

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

To: Transportation

## 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 SERVE AS  
14 THE MISSISSIPPI TRANSPORTATION COMMISSION; TO PROVIDE FOR TERMS OF  
15 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,  
61 65-1-7 AND 65-1-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH  
62 THE PROVISIONS OF THIS ACT; TO REPEAL SECTION 65-1-9, MISSISSIPPI  
63 CODE OF 1972, WHICH CREATES THE OFFICE OF EXECUTIVE DIRECTOR OF  
64 THE DEPARTMENT OF TRANSPORTATION AND PRESCRIBES THE DIRECTOR'S  
65 POWERS 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 (3)  
299 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. The board shall have the following  
353 powers and duties:

354           (a) To study the highway and transportation systems and  
355 needs of the state;

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

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

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

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

372           (a) Be a professional engineer eligible for  
373 registration in the State of Mississippi;

374           (b) Possess a wide knowledge of the transportation  
375 system and transportation needs of Mississippi;

376           (c) Possess a wide knowledge of the principles of  
377 transportation organization and administration; and

378           (d) Possess special training or expertise in the field  
379 of transportation.

380       (9) The Mississippi Department of Transportation shall  
381 provide the Mississippi Transportation Transition Board with  
382 suitable office space, supplies and equipment as the board  
383 determines necessary to carry out its duties and responsibilities.

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

386       65-1-3. (1) There shall be a Mississippi Transportation  
387 Commission which shall consist of three (3) members. The members  
388 appointed to the Mississippi Transportation Transition Board  
389 created on July 1, 2003, shall serve as the initial members of the  
390 board. The person appointed as Chairman of the Mississippi  
391 Transportation Transition Board shall serve as Chairman of the  
392 Mississippi Transportation Commission and as Executive Director of  
393 the Mississippi Department of Transportation, with the other two  
394 (2) members of the Mississippi Transportation Transition Board  
395 serving as associate commissioners of the Mississippi  
396 Transportation Commission. The member initially serving as  
397 chairman of the commission shall serve for a term of six (6)  
398 years. The member initially serving as an associate commissioner  
399 who served as the consumer of transportation services appointee to  
400 the Mississippi Transportation Transition Board shall serve for a  
401 term of four (4) years. The member initially serving as an  
402 associate commissioner who served as the professional engineer  
403 appointee to the Mississippi Transportation Transition Board shall  
404 serve for a term of two (2) years.

405       (2) All members appointed to the Mississippi Transportation  
406 Commission subsequent to the initial appointees shall be appointed  
407 by the Governor from the state-at-large, with the advice and  
408 consent of the Senate, for a term of six (6) years, and each  
409 member shall meet the same qualifications for appointment to the  
410 office as required of the member previously appointed to that  
411 office. If any one or more of the transportation commissioners  
412 dies, resigns or is removed from office during his term of office,

413 the Governor shall fill the vacancy by appointment for the  
414 unexpired term.

415 (3) Each of the transportation commissioners, before  
416 entering upon the discharge of the duties of his office, shall  
417 take and subscribe the oath of office required of other state  
418 officials and shall execute bond in the sum of Fifty Thousand  
419 Dollars (\$50,000.00), with some surety company authorized to do  
420 business in this state as surety, conditioned for the faithful  
421 performance of the duties of his office and for the faithful and  
422 true accounting of all funds or monies or property coming into his  
423 hands by virtue of his office, and conditioned further that all  
424 such funds, monies and property will be expended and used by him  
425 only for purposes authorized by law, said bond to be approved by  
426 the Governor or Attorney General and to be filed in the Office of  
427 the Secretary of State. The premium on such bonds shall be paid  
428 out of the funds of the Mississippi Department of Transportation.

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

431 (5) The Chairman of the Mississippi Transportation  
432 Commission shall be the chief executive officer of the Mississippi  
433 Department of Transportation and shall be responsible for  
434 directing the activities of the department. The chairman shall  
435 devote his full efforts to the position of chairman and may not  
436 have any other employment. The associate commissioners of the  
437 Mississippi Transportation Commission, along with the chairman of  
438 the commission, shall serve as the policy-making body for the  
439 department. Associate commissioners shall not be prohibited from  
440 being employed or engaged in any other occupation or profession  
441 that does not conflict or interfere with their duties as a member  
442 of the commission.

443 SECTION 4. (1) There is created within the Mississippi  
444 Department of Transportation an office to be known as the Office  
445 of Value Engineering. This office shall be directed by a person

446 who is a professional engineer registered in the State of  
447 Mississippi and who has ten (10) years of experience in civil  
448 engineering. The director of the office shall be selected by the  
449 Mississippi Transportation Commission and shall not be supervised  
450 by the executive director of the department. The director of the  
451 office shall have the authority to hire staff who shall be subject  
452 to the director's management and control. The Transportation  
453 Department shall be responsible for providing equipment, supplies  
454 and office space as required by the office.

455 (2) The Office of Value Engineering shall:

456 (a) Review all plans and specifications for preliminary  
457 engineering, right-of-way acquisition and construction projects of  
458 the department and make reports on such plans to the Mississippi  
459 Transportation Commission;

460 (b) Audit and evaluate the construction processes of  
461 the Mississippi Department of Transportation and report on these  
462 activities to the Mississippi Transportation Commission; and

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

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

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

468 65-1-8. (1) The Mississippi Transportation Commission shall  
469 have the following general powers, duties and responsibilities:

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

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

474 (c) To make recommendations to the Legislature  
475 regarding alterations or modifications in any existing  
476 transportation policies;

477           (d) To study means of encouraging travel and  
478 transportation of goods by the combination of motor vehicle and  
479 other modes of transportation;

480       \* \* \*

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

484       (2) In addition to the general powers, duties and  
485 responsibilities listed in subsection (1) of this section, the  
486 Mississippi Transportation Commission shall have the following  
487 specific powers:

488           (a) To make rules and regulations whereby the  
489 transportation department shall change or relocate any and all  
490 highways herein or hereafter fixed as constituting a part of the  
491 state highway system, as may be deemed necessary or economical in  
492 the construction or maintenance thereof; to acquire by gift,  
493 purchase, condemnation, or otherwise, land or other property  
494 whatsoever that may be necessary for a state highway system as  
495 herein provided, with full consideration to be given to the  
496 stimulation of local public and private investment when acquiring  
497 such property in the vicinity of Mississippi towns, cities and  
498 population centers;

499           (b) To enforce by mandamus, or other proper legal  
500 remedies, all legal rights or rights of action of the Mississippi  
501 Transportation Commission with other public bodies, corporations  
502 or persons;

503           (c) To make and publish rules, regulations and  
504 ordinances for the control of and the policing of the traffic on  
505 the state highways, and to prevent their abuse by any or all  
506 persons, natural or artificial, by trucks, tractors, trailers or  
507 any other heavy or destructive vehicles or machines, or by any  
508 other means whatsoever, by establishing weights of loads or of  
509 vehicles, types of tires, width of tire surfaces, length and width

510 of vehicles, with reasonable variations to meet approximate  
511 weather conditions, and all other proper police and protective  
512 regulations, and to provide ample means for the enforcement of  
513 same. The violation of any of the rules, regulations or  
514 ordinances so prescribed by the commission shall constitute a  
515 misdemeanor. No rule, regulation or ordinance shall be made that  
516 conflicts with any statute now in force or which may hereafter be  
517 enacted, or with any ordinance of municipalities. A monthly  
518 publication giving general information to the boards of  
519 supervisors, employees and the public may be issued under such  
520 rules and regulations as the commission may determine;

521 (d) To give suitable numbers to highways and to change  
522 the number of any highway that shall become a part of the state  
523 highway system. However, nothing herein shall authorize the  
524 number of any highway to be changed so as to conflict with any  
525 designation thereof as a U.S. numbered highway. Where, by a  
526 specific act of the Legislature, the commission has been directed  
527 to give a certain number to a highway, the commission shall not  
528 have the authority to change such number;

529 (e) To make proper and reasonable rules, regulations,  
530 and ordinances for the placing, erection, removal or relocation of  
531 telephone, telegraph or other poles, signboards, fences, gas,  
532 water, sewerage, oil or other pipelines, and other obstructions  
533 that may, in the opinion of the commission, contribute to the  
534 hazards upon any of the state highways, or in any way interfere  
535 with the ordinary travel upon such highways, or the construction,  
536 reconstruction or maintenance thereof, and to make reasonable  
537 rules and regulations for the proper control thereof. Any  
538 violation of such rules or regulations or noncompliance with such  
539 ordinances shall constitute a misdemeanor.

540 Whenever the order of the commission shall require the  
541 removal of, or other changes in the location of telephone,  
542 telegraph, or other poles, signboards, gas, water, sewerage, oil



543 or other pipelines; or other similar obstructions on the  
544 right-of-way or such other places where removal is required by  
545 law, the owners thereof shall at their own expense move or change  
546 the same to conform to the order of the commission. Any violation  
547 of such rules or regulations or noncompliance with such orders  
548 shall constitute a misdemeanor;

549 (f) To regulate and abandon grade crossings on any road  
550 fixed as a part of the state highway system, and whenever the  
551 commission, in order to avoid a grade crossing with the railroad,  
552 locates or constructs said road on one side of the railroad, the  
553 commission shall have the power to abandon and close such grade  
554 crossing, and whenever an underpass or overhead bridge is  
555 substituted for a grade crossing, the commission shall have power  
556 to abandon such grade crossing and any other crossing adjacent  
557 thereto. Included in the powers herein granted shall be the power  
558 to require the railroad at grade crossings, where any road of the  
559 state highway system crosses the same, to place signal posts with  
560 lights or other warning devices at such crossings at the expense  
561 of the railroad, and to regulate and abandon underpass or overhead  
562 bridges and, where abandoned because of the construction of a new  
563 underpass or overhead bridge, to close such old underpass or  
564 overhead bridge, or, in its discretion, to return the same to the  
565 jurisdiction of the county board of supervisors;

566 (g) To make proper and reasonable rules and regulations  
567 to control the cutting or opening of the road surfaces for  
568 subsurface installations;

569 (h) To make proper and reasonable rules and regulations  
570 for the removal from the public rights-of-way of any form of  
571 obstruction, to cooperate in improving their appearance, and to  
572 prescribe minimum clearance heights for seed conveyors, pipes,  
573 passageways or other structure of private or other ownership above  
574 the highways;

575           (i) To establish, and have the transportation  
576 department maintain and operate, and to cooperate with the state  
577 educational institutions in establishing, enlarging, maintaining  
578 and operating a laboratory or laboratories for testing materials  
579 and for other proper highway purposes;

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

583           (k) To establish and have enforced set-back  
584 regulations;

585           (l) To cooperate with proper state authorities in  
586 producing limerock for highway purposes and to purchase same at  
587 cost;

588           (m) To provide for the purchase of necessary equipment  
589 and vehicles and to provide for the repair and housing of same, to  
590 acquire by gift, purchase, condemnation or otherwise, land or  
591 lands and buildings in fee simple, and to authorize the  
592 Transportation Department to construct, lease or otherwise provide  
593 necessary and proper permanent district offices for the  
594 construction and maintenance divisions of the department, and for  
595 the repair and housing of the equipment and vehicles of the  
596 department; however, in each Supreme Court district only two (2)  
597 permanent district offices shall be set up, but a permanent status  
598 shall not be given to any such offices until so provided by act of  
599 the Legislature and in the meantime, all shops of the department  
600 shall be retained at their present location. As many local or  
601 subdistrict offices, shops or barns may be provided as is  
602 essential and proper to economical maintenance of the state  
603 highway system;

604           (n) To cooperate with the Department of Archives and  
605 History in having placed and maintained suitable historical  
606 markers, including those which have been approved and purchased by  
607 the State Historical Commission, along state highways, and to have

608 constructed and maintained roadside driveways for convenience and  
609 safety in viewing them when necessary; however, no highway or  
610 bridge shall ever be memorialized to a man while living;

611 (o) To cooperate, in its discretion, with the  
612 Mississippi Department of Wildlife, Fisheries and Parks in  
613 planning and constructing roadside parks upon the right-of-way of  
614 state highways, whether constructed, under construction, or  
615 planned; said parks to utilize where practical barrow pits used in  
616 construction of state highways for use as fishing ponds. Said  
617 parks shall be named for abundant flora and fauna existing in the  
618 area or for the first flora or fauna found on the site;

619 (p) Unless otherwise prohibited by law, to make such  
620 contracts and execute such instruments containing such reasonable  
621 and necessary appropriate terms, provisions and conditions as in  
622 its absolute discretion it may deem necessary, proper or  
623 advisable, for the purpose of obtaining or securing financial  
624 assistance, grants or loans from the United States of America or  
625 any department or agency thereof, including contracts with several  
626 counties of the state pertaining to the expenditure of such funds;

627 (q) To cooperate with the Federal Highway  
628 Administration in the matter of location, construction and  
629 maintenance of the Great River Road, to expend such funds paid to  
630 the commission by the Federal Highway Administration or other  
631 federal agency, and to authorize the Transportation Department to  
632 erect suitable signs marking this highway, the cost of such signs  
633 to be paid from state highway funds other than earmarked  
634 construction funds;

