

By: Representatives Criswell, Hopkins

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1102

1 AN ACT TO REQUIRE STATE ENTITIES TO UNDERTAKE CERTAIN STEPS
2 BEFORE ENTERING INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT; TO
3 REQUIRE STATE ENTITIES TO FILE THE PROPOSED AGREEMENT WITH THE
4 SECRETARY OF STATE; TO REQUIRE THE STATE ENTITY TO AFFORD PERSONS
5 A NOTICE AND COMMENT PERIOD OF AT LEAST 25 DAYS AFTER THE FILING
6 OF THE AGREEMENT; TO REQUIRE THE STATE ENTITY TO CONSULT WITH THE
7 APPROPRIATE CHAIRMEN OF THE LEGISLATURE; TO REQUIRE THE STATE
8 ENTITY TO FILE CERTAIN INFORMATION ABOUT THE AGREEMENT AFTER THE
9 NOTICE AND COMMENT PERIOD AND THE ENTITY'S CONSULTATION WITH THE
10 LEGISLATURE; TO REQUIRE STATE ENTITIES THAT HAVE PREVIOUSLY
11 ENTERED INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT TO UNDERTAKE
12 THE SAME STEPS; TO AMEND SECTIONS 57-49-29, 33-15-25, 47-5-122,
13 51-8-55, 49-28-39, 37-33-213, 45-14-15, 69-1-315, 61-1-49,
14 19-5-203, 19-5-241, 57-49-27, 65-13-31, 49-28-25, 49-15-305,
15 37-33-167, 19-5-235, 33-15-205, 65-23-305, 51-4-15, 49-4-13,
16 37-33-21, 57-49-31, 59-7-203, 49-28-19, 73-63-17, 47-5-175,
17 49-5-111, 37-138-9, 49-2-13, 37-33-165, 37-33-61, 41-3-15,
18 45-14-25, 37-63-11, 57-39-9, 41-119-7, 19-3-103, 7-17-5, 57-15-5,
19 41-26-5, 51-8-31, 29-3-169, 49-2-9, 25-53-171, 33-15-11, 61-4-11,
20 49-17-17, 43-1-2, 37-155-9, 49-27-71, 41-95-5, 19-5-177, 41-13-35,
21 69-27-13, 29-15-17, 37-141-11, 43-1-31, 47-5-10, 53-7-19, 57-15-5,
22 65-23-227, 77-5-23, 77-5-231, 77-5-771 AND 77-6-63, MISSISSIPPI
23 CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND
24 FOR RELATED PURPOSES.

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

26 **SECTION 1.** (1) As used in this section:

27 (a) "Agreement" means any agreement, memorandum of
28 understanding (MOU), Maintenance of Effort (MOE) agreement, or
29 contract with any federal agency or subdivision thereof.



30 (b) "State entity" means any officer, agency,
31 department, institution, instrumentality or political subdivision
32 of the State of Mississippi.

33 (2) Except where exempted by law, before entering into any
34 agreement with any federal agency or subdivision thereof, all
35 state entities shall:

36 (a) File the proposed agreement with the Secretary of
37 State for publication in the administrative bulletin;

38 (b) For at least twenty-five (25) days after the filing
39 of the proposed agreement with the Secretary of State, afford
40 persons the opportunity to submit in writing to the state entity
41 arguments, data and/or views on the proposed agreement;

42 (c) Consult with and provide the chairmen of the
43 appropriate standing committees of the Mississippi House of
44 Representatives and Mississippi Senate with the proposed
45 agreement, copies of the public docket containing all requests,
46 submissions and comments, and all other written material received
47 in connection with the proposed agreement; and

48 (d) File a notice with the Secretary of State for
49 publication in the administrative bulletin that includes a copy of
50 the proposed agreement, a summary of the public docket and the
51 entity's consultation with the chairmen of the appropriate
52 committees, and a statement on whether the agreement will be
53 implemented and any changes made to the agreement as a result of
54 the public comments and consultation.



55 (3) All state entities that are parties to existing
56 agreements with any federal agency or subdivision thereof, as of
57 July 1, 2017, shall, with regard to each agreement, comply with
58 the provisions of subsection (2) of this section. After
59 completing the requirements of subsection (2) of this section, the
60 state entity shall either:

61 (a) File a notice with the Secretary of State for
62 publication in the administrative bulletin that includes:

63 (i) A copy of the proposed agreement;

64 (ii) A summary of the public docket and the
65 entity's consultation with the chairmen of the appropriate
66 committees; and

67 (iii) An affirmation that the agreement remains in
68 effect without changes; or

69 (b) Take the necessary steps to amend or terminate the
70 agreement.

71 **SECTION 2.** Section 57-49-29, Mississippi Code of 1972, is
72 amended as follows:

73 57-49-29. (1) The board shall serve as the agency in this
74 state to negotiate written nuclear waste site characterization
75 agreements and modifications and/or technical revisions to these
76 agreements, with the federal Department of Energy on any matter
77 related to the long-term or temporary storage and/or permanent
78 disposal of high-level radioactive waste or transuranic waste.



79 (2) The board shall serve as the agency in this state to
80 negotiate such written agreements and modifications and/or
81 technical revisions to these agreements, with any federal agency
82 other than the federal Department of Energy on any matter related
83 to the long-term or temporary storage and/or permanent disposal of
84 high-level radioactive waste or transuranic waste.

85 (3) The board shall consult with the council and the
86 committee during the negotiation of any agreement or modification
87 and/or technical revisions to an agreement executed under
88 subsections (1) or (2) of this section. The council and the
89 committee shall prepare such written comments on any agreement or
90 draft agreement being negotiated by the board as is appropriate
91 and needed.

92 (4) The board in concert with the council shall hold at
93 least one (1) public hearing within the county or counties wherein
94 the site is located on any proposed agreement or modification
95 and/or technical revision to an agreement negotiated under
96 subsection (1) or (2) of this section. The board shall issue
97 thirty (30) days' notice of the date and location of hearings
98 conducted under this subsection. The board shall prepare a
99 written summary of testimony presented at hearings conducted under
100 this subsection and shall consider the need for modifications or
101 technical revisions to the negotiated agreement as a result of the
102 hearing(s).



103 (5) No agreement or modification and/or technical revision
104 to an agreement negotiated under subsection (1) or (2) may take
105 effect unless it is approved by a majority of the members of the
106 board.

107 (6) Any state entity that enters into an agreement with a
108 federal agency or subdivision thereof shall comply with the
109 provisions of Section 1 of this act. For the purposes of this
110 subsection, the terms "state entity" and "agreement" have the same
111 meanings as provided in Section 1 of this act.

112 **SECTION 3.** Section 33-15-25, Mississippi Code of 1972, is
113 amended as follows:

114 33-15-25. (a) The Governor of the State of Mississippi is
115 authorized to enter into agreements with the federal government
116 for the purpose of matching any federal funds that may be made
117 available for emergency management purposes, which shall include
118 purchasing emergency management equipment and supplies, to the
119 state on a matching basis. Provided, that no agreement shall
120 obligate the state for an amount greater than the appropriation
121 available for such purpose. The state's portion of the purchase
122 price of any emergency management equipment may be made available
123 from any appropriation made for such purposes.

124 (b) Any county board of supervisors or municipal governing
125 body may enter into agreement with the federal government with
126 approval of the State Director of Emergency Management for
127 matching funds which may be made available for emergency



128 management purposes, which shall include purchasing emergency
129 management equipment and supplies, by such county or municipality
130 in conjunction with any federal matching program and funds may be
131 expended from the general fund of such county or municipality or
132 from such other funds as may be available to such county or
133 municipality for emergency management purposes in order to provide
134 the county or municipal portion of funds necessary to carry out
135 such matching agreement.

136 (c) The agency may withhold from any county board of
137 supervisors, municipality or not-for-profit entity a portion or
138 all of a subgrant whenever the agency determines that the county,
139 municipality or not-for-profit entity owes a refund on any past
140 subgrant project that was not completed as required.

141 (d) Any state entity that enters into an agreement with a
142 federal agency or subdivision thereof shall comply with the
143 provisions of Section 1 of this act. For the purposes of this
144 subsection, the terms "state entity" and "agreement" have the same
145 meanings as provided in Section 1 of this act.

146 **SECTION 4.** Section 47-5-122, Mississippi Code of 1972, is
147 amended as follows:

148 47-5-122. The Commissioner of Corrections may provide for
149 agricultural production in connection with disciplinary programs,
150 rehabilitation, inmate work projects, prison agricultural
151 enterprise programs or any similar activity of the department;
152 however, agricultural activities shall be conducted in a manner



153 which are labor intensive and a minimum amount of mechanized or
154 power-driven equipment shall be utilized to the extent practical
155 and economically feasible.

156 The Department of Corrections is authorized to enter into
157 contracts or agreements with the federal government with respect
158 to agricultural subsidies or payments.

159 Any state entity that enters into an agreement with a federal
160 agency or subdivision thereof shall comply with the provisions of
161 Section 1 of this act. For the purposes of this paragraph, the
162 terms "state entity" and "agreement" have the same meanings as
163 provided in Section 1 of this act.

164 **SECTION 5.** Section 51-8-55, Mississippi Code of 1972, is
165 amended as follows:

166 51-8-55. The board of commissioners of any district created
167 pursuant to the provisions of this chapter shall have the
168 authority to enter into cooperative agreements with the state or
169 federal government, or both; to obtain financial assistance in the
170 form of loans or grants as may be available from the state or
171 federal government, or both; and to execute and deliver at private
172 sale notes or bonds as evidence of such indebtedness in the form
173 and subject to the terms and conditions as may be imposed by the
174 state or federal government, or both; and to pledge the income and
175 revenues of the district, or the income and revenues from any part
176 of the area embraced in the district, in payment thereof. It is
177 the purpose and intention of this section to authorize districts



178 to do any and all things necessary to secure the financial aid or
179 cooperation of the state or federal government, or both, in the
180 planning, construction, maintenance or operation of project
181 facilities.

182 Any state entity that enters into an agreement with a federal
183 agency or subdivision thereof shall comply with the provisions of
184 Section 1 of this act. For the purposes of this paragraph, the
185 terms "state entity" and "agreement" have the same meanings as
186 provided in Section 1 of this act.

187 **SECTION 6.** Section 49-28-39, Mississippi Code of 1972, is
188 amended as follows:

189 49-28-39. The board of commissioners of any district created
190 under this chapter shall have the authority to enter into
191 cooperative agreements with the state or federal government, or
192 both, to obtain financial assistance in the form of loans or
193 grants as may be available from the state or federal government,
194 or both. The board of commissioners may execute and deliver at
195 private sale notes or bonds as evidence of the indebtedness in the
196 form and subject to the terms and conditions as may be imposed by
197 the state or federal government, or both. The board of
198 commissioners may pledge the income and revenues of the district,
199 or the income and revenues from any part of the area embraced in
200 the district, in payment thereof. The district may do all things
201 necessary to secure the financial aid or cooperation of the state
202 or federal government, or both, in the planning, design,



203 construction, operation, maintenance or improvement of projects of
204 the district.

205 Any state entity that enters into an agreement with a federal
206 agency or subdivision thereof shall comply with the provisions of
207 Section 1 of this act. For the purposes of this paragraph, the
208 terms "state entity" and "agreement" have the same meanings as
209 provided in Section 1 of this act.

210 **SECTION 7.** Section 37-33-213, Mississippi Code of 1972, is
211 amended as follows:

212 37-33-213. The department, through the office, shall
213 cooperate, under agreements with the federal government, in
214 carrying out the purposes of any federal statutes pertaining to
215 special disability programs, and may adopt such methods of
216 administration as are found by the federal government to be
217 necessary for the proper and efficient operation of those
218 agreements or plans for special disability programs and comply
219 with such conditions as may be necessary to secure the full
220 benefits of those federal statutes and appropriations, administer
221 any legislation under federal statutes and appropriations that is
222 enacted by the State of Mississippi, direct the disbursement and
223 administer the use of all funds provided by the federal government
224 or this state for the persons of this state, and do all things
225 necessary to ensure the provision of services to the person served
226 by the special disability programs.



227 Any state entity that enters into an agreement with a federal
228 agency or subdivision thereof shall comply with the provisions of
229 Section 1 of this act. For the purposes of this paragraph, the
230 terms "state entity" and "agreement" have the same meanings as
231 provided in Section 1 of this act.

232 **SECTION 8.** Section 45-14-15, Mississippi Code of 1972, is
233 amended as follows:

234 45-14-15. (1) Authorized representatives of the agency
235 shall have the authority to enter upon any public or private
236 property of permittees, registrants and licensees, including
237 private dwellings used for business purposes, at all reasonable
238 times for the purpose of determining compliance with the
239 provisions of this chapter and rules, regulations and standards
240 adopted hereunder. Authorized representatives of the agency, only
241 in the event of a declared emergency, shall have the authority to
242 enter upon any public or private property, including private
243 dwellings used for business purposes, at all reasonable times for
244 the purpose of determining compliance with the provisions of this
245 chapter and rules, regulations and standards adopted hereunder.

246 (2) The agency is authorized to institute training programs
247 for its personnel to carry out the provisions of this chapter and
248 may make personnel available for participation in any program or
249 programs of the federal government, other states or interstate
250 agencies in furtherance of the purposes of this chapter.



251 (3) The agency is authorized to institute educational
252 programs for the purpose of training or educating persons who may
253 possess, use, handle, transport or service sources of radiation.

254 (4) The Governor is authorized to enter into agreements with
255 the federal government, other states or interstate agencies,
256 whereby this state will perform, on a cooperative basis with the
257 federal government, other states, or interstate agencies,
258 inspections, emergency response to radiation accidents and other
259 functions related to the control of radiation.

260 (5) Any state entity that enters into an agreement with a
261 federal agency or subdivision thereof shall comply with the
262 provisions of Section 1 of this act. For the purposes of this
263 subsection, the terms "state entity" and "agreement" have the same
264 meanings as provided in Section 1 of this act.

265 **SECTION 9.** Section 69-1-315, Mississippi Code of 1972, is
266 amended as follows:

267 69-1-315. The commissioner may cooperate with and enter into
268 agreement with agencies of the federal government in order to
269 carry out the purpose and provisions of Sections 69-1-301 through
270 69-1-319. In this cooperative effort, the commissioner is
271 authorized to accept from the federal government any advisory
272 assistance planning and any financial aid or other aid for the
273 program.

274 Any state entity that enters into an agreement with a federal
275 agency or subdivision thereof shall comply with the provisions of



276 Section 1 of this act. For the purposes of this paragraph, the
277 terms "state entity" and "agreement" have the same meanings as
278 provided in Section 1 of this act.

279 **SECTION 10.** Section 61-1-49, Mississippi Code of 1972, is
280 amended as follows:

281 61-1-49. The commission is authorized to report to the
282 appropriate federal agencies and agencies of other states all
283 proceedings instituted charging violation of the provisions of
284 this chapter and all penalties, of which it has knowledge, imposed
285 upon airmen or the owners or operators of aircraft for violations
286 of the law of this state relating to aeronautics or for violations
287 of the rules, regulations or orders of the commission. The
288 commission is authorized to receive reports of penalties and other
289 data from agencies of the federal government and other states, and
290 when necessary, to enter into agreements with federal agencies and
291 the agencies of other states governing the delivery, receipt,
292 exchange and use of reports and data. The commission may make the
293 reports and data of the federal agencies, the agencies of other
294 states, and the courts of this state available, with or without
295 request therefor, to any and all courts of this state, and to any
296 officer of the state or of a municipality authorized pursuant to
297 the provisions of this chapter to enforce the aeronautics laws.

298 Any state entity that enters into an agreement with a federal
299 agency or subdivision thereof shall comply with the provisions of
300 Section 1 of this act. For the purposes of this paragraph, the



301 terms "state entity" and "agreement" have the same meanings as
302 provided in Section 1 of this act.

303 **SECTION 11.** Section 19-5-203, Mississippi Code of 1972, is
304 amended as follows:

305 19-5-203. The board of commissioners of any district created
306 pursuant to the provisions of Sections 19-5-151 through 19-5-207
307 shall have the authority to enter into cooperative agreements with
308 the state or federal government, or both; to obtain financial
309 assistance in the form of loans or grants as may be available from
310 the state or federal government, or both; and to execute and
311 deliver at private sale notes or bonds as evidence of such
312 indebtedness in the form and subject to the terms and conditions
313 as may be imposed by the state or federal government, or both; and
314 to pledge the income and revenues of the district, or the income
315 and revenues from any part of the area embraced in the district,
316 in payment thereof. It is the purpose and intention of this
317 section to authorize districts to do any and all things necessary
318 to secure the financial aid or cooperation of the state or federal
319 government, or both, in the planning, construction, maintenance or
320 operation of project facilities.

321 Any state entity that enters into an agreement with a federal
322 agency or subdivision thereof shall comply with the provisions of
323 Section 1 of this act. For the purposes of this paragraph, the
324 terms "state entity" and "agreement" have the same meanings as
325 provided in Section 1 of this act.



326 **SECTION 12.** Section 19-5-241, Mississippi Code of 1972, is
327 amended as follows:

328 19-5-241. The board of supervisors creating any such
329 district shall have the authority to enter into cooperative
330 agreements with the state or federal government or both; to obtain
331 financial assistance in the form of loans or grants as may be
332 available from the state or federal government, or both. It is
333 the purpose and intention of this section to authorize districts
334 to do any and all things necessary to secure the financial aid or
335 cooperation of the state or federal government.

336 Any state entity that enters into an agreement with a federal
337 agency or subdivision thereof shall comply with the provisions of
338 Section 1 of this act. For the purposes of this paragraph, the
339 terms "state entity" and "agreement" have the same meanings as
340 provided in Section 1 of this act.

341 **SECTION 13.** Section 57-49-27, Mississippi Code of 1972, is
342 amended as follows:

343 57-49-27. Prior to the initiation of nuclear waste site
344 characterization activities, the board shall require that a
345 written agreement between the federal Department of Energy and the
346 state shall be concluded in accordance with the provisions of
347 Sections 57-49-29 through 57-49-33.

348 At the completion of site characterization, including area
349 characterization, and prior to the initiation of any subsequent
350 phase of investigation, the federal Department of Energy shall



351 prepare and administer an oral briefing for the board, the
352 council, the committee, interested members of the State
353 Legislature and the Governor's Office, collectively, in which a
354 synopsis of the previously completed study phase is detailed. The
355 briefing shall include, at a minimum, the significant findings of
356 the study, including those findings which could possibly
357 compromise the site(s) from being developed into a repository for
358 the long-term or temporary storage and/or permanent disposal of
359 high-level radioactive waste or transuranic waste. Any noted
360 deficiencies in the data base, interpretation thereof, conclusions
361 thereto or recommendations therefrom, cited in writing by the
362 technical community of the state or recorded in public hearings in
363 the state, shall be addressed in the briefing. The methods by
364 which those deficiencies were resolved or are to be addressed
365 shall be identified by the Department of Energy during the
366 briefing. The council and the committee shall determine the
367 adequacy of resolution of the noted deficiencies and shall prepare
368 a written report of their findings to the board. If the findings
369 of the council and the committee and the recommendation of the
370 board indicate inadequate identification of deficiencies and/or
371 inadequate resolution of same, the board may recommend a conflict
372 resolution procedure outlined in the agreement be initiated.

373 Any state entity that enters into an agreement with a federal
374 agency or subdivision thereof shall comply with the provisions of
375 Section 1 of this act. For the purposes of this paragraph, the



376 terms "state entity" and "agreement" have the same meanings as
377 provided in Section 1 of this act.

378 **SECTION 14.** Section 65-13-31, Mississippi Code of 1972, is
379 amended as follows:

380 65-13-31. (1) The highway and street revenue bond
381 authority, through its trustees, is hereby empowered:

382 (a) To develop one or more projects under the authority
383 provided by this chapter.

384 (b) To construct and maintain highways and streets,
385 including roadways, drainageways, bases, pavements, culverts,
386 bridges, driveways, turnouts, ramps, overpasses, underpasses,
387 intersections, and all other facilities necessary to provide for
388 safe and convenient use by automotive and truck traffic.

389 (c) To acquire and develop land or any interest in land
390 or property; acquire, construct, improve, install, reconstruct,
391 cause to be constructed, extend, expand, maintain, use, operate
392 all facilities of any kind necessary or convenient for the
393 purposes of this chapter.

394 (d) To make or cause to be made or to cooperate in
395 making engineering surveys, feasibility studies, and cost-benefit
396 estimates relating to the works contemplated by this chapter.

397 (e) To employ engineers, attorneys, and all agents and
398 employees necessary to the exercising of the powers, rights,
399 privileges, or functions conferred upon the authority by this
400 chapter, and to properly finance, construct, operate, and maintain



401 the project and the services it renders, and to pay reasonable
402 compensation for such services.

403 (f) To acquire by condemnation easements for traffic
404 thoroughfares or utility rights-of-way, subject to the specific
405 recommendation and approval of the board of supervisors; but for
406 no other purpose shall the right of condemnation be allowed.

407 (g) To apply for and accept government grants and
408 loans, whether federal, state, or local, when such are available;
409 to borrow from other federal, state and municipal agencies and
410 from private persons or groups, including corporations.

411 (h) To make contracts and to execute instruments
412 necessary to the exercise of the powers, rights, privileges, and
413 functions conferred upon the authority by this chapter.

414 (i) To enter into contracts and agreements with any
415 federal agencies, public agencies, or political subdivisions of
416 any kind, including municipalities, corporations, districts, or
417 others for any financing, construction, operation, or maintenance
418 requirements.

419 (j) To fix and to revise from time to time tolls and
420 other charges for transit over, or use of, the facility, and to
421 charge and collect same; and to contract with any person,
422 partnership, corporation, or association desiring to use its
423 properties for any purpose to fix the terms, conditions, rates,
424 and charges for such use. Such tolls shall be so fixed and
425 adjusted, in respect of the aggregate of tolls from the project



426 for which a single issue of bonds is issued, as to provide a fund
427 sufficient with other revenues of the project, if any, to pay (1)
428 the cost of maintaining, repairing, operating such project and
429 collecting tolls, and (2) the bonds and the interest thereon as
430 the same become due. Such tolls shall not be subject to
431 supervision or regulation by any state commission, board, bureau
432 or agency, except such bureau or agency that might participate in
433 the financing of the cost of any such project.

434 (k) To designate the locations, and establish, limit,
435 and control such points of ingress to and egress from each project
436 as may be necessary or desirable in the judgment of the authority
437 to insure the proper operation and maintenance of such project,
438 and to prohibit entrance to such project from any point or points
439 not so designated.

440 (l) To construct highway and railroad crossings at
441 grade or by means of grade separation structures.

442 (m) To sue and be sued in its corporate name.

443 (n) To adopt, use, and alter a corporate seal.

444 (o) To make bylaws for the management and regulation of
445 its affairs.

446 (p) To employ a general manager, who shall, at the
447 discretion of the board of trustees, have the power to employ and
448 discharge employees.

449 (2) Any state entity that enters into an agreement with a
450 federal agency or subdivision thereof shall comply with the



451 provisions of Section 1 of this act. For the purposes of this
452 subsection, the terms "state entity" and "agreement" have the same
453 meanings as provided in Section 1 of this act.

454 **SECTION 15.** Section 49-28-25, Mississippi Code of 1972, is
455 amended as follows:

456 49-28-25. (1) In addition to the purposes authorized by
457 Section 49-28-23, any district created under this chapter may
458 issue negotiable special improvement bonds of the district in the
459 manner provided in Section 49-28-23, for any of the following
460 purposes:

461 (a) To refund the outstanding bonds of the district
462 upon a finding by the board of commissioners that the refunding is
463 in the public interest;

464 (b) To improve or extend the structures or facilities
465 of the district or to conduct projects of the district; and

466 (c) To enter into cooperative agreements with the state
467 or federal government, or both, to obtain financial assistance in
468 the form of loans or grants as may be available from the state or
469 federal government, or both (reference to the state or federal
470 government as used in this section shall specifically include any
471 agency thereof).

472 The district may make any covenants and do any acts and
473 things as may be necessary, convenient and desirable to secure the
474 bonds or make the bonds more marketable, notwithstanding that the
475 covenants, acts or things may not be enumerated in this chapter or



476 expressly authorized in this chapter. The board of commissioners,
477 in issuing the negotiable special improvement bonds, shall have
478 the power to do all things required or necessary in the issuance
479 of those bonds and for their execution which are not inconsistent
480 with the Mississippi Constitution of 1890.

481 (2) Any state entity that enters into an agreement with a
482 federal agency or subdivision thereof shall comply with the
483 provisions of Section 1 of this act. For the purposes of this
484 subsection, the terms "state entity" and "agreement" have the same
485 meanings as provided in Section 1 of this act.

486 **SECTION 16.** Section 49-15-305, Mississippi Code of 1972, is
487 amended as follows:

488 49-15-305. (1) The commission shall submit three (3)
489 nominees for the position of executive director to the Governor.
490 The Governor shall appoint the executive director from the list of
491 nominees with the advice and consent of the Senate. The
492 commission may remove the executive director from office for good
493 cause. The executive director shall be knowledgeable and
494 experienced in marine resources management.

495 (2) The executive director of the department shall have the
496 following powers and duties:

497 (a) To supervise and direct all administrative,
498 inspection and technical activities and personnel of the
499 department;



500 (b) To employ qualified professional personnel in the
501 subject matter or fields, and any other technical and clerical
502 staff as may be required for the operation of the department;

503 (c) To coordinate all studies in the State of
504 Mississippi concerned with the supply, development, use and
505 conservation of marine resources;

506 (d) To prepare and deliver to the Legislature and the
507 Governor on or before January 1 of each year, and at any other
508 times as may be required by the Legislature or Governor, a full
509 report of the work of the department, including a detailed
510 statement of expenditures of the department and any
511 recommendations the department may have;

512 (e) To enter into cooperative agreements with any
513 federal or state agency or subdivision thereof, or any public or
514 private institution located inside or outside the State of
515 Mississippi, or any person, corporation or association in
516 connection with studies and investigations pertaining to marine
517 resources, provided the agreements do not have a financial cost in
518 excess of the amounts appropriated for the purposes by the
519 Legislature; and

520 (f) To carry out all regulations and rules adopted by
521 the commission and enforce all licenses and permits issued by the
522 department.

523 (3) Any state entity that enters into an agreement with a
524 federal agency or subdivision thereof shall comply with the



525 provisions of Section 1 of this act. For the purposes of this
526 subsection, the terms "state entity" and "agreement" have the same
527 meanings as provided in Section 1 of this act.

528 **SECTION 17.** Section 37-33-167, Mississippi Code of 1972, is
529 amended as follows:

530 37-33-167. The State Department of Rehabilitation Services,
531 through the Office of Disability Determination Services, may enter
532 into agreements with the federal Social Security Administration or
533 its successor and other state agencies for the purpose of
534 performing eligibility determinations for Medicaid assistance
535 payments for those persons who qualify therefor under Section
536 43-13-115(4), and may adopt such methods of administration as may
537 be necessary to secure the full benefits of federal appropriations
538 for medical assistance for such persons.

539 Any state entity that enters into an agreement with a federal
540 agency or subdivision thereof shall comply with the provisions of
541 Section 1 of this act. For the purposes of this paragraph, the
542 terms "state entity" and "agreement" have the same meanings as
543 provided in Section 1 of this act.

544 **SECTION 18.** Section 19-5-235, Mississippi Code of 1972, is
545 amended as follows:

546 19-5-235. (1) Any fire protection grading district, acting
547 by and through the board of supervisors on behalf of such district
548 as its governing authority, shall have the following among other
549 powers granted to the board of supervisors:



550 (a) To sue and be sued;

551 (b) To acquire by purchase, gift, devise and lease or
552 any other mode of acquisition, hold and dispose of real and
553 personal property of every kind within or without the district;

554 (c) To make and enter into contracts, conveyances,
555 mortgages, deeds of trust, bonds, leases or contracts for
556 financial advisory services;

557 (d) To incur debts, to borrow money, to issue
558 negotiable bonds and to provide for the rights of the holders
559 thereof;

560 (e) To pledge revenues to the payment of its
561 obligations;

562 (f) To use any right-of-way, public right-of-way,
563 easement or other similar property or property rights necessary or
564 convenient in connection with the acquisition, improvement,
565 operation or maintenance of the facilities of fire protection
566 providers serving such district held by the state or any political
567 subdivision thereof; however, the governing body of such political
568 subdivision shall consent to such use; and

569 (g) To enter into agreements with state and federal
570 agencies for loans, grants, grants-in-aid and other forms of
571 assistance, including but not limited to participation in the sale
572 and purchase of bonds.

573 (2) Any state entity that enters into an agreement with a
574 federal agency or subdivision thereof shall comply with the



575 provisions of Section 1 of this act. For the purposes of this
576 subsection, the terms "state entity" and "agreement" have the same
577 meanings as provided in Section 1 of this act.

578 **SECTION 19.** Section 33-15-205, Mississippi Code of 1972, is
579 amended as follows:

580 33-15-205. Whenever the President of the United States, at
581 the request of the Governor, has declared an emergency or a major
582 disaster to exist in this state and the declaration includes
583 Individual Assistance, the Governor is authorized:

584 (a) To accept a grant by the federal government,
585 subject to such terms and conditions as may be imposed, including
586 the required final audit by the State Auditor's Office, upon
587 determination and with concurrence by the director that financial
588 assistance is essential to meet disaster-related necessary
589 expenses or serious needs of individuals, families or households
590 adversely affected by a major disaster that cannot be otherwise
591 adequately met from other means of assistance.

592 (b) To enter into an agreement with the federal
593 government, or any officer or agency thereof, pledging the state
594 to participate in the funding of the Other Needs Assistance (ONA)
595 program authorized in the Act, in an amount not to exceed
596 twenty-five percent (25%) thereof, and if state funds are not
597 otherwise available to the Governor, to accept an advance of the
598 state share from the federal government to be repaid when the
599 state is able to do so when appropriated for that purpose.



600 (c) Any state entity that enters into agreements with
601 the federal government under this section shall not be required to
602 comply with the provisions of Section 1 of this act. For the
603 purposes of this paragraph, the terms "state entity" and
604 "agreement" have the same meanings as provided in Section 1 of
605 this act.

