

By: Representatives Stringer, Watson, Brown To: Appropriations

## HOUSE BILL NO. 194

1 AN ACT TO AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972,  
 2 TO INCREASE THE ANNUAL PRIVILEGE TAX ON RETAIL AND WHOLESALE  
 3 SELLERS OF BEER AND LIGHT WINES; TO PROVIDE THAT WHERE A FEE IS  
 4 NOT SET BY LAW, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL  
 5 CHARGE FEES FOR GENERAL PERMITS, OTHER PERMITS AND MONITORING  
 6 ACTIVITIES; TO AMEND SECTIONS 51-3-31, 53-7-7, 53-7-21, 53-7-25,  
 7 53-7-27 AND 53-7-69, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
 8 DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CHARGE FEES FOR CERTAIN  
 9 ACTIVITIES UNDER ITS JURISDICTION; TO AMEND SECTION 63-21-63,  
 10 MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES FOR ISSUING AND  
 11 PROCESSING MOTOR VEHICLE CERTIFICATES OF TITLE AND RELATED  
 12 DOCUMENTS; TO CODIFY NEW SECTION 7-3-30, MISSISSIPPI CODE OF 1972,  
 13 TO PROVIDE THAT THE SECRETARY OF STATE SHALL PROVIDE FOR THE  
 14 ANNUAL PUBLICATION OF A JUDICIARY DIRECTORY AND COURT CALENDAR,  
 15 WHICH SHALL BE MADE AVAILABLE FOR SALE FOR NOT LESS THAN A  
 16 SPECIFIED PRICE PER COPY; TO AMEND SECTION 25-7-81, MISSISSIPPI  
 17 CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE  
 18 AN ADDITIONAL FEE FOR THE COMMISSIONING OF NOTARIES PUBLIC; TO  
 19 AMEND SECTION 75-4-1.22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
 20 THE SECRETARY OF STATE SHALL CHARGE ADDITIONAL FEES FOR FILING  
 21 CERTAIN DOCUMENTS; TO AMEND SECTION 75-9-525, MISSISSIPPI CODE OF  
 22 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE  
 23 ADDITIONAL FILING FEES FOR SECURED TRANSACTIONS UNDER THE UNIFORM  
 24 COMMERCIAL CODE; TO AMEND SECTION 75-63-65, MISSISSIPPI CODE OF  
 25 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE FEES FOR  
 26 CERTAIN ACTIONS RELATING TO SALES OF PRE-NEED CONTRACTS; TO AMEND  
 27 SECTION 75-71-409, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
 28 SECRETARY OF STATE SHALL CHARGE FEES FOR CERTAIN ACTIONS RELATING  
 29 TO SECURITIES; TO AMEND SECTION 79-11-109, MISSISSIPPI CODE OF  
 30 1972, TO PROVIDE THAT THE SECRETARY OF STATE SHALL CHARGE  
 31 ADDITIONAL FEES FOR FILING CERTAIN DOCUMENTS; TO AMEND SECTION  
 32 79-11-504, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY  
 33 OF STATE SHALL CHARGE ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING  
 34 TO CHARITABLE SOLICITATIONS; TO AMEND SECTION 79-29-1203,  
 35 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE  
 36 SHALL CHARGE ADDITIONAL FEES FOR CERTAIN ACTIONS RELATING TO  
 37 LIMITED LIABILITY COMPANIES; AND FOR RELATED PURPOSES.

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

39 **SECTION 1.** Section 27-71-303, Mississippi Code of 1972, is  
 40 amended as follows:

41 27-71-303. Upon each person approved for a permit to engage  
 42 in the business of selling light wines or beer there is \* \* \*  
 43 imposed, levied and assessed, to be collected and paid as \* \* \*

44 provided in this section, annual privilege taxes in the following  
45 amounts:

- 46 (a) Retailers--for each place of  
47 business..... ..\$ 100.00
- 48 (b) Wholesalers or distributors--for each  
49 county..... ..\$ 250.00
- 50 (c) Manufacturers--for each place of  
51 business..... ..\$1,000.00
- 52 (d) Brewpubs--for each place of  
53 business..... ..\$1,000.00

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

59 \* \* \* However, the amount of the privilege tax to be paid  
60 for a permit issued for a period of less than twelve (12) months  
61 shall be that proportionate amount of the annual privilege tax  
62 that the number of months, or part of a month, remaining until its  
63 expiration date bears to twelve (12) months, but in no case shall  
64 the privilege tax be less than Ten Dollars (\$10.00).