635 (r) To cooperate, in its discretion, with the  
636 Mississippi Forestry Commission and the School of Forestry,  
637 Mississippi State University, in a forestry management program,  
638 including planting, thinning, cutting and selling, upon the  
639 right-of-way of any highway, constructed, acquired or maintained  
640 by the Transportation Department, and to sell and dispose of any

641 and all growing timber standing, lying or being on any  
642 right-of-way acquired by the commission for highway purposes in  
643 the future; such sale or sales to be made in accordance with the  
644 sale of personal property which has become unnecessary for public  
645 use as provided for in Section 65-1-123, Mississippi Code of 1972;

646 (s) To expend funds in cooperation with the Division of  
647 Plant Industry, Mississippi Department of Agriculture and  
648 Commerce, the United States government or any department or agency  
649 thereof, or with any department or agency of this state, to  
650 control, suppress or eradicate serious insect pests, rodents,  
651 plant parasites and plant diseases on the state highway  
652 rights-of-way;

653 (t) To provide for the placement, erection and  
654 maintenance of motorist services business signs and supports  
655 within state highway rights-of-way in accordance with current  
656 state and federal laws and regulations governing the placement of  
657 traffic control devices on state highways, and to establish and  
658 collect reasonable fees from the businesses having information on  
659 such signs;

660 (u) To request and to accept the use of persons  
661 convicted of an offense, whether a felony or a misdemeanor, for  
662 work on any road construction, repair or other project of the  
663 Transportation Department. The commission is also authorized to  
664 request and to accept the use of persons who have not been  
665 convicted of an offense but who are required to fulfill certain  
666 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
667 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention  
668 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
669 of 1972. The commission is authorized to enter into any  
670 agreements with the Department of Corrections, the State Parole  
671 Board, any criminal court of this state, and any other proper  
672 official regarding the working, guarding, safekeeping, clothing  
673 and subsistence of such persons performing work for the

674 Transportation Department. Such persons shall not be deemed  
675 agents, employees or involuntary servants of the Transportation  
676 Department while performing such work or while going to and from  
677 work or other specified areas;

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

680 (w) The Mississippi Transportation Commission is  
681 further authorized, in its discretion, to expend funds for the  
682 purchase of service pins for employees of the Mississippi  
683 Transportation Department;

684 (x) To cooperate with the State Tax Commission by  
685 providing for weight enforcement field personnel to collect and  
686 assess taxes, fees and penalties and to perform all duties as  
687 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
688 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
689 Mississippi Code of 1972, with regard to vehicles subject to the  
690 jurisdiction of the Office of Weight Enforcement. All collections  
691 and assessments shall be transferred daily to the State Tax  
692 Commission;

693 (y) The Mississippi Transportation Commission may  
694 delegate the authority to enter into a supplemental agreement to a  
695 contract previously approved by the commission if the supplemental  
696 agreement involves an additional expenditure not to exceed One  
697 Hundred Thousand Dollars (\$100,000.00);

698 (z) (i) The Mississippi Transportation Commission, in  
699 its discretion, may enter into agreements with any county,  
700 municipality, county transportation commission, business,  
701 corporation, partnership, association, individual or other legal  
702 entity, for the purpose of accelerating the completion date of  
703 scheduled highway construction projects.

704 (ii) Such an agreement may permit the cost of a  
705 highway construction project to be advanced to the commission by a  
706 county, municipality, county transportation commission, business,

707 corporation, partnership, association, individual or other legal  
708 entity, and repaid to such entity by the commission when highway  
709 construction funds become available; provided, however, that  
710 repayment of funds advanced to the Mississippi Transportation  
711 Commission shall be made no sooner than the commission's  
712 identified projected revenue schedule for funding of that  
713 particular construction project, and no other scheduled highway  
714 construction project established by statute or by the commission  
715 may be delayed by an advanced funding project authorized under  
716 this paragraph (z). Repayments to an entity that advances funds  
717 to the Mississippi Transportation Commission under this paragraph  
718 (z) may not include interest or other fees or charges, and the  
719 total amount repaid shall not exceed the total amount of funds  
720 advanced to the commission by the entity.

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

726 (iv) Such an agreement shall be executed only upon  
727 a finding by the commission, spread upon its minutes, that the  
728 acceleration of the scheduled project is both feasible and  
729 beneficial. The commission shall also spread upon its minutes its  
730 findings with regard to the factors required to be considered  
731 pursuant to item (iii) of this paragraph (z).

732 (3) The Mississippi Transportation Commission shall require  
733 the executive director to carry out project planning as required  
734 under Section 65-1-10 for any preliminary engineering,  
735 right-of-way acquisition or construction project activities of the  
736 department.

737 (4) The Mississippi Transportation Commission shall  
738 establish, as provided for in Section 3 of this act, an Office of  
739 Value Engineering whose director shall report and be subordinate

740 to the commission. The commission shall not delegate to the  
741 executive director the authority to hire, direct, manage,  
742 discipline, or terminate the director of this office or any  
743 personnel assigned to the office.

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

748 (6) In addition to its other powers and duties, the  
749 Mississippi Transportation Commission shall institute a procedure  
750 for the post-acceptance inspection and investigation of new  
751 segments built in the state highway system, including, but not  
752 limited to, segments authorized in Sections 65-3-97 and 65-39-1.  
753 If the commission finds that a segment was accepted by the  
754 department that did not conform to construction specifications,  
755 the commission may fine the contractor, after notice and hearing,  
756 an amount equal to ten percent (10%) of the contract amount paid  
757 to the contractor. Any administrative proceedings authorized  
758 under this subsection must be brought within three (3) years after  
759 acceptance by the Department of Transportation of the highway  
760 segment.

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

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

765 65-1-8. (1) The Mississippi Transportation Commission shall  
766 have the following general powers, duties and responsibilities:

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

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

771 (c) To make recommendations to the Legislature  
772 regarding alterations or modifications in any existing  
773 transportation policies;

774 (d) To study means of encouraging travel and  
775 transportation of goods by the combination of motor vehicle and  
776 other modes of transportation;

777 \* \* \*

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

781 (2) In addition to the general powers, duties and  
782 responsibilities listed in subsection (1) of this section, the  
783 Mississippi Transportation Commission shall have the following  
784 specific powers:

785 (a) To make rules and regulations whereby the  
786 transportation department shall change or relocate any and all  
787 highways herein or hereafter fixed as constituting a part of the  
788 state highway system, as may be deemed necessary or economical in  
789 the construction or maintenance thereof; to acquire by gift,  
790 purchase, condemnation, or otherwise, land or other property  
791 whatsoever that may be necessary for a state highway system as  
792 herein provided, with full consideration to be given to the  
793 stimulation of local public and private investment when acquiring  
794 such property in the vicinity of Mississippi towns, cities and  
795 population centers;

796 (b) To enforce by mandamus, or other proper legal  
797 remedies, all legal rights or rights of action of the Mississippi  
798 Transportation Commission with other public bodies, corporations  
799 or persons;

800 (c) To make and publish rules, regulations and  
801 ordinances for the control of and the policing of the traffic on  
802 the state highways, and to prevent their abuse by any or all  
803 persons, natural or artificial, by trucks, tractors, trailers or



804 any other heavy or destructive vehicles or machines, or by any  
805 other means whatsoever, by establishing weights of loads or of  
806 vehicles, types of tires, width of tire surfaces, length and width  
807 of vehicles, with reasonable variations to meet approximate  
808 weather conditions, and all other proper police and protective  
809 regulations, and to provide ample means for the enforcement of  
810 same. The violation of any of the rules, regulations or  
811 ordinances so prescribed by the commission shall constitute a  
812 misdemeanor. No rule, regulation or ordinance shall be made that  
813 conflicts with any statute now in force or which may hereafter be  
814 enacted, or with any ordinance of municipalities. A monthly  
815 publication giving general information to the boards of  
816 supervisors, employees and the public may be issued under such  
817 rules and regulations as the commission may determine;

818 \* \* \*

819 (d) To make proper and reasonable rules, regulations,  
820 and ordinances for the placing, erection, removal or relocation of  
821 telephone, telegraph or other poles, signboards, fences, gas,  
822 water, sewerage, oil or other pipelines, and other obstructions  
823 that may, in the opinion of the commission, contribute to the  
824 hazards upon any of the state highways, or in any way interfere  
825 with the ordinary travel upon such highways, or the construction,  
826 reconstruction or maintenance thereof, and to make reasonable  
827 rules and regulations for the proper control thereof. Any  
828 violation of such rules or regulations or noncompliance with such  
829 ordinances shall constitute a misdemeanor.

830 Whenever the order of the commission shall require the  
831 removal of, or other changes in the location of telephone,  
832 telegraph, or other poles, signboards, gas, water, sewerage, oil  
833 or other pipelines; or other similar obstructions on the  
834 right-of-way or such other places where removal is required by  
835 law, the owners thereof shall at their own expense move or change  
836 the same to conform to the order of the commission. Any violation

837 of such rules or regulations or noncompliance with such orders  
838 shall constitute a misdemeanor;

839 (f) To regulate and abandon grade crossings on any road  
840 fixed as a part of the state highway system, and whenever the  
841 commission, in order to avoid a grade crossing with the railroad,  
842 locates or constructs said road on one side of the railroad, the  
843 commission shall have the power to abandon and close such grade  
844 crossing, and whenever an underpass or overhead bridge is  
845 substituted for a grade crossing, the commission shall have power  
846 to abandon such grade crossing and any other crossing adjacent  
847 thereto. Included in the powers herein granted shall be the power  
848 to require the railroad at grade crossings, where any road of the  
849 state highway system crosses the same, to place signal posts with  
850 lights or other warning devices at such crossings at the expense  
851 of the railroad, and to regulate and abandon underpass or overhead  
852 bridges and, where abandoned because of the construction of a new  
853 underpass or overhead bridge, to close such old underpass or  
854 overhead bridge, or, in its discretion, to return the same to the  
855 jurisdiction of the county board of supervisors;

856 (g) To make proper and reasonable rules and regulations  
857 to control the cutting or opening of the road surfaces for  
858 subsurface installations;

859 (h) To make proper and reasonable rules and regulations  
860 for the removal from the public rights-of-way of any form of  
861 obstruction, to cooperate in improving their appearance, and to  
862 prescribe minimum clearance heights for seed conveyors, pipes,  
863 passageways or other structure of private or other ownership above  
864 the highways;

865 \* \* \*

866 (i) To establish and have enforced set-back  
867 regulations;

868 \* \* \*

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

871       \* \* \*

872           (k) Unless otherwise prohibited by law, to make such  
873 contracts and execute such instruments containing such reasonable  
874 and necessary appropriate terms, provisions and conditions as in  
875 its absolute discretion it may deem necessary, proper or  
876 advisable, for the purpose of obtaining or securing financial  
877 assistance, grants or loans from the United States of America or  
878 any department or agency thereof, including contracts with several  
879 counties of the state pertaining to the expenditure of such funds;

880           (l) To cooperate with the Federal Highway  
881 Administration in the matter of location, construction and  
882 maintenance of the Great River Road, to expend such funds paid to  
883 the commission by the Federal Highway Administration or other  
884 federal agency, and to authorize the Transportation Department to  
885 erect suitable signs marking this highway, the cost of such signs  
886 to be paid from state highway funds other than earmarked  
887 construction funds;

888       \* \* \*

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

891       \* \* \*

892           (n) To cooperate with the State Tax Commission by  
893 providing for weight enforcement field personnel to collect and  
894 assess taxes, fees and penalties and to perform all duties as  
895 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
896 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
897 Mississippi Code of 1972, with regard to vehicles subject to the  
898 jurisdiction of the Office of Weight Enforcement. All collections  
899 and assessments shall be transferred daily to the State Tax  
900 Commission;

901           (o) The Mississippi Transportation Commission may  
902 delegate the authority to enter into a supplemental agreement to a  
903 contract previously approved by the commission if the supplemental  
904 agreement involves an additional expenditure not to exceed One  
905 Hundred Thousand Dollars (\$100,000.00);

906           (p) (i) The Mississippi Transportation Commission, in  
907 its discretion, may enter into agreements with any county,  
908 municipality, county transportation commission, business,  
909 corporation, partnership, association, individual or other legal  
910 entity, for the purpose of accelerating the completion date of  
911 scheduled highway construction projects.

912           (ii) Such an agreement may permit the cost of a  
913 highway construction project to be advanced to the commission by a  
914 county, municipality, county transportation commission, business,  
915 corporation, partnership, association, individual or other legal  
916 entity, and repaid to such entity by the commission when highway  
917 construction funds become available; provided, however, that  
918 repayment of funds advanced to the Mississippi Transportation  
919 Commission shall be made no sooner than the commission's  
920 identified projected revenue schedule for funding of that  
921 particular construction project, and no other scheduled highway  
922 construction project established by statute or by the commission  
923 may be delayed by an advanced funding project authorized under  
924 this paragraph (p). Repayments to an entity that advances funds  
925 to the Mississippi Transportation Commission under this paragraph  
926 (z) may not include interest or other fees or charges, and the  
927 total amount repaid shall not exceed the total amount of funds  
928 advanced to the commission by the entity.

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

934                   (iv) Such an agreement shall be executed only upon  
935 a finding by the commission, spread upon its minutes, that the  
936 acceleration of the scheduled project is both feasible and  
937 beneficial. The commission shall also spread upon its minutes its  
938 findings with regard to the factors required to be considered  
939 pursuant to item (iii) of this paragraph (p).

