

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2764

1 AN ACT TO AMEND SECTION 27-105-33, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE A CERTAIN PORTION OF EXCESS GENERAL AND SPECIAL FUNDS
 3 TO BE INVESTED BY THE STATE TREASURER IN A MANNER THAT WILL YIELD
 4 EARNINGS IN THE AMOUNT OF \$20,000,000.00 PER MONTH AND TO
 5 AUTHORIZE THE STATE TREASURER TO INVEST SUCH EARNINGS IN
 6 INSTRUMENTS THAT MATURE IN FIVE YEARS; TO PROVIDE FOR THE AMOUNT
 7 OF INTEREST THAT WILL BE PAID TO CERTAIN SPECIAL FUNDS ON THE
 8 INVESTMENT OF THE MONEY IN SUCH FUNDS; TO PROVIDE THAT EARNINGS IN
 9 EXCESS OF THE AMOUNT OF INTEREST SO AUTHORIZED SHALL BE DEPOSITED
 10 INTO THE STATE GENERAL FUND; TO AMEND SECTIONS 7-5-305, 7-7-3,
 11 11-46-17, 17-17-63, 17-17-65, 17-17-217, 17-18-31, 17-23-1,
 12 25-11-13, 25-15-15, 27-38-7, 27-51-105, 27-103-203, 27-104-31,
 13 27-104-107, 29-17-4, 31-31-9, 31-31-11, 33-9-25, 35-7-31, 35-7-45,
 14 37-23-149, 37-29-268, 37-33-261, 37-63-11, 37-101-81, 37-143-19,
 15 37-145-7, 37-145-73, 37-159-17, 39-5-23, 39-5-27, 39-5-29,
 16 39-5-71, 39-11-9, 41-3-16, 41-4-7, 41-26-23, 41-26-25, 43-13-141,
 17 43-13-143, 43-17-37, 43-33-759, 43-53-11, 43-55-29, 45-2-1,
 18 45-6-15, 47-5-109, 47-5-194, 47-5-1007, 49-5-21, 49-6-3, 49-7-155,
 19 49-15-17, 49-17-14, 49-17-44, 49-17-85, 49-17-86, 49-17-421,
 20 49-17-525, 49-31-23, 49-35-25, 53-9-89, 55-3-21, 55-3-41,
 21 55-15-59, 55-23-9, 57-1-69, 57-1-303, 57-39-43, 57-44-7, 57-61-27,
 22 57-71-27, 57-75-31, 57-77-35, 63-11-53, 65-1-111, 65-4-15,
 23 65-26-25, 65-37-13, 65-39-3, 69-9-5, 69-10-5, 69-27-347, 69-37-39,
 24 69-43-5, 69-45-13, 71-3-97, 73-4-15, 73-5-5, 73-7-5, 73-9-43,
 25 73-13-17, 73-17-7, 73-31-9, 73-39-7, 73-53-10, 73-59-3, 73-63-21,
 26 75-57-119, 89-12-37, 93-21-305 and 97-33-101, MISSISSIPPI CODE OF
 27 1972, TO CONFORM: AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 27-105-33, Mississippi Code of 1972, is
 30 amended as follows:

31 27-105-33. (1) a) It shall be the duty of the State
 32 Treasurer and the Executive Director of the Department of Finance
 33 and Administration on or about the tenth day of each month, and in
 34 their discretion at any other time, to analyze carefully the
 35 amount of cash in the General Fund of the state and in all special
 36 funds credited to any special purpose designated by the State
 37 Legislature or held to meet the budgets or appropriations for
 38 maintenance, improvements and services of the several
 39 institutions, boards, departments, commissions, agencies, persons



40 or entities of the state, and to determine in their opinion when
41 the cash in such funds is in excess of the amount required to meet
42 the current needs and demands of no more than seven (7) business
43 days on such funds and report their findings to the Governor. It
44 shall be the duty of the State Treasurer to provide a cash flow
45 model for forecasting revenues and expenditures on a bimonthly
46 basis and providing technical assistance for its operation. The
47 Department of Finance and Administration shall use the cash flow
48 model furnished by the State Treasurer, in analyzing the amount of
49 funds on deposit and available for investment.

50 (b) Of such excess general and special funds of the
51 state, One Billion Two Hundred Million Dollars (\$1,200,000,000.00)
52 shall be invested for periods of up to five (5) years with varying
53 maturity dates in such a manner that earnings in the amount of
54 Twenty Million Dollars (\$20,000,000.00) will be paid to the state
55 each month. Such Twenty Million Dollars (\$20,000,000.00) that is
56 received by the state each month may be invested in instruments
57 that mature in five (5) years.

58 (2) The State Treasurer is hereby authorized, empowered and
59 directed to invest all * * * excess general and special funds of
60 the state in excess of One Billion Two Hundred Million Dollars
61 (\$1,200,000,000.00) the following manner:

62 (a) Funds shall be allocated equally among all
63 qualified state depositories which do not have demand accounts in
64 excess of One Hundred Fifty Thousand Dollars (\$150,000.00) until
65 each qualified depository willing to accept the same shall have on
66 deposit or in security repurchase agreements or in other
67 securities authorized in paragraph (d) of this section at interest
68 the sum of Three Hundred Thousand Dollars (\$300,000.00). For the
69 purposes of this subsection, no branch bank or branch office shall
70 be counted as a separate depository.

71 (b) The balance, if any, of such excess general and
72 special funds shall be offered to qualified depositories of the



73 state on a pro rata basis as provided in Section 27-105-9. For
74 the purposes of this subsection, the pro rata share of each
75 depository shall be reduced by the amount of the average daily
76 collected earning balance of demand deposits maintained by the
77 State Treasurer pursuant to Section 27-105-9 during the preceding
78 calendar year, and such reduction shall be allocated pro rata
79 among other eligible depositories.

80 (c) Funds offered pursuant to paragraphs (a) and (b)
81 above shall be invested for periods of up to one (1) year, and
82 shall bear interest at an interest rate no less than that
83 numerically equal to the bond equivalent yield on direct
84 obligations of the United States Treasury of comparable maturity,
85 as determined by the State Treasurer. In determining such rate,
86 the State Treasurer shall consider the Legislature's desire to
87 distribute funds equitably throughout the state to the maximum
88 extent possible.

89 (d) To the extent that the State Treasurer shall find
90 that general and special funds cannot be invested pursuant to
91 paragraphs (a), (b) and (c) of this section for the stated
92 maturity up to one (1) year, the Treasurer may invest such funds,
93 together with any other funds required for current operation, as
94 determined pursuant to this section, in the following:

95 (i) Time certificates of deposit or
96 interest-bearing accounts with qualified state depositories. For
97 those funds determined under prudent judgment of the State
98 Treasurer to be made available for investment in time certificates
99 of deposit, the rate of interest paid by the depositories shall be
100 determined by rules and regulations adopted and promulgated by the
101 State Treasurer which may include competitive bids. At the time
102 of investment, the interest rate on such certificates of deposit
103 under the provisions of this subparagraph shall be a rate not less
104 than the bond equivalent yield on direct obligations of the United
105 States Treasury with a similar length of maturity.



106 (ii) Direct United States Treasury obligations,
107 the principal and interest of which are fully guaranteed by the
108 government of the United States.

109 (iii) United States government agency, United
110 States government instrumentality or United States government
111 sponsored enterprise obligations, the principal and interest of
112 which are fully guaranteed by the government of the United States,
113 such as the Government National Mortgage Association; or United
114 States governmental agency, United States government
115 instrumentality or United States government sponsored enterprise
116 obligations, the principal and interest of which are guaranteed by
117 any United States government agency, United States government
118 instrumentality or United States government sponsored enterprise
119 contained in a list promulgated by the State Treasurer. However,
120 at no time shall the funds invested in United States government
121 agency, United States government instrumentality or United States
122 government sponsored enterprise obligations enumerated in this
123 subparagraph exceed fifty percent (50%) of all monies invested
124 with maturities of thirty (30) days or longer.

125 (iv) Direct security repurchase agreements and
126 reverse direct security repurchase agreements of any federal book
127 entry of only those securities enumerated in subparagraphs (ii)
128 and (iii) above. "Direct security repurchase agreement" means an
129 agreement under which the state buys, holds for a specified time,
130 and then sells back those securities and obligations enumerated in
131 subparagraphs (ii) and (iii) above. "Reverse direct securities
132 repurchase agreement" means an agreement under which the state
133 sells and after a specified time buys back any of the securities
134 and obligations enumerated in subparagraphs (ii) and (iii) above.
135 At least eighty percent (80%) of the total dollar amount in all
136 repurchase agreements at any one (1) time shall be pursuant to
137 contracts with qualified state depositories.



138 (e) For the purposes of this section, direct obligations
139 issued by the United States of America shall be deemed to include
140 securities of, or other interests in, any open-end or closed-end
141 management type investment company or investment trust registered
142 under the provisions of 15 USCS Section 80(a)-1 et seq., provided
143 that the portfolio of such investment company or investment trust
144 is limited to direct obligations issued by the United States of
145 America, United States government agencies, United States
146 government instrumentalities or United States government sponsored
147 enterprises, and to repurchase agreements fully collateralized by
148 direct obligations of the United States of America, United States
149 government agencies, United States government instrumentalities or
150 United States government sponsored enterprises, and the investment
151 company or investment trust takes delivery of such collateral for
152 the repurchase agreement, either directly or through an authorized
153 custodian. The State Treasurer and the Executive Director of the
154 Department of Finance and Administration shall review and approve
155 the investment companies and investment trusts in which funds
156 invested under paragraph (d) of this section may be invested. The
157 total dollar amount of funds invested in all open-end and
158 closed-end management type investment companies and investment
159 trusts at any one (1) time shall not exceed twenty percent (20%)
160 of the total dollar amount of funds invested under paragraph (d)
161 of this section.

162 (f) Investments authorized by subparagraphs (ii) and
163 (iii) of paragraph (d) shall mature on such date or dates as
164 determined by the State Treasurer in the exercise of prudent
165 judgment to generate a favorable return to the state and will
166 allow the monies to be available for use at such time as the
167 monies will be needed for state purposes. However, the maturity
168 of securities purchased as enumerated in subparagraphs (ii) and
169 (iii) shall not exceed ten (10) years from date of purchase.
170 Special funds shall be considered those funds created



171 constitutionally, statutorily or administratively which are not
172 considered general funds. All funds invested for a period of
173 thirty (30) days or longer under paragraph (d) shall bear a rate
174 at least equal to the current established rate under paragraph (c)
175 of this section.

176 (g) Any interest-bearing deposits or certificates of
177 deposit shall not exceed at any time the amount insured by the
178 Federal Deposit Insurance Corporation in any one (1) banking
179 institution, the Federal Savings and Loan Insurance Corporation in
180 any one (1) savings and loan association, or other deposit
181 insurance corporation approved by the State Treasurer, unless the
182 uninsured portion is collateralized by the pledge of securities in
183 the manner provided by Section 27-105-5.

184 (h) Unless otherwise provided, income from investments
185 authorized by the provisions of this subsection shall be credited
186 to the State General Fund.

187 (i) Not more than Five Hundred Thousand Dollars
188 (\$500,000.00) of funds may be invested with foreign financial
189 institutions, and the State Treasurer may enter into price
190 contracts for the purchase or exchange of foreign currency or
191 other arrangements for currency exchange in an amount not to
192 exceed Five Hundred Thousand Dollars (\$500,000.00) upon specific
193 direction of the Department of Economic and Community Development.
194 The State Treasurer shall promulgate all rules and regulations for
195 applications, qualifications and any other necessary matters for
196 foreign financial institutions.

197 (3) Any liquidating agent of a depository in liquidation,
198 voluntary or involuntary, shall redeem from the state any bonds
199 and securities which have been pledged to secure state funds and
200 such redemption shall be at the par value or market value thereof,
201 whichever is greater; otherwise, the liquidating agent or receiver
202 may pay off the state in full for its deposits and retrieve the
203 pledged securities without regard to par or market value.



204 (4) The State Treasurer and the Executive Director of the
205 Department of Finance and Administration shall make monthly
206 reports to the Legislative Budget Office containing a full and
207 complete statement of all funds invested by virtue of the
208 provisions of this section and the revenues derived therefrom and
209 the expenses incurred therewith, together with all such other
210 information as may seem to each of them as being pertinent to
211 inform fully the Mississippi Legislature with reference thereto.

212 (5) The State Treasurer shall not deposit any funds on
213 demand deposit with any authorized depository, unless such
214 depository has contracted for interest-bearing accounts or time
215 certificates of deposit.

216 (6) Notwithstanding the foregoing, any financial institution
217 not meeting the prescribed ratio requirement set forth in Section
218 27-105-5 whose accounts are insured by the Federal Deposit
219 Insurance Corporation, or any successor to that insurance
220 corporation, may receive state funds in an amount not exceeding
221 the amount which is insured by such insurance corporations and may
222 qualify as a state depository to the extent of such insurance for
223 this purpose only. The paid-in and earned capital funds of such
224 financial institution shall not be included in the computations
225 specified in Section 27-105-9(a) and (b).

226 (7) All special funds in the State Treasury, in which a
227 portion of the earnings on investments of the money in the fund
228 are required to be deposited into such special funds, shall be
229 paid interest on investments at the rate of one-tenth (1/10) of
230 one percent (1%) per day. Any amounts earned on such investments
231 in excess of the amount of interest required to be paid by this
232 subsection shall be deposited into the General Fund.

233 **SECTION 2.** Section 7-5-305, Mississippi Code of 1972, is
234 amended as follows:

235 7-5-305. (1) To fund the Insurance Integrity Enforcement
236 Bureau, the Workers' Compensation Commission may assess each



237 workers' compensation carrier and self-insurer, in the manner
238 provided in Section 71-3-99, an amount based upon the proportion
239 that the total gross claims for compensation and medical services
240 and supplies paid by such carrier or self-insurer during the
241 preceding one-year period bore to the total gross claims for
242 compensation and medical services and supplies paid by all
243 carriers and self-insurers during such period. The total amount
244 assessed and collected by the commission from all workers'
245 compensation carriers and self-insurers used to fund the Insurance
246 Integrity Enforcement Bureau during each fiscal year shall be
247 based upon the recommendation of the Insurance Integrity
248 Enforcement Bureau, but shall not exceed One Hundred Fifty
249 Thousand Dollars (\$150,000.00). The funds received from the
250 assessment in this subsection (1) shall be used primarily for the
251 purpose of investigating and prosecuting workers' compensation
252 fraud. Within thirty (30) days of receipt, the Workers'
253 Compensation Commission shall transfer such assessment from the
254 Administrative Expense Fund into a special fund of the Office of
255 the Attorney General created in the State Treasury and designated
256 as the "Insurance Integrity Enforcement Fund."

257 (2) In addition to the monies collected under the assessment
258 provided in this section to fund the Insurance Integrity
259 Enforcement Bureau, for fiscal year 1999 the sum of One Hundred
260 Fifty Thousand Dollars (\$150,000.00) shall be appropriated by the
261 Legislature to the Insurance Integrity Enforcement Fund from the
262 State General Fund. The funds received from the appropriation in
263 this subsection (2) shall be used primarily for the purpose of
264 investigating and prosecuting insurance fraud other than workers'
265 compensation fraud.

266 (3) The Insurance Integrity Enforcement Bureau may accept
267 gifts, grants and appropriations of state and federal funds for
268 deposit in the Insurance Integrity Enforcement Fund. The
269 Insurance Integrity Enforcement Fund shall be used solely to



270 defray the expenses of the Insurance Integrity Enforcement Bureau,
271 and, except as otherwise provided in Section 27-105-33, any
272 interest earned on monies in such fund shall be credited to the
273 fund. Expenditures from the Insurance Integrity Enforcement Fund
274 shall be made upon requisition by the Attorney General and subject
275 to appropriation by the Legislature.

276 **SECTION 3.** Section 7-7-3, Mississippi Code of 1972, is
277 amended as follows:

278 7-7-3. (1) There is hereby established a General Accounting
279 Office for the State of Mississippi, the powers and duties of said
280 office to be performed by the Bureau of Budget and Fiscal
281 Management under the administration of the State Fiscal Officer.

282 (2) The Chief of the Fiscal Management Division, under the
283 supervision of the State Fiscal Officer, shall prescribe and
284 implement in the office of each state agency an adequate accrual
285 accounting system, in conformity with generally accepted
286 accounting principles, and a system for keeping other essential
287 financial records or, in lieu thereof, may install a state
288 centralized automated accounting system which facilitates
289 reporting the financial position and operations of the state as a
290 whole, in conformity with generally accepted accounting
291 principles. All such accounting systems so prescribed or
292 installed shall be as uniform as may be practicable for agencies
293 and offices of the same class and character.

294 Each state agency shall adopt and use the system prescribed
295 and approved for it by the State Fiscal Officer, and the State
296 Fiscal Officer shall have the authority and power to impound all
297 funds of such agency until it complies with the provisions of this
298 section. Said state centralized automated accounting system shall
299 be made available to the agencies of state government through the
300 services of the State Computer Center. The State Fiscal Officer
301 shall conduct training seminars on a regular basis to ensure that



302 agencies have access to persons proficient in the correct use of
303 the statewide automated accounting system.

304 (3) The State Fiscal Officer shall establish an oversight
305 advisory committee to ensure that the state centralized automated
306 accounting system meets the needs of the agencies served thereby.
307 Said oversight advisory committee shall be composed of qualified
308 public employees proficient in the areas of fiscal management,
309 accounting, data processing and other fields affected by the
310 automated accounting and financial management system. Said
311 committee shall have the following responsibilities:

312 (a) Provide continual review of laws, rules,
313 regulations, policies and procedures which affect the continued
314 successful implementation of the state automated accounting and
315 financial management system;

316 (b) Coordination among the control agencies of state
317 and federal government to identify required modifications and/or
318 enhancements to the state centralized automated accounting system
319 as required for successful implementation;

320 (c) Ensure that agencies using the system are in
321 compliance with the requirements of the various control agencies;
322 and

323 (d) Assign persons knowledgeable in their area of
324 expertise and proper use of the state centralized automated
325 accounting system to help agencies use the system correctly.

326 (4) The State Fiscal Officer shall provide for the
327 continuing support of the state centralized automated accounting
328 system from funds appropriated therefor by the Legislature and/or
329 from user fees charged to the state agencies and institutions
330 utilizing the system.

331 The State Fiscal Officer may charge fees to agencies and
332 institutions for services rendered to them in conjunction with the
333 statewide automated accounting system. The amounts of such fees
334 shall be set by the State Fiscal Officer, and all such fees



335 collected shall be paid into the Statewide Automated Accounting
336 System Fund.

337 (5) There is hereby established within the State Treasury a
338 special fund to be designated as the Mississippi Management and
339 Reporting System Revolving Fund. This fund is established for the
340 purpose of developing and maintaining an executive information
341 system within state government. Such a system may include the
342 state centralized automated accounting system, a centralized
343 automated human resource/payroll system for state agencies and the
344 automation of performance programmatic data and other data as
345 needed by the legislative and executive branches to monitor the
346 receipt and expenditure of funds in accordance with desired
347 objectives.

348 A Steering Committee consisting of the State Fiscal Officer,
349 the Executive Director of the State Personnel Board and the
350 Executive Director of the Mississippi Department of Information
351 Technology Services shall establish policies and procedures for
352 the administration of the Mississippi Management and Reporting
353 System Revolving Fund.

354 All disbursements from this fund shall be made pursuant to
355 appropriation by the Legislature. * * * Interest earned in the
356 amount provided for in Section 27-103-33 from the investment of
357 monies in this fund shall be credited to such fund.

358 Any expenditure of funds related to the development of a
359 Mississippi Management and Reporting System by the State Personnel
360 Board, the Department of Finance and Administration and the
361 Mississippi Department of Information Technology Services made
362 during the fiscal year ending June 30, 1993, shall be reimbursable
363 from the Mississippi Management and Reporting System Revolving
364 Fund upon its establishment.

365 The Bond Commission is hereby authorized to grant a
366 noninterest-bearing loan to the Mississippi Management and
367 Reporting System Revolving Fund from the State Treasurer's General



368 Fund/Special Fund Pool in an amount not to exceed Fifteen Million
369 Dollars (\$15,000,000.00).

370 The Mississippi Management and Reporting System Steering
371 Committee shall appoint an administrator of the Mississippi
372 Management and Reporting System Revolving Fund. The salary of the
373 administrator and all other project administrative expenses shall
374 be disbursed from the revolving fund. The administrator of the
375 fund is hereby authorized to employ or secure personnel service
376 contracts for all personnel required to carry out this project.
377 On or before January 15 of each year, the State Fiscal Officer
378 shall present a report of all expenditures made during the
379 previous fiscal year from the Mississippi Management and Reporting
380 System Revolving Fund to the State Bond Commission and to the
381 Legislature.

382 Upon implementation of the Mississippi Management and
383 Reporting System, or any part thereof, at any state agency, a
384 repayment schedule shall be determined by the Mississippi
385 Management and Reporting System Revolving Fund administrator for
386 payment back into the Mississippi Management and Reporting System
387 Revolving Fund. This repayment schedule will include direct and
388 indirect expenses of implementing the Mississippi Management and
389 Reporting System at each agency and applied interest charges.
390 Each state agency shall be required to request the amount of its
391 yearly repayment in its annual budget request.

392 At the completion of the Mississippi Management and Reporting
393 System, the Steering Committee shall recommend to the Legislature
394 an amount to remain in the Mississippi Management and Reporting
395 System Revolving Fund to fund future upgrades and maintenance for
396 the system. The remaining amount, as repaid by the agencies,
397 shall be returned to the General Fund/Special Fund Pool.

398 Each state agency executive director shall participate in the
399 Mississippi Management and Reporting System (MMRS) project by
400 appointing an agency implementation team leader to represent them



401 on the MMRS project. All agencies will be required to implement
402 the MMRS unless exempted from such by the MMRS Steering Committee.
403 If such an exemption is granted, the MMRS Steering Committee may
404 require selected data to be electronically interfaced into the
405 MMRS.

406 (6) In addition to his other duties, the Chief of the Fiscal
407 Management Division shall perform the following services:

408 (a) Maintain a set of control accounts on a double
409 entry accrual basis for each state fund so as to analyze, classify
410 and record all resources, obligations and financial transactions
411 of all state agencies.

412 (b) Submit to the Governor and to the Legislative
413 Budget Office a monthly report containing the state's financial
414 operations and conditions.

415 (c) Approve as to form the manner in which all payrolls
416 shall be prepared; and require each state agency to furnish copies
417 of monthly payrolls as required to the State Fiscal Officer. The
418 Chief of the Fiscal Management Division shall study the
419 feasibility of a central payroll system for all state officers and
420 employees, and report his findings and recommendations to the
421 Legislature.

422 (d) Require of each state agency, through its governing
423 board or executive head, the maintaining of continuous internal
424 audit covering the activities of such agency affecting its revenue
425 and expenditures, and an adequate internal system of preauditing
426 claims, demands and accounts against such agency as to adequately
427 ensure that only valid claims, demands and accounts will be paid,
428 and to verify compliance with the regulations of the State
429 Personal Service Contract Review Board regarding the execution of
430 any personal service or professional service contracts pursuant to
431 Section 25-9-120(3). The Fiscal Management Division shall report
432 to the State Fiscal Officer any failure or refusal of the
433 governing board or executive head of any state agency to comply



434 with the provisions of this section. The State Fiscal Officer
435 shall notify the said board of trustees or executive head of such
436 violation and, upon continued failure or refusal to comply with
437 the provisions of this section, then the State Fiscal Officer may
438 require said board of trustees or executive head of such state
439 agency to furnish competent and adequate personnel to carry out
440 the provisions of this section, who shall be responsible to the
441 State Fiscal Officer for the performance of such function with
442 respect to such state agency. For failure or refusal to comply
443 with the provisions of this section or the directions of the State
444 Fiscal Officer, any such employee may be deprived of the power to
445 perform such functions on behalf of the Fiscal Management
446 Division.

447 (7) Every state agency, through the proper officials or
448 employee, shall make such periodic or special reports on forms
449 prescribed by the Chief of the Fiscal Management Division as may
450 be required or necessary to maintain the set of control accounts
451 required. If any officer or employee of any state agency whose
452 duty it is to do so shall refuse or fail to make such periodic or
453 special reports in such form and in such detail and within such
454 time as the Fiscal Management Division may require in the exercise
455 of this authority, the State Fiscal Officer shall prepare or cause
456 to be prepared and submitted such reports and the expense thereof
457 shall be personally borne by said officer or employee and he or
458 she shall be responsible on his or her official bond for the
459 payment of the expense. Provided that a negligently prepared
460 report shall be considered as a refusal or failure under the
461 provisions of this section.

462 **SECTION 4.** Section 11-46-17, Mississippi Code of 1972, is
463 amended as follows:

464 11-46-17. (1) There is hereby created in the State Treasury
465 a special fund to be known as the "Tort Claims Fund."



466 All such monies as the Department of Finance and
467 Administration shall receive and collect under the provisions of
468 subsection (2) of this section and all such funds as the
469 Legislature may appropriate for use by the board in administering
470 the provisions of this chapter shall be deposited in such fund.
471 All monies in the fund may be expended by the board for any and
472 all purposes for which the board is authorized to expend funds
473 under the provisions of this chapter. * * * Interest earned in
474 the amount provided for in Section 27-105-33 from the investment
475 of monies in the fund shall be credited to the fund. Monies
476 remaining in such fund at the end of a fiscal year shall not lapse
477 into the State General Fund.

478 (2) From and after July 1, 1993, each governmental entity
479 other than political subdivisions shall participate in a
480 comprehensive plan of self-insurance and/or one or more policies
481 of liability insurance administered by the Department of Finance
482 and Administration. Such plan shall provide coverage to each of
483 such governmental entities for every risk for which the board
484 determines the respective governmental entities to be liable in
485 the event of a claim or suit for injuries under the provisions of
486 this chapter, including claims or suits for injuries from the use
487 or operation of motor vehicles; provided, however, that the board
488 may allow such plan to contain any reasonable limitations or
489 exclusions not contrary to Mississippi state statutes or case law
490 as are normally included in commercial liability insurance
491 policies generally available to governmental entities. In
492 addition to the coverage authorized in the preceding sentence, the
493 plan may provide coverage for liabilities outside the provisions
494 of this chapter, including, but not limited to, liabilities
495 arising from Sections 1983 through 1987 of Title 42 of the United
496 States Code and liabilities from actions brought in foreign
497 jurisdictions, and the board shall establish limits of coverage
498 for such liabilities. Each governmental entity participating in



499 the plan shall make payments to the board in such amounts, times
500 and manner determined by the board as the board deems necessary to
501 provide sufficient funds to be available for payment by the board
502 of such costs as it incurs in providing coverage for the
503 governmental entity. Each governmental entity of the state other
504 than the political subdivisions thereof participating in the plan
505 procured by the board shall be issued by the board a certificate
506 of coverage whose form and content shall be determined by the
507 board but which shall have the effect of certifying that in the
508 opinion of the board each of such governmental entities is
509 adequately insured.

510 Prior to July 1, 1993, the Board of Trustees of State
511 Institutions of Higher Learning may provide such liability
512 coverage for each university, department, trustee, employee,
513 volunteer, facility and activity as the board of trustees, in its
514 discretion, shall determine advisable. If liability coverage,
515 either through insurance policies or self-insurance retention is
516 in effect, immunity from suit shall be waived only to the limit of
517 liability established by such insurance or self-insurance program.
518 From and after July 1, 1993, such liability coverage established
519 by the board of trustees must conform to the provisions of this
520 section and must receive approval from the board. Should the
521 board reject such plan, the board of trustees shall participate in
522 the liability program for state agencies established by the board.

523 (3) All political subdivisions shall, from and after October
524 1, 1993, obtain such policy or policies of insurance, establish
525 such self-insurance reserves, or provide a combination of such
526 insurance and reserves as necessary to cover all risks of claims
527 and suits for which political subdivisions may be liable under
528 this chapter; except any political subdivision shall not be
529 required to obtain pollution liability insurance. However, this
530 shall not limit any cause of action against such political
531 subdivision relative to limits of liability under the Tort Claims



532 Act. Such policy or policies of insurance or such self-insurance
533 may contain any reasonable limitations or exclusions not contrary
534 to Mississippi state statutes or case law as are normally included
535 in commercial liability insurance policies generally available to
536 political subdivisions. All such plans of insurance and/or
537 reserves shall be submitted for approval to the board. The board
538 shall issue a certificate of coverage to each political
539 subdivision whose plan of insurance and/or reserves it approves in
540 the same manner as provided in subsection (2) of this section.
541 Whenever any political subdivision fails to obtain the board's
542 approval of any plan of insurance and/or reserves, the political
543 subdivision shall act in accordance with the rules and regulations
544 of the board and obtain a satisfactory plan of insurance and/or
545 reserves to be approved by the board.

546 (4) Any governmental entity of the state may purchase
547 liability insurance to cover claims in excess of the amounts
548 provided for in Section 11-46-15 and may be sued by anyone in
549 excess of the amounts provided for in Section 11-46-15 to the
550 extent of such excess insurance carried; provided, however, that
551 the immunity from suit above the amounts provided for in Section
552 11-46-15 shall be waived only to the extent of such excess
553 liability insurance carried.

554 (5) Any two (2) or more political subdivisions are hereby
555 authorized to enter into agreement and to contract between and
556 among themselves for the purpose of pooling their liabilities as a
557 group under this chapter. Such pooling agreements and contracts
558 may provide for the purchase of one or more policies of liability
559 insurance and/or the establishment of self-insurance reserves and
560 shall be subject to approval by the board in the manner provided
561 in subsections (2) and (3) of this section.

562 (6) The board shall have subrogation rights against a third
563 party for amounts paid out of any plan of self-insurance
564 administered by such board pursuant to this section in behalf of a



565 governmental entity as a result of damages caused under
566 circumstances creating a cause of action in favor of such
567 governmental entity against a third party. The board shall
568 deposit in the Tort Claims Fund all monies received in connection
569 with the settlement or payment of any claim, including proceeds
570 from the sale of salvage.

571 **SECTION 5.** Section 17-17-63, Mississippi Code of 1972, is
572 amended as follows:

573 17-17-63. (1) There is created in the State Treasury a fund
574 designated as the Mississippi Nonhazardous Solid Waste Corrective
575 Action Trust Fund for the purpose of providing funds for
576 emergency, preventive or corrective actions which may be required
577 or determined necessary by the department of any nonhazardous
578 solid waste disposal facility that received in whole or in part
579 household waste and closed before the effective date of Title 40
580 of the Code of Federal Regulations, Section 258.

581 (2) The trust fund shall be administered by the executive
582 director. The commission shall promulgate rules and regulations
583 for the administration of the fund and for a system of priorities
584 for related projects eligible for funding. Only the facilities
585 meeting the criteria in subsection (1) are eligible for funding.

586 (3) The commission may escalate, expend or utilize funds in
587 the trust fund for the following purposes:

588 (a) To take whatever emergency action is necessary or
589 appropriate to assure that the public health or safety is not
590 threatened whenever there is a release or substantial threat of a
591 release of contaminants from any source within the permitted area
592 of an eligible facility;

593 (b) To take preventive or corrective actions where the
594 release of contaminants from any source within the permitted area
595 of an eligible facility which presents an actual or potential
596 threat to human health or the environment including, but not



597 limited to, closure and post-closure care of an eligible facility;
598 and

599 (c) To take any actions as may be necessary to monitor
600 and provide post-closure care of any eligible facility, including
601 preventive and corrective actions, without regard to identity or
602 solvency of the owner thereof.

603 (4) The fund may not be used to pay for the normal costs of
604 closure and post-closure care of an eligible facility or where no
605 release or substantial threat of a release of contaminants has
606 been found by the commission.

607 (5) Expenditures may be made from the fund upon requisition
608 by the executive director.

609 (6) The fund shall be treated as a special trust fund.
610 Interest earned in the amount provided for in Section 27-105-33 on
611 the principal in the fund shall be credited by the department to
612 the fund, unless funds allocated under Section 17-17-219(3)(a)(i)
613 are being paid to the Local Governments Solid Waste Assistance
614 Fund. If those funds are being paid to the Local Governments
615 Solid Waste Assistance Fund, the department shall credit * * *
616 interest earned in the amount provided for in Section 27-105-33 to
617 the Local Governments Solid Waste Assistance Fund.

618 (7) The fund may receive monies from any available public or
619 private source, including, but not limited to, collection of fees,
620 interest, grants, taxes, public and private donations, petroleum
621 violation escrow funds or refunds and appropriated funds.

622 (8) The department shall transfer any balance in the fund on
623 July 1, 1997, in excess of Five Million Dollars (\$5,000,000.00) to
624 the Local Governments Solid Waste Assistance Fund.

625 **SECTION 6.** Section 17-17-65, Mississippi Code of 1972, is
626 amended as follows:

627 17-17-65. (1) There is created in the State Treasury a fund
628 designated as the Local Governments Solid Waste Assistance Fund,



629 referred to in this section as "fund," to be administered by the
630 executive director of the department.

631 (2) The fund shall be used to provide grants to counties,
632 municipalities, regional solid waste management authorities or
633 multi-county entities as provided in subsection (4) of this
634 section for one or more of the following purposes:

635 (a) Cleanup of existing and future unauthorized dumps
636 on public or private property, subject to the limitation in
637 subsection (3) of this section;

638 (b) Establishment of a collection center or program for
639 white goods, recyclables or other bulky rubbish waste not managed
640 by local residential solid waste collection programs;

641 (c) Provision of public notice and education related to
642 the proper management of solid waste, including recycling;

643 (d) Payment of a maximum of fifty percent (50%) of the
644 cost of employing a local solid waste enforcement officer;

645 (e) Payment of a maximum of seventy-five percent (75%)
646 of the cost of conducting household hazardous waste collection
647 programs in accordance with Sections 17-17-439 through 17-17-445;
648 and

649 (f) Development of other local solid waste management
650 program activities associated with the prevention, enforcement or
651 abatement of unauthorized dumps, as approved by the commission.

652 (3) If a person is found to be responsible for creating an
653 unauthorized dump, the grantee shall make a reasonable effort to
654 require that person to clean up the property before expending any
655 monies from the fund to clean up the property. If the grantee is
656 unable to locate the person responsible for creating the dump, or
657 if the grantee determines that person is financially or otherwise
658 incapable of cleaning up the property, the grantee may use the
659 monies from the fund to clean up the property and shall make a
660 reasonable effort to recover from the responsible person any funds
661 expended.



662 (4) (a) Of monies annually deposited in the fund and any
663 balance remaining in the fund, the commission shall annually
664 allocate monies as follows:

665 (i) One-half (1/2) of the deposited funds and
666 remaining balance shall be allocated to each county based on the
667 percentage of state aid road mileage as established by the
668 Mississippi Department of Transportation State Aid road formula.

669 (ii) One-half (1/2) of the deposited funds and
670 remaining balance shall be made available to counties or
671 municipalities for grants on a competitive basis.

672 (b) The department shall notify the president of the
673 board of supervisors of each county in writing of the amount
674 allocated under paragraph (a) (i) of this subsection and that
675 additional funds are available on a competitive basis as provided
676 under paragraph (a) (ii) of this subsection.

677 (c) Upon receipt of a scope of work and cost proposal
678 acceptable to the commission, the commission shall award a grant
679 to a county up to the allocated amount for that county under
680 paragraph (a) (i) of this subsection. The commission may award
681 additional grant funds from monies available under paragraph
682 (a) (ii) of this subsection based upon the acceptable scope of work
683 and cost proposal.

684 (d) The commission may award grants to a regional solid
685 waste management authority or other multi-county entity upon
686 submission of a consolidated scope of work and cost proposal
687 acceptable to the commission and authorized by the member
688 counties. Upon submission of a scope of work and cost proposal,
689 the commission may award grants to municipalities from monies
690 available under paragraph (a) (ii) of this subsection.

691 (e) No grantee shall use more than three percent (3%)
692 of funds provided under this section to defray the costs of
693 administration of the grant.



