

By: Representatives Stevens, Frierson,
Clarke

To: Public Utilities

HOUSE BILL NO. 546
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 7-7-211, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE AUDITOR TO AUDIT THE CHICKASAWHAY NATURAL GAS
3 DISTRICT ANNUALLY; TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF
4 1972, TO ALLOW THE GAS DISTRICT TO USE CREDIT CARDS FOR OFFICIAL
5 PROCUREMENTS; TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972,
6 TO PROVIDE THAT CERTAIN REPAYMENTS TO A PRIVATE ENTITY THAT
7 ADVANCES FUNDS TO THE MISSISSIPPI TRANSPORTATION COMMISSION MAY
8 NOT INCLUDE INTEREST OR OTHER FEES; TO AMEND SECTION 77-15-1,
9 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE BOARD OF DIRECTORS OF
10 THE DISTRICT FROM DISTRIBUTING ANY OF THE REVENUES OF THE DISTRICT
11 TO MUNICIPALITIES WITHIN THE DISTRICT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 7-7-211, Mississippi Code of 1972, is
14 amended as follows:

15 7-7-211. The department shall have the power and it shall be
16 its duty:

17 (a) To identify and define for all public offices of
18 the state and its subdivisions generally accepted accounting
19 principles as promulgated by nationally recognized professional
20 organizations and to consult with the State Fiscal Officer in the
21 prescription and implementation of accounting rules and
22 regulations;

23 (b) To prescribe, for all public offices of regional
24 and local subdivisions of the state, systems of accounting,
25 budgeting and reporting financial facts relating to said offices
26 in conformity with legal requirements and with generally accepted
27 accounting principles as promulgated by nationally recognized
28 professional organizations; to assist such subdivisions in need of
29 assistance in the installation of such systems; to revise such
30 systems when deemed necessary, and to report to the Legislature at
31 periodic times the extent to which each office is maintaining such

32 systems, along with such recommendations to the Legislature for
33 improvement as seem desirable;

34 (c) To study and analyze existing managerial policies,
35 methods, procedures, duties and services of the various state
36 departments and institutions upon written request of the Governor,
37 the Legislature or any committee or other body empowered by the
38 Legislature to make such request to determine whether and where
39 operations can be eliminated, combined, simplified and improved;

40 (d) To postaudit each year and, when deemed necessary,
41 preaudit and investigate the financial affairs of the departments,
42 institutions, boards, commissions or other agencies of state
43 government, as part of the publication of a comprehensive annual
44 financial report for the State of Mississippi. In complying with
45 the requirements of this subsection, the department shall have the
46 authority to conduct all necessary audit procedures on an interim
47 and year-end basis;

48 (e) To postaudit and, when deemed necessary, preaudit
49 and investigate separately the financial affairs of (i) the
50 offices, boards and commissions of county governments and any
51 departments and institutions thereof and therein; (ii) public
52 school districts, departments of education and junior college
53 districts; and (iii) any other local offices or agencies which
54 share revenues derived from taxes or fees imposed by the State
55 Legislature or receive grants from revenues collected by
56 governmental divisions of the state; the cost of such audits,
57 investigations or other services to be paid as follows: Such part
58 shall be paid by the state from appropriations made by the
59 Legislature for the operation of the State Department of Audit as
60 may exceed the sum of One Hundred Dollars (\$100.00) per day for
61 the services of each staff person engaged in performing the audit
62 or other service, which sum shall be paid by the county, district,
63 department, institution or other agency audited out of its general

64 fund or any other available funds from which such payment is not
65 prohibited by law;

66 (f) To postaudit and, when deemed necessary, preaudit
67 and investigate the financial affairs of the levee boards;
68 agencies created by the Legislature or by executive order of the
69 Governor; profit or nonprofit business entities administering
70 programs financed by funds flowing through the State Treasury or
71 through any of the agencies of the state, or its subdivisions; and
72 all other public bodies supported by funds derived in part or
73 wholly from public funds, except municipalities which annually
74 submit an audit prepared by a qualified certified public
75 accountant using methods and procedures prescribed by the
76 department;