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

944           (4) The Mississippi Transportation Commission shall  
945 establish, as provided for in Section 4 of this act, an Office of  
946 Value Engineering whose director shall report and be subordinate  
947 to the commission. The commission shall not delegate to the  
948 chairman the authority to hire, direct, manage, discipline, or  
949 terminate the director of this office or any personnel assigned to  
950 the office.

951           (5) In addition to its other powers and duties, the  
952 Mississippi Transportation Commission shall institute a procedure  
953 for the post-acceptance inspection and investigation of new  
954 segments built in the state highway system, including, but not  
955 limited to, segments authorized in Sections 65-3-97 and 65-39-1.  
956 If the commission finds that a segment was accepted by the  
957 department that did not conform to construction specifications,  
958 the commission may fine the contractor, after notice and hearing,  
959 an amount equal to ten percent (10%) of the contract amount paid  
960 to the contractor. Any administrative proceedings authorized  
961 under this subsection must be brought within three (3) years after  
962 acceptance by the department of the highway segment.

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

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

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

968           65-1-10. Under the authority of the Mississippi  
969 Transportation Commission, and in conformity with its orders as  
970 spread on its minutes, the executive director shall:

971           (a) Unless otherwise provided by law, appoint a  
972 director in charge of each operating office of the department who  
973 shall be responsible to the executive director for the operation  
974 of such office. Each such director shall be qualified and  
975 experienced in the functions performed by the office under his  
976 charge;

977           (b) Administer the policies promulgated by the  
978 commission;

979           (c) Supervise and direct all administrative and  
980 technical activities of the department;

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

982           (e) Coordinate the activities of the various offices of  
983 the department;

984           (f) Fix the compensation of employees of the department  
985 and require any employee to give bond to the State of Mississippi  
986 for the faithful performance of his duties in an amount the  
987 executive director deems appropriate. Premiums on all bonds so  
988 required shall be paid out of any funds available to the  
989 department;

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

993           (h) Prepare and deliver to the Legislature and the  
994 Governor on or before January 1 of each year, and at such other  
995 times as may be required by the Legislature or Governor, a full  
996 report of the work of the department and the offices thereof,  
997 including a detailed statement of expenditures of the department  
998 and any recommendations the department may have;

999           (i) Have full and general supervision over all matters  
1000 relating to the construction or maintenance of the state highways,  
1001 letting of contracts therefor, and the selection of materials to  
1002 be used in the construction of state highways under the authority  
1003 conferred by this chapter as herein set forth and the employment,  
1004 promotion, demotion, reprimand, suspension, termination,  
1005 reassignment, transfer, moving or relocation of all personnel not  
1006 specifically authorized by statute to be employed by the  
1007 commission. The executive director may authorize the payment of  
1008 expenses of any personnel reassigned, transferred, moved or  
1009 relocated in accordance with such rules and regulations as are  
1010 promulgated by the commission;

1011           (j) Approve all bids, sign all vouchers and  
1012 requisitions, issue all orders for supplies and materials, sign  
1013 all contracts and agreements in the name of the State of  
1014 Mississippi, and subscribe to all other matters which may arise in  
1015 the carrying out of the intent and purpose of this chapter;

1016           (k) Receive and assume control, for the benefit of the  
1017 state, of any and all highways herein or hereafter fixed as roads  
1018 constituting a part of the state highway system;

1019           (l) Provide for boulevard stops, restricted entrances  
1020 to main highways and access driveways, neutral grounds, and  
1021 roadside parks, erect all suitable direction and warning signs,  
1022 and provide access roads in or to municipalities where necessary;  
1023 provide limited access facilities when and where deemed necessary,  
1024 such a facility being defined as a highway or street especially  
1025 designed or designated for through traffic and over, from or to  
1026 which owners or occupants of abutting land or other persons have  
1027 only such limited right or easement of access as may be prescribed  
1028 by the commission, and provide that certain highways or streets  
1029 may be parkways from which trucks, buses and other commercial  
1030 vehicles shall be excluded or may be freeways open to customary  
1031 forms of highway and street traffic and use, and such limited

1032 access facilities or parkways may be planned, designated,  
1033 established, regulated, vacated, altered, improved, constructed  
1034 and maintained and rights-of-way therefor specifically obtained,  
1035 either by purchase, gift, condemnation or other form of  
1036 acquisition;

1037 (m) Construct bridges with or without footways, and  
1038 sidewalks where deemed essential to decrease hazards;

1039 (n) Perform services for the Department of Finance and  
1040 Administration on state property, including, but not limited to,  
1041 engineering services, and to advance such funds to defray the cost  
1042 of the expenses incurred in performing such services from out of  
1043 transportation department funds until such department is  
1044 reimbursed by the Department of Finance and Administration;

1045 (o) Perform all duties authorized by Section 27-19-136,  
1046 Mississippi Code of 1972, concerning the assessment and collection  
1047 of permit fees, fines and penalties;

1048 (p) Conduct project planning as provided for in this  
1049 paragraph (p). Such project planning shall apply to all  
1050 preliminary engineering, right-of-way acquisition and construction  
1051 projects of the department and, at a minimum, shall consist of:

1052 (i) Establishment of a master budget for each  
1053 segment of highway to be constructed, reconstructed or repaired.  
1054 For purposes of this requirement, no segment shall be less than  
1055 ten (10) miles in length unless a shorter segment is specifically  
1056 authorized or required by law; and

1057 (ii) Policies for the oversight and management of  
1058 the master budget for segments which:

1059 1. Establish a reasonable cost estimate to  
1060 serve as a budget for each project within a segment. For purposes  
1061 of this provision, projects include preliminary engineering,  
1062 right-of-way acquisition and construction;

1063 2. Capture and retain the initial project  
1064 budgets for comparison with final actual expenditures;



1065 3. Capture and retain the initial segment  
1066 budget for comparison with final segment actual expenditures;

1067 4. Require that any changes to a budget for a  
1068 project will be reviewed and approved by district or central  
1069 office personnel. Such personnel shall be responsible for signing  
1070 any revision, and providing a narrative description of the reasons  
1071 for approving a revision and the reasons for rejecting other  
1072 alternatives;

1073 5. With existing resources, develop an  
1074 information system to provide the Legislature, managers and the  
1075 public with up-to-date segment cost information;

1076 6. Capture the cost of consultants,  
1077 engineers, attorneys, contract appraisers and other technical and  
1078 professional contractors used in preliminary engineering,  
1079 right-of-way acquisition and construction projects; and

1080 7. Ensure that projects for preliminary  
1081 engineering, right-of-way acquisition and construction do not  
1082 overlap segments;

1083 (q) Annually report to the Legislature, on or before  
1084 December 15 of each year, all preapproved contractors who  
1085 subsequently receive contracts from the department. The reports  
1086 must include the name of the contractor, the amount paid and the  
1087 project on which the contractor worked.

1088 **[From and after January 1, 2004, this section shall read as**  
1089 **follows:]**

1090 65-1-10. \* \* \* The Chairman of the Mississippi  
1091 Transportation Commission shall have the following powers and  
1092 duties:

1093 (a) \* \* \* Appoint a director in charge of each  
1094 operating office of the department who shall be responsible to the  
1095 executive director for the operation of such office. Each such  
1096 director shall be qualified and experienced in the functions  
1097 performed by the office under his charge;

1098                   (b) Administer the policies promulgated by the  
1099 commission;

1100                   (c) Supervise and direct all administrative and  
1101 technical activities of the department;

1102                   (d) Organize the offices and bureaus of the department;

1103                   (e) Coordinate the activities of the various offices of  
1104 the department;

1105                   (f) Fix the compensation of employees of the  
1106 department, subject to approval by the State Personnel Board, and  
1107 require any employee to give bond to the State of Mississippi for  
1108 the faithful performance of his duties in an amount the chairman  
1109 deems appropriate. Premiums on all bonds so required shall be  
1110 paid out of any funds available to the department;

1111                   (g) Recommend such studies and investigations as he may  
1112 deem appropriate and carry out the approved recommendations in  
1113 conjunction with the various offices;

1114                   (h) Prepare and deliver to the Legislature and the  
1115 Governor on or before January 1 of each year, and at such other  
1116 times as may be required by the Legislature or Governor, a full  
1117 report of the work of the department and the offices thereof,  
1118 including a detailed statement of expenditures of the department  
1119 and any recommendations the department may have;

1120                   (i) Have full and general supervision over all matters  
1121 relating to the construction or maintenance of the state highways,  
1122 letting of contracts therefor, and the selection of materials to  
1123 be used in the construction of state highways under the authority  
1124 conferred by this chapter as herein set forth and the employment,  
1125 promotion, demotion, reprimand, suspension, termination,  
1126 reassignment, transfer, moving or relocation of all personnel not  
1127 specifically authorized by statute to be employed by the  
1128 commission. The chairman may authorize the payment of expenses of  
1129 any personnel reassigned, transferred, moved or relocated in

1130 accordance with such rules and regulations as are promulgated by  
1131 the commission;

1132           (j) Approve all bids, sign all vouchers and  
1133 requisitions, issue all orders for supplies and materials, sign  
1134 all contracts and agreements in the name of the State of  
1135 Mississippi, and subscribe to all other matters which may arise in  
1136 the carrying out of the intent and purpose of this chapter;

1137           (k) Receive and assume control, for the benefit of the  
1138 state, of any and all highways herein or hereafter fixed as roads  
1139 constituting a part of the state highway system;

1140           (l) Provide for boulevard stops, restricted entrances  
1141 to main highways and access driveways, neutral grounds, and  
1142 roadside parks, erect all suitable direction and warning signs,  
1143 and provide access roads in or to municipalities where necessary;  
1144 provide limited access facilities when and where deemed necessary,  
1145 such a facility being defined as a highway or street especially  
1146 designed or designated for through traffic and over, from or to  
1147 which owners or occupants of abutting land or other persons have  
1148 only such limited right or easement of access as may be prescribed  
1149 by the commission, and provide that certain highways or streets  
1150 may be parkways from which trucks, buses and other commercial  
1151 vehicles shall be excluded or may be freeways open to customary  
1152 forms of highway and street traffic and use, and such limited  
1153 access facilities or parkways may be planned, designated,  
1154 established, regulated, vacated, altered, improved, constructed  
1155 and maintained and rights-of-way therefor specifically obtained,  
1156 either by purchase, gift, condemnation or other form of  
1157 acquisition;

1158           (m) Construct bridges with or without footways, and  
1159 sidewalks where deemed essential to decrease hazards;

1160           (n) Perform services for the Department of Finance and  
1161 Administration on state property, including, but not limited to,  
1162 engineering services, and to advance such funds to defray the cost

1163 of the expenses incurred in performing such services from out of  
1164 transportation department funds until such department is  
1165 reimbursed by the Department of Finance and Administration;

1166 (o) Perform all duties authorized by Section 27-19-136,  
1167 Mississippi Code of 1972, concerning the assessment and collection  
1168 of permit fees, fines and penalties;

1169 (p) Give suitable numbers to highways and to change the  
1170 number of any highway that shall become a part of the state  
1171 highway system. However, nothing herein shall authorize the  
1172 number of any highway to be changed so as to conflict with any  
1173 designation thereof as a U.S. numbered highway. Where, by a  
1174 specific act of the Legislature, the commission has been directed  
1175 to give a certain number to a highway, the commission shall not  
1176 have the authority to change such number;

1177 (q) Establish, and have the transportation department  
1178 maintain and operate, and to cooperate with the state educational  
1179 institutions in establishing, enlarging, maintaining and operating  
1180 a laboratory or laboratories for testing materials and for other  
1181 proper highway purposes;

1182 (r) Provide, under the direction and with the approval  
1183 of the Department of Finance and Administration, suitable offices,  
1184 shops and barns in the City of Jackson;

1185 (s) Cooperate with proper state authorities in  
1186 producing limerock for highway purposes and to purchase same at  
1187 cost;

1188 (t) Provide for the purchase of necessary equipment and  
1189 vehicles and provide for their repair and housing;

1190 (u) Authorize the Transportation Department to  
1191 construct, lease or otherwise provide necessary and proper  
1192 permanent district offices for the construction and maintenance  
1193 divisions of the department;

1194 (v) Cooperate with the Department of Archives and  
1195 History in having placed and maintained suitable historical

1196 markers, including those which have been approved and purchased by  
1197 the State Historical Commission, along state highways, and to have  
1198 constructed and maintained roadside driveways for convenience and  
1199 safety in viewing them when necessary; however, no highway or  
1200 bridge shall ever be memorialized to a man while living;

1201 (w) Cooperate, in his discretion, with the Mississippi  
1202 Department of Wildlife, Fisheries and Parks in planning and  
1203 constructing roadside parks upon the right-of-way of state  
1204 highways, whether constructed, under construction, or planned;  
1205 such parks to utilize where practical barrow pits used in  
1206 construction of state highways for use as fishing ponds. The  
1207 parks shall be named for abundant flora and fauna existing in the  
1208 area or for the first flora or fauna found on the site;

1209 (x) Cooperate, in his discretion, with the Mississippi  
1210 Forestry Commission and the School of Forestry, Mississippi State  
1211 University, in a forestry management program, including planting,  
1212 thinning, cutting and selling, upon the right-of-way of any  
1213 highway, constructed, acquired or maintained by the Transportation  
1214 Department, and sell and dispose of any and all growing timber  
1215 standing, lying or being on any right-of-way acquired by the  
1216 department for highway purposes in the future; such sale or sales  
1217 to be made in accordance with the sale of personal property which  
1218 has become unnecessary for public use as provided for in Section  
1219 65-1-123;

1220 (y) Expend funds in cooperation with the Division of  
1221 Plant Industry, Mississippi Department of Agriculture and  
1222 Commerce, the United States government or any department or agency  
1223 thereof, or with any department or agency of this state, to  
1224 control, suppress or eradicate serious insect pests, rodents,  
1225 plant parasites and plant diseases on the state highway  
1226 rights-of-way;

1227 (z) Provide for the placement, erection and maintenance  
1228 of motorist services business signs and supports within state

1229 highway rights-of-way in accordance with current state and federal  
1230 laws and regulations governing the placement of traffic control  
1231 devices on state highways, and establish and collect reasonable  
1232 fees from the businesses having information on such signs;

1233 (aa) Request and accept the use of persons convicted of  
1234 an offense, whether a felony or a misdemeanor, for work on any  
1235 road construction, repair or other project of the Transportation  
1236 Department. The chairman may also request and accept the use of  
1237 persons who have not been convicted of an offense but who are  
1238 required to fulfill certain court-imposed conditions pursuant to  
1239 Section 41-29-150(d)(1) or 99-15-26, or the Pretrial Intervention  
1240 Act, being Sections 99-15-101 through 99-15-127. The chairman may  
1241 enter into any agreements with the Department of Corrections, the  
1242 State Parole Board, any criminal court of this state, and any  
1243 other proper official regarding the working, guarding,  
1244 safekeeping, clothing and subsistence of such persons performing  
1245 work for the Transportation Department. Such persons shall not be  
1246 deemed agents, employees or involuntary servants of the  
1247 Transportation Department while performing such work or while  
1248 going to and from work or other specified areas;

1249 (bb) Expend funds for the purchase of service pins for  
1250 employees of the Mississippi Transportation Department.