65 **SECTION 2.** (1) Beginning on July 1, 2005, in all instances  
66 where no provision of law sets a fee, the Department of  
67 Environmental Quality shall charge a fee of One Hundred Dollars  
68 (\$100.00) for any general permit that it issues to any permittee.  
69 For any other permit or any activity associated with the  
70 monitoring of the activities of a permittee, where no provision of  
71 law sets a permit or monitoring fee, the department shall charge  
72 all permittees a fee of Two Hundred Fifty Dollars (\$250.00). Fees  
73 for permits shall be collected at the time of the issuance of the  
74 permits. Monitoring fees shall be collected after completion of  
75 the monitoring activity.

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

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

81 **SECTION 3.** Section 51-3-31, Mississippi Code of 1972, is  
82 amended as follows:

83 51-3-31. Any person desiring to use water for a beneficial  
84 purpose shall apply to the board for a permit for such use on a  
85 form prescribed by the board for such purpose. The application  
86 shall be accompanied by a fee of Two Hundred Fifty Dollars  
87 (\$250.00). The application shall provide such information as  
88 deemed appropriate by the board to its decision to issue such  
89 permit. The fees and applications required by this section also  
90 shall apply to renewals of permits and any modifications to  
91 permits. The board shall not charge any fees under this section  
92 to animal feeding operations or confined animal feeding  
93 operations.

94 All fees received by the board under this section shall be  
95 deposited in the State Treasury to the credit of the Department of  
96 Environmental Quality.

97 **SECTION 4.** Section 53-7-7, Mississippi Code of 1972, is  
98 amended as follows:

99 53-7-7. (1) Except as provided in this section, it is  
100 unlawful to commence an operation or operate a surface mine  
101 without a permit or coverage under a general permit as provided by  
102 this chapter.

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

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

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

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

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

116           (iii) The public agency notifies the department as  
117 required by the commission within two (2) working days of the  
118 removal of the materials.

119           (c) Operations for any materials on any affected area  
120 conducted before April 15, 1978, but this chapter shall apply to  
121 any additional land which the operation extended to or encompassed  
122 after April 15, 1978;

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

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

127           (ii) The operator notified the commission of the  
128 commencement, expansion or resumption of the operation before July  
129 1, 2002; and

130           (e) Operations for any materials that affect four (4)  
131 acres or less, are greater than one thousand three hundred twenty  
132 (1,320) feet from any other affected area and commenced after July  
133 1, 2002, if the operator notifies the department at least seven  
134 (7) calendar days before commencement or expansion of the  
135 operation as required in regulations adopted by the commission.  
136 The seven-day notice prior to mining requirement shall be waived  
137 and the operator may begin mining immediately after notifying the  
138 department if:

139           (i) The operator agrees, in the notification, to  
140 reclaim the mine site in accordance with the minimum standards  
141 adopted by the commission; or

142                   (ii) The exempted operation is conducted for  
143 Mississippi Department of Transportation projects or state aid  
144 road construction projects funded in whole or in part by public  
145 funds.

146           (3) Exempt operations under paragraph (e) that are conducted  
147 for the MDOT projects or state aid road construction projects  
148 shall be reclaimed in accordance with the requirements of the  
149 Mississippi Standard Specifications for Road and Bridge  
150 Construction, Mississippi Department of Transportation or Division  
151 of State Aid Road Construction, as applicable. Any operator  
152 failing to reclaim as required under this subsection may be  
153 subject to the penalties provided in Section 53-7-59(2).

154           (4) If a landowner refuses to allow the operator to complete  
155 reclamation in accordance with minimum standards or interferes  
156 with or authorizes a third party to disturb or interfere with  
157 reclamation in accordance with minimum standards, the landowner  
158 shall assume the exempt notice and shall be responsible for any  
159 reclamation.

160           (5) All operations exempted under Sections 53-7-7(2)(d) and  
161 53-7-7(2)(e) shall be subject to the prohibitions on mining in  
162 certain areas contained in Sections 53-7-49 and 53-7-51 and may be  
163 subject to the penalties in Section 53-7-59(2) for any violation  
164 of those sections.

