HOUSE BILL NO. 1043

AN ACT TO AMEND SECTIONS 65-9-11 AND 65-37-1, MISSISSIPPI
CODE OF 1972, TO REQUIRE PROJECTS FOR THE CONSTRUCTION,
RECONSTRUCTION OR REPLACEMENT OF BRIDGES ON THE STATE AID ROAD
SYSTEM OR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION
PROGRAM TO USE TIMBER PRODUCTS IF THE USE OF TIMBER PRODUCTS FOR
SUCH PROJECTS WILL BE COMPARABLE IN COST TO, AND CAN BE
CONSTRUCTED TO MEET CURRENT STANDARDS FOR, SIMILAR PROJECTS USING
CONCRETE AND STEEL; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 65-9-11, Mississippi Code of 1972, is
amended 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
of state aid roads, and to provide a uniform system of accounting
in the expenditure of state aid road funds. The State Aid
Engineer, after conferring with the Chief Engineer of the
Mississippi Department of Transportation, 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 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, 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 2. Section 65-37-1, Mississippi Code of 1972, is
amended as follows:
65-37-1. (1) There is established a local system bridge
replacement and rehabilitation program to be administered by the
State Aid Engineer for the purpose of assisting counties and
municipalities in the replacement and rehabilitation of certain
bridges located on local road systems in the counties and in
incorporated municipalities within the counties. In order to be
eligible under this program, a bridge must be eligible for
replacement or rehabilitation as determined by the National Bridge
Inspection Standards sufficiency rating and must be included on
the latest annual official bridge inventory maintained by the
Office of State Aid Road Construction, excluding bridge
inventories on the State Aid Road System, the municipal urban
system or the rural major collector system.

(2) In the replacement or rehabilitation of bridges pursuant
to Sections 65-37-1 through 65-37-15, timber products shall
be used for bridge projects, provided that such projects using
timber products will be comparable in cost to, and can be
constructed to meet current standards for, similar projects using
cement and steel.

(3) The provisions of Sections 65-37-1 through 65-37-15
shall not be construed to permit routes on which projects are
performed under this act to be eligible for inclusion on the state
aid system except in accordance with the provisions of Section
65-9-1 et seq.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2001.