1251 (cc) Conduct project planning as provided for in this  
1252 paragraph (cc). Such project planning shall apply to all  
1253 preliminary engineering, right-of-way acquisition and construction  
1254 projects of the department and, at a minimum, shall consist of:

1255 (i) Establishment of a master budget for each  
1256 segment of highway to be constructed, reconstructed or repaired.  
1257 For purposes of this requirement, no segment shall be less than  
1258 ten (10) miles in length unless a shorter segment is specifically  
1259 authorized or required by law; and

1260 (ii) Policies for the oversight and management of  
1261 the master budget for segments which:

1262                   1. Establish a reasonable cost estimate to  
1263 serve as a budget for each project within a segment. For purposes  
1264 of this provision, projects include preliminary engineering,  
1265 right-of-way acquisition and construction;

1266                   2. Capture and retain the initial project  
1267 budgets for comparison with final actual expenditures;

1268                   3. Capture and retain the initial segment  
1269 budget for comparison with final segment actual expenditures;

1270                   4. Require that any changes to a budget for a  
1271 project will be reviewed and approved by district or central  
1272 office personnel. Such personnel shall be responsible for signing  
1273 any revision, and providing a narrative description of the reasons  
1274 for approving a revision and the reasons for rejecting other  
1275 alternatives;

1276                   5. With existing resources, develop an  
1277 information system to provide the Legislature, managers and the  
1278 public with up-to-date segment cost information;

1279                   6. Capture the cost of consultants,  
1280 engineers, attorneys, contract appraisers and other technical and  
1281 professional contractors used in preliminary engineering,  
1282 right-of-way acquisition and construction projects; and

1283                   7. Ensure that projects for preliminary  
1284 engineering, right-of-way acquisition and construction do not  
1285 overlap segments;

1286                   (dd) Annually report to the Legislature, on or before  
1287 December 15 of each year, all preapproved contractors who  
1288 subsequently receive contracts from the department. The reports  
1289 must include the name of the contractor, the amount paid and the  
1290 project on which the contractor worked.

1291           SECTION 7. Section 65-1-11, Mississippi Code of 1972, is  
1292 amended as follows:

1293           **[Until January 1, 2004, this section shall read as follows:]**

1294           65-1-11. The executive director, subject to the approval of  
1295 the commission, shall employ a chief engineer who shall be a  
1296 registered civil engineer, a graduate of a recognized school of  
1297 engineering, and who shall have had not less than five (5) years'  
1298 actual professional experience in highway construction. The chief  
1299 engineer shall also be deputy executive director of the  
1300 transportation department and shall act as executive director in  
1301 case of the illness or disability of the executive director or his  
1302 absence from the state. The chief engineer while acting as  
1303 executive director of the transportation department shall be  
1304 invested with the same power and authority as the executive  
1305 director himself. The chief engineer shall give bond in the sum  
1306 of Fifty Thousand Dollars (\$50,000.00) in some surety company  
1307 authorized to do business in this state, which bond shall be  
1308 conditioned upon the faithful performance and discharge of his  
1309 duties. The principal and surety on such bond shall be liable  
1310 thereunder to the State of Mississippi for double the amount of  
1311 the value of any money or property which the state may lose, if  
1312 any, by reason of any wrongful or criminal act of such engineer.  
1313 The term of office of the chief engineer shall be for a period of  
1314 four (4) years, unless sooner removed as hereinafter provided, and  
1315 he shall be eligible for reappointment. The first term of office,  
1316 however, shall extend from the date of appointment until the first  
1317 Monday of January, 1952.

1318           **[From and after January 1, 2004, this section shall read as**  
1319 **follows:]**

1320           65-1-11. The Chairman of the Mississippi Transportation  
1321 Commission, shall employ a chief engineer who shall be a  
1322 registered civil engineer, a graduate of an accredited school of  
1323 engineering, \* \* \* who shall have had not less than five (5)  
1324 years' actual professional experience in highway construction and  
1325 who shall serve at the will and pleasure of the chairman. \* \* \*



1326 SECTION 8. Section 65-3-97, Mississippi Code of 1972, is  
1327 amended as follows:

1328 65-3-97. (1) In addition to and including all other  
1329 highways designated as a part of the state highway system, there  
1330 is hereby designated as a part thereof a four-lane highway system  
1331 to connect various areas of the state with interstate and primary  
1332 highways. The Mississippi Department of Transportation shall  
1333 construct and reconstruct four-lane highways, that is, not less  
1334 than two (2) lanes for traffic flowing in each direction, along  
1335 the routes designated in this section.

1336 (2) In the construction and reconstruction of the four-lane  
1337 highway system designated in this section, the Mississippi  
1338 Department of Transportation may utilize the roadway of any  
1339 existing highway under its jurisdiction and control and shall do  
1340 so when such utilization is feasible, provided that such highways  
1341 which are utilized shall be constructed to current standards for  
1342 such roadways. When it is not feasible to utilize existing  
1343 designated highways, the Transportation Department shall relocate  
1344 such highways and construct entirely new facilities whether in  
1345 urban or rural areas.

1346 (3) Construction of the four-lane highway system designated  
1347 in this subsection shall commence, proceed and be performed by the  
1348 Mississippi Department of Transportation strictly in accordance  
1349 with the following set of priorities established for the letting  
1350 of contracts on and along various segments thereof:

1351 (a) Of the following group of highway segments not less  
1352 than fifteen percent (15%) of all contracts necessary to be let  
1353 for completion of all segments within the group shall be let by  
1354 June 30, 1988, not less than thirty percent (30%) of such  
1355 contracts shall be let by June 30, 1989, not less than fifty  
1356 percent (50%) of such contracts shall be let by June 30, 1990, not  
1357 less than seventy percent (70%) of such contracts shall be let by  
1358 June 30, 1991, not less than ninety percent (90%) of such

1359 contracts shall be let by June 30, 1992, and one hundred percent  
1360 (100%) of such contracts shall be let by June 30, 1993:

1361 (i) Highway segments along or near U.S. 45  
1362 beginning at the Clarke/Lauderdale county line and extending  
1363 northerly to I-59; then beginning at Macon and extending northerly  
1364 to Brooksville; then beginning at Columbus Air Force Base and  
1365 extending northerly to Aberdeen; then beginning at U.S. 278 and  
1366 extending northerly to Shannon; then beginning at Saltillo and  
1367 extending northerly to Corinth.

1368 (ii) Highway segments along or near U.S. 45A  
1369 beginning at U.S. 82 and extending northerly to West Point; then  
1370 beginning four (4) miles south of Okolona and extending northerly  
1371 to Shannon.

1372 (iii) A highway segment along or near U.S. 49W  
1373 beginning at U.S. 49 and extending westerly through Yazoo City to  
1374 the Yazoo River.

1375 (iv) A highway segment along or near U.S. 49W  
1376 beginning at Inverness and extending northerly to Indianola.

1377 (v) A highway segment along or near U.S. 61  
1378 beginning at Port Gibson and extending northerly to the four-lane  
1379 south of Vicksburg.

1380 (vi) Highway segments along or near U.S. 72  
1381 beginning at or near Mt. Pleasant and extending southeasterly to  
1382 Mississippi 5; then beginning at Walnut and extending  
1383 southeasterly to Corinth; then beginning at Strickland and  
1384 extending southeasterly to Burnsville.

1385 (vii) Highway segments along or near U.S. 78  
1386 beginning at Holly Springs and extending southeasterly to the New  
1387 Albany bypass; then beginning at Mississippi 25 and extending  
1388 southeasterly to Tremont.

1389 (viii) Highway segments along or near U.S. 82  
1390 beginning at I-55 and extending easterly to Kilmichael; then  
1391 beginning at Eupora and extending easterly to Mathiston; then

1392 beginning at Mississippi 12 and extending easterly to the Alabama  
1393 state line.

1394 (ix) A highway segment along or near U.S. 84  
1395 beginning at I-59 and extending easterly to the Jones/Wayne county  
1396 line.

1397 (x) Highway segments along or near U.S. 98  
1398 beginning at Columbia and extending easterly to the Marion/Lamar  
1399 county line; then beginning at U.S. 49 and extending southeasterly  
1400 to the Alabama state line.

1401 (b) Of the following group of highway segments not less  
1402 than five percent (5%) of all contracts necessary to be let for  
1403 completion of all segments within the group shall be let by June  
1404 30, 1991, not less than ten percent (10%) of such contracts shall  
1405 be let by June 30, 1992, not less than twenty-five percent (25%)  
1406 of such contracts shall be let by June 30, 1993, not less than  
1407 forty percent (40%) of such contracts shall be let by June 30,  
1408 1994, not less than fifty-five percent (55%) of such contracts  
1409 shall be let by June 30, 1995, not less than seventy percent (70%)  
1410 of such contracts shall be let by June 30, 1996, not less than  
1411 eighty-five percent (85%) of such contracts shall be let by June  
1412 30, 1997, and one hundred percent (100%) of such contracts shall  
1413 be let by June 30, 1998:

1414 (i) Highway segments along or near Mississippi 25  
1415 beginning at Mississippi 471 and extending northeasterly to  
1416 Mississippi 43; then beginning at the Winston/Oktibbeha county  
1417 line and extending northeasterly to Starkville.

1418 (ii) A highway segment along or near Mississippi  
1419 63 beginning at the Jackson/George county line and extending  
1420 northerly to Lucedale.

1421 (iii) A highway segment along or near Mississippi  
1422 302 beginning at I-55 in Southaven and extending easterly to U.S.  
1423 72 at or near Mt. Pleasant.

1424 (iv) Highway segments along or near U.S. 45  
1425 beginning at the Alabama state line and extending northerly to the  
1426 Clarke/Lauderdale county line; then beginning at Lauderdale and  
1427 extending northerly to Macon; then beginning at Aberdeen and  
1428 extending northerly to U.S. 278.

1429 (v) A highway segment along or near U.S. 45A  
1430 beginning at West Point and extending northerly to four (4) miles  
1431 south of Okolona.

1432 (vi) A highway segment beginning at Brooksville  
1433 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.  
1434 82, such segment having been designated by the Transportation  
1435 Commission pursuant to the provisions of paragraph (1)(c) of this  
1436 section.

1437 (vii) A highway segment along or near U.S. 49W  
1438 beginning at the Yazoo River and extending northerly to Inverness.

1439 (viii) Highway segments along or near U.S. 61  
1440 beginning at the Louisiana state line and extending northerly to  
1441 the Wilkinson/Adams county line; then beginning at Washington and  
1442 extending northerly to Port Gibson; then beginning at Merigold and  
1443 extending northerly to Shelby; then beginning at the north end of  
1444 the Clarksdale bypass and extending northerly to the Tennessee  
1445 state line.

1446 (ix) A highway segment along or near U.S. 72  
1447 beginning at Mississippi 5 and extending southeasterly to Walnut.

1448 (x) A highway segment along or near U.S. 78  
1449 beginning at Tremont and extending southeasterly to the Alabama  
1450 state line.

1451 (xi) Highway segments along or near U.S. 82  
1452 beginning at the Montgomery/Webster county line and extending  
1453 easterly to Eupora; then beginning at Mathiston and extending  
1454 easterly to Starkville.

