To: Transportation; Ways and Means

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001

By: Representative Mitchell

HOUSE BILL NO. 236


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

SECTION 1. (1) The Mississippi Department of Transportation shall develop, implement and utilize a pavement management system for the purpose of identifying and establishing priorities among four-lane highways that are in need of repair and maintenance and for the purpose of scheduling and performing repair and maintenance projects on such highways. The system shall be designed to collect, process and analyze data necessary for evaluating pavement condition and distress levels, and shall include geometric, lane and crossing route data; construction and rehabilitation history data; pavement survey data; traffic data;
project cost data and other data critical in formulating objective
criteria for the proper planning and performance of highway
maintenance. The Mississippi Transportation Commission shall have
the duty to ensure that four-lane highway maintenance is performed
by the department throughout the state in accordance with criteria
established by the pavement management system.

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

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

(a) A detailed description of the specific projects
completed during the preceding fiscal year and the costs
associated with such projects;
(b) A list of the specific projects planned for the
current fiscal year and the estimated costs of such projects;
(c) A complete recap of all program receipts by source
and of all disbursements for the preceding fiscal year;
(d) The average pavement condition ratings of the
state’s four-lane highways as determined by the department’s
pavement management system; and
(e) Such other information as the department determines
to be important or helpful to the Legislature.

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

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

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

(2) Routes on which projects are performed under Sections 2
through 13 of this act are not eligible for inclusion on the state
aid system except in accordance with the provisions of Section
65-9-1 et seq.

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

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

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

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

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

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

(f) To report to the Legislature, no later than January
1 of each year, how monies in the County Feeder Road Fund created
under Section 6 of this act were spent in each county, what
projects were approved and constructed, the number of miles
SECTION 6. (1) There is created in the State Treasury a special fund to be known and designated as the "County Feeder Road Fund." The fund shall be administered by the State Aid Engineer and shall consist of the monies deposited therein as provided under Section 75-76-129(2)(e) and such other monies as the Legislature designates for deposit therein. Monies in the fund may be expended by the Office of State Aid Road Construction, upon appropriation by the Legislature, only for the purpose of constructing, reconstructing and paving, feeder roads as defined in Section 3 of this act. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the special fund shall be deposited to the credit of the special fund. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering the provisions of Sections 2 through 13 of this act.

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

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

(a) One-half (1/2) to be allocated equally among all of the counties; and
(b) One-half (1/2) to be allocated based upon the proportion that the total number of feeder road miles in the county bears to the total number of feeder road miles in all counties of the state.

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

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

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

(b) The county has presented a plan for the
construction, reconstruction and paving of a feeder road which
plan has been made and approved by the county engineer of the
county, showing the specific road or project to be improved,

stating the condition of the existing roadbed, drainage and
bridges and outlining the type of construction or reconstruction
to be made and the designs and specifications therefor including
the paving of the road and the sources of revenue to be used and
the sources and types of material to be used thereon. The plan
shall be presented to the State Aid Engineer for the initial
approval of the beginning of a project to receive monies.

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

SECTION 10. All rights-of-way and adjustments for utilities
necessary for County Feeder Road Program projects must be acquired
or performed by the boards of supervisors in the manner provided
by law for the acquisition of rights-of-way, including gift,
purchase, deed, dedication, and eminent domain; however, no part
of the cost of such rights-of-way may be paid from feeder road
program funds.
SECTION 11. Contracts for the construction of county feeder road projects must be advertised and let by the board of supervisors of the county in the manner required by law. Before advertising for bids, plans and specifications covering the proposed work shall be prepared by the county engineer and filed in the chancery clerk's office of the county. Copies of the plans and specifications shall be subject to inspection during regular office hours and shall be made available to all prospective bidders upon such terms and conditions as may be required by the board and its county engineer.