165           (6) Any operator conducting operations exempted under  
166 Section 53-7-7(2)(b) or 53-7-7(2)(e) failing to notify the  
167 department in accordance with the regulations of the commission,  
168 may be subject to penalties provided in Section 53-7-59(2). Any  
169 operator exempted under Section 53-7-7(2)(e) who agrees in the  
170 notification to reclaim and fails to reclaim in accordance with  
171 that paragraph may be subject to penalties provided in Section  
172 53-7-59(2).

173           (7) The department shall collect from every operator granted  
174 an exemption the amount of One Hundred Dollars (\$100.00) from any

175 operator whose mining operations are exempted under the authority  
176 of this section. The department shall charge an annual monitoring  
177 fee of One Hundred Dollars (\$100.00) to any exempted and  
178 nonexempted operators to help defray the costs of monitoring  
179 surface mining activity. All fees collected under this subsection  
180 shall be deposited in the State Treasury to the credit of the  
181 department.

182       **SECTION 5.** Section 53-7-21, Mississippi Code of 1972, is  
183 amended as follows:

184       53-7-21. (1) Unless exempted under Section 53-7-7, no  
185 operator shall engage in surface mining without having first  
186 obtained coverage under a general permit or having obtained from  
187 the Permit Board a permit for each operation. The permit or  
188 coverage under a general permit shall authorize the operator to  
189 engage in surface mining upon the area of land described in the  
190 application for a period of either five (5) years or longer period  
191 of time as deemed appropriate by the Permit Board from the date of  
192 issuance or until reclamation of the affected area is completed  
193 and the reclamation bond is finally released, whichever comes  
194 first.

195       (2) Each operator holding a permit shall annually, before  
196 the anniversary date of the permit, file with the department a  
197 certificate of compliance in which the operator, under oath, shall  
198 declare that the operator is following the approved mining and  
199 reclamation plan and is abiding by this chapter and the rules and  
200 regulations adopted under this chapter.

201       (3) The department shall charge all permit holders an annual  
202 permit monitoring fee of One Hundred Twenty-five Dollars  
203 (\$125.00). All fees collected under this subsection shall be  
204 deposited in the State Treasury to the credit of the department.

205       **SECTION 6.** Section 53-7-25, Mississippi Code of 1972, is  
206 amended as follows:

207           53-7-25. (1) Each application for a surface mining permit  
208 and for coverage under a general permit shall be accompanied by an  
209 application fee in accordance with a published fee schedule  
210 adopted by the commission. The application fee shall not be less  
211 than One Hundred Dollars (\$100.00) plus Ten Dollars (\$10.00) per  
212 acre included in the application. The total application fee shall  
213 not exceed Five Hundred Dollars (\$500.00). The commission, in  
214 considering regulations on the fee schedule, shall recognize the  
215 difference in the various materials, taking into consideration the  
216 commercial value of the material and the nature and size of  
217 operation necessary to extract it.

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

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

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

229           **SECTION 7.** Section 53-7-27, Mississippi Code of 1972, is  
230 amended as follows:

231           53-7-27. (1) Before commencing any operation for which a  
232 permit is required, each applicant for a permit shall submit to  
233 the Permit Board an application, a proposed initial reclamation  
234 plan and a performance bond in an amount proposed to be sufficient  
235 by the applicant to reclaim the permit area.

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

238           (a) A legal description of the tract or tracts of land  
239 in the affected area and one or more maps or plats of adequate

240 scale to clearly portray the location of the affected area. The  
241 description shall contain sufficient information so that the  
242 affected area may be located and distinguished from other lands  
243 and shall identify the access from the nearest public road;

244 (b) The approximate location and depth of the deposit  
245 in the permit area and the total number of acres in the permit  
246 area;

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

250 (d) The name and address of any person holding legal  
251 and equitable interests of record, if reasonably ascertainable, in  
252 the surface estate of the permit area and in the surface estate of  
253 land located within five hundred (500) feet of the exterior limits  
254 of the permit area;

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

257 (f) Current or previous surface mining permits held by  
258 the applicant, including any revocations, suspensions or bond  
259 forfeitures;

260 (g) The type and method of operation, the engineering  
261 techniques and the equipment that is proposed to be used,  
262 including mining schedules, the nature and expected amount of  
263 overburden to be removed, the depth of excavations, a description  
264 of the permit area, the anticipated hydrologic consequences of the  
265 mining operation, and the proposed use of explosives for blasting,  
266 including the nature of the explosive, the proposed location of  
267 the blasting and the expected effect of the blasting;

