

By: Senator(s) Burton

To: Appropriations

SENATE BILL NO. 2614

1 AN ACT RELATING TO SPECIAL FUNDS AND SPECIAL FUND AGENCIES;
2 TO PROVIDE THAT ALL FEES AND OTHER REVENUES COLLECTED BY A STATE
3 AGENCY SHALL BE PAID DIRECTLY INTO THE STATE GENERAL FUND; TO
4 AMEND SECTION 27-103-103, MISSISSIPPI CODE OF 1972, TO DEFINE THE
5 TERM "SPECIAL FUNDS" AND "SPECIAL FUND AGENCY"; TO AMEND SECTION
6 31-17-123, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE FISCAL
7 OFFICER TO CONSIDER ALL GENERAL FUND AND SPECIAL FUND AGENCIES IN
8 REDUCING ALLOCATIONS IN ORDER TO KEEP EXPENDITURES WITHIN
9 REVENUES; TO AMEND SECTIONS 27-5-101, 27-19-11 AND 27-19-48,
10 MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN TAX DIVERSIONS TO THE
11 STATE HIGHWAY FUND; TO REPEAL SECTION 27-65-76, MISSISSIPPI CODE
12 OF 1972, WHICH PROVIDES FOR MONTHLY SALES TAX DEPOSITS TO THE
13 CREDIT OF THE STATE HIGHWAY FUND; TO AMEND SECTIONS 65-1-9,
14 65-1-15, 65-1-23, 65-1-29, 65-1-47, 65-1-77, 65-1-111, 65-1-112,
15 65-1-115, 65-1-117, 65-9-17, 65-11-9, 65-11-11, 65-11-15,
16 65-11-25, 65-11-35 AND 65-33-45, MISSISSIPPI CODE OF 1972, TO
17 PROVIDE THAT ALL STATUTORY REFERENCES TO THE STATE HIGHWAY FUND
18 SHALL MEAN THE STATE GENERAL FUND; TO PROVIDE THAT CERTAIN FEES
19 AND OTHER REVENUES PRESENTLY DEPOSITED INTO SPECIAL FUNDS
20 EARMARKED FOR CERTAIN PURPOSES SHALL HEREAFTER BE DEPOSITED INTO
21 THE STATE GENERAL FUND, AND TO AMEND SECTIONS 7-7-213, 7-9-22,
22 7-9-63, 25-9-141, 25-31-8, 25-53-5, 25-53-29, 27-7-313, 27-19-99,
23 27-25-11, 27-37-303, 27-59-51, 27-71-7, 27-71-29, 27-71-201,
24 27-107-157, 27-107-173, 29-7-3, 31-3-17, 37-26-9, 37-33-17,
25 37-33-57, 37-43-41, 37-51-5, 37-101-149, 37-131-9, 37-133-7,
26 41-59-61, 43-20-12, 45-6-15, 45-11-5, 45-11-7, 45-23-19, 45-23-55,
27 47-5-66, 47-5-155, 47-5-513, 47-7-49, 49-1-65, 49-3-15, 49-5-21,
28 49-5-77, 49-17-61, 49-19-205, 49-19-227, 51-5-5, 53-1-7, 53-1-77,
29 53-3-13, 53-7-69, 55-3-53, 55-23-9, 57-1-15, 57-15-5, 59-21-25,
30 61-13-11, 61-13-15, 61-13-17, 63-1-46, 63-11-32, 63-17-71,
31 63-21-65, 69-7-263, 69-7-267, 69-9-5, 69-10-5, 71-3-97, 71-3-99,
32 71-3-100, 71-5-111, 71-5-114, 73-1-43, 73-3-2, 73-5-5, 73-7-5,
33 73-6-7, 73-9-43, 73-11-49, 73-13-15, 73-14-47, 73-15-13, 73-17-11,
34 73-19-13, 73-21-113, 73-23-45, 73-25-9, 73-27-12, 73-29-23,
35 73-30-5, 73-31-9, 73-33-8, 73-35-19, 73-36-17, 73-38-36, 73-57-29,
36 73-39-7, 75-74-19, 75-75-114, 77-1-27, 77-3-8, 77-3-87, 77-3-89,
37 77-7-55, 77-7-339, 77-9-489, 77-9-493, 77-11-201, 83-2-33,
38 83-2-35, 83-5-72, 83-5-73, 83-9-3, 83-19-21, 83-21-1, 83-37-29 AND
39 89-12-37, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
40 REPEAL SECTION 4 OF CHAPTER 168, LAWS OF 1989, WHICH CREATES THE
41 SECURITIES ENFORCEMENT ACT FUND; AND FOR RELATED PURPOSES.

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

43 **SECTION 1.** (1) All fees, taxes, fines, penalties or other
44 assessments that may be hereafter collected for or in the name of
45 the State of Mississippi or any agency thereof shall be paid
46 directly to the State Treasurer and deposited into the State



47 General Fund, in the manner provided by law, by the officer
48 charged with the duty of collecting the same.

49 (2) The unexpended balance of any "special fund" abolished
50 pursuant to this act shall be transferred and deposited into the
51 State General Fund on July 1, 2002.

52 (3) This section does not apply to any funds derived from
53 lease of public trust tidelands and does not apply to the "Public
54 Trust Tidelands Fund" created in Section 29-15-9.

55 **SECTION 2.** Section 27-103-103, Mississippi Code of 1972, is
56 amended as follows:

57 27-103-103. (1) For the purpose of Sections 27-103-101
58 through 27-103-139 and 27-104-1 through 27-104-27, the term "state
59 general-fund agency" or "general-fund agency" shall mean any
60 agency, department, institution, board or commission of the State
61 of Mississippi which is supported in whole or in part by
62 appropriations from the General Fund; but such term shall not
63 include the Legislature.

64 (2) For the purposes of Sections 27-103-101 through
65 27-103-139 and 27-104-1 through 27-104-27, the term "state
66 special-fund agency" or "special-fund agency" shall mean any
67 agency, department, institution, board or commission of the State
68 of Mississippi which receives no appropriation from the General
69 Fund, but which is supported entirely from special fund
70 sources * * *. Said term shall specifically include the following
71 agencies or funds: State Port at Gulfport, Coast Coliseum
72 Commission, Yellow Creek Inland Port, Pat Harrison Waterway, Pearl
73 River Basin Development, Pearl River Valley Water Supply,
74 Tombigbee River Valley Water, Yellow Creek Watershed, Veterans
75 Farm and Home Board, Division of State Aid Roads, Railroad
76 Revitalization Fund and the State Public School Building Fund.

77 (3) For the purposes of Sections 27-103-101 through
78 27-103-139 and 27-104-1 through 27-104-27, the term "state agency"



79 shall mean any general fund agency or special fund agency as
80 defined in this section * * *.

81 (4) For the purposes of Sections 27-103-101 through
82 27-103-139 and 27-104-1 through 27-104-27, the term "special
83 funds" shall mean: (a) trust funds, (b) funds received from the
84 United States government, (c) local governmental revenue sources,
85 or (d) funds for the purpose of paying or retiring any
86 indebtedness as is authorized by statute * * *.

87 * * *

88 **SECTION 3.** Section 31-17-123, Mississippi Code of 1972, is
89 amended as follows:

90 31-17-123. The intent of the Legislature is to authorize
91 borrowing funds under the provisions of Sections 31-17-101 through
92 31-17-123 to offset any temporary cash flow deficiencies and
93 should not be construed to authorize the borrowing of any funds in
94 an amount which cannot be repaid during the fiscal year in which
95 such funds are borrowed. The State Tax Commission and University
96 Research Center, utilizing all available revenue forecast data,
97 shall annually develop a state fund revenue estimate to be adopted
98 by the Legislative Budget Office as of the date of sine die
99 adjournment. If, at the end of October, or at the end of any
100 month thereafter of any fiscal year, the revenues received for the
101 fiscal year shall fall below ninety-eight percent (98%) of the
102 Legislative Budget Office * * * revenue estimate at the date of
103 sine die adjournment, the State Fiscal Officer shall reduce
104 allocations of general funds and * * * special fund agencies * * *
105 in an amount necessary to keep expenditures within the sum of
106 actual revenue receipts including any transfers to the General
107 Fund from the Working Cash-Stabilization Reserve Fund for the
108 fiscal year. The State Fiscal Officer may, upon his determination
109 of need based on the revenue shortfall, transfer funds as provided
110 in Section 27-103-203, from the Working Cash-Stabilization Reserve
111 Fund to the General Fund to supplement the general fund revenue.



112 State-source special funds in an amount equal to any reduction
113 made under the provisions of this section shall be transferred to
114 the State General Fund upon requisitions for warrants signed by
115 the respective agency head and such transfer shall be made within
116 a reasonable period to be determined by the State Fiscal Officer.
117 No agency's allocation shall be reduced in an amount to exceed
118 five percent (5%); however, in the event that the allocations of
119 general funds and * * * special funds to all general fund and
120 special fund agencies * * * have been reduced by five percent
121 (5%), any additional reductions required to be made hereunder
122 shall consist of a uniform percentage reduction to all
123 agencies * * *. No agency shall be excluded from consideration
124 for said reduction in allocations. Any receipt from loans
125 authorized by Sections 31-17-101 through 31-17-123 shall not be
126 included as revenue receipts. The State Fiscal Officer shall
127 immediately send notice of any action taken under authority of
128 this section to the Legislative Budget Office.

129 * * *

130 **SECTION 4.** Section 27-5-101, Mississippi Code of 1972, is
131 amended as follows:

132 **[With regard to any county which is exempt from the**
133 **provisions of Section 19-2-3, this section shall read as follows:]**

134 27-5-101. Unless otherwise provided in this section, on or
135 before the fifteenth day of each month, all gasoline, diesel fuel
136 or kerosene taxes which are levied under the laws of this state
137 and collected during the previous month shall be paid and
138 apportioned by the State Tax Commission as follows:

139 (a) (i) Except as otherwise provided in Section
140 31-17-127, from the gross amount of gasoline, diesel fuel or
141 kerosene taxes produced by the state, there shall be deducted an
142 amount equal to one-sixth (1/6) of principal and interest
143 certified by the State Treasurer to the State Tax Commission to be
144 due on the next semiannual bond and interest payment date, as



145 required under the provisions of Chapter 130, Laws of 1938, and
146 subsequent acts authorizing the issuance of bonds payable from
147 gasoline, diesel fuel or kerosene tax revenue on a parity with the
148 bonds issued under authority of said Chapter 130. The State
149 Treasurer shall certify to the State Tax Commission on or before
150 the fifteenth day of each month the amount to be paid to the
151 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
152 of 1938, and subsequent acts authorizing the issuance of bonds
153 payable from gasoline, diesel fuel or kerosene tax revenue, on a
154 parity with the bonds issued under authority of said Chapter 130;
155 and the State Tax Commission shall, on or before the twenty-fifth
156 day of each month, pay into the State Treasury for credit to the
157 "Highway Bonds Sinking Fund" the amount so certified to him by the
158 State Treasurer due to be paid into such fund each month. The
159 payments to the "Highway Bonds Sinking Fund" shall be made out of
160 gross gasoline, diesel fuel or kerosene tax collections before
161 deductions of any nature are considered; however, such payments
162 shall be deducted from the allocation to the Mississippi
163 Department of Transportation under paragraph (c) of this section.

164 (ii) From collections derived from the portion of
165 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
166 from the portion of the tax on aviation gas under Section 27-55-11
167 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
168 portion of the special fuel tax levied under Sections 27-55-519
169 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
170 Cents (10¢) per gallon, from the portion of the taxes levied under
171 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
172 gallon that exceeds One Cent (1¢) per gallon on special fuel and
173 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
174 as aircraft fuel, from the portion of the excise tax on compressed
175 gas used as a motor fuel that exceeds the rate of tax in effect on
176 June 30, 1987, and from the portion of the gasoline excise tax in
177 excess of Seven Cents (7¢) per gallon and the diesel excise tax in



178 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
179 shall be deducted:

180 1. An amount as provided in Section
181 27-65-75(4) to the credit of a special fund designated as the
182 "Office of State Aid Road Construction."

183 2. An amount equal to the tax collections
184 derived from Two Cents (2¢) per gallon of the gasoline excise tax
185 for distribution to the State Highway Fund to be used exclusively
186 for the construction, reconstruction and maintenance of highways
187 of the State of Mississippi or the payment of interest and
188 principal on bonds when specifically authorized by the Legislature
189 for that purpose.

190 3. The balance shall be deposited in the
191 State Treasury to the credit of the State Highway Fund.

192 (b) Subject to the provisions that said basis of
193 distribution shall in nowise affect adversely the amount
194 specifically pledged in paragraph (a) of this section to be paid
195 into the "Highway Bonds Sinking Fund," the following shall be
196 deducted from the amount produced by the state tax on gasoline,
197 diesel fuel or kerosene tax collections, excluding collections
198 derived from the portion of the gasoline excise tax that exceeds
199 Seven Cents (7¢) per gallon, from the portion of the tax on
200 aviation gas under Section 27-55-11 that exceeds Six and
201 Four-tenths Cents (6.4¢) per gallon, from the portion of the
202 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
203 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
204 gallon, from the portion of the taxes levied under Section
205 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
206 exceeds One Cent (1¢) per gallon on special fuel and Five and
207 One-fourth Cents (5.25¢) per gallon on special fuel used as
208 aircraft fuel, from the portion of the excise tax on compressed
209 gas used as a motor fuel that exceeds the rate of tax in effect on
210 June 30, 1987, and from the portion of the gasoline excise tax in



211 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
212 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

213 (i) Twenty percent (20%) of such amount which
214 shall be earmarked and set aside for the construction,
215 reconstruction and maintenance of the highways and roads of the
216 state, provided that if such twenty percent (20%) should reduce
217 any county to a lesser amount than that received in the fiscal
218 year ending June 30, 1966, then such twenty percent (20%) shall be
219 reduced to a percentage to provide that no county shall receive
220 less than its portion for the fiscal year ending June 30, 1966;

221 (ii) The amount allowed as refund on gasoline or
222 as tax credit on diesel fuel or kerosene used for agricultural,
223 maritime, industrial, domestic, and nonhighway purposes;

224 (iii) Five percent (5%) of such amount shall be
225 paid to the State Highway Fund;

226 (iv) The amount or portion thereof authorized by
227 legislative appropriation to the Fisheries and Wildlife Fund
228 created under Section 59-21-25;

229 (v) The amount for deposit into the special
230 aviation fund under paragraph (d) of this section; and

231 (vi) The remainder shall be divided on a basis of
232 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
233 same basis as Four and One-half Cents (4-1/2¢) and Two and
234 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
235 six and forty-three one-hundredths (6.43) and three and
236 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
237 fuel or kerosene). The amount produced by the nine-fourteenths
238 (9/14) division shall be allocated to the Transportation
239 Department and paid into the State Treasury as provided in this
240 section and in Section 27-5-103 and the five-fourteenths (5/14)
241 division shall be returned to the counties of the state on the
242 following basis:



243 1. In each fiscal year, each county shall be
244 paid each month the same percentage of the monthly total to be
245 distributed as was paid to that county during the same month in
246 the fiscal year which ended April 9, 1960, until the county
247 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
248 fiscal year, at which time funds shall be distributed under the
249 provisions of paragraph (b) (vi)4 of this section.

250 2. If after payments in 1 above, any county
251 has not received a total of One Hundred Ninety Thousand Dollars
252 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
253 and each fiscal year thereafter, then any available funds not
254 distributed under 1 above shall be used to bring such county or
255 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
256 or such funds shall be divided equally among such counties not
257 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
258 there is not sufficient money to bring all the counties to said
259 One Hundred Ninety Thousand Dollars (\$190,000.00).

260 3. When a county has been paid an amount
261 equal to the total which was paid to the same county during the
262 fiscal year ended April 9, 1960, such county shall receive no
263 further payments during the then current fiscal year until the
264 last month of such current fiscal year, at which time distribution
265 will be made under 2 above, except as set out in 4 below.

266 4. During the last month of the current
267 fiscal year, should it be determined that there are funds
268 available in excess of the amount distributed for the year under 1
269 and 2 above, then such excess funds shall be distributed among the
270 various counties as follows:

271 One-third (1/3) of such excess to be
272 divided equally among the counties;

273 One-third (1/3) of such excess to be paid
274 to the counties in the proportion which the population of each



275 county bears to the total population of the state according to the
276 last federal census;

277 One-third (1/3) of such excess to be paid
278 to the counties in the proportion which the number of square miles
279 of each county bears to the total square miles in the state.

280 5. It is the declared purpose and intent of
281 the Legislature that no county shall be paid less than was paid
282 during the year ended April 9, 1960, unless the amount to be
283 distributed to all counties in any year is less than the amount
284 distributed to all counties during the year ended April 9, 1960.

285 The Municipal Aid Fund as established by Section 27-5-103
286 shall not participate in any portion of any funds allocated to any
287 county hereunder over and above One Hundred Ninety Thousand
288 Dollars (\$190,000.00).

289 In any county having countywide road or bridge bonds, or
290 supervisors district or district road or bridge bonds outstanding,
291 which exceed, in the aggregate, twelve percent (12%) of the
292 assessed valuation of the taxable property of the county or
293 district, it shall be the duty of the board of supervisors to set
294 aside not less than sixty percent (60%) of such county's share or
295 district's share of the gasoline, diesel fuel or kerosene taxes to
296 be used in paying the principal and interest on such road or
297 bridge bonds as they mature.

298 In any county having such countywide road or bridge bonds or
299 district road or bridge bonds outstanding which exceed, in the
300 aggregate, eight percent (8%) of the assessed valuation of the
301 taxable property of the county, but which do not exceed, in the
302 aggregate, twelve percent (12%) of the assessed valuation of the
303 taxable property of the county, it shall be the duty of the board
304 of supervisors to set aside not less than thirty-five percent
305 (35%) of such county's share of the gasoline, diesel fuel or
306 kerosene taxes to be used in paying the principal and interest of
307 such road or bridge bonds as they mature.



308 In any county having such countywide road or bridge bonds or
309 district road or bridge bonds outstanding which exceed, in the
310 aggregate, five percent (5%) of the assessed valuation of the
311 taxable property of the county, but which do not exceed, in the
312 aggregate, eight percent (8%) of the assessed valuation of the
313 taxable property of the county, it shall be the duty of the board
314 of supervisors to set aside not less than twenty percent (20%) of
315 such county's share of the gasoline, diesel fuel or kerosene taxes
316 to be used in paying the principal and interest of such road and
317 bridge bonds as they mature.

318 In any county having such countywide road or bridge bonds or
319 district road or bridge bonds outstanding which do not exceed, in
320 the aggregate, five percent (5%) of the assessed valuation of the
321 taxable property of the county, it shall be the duty of the board
322 of supervisors to set aside not less than ten percent (10%) of
323 such county's share of the gasoline, diesel fuel or kerosene taxes
324 to be used in paying the principal and interest on such road or
325 bridge bonds as they mature.

326 The portion of any such county's share of the gasoline,
327 diesel fuel or kerosene taxes thus set aside for the payment of
328 the principal and interest of road or bridge bonds, as provided
329 for in this section, shall be used first in paying the currently
330 maturing installments of the principal and interest of such
331 countywide road or bridge bonds, if there be any such countywide
332 road or bridge bonds outstanding, and secondly, in paying the
333 currently maturing installments of principal and interest of
334 district road or bridge bonds outstanding. It shall be the duty
335 of the board of supervisors to pay bonds and interest maturing in
336 each supervisors district out of the supervisors district's share
337 of the gasoline, diesel fuel or kerosene taxes of such district.

338 The remaining portion of such county's share of the gasoline,
339 diesel fuel or kerosene taxes, after setting aside the portion
340 above provided for the payment of the principal and interest of



341 bonds, shall be used in the construction and maintenance of any
342 public highways, bridges, or culverts of the county, including the
343 roads in special or separate road districts, in the discretion of
344 the board of supervisors, or in paying the interest and principal
345 of county road and bridge bonds or district road and bridge bonds,
346 in the discretion of the board of supervisors.

347 In any county having no countywide road or bridge bonds or
348 district road or bridge bonds outstanding, all such county's share
349 of the gasoline, diesel fuel or kerosene taxes shall be used in
350 the construction, reconstruction, and maintenance of the public
351 highways, bridges, or culverts of the county as the board of
352 supervisors may determine.

353 In every county in which there are county road bonds or
354 seawall or road protection bonds outstanding which were issued for
355 the purpose of building bridges or constructing public roads or
356 seawalls, such funds shall be used in the manner provided by law.

357 (c) From the amount produced by the nine-fourteenths
358 (9/14) division allocated to the Transportation Department, there
359 shall be deducted:

360 (i) The amount paid to the State Treasurer for the
361 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

362 (ii) Any amounts due counties in accordance with
363 Section 65-33-45 which have outstanding bonds issued for seawall
364 or road protection purposes, issued under provisions of Chapter
365 319, Laws of 1924, and amendments thereto;

366 (iii) Beginning August 15, 2002, and on or before
367 the fifteenth day of each month thereafter, an amount equal to
368 one-sixth (1/6) of the principal and interest certified by the
369 State Treasurer to the State Tax Commission to be due on the next
370 semiannual bond and interest payment date for the bonds issued
371 under Sections 65-39-5 through 65-39-33. On or before the
372 twenty-fifth day of each month the State Tax Commission shall pay
373 into the State Treasury for credit to the Gaming Counties Bond



374 Sinking Fund created in Section 65-39-3, the amount so certified
375 by the State Treasurer;

376 (iv) Except as otherwise provided in Section
377 31-17-127, the remainder shall be paid by the State Tax Commission
378 to the State Treasurer on the fifteenth day of each month next
379 succeeding the month in which the gasoline, diesel fuel or
380 kerosene taxes were collected to the credit of the State Highway
381 Fund.

382 From and after July 1, 2002, any amounts which would have
383 been paid to the State Highway Fund shall be paid into the State
384 General Fund.

385 The funds allocated for the construction, reconstruction, and
386 improvement of state highways, bridges, and culverts, or so much
387 thereof as may be necessary, shall first be used in conjunction
388 with funds supplied by the federal government for such purposes
389 and allocated to the State Transportation Department to be
390 expended on the state highway system. It is specifically provided
391 hereby that the necessary portion of such funds hereinabove
392 allocated to the State Transportation Department may be used for
393 the prompt payment of principal and interest on highway bonds
394 heretofore issued, including such bonds issued or to be issued
395 under the provisions of Chapter 312, Laws of 1956, and amendments
396 thereto.

397 Nothing contained in this section shall be construed to
398 reduce the amount of such gasoline, diesel fuel or kerosene excise
399 taxes levied by the state, allotted under the provisions of Title
400 65, Chapter 33, Mississippi Code of 1972, to counties in which
401 there are outstanding bonds issued for seawall or road protection
402 purposes issued under the provisions of Chapter 319, Laws of 1924,
403 and amendments thereto; the amount of said gasoline, diesel fuel
404 or kerosene excise taxes designated in this section for the
405 payment of bonds and interest authorized and issued or to be
406 issued under the provisions of Chapter 130, Laws of 1938, and



407 subsequent acts authorizing the issuance of bonds payable from
408 gasoline, diesel fuel or kerosene tax revenue, shall, in such
409 counties, be considered as being paid "into the State Treasury to
410 the credit of the State Highway Fund" within the meaning of
411 Section 65-33-45 in computing the amount to be paid to such
412 counties under the provisions of said section, and this section
413 shall be administered in connection with Title 65, Chapter 33,
414 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
415 65-33-49 dealing with seawalls, as if made a part of this section.

416 (d) The proceeds of the Five and One-fourth Cents
417 (5.25¢) of the tax per gallon on oils used as a propellant for jet
418 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
419 per gallon on aviation gasoline and the tax of One Cent (1¢) per
420 gallon for each gallon of gasoline for which a refund has been
421 made pursuant to Section 27-55-23 because such gasoline was used
422 for aviation purposes, shall be paid to the State Treasury into a
423 special fund to be used exclusively, pursuant to legislative
424 appropriation, for the support and development of aeronautics as
425 defined in Section 61-1-3.

426 (e) State highway funds in an amount equal to the
427 difference between Forty-two Million Dollars (\$42,000,000.00) and
428 the annual debt service payable on the state's highway revenue
429 refunding bonds, Series 1985, shall be expended for the
430 construction or reconstruction of highways designated under the
431 Four-Lane Highway Program created under Section 65-3-97.

432 (f) "Gasoline, diesel fuel or kerosene taxes" as used
433 in this section shall be deemed to mean and include state
434 gasoline, diesel fuel or kerosene taxes levied and imposed on
435 distributors of gasoline, diesel fuel or kerosene, and all state
436 excise taxes derived from any fuel used to propel vehicles upon
437 the highways of this state, when levied by any statute.



438 **[With regard to any county which is required to operate on a**
439 **countywide system of road administration as described in Section**
440 **19-2-3, this section shall read as follows:]**

441 27-5-101. Unless otherwise provided in this section, on or
442 before the fifteenth day of each month, all gasoline, diesel fuel
443 or kerosene taxes which are levied under the laws of this state
444 and collected during the previous month shall be paid and
445 apportioned by the State Tax Commission as follows:

446 (a) (i) Except as otherwise provided in Section
447 31-17-127, from the gross amount of gasoline, diesel fuel or
448 kerosene taxes produced by the state, there shall be deducted an
449 amount equal to one-sixth (1/6) of principal and interest
450 certified by the State Treasurer to the State Tax Commission to be
451 due on the next semiannual bond and interest payment date, as
452 required under the provisions of Chapter 130, Laws of 1938, and
453 subsequent acts authorizing the issuance of bonds payable from
454 gasoline, diesel fuel or kerosene tax revenue on a parity with the
455 bonds issued under authority of said Chapter 130. The State
456 Treasurer shall certify to the State Tax Commission on or before
457 the fifteenth day of each month the amount to be paid to the
458 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
459 of 1938, and subsequent acts authorizing the issuance of bonds
460 payable from gasoline, diesel fuel or kerosene tax revenue, on a
461 parity with the bonds issued under authority of said Chapter 130;
462 and the State Tax Commission shall, on or before the twenty-fifth
463 day of each month, pay into the State Treasury for credit to the
464 "Highway Bonds Sinking Fund" the amount so certified to him by the
465 State Treasurer due to be paid into such fund each month. The
466 payments to the "Highway Bonds Sinking Fund" shall be made out of
467 gross gasoline, diesel fuel or kerosene tax collections before
468 deductions of any nature are considered; however, such payments
469 shall be deducted from the allocation to the Transportation
470 Department under paragraph (c) of this section.



471 (ii) From collections derived from the portion of
472 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
473 from the portion of the tax on aviation gas under Section 27-55-11
474 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
475 portion of the special fuel tax levied under Sections 27-55-519
476 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
477 Cents (10¢) per gallon, from the portion of the taxes levied under
478 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
479 gallon that exceeds One Cent (1¢) per gallon on special fuel and
480 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
481 as aircraft fuel, from the portion of the excise tax on compressed
482 gas used as a motor fuel that exceeds the rate of tax in effect on
483 June 30, 1987, and from the portion of the gasoline excise tax in
484 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
485 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
486 shall be deducted:

487 1. An amount as provided in Section
488 27-65-75(4) to the credit of a special fund designated as the
489 "Office of State Aid Road Construction."

490 2. An amount equal to the tax collections
491 derived from Two Cents (2¢) per gallon of the gasoline excise tax
492 for distribution to the State Highway Fund to be used exclusively
493 for the construction, reconstruction and maintenance of highways
494 of the State of Mississippi or the payment of interest and
495 principal on bonds when specifically authorized by the Legislature
496 for that purpose.

497 3. The balance shall be deposited in the
498 State Treasury to the credit of the State Highway Fund.

499 (b) Subject to the provisions that said basis of
500 distribution shall in nowise affect adversely the amount
501 specifically pledged in paragraph (a) of this section to be paid
502 into the "Highway Bonds Sinking Fund," the following shall be
503 deducted from the amount produced by the state tax on gasoline,



504 diesel fuel or kerosene tax collections, excluding collections
505 derived from the portion of the gasoline excise tax that exceeds
506 Seven Cents (7¢) per gallon, from the portion of the tax on
507 aviation gas under Section 27-55-11 that exceeds Six and
508 Four-tenths Cents (6.4¢) per gallon, from the portion of the
509 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
510 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
511 gallon, from the portion of the taxes levied under Section
512 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
513 One Cent (1¢) per gallon on special fuel and Five and One-fourth
514 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
515 from the portion of the excise tax on compressed gas used as a
516 motor fuel that exceeds the rate of tax in effect on June 30,
517 1987, and from the portion of the gasoline excise tax in excess of
518 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
519 Ten Cents (10¢) per gallon under Section 27-61-5:

520 (i) Twenty percent (20%) of such amount which
521 shall be earmarked and set aside for the construction,
522 reconstruction and maintenance of the highways and roads of the
523 state, provided that if such twenty percent (20%) should reduce
524 any county to a lesser amount than that received in the fiscal
525 year ending June 30, 1966, then such twenty percent (20%) shall be
526 reduced to a percentage to provide that no county shall receive
527 less than its portion for the fiscal year ending June 30, 1966;

528 (ii) The amount allowed as refund on gasoline or
529 as tax credit on diesel fuel or kerosene used for agricultural,
530 maritime, industrial, domestic and nonhighway purposes;

531 (iii) Five percent (5%) of such amount shall be
532 paid to the State Highway Fund;

533 (iv) The amount or portion thereof authorized by
534 legislative appropriation to the Fisheries and Wildlife Fund
535 created under Section 59-21-25;



536 (v) The amount for deposit into the special
537 aviation fund under paragraph (d) of this section; and

538 (vi) The remainder shall be divided on a basis of
539 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
540 same basis as Four and One-half Cents (4-1/2¢) and Two and
541 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
542 six and forty-three one-hundredths (6.43) and three and
543 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
544 fuel or kerosene). The amount produced by the nine-fourteenths
545 (9/14) division shall be allocated to the Transportation
546 Department and paid into the State Treasury as provided in this
547 section and in Section 27-5-103 and the five-fourteenths (5/14)
548 division shall be returned to the counties of the state on the
549 following basis:

550 1. In each fiscal year, each county shall be
551 paid each month the same percentage of the monthly total to be
552 distributed as was paid to that county during the same month in
553 the fiscal year which ended April 9, 1960, until the county
554 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
555 fiscal year, at which time funds shall be distributed under the
556 provisions of paragraph (b)(vi)4 of this section.

557 2. If after payments in 1 above, any county
558 has not received a total of One Hundred Ninety Thousand Dollars
559 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
560 and each fiscal year thereafter, then any available funds not
561 distributed under 1 above shall be used to bring such county or
562 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
563 or such funds shall be divided equally among such counties not
564 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
565 there is not sufficient money to bring all the counties to said
566 One Hundred Ninety Thousand Dollars (\$190,000.00).

567 3. When a county has been paid an amount
568 equal to the total which was paid to the same county during the



569 fiscal year ended April 9, 1960, such county shall receive no
570 further payments during the then current fiscal year until the
571 last month of such current fiscal year, at which time distribution
572 will be made under 2 above, except as set out in 4 below.

573 4. During the last month of the current
574 fiscal year, should it be determined that there are funds
575 available in excess of the amount distributed for the year under 1
576 and 2 above, then such excess funds shall be distributed among the
577 various counties as follows:

578 One-third (1/3) of such excess to be
579 divided equally among the counties;

580 One-third (1/3) of such excess to be paid
581 to the counties in the proportion which the population of each
582 county bears to the total population of the state according to the
583 last federal census;

584 One-third (1/3) of such excess to be paid
585 to the counties in the proportion which the number of square miles
586 of each county bears to the total square miles in the state.

587 5. It is the declared purpose and intent of
588 the Legislature that no county shall be paid less than was paid
589 during the year ended April 9, 1960, unless the amount to be
590 distributed to all counties in any year is less than the amount
591 distributed to all counties during the year ended April 9, 1960.

592 The Municipal Aid Fund as established by Section 27-5-103
593 shall not participate in any portion of any funds allocated to any
594 county hereunder over and above One Hundred Ninety Thousand
595 Dollars (\$190,000.00).

596 In any county having road or bridge bonds outstanding which
597 exceed, in the aggregate, twelve percent (12%) of the assessed
598 valuation of the taxable property of the county, it shall be the
599 duty of the board of supervisors to set aside not less than sixty
600 percent (60%) of such county's share of the gasoline, diesel fuel



601 or kerosene taxes to be used in paying the principal and interest
602 on such road or bridge bonds as they mature.

603 In any county having such road or bridge bonds outstanding
604 which exceed, in the aggregate, eight percent (8%) of the assessed
605 valuation of the taxable property of the county, but which do not
606 exceed, in the aggregate, twelve percent (12%) of the assessed
607 valuation of the taxable property of the county, it shall be the
608 duty of the board of supervisors to set aside not less than
609 thirty-five percent (35%) of such county's share of the gasoline,
610 diesel fuel or kerosene taxes to be used in paying the principal
611 and interest of such road or bridge bonds as they mature.

612 In any county having such road or bridge bonds outstanding
613 which exceed, in the aggregate, five percent (5%) of the assessed
614 valuation of the taxable property of the county, but which do not
615 exceed, in the aggregate, eight percent (8%) of the assessed
616 valuation of the taxable property of the county, it shall be the
617 duty of the board of supervisors to set aside not less than twenty
618 percent (20%) of such county's share of the gasoline, diesel fuel
619 or kerosene taxes to be used in paying the principal and interest
620 of such road and bridge bonds as they mature.

621 In any county having such road or bridge bonds outstanding
622 which do not exceed, in the aggregate, five percent (5%) of the
623 assessed valuation of the taxable property of the county, it shall
624 be the duty of the board of supervisors to set aside not less than
625 ten percent (10%) of such county's share of the gasoline, diesel
626 fuel or kerosene taxes to be used in paying the principal and
627 interest on such road or bridge bonds as they mature.

628 The portion of any such county's share of the gasoline,
629 diesel fuel or kerosene taxes thus set aside for the payment of
630 the principal and interest of road or bridge bonds, as provided
631 for in this section, shall be used in paying the currently
632 maturing installments of the principal and interest of such road



633 or bridge bonds, if there be any such road or bridge bonds
634 outstanding.

635 The remaining portion of such county's share of the gasoline,
636 diesel fuel or kerosene taxes, after setting aside the portion
637 above provided for the payment of the principal and interest of
638 bonds, shall be used in the construction and maintenance of any
639 public highways, bridges or culverts of the county, in the
640 discretion of the board of supervisors.

641 In any county having no road or bridge bonds outstanding, all
642 such county's share of the gasoline, diesel fuel or kerosene taxes
643 shall be used in the construction, reconstruction and maintenance
644 of the public highways, bridges or culverts of the county, as the
645 board of supervisors may determine.

646 In every county in which there are county road bonds or
647 seawall or road protection bonds outstanding which were issued for
648 the purpose of building bridges or constructing public roads or
649 seawalls, such funds shall be used in the manner provided by law.

