

By: Senator(s) Burton

To: Appropriations

SENATE BILL NO. 2621

1 AN ACT TO AMEND SECTION 7-7-213, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE STATE AUDITOR TO CHARGE THE ACTUAL COST OF CERTAIN
 3 AUDITS TO STATE AND LOCAL ENTITIES; TO AMEND SECTION 27-103-129,
 4 MISSISSIPPI CODE OF 1972, TO REQUIRE STATE AGENCIES THAT INTEND TO
 5 INCREASE FEES CHARGED TO OTHER STATE AGENCIES TO SUBMIT THEIR
 6 PROPOSED FEES TO THE LEGISLATIVE BUDGET OFFICE, INCLUDING THE
 7 METHODS FOR DETERMINING THE FEE AND THE COST OF PROVIDING THE
 8 SERVICE FOR WHICH THE FEE WILL BE CHARGED AND TO PROHIBIT THE FEE
 9 FROM BECOMING EFFECTIVE UNTIL THE FOLLOWING FISCAL YEAR; TO AMEND
 10 SECTION 29-5-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
 11 OFFICE OF GENERAL SERVICES SHALL CHARGE RENTS TO STATE AGENCIES
 12 BASED ON THE COST OF PROVIDING OFFICE SPACE AND SERVICE TO EACH
 13 AGENCY; TO AMEND SECTION 25-59-13, MISSISSIPPI CODE OF 1972, TO
 14 PROVIDE THAT THE DEPARTMENT OF ARCHIVES AND HISTORY MAY CHARGE
 15 REASONABLE FEES FOR RECORDS STORAGE AND OTHER SERVICES TO STATE
 16 AGENCIES USING THE STATE RECORDS CENTER, PROVIDED THAT THE FEES DO
 17 NOT EXCEED THE ACTUAL COST OF PROVIDING THE SERVICE; TO AMEND
 18 SECTION 37-141-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD
 19 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO CHARGE
 20 REASONABLE FEES TO ANY STATE AGENCY OR OTHER ENTITY THAT OCCUPIES
 21 SPACE FOR WHICH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
 22 HIGHER LEARNING IS RESPONSIBLE FOR PROVIDING ANY SERVICE; TO AMEND
 23 SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
 24 DEPARTMENT OF TRANSPORTATION TO CHARGE REASONABLE FEES NOT TO
 25 EXCEED COST TO ANY STATE AGENCY OR THE DIVISION OF STATE AID ROAD
 26 CONSTRUCTION, DEPARTMENT OF TRANSPORTATION, FOR ANY SOIL TESTING
 27 SERVICE OR DUPLICATION SERVICES RENDERED; TO AMEND SECTION
 28 71-5-143, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF
 29 EMPLOYMENT SECURITY TO PROVIDE REPORTS TO OTHER STATE AGENCIES AND
 30 TO RECOUP THE COSTS OF PRODUCING SUCH REPORTS; AND FOR RELATED
 31 PURPOSES.

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

33 **SECTION 1.** Section 7-7-213, Mississippi Code of 1972, is
 34 amended as follows:

35 7-7-213. (1) The costs of audits and other services
 36 required by Sections 7-7-201 through 7-7-215, except for those
 37 audits and services authorized by Section 7-7-211(k) which shall
 38 be funded by appropriations made by the Legislature from such
 39 funds as it deems appropriate, shall be paid from a special fund
 40 hereby created in the State Treasury, to be known as the State
 41 Department of Audit Fund, into which will be paid each year the

42 amounts received for performing audits required by law. Except as
43 provided in Section 7-7-211(d) and any municipality required under
44 this chapter to be audited by the State Auditor, the amounts to be
45 charged for performing audits and other services shall be the
46 actual cost * * * per auditor day. In the event of failure by any
47 unit of government to pay the charges authorized herein, the
48 Department of Audit shall notify the State Fiscal Officer, and
49 upon a determination that the charges are substantially correct,
50 the State Fiscal Officer shall notify the defaulting unit of his
51 determination. If payment is not made within thirty (30) days
52 after such notification, the State Fiscal Officer shall notify the
53 State Treasurer and Department of Public Accounts that no further
54 warrants are to be issued to the defaulting unit until the
55 deficiency is paid.