694 (5) The department may use up to three percent (3%) of
695 monies annually deposited in the fund and of any balance remaining
696 in the fund to provide for the administration of this section.

697 (6) Expenditures may be made from the fund upon requisition
698 by the executive director of the department.

699 (7) The fund shall be treated as a special trust fund.
700 Interest earned in the amount provided for in Section 27-105-33 on
701 the principal in the fund shall be credited by the department to
702 the fund.

703 (8) The fund may receive monies from any available public or
704 private source, including, but not limited to, collection of fees,
705 interest, grants, taxes, public and private donations, judicial
706 actions and appropriated funds.

707 (9) Monies in the fund at the end of the fiscal year shall
708 be retained in the fund for use in the succeeding fiscal year.

709 (10) The commission may consolidate any grant provided under
710 this section with any grant provided under the waste tire
711 management program or the right-way-to-throw-away program. Funds
712 provided through any consolidated grant shall be used in
713 accordance with the program under which the funds are provided.

714 (11) Funds provided under this section shall not be used to
715 pay any costs of the establishment or operation of a landfill,
716 rubbish disposal site or other type of solid waste disposal
717 facility, for the routine collection of garbage or to collect any
718 fees assessed under Section 19-5-21 or 21-19-2.

719 (12) The commission shall not provide any funds under this
720 section to any grantee with an inadequate garbage or rubbish
721 collection or disposal system as required under Section 19-5-17 or
722 21-19-1.

723 **SECTION 7.** Section 17-17-217, Mississippi Code of 1972, is
724 amended as follows:



725 17-17-217. (1) There is created in the State Treasury a
726 fund designated as the Environmental Protection Trust Fund, to be
727 administered by the executive director of the department.

728 (2) The Commission on Environmental Quality shall promulgate
729 rules and regulations for the administration of the fund and for a
730 system of priorities for any related projects or programs eligible
731 for funding from the fund.

732 (3) (a) The commission may utilize any funds in the
733 Environmental Protection Fund for the following purposes:

734 (i) Not more than seventy-five percent (75%) shall
735 be utilized for defraying the costs of the Department of
736 Environmental Quality for administering the nonhazardous waste
737 program, including the development of the state nonhazardous solid
738 waste management plan as authorized by law;

739 (ii) Not more than twenty-five percent (25%) shall
740 be utilized for making grants to regional solid waste management
741 authorities, counties and municipalities for implementation of
742 household hazardous waste collection programs, in accordance with
743 Sections 17-17-439 through 17-17-445. The grants shall not exceed
744 seventy-five percent (75%) of eligible project costs as
745 established by the commission.

746 (b) If the commission transfers monies to the
747 Environmental Protection Trust Fund from any other source of
748 funding administered by the commission, the percentage specified
749 in this subsection shall not apply.

750 (4) Expenditures may be made from the fund upon requisition
751 by the executive director of the department.

752 (5) The fund shall be treated as a special trust fund.
753 Interest earned in the amount provided for in Section 27-105-33 on
754 the principal in the fund shall be credited by the department to
755 the fund.

756 (6) The fund may receive monies from any available public or
757 private source, including, but not limited to, collection of fees,



758 interest, grants, taxes, public and private donations, petroleum
759 violation escrow funds or refunds, and appropriated funds.

760 **SECTION 8.** Section 17-18-31, Mississippi Code of 1972, is
761 amended as follows:

762 17-18-31. (1) There is hereby created in the State Treasury
763 a fund to be designated as the "Perpetual Care Fund," hereinafter
764 referred to in this section as "fund," which may be used for:

765 (a) Administration of the fund;

766 (b) Emergency response and decontamination at the state
767 commercial hazardous waste management facility;

768 (c) Post-closure physical surveillance, environmental
769 monitoring, maintenance, care, custody and remedial action at the
770 state commercial hazardous waste management facility.

771 (2) Expenditures may be made from the fund upon requisition
772 to the Treasurer by the executive director of the department.

773 (3) The fund shall be treated as a special trust fund.
774 Interest earned in the amount provided for in Section 27-105-33 on
775 the principal therein shall be credited by the Treasurer to the
776 fund.

777 (4) In addition to any money that may be appropriated or
778 otherwise made available to it, the fund shall be maintained by
779 user fees and other charges, including nonregulatory penalties,
780 surcharges or other money paid to or recovered by or on behalf of
781 the department.

782 (5) Fees and other charges shall at all times be sufficient
783 to build and maintain the fund balance at a level determined by
784 the department, in consultation with the Department of
785 Environmental Quality.

786 (6) The establishment of this fund shall in no way be
787 construed to relieve or reduce the liability of any facility
788 operator, contractor or other person for damages resulting from
789 the operation of the state commercial hazardous waste management
790 facility.



791 **SECTION 9.** Section 17-23-1, Mississippi Code of 1972, is
792 amended as follows:

793 17-23-1. (1) There is established a rural fire truck
794 acquisition assistance program to be administered by the
795 Department of Insurance for the purpose of assisting counties and
796 municipalities in the acquisition of fire trucks.

797 (2) There is created in the State Treasury a special fund to
798 be designated as the "Rural Fire Truck Fund." The Legislature may
799 appropriate that amount necessary to fulfill the obligations
800 created under this section by the Department of Insurance, from
801 the State General Fund to such special fund, which sum shall be
802 added to the remainder of the money transferred on July 1, 1995,
803 and during the 1996 Regular Session to the Rural Fire Truck Fund.
804 Unexpended amounts remaining in the fund at the end of a fiscal
805 year shall not lapse into the State General Fund, and * * *
806 interest earned in the amount provided for in Section 27-105-33 on
807 amounts in the fund shall be deposited to the credit of the fund.
808 It is the intent of the Legislature that the Department of
809 Insurance continue to accept applications from the counties for
810 fire trucks as provided in subsection (3) of this section.

811 (3) (a) A county that meets the requirements provided
812 herein may receive an amount not to exceed Two Hundred Fifty
813 Thousand Dollars (\$250,000.00) as provided in subparagraphs (i),
814 (ii), (iii), (iv) and (v) of this paragraph, and such amount shall
815 be divided equally with not more than Fifty Thousand Dollars
816 (\$50,000.00) per fire truck. Monies distributed under this
817 chapter shall be expended only for the purchase of new fire trucks
818 and such trucks must meet the National Fire Protection Association
819 (NFPA) standards in the 1900 series.

820 (i) Any county that has not applied for a fire
821 truck under this section is eligible to submit applications for
822 five (5) fire trucks at not more than Fifty Thousand Dollars



823 (\$50,000.00) per truck or a total of Two Hundred Fifty Thousand
824 Dollars (\$250,000.00).

825 (ii) Any county that has received one (1) fire
826 truck under this section is eligible to submit applications for
827 four (4) fire trucks at not more than Fifty Thousand Dollars
828 (\$50,000.00) per truck or a total of Two Hundred Thousand Dollars
829 (\$200,000.00).

830 (iii) Any county that has received two (2) fire
831 trucks under this section is eligible to submit an application for
832 three (3) fire trucks or a total of not more than One Hundred
833 Fifty Thousand Dollars (\$150,000.00).

834 (iv) Any county that has received three (3) fire
835 trucks under this section is eligible to submit an application for
836 two (2) fire trucks or a total of not more than One Hundred
837 Thousand Dollars (\$100,000.00).

838 (v) Any county that has received four (4) fire
839 trucks under this section is eligible to submit an application for
840 one (1) fire truck or a total of not more than Fifty Thousand
841 Dollars (\$50,000.00).

842 (b) The board of supervisors of the county shall submit
843 its request for the receipt of monies to the Department of
844 Insurance. A committee composed of the Commissioner of Insurance,
845 the State Fire Coordinator, the Director of the Rating Bureau and
846 the Director of the State Fire Academy shall review the requests
847 by the boards of supervisors and shall determine whether the
848 county or municipality for which the board of supervisors has
849 requested a truck meets the requirements of eligibility under this
850 chapter.

851 (c) To be eligible to receive monies under this
852 chapter:

853 (i) A county or municipality must pledge to set
854 aside or dedicate each year as matching funds, for a period not to
855 extend over ten (10) years, local funds in an amount equal to or



856 not less than one-tenth (1/10) of the amount of monies for which
857 it is requesting distribution from the Rural Fire Truck Fund,
858 which pledged monies may be derived from local ad valorem tax
859 authorized by law or from any other funds available to the county
860 or municipality, except for those funds received by municipalities
861 or counties from the Municipal Fire Protection Fund or the County
862 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and
863 83-1-39.

864 (ii) A municipality must provide adequate
865 documentation of its contract with the county that requires the
866 municipality to provide fire protection in rural areas. The term
867 "rural areas" means any area within the county located outside the
868 boundaries of an incorporated municipality or any incorporated
869 municipality with a population of two thousand five hundred
870 (2,500) or less.

871 (d) The Department of Insurance shall maintain an
872 accurate record of all monies distributed to counties and
873 municipalities and the number of fire trucks purchased and the
874 cost for each fire truck, such records to be kept separate from
875 other records of the Department of Insurance; notify counties and
876 municipalities of the rural fire truck acquisition assistance
877 program and the requirements for them to become eligible to
878 participate; adopt and promulgate such rules and regulations as
879 may be necessary and desirable to implement the provisions of this
880 chapter; and file with the Legislature a report detailing how
881 monies made available under this chapter were distributed and
882 spent during the preceding portion of the fiscal year in each
883 county and municipality, the number of fire trucks purchased, the
884 counties and municipalities making such purchases and the cost of
885 each fire truck purchased.

886 **SECTION 10.** Section 25-11-13, Mississippi Code of 1972, is
887 amended as follows:



888 25-11-13. (1) There is hereby established a special fund,
889 separate and apart from all public monies or funds of this state,
890 to be known as a contribution fund, which shall be administered by
891 the board exclusively for the purposes of this article. Such fund
892 shall consist of and there shall be deposited in such fund: (a)
893 All contributions, interest and penalties collected under Sections
894 25-11-9 and 25-11-11; (b) all monies appropriated or otherwise
895 contributed thereto; (c) any property or securities and earnings
896 thereof acquired through the use of monies belonging to the fund;
897 (d) interest earned in the amount provided for in Section
898 27-105-33 upon any monies in the fund; and (e) all sums recovered
899 upon the bond of any official or otherwise for losses sustained by
900 the fund and all other monies received for the fund from any other
901 source. All monies in the fund shall be mingled and undivided.
902 Subject to the provisions of this article, the board is vested
903 with full power, authority and jurisdiction over the fund,
904 including all monies and property or securities belonging thereto,
905 and may perform any and all acts, whether or not specifically
906 designated, which are necessary to the administration thereof
907 consistent with the provisions of this article.

908 (2) Withdrawals from such fund shall be made for, and solely
909 for (A) payment of amounts required to be paid to the Secretary of
910 the Treasury pursuant to and in accordance with an agreement
911 entered into under Section 25-11-7 of this article; (B) payment of
912 refunds provided for in Section 25-11-9(3) of this article; and
913 (C) refunds of overpayments, not otherwise adjustable, made by a
914 political subdivision or instrumentality.

915 (3) The State Treasurer shall be the ex officio treasurer
916 and custodian of the contribution fund, shall administer such fund
917 in accordance with the provisions of this article and the
918 directions of the board, and shall pay all warrants drawn upon it
919 in accordance with the provisions of this section and with such
920 regulations as the board may prescribe pursuant thereto or



921 pursuant to the provisions of any other applicable law of this
922 state with respect thereto. The State Treasurer shall be liable
923 on his official bond for the faithful performance of his duties in
924 connection with the contribution fund under this article.

925 (4) From the contribution fund the custodian of the fund
926 shall pay to the Secretary of the Treasury of the United States
927 such amounts and at such time or times as may be directed by the
928 board in accordance with any agreement entered into under Section
929 25-11-7 and applicable federal law.

930 (5) The board shall submit to the Governor and the
931 Legislative Budget Office at least ninety (90) days in advance of
932 the beginning of each regular session of the State Legislature, or
933 at such time as may be otherwise required by law, an estimate of
934 the amounts deemed by it as necessary for appropriation to the
935 contribution fund and for the administration of Articles 1 and 3
936 for each ensuing fiscal year.

937 (6) The board, in its discretion, may authorize or designate
938 each agency of the state, each political subdivision of the state,
939 and each instrumentality of the state or of a political
940 subdivision to individually deposit for and on behalf of the
941 state, in accordance with Section 25-11-7, social security
942 contributions directly in the Federal Reserve Bank or any other
943 social security contribution collection fund established by the
944 Social Security Administration, Department of Health and Human
945 Services, and all contributions or other payments as required
946 under Sections 25-11-9 and 25-11-11.

947 **SECTION 11.** Section 25-15-15, Mississippi Code of 1972, is
948 amended as follows:

949 25-15-15. (1) The board is authorized to determine the
950 manner in which premiums and contributions by the state agencies,
951 local school districts, colleges, universities, community/junior
952 colleges and public libraries shall be collected to provide the
953 self-insured health insurance program for employees as provided



954 under this article. The state shall provide fifty percent (50%)
955 of the cost of the above life insurance plan and one hundred
956 percent (100%) of the cost of the above health insurance plan for
957 all active full-time employees, and the employees shall be given
958 the opportunity to purchase coverage for their eligible dependents
959 with the premiums for such dependent coverage as well as the
960 employee's fifty percent (50%) share for his life insurance
961 coverage to be deductible from the employee's salary by the
962 agency, department or institution head, which deductions, together
963 with the fifty percent (50%) share of such life insurance premiums
964 of such employing agency, department or institution head from
965 funds appropriated to or authorized to be expended by such
966 employing agency, department or institution head, shall be
967 deposited directly into a depository bank or special fund in the
968 State Treasury, as determined by the board. These funds and
969 interest earned on these funds may be used for the disbursement of
970 claims and shall be exempt from the appropriation process.

971 (2) The state shall provide annually, by line item in the
972 Mississippi Library Commission appropriation bill, such funds to
973 pay one hundred percent (100%) of the cost of health insurance
974 under the State and School Employees Health Insurance Plan for all
975 full-time library staff members in each public library in
976 Mississippi. The commission shall allot to each public library a
977 sufficient amount of those funds appropriated to pay the costs of
978 insurance for eligible employees. Any funds so appropriated by
979 line item which are not expended during the fiscal year for which
980 such funds were appropriated shall be carried forward for the same
981 purposes during the next succeeding fiscal year. If any premiums
982 for the health insurance and/or late charges and interest
983 penalties are not paid by a public library in a timely manner, as
984 defined by the board, the Mississippi Library Commission, upon
985 notice by the board, shall immediately withhold all subsequent
986 disbursements of funds to that public library.



987 (3) The state shall annually provide one hundred percent
988 (100%) of the cost of the health insurance plan for all public
989 school district employees who work no less than twenty (20) hours
990 during each week and regular nonstudent school bus drivers. Where
991 federal funding is allowable to defray, in full or in part, the
992 cost of participation in the program by district employees who
993 work no less than twenty (20) hours during the week and regular
994 nonstudent bus drivers, whose salaries are paid, in full or in
995 part, by federal funds, the allowance under this section shall be
996 reduced to the extent of such federal funding. Where the use of
997 federal funds is allowable but not available, it is the intent of
998 the Legislature that school districts contribute the cost of
999 participation for such employees from local funds, except that
1000 parent fees for child nutrition programs shall not be increased to
1001 cover such cost.

1002 (4) The state shall provide annually, by line item in the
1003 community/junior college appropriation bill, such funds to pay one
1004 hundred percent (100%) of the cost of the health insurance plan
1005 for all community/junior college district employees who work no
1006 less than twenty (20) hours during each week.

1007 (5) When the use of federal funding is allowable to defray,
1008 in full or in part, the cost of participation in the insurance
1009 plan by community/junior college district employees who work no
1010 less than twenty (20) hours during each week, whose salaries are
1011 paid, in full or in part, by federal funds, the allowance under
1012 this section shall be reduced to the extent of the federal
1013 funding. Where the use of federal funds is allowable but not
1014 available, it is the intent of the Legislature that
1015 community/junior college districts contribute the cost of
1016 participation for such employees from local funds.

1017 (6) Any community/junior college district may contribute to
1018 the cost of coverage for any district employee from local
1019 community/junior college district funds, and any public school



1020 district may contribute to the cost of coverage for any district
1021 employee from nonminimum program funds. Any part of the cost of
1022 such coverage for participating employees of public school
1023 districts and public community/junior college districts that is
1024 not paid by the state shall be paid by the participating
1025 employees, which shall be deducted from the salaries of the
1026 employees in a manner determined by the board.

1027 (7) Any funds appropriated for the cost of insurance by line
1028 item in the community/junior colleges appropriation bill which are
1029 not expended during the fiscal year for which such funds were
1030 appropriated shall be carried forward for the same purposes during
1031 the next succeeding fiscal year.

1032 (8) The board may establish and enforce late charges and
1033 interest penalties or other penalties for the purpose of requiring
1034 the prompt payment of all premiums for life and health insurance
1035 permitted under Chapter 15 of Title 25. All funds in excess of
1036 the amount needed for disbursement of claims shall be deposited in
1037 a special fund in the State Treasury to be known as the State and
1038 School Employees Insurance Fund. The State Treasurer shall invest
1039 all funds in the State and School Employees Insurance Fund
1040 and * * * interest earned in the amount provided for in Section
1041 27-105-33 shall be credited to the State and School Employees
1042 Insurance Fund. Such funds shall be placed with one or more
1043 depositories of the state and invested on the first day such funds
1044 are available for investment in certificates of deposit,
1045 repurchase agreements or in United States Treasury bills or as
1046 otherwise authorized by law for the investment of Public
1047 Employees' Retirement System funds, as long as such investment is
1048 made from competitive offering and at the highest and best market
1049 rate obtainable consistent with any available investment
1050 alternatives; however, such investments shall not be made in
1051 shares of stock, common or preferred, or in any other investments
1052 which would mature more than one (1) year from the date of



1053 investment. The board shall have the authority to draw from this
1054 fund periodically such funds as are necessary to operate the
1055 self-insurance plan or to pay to the insurance carrier the cost of
1056 operation of this plan, it being the purpose to limit the amount
1057 of participation by the state to fifty percent (50%) of the cost
1058 of the life insurance program and not to limit the contracting for
1059 additional benefits where the cost will be paid in full by the
1060 employee. The state shall not share in the cost of coverage for
1061 retired employees.

1062 (9) The board shall also provide for the creation of an
1063 Insurance Reserve Fund and funds therein shall be invested by the
1064 State Treasurer with all interest earned credited to the State and
1065 School Employees Insurance Fund.

1066 (10) Any retired employee electing to purchase retired life
1067 and health insurance will have the full cost of such insurance
1068 deducted monthly from his State of Mississippi retirement plan
1069 check or direct billed for the cost of the premium if the
1070 retirement check is insufficient to pay for the premium. If the
1071 board determines actuarially that the premium paid by the
1072 participating retirees adversely affects the overall cost of the
1073 plan to the state, then the department may impose a premium
1074 surcharge, not to exceed fifteen percent (15%), upon such
1075 participating retired employees who are under the age for Medicare
1076 eligibility.

1077 **SECTION 12.** Section 27-38-7, Mississippi Code of 1972, is
1078 amended as follows:

1079 27-38-7. (1) There is created in the State Treasury a
1080 special fund to be known as the Telecommunications Ad Valorem Tax
1081 Reduction Fund, into which shall be deposited the money specified
1082 in Section 27-65-75(15) and such other money as the Legislature
1083 may provide by appropriation. The money in the fund shall be used
1084 to make the payments provided for in Section 27-38-5.



1085 (2) The Telecommunications Ad Valorem Tax Reduction Fund
1086 shall be administered by the State Tax Commission, and money in
1087 the fund shall be expended upon appropriation by the Legislature.
1088 Unexpended amounts remaining in the fund at the end of the state
1089 fiscal year shall not lapse into the State General Fund, and * * *
1090 interest earned in the amount provided for in Section 27-105-33 on
1091 amounts in the fund shall be deposited to the credit of the fund.
1092 The State Tax Commission shall make the calculations necessary to
1093 make the distributions required pursuant to Section 27-38-5, and
1094 shall make the transfer of unexpended amounts required to be made
1095 pursuant to Section 27-38-5.

1096 **SECTION 13.** Section 27-51-105, Mississippi Code of 1972, is
1097 amended as follows:

1098 27-51-105. (1) There is created in the State Treasury a
1099 special fund to be known as the Motor Vehicle Ad Valorem Tax
1100 Reduction Fund, into which shall be deposited the monies specified
1101 in Section 27-65-75(10), (11) and (12), such monies as may be
1102 required to be transferred into such fund pursuant to Section
1103 27-38-5, and such other monies as the Legislature may provide by
1104 appropriation. The monies in the fund shall be used for the
1105 purpose of making payments to counties for the reduction in motor
1106 vehicle ad valorem tax revenues incurred by local taxing districts
1107 in the county as a result of the ad valorem tax credit for private
1108 carriers of passengers and light carriers of property that is
1109 provided for by Section 27-51-103.

1110 (2) The Motor Vehicle Ad Valorem Tax Reduction Fund shall be
1111 administered by the State Tax Commission, and monies in the fund
1112 shall be expended upon appropriation by the Legislature.
1113 Unexpended amounts remaining in the fund at the end of the state
1114 fiscal year shall not lapse into the State General Fund, and * * *
1115 interest earned in the amount provided for in Section 27-105-33 on
1116 amounts in the fund shall be deposited to the credit of the fund.



1117 **SECTION 14.** Section 27-103-203, Mississippi Code of 1972, is
1118 amended as follows:

1119 27-103-203. (1) There is created in the State Treasury a
1120 special fund, separate and apart from any other fund, to be
1121 designated the Working Cash-Stabilization Reserve Fund, into which
1122 shall be deposited one hundred percent (100%) of the unencumbered
1123 General Fund cash balance at the close of each fiscal year until
1124 such time as the balance in the fund reaches Forty Million Dollars
1125 (\$40,000,000.00). After the balance in the fund reaches Forty
1126 Million Dollars (\$40,000,000.00), fifty percent (50%) of the
1127 unencumbered General Fund cash balance at the close of each fiscal
1128 year, not to exceed seven and one-half percent (7-1/2%) of the
1129 General Fund appropriations for such fiscal year, shall be
1130 deposited into the fund. The remainder of the year-end
1131 unencumbered cash after transfer to the Working Cash-Stabilization
1132 Reserve Fund shall remain in the General Fund. Unencumbered cash
1133 in the General Fund may be used for new year cash flow needs and
1134 may also be used for deficit appropriations or regular
1135 appropriations.

1136 (2) The Working Cash-Stabilization Reserve Fund shall not be
1137 considered as a surplus or available funds when adopting a
1138 balanced budget as required by law. The State Treasurer shall
1139 invest all sums in the Working Cash-Stabilization Reserve Fund not
1140 needed for the purposes provided for in this section in
1141 certificates of deposit, repurchase agreements and other
1142 securities as authorized in Sections 27-105-33(2)(d) or 7-9-103,
1143 as the State Treasurer may determine to yield the highest market
1144 rate available. If the Ayers Settlement Fund is created pursuant
1145 to Section 37-101-27(5), the first Five Million Dollars
1146 (\$5,000,000.00) of interest earned on such sums each fiscal year
1147 shall be deposited into that fund until a total of Seventy Million
1148 Dollars (\$70,000,000.00) has been deposited into the fund. The
1149 interest, or the remaining interest if the Ayers Settlement Fund



1150 is created, which is earned on such sums shall be deposited in the
1151 Working Cash-Stabilization Reserve Fund until the balance of
1152 principal and interest therein reaches seven and one-half percent
1153 (7-1/2%) of the total General Fund appropriations for the current
1154 fiscal year, and all interest earned in excess of amounts
1155 necessary to maintain the seven and one-half percent (7-1/2%) fund
1156 balance requirement shall be deposited by the State Treasurer into
1157 the State General Fund.

1158 (3) The Working Cash-Stabilization Reserve Fund, except for
1159 Nineteen Million Dollars (\$19,000,000.00) and the amount of the
1160 interest and income earned on the principal of the Ayers Endowment
1161 Trust created by Section 37-101-27, shall be used by the State
1162 Treasurer for cash flow needs throughout the year when the
1163 Executive Director of the Department of Finance and Administration
1164 certifies that in his opinion there will be cash flow deficiencies
1165 in the State General Fund. No borrowing of monies from other
1166 special funds for such purposes as authorized by Section 31-17-101
1167 et seq. shall be made as long as an unencumbered balance in excess
1168 of Nineteen Million Dollars (\$19,000,000.00) and the interest and
1169 income earned on the principal of the Ayers Endowment Trust
1170 created by Section 37-101-27 remains in the fund. The State
1171 Treasurer shall reimburse the fund for all sums borrowed for such
1172 purposes from General Fund revenues collected during the fiscal
1173 year in which such funds are used. The State Treasurer shall
1174 immediately notify the Legislative Budget Office and the State
1175 Department of Finance and Administration of each transfer into and
1176 out of such fund. Four Million Dollars (\$4,000,000.00) in the
1177 Working Cash-Stabilization Reserve Fund shall remain available for
1178 use pursuant to Section 27-103-81. Fifteen Million Dollars
1179 (\$15,000,000.00) in the Working Cash-Stabilization Reserve Fund
1180 shall remain available for exclusive use of the Ayers Endowment
1181 Trust created by Section 37-101-27. If the Ayers Settlement Fund
1182 is created pursuant to Section 37-101-27(5), beginning when a



1183 total of Fifty-five Million Dollars (\$55,000,000.00) has been
1184 deposited into the fund, for each annual deposit of interest to
1185 that fund under subsection (2) of this section, the Ayers
1186 Endowment Trust created under Section 37-101-27(1) shall be
1187 reduced by an equal amount annually until the Ayers Endowment
1188 Trust reaches Zero Dollars (\$0.00), at which time any requirements
1189 concerning the Ayers Endowment Trust in this section shall be null
1190 and void.

1191 (4) The Working Cash-Stabilization Reserve Fund, except for
1192 Forty Million Dollars (\$40,000,000.00), shall also be used for the
1193 purpose of covering any projected deficits that may occur in the
1194 General Fund at the end of a fiscal year as a result of revenue
1195 shortfalls. If the Governor determines that a deficit in revenues
1196 from all sources may occur, it shall be the duty of the Executive
1197 Director of the Department of Finance and Administration to
1198 transfer such funds as necessary to the General Fund to alleviate
1199 the deficit in accordance with Sections 27-104-13 and 31-17-123;
1200 however, not more than Fifty Million Dollars (\$50,000,000.00) may
1201 be transferred from the fund for such purpose in any one (1)
1202 fiscal year. If it becomes necessary to apply a part of the fund
1203 to this purpose, the amount so applied shall be restored to the
1204 Working Cash-Stabilization Reserve Fund out of future annual
1205 surpluses, as provided in subsection (1) of this section, until
1206 the seven and one-half percent (7-1/2%) maximum is again attained.

1207 (5) The Working Cash-Stabilization Reserve Fund also shall
1208 be used to provide funds for the Disaster Assistance Trust Fund
1209 when such funds are immediately needed to provide for disaster
1210 assistance under Sections 33-15-301 through 33-15-317. Any
1211 transfer of funds from the Working Cash-Stabilization Reserve Fund
1212 to the Disaster Assistance Trust Fund shall be made in accordance
1213 with the provisions of subsection (5) of Section 33-15-307.

1214 (6) The Department of Finance and Administration shall
1215 immediately send notice of any transfers made, or other action



1216 taken under authority of this section, to the Legislative Budget
1217 Office.

1218 (7) Funds deposited in the Working Cash-Stabilization
1219 Reserve Fund shall be used only for the purposes specified in this
1220 section, and as long as the provisions of this section remain in
1221 effect, no other expenditure, appropriation or transfer of funds
1222 in the Working Cash-Stabilization Reserve Fund shall be made
1223 except by act of the Legislature making specific reference to the
1224 Working Cash-Stabilization Reserve Fund as the source of such
1225 funds.

1226 **SECTION 15.** Section 27-104-31, Mississippi Code of 1972, is
1227 amended as follows:

1228 27-104-31. (1) The State Fiscal Officer shall have the
1229 following powers and duties, acting through the Insurance
1230 Division:

1231 (a) To implement and administer a comprehensive risk
1232 management program for all state agencies, including but not
1233 limited to, the areas of liability insurance and workers'
1234 compensation insurance;

1235 (b) To coordinate and administer the Employment
1236 Compensation Revolving Fund for state agencies as directed in
1237 Section 71-5-359(2)(c);

1238 (c) To coordinate and administer the liability plans
1239 authorized in Section 11-46-17;

1240 (d) To coordinate and administer the workers'
1241 compensation plan for state agencies as a self-insured program and
1242 to determine the feasibility of other self-insured programs for
1243 state agencies;

1244 (e) To require of state agencies premium payments or
1245 contributions to self-insurance funds or both necessary to meet
1246 the obligations created by the comprehensive risk management
1247 program. Such self-insurance fund created shall be maintained as
1248 separate special funds in the State Treasury or in authorized bank



1249 accounts. Such funds as required shall be used to pay claims
1250 under the workers' compensation self-insurance fund. All such
1251 funds shall be exempt from the appropriation process. * * *
1252 Interest earned in the amount provided for in Section 27-105-33
1253 from the investment of monies in the funds shall be credited to
1254 the appropriate special fund. Monies remaining in such special
1255 funds at the end of the fiscal year shall not lapse into the State
1256 General Fund;

1257 (f) To promulgate and adopt rules and regulations
1258 necessary to effect the provisions of a comprehensive risk
1259 management program; * * *

1260 (g) To pay such administrative costs necessary to
1261 insure the successful operation of each program administered by
1262 the insurance division. Such administrative costs shall include
1263 the operating expenses of the division. Each program shall be
1264 assessed their proportionate share of those operating expenses;
1265 and

1266 (h) To provide administrative support to the board as
1267 defined in Section 25-15-3.

1268 (2) The State Fiscal Officer shall not have the power or
1269 authority to request that bonds be issued or any funds borrowed in
1270 order to implement a comprehensive risk management program or plan
1271 of self-insurance for the state, or any of its political
1272 subdivisions, or to contribute to the Tort Claims Fund.

1273 **SECTION 16.** Section 27-104-107, Mississippi Code of 1972, is
1274 amended as follows:

1275 27-104-107. (1) As used in this section, the following
1276 words shall have the meanings ascribed herein unless the context
1277 clearly requires otherwise:

1278 (a) "Department" means the Department of Finance and
1279 Administration.

1280 (b) "Commission" means the State Bond Commission.



1281 (c) "Director" means the Executive Director of the
1282 Department of Finance and Administration.

1283 (d) "Committee" means the Joint Legislative Budget
1284 Committee.

1285 (e) "Office" means the Office of General Services of
1286 the Department of Finance and Administration.

1287 (2) In addition to any other authority conferred upon it,
1288 and subject to the approval of its proposal by the commission, the
1289 department may enter into purchase contracts, lease-purchase
1290 agreements, rental agreements or other similar contracts for the
1291 ultimate acquisition of real property by the state. Before
1292 entering into any purchase contract or lease-purchase agreement,
1293 the office must first demonstrate to the Public Procurement Review
1294 Board satisfactory evidence that the contract would be
1295 economically advantageous to the state and that any consolidation
1296 of agencies into buildings at a common location would not impair
1297 or impede the function of that agency in this location. The
1298 contracts shall be approved by the Public Procurement Review Board
1299 and the State Bond Commission.

1300 (3) Acquisitions shall be made only with legislative
1301 approval and be in accordance with a long-range development plan
1302 which the department shall annually prepare and present to the
1303 Legislature as a part of the Governor's capitol budget
1304 recommendation; however, if in the opinion of the Department of
1305 Finance and Administration circumstances involving a proposed
1306 acquisition are such that waiting for legislative approval will
1307 not be economically advantageous to the state or may cause the
1308 state financial loss, then such acquisition may be made upon
1309 approval by the State Bond Commission after consultation with the
1310 Chairman of the Public Property Committee of the Senate and the
1311 Chairman of the Public Buildings, Grounds and Lands Committee of
1312 the House of Representatives. Acquisition of lands and buildings
1313 shall be based upon appraisals approved by the Department of



1314 Finance and Administration. The office shall not pay an amount in
1315 excess of the appraised value of the land and buildings to be
1316 acquired. The appraised value shall be determined by taking the
1317 average of two (2) appraisals performed by two (2) appraisers, one
1318 (1) to be selected by the Department of Finance and Administration
1319 and one (1) to be selected by the Department of Audit. Further,
1320 the office shall file quarterly reports describing this process
1321 and its progress with the Chairman of the Senate Public Property
1322 Committee and the Chairman of the House Public Buildings, Grounds
1323 and Lands Committee.

1324 (4) With the exception of the Public Employees' Retirement
1325 System, whenever any contract or agreement entered into is for and
1326 on behalf of the State of Mississippi, title to property, when
1327 acquired, shall vest in the State of Mississippi and not in the
1328 name of any state agency. Any building subject to a lease
1329 purchase agreement with the state shall be considered a
1330 state-owned building and therefore exempt from the assessment and
1331 levy of ad valorem taxes.

1332 (5) All contracts executed under this section shall include
1333 provisions whereby the obligation of the state for any payment in
1334 excess of reasonable rental of the property while actually
1335 occupying the property is dependent upon the availability of
1336 appropriated funds for the purchase of the property.

1337 (6) Activity under this section shall be reported annually
1338 in a detailed resolution from the commission to the committee.

1339 (7) All funds allocated to rents and chargeable by the
1340 department shall be paid into a special fund hereby created in the
1341 State Treasury. Unexpended amounts remaining in the special fund
1342 at the end of a fiscal year shall not lapse into the State General
1343 Fund, and * * * interest earned in the amount provided for in
1344 Section 27-105-33 on amounts in the special fund shall be
1345 deposited to the credit of the special fund. This fund shall be
1346 used by the department (a) to retire indebtedness incurred in the



1347 acquisition of properties under this section; (b) to renovate,
1348 maintain and otherwise protect subject properties; (c) to pay the
1349 cost of utilities necessary to operate the buildings; and (d) to
1350 acquire properties in accordance with this section.

1351 **SECTION 17.** Section 29-17-4, Mississippi Code of 1972, is
1352 amended as follows:

1353 29-17-4. There is hereby created in the State Treasury a
1354 special fund to be designated as the "State Agency Repair and
1355 Renovation Fund" which shall consist of monies appropriated or
1356 otherwise made available therefor by the Legislature. Interest
1357 earned in the amount provided for in Section 27-105-33 on monies
1358 in the special fund shall be deposited to the credit of such fund
1359 and money shall not lapse at the end of the fiscal year into the
1360 State General Fund. Money in the special fund shall be
1361 appropriated by the Legislature and allocated by the Bureau of
1362 Building, Grounds and Real Property Management, Department of
1363 Finance and Administration, for the repair, renovation and
1364 improvement of existing facilities owned by the State of
1365 Mississippi, except for those facilities under the control of the
1366 institutions of higher learning and those facilities owned by the
1367 community and junior colleges. Such repair, renovation and
1368 improvements shall include utility infrastructure projects;
1369 heating, ventilation and air conditioning systems; and the
1370 replacement of furniture and equipment owned by the State of
1371 Mississippi. However, the cost of such repair, renovation and
1372 improvement for any one project shall not exceed One Million
1373 Dollars (\$1,000,000.00). For the purposes of this section, the
1374 term "furniture and equipment" shall be limited to the types of
1375 furniture and equipment items previously recorded in the agency's
1376 inventory.

1377 **SECTION 18.** Section 31-31-9, Mississippi Code of 1972, is
1378 amended as follows:



1379 31-31-9. All monies and revenues collected by the commission
1380 from fees, rates and charges for the use of its facilities shall
1381 be paid by the commission to the State Treasurer, to be deposited
1382 to the credit of a special fund to be known as the "Mississippi
1383 Telecommunication Conference and Training Center Fund." Money in
1384 the fund at the end of a fiscal year shall not lapse into the
1385 General Fund and interest earned in the amount provided for in
1386 Section 27-105-33 on any amounts deposited into the fund shall be
1387 credited to the special fund. Except as otherwise provided in
1388 Section 31-31-11, all expenses incident to the operation and
1389 upkeep of the facility shall be paid out of the fund.

