

By: Representatives Compretta, McCoy,
 Mitchell, Cameron, Eaton, Formby, Jennings,
 Morris, Perkins, Pierce, Read, Smith (39th),
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To: Transportation

COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 1489

1 AN ACT TO AMEND SECTION 65-1-1, MISSISSIPPI CODE OF 1972, TO
 2 REVISE CERTAIN DEFINITIONS IN THE CHAPTER OF LAW RELATING TO THE
 3 MISSISSIPPI TRANSPORTATION COMMISSION AND THE MISSISSIPPI
 4 DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 65-1-2, MISSISSIPPI
 5 CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY
 6 COMMISSIONER OF THE MISSISSIPPI TRANSPORTATION COMMISSION, AND TO
 7 PRESCRIBE HIS POWERS, DUTIES AND QUALIFICATIONS; TO AMEND SECTION
 8 65-1-3, MISSISSIPPI CODE OF 1972, TO CREATE THE MISSISSIPPI
 9 TRANSPORTATION TRANSITION BOARD AND PROVIDE FOR APPOINTMENT OF ITS
 10 THREE MEMBERS BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE
 11 SENATE; TO PRESCRIBE THE POWERS AND DUTIES OF THE BOARD AND THE
 12 QUALIFICATIONS OF ITS MEMBERS; TO PROVIDE THAT THE BOARD SHALL
 13 DISSOLVE ON JANUARY 1, 2004, AND THE MEMBERS OF THE BOARD SHALL
 14 SERVE AS THE MISSISSIPPI TRANSPORTATION COMMISSION; TO PROVIDE FOR
 15 TERMS OF OFFICE FOR THE INITIAL AND SUBSEQUENT APPOINTEES TO THE
 16 TRANSPORTATION COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL
 17 CONSIST OF A CHAIRMAN AS DESIGNATED BY THE GOVERNOR AND TWO
 18 ASSOCIATE COMMISSIONERS; TO CREATE AN OFFICE OF VALUE ENGINEERING
 19 WITHIN THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO PROVIDE
 20 THAT THE TRANSPORTATION COMMISSION SHALL SELECT A DIRECTOR OF THE
 21 OFFICE OF VALUE ENGINEERING; TO PRESCRIBE THE POWER, DUTIES AND
 22 QUALIFICATIONS OF THE DIRECTOR; TO AMEND SECTION 65-1-8,
 23 MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
 24 TRANSPORTATION COMMISSION TO ESTABLISH BUDGETING FOR HIGHWAY
 25 SEGMENTS, TO REPORT ON ROADBED DETERIORATION PROBLEMS, AND TO
 26 IMPOSE ADMINISTRATIVE FINES ON CONTRACTORS WHOSE WORK FAILS TO
 27 MEET CONTRACT SPECIFICATIONS; TO REVISE THE LIST OF SPECIFIC
 28 POWERS AND DUTIES PRESCRIBED FOR THE TRANSPORTATION COMMISSION AND
 29 THE CHAIRMAN OF THE TRANSPORTATION COMMISSION; TO AMEND SECTION
 30 65-1-10, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
 31 DEPARTMENT OF TRANSPORTATION TO ENGAGE IN CERTAIN PROJECT PLANNING
 32 ACTIVITIES FOR ANY PRELIMINARY ENGINEERING, RIGHT-OF-WAY
 33 ACQUISITION OR CONSTRUCTION PROJECT ACTIVITIES OF THE DEPARTMENT;
 34 TO REQUIRE THE TRANSPORTATION DEPARTMENT TO COLLECT AND REPORT
 35 CERTAIN MANAGEMENT INFORMATION; TO AMEND SECTION 65-1-11,
 36 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHAIRMAN OF THE
 37 TRANSPORTATION COMMISSION SHALL APPOINT A CHIEF ENGINEER OF THE
 38 TRANSPORTATION DEPARTMENT; TO AMEND SECTIONS 65-3-97 AND 65-39-1,
 39 MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH HIGHWAY
 40 SEGMENTS IN PHASE FOUR OF THE 1987 FOUR-LANE HIGHWAY PROGRAM AND
 41 HIGHWAY SEGMENTS IN THE GAMING COUNTIES STATE-ASSISTED
 42 INFRASTRUCTURE PROGRAM ARE PRIORITIZED AND TO REVISE THE MANNER IN
 43 WHICH AND REASONS FOR WHICH THE MISSISSIPPI TRANSPORTATION
 44 COMMISSION MAY AUTHORIZE HIGHWAY SEGMENTS OF LESS THAN 10 MILES IN
 45 LENGTH; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO MAKE
 46 REPORTS ON THE CONSTRUCTION AND COMPLETION OF HIGHWAY SEGMENTS
 47 AUTHORIZED UNDER THE GAMING COUNTIES STATE-ASSISTED INFRASTRUCTURE
 48 PROGRAM; TO AMEND SECTION 65-39-35, MISSISSIPPI CODE OF 1972, TO
 49 AUTHORIZE THE REPEAL OF CERTAIN FUEL TAX INCREASES TWENTY-FIVE
 50 YEARS AFTER THE COMPLETION OF THE LAST SEGMENT IN PHASE FOUR OF
 51 THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO AMEND SECTION 75-76-129,
 52 MISSISSIPPI CODE OF 1972, TO REMOVE THE DIVERSION OF CERTAIN



53 GAMING FEES TO THE GAMING COUNTIES BOND SINKING FUND AND THE STATE
54 HIGHWAY FUND UPON CERTIFICATION BY THE DEPARTMENT OF
55 TRANSPORTATION THAT THE HIGHWAY SEGMENTS AUTHORIZED IN THE GAMING
56 COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM ARE COMPLETE; TO
57 AMEND SECTION 25-3-33, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
58 THE SALARIES OF THE CHAIRMAN OF THE MISSISSIPPI TRANSPORTATION
59 COMMISSION AND ASSOCIATE COMMISSIONERS; TO AMEND SECTIONS 25-3-31,
60 23-15-193, 23-15-297, 23-15-881, 23-15-883, 23-15-887, 65-1-5 AND
61 65-1-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
62 PROVISIONS OF THIS ACT; TO REPEAL SECTION 65-1-9, MISSISSIPPI CODE
63 OF 1972, WHICH CREATES THE OFFICE OF EXECUTIVE DIRECTOR OF THE
64 DEPARTMENT OF TRANSPORTATION AND PRESCRIBES THE DIRECTOR'S POWERS
65 AND DUTIES; AND FOR RELATED PURPOSES.

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

67 SECTION 1. Section 65-1-1, Mississippi Code of 1972, is
68 amended as follows:

69 **[Until January 1, 2004, this section shall read as follows:]**

70 65-1-1. When used in this chapter and for the purposes of
71 Sections 65-1-1 through 65-1-21, the following words shall have
72 the meanings ascribed herein unless the context otherwise
73 requires:

74 (a) "Department" means the Mississippi Department of
75 Transportation. Whenever the term "Mississippi State Highway
76 Department," or the word "department" meaning the Mississippi
77 State Highway Department, appears in the laws of the State of
78 Mississippi, it shall mean the "Mississippi Department of
79 Transportation."

80 (b) "Office" means an administrative subdivision of the
81 department.

82 (c) "Bureau" means an administrative subdivision of an
83 office.

84 (d) "Commission" means the Mississippi Transportation
85 Commission. Whenever the term "Mississippi State Highway
86 Commission," or the word "commission" meaning the Mississippi
87 State Highway Commission, appears in the laws of the State of
88 Mississippi, it shall mean the Mississippi Transportation
89 Commission.

90 (e) "Executive director" means the chief administrative
91 officer of the department. Whenever the term "director," meaning



92 the Chief Administrative Officer of the State Highway Department,
93 appears in the laws of the State of Mississippi, it shall mean the
94 Executive Director of the Mississippi Department of
95 Transportation.

96 (f) "Director" means the chief officer of an office.

97 (g) "Administrator" means the chief officer of a
98 bureau.

99 (h) "Highway" or "road" includes rights-of-way, bridge
100 and drainage structures, signs, guardrails and other structures
101 made in connection with such highway or road.

102 (i) "Construction" includes reconstruction.

103 (j) "Maintenance" means the constant maintenance and
104 repair to preserve a smooth surfaced highway.

105 (k) "Pave" means to construct with a surface of either
106 high-type or intermediate-type pavement.

107 **[From and after January 1, 2004, this section shall read as**
108 **follows:]**

109 65-1-1. When used in this chapter and for the purposes of
110 Sections 65-1-1 through 65-1-21, the following words shall have
111 the meanings ascribed herein unless the context otherwise
112 requires:

113 (a) "Department" means the Mississippi Department of
114 Transportation. Whenever the term "Mississippi State Highway
115 Department," or the word "department" meaning the Mississippi
116 State Highway Department, appears in the laws of the State of
117 Mississippi, it shall mean the "Mississippi Department of
118 Transportation."

119 (b) "Office" means an administrative subdivision of the
120 department.

121 (c) "Bureau" means an administrative subdivision of an
122 office.

123 (d) "Commission" means the Mississippi Transportation
124 Commission. Whenever the term "Mississippi State Highway



125 Commission," or the word "commission" meaning the Mississippi
126 State Highway Commission, appears in the laws of the State of
127 Mississippi, it shall mean the Mississippi Transportation
128 Commission.

129 (e) "Chairman" means the Chairman of the Mississippi
130 Transportation Commission.

131 (f) "Executive director" means the chairman of the
132 Mississippi Transportation Commission serving as the chief
133 executive officer of the department. Whenever the term "executive
134 director," meaning the chief administrative officer of the
135 Mississippi Department of Transportation, appears in the laws of
136 the State of Mississippi, it shall mean the Chairman of the
137 Mississippi * * * Transportation Commission.

138 (g) "Director" means the chief officer of an office.

139 (h) "Administrator" means the chief officer of a
140 bureau.

141 (i) "Highway" or "road" includes rights-of-way, bridge
142 and drainage structures, signs, guardrails and other structures
143 made in connection with such highway or road.

144 (j) "Construction" includes reconstruction.

145 (k) "Maintenance" means the constant maintenance and
146 repair to preserve a smooth surfaced highway.

147 (l) "Pave" means to construct with a surface of either
148 high-type or intermediate-type pavement.

149 SECTION 2. Section 65-1-2, Mississippi Code of 1972, is
150 amended as follows:

151 **[Until January 1, 2004, this section shall read as follows:]**

152 65-1-2. (1) There is hereby created the Mississippi
153 Department of Transportation, which shall include the following
154 offices:

155 (a) Office of Administrative Services.

156 (b) Office of Highways.

157 (c) Office of State Aid Road Construction.



158 (d) Office of Intermodal Planning.

159 (e) Office of Enforcement.

160 (f) Office of Value Engineering.

161 (2) Each office shall be composed of such bureaus as deemed
162 necessary by the executive director of the department.

163 (3) The department is designated as the single state agency
164 to receive and expend any funds made available by the United
165 States Department of Transportation or any agency of the federal
166 government for transportation purposes and to cooperate with
167 federal, state, interstate and local agencies, organizations and
168 persons performing activities relating to transportation. This
169 subsection shall not apply to motor carrier safety assistance
170 program funds made available by the federal government to the
171 Public Service Commission.

172 (4) The powers, duties and responsibilities of the State
173 Highway Department with respect to the construction and
174 maintenance of the state highway system are transferred to the
175 Mississippi Department of Transportation.

176 (5) The powers, duties and responsibilities of the
177 Department of Economic and Community Development with respect to
178 aeronautics are transferred to the Mississippi Department of
179 Transportation.

180 (6) The powers, duties and responsibilities of the State Tax
181 Commission with respect to the weighing of motor vehicles along
182 the highways of this state at inspection stations and by means of
183 portable scales are transferred to the Mississippi Department of
184 Transportation.

185 (7) The powers, duties and responsibilities of the
186 Department of Economic and Community Development with respect to
187 transportation matters, except with respect to ports, are
188 transferred to the Mississippi Department of Transportation.



189 (8) The powers, duties and responsibilities of the State Aid
190 Engineer and the Office of State Aid Road Construction are
191 transferred to the Mississippi Department of Transportation.

192 (9) All powers, duties and responsibilities of the Public
193 Service Commission with regard to railroads, except rate-making
194 authority, are transferred to the Mississippi Department of
195 Transportation. The Mississippi Transportation Commission may
196 perform any act and issue any rule, regulation or order which the
197 commission is permitted to do by the Federal Railroad Safety Act
198 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
199 order passed by the Mississippi Transportation Commission shall be
200 furnished to members of the Transportation Committees of the
201 Mississippi House of Representatives and the Mississippi Senate.
202 Individuals, corporations or companies affected by the order, rule
203 or regulation shall be notified in accordance with the Mississippi
204 Administrative Procedures Law.

205 (10) All records, personnel, property and unexpended
206 balances of appropriations, allocation or other funds of all those
207 agencies, boards, commissions, departments, offices, bureaus and
208 divisions that are transferred by Laws, 1992, Chapter 496 shall be
209 transferred to the Mississippi Department of Transportation. The
210 transfer of segregated or special funds shall be made in such a
211 manner that the relation between program and revenue source as
212 provided by law shall be retained.

213 * * *

214 **[From and after January 1, 2004, this section shall read as**
215 **follows:]**

216 65-1-2. (1) There is hereby created the Mississippi
217 Department of Transportation, which shall include the following
218 offices:

- 219 (a) Office of Administrative Services.
220 (b) Office of Highways.
221 (c) Office of State Aid Road Construction.



222 (d) Office of Intermodal Planning.

223 (e) Office of Enforcement.

224 (f) Office of Value Engineering.

225 (2) The Chairman of the Mississippi Transportation
226 Commission shall appoint a Deputy Commissioner of the Mississippi
227 Transportation Commission who shall serve at the will and pleasure
228 of the chairman. The deputy commissioner shall perform such
229 duties and responsibilities with regard to the operation and
230 management of the Mississippi Department of Transportation as are
231 assigned to him by the chairman. The deputy commissioner shall
232 have the following minimum qualifications:

233 (a) Be a professional engineer eligible for
234 registration in the State of Mississippi;

235 (b) Possess a wide knowledge of the transportation
236 system and transportation needs of Mississippi;

237 (c) Possess a wide knowledge of the principles of
238 transportation organization and administration; and

239 (d) Possess special training or expertise in the field
240 of transportation.

241 (3) Each office shall be composed of such bureaus as deemed
242 necessary by the executive director of the department.

243 (4) The department is designated as the single state agency
244 to receive and expend any funds made available by the United
245 States Department of Transportation or any agency of the federal
246 government for transportation purposes and to cooperate with
247 federal, state, interstate and local agencies, organizations and
248 persons performing activities relating to transportation. This
249 subsection shall not apply to motor carrier safety assistance
250 program funds made available by the federal government to the
251 Public Service Commission.

252 (5) The powers, duties and responsibilities of the State
253 Highway Department with respect to the construction and



254 maintenance of the state highway system are transferred to the
255 Mississippi Department of Transportation.

256 (6) The powers, duties and responsibilities of the
257 Department of Economic and Community Development with respect to
258 aeronautics are transferred to the Mississippi Department of
259 Transportation.

260 (7) The powers, duties and responsibilities of the State Tax
261 Commission with respect to the weighing of motor vehicles along
262 the highways of this state at inspection stations and by means of
263 portable scales are transferred to the Mississippi Department of
264 Transportation.

265 (8) The powers, duties and responsibilities of the
266 Department of Economic and Community Development with respect to
267 transportation matters, except with respect to ports, are
268 transferred to the Mississippi Department of Transportation.

269 (9) The powers, duties and responsibilities of the State Aid
270 Engineer and the Office of State Aid Road Construction are
271 transferred to the Mississippi Department of Transportation.

