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To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1422  
 (As Passed the House)

1 AN ACT TO CREATE THE REGULATORY REDUCTION PILOT PROGRAM; TO  
 2 PROVIDE THAT THE PILOT AGENCIES SHALL BE THE MISSISSIPPI  
 3 DEPARTMENT OF HEALTH, THE MISSISSIPPI DEPARTMENT OF  
 4 TRANSPORTATION, THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND  
 5 COMMERCE AND THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY  
 6 SERVICES; TO REQUIRE EVERY PILOT AGENCY TO REVIEW AND REPORT ON  
 7 ITS REGULATIONS, RULES AND GUIDANCE DOCUMENTS; TO REQUIRE EVERY  
 8 PILOT AGENCY TO REDUCE ITS NUMBER OF REGULATORY REQUIREMENTS BY  
 9 THIRTY PERCENT BY DECEMBER 31, 2022; TO PROVIDE THAT NO PILOT  
 10 AGENCY MAY ADOPT A NEW RULE UNLESS IT REMOVES TWO OR MORE EXISTING  
 11 RULES; TO REQUIRE PEER TO CONDUCT A REVIEW OF THE PILOT AGENCIES;  
 12 TO AMEND SECTIONS 5-3-57, 25-53-5, 41-3-15, 65-1-8 AND 69-1-203,  
 13 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
 14 ACT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** The provisions of this act shall be known and may  
 17 be cited as the "Regulatory Reduction Pilot Program."

18 **SECTION 2.** The following words and phrases shall have the  
 19 meanings as defined in this section unless the context clearly  
 20 indicates otherwise:

21 (a) "Pilot agency" or "pilot agencies" means the  
 22 Mississippi Department of Health, the Mississippi Department of  
 23 Transportation, the Mississippi Department of Agriculture and



24 Commerce and the Mississippi Department of Information Technology  
25 Services.

26 (b) "Regulation" or "rule" means any statement or  
27 instruments of general application, having the force of law,  
28 affecting the rights or conduct of any person or business, adopted  
29 by a pilot agency in accordance with the authority granted to it  
30 by applicable law. Such regulations and rules include  
31 administrative rules adopted in accordance with the Administrative  
32 Procedures Act and any guidance document that includes a  
33 regulatory requirement.

34 (c) "Guidance document" means an agency statement of  
35 general applicability that intends to have an effect on the  
36 behavior of regulated parties and that sets forth a policy on a  
37 statutory, regulatory or technical issue or an interpretation of a  
38 statute or regulation. Such documents include, but are not  
39 limited to, memoranda, manuals, policy statements, interpretations  
40 of law or rules and other material of general applicability.

41 (d) "Regulatory requirement" means an action that must  
42 be taken, or a piece of information that must be provided, as  
43 provided in a statute, regulation, policy or form in order to  
44 access services, carry out business or pursue legislated  
45 privileges.

46 **SECTION 3.** (1) (a) Each pilot agency shall review each of  
47 its regulation, rules and guidance documents and prepare a base  
48 inventory, which shall include a numeric count of the regulatory



49 requirements in its existing regulations, rules and guidance  
50 documents.

51 (b) As part of the review, each pilot agency shall  
52 perform the following duties:

53 (i) Designated a rule review officer to oversee  
54 the review;

55 (ii) Accept written public comments for a period  
56 of sixty (60) days;

57 (iii) Hold at least two (2) public hearings to  
58 allow citizens and businesses to identify any regulation, rule or  
59 guidance document that is ineffective, unnecessary or unduly  
60 burdensome;

61 (iv) Solicit and incorporate comments and advice  
62 from private citizens, stakeholders, regulated entities and other  
63 interested parties; and

64 (v) Complete the review within one hundred twenty  
65 (120) days of the effective date of this act.

66 (c) For each existing regulation, rule or guidance  
67 document under its purview, each pilot agency shall affirm the  
68 following in a report to the Secretary of State within one hundred  
69 eighty (180) days of the effective date of this act:

70 (i) The number of regulatory requirements in the  
71 regulation, rule or guidance document;



72 (ii) Whether each the regulation, rule or guidance  
73 document is mandated by a state or federal law, by a court order,  
74 or at the discretion of the pilot agency;

75 (iii) If the regulation, rule or guidance document  
76 is mandated by a state or federal law or by a court order, the  
77 specific federal or state law or court order that authorizes the  
78 regulation, rule or guidance document;

79 (iv) Whether the regulation, rule or guidance  
80 document is essential to the health, safety or welfare of  
81 Mississippi citizens;

82 (v) Whether the regulation, rule or guidance  
83 document is as least restrictive as necessary to protect consumers  
84 from present, significant and substantiated harms that threaten  
85 public health and safety;

86 (vi) An estimate of the annual costs imposed by  
87 the regulation, rule or guidance document;

88 (vii) A process and schedule to measure the  
89 effectiveness of the regulation, rule or guidance document in the  
90 future, including, but not limited to, data that can be used in a  
91 retrospective cost-benefit analysis to assess the effectiveness of  
92 the regulation, rule or guidance document;

93 (viii) Alternatives that have been considered  
94 instead of the regulation, rule or guidance document; and



95 (ix) Whether the regulation, rule or guidance  
96 document is based on the most up-to-date and credible scientific,  
97 technical and economic evidence.

98 (2) Based on the reports in subsection (1) of this section,  
99 each pilot agency shall amend or repeal regulations, rules or  
100 guidance documents in its base inventory as necessary to reduce  
101 the total number of regulatory requirements by thirty percent  
102 (30%), according to the following schedule:

103 (a) A ten percent (10%) reduction by December 31, 2020;

104 (b) A twenty percent (20%) reduction by December 31,  
105 2021; and

106 (c) A thirty percent (30%) reduction by December 31,  
107 2022.

108 (3) Before proposing a new rule for publication as provided  
109 in the Administrative Procedures Act, each pilot agency shall have  
110 initiated the repeal of at least two (2) existing rules and  
111 provided a statement to the Secretary of State identifying which  
112 two (2) rules have been repealed, along with a statement  
113 explaining how the repeal will help increase the economic  
114 opportunities for the citizens of Mississippi and streamline state  
115 government. Once a pilot agency has reduced its regulatory  
116 requirements by thirty percent (30%), then each pilot agency shall  
117 only be required to repeal one (1) existing rule before proposing  
118 a new rule for publication as provided in the Administrative  
119 Procedures Act.



120           **SECTION 4.** (1) The Secretary of State shall make a report  
121 on the progress of the Regulatory Reduction Pilot Program each  
122 year and submit that report to the Speaker of the House of  
123 Representatives and the Lieutenant Governor by February 1, 2021,  
124 February 1, 2022, and February 1, 2023.

125           (2) If, by February 1, 2023, a pilot agency has not reduced  
126 its number of regulatory requirements by thirty percent (30%), the  
127 House of Representatives Appropriations Committee and the Senate  
128 Finance Committee shall conduct a budgetary audit of such pilot  
129 agencies to determine what, if any, obstacles are preventing the  
130 pilot agency from reducing its number of regulatory requirements  
131 by thirty percent (30%).