77 (g) To make written demand, when necessary, for the
78 recovery of any amounts representing public funds improperly
79 withheld, misappropriated and/or otherwise illegally expended by
80 an officer, employee or administrative body of any state, county
81 or other public office, and/or for the recovery of the value of
82 any public property disposed of in an unlawful manner by a public
83 officer, employee or administrative body, such demands to be made
84 (i) upon the person or persons liable for such amounts and upon
85 the surety on official bond thereof, and/or (ii) upon any
86 individual, partnership, corporation or association to whom the
87 illegal expenditure was made or with whom the unlawful disposition
88 of public property was made, if such individual, partnership,
89 corporation or association knew or had reason to know through the
90 exercising of reasonable diligence that the expenditure was
91 illegal or the disposition unlawful. Such demand shall be
92 premised on competent evidence, which shall include at least one
93 (1) of the following: (i) sworn statements, (ii) written
94 documentation, (iii) physical evidence, or (iv) reports and
95 findings of government or other law enforcement agencies. Other
96 provisions notwithstanding, a demand letter issued pursuant to

97 this subsection shall remain confidential by the State Auditor
98 until the individual against whom the demand letter is being filed
99 has been served with a copy of such demand letter. If, however,
100 such individual cannot be notified within fifteen (15) days using
101 reasonable means and due diligence, such notification shall be
102 made to the individual's bonding company, if he or she is bonded.
103 Each such demand shall be paid into the proper treasury of the
104 state, county or other public body through the office of the
105 department in the amount demanded within thirty (30) days from the
106 date thereof, together with interest thereon in the sum of one
107 percent (1%) per month from the date such amount or amounts were
108 improperly withheld, misappropriated and/or otherwise illegally
109 expended. In the event, however, such person or persons shall
110 refuse, neglect or otherwise fail to pay the amount demanded and
111 the interest due thereon within the allotted thirty (30) days, the
112 State Auditor shall have the authority and it shall be his duty to
113 institute suit, and the Attorney General shall prosecute the same
114 in any court of the state to the end that there shall be recovered
115 the total of such amounts from the person or persons and surety on
116 official bond named therein; and the amounts so recovered shall be
117 paid into the proper treasury of the state, county or other public
118 body through the State Auditor;

119 (h) To investigate any alleged or suspected violation
120 of the laws of the state by any officer or employee of the state,
121 county or other public office in the purchase, sale or the use of
122 any supplies, services, equipment or other property belonging
123 thereto; and in such investigation to do any and all things
124 necessary to procure evidence sufficient either to prove or
125 disprove the existence of such alleged or suspected violations.
126 The Department of Investigation of the State Department of Audit
127 may investigate, for the purpose of prosecution, any suspected
128 criminal violation of the provisions of this chapter. For the
129 purpose of administration and enforcement of this chapter, the

130 enforcement employees of the Department of Investigation of the
131 State Department of Audit have the powers of a law enforcement
132 officer of this state, and shall be empowered to make arrests and
133 to serve and execute search warrants and other valid legal process
134 anywhere within the State of Mississippi. All enforcement
135 employees of the Department of Investigation of the State
136 Department of Audit hired on or after July 1, 1993, shall be
137 required to complete the Law Enforcement Officers Training Program
138 and shall meet the standards of the program;

139 (i) To issue subpoenas, with the approval of, and
140 returnable to, a judge of a chancery or circuit court, in termtime
141 or in vacation, to examine the records, documents or other
142 evidence of persons, firms, corporations or any other entities
143 insofar as such records, documents or other evidence relate to
144 dealings with any state, county or other public entity. The
145 circuit or chancery judge must serve the county in which the
146 records, documents or other evidence is located; or where all or
147 part of the transaction or transactions occurred which are the
148 subject of the subpoena;

