

By: Representatives Compretta, McCoy,  
 Mitchell, Frierson, Bowles, Clarke, Horne,  
 Stevens, Cameron, Eaton, Formby, Jennings,  
 Morris, Perkins, Pierce, Read, Smith (39th),  
 Young, Ellis, Maples

To: Transportation

HOUSE BILL NO. 1488

1 AN ACT TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THE MISSISSIPPI TRANSPORTATION COMMISSION TO ESTABLISH  
 3 BUDGETING FOR HIGHWAY SEGMENTS, TO ESTABLISH AN OFFICE OF VALUE  
 4 ENGINEERING, TO REPORT ON ROADBED DETERIORATION PROBLEMS, AND TO  
 5 IMPOSE ADMINISTRATIVE FINES ON CONTRACTORS WHOSE WORK FAILS TO  
 6 MEET CONTRACT SPECIFICATIONS; TO AMEND SECTION 65-1-10,  
 7 MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF  
 8 TRANSPORTATION TO ENGAGE IN CERTAIN PROJECT PLANNING ACTIVITIES  
 9 FOR ANY PRELIMINARY ENGINEERING, RIGHT-OF-WAY ACQUISITION OR  
 10 CONSTRUCTION PROJECT ACTIVITIES OF THE DEPARTMENT; TO REQUIRE THE  
 11 TRANSPORTATION DEPARTMENT TO COLLECT AND REPORT CERTAIN MANAGEMENT  
 12 INFORMATION; TO CREATE AN OFFICE OF VALUE ENGINEERING AND A  
 13 DIRECTOR OF THE OFFICE, AND TO PRESCRIBE THE POWERS AND DUTIES OF  
 14 THE OFFICE AND THE DIRECTOR; TO AMEND SECTIONS 65-3-97 AND  
 15 65-39-1, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH  
 16 HIGHWAY SEGMENTS IN PHASE FOUR OF THE 1987 FOUR-LANE HIGHWAY  
 17 PROGRAM AND HIGHWAY SEGMENTS IN THE GAMING COUNTIES STATE-ASSISTED  
 18 INFRASTRUCTURE PROGRAM ARE PRIORITIZED AND TO REVISE THE MANNER IN  
 19 WHICH AND REASONS FOR WHICH THE MISSISSIPPI TRANSPORTATION  
 20 COMMISSION MAY AUTHORIZE HIGHWAY SEGMENTS OF LESS THAN 10 MILES IN  
 21 LENGTH; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO MAKE  
 22 REPORTS ON THE CONSTRUCTION AND COMPLETION OF HIGHWAY SEGMENTS  
 23 AUTHORIZED UNDER THE GAMING COUNTIES STATE-ASSISTED INFRASTRUCTURE  
 24 PROGRAM; TO AMEND SECTION 65-39-35, MISSISSIPPI CODE OF 1972, TO  
 25 AUTHORIZE THE REPEAL OF CERTAIN FUEL TAX INCREASES TWENTY-FIVE  
 26 YEARS AFTER THE COMPLETION OF THE LAST SEGMENT IN PHASE FOUR OF  
 27 THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO AMEND SECTION 75-76-129,  
 28 MISSISSIPPI CODE OF 1972, TO REMOVE THE DIVERSION OF CERTAIN  
 29 GAMING FEES TO THE GAMING COUNTIES BOND SINKING FUND AND THE STATE  
 30 HIGHWAY FUND UPON CERTIFICATION BY THE DEPARTMENT OF  
 31 TRANSPORTATION THAT THE HIGHWAY SEGMENTS AUTHORIZED IN THE GAMING  
 32 COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM ARE COMPLETE; AND  
 33 FOR RELATED PURPOSES.

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

35 SECTION 1. Section 65-1-8, Mississippi Code of 1972, is  
 36 amended as follows:

37 65-1-8. (1) The Mississippi Transportation Commission shall  
 38 have the following general powers, duties and responsibilities:

39 (a) To coordinate and develop a comprehensive, balanced  
 40 transportation policy for the State of Mississippi;

41           (b) To promote the coordinated and efficient use of all  
42 available and future modes of transportation;

43           (c) To make recommendations to the Legislature  
44 regarding alterations or modifications in any existing  
45 transportation policies;

46           (d) To study means of encouraging travel and  
47 transportation of goods by the combination of motor vehicle and  
48 other modes of transportation;

49           (e) To take such actions as are necessary and proper to  
50 discharge its duties pursuant to the provisions of Laws, 1992,  
51 Chapter 496, and any other provision of law;

52           (f) To receive and provide for the expenditure of any  
53 funds made available to it by the Legislature, the federal  
54 government, or any other source.

55           (2) In addition to the general powers, duties and  
56 responsibilities listed in subsection (1) of this section, the  
57 Mississippi Transportation Commission shall have the following  
58 specific powers:

59           (a) To make rules and regulations whereby the  
60 transportation department shall change or relocate any and all  
61 highways herein or hereafter fixed as constituting a part of the  
62 state highway system, as may be deemed necessary or economical in  
63 the construction or maintenance thereof; to acquire by gift,  
64 purchase, condemnation, or otherwise, land or other property  
65 whatsoever that may be necessary for a state highway system as  
66 herein provided, with full consideration to be given to the  
67 stimulation of local public and private investment when acquiring  
68 such property in the vicinity of Mississippi towns, cities and  
69 population centers;

70           (b) To enforce by mandamus, or other proper legal  
71 remedies, all legal rights or rights of action of the Mississippi  
72 Transportation Commission with other public bodies, corporations  
73 or persons;

74           (c) To make and publish rules, regulations and  
75 ordinances for the control of and the policing of the traffic on  
76 the state highways, and to prevent their abuse by any or all  
77 persons, natural or artificial, by trucks, tractors, trailers or  
78 any other heavy or destructive vehicles or machines, or by any  
79 other means whatsoever, by establishing weights of loads or of  
80 vehicles, types of tires, width of tire surfaces, length and width  
81 of vehicles, with reasonable variations to meet approximate  
82 weather conditions, and all other proper police and protective  
83 regulations, and to provide ample means for the enforcement of  
84 same. The violation of any of the rules, regulations or  
85 ordinances so prescribed by the commission shall constitute a  
86 misdemeanor. No rule, regulation or ordinance shall be made that  
87 conflicts with any statute now in force or which may hereafter be  
88 enacted, or with any ordinance of municipalities. A monthly  
89 publication giving general information to the boards of  
90 supervisors, employees and the public may be issued under such  
91 rules and regulations as the commission may determine;

92           (d) To give suitable numbers to highways and to change  
93 the number of any highway that shall become a part of the state  
94 highway system. However, nothing herein shall authorize the  
95 number of any highway to be changed so as to conflict with any  
96 designation thereof as a U.S. numbered highway. Where, by a  
97 specific act of the Legislature, the commission has been directed  
98 to give a certain number to a highway, the commission shall not  
99 have the authority to change such number;

100           (e) To make proper and reasonable rules, regulations,  
101 and ordinances for the placing, erection, removal or relocation of  
102 telephone, telegraph or other poles, signboards, fences, gas,  
103 water, sewerage, oil or other pipelines, and other obstructions  
104 that may, in the opinion of the commission, contribute to the  
105 hazards upon any of the state highways, or in any way interfere  
106 with the ordinary travel upon such highways, or the construction,

107 reconstruction or maintenance thereof, and to make reasonable  
108 rules and regulations for the proper control thereof. Any  
109 violation of such rules or regulations or noncompliance with such  
110 ordinances shall constitute a misdemeanor.