56 The cost of any service by the department not required of it
57 under the provisions of the cited sections but made necessary by
58 the willful fault or negligence of an officer or employee of any
59 public office of the state shall be recovered (i) from such
60 officer or employee and/or surety on official bond thereof and/or
61 (ii) from the individual, partnership, corporation or association
62 involved, in the same manner and under the same terms, when
63 necessary, as provided the department for recovering public funds
64 in Section 7-7-211.

65 The State Auditor shall deliver a copy of any audit of the
66 fiscal and financial affairs of a county to the chancery clerk of
67 such county and shall deliver a notice stating that a copy of such
68 audit is on file in the chancery clerk's office to some newspaper
69 published in the county to be published. If no newspaper is
70 published in the county, a copy of such notice shall be delivered
71 to a newspaper having a general circulation therein.

72 (2) The charges for audits provided for in subsection (1) of
73 this section shall also apply to inventory audits conducted by
74 authority of Section 29-9-13.

75 **SECTION 2.** Section 27-103-129, Mississippi Code of 1972, is
76 amended as follows:

77 27-103-129. (1) To enable the Legislative Budget Office to
78 prepare such budget, it shall have full and plenary power and
79 authority to require all general-fund and special-fund agencies
80 and the Mississippi Department of Transportation and the Division
81 of State Aid Road Construction of the Mississippi Department of
82 Transportation to file a budget request with such information and
83 in such form and in such detail as it may deem necessary and
84 advisable, and it shall have the further power and authority to
85 reduce or eliminate any item or items of requested appropriation
86 by any state agency in the Legislative Budget Office's recommended
87 budget to the Legislature. However, where any item of requested
88 appropriation shall be so reduced or eliminated, the head of the
89 agency involved shall have the right to appear before the
90 appropriate legislative committee to urge a revision of the budget
91 to restore the item reduced or eliminated. Beginning with the
92 1996 fiscal year, the budget requests shall include a definition
93 of the mission of the agency, a description of the duties and
94 responsibilities of the agency, financial data relative to the
95 various programs operated by the agency and performance measures
96 associated with each program of the agency. The performance
97 measures to be contained within the agency budget request shall be
98 developed by cooperative efforts of the Legislative Budget Office,
99 the Department of Finance and Administration and the agency itself
100 and shall be approved jointly by the Legislative Budget Office and
101 the Department of Finance and Administration prior to inclusion
102 within the agency budget request. Beginning with the 1996 fiscal
103 year, the budget requests shall also include in an addendum format
104 a five-year strategic plan for the agency which shall include, but
105 not be limited to, the following items of information: (a) a
106 comprehensive mission statement, (b) performance effectiveness
107 objectives for each program of the agency for each of the five (5)

108 years covered by the plan, (c) a description of significant
109 external factors which may affect the projected levels of
110 performance, (d) a description of the agency's internal management
111 system utilized to evaluate its performance achievements in
112 relationship to the targeted performance levels, (e) an evaluation
113 by the agency of the agency's performance achievements in
114 relationship to the targeted performance levels for the two (2)
115 preceding fiscal years for which accounting records have been
116 finalized.

117 (2) As part of the budget request, all general fund and
118 special fund agencies and the Mississippi Department of
119 Transportation and the Division of State Aid Road Construction of
120 the Mississippi Department of Transportation shall submit to the
121 Legislative Budget Office any proposed increases of any fee or
122 charge for services or rent, or other cost recapture that such
123 entities propose charging to any other state general fund, special
124 fund or other state agency. Such proposed fee shall be
125 accompanied by a needs assessment that details why the fee should
126 be imposed, the legal authority for imposing the fee, and a cost
127 analysis explaining through a sound methodology that the fee is
128 intended to recapture the costs of providing services, building
129 space, or some other benefit to another agency of state
130 government.

