the nonresident owner, nonresident
25329 operator or agent or employee, or the nonresident executor, or
25330 administrator of such nonresident owner or nonresident operator,
25331 defendant or defendants, and shall warrant and authorize personal
25332 judgment against such nonresident owner, nonresident operator,
25333 agent, employee, executor or administrator or other legal
25334 representative of the estate of such nonresident owner or
25335 nonresident operator, defendant or defendants, in the event the
25336 plaintiff in such cause of action shall prevail.

25337 The agency or relationship created under the provisions of
25338 this section by and between the nonresident owner or nonresident
25339 operator of a motor vehicle operating upon the public road, street
25340 or highway of this state, or elsewhere in this state, as
25341 hereinbefore set forth, in the event of the death of such
25342 nonresident owner or nonresident operator of such motor vehicle,
25343 shall survive and continue and extend to his executor,
25344 administrator or other legal representative of his estate, and the
25345 Secretary of State of the State of Mississippi shall be in the
25346 same position and relationship with respect to the executor,
25347 administrator or other legal representative of the estate of such
25348 nonresident owner or nonresident operator of such motor vehicle,
25349 as he was in or would have been in with the nonresident owner or
25350 nonresident operator of said motor vehicle, had such nonresident



25351 owner or nonresident operator survived, and in any action arising
25352 or growing out of such accident or collision in which such
25353 nonresident owner or nonresident operator of a motor vehicle may
25354 be involved while operating a motor vehicle on such street, road
25355 or highway or elsewhere in this state, where the nonresident owner
25356 or nonresident operator of such motor vehicle has died prior to
25357 the commencement of an action against him because of or growing
25358 out of such accident or collision, service of process or summons
25359 may be had or made upon the nonresident executor, administrator or
25360 other legal representative of the estate of such nonresident owner
25361 or operator of the motor vehicle involved in such accident or
25362 collision, in the same manner and upon the same notice as
25363 hereinbefore provided in the case of process or summons upon the
25364 nonresident owner or nonresident operator of such motor vehicle.
25365 When such process or summons is served, made or had against the
25366 nonresident executor or administrator or such nonresident owner or
25367 such nonresident operator of such motor vehicle involved in such
25368 accident or collision, it shall be deemed sufficient service of
25369 such summons or process to give any court in this state in which
25370 such action may be filed, in accordance with the provisions of the
25371 statutes of the State of Mississippi, jurisdiction over the cause
25372 of action and over such nonresident executor or administrator of
25373 such nonresident owner or operator of such motor vehicle insofar
25374 as such cause of action is involved.



25375 The provisions of this section shall likewise apply to any
25376 person who is a nonresident at the time any action or proceeding
25377 is commenced against him, even though said person was a resident
25378 at the time any action or proceeding accrued against him.

25379 **SECTION 343.** Section 37-101-15, Mississippi Code of 1972, is
25380 brought forward as follows:

25381 37-101-15. (a) The Board of Trustees of State Institutions
25382 of Higher Learning shall succeed to and continue to exercise
25383 control of all records, books, papers, equipment, and supplies,
25384 and all lands, buildings, and other real and personal property
25385 belonging to or assigned to the use and benefit of the board of
25386 trustees formerly supervising and controlling the institutions of
25387 higher learning named in Section 37-101-1. The board shall have
25388 and exercise control of the use, distribution and disbursement of
25389 all funds, appropriations and taxes, now and hereafter in
25390 possession, levied and collected, received, or appropriated for
25391 the use, benefit, support, and maintenance or capital outlay
25392 expenditures of the institutions of higher learning, including the
25393 authorization of employees to sign vouchers for the disbursement
25394 of funds for the various institutions, except where otherwise
25395 specifically provided by law.

25396 (b) The board shall have general supervision of the affairs
25397 of all the institutions of higher learning, including the
25398 departments and the schools thereof. The board shall have the
25399 power in its discretion to determine who shall be privileged to



25400 enter, to remain in, or to graduate therefrom. The board shall
25401 have general supervision of the conduct of libraries and
25402 laboratories, the care of dormitories, buildings, and grounds; the
25403 business methods and arrangement of accounts and records; the
25404 organization of the administrative plan of each institution; and
25405 all other matters incident to the proper functioning of the
25406 institutions. The board shall have the authority to establish
25407 minimum standards of achievement as a prerequisite for entrance
25408 into any of the institutions under its jurisdiction, which
25409 standards need not be uniform between the various institutions and
25410 which may be based upon such criteria as the board may establish.

