

By: Representative Mitchell

To: Transportation; Ways and  
Means

## HOUSE BILL NO. 236

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. , 2001 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 , 2001 Regular Session;





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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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:

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, 2001.