1390 **SECTION 19.** Section 31-31-11, Mississippi Code of 1972, is
1391 amended as follows:

1392 31-31-11. (1) For the purpose of providing funds for the
1393 payment of a certain portion of the debt service on any bonds
1394 issued pursuant to this chapter and for the purpose of providing
1395 funds for the maintenance of the facility and renovations,
1396 improvements and additions to the facility, there is hereby
1397 levied, assessed and shall be collected from every person engaging
1398 in or doing business in the City of Jackson, Mississippi, as
1399 specified herein, a tax which may be cited as an "occupancy tax,"
1400 which shall be in addition to all other taxes now imposed. Such
1401 tax shall be upon each hotel and motel located within the City of
1402 Jackson in the amount of Seventy-five Cents (75¢) per day for each
1403 occupied room.

1404 (2) Persons liable for the tax imposed herein shall add the
1405 amount of tax to the price of rooms, and in addition thereto shall
1406 collect, insofar as practicable, the amount of the tax due by him
1407 from the person receiving the services or goods at the time of
1408 payment therefor.

1409 (3) Such tax shall be collected by and paid to the State Tax
1410 Commission on a form prescribed by the State Tax Commission, in
1411 the same manner that state sales taxes are collected and paid; and



1412 the full enforcement provisions and all other provisions of
1413 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
1414 necessary to the implementation and administration of this
1415 chapter.

1416 (4) The proceeds of such tax shall be deposited by the State
1417 Tax Commission into the reserve fund created pursuant to
1418 subsection (5) of this section on or before the fifteenth day of
1419 the month following the month in which collected by the State Tax
1420 Commission.

1421 (5) There is hereby created in the State Treasury a special
1422 fund to be called the "Mississippi Telecommunication Conference
1423 and Training Facility Reserve Fund." Money in the fund at the end
1424 of a fiscal year shall not lapse into the general fund and
1425 interest earned in the amount provided for in Section 27-105-33 on
1426 any amount deposited into the fund shall be credited to the
1427 special fund. Money in the fund shall be used to pay a portion of
1428 the debt service of the bonds issued pursuant to this chapter as
1429 specified in subsection (6) of this section and to provide funds
1430 for the maintenance of the facility and renovations, improvements
1431 and additions to the facility.

1432 (6) The amount of the debt service that shall be paid
1433 annually from the reserve fund shall be the amount of the debt
1434 service on bonds attributable to forty percent (40%) of the cost
1435 of constructing the facility and the amount of the debt service on
1436 bonds attributable to all land acquisition costs. Amounts
1437 remaining in the fund in any fiscal year after the payments
1438 required by this subsection for debt service, may be used by the
1439 commission to provide funds for the maintenance of the facility
1440 and renovations, improvements and additions to the facility.

1441 (7) Before the taxes authorized by this chapter shall be
1442 imposed, the municipal governing authorities of the City of
1443 Jackson shall adopt a resolution declaring its intention to levy
1444 the tax, setting forth the amount of such tax and establishing the



1445 date on which this tax initially shall be levied and collected.
1446 This date shall be not less than the first day of the second month
1447 from the date of adoption of the resolution.

1448 The resolution shall be published in a local newspaper at
1449 least twice during the period from the adoption of the resolution
1450 to the effective date of the taxation prescribed in this section,
1451 with the last publication being made no later than ten (10) days
1452 prior to the effective date of such taxation.

1453 (8) The tax imposed pursuant to this section shall remain in
1454 force and effect until the City of Jackson shall by resolution
1455 rescind the tax; provided, however, that the tax imposed pursuant
1456 to this section shall not be rescinded if any bonds issued
1457 pursuant to this chapter remain outstanding.

1458 **SECTION 20.** Section 33-9-25, Mississippi Code of 1972, is
1459 amended as follows:

1460 33-9-25. There is hereby created in the State Treasury a
1461 special fund to be known as the Mississippi National Guard Special
1462 Construction Project Design Fund for the purpose of receiving
1463 monies appropriated for the purpose of defraying the expense of
1464 construction design to enable the Mississippi Military Department
1465 to access federal construction funds. Unexpended amounts
1466 remaining in such special fund at the end of a fiscal year shall
1467 not lapse into the State General Fund, and * * * interest earned
1468 in the amount provided for in Section 27-105-33 on amounts in such
1469 special fund shall be deposited to the credit of the special fund.

1470 **SECTION 21.** Section 35-7-31, Mississippi Code of 1972, is
1471 amended as follows:

1472 35-7-31. The board is authorized to enter into escrow
1473 agreements with the purchaser for the payment of anticipated taxes
1474 and hazard insurance premiums, or for the payment of life
1475 insurance premiums in cases where the board requires a life
1476 insurance policy to cover the unpaid balance of the indebtedness.



1477 All funds collected as escrow items for the benefit of the
1478 veteran as insurance premiums, taxes, appraisal fees, and other
1479 funds belonging to the veteran, and not the state revolving fund,
1480 shall be maintained and accounted for separately from the special
1481 revolving fund, although the receipt of such funds may be
1482 commingled with installment payments or other payments to the
1483 board. The board shall establish separate accounts and
1484 trusteeships for this purpose exclusive of requirements that
1485 agencies of the state commingle funds into one (1) State Treasury
1486 account. Interest earned in the amount provided for in Section
1487 27-105-33 on such deposits shall accrue to the state revolving
1488 fund of the board, and shall be paid to the revolving fund
1489 annually.

1490 **SECTION 22.** Section 35-7-45, Mississippi Code of 1972, is
1491 amended as follows:

1492 35-7-45. (a) Any money previously appropriated to the
1493 revolving fund of the board or that may be hereinafter
1494 appropriated shall be commingled, exclusive of escrow funds
1495 provided for in Section 35-7-31, into a general revolving fund for
1496 carrying out the provisions of this chapter. The expense of
1497 administering this chapter shall be paid from the revolving fund
1498 within the limitations provided by Section 35-7-9. The revolving
1499 fund of the board will constitute a trust fund and shall be
1500 segregated from all other funds in the State Treasury. All
1501 interest earned in the amount provided for in Section 27-105-33 by
1502 the State Treasury on any investment of the Veterans' Home
1503 Purchase Board Revolving Fund shall be placed to the credit of
1504 such fund. The State Fiscal Management Board is authorized and
1505 directed to draw warrants upon such funds from time to time upon
1506 requisition of the board executed by its executive officer, and
1507 the State Treasurer is hereby authorized and directed to pay such
1508 warrants.



1509 (b) The money repaid by the purchaser shall be deposited in
1510 the board's revolving fund and shall be available under the same
1511 conditions as the original appropriation. The board shall have
1512 continuing authority to expend funds up to the maximum amount
1513 received into the special revolving fund, limited to the
1514 discretionary best judgment of the board as to reserve. The board
1515 shall submit to the State Fiscal Management Board, the Legislative
1516 Budget Office, legislative appropriation committees, and other
1517 such authority as may arise or be deemed necessary, an annual
1518 budget, using the standard general fund budget format as a model,
1519 but modified to reflect an accurate and management-oriented view
1520 of the revolving fund, and an annual report reflecting a detailed
1521 analysis of all revenue and expenditures. All funds in the
1522 revolving fund in excess of the one percent (1%) administrative
1523 expense allowance shall be expended or committed for new loans
1524 with the exception of the reserve judged necessary by the board.

1525 (c) The board, with the advice and consent of the State Bond
1526 Commission, may also sell or hypothecate its mortgage loans to the
1527 Reconstruction Finance Corporation of the United States Government
1528 or to any subsidiary agency thereof, or to any other agency,
1529 private or public, when a sale of such mortgage loans would be to
1530 the advantage of the board. However, no mortgage loans may be
1531 sold for less than the prevailing market value, which may include
1532 sale at a discount from book value when discounted to present
1533 value to equate to market yields, of said loans as determined by
1534 the State Bond Commission. The provisions of this section may
1535 also include the discounting to present value of lower interest
1536 rate loans to the mortgagor to encourage early payoff of the loan.

1537 (d) The board may issue its notes in such amounts and for
1538 such terms as the board may deem advisable to provide additional
1539 funds for purchase of veterans' homes, and such notes shall be
1540 eligible for purchase by any agency of the State of Mississippi.
1541 The repayment of such notes shall be guaranteed by the board, and



1542 any and all income to the board from the repayments of the
1543 principal and interest on its purchases by veterans shall be first
1544 pledged to repayment of any maturing notes. The maturity dates,
1545 denomination or amount, and rate of interest of such notes shall
1546 be determined by the board; however, such notes shall in no event
1547 exceed a term of thirty (30) years nor bear a higher rate of
1548 interest than one percent (1%) below that received by the board on
1549 its mortgages and deeds of trust. Notwithstanding any other
1550 provisions of this chapter, the board may apply the proceeds from
1551 the issuance of its notes under this section or the issuance of
1552 its bonds under any other applicable law, as follows:

1553 (i) Refinancing of permanent mortgage loans, subject to
1554 the conditions specified in Section 35-7-17(5).

1555 (ii) Increasing the purchase limit on homes as provided
1556 in Section 35-7-17(1).

1557 The board shall have the authority to sell outright its
1558 mortgages and deeds of trust at market value, or discounted to
1559 present value, as hereinabove provided and to service said
1560 mortgages for the purchaser, collecting the principal and interest
1561 due the owner of such mortgages, and to charge therefor a
1562 reasonable service fee to be mutually agreed upon by the purchaser
1563 of such mortgages and the board.

1564 Any notes issued by the board must be approved at a regular
1565 meeting of the board, upon favorable vote by a majority of four
1566 (4) members of the board, who shall authorize the chairman and the
1567 executive director of said board to issue and sign such notes as
1568 the official deed and act of the whole board.

1569 (e) Any additional monies appropriated or obtained to extend
1570 the benefits of this chapter shall be commingled with and become
1571 an integral part of the revolving fund provided by this section,
1572 and the method of accounting therefor shall be the same as used
1573 with respect to any other monies in the revolving fund.



1574 **SECTION 23.** Section 37-23-149, Mississippi Code of 1972, is
1575 amended as follows:

1576 37-23-149. There is hereby created in the State Treasury a
1577 special fund to be designated as the "Special Education, Special
1578 Services Fund" which shall be used to distribute any funds
1579 specifically appropriated by the Legislature to such fund. This
1580 Special Education, Special Services Fund will be used solely for
1581 the provision of direct services to individual children with
1582 disabilities. Any funds remaining in the fund at the end of the
1583 fiscal year shall not lapse into the State General Fund, but shall
1584 carryover to subsequent fiscal years. * * * Interest accruing in
1585 the amount provided for in Section 27-105-33 on any unexpended
1586 balance in the Special Education, Special Services Fund shall be
1587 invested by the State Treasurer and shall remain in the fund.

1588 **SECTION 24.** Section 37-29-268, Mississippi Code of 1972, is
1589 amended as follows:

1590 37-29-268. (1) There is hereby created in the State
1591 Treasury a special fund to be designated as the "Community College
1592 Repair and Renovation Fund" which shall consist of monies
1593 appropriated or otherwise made available therefor by the
1594 Legislature. Within the special fund, the State Treasury shall
1595 establish a subaccount for each community and junior college.
1596 Interest earned in the amount provided for in Section 27-105-33 on
1597 monies in the special fund shall be deposited to the credit of
1598 such fund and money shall not lapse at the end of the fiscal year
1599 into the State General Fund. Money in the special fund shall be
1600 appropriated by the Legislature and allocated by the Bureau of
1601 Building, Grounds and Real Property Management, Department of
1602 Finance and Administration, for the repair, renovation and
1603 improvement of existing facilities owned by the community and
1604 junior colleges, including utility infrastructure projects;
1605 heating, ventilation and air conditioning systems; and the
1606 replacement of furniture and equipment. However, the cost of such



1607 repair, renovation and improvement for any one (1) project shall
1608 not exceed One Million Dollars (\$1,000,000.00).

1609 (2) Monies in the special fund shall be allocated to each
1610 community college's subaccount as follows:

1611 (a) One-half (1/2) divided equally among the fifteen
1612 (15) public community and junior colleges; and

1613 (b) One-half (1/2) divided upon the basis of the number
1614 of full-time academic, technical and vocational public community
1615 and junior college students actually enrolled and in attendance on
1616 the last day of the sixth week of the Fall semester of the
1617 preceding year counting only those students who reside within the
1618 State of Mississippi. On or before December 1 of each year, the
1619 State Board of Community and Junior Colleges shall furnish the
1620 Bureau of Building, Grounds and Real Property Management,
1621 Department of Finance and Administration, the enrollment
1622 information required in this paragraph (b), including the
1623 percentage of statewide enrollment attributed to each community
1624 and junior college.

1625 (3) For the purposes of this section, the term "furniture
1626 and equipment" shall be limited to the types of furniture and
1627 equipment items previously recorded in the community college's
1628 inventory.

1629 **SECTION 25.** Section 37-33-261, Mississippi Code of 1972, is
1630 amended as follows:

1631 37-33-261. (1) Such assessments as are collected under
1632 subsections (1) and (2) of Section 99-19-73, shall be deposited in
1633 a special fund that is created in the State Treasury and
1634 designated the Spinal Cord and Head Injury Trust Fund. Unexpended
1635 amounts remaining in the Spinal Cord and Head Injury Trust Fund at
1636 the end of a fiscal year shall not lapse into the State General
1637 Fund, and * * * interest received in the amount provided for in
1638 Section 27-105-33 from the investment of monies in the trust fund
1639 shall be credited to the trust fund and shall not be deposited



1640 into the State General Fund. Monies deposited in the fund shall
1641 be expended beginning in fiscal year 1997 by the Department of
1642 Rehabilitation Services as authorized and appropriated by the
1643 Legislature for the following purposes:

1644 Providing the cost of care for spinal cord and traumatic
1645 brain injury as a payer of last resort to residents of the State
1646 of Mississippi for a multilevel program of rehabilitation as
1647 prescribed in Sections 37-33-251 through 37-33-259. Authorization
1648 of expenditures for spinal cord injury care and traumatic brain
1649 injury care from this trust fund shall be made only by the
1650 Department of Rehabilitation Services. Authorized expenditures
1651 shall include three (3) or more of the following forms of
1652 assistance: acute care; rehabilitation; transitional living;
1653 assistive technology services, devices and equipment; respite
1654 care; transportation; housing; home modifications; and other
1655 services and/or assistance as deemed appropriate by the advisory
1656 council for individuals with spinal cord injuries or traumatic
1657 brain injuries to accomplish a successful re-entry into the
1658 community. Such activities may also include expanding the
1659 public's awareness of how spinal cord and traumatic brain injuries
1660 occur and how they can be prevented and identifying advanced
1661 treatment and prevention techniques. Other authorized
1662 expenditures may include costs associated with salary and other
1663 support costs for personnel sufficient to carry out the program or
1664 to subcontract all or part of the authorized services, and to pay
1665 the travel and meeting expenses of the advisory council.

1666 (2) The department shall issue a report to the Legislature
1667 and the Governor by January 1 of each year, summarizing the
1668 activities supported by the trust fund.

1669 **SECTION 26.** Section 37-63-11, Mississippi Code of 1972, is
1670 amended as follows:

1671 37-63-11. (1) The Authority for Educational
1672 Telecommunications is empowered to request and to receive such



1673 state funds for educational television construction and operation
1674 as may be appropriated or allocated to it, and to solicit and
1675 receive contributions, matching funds, gifts, bequests and devises
1676 from any source, whether federal, state, public or private. It
1677 may enter into agreements with federal, state, public or private
1678 agencies, departments, institutions, firms, corporations or
1679 persons for the production, transmission, sale, lease or purchase
1680 of educational television and educational radio programs. The
1681 authority may also lease antenna space on television towers which
1682 it owns. Before the authority is empowered to contract for
1683 communication facilities to carry television signals, it shall
1684 obtain written authority to do so from the Department of Finance
1685 and Administration in order to ensure that there be no duplication
1686 of state communication facilities.

1687 (2) There is hereby established in the State Treasury a
1688 special fund for the purpose of providing for the payment of all
1689 expenses in respect to the administration of this chapter. Such
1690 fund shall be administered by the authority. The State Treasurer
1691 shall be the custodian of such funds and all monies and securities
1692 in such fund shall be held in trust by such Treasurer and shall
1693 not be the money or property of the state. The State Treasurer is
1694 authorized to disburse monies from such fund only upon order of
1695 the authority. The official bond of the State Treasurer shall be
1696 conditioned for the faithful performance of his duty hereunder.
1697 The State Treasurer shall deposit any monies paid into such fund
1698 into such qualified depository banks as the authority may
1699 designate and is authorized to invest any portion of the fund
1700 which, in the opinion of the authority, is not needed for current
1701 requirements in the same manner and subject to all provisions of
1702 the law with respect to the deposit of state funds by such
1703 Treasurer. * * * Interest earned in the amount provided for in
1704 Section 27-105-33 by such portion of the fund as may be invested



1705 by the State Treasurer shall be collected by him and placed to the
1706 credit of such fund.

1707 (3) The Authority for Educational Telecommunications is
1708 empowered to provide noncommercial production or reproduction
1709 services for other public agencies, and may collect the costs of
1710 providing the services from the public agency. These costs shall
1711 be deposited into the special fund.

1712 **SECTION 27.** Section 37-101-81, Mississippi Code of 1972, is
1713 amended as follows:

1714 37-101-81. There is hereby created in the State Treasury a
1715 special fund to be designated as the "Institutions of Higher
1716 Learning Repair and Renovation Fund" which shall consist of monies
1717 appropriated or otherwise made available therefor by the
1718 Legislature. Interest earned in the amount provided for in
1719 Section 27-105-33 on monies in the special fund shall be deposited
1720 to the credit of such fund and money shall not lapse at the end of
1721 the fiscal year into the State General Fund. Money in the special
1722 fund shall be appropriated by the Legislature and allocated by the
1723 Bureau of Building, Grounds and Real Property Management,
1724 Department of Finance and Administration, for the repair,
1725 renovation and improvement of existing facilities under the
1726 control of the state institutions of higher learning, including
1727 utility infrastructure projects; heating, ventilation and air
1728 conditioning systems; and the replacement of furniture and
1729 equipment. However, the cost of such repair, renovation and
1730 improvement for any one project shall not exceed One Million
1731 Dollars (\$1,000,000.00). For the purposes of this section, the
1732 term "furniture and equipment" shall be limited to the types of
1733 furniture and equipment items previously recorded in the
1734 institution's inventory.

1735 **SECTION 28.** Section 37-143-19, Mississippi Code of 1972, is
1736 amended as follows:



1737 37-143-19. The Board of Trustees of State Institutions of
1738 Higher Learning is authorized to establish a consolidated
1739 revolving loan fund for the purpose of providing monies for the
1740 operation of all loan or scholarship programs authorized to the
1741 Board of Trustees of State Institutions of Higher Learning by this
1742 chapter, and to the Postsecondary Education Financial Assistance
1743 Board by the provisions of Chapter 106 of Title 37, Mississippi
1744 Code of 1972, and for the purpose of providing monies for the
1745 operation of such other loan programs as may be deemed appropriate
1746 and authorized by the Board of Trustees of State Institutions of
1747 Higher Learning from time to time for the furtherance of education
1748 of eligible applicants. The board shall be charged with the duty
1749 of directing the dispensing of such funds in a manner so as to
1750 best effectuate the purpose of this chapter. Any monies collected
1751 in the form of repayment of loans, both principal and interest,
1752 shall be deposited in this fund. The board of trustees is
1753 authorized to maintain such revolving fund in an official state
1754 depository and, in accordance with Section 27-105-21, Mississippi
1755 Code of 1972, shall invest such funds, less the amount required
1756 for current operation, at interest as required by said section.
1757 All interest earned in the amount provided for in Section
1758 27-105-33 on such investments shall likewise be deposited in said
1759 fund. From such revolving fund, the board of trustees shall
1760 provide the Postsecondary Education Financial Assistance Board
1761 such sums as shall be required to fulfill its role as lender of
1762 last resort to the Guarantee Student Loan program. The assets of
1763 the Postsecondary Education Financial Assistance Board, including
1764 cash and loans on hand, shall not exceed Five Hundred Thousand
1765 Dollars (\$500,000.00), and repayments of principal and interest
1766 and all other revenue of such board shall be deposited in the fund
1767 created hereby.

1768 From and after the effective date of this chapter [Laws,
1769 1991, Chapter 547, effective July 1, 1991], the sums maintained in



1770 the respective revolving funds being repealed by Chapter 547,
1771 Laws, 1991, or other revolving funds being maintained by the board
1772 of trustees shall become and constitute the monies of the
1773 consolidated revolving fund created by this section, wherever such
1774 funds may be physically located. The board of trustees is hereby
1775 authorized to transfer said funds to an official state depository,
1776 as aforesaid.

1777 **SECTION 29.** Section 37-145-7, Mississippi Code of 1972, is
1778 amended as follows:

1779 37-145-7. (1) There is hereby created a special fund of the
1780 company to be known as the "Mississippi Opportunity Loan Fund."
1781 The fund shall consist of amounts paid into the fund by donations
1782 from private sources, by legislative appropriation, from the
1783 proceeds of the issuance of bonds or from any other source. * * *
1784 Earnings in the amount provided for in Section 27-105-33 on the
1785 investment of monies in the fund shall be credited to the fund.

1786 (2) The monies in the fund shall be used to increase the
1787 educational opportunities of students by providing low interest
1788 rate loans to assist Mississippi students in furthering their
1789 higher education goals.

1790 (3) The Mississippi Opportunity Loan Fund shall be
1791 maintained by the company. The company is authorized to maintain
1792 such fund in an official state depository, and, in accordance with
1793 Section 27-105-21, shall invest such funds at interests as
1794 required by said section, said depository so selected shall be
1795 capable of serving as Trustee for the Mississippi Opportunity Loan
1796 Fund.

1797 **SECTION 30.** Section 37-145-73, Mississippi Code of 1972, is
1798 amended as follows:

1799 37-145-73. In addition to any other funds it may establish,
1800 the board of trustees may, by resolution, establish one or more
1801 special funds pursuant to this section, referred to herein as
1802 "guarantee reserve funds," and may pay into such reserve funds:



1803 (a) Any monies appropriated and made available by the
1804 state for the purposes of such guarantee reserve fund;

1805 (b) Any proceeds from the sale of notes or bonds to the
1806 extent provided in the resolutions of the board of trustees
1807 authorizing the issuance thereof;

1808 (c) Any monies which may be made available to the board
1809 of trustees from any other sources for the purposes of such
1810 guarantee reserve fund; and

1811 (d) * * * Income or interest earned in the amount
1812 provided for in Section 27-105-33 by, or increment to, any reserve
1813 fund due to investment shall be deposited in the reserve fund.

1814 The board of trustees may by resolution provide for the
1815 establishment of a guarantee reserve fund requirement for any
1816 guarantee reserve fund established pursuant to this section.

1817 The board of trustees shall, on or before January 1 of each
1818 year, make and deliver to the Governor of the state a certificate
1819 stating the sum, if any, required to restore the guarantee reserve
1820 fund to the fund requirement. The Governor shall transmit to the
1821 State Legislature a request for the amount, if any, required to
1822 restore the guarantee reserve fund to the required funding level.
1823 The State Legislature may, but shall not be required to, make any
1824 such appropriations so requested. All sums appropriated by the
1825 State Legislature for such restoration and paid shall be deposited
1826 by the board of trustees in the guarantee reserve fund.

1827 Any monies appropriated by the State Legislature for the
1828 purposes of the guarantee reserve fund established pursuant to
1829 this section shall not revert to the General Fund of the state at
1830 the end of any fiscal year.

1831 **SECTION 31.** Section 37-159-17, Mississippi Code of 1972, is
1832 amended as follows:

1833 37-159-17. There is established in the State Treasury a
1834 special fund to be designated the "Mississippi Critical Teacher
1835 Shortage Fund," into which shall be deposited those funds



1836 appropriated by the Legislature, and any other funds that may be
1837 made available, for the purpose of implementing the programs
1838 established under Sections 37-159-3, 37-159-5, 37-9-77, 37-3-91,
1839 and 37-159-9 through 37-159-13. Money in the fund at the end of a
1840 fiscal year shall not lapse into the General Fund, and interest
1841 earned in the amount provided for in Section 27-105-33 on any
1842 amounts deposited into the fund shall be credited to the special
1843 fund.

1844 **SECTION 32.** Section 39-5-23, Mississippi Code of 1972, is
1845 amended as follows:

1846 39-5-23. (1) The Mississippi Department of Archives and
1847 History is hereby authorized and empowered to solicit and accept
1848 donations, bequests, devises, gifts and grants of money from
1849 individuals, organizations and federal, state and local
1850 governmental bodies, to be deposited in the Historic Properties
1851 Trust Fund which is hereby created in the State Treasury.
1852 Contributions to the Historic Properties Trust Fund may be
1853 undesignated or earmarked for the purpose of acquiring,
1854 preserving, restoring, supporting, operating and administering
1855 Mississippi Landmark properties or for use on specific historical
1856 projects that have been authorized by the Department of Archives
1857 and History. The Mississippi Department of Archives and History
1858 may deposit federal funds received under Section 2 of Laws, 2000,
1859 Chapter 487, into the Historic Properties Trust Fund and may use
1860 such funds for the purposes provided in subsection (2) of Section
1861 2 of Laws, 2000, Chapter 487. The State Treasurer shall invest
1862 all monies in the Historic Properties Trust Fund as other state
1863 funds are authorized to be invested, and * * * interest earned in
1864 the amount provided for in Section 27-105-33 shall be deposited
1865 into the fund.

1866 (2) The Mississippi Department of Archives and History is
1867 hereby authorized and empowered to solicit and accept donations,
1868 bequests, devises, gifts and grants of money and real and personal



1869 property. The Board of Trustees of the Department of Archives and
1870 History may, in its discretion, sell such real and personal
1871 property by public or private sale and shall deposit proceeds
1872 derived from such sale into the Historic Properties Trust Fund.

1873 (3) (a) The Board of Trustees of the Mississippi Department
1874 of Archives and History is authorized to establish the Mississippi
1875 Landmark Grant Program within the Historic Properties Trust Fund
1876 to help ensure the preservation of Mississippi Landmark
1877 properties.

1878 (b) The Board of Trustees of the Mississippi Department
1879 of Archives and History may deposit funds appropriated by the
1880 Legislature, or funds transferred from the Historic Properties
1881 Financing Fund as specified in Section 89-12-37(2), into the
1882 account established for the Mississippi Landmark Grant Program
1883 within the Historic Properties Trust Fund. All funds deposited in
1884 the account for the Mississippi Landmark Grant Program shall be
1885 used exclusively for the purpose of acquiring, preserving,
1886 restoring, supporting, operating and administering Mississippi
1887 Landmark properties or those properties to be designated as
1888 Mississippi Landmarks.

1889 (c) The board of supervisors of every county and the
1890 governing authorities of every municipality in the state may make
1891 contributions to the Mississippi Department of Archives and
1892 History, to be deposited into the account for the Mississippi
1893 Landmark Grant Program. Such contributions may be undesignated or
1894 earmarked for use on specific Mississippi Landmark properties.

1895 (d) The Board of Trustees of the Mississippi Department
1896 of Archives and History shall have all powers necessary to
1897 implement and administer the Mississippi Landmark Grant Program,
1898 and the board of trustees shall promulgate all rules and
1899 regulations necessary for the implementation and administration of
1900 the program.



1901 **SECTION 33.** Section 39-5-27, Mississippi Code of 1972, is
1902 amended as follows:

1903 39-5-27. The Mississippi Department of Archives and History
1904 is hereby authorized and empowered to solicit and accept
1905 donations, bequests, devises, gifts and grants of money from
1906 individuals and organizations, to be deposited in the Archives
1907 Trust Fund which is hereby created in the State Treasury. The
1908 State Treasurer shall invest all monies in the Archives Trust Fund
1909 as other state funds are authorized to be invested, and * * *
1910 interest earned in the amount provided for in Section 27-105-33
1911 shall be deposited into the fund. All funds deposited in the
1912 Archives Trust Fund shall be used, pursuant to appropriation by
1913 the Legislature, exclusively for the purpose of acquiring,
1914 cataloging, conserving and making available archival resources.

1915 The Mississippi Department of Archives and History is hereby
1916 authorized and empowered to solicit and accept donations,
1917 bequests, devises, gifts and grants of real and personal property.
1918 The Board of Trustees of the Department of Archives and History
1919 may, in its discretion, sell such property by public or private
1920 sale and shall deposit proceeds derived from such sale into the
1921 Archives Trust Fund.

1922 The Board of Trustees of the Mississippi Department of
1923 Archives and History is authorized and empowered, in its
1924 discretion, to deposit into the Archives Trust Fund any monies in
1925 the Department's Archives and Library Gift Fund and any monies
1926 received as a result of royalty or use fee payments.

1927 **SECTION 34.** Section 39-5-29, Mississippi Code of 1972, is
1928 amended as follows:

1929 39-5-29. There is created in the State Treasury a special
1930 fund to be known as the "Museum Trust Fund." The Mississippi
1931 Department of Archives and History may solicit and accept
1932 donations, bequests, devises, gifts and grants of money from
1933 individuals, organizations, and corporations to be deposited in



1934 the Museum Trust Fund. The State Treasurer shall invest all
1935 monies in the Museum Trust Fund as other state funds are
1936 authorized to be invested, and * * * interest earned in the amount
1937 provided for in Section 27-105-33 shall be deposited into the
1938 fund. All funds deposited in the Museum Trust Fund shall be
1939 expended upon appropriation by the Legislature, solely for the
1940 purpose of acquiring, cataloging, conserving, and exhibiting
1941 artifacts.

1942 The Mississippi Department of Archives and History may
1943 solicit and accept donations, bequests, devises, gifts and grants
1944 of real and personal property. The Board of Trustees of the
1945 Department of Archives and History, in its discretion, may sell
1946 the property by public or private sale and shall deposit proceeds
1947 derived from the sale into the Museum Trust Fund.

1948 The Board of Trustees of the Mississippi Department of
1949 Archives and History, in its discretion, may deposit into the
1950 Museum Trust Fund any monies in the Department's Museum Gift Fund
1951 and any monies received as a result of royalty or use fee
1952 payments.

1953 Unexpended amounts remaining in the special fund at the end
1954 of a fiscal year shall not lapse into the State General Fund, and
1955 any interest earned on the unexpended amounts in the special fund
1956 shall be deposited to the credit of the special fund.

1957 **SECTION 35.** Section 39-5-71, Mississippi Code of 1972, is
1958 amended as follows:

1959 39-5-71. (1) The Board on Law Enforcement Officer Standards
1960 and Training, in cooperation with the Department of Archives and
1961 History and the Bureau of Buildings, Grounds and Real Property
1962 Management, is hereby authorized, subject to funds being made
1963 available, to cause to be constructed and maintained on
1964 state-owned lands at some suitable and appropriate place in or
1965 near the City of Jackson, a monument containing the names and
1966 paying tribute to all state, county and municipal law enforcement



1967 officers who have given their lives in the performance of their
1968 official duties. This shall include any federal law enforcement
1969 officer employed and residing in Mississippi at the time of death.

1970 It is the intent of the Legislature that adequate space be
1971 left on the monument to be available to add names of law
1972 enforcement officers in the future who give their lives in the
1973 performance of their official duties.

1974 (2) The Board on Law Enforcement Officer Standards and
1975 Training is hereby authorized to accept gifts, grants and
1976 donations from individuals and organizations, to be deposited in
1977 the Law Enforcement Officers Monument Fund which is hereby created
1978 as a special fund in the State Treasury. The State Treasurer
1979 shall invest all monies in the fund and * * * interest earned in
1980 the amount provided for in Section 27-105-33 shall be deposited
1981 into the fund. All funds deposited in the fund, including
1982 interest earned thereon, shall be used for the purpose of
1983 fund-raising, erecting and maintaining the monument as provided in
1984 subsection (1) of this section. The funds may be used for any
1985 fund-raising activity the board deems necessary for the
1986 construction and maintenance of the monument. Any monies
1987 remaining unexpended or unencumbered in the fund upon completion
1988 of the monument shall revert to the Board on Law Enforcement
1989 Officer Standards and Training for maintenance of the monument.

1990 **SECTION 36.** Section 39-11-9, Mississippi Code of 1972, is
1991 amended as follows:

1992 39-11-9. (1) The Mississippi Arts Commission is authorized
1993 and empowered to hold public hearings, to enter into contracts
1994 within the limit of funds available therefor, with individuals,
1995 organizations and institutions for services furthering the
1996 objectives of the commission's programs; to enter into contracts,
1997 within the limit of funds available therefor, with local and
1998 regional associations for cooperative endeavors furthering the
1999 objectives of the commission's programs; to accept gifts,



2000 contributions and bequests of funds from individuals, foundations,
2001 corporations and other organizations or institutions for the
2002 purpose of furthering the objectives of the commission's programs;
2003 to make and sign any agreements and to do and perform any acts
2004 that may be necessary to carry out the purposes of this chapter.
2005 The commission may request and shall receive from any department,
2006 division, board, bureau, commission or agency of the state such
2007 assistance and data as will enable it properly to carry out its
2008 powers and duties hereunder.

2009 (2) A special fund to be designated as the Mississippi Fund
2010 for the Arts is hereby created in the State Treasury. All funds
2011 deposited in this fund shall be used exclusively for the
2012 objectives of the commission as herein provided. Donations,
2013 bequests and grants deposited into the Mississippi Fund for the
2014 Arts may be disbursed by the Mississippi Arts Commission in
2015 accordance with the terms of the bequest or grant and in
2016 compliance with the purposes and policies of the Mississippi Arts
2017 Commission. Any disbursements made from the fund shall be
2018 authorized by both the chairman and the executive director of the
2019 commission and shall be supported by official actions and votes
2020 spread upon the minutes of the commission at an open public
2021 meeting. Any unexpended balance in the fund at the end of the
2022 fiscal year shall not lapse into the State General Fund and may be
2023 expended by the commissioner in subsequent fiscal years. * * *
2024 Interest earned on the fund in the amount provided for in Section
2025 27-105-33 may remain in the fund for disbursement by the
2026 commission in compliance with its purposes and policies. All
2027 transactions of the fund shall be reported annually to appropriate
2028 state agencies and subject to audit by the State Auditor and by
2029 auditors of donors. The Mississippi Fund for the Arts shall not
2030 be used for grants from federal agencies, including, but not
2031 limited to, the National Endowment for the Arts.



2032 **SECTION 37.** Section 41-3-16, Mississippi Code of 1972, is
2033 amended as follows:

2034 41-3-16. (1) (a) There is established a local governments
2035 and rural water systems improvements revolving loan program to be
2036 administered by the State Department of Health, referred to in
2037 this section as "department," for the purpose of assisting
2038 counties, incorporated municipalities, districts or other water
2039 organizations that have been granted tax exempt status under
2040 either federal or state law, in making improvements to their water
2041 systems, including construction of new water systems or expansion
2042 or repair of existing water systems. Loan proceeds may be used by
2043 the recipient for planning, professional services, acquisition of
2044 interests in land, acquisition of personal property, construction,
2045 construction-related services, maintenance, and any other
2046 reasonable use which the board, in its discretion, may allow. For
2047 purposes of this section, "water systems" has the same meaning as
2048 the term "public water system" under Section 41-26-3.

2049 (b) (i) There is created a board to be known as the
2050 "Local Governments and Rural Water Systems Improvements Board,"
2051 referred to in this section as "board," to be composed of the
2052 following nine (9) members: the State Health Officer, or his
2053 designee, who shall serve as chairman of the board; the Executive
2054 Director of the Mississippi Development Authority, or his
2055 designee; the Executive Director of the Department of
2056 Environmental Quality, or his designee; the Executive Director of
2057 the Department of Finance and Administration, or his designee; the
2058 Executive Director of the Mississippi Association of Supervisors,
2059 or his designee; the Executive Director of the Mississippi
2060 Municipal League, or his designee; the Executive Director of the
2061 Consulting Engineers Council, or his designee; the State Director
2062 of the United States Department of Agriculture, Rural Development,
2063 or his designee; and a manager of a rural water system.