650 (c) From the amount produced by the nine-fourteenths
651 (9/14) division allocated to the Transportation Department, there
652 shall be deducted:

653 (i) The amount paid to the State Treasurer for the
654 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

655 (ii) Any amounts due counties in accordance with
656 Section 65-33-45 which have outstanding bonds issued for seawall
657 or road protection purposes, issued under provisions of Chapter
658 319, Laws of 1924, and amendments thereto; and

659 (iii) Beginning August 15, 2002, and on or before
660 the fifteenth day of each month thereafter, an amount equal to
661 one-sixth (1/6) of the principal and interest certified by the
662 State Treasurer to the State Tax Commission to be due on the next
663 semiannual bond and interest payment date for the bonds issued
664 under Sections 65-39-5 through 65-39-33. On or before the
665 twenty-fifth day of each month the State Tax Commission shall pay



666 into the State Treasury for credit to the Gaming Counties Bond
667 Sinking Fund created in Section 65-39-3, the amount certified by
668 the State Treasurer;

669 (iv) Except as otherwise provided in Section
670 31-17-127, the remainder shall be paid by the State Tax Commission
671 to the State Treasurer on the fifteenth day of each month next
672 succeeding the month in which the gasoline, diesel fuel or
673 kerosene taxes were collected to the credit of the State Highway
674 Fund.

675 From and after July 1, 2002, any amounts which would have
676 been paid to the State Highway Fund shall be paid into the State
677 General Fund.

678 The funds allocated for the construction, reconstruction and
679 improvement of state highways, bridges and culverts, or so much
680 thereof as may be necessary, shall first be used in conjunction
681 with funds supplied by the federal government for such purposes
682 and allocated to the Transportation Department to be expended on
683 the state highway system. It is specifically provided hereby that
684 the necessary portion of such funds hereinabove allocated to the
685 Transportation Department may be used for the prompt payment of
686 principal and interest on highway bonds heretofore issued,
687 including such bonds issued or to be issued under the provisions
688 of Chapter 312, Laws of 1956, and amendments thereto.

689 Nothing contained in this section shall be construed to
690 reduce the amount of such gasoline, diesel fuel or kerosene excise
691 taxes levied by the state, allotted under the provisions of Title
692 65, Chapter 33, Mississippi Code of 1972, to counties in which
693 there are outstanding bonds issued for seawall or road protection
694 purposes issued under the provisions of Chapter 319, Laws of 1924,
695 and amendments thereto; the amount of said gasoline, diesel fuel
696 or kerosene excise taxes designated in this section for the
697 payment of bonds and interest authorized and issued or to be
698 issued under the provisions of Chapter 130, Laws of 1938, and



699 subsequent acts authorizing the issuance of bonds payable from
700 gasoline, diesel fuel or kerosene tax revenue, shall, in such
701 counties, be considered as being paid "into the State Treasury to
702 the credit of the State Highway Fund" within the meaning of
703 Section 65-33-45 in computing the amount to be paid to such
704 counties under the provisions of said section, and this section
705 shall be administered in connection with Title 65, Chapter 33,
706 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
707 65-33-49 dealing with seawalls, as if made a part of this section.

708 (d) The proceeds of the Five and One-fourth Cents
709 (5.25¢) of the tax per gallon on oils used as a propellant for jet
710 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
711 per gallon on aviation gasoline and the tax of One Cent (1¢) per
712 gallon for each gallon of gasoline for which a refund has been
713 made pursuant to Section 27-55-23 because such gasoline was used
714 for aviation purposes, shall be paid to the State Treasury into a
715 special fund to be used exclusively, pursuant to legislative
716 appropriation, for the support and development of aeronautics as
717 defined in Section 61-1-3.

718 (e) State highway funds in an amount equal to the
719 difference between Forty-two Million Dollars (\$42,000,000.00) and
720 the annual debt service payable on the state's highway revenue
721 refunding bonds, Series 1985, shall be expended for the
722 construction or reconstruction of highways designated under the
723 Four-Lane Highway Program created under Section 65-3-97.

724 (f) "Gasoline, diesel fuel or kerosene taxes" as used
725 in this section shall be deemed to mean and include state
726 gasoline, diesel fuel or kerosene taxes levied and imposed on
727 distributors of gasoline, diesel fuel or kerosene, and all state
728 excise taxes derived from any fuel used to propel vehicles upon
729 the highways of this state, when levied by any statute.

730 **SECTION 5.** Section 27-19-11, Mississippi Code of 1972, is
731 amended as follows:



732 27-19-11. On each carrier of property, for each motor
 733 vehicle, truck-tractor or road tractor used in the operation of
 734 any business as such, and on each bus, there is hereby levied an
 735 annual highway privilege tax in accordance with the following
 736 schedule, except that the gross vehicle weight of buses shall be
 737 the gross weight of the vehicle plus one hundred fifty (150)
 738 pounds per each regular seat.

739 RATE OF TAX

740 GROSS WEIGHT	COMMON AND	PRIVATE	PRIVATE
741 OF VEHICLE	CONTRACT	COMMERCIAL	CARRIERS
742 NOT TO EXCEED	CARRIERS OF	CARRIERS OF	OF
743 IN POUNDS	PROPERTY	PROPERTY	PROPERTY
744 0000 - 6000	\$ 7.20	\$ 7.20	\$ 7.20
745 6001 - 10000	33.60	25.20	16.80
746 10001 - 16000	78.40	70.70	39.20
747 16001 - 20000	156.00	129.00	78.00
748 20001 - 26000	228.00	192.00	114.00
749 26001 - 30000	300.00	247.00	150.00
750 30001 - 36000	384.00	318.00	192.00
751 36001 - 40000	456.00	378.00	228.00
752 40001 - 42000	504.00	420.00	264.00
753 42001 - 44000	528.00	444.00	276.00
754 44001 - 46000	552.00	456.00	282.00
755 46001 - 48000	588.00	492.00	300.00
756 48001 - 50000	612.00	507.00	312.00
757 50001 - 52000	660.00	540.00	336.00
758 52001 - 54000	684.00	564.00	348.00
759 54001 - 56000	708.00	588.00	360.00
760 56001 - 58000	756.00	624.00	384.00
761 58001 - 60000	780.00	642.00	396.00
762 60001 - 62000	828.00	828.00	420.00
763 62001 - 64000	852.00	852.00	432.00
764 64001 - 66000	900.00	900.00	482.00



765	66001 - 68000	936.00	936.00	504.00
766	68001 - 70000	972.00	972.00	516.00
767	70001 - 72000	996.00	996.00	528.00
768	72001 - 74000	1,128.00	1,128.00	576.00
769	74001 - 76000	1,248.00	1,248.00	612.00
770	76001 - 78000	1,380.00	1,380.00	720.00
771	78001 - 80000	1,512.00	1,512.00	864.00

772 In addition to the above levied annual highway privilege tax
773 on vehicles with a gross weight exceeding ten thousand (10,000)
774 pounds, there is levied and shall be collected an additional
775 privilege tax in the amount of One Thousand Three Hundred Fifty
776 Dollars (\$1,350.00) for each current or later year model vehicle
777 based upon a licensed weight of eighty thousand (80,000) pounds.
778 This additional privilege tax shall be reduced by the amount of
779 One Hundred Seventy-five Dollars (\$175.00) for each year of age to
780 a minimum of Fifty Dollars (\$50.00) and further reduced by the
781 ratio of licensed weight to the maximum weight of eighty thousand
782 (80,000) pounds. During the first year only, the privilege tax
783 monies collected under the provisions of this paragraph shall be
784 distributed to the various counties of the state on the basis of
785 the ratio of the last year of annual ad valorem taxes collected by
786 such counties on such vehicles to the total ad valorem taxes
787 collected by all counties on such vehicles in the same year. In
788 all subsequent years, such distribution to the counties shall be
789 made on the basis of the ratio of the number of motor vehicles
790 registered in excess of ten thousand (10,000) pounds, in each
791 taxing district in each county, to the total number of such
792 vehicles registered statewide. The counties should then
793 distribute these proceeds as they would if these collections were
794 ad valorem taxes. Provided, however, until July 1, 1993, vehicles
795 which are subject to the provisions of this section and were
796 licensed in another state shall not be subject to any other taxes
797 when registered in this state.



798 From the privilege tax monies collected under this section,
799 Three Million Seven Hundred Thirty-two Thousand Four Hundred Three
800 Dollars and Eleven Cents (\$3,732,403.11) shall be earmarked and
801 set aside to be apportioned and paid to the counties of the state
802 in the manner provided by Section 27-19-159, Mississippi Code of
803 1972. Any excess privilege tax monies collected under this
804 section shall be deposited into the State General Fund * * *.

805 Provided that no privilege license shall be issued for any
806 period of time for less than One Dollar (\$1.00).

807 The annual highway privilege tax imposed on operators engaged
808 exclusively in the transportation of household goods shall be the
809 same as the tax imposed upon private commercial carriers by this
810 section. Provided that in determining the amount of privilege
811 taxes due under the provisions of this section, there shall be
812 allowed a maximum tolerance of five hundred (500) pounds on all
813 classes of carriers except carriers of liquefied compressed gases
814 and in the case of carriers of liquefied compressed gases there
815 shall be allowed a maximum tolerance of two thousand (2,000)
816 pounds.

817 Provided, however, any owner or operator who operates a motor
818 vehicle on the public highways, with a license tag attached
819 thereto which was issued for another or different vehicle, shall
820 be liable for the privilege tax on said vehicle for twelve (12)
821 months plus a penalty thereon of twenty-five percent (25%).

822 Provided further, that carriers of property duly registered
823 and licensed in another state and being used to transport farm
824 harvesting machinery or equipment to and from a particular county
825 in this state may, upon adoption of a resolution by the board of
826 supervisors of said county where such machinery or equipment is
827 being exclusively used in harvesting farm crops within said
828 county, be exempt from the taxes herein levied when said
829 resolution is filed with the State Tax Commission. Provided,
830 however, that said exemption shall not exceed a period of forty



831 (40) days for any annual period without a second resolution of
832 approval by the board of supervisors who shall have the authority
833 to extend said exemption not to exceed an additional period of
834 twenty (20) days during any annual period.

835 Provided further, a private commercial carrier of property
836 hauling interstate may purchase a common and contract carrier of
837 property license plate at the prescribed fee to allow the carrier
838 to lease on a one-way basis per trip without qualifying with the
839 Public Service Commission.

840 **SECTION 6.** Section 27-19-48, Mississippi Code of 1972, is
841 amended as follows:

842 27-19-48. (1) Owners of motor vehicles who are residents of
843 this state, upon complying with the motor vehicle laws relating to
844 registration and licensing of motor vehicles, and upon payment of
845 the road and bridge privilege taxes, ad valorem taxes and
846 registration fees as prescribed by law for private carriers of
847 passengers, pickup trucks and other noncommercial motor vehicles,
848 and upon payment of an additional fee in the amount provided in
849 subsection (4)(a) of this section, shall be issued a personalized
850 license tag of the same color as regular license tags to consist
851 of the name of the county and not more than seven (7) letters of
852 the alphabet or seven (7) numbers in lieu of the license tag
853 numbering system prescribed by law. The purchaser of the
854 personalized license tag may choose the combination of such
855 letters or numbers, but no two (2) motor vehicles shall have the
856 same combination of letters or numbers. In the event that the
857 same combination of letters has been chosen by two (2) or more
858 purchasers, the State Tax Commission shall assign a different
859 number to each such purchaser which shall appear on the license
860 tag following the combination of letters; provided, however, this
861 combination shall not exceed seven (7) letters and/or numbers.
862 The combination of letters and/or numbers written across the
863 license tag shall be sufficiently large to be easily read but



864 shall not be less than three (3) inches in height. No combination
865 of letters or numbers which comprise words or expressions that are
866 considered obscene, slandering, insulting or vulgar in ordinary
867 usage shall be permitted, with the Chairman of the State Tax
868 Commission having the responsibility of making such determination.
869 If, however, such license plate is issued in error or otherwise
870 and is determined by the chairman to be obscene, slanderous,
871 insulting, vulgar or offensive, the chairman shall notify such
872 owner that the license plate must be surrendered and that another
873 personalized license plate may be selected by him and issued at no
874 cost. Should the vehicle owner not desire another personalized
875 license plate, the fee for such plate shall be refunded. In the
876 event the owner fails to surrender the license plate after
877 receiving proper notification, the chairman shall issue an order
878 directing that the license plate be seized by agents of the State
879 Tax Commission or any other duly authorized law enforcement
880 personnel. If such owner is aggrieved by this determination, the
881 appeal procedure and the provisions provided in Section 27-19-337
882 shall be followed.

883 (2) For the purposes of this section the terms "motor
884 vehicle" and "vehicle" include motorcycles.

885 (3) Application for the personalized license tags shall be
886 made to the county tax collector on forms prescribed by the State
887 Tax Commission. The application form shall contain space for the
888 applicant to make five (5) different choices for the combination
889 of the letters and numbers in the order in which said combination
890 is desired by the applicant. The application and the additional
891 fee, less five percent (5%) thereof to be retained by the tax
892 collector, shall be remitted to the State Tax Commission within
893 seven (7) days of the date the application is made. The portion
894 of the additional fee retained by the tax collector shall be
895 deposited into the county general fund.



896 (4) (a) Beginning with any registration year commencing on
897 or after November 1, 1986, any person applying for a personalized
898 license tag shall pay an additional fee which shall be in addition
899 to all other taxes and fees. The additional fee paid shall be for
900 a period of time to run concurrent with the vehicle's established
901 license tag year. The additional fee of Thirty Dollars (\$30.00)
902 is due and payable at the time the original application is made
903 for a personalized tag and thereafter annually at the time of
904 renewal registration as long as the owner retains the personalized
905 tag. If the owner does not wish to retain such personalized tag,
906 he must surrender it to the local county tax collector. The
907 additional fee due at the time of renewal registration shall be
908 collected by the county tax collector and remitted to the State
909 Tax Commission on a monthly basis as prescribed by the commission.

910 (b) The State Tax Commission shall deposit all taxes
911 and fees into the State Treasury on the day collected. At the end
912 of each month, the State Tax Commission shall certify the total
913 fees collected under this section to the State Treasurer who shall
914 deposit same to the credit of the State General Fund * * *.

915 (5) A regular license tag must be properly displayed as
916 required by law until replaced by a personalized license tag; and
917 the regular license tag must be surrendered to the tax collector
918 upon issuance of the personalized license tag. The tax collector
919 shall issue up to two (2) license decals for the personalized
920 license tag, which will expire the same month and year as the
921 original license tag.

922 (6) The applicant shall receive a refund of the fee paid for
923 a personalized license tag if the personalized license tag is not
924 issued to him because the combination of letters and numbers
925 requested to be placed thereon is not available for any reason.

926 (7) In the case of loss or theft of a personalized license
927 tag, the owner may make application and affidavit for a
928 replacement license tag as provided by Section 27-19-37. The fee



929 for a replacement personalized license tag shall be Ten Dollars
930 (\$10.00). The tax collector receiving such application and
931 affidavit shall be entitled to retain and deposit into the county
932 general fund five percent (5%) of the fee for such replacement
933 license tag and the remainder shall be distributed in the same
934 manner as funds from the sale of regular license tags.

935 (8) The owner of a personalized license tag may make
936 application for a duplicate of such tag. The fee for such
937 duplicate personalized license tag shall be Ten Dollars (\$10.00).
938 The tax collector receiving such application shall be entitled to
939 retain and deposit into the county general fund five percent (5%)
940 of the fee for such duplicate personalized license tag and the
941 remainder shall be distributed in the same manner as funds from
942 the sale of regular license tags. A duplicate personalized
943 license tag may not be fastened to the rear of a vehicle and may
944 not be utilized as a replacement for any personalized license tag
945 issued pursuant to this section. Month decals and year decals
946 shall not be issued for duplicate personalized license tags and
947 month decals and year decals shall not be attached to duplicate
948 personalized license tags.

949 **SECTION 7.** Section 27-65-76, Mississippi Code of 1972, which
950 provides for monthly sales tax deposits to the credit of the State
951 Highway Fund, is hereby repealed.

952 **SECTION 8.** Section 65-1-9, Mississippi Code of 1972, is
953 amended as follows:

954 65-1-9. The commission shall appoint an Executive Director
955 of the Mississippi Department of Transportation for a term of
956 office beginning on April 1, 1993. The person serving as
957 Executive Director of the State Highway Department on June 30,
958 1992, shall serve until April 1, 1993, as the Executive Director
959 of the Mississippi Department of Transportation, and thereafter
960 shall be eligible for reappointment to the position of Executive
961 Director of the Mississippi Department of Transportation.



962 Succeeding terms shall expire on April 1 each four (4) years
963 thereafter. The executive director may be removed by a majority
964 of the commission pursuant to Section 25-9-101 et seq.,
965 Mississippi Code of 1972. All appointments by the commission
966 shall be with the advice and consent of the Senate. The
967 commission shall submit its appointment to the Senate not later
968 than March 1 of the year in which a term expires, and if such
969 submission is not made by March 1, the incumbent director shall be
970 deemed to have been reappointed for a four-year term. In the
971 event a vacancy occurs from resignation, death or removal from
972 office by the commission, the commission shall submit its
973 appointment for the unexpired term to the Senate not later than
974 the next March 1 after such vacancy occurs. If no appointment for
975 an unexpired term is submitted to the Senate, the Governor shall
976 make such appointment not later than April 1 of such year. The
977 commission shall fix the compensation of the executive director,
978 subject to approval by the State Personnel Board. The executive
979 director shall be eligible for reappointment. The executive
980 director shall have the following qualifications:

- 981 (a) Possess a wide knowledge of the transportation
982 system and needs of Mississippi;
- 983 (b) Possess a wide knowledge of the principles of
984 transportation organization and administration; and
- 985 (c) Possess selected training or expertise in the field
986 of transportation.

987 No person who is a member of the Mississippi Transportation
988 Commission, or who has been a member of the transportation
989 commission or of its predecessor, the State Highway Commission,
990 within two (2) years next preceding his appointment, shall be
991 eligible to be chosen as executive director of the department.
992 The executive director shall be the executive officer of the
993 commission and shall be subject to its orders and directions. The
994 executive director shall give his entire time to the duties of his



995 office. Before entering upon the duties of his office, the
996 executive director shall give bond to the State of Mississippi in
997 the sum of Fifty Thousand Dollars (\$50,000.00), conditioned upon
998 the faithful discharge and performance of his official duty. The
999 principal and surety on such bond shall be liable thereunder to
1000 the state for double the amount of value of any money or property
1001 which the state may lose, if any, by reason of any wrongful or
1002 criminal act of the executive director. Such bond, when approved
1003 by the commission, shall be filed with the Secretary of State, and
1004 the premium thereon shall be paid from the State General
1005 Fund * * *.

1006 **SECTION 9.** Section 65-1-15, Mississippi Code of 1972, is
1007 amended as follows:

1008 65-1-15. The Mississippi Transportation Commission shall
1009 employ a secretary whose salary shall be fixed by the commission
1010 and shall require the secretary to keep the proper minute books,
1011 order books and other proper books. The secretary shall be the
1012 custodian of all books, records or other papers of the department.
1013 All of such books, records and papers shall be public records and
1014 open to inspection by the public during business hours. Each of
1015 the commissioners, the executive director and the secretary may
1016 make certified copies of any proceedings of the department, any of
1017 its books or papers, or extracts therefrom. Such copy shall bear
1018 the signature of the officer giving it and also the seal of the
1019 Mississippi Department of Transportation, and such copies shall be
1020 admitted in evidence equally with the originals thereof in all
1021 courts of this state. Each of the commissioners and the executive
1022 director may take and hear testimony. The seal shall be the Coat
1023 of Arms of the State of Mississippi, surrounded by the words
1024 "Mississippi Department of Transportation." In the event that the
1025 original seal should be stolen, lost or misplaced, the commission
1026 shall have the power to secure a duplicate seal. The secretary
1027 shall be the custodian of the seal and shall do and perform all



1028 other things which may be properly required of him by the
1029 executive director or commission. He shall give bond in the sum
1030 of not less than Fifty Thousand Dollars (\$50,000.00), conditioned
1031 as required by law. Except for warrant requisitions drawn in
1032 accordance with the provisions of Section 65-1-115, Mississippi
1033 Code of 1972, all proceedings of the commission shall be entered
1034 upon the minutes of the commission in a minute book to be provided
1035 and kept for that purpose, which minutes shall be signed by the
1036 chairman or acting chairman of the respective meetings and by the
1037 secretary. The pages of the minute book shall be numbered
1038 consecutively by the bookmaker. The secretary of the commission
1039 shall be an ex officio notary public, authorized to administer
1040 oaths and take acknowledgments in the same manner and to the same
1041 extent as any other duly appointed, qualified, commissioned and
1042 acting notary public, and the seal of the Transportation
1043 Department shall be his seal as such ex officio notary public.
1044 The bond premium of the secretary shall be paid from the State
1045 General Fund * * *.

1046 **SECTION 10.** Section 65-1-23, Mississippi Code of 1972, is
1047 amended as follows:

1048 65-1-23. The State Highway Commission is hereby authorized
1049 and empowered, in its discretion, to erect and construct upon the
1050 land hereinafter described a testing laboratory, machine shops,
1051 and other necessary buildings, and to expend for such purpose an
1052 amount not to exceed \$300,000.00 out of any funds which may be
1053 available for such purpose in the State General Fund.

1054 The Bureau of Building, Grounds and Real Property Management
1055 is hereby authorized, empowered, and directed to select a suitable
1056 tract of land, ten acres in area, from any state-owned lands
1057 located in or near the City of Jackson, Mississippi, and not now
1058 being used for public purposes. The laboratory shops and other
1059 buildings specified in this section shall be erected on the land



1060 so selected, which said land is hereby set aside and allocated to
1061 the State Highway Commission for the purposes herein specified.

1062 **SECTION 11.** Section 65-1-29, Mississippi Code of 1972, is
1063 amended as follows:

1064 65-1-29. The authority granted the State Highway Commission
1065 under provisions of this chapter, shall include the right to enter
1066 into agreements with the United States government, or any agency
1067 thereof, for the alteration, relocation, reconstruction, or
1068 abandonment of state highways or any portion thereof, and
1069 conveyance of whatever rights and interests the state owns in
1070 property acquired for the purposes of said statutes, or any
1071 portion or interest thereof, where the same are necessary for the
1072 construction of flood control, navigation, drainage, or National
1073 Aeronautics and Space Agency projects approved and adopted by the
1074 United States government or any agency thereof.

1075 Upon proper authorization by the State Highway Commission,
1076 the director of the State Highway Department is hereby empowered
1077 to execute a quitclaim deed selling and conveying the above rights
1078 and interests. Said deed shall be delivered to the purchaser upon
1079 the payment of the consideration agreed upon, and such
1080 consideration shall be deposited in the State Treasury to the
1081 credit of the State General Fund.

1082 Such agreements and conveyances shall be upon a consideration
1083 deemed reasonable by the State Highway Commission and the agency
1084 of the United States government affected, provided that no part of
1085 this section is intended to alter or change in any way the
1086 existing immunity from certain actions of the state or the United
1087 States.

1088 The consideration above shall include the expense of creating
1089 and maintaining any necessary detours, and the same shall be
1090 created and maintained as provided in the above mentioned
1091 agreement.



1092 **SECTION 12.** Section 65-1-47, Mississippi Code of 1972, is
1093 amended as follows:

1094 65-1-47. The Mississippi Transportation Commission shall
1095 have complete authority to issue rules, regulations and orders
1096 under which the Mississippi Transportation Department shall have
1097 control and supervision, with full power and authority under
1098 rules, regulations and orders issued by the commission, to locate,
1099 relocate, widen, alter, change, straighten, construct or
1100 reconstruct any and all roads on the state highway system
1101 heretofore or hereafter taken over by it for maintenance as a part
1102 of such system, and shall have full and complete authority for
1103 regulating the making of all contracts, surveys, plans,
1104 specifications and estimates for the location, laying out,
1105 widening, straightening, altering, changing, constructing,
1106 reconstructing and maintaining of and the securing of
1107 rights-of-way for any and all such highways, and to authorize the
1108 employees of the Mississippi Transportation Department to enter
1109 upon private property for such purposes.

1110 The Mississippi Transportation Department, under the rules,
1111 regulations and orders spread upon the minutes of the Mississippi
1112 Transportation Commission, is authorized and empowered to obtain
1113 and pay for the rights-of-way of such width as it may determine to
1114 be necessary for such highway or for any alteration or change
1115 therein or relocation thereof by agreement with the owners of such
1116 lands. Rights-of-way of not less than sixty (60) feet wide shall
1117 be acquired except within the boundaries of towns and cities where
1118 unusual conditions exist, in which case the commission is
1119 authorized and empowered to have obtained and paid for such
1120 rights-of-way of such width as it may determine to be necessary.
1121 Said commission may have condemned any and all land or other
1122 property needed for such purposes or either of them; may have
1123 condemned or acquired by gift or purchase lands containing road
1124 building materials and develop and operate pits, mines or other



1125 properties for the purpose of obtaining road material; and have
1126 condemned or acquired by gift or purchase lands necessary for the
1127 safety and convenience of traffic.

1128 Said commission, in case an agreement cannot be reached with
1129 the owners of land containing road building materials or of any
1130 additional land necessary for widening any existing public
1131 highways, for laying out a new public highway, or for changing the
1132 route of an existing public highway, as provided in the foregoing
1133 part of this section, shall be authorized to have condemned any
1134 land needed for either of said purposes, as is fully set forth in
1135 this section. The proceedings to acquire such lands by a
1136 condemnation shall be in conformity with the statutes on the
1137 subject of "eminent domain," the power of eminent domain being
1138 hereby expressly conferred upon said commission for such purposes.
1139 Such proceedings shall take precedence over all other causes not
1140 involving the public interest in all courts and shall be given
1141 preference to the end that construction and reconstruction of
1142 highways hereunder may not be unreasonably delayed. The amount of
1143 such compensation and damages, if any, awarded to the owner in
1144 such proceedings shall be paid out of the State General Fund. The
1145 authorities constructing such highway, under the authority as
1146 provided in this section, shall use diligence to protect growing
1147 crops and pastures and to prevent damage to any property not
1148 taken. So far as possible, all rights-of-way shall be acquired or
1149 contracted for before any construction contract work order is
1150 issued.

1151 The estate which the Mississippi Transportation Commission is
1152 authorized to acquire by deed or condemnation as set forth above
1153 shall include all rights, title and interest in and to the lands
1154 or property being acquired, excepting and excluding all the oil
1155 and gas therein or thereunder and such other rights, title or
1156 interest which are expressly excepted and reserved to the property
1157 owner, his successors, heirs or assigns in the deed or



1158 condemnation petition by which the property is acquired. Any
1159 property interest acquired may be in unlimited vertical dimension.
1160 The Mississippi Transportation Commission shall decide what right,
1161 title and interest are necessary for highway purposes on each
1162 particular project and may, by order on its minutes, authorize its
1163 agents to expressly except all or any others.

1164 **SECTION 13.** Section 65-1-77, Mississippi Code of 1972, is
1165 amended as follows:

1166 65-1-77. The Mississippi Transportation Commission and the
1167 counties and municipalities of the state are hereby authorized to
1168 enter into agreements for highway and street projects which are a
1169 part of an overall plan to be administered under the provisions of
1170 Title 23, United States Code. Such agreements may provide for
1171 traffic engineering assistance to the local governments for the
1172 development by the Mississippi Transportation Department of
1173 records systems for local roads and streets. The counties and
1174 municipalities of the state are authorized to deposit with the
1175 Mississippi Transportation Department the federal aid matching
1176 requirement for the project from any available fund. The county
1177 and/or municipal share and the federal share will be handled in
1178 the manner provided therefor in Section 65-9-17. The county will
1179 be required to fulfill its obligation for maintenance of any
1180 project constructed under this authorization in the same manner
1181 required of or for any state aid road. It shall be the duty of
1182 the municipal officials of any incorporated city entering into
1183 this agreement to properly maintain and operate any completed
1184 project or improvement on the municipal street system. It shall
1185 be the duty of the Chief Engineer of the Mississippi
1186 Transportation Department and his assistants to make at least
1187 annual maintenance inspections of completed projects and such
1188 other periodic inspections as he shall deem necessary. If
1189 essential maintenance is not properly and regularly done in the
1190 opinion of the chief engineer, then notice shall be given by the



1191 Director of the Mississippi Transportation Department in writing
1192 to the county or municipality in fault; and, if such maintenance
1193 is not done and continued within sixty (60) days from the date of
1194 such notice, then the Director of the Mississippi Transportation
1195 Department may proceed to have done the necessary maintenance and
1196 repair work on such street and have the cost of same credited to
1197 the State General Fund from any fund available to the county or
1198 municipality within the State Treasury.

1199 **SECTION 14.** Section 65-1-111, Mississippi Code of 1972, is
1200 amended as follows:

1201 65-1-111. All monies from any source provided by law shall
1202 be covered and paid into the State Treasury as other public funds
1203 are paid, and it shall be the duty of the Department of Finance
1204 and Administration to advise the Mississippi Transportation
1205 Commission of the amount of money allotted to the commission on
1206 hand from time to time. It shall be the duty of the Department of
1207 Finance and Administration to place and allocate said funds so
1208 covered into the State Treasury in the State General Fund. * * *
1209 In the event any highway bonds or notes are issued, the
1210 Transportation Commission will adopt a resolution requesting the
1211 Bond Commission to issue such bonds or notes as may be authorized
1212 and a "bond and interest sinking fund" and "note fund" shall
1213 likewise be kept separate from the highway fund by the State
1214 Treasurer pursuant to the bond resolution adopted by the State of
1215 Mississippi Bond Commission.

1216 **SECTION 15.** Section 65-1-112, Mississippi Code of 1972, is
1217 amended as follows:

1218 65-1-112. No funds provided to the State Highway Department
1219 from the State General Fund shall be expended on a set division of
1220 such funds by district, but shall be expended on the basis of
1221 state needs as a whole.

1222 **SECTION 16.** Section 65-1-115, Mississippi Code of 1972, is
1223 amended as follows:



1224 65-1-115. The Department of Finance and Administration, in
1225 cooperation with the commission or its comptroller, shall
1226 formulate and prescribe a uniform system of accounting for all
1227 monies expended by the Mississippi Transportation Commission. The
1228 commission shall have prepared and issued all necessary forms,
1229 rules and regulations for the installation and operation of said
1230 system of accounting, and it shall be the duty of the
1231 Transportation Commission, acting through its executive director,
1232 in allowing any account to request, by requisition to the
1233 Department of Finance and Administration, that a warrant be issued
1234 therefor. The commission shall provide proper books covering
1235 requisitions to be drawn from the State General Fund. In the
1236 event any highway bonds or notes are issued, additional books
1237 covering a "bond and interest sinking fund" and "note fund" shall
1238 likewise be provided.

1239 **SECTION 17.** Section 65-1-117, Mississippi Code of 1972, is
1240 amended as follows:

1241 65-1-117. The board of supervisors of any county is hereby
1242 authorized in its discretion to deposit with the State Treasurer,
1243 as trustee, funds representing the county's or district's share of
1244 the cost of construction of any project in that county.

1245 The State Treasurer is hereby authorized to continue to
1246 receive and deposit to the credit of the State General Fund, all
1247 funds from the federal government made available by it for road
1248 construction purposes, and the Treasurer shall notify the
1249 commission of the amounts so received.

1250 All accounts against the above mentioned funds shall be
1251 certified by the director of the Mississippi Transportation
1252 Department, who shall request the Department of Finance and
1253 Administration to issue his warrant on the State Treasurer for the
1254 amount of the account, and the Treasurer shall pay same if
1255 sufficient funds are available, all in the manner prescribed
1256 herein or as may be required by law.



1257 **SECTION 18.** Section 65-9-17, Mississippi Code of 1972, is
1258 amended as follows:

1259 65-9-17. (1) When any county shall have met the
1260 requirements of this chapter and shall have become eligible for
1261 state aid, the State Aid Engineer, as soon as practicable, shall
1262 notify such county in writing of such eligibility and that its
1263 proportionate part of any state funds allocated to it for state
1264 aid may be utilized for construction in the manner provided by
1265 law, and such notice shall also be given in writing to the
1266 Department of Finance and Administration and to the State
1267 Treasurer.

1268 (2) State aid funds shall be allocated to each county for
1269 use on state aid system roads or roads on the Local System Road
1270 Program in accordance with the provisions of Section 27-65-75.

1271 (3) State aid funds may be credited to a county in advance
1272 of the normal accrual to finance certain state aid improvements,
1273 subject to the approval of the State Aid Engineer and subject
1274 further to the following limitations:

1275 (a) That the maximum amount of state aid funds that may
1276 be advanced to any county shall not exceed ninety percent (90%) of
1277 the state aid funds estimated to accrue to such county during the
1278 remainder of the term of office of the board of supervisors of
1279 such county.

1280 (b) That no advance credit of funds will be made to any
1281 county when the unobligated balance in the State Aid Road Fund is
1282 less than One Million Dollars (\$1,000,000.00).

1283 (c) That such advance crediting of funds be effected by
1284 the State Aid Engineer at the time of the approval of the plans
1285 and specifications for the proposed improvements.

1286 It is the intent of this provision to utilize to the fullest
1287 practicable extent the balance of state aid funds on hand at all
1288 times.



1289 (4) State aid funds shall be available to such county to the
1290 following extent and in the following manner:

1291 (a) On state aid projects, other than those on or off
1292 the federal aid secondary system to be partially financed with
1293 federal funds, state aid funds credited to such county in the
1294 State Aid Road Fund shall be available to cover the cost of such
1295 project. Upon the awarding of a contract for such state aid
1296 project, the board of supervisors of any county will, by an
1297 official order of the board, authorize the State Aid Engineer to
1298 set up the project fund for such project from that county's state
1299 aid fund in the State Treasury. The amount of the project fund
1300 will cover the estimated cost of the project, including the
1301 contractor's payments and any other costs authorized under this
1302 chapter to be paid from state aid funds. Withdrawals from the
1303 project fund will be made by requisitions prepared by the State
1304 Aid Engineer, based on estimates and other supporting statements
1305 and documents prepared or approved by the county engineer, such
1306 requisitions, accompanied by such estimates and statements, to be
1307 directed to the Department of Finance and Administration, which
1308 will issue warrants in payment thereof. Requisitions may be drawn
1309 to cover the final cost of the project accepted by the boards of
1310 supervisors of the counties affected and the State Aid Engineer,
1311 even though such cost exceeds the aforesaid estimated project
1312 fund. Whenever, in the opinion of the State Aid Engineer, it
1313 should appear that any such estimate or statement of account has
1314 been improperly allowed or that any road construction project is
1315 not proceeding in accordance with the plans, specifications and
1316 standards set up therefor, then, in such event, due notice in
1317 writing shall be given the board of supervisors of such county and
1318 the contractor on such project, if any, stating the reason why
1319 such account should not have been allowed or why such project is
1320 not progressing satisfactorily; and if, within thirty (30) days
1321 from the date of such notice in writing, such error or default is



1322 not corrected to the satisfaction of the State Aid Engineer, all
1323 state aid funds theretofore allocated to such eligible county
1324 shall be immediately withdrawn and notice given the Department of
1325 Finance and Administration and the State Treasurer that such
1326 county has become ineligible therefor. Such county shall remain
1327 ineligible until it again becomes eligible by satisfying the State
1328 Aid Engineer as to its eligibility.

