

By: Representative Stringer

To: Ways and Means

HOUSE BILL NO. 1409
(As Passed the House)

1 AN ACT TO PROHIBIT ANY STATE AGENCY FROM PURCHASING
2 EQUIPMENT, HIRING NEW EMPLOYEES, OR PROMOTING, RECLASSIFYING,
3 REALLOCATING OR REALIGNING PAY GRADES WITH REGARD TO ANY OF ITS
4 EMPLOYEES OR JOB POSITIONS DURING THE CURRENT FISCAL YEAR; TO
5 ESTABLISH AN APPEAL PROCEDURE TO THE STATE FISCAL OFFICER FOR
6 AGENCIES SEEKING TO TAKE ANY ACTION THAT OTHERWISE WOULD BE
7 PROHIBITED BY THIS ACT; TO SET FORTH THE DEMONSTRATION OF THE
8 EMERGENCY THAT MUST BE MADE BY THE AGENCY IN ITS APPEAL; TO
9 PROVIDE THAT THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL BE
10 NOTIFIED OF SUCH AN APPEAL AND THAT COMMITTEE MEMBERS MAY ATTEND
11 THE HEARING ON SUCH AN APPEAL; TO ALLOW THE STATE FISCAL OFFICER,
12 IN HIS DISCRETION, TO AUTHORIZE THE ACTION SOUGHT IN THE APPEAL;
13 TO AMEND SECTION 25-9-116, MISSISSIPPI CODE OF 1972, IN CONFORMITY
14 TO THE PRECEDING PROVISIONS; TO PROVIDE THAT DURING FISCAL YEAR
15 2006, STATE AGENCIES ARE NOT AUTHORIZED TO EXPEND FUNDS TO DO
16 CERTAIN THINGS UNLESS SPECIFICALLY AUTHORIZED IN THE AGENCY'S
17 APPROPRIATION BILL; TO AMEND SECTIONS 7-7-211 AND 7-7-213,
18 MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE CHARGED BY THE
19 DEPARTMENT OF AUDIT FOR CONDUCTING A POSTAUDIT, PREAUDIT OR
20 INVESTIGATION OF THE FINANCIAL AFFAIRS OF CERTAIN GOVERNMENTAL
21 ENTITIES; TO BRING FORWARD SECTION 27-15-83, MISSISSIPPI CODE OF
22 1972, WHICH PROVIDES FOR CERTAIN PRIVILEGE TAXES TO BE LEVIED ON
23 INSURANCE COMPANIES; TO BRING FORWARD SECTION 27-15-85,
24 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR PRIVILEGE TAXES TO BE
25 LEVIED ON CERTAIN INCORPORATED INSURANCE AGENCIES AND INCORPORATED
26 GENERAL AGENTS AND INCORPORATED SUPERVISING GENERAL AGENTS; TO
27 BRING FORWARD SECTION 27-15-87, MISSISSIPPI CODE OF 1972, WHICH
28 PROVIDES FOR PRIVILEGE TAXES TO BE LEVIED ON CERTAIN FIRE,
29 CASUALTY, LIABILITY, FIDELITY, SURETY, GUARANTY AND INLAND MARINE
30 INSURANCE AGENTS AND INSURANCE SOLICITORS; TO BRING FORWARD
31 SECTION 27-15-93, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN
32 PRIVILEGE TAXES TO BE LEVIED ON INCORPORATED LIFE, HEALTH OR
33 ACCIDENT INSURANCE AGENCIES, SUPERVISING GENERAL AGENTS AND LIFE
34 INSURANCE AGENTS; TO BRING FORWARD SECTION 27-15-95, MISSISSIPPI
35 CODE OF 1972, WHICH PROVIDES FOR A PRIVILEGE TAX TO BE LEVIED ON
36 CERTAIN PERSONS, OTHER THAN AN INCORPORATED INSURANCE AGENCY,
37 WRITING HEALTH AND ACCIDENT OR INDUSTRIAL LIFE INSURANCE; TO BRING
38 FORWARD SECTION 83-49-47, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
39 FOR CERTAIN LICENSE FEES ON PERSONS ACTING AS AGENTS OR
40 REPRESENTATIVES OF INSURERS WHO ESTABLISH PREPAID LEGAL SERVICES;
41 TO BRING FORWARD SECTION 83-11-237, MISSISSIPPI CODE OF 1972,
42 WHICH REQUIRES CERTAIN REGISTRATION FEES FOR AGENTS OF AUTOMOBILE
43 CLUBS OPERATING IN THE STATE OF MISSISSIPPI; TO AMEND SECTION
44 27-19-44.4, MISSISSIPPI CODE OF 1972, TO IMPOSE AN ADDITIONAL FEE
45 ON THE ISSUANCE OF PERSONALIZED MOTOR VEHICLE LICENSE TAGS AND
46 CERTAIN DISTINCTIVE OR SPECIAL MOTOR VEHICLE LICENSE TAGS; TO
47 BRING FORWARD SECTION 27-19-89, MISSISSIPPI CODE OF 1972, WHICH
48 PROVIDES FOR FINES FOR OVERWEIGHT VEHICLES UPON THE PUBLIC
49 HIGHWAYS; TO BRING FORWARD SECTION 27-65-27, MISSISSIPPI CODE OF
50 1972, WHICH PROVIDES FOR THE ISSUANCE OF PERMITS TO ENGAGE IN
51 BUSINESS; TO AMEND SECTION 27-65-33, MISSISSIPPI CODE OF 1972, TO
52 PROVIDE THAT THE COMPENSATION OR DISCOUNT ALLOWED TO TAXPAYERS FOR

53 COLLECTING SALES AND USE TAXES AND FILING NECESSARY RETURNS WITH
54 THE STATE TAX COMMISSION SHALL NOT BE ALLOWED FOR MORE THAN ONE
55 BUSINESS LOCATION; TO AMEND SECTION 27-69-13, MISSISSIPPI CODE OF
56 1972, AND TO AMEND SECTION 27-69-31, MISSISSIPPI CODE OF 1972, TO
57 ELIMINATE THE DISCOUNT OR COMPENSATION PROVIDED TO DEALERS AS
58 COMPENSATION FOR THEIR SERVICES IN AFFIXING TOBACCO TAX STAMPS
59 REQUIRED UNDER THE STATE TOBACCO TAX LAW; TO AMEND SECTION
60 27-69-75, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
61 PROVISIONS; TO AMEND SECTION 27-71-11, MISSISSIPPI CODE OF 1972,
62 TO INCREASE THE MARKUP ON THE COST OF ALCOHOLIC BEVERAGES; TO
63 AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO INCREASE THE
64 ANNUAL PRIVILEGE TAX ON RETAIL AND WHOLESALE SELLERS OF BEER AND
65 LIGHT WINES; TO AMEND SECTION 39-5-5, MISSISSIPPI CODE OF 1972, TO
66 AUTHORIZE THE DEPARTMENT OF ARCHIVES AND HISTORY TO CHARGE FEES TO
67 PERSONS WHO USE THE FACILITIES OF THE DEPARTMENT TO CONDUCT
68 RESEARCH AND CHARGE FEES FOR THE DEPARTMENT TO PERFORM RESEARCH ON
69 BEHALF OF PERSONS OR ENTITIES; TO AMEND SECTION 41-3-18,
70 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF
71 HEALTH SHALL CHARGE AN ADDITIONAL FEE FOR FOOD ESTABLISHMENT
72 PERMITS AND PRIVATE WATER SUPPLY APPROVALS; TO AMEND SECTION
73 41-4-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF
74 MENTAL HEALTH TO CHARGE COUNTIES FOR SERVICES PROVIDED TO PATIENTS
75 IN MENTAL HEALTH CRISIS INTERVENTION CENTERS; TO BRING FORWARD
76 SECTION 41-7-71, 41-71-73 AND 41-71-79, WHICH PROVIDE FOR CHARGING
77 THE COSTS OF PROVIDING CARE AND TREATMENT TO PERSONS AT STATE
78 MENTAL INSTITUTIONS; TO AMEND SECTION 45-1-29, MISSISSIPPI CODE OF
79 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO SET AND
80 COLLECT FEES FOR SERVICES RENDERED BY THE MISSISSIPPI CRIME
81 LABORATORY IN AMOUNTS THAT WILL RECOVER THE COSTS TO THE CRIME
82 LABORATORY; TO BRING FORWARD SECTION 49-17-30, MISSISSIPPI CODE OF
83 1972, WHICH PROVIDES FOR THE ISSUANCE OF AN AIR OPERATING PERMIT
84 UNDER THE FEDERAL CLEAN AIR ACT BY THE DEPARTMENT OF ENVIRONMENTAL
85 QUALITY; TO AMEND SECTION 49-17-421, MISSISSIPPI CODE OF 1972, TO
86 PROVIDE THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE
87 AN ADDITIONAL FEE FOR UNDERGROUND STORAGE TANKS; TO PROVIDE THAT
88 WHERE A FEE IS NOT SET BY LAW, THE DEPARTMENT OF ENVIRONMENTAL
89 QUALITY SHALL CHARGE FEES FOR GENERAL PERMITS, OTHER PERMITS AND
90 MONITORING ACTIVITIES; TO AMEND SECTIONS 51-3-31, 53-7-7, 53-7-21,
91 53-7-25, 53-7-27 AND 53-7-69, MISSISSIPPI CODE OF 1972, TO PROVIDE
92 THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE FEES FOR
93 CERTAIN ACTIVITIES UNDER ITS JURISDICTION; TO BRING FORWARD
94 SECTION 55-3-33, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
95 CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF WILDLIFE, FISHERIES
96 AND PARKS REGARDING PARKS OPERATED BY THE DEPARTMENT; TO AMEND
97 SECTION 45-35-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE FOR
98 IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY; TO
99 AMEND SECTION 45-35-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE
100 FEE FOR THE ISSUANCE OF DUPLICATE IDENTIFICATION CARDS BY THE
101 DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO
102 INCREASE THE FEES FOR REGULAR DRIVER'S LICENSES AND CLASS D
103 COMMERCIAL DRIVER'S LICENSES; TO AMEND SECTIONS 63-1-21, 63-1-37,
104 63-1-46 AND 63-1-82, MISSISSIPPI CODE OF 1972, TO INCREASE THE
105 FEES FOR THE ISSUANCE OF TEMPORARY DRIVING PERMITS, DUPLICATE
106 COPIES OF DRIVERS' LICENSES OR TEMPORARY DRIVING PERMITS,
107 REINSTATEMENT OF SUSPENDED DRIVERS' LICENSES, AND CLASS A, CLASS B
108 AND CLASS C COMMERCIAL DRIVERS' LICENSES; TO BRING FORWARD SECTION
109 63-1-81, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR APPLICATION
110 FEES FOR COMMERCIAL DRIVER'S LICENSES; TO BRING FORWARD SECTION
111 63-15-4, MISSISSIPPI CODE OF 1972, WHICH REQUIRES MOTOR VEHICLE
112 OWNERS OR OPERATORS TO HAVE INSURANCE CARDS IN THEIR MOTOR
113 VEHICLES; TO AMEND SECTION 63-21-63, MISSISSIPPI CODE OF 1972, TO
114 INCREASE THE FEES FOR ISSUING AND PROCESSING MOTOR VEHICLE
115 CERTIFICATES OF TITLE AND RELATED DOCUMENTS; TO CODIFY NEW SECTION
116 7-3-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF
117 STATE SHALL PROVIDE FOR THE ANNUAL PUBLICATION OF A JUDICIARY
118 DIRECTORY AND COURT CALENDAR, WHICH SHALL BE MADE AVAILABLE FOR

119 SALE FOR NOT LESS THAN A SPECIFIED PRICE PER COPY; TO AMEND
120 SECTION 25-7-81, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
121 SECRETARY OF STATE SHALL CHARGE AN ADDITIONAL FEE FOR THE
122 COMMISSIONING OF NOTARIES PUBLIC; TO AMEND SECTION 75-4-1.22,
123 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE
124 SHALL CHARGE ADDITIONAL FEES FOR FILING CERTAIN DOCUMENTS; TO
125 AMEND SECTION 75-9-525, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
126 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FILING FEES FOR
127 SECURED TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE; TO AMEND
128 SECTION 75-63-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
129 SECRETARY OF STATE SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING
130 TO SALES OF PRE-NEED CONTRACTS; TO AMEND SECTION 75-71-409,
131 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE
132 SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING TO SECURITIES; TO
133 AMEND SECTION 79-11-109, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
134 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FEES FOR FILING
135 CERTAIN DOCUMENTS; TO AMEND SECTION 79-11-504, MISSISSIPPI CODE OF
136 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE
137 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO CHARITABLE
138 SOLICITATIONS; TO AMEND SECTION 79-29-1203, MISSISSIPPI CODE OF
139 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE
140 ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO LIMITED LIABILITY
141 COMPANIES; TO BRING FORWARD SECTION 75-76-131, MISSISSIPPI CODE OF
142 1972, WHICH PROVIDES FOR THE ISSUANCE OF WORK PERMITS BY THE
143 MISSISSIPPI GAMING COMMISSION BEFORE A PERSON MAY BE EMPLOYED AS A
144 GAMING EMPLOYEE; TO PROVIDE THAT FOR FISCAL YEAR 2006, THE
145 LEGISLATURE SHALL APPROPRIATE THE REVENUES GENERATED FROM THE
146 INCREASE IN FEES PROVIDED FOR IN THIS ACT THAT ARE TO BE DEPOSITED
147 INTO THE STATE GENERAL FUND TO FUND K-12 EDUCATIONAL PROGRAMS AND
148 TO FUND THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED PURPOSES.

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

150 **SECTION 1.** (1) Except as otherwise provided in this
151 section, due to the severe budget concerns during the current
152 fiscal year, the following provisions shall apply through June 30,
153 2005:

154 (a) No state agency is authorized to purchase any
155 equipment as defined in Section 31-7-1.

156 (b) No state agency is authorized to hire any new
157 employees, or promote, reclassify, reallocate or realign a pay
158 grade with regard to any of its employees or job positions. The
159 State Personnel Board shall immediately suspend all hirings,
160 promotions, reclassifications, reallocations and pay grade
161 realignments of employees or job positions.

162 (2) If a state agency determines that it is necessary to
163 take any action that otherwise would be prohibited under
164 subsection (1) of this section before July 1, 2005, the agency may
165 appeal to the State Fiscal Officer. The State Fiscal Officer
166 shall immediately notify the Joint Legislative Budget Committee of

167 the state agency's appeal and the date upon which the State Fiscal
168 Officer will hold a hearing on the appeal. The State Fiscal
169 Officer shall grant a hearing to the state agency on its appeal
170 within fifteen (15) days after notice of the appeal is given to
171 the State Fiscal Officer; however, if the Department of Mental
172 Health or the State Veterans Affairs Board is seeking to hire new
173 professional or paraprofessional employees who work directly with
174 patients or clients involved with department or board facilities
175 and programs as replacements for professional or paraprofessional
176 employees who leave employment with the department or board, then
177 the State Fiscal Officer shall grant a hearing to the department
178 or board on its appeal within three (3) days after notice of the
179 appeal is given to the State Fiscal Officer. The hearing shall
180 not be a public meeting; however, any member of the Joint
181 Legislative Budget Committee may attend the hearing. At the
182 hearing, the state agency must demonstrate to the satisfaction of
183 the State Fiscal Officer that a serious emergency exists of such
184 magnitude that the essential mission of the agency cannot be
185 carried out without taking an action that otherwise would be
186 prohibited under subsection (1) of this section. In making his
187 decision, the State Fiscal Officer may consider the source of
188 funds to be used by the state agency in taking that action. If
189 the state agency makes the demonstration required by this
190 subsection, the State Fiscal Officer, in his discretion, may
191 authorize the agency to take the action sought by the agency that
192 otherwise would be prohibited under subsection (1) of this
193 section.

194 (3) A state agency may take any action that otherwise would
195 be prohibited under subsection (1)(b) of this section if all of
196 the funds to be expended to fund that action are federal funds.

197 (4) For purposes of this section, the term "state agency"
198 means any agency, board, commission or department of the State of
199 Mississippi.

200 **SECTION 2.** Section 25-9-116, Mississippi Code of 1972, is
201 amended as follows:

202 **[Through June 30, 2005, this section will read as follows:]**

203 25-9-116. * * * The State Personnel Board shall institute
204 an immediate suspension of all hirings, promotions,
205 reclassifications, reallocations and pay grade realignments, as
206 provided in Section 1 of this act.

207 **[From and after July 1, 2005, this section will read as**
208 **follows:]**

209 25-9-116. Upon recommendation of the State Fiscal Officer,
210 after a determination that the state revenue and expenditure
211 requires such action the State Personnel Board may institute an
212 immediate suspension of all hirings, promotions,
213 reclassifications, reallocations and pay grade realignments until
214 such time as the State Fiscal Officer shall recommend that such
215 action is no longer required.

216 **SECTION 3.** (1) For the purposes of this section, the term
217 "state agency" means an agency, board, commission or department of
218 the State of Mississippi.

219 (2) For the period beginning on July 1, 2005, and through
220 June 30, 2006, unless specifically authorized in the appropriation
221 bill for a state agency, the state agency is not authorized to
222 expend funds to do any of the following:

223 (a) Hire any new employees, or promote, reclassify,
224 reallocate or realign a pay grade with regard to any of its
225 employees or job positions;

226 (b) Purchase any equipment or furniture as defined in
227 Section 31-7-1, or any computer or telecommunications equipment;
228 and even if authorized in the appropriation bill, a state agency
229 is not authorized to expend funds to purchase any sports-utility
230 vehicle unless the purchase is approved by the Department of
231 Finance and Administration;

232 (c) Contract with any person or entity for professional
233 services or consulting services, or make payments under any such
234 contract;

235 (d) Travel outside of the State of Mississippi;

236 (e) Publish or distribute any annual reports or other
237 publications;

238 (f) Conduct public relations activities regarding the
239 functions, programs or services of the state agency;

240 (g) Advertise the functions, programs or services of
241 the state agency; however, the Mississippi Development Authority
242 is authorized to expend funds for advertising to carry out the
243 purposes of key programs administered by the authority; or

244 (h) Purchase cellular telephones for use of employees
245 of the state agency, contract or enter an agreement with any
246 person or entity to provide cellular telephone service for
247 employees of the state agency, or make payments under any such
248 contract or agreement; however, the prohibition in this paragraph
249 (h) shall not apply to the Governor's Office, the Mississippi
250 Development Authority or the law enforcement personnel of any
251 state agency.

252 **SECTION 4.** Section 7-7-211, Mississippi Code of 1972, is
253 amended as follows:

254 7-7-211. The department shall have the power and it shall be
255 its duty:

256 (a) To identify and define for all public offices of
257 the state and its subdivisions generally accepted accounting
258 principles as promulgated by nationally recognized professional
259 organizations and to consult with the State Fiscal Officer in the
260 prescription and implementation of accounting rules and
261 regulations;

262 (b) To prescribe, for all public offices of regional
263 and local subdivisions of the state, systems of accounting,
264 budgeting and reporting financial facts relating to those offices

265 in conformity with legal requirements and with generally accepted
266 accounting principles as promulgated by nationally recognized
267 professional organizations; to assist such subdivisions in need of
268 assistance in the installation of such systems; to revise such
269 systems when deemed necessary, and to report to the Legislature at
270 periodic times the extent to which each office is maintaining such
271 systems, along with such recommendations to the Legislature for
272 improvement as seem desirable;

273 (c) To study and analyze existing managerial policies,
274 methods, procedures, duties and services of the various state
275 departments and institutions upon written request of the Governor,
276 the Legislature or any committee or other body empowered by the
277 Legislature to make such request to determine whether and where
278 operations can be eliminated, combined, simplified and improved;

279 (d) To postaudit each year and, when deemed necessary,
280 preaudit and investigate the financial affairs of each and every
281 department, institution, board, commission or other agency of each
282 branch of state government, as part of the publication of a
283 comprehensive annual financial report for the State of
284 Mississippi. In complying with the requirements of this
285 subsection, the department shall have the authority to conduct all
286 necessary audit procedures on an interim and year-end basis;

287 (e) To postaudit and, when deemed necessary, preaudit
288 and investigate separately the financial affairs of (i) the
289 offices, boards and commissions of county governments and any
290 departments and institutions thereof and therein; (ii) public
291 school districts, departments of education and junior college
292 districts; and (iii) any other local offices or agencies which
293 share revenues derived from taxes or fees imposed by the State
294 Legislature or receive grants from revenues collected by
295 governmental divisions of the state; the cost of such audits,
296 investigations or other services to be paid as follows: Such part
297 shall be paid by the state from appropriations made by the

298 Legislature for the operation of the State Department of Audit as
299 may exceed the sum of Thirty-two Dollars and Fifty Cents (\$32.50)
300 per hour for the services of each staff person engaged in
301 performing the audit or other service, which sum shall be paid by
302 the county, district, department, institution or other agency
303 audited out of its general fund or any other available funds from
304 which such payment is not prohibited by law;

305 (f) To postaudit and, when deemed necessary, preaudit
306 and investigate the financial affairs of the levee boards;
307 agencies created by the Legislature or by executive order of the
308 Governor; profit or nonprofit business entities administering
309 programs financed by funds flowing through the State Treasury or
310 through any of the agencies of the state, or its subdivisions; and
311 all other public bodies supported by funds derived in part or
312 wholly from public funds, except municipalities which annually
313 submit an audit prepared by a qualified certified public
314 accountant using methods and procedures prescribed by the
315 department;

316 (g) To make written demand, when necessary, for the
317 recovery of any amounts representing public funds improperly
318 withheld, misappropriated and/or otherwise illegally expended by
319 an officer, employee or administrative body of any state, county
320 or other public office, and/or for the recovery of the value of
321 any public property disposed of in an unlawful manner by a public
322 officer, employee or administrative body, such demands to be made
323 (i) upon the person or persons liable for such amounts and upon
324 the surety on official bond thereof, and/or (ii) upon any
325 individual, partnership, corporation or association to whom the
326 illegal expenditure was made or with whom the unlawful disposition
327 of public property was made, if such individual, partnership,
328 corporation or association knew or had reason to know through the
329 exercising of reasonable diligence that the expenditure was
330 illegal or the disposition unlawful. Such demand shall be

331 premised on competent evidence, which shall include at least one
332 (1) of the following: (i) sworn statements, (ii) written
333 documentation, (iii) physical evidence, or (iv) reports and
334 findings of government or other law enforcement agencies. Other
335 provisions notwithstanding, a demand letter issued pursuant to
336 this subsection shall remain confidential by the State Auditor
337 until the individual against whom the demand letter is being filed
338 has been served with a copy of such demand letter. If, however,
339 such individual cannot be notified within fifteen (15) days using
340 reasonable means and due diligence, such notification shall be
341 made to the individual's bonding company, if he or she is bonded.
342 Each such demand shall be paid into the proper treasury of the
343 state, county or other public body through the office of the
344 department in the amount demanded within thirty (30) days from the
345 date thereof, together with interest thereon in the sum of one
346 percent (1%) per month from the date such amount or amounts were
347 improperly withheld, misappropriated and/or otherwise illegally
348 expended. In the event, however, such person or persons or such
349 surety shall refuse, neglect or otherwise fail to pay the amount
350 demanded and the interest due thereon within the allotted thirty
351 (30) days, the State Auditor shall have the authority and it shall
352 be his duty to institute suit, and the Attorney General shall
353 prosecute the same in any court of the state to the end that there
354 shall be recovered the total of such amounts from the person or
355 persons and surety on official bond named therein; and the amounts
356 so recovered shall be paid into the proper treasury of the state,
357 county or other public body through the State Auditor. In any
358 case where written demand is issued to a surety on the official
359 bond of such person or persons and the surety refuses, neglects or
360 otherwise fails within one hundred twenty (120) days to either pay
361 the amount demanded and the interest due thereon or to give the
362 State Auditor a written response with specific reasons for
363 nonpayment, then the surety shall be subject to a civil penalty in