606 **SECTION 20.** Section 65-23-305, Mississippi Code of 1972, is
607 amended as follows:

608 65-23-305. (1) Any county of this state bordering on the
609 Pearl River is hereby authorized and empowered, separately or
610 jointly, with any other county of the state bordering on the Pearl
611 River:

612 (a) To plan, construct, operate, and maintain a toll
613 bridge or bridges and adjacent roadways across the flood plain of,
614 and over and across, the Pearl River.

615 (b) To issue bridge revenue bonds of such county or
616 counties, payable from bridge earnings, to pay the cost of such
617 bridges.

618 However, no bonds or liens given under authority of this
619 article shall constitute a lien on any property of such county or
620 counties other than the bridge or bridges constructed under this
621 article, or a pledge of the revenues therefrom.

622 (c) In the event two (2) counties, acting jointly,
623 exercise the powers conferred by this article, all acts shall be



624 authorized by the governing body of each county, and in such event
625 any revenue bonds issued shall be bonds of both of said counties.

626 (d) To enter into contracts and/or agreements with any
627 federal agencies, public agencies, or political subdivisions of
628 any kind, including municipalities, corporations, districts, or
629 others, for any financing, construction, operation, or maintenance
630 requirements.

631 (2) Any state entity that enters into an agreement with a
632 federal agency or subdivision thereof shall comply with the
633 provisions of Section 1 of this act. For the purposes of this
634 subsection, the terms "state entity" and "agreement" have the same
635 meanings as provided in Section 1 of this act.

636 **SECTION 21.** Section 51-4-15, Mississippi Code of 1972, is
637 amended as follows:

638 51-4-15. (1) The department shall administer this chapter
639 and may promulgate regulations for the specific powers granted
640 under this chapter. In the process of administering the Scenic
641 Streams Stewardship Program, the department shall consider,
642 protect and ensure protection of the rights of private ownership
643 and of the voluntary participants in the Scenic Streams
644 Stewardship Programs.

645 (2) The department may enter into agreements with local,
646 state and federal agencies, and private landowners, for the mutual
647 management of a scenic stream. An agency which has administrative
648 jurisdiction over lands or interests in land along a state scenic



649 stream must assist the department to implement the policies and
650 practices of this chapter.

651 (3) Any state entity that enters into an agreement with a
652 federal agency or subdivision thereof shall comply with the
653 provisions of Section 1 of this act. For the purposes of this
654 subsection, the terms "state entity" and "agreement" have the same
655 meanings as provided in Section 1 of this act.

656 **SECTION 22.** Section 49-4-13, Mississippi Code of 1972, is
657 amended as follows:

658 49-4-13. (1) Effective July 1, 1979, the executive director
659 of the Department of Wildlife, Fisheries and Parks shall have the
660 following powers and duties:

661 (a) To supervise and direct all administrative and
662 technical activities of the department;

663 (b) To employ, subject to the approval of the
664 commission, qualified professional personnel in the subject matter
665 or fields, and such other technical and clerical staff as may be
666 required for the operation of the department;

667 (c) To coordinate all studies in the State of
668 Mississippi concerned with the supply, development, use and
669 conservation of wildlife, fisheries and parks;

670 (d) To prepare and deliver to the Legislature and the
671 Governor on or before January 1 of each year, and at such other
672 times as may be required by the Legislature or Governor, a full
673 report of the work of the department, including a detailed



674 statement of expenditures of the department and any
675 recommendations the department may have;

676 (e) To enter into cooperative agreements with any
677 federal or state agency or subdivision thereof, or any public or
678 private institution located inside or outside the State of
679 Mississippi, or any person, corporation or association in
680 connection with studies and investigations pertaining to wildlife,
681 fisheries and parks, provided the agreements do not have a
682 financial cost in excess of the amounts appropriated for such
683 purposes by the Legislature;

684 (f) In his discretion, to enter into an affinity
685 relationship with a credit card issuer and to expend funds derived
686 therefrom to improve wildlife management areas; and

687 (g) To carry out all regulations and rules adopted by
688 the commission and enforce all licenses and permits issued by the
689 commission.

690 (2) Any state entity that enters into an agreement with a
691 federal agency or subdivision thereof shall comply with the
692 provisions of Section 1 of this act. For the purposes of this
693 subsection, the terms "state entity" and "agreement" have the same
694 meanings as provided in Section 1 of this act.

695 **SECTION 23.** Section 37-33-21, Mississippi Code of 1972, is
696 amended as follows:

697 37-33-21. The state board, through the Office of Vocational
698 Rehabilitation, shall cooperate under agreements with the federal



699 government in carrying out the purposes of any federal statutes
700 pertaining to vocational rehabilitation, and may adopt such
701 methods of administration as are found by the federal government
702 to be necessary for the proper and efficient operation of such
703 agreements or plans for vocational rehabilitation and comply with
704 such conditions as may be necessary to secure the full benefits of
705 those federal statutes and appropriations, administer any
706 legislation pursuant thereto enacted by the State of Mississippi,
707 direct the disbursement and administer the use of all funds
708 provided by the federal government or this state for the
709 vocational rehabilitation of individuals with disabilities of this
710 state and do all things necessary to insure the vocational
711 rehabilitation of individuals with disabilities.

712 Any state entity that enters into an agreement with a federal
713 agency or subdivision thereof shall comply with the provisions of
714 Section 1 of this act. For the purposes of this paragraph, the
715 terms "state entity" and "agreement" have the same meanings as
716 provided in Section 1 of this act.

717 **SECTION 24.** Section 57-49-31, Mississippi Code of 1972, is
718 amended as follows:

719 57-49-31. (1) The board shall negotiate separate agreements
720 with the federal Department of Energy concerning different stages
721 of the process of evaluating and selecting a site for the
722 long-term or temporary storage and/or permanent disposal of
723 high-level radioactive waste or transuranic waste. The board



724 shall negotiate a separate agreement with the federal Department
725 of Energy for the final stages of the selection of any site for
726 the long-term or temporary storage and/or permanent disposal of
727 high-level radioactive waste or transuranic waste.

728 (2) Any agreement negotiated by the board with the federal
729 Department of Energy under Section 57-49-29 shall include, but not
730 be limited to:

731 (a) A specification of those procedures:

732 (i) By which the state may study, determine,
733 comment on, and make recommendations with regard to the possible
734 public health and safety, environmental, social, and economic
735 impacts of any such facility for the long-term or temporary
736 storage and/or permanent disposal of high-level radioactive waste
737 or transuranic waste;

738 (ii) By which the Secretary of Energy shall
739 consider and respond to comments and recommendations made by the
740 state, including the period in which the secretary shall so
741 respond;

742 (iii) By which the Secretary of Energy and the
743 state may review and/or modify the agreement periodically;

744 (iv) By which the state is to submit an impact
745 report and request for impact assistance;

746 (v) By which the Secretary of Energy shall assist
747 the state and the units of general local government in the
748 vicinity of the site under consideration for the long-term or



749 temporary storage and/or permanent disposal of high-level
750 radioactive waste or transuranic waste, in resolving the offsite
751 concerns of the state and units of general local government,
752 including, but not limited to, questions of state liability
753 arising from accidents, necessary road upgrading and access to the
754 site, ongoing emergency preparedness and emergency response,
755 monitoring of transportation of high-level radioactive waste and
756 spent nuclear fuel through the state, conduct of baseline health
757 studies of inhabitants in neighboring communities near the site
758 and reasonable periodic monitoring thereafter, and monitoring of
759 said site upon any decommissioning and decontamination;

760 (vi) By which the Secretary of Energy shall
761 consult and cooperate with the state on a regular, ongoing basis
762 and provide for an orderly process and timely schedule for state
763 review and evaluation, including identification in the agreement
764 of key events, milestones, and decision points in the activities
765 of the Secretary of Energy at the potential site;

766 (vii) By which the Secretary of Energy shall
767 notify the state prior to the transportation of any high-level
768 radioactive waste and spent nuclear fuel into or through the
769 state;

770 (viii) By which the state may conduct reasonable
771 independent monitoring and testing of activities on the site,
772 except that such monitoring and testing shall not unreasonably
773 interfere with or delay onsite activities;



774 (ix) For sharing, in accordance with applicable
775 law, of all technical and licensing information, the utilization
776 of available expertise, the facilitating of permit procedures,
777 joint project review, and the formulation of joint surveillance
778 and monitoring arrangements to carry out applicable federal and
779 state laws;

780 (x) For public notification of the procedures
781 specified under the preceding subparagraphs; and

782 (xi) For resolving objections of the state at any
783 stage of the planning, siting and development of any facility for
784 the long-term or temporary storage or permanent disposal of
785 high-level radioactive waste or transuranic waste within the
786 state.

787 (b) The criteria that the federal Department of Energy
788 shall use in evaluating the suitability of any site in the state
789 for the long-term or temporary storage and/or permanent disposal
790 of high-level radioactive waste or transuranic waste;

791 (c) A requirement that the federal Department of Energy
792 shall comply with all federal laws, state laws and local
793 ordinances and shall respect state sovereignty consistent with the
794 United States Constitution and the Tenth Amendment, regardless of
795 the ownership of the land on which the activity takes place;

796 (d) A requirement that the federal Department of Energy
797 and any of its contractors or subcontractors shall provide the
798 board with all reports and documents the board requests and any



799 other relevant reports and documents in a timely manner and in
800 accordance with any applicable law, regulation or rule. The
801 requirement shall specify that the federal Department of Energy
802 may not charge a fee for searching for or for supplying reports
803 and documents requested by the board. The requirement shall
804 specify that the federal Department of Energy shall provide the
805 board with all reports and documents the board requests and any
806 other relevant reports and documents from contractors and
807 subcontractors after the reports and documents are submitted to
808 the federal Department of Energy regardless of whether the reports
809 and documents have received the final approval of the Department
810 of Energy;

811 (e) A requirement that, upon request by the board, the
812 federal Department of Energy shall provide the data, methods and
813 underlying assumptions used in the preparation of reports and
814 documents in accordance with any applicable law, regulation or
815 rule;

816 (f) A requirement that the federal Department of Energy
817 shall notify the board of any grants related to the long-term or
818 temporary storage and/or permanent disposal of high-level
819 radioactive waste and transuranic waste from the federal
820 Department of Energy to any person in this state;

821 (g) A requirement that the federal Department of Energy
822 shall notify the board in a timely manner of any proposed field
823 work, on-site evaluation, on-site testing or similar activities it



824 or any contractor or subcontractor intends to conduct and a
825 requirement that the federal Department of Energy shall allow the
826 board to monitor these activities by any appropriate means;

827 (h) A requirement that the federal Department of Energy
828 shall provide the board in a timely manner with a copy of any
829 requests for proposals and final contracts issued by the federal
830 Department of Energy relating to the evaluation, selection or
831 construction of a site for the long-term or temporary storage
832 and/or permanent disposal of high-level radioactive waste or
833 transuranic waste in this state;

834 (i) A provision that the federal Department of Energy
835 shall agree to provide funds to be used to provide educational
836 programs as set forth in Section 117 of Public Law 97-425, and to
837 review the activities of the federal Department of Energy and its
838 contractors and subcontractors which relate to assessing the
839 suitability of the site(s) for the long-term or temporary storage
840 and/or permanent disposal of high-level radioactive waste or
841 transuranic waste;

842 (j) A requirement that the federal Department of Energy
843 and the board shall identify impacts associated with studies
844 related to the characterization of an area or site(s) for its
845 potential as a repository or the impacts associated with the
846 development of a site as a repository for the long-term or
847 temporary storage and/or permanent disposal of high-level
848 radioactive waste or transuranic waste and that the federal



849 Department of Energy will provide a mechanism to mitigate those
850 impacts;

851 (k) A requirement that if the federal Department of
852 Energy selects a site in the state for construction of a
853 repository for the long-term or temporary storage and/or permanent
854 disposal of high-level radioactive waste or transuranic waste, the
855 federal Department of Energy shall prepare, prior to submission of
856 an application to license or construct the repository, a
857 repository plan which shall include descriptions of the federal
858 Department of Energy's plans for construction of the repository,
859 transportation of wastes to the repository, operation of the
860 repository, closing of the repository and monitoring the
861 repository after closure;

862 (1) A requirement that the location of any site for the
863 long-term or temporary storage and/or permanent disposal of
864 high-level radioactive or transuranic waste shall not be in a
865 highly populated area; and

866 (3) Any agreement negotiated by the board with the federal
867 Department of Energy under Section 57-49-29 shall include a
868 provision which acknowledges the authority of the Governor or the
869 Legislature to object to the selection of a site within this state
870 for the long-term or temporary storage and/or permanent disposal
871 of high-level radioactive waste and transuranic waste.



872 (4) Any agreement negotiated by the board with the federal
873 Department of Energy shall be in compliance with the requirements
874 or standards prescribed in this section.

875 (5) Any state entity that enters into an agreement with a
876 federal agency or subdivision thereof shall comply with the
877 provisions of Section 1 of this act. For the purposes of this
878 subsection, the terms "state entity" and "agreement" have the same
879 meanings as provided in Section 1 of this act.

880 **SECTION 25.** Section 59-7-203, Mississippi Code of 1972, is
881 amended as follows:

882 59-7-203. Where any county in connection with any such flood
883 control project has given or may give assurances of local
884 cooperation required by the federal authorities, as authorized by
885 law, the board of supervisors of such county shall have the added
886 power and authority, if necessary or desirable for the fulfillment
887 of such assurances, to acquire all lands and easements and
888 rights-of-way, and the fee title to such lands where advisable,
889 either by purchase or by condemnation and, if by condemnation,
890 according to the existing statutes applicable to the acquisition
891 by counties of property for public use.

892 Where any county of the state which operates any such project
893 has been required to give its assurances by the federal
894 authorities or other agency of the government of the United States
895 of local cooperation and participation in any such project by
896 agreeing to pay any part of the construction costs of such project



897 or projects, then the board of supervisors of such county shall
898 have the added power and authority, if necessary and desirable for
899 the fulfillment of such assurances, to sign agreements with such
900 federal authorities or other agency of the government of the
901 United States whereby such participating county agrees to pay its
902 part of the cost of such construction or any fractional part
903 thereof, including interest of not more than three per cent (3%)
904 per annum, and provided further that said assurances shall be due
905 and payable within the primary term of forty (40) years from the
906 time such assurances are given.

907 Any state entity that enters into an agreement with a federal
908 agency or subdivision thereof shall comply with the provisions of
909 Section 1 of this act. For the purposes of this paragraph, the
910 terms "state entity" and "agreement" have the same meanings as
911 provided in Section 1 of this act.

912 **SECTION 26.** Section 49-28-19, Mississippi Code of 1972, is
913 amended as follows:

914 49-28-19. (1) Any district created under this chapter,
915 acting by and through the board of commissioners of the district
916 as its governing authority, shall have the following powers and
917 duties:

918 (a) To sue and be sued;

919 (b) To adopt an official seal with which to attest the
920 official acts and records of the board and district;



921 (c) To acquire by purchase, gift, devise and lease or
922 any other mode of acquisition, other than by eminent domain, hold
923 and dispose of real and personal property of every kind inside or
924 outside the district;

925 (d) To make and enter into contracts, conveyances,
926 mortgages, deeds of trust, bonds, leases or contracts for
927 financial advisory services;

928 (e) To incur debts, to borrow money, to issue
929 negotiable special improvement bonds, and to provide for the
930 rights of the holders of those bonds;

931 (f) To fix, maintain, collect and revise charges and
932 assessments for services rendered by or through the district;

933 (g) To pledge all or any part of the revenues of the
934 district to the payment of its obligations;

935 (h) To make any covenants in connection with the
936 issuance of bonds or to secure the payment of bonds that a private
937 business corporation can make under the general laws of the state;

938 (i) To use any right-of-way, public right-of-way,
939 easement, or other similar property or property rights held by the
940 state or any political subdivision of the state necessary or
941 convenient in connection with any project conducted by the
942 district; however, the governing body of the political subdivision
943 must first consent to the use;

944 (j) To enter into agreements with state and federal
945 agencies for loans, grants, grants-in-aid, and other forms of



946 assistance including, but not limited to, participation in the
947 sale and purchase of bonds;

948 (k) To be deemed to have the same status as counties
949 and municipalities with respect to payment of sales taxes on
950 purchases made by the district;

951 (l) To do all acts necessary, proper or convenient in
952 the exercise of the powers granted under this chapter;

953 (m) To contract with the United States of America, or
954 any agency of the United States of America, the State of
955 Mississippi, or any political subdivision of the State of
956 Mississippi, or any agency, commission, authority, board or other
957 entity thereof, or any municipality or municipalities, for any
958 purpose under this chapter; and

959 (n) To contract with any person, partnership,
960 corporation or other entity for the planning, design,
961 construction, operation, maintenance or improvement of any project
962 of the district, upon any terms, conditions and covenants as may
963 be agreed upon by the contracting parties.

964 (2) Any district created under this chapter shall be vested
965 with all the powers necessary and requisite for the accomplishment
966 of the purpose for which the district is created. No enumeration
967 of powers in this section shall be construed to impair or limit
968 any general grant of power contained in this section nor to limit
969 any grant to a power or powers of the same class or classes as
970 those enumerated.



971 (3) Any state entity that enters into an agreement with a
972 federal agency or subdivision thereof shall comply with the
973 provisions of Section 1 of this act. For the purposes of this
974 subsection, the terms "state entity" and "agreement" have the same
975 meanings as provided in Section 1 of this act.

976 **SECTION 27.** Section 73-63-17, Mississippi Code of 1972, is
977 amended as follows:

978 73-63-17. (1) The board shall have the following powers and
979 duties:

980 (a) To adopt, modify, repeal and promulgate, after due
981 notice and hearing and in accordance with the Mississippi
982 Administrative Procedures Law, and where not otherwise prohibited
983 by federal or state law to make exceptions to and grant exemptions
984 and variances from, and to enforce rules and regulations
985 implementing the powers and duties of the board under this
986 chapter, including rules governing the conduct of its business and
987 meetings;

988 (b) To adopt an official seal and alter that seal at
989 the pleasure of the board;

990 (c) To apply for, receive and expend any federal or
991 state funds or contributions, gifts, devises, bequests or funds
992 from any other source;

993 (d) To enter into, and to authorize the executive
994 director to execute contracts, grants and cooperative agreements
995 with any federal or state agency, any public or private



996 institution, or any other person to carry out this chapter. The
997 board shall not provide any funds for special interest groups to
998 lobby or otherwise promote the group's special interests;

999 (e) To employ, in its discretion, an executive director
1000 and other qualified technical, professional and clerical
1001 personnel, including investigators and expert witnesses, as may be
1002 required for the operation of the board;

1003 (f) To establish, charge, collect and revise reasonable
1004 and necessary fees to applicants and registrants to support the
1005 administration and enforcement of this chapter;

1006 (g) To identify specialties and to establish
1007 qualifications, conduct examinations and issue certificates in
1008 those specialties to qualified applicants and to recognize and
1009 authorize the use of certain geologic designations;

1010 (h) To prepare, administer and grade oral and written
1011 examinations authorized under this chapter;

1012 (i) To issue, reissue, renew, suspend, revoke or deny
1013 the issuance, reissuance or renewal of certificates of
1014 registration or certificates of enrollment;

1015 (j) To authorize the preparation and conduct of
1016 continuing education programs with voluntary participation;

1017 (k) To establish standards of professional conduct;

1018 (l) To investigate complaints of violations of this
1019 chapter, any rule, regulation or written order of the board, any
1020 condition of registration, or standard of professional conduct by



1021 registrants or nonregistrants, as provided in this chapter and to
1022 impose sanctions and penalties for violations, including, but not
1023 limited to, restrictions on the practice of any registrant or any
1024 other person engaged in the practice of geology;

1025 (m) To administer oaths and affirmations, and to issue
1026 subpoenas to compel the attendance of witnesses and the production
1027 of evidence;

1028 (n) To begin and maintain legal actions to enforce this
1029 chapter and to seek injunctions;

1030 (o) To delegate powers, duties or responsibilities to
1031 the executive director as deemed necessary to efficiently
1032 administer this chapter; and

1033 (p) To discharge other powers, duties and
1034 responsibilities provided under this chapter or as necessary to
1035 implement this chapter.

1036 (2) Any state entity that enters into an agreement with a
1037 federal agency or subdivision thereof shall comply with the
1038 provisions of Section 1 of this act. For the purposes of this
1039 subsection, the terms "state entity" and "agreement" have the same
1040 meanings as provided in Section 1 of this act.

1041 **SECTION 28.** Section 47-5-175, Mississippi Code of 1972, is
1042 amended as follows:

1043 47-5-175. The Commissioner of Corrections, with the
1044 concurrence of the Governor, is hereby authorized to enter into
1045 agreements with appropriate federal agencies to provide housing



1046 and incarceration of persons convicted by the courts of
1047 Mississippi and sentenced to the Mississippi Department of
1048 Corrections by such courts under such terms and conditions as may
1049 be prescribed if a determination is made that the best interest of
1050 the State of Mississippi would be served by making such transfer.

1051 Any state entity that enters into an agreement with a federal
1052 agency or subdivision thereof shall comply with the provisions of
1053 Section 1 of this act. For the purposes of this paragraph, the
1054 terms "state entity" and "agreement" have the same meanings as
1055 provided in Section 1 of this act.

1056 **SECTION 29.** Section 49-5-111, Mississippi Code of 1972, is
1057 amended as follows:

1058 49-5-111. (a) The commission shall establish such programs,
1059 including acquisition of land or aquatic habitat, as are deemed
1060 necessary for management of nongame and endangered wildlife. The
1061 commission shall utilize all authority vested in the commission to
1062 carry out the purpose of this section.

1063 (b) In carrying out programs authorized by this section, the
1064 commission may enter into agreements with federal agencies,
1065 political subdivisions of the state, or with private persons for
1066 administration and management of any area established under this
1067 section or utilized for management of nongame or endangered
1068 wildlife.

1069 (c) The Governor shall review other programs administered by
1070 him and, to the extent practicable, utilize such programs in



1071 furtherance of the purposes of this section. The Governor shall
1072 also encourage other state and federal agencies to utilize their
1073 authorities in furtherance of the purposes of this section.

1074 (d) The commission may permit, under such terms and
1075 conditions as may be prescribed by regulation, the taking,
1076 possession, transportation, exportation or shipment of species or
1077 subspecies of wildlife which appear on the state list of
1078 endangered species, on the United States' List of Endangered
1079 Native Fish and Wildlife, as amended and accepted in accordance
1080 with subsection (d) of Section 49-5-109, or on the United States'
1081 List of Endangered Foreign Fish and Wildlife, as such list may be
1082 modified hereafter, for scientific, zoological, or educational
1083 purposes, for propagation in captivity of such wildlife, or for
1084 other special purposes.

1085 (e) Upon good cause shown, and where necessary to alleviate
1086 damage to property or to protect human health, endangered species
1087 may be removed, captured or destroyed but only pursuant to permit
1088 issued by the commission and, where possible, by or under the
1089 supervision of an agent of the commission; provided, that
1090 endangered species may be removed, captured or destroyed without
1091 permit by any person in emergency situations involving an
1092 immediate threat to human life. Provisions for removal, capture
1093 or destruction of nongame wildlife for the purposes set forth
1094 above shall be set forth in regulations issued by the commission
1095 pursuant to subsection (a) of Section 49-5-107.



1096 (f) Any state entity that enters into an agreement with a
1097 federal agency or subdivision thereof shall comply with the
1098 provisions of Section 1 of this act. For the purposes of this
1099 subsection, the terms "state entity" and "agreement" have the same
1100 meanings as provided in Section 1 of this act.

1101 **SECTION 30.** Section 37-138-9, Mississippi Code of 1972, is
1102 amended as follows:

1103 37-138-9. (1) The commission shall administer and enforce
1104 this chapter and shall have the following powers and duties under
1105 this chapter:

1106 (a) To adopt, modify, repeal and promulgate, after due
1107 notice and hearing, and where not otherwise prohibited by federal
1108 or state law, to make exceptions to and grant exemptions and
1109 variances from, and to enforce rules and regulations implementing
1110 or effectuating the powers and duties of the commission under this
1111 chapter, including but not limited to rules and regulations
1112 concerning the required accreditation training, the issuance and
1113 annual renewal of certificates, the assessment of annual fees and
1114 the assessment of penalties, reprimands, and the suspension and
1115 revocation of certificates, abatement emergencies and the
1116 exclusion of minor abatement and/or routine maintenance activities
1117 at commercial buildings, industrial facilities, public buildings
1118 and school buildings from any requirements of this chapter;

1119 (b) To issue certificates for the positions of
1120 management planner, project designer, air monitor, contractor,



1121 supervisor, inspector and worker and to renew said certificates
1122 annually;

1123 (c) To assess penalties, to issue reprimands and to
1124 suspend and revoke certificates;

1125 (d) To assess annual fees for the issuance and annual
1126 renewal of certificates;

1127 (e) To approve the accreditation of training courses
1128 administered to applicants for issuance and annual renewal of
1129 certificates and to develop an examination and grading system for
1130 testing applicants, to be administered by the designated
1131 university;

1132 (f) Administration and expenditure of funds deposited
1133 in and expended by legislative appropriation from the Asbestos
1134 Abatement Accreditation and Certification Fund;

1135 (g) Reciprocal arrangements for accreditation and
1136 certification of management planners, project designers, air
1137 monitors, contractors, supervisors, inspectors and workers with
1138 other states that have established accreditation and certification
1139 programs that meet or exceed the accreditation and certification
1140 requirements of this chapter;

1141 (h) To apply for, receive and expend any federal or
1142 state funds or contributions, gifts, devises, bequests or funds
1143 from any other source relating to this chapter;

1144 (i) To commission or conduct studies relating to this
1145 chapter;



1146 (j) To enter into, and to authorize the executive
1147 director to execute with the approval of the commission,
1148 contracts, grants and cooperative agreements with any federal or
1149 state agency or subdivision thereof, or any public or private
1150 institution located inside or outside the State of Mississippi, or
1151 any person, corporation or association in connection with carrying
1152 out the provisions of this chapter; but this authority under this
1153 chapter shall not include contracts, grants or cooperative
1154 agreements which do not develop data or information usable by the
1155 commission in connection with this chapter, or which provide
1156 goods, services or facilities to the commission or any of its
1157 bureaus, and shall exclude any monies for special interest groups
1158 for purposes of lobbying or otherwise promoting their special
1159 interests; and

1160 (k) To discharge such other duties, responsibilities
1161 and powers as are necessary to implement the provisions of this
1162 chapter.

1163 (2) Any state entity that enters into an agreement with a
1164 federal agency or subdivision thereof shall comply with the
1165 provisions of Section 1 of this act. For the purposes of this
1166 subsection, the terms "state entity" and "agreement" have the same
1167 meanings as provided in Section 1 of this act.

1168 **SECTION 31.** Section 49-2-13, Mississippi Code of 1972, is
1169 amended as follows:



1170 49-2-13. (1) The executive director shall have the
1171 following powers and duties:

1172 (a) To administer the policies of the commission within
1173 the authority granted by the commission;

1174 (b) To supervise and direct all administrative and
1175 technical activities of the department;

1176 (c) To organize the administrative units of the
1177 department in accordance with the plan adopted by the commission
1178 and, with commission approval, alter such organizational plan and
1179 reassign responsibilities as he may deem necessary to carry out
1180 the policies of the commission;

1181 (d) To coordinate the activities of the various offices
1182 of the department;

1183 (e) To employ, subject to the approval of the
1184 commission, qualified professional personnel in the subject matter
1185 or fields of each office, and such other technical and clerical
1186 staff as may be required for the operation of the department;

1187 (f) To recommend to the commission such studies and
1188 investigations as he may deem appropriate, and to carry out the
1189 approved recommendations in conjunction with the various offices;

1190 (g) To merge and coordinate functions and duties where
1191 possible to eliminate the possibility of two (2) separate
1192 organizational entities performing the same or similar functions,
1193 including, but not limited to, functions of audit, inspection,
1194 collection, personnel, motor vehicles, accounting, data



1195 processing, payroll and any other such administrative, procedural
1196 or enforcement function;

1197 (h) To coordinate all studies in the State of
1198 Mississippi concerned with the supply, development, use and
1199 conservation of natural resources within the jurisdiction of the
1200 department;

1201 (i) To prepare and deliver to the Legislature and the
1202 Governor on or before January 1 of each year, and at such other
1203 times as may be required by the Legislature or Governor, a full
1204 report of the work of the department and the offices thereof,
1205 including a detailed statement of expenditures of the department
1206 and any recommendations the commission may have;

1207 (j) To issue, modify or revoke any and all orders under
1208 authority granted by the commission which include, but are not
1209 limited to those which (i) prohibit, control or abate discharges
1210 of contaminants and wastes into the air and waters of the state;
1211 (ii) require the construction of new disposal systems or
1212 air-cleaning devices or any parts thereof, or the modification,
1213 extension or alteration of existing disposal systems or
1214 air-cleaning devices or any parts thereof, or the adoption of
1215 other remedial measures to prevent, control or abate air and water
1216 pollution or to cause the proper management of solid wastes; (iii)
1217 impose penalties pursuant to Section 17-17-29 and Section 49-17-43
1218 which have been agreed upon with alleged violators; and (iv)
1219 require compliance with the conditions of any permit issued by the



1220 Permit Board created in Section 49-17-28 and all regulations of
1221 the commission; and

1222 (k) With the approval of the commission, to enter into
1223 contracts, grants and cooperative agreements with any federal or
1224 state agency or subdivision thereof, or any public or private
1225 institution located inside or outside the State of Mississippi, or
1226 any person, corporation or association in connection with carrying
1227 out the provisions of this chapter, provided the agreements do not
1228 have a financial cost in excess of the amounts appropriated for
1229 such purposes by the Legislature.

1230 (2) Any state entity that enters into an agreement with a
1231 federal agency or subdivision thereof shall comply with the
1232 provisions of Section 1 of this act. For the purposes of this
1233 subsection, the terms "state entity" and "agreement" have the same
1234 meanings as provided in Section 1 of this act.

