

By: Representatives Currie, Nelson

To: Corrections;
Appropriations C

HOUSE BILL NO. 1475

1 AN ACT TO AUTHORIZE THE SHERIFFS OF COUNTY REGIONAL
2 CORRECTIONAL FACILITIES AND COUNTY JAILS THAT HOUSE STATE INMATES,
3 TO ESTABLISH A WORK PROGRAM WITH THE MISSISSIPPI DEPARTMENT OF
4 TRANSPORTATION WHERE INMATES WORK FOR THE DEPARTMENT; TO REQUIRE
5 THE DEPARTMENT OF CORRECTIONS TO PAY A DAILY PER DIEM OF \$34.00 TO
6 THE CORRECTIONAL FACILITIES THAT HAVE INMATES THAT WORK FOR THE
7 DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 47-5-933,
8 MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$32.71 TO \$34.00 THE
9 CONTRACT RATE THAT THE DEPARTMENT OF CORRECTIONS MAY PAY REGIONALS
10 FOR THE HOUSING OF STATE INMATES; TO PROVIDE THAT ALL REGIONAL
11 CORRECTIONAL FACILITIES AND ALL COUNTY JAILS THAT HOUSE STATE
12 OFFENDERS SHALL RECEIVE A DAILY PER DIEM OF \$34.00 PER DAY FROM
13 THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTIONS 47-5-901 AND
14 47-5-909, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
15 SECTION; TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO
16 AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A CERTAIN
17 AGREEMENT WITH SHERIFFS FOR A CERTAIN WORK PROGRAM THAT UTILIZES
18 STATE INMATES; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) The sheriffs of all county regional
21 correctional facilities and county jails, where state inmates are
22 housed, and the Mississippi Department of Transportation are
23 authorized to establish a work program where up to two (2) state
24 inmates who are housed in such facilities and jails may be
25 assigned to work for the Department of Transportation. No person
26 sentenced for any sex crime or multiple violent felonies in the



27 past ten (10) years shall be eligible for participation in the
28 program established under this section. An inmate shall be
29 eligible for participation in the program beginning three (3)
30 years before his or her initial parole or earned time release
31 date. The Department of Transportation shall be responsible for
32 transporting inmates to the work site and the sheriff's department
33 shall be responsible for security and the safety of the inmates.

34 (2) Admission to the program shall be in the discretion of
35 the sheriff, and the sheriff shall adopt and publish rules and
36 regulations prior to accepting inmates. These rules and
37 regulations shall at a minimum include all requirements for work
38 release programs established pursuant to Sections 47-5-451 through
39 47-5-471.

40 (3) Any state offender assigned to such a program by the
41 sheriff who, without proper authority or just cause, leaves the
42 area to which he has been assigned to work or attend educational
43 or other rehabilitative programs, or leaves the vehicle or route
44 of travel involved in his or her going to or returning from such
45 place, will be guilty of escape as provided in Section 97-9-49.
46 An offender who is found guilty under this section shall be
47 ineligible for further participation in a work release program
48 during his or her current term of confinement.

49 (4) All correctional facilities and county jails described
50 under subsection (1) of this section that house state inmates who
51 participate in the work program established under this section



shall receive a daily per diem of Thirty-four Dollars (\$34.00) from the Mississippi Department of Corrections.

(5) This section shall stand repealed on July 1, 2029.

SECTION 2. Section 47-5-933, Mississippi Code of 1972, is amended as follows:

47-5-933. The Department of Corrections may contract for the purposes set out in Section 47-5-931 for a period of not more than twenty (20) years. The contract may provide that the Department of Corrections pay a fee of no more than * * * Thirty-four Dollars (\$34.00) per day for each offender that is housed in the facility.

* * * The state shall retain responsibility for medical care for state offenders to the extent that is required by law; provided, however, the department may reimburse each facility for contract medical services as provided by law in an amount not to exceed Six Dollars and Twenty-five Cents (\$6.25) per day per offender.

SECTION 3. (1) All regional correctional facilities and all county jails that house state offenders shall receive a daily per diem of Thirty-four Dollars (\$34.00) for each inmate in the custody of such regional correctional facilities and county jails.

(2) This section shall stand repealed from and after July 1, 2029.