111 Whenever the order of the commission shall require the  
112 removal of, or other changes in the location of telephone,  
113 telegraph, or other poles, signboards, gas, water, sewerage, oil  
114 or other pipelines; or other similar obstructions on the  
115 right-of-way or such other places where removal is required by  
116 law, the owners thereof shall at their own expense move or change  
117 the same to conform to the order of the commission. Any violation  
118 of such rules or regulations or noncompliance with such orders  
119 shall constitute a misdemeanor;

120 (f) To regulate and abandon grade crossings on any road  
121 fixed as a part of the state highway system, and whenever the  
122 commission, in order to avoid a grade crossing with the railroad,  
123 locates or constructs said road on one side of the railroad, the  
124 commission shall have the power to abandon and close such grade  
125 crossing, and whenever an underpass or overhead bridge is  
126 substituted for a grade crossing, the commission shall have power  
127 to abandon such grade crossing and any other crossing adjacent  
128 thereto. Included in the powers herein granted shall be the power  
129 to require the railroad at grade crossings, where any road of the  
130 state highway system crosses the same, to place signal posts with  
131 lights or other warning devices at such crossings at the expense  
132 of the railroad, and to regulate and abandon underpass or overhead  
133 bridges and, where abandoned because of the construction of a new  
134 underpass or overhead bridge, to close such old underpass or  
135 overhead bridge, or, in its discretion, to return the same to the  
136 jurisdiction of the county board of supervisors;

137 (g) To make proper and reasonable rules and regulations  
138 to control the cutting or opening of the road surfaces for  
139 subsurface installations;

140 (h) To make proper and reasonable rules and regulations  
141 for the removal from the public rights-of-way of any form of  
142 obstruction, to cooperate in improving their appearance, and to  
143 prescribe minimum clearance heights for seed conveyors, pipes,  
144 passageways or other structure of private or other ownership above  
145 the highways;

146 (i) To establish, and have the transportation  
147 department maintain and operate, and to cooperate with the state  
148 educational institutions in establishing, enlarging, maintaining  
149 and operating a laboratory or laboratories for testing materials  
150 and for other proper highway purposes;

151 (j) To provide, under the direction and with the  
152 approval of the Department of Finance and Administration, suitable  
153 offices, shops and barns in the City of Jackson;

154 (k) To establish and have enforced set-back  
155 regulations;

156 (l) To cooperate with proper state authorities in  
157 producing limerock for highway purposes and to purchase same at  
158 cost;

159 (m) To provide for the purchase of necessary equipment  
160 and vehicles and to provide for the repair and housing of same, to  
161 acquire by gift, purchase, condemnation or otherwise, land or  
162 lands and buildings in fee simple, and to authorize the  
163 Transportation Department to construct, lease or otherwise provide  
164 necessary and proper permanent district offices for the  
165 construction and maintenance divisions of the department, and for  
166 the repair and housing of the equipment and vehicles of the  
167 department; however, in each Supreme Court district only two (2)  
168 permanent district offices shall be set up, but a permanent status  
169 shall not be given to any such offices until so provided by act of  
170 the Legislature and in the meantime, all shops of the department  
171 shall be retained at their present location. As many local or  
172 subdistrict offices, shops or barns may be provided as is

173 essential and proper to economical maintenance of the state  
174 highway system;

175 (n) To cooperate with the Department of Archives and  
176 History in having placed and maintained suitable historical  
177 markers, including those which have been approved and purchased by  
178 the State Historical Commission, along state highways, and to have  
179 constructed and maintained roadside driveways for convenience and  
180 safety in viewing them when necessary; however, no highway or  
181 bridge shall ever be memorialized to a man while living;

182 (o) To cooperate, in its discretion, with the  
183 Mississippi Department of Wildlife, Fisheries and Parks in  
184 planning and constructing roadside parks upon the right-of-way of  
185 state highways, whether constructed, under construction, or  
186 planned; said parks to utilize where practical barrow pits used in  
187 construction of state highways for use as fishing ponds. Said  
188 parks shall be named for abundant flora and fauna existing in the  
189 area or for the first flora or fauna found on the site;

190 (p) Unless otherwise prohibited by law, to make such  
191 contracts and execute such instruments containing such reasonable  
192 and necessary appropriate terms, provisions and conditions as in  
193 its absolute discretion it may deem necessary, proper or  
194 advisable, for the purpose of obtaining or securing financial  
195 assistance, grants or loans from the United States of America or  
196 any department or agency thereof, including contracts with several  
197 counties of the state pertaining to the expenditure of such funds;

198 (q) To cooperate with the Federal Highway  
199 Administration in the matter of location, construction and  
200 maintenance of the Great River Road, to expend such funds paid to  
201 the commission by the Federal Highway Administration or other  
202 federal agency, and to authorize the Transportation Department to  
203 erect suitable signs marking this highway, the cost of such signs  
204 to be paid from state highway funds other than earmarked  
205 construction funds;

206           (r) To cooperate, in its discretion, with the  
207 Mississippi Forestry Commission and the School of Forestry,  
208 Mississippi State University, in a forestry management program,  
209 including planting, thinning, cutting and selling, upon the  
210 right-of-way of any highway, constructed, acquired or maintained  
211 by the Transportation Department, and to sell and dispose of any  
212 and all growing timber standing, lying or being on any  
213 right-of-way acquired by the commission for highway purposes in  
214 the future; such sale or sales to be made in accordance with the  
215 sale of personal property which has become unnecessary for public  
216 use as provided for in Section 65-1-123, Mississippi Code of 1972;

217           (s) To expend funds in cooperation with the Division of  
218 Plant Industry, Mississippi Department of Agriculture and  
219 Commerce, the United States government or any department or agency  
220 thereof, or with any department or agency of this state, to  
221 control, suppress or eradicate serious insect pests, rodents,  
222 plant parasites and plant diseases on the state highway  
223 rights-of-way;

224           (t) To provide for the placement, erection and  
225 maintenance of motorist services business signs and supports  
226 within state highway rights-of-way in accordance with current  
227 state and federal laws and regulations governing the placement of  
228 traffic control devices on state highways, and to establish and  
229 collect reasonable fees from the businesses having information on  
230 such signs;

231           (u) To request and to accept the use of persons  
232 convicted of an offense, whether a felony or a misdemeanor, for  
233 work on any road construction, repair or other project of the  
234 Transportation Department. The commission is also authorized to  
235 request and to accept the use of persons who have not been  
236 convicted of an offense but who are required to fulfill certain  
237 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
238 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention

239 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
240 of 1972. The commission is authorized to enter into any  
241 agreements with the Department of Corrections, the State Parole  
242 Board, any criminal court of this state, and any other proper  
243 official regarding the working, guarding, safekeeping, clothing  
244 and subsistence of such persons performing work for the  
245 Transportation Department. Such persons shall not be deemed  
246 agents, employees or involuntary servants of the Transportation  
247 Department while performing such work or while going to and from  
248 work or other specified areas;

249 (v) To provide for the administration of the railroad  
250 revitalization program pursuant to Section 57-43-1 et seq.;

251 (w) The Mississippi Transportation Commission is  
252 further authorized, in its discretion, to expend funds for the  
253 purchase of service pins for employees of the Mississippi  
254 Transportation Department;

255 (x) To cooperate with the State Tax Commission by  
256 providing for weight enforcement field personnel to collect and  
257 assess taxes, fees and penalties and to perform all duties as  
258 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
259 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
260 Mississippi Code of 1972, with regard to vehicles subject to the  
261 jurisdiction of the Office of Weight Enforcement. All collections  
262 and assessments shall be transferred daily to the State Tax  
263 Commission;

264 (y) The Mississippi Transportation Commission may  
265 delegate the authority to enter into a supplemental agreement to a  
266 contract previously approved by the commission if the supplemental  
267 agreement involves an additional expenditure not to exceed One  
268 Hundred Thousand Dollars (\$100,000.00);

269 (z) (i) The Mississippi Transportation Commission, in  
270 its discretion, may enter into agreements with any county,  
271 municipality, county transportation commission, business,



272 corporation, partnership, association, individual or other legal  
273 entity, for the purpose of accelerating the completion date of  
274 scheduled highway construction projects.