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

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

SECTION 14. (1) There is created within the State Highway Fund a special account to be known and designated as the "Urban Area Highway/Street Supplemental Construction Account." The account shall be administered by the Mississippi Department of Transportation and shall consist of the monies deposited therein as provided under Section 75-76-129(2)(f) and such other monies as the Legislature designates for deposit therein. Monies in the
account may be expended and allocated by the Department of Transportation, upon appropriation by the Legislature, for the same purposes and in the same manner as authorized for the expenditure of federal funds apportioned to the state under the Urban Area Highway/Street Construction Program. Unexpended amounts remaining in the account at the end of a fiscal year shall not lapse into the State Highway Fund or the State General Fund, and any interest earned on amounts in the special account shall be deposited to the credit of the account.

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

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

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

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

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

(b) An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the
fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty percent (20%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount.

(c) An amount equal to twenty percent (20%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c); and

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

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

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

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

(c) The revenue deducted under subsection (1)(b) of this section that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty percent (20%) of the amount of revenue collected during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi other than highways maintained from monies in the Four-lane Highway Pavement Rehabilitation Account created under Section 1 of House Bill No. , 2001 Regular Session;

(d) The amount deducted under subsection (1)(c) of this section shall be deposited into the Four-lane Highway Pavement Rehabilitation Account created under Section 1 of House Bill No. , 2001 Regular Session;
(e) Eight Hundred Thirty-three Thousand Three hundred Thirty-three Dollars ($833,333.00) of the amount deducted under subsection (1)(d) of this section shall be deposited into the County Feeder Road Fund created under Section 6 of House Bill No. ____, 2001 Regular Session; and

(f) Eight Hundred Thirty-three Thousand Three hundred Thirty-three Dollars ($833,333.00) of the amount deducted under subsection (1)(d) of this section shall be deposited into the Urban Area Highway/Street Supplemental Construction Account created under Section 14 of House Bill No. ____, 2001 Regular Session.

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

75-76-177. (1) From and after July 1, 2001, there is hereby imposed and levied on each gaming licensee a license fee based upon all the gross revenue of the licensee as follows:

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

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

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

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

(3) If the amount of license fees required to be reported
and paid pursuant to this section is later determined to be
greater or less than the amount actually reported and paid by the
licensee, the Chairman of the State Tax Commission shall:

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

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

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

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

SECTION 17. Section 65-9-1, Mississippi Code of 1972, is
brought forward as follows:

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

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

(a) Connect communities within the individual counties
and with those of adjoining counties and/or which also connect
with the state highway system to form a complete network of
secondary or collector routes.

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

(1) Agricultural
(2) Business
(3) Educational
(4) Industrial

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

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

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

SECTION 18. Section 65-9-3, Mississippi Code of 1972, is brought forward as follows:

65-9-3. (1) There is hereby set up for designation by cooperative action of the state and counties a state aid system of roads (including bridges and ferries), as classified and defined in Section 65-9-1, which system shall be designated by the several boards of supervisors in their respective counties, with the consent and approval of the State Aid Engineer, to a total mileage not in excess of twenty-five thousand eight hundred fifty-seven and four-hundredths (25,857.04) miles not including any municipal streets, except that a state aid route may be extended into a municipality in order to make a convenient and orderly connection with the nearest paved or surfaced street or highway capable of carrying the traffic originating on or destined for such state aid route and thereby making a systematic connection with the highway and street systems of the state and its political subdivisions.

Such system may be modified or revised from time to time by mutual agreement between the said boards of supervisors and the State Aid Engineer. Mileage on the state aid system shall be allocated to the several counties of the state in the following proportions:

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

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

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

(2) If the number of miles allocated to any county in accordance with the formula specified in subsection (1) of this section for any fiscal year after fiscal year 1994 is less than the number of miles allocated to that county for fiscal year 1994, then each county in that situation shall be allocated an additional number of miles that, when added to the number of miles allocated to the county in accordance with the formula specified in subsection (1) of this section, will be equal to the number of miles allocated to the county for fiscal year 1994.