272 (10) All powers, duties and responsibilities of the Public
273 Service Commission with regard to railroads, except rate-making
274 authority, are transferred to the Mississippi Department of
275 Transportation. The Mississippi Transportation Commission may
276 perform any act and issue any rule, regulation or order which the
277 commission is permitted to do by the Federal Railroad Safety Act
278 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or
279 order passed by the Mississippi Transportation Commission shall be
280 furnished to members of the Transportation Committees of the
281 Mississippi House of Representatives and the Mississippi Senate.
282 Individuals, corporations or companies affected by the order, rule
283 or regulation shall be notified in accordance with the Mississippi
284 Administrative Procedures Law.

285 (11) All records, personnel, property and unexpended
286 balances of appropriations, allocation or other funds of all those



287 agencies, boards, commissions, departments, offices, bureaus and
288 divisions that are transferred by Laws, 1992, Chapter 496 shall be
289 transferred to the Mississippi Department of Transportation. The
290 transfer of segregated or special funds shall be made in such a
291 manner that the relation between program and revenue source as
292 provided by law shall be retained.

293 * * *

294 SECTION 3. Section 65-1-3, Mississippi Code of 1972, is
295 amended as follows:

296 **[Until January 1, 2004, this section shall read as follows:]**

297 65-1-3. (1) There shall be a Mississippi Transportation
298 Commission which, until January 1, 2004, shall consist of three
299 (3) members, one (1) from each of the three (3) Supreme Court
300 districts of the state. Until January 1, 2004, only qualified
301 electors who are citizens of the Supreme Court district in which
302 he or she offers for election shall be eligible for such office.

303 (2) * * * The transportation commissioners who were elected
304 for a term beginning on the first Monday of January in the year
305 2000, shall continue to hold office and serve until expiration of
306 their terms on January 1, 2004.

307 (3) If any one or more of the transportation commissioners
308 elected under the provisions of this chapter shall die, resign or
309 be removed from office, the Governor shall fill the vacancy by
310 appointment for the unexpired term * * *.

311 (4) Each of the transportation commissioners, before
312 entering upon the discharge of the duties of his office, shall
313 take and subscribe the oath of office required of other state
314 officials and shall execute bond in the sum of Fifty Thousand
315 Dollars (\$50,000.00), with some surety company authorized to do
316 business in this state as surety, conditioned for the faithful
317 performance of the duties of his office and for the faithful and
318 true accounting of all funds or monies or property coming into his
319 hands by virtue of his office, and conditioned further that all



320 such funds, monies and property will be expended and used by him
321 only for purposes authorized by law, said bond to be approved by
322 the Governor or Attorney General and to be filed in the office of
323 the Secretary of State. The premium on such bonds shall be paid
324 out of the funds of the Mississippi Department of Transportation.

325 (5) Not later than January 1, 2003, the Governor shall
326 appoint from the state-at-large, three (3) persons who shall serve
327 as members of the Mississippi Transportation Transition Board
328 created under subsection (6) of this section. One (1) of the
329 members, who shall be designated by the Governor as the chairman
330 of the board, shall be a person with at least ten (10) years of
331 experience in management of public or private entities and shall
332 have a master's degree in business administration, public
333 administration or a related field. Of the two (2) remaining
334 members, one (1) member shall be a professional engineer
335 registered with the State of Mississippi who has at least ten (10)
336 years of experience in the practice of civil engineering, and one
337 (1) member shall be a user of transportation services who has not
338 been involved in the construction or engineering of highways
339 within five (5) years of his nomination for appointment. No
340 person who has been under contract to the Mississippi Department
341 of Transportation or who has been employed by a contractor of the
342 Mississippi Department of Transportation within five (5) years of
343 his nomination for appointment shall be eligible for appointment
344 to the board. The members appointed to the board shall be
345 submitted to the Senate for its advice and consent at the
346 beginning of the 2003 Regular Session of the Legislature.

347 (6) There is created, beginning July 1, 2003, the
348 Mississippi Transportation Transition Board. Members appointed to
349 the board who have been confirmed by the Senate shall commence
350 their duties and responsibilities on the board from and after July
351 1, 2003. The board shall exist until January 1, 2004, at which
352 time the board shall dissolve. If any one or more of the



353 transition board members dies, resigns or is removed from office
354 before January 1, 2004, the Governor shall fill the vacancy by
355 appointment for the unexpired term. The board shall have the
356 following powers and duties:

357 (a) To study the highway and transportation systems and
358 needs of the state;

359 (b) To acquaint itself with the laws of the state that
360 govern and relate to transportation management; and

361 (c) To make preparation to assume its duties as the
362 Mississippi Transportation Commission on January 1, 2004.

363 (7) For each day or part of a day spent in the performance
364 of their duties, members of the board shall receive the
365 compensation authorized under Section 25-3-69, and shall be
366 reimbursed for travel and mileage as provided under Section
367 25-3-41.

368 (8) The Mississippi Transportation Transition Board may hire
369 a staff director and such additional employees as the Legislature
370 authorizes to assist the board in the performance of its duties.
371 The number of employees and salaries of such employees shall be
372 subject to such number as the Legislature may authorize and such
373 sums as the Legislature may appropriate therefor. The staff
374 director shall have the following minimum qualifications:

375 (a) Be a professional engineer eligible for
376 registration in the State of Mississippi;

377 (b) Possess a wide knowledge of the transportation
378 system and transportation needs of Mississippi;

379 (c) Possess a wide knowledge of the principles of
380 transportation organization and administration; and

381 (d) Possess special training or expertise in the field
382 of transportation.

383 (9) The Mississippi Department of Transportation shall
384 provide the Mississippi Transportation Transition Board with



385 suitable office space, supplies and equipment as the board
386 determines necessary to carry out its duties and responsibilities.

387 **[From and after January 1, 2004, this section shall read as**
388 **follows:]**

389 65-1-3. (1) There shall be a Mississippi Transportation
390 Commission which shall consist of three (3) members. The members
391 appointed to the Mississippi Transportation Transition Board
392 created on July 1, 2003, shall serve as the initial members of the
393 board. The person appointed as Chairman of the Mississippi
394 Transportation Transition Board shall serve as Chairman of the
395 Mississippi Transportation Commission and as Executive Director of
396 the Mississippi Department of Transportation, with the other two
397 (2) members of the Mississippi Transportation Transition Board
398 serving as Associate Commissioners of the Mississippi
399 Transportation Commission. The member initially serving as
400 chairman of the commission shall serve for a term of six (6)
401 years. The member initially serving as an associate commissioner
402 who served as the consumer of transportation services appointee to
403 the Mississippi Transportation Transition Board shall serve for a
404 term of four (4) years. The member initially serving as an
405 associate commissioner who served as the professional engineer
406 appointee to the Mississippi Transportation Transition Board shall
407 serve for a term of two (2) years.

408 (2) All members appointed to the Mississippi Transportation
409 Commission subsequent to the initial appointees shall be appointed
410 by the Governor from the state-at-large, with the advice and
411 consent of the Senate, for a term of six (6) years, and each
412 member shall meet the same qualifications for appointment to the
413 office as required of the member previously appointed to that
414 office. One (1) of the members, who shall be designated by the
415 Governor as the chairman of the commission, shall be a person with
416 at least ten (10) years of experience in management of public or
417 private entities and shall have a master's degree in business



418 administration, public administration or a related field. Of the
419 two (2) remaining members, who shall be designated by the Governor
420 as associate commissioners, one (1) member shall be a professional
421 engineer registered with the State of Mississippi who has at least
422 ten (10) years of experience in the practice of civil engineering,
423 and one (1) member shall be a user of transportation services who
424 has not been involved in the construction or engineering of
425 highways within five (5) years of his nomination for appointment.
426 No person who has been under contract to the Mississippi
427 Department of Transportation or who has been employed by a
428 contractor of the Mississippi Department of Transportation within
429 five (5) years of his nomination for appointment shall be eligible
430 for appointment to the commission. If any one or more of the
431 transportation commissioners dies, resigns or is removed from
432 office during his term of office, the Governor shall fill the
433 vacancy by appointment for the unexpired term.

434 (3) Each of the transportation commissioners, before
435 entering upon the discharge of the duties of his office, shall
436 take and subscribe the oath of office required of other state
437 officials and shall execute bond in the sum of Fifty Thousand
438 Dollars (\$50,000.00), with some surety company authorized to do
439 business in this state as surety, conditioned for the faithful
440 performance of the duties of his office and for the faithful and
441 true accounting of all funds or monies or property coming into his
442 hands by virtue of his office, and conditioned further that all
443 such funds, monies and property will be expended and used by him
444 only for purposes authorized by law, the bond to be approved by
445 the Governor or Attorney General and to be filed in the Office of
446 the Secretary of State. The premium on such bonds shall be paid
447 out of the funds of the Mississippi Department of Transportation.

448 (4) Members of the Transportation Commission shall receive
449 such compensation as the Legislature, by law, may prescribe.

450 (5) The Chairman of the Mississippi Transportation



451 Commission shall be the chief executive officer of the Mississippi
452 Department of Transportation and shall be responsible for
453 directing the activities of the department. The chairman shall
454 devote his full efforts to the position of chairman and may not
455 have any other employment. The associate commissioners of the
456 Mississippi Transportation Commission, along with the chairman of
457 the commission, shall serve as the policy-making body for the
458 department. Associate commissioners shall not be prohibited from
459 being employed or engaged in any other occupation or profession
460 that does not conflict or interfere with their duties as members
461 of the commission.

462 SECTION 4. (1) There is created within the Mississippi
463 Department of Transportation an office to be known as the Office
464 of Value Engineering. This office shall be directed by a person
465 who is a professional engineer registered in the State of
466 Mississippi and who has ten (10) years of experience in civil
467 engineering. The director of the office shall be selected by the
468 Mississippi Transportation Commission and shall not be supervised
469 by the executive director of the department. The director of the
470 office shall have the authority to hire staff who shall be subject
471 to the director's management and control. The Transportation
472 Department shall be responsible for providing equipment, supplies
473 and office space as required by the office.

474 (2) The Office of Value Engineering shall:

475 (a) Review all plans and specifications for preliminary
476 engineering, right-of-way acquisition and construction projects of
477 the department and make reports on such plans to the Mississippi
478 Transportation Commission;

479 (b) Audit and evaluate the construction processes of
480 the Mississippi Department of Transportation and report on these
481 activities to the Mississippi Transportation Commission; and

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



484 SECTION 5. Section 65-1-8, Mississippi Code of 1972, is
485 amended as follows:

486 [Until January 1, 2004, this section shall read as follows:]

487 65-1-8. (1) The Mississippi Transportation Commission shall
488 have the following general powers, duties and responsibilities:

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

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

493 (c) To make recommendations to the Legislature
494 regarding alterations or modifications in any existing
495 transportation policies;

496 (d) To study means of encouraging travel and
497 transportation of goods by the combination of motor vehicle and
498 other modes of transportation;

499 * * *

500 (e) To receive and provide for the expenditure of any
501 funds made available to it by the Legislature, the federal
502 government, or any other source.

503 (2) In addition to the general powers, duties and
504 responsibilities listed in subsection (1) of this section, the
505 Mississippi Transportation Commission shall have the following
506 specific powers:

507 (a) To make rules and regulations whereby the
508 transportation department shall change or relocate any and all
509 highways herein or hereafter fixed as constituting a part of the
510 state highway system, as may be deemed necessary or economical in
511 the construction or maintenance thereof; to acquire by gift,
512 purchase, condemnation, or otherwise, land or other property
513 whatsoever that may be necessary for a state highway system as
514 herein provided, with full consideration to be given to the
515 stimulation of local public and private investment when acquiring



516 such property in the vicinity of Mississippi towns, cities and
517 population centers;

518 (b) To enforce by mandamus, or other proper legal
519 remedies, all legal rights or rights of action of the Mississippi
520 Transportation Commission with other public bodies, corporations
521 or persons;

522 (c) To make and publish rules, regulations and
523 ordinances for the control of and the policing of the traffic on
524 the state highways, and to prevent their abuse by any or all
525 persons, natural or artificial, by trucks, tractors, trailers or
526 any other heavy or destructive vehicles or machines, or by any
527 other means whatsoever, by establishing weights of loads or of
528 vehicles, types of tires, width of tire surfaces, length and width
529 of vehicles, with reasonable variations to meet approximate
530 weather conditions, and all other proper police and protective
531 regulations, and to provide ample means for the enforcement of
532 same. The violation of any of the rules, regulations or
533 ordinances so prescribed by the commission shall constitute a
534 misdemeanor. No rule, regulation or ordinance shall be made that
535 conflicts with any statute now in force or which may hereafter be
536 enacted, or with any ordinance of municipalities. A monthly
537 publication giving general information to the boards of
538 supervisors, employees and the public may be issued under such
539 rules and regulations as the commission may determine;

540 (d) To give suitable numbers to highways and to change
541 the number of any highway that shall become a part of the state
542 highway system. However, nothing herein shall authorize the
543 number of any highway to be changed so as to conflict with any
544 designation thereof as a U.S. numbered highway. Where, by a
545 specific act of the Legislature, the commission has been directed
546 to give a certain number to a highway, the commission shall not
547 have the authority to change such number;



548 (e) To make proper and reasonable rules, regulations,
549 and ordinances for the placing, erection, removal or relocation of
550 telephone, telegraph or other poles, signboards, fences, gas,
551 water, sewerage, oil or other pipelines, and other obstructions
552 that may, in the opinion of the commission, contribute to the
553 hazards upon any of the state highways, or in any way interfere
554 with the ordinary travel upon such highways, or the construction,
555 reconstruction or maintenance thereof, and to make reasonable
556 rules and regulations for the proper control thereof. Any
557 violation of such rules or regulations or noncompliance with such
558 ordinances shall constitute a misdemeanor.

559 Whenever the order of the commission shall require the
560 removal of, or other changes in the location of telephone,
561 telegraph, or other poles, signboards, gas, water, sewerage, oil
562 or other pipelines; or other similar obstructions on the
563 right-of-way or such other places where removal is required by
564 law, the owners thereof shall at their own expense move or change
565 the same to conform to the order of the commission. Any violation
566 of such rules or regulations or noncompliance with such orders
567 shall constitute a misdemeanor;

568 (f) To regulate and abandon grade crossings on any road
569 fixed as a part of the state highway system, and whenever the
570 commission, in order to avoid a grade crossing with the railroad,
571 locates or constructs said road on one side of the railroad, the
572 commission shall have the power to abandon and close such grade
573 crossing, and whenever an underpass or overhead bridge is
574 substituted for a grade crossing, the commission shall have power
575 to abandon such grade crossing and any other crossing adjacent
576 thereto. Included in the powers herein granted shall be the power
577 to require the railroad at grade crossings, where any road of the
578 state highway system crosses the same, to place signal posts with
579 lights or other warning devices at such crossings at the expense
580 of the railroad, and to regulate and abandon underpass or overhead



581 bridges and, where abandoned because of the construction of a new
582 underpass or overhead bridge, to close such old underpass or
583 overhead bridge, or, in its discretion, to return the same to the
584 jurisdiction of the county board of supervisors;

585 (g) To make proper and reasonable rules and regulations
586 to control the cutting or opening of the road surfaces for
587 subsurface installations;

588 (h) To make proper and reasonable rules and regulations
589 for the removal from the public rights-of-way of any form of
590 obstruction, to cooperate in improving their appearance, and to
591 prescribe minimum clearance heights for seed conveyors, pipes,
592 passageways or other structure of private or other ownership above
593 the highways;

594 (i) To establish, and have the transportation
595 department maintain and operate, and to cooperate with the state
596 educational institutions in establishing, enlarging, maintaining
597 and operating a laboratory or laboratories for testing materials
598 and for other proper highway purposes;

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

602 (k) To establish and have enforced set-back
603 regulations;

604 (l) To cooperate with proper state authorities in
605 producing limerock for highway purposes and to purchase same at
606 cost;

607 (m) To provide for the purchase of necessary equipment
608 and vehicles and to provide for the repair and housing of same, to
609 acquire by gift, purchase, condemnation or otherwise, land or
610 lands and buildings in fee simple, and to authorize the
611 Transportation Department to construct, lease or otherwise provide
612 necessary and proper permanent district offices for the
613 construction and maintenance divisions of the department, and for