149 (j) In any instances in which the State Auditor is or
150 shall be authorized or required to examine or audit, whether
151 preaudit or postaudit, any books, ledgers, accounts or other
152 records of the affairs of any public hospital owned or owned and
153 operated by one or more political subdivisions or parts thereof or
154 any combination thereof, or any school district, including
155 activity funds thereof, it shall be sufficient compliance
156 therewith, in the discretion of the State Auditor, that such
157 examination or audit be made from the report of any audit or other
158 examination certified by a certified public accountant and
159 prepared by or under the supervision of such certified public
160 accountant. Such audits shall be made in accordance with
161 generally accepted standards of auditing, with the use of an audit
162 program prepared by the State Auditor, and final reports of such

163 audits shall conform to the format prescribed by the State
164 Auditor. All files, working papers, notes, correspondence and all
165 other data compiled during the course of the audit shall be
166 available, without cost, to the State Auditor for examination and
167 abstracting during the normal business hours of any business day.
168 The expense of such certified reports shall be borne by the
169 respective hospital, or any available school district funds other
170 than minimum program funds, subject to examination or audit. The
171 State Auditor shall not be bound by such certified reports and
172 may, in his or their discretion, conduct such examination or audit
173 from the books, ledgers, accounts or other records involved as may
174 be appropriate and authorized by law;

175 (k) The State Auditor shall have the authority to
176 contract with qualified public accounting firms to perform
177 selected audits required in subsections (d), (e) and (f) of this
178 section, if funds are made available for such contracts by the
179 Legislature, or if funds are available from the governmental
180 entity covered by subsections (d), (e) and (f). Such audits shall
181 be made in accordance with generally accepted standards of
182 auditing, with the use of an audit program prepared by the State
183 Auditor, and final reports of such audits shall conform to the
184 format prescribed by the State Auditor. All files, working
185 papers, notes, correspondence and all other data compiled during
186 the course of the audit shall be available, without cost, to the
187 State Auditor for examination and abstracting during the normal
188 business hours of any business day;

189 (l) The State Auditor shall have the authority to
190 establish training courses and programs for the personnel of the
191 various state and local governmental entities under the
192 jurisdiction of the Office of the State Auditor. The training
193 courses and programs shall include, but not be limited to, topics
194 on internal control of funds, property and equipment control and
195 inventory, governmental accounting and financial reporting, and

196 internal auditing. The State Auditor is authorized to charge a
197 fee from the participants of these courses and programs, which fee
198 shall be deposited into the Department of Audit Special Fund.
199 State and local governmental entities are authorized to pay such
200 fee and any travel expenses out of their general funds or any
201 other available funds from which such payment is not prohibited by
202 law;

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

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

211 (o) To annually postaudit the Chickasawhay Natural Gas
212 District. The Department of Audit shall charge the Chickasawhay
213 Natural Gas District, audited by the authority of this paragraph,
214 the sum of Thirty Dollars (\$30.00) per hour for each hour of staff
215 time devoted to the auditing of the district. The Chickasawhay
216 Natural Gas District shall pay for the audit fees from any sums
217 available to the district for its general operations.

218 **SECTION 2.** Section 31-7-9, Mississippi Code of 1972, is
219 amended as follows:

220 31-7-9. (1) (a) The Office of Purchasing and Travel shall
221 adopt purchasing regulations governing the purchase by any agency
222 of any commodity or commodities and establishing standards and
223 specifications for a commodity or commodities and the maximum fair
224 prices of a commodity or commodities, subject to the approval of
225 the Public Procurement Review Board. It shall have the power to
226 amend, add to or eliminate purchasing regulations. The adoption
227 of, amendment, addition to or elimination of purchasing
228 regulations shall be based upon a determination by the Office of