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

270 (i) The names and locations of all lakes, rivers,  
271 reservoirs, streams, creeks and other bodies of water in the  
272 vicinity of the contemplated operations which may be affected by



273 the operations and the types of existing vegetative cover on the  
274 area affected thereby and on adjoining lands within five hundred  
275 (500) feet of the exterior limits of the affected area;

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

278 (k) The surface location and extent of all existing and  
279 proposed waste and spoil piles, cuts, pits, tailing dumps, ponds,  
280 borrow pits, evaporation and settling basins, roads, buildings,  
281 access ways, workings and installations sufficient to provide a  
282 reasonably clear and accurate portrayal of the existing surface  
283 conditions and the proposed mining operations;

284 (l) If the surface and mineral estates, or any part of  
285 those estates, in land covered by the application, have been  
286 severed and are owned by separate owners, the applicant shall  
287 provide a notarized statement subscribed to by each surface owner  
288 and lessee of those lands, unless the lease or other conveyance to  
289 the applicant specifically states the material to be mined by the  
290 operator granting consent for the applicant to initiate and  
291 conduct surface mining, exploration and reclamation activities on  
292 the land;

293 (m) Except for governmental agencies, a certificate of  
294 insurance certifying that the applicant has in force a public  
295 liability insurance policy issued by an insurance company  
296 authorized to conduct business in the State of Mississippi  
297 covering all operations of the applicant in this state and  
298 affording bodily injury protection and property damage protection  
299 in an amount not less than the following:

300 (i) One Hundred Thousand Dollars (\$100,000.00) for  
301 all damages because of bodily injury sustained by one (1) person  
302 as the result of any one (1) occurrence, and Three Hundred  
303 Thousand Dollars (\$300,000.00) for all damages because of bodily  
304 injury sustained by two (2) or more persons as the result of any  
305 one (1) occurrence; \* \* \*

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

309 (iii) In any case where the department releases  
310 any permittee from the obligation of having the insurance or bond  
311 required by this paragraph (m), the department shall charge the  
312 permittee One Hundred Dollars (\$100.00). The fees collected under  
313 this subparagraph (iii) shall be deposited in the State Treasury  
314 to the credit of the department.

315 The policy shall be maintained in full force and effect  
316 during the term of the permit, including the length of all  
317 reclamation operations.

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

320 (o) Any other information needed to clarify the  
321 required parts of the application.

322 **SECTION 8.** Section 53-7-69, Mississippi Code of 1972, is  
323 amended as follows:

324 53-7-69. (1) There is created in the State Treasury a fund  
325 to be designated as the "Surface Mining and Reclamation Fund,"  
326 referred to hereinafter as the "fund." There is created in the  
327 fund an account designated as the "Land Reclamation Account" and  
328 an account designated as the "Surface Mining Program Operations  
329 Account."

330 (2) The fund shall be treated as a special trust fund.  
331 Interest earned on the principal therein shall be credited by the  
332 Treasurer to the fund.

333 (3) The fund may receive monies from any available public or  
334 private sources, including, but not limited to, collection of  
335 fees, interest, grants, taxes, public and private donations,  
336 judicial actions, penalties and forfeited performance bonds. Any  
337 monies received from penalties, forfeited performance bonds,  
338 judicial actions and the interest thereon, less enforcement and

339 collection costs, shall be credited to the Land Reclamation  
340 Account. Except as otherwise provided by law, any monies received  
341 from the collection of fees, grants, taxes, public or private  
342 donations and the interest thereon shall be credited to the  
343 Surface Mining Program Operations Account.

344 (4) The commission shall expend or utilize monies in the  
345 fund by an annual appropriation by the Legislature as provided  
346 herein. Monies in the Land Reclamation Account may be used to  
347 defray any costs of reclamation of land affected by mining  
348 operations. Monies in the Surface Mining Program Operations  
349 Account may be used to defray the reasonable direct and indirect  
350 costs associated with the administration and enforcement of this  
351 chapter.

352 (5) Proceeds from the forfeiture of performance bonds or  
353 deposits and penalties recovered shall be available to be expended  
354 to reclaim, in accordance with this chapter, lands with respect to  
355 which the performance bonds or deposits were provided and  
356 penalties assessed. If the commission expends monies from the  
357 fund for which the cost of reclamation exceeded the proceeds from  
358 the forfeiture of performance bonds or deposits, the commission  
359 may seek to recover any monies expended from the fund from any  
360 responsible party.

