

By: Mitchell

To: Transportation; Ways
and Means

HOUSE BILL NO. 1341

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF
2 TRANSPORTATION SHALL DEVELOP AND IMPLEMENT A PAVEMENT MANAGEMENT
3 SYSTEM FOR THE PURPOSE OF IDENTIFYING FOUR-LANE HIGHWAYS IN NEED
4 OF REPAIR AND MAINTENANCE; TO CREATE A SPECIAL ACCOUNT IN THE
5 STATE HIGHWAY FUND IN WHICH SHALL BE DEPOSITED MONIES TO DEFRAY
6 EXPENSES OF THE TRANSPORTATION DEPARTMENT IN REPAIRING,
7 MAINTAINING AND REHABILITATING CERTAIN FOUR-LANE HIGHWAYS; TO
8 CREATE A COUNTY FEEDER ROAD PROGRAM TO BE ADMINISTERED BY THE
9 STATE AID ENGINEER; TO CREATE A SPECIAL FUND IN THE STATE TREASURY
10 IN WHICH SHALL BE DEPOSITED MONIES TO ASSIST COUNTIES IN THE
11 CONSTRUCTION, RECONSTRUCTION AND PAVING OF COUNTY ROADS NOT ON THE
12 STATE AID ROAD SYSTEM AND BRIDGES NOT INCLUDED ON THE LOCAL BRIDGE
13 PROGRAM; TO ESTABLISH A FORMULA FOR ALLOCATING AND DISTRIBUTING
14 MONIES IN THE SPECIAL FUND TO COUNTIES; TO ESTABLISH CRITERIA THAT
15 COUNTIES MUST MEET IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE
16 PROGRAM; TO CREATE A SPECIAL ACCOUNT IN THE STATE HIGHWAY FUND IN
17 WHICH SHALL BE DEPOSITED MONIES TO SUPPLEMENT FEDERAL FUNDS
18 APPORTIONED TO THE STATE UNDER THE URBAN AREA HIGHWAY/STREET
19 CONSTRUCTION PROGRAM; TO PROVIDE THAT MONIES IN THE ACCOUNT SHALL
20 BE DISTRIBUTED TO MUNICIPALITIES IN THE SAME MANNER AND MAY BE
21 EXPENDED FOR THE SAME PURPOSES AS AUTHORIZED UNDER THE FEDERAL
22 PROGRAM; TO AMEND SECTIONS 75-76-129 AND 75-76-177, MISSISSIPPI
23 CODE OF 1972, TO INCREASE THE FEE IMPOSED ON GAMING LICENSES AND
24 DISTRIBUTE A PORTION OF SUCH FEES TO THE SPECIAL ACCOUNTS AND
25 FUNDS CREATED UNDER THIS ACT; TO BRING FORWARD SECTIONS 65-9-1,
26 65-9-3, 65-9-5, 65-9-7, 65-9-9, 65-9-11, 65-9-13, 65-9-15,
27 65-9-17, 65-9-19, 65-9-21, 65-9-23, 65-9-25, 65-9-27, 65-9-29,
28 65-9-30, 65-9-31 AND 65-9-33, MISSISSIPPI CODE OF 1972, WHICH
29 ESTABLISH THE STATE AID ROAD PROGRAM; AND FOR RELATED PURPOSES.

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

31 SECTION 1. (1) The Mississippi Department of Transportation
32 shall develop, implement and utilize a pavement management system
33 for the purpose of identifying and establishing priorities among
34 four-lane highways that are in need of repair and maintenance and
35 for the purpose of scheduling and performing repair and
36 maintenance projects on such highways. The system shall be
37 designed to collect, process and analyze data necessary for
38 evaluating pavement condition and distress levels, and shall
39 include geometric, lane and crossing route data; construction and

40 rehabilitation history data; pavement survey data; traffic data;
41 project cost data and other data critical in formulating objective
42 criteria for the proper planning and performance of highway
43 maintenance. The Mississippi Transportation Commission shall have
44 the duty to ensure that four-lane highway maintenance is performed
45 by the department throughout the state in accordance with criteria
46 established by the pavement management system.

47 (2) There is created within the State Highway Fund a special
48 account to be known and designated as the "Four-lane Highway
49 Pavement Rehabilitation Account." The account shall be
50 administered by the Mississippi Department of Transportation and
51 shall consist of the monies deposited therein as provided under
52 Section 75-76-129(2)(d) and such other monies as the Legislature
53 or the Mississippi Transportation Commission designates for
54 deposit therein. Unexpended amounts remaining in the account at
55 the end of a fiscal year shall not lapse into the State Highway
56 Fund or the State General Fund, and any interest earned on amounts
57 in the special account shall be deposited to the credit of the
58 account. Monies in the account may be expended by the Department
59 of Transportation, upon appropriation by the Legislature, only for
60 the purpose of repairing, rehabilitating and maintaining the
61 pavement structure and shoulders of four-lane highways. For the
62 purpose of this section, the term "four-lane highway" means a
63 roadway or segment of roadway, other than an interstate highway,
64 (a) that consists of at least four (4) lanes for use by motor
65 vehicles, with two (2) or more lanes extending in each of two (2)
66 directions; and (b) that is included as a part of the designated
67 state highway system under the jurisdiction of the Mississippi
68 Transportation Commission for construction and maintenance.

69 (3) The Mississippi Department of Transportation shall
70 submit a report to the Legislature by January 15 of each year
71 setting forth the current status of the four-lane highway pavement
72 rehabilitation program. The report shall be filed with the
73 Secretary of the Senate, the Clerk of the House, the Chairman of
74 the Senate Highways and Transportation Committee and the Chairman
75 of the House Transportation Committee. The report shall contain
76 the following information:

77 (a) A detailed description of the specific projects
78 completed during the preceding fiscal year and the costs
79 associated with such projects;

80 (b) A list of the specific projects planned for the
81 current fiscal year and the estimated costs of such projects;

82 (c) A complete recap of all program receipts by source
83 and of all disbursements for the preceding fiscal year;

84 (d) The average pavement condition ratings of the
85 state's four-lane highways as determined by the department's
86 pavement management system; and

87 (e) Such other information as the department determines
88 to be important or helpful to the Legislature.

89 SECTION 2. Sections 2 through 13 of this act shall be known
90 and may be cited as the "County Feeder Road Program."

91 SECTION 3. For the purposes of Sections 2 through 13 of this
92 act, the term "feeder road" means a road that is included on the
93 county road system as designated under Section 65-7-4 that (a) is
94 functionally classified as a local rural road in accordance with
95 policies on geometric design of highways and streets adopted and
96 published by the American Association of State Highway and
97 Transportation Officials; (b) provides access to the state aid
98 system, the federal aid system or the designated state highway
99 system; and (c) has an average daily traffic count of four hundred
100 (400) vehicles or less. The term "feeder road" includes all
101 drainage related structures except bridges that are included on
102 the National Bridge Inspection Inventory maintained by the Office
103 of State Aid Road Construction. The term "feeder road" does not
104 include a road or highway on the designated state highway system.

105 SECTION 4. (1) There is established a County Feeder Road
106 Program which shall be administered by the State Aid Engineer for
107 the purpose of assisting the counties of this state in the
108 construction, reconstruction and paving of feeder roads.