SECTION 19. Section 65-9-5, Mississippi Code of 1972, is brought forward as follows:

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

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

All of the powers of the State Aid Engineer herein provided are with reference to the expenditures of state aid funds and are not intended to interfere in any way with the constitutional jurisdiction of any board of supervisors. In order to obtain state aid funds, however, and whenever any state aid funds are being used, the provisions of this chapter shall have full force and effect.
The State Aid Engineer shall adopt a complete, detailed and itemized budget for the Office of State Aid Road Construction, as may be required by the Legislative Budget Office, separate and apart from the budget of the Mississippi Department of Transportation. Copies of the detailed budget shall be filed with the Governor, the Legislative Budget Office and the State Fiscal Management Board on or before April 30 of each year, and shall cover anticipated construction and administrative expenditures for the ensuing fiscal year. No expenditures shall be made in excess of the budget amount approved and appropriated by the Legislature.

SECTION 20. Section 65-9-7, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 21. Section 65-9-9, Mississippi Code of 1972, is brought forward as follows:

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

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

The salaries of the State Aid Engineer and his assistants and
of all other employees of the Office of State Aid Road
Construction, and all other expenses incurred by the Office of
State Aid Road Construction in carrying out the provisions of this
chapter, including the premiums of bonds of the State Aid
Engineer, assistant state aid engineers, and other assistants,
shall be paid from the State Aid Road Fund in the State Treasury
prior to allocation to the several counties, by requisition drawn
by the State Aid Engineer directed to the Department of Finance
and Administration, which will issue its warrant to the State
Treasurer in the sum and for the purpose stated in the
requisition. The State Aid Engineer shall, each month, make a
detailed report to the Governor of all expenditures so made.
SECTION 22. Section 65-9-11, Mississippi Code of 1972, is brought forward as follows:

65-9-11. It shall be the duty of the State Aid Engineer to advise with the boards of supervisors of the several counties on all matters of policy, use of funds, priority of construction, uniform standards for state aid roads, safeguards in accounting methods, and other related matters and to cooperate with the several boards of supervisors on all matters connected with the laying out and construction of the state aid system of county roads. The State Aid Engineer shall promulgate, as soon as practicable, such uniform and reasonable rules and regulations as he may deem necessary to effectuate a proper designation of state aid roads to be constructed in each county, the methods for determining priority of construction, the making of surveys, and the preparation of plans and specifications for the construction in the expenditure of state aid road funds. The State Aid Engineer, after conferring with the chief engineer of the State Highway Department, shall prepare and promulgate uniform design standards and specifications for the construction of the state aid road system, which said uniform design standards and specifications may be modified or amended from time to time as the State Aid Engineer may deem necessary. Such standards may be in one or more classifications, according to types and kinds of roads. After such uniform design standards and specifications have been prepared and approved by the State Aid Engineer, the boards of supervisors shall apply the same to all new construction of state aid roads in their counties and, unless not practicable and feasible, to reconstruction of old roads on the state aid road system; but no deviation from such uniform standards and specifications shall be made without the approval of the State Aid Engineer.
It shall also be the duty of the State Aid Engineer to advise and cooperate with the boards of supervisors in the selection and designation of the county roads which are to be made a part of the state aid road system, as provided in this chapter, and to approve or disapprove the selection of roads to be made a part of the state aid road system by the boards of supervisors.

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

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

The State Aid Engineer and such assistants as he may designate shall supervise and inspect all state aid road projects as the work progresses. Upon final completion of any such project...
project, the State Aid Engineer shall cause a final inspection to be made of such project for the purpose of determining whether such project has been completed satisfactorily in accordance with the plans and specifications; and if satisfactorily completed, the State Aid Engineer shall approve payment of the final estimate on such project. No progress or final estimate, either on a contract or a force account project, shall be paid unless approved in such manner by the State Aid Engineer, and on all such contracts or force account projects a percentage of not less than two and one-half percent (2-1/2%) nor more than ten percent (10%) of each estimate thereon paid shall be retained until final acceptance of such project; provided, however, the amount retained by the prime contractor from each payment due the subcontractor shall not exceed the percentage withheld from the prime contractor.