361 **SECTION 9.** Section 63-21-63, Mississippi Code of 1972, is  
362 amended as follows:

363 63-21-63. There shall be paid to the State Tax Commission  
364 for issuing and processing documents required by this chapter,  
365 fees for motor vehicles according to the following schedule:

366 (a) Each application for certificate of title issued  
367 under Section 63-21-9(2)..... \$9.00;

368 (b) Each application for certificate of title not  
369 issued under Section 63-21-9(2)..... 9.00;

370 (c) Each application for replacement or  
371 corrected certificate of title..... 9.00;

- 372 (d) Each suspension or revocation of
- 373 certificate of title..... 9.00;
- 374 (e) Each notice of security interest..... 9.00;
- 375 (f) Each release of security interest..... 9.00;
- 376 (g) Each assignment by lienholder..... 9.00;
- 377 (h) Each application for information as to
- 378 the status of the title of a vehicle..... 9.00.

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

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

388 **SECTION 10.** The following shall be codified as Section  
 389 7-3-30, Mississippi Code of 1972:

390 7-3-30. The Secretary of State shall provide for the annual  
 391 publication of a Judiciary Directory and Court Calendar, which  
 392 shall be made available for sale for not less than Two Dollars and  
 393 Fifty Cents (\$2.50) per copy, plus the actual cost of shipping and  
 394 handling. The Secretary of State shall pay the proceeds of those  
 395 sales into the State General Fund.

396 **SECTION 11.** Section 25-7-81, Mississippi Code of 1972, is  
 397 amended as follows:

398 25-7-81. (1) The Secretary of State shall charge the  
 399 following fees:

- 400 (a) For every commission issued by him to persons
- 401 appointed by the Governor as a commissioner of this state in any
- 402 other state, territory, or district of the United States, or in
- 403 any foreign country..... \$10.00

404 (b) For recording charter of a corporation for  
 405 literary, religious, benevolent, fraternal, or scientific  
 406 purposes, and not for pecuniary profits, directly or  
 407 indirectly..... 20.00  
 408 (c) For commission of each notary public..... 25.00  
 409 (d) For commission of each commissioner of  
 410 deeds..... 10.00

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

415 **SECTION 12.** Section 79-4-1.22, Mississippi Code of 1972, is  
 416 amended as follows:

417 79-4-1.22. (a) The Secretary of State shall collect the  
 418 following fees when the documents described in this subsection are  
 419 delivered to him for filing:

Document	Fee
421 (1) Articles of incorporation.....	\$ 50.00
422 (2) Application for use of indistinguishable 423 name.....	25.00
424 (3) Application for reserved name.....	25.00
425 (4) Notice of transfer of reserved name.....	25.00
426 (5) Application for registered name.....	50.00
427 (6) Application for renewal of registered 428 name.....	50.00
429 (7) Corporation's statement of change of 430 registered agent or registered office 431 or both.....	10.00
432 (8) Agent's statement of change of registered 433 office for each affected corporation.....	10.00
434 not to exceed a total of.....	1,000.00
435 (9) Agent's statement of resignation.....	No fee
436 (10) Amendment of articles of incorporation..	50.00

437	(11)	Restatement of articles of incorporation	50.00
438		with amendment of articles.....	50.00
439	(12)	Articles of merger or share exchange....	50.00
440	(13)	Articles of dissolution.....	25.00
441	(14)	Articles of revocation of dissolution...	25.00
442	(15)	Certificate of administrative dissolution	No fee
443	(16)	Application for reinstatement following	
444		administrative dissolution.....	50.00
445	(17)	Certificate of reinstatement.....	No fee
446	(18)	Certificate of judicial dissolution.....	No fee
447	(19)	Application for certificate of authority	500.00
448	(20)	Application for amended certificate of	
449		authority.....	50.00
450	(21)	Application for certificate of withdrawal	25.00
451	(22)	Certificate of revocation of authority to	
452		transact business.....	No fee
453	(23)	Application for reinstatement following	
454		administrative revocation.....	100.00
455	(24)	Certificate of reinstatement.....	No fee
456	(25)	Annual report.....	25.00
457	(26)	Articles of correction.....	50.00
458	(27)	Application for certificate of existence	
459		or authorization.....	25.00
460	(28)	Any other document required or permitted	
461		to be filed by Section 79-4-1.01 et seq..	25.00

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

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

470 (1) One Dollar (\$1.00) a page for copying; and  
471 (2) Ten Dollars (\$10.00) for the certificate.  
472 (d) The Secretary of State may collect a filing fee greater  
473 than the fee set out herein, not to exceed the actual costs of  
474 processing such filing, if the form for such filing prescribed by  
475 the Secretary of State has not been used.