614 the repair and housing of the equipment and vehicles of the
615 department; however, in each Supreme Court district only two (2)
616 permanent district offices shall be set up, but a permanent status
617 shall not be given to any such offices until so provided by act of
618 the Legislature and in the meantime, all shops of the department
619 shall be retained at their present location. As many local or
620 subdistrict offices, shops or barns may be provided as is
621 essential and proper to economical maintenance of the state
622 highway system;

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

630 (o) To cooperate, in its discretion, with the
631 Mississippi Department of Wildlife, Fisheries and Parks in
632 planning and constructing roadside parks upon the right-of-way of
633 state highways, whether constructed, under construction, or
634 planned; said parks to utilize where practical barrow pits used in
635 construction of state highways for use as fishing ponds. Said
636 parks shall be named for abundant flora and fauna existing in the
637 area or for the first flora or fauna found on the site;

638 (p) Unless otherwise prohibited by law, to make such
639 contracts and execute such instruments containing such reasonable
640 and necessary appropriate terms, provisions and conditions as in
641 its absolute discretion it may deem necessary, proper or
642 advisable, for the purpose of obtaining or securing financial
643 assistance, grants or loans from the United States of America or
644 any department or agency thereof, including contracts with several
645 counties of the state pertaining to the expenditure of such funds;



646 (q) To cooperate with the Federal Highway
647 Administration in the matter of location, construction and
648 maintenance of the Great River Road, to expend such funds paid to
649 the commission by the Federal Highway Administration or other
650 federal agency, and to authorize the Transportation Department to
651 erect suitable signs marking this highway, the cost of such signs
652 to be paid from state highway funds other than earmarked
653 construction funds;

654 (r) To cooperate, in its discretion, with the
655 Mississippi Forestry Commission and the School of Forestry,
656 Mississippi State University, in a forestry management program,
657 including planting, thinning, cutting and selling, upon the
658 right-of-way of any highway, constructed, acquired or maintained
659 by the Transportation Department, and to sell and dispose of any
660 and all growing timber standing, lying or being on any
661 right-of-way acquired by the commission for highway purposes in
662 the future; such sale or sales to be made in accordance with the
663 sale of personal property which has become unnecessary for public
664 use as provided for in Section 65-1-123, Mississippi Code of 1972;

665 (s) To expend funds in cooperation with the Division of
666 Plant Industry, Mississippi Department of Agriculture and
667 Commerce, the United States government or any department or agency
668 thereof, or with any department or agency of this state, to
669 control, suppress or eradicate serious insect pests, rodents,
670 plant parasites and plant diseases on the state highway
671 rights-of-way;

672 (t) To provide for the placement, erection and
673 maintenance of motorist services business signs and supports
674 within state highway rights-of-way in accordance with current
675 state and federal laws and regulations governing the placement of
676 traffic control devices on state highways, and to establish and
677 collect reasonable fees from the businesses having information on
678 such signs;



679 (u) To request and to accept the use of persons
680 convicted of an offense, whether a felony or a misdemeanor, for
681 work on any road construction, repair or other project of the
682 Transportation Department. The commission is also authorized to
683 request and to accept the use of persons who have not been
684 convicted of an offense but who are required to fulfill certain
685 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
686 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
687 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
688 of 1972. The commission is authorized to enter into any
689 agreements with the Department of Corrections, the State Parole
690 Board, any criminal court of this state, and any other proper
691 official regarding the working, guarding, safekeeping, clothing
692 and subsistence of such persons performing work for the
693 Transportation Department. Such persons shall not be deemed
694 agents, employees or involuntary servants of the Transportation
695 Department while performing such work or while going to and from
696 work or other specified areas;

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

699 (w) The Mississippi Transportation Commission is
700 further authorized, in its discretion, to expend funds for the
701 purchase of service pins for employees of the Mississippi
702 Transportation Department;

703 (x) To cooperate with the State Tax Commission by
704 providing for weight enforcement field personnel to collect and
705 assess taxes, fees and penalties and to perform all duties as
706 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
707 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
708 Mississippi Code of 1972, with regard to vehicles subject to the
709 jurisdiction of the Office of Weight Enforcement. All collections
710 and assessments shall be transferred daily to the State Tax
711 Commission;



712 (y) The Mississippi Transportation Commission may
713 delegate the authority to enter into a supplemental agreement to a
714 contract previously approved by the commission if the supplemental
715 agreement involves an additional expenditure not to exceed One
716 Hundred Thousand Dollars (\$100,000.00);

717 (z) (i) The Mississippi Transportation Commission, in
718 its discretion, may enter into agreements with any county,
719 municipality, county transportation commission, business,
720 corporation, partnership, association, individual or other legal
721 entity, for the purpose of accelerating the completion date of
722 scheduled highway construction projects.

723 (ii) Such an agreement may permit the cost of a
724 highway construction project to be advanced to the commission by a
725 county, municipality, county transportation commission, business,
726 corporation, partnership, association, individual or other legal
727 entity, and repaid to such entity by the commission when highway
728 construction funds become available; provided, however, that
729 repayment of funds advanced to the Mississippi Transportation
730 Commission shall be made no sooner than the commission's
731 identified projected revenue schedule for funding of that
732 particular construction project, and no other scheduled highway
733 construction project established by statute or by the commission
734 may be delayed by an advanced funding project authorized under
735 this paragraph (z). Repayments to an entity that advances funds
736 to the Mississippi Transportation Commission under this paragraph
737 (z) may not include interest or other fees or charges, and the
738 total amount repaid shall not exceed the total amount of funds
739 advanced to the commission by the entity.

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



745 (iv) Such an agreement shall be executed only upon
746 a finding by the commission, spread upon its minutes, that the
747 acceleration of the scheduled project is both feasible and
748 beneficial. The commission shall also spread upon its minutes its
749 findings with regard to the factors required to be considered
750 pursuant to item (iii) of this paragraph (z).

751 (3) The Mississippi Transportation Commission shall require
752 the executive director to carry out project planning as required
753 under Section 65-1-10 for any preliminary engineering,
754 right-of-way acquisition or construction project activities of the
755 department.

756 (4) The Mississippi Transportation Commission shall
757 establish, as provided for in Section 4 of this act, an Office of
758 Value Engineering whose director shall report and be subordinate
759 to the commission. The commission shall not delegate to the
760 executive director the authority to hire, direct, manage,
761 discipline, or terminate the director of this office or any
762 personnel assigned to the office.

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

767 (6) In addition to its other powers and duties, the
768 Mississippi Transportation Commission shall institute a procedure
769 for the post-acceptance inspection and investigation of new
770 segments built in the state highway system, including, but not
771 limited to, segments authorized in Sections 65-3-97 and 65-39-1.
772 If the commission finds that a segment was accepted by the
773 department that did not conform to construction specifications,
774 the commission may fine the contractor, after notice and hearing,
775 an amount equal to ten percent (10%) of the contract amount paid
776 to the contractor. Any administrative proceedings authorized
777 under this subsection must be brought within three (3) years after



778 acceptance by the Department of Transportation of the highway
779 segment.

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

782 **[From and after January 1, 2004, this section shall read as**
783 **follows:]**

784 65-1-8. (1) The Mississippi Transportation Commission shall
785 have the following general powers, duties and responsibilities:

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

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

790 (c) To make recommendations to the Legislature
791 regarding alterations or modifications in any existing
792 transportation policies;

793 (d) To study means of encouraging travel and
794 transportation of goods by the combination of motor vehicle and
795 other modes of transportation;

796 * * *

797 (e) To receive and provide for the expenditure of any
798 funds made available to it by the Legislature, the federal
799 government, or any other source.

800 (2) In addition to the general powers, duties and
801 responsibilities listed in subsection (1) of this section, the
802 Mississippi Transportation Commission shall have the following
803 specific powers:

804 (a) To make rules and regulations whereby the
805 transportation department shall change or relocate any and all
806 highways herein or hereafter fixed as constituting a part of the
807 state highway system, as may be deemed necessary or economical in
808 the construction or maintenance thereof; to acquire by gift,
809 purchase, condemnation, or otherwise, land or other property
810 whatsoever that may be necessary for a state highway system as



811 herein provided, with full consideration to be given to the
812 stimulation of local public and private investment when acquiring
813 such property in the vicinity of Mississippi towns, cities and
814 population centers;

815 (b) To enforce by mandamus, or other proper legal
816 remedies, all legal rights or rights of action of the Mississippi
817 Transportation Commission with other public bodies, corporations
818 or persons;

819 (c) To make and publish rules, regulations and
820 ordinances for the control of and the policing of the traffic on
821 the state highways, and to prevent their abuse by any or all
822 persons, natural or artificial, by trucks, tractors, trailers or
823 any other heavy or destructive vehicles or machines, or by any
824 other means whatsoever, by establishing weights of loads or of
825 vehicles, types of tires, width of tire surfaces, length and width
826 of vehicles, with reasonable variations to meet approximate
827 weather conditions, and all other proper police and protective
828 regulations, and to provide ample means for the enforcement of
829 same. The violation of any of the rules, regulations or
830 ordinances so prescribed by the commission shall constitute a
831 misdemeanor. No rule, regulation or ordinance shall be made that
832 conflicts with any statute now in force or which may hereafter be
833 enacted, or with any ordinance of municipalities. A monthly
834 publication giving general information to the boards of
835 supervisors, employees and the public may be issued under such
836 rules and regulations as the commission may determine;

837 * * *

838 (d) To make proper and reasonable rules, regulations,
839 and ordinances for the placing, erection, removal or relocation of
840 telephone, telegraph or other poles, signboards, fences, gas,
841 water, sewerage, oil or other pipelines, and other obstructions
842 that may, in the opinion of the commission, contribute to the
843 hazards upon any of the state highways, or in any way interfere



844 with the ordinary travel upon such highways, or the construction,
845 reconstruction or maintenance thereof, and to make reasonable
846 rules and regulations for the proper control thereof. Any
847 violation of such rules or regulations or noncompliance with such
848 ordinances shall constitute a misdemeanor.

849 Whenever the order of the commission shall require the
850 removal of, or other changes in the location of telephone,
851 telegraph, or other poles, signboards, gas, water, sewerage, oil
852 or other pipelines; or other similar obstructions on the
853 right-of-way or such other places where removal is required by
854 law, the owners thereof shall at their own expense move or change
855 the same to conform to the order of the commission. Any violation
856 of such rules or regulations or noncompliance with such orders
857 shall constitute a misdemeanor;

858 (f) To regulate and abandon grade crossings on any road
859 fixed as a part of the state highway system, and whenever the
860 commission, in order to avoid a grade crossing with the railroad,
861 locates or constructs said road on one side of the railroad, the
862 commission shall have the power to abandon and close such grade
863 crossing, and whenever an underpass or overhead bridge is
864 substituted for a grade crossing, the commission shall have power
865 to abandon such grade crossing and any other crossing adjacent
866 thereto. Included in the powers herein granted shall be the power
867 to require the railroad at grade crossings, where any road of the
868 state highway system crosses the same, to place signal posts with
869 lights or other warning devices at such crossings at the expense
870 of the railroad, and to regulate and abandon underpass or overhead
871 bridges and, where abandoned because of the construction of a new
872 underpass or overhead bridge, to close such old underpass or
873 overhead bridge, or, in its discretion, to return the same to the
874 jurisdiction of the county board of supervisors;



875 (g) To make proper and reasonable rules and regulations
876 to control the cutting or opening of the road surfaces for
877 subsurface installations;

878 (h) To make proper and reasonable rules and regulations
879 for the removal from the public rights-of-way of any form of
880 obstruction, to cooperate in improving their appearance, and to
881 prescribe minimum clearance heights for seed conveyors, pipes,
882 passageways or other structure of private or other ownership above
883 the highways;

884 * * *

885 (i) To establish and have enforced set-back
886 regulations;

887 * * *

888 (j) * * * To acquire by gift, purchase, condemnation or
889 otherwise, land or lands and buildings in fee simple * * *;

890 * * *

891 (k) Unless otherwise prohibited by law, to make such
892 contracts and execute such instruments containing such reasonable
893 and necessary appropriate terms, provisions and conditions as in
894 its absolute discretion it may deem necessary, proper or
895 advisable, for the purpose of obtaining or securing financial
896 assistance, grants or loans from the United States of America or
897 any department or agency thereof, including contracts with several
898 counties of the state pertaining to the expenditure of such funds;

899 (l) To cooperate with the Federal Highway
900 Administration in the matter of location, construction and
901 maintenance of the Great River Road, to expend such funds paid to
902 the commission by the Federal Highway Administration or other
903 federal agency, and to authorize the Transportation Department to
904 erect suitable signs marking this highway, the cost of such signs
905 to be paid from state highway funds other than earmarked
906 construction funds;

907 * * *



908 (m) To provide for the administration of the railroad
909 revitalization program pursuant to Section 57-43-1 et seq.;

910 * * *

911 (n) To cooperate with the State Tax Commission by
912 providing for weight enforcement field personnel to collect and
913 assess taxes, fees and penalties and to perform all duties as
914 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
915 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
916 Mississippi Code of 1972, with regard to vehicles subject to the
917 jurisdiction of the Office of Weight Enforcement. All collections
918 and assessments shall be transferred daily to the State Tax
919 Commission;

920 (o) The Mississippi Transportation Commission may
921 delegate the authority to enter into a supplemental agreement to a
922 contract previously approved by the commission if the supplemental
923 agreement involves an additional expenditure not to exceed One
924 Hundred Thousand Dollars (\$100,000.00);

925 (p) (i) The Mississippi Transportation Commission, in
926 its discretion, may enter into agreements with any county,
927 municipality, county transportation commission, business,
928 corporation, partnership, association, individual or other legal
929 entity, for the purpose of accelerating the completion date of
930 scheduled highway construction projects.

931 (ii) Such an agreement may permit the cost of a
932 highway construction project to be advanced to the commission by a
933 county, municipality, county transportation commission, business,
934 corporation, partnership, association, individual or other legal
935 entity, and repaid to such entity by the commission when highway
936 construction funds become available; provided, however, that
937 repayment of funds advanced to the Mississippi Transportation
938 Commission shall be made no sooner than the commission's
939 identified projected revenue schedule for funding of that
940 particular construction project, and no other scheduled highway



941 construction project established by statute or by the commission
942 may be delayed by an advanced funding project authorized under
943 this paragraph (p). Repayments to an entity that advances funds
944 to the Mississippi Transportation Commission under this paragraph
945 (z) may not include interest or other fees or charges, and the
946 total amount repaid shall not exceed the total amount of funds
947 advanced to the commission by the entity.

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

953 (iv) Such an agreement shall be executed only upon
954 a finding by the commission, spread upon its minutes, that the
955 acceleration of the scheduled project is both feasible and
956 beneficial. The commission shall also spread upon its minutes its
957 findings with regard to the factors required to be considered
958 pursuant to item (iii) of this paragraph (p).

959 (3) The Chairman of the Mississippi Transportation
960 Commission shall carry out project planning as required under
961 Section 65-1-10 for any preliminary engineering, right-of-way
962 acquisition or construction project activities of the department.

963 (4) The Mississippi Transportation Commission shall
964 establish, as provided for in Section 4 of this act, an Office of
965 Value Engineering whose director shall report and be subordinate
966 to the commission. The commission shall not delegate to the
967 chairman the authority to hire, direct, manage, discipline, or
968 terminate the director of this office or any personnel assigned to
969 the office.

970 (5) In addition to its other powers and duties, the
971 Mississippi Transportation Commission shall institute a procedure
972 for the post-acceptance inspection and investigation of new
973 segments built in the state highway system, including, but not



974 limited to, segments authorized in Sections 65-3-97 and 65-39-1.
975 If the commission finds that a segment was accepted by the
976 department that did not conform to construction specifications,
977 the commission may fine the contractor, after notice and hearing,
978 an amount equal to ten percent (10%) of the contract amount paid
979 to the contractor. Any administrative proceedings authorized
980 under this subsection must be brought within three (3) years after
981 acceptance by the department of the highway segment.