SECTION 4. Section 47-5-901, Mississippi Code of 1972, is amended as follows:

47-5-901. (1) (a) Any person committed, sentenced or otherwise placed under the custody of the Department of



77 Corrections, on order of the sentencing court and subject to the
78 other conditions of this subsection, may serve all or any part of
79 his sentence in the county jail of the county wherein such person
80 was convicted if the Commissioner of Corrections determines that
81 physical space is not available for confinement of such person in
82 the state correctional institutions. Such determination shall be
83 promptly made by the Department of Corrections upon receipt of
84 notice of the conviction of such person. The commissioner shall
85 certify in writing that space is not available to the sheriff or
86 other officer having custody of the person. Any person serving
87 his sentence in a county jail shall be classified in accordance
88 with Section 47-5-905.

89 (b) Any person committed, sentenced or otherwise placed
90 under the custody of the Department of Corrections, on order of
91 the sentencing court and subject to the other conditions of this
92 subsection, may serve all or any part of his or her sentence in
93 the county jail of the county wherein such person was convicted if
94 the sheriff or president of the board of supervisors, requests
95 such inmate or inmates. Upon such request, the department may
96 allow such inmate or inmates to serve all or any part of such
97 inmate's or inmates' sentence(s), as the case may be, in the
98 county of conviction of the inmate or inmates or the county of
99 request of a sheriff or board of supervisors outside the county of
100 conviction. Such determination shall be promptly made by the
101 Department of Corrections upon receipt of notice of the conviction



of such person. Whenever a request is denied for an inmate or inmates, then the commissioner shall certify in writing to the sentencing court, sheriff, or president of the board of supervisors of a county, as the case may be, that such inmate or inmates does not qualify to serve the sentence or sentences in the county jail. Any person serving his sentence in a county jail shall be classified in accordance with Section 47-5-905.

(2) If state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the Department of Corrections shall determine the cost for food and medical attention for such prisoners. The cost of feeding and housing offenders confined in such county jails shall be based on actual costs or contract price per prisoner. In order to maximize the potential use of county jail space, the Department of Corrections is encouraged to negotiate a reasonable per day cost per prisoner, which in no event may exceed * * * Thirty-four (\$34.00) per day per offender, except as authorized in Section 47-5-909(2).

(3) (a) Upon vouchers submitted by the board of supervisors of any county housing persons due to lack of space at state institutions, the Department of Corrections shall pay to such county, out of any available funds, the actual cost of food, or contract price per prisoner, not to exceed * * * Thirty-four Dollars (\$34.00) per day per offender, except as authorized in Section 47-5-909(2), as determined under subsection (2) of this



127 section for each day an offender is so confined beginning the day
128 that the Department of Corrections receives a certified copy of
129 the sentencing order or five (5) days after the sentencing order
130 is sent, in writing, by such county to the department, whichever
131 is earlier, and will terminate on the date on which the offender
132 is released or otherwise removed from the custody of the county
133 jail. The department, or its contracted medical provider, will
134 pay to a provider of a medical service for any and all
135 incarcerated persons from a correctional or detention facility an
136 amount based upon negotiated fees as agreed to by the medical care
137 service providers and the department and/or its contracted medical
138 provider. In the absence of negotiated discounted fee schedule,
139 medical care service providers will be paid by the department, or
140 its contracted medical service provider, an amount no greater than
141 the reimbursement rate applicable based on the Mississippi
142 Medicaid reimbursement rate. The board of supervisors of any
143 county shall not be liable for any cost associated with medical
144 attention for prisoners who are pretrial detainees or for
145 prisoners who have been convicted that exceeds the Mississippi
146 Medicaid reimbursement rate or the reimbursement provided by the
147 Department of Corrections, whichever is greater. This limitation
148 applies to all medical care services, durable and nondurable
149 goods, prescription drugs and medications. Such payment shall be
150 placed in the county general fund and shall be expended only for
151 food and medical attention for such persons.



152 (b) Upon vouchers submitted by the board of supervisors
153 of any county housing offenders in county jails pending a
154 probation or parole revocation hearing, the department shall pay
155 the reimbursement costs provided in paragraph (a).

156 (c) If the probation or parole of an offender is
157 revoked, the additional cost of housing the offender pending the
158 revocation hearing shall be assessed as part of the offender's
159 court cost and shall be remitted to the department.