1235 **SECTION 32.** Section 37-33-165, Mississippi Code of 1972, is
1236 amended as follows:

1237 37-33-165. (1) The State Department of Rehabilitation
1238 Services, through the Office of Disability Determination Services,
1239 shall cooperate pursuant to agreements with the federal Social
1240 Security Administration or its successor in carrying out
1241 responsibilities relating to the processing and rendering
1242 decisions on all Mississippi applications for Social Security
1243 Disability Benefits and Supplemental Security Income pursuant to
1244 Title II and Title XVI of the federal Social Security Act, as



1245 amended, and is authorized to adopt such methods of administration
1246 as are found by the federal government to be necessary for the
1247 proper and efficient operation of such disability programs and to
1248 comply with such conditions and federal regulations as may be
1249 necessary to secure the full benefits of such federal statutes and
1250 appropriations. In complying with such federal administrative
1251 standards, the office shall assume the following responsibilities:

1252 (a) Provide management needed to ensure that the office
1253 carries out the disability determination function under the
1254 various provisions of the federal Social Security Act so that
1255 disability determinations are made accurately and promptly;

1256 (b) Provide an organizational structure, adequate
1257 facilities, qualified personnel, medical consultant services and
1258 quality assurances;

1259 (c) Furnish reports and records relating to the
1260 administration of the disability program;

1261 (d) Submit budgets;

1262 (e) Cooperate with audits;

1263 (f) Ensure that all applicants for and recipients of
1264 disability benefits are treated equally;

1265 (g) Account for property used for disability program
1266 purposes;

1267 (h) Provide for the advancement of travel expense funds
1268 and other services as deemed necessary;

1269 (i) Take part in research and demonstration projects;



1270 (j) Coordinate with other state agencies;
1271 (k) Protect records and confidential information
1272 created by the office in performing the disability determination
1273 function;

1274 (l) Maintain liaison with the medical profession and
1275 organizations that may facilitate performing the disability
1276 determination function; and

1277 (m) Comply with other provisions of the federal law and
1278 regulations in performing the disability determination function in
1279 order to promote effective and uniform administration.

1280 (2) Any state entity that enters into an agreement with a
1281 federal agency or subdivision thereof shall comply with the
1282 provisions of Section 1 of this act. For the purposes of this
1283 subsection, the terms "state entity" and "agreement" have the same
1284 meanings as provided in Section 1 of this act.

1285 **SECTION 33.** Section 37-33-61, Mississippi Code of 1972, is
1286 amended as follows:

1287 37-33-61. The department, through the office, shall
1288 cooperate, under agreements with the federal government, in
1289 carrying out the purposes of any federal statutes pertaining to
1290 vocational rehabilitation of individuals who are blind, and is
1291 authorized to adopt such methods of administration as are found by
1292 the federal government to be necessary for the proper and
1293 efficient operation of those agreements or plans for vocational
1294 rehabilitation and to comply with such conditions as may be



1295 necessary to secure the full benefits of those federal statutes
1296 and appropriations, to administer any legislation under those
1297 federal statutes and appropriations that is enacted by the State
1298 of Mississippi, to direct the disbursement and administer the use
1299 of all funds provided by the federal government or this state for
1300 the vocational rehabilitation of individuals who are blind in this
1301 state, and to do all things necessary to insure the vocational
1302 rehabilitation of individuals who are blind.

1303 Any state entity that enters into an agreement with a federal
1304 agency or subdivision thereof shall comply with the provisions of
1305 Section 1 of this act. For the purposes of this paragraph, the
1306 terms "state entity" and "agreement" have the same meanings as
1307 provided in Section 1 of this act.

1308 **SECTION 34.** Section 41-3-15, Mississippi Code of 1972, is
1309 amended as follows:

1310 41-3-15. (1) (a) There shall be a State Department of
1311 Health.

1312 (b) The State Board of Health shall have the following
1313 powers and duties:

1314 (i) To formulate the policy of the State
1315 Department of Health regarding public health matters within the
1316 jurisdiction of the department;

1317 (ii) To adopt, modify, repeal and promulgate,
1318 after due notice and hearing, and enforce rules and regulations
1319 implementing or effectuating the powers and duties of the



1320 department under any and all statutes within the department's
1321 jurisdiction, and as the board may deem necessary;

1322 (iii) To apply for, receive, accept and expend any
1323 federal or state funds or contributions, gifts, trusts, devises,
1324 bequests, grants, endowments or funds from any other source or
1325 transfers of property of any kind;

1326 (iv) To enter into, and to authorize the executive
1327 officer to execute contracts, grants and cooperative agreements
1328 with any federal or state agency or subdivision thereof, or any
1329 public or private institution located inside or outside the State
1330 of Mississippi, or any person, corporation or association in
1331 connection with carrying out the provisions of this chapter, if it
1332 finds those actions to be in the public interest and the contracts
1333 or agreements do not have a financial cost that exceeds the
1334 amounts appropriated for those purposes by the Legislature;

1335 (v) To appoint, upon recommendation of the
1336 Executive Officer of the State Department of Health, a Director of
1337 Internal Audit who shall be either a Certified Public Accountant
1338 or Certified Internal Auditor, and whose employment shall be
1339 continued at the discretion of the board, and who shall report
1340 directly to the board, or its designee; and

1341 (vi) To discharge such other duties,
1342 responsibilities and powers as are necessary to implement the
1343 provisions of this chapter.



1344 (c) The Executive Officer of the State Department of
1345 Health shall have the following powers and duties:

1346 (i) To administer the policies of the State Board
1347 of Health within the authority granted by the board;

1348 (ii) To supervise and direct all administrative
1349 and technical activities of the department, except that the
1350 department's internal auditor shall be subject to the sole
1351 supervision and direction of the board;

1352 (iii) To organize the administrative units of the
1353 department in accordance with the plan adopted by the board and,
1354 with board approval, alter the organizational plan and reassign
1355 responsibilities as he or she may deem necessary to carry out the
1356 policies of the board;

1357 (iv) To coordinate the activities of the various
1358 offices of the department;

1359 (v) To employ, subject to regulations of the State
1360 Personnel Board, qualified professional personnel in the subject
1361 matter or fields of each office, and such other technical and
1362 clerical staff as may be required for the operation of the
1363 department. The executive officer shall be the appointing
1364 authority for the department, and shall have the power to delegate
1365 the authority to appoint or dismiss employees to appropriate
1366 subordinates, subject to the rules and regulations of the State
1367 Personnel Board;



1368 (vi) To recommend to the board such studies and
1369 investigations as he or she may deem appropriate, and to carry out
1370 the approved recommendations in conjunction with the various
1371 offices;

1372 (vii) To prepare and deliver to the Legislature
1373 and the Governor on or before January 1 of each year, and at such
1374 other times as may be required by the Legislature or Governor, a
1375 full report of the work of the department and the offices thereof,
1376 including a detailed statement of expenditures of the department
1377 and any recommendations the board may have;

1378 (viii) To prepare and deliver to the Chairmen of
1379 the Public Health and Welfare/Human Services Committees of the
1380 Senate and House on or before January 1 of each year, a plan for
1381 monitoring infant mortality in Mississippi and a full report of
1382 the work of the department on reducing Mississippi's infant
1383 mortality and morbidity rates and improving the status of maternal
1384 and infant health; and

1385 (ix) To enter into contracts, grants and
1386 cooperative agreements with any federal or state agency or
1387 subdivision thereof, or any public or private institution located
1388 inside or outside the State of Mississippi, or any person,
1389 corporation or association in connection with carrying out the
1390 provisions of this chapter, if he or she finds those actions to be
1391 in the public interest and the contracts or agreements do not have
1392 a financial cost that exceeds the amounts appropriated for those



1393 purposes by the Legislature. Each contract or agreement entered
1394 into by the executive officer shall be submitted to the board
1395 before its next meeting.

1396 (2) The State Board of Health shall have the authority to
1397 establish an Office of Rural Health within the department. The
1398 duties and responsibilities of this office shall include the
1399 following:

1400 (a) To collect and evaluate data on rural health
1401 conditions and needs;

1402 (b) To engage in policy analysis, policy development
1403 and economic impact studies with regard to rural health issues;

1404 (c) To develop and implement plans and provide
1405 technical assistance to enable community health systems to respond
1406 to various changes in their circumstances;

1407 (d) To plan and assist in professional recruitment and
1408 retention of medical professionals and assistants; and

1409 (e) To establish information clearinghouses to improve
1410 access to and sharing of rural health care information.

1411 (3) The State Board of Health shall have general supervision
1412 of the health interests of the people of the state and to exercise
1413 the rights, powers and duties of those acts which it is authorized
1414 by law to enforce.

1415 (4) The State Board of Health shall have authority:

1416 (a) To make investigations and inquiries with respect
1417 to the causes of disease and death, and to investigate the effect



1418 of environment, including conditions of employment and other
1419 conditions that may affect health, and to make such other
1420 investigations as it may deem necessary for the preservation and
1421 improvement of health.

1422 (b) To make such sanitary investigations as it may,
1423 from time to time, deem necessary for the protection and
1424 improvement of health and to investigate nuisance questions that
1425 affect the security of life and health within the state.

1426 (c) To direct and control sanitary and quarantine
1427 measures for dealing with all diseases within the state possible
1428 to suppress same and prevent their spread.

1429 (d) To obtain, collect and preserve such information
1430 relative to mortality, morbidity, disease and health as may be
1431 useful in the discharge of its duties or may contribute to the
1432 prevention of disease or the promotion of health in this state.

1433 (e) To charge and collect reasonable fees for health
1434 services, including immunizations, inspections and related
1435 activities, and the board shall charge fees for those services;
1436 however, if it is determined that a person receiving services is
1437 unable to pay the total fee, the board shall collect any amount
1438 that the person is able to pay. Any increase in the fees charged
1439 by the board under this paragraph shall be in accordance with the
1440 provisions of Section 41-3-65.

1441 (f) (i) To establish standards for, issue permits and
1442 exercise control over, any cafes, restaurants, food or drink



1443 stands, sandwich manufacturing establishments, and all other
1444 establishments, other than churches, church-related and private
1445 schools, and other nonprofit or charitable organizations, where
1446 food or drink is regularly prepared, handled and served for pay;
1447 and

1448 (ii) To require that a permit be obtained from the
1449 Department of Health before those persons begin operation. If any
1450 such person fails to obtain the permit required in this
1451 subparagraph (ii), the State Board of Health, after due notice and
1452 opportunity for a hearing, may impose a monetary penalty not to
1453 exceed One Thousand Dollars (\$1,000.00) for each violation.
1454 However, the department is not authorized to impose a monetary
1455 penalty against any person whose gross annual prepared food sales
1456 are less than Five Thousand Dollars (\$5,000.00). Money collected
1457 by the board under this subparagraph (ii) shall be deposited to
1458 the credit of the State General Fund of the State Treasury.

1459 (g) To promulgate rules and regulations and exercise
1460 control over the production and sale of milk pursuant to the
1461 provisions of Sections 75-31-41 through 75-31-49.

1462 (h) On presentation of proper authority, to enter into
1463 and inspect any public place or building where the State Health
1464 Officer or his representative deems it necessary and proper to
1465 enter for the discovery and suppression of disease and for the
1466 enforcement of any health or sanitary laws and regulations in the
1467 state.



1468 (i) To conduct investigations, inquiries and hearings,
1469 and to issue subpoenas for the attendance of witnesses and the
1470 production of books and records at any hearing when authorized and
1471 required by statute to be conducted by the State Health Officer or
1472 the State Board of Health.

1473 (j) To promulgate rules and regulations, and to collect
1474 data and information, on (i) the delivery of services through the
1475 practice of telemedicine; and (ii) the use of electronic records
1476 for the delivery of telemedicine services.

1477 (k) To enforce and regulate domestic and imported fish
1478 as authorized under Section 69-7-601 et seq.

1479 (5) (a) The State Board of Health shall have the authority,
1480 in its discretion, to establish programs to promote the public
1481 health, to be administered by the State Department of Health.
1482 Specifically, those programs may include, but shall not be limited
1483 to, programs in the following areas:

1484 (i) Maternal and child health;

1485 (ii) Family planning;

1486 (iii) Pediatric services;

1487 (iv) Services to crippled and disabled children;

1488 (v) Control of communicable and noncommunicable
1489 disease;

1490 (vi) Chronic disease;

1491 (vii) Accidental deaths and injuries;

1492 (viii) Child care licensure;



1493 (ix) Radiological health;
1494 (x) Dental health;
1495 (xi) Milk sanitation;
1496 (xii) Occupational safety and health;
1497 (xiii) Food, vector control and general
1498 sanitation;
1499 (xiv) Protection of drinking water;
1500 (xv) Sanitation in food handling establishments
1501 open to the public;
1502 (xvi) Registration of births and deaths and other
1503 vital events;
1504 (xvii) Such public health programs and services as
1505 may be assigned to the State Board of Health by the Legislature or
1506 by executive order; and
1507 (xviii) Regulation of domestic and imported fish
1508 for human consumption.
1509 (b) The State Board of Health and State Department of
1510 Health shall not be authorized to sell, transfer, alienate or
1511 otherwise dispose of any of the home health agencies owned and
1512 operated by the department on January 1, 1995, and shall not be
1513 authorized to sell, transfer, assign, alienate or otherwise
1514 dispose of the license of any of those home health agencies,
1515 except upon the specific authorization of the Legislature by an
1516 amendment to this section. However, this paragraph (b) shall not
1517 prevent the board or the department from closing or terminating



1518 the operation of any home health agency owned and operated by the
1519 department, or closing or terminating any office, branch office or
1520 clinic of any such home health agency, or otherwise discontinuing
1521 the providing of home health services through any such home health
1522 agency, office, branch office or clinic, if the board first
1523 demonstrates that there are other providers of home health
1524 services in the area being served by the department's home health
1525 agency, office, branch office or clinic that will be able to
1526 provide adequate home health services to the residents of the area
1527 if the department's home health agency, office, branch office or
1528 clinic is closed or otherwise discontinues the providing of home
1529 health services. This demonstration by the board that there are
1530 other providers of adequate home health services in the area shall
1531 be spread at length upon the minutes of the board at a regular or
1532 special meeting of the board at least thirty (30) days before a
1533 home health agency, office, branch office or clinic is proposed to
1534 be closed or otherwise discontinue the providing of home health
1535 services.

1536 (c) The State Department of Health may undertake such
1537 technical programs and activities as may be required for the
1538 support and operation of those programs, including maintaining
1539 physical, chemical, bacteriological and radiological laboratories,
1540 and may make such diagnostic tests for diseases and tests for the
1541 evaluation of health hazards as may be deemed necessary for the
1542 protection of the people of the state.



1543 (6) (a) The State Board of Health shall administer the
1544 local governments and rural water systems improvements loan
1545 program in accordance with the provisions of Section 41-3-16.

1546 (b) The State Board of Health shall have authority:

1547 (i) To enter into capitalization grant agreements
1548 with the United States Environmental Protection Agency, or any
1549 successor agency thereto;

1550 (ii) To accept capitalization grant awards made
1551 under the federal Safe Drinking Water Act, as amended;

1552 (iii) To provide annual reports and audits to the
1553 United States Environmental Protection Agency, as may be required
1554 by federal capitalization grant agreements; and

1555 (iv) To establish and collect fees to defray the
1556 reasonable costs of administering the revolving fund or emergency
1557 fund if the State Board of Health determines that those costs will
1558 exceed the limitations established in the federal Safe Drinking
1559 Water Act, as amended. The administration fees may be included in
1560 loan amounts to loan recipients for the purpose of facilitating
1561 payment to the board; however, those fees may not exceed five
1562 percent (5%) of the loan amount.

1563 (7) Notwithstanding any other provision to the contrary, the
1564 State Department of Health shall have the following specific
1565 powers: The department shall issue a license to Alexander Milne
1566 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
1567 construction, conversion, expansion and operation of not more than



1568 forty-five (45) beds for developmentally disabled adults who have
1569 been displaced from New Orleans, Louisiana, with the beds to be
1570 located in a certified ICF-MR facility in the City of Laurel,
1571 Mississippi. There shall be no prohibition or restrictions on
1572 participation in the Medicaid program for the person receiving the
1573 license under this subsection (7). The license described in this
1574 subsection shall expire five (5) years from the date of its issue.
1575 The license authorized by this subsection shall be issued upon the
1576 initial payment by the licensee of an application fee of
1577 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
1578 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
1579 the license, to be paid as long as the licensee continues to
1580 operate. The initial and monthly licensing fees shall be
1581 deposited by the State Department of Health into the special fund
1582 created under Section 41-7-188.

1583 (8) Notwithstanding any other provision to the contrary, the
1584 State Department of Health shall have the following specific
1585 powers: The State Department of Health is authorized to issue a
1586 license to an existing home health agency for the transfer of a
1587 county from that agency to another existing home health agency,
1588 and to charge a fee for reviewing and making a determination on
1589 the application for such transfer not to exceed one-half (1/2) of
1590 the authorized fee assessed for the original application for the
1591 home health agency, with the revenue to be deposited by the State



1592 Department of Health into the special fund created under Section
1593 41-7-188.

1594 (9) Notwithstanding any other provision to the contrary, the
1595 State Department of Health shall have the following specific
1596 powers: For the period beginning July 1, 2010, through July 1,
1597 2017, the State Department of Health is authorized and empowered
1598 to assess a fee in addition to the fee prescribed in Section
1599 41-7-188 for reviewing applications for certificates of need in an
1600 amount not to exceed twenty-five one-hundredths of one percent
1601 (.25 of 1%) of the amount of a proposed capital expenditure, but
1602 shall be not less than Two Hundred Fifty Dollars (\$250.00)
1603 regardless of the amount of the proposed capital expenditure, and
1604 the maximum additional fee permitted shall not exceed Fifty
1605 Thousand Dollars (\$50,000.00). Provided that the total
1606 assessments of fees for certificate of need applications under
1607 Section 41-7-188 and this section shall not exceed the actual cost
1608 of operating the certificate of need program.

1609 (10) Notwithstanding any other provision to the contrary,
1610 the State Department of Health shall have the following specific
1611 powers: The State Department of Health is authorized to extend
1612 and renew any certificate of need that has expired, and to charge
1613 a fee for reviewing and making a determination on the application
1614 for such action not to exceed one-half (1/2) of the authorized fee
1615 assessed for the original application for the certificate of need,



1616 with the revenue to be deposited by the State Department of Health
1617 into the special fund created under Section 41-7-188.

1618 (11) Notwithstanding any other provision to the contrary,
1619 the State Department of Health shall have the following specific
1620 powers: The State Department of Health is authorized and
1621 empowered, to revoke, immediately, the license and require closure
1622 of any institution for the aged or infirm, including any other
1623 remedy less than closure to protect the health and safety of the
1624 residents of said institution or the health and safety of the
1625 general public.

1626 (12) Notwithstanding any other provision to the contrary,
1627 the State Department of Health shall have the following specific
1628 powers: The State Department of Health is authorized and
1629 empowered, to require the temporary detainment of individuals for
1630 disease control purposes based upon violation of any order of the
1631 State Health Officer, as provided in Section 41-23-5. For the
1632 purpose of enforcing such orders of the State Health Officer,
1633 persons employed by the department as investigators shall have
1634 general arrest powers. All law enforcement officers are
1635 authorized and directed to assist in the enforcement of such
1636 orders of the State Health Officer.

1637 (13) Any state entity that enters into an agreement with a
1638 federal agency or subdivision thereof shall comply with the
1639 provisions of Section 1 of this act. For the purposes of this



1640 subsection, the terms "state entity" and "agreement" have the same
1641 meanings as provided in Section 1 of this act.

1642 **SECTION 35.** Section 45-14-25, Mississippi Code of 1972, is
1643 amended as follows:

1644 45-14-25. (1) The agency is authorized to adopt,
1645 promulgate, amend and repeal rules and regulations governing the
1646 transportation of radioactive materials in Mississippi, which, in
1647 the judgment of the council, shall promote the public health,
1648 safety or welfare and protect the environment.

1649 (a) Such rules and regulations may include, but shall
1650 not be limited to, provisions for the use of signs designating
1651 radioactive material cargo, for the packaging, marking, loading
1652 and handling of radioactive materials and the precautions
1653 necessary to determine whether the material when offered is in
1654 proper condition for transport, and may include designation of
1655 routes in this state which are to be used for the transportation
1656 of radioactive materials.

1657 (b) Such rules and regulations shall not include the
1658 carrier vehicle or its equipment, the licensing of packages, nor
1659 shall they apply to the handling or transportation of radioactive
1660 material within the confines of a facility licensed by or owned by
1661 a federal agency.

1662 (c) The agency, in consultation with the council, is
1663 authorized to adopt by reference, in whole or in part, such
1664 federal rules and regulations governing the transportation of



1665 radioactive material which are established by the United States
1666 Nuclear Regulatory Commission, the United States Federal Aviation
1667 Agency, the United States Department of Transportation, the United
1668 States Coast Guard or the United States Post Office (or any
1669 federal agency which is a successor to any of the foregoing
1670 agencies), as such federal rules may be amended from time to time.

1671 (d) The agency shall not promulgate any rules or
1672 regulations pertaining to matters within the jurisdiction of the
1673 United States Department of Transportation or the United States
1674 Federal Aviation Administration under the Hazardous Materials
1675 Transportation Act, except to the extent that the agency adopts by
1676 reference rules or regulations issued by the United States
1677 Department of Transportation or the United States Federal Aviation
1678 Administration, and except as provided in 49 USCS Section 1811(b).

1679 (2) The agency is authorized to enter into agreements with
1680 the respective federal agencies designed to avoid duplication of
1681 effort and/or conflict in enforcement and inspection activities so
1682 that:

1683 (a) Rules and regulations adopted by the agency
1684 pursuant to this chapter may be enforced, within their respective
1685 jurisdictions, by any authorized representatives of the agency and
1686 other state agencies, according to mutual understandings between
1687 such agencies of their respective responsibilities and
1688 authorities.



1689 (b) The agency, through any authorized representative,
1690 is authorized to inspect any records of persons engaged in the
1691 transportation of radioactive materials during the hours of
1692 business operation when such records reasonably relate to the
1693 method or contents of packaging, marking, loading, handling or
1694 shipping of radioactive materials within the state.

1695 (c) The agency, through any authorized representative,
1696 may enter upon and inspect the premises or vehicles of any person
1697 engaged in the transportation of radioactive materials during
1698 hours of business operation, with or without a warrant, for the
1699 purpose of determining compliance with the provisions of this
1700 chapter and the rules and regulations promulgated hereunder.

1701 (3) Upon a determination by the agency that any provision of
1702 this chapter, or the rules and regulations promulgated hereunder,
1703 are being violated or that any practice in the transportation of
1704 radioactive materials constitutes a clear and imminent danger to
1705 the public health, property or safety, it may issue an order
1706 requiring correction.

1707 (4) Any state entity that enters into an agreement with a
1708 federal agency or subdivision thereof shall comply with the
1709 provisions of Section 1 of this act. For the purposes of this
1710 subsection, the terms "state entity" and "agreement" have the same
1711 meanings as provided in Section 1 of this act.

1712 **SECTION 36.** Section 37-63-11, Mississippi Code of 1972, is
1713 amended as follows:



1714 37-63-11. (1) The Authority for Educational Television is
1715 empowered to request and to receive such state funds for
1716 educational television construction and operation as may be
1717 appropriated or allocated to it, and to solicit and receive
1718 contributions, matching funds, gifts, bequests and devises from
1719 any source, whether federal, state, public or private. It may
1720 enter into agreements with federal, state, public or private
1721 agencies, departments, institutions, firms, corporations or
1722 persons for the production, transmission, sale, lease or purchase
1723 of educational television and educational radio programs, or any
1724 research and development projects, joint ventures pertaining to
1725 content or other projects that do not duplicate communication
1726 facilities or services utilized under contract by the state and
1727 that the authority determines are in its best interests. The
1728 authority may enter into any contracts and other agreements
1729 necessary for those purposes, and in doing so, the authority may
1730 agree to terms of indemnification, the law of another state or
1731 jurisdiction or other necessary terms when, in the judgment of the
1732 authority, that would be in its best interests. The authority may
1733 delegate to its executive director its power to enter into these
1734 contracts or other agreements, or to exercise any of its other
1735 powers, in accordance with guidelines established by the
1736 authority. All materials produced or received by the authority in
1737 the exercise of its power, in the preceding provisions of this
1738 subsection, that are protected by copyright or considered



1739 confidential or proprietary information of third parties, shall
1740 not be public records. All such materials shall not be subject to
1741 release under the Public Records Act. The authority may also
1742 lease antenna space on television towers which it owns. Before
1743 the authority is empowered to contract for communication
1744 facilities to carry television signals, it shall obtain written
1745 authority to do so from the Department of Finance and
1746 Administration in order to ensure that there be no duplication of
1747 state communication facilities.

1748 (2) There is hereby established in the State Treasury a
1749 special fund for the purpose of providing for the payment of all
1750 expenses in respect to the administration of this chapter. Such
1751 fund shall be administered by the authority. The State Treasurer
1752 shall be the custodian of such funds and all monies and securities
1753 in such fund shall be held in trust by such Treasurer and shall
1754 not be the money or property of the state. The State Treasurer is
1755 authorized to disburse monies from such fund only upon order of
1756 the authority. The official bond of the State Treasurer shall be
1757 conditioned for the faithful performance of his duty hereunder.
1758 The State Treasurer shall deposit any monies paid into such fund
1759 into such qualified depository banks as the authority may
1760 designate and is authorized to invest any portion of the fund
1761 which, in the opinion of the authority, is not needed for current
1762 requirements in the same manner and subject to all provisions of
1763 the law with respect to the deposit of state funds by such



1764 Treasurer. All interest earned by such portion of the fund as may
1765 be invested by the State Treasurer shall be collected by him and
1766 placed to the credit of such fund.

1767 (3) The Authority for Educational Television is empowered to
1768 provide noncommercial production or reproduction services for
1769 other public agencies, and may collect the costs of providing the
1770 services from the public agency. These costs shall be deposited
1771 into the special fund.

1772 (4) Any state entity that enters into an agreement with a
1773 federal agency or subdivision thereof shall comply with the
1774 provisions of Section 1 of this act. For the purposes of this
1775 subsection, the terms "state entity" and "agreement" have the same
1776 meanings as provided in Section 1 of this act.

1777 **SECTION 37.** Section 57-39-9, Mississippi Code of 1972, is
1778 amended as follows:

1779 57-39-9. (1) The powers and duties of the division shall
1780 include, but not be limited to, the following:

1781 (a) To promote Mississippi as a leader in energy
1782 development, job creation and research.

1783 (b) To contribute to economic development activities
1784 related to the energy production and manufacturing sectors.

1785 (c) To promote energy efficiency across state
1786 government and within the private sector and other sectors, so
1787 that the state can realize the monetary and environmental benefits
1788 of energy efficiency.



1789 (d) To prepare, when necessary, a Mississippi Energy
1790 Plan and a State Energy Management Plan as hereinafter set forth.

1791 (e) To develop policies and long-term strategic plans
1792 for the State of Mississippi to accomplish the duties hereinafter
1793 set forth.

1794 (f) To collect, maintain and provide analysis of data
1795 related to energy consumption, production and natural resources
1796 pertinent to the development of more energy opportunities within
1797 the state.

1798 (g) To promote the development, manufacturing and use
1799 of renewable technologies, processes and products in the state.

1800 (h) To serve as the State Energy Office for the State
1801 of Mississippi and fulfill requirements of the State Energy Office
1802 as mandated by the federal government or the Governor.

1803 (i) To prepare implementation programs in accordance
1804 with the requirements of the plan.

1805 (j) Upon request, to accept, receive and receipt for
1806 federal monies and other monies, either public or private, for and
1807 in behalf of this state. Upon request of any political
1808 subdivision of the state, to accept, receive and receipt for any
1809 designated purpose, federal monies and other monies, either public
1810 or private, for and in behalf of any such political subdivision.

1811 (k) To confer with or to hold joint hearings with any
1812 agency of the United States in connection with any matter arising



1813 under this chapter, or relating to the sound development of energy
1814 utilization.

1815 (l) To perform such acts, make, promulgate and amend
1816 such reasonable general or special rules, regulations and
1817 procedures as it shall deem necessary to carry out the provisions
1818 of this chapter and to perform its duties hereunder. No rules,
1819 regulations or procedures prescribed by the board shall be
1820 inconsistent with, or contrary to, any acts of the Congress of the
1821 United States or any regulations promulgated pursuant thereto, or
1822 to this chapter or any other statutes of the State of Mississippi.

1823 (m) To enter into contracts, grants and cooperative
1824 agreements with any federal or state agency, department or
1825 subdivision thereof, or any public or private institution located
1826 inside or outside the State of Mississippi, or any person,
1827 corporation or association in connection with carrying out the
1828 provisions of this chapter, provided the agreements do not have a
1829 financial cost in excess of the amounts appropriated for such
1830 purposes by the Legislature.

1831 (n) As required by the federal government or as
1832 directed by the Governor of the State of Mississippi, to establish
1833 a state program to administer the State Petroleum Set-Aside
1834 Program and to provide assistance in obtaining adjustments
1835 specified in orders issued by the Federal Energy Office.

1836 (2) Any state entity that enters into an agreement with a
1837 federal agency or subdivision thereof shall comply with the



1838 provisions of Section 1 of this act. For the purposes of this
1839 subsection, the terms "state entity" and "agreement" have the same
1840 meanings as provided in Section 1 of this act.

1841 **SECTION 38.** Section 41-119-7, Mississippi Code of 1972, is
1842 amended as follows:

1843 41-119-7. (1) In furtherance of the purposes of this
1844 chapter, the MS-HIN shall have the following duties:

1845 (a) Initiate a statewide health information network to:

1846 (i) Facilitate communication of patient clinical
1847 and financial information;

1848 (ii) Promote more efficient and effective
1849 communication among multiple health care providers and payers,
1850 including, but not limited to, hospitals, physicians, nonphysician
1851 providers, third-party payers, self-insured employers, pharmacies,
1852 laboratories and other health care entities;

1853 (iii) Create efficiencies by eliminating
1854 redundancy in data capture and storage and reducing
1855 administrative, billing and data collection costs;

1856 (iv) Create the ability to monitor community
1857 health status;

1858 (v) Provide reliable information to health care
1859 consumers and purchasers regarding the quality and
1860 cost-effectiveness of health care, health plans and health care
1861 providers; and



1862 (vi) Promote the use of certified electronic
1863 health records technology in a manner that improves quality,
1864 safety, and efficiency of health care delivery, reduces health
1865 care disparities, engages patients and families, improves health
1866 care coordination, improves population and public health, and
1867 ensures adequate privacy and security protections for personal
1868 health information;

1869 (b) Develop or design other initiatives in furtherance
1870 of its purpose; and

1871 (c) Perform any and all other activities in furtherance
1872 of its purpose.