982 (6) The commission may not let paving contracts for a
983 segment separately from grade, drain or bridge contracts.

984 SECTION 6. Section 65-1-10, Mississippi Code of 1972, is
985 amended as follows:

986 **[Until January 1, 2004, this section shall read as follows:]**

987 65-1-10. Under the authority of the Mississippi
988 Transportation Commission, and in conformity with its orders as
989 spread on its minutes, the executive director shall:

990 (a) Unless otherwise provided by law, appoint a
991 director in charge of each operating office of the department who
992 shall be responsible to the executive director for the operation
993 of such office. Each such director shall be qualified and
994 experienced in the functions performed by the office under his
995 charge;

996 (b) Administer the policies promulgated by the
997 commission;

998 (c) Supervise and direct all administrative and
999 technical activities of the department;

1000 (d) Organize the offices and bureaus of the department;

1001 (e) Coordinate the activities of the various offices of
1002 the department;

1003 (f) Fix the compensation of employees of the department
1004 and require any employee to give bond to the State of Mississippi
1005 for the faithful performance of his duties in an amount the
1006 executive director deems appropriate. Premiums on all bonds so



1007 required shall be paid out of any funds available to the
1008 department;

1009 (g) Recommend such studies and investigations as he may
1010 deem appropriate and carry out the approved recommendations in
1011 conjunction with the various offices;

1012 (h) Prepare and deliver to the Legislature and the
1013 Governor on or before January 1 of each year, and at such other
1014 times as may be required by the Legislature or Governor, a full
1015 report of the work of the department and the offices thereof,
1016 including a detailed statement of expenditures of the department
1017 and any recommendations the department may have;

1018 (i) Have full and general supervision over all matters
1019 relating to the construction or maintenance of the state highways,
1020 letting of contracts therefor, and the selection of materials to
1021 be used in the construction of state highways under the authority
1022 conferred by this chapter as herein set forth and the employment,
1023 promotion, demotion, reprimand, suspension, termination,
1024 reassignment, transfer, moving or relocation of all personnel not
1025 specifically authorized by statute to be employed by the
1026 commission. The executive director may authorize the payment of
1027 expenses of any personnel reassigned, transferred, moved or
1028 relocated in accordance with such rules and regulations as are
1029 promulgated by the commission;

1030 (j) Approve all bids, sign all vouchers and
1031 requisitions, issue all orders for supplies and materials, sign
1032 all contracts and agreements in the name of the State of
1033 Mississippi, and subscribe to all other matters which may arise in
1034 the carrying out of the intent and purpose of this chapter;

1035 (k) Receive and assume control, for the benefit of the
1036 state, of any and all highways herein or hereafter fixed as roads
1037 constituting a part of the state highway system;

1038 (l) Provide for boulevard stops, restricted entrances
1039 to main highways and access driveways, neutral grounds, and



1040 roadside parks, erect all suitable direction and warning signs,
1041 and provide access roads in or to municipalities where necessary;
1042 provide limited access facilities when and where deemed necessary,
1043 such a facility being defined as a highway or street especially
1044 designed or designated for through traffic and over, from or to
1045 which owners or occupants of abutting land or other persons have
1046 only such limited right or easement of access as may be prescribed
1047 by the commission, and provide that certain highways or streets
1048 may be parkways from which trucks, buses and other commercial
1049 vehicles shall be excluded or may be freeways open to customary
1050 forms of highway and street traffic and use, and such limited
1051 access facilities or parkways may be planned, designated,
1052 established, regulated, vacated, altered, improved, constructed
1053 and maintained and rights-of-way therefor specifically obtained,
1054 either by purchase, gift, condemnation or other form of
1055 acquisition;

1056 (m) Construct bridges with or without footways, and
1057 sidewalks where deemed essential to decrease hazards;

1058 (n) Perform services for the Department of Finance and
1059 Administration on state property, including, but not limited to,
1060 engineering services, and to advance such funds to defray the cost
1061 of the expenses incurred in performing such services from out of
1062 transportation department funds until such department is
1063 reimbursed by the Department of Finance and Administration;

1064 (o) Perform all duties authorized by Section 27-19-136,
1065 Mississippi Code of 1972, concerning the assessment and collection
1066 of permit fees, fines and penalties;

1067 (p) Conduct project planning as provided for in this
1068 paragraph (p). Such project planning shall apply to all
1069 preliminary engineering, right-of-way acquisition and construction
1070 projects of the department and, at a minimum, shall consist of:

1071 (i) Establishment of a master budget for each
1072 segment of highway to be constructed, reconstructed or repaired.



1073 For purposes of this requirement, no segment shall be less than
1074 ten (10) miles in length unless a shorter segment is specifically
1075 authorized or required by law; and

1076 (ii) Policies for the oversight and management of
1077 the master budget for segments which:

1078 1. Establish a reasonable cost estimate to
1079 serve as a budget for each project within a segment. For purposes
1080 of this provision, projects include preliminary engineering,
1081 right-of-way acquisition and construction;

1082 2. Capture and retain the initial project
1083 budgets for comparison with final actual expenditures;

1084 3. Capture and retain the initial segment
1085 budget for comparison with final segment actual expenditures;

1086 4. Require that any changes to a budget for a
1087 project will be reviewed and approved by district or central
1088 office personnel. Such personnel shall be responsible for signing
1089 any revision, and providing a narrative description of the reasons
1090 for approving a revision and the reasons for rejecting other
1091 alternatives;

1092 5. With existing resources, develop an
1093 information system to provide the Legislature, managers and the
1094 public with up-to-date segment cost information;

1095 6. Capture the cost of consultants,
1096 engineers, attorneys, contract appraisers and other technical and
1097 professional contractors used in preliminary engineering,
1098 right-of-way acquisition and construction projects;

1099 7. Ensure that projects for preliminary
1100 engineering, right-of-way acquisition and construction do not
1101 overlap segments;

1102 8. Track and report the final segment cost
1103 and a comparison to the bid cost;

1104 9. Track and compare actual completion dates
1105 with the bid completion date; and



1106 10. Track and report all change orders and
1107 the impact they have had on the bid price for a segment.

1108 (q) Annually report to the Legislature, on or before
1109 December 15 of each year, all preapproved contractors who
1110 subsequently receive contracts from the department. The reports
1111 must include the name of the contractor, the amount paid and the
1112 project on which the contractor worked.

1113 **[From and after January 1, 2004, this section shall read as**
1114 **follows:]**

1115 65-1-10. * * * The Chairman of the Mississippi
1116 Transportation Commission shall have the power and duty to:

1117 (a) * * * Appoint a director in charge of each
1118 operating office of the department who shall be responsible to the
1119 executive director for the operation of such office. Each such
1120 director shall be qualified and experienced in the functions
1121 performed by the office under his charge;

1122 (b) Administer the policies promulgated by the
1123 commission;

1124 (c) Supervise and direct all administrative and
1125 technical activities of the department;

1126 (d) Organize the offices and bureaus of the department;

1127 (e) Coordinate the activities of the various offices of
1128 the department;

1129 (f) Fix the compensation of employees of the
1130 department, subject to approval by the State Personnel Board, and
1131 require any employee to give bond to the State of Mississippi for
1132 the faithful performance of his duties in an amount the chairman
1133 deems appropriate. Premiums on all bonds so required shall be
1134 paid out of any funds available to the department;

1135 (g) Recommend such studies and investigations as he may
1136 deem appropriate and carry out the approved recommendations in
1137 conjunction with the various offices;



1138 (h) Prepare and deliver to the Legislature and the
1139 Governor on or before January 1 of each year, and at such other
1140 times as may be required by the Legislature or Governor, a full
1141 report of the work of the department and the offices thereof,
1142 including a detailed statement of expenditures of the department
1143 and any recommendations the department may have;

1144 (i) Have full and general supervision over all matters
1145 relating to the construction or maintenance of the state highways,
1146 letting of contracts therefor, and the selection of materials to
1147 be used in the construction of state highways under the authority
1148 conferred by this chapter as herein set forth and the employment,
1149 promotion, demotion, reprimand, suspension, termination,
1150 reassignment, transfer, moving or relocation of all personnel not
1151 specifically authorized by statute to be employed by the
1152 commission. The chairman may authorize the payment of expenses of
1153 any personnel reassigned, transferred, moved or relocated in
1154 accordance with such rules and regulations as are promulgated by
1155 the commission;

1156 (j) Approve all bids, sign all vouchers and
1157 requisitions, issue all orders for supplies and materials, sign
1158 all contracts and agreements in the name of the State of
1159 Mississippi, and subscribe to all other matters which may arise in
1160 the carrying out of the intent and purpose of this chapter;

1161 (k) Receive and assume control, for the benefit of the
1162 state, of any and all highways herein or hereafter fixed as roads
1163 constituting a part of the state highway system;

1164 (l) Provide for boulevard stops, restricted entrances
1165 to main highways and access driveways, neutral grounds, and
1166 roadside parks, erect all suitable direction and warning signs,
1167 and provide access roads in or to municipalities where necessary;
1168 provide limited access facilities when and where deemed necessary,
1169 such a facility being defined as a highway or street especially
1170 designed or designated for through traffic and over, from or to



1171 which owners or occupants of abutting land or other persons have
1172 only such limited right or easement of access as may be prescribed
1173 by the commission, and provide that certain highways or streets
1174 may be parkways from which trucks, buses and other commercial
1175 vehicles shall be excluded or may be freeways open to customary
1176 forms of highway and street traffic and use, and such limited
1177 access facilities or parkways may be planned, designated,
1178 established, regulated, vacated, altered, improved, constructed
1179 and maintained and rights-of-way therefor specifically obtained,
1180 either by purchase, gift, condemnation or other form of
1181 acquisition;

1182 (m) Construct bridges with or without footways, and
1183 sidewalks where deemed essential to decrease hazards;

1184 (n) Perform services for the Department of Finance and
1185 Administration on state property, including, but not limited to,
1186 engineering services, and to advance such funds to defray the cost
1187 of the expenses incurred in performing such services from out of
1188 transportation department funds until such department is
1189 reimbursed by the Department of Finance and Administration;

1190 (o) Perform all duties authorized by Section 27-19-136,
1191 Mississippi Code of 1972, concerning the assessment and collection
1192 of permit fees, fines and penalties;

1193 (p) Give suitable numbers to highways and to change the
1194 number of any highway that shall become a part of the state
1195 highway system. However, nothing herein shall authorize the
1196 number of any highway to be changed so as to conflict with any
1197 designation thereof as a U.S. numbered highway. Where, by a
1198 specific act of the Legislature, the commission has been directed
1199 to give a certain number to a highway, the commission shall not
1200 have the authority to change such number;

1201 (q) Establish, and have the transportation department
1202 maintain and operate, and to cooperate with the state educational
1203 institutions in establishing, enlarging, maintaining and operating



1204 a laboratory or laboratories for testing materials and for other
1205 proper highway purposes;

1206 (r) Provide, under the direction and with the approval
1207 of the Department of Finance and Administration, suitable offices,
1208 shops and barns in the City of Jackson;

1209 (s) Cooperate with proper state authorities in
1210 producing limerock for highway purposes and to purchase same at
1211 cost;

1212 (t) Provide for the purchase of necessary equipment and
1213 vehicles and provide for their repair and housing;

1214 (u) Authorize the Transportation Department to
1215 construct, lease or otherwise provide necessary and proper
1216 permanent district offices for the construction and maintenance
1217 divisions of the department;

1218 (v) Cooperate with the Department of Archives and
1219 History in having placed and maintained suitable historical
1220 markers, including those which have been approved and purchased by
1221 the State Historical Commission, along state highways, and to have
1222 constructed and maintained roadside driveways for convenience and
1223 safety in viewing them when necessary; however, no highway or
1224 bridge shall ever be memorialized to a man while living;

1225 (w) Cooperate, in his discretion, with the Mississippi
1226 Department of Wildlife, Fisheries and Parks in planning and
1227 constructing roadside parks upon the right-of-way of state
1228 highways, whether constructed, under construction, or planned;
1229 such parks to utilize where practical barrow pits used in
1230 construction of state highways for use as fishing ponds. The
1231 parks shall be named for abundant flora and fauna existing in the
1232 area or for the first flora or fauna found on the site;

1233 (x) Cooperate, in his discretion, with the Mississippi
1234 Forestry Commission and the School of Forestry, Mississippi State
1235 University, in a forestry management program, including planting,
1236 thinning, cutting and selling, upon the right-of-way of any



1237 highway, constructed, acquired or maintained by the Transportation
1238 Department, and sell and dispose of any and all growing timber
1239 standing, lying or being on any right-of-way acquired by the
1240 department for highway purposes in the future; such sale or sales
1241 to be made in accordance with the sale of personal property which
1242 has become unnecessary for public use as provided for in Section
1243 65-1-123;

1244 (y) Expend funds in cooperation with the Division of
1245 Plant Industry, Mississippi Department of Agriculture and
1246 Commerce, the United States government or any department or agency
1247 thereof, or with any department or agency of this state, to
1248 control, suppress or eradicate serious insect pests, rodents,
1249 plant parasites and plant diseases on the state highway
1250 rights-of-way;

1251 (z) Provide for the placement, erection and maintenance
1252 of motorist services business signs and supports within state
1253 highway rights-of-way in accordance with current state and federal
1254 laws and regulations governing the placement of traffic control
1255 devices on state highways, and establish and collect reasonable
1256 fees from the businesses having information on such signs;

1257 (aa) Request and accept the use of persons convicted of
1258 an offense, whether a felony or a misdemeanor, for work on any
1259 road construction, repair or other project of the Transportation
1260 Department. The chairman may also request and accept the use of
1261 persons who have not been convicted of an offense but who are
1262 required to fulfill certain court-imposed conditions pursuant to
1263 Section 41-29-150(d)(1) or 99-15-26, or the Pretrial Intervention
1264 Act, being Sections 99-15-101 through 99-15-127. The chairman may
1265 enter into any agreements with the Department of Corrections, the
1266 State Parole Board, any criminal court of this state, and any
1267 other proper official regarding the working, guarding,
1268 safekeeping, clothing and subsistence of such persons performing
1269 work for the Transportation Department. Such persons shall not be



1270 deemed agents, employees or involuntary servants of the
1271 Transportation Department while performing such work or while
1272 going to and from work or other specified areas;

1273 (bb) Expend funds for the purchase of service pins for
1274 employees of the Mississippi Transportation Department.

1275 (cc) Conduct project planning as provided for in this
1276 paragraph (cc). Such project planning shall apply to all
1277 preliminary engineering, right-of-way acquisition and construction
1278 projects of the department and, at a minimum, shall consist of:

1279 (i) Establishment of a master budget for each
1280 segment of highway to be constructed, reconstructed or repaired.
1281 For purposes of this requirement, no segment shall be less than
1282 ten (10) miles in length unless a shorter segment is specifically
1283 authorized or required by law; and

1284 (ii) Policies for the oversight and management of
1285 the master budget for segments which:

1286 1. Establish a reasonable cost estimate to
1287 serve as a budget for each project within a segment. For purposes
1288 of this provision, projects include preliminary engineering,
1289 right-of-way acquisition and construction;

1290 2. Capture and retain the initial project
1291 budgets for comparison with final actual expenditures;

1292 3. Capture and retain the initial segment
1293 budget for comparison with final segment actual expenditures;

1294 4. Require that any changes to a budget for a
1295 project will be reviewed and approved by district or central
1296 office personnel. Such personnel shall be responsible for signing
1297 any revision, and providing a narrative description of the reasons
1298 for approving a revision and the reasons for rejecting other
1299 alternatives;

1300 5. With existing resources, develop an
1301 information system to provide the Legislature, managers and the
1302 public with up-to-date segment cost information;



1303 6. Capture the cost of consultants,
1304 engineers, attorneys, contract appraisers and other technical and
1305 professional contractors used in preliminary engineering,
1306 right-of-way acquisition and construction projects;

1307 7. Ensure that projects for preliminary
1308 engineering, right-of-way acquisition and construction do not
1309 overlap segments;

1310 8. Track and report the final segment cost
1311 and a comparison to the bid cost;

1312 9. Track and compare actual completion dates
1313 with the bid completion date; and

1314 10. Track and report all change orders and
1315 the impact they have had on the bid price for a segment.