229 Purchasing and Travel with the approval of the Public Procurement
230 Review Board, that such action is reasonable and practicable and
231 advantageous to promote efficiency and economy in the purchase of
232 commodities by the agencies of the state. Upon the adoption of
233 any purchasing regulation, or an amendment, addition or
234 elimination therein, copies of same shall be furnished to the
235 State Auditor and to all agencies affected thereby. Thereafter,
236 and except as otherwise may be provided in subsection (2) of this
237 section, no agency of the state shall purchase any commodities
238 covered by existing purchasing regulations unless such commodities
239 be in conformity with the standards and specifications set forth
240 in the purchasing regulations and unless the price thereof does
241 not exceed the maximum fair price established by such purchasing
242 regulations. The said Office of Purchasing and Travel shall
243 furnish to any county or municipality or other local public agency
244 of the state requesting same, copies of purchasing regulations
245 adopted by the Office of Purchasing and Travel and any amendments,
246 changes or eliminations of same that may be made from time to
247 time.

248 (b) The Office of Purchasing and Travel may adopt
249 purchasing regulations governing the use of credit cards,
250 procurement cards and purchasing club membership cards to be used
251 by state agencies, governing authorities of counties and
252 municipalities and the Chickasawhay Natural Gas District. Use of
253 the cards shall be in strict compliance with the regulations
254 promulgated by the office. Any amounts due on the cards shall
255 incur interest charges as set forth in Section 31-7-305 and shall
256 not be considered debt.

257 (2) The Office of Purchasing and Travel shall adopt, subject
258 to the approval of the Public Procurement Review Board, purchasing
259 regulations governing the purchase of unmarked vehicles to be used
260 by the Bureau of Narcotics and Department of Public Safety in
261 official investigations pursuant to Section 25-1-87. Such

262 regulations shall ensure that purchases of such vehicles shall be
263 at a fair price and shall take into consideration the peculiar
264 needs of the Bureau of Narcotics and Department of Public Safety
265 in undercover operations.

266 (3) The Office of Purchasing and Travel shall adopt, subject
267 to the approval of the Public Procurement Review Board,
268 regulations governing the certification process for certified
269 purchasing offices. Such regulations shall require entities
270 desiring to be classified as certified purchasing offices to
271 submit applications and applicable documents on an annual basis,
272 at which time the Office of Purchasing and Travel may provide the
273 governing entity with a certification valid for one (1) year from
274 the date of issuance.

275 **SECTION 3.** Section 65-1-8, Mississippi Code of 1972, is
276 amended as follows:

277 65-1-8. (1) The Mississippi Transportation Commission shall
278 have the following general powers, duties and responsibilities:

279 (a) To coordinate and develop a comprehensive, balanced
280 transportation policy for the State of Mississippi;

281 (b) To promote the coordinated and efficient use of all
282 available and future modes of transportation;

283 (c) To make recommendations to the Legislature
284 regarding alterations or modifications in any existing
285 transportation policies;

286 (d) To study means of encouraging travel and
287 transportation of goods by the combination of motor vehicle and
288 other modes of transportation;

289 (e) To take such actions as are necessary and proper to
290 discharge its duties pursuant to the provisions of Laws, 1992,
291 Chapter 496, and any other provision of law;

292 (f) To receive and provide for the expenditure of any
293 funds made available to it by the Legislature, the federal
294 government or any other source.

295 (2) In addition to the general powers, duties and
296 responsibilities listed in subsection (1) of this section, the
297 Mississippi Transportation Commission shall have the following
298 specific powers:

299 (a) To make rules and regulations whereby the
300 Transportation Department shall change or relocate any and all
301 highways herein or hereafter fixed as constituting a part of the
302 state highway system, as may be deemed necessary or economical in
303 the construction or maintenance thereof; to acquire by gift,
304 purchase, condemnation or otherwise, land or other property
305 whatsoever that may be necessary for a state highway system as
306 herein provided, with full consideration to be given to the
307 stimulation of local public and private investment when acquiring
308 such property in the vicinity of Mississippi towns, cities and
309 population centers;

310 (b) To enforce by mandamus, or other proper legal
311 remedies, all legal rights or rights of action of the Mississippi
312 Transportation Commission with other public bodies, corporations
313 or persons;