1873 (2) The MS-HIN board is granted all incidental powers to
1874 carry out its purposes and duties, including the following:

1875 (a) To appoint an executive director, who will serve at
1876 the will and pleasure of the MS-HIN board. The qualifications and
1877 employment terms for the executive director shall be determined by
1878 the MS-HIN board;

1879 (b) To adopt, modify, repeal, promulgate, and enforce
1880 rules and regulations to carry out the purposes of the MS-HIN;

1881 (c) To establish a process for hearing and determining
1882 case decisions to resolve disputes under this chapter or the rules
1883 and regulations promulgated under this chapter among participants,
1884 subscribers or the public;

1885 (d) To enter into, and to authorize the executive
1886 director to execute contracts or other agreements with any federal



1887 or state agency, any public or private institution, or any
1888 individual in carrying out the provisions of this chapter; and
1889 (e) To discharge other duties, responsibilities, and
1890 powers as are necessary to implement the provisions of this
1891 chapter.

1892 (3) The executive director shall have the following powers
1893 and duties:

1894 (a) To employ qualified professional personnel as
1895 required for the operation of the MS-HIN and as authorized by the
1896 MS-HIN board;

1897 (b) To administer the policies of the MS-HIN board; and

1898 (c) To supervise and direct all administrative and
1899 technical activities of the MS-HIN.

1900 (4) The MS-HIN shall have the power and authority to accept
1901 appropriations, grants and donations from public or private
1902 entities and to charge reasonable fees for its services. The
1903 revenue derived from grants, donations, fees and other sources of
1904 income shall be deposited into a special fund that is created in
1905 the State Treasury and earmarked for use by the MS-HIN in carrying
1906 out its duties under this chapter.

1907 (5) Any state entity that enters into an agreement with a
1908 federal agency or subdivision thereof shall comply with the
1909 provisions of Section 1 of this act. For the purposes of this
1910 subsection, the terms "state entity" and "agreement" have the same
1911 meanings as provided in Section 1 of this act.



1912 **SECTION 39.** Section 19-3-103, Mississippi Code of 1972, is
1913 amended as follows:

1914 19-3-103. (1) From and after the creation of a district, it
1915 shall be a public corporation in perpetuity under its corporate
1916 name and shall, in that name, be a body politic and corporate,
1917 with power of perpetual succession, having all the powers
1918 necessary or convenient to effectuate the purpose of Sections
1919 19-3-101 through 19-3-115, including the power:

1920 (a) To adopt, and from time to time amend and repeal,
1921 bylaws, rules and regulations not inconsistent with Sections
1922 19-3-101 through 19-3-115 to carry into effect the powers and
1923 purposes of the district;

1924 (b) To adopt an official name and seal, and retain and
1925 keep minutes of its meetings in a firmly bound minute book in
1926 which all actions taken by the district about its business shall
1927 be recorded;

1928 (c) To elect from among its members a chairman, vice
1929 chairman and secretary to serve annually;

1930 (d) To maintain an office at such place or places as it
1931 may designate, and to employ and compensate an executive director
1932 and such other personnel as shall be necessary to exercise the
1933 powers and perform the duties provided for in Sections 19-3-101
1934 through 19-3-115;



1935 (e) To make and enter into all contracts and agreements
1936 necessary or incidental to the performance of its duties and the
1937 execution of its powers under Sections 19-3-101 through 19-3-115;

1938 (f) To implement, operate, administer or supervise,
1939 directly or indirectly, such programs, services and activities as
1940 may be necessary to accomplish the purposes of Sections 19-3-101
1941 through 19-3-115;

1942 (g) To apply for, accept, receive, expend or otherwise
1943 dispose of, in furtherance of its functions, funds, grants,
1944 services and property from the federal government or its agencies
1945 and from departments, agencies and instrumentalities of the state,
1946 municipal or county governments;

1947 (h) To cooperate with and execute cooperative
1948 agreements with all other federal, state and local governmental
1949 agencies in the exercise of its functions under the provisions of
1950 Sections 19-3-101 through 19-3-115;

1951 (i) To sue and be sued; and in any suit against the
1952 commission, service of process shall be had by service upon the
1953 chairman with such process; and

1954 (j) To charge fees, tolls and special assessments to
1955 participating counties and any municipality which may have
1956 contracted for services to finance the operation, maintenance and
1957 debt service of activities and services undertaken by the
1958 district.



1959 (2) Any state entity that enters into an agreement with a
1960 federal agency or subdivision thereof shall comply with the
1961 provisions of Section 1 of this act. For the purposes of this
1962 subsection, the terms "state entity" and "agreement" have the same
1963 meanings as provided in Section 1 of this act.

1964 **SECTION 40.** Section 7-17-5, Mississippi Code of 1972, is
1965 amended as follows:

1966 7-17-5. (1) Effective July 1, 1989, all employees of any
1967 agency abolished or affected by the Mississippi Executive
1968 Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be
1969 transferred according to the merger of their duties by the
1970 Mississippi Executive Reorganization Act of 1989 [Laws, 1989,
1971 Chapter 544]. All personnel actions initiated as a result of the
1972 Mississippi Executive Reorganization Act of 1989 [Laws, 1989,
1973 Chapter 544] shall be subject to State Personnel Board procedures.

1974 (2) The executive director of any agency of state government
1975 as defined in Section 25-9-107(d) shall have the authority to
1976 employ staff and to expend funds authorized to the agency for the
1977 performance of the duties and responsibilities accorded to the
1978 agency by the laws of the State of Mississippi.

1979 (3) All records, personnel, property and unexpended balances
1980 of appropriations, allocations or other funds of any agency or
1981 department abolished or affected by the Mississippi Executive
1982 Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be
1983 transferred to the appropriate agency according to the merger of



1984 their functions under the Mississippi Executive Reorganization Act
1985 of 1989 [Laws, 1989, Chapter 544].

1986 (4) The executive directors of agencies shall determine
1987 which employees shall be bonded, set the amount of bond, which
1988 shall be made by a surety company approved by the Secretary of
1989 State and the premiums paid as other expenses of administering the
1990 Mississippi Executive Reorganization Act of 1989 [Laws, 1989,
1991 Chapter 544].

1992 (5) The executive director of any agency, where permitted by
1993 the rules, regulations and policies of the board, commission or
1994 authority of the agency, if any, shall also have authority to:

1995 (a) Accept on behalf of the state gifts, trusts,
1996 bequests, grants, endowments, or transfers of property of any kind
1997 to be used for the sole benefit of the state;

1998 (b) Use and expend funds coming to the agency from
1999 state, federal and private sources;

2000 (c) Establish such rules and regulations as may be
2001 necessary in carrying out the provisions of the Mississippi
2002 Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544];

2003 (d) Formulate and administer policies of their
2004 respective agencies;

2005 (e) Coordinate, supervise and direct all administrative
2006 and technical activities of the agency;

2007 (f) Enter into contracts, grants and cooperative
2008 agreements with any federal or state agency, department or



2009 subdivision thereof, or any public or private institution located
2010 inside or outside the State of Mississippi, or any person,
2011 corporation or association in connection with the carrying out of
2012 the provisions of the Mississippi Executive Reorganization Act of
2013 1989 [Laws, 1989, Chapter 544], provided the agreements do not
2014 have a financial cost in excess of the amounts appropriated for
2015 such purposes by the Legislature;

2016 (g) Except where otherwise prescribed by law, prepare
2017 and deliver to the Legislature and the Governor on or before
2018 January 1 of each year, and at such other times as may be required
2019 by the Legislature or Governor, a full report of the work of the
2020 agency and the offices thereof, including a detailed statement of
2021 expenditures of the agency and any recommendations;

2022 (h) Make provisions for adoption of rules, regulations
2023 and policy and provide for public inspection and filing of same;
2024 and other requirements set forth in the Mississippi Administrative
2025 Procedures Act in Sections 25-43-1 through 25-43-19, except as
2026 otherwise provided by law.

2027 (6) Any state entity that enters into an agreement with a
2028 federal agency or subdivision thereof shall comply with the
2029 provisions of Section 1 of this act. For the purposes of this
2030 subsection, the terms "state entity" and "agreement" have the same
2031 meanings as provided in Section 1 of this act.

2032 **SECTION 41.** Section 57-15-5, Mississippi Code of 1972, is
2033 amended as follows:



2034 57-15-5. (1) It is hereby declared to be the intent of the
2035 Legislature by this chapter that the policy of the council hereby
2036 created shall be conducted according to the following guidelines:
2037 the council shall have the general purpose and policy of studying
2038 and developing plans, proposals, reports and recommendations for
2039 the development and utilization of the coastal and offshore lands,
2040 waters and marine resources of this state in order to insure that
2041 all future plans and/or programs of the State of Mississippi
2042 involving the field of marine resources and sciences,
2043 oceanographic research, and related studies, will be coordinated
2044 with comparable functions and programs of agencies of the United
2045 States government. The council shall further have the purpose and
2046 policy to help coordinate, as hereinabove provided, all plans of
2047 other agencies of this state engaged in similar activities and of
2048 the various states of the United States of America, and also with
2049 all private agencies whose purpose is marine science and resource
2050 development. The council is further authorized to enter into
2051 contract with any state or federal agency as may be necessary and
2052 requisite to carry out the purposes of this chapter. The council
2053 shall have the responsibility for the general management of the
2054 state's wetlands.

2055 (2) The council is authorized and empowered to solicit and
2056 accept financial support from sources other than the state,
2057 including private or public sources or foundations. All funds
2058 received by or appropriated to the council shall be deposited upon



2059 receipt thereof into a special fund in the State Treasury to be
2060 known and designated as the "Mississippi Marine Resources Fund."
2061 Expenditures from said fund shall be made in the following manner:
2062 expenditures by and for the council for the purpose of carrying
2063 out its functions as provided by law shall be made with the
2064 approval of the council at any meeting upon requisitions presented
2065 to the State Auditor in the manner provided by law, and paid by
2066 the State Treasurer. Full and complete accounting shall be kept
2067 and made by the council for all funds received and expended by it.
2068 Representatives of the office of the State Auditor of Public
2069 Accounts annually shall audit the expenditure of funds received by
2070 the council from all sources and the said auditor shall make a
2071 complete and detailed report of such audit to the Legislature. It
2072 is further provided that all state appropriated funds expended
2073 shall conform to all requirements of law as provided for
2074 expenditures.

2075 (3) The council may solicit, receive and expend
2076 contributions, matching funds, gifts, bequests and devises from
2077 any source, whether federal, state, public or private, as
2078 authorized by annual appropriations therefor.

2079 (4) The council may enter into agreements with federal,
2080 state, public or private agencies, departments, institutions,
2081 firms, corporations or persons to carry out its policies as
2082 provided for in this chapter. To accomplish these goals, the



2083 council may expend any such sums from any source as herein
2084 provided.

2085 The agreements provided for in this subsection shall include,
2086 but not be limited to, the following provisions:

2087 (a) The duration of the agreement;

2088 (b) The purpose of the agreement;

2089 (c) A description of the procedures to be used in
2090 carrying out the purpose of the agreement; and

2091 (d) Provisions for termination of the agreement.

2092 Any entity entering into such an agreement shall comply with
2093 the provisions therein.

2094 (5) The council is authorized and empowered to accept
2095 financial support from any federal outer continental shelf revenue
2096 sharing programs. All funds received from such programs shall be
2097 deposited upon receipt thereof into a special trust fund in the
2098 State Treasury to be known and designated as the "Outer
2099 Continental Shelf Trust Fund." Expenditures from said fund shall
2100 be made for the benefit of any project affecting any county in the
2101 State of Mississippi which borders on the Gulf of Mexico with the
2102 approval of the Legislature.

2103 (6) The council may contract with other governmental
2104 agencies and third parties for the acquisition and management of
2105 lands and properties for inclusion in the "Coastal Preserve
2106 System." For purposes of these contracts with other governmental
2107 agencies or third parties and the expenditure of funds pursuant to



2108 the contracts, the "Coastal Preserve System" as defined by the
2109 council shall be deemed to be a part of the ecosystems of the
2110 Public Trust Tidelands. Contracts authorized under this section
2111 may provide funds for the management of properties included in the
2112 "Coastal Preserve System."

2113 (7) There is established a special account to be known as
2114 the "Coastal Preserve System Timber Account" within the
2115 Mississippi Marine Resources Fund. Any funds received from the
2116 salvage or harvesting of timber or sale of other forest products
2117 from lands included in or managed as a part of the Coastal
2118 Preserve System shall be credited to the account. Any unexpended
2119 funds remaining in the account at the end of the year shall not
2120 lapse, but shall remain in the account. The account shall be
2121 treated as a special trust fund and interest earned on the
2122 principal shall be credited to the account. Any funds in the
2123 account may be expended, subject to the approval of the
2124 Legislature, for the management and improvement of the Coastal
2125 Preserve System and for the acquisition of additional lands for
2126 inclusion in the Coastal Preserve System.

2127 (8) Any state entity that enters into an agreement with a
2128 federal agency or subdivision thereof shall comply with the
2129 provisions of Section 1 of this act. For the purposes of this
2130 subsection, the terms "state entity" and "agreement" have the same
2131 meanings as provided in Section 1 of this act.



2132 **SECTION 42.** Section 41-26-5, Mississippi Code of 1972, is
2133 amended as follows:

2134 41-26-5. (1) In addition to any other duties required by
2135 law, the board shall have the following powers and duties
2136 concerning safe drinking water:

2137 (a) To establish policies, requirements or standards
2138 governing the source, collection, distribution, purification,
2139 treatment and storage of water for public water systems as it
2140 deems necessary for the provision of safe drinking water;

2141 (b) To adopt, modify, repeal and promulgate, after due
2142 notice and hearing and in accordance with the Mississippi
2143 Administrative Procedures Law and Section 41-26-6, and where not
2144 otherwise prohibited by federal or state law, to make exceptions
2145 to and grant exemptions and variances from, and to enforce rules
2146 and regulations implementing the powers and duties of the board
2147 under this chapter;

2148 (c) To enter into, and to authorize the director to
2149 execute contracts, grants and cooperative agreements with, any
2150 federal or state agency or subdivision thereof, interstate agency,
2151 or any other person in connection with carrying out this chapter;
2152 and

2153 (d) To discharge other powers, duties and
2154 responsibilities which may be necessary to implement this chapter.



2155 (2) (a) Except as provided in Section 41-26-5(2) (b),
2156 regulations adopted under this section shall apply to each public
2157 water system in the state.

2158 (b) Regulations shall not apply to a public water
2159 system:

2160 (i) Which consists only of distribution and
2161 storage facilities, and which does not have any collection and
2162 treatment facilities;

2163 (ii) Which obtains all of its water from, but is
2164 not owned or operated by, a public water system to which such
2165 regulations apply;

2166 (iii) Which does not sell water to any person; and

2167 (iv) Which is not a carrier which conveys
2168 passengers in interstate commerce.

2169 (3) The board shall develop and implement a technical
2170 assistance program to help existing potentially nonviable
2171 community public water systems to become viable and to improve the
2172 technical, managerial or financial capabilities of small community
2173 public water systems. In developing this program, the board shall
2174 work cooperatively with organizations which currently provide
2175 training and assistance to public water systems.

2176 (4) Any state entity that enters into an agreement with a
2177 federal agency or subdivision thereof shall comply with the
2178 provisions of Section 1 of this act. For the purposes of this



2179 subsection, the terms "state entity" and "agreement" have the same
2180 meanings as provided in Section 1 of this act.

2181 **SECTION 43.** Section 51-8-31, Mississippi Code of 1972, is
2182 amended as follows:

2183 51-8-31. (1) Any district created pursuant to the
2184 provisions of this chapter, acting by and through the board of
2185 commissioners of such district as its governing authority, shall
2186 have, among others, the following powers:

2187 (a) To sue and be sued;

2188 (b) To acquire by purchase, gift, devise, lease or any
2189 other mode of acquisition, and to hold or dispose of, real and
2190 personal property of every kind within or without the district;

2191 (c) To make and enter into contracts, conveyances,
2192 mortgages, deeds of trust, bonds, leases or contracts for
2193 financial advisory services;

2194 (d) To incur debts, to borrow money, to issue
2195 negotiable bonds, and to provide for the rights of the holders
2196 thereof;

2197 (e) To fix, maintain, collect and revise rates and
2198 charges for services rendered by or through the facilities of such
2199 district, which rates and charges shall not be subject to review
2200 or regulation by the Mississippi Public Service Commission except
2201 in those instances where a city operating similar services would
2202 be subject to regulation and review; however, said district shall
2203 obtain a certificate of convenience and necessity from the



2204 Mississippi Public Service Commission for operating water and/or
2205 sewer systems;

2206 (f) To pledge all or any part of its revenues to the
2207 payment of its obligations;

2208 (g) To make such covenants in connection with the
2209 issuance of bonds or to secure the payment of bonds that a private
2210 business corporation can make under the general laws of the state;

2211 (h) To use any right-of-way, public right-of-way,
2212 easement, or other similar property or property rights necessary
2213 or convenient in connection with the acquisition, improvement,
2214 operation or maintenance of the facilities of such district held
2215 by the state or any political subdivision thereof; however, the
2216 governing body of such political subdivision shall consent to such
2217 use;

2218 (i) To enter into agreements with state and federal
2219 agencies for loans, grants, grants-in-aid, and other forms of
2220 assistance, including, but not limited to, participation in the
2221 sale and purchase of bonds;

2222 (j) To acquire by purchase, lease, gift, or otherwise,
2223 any existing works and facilities providing services for which it
2224 was created, and any lands, rights, easements, franchises and
2225 other property, real and personal, necessary to the completion and
2226 operation of such system upon such terms and conditions as may be
2227 agreed upon, and, if necessary as part of the acquisition price,
2228 to assume the payment of outstanding notes, bonds or other



2229 obligations upon such system; however, if any corporate agency
2230 owning such facilities desires to continue providing such
2231 services, the corporate agency shall so notify the district not
2232 later than ninety (90) days after the effective date of the
2233 creation of the district, and the district shall thereupon
2234 relinquish its right to provide such services until and unless the
2235 corporate agency elects otherwise or fails to adequately provide
2236 such services;

2237 (k) To extend its services to areas beyond but within
2238 one (1) mile of the boundaries of such district; however, no such
2239 extension shall be made to areas already occupied by another
2240 corporate agency rendering the same service so long as such
2241 corporate agency desires to continue to serve such areas. Areas
2242 outside of the district desiring to be served which are beyond the
2243 one-mile limit must be brought into the district by annexation
2244 proceedings;

2245 (l) To be deemed to have the same status as counties
2246 and municipalities with respect to payment of sales taxes on
2247 purchases made by such districts;

2248 (m) To borrow funds for interim financing subject to
2249 receipt of funds as outlined in Section 51-8-35;

2250 (n) To choose a location within the district as the
2251 central office of the district;

2252 (o) To adopt a plan for management of the water
2253 resources of the district, provided that such plan first be



2254 submitted to and approved by the Commission on Natural Resources
2255 as consistent with the state water management plan or objectives;

2256 (p) To hire such personnel and contract for such legal,
2257 technical, or other services as the board of commissioners deems
2258 necessary for the operation of the district and fulfillment of its
2259 water management objectives; and

2260 (q) To secure connection to or participation in the
2261 services provided by the district, including the power to obtain
2262 mandatory or prohibitory injunctive relief; provided, however,
2263 that the authority of the board of commissioners shall not be
2264 exercised in conflict with the regulatory and enforcement
2265 authority of the Commission on Natural Resources.

2266 (2) Any state entity that enters into an agreement with a
2267 federal agency or subdivision thereof shall comply with the
2268 provisions of Section 1 of this act. For the purposes of this
2269 subsection, the terms "state entity" and "agreement" have the same
2270 meanings as provided in Section 1 of this act.

2271 **SECTION 44.** Section 29-3-169, Mississippi Code of 1972, is
2272 amended as follows:

2273 29-3-169. All such bonds provided for by Sections 29-3-151
2274 through 29-3-183 shall be securities within the meaning of Article
2275 8 of the Mississippi Uniform Commercial Code, being Sections
2276 75-8-101 et seq. They shall be lithographed or engraved and
2277 printed in two (2) or more colors to prevent counterfeiting. They
2278 shall be in denominations of not less than One Thousand Dollars



2279 (\$1,000.00), and may be registered as issued. Each such bond
2280 shall specify on its face the purpose for which it was issued, the
2281 total amount authorized to be issued and the interest on the bond.
2282 Such bonds shall bear interest at such rate or rates as may be
2283 determined by the sale of such bonds, provided that the bonds of
2284 any issue shall not bear a greater overall maximum interest rate
2285 to maturity than that allowed in Section 75-17-103. They shall
2286 mature annually in such amounts and at such times as shall be
2287 provided by the resolution of the board of trustees. Provided,
2288 however, that no bonds shall have a longer maturity than
2289 twenty-five (25) years from date of issuance, and the first
2290 maturity date thereof shall be not more than five (5) years from
2291 the date of such bonds. The denomination, form and place or
2292 places of payment of such bonds shall be fixed in the resolution
2293 of the board of trustees of the authority. Such bonds shall be
2294 signed by the chairman and the secretary of the board of trustees,
2295 with the corporate seal affixed thereto, but the coupons may bear
2296 only the facsimile signatures of such chairman or secretary. No
2297 bond shall bear more than one (1) rate of interest; each bond
2298 shall bear interest from its date to its stated maturity date at
2299 the interest rate specified in the bid (all bonds of the same
2300 maturity shall bear the same rate of interest); all interest
2301 accruing on such bonds so issued shall be payable semiannually, or
2302 annually, except that the first interest coupon attached to any
2303 such bond may be for any period not exceeding one (1) year.



2304 No interest payment shall be evidenced by more than one (1)
2305 coupon and supplemental coupons will not be permitted; and no
2306 interest coupon shall vary more than twenty-five percent (25%) in
2307 interest rate from any other interest coupon in the same bond
2308 issue.

2309 Each interest rate specified in any bid must be in a multiple
2310 of one-eighth of one percent ($1/8$ of 1%) or one-tenth of one
2311 percent ($1/10$ of 1%) and a zero rate of interest cannot be named.

2312 Notice of the sale of any such bonds shall be published at
2313 least two (2) times, with the first publication not less than
2314 fourteen (14) days prior to the date of sale, and shall be so
2315 published in one or more newspapers having a general circulation
2316 in the area in which the development is located and in one or more
2317 other newspapers or financial journals with a large circulation.
2318 One (1) proof of publication shall be filed in the minutes of the
2319 board of trustees.

2320 Such bonds may be called in, paid and redeemed as authorized
2321 in the resolution authorizing the issue on any interest date prior
2322 to maturity upon not less than thirty (30) days' notice to the
2323 paying agent or agents designated in such bonds. Provided,
2324 however, that in no case shall any premiums exceed seven percent
2325 (7%) of the face value of such bonds.

2326 All bonds issued by the authority shall contain in substance
2327 a statement to the effect that they are secured solely by a pledge
2328 of the net revenues and by pledge of rental income, and that they



2329 do not constitute general obligations of the State of Mississippi
2330 or of the county in which the development is located, and are not
2331 secured by a pledge of the full faith, credit and resources of
2332 said state or of such county.

2333 All such bonds as provided for herein shall be sold under the
2334 sealed bid procedure at public sale as now provided in Section
2335 31-19-25, Mississippi Code of 1972. No such sale shall be at a
2336 price so low as to require the payment of interest on the money
2337 received therefor at more than a greater overall maximum interest
2338 rate to maturity than that allowed in Section 75-17-103.

2339 Sections 29-3-151 through 29-3-183 shall be full and complete
2340 authority for the issuance of the bonds provided for herein, and
2341 no restriction or limitation otherwise prescribed by law shall
2342 apply except as included in statutes governing and controlling
2343 issuance of all municipal bonds.

2344 Provided, however, the board of trustees shall have the
2345 authority to enter into cooperative agreements with the state or
2346 federal government, or both, and to execute and deliver at private
2347 sale notes or bonds as evidence of such indebtedness in the form
2348 and subject to the terms and conditions as may be imposed by the
2349 state or federal government, or both, and to pledge the income and
2350 revenues of the authority in payment thereof.

2351 Notwithstanding the foregoing provisions of this section,
2352 bonds referred to hereinabove may be issued pursuant to the
2353 supplemental powers and authorizations conferred by the provisions



2354 of the Registered Bond Act, being Sections 31-21-1 through
2355 31-21-7.

2356 Any state entity that enters into an agreement with a federal
2357 agency or subdivision thereof shall comply with the provisions of
2358 Section 1 of this act. For the purposes of this paragraph, the
2359 terms "state entity" and "agreement" have the same meanings as
2360 provided in Section 1 of this act.

2361 **SECTION 45.** Section 49-2-9, Mississippi Code of 1972, is
2362 amended as follows:

2363 49-2-9. (1) Effective July 1, 1979, the commission shall
2364 have the following powers and duties:

2365 (a) To formulate the policy of the department regarding
2366 natural resources within the jurisdiction of the department;

2367 (b) To adopt, modify, repeal, and promulgate, after due
2368 notice and hearing, and where not otherwise prohibited by federal
2369 or state law, to make exceptions to and grant exemptions and
2370 variances from, and to enforce rules and regulations implementing
2371 or effectuating the powers and duties of the commission under any
2372 and all statutes within the commission's jurisdiction, and as the
2373 commission may deem necessary to prevent, control and abate
2374 existing or potential pollution;

2375 (c) To apply for, receive and expend any federal or
2376 state funds or contributions, gifts, devises, bequests or funds
2377 from any other source;



2378 (d) To commission or conduct studies designed to
2379 determine alternative methods of managing or using the natural
2380 resources of this state, in a manner to insure efficiency and
2381 maximum productivity;

2382 (e) To enter into, and to authorize the executive
2383 director to execute with the approval of the commission,
2384 contracts, grants and cooperative agreements with any federal or
2385 state agency or subdivision thereof, or any public or private
2386 institution located inside or outside the State of Mississippi, or
2387 any person, corporation or association in connection with carrying
2388 out the provisions of this chapter; but this authority under this
2389 chapter and under any and all statutes within the commission's
2390 jurisdiction, except those statutes relating to the Bureau of
2391 Recreation and Parks, shall not include contracts, grants or
2392 cooperative agreements which do not develop data or information
2393 usable by the commission, or which provide goods, services or
2394 facilities to the commission or any of its bureaus, and shall
2395 exclude any monies for special interest groups for purposes of
2396 lobbying or otherwise promoting their special interests; and

2397 (f) To discharge such other duties, responsibilities
2398 and powers as are necessary to implement the provisions of this
2399 chapter.

2400 (2) The Mississippi Department of Environmental Quality,
2401 Office of Geology and Energy Resources shall be responsible for
2402 program management, procurement, development and maintenance of



2403 the Mississippi Digital Earth Model, which should include the
2404 following seven (7) core data layers of a digital land base
2405 computer model of the State of Mississippi:

- 2406 (a) Geodetic control;
- 2407 (b) Elevation and bathymetry;
- 2408 (c) Orthoimagery;
- 2409 (d) Hydrography;
- 2410 (e) Transportation;
- 2411 (f) Government boundaries; and
- 2412 (g) Cadastral. With respect to the cadastral layer,
2413 the authority and responsibility of the Mississippi Department of
2414 Environmental Quality, Office of Geology and Energy Resources
2415 shall be limited to compiling information submitted by counties.

2416 For all seven (7) framework layers, the Mississippi
2417 Department of Environmental Quality, Office of Geology and Energy
2418 Resources shall be the integrator of data from all sources and the
2419 guarantor of data completeness and consistency and shall
2420 administer the council's policies and standards for the
2421 procurement of remote sensing and geographic information system
2422 data by state and local governmental entities.

2423 (3) Any state entity that enters into an agreement with a
2424 federal agency or subdivision thereof shall comply with the
2425 provisions of Section 1 of this act. For the purposes of this
2426 subsection, the terms "state entity" and "agreement" have the same
2427 meanings as provided in Section 1 of this act.



2428 **SECTION 46.** Section 25-53-171, Mississippi Code of 1972, is
2429 amended as follows:

2430 25-53-171. (1) There is hereby created the Wireless
2431 Communication Commission, which shall be responsible for promoting
2432 the efficient use of public resources to ensure that law
2433 enforcement personnel and essential public health and safety
2434 personnel have effective communications services available in
2435 emergency situations, and to ensure the rapid restoration of such
2436 communications services in the event of disruption caused by
2437 natural disaster, terrorist attack or other public emergency.

2438 (2) The Wireless Communication Commission, hereafter
2439 referred to as the "commission," shall consist of the following:

2440 (a) The Executive Director of the Department of
2441 Transportation or his designee;

2442 (b) The Commissioner of Public Safety or his designee;

2443 (c) The Executive Director of the Department of Public
2444 Health or his designee;

2445 (d) The Executive Director of the Department of
2446 Information Technology Services or his designee;

2447 (e) The Executive Director of the Mississippi Emergency
2448 Management Agency or his designee;

2449 (f) The Executive Director of the Mississippi Office of
2450 Homeland Security or his designee;

2451 (g) The President of the Mississippi Sheriffs'
2452 Association or his designee;



2453 (h) The President of the Mississippi Association of
2454 Supervisors or his designee;

2455 (i) The President of the Mississippi Municipal
2456 Association or his designee;

2457 (j) The President of the Mississippi Association of
2458 Fire Chiefs or his designee;

2459 (k) The President of the Mississippi Association of
2460 Police Chiefs or his designee;

2461 (l) The Chief of the Mississippi Highway Safety Patrol
2462 or his designee;

2463 (m) The Commissioner of the Department of Corrections
2464 or his designee;

2465 (n) The Adjutant General of the Mississippi National
2466 Guard or his designee;

2467 (o) The Executive Director of the Mississippi
2468 Department of Environmental Quality or his designee; and

2469 (p) The Executive Director of Wildlife, Fisheries and
2470 Parks or his designee.

2471 All members of the commission shall serve a term of not less
2472 than four (4) years.

2473 (3) Within forty-five (45) days from April 21, 2005, the
2474 Executive Director of the Department of Information Technology
2475 Services shall call a meeting of the commission in the City of
2476 Jackson, Mississippi, and organize by electing a chairman and
2477 other officers from its membership. The commission shall adopt



2478 rules which govern the time and place for meetings and governing
2479 the manner of conducting its business. The commission shall meet
2480 at least monthly and maintain minutes of such meetings. A quorum
2481 shall consist of a majority of the membership of the commission.