109 (2) Routes on which projects are performed under Sections 2

110 through 13 of this act are not eligible for inclusion on the state
111 aid system except in accordance with the provisions of Section
112 65-9-1 et seq.

113 SECTION 5. The County Feeder Road Program shall be
114 administered by the State Aid Engineer. In administering the
115 program, the State Aid Engineer shall have the following powers
116 and duties:

117 (a) To supervise the use of all funds made available
118 for the purposes of Sections 2 through 13 of this act for use on
119 feeder roads in the State of Mississippi;

120 (b) To allocate to each county that county's share of
121 all monies made available under the provisions of Sections 2
122 through 13 of this act but only when the county has complied with
123 the provisions of Sections 2 through 13 of this act and only when
124 the county is eligible for the allocation of monies under the
125 County Feeder Road Program;

126 (c) To keep and compile records of all expenditures on
127 feeder roads to which money is disbursed under the provisions of
128 Sections 2 through 13 of this act, which records must be kept
129 separate and apart from other state aid records;

130 (d) To approve the construction of feeder roads,
131 including roadbeds, grades and drainage, before authorizing the
132 release of funds under Sections 2 through 13 of this act;

133 (e) To establish such rules and regulations as the
134 State Aid Engineer determines as necessary to implement the
135 provisions of the County Feeder Road Program; and

136 (f) To report to the Legislature, no later than January
137 1 of each year, how monies in the County Feeder Road Fund created
138 under Section 6 of this act were spent in each county, what
139 projects were approved and constructed, the number of miles
140 constructed or improved and the cost per mile for such
141 construction and improvement.

142 SECTION 6. (1) There is created in the State Treasury a

143 special fund to be known and designated as the "County Feeder Road
144 Fund." The fund shall be administered by the State Aid Engineer
145 and shall consist of the monies deposited therein as provided
146 under Section 75-76-129(2)(e) and such other monies as the
147 Legislature designates for deposit therein. Monies in the fund
148 may be expended by the Office of State Aid Road Construction, upon
149 appropriation by the Legislature, only for the purpose of
150 constructing, reconstructing and paving, feeder roads as defined
151 in Section 3 of this act. Unexpended amounts remaining in the
152 special fund at the end of a fiscal year shall not lapse into the
153 State General Fund, and any interest earned on amounts in the
154 special fund shall be deposited to the credit of the special fund.

155 The Office of State Aid Road Construction shall be entitled to
156 reimbursement from monies in the fund, upon requisitions therefor
157 by the State Aid Engineer, for the actual expenses incurred by the
158 office in administering the provisions of Sections 2 through 13 of
159 this act.

160 (2) Monies in the County Feeder Road Fund shall be allocated
161 and become available for distribution to counties in accordance
162 with the formula prescribed in Section 7 of this act beginning
163 January 1, 2001, on a project-by-project basis. Monies in the
164 County Feeder Road Fund may not be used or expended for any
165 purpose except as authorized under Sections 2 through 13 of this
166 act.

167 SECTION 7. From the monies on deposit and credited to the
168 County Feeder Road Fund created in Section 6 of this act, each
169 county shall be allocated a percentage of such monies as they
170 become available, as follows:

171 (a) One-half (1/2) to be allocated equally among all of
172 the counties; and

173 (b) One-half (1/2) to be allocated based upon the
174 proportion that the total number of feeder road miles in the
175 county bears to the total number of feeder road miles in all

176 counties of the state.

177 SECTION 8. The State Aid Engineer shall allocate monies
178 under the provisions of Sections 2 through 13 of this act to each
179 county that has met the requirements of Sections 2 through 13 of
180 this act and shall establish specific designs and standards to be
181 followed by such counties in the construction, reconstruction and
182 paving of feeder roads. The specific designs and standards shall
183 be based upon policies on geometric design of local rural roads,
184 highways and streets adopted and published by the American
185 Association of State Highway and Transportation Officials.

186 SECTION 9. (1) In order for a county to be eligible for the
187 expenditure of monies under the County Feeder Road Program, a
188 county must meet the following conditions:

189 (a) The county has employed a county engineer, together
190 with such other technical assistance as is necessary to carry out
191 the duties of Sections 2 through 13 of this act, the same as
192 provided under the provisions of Section 65-9-15, for its state
193 aid road system and, through its official minutes, has authorized
194 the county engineer to perform the necessary engineering services
195 connected with the County Feeder Road Program. The county
196 engineer shall prepare the necessary plans and designs for all
197 construction projects, including state aid projects and projects
198 provided under Sections 2 through 13 of this act. He also shall
199 provide engineering supervision for the construction of such
200 projects and shall approve all estimate payments made on the
201 projects. Engineering cost for any project performed under the
202 County Feeder Road Program may be paid from any funds allocated to
203 a county under the program; however, the maximum fee paid to an
204 engineer from the County Feeder Road Fund shall not exceed twelve
205 percent (12%) of the final construction cost. No such cost shall
206 be reimbursed to the county before the letting of the project; and

207 (b) The county has presented a plan for the
208 construction, reconstruction and paving of a feeder road which

209 plan has been made and approved by the county engineer of the
210 county, showing the specific road or project to be improved,
211 stating the condition of the existing roadbed, drainage and
212 bridges and outlining the type of construction or reconstruction
213 to be made and the designs and specifications therefor including
214 the paving of the road and the sources of revenue to be used and
215 the sources and types of material to be used thereon. The plan
216 shall be presented to the State Aid Engineer for the initial
217 approval of the beginning of a project to receive monies.

218 (2) After the initial approval of the plan and plans as
219 specified in subsection (1)(b) of this section has been made by
220 the State Aid Engineer, the county may proceed to construct or
221 reconstruct the road in accordance with the plan, and upon doing
222 so shall be eligible to receive all funds made available to the
223 county to be used exclusively for the paving of the road. The
224 project may be done either by contract or by using county
225 equipment and employees. It shall be according to the original
226 plan or any amendments thereto which have been approved by the
227 State Aid Engineer. The board may use county equipment and
228 employees if the construction can be accomplished at a more
229 reasonable cost than can be achieved by contract.

230 SECTION 10. All rights-of-way and adjustments for utilities
231 necessary for County Feeder Road Program projects must be acquired
232 or performed by the boards of supervisors in the manner provided
233 by law for the acquisition of rights-of-way, including gift,
234 purchase, deed, dedication, and eminent domain; however, no part
235 of the cost of such rights-of-way may be paid from feeder road
236 program funds.

237 SECTION 11. Contracts for the construction of county feeder
238 road projects must be advertised and let by the board of
239 supervisors of the county in the manner required by law. Before
240 advertising for bids, plans and specifications covering the
241 proposed work shall be prepared by the county engineer and filed

242 in the chancery clerk's office of the county. Copies of the plans
243 and specifications shall be subject to inspection during regular
244 office hours and shall be made available to all prospective
245 bidders upon such terms and conditions as may be required by the
246 board and its county engineer.

247 SECTION 12. Whenever any county fails to expend or obligate
248 by contract any of the monies allocated to it under the provisions
249 of Sections 2 through 13 of this act, within three (3) years after
250 the allocation is made, then such county shall forfeit and no
251 longer be entitled to any part of the monies in the County Feeder
252 Road Fund previously allocated to it; and the balance of such
253 monies previously allocated to it shall be reallocated pro rata
254 between all other eligible counties in accordance with the formula
255 established in Section 7 of this act.