132           (3) The Joint Legislative Committee on Performance  
133 Evaluation and Expenditure Review (PEER) shall conduct a review of  
134 the regulatory reduction efforts of the pilot agencies and report  
135 its findings to the Legislature. Such report shall include  
136 whether the regulatory requirement reduction section provided in  
137 Section 3 of this act is reasonable and achievable and what  
138 policies, practices and methods may be adopted by the pilot  
139 agencies to help them reduce their regulatory requirements by  
140 thirty percent (30%).

141           **SECTION 5.** Section 5-3-57, Mississippi Code of 1972, is  
142 amended as follows:

143           5-3-57. The committee shall have the following powers:



144 (a) To conduct, in any manner and at any time deemed  
145 appropriate, a performance evaluation of all agencies. It may  
146 examine or investigate the budget, files, financial statements,  
147 records, documents or other papers of the agency deemed necessary  
148 by the committee.

149 (b) To conduct, in any manner and at any time deemed  
150 appropriate, a review of the budget, files, financial statements,  
151 records, documents or other papers, as deemed necessary by the  
152 committee, of any agency; to make selected review of any funds  
153 expended and programs previously projected by such agency; to  
154 investigate any and all salaries, fees, obligations, loans,  
155 contracts, or other agreements or other fiscal function or  
156 activity of any official or employee thereof (including  
157 independent contractors where necessary); and to do any and all  
158 things necessary and incidental to the purposes specifically set  
159 forth in this section.

160 (c) To conduct an investigation of all agencies which  
161 are, in whole or in part, operated or supported by any  
162 appropriation or grant of state funds, or which are, in whole or  
163 in part, supported or operated by any funds derived from any  
164 statewide tax, license fee, or permit fee or which collects or  
165 administers any statewide tax, license fee, or permit fee by  
166 whatever name called; such committee shall also have full and  
167 complete authority to investigate all laws administered and  
168 enforced by any such offices, departments, agencies, institutions



169 and instrumentalities, and the manner and method of the  
170 administration and enforcement of such laws; to investigate any  
171 evasion of any statewide tax, privilege fee or license fee; to  
172 investigate all disbursements of public funds by any office,  
173 agency, department, institution or instrumentality specified  
174 herein; to study the present laws relative to such agencies,  
175 offices, departments, institutions and instrumentalities, and the  
176 laws providing for the levying or imposition and collection of any  
177 state tax, privilege fee or license fee; to make recommendations  
178 to the Legislature as to the correction of any imperfections,  
179 inequalities or injustices found to exist in any of such laws, and  
180 to do any and all things necessary and incidental to the purposes  
181 herein specifically set forth. Provided further that the  
182 committee shall upon petition by one-half (1/2) the elected  
183 membership of either the Senate or House of Representatives  
184 perform a complete investigation and audit of any agency, entity  
185 or group subject to investigation or audit by passage of Sections  
186 5-3-51 through 5-3-69.

187 (d) The committee, in its discretion, if it determines  
188 that such action is necessary to carry out the responsibilities of  
189 Sections 5-3-51 through 5-3-69, may employ an attorney or  
190 attorneys to file or assist the Attorney General's office in  
191 filing actions for the recovery of any funds discovered to have  
192 been misused or misappropriated and to prosecute or assist in





193 prosecution of criminal violations, if any, revealed or discovered  
194 in the discharging of their duties and responsibilities.

195 (e) To carry out the provisions of the Regulatory  
196 Reduction Pilot Program.

197 **SECTION 6.** Section 25-53-5, Mississippi Code of 1972, is  
198 amended as follows:

199 25-53-5. The authority shall have the following powers,  
200 duties, and responsibilities:

201 (a) (i) The authority shall provide for the  
202 development of plans for the efficient acquisition and utilization  
203 of computer equipment and services by all agencies of state  
204 government, and provide for their implementation. In so doing,  
205 the authority may use the MDITS' staff, at the discretion of the  
206 executive director of the authority, or the authority may contract  
207 for the services of qualified consulting firms in the field of  
208 information technology and utilize the service of such consultants  
209 as may be necessary for such purposes. Pursuant to Section  
210 25-53-1, the provisions of this section shall not apply to the  
211 Department of Human Services for a period of three (3) years  
212 beginning on July 1, 2017. Pursuant to Section 25-53-1, the  
213 provisions of this section shall not apply to the Department of  
214 Child Protection Services for a period of three (3) years  
215 beginning July 1, 2017.

216 (ii) Notwithstanding the exemption of the  
217 Department of Human Services and the Department of Child



218 Protection Services from the provisions of this section, before  
219 the Department of Human Services or the Department of Child  
220 Protection Services may take an action that would otherwise be  
221 subject to the provisions of this section, the department(s) shall  
222 give notice of the proposed action to the MDITS for any  
223 recommendations by the MDITS. Upon receipt of the notice, the  
224 MDITS shall post the notice on its website and on the procurement  
225 portal website established by Sections 25-53-151 and 27-104-165.  
226 If the MDITS does not respond to the department(s) within seven  
227 (7) calendar days after receiving the notice, the department(s)  
228 may take the proposed action. If the MDITS responds to the  
229 department(s) within seven (7) calendar days, then the MDITS has  
230 seven (7) calendar days from the date of its initial response to  
231 provide any additional recommendations. After the end of the  
232 second seven-day period, the department(s) may take the proposed  
233 action. The MDITS is not authorized to disapprove any proposed  
234 actions that would otherwise be subject to the provisions of this  
235 section. This subparagraph (ii) shall stand repealed on July 1,  
236 2020.

237 (b) The authority shall immediately institute  
238 procedures for carrying out the purposes of this chapter and  
239 supervise the efficient execution of the powers and duties of the  
240 office of executive director of the authority. In the execution  
241 of its functions under this chapter, the authority shall maintain  
242 as a paramount consideration the successful internal organization



243 and operation of the several agencies so that efficiency existing  
244 therein shall not be adversely affected or impaired. In executing  
245 its functions in relation to the institutions of higher learning  
246 and junior colleges in the state, the authority shall take into  
247 consideration the special needs of such institutions in relation  
248 to the fields of teaching and scientific research.

249 (c) Title of whatever nature of all computer equipment  
250 now vested in any agency of the State of Mississippi is hereby  
251 vested in the authority, and no such equipment shall be disposed  
252 of in any manner except in accordance with the direction of the  
253 authority or under the provisions of such rules and regulations as  
254 may hereafter be adopted by the authority in relation thereto.

255 (d) The authority shall adopt rules, regulations, and  
256 procedures governing the acquisition of computer and  
257 telecommunications equipment and services which shall, to the  
258 fullest extent practicable, insure the maximum of competition  
259 between all manufacturers of supplies or equipment or services.  
260 In the writing of specifications, in the making of contracts  
261 relating to the acquisition of such equipment and services, and in  
262 the performance of its other duties the authority shall provide  
263 for the maximum compatibility of all information systems hereafter  
264 installed or utilized by all state agencies and may require the  
265 use of common computer languages where necessary to accomplish the  
266 purposes of this chapter. The authority may establish by  
267 regulation and charge reasonable fees on a nondiscriminatory basis



268 for the furnishing to bidders of copies of bid specifications and  
269 other documents issued by the authority.