131 (3) Any such fee described in subsection (2) of this section
132 shall not become effective until the fiscal year following
133 beginning on July 1 following the submission of the fee proposal
134 to the Legislative Budget Office.

135 **SECTION 3.** Section 29-5-6, Mississippi Code of 1972, is
136 amended as follows:

137 29-5-6. All monies expended by the Bureau of Capitol
138 Facilities shall be drawn out of the State Treasury only upon the
139 warrant of the Department of Finance and Administration, which
140 shall issue the same only where a specific itemized account shall

141 have been rendered it, which account shall be approved in writing
142 by the Director of the Bureau of Capitol Facilities.

143 Any department, agency or political subdivision of the
144 government of the state, or any organization occupying offices in
145 any of the office buildings under the jurisdiction or control of
146 the Office of General Services shall pay as directed by the office
147 into the fund created in Section 27-104-107(7), a rent to be fixed
148 by the office that shall be based on the actual cost of providing
149 office space and utilities to the agency, department or political
150 subdivision of the state. The Veterans Affairs Board shall pay
151 rent for veterans organizations and veterans auxiliary
152 organizations presently using space in the property described, set
153 apart, and exclusively dedicated as a perpetual memorial to the
154 veterans of World War I, 1914-1918, by Chapter 297, Laws of 1934,
155 if it becomes necessary for such rent to be paid.

156 In the event that the sums are not paid as directed by the
157 Office of General Services, the director of the office may issue a
158 requisition for a warrant to draw the amount as may be due, plus a
159 penalty of ten percent (10%) of the amount, from any fund
160 appropriated for the use of the agency which has failed to pay
161 rental as agreed.

162 **SECTION 4.** Section 25-59-13, Mississippi Code of 1972, is
163 amended as follows:

164 25-59-13. The transfer of records to the Mississippi
165 Department of Archives and History shall be in accordance with the
166 following:

167 (a) Agencies and appointed or elected officials are
168 hereby authorized and empowered to turn over to the department any
169 records no longer in current official use and the department is
170 authorized, after conducting appropriate archival appraisal, to
171 accept such records and to provide for their administration and
172 preservation.

173 (b) All records of state agencies transferred to the
174 department may be held in the records center or placed directly in
175 the Mississippi State Archives as deemed appropriate.

176 (c) Title to any record placed in the records center
177 shall remain in the agency transferring such records to the
178 department.

179 (d) Title to any record transferred to the Mississippi
180 State Archives shall be vested in the department.

181 (e) The department may make certified copies under seal
182 of any records transferred to it upon the application of any
183 person and said certificates signed by the director shall have the
184 same force and effect as if made by the agency from which the
185 records were received.

186 (f) The department may prescribe and charge reasonable
187 fees for said services, which shall not exceed the actual cost of
188 providing records storage or any other service rendered by the
189 department.

190 **SECTION 5.** Section 37-141-5, Mississippi Code of 1972, is
191 amended as follows:

192 37-141-5. (1) The main office building of the University
193 Research Center and the Department of Economic Development in the
194 City of Jackson shall be known and designated as the Paul B.
195 Johnson, Jr. Building. The Board of Trustees of State
196 Institutions of Higher Learning and the Governor's Office of
197 General Services shall coordinate and cooperate to effect the
198 relocation of the Department of Economic Development to the Paul
199 B. Johnson, Jr. Building and any other related agency relocations
200 necessary to accomplish the requirement of this section if such
201 relocation is feasible. If such relocation of the Department of
202 Economic Development to the Paul B. Johnson, Jr. Building is not
203 feasible because of space limitations, the Governor's Office of
204 General Services shall coordinate the relocation of such
205 department to some other location and shall, if possible, secure

206 the amount of space necessary to also place the University
207 Research Center in the same location with the department.

208 The Office of General Services shall provide proper signs to
209 be placed on the building in accordance with this section.

210 (2) The Board of Trustees of State Institutions of Higher
211 Learning shall be authorized to charge state agencies and other
212 entities that occupy portions of the center for utilities,
213 maintenance and security. Such charges shall be based on the
214 board's cost of providing services to each entity or agency. For
215 purposes of this subsection, the University Research Center, or
216 "center", includes the Paul B. Johnson, Jr. Building, the Edsel E.
217 Thrash Universities Center and the ETV Building.