160 (4) A person, on order of the sentencing court, may serve
161 not more than twenty-four (24) months of his sentence in a county
162 jail if the person is classified in accordance with Section
163 47-5-905 and the county jail is an approved county jail for
164 housing state inmates under federal court order. The sheriff of
165 the county shall have the right to petition the Commissioner of
166 Corrections to remove the inmate from the county jail. The county
167 shall be reimbursed in accordance with subsection (2) of this
168 section.

169 (5) The Attorney General of the State of Mississippi shall
170 defend the employees of the Department of Corrections and
171 officials and employees of political subdivisions against any
172 action brought by any person who was committed to a county jail
173 under the provisions of this section.

174 (6) This section does not create in the Department of
175 Corrections, or its employees or agents, any new liability,
176 express or implied, nor shall it create in the Department of



177 Corrections any administrative authority or responsibility for the
178 construction, funding, administration or operation of county or
179 other local jails or other places of confinement which are not
180 staffed and operated on a full-time basis by the Department of
181 Corrections. The correctional system under the jurisdiction of
182 the Department of Corrections shall include only those facilities
183 fully staffed by the Department of Corrections and operated by it
184 on a full-time basis.

185 (7) An offender returned to a county for post-conviction
186 proceedings shall be subject to the provisions of Section 99-19-42
187 and the county shall not receive the per-day allotment for such
188 offender after the time prescribed for returning the offender to
189 the Department of Corrections as provided in Section 99-19-42.

190 **SECTION 5.** Section 47-5-909, Mississippi Code of 1972, is
191 amended as follows:

192 47-5-909. (1) It is the policy of the Legislature that all
193 inmates be removed from county jails as early as practicable.
194 Sections 47-5-901 through 47-5-907 are temporary measures to help
195 alleviate the immediate operating capacity limitations at
196 correctional facilities and are not permanent measures to be
197 included in the long-term operating capacity of the correctional
198 system.

199 (2) Notwithstanding any other provision of law, to expedite
200 the removal of inmates from county jails as early as practicable,
201 absent a contract negotiated between the Department of Corrections



and the county jail, the Department of Corrections shall pay county jails for housing state offenders out of any available funds as follows:

(a) Twenty-five Dollars (\$25.00) per day per offender for days one (1) through thirty (30);

(b) * * * Thirty-four Dollars (\$34.00) per day per offender for days thirty-one (31) or greater when:

(i) An offender remains in the county jail after the Department of Corrections receives a certified copy of the sentencing order or five (5) days after the sentencing order is sent, in writing, by such county to the Department of Corrections, whichever is earlier; or

(ii) An offender remains in the county jail after being revoked from parole or probation or is sentenced to a technical violation center.

(3) The Department of Corrections is additionally responsible for all medical costs related to offenders housed at county jails under subsection (2) of this section.

SECTION 6. Section 65-1-8, Mississippi Code of 1972, is amended as follows:

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

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



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

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

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

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

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

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

(a) To make rules and regulations whereby the Transportation Department shall change or relocate any and all highways herein or hereafter fixed as constituting a part of the state highway system, as may be deemed necessary or economical in the construction or maintenance thereof; to acquire by gift, purchase, condemnation or otherwise, land or other property whatsoever that may be necessary for a state highway system as



251 herein provided, with full consideration to be given to the
252 stimulation of local public and private investment when acquiring
253 such property in the vicinity of Mississippi towns, cities and
254 population centers;

255 (b) To enforce by mandamus, or other proper legal
256 remedies, all legal rights or rights of action of the Mississippi
257 Transportation Commission with other public bodies, corporations
258 or persons;

259 (c) To make and publish rules, regulations and
260 ordinances for the control of and the policing of the traffic on
261 the state highways, and to prevent their abuse by any or all
262 persons, natural or artificial, by trucks, tractors, trailers or
263 any other heavy or destructive vehicles or machines, or by any
264 other means whatsoever, by establishing weights of loads or of
265 vehicles, types of tires, width of tire surfaces, length and width
266 of vehicles, with reasonable variations to meet approximate
267 weather conditions, and all other proper police and protective
268 regulations, and to provide ample means for the enforcement of
269 same. The violation of any of the rules, regulations or
270 ordinances so prescribed by the commission shall constitute a
271 misdemeanor. No rule, regulation or ordinance shall be made that
272 conflicts with any statute now in force or which may hereafter be
273 enacted, or with any ordinance of municipalities. A monthly
274 publication giving general information to the boards of



supervisors, employees and the public may be issued under such rules and regulations as the commission may determine;