270 (e) The authority shall adopt rules and regulations  
271 governing the sharing with, or the sale or lease of information  
272 technology services to any nonstate agency or person. Such  
273 regulations shall provide that any such sharing, sale or lease  
274 shall be restricted in that same shall be accomplished only where  
275 such services are not readily available otherwise within the  
276 state, and then only at a charge to the user not less than the  
277 prevailing rate of charge for similar services by private  
278 enterprise within this state.

279 (f) The authority may, in its discretion, establish a  
280 special technical advisory committee or committees to study and  
281 make recommendations on technology matters within the competence  
282 of the authority as the authority may see fit. Persons serving on  
283 the Information Resource Council, its task forces, or any such  
284 technical advisory committees shall be entitled to receive their  
285 actual and necessary expenses actually incurred in the performance  
286 of such duties, together with mileage as provided by law for state  
287 employees, provided the same has been authorized by a resolution  
288 duly adopted by the authority and entered on its minutes prior to  
289 the performance of such duties.

290 (g) The authority may provide for the development and  
291 require the adoption of standardized computer programs and may  
292 provide for the dissemination of information to and the



293 establishment of training programs for the personnel of the  
294 various information technology centers of state agencies and  
295 personnel of the agencies utilizing the services thereof.

296 (h) The authority shall adopt reasonable rules and  
297 regulations requiring the reporting to the authority through the  
298 office of executive director of such information as may be  
299 required for carrying out the purposes of this chapter and may  
300 also establish such reasonable procedures to be followed in the  
301 presentation of bills for payment under the terms of all contracts  
302 for the acquisition of computer equipment and services now or  
303 hereafter in force as may be required by the authority or by the  
304 executive director in the execution of their powers and duties.

305 (i) The authority shall require such adequate  
306 documentation of information technology procedures utilized by the  
307 various state agencies and may require the establishment of such  
308 organizational structures within state agencies relating to  
309 information technology operations as may be necessary to  
310 effectuate the purposes of this chapter.

311 (j) The authority may adopt such further reasonable  
312 rules and regulations as may be necessary to fully implement the  
313 purposes of this chapter. All rules and regulations adopted by  
314 the authority shall be published and disseminated in readily  
315 accessible form to all affected state agencies, and to all current  
316 suppliers of computer equipment and services to the state, and to  
317 all prospective suppliers requesting the same. Such rules and



318 regulations shall be kept current, be periodically revised, and  
319 copies thereof shall be available at all times for inspection by  
320 the public at reasonable hours in the offices of the authority.  
321 Whenever possible no rule, regulation or any proposed amendment to  
322 such rules and regulations shall be finally adopted or enforced  
323 until copies of the proposed rules and regulations have been  
324 furnished to all interested parties for their comment and  
325 suggestions.

326           (k) The authority shall establish rules and regulations  
327 which shall provide for the submission of all contracts proposed  
328 to be executed by the executive director for computer equipment or  
329 services to the authority for approval before final execution, and  
330 the authority may provide that such contracts involving the  
331 expenditure of less than such specified amount as may be  
332 established by the authority may be finally executed by the  
333 executive director without first obtaining such approval by the  
334 authority.

335           (l) The authority is authorized to purchase, lease, or  
336 rent computer equipment or services and to operate that equipment  
337 and use those services in providing services to one or more state  
338 agencies when in its opinion such operation will provide maximum  
339 efficiency and economy in the functions of any such agency or  
340 agencies.

341           (m) Upon the request of the governing body of a  
342 political subdivision or instrumentality, the authority shall



343 assist the political subdivision or instrumentality in its  
344 development of plans for the efficient acquisition and utilization  
345 of computer equipment and services. An appropriate fee shall be  
346 charged the political subdivision by the authority for such  
347 assistance.

348 (n) The authority shall adopt rules and regulations  
349 governing the protest procedures to be followed by any actual or  
350 prospective bidder, offerer or contractor who is aggrieved in  
351 connection with the solicitation or award of a contract for the  
352 acquisition of computer equipment or services. Such rules and  
353 regulations shall prescribe the manner, time and procedure for  
354 making protests and may provide that a protest not timely filed  
355 shall be summarily denied. The authority may require the  
356 protesting party, at the time of filing the protest, to post a  
357 bond, payable to the state, in an amount that the authority  
358 determines sufficient to cover any expense or loss incurred by the  
359 state, the authority or any state agency as a result of the  
360 protest if the protest subsequently is determined by a court of  
361 competent jurisdiction to have been filed without any substantial  
362 basis or reasonable expectation to believe that the protest was  
363 meritorious; however, in no event may the amount of the bond  
364 required exceed a reasonable estimate of the total project cost.  
365 The authority, in its discretion, also may prohibit any  
366 prospective bidder, offerer or contractor who is a party to any  
367 litigation involving any such contract with the state, the



368 authority or any agency of the state to participate in any other  
369 such bid, offer or contract, or to be awarded any such contract,  
370 during the pendency of the litigation.

371 (o) The authority shall make a report in writing to the  
372 Legislature each year in the month of January. Such report shall  
373 contain a full and detailed account of the work of the authority  
374 for the preceding year as specified in Section 25-53-29(3).

375 All acquisitions of computer equipment and services involving  
376 the expenditure of funds in excess of the dollar amount  
377 established in Section 31-7-13(c), or rentals or leases in excess  
378 of the dollar amount established in Section 31-7-13(c) for the  
379 term of the contract, shall be based upon competitive and open  
380 specifications, and contracts therefor shall be entered into only  
381 after advertisements for bids are published in one or more daily  
382 newspapers having a general circulation in the state not less than  
383 fourteen (14) days prior to receiving sealed bids therefor. The  
384 authority may reserve the right to reject any or all bids, and if  
385 all bids are rejected, the authority may negotiate a contract  
386 within the limitations of the specifications so long as the terms  
387 of any such negotiated contract are equal to or better than the  
388 comparable terms submitted by the lowest and best bidder, and so  
389 long as the total cost to the State of Mississippi does not exceed  
390 the lowest bid. If the authority accepts one (1) of such bids, it  
391 shall be that which is the lowest and best.





392 (p) When applicable, the authority may procure  
393 equipment, systems and related services in accordance with the law  
394 or regulations, or both, which govern the Bureau of Purchasing of  
395 the Office of General Services or which govern the Mississippi  
396 Department of Information Technology Services procurement of  
397 telecommunications equipment, software and services.

398 (q) The authority is authorized to purchase, lease, or  
399 rent information technology and services for the purpose of  
400 establishing pilot projects to investigate emerging technologies.  
401 These acquisitions shall be limited to new technologies and shall  
402 be limited to an amount set by annual appropriation of the  
403 Legislature. These acquisitions shall be exempt from the  
404 advertising and bidding requirement.

405 (r) All fees collected by the Mississippi Department of  
406 Information Technology Services shall be deposited into the  
407 Mississippi Department of Information Technology Services  
408 Revolving Fund unless otherwise specified by the Legislature.