2064 The Governor shall appoint a manager of a rural water system
2065 from a list of candidates provided by the Executive Director of
2066 the Mississippi Rural Water Association. The Executive Director
2067 of the Mississippi Rural Water Association shall provide the
2068 Governor a list of candidates which shall contain a minimum of
2069 three (3) candidates for each appointment.

2070 (ii) Nonappointed members of the board may
2071 designate another representative of their agency or association to
2072 serve as an alternate.

2073 (iii) The gubernatorial appointee shall serve a
2074 term concurrent with the term of the Governor and until a
2075 successor is appointed and qualified. No member, officer or
2076 employee of the Board of Directors of the Mississippi Rural Water
2077 Association shall be eligible for appointment.

2078 (c) The department, if requested by the board, shall
2079 furnish the board with facilities and staff as needed to
2080 administer this section. The department may contract, upon
2081 approval by the board, for those facilities and staff needed to
2082 administer this section, including routine management, as it deems
2083 necessary. The board may advertise for or solicit proposals from
2084 public or private sources, or both, for administration of this
2085 section or any services required for administration of this
2086 section or any portion thereof. It is the intent of the
2087 Legislature that the board endeavor to ensure that the costs of
2088 administration of this section are as low as possible in order to
2089 provide the water consumers of Mississippi safe drinking water at
2090 affordable prices.

2091 (d) Members of the board may not receive any salary,
2092 compensation or per diem for the performance of their duties under
2093 this section.

2094 (2) (a) There is created a special fund in the State
2095 Treasury to be designated as the "Local Governments and Rural
2096 Water Systems Improvements Revolving Loan Fund," referred to in



2097 this section as "revolving fund," which fund shall consist of
2098 those monies as provided in Sections 6 and 13 of Chapter 521, Laws
2099 of 1995. The revolving fund may receive appropriations, bond
2100 proceeds, grants, gifts, donations or funds from any source,
2101 public or private. The revolving fund shall be credited with all
2102 repayments of principal and interest derived from loans made from
2103 the revolving fund. The monies in the revolving fund may be
2104 expended only in amounts appropriated by the Legislature. The
2105 revolving fund shall be maintained in perpetuity for the purposes
2106 established in this section and Sections 6 through 20 of Chapter
2107 521, Laws of 1995. Unexpended amounts remaining in the revolving
2108 fund at the end of a fiscal year shall not lapse into the State
2109 General Fund, and * * * interest earned in the amount provided for
2110 in Section 27-105-33 on amounts in the revolving fund shall be
2111 deposited to the credit of the fund. Monies in the revolving fund
2112 may not be used or expended for any purpose except as authorized
2113 under this section and Sections 6 through 20 of Chapter 521, Laws
2114 of 1995. Any monies in the fund may be used to match any federal
2115 funds that are available for the same or related purposes for
2116 which funds are used and expended under this section and Sections
2117 6 through 20 of Chapter 521, Laws of 1995. Any federal funds
2118 shall be used and expended only in accordance with federal laws,
2119 rules and regulations governing the expenditure of those funds.
2120 No person shall use any monies from the revolving fund for the
2121 acquisition of real property or any interest in real property
2122 unless that property is integral to the project funded under this
2123 section and the purchase is made from a willing seller. No
2124 county, incorporated municipality or district shall acquire any
2125 real property or any interest in any real property for a project
2126 funded through the revolving fund by condemnation. The board's
2127 application of Sections 43-37-1 through 43-37-13 shall be no more
2128 stringent or extensive in scope, coverage and effect than federal
2129 property acquisition laws and regulations.



2130 (b) There is created a special fund in the State
2131 Treasury to be designated as the "Local Governments and Rural
2132 Water Systems Emergency Loan Fund," hereinafter referred to as
2133 "emergency fund," which fund shall consist of those monies as
2134 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The
2135 emergency fund may receive appropriations, bond proceeds, grants,
2136 gifts, donations or funds from any source, public or private. The
2137 emergency fund shall be credited with all repayments of principal
2138 and interest derived from loans made from the emergency fund. The
2139 monies in the emergency fund may be expended only in amounts
2140 appropriated by the Legislature. The emergency fund shall be
2141 maintained in perpetuity for the purposes established in this
2142 section and Section 6 of Chapter 521, Laws of 1995. Unexpended
2143 amounts remaining in the emergency fund at the end of a fiscal
2144 year shall not lapse into the State General Fund. * * * Interest
2145 earned in the amount provided for in Section 27-105-33 on amounts
2146 in the emergency fund shall be deposited to the credit of the
2147 fund. Monies in the emergency fund may not be used or expended
2148 for any purpose except as authorized under this section and
2149 Section 6 of Chapter 521, Laws of 1995.

2150 (c) The board created in subsection (1) shall establish
2151 loan programs by which loans may be made available to counties,
2152 incorporated municipalities, districts or other water
2153 organizations that have been granted tax exempt status under
2154 either federal or state law, to assist those counties,
2155 incorporated municipalities, districts or water organizations in
2156 making water systems improvements, including the construction of
2157 new water systems or expansion or repair of existing water
2158 systems. The interest rate on those loans may vary from time to
2159 time and from loan to loan, and will be at or below market
2160 interest rates as determined by the board. The board shall act as
2161 quickly as is practicable and prudent in deciding on any loan
2162 request that it receives. Loans from the revolving fund or



2163 emergency fund may be made to counties, incorporated
2164 municipalities, districts or other water organizations that have
2165 been granted tax exempt status under either federal or state law,
2166 as set forth in a loan agreement in amounts not to exceed one
2167 hundred percent (100%) of eligible project costs as established by
2168 the board. The board may require county, municipal, district or
2169 other water organization participation or funding from other
2170 sources, or otherwise limit the percentage of costs covered by
2171 loans from the revolving fund or the emergency fund. The maximum
2172 amount for any loan from the emergency fund shall be Five Hundred
2173 Thousand Dollars (\$500,000.00), and the maximum amount for any
2174 loan from the revolving fund shall be One Million Five Hundred
2175 Thousand Dollars (\$1,500,000.00).

2176 (d) A county that receives a loan from the revolving
2177 fund or the emergency fund shall pledge for repayment of the loan
2178 any part of the homestead exemption annual tax loss reimbursement
2179 to which it may be entitled under Section 27-33-77, as may be
2180 required to meet the repayment schedule contained in the loan
2181 agreement. An incorporated municipality that receives a loan from
2182 the revolving fund or the emergency fund shall pledge for
2183 repayment of the loan any part of the sales tax revenue
2184 distribution to which it may be entitled under Section 27-65-75,
2185 as may be required to meet the repayment schedule contained in the
2186 loan agreement. All recipients of such loans shall establish a
2187 dedicated source of revenue for repayment of the loan. Before any
2188 county or incorporated municipality shall receive any loan, it
2189 shall have executed with the State Tax Commission and the board a
2190 loan agreement evidencing that loan. The loan agreement shall not
2191 be construed to prohibit any recipient from prepaying any part or
2192 all of the funds received. The repayment schedule in each loan
2193 agreement shall provide for (i) monthly payments, (ii) semiannual
2194 payments or (iii) other periodic payments, the annual total of
2195 which shall not exceed the annual total for any other year of the



2196 loan by more than fifteen percent (15%). The loan agreement shall
2197 provide for the repayment of all funds received from the revolving
2198 fund within not more than fifteen (15) years or a term as
2199 otherwise allowed by the federal Safe Drinking Water Act, and all
2200 funds received from the emergency fund within not more than five
2201 (5) years from the date of project completion, and any repayment
2202 shall commence not later than one (1) year after project
2203 completion. The State Tax Commission shall withhold semiannually
2204 from counties and monthly from incorporated municipalities from
2205 the amount to be remitted to the county or municipality, a sum
2206 equal to the next repayment as provided in the loan agreement.

2207 (e) Any county, incorporated municipality, district or
2208 other water organization desiring to construct a project approved
2209 by the board which receives a loan from the state for that purpose
2210 but which is not eligible to pledge for repayment under the
2211 provisions of paragraph (d) of this subsection, shall repay that
2212 loan by making payments each month to the State Treasurer through
2213 the Department of Finance and Administration for and on behalf of
2214 the board according to Section 7-7-15, to be credited to either
2215 the revolving fund or the emergency fund, whichever is
2216 appropriate, in lieu of pledging homestead exemption annual tax
2217 loss reimbursement or sales tax revenue distribution.

2218 Loan repayments shall be according to a repayment schedule
2219 contained in each loan agreement as provided in paragraph (d) of
2220 this subsection.

2221 (f) Any district created pursuant to Sections 19-5-151
2222 through 19-5-207 that receives a loan from the revolving fund or
2223 the emergency fund shall pledge for repayment of the loan any part
2224 of the revenues received by that district pursuant to Sections
2225 19-5-151 through 19-5-207, as may be required to meet the
2226 repayment schedule contained in the loan agreement.

2227 (g) The State Auditor, upon request of the board, shall
2228 audit the receipts and expenditures of a county, an incorporated



2229 municipality, district or other water organization whose loan
2230 repayments appear to be in arrears, and if the Auditor finds that
2231 the county, incorporated municipality, district or other water
2232 organization is in arrears in those repayments, the Auditor shall
2233 immediately notify the chairman of the board who may take any
2234 action as may be necessary to enforce the terms of the loan
2235 agreement, including liquidation and enforcement of the security
2236 given for repayment of the loan, and the Executive Director of the
2237 Department of Finance and Administration who shall withhold all
2238 future payments to the county of homestead exemption annual tax
2239 loss reimbursements under Section 27-33-77 and all sums allocated
2240 to the county or the incorporated municipality under Section
2241 27-65-75 until such time as the county or the incorporated
2242 municipality is again current in its loan repayments as certified
2243 by the board.

2244 (h) All monies deposited in the revolving fund or the
2245 emergency fund, including loan repayments and interest earned on
2246 those repayments, shall be used only for providing loans or other
2247 financial assistance to water systems as the board deems
2248 appropriate. In addition, any amounts in the revolving fund or
2249 the emergency fund may be used to defray the reasonable costs of
2250 administering the revolving fund or the emergency fund and
2251 conducting activities under this section and Sections 6 through 20
2252 of Chapter 521, Laws of 1995, subject to any limitations
2253 established in the federal Safe Drinking Water Act, as amended and
2254 subject to annual appropriation by the Legislature. The
2255 department is authorized, upon approval by the board, to use
2256 amounts available to it from the revolving fund or the emergency
2257 fund to contract for those facilities and staff needed to
2258 administer and provide routine management for the funds and loan
2259 program.



2260 (3) In administering this section and Sections 6 through 20
2261 of Chapter 521, Laws of 1995, the board created in subsection (1)
2262 of this section shall have the following powers and duties:

2263 (a) To supervise the use of all funds made available
2264 under this section and Sections 6 through 20 of Chapter 521, Laws
2265 of 1995, for local governments and rural water systems
2266 improvements;

2267 (b) To promulgate rules and regulations, to make
2268 variances and exceptions thereto, and to establish procedures in
2269 accordance with this section and Sections 6 through 20 of Chapter
2270 521, Laws of 1995, for the implementation of the local governments
2271 and rural water systems improvements revolving loan program;

2272 (c) To require, at the board's discretion, any loan
2273 recipient to impose a per connection fee or surcharge or amended
2274 water rate schedule or tariff on each customer or any class of
2275 customers, benefiting from an improvement financed by a loan made
2276 under this act, for repayment of any loan funds provided under
2277 this section and Sections 6 through 20 of Chapter 521, Laws of
2278 1995. The board may require any loan recipient to undergo a water
2279 system viability analysis and may require a loan recipient to
2280 implement any result of the viability analysis. If the loan
2281 recipient fails to implement any result of a viability analysis as
2282 required by the board, the board may impose a monetary penalty or
2283 increase the interest rate on the loan, or both;

2284 (d) To review and certify all projects for which funds
2285 are authorized to be made available under this section and
2286 Sections 6 through 20 of Chapter 521, Laws of 1995, for local
2287 governments and rural water systems improvements;

2288 (e) To requisition monies in the Local Governments and
2289 Rural Water Systems Improvements Revolving Loan Fund and the Local
2290 Governments and Rural Water Systems Emergency Loan Fund and
2291 distribute those monies on a project-by-project basis in
2292 accordance with this section;



2293 (f) To ensure that the funds made available under this
2294 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to
2295 a county, an incorporated municipality, a district or a water
2296 organization that has been granted tax exempt status under either
2297 federal or state law provide for a distribution of projects and
2298 funds among the entities under a priority system established by
2299 the board;

2300 (g) To maintain in accordance with generally accepted
2301 government accounting standards an accurate record of all monies
2302 in the revolving fund and the emergency fund made available to
2303 counties, incorporated municipalities, districts or other water
2304 organizations under this section and Sections 6 through 20 of
2305 Chapter 521, Laws of 1995, and the costs for each project;

2306 (h) To establish policies, procedures and requirements
2307 concerning viability and financial capability to repay loans that
2308 may be used in approving loans available under this section,
2309 including a requirement that all loan recipients have a rate
2310 structure which will be sufficient to cover the costs of
2311 operation, maintenance, major equipment replacement and repayment
2312 of any loans made under this section; and

2313 (i) To file annually with the Legislature a report
2314 detailing how monies in the Local Governments and Rural Water
2315 Systems Improvements Revolving Loan Fund and the Local Governments
2316 and Rural Water Systems Emergency Loan Fund were spent during the
2317 preceding fiscal year in each county, incorporated municipality,
2318 district or other water organization, the number of projects
2319 approved and constructed, and the cost of each project.

2320 For efficient and effective administration of the loan
2321 program, revolving fund and emergency fund, the board may
2322 authorize the department or the State Health Officer to carry out
2323 any or all of the powers and duties enumerated above.

2324 **SECTION 38.** Section 41-4-7, Mississippi Code of 1972, is
2325 amended as follows:



2326 41-4-7. The State Board of Mental Health shall have the
2327 following powers and duties:

2328 (a) To appoint a full-time executive director of the
2329 Department of Mental Health, who shall be employed by the board
2330 and shall serve as executive secretary to the board. The first
2331 director shall be a duly licensed physician with special interest
2332 and competence in psychiatry, and shall possess a minimum of three
2333 (3) years' experience in clinical and administrative psychiatry.
2334 Subsequent directors shall possess at least a master's degree or
2335 its equivalent, and shall possess at least ten (10) years'
2336 administrative experience in the field of mental health. The
2337 salary of the executive director shall be determined by the board;

2338 (b) To set up state plans for the purpose of
2339 controlling and treating any and all forms of mental and emotional
2340 illness, alcoholism, drug misuse and developmental disabilities;

2341 (c) To supervise, coordinate and establish standards
2342 for all operations and activities of the state related to mental
2343 health and providing mental health services, including but not
2344 limited to: the requirement that no person be approved for
2345 treatment which is paid for by funds made available through the
2346 department who has not had a treatment plan established as a
2347 result of having been seen by a licensed physician or licensed
2348 clinical psychologist and that physician or clinical psychologist
2349 signing these plans stating that he/she has personally evaluated
2350 the client and that the treatment plan is medically necessary. A
2351 physician or clinical psychologist shall recertify each client's
2352 record at least semiannually (except for persons with a diagnosis
2353 of mental retardation/developmental disability which shall be
2354 completed annually), and more often if medically indicated by
2355 physically visiting the client and certifying same in the record.
2356 The board shall have the authority to develop and implement all
2357 standards and plans and shall have the authority to establish
2358 appropriate actions, including financially punitive actions, to



2359 insure enforcement of these established standards, in accordance
2360 with the Administrative Procedures Law (Section 25-43-1 et seq.);

2361 (d) To enter into contracts with any other state or
2362 federal agency, or with any private person, organization or group
2363 capable of contracting, if it finds such action to be in the
2364 public interest;

2365 (e) To collect reasonable fees for its services;
2366 provided, however, if it is determined that a person receiving
2367 services is unable to pay the total fee, the department shall
2368 collect any amount such person is able to pay;

2369 (f) To certify, coordinate and establish minimum
2370 standards and establish minimum required services for regional
2371 mental health and mental retardation commissions and other
2372 community service providers for community or regional programs and
2373 services in mental health, mental retardation, alcoholism, drug
2374 misuse, developmental disabilities, compulsive gambling, addictive
2375 disorders and related programs throughout the state. Such
2376 regional mental health and mental retardation commissions and
2377 other community service providers shall submit an annual
2378 operational plan to the State Department of Mental Health for
2379 approval or disapproval based on the minimum standards and minimum
2380 required services established by the department for certification.
2381 If the department finds deficiencies in the plan of any regional
2382 commission or community service provider based on the minimum
2383 standards and minimum required services established for
2384 certification, the department shall give the regional commission
2385 or community service provider a six-month probationary period to
2386 bring its standards and services up to the established minimum
2387 standards and minimum required services. After the six-month
2388 probationary period, if the department determines that the
2389 regional commission or community service provider still does not
2390 meet the minimum standards and minimum required services
2391 established for certification, the department may remove the



2392 certification of the commission or provider. However, the
2393 department shall not mandate a standard or service, or decertify a
2394 regional commission or community service provider for not meeting
2395 a standard or service, if the standard or service does not have
2396 funding appropriated by the Legislature or have a funding source
2397 from the State Department of Mental Health or a local funding
2398 source. The State Board of Mental Health shall promulgate rules
2399 and regulations necessary to implement the provisions of this
2400 paragraph (f), in accordance with the Administrative Procedures
2401 Law (Section 25-43-1 et seq.).

2402 (g) To establish and promulgate reasonable minimum
2403 standards for the construction and operation of state and all
2404 Department of Mental Health certified facilities, including
2405 reasonable minimum standards for the admission, diagnosis, care,
2406 treatment, transfer of patients and their records, and also
2407 including reasonable minimum standards for providing day care,
2408 outpatient care, emergency care, inpatient care and follow-up
2409 care, when such care is provided for persons with mental or
2410 emotional illness, mental retardation, alcoholism, drug misuse and
2411 developmental disabilities;

2412 (h) To assist community or regional programs consistent
2413 with the purposes of this chapter by making grants and contracts
2414 from available funds;

2415 (i) To establish and collect reasonable fees for
2416 necessary inspection services incidental to certification or
2417 compliance;

2418 (j) To accept gifts, trusts, bequests, grants,
2419 endowments or transfers of property of any kind;

2420 (k) To receive monies coming to it by way of fees for
2421 services or by appropriations;

2422 (l) To serve as the single state agency in receiving
2423 and administering any and all funds available from any source for
2424 the purpose of service delivery, training, research and education



2425 in regard to all forms of mental illness, mental retardation,
2426 alcoholism, drug misuse and developmental disabilities, unless
2427 such funds are specifically designated to a particular agency or
2428 institution by the federal government, the Mississippi Legislature
2429 or any other grantor;

2430 (m) To establish mental health holding centers for the
2431 purpose of providing short-term emergency mental health treatment,
2432 places for holding persons awaiting commitment proceedings or
2433 awaiting placement in a state mental health facility following
2434 commitment, and for diverting placement in a state mental health
2435 facility. These mental health holding facilities shall be readily
2436 accessible, available statewide, and be in compliance with
2437 emergency services' minimum standards. They shall be
2438 comprehensive and available to triage and make appropriate
2439 clinical disposition including the capability to access inpatient
2440 services or less restrictive alternatives, as needed, as
2441 determined by medical staff. Such facility shall have medical,
2442 nursing and behavioral services available on a 24-hour-a-day
2443 basis. The board may provide for all or part of the costs of
2444 establishing and operating the holding centers in each district
2445 from such funds as may be appropriated to the board for such use,
2446 and may participate in any plan or agreement with any public or
2447 private entity under which the entity will provide all or part of
2448 the costs of establishing and operating a holding center in any
2449 district;

2450 (n) To certify/license case managers, mental health
2451 therapists, mental retardation therapists, mental
2452 health/retardation program administrators, addiction counselors
2453 and others as deemed appropriate by the board. Persons already
2454 professionally licensed by another state board or agency are not
2455 required to be certified/licensed under this section by the
2456 Department of Mental Health. The department shall not use
2457 professional titles in its certification/licensure process for



2458 which there is an independent licensing procedure. Such
2459 certification/licensure shall be valid only in the state mental
2460 health system, in programs funded and/or certified by the
2461 Department of Mental Health, and/or in programs certified/licensed
2462 by the State Department of Health that are operated by the state
2463 mental health system serving the mentally ill, mentally retarded,
2464 developmental disabled or persons with addictions, and shall not
2465 be transferable;

2466 (o) To develop formal mental health worker
2467 qualifications for regional mental health and mental retardation
2468 commissions and other community service providers. The State
2469 Personnel Board shall develop and promulgate a recommended salary
2470 scale and career ladder for all regional mental health/retardation
2471 center therapists and case managers who work directly with
2472 clients. The State Personnel Board shall also develop and
2473 promulgate a career ladder for all direct care workers employed by
2474 the State Department of Mental Health;

2475 (p) The employees of the department shall be governed
2476 by personnel merit system rules and regulations, the same as other
2477 employees in state services;

2478 (q) To establish such rules and regulations as may be
2479 necessary in carrying out the provisions of this chapter,
2480 including the establishment of a formal grievance procedure to
2481 investigate and attempt to resolve consumer complaints;

2482 (r) To grant easements for roads, utilities and any
2483 other purpose it finds to be in the public interest;

2484 (s) To survey statutory designations, building markers
2485 and the names given to mental health/retardation facilities and
2486 proceedings in order to recommend deletion of obsolete and
2487 offensive terminology relative to the mental health/retardation
2488 system;

2489 (t) To ensure an effective case management system
2490 directed at persons who have been discharged from state and



2491 private psychiatric hospitals to ensure their continued well-being
2492 in the community;

2493 (u) To develop formal service delivery standards
2494 designed to measure the quality of services delivered to community
2495 clients, as well as the timeliness of services to community
2496 clients provided by regional mental health/retardation commissions
2497 and other community services providers;

2498 (v) To establish regional state offices to provide
2499 mental health crisis intervention centers and services available
2500 throughout the state to be utilized on a case-by-case emergency
2501 basis. The regional services director, other staff and delivery
2502 systems shall meet the minimum standards of the Department of
2503 Mental Health;

2504 (w) To require performance contracts with community
2505 mental health/mental retardation service providers to contain
2506 performance indicators to measure successful outcomes, including
2507 diversion of persons from inpatient psychiatric hospitals,
2508 rapid/timely response to emergency cases, client satisfaction with
2509 services and other relevant performance measures;

2510 (x) To enter into interagency agreements with other
2511 state agencies, school districts and other local entities as
2512 determined necessary by the department to ensure that local mental
2513 health service entities are fulfilling their responsibilities to
2514 the overall state plan for behavioral services;

2515 (y) To establish and maintain a toll-free grievance
2516 reporting telephone system for the receipt and referral for
2517 investigation of all complaints by clients of state and community
2518 mental health/retardation facilities;

2519 (z) To establish a peer review/quality assurance
2520 evaluation system that assures that appropriate assessment,
2521 diagnosis and treatment is provided according to established
2522 professional criteria and guidelines;



2523 (aa) To develop and implement state plans for the
2524 purpose of assisting with the care and treatment of persons with
2525 Alzheimer's disease and other dementia. This plan shall include
2526 education and training of service providers, care-givers in the
2527 home setting and others who deal with persons with Alzheimer's
2528 disease and other dementia, and development of adult day care,
2529 family respite care and counseling programs to assist families who
2530 maintain persons with Alzheimer's disease and other dementia in
2531 the home setting. No agency shall be required to provide any
2532 services under this section until such time as sufficient funds
2533 have been appropriated or otherwise made available by the
2534 Legislature specifically for the purposes of the treatment of
2535 persons with Alzheimer's and other dementia; and

2536 (bb) Working with the advice and consent of the
2537 administration of Ellisville State School, to enter into
2538 negotiations with the Economic Development Authority of Jones
2539 County for the purpose of negotiating the possible exchange, lease
2540 or sale of lands owned by Ellisville State School to the Economic
2541 Development Authority of Jones County. It is the intent of the
2542 Mississippi Legislature that such negotiations shall ensure that
2543 the financial interest of the persons with mental retardation
2544 served by Ellisville State School will be held paramount in the
2545 course of these negotiations. The Legislature also recognizes the
2546 importance of economic development to the citizens of the State of
2547 Mississippi and Jones County, and encourages fairness to the
2548 Economic Development Authority of Jones County. Any negotiations
2549 proposed which would result in the recommendation for exchange,
2550 lease or sale of lands owned by Ellisville State School must have
2551 the approval of the State Board of Mental Health. The State Board
2552 of Mental Health may and has the final authority as to whether or
2553 not these negotiations result in the exchange, lease or sale of
2554 the properties it currently holds in trust for citizens with
2555 mental retardation served at Ellisville State School.



2556 If the State Board of Mental Health authorizes the sale of
2557 lands owned by Ellisville State School, as provided for under this
2558 paragraph (bb), the monies derived from the sale shall be placed
2559 into a special fund that is created in the State Treasury to be
2560 known as the "Ellisville State School Client's Trust Fund." The
2561 principal of the trust fund shall remain inviolate and shall never
2562 be expended. Any interest earned on the principal may be expended
2563 solely for the benefits of clients served at Ellisville State
2564 School. The State Treasurer shall invest the monies of the trust
2565 fund in any of the investments authorized for the Mississippi
2566 Prepaid Affordable College Tuition Program under Section 37-155-9,
2567 and those investments shall be subject to the limitations
2568 prescribed by Section 37-155-9. Unexpended amounts remaining in
2569 the trust fund at the end of a fiscal year shall not lapse into
2570 the State General Fund, and * * * interest earned in the amount
2571 provided for in Section 27-105-33 on amounts in the trust fund
2572 shall be deposited to the credit of the trust fund. The
2573 administration of Ellisville State School may use any interest
2574 earned on the principal of the trust fund, upon appropriation by
2575 the Legislature, as needed for services or facilities by the
2576 clients of Ellisville State School. Ellisville State School shall
2577 make known to the Legislature, through the Legislative Budget
2578 Committee and the respective Appropriations Committees of the
2579 House and Senate, its proposed use of interest earned on the
2580 principal of the trust fund for any fiscal year in which it
2581 proposes to make expenditures thereof. The State Treasurer shall
2582 provide Ellisville State School with an annual report on the
2583 Ellisville State School Client's Trust Fund to indicate the total
2584 monies in the trust fund, interest earned during the year,
2585 expenses paid from the trust fund and such other related
2586 information.

2587 Nothing in this section shall be construed as applying to or
2588 affecting mental health/retardation services provided by hospitals



2589 as defined in Section 41-9-3(a), and/or their subsidiaries and
2590 divisions, which hospitals, subsidiaries and divisions are
2591 licensed and regulated by the Mississippi State Department of
2592 Health unless such hospitals, subsidiaries or divisions
2593 voluntarily request certification by the Mississippi State
2594 Department of Mental Health.

2595 All new programs authorized under this section shall be
2596 subject to the availability of funds appropriated therefor by the
2597 Legislature.

2598 (cc) Working with the advice and consent of the
2599 administration of Boswell Regional Center, to enter into
2600 negotiations with the Economic Development Authority of Simpson
2601 County for the purpose of negotiating the possible exchange, lease
2602 or sale of lands owned by Boswell Regional Center to the Economic
2603 Development Authority of Simpson County. It is the intent of the
2604 Mississippi Legislature that such negotiations shall ensure that
2605 the financial interest of the persons with mental retardation
2606 served by Boswell Regional Center will be held paramount in the
2607 course of these negotiations. The Legislature also recognizes the
2608 importance of economic development to the citizens of the State of
2609 Mississippi and Simpson County, and encourages fairness to the
2610 Economic Development Authority of Simpson County. Any
2611 negotiations proposed which would result in the recommendation for
2612 exchange, lease or sale of lands owned by Boswell Regional Center
2613 must have the approval of the State Board of Mental Health. The
2614 State Board of Mental Health may and has the final authority as to
2615 whether or not these negotiations result in the exchange, lease or
2616 sale of the properties it currently holds in trust for citizens
2617 with mental retardation served at Boswell Regional Center. In any
2618 such exchange, lease or sale of such lands owned by Boswell
2619 Regional Center, title to all minerals, oil and gas on such lands
2620 shall be reserved, together with the right of ingress and egress



2621 to remove same, whether such provisions be included in the terms
2622 of any such exchange, lease or sale or not.

2623 If the State Board of Mental Health authorizes the sale of
2624 lands owned by Boswell Regional Center, as provided for under this
2625 paragraph (cc), the monies derived from the sale shall be placed
2626 into a special fund that is created in the State Treasury to be
2627 known as the "Boswell Regional Center Client's Trust Fund." The
2628 principal of the trust fund shall remain inviolate and shall never
2629 be expended. Any earnings on the principal may be expended solely
2630 for the benefits of clients served at Boswell Regional Center.
2631 The State Treasurer shall invest the monies of the trust fund in
2632 any of the investments authorized for the Mississippi Prepaid
2633 Affordable College Tuition Program under Section 37-155-9, and
2634 those investments shall be subject to the limitations prescribed
2635 by Section 37-155-9. Unexpended amounts remaining in the trust
2636 fund at the end of a fiscal year shall not lapse into the State
2637 General Fund, and any earnings on amounts in the trust fund shall
2638 be deposited to the credit of the trust fund. The administration
2639 of Boswell Regional Center may use any earnings on the principal
2640 of the trust fund, upon appropriation by the Legislature, as
2641 needed for services or facilities by the clients of Boswell
2642 Regional Center. Boswell Regional Center shall make known to the
2643 Legislature, through the Legislative Budget Committee and the
2644 respective Appropriations Committees of the House and Senate, its
2645 proposed use of the earnings on the principal of the trust fund
2646 for any fiscal year in which it proposes to make expenditures
2647 thereof. The State Treasurer shall provide Boswell Regional
2648 Center with an annual report on the Boswell Regional Center
2649 Client's Trust Fund to indicate the total monies in the trust
2650 fund, interest and other income earned during the year, expenses
2651 paid from the trust fund and such other related information.

2652 Nothing in this section shall be construed as applying to or
2653 affecting mental health/retardation services provided by hospitals



2654 as defined in Section 41-9-3(a), and/or their subsidiaries and
2655 divisions, which hospitals, subsidiaries and divisions are
2656 licensed and regulated by the Mississippi State Department of
2657 Health unless such hospitals, subsidiaries or divisions
2658 voluntarily request certification by the Mississippi State
2659 Department of Mental Health.

2660 All new programs authorized under this section shall be
2661 subject to the availability of funds appropriated therefor by the
2662 Legislature.

2663 **SECTION 39.** Section 41-26-23, Mississippi Code of 1972, is
2664 amended as follows:

2665 41-26-23. (1) There is created in the State Treasury a fund
2666 to be designated as the "Drinking Water Quality Analysis Fund."
2667 The fund shall be treated as a special trust fund. Interest
2668 earned on the principal in the amount provided for in Section
2669 27-105-33 in the fund shall be credited by the Treasurer to the
2670 fund. The fund may receive monies from any available public or
2671 private source, including fees, proceeds and grants. The
2672 department shall expend or utilize monies in the fund to pay all
2673 reasonable direct and indirect costs of water quality analysis and
2674 related activities as required by the federal Safe Drinking Water
2675 Act, as amended. Monies in the fund at the end of the fiscal year
2676 shall be retained in the fund for use in the succeeding fiscal
2677 year. Except as provided in subsection (5) of this section, if
2678 the annual fees collected exceed the cost of administering the
2679 water quality analysis program in that fiscal year, the excess
2680 shall be applied to the cost of administering the program in the
2681 succeeding fiscal year. In the succeeding fiscal year, the total
2682 to be collected from fees shall be reduced by the excess retained
2683 in the fund and the assessment rates shall be adjusted
2684 proportionately.

2685 (2) The department annually shall assess and collect fees
2686 for water quality analysis and related activities as required by



2687 the federal Safe Drinking Water Act, as amended, which shall not
2688 exceed One Dollar and Ninety Cents (\$1.90) per connection or Forty
2689 Thousand Dollars (\$40,000.00) per system, whichever is less. The
2690 department annually shall adopt by rule, in accordance with the
2691 Administrative Procedures Law and following a public hearing, a
2692 fee schedule to cover all reasonable direct and indirect costs of
2693 water quality analysis and related activities as required by the
2694 federal Safe Drinking Water Act, as amended. In adopting a fee
2695 schedule, the department shall consider the recommendations of the
2696 advisory committee created in this section, if those
2697 recommendations are made in a timely manner as provided.

2698 (3) An advisory committee is created to study the program
2699 needs and costs for the implementation of the water quality
2700 analysis program and to conduct an annual review of the needs and
2701 costs of administering that program. The annual review shall
2702 include an independent recommendation on an equitable fee schedule
2703 for the succeeding fiscal year. Each annual review report shall
2704 be due to the department by May 1. The advisory committee shall
2705 consist of one (1) member appointed by the Mississippi Rural Water
2706 Association, one (1) member appointed by the Mississippi Municipal
2707 Association, one (1) member appointed by the Mississippi
2708 Association of Supervisors and one (1) member appointed by the
2709 Mississippi Water and Pollution Control Operators Association,
2710 Inc.

2711 (4) All suppliers of water for which water quality analysis
2712 and related activities as required by the federal Safe Drinking
2713 Water Act, as amended, are performed by the State Department of
2714 Health shall pay the water quality analysis fee within forty-five
2715 (45) days following receipt of an invoice from the department. In
2716 the discretion of the department, any supplier of water required
2717 to pay the fee shall be liable for a penalty equal to a maximum of
2718 two (2) times the amount of fees due and payable plus an amount
2719 necessary to reimburse the costs of delinquent fee collection for



2720 failure to pay the fee within ninety (90) days following the
2721 receipt of the invoice. Any person making sales to customers of
2722 water for residential, noncommercial or nonagricultural use and
2723 who recovers the fee required by this section or any portion
2724 thereof from any customer shall indicate on each statement
2725 rendered to customers that these fees are for water quality
2726 analyses required by the federal government under the Safe
2727 Drinking Water Act, as amended.

2728 (5) There is created within the Drinking Water Quality
2729 Analysis Fund an equipment capital expenditure account,
2730 hereinafter referred to as the "account." The department may
2731 transfer any excess fees, not exceeding ten percent (10%) of the
2732 total fees assessed under this section, to the account. The
2733 balance in the account shall not exceed Five Hundred Thousand
2734 Dollars (\$500,000.00). Funds in the account shall be used by the
2735 department, as appropriated by the Legislature, to defray the
2736 costs of purchasing new equipment or repairing existing equipment
2737 for the analysis of drinking water.

2738 **SECTION 40.** Section 41-26-25, Mississippi Code of 1972, is
2739 amended as follows:

2740 41-26-25. (1) (a) There is created in the State Treasury a
2741 fund to be designated as the "Public Water System Assistance
2742 Fund." The fund shall contain two (2) accounts, designated as the
2743 "Public Water System Technical Assistance Account" and the "Public
2744 Water Systems Bond Operations Account."

2745 (b) Monies in the Public Water System Technical
2746 Assistance Account shall be used to pay the reasonable direct and
2747 indirect costs of providing technical assistance to public water
2748 systems under the program established in Section 41-26-5. Monies
2749 in the Public Water Systems Bond Operations Account shall be used
2750 as ordered by the court under Section 41-26-31.

2751 (2) Expenditures may be made from the fund upon requisition
2752 by the director.



2753 (3) The fund shall be treated as a special trust fund.
2754 Interest earned on the principal in the amount provided for in
2755 Section 27-105-33 shall be credited by the Treasurer to the fund.