1329 (b) On state aid projects on the federal aid secondary
1330 system which are to be partially financed with federal funds,
1331 state aid funds credited to such county in the State Aid Road Fund
1332 shall be available to cover the sponsor's share of the cost of
1333 such project. At the same time, the State Treasurer, on order
1334 from the board of supervisors, shall transfer an amount up to one
1335 hundred percent (100%) of such cost from the credit of such county
1336 in the State Aid Road Fund to the credit of such county in the
1337 State General Fund, earmarked for such project.

1338 (c) State aid road funds credited to a county in the
1339 State Aid Road Fund shall also be available to cover the sponsor's
1340 cost of any other project of such county which is partially
1341 financed with federal funds available through federal "safer
1342 off-system" road funds and/or other federal road funds allocated
1343 to the counties as provided for in accordance with Section
1344 65-9-29(2). On order from the board of supervisors of such
1345 county, the State Treasurer shall transfer an amount up to one
1346 hundred percent (100%) of such cost from the credit of such county
1347 in the State Aid Road Fund to the credit of such county in the
1348 State General Fund, earmarked for such project.

1349 (d) Up to one-third (1/3) of state aid road funds
1350 credited to a county in the State Aid Road Fund may be available
1351 to match federal bridge replacement monies or other federal funds,
1352 or both, to construct, replace, inspect or post bridges and to
1353 conduct pavement management surveys on county roads which are not
1354 on the state aid system. To implement such projects, the State



1355 Treasurer shall, as requested in an order from the board of
1356 supervisors of the county, make transfers out of the credit of
1357 such county in the State Aid Road Fund.

1358 (e) Up to twenty-five percent (25%) of the state aid
1359 road funds credited to a county in the State Aid Road Fund may be
1360 available for projects authorized under the Local System Road
1361 Program. Withdrawals from the fund for the Local System Road
1362 Program will be made by requisitions prepared by the State Aid
1363 Engineer, based on estimates and other supporting statements and
1364 documents prepared or approved by the county engineer; such
1365 requisitions, accompanied by such estimates and statements, to be
1366 directed to the Department of Finance and Administration, which
1367 will issue warrants in payment thereof. Requisitions may be drawn
1368 to cover the final cost of the local system road project accepted
1369 by the boards of supervisors of the counties affected and the
1370 State Aid Engineer even though such cost exceeds the aforesaid
1371 estimated project fund. Whenever, in the opinion of the State Aid
1372 Engineer, it should appear that any such estimate or statement of
1373 account has been improperly allowed or that any road construction
1374 project is not proceeding in accordance with the plans,
1375 specifications and standards set up therefor, then, in such event,
1376 due notice in writing shall be given the board of supervisors of
1377 such county and the contractor on such project, if any, stating
1378 the reason why such account should not have been allowed or why
1379 such project is not progressing satisfactorily; and if, within
1380 thirty (30) days from the date of such notice in writing, such
1381 error or default is not corrected to the satisfaction of the State
1382 Aid Engineer, all state aid funds theretofore allocated to such
1383 eligible county shall be immediately withdrawn and notice given
1384 the Department of Finance and Administration and the State
1385 Treasurer that such county has become ineligible therefor. Such
1386 county shall remain ineligible until it again becomes eligible by
1387 satisfying the State Aid Engineer as to its eligibility.



1388 (5) The State Treasurer is hereby authorized to continue to
1389 receive and deposit all funds from the federal government made
1390 available by it, either by existing law or by any law which may be
1391 passed hereafter, to the credit of the State Highway Fund, and the
1392 Treasurer shall notify the commission of the amounts so received.

1393 All accounts against the above-mentioned funds shall be
1394 certified to by the Executive Director of the Mississippi
1395 Department of Transportation, who shall request the Department of
1396 Finance and Administration to issue its warrant on the State
1397 Treasurer for the amount of the accounts; and the Treasurer shall
1398 pay same if sufficient funds are available, all in the manner
1399 prescribed herein or as may be required by law.

1400 (6) The board of supervisors of each county is hereby
1401 authorized and empowered to pay funds into the State Treasury in
1402 the manner above set out, and to use and expend such funds for the
1403 purposes set out in this chapter. For the purpose of providing
1404 such funds, the board of supervisors is hereby authorized and
1405 empowered to use and expend any county road and bridge funds,
1406 including revenue received from any gasoline taxes paid to such
1407 county, or any funds available in the General Fund, or to issue
1408 road and bridge bonds of such county in any lawful amount in the
1409 manner and method and subject to the restrictions, limitations and
1410 conditions, and payable from the same sources of revenue, now
1411 provided by law.

1412 **SECTION 19.** Section 65-11-9, Mississippi Code of 1972, is
1413 amended as follows:

1414 65-11-9. The State Highway Commission shall determine what
1415 proportion of the funds allotted to the State of Mississippi for
1416 the improvement of secondary and feeder roads under subsection
1417 (b), Section 3, of the Federal Aid Highway Act of 1944 [53 U.S.
1418 Stat. 838, Chapter 626], shall be expended upon the improvement of
1419 highways on the county federal aid highway system; however, not
1420 less than fifty per cent (50%) of the amount so apportioned to



1421 Mississippi under said act shall be apportioned for expenditure
1422 among the counties for the improvement of roads on the county
1423 federal aid highway system; if the amount apportioned by the state
1424 to the State General Fund to carry out the purposes of Sections
1425 65-11-1 through 65-11-37 should be less than fifty per cent (50%)
1426 of the amount apportioned to Mississippi for secondary and feeder
1427 roads under said act, then the amount of federal funds apportioned
1428 to the counties for the improvement of roads on the county federal
1429 aid highway system may be less than fifty per cent (50%) of such
1430 federal funds, but shall not be less than the amount of such state
1431 appropriation.

1432 **SECTION 20.** Section 65-11-11, Mississippi Code of 1972, is
1433 amended as follows:

1434 65-11-11. The amount of federal funds made available to the
1435 State of Mississippi for secondary and feeder roads under the
1436 Federal Aid Highway Act of 1944 [58 U.S. Stat. 838, Chapter 626]
1437 which is allotted to the counties as provided in Section 65-11-9,
1438 shall be apportioned among the counties of this state by the State
1439 Highway Commission in the following manner: one third (1/3) in
1440 the ratio which the area of each county bears to the total area of
1441 the state; one third (1/3) in the ratio which the rural population
1442 of each county bears to the total rural population of the state,
1443 as shown by the federal census of 1940; and one third (1/3) in the
1444 ratio which the mileage of rural delivery and star routes in each
1445 county bears to the total mileage of rural delivery and star
1446 routes in the state. The amount of federal funds so apportioned
1447 to each county shall be matched by state funds apportioned to the
1448 State General Fund to carry out the purposes of Sections 65-11-1
1449 through 65-11-37 as hereinafter provided; in the event the amount
1450 so appropriated for such State General Fund is insufficient to
1451 entirely match the federal funds allotted to county highways, then
1452 the amount of such fund shall be apportioned among the counties in
1453 the same manner as herein provided. "Rural population" and "rural



1454 delivery" routes as used in this section shall have the same
1455 meaning ascribed to them in the Federal Aid Highway Act of 1944
1456 [58 U.S. Stat. 838, Chapter 626].

1457 **SECTION 21.** Section 65-11-15, Mississippi Code of 1972, is
1458 amended as follows:

1459 65-11-15. The Mississippi Transportation Commission shall
1460 notify the board of supervisors of each county of the amount of
1461 money to be available for expenditure in such county from said
1462 federal apportionment, and of the amount of money available from
1463 the * * * State General Fund as the state's share of the federal
1464 aid program on secondary and feeder roads. Within three (3)
1465 months after the receipt of such notice, the board of supervisors
1466 of each county shall submit to the Mississippi Transportation
1467 Commission a description of the recommended projects on county
1468 highways in such county which are approved by the county and
1469 recommended for selection and designation for participation in
1470 federal aid under the Federal Aid Highway Act of 1944 [58 U.S.
1471 Stat. 838, Chapter 626]. In the selection of such projects and in
1472 the recommendation of the order of their improvement, the boards
1473 of supervisors shall select projects which will be of the greatest
1474 benefit to the county as a whole, judged from the standpoint of
1475 relative use and importance, without regard to district or beat
1476 lines, insofar as same is consistent with the rules and
1477 regulations of the public roads administration of the federal
1478 works agency. All such projects and the order of their
1479 inauguration shall be subject to the approval of the Mississippi
1480 Transportation Commission as provided in Section 65-11-13.

1481 **SECTION 22.** Section 65-11-25, Mississippi Code of 1972, is
1482 amended as follows:

1483 65-11-25. If the amount apportioned to any county from
1484 federal aid funds for the purposes mentioned above shall exceed
1485 the amount made available to such county from state appropriated
1486 funds, then the board of supervisors of such county is hereby



1487 authorized and empowered, in its discretion, to use and expend any
1488 county road and bridge funds, or any funds available in the
1489 general fund of such county, to increase or enlarge the county
1490 highway construction program in such county and to match any
1491 federal aid funds not matched by state appropriated funds. All
1492 such additional funds shall be remitted and turned over by the
1493 board of supervisors to the State Treasurer to be deposited in the
1494 State General Fund and to be used exclusively in said county on
1495 projects on county highways approved by the board of supervisors,
1496 the Mississippi Transportation Commission, and the public roads
1497 administration, it being the intention of this section to
1498 authorize and empower the board of supervisors of any county to
1499 supplement the funds provided for the construction or improvement
1500 of projects on secondary or feeder roads in said county out of any
1501 funds which the county might have available at the time. For the
1502 purpose of providing such supplemental or additional funds, the
1503 board of supervisors of any county is hereby authorized and
1504 empowered, in its discretion, to issue the road or road and bridge
1505 bonds of such county in any lawful amount, said bonds to be issued
1506 in all respects in the manner and method, and subject to the
1507 restrictions and conditions, now provided by law for the issuance
1508 of county road or road and bridge bonds, and shall be payable from
1509 the same sources of revenue.

1510 **SECTION 23.** Section 65-11-35, Mississippi Code of 1972, is
1511 amended as follows:

1512 65-11-35. * * * All expenditures of state funds contemplated
1513 by the aforesaid sections shall be made from the State General
1514 Fund, and such monies shall be paid out by the Mississippi
1515 Transportation Commission, acting through its director, in the
1516 manner and method now provided by law.

1517 **SECTION 24.** Section 65-33-45, Mississippi Code of 1972, is
1518 amended as follows:



1519 65-33-45. Where any county issues or has heretofore issued
1520 its bonds under this chapter or any previous statutes of a similar
1521 character for protection of any highway, there shall be paid into
1522 the Treasury of such county fifty per cent (50%) of any license
1523 taxes which would otherwise be paid into the State Highway Fund
1524 collected by the state in such county on motor vehicles or drivers
1525 thereof, and fifty per cent (50%) of any excise taxes levied and
1526 collected in such county by the state on gasoline which would
1527 otherwise be paid into the State Treasury to the credit of the
1528 State General Fund, to meet the interest and annual sinking fund
1529 on such bonds. Such funds shall be applied toward the liquidation
1530 of the interest and sinking fund accruing annually on such bonds,
1531 the other fifty per cent (50%) to go into the State Treasury to
1532 the credit of the Mississippi Transportation Commission, and, if
1533 such taxes in any year should be insufficient to cover such
1534 interest and sinking fund, the deficiency therein shall be
1535 supplied out of any other such funds collected by the state in
1536 such county and allotted by law to such county for road purposes.
1537 Nothing herein shall be construed as a guarantee on the part of
1538 the state to pay the interest or principal on any bonds issued
1539 hereunder.

1540 This section shall not apply to the tax collected from
1541 registration fees and the sale of automobile tags.

1542 Of the surplus of such funds so paid into the treasuries of
1543 Harrison and Jackson Counties, the portions thereof hereinafter
1544 designated, to the extent necessary under the limitations
1545 hereinafter stated, shall be paid by Harrison and Jackson Counties
1546 to the Mississippi Transportation Commission and shall be applied
1547 by said commission on the annual payments of principal of and
1548 interest on bonds to be issued by the State Bond Commission in an
1549 amount not to exceed Seven Million Dollars (\$7,000,000.00), for
1550 the construction, by the Mississippi Transportation Commission, of
1551 a four-lane highway bridge across the Bay of Biloxi, to form a



1552 part of United States Highway No. 90, to the extent that two
1553 thirds (2/3) of the total cost of principal and interest on such
1554 bonds shall be paid out of such surplus funds of Harrison County,
1555 and one third out of such surplus funds of Jackson County.

1556 For the purpose of this section, such "surplus funds of
1557 Harrison County" shall be construed to be the amount paid to
1558 Harrison County under this section not pledged to the payment of
1559 principal and interest of bonds issued under this chapter, or any
1560 previous statutes of a similar character for the protection of any
1561 highway, and presently outstanding. "Surplus funds of Jackson
1562 County" shall be construed to be the amount paid to Jackson County
1563 under this section not pledged to the payment of principal and
1564 interest of bonds issued under this chapter, or any previous
1565 statutes of a similar character for the protection of any highway,
1566 and presently outstanding, and remaining after payment of
1567 principal and interest on bonds now issued or authorized by an
1568 election by Jackson County in connection with its Bayou Casotte
1569 development project under the authority of Senate Bill No. 1265,
1570 Extraordinary Session of 1954, as amended by Senate Bill No. 1624
1571 enacted at the Regular 1958 Session of the Mississippi
1572 Legislature.

1573 Annually, to the extent necessary to meet the annual
1574 requirements for the payment of principal of and interest on said
1575 bonds, Harrison County shall pay to the Mississippi Transportation
1576 Commission not exceeding two thirds (2/3) of its aforesaid annual
1577 surplus, as hereinabove defined; and, to the extent necessary and
1578 available, Jackson County shall annually pay to the Mississippi
1579 Transportation Commission from such surplus funds an amount not
1580 exceeding one third (1/3) of the annual requirements for bonds
1581 issued by the State Bond Commission, and such amounts as may be
1582 necessary to satisfy any deficiency in preceding annual payments
1583 required to be made under the provisions hereof.



1584 Surplus funds remaining to both Harrison and Jackson
1585 Counties, after making the payments above directed, may be
1586 pledged, used, and expended in whole or part for the payment of
1587 the principal of and interest on bonds issued and to be issued
1588 under the authority of Sections 59-9-1 through 59-9-83; however,
1589 unless and until so pledged all or any part of such surplus now or
1590 hereafter accumulated may be transferred by the board of
1591 supervisors to a fund designated the county port fund and shall be
1592 subject to expenditure by the county port authority or county
1593 development commission for the purposes and objects authorized by
1594 said sections. All expenditures made by the county port authority
1595 or county development commission shall be audited by the county
1596 auditor, who shall annually report such expenditures to the board
1597 of supervisors.

1598 **SECTION 25.** Section 7-7-213, Mississippi Code of 1972, is
1599 amended as follows:

1600 7-7-213. The costs of audits and other services required by
1601 Sections 7-7-201 through 7-7-215, except for those audits and
1602 services authorized by Section 7-7-211(k), * * * shall be funded
1603 by appropriations made by the Legislature from the State General
1604 Fund * * *. Except as provided in Section 7-7-211(d) and any
1605 municipality required under this chapter to be audited by the
1606 State Auditor, the amounts to be charged for performing audits and
1607 other services shall be the actual cost, not to exceed One Hundred
1608 Dollars (\$100.00) per man day. In the event of failure by any
1609 unit of government to pay the charges authorized herein, the
1610 Department of Audit shall notify the State Fiscal Officer, and
1611 upon a determination that the charges are substantially correct,
1612 the State Fiscal Officer shall notify the defaulting unit of his
1613 determination. If payment is not made within thirty (30) days
1614 after such notification, the State Fiscal Officer shall notify the
1615 State Treasurer and Department of Public Accounts that no further



1616 warrants are to be issued to the defaulting unit until the
1617 deficiency is paid.

1618 The cost of any service by the department not required of it
1619 under the provisions of the cited sections but made necessary by
1620 the willful fault or negligence of an officer or employee of any
1621 public office of the state shall be recovered (i) from such
1622 officer or employee and/or surety on official bond thereof and/or
1623 (ii) from the individual, partnership, corporation or association
1624 involved, in the same manner and under the same terms, when
1625 necessary, as provided the department for recovering public funds
1626 in Section 7-7-211.

1627 The State Auditor shall deliver a copy of any audit of the
1628 fiscal and financial affairs of a county to the chancery clerk of
1629 such county and shall deliver a notice stating that a copy of such
1630 audit is on file in the chancery clerk's office to some newspaper
1631 published in the county to be published. If no newspaper is
1632 published in the county, a copy of such notice shall be delivered
1633 to a newspaper having a general circulation therein.

1634 **SECTION 26.** Section 7-9-22, Mississippi Code of 1972, is
1635 amended as follows:

1636 7-9-22. All funds collected by the Office of the Secretary
1637 of State, except public trust tidelands funds, shall be deposited,
1638 in accordance with Section 7-9-21, Mississippi Code of 1972, into
1639 the State General Fund. * * *

1640 **SECTION 27.** Section 7-9-63, Mississippi Code of 1972, is
1641 amended as follows:

1642 7-9-63. * * *

1643 * * * For fiscal year 1985 and fiscal year 1986 * * * and
1644 thereafter, the bureau shall be funded by such appropriation * * *
1645 from the General Fund * * *.

1646 * * *

1647 **SECTION 28.** Section 25-9-141, Mississippi Code of 1972, is
1648 amended as follows:



1649 25-9-141. The State Personnel Board shall * * * operate from
1650 State General Fund appropriation. The State Personnel Board shall
1651 adopt a user assessment procedure, * * * which shall be prorated
1652 among all departments, agencies and institutions, based upon the
1653 number of employment positions authorized and/or serviced by the
1654 board, and the departments, agencies and institutions shall pay
1655 their share of the assessment upon receipt of billing from the
1656 board.

1657 **SECTION 29.** Section 25-31-8, Mississippi Code of 1972, is
1658 amended as follows:

1659 25-31-8. From and after July 1, 1979, in all circuit court
1660 districts in this state existing now or hereafter created, the
1661 district attorney shall receive from sums appropriated for such
1662 purpose from the General Fund * * * of the State of Mississippi,
1663 an office operating allowance for the necessary expenses of
1664 operating the office of the district attorney, including
1665 stenographic help, and other items and expenditures necessary and
1666 incident to the investigation of criminal cases, the general
1667 expenses of the office of the investigation of criminal cases, the
1668 general expenses of the office of the district attorney for
1669 preparing and/or trying felony cases and all other cases requiring
1670 the services of the district attorney, the sum of Twenty-six
1671 Thousand Dollars (\$26,000.00) for each district, and an additional
1672 Three Thousand Five Hundred Dollars (\$3,500.00) for each assistant
1673 authorized by Section 25-31-5(1) as of January 1, 1996. All
1674 expenditures made from said office operating allowances shall be
1675 upon written requisition of the duly elected district attorney to
1676 the State Auditor, as otherwise provided by law. The district
1677 attorney may delegate to the board of supervisors of any county in
1678 his district the responsibility and authority to employ and set
1679 the salary of not more than one (1) employee for the office of
1680 such district attorney, such salary to be paid as other
1681 expenditures are paid from the funds provided by this section.



1682 Such employee shall be deemed to be appointed and employed by the
1683 board of supervisors and the salary shall not be deemed to be a
1684 pecuniary benefit provided by the district attorney's office.

1685 **SECTION 30.** Section 25-53-5, Mississippi Code of 1972, is
1686 amended as follows:

1687 25-53-5. The authority shall have the following powers,
1688 duties, and responsibilities:

1689 (a) The authority shall provide for the development of
1690 plans for the efficient acquisition and utilization of computer
1691 equipment and services by all agencies of state government, and
1692 provide for their implementation. In so doing, the authority may
1693 use the MDITS staff, at the discretion of the executive director
1694 of the authority, or the authority may contract for the services
1695 of qualified consulting firms in the field of information
1696 technology and utilize the service of such consultants as may be
1697 necessary for such purposes.

1698 (b) The authority shall immediately institute
1699 procedures for carrying out the purposes of this chapter and
1700 supervise the efficient execution of the powers and duties of the
1701 office of executive director of the authority. In the execution
1702 of its functions under this chapter, the authority shall maintain
1703 as a paramount consideration the successful internal organization
1704 and operation of the several agencies so that efficiency existing
1705 therein shall not be adversely affected or impaired. In executing
1706 its functions in relation to the institutions of higher learning
1707 and junior colleges in the state, the authority shall take into
1708 consideration the special needs of such institutions in relation
1709 to the fields of teaching and scientific research.

1710 (c) Title of whatever nature of all computer equipment
1711 now vested in any agency of the State of Mississippi is hereby
1712 vested in the authority, and no such equipment shall be disposed
1713 of in any manner except in accordance with the direction of the



1714 authority or under the provisions of such rules and regulations as
1715 may hereafter be adopted by the authority in relation thereto.

1716 (d) The authority shall adopt rules, regulations, and
1717 procedures governing the acquisition of computer and
1718 telecommunications equipment and services which shall, to the
1719 fullest extent practicable, insure the maximum of competition
1720 between all manufacturers of supplies or equipment or services.
1721 In the writing of specifications, in the making of contracts
1722 relating to the acquisition of such equipment and services, and in
1723 the performance of its other duties the authority shall provide
1724 for the maximum compatibility of all information systems hereafter
1725 installed or utilized by all state agencies and may require the
1726 use of common computer languages where necessary to accomplish the
1727 purposes of this chapter. The authority may establish by
1728 regulation and charge reasonable fees on a nondiscriminatory basis
1729 for the furnishing to bidders of copies of bid specifications and
1730 other documents issued by the authority.

1731 (e) The authority shall adopt rules and regulations
1732 governing the sharing with, or the sale or lease of information
1733 technology services to any nonstate agency or person. Such
1734 regulations shall provide that any such sharing, sale, or lease
1735 shall be restricted in that same shall be accomplished only where
1736 such services are not readily available otherwise within the
1737 state, and then only at a charge to the user not less than the
1738 prevailing rate of charge for similar services by private
1739 enterprise within this state.

1740 (f) The authority may, in its discretion, establish a
1741 special technical advisory committee or committees to study and
1742 make recommendations on technology matters within the competence
1743 of the authority as the authority may see fit. Persons serving on
1744 the Information Resource Council, its task forces, or any such
1745 technical advisory committees shall be entitled to receive their
1746 actual and necessary expenses actually incurred in the performance



1747 of such duties, together with mileage as provided by law for state
1748 employees, provided the same has been authorized by a resolution
1749 duly adopted by the authority and entered on its minutes prior to
1750 the performance of such duties.

1751 (g) The authority may provide for the development and
1752 require the adoption of standardized computer programs and may
1753 provide for the dissemination of information to and the
1754 establishment of training programs for the personnel of the
1755 various information technology centers of state agencies and
1756 personnel of the agencies utilizing the services thereof.

1757 (h) The authority shall adopt reasonable rules and
1758 regulations requiring the reporting to the authority through the
1759 office of executive director of such information as may be
1760 required for carrying out the purposes of this chapter and may
1761 also establish such reasonable procedures to be followed in the
1762 presentation of bills for payment under the terms of all contracts
1763 for the acquisition of computer equipment and services now or
1764 hereafter in force as may be required by the authority or by the
1765 executive director in the execution of their powers and duties.

1766 (i) The authority shall require such adequate
1767 documentation of information technology procedures utilized by the
1768 various state agencies and may require the establishment of such
1769 organizational structures within state agencies relating to
1770 information technology operations as may be necessary to
1771 effectuate the purposes of this chapter.

1772 (j) The authority may adopt such further reasonable
1773 rules and regulations as may be necessary to fully implement the
1774 purposes of this chapter. All rules and regulations adopted by
1775 the authority shall be published and disseminated in readily
1776 accessible form to all affected state agencies, and to all current
1777 suppliers of computer equipment and services to the state, and to
1778 all prospective suppliers requesting the same. Such rules and
1779 regulations shall be kept current, be periodically revised, and



1780 copies thereof shall be available at all times for inspection by
1781 the public at reasonable hours in the offices of the authority.
1782 Whenever possible no rule, regulation or any proposed amendment to
1783 such rules and regulations shall be finally adopted or enforced
1784 until copies of said proposed rules and regulations have been
1785 furnished to all interested parties for their comment and
1786 suggestions.

1787 (k) The authority shall establish rules and regulations
1788 which shall provide for the submission of all contracts proposed
1789 to be executed by the executive director for computer equipment or
1790 services to the authority for approval before final execution, and
1791 the authority may provide that such contracts involving the
1792 expenditure of less than such specified amount as may be
1793 established by the authority may be finally executed by the
1794 executive director without first obtaining such approval by the
1795 authority.

1796 (l) The authority is authorized to purchase, lease, or
1797 rent computer equipment or services and to operate said equipment
1798 and utilize said services in providing services to one or more
1799 state agencies when in its opinion such operation will provide
1800 maximum efficiency and economy in the functions of any such agency
1801 or agencies.

1802 (m) The authority shall assist political subdivisions
1803 and instrumentalities in their development of plans for the
1804 efficient acquisition and utilization of computer equipment and
1805 services. An appropriate fee shall be charged the political
1806 subdivision by the authority for such assistance.

1807 (n) The authority shall adopt rules and regulations
1808 governing the protest procedures to be followed by any actual or
1809 prospective bidder, offerer or contractor who is aggrieved in
1810 connection with the solicitation or award of a contract for the
1811 acquisition of computer equipment or services. Such rules and
1812 regulations shall prescribe the manner, time and procedure for



1813 making protests and may provide that a protest not timely filed
1814 shall be summarily denied. The authority may require the
1815 protesting party, at the time of filing the protest, to post a
1816 bond, payable to the state, in an amount that the authority
1817 determines sufficient to cover any expense or loss incurred by the
1818 state, the authority or any state agency as a result of the
1819 protest if the protest subsequently is determined by a court of
1820 competent jurisdiction to have been filed without any substantial
1821 basis or reasonable expectation to believe that the protest was
1822 meritorious; however, in no event may the amount of the bond
1823 required exceed a reasonable estimate of the total project cost.
1824 The authority, in its discretion, also may prohibit any
1825 prospective bidder, offerer or contractor who is a party to any
1826 litigation involving any such contract with the state, the
1827 authority or any agency of the state to participate in any other
1828 such bid, offer or contract, or to be awarded any such contract,
1829 during the pendency of the litigation.

1830 (o) The authority shall make a report in writing to the
1831 Legislature each year in the month of January. Such report shall
1832 contain a full and detailed account of the work of the authority
1833 for the preceding year as specified in Section 25-53-29(3).

1834 All acquisitions of computer equipment and services involving
1835 the expenditure of funds in excess of the dollar amount
1836 established in Section 31-7-13(c), or rentals or leases in excess
1837 of the dollar amount established in Section 31-7-13(c) for the
1838 term of the contract, shall be based upon competitive and open
1839 specifications, and contracts therefor shall be entered into only
1840 after advertisements for bids are published in one or more daily
1841 newspapers having a general circulation in the state not less than
1842 fourteen (14) days prior to receiving sealed bids therefor. The
1843 authority may reserve the right to reject any or all bids, and if
1844 all bids are rejected, the authority may negotiate a contract
1845 within the limitations of the specifications so long as the terms



1846 of any such negotiated contract are equal to or better than the
1847 comparable terms submitted by the lowest and best bidder, and so
1848 long as the total cost to the State of Mississippi does not exceed
1849 the lowest bid. If the authority accepts one (1) of such bids, it
1850 shall be that which is the lowest and best.

1851 (p) When applicable, the authority may procure
1852 equipment, systems and related services in accordance with the law
1853 or regulations, or both, which govern the Bureau of Purchasing of
1854 the Office of General Services or which govern the Mississippi
1855 Department of Information Technology Services procurement of
1856 telecommunications equipment, software and services.

1857 (q) The authority is authorized to purchase, lease, or
1858 rent information technology and services for the purpose of
1859 establishing pilot projects to investigate emerging technologies.
1860 These acquisitions shall be limited to new technologies and shall
1861 be limited to an amount set by annual appropriation of the
1862 Legislature. These acquisitions shall be exempt from the
1863 advertising and bidding requirement.

1864 (r) All fees collected by the Mississippi Department of
1865 Information Technology Services shall be deposited into the
1866 Mississippi Department of Information Technology Services
1867 Revolving Fund unless otherwise specified by the Legislature.

1868 The authority shall operate from State General Funds
1869 appropriated by the Legislature. All user charges and fees shall
1870 be deposited by the authority into the State General Fund.

1871 **SECTION 31.** Section 25-53-29, Mississippi Code of 1972, is
1872 amended as follows:

1873 25-53-29. (1) For the purposes of this section the term
1874 "bureau" shall mean the "Mississippi Department of Information
1875 Technology Services." The authority shall have the following
1876 powers and responsibilities to carry out the establishment of
1877 policy and provide for long range planning and consulting:



1878 (a) Provide a high level of technical expertise for
1879 agencies, institutions, political subdivisions and other
1880 governmental entities as follows: planning; consulting; project
1881 management; systems and performance review; system definition;
1882 design; application programming; training; development and
1883 documentation; implementation; maintenance; and other tasks as may
1884 be required, within the resources available to the bureau.

1885 (b) Publish written planning guides, policies and
1886 procedures for use by agencies and institutions in planning future
1887 electronic information service systems. The bureau may require
1888 agencies and institutions to submit data, including periodic
1889 electronic equipment inventory listings, information on agency
1890 staffing, systems under study, planned applications for the
1891 future, and other information needed for the purposes of preparing
1892 the state master plan. The bureau may require agencies and
1893 institutions to submit any additional data required for purposes
1894 of preparing the state master plan.

1895 (c) Inspect agency facilities and equipment, interview
1896 agency employees and review records at any time deemed necessary
1897 by the bureau for the purpose of identifying cost-effective
1898 applications of electronic information technology. Upon
1899 conclusion of any inspection, the bureau shall issue a management
1900 letter containing cost estimates and recommendations to the agency
1901 head and governing board concerning applications identified that
1902 would result in staff reductions, other monetary savings and
1903 improved delivery of public services.

1904 (d) Conduct classroom and on-site training for end
1905 users for applications and systems developed by the bureau.

1906 (e) Provide consulting services to agencies and
1907 institutions or Mississippi governmental subdivisions requesting
1908 technical assistance in electronic information services technology
1909 applications and systems. The bureau may submit proposals and



1910 enter into contracts to provide services to agencies and
1911 institutions or governmental subdivisions for such purposes.

1912 (2) The bureau shall annually issue a three-year master plan
1913 in writing to the Governor, available on request to any member of
1914 the Legislature, including recommended statewide strategies and
1915 goals for the effective and efficient use of information
1916 technology and services in state government. The report shall
1917 also include recommended information policy actions and other
1918 recommendations for consideration by the Governor and members of
1919 the Legislature.

1920 (3) The bureau shall make an annual report in writing to the
1921 Governor, available on request to any member of the Legislature,
1922 to include a full and detailed account of the work of the
1923 authority for the preceding year. The report shall contain
1924 recommendations to agencies and institutions resulting from
1925 inspections or consulting contracts. The report shall also
1926 contain a summary of the master plan, progress made, and
1927 legislative and policy recommendations for consideration by the
1928 Governor and members of the Legislature.

1929 (4) The bureau may charge fees to agencies and institutions
1930 for services rendered to them. The amounts of such fees shall be
1931 set by the authority upon recommendation of the Executive Director
1932 of the MDITS, and all such fees collected shall be paid into the
1933 State General Fund * * *.

1934 (5) It is the intention of the Legislature that the
1935 employees of the bureau performing services defined by Section
1936 25-53-29 be staffed by highly qualified persons possessing
1937 technical, consulting and programming expertise. Such employees
1938 shall be considered nonstate service employees as defined in
1939 Section 25-9-107 (c) (x) and may be compensated at a rate
1940 comparable to the prevailing rate of individuals in qualified
1941 professional consulting firms in the private sector. Such
1942 compensation rates shall be determined by the State Personnel



1943 Director. The number of such positions shall be set by annual
1944 appropriation of the Legislature. Qualifications and compensation
1945 of the bureau employees shall be set by the State Personnel Board
1946 upon recommendation of the Executive Director of the MDITS. The
1947 total number of positions and classification of positions may be
1948 increased or decreased during a fiscal year depending upon work
1949 load and availability of funds.

1950 (6) The bureau may, from time to time, at the discretion of
1951 the Executive Director of the MDITS, contract with firms or
1952 qualified individuals to be used to augment the bureau's
1953 professional staff in order to assure timely completion and
1954 implementation of assigned tasks, provided that funds are
1955 available in the bureau's appropriation. Such individuals may be
1956 employees of any agency, bureau or institution provided that these
1957 individuals or firms meet the requirements of other individuals or
1958 firms doing business with the state through the Mississippi
1959 Department of Information Technology Services. Individuals who
1960 are employees of an agency or institution may contract with the
1961 Mississippi Department of Information Technology Services only
1962 with the concurrence of the agency or institution for whom they
1963 are employed.

1964 **SECTION 32.** Section 27-7-313, Mississippi Code of 1972, is
1965 amended as follows:

1966 27-7-313. In the case of any overpayment of any tax,
1967 interest or penalty levied or provided for in Article 1 of this
1968 chapter, or in this article, whether by reason of excessive
1969 withholding, error on the part of the taxpayer, erroneous
1970 assessment of tax, or otherwise, the excess shall be refunded to
1971 the taxpayer.

1972 When, upon examination of any return made under this article,
1973 or under the provisions of Article 1 of this chapter, it appears
1974 that an amount of income tax has been paid in excess of the amount
1975 properly due, then the amount of the excess shall be credited



1976 against any income tax then due from the taxpayer under any other
1977 return required by this article, or Article 1 of this chapter.
1978 Refunds or credits may be withheld or applied against any other
1979 tax determined finally to be due if the taxpayer has failed to pay
1980 any tax finally due as required by the provisions of the laws
1981 administered by the commission. Any excess after such application
1982 shall be certified to the State Auditor of Public Accounts by the
1983 commissioner. The said Auditor is hereby authorized to make such
1984 investigation and audit of the claim as he finds necessary. If he
1985 finds that the commissioner is correct in his determination, the
1986 Auditor may issue his warrant to the State Treasurer in favor of
1987 the taxpayer for the amount of tax erroneously paid into the State
1988 Treasury. No refund shall be granted under this article or under
1989 the provisions of Article 1 of this chapter unless a claim for
1990 same is made within three (3) years from the date the return is
1991 due, or within three (3) years from the final day of an extension
1992 period previously granted by the commissioner pursuant to the
1993 provisions of Section 27-7-50; however, the restrictions imposed
1994 by this section do not apply to those refund requests or claims
1995 made in compliance with subsections (2) and (3) of Section
1996 27-7-49.