2482 (4) The commission, in conjunction with the Department of
2483 Information Technology Services, shall have the sole authority to
2484 promulgate rules and regulations governing the operations of the
2485 wireless communications system described in paragraph (a) and
2486 shall be vested with all legal authority necessary and proper to
2487 perform this function including, but not limited to:

2488 (a) Purchasing, leasing, acquiring and otherwise
2489 implementing a statewide wireless communications system to serve
2490 wireless users in state and local governments and those private
2491 entities that enter into a partnership with the commission. All
2492 purchases shall be made in accordance with public purchasing laws
2493 and, if required, shall be approved by the Department of
2494 Information Technology Services. This system shall enable
2495 interoperability between various wireless communications
2496 technologies.

2497 (b) Ensuring that federal/state communications
2498 requirements are followed with respect to such wireless
2499 communications systems.

2500 (c) Providing system planning with all public safety
2501 communications systems.



2502 (d) Assisting with establishment of state and local
2503 wireless communications.

2504 (e) In consultation with the Department of Information
2505 Technology Services, having the authority to permit state and
2506 local agencies use of the communications system under the terms
2507 and conditions established by the commission.

2508 (f) Providing technical support to users and bearing
2509 the overall responsibility for the design, engineering,
2510 acquisition and implementation of the statewide communications
2511 system and for ensuring the proper operation and maintenance of
2512 all equipment common to the system.

2513 (g) Seeking proposals for services through competitive
2514 processes where required by law and selecting service providers
2515 under procedures provided for by law.

2516 (h) Establishing, in conjunction with the Department of
2517 Information Technology Services, policies, procedures and
2518 standards which shall be incorporated into a comprehensive
2519 management plan for the operation of the statewide communications
2520 system.

2521 (i) Having sign-off approval on all wireless
2522 communications systems within the state which are owned or
2523 operated by any state or local governmental entity, agency or
2524 department.

2525 (j) Creating a standard user agreement.



2526 (5) The commission, in conjunction with the Department of
2527 Information Technology Services, shall exercise its powers and
2528 duties pursuant to this section to plan, manage and administer the
2529 wireless communications system. The commission may:

2530 (a) In consultation with the advisory board and the
2531 Department of Information Technology Services, establish policies,
2532 procedures and standards to incorporate into a comprehensive
2533 management plan for use and operation of the communications
2534 system.

2535 (b) Enter into mutual aid agreements among federal,
2536 state and local agencies for the use of the communications system.

2537 (c) Establish the cost of maintenance and operation of
2538 the system and charge subscribers for access and use of the
2539 system.

2540 (d) Assess charges for use of the system.

2541 (e) Obtain space through rent or lease of space on any
2542 tower under state control. The commission may also rent, lease or
2543 sublease ground space as necessary to locate equipment to support
2544 antennae on the towers. The costs for use of such space shall be
2545 established by the owner/agent for each site when it is determined
2546 to be practicable and feasible to make space available.

2547 (f) Provide space through rent or lease of space on any
2548 tower under the commission's control. The commission may also
2549 rent, lease or sublease ground space as necessary to locate
2550 equipment to support antennae on the towers. The costs for use of



2551 such space shall be established by the commission when it is
2552 determined to be practicable and feasible to make space available.

2553 (g) Refuse to lease space on any tower at any site.

2554 All monies collected by the commission for such rents, leases or
2555 subleases shall be deposited directly into a special fund hereby
2556 created and known as the "Integrated Public Safety Communications
2557 Fund." This fund shall be administered by the Department of
2558 Information Technology Services and may be used by the commission
2559 to construct, maintain and operate the system.

2560 (h) Rent, lease or sublease ground space on lands
2561 acquired by the commission for the construction of privately owned
2562 or publicly owned towers. The commission, as part of such rental,
2563 lease or sublease agreement, may require space on such towers for
2564 antennae as may be necessary for the construction and operation of
2565 the wireless communications system.

2566 (i) Enter into and perform use and occupancy agreements
2567 concerning the system.

2568 (j) Exercise any power necessary to carry out the
2569 intent of this law.

2570 (6) The Department of Transportation, the Department of
2571 Public Safety and other commission members may provide to the
2572 commission, on a full-time or part-time basis, personnel and
2573 technical support necessary and sufficient to effectively and
2574 efficiently carry out the requirements of this section.



2575 (7) (a) Expenditures from the Integrated Public Safety
2576 Communications Fund shall be administered by the Department of
2577 Information Technology Services with expenditures approved jointly
2578 by the commission and the Department of Information Technology
2579 Services.

2580 (b) The Integrated Public Safety Communications Fund
2581 may consist of the following:

2582 (i) Appropriations from the Legislature;

2583 (ii) Gifts;

2584 (iii) Federal grants;

2585 (iv) Fees and contributions from user agencies
2586 that the commission considers necessary to maintain and operate
2587 the system; and

2588 (v) Monies from any other source permitted by law.

2589 (c) Any monies remaining in the Integrated Public
2590 Safety Communications Fund at the end of the fiscal year shall not
2591 revert to the State General Fund, but shall remain in the
2592 Integrated Public Safety Communications Fund.

2593 (8) Members of the commission shall not receive any
2594 compensation or per diem, but may receive travel reimbursement
2595 provided for under Section 25-3-41.

2596 (9) There is hereby created the Wireless Communication
2597 Advisory Board for the purpose of advising the Mississippi
2598 Wireless Communication Commission in performance of its duties.
2599 The advisory board shall be composed of the following:



2600 (a) The Chairman and Vice Chairman of the Senate Public
2601 Utilities Committee or their designees;

2602 (b) The Chairman and Vice Chairman of the House of
2603 Representatives Public Utilities Committee or their designees;

2604 (c) The Chairman of the Senate Appropriations Committee
2605 or his designee;

2606 (d) The Chairman of the House of Representatives
2607 Appropriations Committee or his designee;

2608 (e) The Chairman of the Senate Finance Committee or his
2609 designee; and

2610 (f) The Chairman of the House of Representatives Ways
2611 and Means Committee or his designee.

2612 Members of the advisory board shall receive per diem and
2613 expenses which shall be paid from the contingent expense funds of
2614 their respective houses in the same amounts as provided for
2615 committee meetings when the Legislature is not in session;
2616 however, no per diem and expenses for attending meetings of the
2617 advisory board shall be paid to legislative members while the
2618 Legislature is in session.

2619 (10) It is the intent of the Legislature that all state and
2620 local government entities make available for purposes of this
2621 section all publicly owned wireless communications infrastructure,
2622 including, but not limited to, communications towers, transmission
2623 equipment, transmission frequencies and other related properties
2624 and facilities.



2625 (11) Nothing in this section shall be construed or
2626 interpreted to provide for the regulation or oversight of
2627 commercial mobile radio services.

2628 (12) Nothing in this section shall be construed to supersede
2629 the authority of the Department of Information Technology Services
2630 provided in Section 25-53-1 et seq.

2631 (13) From and after July 1, 2016, the expenses of this
2632 agency shall be defrayed by appropriation from the State General
2633 Fund and all user charges and fees authorized under this section
2634 shall be deposited into the State General Fund as authorized by
2635 law.

2636 (14) From and after July 1, 2016, no state agency shall
2637 charge another state agency a fee, assessment, rent or other
2638 charge for services or resources received by authority of this
2639 section.

2640 (15) Any state entity that enters into an agreement with a
2641 federal agency or subdivision thereof shall comply with the
2642 provisions of Section 1 of this act. For the purposes of this
2643 subsection, the terms "state entity" and "agreement" have the same
2644 meanings as provided in Section 1 of this act.

2645 **SECTION 47.** Section 33-15-11, Mississippi Code of 1972, is
2646 amended as follows:

2647 33-15-11. (a) The Governor shall have general direction and
2648 control of the activities of the Emergency Management Agency and
2649 Council and shall be responsible for the carrying out of the



2650 provisions of this article, and in the event of a man-made,
2651 technological or natural disaster or emergency beyond local
2652 control, may assume direct operational control over all or any
2653 part of the emergency management functions within this state.

2654 (b) In performing his duties under this article, the
2655 Governor is further authorized and empowered:

2656 (1) To make, amend and rescind the necessary orders,
2657 rules and regulations to carry out the provisions of this article
2658 with due consideration of the plans of the federal government, and
2659 to enter into disaster assistance grants and agreements with the
2660 federal government under the terms as may be required by federal
2661 law.

2662 (2) To work with the Mississippi Emergency Management
2663 Agency in preparing a comprehensive plan and program for the
2664 emergency management of this state, such plan and program to be
2665 integrated into and coordinated with the emergency management
2666 plans of the federal government and of other states to the fullest
2667 possible extent, and to coordinate the preparation of plans and
2668 programs for emergency management by the political subdivisions of
2669 this state, such local plans to be integrated into and coordinated
2670 with the emergency management plan and program of this state to
2671 the fullest possible extent.

2672 (3) In accordance with such plan and program for
2673 emergency management of this state, to ascertain the requirements
2674 of the state or the political subdivisions thereof for food or



2675 clothing or other necessities of life in the event of attack or
2676 natural or man-made or technological disasters and to plan for and
2677 procure supplies, medicines, materials and equipment, and to use
2678 and employ from time to time any of the property, services and
2679 resources within the state, for the purposes set forth in this
2680 article; to make surveys of the industries, resources and
2681 facilities within the state as are necessary to carry out the
2682 purposes of this article; to institute training programs and
2683 public information programs, and to take all other preparatory
2684 steps, including the partial or full mobilization of emergency
2685 management organizations in advance of actual disaster, to insure
2686 the furnishing of adequately trained and equipped forces of
2687 emergency management personnel in time of need.

2688 (4) To cooperate with the President and the heads of
2689 the Armed Forces, and the Emergency Management Agency of the
2690 United States, and with the officers and agencies of other states
2691 in matters pertaining to the emergency management of the state and
2692 nation and the incidents thereof; and in connection therewith, to
2693 take any measures which he may deem proper to carry into effect
2694 any request of the President and the appropriate federal officers
2695 and agencies, for any action looking to emergency management,
2696 including the direction or control of (a) blackouts and practice
2697 blackouts, air raid drills, mobilization of emergency management
2698 forces, and other tests and exercises, (b) warnings and signals
2699 for drills or attacks and the mechanical devices to be used in



2700 connection therewith, (c) the effective screening or extinguishing
2701 of all lights and lighting devices and appliances, (d) shutting
2702 off water mains, gas mains, electric power connections and the
2703 suspension of all other utility services, (e) the conduct of
2704 civilians and the movement and cessation of movement of
2705 pedestrians and vehicular traffic during, prior and subsequent to
2706 drills or attack, (f) public meetings or gatherings under
2707 emergency conditions, and (g) the evacuation and reception of the
2708 civilian population.

2709 (5) To take such action and give such directions to
2710 state and local law enforcement officers and agencies as may be
2711 reasonable and necessary for the purpose of securing compliance
2712 with the provisions of this article and with the orders, rules and
2713 regulations made pursuant thereto.

2714 (6) To employ such measures and give such directions to
2715 the state or local boards of health as may be reasonably necessary
2716 for the purpose of securing compliance with the provisions of this
2717 article or with the findings or recommendations of such boards of
2718 health by reason of conditions arising from enemy attack or the
2719 threat of enemy attack or natural, man-made or technological
2720 disaster.

2721 (7) To utilize the services and facilities of existing
2722 officers and agencies of the state and of the political
2723 subdivisions thereof; and all such officers and agencies shall



2724 cooperate with and extend their services and facilities to the
2725 Governor as he may request.

2726 (8) To establish agencies and offices and to appoint
2727 executive, technical, clerical and other personnel as may be
2728 necessary to carry out the provisions of this article including,
2729 with due consideration to the recommendation of the local
2730 authorities, part-time or full-time state and regional area
2731 directors.

2732 (9) To delegate any authority vested in him under this
2733 article, and to provide for the subdelegation of any such
2734 authority.

2735 (10) On behalf of this state to enter into reciprocal
2736 aid agreements or compacts with other states and the federal
2737 government, either on a statewide basis or local political
2738 subdivision basis or with a neighboring state or province of a
2739 foreign country. Such mutual aid arrangements shall be limited to
2740 the furnishings or exchange of food, clothing, medicine and other
2741 supplies; engineering services; emergency housing; police
2742 services; national or state guards while under the control of the
2743 state; health, medical and related services; firefighting, rescue,
2744 transportation and construction services and equipment; personnel
2745 necessary to provide or conduct these services; and such other
2746 supplies, equipment, facilities, personnel and services as may be
2747 needed; the reimbursement of costs and expenses for equipment,
2748 supplies, personnel and similar items for mobile support units,



2749 firefighting and police units and health units; and on such terms
2750 and conditions as are deemed necessary.

2751 (11) To sponsor and develop mutual aid plans and
2752 agreements between the political subdivisions of the state,
2753 similar to the mutual aid arrangements with other states referred
2754 to above.

2755 (12) To collect information and data for assessment of
2756 vulnerabilities and capabilities within the borders of Mississippi
2757 as it pertains to the nation and state's security and homeland
2758 defense. This information shall be exempt from the Mississippi
2759 Public Records Act, Section 25-61-1 et seq.

2760 (13) Authorize any agency or arm of the state to create
2761 a special emergency management revolving fund, accept donations,
2762 contributions, fees, grants, including federal funds, as may be
2763 necessary for such agency or arm of the state to administer its
2764 functions of this article as set forth in the Executive Order of
2765 the Governor.

2766 (14) To authorize the Commissioner of Public Safety to
2767 select, train, organize and equip a ready reserve of auxiliary
2768 highway patrolmen.

2769 (15) To suspend or limit the sale, dispensing or
2770 transportation of alcoholic beverages, firearms, explosives and
2771 combustibles.

2772 (16) To control, restrict and regulate by rationing,
2773 freezing, use of quotas, prohibitions on shipments, price-fixing,



2774 allocation or other means, the use, sale or distribution of food,
2775 feed, fuel, clothing and other commodities, materials, goods or
2776 services.

2777 (17) To proclaim a state of emergency in an area
2778 affected or likely to be affected thereby when he finds that the
2779 conditions described in Section 33-15-5(g) exist, or when he is
2780 requested to do so by the mayor of a municipality or by the
2781 president of the board of supervisors of a county, or when he
2782 finds that a local authority is unable to cope with the emergency.
2783 Such proclamation shall be in writing and shall take effect
2784 immediately upon its execution by the Governor. As soon
2785 thereafter as possible, such proclamation shall be filed with the
2786 Secretary of State and be given widespread notice and publicity.
2787 The Governor, upon advice of the director, shall review the need
2788 for continuing the state of emergency at least every thirty (30)
2789 days until the emergency is terminated and shall proclaim a
2790 reduction of area or the termination of the state of emergency at
2791 the earliest possible date that conditions warrant.

2792 (18) To declare an emergency impact area when he finds
2793 that the conditions described in Section 33-15-5(o) exist. The
2794 proclamation shall be in writing and shall take effect immediately
2795 upon its execution by the Governor. As soon as possible, the
2796 proclamation shall be filed with the Secretary of State and be
2797 given widespread notice and publicity. The Governor shall review
2798 the need for continuing the declaration of emergency impact area



2799 at least every thirty (30) days until the emergency is terminated,
2800 and shall proclaim the reduction of the emergency impact area or
2801 termination of the declaration of emergency impact area at the
2802 earliest date or dates possible.

2803 (c) In addition to the powers conferred upon the Governor in
2804 this section, the Legislature hereby expressly delegates to the
2805 Governor the following powers and duties in the event of an
2806 impending enemy attack, an enemy attack, or a man-made,
2807 technological or natural disaster where such disaster is beyond
2808 local control:

2809 (1) To suspend the provisions of any regulatory statute
2810 prescribing the procedures for conduct of state business, or the
2811 orders, rules or regulations of any state agency, if strict
2812 compliance with the provisions of any statute, order, rule or
2813 regulation would in any way prevent, hinder or delay necessary
2814 action in coping with a disaster or emergency.

2815 (2) To transfer the direction, personnel or functions
2816 of state agencies, boards, commissions or units thereof for the
2817 purpose of performing or facilitating disaster or emergency
2818 services.

2819 (3) To commandeer or utilize any private property if
2820 necessary to cope with a disaster or emergency, provided that such
2821 private property so commandeered or utilized shall be paid for
2822 under terms and conditions agreed upon by the participating
2823 parties. The owner of said property shall immediately be given a



2824 receipt for the said private property and said receipt shall serve
2825 as a valid claim against the Treasury of the State of Mississippi
2826 for the agreed upon market value of said property.

2827 (4) To perform and exercise such other functions,
2828 powers and duties as may be necessary to promote and secure the
2829 safety and protection of the civilian population in coping with a
2830 disaster or emergency.

2831 (d) This section does not authorize the Governor or a
2832 designee of the Governor to act in contravention of Section
2833 33-7-303.

2834 (e) Any state entity that enters into an agreement with a
2835 federal agency or subdivision thereof shall comply with the
2836 provisions of Section 1 of this act. For the purposes of this
2837 subsection, the terms "state entity" and "agreement" have the same
2838 meanings as provided in Section 1 of this act.

2839 **SECTION 48.** Section 61-4-11, Mississippi Code of 1972, is
2840 amended as follows:

2841 61-4-11. (1) The Authority, in addition to any and all
2842 powers now or hereafter granted to it, is hereby empowered:

2843 (a) To maintain an office at a place or places in the
2844 state.

2845 (b) To employ or contract with architects, engineers,
2846 attorneys, accountants, construction and financial experts and
2847 such other advisors, consultants and agents as may be necessary in
2848 its judgment and to fix and pay their compensation.



2849 (c) To make such applications and enter into such
2850 contracts for financial assistance as may be appropriate under
2851 applicable federal or state law.

2852 (d) To apply for, accept and utilize grants, gifts and
2853 other funds or aid from any source for any purpose contemplated by
2854 this chapter, and to comply, subject to the provisions of this
2855 chapter, with the terms and conditions thereof.

2856 (e) To acquire by purchase, lease, gift, or in other
2857 manner other than by eminent domain, or obtain options to acquire,
2858 and to own, maintain, use, operate and convey any and all property
2859 of any kind, real, personal or mixed, or any interest or estate
2860 therein, (including easements, rights-of-way, air rights or
2861 subsurface rights, or a stratified fee estate in a specified
2862 volume of land located below, at or above the surface) within or
2863 without the project area, necessary or convenient for the project
2864 or any facility related to the project or necessary or convenient
2865 for any enhancement offered to secure the siting of the project in
2866 the state or for the exercise of the powers granted by this
2867 chapter.

2868 (f) To acquire by purchase or lease any public lands
2869 and public property, including sixteenth section lands and lieu
2870 lands, and including not more than fifteen thousand (15,000) acres
2871 of state-owned land at Parchman, Sunflower County, Mississippi,
2872 within the project area, which are necessary or convenient for the
2873 project. Sixteenth section lands or lieu lands acquired under



2874 this chapter shall be deemed to be acquired for the purposes of
2875 industrial development thereon and such acquisition will serve a
2876 higher public interest in accordance with the purposes of this
2877 chapter. With the approval of the Secretary of State and the
2878 assistance of the Office of Attorney General, any part of, up to
2879 fifteen thousand (15,000) acres of state-owned land at Parchman
2880 may either be dedicated for the project, leased or sold to the
2881 federal or state government agency or creation thereof for a
2882 nominal consideration, or may be managed by the Authority for the
2883 purposes specified in this chapter.

2884 (g) To make or cause to be made such examinations and
2885 surveys as may be necessary to the planning, design, construction
2886 and operation of the project; and for such purpose the Authority,
2887 its agents, servants or any public agency involved in the project
2888 selection, design, construction or operation, shall have immediate
2889 and full right of entry upon the lands and waters of any person
2890 for the purposes of survey and exploration.

2891 (h) From and after the date of notification to the
2892 Authority by the federal government agency or creation thereof
2893 that the state has been finally selected as the site of the
2894 project, with the concurrence of the affected public agency, to
2895 acquire by condemnation and to own, maintain, use, operate and
2896 convey or otherwise dispose of any and all property of any kind,
2897 real, personal or mixed, or any interest or estate therein,
2898 (including easements, rights-of-way, air rights or subsurface



2899 rights, or a stratified fee estate in a specified volume of land
2900 located below, at or above the surface), within the project area,
2901 necessary or convenient for the project or any facility related to
2902 the project and the exercise of the powers granted by this
2903 chapter, according to the procedures provided by Chapter 27, Title
2904 11, Mississippi Code of 1972, except as modified by this chapter.
2905 For the purposes of this chapter, the right of eminent domain
2906 shall be superior and dominant to the right of eminent domain of
2907 other public agencies and of railroad, telephone, telegraph, gas,
2908 power and other companies or corporations and shall extend to
2909 public and private lands including sixteenth section lands. The
2910 amount and character of interest in land, other property and
2911 easements thus to be acquired shall be determined by the
2912 Authority, and its determination shall be conclusive and shall not
2913 be subject to attack in the absence of manifest abuse of
2914 discretion or fraud on the part of the Authority in making such
2915 determination. However,

2916 (i) In acquiring lands by condemnation, the
2917 Authority shall not acquire minerals or royalties in minerals
2918 unless a competent registered professional engineer shall have
2919 certified that the acquisition of such minerals and royalties in
2920 minerals is necessary for purposes of the project; provided that
2921 limestone, clay, chalk, sand and gravel shall not be considered as
2922 minerals within the meaning of this section; and



2923 (ii) Unless minerals or royalties in minerals have
2924 been acquired by condemnation or otherwise, no person or persons
2925 owning the drilling rights or the right to share in production of
2926 minerals shall be prevented from exploring, developing or
2927 producing oil or gas with necessary rights-of-way for ingress and
2928 egress, pipelines and other means of transporting interests on any
2929 land or interest therein of the Authority held or used for the
2930 purposes of this chapter; but any such activities shall be under
2931 such reasonable regulation by the Authority as will adequately
2932 protect the project contemplated by this chapter as provided in
2933 paragraph (s) of this section. For the purpose of acquiring by
2934 condemnation land and easements for the project or any facility
2935 related to the project located within the project area, the
2936 Authority shall have the right of immediate possession pursuant to
2937 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972.

2938 (i) In any proceeding in any court which has been or
2939 may be instituted by and in the name of the Authority for the
2940 acquisition of any land or easement or right-of-way in land for
2941 the public use as provided in paragraph (h) of this section, the
2942 Authority may file in the cause, with the petition or at any time
2943 before judgment, a declaration of taking signed by the Authority,
2944 declaring that said lands are thereby taken for the use of the
2945 Authority in connection with the location of the project. Said
2946 declaration of taking shall contain or have annexed thereto:



2947 (i) A statement of the statutory authority under
2948 which and the public use for which said lands are taken.

2949 (ii) A description of the lands taken sufficient
2950 for the identification thereof.

2951 (iii) A statement of the estate or interest in
2952 said lands taken for said public use.

2953 (iv) A statement of the necessity of the immediate
2954 vesting of title in the Authority in order to convey such property
2955 to the United States for the use in connection with the project.

2956 (v) A statement of the sum of money estimated by
2957 the Authority to be due compensation for the land taken. Upon
2958 filing the declaration of taking and of the deposit in the court,
2959 to the use of the persons entitled thereto, of the amount of the
2960 estimated compensation stated in the declaration, title to such
2961 lands in fee simple absolute, or such less estate or interest
2962 therein as is specified in the declaration, shall vest in the
2963 Authority, and such lands shall be deemed to be condemned and
2964 taken for the use of the Authority, and the right to due
2965 compensation for the same shall vest in the persons entitled
2966 thereto; and compensation shall be ascertained and awarded in the
2967 proceeding and established by judgment therein, and the judgment
2968 shall include, as part of the due compensation awarded, interest
2969 in accordance with law on the amount finally awarded as the value
2970 of the property as of the date of taking, from such date to the
2971 date of payment; but interest shall not be allowed on so much



2972 thereof as shall have been paid into the court. No sum so paid
2973 into the court shall be charged with commissions or poundage.

2974 Upon the application of the parties in interest, the court
2975 may order that the money deposited in the court, or any part
2976 thereof, be paid forthwith for or on account of the due
2977 compensation to be awarded in the proceeding. If the compensation
2978 finally awarded in respect of such lands, or any parcel thereof,
2979 shall exceed the amount of the money so received by any person
2980 entitled, the court shall enter judgment against the Authority for
2981 the amount of the deficiency.

2982 Upon the filing of a declaration of taking, the court shall
2983 have power to fix the time within which and the terms upon which
2984 the parties in possession shall be required to surrender
2985 possession to the petitioner. The court shall have power to make
2986 such orders in respect of encumbrances, liens, rents, taxes,
2987 assessments, insurance, and other charges, if any, as shall be
2988 just and equitable. No appeal in any cause under this paragraph
2989 (i) of this section nor any bond or undertaking given therein
2990 shall operate to prevent or delay the vesting of title to such
2991 lands in the Authority.

2992 (j) With the concurrence of the affected public agency,
2993 to construct and maintain or require the necessary relocation or
2994 rerouting of roads and highways, railroad, telephone and telegraph
2995 lines and properties, electric power lines, pipelines and related
2996 facilities, or to require the anchoring or other protection of any



2997 of these, provided due compensation is paid to the owners thereof
2998 or agreement is had with such owners regarding the payment of the
2999 cost of such relocation, and to acquire by condemnation or
3000 otherwise easements or rights-of-way for such relocation or
3001 rerouting and to convey the same to the owners of the facilities
3002 being relocated or rerouted in connection with the purposes of
3003 this chapter.

3004 (k) To require the necessary relocation of cemeteries
3005 and to pay all reasonable costs thereof.

3006 (l) To perform or have performed any and all acts and
3007 make all payments necessary to comply with all applicable federal
3008 laws, rules or regulations including, but not limited to, the
3009 Uniform Relocation Assistance and Real Property Acquisition
3010 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
3011 to 4655) and relocation rules and regulations promulgated by the
3012 U.S. Department of Transportation.

3013 (m) To construct, extend, improve, maintain and
3014 reconstruct, to cause to be constructed, extended, improved,
3015 maintained and reconstructed, and to use and operate any and all
3016 components of the project or any facility related to the project,
3017 within the project area, necessary or convenient to the project
3018 and to the exercise of such powers, rights and privileges granted
3019 the Authority.



3020 (n) To incur or defray any designated portion of the
3021 cost of any component of the project or any facility related to
3022 the project acquired or constructed by any public agency.

3023 (o) To lease, sell, give, donate, convey or otherwise
3024 transfer any or all property acquired by the Authority under the
3025 provisions of this chapter to the federal or state government
3026 agency or creation thereof, their successors or assigns, and in
3027 connection therewith to pay the costs of title search, perfection
3028 of title, title insurance and recording fees as may be required.
3029 The Authority shall provide in the instrument conveying such
3030 property a provision reserving all minerals, other than limestone,
3031 clay, chalk, sand and gravel, and a provision that such property
3032 shall revert to the Authority if, as and when the property is
3033 declared by the federal government agency or creation thereof to
3034 be no longer needed for the Wayport facility.

3035 (p) To enter into contracts with any person, public
3036 agency or political subdivision in furtherance of any of the
3037 purposes authorized by this chapter upon such consideration as the
3038 Authority and such person, public agency or political subdivision
3039 may agree. Any such contract may extend over any period of time,
3040 notwithstanding any rule of law to the contrary, may be upon such
3041 terms as the parties thereto shall agree. Any such contract shall
3042 be binding upon the parties thereto according to its terms. Such
3043 contracts may include an agreement to reimburse the federal
3044 government agency or creation thereof, its successors and assigns



3045 for any assistance provided by the federal government agency or
3046 creation thereof in the acquisition of real property for the
3047 project or any facility related to the project.

3048 (q) To establish and maintain reasonable rates and
3049 charges for the use of any facility within the project area owned
3050 or operated by the Authority, and from time to time, to adjust
3051 such rates and to impose penalties for failure to pay such rates
3052 and charges when due.

3053 (r) To make and enforce, and from time to time amend
3054 and repeal, rules and regulations for the construction, use,
3055 maintenance and operation of any facility related to the project
3056 under its management and control and any other of its properties.

3057 (s) To adopt and enforce with the concurrence of the
3058 affected public agency all necessary and reasonable rules and
3059 regulations to carry out and effectuate the implementation of the
3060 project and any land use plan or zoning classification adopted for
3061 the project area, including, but not limited to, rules,
3062 regulations, and restrictions concerning mining, construction,
3063 excavation or any other activity the occurrence of which may
3064 endanger the structure or operation of the project. Such rules
3065 may be enforced within the project area and without the project
3066 area as necessary to protect the structure and operation of the
3067 project. The Authority is authorized to plan or replan, zone or
3068 rezone, and make exceptions to any regulations, whether local or
3069 state, which are inconsistent with the design, planning,



3070 construction or operation of the project and facilities related to
3071 the project.

3072 (t) To plan, design, coordinate and implement measures
3073 and programs to mitigate impacts on the natural environment caused
3074 by the project or any facility related to the project.

3075 (u) To assist any public agency involved with the
3076 project design, construction or operation in securing any state or
3077 local permits and approval required for the project or any
3078 facility related to the project.

3079 (v) To do any and all things necessary or convenient to
3080 carry out the Authority's purposes and to exercise the powers
3081 given and granted in this chapter.

3082 (2) Any state entity that enters into an agreement with a
3083 federal agency or subdivision thereof shall comply with the
3084 provisions of Section 1 of this act. For the purposes of this
3085 subsection, the terms "state entity" and "agreement" have the same
3086 meanings as provided in Section 1 of this act.

