

By: Senator(s) Dearing, Hewes, Burton, Walls

To: Public Utilities;  
Highways and Transportation

SENATE BILL NO. 2286

1 AN ACT TO AMEND SECTION 7-7-211, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE STATE AUDITOR TO AUDIT LOCAL NATURAL GAS DISTRICTS  
3 ANNUALLY; TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF 1972, TO  
4 ALLOW LOCAL NATURAL GAS DISTRICTS TO USE CREDIT CARDS FOR OFFICIAL  
5 PROCUREMENTS; TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972,  
6 TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO PAY  
7 RELOCATION COSTS FOR ANY LOCAL NATURAL GAS DISTRICT PIPELINE THAT  
8 MUST BE MOVED TO ACCOMMODATE A HIGHWAY CONSTRUCTION OR MAINTENANCE  
9 PROJECT; TO REPEAL SECTION 77-15-1, MISSISSIPPI CODE OF 1972,  
10 WHICH ESTABLISHES BOARD OF DIRECTORS OF LOCAL NATURAL GAS  
11 DISTRICTS; 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 annual post-audit any natural gas district  
212 created by the Legislature. The cost of such audits shall be paid  
213 by the state from appropriations made by the Legislature for the  
214 operation of the State Department of Audit as may exceed the sum  
215 of One Hundred Dollars (\$100.00) per day for the services of each  
216 staff person engaged in performing the audit or other service,  
217 which sum shall be paid by the natural gas district audited out of  
218 its general fund or any other available funds from which such  
219 payment is not prohibited by law.

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

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

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

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

259 (2) The Office of Purchasing and Travel shall adopt, subject  
260 to the approval of the Public Procurement Review Board, purchasing  
261 regulations governing the purchase of unmarked vehicles to be used



262 by the Bureau of Narcotics and Department of Public Safety in  
263 official investigations pursuant to Section 25-1-87. Such  
264 regulations shall ensure that purchases of such vehicles shall be  
265 at a fair price and shall take into consideration the peculiar  
266 needs of the Bureau of Narcotics and Department of Public Safety  
267 in undercover operations.

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

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

279 65-1-8. (1) The Mississippi Transportation Commission shall  
280 have the following general powers, duties and responsibilities:

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

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

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

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

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

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

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

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

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

316           (c) To make and publish rules, regulations and  
317 ordinances for the control of and the policing of the traffic on  
318 the state highways, and to prevent their abuse by any or all  
319 persons, natural or artificial, by trucks, tractors, trailers or  
320 any other heavy or destructive vehicles or machines, or by any  
321 other means whatsoever, by establishing weights of loads or of  
322 vehicles, types of tires, width of tire surfaces, length and width  
323 of vehicles, with reasonable variations to meet approximate  
324 weather conditions, and all other proper police and protective  
325 regulations, and to provide ample means for the enforcement of  
326 same. The violation of any of the rules, regulations or

327 ordinances so prescribed by the commission shall constitute a  
328 misdemeanor. No rule, regulation or ordinance shall be made that  
329 conflicts with any statute now in force or which may hereafter be  
330 enacted, or with any ordinance of municipalities. A monthly  
331 publication giving general information to the boards of  
332 supervisors, employees and the public may be issued under such  
333 rules and regulations as the commission may determine;

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

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

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

360 conform to the order of the commission. Any violation of such  
361 rules or regulations or noncompliance with such orders shall  
362 constitute a misdemeanor;

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

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

383 (f) To regulate and abandon grade crossings on any road  
384 fixed as a part of the state highway system, and whenever the  
385 commission, in order to avoid a grade crossing with the railroad,  
386 locates or constructs said road on one side of the railroad, the  
387 commission shall have the power to abandon and close such grade  
388 crossing, and whenever an underpass or overhead bridge is  
389 substituted for a grade crossing, the commission shall have power  
390 to abandon such grade crossing and any other crossing adjacent  
391 thereto. Included in the powers herein granted shall be the power  
392 to require the railroad at grade crossings, where any road of the