1455 (xii) Highway segments along or near U.S. 84  
1456 beginning at Leesdale and extending easterly to Roxie; then

1457 beginning at Auburn Road and extending easterly to I-55; then  
1458 beginning at the east end of the Brookhaven bypass and extending  
1459 easterly to Prentiss; then beginning at the Jones/Covington county  
1460 line and extending easterly to Horse Creek; then beginning at the  
1461 Jones/Wayne county line and extending easterly to Waynesboro.

1462 (xiii) Highway segments along or near U.S. 98  
1463 beginning at the Pike/Walthall county line and extending easterly  
1464 to Columbia; then beginning at the Marion/Lamar county line and  
1465 extending easterly to the four-lane west of Hattiesburg.

1466 (c) Of the following group of highway segments not less  
1467 than ten percent (10%) of all contracts necessary to be let for  
1468 completion of all segments within the group shall be let by June  
1469 30, 1996, not less than twenty percent (20%) of such contracts  
1470 shall be let by June 30, 1997, not less than forty percent (40%)  
1471 of such contracts shall be let by June 30, 1998, and one hundred  
1472 percent (100%) of such contracts shall be let by June 30, 1999:

1473 (i) A highway segment along or near Mississippi 25  
1474 beginning at Mississippi 43 and extending northeasterly to the  
1475 Winston/Oktibbeha county line.

1476 (ii) A highway segment along or near Mississippi  
1477 63 beginning at Lucedale and extending northerly to U.S. 45 at  
1478 State Line.

1479 (iii) A highway segment along or near U.S. 61  
1480 beginning at Shelby and extending northerly to U.S. 49.

1481 (iv) A highway segment along or near U.S. 82  
1482 beginning at Kilmichael and extending easterly to the  
1483 Montgomery/Webster county line.

1484 (v) Highway segments along or near U.S. 84  
1485 beginning at Eddiceton and extending easterly to Auburn Road; then  
1486 beginning at Prentiss and extending easterly to Collins; then  
1487 beginning at Waynesboro and extending easterly to the Alabama  
1488 state line.

1489           (d) (i) Of the following group of highway segments not  
1490 less than five percent (5%) of all contracts necessary to be let  
1491 for completion of all segments within the group shall be let by  
1492 June 30, 2002, not less than fifteen percent (15%) of such  
1493 contracts shall be let by June 30, 2003, not less than twenty-five  
1494 percent (25%) of such contracts shall be let by June 30, 2004, not  
1495 less than thirty-five percent (35%) of such contracts shall be let  
1496 by June 30, 2005, not less than forty-five percent (45%) of such  
1497 contracts shall be let by June 30, 2006, not less than sixty  
1498 percent (60%) of such contracts shall be let by June 30, 2007, not  
1499 less than seventy percent (70%) of such contracts shall be let by  
1500 June 30, 2008, not less than eighty percent (80%) of such  
1501 contracts shall be let by June 30, 2009, not less than ninety  
1502 percent (90%) of such contracts shall be let by June 30, 2010, and  
1503 one hundred percent (100%) of such contracts shall be let by June  
1504 30, 2011:

1505                   A. A highway segment along or near  
1506 Mississippi 6 beginning at the Clarksdale bypass and extending  
1507 easterly to Batesville.

1508                   B. A highway segment along or near  
1509 Mississippi 12 beginning at I-55 and extending easterly to  
1510 Kosciusko.

1511                   C. A highway segment along or near  
1512 Mississippi 15 beginning at I-10 and extending northerly to  
1513 Mississippi 26; then beginning at U.S. Highway 98 and extending  
1514 northerly to the Mississippi/Tennessee state line.

1515                   D. A highway segment consisting of two (2)  
1516 lanes of construction and two (2) lanes of right-of-way  
1517 acquisition along or near Mississippi 15 beginning at Mississippi  
1518 26 and extending northerly to U.S. Highway 98.

1519                   E. A highway segment along or near  
1520 Mississippi 19 beginning at Collinsville and extending  
1521 northwesterly to Kosciusko.

1522 F. Highway segments along or near Mississippi  
1523 25 beginning at Aberdeen and extending northerly to Fulton; then  
1524 beginning at the Alabama state line and extending northerly to  
1525 U.S. Highway 72.

1526 G. A highway segment along or near U.S.  
1527 Highway 61 beginning at Redwood and extending northerly to Leland.

1528 H. A highway segment along or near U.S.  
1529 Highway 98 beginning at Meadville and extending southeasterly to  
1530 Summit.

1531 I. A highway segment along or near  
1532 Mississippi Highway 24/48 beginning at Woodville and extending  
1533 easterly to McComb.

1534 J. A highway segment along or near  
1535 Mississippi 35 beginning at the Mississippi/Louisiana state line  
1536 and extending northerly to or near Foxworth.

1537 K. A highway segment along or near  
1538 Mississippi 27 beginning at I-20 and extending southeasterly to  
1539 I-55.

1540 L. A highway segment along or near  
1541 Mississippi 57 beginning at I-10 and extending northerly ten (10)  
1542 miles to just north of the community of Van Cleave.

1543 (ii) Contracts for the construction and/or  
1544 reconstruction of highway segments designated within this group  
1545 shall be let by the Transportation Commission strictly in  
1546 accordance with the level of service of the highway segment as  
1547 defined by the Transportation Research Board, or any successor  
1548 board or agency. If the level of service of a highway segment is  
1549 less than the level of service threshold at which the  
1550 Transportation Department recommends the construction of a  
1551 four-lane highway, then the Transportation Department shall make  
1552 other improvements and highway modifications to such highway  
1553 segment as needed, such as straightening and realignment of the  
1554 existing roadway, the addition of passing lanes and the widening

1555 of existing lanes, and may acquire any necessary right-of-way for  
1556 such purposes and for the purpose of future construction of  
1557 four-lane highways along such segments.

1558 (iii) With respect to the segments authorized in  
1559 this paragraph (d), the Transportation commission shall consider  
1560 the level of service of the projects together with all projects  
1561 authorized in Section 65-39-1 and nonprogram highway construction  
1562 and shall devise a priority schedule for preliminary engineering,  
1563 right-of-way acquisition and construction which establishes a  
1564 schedule for completion of these projects and reflects the  
1565 relative need for the projects authorized in this paragraph (d)  
1566 and in Section 65-39-1 and nonprogram highways. The commission  
1567 shall accord great weight to Federal Highway Administration  
1568 standards in setting priorities and also may consider other  
1569 factors, not in violation of federal law, as the commission  
1570 considers relevant. No funds deposited into the special funds  
1571 created in Sections 65-39-3 of 65-39-17 may be expended on any  
1572 project authorized in this paragraph (d).

1573 (4) The construction priorities established in this section  
1574 shall not be construed as prohibiting the completion of highway  
1575 segments which, on July 1, 1987, are included in the current  
1576 three-year plan under Section 65-1-141, and for which, on July 1,  
1577 1987, grade and drainage has been completed or contracts for grade  
1578 and drainage have been let.

1579 (5) Contracts may be let and construction may commence and  
1580 be performed concurrently on any of the highway segments  
1581 designated in subsection (3) of this section, notwithstanding the  
1582 priorities established for the letting of contracts on the various  
1583 segments designated therein, provided that funds are available  
1584 and, provided that, at all times, the percentages of all contracts  
1585 required to be let on the segments designated in paragraphs  
1586 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let  
1587 no later than the dates established therein.



1588           (6) (a) All highway construction and reconstruction  
1589 authorized under this section shall be performed by contract let  
1590 on competitive bid in the manner provided by statute; however,  
1591 highway segments shall be constructed in lengths of not less than  
1592 ten (10) miles.

1593           (b) It is the intent of the Legislature that not less  
1594 than ten percent (10%) of the amounts authorized to be expended  
1595 for construction and reconstruction of the four-lane highway  
1596 segments designated in this section shall be expended with small  
1597 business concerns owned and controlled by socially and  
1598 economically disadvantaged individuals. The term "socially and  
1599 economically disadvantaged individuals" shall have the meaning  
1600 ascribed to such term under Section 8(d) of the Small Business Act  
1601 (15 USCS, Section 637(d)) and relevant subcontracting regulations  
1602 promulgated pursuant thereto; except that women shall be presumed  
1603 to be socially and economically disadvantaged individuals for the  
1604 purposes of this paragraph (b).

1605           (7) (a) Notwithstanding the provisions of subsection (6)(a)  
1606 of this section, the Mississippi Transportation Commission may  
1607 construct highway segments of less than ten (10) miles in length  
1608 if:

1609                   (i) The segment as described in subsection (3) of  
1610 this section is less than ten (10) miles in length;

1611                   (ii) The segment will connect two (2) \* \* \*  
1612 highways which were existing four-lane highways on July 1, 2001;

1613                   \* \* \*

1614                   (iii) For a particular project, the costs of  
1615 constructing a single segment of at least ten (10) miles in length  
1616 would \* \* \* exceed the aggregate costs of constructing two (2) or  
1617 more segments by more than ten percent (10%).

1618                   \* \* \*

1619           (b) In any case in which the Transportation Commission  
1620 authorizes the construction of a highway segment of less than ten

1621 (10) miles in length, the commission shall set forth and record in  
1622 its official minutes, on at least a quarterly basis, a prospective  
1623 explanation and justification therefor based upon one or more of  
1624 the conditions prescribed in paragraph (7)(a) of this section.  
1625 Nothing in this paragraph (b) shall be construed as authorizing  
1626 the commission to approve a segment of less than ten (10) miles in  
1627 length after a contract for the segment has been let.

1628 (8) To assist in defraying the costs and expenses for  
1629 construction, reconstruction and relocation of the four-lane  
1630 highway system described in this section, the following revenues  
1631 shall be paid out of such funds made available to the  
1632 Transportation Commission and the Transportation Department:

1633 (a) From matched federal funds or other federal funds,  
1634 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,  
1635 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,  
1636 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and  
1637 fifty percent (50%) of such federal funds for fiscal year 1991 and  
1638 each fiscal year thereafter; and

1639 (b) Five Million Dollars (\$5,000,000.00) from matched  
1640 federal bridge replacement funds for fiscal year 1988 and each  
1641 fiscal year thereafter when the segments proposed for construction  
1642 contain bridges that are eligible for replacement under the  
1643 Federal Aid Bridge Replacement Program.

1644 (9) The Transportation Department shall submit a report to  
1645 the Legislature by January 10 of each calendar year setting forth  
1646 the current status of the construction program set forth in this  
1647 section to include, but not be limited to, the following  
1648 information:

1649 (a) Specific segments on which engineering is being  
1650 performed or has been completed;

1651 (b) Specific segments for which right-of-way has been  
1652 acquired or is being acquired;

- 1653           (c) Specific segments for which construction contracts  
1654 have been let;
- 1655           (d) Specific segments on which construction is in  
1656 progress;
- 1657           (e) Specific segments on which construction has been  
1658 completed;
- 1659           (f) Projections for completion of the next step on each  
1660 segment;
- 1661           (g) Revenue derived for such construction program from  
1662 each revenue source contained in Chapter 322, Laws, 1987, and in  
1663 Chapter 557, Laws, 1994;
- 1664           (h) For each fiscal year beginning in 1994, a detailed  
1665 cash flow projection by source of program activities and an  
1666 estimate of when the program will encounter a funding shortage due  
1667 to costs exceeding original projections;
- 1668           (i) A schedule of all complete and open-to-traffic  
1669 highway segments and the related total cost of each segment;
- 1670           (j) A schedule of all highway segments on which all  
1671 contracts necessary for completion of the segments were not let as  
1672 of the date required by law;
- 1673           (k) A complete recap of all program receipts by source,  
1674 and of all disbursements for the prior fiscal year and cumulative  
1675 totals since the inception of the program as compared to  
1676 projections; \* \* \*
- 1677           (l) A statement from the Department of Transportation  
1678 regarding the status of the funding of the program based on agency  
1679 cost experience and projections for the future;
- 1680           (m) A list of all segments of less than ten (10) miles  
1681 in length which were authorized by the commission during the  
1682 preceding year. The list must include:
- 1683                 (i) Contract let by date;
- 1684                 (ii) The highway on which the contract was let;

1685                   (iii) A description of the project, including the  
1686 beginning and end point of the contract;

1687                   (iv) The length of the contract in miles; and

1688                   (v) The name of the contractor selected to perform  
1689 the contract work;

1690                   (n) A compilation of costs for all preliminary  
1691 engineering, right-of-way and construction contracts entered  
1692 during the reporting period;

1693                   (o) A listing of all segments completed or in progress  
1694 by topographical area of the state for the reporting period; and

1695                   (p) A status report of road segments to include road  
1696 segment description, the date of construction of the road and the  
1697 pavement condition rating, which includes roadbed rutting and  
1698 condition factors.

1699           The report shall be deemed submitted when ten (10) copies are  
1700 submitted to the Clerk of the House of Representatives and ten  
1701 (10) copies are submitted to the Secretary of the Senate.