2756 (4) The fund may receive monies from any available public or
2757 private source, including, but not limited to, collection of
2758 fines, penalties or fees, proceeds from bond or other financial
2759 security forfeitures, interest, grants, taxes, public and private
2760 donations, petroleum violation escrow funds or refunds, and
2761 appropriated funds.

2762 **SECTION 41.** Section 43-13-141, Mississippi Code of 1972, is
2763 amended as follows:

2764 43-13-141. (1) There is levied an assessment equal to
2765 fifteen percent (15%) of the amount of that portion of the
2766 Medicaid reimbursement payments made by the Division of Medicaid
2767 to each provider participating in the Mississippi Medicaid Program
2768 that is derived from state general funds, regardless of where the
2769 provider is located. The division shall deduct the assessment
2770 from the Medicaid reimbursement payments at the time that the
2771 payments are made to the Medicaid providers, and shall deposit the
2772 proceeds of the assessment into a special fund that is created in
2773 the State Treasury to be known as the "Medical Care Assessments
2774 Fund." The division shall begin deducting the assessment levied
2775 under this section as soon after April 25, 1991, as the division
2776 has made the computer program modifications and other
2777 administrative changes that are necessary to begin deducting the
2778 assessment, but not later than August 1, 1991. If the division is
2779 prepared to deduct the assessment before August 1, 1991, it shall
2780 not begin deducting the assessment until at least one (1) month
2781 after it has given written notification to all Medicaid providers
2782 of its intention to begin deducting the assessment. The division
2783 shall furnish to each Medicaid provider at least once each year a
2784 record of the amount of the assessment that has been deducted from
2785 the reimbursement payments made to the provider. The assessment



2786 provided for by this section shall not be levied or deducted from
2787 any Medicaid reimbursement payments after September 30, 1992.

2788 (2) The assessment levied under this section shall be in
2789 addition to any other assessments, taxes or fees levied by law.

2790 (3) The assessment levied under this section shall not be
2791 applicable to and shall not be deducted from Medicaid
2792 reimbursement payments made:

2793 (a) To state-owned nursing facilities;

2794 (b) For pharmaceutical ingredients; and

2795 (c) For ambulatory services delivered in federally
2796 qualified health centers and in clinics of the local health
2797 departments of the State Department of Health.

2798 (4) The monies in the Medical Care Assessments Fund shall be
2799 expended only for health care services, and may be expended only
2800 upon appropriation by the Legislature. Unexpended monies
2801 remaining in the fund at the end of a fiscal year shall not lapse
2802 into the State General Fund, and * * * interest earned in the
2803 amount provided for in Section 27-105-33 on monies in the fund
2804 shall be deposited to the credit of the fund.

2805 **SECTION 42.** Section 43-13-143, Mississippi Code of 1972, is
2806 amended as follows:

2807 43-13-143. There is created in the State Treasury a special
2808 fund to be known as the "Medical Care Fund," which shall be
2809 comprised of monies transferred by public or private health care
2810 providers, governing bodies of counties, municipalities, public or
2811 community hospitals and other political subdivisions of the state,
2812 individuals, corporations, associations and any other entities for
2813 the purpose of providing health care services. Any transfer made
2814 to the fund shall be paid to the State Treasurer for deposit into
2815 the fund, and all such transfers shall be considered as
2816 unconditional transfers to the fund. The monies in the Medical
2817 Care Fund shall be expended only for health care services, and may
2818 be expended only upon appropriation of the Legislature. All



2819 transfers of monies to the Division of Medicaid by health care
2820 providers and by governing bodies of counties, municipalities,
2821 public or community hospitals and other political subdivisions of
2822 the state shall be deposited into the fund. Unexpended monies
2823 remaining in the fund at the end of a fiscal year shall not lapse
2824 into the State General Fund, and * * * interest earned in the
2825 amount provided for in Section 27-105-33 on monies in the fund
2826 shall be deposited to the credit of the fund.

2827 **SECTION 43.** Section 43-17-37, Mississippi Code of 1972, is
2828 amended as follows:

2829 43-17-37. (1) There is hereby created in the State Treasury
2830 a special fund to be known as the Mississippi Reducing
2831 Out-Of-Wedlock Pregnancies Incentive Grant Fund into which shall
2832 be deposited the federal funds available for bonuses for the
2833 reduction in out-of-wedlock births awarded under the federal
2834 Personal Responsibility and Work Opportunity Reconciliation Act of
2835 1996 (Public Law 104-193) and such other money as the Legislature
2836 may provide by appropriation. The money in the fund shall be used
2837 for the purpose of providing financial incentives to counties to
2838 reduce their out-of-wedlock birth rates as required by federal
2839 welfare reform legislation. The fund shall be administered by the
2840 Department of Human Services. Unexpended amounts remaining in the
2841 fund at the end of the fiscal year shall not lapse into the State
2842 General Fund, and * * * interest earned in the amount provided for
2843 in Section 27-105-33 on amounts in the fund shall be deposited to
2844 the credit of the fund; provided that any unexpended amounts
2845 remaining in the fund on December 31, 2003, shall lapse into the
2846 State General Fund.

2847 (2) The Department of Human Services shall make annual
2848 awards from the fund to the top five (5) counties with the
2849 greatest reduction in out-of-wedlock births without an increase in
2850 abortions in each of the following categories:



2851 (a) One Hundred Thousand Dollars (\$100,000.00) in
2852 counties which had two hundred fifty (250) or fewer total live
2853 births;

2854 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00) in
2855 counties which had between two hundred fifty (250) and five
2856 hundred (500) total live births;

2857 (c) Five Hundred Thousand Dollars (\$500,000.00) in
2858 counties which had five hundred (500) or more total live births.

2859 (3) Determination of the recipient counties will be based on
2860 an average of the previous two (2) years' out-of-wedlock birth
2861 rates compared to the previous two-year average, and the number of
2862 abortions performed on county residents compared to the number for
2863 calendar year 1998 as reported by the State Department of Health.
2864 In order to qualify for the award funds, the reduction in the
2865 out-of-wedlock birth rate shall be at least three percent (3%).

2866 (4) In order to be considered for an incentive award, the
2867 county board of supervisors shall appoint an advisory committee
2868 which shall develop a plan for the county to be submitted by the
2869 county board of supervisors to the Department of Human Services by
2870 December 1, 2000, and by December 1 of each subsequent year.

2871 (5) Each county receiving an incentive award will be subject
2872 to the following requirements:

2873 (a) The county must use the incentive award for some
2874 type of youth enrichment, such as, but not limited to, continuing
2875 the implementation of the plan that reduced out-of-wedlock
2876 pregnancies, education-related projects, recreational facilities,
2877 or a summer work program; and

2878 (b) The county must submit a report to the Department
2879 of Human Services on the methods used to achieve the reduction in
2880 out-of-wedlock births, and submit a separate report to the
2881 department explaining how the incentive award was spent.



2882 (6) If the fund is not adequate to make the distributions
2883 presented under this section, the department may award funds to
2884 counties on a reduced pro-rata basis.

2885 (7) Funds shall be distributed each year following the
2886 release of the vital statistics report of the Mississippi State
2887 Department of Health. The first disbursement from the fund shall
2888 be made after such report is released which shows the statistics
2889 for calendar year 2000.

2890 (8) This section shall stand repealed from and after
2891 December 31, 2003.

2892 **SECTION 44.** Section 43-33-759, Mississippi Code of 1972, is
2893 amended as follows:

2894 43-33-759. There is hereby created in the State Treasury a
2895 special fund to be known as the Mississippi Affordable Housing
2896 Development Fund to be administered as a revolving fund for the
2897 provision of affordable housing to very low income, low income,
2898 and moderate income persons. The fund shall be used exclusively
2899 to support programs created or administered by the Mississippi
2900 Home Corporation under the powers granted to it by law. To this
2901 fund shall be deposited all loan repayments, penalties, and other
2902 fees and charges accruing to the fund, and any appropriations,
2903 donations, gifts, grants or loans which may be made thereto;
2904 however, no bond funds shall be deposited into the special fund
2905 unless authorized by the Legislature. Monies in the fund which
2906 are not currently needed for the programs of the Home Corporation
2907 shall be invested by the State Treasurer in such securities as are
2908 authorized for the investment of funds of the Home Corporation in
2909 Section 43-33-717(3)(e). The interest received in the amount
2910 provided for in Section 27-105-33 on any such investment shall be
2911 credited to the fund. Monies remaining in the special fund at the
2912 end of a fiscal year shall not lapse into the state General Fund.

2913 The State Fiscal Management Board is authorized and directed
2914 to draw warrants upon such funds from time to time upon



2915 requisition of the Home Corporation executed by its executive
2916 director, and the State Treasurer is hereby authorized and
2917 directed to pay such warrants. The Home Corporation shall have
2918 continuing authority to expend funds up to the maximum amount
2919 received into the special fund.

2920 **SECTION 45.** Section 43-53-11, Mississippi Code of 1972, is
2921 amended as follows:

2922 43-53-11. Assessments collected under Section 99-19-73(1)
2923 for the Mississippi Leadership Council on Aging Fund, and any
2924 contributions, grants or donations from any other source, shall be
2925 deposited in a special fund created in the State Treasury and so
2926 designated. Monies deposited in this fund shall be expended by
2927 the Mississippi Leadership Council on Aging as authorized and
2928 appropriated by the Legislature to defray the cost of coordinating
2929 crime prevention for the elderly and carrying out such other
2930 duties and responsibilities as provided in this chapter. The fund
2931 shall be a non-lapsing, revolving special trust fund, and interest
2932 earned on the principal in the amount provided for in Section
2933 27-105-33 shall be credited to the fund. Expenditures from the
2934 fund shall be made upon requisition by the Mississippi Leadership
2935 Council on Aging.

2936 **SECTION 46.** Section 43-55-29, Mississippi Code of 1972, is
2937 amended as follows:

2938 43-55-29. (1) There is established in the State Treasury a
2939 fund known as the "Mississippi Commission for Volunteer Service
2940 Fund" (hereinafter referred to as "fund"). The fund shall consist
2941 of monies obtained from contributions made pursuant to Section
2942 27-7-90, and from the additional fees collected under Section
2943 27-19-56.16. Monies in the fund, upon appropriation by the
2944 Legislature, may be expended by the Mississippi Commission for
2945 Volunteer Service, established in Section 43-55-3, Mississippi
2946 Code of 1972, to carry out the purposes of Sections 43-55-1
2947 through 43-55-27, Mississippi Code of 1972. Unexpended amounts



2948 remaining in the fund at the end of the fiscal year shall not
2949 lapse into the State General Fund, and * * * interest earned in
2950 the amount provided for in Section 27-105-33 on amounts in the
2951 fund shall be deposited to the credit of the fund.

2952 **SECTION 47.** Section 45-2-1, Mississippi Code of 1972, is
2953 amended as follows:

2954 45-2-1. (1) Whenever used in this section, the term:

2955 (a) "Covered individual" means a law enforcement
2956 officer or fire fighter as defined in this section when employed
2957 by an employer as defined in this section; it does not include
2958 employees of independent contractors. "Covered individual" also
2959 includes volunteer fire fighters.

2960 (b) "Employer" means a state board, commission,
2961 department, division, bureau, or agency, or a county, municipality
2962 or other political subdivision of the state, which employs,
2963 appoints or otherwise engages the services of covered individuals.

2964 (c) "Fire fighter" means an individual who is trained
2965 for the prevention and control of loss of life and property from
2966 fire or other emergencies, who is assigned to fire-fighting
2967 activity, and is required to respond to alarms and perform
2968 emergency actions at the location of a fire, hazardous materials
2969 or other emergency incident.

2970 (d) "Law enforcement officer" means any lawfully sworn
2971 officer or employee of the state or any political subdivision of
2972 the state whose duties require the officer or employee to
2973 investigate, pursue, apprehend, arrest, transport or maintain
2974 custody of persons who are charged with, suspected of committing,
2975 or convicted of a crime.

2976 (2) (a) The Department of Public Safety shall make a
2977 payment, as provided in this section, in the amount of Ten
2978 Thousand Dollars (\$10,000.00) when a law enforcement officer,
2979 while engaged in the performance of the person's official duties,
2980 is accidentally or intentionally killed or receives accidental or



2981 intentional bodily injury that results in the loss of the covered
2982 individual's life, provided that the killing is not the result of
2983 suicide and that the bodily injury is not intentionally
2984 self-inflicted.

2985 (b) The Department of Public Safety shall make a
2986 payment, as provided in this section, in the amount of Ten
2987 Thousand Dollars (\$10,000.00) when a fire fighter, while engaged
2988 in the performance of the person's official duties, is
2989 accidentally or intentionally killed or receives accidental or
2990 intentional bodily injury that results in loss of the covered
2991 individual's life, provided that the killing is not the result of
2992 suicide and that the bodily injury is not intentionally
2993 self-inflicted.

2994 (c) The payment provided for in this subsection shall
2995 be made to the beneficiary who was designated in writing by the
2996 covered individual, signed by the covered individual and delivered
2997 to the employer during the covered individual's lifetime. If no
2998 such designation is made, then the payment shall be made to the
2999 surviving child or children and spouse in equal portions, and if
3000 there is no surviving child or spouse, then to the parent or
3001 parents. If a beneficiary is not designated and there is no
3002 surviving child, spouse or parent, then the payment shall be made
3003 to the covered individual's estate.

3004 (d) The payment made in this subsection is in addition
3005 to any workers' compensation or pension benefits and is exempt
3006 from the claims and demands of creditors of the covered
3007 individual.

3008 (3) (a) There is established in the State Treasury a
3009 special fund to be known as the Law Enforcement Officers and Fire
3010 Fighters Death Benefits Trust Fund. The trust fund shall be
3011 funded by an initial appropriation of Two Hundred Thousand Dollars
3012 (\$200,000.00), and shall be comprised of any additional funds made



3013 available by the Legislature or by donation, contribution, gift or
3014 any other source.

3015 (b) The State Treasurer shall invest the monies of the
3016 trust fund in any of the investments authorized for the funds of
3017 the Public Employees' Retirement System under Section 25-11-121,
3018 and those investments shall be subject to the limitations
3019 prescribed by Section 25-11-121.

3020 (c) Unexpended amounts remaining in the trust fund at
3021 the end of the state fiscal year shall not lapse into the State
3022 General Fund, and any interest earned in the amount provided for
3023 in Section 27-105-33 on amounts in the trust fund shall be
3024 deposited to the credit of the trust fund.

3025 (4) The Department of Public Safety shall be responsible for
3026 the management of the trust fund and the disbursement of death
3027 benefits authorized under this section. The Department of Public
3028 Safety shall adopt rules and regulations necessary to implement
3029 and standardize the payment of death benefits under this section,
3030 to administer the trust fund created by this section and to carry
3031 out the purposes of this section.

3032 **SECTION 48.** Section 47-5-109, Mississippi Code of 1972, is
3033 amended as follows:

3034 47-5-109. (1) The State Department of Corrections is hereby
3035 authorized to operate a facility or facilities to be known as an
3036 inmate canteen facility or facilities, the purpose of which is to
3037 make available certain goods and other items of value for purchase
3038 by offenders confined at the State Penitentiary at Parchman,
3039 offenders confined at any other facility of the department,
3040 certain employees of the department and certain persons visiting
3041 offenders or employees. The commissioner shall promulgate rules
3042 and regulations for the operation of such a facility.

3043 (2) Any funds which may be derived from the operation of an
3044 inmate canteen facility or facilities shall be deposited into an
3045 account to be known as the Canteen Fund. For accounting purposes,



3046 certain allocated costs attributable to the operation of such a
3047 facility, and as prescribed by the rules and regulations of the
3048 board, shall be chargeable as operating costs against profits
3049 earned. These costs of operation which are chargeable shall
3050 include, but shall not be limited to, rent allocation, utility
3051 allocation and employee wages. Any net profits which may accrue
3052 from the operation of such a facility and * * * interest earned
3053 thereon in the amount provided for in Section 27-105-33 shall be
3054 deposited into the Inmate Welfare Fund.

3055 **SECTION 49.** Section 47-5-194, Mississippi Code of 1972, is
3056 amended as follows:

3057 47-5-194. (1) It is unlawful for any offender committed to
3058 the department to possess:

3059 (a) Coin or currency on his person or in premises
3060 assigned to him or under his control;

3061 (b) A money order, traveler's check, promissory note,
3062 credit card, personal check or other negotiable instrument.

3063 (2) Subsection (1) does not apply to offenders who are
3064 granted a parole; placed on work release, supervised earned
3065 release, earned probation or probation; or granted leave for the
3066 duration of such leave; however, these offenders may be restricted
3067 by the parole or probation order or by order of the commissioner
3068 with respect to amounts or form of money possessed or controlled
3069 by the offenders.

3070 (3) A violation of subsection (1) shall be considered a
3071 rules violation or a violation of the conditions of parole or
3072 probation as the case may be and shall be processed in the manner
3073 of similar violations.

3074 (4) Any money possessed by an offender may be confiscated by
3075 the corrections officer who discovers the possession. The
3076 department shall establish a policy and procedure for the
3077 collection and accounting of all confiscated funds. All
3078 confiscated coin or currency shall be deposited in a special fund



3079 which is created in the State Treasury. The money in this special
3080 fund may be appropriated by the Legislature to enhance the
3081 security of the department's facilities. Unexpended amounts
3082 remaining in the special fund at the end of a fiscal year shall
3083 not lapse into the State General Fund, but funds may be expended
3084 only by appropriation approved by the Legislature. * * * Interest
3085 earned in the amount provided for in Section 27-105-33 on amounts
3086 in the special fund shall be deposited to the credit of the
3087 special fund.

3088 (5) The possession of coin, currency, money order,
3089 traveler's check or other negotiable instrument on the grounds of
3090 a facility is prohibited.

3091 (6) The department shall establish a cashless system for
3092 facilities no later than July 1, 1996. The department shall
3093 provide lockers for visitors to place prohibited items when on
3094 grounds of a facility. The department is authorized to charge
3095 visitors an hourly rental fee for use of the lockers. Community
3096 work centers and restitution centers are exempt unless designated
3097 by the commissioner as being included in the cashless system.

3098 **SECTION 50.** Section 47-5-1007, Mississippi Code of 1972, is
3099 amended as follows:

3100 47-5-1007. (1) Any participant in the intensive supervision
3101 program who engages in employment shall pay a monthly fee to the
3102 department for each month such person is enrolled in the program.
3103 The department may waive the monthly fee if the offender is a
3104 full-time student or is engaged in vocational training. Money
3105 received by the department from participants in the program shall
3106 be deposited into a special fund which is hereby created in the
3107 State Treasury. It shall be used, upon appropriation by the
3108 Legislature, for the purpose of helping to defray the costs
3109 involved in administering and supervising such program.
3110 Unexpended amounts remaining in such special fund at the end of a
3111 fiscal year shall not lapse into the State General Fund, and * * *



3112 interest earned in the amount provided for in Section 27-105-33 on
3113 amounts in such special fund shall be deposited to the credit of
3114 the special fund.

3115 (2) The participant shall admit any correctional officer
3116 into his residence at any time for purposes of verifying the
3117 participant's compliance with the conditions of his detention.

3118 (3) The participant shall make the necessary arrangements to
3119 allow for correctional officers to visit the participant's place
3120 of education or employment at any time, based upon the approval of
3121 the educational institution or employer, for the purpose of
3122 verifying the participant's compliance with the conditions of his
3123 detention.

3124 (4) The participant shall acknowledge and participate with
3125 the approved electronic monitoring device as designated by the
3126 department at any time for the purpose of verifying the
3127 participant's compliance with the conditions of his detention.

3128 (5) The participant shall be responsible for and shall
3129 maintain the following:

3130 (a) A working telephone line in the participant's home;

3131 (b) A monitoring device in the participant's home, or
3132 on the participant's person or both; and

3133 (c) A monitoring device in the participant's home and
3134 on the participant's person in the absence of a telephone.

3135 (6) The participant shall obtain approval from the
3136 correctional field officer before the participant changes
3137 residence.

3138 (7) The participant shall not commit another crime during
3139 the period of home detention ordered by the court or department.

3140 (8) Notice shall be given to the participant that violation
3141 of the order of home detention shall subject the participant to
3142 prosecution for the crime of escape as a felony.

3143 (9) The participant shall abide by other conditions as set
3144 by the department.



3145 **SECTION 51.** Section 49-5-21, Mississippi Code of 1972, is
3146 amended as follows:

3147 49-5-21. (1) The department shall transfer all funds under
3148 its control into a special fund in the State Treasury to be
3149 segregated and known as the "Fisheries and Wildlife Fund," which
3150 fund can only be expended as authorized by the Legislature for the
3151 purposes for which the department was created. All funds derived
3152 from the sale of licenses, fees, fines and other revenues received
3153 by the department as provided by law, shall be deposited in the
3154 Fisheries and Wildlife Fund. The interest obtained thereon in the
3155 amount provided for in Section 27-105-33 from any investment or
3156 deposit made pursuant to Section 27-105-33, Mississippi Code of
3157 1972, shall be credited by the State Treasurer to the Fisheries
3158 and Wildlife Fund and shall not be paid into the General Fund of
3159 Mississippi.

3160 (2) The department may expend such sums as are authorized by
3161 the Legislature from the Fisheries and Wildlife Fund for paying
3162 salaries of its employees, operating and maintaining equipment and
3163 for any other purpose the department is authorized to expend funds
3164 by law, which amount shall be available for expenditure.

3165 The money herein authorized shall be paid by the State
3166 Treasurer out of the Fisheries and Wildlife Fund on warrants
3167 issued by the Executive Director of the Department of Finance and
3168 Administration upon requisition signed by the Executive Director
3169 of the Mississippi Department of Wildlife, Fisheries and Parks.

3170 (3) The department shall prepare and submit annually to the
3171 Legislature a budget for its proposed operation. The budget
3172 required shall reflect all anticipated revenues from all sources,
3173 including all grants and matching funds, together with all
3174 proposed expenditures. The budget shall be prepared in the same
3175 manner as is now required of other departments of this state. The
3176 department shall be subject to budgetary control and audit in the
3177 same manner as is provided by law for other departments and



3178 agencies. Nothing in this section shall be construed as requiring
3179 legislative appropriation of such Fisheries and Wildlife Fund, but
3180 it is intended that expenditure of such funds shall be under
3181 authority of the budget approved as herein provided and as
3182 authorized by the Legislature.

3183 **SECTION 52.** Section 49-6-3, Mississippi Code of 1972, is
3184 amended as follows:

3185 49-6-3. (1) There is hereby created in the State Treasury a
3186 special fund to be known as the "Wildlife Fisheries and Parks
3187 Motor Vehicle Fund." The department shall deposit monthly in this
3188 fund eight percent (8%) of all hunting and fishing license fees
3189 collected each month. In addition, all funds derived from the
3190 sale of used motor vehicles, funds transferred from the "Game and
3191 Fish Protection Fund" and any other funds which may be needed for
3192 the purchase of motor vehicles, boats and outboard motors shall be
3193 deposited into this special fund. Other funds as needed may be
3194 transferred by the commission from the department's regular
3195 support appropriation. The commission may transfer funds from the
3196 motor vehicle fund to the game and fish protection fund as needed
3197 for the operation of the department. The motor vehicle fund is a
3198 special trust fund and * * * interest earned thereon in the amount
3199 provided for in Section 27-105-33 shall be credited to the fund.

3200 (2) The commission shall adopt regulations for the
3201 administration of the fund. The executive director shall
3202 administer the fund and expenditures may be made from the fund
3203 upon requisition by the executive director. The department shall
3204 spend monies in the fund by an annual appropriation approved by
3205 the Legislature.

3206 **SECTION 53.** Section 49-7-155, Mississippi Code of 1972, is
3207 amended as follows:

3208 49-7-155. (1) The commission is hereby authorized to
3209 establish a fund to be known as the Wildlife Endowment Fund to be
3210 deposited in an approved state depository and expended by



3211 appropriation approved by the Legislature as provided by law. The
3212 department shall deposit all proceeds from the sale of lifetime
3213 licenses into such fund. * * * Interest obtained from any
3214 investment or deposit of monies in such fund in the amount
3215 provided for in Section 27-105-33 shall be deposited by the
3216 commission into such fund. The commission shall invest the assets
3217 of the fund as provided by law.

3218 (2) The assets of the Wildlife Endowment Fund shall be
3219 derived from the proceeds of the sale of lifetime licenses
3220 authorized under Sections 49-7-151 through 49-7-155. The
3221 following limitations are placed on expenditures from the fund:

3222 (a) No expenditure shall be made from the principal of
3223 the Wildlife Endowment Fund;

3224 (b) The income earned and accruing from the investment
3225 of the Wildlife Endowment Fund shall be spent only in furthering
3226 the conservation of wildlife resources and the operations of the
3227 department in accomplishing the purposes of the department.

3228 **SECTION 54.** Section 49-15-17, Mississippi Code of 1972, is
3229 amended as follows:

3230 49-15-17. (1) (a) All monies received or obtained by the
3231 commission under the provisions of this chapter shall be paid over
3232 by the commission to the State Treasurer and shall be deposited
3233 into the fund known as the "Seafood Fund." All revenues collected
3234 through the department, to include, but not limited to, commercial
3235 saltwater licenses and taxes, permits, fines and penalties, and
3236 confiscated catches, shall be deposited into the department
3237 operating account (Seafood Fund) and expended for the operation of
3238 the department, as authorized by the Legislature.

3239 (b) There is established a special account to be known
3240 as the "Artificial Reef Program Account" within the seafood fund.
3241 Any funds received from any public or private source for the
3242 purpose of promoting, constructing, monitoring or maintaining
3243 artificial reefs in the marine waters of the state or in federal



3244 waters adjacent to the marine waters of the state shall be
3245 credited to the account. Any unexpended funds remaining in the
3246 account at the end of the fiscal year shall not lapse into the
3247 seafood fund, but shall remain in the account. The department may
3248 expend any funds in the account, subject to appropriation by the
3249 Legislature, to accomplish the purpose of the account.

3250 (c) There is established a special account to be known
3251 as the "Coastal Preserve Account" within the seafood fund. Any
3252 funds received from any public or private source for the purpose
3253 of management, improvement and acquisition of coastal preserves in
3254 the state and money required to be deposited pursuant to Section
3255 17 of House Bill No. 280, 2000 Regular Session, shall be credited
3256 to the account. Any unexpended funds remaining in the account at
3257 the end of the fiscal year shall not lapse into the seafood fund,
3258 but shall remain in the account. The department may expend any
3259 funds in the account, subject to appropriation by the Legislature,
3260 for the management, improvement and acquisition of coastal
3261 preserves.

3262 (2) The fund shall be treated as a special trust fund and
3263 interest earned on the principal in the amount provided for in
3264 Section 27-105-33 shall be credited to the fund.

3265 (3) The secretary of the commission shall keep accurate
3266 reports of monies handled as a part of the permanent records of
3267 the commission, and the State Treasurer shall furnish the
3268 secretary of the commission such forms as may be needed, and the
3269 secretary shall account for such forms in his reports to the
3270 treasurer.

3271 **SECTION 55.** Section 49-17-14, Mississippi Code of 1972, is
3272 amended as follows:

3273 49-17-14. (1) "Title V program" means, as used in Sections
3274 49-17-1 through 49-17-45, the air operating permit program
3275 mandated in Title V of the 1990 amendments to the federal Clean
3276 Air Act, codified in 42 USCS Section 7661, et seq.



3277 (2) There is created in the State Treasury a fund to be
3278 designated as the "Air Operating Permit Program Fee Trust Fund,"
3279 referred to hereinafter as the "fund."

3280 (3) The fund shall be treated as a special trust fund.
3281 Interest earned on the principal therein in the amount provided
3282 for in Section 27-105-33 shall be credited by the Treasurer to the
3283 fund.

3284 (4) The fund may receive monies from any available public or
3285 private source including, but not limited to, collection of fees,
3286 interest, grants, taxes, public and private donations and judicial
3287 actions.

3288 (5) To facilitate the proper administration of the fund, the
3289 commission is authorized to promulgate rules and regulations for
3290 the administration of the fund.

3291 (6) The commission shall expend or utilize monies in the
3292 fund by an annual appropriation approved by the Legislature to pay
3293 all reasonable direct and indirect costs associated with the
3294 development and administration of the Title V program including,
3295 but not limited to, the reasonable costs of the following
3296 activities as they relate to the Title V program:

3297 (a) Preparing generally applicable regulations or
3298 guidance regarding the permit program or its implementation or
3299 enforcement;

3300 (b) Reviewing and acting on any application for a
3301 permit, permit modification or permit renewal, including the
3302 development of an applicable requirement as part of the processing
3303 of a permit, or permit modification or renewal;

3304 (c) Administering the permit program, including the
3305 supporting and tracking of permit applications, compliance
3306 certification, and related data entry;

3307 (d) Implementing and enforcing the terms of any Title V
3308 permit (not including any court costs or other costs associated



3309 with an enforcement action), including adequate resources to
3310 determine which sources are subject to the program;

3311 (e) Emissions and ambient monitoring;

3312 (f) Modeling, analyses, or demonstrations;

3313 (g) Preparing inventories and tracking emissions;

3314 (h) Providing direct and indirect support to sources

3315 under the Small Business Stationary Source Technical and
3316 Environmental Compliance Assistance Program under Section 507 of
3317 the federal Clean Air Act in determining and meeting their
3318 obligations under this section; and

3319 (i) Providing funding to the Advisory Council created
3320 in Section 49-17-16 in an amount reasonably sufficient to meet the
3321 Advisory Council's obligations under Sections 49-17-1 through
3322 49-17-45.

3323 (7) Monies in the fund at the end of the fiscal year shall
3324 be retained in the fund for use in the next succeeding fiscal
3325 year. If the annual fees collected exceed the cost of
3326 administering the Title V program for that fiscal year, then the
3327 excess shall be applied to the cost of administering the program
3328 for the succeeding fiscal year. In the succeeding fiscal year,
3329 the total to be collected from fees shall be reduced by the excess
3330 retained in the fund and the assessment rates shall be adjusted
3331 proportionately.

3332 (8) No such fees shall be utilized by the Department of
3333 Environmental Quality or any other person for any purpose or
3334 purposes other than those purposes required by Sections 49-17-1
3335 through 49-17-45.

3336 **SECTION 56.** Section 49-17-44, Mississippi Code of 1972, is
3337 amended as follows:

3338 49-17-44. (1) The Permit Board may require any applicant
3339 for a water pollution control permit for the discharge of effluent
3340 from any sewer system certificated or required to be certificated
3341 by the Public Service Commission to provide a bond or other



3342 acceptable financial security instrument payable to the Commission
3343 on Environmental Quality and conditioned upon full and
3344 satisfactory performance of the requirements of the Mississippi
3345 Air and Water Pollution Control Law and any water pollution
3346 control permit issued under that law. Any bond shall be executed
3347 by the permittee and a corporate surety licensed to do business in
3348 the state. The commission shall establish by regulation the
3349 acceptable forms of financial security and the amount of financial
3350 security required for the various types and sizes of facilities.
3351 The purpose of the bond or other financial security shall be the
3352 protection of the public health, welfare and the environment.

3353 (2) The commission may enter an order requiring forfeiture
3354 of the bond or other financial security, if the commission
3355 determines that:

3356 (a) The continued operation or lack of operation and
3357 maintenance of the facility covered by this section represents an
3358 imminent threat to the public health, welfare and the environment
3359 because the permittee is unable or unwilling to adequately operate
3360 and maintain the facility or the facility has been actually or
3361 effectively abandoned by the permittee;

3362 (b) Reasonable and practical efforts under the
3363 circumstances have been made to obtain corrective actions from the
3364 permittee; and

3365 (c) It does not appear that corrective actions can or
3366 will be taken within an appropriate time as determined by the
3367 commission.

3368 (3) (a) The proceeds of any forfeiture shall be deposited
3369 into a special fund created in subsection (5) of this section and
3370 shall be used by the commission or any receiver appointed by the
3371 Chancery Court of the First Judicial District of Hinds County to
3372 address or correct the noncompliance at the facility or to
3373 continue operation and maintenance of the facility. The proceeds
3374 shall be in addition to any other funds otherwise appropriated to



3375 the department and may be expended under the authority of this
3376 section without additional action of the Legislature.

3377 (b) The commission shall file an annual report
3378 detailing the receipts and expenditure of the bond forfeiture fund
3379 with the Chairmen of the House and Senate Appropriation
3380 Committees.

3381 (4) If the commission finds that a facility has been
3382 abandoned or that services of a facility have been terminated, the
3383 commission may enter any orders regarding continued operations of
3384 that facility as it deems necessary to protect the public health,
3385 welfare and the environment.

3386 (5) (a) There is created in the State Treasury a fund to be
3387 designated as the "Water Pollution Control Bond Forfeiture Fund."
3388 Monies in the fund shall be used by the commission or any receiver
3389 appointed by the court to address or correct the noncompliance at
3390 the facility or to continue operation and maintenance of the
3391 facility for which the bond or other financial security was
3392 forfeited.

3393 (b) Expenditures may be made from the fund upon
3394 requisition by the executive director of the department.

3395 (c) The fund shall be treated as a special trust fund.
3396 Interest earned on the principal in the amount provided for in
3397 Section 27-105-33 shall be credited by the Treasurer to the fund.

3398 (d) The fund may receive monies from any available
3399 public or private source, including, but not limited to, proceeds
3400 from bond or other financial security forfeitures, interest, and
3401 funds from other judicial actions.

3402 (6) An appeal from any decision of the commission under this
3403 section may be taken as provided in Section 49-17-41, Mississippi
3404 Code of 1972.

3405 (7) This section shall be applicable to new applications for
3406 water pollution control permits and to existing water pollution



3407 control permits upon application for reissuance or transfer of a
3408 permit.

3409 **SECTION 57.** Section 49-17-85, Mississippi Code of 1972, is
3410 amended as follows:

3411 49-17-85. (1) There is established in the State Treasury a
3412 fund to be known as the "Water Pollution Control Revolving Fund"
3413 which shall be administered by the commission acting through the
3414 department. The revolving fund shall be maintained in perpetuity
3415 for the purposes established in this section.

3416 (2) There is established in the State Treasury a fund to be
3417 known as the "Water Pollution Control Hardship Grants Fund," which
3418 shall be administered by the commission acting through the
3419 department. The grants fund shall be maintained in perpetuity for
3420 the purposes established in this section. * * * Interest earned
3421 on monies in the grants fund in the amount provided for in Section
3422 27-105-33 shall be credited to that fund.

3423 (3) The commission shall promulgate regulations for the
3424 administration of the revolving fund program, the hardship grants
3425 program and for related programs authorized under this section.
3426 The regulations shall be in accordance with the federal Water
3427 Quality Act of 1987, as amended and regulations and guidance
3428 issued under that act. The commission may enter into
3429 capitalization grant agreements with the United States
3430 Environmental Protection Agency and may accept capitalization
3431 grant awards made under Title VI of the Water Quality Act of 1987,
3432 as amended.

3433 (4) The commission shall establish a loan program which
3434 shall commence after October 1, 1988, to assist political
3435 subdivisions in the construction of water pollution control
3436 projects. Loans from the revolving fund may be made to political
3437 subdivisions as set forth in a loan agreement in amounts not
3438 exceeding one hundred percent (100%) of eligible project costs as
3439 established by the commission. Notwithstanding loan amount



3440 limitations set forth in Section 49-17-61, the commission may
3441 require local participation or funding from other sources, or
3442 otherwise limit the percentage of costs covered by loans from the
3443 revolving fund. The commission may establish a maximum amount for
3444 any loan in order to provide for broad and equitable participation
3445 in the program.

3446 (5) The commission shall establish a hardship grants program
3447 for rural communities, which shall commence after July 1, 1997, to
3448 assist severely economically disadvantaged small rural political
3449 subdivisions in the construction of water pollution control
3450 projects. The commission may receive and administer state or
3451 federal funds, or both, appropriated for the operation of this
3452 grants program and may take all actions necessary to implement the
3453 program in accordance with the federal hardship grants program.
3454 The hardship grants program shall operate in conjunction with the
3455 revolving loan program administered under this section.