364 an amount of twelve percent (12%) of the bond, not to exceed Ten
365 Thousand Dollars (\$10,000.00), to be deposited into the State
366 General Fund;

367 (h) To investigate any alleged or suspected violation
368 of the laws of the state by any officer or employee of the state,
369 county or other public office in the purchase, sale or the use of
370 any supplies, services, equipment or other property belonging
371 thereto; and in such investigation to do any and all things
372 necessary to procure evidence sufficient either to prove or
373 disprove the existence of such alleged or suspected violations.
374 The Department of Investigation of the State Department of Audit
375 may investigate, for the purpose of prosecution, any suspected
376 criminal violation of the provisions of this chapter. For the
377 purpose of administration and enforcement of this chapter, the
378 enforcement employees of the Department of Investigation of the
379 State Department of Audit have the powers of a law enforcement
380 officer of this state, and shall be empowered to make arrests and
381 to serve and execute search warrants and other valid legal process
382 anywhere within the State of Mississippi. All enforcement
383 employees of the Department of Investigation of the State
384 Department of Audit hired on or after July 1, 1993, shall be
385 required to complete the Law Enforcement Officers Training Program
386 and shall meet the standards of the program;

387 (i) To issue subpoenas, with the approval of, and
388 returnable to, a judge of a chancery or circuit court, in termtime
389 or in vacation, to examine the records, documents or other
390 evidence of persons, firms, corporations or any other entities
391 insofar as such records, documents or other evidence relate to
392 dealings with any state, county or other public entity. The
393 circuit or chancery judge must serve the county in which the
394 records, documents or other evidence is located; or where all or
395 part of the transaction or transactions occurred which are the
396 subject of the subpoena;

397 (j) In any instances in which the State Auditor is or
398 shall be authorized or required to examine or audit, whether
399 preaudit or postaudit, any books, ledgers, accounts or other
400 records of the affairs of any public hospital owned or owned and
401 operated by one or more political subdivisions or parts thereof or
402 any combination thereof, or any school district, including
403 activity funds thereof, it shall be sufficient compliance
404 therewith, in the discretion of the State Auditor, that such
405 examination or audit be made from the report of any audit or other
406 examination certified by a certified public accountant and
407 prepared by or under the supervision of such certified public
408 accountant. Such audits shall be made in accordance with
409 generally accepted standards of auditing, with the use of an audit
410 program prepared by the State Auditor, and final reports of such
411 audits shall conform to the format prescribed by the State
412 Auditor. All files, working papers, notes, correspondence and all
413 other data compiled during the course of the audit shall be
414 available, without cost, to the State Auditor for examination and
415 abstracting during the normal business hours of any business day.
416 The expense of such certified reports shall be borne by the
417 respective hospital, or any available school district funds other
418 than minimum program funds, subject to examination or audit. The
419 State Auditor shall not be bound by such certified reports and
420 may, in his or their discretion, conduct such examination or audit
421 from the books, ledgers, accounts or other records involved as may
422 be appropriate and authorized by law;

423 (k) The State Auditor shall have the authority to
424 contract with qualified public accounting firms to perform
425 selected audits required in subsections (d), (e) and (f) of this
426 section, if funds are made available for such contracts by the
427 Legislature, or if funds are available from the governmental
428 entity covered by subsections (d), (e) and (f). Such audits shall
429 be made in accordance with generally accepted standards of

430 auditing, with the use of an audit program prepared by the State
431 Auditor, and final reports of such audits shall conform to the
432 format prescribed by the State Auditor. All files, working
433 papers, notes, correspondence and all other data compiled during
434 the course of the audit shall be available, without cost, to the
435 State Auditor for examination and abstracting during the normal
436 business hours of any business day;

437 (1) The State Auditor shall have the authority to
438 establish training courses and programs for the personnel of the
439 various state and local governmental entities under the
440 jurisdiction of the Office of the State Auditor. The training
441 courses and programs shall include, but not be limited to, topics
442 on internal control of funds, property and equipment control and
443 inventory, governmental accounting and financial reporting, and
444 internal auditing. The State Auditor is authorized to charge a
445 fee from the participants of these courses and programs, which fee
446 shall be deposited into the Department of Audit Special Fund.
447 State and local governmental entities are authorized to pay such
448 fee and any travel expenses out of their general funds or any
449 other available funds from which such payment is not prohibited by
450 law;

451 (m) Upon written request by the Governor or any member
452 of the State Legislature, the State Auditor may audit any state
453 funds and/or state and federal funds received by any nonprofit
454 corporation incorporated under the laws of this state;

455 (n) To conduct performance audits of personal or
456 professional service contracts by state agencies on a random
457 sampling basis, or upon request of the State Personal Service
458 Contract Review Board under Section 25-9-120(3);

459 (o) To annually postaudit the Chickasawhay Natural Gas
460 District. The Department of Audit shall charge the Chickasawhay
461 Natural Gas District, audited by the authority of this paragraph,
462 the sum of Thirty-two Dollars and Fifty Cents (\$32.50) per hour

463 for each hour of staff time devoted to the auditing of the
464 district. The Chickasawhay Natural Gas District shall pay for the
465 audit fees from any sums available to the district for its general
466 operations.

467 **SECTION 5.** Section 7-7-213, Mississippi Code of 1972, is
468 amended as follows:

469 7-7-213. The costs of audits and other services required by
470 Sections 7-7-201 through 7-7-215, except for those audits and
471 services authorized by Section 7-7-211(k) which shall be funded by
472 appropriations made by the Legislature from such funds as it deems
473 appropriate, shall be paid from a special fund that is created in
474 the State Treasury, to be known as the State Department of Audit
475 Fund, into which will be paid each year the amounts received for
476 performing audits required by law. Except as provided in Section
477 7-7-211(d) * * *, the amounts to be charged for performing audits
478 and other services shall be the actual cost, not to exceed
479 Thirty-two Dollars and Fifty Cents (\$32.50) per hour for the
480 services of each staff person engaged in performing the audit or
481 other service. In the event of failure by any unit of government
482 to pay the charges authorized herein, the Department of Audit
483 shall notify the State Fiscal Officer, and upon a determination
484 that the charges are substantially correct, the State Fiscal
485 Officer shall notify the defaulting unit of his determination. If
486 payment is not made within thirty (30) days after such
487 notification, the State Fiscal Officer shall notify the State
488 Treasurer and Department of Public Accounts that no further
489 warrants are to be issued to the defaulting unit until the
490 deficiency is paid.

491 The cost of any service by the department not required of it
492 under the provisions of the cited sections but made necessary by
493 the willful fault or negligence of an officer or employee of any
494 public office of the state shall be recovered (i) from such
495 officer or employee and/or surety on official bond thereof and/or

496 (ii) from the individual, partnership, corporation or association
497 involved, in the same manner and under the same terms, when
498 necessary, as provided the department for recovering public funds
499 in Section 7-7-211.

500 The State Auditor shall deliver a copy of any audit of the
501 fiscal and financial affairs of a county to the chancery clerk of
502 such county and shall deliver a notice stating that a copy of such
503 audit is on file in the chancery clerk's office to some newspaper
504 published in the county to be published. If no newspaper is
505 published in the county, a copy of such notice shall be delivered
506 to a newspaper having a general circulation therein.

507 **SECTION 6.** Section 27-15-83, Mississippi Code of 1972, is
508 brought forward as follows:

509 27-15-83. (1) Upon each foreign insurance company licensed
510 as a single line company defined under Section 83-19-1, the
511 privilege tax is as follows:

- 512 (a) Fire and Allied Lines and/or
513 Industrial Fire..... \$200.00
- 514 (b) Casualty/Liability..... \$200.00
- 515 (c) Fidelity and/or Surety..... \$200.00
- 516 (d) Workers' Compensation..... \$200.00
- 517 (e) Boiler and Machinery..... \$200.00
- 518 (f) Plate Glass..... \$200.00
- 519 (g) Aircraft..... \$200.00
- 520 (h) Inland Marine and/or Ocean Marine..... \$200.00
- 521 (i) Automobile Physical Damage/Automobile
522 Liability..... \$200.00
- 523 (j) Homeowners/Farmowners..... \$200.00
- 524 (k) Guaranty/Mortgage Guaranty..... \$200.00
- 525 (l) Trip Accident and Baggage..... \$200.00
- 526 (m) Legal..... \$200.00
- 527 (n) Life and/or Accident and Health;
528 Credit Life, Accident and Health;

529 Industrial Life, Accident and Health;
530 and Variable Contracts..... \$200.00
531 (o) Title..... \$200.00
532 (p) Fraternal..... \$ 50.00

533 (2) For any combination of classifications of a foreign
534 insurance company, the privilege tax for a multiple line company
535 shall be Three Hundred Fifty Dollars (\$350.00).

536 (3) Any stock, mutual, reciprocal or reinsurance company
537 shall pay the appropriate privilege tax for each line of insurance
538 the company is licensed to underwrite.

539 (4) For each domestic insurance which has its home office
540 located in Mississippi, the privilege tax shall be one-half (1/2)
541 of the fees listed in this section.

542 (5) Each insurance company or association which amends its
543 privilege license shall pay a fee of Twenty-five Dollars (\$25.00).

544 **SECTION 7.** Section 27-15-85, Mississippi Code of 1972, is
545 brought forward as follows:

546 27-15-85. (1) Upon each incorporated insurance agency
547 licensed to represent fire, casualty, liability, fidelity, surety,
548 guaranty and inland marine insurance companies in municipalities
549 of Classes 1, 2, 3 and 4..... \$100.00.

550 Upon each such incorporated insurance agency in
551 municipalities of Classes 5, 6, 7 and elsewhere in the
552 state..... \$ 50.00.

553 The license issued to such incorporated agency shall specify
554 the type, types or kinds of insurance that such incorporated
555 agency is licensed and qualified to transact. Every person acting
556 as agent or solicitor for any such agency shall qualify under the
557 provisions of Laws, 2001, Chapter 510; and no person shall be
558 exempt from the privilege tax placed on insurance agents by this
559 section by reason of the fact that he is a stockholder or officer
560 in any such incorporated agency, or by reason of the fact that he
561 represents such an agency, but every agent or solicitor, except

562 two (2) executive officers of such agency, shall pay the privilege
563 tax herein imposed.

564 (2) Upon each incorporated general agent, as defined in
565 Section 83-17-1..... \$100.00.

566 (3) Upon each incorporated "supervising general agent" for
567 life, health and accident insurers as defined in Section
568 83-17-1..... \$100.00.

569 The privilege licenses issued under this section to
570 "supervising general agents" shall not constitute authority to
571 solicit business within the State of Mississippi, and shall be
572 renewed annually at the time and in the manner prescribed by
573 Section 83-17-25 on application forms which shall be furnished by
574 the Commissioner of Insurance and shall show the name of the
575 insurance company or companies such "supervising general agent"
576 represents, and other additional information as may be required by
577 the Commissioner of Insurance.

578 **SECTION 8.** Section 27-15-87, Mississippi Code of 1972, is
579 brought forward as follows:

580 27-15-87. Upon each fire, casualty, liability, fidelity,
581 surety, guaranty and/or inland marine agent or solicitor when the
582 total commission of the agency is in excess of Three Thousand
583 Dollars (\$3,000.00) annually..... \$50.00.

584 Upon each such agent or solicitor when the total commission
585 of the agency does not exceed Three Thousand Dollars (\$3,000.00)
586 annually..... \$25.00.

587 Every agent or insurance solicitor for an agent, connected
588 with any insurance agent, firm or corporation who solicits the
589 sale of any of the above-named insurance, whether stock, mutual or
590 reciprocal insurance carriers, directly or indirectly, shall be
591 liable for the above tax.

592 Whenever a solicitor is employed by any such agent or agency
593 to solicit business for its account, to be placed in the companies
594 represented by said agent or agency, such agent or agency shall

595 make application as provided for in Section 83-17-75(6), and
596 Section 83-17-217, Mississippi Code of 1972, and pay the above tax
597 on such solicitor and such license issued to him shall authorize
598 such solicitor to solicit insurance for the agency.

599 At the time of the purchase of the license herein provided,
600 every person, firm, corporation or solicitor shall file an
601 affidavit with the Insurance Commissioner of the state stating the
602 amount of commissions earned by said agency (whether such agency
603 be conducted by a person, firm or corporation) during the past
604 year, and this affidavit shall be filed at least once each year,
605 and in the event that the commissioner has reason to believe that
606 such affidavit is incorrect, then in such event, said Insurance
607 Commissioner may refuse to accept said affidavit and demand
608 further proof as to the clarification of said person, firm or
609 corporation applying for said license. If the applicant for said
610 license was not engaged in the insurance business during the year
611 preceding the application for said license, then, in such event,
612 the affidavit shall show said fact, and the Insurance Commissioner
613 shall issue to said applicant a yearly license at and for the sum
614 of Twenty-five Dollars (\$25.00) as above provided.

615 **SECTION 9.** Section 27-15-93, Mississippi Code of 1972, is
616 brought forward as follows:

617 27-15-93. (1) Upon each incorporated insurance agency
618 licensed to represent life, health or accident insurance
619 companies..... \$ 25.00.

620 The license issued to such incorporated agency shall specify
621 the type, types or kinds of insurance that such incorporated
622 agency is licensed and qualified to transact. Every person acting
623 as agent for any such agency shall qualify under the provisions of
624 Laws, 2001, Chapter 510; and no person shall be exempt from the
625 privilege tax placed on insurance agents by this section by reason
626 of the fact that he is a stockholder or officer in any such
627 incorporated agency, or by reason of the fact that he represents

628 such an agency, but every agent shall pay the privilege tax herein
629 imposed.

630 (2) Upon each incorporated supervising general agent, as
631 defined in Section 83-17-1..... \$100.00.

632 (3) Upon each life insurance agent engaged exclusively in
633 writing life insurance..... \$ 20.00.

634 And any life insurance company that knowingly issues a policy
635 where the application has been submitted to it by an agent or
636 other person who has not paid all the taxes herein imposed upon
637 each agent or person shall be liable for and pay to the state the
638 sum of Fifty Dollars (\$50.00) for each policy written.

639 Provided, that any insurance agent who has paid the tax
640 required as a life insurance agent, shall be permitted to write
641 health, accident and industrial insurance without the payment of
642 additional tax.

643 **SECTION 10.** Section 27-15-95, Mississippi Code of 1972, is
644 brought forward as follows:

645 27-15-95. Upon each person, other than an incorporated
646 insurance agency taxed under Section 27-15-93, writing health and
647 accident, or industrial life insurance..... \$20.00.

648 **SECTION 11.** Section 83-49-47, Mississippi Code of 1972, is
649 brought forward as follows:

650 83-49-47. (1) No person shall act as a representative of a
651 sponsor or agent of a sponsor as defined in Section 83-17-1,
652 Mississippi Code of 1972, without first having obtained a license
653 from the commissioner to act as an agent or representative of a
654 sponsor of prepaid legal services in this state.

655 (2) The annual license fee shall be Ten Dollars (\$10.00).
656 The fee for said license shall be paid to the commissioner on or
657 before March 1 of each year.

658 (3) Before any licensee changes his address, he shall return
659 his license to the commissioner, who shall endorse the license
660 indicating the change.

661 (4) Each person to whom the license or the renewal thereof
662 may be issued shall file sworn answers, subject to the penalties
663 of perjury, to such interrogatories as the commissioner may
664 require. The commissioner shall have authority, at any time, to
665 require the applicant to disclose fully the identity of all
666 stockholders, partners, officers and employees, and he may, in his
667 discretion, refuse to issue or renew a license in the name of any
668 firm, partnership or corporation if he is not satisfied that any
669 officer, employee, stockholder or partner thereof who may
670 materially influence the applicant's conduct meets the standards
671 of this chapter.

672 (5) Upon the filing of an application and the payment of the
673 license fee, the commissioner shall make an investigation of each
674 applicant and shall issue a license if he finds the applicant is
675 qualified in accordance with this chapter. If the commissioner
676 does not so find, he shall, within ninety (90) days after he has
677 received such application, so notify the applicant and, at the
678 request of the applicant, give the applicant a full hearing.

679 (6) The commissioner shall issue or renew a license applied
680 for when he is satisfied that the person to be licensed:

681 (a) Is competent and trustworthy and intends to act in
682 good faith as an agent or representative of a sponsor of prepaid
683 legal services plans in this state;

684 (b) Has a good business reputation and has had
685 experience, training or education so as to be qualified to act as
686 an agent or representative of a sponsor of prepaid legal services
687 plans.

688 **SECTION 12.** Section 83-11-237, Mississippi Code of 1972, is
689 brought forward as follows:

690 83-11-237. (1) An automobile club operating in this state
691 pursuant to a certificate of authority issued hereunder shall,
692 within thirty (30) days of the date of appointment, file with the
693 commissioner a notice of appointment of a club agent by an

694 automobile club to sell memberships in the automobile club to the
695 public. This notification shall be upon such form as the
696 commissioner may prescribe, shall contain the name, address, age,
697 sex, and social security number of such club agent, and also
698 contain proof satisfactory to the commissioner that such applicant
699 is of good reputation and that he has received training from the
700 club or is otherwise qualified in the field of automobile club
701 service contracts and the laws of this state pertaining thereto.
702 Upon termination of any club agent's appointment by an automobile
703 club, such automobile club shall, within thirty (30) days
704 thereafter, notify the commissioner of such termination.

705 (2) The registration fee for club agents shall be Five
706 Dollars (\$5.00) annually, and such registration shall be renewable
707 on April 1 of each year unless sooner revoked or suspended.

708 **SECTION 13.** Section 27-19-44.4, Mississippi Code of 1972, is
709 amended as follows:

710 27-19-44.4. (1) Notwithstanding any other provision of law
711 to the contrary, beginning with any registration year commencing
712 on or after January 1, 2004, an additional fee of One Dollar
713 (\$1.00) is imposed for any distinctive or special license tag or
714 plate authorized under this chapter regardless of whether such a
715 distinctive or special license tag or plate was authorized before
716 or after July 1, 2003. The proceeds collected from the additional
717 fee imposed under this subsection shall be deposited into the
718 special fund created under Section 27-19-56.69(8).

719 (2) Notwithstanding any other provision of law to the
720 contrary, beginning with any registration year beginning on or
721 after July 1, 2005, an additional fee of Twenty Dollars (\$20.00)
722 is imposed for any distinctive or special license tag or plate
723 authorized under this chapter, including personalized tags issued
724 under Section 27-19-48, regardless of whether the license tag or
725 plate was authorized before or after July 1, 2005. The proceeds

726 collected from the additional fee imposed under this subsection
727 shall be deposited into the State General Fund.

728 (3) The fees imposed under this section shall be in addition
729 to any other fees imposed under this chapter for a distinctive,
730 special or personalized license tag or plate.

731 (4) The provisions of this section shall not apply to
732 distinctive or special license tags or plates:

733 (a) Which are issued under Section 27-19-46, 27-19-51,
734 27-19-53, 27-19-54, 27-19-56.5, 27-19-56.12, 27-19-56.13,
735 27-19-56.33, 27-19-56.36, 27-19-56.38, 27-19-56.42, 27-19-56.48,
736 27-19-56.49, 27-19-56.50, 27-19-56.51, 27-19-56.62, 27-19-56.79,
737 27-19-56.85 or 27-19-169; or

738 (b) For which no additional fee is required to be paid.

739 **SECTION 14.** Section 27-19-89, Mississippi Code of 1972, is
740 brought forward as follows:

741 **[Through June 30, 2006, this section shall read as follows:]**

742 27-19-89. (a) If any nonresident owner or operator or other
743 nonresident person eligible for a temporary permit as provided in
744 Section 27-19-79, who has not elected to register and pay the
745 annual privilege taxes prescribed, shall enter or go upon the
746 public highways of the state and shall fail or refuse to obtain
747 the permit required by Section 27-19-79, such person shall be
748 liable, for the first such offense, for the full amount of the
749 permit fee required, plus a penalty thereon of five hundred
750 percent (500%). For the second and all subsequent offenses, such
751 person who fails or refuses to obtain such permits shall be liable
752 for the pro rata part of the annual tax for the balance of the tag
753 year for the maximum legal gross weight of the vehicle plus a
754 penalty thereon of twenty-five percent (25%). Any weight in
755 excess of the maximum legal gross weight of the vehicle, or in
756 excess of the maximum highway weight limit, shall be penalized
757 according to subsection (c) of this section. In either case the
758 excess weight shall be removed by the operator before the vehicle

759 can be allowed to proceed. In order to constitute a "second or
760 subsequent offense" under the provisions hereof, it shall not be
761 necessary that the same or identical vehicle be involved, it being
762 the declared purpose hereof to provide that such penalties shall
763 run against the owner or operator rather than against the
764 specified vehicle. It is further provided that, in order for such
765 owner or operator to become liable for the penalties herein
766 provided, it shall not be necessary to show that such owner or
767 operator was guilty of willfulness, gross negligence or
768 wantonness, but the offense shall be complete upon the failure or
769 refusal to obtain the required permit.

770 (b) If any person who has registered his vehicle in
771 Mississippi shall operate such vehicle upon the public highways,
772 having a gross weight greater than the licensed gross weight of
773 such vehicle, and shall fail or refuse to obtain a permit therefor
774 as required by Section 27-19-79, or if any person shall operate
775 any such registered vehicle upon the public highways in a higher
776 classification than that for which it is registered, and shall
777 fail or refuse to obtain a permit therefor as required by Section
778 27-19-79, then such person shall be liable for the pro rata part
779 of the annual tax for the balance of the tag year for the legal
780 gross weight of such vehicle and in the classification in which
781 same is being operated, plus a penalty thereon of twenty-five
782 percent (25%), after having been given credit for the unexpired
783 part of the privilege tax paid, as provided in Section 27-19-75.
784 In order that such owner or operator shall become liable for the
785 penalties herein provided, it shall not be necessary to show that
786 such owner or operator was guilty of willfulness, gross negligence
787 or wantonness, but the offense shall be complete upon the failure
788 or refusal to obtain the required permit.