1997 The State Treasurer shall withhold from all income taxes
1998 collected each month an amount necessary to make refunds expected
1999 to be approved by the State Auditor during the following month.
2000 This amount shall be placed in the State General Fund * * *. All
2001 refunds made under this article shall be made as quickly as
2002 possible upon receipt of the proper proof, as required by the
2003 State Auditor.

2004 In order to obtain a refund, such employee shall attach to
2005 his return a copy of the withholding statement required to be
2006 furnished him by his employer as provided in Section 27-7-311. The
2007 making of any refund shall not be conclusive of the tax due by any
2008 individual, but shall be made subject to the future audit of his



2009 return and the determination of his liability. Bond requirements
2010 of Section 7-7-57 shall not apply to warrants for refund of income
2011 tax.

2012 Nothing in this section shall be construed as authorizing a
2013 refund of taxes for claims made pursuant to the United States
2014 Supreme Court decision of Davis v. Michigan Department of
2015 Treasury, 109 S.Ct. 1500 (1989). These taxes were not incorrectly
2016 and/or erroneously collected as contemplated by this chapter.

2017 In the event a court of final jurisdiction determines the
2018 above provision to be void for any reason, it is hereby declared
2019 the intent of the Legislature that affected taxpayers shall be
2020 allowed a credit against future income tax liability as opposed to
2021 a tax refund.

2022 **SECTION 33.** Section 27-19-99, Mississippi Code of 1972, is
2023 amended as follows:

2024 27-19-99. The State Tax Commission shall furnish the tax
2025 collector of each county a sufficient supply of license tags or
2026 plates and a sufficient supply of license receipts with which to
2027 make the collection of the taxes imposed by the provisions of this
2028 article, which such tax collectors are required to collect. The
2029 license tag receipts shall be on forms prescribed by the
2030 commission. Upon the payment of the taxes and fees required by
2031 this article, the tax collector shall issue the license receipt in
2032 the form prescribed by the commission. The commission shall keep
2033 account against the tax collector for the license taxes and fees
2034 collected. The tax collector shall keep a similar account.

2035 The tax collector shall, at the end of each month or within
2036 twenty (20) days thereafter, pay into the county road fund all
2037 privilege taxes collected by him during the preceding month upon
2038 motor vehicle privilege licenses which he is entitled to issue,
2039 less the county's commission.

2040 The tax collector shall keep a record of the information
2041 furnished by the owners of each motor vehicle registered. The



2042 record shall be made in numerical order by tag number or decal
2043 number, whichever is appropriate. At the end of each month, or
2044 within twenty (20) days thereafter, the tax collector shall submit
2045 to the commission a copy of such record, together with the copy of
2046 each registration receipt, and shall, at the same time, remit to
2047 the commission the registration fee for each license tag or decal
2048 sold by him during the preceding month. When the tax collector
2049 shall have complied with the provisions of this section and shall
2050 have forwarded to the commission, within the time specified, all
2051 reports required of him hereunder, he shall then be entitled to
2052 retain five percent (5%) of the registration fees imposed in
2053 paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of
2054 1972, to be paid into the county general fund; otherwise the
2055 county's commission shall be forfeited. The five percent (5%)
2056 shall not apply to any additional registration fee imposed above
2057 the amounts imposed in paragraphs (a) and (b) of Section 27-19-43.
2058 The commission shall keep a record from the duplicates filed by
2059 the tax collectors of all registered vehicles.

2060 Counties that use their existing computer system to
2061 communicate all data regarding vehicle title and registration
2062 transactions to the state's central computer system shall be
2063 allotted Fifty Cents (50¢) for each registration fee collected by
2064 the county and remitted to the State Tax Commission. Such
2065 communication must successfully pass any edit features and
2066 successfully create or update title/registration records on the
2067 network system. This amount paid to the county shall be deposited
2068 into the county general fund to be expended only for costs
2069 incurred for the purchase of equipment, software, maintenance or
2070 other costs directly related to the title/registration network
2071 system.

2072 All monies remitted to the commission by tax collectors as
2073 registration or tag fees from the portion of the rate imposed in
2074 paragraphs (a) and (b) of Section 27-19-43, and all monies



2075 received by the commission directly as registration or tag fees
2076 from the portion of the rate imposed in paragraphs (a) and (b) of
2077 Section 27-19-43, shall be paid by the commission into the General
2078 Fund of the State Treasury on the first day of the month
2079 succeeding the month in which such fees are received by the
2080 commission. Except as otherwise provided in Section 31-17-127,
2081 all monies remitted to the commission by tax collectors as
2082 registration or tag fees from the additional rate of Five Dollars
2083 (\$5.00) and all monies received by the commission directly as
2084 registration or tag fees from the additional rate of Five Dollars
2085 (\$5.00) shall be paid into the State Treasury to the credit of the
2086 State General Fund * * *.

2087 **SECTION 34.** Section 27-25-11, Mississippi Code of 1972, is
2088 amended as follows:

2089 27-25-11. All taxes herein levied shall be collected by the
2090 State Tax Commissioner and shall be deposited in the State
2091 Treasury in accordance with Section 7-9-21. For the 1984 fiscal
2092 year and each fiscal year thereafter, eighty percent (80%) of such
2093 collections shall be credited to the State General Fund and twenty
2094 percent (20%) of such collections shall be returned to the
2095 counties from which the timber or its products was severed. The
2096 State Treasurer upon receipt of said funds shall transfer those
2097 funds to be credited to the State General Fund and shall remit the
2098 counties' share of said funds on or before the fifteenth day of
2099 the month next succeeding the month in which such collections are
2100 made.

2101 The commissioner shall determine amounts due the counties
2102 from which the timber or its products was severed and shall
2103 certify to the State Treasurer the amount due each county * * *
2104 fund. The State Treasurer shall requisition monies from such
2105 accounts in such amounts as determined and certified by the
2106 commissioner. The State Fiscal Officer shall deliver the warrant
2107 to the State Treasurer, who shall transfer such funds to each



2108 county * * * fund by warrant or by electronic funds transfer on
2109 the due date.

2110 The commissioner shall deliver on or before the fifteenth day
2111 of the month next succeeding the month in which such collections
2112 are made, a report to the county receiving said funds, showing
2113 from whom said tax was collected. Upon receipt of said funds the
2114 county shall place same to the credit of its general fund, to be
2115 expended as follows: The monies placed in the general fund of the
2116 counties by this article, not required by law to be otherwise
2117 expended, may, in the discretion of the boards of supervisors, be
2118 expended in maintaining county roads and bridges or for retiring
2119 general county bonds and they are hereby authorized to apportion
2120 these funds to the various taxing districts of the county in a
2121 just and equitable manner for the payment of bonds and interest,
2122 or school and road maintenance purposes, in proportion to the
2123 amount of timber or its products severed therefrom. Provided
2124 further, that any additional funds which accrue to any county as a
2125 result of the increase in tax provided in this article shall not
2126 be chargeable to the county in determining the state funds needed
2127 annually to support the minimum educational program under Section
2128 37-19-37.

2129 **SECTION 35.** Section 27-37-303, Mississippi Code of 1972, is
2130 amended as follows:

2131 27-37-303. At the end of each fiscal year, the State Tax
2132 Commission shall ascertain from the Tennessee Valley Authority to
2133 the extent it has the necessary data available, and from other
2134 sources, including electric power associations and other power
2135 distributors, to the extent it does not, the amount of power sales
2136 or kilowatt-hour sales to consumers in each county and
2137 municipality in this state by the Tennessee Valley Authority or
2138 any facility distributing such power and the book value of
2139 Tennessee Valley Authority power property in each Mississippi
2140 county and municipality in which the Tennessee Valley Authority



2141 holds such property, and the minimum amounts paid or payable by
2142 the Tennessee Valley Authority in replacement of former county and
2143 municipal ad valorem taxes on power properties purchased and
2144 operated by the Tennessee Valley Authority in Mississippi, if such
2145 information is necessary to determine the apportionment of funds
2146 under Section 27-37-301. Thereafter, as funds are received from
2147 the Tennessee Valley Authority, but not more frequently than
2148 monthly, the State Fiscal Officer shall apportion the amount
2149 received by the State Treasurer of Mississippi in accordance with
2150 Section 27-37-301 hereof, and shall issue his warrant therefor to
2151 the various counties and municipalities entitled thereto, and the
2152 same shall be paid by the State Treasurer from the funds received
2153 from the Tennessee Valley Authority. Said funds so received by
2154 the State Treasurer shall be deposited into the State General Fund
2155 until disbursements are made as herein authorized and directed,
2156 and that portion found to be due the State of Mississippi shall be
2157 transferred to the General Fund of the state as a part of the
2158 general revenues of the State of Mississippi.

2159 **SECTION 36.** Section 27-59-51, Mississippi Code of 1972, is
2160 amended as follows:

2161 27-59-51. All funds collected by the commission under the
2162 provisions of this chapter, or under the provisions of any other
2163 law, which may now or in the future be collected by said
2164 commission, are hereby designated as public funds of the State of
2165 Mississippi and shall be by it deposited into the State General
2166 Fund in accordance with Section 7-9-21. Allocations of gasoline,
2167 diesel fuel or kerosene tax to the counties shall be made by the
2168 commission as provided by law and reported to the State Treasurer
2169 at the end of each month. The State Treasurer shall issue his
2170 requisition in payment thereof on the State Fiscal Officer, who
2171 shall issue his warrant on the State Treasurer, as is provided for
2172 the disbursement of other state funds.



2173 **SECTION 37.** Section 27-71-7, Mississippi Code of 1972, is
2174 amended as follows:

2175 27-71-7. (1) There is hereby levied and assessed an excise
2176 tax upon each case of alcoholic beverages sold by the commission
2177 to be collected from each retail licensee at the time of sale in
2178 accordance with the following schedule:

- 2179 (a) Distilled spirits..... \$2.50 per gallon
- 2180 (b) Sparkling wine and champagne..... \$1.00 per gallon
- 2181 (c) Other wines, including native
2182 wines..... \$.35 per gallon

2183 (2) (a) In addition to the tax levied by subsection (1) of
2184 this section, and in addition to any other markup collected, the
2185 Alcoholic Beverage Control Division shall collect a markup of
2186 three percent (3%) on all alcoholic beverages, as defined in
2187 Section 67-1-5, Mississippi Code of 1972, which are sold by the
2188 division. The proceeds of the markup shall be collected by the
2189 division from each purchaser at the time of purchase.

2190 (b) Until June 30, 1987, the revenue derived from this
2191 three percent (3%) markup shall be deposited by the division in
2192 the State Treasury to the State General Fund. * * * It is the
2193 intent of the Legislature that the State Department of Mental
2194 Health shall continue to seek funds from other sources and shall
2195 use the funds appropriated for the purposes of this section and
2196 Section 27-71-29 to match all federal funds which may be available
2197 for alcoholism treatment and rehabilitation.

2198 * * *

2199 **SECTION 38.** Section 27-71-29, Mississippi Code of 1972, is
2200 amended as follows:

2201 27-71-29. All taxes levied by this article shall be paid to
2202 the State Tax Commission in cash or by personal check, cashier's
2203 check, bank exchange, post-office money order or express money
2204 order and shall be deposited by the commission in the State
2205 Treasury on the same day collected, but no remittances other than



2206 cash shall be a final discharge of liability for the tax herein
2207 imposed and levied unless and until it has been paid in cash to
2208 the State Tax Commission.

2209 All taxes levied under Section 27-71-7(1) and received by the
2210 commission under this article shall be paid into the General Fund,
2211 and the three percent (3%) levied under Section 27-71-7(2) and
2212 received by the commission under this article shall be paid into
2213 the State General * * *. Any funds derived from the sale of
2214 alcoholic beverages in excess of inventory requirements shall be
2215 paid not less often than annually into the General Fund.

2216 **SECTION 39.** Section 27-71-201, Mississippi Code of 1972, is
2217 amended as follows:

2218 27-71-201. (1) In addition to any tax or markup being
2219 collected from the sale of alcoholic beverages on the effective
2220 date of this article, the Alcoholic Beverage Control Division of
2221 the State Tax Commission shall collect a surcharge of one percent
2222 (1%) of the gross proceeds of sales, as defined in Section
2223 27-65-3, Mississippi Code of 1972. The surcharge shall be
2224 collected by the division from each permittee at the time of sale.

2225 (2) The revenue derived from the surcharge imposed in
2226 subsection (1) of this section shall be deposited by the division
2227 in the State General Fund. * * *

2228 * * *

2229 **SECTION 40.** Section 27-107-157, Mississippi Code of 1972, is
2230 amended as follows:

2231 27-107-157. (1) * * * All sums approved to be granted or
2232 loaned shall be paid upon warrants drawn on the State General
2233 Fund, and the Department of Finance and Administration shall issue
2234 warrants upon requisitions signed by the State Fiscal Officer.

2235 (2) In making grants or loans, the Department of Finance and
2236 Administration is authorized to utilize any of its general powers
2237 provided by Chapter 496, Laws of 1962, as amended, appearing as
2238 Sections 27-103-1 through 27-103-75, Mississippi Code of 1972.



2239 (3) Any loans made to a county or municipality under the
2240 provisions of this section are hereby made full faith and credit
2241 obligations of such counties and municipalities to the State of
2242 Mississippi and binding on the governing bodies obtaining such
2243 loans and their successors in office until repaid in full as to
2244 principal and interest thereon without regard to existing
2245 statutory limitations.

2246 (4) The Department of Finance and Administration shall
2247 require a certified copy of a resolution, order or other
2248 appropriate excerpts of the official minutes of the governing
2249 board or authorities, to be of such general form and content as
2250 the department may deem appropriate, together with application
2251 forms for such state loans.

2252 (5) All loans made under the provisions of this section
2253 shall be evidenced by negotiable promissory notes of the county or
2254 municipality to be in such standard form and content of acceptable
2255 banking standards, shall mature at such times and bear interest as
2256 hereinafter provided, and shall bear the signature of the
2257 president or presiding officer and clerk of the board of
2258 supervisors and the official seal, or the mayor or presiding
2259 officer and city clerk and the official seal.

2260 (6) The loans made hereunder shall bear no interest for the
2261 first two (2) years from the date of the loan. However, the loans
2262 shall bear the following interest rates thereafter:

2263	Third year	Three percent (3%) per annum
2264	Fourth year	Four percent (4%) per annum
2265	Fifth year	Five percent (5%) per annum
2266	Sixth year and thereafter	Six percent (6%) per annum

2267 (7) The governing authorities borrowing money under Sections
2268 27-107-153 through 27-107-167 are hereby authorized and empowered
2269 to levy not to exceed two (2) mills on all of the taxable property
2270 of the county or municipality at any time after the loan is made,
2271 and said levy is hereby designated to repay the loan and it shall



2272 not be charged against the existing general laws as to limitations
2273 of millage for local governmental purposes.

2274 (8) In the event that such loan has not been repaid or
2275 arrangements satisfactory to the department have not been made to
2276 repay same within five (5) years from the making of such loan, the
2277 department shall determine that there is a default in the terms of
2278 the promissory note, including any interest due thereon, shall
2279 enter an order to that effect upon its official minutes and send a
2280 certified copy of said order by certified mail, postage prepaid,
2281 to the chancery clerk or city clerk, as the case may be. If said
2282 default is not satisfied in full on or before the first day of
2283 March next following, a local ad valorem tax of two (2) mills or
2284 so much thereof as may be required to liquidate the entire
2285 indebtedness owed the state within a reasonable number of years as
2286 determined by the Department of Finance and Administration shall
2287 be levied by the county or municipality on all the taxable
2288 property in said county or city to be collected in the same
2289 manner, time and form as the existing local ad valorem tax levies,
2290 and shall be paid into the state treasury. Failure or refusal of
2291 any county or municipality to levy the tax hereinabove referred to
2292 or to otherwise discharge its obligation to the state shall
2293 forfeit the right of said county or municipality to receive
2294 reimbursement for homestead exemption until such time as its
2295 indebtedness has been discharged or arrangements to discharge said
2296 indebtedness satisfactorily to the department have been made.
2297 Homestead exemption funds forfeited hereby shall, upon demand by
2298 the department made in writing upon the Mississippi State Tax
2299 Commission, be paid to the department and applied to the discharge
2300 of the obligation.

2301 (9) The proceeds of all loans shall be used only for public
2302 governmental functions, services, payment of emergency
2303 indebtedness incurred as a direct result of the excessive rains
2304 and floods of the Spring of 1979, and expenditures authorized by



2305 general law and for matching federal grants, private gifts and
2306 donations, such federal grants, private gifts and donations being
2307 hereby authorized to be received and disbursed as public funds.

2308 (10) The Department of Finance and Administration in
2309 determining the total amount of loan to each qualifying political
2310 subdivision shall take into consideration the extend and degree of
2311 the damage, destruction or loss to public properties and the
2312 dollar value thereof, the reasonable expectation of loss of
2313 present and future revenues, the destruction and damages to
2314 tax-producing real and personal property, and all appropriate
2315 economic factors affecting the ability of said political
2316 subdivision to provide necessary public functions.

2317 **SECTION 41.** Section 27-107-173, Mississippi Code of 1972, is
2318 amended as follows:

2319 27-107-173. * * * All sums approved to be allocated shall be
2320 paid upon warrants drawn on the State General Fund, and the
2321 Department of Finance and Administration shall issue warrants upon
2322 requisitions signed by the State Fiscal Officer.

2323 **SECTION 42.** Section 29-7-3, Mississippi Code of 1972, is
2324 amended as follows:

2325 29-7-3. There shall be no development or extraction of oil,
2326 gas, or other minerals from state-owned lands by any private party
2327 without first obtaining a mineral lease therefor from the
2328 commission. The commission is hereby authorized and empowered,
2329 for and on behalf of the state, to lease any and all of the state
2330 land now owned (including that submerged or whereover the tide may
2331 ebb and flow) or hereafter acquired, to some reputable person,
2332 association, or company for oil and/or gas and/or other minerals
2333 in and under and which may be produced therefrom, excepting,
2334 however, sixteenth section school land, lieu lands, and such
2335 forfeited tax land and property the title to which is subject to
2336 any lawful redemption, for such consideration and upon such terms
2337 and conditions as the commission deems just and proper.



2338 The commission may promulgate rules and regulations governing
2339 all aspects of the process of leasing state lands within its
2340 jurisdiction for mineral development, including the setting of any
2341 necessary fees, delay rental payments, shut-in royalty payments,
2342 and such other provisions as may be required.

2343 There shall not be conducted any seismographic or other
2344 mineral exploration or testing activities on any state-owned lands
2345 within the mineral leasing jurisdiction of the commission without
2346 first obtaining a permit therefor from the commission. The
2347 commission shall have the authority to promulgate rules and
2348 regulations governing all aspects of seismographic or other
2349 mineral exploration activity on state lands within its
2350 jurisdiction, including the establishing of fees and issuance of
2351 permits for the conduct of such mineral exploration activities.
2352 Provided, however, that persons obtaining permits from the
2353 commission for seismographic or other mineral exploration or
2354 testing activities on state-owned wildlife management areas, lakes
2355 and fish hatcheries, shall be subject to rules and regulations
2356 promulgated therefor by the Mississippi Commission on Wildlife,
2357 Fisheries and Parks which shall also receive all permit fees for
2358 such testing on said lands.

2359 Further, provided that each permit within the Mississippi
2360 Sound or tidelands shall be reviewed by the Mississippi Commission
2361 on Marine Resources and such special conditions as it may specify
2362 will be included in the permit. Information or data obtained in
2363 any mineral exploration activity on any and all state lands shall
2364 be disclosed to the state through the Department of Environmental
2365 Quality, upon demand. Such information or data shall be treated
2366 as confidential for a period of ten (10) years from the date of
2367 receipt thereof and shall not be disclosed to the public or to any
2368 firm, individual or agency other than officials or authorized
2369 employees of this state. Any person who makes unauthorized
2370 disclosure of such confidential information or data shall be



2371 guilty of a misdemeanor, and upon conviction thereof, be fined not
2372 more than Five Thousand Dollars (\$5,000.00) or imprisoned in the
2373 county jail not more than one (1) year, or both.

2374 Whenever any such land or property is leased for oil and gas
2375 and/or other minerals, such lease contract shall provide for a
2376 lease royalty to the state of at least three-sixteenths (3/16) of
2377 such oil and gas or other minerals, same to be paid in the manner
2378 prescribed by the commission. Of the monies received in
2379 connection with the execution of such leases, five-tenths of one
2380 percent (5/10 of 1%) shall be retained in the State General
2381 Fund * * * and two percent (2%) shall be paid into a special fund
2382 to be designated as the "Gulf and Wildlife Protection Fund," to be
2383 appropriated by the Legislature, one-half (1/2) thereof to be
2384 apportioned as follows: an amount which shall not exceed One
2385 Million Dollars (\$1,000,000.00) shall be used by the Mississippi
2386 Department of Wildlife, Fisheries and Parks solely for the purpose
2387 of clean-up, remedial or abatement actions involving pollution as
2388 a result of the exploration or production of oil or gas, and any
2389 amount in excess of such One Million Dollars (\$1,000,000.00) shall
2390 be deposited into the Education Trust Fund, created in Section
2391 206A, Mississippi Constitution of 1890. The remaining one-half
2392 (1/2) of such Gulf and Wildlife Protection Fund to be apportioned
2393 as follows: an amount which shall not exceed One Million Dollars
2394 (\$1,000,000.00) shall be used by the Mississippi Commission on
2395 Wildlife, Fisheries and Parks for use first in the prudent
2396 management, preservation, protection and conservation of existing
2397 waters, lands and wildlife of this state and then, provided such
2398 purposes are accomplished, for the acquisition of additional
2399 waters and lands and any amount in excess of such One Million
2400 Dollars (\$1,000,000.00) shall be deposited into the Education
2401 Trust Fund, created in Section 206A, Mississippi Constitution of
2402 1890. However, in the event that the Legislature is not in
2403 session to appropriate funds from the Gulf and Wildlife Protection



2404 Fund for the purpose of clean-up, remedial or abatement actions
2405 involving pollution as a result of the exploration or production
2406 of oil or gas, then the Mississippi Department of Wildlife,
2407 Fisheries and Parks may make expenditures from this special fund
2408 account solely for said purpose. The commission may lease the
2409 submerged beds for sand and gravel on such a basis as it may deem
2410 proper, but where the waters lie between this state and an
2411 adjoining state, there must be a cash realization to this state,
2412 including taxes paid for such sand and gravel, equal to that being
2413 had by such adjoining state, in all cases the requisite consents
2414 therefor being lawfully obtained from the United States.

2415 The Department of Environmental Quality is authorized to
2416 employ competent engineering personnel to survey the territorial
2417 waters of this state in the Mississippi Sound and the Gulf of
2418 Mexico and to prepare a map or plat of such territorial waters,
2419 divided into blocks of not more than six thousand (6,000) acres
2420 each with coordinates and reference points based upon longitude
2421 and latitude surveys. The commission is authorized to adopt such
2422 survey, plat or map for leasing of such submerged lands for
2423 mineral development; and such leases may, after the adoption of
2424 such plat or map, be made by reference to the map or plat, which
2425 shall be on permanent file with the commission and a copy thereof
2426 on file in the Office of the State Oil and Gas Board.

2427 **SECTION 43.** Section 31-3-17, Mississippi Code of 1972, is
2428 amended as follows:

2429 31-3-17. There is hereby levied, in addition to any taxes
2430 otherwise provided for by law, a special privilege license tax of
2431 One Hundred Dollars (\$100.00) on each contractor to whom a
2432 certificate of responsibility is issued under this chapter; and
2433 such tax shall be paid to the executive secretary of the board
2434 before engaging in or continuing in such business in this state.
2435 The board may levy an additional special privilege license tax not
2436 to exceed Fifty Dollars (\$50.00) for each additional



2437 classification for which a contractor applies and is found to be
2438 qualified. The executive secretary of the board shall promptly
2439 deposit all monies received under this chapter in the State
2440 Treasury to the credit of the State General Fund. * * * All
2441 expenditures by said board * * * shall be by requisition to the
2442 State Fiscal Officer, signed by the executive secretary of the
2443 board and countersigned by the chairman or vice chairman of the
2444 board, and the State Treasurer shall issue his warrants thereon.

2445 **SECTION 44.** Section 37-26-9, Mississippi Code of 1972, is
2446 amended as follows:

2447 37-26-9. (1) It shall be the duty of the clerk of any court
2448 to promptly collect the costs imposed pursuant to the provisions
2449 of Section 37-26-3. In all cases the clerk shall monthly deposit
2450 all such costs so collected with the State Treasurer either
2451 directly or by other appropriate procedures. All such deposits
2452 shall be made to the State General Fund. * * *

2453 (2) Such assessments as are collected under Section 99-19-73
2454 shall be deposited into the State General Fund. * * *

2455 * * *

2456 (3) * * * In addition to any other fees or costs now or as
2457 may hereafter be provided by law, there is hereby charged in all
2458 civil cases in the chancery, circuit, county, justice and
2459 municipal courts of this state a supplemental court education and
2460 training cost in the amount of Fifty Cents (50¢), except in
2461 justice court cases where the amount sued for is less than Fifteen
2462 Dollars (\$15.00); and in all criminal cases in the circuit,
2463 county, justice and municipal courts of this state, except in
2464 cases where the fine is less than Ten Dollars (\$10.00). Such
2465 costs shall be charged and collected as provided by Sections
2466 37-26-3 and 37-26-5, and shall be deposited into the State General
2467 Fund.

2468 * * *



2469 **SECTION 45.** Section 37-33-17, Mississippi Code of 1972, is
2470 amended as follows:

2471 37-33-17. The director, with the approval of the executive
2472 director and the state board, may accept and use gifts and
2473 donations made unconditionally or otherwise for carrying out the
2474 purposes of the Vocational Rehabilitation Law, from either public
2475 or private sources. Gifts made under such conditions as in the
2476 judgment of the state board are proper and consistent with the
2477 provisions of that law may be so accepted and shall be held,
2478 invested, reinvested and used in accordance with the conditions of
2479 the gift. All monies received as gifts or donations, except
2480 conditional gifts requiring other treatments, shall be deposited
2481 in the State Treasury into the State General Fund * * *. The
2482 state board shall make a report annually to the Legislature
2483 setting forth the condition of vocational rehabilitation of
2484 disabled persons in Mississippi, the expenditures made from state
2485 and federal funds in carrying out the provisions of that law or
2486 its purpose, and a detailed statement of all gifts and donations
2487 offered and accepted, together with the names of donors and the
2488 respective amounts prescribed by each and all the disbursements
2489 made therefrom.

2490 **SECTION 46.** Section 37-33-57, Mississippi Code of 1972, is
2491 amended as follows:

2492 37-33-57. The director, with the approval of the executive
2493 director and the state board, may accept and use gifts and
2494 donations made unconditionally or otherwise for carrying out the
2495 purposes of the Vocational Rehabilitation for the Blind Law, from
2496 either public or private sources. Gifts made under such
2497 conditions as in the judgment of the state board are proper and
2498 consistent with the provisions of that law may be so accepted and
2499 shall be held, invested, reinvested and used in accordance with
2500 the conditions of the gift. All monies received as gifts or
2501 donations, except conditional gifts requiring other treatment,



2502 shall be deposited in the State Treasury into the State General
2503 Fund * * *. The state board shall report annually to the State
2504 Legislature, setting forth the condition of vocational
2505 rehabilitation of blind persons in Mississippi, the expenditures
2506 made from state and federal funds in carrying out the provisions
2507 of that law or its purpose, and a detailed statement of all gifts
2508 and donations offered and accepted, together with the names of
2509 donors and the respective amounts prescribed by each and all the
2510 disbursements made therefrom.

2511 **SECTION 47.** Section 37-43-41, Mississippi Code of 1972, is
2512 amended as follows:

2513 37-43-41. The State Textbook Fund of Mississippi shall
2514 consist of the amounts appropriated by the Legislature for the
2515 same, all monies accruing from the sale of disused books from
2516 other than public schools, all monies derived from the purchase of
2517 books by both public and private schools trustees, and by private
2518 individuals, all monies collected in damage suits under the terms
2519 of this chapter, and all other monies collected in any way
2520 whatsoever under the terms of this chapter.

2521 * * *

2522 **SECTION 48.** Section 37-51-5, Mississippi Code of 1972, is
2523 amended as follows:

2524 37-51-5. There shall be, and there is hereby, created in the
2525 State Treasury, a * * * fund to be known as the "State Educational
2526 Loan Fund." The said fund shall consist of such amounts as may be
2527 paid into said fund by appropriation and also such amounts as may
2528 be returned to said fund as repayments, both principal and
2529 interest, from loans provided for in this chapter.

2530 **SECTION 49.** Section 37-101-149, Mississippi Code of 1972, is
2531 amended as follows:

2532 37-101-149. The proceeds derived or received from all sales
2533 of timber, trees, dead wood, and stumps, and from all oil, gas and
2534 mineral leases, or leases for other purposes, provided for in



2535 Sections 37-101-141 and 37-101-143, including, but not limited to,
2536 rentals, bonuses, royalties, and delay rentals, shall be deposited
2537 in the State General Fund in the State Treasury. * * *

2538 Notwithstanding any other provisions of this section, such
2539 reports as may be required by the state auditor of public accounts
2540 shall be made to him by the institutions of higher learning in the
2541 manner and at the times he may prescribe, so that his records may
2542 reflect full and complete information relative thereto.

2543 **SECTION 50.** Section 37-131-9, Mississippi Code of 1972, is
2544 amended as follows:

2545 37-131-9. In addition to the amounts paid to the
2546 demonstration or practice school from minimum education program
2547 funds, as provided in Section 37-131-7, the board of trustees of
2548 the school district involved may contract with the said
2549 demonstration or practice school for the payment of additional
2550 amounts thereto to defray expenses over and above those defrayed
2551 by minimum education program funds, which additional amounts shall
2552 be paid from any funds available to the school district other than
2553 minimum education program funds, whether produced by a
2554 supplemental district tax levy or otherwise.

2555 If the total funds paid to the demonstration or practice
2556 school by the school district are inadequate to defray the cost
2557 and expense of maintaining and operating such demonstration or
2558 practice school then the president or executive head of the
2559 institution may, subject to the approval of the board of trustees
2560 of state institutions of higher learning, require the payment of
2561 additional fees or tuition in an amount to be fixed by the
2562 president or executive head of the institution, subject to the
2563 approval of the board of trustees of state institutions of higher
2564 learning, which amount shall be paid by and collected from the
2565 student or his parents.

2566 Boards of trustees of school districts involved may designate
2567 an area within the jurisdiction of the board as an attendance



2568 center as provided by law, and may require students in such area
2569 to attend demonstration or practice schools, subject to a
2570 satisfactory contract between the school board and the president
2571 or executive head of the institution operating the demonstration
2572 or practice school. In such event, all fees and tuition must be
2573 borne by the school district and in no case shall the child or the
2574 parents of the child assigned to such demonstration or practice
2575 school be required to pay any fees or tuition.

2576 The president or executive head of the institution, subject
2577 to the approval of the board of trustees of state institutions of
2578 higher learning, may also fix the amount of fees and tuition to be
2579 paid by students desiring to attend such demonstration or practice
2580 school in cases where there is no contract with the board of
2581 trustees of the school district in which the students reside
2582 therefor.

2583 All funds received by an institution, under the provisions of
2584 this section, shall be deposited in the State General fund in the
2585 State Treasury. * * *

2586 **SECTION 51.** Section 37-133-7, Mississippi Code of 1972, is
2587 amended as follows:

2588 37-133-7. There is hereby created in the state treasury
2589 a * * * fund to be known as the "Technical Institute Fund." All
2590 sums of money received by the board of trustees of state
2591 institutions of higher learning to carry out the provisions of the
2592 Mississippi Technical Institute Law of 1964 shall be maintained in
2593 said * * * fund. All expenditures therefrom shall be for the
2594 purposes of carrying out the intents and purposes of said law,
2595 including the payment of salaries for qualified instructors as
2596 well as the equipping and staffing of the institute. Such
2597 expenditures shall be paid therefrom by the state treasurer on
2598 warrant of the State Fiscal Officer. Said State Fiscal Officer
2599 shall issue his warrant upon requisition signed by the proper
2600 person, officer or officers, as authorized by law. The board is



2601 authorized to accept gifts, bequests of money, or other property,
2602 real or personal, to be used for the purpose of establishing or
2603 maintaining any technical institute which may be authorized under
2604 the provisions of said law and in accordance with the law of the
2605 State of Mississippi.

2606 **SECTION 52.** Section 41-59-61, Mississippi Code of 1972, is
2607 amended as follows:

2608 41-59-61. (1) Such assessments as are collected under
2609 subsections (1) and (2) of Section 99-19-73 shall be deposited
2610 into the State General Fund * * *. The Legislature may make
2611 appropriations from the State General Fund to the State Board of
2612 Health for the purpose of defraying costs of administration of the
2613 Emergency Medical Services program and for redistribution of such
2614 funds to the counties, municipalities and organized medical
2615 service districts (hereinafter referred to as "governmental
2616 units") for the support of the emergency medical services
2617 programs. The State Board of Health, with the Emergency Medical
2618 Services Advisory Council acting in an advisory capacity, shall
2619 administer the disbursement to such governmental units of any
2620 funds appropriated to the board from the State General Fund and
2621 the utilization of such funds by the governmental units.

2622 (2) Funds appropriated from the State General Fund to the
2623 State Board of Health shall be made available to all such
2624 governmental units to support the emergency medical services
2625 programs therein, and such funds shall be distributed to each
2626 governmental unit based upon its general population relative to
2627 the total population of the state. Disbursement of such funds
2628 shall be made on an annual basis at the end of the fiscal year
2629 upon the request of each governmental unit. Funds distributed to
2630 such governmental units shall be used in addition to existing
2631 annual emergency medical services budgets of the governmental
2632 units, and no such funds shall be used for the payment of any
2633 attorney's fees. The Director of the Emergency Medical Services



2634 program or his appointed designee is hereby authorized to require
2635 financial reports from the governmental units utilizing these
2636 funds in order to provide satisfactory proof of the maintenance of
2637 the funding effort by the governmental units.

2638 **SECTION 53.** Section 43-20-12, Mississippi Code of 1972, is
2639 amended as follows:

2640 43-20-12. All fees collected by the State Board of Health
2641 under this chapter and any penalties collected by the board for
2642 violations of this chapter shall be deposited into the State
2643 General Fund * * * in the State Treasury * * *.