409 (s) The authority shall work closely with the council  
410 to bring about effective coordination of policies, standards and  
411 procedures relating to procurement of remote sensing and  
412 geographic information systems (GIS) resources. In addition, the  
413 authority is responsible for development, operation and  
414 maintenance of a delivery system infrastructure for geographic  
415 information systems data. The authority shall provide a warehouse  
416 for Mississippi's geographic information systems data.



417 (t) The authority shall manage one or more State Data  
418 Centers to provide information technology services on a  
419 cost-sharing basis. In determining the appropriate services to be  
420 provided through the State Data Center, the authority should  
421 consider those services that:

422 (i) Result in savings to the state as a whole;

423 (ii) Improve and enhance the security and  
424 reliability of the state's information and business systems; and

425 (iii) Optimize the efficient use of the state's  
426 information technology assets, including, but not limited to,  
427 promoting partnerships with the state institutions of higher  
428 learning and community colleges to capitalize on advanced  
429 information technology resources.

430 (u) The authority shall increase federal participation  
431 in the cost of the State Data Center to the extent provided by law  
432 and its shared technology infrastructure through providing such  
433 shared services to agencies that receive federal funds. With  
434 regard to state institutions of higher learning and community  
435 colleges, the authority may provide shared services when mutually  
436 agreeable, following a determination by both the authority and the  
437 Board of Trustees of State Institutions of Higher Learning or the  
438 Mississippi Community College Board, as the case may be, that the  
439 sharing of services is mutually beneficial.

440 (v) The authority, in its discretion, may require new  
441 or replacement agency business applications to be hosted at the



442 State Data Center. With regard to state institutions of higher  
443 learning and community colleges, the authority and the Board of  
444 Trustees of State Institutions of Higher Learning or the  
445 Mississippi Community College Board, as the case may be, may agree  
446 that institutions of higher learning or community colleges may  
447 utilize business applications that are hosted at the State Data  
448 Center, following a determination by both the authority and the  
449 applicable board that the hosting of those applications is  
450 mutually beneficial. In addition, the authority may establish  
451 partnerships to capitalize on the advanced technology resources of  
452 the Board of Trustees of State Institutions of Higher Learning or  
453 the Mississippi Community College Board, following a determination  
454 by both the authority and the applicable board that such a  
455 partnership is mutually beneficial.

456 (w) The authority shall provide a periodic update  
457 regarding reform-based information technology initiatives to the  
458 Chairmen of the House and Senate Accountability, Efficiency and  
459 Transparency Committees.

460 (x) The authority shall carry out the provisions of the  
461 Regulatory Reduction Pilot Program.

462 From and after July 1, 2018, the expenses of this agency  
463 shall be defrayed by appropriation from the State General Fund.  
464 In addition, in order to receive the maximum use and benefit from  
465 information technology and services, expenses for the provision of  
466 statewide shared services that facilitate cost-effective



467 information processing and telecommunication solutions shall be  
468 defrayed by pass-through funding and shall be deposited into the  
469 Mississippi Department of Information Technology Services  
470 Revolving Fund unless otherwise specified by the Legislature.  
471 These funds shall only be utilized to pay the actual costs  
472 incurred by the Mississippi Department of Information Technology  
473 Services for providing these shared services to state agencies.  
474 Furthermore, state agencies shall work in full cooperation with  
475 the Board of the Mississippi Department of Information Technology  
476 Services to identify computer equipment or services to minimize  
477 duplication, reduce costs, and improve the efficiency of providing  
478 common technology services across agency boundaries.

479 **SECTION 7.** Section 41-3-15, Mississippi Code of 1972, is  
480 amended as follows:

481 41-3-15. (1) (a) There shall be a State Department of  
482 Health.

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

485 (i) To formulate the policy of the State  
486 Department of Health regarding public health matters within the  
487 jurisdiction of the department;

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



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

493 (iii) To apply for, receive, accept and expend any  
494 federal or state funds or contributions, gifts, trusts, devises,  
495 bequests, grants, endowments or funds from any other source or  
496 transfers of property of any kind;

497 (iv) To enter into, and to authorize the executive  
498 officer to execute contracts, grants and cooperative agreements  
499 with any federal or state agency or subdivision thereof, or any  
500 public or private institution located inside or outside the State  
501 of Mississippi, or any person, corporation or association in  
502 connection with carrying out the provisions of this chapter, if it  
503 finds those actions to be in the public interest and the contracts  
504 or agreements do not have a financial cost that exceeds the  
505 amounts appropriated for those purposes by the Legislature;

506 (v) To appoint, upon recommendation of the  
507 Executive Officer of the State Department of Health, a Director of  
508 Internal Audit who shall be either a Certified Public Accountant  
509 or Certified Internal Auditor, and whose employment shall be  
510 continued at the discretion of the board, and who shall report  
511 directly to the board, or its designee; \* \* \*

512 (vi) To discharge such other duties,  
513 responsibilities and powers as are necessary to implement the  
514 provisions of this chapter \* \* \*; and



515                   (vii) To carry out the provisions of the  
516 Regulatory Reduction Pilot Program for the State Department of  
517 Health.

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

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

522                   (ii) To supervise and direct all administrative  
523 and technical activities of the department, except that the  
524 department's internal auditor shall be subject to the sole  
525 supervision and direction of the board;

526                   (iii) To organize the administrative units of the  
527 department in accordance with the plan adopted by the board and,  
528 with board approval, alter the organizational plan and reassign  
529 responsibilities as he or she may deem necessary to carry out the  
530 policies of the board;

531                   (iv) To coordinate the activities of the various  
532 offices of the department;

533                   (v) To employ, subject to regulations of the State  
534 Personnel Board, qualified professional personnel in the subject  
535 matter or fields of each office, and such other technical and  
536 clerical staff as may be required for the operation of the  
537 department. The executive officer shall be the appointing  
538 authority for the department, and shall have the power to delegate  
539 the authority to appoint or dismiss employees to appropriate



540 subordinates, subject to the rules and regulations of the State  
541 Personnel Board;

542 (vi) To recommend to the board such studies and  
543 investigations as he or she may deem appropriate, and to carry out  
544 the approved recommendations in conjunction with the various  
545 offices;

546 (vii) To prepare and deliver to the Legislature  
547 and the Governor on or before January 1 of each year, and at such  
548 other times as may be required by the Legislature or Governor, a  
549 full report of the work of the department and the offices thereof,  
550 including a detailed statement of expenditures of the department  
551 and any recommendations the board may have;

552 (viii) To prepare and deliver to the Chairmen of  
553 the Public Health and Welfare/Human Services Committees of the  
554 Senate and House on or before January 1 of each year, a plan for  
555 monitoring infant mortality in Mississippi and a full report of  
556 the work of the department on reducing Mississippi's infant  
557 mortality and morbidity rates and improving the status of maternal  
558 and infant health; and

559 (ix) To enter into contracts, grants and  
560 cooperative agreements with any federal or state agency or  
561 subdivision thereof, or any public or private institution located  
562 inside or outside the State of Mississippi, or any person,  
563 corporation or association in connection with carrying out the  
564 provisions of this chapter, if he or she finds those actions to be



565 in the public interest and the contracts or agreements do not have  
566 a financial cost that exceeds the amounts appropriated for those  
567 purposes by the Legislature. Each contract or agreement entered  
568 into by the executive officer shall be submitted to the board  
569 before its next meeting.