314 (c) To make and publish rules, regulations and
315 ordinances for the control of and the policing of the traffic on
316 the state highways, and to prevent their abuse by any or all
317 persons, natural or artificial, by trucks, tractors, trailers or
318 any other heavy or destructive vehicles or machines, or by any
319 other means whatsoever, by establishing weights of loads or of
320 vehicles, types of tires, width of tire surfaces, length and width
321 of vehicles, with reasonable variations to meet approximate
322 weather conditions, and all other proper police and protective
323 regulations, and to provide ample means for the enforcement of
324 same. The violation of any of the rules, regulations or
325 ordinances so prescribed by the commission shall constitute a
326 misdemeanor. No rule, regulation or ordinance shall be made that
327 conflicts with any statute now in force or which may hereafter be

328 enacted, or with any ordinance of municipalities. A monthly
329 publication giving general information to the boards of
330 supervisors, employees and the public may be issued under such
331 rules and regulations as the commission may determine;

332 (d) To give suitable numbers to highways and to change
333 the number of any highway that shall become a part of the state
334 highway system. However, nothing herein shall authorize the
335 number of any highway to be changed so as to conflict with any
336 designation thereof as a U.S. numbered highway. Where, by a
337 specific act of the Legislature, the commission has been directed
338 to give a certain number to a highway, the commission shall not
339 have the authority to change such number;

340 (e) (i) To make proper and reasonable rules,
341 regulations, and ordinances for the placing, erection, removal or
342 relocation of telephone, telegraph or other poles, signboards,
343 fences, gas, water, sewerage, oil or other pipelines, and other
344 obstructions that may, in the opinion of the commission,
345 contribute to the hazards upon any of the state highways, or in
346 any way interfere with the ordinary travel upon such highways, or
347 the construction, reconstruction or maintenance thereof, and to
348 make reasonable rules and regulations for the proper control
349 thereof. Any violation of such rules or regulations or
350 noncompliance with such ordinances shall constitute a misdemeanor;

351 (ii) Except as otherwise provided for in this
352 paragraph, whenever the order of the commission shall require the
353 removal of, or other changes in the location of telephone,
354 telegraph or other poles, signboards, gas, water, sewerage, oil or
355 other pipelines; or other similar obstructions on the right-of-way
356 or such other places where removal is required by law, the owners
357 thereof shall at their own expense move or change the same to
358 conform to the order of the commission. Any violation of such
359 rules or regulations or noncompliance with such orders shall
360 constitute a misdemeanor;

361 (iii) Rural water districts, rural water systems,
362 nonprofit water associations and municipal public water systems in
363 municipalities with a population of ten thousand (10,000) or less,
364 according to the latest federal decennial census, shall not be
365 required to bear the cost and expense of removal and relocation of
366 water and sewer lines and facilities constructed or in place in
367 the rights-of-way of state highways. The cost and expense of such
368 removal and relocation, including any unpaid prior to July 1,
369 2002, shall be paid by the Department of Transportation;

370 (iv) Municipal public sewer systems and municipal
371 gas systems owned by municipalities with a population of ten
372 thousand (10,000) or less, according to the latest federal
373 decennial census, shall not be required to bear the cost and
374 expense of removal and relocation of lines and facilities
375 constructed or in place in the rights-of-way of state highways.
376 The cost and expense of such removal and relocation, including any
377 unpaid prior to July 1, 2003, shall be paid by the Department of
378 Transportation;

379 (f) To regulate and abandon grade crossings on any road
380 fixed as a part of the state highway system, and whenever the
381 commission, in order to avoid a grade crossing with the railroad,
382 locates or constructs said road on one side of the railroad, the
383 commission shall have the power to abandon and close such grade
384 crossing, and whenever an underpass or overhead bridge is
385 substituted for a grade crossing, the commission shall have power
386 to abandon such grade crossing and any other crossing adjacent
387 thereto. Included in the powers herein granted shall be the power
388 to require the railroad at grade crossings, where any road of the
389 state highway system crosses the same, to place signal posts with
390 lights or other warning devices at such crossings at the expense
391 of the railroad, and to regulate and abandon underpass or overhead
392 bridges and, where abandoned because of the construction of a new
393 underpass or overhead bridge, to close such old underpass or