1702           SECTION 9. Section 65-39-1, Mississippi Code of 1972, is  
1703 amended as follows:

1704           65-39-1. (1) The Mississippi Transportation Commission is  
1705 authorized, subject to the availability of funds in the Gaming  
1706 Counties State-Assisted Infrastructure Fund created in Section  
1707 65-39-17, to conduct feasibility studies and, pursuant to  
1708 information gathered in such studies, select routes and locations,  
1709 perform preliminary engineering, acquire necessary right-of-way  
1710 and property, construct and/or reconstruct and improve existing or  
1711 new highways, roads, streets and bridges, including two-lane,  
1712 four-lane and multi-lane roads (or segments thereof), perform  
1713 intersection improvements, provide signal retiring, turnbay  
1714 extensions, additional interchanges and other traffic  
1715 modifications, within and approaching those counties in this state  
1716 where legal gaming is being conducted or is authorized. Any  
1717 highway, road, street or bridge that is authorized to be

1718 constructed, reconstructed or improved shall meet design standards  
1719 established by the Mississippi Department of Transportation, shall  
1720 be constructed to bear a load limit of at least eighty thousand  
1721 (80,000) pounds and, upon completion, shall become a part of the  
1722 state highway system, and thereafter shall be under the  
1723 jurisdiction of the Mississippi Transportation Commission and the  
1724 Mississippi Department of Transportation for construction and  
1725 maintenance.

1726 (2) The projects authorized in subsection (1) of this  
1727 section shall include, but shall not be limited to, highways,  
1728 roads, streets and bridges on and along the following locations:

1729 (a) U.S. Highway 90 from its intersection with  
1730 Mississippi 607 in Hancock County to Ocean Springs, and including  
1731 Lakeshore Road in Hancock County from its intersection with U.S.  
1732 Highway 90 to Beach Boulevard;

1733 (b) Mississippi 4 from U.S. Highway 61 to Mississippi  
1734 3;

1735 (c) Mississippi 4 from Mississippi 3 to Senatobia;

1736 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;

1737 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in  
1738 Gulfport;

1739 (f) Mississippi 304 beginning at the Tennessee state  
1740 line at or near U.S. 72 and thence running in a southwesterly  
1741 direction to intersect with U.S. 78 at or near Byhalia and thence  
1742 running in a westerly direction to intersect I-55 at or near  
1743 Hernando and thence running in a westerly direction to intersect  
1744 with U.S. 61 in DeSoto County, with a spur extending southwesterly  
1745 to or near Robinsonville in Tunica County;

1746 (g) I-10 from Exit 28 to Exit 57;

1747 (h) A new location from the northernmost point on I-110  
1748 to U.S. 49;

1749 (i) U.S. Highway 61 from the Tunica County line to the  
1750 Tennessee state line;

1751           (j) (i) Four-lanes for traffic along Mississippi 16  
1752 beginning at its intersection with Mississippi 25 and extending  
1753 easterly to join the existing four-lane on the west side of  
1754 Carthage within the corporate boundaries;

1755           (ii) Passing lanes and turn lanes, as needed,  
1756 along Mississippi 16 beginning at a point on the east side of  
1757 Carthage within the corporate boundaries where the existing  
1758 four-lane ends and extending easterly to the Leake/Neshoba county  
1759 line; and

1760           (iii) Four-lanes for traffic along Mississippi 16  
1761 beginning at the Leake/Neshoba county line and extending easterly  
1762 to not more than ten (10) miles east of Mississippi 15;

1763           (k) Lorraine/Cowan Road Extension from I-10 North to  
1764 relocated/reconstructed Mississippi 67;

1765           (l) At various locations on and along U.S. Highway 82  
1766 and Mississippi 1 in the City of Greenville;

1767           (m) At various locations on and along I-20, U.S.  
1768 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including  
1769 a truck route from Harbor Industrial Park to U.S. Highway 61 north  
1770 and an extension of South Frontage Road with railroad bridge to  
1771 I-20;

1772           (n) At various locations on and along U.S. Highway 61,  
1773 U.S. Highway 65 and Washington Street in the City of Natchez;

1774           (o) At various locations on and along U.S. Highway 90  
1775 in the City of Pass Christian;

1776           (p) Mississippi 43/603 beginning where the existing  
1777 four-lane ends north of I-10 and extending northerly to a point  
1778 approximately one (1) mile north of Kiln where Mississippi 43/603  
1779 divides into Mississippi 43 and Mississippi 603;

1780           (q) Mississippi 43 beginning where Mississippi 43 and  
1781 Mississippi 603 divide and extending northwesterly to or near  
1782 Picayune;

1783                   (r) U.S. 49 from U.S. 61 west to the Mississippi River  
1784 bridge;

1785                   (s) Subject to the conditions prescribed in subsection  
1786 (3) of this section, a central Harrison County connector from I-10  
1787 to U.S. 90 in the vicinity of Canal Road to the Mississippi State  
1788 Port at Gulfport; and

1789                   (t) An east Harrison County connector from U.S. 90 to  
1790 I-10 to be located between the Cowan-Lorraine Road interchange and  
1791 the I-110 interchange.

1792                   (3) Authorization for the project described in paragraph  
1793 (2)(s) of this section is conditioned upon receipt by the  
1794 Mississippi Transportation Commission of a written commitment by  
1795 the Department of Economic and Community Development to make  
1796 available for such project not less than Six Million Dollars  
1797 (\$6,000,000.00).

1798                   (4) All planning, construction, reconstruction and  
1799 performance of the projects authorized under this section,  
1800 including the letting of contracts, shall commence, proceed and be  
1801 performed by the Mississippi Transportation Commission and the  
1802 Mississippi Department of Transportation according to priorities  
1803 based on volume capacity and traffic congestion in comparative  
1804 project areas; however, if a project authorized in this section is  
1805 also included in the four-lane highway program under Section  
1806 65-3-97, then all contracts necessary to be let for the completion  
1807 of the project under this section shall be let not later than the  
1808 priorities established for the letting of contracts for the  
1809 project under Section 65-3-97. Prioritization of construction for  
1810 the projects authorized in this section shall be conducted as  
1811 provided for in Section 65-3-97(3)(d)(iii).

1812                   (5) (a) Funds for the projects authorized under this  
1813 section may be provided through the issuance of bonds under  
1814 Sections 65-39-5 through 65-39-33, through the issuance of notes  
1815 for such purposes under Section 31-17-127 or from such monies as

1816 may be available in the Gaming Counties State-Assisted  
1817 Infrastructure Fund created under Section 65-39-17.

1818 (b) In addition to the funds provided for under  
1819 paragraph (a) of this subsection, funds for the project described  
1820 in subsection (2)(s) of this section also may be provided from any  
1821 available federal, state, county or municipal funds authorized for  
1822 such project, including the Economic Development Highway Act.

1823 (6) (a) For all highway segments authorized in this  
1824 section, the Mississippi Department of Transportation shall  
1825 construct highway segments of at least ten (10) miles in length  
1826 unless one or more of the following conditions exist:

1827 (i) The segment as described in this section is  
1828 less than ten (10) miles in length;

1829 (ii) The segment will connect two (2) highways  
1830 which were existing four-lane highways on July 1, 2001; or

1831 (iii) For a particular project, the costs of  
1832 constructing a single segment of at least ten (10) miles in length  
1833 would exceed the aggregate costs of constructing two (2) or more  
1834 segments by more than ten percent (10%).

1835 (b) If the Transportation Commission authorizes the  
1836 construction of a highway segment of less than ten (10) miles in  
1837 length, the commission shall set forth and record in its official  
1838 minutes, on at least a quarterly basis, a prospective explanation  
1839 and justification based on one or more of the condition prescribed  
1840 in paragraph (a) of this subsection (6). This subsection does not  
1841 authorize the commission to approve a segment of less than ten  
1842 (10) miles in length after a contract for the segment has been  
1843 let.

1844 (7) The Transportation Department shall submit a report to  
1845 the Legislature by January 10 of each calendar year setting forth  
1846 the current status of the construction program set forth in this  
1847 section to include, but not be limited to, the following  
1848 information:



- 1849           (a) Specific segments on which engineering is being  
1850 performed or has been completed;
- 1851           (b) Specific segments for which right-of-way has been  
1852 acquired or is being acquired;
- 1853           (c) Specific segments for which construction contracts  
1854 have been let;
- 1855           (d) Specific segments on which construction is in  
1856 progress;
- 1857           (e) Specific segments on which construction has been  
1858 completed;
- 1859           (f) Projections for completion of the next step on each  
1860 segment;
- 1861           (g) Revenue derived for such construction program from  
1862 each revenue source contained in Chapter 557, Laws, 1994;
- 1863           (h) For each fiscal year beginning in 1994, a detailed  
1864 cash flow projection by source of program activities and an  
1865 estimate of when the program will encounter a funding shortage due  
1866 to costs exceeding original projections;
- 1867           (i) A schedule of all complete and open-to-traffic  
1868 highway segments and the related total cost of each segment;
- 1869           (j) A complete recap of all program receipts by source,  
1870 and of all disbursements for the prior fiscal year and cumulative  
1871 totals since the inception of the program as compared to  
1872 projections;
- 1873           (k) A statement from the Department of Transportation  
1874 regarding the status of the funding of the program based on agency  
1875 cost experience and projections for the future;
- 1876           (l) A list of all segments of less than ten (10) miles  
1877 in length which were authorized by the commission during the  
1878 preceding year. The list must include:
- 1879                   (i) Contract let by date;
- 1880                   (ii) The highway on which the contract was let;

1881                    (iii) A description of the project, including the  
1882 beginning and end point of the contract;

1883                    (iv) The length of the contract in miles; and

1884                    (v) The name of the contractor selected to perform  
1885 the contract work;

1886                    (m) A compilation of costs for all preliminary  
1887 engineering, right-of-way and construction contracts entered  
1888 during the reporting period;

1889                    (n) A listing of all segments completed or in progress  
1890 by topographical area of the state for the reporting period; and

1891                    (o) A status report of road segments to include road  
1892 segment description, the date of construction of the road and the  
1893 pavement condition rating, which includes roadbed rutting and  
1894 condition factors.

1895                    SECTION 10. Section 65-39-35, Mississippi Code of 1972, is  
1896 amended as follows:

1897                    65-39-35. The date upon which the taxes and fees levied and  
1898 charged under the provisions of Sections 27-55-11, 27-57-37,  
1899 27-59-11, 27-19-43, 27-19-309, 27-65-75 and Sections 27-55-519 and  
1900 27-55-521 are reduced under such sections shall be the first day  
1901 of the month immediately following the date upon which:

1902                    (a) The Mississippi Transportation Commission certifies  
1903 to the State Tax Commission that:

1904                    (i) The Four-Lane Highway Program created under  
1905 Section 65-3-97 and the Gaming Counties Infrastructure Program  
1906 created under Section 65-39-3, are completed and no funds are any  
1907 longer necessary to pay the costs of such programs or twenty-five  
1908 (25) years have elapsed since the completion of the last segment  
1909 of highway authorized in Section 65-3-97, whichever occurs first;  
1910 and

1911                    (ii) The Mississippi Transportation Commission  
1912 will not declare the necessity for additional borrowings under

1913 Section 65-9-27, or for additional bonds under Sections 65-39-5  
1914 through 65-39-33; and

1915 (b) The State Treasurer certifies:

1916 (i) That the amount on deposit in the Gaming  
1917 Counties Bond Sinking Fund, together with earnings on investments  
1918 to accrue to such fund, is equal to or greater than the aggregate  
1919 of the entire principal, redemption premium (if any), and interest  
1920 due and to become due (until the final maturity date or earlier  
1921 scheduled redemption date) on all general obligation bonds issued  
1922 under Sections 65-39-5 through 65-39-33; and

1923 (ii) That all principal, interest, cost and other  
1924 expenses for all bonds, notes or other borrowings under Section  
1925 65-9-27 and Section 31-17-127 (including redemption notes, if any)  
1926 have been paid and are completely satisfied.

1927 SECTION 11. Section 75-76-129, Mississippi Code of 1972, is  
1928 amended as follows:

1929 [ \* \* \* Until the highway segments authorized in Section  
1930 65-39-1 are certified as complete by the Mississippi  
1931 Transportation Commission, this section shall read as follows:]

1932 75-76-129. On or before the last day of each month all  
1933 taxes, fees, interest, penalties, damages, fines or other monies  
1934 collected by the State Tax Commission during that month under the  
1935 provisions of this chapter, with the exception of (a) the local  
1936 government fees imposed under Section 75-76-195, and (b) an amount  
1937 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
1938 collected pursuant to the fee imposed under Section  
1939 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
1940 of the revenue collected pursuant to the fee imposed under Section  
1941 75-76-177(1)(c), whichever is the greater amount, shall be paid by  
1942 the State Tax Commission to the State Treasurer to be deposited in  
1943 the State General Fund. The local government fees shall be  
1944 distributed by the State Tax Commission pursuant to Section  
1945 75-76-197. An amount equal to Three Million Dollars

1946 (\$3,000,000.00) of the revenue collected during that month  
1947 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
1948 deposited by the State Tax Commission into the bond sinking fund  
1949 created in Section 65-39-3. The revenue collected during that  
1950 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
1951 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
1952 less than twenty-five percent (25%) of the amount of revenue  
1953 collected during that month, shall be deposited into the State  
1954 Highway Fund to be used exclusively for the reconstruction and  
1955 maintenance of highways of the State of Mississippi.

1956 [ \* \* \* After the highway segments authorized in Section  
1957 65-39-1 are certified as complete by the Mississippi  
1958 Transportation Commission, this section shall read as follows:]

1959 75-76-129. On or before the last day of each month, all  
1960 taxes, fees, interest, penalties, damages, fines or other monies  
1961 collected by the State Tax Commission during that month under the  
1962 provisions of this chapter, with the exception of the local  
1963 government fees imposed under Section 75-76-195, shall be paid by  
1964 the State Tax Commission to the State Treasurer to be deposited in  
1965 the State General Fund. The local government fees shall be  
1966 distributed by the State Tax Commission pursuant to Section  
1967 75-76-197.