25411 (c) The board shall exercise all the powers and prerogatives
25412 conferred upon it under the laws establishing and providing for
25413 the operation of the several institutions herein specified. The
25414 board shall adopt such bylaws and regulations from time to time as
25415 it deems expedient for the proper supervision and control of the
25416 several institutions of higher learning, insofar as such bylaws
25417 and regulations are not repugnant to the Constitution and laws,
25418 and not inconsistent with the object for which these institutions
25419 were established. The board shall have power and authority to
25420 prescribe rules and regulations for policing the campuses and all
25421 buildings of the respective institutions, to authorize the arrest
25422 of all persons violating on any campus any criminal law of the
25423 state, and to have such law violators turned over to the civil
25424 authorities.



25425 (d) For all institutions specified herein, the board shall
25426 provide a uniform system of recording and of accounting approved
25427 by the State Department of Audit. The board shall annually
25428 prepare, or cause to be prepared, a budget for each institution of
25429 higher learning for the succeeding year which must be prepared and
25430 in readiness for at least thirty (30) days before the convening of
25431 the regular session of the Legislature. All relationships and
25432 negotiations between the State Legislature and its various
25433 committees and the institutions named herein shall be carried on
25434 through the board of trustees. No official, employee or agent
25435 representing any of the separate institutions shall appear before
25436 the Legislature or any committee thereof except upon the written
25437 order of the board or upon the request of the Legislature or a
25438 committee thereof.

25439 (e) For all institutions specified herein, the board shall
25440 prepare an annual report to the Legislature setting forth the
25441 disbursements of all monies appropriated to the respective
25442 institutions. Each report to the Legislature shall show how the
25443 money appropriated to the several institutions has been expended,
25444 beginning and ending with the fiscal years of the institutions,
25445 showing the name of each teacher, officer, and employee, and the
25446 salary paid each, and an itemized statement of each and every item
25447 of receipts and expenditures. Each report must be balanced, and
25448 must begin with the former balance. If any property belonging to
25449 the state or the institution is used for profit, the reports shall



25450 show the expense incurred in managing the property and the amount
25451 received therefrom. The reports shall also show a summary of the
25452 gross receipts and gross disbursements for each year and shall
25453 show the money on hand at the beginning of the fiscal period of
25454 the institution next preceding each session of the Legislature and
25455 the necessary amount of expense to be incurred from said date to
25456 January 1 following. The board shall keep the annual expenditures
25457 of each institution herein mentioned within the income derived
25458 from legislative appropriations and other sources, but in case of
25459 emergency arising from acts of providence, epidemics, fire or
25460 storm with the written approval of the Governor and by written
25461 consent of a majority of the senators and of the representatives
25462 it may exceed the income. The board shall require a surety bond
25463 in a surety company authorized to do business in this state of
25464 every employee who is the custodian of funds belonging to one or
25465 more of the institutions mentioned herein, which bond shall be in
25466 a sum to be fixed by the board in an amount that will properly
25467 safeguard the said funds, the premium for which shall be paid out
25468 of the funds appropriated for said institutions.

25469 (f) The board shall have the power and authority to elect
25470 the heads of the various institutions of higher learning and to
25471 contract with all deans, professors, and other members of the
25472 teaching staff, and all administrative employees of said
25473 institutions for a term not exceeding four (4) years. The board
25474 shall have the power and authority to terminate any such contract



25475 at any time for malfeasance, inefficiency, or contumacious
25476 conduct, but never for political reasons. It shall be the policy
25477 of the board to permit the executive head of each institution to
25478 nominate for election by the board all subordinate employees of
25479 the institution over which he presides. It shall be the policy of
25480 the board to elect all officials for a definite tenure of service
25481 and to reelect during the period of satisfactory service. The
25482 board shall have the power to make any adjustments it thinks
25483 necessary between the various departments and schools of any
25484 institution or between the different institutions.

25485 (g) The board shall keep complete minutes and records of all
25486 proceedings which shall be open for inspection by any citizen of
25487 the state.

25488 (h) The board shall have the power to enter into an energy
25489 performance contract, energy services contract, on a
25490 shared-savings, lease or lease-purchase basis, for energy
25491 efficiency services and/or equipment as prescribed in Section
25492 31-7-14.