393 state highway system crosses the same, to place signal posts with  
394 lights or other warning devices at such crossings at the expense  
395 of the railroad, and to regulate and abandon underpass or overhead  
396 bridges and, where abandoned because of the construction of a new  
397 underpass or overhead bridge, to close such old underpass or  
398 overhead bridge, or, in its discretion, to return the same to the  
399 jurisdiction of the county board of supervisors;

400 (g) To make proper and reasonable rules and regulations  
401 to control the cutting or opening of the road surfaces for  
402 subsurface installations;

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

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

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

417 (k) To establish and have enforced set-back  
418 regulations;

419 (l) To cooperate with proper state authorities in  
420 producing limerock for highway purposes and to purchase same at  
421 cost;

422 (m) To provide for the purchase of necessary equipment  
423 and vehicles and to provide for the repair and housing of same, to  
424 acquire by gift, purchase, condemnation or otherwise, land or  
425 lands and buildings in fee simple, and to authorize the

426 Transportation Department to construct, lease or otherwise provide  
427 necessary and proper permanent district offices for the  
428 construction and maintenance divisions of the department, and for  
429 the repair and housing of the equipment and vehicles of the  
430 department; however, in each Supreme Court district only two (2)  
431 permanent district offices shall be set up, but a permanent status  
432 shall not be given to any such offices until so provided by act of  
433 the Legislature and in the meantime, all shops of the department  
434 shall be retained at their present location. As many local or  
435 subdistrict offices, shops or barns may be provided as is  
436 essential and proper to economical maintenance of the state  
437 highway system;

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

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

452           (p) Unless otherwise prohibited by law, to make such  
453 contracts and execute such instruments containing such reasonable  
454 and necessary appropriate terms, provisions and conditions as in  
455 its absolute discretion it may deem necessary, proper or  
456 advisable, for the purpose of obtaining or securing financial  
457 assistance, grants or loans from the United States of America or

458 any department or agency thereof, including contracts with several  
459 counties of the state pertaining to the expenditure of such funds;

460 (q) To cooperate with the Federal Highway  
461 Administration in the matter of location, construction and  
462 maintenance of the Great River Road, to expend such funds paid to  
463 the commission by the Federal Highway Administration or other  
464 federal agency, and to authorize the Transportation Department to  
465 erect suitable signs marking this highway, the cost of such signs  
466 to be paid from state highway funds other than earmarked  
467 construction funds;

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

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

486 (t) To provide for the placement, erection and  
487 maintenance of motorist services business signs and supports  
488 within state highway rights-of-way in accordance with current  
489 state and federal laws and regulations governing the placement of  
490 traffic control devices on state highways, and to establish and

491 collect reasonable fees from the businesses having information on  
492 such signs;

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

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

513           (w) The Mississippi Transportation Commission is  
514 further authorized, in its discretion, to expend funds for the  
515 purchase of service pins for employees of the Mississippi  
516 Transportation Department;

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



524 and assessments shall be transferred daily to the State Tax  
525 Commission;

526 (y) The Mississippi Transportation Commission may  
527 delegate the authority to enter into a supplemental agreement to a  
528 contract previously approved by the commission if the supplemental  
529 agreement involves an additional expenditure not to exceed One  
530 Hundred Thousand Dollars (\$100,000.00);

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

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

554 (iii) In considering whether to enter into such an  
555 agreement, the commission shall consider the availability of  
556 financial resources, the effect of such agreement on other ongoing

557 highway construction, the urgency of the public's need for swift  
558 completion of the project and any other relevant factors.

559 (iv) Such an agreement shall be executed only upon  
560 a finding by the commission, spread upon its minutes, that the  
561 acceleration of the scheduled project is both feasible and  
562 beneficial. The commission shall also spread upon its minutes its  
563 findings with regard to the factors required to be considered  
564 pursuant to subparagraph (iii) of this paragraph (z);

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

578 (bb) The Mississippi Transportation Commission is  
579 further authorized, in its discretion, to expend funds for the  
580 purchase of promotional materials for safety purposes, highway  
581 beautification purposes and recruitment purposes.

582 **SECTION 4.** Section 77-15-1, Mississippi Code of 1972, which  
583 establishes board of directors of local natural gas districts, is  
584 hereby repealed.

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