256 SECTION 13. The boards of supervisors shall properly
257 maintain all roads constructed under the County Feeder Road
258 Program in their respective counties. The board and its county
259 engineer shall make annual maintenance inspections of completed
260 projects to determine if essential maintenance is being carried on
261 and the board shall record on its official minutes the
262 determinations made from such maintenance inspections.

263 SECTION 14. (1) There is created within the State Highway
264 Fund a special account to be known and designated as the "Urban
265 Area Highway/Street Supplemental Construction Account." The
266 account shall be administered by the Mississippi Department of
267 Transportation and shall consist of the monies deposited therein
268 as provided under Section 75-76-129(2)(f) and such other monies as
269 the Legislature designates for deposit therein. Monies in the
270 account may be expended and allocated by the Department of
271 Transportation, upon appropriation by the Legislature, for the
272 same purposes and in the same manner as authorized for the
273 expenditure of federal funds apportioned to the state under the
274 Urban Area Highway/Street Construction Program. Unexpended

275 amounts remaining in the account at the end of a fiscal year shall
276 not lapse into the State Highway Fund or the State General Fund,
277 and any interest earned on amounts in the special account shall be
278 deposited to the credit of the account.

279 (2) The Mississippi Department of Transportation shall
280 submit a report to the Legislature by January 15 of each year
281 setting forth the current status of the Urban Area Highway/Street
282 Construction Program, including a complete recap of all program
283 receipts by source and of all disbursements for the preceding
284 fiscal year. The report shall be filed with the Secretary of the
285 Senate, the Clerk of the House, the Chairman of the Senate
286 Highways and Transportation Committee and the Chairman of the
287 House Transportation Committee.

288 (3) The Transportation Commission may adopt and promulgate
289 such rules and regulations as it deems necessary to properly
290 administer the provisions of this section.

291 SECTION 15. Section 75-76-129, Mississippi Code of 1972, is
292 amended as follows:

293 75-76-129. (1) On or before the last day of each month all
294 taxes, fees, interest, penalties, damages, fines or other monies
295 collected by the State Tax Commission during that month under the
296 provisions of this chapter shall be paid by the State Tax
297 Commission to the State Treasurer to be deposited in the State
298 General Fund, with the exception of the following deductions:

299 (a) The local government fees imposed under Section
300 75-76-195;

301 (b) An amount equal to Three Million Dollars
302 (\$3,000,000.00) of the revenue collected pursuant to the
303 fee imposed under Section 75-76-177(1)(c), or an amount equal to
304 twenty percent (20%) of the revenue collected pursuant to the fee
305 imposed under Section 75-76-177(1)(c), whichever is the greater
306 amount * * *;

307 (c) An amount equal to twenty percent (20%) of the

308 revenue collected pursuant to the fee imposed under Section
309 75-76-177(1)(c); and

310 (d) An amount equal to One Million Six Hundred
311 Sixty-six Thousand Six Hundred Sixty-seven Dollars (\$1,666,667.00)
312 of the revenue collected pursuant to the fee imposed under Section
313 75-76-177(1)(c).

314 (2) The monies deducted under subsection (1) of this section
315 from the amount to be deposited into the State General Fund shall
316 be distributed as follows:

317 (a) The local government fees shall be distributed by
318 the State Tax Commission pursuant to Section 75-76-197;

319 (b) An amount equal to Three Million Dollars
320 (\$3,000,000.00) of the amount deducted under subsection (1)(b) of
321 this section shall be deposited by the State Tax Commission into
322 the bond sinking fund created in Section 65-39-3;

323 (c) The revenue deducted under subsection (1)(b) of
324 this section that is in excess of Three Million Dollars
325 (\$3,000,000.00), but is less than twenty percent (20%) of the
326 amount of revenue collected during that month, shall be deposited
327 into the State Highway Fund to be used exclusively for the
328 reconstruction and maintenance of highways of the State of
329 Mississippi other than highways maintained from monies in the
330 Four-lane Highway Pavement Rehabilitation Account created under
331 Section 1 of House Bill No. _____, 2000 Regular Session;

332 (d) The amount deducted under subsection (1)(c) of this
333 section shall be deposited into the Four-lane Highway Pavement
334 Rehabilitation Account created under Section 1 of House Bill No.
335 _____, 2000 Regular Session;

336 (e) Eight Hundred Thirty-three Thousand Three hundred
337 Thirty-three Dollars (\$833,333.00) of the amount deducted under
338 subsection (1)(d) of this section shall be deposited into the
339 County Feeder Road Fund created under Section 6 of House Bill No.
340 _____, 2000 Regular Session; and

341 (f) Eight Hundred Thirty-three Thousand Three hundred
342 Thirty-three Dollars (\$833,333.00) of the amount deducted under
343 subsection (1)(d) of this section shall be deposited into the
344 Urban Area Highway/Street Supplemental Construction Account
345 created under Section 14 of House Bill No. _____, 2000 Regular
346 Session.

347 * * *

348 SECTION 16. Section 75-76-177, Mississippi Code of 1972, is
349 amended as follows:

350 75-76-177. (1) From and after July 1, 2000, there is hereby
351 imposed and levied on each gaming licensee a license fee based
352 upon all the gross revenue of the licensee as follows:

353 (a) Four percent (4%) of all the gross revenue of the
354 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)
355 per calendar month;

356 (b) Six percent (6%) of all the gross revenue of the
357 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
358 calendar month and does not exceed One Hundred Thirty-four
359 Thousand Dollars (\$134,000.00) per calendar month; and

360 (c) Ten percent (10%) of all the gross revenue of the
361 licensee which exceeds One Hundred Thirty-four Thousand Dollars
362 (\$134,000.00) per calendar month.

363 (2) All revenue received from any game or gaming device
364 which is leased for operation on the premises of the
365 licensee-owner to a person other than the owner thereof or which
366 is located in an area or space on such premises which is leased by
367 the licensee-owner to any such person, must be attributed to the
368 owner for the purposes of this section and be counted as part of
369 the gross revenue of the owner. The lessee is liable to the owner
370 for his proportionate share of such license fees.

371 (3) If the amount of license fees required to be reported
372 and paid pursuant to this section is later determined to be
373 greater or less than the amount actually reported and paid by the

374 licensee, the Chairman of the State Tax Commission shall:

375 (a) Assess and collect the additional license fees
376 determined to be due, with interest thereon until paid; or

377 (b) Refund any overpayment, with interest thereon, to
378 the licensee.

379 Interest must be computed, until paid, at the rate of one
380 percent (1%) per month from the first day of the first month
381 following either the due date of the additional license fees or
382 the date of overpayment.

383 (4) Failure to pay the fees provided for in this section
384 when they are due for continuation of a license shall be deemed a
385 surrender of the license.