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

478	<u>(1) Articles of incorporation.....</u>	<u>\$25.00</u>
479	<u>(2) Agent's statement of resignation.....</u>	<u>25.00</u>
480	<u>(3) Annual report.....</u>	<u>25.00</u>

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

483 **SECTION 13.** Section 75-9-525, Mississippi Code of 1972, is  
484 amended as follows:

485 **[Until December 31, 2007, this section shall read as**  
486 **follows:]**

487 75-9-525. (a) Except as otherwise provided in subsection  
488 (e), the fee for filing and indexing a record under this part,  
489 other than an initial financing statement of the kind described in  
490 subsection (b) is the amount specified in subsection (c), if  
491 applicable, plus:

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

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

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

500 In addition to the fees charged in paragraphs (1), (2) and  
501 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be  
502 charged on all transactions described in paragraphs (1) and (2),

503 and a fee of Eight Dollars (\$8.00) shall be charged on all  
504 transactions described in paragraph (3). The fees collected under  
505 this paragraph shall be deposited into the State General Fund.

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

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

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

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

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

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

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

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



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

539           (3) Three Dollars (\$3.00) if the request is  
540 communicated by another medium authorized by filing-office rule;  
541 and

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

547           In addition to the fees charged in paragraphs (1), (2), (3)  
548 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)  
549 shall be charged on all transactions described in paragraphs (1),  
550 (2), (3) and (4) of this subsection. The fees collected under  
551 this paragraph shall be deposited into the State General Fund.

552           (e) This section does not require a fee to the chancery  
553 clerk with respect to a record of a mortgage which is effective as  
554 a financing statement filed as a fixture filing or as a financing  
555 statement covering as-extracted collateral or timber to be cut  
556 under Section 75-9-502(c). However, the recording and  
557 satisfaction fees to the chancery clerk that otherwise would be  
558 applicable under Section 25-7-9 to the record of the mortgage  
559 apply.

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

562           75-9-525. (a) Except as otherwise provided in subsection  
563 (e), the fee for filing and indexing a record under this part,  
564 other than an initial financing statement of the kind described in  
565 subsection (b) is the amount specified in subsection (c), if  
566 applicable, plus:

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

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

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

575 In addition to the fees charged in paragraphs (1), (2) and  
576 (3) of this subsection (a), a fee of Ten Dollars (\$10.00) shall be  
577 charged on all transactions described in paragraphs (1) and (2),  
578 and a fee of Eight Dollars (\$8.00) shall be charged on all  
579 transactions described in paragraph (3). The fees collected under  
580 this paragraph shall be deposited into the State General Fund.

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

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

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

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

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

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

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

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

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

614           (3) Three Dollars (\$3.00) if the request is  
615 communicated by another medium authorized by filing-office rule;  
616 and

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

622       In addition to the fees charged in paragraphs (1), (2), (3)  
623 and (4) of this subsection (d), a fee of Five Dollars (\$5.00)  
624 shall be charged on all transactions described in paragraphs (1),  
625 (2), (3) and (4) of this subsection. The fees collected under  
626 this paragraph shall be deposited into the State General Fund.

627       (e) This section does not require a fee to the chancery  
628 clerk with respect to a record of a mortgage which is effective as  
629 a financing statement filed as a fixture filing or as a financing  
630 statement covering as-extracted collateral or timber to be cut  
631 under Section 75-9-502(c). However, the recording and  
632 satisfaction fees to the chancery clerk that otherwise would be

633 applicable under Section 25-7-9 to the record of the mortgage  
634 apply.

635         **SECTION 14.** Section 75-63-65, Mississippi Code of 1972, is  
636 amended as follows:

637         75-63-65. (1) Any establishment or organization which  
638 engages in the business of selling pre-need merchandise and/or  
639 services shall register with the Secretary of State and shall pay  
640 a registration fee. A separate registration is required for each  
641 separate corporation or business entity. The establishment or  
642 organization shall pay to the Secretary of State for the  
643 registration of the main establishment or organization a fee of  
644 Three Hundred Fifty Dollars (\$350.00).