2644 **SECTION 54.** Section 45-6-15, Mississippi Code of 1972, is
2645 amended as follows:

2646 45-6-15. (1) (a) Such assessments as are collected under
2647 Section 99-19-73, Mississippi Code of 1972, and contributions,
2648 grants and other monies received by the board under the provisions
2649 of this chapter shall be deposited in the State General
2650 Fund * * *.

2651 (b) Twenty-five percent (25%) of the assessments
2652 collected under Section 99-19-73, Mississippi Code of 1972, shall
2653 be deposited into the State General Fund. * * *

2654 * * *

2655 (2) The board may accept for any of its purposes and
2656 functions under this chapter any and all donations, both real and
2657 personal property, and grants of money from any governmental unit
2658 or public agency, or from any institution, person, firm or
2659 corporation.

2660 (3) Money authorized and appropriated by the Legislature
2661 shall be paid by the State Treasurer upon warrants issued by the
2662 Department of Finance and Administration, which shall issue its
2663 warrants upon requisitions signed by the proper person, officer or
2664 officers of the commission, in the manner provided by law.

2665 **SECTION 55.** Section 45-11-5, Mississippi Code of 1972, is
2666 amended as follows:



2667 45-11-5. (1) Any expense, including office supplies,
2668 counsel fees, expenses of deputy, detective and officers, incurred
2669 by the Commissioner of Insurance in the performance of the duties
2670 imposed upon him by Sections 45-11-1 and 45-11-3, and the
2671 operation of the State Fire Academy, as provided in Section
2672 45-11-7, shall be defrayed from the State General Fund pursuant to
2673 appropriation by the Legislature. A tax is hereby levied on all
2674 insurance companies, including stock, mutuals and reciprocals
2675 writing fire insurance, including the fire insurance components of
2676 automobile insurance, dwelling multiple peril insurance, farm
2677 multiple peril insurance and commercial multiple peril insurance,
2678 doing business in this state; * * * of one-half of one percent
2679 (1/2 of 1%) of the gross premium receipts of these fire insurance
2680 policies * * * to be collected by the State Tax Commission in the
2681 same manner as the general tax on premiums is collected as
2682 provided in Section 25-15-107. In the case of indivisible
2683 multiple peril insurance policies when the fire portion of the
2684 policy is not specified, a tax of one-half of one percent (1/2 of
2685 1%) is hereby levied on forty-five percent (45%) of the gross
2686 premium receipts of these policies.

2687 * * *

2688 (2) (a) A tax of one-half of one percent (1/2 of 1%) is
2689 hereby levied on the gross premium receipts of all insurance
2690 policies taxed in subsection (1).

2691 (b) Not later than the fifteenth day of each month, the
2692 State Treasurer shall disburse the revenue from the tax levied in
2693 this subsection as follows:

2694 (i) Fifty percent (50%) shall be transferred into
2695 the Municipal Fire Protection Fund in Section 83-1-37; and

2696 (ii) Fifty percent (50%) shall be transferred to
2697 the County Volunteer Fire Department Fund in Section 83-1-39.

2698 (3) All taxes shall be deposited into the Treasury as
2699 provided in Section 7-7-21. The tax commission shall keep



2700 separate accounts of all taxes collected under this section and
2701 shall include these accounts in its annual report.

2702 **SECTION 56.** Section 45-11-7, Mississippi Code of 1972, is
2703 amended as follows:

2704 45-11-7. (1) There is hereby created a State Fire Academy
2705 for the training and education of persons engaged in municipal,
2706 county and industrial fire protection. The Commissioner of
2707 Insurance shall appoint an Executive Director of the State Fire
2708 Academy who, along with his employees, shall be designated as a
2709 division of the Insurance Department. The executive director
2710 shall serve at the pleasure of the Commissioner of Insurance. The
2711 State Fire Academy shall be under the supervision and direction of
2712 the Executive Director of the State Fire Academy. State Fire
2713 Academy training programs for fire personnel shall be conducted at
2714 the academy with seminars to be conducted in other sections of the
2715 state as and when the State Fire Academy Advisory Board considers
2716 it necessary and advisable.

2717 The Commissioner of Insurance may establish and charge
2718 reasonable fees for the training programs and other services
2719 provided by the academy to be deposited into the State General
2720 Fund. A record of all funds received pursuant to this paragraph
2721 shall be maintained as is required for other monies pursuant to
2722 Section 45-11-5.

2723 The Executive Director of the State Fire Academy is
2724 authorized and empowered to purchase, operate and maintain mobile
2725 fire fighting equipment as he may find necessary and proper for
2726 the operation of the academy subject to approval of the
2727 Commissioner of Insurance. The equipment may be utilized wherever
2728 training sessions may be held at the discretion of the State Fire
2729 Academy Advisory Board.

2730 (2) The Commissioner of Insurance shall be authorized to
2731 undertake appropriate action to accomplish and fulfill the
2732 purposes of the State Fire Academy, including the hiring of



2733 instructors and personnel, the lease and purchase of appropriate
2734 training equipment and to lease, purchase or construct suitable
2735 premises and quarters for conducting annual school and seminars,
2736 as the State Fire Academy Advisory Board may deem necessary and
2737 required for such purposes. Any contract entered into under and
2738 by virtue of the provisions of this section shall first be
2739 submitted to and approved by the Public Procurement Review Board,
2740 and construction pursuant to the contract shall be under the
2741 supervision of the Governor's Office of General Services.

2742 (3) Vouchers for operating expense for the State Fire
2743 Academy shall be signed by the Executive Director of the State
2744 Fire Academy and payment thereof shall be made from such funds as
2745 are appropriated therefor from the State General Fund * * *.

2746 (4) The State Fire Academy is hereby officially designated
2747 as the agency of this state to conduct training for fire personnel
2748 on a statewide basis in which members of all duly constituted fire
2749 departments may participate. This subsection shall not be
2750 construed to affect the authority of any fire department to
2751 conduct training for its own personnel.

2752 (5) Each state agency, private agency or federal agency
2753 which provides training for the fire service shall coordinate such
2754 efforts with the State Fire Academy to prevent duplication of cost
2755 and to insure standardization of training.

2756 (6) The State Fire Academy shall present an appropriate
2757 certificate signifying the successful completion of its prescribed
2758 courses.

2759 (7) National fire fighter standards approved by the
2760 Mississippi Fire Personnel Minimum Standards and Certification
2761 Board shall be used as the basis for classroom instruction at the
2762 fire academy.

2763 (8) The Commissioner of Insurance, Executive Director of the
2764 State Fire Academy, and the Mississippi Fire Personnel Minimum



2765 Standards and Certification Board shall coordinate all state
2766 programs related to fire department operations.

2767 (9) The Commissioner of Insurance is hereby authorized and
2768 empowered to establish standard guidelines for the use of, and
2769 accountability for, municipal and county fire protection funds
2770 distributed pursuant to the provisions of Sections 83-1-37 and
2771 83-1-39, Mississippi Code of 1972. Such guidelines shall include
2772 requirements for the establishment of record keeping and reports
2773 to the Commissioner of Insurance by municipalities and counties
2774 relating to the receipt and expenditure of fire protection funds,
2775 the training of fire department personnel and the submission to
2776 the Commissioner of Insurance of other data reasonably related to
2777 local fire protection responsibilities which the Commissioner of
2778 Insurance deems necessary for the performance of the duties of the
2779 State Fire Academy Advisory Board.

2780 (10) In order that the Commissioner of Insurance may more
2781 effectively execute the duties imposed upon him by subsection (9)
2782 of this section, there is hereby created within the State Fire
2783 Academy a Division of Fire Services Development. The division
2784 shall be staffed by a Fire Services Development Coordinator,
2785 appointed by the executive director of the academy from his
2786 current staff and by such other personnel as deemed by the
2787 Commissioner of Insurance. The division shall work with municipal
2788 and county fire coordinators to ensure effective implementation of
2789 guidelines established pursuant to subsection (9) of this section
2790 and shall serve in an advisory capacity for all aspects of fire
2791 service improvement. The Fire Service Coordinator shall annually
2792 notify the Department of Finance and Administration of those
2793 municipalities and counties which are not eligible to receive a
2794 portion of fire protection fund distributions because of failure
2795 to comply with requirements imposed in Sections 83-1-37 and
2796 83-1-39 as a prerequisite to receipt of such funds.

2797 * * *



2798 **SECTION 57.** Section 45-23-19, Mississippi Code of 1972, is
2799 amended as follows:

2800 45-23-19. The chief inspector, if authorized by the board,
2801 is hereby charged, directed and empowered:

2802 (a) To take action necessary for the enforcement of the
2803 laws of the State of Mississippi governing the use of boilers and
2804 pressure vessels to which this chapter applies and of the rules
2805 and regulations of the board;

2806 (b) To keep a complete record of the type, dimensions,
2807 maximum allowable pressure, age, location, and all inspection
2808 reports of all boilers and pressure vessels to which this chapter
2809 applies;

2810 (c) To publish and make available to anyone requesting
2811 them copies of the rules and regulations promulgated by the board;

2812 (d) To issue, or to suspend or revoke for cause,
2813 inspection certificates as provided for in Sections 45-23-41
2814 through 45-23-49;

2815 (e) To cause the prosecution of all violators of the
2816 provisions of this chapter;

2817 (f) To draw from * * * any funds appropriated or
2818 authorized to be expended by the Legislature for the purpose of
2819 implementing and administering this chapter. These expenditures
2820 may include but are not necessarily limited to the necessary
2821 traveling expenses of the chief inspector and his deputies and the
2822 expense incident to the maintenance of the chief inspector's
2823 office;

2824 (g) To maintain a list of qualified inspectors or other
2825 persons eligible to make inspections within this state and its
2826 territories.

2827 **SECTION 58.** Section 45-23-55, Mississippi Code of 1972, is
2828 amended as follows:

2829 45-23-55. There is hereby created a * * * fund in the State
2830 Treasury to be known as the Boiler and Pressure Vessel Safety Fund



2831 into which shall be deposited all funds appropriated by the
2832 Legislature for the implementation of this chapter * * *.

2833 **SECTION 59.** Section 47-5-66, Mississippi Code of 1972, is
2834 amended as follows:

2835 47-5-66. (1) It shall be the duty of the State Department
2836 of Finance and Administration, with the approval of the Public
2837 Procurement Review Board, to lease lands at public contract upon
2838 the submission of two (2) or more sealed bids to the State
2839 Department of Finance and Administration after having advertised
2840 the land for rent in newspapers of general circulation published
2841 in Jackson, Mississippi; Memphis, Tennessee; the county in which
2842 the land is located, and contiguous counties for a period of not
2843 less than two (2) successive weeks. The first publication shall
2844 be made not less than ten (10) days before the date of the public
2845 contract, and the last publication shall be made not more than
2846 seven (7) days before that date. The State Department of Finance
2847 and Administration may reject any and all bids. If all bids on a
2848 tract or parcel of land are rejected, the State Department of
2849 Finance and Administration may then advertise for new bids on that
2850 tract or parcel of land. Successful bidders shall take possession
2851 of their leaseholds at the time authorized by the State Department
2852 of Finance and Administration. However, rent shall be due no
2853 later than the day upon which the lessee shall assume possession
2854 of the leasehold, and shall be due on the anniversary date for
2855 each following year of the lease. The State Department of Finance
2856 and Administration may provide in any lease that rent shall be
2857 paid in full in advance or paid in installments, as may be
2858 necessary or appropriate. In addition, the State Department of
2859 Finance and Administration may accept, and the lease may provide
2860 for, assignments of federal, state, or other agricultural support
2861 payments, growing crops or the proceeds from the sale thereof,
2862 promissory notes, or any other good and valuable consideration
2863 offered by any lessee to meet the rent requirements of the lease.



2864 If a promissory note is offered by a lessee, it shall be secured
2865 by a first lien on the crop of the lessee, or the proceeds from
2866 the sale thereof. The lien shall be filed pursuant to Article 9
2867 of the Mississippi Uniform Commercial Code and Section 1324 of the
2868 Food Security Act of 1985, as enacted or amended. If the note is
2869 not paid at maturity, it shall bear interest at the rate provided
2870 for judgments and decrees in Section 75-17-7 from its maturity
2871 date until the note is paid. The note shall provide for the
2872 payment of all costs of collection and reasonable attorney's fees
2873 if default is made in the payment of the note. The payment of
2874 rent by promissory note or any means other than cash in advance
2875 shall be subject to the approval of the Public Procurement Review
2876 Board, which shall place the approval of record in the minutes of
2877 the board. * * * Any monies in hand or due from the leasing of
2878 Penitentiary lands and the sales of timber as provided in Section
2879 47-5-56 * * * shall be deposited to the State General Fund. All
2880 monies in each fiscal year derived from the leasing of the
2881 Penitentiary lands and the sales of timber as provided in Section
2882 47-5-56 shall be deposited into the State General Fund * * *. All
2883 profits derived from the prison agricultural enterprises shall be
2884 deposited into the State General Fund. All profits derived from
2885 prison industries shall be placed in the State General Fund. Such
2886 funds as may be appropriated each year by the Legislature to the
2887 nonprofit corporation, which is required to be organized under the
2888 provisions of Section 47-5-535, shall be expended for the purpose
2889 of operating and managing the prison industries. The state shall
2890 have the rights and remedies for the security and collection of
2891 the rents given by law to landlords. Upon the execution of the
2892 agricultural leases to private entities as authorized by Section
2893 47-5-64, the leased land shall be liable to be taxed as other
2894 lands are taxed during the continuance of the lease, but in case
2895 of sale thereon for taxes, only the title of the leaseholder or
2896 his heirs or assigns shall pass by the sale. Any funds obtained



2897 by the corporation as a result of sale of goods and services
2898 manufactured and provided by it shall be accounted for separate
2899 and apart from any funds received by the corporation through
2900 appropriation from the State Legislature. All nonappropriated
2901 funds generated by the corporation shall * * * be subject to
2902 appropriation by the State Legislature.

2903 (2) This section shall be repealed from and after July 1,
2904 2002.

2905 **SECTION 60.** Section 47-5-155, Mississippi Code of 1972, is
2906 amended as follows:

2907 47-5-155. There is hereby created a * * * fund to be known
2908 as the "Discharged Offenders Revolving Fund" to be maintained in a
2909 bank to be selected by the commissioner. It shall be the duty of
2910 the bank, so long as it retains such deposits, to make monthly
2911 reports to the State Treasurer of the State of Mississippi as to
2912 the condition of the funds on deposit in the depository. Such
2913 funds as are appropriated by the Legislature shall be used for the
2914 prompt payment in cash to all discharged, pardoned or paroled
2915 offenders such amounts as are provided by Section 47-5-157. * * *
2916 Upon receipt of adequately supported requisitions, the State
2917 Fiscal Officer shall draw his warrants made payable to the
2918 Discharged Offenders Revolving Fund against any funds in the State
2919 Treasury to the credit of the correctional system.

2920 **SECTION 61.** Section 47-5-513, Mississippi Code of 1972, is
2921 amended as follows:

2922 47-5-513. * * * Proceeds of funds paid by industries or
2923 businesses participating in the correctional industries work
2924 program shall be paid into the State General Fund in the State
2925 Treasury * * *.

2926 **SECTION 62.** Section 47-7-49, Mississippi Code of 1972, is
2927 amended as follows:

2928 47-7-49. (1) Any offender on probation, parole,
2929 earned-release supervision, post-release supervision, earned



2930 probation or any other offender under the field supervision of the
2931 Community Corrections Division of the department shall pay to the
2932 department the sum of Thirty Dollars (\$30.00) per month by
2933 certified check or money order unless a hardship waiver is
2934 granted. A hardship waiver may be granted by the sentencing court
2935 or the Department of Corrections. A hardship waiver may not be
2936 granted for a period of time exceeding ninety (90) days. The
2937 commissioner, or his designee, shall deposit * * * the payments
2938 received into the State General Fund * * *. Appropriations by the
2939 Legislature may be made for: (a) the establishment of restitution
2940 and satellite centers; * * * (b) the establishment, administration
2941 and operation of the department's Drug Identification Program and
2942 the intensive and field supervision program; * * * and (c)
2943 salaries and * * * equipment, supplies and vehicles to be used by
2944 the Community Corrections Division in the performance of its
2945 duties. * * *

2946 * * * When a person is convicted of a felony in this state,
2947 in addition to any other sentence it may impose, the court may, in
2948 its discretion, order the offender to pay a state assessment not
2949 to exceed the greater of One Thousand Dollars (\$1,000.00) or the
2950 maximum fine that may be imposed for the offense, into the State
2951 General Fund * * *.

2952 Any federal funds made available to the department for
2953 training or for training facilities, equipment or services shall
2954 be deposited in the State General Fund. * * * Funds may be
2955 appropriated by the Legislature to support an expansion of the
2956 department's training program to include the renovation of
2957 facilities for training purposes, purchase of equipment and
2958 contracting of training services with community colleges in the
2959 state.

2960 No offender shall be required to make this payment for a
2961 period of time longer than ten (10) years.



2962 (2) The offender may be imprisoned until the payments are
2963 made if the offender is financially able to make the payments and
2964 the court in the county where the offender resides so finds,
2965 subject to the limitations hereinafter set out. The offender
2966 shall not be imprisoned if the offender is financially unable to
2967 make the payments and so states to the court in writing, under
2968 oath, and the court so finds.

2969 (3) This section shall stand repealed from and after June
2970 30, 2002.

2971 **SECTION 63.** Section 49-1-65, Mississippi Code of 1972, is
2972 amended as follows:

2973 49-1-65. Any assessments collected under subsection (3) of
2974 Section 99-19-73 shall be deposited in the State General
2975 Fund. * * * The Legislature shall annually appropriate from the
2976 General Fund a sum to defray the necessary expenses of the
2977 program.

2978 **SECTION 64.** Section 49-3-15, Mississippi Code of 1972, is
2979 amended as follows:

2980 49-3-15. The laboratory personnel may, at their discretion,
2981 and subject to the approval of the proper administrative
2982 authorities at Mississippi State University, do research on a
2983 contract or project basis for industries, governmental agencies,
2984 public or private organizations or corporations, or any others, at
2985 a price and on a basis to be determined by the aforesaid
2986 personnel. The proceeds derived from such research projects shall
2987 be deposited to the State General Fund in the Treasury of the
2988 State of Mississippi * * *.

2989 **SECTION 65.** Section 49-5-21, Mississippi Code of 1972, is
2990 amended as follows:

2991 49-5-21. (1) The department shall transfer all funds under
2992 its control into the State General Fund in the State
2993 Treasury * * *. All funds derived from the sale of licenses,
2994 fees, fines and other revenues received by the department as



2995 provided by law, shall be deposited in the State General
2996 Fund. * * *

2997 (2) The department may expend such sums as are authorized by
2998 the Legislature * * * for paying salaries of its employees,
2999 operating and maintaining equipment and for any other purpose the
3000 department is authorized to expend funds by law, which amount
3001 shall be available for expenditure.

3002 The money herein authorized shall be paid by the State
3003 Treasurer * * * on warrants issued by the State Fiscal Officer
3004 upon requisition signed by the executive director of the
3005 department.

3006 (3) The department shall prepare and submit annually to the
3007 Legislature a budget for its proposed operation. The budget
3008 required shall reflect all anticipated revenues from all sources,
3009 including all grants and matching funds, together with all
3010 proposed expenditures. The budget shall be prepared in the same
3011 manner as is now required of other departments of this state. The
3012 department shall be subject to budgetary control and audit in the
3013 same manner as is provided by law for other departments and
3014 agencies. * * *

3015 **SECTION 66.** Section 49-5-77, Mississippi Code of 1972, is
3016 amended as follows:

3017 49-5-77. * * *

3018 (1) The commission is empowered and authorized, in addition
3019 to such sums as may be appropriated from time to time by the
3020 Legislature, to accept from any person, firm, corporation or
3021 agency of government, national, state or local any gifts or
3022 devise, lands, money for the purpose of acquiring by lease, or
3023 purchase any area for hunting or fishing use or for the
3024 preservation of any species of wildlife or fish. Such lands and
3025 waters as are acquired under the provisions of Sections 49-5-61
3026 through 49-5-85 and Section 49-5-78 shall be under the
3027 administration and control of the commission until a proper plan



3028 shall be developed for the land or water. The commission shall
3029 enter into an agreement with an appropriate agency in the
3030 executive branch to develop a plan for the land or water. After
3031 the plan is developed, the land or water shall be transferred to
3032 the administration and control of the Department of Wildlife,
3033 Fisheries and Parks or other appropriate agency in the executive
3034 branch to be managed by the agency according to the plan.

3035 (2) The commission is authorized and empowered to accept and
3036 earmark for any purpose, not inconsistent with the provisions of
3037 Sections 49-5-61 through 49-5-85, any gift or devise, lands or
3038 money from any person, firm, corporation or governmental unit on
3039 such terms and conditions as the donor may designate.

3040 **SECTION 67.** Section 49-17-61, Mississippi Code of 1972, is
3041 amended as follows:

3042 49-17-61. There is hereby created for the State of
3043 Mississippi a Water Pollution Abatement Loan Program ("program")
3044 from which shall be made loans in aid of construction. Funds shall
3045 be available to any political subdivision legally authorized to
3046 own, maintain and operate a sewage, industrial waste or other
3047 waste collection, transport, treatment and disposal system. No
3048 recipient shall receive from state funds any loan in excess of
3049 twenty-five percent (25%) of the cost of construction of a
3050 project, unless said recipient shall become eligible on or after
3051 October 1, 1988, as set forth in Section 49-17-85(3).

3052 Such cost of construction includes: preliminary planning to
3053 determine the economic and engineering feasibility of treatment
3054 works, the engineering, architectural, legal, fiscal and economic
3055 investigations and studies, surveys, designs, plans, working
3056 drawings, specifications, procedures, and other action necessary
3057 to the construction of treatment works; and the erection,
3058 building, acquisition, alteration, remodeling, improvement or
3059 extension of treatment works; and the inspection and supervision
3060 of the construction of treatment works.



3061 No loan shall be made for any project under the provisions of
3062 Sections 49-17-61 through 49-17-67 unless such project is in
3063 conformity with the State Water Pollution Control Plan and has
3064 been certified by the Mississippi Commission on Environmental
3065 Quality as entitled to priority over eligible projects on the
3066 basis of financial as well as water pollution control needs.

3067 Loan funds generated by the issuance of bonds, legislative
3068 appropriations or otherwise, shall be deposited in an appropriate
3069 account or accounts created under the program.

3070 * * * All bonds which shall be issued by the State of
3071 Mississippi to generate funds to be used for loans under this
3072 section shall be payable as to principal, interest, premiums, if
3073 any, and service fees from the State General Fund. * * *

3074 * * *

3075 Funds on deposit in the State General Fund (a) may be used to
3076 make loans in aid of construction for water pollution abatement
3077 upon appropriation by the Legislature; (b) * * * may be used * * *
3078 for the purpose of matching federal capitalization grants and for
3079 allowable uses; and (c) may be used for administration of
3080 the * * * loan program subject to legislative appropriation.

3081 **SECTION 68.** Section 49-19-205, Mississippi Code of 1972, is
3082 amended as follows:

3083 49-19-205. For purposes of Sections 49-19-201 to 49-19-227,
3084 the following words shall have the meaning ascribed herein unless
3085 the context requires otherwise:

3086 (a) "Commission" shall mean the state forestry
3087 commission.

3088 (b) "State forester" shall mean the forester appointed
3089 by the commission.

3090 (c) "Eligible owner" shall mean either (i) a private
3091 individual, group or association, or (ii) an agency of state,
3092 local or municipal government, but the term shall not mean or
3093 include private corporations manufacturing products or providing



3094 public utility services of any type or any subsidiary of such
3095 corporations; provided, however, only one (1) owner of land owned
3096 in joint tenancy or tenancy in common and only one (1) member or
3097 officer of any group or association shall be eligible to apply for
3098 or receive cost-share assistance to be expended for development of
3099 any or all lands owned by such owners or group or association.

3100 (d) "Eligible lands" shall mean (i) non-industrial
3101 private lands owned by a private individual, group or association,
3102 and (ii) lands owned by the State of Mississippi or any political
3103 subdivision thereof, but shall not include lands owned by private
3104 corporations which manufacture products or provide public utility
3105 services of any type or any subsidiary of such corporations.

3106 (e) "Cost-share assistance" shall mean the partial
3107 financial assistance in such amounts as the commission, in its
3108 discretion, shall determine, subject to the limitations of
3109 Sections 49-19-201 to 49-19-227.

3110 (f) "Approved practice" shall mean and include
3111 planting, seeding, timber stand improvement, prescribed burning,
3112 site preparation, systematic planting of hardwood trees for game
3113 preservation and development, or such other forest resource
3114 development practice as the commission shall approve or determine
3115 proper generally or with regard to any particular applicant.

3116 (g) "Forest development fund" shall mean the * * * fund
3117 established in the State Treasury, designated as the Forest
3118 Resource Development Fund, created by Section 49-19-227.

3119 **SECTION 69.** Section 49-19-227, Mississippi Code of 1972, is
3120 amended as follows:

3121 49-19-227. * * * The Legislature shall appropriate such sums
3122 as it may deem necessary including any proceeds of general
3123 obligation bonds which may be authorized by the Legislature for
3124 the support of the Forest Resources Development Program provided
3125 for under Sections 49-19-201 through 49-19-227. * * *



3126 **SECTION 70.** Section 51-5-5, Mississippi Code of 1972, is
3127 amended as follows:

3128 51-5-5. (1) In carrying out the provisions of this chapter,
3129 the board of water commissioners is empowered, but not limited to,
3130 to do the following:

3131 (a) Make reasonable rules and regulations for the
3132 purpose of carrying out the provisions of this chapter.

3133 (b) Prepare required forms and establish other
3134 procedures to govern the submission of applications, reports, and
3135 other information authorized to be sent the board as required by
3136 this chapter.

3137 (c) Prepare and give reasonable oral and/or written
3138 examinations for license applicants.

3139 (d) Deposit all fees in the State General Fund * * *.

3140 (e) Enter upon and be given access to any premises for
3141 the purpose of inspecting water wells.

3142 (2) Where the board finds that compliance with all the
3143 requirements of this chapter would result in undue hardship, an
3144 exemption from any one of more of such requirements may be granted
3145 by the board to the extent necessary to ameliorate such undue
3146 hardship and to the extent such exemption can be granted without
3147 impairing the intent and purpose of this chapter.

3148 **SECTION 71.** Section 53-1-7, Mississippi Code of 1972, is
3149 amended as follows:

3150 53-1-7. The board shall appoint a State Oil and Gas
3151 Supervisor, herein called supervisor, who shall be a competent and
3152 qualified administrator and receive as compensation for his
3153 services an annual salary to be fixed by law. The supervisor
3154 shall be solely responsible for the administration of the offices
3155 of the State Oil and Gas Board and shall be charged with the duty
3156 of enforcing Sections 53-1-1 through 53-1-47, and Sections 53-3-3
3157 through 53-3-165, and all rules, regulations and orders duly
3158 adopted by the board. The supervisor shall be ex officio



3159 secretary of the board and shall give bond, in such sum as the
3160 board may direct, with corporate surety to be approved by the
3161 board, conditioned that he will well and truly account for all
3162 funds coming into his hands as such secretary. He shall remit to
3163 the State Treasurer all monies collected by him as such secretary
3164 into the State General Fund * * *.

3165 The supervisor shall devote his entire time to his official
3166 duties.

3167 In addition, it shall be the supervisor's duty and
3168 responsibility to:

3169 (a) Supervise and manage all personnel of the offices
3170 of the Oil and Gas Board.

3171 (b) Formulate the duties and responsibilities of every
3172 staff employee in detail, including written job descriptions and
3173 written policies and procedures for performing staff tasks.

3174 (c) Outline a detailed method of preparing, and devise
3175 a systematic procedure for the filing of reports by field
3176 inspectors.

3177 (d) Formulate written policies and procedures for the
3178 effective and efficient operation of the office, and present these
3179 policies and procedures to the board for promulgation.

3180 (e) Supervise the provision of technical support and
3181 assistance to the board in its decision-making capacity.

3182 **SECTION 72.** Section 53-1-77, Mississippi Code of 1972, is
3183 amended as follows:

3184 53-1-77. (1) The State Oil and Gas Supervisor, as ex
3185 officio secretary of such board, shall remit to the State
3186 Treasurer all monies collected by reason of the assessments made
3187 and fixed under the provisions of Section 53-1-73, and the State
3188 Treasurer shall deposit all such monies in the State General
3189 Fund * * *.

3190 (2) * * * Disbursements shall be made from such funds
3191 approved by the Legislature only upon requisition of the State Oil



3192 and Gas Supervisor, as approved and allowed by the board, and
3193 which requisitions shall be supported by itemized statements
3194 thereto attached showing the purpose or purposes of such
3195 expenditures. Such requisitions shall be drawn upon the State
3196 Fiscal Officer, who shall issue a warrant * * *. Such warrants so
3197 issued shall be paid by the State Treasurer upon presentation.

3198 (3) The State Oil and Gas Supervisor, as ex officio
3199 secretary of the Oil and Gas Board, shall submit, within ten (10)
3200 days, after the convening of each session of the Legislature, to
3201 the Legislature a detailed report of all receipts, expenditures
3202 and balance on hand, of funds coming to the Oil and Gas Board from
3203 any source whatsoever.

3204 * * *

3205 (4) The board shall have the authority, in its discretion,
3206 to use whatever legal means available to it to attempt to collect
3207 any amounts so expended from any responsible party. Any amounts
3208 so collected shall be returned to the State General Fund * * *.

3209 * * *

3210 (5) For purposes of this section, orphan well means any oil
3211 or gas well in the state, including Class II wells, which has not
3212 been properly plugged according to the requirements of the
3213 statutes, rules and regulations governing same and for which a
3214 responsible party such as an owner or operator cannot be located
3215 or for which, for whatever reason, there is no other party which
3216 can be forced to plug the well.

3217 **SECTION 73.** Section 53-3-13, Mississippi Code of 1972, is
3218 amended as follows:

3219 53-3-13. (1) Any person securing a permit to drill a well
3220 in search of oil or gas under the provisions of Section 53-3-11
3221 shall pay to the Oil and Gas Supervisor a fee of Three Hundred
3222 Dollars (\$300.00) upon and for the issuance of such permit. A
3223 lesser sum may be paid if the State Oil and Gas Board shall adopt
3224 a rule fixing the amount to be paid at a sum less than Three



3225 Hundred Dollars (\$300.00). Any such permit, when issued and the
3226 fee paid thereon, shall be good for a period of six (6) months
3227 from the date thereof; and in the event drilling has commenced
3228 within the said six (6) months, the permit shall be good for the
3229 life of the well so commenced, unless during the course of
3230 drilling or production the operator is changed. In the event a
3231 change of operators from that listed in the drilling permit is
3232 desired, the operator so listed and the proposed new operator
3233 shall apply to the State Oil and Gas Board for authority to change
3234 operators on forms to be prescribed by order of the State Oil and
3235 Gas Board. The fee for such change of operators shall be One
3236 Hundred Dollars (\$100.00) per change, or some lesser sum as may be
3237 fixed by order of the board.

3238 (2) The State Oil and Gas Supervisor, as ex officio
3239 Secretary of the State Oil and Gas Board, shall remit to the State
3240 Treasurer all monies collected by reason of the assessments made,
3241 fixed and authorized under the provisions of the first paragraph
3242 of this section, and the State Treasurer shall deposit all such
3243 monies into the State General Fund.

3244 **SECTION 74.** Section 53-7-69, Mississippi Code of 1972, is
3245 amended as follows:

3246 53-7-69. * * * All sums received through the payment of
3247 fees, loans, grants, penalties and bond damages, less attorney's
3248 fees, shall be deposited in the State Treasury to the State
3249 General Fund. * * *

3250 * * *

3251 **SECTION 75.** Section 55-3-53, Mississippi Code of 1972, is
3252 amended as follows:

3253 55-3-53. (1) The Mississippi Department of Wildlife,
3254 Fisheries and Parks is hereby authorized and empowered to sell and
3255 dispose of timber, trees, deadwood and stumps standing, growing
3256 and being upon the lands of state parks. Such timber shall be
3257 sold and disposed of under the direction and specifications of the



3258 Department of Wildlife, Fisheries and Parks in accordance with
3259 sound and efficient principles of selective cutting, forestry
3260 management, and conservation.

3261 Before any such timber, trees, deadwood and stumps shall be
3262 sold, the Department of Wildlife, Fisheries and Parks shall select
3263 and mark the trees to be cut and disposed of. No trees or timber
3264 shall be marked for cutting when the cutting thereof would destroy
3265 or mar the scenic views from the tourist observation points in
3266 said park. The purchaser shall pay double price on sale basis for
3267 all trees, timber or stumps cut that had not been marked for
3268 removing by the Department of Wildlife, Fisheries and Parks.

3269 Before any such timber, trees, deadwood or stumps standing,
3270 growing or being upon such land shall be sold, the department
3271 shall advertise its intention so to do by publication in a
3272 newspaper published or having general circulation in the county or
3273 counties where parks are located, such notice to be published at
3274 least once a week for three (3) consecutive weeks preceding the
3275 sale and by posting one (1) notice in the courthouse in such
3276 county. The notice shall specify that such bids shall be filed
3277 with the superintendent of the state park involved, who shall
3278 transmit same to the Department of Wildlife, Fisheries and Parks
3279 for rejection or approval. Said department shall accept the bid
3280 of the highest and best bidder for cash, but shall have the right
3281 to reject any and all of such bids.

3282 Provided, however, in the case of damage by fire, windstorm,
3283 insects or other natural causes which would require immediate sale
3284 of the timber, because the time involved for advertisement as
3285 prescribed herein would allow decay, rot or destruction
3286 substantially decreasing the purchase price to be received had not
3287 such delay occurred, the advertisement provisions of this section
3288 shall not apply. The State Park Director, upon a written
3289 recommendation from the county forester of the county wherein said
3290 state park is located, shall determine when immediate sale of the



3291 timber is required. When the State Park Director shall find an
3292 immediate sale necessary for the causes stated herein, he shall,
3293 in his discretion, set the time for receipt of bids on the
3294 purchase of said timber, but shall show due diligence in notifying
3295 competitive bidders so that a true competitive bid shall be
3296 received.

3297 Whenever any timber, trees, deadwood or stumps are sold under
3298 the provisions of this section, the purchaser thereof shall have
3299 all necessary rights of ingress and egress to enter upon said land
3300 and cut and remove such timber, trees, deadwood or stumps.

3301 The proceeds derived or received from all sales under the
3302 provisions of this section shall be placed in the State General
3303 Fund * * *.

3304 (2) Notwithstanding the provisions of subsection (1) of this
3305 section, the Department of Wildlife, Fisheries and Parks may cut
3306 and sell trees damaged by fire, windstorm or insects and deadwood
3307 and stumps located upon the lands of state parks for firewood.
3308 Such firewood shall be sold only to overnight guests at state
3309 parks for use at state parks. The Department of Wildlife,
3310 Fisheries and Parks shall select and mark all trees to be cut for
3311 firewood.