386 SECTION 17. Section 65-9-1, Mississippi Code of 1972, is
387 brought forward as follows:[JWB1]

388 65-9-1. The board of supervisors of each county, now having
389 full jurisdiction over all roads, ferries, and bridges in its
390 respective county not maintained as state highways, is hereby
391 fully authorized and empowered to construct and maintain the same
392 (including designated state highways not yet taken over by the
393 highway department); and all such roads under the jurisdiction of
394 the several boards of supervisors are hereby designated, defined,
395 and declared to be either (a) "feeder" or "local farm roads" or
396 (b) "state aid roads."

397 State aid roads are hereby defined as that group or class of
398 roads composing the main collector and distributor routes feeding
399 into local trade areas or into the state highway network, which
400 are not designated as state highways by the Legislature, and
401 particularly those essential to the conservation and development
402 of natural resources, of economic and social value, and
403 encouraging desirable land utilization, having in addition the
404 following characteristics, to wit: roads (including bridges and
405 ferries) which

406 (a) Connect communities within the individual counties

407 and with those of adjoining counties and/or which also connect
408 with the state highway system to form a complete network of
409 secondary or collector routes.

410 (b) Carry heavy volumes of traffic serving most of the
411 following interests of the counties, to wit:

412 (1) Agricultural

413 (2) Business

414 (3) Educational

415 (4) Industrial

416 The State Aid Engineer shall see that the criteria imposed
417 herein are explicitly followed in the designation and in the
418 construction of the state aid roads in each county. The State Aid
419 Engineer shall promulgate regulations pursuant to the
420 Administrative Procedures Act to require the development of a
421 network of intercounty roads and to provide for a review process
422 within the state aid division for the designation of said state
423 aid roads. Such regulations shall also establish standards for
424 state aid route designation. The State Aid Engineer is hereby
425 authorized and directed to withhold funds from such counties until
426 the state aid roads therein are designated and constructed
427 according to the characteristics set forth herein.

428 All other roads under the jurisdiction of the several boards
429 of supervisors are hereby declared to be "local farm roads" and
430 not affected in anywise by this chapter.

431 State aid roads in the several counties shall be eligible for
432 state aid in the manner and under the terms and conditions
433 hereinafter set out. State aid, by way of funds to be expended on
434 state aid roads, shall consist of any sum or sums provided by the
435 Legislature to supplement funds furnished by the several counties
436 for the purpose of constructing, improving, widening,
437 straightening, surfacing, or reconstructing roads on the state aid
438 system, and shall be available to the several counties in such
439 proportion as may be fixed and determined by law.

440 SECTION 18. Section 65-9-3, Mississippi Code of 1972, is
441 brought forward as follows:[JWB2]

442 65-9-3. (1) There is hereby set up for designation by
443 cooperative action of the state and counties a state aid system of
444 roads (including bridges and ferries), as classified and defined
445 in Section 65-9-1, which system shall be designated by the several
446 boards of supervisors in their respective counties, with the
447 consent and approval of the State Aid Engineer, to a total mileage
448 not in excess of twenty-five thousand eight hundred fifty-seven
449 and four-hundredths (25,857.04) miles not including any municipal
450 streets, except that a state aid route may be extended into a
451 municipality in order to make a convenient and orderly connection
452 with the nearest paved or surfaced street or highway capable of
453 carrying the traffic originating on or destined for such state aid
454 route and thereby making a systematic connection with the highway
455 and street systems of the state and its political subdivisions.
456 Such system may be modified or revised from time to time by mutual
457 agreement between the said boards of supervisors and the State Aid
458 Engineer. Mileage on the state aid system shall be allocated to
459 the several counties of the state in the following proportions:

460 (a) One-third (1/3) shall be allocated to all counties
461 in equal shares;

462 (b) One-third (1/3) shall be allocated to counties
463 based on the proportion that the total number of rural road miles
464 in a county bears to the total number of rural road miles in all
465 counties of the State; and

466 (c) One-third (1/3) shall be allocated to counties
467 based on the proportion that the rural population of the county
468 bears to the total rural population in all counties of the state,
469 according to the latest federal decennial census.

470 (2) If the number of miles allocated to any county in
471 accordance with the formula specified in subsection (1) of this
472 section for any fiscal year after fiscal year 1994 is less than

473 the number of miles allocated to that county for fiscal year 1994,
474 then each county in that situation shall be allocated an
475 additional number of miles that, when added to the number of miles
476 allocated to the county in accordance with the formula specified
477 in subsection (1) of this section, will be equal to the number of
478 miles allocated to the county for fiscal year 1994.

479 SECTION 19. Section 65-9-5, Mississippi Code of 1972, is
480 brought forward as follows:[JWB3]

481 65-9-5. There is hereby created within the Mississippi
482 Department of Transportation an office to be called the Office of
483 State Aid Road Construction, for the purpose and charged with the
484 duty of administering this chapter. The office shall be
485 administered by a state aid engineer and such assistant engineers
486 or other employees as may be provided in this chapter. Whenever
487 the term "Division of State Aid Road Construction" appears in the
488 laws of this state, it shall mean the Office of State Aid Road
489 Construction.

490 All duties, powers and responsibilities for the
491 administration and management of the Office of State Aid Road
492 Construction shall be vested in and performed exclusively by the
493 State Aid Engineer.

494 All of the powers of the State Aid Engineer herein provided
495 are with reference to the expenditures of state aid funds and are
496 not intended to interfere in any way with the constitutional
497 jurisdiction of any board of supervisors. In order to obtain
498 state aid funds, however, and whenever any state aid funds are
499 being used, the provisions of this chapter shall have full force
500 and effect.

501 The State Aid Engineer shall adopt a complete, detailed and
502 itemized budget for the Office of State Aid Road Construction, as
503 may be required by the Legislative Budget Office, separate and
504 apart from the budget of the Mississippi Department of
505 Transportation. Copies of the detailed budget shall be filed with

506 the Governor, the Legislative Budget Office and the State Fiscal
507 Management Board on or before April 30 of each year, and shall
508 cover anticipated construction and administrative expenditures for
509 the ensuing fiscal year. No expenditures shall be made in excess
510 of the budget amount approved and appropriated by the Legislature.

511 SECTION 20. Section 65-9-7, Mississippi Code of 1972, is
512 brought forward as follows:[JWB4]

513 65-9-7. The Division of State Aid Road Construction of the
514 Mississippi State Highway Department, is hereby authorized and
515 empowered to own and operate seven passenger automobiles, the same
516 to be purchased, owned, and operated in strict accordance with the
517 provisions of Sections 25-1-77 to 25-1-93, Mississippi Code of
518 1972.

519 SECTION 21. Section 65-9-9, Mississippi Code of 1972, is
520 brought forward as follows:[JWB5]

521 65-9-9. The State Aid Engineer shall be appointed by the
522 Governor for a term of two (2) years, subject to removal pursuant
523 to Section 25-9-101 et seq. by the Governor at any time;
524 provided, however, upon the expiration of the term of the State
525 Aid Engineer serving on July 1, 1985, the State Aid Engineer shall
526 be appointed by the Governor for a term of four (4) years. The
527 State Aid Engineer shall be a registered engineer with at least
528 eight (8) years' experience as a county road or highway engineer
529 and a thorough knowledge of rural road problems. He shall be paid
530 a salary equal to that paid assistant chief engineers of the
531 Mississippi Department of Transportation as established by the
532 department's personnel and merit system, plus travel expenses
533 actually incurred by him in the discharge of his duties; and he
534 shall, each month, make a detailed report to the Governor of such
535 expenses. He shall be authorized to employ assistant state aid
536 engineers, together with such other engineers, employees, and
537 other assistants as may be necessary to carry out the terms of
538 this chapter, all of whom may be removed at any time by the State

539 Aid Engineer. The compensation of all such engineers, employees,
540 and assistants shall be comparable to the salaries of like
541 employees of the Mississippi Department of Transportation.

