

By: Senator(s) Rayborn

To: Highways and  
Transportation

## SENATE BILL NO. 2351

1 AN ACT TO AMEND SECTIONS 65-11-5, 65-11-9 AND 65-11-11,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN APPORTIONMENT OF  
3 FEDERAL ROAD FUNDS TO COUNTIES BY THE MISSISSIPPI TRANSPORTATION  
4 COMMISSION FROM FUNDS RECEIVED UNDER THE SURFACE TRANSPORTATION  
5 PROGRAM OF THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF  
6 1991 AND TO ALLOCATE SUCH FUNDS AMONG COUNTIES ACCORDING TO THE  
7 STATE AID ROAD FORMULA; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 65-11-5, Mississippi Code of 1972, is  
10 amended as follows:

11 65-11-5. It being recognized that county highways generally  
12 have deteriorated to a considerable extent during the past several  
13 years, and it being further recognized that the selection,  
14 construction and improvement of a system of all-weather rural  
15 secondary, feeder or farm-to-market roads is a matter of primary  
16 statewide concern, it is hereby declared to be the purpose of  
17 Sections 65-11-1 through 65-11-37 to provide for a more  
18 comprehensive rural-road program through cooperation between the  
19 federal government, the Mississippi Transportation Commission, and  
20 the county boards of supervisors; and it is further the purpose  
21 and intent of such sections to provide \* \* \* means, manner and  
22 funds whereby the counties of this state will be enabled to  
23 participate in the federal aid program, and will be enabled to  
24 participate in and avail themselves of the funds apportioned to  
25 the State of Mississippi for the construction and improvement of  
26 secondary and feeder roads, including farm-to-market roads, rural  
27 mail routes and public school bus routes, under the terms of the  
28 Federal Aid Highway Act of 1944 (58 U.S. Stat. 838, Ch. 626). It

29 is hereby declared to be the intent and purpose of the cited  
30 sections that, insofar as permissible under federal laws, rules  
31 and regulations, not less than fifty percent (50%) of the funds  
32 apportioned to Mississippi for the Surface Transportation Program  
33 which may be obligated in any area of the state under the terms of  
34 Section 1007 of Public Law 102-240 (the Intermodal Surface  
35 Transportation Efficiency Act of 1991) should be expended for the  
36 construction and improvement of county highways as defined in such  
37 sections.

38 SECTION 2. Section 65-11-9, Mississippi Code of 1972, is  
39 amended as follows:

40 65-11-9. The Mississippi Transportation Commission shall  
41 determine what proportion of the funds allotted to the State of  
42 Mississippi for the Surface Transportation Program, and any area  
43 funds, shall be expended upon the improvement of highways on the  
44 county federal aid highway system; however, not less than fifty  
45 percent (50%) of the thirty-seven and one-half percent (37.5%) so  
46 apportioned to Mississippi under that act shall be apportioned for  
47 expenditure among the counties for the improvement of roads on the  
48 county federal aid highway system; if the amount apportioned by  
49 the state to the State Highway Fund to carry out the purposes of  
50 Sections 65-11-1 through 65-11-37 should be less than fifty  
51 percent (50%) of the amount apportioned to Mississippi for the  
52 Surface Transportation Program, then the amount of federal funds  
53 apportioned to the counties for the improvement of roads on the  
54 county federal aid highway system may be less than fifty percent  
55 (50%) of such federal funds, but shall not be less than the amount  
56 of such state appropriation.

57 SECTION 3. Section 65-11-11, Mississippi Code of 1972, is  
58 amended as follows:

59 65-11-11. The amount of federal funds made available to the  
60 State of Mississippi for secondary and feeder roads under Public  
61 Law 102-240, the Intermodal Surface Transportation Efficiency Act  
62 of 1991, which is allotted to the counties as provided in Section  
63 65-11-9, shall be apportioned among the counties of this state by  
64 the Mississippi Transportation Commission in accordance with the  
65 formula established in Section 27-65-75(4)(a), (b) and (c). The

66 amount of federal funds so apportioned to each county shall be  
67 matched by state funds apportioned to the State Highway Fund to  
68 carry out the purposes of Sections 65-11-1 through 65-11-37 as  
69 hereinafter provided; in the event the amount so appropriated for  
70 such State Highway Fund is insufficient to entirely match the  
71 federal funds allotted to county highways, then the amount of such  
72 fund shall be apportioned among the counties in the same manner as  
73 herein provided. "Rural population" and "rural delivery" routes  
74 as used in this section shall have the same meaning ascribed to  
75 them in the Federal Aid Highway Act of 1944 (58 U.S. Stat. 838,  
76 Ch. 626).

77 SECTION 4. This act shall take effect and be in force from  
78 and after July 1, 1999.