789 (c) If any person shall operate upon a highway of this state
790 a vehicle which has a greater vehicle gross weight than the
791 maximum gross weight limit established by law for that highway and

792 shall have failed to obtain an overload permit as required by
793 Section 27-19-81 or Section 63-5-52, or if any person shall
794 operate a vehicle with a greater load on any axle or axle grouping
795 than allowed by law, then such person, owner or operator shall be
796 assessed a penalty on such axle load weight or vehicle gross
797 weight as exceeds the legal limit in accordance with the following
798 schedule:

799	AMOUNT IN EXCESS OF	
800	LEGAL HIGHWAY WEIGHT	
801	LIMITS IN POUNDS	PENALTY
802	1 to 999	\$10.00 minimum penalty
803	1,000 to 1,999	1¢ per pound in excess of legal limit
804	2,000 to 2,999	2¢ per pound in excess of legal limit
805	3,000 to 3,999	3¢ per pound in excess of legal limit
806	4,000 to 4,999	4¢ per pound in excess of legal limit
807	5,000 to 5,999	5¢ per pound in excess of legal limit
808	6,000 to 6,999	6¢ per pound in excess of legal limit
809	7,000 to 7,999	7¢ per pound in excess of legal limit
810	8,000 to 8,999	8¢ per pound in excess of legal limit
811	9,000 to 9,999	9¢ per pound in excess of legal limit
812	10,000 to 10,999	10¢ per pound in excess of legal limit
813	11,000 or more	11¢ per pound in excess of legal limit

814 Any vehicle in violation of the tolerance allowed pursuant to
815 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
816 for all weight in excess of the legal highway gross weight limit
817 authorized for such vehicle or for all weight in excess of the
818 legal tandem axle load weight limit of forty thousand (40,000)
819 pounds and the legal single axle load limit of twenty thousand
820 (20,000) pounds, whichever the case may be.

821 The penalty to be assessed for operations of a vehicle with a
822 greater load on any axle or axle grouping than the legal axle load
823 weight limits shall be one-half (1/2) the penalty for operation in
824 excess of the legal gross weight limit.

825 In instances where both the legal highway gross weight limit
826 and the legal axle load weight limit(s) are exceeded, the fine
827 that shall be levied shall be either the penalty amount for the
828 excess vehicle gross weight or the total of the penalty amounts of
829 all overloaded axles, whichever is the larger amount.

830 Notwithstanding any other provisions of this section to the
831 contrary, the fine assessed against the holder of a harvest permit
832 for exceeding a gross vehicle weight of eighty-four thousand
833 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
834 Cents (15¢) per pound for exceeding a gross vehicle weight of one
835 hundred thousand (100,000) pounds.

836 Notwithstanding any other provision of this subsection (c) to
837 the contrary, upon an appeal to the Appeals Board of the
838 Mississippi Transportation Commission by an owner or operator of a
839 vehicle hauling without a harvest permit any of the products or
840 materials described in subsection (3) of Section 63-5-33 and upon
841 whom a penalty has been assessed under this subsection (c) for
842 exceeding the legal weight limit(s) on a highway having a legal
843 weight limit of eighty thousand (80,000) pounds or less, the
844 appeals board shall reduce the penalty assessed against such
845 owner/operator to an amount not to exceed ten percent (10%) of the
846 amount which would otherwise be due without the reduction
847 authorized under this paragraph. A reduction shall not be
848 authorized under this paragraph if the gross weight of the vehicle
849 for which an owner/operator has been charged with a violation of
850 this section exceeds eighty-four thousand (84,000) pounds; and, in
851 any event, no reduction shall be authorized under this paragraph
852 unless a penalty assessed under this section is appealed to the
853 appeals board and unless the board determines, based upon its
854 records, that such owner/operator has not been granted a penalty
855 reduction under this paragraph within a period of twelve (12)
856 months immediately preceding the date of filing an appeal with the
857 board for a penalty reduction under this paragraph.

858 (d) If any nonresident owner or operator who has not
859 registered his vehicle and paid the annual privilege taxes
860 prescribed shall operate his vehicle upon the highways of this
861 state when such vehicle has a greater gross weight than permitted
862 by law for the highway traveled upon, and for which such excess
863 gross weight a permit was not or could not be procured from the
864 transportation department as required by Section 27-19-81, such
865 person shall be liable upon his second and all subsequent offenses
866 for the pro rata part of the annual tax for the balance of the tag
867 year for the legal gross weight of the vehicle, and in addition
868 thereto the penalty fee on the excess weight as specified in
869 subsection (c) of this section. In order that such owner or
870 operator shall become liable for the penalties herein provided, it
871 shall not be necessary that the same or identical vehicle be
872 involved, it being the declared purpose hereof to provide that
873 such penalties shall run against the owner or operator rather than
874 against the specific vehicle.

875 (e) All fines and penalties imposed and collected by the
876 Mississippi Department of Transportation for violations of the
877 maximum legal vehicle weight limits authorized on the highways of
878 this state shall be deposited into a special fund that is created
879 in the State Treasury. Monies in the fund shall be allocated and
880 distributed quarterly, beginning September 30, 1994, to each
881 county of the state based on the amount of such fines and
882 penalties imposed and collected in the county during the
883 immediately preceding three (3) months. Monies distributed to the
884 counties under this subsection shall be deposited in each county's
885 road and bridge fund and may be expended, upon approval of the
886 board of supervisors, for any purpose for which county road and
887 bridge fund monies lawfully may be expended.

888 **[From and after July 1, 2006, this section shall read as**
889 **follows:]**

890 27-19-89. (a) If any nonresident owner or operator or other
891 nonresident person eligible for a temporary permit as provided in
892 Section 27-19-79, who has not elected to register and pay the
893 annual privilege taxes prescribed, shall enter or go upon the
894 public highways of the state and shall fail or refuse to obtain
895 the permit required by Section 27-19-79, such person shall be
896 liable, for the first such offense, for the full amount of the
897 permit fee required, plus a penalty thereon of five hundred
898 percent (500%). For the second and all subsequent offenses, such
899 person who fails or refuses to obtain such permits shall be liable
900 for the pro rata part of the annual tax for the balance of the tag
901 year for the maximum legal gross weight of the vehicle plus a
902 penalty thereon of twenty-five percent (25%). Any weight in
903 excess of the maximum legal gross weight of the vehicle, or in
904 excess of the maximum highway weight limit, shall be penalized
905 according to subsection (c) of this section. In either case the
906 excess weight shall be removed by the operator before the vehicle
907 can be allowed to proceed. In order to constitute a "second or
908 subsequent offense" under the provisions hereof, it shall not be
909 necessary that the same or identical vehicle be involved, it being
910 the declared purpose hereof to provide that such penalties shall
911 run against the owner or operator rather than against the
912 specified vehicle. It is further provided that, in order for such
913 owner or operator to become liable for the penalties herein
914 provided, it shall not be necessary to show that such owner or
915 operator was guilty of willfulness, gross negligence or
916 wantonness, but the offense shall be complete upon the failure or
917 refusal to obtain the required permit.

918 (b) If any person who has registered his vehicle in
919 Mississippi shall operate such vehicle upon the public highways,
920 having a gross weight greater than the licensed gross weight of
921 such vehicle, and shall fail or refuse to obtain a permit therefor
922 as required by Section 27-19-79, or if any person shall operate

923 any such registered vehicle upon the public highways in a higher
924 classification than that for which it is registered, and shall
925 fail or refuse to obtain a permit therefor as required by Section
926 27-19-79, then such person shall be liable for the pro rata part
927 of the annual tax for the balance of the tag year for the legal
928 gross weight of such vehicle and in the classification in which
929 same is being operated, plus a penalty thereon of twenty-five
930 percent (25%), after having been given credit for the unexpired
931 part of the privilege tax paid, as provided in Section 27-19-75.
932 In order that such owner or operator shall become liable for the
933 penalties herein provided, it shall not be necessary to show that
934 such owner or operator was guilty of willfulness, gross negligence
935 or wantonness, but the offense shall be complete upon the failure
936 or refusal to obtain the required permit.

937 (c) If any person shall operate upon a highway of this state
938 a vehicle which has a greater vehicle gross weight than the
939 maximum gross weight limit established by law for that highway and
940 shall have failed to obtain an overload permit as required by
941 Section 27-19-81, or if any person shall operate a vehicle with a
942 greater load on any axle or axle grouping than allowed by law,
943 then such person, owner or operator shall be assessed a penalty on
944 such axle load weight or vehicle gross weight as exceeds the legal
945 limit in accordance with the following schedule:

946	AMOUNT IN EXCESS OF	
947	LEGAL HIGHWAY WEIGHT	
948	LIMITS IN POUNDS	PENALTY
949	1 to 999	\$10.00 minimum penalty
950	1,000 to 1,999	1¢ per pound in excess of legal limit
951	2,000 to 2,999	2¢ per pound in excess of legal limit
952	3,000 to 3,999	3¢ per pound in excess of legal limit
953	4,000 to 4,999	4¢ per pound in excess of legal limit
954	5,000 to 5,999	5¢ per pound in excess of legal limit
955	6,000 to 6,999	6¢ per pound in excess of legal limit

956	7,000 to 7,999	7¢ per pound in excess of legal limit
957	8,000 to 8,999	8¢ per pound in excess of legal limit
958	9,000 to 9,999	9¢ per pound in excess of legal limit
959	10,000 to 10,999	10¢ per pound in excess of legal limit
960	11,000 or more	11¢ per pound in excess of legal limit

961 Any vehicle in violation of the tolerance allowed pursuant to
962 Section 63-5-33(3) shall be fined pursuant to Section 27-19-89(c)
963 for all weight in excess of the legal highway gross weight limit
964 authorized for such vehicle or for all weight in excess of the
965 legal tandem axle load weight limit of forty thousand (40,000)
966 pounds and the legal single axle load limit of twenty thousand
967 (20,000) pounds, whichever the case may be.

968 The penalty to be assessed for operations of a vehicle with a
969 greater load on any axle or axle grouping than the legal axle load
970 weight limits shall be one-half (1/2) the penalty for operation in
971 excess of the legal gross weight limit.

972 In instances where both the legal highway gross weight limit
973 and the legal axle load weight limit(s) are exceeded, the fine
974 that shall be levied shall be either the penalty amount for the
975 excess vehicle gross weight or the total of the penalty amounts of
976 all overloaded axles, whichever is the larger amount.

977 Notwithstanding any other provisions of this section to the
978 contrary, the fine assessed against the holder of a harvest permit
979 for exceeding a gross vehicle weight of eighty-four thousand
980 (84,000) pounds shall be Five Cents (5¢) per pound and Fifteen
981 Cents (15¢) per pound for exceeding a gross vehicle weight of one
982 hundred thousand (100,000) pounds.

983 Notwithstanding any other provision of this subsection (c) to
984 the contrary, upon an appeal to the Appeals Board of the
985 Mississippi Transportation Commission by an owner or operator of a
986 vehicle hauling without a harvest permit any of the products or
987 materials described in subsection (3) of Section 63-5-33 and upon
988 whom a penalty has been assessed under this subsection (c) for

989 exceeding the legal weight limit(s) on a highway having a legal
990 weight limit of eighty thousand (80,000) pounds or less, the
991 appeals board shall reduce the penalty assessed against such
992 owner/operator to an amount not to exceed ten percent (10%) of the
993 amount which would otherwise be due without the reduction
994 authorized under this paragraph. A reduction shall not be
995 authorized under this paragraph if the gross weight of the vehicle
996 for which an owner/operator has been charged with a violation of
997 this section exceeds eighty-four thousand (84,000) pounds; and, in
998 any event, no reduction shall be authorized under this paragraph
999 unless a penalty assessed under this section is appealed to the
1000 appeals board and unless the board determines, based upon its
1001 records, that such owner/operator has not been granted a penalty
1002 reduction under this paragraph within a period of twelve (12)
1003 months immediately preceding the date of filing an appeal with the
1004 board for a penalty reduction under this paragraph.

1005 (d) If any nonresident owner or operator who has not
1006 registered his vehicle and paid the annual privilege taxes
1007 prescribed shall operate his vehicle upon the highways of this
1008 state when such vehicle has a greater gross weight than permitted
1009 by law for the highway traveled upon, and for which such excess
1010 gross weight a permit was not or could not be procured from the
1011 transportation department as required by Section 27-19-81, such
1012 person shall be liable upon his second and all subsequent offenses
1013 for the pro rata part of the annual tax for the balance of the tag
1014 year for the legal gross weight of the vehicle, and in addition
1015 thereto the penalty fee on the excess weight as specified in
1016 subsection (c) of this section. In order that such owner or
1017 operator shall become liable for the penalties herein provided, it
1018 shall not be necessary that the same or identical vehicle be
1019 involved, it being the declared purpose hereof to provide that
1020 such penalties shall run against the owner or operator rather than
1021 against the specific vehicle.

1022 (e) All fines and penalties imposed and collected by the
1023 Mississippi Department of Transportation for violations of the
1024 maximum legal vehicle weight limits authorized on the highways of
1025 this state shall be deposited into a special fund that is created
1026 in the State Treasury. Monies in the fund shall be allocated and
1027 distributed quarterly, beginning September 30, 1994, to each
1028 county of the state based on the amount of such fines and
1029 penalties imposed and collected in the county during the
1030 immediately preceding three (3) months. Monies distributed to the
1031 counties under this subsection shall be deposited in each county's
1032 road and bridge fund and may be expended, upon approval of the
1033 board of supervisors, for any purpose for which county road and
1034 bridge fund monies lawfully may be expended.

1035 **SECTION 15.** Section 27-65-27, Mississippi Code of 1972, is
1036 brought forward as follows:

1037 27-65-27. (1) Any person who engages, or who intends to
1038 engage, in any business or activity which will subject such person
1039 to a privilege tax imposed by this chapter, shall apply to the
1040 commissioner for a permit to engage in and to conduct any business
1041 or activity upon the condition that he shall pay the tax accruing
1042 to the State of Mississippi under the provisions of this chapter,
1043 and shall keep adequate records of such business or activity as
1044 required by this chapter. By making an application for a permit
1045 issued pursuant to this section, a person agrees, regardless of
1046 his presence in this state, to:

1047 (a) Be subject to the jurisdiction of this state for
1048 purposes of taxation;

1049 (b) Collect and remit all taxes levied under this
1050 chapter on the type of business or activity to be conducted by the
1051 applicant;

1052 (c) Be subject to all the provisions of this chapter.

1053 (2) Upon receipt of such permit, the applicant shall be duly
1054 licensed under this chapter to engage in and conduct such business

1055 or activity. Said permit shall continue in force so long as the
1056 person to whom it is issued shall continue in the same business at
1057 the same location, unless revoked by the commissioner for cause.

1058 (3) The commissioner shall require of every person desiring
1059 to engage in business within this state who maintains no permanent
1060 place of business within this state, of every person desiring to
1061 engage in the business of making sales of mobile homes, a cash
1062 bond or an approved surety bond in an amount sufficient to cover
1063 twice the estimated tax liability for a period of three (3)
1064 months. Provided, however, that the bond shall in no case be less
1065 than One Hundred Dollars (\$100.00) and that the tax may be prepaid
1066 in lieu of filing bond if the amount is approved by the
1067 commissioner. This bond shall be filed with the commissioner
1068 prior to the issuance of a permit to do business and before any
1069 such person may engage in business within this state. Failure to
1070 comply with the provision will subject such person to the
1071 penalties provided by this chapter.

1072 (4) The commissioner is hereby authorized to revoke the
1073 permit of any person failing to comply with any of the provisions
1074 of this chapter, after giving to the person holding such permit
1075 ten (10) days' notice of the intention of the commissioner to
1076 revoke such license. Unless good cause be shown within said ten
1077 (10) days why such permit should not be revoked, the commissioner
1078 may revoke such permit, and revocation of such permit, or engaging
1079 or continuing in business after such permit is revoked, shall
1080 subject such person to all the penalties imposed by this chapter.

1081 (5) Any person liable for the tax who fails to obtain a
1082 permit from the commissioner, or who continues in business after
1083 such permit has been revoked, or who fails to make his returns for
1084 taxation as provided, or who fails to keep adequate records and
1085 invoices provided by this chapter, or who fails or refuses to
1086 permit inspection of such records, or who fails to pay any taxes
1087 due hereunder, shall forfeit his rights to do business in this

1088 state until he complies with all the provisions of this chapter
1089 and until he enters into a bond, with sureties, to be approved by
1090 the commissioner, in an amount not to exceed twice the amount of
1091 all taxes estimated to become due under this chapter by said
1092 person for any period of three (3) months, conditioned to comply
1093 with the provisions of this chapter, and pay all taxes legally due
1094 by him.

1095 (6) If any person is engaged in or continuing in this state
1096 in any business or activity without obtaining a permit, or after
1097 such permit has been revoked, or without filing a required bond,
1098 or without keeping and allowing inspection of all records required
1099 by this chapter, or without making a return, or returns, and
1100 without paying all taxes due by him hereunder, it shall be the
1101 duty of the commissioner to proceed by injunction to prevent the
1102 continuance of said business. Any temporary injunction enjoining
1103 the continuance of such business shall be granted without notice
1104 by a judge or chancellor now authorized to grant injunctions.

1105 **SECTION 16.** Section 27-65-33, Mississippi Code of 1972, is
1106 amended as follows:

1107 27-65-33. (1) Except as otherwise provided in this section,
1108 the taxes levied by this chapter shall be due and payable on or
1109 before the twentieth day of the month next succeeding the month in
1110 which the tax accrues, except as otherwise provided. Returns and
1111 payments placed in the mail must be postmarked by the due date in
1112 order to be considered timely filed, except when the due date
1113 falls on a weekend or holiday, returns and payments placed in the
1114 mail must be postmarked by the first working day following the due
1115 date in order to be considered timely filed. The taxpayer shall
1116 make a return showing the gross proceeds of sales or the gross
1117 income of the business, and any and all allowable deductions, or
1118 exempt sales, and compute the tax due for the period covered.

1119 As compensation for collecting sales and use taxes, complying
1120 fully with the applicable statutes, filing returns and supplements

1121 thereto and paying all taxes by the twentieth of the month
1122 following the period covered, the taxpayer may discount and retain
1123 two percent (2%) of the liability on each return subject to the
1124 following limitations:

1125 (a) The compensation or discount shall not apply to
1126 taxes levied under the provisions of Sections 27-65-19 and
1127 27-65-21, or on charges for ginning cotton under Section 27-65-23.

1128 (b) The compensation or discount shall not apply to
1129 taxes collected by a county official or state agency.

1130 (c) The compensation or discount shall not exceed Fifty
1131 Dollars (\$50.00) per month, or Six Hundred Dollars (\$600.00) per
1132 calendar year, per taxpayer for sales tax returns filed and shall
1133 not exceed Fifty Dollars (\$50.00) per month, or Six Hundred
1134 Dollars (\$600.00) per calendar year, per taxpayer for use tax
1135 returns filed.

1136 (d) The compensation or discount shall not apply to any
1137 wholesale tax, the rate of which is equal to or greater than the
1138 tax rate applicable to retail sales of the same property or
1139 service. The retailer of such items shall be entitled to the
1140 compensation based on the tax computed on retail sales before
1141 application of the credit for any tax paid to the wholesaler,
1142 jobber, or other person.

1143 (e) The compensation or discount allowed and taken for
1144 any filing period may be reassessed and collected when an audit of
1145 a taxpayer's records reveals a tax deficiency for that period.

1146 (2) A taxpayer required to collect sales taxes under this
1147 chapter and having an average monthly sales tax liability of at
1148 least Twenty Thousand Dollars (\$20,000.00) for the preceding
1149 calendar year shall pay to the State Tax Commission on or before
1150 June 25, 2003, and on or before the twenty-fifth day of June of
1151 each succeeding year thereafter, an amount equal to at least
1152 seventy-five percent (75%) of such taxpayer's estimated sales tax
1153 liability for the month of June of the current calendar year, or

1154 an amount equal to at least seventy-five percent (75%) of the
1155 taxpayer's sales tax liability for the month of June of the
1156 preceding calendar year. Payments required to be made under this
1157 subsection must be received by the State Tax Commission no later
1158 than June 25 in order to be considered timely made. A taxpayer
1159 that fails to comply with the requirements of this subsection may
1160 be assessed a penalty in an amount equal to ten percent (10%) of
1161 the taxpayer's actual sales tax liability for the month of June
1162 for which the estimated payment was required to be made. Payments
1163 made by a taxpayer under this subsection shall not be considered
1164 to be collected for the purposes of any sales tax diversions
1165 required by law until the taxpayer files a return for the actual
1166 sales taxes collected during the month of June. This subsection
1167 shall not apply to any agency, department or instrumentality of
1168 the United States, any agency, department, institution,
1169 instrumentality or political subdivision of the State of
1170 Mississippi, or any agency, department, institution or
1171 instrumentality of any political subdivision of the State of
1172 Mississippi. Payments made pursuant to this subsection for the
1173 month of June 2003, shall be deposited by the State Tax Commission
1174 into the Budget Contingency Fund created under Section 27-103-301,
1175 and payments made pursuant to this subsection for the month of
1176 June of 2004, and each succeeding year thereafter, shall be
1177 deposited by the State Tax Commission into the State General Fund.

1178 (3) All returns shall be sworn to by the taxpayer, if made
1179 by an individual, or by the president, vice president, secretary
1180 or treasurer of a corporation, or authorized agent, if made on
1181 behalf of a corporation. If made on behalf of a partnership,
1182 joint venture, association, trust, estate, or in any other group
1183 or combination acting as a unit, any individual delegated by such
1184 firm shall swear to the return on behalf of the taxpayer. The
1185 commissioner may prescribe methods by which the taxpayer may swear
1186 to his return.

1187 (4) The commissioner may promulgate rules and regulations to
1188 require or permit filing periods of any duration, in lieu of
1189 monthly filing periods, for any taxpayer or group thereof.

1190 (5) The commissioner may require the execution and filing by
1191 the taxpayer with the commissioner of a good and solvent bond with
1192 some surety company authorized to do business in Mississippi as
1193 surety thereon in an amount double the aggregate tax liability by
1194 such taxpayer for any previous three (3) months' period within the
1195 last calendar year or estimated three (3) months' tax liability.
1196 The bond is to be conditioned for the prompt payment of such taxes
1197 as may be due for each such return.

1198 (6) The commissioner, for good cause, may grant such
1199 reasonable additional time within which to make any return
1200 required under the provisions of this chapter as he may deem
1201 proper, but the time for filing any return shall not be extended
1202 beyond the twentieth of the month next succeeding the regular due
1203 date of the return without the imposition of interest at the rate
1204 of one percent (1%) per month or fractional part of a month from
1205 the time the return was due until the tax is paid.

1206 (7) For persistent, willful, or recurring failure to make
1207 any return and pay the tax shown thereby to be due by the time
1208 specified, there shall be added to the amount of tax shown to be
1209 due ten percent (10%) damages, or interest at the rate of one
1210 percent (1%) per month, or both.

1211 (8) Any taxpayer may, upon making application therefor,
1212 obtain from the commissioner an extension of time for the payment
1213 of taxes due on credit sales until collections thereon have been
1214 made. When such extension is granted, the taxpayer shall
1215 thereafter include in each monthly or quarterly report all
1216 collections made during the preceding month or quarter, and shall
1217 pay the taxes due thereon at the time of filing such report. Such
1218 permission may be revoked or denied at the discretion of the
1219 commissioner when, in his opinion, a total sales basis will best

1220 reflect the taxable income or expedite examination of the
1221 taxpayer's records.

1222 (9) Any taxpayer reporting credit sales before collection
1223 thereof has been made may take credit on subsequent returns or
1224 reports for bad debts actually charged off, if such amounts
1225 charged off have previously been included in taxable gross income
1226 or taxable gross proceeds of sales, as the case may be, and the
1227 tax paid thereon. However, any amounts subsequently collected on
1228 accounts that have been charged off as bad debts shall be included
1229 in subsequent reports and the tax shall be paid thereon.