542 The State Aid Engineer, before entering upon the discharge of
543 his duties, shall give bond in the sum of Twenty-five Thousand
544 Dollars (\$25,000.00) in some surety company authorized to do
545 business in this state, which bond shall be conditioned for the
546 faithful performance of his duties; and likewise each assistant
547 state aid engineer shall give bond in the sum of Ten Thousand
548 Dollars (\$10,000.00) conditioned for the faithful performance of
549 his duties. The State Aid Engineer is hereby authorized to
550 require other assistants who are charged with responsible duties
551 to likewise give bond in amounts not to exceed Ten Thousand
552 Dollars (\$10,000.00) each, conditioned for the faithful
553 performance of their duties.

554 The salaries of the State Aid Engineer and his assistants and
555 of all other employees of the Office of State Aid Road
556 Construction, and all other expenses incurred by the Office of
557 State Aid Road Construction in carrying out the provisions of this
558 chapter, including the premiums of bonds of the State Aid
559 Engineer, assistant state aid engineers, and other assistants,
560 shall be paid from the State Aid Road Fund in the State Treasury
561 prior to allocation to the several counties, by requisition drawn
562 by the State Aid Engineer directed to the Department of Finance
563 and Administration, which will issue its warrant to the State
564 Treasurer in the sum and for the purpose stated in the
565 requisition. The State Aid Engineer shall, each month, make a
566 detailed report to the Governor of all expenditures so made.

567 SECTION 22. Section 65-9-11, Mississippi Code of 1972, is
568 brought forward as follows:[JWB6]

569 65-9-11. It shall be the duty of the State Aid Engineer to
570 advise with the boards of supervisors of the several counties on
571 all matters of policy, use of funds, priority of construction,

572 uniform standards for state aid roads, safeguards in accounting
573 methods, and other related matters and to cooperate with the
574 several boards of supervisors on all matters connected with the
575 laying out and construction of the state aid system of county
576 roads. The State Aid Engineer shall promulgate, as soon as
577 practicable, such uniform and reasonable rules and regulations as
578 he may deem necessary to effectuate a proper designation of state
579 aid roads to be constructed in each county, the methods for
580 determining priority of construction, the making of surveys, and
581 the preparation of plans and specifications for the construction
582 of state aid roads, and to provide a uniform system of accounting
583 in the expenditure of state aid road funds. The State Aid
584 Engineer, after conferring with the chief engineer of the State
585 Highway Department, shall prepare and promulgate uniform design
586 standards and specifications for the construction of the state aid
587 road system, which said uniform design standards and
588 specifications may be modified or amended from time to time as the
589 State Aid Engineer may deem necessary. Such standards may be in
590 one or more classifications, according to types and kinds of
591 roads. After such uniform design standards and specifications
592 have been prepared and approved by the State Aid Engineer, the
593 boards of supervisors shall apply the same to all new construction
594 of state aid roads in their counties and, unless not practicable
595 and feasible, to reconstruction of old roads on the state aid road
596 system; but no deviation from such uniform standards and
597 specifications shall be made without the approval of the State Aid
598 Engineer.

599 It shall also be the duty of the State Aid Engineer to advise
600 and cooperate with the boards of supervisors in the selection and
601 designation of the county roads which are to be made a part of the
602 state aid road system, as provided in this chapter, and to approve
603 or disapprove the selection of roads to be made a part of the
604 state aid road system by the boards of supervisors.

605 The State Aid Engineer shall finally approve or disapprove
606 all contracts advertised and let by any board of supervisors for
607 the construction or reconstruction of state aid roads and he shall
608 approve or disapprove any or all force account estimates for such
609 construction. If disapproved, he shall give a notice to said
610 county of his disapproval and state each reason, and he shall give
611 the said county time to cure the defects, or such parts thereof as
612 may be necessary to cure, so that the county may receive its share
613 of state aid.

614 All proposals covering work to be performed by any county
615 with its own forces on state aid roads and all force account
616 estimates submitted for approval shall be on forms prepared for
617 the purpose by the State Aid Engineer. Such forms shall be in
618 such detail and based upon such cost accounting rules and
619 regulations as may be prescribed from time to time by the state
620 aid engineer, but in no event shall the purchase of any road
621 machinery or other general equipment out of the state aid road
622 funds be allowed or permitted by such rules and regulations.
623 Force account estimates may include a reasonable rental for
624 machinery or equipment, and the reasonableness of the rental so
625 estimated and as actually paid shall be subject at all times to
626 modification, revision, approval, or disapproval of the State Aid
627 Engineer and under the cost accounting rules and regulations
628 promulgated by him.

629 The State Aid Engineer and such assistants as he may
630 designate shall supervise and inspect all state aid road projects
631 as the work progresses. Upon final completion of any such
632 project, the State Aid Engineer shall cause a final inspection to
633 be made of such project for the purpose of determining whether
634 such project has been completed satisfactorily in accordance with
635 the plans and specifications; and if satisfactorily completed, the
636 State Aid Engineer shall approve payment of the final estimate on
637 such project. No progress or final estimate, either on a contract

638 or a force account project, shall be paid unless approved in such
639 manner by the State Aid Engineer, and on all such contracts or
640 force account projects a percentage of not less than two and
641 one-half percent (2-1/2%) nor more than ten percent (10%) of each
642 estimate thereon paid shall be retained until final acceptance of
643 such project; provided, however, the amount retained by the prime
644 contractor from each payment due the subcontractor shall not
645 exceed the percentage withheld from the prime contractor.

646 SECTION 23. Section 65-9-13, Mississippi Code of 1972, is
647 brought forward as follows:[JWB7]

648 65-9-13. Any county shall be entitled to receive state aid
649 and to expend state aid monies in conjunction with monies
650 furnished by said county on state aid roads in such county on
651 projects approved for construction in such county, provided:

652 (a) The state aid system in such county has been
653 designated and approved as herein provided.

654 (b) The county has employed a county engineer to act
655 for and on behalf of the county as a whole, who shall be a
656 registered professional engineer, and such other competent
657 technical assistants as may from time to time be deemed necessary
658 by the board of supervisors of said county.

659 (c) An annual program shall have been filed by the
660 county engineer with the Division of State Aid Road Construction
661 and approved by the State Aid Engineer, and in accordance with the
662 uniform design standards and specifications set up by the State
663 Aid Engineer; such program may be modified or revised in whole or
664 in part by the State Aid Engineer, with the agreement of the
665 county involved.

666 (d) Such county has complied with all rules and
667 regulations promulgated by the State Aid Engineer.