3456 (6) The commission shall act for the state in all matters
3457 and with respect to all determinations under Title VI of the
3458 federal Water Quality Act of 1987, as amended and the federal
3459 Omnibus Appropriations and Recision Act of 1996.

3460 (7) The revolving fund may be used only:

3461 (a) To make loans on the condition that:

3462 (i) The loans are made at or below market interest
3463 rates, at terms not to exceed twenty (20) years after project
3464 completion; the interest rate and term may vary from time to time
3465 and from loan to loan at the discretion of the commission;

3466 (ii) Periodic principal and interest payments will
3467 commence when required by the commission but not later than one
3468 (1) year after project completion and all loans will be fully
3469 amortized when required by the commission but not later than
3470 twenty (20) years after project completion;

3471 (iii) The recipient of a loan will establish a
3472 dedicated source of revenue for repayment of loans;



3473 (b) To buy or refinance the debt obligation of
3474 political subdivisions at or below market rates, where the debt
3475 obligations were incurred after March 7, 1985, and where the
3476 projects were constructed in compliance with applicable federal
3477 and state regulations;

3478 (c) To guarantee, or purchase insurance for,
3479 obligations of political subdivisions where the action would
3480 improve credit market access or reduce interest rates;

3481 (d) To provide loan guarantees for similar revolving
3482 funds established by municipalities or intermunicipal agencies;

3483 (e) To earn interest on fund accounts;

3484 (f) To establish nonpoint source pollution control
3485 management programs;

3486 (g) To establish estuary conservation and management
3487 programs;

3488 (h) For the reasonable costs of administering the
3489 revolving fund and conducting activities under this act, subject
3490 to the limitations established in Section 603(d)(7) of Title VI of
3491 the federal Clean Water Act, as amended, and subject to annual
3492 appropriation by the Legislature; and

3493 (i) In connection with the issuance, sale and purchase
3494 of bonds under Section 31-25-1 et seq., related to the funding of
3495 projects, to provide security or a pledge of revenues for the
3496 repayment of the bonds.

3497 (8) The hardship grants program shall be used only to
3498 provide hardship grants consistent with the federal hardship
3499 grants program for rural communities, regulations and guidance
3500 issued by the United States Environmental Protection Agency,
3501 subsections (3) and (5) of this section and regulations
3502 promulgated and guidance issued by the commission under this
3503 section.



3504 (9) The commission shall establish by regulation a system of
3505 priorities and a priority list of projects eligible for funding
3506 with loans from the revolving fund.

3507 (10) The commission may provide a loan from the revolving
3508 fund only with respect to a project if that project is on the
3509 priority list established by the commission.

3510 (11) The revolving fund shall be credited with all payments
3511 of principal and interest derived from the fund uses described in
3512 subsection (7) of this section.

3513 (12) The commission may establish and collect fees to defray
3514 the reasonable costs of administering the revolving fund if it
3515 determines that the administrative costs will exceed the
3516 limitations established in Section 603(d)(7) of Title VI of the
3517 federal Clean Water Act, as amended. The administration fees may
3518 be included in loan amounts to political subdivisions for the
3519 purpose of facilitating payment to the commission. The fees may
3520 not exceed five percent (5%) of the loan amount.

3521 **SECTION 58.** Section 49-17-86, Mississippi Code of 1972, is
3522 amended as follows:

3523 49-17-86. (1) (a) There is created a fund in the State
3524 Treasury to be designated as the "Water Pollution Control
3525 Emergency Loan Fund" hereinafter referred to as "emergency fund."

3526 (b) The emergency fund may receive appropriations, bond
3527 proceeds, grants, gifts, donations or funds from any source,
3528 public or private. The emergency fund shall be credited with all
3529 repayments of principal and interest derived from loans made from
3530 the emergency fund.

3531 (c) The monies in the emergency fund may be expended
3532 only in amounts appropriated by the Legislature.

3533 (d) The emergency fund shall be maintained in
3534 perpetuity for the purposes established in Sections 49-17-81
3535 through 49-17-89. Unexpended amounts remaining in the emergency
3536 fund at the end of a fiscal year shall not lapse into the State



3537 General Fund. * * * Interest earned in the amount provided for in
3538 Section 27-105-33 on amounts in the emergency fund shall be
3539 deposited to the credit of the fund.

3540 (2) The commission shall establish a loan program to assist
3541 political subdivisions in making emergency improvements such as
3542 repairs to or replacement of machinery, equipment, materials,
3543 structures or devices in existing water pollution abatement
3544 projects or such other emergency water pollution abatement
3545 projects as the commission deems necessary. Loans from the
3546 emergency fund may be made to political subdivisions as set forth
3547 in a loan agreement in amounts not exceeding one hundred percent
3548 (100%) of eligible project costs as established by the commission.
3549 The commission may require local participation or funding from
3550 other sources, or otherwise limit the percentage of costs covered
3551 by loans from the emergency fund. The commission may establish a
3552 maximum amount for any loan not to exceed Three Hundred Fifty
3553 Thousand Dollars (\$350,000.00).

3554 (3) The emergency fund may be used only:

3555 (a) To make loans on the condition that:

3556 (i) Loans are made at or below market interest
3557 rates, at terms not to exceed ten (10) years after project
3558 completion; the interest rate may vary from time to time and from
3559 loan to loan at the discretion of the commission.

3560 (ii) Periodic principal and interest payments will
3561 commence when required by the commission but not later than one
3562 (1) year after project completion and all loans will be fully
3563 amortized when required by the commission but not later than ten
3564 (10) years after project completion.

3565 (iii) The recipient of a loan shall establish a
3566 dedicated source of revenue for repayment of loans. In addition,
3567 the commission may require any loan recipient to impose a per
3568 connection surcharge on each customer for repayment of any loan
3569 funds provided under this section.



3570 (iv) The recipient of the loan is not in arrears
3571 in repayments to the Water Pollution Control Revolving Fund, the
3572 Water Pollution Control Emergency Loan Fund or under the Water
3573 Pollution Abatement Loan Program.

3574 (b) To provide financial assistance to political
3575 subdivisions in making emergency improvements such as repairs to
3576 or replacement of machinery, equipment, materials, structures or
3577 devices in existing water pollution abatement projects or such
3578 other emergency water pollution abatement projects as the
3579 commission deems necessary.

3580 (c) To defray the reasonable costs of administering the
3581 emergency fund and conducting activities under this section,
3582 subject to annual appropriation by the Legislature.

3583 (4) The commission shall establish a system of evaluating
3584 the eligibility of projects, including a determination of the
3585 emergency nature of a situation for which funding is sought.

3586 (5) The fund will be credited with all payments of principal
3587 and interest derived from the fund uses described in subsection
3588 (3) of this section.

3589 (6) In addition to any amounts allowed under subsection
3590 (3)(c), the commission may establish and collect fees to further
3591 defray the reasonable costs of administering the emergency fund.
3592 Any administrative fees may be included in loan amounts to
3593 political subdivisions for the purpose of facilitating payment to
3594 the commission; fees may not exceed five percent (5%) of the loan
3595 amount. The commission may also use administrative fees collected
3596 pursuant to Section 49-17-85 to defray the reasonable costs of
3597 administering the emergency fund.

3598 **SECTION 59.** Section 49-17-421, Mississippi Code of 1972, is
3599 amended as follows:

3600 49-17-421. The commission may assess and collect a tank
3601 regulatory fee in an amount sufficient to administer Sections
3602 49-17-401 through 49-17-435 but not to exceed One Hundred Dollars



3603 (\$100.00) per tank per year from the owner of each underground
3604 storage tank in use in Mississippi on July 1, 1988, or brought
3605 into use after that date, as provided in the Mississippi
3606 Underground Storage Tank Act of 1988 (Sections 49-17-401 through
3607 49-17-435). The tank regulatory fee assessed under this section
3608 is a debt due by the owner of each underground storage tank in use
3609 in Mississippi on July 1, 1988, or brought into use after that
3610 date. The tank regulatory fee shall be due July 1 of each year.
3611 If any part of the tank regulatory fee is not paid within thirty
3612 (30) days after the due date, a penalty of fifty percent (50%) of
3613 the amount due shall accrue at once and be added to the fee,
3614 unless the owner of the underground storage tank demonstrates to
3615 the commission that the failure to make timely payment was
3616 unavoidable due to financial hardship or otherwise beyond the
3617 control of the owner. Monies collected under this section shall
3618 be deposited in a special fund which is created in the State
3619 Treasury. Unexpended amounts remaining in the special fund at the
3620 end of the fiscal year shall not lapse into the General Fund
3621 and * * * interest earned in the amount provided for in Section
3622 27-105-33 on amounts in the special fund shall be credited to the
3623 special fund by the Treasurer. The fund may receive monies from
3624 any available public or private source, including, but not limited
3625 to, collection of fees, interest, grants, taxes, public or private
3626 donations and judicial actions. Monies in this special fund shall
3627 be expended by annual appropriation approved by the Legislature to
3628 administer Sections 49-17-401 through 49-17-435.

3629 **SECTION 60.** Section 49-17-525, Mississippi Code of 1972, is
3630 amended as follows:

3631 49-17-525. (1) (a) There is created in the State Treasury
3632 a fund to be designated as the Lead-Based Paint Program Operations
3633 Fund, referred to in this section as "fund," to be administered by
3634 the executive director and expended by appropriation approved by
3635 the Legislature.



3636 (b) Monies in the fund shall be utilized to pay
3637 reasonable direct and indirect costs associated with the
3638 administration and enforcement of the lead-based paint activity
3639 accreditation and certification program.

3640 (c) Expenditures may be made from the fund upon
3641 requisition by the executive director.

3642 (d) The fund shall be treated as a special trust fund.
3643 Interest earned in the amount provided for in Section 27-105-33 on
3644 the principal therein shall be credited by the Treasurer to the
3645 fund.

3646 (e) The fund may receive monies from any available
3647 public or private source, including, but not limited to,
3648 collection of fees, interest, grants, taxes, public and private
3649 donations, judicial actions and appropriated funds.

3650 (f) Monies in the fund at the end of the fiscal year
3651 shall be retained in the fund for use in the next succeeding
3652 fiscal year to be expended by appropriation approved by the
3653 Legislature.

3654 (2) (a) The commission shall set by order a schedule of
3655 fees for the accreditation of training programs, issuance and
3656 reissuance of certificates and lead-based paint abatement
3657 projects. The commission shall graduate fee levels to reflect the
3658 type of certificate and the size of the project, as the case may
3659 be.

3660 (b) All monies collected under this section shall be
3661 deposited into the fund.

3662 (c) The commission may delegate to the department
3663 responsibility for the collection of fees under this section.

3664 (d) Any person required to pay a fee under this section
3665 who disagrees with the calculation or applicability of the fee may
3666 petition the commission for a hearing in accordance with Section
3667 49-17-35, Mississippi Code of 1972. Any hearing shall be in



3668 accordance with the provisions of Section 49-17-33, Mississippi
3669 Code of 1972.

3670 (e) Fees collected under this section shall not
3671 supplant or reduce in any way the general fund appropriation to
3672 the department.

3673 **SECTION 61.** Section 49-31-23, Mississippi Code of 1972, is
3674 amended as follows:

3675 49-31-23. (1) There is hereby created in the State Treasury
3676 a fund to be designated as the Multimedia Pollution Prevention
3677 Fund, hereinafter referred to in this section as "fund," which may
3678 be used for:

3679 (a) Pollution prevention and recycling activities of
3680 the department, such as the administration of the multimedia
3681 pollution prevention program and its components and the collection
3682 and analysis of data received pursuant to section 313 of EPCRA;

3683 (b) Pollution prevention and recycling technical
3684 assistance to business, industry, academic institutions and
3685 governmental entities;

3686 (c) Planning and implementing waste management
3687 education and outreach programs with emphasis on pollution
3688 prevention and recycling;

3689 (d) Pollution prevention and recycling research and
3690 development projects;

3691 (e) Demonstration projects aimed at pollution
3692 prevention and recycling; or

3693 (f) Any other purposes consistent with this chapter as
3694 determined by the department.

3695 (2) Expenditures may be made from the fund upon requisition
3696 by the executive director of the department.

3697 (3) The fund shall be treated as a special trust fund.
3698 Interest earned in the amount provided for in Section 27-105-33 on
3699 the principal therein shall be credited by the Treasurer to the
3700 fund.



3701 (4) The fund may receive monies from any available public or
3702 private source, including, but not limited to, collection of fees,
3703 interest, grants, taxes, public and private donations, oil
3704 overcharge refunds or rebates, and appropriated funds.

3705 **SECTION 62.** Section 49-35-25, Mississippi Code of 1972, is
3706 amended as follows:

3707 49-35-25. (1) The brownfield party who submits a brownfield
3708 agreement application shall pay all reasonable direct and indirect
3709 costs of the department associated with the processing of the
3710 brownfield agreement application and administration of the
3711 brownfield agreement less the advance costs required in subsection
3712 (2) of this section.

3713 (2) A brownfield party who submits a brownfield agreement
3714 application for review by the department shall pay advance costs
3715 of Two Thousand Dollars (\$2,000.00) at the time the application is
3716 submitted to the department.

3717 (3) The commission shall set by order a schedule of costs
3718 for the processing of the brownfield agreement applications and
3719 the administration of brownfield agreements by the department.

3720 (4) (a) There is created in the State Treasury a fund to be
3721 designated as the "Brownfields Cleanup and Redevelopment Trust
3722 Fund," referred to in this section as "fund," to be administered
3723 by the executive director.

3724 (b) Monies in the fund shall be utilized to pay
3725 reasonable direct and indirect costs associated with the
3726 processing of the brownfield agreement applications and the
3727 administration of brownfield agreements.

3728 (c) Expenditures may be made from the fund upon
3729 requisition by the executive director.

3730 (d) The fund shall be treated as a special trust fund.
3731 Interest earned on the principal in the amount provided for in
3732 Section 27-105-33 shall be credited by the Treasurer to the fund.



3733 (e) The fund may receive monies from any available
3734 public or private source, including, but not limited to,
3735 collection of costs, interest, grants, taxes, public and private
3736 donations, judicial actions and appropriated funds.

3737 (f) Monies in the fund at the end of the fiscal year
3738 shall be retained in the fund for use in the next succeeding
3739 fiscal year.

3740 (5) All monies collected under this section shall be
3741 deposited into the fund.

3742 (6) The commission may delegate to the department
3743 responsibility for the collection of costs in subsections (1) and
3744 (2) of this section.

3745 (7) All costs under subsection (1) of this section shall be
3746 due before a date specified by the department in an invoice which
3747 shall be no less than thirty (30) days following the invoice date.
3748 If any part of the costs that are imposed is not paid within
3749 thirty (30) days after the due date, a penalty of up to
3750 twenty-five percent (25%) of the amount due may be imposed and be
3751 added to that amount. Any penalty collected under this section
3752 shall be deposited into the fund. If the department pursues legal
3753 action to collect costs incurred, reasonable attorney's fees and
3754 costs may be assessed against the delinquent party.

3755 (8) Any person required to pay costs under this section who
3756 disagrees with the calculation or applicability of the costs may
3757 petition the commission for a hearing in accordance with Section
3758 49-17-35. Any hearing shall be in accordance with Section
3759 49-17-33.

3760 (9) Costs collected under this section shall not supplant or
3761 reduce in any way the general fund appropriation to the department
3762 for the administration of this program.

3763 (10) The department may suspend any activities or actions
3764 related to the processing of the brownfield agreement application
3765 or administration of a brownfield agreement, if the brownfield



3766 party or parties fails to pay any required costs or penalties
3767 imposed under this section.

3768 (11) Nothing in this section affects any existing program at
3769 the department or affects any authority of the commission or
3770 department to take any action authorized by law.

3771 **SECTION 63.** Section 53-9-89, Mississippi Code of 1972, is
3772 amended as follows:

3773 53-9-89. (1) (a) There is created in the State Treasury a
3774 fund to be designated as the "Surface Coal Mining and Reclamation
3775 Fund." The fund shall contain three (3) accounts, designated as
3776 the "Surface Coal Mining Program Operations Account," the "Surface
3777 Coal Mining Reclamation Account," and the "Abandoned Mine Lands
3778 Reclamation Account."

3779 (b) Monies in the Surface Coal Mining Program
3780 Operations Account shall be used to pay the reasonable direct and
3781 indirect costs of administering and enforcing this chapter.
3782 Monies in the Surface Coal Mining Reclamation Account shall be
3783 used to pay for the reclamation of lands for which bonds or other
3784 collateral were forfeited.

3785 (c) The Abandoned Mine Lands Reclamation Account shall
3786 receive all state and federal appropriations, grants and donations
3787 for the purposes of the reclamation of abandoned mine lands under
3788 this chapter, and such funds shall be made available to the
3789 commission to be used as provided in this section for the purposes
3790 of abandoned mine reclamation under this chapter and the
3791 regulations of the commission. Funds in the Abandoned Mine Land
3792 Account may be used for the following purposes:

3793 (i) Reclamation and restoration of land and water
3794 resources adversely affected by past coal mining, or by past
3795 noncoal mining if approved by the secretary, including, but not
3796 limited to, reclamation and restoration of abandoned surface mine
3797 areas, abandoned mine processing areas, and abandoned mine refuse
3798 disposal areas; sealing and filling abandoned deep mine entries



3799 and voids; planting of land adversely affected by past mining to
3800 prevent erosion and sedimentation; prevention, abatement,
3801 treatment, and control of water pollution created by mine drainage
3802 including restoration of stream beds, and construction and
3803 operation of water treatment plants; prevention, abatement, and
3804 control of burning coal in situs; prevention, abatement and
3805 control of mine subsidence; prevention, abatement and control of
3806 storm water runoff from and erosion at mine sites; and the sloping
3807 and revegetation of mine pits and highwalls.

3808 (ii) Acquisition of land as provided for in this
3809 chapter.

3810 (iii) Grants to accomplish the purposes of this
3811 chapter.

3812 (iv) Administrative expenses of the department to
3813 accomplish the purposes of this chapter.

3814 (v) All other necessary expenses to accomplish the
3815 purpose of reclaiming abandoned mine lands or of protecting public
3816 health, safety and general welfare from adverse effects of mining
3817 practices at abandoned mine lands.

3818 (d) Expenditures may be made from the fund upon
3819 requisition by the executive director.

3820 (e) The fund shall be treated as a special trust fund.
3821 Interest earned in the amount provided for in Section 27-105-33 on
3822 the principal shall be credited by the Treasurer to the
3823 appropriate account in the fund.

3824 (f) The Surface Coal Mining Program Operations Account
3825 may receive monies from any available public or private source,
3826 including, but not limited to, fees, interest, grants, taxes,
3827 public and private donations, petroleum violation escrow funds or
3828 refunds, and appropriated funds, but excluding fines, penalties
3829 and the proceeds from the forfeiture of bonds or other collateral.
3830 The Surface Coal Mining Reclamation Account may receive monies



3831 from fines, penalties, the proceeds from the forfeiture of bonds
3832 or other collateral and interest.

3833 (2) All funds received through the payment of fees, loans,
3834 grants, penalties, bond forfeitures and forfeitures of other
3835 collateral, less attorneys' fees, shall be deposited in the
3836 appropriate account in the Surface Coal Mining and Reclamation
3837 Fund.

3838 **SECTION 64.** Section 55-3-21, Mississippi Code of 1972, is
3839 amended as follows:

3840 55-3-21. There is hereby established in the State Treasury a
3841 revolving fund to be used by the State Forestry Commission to
3842 carry out the provisions of the will of William W. Kurtz, dated
3843 July 12, 1940, which donated one thousand seven hundred sixty
3844 (1,760) acres of forestland in Greene County to the State of
3845 Mississippi to be held, protected, administered and improved by
3846 the State Forestry Commission as a state forest. The fund shall
3847 be called the Kurtz State Forest Revolving Fund, and money for the
3848 fund shall accrue from any revenues derived from the Kurtz State
3849 Forest including, but not limited to, timber sales, hunting
3850 leases, permit fees, and stump and naval stores operations. The
3851 State Forestry Commission is authorized to expend a portion of the
3852 monies in the fund to purchase in the name of the State of
3853 Mississippi other lands, not to exceed five hundred (500) acres,
3854 which are contiguous to or located near the lands donated by the
3855 Kurtz will, for the purpose of expanding the Kurtz State Forest.
3856 The State Forestry Commission also may expend monies in the fund
3857 for the purposes described in Section 55-3-23. The State
3858 Treasurer shall invest all monies in the fund, and interest earned
3859 on the investments in the amount provided for in Section 27-105-33
3860 shall be paid back into the fund and not into the General Fund.
3861 The fund shall be audited annually by the State Auditor.

3862 **SECTION 65.** Section 55-3-41, Mississippi Code of 1972, is
3863 amended as follows:



3864 55-3-41. A fund to be known as "Mississippi Park Fund" is
3865 hereby established in the State Treasury, and all funds held in
3866 the "Mississippi Park System Fund" shall be transferred thereto.

3867 Funds collected by the department shall be deposited in the
3868 State Treasury to the credit of the fund. * * * Interest from the
3869 Mississippi Park Fund earned in the amount provided for in Section
3870 27-105-33 from any investment or deposit made pursuant to Section
3871 27-105-33, Mississippi Code of 1972, shall be credited to the
3872 Mississippi Park Fund by the treasurer. Expenditures shall be made
3873 from the fund upon requisition signed by the executive director,
3874 or by a person whom the executive director may designate and the
3875 State Fiscal Officer shall issue his warrant on the State Treasury
3876 payable out of the Mississippi Park Fund. All funds in the
3877 Mississippi Park Fund shall be expended only pursuant to
3878 appropriation approved by the Legislature and as provided by law.

3879 **SECTION 66.** Section 55-15-59, Mississippi Code of 1972, is
3880 amended as follows:

3881 55-15-59. The Mississippi Veterans Monument Commission is
3882 hereby authorized to accept gifts, grants and donations from
3883 individuals and organizations, to be deposited in the Veterans
3884 Monument Trust Fund which is hereby created in the State Treasury.
3885 The State Treasurer shall invest all monies in the Veterans
3886 Monument Trust Fund and * * * interest earned in the amount
3887 provided for in Section 27-105-33 shall be deposited into the
3888 fund. All appropriated funds and funds deposited in the Veterans
3889 Monument Trust Fund shall be used exclusively for the purpose of
3890 designing, erecting, maintaining and dedication of the veterans
3891 monument, except that not more than Seven Thousand Five Hundred
3892 Dollars (\$7,500.00) may be expended annually to pay the
3893 administrative costs of the commission. Costs associated with the
3894 designing, erecting, maintaining and dedication of the veterans
3895 monument are not considered commission administrative costs for
3896 purposes of this section. Any monies remaining unexpended or



3897 unencumbered in the fund upon completion of the monument shall
3898 revert to the Mississippi War Veterans Memorial Commission for
3899 maintenance of the veterans monument and memorials.

3900 **SECTION 67.** Section 55-23-9, Mississippi Code of 1972, is
3901 amended as follows:

3902 55-23-9. The commission shall operate the Mississippi
3903 Veterans Memorial Stadium and to that end may employ such agents
3904 and employees as may be required in connection therewith. It may
3905 enter into contracts for the use of the stadium, and fix the
3906 amount of the compensation therefor, and collect the same when
3907 due. The commission may take any action authorized in Section
3908 55-23-8 relating to the Mississippi Veterans Memorial Stadium and
3909 the property described in Section 55-23-8.

3910 All monies and revenues, including the amusement tax imposed
3911 upon the sale of tickets for admission to the stadium, and all
3912 other events on stadium property and all monies arising from other
3913 use of stadium property, including that realized from the sale of
3914 concessions, shall be paid by the commission to the State
3915 Treasurer, to be placed to the credit of a special fund to be
3916 known as the "Mississippi Veterans Memorial Stadium Operating
3917 Fund" and any references in the laws to the "Mississippi Memorial
3918 Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund"
3919 shall mean the "Mississippi Veterans Memorial Stadium Operating
3920 Fund" unless the context clearly indicates
3921 otherwise. * * *Interest earned in the amount provided for in
3922 Section 27-105-33 on amounts deposited in the Mississippi Veterans
3923 Memorial Stadium Operating Fund shall be credited to such special
3924 fund. Provided, however, that twenty-five percent (25%) of all
3925 profits realized by the commission from the sale of concessions at
3926 athletic events when Jackson State University is the home team
3927 shall be deposited to the credit of a special auxiliary fund and
3928 authorized for expenditure by the Board of Trustees of State
3929 Institutions of Higher Learning exclusively for the support of



3930 intercollegiate athletics at such university. All expenses
3931 incident to the operation and upkeep of the facilities and
3932 property managed by the commission shall be paid out of the
3933 Mississippi Veterans Memorial Stadium Operating Fund by warrants
3934 drawn by the Department of Finance and Administration, which shall
3935 be issued on the requisition of the commission.

3936 All tickets sold to an event conducted in the Mississippi
3937 Veterans Memorial Stadium shall have printed in an appropriate and
3938 prominent place thereon the words A.C. "Butch" Lambert Field.

3939 **SECTION 68.** Section 57-1-69, Mississippi Code of 1972, is
3940 amended as follows:

3941 57-1-69. The Mississippi Development Authority is authorized
3942 to cooperate with Mississippi Miss Hospitality, Inc., in the
3943 production of the Mississippi Miss Hospitality Pageant and with
3944 Miss Mississippi Pageant, Inc., in the production of the Miss
3945 Mississippi Pageant, and with Mrs. Mississippi-America Pageant,
3946 Inc., in the production of the Mrs. Mississippi Pageant, and in
3947 defraying expenses incurred by Miss Hospitality and Miss
3948 Mississippi and Mrs. Mississippi when making official appearances
3949 to represent this state, by expending in furtherance of such
3950 purposes any money appropriated or otherwise made available to the
3951 department therefor. Money received by the department for such
3952 purposes shall be deposited into a special fund which is hereby
3953 created in the State Treasury. Unexpended amounts remaining in
3954 such special fund at the end of a fiscal year shall not lapse into
3955 the State General Fund, and * * * interest earned in the amount
3956 provided for in Section 27-105-33 on amounts in such special fund
3957 shall be deposited to the credit of the special fund.

3958 **SECTION 69.** Section 57-1-303, Mississippi Code of 1972, is
3959 amended as follows:

3960 57-1-303. (1) (a) There is created a special fund in the
3961 State Treasury to be designated as the "Local Governments Capital
3962 Improvements Revolving Loan Fund," which fund shall consist of



3963 such monies as provided in Sections 57-1-307 through 57-1-335.
3964 The fund shall be maintained in perpetuity for the purposes
3965 established in Sections 57-1-301 through 57-1-335. Unexpended
3966 amounts remaining in the fund at the end of a fiscal year shall
3967 not lapse into the State General Fund, and * * * interest earned
3968 in the amount provided for in Section 27-105-33 on amounts in the
3969 fund shall be deposited to the credit of the fund. Monies in the
3970 fund may not be used or expended for any purpose
3971 except as authorized under Sections 57-1-301 through 57-1-335.

3972 (b) The Local Governments Capital Improvements
3973 Revolving Loan Fund shall be divided into the Taxable Local
3974 Governments Capital Improvements Revolving Loan Subaccount and the
3975 Nontaxable Local Governments Capital Improvements Revolving Loan
3976 Subaccount. Funds allocated to the Nontaxable Local Governments
3977 Capital Improvements Revolving Loan Subaccount shall be utilized
3978 to provide loans for capital improvements that would qualify for
3979 the issuance of bonds whose interest is exempt from income
3980 taxation under the provisions of the Internal Revenue Code. Funds
3981 allocated to the Taxable Local Governments Capital Improvements
3982 Revolving Loan Subaccount shall be utilized to provide loans for
3983 any eligible capital improvements, including, but not limited to,
3984 capital improvements that would qualify for the issuance of bonds
3985 whose interest is exempt from income taxation under the provisions
3986 of the Internal Revenue Code.

3987 (c) Of the funds deposited into the Local Governments
3988 Capital Improvements Revolving Loan Fund, not less than
3989 Twenty-five Million Dollars (\$25,000,000.00) shall be allocated to
3990 the Nontaxable Local Governments Capital Improvements Revolving
3991 Loan Subaccount, and the remainder of such funds shall be
3992 allocated to the Taxable Local Governments Capital Improvements
3993 Revolving Loan Subaccount.

3994 (2) A county or an incorporated municipality may apply to
3995 the Mississippi Development Authority for a loan under the local



3996 governments capital improvements revolving loan program
3997 established under Sections 57-1-301 through 57-1-335.

3998 (3) (a) The Mississippi Development Authority shall
3999 establish a loan program by which loans, at the rate of interest
4000 provided for in paragraph (b) of this subsection, may be made
4001 available to counties and incorporated municipalities to assist
4002 counties and incorporated municipalities in making capital
4003 improvements. Loans from the revolving fund may be made to
4004 counties and municipalities as set forth in a loan agreement in
4005 amounts not to exceed one hundred percent (100%) of eligible
4006 project costs as established by the Mississippi Development
4007 Authority. The Mississippi Development Authority may require
4008 county or municipal participation or funding from other sources,
4009 or otherwise limit the percentage of costs covered by loans from
4010 the revolving fund. The Mississippi Development Authority may
4011 establish a maximum amount for any loan in order to provide for
4012 broad and equitable participation in the program.

4013 (b) The rate of interest on loans made from the Local
4014 Governments Capital Improvements Revolving Loan Fund for capital
4015 improvements that would qualify for the issuance of bonds whose
4016 interest is exempt from income taxation under the provisions of
4017 the Internal Revenue Code shall be at the rate of three percent
4018 (3%) per annum, calculated according to the actuarial method. The
4019 rate of interest on loans for all other capital improvements shall
4020 be at the true interest cost on the most recent issue of
4021 twenty-year state general obligation bonds occurring prior to the
4022 date such loan is made. Notwithstanding the provisions of this
4023 paragraph to the contrary, loans made for the purposes of the
4024 capital project described in Section 57-1-301(2)(1) shall bear no
4025 interest.

4026 (4) A county that receives a loan from the revolving fund
4027 shall pledge for repayment of the loan any part of the homestead
4028 exemption annual tax loss reimbursement to which it may be



4029 entitled under Section 27-33-77. An incorporated municipality
4030 that receives a loan from the revolving fund shall pledge for
4031 repayment of the loan any part of the sales tax revenue
4032 distribution to which it may be entitled under Section 27-65-75.
4033 Each loan agreement shall provide for (i) monthly payments, (ii)
4034 semiannual payments, or (iii) other periodic payments, the annual
4035 total of which shall not exceed the annual total for any other
4036 year of the loan by more than fifteen percent (15%). The loan
4037 agreement shall provide for the repayment of all funds received
4038 within not more than twenty (20) years from the date of project
4039 completion.

4040 (5) The State Auditor, upon request of the Mississippi
4041 Development Authority, shall audit the receipts and expenditures
4042 of a county or an incorporated municipality whose loan payments
4043 appear to be in arrears, and if he finds that the county or
4044 municipality is in arrears in such payments, he shall immediately
4045 notify the Executive Director of the Department of Finance and
4046 Administration who shall withhold all future payments to the
4047 county of homestead exemption reimbursements under Section
4048 27-33-77 and all sums allocated to the county or the municipality
4049 under Section 27-65-75 until such time as the county or the
4050 municipality is again current in its loan payments as certified by
4051 the Mississippi Development Authority.

4052 (6) Evidences of indebtedness which are issued pursuant to
4053 this chapter shall not be deemed indebtedness within the meaning
4054 specified in Section 21-33-303 with regard to cities or
4055 incorporated towns, and in Section 19-9-5 with regard to counties.

4056 **SECTION 70.** Section 57-39-43, Mississippi Code of 1972, is
4057 amended as follows:

4058 57-39-43. (1) There is created in the State Treasury a fund
4059 to be designated as the "Mississippi Oil Overcharge Fund,"
4060 referred to in this section as "fund." Monies in the fund,
4061 referred to in this section as "oil overcharge funds," may be used



4062 for projects or programs authorized in accordance with appropriate
4063 federal court orders regarding the use of oil overcharge funds or
4064 by the United States Department of Energy, or both.

4065 (2) The Treasurer shall deposit or transfer into the fund
4066 any funds received as a result of federal statute or
4067 administrative or regulatory actions requiring the disbursement to
4068 states of refund monies for alleged overcharges for crude oil or
4069 refined petroleum products. The Treasurer may establish accounts
4070 within the fund as necessary for management of monies in the fund.

4071 (3) Expenditures may be made from the fund upon requisition
4072 to the Treasurer by the Executive Director of the Department of
4073 Economic and Community Development or the Executive Director of
4074 the Department of Human Services.

4075 (4) The fund shall be treated as a special trust fund.
4076 Interest earned in the amount provided for in Section 27-105-33 on
4077 the principal in the fund shall be credited by the Treasurer to
4078 the fund.

4079 (5) In their annual budget request, the Department of
4080 Economic and Community Development and the Department of Human
4081 Services shall submit a list of projects or programs for which
4082 monies from the fund are requested to be used.

4083 **SECTION 71.** Section 57-44-7, Mississippi Code of 1972, is
4084 amended as follows:

4085 57-44-7. (1) There is created a special fund in the State
4086 Treasury to be designated as the "Local Governments Freight Rail
4087 Service Project Revolving Loan Fund," which fund shall consist of
4088 such monies as provided in Sections 57-44-11 through 57-44-39.
4089 The fund shall be maintained in perpetuity for the purposes
4090 established in this chapter. Unexpended amounts remaining in the
4091 fund at the end of a fiscal year shall not lapse into the State
4092 General Fund, and * * * interest earned in the amount provided for
4093 in Section 27-105-33 on amounts in the fund shall be deposited to
4094 the credit of the fund. Monies in the fund may not be used or



4095 expended for any purpose except as authorized under this chapter.
4096 However, the Mississippi Development Authority, in order to
4097 promote the safety of the general public, shall establish a
4098 program to permit monies from the Local Governments Freight Rail
4099 Service Project Revolving Loan Fund to be provided to counties in
4100 the form of grants to assist counties in defraying expenses
4101 relating to the upgrading of railroad grade crossings. Only
4102 projects approved by the Mississippi Department of Transportation
4103 shall be eligible for such grants. The Mississippi Development
4104 Authority, by rule and regulation, shall establish the maximum
4105 amount of any grant awarded to a county and may establish such
4106 other rules and regulations as it deems appropriate or necessary
4107 to administer the grant program and ensure that monies in the fund
4108 are made available to all counties on an equitable basis. Federal
4109 funds shall be utilized to pay not less than five percent (5%) of
4110 the cost of each project. However, the maximum amount of such
4111 grants to all counties may not exceed Five Million Dollars
4112 (\$5,000,000.00), in the aggregate.

4113 (2) The Mississippi Development Authority shall establish a
4114 loan program by which loans, at a rate of interest not to exceed
4115 one percent (1%) less than the federal reserve discount rate, may
4116 be made available to counties and incorporated municipalities to
4117 provide loans to counties and incorporated municipalities which
4118 may be used by the governing authorities of such counties and
4119 municipalities to provide loans to railroad corporations for
4120 freight rail service projects. Loans from the revolving fund may
4121 be made to counties and municipalities as set forth in a loan
4122 agreement in amounts established by the Mississippi Development
4123 Authority. The Mississippi Development Authority may establish a
4124 maximum amount for any loan in order to provide for broad and
4125 equitable participation in the program.

4126 (3) A county that receives a loan from the revolving fund
4127 shall pledge for repayment of the loan any part of the homestead



4128 exemption annual tax loss reimbursement to which it may be
4129 entitled under Section 27-33-77. An incorporated municipality
4130 that receives a loan from the revolving fund shall pledge for
4131 repayment of the loan any part of the sales tax revenue
4132 distribution to which it may be entitled under Section 27-65-75.
4133 Each loan agreement shall provide for (i) monthly payments, (ii)
4134 semiannual payments or (iii) other periodic payments, the annual
4135 total of which shall not exceed the annual total for any other
4136 year of the loan by more than fifteen percent (15%). The loan
4137 agreement shall provide for the repayment of all funds received
4138 within not more than fifteen (15) years from the date of project
4139 completion.