3087 **SECTION 49.** Section 49-17-17, Mississippi Code of 1972, is
3088 amended as follows:

3089 49-17-17. (1) The commission shall have and may exercise
3090 the following powers and duties:

3091 (a) General supervision of the administration and
3092 enforcement of Sections 49-17-1 through 49-17-43 and Sections
3093 17-17-1 through 17-17-47, and all rules and regulations and orders
3094 promulgated thereunder;



3095 (b) To develop comprehensive programs for the
3096 prevention, control and abatement of new or existing pollution of
3097 the air and waters of the state;

3098 (c) To advise, consult, cooperate, or enter into
3099 contracts, grants and cooperative agreements with any federal or
3100 state agency or subdivision thereof, other states and interstate
3101 agencies, or any public or private institution located inside or
3102 outside the State of Mississippi, and with affected groups,
3103 political subdivisions, and industries in furtherance of carrying
3104 out the provisions of Sections 49-17-1 through 49-17-43 and shall
3105 have the authority to enter into compacts with any other state or
3106 states for the purpose of achieving the objectives of such
3107 sections with respect to air and waters, or to authorize the
3108 executive director with the approval of the commission to exercise
3109 any of the aforementioned powers;

3110 (d) To administer funds allocated to the state's water
3111 and air pollution abatement grant program, to accept and
3112 administer loans and grants from the federal government and from
3113 other sources, public or private, for carrying out any of its
3114 functions, which loans and grants shall not be expended for other
3115 than the purposes for which provided;

3116 (e) To encourage, participate in, or conduct studies,
3117 investigations, research and demonstrations relating to air and
3118 water quality and pollution and causes, prevention, control and
3119 abatement as it may deem advisable and necessary for the discharge



3120 of its duties under Sections 49-17-1 through 49-17-43; to make
3121 funds available from the Water Pollution Abatement Grant Fund by
3122 means of advances to political subdivisions in this state in an
3123 amount not to exceed one percent (1%) of the estimated project
3124 cost as approved by and under such rules and regulations as
3125 adopted by the commission for the preparation of project planning
3126 reports and feasibility analyses; and to exercise such supervision
3127 as it may deem advisable and necessary for the discharge of its
3128 duties under Sections 49-17-1 through 49-17-43;

3129 (f) To require the repayment of funds made available to
3130 a political subdivision under subsection (e) above to the Water
3131 Pollution Abatement Grant Fund prior to the receipt of any other
3132 funds by any political subdivision providing services to the area
3133 and receiving funds provided under Sections 49-17-1 through
3134 49-17-43; any funds made available to any political subdivisions
3135 providing services to the area and receiving funds under the
3136 provisions of said sections shall be repaid in the same manner as
3137 are other funds made available to the political subdivisions under
3138 the provisions of said sections;

3139 (g) To collect and disseminate information relating to
3140 air and water quality and pollution and the prevention, control,
3141 supervision and abatement thereof;

3142 (h) To adopt, modify or repeal and promulgate ambient
3143 air and water quality standards and emissions standards for the



3144 state under such conditions as the commission may prescribe for
3145 the prevention, control and abatement of pollution;

3146 (i) To adopt, modify, repeal, and promulgate, after due
3147 notice and hearing, and, where not otherwise prohibited by federal
3148 or state law, to make exceptions to and grant exemptions and
3149 variances from, and to enforce rules and regulations implementing
3150 or effectuating the powers and duties of the commission under
3151 Sections 49-17-1 through 49-17-43 and Sections 17-17-1 through
3152 17-17-47, and as the commission may deem necessary to prevent,
3153 control and abate existing or potential pollution;

3154 (j) To issue, modify, or revoke orders (1) prohibiting,
3155 controlling or abating discharges of contaminants and wastes into
3156 the air and waters of the state; (2) requiring the construction of
3157 new disposal systems, or air-cleaning devices, or any parts
3158 thereof, or the modification, extension or alteration of existing
3159 disposal systems, or air-cleaning devices, or any parts thereof,
3160 or the adoption of other remedial measures to prevent, control or
3161 abate air and water pollution; and (3) setting standards of air or
3162 water quality or evidencing any other determination by the
3163 commission under Sections 49-17-1 through 49-17-43;

3164 (k) To hold such hearings, to issue notices of hearing
3165 and subpoenas requiring the attendance of such witnesses and the
3166 production of such evidence, to administer oaths, and to take such
3167 testimony as the commission deems necessary;



3168 (1) To require the prior submission of plans,
3169 specifications and other data relative to, and to inspect the
3170 construction of, disposal systems, or air-cleaning devices, or any
3171 part thereof, in connection with the issuance of such permits or
3172 approval as are required by Sections 49-17-1 through 49-17-43;

3173 (m) To require proper maintenance and operation of
3174 disposal systems, or air-cleaning devices; and to require the
3175 installation and operation of monitoring devices or methods as may
3176 be deemed necessary and the maintenance and submission of
3177 monitoring and operating records as may be prescribed;

3178 (n) To exercise all incidental powers necessary to
3179 carry out the purposes of Sections 49-17-1 through 49-17-43 and
3180 Sections 17-17-1 through 17-17-47; and

3181 (o) To delegate in such manner as it sees fit the
3182 duties and powers relating to air and water quality and pollution
3183 control to the agency members presently engaged in the several
3184 fields of water or air control of pollution. In cases of
3185 difference of opinion between such agencies as to their respective
3186 field of operation, the commission shall delegate said
3187 responsibility to the proper agency, and the commission's action
3188 therein shall be final.

3189 (2) Nothing contained in this section shall be deemed to
3190 grant to the commission any jurisdiction or authority to make any
3191 rule or regulation, recommendation or determination or to enter
3192 any order with respect to air conditions existing solely within



3193 the property boundaries of commercial and industrial plants,
3194 works, or shops or to affect the relations between employers and
3195 employees with respect to or arising out of any air condition.

3196 (3) Any state entity that enters into an agreement with a
3197 federal agency or subdivision thereof shall comply with the
3198 provisions of Section 1 of this act. For the purposes of this
3199 subsection, the terms "state entity" and "agreement" have the same
3200 meanings as provided in Section 1 of this act.

3201 **SECTION 50.** Section 43-1-2, Mississippi Code of 1972, is
3202 amended as follows:

3203 43-1-2. (1) There is created the Mississippi Department of
3204 Human Services, whose offices shall be located in Jackson,
3205 Mississippi, and which shall be under the policy direction of the
3206 Governor.

3207 (2) The chief administrative officer of the department shall
3208 be the Executive Director of Human Services. The Governor shall
3209 appoint the Executive Director of Human Services with the advice
3210 and consent of the Senate, and he shall serve at the will and
3211 pleasure of the Governor, and until his successor is appointed and
3212 qualified. The Executive Director of Human Services shall possess
3213 the following qualifications:

3214 (a) A bachelor's degree from an accredited institution
3215 of higher learning and ten (10) years' experience in management,
3216 public administration, finance or accounting; or



3217 (b) A master's or doctoral degree from an accredited
3218 institution of higher learning and five (5) years' experience in
3219 management, public administration, finance or accounting.

3220 Those qualifications shall be certified by the State
3221 Personnel Board.

3222 (3) There shall be a Joint Oversight Committee of the
3223 Department of Human Services composed of the respective Chairmen
3224 of the Senate Public Health and Welfare Committee, the Senate
3225 Appropriations Committee, the House Public Health and Human
3226 Services Committee and the House Appropriations Committee, three
3227 (3) members of the Senate appointed by the Lieutenant Governor to
3228 serve at the will and pleasure of the Lieutenant Governor, and
3229 three (3) members of the House of Representatives appointed by the
3230 Speaker of the House to serve at the will and pleasure of the
3231 Speaker. The chairmanship of the committee shall alternate for
3232 twelve-month periods between the Senate members and the House
3233 members, on May 1 of each year, with the Chairman of the Senate
3234 Public Health and Welfare Committee serving as chairman beginning
3235 in even-numbered years, and the Chairman of the House Public
3236 Health and Human Services Committee serving as chairman beginning
3237 in odd-numbered years. The committee shall meet once each
3238 quarter, or upon the call of the chairman at such times as he
3239 deems necessary or advisable, and may make recommendations to the
3240 Legislature pertaining to any matter within the jurisdiction of
3241 the Mississippi Department of Human Services. The appointing



3242 authorities may designate an alternate member from their
3243 respective houses to serve when the regular designee is unable to
3244 attend such meetings of the oversight committee. For attending
3245 meetings of the oversight committee, such legislators shall
3246 receive per diem and expenses which shall be paid from the
3247 contingent expense funds of their respective houses in the same
3248 amounts as provided for committee meetings when the Legislature is
3249 not in session; however, no per diem and expenses for attending
3250 meetings of the committee will be paid while the Legislature is in
3251 session. No per diem and expenses will be paid except for
3252 attending meetings of the oversight committee without prior
3253 approval of the proper committee in their respective houses.

3254 (4) The Department of Human Services shall provide the
3255 services authorized by law to every individual determined to be
3256 eligible therefor, and in carrying out the purposes of the
3257 department, the executive director is authorized:

3258 (a) To formulate the policy of the department regarding
3259 human services within the jurisdiction of the department;

3260 (b) To adopt, modify, repeal and promulgate, after due
3261 notice and hearing, and where not otherwise prohibited by federal
3262 or state law, to make exceptions to and grant exemptions and
3263 variances from, and to enforce rules and regulations implementing
3264 or effectuating the powers and duties of the department under any
3265 and all statutes within the department's jurisdiction, all of



3266 which shall be binding upon the county departments of human
3267 services;

3268 (c) To apply for, receive and expend any federal or
3269 state funds or contributions, gifts, devises, bequests or funds
3270 from any other source;

3271 (d) Except as limited by Section 43-1-3, to enter into
3272 and execute contracts, grants and cooperative agreements with any
3273 federal or state agency or subdivision thereof, or any public or
3274 private institution located inside or outside the State of
3275 Mississippi, or any person, corporation or association in
3276 connection with carrying out the programs of the department; and

3277 (e) To discharge such other duties, responsibilities
3278 and powers as are necessary to implement the programs of the
3279 department.

3280 (5) The executive director shall establish the
3281 organizational structure of the Mississippi Department of Human
3282 Services which shall include the creation of any units necessary
3283 to implement the duties assigned to the department and consistent
3284 with specific requirements of law, including, but not limited to:

3285 (a) Office of Family Children's Services;

3286 (b) Office of Youth Services;

3287 (c) Office of Economic Assistance;

3288 (d) Office of Child Support Enforcement; or

3289 (e) Office of Field Operations to administer any state
3290 or county level programs under the purview of the Mississippi



3291 Department of Human Services, with the exception of programs which
3292 fall under paragraphs (a) and (b) above.

3293 (6) The Executive Director of Human Services shall appoint
3294 heads of offices, bureaus and divisions, as defined in Section
3295 7-17-11, who shall serve at the pleasure of the executive
3296 director. The salary and compensation of such office, bureau and
3297 division heads shall be subject to the rules and regulations
3298 adopted and promulgated by the State Personnel Board as created
3299 under Section 25-9-101 et seq. The executive director shall have
3300 the authority to organize offices as deemed appropriate to carry
3301 out the responsibilities of the department. The organization
3302 charts of the department shall be presented annually with the
3303 budget request of the Governor for review by the Legislature.

3304 (7) This section shall stand repealed on July 1, 2019.

3305 (8) Any state entity that enters into an agreement with a
3306 federal agency or subdivision thereof shall comply with the
3307 provisions of Section 1 of this act. For the purposes of this
3308 subsection, the terms "state entity" and "agreement" have the same
3309 meanings as provided in Section 1 of this act.

3310 **SECTION 51.** Section 37-155-9, Mississippi Code of 1972, is
3311 amended as follows:

3312 37-155-9. In addition to the powers granted by any other
3313 provision of this article, the board of directors shall have the
3314 powers necessary or convenient to carry out the purposes and
3315 provisions of this article, the purposes and objectives of the



3316 trust fund and the powers delegated by any other law of the state
3317 or any executive order thereof, including, but not limited to, the
3318 following express powers:

3319 (a) To adopt and amend bylaws;

3320 (b) To adopt such rules and regulations as are
3321 necessary to implement the provisions of this article;

3322 (c) To invest any funds of the trust fund in any
3323 instrument, obligation, security or property that constitutes
3324 legal investments for public funds in the state and to name and
3325 use depositories for its investments and holdings;

3326 (d) To execute contracts and other necessary
3327 instruments;

3328 (e) To impose reasonable requirements for residency for
3329 beneficiaries at the time of purchase of the contract and to
3330 establish rules to govern purchase of contracts for beneficiaries
3331 who are nonresidents at the time the purchaser enters into the
3332 prepaid tuition contract;

3333 (f) To impose reasonable limits on the number of
3334 contract participants in the trust fund at any given period of
3335 time;

3336 (g) To contract for necessary goods and services, to
3337 employ necessary personnel, and to engage the services of
3338 consultants for administrative and technical assistance in
3339 carrying out the responsibilities of the trust fund;



3340 (h) To solicit and accept gifts, including
3341 bequeathments or other testamentary gifts made by will, trust or
3342 other disposition, grants, loans and other aids from any personal
3343 source or to participate in any other way in any federal, state or
3344 local governmental programs in carrying out the purposes of this
3345 article. Any gifts made to the board under this subsection shall
3346 be deductible from taxable income of the state in the tax year;

3347 (i) To define the terms and conditions under which
3348 payments may be withdrawn or refunded from the trust fund,
3349 including, but not limited to, the amount paid in and an
3350 additional amount in the nature of interest at a rate that
3351 corresponds, at a minimum, to the prevailing interest rates for
3352 savings accounts provided by banks and savings and loan
3353 associations and impose reasonable charges for such withdrawal or
3354 refund;

3355 (j) To ensure applicability to private and out-of-state
3356 tuitions:

3357 (i) Under the program, a state purchaser may enter
3358 into a prepaid tuition contract with the board under which the
3359 purchaser agrees to attend a public institution of higher
3360 education in Mississippi;

3361 (ii) If the beneficiary of a plan described by
3362 Section 37-155-11 enrolls in any in-state or out-of-state
3363 regionally accredited private four- or two-year college or an
3364 out-of-state regionally accredited, state-supported, nonprofit



3365 four- or two-year college or university, or any in-state or
3366 out-of-state regionally accredited graduate institution, the board
3367 shall pay to the institution an amount up to, but not greater
3368 than, the undergraduate tuition and required fees that the board
3369 would have paid had the beneficiary enrolled in an institution of
3370 higher education covered by the plan selected in the prepaid
3371 tuition contract. The beneficiary is responsible for paying a
3372 private undergraduate or graduate institution or an out-of-state
3373 public undergraduate or graduate institution the amount by which
3374 the tuition and required fees of the institution exceed the
3375 tuition and required fees paid by the board;

3376 (k) To impose reasonable time limits on the use of the
3377 tuition benefits provided by the program;

3378 (l) To provide for the receipt of contributions to the
3379 trust fund in lump sums or installment payments;

3380 (m) To adopt an official seal and rules;

3381 (n) To sue and be sued;

3382 (o) To establish agreements or other transactions with
3383 federal, state and local agencies, including state universities
3384 and community colleges;

3385 (p) To appear in its own behalf before boards,
3386 commissions or other governmental agencies;

3387 (q) To segregate contributions and payments to the fund
3388 into various accounts and funds;



3389 (r) To require and collect administrative fees and
3390 charges in connection with any transaction and impose reasonable
3391 penalties, including default, for delinquent payments or for
3392 entering into an advance payment contract on a fraudulent basis;

3393 (s) To procure insurance against any loss in connection
3394 with the property, assets and activities of the fund or the board;

3395 (t) To require that purchasers of advance payment
3396 contracts verify, under oath, any requests for contract
3397 conversions, substitutions, transfers, cancellations, refund
3398 requests or contract changes of any nature;

3399 (u) To administer the fund in a manner that is
3400 sufficiently actuarially sound to meet the obligations of the
3401 program. The board shall annually evaluate or cause to be
3402 evaluated the actuarial soundness of the fund. If the board
3403 perceives a need for additional assets in order to preserve
3404 actuarial soundness, the board may adjust the terms of subsequent
3405 advance payment contracts to ensure such soundness;

3406 (v) To establish a comprehensive investment plan for
3407 the purposes of this section. The comprehensive investment plan
3408 shall specify the investment policies to be utilized by the board
3409 in its administration of the fund. The board may authorize
3410 investments in:

3411 (i) Bonds, notes, certificates and other valid
3412 general obligations of the State of Mississippi, or of any county,
3413 or of any city, or of any supervisors district of any county of



3414 the State of Mississippi, or of any school district bonds of the
3415 State of Mississippi; notes or certificates of indebtedness issued
3416 by the Veterans' Home Purchase Board of Mississippi, provided such
3417 notes or certificates of indebtedness are secured by the pledge of
3418 collateral equal to two hundred percent (200%) of the amount of
3419 the loan, which collateral is also guaranteed at least for fifty
3420 percent (50%) of the face value by the United States government,
3421 and provided that not more than five percent (5%) of the total
3422 investment holdings of the system shall be in Veterans' Home
3423 Purchase Board notes or certificates at any time; real estate
3424 mortgage loans one hundred percent (100%) insured by the Federal
3425 Housing Administration on single family homes located in the State
3426 of Mississippi, where monthly collections and all servicing
3427 matters are handled by Federal Housing Administration approved
3428 mortgagees authorized to make such loans in the State of
3429 Mississippi;

3430 (ii) State of Mississippi highway bonds;

3431 (iii) Funds may be deposited in federally insured
3432 institutions domiciled in the State of Mississippi or a custodial
3433 bank which appears on the State of Mississippi Treasury
3434 Department's approved depository list and/or safekeeper list;

3435 (iv) Corporate bonds of investment grade as rated
3436 by Standard & Poor's or by Moody's Investment Service, with bonds
3437 rated BAA/BBB not to exceed five percent (5%) of the book value of
3438 the total fixed income investments; or corporate short-term



3439 obligations of corporations or of wholly owned subsidiaries of
3440 corporations, whose short-term obligations are rated A-3 or better
3441 by Standard and Poor's or rated P-3 or better by Moody's
3442 Investment Service;

3443 (v) Bonds of the Tennessee Valley Authority;

3444 (vi) Bonds, notes, certificates and other valid
3445 obligations of the United States, and other valid obligations of
3446 any federal instrumentality that issues securities under authority
3447 of an act of Congress and are exempt from registration with the
3448 Securities and Exchange Commission;

3449 (vii) Bonds, notes, debentures and other
3450 securities issued by any federal instrumentality and fully
3451 guaranteed by the United States. Direct obligations issued by the
3452 United States of America shall be deemed to include securities of,
3453 or other interests in, any open-end or closed-end management type
3454 investment company or investment trust registered under the
3455 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
3456 portfolio of such investment company or investment trust is
3457 limited to direct obligations issued by the United States of
3458 America, United States government agencies, United States
3459 government instrumentalities or United States government sponsored
3460 enterprises, and to repurchase agreements fully collateralized by
3461 direct obligations of the United States of America, United States
3462 government agencies, United States government instrumentalities or
3463 United States government sponsored enterprises, and the investment



3464 company or investment trust takes delivery of such collateral for
3465 the repurchase agreement, either directly or through an authorized
3466 custodian. The State Treasurer and the Executive Director of the
3467 Department of Finance and Administration shall review and approve
3468 the investment companies and investment trusts in which funds may
3469 be invested;

3470 (viii) Interest-bearing bonds or notes which are
3471 general obligations of any other state in the United States or of
3472 any city or county therein, provided such city or county had a
3473 population as shown by the federal census next preceding such
3474 investment of not less than twenty-five thousand (25,000)
3475 inhabitants and provided that such state, city or county has not
3476 defaulted for a period longer than thirty (30) days in the payment
3477 of principal or interest on any of its general obligation
3478 indebtedness during a period of ten (10) calendar years
3479 immediately preceding such investment;

3480 (ix) Shares of stocks, common and/or preferred, of
3481 corporations created by or existing under the laws of the United
3482 States or any state, district or territory thereof; provided:

3483 (A) The maximum investments in stocks shall
3484 not exceed fifty percent (50%) of the book value of the total
3485 investment fund of the system;

3486 (B) The stock of such corporation shall:

3487 1. Be listed on a national stock
3488 exchange; or



3489 2. Be traded in the over-the-counter
3490 market, provided price quotations for such over-the-counter stocks
3491 are quoted by the National Association of Securities Dealers
3492 Automated Quotation System (NASDAQ);

3493 (C) The outstanding shares of such
3494 corporation shall have a total market value of not less than Fifty
3495 Million Dollars (\$50,000,000.00);

3496 (D) The amount of investment in any one (1)
3497 corporation shall not exceed three percent (3%) of the book value
3498 of the assets of the system; and

3499 (E) The shares of any one (1) corporation
3500 owned by the system shall not exceed five percent (5%) of that
3501 corporation's outstanding stock;

3502 (x) Bonds rated Single A or better, stocks and
3503 convertible securities of established non-United States companies,
3504 which companies are listed on only primary national stock
3505 exchanges of foreign nations; and in foreign government securities
3506 rated Single A or better by a recognized rating agency; provided
3507 that the total book value of investments under this paragraph
3508 shall at no time exceed twenty percent (20%) of the total book
3509 value of all investments of the system. The board may take
3510 requisite action to effectuate or hedge such transactions through
3511 foreign banks, including the purchase and sale, transfer, exchange
3512 or otherwise disposal of, and generally deal in foreign exchange
3513 through the use of foreign currency, interbank forward contracts,



3514 futures contracts, options contracts, swaps and other related
3515 derivative instruments, notwithstanding any other provisions of
3516 this article to the contrary;

3517 (xi) Covered call and put options on securities
3518 traded on one or more of the regulated exchanges;

3519 (xii) Institutional investment trusts managed by a
3520 corporate trustee or by a Securities and Exchange Commission
3521 registered investment advisory firm retained as an investment
3522 manager by the board of directors, and institutional class shares
3523 of investment companies and unit investment trusts registered
3524 under the Investment Company Act of 1940 where such funds or
3525 shares are comprised of common or preferred stocks, bonds, money
3526 market instruments or other investments authorized under this
3527 section. Any investment manager or managers approved by the board
3528 of directors shall invest such funds or shares as a fiduciary;

3529 (xiii) Pooled or commingled real estate funds or
3530 real estate securities managed by a corporate trustee or by a
3531 Securities and Exchange Commission registered investment advisory
3532 firm retained as an investment manager by the board of directors.
3533 Such investment in commingled funds or shares shall be held in
3534 trust; provided that the total book value of investments under
3535 this paragraph shall at no time exceed five percent (5%) of the
3536 total book value of all investments of the system. Any investment
3537 manager approved by the board of directors shall invest such
3538 commingled funds or shares as a fiduciary;



3539 (w) All investments shall be acquired by the board at
3540 prices not exceeding the prevailing market values for such
3541 securities;

3542 (x) Any limitations herein set forth shall be
3543 applicable only at the time of purchase and shall not require the
3544 liquidation of any investment at any time. All investments shall
3545 be clearly marked to indicate ownership by the system and to the
3546 extent possible shall be registered in the name of the system;

3547 (y) Subject to the above terms, conditions, limitations
3548 and restrictions, the board shall have power to sell, assign,
3549 transfer and dispose of any of the securities and investments of
3550 the system, provided that the sale, assignment or transfer has the
3551 majority approval of the entire board. The board may employ or
3552 contract with investment managers, evaluation services or other
3553 such services as determined by the board to be necessary for the
3554 effective and efficient operation of the system;

3555 (z) Except as otherwise provided herein, no trustee and
3556 no employee of the board shall have any direct or indirect
3557 interest in the income, gains or profits of any investment made by
3558 the board, nor shall any such person receive any pay or emolument
3559 for his services in connection with any investment made by the
3560 board. No trustee or employee of the board shall become an
3561 endorser or surety, or in any manner an obligor for money loaned
3562 by or borrowed from the system;



3563 (aa) All interest derived from investments and any
3564 gains from the sale or exchange of investments shall be credited
3565 by the board to the account of the system;

3566 (bb) To delegate responsibility for administration of
3567 the comprehensive investment plan to a consultant the board
3568 determines to be qualified. Such consultant shall be compensated
3569 by the board. Directly or through such consultant, the board may
3570 contract to provide such services as may be a part of the
3571 comprehensive investment plan or as may be deemed necessary or
3572 proper by the board or such consultant, including, but not limited
3573 to, providing consolidated billing, individual and collective
3574 record keeping and accounting, and asset purchase, control and
3575 safekeeping;

3576 (cc) To annually prepare or cause to be prepared a
3577 report setting forth in appropriate detail an accounting of the
3578 fund and a description of the financial condition of the program
3579 at the close of each fiscal year. Such report shall be submitted
3580 to the Governor, the Lieutenant Governor, the President of the
3581 Senate, the Speaker of the House of Representatives, and members
3582 of the Board of Trustees of State Institutions of Higher Learning,
3583 the Mississippi Community College Board and the State Board of
3584 Education on or before March 31 each year. In addition, the board
3585 shall make the report available to purchasers of advance payment
3586 contracts. The board shall provide to the Board of Trustees of
3587 State Institutions of Higher Learning and the Mississippi



3588 Community College Board by March 31 each year complete advance
3589 payment contract sales information including projected
3590 postsecondary enrollments of beneficiaries. The accounts of the
3591 fund shall be subject to annual audits by the State Auditor or his
3592 designee;

3593 (dd) To solicit proposals for the marketing of the
3594 Mississippi Prepaid Affordable College Tuition Program. The
3595 entity designated pursuant to this paragraph shall serve as a
3596 centralized marketing agent for the program and shall solely be
3597 responsible for the marketing of the program. Any materials
3598 produced for the purpose of marketing the programs shall be
3599 submitted to the board for review. No such materials shall be
3600 made available to the public before the materials are approved by
3601 the board. Any educational institution may distribute marketing
3602 materials produced for the program; however, all such materials
3603 shall have been approved by the board prior to distribution.
3604 Neither the state nor the board shall be liable for
3605 misrepresentation of the program by a marketing agent; and

3606 (ee) To establish other policies, procedures and
3607 criteria necessary to implement and administer the provisions of
3608 this article.

3609 For efficient and effective administration of the program and
3610 trust fund, the board may authorize the State of Mississippi
3611 Treasury Department and/or the State Treasurer to carry out any or
3612 all of the powers and duties enumerated above.



3613 Any state entity that enters into an agreement with a federal
3614 agency or subdivision thereof shall comply with the provisions of
3615 Section 1 of this act. For the purposes of this paragraph, the
3616 terms "state entity" and "agreement" have the same meanings as
3617 provided in Section 1 of this act.

3618 **SECTION 52.** Section 49-27-71, Mississippi Code of 1972, is
3619 amended as follows:

3620 49-27-71. (1) **Definitions.** As used in the section, unless
3621 the context clearly indicates otherwise:

3622 (a) "Derelict" means (i) grounded; (ii) allowed to
3623 remain in an unseaworthy or dilapidated condition; or (iii)
3624 submerged or in immediate danger of sinking. A ship submerged for
3625 one hundred (100) years or more is not derelict.

3626 (b) "Vessel" means vessels and, for purposes of this
3627 section, also includes floatable buildings and structures, whether
3628 or not they are used for navigation.

3629 (2) **Jurisdiction.** In the waters of Harrison, Hancock and
3630 Jackson Counties, a person must not leave derelict any vessel on
3631 the coastal wetlands, marine waters, or on public or privately
3632 owned lands without the owner's permission.

3633 (3) **Standing.** Only a party with standing may initiate the
3634 derelict vessel procedures in this section. For purpose of this
3635 section, the following parties have standing:

3636 (a) The owner of the property where the vessel came to
3637 rest or to which the vessel was made fast;



3638 (b) Any harbormaster, police department, municipality
3639 or agent of the state that agrees to accept or process a derelict
3640 vessel; or

3641 (c) Any professional marine salvager when the salvager
3642 is engaged by a person with standing.

3643 (4) **Notice.** Any party with standing may initiate the notice
3644 process by filing an application to remove the derelict vessel
3645 with the department. Upon receipt of the application, and review,
3646 the department may initiate the following notice process:

3647 (a) A department officer will post notice on the vessel
3648 in a prominent location so as to be visible to an approaching
3649 person, requiring the vessel to be removed within seven (7) days
3650 of the notice.

3651 (b) The notice must include a space for the owner of
3652 the vessel to respond.

3653 (c) If the owner responds with a signature in the space
3654 or written response to the department requesting an extension of
3655 time, then the owner will have an additional five (5) days to
3656 remove the vessel.

3657 (d) The department must attempt to contact the owner of
3658 the vessel and any lien holders of record by other available
3659 means. The owner is presumed to be the person to whom the vessel
3660 is registered.



3661 (5) **Derelict vessel removal.** (a) After the initial notice
3662 period described in subsection (4) has lapsed, the derelict vessel
3663 may be removed by the department or the party with standing.

3664 (b) Prior to disposition of the vessel, the department
3665 or the party with standing must inquire of the Department of
3666 Wildlife, Fisheries and Parks as to the status of the vessel in
3667 regard to the Mississippi Boating Law of 1960, Section 59-21-1 et
3668 seq. The inquiry must provide the description of the vessel,
3669 including the vessel registration number. Upon request of the
3670 Department of Wildlife, Fisheries and Parks, satisfactory evidence
3671 must be furnished as to dereliction in compliance with this
3672 section. The Department of Wildlife, Fisheries and Parks will
3673 advise the inquirer of proper registration procedures, where
3674 indicated, depending on the method of disposition of the vessel.

3675 (c) On registration, title to the derelict vessel vests
3676 with the person or governmental agency that registered it. No
3677 liabilities incurred by the vessel or the vessel owner transfer
3678 along with the title. Any vessel transferred under this
3679 subsection may be disposed of without additional notice to the
3680 original owner of the vessel. Any value retrieved from the sale
3681 or disposal of the vessel offsets the costs of removal and storage
3682 attributed to the original owner.

3683 (d) Any person who acts in good faith and without
3684 malicious intent in the processing, storage or movement of any



3685 derelict vessel pursuant to this section is immune from civil
3686 liability for damage to the vessel.

3687 (6) **Emergency removal.** Any derelict vessel within any
3688 designated navigation channel or within one hundred (100) yards of
3689 the boundaries of any state, county or municipal port may be
3690 declared a hazard to navigation and subject to immediate removal
3691 and disposal by the department. Any derelict vessel that is
3692 leaking any hazardous substances, chemicals or fuels may be
3693 declared an environmental hazard and subject to immediate removal
3694 and disposal by the department. The owners of a vessel removed in
3695 accordance with this subsection are liable for the costs
3696 associated with the salvage and disposal of the vessel and any
3697 damages to the flora and fauna within the affected area. The
3698 department is not liable for damages resulting from relocation or
3699 removal unless the damage results from gross negligence or willful
3700 misconduct.

3701 (7) **Cost recovery.** (a) Any party with standing may seek
3702 full cost recovery from the owner of the derelict vessel for any
3703 expense incurred as a result of, or incidental to, removing the
3704 vessel. The owner of the vessel is liable for the costs of
3705 removal, storage and restoration of affected lands. If ownership
3706 of the vessel transfers under subsection (5)(c), then the original
3707 owner is liable for double the costs of removal, storage,
3708 restoration of affected lands, attorneys' fees, and all costs of
3709 court.