668 SECTION 24. Section 65-9-15, Mississippi Code of 1972, is
669 brought forward as follows:[JWB8]

670 65-9-15. Nothing herein shall prevent any county from

671 employing, by agreement with not more than four (4) other
672 counties, the same engineer to act as county engineer for each and
673 all of said counties so agreeing. Each county engineer shall give
674 bond, with sufficient surety, to be payable, conditioned and
675 approved as provided by law, in a penalty equal to Ten Thousand
676 Dollars (\$10,000.00). If a county engineer is engineer for two
677 (2) or more counties, the same bond shall serve as said engineer's
678 bond in and for each county, respectively, and the premium on said
679 bond and the salary and expenses of such engineer and assistants
680 shall be divided between and paid by the counties for whom he is
681 so employed in such proportions as may be agreed upon by said
682 counties. In the event any county is unable to obtain the
683 services of a competent engineer, the Transportation Commission
684 may loan such county an engineer, if available, for a specified
685 period of time, by granting such engineer a leave of absence for
686 such period without loss of any benefits accruing to him by reason
687 of length of service; and such time so spent on such leave of
688 absence shall be counted as part of such engineer's length of
689 service with the Department of Transportation. The salary of such
690 engineer so loaned shall be paid by the county or the counties to
691 whom he is loaned.

692 The salary and other expenses, including the premium on all
693 bonds, of the county engineer and his assistants shall be paid by
694 the county or counties employing such county engineer and
695 assistants. Any salary limitations or ceiling heretofore placed
696 by law on the salary of a county engineer is hereby removed as to
697 county engineers employed under the terms of this chapter. In
698 lieu of salary and other expenses, any county may employ a
699 registered civil engineer on a fee basis for furnishing complete
700 engineering services on state aid projects. Engineering costs,
701 including the salaries or fees of the county engineer, incurred on
702 state aid projects may be paid from state aid funds allocated to
703 said county or counties, with the methods of payments to be

704 approved by the State Aid Engineer under regulations promulgated
705 by the State Aid Engineer; however, unless the project is being
706 partially funded with federal funds, no such costs shall be paid
707 to the county from state aid funds prior to the approval for
708 advertisement for bids for a project by the State Aid Engineer.
709 If the project is being partially funded with federal funds, the
710 State Aid Engineer may approve payment of a portion of such costs
711 from state aid funds prior to the approval for advertisement for
712 bids.

713 SECTION 25. Section 65-9-17, Mississippi Code of 1972, is
714 brought forward as follows:[JWB9]

715 65-9-17. (1) When any county shall have met the
716 requirements of this chapter and shall have become eligible for
717 state aid, the State Aid Engineer, as soon as practicable, shall
718 notify such county in writing of such eligibility and that its
719 proportionate part of any state funds allocated to it for state
720 aid may be utilized for construction in the manner provided by
721 law, and such notice shall also be given in writing to the
722 Department of Finance and Administration and to the State
723 Treasurer.

724 (2) State aid funds shall be allocated to each county for
725 use on state aid system roads in accordance with the provisions of
726 Section 27-65-75.

727 (3) State aid funds may be credited to a county in advance
728 of the normal accrual to finance certain state aid improvements,
729 subject to the approval of the State Aid Engineer and subject
730 further to the following limitations:

731 (a) That the maximum amount of state aid funds that may
732 be advanced to any county shall not exceed ninety percent (90%) of
733 the state aid funds estimated to accrue to such county during the
734 remainder of the term of office of the board of supervisors of
735 such county.

736 (b) That no advance credit of funds will be made to any

737 county when the unobligated balance in the State Aid Road Fund is
738 less than One Million Dollars (\$1,000,000.00).

739 (c) That such advance crediting of funds be effected by
740 the State Aid Engineer at the time of the approval of the plans
741 and specifications for the proposed improvements.

742 It is the intent of this provision to utilize to the fullest
743 practicable extent the balance of state aid funds on hand at all
744 times.

745 (4) State aid funds shall be available to such county to the
746 following extent and in the following manner:

747 (a) On state aid projects, other than those on or off
748 the federal aid secondary system to be partially financed with
749 federal funds, state aid funds credited to such county in the
750 State Aid Road Fund shall be available to cover the cost of such
751 project. Upon the awarding of a contract for such state aid
752 project, the board of supervisors of any county will, by an
753 official order of the board, authorize the State Aid Engineer to
754 set up the project fund for such project from that county's state
755 aid fund in the State Treasury. The amount of the project fund
756 will cover the estimated cost of the project, including the
757 contractor's payments and any other costs authorized under this
758 chapter to be paid from state aid funds. Withdrawals from the
759 project fund will be made by requisitions prepared by the State
760 Aid Engineer, based on estimates and other supporting statements
761 and documents prepared or approved by the county engineer, such
762 requisitions, accompanied by such estimates and statements, to be
763 directed to the Department of Finance and Administration, which
764 will issue warrants in payment thereof. Requisitions may be drawn
765 to cover the final cost of the project accepted by the boards of
766 supervisors of the counties affected and the State Aid Engineer,
767 even though such cost exceeds the aforesaid estimated project
768 fund. Whenever, in the opinion of the State Aid Engineer, it
769 should appear that any such estimate or statement of account has

770 been improperly allowed or that any road construction project is
771 not proceeding in accordance with the plans, specifications and
772 standards set up therefor, then, in such event, due notice in
773 writing shall be given the board of supervisors of such county and
774 the contractor on such project, if any, stating the reason why
775 such account should not have been allowed or why such project is
776 not progressing satisfactorily; and if, within thirty (30) days
777 from the date of such notice in writing, such error or default is
778 not corrected to the satisfaction of the State Aid Engineer, all
779 state aid funds theretofore allocated to such eligible county
780 shall be immediately withdrawn and notice given the Department of
781 Finance and Administration and the State Treasurer that such
782 county has become ineligible therefor. Such county shall remain
783 ineligible until it again becomes eligible by satisfying the State
784 Aid Engineer as to its eligibility.

785 (b) On state aid projects on the federal aid secondary
786 system which are to be partially financed with federal funds,
787 state aid funds credited to such county in the State Aid Road Fund
788 shall be available to cover the sponsor's share of the cost of
789 such project. At the same time, the State Treasurer, on order
790 from the board of supervisors, shall transfer an amount up to one
791 hundred percent (100%) of such cost from the credit of such county
792 in the State Aid Road Fund to the credit of such county in the
793 State Highway Fund, earmarked for such project.

794 (c) State aid road funds credited to a county in the
795 State Aid Road Fund shall also be available to cover the sponsor's
796 cost of any other project of such county which is partially
797 financed with federal funds available through federal "safer
798 off-system" road funds and/or other federal road funds allocated
799 to the counties as provided for in accordance with Section
800 65-9-29(2). On order from the board of supervisors of such
801 county, the State Treasurer shall transfer an amount up to one
802 hundred percent (100%) of such cost from the credit of such county

803 in the State Aid Road Fund to the credit of such county in the
804 State Highway Fund, earmarked for such project.

805 (d) Up to one-third (1/3) of state aid road funds
806 credited to a county in the State Aid Road Fund may be available
807 to match federal bridge replacement monies or other federal funds,
808 or both, to construct, replace, inspect or post bridges and to
809 conduct pavement management surveys on county roads which are not
810 on the state aid system. To implement such projects, the State
811 Treasurer shall, as requested in an order from the board of
812 supervisors of the county, make transfers out of the credit of
813 such county in the State Aid Road Fund.