1316 (dd) Annually report to the Legislature, on or before
1317 December 15 of each year, all preapproved contractors who
1318 subsequently receive contracts from the department. The reports
1319 must include the name of the contractor, the amount paid and the
1320 project on which the contractor worked.

1321 SECTION 7. Section 65-1-11, Mississippi Code of 1972, is
1322 amended as follows:

1323 **[Until January 1, 2004, this section shall read as follows:]**

1324 65-1-11. The executive director, subject to the approval of
1325 the commission, shall employ a chief engineer who shall be a
1326 registered civil engineer, a graduate of a recognized school of
1327 engineering, and who shall have had not less than five (5) years'
1328 actual professional experience in highway construction. The chief
1329 engineer shall also be deputy executive director of the
1330 transportation department and shall act as executive director in
1331 case of the illness or disability of the executive director or his
1332 absence from the state. The chief engineer while acting as
1333 executive director of the transportation department shall be
1334 invested with the same power and authority as the executive
1335 director himself. The chief engineer shall give bond in the sum



1336 of Fifty Thousand Dollars (\$50,000.00) in some surety company
1337 authorized to do business in this state, which bond shall be
1338 conditioned upon the faithful performance and discharge of his
1339 duties. The principal and surety on such bond shall be liable
1340 thereunder to the State of Mississippi for double the amount of
1341 the value of any money or property which the state may lose, if
1342 any, by reason of any wrongful or criminal act of such engineer.
1343 The term of office of the chief engineer shall be for a period of
1344 four (4) years, unless sooner removed as hereinafter provided, and
1345 he shall be eligible for reappointment. The first term of office,
1346 however, shall extend from the date of appointment until the first
1347 Monday of January, 1952.

1348 **[From and after January 1, 2004, this section shall read as**
1349 **follows:]**

1350 65-1-11. The Chairman of the Mississippi Transportation
1351 Commission, shall employ a chief engineer who shall be a
1352 registered civil engineer, a graduate of an accredited school of
1353 engineering, * * * who shall have had not less than five (5)
1354 years' actual professional experience in highway construction and
1355 who shall serve at the will and pleasure of the chairman. * * *

1356 SECTION 8. Section 65-3-97, Mississippi Code of 1972, is
1357 amended as follows:

1358 65-3-97. (1) In addition to and including all other
1359 highways designated as a part of the state highway system, there
1360 is hereby designated as a part thereof a four-lane highway system
1361 to connect various areas of the state with interstate and primary
1362 highways. The Mississippi Department of Transportation shall
1363 construct and reconstruct four-lane highways, that is, not less
1364 than two (2) lanes for traffic flowing in each direction, along
1365 the routes designated in this section.

1366 (2) In the construction and reconstruction of the four-lane
1367 highway system designated in this section, the Mississippi
1368 Department of Transportation may utilize the roadway of any



1369 existing highway under its jurisdiction and control and shall do
1370 so when such utilization is feasible, provided that such highways
1371 which are utilized shall be constructed to current standards for
1372 such roadways. When it is not feasible to utilize existing
1373 designated highways, the Transportation Department shall relocate
1374 such highways and construct entirely new facilities whether in
1375 urban or rural areas.

1376 (3) Construction of the four-lane highway system designated
1377 in this subsection shall commence, proceed and be performed by the
1378 Mississippi Department of Transportation strictly in accordance
1379 with the following set of priorities established for the letting
1380 of contracts on and along various segments thereof:

1381 (a) Of the following group of highway segments not less
1382 than fifteen percent (15%) of all contracts necessary to be let
1383 for completion of all segments within the group shall be let by
1384 June 30, 1988, not less than thirty percent (30%) of such
1385 contracts shall be let by June 30, 1989, not less than fifty
1386 percent (50%) of such contracts shall be let by June 30, 1990, not
1387 less than seventy percent (70%) of such contracts shall be let by
1388 June 30, 1991, not less than ninety percent (90%) of such
1389 contracts shall be let by June 30, 1992, and one hundred percent
1390 (100%) of such contracts shall be let by June 30, 1993:

1391 (i) Highway segments along or near U.S. 45
1392 beginning at the Clarke/Lauderdale county line and extending
1393 northerly to I-59; then beginning at Macon and extending northerly
1394 to Brooksville; then beginning at Columbus Air Force Base and
1395 extending northerly to Aberdeen; then beginning at U.S. 278 and
1396 extending northerly to Shannon; then beginning at Saltillo and
1397 extending northerly to Corinth.

1398 (ii) Highway segments along or near U.S. 45A
1399 beginning at U.S. 82 and extending northerly to West Point; then
1400 beginning four (4) miles south of Okolona and extending northerly
1401 to Shannon.



1402 (iii) A highway segment along or near U.S. 49W
1403 beginning at U.S. 49 and extending westerly through Yazoo City to
1404 the Yazoo River.

1405 (iv) A highway segment along or near U.S. 49W
1406 beginning at Inverness and extending northerly to Indianola.

1407 (v) A highway segment along or near U.S. 61
1408 beginning at Port Gibson and extending northerly to the four-lane
1409 south of Vicksburg.

1410 (vi) Highway segments along or near U.S. 72
1411 beginning at or near Mt. Pleasant and extending southeasterly to
1412 Mississippi 5; then beginning at Walnut and extending
1413 southeasterly to Corinth; then beginning at Strickland and
1414 extending southeasterly to Burnsville.

1415 (vii) Highway segments along or near U.S. 78
1416 beginning at Holly Springs and extending southeasterly to the New
1417 Albany bypass; then beginning at Mississippi 25 and extending
1418 southeasterly to Tremont.

1419 (viii) Highway segments along or near U.S. 82
1420 beginning at I-55 and extending easterly to Kilmichael; then
1421 beginning at Eupora and extending easterly to Mathiston; then
1422 beginning at Mississippi 12 and extending easterly to the Alabama
1423 state line.

1424 (ix) A highway segment along or near U.S. 84
1425 beginning at I-59 and extending easterly to the Jones/Wayne county
1426 line.

1427 (x) Highway segments along or near U.S. 98
1428 beginning at Columbia and extending easterly to the Marion/Lamar
1429 county line; then beginning at U.S. 49 and extending southeasterly
1430 to the Alabama state line.

1431 (b) Of the following group of highway segments not less
1432 than five percent (5%) of all contracts necessary to be let for
1433 completion of all segments within the group shall be let by June
1434 30, 1991, not less than ten percent (10%) of such contracts shall



1435 be let by June 30, 1992, not less than twenty-five percent (25%)
1436 of such contracts shall be let by June 30, 1993, not less than
1437 forty percent (40%) of such contracts shall be let by June 30,
1438 1994, not less than fifty-five percent (55%) of such contracts
1439 shall be let by June 30, 1995, not less than seventy percent (70%)
1440 of such contracts shall be let by June 30, 1996, not less than
1441 eighty-five percent (85%) of such contracts shall be let by June
1442 30, 1997, and one hundred percent (100%) of such contracts shall
1443 be let by June 30, 1998:

1444 (i) Highway segments along or near Mississippi 25
1445 beginning at Mississippi 471 and extending northeasterly to
1446 Mississippi 43; then beginning at the Winston/Oktibbeha county
1447 line and extending northeasterly to Starkville.

1448 (ii) A highway segment along or near Mississippi
1449 63 beginning at the Jackson/George county line and extending
1450 northerly to Lucedale.

1451 (iii) A highway segment along or near Mississippi
1452 302 beginning at I-55 in Southaven and extending easterly to U.S.
1453 72 at or near Mt. Pleasant.

1454 (iv) Highway segments along or near U.S. 45
1455 beginning at the Alabama state line and extending northerly to the
1456 Clarke/Lauderdale county line; then beginning at Lauderdale and
1457 extending northerly to Macon; then beginning at Aberdeen and
1458 extending northerly to U.S. 278.

1459 (v) A highway segment along or near U.S. 45A
1460 beginning at West Point and extending northerly to four (4) miles
1461 south of Okolona.

1462 (vi) A highway segment beginning at Brooksville
1463 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
1464 82, such segment having been designated by the Transportation
1465 Commission pursuant to the provisions of paragraph (1)(c) of this
1466 section.



1467 (vii) A highway segment along or near U.S. 49W
1468 beginning at the Yazoo River and extending northerly to Inverness.

1469 (viii) Highway segments along or near U.S. 61
1470 beginning at the Louisiana state line and extending northerly to
1471 the Wilkinson/Adams county line; then beginning at Washington and
1472 extending northerly to Port Gibson; then beginning at Merigold and
1473 extending northerly to Shelby; then beginning at the north end of
1474 the Clarksdale bypass and extending northerly to the Tennessee
1475 state line.

1476 (ix) A highway segment along or near U.S. 72
1477 beginning at Mississippi 5 and extending southeasterly to Walnut.

1478 (x) A highway segment along or near U.S. 78
1479 beginning at Tremont and extending southeasterly to the Alabama
1480 state line.

1481 (xi) Highway segments along or near U.S. 82
1482 beginning at the Montgomery/Webster county line and extending
1483 easterly to Eupora; then beginning at Mathiston and extending
1484 easterly to Starkville.

1485 (xii) Highway segments along or near U.S. 84
1486 beginning at Leesdale and extending easterly to Roxie; then
1487 beginning at Auburn Road and extending easterly to I-55; then
1488 beginning at the east end of the Brookhaven bypass and extending
1489 easterly to Prentiss; then beginning at the Jones/Covington county
1490 line and extending easterly to Horse Creek; then beginning at the
1491 Jones/Wayne county line and extending easterly to Waynesboro.

1492 (xiii) Highway segments along or near U.S. 98
1493 beginning at the Pike/Walthall county line and extending easterly
1494 to Columbia; then beginning at the Marion/Lamar county line and
1495 extending easterly to the four-lane west of Hattiesburg.

1496 (c) Of the following group of highway segments not less
1497 than ten percent (10%) of all contracts necessary to be let for
1498 completion of all segments within the group shall be let by June
1499 30, 1996, not less than twenty percent (20%) of such contracts



1500 shall be let by June 30, 1997, not less than forty percent (40%)
1501 of such contracts shall be let by June 30, 1998, and one hundred
1502 percent (100%) of such contracts shall be let by June 30, 1999:

1503 (i) A highway segment along or near Mississippi 25
1504 beginning at Mississippi 43 and extending northeasterly to the
1505 Winston/Oktibbeha county line.

1506 (ii) A highway segment along or near Mississippi
1507 63 beginning at Lucedale and extending northerly to U.S. 45 at
1508 State Line.

1509 (iii) A highway segment along or near U.S. 61
1510 beginning at Shelby and extending northerly to U.S. 49.

1511 (iv) A highway segment along or near U.S. 82
1512 beginning at Kilmichael and extending easterly to the
1513 Montgomery/Webster county line.

1514 (v) Highway segments along or near U.S. 84
1515 beginning at Eddiceton and extending easterly to Auburn Road; then
1516 beginning at Prentiss and extending easterly to Collins; then
1517 beginning at Waynesboro and extending easterly to the Alabama
1518 state line.

1519 (d) (i) Of the following group of highway segments not
1520 less than five percent (5%) of all contracts necessary to be let
1521 for completion of all segments within the group shall be let by
1522 June 30, 2002, not less than fifteen percent (15%) of such
1523 contracts shall be let by June 30, 2003, not less than twenty-five
1524 percent (25%) of such contracts shall be let by June 30, 2004, not
1525 less than thirty-five percent (35%) of such contracts shall be let
1526 by June 30, 2005, not less than forty-five percent (45%) of such
1527 contracts shall be let by June 30, 2006, not less than sixty
1528 percent (60%) of such contracts shall be let by June 30, 2007, not
1529 less than seventy percent (70%) of such contracts shall be let by
1530 June 30, 2008, not less than eighty percent (80%) of such
1531 contracts shall be let by June 30, 2009, not less than ninety
1532 percent (90%) of such contracts shall be let by June 30, 2010, and



1533 one hundred percent (100%) of such contracts shall be let by June
1534 30, 2011:

1535 A. A highway segment along or near
1536 Mississippi 6 beginning at the Clarksdale bypass and extending
1537 easterly to Batesville.

1538 B. A highway segment along or near
1539 Mississippi 12 beginning at I-55 and extending easterly to
1540 Kosciusko.

1541 C. A highway segment along or near
1542 Mississippi 15 beginning at I-10 and extending northerly to
1543 Mississippi 26; then beginning at U.S. Highway 98 and extending
1544 northerly to the Mississippi/Tennessee state line.

1545 D. A highway segment consisting of two (2)
1546 lanes of construction and two (2) lanes of right-of-way
1547 acquisition along or near Mississippi 15 beginning at Mississippi
1548 26 and extending northerly to U.S. Highway 98.

1549 E. A highway segment along or near
1550 Mississippi 19 beginning at Collinsville and extending
1551 northwesterly to Kosciusko.

1552 F. Highway segments along or near Mississippi
1553 25 beginning at Aberdeen and extending northerly to Fulton; then
1554 beginning at the Alabama state line and extending northerly to
1555 U.S. Highway 72.

1556 G. A highway segment along or near U.S.
1557 Highway 61 beginning at Redwood and extending northerly to Leland.

1558 H. A highway segment along or near U.S.
1559 Highway 98 beginning at Meadville and extending southeasterly to
1560 Summit.

1561 I. A highway segment along or near
1562 Mississippi Highway 24/48 beginning at Woodville and extending
1563 easterly to McComb.



1564 J. A highway segment along or near
1565 Mississippi 35 beginning at the Mississippi/Louisiana state line
1566 and extending northerly to or near Foxworth.

1567 K. A highway segment along or near
1568 Mississippi 27 beginning at I-20 and extending southeasterly to
1569 I-55.

1570 L. A highway segment along or near
1571 Mississippi 57 beginning at I-10 and extending northerly ten (10)
1572 miles to just north of the community of Van Cleave.

1573 (ii) Contracts for the construction and/or
1574 reconstruction of highway segments designated within this group
1575 shall be let by the Transportation Commission strictly in
1576 accordance with the level of service of the highway segment as
1577 defined by the Transportation Research Board, or any successor
1578 board or agency. If the level of service of a highway segment is
1579 less than the level of service threshold at which the
1580 Transportation Department recommends the construction of a
1581 four-lane highway, then the Transportation Department shall make
1582 other improvements and highway modifications to such highway
1583 segment as needed, such as straightening and realignment of the
1584 existing roadway, the addition of passing lanes and the widening
1585 of existing lanes, and may acquire any necessary right-of-way for
1586 such purposes and for the purpose of future construction of
1587 four-lane highways along such segments.

1588 (iii) With respect to the segments authorized in
1589 this paragraph (d), the Transportation commission shall consider
1590 the level of service of the projects together with all projects
1591 authorized in Section 65-39-1 and nonprogram highway construction
1592 and shall devise a priority schedule for preliminary engineering,
1593 right-of-way acquisition and construction which establishes a
1594 schedule for completion of these projects and reflects the
1595 relative need for the projects authorized in this paragraph (d)
1596 and in Section 65-39-1 and nonprogram highways. The commission



1597 shall accord great weight to Federal Highway Administration
1598 standards in setting priorities and also may consider other
1599 factors, not in violation of federal law, as the commission
1600 considers relevant. No funds deposited into the special funds
1601 created in Sections 65-39-3 of 65-39-17 may be expended on any
1602 project authorized in this paragraph (d).

1603 (4) The construction priorities established in this section
1604 shall not be construed as prohibiting the completion of highway
1605 segments which, on July 1, 1987, are included in the current
1606 three-year plan under Section 65-1-141, and for which, on July 1,
1607 1987, grade and drainage has been completed or contracts for grade
1608 and drainage have been let.