275           (ii) Such an agreement may permit the cost of a  
276 highway construction project to be advanced to the commission by a  
277 county, municipality, county transportation commission, business,  
278 corporation, partnership, association, individual or other legal  
279 entity, and repaid to such entity by the commission when highway  
280 construction funds become available; provided, however, that  
281 repayment of funds advanced to the Mississippi Transportation  
282 Commission shall be made no sooner than the commission's  
283 identified projected revenue schedule for funding of that  
284 particular construction project, and no other scheduled highway  
285 construction project established by statute or by the commission  
286 may be delayed by an advanced funding project authorized under  
287 this paragraph (z). Repayments to an entity that advances funds  
288 to the Mississippi Transportation Commission under this paragraph  
289 (z) may not include interest or other fees or charges, and the  
290 total amount repaid shall not exceed the total amount of funds  
291 advanced to the commission by the entity.

292           (iii) In considering whether to enter into such an  
293 agreement, the commission shall consider the availability of  
294 financial resources, the effect of such agreement on other ongoing  
295 highway construction, the urgency of the public's need for swift  
296 completion of the project and any other relevant factors.

297           (iv) Such an agreement shall be executed only upon  
298 a finding by the commission, spread upon its minutes, that the  
299 acceleration of the scheduled project is both feasible and  
300 beneficial. The commission shall also spread upon its minutes its  
301 findings with regard to the factors required to be considered  
302 pursuant to item (iii) of this paragraph (z).

303           (3) The Mississippi Transportation Commission shall require  
304 the executive director to carry out project planning as required

305 under Section 65-1-10 for any preliminary engineering,  
306 right-of-way acquisition or construction project activities of the  
307 department.

308 (4) The Mississippi Transportation Commission shall  
309 establish, as provided for in Section 3 of this act, an Office of  
310 Value Engineering whose director shall report and be subordinate  
311 to the commission. The commission shall not delegate to the  
312 executive director the authority to hire, direct, manage,  
313 discipline, or terminate the director of this office or any  
314 personnel assigned to the office.

315 (5) The Mississippi Transportation Commission shall report  
316 to the Legislature no later than June 30, 2002, on causes of  
317 roadbed deterioration for all highways in the state highway system  
318 and include proposed remedies for these problems.

319 (6) In addition to its other powers and duties, the  
320 Mississippi Transportation Commission shall institute a procedure  
321 for the post-acceptance inspection and investigation of new  
322 segments built in the state highway system, including, but not  
323 limited to, segments authorized in Sections 65-3-97 and 65-39-1.  
324 If the commission finds that a segment was accepted by the  
325 department that did not conform to construction specifications,  
326 the commission may fine the contractor, after notice and hearing,  
327 an amount equal to ten percent (10%) of the contract amount paid  
328 to the contractor. Any administrative proceedings authorized  
329 under this subsection must be brought within three (3) years after  
330 acceptance by the Department of Transportation of the highway  
331 segment.

332 (7) The commission may not let paving contracts for a  
333 segment separately from grade, drain or bridge contracts.

334 SECTION 2. Section 65-1-10, Mississippi Code of 1972, is  
335 amended as follows:

336           65-1-10. Under the authority of the Mississippi  
337 Transportation Commission, and in conformity with its orders as  
338 spread on its minutes, the executive director shall:

339           (a) Unless otherwise provided by law, appoint a  
340 director in charge of each operating office of the department who  
341 shall be responsible to the executive director for the operation  
342 of such office. Each such director shall be qualified and  
343 experienced in the functions performed by the office under his  
344 charge;

345           (b) Administer the policies promulgated by the  
346 commission;

347           (c) Supervise and direct all administrative and  
348 technical activities of the department;

349           (d) Organize the offices and bureaus of the department;

350           (e) Coordinate the activities of the various offices of  
351 the department;

352           (f) Fix the compensation of employees of the department  
353 and require any employee to give bond to the State of Mississippi  
354 for the faithful performance of his duties in an amount the  
355 executive director deems appropriate. Premiums on all bonds so  
356 required shall be paid out of any funds available to the  
357 department;

358           (g) Recommend such studies and investigations as he may  
359 deem appropriate and carry out the approved recommendations in  
360 conjunction with the various offices;

361           (h) Prepare and deliver to the Legislature and the  
362 Governor on or before January 1 of each year, and at such other  
363 times as may be required by the Legislature or Governor, a full  
364 report of the work of the department and the offices thereof,  
365 including a detailed statement of expenditures of the department  
366 and any recommendations the department may have;

367           (i) Have full and general supervision over all matters  
368 relating to the construction or maintenance of the state highways,

369 letting of contracts therefor, and the selection of materials to  
370 be used in the construction of state highways under the authority  
371 conferred by this chapter as herein set forth and the employment,  
372 promotion, demotion, reprimand, suspension, termination,  
373 reassignment, transfer, moving or relocation of all personnel not  
374 specifically authorized by statute to be employed by the  
375 commission. The executive director may authorize the payment of  
376 expenses of any personnel reassigned, transferred, moved or  
377 relocated in accordance with such rules and regulations as are  
378 promulgated by the commission;

379 (j) Approve all bids, sign all vouchers and  
380 requisitions, issue all orders for supplies and materials, sign  
381 all contracts and agreements in the name of the State of  
382 Mississippi, and subscribe to all other matters which may arise in  
383 the carrying out of the intent and purpose of this chapter;

384 (k) Receive and assume control, for the benefit of the  
385 state, of any and all highways herein or hereafter fixed as roads  
386 constituting a part of the state highway system;

387 (l) Provide for boulevard stops, restricted entrances  
388 to main highways and access driveways, neutral grounds, and  
389 roadside parks, erect all suitable direction and warning signs,  
390 and provide access roads in or to municipalities where necessary;  
391 provide limited access facilities when and where deemed necessary,  
392 such a facility being defined as a highway or street especially  
393 designed or designated for through traffic and over, from or to  
394 which owners or occupants of abutting land or other persons have  
395 only such limited right or easement of access as may be prescribed  
396 by the commission, and provide that certain highways or streets  
397 may be parkways from which trucks, buses and other commercial  
398 vehicles shall be excluded or may be freeways open to customary  
399 forms of highway and street traffic and use, and such limited  
400 access facilities or parkways may be planned, designated,  
401 established, regulated, vacated, altered, improved, constructed

402 and maintained and rights-of-way therefor specifically obtained,  
403 either by purchase, gift, condemnation or other form of  
404 acquisition;