1230 (10) In cases where an extension of time has been granted by
1231 the commissioner for payment of taxes due on credit sales and the
1232 taxpayer thereafter discontinues the business, such taxpayer shall
1233 be required to file with the commissioner within ten (10) days, or
1234 such further time as the commissioner may direct, from the date of
1235 the discontinuance of such business, a special report showing the
1236 amounts of any credit sales which have not been included in
1237 determining the measure of the tax previously paid and any other
1238 information with reference to credit sales as the commissioner may
1239 require. The commissioner shall thereupon investigate the facts
1240 with reference to credit sales and the condition of the accounts,
1241 and shall determine, from the best evidence available, the value
1242 of all open accounts, notes, or other evidence of debt arising
1243 from credit sales. The value of all notes, open accounts and
1244 other evidence of debt, as thus determined by the commissioner,
1245 shall be used in determining the amount of the tax for which such
1246 taxpayer shall be liable. When the amount of the tax shall have
1247 been ascertained, the taxpayer shall be required to pay the same
1248 within ten (10) days or such further time as the commissioner may
1249 allow, notwithstanding the fact that such note or accounts may
1250 still remain uncollected.

1251 **SECTION 17.** Section 27-69-13, Mississippi Code of 1972, is
1252 amended as follows:

1253 27-69-13. There is * * * imposed, levied and assessed, to be
1254 collected and paid as hereinafter provided in this chapter, an
1255 excise tax on each person or dealer in cigarettes, cigars,
1256 stogies, snuff, chewing tobacco, and smoking tobacco, or
1257 substitutes therefor, upon the sale, use, consumption, handling or
1258 distribution in the State of Mississippi, as follows:

1259 (a) On cigarettes, the rate of tax shall be
1260 Eighteen-twentieths of One Cent (18/20 of 1¢) on each cigarette
1261 sold with a maximum length of one hundred twenty (120)
1262 millimeters; any cigarette in excess of this length shall be taxed
1263 as if it were two (2) or more cigarettes. * * * However, if the
1264 federal tax rate on cigarettes in effect on July 1, 1985, is
1265 reduced, then the rate as provided herein shall be increased by
1266 the amount of the federal tax reduction. Such tax increase shall
1267 take effect on the first day of the month following the effective
1268 date of such reduction in the federal tax rate.

1269 (b) On cigars, cheroots, stogies, snuff, chewing and
1270 smoking tobacco and all other tobacco products except cigarettes,
1271 the rate of tax shall be fifteen percent (15%) of the
1272 manufacturer's list price.

1273 No stamp evidencing the tax herein levied on cigarettes shall
1274 be of a denomination of less than One Cent (1¢), and whenever the
1275 tax computed at the rates herein prescribed on cigarettes shall be
1276 a specified amount, plus a fractional part of One Cent (1¢), the
1277 package shall be stamped for the next full cent * * *.

1278 Every wholesaler shall purchase stamps as provided in this
1279 chapter, and affix the same to all packages of cigarettes handled
1280 by him as herein provided.

1281 The * * * tax levied by this section is levied upon the sale,
1282 use, gift, possession, or consumption of tobacco within the State
1283 of Mississippi, and the impact of the tax levied by this chapter
1284 is * * * declared to be on the vendee, user, consumer, or
1285 possessor of tobacco in this state; and when the tax is paid by

1286 any other person, such payment shall be considered as an advance
1287 payment and shall thereafter be added to the price of the tobacco
1288 and recovered from the ultimate consumer or user.

1289 **SECTION 18.** Section 27-69-31, Mississippi Code of 1972, is
1290 amended as follows:

1291 27-69-31. Except as otherwise provided in this section,
1292 dealers subject to the provisions of this chapter shall be
1293 allowed, as compensation for their services in affixing the stamps
1294 herein required, a sum equal to eight percent (8%) of the face
1295 value of the stamps purchased by them, provided that the
1296 commission shall allow no discount on the purchase of stamps by
1297 wholesalers of an aggregate amount of less than One Hundred
1298 Dollars (\$100.00), and by retailers of an aggregate amount of less
1299 than Fifty Dollars (\$50.00) in any one order.

1300 It is further provided that the commissioner may, in his
1301 discretion, either reduce the compensation allowed, or disallow
1302 any compensation for the affixing of stamps, for failure of such
1303 dealer to comply with any provisions of the law or rules and
1304 regulations promulgated by the commissioner.

1305 From and after July 1, 2005, there shall be no compensation
1306 or discount allowed under this section.

1307 **SECTION 19.** Section 27-69-75, Mississippi Code of 1972, is
1308 amended as follows:

1309 27-69-75. All taxes levied by this chapter shall be payable
1310 to the commissioner in cash, or by personal check, cashier's
1311 check, bank exchange, post office money order or express money
1312 order, and shall be deposited by the commissioner in the State
1313 Treasury on the same day collected. No remittance other than cash
1314 shall be a final discharge of liability for the tax herein
1315 assessed and levied, unless and until it has been paid in cash to
1316 the commissioner.

1317 All tobacco taxes collected, including tobacco license taxes,
1318 shall be deposited into the State Treasury to the credit of the
1319 General Fund.

1320 Wholesalers who are entitled to purchase stamps * * * may
1321 have consigned to them, without advance payment, such stamps, if
1322 and when such wholesaler shall give to the commissioner a good and
1323 sufficient bond executed by some surety company authorized to do
1324 business in this state, conditioned to secure the payment for the
1325 stamps so consigned. The commissioner shall require payment for
1326 such stamps not later than thirty (30) days from the date the
1327 stamps were consigned.

1328 **SECTION 20.** Section 27-71-11, Mississippi Code of 1972, is
1329 amended as follows:

1330 27-71-11. The commission shall from time to time by
1331 resolution request the State Bond Commission to provide sufficient
1332 funds required to maintain an adequate alcoholic beverage
1333 inventory. Those funds shall be provided under the provisions of
1334 Chapter 557, Laws of 1966.

1335 The commission shall add to the cost of all alcoholic
1336 beverages a markup of thirty percent (30%), inclusive of the three
1337 percent (3%) markup imposed by Section 27-71-7(2).

1338 The commission shall sell alcoholic beverages at uniform
1339 prices throughout the state.

1340 **SECTION 21.** Section 27-71-303, Mississippi Code of 1972, is
1341 amended as follows:

1342 27-71-303. Upon each person approved for a permit to engage
1343 in the business of selling light wines or beer there is * * *
1344 imposed, levied and assessed, to be collected and paid as * * *
1345 provided in this section, annual privilege taxes in the following
1346 amounts:

- 1347 (a) Retailers--for each place of
1348 business..... \$ 100.00
- 1349 (b) Wholesalers or distributors--for each

1350 county..... \$ 250.00
1351 (c) Manufacturers--for each place of
1352 business..... \$1,000.00
1353 (d) Brewpubs--for each place of
1354 business..... \$1,000.00

1355 Upon each person operating an airline, bus, boat or railroad
1356 car upon which light wines or beer may be sold, there is * * *
1357 imposed, levied and assessed, to be collected and paid, annual
1358 privilege taxes of One Hundred Dollars (\$100.00) for each
1359 airplane, bus, boat or railroad car so operated in this state.

1360 * * * However, the amount of the privilege tax to be paid
1361 for a permit issued for a period of less than twelve (12) months
1362 shall be that proportionate amount of the annual privilege tax
1363 that the number of months, or part of a month, remaining until its
1364 expiration date bears to twelve (12) months, but in no case shall
1365 the privilege tax be less than Ten Dollars (\$10.00).

1366 **SECTION 22.** Section 39-5-5, Mississippi Code of 1972, is
1367 amended as follows:

1368 39-5-5. The duties and powers of the Board of Trustees of
1369 the Department of Archives and History shall include, in addition
1370 to other duties and powers granted or prescribed by law, the
1371 following:

1372 (a) To determine the location of places of historical
1373 interest within the state;

1374 (b) To make a survey of buildings of all types
1375 throughout the state which are in danger of destruction, without
1376 proper care, and which in the opinion of the board of trustees
1377 should be preserved for historical purposes;

1378 (c) To contact the proper authorities of the United
1379 States national cemeteries and military parks to determine whether
1380 or not the record of Mississippi troops is adequately
1381 commemorated;

1382 (d) To acquire, preserve, restore or operate any real
1383 or personal property deemed significant for historical,
1384 architectural, archaeological or cultural reasons, to expend funds
1385 for such purposes, to enter into contracts or agreements with any
1386 agency of the United States or any person, firm, corporation or
1387 association for such purposes and to do any and all things which
1388 may be necessary or desirable to carry out such purposes;

1389 (e) To participate with any agency of the United
1390 States, any other governmental agency or any person, firm,
1391 corporation, association or group in mutual or cooperative
1392 programs or projects within the duties and powers of the board of
1393 trustees;

1394 (f) To accept grants or donations of money or property,
1395 real or personal, from any agency of the United States, any other
1396 governmental agency or any person, firm, corporation, association
1397 or group. However, the board of trustees shall not be required,
1398 except by specific act of the Legislature, to accept any property
1399 without its consent; * * *

1400 (g) To provide suitable markers with adequate
1401 descriptions of the historical sites to which they refer, for
1402 places of historical interest and to provide suitable markers on
1403 the highways and roads of this state showing the direction and
1404 distance to the historical sites; and

1405 (h) To charge reasonable fees to persons who use the
1406 facilities of the department to conduct research, and to charge
1407 reasonable fees for the department to perform research on behalf
1408 of persons or entities. All fees charged under the authority of
1409 this paragraph shall be deposited into the State General Fund.

1410 **SECTION 23.** Section 41-3-18, Mississippi Code of 1972, is
1411 amended as follows:

1412 41-3-18. (1) The board shall assess fees in the following
1413 amounts and for the following purposes:

1414 (a) Food establishment annual permit fee, based on the
 1415 assessment factors of the establishment as follows:

1416	Assessment Category 1.....	\$ 15.00
1417	Assessment Category 2.....	30.00
1418	Assessment Category 3.....	70.00
1419	Assessment Category 4	100.00
1420	Assessment Category 5	150.00
1421	(b) Private water supply approval fee.....	\$ 10.00

1422 The board may develop such reasonable standards, rules and
 1423 regulations to clearly define each assessment category.

1424 Assessment categories shall be based upon the factors to the
 1425 public health implications of the category and type of food
 1426 preparation being utilized by the food establishment, utilizing
 1427 the model Food Code of 1995, or as may be amended by the federal
 1428 Food and Drug Administration.

1429 The fee authorized under paragraph (a) of this section shall
 1430 not be assessed for food establishments operated by public
 1431 schools, public junior and community colleges, or state agencies
 1432 or institutions, including without limitation, the state
 1433 institutions of higher learning and the State Penitentiary.

1434 The fee authorized under paragraph (b) of this section shall
 1435 not be assessed for private water supplies used by foster homes
 1436 licensed by the Department of Human Services.

1437 (2) In addition to the fees charged under subsection (1) of
 1438 this section, the board shall charge a fee of Twenty-five Dollars
 1439 (\$25.00) for food establishment permits and private water supply
 1440 approvals. The fees collected under this subsection shall be
 1441 deposited into the State General Fund.

1442 **SECTION 24.** Section 41-4-7, Mississippi Code of 1972, is
 1443 amended as follows:

1444 41-4-7. The State Board of Mental Health shall have the
 1445 following powers and duties:

1446 (a) To appoint a full-time Executive Director of the
1447 Department of Mental Health, who shall be employed by the board
1448 and shall serve as executive secretary to the board. The first
1449 director shall be a duly licensed physician with special interest
1450 and competence in psychiatry, and shall possess a minimum of three
1451 (3) years' experience in clinical and administrative psychiatry.
1452 Subsequent directors shall possess at least a master's degree or
1453 its equivalent, and shall possess at least ten (10) years'
1454 administrative experience in the field of mental health. The
1455 salary of the executive director shall be determined by the board;

1456 (b) To set up state plans for the purpose of
1457 controlling and treating any and all forms of mental and emotional
1458 illness, alcoholism, drug misuse and developmental disabilities;

1459 (c) To supervise, coordinate and establish standards
1460 for all operations and activities of the state related to mental
1461 health and providing mental health services, including, but not
1462 limited to: the requirement that no person be approved for
1463 treatment which is paid for by funds made available through the
1464 department who has not had a treatment plan established as a
1465 result of having been seen by a licensed physician or licensed
1466 clinical psychologist and that physician or clinical psychologist
1467 signing these plans stating that he/she has personally evaluated
1468 the client and that the treatment plan is medically necessary. A
1469 physician or clinical psychologist shall recertify each client's
1470 record at least semiannually (except for persons with a diagnosis
1471 of mental retardation/developmental disability which shall be
1472 completed annually), and more often if medically indicated by
1473 physically visiting the client and certifying same in the record.
1474 The board shall have the authority to develop and implement all
1475 standards and plans and shall have the authority to establish
1476 appropriate actions, including financially punitive actions, to
1477 insure enforcement of these established standards, in accordance
1478 with the Administrative Procedures Law (Section 25-43-1 et seq.);

1479 (d) To enter into contracts with any other state or
1480 federal agency, or with any private person, organization or group
1481 capable of contracting, if it finds such action to be in the
1482 public interest;

1483 (e) To collect reasonable fees for its services; * * *
1484 however, if it is determined that a person receiving services is
1485 unable to pay the total fee, the department shall collect any
1486 amount such person is able to pay;

1487 (f) To certify, coordinate and establish minimum
1488 standards and establish minimum required services for regional
1489 mental health and mental retardation commissions and other
1490 community service providers for community or regional programs and
1491 services in mental health, mental retardation, alcoholism, drug
1492 misuse, developmental disabilities, compulsive gambling, addictive
1493 disorders and related programs throughout the state. Such
1494 regional mental health and mental retardation commissions and
1495 other community service providers shall submit an annual
1496 operational plan to the State Department of Mental Health for
1497 approval or disapproval based on the minimum standards and minimum
1498 required services established by the department for certification.
1499 If the department finds deficiencies in the plan of any regional
1500 commission or community service provider based on the minimum
1501 standards and minimum required services established for
1502 certification, the department shall give the regional commission
1503 or community service provider a six-month probationary period to
1504 bring its standards and services up to the established minimum
1505 standards and minimum required services. After the six-month
1506 probationary period, if the department determines that the
1507 regional commission or community service provider still does not
1508 meet the minimum standards and minimum required services
1509 established for certification, the department may remove the
1510 certification of the commission or provider. However, the
1511 department shall not mandate a standard or service, or decertify a

1512 regional commission or community service provider for not meeting
1513 a standard or service, if the standard or service does not have
1514 funding appropriated by the Legislature or have a funding source
1515 from the State Department of Mental Health or a local funding
1516 source. The State Board of Mental Health shall promulgate rules
1517 and regulations necessary to implement the provisions of this
1518 paragraph (f), in accordance with the Administrative Procedures
1519 Law (Section 25-43-1 et seq.);

1520 (g) To establish and promulgate reasonable minimum
1521 standards for the construction and operation of state and all
1522 Department of Mental Health certified facilities, including
1523 reasonable minimum standards for the admission, diagnosis, care,
1524 treatment, transfer of patients and their records, and also
1525 including reasonable minimum standards for providing day care,
1526 outpatient care, emergency care, inpatient care and follow-up
1527 care, when such care is provided for persons with mental or
1528 emotional illness, mental retardation, alcoholism, drug misuse and
1529 developmental disabilities;

1530 (h) To assist community or regional programs consistent
1531 with the purposes of this chapter by making grants and contracts
1532 from available funds;

1533 (i) To establish and collect reasonable fees for
1534 necessary inspection services incidental to certification or
1535 compliance;

1536 (j) To accept gifts, trusts, bequests, grants,
1537 endowments or transfers of property of any kind;

1538 (k) To receive monies coming to it by way of fees for
1539 services or by appropriations;

1540 (l) To serve as the single state agency in receiving
1541 and administering any and all funds available from any source for
1542 the purpose of service delivery, training, research and education
1543 in regard to all forms of mental illness, mental retardation,
1544 alcoholism, drug misuse and developmental disabilities, unless

1545 such funds are specifically designated to a particular agency or
1546 institution by the federal government, the Mississippi Legislature
1547 or any other grantor;

1548 (m) To establish mental health holding centers for the
1549 purpose of providing short-term emergency mental health treatment,
1550 places for holding persons awaiting commitment proceedings or
1551 awaiting placement in a state mental health facility following
1552 commitment, and for diverting placement in a state mental health
1553 facility. These mental health holding facilities shall be readily
1554 accessible, available statewide, and be in compliance with
1555 emergency services' minimum standards. They shall be
1556 comprehensive and available to triage and make appropriate
1557 clinical disposition, including the capability to access inpatient
1558 services or less restrictive alternatives, as needed, as
1559 determined by medical staff. Such facility shall have medical,
1560 nursing and behavioral services available on a
1561 twenty-four-hour-a-day basis. The board may provide for all or
1562 part of the costs of establishing and operating the holding
1563 centers in each district from such funds as may be appropriated to
1564 the board for such use, and may participate in any plan or
1565 agreement with any public or private entity under which the entity
1566 will provide all or part of the costs of establishing and
1567 operating a holding center in any district. The board may charge
1568 the county of residence of a patient in any of the facilities for
1569 the services provided to the patient, not exceeding Twenty-five
1570 Dollars (\$25.00) per day;

1571 (n) To certify/license case managers, mental health
1572 therapists, mental retardation therapists, mental
1573 health/retardation program administrators, addiction counselors
1574 and others as deemed appropriate by the board. Persons already
1575 professionally licensed by another state board or agency are not
1576 required to be certified/licensed under this section by the
1577 Department of Mental Health. The department shall not use

1578 professional titles in its certification/licensure process for
1579 which there is an independent licensing procedure. Such
1580 certification/licensure shall be valid only in the state mental
1581 health system, in programs funded and/or certified by the
1582 Department of Mental Health, and/or in programs certified/licensed
1583 by the State Department of Health that are operated by the state
1584 mental health system serving the mentally ill, mentally retarded,
1585 developmentally disabled or persons with addictions, and shall not
1586 be transferable;

1587 (o) To develop formal mental health worker
1588 qualifications for regional mental health and mental retardation
1589 commissions and other community service providers. The State
1590 Personnel Board shall develop and promulgate a recommended salary
1591 scale and career ladder for all regional mental health/retardation
1592 center therapists and case managers who work directly with
1593 clients. The State Personnel Board shall also develop and
1594 promulgate a career ladder for all direct care workers employed by
1595 the State Department of Mental Health;

1596 (p) The employees of the department shall be governed
1597 by personnel merit system rules and regulations, the same as other
1598 employees in state services;

1599 (q) To establish such rules and regulations as may be
1600 necessary in carrying out the provisions of this chapter,
1601 including the establishment of a formal grievance procedure to
1602 investigate and attempt to resolve consumer complaints;

1603 (r) To grant easements for roads, utilities and any
1604 other purpose it finds to be in the public interest;

1605 (s) To survey statutory designations, building markers
1606 and the names given to mental health/retardation facilities and
1607 proceedings in order to recommend deletion of obsolete and
1608 offensive terminology relative to the mental health/retardation
1609 system;

1610 (t) To ensure an effective case management system
1611 directed at persons who have been discharged from state and
1612 private psychiatric hospitals to ensure their continued well-being
1613 in the community;

1614 (u) To develop formal service delivery standards
1615 designed to measure the quality of services delivered to community
1616 clients, as well as the timeliness of services to community
1617 clients provided by regional mental health/retardation commissions
1618 and other community services providers;

1619 (v) To establish regional state offices to provide
1620 mental health crisis intervention centers and services available
1621 throughout the state to be utilized on a case-by-case emergency
1622 basis. The regional services director, other staff and delivery
1623 systems shall meet the minimum standards of the Department of
1624 Mental Health;

1625 (w) To require performance contracts with community
1626 mental health/mental retardation service providers to contain
1627 performance indicators to measure successful outcomes, including
1628 diversion of persons from inpatient psychiatric hospitals,
1629 rapid/timely response to emergency cases, client satisfaction with
1630 services and other relevant performance measures;

1631 (x) To enter into interagency agreements with other
1632 state agencies, school districts and other local entities as
1633 determined necessary by the department to ensure that local mental
1634 health service entities are fulfilling their responsibilities to
1635 the overall state plan for behavioral services;

1636 (y) To establish and maintain a toll-free grievance
1637 reporting telephone system for the receipt and referral for
1638 investigation of all complaints by clients of state and community
1639 mental health/retardation facilities;

1640 (z) To establish a peer review/quality assurance
1641 evaluation system that assures that appropriate assessment,

1642 diagnosis and treatment is provided according to established
1643 professional criteria and guidelines;

1644 (aa) To develop and implement state plans for the
1645 purpose of assisting with the care and treatment of persons with
1646 Alzheimer's disease and other dementia. This plan shall include
1647 education and training of service providers, care-givers in the
1648 home setting and others who deal with persons with Alzheimer's
1649 disease and other dementia, and development of adult day care,
1650 family respite care and counseling programs to assist families who
1651 maintain persons with Alzheimer's disease and other dementia in
1652 the home setting. No agency shall be required to provide any
1653 services under this section until such time as sufficient funds
1654 have been appropriated or otherwise made available by the
1655 Legislature specifically for the purposes of the treatment of
1656 persons with Alzheimer's and other dementia;

1657 (bb) Working with the advice and consent of the
1658 administration of Ellisville State School, to enter into
1659 negotiations with the Economic Development Authority of Jones
1660 County for the purpose of negotiating the possible exchange, lease
1661 or sale of lands owned by Ellisville State School to the Economic
1662 Development Authority of Jones County. It is the intent of the
1663 Mississippi Legislature that such negotiations shall ensure that
1664 the financial interest of the persons with mental retardation
1665 served by Ellisville State School will be held paramount in the
1666 course of these negotiations. The Legislature also recognizes the
1667 importance of economic development to the citizens of the State of
1668 Mississippi and Jones County, and encourages fairness to the
1669 Economic Development Authority of Jones County. Any negotiations
1670 proposed which would result in the recommendation for exchange,
1671 lease or sale of lands owned by Ellisville State School must have
1672 the approval of the State Board of Mental Health. The State Board
1673 of Mental Health may and has the final authority as to whether or
1674 not these negotiations result in the exchange, lease or sale of

1675 the properties it currently holds in trust for citizens with
1676 mental retardation served at Ellisville State School.

1677 If the State Board of Mental Health authorizes the sale of
1678 lands owned by Ellisville State School, as provided for under this
1679 paragraph (bb), the monies derived from the sale shall be placed
1680 into a special fund that is created in the State Treasury to be
1681 known as the "Ellisville State School Client's Trust Fund." The
1682 principal of the trust fund shall remain inviolate and shall never
1683 be expended. Any interest earned on the principal may be expended
1684 solely for the benefits of clients served at Ellisville State
1685 School. The State Treasurer shall invest the monies of the trust
1686 fund in any of the investments authorized for the Mississippi
1687 Prepaid Affordable College Tuition Program under Section 37-155-9,
1688 and those investments shall be subject to the limitations
1689 prescribed by Section 37-155-9. Unexpended amounts remaining in
1690 the trust fund at the end of a fiscal year shall not lapse into
1691 the State General Fund, and any interest earned on amounts in the
1692 trust fund shall be deposited to the credit of the trust fund.
1693 The administration of Ellisville State School may use any interest
1694 earned on the principal of the trust fund, upon appropriation by
1695 the Legislature, as needed for services or facilities by the
1696 clients of Ellisville State School. Ellisville State School shall
1697 make known to the Legislature, through the Legislative Budget
1698 Committee and the respective Appropriations Committees of the
1699 House and Senate, its proposed use of interest earned on the
1700 principal of the trust fund for any fiscal year in which it
1701 proposes to make expenditures thereof. The State Treasurer shall
1702 provide Ellisville State School with an annual report on the
1703 Ellisville State School Client's Trust Fund to indicate the total
1704 monies in the trust fund, interest earned during the year,
1705 expenses paid from the trust fund and such other related
1706 information.