25493 (i) The Board of Trustees of State Institutions of Higher
25494 Learning, for and on behalf of Jackson State University, is hereby
25495 authorized to convey by donation or otherwise easements across
25496 portions of certain real estate located in the City of Jackson,
25497 Hinds County, Mississippi, for right-of-way required for the Metro
25498 Parkway Project.



25499 (j) In connection with any international contract between
25500 the board or one (1) of the state's institutions of higher
25501 learning and any party outside of the United States, the board or
25502 institution that is the party to the international contract is
25503 hereby authorized and empowered to include in the contract a
25504 provision for the resolution by arbitration of any controversy
25505 between the parties to the contract relating to such contract or
25506 the failure or refusal to perform any part of the contract. Such
25507 provision shall be valid, enforceable and irrevocable without
25508 regard to the justiciable character of the controversy. Provided,
25509 however, that in the event either party to such contract initiates
25510 litigation against the other with respect to the contract, the
25511 arbitration provision shall be deemed waived unless asserted as a
25512 defense on or before the responding party is required to answer
25513 such litigation.

25514 (k) The Board of Trustees of State Institutions of Higher
25515 Learning ("board"), on behalf of any institution under its
25516 jurisdiction, shall purchase and maintain business property
25517 insurance and business personal property insurance on all
25518 university-owned buildings and/or contents as required by federal
25519 law and regulations of the Federal Emergency Management Agency
25520 (FEMA) as is necessary for receiving public assistance or
25521 reimbursement for repair, reconstruction, replacement or other
25522 damage to those buildings and/or contents caused by the Hurricane
25523 Katrina Disaster of 2005 or subsequent disasters. The board is



25524 authorized to expend funds from any available source for the
25525 purpose of obtaining and maintaining that property insurance. The
25526 board is authorized to enter into agreements with the Department
25527 of Finance and Administration, local school districts,
25528 community/junior college districts, community hospitals and/or
25529 other state agencies to pool their liabilities to participate in a
25530 group business property and/or business personal property
25531 insurance program, subject to uniform rules and regulations as may
25532 be adopted by the Department of Finance and Administration.

25533 (1) The Board of Trustees of State Institutions of Higher
25534 Learning, or its designee, may approve the payment or
25535 reimbursement of reasonable travel expenses incurred by candidates
25536 for open positions at the board's executive office or at any of
25537 the state institutions of higher learning, when the job candidate
25538 has incurred expenses in traveling to a job interview at the
25539 request of the board, the Commissioner of Higher Education or a
25540 state institution of higher learning administrator.

25541 (m) (i) The Board of Trustees of State Institutions of
25542 Higher Learning is authorized to administer and approve contracts
25543 for the construction and maintenance of buildings and other
25544 facilities of the state institutions of higher learning, including
25545 related contracts for architectural and engineering services,
25546 which are paid for with self-generated funds.

25547 (ii) Additionally, the board is authorized to oversee,
25548 administer and approve contracts for the construction and



25549 maintenance of buildings and other facilities of the state
25550 institutions of higher learning, including related contracts for
25551 architectural and engineering services, which are funded in whole
25552 or in part by general obligation bonds of the State of Mississippi
25553 at institutions designated annually by the board as being capable
25554 to procure and administer all such contracts. Prior to the
25555 disbursement of funds, an agreement for each project between the
25556 institution and the Department of Finance and Administration shall
25557 be executed. The approval and execution of the agreement shall
25558 not be withheld by either party unless the withholding party
25559 provides a written, detailed explanation of the basis for
25560 withholding to the other party. The agreement shall stipulate the
25561 responsibilities of each party, applicable procurement
25562 regulations, documentation and reporting requirements, conditions
25563 prior to, and schedule of, disbursement of general obligation bond
25564 funds to the institution and provisions concerning handling any
25565 remaining general obligation bonds at the completion of the
25566 project. Such agreement shall not include provisions that
25567 constitute additional qualifications or criteria that act to
25568 invalidate the designation of an institution as capable of
25569 procuring and administering such project. Inclusion of any such
25570 provisions may be appealed to the Public Procurement Review Board.
25571 This paragraph (ii) shall stand repealed from and after July 1,
25572 2025.