4140 (4) The State Auditor, upon request of the Mississippi
4141 Development Authority, shall audit the receipts and expenditures
4142 of a county or an incorporated municipality whose loan payments
4143 appear to be in arrears, and if he finds that the county or
4144 municipality is in arrears in such payments, he shall immediately
4145 notify the Executive Director of the Department of Finance and
4146 Administration who shall withhold all future payments to the
4147 county of homestead exemption reimbursements under Section
4148 27-33-77 and all sums allocated to the county or the municipality
4149 under Section 27-65-75 until such time as the county or the
4150 municipality is again current in its loan payments as certified by
4151 the Mississippi Development Authority.

4152 (5) Evidences of indebtedness which are issued pursuant to
4153 this chapter shall not be deemed indebtedness within the meaning
4154 specified in Section 21-33-303 with regard to cities or
4155 incorporated towns, and in Section 19-9-5 with regard to counties.

4156 **SECTION 72.** Section 57-61-27, Mississippi Code of 1972, is
4157 amended as follows:

4158 57-61-27. (1) (a) Except as provided in paragraph (b) of
4159 this subsection, whenever bonds are issued, they shall be offered
4160 for sale at not less than par value and accrued interest and shall



4161 be sold by the seller at public or private sale, from time to
4162 time, in such manner and at such price as may be determined by the
4163 seller to be most advantageous.

4164 (b) Whenever bonds are issued in an aggregate principal
4165 amount not exceeding Twenty Million Dollars (\$20,000,000.00) with
4166 respect to improvements for a specific project, such bonds may be
4167 offered for sale at not less than ninety-eight percent (98%) of
4168 par value and accrued interest and shall be sold by the seller at
4169 public or private sale, from time to time, in such manner and at
4170 such price as may be determined by the seller to be most
4171 advantageous.

4172 (2) Any portion of any bond issue so offered and not sold or
4173 subscribed for at public sale may be disposed of by private sale
4174 by the seller in such manner and at such prices not less than par
4175 and accrued interest, as the seller shall direct.

4176 (3) When bonds are issued from time to time, the bonds of
4177 each issue shall constitute a separate series to be designated by
4178 the seller or may be combined for sale as one (1) series with
4179 other general obligation bonds of the State of Mississippi.

4180 (4) Until permanent bonds can be prepared, the seller may in
4181 its discretion issue, in lieu of permanent bonds, temporary bonds
4182 in such form and with such privileges as to registration and
4183 exchange for permanent bonds as may be determined by the seller.

4184 (5) Pending their application to the purposes authorized,
4185 bond proceeds held or deposited by the State Treasurer may be
4186 invested or reinvested as are other funds in the custody of the
4187 State Treasurer in the manner provided by law. * * * Interest
4188 earned in the amount provided for in Section 27-105-33 earnings
4189 received from the investment or deposit of such funds shall be
4190 paid into the State Treasury to the credit of the Mississippi
4191 Business Investment Sinking Fund.

4192 (6) The State Treasurer shall prepare the necessary registry
4193 book to be kept in the office of the duly authorized loan and



4194 transfer agent of the state for the registration of any bonds, at
4195 the request of owners thereof, according to the terms and
4196 conditions of issue directed by the seller.

4197 (7) All costs and expenses in connection with the issue of
4198 and sale and registration of the bonds and notes in connection
4199 with this chapter may be paid from the proceeds of bonds and notes
4200 issued under this chapter.

4201 (8) The seller may provide in the resolution authorizing the
4202 issuance of such bonds the employment of one or more persons or
4203 firms to assist in the sale of the bonds; to enter into contracts
4204 for banks or trust companies located either within or without the
4205 State of Mississippi to act as registrars, paying agents, transfer
4206 agents or otherwise, for rating of the bonds, and to purchase
4207 insurance.

4208 **SECTION 73.** Section 57-71-27, Mississippi Code of 1972, is
4209 amended as follows:

4210 57-71-27. (1) Whenever bonds are issued, they shall be
4211 offered for sale at not less than par value and accrued interest
4212 and shall be sold by the seller at public or private sale, from
4213 time to time, in such manner and at such price as may be
4214 determined by the seller to be most advantageous.

4215 (2) Any portion of any bond issue so offered and not sold or
4216 subscribed for at public sale may be disposed of by private sale
4217 by the seller in such manner and at such prices not less than par
4218 and accrued interest, as the seller shall direct.

4219 (3) When bonds are issued from time to time, the bonds of
4220 each issue shall constitute a separate series to be designated by
4221 the seller or may be combined for sale as one (1) series with
4222 other general obligation bonds of the State of Mississippi.

4223 (4) Until permanent bonds can be prepared, the seller may in
4224 its discretion issue, in lieu of permanent bonds, temporary bonds
4225 in such form and with such privileges as to registration and
4226 exchange for permanent bonds as may be determined by the seller.



4227 (5) Pending their application to the purposes authorized,
4228 bond proceeds held or deposited by the State Treasurer may be
4229 invested or reinvested as are other funds in the custody of the
4230 State Treasurer in the manner provided by law. * * * Interest
4231 earned in the amount provided for in Section 27-105-33 shall be
4232 paid into the State Treasury to the credit of the Mississippi
4233 Small Enterprise Development Finance Fund.

4234 (6) The State Treasurer shall prepare the necessary registry
4235 book to be kept in the office of the duly authorized loan and
4236 transfer agent of the state for the registration of any bonds, at
4237 the request of owners thereof, according to the terms and
4238 conditions of issue directed by the seller.

4239 (7) All costs and expenses in connection with the issue of
4240 and sale and registration of the bonds and notes in connection
4241 with this act may be paid from the proceeds of bonds and notes
4242 issued under this act.

4243 (8) The seller may provide in the resolution authorizing the
4244 issuance of such bonds for the employment of one or more persons
4245 or firms to assist in the sale of the bonds; to enter into
4246 contracts with financial institutions located either within or
4247 without the State of Mississippi to act as registrars, paying
4248 agents, transfer agents or otherwise; for rating of the bonds; and
4249 to purchase insurance.

4250 **SECTION 74.** Section 57-75-31, Mississippi Code of 1972, is
4251 amended as follows:

4252 57-75-31. There is created in the State Treasury a special
4253 fund, separate and apart from any other fund, to be designated the
4254 "Yellow Creek Project Area Fund," into which shall be deposited
4255 any funds authorized to be deposited by the Mississippi Major
4256 Economic Impact Authority pursuant to Section 57-75-11. Money
4257 deposited into the fund shall not lapse at the end of any fiscal
4258 year and * * * interest earned in the amount provided for in
4259 Section 27-105-33 on any investment of money in the fund shall



4260 remain in the fund. Money in the fund shall be appropriated by
4261 the Legislature upon recommendation of the Mississippi Major
4262 Economic Impact Authority to fund costs associated with the
4263 operation and management of the project described in Section
4264 57-75-5(f)(vii).

4265 **SECTION 75.** Section 57-77-35, Mississippi Code of 1972, is
4266 amended as follows:

4267 57-77-35. (1) Whenever bonds are issued, they shall be
4268 offered for sale at not less than par value and accrued interest
4269 and shall be sold by the seller at public or private sale, from
4270 time to time, in such manner and at such price as may be
4271 determined by the seller to be most advantageous.

4272 (2) Any portion of any bond issue so offered and not sold or
4273 subscribed for at public sale may be disposed of by private sale
4274 by the seller in such manner and at such prices not less than par
4275 and accrued interest, as the seller shall direct.

4276 (3) When bonds are issued from time to time, the bonds of
4277 each issue shall constitute a separate series to be designated by
4278 the seller or may be combined for sale as one (1) series with
4279 other general obligation bonds of the State of Mississippi.

4280 (4) Until permanent bonds can be prepared, the seller may,
4281 in its discretion, issue in lieu of permanent bonds temporary
4282 bonds in such form and with such privileges as to registration and
4283 exchange for permanent bonds as may be determined by the seller.

4284 (5) Pending their application to the purposes authorized,
4285 bond proceeds held or deposited by the State Treasurer may be
4286 invested or reinvested as are other funds in the custody of the
4287 State Treasurer in the manner provided by law. * * * Interest
4288 earned in the amount provided for in Section 27-105-33 shall be
4289 paid into the State Treasury to the credit of the Venture Capital
4290 Fund.

4291 (6) The State Treasurer shall prepare the necessary registry
4292 book to be kept in the office of the duly authorized loan and



4293 transfer agent of the state for the registration of any bonds, at
4294 the request of the owners thereof, according to the terms and
4295 conditions of issue directed by the seller.

4296 (7) All costs and expenses in connection with the issue of
4297 and sale and registration of the bonds and notes in connection
4298 with this chapter, and all costs and expenses, validly incurred
4299 pursuant to this chapter, in connection with implementation of the
4300 program and development of application forms, procedures and
4301 requirements for use in connection with the program, may be paid
4302 from the proceeds of bonds and notes issued under this chapter.

4303 (8) The seller may provide, in the resolution authorizing
4304 the issuance of such bonds, for the employment of one or more
4305 persons or firms to assist in the sale of the bonds; to enter into
4306 contracts with financial institutions located either within or
4307 without the State of Mississippi to act as registrar, paying
4308 agents, transfer agents, or otherwise; for rating of the bonds;
4309 and to purchase insurance.

4310 **SECTION 76.** Section 63-11-53, Mississippi Code of 1972, is
4311 amended as follows:

4312 63-11-53. (1) All money derived from the seizure and
4313 forfeiture of vehicles under Section 63-11-30(2)(c) and (d) and
4314 Sections 63-11-49 and 63-11-51 by the Mississippi Highway Safety
4315 Patrol shall be forwarded to the State Treasurer and deposited in
4316 a special fund which is hereby created for use by the Department
4317 of Public Safety upon appropriation by the Legislature.

4318 Unexpended amounts remaining in such special fund at the end of a
4319 fiscal year shall not lapse into the State General Fund, and * * *
4320 interest earned in the amount provided for in Section 27-105-33 on
4321 amounts in such special fund shall be deposited to the credit of
4322 the special fund. All other law enforcement agencies shall
4323 establish a special fund which is to be used for law enforcement
4324 purposes to purchase equipment for the law enforcement agency, and



4325 any interest earned on the amount in such special fund shall be
4326 deposited to the credit of the special fund.

4327 (2) Except as otherwise provided in subsection (3), all
4328 vehicles that have been forfeited shall be sold at a public
4329 auction for cash by the law enforcement agency, to the highest and
4330 best bidder after advertising the sale for at least once each week
4331 for three (3) consecutive weeks, the last notice to appear not
4332 more than ten (10) days nor less than five (5) days prior to such
4333 sale, in a newspaper having a general circulation in the county in
4334 which the vehicle was seized. Such notices shall contain a
4335 description of the vehicle to be sold and a statement of the time
4336 and place of sale. It shall not be necessary to the validity of
4337 such sale either to have the vehicle present at the place of sale
4338 or to have the name of the owner thereof stated in such notice.
4339 The proceeds of the sale shall be disposed of as follows:

4340 (a) To any bona fide lienholder, secured party, or
4341 other party holding an interest in the vehicle in the nature of a
4342 security interest, to the extent of his interest; and

4343 (b) The balance, if any, remaining after deduction of
4344 all storage, court costs and expenses of liquidation shall be
4345 deposited in the manner described in subsection (1) of this
4346 section.

4347 (3) The law enforcement agency may maintain, repair, use and
4348 operate for official purposes all vehicles that have been
4349 forfeited if the vehicles are free from any interest of a bona
4350 fide lienholder, secured party or other party who holds an
4351 interest in the nature of a security interest. The agency may
4352 purchase the interest of a bona fide lienholder, secured party or
4353 other party who holds an interest so that the vehicle can be
4354 released for its use. If the vehicle is susceptible of titling
4355 under the Mississippi Motor Vehicle Title Law, the agency shall be
4356 deemed to be the purchaser, and the certificate of title shall be
4357 issued to it as required by subsection (4) of this section.



4358 (4) The State Tax Commission shall issue a certificate of
4359 title to any person who purchases vehicles under the provisions of
4360 this section when a certificate of title is required under the
4361 laws of this state.

4362 **SECTION 77.** Section 65-1-111, Mississippi Code of 1972, is
4363 amended as follows:

4364 65-1-111. All monies from any source provided by law shall
4365 be covered and paid into the State Treasury as other public funds
4366 are paid, and it shall be the duty of the Department of Finance
4367 and Administration to advise the Mississippi Transportation
4368 Commission of the amount of money allotted to the commission on
4369 hand from time to time. It shall be the duty of the Department of
4370 Finance and Administration to place and allocate said funds so
4371 covered into the State Treasury in the State Highway Fund. * * *
4372 Interest earned in the amount provided for in Section 27-105-33 on
4373 the investment of any highway funds shall be paid into the State
4374 Highway Fund. In the event any highway bonds or notes are issued,
4375 the Transportation Commission will adopt a resolution requesting
4376 the Bond Commission to issue such bonds or notes as may be
4377 authorized and a "bond and interest sinking fund" and "note fund"
4378 shall likewise be kept separate from the highway fund by the State
4379 Treasurer pursuant to the bond resolution adopted by the State of
4380 Mississippi Bond Commission.

4381 **SECTION 78.** Section 65-4-15, Mississippi Code of 1972, is
4382 amended as follows:

4383 65-4-15. There is hereby established a special fund in the
4384 State Treasury to be known as the "Economic Development Highway
4385 Fund" which shall consist of such monies as the Legislature shall
4386 appropriate thereto or such other monies as the Legislature may
4387 designate to be deposited therein. Any monies to the credit of
4388 such fund may be expended by the Mississippi Department of
4389 Transportation or political subdivision, as appropriate, upon
4390 approval of requisitions therefor by the Mississippi Development



4391 Authority for any expenses incurred by the Transportation
4392 Department or political subdivision in constructing and improving
4393 highways and highway segments which have been approved by the
4394 Mississippi Development Authority under the provisions of this
4395 chapter. The Office of State Aid Road Construction shall be
4396 entitled to reimbursement from monies in the fund, upon approval
4397 by the Mississippi Development Authority of requisitions therefor
4398 by the State Aid Engineer, for the actual expenses incurred by the
4399 office in administering and providing engineering services to
4400 political subdivisions. Monies remaining unexpended to the credit
4401 of such special fund at the end of a fiscal year shall not lapse
4402 into the State General Fund, and * * * interest earned in the
4403 amount provided for in Section 27-105-33 on the investment of
4404 monies in the special fund shall be deposited to the credit of the
4405 fund.

4406 **SECTION 79.** Section 65-26-25, Mississippi Code of 1972, is
4407 amended as follows:

4408 65-26-25. (1) Upon the issuance and sale of such bonds, the
4409 Bond Commission shall transfer the principal proceeds of any such
4410 sale or sales to the bridge construction fund hereby created in
4411 the state treasury. The proceeds of such bonds shall be used
4412 solely for the payment of the cost of the project or combined
4413 projects, which shall include costs incident to the issuance and
4414 sale of such bonds, and shall be disbursed solely upon the order
4415 of the Highway Commission under such restrictions, if any, as may
4416 be contained in the resolution providing for the issuance of the
4417 bonds.

4418 (2) Any revenues transferred to the bridge construction fund
4419 from the bond retirement fund as provided in this chapter shall be
4420 expended for the construction of any bridges described in Section
4421 65-26-5 upon the order of the Highway Commission. Such revenues
4422 shall not be commingled with any other funds in the bridge



4423 construction fund but shall be kept separate and distinct
4424 therefrom.

4425 (3) Any funds in the bridge construction fund which are not
4426 needed to make current payments to meet contractual obligations
4427 shall be invested in interest-bearing certificates of deposit in
4428 accordance with the provisions of Section 27-105-33, and * * *
4429 interest * * * earned in the amount provided for in Section
4430 27-105-33 shall be credited to the bridge construction fund.

4431 (4) When all contracts for bridge construction are paid in
4432 full then all funds in the bridge construction fund and all funds
4433 invested as provided in subsection (3) of this section shall be
4434 transferred to the bond retirement fund and no further diversion
4435 or transfer of said funds shall be made to the bridge construction
4436 fund.

4437 **SECTION 80.** Section 65-37-13, Mississippi Code of 1972, is
4438 amended as follows:

4439 65-37-13. (1) There is created in the State Treasury a
4440 special fund to be designated as the "Local System Bridge
4441 Replacement and Rehabilitation Fund." The fund shall consist of
4442 such monies as the Legislature appropriates pursuant to subsection
4443 (2) of this section and such other monies as the Legislature may
4444 designate for deposit in the fund. Monies in the fund may be
4445 expended upon legislative appropriation in accordance with the
4446 provisions of Sections 65-37-1 through 65-37-15.

4447 (2) (a) During each regular legislative session held in
4448 calendar years 1995, 1996, 1997 and 1998, if the official General
4449 Fund revenue estimate for the succeeding fiscal year for which
4450 appropriations are being made reflects a growth in General Fund
4451 revenues of three percent (3%) or more for that succeeding fiscal
4452 year, then the Legislature shall appropriate Twenty-five Million
4453 Dollars (\$25,000,000.00) from the State General Fund for deposit
4454 into the Local System Bridge Replacement and Rehabilitation Fund.



4455 (b) During the regular legislative session held in
4456 calendar year 1999, if the official General Fund revenue estimate
4457 for the succeeding fiscal year for which appropriations are being
4458 made reflects a growth in General Fund revenues of two percent
4459 (2%) or more for the succeeding fiscal year, then the Legislature
4460 shall appropriate Ten Million Dollars (\$10,000,000.00) from the
4461 State General Fund for deposit into the Local System Bridge
4462 Replacement and Rehabilitation Fund.

4463 (c) During each regular legislative session held in
4464 calendar years 2001 through 2008, if the official General Fund
4465 revenue estimate for the succeeding fiscal year for which
4466 appropriations are being made reflects a growth in General Fund
4467 revenues of two percent (2%) or more for the succeeding fiscal
4468 year, then the Legislature shall appropriate Twenty Million
4469 Dollars (\$20,000,000.00) from the State General Fund for deposit
4470 into the Local System Bridge Replacement and Rehabilitation Fund.

4471 (3) Such monies as are deposited in the fund under the
4472 provisions of this section may be expended upon requisition
4473 therefor by the State Aid Engineer in accordance with the
4474 provisions of Sections 65-37-1 through 65-37-15. The Office of
4475 State Aid Road Construction shall be entitled to reimbursement
4476 from monies in the fund, upon requisitions therefor by the State
4477 Aid Engineer, for the actual expenses incurred by the office in
4478 administering the provisions of the local system bridge
4479 replacement and rehabilitation program. Unexpended amounts
4480 remaining in the fund at the end of a fiscal year shall not lapse
4481 into the State General Fund, and * * * interest earned in the
4482 amount provided for in Section 27-105-33 on amounts in the fund
4483 shall be deposited to the credit of the fund.

4484 (4) Monies in the Local System Bridge Replacement and
4485 Rehabilitation Fund shall be allocated and become available for
4486 distribution to counties in accordance with the formula prescribed
4487 in Section 65-37-4 beginning January 1, 1995, on a



4488 project-by-project basis. Monies in the Local System Bridge
4489 Replacement and Rehabilitation Fund may not be used or expended
4490 for any purpose except as authorized under Sections 65-37-1
4491 through 65-37-15.

4492 (5) Monies in the Local System Bridge Replacement and
4493 Rehabilitation Fund may be credited to a county in advance of the
4494 normal accrual to finance certain projects, subject to the
4495 approval of the State Aid Engineer and subject further to the
4496 following limitations:

4497 (a) That the maximum amount of such monies that may be
4498 advanced to any county shall not exceed ninety percent (90%) of
4499 the funds estimated to accrue to such county during the remainder
4500 of the term of office of the board of supervisors of such county;

4501 (b) That no advance credit of funds will be made to any
4502 county when the unobligated balance in the Local System Bridge
4503 Replacement and Rehabilitation Fund is less than One Million
4504 Dollars (\$1,000,000.00); and

4505 (c) That such advance crediting of funds be effected by
4506 the State Aid Engineer at the time of the approval of the plans
4507 and specifications for the proposed projects.

4508 It is the intent of this provision to utilize to the fullest
4509 practicable extent the balance of monies in the Local System
4510 Bridge Replacement and Rehabilitation Fund on hand at all times.

4511 **SECTION 81.** Section 65-39-3, Mississippi Code of 1972, is
4512 amended as follows:

4513 65-39-3. There is created in the State Treasury a special
4514 fund to be designated as the "Gaming Counties Bond Sinking Fund."
4515 Such monies as the Legislature directs or provides to be deposited
4516 into the fund may be expended, upon legislative appropriation, to
4517 pay the interest on and principal of bonds issued pursuant to
4518 Sections 65-39-5 through 65-39-33 or to pay the interest on and
4519 principal of notes issued under Section 31-17-127 for the purpose
4520 of providing funds for infrastructure projects under Section



4521 65-39-1; provided, however, that if at any time the fund has a
4522 balance in excess of the amount needed to pay the interest on or
4523 the principal of any bonds or notes maturing in the next two (2)
4524 consecutive fiscal years, such excess may be transferred to the
4525 "Gaming Counties State Assisted Infrastructure Fund" to be
4526 disbursed solely upon the order of the Transportation Commission.
4527 Unexpended amounts remaining in the sinking fund at the end of the
4528 fiscal year shall not lapse into the State General Fund, and * * *
4529 interest earned in the amount provided for in Section 27-105-33 on
4530 amounts in the sinking fund shall be deposited to the credit of
4531 the sinking fund.

4532 **SECTION 82.** Section 69-9-5, Mississippi Code of 1972, is
4533 amended as follows:

4534 69-9-5. (1) There is imposed and levied an assessment at
4535 the rate of One Cent (1¢) per bushel on all soybeans grown within
4536 the State of Mississippi, and such assessment shall be deducted by
4537 the purchaser from the amount paid the producer at the first point
4538 of sale, whether within or without the state. Assessments on
4539 soybeans put under loan to the Commodity Credit Corporation or
4540 purchased by the Commodity Credit Corporation and delivered to it
4541 shall be payable when such soybeans are placed under loan or are
4542 purchased. The Commodity Credit Corporation may require deduction
4543 and payment of the assessment from the loan proceeds or from the
4544 purchase price on the behalf of the producer. Assessments on
4545 soybeans put under loan to the Commodity Credit Corporation and
4546 redeemed by the producer before the takeover date, if already paid
4547 by having been deducted from the loan proceeds, shall not be
4548 deducted by each handler from the amount paid the producer at the
4549 first point of sale as provided in this section; otherwise, the
4550 assessment shall be deducted. Any soybean producer may request
4551 and receive a refund of the amount of assessment deducted from the
4552 sale of his soybeans provided he makes a written application with
4553 the Department of Agriculture and Commerce within sixty (60) days



4554 from date of sale, supported by bona fide copies of sales slips
4555 signed by the purchaser. The application forms shall be prepared
4556 by the Department of Agriculture and Commerce and shall be
4557 available at the first point of sale. All such applications shall
4558 be processed and refunds paid by the Department of Agriculture and
4559 Commerce within sixty (60) days after the funds have been received
4560 by the department. Each marketing agency shall be furnished a
4561 poster to be displayed in a prominent place, stating that refunds
4562 are available and forms to be used, including self-addressed
4563 envelopes, are available at its office.

4564 (2) The assessment imposed and levied by this section shall
4565 be payable to and collected by the Department of Agriculture and
4566 Commerce, hereafter referred to as "the department," from the
4567 purchaser of such soybeans at the first point of sale or from the
4568 Commodity Credit Corporation as provided in subsection (1) of this
4569 section. The proceeds of the assessment collected by the
4570 department shall be deposited monthly with the State Treasurer in
4571 a special fund to be established as the "Mississippi Soybean
4572 Promotion Fund," and disbursement therefrom shall be made upon
4573 warrants issued by the State Fiscal Officer upon requisitions
4574 signed by the Chairman and Secretary-Treasurer of the Mississippi
4575 Soybean Promotion Board, or their designee, in the manner provided
4576 by law. * * * Interest earned in the amount provided for in
4577 Section 27-105-33 by investing the proceeds in such special fund
4578 shall be credited to such special fund and shall not be deposited
4579 in the State General Fund. The State Fiscal Officer is authorized
4580 to issue warrants for the payment of monies from the Mississippi
4581 Soybean Promotion Fund upon requisition by the Commissioner of
4582 Agriculture and Commerce, or his designee, for refunds to
4583 producers as provided under subsection (1) of this section.

4584 (3) The department shall monthly pay over to the Mississippi
4585 Soybean Promotion Fund the funds collected, less three and
4586 one-half percent (3-1/2%) of the gross amount collected. The



4587 monthly settlement to the Mississippi Soybean Promotion Board
4588 shall be made on or before the twentieth day of each month and
4589 shall be accompanied by a complete report of all funds collected
4590 and disbursed.

4591 (4) Each purchaser or the Commodity Credit Corporation shall
4592 keep a complete and accurate record of all soybeans handled by him
4593 and shall furnish each producer with a signed sales slip showing
4594 the number of bushels purchased from him and the amount deducted
4595 by him for the Mississippi Soybean Promotion Fund. Such records
4596 shall be in such form and contain such other information as the
4597 department shall by rule or regulation prescribe. The records
4598 shall be preserved by the purchaser for a period of two (2) years
4599 and shall be offered for inspection at any time upon oral or
4600 written demand by the department or any duly authorized agent or
4601 representative thereof. Every purchaser or the Commodity Credit
4602 Corporation, at such time or times as the department may require,
4603 shall submit reports or other documentary information deemed
4604 necessary for the efficient and equitable collection of the
4605 assessment imposed in this chapter. The department shall have the
4606 power to cause any duly authorized agent or representative to
4607 enter upon the premises of any purchaser of soybeans and examine
4608 or cause to be examined by such agent only books, papers and
4609 records which deal in any way with the payment of the assessment
4610 or enforcement of the provisions of this chapter.

4611 **SECTION 83.** Section 69-10-5, Mississippi Code of 1972, is
4612 amended as follows:

4613 69-10-5. (1) There is imposed and levied an assessment at
4614 the rate of Two Cents (2¢) per bushel on all rice grown within the
4615 State of Mississippi; from and after July 1, 1991, the rate of
4616 assessment shall be increased by an additional One Cent (1¢) per
4617 bushel so that the total assessment equals Three Cents (3¢) per
4618 bushel. Such assessment shall be deducted by the purchaser from
4619 the amount paid the producer at the first point of sale, whether



4620 within or without the state. Assessments on rice put under loan
4621 to the Commodity Credit Corporation or purchased by the Commodity
4622 Credit Corporation and delivered to it shall be payable when such
4623 rice is placed under loan or is purchased. The Commodity Credit
4624 Corporation may require deduction and payment of the assessment
4625 from the loan proceeds or from the purchase price on the behalf of
4626 the producer. Assessments on rice put under loan to the Commodity
4627 Credit Corporation and redeemed by the producer before the
4628 takeover date, if already paid by having been deducted from the
4629 loan proceeds shall not be deducted by each miller or handler from
4630 the amount paid the producer at the first point of sale as
4631 provided in this section; otherwise, the assessment shall be
4632 deducted.

4633 (2) The assessment imposed and levied by this section shall
4634 be payable to and collected by the Mississippi Department of
4635 Agriculture and Commerce, hereafter referred to as "the
4636 department," from the purchaser of such rice at the first point of
4637 sale or from the Commodity Credit Corporation as provided in
4638 subsection (1) of this section. The proceeds of the assessment
4639 collected by the department shall be deposited monthly with the
4640 State Treasurer in a special fund to be established as the
4641 "Mississippi Rice Promotion Fund," and disbursement therefrom
4642 shall be made upon warrants issued by the State Fiscal Officer
4643 upon requisitions signed by the Chairman and Secretary-Treasurer
4644 of the Mississippi Rice Promotion Board, or their designee, in the
4645 manner provided by law. The State Treasurer shall invest such
4646 proceeds and * * * interest earned thereon in the amount provided
4647 for in Section 27-105-33 shall be credited to such special fund
4648 and shall not be deposited in the State General Fund.

4649 (3) The Mississippi Department of Agriculture and Commerce
4650 shall submit to the Mississippi Rice Promotion Board a budget
4651 detailing and justifying the administrative costs of the
4652 department in administering the provisions of this chapter, and



4653 such budget must be approved by the Mississippi Rice Promotion
4654 Board by April 1 of each year. The department shall monthly pay
4655 over to the Mississippi Rice Promotion Fund the funds collected,
4656 less an amount not to exceed three and one-half percent (3-1/2%)
4657 of the gross amount collected. The amount withheld by the
4658 department must be approved by the Mississippi Rice Promotion
4659 Board by July 1 of each year. The monthly settlement to the
4660 Mississippi Rice Promotion Board shall be made on or before the
4661 twentieth day of each month and shall be accompanied by a complete
4662 report of all funds collected and disbursed.

4663 (4) Each purchaser or the Commodity Credit Corporation shall
4664 keep a complete and accurate record of all rice handled by him and
4665 shall furnish each producer with a signed sales slip showing the
4666 number of bushels purchased from him and the amount deducted by
4667 him for the Mississippi Rice Promotion Fund. Such records shall
4668 be in such form and contain such other information as the
4669 department shall by rule or regulation prescribe. The records
4670 shall be preserved by the purchaser for a period of two (2) years
4671 and shall be offered for inspection at any time upon oral or
4672 written demand by the department or any duly authorized agent or
4673 representative thereof. Every purchaser or the Commodity Credit
4674 Corporation, at such time or times as the commissioner of the
4675 department may require, shall submit reports or other documentary
4676 information deemed necessary for the efficient and equitable
4677 collection of the assessment imposed in this chapter. The
4678 department shall have the power to cause any duly authorized agent
4679 or representative to enter upon the premises of any purchaser of
4680 rice and examine or cause to be examined by such agent, only
4681 books, papers and records which deal in any way with respect to
4682 the payment of the assessment or enforcement of the provisions of
4683 this chapter.

4684 (5) This section shall stand repealed from and after July 1,
4685 2005.



4686 **SECTION 84.** Section 69-27-347, Mississippi Code of 1972, is
4687 amended as follows:

4688 69-27-347. For the payment of such bonds and the interest
4689 thereon, the full faith, credit, and taxing power of the State of
4690 Mississippi are hereby irrevocably pledged. If the Legislature
4691 finds that there are sufficient funds available in the General
4692 Fund of the State Treasury to pay maturing principal and accruing
4693 interest of the bonds, and if the Legislature appropriates such
4694 available funds for the purpose of paying such maturing principal
4695 and accruing interest, then the maturing principal and accruing
4696 interest of the bonds shall be paid from appropriations made by
4697 the Legislature from the General Fund of the State Treasury.

4698 However, in addition to the full faith, credit and taxing
4699 power pledged by the state, the State Soil and Water Conservation
4700 Commission shall be responsible for the payment of Two Million
4701 Dollars (\$2,000,000.00) of such bonds and interest thereon. Such
4702 payments shall be derived from the revolving fund established
4703 pursuant to Section 69-27-343. The State Soil and Water
4704 Conservation Commission shall only be responsible for such
4705 payments after the initial amount of One Million Dollars
4706 (\$1,000,000.00) of such bonds have been issued and are paid for
4707 solely from the General Fund.

4708 All monies in such revolving fund which are not necessary to
4709 pay accruing bonds and interest shall be invested by the State
4710 Treasurer in such securities as are provided by law for the
4711 investment of funds of the state, and * * * interest earned in the
4712 amount provided for in Section 27-105-33 shall be transferred by
4713 the Treasurer into the revolving fund created in Section
4714 69-27-343.

4715 **SECTION 85.** Section 69-37-39, Mississippi Code of 1972, is
4716 amended as follows:

4717 69-37-39. There is hereby created within the State Treasury
4718 a special fund to be designated the "Boll Weevil Management Fund"



4719 into which shall be deposited all the revenues required to be
4720 deposited into such fund pursuant to Section 27-65-75(14),
4721 Mississippi Code of 1972. Money deposited into the fund shall not
4722 lapse at the end of any fiscal year and interest earned on the
4723 proceeds in such special fund in the amount provided for in
4724 Section 27-105-33 shall be deposited into such fund. Money from
4725 such fund shall be disbursed therefrom upon warrants issued by the
4726 State Fiscal Officer upon requisitions signed by the Commissioner
4727 of Agriculture and Commerce to assist the Department of
4728 Agriculture and Commerce in carrying out its duties under the
4729 Mississippi Boll Weevil Management Act (Section 69-37-1 et seq.,
4730 Mississippi Code of 1972). The Commissioner of Agriculture and
4731 Commerce may disburse all or any portion of the money the
4732 Department of Agriculture and Commerce receives from the fund to
4733 the Certified Cotton Growers Organization, as defined in Section
4734 69-37-5, Mississippi Code of 1972, to assist such organization in
4735 carrying out its duties under the Mississippi Boll Weevil
4736 Management Act.

4737 **SECTION 86.** Section 69-43-5, Mississippi Code of 1972, is
4738 amended as follows:

4739 69-43-5. (1) There is imposed and levied an assessment not
4740 to exceed Eight Dollars (\$8.00) per ratite slaughtered within the
4741 State of Mississippi. Such assessment shall be deducted by the
4742 processor from the amount paid the producer at the first point of
4743 processing or sale.

4744 (2) The assessment imposed and levied by this section shall
4745 be payable to and collected by the Mississippi Department of
4746 Agriculture and Commerce, hereafter referred to as "the
4747 department," from the processor of such ratites at the first point
4748 of processing or sale. The proceeds of the assessment collected
4749 by the department shall be deposited monthly with the State
4750 Treasurer in a special fund to be established as the "Mississippi
4751 Ratite Promotion Fund," and disbursement therefrom shall be made



4752 upon warrants issued by the State Fiscal Officer upon requisitions
4753 signed by the Chairman and Secretary-Treasurer of the Mississippi
4754 Ratite Council and Promotion Board, or their designee, in the
4755 manner provided by law. The State Treasurer shall invest such
4756 proceeds and * * * interest earned thereon in the amount provided
4757 for in Section 27-105-33 shall be credited to such special fund
4758 and shall not be deposited in the State General Fund.

4759 (3) The Mississippi Department of Agriculture and Commerce
4760 shall submit to the Mississippi Ratite Council and Promotion Board
4761 a budget detailing and justifying the administrative costs of the
4762 department in administering the provisions of this chapter, and
4763 such budget must be approved by the Mississippi Ratite Council and
4764 Promotion Board by April 1 of each year. The amount withheld by
4765 the department, which shall not exceed three and one-half percent
4766 (3-1/2%) of the gross amount collected, must be approved by the
4767 Mississippi Ratite Council and Promotion Board by July 1 of each
4768 year.

4769 **SECTION 87.** Section 69-45-13, Mississippi Code of 1972, is
4770 amended as follows:

4771 69-45-13. There is created a special fund to be designated
4772 as the "Mississippi Agricultural Promotions Fund" within the State
4773 Treasury to receive all monies related to the Mississippi
4774 Agricultural Promotions Program. Monies deposited in the fund
4775 shall be expended, upon legislative appropriations, and upon
4776 requisition therefor by the Commissioner of Agriculture, for the
4777 sole purpose of implementing the Mississippi Agricultural
4778 Promotions Program. Unexpended amounts remaining in the fund at
4779 the end of the fiscal year shall not lapse into the State General
4780 Fund, and * * * interest earned in the amount provided for in
4781 Section 27-105-33 on amounts in the fund shall be deposited to the
4782 credit of the fund.

4783 **SECTION 88.** Section 71-3-97, Mississippi Code of 1972, is
4784 amended as follows:



4785 71-3-97. (1) There is hereby established in the State
4786 Treasury a special fund for the purpose of providing for the
4787 payment of all expenses in respect to the administration of this
4788 chapter. Such fund shall be administered by the commission. The
4789 State Treasurer shall be the custodian of such funds, and all
4790 monies and securities in such fund shall be held in trust by such
4791 Treasurer and shall not be the money or property of the state.