570 (2) The State Board of Health shall have the authority to  
571 establish an Office of Rural Health within the department. The  
572 duties and responsibilities of this office shall include the  
573 following:

574 (a) To collect and evaluate data on rural health  
575 conditions and needs;

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

578 (c) To develop and implement plans and provide  
579 technical assistance to enable community health systems to respond  
580 to various changes in their circumstances;

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

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

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

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





590           (a) To make investigations and inquiries with respect  
591 to the causes of disease and death, and to investigate the effect  
592 of environment, including conditions of employment and other  
593 conditions that may affect health, and to make such other  
594 investigations as it may deem necessary for the preservation and  
595 improvement of health.

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

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

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

607           (e) To charge and collect reasonable fees for health  
608 services, including immunizations, inspections and related  
609 activities, and the board shall charge fees for those services;  
610 however, if it is determined that a person receiving services is  
611 unable to pay the total fee, the board shall collect any amount  
612 that the person is able to pay. Any increase in the fees charged  
613 by the board under this paragraph shall be in accordance with the  
614 provisions of Section 41-3-65.



615 (f) (i) To establish standards for, issue permits and  
616 exercise control over, any cafes, restaurants, food or drink  
617 stands, sandwich manufacturing establishments, and all other  
618 establishments, other than churches, church-related and private  
619 schools, and other nonprofit or charitable organizations, where  
620 food or drink is regularly prepared, handled and served for pay;  
621 and

622 (ii) To require that a permit be obtained from the  
623 Department of Health before those persons begin operation. If any  
624 such person fails to obtain the permit required in this  
625 subparagraph (ii), the State Board of Health, after due notice and  
626 opportunity for a hearing, may impose a monetary penalty not to  
627 exceed One Thousand Dollars (\$1,000.00) for each violation.  
628 However, the department is not authorized to impose a monetary  
629 penalty against any person whose gross annual prepared food sales  
630 are less than Five Thousand Dollars (\$5,000.00). Money collected  
631 by the board under this subparagraph (ii) shall be deposited to  
632 the credit of the State General Fund of the State Treasury.

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

636 (h) On presentation of proper authority, to enter into  
637 and inspect any public place or building where the State Health  
638 Officer or his representative deems it necessary and proper to  
639 enter for the discovery and suppression of disease and for the



640 enforcement of any health or sanitary laws and regulations in the  
641 state.

642 (i) To conduct investigations, inquiries and hearings,  
643 and to issue subpoenas for the attendance of witnesses and the  
644 production of books and records at any hearing when authorized and  
645 required by statute to be conducted by the State Health Officer or  
646 the State Board of Health.

647 (j) To promulgate rules and regulations, and to collect  
648 data and information, on (i) the delivery of services through the  
649 practice of telemedicine; and (ii) the use of electronic records  
650 for the delivery of telemedicine services.

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

653 (5) (a) The State Board of Health shall have the authority,  
654 in its discretion, to establish programs to promote the public  
655 health, to be administered by the State Department of Health.  
656 Specifically, those programs may include, but shall not be limited  
657 to, programs in the following areas:

658 (i) Maternal and child health;

659 (ii) Family planning;

660 (iii) Pediatric services;

661 (iv) Services to crippled and disabled children;

662 (v) Control of communicable and noncommunicable  
663 disease;

664 (vi) Chronic disease;



665 (vii) Accidental deaths and injuries;  
666 (viii) Child care licensure;  
667 (ix) Radiological health;  
668 (x) Dental health;  
669 (xi) Milk sanitation;  
670 (xii) Occupational safety and health;  
671 (xiii) Food, vector control and general  
672 sanitation;  
673 (xiv) Protection of drinking water;  
674 (xv) Sanitation in food handling establishments  
675 open to the public;  
676 (xvi) Registration of births and deaths and other  
677 vital events;  
678 (xvii) Such public health programs and services as  
679 may be assigned to the State Board of Health by the Legislature or  
680 by executive order; and  
681 (xviii) Regulation of domestic and imported fish  
682 for human consumption.

683 (b) The State Board of Health and State Department of  
684 Health shall not be authorized to sell, transfer, alienate or  
685 otherwise dispose of any of the home health agencies owned and  
686 operated by the department on January 1, 1995, and shall not be  
687 authorized to sell, transfer, assign, alienate or otherwise  
688 dispose of the license of any of those home health agencies,  
689 except upon the specific authorization of the Legislature by an



690 amendment to this section. However, this paragraph (b) shall not  
691 prevent the board or the department from closing or terminating  
692 the operation of any home health agency owned and operated by the  
693 department, or closing or terminating any office, branch office or  
694 clinic of any such home health agency, or otherwise discontinuing  
695 the providing of home health services through any such home health  
696 agency, office, branch office or clinic, if the board first  
697 demonstrates that there are other providers of home health  
698 services in the area being served by the department's home health  
699 agency, office, branch office or clinic that will be able to  
700 provide adequate home health services to the residents of the area  
701 if the department's home health agency, office, branch office or  
702 clinic is closed or otherwise discontinues the providing of home  
703 health services. This demonstration by the board that there are  
704 other providers of adequate home health services in the area shall  
705 be spread at length upon the minutes of the board at a regular or  
706 special meeting of the board at least thirty (30) days before a  
707 home health agency, office, branch office or clinic is proposed to  
708 be closed or otherwise discontinue the providing of home health  
709 services.

710 (c) The State Department of Health may undertake such  
711 technical programs and activities as may be required for the  
712 support and operation of those programs, including maintaining  
713 physical, chemical, bacteriological and radiological laboratories,  
714 and may make such diagnostic tests for diseases and tests for the



715 evaluation of health hazards as may be deemed necessary for the  
716 protection of the people of the state.

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

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

721 (i) To enter into capitalization grant agreements  
722 with the United States Environmental Protection Agency, or any  
723 successor agency thereto;

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

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

729 (iv) To establish and collect fees to defray the  
730 reasonable costs of administering the revolving fund or emergency  
731 fund if the State Board of Health determines that those costs will  
732 exceed the limitations established in the federal Safe Drinking  
733 Water Act, as amended. The administration fees may be included in  
734 loan amounts to loan recipients for the purpose of facilitating  
735 payment to the board; however, those fees may not exceed five  
736 percent (5%) of the loan amount.

737 (7) Notwithstanding any other provision to the contrary, the  
738 State Department of Health shall have the following specific  
739 powers: The department shall issue a license to Alexander Milne



740 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
741 construction, conversion, expansion and operation of not more than  
742 forty-five (45) beds for developmentally disabled adults who have  
743 been displaced from New Orleans, Louisiana, with the beds to be  
744 located in a certified ICF-MR facility in the City of Laurel,  
745 Mississippi. There shall be no prohibition or restrictions on  
746 participation in the Medicaid program for the person receiving the  
747 license under this subsection (7). The license described in this  
748 subsection shall expire five (5) years from the date of its issue.  
749 The license authorized by this subsection shall be issued upon the  
750 initial payment by the licensee of an application fee of  
751 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
752 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
753 the license, to be paid as long as the licensee continues to  
754 operate. The initial and monthly licensing fees shall be  
755 deposited by the State Department of Health into the special fund  
756 created under Section 41-7-188.