3312 **SECTION 76.** Section 55-23-9, Mississippi Code of 1972, is
3313 amended as follows:

3314 55-23-9. The commission shall operate the Mississippi
3315 Veterans Memorial Stadium and to that end may employ such agents
3316 and employees as may be required in connection therewith. It may
3317 enter into contracts for the use of the stadium, and fix the
3318 amount of the compensation therefor, and collect the same when
3319 due. The commission may take any action authorized in Section
3320 55-23-8 relating to the Mississippi Veterans Memorial Stadium and
3321 the property described in Section 55-23-8.

3322 All monies and revenues, including the amusement tax imposed
3323 upon the sale of tickets for admission to the stadium, and all



3324 other events on stadium property and all monies arising from other
3325 use of stadium property, including that realized from the sale of
3326 concessions, shall be paid by the commission to the State
3327 Treasurer, to be placed to the credit of the State General
3328 Fund * * * and any references in the laws to the "Mississippi
3329 Memorial Stadium Fund" or the "Mississippi Veterans Memorial
3330 Stadium Fund" shall mean the State General Fund unless the context
3331 clearly indicates otherwise. * * * All expenses incident to the
3332 operation and upkeep of the facilities and property managed by the
3333 commission shall be paid out of the funds appropriated by the
3334 Legislature by the Department of Finance and Administration, which
3335 shall be issued on the requisition of the commission.

3336 All tickets sold to an event conducted in the Mississippi
3337 Veterans Memorial Stadium shall have printed in an appropriate and
3338 prominent place thereon the words A.C. "Butch" Lambert Field.

3339 **SECTION 77.** Section 57-1-15, Mississippi Code of 1972, is
3340 amended as follows:

3341 57-1-15. The department is hereby authorized to cooperate
3342 and coordinate with economic development commissions, travel and
3343 other similar commissions and boards, and/or other similar
3344 agencies of other states, the federal government, and with county,
3345 municipal and regional economic development, travel and other
3346 similar commissions or boards, or other agencies thereof, for the
3347 purposes of securing economic development within the State of
3348 Mississippi, and to accomplish this purpose, the department may
3349 contract for, receive and expend, state, federal and other
3350 funds * * *.

3351 **SECTION 78.** Section 57-15-5, Mississippi Code of 1972, is
3352 amended as follows:

3353 57-15-5. (1) It is hereby declared to be the intent of the
3354 Legislature by this chapter that the policy of the council hereby
3355 created shall be conducted according to the following guidelines:
3356 the council shall have the general purpose and policy of studying



3357 and developing plans, proposals, reports and recommendations for
3358 the development and utilization of the coastal and offshore lands,
3359 waters and marine resources of this state in order to insure that
3360 all future plans and/or programs of the State of Mississippi
3361 involving the field of marine resources and sciences,
3362 oceanographic research, and related studies, will be coordinated
3363 with comparable functions and programs of agencies of the United
3364 States government. The council shall further have the purpose and
3365 policy to help coordinate, as hereinabove provided, all plans of
3366 other agencies of this state engaged in similar activities and of
3367 the various states of the United States of America, and also with
3368 all private agencies whose purpose is marine science and resource
3369 development. The council is further authorized to enter into
3370 contract with any state or federal agency as may be necessary and
3371 requisite to carry out the purposes of this chapter. The council
3372 shall have the responsibility for the general management of the
3373 state's wetlands.

3374 (2) The council is authorized and empowered to solicit and
3375 accept financial support from sources other than the state,
3376 including private or public sources or foundations. All funds
3377 received by or appropriated to the council shall be deposited upon
3378 receipt thereof into the State General Fund in the State
3379 Treasury * * *. Expenditures * * * by and for the council for the
3380 purpose of carrying out its functions as provided by law shall be
3381 made with the approval of the council at any meeting upon
3382 requisitions presented to the State Auditor in the manner provided
3383 by law, and paid by the State Treasurer. Full and complete
3384 accounting shall be kept and made by the council for all funds
3385 received and expended by it. Representatives of the office of the
3386 State Auditor of Public Accounts annually shall audit the
3387 expenditure of funds received by the council from all sources and
3388 the said auditor shall make a complete and detailed report of such
3389 audit to the Legislature. It is further provided that all state



3390 appropriated funds expended shall conform to all requirements of
3391 law as provided for expenditures.

3392 (3) The council may solicit, receive and expend
3393 contributions, matching funds, gifts, bequests and devises from
3394 any source, whether federal, state, public or private, as
3395 authorized by annual appropriations therefor.

3396 (4) The council may enter into agreements with federal,
3397 state, public or private agencies, departments, institutions,
3398 firms, corporations or persons to carry out its policies as
3399 provided for in this chapter. To accomplish these goals, the
3400 council may expend any such sums from any source as herein
3401 provided.

3402 The agreements provided for in this subsection shall include,
3403 but not be limited to, the following provisions:

3404 (a) The duration of the agreement;

3405 (b) The purpose of the agreement;

3406 (c) A description of the procedures to be used in
3407 carrying out the purpose of the agreement; and

3408 (d) Provisions for termination of the agreement.

3409 Any entity entering into such an agreement shall comply with
3410 the provisions therein.

3411 (5) The council is authorized and empowered to accept
3412 financial support from any federal outer continental shelf revenue
3413 sharing programs. All funds received from such programs shall be
3414 deposited upon receipt thereof into a special trust fund in the
3415 State Treasury to be known and designated as the "Outer
3416 Continental Shelf Trust Fund". Expenditures from said fund shall
3417 be made for the benefit of any project affecting any county in the
3418 State of Mississippi which borders on the Gulf of Mexico with the
3419 approval of the Legislature.

3420 **SECTION 79.** Section 59-21-25, Mississippi Code of 1972, is
3421 amended as follows:



3422 59-21-25. (1) Fees for the award of certificates of number
3423 for original, transfer, renewal, livery, dealer and duplicate
3424 shall be as follows:

- 3425 (a) Less than 16 feet.....\$ 5.00
- 3426 (b) 16 feet but less than 26 feet.....\$15.00
- 3427 (c) 26 feet and over.....\$30.00
- 3428 (d) Dealer number.....\$25.00
- 3429 (e) Duplicate.....\$ 5.00

3430 (2) All fees for numbers and renewal of number shall be
3431 payable to the Mississippi Department of Wildlife, Fisheries and
3432 Parks to be deposited by the department in the State Treasury into
3433 the State General Fund * * *. The State Treasurer shall release
3434 to the department pursuant to legislative appropriation such sums
3435 as are required to defray all administrative costs of the boat
3436 registration fee division of the department and to improve the law
3437 enforcement capability of the department on the inland and marine
3438 waters of the State of Mississippi and as may be budgeted by the
3439 department for the purpose of paying the cost of the
3440 administration of this chapter for education on water safety,
3441 improvement of water safety and motorboating facilities in the
3442 state, and advertising and promoting the waterways of the
3443 state. * * *

3444 **SECTION 80.** Section 61-13-11, Mississippi Code of 1972, is
3445 amended as follows:

3446 61-13-11. Whenever the Department of Finance and
3447 Administration under the direction of the Governor's Office makes
3448 an airplane or airplanes available to some department, institution
3449 or agency of the State of Mississippi, the actual cost for the
3450 operation thereof during the time the aforesaid airplane is so
3451 assigned shall be charged to and paid for by the aforesaid
3452 department, institution or agency into the State General
3453 Fund * * *.



3454 **SECTION 81.** Section 61-13-15, Mississippi Code of 1972, is
3455 amended as follows:

3456 61-13-15. (1) Any airplane purchased or operated under the
3457 provisions of this chapter which becomes surplus to the needs of
3458 the state may be sold by the Department of Finance and
3459 Administration upon the receipt of not less than three (3) sealed
3460 bids after three (3) public advertisements inviting such bids in
3461 some newspaper published in the State of Mississippi and having
3462 general circulation therein. The Department of Finance and
3463 Administration, may reject any or all bids and readvertise, in its
3464 discretion. The sums derived from such sale shall be placed in
3465 the State General Fund * * *.

3466 (2) The Department of Finance and Administration shall
3467 proceed to sell one or more of the aircraft purchased prior to
3468 July 1, 1986, pursuant to this chapter. The sale of such aircraft
3469 pursuant to this subsection shall be subject to the bid
3470 requirements of subsection (1). It is the intent of the
3471 Legislature that the sale of such aircraft shall be timed to
3472 produce the maximum revenues at sale.

3473 **SECTION 82.** Section 61-13-17, Mississippi Code of 1972, is
3474 amended as follows:

3475 61-13-17. * * * All salaries, allocations and charges for
3476 the cost of operating, repairing and servicing the airplanes shall
3477 be paid from the State General Fund. The Legislature shall
3478 appropriate the necessary funds to carry out the purposes of this
3479 chapter. The Department of Finance and Administration shall
3480 disburse over its signature all funds expended for carrying out
3481 the provisions of this chapter.

3482 * * *

3483 **SECTION 83.** Section 63-1-46, Mississippi Code of 1972, is
3484 amended as follows:

3485 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
3486 charged for the reinstatement of a license issued pursuant to this



3487 article to every person whose license has been validly suspended,
3488 revoked or cancelled. This fee shall be in addition to the fee
3489 provided for in Section 63-1-43, Mississippi Code of 1972.

3490 (2) The funds received under the provisions of subsection
3491 (1) of this section shall be deposited into the State General Fund
3492 in accordance with Section 45-1-23, Mississippi Code of 1972.

3493 (3) In addition to the fee provided for in subsection (1) of
3494 this section, an additional fee of Seventy-five Dollars (\$75.00)
3495 shall be charged for the reinstatement of a license issued
3496 pursuant to this article to every person whose license has been
3497 suspended or revoked under the provisions of the Mississippi
3498 Implied Consent Law or as a result of a conviction of a violation
3499 of the Uniform Controlled Substances Law under the provisions of
3500 Section 63-1-71.

3501 (4) The funds received under the provisions of subsection
3502 (3) of this section shall be placed in the State General
3503 Fund. * * *

3504 * * *

3505 **SECTION 84.** Section 63-11-32, Mississippi Code of 1972, is
3506 amended as follows:

3507 63-11-32. (1) The State Department of Public Safety in
3508 conjunction with the Governor's Highway Safety Program, the State
3509 Board of Health, or any other state agency or institution shall
3510 develop and implement a driver improvement program for persons
3511 identified as first offenders convicted of driving while under the
3512 influence of intoxicating liquor or another substance which had
3513 impaired such person's ability to operate a motor vehicle,
3514 including provision for referral to rehabilitation facilities.

3515 (2) The program shall consist of a minimum of ten (10) hours
3516 of instruction. Each person who participates shall pay a nominal
3517 fee to defray a portion of the cost of the program.

3518 (3) Such assessments as are collected under subsection (2)
3519 of Section 99-19-73 shall be deposited in the State General



3520 Fund * * *. Monies * * * shall be expended by the Board of
3521 Trustees of State Institutions of Higher Learning as authorized
3522 and appropriated by the Legislature to defray the costs of the
3523 Mississippi Alcohol Safety Education Program operated pursuant to
3524 the provisions of this section. * * *

3525 (4) Such assessments as are collected under subsection (2)
3526 of Section 99-19-73 shall be deposited in the State General
3527 Fund * * *. Monies * * * shall be expended by the Department of
3528 Public Safety as authorized and appropriated by the Legislature to
3529 defray the costs of alcohol and traffic safety programs. * * *

3530 (5) Such assessments as are collected under subsection (2)
3531 of Section 99-19-73 shall be deposited in the State General
3532 Fund * * *. Monies * * * shall be expended by the Department of
3533 Public Safety as authorized and appropriated by the Legislature to
3534 defray the costs of equipment replacement and operational support
3535 of the Mississippi Crime Laboratory relating to enforcement of the
3536 Implied Consent Law. * * *

3537 **SECTION 85.** Section 63-17-71, Mississippi Code of 1972, is
3538 amended as follows:

3539 63-17-71. All funds received by the commission shall be
3540 deposited in the State Treasury to the State General Fund. * * *
3541 The expenditure of all * * * funds shall be made only pursuant to
3542 appropriation approved by the Legislature and as provided by law.
3543 The receipts and disbursements of the commission shall be audited
3544 annually by the State Auditor.

3545 **SECTION 86.** Section 63-21-65, Mississippi Code of 1972, is
3546 amended as follows:

3547 63-21-65. Except as provided in Section 63-21-64, the State
3548 Tax Commission shall pay into the General Fund the fees collected
3549 under this chapter. As much of such funds as authorized by the
3550 Legislature pursuant to appropriation shall be used by the State
3551 Tax Commission to defray the cost of carrying out the duties of
3552 the State Tax Commission, including the maintenance of the



3553 automated statewide motor vehicle and manufactured housing
3554 registration system.

3555 **SECTION 87.** Section 69-7-263, Mississippi Code of 1972, is
3556 amended as follows:

3557 69-7-263. There is hereby imposed and levied an assessment
3558 at a rate not to exceed Three Cents (3¢) per case on all eggs
3559 produced in Mississippi wherever distributed or marketed and on
3560 all eggs marketed in Mississippi wherever distributed or produced.
3561 The rate of assessment shall be determined by the board. At the
3562 time of the sale, the egg producer shall provide evidence that all
3563 assessments provided herein have been paid. However, if the first
3564 sale of the eggs is made to a dealer or distributor, the producer
3565 shall pay to the dealer or the distributor the amount of the
3566 assessment owed; whereupon the dealer or distributor to whom such
3567 payment is made shall remit the assessment to the Commissioner of
3568 Agriculture and Commerce in accordance with the rules and
3569 regulations established and promulgated by the board. The board
3570 or the commissioner shall have the power to cause any duly
3571 authorized agent or representative to enter upon the premises of
3572 any dealer or handler of eggs and examine, or cause to be examined
3573 by such agent, any books, papers and records which deal in any way
3574 with respect to the payment of the assessment or enforcement of
3575 the provisions of this article.

3576 All costs incurred by the board or the commissioner in
3577 examining or causing the examination of such books, papers and
3578 records shall be taxed against the dealer or handler. Cost shall
3579 be assessed at the rate of One Hundred Dollars (\$100.00) per day
3580 or fraction thereof for each agent conducting the examination.
3581 Travel expenses shall be assessed in the manner and amount
3582 specified in Section 25-3-41, and other expenses shall be assessed
3583 at actual cost. All costs taxed against a dealer or handler for
3584 the examination of books, papers and records shall be paid within



3585 fifteen (15) days from the date such notice of cost is mailed to
3586 the dealer or handler.

3587 The proceeds of the assessment levied under this article
3588 shall be collected by the Commissioner of Agriculture and Commerce
3589 in such manner and method as shall be prescribed by him in
3590 accordance with the provisions of this article. The funds derived
3591 from the assessment shall be paid into the State Treasury on or
3592 before the fifteenth day of each month and shall be deposited in
3593 the State General Fund * * *. All costs, expenses and obligations
3594 incurred by the board for its operation and carrying out the
3595 purposes of this article shall be paid out of the State General
3596 Fund as * * * authorized by the Legislature. Provided further,
3597 that the Mississippi Egg Marketing Board shall render to the
3598 Mississippi Legislature a detailed annual report of all
3599 collections and expenditures of the monies collected under the
3600 provisions of this article. Any egg producer may request and
3601 receive a refund of the amount of assessment paid for the previous
3602 reporting period, provided he makes a written application with the
3603 Mississippi Egg Marketing Board within sixty (60) days from date
3604 of payment supported by bona fide copy of payment voucher and copy
3605 of canceled check. The application forms shall be prepared by the
3606 board and shall be available at the request of the producer. All
3607 such applications shall be processed and refunds paid within sixty
3608 (60) days after the funds have been received by the board.

3609 **SECTION 88.** Section 69-7-267, Mississippi Code of 1972, is
3610 amended as follows:

3611 69-7-267. Every person owning over three thousand (3,000)
3612 hens, or who is engaged or who engages in the business of selling
3613 eggs to a retailer who retails eggs in the State of Mississippi
3614 shall, prior to offering for sale or selling eggs to a retailer,
3615 secure a license for such business from the Commissioner of
3616 Agriculture and Commerce, which license shall first be approved by
3617 the board. Applications for licenses shall be on forms furnished



3618 by the Department of Agriculture and Commerce, and shall show the
3619 name and address of the applicant and such other information as to
3620 identity, kind and type of business engaged in as the commissioner
3621 shall deem pertinent. Each license application shall be
3622 accompanied by a fee of Fifty Dollars (\$50.00). All licenses
3623 issued shall expire on June 30 each year. The license may be
3624 revoked or suspended by the board for violation of any provision
3625 of this article or rules and regulations duly promulgated by the
3626 board for the enforcement of this article, or for the violation of
3627 any laws of the State of Mississippi pertaining to producing,
3628 grading, classifying or marketing eggs in Mississippi or
3629 regulations of the State Department of Agriculture and Commerce
3630 duly promulgated for such purposes. For the first offense, the
3631 license may be suspended for a period of not more than thirty (30)
3632 days; for the second offense, the license may be suspended for not
3633 more than sixty (60) days; for the third offense, the license may
3634 be suspended for not more than one (1) year. For any subsequent
3635 offense, the license may be suspended for any period, or may be
3636 revoked. Such disciplinary action shall be the result of not less
3637 than board action. Any person against whom such disciplinary
3638 action has been taken may apply to the board for a hearing in
3639 order to show cause why the disciplinary action shall not be
3640 taken. Such petition for a hearing shall act as supersedeas of
3641 the disciplinary action until such time as the board shall give
3642 the applicant an opportunity for a hearing; provided, however,
3643 that if such hearing is granted and any continuation or delay is
3644 the result of the action of the applicant, the supersedeas shall
3645 not continue past the date set by the board for such hearing.

3646 Application for reinstatement of a revoked license may be
3647 made upon expiration of the period of revocation or if permanently
3648 revoked, then after twelve (12) months from date of said
3649 revocation. Each reinstatement application shall be accompanied
3650 by a reinstatement fee of Fifty Dollars (\$50.00). All licenses



3651 shall be valid until suspended or revoked as herein provided or
3652 until cancelled by the licensee. Licenses shall not be
3653 transferable. Proceeds from the license fees collected under this
3654 article shall be transmitted to the State Treasurer for deposit
3655 into the State General Fund * * *.

3656 **SECTION 89.** Section 69-9-5, Mississippi Code of 1972, is
3657 amended as follows:

3658 69-9-5. (1) There is imposed and levied an assessment at
3659 the rate of One Cent (1¢) per bushel on all soybeans grown within
3660 the State of Mississippi, and such assessment shall be deducted by
3661 the purchaser from the amount paid the producer at the first point
3662 of sale, whether within or without the state. Assessments on
3663 soybeans put under loan to the Commodity Credit Corporation or
3664 purchased by the Commodity Credit Corporation and delivered to it
3665 shall be payable when such soybeans are placed under loan or are
3666 purchased. The Commodity Credit Corporation may require deduction
3667 and payment of the assessment from the loan proceeds or from the
3668 purchase price on the behalf of the producer. Assessments on
3669 soybeans put under loan to the Commodity Credit Corporation and
3670 redeemed by the producer before the takeover date, if already paid
3671 by having been deducted from the loan proceeds, shall not be
3672 deducted by each handler from the amount paid the producer at the
3673 first point of sale as provided in this section; otherwise, the
3674 assessment shall be deducted. Any soybean producer may request
3675 and receive a refund of the amount of assessment deducted from the
3676 sale of his soybeans provided he makes a written application with
3677 the Department of Agriculture and Commerce within sixty (60) days
3678 from date of sale, supported by bona fide copies of sales slips
3679 signed by the purchaser. The application forms shall be prepared
3680 by the Department of Agriculture and Commerce and shall be
3681 available at the first point of sale. All such applications shall
3682 be processed and refunds paid by the Department of Agriculture and
3683 Commerce within sixty (60) days after the funds have been received



3684 by the department. Each marketing agency shall be furnished a
3685 poster to be displayed in a prominent place, stating that refunds
3686 are available and forms to be used, including self-addressed
3687 envelopes, are available at its office.

3688 (2) The assessment imposed and levied by this section shall
3689 be payable to and collected by the Department of Agriculture and
3690 Commerce, hereafter referred to as "the department," from the
3691 purchaser of such soybeans at the first point of sale or from the
3692 Commodity Credit Corporation as provided in subsection (1) of this
3693 section. The proceeds of the assessment collected by the
3694 department shall be deposited monthly with the State Treasurer
3695 into the State General Fund. * * * The State Fiscal Officer is
3696 authorized to issue warrants for the payment of monies from the
3697 State General Fund upon requisition by the Commissioner of
3698 Agriculture and Commerce, or his designee, for refunds to
3699 producers as provided under subsection (1) of this section.

3700 (3) The department shall monthly pay over to the State
3701 General Fund the funds collected, less three and one-half percent
3702 (3-1/2%) of the gross amount collected. * * *

3703 (4) Each purchaser or the Commodity Credit Corporation shall
3704 keep a complete and accurate record of all soybeans handled by him
3705 and shall furnish each producer with a signed sales slip showing
3706 the number of bushels purchased from him and the amount deducted
3707 by him for the State General Fund. Such records shall be in such
3708 form and contain such other information as the department shall by
3709 rule or regulation prescribe. The records shall be preserved by
3710 the purchaser for a period of two (2) years and shall be offered
3711 for inspection at any time upon oral or written demand by the
3712 department or any duly authorized agent or representative thereof.
3713 Every purchaser or the Commodity Credit Corporation, at such time
3714 or times as the department may require, shall submit reports or
3715 other documentary information deemed necessary for the efficient
3716 and equitable collection of the assessment imposed in this



3717 chapter. The department shall have the power to cause any duly
3718 authorized agent or representative to enter upon the premises of
3719 any purchaser of soybeans and examine or cause to be examined by
3720 such agent only books, papers and records which deal in any way
3721 with the payment of the assessment or enforcement of the
3722 provisions of this chapter.

3723 **SECTION 90.** Section 69-10-5, Mississippi Code of 1972, is
3724 amended as follows:

3725 69-10-5. (1) There is imposed and levied an assessment at
3726 the rate of Two Cents (2¢) per bushel on all rice grown within the
3727 State of Mississippi; from and after July 1, 1991, the rate of
3728 assessment shall be increased by an additional One Cent (1¢) per
3729 bushel so that the total assessment equals Three Cents (3¢) per
3730 bushel. Such assessment shall be deducted by the purchaser from
3731 the amount paid the producer at the first point of sale, whether
3732 within or without the state. Assessments on rice put under loan
3733 to the Commodity Credit Corporation or purchased by the Commodity
3734 Credit Corporation and delivered to it shall be payable when such
3735 rice is placed under loan or is purchased. The Commodity Credit
3736 Corporation may require deduction and payment of the assessment
3737 from the loan proceeds or from the purchase price on the behalf of
3738 the producer. Assessments on rice put under loan to the Commodity
3739 Credit Corporation and redeemed by the producer before the
3740 takeover date, if already paid by having been deducted from the
3741 loan proceeds shall not be deducted by each miller or handler from
3742 the amount paid the producer at the first point of sale as
3743 provided in this section; otherwise, the assessment shall be
3744 deducted.

3745 (2) The assessment imposed and levied by this section shall
3746 be payable to and collected by the Mississippi Department of
3747 Agriculture and Commerce, hereafter referred to as "the
3748 department," from the purchaser of such rice at the first point of
3749 sale or from the Commodity Credit Corporation as provided in



3750 subsection (1) of this section. The proceeds of the assessment
3751 collected by the department shall be deposited monthly with the
3752 State Treasurer into the State General Fund * * * shall be made
3753 upon warrants issued by the State Fiscal Officer upon requisitions
3754 signed by the Chairman and Secretary-Treasurer of the Mississippi
3755 Rice Promotion Board, or their designee, in the manner provided by
3756 law. The State Treasurer shall invest such proceeds and any
3757 interest earned thereon shall be credited to * * * the State
3758 General Fund.

3759 (3) The Mississippi Department of Agriculture and Commerce
3760 shall submit to the Mississippi Rice Promotion Board a budget
3761 detailing and justifying the administrative costs of the
3762 department in administering the provisions of this chapter, and
3763 such budget must be approved by the Mississippi Rice Promotion
3764 Board by April 1 of each year. The department shall monthly pay
3765 over to the State General Fund the funds collected. * * *

3766 (4) Each purchaser or the Commodity Credit Corporation shall
3767 keep a complete and accurate record of all rice handled by him and
3768 shall furnish each producer with a signed sales slip showing the
3769 number of bushels purchased from him and the amount deducted by
3770 him for the State General Fund. Such records shall be in such
3771 form and contain such other information as the department shall by
3772 rule or regulation prescribe. The records shall be preserved by
3773 the purchaser for a period of two (2) years and shall be offered
3774 for inspection at any time upon oral or written demand by the
3775 department or any duly authorized agent or representative thereof.
3776 Every purchaser or the Commodity Credit Corporation, at such time
3777 or times as the commissioner of the department may require, shall
3778 submit reports or other documentary information deemed necessary
3779 for the efficient and equitable collection of the assessment
3780 imposed in this chapter. The department shall have the power to
3781 cause any duly authorized agent or representative to enter upon
3782 the premises of any purchaser of rice and examine or cause to be



3783 examined by such agent, only books, papers and records which deal
3784 in any way with respect to the payment of the assessment or
3785 enforcement of the provisions of this chapter.

3786 (5) This section shall stand repealed from and after July 1,
3787 2005.

3788 **SECTION 91.** Section 71-3-97, Mississippi Code of 1972, is
3789 amended as follows:

3790 71-3-97. (1) * * * The payment of all expenses in respect
3791 to the administration of this chapter shall be made from the State
3792 General Fund to appropriation by the Legislature. * * *

3793 (2) The State Fiscal Officer is authorized to issue his
3794 warrants to disburse monies from the State General Fund only upon
3795 requisition of the commission. * * *

3796 * * *

3797 (3) All civil penalties provided in this chapter, if not
3798 voluntarily paid, may be collected by civil suit brought by the
3799 commission, and shall be paid into the State General Fund.

3800 **SECTION 92.** Section 71-3-99, Mississippi Code of 1972, is
3801 amended as follows:

3802 71-3-99. (1) The commission shall estimate annually in
3803 advance the amounts necessary for the administration of this
3804 chapter, in the following manner:

3805 (a) The commission shall, as soon as practicable after
3806 the first day of January in each year, determine the expense of
3807 administration of this chapter for the one-year period preceding
3808 the first day of January. The expense of administration for such
3809 period shall be used as the basis for determining the amount to be
3810 assessed against each carrier and self-insurer in order to provide
3811 for the expenses of the administration of this chapter for the
3812 one-year period.

3813 (b) Each carrier and self-insurer shall be assessed Two
3814 Hundred Fifty Dollars (\$250.00). The proceeds of such assessment
3815 shall be deducted from the estimate of total expenses and the



3816 remaining expenses of administration shall be prorated among the
3817 carriers writing compensation insurance in the state and
3818 self-insurers. The gross claims for compensation and medical
3819 services and supplies paid by the insurance carriers and
3820 self-insurers is the basis for computing the amount to be
3821 assessed, in the proportion that the total gross claims for
3822 compensation and medical services and supplies paid by such
3823 carrier or self-insurer during the preceding one-year period bore
3824 to the total gross claims for compensation and medical supplies
3825 and services paid by all carriers and self-insurers during such
3826 period. This amount may be assessed as a specific amount or as a
3827 percentage of gross claims for compensation and medical supplies
3828 and services paid by the insurance carriers and self-insurers as
3829 the commission may direct, and shall be such amount as shall be
3830 reasonably necessary to defray the necessary expense of such
3831 administration.

3832 (2) The commission shall provide by regulation for the
3833 collection of the amounts assessed against each carrier and
3834 self-insurer. Such amounts shall be paid within thirty (30) days
3835 from the date that notice is served upon such carrier. If such
3836 amounts are not paid within such period, there may be assessed,
3837 for each thirty (30) days the amount so assessed remains unpaid, a
3838 civil penalty equal to ten percent (10%) of the amount so unpaid,
3839 which shall be collected at the same time and as a part of the
3840 amount assessed.

3841 (3) If any carrier or self-insurer fails to pay the amounts
3842 assessed against it under the provisions of this section within
3843 sixty (60) days from the time such notice is served, the
3844 commission may suspend or revoke the authorization to insure
3845 compensation or to be self-insured.

3846 (4) All amounts collected under the provisions of this
3847 section shall be paid into the State General Fund.



3848 (5) The commission may require from each carrier and
3849 self-insurer, at such time and in accordance with regulations as
3850 the commission may prescribe, reports in respect to all payments
3851 of compensation and medical supplies and services by such carriers
3852 or self-insurers during each prior period, and may determine the
3853 amounts paid by each carrier and self-insurer and the amounts paid
3854 by all carriers and self-insurers during such period.

3855 (6) Every carrier and self-insurer shall file with the
3856 commission on or before the first day of March of each year, a
3857 statement on the prescribed forms showing the gross claims for
3858 compensation and medical services and supplies paid by such
3859 carrier or self-insurer during the preceding one-year period
3860 ending on the thirty-first day of December. Any carrier or
3861 self-insurer which neglects to make and file its annual written
3862 statement within the time provided in this chapter shall pay to
3863 the commission Twenty Dollars (\$20.00) for each day's neglect.

3864 **SECTION 93.** Section 71-3-100, Mississippi Code of 1972, is
3865 amended as follows:

3866 71-3-100. All funds received by the Workers' Compensation
3867 Commission, as established by Section 71-3-85 et seq., shall be
3868 paid to the State Treasurer, who shall issue receipts therefor and
3869 who shall deposit such funds in the State General Fund * * *. All
3870 commission expenditures shall be * * * only pursuant to
3871 appropriation approved by the Legislature and as provided by law.

3872 **SECTION 94.** Section 71-5-111, Mississippi Code of 1972, is
3873 amended as follows:

3874 71-5-111. The payment of all expenses of the administration
3875 of this chapter shall be made from the State General Fund pursuant
3876 to appropriation therefor by the Legislature. All monies received
3877 from the United States of America, or any agency thereof, or from
3878 any other source for such purpose shall be paid into the State
3879 General Fund.



3880 **SECTION 95.** Section 71-5-114, Mississippi Code of 1972, is
3881 amended as follows:

3882 71-5-114. * * * Interest, penalties and damages collected on
3883 delinquent payments deposited during any calendar quarter in the
3884 clearing account in the Unemployment Compensation Fund shall, as
3885 soon as practicable after the close of such calendar quarter, be
3886 transferred to the State General Fund. * * * Nothing in this
3887 section shall prevent said monies * * * from being used as a
3888 revolving fund to cover expenditures necessary and proper under
3889 the law for which federal funds have been duly requested but not
3890 yet received, subject to the charging of such expenditures against
3891 such funds when necessary. * * *

3892 * * *

3893 **SECTION 96.** Section 73-1-43, Mississippi Code of 1972, is
3894 amended as follows:

3895 73-1-43. All fees from examinations and licenses by the
3896 state board of architecture, as established by Section 73-1-3 et
3897 seq., and any other funds received by said board shall be paid to
3898 the State Treasurer, who shall issue receipts therefor and who
3899 shall deposit such funds in the State General Fund. * * *

3900 **SECTION 97.** Section 73-3-2, Mississippi Code of 1972, is
3901 amended as follows:

3902 73-3-2. (1) Power to admit persons to practice. The power
3903 to admit persons to practice as attorneys in the courts of this
3904 state is vested exclusively in the Supreme Court of Mississippi.

3905 (2) Qualifications.

3906 (a) Each applicant for admission to the bar, in order
3907 to be eligible for examination for admission, shall be at least
3908 twenty-one (21) years of age, of good moral character, and shall
3909 present to the Board of Bar Admissions satisfactory evidence:

3910 (i) That he has successfully completed, or is
3911 within sixty (60) days of completion of, a general course of study
3912 of law in a law school which is provisionally or fully approved by



3913 the section on legal education and admission to the bar of the
3914 American Bar Association, and that such applicant has received, or
3915 will receive within sixty (60) days, a diploma or certificate from
3916 such school evidencing the satisfactory completion of such course,
3917 but in no event shall any applicant under this paragraph be
3918 admitted to the bar until such applicant actually receives such
3919 diploma or certificate. However, an applicant who, as of November
3920 1, 1981, was previously enrolled in a law school in active
3921 existence in Mississippi for more than ten (10) years prior to the
3922 date of application shall be eligible for examination for
3923 admission; provided that such an applicant graduated prior to
3924 November 1, 1984;

3925 (ii) That he has notified the Board of Bar
3926 Admissions in writing of an intention to pursue a general course
3927 of study of law under the supervision of a Mississippi lawyer
3928 prior to July 1, 1979, and in fact began study prior to July 1,
3929 1979, and who completed the required course of study prior to
3930 November 1, 1984, in accordance with Sections 73-3-13(b) and
3931 73-3-15 as the same exist prior to the effective date of this
3932 section; or

3933 (iii) That in addition to complying with either of
3934 the above requirements, he has received a bachelor's degree from
3935 an accredited college or university or that he has received credit
3936 for the requirements of the first three (3) years of college work
3937 from a college or university offering an integrated six-year
3938 prelaw and law course, and has completed his law course at a
3939 college or university offering such an integrated six-year course.
3940 However, applicants who have already begun the general course of
3941 study of law as of November 1, 1979, either in a law school or
3942 under the supervision of a Mississippi lawyer shall submit proof
3943 he has successfully completed two (2) full years of college work.

3944 (b) The applicant shall bear the burden of establishing
3945 his or her qualifications for admission to the satisfaction of the



3946 Board of Bar Admissions. An applicant denied admission for
3947 failure to satisfy qualifications for admission shall have the
3948 right to appeal from the final order of the board to the Chancery
3949 Court of Hinds County, Mississippi, within thirty (30) days of
3950 entry of such order of denial.

3951 (3) Creation of Board of Bar Admissions. There is hereby
3952 created a board to be known as the "Board of Bar Admissions" which
3953 shall be appointed by the Supreme Court of Mississippi. The board
3954 shall consist of nine (9) members, who shall be members in good
3955 standing of the Mississippi State Bar and shall serve for terms of
3956 three (3) years. Three (3) members shall be appointed from each
3957 Supreme Court district, one (1) by each Supreme Court Justice from
3958 his district, with the original appointments to be as follows:
3959 Three (3) to be appointed for a term of one (1) year, three (3) to
3960 be appointed for a term of two (2) years, and three (3) to be
3961 appointed for a term of three (3) years, one (1) from each
3962 district to be appointed each year. No member of the Board of Bar
3963 Admissions may be a member of the Legislature. Vacancies during a
3964 term shall be filled by the appointing justice or his successor
3965 for the remainder of the unexpired term.

3966 The board shall promulgate the necessary rules for the
3967 administration of their duties, subject to the approval of the
3968 Chief Justice of the Supreme Court.