394 overhead bridge, or, in its discretion, to return the same to the
395 jurisdiction of the county board of supervisors;

396 (g) To make proper and reasonable rules and regulations
397 to control the cutting or opening of the road surfaces for
398 subsurface installations;

399 (h) To make proper and reasonable rules and regulations
400 for the removal from the public rights-of-way of any form of
401 obstruction, to cooperate in improving their appearance, and to
402 prescribe minimum clearance heights for seed conveyors, pipes,
403 passageways or other structure of private or other ownership above
404 the highways;

405 (i) To establish, and have the Transportation
406 Department maintain and operate, and to cooperate with the state
407 educational institutions in establishing, enlarging, maintaining
408 and operating a laboratory or laboratories for testing materials
409 and for other proper highway purposes;

410 (j) To provide, under the direction and with the
411 approval of the Department of Finance and Administration, suitable
412 offices, shops and barns in the City of Jackson;

413 (k) To establish and have enforced set-back
414 regulations;

415 (l) To cooperate with proper state authorities in
416 producing limerock for highway purposes and to purchase same at
417 cost;

418 (m) To provide for the purchase of necessary equipment
419 and vehicles and to provide for the repair and housing of same, to
420 acquire by gift, purchase, condemnation or otherwise, land or
421 lands and buildings in fee simple, and to authorize the
422 Transportation Department to construct, lease or otherwise provide
423 necessary and proper permanent district offices for the
424 construction and maintenance divisions of the department, and for
425 the repair and housing of the equipment and vehicles of the
426 department; however, in each Supreme Court district only two (2)

427 permanent district offices shall be set up, but a permanent status
428 shall not be given to any such offices until so provided by act of
429 the Legislature and in the meantime, all shops of the department
430 shall be retained at their present location. As many local or
431 subdistrict offices, shops or barns may be provided as is
432 essential and proper to economical maintenance of the state
433 highway system;

434 (n) To cooperate with the Department of Archives and
435 History in having placed and maintained suitable historical
436 markers, including those which have been approved and purchased by
437 the State Historical Commission, along state highways, and to have
438 constructed and maintained roadside driveways for convenience and
439 safety in viewing them when necessary;

440 (o) To cooperate, in its discretion, with the
441 Mississippi Department of Wildlife, Fisheries and Parks in
442 planning and constructing roadside parks upon the right-of-way of
443 state highways, whether constructed, under construction, or
444 planned; said parks to utilize where practical barrow pits used in
445 construction of state highways for use as fishing ponds. Said
446 parks shall be named for abundant flora and fauna existing in the
447 area or for the first flora or fauna found on the site;

448 (p) Unless otherwise prohibited by law, to make such
449 contracts and execute such instruments containing such reasonable
450 and necessary appropriate terms, provisions and conditions as in
451 its absolute discretion it may deem necessary, proper or
452 advisable, for the purpose of obtaining or securing financial
453 assistance, grants or loans from the United States of America or
454 any department or agency thereof, including contracts with several
455 counties of the state pertaining to the expenditure of such funds;

456 (q) To cooperate with the Federal Highway
457 Administration in the matter of location, construction and
458 maintenance of the Great River Road, to expend such funds paid to
459 the commission by the Federal Highway Administration or other

460 federal agency, and to authorize the Transportation Department to
461 erect suitable signs marking this highway, the cost of such signs
462 to be paid from state highway funds other than earmarked
463 construction funds;