757 (8) Notwithstanding any other provision to the contrary, the  
758 State Department of Health shall have the following specific  
759 powers: The State Department of Health is authorized to issue a  
760 license to an existing home health agency for the transfer of a  
761 county from that agency to another existing home health agency,  
762 and to charge a fee for reviewing and making a determination on  
763 the application for such transfer not to exceed one-half (1/2) of  
764 the authorized fee assessed for the original application for the



765 home health agency, with the revenue to be deposited by the State  
766 Department of Health into the special fund created under Section  
767 41-7-188.

768 (9) Notwithstanding any other provision to the contrary, the  
769 State Department of Health shall have the following specific  
770 powers: For the period beginning July 1, 2010, through July 1,  
771 2017, the State Department of Health is authorized and empowered  
772 to assess a fee in addition to the fee prescribed in Section  
773 41-7-188 for reviewing applications for certificates of need in an  
774 amount not to exceed twenty-five one-hundredths of one percent  
775 (.25 of 1%) of the amount of a proposed capital expenditure, but  
776 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
777 regardless of the amount of the proposed capital expenditure, and  
778 the maximum additional fee permitted shall not exceed Fifty  
779 Thousand Dollars (\$50,000.00). Provided that the total  
780 assessments of fees for certificate of need applications under  
781 Section 41-7-188 and this section shall not exceed the actual cost  
782 of operating the certificate of need program.

783 (10) Notwithstanding any other provision to the contrary,  
784 the State Department of Health shall have the following specific  
785 powers: The State Department of Health is authorized to extend  
786 and renew any certificate of need that has expired, and to charge  
787 a fee for reviewing and making a determination on the application  
788 for such action not to exceed one-half (1/2) of the authorized fee  
789 assessed for the original application for the certificate of need,





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

792 (11) Notwithstanding any other provision to the contrary,  
793 the State Department of Health shall have the following specific  
794 powers: The State Department of Health is authorized and  
795 empowered, to revoke, immediately, the license and require closure  
796 of any institution for the aged or infirm, including any other  
797 remedy less than closure to protect the health and safety of the  
798 residents of said institution or the health and safety of the  
799 general public.

800 (12) Notwithstanding any other provision to the contrary,  
801 the State Department of Health shall have the following specific  
802 powers: The State Department of Health is authorized and  
803 empowered, to require the temporary detainment of individuals for  
804 disease control purposes based upon violation of any order of the  
805 State Health Officer, as provided in Section 41-23-5. For the  
806 purpose of enforcing such orders of the State Health Officer,  
807 persons employed by the department as investigators shall have  
808 general arrest powers. All law enforcement officers are  
809 authorized and directed to assist in the enforcement of such  
810 orders of the State Health Officer.

811 **SECTION 8.** Section 65-1-8, Mississippi Code of 1972, is  
812 amended as follows:

813 65-1-8. (1) The Mississippi Transportation Commission shall  
814 have the following general powers, duties and responsibilities:



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

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

819 (c) To make recommendations to the Legislature  
820 regarding alterations or modifications in any existing  
821 transportation policies;

822 (d) To study means of encouraging travel and  
823 transportation of goods by the combination of motor vehicle and  
824 other modes of transportation;

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

828 (f) To receive and provide for the expenditure of any  
829 funds made available to it by the Legislature, the federal  
830 government or any other source \* \* \*;

831 (g) To carry out the provisions of the Regulatory  
832 Reduction Pilot Program for the Mississippi Department of  
833 Transportation.

834 (2) In addition to the general powers, duties and  
835 responsibilities listed in subsection (1) of this section, the  
836 Mississippi Transportation Commission shall have the following  
837 specific powers:

838 (a) To make rules and regulations whereby the  
839 Transportation Department shall change or relocate any and all



840 highways herein or hereafter fixed as constituting a part of the  
841 state highway system, as may be deemed necessary or economical in  
842 the construction or maintenance thereof; to acquire by gift,  
843 purchase, condemnation or otherwise, land or other property  
844 whatsoever that may be necessary for a state highway system as  
845 herein provided, with full consideration to be given to the  
846 stimulation of local public and private investment when acquiring  
847 such property in the vicinity of Mississippi towns, cities and  
848 population centers;

849 (b) To enforce by mandamus, or other proper legal  
850 remedies, all legal rights or rights of action of the Mississippi  
851 Transportation Commission with other public bodies, corporations  
852 or persons;

853 (c) To make and publish rules, regulations and  
854 ordinances for the control of and the policing of the traffic on  
855 the state highways, and to prevent their abuse by any or all  
856 persons, natural or artificial, by trucks, tractors, trailers or  
857 any other heavy or destructive vehicles or machines, or by any  
858 other means whatsoever, by establishing weights of loads or of  
859 vehicles, types of tires, width of tire surfaces, length and width  
860 of vehicles, with reasonable variations to meet approximate  
861 weather conditions, and all other proper police and protective  
862 regulations, and to provide ample means for the enforcement of  
863 same. The violation of any of the rules, regulations or  
864 ordinances so prescribed by the commission shall constitute a



865 misdemeanor. No rule, regulation or ordinance shall be made that  
866 conflicts with any statute now in force or which may hereafter be  
867 enacted, or with any ordinance of municipalities. A monthly  
868 publication giving general information to the boards of  
869 supervisors, employees and the public may be issued under such  
870 rules and regulations as the commission may determine;

871 (d) To give suitable numbers to highways and to change  
872 the number of any highway that shall become a part of the state  
873 highway system. However, nothing herein shall authorize the  
874 number of any highway to be changed so as to conflict with any  
875 designation thereof as a U.S. numbered highway. Where, by a  
876 specific act of the Legislature, the commission has been directed  
877 to give a certain number to a highway, the commission shall not  
878 have the authority to change such number;

879 (e) (i) To make proper and reasonable rules,  
880 regulations, and ordinances for the placing, erection, removal or  
881 relocation of telephone, telegraph or other poles, signboards,  
882 fences, gas, water, sewerage, oil or other pipelines, and other  
883 obstructions that may, in the opinion of the commission,  
884 contribute to the hazards upon any of the state highways, or in  
885 any way interfere with the ordinary travel upon such highways, or  
886 the construction, reconstruction or maintenance thereof, and to  
887 make reasonable rules and regulations for the proper control  
888 thereof. Any violation of such rules or regulations or  
889 noncompliance with such ordinances shall constitute a misdemeanor;



890                   (ii) Except as otherwise provided for in this  
891 paragraph, whenever the order of the commission shall require the  
892 removal of, or other changes in the location of telephone,  
893 telegraph or other poles, signboards, gas, water, sewerage, oil or  
894 other pipelines; or other similar obstructions on the right-of-way  
895 or such other places where removal is required by law, the owners  
896 thereof shall at their own expense move or change the same to  
897 conform to the order of the commission. Any violation of such  
898 rules or regulations or noncompliance with such orders shall  
899 constitute a misdemeanor;

900                   (iii) Rural water districts, rural water systems,  
901 nonprofit water associations and municipal public water systems in  
902 municipalities with a population of ten thousand (10,000) or less,  
903 according to the latest federal decennial census, shall not be  
904 required to bear the cost and expense of removal and relocation of  
905 water and sewer lines and facilities constructed or in place in  
906 the rights-of-way of state highways. The cost and expense of such  
907 removal and relocation, including any unpaid prior to July 1,  
908 2002, shall be paid by the Department of Transportation;

909                   (iv) Municipal public sewer systems and municipal  
910 gas systems owned by municipalities with a population of ten  
911 thousand (10,000) or less, according to the latest federal  
912 decennial census, shall not be required to bear the cost and  
913 expense of removal and relocation of lines and facilities  
914 constructed or in place in the rights-of-way of state highways.