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

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

(ii) Except as otherwise provided for in this paragraph, whenever the order of the commission shall require the removal of, or other changes in the location of, telephone, telegraph or other poles, signboards, gas, water, sewerage, oil or



other pipelines * * *, or other similar obstructions on the right-of-way or such other places where removal is required by law, the owners thereof shall at their own expense move or change the same to conform to the order of the commission. Any violation of such rules or regulations or noncompliance with such orders shall constitute a misdemeanor;

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

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



324 (f) To regulate and abandon grade crossings on any road
325 fixed as a part of the state highway system, and whenever the
326 commission, in order to avoid a grade crossing with the railroad,
327 locates or constructs said road on one side of the railroad, the
328 commission shall have the power to abandon and close such grade
329 crossing, and whenever an underpass or overhead bridge is
330 substituted for a grade crossing, the commission shall have power
331 to abandon such grade crossing and any other crossing adjacent
332 thereto. Included in the powers herein granted shall be the power
333 to require the railroad at grade crossings, where any road of the
334 state highway system crosses the same, to place signal posts with
335 lights or other warning devices at such crossings at the expense
336 of the railroad, and to regulate and abandon underpasses or
337 overhead bridges and, where abandoned because of the construction
338 of a new underpass or overhead bridge, to close such old underpass
339 or overhead bridge, or, in its discretion, to return the same to
340 the jurisdiction of the county board of supervisors;

341 (g) To make proper and reasonable rules and regulations
342 to control the cutting or opening of the road surfaces for
343 subsurface installations;

344 (h) To make proper and reasonable rules and regulations
345 for the removal from the public rights-of-way of any form of
346 obstruction, to cooperate in improving their appearance, and to
347 prescribe minimum clearance heights for seed conveyors, pipes,



passageways or other structure of private or other ownership above
the highways;

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

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

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

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

(m) To provide for the purchase of necessary equipment
and vehicles and to provide for the repair and housing of same, to
acquire by gift, purchase, condemnation or otherwise, land or
lands and buildings in fee simple, and to authorize the
Transportation Department to construct, lease or otherwise provide
necessary and proper permanent district offices for the
construction and maintenance divisions of the department, and for
the repair and housing of the equipment and vehicles of the
department; however, in each Supreme Court district only two (2)
permanent district offices shall be set up, but a permanent status



shall not be given to any such offices until so provided by act of the Legislature and in the meantime, all shops of the department shall be retained at their present location. As many local or subdistrict offices, shops or barns may be provided as is essential and proper to economical maintenance of the state highway system;

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

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

(p) Unless otherwise prohibited by law, to make such contracts and execute such instruments containing such reasonable and necessary appropriate terms, provisions and conditions as in its absolute discretion it may deem necessary, proper or advisable, for the purpose of obtaining or securing financial



398 assistance, grants or loans from the United States of America or
399 any department or agency thereof, including contracts with several
400 counties of the state pertaining to the expenditure of such funds;

401 (q) To cooperate with the Federal Highway
402 Administration in the matter of location, construction and
403 maintenance of the Great River Road, to expend such funds paid to
404 the commission by the Federal Highway Administration or other
405 federal agency, and to authorize the Transportation Department to
406 erect suitable signs marking this highway, the cost of such signs
407 to be paid from state highway funds other than earmarked
408 construction funds;

409 (r) To cooperate, in its discretion, with the
410 Mississippi Forestry Commission and the School of Forestry,
411 Mississippi State University, in a forestry management program,
412 including planting, thinning, cutting and selling, upon the
413 right-of-way of any highway, constructed, acquired or maintained
414 by the Transportation Department, and to sell and dispose of any
415 and all growing timber standing, lying or being on any
416 right-of-way acquired by the commission for highway purposes in
417 the future; such sale or sales to be made in accordance with the
418 sale of personal property which has become unnecessary for public
419 use as provided for in Section 65-1-123, Mississippi Code of 1972;