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

220 65-1-8. (1) The Mississippi Transportation Commission shall
221 have the following general powers, duties and responsibilities:

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

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

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

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

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

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

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

242 (a) To make rules and regulations whereby the
243 Transportation Department shall change or relocate any and all
244 highways herein or hereafter fixed as constituting a part of the
245 state highway system, as may be deemed necessary or economical in
246 the construction or maintenance thereof; to acquire by gift,
247 purchase, condemnation or otherwise, land or other property
248 whatsoever that may be necessary for a state highway system as
249 herein provided, with full consideration to be given to the
250 stimulation of local public and private investment when acquiring
251 such property in the vicinity of Mississippi towns, cities and
252 population centers;

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

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

271 enacted, or with any ordinance of municipalities. A monthly
272 publication giving general information to the boards of
273 supervisors, employees and the public may be issued under such
274 rules and regulations as the commission may determine;

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

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

294 (ii) Except as otherwise provided for in this
295 paragraph, whenever the order of the commission shall require the
296 removal of, or other changes in the location of telephone,
297 telegraph or other poles, signboards, gas, water, sewerage, oil or
298 other pipelines; or other similar obstructions on the right-of-way
299 or such other places where removal is required by law, the owners
300 thereof shall at their own expense move or change the same to
301 conform to the order of the commission. Any violation of such
302 rules or regulations or noncompliance with such orders shall
303 constitute a misdemeanor;

304 (iii) Rural water districts, rural water systems,
305 nonprofit water associations and municipal public water systems in
306 municipalities with a population of ten thousand (10,000) or less,
307 according to the latest federal decennial census, shall not be
308 required to bear the cost and expense of removal and relocation of
309 water and sewer lines and facilities constructed or in place in
310 the rights-of-way of state highways. The cost and expense of such
311 removal and relocation, including any unpaid prior to July 1,
312 2002, shall be paid by the Department of Transportation;

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

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

337 overhead bridge, or, in its discretion, to return the same to the
338 jurisdiction of the county board of supervisors;

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

342 (h) To make proper and reasonable rules and regulations
343 for the removal from the public rights-of-way of any form of
344 obstruction, to cooperate in improving their appearance, and to
345 prescribe minimum clearance heights for seed conveyors, pipes,
346 passageways or other structure of private or other ownership above
347 the highways;

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

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

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

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

361 (m) To provide for the purchase of necessary equipment
362 and vehicles and to provide for the repair and housing of same, to
363 acquire by gift, purchase, condemnation or otherwise, land or
364 lands and buildings in fee simple, and to authorize the
365 Transportation Department to construct, lease or otherwise provide
366 necessary and proper permanent district offices for the
367 construction and maintenance divisions of the department, and for
368 the repair and housing of the equipment and vehicles of the
369 department; however, in each Supreme Court district only two (2)

370 permanent district offices shall be set up, but a permanent status
371 shall not be given to any such offices until so provided by act of
372 the Legislature and in the meantime, all shops of the department
373 shall be retained at their present location. As many local or
374 subdistrict offices, shops or barns may be provided as is
375 essential and proper to economical maintenance of the state
376 highway system;

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

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

391 (p) Unless otherwise prohibited by law, to make such
392 contracts and execute such instruments containing such reasonable
393 and necessary appropriate terms, provisions and conditions as in
394 its absolute discretion it may deem necessary, proper or
395 advisable, for the purpose of obtaining or securing financial
396 assistance, grants or loans from the United States of America or
397 any department or agency thereof, including contracts with several
398 counties of the state pertaining to the expenditure of such funds;

399 (q) To cooperate with the Federal Highway
400 Administration in the matter of location, construction and
401 maintenance of the Great River Road, to expend such funds paid to
402 the commission by the Federal Highway Administration or other

403 federal agency, and to authorize the Transportation Department to
404 erect suitable signs marking this highway, the cost of such signs
405 to be paid from state highway funds other than earmarked
406 construction funds;