814 (5) The State Treasurer is hereby authorized to continue to
815 receive and deposit all funds from the federal government made
816 available by it, either by existing law or by any law which may be
817 passed hereafter, to the credit of the State Highway Fund, and the
818 Treasurer shall notify the commission of the amounts so received.

819 All accounts against the above-mentioned funds shall be
820 certified to by the Executive Director of the Mississippi
821 Department of Transportation, who shall request the Department of
822 Finance and Administration to issue its warrant on the State
823 Treasurer for the amount of the accounts; and the Treasurer shall
824 pay same if sufficient funds are available, all in the manner
825 prescribed herein or as may be required by law.

826 (6) The board of supervisors of each county is hereby
827 authorized and empowered to pay funds into the State Treasury in
828 the manner above set out, and to use and expend such funds for the
829 purposes set out in this chapter. For the purpose of providing
830 such funds, the board of supervisors is hereby authorized and
831 empowered to use and expend any county road and bridge funds,
832 including revenue received from any gasoline taxes paid to such
833 county, or any funds available in the General Fund, or to issue
834 road and bridge bonds of such county in any lawful amount in the
835 manner and method and subject to the restrictions, limitations and

836 conditions, and payable from the same sources of revenue, now
837 provided by law.

838 SECTION 26. Section 65-9-19, Mississippi Code of 1972, is
839 brought forward as follows:[JWB10]

840 65-9-19. Contracts for the construction of state aid road
841 projects shall be advertised and let by the board of supervisors
842 of any county desiring so to do, in the manner now required by law
843 but subject to the approval of the State Aid Engineer; however,
844 during the last six (6) months of the boards of supervisors' terms
845 of office, no contracts for state aid projects shall be awarded
846 unless construction programs embracing such projects shall have
847 been adopted by the boards and approved by the State Aid Engineer
848 in writing prior to July 1 of said year. Before advertising for
849 bids, detailed plans and specifications covering the work proposed
850 to be done shall be prepared and filed in the chancery clerk's
851 office of the interested county and in the Office of the State Aid
852 Engineer; and copies shall be subject to inspection by any party
853 during all office hours, and shall be made available to all
854 prospective bidders upon such reasonable terms and conditions as
855 may be required by the State Aid Engineer. All plans and
856 specifications shall be initially prepared by the county engineer,
857 subject to the approval or disapproval of the State Aid Engineer.

858 All rights of way necessary for such projects shall be acquired
859 and paid for by the boards of supervisors in the manner now
860 provided by law for the acquisition of rights-of-way, including
861 gift, purchase, deed, dedication, and eminent domain; however, the
862 cost of such rights-of-way shall not be considered to be a part of
863 the cost of any project within the meaning of Section 65-9-17.
864 The acts of the boards of supervisors in heretofore acquiring
865 rights-of-way for such projects, and all rights-of-way heretofore
866 acquired for such projects are hereby ratified, confirmed, and
867 validated.

868 SECTION 27. Section 65-9-21, Mississippi Code of 1972, is

869 brought forward as follows:[JWB11]

870 65-9-21. The board of supervisors is further authorized and
871 empowered to paint centerline safety stripes on all state aid
872 roads heretofore or hereafter constructed in the several counties,
873 by the use of its own crews and facilities or by public contract.

874 The striping shall be applied of the materials and in the manner
875 as the State Aid Engineer shall require. The board, subject to
876 the approval of the state aid engineer, may include such striping
877 in the same contract for the completion of the state aid road
878 itself, or by a separately advertised and awarded contract. Funds
879 necessary to carry out this section shall be as provided in the
880 construction of the state aid road itself. The State Aid Engineer
881 is authorized to promulgate and adopt reasonable regulations he
882 may deem necessary and requisite in carrying out the provisions of
883 this section.

884 SECTION 28. Section 65-9-23, Mississippi Code of 1972, is
885 brought forward as follows:[JWB12]

886 65-9-23. Such accounting controls and safeguards, including
887 those already provided in this chapter, may be required of each
888 board of supervisors as, in the discretion of the State Aid
889 Engineer, may be deemed necessary; but general and uniform rules
890 and regulations thereasto shall be first promulgated by said State
891 Aid Engineer, only with the advice and approval of the State
892 Auditor.

893 SECTION 29. Section 65-9-25, Mississippi Code of 1972, is
894 brought forward as follows:[JWB13]

895 65-9-25. It shall be the duty of the several boards of
896 supervisors to properly maintain all state aid roads in their
897 respective counties after construction of any such roads with
898 state aid monies. It shall be the duty of the State Aid Engineer
899 and his assistants to make annual maintenance inspections of
900 completed projects, and such other periodic maintenance
901 inspections as the State Aid Engineer shall deem necessary. If

902 essential maintenance is not properly and regularly carried on, in
903 the opinion of the State Aid Engineer, then notice thereof shall
904 be given in writing to the board in default, and if such
905 maintenance is not done and continued within sixty (60) days from
906 date of such notice, then, and in such event, the State Aid
907 Engineer may proceed to have done the necessary maintenance and
908 repair work on such road and charge the same to any funds in the
909 State Aid Road Fund in the State Treasury allocated to such
910 county. If such failure to maintain continues, then such county
911 shall be no longer eligible for state aid until proper maintenance
912 is resumed by it, and notice of such withdrawal of state aid shall
913 be duly given the State Auditor and State Treasurer; however, such
914 ineligibility shall not affect payment from the State Aid Road
915 Fund of progress or final estimates on contracts awarded prior to
916 notice of such ineligibility, nor shall said ineligibility in any
917 way affect the payment of principal and interest on state aid road
918 bonds issued by any such county.

919 State aid roads which have been hard surfaced through the use
920 of state aid funds or federal aid funds shall be eligible for
921 state aid funds to provide one or more seal courses, as required.

922 State aid roads in which the grading and drainage structures were
923 constructed under state aid projects and which have been
924 subsequently hard surfaced by the county through the use of county
925 funds under the supervision of the county engineer shall likewise
926 be eligible for state aid funds to provide one or more seal
927 courses as required, provided that the hard surfacing and
928 underlying base were constructed in accordance with the then
929 prevailing state aid standards and specifications. The county
930 shall furnish the State Aid Engineer with sufficient engineering
931 data, including borings and tests, if necessary, to substantiate
932 the required thickness and quality of the base and surfacing. The
933 correction of base defects and pavement breaks may be made part of
934 the plans and contract documents for each sealing project.

935 State aid roads which were constructed in accordance with the
936 then prevailing state aid standards and specifications shall be
937 eligible for state aid funds for maintenance, repair and
938 reconstruction, subject to the prior written approval of such work
939 by the State Aid Engineer and subject to the work being completed
940 in accordance with the prior written approval.

941 SECTION 30. Section 65-9-27, Mississippi Code of 1972, is
942 brought forward as follows:[JWB14]

943 65-9-27. Whenever any county is ineligible for state aid
944 under the provisions of this chapter for a continuous period of
945 four (4) years, then such county shall forfeit and no longer be
946 entitled to any part of the funds in the State Aid Road Fund
947 theretofore allocated to it; and the balance of such funds so
948 theretofore allocated to it shall be reallocated pro rata between
949 all other eligible counties in the same relative proportions as
950 those specified in any law providing state aid road funds.