1968 SECTION 12. Section 25-3-33, Mississippi Code of 1972, is  
1969 amended as follows:

1970 [Until July 1, 2004, this section shall read as follows:]

1971 25-3-33. The annual salaries of the following appointive  
1972 state and district officials and employees are fixed as follows:

1973 Deputy Attorney General, not to exceed..... \$72,800.00

1974 Assistant Attorneys General shall each

1975 receive annual salaries in an amount

1976 to be fixed by the Attorney General

1977 but not to exceed..... 68,400.00

1978 Military Department--National Guard:

1979	Adjutant General.....	80,000.00
1980	Department of Banking and Consumer Finance:	
1981	Commissioner.....	85,000.00
1982	Chairman of the State Tax Commission	
1983	(Commissioner of Revenue).....	91,000.00
1984	Associate Commissioners, each.....	42,000.00
1985	Director of Emergency Management Agency.....	65,000.00
1986	Department of Public Safety:	
1987	Commissioner of Public Safety.....	80,000.00
1988	Director, Office of Mississippi	
1989	Highway Safety Patrol, or	
1990	his successor.....	70,000.00
1991	Director, Office of Support Services,	
1992	or his successor.....	70,000.00
1993	Department of Human Services:	
1994	Director, not to exceed.....	85,000.00
1995	Workers' Compensation Commission:	
1996	Chairman.....	80,000.00
1997	Members, each.....	78,000.00
1998	Executive Director.....	75,000.00
1999	Administrative Judge, each.....	75,000.00
2000	Archives and History:	
2001	Director, not to exceed.....	70,000.00
2002	State Forester.....	70,000.00
2003	State Oil and Gas Board:	
2004	Secretary-Supervisor.....	70,000.00
2005	Educational Television Authority:	
2006	Executive Director.....	70,000.00
2007	Director, Mississippi Library Commission,	
2008	not to exceed.....	70,000.00
2009	Executive Secretary, Public Service	
2010	Commission.....	65,000.00
2011	Parole Board:	

2012	Chairman.....	50,000.00
2013	Administrative Assistant for	
2014	Parole Matters.....	42,000.00
2015	Members, each.....	44,000.00
2016	Governor's State Bond Advisory Division:	
2017	Director.....	55,000.00
2018	Employment Security Commission:	
2019	Executive Director, not to exceed.....	70,000.00
2020	Executive Director, Department of	
2021	Mental Health, to be determined by the	
2022	State Board of Mental Health, not	
2023	to exceed.....	85,000.00
2024	Director, Division of Medicaid,	
2025	not to exceed.....	85,000.00
2026	Director, State Department of Transportation,	
2027	not to exceed.....	85,000.00
2028	State Entomologist.....	65,000.00
2029	Clerk of the Supreme Court.....	60,000.00
2030	State Aid Engineer, Division of State	
2031	Aid Road Construction.....	70,000.00
2032	Executive Director, Judicial Performance	
2033	Commission.....	65,000.00
2034	Executive Director, Department of Finance	
2035	and Administration.....	85,000.00
2036	Superintendent, Mississippi School for the	
2037	Blind, to be determined by the State	
2038	Board of Education, not to exceed.....	65,000.00
2039	Superintendent, Mississippi School for the Deaf,	
2040	to be determined by the State Board	
2041	of Education, not to exceed.....	65,000.00
2042	Executive Director, State Fair Commission.....	65,000.00
2043	Executive Director, Department of Wildlife,	
2044	Fisheries and Parks.....	80,000.00

2045	Executive Director, Department of Environmental	
2046	Quality.....	85,000.00
2047	Executive Director, Pat Harrison Waterway	
2048	District.....	65,000.00
2049	Executive Director, Pearl River Basin	
2050	Development District.....	61,000.00
2051	Executive Director, Pearl River Valley Water	
2052	Supply District.....	71,000.00
2053	Executive Director, Tombigbee River Valley	
2054	Water Management District.....	61,000.00
2055	Director, Soil and Water Conservation	
2056	Commission.....	60,000.00
2057	Commissioner, Mississippi Department of	
2058	Corrections.....	85,000.00
2059	Executive Director, Mississippi Department of	
2060	Information Technology Services.....	85,000.00
2061	Executive Director, Mississippi Industries	
2062	for the Blind.....	60,000.00
2063	Director, Mississippi Bureau of Narcotics.....	60,000.00
2064	Executive Secretary, State Veterans Affairs	
2065	Board.....	55,000.00
2066	Executive Officer, Veterans' Home Purchase	
2067	Board.....	65,000.00
2068	Chief Administrative Officer, Motor Vehicle	
2069	Commission.....	55,000.00
2070	Stadium Manager, Mississippi Veterans	
2071	Memorial Stadium.....	55,000.00
2072	Executive Director, Mississippi Arts	
2073	Commission.....	55,000.00
2074	Director, Mississippi Board of Nursing.....	60,000.00
2075	Director, State Board of Pharmacy.....	60,000.00
2076	Director, State Board of Public Contractors.....	50,000.00
2077	Director, Real Estate Commission.....	55,000.00

2078	Director of Support Services, Department	
2079	of Rehabilitation Services.....	80,000.00
2080	Executive Director, State Fire Academy.....	55,000.00
2081	Executive Director, Law Enforcement	
2082	Officers Training Academy.....	50,000.00
2083	Executive Director, State Board of	
2084	Accountancy.....	60,000.00
2085	Executive Director, Mississippi	
2086	Gaming Commission.....	90,000.00
2087	Executive Director, Mississippi	
2088	Department of Marine Resources.....	70,000.00
2089	Executive Director, State Board of	
2090	Registration for Professional	
2091	Engineers and Land Surveyors.....	55,000.00
2092	Executive Director, Public Utilities	
2093	Staff.....	85,000.00
2094	State Law Librarian.....	60,000.00
2095	State Personnel Director.....	75,000.00
2096	Manager, Farmers Central Market,	
2097	Department of Agriculture and	
2098	Commerce.....	40,000.00
2099	State Veterinarian.....	70,000.00
2100	Executive Director, Mississippi Ethics	
2101	Commission.....	70,000.00
2102	<b>[From and after July 1, 2004, this section shall read as</b>	
2103	<b>follows:]</b>	
2104	25-3-33. The annual salaries of the following appointive	
2105	state and district officials and employees are fixed as follows:	
2106	Deputy Attorney General, not to exceed.....	\$72,800.00
2107	Assistant Attorneys General shall each	
2108	receive annual salaries in an amount	
2109	to be fixed by the Attorney General	
2110	but not to exceed.....	68,400.00



2111	Military Department--National Guard:	
2112	Adjutant General.....	80,000.00
2113	Department of Banking and Consumer Finance:	
2114	Commissioner.....	85,000.00
2115	Chairman of the State Tax Commission	
2116	(Commissioner of Revenue).....	91,000.00
2117	Associate Commissioners, each.....	42,000.00
2118	Director of Emergency Management Agency.....	65,000.00
2119	Department of Public Safety:	
2120	Commissioner of Public Safety.....	80,000.00
2121	Director, Office of Mississippi	
2122	Highway Safety Patrol, or	
2123	his successor.....	70,000.00
2124	Director, Office of Support Services,	
2125	or his successor.....	70,000.00
2126	Department of Human Services:	
2127	Director, not to exceed.....	85,000.00
2128	Workers' Compensation Commission:	
2129	Chairman.....	80,000.00
2130	Members, each.....	78,000.00
2131	Executive Director.....	75,000.00
2132	Administrative Judge, each.....	75,000.00
2133	Archives and History:	
2134	Director, not to exceed.....	70,000.00
2135	State Forester.....	70,000.00
2136	State Oil and Gas Board:	
2137	Secretary-Supervisor.....	70,000.00
2138	Educational Television Authority:	
2139	Executive Director.....	70,000.00
2140	Director, Mississippi Library Commission,	
2141	not to exceed.....	70,000.00
2142	Executive Secretary, Public Service	
2143	Commission.....	65,000.00

2144	Parole Board:	
2145	Chairman.....	50,000.00
2146	Administrative Assistant for	
2147	Parole Matters.....	42,000.00
2148	Members, each.....	44,000.00
2149	Governor's State Bond Advisory Division:	
2150	Director.....	55,000.00
2151	Employment Security Commission:	
2152	Executive Director, not to exceed.....	70,000.00
2153	Executive Director, Department of	
2154	Mental Health, to be determined by the	
2155	State Board of Mental Health, not	
2156	to exceed.....	85,000.00
2157	Director, Division of Medicaid,	
2158	not to exceed.....	85,000.00
2159	<u>Chairman of the Mississippi Transportation</u>	
2160	<u>Commission, Executive Director.....</u>	<u>91,000.00</u>
2161	<u>Associate Transportation Commissioners.....</u>	<u>42,000.00</u>
2162	State Entomologist.....	65,000.00
2163	Clerk of the Supreme Court.....	60,000.00
2164	State Aid Engineer, Division of State	
2165	Aid Road Construction.....	70,000.00
2166	Executive Director, Judicial Performance	
2167	Commission.....	65,000.00
2168	Executive Director, Department of Finance	
2169	and Administration.....	85,000.00
2170	Superintendent, Mississippi School for the	
2171	Blind, to be determined by the State	
2172	Board of Education, not to exceed.....	65,000.00
2173	Superintendent, Mississippi School for the Deaf,	
2174	to be determined by the State Board	
2175	of Education, not to exceed.....	65,000.00
2176	Executive Director, State Fair Commission.....	65,000.00

2177	Executive Director, Department of Wildlife,	
2178	Fisheries and Parks.....	80,000.00
2179	Executive Director, Department of Environmental	
2180	Quality.....	85,000.00
2181	Executive Director, Pat Harrison Waterway	
2182	District.....	65,000.00
2183	Executive Director, Pearl River Basin	
2184	Development District.....	61,000.00
2185	Executive Director, Pearl River Valley Water	
2186	Supply District.....	71,000.00
2187	Executive Director, Tombigbee River Valley	
2188	Water Management District.....	61,000.00
2189	Director, Soil and Water Conservation	
2190	Commission.....	60,000.00
2191	Commissioner, Mississippi Department of	
2192	Corrections.....	85,000.00
2193	Executive Director, Mississippi Department of	
2194	Information Technology Services.....	85,000.00
2195	Executive Director, Mississippi Industries	
2196	for the Blind.....	60,000.00
2197	Director, Mississippi Bureau of Narcotics.....	60,000.00
2198	Executive Secretary, State Veterans Affairs	
2199	Board.....	55,000.00
2200	Executive Officer, Veterans' Home Purchase	
2201	Board.....	65,000.00
2202	Chief Administrative Officer, Motor Vehicle	
2203	Commission.....	55,000.00
2204	Stadium Manager, Mississippi Veterans	
2205	Memorial Stadium.....	55,000.00
2206	Executive Director, Mississippi Arts	
2207	Commission.....	55,000.00
2208	Director, Mississippi Board of Nursing.....	60,000.00
2209	Director, State Board of Pharmacy.....	60,000.00

2210	Director, State Board of Public Contractors.....	50,000.00
2211	Director, Real Estate Commission.....	55,000.00
2212	Director of Support Services, Department	
2213	of Rehabilitation Services.....	80,000.00
2214	Executive Director, State Fire Academy.....	55,000.00
2215	Executive Director, Law Enforcement	
2216	Officers Training Academy.....	50,000.00
2217	Executive Director, State Board of	
2218	Accountancy.....	60,000.00
2219	Executive Director, Mississippi	
2220	Gaming Commission.....	90,000.00
2221	Executive Director, Mississippi	
2222	Department of Marine Resources.....	70,000.00
2223	Executive Director, State Board of	
2224	Registration for Professional	
2225	Engineers and Land Surveyors.....	55,000.00
2226	Executive Director, Public Utilities	
2227	Staff.....	85,000.00
2228	State Law Librarian.....	60,000.00
2229	State Personnel Director.....	75,000.00
2230	Manager, Farmers Central Market,	
2231	Department of Agriculture and	
2232	Commerce.....	40,000.00
2233	State Veterinarian.....	70,000.00
2234	Executive Director, Mississippi Ethics	
2235	Commission.....	70,000.00
2236	SECTION 13. Section 25-3-31, Mississippi Code of 1972, is	
2237	amended as follows:	
2238	<b>[Until July 1, 2004, this section shall read as follows:]</b>	
2239	25-3-31. The annual salaries of the following elected state	
2240	and district officers are fixed as follows:	
2241	Governor.....	\$101,800.00
2242	Attorney General.....	90,800.00

2243	Secretary of State.....	75,000.00
2244	Commissioner of Insurance.....	75,000.00
2245	State Treasurer.....	75,000.00
2246	State Auditor of Public Accounts.....	75,000.00
2247	Commissioner of Agriculture and Commerce.....	75,000.00
2248	Transportation Commissioners .....	65,000.00
2249	Public Service Commissioners.....	65,000.00

2250       The above fixed salary of the Governor shall be the reference  
2251 amount utilized in computing average compensation and earned  
2252 compensation pursuant to Section 25-11-103(f) and Section  
2253 25-11-103(k) and to related sections which require such  
2254 computations.