1609 (5) Contracts may be let and construction may commence and
1610 be performed concurrently on any of the highway segments
1611 designated in subsection (3) of this section, notwithstanding the
1612 priorities established for the letting of contracts on the various
1613 segments designated therein, provided that funds are available
1614 and, provided that, at all times, the percentages of all contracts
1615 required to be let on the segments designated in paragraphs
1616 (3) (a), (3) (b), (3) (c) and (3) (d), respectively, are, in fact, let
1617 no later than the dates established therein.

1618 (6) (a) All highway construction and reconstruction
1619 authorized under this section shall be performed by contract let
1620 on competitive bid in the manner provided by statute; however,
1621 highway segments shall be constructed in lengths of not less than
1622 ten (10) miles.

1623 (b) It is the intent of the Legislature that not less
1624 than ten percent (10%) of the amounts authorized to be expended
1625 for construction and reconstruction of the four-lane highway
1626 segments designated in this section shall be expended with small
1627 business concerns owned and controlled by socially and
1628 economically disadvantaged individuals. The term "socially and
1629 economically disadvantaged individuals" shall have the meaning



1630 ascribed to such term under Section 8(d) of the Small Business Act
1631 (15 USCS, Section 637(d)) and relevant subcontracting regulations
1632 promulgated pursuant thereto; except that women shall be presumed
1633 to be socially and economically disadvantaged individuals for the
1634 purposes of this paragraph (b).

1635 (7) (a) Notwithstanding the provisions of subsection (6)(a)
1636 of this section, the Mississippi Transportation Commission may
1637 construct highway segments of less than ten (10) miles in length
1638 if:

1639 (i) The segment as described in subsection (3) of
1640 this section is less than ten (10) miles in length;

1641 (ii) The segment will connect two (2) * * *
1642 highways which were existing four-lane highways on July 1, 2001;
1643 * * *

1644 (iii) For a particular project, the costs of
1645 constructing a single segment of at least ten (10) miles in length
1646 would * * * exceed the aggregate costs of constructing two (2) or
1647 more segments by more than ten percent (10%).

1648 * * *

1649 (b) In any case in which the Transportation Commission
1650 authorizes the construction of a highway segment of less than ten
1651 (10) miles in length, the commission shall set forth and record in
1652 its official minutes, on at least a quarterly basis, a prospective
1653 explanation and justification therefor based upon one or more of
1654 the conditions prescribed in paragraph (7)(a) of this section.
1655 Nothing in this paragraph (b) shall be construed as authorizing
1656 the commission to approve a segment of less than ten (10) miles in
1657 length after a contract for the segment has been let.

1658 (8) To assist in defraying the costs and expenses for
1659 construction, reconstruction and relocation of the four-lane
1660 highway system described in this section, the following revenues
1661 shall be paid out of such funds made available to the
1662 Transportation Commission and the Transportation Department:



1663 (a) From matched federal funds or other federal funds,
1664 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,
1665 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,
1666 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and
1667 fifty percent (50%) of such federal funds for fiscal year 1991 and
1668 each fiscal year thereafter; and

1669 (b) Five Million Dollars (\$5,000,000.00) from matched
1670 federal bridge replacement funds for fiscal year 1988 and each
1671 fiscal year thereafter when the segments proposed for construction
1672 contain bridges that are eligible for replacement under the
1673 Federal Aid Bridge Replacement Program.

1674 (9) The Transportation Department shall submit a report to
1675 the Legislature by January 10 of each calendar year setting forth
1676 the current status of the construction program set forth in this
1677 section to include, but not be limited to, the following
1678 information:

1679 (a) Specific segments on which engineering is being
1680 performed or has been completed;

1681 (b) Specific segments for which right-of-way has been
1682 acquired or is being acquired;

1683 (c) Specific segments for which construction contracts
1684 have been let;

1685 (d) Specific segments on which construction is in
1686 progress;

1687 (e) Specific segments on which construction has been
1688 completed;

1689 (f) Projections for completion of the next step on each
1690 segment;

1691 (g) Revenue derived for such construction program from
1692 each revenue source contained in Chapter 322, Laws, 1987, and in
1693 Chapter 557, Laws, 1994;

1694 (h) For each fiscal year beginning in 1994, a detailed
1695 cash flow projection by source of program activities and an



1696 estimate of when the program will encounter a funding shortage due
1697 to costs exceeding original projections;

1698 (i) A schedule of all complete and open-to-traffic
1699 highway segments and the related total cost of each segment;

1700 (j) A schedule of all highway segments on which all
1701 contracts necessary for completion of the segments were not let as
1702 of the date required by law;

1703 (k) A complete recap of all program receipts by source,
1704 and of all disbursements for the prior fiscal year and cumulative
1705 totals since the inception of the program as compared to
1706 projections; * * *

1707 (l) A statement from the Department of Transportation
1708 regarding the status of the funding of the program based on agency
1709 cost experience and projections for the future;

1710 (m) A list of all segments of less than ten (10) miles
1711 in length which were authorized by the commission during the
1712 preceding year. The list must include:

1713 (i) Contract let by date;

1714 (ii) The highway on which the contract was let;

1715 (iii) A description of the project, including the
1716 beginning and end point of the contract;

1717 (iv) The length of the contract in miles; and

1718 (v) The name of the contractor selected to perform
1719 the contract work;

1720 (n) A compilation of costs for all preliminary
1721 engineering, right-of-way and construction contracts entered
1722 during the reporting period;

1723 (o) A listing of all segments completed or in progress
1724 by topographical area of the state for the reporting period; and

1725 (p) A status report of road segments to include road
1726 segment description, the date of construction of the road and the
1727 pavement condition rating, which includes roadbed rutting and
1728 condition factors.



1729 The report shall be deemed submitted when ten (10) copies are
1730 submitted to the Clerk of the House of Representatives and ten
1731 (10) copies are submitted to the Secretary of the Senate.

1732 SECTION 9. Section 65-39-1, Mississippi Code of 1972, is
1733 amended as follows:

1734 65-39-1. (1) The Mississippi Transportation Commission is
1735 authorized, subject to the availability of funds in the Gaming
1736 Counties State-Assisted Infrastructure Fund created in Section
1737 65-39-17, to conduct feasibility studies and, pursuant to
1738 information gathered in such studies, select routes and locations,
1739 perform preliminary engineering, acquire necessary right-of-way
1740 and property, construct and/or reconstruct and improve existing or
1741 new highways, roads, streets and bridges, including two-lane,
1742 four-lane and multi-lane roads (or segments thereof), perform
1743 intersection improvements, provide signal retiring, turnbay
1744 extensions, additional interchanges and other traffic
1745 modifications, within and approaching those counties in this state
1746 where legal gaming is being conducted or is authorized. Any
1747 highway, road, street or bridge that is authorized to be
1748 constructed, reconstructed or improved shall meet design standards
1749 established by the Mississippi Department of Transportation, shall
1750 be constructed to bear a load limit of at least eighty thousand
1751 (80,000) pounds and, upon completion, shall become a part of the
1752 state highway system, and thereafter shall be under the
1753 jurisdiction of the Mississippi Transportation Commission and the
1754 Mississippi Department of Transportation for construction and
1755 maintenance.

1756 (2) The projects authorized in subsection (1) of this
1757 section shall include, but shall not be limited to, highways,
1758 roads, streets and bridges on and along the following locations:

1759 (a) U.S. Highway 90 from its intersection with
1760 Mississippi 607 in Hancock County to Ocean Springs, and including



1761 Lakeshore Road in Hancock County from its intersection with U.S.
1762 Highway 90 to Beach Boulevard;

1763 (b) Mississippi 4 from U.S. Highway 61 to Mississippi
1764 3;

1765 (c) Mississippi 4 from Mississippi 3 to Senatobia;

1766 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;

1767 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in
1768 Gulfport;

1769 (f) Mississippi 304 beginning at the Tennessee state
1770 line at or near U.S. 72 and thence running in a southwesterly
1771 direction to intersect with U.S. 78 at or near Byhalia and thence
1772 running in a westerly direction to intersect I-55 at or near
1773 Hernando and thence running in a westerly direction to intersect
1774 with U.S. 61 in DeSoto County, with a spur extending southwesterly
1775 to or near Robinsonville in Tunica County;

1776 (g) I-10 from Exit 28 to Exit 57;

1777 (h) A new location from the northernmost point on I-110
1778 to U.S. 49;

1779 (i) U.S. Highway 61 from the Tunica County line to the
1780 Tennessee state line;

1781 (j) (i) Four-lanes for traffic along Mississippi 16
1782 beginning at its intersection with Mississippi 25 and extending
1783 easterly to join the existing four-lane on the west side of
1784 Carthage within the corporate boundaries;

1785 (ii) Passing lanes and turn lanes, as needed,
1786 along Mississippi 16 beginning at a point on the east side of
1787 Carthage within the corporate boundaries where the existing
1788 four-lane ends and extending easterly to the Leake/Neshoba county
1789 line; and

1790 (iii) Four-lanes for traffic along Mississippi 16
1791 beginning at the Leake/Neshoba county line and extending easterly
1792 to not more than ten (10) miles east of Mississippi 15;



1793 (k) Lorraine/Cowan Road Extension from I-10 North to
1794 relocated/reconstructed Mississippi 67;
1795 (l) At various locations on and along U.S. Highway 82
1796 and Mississippi 1 in the City of Greenville;
1797 (m) At various locations on and along I-20, U.S.
1798 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including
1799 a truck route from Harbor Industrial Park to U.S. Highway 61 north
1800 and an extension of South Frontage Road with railroad bridge to
1801 I-20;
1802 (n) At various locations on and along U.S. Highway 61,
1803 U.S. Highway 65 and Washington Street in the City of Natchez;
1804 (o) At various locations on and along U.S. Highway 90
1805 in the City of Pass Christian;
1806 (p) Mississippi 43/603 beginning where the existing
1807 four-lane ends north of I-10 and extending northerly to a point
1808 approximately one (1) mile north of Kiln where Mississippi 43/603
1809 divides into Mississippi 43 and Mississippi 603;
1810 (q) Mississippi 43 beginning where Mississippi 43 and
1811 Mississippi 603 divide and extending northwesterly to or near
1812 Picayune;
1813 (r) U.S. 49 from U.S. 61 west to the Mississippi River
1814 bridge;
1815 (s) Subject to the conditions prescribed in subsection
1816 (3) of this section, a central Harrison County connector from I-10
1817 to U.S. 90 in the vicinity of Canal Road to the Mississippi State
1818 Port at Gulfport; and
1819 (t) An east Harrison County connector from U.S. 90 to
1820 I-10 to be located between the Cowan-Lorraine Road interchange and
1821 the I-110 interchange.
1822 (3) Authorization for the project described in paragraph
1823 (2)(s) of this section is conditioned upon receipt by the
1824 Mississippi Transportation Commission of a written commitment by
1825 the Department of Economic and Community Development to make



1826 available for such project not less than Six Million Dollars
1827 (\$6,000,000.00).

1828 (4) All planning, construction, reconstruction and
1829 performance of the projects authorized under this section,
1830 including the letting of contracts, shall commence, proceed and be
1831 performed by the Mississippi Transportation Commission and the
1832 Mississippi Department of Transportation according to priorities
1833 based on volume capacity and traffic congestion in comparative
1834 project areas; however, if a project authorized in this section is
1835 also included in the four-lane highway program under Section
1836 65-3-97, then all contracts necessary to be let for the completion
1837 of the project under this section shall be let not later than the
1838 priorities established for the letting of contracts for the
1839 project under Section 65-3-97. Prioritization of construction for
1840 the projects authorized in this section shall be conducted as
1841 provided for in Section 65-3-97(3)(d)(iii).

1842 (5) (a) Funds for the projects authorized under this
1843 section may be provided through the issuance of bonds under
1844 Sections 65-39-5 through 65-39-33, through the issuance of notes
1845 for such purposes under Section 31-17-127 or from such monies as
1846 may be available in the Gaming Counties State-Assisted
1847 Infrastructure Fund created under Section 65-39-17.

1848 (b) In addition to the funds provided for under
1849 paragraph (a) of this subsection, funds for the project described
1850 in subsection (2)(s) of this section also may be provided from any
1851 available federal, state, county or municipal funds authorized for
1852 such project, including the Economic Development Highway Act.

1853 (6) (a) For all highway segments authorized in this
1854 section, the Mississippi Department of Transportation shall
1855 construct highway segments of at least ten (10) miles in length
1856 unless one or more of the following conditions exist:

1857 (i) The segment as described in this section is
1858 less than ten (10) miles in length;



1859 (ii) The segment will connect two (2) highways
1860 which were existing four-lane highways on July 1, 2001; or
1861 (iii) For a particular project, the costs of
1862 constructing a single segment of at least ten (10) miles in length
1863 would exceed the aggregate costs of constructing two (2) or more
1864 segments by more than ten percent (10%).

1865 (b) If the Transportation Commission authorizes the
1866 construction of a highway segment of less than ten (10) miles in
1867 length, the commission shall set forth and record in its official
1868 minutes, on at least a quarterly basis, a prospective explanation
1869 and justification based on one or more of the condition prescribed
1870 in paragraph (a) of this subsection (6). This subsection does not
1871 authorize the commission to approve a segment of less than ten
1872 (10) miles in length after a contract for the segment has been
1873 let.

1874 (7) The Transportation Department shall submit a report to
1875 the Legislature by January 10 of each calendar year setting forth
1876 the current status of the construction program set forth in this
1877 section to include, but not be limited to, the following
1878 information:

1879 (a) Specific segments on which engineering is being
1880 performed or has been completed;

1881 (b) Specific segments for which right-of-way has been
1882 acquired or is being acquired;

1883 (c) Specific segments for which construction contracts
1884 have been let;

1885 (d) Specific segments on which construction is in
1886 progress;

1887 (e) Specific segments on which construction has been
1888 completed;

1889 (f) Projections for completion of the next step on each
1890 segment;



1891 (g) Revenue derived for such construction program from
1892 each revenue source contained in Chapter 557, Laws, 1994;

1893 (h) For each fiscal year beginning in 1994, a detailed
1894 cash flow projection by source of program activities and an
1895 estimate of when the program will encounter a funding shortage due
1896 to costs exceeding original projections;

1897 (i) A schedule of all complete and open-to-traffic
1898 highway segments and the related total cost of each segment;

1899 (j) A complete recap of all program receipts by source,
1900 and of all disbursements for the prior fiscal year and cumulative
1901 totals since the inception of the program as compared to
1902 projections;

1903 (k) A statement from the Department of Transportation
1904 regarding the status of the funding of the program based on agency
1905 cost experience and projections for the future;

1906 (l) A list of all segments of less than ten (10) miles
1907 in length which were authorized by the commission during the
1908 preceding year. The list must include:

1909 (i) Contract let by date;

1910 (ii) The highway on which the contract was let;

1911 (iii) A description of the project, including the
1912 beginning and end point of the contract;

1913 (iv) The length of the contract in miles; and

1914 (v) The name of the contractor selected to perform
1915 the contract work;

1916 (m) A compilation of costs for all preliminary
1917 engineering, right-of-way and construction contracts entered
1918 during the reporting period;

1919 (n) A listing of all segments completed or in progress
1920 by topographical area of the state for the reporting period; and

1921 (o) A status report of road segments to include road
1922 segment description, the date of construction of the road and the



1923 pavement condition rating, which includes roadbed rutting and
1924 condition factors.