915 The cost and expense of such removal and relocation, including any  
916 unpaid prior to July 1, 2003, shall be paid by the Department of  
917 Transportation;

918 (f) To regulate and abandon grade crossings on any road  
919 fixed as a part of the state highway system, and whenever the  
920 commission, in order to avoid a grade crossing with the railroad,  
921 locates or constructs said road on one side of the railroad, the  
922 commission shall have the power to abandon and close such grade  
923 crossing, and whenever an underpass or overhead bridge is  
924 substituted for a grade crossing, the commission shall have power  
925 to abandon such grade crossing and any other crossing adjacent  
926 thereto. Included in the powers herein granted shall be the power  
927 to require the railroad at grade crossings, where any road of the  
928 state highway system crosses the same, to place signal posts with  
929 lights or other warning devices at such crossings at the expense  
930 of the railroad, and to regulate and abandon underpass or overhead  
931 bridges and, where abandoned because of the construction of a new  
932 underpass or overhead bridge, to close such old underpass or  
933 overhead bridge, or, in its discretion, to return the same to the  
934 jurisdiction of the county board of supervisors;

935 (g) To make proper and reasonable rules and regulations  
936 to control the cutting or opening of the road surfaces for  
937 subsurface installations;

938 (h) To make proper and reasonable rules and regulations  
939 for the removal from the public rights-of-way of any form of



940 obstruction, to cooperate in improving their appearance, and to  
941 prescribe minimum clearance heights for seed conveyors, pipes,  
942 passageways or other structure of private or other ownership above  
943 the highways;

944 (i) To establish, and have the Transportation  
945 Department maintain and operate, and to cooperate with the state  
946 educational institutions in establishing, enlarging, maintaining  
947 and operating a laboratory or laboratories for testing materials  
948 and for other proper highway purposes;

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

952 (k) To establish and have enforced set-back  
953 regulations;

954 (l) To cooperate with proper state authorities in  
955 producing limerock for highway purposes and to purchase same at  
956 cost;

957 (m) To provide for the purchase of necessary equipment  
958 and vehicles and to provide for the repair and housing of same, to  
959 acquire by gift, purchase, condemnation or otherwise, land or  
960 lands and buildings in fee simple, and to authorize the  
961 Transportation Department to construct, lease or otherwise provide  
962 necessary and proper permanent district offices for the  
963 construction and maintenance divisions of the department, and for  
964 the repair and housing of the equipment and vehicles of the



965 department; however, in each Supreme Court district only two (2)  
966 permanent district offices shall be set up, but a permanent status  
967 shall not be given to any such offices until so provided by act of  
968 the Legislature and in the meantime, all shops of the department  
969 shall be retained at their present location. As many local or  
970 subdistrict offices, shops or barns may be provided as is  
971 essential and proper to economical maintenance of the state  
972 highway system;

973 (n) To cooperate with the Department of Archives and  
974 History in having placed and maintained suitable historical  
975 markers, including those which have been approved and purchased by  
976 the State Historical Commission, along state highways, and to have  
977 constructed and maintained roadside driveways for convenience and  
978 safety in viewing them when necessary;

979 (o) To cooperate, in its discretion, with the  
980 Mississippi Department of Wildlife, Fisheries and Parks in  
981 planning and constructing roadside parks upon the right-of-way of  
982 state highways, whether constructed, under construction, or  
983 planned; said parks to utilize where practical barrow pits used in  
984 construction of state highways for use as fishing ponds. Said  
985 parks shall be named for abundant flora and fauna existing in the  
986 area or for the first flora or fauna found on the site;

987 (p) Unless otherwise prohibited by law, to make such  
988 contracts and execute such instruments containing such reasonable  
989 and necessary appropriate terms, provisions and conditions as in





990 its absolute discretion it may deem necessary, proper or  
991 advisable, for the purpose of obtaining or securing financial  
992 assistance, grants or loans from the United States of America or  
993 any department or agency thereof, including contracts with several  
994 counties of the state pertaining to the expenditure of such funds;

995 (q) To cooperate with the Federal Highway  
996 Administration in the matter of location, construction and  
997 maintenance of the Great River Road, to expend such funds paid to  
998 the commission by the Federal Highway Administration or other  
999 federal agency, and to authorize the Transportation Department to  
1000 erect suitable signs marking this highway, the cost of such signs  
1001 to be paid from state highway funds other than earmarked  
1002 construction funds;

1003 (r) To cooperate, in its discretion, with the  
1004 Mississippi Forestry Commission and the School of Forestry,  
1005 Mississippi State University, in a forestry management program,  
1006 including planting, thinning, cutting and selling, upon the  
1007 right-of-way of any highway, constructed, acquired or maintained  
1008 by the Transportation Department, and to sell and dispose of any  
1009 and all growing timber standing, lying or being on any  
1010 right-of-way acquired by the commission for highway purposes in  
1011 the future; such sale or sales to be made in accordance with the  
1012 sale of personal property which has become unnecessary for public  
1013 use as provided for in Section 65-1-123, Mississippi Code of 1972;



1014 (s) To expend funds in cooperation with the Division of  
1015 Plant Industry, Mississippi Department of Agriculture and  
1016 Commerce, the United States government or any department or agency  
1017 thereof, or with any department or agency of this state, to  
1018 control, suppress or eradicate serious insect pests, rodents,  
1019 plant parasites and plant diseases on the state highway  
1020 rights-of-way;

1021 (t) To provide for the placement, erection and  
1022 maintenance of motorist services business signs and supports  
1023 within state highway rights-of-way in accordance with current  
1024 state and federal laws and regulations governing the placement of  
1025 traffic control devices on state highways, and to establish and  
1026 collect reasonable fees from the businesses having information on  
1027 such signs;

1028 (u) To request and to accept the use of persons  
1029 convicted of an offense, whether a felony or a misdemeanor, for  
1030 work on any road construction, repair or other project of the  
1031 Transportation Department. The commission is also authorized to  
1032 request and to accept the use of persons who have not been  
1033 convicted of an offense but who are required to fulfill certain  
1034 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
1035 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention  
1036 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
1037 of 1972. The commission is authorized to enter into any  
1038 agreements with the Department of Corrections, the State Parole



1039 Board, any criminal court of this state, and any other proper  
1040 official regarding the working, guarding, safekeeping, clothing  
1041 and subsistence of such persons performing work for the  
1042 Transportation Department. Such persons shall not be deemed  
1043 agents, employees or involuntary servants of the Transportation  
1044 Department while performing such work or while going to and from  
1045 work or other specified areas;