405 (m) Construct bridges with or without footways, and  
406 sidewalks where deemed essential to decrease hazards;

407 (n) Perform services for the Department of Finance and  
408 Administration on state property, including, but not limited to,  
409 engineering services, and to advance such funds to defray the cost  
410 of the expenses incurred in performing such services from out of  
411 transportation department funds until such department is  
412 reimbursed by the Department of Finance and Administration;

413 (o) Perform all duties authorized by Section 27-19-136,  
414 Mississippi Code of 1972, concerning the assessment and collection  
415 of permit fees, fines and penalties;

416 (p) Conduct project planning as provided for in this  
417 paragraph (p). Such project planning shall apply to all  
418 preliminary engineering, right-of-way acquisition and construction  
419 projects of the department and, at a minimum, shall consist of:

420 (i) Establishment of a master budget for each  
421 segment of highway to be constructed, reconstructed or repaired.  
422 For purposes of this requirement, no segment shall be less than  
423 ten (10) miles in length unless a shorter segment is specifically  
424 authorized or required by law; and

425 (ii) Policies for the oversight and management of  
426 the master budget for segments which:

427 1. Establish a reasonable cost estimate to  
428 serve as a budget for each project within a segment. For purposes  
429 of this provision, projects include preliminary engineering,  
430 right-of-way acquisition and construction;

431 2. Capture and retain the initial project  
432 budgets for comparison with final actual expenditures;

433 3. Capture and retain the initial segment  
434 budget for comparison with final segment actual expenditures;

435 4. Require that any changes to a budget for a  
436 project will be reviewed and approved by district or central  
437 office personnel. Such personnel shall be responsible for signing  
438 any revision, and providing a narrative description of the reasons  
439 for approving a revision and the reasons for rejecting other  
440 alternatives;

441 5. With existing resources, develop an  
442 information system to provide the Legislature, managers and the  
443 public with up-to-date segment cost information;

444 6. Capture the cost of consultants,  
445 engineers, attorneys, contract appraisers and other technical and  
446 professional contractors used in preliminary engineering,  
447 right-of-way acquisition and construction projects; and

448 7. Ensure that projects for preliminary  
449 engineering, right-of-way acquisition and construction do not  
450 overlap segments;

451 (q) Annually report to the Legislature, on or before  
452 December 15 of each year, all preapproved contractors who  
453 subsequently receive contracts from the department. The reports  
454 must include the name of the contractor, the amount paid and the  
455 project on which the contractor worked.

456 SECTION 3. (1) There is created within the Mississippi  
457 Department of Transportation an office to be known as the Office  
458 of Value Engineering. This office shall be directed by a person  
459 who is a professional engineer registered in the State of  
460 Mississippi and who has ten (10) years of experience in civil  
461 engineering. The director of the office shall be selected by the  
462 Mississippi Transportation Commission and shall not be supervised  
463 by the executive director of the department. The director of the  
464 office shall have the authority to hire staff who shall be subject  
465 to the director's management and control. The Transportation  
466 Department shall be responsible for providing equipment, supplies  
467 and office space as required by the office.

468 (2) The Office of Value Engineering shall:

469 (a) Review all plans and specifications for preliminary  
470 engineering, right-of-way acquisition and construction projects of  
471 the department and make reports on such plans to the Mississippi  
472 Transportation Commission;

473 (b) Audit and evaluate the construction processes of  
474 the Mississippi Department of Transportation and report on these  
475 activities to the Mississippi Transportation Commission; and

476 (c) Conduct any inspection or investigation necessary  
477 to assist the commission in carrying out its duties under law.

478 SECTION 4. Section 65-3-97, Mississippi Code of 1972, is  
479 amended as follows:

480 65-3-97. (1) In addition to and including all other  
481 highways designated as a part of the state highway system, there  
482 is hereby designated as a part thereof a four-lane highway system  
483 to connect various areas of the state with interstate and primary  
484 highways. The Mississippi Department of Transportation shall  
485 construct and reconstruct four-lane highways, that is, not less  
486 than two (2) lanes for traffic flowing in each direction, along  
487 the routes designated in this section.

488 (2) In the construction and reconstruction of the four-lane  
489 highway system designated in this section, the Mississippi  
490 Department of Transportation may utilize the roadway of any  
491 existing highway under its jurisdiction and control and shall do  
492 so when such utilization is feasible, provided that such highways  
493 which are utilized shall be constructed to current standards for  
494 such roadways. When it is not feasible to utilize existing  
495 designated highways, the Transportation Department shall relocate  
496 such highways and construct entirely new facilities whether in  
497 urban or rural areas.

498 (3) Construction of the four-lane highway system designated  
499 in this subsection shall commence, proceed and be performed by the  
500 Mississippi Department of Transportation strictly in accordance

501 with the following set of priorities established for the letting  
502 of contracts on and along various segments thereof:

503 (a) Of the following group of highway segments not less  
504 than fifteen percent (15%) of all contracts necessary to be let  
505 for completion of all segments within the group shall be let by  
506 June 30, 1988, not less than thirty percent (30%) of such  
507 contracts shall be let by June 30, 1989, not less than fifty  
508 percent (50%) of such contracts shall be let by June 30, 1990, not  
509 less than seventy percent (70%) of such contracts shall be let by  
510 June 30, 1991, not less than ninety percent (90%) of such  
511 contracts shall be let by June 30, 1992, and one hundred percent  
512 (100%) of such contracts shall be let by June 30, 1993:

513 (i) Highway segments along or near U.S. 45  
514 beginning at the Clarke/Lauderdale county line and extending  
515 northerly to I-59; then beginning at Macon and extending northerly  
516 to Brooksville; then beginning at Columbus Air Force Base and  
517 extending northerly to Aberdeen; then beginning at U.S. 278 and  
518 extending northerly to Shannon; then beginning at Saltillo and  
519 extending northerly to Corinth.

520 (ii) Highway segments along or near U.S. 45A  
521 beginning at U.S. 82 and extending northerly to West Point; then  
522 beginning four (4) miles south of Okolona and extending northerly  
523 to Shannon.

524 (iii) A highway segment along or near U.S. 49W  
525 beginning at U.S. 49 and extending westerly through Yazoo City to  
526 the Yazoo River.

527 (iv) A highway segment along or near U.S. 49W  
528 beginning at Inverness and extending northerly to Indianola.

529 (v) A highway segment along or near U.S. 61  
530 beginning at Port Gibson and extending northerly to the four-lane  
531 south of Vicksburg.

532 (vi) Highway segments along or near U.S. 72  
533 beginning at or near Mt. Pleasant and extending southeasterly to



534 Mississippi 5; then beginning at Walnut and extending  
535 southeasterly to Corinth; then beginning at Strickland and  
536 extending southeasterly to Burnsville.

537 (vii) Highway segments along or near U.S. 78  
538 beginning at Holly Springs and extending southeasterly to the New  
539 Albany bypass; then beginning at Mississippi 25 and extending  
540 southeasterly to Tremont.

541 (viii) Highway segments along or near U.S. 82  
542 beginning at I-55 and extending easterly to Kilmichael; then  
543 beginning at Eupora and extending easterly to Mathiston; then  
544 beginning at Mississippi 12 and extending easterly to the Alabama  
545 state line.

546 (ix) A highway segment along or near U.S. 84  
547 beginning at I-59 and extending easterly to the Jones/Wayne county  
548 line.

