

By: Senator(s) Blackwell

To: Judiciary, Division B

SENATE BILL NO. 2297
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-11-19, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE MISSISSIPPI FORENSICS LABORATORY TO APPROVE FOR USE
3 AT LEAST ONE MODEL OF BREATH ALCOHOL CONTENT INSTRUMENT THAT IS
4 READILY AVAILABLE TO LAW ENFORCEMENT AGENCIES THROUGHOUT THE
5 STATE; TO AMEND SECTION 77-15-1, MISSISSIPPI CODE OF 1972, TO
6 INCREASE FROM \$200.00 TO \$500.00 THE MONTHLY COMPENSATION OF THE
7 BOARD OF DIRECTORS OF THE CHICKASAWHAY NATURAL GAS DISTRICT; TO
8 INCREASE FROM \$250.00 TO \$550.00 THE MONTHLY COMPENSATION OF THE
9 CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE DISTRICT; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-11-19, Mississippi Code of 1972, is
13 amended as follows:

14 63-11-19. A chemical analysis of the person's breath, blood
15 or urine, to be considered valid under the provisions of this
16 section, shall have been performed according to methods approved
17 by the Mississippi Forensics Laboratory created pursuant to
18 Section 45-1-17 and the Commissioner of Public Safety and
19 performed by an individual possessing a valid permit issued by the
20 Mississippi Forensics Laboratory for making such analysis. The
21 Mississippi Forensics Laboratory and the Commissioner of Public
22 Safety are authorized to approve satisfactory techniques or



23 methods, to ascertain the qualifications and competence of
24 individuals to conduct such analyses, and to issue permits which
25 shall be subject to termination or revocation at the discretion of
26 the Mississippi Forensics Laboratory. The Mississippi Forensics
27 Laboratory shall not approve the permit required herein for any
28 law enforcement officer other than a member of the State Highway
29 Patrol, a sheriff or his deputies, a city policeman, an officer of
30 a state-supported institution of higher learning campus police
31 force, a security officer appointed and commissioned pursuant to
32 the Pearl River Valley Water Supply District Security Officer Law
33 of 1978, a national park ranger, a national park ranger
34 technician, a military policeman stationed at a United States
35 military base located within this state other than a military
36 policeman of the Army or Air National Guard or of Reserve Units of
37 the Army, Air Force, Navy or Marine Corps, a marine law
38 enforcement officer employed by the Department of Marine
39 Resources, or a conservation officer employed by the Mississippi
40 Department of Wildlife, Fisheries and Parks. The permit given a
41 marine law enforcement officer shall authorize such officer to
42 administer tests only for violations of Sections 59-23-1 through
43 59-23-7. The permit given a conservation officer shall authorize
44 such officer to administer tests only for violations of Sections
45 59-23-1 through 59-23-7 and for hunting related incidents
46 resulting in injury or death to any person by discharge of a
47 weapon as provided under Section 49-4-31.



48 The Mississippi Forensics Laboratory shall make periodic, but
49 not less frequently than quarterly, tests of the methods, machines
50 or devices used in making chemical analysis of a person's breath
51 as shall be necessary to ensure the accuracy thereof, and shall
52 issue its certificate to verify the accuracy of the same.

53 Without compromising accepted law enforcement standards and
54 methodologies, the Mississippi Forensics Laboratory shall approve
55 for use at least one (1) model of a breath alcohol content
56 instrument that is readily available to law enforcement agencies
57 throughout the state.

58 **SECTION 2.** Section 77-15-1, Mississippi Code of 1972, is
59 amended as follows:

60 77-15-1. (1) Notwithstanding any other provisions of law to
61 the contrary, all local natural gas districts containing two (2)
62 or more municipalities and nonmunicipal customers shall establish
63 and maintain a board of directors composed of: (a) the mayors of
64 each municipality within the district whose terms shall be
65 concurrent with their terms of office as mayor; and (b) one (1)
66 system-user from each county within the district, who shall not be
67 a public official. The county system-user board members shall be
68 elected by the system-users residing outside of a municipality, in
69 the county in which such board member resides. In order to
70 qualify as a candidate for election to the board, each person
71 shall obtain, on a petition, twenty-five (25) signatures from
72 system-users in the county in which such person resides. The