1925 SECTION 10. Section 65-39-35, Mississippi Code of 1972, is
1926 amended as follows:

1927 65-39-35. The date upon which the taxes and fees levied and
1928 charged under the provisions of Sections 27-55-11, 27-57-37,
1929 27-59-11, 27-19-43, 27-19-309, 27-65-75 and Sections 27-55-519 and
1930 27-55-521 are reduced under such sections shall be the first day
1931 of the month immediately following the date upon which:

1932 (a) The Mississippi Transportation Commission certifies
1933 to the State Tax Commission that:

1934 (i) The Four-Lane Highway Program created under
1935 Section 65-3-97 and the Gaming Counties Infrastructure Program
1936 created under Section 65-39-3, are completed and no funds are any
1937 longer necessary to pay the costs of such programs or twenty-five
1938 (25) years have elapsed since the completion of the last segment
1939 of highway authorized under Section 65-3-97(c), whichever occurs
1940 first; and

1941 (ii) The Mississippi Transportation Commission
1942 will not declare the necessity for additional borrowings under
1943 Section 65-9-27, or for additional bonds under Sections 65-39-5
1944 through 65-39-33; and

1945 (b) The State Treasurer certifies:

1946 (i) That the amount on deposit in the Gaming
1947 Counties Bond Sinking Fund, together with earnings on investments
1948 to accrue to such fund, is equal to or greater than the aggregate
1949 of the entire principal, redemption premium (if any), and interest
1950 due and to become due (until the final maturity date or earlier
1951 scheduled redemption date) on all general obligation bonds issued
1952 under Sections 65-39-5 through 65-39-33; and

1953 (ii) That all principal, interest, cost and other
1954 expenses for all bonds, notes or other borrowings under Section



1955 65-9-27 and Section 31-17-127 (including redemption notes, if any)
1956 have been paid and are completely satisfied.

1957 SECTION 11. Section 75-76-129, Mississippi Code of 1972, is
1958 amended as follows:

1959 [* * * Until the highway segments authorized in Section
1960 65-39-1 are certified as complete by the Mississippi
1961 Transportation Commission, this section shall read as follows:]

1962 75-76-129. On or before the last day of each month all
1963 taxes, fees, interest, penalties, damages, fines or other monies
1964 collected by the State Tax Commission during that month under the
1965 provisions of this chapter, with the exception of (a) the local
1966 government fees imposed under Section 75-76-195, and (b) an amount
1967 equal to Three Million Dollars (\$3,000,000.00) of the revenue
1968 collected pursuant to the fee imposed under Section
1969 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
1970 of the revenue collected pursuant to the fee imposed under Section
1971 75-76-177(1)(c), whichever is the greater amount, shall be paid by
1972 the State Tax Commission to the State Treasurer to be deposited in
1973 the State General Fund. The local government fees shall be
1974 distributed by the State Tax Commission pursuant to Section
1975 75-76-197. An amount equal to Three Million Dollars
1976 (\$3,000,000.00) of the revenue collected during that month
1977 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
1978 deposited by the State Tax Commission into the bond sinking fund
1979 created in Section 65-39-3. The revenue collected during that
1980 month pursuant to the fee imposed under Section 75-76-177(1)(c)
1981 that is in excess of Three Million Dollars (\$3,000,000.00), but is
1982 less than twenty-five percent (25%) of the amount of revenue
1983 collected during that month, shall be deposited into the State
1984 Highway Fund to be used exclusively for the reconstruction and
1985 maintenance of highways of the State of Mississippi.



1986 [* * * After the highway segments authorized in Section
1987 65-39-1 are certified as complete by the Mississippi
1988 Transportation Commission, this section shall read as follows:]

1989 75-76-129. On or before the last day of each month, all
1990 taxes, fees, interest, penalties, damages, fines or other monies
1991 collected by the State Tax Commission during that month under the
1992 provisions of this chapter, with the exception of the local
1993 government fees imposed under Section 75-76-195, shall be paid by
1994 the State Tax Commission to the State Treasurer to be deposited in
1995 the State General Fund. The local government fees shall be
1996 distributed by the State Tax Commission pursuant to Section
1997 75-76-197.

1998 SECTION 12. Section 25-3-33, Mississippi Code of 1972, is
1999 amended as follows:

2000 [Until January 1, 2004, this section shall read as follows:]

2001 25-3-33. The annual salaries of the following appointive
2002 state and district officials and employees are fixed as follows:

2003 Deputy Attorney General, not to exceed..... \$72,800.00

2004 Assistant Attorneys General shall each

2005 receive annual salaries in an amount

2006 to be fixed by the Attorney General

2007 but not to exceed..... 68,400.00

2008 Military Department--National Guard:

2009 Adjutant General..... 80,000.00

2010 Department of Banking and Consumer Finance:

2011 Commissioner..... 85,000.00

2012 Chairman of the State Tax Commission

2013 (Commissioner of Revenue)..... 91,000.00

2014 Associate Commissioners, each..... 42,000.00

2015 Director of Emergency Management Agency..... 65,000.00

2016 Department of Public Safety:

2017 Commissioner of Public Safety..... 80,000.00

2018 Director, Office of Mississippi



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| 2019 | Highway Safety Patrol, or | |
| 2020 | his successor..... | 70,000.00 |
| 2021 | Director, Office of Support Services, | |
| 2022 | or his successor..... | 70,000.00 |
| 2023 | Department of Human Services: | |
| 2024 | Director, not to exceed..... | 85,000.00 |
| 2025 | Workers' Compensation Commission: | |
| 2026 | Chairman..... | 80,000.00 |
| 2027 | Members, each..... | 78,000.00 |
| 2028 | Executive Director..... | 75,000.00 |
| 2029 | Administrative Judge, each..... | 75,000.00 |
| 2030 | Archives and History: | |
| 2031 | Director, not to exceed..... | 70,000.00 |
| 2032 | State Forester..... | 70,000.00 |
| 2033 | State Oil and Gas Board: | |
| 2034 | Secretary-Supervisor..... | 70,000.00 |
| 2035 | Educational Television Authority: | |
| 2036 | Executive Director..... | 70,000.00 |
| 2037 | Director, Mississippi Library Commission, | |
| 2038 | not to exceed..... | 70,000.00 |
| 2039 | Executive Secretary, Public Service | |
| 2040 | Commission..... | 65,000.00 |
| 2041 | Parole Board: | |
| 2042 | Chairman..... | 50,000.00 |
| 2043 | Administrative Assistant for | |
| 2044 | Parole Matters..... | 42,000.00 |
| 2045 | Members, each..... | 44,000.00 |
| 2046 | Governor's State Bond Advisory Division: | |
| 2047 | Director..... | 55,000.00 |
| 2048 | Employment Security Commission: | |
| 2049 | Executive Director, not to exceed..... | 70,000.00 |
| 2050 | Executive Director, Department of | |
| 2051 | Mental Health, to be determined by the | |



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| 2052 | State Board of Mental Health, not | |
| 2053 | to exceed..... | 85,000.00 |
| 2054 | Director, Division of Medicaid, | |
| 2055 | not to exceed..... | 85,000.00 |
| 2056 | Director, State Department of Transportation, | |
| 2057 | not to exceed..... | 85,000.00 |
| 2058 | State Entomologist..... | 65,000.00 |
| 2059 | Clerk of the Supreme Court..... | 60,000.00 |
| 2060 | State Aid Engineer, Division of State | |
| 2061 | Aid Road Construction..... | 70,000.00 |
| 2062 | Executive Director, Judicial Performance | |
| 2063 | Commission..... | 65,000.00 |
| 2064 | Executive Director, Department of Finance | |
| 2065 | and Administration..... | 85,000.00 |
| 2066 | Superintendent, Mississippi School for the | |
| 2067 | Blind, to be determined by the State | |
| 2068 | Board of Education, not to exceed..... | 65,000.00 |
| 2069 | Superintendent, Mississippi School for the Deaf, | |
| 2070 | to be determined by the State Board | |
| 2071 | of Education, not to exceed..... | 65,000.00 |
| 2072 | Executive Director, State Fair Commission..... | 65,000.00 |
| 2073 | Executive Director, Department of Wildlife, | |
| 2074 | Fisheries and Parks..... | 80,000.00 |
| 2075 | Executive Director, Department of Environmental | |
| 2076 | Quality..... | 85,000.00 |
| 2077 | Executive Director, Pat Harrison Waterway | |
| 2078 | District..... | 65,000.00 |
| 2079 | Executive Director, Pearl River Basin | |
| 2080 | Development District..... | 61,000.00 |
| 2081 | Executive Director, Pearl River Valley Water | |
| 2082 | Supply District..... | 71,000.00 |
| 2083 | Executive Director, Tombigbee River Valley | |
| 2084 | Water Management District..... | 61,000.00 |



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| 2085 | Director, Soil and Water Conservation | |
| 2086 | Commission..... | 60,000.00 |
| 2087 | Commissioner, Mississippi Department of | |
| 2088 | Corrections..... | 85,000.00 |
| 2089 | Executive Director, Mississippi Department of | |
| 2090 | Information Technology Services..... | 85,000.00 |
| 2091 | Executive Director, Mississippi Industries | |
| 2092 | for the Blind..... | 60,000.00 |
| 2093 | Director, Mississippi Bureau of Narcotics..... | 60,000.00 |
| 2094 | Executive Secretary, State Veterans Affairs | |
| 2095 | Board..... | 55,000.00 |
| 2096 | Executive Officer, Veterans' Home Purchase | |
| 2097 | Board..... | 65,000.00 |
| 2098 | Chief Administrative Officer, Motor Vehicle | |
| 2099 | Commission..... | 55,000.00 |
| 2100 | Stadium Manager, Mississippi Veterans | |
| 2101 | Memorial Stadium..... | 55,000.00 |
| 2102 | Executive Director, Mississippi Arts | |
| 2103 | Commission..... | 55,000.00 |
| 2104 | Director, Mississippi Board of Nursing..... | 60,000.00 |
| 2105 | Director, State Board of Pharmacy..... | 60,000.00 |
| 2106 | Director, State Board of Public Contractors..... | 50,000.00 |
| 2107 | Director, Real Estate Commission..... | 55,000.00 |
| 2108 | Director of Support Services, Department | |
| 2109 | of Rehabilitation Services..... | 80,000.00 |
| 2110 | Executive Director, State Fire Academy..... | 55,000.00 |
| 2111 | Executive Director, Law Enforcement | |
| 2112 | Officers Training Academy..... | 50,000.00 |
| 2113 | Executive Director, State Board of | |
| 2114 | Accountancy..... | 60,000.00 |
| 2115 | Executive Director, Mississippi | |
| 2116 | Gaming Commission..... | 90,000.00 |
| 2117 | Executive Director, Mississippi | |



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| 2118 | Department of Marine Resources..... | 70,000.00 |
| 2119 | Executive Director, State Board of | |
| 2120 | Registration for Professional | |
| 2121 | Engineers and Land Surveyors..... | 55,000.00 |
| 2122 | Executive Director, Public Utilities | |
| 2123 | Staff..... | 85,000.00 |
| 2124 | State Law Librarian..... | 60,000.00 |
| 2125 | State Personnel Director..... | 75,000.00 |
| 2126 | Manager, Farmers Central Market, | |
| 2127 | Department of Agriculture and | |
| 2128 | Commerce..... | 40,000.00 |
| 2129 | State Veterinarian..... | 70,000.00 |
| 2130 | Executive Director, Mississippi Ethics | |
| 2131 | Commission..... | 70,000.00 |
| 2132 | [From and after January 1, 2004, this section shall read as | |
| 2133 | follows:] | |
| 2134 | 25-3-33. The annual salaries of the following appointive | |
| 2135 | state and district officials and employees are fixed as follows: | |
| 2136 | Deputy Attorney General, not to exceed..... | \$72,800.00 |
| 2137 | Assistant Attorneys General shall each | |
| 2138 | receive annual salaries in an amount | |
| 2139 | to be fixed by the Attorney General | |
| 2140 | but not to exceed..... | 68,400.00 |
| 2141 | Military Department--National Guard: | |
| 2142 | Adjutant General..... | 80,000.00 |
| 2143 | Department of Banking and Consumer Finance: | |
| 2144 | Commissioner..... | 85,000.00 |
| 2145 | Chairman of the State Tax Commission | |
| 2146 | (Commissioner of Revenue)..... | 91,000.00 |
| 2147 | Associate Commissioners, each..... | 42,000.00 |
| 2148 | Director of Emergency Management Agency..... | 65,000.00 |
| 2149 | Department of Public Safety: | |
| 2150 | Commissioner of Public Safety..... | 80,000.00 |



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| 2151 | Director, Office of Mississippi | |
| 2152 | Highway Safety Patrol, or | |
| 2153 | his successor..... | 70,000.00 |
| 2154 | Director, Office of Support Services, | |
| 2155 | or his successor..... | 70,000.00 |
| 2156 | Department of Human Services: | |
| 2157 | Director, not to exceed..... | 85,000.00 |
| 2158 | Workers' Compensation Commission: | |
| 2159 | Chairman..... | 80,000.00 |
| 2160 | Members, each..... | 78,000.00 |
| 2161 | Executive Director..... | 75,000.00 |
| 2162 | Administrative Judge, each..... | 75,000.00 |
| 2163 | Archives and History: | |
| 2164 | Director, not to exceed..... | 70,000.00 |
| 2165 | State Forester..... | 70,000.00 |
| 2166 | State Oil and Gas Board: | |
| 2167 | Secretary-Supervisor..... | 70,000.00 |
| 2168 | Educational Television Authority: | |
| 2169 | Executive Director..... | 70,000.00 |
| 2170 | Director, Mississippi Library Commission, | |
| 2171 | not to exceed..... | 70,000.00 |
| 2172 | Executive Secretary, Public Service | |
| 2173 | Commission..... | 65,000.00 |
| 2174 | Parole Board: | |
| 2175 | Chairman..... | 50,000.00 |
| 2176 | Administrative Assistant for | |
| 2177 | Parole Matters..... | 42,000.00 |
| 2178 | Members, each..... | 44,000.00 |
| 2179 | Governor's State Bond Advisory Division: | |
| 2180 | Director..... | 55,000.00 |
| 2181 | Employment Security Commission: | |
| 2182 | Executive Director, not to exceed..... | 70,000.00 |
| 2183 | Executive Director, Department of | |