549 (x) Highway segments along or near U.S. 98  
550 beginning at Columbia and extending easterly to the Marion/Lamar  
551 county line; then beginning at U.S. 49 and extending southeasterly  
552 to the Alabama state line.

553 (b) Of the following group of highway segments not less  
554 than five percent (5%) of all contracts necessary to be let for  
555 completion of all segments within the group shall be let by June  
556 30, 1991, not less than ten percent (10%) of such contracts shall  
557 be let by June 30, 1992, not less than twenty-five percent (25%)  
558 of such contracts shall be let by June 30, 1993, not less than  
559 forty percent (40%) of such contracts shall be let by June 30,  
560 1994, not less than fifty-five percent (55%) of such contracts  
561 shall be let by June 30, 1995, not less than seventy percent (70%)  
562 of such contracts shall be let by June 30, 1996, not less than  
563 eighty-five percent (85%) of such contracts shall be let by June  
564 30, 1997, and one hundred percent (100%) of such contracts shall  
565 be let by June 30, 1998:

566 (i) Highway segments along or near Mississippi 25  
567 beginning at Mississippi 471 and extending northeasterly to  
568 Mississippi 43; then beginning at the Winston/Oktibbeha county  
569 line and extending northeasterly to Starkville.

570 (ii) A highway segment along or near Mississippi  
571 63 beginning at the Jackson/George county line and extending  
572 northerly to Lucedale.

573 (iii) A highway segment along or near Mississippi  
574 302 beginning at I-55 in Southaven and extending easterly to U.S.  
575 72 at or near Mt. Pleasant.

576 (iv) Highway segments along or near U.S. 45  
577 beginning at the Alabama state line and extending northerly to the  
578 Clarke/Lauderdale county line; then beginning at Lauderdale and  
579 extending northerly to Macon; then beginning at Aberdeen and  
580 extending northerly to U.S. 278.

581 (v) A highway segment along or near U.S. 45A  
582 beginning at West Point and extending northerly to four (4) miles  
583 south of Okolona.

584 (vi) A highway segment beginning at Brooksville  
585 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.  
586 82, such segment having been designated by the Transportation  
587 Commission pursuant to the provisions of paragraph (1)(c) of this  
588 section.

589 (vii) A highway segment along or near U.S. 49W  
590 beginning at the Yazoo River and extending northerly to Inverness.

591 (viii) Highway segments along or near U.S. 61  
592 beginning at the Louisiana state line and extending northerly to  
593 the Wilkinson/Adams county line; then beginning at Washington and  
594 extending northerly to Port Gibson; then beginning at Merigold and  
595 extending northerly to Shelby; then beginning at the north end of  
596 the Clarksdale bypass and extending northerly to the Tennessee  
597 state line.

598 (ix) A highway segment along or near U.S. 72  
599 beginning at Mississippi 5 and extending southeasterly to Walnut.

600 (x) A highway segment along or near U.S. 78  
601 beginning at Tremont and extending southeasterly to the Alabama  
602 state line.

603 (xi) Highway segments along or near U.S. 82  
604 beginning at the Montgomery/Webster county line and extending  
605 easterly to Eupora; then beginning at Mathiston and extending  
606 easterly to Starkville.

607 (xii) Highway segments along or near U.S. 84  
608 beginning at Leesdale and extending easterly to Roxie; then  
609 beginning at Auburn Road and extending easterly to I-55; then  
610 beginning at the east end of the Brookhaven bypass and extending  
611 easterly to Prentiss; then beginning at the Jones/Covington county  
612 line and extending easterly to Horse Creek; then beginning at the  
613 Jones/Wayne county line and extending easterly to Waynesboro.

614 (xiii) Highway segments along or near U.S. 98  
615 beginning at the Pike/Walthall county line and extending easterly  
616 to Columbia; then beginning at the Marion/Lamar county line and  
617 extending easterly to the four-lane west of Hattiesburg.

618 (c) Of the following group of highway segments not less  
619 than ten percent (10%) of all contracts necessary to be let for  
620 completion of all segments within the group shall be let by June  
621 30, 1996, not less than twenty percent (20%) of such contracts  
622 shall be let by June 30, 1997, not less than forty percent (40%)  
623 of such contracts shall be let by June 30, 1998, and one hundred  
624 percent (100%) of such contracts shall be let by June 30, 1999:

625 (i) A highway segment along or near Mississippi 25  
626 beginning at Mississippi 43 and extending northeasterly to the  
627 Winston/Oktibbeha county line.

628 (ii) A highway segment along or near Mississippi  
629 63 beginning at Lucedale and extending northerly to U.S. 45 at  
630 State Line.

631 (iii) A highway segment along or near U.S. 61  
632 beginning at Shelby and extending northerly to U.S. 49.

633 (iv) A highway segment along or near U.S. 82  
634 beginning at Kilmichael and extending easterly to the  
635 Montgomery/Webster county line.

636 (v) Highway segments along or near U.S. 84  
637 beginning at Eddiceton and extending easterly to Auburn Road; then  
638 beginning at Prentiss and extending easterly to Collins; then  
639 beginning at Waynesboro and extending easterly to the Alabama  
640 state line.

641 (d) (i) Of the following group of highway segments not  
642 less than five percent (5%) of all contracts necessary to be let  
643 for completion of all segments within the group shall be let by  
644 June 30, 2002, not less than fifteen percent (15%) of such  
645 contracts shall be let by June 30, 2003, not less than twenty-five  
646 percent (25%) of such contracts shall be let by June 30, 2004, not  
647 less than thirty-five percent (35%) of such contracts shall be let  
648 by June 30, 2005, not less than forty-five percent (45%) of such  
649 contracts shall be let by June 30, 2006, not less than sixty  
650 percent (60%) of such contracts shall be let by June 30, 2007, not  
651 less than seventy percent (70%) of such contracts shall be let by  
652 June 30, 2008, not less than eighty percent (80%) of such  
653 contracts shall be let by June 30, 2009, not less than ninety  
654 percent (90%) of such contracts shall be let by June 30, 2010, and  
655 one hundred percent (100%) of such contracts shall be let by June  
656 30, 2011:

657 A. A highway segment along or near  
658 Mississippi 6 beginning at the Clarksdale bypass and extending  
659 easterly to Batesville.

660 B. A highway segment along or near  
661 Mississippi 12 beginning at I-55 and extending easterly to  
662 Kosciusko.

663 C. A highway segment along or near  
664 Mississippi 15 beginning at I-10 and extending northerly to  
665 Mississippi 26; then beginning at U.S. Highway 98 and extending  
666 northerly to the Mississippi/Tennessee state line.

667 D. A highway segment consisting of two (2)  
668 lanes of construction and two (2) lanes of right-of-way  
669 acquisition along or near Mississippi 15 beginning at Mississippi  
670 26 and extending northerly to U.S. Highway 98.

671 E. A highway segment along or near  
672 Mississippi 19 beginning at Collinsville and extending  
673 northwesterly to Kosciusko.

674 F. Highway segments along or near Mississippi  
675 25 beginning at Aberdeen and extending northerly to Fulton; then  
676 beginning at the Alabama state line and extending northerly to  
677 U.S. Highway 72.

678 G. A highway segment along or near U.S.  
679 Highway 61 beginning at Redwood and extending northerly to Leland.

680 H. A highway segment along or near U.S.  
681 Highway 98 beginning at Meadville and extending southeasterly to  
682 Summit.