1707 Nothing in this section shall be construed as applying to or
1708 affecting mental health/retardation services provided by hospitals
1709 as defined in Section 41-9-3(a), and/or their subsidiaries and
1710 divisions, which hospitals, subsidiaries and divisions are
1711 licensed and regulated by the Mississippi State Department of
1712 Health unless such hospitals, subsidiaries or divisions
1713 voluntarily request certification by the Mississippi State
1714 Department of Mental Health.

1715 All new programs authorized under this section shall be
1716 subject to the availability of funds appropriated therefor by the
1717 Legislature;

1718 (cc) Working with the advice and consent of the
1719 administration of Boswell Regional Center, to enter into
1720 negotiations with the Economic Development Authority of Simpson
1721 County for the purpose of negotiating the possible exchange, lease
1722 or sale of lands owned by Boswell Regional Center to the Economic
1723 Development Authority of Simpson County. It is the intent of the
1724 Mississippi Legislature that such negotiations shall ensure that
1725 the financial interest of the persons with mental retardation
1726 served by Boswell Regional Center will be held paramount in the
1727 course of these negotiations. The Legislature also recognizes the
1728 importance of economic development to the citizens of the State of
1729 Mississippi and Simpson County, and encourages fairness to the
1730 Economic Development Authority of Simpson County. Any
1731 negotiations proposed which would result in the recommendation for
1732 exchange, lease or sale of lands owned by Boswell Regional Center
1733 must have the approval of the State Board of Mental Health. The
1734 State Board of Mental Health may and has the final authority as to
1735 whether or not these negotiations result in the exchange, lease or
1736 sale of the properties it currently holds in trust for citizens
1737 with mental retardation served at Boswell Regional Center. In any
1738 such exchange, lease or sale of such lands owned by Boswell
1739 Regional Center, title to all minerals, oil and gas on such lands

1740 shall be reserved, together with the right of ingress and egress
1741 to remove same, whether such provisions be included in the terms
1742 of any such exchange, lease or sale or not.

1743 If the State Board of Mental Health authorizes the sale of
1744 lands owned by Boswell Regional Center, as provided for under this
1745 paragraph (cc), the monies derived from the sale shall be placed
1746 into a special fund that is created in the State Treasury to be
1747 known as the "Boswell Regional Center Client's Trust Fund." The
1748 principal of the trust fund shall remain inviolate and shall never
1749 be expended. Any earnings on the principal may be expended solely
1750 for the benefits of clients served at Boswell Regional Center.
1751 The State Treasurer shall invest the monies of the trust fund in
1752 any of the investments authorized for the Mississippi Prepaid
1753 Affordable College Tuition Program under Section 37-155-9, and
1754 those investments shall be subject to the limitations prescribed
1755 by Section 37-155-9. Unexpended amounts remaining in the trust
1756 fund at the end of a fiscal year shall not lapse into the State
1757 General Fund, and any earnings on amounts in the trust fund shall
1758 be deposited to the credit of the trust fund. The administration
1759 of Boswell Regional Center may use any earnings on the principal
1760 of the trust fund, upon appropriation by the Legislature, as
1761 needed for services or facilities by the clients of Boswell
1762 Regional Center. Boswell Regional Center shall make known to the
1763 Legislature, through the Legislative Budget Committee and the
1764 respective Appropriations Committees of the House and Senate, its
1765 proposed use of the earnings on the principal of the trust fund
1766 for any fiscal year in which it proposes to make expenditures
1767 thereof. The State Treasurer shall provide Boswell Regional
1768 Center with an annual report on the Boswell Regional Center
1769 Client's Trust Fund to indicate the total monies in the trust
1770 fund, interest and other income earned during the year, expenses
1771 paid from the trust fund and such other related information.

1772 Nothing in this section shall be construed as applying to or
1773 affecting mental health/retardation services provided by hospitals
1774 as defined in Section 41-9-3(a), and/or their subsidiaries and
1775 divisions, which hospitals, subsidiaries and divisions are
1776 licensed and regulated by the Mississippi State Department of
1777 Health unless such hospitals, subsidiaries or divisions
1778 voluntarily request certification by the Mississippi State
1779 Department of Mental Health.

1780 All new programs authorized under this section shall be
1781 subject to the availability of funds appropriated therefor by the
1782 Legislature;

1783 (dd) Notwithstanding any other section of the code, the
1784 Board of Mental Health shall be authorized to fingerprint and
1785 perform a criminal history record check on every employee or
1786 volunteer. Every employee and volunteer shall provide a valid
1787 current social security number and/or driver's license number
1788 which shall be furnished to conduct the criminal history record
1789 check. If no disqualifying record is identified at the state
1790 level, fingerprints shall be forwarded to the Federal Bureau of
1791 Investigation for a national criminal history record check;

1792 (ee) The Department of Mental Health shall have the
1793 authority for the development of a consumer friendly single point
1794 of intake and referral system within its service areas for persons
1795 with mental illness, mental retardation, developmental
1796 disabilities or alcohol or substance abuse who need assistance
1797 identifying or accessing appropriate services. The department
1798 will develop and implement a comprehensive evaluation procedure
1799 ensuring that, where appropriate, the affected person or their
1800 parent or legal guardian will be involved in the assessment and
1801 planning process. The department, as the point of intake and as
1802 service provider, shall have the authority to determine the
1803 appropriate institutional, hospital or community care setting for
1804 persons who have been diagnosed with mental illness, mental

1805 retardation, developmental disabilities and/or alcohol or
1806 substance abuse, and may provide for the least restrictive
1807 placement if the treating professional believes such a setting is
1808 appropriate, if the person affected or their parent or legal
1809 guardian wants such services, and if the department can do so with
1810 a reasonable modification of the program without creating a
1811 fundamental alteration of the program. The least restrictive
1812 setting could be an institution, hospital or community setting,
1813 based upon the needs of the affected person or their parent or
1814 legal guardian;

1815 (ff) To have the sole power and discretion to enter
1816 into, sign, execute and deliver long-term or multiyear leases of
1817 real and personal property owned by the Department of Mental
1818 Health to and from other state and federal agencies and private
1819 entities deemed to be in the public's best interest. Any monies
1820 derived from such leases shall be deposited into the funds of the
1821 Department of Mental Health for its exclusive use. Leases to
1822 private entities shall be approved by the Department of Finance
1823 and Administration and all leases shall be filed with the
1824 Secretary of State.

1825 **SECTION 25.** Section 41-7-71, Mississippi Code of 1972, is
1826 brought forward as follows:

1827 41-7-71. It is hereby declared to be the policy of the State
1828 of Mississippi that a patient or resident in a state institution
1829 whose estate is sufficient, or, if not, who has (a) a spouse; or
1830 (b) one or more parent(s) if said patient or resident is under the
1831 age of twenty-one (21) years and unmarried, who is(are)
1832 financially able to pay all or any part of the cost of such
1833 hospitalization or treatment, shall be required to pay for all or
1834 part of his or her maintenance in such institution. No resident
1835 of this state shall be refused admission to or treatment in any of
1836 the institutions enumerated in Section 41-7-73 because of his
1837 inability to pay all or any of said costs. It shall be the duty

1838 of the director or the governing board, as appropriate, of the
1839 admitting institution to ascertain the financial ability of the
1840 patient or resident and to establish an amount to be paid monthly
1841 based on current ability to pay, with a continuing claim for the
1842 difference in the amount paid and the maximum charges assessed
1843 that could be made as determined pursuant to Section 41-7-79.

1844 **SECTION 26.** Section 41-7-73, Mississippi Code of 1972, is
1845 brought forward as follows:

1846 41-7-73. The term "state institution" or "state
1847 institutions" as used in Sections 41-7-71 through 41-7-95 shall
1848 include the following: Mississippi State Hospital at Whitfield,
1849 Ellisville State School, East Mississippi State Hospital at
1850 Meridian, Mississippi Children's Rehabilitation Center, North
1851 Mississippi Regional Center, Hudspeth Regional Center, South
1852 Mississippi Regional Center, North Mississippi State Hospital at
1853 Tupelo, South Mississippi State Hospital at Purvis, University of
1854 Mississippi Hospital, Boswell Regional Center, the Juvenile
1855 Rehabilitation Center at Brookhaven, the Specialized Treatment
1856 Facility for the Emotionally Disturbed in Harrison County, and the
1857 Central Mississippi Residential Center at Newton.

1858 **SECTION 27.** Section 41-7-79, Mississippi Code of 1972, is
1859 brought forward as follows:

1860 41-7-79. Each state institution shall have the power to
1861 assess and collect charges from patients, patients' estates and
1862 from all persons legally liable for the cost of care of such
1863 patients in such state institution. The maximum charges which may
1864 be made shall be based on the estimated cost of operating the
1865 institution, and such costs shall include a reasonable amount for
1866 depreciation. The director or the governing board of each
1867 institution, as appropriate, shall investigate or cause to be
1868 investigated the financial ability of each patient, his or her
1869 estate, and all other persons legally liable for the cost or care

1870 of the patient, and the charges assessed shall be in accordance
1871 with the ability of the person assessed to pay.

1872 The Director of the Mississippi Children's Rehabilitation
1873 Center or the governing board of the center, as appropriate, upon
1874 conclusion of the investigation of the financial ability of each
1875 patient and all other persons legally liable for the cost of care
1876 of the patient, shall assess a fee against each patient based on
1877 the financial ability of such patient or others legally liable for
1878 such patient to pay. The fee shall be adjustable and commensurate
1879 with the patient's financial ability to pay. In order to receive
1880 the benefits of the sliding scale fee each patient is required to
1881 provide for the Children's Rehabilitation Center sufficient
1882 financial information in order to allow the center to make a
1883 determination as to whether or not a reduced fee is appropriate.
1884 The center shall not utilize such fee scale for any patient unless
1885 the patient has a need for additional treatment, and has no
1886 insurance covering his treatment or such insurance is exhausted.
1887 The Children's Rehabilitation Center shall make every effort to
1888 collect the total charges from a patient, the patient's estate and
1889 from all persons legally liable for the cost of care of the
1890 patient before it may utilize a sliding fee scale for the patient.

1891 After three (3) good faith attempts have been made to collect
1892 a remaining balance of such charges, and upon the recommendation
1893 of the Children's Rehabilitation Center fiscal officer, said
1894 balance may be declared uncollectible and worthless, and no longer
1895 listed as an asset.

1896 In the determination of ability to pay, the director or
1897 governing board shall not work an undue hardship on any patient or
1898 person legally responsible for such a patient. The value of a
1899 homestead shall not be considered in determining the ability to
1900 pay. The number of dependents of a patient or the party legally
1901 responsible for such patient shall be considered in determining

1902 ability to pay. The value of real and/or personal property may
1903 also be considered.

1904 The director or the governing board, as appropriate, shall
1905 have authority to enter into agreements with the patients or
1906 others legally liable whereby periodic payments can be made on
1907 said accounts. The director or governing board may accept notes,
1908 secured or open, or any other evidences of indebtedness.

1909 The director or the governing board, as appropriate, of each
1910 state institution shall have the right to institute suits where
1911 necessary or advisable, and it shall be the duty of the Attorney
1912 General to institute such suits either in the name of the
1913 institution or in the name of the State of Mississippi. Except in
1914 matters involving the administration of estates, the probate of
1915 wills or the appointment of guardians or conservators, venue for
1916 such suits shall lie in the county in which the institution is
1917 located, and the venue shall not be subject to change.

1918 **SECTION 28.** Section 45-1-29, Mississippi Code of 1972, is
1919 amended as follows:

1920 45-1-29. (1) The Mississippi Crime Laboratory shall be
1921 funded separately from the Department of Public Safety. Any
1922 appropriated funds shall be maintained in an account separate from
1923 any funds of the Department of Public Safety and shall never be
1924 commingled with any funds of the department. However, nothing in
1925 this section shall be construed to prohibit the utilization of the
1926 combined resources of the Mississippi Crime Laboratory, the
1927 Division of Support Services of the Department of Public Safety or
1928 the Mississippi Justice Information Center to efficiently carry
1929 out the mission of the Department of Public Safety.

1930 (2) Grants and donations to the crime laboratory may be
1931 accepted from individuals, the federal government, firms,
1932 corporations, foundations and other interested organizations and
1933 societies.

1934 (3) The Commissioner of Public Safety shall establish and
1935 the Division of Support Services of the Department of Public
1936 Safety shall collect for services rendered proper fees
1937 commensurate with the services rendered by the crime laboratory,
1938 which fees shall be in amounts that will recover the costs to the
1939 crime laboratory of providing those services. Those fees shall be
1940 deposited into a special fund in the State Treasury to the credit
1941 of the crime laboratory and expended in accordance with applicable
1942 rules and regulations of the Department of Finance and
1943 Administration. Those fees may be used for any authorized
1944 expenditure of the crime laboratory except expenditures for
1945 salaries, wages and fringe benefits.

1946 **SECTION 29.** Section 49-17-30, Mississippi Code of 1972, is
1947 brought forward as follows:

1948 49-17-30. (1) As a condition of any air operating permit
1949 required under Title V of the federal Clean Air Act, the owner or
1950 operator of any stationary source shall pay to the Department of
1951 Environmental Quality an annual permit fee. The commission shall
1952 establish the amount of each fee to cover the costs of the Title V
1953 program as provided in Section 49-17-14.

1954 (2) To facilitate the proper administration of the Title V
1955 program, the commission is authorized to assess and collect fees
1956 from Title V program permittees. The commission is further
1957 authorized to promulgate such rules and regulations as are
1958 necessary for the development and administration of the Title V
1959 program and the assessment and collection of Title V program fees.

1960 (a) For purposes of fee assessment and collection, the
1961 maximum emission rate of each pollutant used in the calculation of
1962 fees shall be four thousand (4,000) tons per year per facility.

1963 (b) For purposes of fee assessment and collection, the
1964 permit holder shall elect for actual or allowable emissions to be
1965 used in determining the annual quantity of emissions unless the
1966 commission determines by order that the method chosen by the

1967 applicant for calculating actual emissions fails to reasonably
1968 represent actual emissions. Such order of the commission shall be
1969 subject to appeal in the manner provided in Section 49-17-41.
1970 Actual emissions shall be calculated using emission monitoring
1971 data or direct emissions measurements for the pollutant(s); mass
1972 balance calculations such as the amounts of the pollutant(s)
1973 entering and leaving process equipment and where mass balance
1974 calculations can be supported by direct measurement of process
1975 parameters, such direct measurement data shall be supplied;
1976 published emission factors such as those relating release
1977 quantities to throughput or equipment type (e.g., air emission
1978 factors); or other approaches such as engineering calculations
1979 (e.g., estimating volatilization using published mathematical
1980 formulas) or best engineering judgments where such judgments are
1981 derived from process and/or emission data which supports the
1982 estimates of maximum actual emissions.

1983 If the commission determines that there is not sufficient
1984 information available on a facility's emissions, the determination
1985 of the fee shall be based upon the permitted allowable emissions
1986 until such time as an adequate determination of actual emissions
1987 is made.

1988 (c) A minimum annual fee of Two Hundred Fifty Dollars
1989 (\$250.00) shall be assessed to and collected from the owner or
1990 operator of each facility that is required to hold a Title V
1991 permit. The maximum annual fee shall be Two Hundred Fifty
1992 Thousand Dollars (\$250,000.00) per facility.

1993 (3) (a) Prior to the date of full implementation of the
1994 Title V program in Mississippi, the fee assessed shall be Four
1995 Dollars (\$4.00) per ton of emissions of each air pollutant for
1996 which fees can be assessed under the Title V program, not to
1997 exceed Fifty Thousand Dollars (\$50,000.00) per facility.

1998 (b) Following the date of full implementation of the
1999 Title V program in Mississippi, the fee schedule for Title V

2000 permit fees for any subsequent calendar year shall be set by order
2001 of the commission in an amount sufficient to cover the reasonable
2002 costs of development and administration of the Title V program.
2003 The commission's order shall follow:

2004 (i) Receipt of the report and recommendations of
2005 the Advisory Council; and

2006 (ii) A public hearing to be held not earlier than
2007 thirty (30) days following receipt by the commission of the report
2008 and recommendations of the Advisory Council. The commission may
2009 proceed with entry of the order on fees if the Advisory Council
2010 fails to submit its report in a timely manner. The order of the
2011 commission may be appealed in the manner set forth in Section
2012 49-17-41. The determination of the fee shall be by order of the
2013 commission and shall not be considered the promulgation of a
2014 regulation by the commission. The record of the public hearing
2015 shall be included in the record upon which the order is based and
2016 shall become a part of the appellate records for all appeals taken
2017 from the order of the commission establishing or modifying Title V
2018 permit fees. Any undisputed amount due from an appellant must be
2019 paid according to the appellant's payment schedule during the
2020 pendency of the appeal.

2021 (4) Any person required to pay the Title V permit fee set
2022 forth under this chapter who disagrees with the calculation or
2023 applicability of the person's fee may petition the commission in
2024 writing for a hearing in accordance with Section 49-17-35. Such
2025 hearing shall be in accordance with Section 49-17-33. Any
2026 disputed portion of the fee for which a hearing has been requested
2027 will not incur any penalty or interest from and after the receipt
2028 by the commission of the hearing petition. The decision of the
2029 commission may be appealed in the manner set forth in Section
2030 49-17-41.

2031 (5) All fees collected pursuant to this section shall be
2032 deposited into the "Air Operating Permit Program Fee Trust Fund"
2033 established in Section 49-17-14.

2034 **SECTION 30.** Section 49-17-421, Mississippi Code of 1972, is
2035 amended as follows:

2036 49-17-421. (1) The commission may assess and collect a tank
2037 regulatory fee in an amount sufficient to administer Sections
2038 49-17-401 through 49-17-435 but not to exceed One Hundred Dollars
2039 (\$100.00) per tank per year from the owner of each underground
2040 storage tank in use in Mississippi on July 1, 1988, or brought
2041 into use after that date, as provided in the Mississippi
2042 Underground Storage Tank Act of 1988 (Sections 49-17-401 through
2043 49-17-435). The tank regulatory fee assessed under this section
2044 is a debt due by the owner of each underground storage tank in use
2045 in Mississippi on July 1, 1988, or brought into use after that
2046 date. The tank regulatory fee shall be due July 1 of each year.
2047 If any part of the tank regulatory fee is not paid within thirty
2048 (30) days after the due date, a penalty of fifty percent (50%) of
2049 the amount due shall accrue at once and be added to the fee,
2050 unless the owner of the underground storage tank demonstrates to
2051 the commission that the failure to make timely payment was
2052 unavoidable due to financial hardship or otherwise beyond the
2053 control of the owner. Monies collected under this section shall
2054 be deposited in a special fund which is created in the State
2055 Treasury. Unexpended amounts remaining in the special fund at the
2056 end of the fiscal year shall not lapse into the General Fund and
2057 any interest earned on amounts in the special fund shall be
2058 credited to the special fund by the Treasurer. The fund may
2059 receive monies from any available public or private source,
2060 including, but not limited to, collection of fees, interest,
2061 grants, taxes, public or private donations and judicial actions.
2062 Monies in this special fund shall be expended by annual

2063 appropriation approved by the Legislature to administer Sections
2064 49-17-401 through 49-17-435.

2065 (2) In addition to the fees imposed under subsection (1) of
2066 this section, the department shall impose a fee of Fifty Dollars
2067 (\$50.00) per tank per year for each underground storage tank in
2068 use in Mississippi on July 1, 1988, or brought into use after that
2069 date, as provided in the Mississippi Underground Storage Tank Act
2070 of 1988 (Sections 49-17-401 through 49-17-435). The fees
2071 collected under this subsection shall be deposited in the State
2072 Treasury to the credit of the department.

2073 **SECTION 31.** (1) Beginning on July 1, 2005, in all instances
2074 where no provision of law sets a fee, the Department of
2075 Environmental Quality shall charge a fee of One Hundred Dollars
2076 (\$100.00) for any general permit that it issues to any permittee.
2077 For any other permit or any activity associated with the
2078 monitoring of the activities of a permittee, where no provision of
2079 law sets a permit or monitoring fee, the department shall charge
2080 all permittees a fee of Two Hundred Fifty Dollars (\$250.00). Fees
2081 for permits shall be collected at the time of the issuance of the
2082 permits. Monitoring fees shall be collected after completion of
2083 the monitoring activity.

2084 (2) The department shall charge each animal feeding
2085 operation and confined animal feeding operation a one-time fee of
2086 One Hundred Dollars (\$100.00).

2087 (3) The fees collected under this section shall be deposited
2088 in the State Treasury to the credit of the department.

2089 **SECTION 32.** Section 51-3-31, Mississippi Code of 1972, is
2090 amended as follows:

2091 51-3-31. Any person desiring to use water for a beneficial
2092 purpose shall apply to the board for a permit for such use on a
2093 form prescribed by the board for such purpose. The application
2094 shall be accompanied by a fee of Two Hundred Fifty Dollars
2095 (\$250.00). The application shall provide such information as

2096 deemed appropriate by the board to its decision to issue such
2097 permit. The fees and applications required by this section also
2098 shall apply to renewals of permits and any modifications to
2099 permits. The board shall not charge any fees under this section
2100 to animal feeding operations or confined animal feeding
2101 operations.

2102 All fees received by the board under this section shall be
2103 deposited in the State Treasury to the credit of the Department of
2104 Environmental Quality.

2105 **SECTION 33.** Section 53-7-7, Mississippi Code of 1972, is
2106 amended as follows:

2107 53-7-7. (1) Except as provided in this section, it is
2108 unlawful to commence an operation or operate a surface mine
2109 without a permit or coverage under a general permit as provided by
2110 this chapter.

2111 (2) Except as expressly provided in this section, this
2112 chapter shall not apply to:

2113 (a) Excavations made by the owner of land for the
2114 owner's own use and not for commercial purposes, where the
2115 materials removed do not exceed one thousand (1,000) cubic yards
2116 per year and where one (1) acre or less of land is affected;

2117 (b) Excavations made by a public agency on a one-time
2118 basis for emergency use at an emergency site if:

2119 (i) The excavation lies in the vicinity of the
2120 emergency site and affects less than one-fourth (1/4) acre of
2121 mined surface area;

2122 (ii) The landowner has signed a statement giving
2123 approval for the removal of the materials; and

2124 (iii) The public agency notifies the department as
2125 required by the commission within two (2) working days of the
2126 removal of the materials.