1046 (v) To provide for the administration of the railroad  
1047 revitalization program pursuant to Section 57-43-1 et seq.;

1048 (w) The Mississippi Transportation Commission is  
1049 further authorized, in its discretion, to expend funds for the  
1050 purchase of service pins for employees of the Mississippi  
1051 Transportation Department;

1052 (x) To cooperate with the State Tax Commission by  
1053 providing for weight enforcement field personnel to collect and  
1054 assess taxes, fees and penalties and to perform all duties as  
1055 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
1056 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
1057 Mississippi Code of 1972, with regard to vehicles subject to the  
1058 jurisdiction of the Office of Weight Enforcement. All collections  
1059 and assessments shall be transferred daily to the State Tax  
1060 Commission;

1061 (y) The Mississippi Transportation Commission may  
1062 delegate the authority to enter into a supplemental agreement to a  
1063 contract previously approved by the commission if the supplemental



1064 agreement involves an additional expenditure not to exceed One  
1065 Hundred Thousand Dollars (\$100,000.00);

1066 (z) (i) The Mississippi Transportation Commission, in  
1067 its discretion, may enter into agreements with any county,  
1068 municipality, county transportation commission, business,  
1069 corporation, partnership, association, individual or other legal  
1070 entity, for the purpose of accelerating the completion date of  
1071 scheduled highway construction projects.

1072 (ii) Such an agreement may permit the cost of a  
1073 highway construction project to be advanced to the commission by a  
1074 county, municipality, county transportation commission, business,  
1075 corporation, partnership, association, individual or other legal  
1076 entity, and repaid to such entity by the commission when highway  
1077 construction funds become available; provided, however, that  
1078 repayment of funds advanced to the Mississippi Transportation  
1079 Commission shall be made no sooner than the commission's  
1080 identified projected revenue schedule for funding of that  
1081 particular construction project, and no other scheduled highway  
1082 construction project established by statute or by the commission  
1083 may be delayed by an advanced funding project authorized under  
1084 this paragraph (z). Repayments to a private entity that advances  
1085 funds to the Mississippi Transportation Commission under this  
1086 paragraph (z) may not include interest or other fees or charges,  
1087 and the total amount repaid shall not exceed the total amount of  
1088 funds advanced to the commission by the entity.



1089 (iii) In considering whether to enter into such an  
1090 agreement, the commission shall consider the availability of  
1091 financial resources, the effect of such agreement on other ongoing  
1092 highway construction, the urgency of the public's need for swift  
1093 completion of the project and any other relevant factors.

1094 (iv) Such an agreement shall be executed only upon  
1095 a finding by the commission, spread upon its minutes, that the  
1096 acceleration of the scheduled project is both feasible and  
1097 beneficial. The commission shall also spread upon its minutes its  
1098 findings with regard to the factors required to be considered  
1099 pursuant to subparagraph (iii) of this paragraph (z);

1100 (aa) The Mississippi Transportation Commission, in its  
1101 discretion, may purchase employment practices liability insurance,  
1102 and may purchase an excess policy to cover catastrophic losses  
1103 incurred under the commission's self-insured workers' compensation  
1104 program authorized under Section 71-3-5. Such policies shall be  
1105 written by the agent or agents of a company or companies  
1106 authorized to do business in the State of Mississippi. The  
1107 deductibles shall be in an amount deemed reasonable and prudent by  
1108 the commission, and the premiums thereon shall be paid from the  
1109 State Highway Fund. Purchase of insurance under this paragraph  
1110 shall not serve as an actual or implied waiver of sovereign  
1111 immunity or of any protection afforded the commission under the  
1112 Mississippi Tort Claims Act;



1113 (bb) The Mississippi Transportation Commission is  
1114 further authorized, in its discretion, to expend funds for the  
1115 purchase of promotional materials for safety purposes, highway  
1116 beautification purposes and recruitment purposes;

1117 (cc) To lease antenna space on communication towers  
1118 which it owns;

1119 (dd) To receive funds from the Southeastern Association  
1120 of Transportation Officials and from other nonstate sources and  
1121 expend those funds for educational scholarships in transportation  
1122 related fields of study. The commission may adopt rules or  
1123 regulations as necessary for the implementation of the program. A  
1124 strict accounting shall be made of all funds deposited with the  
1125 commission and all funds dispersed.

1126 **SECTION 9.** Section 69-1-203, Mississippi Code of 1972, is  
1127 amended as follows:

1128 69-1-203. The Department of Agriculture and Commerce shall  
1129 promote the development of agriculture and aquaculture for both  
1130 native and nonnative species. The department shall be organized  
1131 into the Administration Office, the Regulatory Office, and the  
1132 Marketing, Agricultural Development and Finance Office. Each  
1133 office shall have the duties hereinafter specified in addition to  
1134 any other duties assigned to it by the commissioner.

1135 The Administration Office shall consist of such employees as  
1136 may be assigned to it by the commissioner and shall have exclusive  
1137 responsibility for the following functions of the department:



- 1138 (a) Accounting;
- 1139 (b) Payroll;
- 1140 (c) Purchasing;
- 1141 (d) Data processing;
- 1142 (e) Personnel;
- 1143 (f) Motor pool and vehicles;
- 1144 (g) Maintenance; and
- 1145 (h) Printing and records.

1146 The Regulatory Office shall administer those laws relating to  
1147 the regulation of the labels of syrup containers; the regulation  
1148 of the sale of planting seed; the regulation of the sale of  
1149 livestock by weight; the protection of the health of swine; the  
1150 inspection of grain crops; the testing of the accuracy of  
1151 petroleum pumps; the inspection of milk manufacturing plants and  
1152 producers; the establishment of standards for frozen desserts sold  
1153 in Mississippi; the licensing of exotic bird dealers; the  
1154 regulation of the disposition of animal and poultry inedible  
1155 waste; the regulation of the labeling of catfish; the adoption of  
1156 systems of weights and measures for all commercial purposes in  
1157 Mississippi; the inspection of meat and poultry and the licensing  
1158 of facilities used for the processing thereof; and the regulation  
1159 of the measurement and receiving of pulpwood.

1160 The Marketing, Agricultural Development and Finance Office  
1161 shall develop direct contact with potential buyers worldwide for  
1162 the Mississippi agricultural community to expand domestic and



1163 international markets; develop and regulate aquaculture production  
1164 as provided in the Mississippi Aquaculture Act of 1988; and  
1165 operate and administer the Mississippi Market Bulletin, the Market  
1166 News Service, the Jim Buck Ross Mississippi Agriculture and  
1167 Forestry Museum and the Centennial Farm Family Program. This  
1168 office shall also be responsible for the collection, analysis and  
1169 dissemination of statistical data concerning the production,  
1170 supply, price and other aspects of the state's agricultural  
1171 economy.

1172 The Department of Agriculture and Commerce shall carry out  
1173 the provisions of the Regulatory Reduction Pilot Program.

1174 **SECTION 10.** This act shall take effect and be in force from  
1175 and after July 1, 2020.