683 I. A highway segment along or near  
684 Mississippi Highway 24/48 beginning at Woodville and extending  
685 easterly to McComb.

686 J. A highway segment along or near  
687 Mississippi 35 beginning at the Mississippi/Louisiana state line  
688 and extending northerly to or near Foxworth.

689 K. A highway segment along or near  
690 Mississippi 27 beginning at I-20 and extending southeasterly to  
691 I-55.

692 L. A highway segment along or near  
693 Mississippi 57 beginning at I-10 and extending northerly ten (10)  
694 miles to just north of the community of Van Cleave.

695 (ii) Contracts for the construction and/or  
696 reconstruction of highway segments designated within this group  
697 shall be let by the Transportation Commission strictly in  
698 accordance with the level of service of the highway segment as  
699 defined by the Transportation Research Board, or any successor  
700 board or agency. If the level of service of a highway segment is  
701 less than the level of service threshold at which the  
702 Transportation Department recommends the construction of a  
703 four-lane highway, then the Transportation Department shall make  
704 other improvements and highway modifications to such highway  
705 segment as needed, such as straightening and realignment of the  
706 existing roadway, the addition of passing lanes and the widening  
707 of existing lanes, and may acquire any necessary right-of-way for  
708 such purposes and for the purpose of future construction of  
709 four-lane highways along such segments.

710 (iii) With respect to the segments authorized in  
711 this paragraph (d), the Transportation Department shall consider  
712 the level of service of the projects together with all projects  
713 authorized in Section 65-39-1 and nonprogram highway construction  
714 and shall devise a priority schedule for preliminary engineering,  
715 right-of-way acquisition and construction which establishes a  
716 schedule for completion of these projects and reflects the  
717 relative need for the projects authorized in this paragraph (d)  
718 and in Section 65-39-1 and nonprogram highways. The department  
719 shall accord great weight to Federal Highway Administration  
720 standards in setting priorities and also may consider other  
721 factors, not in violation of federal law, as the Department  
722 considers relevant. No funds deposited into the special funds  
723 created in Sections 65-39-3 of 65-39-17 may be expended on any  
724 project authorized in this paragraph (d).

725 (4) The construction priorities established in this section  
726 shall not be construed as prohibiting the completion of highway  
727 segments which, on July 1, 1987, are included in the current

728 three-year plan under Section 65-1-141, and for which, on July 1,  
729 1987, grade and drainage has been completed or contracts for grade  
730 and drainage have been let.

731 (5) Contracts may be let and construction may commence and  
732 be performed concurrently on any of the highway segments  
733 designated in subsection (3) of this section, notwithstanding the  
734 priorities established for the letting of contracts on the various  
735 segments designated therein, provided that funds are available  
736 and, provided that, at all times, the percentages of all contracts  
737 required to be let on the segments designated in paragraphs  
738 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let  
739 no later than the dates established therein.

740 (6) (a) All highway construction and reconstruction  
741 authorized under this section shall be performed by contract let  
742 on competitive bid in the manner provided by statute; however,  
743 highway segments shall be constructed in lengths of not less than  
744 ten (10) miles.

745 (b) It is the intent of the Legislature that not less  
746 than ten percent (10%) of the amounts authorized to be expended  
747 for construction and reconstruction of the four-lane highway  
748 segments designated in this section shall be expended with small  
749 business concerns owned and controlled by socially and  
750 economically disadvantaged individuals. The term "socially and  
751 economically disadvantaged individuals" shall have the meaning  
752 ascribed to such term under Section 8(d) of the Small Business Act  
753 (15 USCS, Section 637(d)) and relevant subcontracting regulations  
754 promulgated pursuant thereto; except that women shall be presumed  
755 to be socially and economically disadvantaged individuals for the  
756 purposes of this paragraph (b).

757 (7) (a) Notwithstanding the provisions of subsection (6)(a)  
758 of this section, the Mississippi Transportation Commission may  
759 construct highway segments of less than ten (10) miles in length  
760 if:

761 (i) The segment as described in subsection (3) of  
762 this section is less than ten (10) miles in length;

763 (ii) The segment will connect two (2) \* \* \*  
764 highways which were existing four-lane highways on July 1, 2001;  
765 \* \* \*

766 (iii) For a particular project, the costs of  
767 constructing a single segment of at least ten (10) miles in length  
768 would \* \* \* exceed the aggregate costs of constructing two (2) or  
769 more segments by more than ten percent (10%).

770 \* \* \*

771 (b) In any case in which the Transportation Commission  
772 authorizes the construction of a highway segment of less than ten  
773 (10) miles in length, the commission shall set forth and record in  
774 its official minutes, on at least a quarterly basis, a prospective  
775 explanation and justification therefor based upon one or more of  
776 the conditions prescribed in paragraph (7)(a) of this section.  
777 Nothing in this paragraph (b) shall be construed as authorizing  
778 the commission to approve a segment of less than ten (10) miles in  
779 length after a contract for the segment has been let.

780 (8) To assist in defraying the costs and expenses for  
781 construction, reconstruction and relocation of the four-lane  
782 highway system described in this section, the following revenues  
783 shall be paid out of such funds made available to the  
784 Transportation Commission and the Transportation Department:

785 (a) From matched federal funds or other federal funds,  
786 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,  
787 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,  
788 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and  
789 fifty percent (50%) of such federal funds for fiscal year 1991 and  
790 each fiscal year thereafter; and

791 (b) Five Million Dollars (\$5,000,000.00) from matched  
792 federal bridge replacement funds for fiscal year 1988 and each  
793 fiscal year thereafter when the segments proposed for construction



794 contain bridges that are eligible for replacement under the  
795 Federal Aid Bridge Replacement Program.

796 (9) The Transportation Department shall submit a report to  
797 the Legislature by January 10 of each calendar year setting forth  
798 the current status of the construction program set forth in this  
799 section to include, but not be limited to, the following  
800 information:

801 (a) Specific segments on which engineering is being  
802 performed or has been completed;

803 (b) Specific segments for which right-of-way has been  
804 acquired or is being acquired;

805 (c) Specific segments for which construction contracts  
806 have been let;

807 (d) Specific segments on which construction is in  
808 progress;

809 (e) Specific segments on which construction has been  
810 completed;

811 (f) Projections for completion of the next step on each  
812 segment;

813 (g) Revenue derived for such construction program from  
814 each revenue source contained in Chapter 322, Laws, 1987, and in  
815 Chapter 557, Laws, 1994;

816 (h) For each fiscal year beginning in 1994, a detailed  
817 cash flow projection by source of program activities and an  
818 estimate of when the program will encounter a funding shortage due  
819 to costs exceeding original projections;

820 (i) A schedule of all complete and open-to-traffic  
821 highway segments and the related total cost of each segment;

822 (j) A schedule of all highway segments on which all  
823 contracts necessary for completion of the segments were not let as  
824 of the date required by law;

825 (k) A complete recap of all program receipts by source,  
826 and of all disbursements for the prior fiscal year and cumulative

827 totals since the inception of the program as compared to  
828 projections; \* \* \*

829 (l) A statement from the Department of Transportation  
830 regarding the status of the funding of the program based on agency  
831 cost experience and projections for the future;

832 (m) A list of all segments of less than ten (10) miles  
833 in length which were authorized by the commission during the  
834 preceding year. The list must include:

835 (i) Contract let by date;

836 (ii) The highway on which the contract was let;

837 (iii) A description of the project, including the  
838 beginning and end point of the contract;

839 (iv) The length of the contract in miles; and

840 (v) The name of the contractor selected to perform  
841 the contract work;

842 (n) A compilation of costs for all preliminary  
843 engineering, right-of-way and construction contracts entered  
844 during the reporting period;

845 (o) A listing of all segments completed or in progress  
846 by topographical area of the state for the reporting period; and

847 (p) A status report of road segments to include road  
848 segment description, the date of construction of the road and the  
849 pavement condition rating, which includes roadbed rutting and  
850 condition factors.