3710 (b) The owner of the vessel is also liable for a fine
3711 of Five Hundred Dollars (\$500.00) per day. However, no fine will
3712 be charged if the vessel is reclaimed by the owner and all
3713 expenses paid before the title transfers under this section.

3714 (8) **Court process.** (a) The chancery court of the county in
3715 which the vessel is located has jurisdiction over all matters
3716 concerning derelict vessels under this section, including
3717 injunctions and demands for damages.

3718 (b) The chancery court may, in its discretion, order
3719 damages up to Five Hundred Dollars (\$500.00) per day for every day
3720 the vessel was left abandoned or derelict, beginning on the day of
3721 the first posting of notice. If the vessel was removed prior to
3722 the title transferring under subsection (5), then no such damages
3723 will be assessed. The vessel owner is liable for reasonable
3724 attorneys' fees and all costs of court.

3725 (c) If a party with standing desires to require the
3726 owner to remove the vessel, then he may apply to the chancery
3727 court for a writ of mandatory injunction ordering the owner to
3728 remove the vessel. The chancery court must allow a reasonable
3729 time for removal and restoration of the affected lands. The
3730 chancery court may order further damages not to exceed Five
3731 Hundred Dollars (\$500.00) per day for each day that the violation
3732 exists beyond the date set by the court in an injunction for the
3733 removal of the vessel and restoration of the affected lands.



3734 (d) Any court-ordered reimbursed costs or damages in
3735 excess of the actual costs of removal and restoration must be
3736 deposited in a special fund in the State Treasury known as the
3737 "Derelict Vessel Fund" administered by the department. Any funds
3738 deposited in the fund must be used to cover the administrative
3739 costs and removal costs incurred by the department for the removal
3740 of vessels. Any remaining funds must be used to cover the costs
3741 of removing additional derelict vessels.

3742 (9) **Department authorities.** (a) The department is
3743 authorized to enter into contracts with individuals, firms and
3744 corporations for the removal of vessels. The salvage value, if
3745 any, of the vessel may be used to offset the costs of the removal
3746 of the vessel and the restoration of the affected area. The
3747 department may enter into noncompetitive contracts or agreements
3748 with any state or federal entity for the removal of vessels.

3749 (b) The Commission on Marine Resources shall adopt
3750 rules and regulations necessary and appropriate to carry out this
3751 section. The commission may also enter into interstate or
3752 intrastate efforts toward this end, and may seek and utilize aid
3753 from all federal, state, and local sources in this endeavor.

3754 (c) The State of Mississippi, the Commission on Marine
3755 Resources, the department, and their employees and representatives
3756 shall not be liable for any damages resulting from the removal,
3757 sale or disposal of any vessel declared derelict or hazardous
3758 under this section.



3759 (d) Any state entity that enters into an agreement with
3760 a federal agency or subdivision thereof shall comply with the
3761 provisions of Section 1 of this act. For the purposes of this
3762 paragraph, the terms "state entity" and "agreement" have the same
3763 meanings as provided in Section 1 of this act.

3764 **SECTION 53.** Section 41-95-5, Mississippi Code of 1972, is
3765 amended as follows:

3766 41-95-5. (1) The Mississippi Health Finance Authority is
3767 created. The authority shall be supervised and directed by the
3768 Mississippi Health Finance Authority Board.

3769 (2) The Mississippi Health Finance Authority Board is
3770 created. The Mississippi Health Finance Authority Board shall
3771 consist of seven (7) members, one (1) from each of the five (5)
3772 congressional districts of Mississippi and two (2) from the state
3773 at large, who shall be appointed by the Governor with the advice
3774 and consent of the Senate. All members shall be qualified
3775 electors of the State of Mississippi who have no financial or
3776 other interest in any health care provider or insurer. It is the
3777 intent of the Legislature that the appointments to the board
3778 reflect the racial and sexual demographics of the entire state.
3779 The initial appointments to the Health Finance Authority Board
3780 shall be for staggered terms, to be designated by the Governor at
3781 the time of appointment as follows: two (2) members to serve for
3782 terms ending June 30, 1997; three (3) members to serve for terms
3783 ending June 30, 1996; and two (2) members to serve for terms



3784 ending June 30, 1995. Thereafter, Mississippi Health Finance
3785 Authority Board members shall be appointed for a term of four (4)
3786 years from the expiration date of the previous term. All
3787 vacancies occurring on the board shall be filled by the Governor
3788 in the same manner as original appointments are made within sixty
3789 (60) days after the vacancy occurs.

3790 (3) The members of the Mississippi Health Finance Authority
3791 Board shall be paid a per diem as authorized by Section 25-3-69
3792 and shall be reimbursed for necessary and ordinary expenses and
3793 mileage incurred while performing their duties as members of the
3794 board, at the rate authorized by Section 25-3-41.

3795 (4) The members of the Mississippi Health Finance Authority
3796 Board shall take an oath to perform faithfully the duties of their
3797 office. The oath shall be administered by a person qualified by
3798 law to administer oaths. Within thirty (30) days after taking the
3799 oath of office, the first board appointed under this section shall
3800 meet for an organizational meeting on call by the Governor. At
3801 such meeting and at an organizational meeting in January every
3802 odd-numbered year thereafter, the board shall elect from its
3803 members a chairman, vice chairman and secretary-treasurer to serve
3804 for terms of two (2) years.

3805 (5) The Mississippi Health Finance Authority Board shall
3806 adopt rules and regulations not inconsistent with Sections 41-95-1
3807 through 41-95-9, in compliance with the Mississippi Administrative



3808 Procedures Law, for the conduct of its business and the carrying
3809 out of its duties.

3810 (6) The Mississippi Health Finance Authority Board shall
3811 hold at least two (2) regular meetings each year, and additional
3812 meetings may be held upon the call of the chairman or at the
3813 written request of any three (3) members.

3814 (7) The members of the Mississippi Health Finance Authority
3815 Board are individually exempt from any civil liability as a result
3816 of any action taken by the board.

3817 (8) There shall be a Joint Oversight Committee of the
3818 Mississippi Health Finance Authority composed of three (3) members
3819 of the Senate appointed by the Lieutenant Governor to serve at the
3820 will and pleasure of the Lieutenant Governor, and three (3)
3821 members of the House of Representatives appointed by the Speaker
3822 of the House to serve at the will and pleasure of the Speaker.
3823 The chairmanship of the committee shall alternate for twelve-month
3824 periods between the Senate members and the House members, with the
3825 first chairman appointed by the Lieutenant Governor from among the
3826 Senate membership. The committee shall meet once each month, or
3827 upon the call of the chairman at such times as he deems necessary
3828 or advisable, and may make recommendations to the Legislature
3829 pertaining to any matter within the jurisdiction of the
3830 Mississippi Health Finance Authority. The appointing authorities
3831 may designate an alternate member from their respective houses to
3832 serve when the regular designee is unable to attend such meetings



3833 of the oversight committee. For attending meetings of the
3834 oversight committee, such legislators shall receive per diem and
3835 expenses which shall be paid from the contingent expense funds of
3836 their respective houses in the same amounts as provided for
3837 committee meetings when the Legislature is not in session;
3838 however, no per diem and expenses for attending meetings of the
3839 committee will be paid while the Legislature is in session. No
3840 per diem and expenses will be paid except for attending meetings
3841 of the oversight committee without prior approval of the proper
3842 committee in their respective houses.

3843 (9) The Mississippi Health Finance Authority Board shall
3844 appoint the following five (5) advisory committees to assist in
3845 administering the provisions of Sections 41-95-1 through 41-95-9:

- 3846 (a) The Benefits and Ethics Committee;
- 3847 (b) The Provider and Standards Committee;
- 3848 (c) The Consumer/Customer Satisfaction Committee;
- 3849 (d) The Data Committee; and
- 3850 (e) The Health Finance Advisory Committee.

3851 Each committee shall consist of at least five (5) and no more
3852 than seven (7) members. The qualifications of the committee
3853 members for the committees listed in paragraphs (a), (b), (c) and
3854 (d) shall be set forth by the board in its bylaws and regulations.
3855 It is the intent of the Legislature that the appointments to each
3856 of the committees listed in paragraphs (a), (b), (c) and (d)
3857 reflect the racial and sexual demographics of the entire state.



3858 The Health Finance Advisory Committee shall be composed of the
3859 chairman of the other committees and the Executive Director of the
3860 Mississippi Health Finance Authority. All such committee members
3861 shall be appointed by the Mississippi Health Finance Authority
3862 Board for a term of four (4) years. If a member is unable to
3863 complete his term, a successor shall be appointed to serve the
3864 unexpired term. No person may serve as a member of the committee
3865 for more than ten (10) years. The terms of the initial committees
3866 shall be staggered. Two (2) members shall be appointed to a term
3867 of two (2) years, two (2) members shall be appointed to a term of
3868 three (3) years, and three (3) members shall be appointed to a
3869 term of four (4) years, to be designated by the board at the time
3870 of appointment. Members shall receive no salary for services
3871 performed, but may be reimbursed for necessary and actual expenses
3872 incurred in connection with attendance at meetings or for
3873 authorized business from funds made available for such purpose.
3874 The committees shall meet at least once in each quarter of the
3875 year at a time and place fixed by the committees, and at such
3876 other times as requested by the board. The organization, meetings
3877 and management of the committees shall be established by
3878 regulations promulgated by the board. The board, in its
3879 discretion, may appoint additional committees as deemed necessary
3880 to carry out its duties and responsibilities.

3881 (10) The Mississippi Health Finance Authority Board shall
3882 elect a full-time director who holds a graduate degree in finance,



3883 economics, business, health policy or health finance, or the
3884 equivalent, and who has no financial or other interest in any
3885 health care provider or payor. The director shall have a minimum
3886 of five (5) years' appropriate experience to be certified by the
3887 State Personnel Board. The director shall serve at the will and
3888 pleasure of the Mississippi Health Finance Authority Board. The
3889 director shall be the chief administrative officer of the
3890 Mississippi Health Finance Authority Board, shall be the agent of
3891 the board for the purpose of receiving all services of process,
3892 summonses and notices directed to the board, shall direct the
3893 daily operations of the board, and shall perform such other duties
3894 as the board may delegate to him. The position of attorney for
3895 the Mississippi Health Finance Authority is authorized, who shall
3896 be a duly licensed attorney and whose salary and qualifications
3897 shall be fixed by the board. Such attorney shall be employed by
3898 the Mississippi Health Finance Authority Board. The Director of
3899 the Mississippi Health Finance Authority shall appoint heads of
3900 offices, who shall serve at the pleasure of the director, and
3901 shall appoint any necessary supervisors, assistants and employees.
3902 The salary and compensation of such employees shall be subject to
3903 the rules and regulations adopted and promulgated by the State
3904 Personnel Board created under Section 25-9-101 et seq. The
3905 director shall have the authority to organize offices as deemed
3906 appropriate to carry out the responsibilities of the Mississippi
3907 Health Finance Authority. All new positions, before staff is to



3908 be hired to fill them, must be authorized and approved by the
3909 board itself in accordance with the laws and regulations set forth
3910 by the State Personnel Board. The organizational structure of the
3911 staff shall provide for the performance of assigned functions and
3912 shall be subject to the approval of the board.

3913 (11) The Director of the Mississippi Health Finance
3914 Authority is authorized:

3915 (a) To enforce rules and regulations adopted and
3916 promulgated by the board implementing or effectuating the powers
3917 and duties of the Mississippi Health Finance Authority under any
3918 and all statutes within the Mississippi Health Finance Authority's
3919 jurisdiction;

3920 (b) To apply for, receive and expend any federal or
3921 state funds or contributions, gifts, devises, bequests or funds
3922 from any other source;

3923 (c) To enter into and execute contracts, grants and
3924 cooperative agreements with any federal or state agency or
3925 subdivision thereof, or any public or private institution located
3926 inside or outside the State of Mississippi, or any person,
3927 corporation or association in connection with carrying out the
3928 programs of the Mississippi Health Finance Authority; and

3929 (d) To discharge such other duties, responsibilities
3930 and powers as are necessary to implement the programs of the
3931 Mississippi Health Finance Authority.



3932 (e) Any state entity that enters into an agreement with
3933 a federal agency or subdivision thereof shall comply with the
3934 provisions of Section 1 of this act. For the purposes of this
3935 paragraph, the terms "state entity" and "agreement" have the same
3936 meanings as provided in Section 1 of this act.

3937 **SECTION 54.** Section 19-5-177, Mississippi Code of 1972, is
3938 amended as follows:

3939 19-5-177. (1) Any district created under Sections 19-5-151
3940 through 19-5-207, acting by and through the board of commissioners
3941 of such district as its governing authority, shall have the
3942 following, among other, powers:

3943 (a) To sue and be sued;

3944 (b) To acquire by purchase, gift, devise and lease or
3945 any other mode of acquisition, other than by eminent domain, hold
3946 and dispose of real and personal property of every kind within or
3947 without the district;

3948 (c) To make and enter into contracts, conveyances,
3949 mortgages, deeds of trust, bonds, leases or contracts for
3950 financial advisory services;

3951 (d) To incur debts, to borrow money, to issue
3952 negotiable bonds, and to provide for the rights of the holders
3953 thereof;

3954 (e) To fix, maintain, collect and revise rates and
3955 charges for services rendered by or through the facilities of such
3956 district, which rates and charges shall not be subject to review



3957 or regulation by the Mississippi Public Service Commission except
3958 in those instances where a city operating similar services would
3959 be subject to regulation and review; however, the district may
3960 furnish services, including connection to the facilities of the
3961 district, free of charge to the county or any agency or department
3962 of the county and to volunteer fire departments located within the
3963 service area of the district. The district shall obtain a
3964 certificate of convenience and necessity from the Mississippi
3965 Public Service Commission for operating of water and/or sewer
3966 systems;

3967 (f) To pledge all or any part of its revenues to the
3968 payment of its obligations;

3969 (g) To make such covenants in connection with the
3970 issuance of bonds or to secure the payment of bonds that a private
3971 business corporation can make under the general laws of the state;

3972 (h) To use any right-of-way, public right-of-way,
3973 easement, or other similar property or property rights necessary
3974 or convenient in connection with the acquisition, improvement,
3975 operation or maintenance of the facilities of such district held
3976 by the state or any political subdivision thereof; however, the
3977 governing body of such political subdivision shall consent to such
3978 use;

3979 (i) To enter into agreements with state and federal
3980 agencies for loans, grants, grants-in-aid, and other forms of



3981 assistance including, but not limited to, participation in the
3982 sale and purchase of bonds;

3983 (j) To acquire by purchase any existing works and
3984 facilities providing services for which it was created, and any
3985 lands, rights, easements, franchises and other property, real and
3986 personal necessary to the completion and operation of such system
3987 upon such terms and conditions as may be agreed upon, and if
3988 necessary as part of the purchase price to assume the payment of
3989 outstanding notes, bonds or other obligations upon such system;

3990 (k) To extend its services to areas beyond but within
3991 one (1) mile of the boundaries of such district; however, no such
3992 extension shall be made to areas already occupied by another
3993 corporate agency rendering the same service so long as such
3994 corporate agency desires to continue to serve such areas. Areas
3995 outside of the district desiring to be served which are beyond the
3996 one (1) mile limit must be brought into the district by annexation
3997 proceedings;

3998 (l) To be deemed to have the same status as counties
3999 and municipalities with respect to payment of sales taxes on
4000 purchases made by such districts;

4001 (m) To borrow funds for interim financing subject to
4002 receipt of funds as outlined in Section 19-5-181;

4003 (n) To provide group life insurance coverage for all or
4004 specified groups of employees of the district and group
4005 hospitalization benefits for those employees and their dependents,



4006 and to pay the total cost of these benefits. For purposes of this
4007 paragraph, the term "employees" does not include any person who is
4008 a commissioner of a district created under Sections 19-5-151
4009 through 19-5-207, and such commissioners are not eligible to
4010 receive any insurance coverage or benefits made available to
4011 district employees under this paragraph.

4012 (2) Any district which is incorporated under Sections
4013 19-5-151 through 19-5-207 to provide sewer services may install or
4014 provide for the installation of sewage holding tanks at
4015 residential properties within the district, if funding for
4016 municipal or community sewers has been awarded to the district.
4017 The district shall maintain or provide for the maintenance of the
4018 sewage holding tank systems. The district may assess and collect
4019 from each resident using a sewage holding tank a fee covering the
4020 costs of providing the services authorized under this section.
4021 When municipal or community sewers are available and ready for
4022 use, residences with sewage holding tanks shall be connected to
4023 the sewer system.

4024 (3) Any state entity that enters into an agreement with a
4025 federal agency or subdivision thereof shall comply with the
4026 provisions of Section 1 of this act. For the purposes of this
4027 subsection, the terms "state entity" and "agreement" have the same
4028 meanings as provided in Section 1 of this act.

4029 **SECTION 55.** Section 41-13-35, Mississippi Code of 1972, is
4030 amended as follows:



4031 41-13-35. (1) The board of trustees of any community
4032 hospital shall have full authority to appoint an administrator,
4033 who shall not be a member of the board of trustees, and to
4034 delegate reasonable authority to such administrator for the
4035 operation and maintenance of such hospital and all property and
4036 facilities otherwise appertaining thereto.

4037 (2) The board of trustees shall have full authority to
4038 select from its members, officers and committees and, by
4039 resolution or through the board bylaws, to delegate to such
4040 officers and committees reasonable authority to carry out and
4041 enforce the powers and duties of the board of trustees during the
4042 interim periods between regular meetings of the board of trustees;
4043 provided, however, that any such action taken by an officer or
4044 committee shall be subject to review by the board, and actions may
4045 be withdrawn or nullified at the next subsequent meeting of the
4046 board of trustees if the action is in excess of delegated
4047 authority.

4048 (3) The board of trustees shall be responsible for governing
4049 the community hospital under its control and shall make and
4050 enforce staff and hospital bylaws and/or rules and regulations
4051 necessary for the administration, government, maintenance and/or
4052 expansion of such hospitals. The board of trustees shall keep
4053 minutes of its official business and shall comply with Section
4054 41-9-68.



4055 (4) The decisions of said board of trustees of the community
4056 hospital shall be valid and binding unless expressly prohibited by
4057 applicable statutory or constitutional provisions.

4058 (5) The power of the board of trustees shall specifically
4059 include, but not be limited to, the following authority:

4060 (a) To deposit and invest funds of the community
4061 hospital in accordance with Section 27-105-365;

4062 (b) To establish such equitable wage and salary
4063 programs and other employment benefits as may be deemed expedient
4064 or proper, and in so doing, to expend reasonable funds for such
4065 employee salary and benefits. Allowable employee programs shall
4066 specifically include, but not be limited to, medical benefit,
4067 life, accidental death and dismemberment, disability, retirement
4068 and other employee coverage plans. The hospital may offer and
4069 fund such programs directly or by contract with any third party
4070 and shall be authorized to take all actions necessary to
4071 implement, administer and operate such plans, including payroll
4072 deductions for such plans;

4073 (c) To authorize employees to attend and to pay actual
4074 expenses incurred by employees while engaged in hospital business
4075 or in attending recognized educational or professional meetings;

4076 (d) To enter into loan or scholarship agreements with
4077 employees or students to provide educational assistance where such
4078 student or employee agrees to work for a stipulated period of time
4079 for the hospital;



4080 (e) To devise and implement employee incentive
4081 programs;

4082 (f) To recruit and financially assist physicians and
4083 other health care practitioners in establishing, or relocating
4084 practices within the service area of the community hospital
4085 including, without limitation, direct and indirect financial
4086 assistance, loan agreements, agreements guaranteeing minimum
4087 incomes for a stipulated period from opening of the practice and
4088 providing free office space or reduced rental rates for office
4089 space where such recruitment would directly benefit the community
4090 hospital and/or the health and welfare of the citizens of the
4091 service area;

4092 (g) To contract by way of lease, lease-purchase or
4093 otherwise, with any agency, department or other office of
4094 government or any individual, partnership, corporation, owner,
4095 other board of trustees, or other health care facility, for the
4096 providing of property, equipment or services by or to the
4097 community hospital or other entity or regarding any facet of the
4098 construction, management, funding or operation of the community
4099 hospital or any division or department thereof, or any related
4100 activity, including, without limitation, shared management
4101 expertise or employee insurance and retirement programs, and to
4102 terminate said contracts when deemed in the best interests of the
4103 community hospital;



4104 (h) To file suit on behalf of the community hospital to
4105 enforce any right or claims accruing to the hospital and to defend
4106 and/or settle claims against the community hospital and/or its
4107 board of trustees;

4108 (i) To sell or otherwise dispose of any chattel
4109 property of the community hospital by any method deemed
4110 appropriate by the board where such disposition is consistent with
4111 the hospital purposes or where such property is deemed by the
4112 board to be surplus or otherwise unneeded;

4113 (j) To let contracts for the construction, remodeling,
4114 expansion or acquisition, by lease or purchase, of hospital or
4115 health care facilities, including real property, within the
4116 service area for community hospital purposes where such may be
4117 done with operational funds without encumbrancing the general
4118 funds of the county or municipality, provided that any contract
4119 for the purchase of real property must be ratified by the owner;

4120 (k) To borrow money and enter other financing
4121 arrangements for community hospital and related purposes and to
4122 grant security interests in hospital equipment and other hospital
4123 assets and to pledge a percentage of hospital revenues as security
4124 for such financings where needed; provided that the owner shall
4125 specify by resolution the maximum borrowing authority and maximum
4126 percent of revenue which may be pledged by the board of trustees
4127 during any given fiscal year;



4128 (1) To expend hospital funds for public relations or
4129 advertising programs;

4130 (m) To offer the following inpatient and outpatient
4131 services, after complying with applicable health planning,
4132 licensure statutes and regulations, whether or not heretofore
4133 offered by such hospital or other similar hospitals in this state
4134 and whether or not heretofore authorized to be offered, long-term
4135 care, extended care, home care, after-hours clinic services,
4136 ambulatory surgical clinic services, preventative health care
4137 services including wellness services, health education,
4138 rehabilitation and diagnostic and treatment services; to promote,
4139 develop, operate and maintain a center providing care or
4140 residential facilities for the aged, convalescent or handicapped;
4141 and to promote, develop and institute any other services having an
4142 appropriate place in the operation of a hospital offering complete
4143 community health care;

4144 (n) To promote, develop, acquire, operate and maintain
4145 on a nonprofit basis, or on a profit basis if the community
4146 hospital's share of profits is used solely for community hospital
4147 and related purposes in accordance with this chapter, either
4148 separately or jointly with one or more other hospitals or
4149 health-related organizations, facilities and equipment for
4150 providing goods, services and programs for hospitals, other health
4151 care providers, and other persons or entities in need of such
4152 goods, services and programs and, in doing so, to provide for



4153 contracts of employment or contracts for services and ownership of
4154 property on terms that will protect the public interest;

4155 (o) To establish and operate medical offices, child
4156 care centers, wellness or fitness centers and other facilities and
4157 programs which the board determines are appropriate in the
4158 operation of a community hospital for the benefit of its
4159 employees, personnel and/or medical staff which shall be operated
4160 as an integral part of the hospital and which may, in the
4161 direction of the board of trustees, be offered to the general
4162 public. If such programs are not established in existing
4163 facilities or constructed on real estate previously acquired by
4164 the owners, the board of trustees shall also have authority to
4165 acquire, by lease or purchase, such facilities and real property
4166 within the service area, whether or not adjacent to existing
4167 facilities, provided that any contract for the purchase of real
4168 property shall be ratified by the owner. The trustees shall lease
4169 any such medical offices to members of the medical staff at rates
4170 deemed appropriate and may, in its discretion, establish rates to
4171 be paid for the use of other facilities or programs by its
4172 employees or personnel or members of the public whom the trustees
4173 may determine may properly use such other facilities or programs;

4174 (p) Provide, at its discretion, ambulance service
4175 and/or to contract with any third party, public or private, for
4176 the providing of such service;



4177 (q) Establish a fair and equitable system for the
4178 billing of patients for care or users of services received through
4179 the community hospital, which in the exercise of the board of
4180 trustees' prudent fiscal discretion, may allow for rates to be
4181 classified according to the potential usage by an identified group
4182 or groups of patients of the community hospital's services and may
4183 allow for standard discounts where the discount is designed to
4184 reduce the operating costs or increase the revenues of the
4185 community hospital. Such billing system may also allow for the
4186 payment of charges by means of a credit card or similar device and
4187 allow for payment of administrative fees as may be regularly
4188 imposed by a banking institution or other credit service
4189 organization for the use of such cards;

4190 (r) To establish as an organizational part of the
4191 hospital or to aid in establishing as a separate entity from the
4192 hospital, hospital auxiliaries designed to aid the hospital, its
4193 patients, and/or families and visitors of patients, and when the
4194 auxiliary is established as a separate entity from the hospital,
4195 the board of trustees may cooperate with the auxiliary in its
4196 operations as the board of trustees deems appropriate; and

4197 (s) To make any agreements or contracts with the
4198 federal government or any agency thereof, the State of Mississippi
4199 or any agency thereof, and any county, city, town, supervisors
4200 district or election district within this state, jointly or
4201 separately, for the maintenance of charity facilities.



4202 (6) No board of trustees of any community hospital may
4203 accept any grant of money or other thing of value from any
4204 not-for-profit or for-profit organization established for the
4205 purpose of supporting health care in the area served by the
4206 facility unless two-thirds (2/3) of the trustees vote to accept
4207 the grant.

4208 (7) No board of trustees, individual trustee or any other
4209 person who is an agent or servant of the trustees of any community
4210 hospital shall have any personal financial interest in any
4211 not-for-profit or for-profit organization which, regardless of its
4212 stated purpose of incorporation, provides assistance in the form
4213 of grants of money or property to community hospitals or provides
4214 services to community hospitals in the form of performance of
4215 functions normally associated with the operations of a hospital.

4216 (8) Any state entity that enters into an agreement with a
4217 federal agency or subdivision thereof shall comply with the
4218 provisions of Section 1 of this act. For the purposes of this
4219 subsection, the terms "state entity" and "agreement" have the same
4220 meanings as provided in Section 1 of this act.

4221 **SECTION 56.** Section 69-27-13, Mississippi Code of 1972, is
4222 amended as follows:

4223 69-27-13. (1) The State Soil and Water Conservation
4224 Commission shall have the following duties and powers:



4225 (a) To offer any assistance as may be appropriate to
4226 the commissioners of soil and water conservation districts in the
4227 carrying out of their powers and programs.

4228 (b) To keep the commissioners of each of the districts
4229 informed of the activities and experience of all other districts,
4230 and to facilitate cooperation between districts.

4231 (c) To coordinate the programs of the soil and water
4232 conservation districts.

4233 (d) To secure the cooperation and assistance of the
4234 United States and any of its agencies and of agencies of this
4235 state in the work of the districts.

4236 (e) To disseminate information concerning the
4237 activities and programs of the soil and water conservation
4238 districts, and to encourage the formation of districts.

4239 (f) To seek and receive grants of monies, and other
4240 assets, from any source to carry out this article.

4241 (g) To distribute any appropriated or other funds or
4242 assets under its control, from state, federal or other
4243 governmental agencies or political subdivisions, or from private
4244 grants, including matching funds to districts.

4245 (h) To establish and administer qualification standards
4246 for district commissioners and officers.

4247 (i) To give guidance and overall supervision to
4248 districts when assistance is requested, or acceptable.



4249 (j) To study, classify and evaluate land use needs and
4250 problems in the State of Mississippi; to make recommendations
4251 leading to adoption of land use policy and broad guidelines for
4252 meeting the needs and problems so identified.

4253 (k) To demonstrate to landowners and operators within
4254 the state, equipment that will demonstrate energy and soil and
4255 water conservation.

4256 (l) To enter into and to authorize the executive
4257 director to execute with the approval of the commission,
4258 contracts, grants, cooperative agreements and memoranda of
4259 understanding with any federal or state agency or subdivision
4260 thereof, or any public or private institution location inside or
4261 outside the State of Mississippi, or any person, corporation or
4262 association in connection with carrying out the purposes of this
4263 article.

4264 (m) To cooperate with the Commission on Environmental
4265 Quality in addressing agricultural nonpoint source pollution.
4266 Subject to Section 49-17-13, Mississippi Code of 1972, the
4267 Commission on Environmental Quality and the commission shall enter
4268 into a memorandum of understanding which shall establish the
4269 commission's role in nonpoint source pollution issues.

4270 (2) Any state entity that enters into an agreement with a
4271 federal agency or subdivision thereof shall comply with the
4272 provisions of Section 1 of this act. For the purposes of this



4273 subsection, the terms "state entity" and "agreement" have the same
4274 meanings as provided in Section 1 of this act.

4275 **SECTION 57.** Section 29-15-17, Mississippi Code of 1972, is
4276 amended as follows:

4277 29-15-17. (1) After the preparation and publication of the
4278 certified preliminary map, as finally adopted and provided for in
4279 Section 29-15-7, the commission is authorized and directed to
4280 conduct a comprehensive program of public trust tidelands boundary
4281 mapping with the object of providing accurate surveys of such
4282 lands of the state.

4283 (2) In addition to other such powers as may be specifically
4284 delegated to it, the commission is authorized to perform the
4285 following functions:

4286 (a) To coordinate the efforts of all public and private
4287 agencies and organizations engaged in the making of tidal surveys
4288 and maps of the coastal areas of this state, with the object of
4289 avoiding unnecessary duplication and overlapping;

4290 (b) To serve as a coordinating state agency for any
4291 program of tidal surveying and mapping conducted by the federal
4292 government;

4293 (c) To assist any court, tribunal, administrative
4294 agency or political subdivision, and to make available to them
4295 information regarding tidal surveying and coastal boundary
4296 determinations;



4297 (d) To contract with federal, state or local agencies
4298 or with private parties for the performance of any surveys,
4299 studies, investigations or mapping activities, for preparation and
4300 publication of the results thereof, or for other authorized
4301 functions relating to the objectives of this part;

4302 (e) To develop permanent records of tidal surveys and
4303 maps of the state's coastal areas;

4304 (f) To develop uniform specifications and regulations
4305 for tidal surveying and mapping coastal areas of the state;

4306 (g) To collect and preserve appropriate survey data
4307 from coastal areas; and

4308 (h) To act as a public repository for copies of coastal
4309 area maps and to establish a library of such maps and charts.

4310 (3) Any state entity that enters into an agreement with a
4311 federal agency or subdivision thereof shall comply with the
4312 provisions of Section 1 of this act. For the purposes of this
4313 subsection, the terms "state entity" and "agreement" have the same
4314 meanings as provided in Section 1 of this act.