2127 (c) Operations for any materials on any affected area
2128 conducted before April 15, 1978, but this chapter shall apply to

2129 any additional land which the operation extended to or encompassed
2130 after April 15, 1978;

2131 (d) Operations for any materials that affected four (4)
2132 acres or less and were greater than one thousand three hundred
2133 twenty (1,320) feet from any other affected area if:

2134 (i) The operation began before July 1, 2002; and

2135 (ii) The operator notified the commission of the
2136 commencement, expansion or resumption of the operation before July
2137 1, 2002; and

2138 (e) Operations for any materials that affect four (4)
2139 acres or less, are greater than one thousand three hundred twenty
2140 (1,320) feet from any other affected area and commenced after July
2141 1, 2002, if the operator notifies the department at least seven
2142 (7) calendar days before commencement or expansion of the
2143 operation as required in regulations adopted by the commission.
2144 The seven-day notice prior to mining requirement shall be waived
2145 and the operator may begin mining immediately after notifying the
2146 department if:

2147 (i) The operator agrees, in the notification, to
2148 reclaim the mine site in accordance with the minimum standards
2149 adopted by the commission; or

2150 (ii) The exempted operation is conducted for
2151 Mississippi Department of Transportation projects or state aid
2152 road construction projects funded in whole or in part by public
2153 funds.

2154 (3) Exempt operations under paragraph (e) that are conducted
2155 for the MDOT projects or state aid road construction projects
2156 shall be reclaimed in accordance with the requirements of the
2157 Mississippi Standard Specifications for Road and Bridge
2158 Construction, Mississippi Department of Transportation or Division
2159 of State Aid Road Construction, as applicable. Any operator
2160 failing to reclaim as required under this subsection may be
2161 subject to the penalties provided in Section 53-7-59(2).

2162 (4) If a landowner refuses to allow the operator to complete
2163 reclamation in accordance with minimum standards or interferes
2164 with or authorizes a third party to disturb or interfere with
2165 reclamation in accordance with minimum standards, the landowner
2166 shall assume the exempt notice and shall be responsible for any
2167 reclamation.

2168 (5) All operations exempted under Sections 53-7-7(2)(d) and
2169 53-7-7(2)(e) shall be subject to the prohibitions on mining in
2170 certain areas contained in Sections 53-7-49 and 53-7-51 and may be
2171 subject to the penalties in Section 53-7-59(2) for any violation
2172 of those sections.

2173 (6) Any operator conducting operations exempted under
2174 Section 53-7-7(2)(b) or 53-7-7(2)(e) failing to notify the
2175 department in accordance with the regulations of the commission,
2176 may be subject to penalties provided in Section 53-7-59(2). Any
2177 operator exempted under Section 53-7-7(2)(e) who agrees in the
2178 notification to reclaim and fails to reclaim in accordance with
2179 that paragraph may be subject to penalties provided in Section
2180 53-7-59(2).

2181 (7) The department shall collect from every operator granted
2182 an exemption the amount of One Hundred Dollars (\$100.00) from any
2183 operator whose mining operations are exempted under the authority
2184 of this section. The department shall charge an annual monitoring
2185 fee of One Hundred Dollars (\$100.00) to any exempted and
2186 nonexempted operators to help defray the costs of monitoring
2187 surface mining activity. All fees collected under this subsection
2188 shall be deposited in the State Treasury to the credit of the
2189 department.

2190 **SECTION 34.** Section 53-7-21, Mississippi Code of 1972, is
2191 amended as follows:

2192 53-7-21. (1) Unless exempted under Section 53-7-7, no
2193 operator shall engage in surface mining without having first
2194 obtained coverage under a general permit or having obtained from

2195 the Permit Board a permit for each operation. The permit or
2196 coverage under a general permit shall authorize the operator to
2197 engage in surface mining upon the area of land described in the
2198 application for a period of either five (5) years or longer period
2199 of time as deemed appropriate by the Permit Board from the date of
2200 issuance or until reclamation of the affected area is completed
2201 and the reclamation bond is finally released, whichever comes
2202 first.

2203 (2) Each operator holding a permit shall annually, before
2204 the anniversary date of the permit, file with the department a
2205 certificate of compliance in which the operator, under oath, shall
2206 declare that the operator is following the approved mining and
2207 reclamation plan and is abiding by this chapter and the rules and
2208 regulations adopted under this chapter.

2209 (3) The department shall charge all permit holders an annual
2210 permit monitoring fee of One Hundred Twenty-five Dollars
2211 (\$125.00). All fees collected under this subsection shall be
2212 deposited in the State Treasury to the credit of the department.

2213 **SECTION 35.** Section 53-7-25, Mississippi Code of 1972, is
2214 amended as follows:

2215 53-7-25. (1) Each application for a surface mining permit
2216 and for coverage under a general permit shall be accompanied by an
2217 application fee in accordance with a published fee schedule
2218 adopted by the commission. The application fee shall not be less
2219 than One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) per
2220 acre included in the application. The total application fee shall
2221 not exceed Five Hundred Dollars (\$500.00). The commission, in
2222 considering regulations on the fee schedule, shall recognize the
2223 difference in the various materials, taking into consideration the
2224 commercial value of the material and the nature and size of
2225 operation necessary to extract it.

2226 (2) All state agencies, political subdivisions of the state,
2227 and local governing bodies shall be exempt from all fees required
2228 by this chapter.

2229 (3) Upon submission of the certificate of compliance
2230 required under Section 53-7-21, each operator shall pay a fee of
2231 Fifty Dollars (\$50.00).

2232 (4) In addition to the fees provided for in this section,
2233 the department shall charge a fee of One Hundred Dollars (\$100.00)
2234 for any permit issued and for the renewal of permits. All funds
2235 collected under this subsection shall be deposited in the State
2236 Treasury to the credit of the department.

2237 **SECTION 36.** Section 53-7-27, Mississippi Code of 1972, is
2238 amended as follows:

2239 53-7-27. (1) Before commencing any operation for which a
2240 permit is required, each applicant for a permit shall submit to
2241 the Permit Board an application, a proposed initial reclamation
2242 plan and a performance bond in an amount proposed to be sufficient
2243 by the applicant to reclaim the permit area.

2244 (2) The application shall be in the form prescribed by the
2245 commission and shall contain the following information:

2246 (a) A legal description of the tract or tracts of land
2247 in the affected area and one or more maps or plats of adequate
2248 scale to clearly portray the location of the affected area. The
2249 description shall contain sufficient information so that the
2250 affected area may be located and distinguished from other lands
2251 and shall identify the access from the nearest public road;

2252 (b) The approximate location and depth of the deposit
2253 in the permit area and the total number of acres in the permit
2254 area;

2255 (c) The name, address and management officers of the
2256 permit applicant and any affiliated persons who shall be engaged
2257 in the operations;

2258 (d) The name and address of any person holding legal
2259 and equitable interests of record, if reasonably ascertainable, in
2260 the surface estate of the permit area and in the surface estate of
2261 land located within five hundred (500) feet of the exterior limits
2262 of the permit area;

2263 (e) The name and address of any person residing on the
2264 property of the permit area at the time of application;

2265 (f) Current or previous surface mining permits held by
2266 the applicant, including any revocations, suspensions or bond
2267 forfeitures;

2268 (g) The type and method of operation, the engineering
2269 techniques and the equipment that is proposed to be used,
2270 including mining schedules, the nature and expected amount of
2271 overburden to be removed, the depth of excavations, a description
2272 of the permit area, the anticipated hydrologic consequences of the
2273 mining operation, and the proposed use of explosives for blasting,
2274 including the nature of the explosive, the proposed location of
2275 the blasting and the expected effect of the blasting;

2276 (h) A notarized statement showing the applicant's legal
2277 right to surface mine the affected area;

2278 (i) The names and locations of all lakes, rivers,
2279 reservoirs, streams, creeks and other bodies of water in the
2280 vicinity of the contemplated operations which may be affected by
2281 the operations and the types of existing vegetative cover on the
2282 area affected thereby and on adjoining lands within five hundred
2283 (500) feet of the exterior limits of the affected area;

2284 (j) A topographical survey map showing the surface
2285 drainage plan on and away from the permit area;

2286 (k) The surface location and extent of all existing and
2287 proposed waste and spoil piles, cuts, pits, tailing dumps, ponds,
2288 borrow pits, evaporation and settling basins, roads, buildings,
2289 access ways, workings and installations sufficient to provide a

2290 reasonably clear and accurate portrayal of the existing surface
2291 conditions and the proposed mining operations;

2292 (1) If the surface and mineral estates, or any part of
2293 those estates, in land covered by the application, have been
2294 severed and are owned by separate owners, the applicant shall
2295 provide a notarized statement subscribed to by each surface owner
2296 and lessee of those lands, unless the lease or other conveyance to
2297 the applicant specifically states the material to be mined by the
2298 operator granting consent for the applicant to initiate and
2299 conduct surface mining, exploration and reclamation activities on
2300 the land;

2301 (m) Except for governmental agencies, a certificate of
2302 insurance certifying that the applicant has in force a public
2303 liability insurance policy issued by an insurance company
2304 authorized to conduct business in the State of Mississippi
2305 covering all operations of the applicant in this state and
2306 affording bodily injury protection and property damage protection
2307 in an amount not less than the following:

2308 (i) One Hundred Thousand Dollars (\$100,000.00) for
2309 all damages because of bodily injury sustained by one (1) person
2310 as the result of any one (1) occurrence, and Three Hundred
2311 Thousand Dollars (\$300,000.00) for all damages because of bodily
2312 injury sustained by two (2) or more persons as the result of any
2313 one (1) occurrence; * * *

2314 (ii) One Hundred Thousand Dollars (\$100,000.00)
2315 for all claims arising out of damage to property as the result of
2316 any one (1) occurrence including completed operations; and

2317 (iii) In any case where the department releases
2318 any permittee from the obligation of having the insurance or bond
2319 required by this paragraph (m), the department shall charge the
2320 permittee One Hundred Dollars (\$100.00). The fees collected under
2321 this subparagraph (iii) shall be deposited in the State Treasury
2322 to the credit of the department.

2323 The policy shall be maintained in full force and effect
2324 during the term of the permit, including the length of all
2325 reclamation operations.

2326 (n) A copy of a proposed initial reclamation plan
2327 prepared under Section 53-7-31; and

2328 (o) Any other information needed to clarify the
2329 required parts of the application.

2330 **SECTION 37.** Section 53-7-69, Mississippi Code of 1972, is
2331 amended as follows:

2332 53-7-69. (1) There is created in the State Treasury a fund
2333 to be designated as the "Surface Mining and Reclamation Fund,"
2334 referred to hereinafter as the "fund." There is created in the
2335 fund an account designated as the "Land Reclamation Account" and
2336 an account designated as the "Surface Mining Program Operations
2337 Account."

2338 (2) The fund shall be treated as a special trust fund.
2339 Interest earned on the principal therein shall be credited by the
2340 Treasurer to the fund.

2341 (3) The fund may receive monies from any available public or
2342 private sources, including, but not limited to, collection of
2343 fees, interest, grants, taxes, public and private donations,
2344 judicial actions, penalties and forfeited performance bonds. Any
2345 monies received from penalties, forfeited performance bonds,
2346 judicial actions and the interest thereon, less enforcement and
2347 collection costs, shall be credited to the Land Reclamation
2348 Account. Except as otherwise provided by law, any monies received
2349 from the collection of fees, grants, taxes, public or private
2350 donations and the interest thereon shall be credited to the
2351 Surface Mining Program Operations Account.

2352 (4) The commission shall expend or utilize monies in the
2353 fund by an annual appropriation by the Legislature as provided
2354 herein. Monies in the Land Reclamation Account may be used to
2355 defray any costs of reclamation of land affected by mining

2356 operations. Monies in the Surface Mining Program Operations
2357 Account may be used to defray the reasonable direct and indirect
2358 costs associated with the administration and enforcement of this
2359 chapter.

2360 (5) Proceeds from the forfeiture of performance bonds or
2361 deposits and penalties recovered shall be available to be expended
2362 to reclaim, in accordance with this chapter, lands with respect to
2363 which the performance bonds or deposits were provided and
2364 penalties assessed. If the commission expends monies from the
2365 fund for which the cost of reclamation exceeded the proceeds from
2366 the forfeiture of performance bonds or deposits, the commission
2367 may seek to recover any monies expended from the fund from any
2368 responsible party.

2369 **SECTION 38.** Section 55-3-33, Mississippi Code of 1972, is
2370 brought forward as follows:

2371 55-3-33. (1) The Mississippi Department of Wildlife,
2372 Fisheries and Parks shall have the power and authority, and it
2373 shall be its duty to:

2374 (a) Take charge and have full jurisdiction and control
2375 over all state parks, which parks shall be operated for the
2376 purpose of providing outdoor recreational activities and enjoyment
2377 for the citizens of the State of Mississippi and for the purpose
2378 of attracting visitors to the state.

2379 (b) Set up a uniform accounting procedure for the state
2380 parks and prescribe the manner in which books, records and
2381 accounts shall be kept, which procedure shall account for all
2382 moneys taken in and expended by the various parks and shall
2383 provide for periodic audits of such books.

2384 (c) Accept gifts, bequests of money or other property,
2385 real or personal, to be used for the purpose of advancing the
2386 recreation and conservation interests in state parks. The
2387 department is authorized, subject to approval by the State

2388 Legislature, to purchase property, real or personal, to be used
2389 for state park purposes.

2390 (d) Contract with the State Transportation Commission,
2391 any municipality or board of supervisors of the state for
2392 locating, constructing and maintaining roads and other
2393 improvements in state parks and for payment of a part of the costs
2394 thereof; however, no county or municipality more than twenty-five
2395 (25) miles distant from a state park may contract for, or do, or
2396 pay for any such work for a state park other than the
2397 International Gardens of Mississippi. Any county or municipality
2398 authorized to assist financially under the provisions of Sections
2399 55-3-31 through 55-3-51 is authorized, in the discretion of its
2400 respective governing authority, to set aside, appropriate and
2401 expend moneys from the General Fund for the purpose of defraying
2402 such expense after a mandatory election is held on the question
2403 within the county or municipality.

2404 (e) Designate employees as peace officers with power to
2405 make arrests for infraction of the rules and regulations of the
2406 department. Such officers are authorized to carry weapons and to
2407 enforce the laws of the State of Mississippi within the confines
2408 of a state park.

2409 (f) Enforce and delegate the responsibility to enforce
2410 all reasonable rules and regulations governing the occupancy and
2411 use of lands and waters in state parks under its jurisdiction,
2412 supply recreational and conservation facilities and charge fees
2413 for the use of same; review all rates and charges for facilities
2414 and accommodations furnished at the various state parks annually,
2415 making such charges as are justified; and establish fees for
2416 entrance to state parks.

2417 Each park shall retain from revenues generated therein, a sum
2418 sufficient to pay necessary expenses of operation, but in no event
2419 to be less than seventy-five percent (75%) of such revenues.

2420 (2) The department shall have the authority to lease to any
2421 entity, sell and convey or otherwise transfer to any county or
2422 municipality, or close any state park or historical site within
2423 its jurisdiction which received a General Fund subsidy in Fiscal
2424 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
2425 state park or historical site; provided, however, that this
2426 authority shall not include the authority to sell, lease or convey
2427 any park that was not in operation under the jurisdiction of the
2428 department for a full fiscal year prior to fiscal year 1986.

2429 (3) The department may execute agreements with
2430 rails-to-trails and recreational districts by which the department
2431 will assume responsibility for the operation and maintenance of
2432 trails developed under Sections 55-25-1 through 55-25-15.

2433 **SECTION 39.** Section 45-35-7, Mississippi Code of 1972, is
2434 amended as follows:

2435 45-35-7. (1) Except as provided in subsection (3) of this
2436 section, each applicant for an original identification card issued
2437 pursuant to this chapter who is entitled to issuance of such a
2438 card shall be issued a four-year card. Each card shall expire at
2439 midnight on the last day of the cardholder's birth month.

2440 (2) Except as provided in subsection (3) of this section,
2441 all renewal identification cards shall be for four-year periods
2442 and may be renewed any time during the birth month of the
2443 cardholder upon application and payment of the required fee.

2444 (3) (a) Any applicant who is blind, as defined in Section
2445 43-6-1, upon payment of the fee prescribed in this section, shall
2446 be issued an original identification card which shall remain valid
2447 for a period of ten (10) years. All renewal identification cards
2448 issued to such persons shall also be valid for a period of ten
2449 (10) years.

2450 (b) Any applicant who is not a United States citizen
2451 and who does not possess a social security number issued by the
2452 United States government, upon payment of the fee prescribed in

2453 this section, shall be issued an original identification card
2454 which shall remain valid for a period of one (1) year from date of
2455 issuance. All renewal identification cards issued to such persons
2456 shall also be valid for a period of one (1) year from date of
2457 issuance.

2458 (4) A fee of Seventeen Dollars (\$17.00) shall be collected
2459 for the issuance of an original or renewal identification card
2460 plus the applicable photograph fee as provided in subsection (5)
2461 of this section. The fee of Seventeen Dollars (\$17.00) shall be
2462 deposited into the State General Fund. The photograph fee shall
2463 be deposited into a special photograph fee account or the State
2464 General Fund as provided under subsection (5) of this section.

2465 (5) The Commissioner of Public Safety, by rule or
2466 regulation, shall establish an identification card photograph fee
2467 which shall be the actual cost of the photograph rounded off to
2468 the next highest dollar. Monies collected for the photograph fee
2469 shall be deposited into a special photograph fee account which the
2470 Department of Public Safety shall use to pay the actual cost of
2471 producing the photographs. Any monies collected in excess of the
2472 actual costs of the photography shall be deposited to the General
2473 Fund of the State of Mississippi.

2474 (6) Any person who, for medical reasons, surrenders his
2475 unexpired driver's license, and any person whose unexpired
2476 driver's license is suspended for medical reasons by the
2477 Commissioner of Public Safety under Section 63-1-53(e), may be
2478 issued an identification card without payment of a fee. The
2479 identification card shall be valid for a period of four (4) years
2480 from its date of issue. All renewals of such card shall be
2481 subject to the fees prescribed in subsections (4) and (5) of this
2482 section.

2483 (7) The department shall maintain a record of all
2484 identification cards issued, except for those cards cancelled,
2485 surrendered or denied renewal.

2486 (8) (a) Any male who is at least eighteen (18) years of age
2487 but less than twenty-six (26) years of age and who applies for an
2488 identification card or a renewal of an identification card under
2489 this chapter shall be registered in compliance with the
2490 requirements of Section 3 of the Military Selective Service Act,
2491 50 USCS Appx 451 et seq., as amended.

2492 (b) The department shall forward in an electronic
2493 format the necessary personal information of the applicant to the
2494 Selective Service System. The applicant's submission of the
2495 application shall serve as an indication that the applicant either
2496 has already registered with the Selective Service System or that
2497 he is authorizing the department to forward to the Selective
2498 Service System the necessary information for registration. The
2499 commissioner shall notify the applicant on, or as a part of, the
2500 application that his submission of the application will serve as
2501 his consent to registration with the Selective Service System, if
2502 so required. The commissioner also shall notify any male
2503 applicant under the age of eighteen (18) that he will be
2504 registered upon turning age eighteen (18) as required by federal
2505 law.

2506 **SECTION 40.** Section 45-35-9, Mississippi Code of 1972, is
2507 amended as follows:

2508 45-35-9. (1) If an identification card issued under this
2509 chapter is lost, destroyed or mutilated, or a new name is
2510 required, the person to whom it was issued may obtain a duplicate
2511 by furnishing satisfactory proof of such fact to the department.
2512 The same identifying data shall be furnished for a duplicate as
2513 for an original card. A fee of Five Dollars (\$5.00) plus the
2514 applicable photograph fee shall be collected for the first
2515 duplicate card issued and a fee of Eight Dollars (\$8.00) plus the
2516 applicable photograph fee shall be collected for the second and
2517 each subsequent duplicate copy. However, whenever a duplicate
2518 copy of an identification card is issued only because a new name

2519 is required and the previously issued identification card is
2520 returned to the department, the fee for the issuance of such
2521 duplicate shall be Three Dollars (\$3.00) plus the applicable
2522 photograph fee, regardless of whether the duplicate is the first,
2523 second or subsequent duplicate copy. All fees collected under
2524 this section, except photograph fees, shall be deposited into the
2525 State General Fund. Photograph fees collected under this section
2526 shall be deposited into a special photograph fee account or into
2527 the State General Fund in the same manner as photograph fees
2528 collected from the issuance of drivers' licenses under Section
2529 63-1-43.

2530 (2) Any person who loses an identification card and who,
2531 after obtaining a duplicate, finds the original card shall
2532 promptly surrender the original card to the department.

2533 **SECTION 41.** Section 63-1-43, Mississippi Code of 1972, is
2534 amended as follows:

2535 63-1-43. (1) The fee for receiving the application and
2536 issuing the regular driver's or operator's license and the fee for
2537 renewing the license shall be:

2538 (a) Twenty-four Dollars (\$24.00) plus the applicable
2539 photograph fee for each applicant for a four-year license;

2540 (b) Nine Dollars (\$9.00) plus the applicable photograph
2541 fee for each applicant for a one-year license, except as provided
2542 in paragraph (c) of this subsection; and

2543 (c) Fourteen Dollars (\$14.00) plus the applicable
2544 photograph fee for a one-year license for each applicant who is
2545 not a United States citizen and who does not possess a social
2546 security number issued by the United States government.

2547 All originals and renewals of regular operators' licenses
2548 shall be in compliance with Section 63-1-47.

2549 (2) The fee for receiving the application and issuing a
2550 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle

2551 endorsements shall be valid for the same period of time as the
2552 applicant's operator's license.

2553 (3) The fee for receiving the application and issuing a
2554 restricted motorcycle operator's license and the fee for renewing
2555 such license shall be:

2556 (a) Eleven Dollars (\$11.00) plus the applicable
2557 photograph fee for a four-year license; and

2558 (b) Eight Dollars (\$8.00) plus the applicable
2559 photograph fee for a one (1) year license.

2560 All originals and renewals of restricted motorcycle licenses
2561 shall be valid for the same period of time that an original
2562 regular driver's license may be issued to such person in
2563 compliance with Section 63-1-47.

2564 (4) From and after January 1, 1990, every person who makes
2565 application for an original license or a renewal license to
2566 operate a vehicle as a common carrier by motor vehicle, taxicab,
2567 passenger coach, dray, contract carrier or private commercial
2568 carrier as such terms are defined in Section 27-19-3, except for
2569 those vehicles for which a Class A, B or C license is required
2570 under Article 2 of this chapter, shall, in lieu of the regular
2571 driver's license above provided for, apply for and obtain a Class
2572 D commercial driver's license. Except as otherwise provided in
2573 subsection (5) of this section, the fee for the issuance of a
2574 Class D commercial driver's license shall be Twenty-nine Dollars
2575 (\$29.00) plus the applicable photograph fee for a period of four
2576 (4) years; however, except as required under Article 2 of this
2577 chapter, no driver of a pickup truck shall be required to have a
2578 commercial license regardless of the purpose for which the pickup
2579 truck is used.

2580 Except as otherwise provided in subsection (5) of this
2581 section, all originals and renewals of commercial licenses issued
2582 under this section shall be valid for a period of four (4) years,
2583 in compliance with Section 63-1-47. Only persons who operate the

2584 above-mentioned vehicles in the course of the regular and
2585 customary business of the owner shall be required to obtain a
2586 Class D commercial operator's license, and persons operating such
2587 vehicles for private purposes or in emergencies shall not be
2588 required to obtain such license.

2589 (5) The original and each renewal of a commercial driver's
2590 license issued under this section to a person who is not a United
2591 States citizen and who does not possess a social security number
2592 issued by the United States government shall be issued for a
2593 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
2594 applicable photograph fee and shall expire one (1) year from the
2595 date of issuance. Such person may renew a commercial license
2596 issued under this section within thirty (30) days of expiration of
2597 the license.