3969 (4) Written examination or graduation as prerequisite to
3970 admission. Every person desiring admission to the bar, shall be
3971 required to take and pass a written bar examination in a manner
3972 satisfactory to the Board of Bar Admissions. The Board of Bar
3973 Admissions shall conduct not less than two (2) bar examinations
3974 each year.

3975 (5) Oath and compensation of board members. The members of
3976 the Board of Bar Admissions shall take and subscribe an oath to be
3977 administered by one (1) of the judges of the Supreme Court to
3978 faithfully and impartially discharge the duties of the office.



3979 The members shall receive compensation as established by the
3980 Supreme Court for preparing, giving and grading the examination
3981 plus all reasonable and necessary travel expenses incurred in the
3982 performance of their duties under the provisions of this section.

3983 (6) Procedure for applicants who have failed. Any
3984 applicant who fails the examination shall be allowed to take the
3985 next scheduled examination. A failing applicant may request in
3986 writing from the board, within thirty (30) days after the results
3987 of the examination have been made public, copies of his answers
3988 and model answers used in grading the examination, at his expense.
3989 If a uniform, standardized examination is administered, the board
3990 shall only be required to provide the examination grade and such
3991 other information concerning the applicant's examination results
3992 which are available to the board. Any failing applicant shall
3993 have a right to a review of his failure by the board. The board
3994 shall enter an order on its minutes, prior to the administration
3995 of the next bar examination, either granting or denying the
3996 applicant's review, and shall notify the applicant of such order.
3997 The applicant shall have the right to appeal from this order to
3998 the Chancery Court of Hinds County, Mississippi, within thirty
3999 (30) days of entry of such order.

4000 (7) Fees. The board shall set and collect the fees for
4001 examination and for admission to the bar. The fees for
4002 examination shall be based upon the annual cost of administering
4003 the examinations. The fees for admission shall be based upon the
4004 cost of conducting an investigation of the applicant and the
4005 administrative costs of sustaining the board, which shall include,
4006 but shall not be limited to:

- 4007 (a) Expenses and travel for board members;
4008 (b) Office facilities, supplies and equipment; and
4009 (c) Clerical assistance.



4010 All fees collected by the board shall be paid to the State
4011 Treasurer, who shall issue receipts therefor and who shall deposit
4012 such funds in the State Treasury in the State General Fund. * * *

4013 (8) The board, upon finding the applicant qualified for
4014 admission, shall issue to the applicant a certificate of
4015 admission. The applicant shall file the certificate and a
4016 petition for admission in the Chancery Court of Hinds County,
4017 Mississippi, or in the chancery court in the county of his
4018 residence, or, in the case of an applicant who is a nonresident of
4019 the State of Mississippi, in the chancery court of a county in
4020 which the applicant intends to practice. The chancery court
4021 shall, in termtime or in vacation, enter on the minutes of that
4022 court an order granting to the applicant license to practice in
4023 all courts in this state, upon taking by the applicant in the
4024 presence of the court, the oath prescribed by law, Section
4025 73-3-35, Mississippi Code of 1972.

4026 (9) Each application or filing made under this section shall
4027 include the social security number(s) of the applicant in
4028 accordance with Section 93-11-64, Mississippi Code of 1972.

4029 **SECTION 98.** Section 73-5-5, Mississippi Code of 1972, is
4030 amended as follows:

4031 73-5-5. (1) All fees and any other monies received by the
4032 board shall be deposited into the State General Fund * * *.
4033 Expenses for the implementation and administration of this chapter
4034 shall be subject to appropriation by the Legislature for such
4035 purpose. * * *

4036 (2) The State Auditor shall audit the financial affairs of
4037 the board * * * at least once a year in the same manner as for
4038 other * * * agencies. In addition, the Governor, in his
4039 discretion, shall have the power from time to time to require an
4040 audit of the financial affairs of the board, the same to be made
4041 by the State Auditor upon request of the Governor. The Governor
4042 shall have the power to suspend any member of the board who shall



4043 be found short in any account until such time as it shall be
4044 definitely determined whether such shortage was the result of an
4045 act of dishonesty on the part of the member.

4046 **SECTION 99.** Section 73-7-5, Mississippi Code of 1972, is
4047 amended as follows:

4048 73-7-5. (1) All fees and any other monies received by the
4049 board shall be deposited into the State General Fund * * *
4050 Expenses for the implementation and administration of this chapter
4051 shall be subject to appropriation by the Legislature for such
4052 purpose. * * *

4053 (2) The State Auditor shall audit the financial affairs of
4054 the board * * * at least once a year in the same manner as for
4055 other * * * agencies. In addition, the Governor, in his
4056 discretion, shall have the power from time to time to require an
4057 audit of the financial affairs of the board, the same to be made
4058 by the State Auditor upon request of the Governor. The Governor
4059 shall have the power to suspend any member of the board who shall
4060 be found in default in any account until such time as it shall be
4061 determined whether such default was a result of an act of
4062 dishonesty on the part of the member, and in the event it is found
4063 that such default is an act of dishonesty, misfeasance or
4064 nonfeasance on the part of the member, such member shall be
4065 immediately removed by the Governor from office.

4066 **SECTION 100.** Section 73-6-7, Mississippi Code of 1972, is
4067 amended as follows:

4068 73-6-7. Before entering upon the discharge of the duties of
4069 his office, the Executive Secretary of the State Board of
4070 Chiropractic Examiners shall present a bond, approved by the
4071 board, to the state in the sum of Ten Thousand Dollars
4072 (\$10,000.00), conditioned upon the faithful discharge of the
4073 duties of his office. The premium for such bond shall be paid
4074 from the State General Fund * * *. Such bond, with the approval



4075 of the board and oath of office endorsed thereon, shall be
4076 deposited with the Secretary of State.

4077 Each month, monies received by the secretary of the board
4078 shall be paid by him into the State Treasury and deposited into
4079 the State General Fund. * * * Expenses of the board in carrying
4080 out the provisions of this chapter * * * shall be subject to
4081 appropriation from the State General Fund * * *.

4082 **SECTION 101.** Section 73-9-43, Mississippi Code of 1972, is
4083 amended as follows:

4084 73-9-43. (1) The secretary shall collect in advance all
4085 fees provided for in this chapter as established by the board, not
4086 to exceed:

4087	Application for dental license.....	\$ 600.00
4088	Application for dental license through credentials..	2,500.00
4089	Application for dental specialty license.....	400.00
4090	Application for dental institutional, teaching or provisional	
4091	license.....	600.00
4092	Application for dental hygiene license.....	400.00
4093	Application for dental hygiene license through	
4094	credentials.....	750.00
4095	Application for dental hygiene institutional, teaching, or	
4096	provisional license.....	400.00
4097	Application for general anesthesia permit.....	400.00
4098	Application for I.V. sedation permit.....	400.00
4099	Application for radiology permit.....	100.00
4100	Annual dental license renewal.....	300.00
4101	Annual dental specialty license renewal.....	100.00
4102	Annual dental institutional, teaching or provisional license	
4103	renewal.....	300.00
4104	Annual dental hygiene license renewal.....	150.00
4105	Annual dental hygiene institutional, teaching, or provisional	
4106	license renewal.....	150.00
4107	Annual general anesthesia permit renewal.....	100.00



4108	Annual I.V. sedation permit renewal.....	100.00
4109	Annual radiology permit renewal.....	75.00
4110	Penalty for delinquent renewal of dental licenses; dental	
4111	specialty licenses; and dental institutional, teaching, and	
4112	provisional licenses:	
4113	First month (plus annual renewal fee).....	100.00
4114	Second month (plus annual renewal fee).....	150.00
4115	Third month (plus annual renewal fee).....	200.00
4116	Penalty for delinquent renewal of dental hygiene licenses and	
4117	dental hygiene institutional, teaching, and provisional licenses:	
4118	First month (plus annual renewal fee).....	50.00
4119	Second month (plus annual renewal fee).....	75.00
4120	Third month (plus annual renewal fee).....	100.00
4121	Penalty for delinquent renewal of radiology permits:	
4122	First month (plus annual renewal fee).....	45.00
4123	Second month (plus annual renewal fee).....	65.00
4124	Third month (plus annual renewal fee).....	75.00
4125	Penalty for nonnotification of change of address....	50.00
4126	Penalty for duplicate renewal forms and certification	
4127	cards.....	50.00
4128	Duplicate or replacement license or permit.....	40.00
4129	Certification of licensure status.....	40.00
4130	Certified copy of license or permit.....	40.00
4131	Handling fee for nonsufficient funds check.....	50.00
4132	Requests for database information.....	300.00
4133	Radiology examinations administered in board's	
4134	office.....	100.00
4135	Dental and dental hygiene licensure examination	
4136	manuals.....	50.00
4137	Dental and dental hygiene licensure by credentials	
4138	packets.....	50.00
4139	Laws and/or regulations.....	50.00
4140	Disciplinary action orders.....	25.00



4141 Newsletters..... 20.00

4142 The payment of annual dentist registration fees shall be
4143 optional with all dentists over the age of seventy (70) years.

4144 (2) The board may enact and enforce for delinquency in
4145 payment for any fees set out in this section a penalty in addition
4146 to the fee of an amount up to but not in excess of the fee. An
4147 additional fee of an amount equal to the first penalty may be
4148 assessed for each thirty (30) days, or part thereof, of
4149 delinquency. If any licensed and registered dentist or dental
4150 hygienist should be delinquent in payment of registration fees for
4151 a period as long as ninety (90) days, such person shall be
4152 presumed to be no longer practicing and shall be stricken from the
4153 rolls, and in order to practice his or her profession in this
4154 state thereafter may, at the discretion of the board, be
4155 considered as a new applicant and subject to examination and other
4156 licensing requirements as an original applicant.

4157 (3) The secretary shall faithfully account for all monies
4158 received by the board. All fees and any other monies received by
4159 the board * * * shall be deposited into the State General
4160 Fund. * * *

4161 (4) It shall be the duty of the State Auditor to audit the
4162 financial affairs of the board, the transactions involving the
4163 special fund and the books of the secretary of the board at least
4164 once a year in the same manner as for other special fund agencies,
4165 and at any time requested to do so by a majority of the board
4166 casting their vote for such audit and while in a lawfully called
4167 meeting. The report of the State Auditor shall be incorporated in
4168 the minute book of the board.

4169 (5) * * * The secretary shall receive no more than
4170 Twenty-four Hundred Dollars (\$2400.00) per year and no or other
4171 member shall receive more than Twelve Hundred Dollars (\$1200.00)
4172 per year as compensation for examining applicants for licensure.
4173 The receipt of said compensation shall not entitle members of the



4174 board to receive or be eligible for any state employee group
4175 insurance, retirement or other fringe benefits. * * *

4176 (6) State General funds appropriated by the Legislature
4177 shall be used to maintain an office adequately staffed insofar as
4178 funds are available and provide other services as may be needed
4179 for carrying out the powers and duties of the board within the
4180 provisions of this chapter. Such appropriated funds shall also be
4181 used to pay the per diem and defray the expense of members of the
4182 board for attendance at meetings other than those for the purpose
4183 of examining applicants for licenses. In addition, such
4184 appropriated funds may be used to support a program to aid
4185 impaired dentists and/or dental hygienists. The payment of per
4186 diem and expense for attending said board meetings shall be in
4187 addition to the compensation permitted above for examining
4188 applicants for licensure, and the per diem shall not exceed the
4189 amount provided in Section 25-3-69.

4190 **SECTION 102.** Section 73-11-49, Mississippi Code of 1972, is
4191 amended as follows:

4192 73-11-49. (1) The board is authorized to select from its
4193 own membership a chairman, vice chairman and secretary-treasurer.
4194 Election of officers shall be held at the first regularly
4195 scheduled meeting of the fiscal year.

4196 (2) All members of the board shall be reimbursed for their
4197 necessary traveling expenses and mileage incident to their
4198 attendance upon the business of the board, as provided in Section
4199 25-3-41, and shall receive a per diem as provided in Section
4200 25-3-69 for every day actually spent upon the business of the
4201 board, not to exceed twenty (20) days per year unless authorized
4202 by a majority vote of the board.

4203 (3) All monies received by the board shall be paid into the
4204 State General Fund * * *.

4205 (4) The board shall employ an administrator of the board,
4206 who shall have complete supervision and be held responsible for



4207 the direction of the office of the board, shall have supervision
4208 over field inspections and enforcement of the provisions of this
4209 chapter, shall have such other duties as may be assigned by the
4210 board, shall be responsible and answerable to the board. The
4211 board may employ such other clerical assistants and employees as
4212 may be necessary to carry out the provisions of this chapter, and
4213 the terms and conditions of such employment shall be determined by
4214 the board in accordance with applicable state law and rules and
4215 regulations of the State Personnel Board.

4216 (5) The board, when it shall deem necessary, shall be
4217 represented by an assistant Attorney General duly appointed by the
4218 Attorney General of this state, and may also request and receive
4219 the assistance of other state agencies and county and district
4220 attorneys, all of whom are authorized to provide the assistance
4221 requested.

4222 (6) The board shall have subpoena power in enforcing the
4223 provisions of this chapter.

4224 (7) The board shall adopt and promulgate rules and
4225 regulations for the transaction of its business in accordance with
4226 the provisions of the Mississippi Administrative Procedures Law
4227 (Section 25-43-1 et seq.). No rule or regulation promulgated by
4228 the board affecting any person or agency outside the board shall
4229 be adopted, amended or repealed without a public hearing on the
4230 proposed action. The board shall give written notice at least
4231 thirty (30) days in advance of any meeting with respect to any
4232 proposed adoption, amendment or repeal of a rule or regulation of
4233 the board, in accordance with the Administrative Procedures Act,
4234 as well as notifying the duly elected presidents and secretaries
4235 of the Mississippi Funeral Directors Association and the
4236 Mississippi Funeral Directors and Morticians Association, or their
4237 successors.

4238 (8) The board may designate the administrator to perform
4239 inspections under this chapter, may employ an individual to



4240 perform such inspections or may contract with any other individual
4241 or entity to perform such inspections. Any individual or entity
4242 that performs such inspections shall have the right of entry into
4243 any place in which the business or practice of funeral service
4244 and/or funeral directing is carried on or advertised as being
4245 carried on, for the purpose of inspection, for the investigation
4246 of complaints coming before the board and for such other matters
4247 as the board may direct.

4248 (9) The board shall not pass any rule or regulation
4249 pertaining to the transportation of dead bodies in any manner or
4250 requiring them to be embalmed.

4251 **SECTION 103.** Section 73-13-15, Mississippi Code of 1972, is
4252 amended as follows:

4253 73-13-15. The board shall have the power to adopt and amend
4254 all regulations and rules of procedure, not inconsistent with the
4255 Constitution and laws of this state, which may be reasonably
4256 necessary for the proper performance of its duties and the
4257 regulations of the proceedings before it. The board shall adopt
4258 and have an official seal. It shall not be required to post bond
4259 on appeals. The board shall have the further power and authority
4260 to:

- 4261 (a) Establish standards of conduct and ethics;
- 4262 (b) Institute proceedings in its own name;
- 4263 (c) Promulgate rules restricting competitive bidding;
- 4264 (d) Promulgate rules limiting or restricting
4265 advertising;
- 4266 (e) Promulgate rules requiring a demonstration of
4267 continuing education;
- 4268 (f) Adopt and promulgate reasonable bylaws and rules
4269 and regulations necessary or appropriate for the proper
4270 fulfillment of its duties under state laws pertaining thereto;
- 4271 (g) Provide for the enforcement of and to enforce the
4272 laws of the State of Mississippi and, in particular, the



4273 provisions of this chapter, and the bylaws, rules and regulations
4274 of the board;

4275 (h) Provide by appropriate rules and regulations,
4276 within the provisions of this chapter, a system for taking the
4277 disciplinary actions provided for in Section 73-13-37, including
4278 the imposition of fines as provided therein; and

4279 (i) Investigate, prosecute or initiate prosecution for
4280 violation of the laws of this state pertaining to the practices of
4281 engineering and land surveying, or matters affecting the rights
4282 and duties or otherwise related thereto.

4283 In carrying into effect the provisions of this chapter, the
4284 board, under the hand of its president or secretary and the seal
4285 of the board may subpoena witnesses and compel their attendance,
4286 and also may require the production of books, papers, documents,
4287 etc., in any case involving the disciplinary actions provided for
4288 in Section 73-13-37 or 73-13-89 or practicing or offering to
4289 practice without registration. Any member of the board may
4290 administer oaths or affirmations to witnesses appearing before the
4291 board. If any person shall refuse to obey any subpoena so issued,
4292 or shall refuse to testify or produce any books, papers, or
4293 documents, the board may present its petition to such authority as
4294 may have jurisdiction, setting forth the facts, and thereupon such
4295 authority shall, in a proper case, issue its subpoena to such
4296 person, requiring his attendance before such authority and there
4297 to testify or to produce such books, papers, and documents, as may
4298 be deemed necessary and pertinent by the board. Any person
4299 failing or refusing to obey the subpoena or order of the said
4300 authority may be proceeded against in the same manner as for
4301 refusal to obey any other subpoena or order of the authority.

4302 All fees or penalties collected by the board shall be
4303 deposited in the State Treasury into the State General Fund. All
4304 expenses for the administration of this chapter shall be paid
4305 pursuant to appropriation by the Legislature.



4306 **SECTION 104.** Section 73-14-47, Mississippi Code of 1972, is
4307 amended as follows:

4308 73-14-47. All fees and monies received by the board under
4309 this chapter shall be deposited into the State General Fund * * *.

4310 **SECTION 105.** Section 73-15-13, Mississippi Code of 1972, is
4311 amended as follows:

4312 73-15-13. (1) All fees from examination, registration and
4313 licensure of nurses as provided for hereafter, and all monies
4314 coming into possession of the board from any source whatsoever,
4315 shall be paid to the Treasurer who shall issue receipts therefor
4316 and the same shall be deposited in the State Treasury into the
4317 State General Fund.

4318 (2) Expenses for administration of this chapter shall be
4319 expended only pursuant to appropriation approved by the
4320 legislature and as provided by law.

4321 (3) The Treasurer and executive director shall execute
4322 surety bonds in a sum to be determined by the board, conditioned
4323 upon the faithful performance of their duties and upon their
4324 accounting for all monies coming into their hands. The premium
4325 for the bond shall be paid by the board funds. Funds shall not be
4326 withdrawn or expended except upon approval of the board.

4327 **SECTION 106.** Section 73-17-11, Mississippi Code of 1972, is
4328 amended as follows:

4329 73-17-11. (1) From and after July 1, 1983, in order to be
4330 eligible to be licensed as a nursing home administrator an
4331 individual must submit evidence satisfactory to the board that
4332 he/she:

4333 (a) Is at least twenty-one (21) years of age;

4334 (b) Is of good moral character;

4335 (c) Is in good health;

4336 (d) Is a high school graduate or the equivalent;

4337 (e) For initial licensure on or after July 1, 1988, has
4338 an associate degree from an accredited institution, or at least



4339 sixty-four (64) semester hours of college work from an accredited
4340 institution, or at least one (1) year of supervisory or
4341 administrative responsibilities in a licensed acute or long-term
4342 health care facility within the twelve (12) months before making
4343 application; and

4344 (f) Has successfully passed examinations administered
4345 by the board to test his proficiency and basic knowledge in the
4346 area of nursing home administration.

4347 The board is hereby authorized to establish the frequency of
4348 the offering of such examinations and the contents thereof.

4349 (2) Reciprocity shall be extended to individuals holding
4350 licenses as nursing home administrators in other states, upon
4351 proper application and a finding on the part of the board that (a)
4352 the applicant possesses the basic qualifications listed in this
4353 chapter, and (b) that the standards and requirements of the
4354 licensing jurisdiction under which he holds a license are no less
4355 stringent than those of the State of Mississippi, and (c) that
4356 such licensing jurisdiction extends reciprocity to licensees of
4357 the State of Mississippi under reasonable terms and conditions.

4358 (3) The board is hereby authorized to prescribe appropriate
4359 fees for the taking of such examinations and for the issuance of
4360 licenses. Such fees shall be not more than Three Hundred
4361 Twenty-five Dollars (\$325.00) for taking the examinations and
4362 Three Hundred Fifty Dollars (\$350.00) for the issuance of a
4363 license. Provided, however, that said fee for an initial license
4364 may be prorated in proportion to the period of time from the date
4365 of issuance and the date of biennial license renewal prescribed in
4366 subsection (4). All licenses issued hereunder shall be for a
4367 maximum period of two (2) years.

4368 (4) The board may renew licenses on July 1, 1991, and
4369 biennially thereafter upon the payment of a fee to be established
4370 by the board, which shall be not more than Three Hundred Fifty
4371 Dollars (\$350.00), plus any administrative costs for late payment.



4372 (5) Each application or filing made under this section shall
4373 include the social security number(s) of the applicant in
4374 accordance with Section 93-11-64, Mississippi Code of 1972.

4375 (6) All fees or penalties collected by the board shall be
4376 deposited in the State Treasury into the State General Fund.

4377 **SECTION 107.** Section 73-19-13, Mississippi Code of 1972, is
4378 amended as follows:

4379 73-19-13. Each member of the State Board of Optometry shall
4380 be entitled to receive per diem as authorized under Section
4381 25-3-69 in addition to all actual, necessary expenses incurred in
4382 the discharge of official duties, including mileage as authorized
4383 by law for state officials and employees.

4384 The secretary shall receive an annual salary, to be fixed by
4385 the board, and his necessary expenses incurred in the discharge of
4386 his official duties. The State Board of Optometry may engage the
4387 services of an attorney to assist it in the discharge of its
4388 duties on terms to be fixed by the board.

4389 The compensation and expenses of the secretary, attorney and
4390 members of the board, and the expenses of the board necessary in
4391 carrying out the provisions of this chapter, shall be paid from
4392 the State General Fund in the State Treasury * * * on the
4393 requisition signed by the president and secretary of the board and
4394 the warrant of the State Fiscal Officer; provided, however, * * *
4395 that all expenditures from such General Fund shall be authorized
4396 by the Legislature and shall be subject to all applicable
4397 provisions of the state budget law.

4398 **SECTION 108.** Section 73-21-113, Mississippi Code of 1972, is
4399 amended as follows:

4400 73-21-113. All fees received by the board from examinations,
4401 licenses, permits and monetary penalties, and any other funds
4402 received by the board, shall be paid to the State Treasurer, who
4403 shall issue receipts therefor and deposit such funds in the State
4404 General Fund. * * *



4405 **SECTION 109.** Section 73-23-45, Mississippi Code of 1972, is
4406 amended as follows:

4407 73-23-45. * * * The financial records of the department in
4408 connection with this chapter shall be audited annually by the
4409 State Auditor. All fees and other monies collected and received
4410 by the department under this chapter shall be deposited in the
4411 State Treasury into the State General Fund, and disbursement shall
4412 be made only upon warrants issued by the State Fiscal Officer upon
4413 requisitions signed by the Executive Director of the State Board
4414 of Health.

4415 **SECTION 110.** Section 73-25-9, Mississippi Code of 1972, is
4416 amended as follows:

4417 73-25-9. Every person who shall apply for license to
4418 practice medicine shall, before he will be entitled to be
4419 examined, pay a fee to be set by the State Board of Medical
4420 Licensure, not to exceed Two Hundred Fifty Dollars (\$250.00).

4421 In addition to fees for examination as provided for above,
4422 the State Board of Medical Licensure is authorized to charge
4423 applicants an amount equivalent to the cost to the state board of
4424 medical licensure of purchasing and administering any national
4425 examinations approved by the Federation of State Medical Boards.

4426 All fees and penalties collected by the board shall be
4427 deposited in the State General Fund in the State Treasury. All
4428 expenses for the administration of this chapter shall be pursuant
4429 to appropriation by the Legislature.

4430 **SECTION 111.** Section 73-27-12, Mississippi Code of 1972, is
4431 amended as follows:

4432 73-27-12. (1) The license of every person licensed to
4433 practice podiatry in the State of Mississippi shall be renewed
4434 annually.

4435 On or before May 1 of each year, the board shall mail an
4436 application for renewal of license to every podiatrist to whom a
4437 license was issued or renewed during the current licensing year.



4438 The applicant shall complete the application and return it to the
4439 board before June 30 with the renewal fee of an amount established
4440 by the board, but not to exceed Two Hundred Dollars (\$200.00), a
4441 portion of which fee shall be used to support a program to aid
4442 impaired podiatrists. Upon receipt of the application and fee,
4443 the board shall verify the accuracy of the application and issue
4444 to applicant a certificate of renewal for the ensuing year,
4445 beginning July 1 and expiring June 30 of the succeeding calendar
4446 year. That renewal shall render the holder thereof a legal
4447 practitioner as stated on the renewal form.

4448 (2) Any podiatrist practicing in Mississippi who allows his
4449 license to lapse by failing to renew the license as provided in
4450 subsection (1) may be reinstated by the board on satisfactory
4451 explanation for the failure to renew, by completion of a
4452 reinstatement form, and upon payment of the renewal fee for the
4453 current year, and shall be assessed a fine of Twenty-five Dollars
4454 (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each
4455 month thereafter that the license renewal remains delinquent.

4456 (3) Any podiatrist not practicing in Mississippi who allows
4457 his license to lapse by failing to renew the license as provided
4458 in subsection (1) may be reinstated by the board on satisfactory
4459 explanation for the failure to renew, by completion of a
4460 reinstatement form and upon payment of the arrearages for the
4461 previous five (5) years and the renewal fee for the current year.

4462 (4) Any podiatrist who allows his license to lapse shall be
4463 notified by the board within thirty (30) days of such lapse.

4464 (5) Any person practicing as a licensed podiatrist during
4465 the time his license has lapsed shall be considered an illegal
4466 practitioner and shall be subject to penalties set forth in
4467 Section 73-27-17, provided he has not submitted the required
4468 reinstatement form and fee within fifteen (15) days after
4469 notification by the board of the lapse.



4470 (6) Any podiatrist practicing in the State of Mississippi
4471 whose license has lapsed and is deemed an illegal practitioner
4472 under subsection (5) of this section may petition the board for
4473 reinstatement of his license on a retroactive basis, if the
4474 podiatrist was unable to meet the June 30 deadline due to
4475 extraordinary or other legitimate reasons, and retroactive
4476 reinstatement of licensure shall be granted or may be denied by
4477 the board only for good cause. Failure to advise the board of
4478 change of address shall not be considered a basis for
4479 reinstatement.

4480 (7) Fees collected under the provisions of this section
4481 shall be deposited into the State General Fund * * *. All
4482 expenses of administration shall be from funds appropriated by the
4483 Legislature.

4484 **SECTION 112.** Section 73-29-23, Mississippi Code of 1972, is
4485 amended as follows:

4486 73-29-23. The fee to be paid for an original polygraph
4487 examiner's license is Fifty Dollars (\$50.00).

4488 The fee to be paid for an internship license is Thirty
4489 Dollars (\$30.00).

4490 The fee to be paid for the issuance of a duplicate polygraph
4491 examiner's license is Ten Dollars (\$10.00).

4492 The fee to be paid for a polygraph examiner's renewal license
4493 is Fifty Dollars (\$50.00).

4494 The fee to be paid for the extension or renewal of an
4495 internship license is Twenty-five Dollars (\$25.00).

4496 The fee to be paid for a duplicate internship license is Ten
4497 Dollars (\$10.00).

4498 The fees required by this chapter may be paid by the
4499 governmental agency employing the examiner.

4500 All fees collected by the board shall be deposited into the
4501 State General Fund in the State Treasury. All expenses for the



4502 administration of this chapter shall be paid pursuant to
4503 legislative appropriation.

4504 **SECTION 113.** Section 73-30-5, Mississippi Code of 1972, is
4505 amended as follows:

4506 73-30-5. (1) There is hereby established the Mississippi
4507 State Board of Examiners for Licensed Professional Counselors
4508 which shall consist of five (5) members, one (1) member from each
4509 of the five (5) congressional districts of Mississippi, who shall
4510 be appointed by the Governor with the advice and consent of the
4511 Senate. A list shall be provided to the Governor by the
4512 Mississippi Counseling Association from which the Governor may
4513 choose board members. At least two (2) names shall be included
4514 from each congressional district. Such appointments shall be made
4515 initially within sixty (60) days of the submission of the list of
4516 qualified counselors by the Mississippi Counseling Association.
4517 Thereafter, all vacancies occurring on the board shall be filled
4518 by the Governor within sixty (60) days after the vacancy occurs.
4519 The Mississippi Counseling Association shall provide a list of
4520 suggested board members for each vacancy.

4521 (2) The board shall consist of five (5) licensed counselors,
4522 three (3) of whom are primarily engaged as licensed counselors in
4523 private or institutional practice and two (2) who are primarily
4524 engaged in teaching, training or research in counseling at the
4525 corporate or university level. All members shall be qualified
4526 electors of the State of Mississippi.

4527 (3) The initial appointments to the board shall be for
4528 staggered terms, to be designated by the Governor at the time of
4529 appointment as follows: two (2) members to serve for three (3)
4530 years, two (2) members to serve for two (2) years, and one (1)
4531 member to serve for one (1) year. Thereafter, all terms shall be
4532 for three (3) years. No board member shall succeed himself
4533 without waiting a period of three (3) years after having served
4534 one (1) full three-year term.



4535 (4) There shall be appointed to the board no more than one
4536 (1) person who is employed by, or receives compensation from, any
4537 one (1) institution, organization or partnership at the time of
4538 appointment.

4539 (5) Board members shall be reimbursed for necessary and
4540 ordinary expenses and mileage incurred while performing their
4541 duties as members of the board, at the rate authorized for public
4542 employees, from appropriation approved by the Legislature.

4543 (6) All fees collected by the board shall be deposited into
4544 the State General Fund in the State Treasury.

4545 **SECTION 114.** Section 73-31-9, Mississippi Code of 1972, is
4546 amended as follows:

4547 73-31-9. (1) All fees from applicants seeking licensing
4548 under this chapter and all license renewal fees received under
4549 this chapter shall be nonrefundable.

4550 (2) The board shall charge an application fee to be
4551 determined by the board but not to exceed Three Hundred Dollars
4552 (\$300.00) to applicants for licensing, and shall charge the
4553 applicant for the expenses incurred by the board for examination
4554 of the applicant.

4555 (3) Every licensed psychologist in this state shall annually
4556 pay to the board a fee determined by the board but not to exceed
4557 Three Hundred Dollars (\$300.00); and the executive secretary shall
4558 thereupon issue a renewal of the license for a term of one (1)
4559 year. The license of any psychologist who shall fail to renew
4560 during the month of July in each and every year shall lapse; the
4561 failure to renew the license, however, shall not deprive said
4562 psychologist of the right of renewal thereafter. Such lapsed
4563 license may be renewed within a period of two (2) years after such
4564 lapse upon payment of all fees in arrears. A psychologist wishing
4565 to renew a license which has been lapsed for more than two (2)
4566 years shall be required to reapply for licensure.



4567 (4) On July 1, 1993, and every odd numbered year thereafter,
4568 no psychologist license shall be renewed unless the psychologist
4569 shows evidence of a minimum of twenty (20) clock hours of
4570 continuing education activities approved by the board.

4571 (5) All fees and any other monies received by the board
4572 shall be deposited in the State General. * * * The implementation
4573 and administration of this chapter shall be subject to
4574 appropriation by the Legislature for such purpose. * * *
4575 Disbursements from the appropriated funds shall be made by the
4576 State Treasurer only upon warrants issued by the State Fiscal
4577 Officer upon requisitions signed by the chairman or executive
4578 secretary of the board. * * * The State Auditor shall audit the
4579 financial affairs of the board * * * at least once a year in the
4580 same manner as for other * * * agencies.

4581 This section shall stand repealed from and after July 1,
4582 2011.

4583 **SECTION 115.** Section 73-33-8, Mississippi Code of 1972, is
4584 amended as follows:

4585 73-33-8. All fees from examinations, certificates and
4586 licenses by the board of public accountancy, as established by
4587 Sections 73-33-3 et seq., and any other funds received by said
4588 board shall be paid to the State Treasurer, who shall issue
4589 receipts therefor and who shall deposit such funds in the State
4590 General Fund. * * *

4591 **SECTION 116.** Section 73-35-19, Mississippi Code of 1972, is
4592 amended as follows:

4593 73-35-19. All fees charged and collected under this chapter
4594 shall be paid by the administrator at least once a week,
4595 accompanied by a detailed statement thereof, into the Treasury of
4596 the state to the State General Fund * * *. The Legislature may
4597 appropriate funds for the use of the commission in carrying out
4598 the provisions of this chapter including the payment of salaries
4599 and expenses, printing an annual directory of licensees, and for



4600 educational purposes. Maintenance of a searchable, internet-based
4601 web site shall satisfy the requirement for publication of a
4602 directory of licensees under this section.

4603 **SECTION 117.** Section 73-36-17, Mississippi Code of 1972, is
4604 amended as follows:

4605 73-36-17. Each member of the board shall receive per diem
4606 compensation as authorized by Section 25-3-69, and shall be
4607 reimbursed for such other expenses at the same rate and under the
4608 same conditions as provided for public officers and employees in
4609 Section 25-3-41. The board shall pay for all expenses incurred by
4610 the board, including clerical help as may be needed, if itemized
4611 statements of the expenses are first approved by order of the
4612 board entered on its minutes. The board shall not expend in any
4613 fiscal year more monies than the amount of fees collected. All
4614 fees shall be paid to the secretary of the board and the secretary
4615 shall deposit all monies received under this chapter into the
4616 State General Fund. * * * All expenditures from such appropriated
4617 funds shall be by requisition to the Executive Director of the
4618 Department of Finance and Administration and signed by the board
4619 chairman. The secretary of the board shall be under a surety bond
4620 in the penal sum of Five Thousand Dollars (\$5,000.00) with a
4621 surety company authorized to do business in this state, the bond
4622 to be conditioned for the faithful performance of his duties, and
4623 the fee shall be paid by the board.

4624 **SECTION 118.** Section 73-38-36, Mississippi Code of 1972, is
4625 amended as follows:

4626 73-38-36. All fees collected by the State Board of Health
4627 under this chapter and any penalties collected by the board for
4628 violations of this chapter shall be deposited into the State
4629 General Fund * * *.

4630 **SECTION 119.** Section 73-39-7, Mississippi Code of 1972, is
4631 amended as follows:



4632 73-39-7. (1) There shall be no obligation on the part of
4633 the state for the payment of any money as salary or otherwise to
4634 any member of the board, but the compensation and expenses of said
4635 board shall be paid out of funds appropriated from the State
4636 General Fund. The members of the board shall receive as
4637 compensation for their services the sum of Forty Dollars (\$40.00)
4638 for each day in actual service of said board and, in addition,
4639 their expenses incident to the meeting of the board. * * *

4640 (2) All fees and other monies received by the
4641 secretary-treasurer of the board shall be deposited into the State
4642 General Fund. * * * The implementation and administration of this
4643 chapter shall be subject to appropriation by the Legislature for
4644 such purpose. * * * Disbursements from appropriated funds shall
4645 be made by the State Treasurer only upon warrants issued by the
4646 State Fiscal Officer upon requisitions signed by the president or
4647 secretary-treasurer of the board. * * * The State Auditor shall
4648 audit the financial affairs of the board and the transactions
4649 involving the special fund at least once a year in the same manner
4650 as for other special fund agencies.