SECTION 23. Section 65-9-13, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

SECTION 24. Section 65-9-15, Mississippi Code of 1972, is
brought forward as follows:

65-9-15. Nothing herein shall prevent any county from
employing, by agreement with not more than four (4) other
counties, the same engineer to act as county engineer for each and
all of said counties so agreeing. Each county engineer shall give
bond, with sufficient surety, to be payable, conditioned and
approved as provided by law, in a penalty equal to Ten Thousand
Dollars ($10,000.00). If a county engineer is engineer for two
(2) or more counties, the same bond shall serve as said engineer's
bond in and for each county, respectively, and the premium on said
bond and the salary and expenses of such engineer and assistants
shall be divided between and paid by the counties for whom he is
so employed in such proportions as may be agreed upon by said
counties. In the event any county is unable to obtain the
services of a competent engineer, the Transportation Commission
may loan such county an engineer, if available, for a specified
period of time, by granting such engineer a leave of absence for
such period without loss of any benefits accruing to him by reason
of length of service; and such time so spent on such leave of
absence shall be counted as part of such engineer's length of
service with the Department of Transportation. The salary of such
engineer so loaned shall be paid by the county or the counties to
whom he is loaned.

The salary and other expenses, including the premium on all
bonds, of the county engineer and his assistants shall be paid by
the county or counties employing such county engineer and
assistants. Any salary limitations or ceiling heretofore placed
by law on the salary of a county engineer is hereby removed as to
county engineers employed under the terms of this chapter. In lieu of salary and other expenses, any county may employ a registered civil engineer on a fee basis for furnishing complete engineering services on state aid projects. Engineering costs, including the salaries or fees of the county engineer, incurred on state aid projects may be paid from state aid funds allocated to said county or counties, with the methods of payments to be approved by the State Aid Engineer under regulations promulgated by the State Aid Engineer; however, unless the project is being partially funded with federal funds, no such costs shall be paid to the county from state aid funds prior to the approval for advertisement for bids for a project by the State Aid Engineer. If the project is being partially funded with federal funds, the State Aid Engineer may approve payment of a portion of such costs from state aid funds prior to the approval for advertisement for bids.

SECTION 25. Section 65-9-17, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) State aid funds may be credited to a county in advance of the normal accrual to finance certain state aid improvements,
subject to the approval of the State Aid Engineer and subject

further to the following limitations:

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

(b) That no advance credit of funds will be made to any
county when the unobligated balance in the State Aid Road Fund is
less than One Million Dollars ($1,000,000.00).

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

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

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

(a) On state aid projects, other than those on or off
the federal aid secondary system to be partially financed with
federal funds, state aid funds credited to such county in the
State Aid Road Fund shall be available to cover the cost of such
project. Upon the awarding of a contract for such state aid
project, the board of supervisors of any county will, by an
official order of the board, authorize the State Aid Engineer to
set up the project fund for such project from that county's state
aid fund in the State Treasury. The amount of the project fund
will cover the estimated cost of the project, including the
contractor's payments and any other costs authorized under this
chapter to be paid from state aid funds. Withdrawals from the
project fund will be made by requisitions prepared by the State
Aid Engineer, based on estimates and other supporting statements
and documents prepared or approved by the county engineer, such
requisitions, accompanied by such estimates and statements, to be
directed to the Department of Finance and Administration, which
will issue warrants in payment thereof. Requisitions may be drawn
to cover the final cost of the project accepted by the boards of
supervisors of the counties affected and the State Aid Engineer,
even though such cost exceeds the aforesaid estimated project
fund. Whenever, in the opinion of the State Aid Engineer, it
should appear that any such estimate or statement of account has
been improperly allowed or that any road construction project is
not proceeding in accordance with the plans, specifications and
standards set up therefor, then, in such event, due notice in
writing shall be given the board of supervisors of such county and
the contractor on such project, if any, stating the reason why
such account should not have been allowed or why such project is
not progressing satisfactorily; and if, within thirty (30) days
from the date of such notice in writing, such error or default is
not corrected to the satisfaction of the State Aid Engineer, all
state aid funds theretofore allocated to such eligible county
shall be immediately withdrawn and notice given the Department of
Finance and Administration and the State Treasurer that such
county has become ineligible therefor. Such county shall remain
ineligible until it again becomes eligible by satisfying the State
Aid Engineer as to its eligibility.