2598 (6) The Commissioner of Public Safety, by rule or
2599 regulation, shall establish a driver's license photograph fee
2600 which shall be the actual cost of the photograph rounded off to
2601 the next highest dollar. Monies collected for the photograph fee
2602 shall be deposited into a special photograph fee account which the
2603 Department of Public Safety shall use to pay the actual cost of
2604 producing the photographs. Any monies collected in excess of the
2605 actual costs of the photography shall be deposited to the General
2606 Fund of the State of Mississippi.

2607 **SECTION 42.** Section 63-1-21, Mississippi Code of 1972, is
2608 amended as follows:

2609 63-1-21. (1) Every applicant for a new or original driver's
2610 or operator's license, except persons holding an out-of-state
2611 license, shall first obtain a temporary driving permit upon the
2612 payment of a fee of Five Dollars (\$5.00) to the Department of
2613 Public Safety and upon the successful completion of the
2614 examination provided for in Section 63-1-33 and the payment of the
2615 fee for such examination provided for in Section 63-1-43.

2616 (2) A temporary driving permit entitles the holder, provided
2617 the permit is in his immediate possession, to drive a motor
2618 vehicle other than a motorcycle on the highways of the State of
2619 Mississippi only when accompanied by a licensed operator who is at
2620 least twenty-one (21) years of age and who is actually occupying
2621 the seat beside the driver. A temporary driving permit may be
2622 issued to any applicant who is at least fifteen (15) years of age.
2623 A temporary driving permit shall be valid for a period of one (1)
2624 year from the date of issue.

2625 (3) An intermediate license allows unsupervised driving from
2626 6:00 a.m. to 10:00 p.m. At all other times the intermediate
2627 licensee must be supervised by a parent, guardian or other person
2628 age twenty-one (21) years or older who holds a valid driver's
2629 license under this article and who is actually occupying the seat
2630 beside the driver.

2631 (4) The fee for issuance of an intermediate license shall be
2632 Five Dollars (\$5.00).

2633 Except as otherwise provided by Section 63-1-6, every
2634 applicant for a restricted motorcycle operator's license or a
2635 motorcycle endorsement shall first obtain a temporary motorcycle
2636 driving permit upon the payment of a fee of One Dollar (\$1.00) to
2637 the Department of Public Safety, and upon the successful
2638 completion of the examination provided for in Section 63-1-33, and
2639 payment of the fee for the examination provided for in Section
2640 63-1-43. All applicants for such temporary permit shall (a) be at
2641 least fifteen (15) years of age; (b) operate a motorcycle only
2642 under the direct supervision of a person at least twenty-one (21)
2643 years of age who possesses either a valid driver's or operator's
2644 license with a motorcycle endorsement or a valid restricted
2645 motorcycle operator's license; (c) be prohibited from transporting
2646 a passenger on a motorcycle; (d) be prohibited from operating a
2647 motorcycle upon any controlled access highway; and (e) be
2648 prohibited from operating a motorcycle during the hours of 6:00

2649 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
2650 be valid for the same period of time and may be renewed upon the
2651 same conditions as temporary driving permits issued for vehicles
2652 other than motorcycles.

2653 **SECTION 43.** Section 63-1-37, Mississippi Code of 1972, is
2654 amended as follows:

2655 63-1-37. If a license or temporary driving permit issued
2656 under the provisions of this article is lost or destroyed, the
2657 licensee shall obtain from the commissioner a duplicate copy
2658 thereof and shall pay a fee in the amount of Five Dollars (\$5.00)
2659 plus the applicable photograph fee for the first duplicate copy
2660 and a fee in the amount of Eight Dollars (\$8.00) plus the
2661 applicable photograph fee for the second and each subsequent
2662 duplicate copy. The license or permit shall be marked
2663 "Duplicate."

2664 All fees collected under this section, except photograph
2665 fees, shall be deposited into the State General Fund. Photograph
2666 fees collected under this section shall be deposited under the
2667 provisions of Section 63-1-43.

2668 **SECTION 44.** Section 63-1-46, Mississippi Code of 1972, is
2669 amended as follows:

2670 63-1-46. (1) A fee of Fifty Dollars (\$50.00) shall be
2671 charged for the reinstatement of a license issued under this
2672 article to every person whose license has been validly suspended,
2673 revoked or cancelled. This fee shall be in addition to the fee
2674 provided for in Section 63-1-43.

2675 (2) The funds received under the provisions of subsection
2676 (1) of this section shall be deposited into the State General Fund
2677 in accordance with Section 45-1-23.

2678 (3) In addition to the fee provided for in subsection (1) of
2679 this section, an additional fee of Seventy-five Dollars (\$75.00)
2680 shall be charged for the reinstatement of a license issued under
2681 this article to every person whose license has been suspended or

2682 revoked under the provisions of the Mississippi Implied Consent
2683 Law or as a result of a conviction of a violation of the Uniform
2684 Controlled Substances Law under the provisions of Section 63-1-71.

2685 (4) The funds received under the provisions of subsection
2686 (3) of this section shall be placed in a special fund that is
2687 created in the State Treasury. Monies in such special fund may be
2688 expended solely to contribute to the Disability and Relief Fund
2689 for members of the Mississippi Highway Safety Patrol such amounts
2690 as are necessary to make sworn agents of the Mississippi Bureau of
2691 Narcotics who were employed by such bureau before December 1,
2692 1990, and who were later employed as enforcement troopers by the
2693 Department of Public Safety, full members of the retirement system
2694 for the Mississippi Highway Safety Patrol with full credit for the
2695 time they were employed as sworn agents for the Mississippi Bureau
2696 of Narcotics. The Board of Trustees of the Public Employees'
2697 Retirement System shall certify to the State Treasurer the amounts
2698 necessary for the purposes described above. The State Treasurer
2699 shall monthly transfer from the special fund created under this
2700 subsection the amounts deposited in such special fund to the
2701 Disability and Relief Fund for members of the Mississippi Highway
2702 Safety Patrol until such time as the certified amount has been
2703 transferred. At such time as the certified amount has been
2704 transferred, the State Treasurer shall transfer any funds
2705 remaining in the special fund created under this subsection to the
2706 State General Fund and shall then dissolve such special fund.
2707 This subsection (4) shall stand repealed at such time when the
2708 State Treasurer transfers funds and dissolves the special fund
2709 account in accordance with the provisions of this subsection.

2710 (5) The procedure for the reinstatement of a license issued
2711 under this article that has been suspended for being out of
2712 compliance with an order for support, as defined in Section
2713 93-11-153, and the payment of any fees for the reinstatement of a

2714 license suspended for that purpose, shall be governed by Section
2715 93-11-157 or 93-11-163, as the case may be.

2716 **SECTION 45.** Section 63-1-81, Mississippi Code of 1972, is
2717 brought forward as follows:

2718 63-1-81. (1) Each application for a commercial driver's
2719 license or commercial driver instruction permit shall include the
2720 following:

2721 (a) The full name and the current mailing and
2722 residential address of the applicant;

2723 (b) A physical description of the applicant, including
2724 sex, height, weight, eye and hair color;

2725 (c) The applicant's date of birth;

2726 (d) The applicant's social security number unless the
2727 application is for a nonresident commercial driver's license;

2728 (e) The applicant's signature;

2729 (f) The applicant's color photograph;

2730 (g) All certifications required by applicable federal
2731 regulations;

2732 (h) Any other information which the Commissioner of
2733 Public Safety, by rule or regulation, determines necessary and
2734 essential; and

2735 (i) The consent of the applicant to release driving
2736 record information.

2737 (2) The fee for accepting and processing an application for
2738 a commercial driver instruction permit shall be Ten Dollars
2739 (\$10.00).

2740 (3) The fee for accepting and processing an application for
2741 a Class A, B or C commercial driver's license shall be Twenty-five
2742 Dollars (\$25.00).

2743 (4) No person who has been a resident of this state for
2744 thirty (30) days may drive a commercial motor vehicle under the
2745 authority of a commercial driver's license issued by another
2746 jurisdiction. Any violation of this subsection shall be

2747 punishable as provided by Section 63-1-69, Mississippi Code of
2748 1972.

2749 (5) Any person who knowingly falsifies information or
2750 certifications required under subsection (1) of this section shall
2751 be subject to the penalties prescribed in Section 63-1-59,
2752 Mississippi Code of 1972, and shall be subject to suspension of
2753 his commercial driver instruction permit or commercial driver's
2754 license in accordance with Section 63-1-51, Mississippi Code of
2755 1972.

2756 (6) Each application or filing made under this section shall
2757 include the social security number(s) of the applicant in
2758 accordance with Section 93-11-64, Mississippi Code of 1972.

2759 (7) (a) Any male who is at least eighteen (18) years of age
2760 but less than twenty-six (26) years of age and who applies for a
2761 commercial license or renewal of a commercial license under this
2762 article shall be registered in compliance with the requirements of
2763 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
2764 et seq., as amended.

2765 (b) The department shall forward in an electronic
2766 format the necessary personal information of the applicant to the
2767 Selective Service System. The applicant's submission of the
2768 application shall serve as an indication that the applicant either
2769 has already registered with the Selective Service System or that
2770 he is authorizing the department to forward to the Selective
2771 Service System the necessary information for registration. The
2772 commissioner shall notify the applicant on, or as a part of, the
2773 application that his submission of the application will serve as
2774 his consent to registration with the Selective Service System, if
2775 so required. The commissioner also shall notify any male
2776 applicant under the age of eighteen (18) that he will be
2777 registered upon turning age eighteen (18) as required by federal
2778 law.

2779 **SECTION 46.** Section 63-1-82, Mississippi Code of 1972, is
2780 amended as follows:

2781 63-1-82. (1) Each commercial driver's license shall be
2782 marked "Commercial Driver's License" or "CDL" and shall, to the
2783 maximum extent practicable, be tamper proof. Each such license
2784 shall include thereon, but not be limited to, the following
2785 information:

2786 (a) The name and residential address of the licensee;

2787 (b) The licensee's color photograph;

2788 (c) A physical description of the licensee, including
2789 his sex, height, weight, eye and hair color;

2790 (d) The licensee's date of birth;

2791 (e) Except for a nonresident commercial driver's
2792 license, the licensee's social security number; and any other
2793 identifying information which the Commissioner of Public Safety,
2794 by rule or regulation, determines necessary and essential for the
2795 purposes of complying with the provisions of this article;

2796 (f) The licensee's signature;

2797 (g) The class or type of commercial motor vehicle or
2798 vehicles which the licensee is authorized to drive together with
2799 any endorsements or restrictions;

2800 (h) The name of this state; and

2801 (i) The dates between which the license is valid.

2802 (2) The holder of a valid commercial driver's license may
2803 drive all vehicles in the class for which that license is issued
2804 and all lesser classes of vehicles, including any vehicle for
2805 which an operator's license or commercial driver's license issued
2806 under Article 1 of this chapter authorizes a person to drive.
2807 However, vehicles which require an endorsement may not be driven
2808 unless the proper endorsement appears on the license.

2809 (3) Commercial driver's licenses may be issued with the
2810 following classifications:

2811 (a) Class A. Any combination of vehicles with a gross
2812 vehicle weight rating of twenty-six thousand one (26,001) pounds
2813 or more, provided the gross vehicle weight rating of the vehicle
2814 or vehicles being towed is in excess of ten thousand (10,000)
2815 pounds;

2816 (b) Class B. Any single vehicle with a gross vehicle
2817 weight rating of twenty-six thousand one (26,001) pounds or more,
2818 and any such vehicle towing a vehicle not in excess of ten
2819 thousand (10,000) pounds;

2820 (c) Class C. Any single vehicle with a gross vehicle
2821 weight rating of less than twenty-six thousand one (26,001) pounds
2822 or any such vehicle towing a vehicle with a gross vehicle weight
2823 rating not in excess of ten thousand (10,000) pounds comprising:

2824 (i) Vehicles designed to transport sixteen (16) or
2825 more passengers, including the driver; and

2826 (ii) Vehicles used in the transportation of
2827 hazardous materials which are required to be placarded under the
2828 Hazardous Materials Transportation Act, 49 USCS Appx., Section
2829 1801 et seq.; and

2830 (d) Class D. All other vehicles or combination of
2831 vehicles which are not included in Class A, Class B or Class C and
2832 for which a commercial license is required to be issued as
2833 provided by Section 63-1-43, Mississippi Code of 1972.

2834 (4) Commercial driver's licenses may be issued with the
2835 following endorsements and restrictions:

2836 (a) "H" authorizes the driver to drive a vehicle
2837 transporting hazardous materials;

2838 (b) "K" restricts the driver to vehicles not equipped
2839 with air brakes;

2840 (c) "T" authorizes driving double and triple trailers;

2841 (d) "P" authorizes driving vehicles carrying
2842 passengers;

2843 (e) "N" authorizes driving tank vehicles;

2844 (f) "X" represents a combination of hazardous materials
2845 and tank vehicle endorsements;

2846 (g) "S" restricts the driver to school buses being
2847 operated for the purpose of transporting pupils to and from school
2848 or to school-related functions and/or to all other vehicles not
2849 requiring a commercial driver's license; and

2850 (h) "I" restricts driving which requires a commercial
2851 license to intrastate driving only.

2852 (5) Before issuing a commercial driver's license, the
2853 Commissioner of Public Safety shall obtain driving record
2854 information through the Commercial Driver License Information
2855 System.

2856 (6) Within ten (10) days after issuing a commercial driver's
2857 license, the Commissioner of Public Safety shall notify the
2858 Commercial Driver License Information System of that fact,
2859 providing all information required to ensure identification of the
2860 person.

2861 (7) The fee charged for the issuance of each original and
2862 each renewal of a Class A, B or C commercial driver's license
2863 shall be Forty-three Dollars (\$43.00) plus the applicable
2864 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall
2865 be charged for each endorsement or restriction entered on a
2866 commercial driver's license under subsection (4) of this section.
2867 However, the fee charged for each original and renewal of a
2868 commercial driver's license with an "S" restriction shall be the
2869 same as the fee for a Class D commercial driver's license in
2870 addition to all application fees.

2871 (8) If a commercial driver instruction permit or commercial
2872 driver's license is lost or destroyed, or if the holder of a
2873 commercial driver's license changes his name, mailing address or
2874 residence, an application for a duplicate permit or license shall
2875 be made as provided by Section 63-1-37, Mississippi Code of 1972.

2876 (9) All commercial driver's licenses issued under the
2877 provisions of this article shall be issued for a period of not
2878 more than four (4) years and shall expire at midnight on the last
2879 day of the licensee's month of birth.

2880 (10) Every person applying for renewal of a commercial
2881 driver's license shall complete the application form required by
2882 Section 63-1-81, Mississippi Code of 1972, providing updated
2883 information and required certifications and paying the appropriate
2884 fees. If the applicant wishes to retain a hazardous materials
2885 endorsement, the written test for a hazardous materials
2886 endorsement must be taken and passed.

2887 (11) The Commissioner of Public Safety, by rule or
2888 regulation, shall establish a driver's license photograph fee
2889 which shall be the actual cost of the photograph rounded off to
2890 the next highest dollar. Monies collected for the photograph fee
2891 shall be deposited into a special photograph fee account which the
2892 Department of Public Safety shall use to pay the actual cost of
2893 producing the photographs. Any monies collected in excess of the
2894 actual costs of the photography shall be deposited to the General
2895 Fund of the State of Mississippi.

2896 **SECTION 47.** Section 63-15-4, Mississippi Code of 1972, is
2897 brought forward as follows:

2898 63-15-4. (1) The following vehicles are exempted from the
2899 requirements of this section:

2900 (a) Vehicles exempted by Section 63-15-5;

2901 (b) Vehicles for which a bond or a certificate of
2902 deposit of money or securities in at least the minimum amounts
2903 required for proof of financial responsibility is on file with the
2904 department;

2905 (c) Vehicles that are self-insured under Section
2906 63-15-53; and

2907 (d) Implements of husbandry.

2908 (2) (a) Every motor vehicle operated in this state shall
2909 have an insurance card maintained in the vehicle as proof of
2910 liability insurance that is in compliance with the liability
2911 limits required by Section 63-15-3(j). The insured parties shall
2912 be responsible for maintaining the insurance card in each vehicle.

2913 (b) An insurance company issuing a policy of motor
2914 vehicle liability insurance as required by this section shall
2915 furnish to the insured an insurance card for each vehicle at the
2916 time the insurance policy becomes effective.

2917 (3) Upon stopping a motor vehicle for any other statutory
2918 violation, a law enforcement officer, who is authorized to issue
2919 traffic citations, shall verify that the insurance card required
2920 by this section is in the motor vehicle. However, no driver shall
2921 be stopped or detained solely for the purpose of verifying that an
2922 insurance card is in the motor vehicle.

2923 (4) Failure of the owner or the operator of a motor vehicle
2924 to have the insurance card in the motor vehicle is a misdemeanor
2925 and, upon conviction, is punishable by a fine of One Thousand
2926 Dollars (\$1,000.00) and suspension of driving privilege for a
2927 period of one (1) year or until the owner of the motor vehicle
2928 shows proof of liability insurance that is in compliance with the
2929 liability limits required by Section 63-15-3(j). Fraudulent use
2930 of an insurance card shall be punishable in accordance with
2931 Section 97-7-10. The funds from such fines shall be deposited in
2932 the State General Fund in the State Treasury.

2933 (5) If, at the hearing date or the date of payment of the
2934 fine, the motor vehicle owner shows proof of motor vehicle
2935 liability insurance in the amounts required by Section 63-15-3(j),
2936 the fine shall be reduced to One Hundred Dollars (\$100.00). If
2937 the owner shows proof that such insurance was in effect at the
2938 time of citation, the fine of One Hundred Dollars (\$100.00) and
2939 court costs shall be waived.

2940 **SECTION 48.** Section 63-21-63, Mississippi Code of 1972, is
2941 amended as follows:

2942 63-21-63. There shall be paid to the State Tax Commission
2943 for issuing and processing documents required by this chapter,
2944 fees according to the following schedule:

- 2945 (1) Each application for certificate of title... \$14.00
2946 (2) Each application for replacement or
2947 corrected certificate of title..... 14.00
2948 (3) Each suspension or revocation of
2949 certificate of title..... 14.00
2950 (4) Each notice of security interest..... 14.00
2951 (5) Each release of security interest..... 14.00
2952 (6) Each assignment by lienholder..... 14.00
2953 (7) Each application for information as to
2954 the status of the title of a vehicle..... 14.00

2955 The designated agent may add the sum of One Dollar (\$1.00) to
2956 each document processed for which a fee is charged to be retained
2957 as his commission for services rendered. All other fees collected
2958 shall be remitted to the State Tax Commission.

2959 If more than one (1) transaction be involved in any
2960 application on a single vehicle and if supported by all required
2961 documents, the fee charged by the State Tax Commission and by the
2962 designated agent for processing and issuing shall be considered as
2963 only one (1) transaction.

2964 **SECTION 49.** The following shall be codified as Section
2965 7-3-30, Mississippi Code of 1972:

2966 7-3-30. The Secretary of State shall provide for the annual
2967 publication of a Judiciary Directory and Court Calendar, which
2968 shall be made available for sale for not less than Two Dollars and
2969 Fifty Cents (\$2.50) per copy, plus the actual cost of shipping and
2970 handling. The Secretary of State shall pay the proceeds of those
2971 sales into the State General Fund.

2972 **SECTION 50.** Section 25-7-81, Mississippi Code of 1972, is
2973 amended as follows:

2974 25-7-81. (1) The Secretary of State shall charge the
2975 following fees:

2976 (a) For every commission issued by him to persons
2977 appointed by the Governor as a commissioner of this state in any
2978 other state, territory, or district of the United States, or in
2979 any foreign country..... \$10.00

2980 (b) For recording charter of a corporation for
2981 literary, religious, benevolent, fraternal, or scientific
2982 purposes, and not for pecuniary profits, directly or
2983 indirectly..... 20.00

2984 (c) For commission of each notary public..... 25.00

2985 (d) For commission of each commissioner of
2986 deeds..... 10.00

2987 (2) In addition to the fees charged under subsection (1)(c)
2988 of this section, the Secretary of State shall charge a fee of Ten
2989 Dollars (\$10.00) for the commissioning of notaries public, which
2990 shall be deposited into the State General Fund.

2991 **SECTION 51.** Section 79-4-1.22, Mississippi Code of 1972, is
2992 amended as follows:

2993 79-4-1.22. (a) The Secretary of State shall collect the
2994 following fees when the documents described in this subsection are
2995 delivered to him for filing:

2996	Document	Fee
2997	(1) Articles of incorporation.....	\$50.00
2998	(2) Application for use of indistinguishable	
2999	name.....	5.00
3000	(3) Application for reserved name.....	25.00
3001	(4) Notice of transfer of reserved name.....	25.00
3002	(5) Application for registered name.....	50.00
3003	(6) Application for renewal of registered	
3004	name.....	50.00

3005	(7)	Corporation's statement of change of	
3006		registered agent or registered office	
3007		or both.....	10.00
3008	(8)	Agent's statement of change of registered	
3009		office for each affected corporation.....	10.00
3010		not to exceed a total of.....	1,000.00
3011	(9)	Agent's statement of resignation.....	No fee
3012	(10)	Amendment of articles of incorporation...	50.00
3013	(11)	Restatement of articles of incorporation.	50.00
3014		with amendment of articles.....	50.00
3015	(12)	Articles of merger or share exchange.....	50.00
3016	(13)	Articles of dissolution.....	25.00
3017	(14)	Articles of revocation of dissolution....	25.00
3018	(15)	Certificate of administrative dissolution	No fee
3019	(16)	Application for reinstatement following	
3020		administrative dissolution.....	50.00
3021	(17)	Certificate of reinstatement.....	No fee
3022	(18)	Certificate of judicial dissolution.....	No fee
3023	(19)	Application for certificate of authority.	500.00
3024	(20)	Application for amended certificate of	
3025		authority.....	50.00
3026	(21)	Application for certificate of withdrawal	125.00
3027	(22)	Certificate of revocation of authority to	
3028		transact business.....	No fee
3029	(23)	Application for reinstatement following	
3030		administrative revocation.....	100.00
3031	(24)	Certificate of reinstatement.....	No fee
3032	(25)	Annual report.....	25.00
3033	(26)	Articles of correction.....	50.00
3034	(27)	Application for certificate of existence	
3035		or authorization.....	25.00
3036	(28)	Any other document required or permitted	
3037		to be filed by Section 79-4-1.01 et seq...	25.00

3038 (b) The Secretary of State shall collect a fee of
3039 Twenty-five Dollars (\$25.00) each time process is served on him
3040 under Section 79-4-1.01 et seq. The party to a proceeding causing
3041 service of process is entitled to recover this fee as costs if he
3042 prevails in the proceeding.

3043 (c) The Secretary of State shall collect the following fees
3044 for copying and certifying the copy of any filed document relating
3045 to a domestic or foreign corporation:

3046 (1) One Dollar (\$1.00) a page for copying; and

3047 (2) Ten Dollars (\$10.00) for the certificate.

3048 (d) The Secretary of State may collect a filing fee greater
3049 than the fee set out herein, not to exceed the actual costs of
3050 processing such filing, if the form for such filing prescribed by
3051 the Secretary of State has not been used.