2255           **[From and after July 1, 2004, this section shall read as**  
2256 **follows:]**

2257       25-3-31. The annual salaries of the following elected state  
2258 and district officers are fixed as follows:

2259	Governor.....	\$101,800.00
2260	Attorney General.....	90,800.00
2261	Secretary of State.....	75,000.00
2262	Commissioner of Insurance.....	75,000.00
2263	State Treasurer.....	75,000.00
2264	State Auditor of Public Accounts.....	75,000.00
2265	Commissioner of Agriculture and Commerce.....	75,000.00

2266       \* \* \*

2267	Public Service Commissioners.....	65,000.00
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2268       The above fixed salary of the Governor shall be the reference  
2269 amount utilized in computing average compensation and earned  
2270 compensation pursuant to Section 25-11-103(f) and Section  
2271 25-11-103(k) and to related sections which require such  
2272 computations.

2273       SECTION 14. Section 23-15-193, Mississippi Code of 1972, is  
2274 amended as follows:

2275           23-15-193. At the election in 2003, and every four (4) years  
2276 thereafter, there shall be elected a Governor, Lieutenant  
2277 Governor, Secretary of State, Auditor of Public Accounts, State  
2278 Treasurer, Attorney General, three (3) public service  
2279 commissioners, \* \* \* Commissioner of Insurance, Commissioner of  
2280 Agriculture and Commerce, Senators and members of the House of  
2281 Representatives in the Legislature, district attorneys for the  
2282 several districts, clerks of the circuit and chancery courts of  
2283 the several counties, as well as sheriffs, coroners, assessors,  
2284 surveyors and members of the boards of supervisors, justice court  
2285 judges and constables, and all other officers to be elected by the  
2286 people at the general state election. All such officers shall  
2287 hold their offices for a term of four (4) years, and until their  
2288 successors are elected and qualified. The state officers shall be  
2289 elected in the manner prescribed in Section 140 of the  
2290 Constitution.

2291           SECTION 15. Section 23-15-297, Mississippi Code of 1972, is  
2292 amended as follows:

2293           23-15-297. All candidates upon entering the race for party  
2294 nominations for office shall first pay to the proper officer as  
2295 provided for in Section 23-15-299 for each primary election the  
2296 following amounts:

2297                   (a) Candidates for Governor not to exceed Three Hundred  
2298 Dollars (\$300.00).

2299                   (b) Candidates for Lieutenant Governor, Attorney  
2300 General, Secretary of State, State Treasurer, Auditor of Public  
2301 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
2302 and Commerce \* \* \* and State Public Service Commissioner, not to  
2303 exceed Two Hundred Dollars (\$200.00).

2304                   (c) Candidates for district attorney, not to exceed One  
2305 Hundred Dollars (\$100.00).

2306                   (d) Candidates for State Senator, State Representative,  
2307 sheriff, chancery clerk, circuit clerk, tax assessor, tax

2308 collector, county attorney, county superintendent of education and  
2309 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

2310 (e) Candidates for county surveyor, county coroner,  
2311 justice court judge and constable, not to exceed Ten Dollars  
2312 (\$10.00).

2313 (f) Candidates for United States Senator, not to exceed  
2314 Three Hundred Dollars (\$300.00).

2315 (g) Candidates for United States Representative, not to  
2316 exceed Two Hundred Dollars (\$200.00).

2317 SECTION 16. Section 23-15-881, Mississippi Code of 1972, is  
2318 amended as follows:

2319 23-15-881. It shall be unlawful for the \* \* \* board of  
2320 supervisors of any county or any member of the board of  
2321 supervisors of such county, to employ, during the months of May,  
2322 June, July and August of any year in which a general primary  
2323 election is held for the nomination and election of members of  
2324 the \* \* \* boards of supervisors, a greater number of persons to  
2325 work and maintain the \* \* \* public roads in any supervisors  
2326 district of the county \* \* \* than the average number of persons  
2327 employed for similar purposes in such \* \* \* supervisors district,  
2328 as the case may be, during the months of May, June, July and  
2329 August of the three (3) years immediately preceding the year in  
2330 which such general primary election is held. It shall be unlawful  
2331 for \* \* \* the board of supervisors of any county to expend out of  
2332 the \* \* \* road funds of the county or any supervisors district  
2333 thereof, \* \* \* in the payment of wages or other compensation for  
2334 labor performed in working and maintaining the \* \* \* public roads  
2335 of any supervisors district of the county \* \* \* during the months  
2336 of May, June, July and August of such election year, a total  
2337 amount in excess of the average total amount expended for such  
2338 labor, in such \* \* \* supervisors district \* \* \* during the  
2339 corresponding four (4) months' period of the three (3) years  
2340 immediately preceding.

2341           It shall be the duty of the \* \* \* board of supervisors of  
2342 each county, respectively, to keep sufficient records of the  
2343 numbers of employees and expenditures made for labor on the \* \* \*  
2344 public roads of each supervisors district, for the months of May,  
2345 June, July and August of each year, to show the number of persons  
2346 employed for such work in each \* \* \* supervisors district \* \* \*  
2347 during said four (4) months' period, and the total amount expended  
2348 in the payment of salaries and other compensation to such  
2349 employees, so that it may be ascertained, from an examination of  
2350 such records, whether or not the provisions of this chapter have  
2351 been violated.

2352           It is provided, however, because of the abnormal conditions  
2353 existing in certain counties of the state due to recent floods in  
2354 which roads and bridges have been materially damaged or washed  
2355 away and destroyed, if the board of supervisors in any county  
2356 passes a resolution as provided in Section 19-9-11, Mississippi  
2357 Code of 1972, for the emergency issuance of road and bridge bonds,  
2358 the provisions of this section shall not be applicable to or in  
2359 force concerning the board of supervisors during the calendar year  
2360 1955.

2361           SECTION 17. Section 23-15-883, Mississippi Code of 1972, is  
2362 amended as follows:

2363           23-15-883. The restriction imposed upon the \* \* \* boards of  
2364 supervisors of the several counties in the employment of labor to  
2365 work and maintain the \* \* \* public roads of the several  
2366 supervisors' districts of the county, as provided in Section  
2367 23-15-881, shall not apply to road contractors or bridge  
2368 contractors engaged in the construction or maintenance of \* \* \*  
2369 county roads under contracts awarded by the Mississippi  
2370 Transportation Commission, or the board of supervisors \* \* \* where  
2371 such contracts shall have been awarded to the lowest responsible  
2372 bidder, after legal advertisement, as provided by law; nor shall  
2373 the restriction imposed in Section 23-15-881 apply to the labor



2374 employed by such road contractors or bridge contractors in  
2375 carrying out such contracts. Nor shall the provisions of this  
2376 chapter apply to the employment by the \* \* \* board of  
2377 supervisors \* \* \* of extra labor employed to make repairs upon the  
2378 \* \* \* county roads or bridges, in cases where such \* \* \* county  
2379 roads or bridges, have been damaged or destroyed by severe storms,  
2380 floods or other unforeseen disasters.

2381 SECTION 18. Section 23-15-887, Mississippi Code of 1972, is  
2382 amended as follows:

2383 23-15-887. If any member of the \* \* \* board of supervisors,  
2384 or the mayor or any member of the board of aldermen or other  
2385 governing authority of any municipality, shall violate the  
2386 provisions of this article, he shall be guilty of a misdemeanor,  
2387 and upon conviction thereof, shall be punished by a fine of not  
2388 less than One Hundred Dollars (\$100.00) nor more than Five Hundred  
2389 Dollars (\$500.00), or by imprisonment in the county jail for a  
2390 term not to exceed six (6) months, or by both such fine and  
2391 imprisonment.

2392 SECTION 19. Section 65-1-5, Mississippi Code of 1972, is  
2393 amended as follows:

2394 **[Until January 1, 2004, this section shall read as follows:]**

2395 65-1-5. When the transportation commissioners enter upon the  
2396 duties of their office, the transportation commission shall meet  
2397 and organize by the election of one (1) of its members to serve as  
2398 chairman of the commission for the four-year term for which the  
2399 commissioner shall have been elected. The commission, a majority  
2400 of which shall constitute a quorum, shall meet in regular session  
2401 on the second Tuesday of each month at the office of the  
2402 commission in Jackson, Mississippi; and at such regular sessions  
2403 the commission may hear, continue and determine any and all  
2404 matters coming before it. The commission may hold special  
2405 sessions at the call of the executive director or the chairman at  
2406 such times and places in this state as either of them may deem

2407 necessary. At such special sessions it may hear, continue,  
2408 consider and determine any and all matters coming before it,  
2409 provided that at least five (5) days' notice of such meetings  
2410 shall be given to all the members of the commission beforehand. A  
2411 special session may be called at any time without the foregoing  
2412 notice, or any notice, if by and with the unanimous consent of all  
2413 the members of the commission, but such unanimous consent shall be  
2414 spread at large on the minutes of the commission.

2415 The Mississippi Transportation Commission shall act as a  
2416 legal entity, and shall only speak through its minutes, and in all  
2417 matters shall act as a unit. Any action on the part of any member  
2418 of the commission separately shall not bind the commission as a  
2419 unit, but such individual member only shall be liable personally  
2420 on his official bond.

2421 The Mississippi Transportation Commission shall be a body  
2422 corporate and as such may sue and be sued, plead and be impleaded,  
2423 in any court of justice having jurisdiction of the subject matter  
2424 of any such suit. In any suit against the Mississippi  
2425 Transportation Commission service of process shall be had by  
2426 serving the secretary of the commission with such process; and a  
2427 copy of the declaration, petition or bill of complaint, or other  
2428 initial pleading shall be handed the secretary along with the  
2429 process.

2430 **[From and after January 1, 2004, this section shall read as**  
2431 **follows:]**

2432 65-1-5. \* \* \* The commission, the chairman and one (1) other  
2433 member of which shall constitute a quorum, shall meet in regular  
2434 session on the second Tuesday of each month at the office of the  
2435 commission in Jackson, Mississippi; and at such regular sessions  
2436 the commission may hear, continue and determine any and all  
2437 matters coming before it. The commission may hold special  
2438 sessions at the call of the \* \* \* chairman at such times and  
2439 places in this state he may deem necessary. At such special

2440 sessions it may hear, continue, consider and determine any and all  
2441 matters coming before it, provided that at least five (5) days'  
2442 notice of such meetings shall be given to all the members of the  
2443 commission beforehand. A special session may be called at any  
2444 time without the foregoing notice, or any notice, if by and with  
2445 the unanimous consent of all the members of the commission, but  
2446 such unanimous consent shall be spread at large on the minutes of  
2447 the commission.

2448         The Mississippi Transportation Commission shall act as a  
2449 legal entity, and shall only speak through its minutes, and in all  
2450 matters shall act as a unit. Any action on the part of any member  
2451 of the commission separately shall not bind the commission as a  
2452 unit, but such individual member only shall be liable personally  
2453 on his official bond. However, the chairman of the commission is  
2454 not prohibited from performing any of the duties and  
2455 responsibilities that otherwise are assigned to him by law.

2456         The Mississippi Transportation Commission shall be a body  
2457 corporate and as such may sue and be sued, plead and be impleaded,  
2458 in any court of justice having jurisdiction of the subject matter  
2459 of any such suit. In any suit against the Mississippi  
2460 Transportation Commission service of process shall be had by  
2461 serving the secretary of the commission with such process; and a  
2462 copy of the declaration, petition or bill of complaint, or other  
2463 initial pleading shall be handed the secretary along with the  
2464 process.

2465         SECTION 20. Section 65-1-7, Mississippi Code of 1972, is  
2466 amended as follows:

2467         65-1-7. The \* \* \* commissioners chosen as herein provided,  
2468 and their successors, shall each receive as compensation for their  
2469 services salaries fixed by the legislature, and in addition shall  
2470 be allowed all of their actual and necessary traveling and other  
2471 expenses incurred in the performance of their respective official  
2472 duties.

2473 SECTION 21. Section 65-1-21, Mississippi Code of 1972, is  
2474 amended as follows:

2475 65-1-21. The permanent district offices for the Office of  
2476 Highways of the Mississippi Department of Transportation and for  
2477 the repair and housing of the equipment and vehicles of the  
2478 department provided for in paragraph (m) of Section 65-1-8,  
2479 Mississippi Code of 1972, shall be at such locations as the  
2480 commission may establish. The Department of Transportation shall  
2481 erect and maintain \* \* \* appropriate signs or placques designating  
2482 such offices.

2483 SECTION 22. Section 65-1-9, Mississippi Code of 1972, which  
2484 creates the office of Executive Director of the Department of  
2485 Transportation and prescribe its powers and duties, shall stand  
2486 repealed from and after January 1, 2004.

2487 SECTION 23. The Attorney General of the State of Mississippi  
2488 shall submit this act, immediately upon approval by the Governor,  
2489 or upon approval by the Legislature subsequent to a veto, to the  
2490 Attorney General of the United States or to the United States  
2491 District Court for the District of Columbia in accordance with the  
2492 provisions of the Voting Rights Act of 1965, as amended and  
2493 extended.

2494 SECTION 24. This act shall take effect and be in force from  
2495 and after July 1, 2001, or such later date as this act is  
2496 effectuated under Section 5 of the Voting Rights Act of 1965, as  
2497 amended and extended.