25573 **SECTION 344.** Section 23-15-931, Mississippi Code of 1972, is
25574 brought forward as follows:

25575 23-15-931. When the day for the hearing has been set, the
25576 circuit clerk shall issue subpoenas for witnesses as in other
25577 litigated cases, and he shall also issue a summons to each of the
25578 five (5) election commissioners of the county, unless they waive
25579 summons, requiring them to attend the hearing, throughout which
25580 the commissioners shall sit with the judge as advisors or
25581 assistants in the trial and determination of the facts, and as
25582 assistants in counts, calculations and inspections, and in seeing
25583 to it that ballots, papers, documents, books and the like are
25584 diligently secured against misplacement, alteration, concealment
25585 or loss both in the sessions and during recesses or adjournments.
25586 The judge is, however, the controlling judge both of the facts and
25587 the law, and has all the power in every respect of a circuit judge
25588 in termtime. The tribunal shall be attended by the sheriff, and
25589 clerk, each with sufficient deputies, and by a court reporter.
25590 The special tribunal so constituted shall fully hear the contest
25591 or complaint de novo, and the original contestant before the party
25592 executive committee shall have the burden of proof and the burden
25593 of going forward with the evidence in the hearing before the
25594 special tribunal. The special tribunal, after the contest or
25595 complaint has been fully heard anew, shall make a finding dictated
25596 to the reporter covering all controverted material issues of fact,
25597 together with any dissents of any commissioner, and thereupon, the



25598 trial judge shall enter the judgment which the county executive
25599 committee should have entered, of which the election commissioners
25600 shall take judicial notice, or if the matter be one within the
25601 jurisdiction of the State Executive Committee, the judgment shall
25602 be certified and promptly forwarded to the Secretary of the State
25603 Executive Committee, and, in the absence of an appeal, it shall be
25604 the duty of the State Executive Committee forthwith to reassemble
25605 and revise any decision theretofore made by it so as to conform to
25606 the judicial judgment; that when the contest is upon a complaint
25607 filed with the State Executive Committee and the petition to the
25608 court avers that the wrong or irregularity is one which occurred
25609 wholly within the proceedings of the state committee, the petition
25610 to the court shall be filed in the Circuit Court of Hinds County
25611 and, after notice served, shall be promptly heard by the circuit
25612 judge of that county, without the attendance of commissioners.

25613 **SECTION 345.** Section 29-1-201, Mississippi Code of 1972, is
25614 brought forward as follows:

25615 29-1-201. (1) The Governor's Office of General Services is
25616 hereby authorized and empowered, in its discretion, to lease for a
25617 period of not more than fifteen (15) years all or any part of
25618 those lands originally leased for ninety-nine (99) years as
25619 authorized by an act of the Legislature on March 2, 1875, the same
25620 appearing as Chapter LXII, Laws of 1875; said lands lying and
25621 being situated in the City of Jackson, First Judicial District,
25622 State of Mississippi; or to lease such lands to a public service



25623 corporation serving the general public of the State of Mississippi
25624 in the City of Jackson, the lease not to exceed a period of
25625 twenty-five (25) years; or to rent on a monthly basis the said
25626 lands; said rental or lease to be subject to the following terms
25627 and conditions applicable thereto:

25628 (a) That the Governor's Office of General Services find
25629 and determine that the said lands, or parts thereof, are neither
25630 now needed nor are they programmed by the State of Mississippi for
25631 governmental purposes within the period of the proposed term of
25632 said lease or rental.

25633 (b) That any lease period shall be computed from the
25634 expiration of the present lease, if any, on said lands.

25635 (c) That the annual amount paid for leased lands be in
25636 an amount of not less than seven and one-half percent (7-1/2%) of
25637 the current fair market value as determined by the averaging of at
25638 least two (2) appraisals by members of the American Institute of
25639 Real Estate Appraisers or the Society of Real Estate Appraisers.
25640 The said appraisals shall be made not later than six (6) months
25641 prior to the expiration of any existing lease, and the said
25642 appraisals shall be made available to all interested parties.
25643 Thereafter, appraisals on said property may be made every five (5)
25644 years (computed from the date of the beginning of each such lease)
25645 at the insistence of either party and at the cost of the party
25646 demanding same, and the annual dollar rent shall be adjusted in
25647 accordance with said appraisal. All such appraisals shall be



25648 based on land value less any improvements that may have been
25649 heretofore added by the leaseholder in possession, or that
25650 hereafter be added by the leaseholder in possession; provided,
25651 however, that all improvements permanently affixed to any of the
25652 said lands under lease or rental as provided for herein shall
25653 become the property of the State of Mississippi upon final
25654 termination of such lease or rental.