464 (r) To cooperate, in its discretion, with the
465 Mississippi Forestry Commission and the School of Forestry,
466 Mississippi State University, in a forestry management program,
467 including planting, thinning, cutting and selling, upon the
468 right-of-way of any highway, constructed, acquired or maintained
469 by the Transportation Department, and to sell and dispose of any
470 and all growing timber standing, lying or being on any
471 right-of-way acquired by the commission for highway purposes in
472 the future; such sale or sales to be made in accordance with the
473 sale of personal property which has become unnecessary for public
474 use as provided for in Section 65-1-123, Mississippi Code of 1972;

475 (s) To expend funds in cooperation with the Division of
476 Plant Industry, Mississippi Department of Agriculture and
477 Commerce, the United States government or any department or agency
478 thereof, or with any department or agency of this state, to
479 control, suppress or eradicate serious insect pests, rodents,
480 plant parasites and plant diseases on the state highway
481 rights-of-way;

482 (t) To provide for the placement, erection and
483 maintenance of motorist services business signs and supports
484 within state highway rights-of-way in accordance with current
485 state and federal laws and regulations governing the placement of
486 traffic control devices on state highways, and to establish and
487 collect reasonable fees from the businesses having information on
488 such signs;

489 (u) To request and to accept the use of persons
490 convicted of an offense, whether a felony or a misdemeanor, for
491 work on any road construction, repair or other project of the
492 Transportation Department. The commission is also authorized to

493 request and to accept the use of persons who have not been
494 convicted of an offense but who are required to fulfill certain
495 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
496 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
497 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
498 of 1972. The commission is authorized to enter into any
499 agreements with the Department of Corrections, the State Parole
500 Board, any criminal court of this state, and any other proper
501 official regarding the working, guarding, safekeeping, clothing
502 and subsistence of such persons performing work for the
503 Transportation Department. Such persons shall not be deemed
504 agents, employees or involuntary servants of the Transportation
505 Department while performing such work or while going to and from
506 work or other specified areas;

507 (v) To provide for the administration of the railroad
508 revitalization program pursuant to Section 57-43-1 et seq.;

509 (w) The Mississippi Transportation Commission is
510 further authorized, in its discretion, to expend funds for the
511 purchase of service pins for employees of the Mississippi
512 Transportation Department;

513 (x) To cooperate with the State Tax Commission by
514 providing for weight enforcement field personnel to collect and
515 assess taxes, fees and penalties and to perform all duties as
516 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
517 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
518 Mississippi Code of 1972, with regard to vehicles subject to the
519 jurisdiction of the Office of Weight Enforcement. All collections
520 and assessments shall be transferred daily to the State Tax
521 Commission;

522 (y) The Mississippi Transportation Commission may
523 delegate the authority to enter into a supplemental agreement to a
524 contract previously approved by the commission if the supplemental

525 agreement involves an additional expenditure not to exceed One
526 Hundred Thousand Dollars (\$100,000.00);

527 (z) (i) The Mississippi Transportation Commission, in
528 its discretion, may enter into agreements with any county,
529 municipality, county transportation commission, business,
530 corporation, partnership, association, individual or other legal
531 entity, for the purpose of accelerating the completion date of
532 scheduled highway construction projects.

533 (ii) Such an agreement may permit the cost of a
534 highway construction project to be advanced to the commission by a
535 county, municipality, county transportation commission, business,
536 corporation, partnership, association, individual or other legal
537 entity, and repaid to such entity by the commission when highway
538 construction funds become available; provided, however, that
539 repayment of funds advanced to the Mississippi Transportation
540 Commission shall be made no sooner than the commission's
541 identified projected revenue schedule for funding of that
542 particular construction project, and no other scheduled highway
543 construction project established by statute or by the commission
544 may be delayed by an advanced funding project authorized under
545 this paragraph (z). Repayments to a private entity that advances
546 funds to the Mississippi Transportation Commission under this
547 paragraph (z) may not include interest or other fees or charges,
548 and the total amount repaid shall not exceed the total amount of
549 funds advanced to the commission by the entity.