73 signatures shall be of system-users residing outside of a
74 municipality and the candidate shall be a system-user who resides
75 outside of a municipality. The board shall call an election
76 within fifteen (15) days after July 1, 1989, to be held within
77 sixty (60) days from the date such election is called. From and
78 after July 1, 2007, the procedures for, and conduct of, the
79 election of board members of the district shall be held in
80 accordance with the provisions of subsection (6) of this section.
81 Those persons elected to the board shall serve until the next
82 general election for supervisors and the election for such board
83 members thereafter shall be held at the same time as the
84 supervisor elections and the terms of such board members shall be
85 concurrent with the terms of the supervisors. The board of
86 directors, including any mayors who serve on the board, shall be
87 entitled to compensation as follows: (a) the chairperson of the
88 board shall receive * * * Five Hundred Fifty Dollars (\$550.00) per
89 month, and (b) all other board members shall receive * * * Five
90 Hundred Fifty Dollars (\$550.00) per month. The chairperson and
91 vice chairperson shall be elected by and from the entire
92 membership of the governing board at the first meeting in July of
93 each year. The vice chairperson shall preside over meetings as
94 the chairperson in the absence or incapacity of the chairperson.
95 In addition, an official meeting may be called at any time by a
96 two-thirds (2/3) proclamation by the board membership.



97 (2) Two (2) board municipal/county system-user board members
98 who reside in his or her respective county, and must be customers
99 of the district, and who must be system-users shall be appointed
100 as follows for his or her initial term: (a) one (1) board member
101 from the county lying in the northern section of the district,
102 appointed by the Lieutenant Governor; and (b) one (1) board member
103 from the county lying in the southern section of the district,
104 appointed by the Governor. The appointed board municipal/county
105 system-user board members may be elected public officials.

106 The initial terms of the two (2) municipal/county system-user
107 board members shall begin July 1, 2005, and shall serve until June
108 30, 2008, and thereafter the municipal/county system-user board
109 members, as described in this subsection (2), shall be elected by
110 the municipal and county system-users as follows: The successors
111 in office to the board member who was appointed from the county
112 lying in the northern section of the district shall be elected
113 only by the municipal and county system-users who reside in that
114 county and not by all of the system-users in the district. The
115 successors in office to the board member who was appointed from
116 the county lying in the southern section of the district shall be
117 elected only by the municipal and county system-users who reside
118 in that county and not by all of the system-users in the district.

119 The municipal/county system-user board members shall be
120 compensated as prescribed in subsection (1) of this section.



121 (3) All board members shall file any required statements of
122 economic interest with the Ethics Commission as required by law.
123 This section shall not apply to any local natural gas district
124 which leases its distribution system to an investor-owned utility
125 company regulated by the Public Service Commission.

126 (4) From and after July 1, 2004, the Board of Directors of
127 the Chickasawhay Natural Gas District shall discontinue
128 distribution of any of the revenues of the district to
129 municipalities within the district.

130 (5) The provisions of this section shall only apply to the
131 Chickasawhay Natural Gas District.

132 (6) The provisions of this subsection shall govern the
133 procedure for, and conduct of, any election of the board of
134 directors of the district. The board may adopt any rules and
135 regulations pertaining to the election of the board of directors
136 of the district that are not inconsistent and do not conflict with
137 the provisions of this subsection.

138 (a) Notice of the election of one or more members of
139 the board of directors shall be sent by regular United States mail
140 to each system-user not less than thirty (30) days and not more
141 than sixty (60) days from the election date. The notice shall
142 state the time, place and manner in which the system-users may
143 vote for the board of directors.

144 (b) The election shall be held in a manner and
145 according to procedures to be established by rules and regulations



146 adopted by the board before the giving of notice of the election,
147 and a printed copy of such rules and regulations shall accompany
148 the notice.

149 (c) The rules and regulations for the conduct of the
150 election shall include the following provisions:

151 (i) To qualify as a candidate, a person shall not
152 be a public official and must be a county system-user and such
153 person must submit to the board, not less than twenty (20) days
154 before the election, a petition containing the signatures of
155 twenty-five (25) system-users in the county in which the candidate
156 resides;

157 (ii) Notice of the nomination of qualified
158 candidates sent by regular United States mail to the system-users
159 at least ten (10) days before the date of the election;

160 (iii) The method of voting on the date of the
161 election shall be by personal attendance at the district's office
162 in Waynesboro, by personal attendance at the district's office in
163 Quitman, or by proxy;

164 (iv) Each system-user shall have one (1) vote,
165 provided that when a billing for service is made to more than one
166 (1) person at a single address or location, each such person shall
167 be limited to casting a pro rata share of the one (1) vote to
168 which the billing address or location is entitled; and



169 (v) The time of the election shall be fixed
170 between the hours of 10:00 a.m. and 6:00 p.m. on a day of the week
171 other than Sunday.

172 (d) A certified public accountant appointed by the
173 board shall count all votes, whether cast by personal attendance
174 or by proxy, and he shall certify the results of the election to
175 the board within ten (10) days of the election.

176 **SECTION 3.** This act shall take effect and be in force from
177 and after July 1, 2023.