4315 **SECTION 58.** Section 37-141-11, Mississippi Code of 1972, is
4316 amended as follows:

4317 37-141-11. The Department of Economic Development is hereby
4318 authorized to cooperate with the planning commissions and
4319 development boards, or other similar agencies of other states, and
4320 with county, municipal and regional planning commissions or other
4321 agencies thereof, for the purposes of securing coordinated



4322 community and statewide planning within this state. The
4323 Department of Economic Development is further authorized to
4324 provide services to include, but not be limited to, planning
4325 assistance to cities and other political subdivisions within the
4326 state and county; joint municipal, county, regional and
4327 metropolitan commissions in the solution of their planning
4328 problems; and to contract for, receive and expend federal, state
4329 and other funds, whether private or public, for such planning
4330 activities, and to that end, there is hereby created within the
4331 Department of Economic Development a special fund designated as
4332 the "planning fund" to be kept separate and apart from all other
4333 funds received by the Department of Economic Development and into
4334 which all funds received for planning purposes shall be deposited.
4335 Planning assistance, as used in this chapter, shall include the
4336 preparation of population, land use, traffic, parking and economic
4337 base studies, the preparation of proposed subdivision regulations
4338 and zoning ordinances, and the development of plans to guide
4339 public and private development.

4340 Any state entity that enters into an agreement with a federal
4341 agency or subdivision thereof shall comply with the provisions of
4342 Section 1 of this act. For the purposes of this paragraph, the
4343 terms "state entity" and "agreement" have the same meanings as
4344 provided in Section 1 of this act.

4345 **SECTION 59.** Section 43-1-31, Mississippi Code of 1972, is
4346 amended as follows:



4347 43-1-31. The purpose of Sections 43-1-31 through 43-1-37 is
4348 to provide that this state shall be eligible for medicaid payments
4349 pursuant to Title XIX of the federal Social Security Act with
4350 respect to expenditures for any quarter beginning after December
4351 1973. The state department of public welfare shall negotiate an
4352 agreement with the secretary of health, education and welfare
4353 which shall provide that this state will provide to aged, blind
4354 and disabled individuals residing in this state, who for the month
4355 of December 1973 were eligible to receive and were recipients of
4356 aid or assistance under this state's plan approved under Titles I,
4357 X and XIV, mandatory state supplementary payments for each month
4358 beginning with January 1974, pursuant to Title XVI of the federal
4359 Social Security Act, in an amount determined in accordance with
4360 section 3(1) in order to maintain income levels equal to that of
4361 December 1973.

4362 From and after July 1, 1974, mandatory state supplementary
4363 payments herein provided for shall be made by the appropriate
4364 federal authority, and the state department of public welfare is
4365 hereby directed to enter into contract with such federal authority
4366 to provide therefor.

4367 Any state entity that enters into an agreement with a federal
4368 agency or subdivision thereof shall comply with the provisions of
4369 Section 1 of this act. For the purposes of this paragraph, "state
4370 entity" and "agreement" have the same meanings as provided in
4371 Section 1 of this act.



4372 **SECTION 60.** Section 47-5-10, Mississippi Code of 1972, is
4373 amended as follows:

4374 47-5-10. (1) The department shall have the following powers
4375 and duties:

4376 (a) To accept adult offenders committed to it by the
4377 courts of this state for incarceration, care, custody, treatment
4378 and rehabilitation;

4379 (b) To provide for the care, custody, study, training,
4380 supervision and treatment of adult offenders committed to the
4381 department;

4382 (c) To maintain, administer and exercise executive and
4383 administrative supervision over all state correctional
4384 institutions and facilities used for the custody, training, care,
4385 treatment and after-care supervision of adult offenders committed
4386 to the department; provided, however, that such supervision shall
4387 not extend to any institution or facility for which executive and
4388 administrative supervision has been provided by law through
4389 another agency;

4390 (d) To plan, develop and coordinate a statewide,
4391 comprehensive correctional program designed to train and
4392 rehabilitate offenders in order to prevent, control and retard
4393 recidivism;

4394 (e) To maintain records of persons committed to it, and
4395 to establish programs of research, statistics and planning:



4396 (i) An offender's records shall include a single
4397 cover sheet that contains the following information about the
4398 offender: name, including any aliases; department inmate number;
4399 social security number; photograph; court of conviction; cause
4400 number; date of conviction; date of sentence; total number of days
4401 in the department's custody or number of days creditable toward
4402 time served on each charge; date of actual custody; and date of
4403 any revocation of a suspended sentence;

4404 (ii) The department shall maintain an offender's
4405 cover sheet in the course of its regularly conducted business
4406 activities and shall include an offender's cover sheet in each
4407 request from a court, prosecutor or law enforcement agency for a
4408 summary of an offender's records with the department, also known
4409 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
4410 and 803(8) of the Mississippi Rules of Evidence for admission as
4411 an exception to the hearsay rule and may be admissible when
4412 properly authenticated according to evidentiary rules and when
4413 offered for the purpose of enhanced sentencing under Section
4414 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

4415 (iii) This subsection is not intended to conflict
4416 with an offender's right of confrontation in criminal proceedings
4417 under the state or federal constitution;

4418 (f) To investigate the grievances of any person
4419 committed to the department, and to inquire into any alleged
4420 misconduct by employees; and for this purpose it may issue



4421 subpoenas and compel the attendance of witnesses and the
4422 production of writings and papers, and may examine under oath any
4423 witnesses who may appear before it;

4424 (g) To administer programs of training and development
4425 of personnel of the department;

4426 (h) To develop and implement diversified programs and
4427 facilities to promote, enhance, provide and assure the
4428 opportunities for the successful custody, training and treatment
4429 of adult offenders properly committed to the department or
4430 confined in any facility under its control. Such programs and
4431 facilities may include, but not be limited to, institutions, group
4432 homes, halfway houses, diagnostic centers, work and educational
4433 release centers, technical violation centers, restitution centers,
4434 counseling and supervision of probation, parole, suspension and
4435 compact cases, presentence investigating and other state and local
4436 community-based programs and facilities;

4437 (i) To receive, hold and use, as a corporate body, any
4438 real, personal and mixed property donated to the department, and
4439 any other corporate authority as shall be necessary for the
4440 operation of any facility at present or hereafter;

4441 (j) To provide those personnel, facilities, programs
4442 and services the department shall find necessary in the operation
4443 of a modern correctional system for the custody, care, study and
4444 treatment of adult offenders placed under its jurisdiction by the
4445 courts and other agencies in accordance with law;



4446 (k) To develop the capacity and administrative network
4447 necessary to deliver advisory consultation and technical
4448 assistance to units of local government for the purpose of
4449 assisting them in developing model local correctional programs for
4450 adult offenders;

4451 (l) To cooperate with other departments and agencies
4452 and with local communities for the development of standards and
4453 programs for better correctional services in this state;

4454 (m) To administer all monies and properties of the
4455 department;

4456 (n) To report annually to the Legislature and the
4457 Governor on the committed persons, institutions and programs of
4458 the department;

4459 (o) To cooperate with the courts and with public and
4460 private agencies and officials to assist in attaining the purposes
4461 of this chapter and Chapter 7 of this title. The department may
4462 enter into agreements and contracts with other departments of
4463 federal, state or local government and with private agencies
4464 concerning the discharge of its responsibilities or theirs. The
4465 department shall have the authority to accept and expend or use
4466 gifts, grants and subsidies from public and private sources;

4467 (p) To make all rules and regulations and exercise all
4468 powers and duties vested by law in the department;

4469 (q) The department may require a search of all persons
4470 entering the grounds and facilities at the correctional system;



4471 (r) To submit, in a timely manner, to the Oversight
4472 Task Force established in Section 47-5-6 any reports required by
4473 law or regulation or requested by the task force.

4474 (s) To discharge any other power or duty imposed or
4475 established by law.

4476 (2) Any state entity that enters into an agreement with a
4477 federal agency or subdivision thereof shall comply with the
4478 provisions of Section 1 of this act. For the purposes of this
4479 subsection, "state entity" and "agreement" have the same meanings
4480 as provided in Section 1 of this act.

4481 **SECTION 61.** Section 53-7-19, Mississippi Code of 1972, is
4482 amended as follows:

4483 53-7-19. (1) The commission shall have the following powers
4484 and duties regarding surface mining:

4485 (a) To develop a statewide, comprehensive policy for
4486 the regulation of surface mining and reclamation consistent with
4487 this chapter;

4488 (b) To hold public and formal hearings, to issue
4489 notices of hearing, to administer oaths or affirmations, to issue
4490 subpoenas requiring the appearance of witnesses requested by any
4491 party and compel their attendance, and to require production of
4492 any books, papers, correspondence, memoranda, agreements or other
4493 documents or records that are relevant or material to the
4494 administration of this chapter and to take testimony as deemed
4495 necessary;



4496 (c) To issue, modify or revoke orders requiring an
4497 operator to take any actions necessary to comply with this
4498 chapter, rules and regulations adopted under this chapter or any
4499 permit or coverage under a general permit required by this
4500 chapter;

4501 (d) To enter on and inspect for the purpose of assuring
4502 compliance with the terms of this chapter, in person or by an
4503 authorized agent of the department, any surface mining operation
4504 subject to this chapter;

4505 (e) To conduct, or cause to be conducted, encourage,
4506 request and participate in studies, surveys, investigations,
4507 research, experiments, training and demonstrations by contract,
4508 grant or otherwise; to prepare and require permittees to prepare
4509 reports; and to collect information and disseminate to the public
4510 information such as is deemed reasonable and necessary for the
4511 proper enforcement of this chapter;

4512 (f) To apply for, receive and expend any grants, gifts,
4513 loans or other funds made available from any source for the
4514 purpose of this chapter;

4515 (g) To advise, consult, cooperate with, or enter into
4516 contracts or grants with federal, state and local boards and
4517 agencies having pertinent expertise for the purpose of obtaining
4518 professional and technical services necessary to carry out this
4519 chapter;



4520 (h) To enter into contracts with persons to reclaim
4521 land under this chapter;

4522 (i) To order the immediate cessation of any ongoing
4523 surface mining operation being conducted with or without a permit
4524 or coverage under a general permit if it finds that the operation
4525 endangers the health or safety of the public or creates imminent
4526 and significant environmental harm;

4527 (j) To institute and maintain all court actions
4528 necessary to obtain the enforcement of any written order of the
4529 commission;

4530 (k) To recognize the differences in the various
4531 materials, taking into consideration the commercial value of the
4532 material and the nature and size of operation necessary to extract
4533 the deposit, in regulating surface mining operations;

4534 (l) To authorize the executive director to discharge or
4535 exercise any power or duty granted to the commission by this
4536 chapter; and

4537 (m) To perform any other duties and acts required or
4538 provided for by this chapter.

4539 (2) Any state entity that enters into an agreement with a
4540 federal agency or subdivision thereof shall comply with the
4541 provisions of Section 1 of this act. For the purposes of this
4542 subsection, "state entity" and "agreement" have the same meanings
4543 as provided in Section 1 of this act.



4544 **SECTION 62.** Section 57-15-5, Mississippi Code of 1972, is
4545 amended as follows:

4546 57-15-5. (1) It is hereby declared to be the intent of the
4547 Legislature by this chapter that the policy of the council hereby
4548 created shall be conducted according to the following guidelines:
4549 the council shall have the general purpose and policy of studying
4550 and developing plans, proposals, reports and recommendations for
4551 the development and utilization of the coastal and offshore lands,
4552 waters and marine resources of this state in order to insure that
4553 all future plans and/or programs of the State of Mississippi
4554 involving the field of marine resources and sciences,
4555 oceanographic research, and related studies, will be coordinated
4556 with comparable functions and programs of agencies of the United
4557 States government. The council shall further have the purpose and
4558 policy to help coordinate, as hereinabove provided, all plans of
4559 other agencies of this state engaged in similar activities and of
4560 the various states of the United States of America, and also with
4561 all private agencies whose purpose is marine science and resource
4562 development. The council is further authorized to enter into
4563 contract with any state or federal agency as may be necessary and
4564 requisite to carry out the purposes of this chapter. The council
4565 shall have the responsibility for the general management of the
4566 state's wetlands.

4567 (2) The council is authorized and empowered to solicit and
4568 accept financial support from sources other than the state,



4569 including private or public sources or foundations. All funds
4570 received by or appropriated to the council shall be deposited upon
4571 receipt thereof into a special fund in the State Treasury to be
4572 known and designated as the "Mississippi Marine Resources Fund."
4573 Expenditures from said fund shall be made in the following manner:
4574 expenditures by and for the council for the purpose of carrying
4575 out its functions as provided by law shall be made with the
4576 approval of the council at any meeting upon requisitions presented
4577 to the State Auditor in the manner provided by law, and paid by
4578 the State Treasurer. Full and complete accounting shall be kept
4579 and made by the council for all funds received and expended by it.
4580 Representatives of the office of the State Auditor of Public
4581 Accounts annually shall audit the expenditure of funds received by
4582 the council from all sources and the said auditor shall make a
4583 complete and detailed report of such audit to the Legislature. It
4584 is further provided that all state appropriated funds expended
4585 shall conform to all requirements of law as provided for
4586 expenditures.

4587 (3) The council may solicit, receive and expend
4588 contributions, matching funds, gifts, bequests and devises from
4589 any source, whether federal, state, public or private, as
4590 authorized by annual appropriations therefor.

4591 (4) The council may enter into agreements with federal,
4592 state, public or private agencies, departments, institutions,
4593 firms, corporations or persons to carry out its policies as



4594 provided for in this chapter. To accomplish these goals, the
4595 council may expend any such sums from any source as herein
4596 provided.

4597 The agreements provided for in this subsection shall include,
4598 but not be limited to, the following provisions:

4599 (a) The duration of the agreement;

4600 (b) The purpose of the agreement;

4601 (c) A description of the procedures to be used in
4602 carrying out the purpose of the agreement; and

4603 (d) Provisions for termination of the agreement.

4604 Any entity entering into such an agreement shall comply with
4605 the provisions therein.

4606 (5) The council is authorized and empowered to accept
4607 financial support from any federal outer continental shelf revenue
4608 sharing programs. All funds received from such programs shall be
4609 deposited upon receipt thereof into a special trust fund in the
4610 State Treasury to be known and designated as the "Outer
4611 Continental Shelf Trust Fund." Expenditures from said fund shall
4612 be made for the benefit of any project affecting any county in the
4613 State of Mississippi which borders on the Gulf of Mexico with the
4614 approval of the Legislature.

4615 (6) The council may contract with other governmental
4616 agencies and third parties for the acquisition and management of
4617 lands and properties for inclusion in the "Coastal Preserve
4618 System." For purposes of these contracts with other governmental



4619 agencies or third parties and the expenditure of funds pursuant to
4620 the contracts, the "Coastal Preserve System" as defined by the
4621 council shall be deemed to be a part of the ecosystems of the
4622 Public Trust Tidelands. Contracts authorized under this section
4623 may provide funds for the management of properties included in the
4624 "Coastal Preserve System."

4625 (7) There is established a special account to be known as
4626 the "Coastal Preserve System Timber Account" within the
4627 Mississippi Marine Resources Fund. Any funds received from the
4628 salvage or harvesting of timber or sale of other forest products
4629 from lands included in or managed as a part of the Coastal
4630 Preserve System shall be credited to the account. Any unexpended
4631 funds remaining in the account at the end of the year shall not
4632 lapse, but shall remain in the account. The account shall be
4633 treated as a special trust fund and interest earned on the
4634 principal shall be credited to the account. Any funds in the
4635 account may be expended, subject to the approval of the
4636 Legislature, for the management and improvement of the Coastal
4637 Preserve System and for the acquisition of additional lands for
4638 inclusion in the Coastal Preserve System.

4639 (8) Any state entity that enters into an agreement with a
4640 federal agency or subdivision thereof shall comply with the
4641 provisions of Section 1 of this act. For the purposes of this
4642 subsection, "state entity" and "agreement" have the same meanings
4643 as provided in Section 1 of this act.



4644 **SECTION 63.** Section 65-23-227, Mississippi Code of 1972, is
4645 amended as follows:

4646 65-23-227. For the purpose of carrying into effect the
4647 objects and purposes of this article the board of commissioners
4648 shall have full power and authority to negotiate and enter into
4649 contract or contracts with the federal government or any of its
4650 agencies, the Mississippi State Highway Commission, the state
4651 highway commission of any adjoining state where said bridge may be
4652 located, any counties, cities, or town of the State of Mississippi
4653 or of any adjoining state whereby the district may receive
4654 financial aid in the construction, maintenance, and operation of
4655 said bridge and approaches thereto; to contract for the joint
4656 ownership thereof and the means and manner of operating and
4657 maintaining said bridge and approaches thereto. The powers herein
4658 granted to the board of commissioners shall have broad and liberal
4659 construction for the purpose of carrying out the provisions of
4660 this article.

4661 Any state entity that enters into an agreement with a federal
4662 agency or subdivision thereof shall comply with the provisions of
4663 Section 1 of this act. For the purposes of this paragraph, "state
4664 entity" and "agreement" have the same meanings as provided in
4665 Section 1 of this act.

4666 **SECTION 64.** Section 77-5-23, Mississippi Code of 1972, is
4667 amended as follows:

4668 77-5-23. (1) The authority shall have power:



4669 (a) To sue and be sued.

4670 (b) To have a seal and alter the same at pleasure.

4671 (c) To render service to the inhabitants of the state
4672 and, by contract or contracts with any person, federal agency or
4673 municipality or by its own employees, to acquire, own, operate,
4674 maintain and improve a system or systems.

4675 (d) To acquire, hold and dispose of property, real and
4676 personal, tangible and intangible, or interests therein, in its
4677 own name, subject to mortgages or other liens or otherwise and to
4678 pay therefor in cash or on credit, and to secure and procure
4679 payment of all or any part of the purchase price thereof on such
4680 terms and conditions as the board shall determine.

4681 (e) To cause surveys to be made of areas throughout the
4682 state for the purpose of determining the economic soundness of the
4683 acquisition of a system or systems therein, to make plans and
4684 estimates of the cost of such system or systems and in connection
4685 therewith to enter on any lands, waters and premises for the
4686 purpose of making such surveys, soundings and examinations.

4687 (f) To have complete control and supervision of the
4688 system or systems and to make such rules and regulations governing
4689 the rendering of service thereby as, in the judgment of the board,
4690 may be just and equitable.

4691 (g) To fix, maintain and collect rates and charges for
4692 service.



4693 (h) To use any right_of_way, easement or other similar
4694 property right necessary or convenient in connection with the
4695 acquisition, improvement, operation or maintenance of a system or
4696 systems, held by the state or any political subdivision thereof,
4697 provided, that the governing body of such political subdivision
4698 shall consent to such use.

4699 (i) To execute all instruments necessary or convenient
4700 including, but not limited to, indentures of trust, leases, and
4701 bonds.

4702 (j) To borrow money and issue bonds and to provide for
4703 the rights of the holders thereof.

4704 (k) To accept gifts or grants of money or property,
4705 real or personal, and voluntary and uncompensated services from
4706 any person, federal agency or municipality.

4707 (l) To condemn any land, easements, or rights_of_way,
4708 either on, under, or above the ground as the board may deem
4709 necessary for any of the purposes mentioned in this article, and
4710 such property or interest in such property may be so acquired
4711 whether or not the same is owned or held for public use by
4712 corporations, associations or persons having the power of eminent
4713 domain or otherwise held or used for public purposes. Such power
4714 of condemnation may be exercised in the mode or method of
4715 procedure prescribed by Chapter 27, Title 11, of the Mississippi
4716 Code of 1972, or in the mode or method of procedure prescribed by
4717 any other applicable statutory provisions now in force or



4718 hereafter enacted for the exercise of the power of eminent domain.
4719 Where condemnation proceedings become necessary the judge of the
4720 circuit court in which such proceedings are filed shall upon
4721 application of the authority and upon the deposit in the court, to
4722 the use of the person or persons lawfully entitled thereto, of
4723 such an amount as the judge may deem necessary to assure just
4724 compensation, order that the right of possession shall issue
4725 immediately or as soon and upon such terms as the judge, in his
4726 discretion, may deem proper and just. Upon application of the
4727 parties in interest, the judge may order that the money deposited
4728 in the court, or any part thereof, be paid forthwith for or on
4729 account of the just compensation to be awarded in said
4730 proceedings.

4731 (m) To make any and all contracts necessary or
4732 convenient for the full exercise of the powers herein granted,
4733 including, but not limited to, contracts with any person, federal
4734 agency, or municipality (a) for the purchase or sale of energy,
4735 (b) for the management and conduct of the business of the
4736 authority or any part thereof, and (c) for the acquisition of all
4737 or part of any system or systems. In connection with any such
4738 contract the authority shall have the power to stipulate and agree
4739 to such covenants, terms and conditions as the board may deem
4740 appropriate, including, but without limitations, covenants, terms
4741 and conditions with respect to the resale rates, financial and
4742 accounting methods, services, operation and maintenance practices,



4743 and the manner of disposing of the revenues of the system or
4744 systems conducted and operated by the authority.

4745 (n) To do any and all acts and things herein authorized
4746 or necessary or convenient to carry out the powers expressly given
4747 in this article under, through or by means of its own officers,
4748 agents and employees, or by contracts with any person, federal
4749 agency or municipality.

4750 (o) To pledge all or any part of its revenues and to
4751 mortgage or otherwise incumber all or any part of its property for
4752 the purpose of securing the payment of the principal and interest
4753 on any of its bonds or other obligations.

4754 (2) Any state entity that enters into an agreement with a
4755 federal agency or subdivision thereof shall comply with the
4756 provisions of Section 1 of this act. For the purposes of this
4757 subsection, "state entity" and "agreement" have the same meanings
4758 as provided in Section 1 of this act.

4759 **SECTION 65.** Section 77-5-231, Mississippi Code of 1972, is
4760 amended as follows:

4761 77-5-231. (1) A corporation shall have power to do any and
4762 all acts or things necessary or convenient for carrying out the
4763 purposes for which it was formed, including, but not limited to:

4764 (a) To sue and be sued.

4765 (b) To have a seal and alter the same at pleasure.

4766 (c) To acquire, hold and dispose of property, real and
4767 personal, tangible and intangible, or interests therein and to pay



4768 therefor in cash or property or on credit, and to secure and
4769 procure payment of all or any part of the purchase price thereof
4770 on such terms and conditions as the board shall determine.

4771 (d) To render service and to acquire, own, operate,
4772 maintain and improve a system or systems within the state and in
4773 counties adjacent thereto.

4774 (e) To pledge all or any part of its revenues and to
4775 mortgage or otherwise incumber all or any part of its property for
4776 the purpose of securing the payment of the principal of and
4777 interest on any of its bonds or other obligations.

4778 (f) To use any right-of-way, easement or other similar
4779 property right necessary or convenient in connection with the
4780 acquisition, improvement, operation or maintenance of a system,
4781 granted by the state or any political subdivision thereof,
4782 provided that the governing body of such political subdivision
4783 shall consent to such use, and to have and exercise the power of
4784 eminent domain in the manner provided by the condemnation laws of
4785 this state for acquiring private property for public use, such
4786 right to be paramount except as to the property of the state or of
4787 any political subdivision thereof.

4788 (g) To accept gifts or grants of money, property, real
4789 or personal, from any person, municipality or federal agency and
4790 to accept voluntary and uncompensated services.

4791 (h) To make any and all contracts necessary or
4792 convenient for the full exercise of the powers in this article



4793 granted, including, but not limited to, contracts with any person,
4794 federal agency, state agency or municipality for the purchase,
4795 transfer or sale of energy and/or the acquisition of all or any
4796 part of any system, and in connection with any such contract to
4797 stipulate and agree to such covenants, terms and conditions as the
4798 board may deem appropriate, including covenants, terms and
4799 conditions with respect to the resale rates, financial and
4800 accounting methods, services, operation and maintenance practices
4801 and the manner of disposing of the revenues of the system operated
4802 and maintained by the corporation.

4803 (i) To sell, lease, or otherwise dispose of all or any
4804 part of its property, subject however to the provisions of Section
4805 77-5-237.

4806 (j) To contract debts, borrow money and to issue,
4807 assume or indorse the payment of bonds or other evidences of
4808 indebtedness.

4809 (k) To fix, maintain and collect fees, rents, tolls and
4810 other charges for services rendered.

4811 (l) To acquire and to sell, lease, distribute and
4812 generally to deal in electrical and plumbing appliances,
4813 apparatus, machinery and equipment for the purpose of and in
4814 connection with the promotion of the sale of electric energy to
4815 its customers; to assist its customers to purchase or otherwise
4816 obtain such appliances, apparatus, machinery and equipment; to
4817 assist its customers to wire their premises and to install therein



4818 such appliances, apparatus, machinery and equipment; to acquire
4819 and to indorse, sell, pledge, hypothecate and dispose of notes,
4820 bonds and other obligations of its customers in carrying out the
4821 purposes expressed in this paragraph.

4822 (m) To maintain, in any reasonable manner and in its
4823 discretion, its easements and rights-of-way and adjacent property
4824 within a reasonable or necessary distance of its energy facilities
4825 free of vegetation, trees, limbs or other impediments in order to
4826 foster the integrity and reliability of the corporation's electric
4827 energy system or the safety of the public or its members, agents
4828 or employees.

4829 (n) To condemn any land, easements, or rights-of-way,
4830 either on, under, or above the ground, as the association may deem
4831 necessary for any purposes mentioned in this article other than
4832 the purposes described in subsection (2) of this section, and such
4833 property or interest in such property may be so acquired whether
4834 or not the same is owned or held for public use by corporations,
4835 associations or persons having the power of eminent domain, or
4836 otherwise held or used for public purposes. Such power of
4837 condemnation may be exercised in the mode or method of procedure
4838 prescribed by Chapter 27, Title 11, Mississippi Code of 1972, or
4839 in the mode or method of procedure prescribed by any other
4840 applicable statutory provisions now in force or hereafter enacted
4841 for the exercise of the power of eminent domain. Where
4842 condemnation proceedings become necessary, the judge of the



4843 circuit court or the judge of the county court in counties where
4844 the county court exists, in which such proceedings are filed,
4845 shall, upon application of the authority, and upon the deposit in
4846 court, to the use of the person or persons lawfully entitled
4847 thereto, of such amount as the judge may deem necessary to assure
4848 just compensation, order that the right of possession shall issue
4849 immediately or as soon and upon such terms as the judge, in his
4850 discretion, may deem just and proper. Upon application of the
4851 parties in interest other than the corporation, the judge may
4852 order that the money deposited in the court, or any part thereof,
4853 be paid forthwith for or on account of the just compensation to be
4854 awarded in said proceedings.

4855 (o) To operate across state lines.

4856 (p) To perform any and all of the foregoing acts and to
4857 do any and all of the foregoing things under, through or by means
4858 of its own officers, agents and employees, or by contracts with
4859 any person, federal agency or municipality.

4860 (2) Any generation and transmission electric corporation
4861 created under this article may undertake economic development
4862 activities, whether directly, indirectly, or in conjunction with
4863 other entities, including activities such as providing capital, or
4864 investment in or acquisition and development of business or
4865 industrial sites and the necessary infrastructure or services
4866 needed to attract new or existing businesses or industry, to
4867 create or maintain employment opportunities, or otherwise to



4868 positively impact its service territory or in some manner promote
4869 the sale of electric energy.

4870 (3) Any state entity that enters into an agreement with a
4871 federal agency or subdivision thereof shall comply with the
4872 provisions of Section 1 of this act. For the purposes of this
4873 subsection, "state entity" and "agreement" have the same meanings
4874 as provided in Section 1 of this act.

4875 **SECTION 66.** Section 77-5-771, Mississippi Code of 1972, is
4876 amended as follows:

4877 77-5-771. The governing authorities of any municipality or
4878 joint agency are hereby authorized to make application and to
4879 enter into contracts for and to accept grants-in-aid and loans
4880 from the federal and state governments and their agencies for
4881 planning, acquiring, constructing, expanding, maintaining and
4882 operating any project or facility, or participating in any
4883 research or development program, or performing any function which
4884 such municipality or joint agency may be authorized by general or
4885 local law to provide or perform.

4886 In order to exercise the authority granted by this section,
4887 the governing authorities of any municipality or joint agency may:

4888 (a) Enter into and carry out contracts with the state
4889 or federal government or any agency or institution thereof under
4890 which such government, agency or institution grants financial or
4891 other assistance to the municipality or joint agency;



4892 (b) Accept such assistance or funds as may be granted
4893 or loaned by the state or federal government with or without such
4894 a contract;

4895 (c) Agree to and comply with any reasonable conditions
4896 which are imposed upon such grants or loans;

4897 (d) Make expenditures from any funds so granted.

4898 Any state entity that enters into an agreement with a federal
4899 agency or subdivision thereof shall comply with the provisions of
4900 Section 1 of this act. For the purposes of this paragraph, "state
4901 entity" and "agreement" have the same meanings as provided in
4902 Section 1 of this act.

4903 **SECTION 67.** Section 77-6-63, Mississippi Code of 1972, is
4904 amended as follows:

4905 77-6-63. The governing authorities of any municipality or
4906 the authority are hereby authorized to make application and to
4907 enter into contracts for and to accept grants-in-aid and loans
4908 from the federal and state governments and their agencies for
4909 planning, acquiring, constructing, expanding, maintaining and
4910 operating any project or facility, or participating in any
4911 research or development program, or performing any function which
4912 such municipality or the authority may be authorized by general or
4913 local law to provide or perform.

4914 In order to exercise the authority granted by this section,
4915 the governing authorities of any municipality or the authority
4916 may:



4917 (a) Enter into and carry out contracts with the state
4918 or federal government or any agency or institution thereof under
4919 which such government, agency or institution grants financial or
4920 other assistance to the municipality or authority;

4921 (b) Accept such assistance or funds as may be granted
4922 or loaned by the state or federal government with or without such
4923 a contract;

4924 (c) Agree to and comply with any reasonable conditions
4925 which are imposed upon such grants or loans;

4926 (d) Make expenditures from any funds so granted.

4927 Any state entity that enters into an agreement with a federal
4928 agency or subdivision thereof shall comply with the provisions of
4929 Section 1 of this act. For the purposes of this paragraph, "state
4930 entity" and "agreement" have the same meanings as provided in
4931 Section 1 of this act.

4932 **SECTION 68.** This act shall take effect and be in force from
4933 and after July 1, 2017.