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

647         (3) The Secretary of State shall establish regulations to  
648 register each establishment or organization selling pre-need  
649 merchandise or services. No establishment or organization shall  
650 be registered to sell pre-need merchandise or services that the  
651 establishment or organization cannot lawfully provide at the time  
652 of a person's death. The Secretary of State shall also maintain a  
653 record of all individuals who are registered to sell pre-need  
654 merchandise or services through the registered establishment.

655         (4) The Secretary of State shall establish regulations to  
656 register each person selling pre-need contracts, including the  
657 establishment through which the seller will be selling. No person  
658 shall be registered to sell pre-need contracts without indicating  
659 the establishment for which he or she is selling.

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

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

665	(a) <u>Renewal of registration for establishments and</u>	
666	<u>organizations</u> .....	<u>\$50.00</u>
667	(b) <u>Registration of agents</u> .....	<u>\$20.00</u>
668	(c) <u>Renewal of registration for agents</u> .....	<u>\$20.00</u>
669	(d) <u>Filing of sales reports</u> .....	<u>\$50.00</u>

670 The fees collected under this subsection shall be deposited  
671 into the State General Fund.

672 **SECTION 15.** Section 75-71-409, Mississippi Code of 1972, is  
673 amended as follows:

674 75-71-409. (1) (a) At the time the registration of a  
675 securities offering or notification of a securities offering  
676 pursuant to Section 75-71-408(a) is filed, every person filing  
677 such registration or notification shall pay a filing fee of  
678 one-tenth of one percent (1/10 of 1%) of the dollar amount to be  
679 registered, with the minimum fee to be One Hundred Fifty Dollars  
680 (\$150.00) and the maximum fee to be One Thousand Dollars  
681 (\$1,000.00).

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

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

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

692 (a) Initial registration statements - processing  
693 fee..... \$100.00

694 (b) Renewal fee in addition to initial  
695 offering..... \$100.00

696 The fees collected under this subsection shall be deposited  
697 into the State General Fund.

698           **SECTION 16.** Section 79-11-109, Mississippi Code of 1972, is  
699 amended as follows:

700           79-11-109. (1) Except as otherwise provided in subsection  
701 (4) of this section, the Secretary of State shall collect the  
702 following fees when the documents described in this subsection are  
703 delivered for filing:

704	Document	Fee
705	(a) Articles of incorporation.....	\$ 50.00
706	(b) Application for use of indistinguishable name	
707	.....	25.00
708	(c) Application for reserved name.....	25.00
709	(d) Notice of transfer of reserved name.....	25.00
710	(e) Application for registered name.....	50.00
711	(f) Application for renewal of registered name	50.00
712	(g) Corporation's statement of change of registered	
713	agent or registered office or both.....	10.00
714	(h) Agent's statement of change of registered office	
715	for each affected corporation.....	10.00
716	not to exceed a total of.....	1,000.00
717	(i) Agent's statement of resignation.....	No Fee
718	(j) Amendment of articles of incorporation...	50.00
719	(k) Restatement of articles of incorporation with	
720	amendments.....	50.00
721	(l) Articles of merger.....	50.00
722	(m) Articles of dissolution.....	25.00
723	(n) Articles of revocation of dissolution....	25.00
724	(o) Certificate of administrative dissolution	No Fee
725	(p) Application for reinstatement following	
726	administrative dissolution.....	50.00
727	(q) Certificate of reinstatement.....	No Fee
728	(r) Certificate of judicial dissolution.....	No Fee
729	(s) Application for certificate of authority.	100.00
730	(t) Application for amended certificate of	