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| 2184 | Mental Health, to be determined by the | |
| 2185 | State Board of Mental Health, not | |
| 2186 | to exceed..... | 85,000.00 |
| 2187 | Director, Division of Medicaid, | |
| 2188 | not to exceed..... | 85,000.00 |
| 2189 | <u>Chairman of the Mississippi Transportation</u> | |
| 2190 | <u>Commission, Executive Director.....</u> | <u>91,000.00</u> |
| 2191 | <u>Associate Transportation Commissioners.....</u> | <u>42,000.00</u> |
| 2192 | State Entomologist..... | 65,000.00 |
| 2193 | Clerk of the Supreme Court..... | 60,000.00 |
| 2194 | State Aid Engineer, Division of State | |
| 2195 | Aid Road Construction..... | 70,000.00 |
| 2196 | Executive Director, Judicial Performance | |
| 2197 | Commission..... | 65,000.00 |
| 2198 | Executive Director, Department of Finance | |
| 2199 | and Administration..... | 85,000.00 |
| 2200 | Superintendent, Mississippi School for the | |
| 2201 | Blind, to be determined by the State | |
| 2202 | Board of Education, not to exceed..... | 65,000.00 |
| 2203 | Superintendent, Mississippi School for the Deaf, | |
| 2204 | to be determined by the State Board | |
| 2205 | of Education, not to exceed..... | 65,000.00 |
| 2206 | Executive Director, State Fair Commission..... | 65,000.00 |
| 2207 | Executive Director, Department of Wildlife, | |
| 2208 | Fisheries and Parks..... | 80,000.00 |
| 2209 | Executive Director, Department of Environmental | |
| 2210 | Quality..... | 85,000.00 |
| 2211 | Executive Director, Pat Harrison Waterway | |
| 2212 | District..... | 65,000.00 |
| 2213 | Executive Director, Pearl River Basin | |
| 2214 | Development District..... | 61,000.00 |
| 2215 | Executive Director, Pearl River Valley Water | |
| 2216 | Supply District..... | 71,000.00 |



| | | |
|------|--|-----------|
| 2217 | Executive Director, Tombigbee River Valley | |
| 2218 | Water Management District..... | 61,000.00 |
| 2219 | Director, Soil and Water Conservation | |
| 2220 | Commission..... | 60,000.00 |
| 2221 | Commissioner, Mississippi Department of | |
| 2222 | Corrections..... | 85,000.00 |
| 2223 | Executive Director, Mississippi Department of | |
| 2224 | Information Technology Services..... | 85,000.00 |
| 2225 | Executive Director, Mississippi Industries | |
| 2226 | for the Blind..... | 60,000.00 |
| 2227 | Director, Mississippi Bureau of Narcotics..... | 60,000.00 |
| 2228 | Executive Secretary, State Veterans Affairs | |
| 2229 | Board..... | 55,000.00 |
| 2230 | Executive Officer, Veterans' Home Purchase | |
| 2231 | Board..... | 65,000.00 |
| 2232 | Chief Administrative Officer, Motor Vehicle | |
| 2233 | Commission..... | 55,000.00 |
| 2234 | Stadium Manager, Mississippi Veterans | |
| 2235 | Memorial Stadium..... | 55,000.00 |
| 2236 | Executive Director, Mississippi Arts | |
| 2237 | Commission..... | 55,000.00 |
| 2238 | Director, Mississippi Board of Nursing..... | 60,000.00 |
| 2239 | Director, State Board of Pharmacy..... | 60,000.00 |
| 2240 | Director, State Board of Public Contractors..... | 50,000.00 |
| 2241 | Director, Real Estate Commission..... | 55,000.00 |
| 2242 | Director of Support Services, Department | |
| 2243 | of Rehabilitation Services..... | 80,000.00 |
| 2244 | Executive Director, State Fire Academy..... | 55,000.00 |
| 2245 | Executive Director, Law Enforcement | |
| 2246 | Officers Training Academy..... | 50,000.00 |
| 2247 | Executive Director, State Board of | |
| 2248 | Accountancy..... | 60,000.00 |
| 2249 | Executive Director, Mississippi | |



| | | |
|------|--|-----------|
| 2250 | Gaming Commission..... | 90,000.00 |
| 2251 | Executive Director, Mississippi | |
| 2252 | Department of Marine Resources..... | 70,000.00 |
| 2253 | Executive Director, State Board of | |
| 2254 | Registration for Professional | |
| 2255 | Engineers and Land Surveyors..... | 55,000.00 |
| 2256 | Executive Director, Public Utilities | |
| 2257 | Staff..... | 85,000.00 |
| 2258 | State Law Librarian..... | 60,000.00 |
| 2259 | State Personnel Director..... | 75,000.00 |
| 2260 | Manager, Farmers Central Market, | |
| 2261 | Department of Agriculture and | |
| 2262 | Commerce..... | 40,000.00 |
| 2263 | State Veterinarian..... | 70,000.00 |
| 2264 | Executive Director, Mississippi Ethics | |
| 2265 | Commission..... | 70,000.00 |

2266 SECTION 13. Section 25-3-31, Mississippi Code of 1972, is
2267 amended as follows:

2268 **[Until January 1, 2004, this section shall read as follows:]**

2269 25-3-31. The annual salaries of the following elected state
2270 and district officers are fixed as follows:

| | | |
|------|---|--------------|
| 2271 | Governor..... | \$101,800.00 |
| 2272 | Attorney General..... | 90,800.00 |
| 2273 | Secretary of State..... | 75,000.00 |
| 2274 | Commissioner of Insurance..... | 75,000.00 |
| 2275 | State Treasurer..... | 75,000.00 |
| 2276 | State Auditor of Public Accounts..... | 75,000.00 |
| 2277 | Commissioner of Agriculture and Commerce..... | 75,000.00 |
| 2278 | Transportation Commissioners | 65,000.00 |
| 2279 | Public Service Commissioners..... | 65,000.00 |

2280 The above fixed salary of the Governor shall be the reference
2281 amount utilized in computing average compensation and earned
2282 compensation pursuant to Section 25-11-103(f) and Section



2283 25-11-103(k) and to related sections which require such
2284 computations.

2285 **[From and after January 1, 2004, this section shall read as**
2286 **follows:]**

2287 25-3-31. The annual salaries of the following elected state
2288 and district officers are fixed as follows:

| | | |
|------|---|--------------|
| 2289 | Governor..... | \$101,800.00 |
| 2290 | Attorney General..... | 90,800.00 |
| 2291 | Secretary of State..... | 75,000.00 |
| 2292 | Commissioner of Insurance..... | 75,000.00 |
| 2293 | State Treasurer..... | 75,000.00 |
| 2294 | State Auditor of Public Accounts..... | 75,000.00 |
| 2295 | Commissioner of Agriculture and Commerce..... | 75,000.00 |

2296 * * *

| | | |
|------|-----------------------------------|-----------|
| 2297 | Public Service Commissioners..... | 65,000.00 |
|------|-----------------------------------|-----------|

2298 The above fixed salary of the Governor shall be the reference
2299 amount utilized in computing average compensation and earned
2300 compensation pursuant to Section 25-11-103(f) and Section
2301 25-11-103(k) and to related sections which require such
2302 computations.

2303 SECTION 14. Section 23-15-193, Mississippi Code of 1972, is
2304 amended as follows:

2305 23-15-193. At the election in 2003, and every four (4) years
2306 thereafter, there shall be elected a Governor, Lieutenant
2307 Governor, Secretary of State, Auditor of Public Accounts, State
2308 Treasurer, Attorney General, three (3) public service
2309 commissioners, * * * Commissioner of Insurance, Commissioner of
2310 Agriculture and Commerce, Senators and members of the House of
2311 Representatives in the Legislature, district attorneys for the
2312 several districts, clerks of the circuit and chancery courts of
2313 the several counties, as well as sheriffs, coroners, assessors,
2314 surveyors and members of the boards of supervisors, justice court
2315 judges and constables, and all other officers to be elected by the



2316 people at the general state election. All such officers shall
2317 hold their offices for a term of four (4) years, and until their
2318 successors are elected and qualified. The state officers shall be
2319 elected in the manner prescribed in Section 140 of the
2320 Constitution.

2321 SECTION 15. Section 23-15-297, Mississippi Code of 1972, is
2322 amended as follows:

2323 23-15-297. All candidates upon entering the race for party
2324 nominations for office shall first pay to the proper officer as
2325 provided for in Section 23-15-299 for each primary election the
2326 following amounts:

2327 (a) Candidates for Governor not to exceed Three Hundred
2328 Dollars (\$300.00).

2329 (b) Candidates for Lieutenant Governor, Attorney
2330 General, Secretary of State, State Treasurer, Auditor of Public
2331 Accounts, Commissioner of Insurance, Commissioner of Agriculture
2332 and Commerce * * * and State Public Service Commissioner, not to
2333 exceed Two Hundred Dollars (\$200.00).

2334 (c) Candidates for district attorney, not to exceed One
2335 Hundred Dollars (\$100.00).

2336 (d) Candidates for State Senator, State Representative,
2337 sheriff, chancery clerk, circuit clerk, tax assessor, tax
2338 collector, county attorney, county superintendent of education and
2339 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

2340 (e) Candidates for county surveyor, county coroner,
2341 justice court judge and constable, not to exceed Ten Dollars
2342 (\$10.00).

2343 (f) Candidates for United States Senator, not to exceed
2344 Three Hundred Dollars (\$300.00).

2345 (g) Candidates for United States Representative, not to
2346 exceed Two Hundred Dollars (\$200.00).

2347 SECTION 16. Section 23-15-881, Mississippi Code of 1972, is
2348 amended as follows:



2349 23-15-881. It shall be unlawful for the * * * board of
2350 supervisors of any county or any member of the board of
2351 supervisors of such county, to employ, during the months of May,
2352 June, July and August of any year in which a general primary
2353 election is held for the nomination and election of members of
2354 the * * * boards of supervisors, a greater number of persons to
2355 work and maintain the * * * public roads in any supervisors
2356 district of the county * * * than the average number of persons
2357 employed for similar purposes in such * * * supervisors district,
2358 as the case may be, during the months of May, June, July and
2359 August of the three (3) years immediately preceding the year in
2360 which such general primary election is held. It shall be unlawful
2361 for * * * the board of supervisors of any county to expend out of
2362 the * * * road funds of the county or any supervisors district
2363 thereof, * * * in the payment of wages or other compensation for
2364 labor performed in working and maintaining the * * * public roads
2365 of any supervisors district of the county * * * during the months
2366 of May, June, July and August of such election year, a total
2367 amount in excess of the average total amount expended for such
2368 labor, in such * * * supervisors district * * * during the
2369 corresponding four (4) months' period of the three (3) years
2370 immediately preceding.

2371 It shall be the duty of the * * * board of supervisors of
2372 each county, respectively, to keep sufficient records of the
2373 numbers of employees and expenditures made for labor on the * * *
2374 public roads of each supervisors district, for the months of May,
2375 June, July and August of each year, to show the number of persons
2376 employed for such work in each * * * supervisors district * * *
2377 during said four (4) months' period, and the total amount expended
2378 in the payment of salaries and other compensation to such
2379 employees, so that it may be ascertained, from an examination of
2380 such records, whether or not the provisions of this chapter have
2381 been violated.



2382 It is provided, however, because of the abnormal conditions
2383 existing in certain counties of the state due to recent floods in
2384 which roads and bridges have been materially damaged or washed
2385 away and destroyed, if the board of supervisors in any county
2386 passes a resolution as provided in Section 19-9-11, Mississippi
2387 Code of 1972, for the emergency issuance of road and bridge bonds,
2388 the provisions of this section shall not be applicable to or in
2389 force concerning the board of supervisors during the calendar year
2390 1955.

2391 SECTION 17. Section 23-15-883, Mississippi Code of 1972, is
2392 amended as follows:

2393 23-15-883. The restriction imposed upon the * * * boards of
2394 supervisors of the several counties in the employment of labor to
2395 work and maintain the * * * public roads of the several
2396 supervisors' districts of the county, as provided in Section
2397 23-15-881, shall not apply to road contractors or bridge
2398 contractors engaged in the construction or maintenance of * * *
2399 county roads under contracts awarded by the Mississippi
2400 Transportation Commission, or the board of supervisors * * * where
2401 such contracts shall have been awarded to the lowest responsible
2402 bidder, after legal advertisement, as provided by law; nor shall
2403 the restriction imposed in Section 23-15-881 apply to the labor
2404 employed by such road contractors or bridge contractors in
2405 carrying out such contracts. Nor shall the provisions of this
2406 chapter apply to the employment by the * * * board of
2407 supervisors * * * of extra labor employed to make repairs upon the
2408 * * * county roads or bridges, in cases where such * * * county
2409 roads or bridges, have been damaged or destroyed by severe storms,
2410 floods or other unforeseen disasters.

2411 SECTION 18. Section 23-15-887, Mississippi Code of 1972, is
2412 amended as follows:

2413 23-15-887. If any member of the * * * board of supervisors,
2414 or the mayor or any member of the board of aldermen or other



2415 governing authority of any municipality, shall violate the
2416 provisions of this article, he shall be guilty of a misdemeanor,
2417 and upon conviction thereof, shall be punished by a fine of not
2418 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
2419 Dollars (\$500.00), or by imprisonment in the county jail for a
2420 term not to exceed six (6) months, or by both such fine and
2421 imprisonment.

2422 SECTION 19. Section 65-1-5, Mississippi Code of 1972, is
2423 amended as follows:

2424 **[Until January 1, 2004, this section shall read as follows:]**

2425 65-1-5. When the transportation commissioners enter upon the
2426 duties of their office, the transportation commission shall meet
2427 and organize by the election of one (1) of its members to serve as
2428 chairman of the commission for the four-year term for which the
2429 commissioner shall have been elected. The commission, a majority
2430 of which shall constitute a quorum, shall meet in regular session
2431 on the second Tuesday of each month at the office of the
2432 commission in Jackson, Mississippi; and at such regular sessions
2433 the commission may hear, continue and determine any and all
2434 matters coming before it. The commission may hold special
2435 sessions at the call of the executive director or the chairman at
2436 such times and places in this state as either of them may deem
2437 necessary. At such special sessions it may hear, continue,
2438 consider and determine any and all matters coming before it,
2439 provided that at least five (5) days' notice of such meetings
2440 shall be given to all the members of the commission beforehand. A
2441 special session may be called at any time without the foregoing
2442 notice, or any notice, if by and with the unanimous consent of all
2443 the members of the commission, but such unanimous consent shall be
2444 spread at large on the minutes of the commission.

2445 The Mississippi Transportation Commission shall act as a
2446 legal entity, and shall only speak through its minutes, and in all
2447 matters shall act as a unit. Any action on the part of any member



2448 of the commission separately shall not bind the commission as a
2449 unit, but such individual member only shall be liable personally
2450 on his official bond.

2451 The Mississippi Transportation Commission shall be a body
2452 corporate and as such may sue and be sued, plead and be impleaded,
2453 in any court of justice having jurisdiction of the subject matter
2454 of any such suit. In any suit against the Mississippi
2455 Transportation Commission service of process shall be had by
2456 serving the secretary of the commission with such process; and a
2457 copy of the declaration, petition or bill of complaint, or other
2458 initial pleading shall be handed the secretary along with the
2459 process.

2460 **[From and after January 1, 2004, this section shall read as**
2461 **follows:]**

2462 65-1-5. * * * The commission, the chairman and one (1) other
2463 member of which shall constitute a quorum, shall meet in regular
2464 session on the second Tuesday of each month at the office of the
2465 commission in Jackson, Mississippi; and at such regular sessions
2466 the commission may hear, continue and determine any and all
2467 matters coming before it. The commission may hold special
2468 sessions at the call of the * * * chairman at such times and
2469 places in this state he may deem necessary. At such special
2470 sessions it may hear, continue, consider and determine any and all
2471 matters coming before it, provided that at least five (5) days'
2472 notice of such meetings shall be given to all the members of the
2473 commission beforehand. A special session may be called at any
2474 time without the foregoing notice, or any notice, if by and with
2475 the unanimous consent of all the members of the commission, but
2476 such unanimous consent shall be spread at large on the minutes of
2477 the commission.

2478 The Mississippi Transportation Commission shall act as a
2479 legal entity, and shall only speak through its minutes, and in all
2480 matters shall act as a unit. Any action on the part of any member



2481 of the commission separately shall not bind the commission as a
2482 unit, but such individual member only shall be liable personally
2483 on his official bond. However, the chairman of the commission is
2484 not prohibited from performing any of the duties and
2485 responsibilities that otherwise are assigned to him by law.

2486 The Mississippi Transportation Commission shall be a body
2487 corporate and as such may sue and be sued, plead and be impleaded,
2488 in any court of justice having jurisdiction of the subject matter
2489 of any such suit. In any suit against the Mississippi
2490 Transportation Commission service of process shall be had by
2491 serving the secretary of the commission with such process; and a
2492 copy of the declaration, petition or bill of complaint, or other
2493 initial pleading shall be handed the secretary along with the
2494 process.

2495 SECTION 20. Section 65-1-21, Mississippi Code of 1972, is
2496 amended as follows:

2497 65-1-21. The permanent district offices for the Office of
2498 Highways of the Mississippi Department of Transportation and for
2499 the repair and housing of the equipment and vehicles of the
2500 department * * * shall be at such locations as the commission may
2501 establish. The Department of Transportation shall erect and
2502 maintain * * * appropriate signs or placques designating such
2503 offices.

2504 SECTION 21. Section 65-1-9, Mississippi Code of 1972, which
2505 creates the office of Executive Director of the Department of
2506 Transportation and prescribe its powers and duties, shall stand
2507 repealed from and after January 1, 2004.

2508 SECTION 22. The Attorney General of the State of Mississippi
2509 shall submit this act, immediately upon approval by the Governor,
2510 or upon approval by the Legislature subsequent to a veto, to the
2511 Attorney General of the United States or to the United States
2512 District Court for the District of Columbia in accordance with the



2513 provisions of the Voting Rights Act of 1965, as amended and
2514 extended.

2515 SECTION 23. This act shall take effect and be in force from
2516 and after July 1, 2001, or such later date as this act is
2517 effectuated under Section 5 of the Voting Rights Act of 1965, as
2518 amended and extended.