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

418 (s) To expend funds in cooperation with the Division of
419 Plant Industry, Mississippi Department of Agriculture and
420 Commerce, the United States government or any department or agency
421 thereof, or with any department or agency of this state, to
422 control, suppress or eradicate serious insect pests, rodents,
423 plant parasites and plant diseases on the state highway
424 rights-of-way;

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

432 (u) To request and to accept the use of persons
433 convicted of an offense, whether a felony or a misdemeanor, for
434 work on any road construction, repair or other project of the
435 Transportation Department. The commission is also authorized to

436 request and to accept the use of persons who have not been
437 convicted of an offense but who are required to fulfill certain
438 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
439 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
440 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
441 of 1972. The commission is authorized to enter into any
442 agreements with the Department of Corrections, the State Parole
443 Board, any criminal court of this state, and any other proper
444 official regarding the working, guarding, safekeeping, clothing
445 and subsistence of such persons performing work for the
446 Transportation Department. Such persons shall not be deemed
447 agents, employees or involuntary servants of the Transportation
448 Department while performing such work or while going to and from
449 work or other specified areas;

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

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

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

465 (y) The Mississippi Transportation Commission may
466 delegate the authority to enter into a supplemental agreement to a
467 contract previously approved by the commission if the supplemental

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

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

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

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

498 (iv) Such an agreement shall be executed only upon
499 a finding by the commission, spread upon its minutes, that the
500 acceleration of the scheduled project is both feasible and

501 beneficial. The commission shall also spread upon its minutes its
502 findings with regard to the factors required to be considered
503 pursuant to item (iii) of this paragraph (z);

504 (aa) The Mississippi Transportation Commission, in its
505 discretion, may purchase employment practices liability insurance,
506 and may purchase an excess policy to cover catastrophic losses
507 incurred under the commission's self-insured workers' compensation
508 program authorized under Section 71-3-5. Such policies shall be
509 written by the agent or agents of a company or companies
510 authorized to do business in the State of Mississippi. The
511 deductibles shall be in an amount deemed reasonable and prudent by
512 the commission, and the premiums thereon shall be paid from the
513 State Highway Fund. Purchase of insurance under this paragraph
514 shall not serve as an actual or implied waiver of sovereign
515 immunity or of any protection afforded the commission under the
516 Mississippi Tort Claims Act;

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

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

523 (dd) To charge reasonable fees to other state agencies
524 and to the Division of State Aid Road Construction, Department of
525 Transportation, for any soil test or records duplication services
526 so long as the fee does not exceed the actual cost of providing
527 the service.

528 **SECTION 7.** Section 71-5-143, Mississippi Code of 1972, is
529 amended as follows:

530 71-5-143. (1) In the administration of this chapter, the
531 department shall cooperate, to the fullest extent consistent with
532 the provisions of this chapter, with the Social Security Board
533 created by the Social Security Act, approved August 14, 1935, as

534 amended; shall make such reports in such form and containing such
535 information as the Social Security Board may from time to time
536 require, and shall comply with such provisions as the Social
537 Security Board may from time to time find necessary to assure the
538 correctness and verification of such reports; and shall comply
539 with the reasonable, valid and lawful regulations prescribed by
540 the Social Security Board pursuant to and under the authority of
541 the Social Security Act, governing the expenditures of such sums
542 as may be allotted and paid to this state under Title III of the
543 Social Security Act, as amended, for the purpose of assisting in
544 the administration of this chapter.

545 Upon request therefor, the department shall furnish to any
546 agency of the United States charged with the administration of
547 public works, or assistance through public employment, the name,
548 address, ordinary occupation and employment status of each
549 recipient of benefits, and such recipient's rights to further
550 benefits under this chapter.

551 (2) In addition to providing reports to agencies of the
552 federal government, the department may furnish reports to state
553 agencies provided that it recoups the cost of producing such
554 reports from such agencies.

555 **SECTION 8.** This act shall take effect and be in force from
556 and after July 1, 2006.