851 The report shall be deemed submitted when ten (10) copies are  
852 submitted to the Clerk of the House of Representatives and ten  
853 (10) copies are submitted to the Secretary of the Senate.

854 SECTION 5. Section 65-39-1, Mississippi Code of 1972, is  
855 amended as follows:

856 65-39-1. (1) The Mississippi Transportation Commission is  
857 authorized, subject to the availability of funds in the Gaming  
858 Counties State-Assisted Infrastructure Fund created in Section  
859 65-39-17, to conduct feasibility studies and, pursuant to

860 information gathered in such studies, select routes and locations,  
861 perform preliminary engineering, acquire necessary right-of-way  
862 and property, construct and/or reconstruct and improve existing or  
863 new highways, roads, streets and bridges, including two-lane,  
864 four-lane and multi-lane roads (or segments thereof), perform  
865 intersection improvements, provide signal retiring, turnbay  
866 extensions, additional interchanges and other traffic  
867 modifications, within and approaching those counties in this state  
868 where legal gaming is being conducted or is authorized. Any  
869 highway, road, street or bridge that is authorized to be  
870 constructed, reconstructed or improved shall meet design standards  
871 established by the Mississippi Department of Transportation, shall  
872 be constructed to bear a load limit of at least eighty thousand  
873 (80,000) pounds and, upon completion, shall become a part of the  
874 state highway system, and thereafter shall be under the  
875 jurisdiction of the Mississippi Transportation Commission and the  
876 Mississippi Department of Transportation for construction and  
877 maintenance.

878 (2) The projects authorized in subsection (1) of this  
879 section shall include, but shall not be limited to, highways,  
880 roads, streets and bridges on and along the following locations:

881 (a) U.S. Highway 90 from its intersection with  
882 Mississippi 607 in Hancock County to Ocean Springs, and including  
883 Lakeshore Road in Hancock County from its intersection with U.S.  
884 Highway 90 to Beach Boulevard;

885 (b) Mississippi 4 from U.S. Highway 61 to Mississippi  
886 3;

887 (c) Mississippi 4 from Mississippi 3 to Senatobia;

888 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;

889 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in  
890 Gulfport;

891 (f) Mississippi 304 beginning at the Tennessee state  
892 line at or near U.S. 72 and thence running in a southwesterly

893 direction to intersect with U.S. 78 at or near Byhalia and thence  
894 running in a westerly direction to intersect I-55 at or near  
895 Hernando and thence running in a westerly direction to intersect  
896 with U.S. 61 in DeSoto County, with a spur extending southwesterly  
897 to or near Robinsonville in Tunica County;

898 (g) I-10 from Exit 28 to Exit 57;

899 (h) A new location from the northernmost point on I-110  
900 to U.S. 49;

901 (i) U.S. Highway 61 from the Tunica County line to the  
902 Tennessee state line;

903 (j) (i) Four-lanes for traffic along Mississippi 16  
904 beginning at its intersection with Mississippi 25 and extending  
905 easterly to join the existing four-lane on the west side of  
906 Carthage within the corporate boundaries;

907 (ii) Passing lanes and turn lanes, as needed,  
908 along Mississippi 16 beginning at a point on the east side of  
909 Carthage within the corporate boundaries where the existing  
910 four-lane ends and extending easterly to the Leake/Neshoba county  
911 line; and

912 (iii) Four-lanes for traffic along Mississippi 16  
913 beginning at the Leake/Neshoba county line and extending easterly  
914 to not more than ten (10) miles east of Mississippi 15;

915 (k) Lorraine/Cowan Road Extension from I-10 North to  
916 relocated/reconstructed Mississippi 67;

917 (l) At various locations on and along U.S. Highway 82  
918 and Mississippi 1 in the City of Greenville;

919 (m) At various locations on and along I-20, U.S.  
920 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including  
921 a truck route from Harbor Industrial Park to U.S. Highway 61 north  
922 and an extension of South Frontage Road with railroad bridge to  
923 I-20;

924 (n) At various locations on and along U.S. Highway 61,  
925 U.S. Highway 65 and Washington Street in the City of Natchez;

926           (o) At various locations on and along U.S. Highway 90  
927 in the City of Pass Christian;

928           (p) Mississippi 43/603 beginning where the existing  
929 four-lane ends north of I-10 and extending northerly to a point  
930 approximately one (1) mile north of Kiln where Mississippi 43/603  
931 divides into Mississippi 43 and Mississippi 603;

932           (q) Mississippi 43 beginning where Mississippi 43 and  
933 Mississippi 603 divide and extending northwesterly to or near  
934 Picayune;

935           (r) U.S. 49 from U.S. 61 west to the Mississippi River  
936 bridge;

937           (s) Subject to the conditions prescribed in subsection  
938 (3) of this section, a central Harrison County connector from I-10  
939 to U.S. 90 in the vicinity of Canal Road to the Mississippi State  
940 Port at Gulfport; and

941           (t) An east Harrison County connector from U.S. 90 to  
942 I-10 to be located between the Cowan-Lorraine Road interchange and  
943 the I-110 interchange.

944           (3) Authorization for the project described in paragraph  
945 (2)(s) of this section is conditioned upon receipt by the  
946 Mississippi Transportation Commission of a written commitment by  
947 the Department of Economic and Community Development to make  
948 available for such project not less than Six Million Dollars  
949 (\$6,000,000.00).

950           (4) All planning, construction, reconstruction and  
951 performance of the projects authorized under this section,  
952 including the letting of contracts, shall commence, proceed and be  
953 performed by the Mississippi Transportation Commission and the  
954 Mississippi Department of Transportation according to priorities  
955 based on volume capacity and traffic congestion in comparative  
956 project areas; however, if a project authorized in this section is  
957 also included in the four-lane highway program under Section  
958 65-3-97, then all contracts necessary to be let for the completion

959 of the project under this section shall be let not later than the  
960 priorities established for the letting of contracts for the  
961 project under Section 65-3-97. Prioritization of construction for  
962 the projects authorized in this section shall be conducted as  
963 provided for in Section 65-3-97(3)(d)(iii).

964 (5) (a) Funds for the projects authorized under this  
965 section may be provided through the issuance of bonds under  
966 Sections 65-39-5 through 65-39-33, through the issuance of notes  
967 for such purposes under Section 31-17-127 or from such monies as  
968 may be available in the Gaming Counties State-Assisted  
969 Infrastructure Fund created under Section 65-39-17.

970 (b) In addition to the funds provided for under  
971 paragraph (a) of this subsection, funds for the project described  
972 in subsection (2)(s) of this section also may be provided from any  
973 available federal, state, county or municipal funds authorized for  
974 such project, including the Economic Development Highway Act.