731	authority.....	50.00
732	(u) Application for certificate of withdrawal.	25.00
733	(v) Certificate of revocation of authority to	
734	transact business.....	No Fee
735	(w) Status report.....	50.00
736	(x) Articles of Corrections.....	50.00
737	(y) Application for certificate of existence or	
738	authorization.....	25.00
739	(z) Any other document required or permitted	
740	to be filed by Sections 79-11-101 et seq.....	25.00
741	(2) Except as otherwise provided in subsection (4) of this	
742	section, the Secretary of State shall collect a fee of Twenty-five	
743	Dollars (\$25.00) upon being served with process under Sections	
744	79-11-101 et seq. The party to a proceeding causing service of	
745	process is entitled to recover the fee paid the Secretary of State	
746	as costs if the party prevails in the proceeding.	
747	(3) Except as otherwise provided in subsection (4) of this	
748	section, the Secretary of State shall collect the following fees	
749	for copying and certifying the copy of any filed document relating	
750	to a domestic or foreign corporation:	
751	(a) One Dollar (\$1.00) a page for copying; and	
752	(b) Ten Dollars (\$10.00) for the certificate.	
753	(4) The Secretary of State may collect a filing fee greater	
754	than the fee set forth in subsections (1), (2) and (3) in an	
755	amount not to exceed twice the fee set forth in subsections (1),	
756	(2) and (3) of processing the filing, if the form prescribed by	
757	the Secretary of State for such filing has not been used.	
758	(5) <u>In addition to any other fees charged in this section,</u>	
759	<u>the Secretary of State shall charge the following fees:</u>	
760	(a) <u>Articles of incorporation.....</u>	<u>\$25.00</u>
761	(b) <u>Corporation's statement of change</u>	
762	<u>of registered agent or registered office or both.....</u>	<u>25.00</u>

763           The fees collected under this subsection shall be deposited  
764 into the State General Fund.

765           **SECTION 17.** Section 79-11-504, Mississippi Code of 1972, is  
766 amended as follows:

767           79-11-504. (1) The Secretary of State shall have the  
768 authority to:

769           (a) Promulgate rules of procedure and regulations  
770 necessary for the administration of Sections 79-11-501 through  
771 79-11-529, subject to the provisions of the Mississippi  
772 Administrative Procedures Law.

773           (b) Honor written requests from interested person for  
774 interpretative opinions regarding registration and exemptions from  
775 registration.

776           (c) Publish and disseminate information to the public  
777 concerning persons subject to Sections 79-11-501 through  
778 79-11-529.

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

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

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

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

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

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

788           (e) Issuing opinion letters--charitable and  
789 fundraising.....   \$100.00

790           The fees collected under this subsection shall be deposited  
791 into the State General Fund.

792           **SECTION 18.** Section 79-29-1203, Mississippi Code of 1972, is  
793 amended as follows:

794           79-29-1203. (1) The Secretary of State shall charge and  
795 collect a fee for:



- 796 (a) Filing of Reservation of Limited Liability Company  
797 Name, Twenty-Five Dollars (\$25.00).
- 798 (b) Filing of Change of Address of Registered Agent,  
799 Twenty-Five Dollars (\$25.00).
- 800 (c) Filing of Resignation of Registered Agent, Five  
801 Dollars (\$5.00).
- 802 (d) Filing of Certificate of Formation, Fifty Dollars  
803 (\$50.00).
- 804 (e) Filing of Amendment to Certificate of Formation,  
805 Fifty Dollars (\$50.00).
- 806 (f) Filing of Certificate of Dissolution, Twenty-Five  
807 Dollars (\$25.00).
- 808 (g) Filing of Certificate of Cancellation, Twenty-Five  
809 Dollars (\$25.00).
- 810 (h) Filing of Restated Certificate of Formation or  
811 Amended and Restated Certificate of Formation, Twenty-Five Dollars  
812 (\$25.00).
- 813 (i) Filing of Certificate of Withdrawal, Twenty-Five  
814 Dollars (\$25.00).
- 815 (j) Filing of Application for Registration of Foreign  
816 Limited Liability Company, Two Hundred Fifty Dollars (\$250.00).
- 817 (k) Filing of Certificate Correcting Application for  
818 Registration of Foreign Limited Liability Company, Fifty Dollars  
819 (\$50.00).
- 820 (l) Filing of Certificate of Cancellation of  
821 Registration of Foreign Limited Liability Company, Twenty-Five  
822 Dollars (\$25.00).
- 823 (m) Any other document required or permitted to be  
824 filed under this chapter, Twenty-Five Dollars (\$25.00).
- 825 (2) In addition to any other fees charged under this  
826 section, the Secretary of State shall charge the following fees:
- 827 (a) For filing a certificate of formation..... \$25.00
- 828 (b) For filing annual reports..... \$75.00

829           The fees collected under this subsection shall be deposited  
830 into the State General Fund.

831           **SECTION 19.** This act shall take effect and be in force from  
832 and after July 1, 2006.