420 (s) To expend funds in cooperation with the Division of
421 Plant Industry, Mississippi Department of Agriculture and
422 Commerce, the United States government or any department or agency



thereof, or with any department or agency of this state, to control, suppress or eradicate serious insect pests, rodents, plant parasites and plant diseases on the state highway rights-of-way;

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

(u) To request and to accept the use of persons convicted of an offense, whether a felony or a misdemeanor, for work on any road construction, repair or other project of the Transportation Department. The commission is also authorized to request and to accept the use of persons who have not been convicted of an offense but who are required to fulfill certain court-imposed conditions pursuant to Section 41-29-150(d)(1) or 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention Act, being Sections 99-15-101 through 99-15-127, Mississippi Code of 1972. The commission is authorized to enter into any agreements with the Department of Corrections, the State Parole Board, any criminal court of this state, and any other proper official regarding the working, guarding, safekeeping, clothing and subsistence of such persons performing work for the



448 Transportation Department. Such persons shall not be deemed
449 agents, employees or involuntary servants of the Transportation
450 Department while performing such work or while going to and from
451 work or other specified areas;

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

454 (w) The Mississippi Transportation Commission is
455 further authorized, in its discretion, to expend funds for the
456 purchase of service pins for employees of the Mississippi
457 Transportation Department;

458 (x) To cooperate with the State Tax Commission by
459 providing for weight enforcement field personnel to collect and
460 assess taxes, fees and penalties and to perform all duties as
461 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
462 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
463 Mississippi Code of 1972, with regard to vehicles subject to the
464 jurisdiction of the Office of Weight Enforcement. All collections
465 and assessments shall be transferred daily to the State Tax
466 Commission;

467 (y) The Mississippi Transportation Commission may
468 delegate the authority to enter into a supplemental agreement to a
469 contract previously approved by the commission if the supplemental
470 agreement involves an additional expenditure not to exceed One
471 Hundred Thousand Dollars (\$100,000.00);



472 (z) (i) The Mississippi Transportation Commission, in
473 its discretion, may enter into agreements with any county,
474 municipality, county transportation commission, business,
475 corporation, partnership, association, individual or other legal
476 entity, for the purpose of accelerating the completion date of
477 scheduled highway construction projects.

478 (ii) Such an agreement may permit the cost of a
479 highway construction project to be advanced to the commission by a
480 county, municipality, county transportation commission, business,
481 corporation, partnership, association, individual or other legal
482 entity, and repaid to such entity by the commission when highway
483 construction funds become available; provided, however, that
484 repayment of funds advanced to the Mississippi Transportation
485 Commission shall be made no sooner than the commission's
486 identified projected revenue schedule for funding of that
487 particular construction project, and no other scheduled highway
488 construction project established by statute or by the commission
489 may be delayed by an advanced funding project authorized under
490 this paragraph (z). Repayments to a public or private entity that
491 advances funds to the Mississippi Transportation Commission under
492 this paragraph (z) may not include interest or other fees or
493 charges, and the total amount repaid shall not exceed the total
494 amount of funds advanced to the commission by the entity; however,
495 the inclusion of public entities in this provision does not
496 invalidate any existing agreements authorized under this paragraph



(z) before April 19, 2022. The commission shall retain the ability to service, refinance or restructure any indebtedness incurred through any such existing agreements.

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

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

(aa) The Mississippi Transportation Commission, in its discretion, may purchase employment practices liability insurance, and may purchase an excess policy to cover catastrophic losses incurred under the commission's self-insured workers' compensation program authorized under Section 71-3-5. Such policies shall be written by the agent or agents of a company or companies authorized to do business in the State of Mississippi. The deductibles shall be in an amount deemed reasonable and prudent by the commission, and the premiums thereon shall be paid from the State Highway Fund. Purchase of insurance under this paragraph shall not serve as an actual or implied waiver of sovereign



immunity or of any protection afforded the commission under the
Mississippi Tort Claims Act;

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

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

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

(ee) To contract with any county, if the county chooses
to enter such contract, to perform any maintenance on the state
highways and interstate highways in that county and any
rights-of-way to such highways.

(ff) To cooperate with the sheriffs of any counties who
house state inmates to carry out the provisions of Section 1 of
this act.

SECTION 7. This act shall take effect and be in force from
and after July 1, 2025.