(b) On state aid projects on the federal aid secondary
system which are to be partially financed with federal funds,
state aid funds credited to such county in the State Aid Road Fund
shall be available to cover the sponsor's share of the cost of
such project. At the same time, the State Treasurer, on order
from the board of supervisors, shall transfer an amount up to one
hundred percent (100%) of such cost from the credit of such county
in the State Aid Road Fund to the credit of such county in the
State Highway Fund, earmarked for such project.
(c) State aid road funds credited to a county in the State Aid Road Fund shall also be available to cover the sponsor's cost of any other project of such county which is partially financed with federal funds available through federal "safer off-system" road funds and/or other federal road funds allocated to the counties as provided for in accordance with Section 65-9-29(2). On order from the board of supervisors of such county, the State Treasurer shall transfer an amount up to one hundred percent (100%) of such cost from the credit of such county in the State Aid Road Fund to the credit of such county in the State Highway Fund, earmarked for such project.

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

(5) The State Treasurer is hereby authorized to continue to receive and deposit all funds from the federal government made available by it, either by existing law or by any law which may be passed hereafter, to the credit of the State Highway Fund, and the Treasurer shall notify the commission of the amounts so received. All accounts against the above-mentioned funds shall be certified to by the Executive Director of the Mississippi Department of Transportation, who shall request the Department of Finance and Administration to issue its warrant on the State Treasurer for the amount of the accounts; and the Treasurer shall pay same if sufficient funds are available, all in the manner prescribed herein or as may be required by law.
The board of supervisors of each county is hereby authorized and empowered to pay funds into the State Treasury in the manner above set out, and to use and expend such funds for the purposes set out in this chapter. For the purpose of providing such funds, the board of supervisors is hereby authorized and empowered to use and expend any county road and bridge funds, including revenue received from any gasoline taxes paid to such county, or any funds available in the General Fund, or to issue road and bridge bonds of such county in any lawful amount in the manner and method and subject to the restrictions, limitations and conditions, and payable from the same sources of revenue, now provided by law.

SECTION 26. Section 65-9-19, Mississippi Code of 1972, is brought forward as follows:

65-9-19. Contracts for the construction of state aid road projects shall be advertised and let by the board of supervisors of any county desiring so to do, in the manner now required by law but subject to the approval of the State Aid Engineer; however, during the last six (6) months of the boards of supervisors' terms of office, no contracts for state aid projects shall be awarded unless construction programs embracing such projects shall have been adopted by the boards and approved by the State Aid Engineer in writing prior to July 1 of said year. Before advertising for bids, detailed plans and specifications covering the work proposed to be done shall be prepared and filed in the chancery clerk's office of the interested county and in the Office of the State Aid Engineer; and copies shall be subject to inspection by any party during all office hours, and shall be made available to all prospective bidders upon such reasonable terms and conditions as may be required by the State Aid Engineer. All plans and specifications shall be initially prepared by the county engineer, subject to the approval or disapproval of the State Aid Engineer. All rights of way necessary for such projects shall be acquired
and paid for by the boards of supervisors in the manner now
provided by law for the acquisition of rights-of-way, including
gift, purchase, deed, dedication, and eminent domain; however, the
cost of such rights-of-way shall not be considered to be a part of
the cost of any project within the meaning of Section 65-9-17.
The acts of the boards of supervisors in heretofore acquiring
rights-of-way for such projects, and all rights-of-way heretofore
acquired for such projects are hereby ratified, confirmed, and
validated.

SECTION 27. Section 65-9-21, Mississippi Code of 1972, is
brought forward as follows:

65-9-21. The board of supervisors is further authorized and
empowered to paint centerline safety stripes on all state aid
roads heretofore or hereafter constructed in the several counties,
by the use of its own crews and facilities or by public contract.
The striping shall be applied of the materials and in the manner
as the State Aid Engineer shall require. The board, subject to
the approval of the state aid engineer, may include such striping
in the same contract for the completion of the state aid road
itself, or by a separately advertised and awarded contract. Funds
necessary to carry out this section shall be as provided in the
construction of the state aid road itself. The State Aid Engineer
is authorized to promulgate and adopt reasonable regulations he
may deem necessary and requisite in carrying out the provisions of
this section.