25655 (d) That the present holders under the unexpired terms
25656 of the existing leases shall have the first right and option to
25657 re-lease such lands, as they now may hold, provided that the
25658 existing leaseholders agree to pay rent at an annual amount of not
25659 less than seven and one-half percent (7-1/2%) of the fair market
25660 value of the property as determined by the terms and conditions
25661 stated in paragraph (c) of this subsection, and the re-leasing of
25662 such lands shall be subject to the other terms and conditions
25663 stated in this section. Consideration may be given to the present
25664 leaseholders under the existing leases in determining the term of
25665 the lease period to be granted under the first right and option as
25666 herein provided.

25667 (e) That in the case of monthly rental of said lands or
25668 any part thereof, the Governor's Office of General Services is
25669 authorized to make such terms and agreements as to the amount and
25670 conditions thereof, and to follow such procedure as will insure
25671 that a fair and equitable return to the state is effectuated
25672 thereby.



25673 (f) That in the event the Governor's Office of General
25674 Services is unable to lease the said lands as hereinabove provided
25675 or in the event the present leaseholders fail to exercise their
25676 option to re-lease, then in that event the Governor's Office of
25677 General Services shall, by public notice, offer the said lands to
25678 the highest and best bidder therefor; with said notice being
25679 published in one or more newspapers of general circulation in each
25680 existing congressional district; provided, however, the Governor's
25681 Office of General Services shall reserve unto itself the right to
25682 reject any or all such bids.

25683 (g) That any present leaseholder of said lands who
25684 desires to exercise his right to first option to re-lease, as
25685 provided for herein, shall notify the Governor's Office of General
25686 Services in writing of his intent to exercise that right not later
25687 than three (3) months after the said appraisals provided for in
25688 subsection (c) are made available.

25689 (h) That any lease or rental contract or agreement
25690 entered into by virtue of this section shall be approved as to
25691 form by the Public Procurement Review Board before the same is to
25692 be effective.

25693 (i) That all monies derived from the lease, rental,
25694 sale or conveyance of such lands be deposited in the state land
25695 acquisition fund, which may be utilized for the purchase of
25696 additional state lands where authorized by act of the Legislature,
25697 for necessary repairs or renovations to facilities on such lands,



25698 or for appraisals, studies and other consulting costs related to
25699 the potential development, marketing, sale or long-term lease of
25700 such lands.

25701 (j) That the Governor's Office of General Services is
25702 authorized to borrow money from the Mississippi Development Bank
25703 or other financial institution for the purpose of renovation of
25704 vacant buildings or portions thereof on such lands and lease the
25705 same in an amount less than that required under paragraph (c) of
25706 this subsection under the following conditions:

25707 (i) The lease is made to a public service
25708 corporation serving the general public of the State of Mississippi
25709 in the City of Jackson;

25710 (ii) The lease payments over the initial lease
25711 term cover the actual costs of renovation including any interest
25712 and fees as well as all costs of the Governor's Office of General
25713 Services for utilities, maintenance and security over the lease
25714 term; and

25715 (iii) The lease may be subsequently renewed for
25716 additional periods not to exceed fifteen (15) years each for an
25717 annual amount to be renegotiated and set by the Governor's Office
25718 of General Services.

25719 (k) Nothing in this section shall be construed to
25720 authorize the sale or transfer of title to the said lands.

25721 (2) It is the intent and purpose of this section to provide
25722 a fair and equitable return for the lease or rental of the said



25723 seat of government lands, and to afford lessees holding existing
25724 leases the first right and option to lease the same lands that
25725 they presently hold so as to continue any business or other
25726 utilization of the said lands not to exceed the periods provided
25727 for herein; and the Governor's Office of General Services is
25728 hereby empowered and authorized to follow such procedure and to
25729 make such arrangements, not inconsistent with the provisions here,
25730 as may be reasonably necessary to effect such purpose and intent.

25731 **SECTION 346.** This act shall take effect and be in force from
25732 and after July 1, 2023.