951 SECTION 31. Section 65-9-29, Mississippi Code of 1972, is
952 brought forward as follows:[JWB15]

953 65-9-29. (1) Federal aid secondary funds allocated to
954 Mississippi and to be expended on the federal aid secondary system
955 roads shall be expended as follows:

956 (a) Effective only upon the passage of an act of the
957 Legislature providing state aid funds, federal aid secondary funds
958 allocated to Mississippi and to be expended on the federal aid
959 secondary system shall be divided between the State Highway
960 Department and the several counties, so that fifty percent (50%)
961 will be matched by the State Highway Department and expended on
962 the federal aid secondary system roads on the state highway
963 system, and fifty percent (50%) matched by the counties with state
964 aid funds and expended on the federal aid secondary roads of the
965 state aid road system.

966 (b) Such division will be made upon allocation by the
967 Administrator of the Federal Highway Administration after the

968 Highway Department provides for the matching of the percent of
969 such allotment as covered by federal act and available for
970 financing in part the State Highway Department's Division of
971 Highway Planning. The expenditure of all federal aid secondary
972 funds shall be through and under the Highway Department, subject
973 to and in accordance with all rules and regulations and applicable
974 laws of the federal government.

975 (c) The amount of funds allocated to each county for
976 use on state aid system roads will be apportioned among the
977 counties of this state by the State Highway Commission in
978 accordance with the formula in the manner provided in Section
979 65-9-3, Mississippi Code of 1972. The State Highway Commission is
980 authorized to finance from its own funds the preliminary surveys,
981 engineering and plans for all work involving funds expended on
982 federal aid secondary projects on the state aid road system, and
983 the rights-of-way required for state aid system roads constructed
984 with federal aid secondary funds will be provided by the county
985 receiving such aid from its funds other than state aid funds. The
986 Highway Commission will program federal aid secondary funds made
987 available to the counties under this act on such projects and
988 limited to such counties as recommended by the State Aid Engineer.

989 (2) Federal "safer off-system" funds, and/or any other
990 available federal road funds, except the federal aid secondary
991 funds hereinabove provided for separately, allocated to
992 Mississippi and to be expended on county roads, but not on the
993 designated state highway system, shall be expended as follows:

994 (a) Federal "safer off-system" funds and/or any such
995 other available federal road funds shall be matched with available
996 state aid funds and expended on such county roads.

997 (b) The expenditure of such federal "safer off-system"
998 funds and/or all such other available federal road funds shall be
999 through and under the State Highway Department, subject to, and in
1000 accordance with, all rules and regulations and applicable laws of

1001 the federal government.

1002 (c) The amount of such federal "safer off-system" funds
1003 and/or all such other available federal road funds allocated to
1004 each county for use on such county roads will be apportioned among
1005 the counties of this state by the State Highway Commission in
1006 accordance with the formula in the manner provided in Section
1007 65-9-3, Mississippi Code of 1972. The State Highway Commission
1008 will program such federal "safer off-system" funds and/or all such
1009 other available federal road funds made available to the counties
1010 on such projects and limited to such counties as recommended by
1011 the State Aid Engineer.

1012 (3) Federal aid off-system highway funds allocated to
1013 Mississippi, (except federal aid secondary funds and federal
1014 "safer off-system" funds provided for separately in subsections
1015 (1) and (2) of this section), including federal bridge replacement
1016 funds and other special grants made available for expenditure of
1017 county roads, shall be expended as follows:

1018 (a) Federal aid off-system highway funds expended on
1019 state aid roads shall be matched with available state aid funds
1020 and/or other available local funds, or as otherwise provided in
1021 Section 65-1-70, Mississippi Code of 1972.

1022 (b) Federal aid off-system highway funds available for
1023 expenditure on roads not on the state aid system and not eligible
1024 for inclusion on the state aid system shall be matched with
1025 available local funds, or as otherwise provided in Section 65-9-17
1026 or Section 65-1-70, Mississippi Code of 1972.

1027 (c) The expenditure of all federal off-system highway
1028 funds on county roads shall be programmed by the State Highway
1029 Commission, subject to and in accordance with applicable federal
1030 law, rules and regulations, and limited to such county projects as
1031 recommended by the State Aid Engineer. The State Aid Engineer is
1032 authorized to assign state aid personnel to administer off-system
1033 construction projects and other special federal aid program

1034 requirements in the same manner and under the same provisions and
1035 conditions as other projects authorized under this chapter.

1036 SECTION 32. Section 65-9-30, Mississippi Code of 1972, is
1037 brought forward as follows:[JWB16]

1038 65-9-30. (1) The State Aid Engineer shall maintain an
1039 accurate record of all federal aid secondary funds, federal "safer
1040 off-system" funds, and all other available federal road funds
1041 allocated to the counties in accordance with the percentages set
1042 out in Section 65-9-3. He shall likewise maintain an accurate
1043 account of all state aid funds apportioned to the counties in
1044 accordance with the percentages and provisions set out in Section
1045 27-65-75.

1046 (2) The State Aid Engineer is hereby authorized to utilize
1047 state aid funds, and federal aid secondary funds allocated to the
1048 counties as provided for in accordance with Section 65-9-29, and
1049 federal "safer off-system" funds, and/or any other available
1050 federal road funds allocated to Mississippi and to be expended on
1051 county roads, and allocated to the counties as provided for in
1052 accordance with Section 65-9-29, in such amounts as he deems
1053 necessary for an orderly and effective programming of all funds
1054 available to the counties, including an interchange of one (1)
1055 type of funds for another type of funds when necessary; provided,
1056 however, that each county shall receive, not less than annually,
1057 its pro rata share of the combined funds so allocated; and further
1058 provided that the authority of the county boards of supervisors to
1059 otherwise adopt construction programs is in no way circumvented.

1060 SECTION 33. Section 65-9-31, Mississippi Code of 1972, is
1061 brought forward as follows:[JWB17]

1062 65-9-31. All work done under the provisions of Sections
1063 19-9-51 to 19-9-77, Mississippi Code of 1972, shall be done by
1064 contractors who qualify under the provisions of Sections 31-3-1 to
1065 31-3-23, Mississippi Code of 1972, except with the consent of the
1066 State Aid Road Engineer.

1067 SECTION 34. Section 65-9-33, Mississippi Code of 1972, is
1068 brought forward as follows:[JWB18]

1069 65-9-33. In addition to any authority granted to the
1070 Division of State Aid Road Construction in Chapter 9, Title 65,
1071 Mississippi Code of 1972, and notwithstanding any general
1072 prohibition contained therein with respect to the administration
1073 by the division of certain federal funds on designated state
1074 highways, the division is authorized and empowered to administer a
1075 project utilizing available federal funds to reconstruct that
1076 portion of designated Mississippi Highway 182 in Lowndes County,
1077 Mississippi, that spans the Tombigbee River on Federal Aid Urban
1078 Route Number 9539, jurisdiction for the maintenance of which is,
1079 on March 12, 1990, vested in Lowndes County pursuant to an
1080 agreement executed by the county, the State Highway Commission and
1081 the City of Columbus.

1082 SECTION 35. This act shall take effect and be in force from
1083 and after July 1, 2000.