550 (iii) In considering whether to enter into such an
551 agreement, the commission shall consider the availability of
552 financial resources, the effect of such agreement on other ongoing
553 highway construction, the urgency of the public's need for swift
554 completion of the project and any other relevant factors.

555 (iv) Such an agreement shall be executed only upon
556 a finding by the commission, spread upon its minutes, that the
557 acceleration of the scheduled project is both feasible and

558 beneficial. The commission shall also spread upon its minutes its
559 findings with regard to the factors required to be considered
560 pursuant to item (iii) of this paragraph (z);

561 (aa) The Mississippi Transportation Commission, in its
562 discretion, may purchase employment practices liability insurance,
563 and may purchase an excess policy to cover catastrophic losses
564 incurred under the commission's self-insured workers' compensation
565 program authorized under Section 71-3-5. Such policies shall be
566 written by the agent or agents of a company or companies
567 authorized to do business in the State of Mississippi. The
568 deductibles shall be in an amount deemed reasonable and prudent by
569 the commission, and the premiums thereon shall be paid from the
570 State Highway Fund. Purchase of insurance under this paragraph
571 shall not serve as an actual or implied waiver of sovereign
572 immunity or of any protection afforded the commission under the
573 Mississippi Tort Claims Act;

574 (bb) The Mississippi Transportation Commission is
575 further authorized, in its discretion, to expend funds for the
576 purchase of promotional materials for safety purposes, highway
577 beautification purposes and recruitment purposes.

578 **SECTION 4.** Section 77-15-1, Mississippi Code of 1972, is
579 amended as follows:

580 77-15-1. Notwithstanding any other provisions of law to the
581 contrary, all local natural gas districts containing two (2) or
582 more municipalities and nonmunicipal customers shall establish and
583 maintain a board of directors composed of: (a) the mayors of each
584 municipality within the district whose terms shall be concurrent
585 with their terms of office as mayor; and (b) one (1) system-user
586 from each county within the district, who shall not be a public
587 official. The county system-user board members shall be elected
588 by the system-users residing outside of a municipality, in the
589 county in which such board member resides. In order to qualify as
590 a candidate for election to the board, each person shall obtain,

591 on a petition, twenty-five (25) signatures from system-users in
592 the county in which such person resides. The signatures shall be
593 of system-users residing outside of a municipality and the
594 candidate shall be a system-user who resides outside of a
595 municipality. The board shall call an election within fifteen
596 (15) days after July 1, 1989, to be held within sixty (60) days
597 from the date such election is called. Those persons elected to
598 the board shall serve until the next general election for
599 supervisors and the election for such board members thereafter
600 shall be held at the same time as the supervisor elections and the
601 terms of such board members shall be concurrent with the terms of
602 the supervisors. Any mayor who devotes a substantial amount of
603 time to the operations of a local natural gas district may receive
604 additional compensation as approved by the board of directors.
605 Board members who are mayors shall be entitled to travel expenses
606 as provided by Section 25-3-41 for all board meetings and shall be
607 entitled to compensation to be determined by the board, but not
608 more than One Thousand Two Hundred Fifty Dollars (\$1,250.00) per
609 month. Board members who are elected county system-users shall be
610 entitled to receive Fifty Dollars (\$50.00) for each day for
611 meetings attended and travel expenses as provided in Section
612 25-3-41. Such compensation and travel expenses shall be paid out
613 of any available funds of the district and shall be in addition to
614 any compensation paid by a municipality to a mayor on the board.
615 All board members shall file any required statements of economic
616 interest with the Ethics Commission as required by law. This
617 section shall not apply to any local natural gas district which
618 leases its distribution system to an investor-owned utility
619 company regulated by the Public Service Commission.

620 From and after July 1, 2004, the Board of Directors of the
621 Chickasawhay Natural Gas District shall discontinue distribution
622 of any of the revenues of the district to municipalities within
623 the district.

624 **SECTION 5.** This act shall take effect and be in force from
625 and after July 1, 2004.