4792 (2) The State Treasurer is authorized to disburse monies
4793 from such fund only upon order of the commission. The official
4794 bond of the State Treasurer shall be conditioned for the faithful
4795 performance of his duty hereunder.

4796 (3) The State Treasurer shall deposit any monies paid into
4797 such fund into such qualified depository banks as the commission
4798 may designate, and is authorized to invest any portion of the fund
4799 which, in the opinion of the commission, is not needed for current
4800 requirements, in the same manner and subject to all the provisions
4801 of the law with respect to the deposit of state funds by such
4802 Treasurer. * * * Interest earned in the amount provided for in
4803 Section 27-105-33 by such portion of the fund as may be invested
4804 by the State Treasurer shall be collected by him and placed to the
4805 credit of such fund.

4806 (4) All civil penalties provided in this chapter, if not
4807 voluntarily paid, may be collected by civil suit brought by the
4808 commission, and shall be paid into such fund.

4809 **SECTION 89.** Section 73-4-15, Mississippi Code of 1972, is
4810 amended as follows:

4811 73-4-15. All fees received by the commission under this
4812 chapter shall be deposited into a special fund which is hereby
4813 created in the State Treasury, to be known as the "Mississippi
4814 Auctioneer Licensure Fund." Unexpended amounts remaining in such
4815 special fund at the end of a fiscal year shall not lapse into the
4816 State General Fund, and * * * interest earned in the amount
4817 provided for in Section 27-105-33 on amounts in such special funds



4818 shall be deposited to the credit of the special fund. All records
4819 of such fees received by the commission and deposited in the
4820 special fund shall be available for inspection by the State
4821 Auditor. Monies from the special fund shall be used to support
4822 the commission, upon appropriation by the Legislature.

4823 **SECTION 90.** Section 73-5-5, Mississippi Code of 1972, is
4824 amended as follows:

4825 73-5-5. (1) All fees and any other monies received by the
4826 board shall be deposited in a special fund that is created in the
4827 State Treasury and shall be used for the implementation and
4828 administration of this chapter when appropriated by the
4829 Legislature for such purpose. The monies in the special fund
4830 shall be subject to all provisions of the state budget laws that
4831 are applicable to special fund agencies, and disbursements from
4832 the special fund shall be made by the State Treasurer only upon
4833 warrants issued by the State Fiscal Officer upon requisitions
4834 signed by the president of the board and countersigned by the
4835 secretary of the board. * * * Interest earned on this special
4836 fund in the amount provided for in Section 27-105-33 shall be
4837 credited by the State Treasurer to the fund and shall not be paid
4838 into the State General Fund. Any unexpended monies remaining in
4839 the special fund at the end of a fiscal year shall not lapse into
4840 the State General Fund.

4841 (2) The State Auditor shall audit the financial affairs of
4842 the board and the transactions involving the special fund at least
4843 once a year in the same manner as for other special fund agencies.
4844 In addition, the Governor, in his discretion, shall have the power
4845 from time to time to require an audit of the financial affairs of
4846 the board, the same to be made by the State Auditor upon request
4847 of the Governor. The Governor shall have the power to suspend any
4848 member of the board who shall be found short in any account until
4849 such time as it shall be definitely determined whether such



4850 shortage was the result of an act of dishonesty on the part of the
4851 member.

4852 **SECTION 91.** Section 73-7-5, Mississippi Code of 1972, is
4853 amended as follows:

4854 73-7-5. (1) All fees and any other monies received by the
4855 board shall be deposited in a special fund that is created in the
4856 State Treasury and shall be used for the implementation and
4857 administration of this chapter when appropriated by the
4858 Legislature for such purpose. The monies in the special fund
4859 shall be subject to all provisions of the state budget laws that
4860 are applicable to special fund agencies, and shall be disbursed by
4861 the State Treasurer only upon warrants issued by the State Fiscal
4862 Officer upon requisitions signed by the president of the board or
4863 another board member designated by the president, and
4864 countersigned by the secretary of the board. * * * Interest
4865 earned on this special fund in the amount provided for in Section
4866 27-105-33 shall be credited by the State Treasurer to the fund and
4867 shall not be paid into the State General Fund. Any unexpended
4868 monies remaining in the special fund at the end of a fiscal year
4869 shall not lapse into the State General Fund.

4870 (2) The State Auditor shall audit the financial affairs of
4871 the board and the transactions involving the special fund at least
4872 once a year in the same manner as for other special fund agencies.
4873 In addition, the Governor, in his discretion, shall have the power
4874 from time to time to require an audit of the financial affairs of
4875 the board, the same to be made by the State Auditor upon request
4876 of the Governor. The Governor shall have the power to suspend any
4877 member of the board who shall be found in default in any account
4878 until such time as it shall be determined whether such default was
4879 a result of an act of dishonesty on the part of the member, and in
4880 the event it is found that such default is an act of dishonesty,
4881 misfeasance or nonfeasance on the part of the member, such member
4882 shall be immediately removed by the Governor from office.



4883 **SECTION 92.** Section 73-9-43, Mississippi Code of 1972, is
4884 amended as follows:

4885 73-9-43. (1) The secretary shall collect in advance all
4886 fees provided for in this chapter as established by the board, not
4887 to exceed:

4888	Application for dental license	\$ 600.00
4889	Application for dental license through credentials	2,500.00
4890	Application for dental specialty license	400.00
4891	Application for dental institutional, teaching or	
4892	provisional license	600.00
4893	Application for dental hygiene license	400.00
4894	Application for dental hygiene license through	
4895	credentials	750.00
4896	Application for dental hygiene institutional,	
4897	teaching or provisional license	400.00
4898	Application for general anesthesia permit	400.00
4899	Application for I.V. sedation permit	400.00
4900	Application for radiology permit	100.00
4901	Annual dental license renewal	300.00
4902	Annual dental specialty license renewal	100.00
4903	Annual dental institutional, teaching or provisional	
4904	license renewal	300.00
4905	Annual dental hygiene license renewal	150.00
4906	Annual dental hygiene institutional, teaching or	
4907	provisional license renewal	150.00
4908	Annual general anesthesia permit renewal	100.00
4909	Annual I.V. sedation permit renewal	100.00
4910	Annual radiology permit renewal	75.00
4911	Penalty for delinquent renewal of dental licenses;	
4912	dental specialty licenses; and dental institutional,	
4913	teaching and provisional licenses:	
4914	First month (plus annual renewal fee)	100.00
4915	Second month (plus annual renewal fee)	150.00



4916 Third month (plus annual renewal fee) 200.00

4917 Penalty for delinquent renewal of dental hygiene

4918 licenses and dental hygiene institutional, teaching

4919 and provisional licenses:

4920 First month (plus annual renewal fee) 50.00

4921 Second month (plus annual renewal fee) 75.00

4922 Third month (plus annual renewal fee) 100.00

4923 Penalty for delinquent renewal of radiology permits:

4924 First month (plus annual renewal fee) 45.00

4925 Second month (plus annual renewal fee) 65.00

4926 Third month (plus annual renewal fee) 75.00

4927 Penalty for nonnotification of change of address 50.00

4928 Penalty for duplicate renewal forms and

4929 certification cards 50.00

4930 Duplicate or replacement license or permit 40.00

4931 Certification of licensure status 40.00

4932 Certified copy of license or permit 40.00

4933 Handling fee for nonsufficient funds check 50.00

4934 Requests for database information 300.00

4935 Radiology examinations administered in board's

4936 office 100.00

4937 Dental and dental hygiene licensure examination

4938 manuals 50.00

4939 Dental and dental hygiene licensure by

4940 credentials packets 50.00

4941 Laws and/or regulations 50.00

4942 Disciplinary action orders 25.00

4943 Newsletters 20.00

4944 The payment of annual dentist registration fees shall be

4945 optional with all dentists over the age of seventy (70) years.

4946 (2) The board may enact and enforce for delinquency in

4947 payment for any fees set out in this section a penalty in addition

4948 to the fee of an amount up to but not in excess of the fee. An



4949 additional fee of an amount equal to the first penalty may be
4950 assessed for each thirty (30) days, or part thereof, of
4951 delinquency. If any licensed and registered dentist or dental
4952 hygienist should be delinquent in payment of registration fees for
4953 a period as long as ninety (90) days, such person shall be
4954 presumed to be no longer practicing and shall be stricken from the
4955 rolls, and in order to practice his or her profession in this
4956 state thereafter may, at the discretion of the board, be
4957 considered as a new applicant and subject to examination and other
4958 licensing requirements as an original applicant.

4959 (3) The secretary shall faithfully account for all monies
4960 received by the board. All fees and any other monies received by
4961 the board, except monetary penalties collected under Section
4962 73-9-61, shall be deposited in a special fund that is created in
4963 the State Treasury and shall be used for the implementation and
4964 administration of this chapter when appropriated by the
4965 Legislature for such purpose. The monies in the special fund
4966 shall be subject to all provisions of the state budget laws that
4967 are applicable to special fund agencies, and disbursements from
4968 the special fund shall be made by the State Treasurer only upon
4969 warrants issued by the State Fiscal Officer upon requisitions
4970 signed by the president, secretary or administrative officer of
4971 the board. * * * Interest earned on this special fund in the
4972 amount provided for in Section 27-105-33 shall be credited by the
4973 State Treasurer to the fund and shall not be paid into the State
4974 General Fund. Any unexpended monies remaining in the special fund
4975 at the end of a fiscal year shall not lapse into the State General
4976 Fund.

4977 (4) It shall be the duty of the State Auditor to audit the
4978 financial affairs of the board, the transactions involving the
4979 special fund and the books of the secretary of the board at least
4980 once a year in the same manner as for other special fund agencies,
4981 and at any time requested to do so by a majority of the board



4982 casting their vote for such audit and while in a lawfully called
4983 meeting. The report of the State Auditor shall be incorporated in
4984 the minute book of the board.

4985 (5) All fees collected from applicants, duplicate licenses,
4986 certificates of recommendation and certified copies of licenses
4987 shall be distributed among the members of the board in such
4988 proportion as to allow the secretary twice the remuneration each
4989 of the other seven (7) members receive as their compensation for
4990 examining applicants for licensure. Provided, however, that for
4991 examining applicants for licensure the secretary shall receive no
4992 more than Twenty-four Hundred Dollars (\$2400.00) per year and no
4993 other member shall receive more than Twelve Hundred Dollars
4994 (\$1200.00) per year. The receipt of said compensation shall not
4995 entitle members of the board to receive or be eligible for any
4996 state employee group insurance, retirement or other fringe
4997 benefits. Provided further, that any fees or income other than
4998 the maximum allowable for examining applicants for licensure as
4999 set out above shall be accounted for and may be used as needed in
5000 carrying out the provisions of this chapter.

5001 (6) Fees collected from annual registration shall be used to
5002 maintain an office adequately staffed insofar as funds are
5003 available and provide other services as may be needed for carrying
5004 out the powers and duties of the board within the provisions of
5005 this chapter. Fees collected from annual registration shall also
5006 be used to pay the per diem and defray the expense of members of
5007 the board for attendance at meetings other than those for the
5008 purpose of examining applicants for licenses. In addition, a
5009 portion of the fee charged for annual dentist registration, annual
5010 specialty registration, annual dental hygienist registration, and
5011 annual institutional, teaching or provisional registration may be
5012 used to support a program to aid impaired dentists and/or dental
5013 hygienists. The payment of per diem and expense for attending
5014 said board meetings shall be in addition to the compensation



5015 permitted above for examining applicants for licensure, and the
5016 per diem shall not exceed the amount provided in Section 25-3-69.

5017 **SECTION 93.** Section 73-13-17, Mississippi Code of 1972, is
5018 amended as follows:

5019 73-13-17. (1) The board shall keep an account of all monies
5020 derived from the operation of this chapter. All fees and any
5021 other monies received by the board shall be deposited in a special
5022 fund that is created in the State Treasury and shall be used for
5023 the implementation and administration of this chapter when
5024 appropriated by the Legislature for such purpose. The monies in
5025 the special fund shall be subject to all provisions of the state
5026 budget laws that are applicable to special fund agencies, and
5027 disbursements from the special fund shall be made by the State
5028 Treasurer only upon warrants issued by the State Fiscal Officer
5029 upon requisitions signed by the executive director of the board
5030 and countersigned by the secretary of the board. * * * Interest
5031 earned on this special fund in the amount provided for in Section
5032 27-105-33 shall be credited by the State Treasurer to the fund and
5033 shall not be paid into the State General Fund. Any unexpended
5034 monies remaining in the special fund at the end of a fiscal year
5035 shall not lapse into the State General Fund. The State Auditor
5036 shall audit the financial affairs of the board and the
5037 transactions involving the special fund at least once a year in
5038 the same manner as for other special fund agencies.

5039 (2) The executive director and the secretary of the board
5040 shall give a surety bond satisfactory to the other members of the
5041 board, conditioned upon the faithful performance of their duties.
5042 The premium on said bond shall be regarded as a proper and
5043 necessary expense of the board. When any member of the board or
5044 any employee thereof is engaged on business of the board away from
5045 the principal office of the board, he shall be entitled to receive
5046 expenses as authorized in Section 25-3-41, and members of the



5047 board shall be entitled to per diem in an amount not to exceed
5048 that authorized in Section 25-3-69, all as approved by the board.

5049 (3) The board shall employ an executive director and may
5050 employ such clerical or other assistants as are necessary for the
5051 proper performance of its work, and may make expenditures for any
5052 purpose which in the opinion of the board are reasonably necessary
5053 for the proper performance of its duties under this chapter.

5054 **SECTION 94.** Section 73-17-7, Mississippi Code of 1972, is
5055 amended as follows:

5056 73-17-7. (1) There is hereby created the Mississippi State
5057 Board of Nursing Home Administrators. This board shall consist of
5058 seven (7) persons, in addition to the State Health Officer, or his
5059 designee, who shall be an ex-officio member without voting
5060 privilege, to be appointed by the Governor with the advice and
5061 consent of the Senate, each of whom shall be a qualified elector
5062 of the State of Mississippi; the members of said board shall be
5063 selected from a list of names submitted to the Governor as
5064 provided for hereinafter. In making initial appointments, three
5065 (3) members shall be appointed for a term of two (2) years; two
5066 (2) members shall be appointed for terms of three (3) years; and
5067 two (2) members for terms of four (4) years; and until their
5068 successors are appointed and qualified; thereafter, the terms of
5069 the members of the said board shall be for four (4) years and
5070 until their successors are appointed and qualified. In the event
5071 of the occurrence of a vacancy during the term of office of its
5072 incumbent, such vacancy shall be filled for the unexpired portion
5073 of the term. The members of this board shall include the
5074 following:

5075 (a) One (1) educator with expertise in the field of
5076 health care and associated at the time of his appointment with an
5077 institution of higher learning within the State of Mississippi.

5078 (b) A registered nurse.



5079 (c) A licensed and practicing medical doctor or
5080 physician.

5081 (d) Three (3) licensed and practicing nursing home
5082 administrators, no more than one (1) of whom shall be from the
5083 same Supreme Court district, who shall have had at least five (5)
5084 years' actual experience as a nursing home administrator.

5085 (e) A hospital administrator.

5086 Only the board members who are nursing home administrators
5087 may have a direct financial interest in any nursing home.

5088 The Mississippi Nurses Association may submit a list of
5089 nominees for the appointment of the registered nurse member; the
5090 Mississippi State Medical Association may submit a list of
5091 nominees for the appointment of the medical doctor or physician
5092 member; the Mississippi Health Care Association and the
5093 Mississippi Health Facilities Association may submit lists of
5094 nominees for the appointment of the nursing home administrator
5095 members; and the Mississippi State Hospital Association may submit
5096 a list of nominees for the appointment of the hospital
5097 administrator member. Any such list of nominees shall be
5098 submitted at least thirty (30) days before the expiration of the
5099 term for each position.

5100 Vacancies occurring on the board shall be filled by
5101 appointment by the Governor of individuals having the same
5102 prerequisite qualifications as required by this section for the
5103 vacancy being filled. The affected group may submit a list of
5104 nominees not more than thirty (30) days after a vacancy occurs.

5105 (2) The board shall organize by selecting annually from its
5106 members a chairman and a vice chairman, and may do all things
5107 necessary and convenient for carrying into effect the provisions
5108 of this chapter and may from time to time promulgate rules and
5109 regulations. Each member of the board shall receive a per diem as
5110 provided in Section 25-3-69, plus travel and reasonable necessary
5111 expenses incidental to the attendance at each meeting as provided



5112 in Section 25-3-41. Any member who shall not attend two (2)
5113 consecutive meetings of the board shall be subject to removal by
5114 the Governor. The chairman of the board shall notify the Governor
5115 in writing when any such member has failed to attend two (2)
5116 consecutive regular meetings.

5117 (3) The board shall adopt a seal.

5118 (4) The board is hereby authorized to acquire office space
5119 and to employ such personnel as shall be necessary in the
5120 performance of its duties, including a secretary-treasurer, who
5121 shall be bonded in an amount to be fixed by the board, but in no
5122 event less than the amount of Five Thousand Dollars (\$5,000.00).

5123 (5) All fees and any other monies received by the board
5124 shall be deposited in a special fund that is created in the State
5125 Treasury. The monies in the special fund shall be subject to all
5126 provisions of the state budget laws that are applicable to special
5127 fund agencies. * * * Interest earned on this special fund in the
5128 amount provided for in Section 27-105-33 shall be credited by the
5129 State Treasurer to the fund and shall not be paid into the State
5130 General Fund.

5131 **SECTION 95.** Section 73-31-9, Mississippi Code of 1972, is
5132 amended as follows:

5133 73-31-9. (1) All fees from applicants seeking licensing
5134 under this chapter and all license renewal fees received under
5135 this chapter shall be nonrefundable.

5136 (2) The board shall charge an application fee to be
5137 determined by the board but not to exceed Three Hundred Dollars
5138 (\$300.00) to applicants for licensing, and shall charge the
5139 applicant for the expenses incurred by the board for examination
5140 of the applicant.

5141 (3) Every licensed psychologist in this state shall annually
5142 pay to the board a fee determined by the board but not to exceed
5143 Three Hundred Dollars (\$300.00); and the executive secretary shall
5144 thereupon issue a renewal of the license for a term of one (1)



5145 year. The license of any psychologist who shall fail to renew
5146 during the month of July in each and every year shall lapse; the
5147 failure to renew the license, however, shall not deprive said
5148 psychologist of the right of renewal thereafter. Such lapsed
5149 license may be renewed within a period of two (2) years after such
5150 lapse upon payment of all fees in arrears. A psychologist wishing
5151 to renew a license which has been lapsed for more than two (2)
5152 years shall be required to reapply for licensure.

5153 (4) On July 1, 1993, and every odd numbered year thereafter,
5154 no psychologist license shall be renewed unless the psychologist
5155 shows evidence of a minimum of twenty (20) clock hours of
5156 continuing education activities approved by the board.

5157 (5) All fees and any other monies received by the board
5158 shall be deposited in a special fund that is created in the State
5159 Treasury and shall be used for the implementation and
5160 administration of this chapter when appropriated by the
5161 Legislature for such purpose. The monies in the special fund
5162 shall be subject to all provisions of the state budget laws that
5163 are applicable to special fund agencies, and disbursements from
5164 the special fund shall be made by the State Treasurer only upon
5165 warrants issued by the State Fiscal Officer upon requisitions
5166 signed by the chairman or executive secretary of the board. * * *
5167 Interest earned on this special fund in the amount provided for in
5168 Section 27-105-33 shall be credited by the State Treasurer to the
5169 fund and shall not be paid into the State General Fund. Any
5170 unexpended monies remaining in the special fund at the end of a
5171 fiscal year shall not lapse into the State General Fund. The
5172 State Auditor shall audit the financial affairs of the board and
5173 the transactions involving the special fund at least once a year
5174 in the same manner as for other special fund agencies.

5175 This section shall stand repealed from and after July 1,
5176 2011.



5177 **SECTION 96.** Section 73-39-7, Mississippi Code of 1972, is
5178 amended as follows:

5179 73-39-7. (1) There shall be no obligation on the part of
5180 the state for the payment of any money as salary or otherwise to
5181 any member of the board, but the compensation and expenses of said
5182 board shall be paid out of the fees and fines as hereinafter
5183 provided. The members of the board shall receive as compensation
5184 for their services the sum of Forty Dollars (\$40.00) for each day
5185 in actual service of said board and, in addition, their expenses
5186 incident to the meeting of the board. If the fines and fees are
5187 not sufficient to defray such compensation and expenses they shall
5188 be prorated among the members of said board, after paying
5189 operating expenses of said board.

5190 (2) All fees and other monies received by the
5191 secretary-treasurer of the board shall be deposited in a special
5192 fund that is created in the State Treasury and shall be used for
5193 the implementation and administration of this chapter when
5194 appropriated by the Legislature for such purpose. The monies in
5195 the special fund shall be subject to all provisions of the state
5196 budget laws that are applicable to special fund agencies, and
5197 disbursements from the special fund shall be made by the State
5198 Treasurer only upon warrants issued by the State Fiscal Officer
5199 upon requisitions signed by the president or secretary-treasurer
5200 of the board. * * * Interest earned on this special fund in the
5201 amount provided for in Section 27-105-33 shall be credited by the
5202 State Treasurer to the fund and shall not be paid into the State
5203 General Fund. Any unexpended monies remaining in the special fund
5204 at the end of a fiscal year shall not lapse into the State General
5205 Fund. The State Auditor shall audit the financial affairs of the
5206 board and the transactions involving the special fund at least
5207 once a year in the same manner as for other special fund agencies.

5208 (3) The board is authorized to employ such personnel and
5209 incur such expense as may be necessary for the performance of its



5210 duties and the enforcement of this chapter including expenses for
5211 the promotion of education and standards of veterinary medicine
5212 through institutes, conferences, educational programs or such
5213 other means as may result in improved services.

5214 **SECTION 97.** Section 73-53-10, Mississippi Code of 1972, is
5215 amended as follows:

5216 73-53-10. (1) No appropriations from the State General Fund
5217 shall be used to operate the board. The board shall be supported
5218 by fees collected for license application and renewal and/or other
5219 monies raised by the board.

5220 (2) All fees and any other monies received by the board,
5221 except for monetary penalties imposed under Section 75-53-23,
5222 shall be deposited in a special fund that is created in the State
5223 Treasury and shall be used for the implementation and
5224 administration of this chapter and Sections 73-54-1 through
5225 73-54-39 when appropriated by the Legislature for such purpose.
5226 The monies in the special fund shall be subject to all provisions
5227 of the state budget laws that are applicable to special fund
5228 agencies, and shall be disbursed by the State Treasurer only upon
5229 warrants issued by the State Fiscal Officer upon requisitions
5230 signed by the chairman of the board or another board member
5231 designated by the chairman, and countersigned by the secretary of
5232 the board. * * * Interest earned on this special fund in the
5233 amount provided for in Section 27-105-33 shall be credited by the
5234 State Treasurer to the fund and shall not be paid into the State
5235 General Fund. Any unexpended monies remaining in the special fund
5236 at the end of a fiscal year shall not lapse into the State General
5237 Fund. Monetary penalties imposed by the board under Section
5238 73-53-23 shall be deposited in the State General Fund.

5239 **SECTION 98.** Section 73-59-3, Mississippi Code of 1972, is
5240 amended as follows:

5241 73-59-3. (1) Except as otherwise provided in Section
5242 73-59-15, persons who perform residential construction or



5243 residential improvement shall be licensed by the board annually,
5244 and, as a prerequisite to obtaining a license or renewal thereof,
5245 each shall submit to the board:

5246 (a) Proof of workers' compensation insurance, if
5247 applicable;

5248 (b) A federal employment identification number or
5249 social security number.

5250 (2) The board shall not require liability insurance to be
5251 licensed under this chapter but if a licensee has liability
5252 insurance it shall be reflected on the certificate of licensure.

5253 (3) The board shall issue or renew a license to a
5254 residential builder or remodeler upon payment to the board of the
5255 license fee. The initial license fee shall be Fifty Dollars
5256 (\$50.00). The license fee may thereafter be increased or
5257 decreased by the board and cannot exceed One Hundred Dollars
5258 (\$100.00); however, the receipts from fees collected by the board
5259 shall be no greater than the amount required to pay all costs and
5260 expenses incurred by the board in enforcing the provisions of this
5261 chapter. All fees collected under this chapter shall be deposited
5262 into the special fund in the State Treasury known as the "State
5263 Board of Contractor's Fund" created pursuant to Section 31-3-17
5264 and shall be used only for the administration and enforcement of
5265 this chapter. Amounts in such fund shall not lapse into the State
5266 General Fund at the end of a fiscal year. Interest earned on such
5267 special fund in the amount provided for in Section 27-105-33 shall
5268 be credited to the fund by the State Treasurer. All expenditures
5269 from the special fund shall be by requisition to the Department of
5270 Finance and Administration, signed by the executive secretary of
5271 the board and countersigned by the chairman or vice chairman of
5272 the board.

5273 (4) The license shall expire on the last day of the twelfth
5274 month following its issuance or renewal and shall become invalid
5275 unless renewed. The board shall notify by mail every licensee



5276 under this chapter of the date of the expiration of his license
5277 and the amount of the fee required for renewal of the license for
5278 one (1) year. Such notice shall be mailed within thirty (30) days
5279 prior to the expiration date of the license. The failure on the
5280 part of any licensee to renew his license annually in such twelfth
5281 month shall not deprive such licensee of the right of renewal,
5282 provided that renewal is effected within one hundred twenty (120)
5283 days after the expiration date of the license by payment of the
5284 license fee plus a penalty of one hundred percent (100%) of the
5285 license fee. A new license required to replace a revoked, lost,
5286 mutilated or destroyed license may be issued, subject to the rules
5287 of the board, for a charge of not more than Twenty-five Dollars
5288 (\$25.00).

5289 (5) Any person who is not a resident of the State of
5290 Mississippi who desires to perform residential construction or
5291 residential improvement shall be licensed to perform such
5292 construction or improvement as provided by this chapter.

5293 **SECTION 99.** Section 73-63-21, Mississippi Code of 1972, is
5294 amended as follows:

5295 73-63-21. (1) There is created in the State Treasury a fund
5296 to be designated as the "Registered Professional Geologists Fund,"
5297 to be administered by the president or executive director of the
5298 board.

5299 (2) Monies in the fund shall be utilized to pay reasonable
5300 direct and indirect costs associated with the administration and
5301 enforcement of this chapter.

5302 (3) Expenditures from the fund may be made upon requisition
5303 by the president or executive director of the board.

5304 (4) The fund shall be treated as a special trust fund.
5305 Interest earned on the principal in the amount provided for in
5306 Section 27-105-33 shall be credited to the fund by the Treasurer.

5307 (5) The fund may receive monies from any available public or
5308 private source, including, but not limited to, collection of fees,



5309 interest, grants, taxes, public and private donations, judicial
5310 actions and appropriated funds.

5311 (6) Monies in the fund at the end of the fiscal year shall
5312 be retained in the fund for use in the next succeeding fiscal
5313 year.

5314 **SECTION 100.** Section 75-57-119, Mississippi Code of 1972, is
5315 amended as follows:

5316 75-57-119. (1) There is established a propane education and
5317 research program to be administered by the Department of Insurance
5318 through the State Liquified Compressed Gas Board, created in
5319 Section 75-57-101, Mississippi Code of 1972, for the purpose of
5320 promoting the growth and development of the propane industry in
5321 Mississippi.

5322 (2) There is created in the State Treasury a special fund to
5323 be designated as the "Mississippi Propane Education and Research
5324 Fund."

5325 (3) (a) There is imposed and levied an assessment of
5326 One-tenth Cent (1/10/c) per gallon on compressed gas except for
5327 compressed natural gas or liquified natural gas. The assessment
5328 may be increased by not more than One-tenth Cent (1/10/c) per
5329 gallon per year and the total assessment shall not exceed One-half
5330 Cent (1/2/c) per gallon.

5331 (b) The assessment shall accrue at the same time and in
5332 the same manner as the tax levied on compressed gas under the
5333 provisions of Section 27-59-11(1), Mississippi Code of 1972. On
5334 or before the fifteenth day of each month the funds collected by
5335 the State Tax Commission during the previous month, less three and
5336 one-half percent (3-1/2%) of the gross amount collected, shall be
5337 deposited into the special fund created in subsection (2) of this
5338 section. The State Tax Commission may retain three and one-half
5339 percent (3-1/2%) of the funds collected under this act as
5340 administrative fees.



5341 (c) Disbursements from the special fund created in
5342 subsection (2) of this section shall be made upon warrants issued
5343 by the State Fiscal Officer upon requisitions signed by the
5344 Commissioner of Insurance, or his designee, in the manner provided
5345 by law. * * * Interest earned by investing the proceeds in such
5346 special fund in the amount provided for in Section 27-105-33 shall
5347 be credited to such special fund and shall not be deposited in the
5348 State General Fund. The State Fiscal Officer may issue warrants
5349 for the payment of monies from the special fund, upon requisition
5350 by the Commissioner of Insurance, or his designee, for refunds to
5351 dealers as provided in subsection (4) of this section.

5352 (4) Any propane dealer may request and receive a refund of
5353 the amount of assessment remitted from the sale of propane if he
5354 makes a written application with the Department of Insurance by
5355 the end of each quarter in which the sales were made, supported by
5356 bona fide copies of tax reports. The application forms shall be
5357 prepared by the Department of Insurance and shall be available to
5358 all retailers. All such applications shall be processed and
5359 refunds paid by the Department of Insurance within sixty (60) days
5360 after the funds have been received by the department.

5361 (5) At the end of each quarter, the Department of Insurance
5362 shall make available to the State Liquified Compressed Gas Board
5363 all unencumbered funds collected under the provisions of this act.
5364 The Department of Insurance may retain an amount not to exceed
5365 three and one-half percent (3-1/2%) of the funds collected under
5366 the provisions of this act as administrative fees.

5367 (6) (a) Any person liable for the assessment shall be
5368 subject to the same requirements and penalties set forth for
5369 distributors under the provisions of Section 27-59-1 et seq.,
5370 Mississippi Code of 1972.

5371 (b) The State Tax Commission is hereby authorized and
5372 empowered to promulgate all rules and regulations necessary for
5373 the collection of the assessment.



5374 (7) The State Liquified Compressed Gas Board shall
5375 establish, with the approval of the Commissioner of Insurance,
5376 rules and regulations necessary to carry out the provisions of
5377 this act.

5378 (8) The State Liquified Compressed Gas Board may expend the
5379 proceeds collected under this act only on research and development
5380 of more cost effective uses of propane and on educational
5381 programs, safety programs and market development of propane.

5382 (9) This act shall not be implemented until such time as the
5383 State Liquified Compressed Gas Board conducts an election by all
5384 licensed propane dealers in this state. Each license holder shall
5385 have one (1) vote in such election. A ballot shall be sent to
5386 each license holder by certified mail. A majority of those
5387 ballots returned within thirty (30) days after the ballots are
5388 received by the propane dealers must be in the affirmative before
5389 this act is effective. An additional election may be held by the
5390 State Liquified Compressed Gas Board at such time as approved by
5391 the Commissioner of Insurance.

5392 (10) The State Liquified Compressed Gas Board shall notify
5393 the State Tax Commission in writing of the imposition of the
5394 assessment and of any increase of the assessment. The imposition
5395 of the assessment and any increase of the assessment shall become
5396 effective on the first day of the second month succeeding the
5397 month in which the notice to impose or increase the assessment was
5398 given.

5399 (11) The State Liquified Compressed Gas Board shall notify
5400 the State Tax Commission in writing of the abatement or reduction
5401 of the assessment. The abatement or reduction of the assessment
5402 shall become effective on the last day of the month succeeding the
5403 month in which such notice was given.

5404 **SECTION 101.** Section 89-12-37, Mississippi Code of 1972, is
5405 amended as follows:



5406 89-12-37. (1) All funds received under the provisions of
5407 this chapter shall forthwith be deposited by the Treasurer in a
5408 special fund hereby established in the State Treasury to be
5409 designated the "Abandoned Property Fund," except that the
5410 Treasurer shall deposit in a separate special fund hereby
5411 established in the State Treasury to be designated the "Abandoned
5412 Property Claims Payment Fund" an amount not exceeding One Hundred
5413 Fifty Thousand Dollars (\$150,000.00) from which he shall make
5414 prompt payment of claims duly allowed by him as hereinafter
5415 provided. Before making the deposits in either special fund, he
5416 shall record the name and last known address of each person
5417 appearing from the holders' reports to be entitled to the
5418 abandoned property and the name and last known address of each
5419 insured person or annuitant and, with respect to each policy or
5420 contract listed in the report of a life insurance corporation, its
5421 number, the name of the corporation and the amount due. The
5422 record shall be available for public inspection at all reasonable
5423 business hours.

5424 (2) There is created within the Abandoned Property Fund in
5425 the State Treasury a trust to be known as the Historic Properties
5426 Financing Fund, which shall be used as provided in this section.
5427 On July 1, 1999, Ten Million Dollars (\$10,000,000.00) in the
5428 Abandoned Property Fund shall be set aside and placed in the
5429 Historic Properties Financing Fund created herein. The principal
5430 of the Historic Properties Financing Fund shall remain inviolate
5431 within the Abandoned Property Fund, and shall be invested in the
5432 same manner as the remainder of the Abandoned Property Fund. The
5433 interest in the amount provided for in Section 27-105-33 on
5434 amounts in the Historic Properties Financing Fund shall be
5435 transferred quarterly to the Mississippi Landmark Grant Program
5436 account within the Historic Properties Trust Fund created under
5437 Section 39-5-23. The transferred money shall be utilized by the



5438 Department of Archives and History for the purposes as specified
5439 in Section 39-5-23(3).

5440 (3) Notwithstanding subsections (1) and (2) of this section,
5441 the funds reflected by the cancellation of State of Mississippi
5442 warrants that constitute part of the Abandoned Property Fund shall
5443 be transferred by the State Treasurer back to the original fund
5444 source if unclaimed by the owner within the time specified in
5445 Section 7-7-42.

5446 **SECTION 102.** Section 93-21-305, Mississippi Code of 1972, is
5447 amended as follows:

5448 93-21-305. (1) There is hereby established in the State
5449 Treasury a special fund to be known as the "Mississippi Children's
5450 Trust Fund."

5451 (2) The fund shall consist of any monies appropriated to the
5452 fund by the Legislature, any donations, gifts and grants from any
5453 source, receipts from the birth certificate fees as provided by
5454 subsection (2) of Section 41-57-11, and any other monies which may
5455 be received from any other source or which may be hereafter
5456 provided by law.

5457 (3) Monies in the fund shall be used only for the purposes
5458 set forth in Sections 93-21-301 through 93-21-311. Interest
5459 earned on the investment of monies in the fund in the amount
5460 provided for in Section 27-105-33 shall be returned and deposited
5461 to the credit of the fund.

5462 (4) Disbursements of money from the fund shall be on the
5463 authorization of the Division of Family and Children's Services of
5464 the State Department of Public Welfare.

5465 (5) The primary purpose of the fund is to encourage and
5466 provide financial assistance in the provision of direct services
5467 to prevent child abuse and neglect.

5468 **SECTION 103.** Section 97-33-101, Mississippi Code of 1972, is
5469 amended as follows:



5470 97-33-101. All fees and fines collected by the commission
5471 pursuant to Sections 97-33-51 through 97-33-203 shall be deposited
5472 into a special fund to be known as the "Charitable Bingo Fund,"
5473 which is hereby created in the State Treasury. The monies in such
5474 fund shall be used exclusively to support the activities of the
5475 commission related to the regulation of the Charitable Bingo Law,
5476 upon appropriation by the Legislature. Unexpended amounts
5477 remaining in the fund at the end of a fiscal year shall not lapse
5478 into the State General Fund, and * * * interest earned in the
5479 amount provided for in Section 27-105-33 on amounts in such
5480 special fund shall be deposited to the credit of the special fund.

5481 **SECTION 104.** This act shall take effect and be in force from
5482 and after July 1, 2002.