3052 (e) In addition to any other fees charged under this
3053 section, the Secretary of State shall charge the following fees:

3054 (1) Articles of incorporation..... \$25.00

3055 (2) Agent's statement of resignation..... \$25.00

3056 (3) Annual report..... \$25.00

3057 The fees collected under this subsection (e) shall be
3058 deposited into the State General Fund.

3059 **SECTION 52.** Section 75-9-525, Mississippi Code of 1972, is
3060 amended as follows:

3061 **[Until December 31, 2007, this section shall read as**
3062 **follows:]**

3063 75-9-525. (a) Except as otherwise provided in subsection
3064 (e), the fee for filing and indexing a record under this part,
3065 other than an initial financing statement of the kind described in
3066 subsection (b) is the amount specified in subsection (c), if
3067 applicable, plus:

3068 (1) Ten Dollars (\$10.00) if the record is communicated
3069 in writing and is in the standard form prescribed by the Secretary
3070 of State;

3071 (2) Thirteen Dollars (\$13.00) if the record is
3072 communicated in writing and is not in the standard form prescribed
3073 by the Secretary of State; and

3074 (3) Eight Dollars (\$8.00) if the record is communicated
3075 by another medium authorized by filing-office rule.

3076 In addition to the fees charged in paragraphs (1), (2) and
3077 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be
3078 charged on all transactions described in paragraphs (1) and (2),
3079 and a fee of Eight Dollars (\$8.00) shall be charged on all
3080 transactions described in paragraph (3). The fees collected under
3081 this paragraph shall be deposited into the State General Fund.

3082 (b) Except as otherwise provided in subsection (e), the fee
3083 for filing and indexing an initial financing statement of the
3084 following kind is the amount specified in subsection (c), if
3085 applicable, plus:

3086 (1) Thirteen Dollars (\$13.00) if the financing
3087 statement indicates that it is filed in connection with a
3088 public-finance transaction;

3089 (2) Ten Dollars (\$10.00) if the financing statement
3090 indicates that it is filed in connection with a manufactured-home
3091 transaction.

3092 In addition to the fees charged in paragraphs (1) and (2) of
3093 this subsection (b), a fee of Ten Dollars (\$10.00) shall be
3094 charged on all transactions described in paragraphs (1) and (2) of
3095 this subsection (b). The fees collected under this paragraph
3096 shall be deposited into the State General Fund.

3097 (c) Except as otherwise provided in subsection (e), if a
3098 record is communicated in writing, the fee for each additional
3099 debtor name more than one (1) required to be indexed is Four
3100 Dollars (\$4.00).

3101 In addition to the fee charged in this subsection (c), a fee
3102 of Sixteen Dollars (\$16.00) shall be charged on all transactions

3103 described in this subsection. The fees collected under this
3104 paragraph shall be deposited into the State General Fund.

3105 (d) The fee for responding to a request for information from
3106 the filing office, including for issuing a certificate showing
3107 whether there is on file any financing statement naming a
3108 particular debtor, is:

3109 (1) Five Dollars (\$5.00) if the request is communicated
3110 in writing on the standard form prescribed by the Secretary of
3111 State;

3112 (2) Ten Dollars (\$10.00) if the request is communicated
3113 in writing and is not in the standard form prescribed by the
3114 Secretary of State;

3115 (3) Three Dollars (\$3.00) if the request is
3116 communicated by another medium authorized by filing-office rule;
3117 and

3118 (4) An additional fee of Two Dollars (\$2.00) shall be
3119 paid by the requesting party for each financing statement listed
3120 on the filing officer's certificate, the aggregate of which shall
3121 be billed to the requesting party at the time the filing officer's
3122 certificate is issued.

3123 In addition to the fees charged in paragraphs (1), (2), (3)
3124 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)
3125 shall be charged on all transactions described in paragraphs (1),
3126 (2), (3) and (4) of this subsection. The fees collected under
3127 this paragraph shall be deposited into the State General Fund.

3128 (e) This section does not require a fee to the chancery
3129 clerk with respect to a record of a mortgage which is effective as
3130 a financing statement filed as a fixture filing or as a financing
3131 statement covering as-extracted collateral or timber to be cut
3132 under Section 75-9-502(c). However, the recording and
3133 satisfaction fees to the chancery clerk that otherwise would be
3134 applicable under Section 25-7-9 to the record of the mortgage
3135 apply.

3136 **[From and after December 31, 2007, this section shall read as**
3137 **follows:]**

3138 75-9-525. (a) Except as otherwise provided in subsection
3139 (e), the fee for filing and indexing a record under this part,
3140 other than an initial financing statement of the kind described in
3141 subsection (b) is the amount specified in subsection (c), if
3142 applicable, plus:

3143 (1) Five Dollars (\$5.00) if the record is communicated
3144 in writing and is in the standard form prescribed by the Secretary
3145 of State;

3146 (2) Eight Dollars (\$8.00) if the record is communicated
3147 in writing and is not in the standard form prescribed by the
3148 Secretary of State; and

3149 (3) Three Dollars (\$3.00) if the record is communicated
3150 by another medium authorized by filing-office rule.

3151 In addition to the fees charged in paragraphs (1), (2) and
3152 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be
3153 charged on all transactions described in paragraphs (1) and (2),
3154 and a fee of Eight Dollars (\$8.00) shall be charged on all
3155 transactions described in paragraph (3). The fees collected under
3156 this paragraph shall be deposited into the State General Fund.

3157 (b) Except as otherwise provided in subsection (e), the fee
3158 for filing and indexing an initial financing statement of the
3159 following kind is the amount specified in subsection (c), if
3160 applicable, plus:

3161 (1) Eight Dollars (\$8.00) if the financing statement
3162 indicates that it is filed in connection with a public-finance
3163 transaction;

3164 (2) Five Dollars (\$5.00) if the financing statement
3165 indicates that it is filed in connection with a manufactured-home
3166 transaction.

3167 In addition to the fees charged in paragraphs (1) and (2) of
3168 this subsection (b), a fee of Ten Dollars (\$10.00) shall be

3169 charged on all transactions described in paragraphs (1) and (2) of
3170 this subsection (b). The fees collected under this paragraph
3171 shall be deposited into the State General Fund.

3172 (c) Except as otherwise provided in subsection (e), if a
3173 record is communicated in writing, the fee for each additional
3174 debtor name more than one (1) required to be indexed is Four
3175 Dollars (\$4.00).

3176 In addition to the fee charged in this subsection (c), a fee
3177 of Sixteen Dollars (\$16.00) shall be charged on all transactions
3178 described in this subsection. The fees collected under this
3179 paragraph shall be deposited into the State General Fund.

3180 (d) The fee for responding to a request for information from
3181 the filing office, including for issuing a certificate showing
3182 whether there is on file any financing statement naming a
3183 particular debtor, is:

3184 (1) Five Dollars (\$5.00) if the request is communicated
3185 in writing on the standard form prescribed by the Secretary of
3186 State;

3187 (2) Ten Dollars (\$10.00) if the request is communicated
3188 in writing and is not in the standard form prescribed by the
3189 Secretary of State;

3190 (3) Three Dollars (\$3.00) if the request is
3191 communicated by another medium authorized by filing-office rule;
3192 and

3193 (4) An additional fee of Two Dollars (\$2.00) shall be
3194 paid by the requesting party for each financing statement listed
3195 on the filing officer's certificate, the aggregate of which shall
3196 be billed to the requesting party at the time the filing officer's
3197 certificate is issued.

3198 In addition to the fees charged in paragraphs (1), (2), (3)
3199 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)
3200 shall be charged on all transactions described in paragraphs (1),

3201 (2), (3) and (4) of this subsection. The fees collected under
3202 this paragraph shall be deposited into the State General Fund.

3203 (e) This section does not require a fee to the chancery
3204 clerk with respect to a record of a mortgage which is effective as
3205 a financing statement filed as a fixture filing or as a financing
3206 statement covering as-extracted collateral or timber to be cut
3207 under Section 75-9-502(c). However, the recording and
3208 satisfaction fees to the chancery clerk that otherwise would be
3209 applicable under Section 25-7-9 to the record of the mortgage
3210 apply.

3211 **SECTION 53.** Section 75-63-65, Mississippi Code of 1972, is
3212 amended as follows:

3213 75-63-65. (1) Any establishment or organization which
3214 engages in the business of selling pre-need merchandise and/or
3215 services shall register with the Secretary of State and shall pay
3216 a registration fee. A separate registration is required for each
3217 separate corporation or business entity. The establishment or
3218 organization shall pay to the Secretary of State for the
3219 registration of the main establishment or organization a fee of
3220 Three Hundred Fifty Dollars (\$350.00).

3221 (2) Any person who engages in the business of selling
3222 pre-need contracts shall register with the Secretary of State.

3223 (3) The Secretary of State shall establish regulations to
3224 register each establishment or organization selling pre-need
3225 merchandise or services. No establishment or organization shall
3226 be registered to sell pre-need merchandise or services that the
3227 establishment or organization cannot lawfully provide at the time
3228 of a person's death. The Secretary of State shall also maintain a
3229 record of all individuals who are registered to sell pre-need
3230 merchandise or services through the registered establishment.

3231 (4) The Secretary of State shall establish regulations to
3232 register each person selling pre-need contracts, including the
3233 establishment through which the seller will be selling. No person

3234 shall be registered to sell pre-need contracts without indicating
3235 the establishment for which he or she is selling.

3236 (5) The Secretary of State shall develop and furnish the
3237 forms necessary for the registration of establishments and
3238 individuals selling pre-need contracts.

3239 (6) The Secretary of State shall charge the following fees
3240 under this article:

- 3241 (a) Renewal of registration for establishments and
3242 organizations..... \$50.00
3243 (b) Registration of agents..... \$20.00
3244 (c) Renewal of registration for agents..... \$20.00
3245 (d) Filing of sales reports..... \$50.00

3246 The fees collected under this subsection shall be deposited
3247 into the State General Fund.

3248 **SECTION 54.** Section 75-71-409, Mississippi Code of 1972, is
3249 amended as follows:

3250 75-71-409. (1) (a) At the time the registration of a
3251 securities offering or notification of a securities offering
3252 pursuant to Section 75-71-408(a) is filed, every person filing
3253 such registration or notification shall pay a filing fee of
3254 one-tenth of one percent (1/10 of 1%) of the dollar amount to be
3255 registered, with the minimum fee to be One Hundred Fifty Dollars
3256 (\$150.00) and the maximum fee to be One Thousand Dollars
3257 (\$1,000.00).

3258 (b) When a registration is withdrawn before the
3259 effective date or a preeffective stop order is entered under
3260 Sections 75-71-425 through 75-71-431, the Secretary of State shall
3261 retain the greater of One Hundred Fifty Dollars (\$150.00) or forty
3262 percent (40%) of the fee.

3263 (c) The Secretary of State may by rule or otherwise set
3264 a fee for changing the name of an issuer or offering filed with
3265 his office.

3266 (2) The Secretary of State shall charge the following fees
3267 under this chapter:

3268 (a) Initial registration statements - processing
3269 fee..... \$100.00

3270 (b) Renewal fee in addition to initial
3271 offering..... \$100.00

3272 The fees collected under this subsection shall be deposited
3273 into the State General Fund.

3274 **SECTION 55.** Section 79-11-109, Mississippi Code of 1972, is
3275 amended as follows:

3276 79-11-109. (1) Except as otherwise provided in subsection
3277 (4) of this section, the Secretary of State shall collect the
3278 following fees when the documents described in this subsection are
3279 delivered for filing:

3280	Document	Fee
3281	(a) Articles of incorporation.....	\$50.00
3282	(b) Application for use of indistinguishable name	
3283	25.00
3284	(c) Application for reserved name.....	25.00
3285	(d) Notice of transfer of reserved name.....	25.00
3286	(e) Application for registered name.....	50.00
3287	(f) Application for renewal of registered name	50.00
3288	(g) Corporation's statement of change of registered	
3289	agent or registered office or both.....	10.00
3290	(h) Agent's statement of change of registered office	
3291	for each affected corporation.....	10.00
3292	not to exceed a total of.....	1,000.00
3293	(i) Agent's statement of resignation.....	No Fee
3294	(j) Amendment of articles of incorporation....	50.00
3295	(k) Restatement of articles of incorporation with	
3296	amendments.....	50.00
3297	(l) Articles of merger.....	50.00
3298	(m) Articles of dissolution.....	25.00

3299	(n) Articles of revocation of dissolution.....	25.00
3300	(o) Certificate of administrative dissolution.	No Fee
3301	(p) Application for reinstatement following	
3302	administrative dissolution.....	50.00
3303	(q) Certificate of reinstatement.....	No Fee
3304	(r) Certificate of judicial dissolution.....	No Fee
3305	(s) Application for certificate of authority..	100.00
3306	(t) Application for amended certificate of	
3307	authority.....	50.00
3308	(u) Application for certificate of withdrawal..	25.00
3309	(v) Certificate of revocation of authority to	
3310	transact business.....	No Fee
3311	(w) Status report.....	25.00
3312	(x) Articles of correction.....	50.00
3313	(y) Application for certificate of existence or	
3314	authorization.....	25.00
3315	(z) Any other document required or permitted	
3316	to be filed by Sections 79-11-101 et seq.....	25.00
3317	(2) Except as otherwise provided in subsection (4) of this	
3318	section, the Secretary of State shall collect a fee of Twenty-five	
3319	Dollars (\$25.00) upon being served with process under Sections	
3320	79-11-101 et seq. The party to a proceeding causing service of	
3321	process is entitled to recover the fee paid the Secretary of State	
3322	as costs if the party prevails in the proceeding.	
3323	(3) Except as otherwise provided in subsection (4) of this	
3324	section, the Secretary of State shall collect the following fees	
3325	for copying and certifying the copy of any filed document relating	
3326	to a domestic or foreign corporation:	
3327	(a) One Dollar (\$1.00) a page for copying; and	
3328	(b) Ten Dollars (\$10.00) for the certificate.	
3329	(4) The Secretary of State may collect a filing fee greater	
3330	than the fee set forth in subsections (1), (2) and (3) in an	
3331	amount not to exceed twice the fee set forth in subsections (1),	

3332 (2) and (3) of processing the filing, if the form prescribed by
3333 the Secretary of State for such filing has not been used.

3334 (5) In addition to any other fees charged in this section,
3335 the Secretary of State shall charge the following fees:

3336 (a) Articles of incorporation..... \$25.00

3337 (b) Corporation's statement of change

3338 of registered agent or registered office or both..... \$25.00

3339 The fees collected under this subsection shall be deposited
3340 into the State General Fund.

3341 **SECTION 56.** Section 79-11-504, Mississippi Code of 1972, is
3342 amended as follows:

3343 79-11-504. (1) The Secretary of State shall have the
3344 authority to:

3345 (a) Promulgate rules of procedure and regulations
3346 necessary for the administration of Sections 79-11-501 through
3347 79-11-529, subject to the provisions of the Mississippi
3348 Administrative Procedures Law.

3349 (b) Honor written requests from interested person for
3350 interpretative opinions regarding registration and exemptions from
3351 registration.

3352 (c) Publish and disseminate information to the public
3353 concerning persons subject to Sections 79-11-501 through
3354 79-11-529.

3355 (d) Perform any other functions and duties which may be
3356 necessary to carry out the provisions of Sections 79-11-501
3357 through 79-11-529.

3358 (2) The Secretary of State shall charge the following fees
3359 under Sections 79-11-501 through 79-11-529:

3360 (a) Registration of exempt organizations..... \$50.00

3361 (b) Registration of solicitors..... \$50.00

3362 (c) Renewal of solicitors registration..... \$50.00

3363 (d) Filing of solicitation campaign notices.... \$50.00

3364 (e) Issuing opinion letters--charitable and

3365 fundraising..... \$100.00

3366 The fees collected under this subsection shall be deposited
3367 into the State General Fund.

3368 **SECTION 57.** Section 79-29-1203, Mississippi Code of 1972, is
3369 amended as follows:

3370 79-29-1203. (1) The Secretary of State shall charge and
3371 collect a fee for:

3372 (a) Filing of Reservation of Limited Liability Company
3373 Name, Twenty-Five Dollars (\$25.00).

3374 (b) Filing of Change of Address of Registered Agent,
3375 Twenty-Five Dollars (\$25.00).

3376 (c) Filing of Resignation of Registered Agent, Five
3377 Dollars (\$5.00).

3378 (d) Filing of Certificate of Formation, Fifty Dollars
3379 (\$50.00).

3380 (e) Filing of Amendment to Certificate of Formation,
3381 Fifty Dollars (\$50.00).

3382 (f) Filing of Certificate of Dissolution, Twenty-Five
3383 Dollars (\$25.00).

3384 (g) Filing of Certificate of Cancellation, Twenty-Five
3385 Dollars (\$25.00).

3386 (h) Filing of Restated Certificate of Formation or
3387 Amended and Restated Certificate of Formation, Twenty-Five Dollars
3388 (\$25.00).

3389 (i) Filing of Certificate of Withdrawal, Twenty-Five
3390 Dollars (\$25.00).

3391 (j) Filing of Application for Registration of Foreign
3392 Limited Liability Company, Two Hundred Fifty Dollars (\$250.00).

3393 (k) Filing of Certificate Correcting Application for
3394 Registration of Foreign Limited Liability Company, Fifty Dollars
3395 (\$50.00).

3396 (1) Filing of Certificate of Cancellation of
3397 Registration of Foreign Limited Liability Company, Twenty-Five
3398 Dollars (\$25.00).

3399 (m) Any other document required or permitted to be
3400 filed under this chapter, Twenty-Five Dollars (\$25.00).

3401 (2) In addition to any other fees charged under this
3402 section, the Secretary of State shall charge the following fees:

3403 (a) For filing a certificate of formation..... \$25.00

3404 (b) For filing annual reports..... \$75.00

3405 The fees collected under this subsection shall be deposited
3406 into the State General Fund.

3407 **SECTION 58.** Section 75-76-131, Mississippi Code of 1972, is
3408 brought forward as follows:

3409 75-76-131. (1) The executive director shall:

3410 (a) Ascertain and keep himself informed of the
3411 identity, prior activities and present location of all gaming
3412 employees in the State of Mississippi; and

3413 (b) Maintain confidential records of such information.

3414 (2) No person may be employed as a gaming employee unless he
3415 is the holder of a work permit issued by the commission.

3416 (3) A work permit issued to a gaming employee must have
3417 clearly imprinted thereon a statement that it is valid for gaming
3418 purposes only.

3419 (4) Application for a work permit is to be made to the
3420 executive director and may be granted or denied for any cause
3421 deemed reasonable by the commission. Whenever the executive
3422 director denies such an application, he shall include in the
3423 notice of the denial a statement of the facts upon which he relied
3424 in denying the application.

3425 (5) Any person whose application for a work permit has been
3426 denied by the executive director may, not later than sixty (60)
3427 days after receiving notice of the denial or objection, apply to
3428 the commission for a hearing before a hearing examiner. A failure

3429 of a person whose application has been denied to apply for a
3430 hearing within sixty (60) days or his failure to appear at a
3431 hearing conducted pursuant to this section shall be deemed to be
3432 an admission that the denial or objection is well founded and
3433 precludes administrative or judicial review. At the hearing, the
3434 hearing examiner appointed by the commission shall take any
3435 testimony deemed necessary. After the hearing the hearing
3436 examiner shall within thirty (30) days after the date of the
3437 hearing announce his decision sustaining or reversing the denial
3438 of the work permit or the objection to the issuance of a work
3439 permit. The executive director may refuse to issue a work permit
3440 if the applicant has:

3441 (a) Failed to disclose, misstated or otherwise
3442 attempted to mislead the commission with respect to any material
3443 fact contained in the application for the issuance or renewal of a
3444 work permit;

3445 (b) Knowingly failed to comply with the provisions of
3446 this chapter or the regulations of the commission at a place of
3447 previous employment;

3448 (c) Committed, attempted or conspired to commit any
3449 crime of moral turpitude, embezzlement or larceny or any violation
3450 of any law pertaining to gaming, or any crime which is inimical to
3451 the declared policy of this state concerning gaming;

3452 (d) Been identified in the published reports of any
3453 federal or state legislative or executive body as being a member
3454 or associate of organized crime, or as being of notorious and
3455 unsavory reputation;

3456 (e) Been placed and remains in the constructive custody
3457 of any federal, state or municipal law enforcement authority;

3458 (f) Had a work permit revoked or committed any act
3459 which is a ground for the revocation of a work permit or would
3460 have been a ground for revoking his work permit if he had then
3461 held a work permit; or

3462 (g) For any other reasonable cause.

3463 The executive director shall refuse to issue a work permit if
3464 the applicant has committed, attempted or conspired to commit a
3465 crime which is a felony in this state or an offense in another
3466 state or jurisdiction which would be a felony if committed in this
3467 state.

3468 (6) Any applicant aggrieved by the decision of the hearing
3469 examiner may, within fifteen (15) days after the announcement of
3470 the decision, apply in writing to the commission for review of the
3471 decision. Review is limited to the record of the proceedings
3472 before the hearing examiner. The commission may sustain or
3473 reverse the hearing examiner's decision. The commission may
3474 decline to review the hearing examiner's decision, in which case
3475 the hearing examiner's decision becomes the final decision of the
3476 commission. The decision of the commission is subject to judicial
3477 review.

3478 (7) All records acquired or compiled by the commission
3479 relating to any application made pursuant to this section and all
3480 lists of persons to whom work permits have been issued or denied
3481 and all records of the names or identity of persons engaged in the
3482 gaming industry in this state are confidential and must not be
3483 disclosed except in the proper administration of this chapter or
3484 to an authorized law enforcement agency. Any record of the
3485 commission which shows that the applicant has been convicted of a
3486 crime in another state must show whether the crime was a
3487 misdemeanor, gross misdemeanor, felony or other class of crime as
3488 classified by the state in which the crime was committed. In a
3489 disclosure of the conviction, reference to the classification of
3490 the crime must be based on the classification in the state where
3491 it was committed.

3492 (8) A work permit expires unless renewed within ten (10)
3493 days after a change of place of employment or if the holder
3494 thereof is not employed as a gaming employee within the

3495 jurisdiction of the issuing authority for more than ninety (90)
3496 days.

3497 (9) Notice of any objection to or denial of a work permit by
3498 the executive director as provided pursuant to this section is
3499 sufficient if it is mailed to the applicant's last known address
3500 as indicated on the application for a work permit. The date of
3501 mailing may be proven by a certificate signed by the executive
3502 director or his designee that specifies the time the notice was
3503 mailed. The notice is presumed to have been received by the
3504 applicant five (5) days after it is deposited with the United
3505 States Postal Service with the postage thereon prepaid.

3506 **SECTION 59.** For fiscal year 2006, the Legislature shall
3507 appropriate the full amount of the revenues generated from the
3508 increase in fees provided for in this act that are to be deposited
3509 into the State General Fund to fund K-12 educational programs,
3510 except for the revenues generated from the increase in fees
3511 provided for by the amendments to Sections 45-1-29, 45-35-7,
3512 45-35-9, 63-1-21, 63-1-37, 63-1-43, 63-1-46 and 63-1-82 in this
3513 act, which shall be appropriated to fund the Department of Public
3514 Safety.

3515 **SECTION 60.** This act shall take effect and be in force from
3516 and after July 1, 2005, except for Sections 1 and 2, which shall
3517 take effect and be in force from and after the passage of this
3518 act.