SECTION 28. Section 65-9-23, Mississippi Code of 1972, is
brought forward as follows:

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

SECTION 29. Section 65-9-25, Mississippi Code of 1972, is brought forward as follows:

65-9-25. It shall be the duty of the several boards of supervisors to properly maintain all state aid roads in their respective counties after construction of any such roads with state aid monies. It shall be the duty of the State Aid Engineer and his assistants to make annual maintenance inspections of completed projects, and such other periodic maintenance inspections as the State Aid Engineer shall deem necessary. If essential maintenance is not properly and regularly carried on, in the opinion of the State Aid Engineer, then notice thereof shall be given in writing to the board in default, and if such maintenance is not done and continued within sixty (60) days from date of such notice, then, and in such event, the State Aid Engineer may proceed to have done the necessary maintenance and repair work on such road and charge the same to any funds in the State Aid Road Fund in the State Treasury allocated to such county. If such failure to maintain continues, then such county shall be no longer eligible for state aid until proper maintenance is resumed by it, and notice of such withdrawal of state aid shall be duly given the State Auditor and State Treasurer; however, such ineligibility shall not affect payment from the State Aid Road Fund of progress or final estimates on contracts awarded prior to notice of such ineligibility, nor shall said ineligibility in any way affect the payment of principal and interest on state aid road bonds issued by any such county.

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

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

SECTION 30. Section 65-9-27, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 31. Section 65-9-29, Mississippi Code of 1972, is brought forward as follows:

65-9-29. (1) Federal aid secondary funds allocated to Mississippi and to be expended on the federal aid secondary system roads shall be expended as follows:
(a) Effective only upon the passage of an act of the Legislature providing state aid funds, federal aid secondary funds allocated to Mississippi and to be expended on the federal aid secondary system shall be divided between the State Highway Department and the several counties, so that fifty percent (50%) will be matched by the State Highway Department and expended on the federal aid secondary system roads on the state highway system, and fifty percent (50%) matched by the counties with state aid funds and expended on the federal aid secondary roads of the state aid road system.

(b) Such division will be made upon allocation by the Administrator of the Federal Highway Administration after the Highway Department provides for the matching of the percent of such allotment as covered by federal act and available for financing in part the State Highway Department’s Division of Highway Planning. The expenditure of all federal aid secondary funds shall be through and under the Highway Department, subject to and in accordance with all rules and regulations and applicable laws of the federal government.

(c) The amount of funds allocated to each county for use on state aid system roads will be apportioned among the counties of this state by the State Highway Commission in accordance with the formula in the manner provided in Section 65-9-3, Mississippi Code of 1972. The State Highway Commission is authorized to finance from its own funds the preliminary surveys, engineering and plans for all work involving funds expended on federal aid secondary projects on the state aid road system, and the rights-of-way required for state aid system roads constructed with federal aid secondary funds will be provided by the county receiving such aid from its funds other than state aid funds. The Highway Commission will program federal aid secondary funds made available to the counties under this act on such projects and limited to such counties as recommended by the State Aid Engineer.
(2) Federal "safer off-system" funds, and/or any other available federal road funds, except the federal aid secondary funds hereinabove provided for separately, allocated to Mississippi and to be expended on county roads, but not on the designated state highway system, shall be expended as follows:

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

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

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

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

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

(c) The expenditure of all federal off-system highway funds on county roads shall be programmed by the State Highway Commission, subject to and in accordance with applicable federal law, rules and regulations, and limited to such county projects as recommended by the State Aid Engineer. The State Aid Engineer is authorized to assign state aid personnel to administer off-system construction projects and other special federal aid program requirements in the same manner and under the same provisions and conditions as other projects authorized under this chapter.

SECTION 32. Section 65-9-30, Mississippi Code of 1972, is brought forward as follows:

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

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

SECTION 33. Section 65-9-31, Mississippi Code of 1972, is
brought forward as follows:

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

SECTION 34. Section 65-9-33, Mississippi Code of 1972, is
brought forward as follows:

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

SECTION 35. This act shall take effect and be in force from
and after July 1, 2001.