975 (6) (a) For all highway segments authorized in this  
976 section, the Mississippi Department of Transportation shall  
977 construct highway segments of at least ten (10) miles in length  
978 unless one or more of the following conditions exist:

979 (i) The segment as described in this section is  
980 less than ten (10) miles in length;

981 (ii) The segment will connect two (2) highways  
982 which were existing four-lane highways on July 1, 2001; or

983 (iii) For a particular project, the costs of  
984 constructing a single segment of at least ten (10) miles in length  
985 would exceed the aggregate costs of constructing two (2) or more  
986 segments by more than ten percent (10%).

987 (b) If the Transportation Commission authorizes the  
988 construction of a highway segment of less than ten (10) miles in  
989 length, the commission shall set forth and record in its official  
990 minutes, on at least a quarterly basis, a prospective explanation  
991 and justification based on one or more of the condition prescribed

992 in paragraph (a) of this subsection (6). This subsection does not  
993 authorize the commission to approve a segment of less than ten  
994 (10) miles in length after a contract for the segment has been  
995 let.

996 (7) The Transportation Department shall submit a report to  
997 the Legislature by January 10 of each calendar year setting forth  
998 the current status of the construction program set forth in this  
999 section to include, but not be limited to, the following  
1000 information:

1001 (a) Specific segments on which engineering is being  
1002 performed or has been completed;

1003 (b) Specific segments for which right-of-way has been  
1004 acquired or is being acquired;

1005 (c) Specific segments for which construction contracts  
1006 have been let;

1007 (d) Specific segments on which construction is in  
1008 progress;

1009 (e) Specific segments on which construction has been  
1010 completed;

1011 (f) Projections for completion of the next step on each  
1012 segment;

1013 (g) Revenue derived for such construction program from  
1014 each revenue source contained in Chapter 557, Laws, 1994;

1015 (h) For each fiscal year beginning in 1994, a detailed  
1016 cash flow projection by source of program activities and an  
1017 estimate of when the program will encounter a funding shortage due  
1018 to costs exceeding original projections;

1019 (i) A schedule of all complete and open-to-traffic  
1020 highway segments and the related total cost of each segment;

1021 (j) A complete recap of all program receipts by source,  
1022 and of all disbursements for the prior fiscal year and cumulative  
1023 totals since the inception of the program as compared to  
1024 projections;

1025           (k) A statement from the Department of Transportation  
1026 regarding the status of the funding of the program based on agency  
1027 cost experience and projections for the future;

1028           (l) A list of all segments of less than ten (10) miles  
1029 in length which were authorized by the commission during the  
1030 preceding year. The list must include:

1031                   (i) Contract let by date;

1032                   (ii) The highway on which the contract was let;

1033                   (iii) A description of the project, including the  
1034 beginning and end point of the contract;

1035                   (iv) The length of the contract in miles; and

1036                   (v) The name of the contractor selected to perform  
1037 the contract work;

1038           (m) A compilation of costs for all preliminary  
1039 engineering, right-of-way and construction contracts entered  
1040 during the reporting period;

1041           (n) A listing of all segments completed or in progress  
1042 by topographical area of the state for the reporting period; and

1043           (o) A status report of road segments to include road  
1044 segment description, the date of construction of the road and the  
1045 pavement condition rating, which includes roadbed rutting and  
1046 condition factors.

1047           SECTION 6. Section 65-39-35, Mississippi Code of 1972, is  
1048 amended as follows:

1049           65-39-35. The date upon which the taxes and fees levied and  
1050 charged under the provisions of Sections 27-55-11, 27-57-37,  
1051 27-59-11, 27-19-43, 27-19-309, 27-65-75 and Sections 27-55-519 and  
1052 27-55-521 are reduced under such sections shall be the first day  
1053 of the month immediately following the date upon which:

1054           (a) The Mississippi Transportation Commission certifies  
1055 to the State Tax Commission that:

1056                   (i) The Four-Lane Highway Program created under  
1057 Section 65-3-97 and the Gaming Counties Infrastructure Program



1058 created under Section 65-39-3, are completed and no funds are any  
1059 longer necessary to pay the costs of such programs or twenty-five  
1060 (25) years have elapsed since the completion of the last segment  
1061 of highway authorized in Section 65-3-97, whichever occurs first;  
1062 and

1063 (ii) The Mississippi Transportation Commission  
1064 will not declare the necessity for additional borrowings under  
1065 Section 65-9-27, or for additional bonds under Sections 65-39-5  
1066 through 65-39-33; and

1067 (b) The State Treasurer certifies:

1068 (i) That the amount on deposit in the Gaming  
1069 Counties Bond Sinking Fund, together with earnings on investments  
1070 to accrue to such fund, is equal to or greater than the aggregate  
1071 of the entire principal, redemption premium (if any), and interest  
1072 due and to become due (until the final maturity date or earlier  
1073 scheduled redemption date) on all general obligation bonds issued  
1074 under Sections 65-39-5 through 65-39-33; and

1075 (ii) That all principal, interest, cost and other  
1076 expenses for all bonds, notes or other borrowings under Section  
1077 65-9-27 and Section 31-17-127 (including redemption notes, if any)  
1078 have been paid and are completely satisfied.

1079 SECTION 7. Section 75-76-129, Mississippi Code of 1972, is  
1080 amended as follows:

1081 [ \* \* \* Until the highway segments authorized in Section  
1082 65-39-1 are certified as complete by the Mississippi  
1083 Transportation Commission, this section shall read as follows:]

1084 75-76-129. On or before the last day of each month all  
1085 taxes, fees, interest, penalties, damages, fines or other monies  
1086 collected by the State Tax Commission during that month under the  
1087 provisions of this chapter, with the exception of (a) the local  
1088 government fees imposed under Section 75-76-195, and (b) an amount  
1089 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
1090 collected pursuant to the fee imposed under Section

1091 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
1092 of the revenue collected pursuant to the fee imposed under Section  
1093 75-76-177(1)(c), whichever is the greater amount, shall be paid by  
1094 the State Tax Commission to the State Treasurer to be deposited in  
1095 the State General Fund. The local government fees shall be  
1096 distributed by the State Tax Commission pursuant to Section  
1097 75-76-197. An amount equal to Three Million Dollars  
1098 (\$3,000,000.00) of the revenue collected during that month  
1099 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
1100 deposited by the State Tax Commission into the bond sinking fund  
1101 created in Section 65-39-3. The revenue collected during that  
1102 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
1103 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
1104 less than twenty-five percent (25%) of the amount of revenue  
1105 collected during that month, shall be deposited into the State  
1106 Highway Fund to be used exclusively for the reconstruction and  
1107 maintenance of highways of the State of Mississippi.

1108 [ \* \* \* After the highway segments authorized in Section  
1109 65-39-1 are certified as complete by the Mississippi  
1110 Transportation Commission, this section shall read as follows:]

1111 75-76-129. On or before the last day of each month, all  
1112 taxes, fees, interest, penalties, damages, fines or other monies  
1113 collected by the State Tax Commission during that month under the  
1114 provisions of this chapter, with the exception of the local  
1115 government fees imposed under Section 75-76-195, shall be paid by  
1116 the State Tax Commission to the State Treasurer to be deposited in  
1117 the State General Fund. The local government fees shall be  
1118 distributed by the State Tax Commission pursuant to Section  
1119 75-76-197.

1120 SECTION 8. This act shall take effect and be in force from  
1121 and after July 1, 2001.