4651 (3) The board is authorized to employ such personnel and
4652 incur such expense as may be necessary for the performance of its
4653 duties and the enforcement of this chapter including expenses for
4654 the promotion of education and standards of veterinary medicine
4655 through institutes, conferences, educational programs or such
4656 other means as may result in improved services.

4657 **SECTION 120.** Section 73-57-29, Mississippi Code of 1972, is
4658 amended as follows:

4659 73-57-29. All fees established by the board under this
4660 chapter shall be set in such an amount as is necessary to
4661 reimburse the state for the cost of services rendered, not to
4662 exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be
4663 paid by any individual. Fees received by the board and monies
4664 collected under this chapter shall be deposited in the State



4665 Treasury to the credit of the State General Fund. Expenses
4666 incurred in the performance of this chapter shall be paid in
4667 accordance with the accounting laws of the state.

4668 **SECTION 121.** Section 75-74-19, Mississippi Code of 1972, is
4669 amended as follows:

4670 75-74-19. All fees collected by the State Board of Health
4671 under this chapter and any penalties collected by the board for
4672 violations of this chapter shall be deposited into the State
4673 General Fund * * *.

4674 **SECTION 122.** Section 75-75-114, Mississippi Code of 1972, is
4675 amended as follows:

4676 75-75-114. All funds received by the Mississippi Athletic
4677 Commission, as established by Sections 75-75-103 et seq., from any
4678 source authorized by statute shall be paid to the State Treasurer,
4679 who shall issue receipts therefor and who shall deposit such funds
4680 in the State General Fund. * * *

4681 **SECTION 123.** Section 77-1-27, Mississippi Code of 1972, is
4682 amended as follows:

4683 77-1-27. All commission employees provided for in this
4684 chapter, and the reasonable and necessary expenses of the
4685 administration of the duties imposed on the commission by the
4686 Motor Carrier Regulatory Law of 1938, shall be paid out of the
4687 appropriations made from the State General Fund to defray the
4688 expenses of the commission, upon requisitions and warrants in the
4689 same manner provided by law for the disbursements of
4690 appropriations for the commission. An itemized account shall be
4691 kept of all receipts and expenditures and shall be reported to the
4692 Legislature by the commission.

4693 **SECTION 124.** Section 77-3-8, Mississippi Code of 1972, is
4694 amended as follows:

4695 77-3-8. (1) There is established in the commission a public
4696 service commission staff, which staff shall be a unit, remain as a
4697 unit therein, and be responsive to the commission. The public



4698 service commission staff shall consist of a sufficient number of
4699 professional, administrative, technical, clerical and other
4700 personnel as may be necessary for the staff to perform its duties
4701 and responsibilities as hereinafter provided. All such personnel
4702 of the public service commission staff shall be recommended by the
4703 executive secretary and hired or rejected by the commission.
4704 Personnel shall be dismissed only for cause in accordance with the
4705 rules and regulations of the State Personnel Board. The personnel
4706 of the public service commission staff shall be compensated and
4707 reimbursed for their actual and necessary expenses, including
4708 food, lodging and travel, by the commission from the State General
4709 Fund pursuant to appropriation by the Legislature, and as
4710 authorized by Section 25-3-41. The Public Service Commission
4711 staff shall be responsible for gathering and analyzing information
4712 relating to all matters within the authority of the commission.

4713 (2) The State Personnel Board shall establish and maintain
4714 entry-level salaries sufficiently competitive to attract
4715 competent, qualified applicants for the specialized skills and
4716 positions required by this section without regard to the salaries
4717 paid the commissioners and notwithstanding any other provisions of
4718 law to the contrary. The State Personnel Board shall authorize,
4719 where necessary, a range of salaries within which salary
4720 negotiations may be conducted for those positions for which
4721 specific knowledge, skills and abilities are set forth herein.

4722 (3) The public service commission staff shall perform such
4723 duties as are assigned to them by the commission.

4724 **SECTION 125.** Section 77-3-87, Mississippi Code of 1972, is
4725 amended as follows:

4726 77-3-87. All reasonable and necessary expenses of the
4727 administration of the duties imposed on the Public Utilities Staff
4728 and on the commission by Title 77, Mississippi Code of 1972,
4729 excluding the reasonable and necessary expenses of the
4730 administration and enforcement by the commission of the laws of



4731 this state pursuant to Chapters 7 and 9 of Title 77, Mississippi
4732 Code of 1972, shall be provided from the State General Fund
4733 pursuant to appropriation by the Legislature. * * * There is
4734 hereby levied a tax upon (a) all utilities, the rates of which are
4735 subject to regulation by the provisions of this chapter and upon
4736 (b) all utilities not subject to such rate regulation which
4737 furnish to the ultimate consumer utility services of the type
4738 described by subparagraph (i) of paragraph (d) of Section 77-3-3
4739 and otherwise subject to regulation by the provisions of this
4740 chapter, such levy to be effective on the first day of each year
4741 and to be calculated as follows: The rate of the tax shall be one
4742 hundred sixty-four thousandths of one percent (164/1000 of 1%) per
4743 year, of the gross revenues from the intrastate operations of the
4744 utilities taxed under this section. The rate of the tax for
4745 electric power associations and rural electrification authorities
4746 shall be ninety thousandths of one percent (90/1000 of 1%) per
4747 year of the gross revenues from the intrastate operations of
4748 electric power associations and rural electrification authorities
4749 taxed under this section. The sum of all taxes levied by this
4750 section shall not exceed the total legislative appropriation of
4751 monies from the State General Fund for the support of the Public
4752 Utilities Staff for the ensuing fiscal year. The commission and
4753 the Executive Director of the Public Utilities Staff shall certify
4754 to the State Tax Commission the amount of legislative
4755 appropriations of monies for the regulation of utilities. The
4756 State Tax Commission shall adjust the tax rates on a pro rata
4757 basis to generate the necessary revenues established by such
4758 legislative appropriations. Each utility which is subject to the
4759 tax levied by this section shall file a statement of its gross
4760 revenue by April 1 of each year showing the gross revenue for the
4761 preceding year's operation. These statements of gross revenue
4762 shall be filed with the State Tax Commission on forms prescribed
4763 and furnished by the State Tax Commission. The State Tax



4764 Commission shall file a copy of these statements of gross revenue
4765 with the Public Utilities Staff and the commission. The State Tax
4766 Commission shall calculate the amount of tax to be paid by each of
4767 the utilities and shall submit a statement thereof to the
4768 respective utilities, and the amount shown due in the statements
4769 to the utilities shall be paid by them within thirty (30) days
4770 thereafter to the State Tax Commission. The State Tax Commission
4771 shall furnish the Public Utilities Staff and the commission with
4772 an itemized list showing gross and net revenues, assessments, tax
4773 collections and other related information for the respective
4774 utilities. The State Tax Commission shall pay these funds into
4775 the State Treasury on the same day collected to the credit of the
4776 State General Fund * * *.

4777 All administrative provisions of the Mississippi Sales Tax
4778 Law, including those which fix damages, penalties and interest for
4779 nonpayment of taxes and for noncompliance with the provisions of
4780 such chapter, and all other duties and requirements imposed upon
4781 taxpayers, shall apply to all persons liable for taxes under the
4782 provisions of this chapter, and the Tax Commissioner shall
4783 exercise all the power and authority and perform all the duties
4784 with respect to taxpayers under this chapter as are provided in
4785 the Mississippi Sales Tax Law except where there is a conflict,
4786 then the provisions of this chapter shall control. The term
4787 "gross revenue" as used in this section is the total amount of all
4788 revenue derived by each of the utilities from its intrastate
4789 operations, which are subject to rate regulation under the
4790 provisions of this chapter or which constitute utility services of
4791 the type described by subparagraph (i) of paragraph (d) of Section
4792 77-3-3 and which are regulated by this chapter and furnished to
4793 ultimate consumers. The State Tax Commission is hereby authorized
4794 to use all tax returns of any utilities available to it and to
4795 make audits as may be deemed necessary of all records of utilities
4796 in order to correctly determine the amount of such gross revenue.



4797 * * *

4798 Each utility subject to the provisions of this section shall
4799 be allowed to recover, through the use of a rate adjustment clause
4800 or rider, the total amount of taxes paid by the utility pursuant
4801 to this section for the reasonable and necessary expenses of the
4802 commission and the Public Utilities Staff.

4803 **SECTION 126.** Section 77-3-89, Mississippi Code of 1972, is
4804 amended as follows:

4805 77-3-89. * * * All expenses of the commission authorized by
4806 this article, or any other act of the Legislature, shall be paid
4807 by the State Treasurer from the State General Fund from funds
4808 appropriated by the Legislature upon warrants issued by the State
4809 Fiscal Officer, which warrants shall be issued upon requisition
4810 signed by the chairman of the commission and countersigned by one
4811 (1) of the commissioners. Said requisition shall show upon its
4812 face the purpose for which the payment is being made by reference
4813 to the minute book in which such payment was authorized. It shall
4814 be unlawful for any person to withdraw any money from such funds
4815 other than by requisition issued as herein provided. A record of
4816 all requisitions issued by the commission showing to whom, for
4817 what purpose, and date issued, shall be placed upon the minute
4818 books of the commission and shall become a part of the official
4819 record of the commission.

4820 The books and accounts of the commission shall be audited at
4821 the end of each fiscal year, and at any other time deemed
4822 necessary, by the State Auditor and a copy of such audits shall be
4823 furnished to the Governor and the commission. The State Auditor
4824 may prescribe such further accounting procedure as he deems
4825 necessary for the withdrawal of funds by the commission * * *.
4826 All requisitions drawn in compliance with this article shall be
4827 honored by the State Auditor and the funds disbursed in accordance
4828 therewith. The commission shall file a report at each regular



4829 session of the Legislature showing the expenditure of all funds by
4830 the commission.

4831 * * *

4832 **SECTION 127.** Section 77-7-55, Mississippi Code of 1972, is
4833 amended as follows:

4834 77-7-55. Upon the filing of an application for a certificate
4835 of convenience and necessity, the applicant shall deposit with the
4836 commission as a fee, the sum of Fifty Dollars (\$50.00), and for
4837 the transfer, sale, assignment or lease of such certificate, the
4838 sum of Fifty Dollars (\$50.00), and for the issuance of a duplicate
4839 certificate, the sum of Two Dollars (\$2.00).

4840 Upon the filing of an application for a permit as a contract
4841 carrier, the applicant shall deposit with the commission as a fee
4842 for the issuance thereof, the sum of Fifty Dollars (\$50.00), and
4843 for the issuance of a duplicate permit, the sum of Two Dollars
4844 (\$2.00).

4845 All of the fees provided for by this section shall be paid by
4846 the commission into the State Treasury to be there placed in the
4847 State General Fund. The fees herein provided for respecting
4848 applications for certificates, permits and for the approval of
4849 sale, transfer, lease or assignment may not be returned to an
4850 applicant after the application has been processed.

4851 **SECTION 128.** Section 77-7-339, Mississippi Code of 1972, is
4852 amended as follows:

4853 77-7-339. The salary of the chief enforcement officer and
4854 the inspectors, and the reasonable and necessary expenses of such
4855 employees and the administration of the duties imposed on the
4856 commission by this chapter, shall be paid out of the State General
4857 Fund * * *, upon requisition and warrants in the same manner
4858 provided by law for the disbursements of appropriations for the
4859 commission. An itemized account shall be kept of all receipts and
4860 expenditures and shall be reported to the Legislature by the
4861 commission.



4862 **SECTION 129.** Section 77-9-489, Mississippi Code of 1972, is
4863 amended as follows:

4864 77-9-489. The salaries of all employees authorized to
4865 enforce the provisions of the railroad laws, and the reasonable
4866 and necessary expenses of such employees, shall be paid out of the
4867 State General Fund in the State Treasury pursuant to appropriation
4868 by the Legislature upon the requisition and warrant in the manner
4869 provided by law. An itemized account shall be kept of all
4870 receipts and expenditures and reported to the Legislature by the
4871 commission.

4872 **SECTION 130.** Section 77-9-493, Mississippi Code of 1972, is
4873 amended as follows:

4874 77-9-493. All reasonable and necessary operating expenses of
4875 the administration of the duties imposed by law upon the
4876 Mississippi Transportation Commission, including the salaries of
4877 personnel, in its regulation and supervision of railroad companies
4878 operating within the State of Mississippi, shall be provided from
4879 the State General Fund from funds appropriated by the Legislature.
4880 There is hereby levied the following tax: The amount of said tax
4881 is the sum of Two Hundred One Thousand Dollars (\$201,000.00) per
4882 year. Such tax shall be prorated by the State Tax Commission
4883 among the railroad companies which are subject to the tax levied
4884 by this section each year, according to the railroad track miles
4885 of each of such railroad company operated during the calendar year
4886 preceding the assessment. Each railroad company which is subject
4887 to the tax levied by this section shall file a statement of such
4888 railroad track miles by April 1 of each year showing the railroad
4889 track miles operated in the preceding year's operation. "Railroad
4890 track miles" means the miles of road of the railroad system within
4891 this state. These statements of railroad track miles shall be
4892 filed with the commission and a copy thereof filed with the State
4893 Tax Commission. The State Tax Commission shall thereupon
4894 calculate the pro rata amount of tax to be paid by each of said



4895 railroad companies in order to provide the total amount above
4896 stated and shall thereupon submit a statement thereof to the
4897 respective railroad companies and the amounts shown due in such
4898 statements to the respective railroad companies shall be paid by
4899 the respective railroad companies within thirty (30) days
4900 thereafter to the State Tax Commission. The State Tax Commission
4901 shall pay such funds into the State Treasury on the same day
4902 collected to the credit of the State General Fund.

4903 All administrative provisions of the Mississippi Sales Tax
4904 Law, including those which fix damages, penalties and interest for
4905 nonpayment of taxes and for noncompliance with the provisions of
4906 such chapter, and all other duties and requirements imposed upon
4907 taxpayers, shall apply to all persons liable for taxes under the
4908 provisions of this chapter, and the Tax Commissioner shall
4909 exercise all the power and authority and perform all the duties
4910 with respect to taxpayers under this chapter as are provided in
4911 the Mississippi Sales Tax Law except where there is a conflict,
4912 then the provisions of this chapter shall control.

4913 The Mississippi Transportation Commission and the State Tax
4914 Commission are hereby authorized to use all tax returns of any
4915 such railroad companies available to them and to make such audits
4916 as may be deemed necessary of any and all records of such railroad
4917 companies in order to correctly determine the amount of railroad
4918 track miles. It shall be the duty of the Department of Finance
4919 and Administration to advise the commission of the amount of money
4920 on hand from time to time. All expenses of the Mississippi
4921 Transportation Commission in its regulation and supervision of
4922 railroad companies, including salaries of personnel, shall be paid
4923 by the State Treasurer upon warrants issued by the Department of
4924 Finance and Administration. Said warrants shall be issued upon
4925 requisition signed by the executive secretary or the chairman and
4926 said requisition shall show upon its face the purpose for which
4927 the payment is being made, by reference to the purchase order



4928 and/or invoice number and objective code. It shall be unlawful
4929 for any person to withdraw any money from such funds other than by
4930 requisition issued as herein provided. A record of all
4931 requisitions issued by the Mississippi Transportation Commission
4932 showing to whom, for what purpose, and date issued, shall be
4933 placed upon the minute books of the commission and shall become a
4934 part of the official record of said commission.

4935 The books and accounts of the Mississippi Transportation
4936 Commission shall be audited at the end of each fiscal year, and at
4937 any other time deemed necessary, by the State Auditor and a copy
4938 of such audits shall be furnished to the Governor and the
4939 Mississippi Transportation Commission. The State Auditor may
4940 prescribe such further accounting procedure as he deems necessary
4941 for the withdrawal of funds by the said commission * * *. All
4942 requisitions drawn in compliance with this section shall be
4943 honored by the Department of Finance and Administration and the
4944 funds disbursed in accordance therewith. The Mississippi
4945 Transportation Commission shall file a report at each regular
4946 session of the Legislature showing the expenditure of all funds by
4947 the Mississippi Transportation Commission. * * * In the event the
4948 funds provided by said tax exceed the amount necessary for the
4949 purposes of this section at the end of each year, the Mississippi
4950 Transportation Commission shall certify the amount which the said
4951 commission estimates will be necessary for the commission for the
4952 next year to the State Tax Commission, and the State Tax
4953 Commission shall reduce the tax imposed to such amount for the
4954 next year and shall collect the proportionate amount thereof as
4955 above provided.

4956 **SECTION 131.** Section 77-11-201, Mississippi Code of 1972, is
4957 amended as follows:

4958 77-11-201. All reasonable and necessary operating expenses
4959 of the administration of the duties imposed by law upon the Public
4960 Service Commission, including the salaries of personnel, in its



4961 regulation, inspection and supervision of municipally owned and/or
4962 operated gas utilities operating within the State of Mississippi
4963 shall be provided from funds appropriated therefor from the State
4964 General Fund. * * * There is hereby levied a tax. The amount of
4965 said tax is the sum of Twenty-five Thousand Dollars (\$25,000.00)
4966 per year which shall be prorated by the State Tax Commission among
4967 the municipally owned and/or operated gas utilities which are
4968 subject to the tax levied by this section each year, according to
4969 the gross revenue of each of such utilities from their intrastate
4970 operation during the calendar year preceding the assessment. Each
4971 utility which is subject to the tax levied by this section shall
4972 file a statement of such gross revenue by April 1 of each year
4973 showing the gross revenue for the preceding year's operation.
4974 These statements of gross revenue shall be filed with the
4975 commission and a copy thereof filed with the State Tax Commission.
4976 The State Tax Commission shall thereupon calculate the pro rata
4977 amount of tax to be paid by each of said utilities in order to
4978 provide the total amount above stated and shall thereupon submit a
4979 statement thereof to the respective utilities and the amount shown
4980 due in such statements to the respective utilities shall be paid
4981 by the respective utilities within thirty (30) days thereafter to
4982 the State Tax Commission. The State Tax Commission shall pay such
4983 funds into the State Treasury on the same day collected to the
4984 credit of the State General Fund. All administrative provisions
4985 of the Mississippi Sales Tax Law, including those which fix
4986 damages, penalties and interest for nonpayment of taxes and for
4987 noncompliance with the provisions of such chapter, and all other
4988 duties and requirements imposed upon taxpayers, shall apply to all
4989 persons liable for taxes under the provisions of this chapter, and
4990 the Tax Commissioner shall exercise all the power and authority
4991 and perform all the duties with respect to taxpayers under this
4992 chapter as are provided in the Mississippi Sales Tax Law except
4993 where there is a conflict, then the provisions of this chapter



4994 shall control. The term "gross revenue" as used in this section
4995 shall be deemed to be the total amount of all revenue derived by
4996 each of such utilities from its intrastate operations and the
4997 State Tax Commission is hereby authorized to make such audits as
4998 may be deemed necessary of any and all records of such utilities
4999 in order to correctly determine the amount of such gross revenue.
5000 It shall be the duty of the Department of Finance and
5001 Administration to advise the commission of the amount of money on
5002 hand from time to time. All expenses of the commission authorized
5003 by this section or any other act of the Legislature shall be paid
5004 by the State Treasurer upon warrants issued by the Department of
5005 Finance and Administration, which warrants shall be issued upon
5006 requisition signed by the chairman of the commission and
5007 countersigned by one (1) of the commissioners, and said
5008 requisition shall show upon its face the purpose for which the
5009 payment is being made by reference to the minute book in which
5010 such payment was authorized. It shall be unlawful for any person
5011 to withdraw any money * * * other than by requisition issued as
5012 provided herein. A record of all requisitions issued by the
5013 commission showing to whom, for what purpose, and date issued
5014 shall be placed upon the minute books of the commission and shall
5015 become a part of the official records of the commission.

5016 The books and accounts of the commission shall be audited at
5017 the end of each fiscal year, and at any other time deemed
5018 necessary, by the State Auditor and a copy of such audits shall be
5019 furnished to the Governor and the commission. The State Auditor
5020 may prescribe such further accounting procedure as he deems
5021 necessary for the withdrawal of funds by the commission from the
5022 State General Fund. All requisitions drawn in compliance with
5023 this section shall be honored by the Department of Finance and
5024 Administration and the funds disbursed in accordance therewith.
5025 The commission shall file a report at each regular session of the
5026 Legislature showing the expenditure of all funds by the



5027 commission. All proceeds of the above-mentioned tax are hereby
5028 allocated to the commission for the purpose of this section. In
5029 the event the funds provided by said tax exceed the amount
5030 necessary for the purposes of this section at the end of any
5031 fiscal year, the commission shall certify the amount which the
5032 commission estimates will be necessary for the commission for each
5033 fiscal year to the State Tax Commission, and the State Tax
5034 Commission shall reduce the tax hereby imposed to such amount for
5035 the next fiscal year and shall collect the proportionate amount
5036 thereof as above provided.

5037 **SECTION 132.** Section 83-2-33, Mississippi Code of 1972, is
5038 amended as follows:

5039 83-2-33. All property and casualty insurance companies doing
5040 business in this state shall contribute annually, at such times as
5041 the Insurance Commissioner shall determine, in proportion to their
5042 gross premiums collected within the State of Mississippi during
5043 the preceding year, to the State General Fund * * *. The
5044 commissioner is hereby authorized to employ such actuarial and
5045 other assistance as shall be necessary to carry out the duties of
5046 the department; and such employees shall be under the authority
5047 and direction of the Insurance Commissioner. The amount to be
5048 contributed annually to the State General Fund shall be fixed each
5049 year by the Insurance Commissioner at a percentage of the gross
5050 premiums so collected during the preceding year. However, a
5051 minimum assessment of One Hundred Dollars (\$100.00) shall be
5052 charged to each licensed property and casualty insurance company
5053 regardless of the gross premium amount collected during the
5054 preceding year.

5055 The total contributions collected for the State General Fund
5056 shall not exceed the sum of Seven Hundred Fifty Thousand Dollars
5057 (\$750,000.00) in each fiscal year.

5058 **SECTION 133.** Section 83-2-35, Mississippi Code of 1972, is
5059 amended as follows:



5060 83-2-35. (1) This section applies to all forms of property
5061 and casualty insurance on risks or operations in this state by any
5062 insurer authorized to do business in this state, except:

- 5063 (a) Accident and health;
- 5064 (b) Ocean marine insurance;
- 5065 (c) Reinsurance;
- 5066 (d) Aircraft liability and aircraft hull insurance;
- 5067 (e) Title insurance;
- 5068 (f) Credit accident and health insurance.

5069 (2) All such insurers shall pay to the Commissioner of
5070 Insurance a fee of Fifteen Dollars (\$15.00) for each form or rate
5071 filing filed with the commissioner. The commissioner shall pay
5072 such fees into the State General Fund * * *.

5073 **SECTION 134.** Section 83-5-72, Mississippi Code of 1972, is
5074 amended as follows:

5075 83-5-72. All life, health and accident insurance companies
5076 and health maintenance organizations doing business in this state
5077 shall contribute annually, at such times as the Insurance
5078 Commissioner shall determine, in proportion to their gross
5079 premiums collected within the State of Mississippi during the
5080 preceding year, to the State General Fund * * *. The commissioner
5081 is hereby authorized to employ such actuarial and other assistance
5082 as shall be necessary to carry out the duties of the department;
5083 and the employees shall be under the authority and direction of
5084 the Insurance Commissioner. The amount to be contributed annually
5085 to the State General Fund shall be fixed each year by the
5086 Insurance Commissioner at a percentage of the gross premiums so
5087 collected during the preceding year. However, a minimum
5088 assessment of One Hundred Dollars (\$100.00) shall be charged each
5089 licensed life, health and accident insurance company regardless of
5090 the gross premium amount collected during the preceding year.



5091 The total contributions collected for the State General Fund
5092 shall not exceed the sum of Seven Hundred Fifty Thousand Dollars
5093 (\$750,000.00) in each fiscal year.

5094 **SECTION 135.** Section 83-5-73, Mississippi Code of 1972, is
5095 amended as follows:

5096 83-5-73. The commissioner shall collect and pay into the
5097 State General Fund * * * the following fees: for certificate of
5098 authority to each general or district agent or manager, Fifteen
5099 Dollars (\$15.00); for certificate of authority to each local or
5100 canvassing agent, Ten Dollars (\$10.00); for filing and examining
5101 statement preliminary to admission, One Thousand Dollars
5102 (\$1,000.00); for filing and auditing annual statement, Five
5103 Hundred Dollars (\$500.00); for filing any other paper required by
5104 law, Twenty-five Dollars (\$25.00); for continuing education
5105 courses or programs filed by the providers for approval,
5106 Twenty-five Dollars (\$25.00); for each certification company
5107 licensed status, Twenty Dollars (\$20.00); for each seal when
5108 required, Ten Dollars (\$10.00); for service of process on him as
5109 attorney, Twenty-five Dollars (\$25.00).

5110 **SECTION 136.** Section 83-9-3, Mississippi Code of 1972, is
5111 amended as follows:

5112 83-9-3. (1) No policy of accident and sickness insurance
5113 shall be delivered or issued for delivery to any person in this
5114 state unless:

5115 (a) The entire money and other considerations therefor
5116 are expressed therein; and

5117 (b) The time at which the insurance takes effect and
5118 terminates is expressed therein; and

5119 (c) It purports to insure only one (1) person, except
5120 that a policy may insure, originally or by subsequent amendment,
5121 upon the application of an adult member of a family who shall be
5122 deemed the policyholder, any two (2) or more eligible members of
5123 that family, including husband, wife, dependent children or any



5124 children under a specified age which shall not exceed nineteen
5125 (19) years, and any other person dependent upon the policyholder;
5126 and

5127 (d) The style, arrangement and overall appearance of
5128 the policy give no undue prominence to any portion of the text,
5129 and unless every printed portion of the text of the policy and of
5130 any endorsements or attached papers is plainly printed in
5131 lightfaced type of a style in general use, the size of which shall
5132 be uniform and not less than ten-point with a lowercase unspaced
5133 alphabet length not less than one hundred and twenty-point (the
5134 "text" shall include all printed matter except the name and
5135 address of the insurer, name or title of the policy, the brief
5136 description if any, and captions and subcaptions); and

5137 (e) The exceptions and reductions of indemnity are set
5138 forth in the policy and, except those which are set forth in
5139 Section 83-9-5, are printed, at the insurer's option, either with
5140 the benefit provision to which they apply, or under an appropriate
5141 caption such as "Exceptions," or "Exceptions and Reductions,"
5142 provided that if an exception or reduction specifically applies
5143 only to a particular benefit of the policy, a statement of such
5144 exception or reduction shall be included with the benefit
5145 provision to which it applies; and

5146 (f) Each such form, including riders and endorsements,
5147 shall be identified by a form number in the lower left-hand corner
5148 of the first page thereof; and

5149 (g) It contains no provision purporting to make any
5150 portion of the charter, rules, constitution or bylaws of the
5151 insurer a part of the policy unless such portion is set forth in
5152 full in the policy, except in the case of the incorporation of, or
5153 reference to, a statement of rates or classification of risks, or
5154 short-rate table filed with the commissioner.

5155 (2) No individual or group policy covering health and
5156 accident insurance (including experience-rated insurance



5157 contracts, indemnity contracts, self-insured plans and self-funded
 5158 plans), or any group combinations of these coverages, shall be
 5159 issued by any commercial insurer doing business in this state
 5160 which, by the terms of such policy, limits or excludes payment
 5161 because the individual or group insured is eligible for or is
 5162 being provided medical assistance under the Mississippi Medicaid
 5163 Law. Any such policy provision in violation of this section shall
 5164 be invalid.

5165 (3) If any policy is issued by an insurer domiciled in this
 5166 state for delivery to a person residing in another state, and if
 5167 the official having responsibility for the administration of the
 5168 insurance laws of such other state shall have advised the
 5169 commissioner that any such policy is not subject to approval or
 5170 disapproval by such official, the commissioner may, by ruling,
 5171 require that such policy meet the standards set forth in
 5172 subsection (1) of this section and in Section 83-9-5.

5173 (4) The commissioner shall collect and pay into the State
 5174 General * * * the following fees for services provided under this
 5175 section:

	FORM	FEE
5176		
5177	Each individual policy contract, including revisions..	\$15.00
5178	Each group master policy or contract, including	
5179	revisions.....	15.00
5180	Each rider, endorsement or amendment, etc.....	10.00
5181	Each insurance application where written application	
5182	is required and is to be made a part of the policy or	
5183	contract.....	10.00
5184	Each questionnaire.....	7.00
5185	Charge for resubmission where payment is not included	
5186	with original submission.....	5.00
5187	Additional charge for tentative approval same as above.	

5188 **SECTION 137.** Section 83-19-21, Mississippi Code of 1972, is
 5189 amended as follows:



5190 83-19-21. If it appears that the requirements of the law
5191 herein have been complied with, the commissioner shall collect a
5192 fee of Two Hundred Dollars (\$200.00), to be paid into the State
5193 General Fund * * * and shall certify the fact and his approval of
5194 the articles of association, by endorsement thereon. The
5195 commissioner shall also collect a fee of Fifty Dollars (\$50.00)
5196 for any amendment filed thereon and such fee shall be deposited
5197 into the State General Fund.

5198 **SECTION 138.** Section 83-21-1, Mississippi Code of 1972, is
5199 amended as follows:

5200 83-21-1. No foreign insurance, indemnity or guaranty company
5201 or other insurer shall be admitted and authorized to do business
5202 in this state until:

5203 (a) It shall deposit with the Commissioner of Insurance
5204 a certified copy of its charter or deed of settlement, and shall
5205 pay for the filing of such document the sum of One Thousand
5206 Dollars (\$1,000.00) and a statement of its financial condition and
5207 business in such form and detail as he may require, signed and
5208 sworn to by its president and secretary or other proper officer.

5209 (b) It shall satisfy the commissioner that it is fully
5210 and legally organized under the laws of its state or government to
5211 do the business it proposes to transact; and such capital or net
5212 assets are well invested and immediately available for the payment
5213 of losses in this state, and that it insures on any single hazard
5214 a sum no larger than one-tenth (1/10) of its net assets.

5215 (c) It shall, by a duly executed instrument filed in
5216 his office, constitute and appoint the Commissioner of Insurance,
5217 and his successor, its true and lawful attorney, upon whom all
5218 process in any action or legal proceeding against it may be
5219 served, and therein shall agree that any process against it which
5220 may be served upon its attorney shall be of the same force and
5221 validity as if served on the company, and the authority thereof
5222 shall continue in force irrevocable so long as any liability of



5223 the company remains outstanding in this state. The service of
5224 such process shall be made by leaving a copy of the same in the
5225 hands or office of the commissioner. Copies of such instrument
5226 certified by the commissioner shall be deemed sufficient evidence
5227 thereof, and service upon such attorney shall be deemed sufficient
5228 service upon the principal.

5229 (d) It shall appoint as its agent or agents in this
5230 state some resident or residents thereof, other than the
5231 commissioner; such appointment to be made in writing, signed by
5232 the president and secretary or manager or general agent, and filed
5233 in the office of the commissioner, authorizing the agent to
5234 acknowledge service of process for and on behalf of the company,
5235 consenting that service of process on the agent shall be as valid
5236 as if served upon the company, according to the laws of this
5237 state, and waiving all claims of error by reason of such service.

5238 (e) It shall obtain from the commissioner a certificate
5239 that it has complied with the laws of the state and is authorized
5240 to make contracts of insurance.

5241 (f) Such fees collected by the commissioner shall be
5242 deposited in the State General Fund * * *.

5243 **SECTION 139.** Section 83-37-29, Mississippi Code of 1972, is
5244 amended as follows:

5245 83-37-29. Any person, firm, association, or corporation
5246 engaging in the business herein described without first having
5247 complied with the provisions hereof, or any person who shall
5248 knowingly make any false statement in the reports required by this
5249 chapter as determined by the Commissioner of Insurance after
5250 written notice and hearing, shall be assessed a penalty for each
5251 violation of not less than Two Hundred Fifty Dollars (\$250.00) nor
5252 more than Five Hundred Dollars (\$500.00), and in addition thereto
5253 shall forfeit the license to do business in this state. Funds
5254 from such penalties shall be deposited with the State Treasurer to
5255 be placed in the State General Fund.



5256 **SECTION 140.** Section 89-12-37, Mississippi Code of 1972, is
5257 amended as follows:

5258 89-12-37. (1) All funds received under the provisions of
5259 this chapter shall forthwith be deposited by the Treasurer in the
5260 State General Fund * * * in the State Treasury * * *, except that
5261 the Treasurer shall deposit in a separate special fund hereby
5262 established in the State Treasury to be designated the "Abandoned
5263 Property Claims Payment Fund" an amount not exceeding One Hundred
5264 Fifty Thousand Dollars (\$150,000.00) from which he shall make
5265 prompt payment of claims duly allowed by him as hereinafter
5266 provided. Before making the deposits in either * * * fund, he
5267 shall record the name and last known address of each person
5268 appearing from the holders' reports to be entitled to the
5269 abandoned property and the name and last known address of each
5270 insured person or annuitant and, with respect to each policy or
5271 contract listed in the report of a life insurance corporation, its
5272 number, the name of the corporation and the amount due. The
5273 record shall be available for public inspection at all reasonable
5274 business hours.

5275 (2) There is created within the State General Fund in the
5276 State Treasury a trust to be known as the Historic Properties
5277 Financing Fund, which shall be used as provided in this section.
5278 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the State
5279 General Fund shall be set aside and placed in the Historic
5280 Properties Financing Fund created herein. The principal of the
5281 Historic Properties Financing Fund shall remain inviolate within
5282 the State General Fund, and shall be invested in the same manner
5283 as the remainder of the State General Fund. The interest and
5284 income earned from the investment of the principal of the Historic
5285 Properties Financing Fund shall be transferred quarterly to the
5286 Mississippi Landmark Grant Program account within the State
5287 General Fund created under Section 39-5-23. The transferred money



5288 shall be utilized by the Department of Archives and History for
5289 the purposes as specified in Section 39-5-23(3).

5290 (3) Notwithstanding subsections (1) and (2) of this section,
5291 the funds reflected by the cancellation of State of Mississippi
5292 warrants that constitute part of the State General Fund shall be
5293 transferred by the State Treasurer back to the original fund
5294 source if unclaimed by the owner within the time specified in
5295 Section 7-7-42.

5296 **SECTION 141.** Section 4 of Chapter 168, Laws of 1989, which
5297 creates the Securities Enhancement Act Fund, is hereby repealed.

5298 **SECTION 142.** This act shall take effect and be in force from
5299 and after July 1, 2002; provided, however, that Section 1 of this
5300 act shall take effect and be in force from and after its passage.

