AN ACT TO AMEND SECTION 65-1-1, MISSISSIPPI CODE OF 1972, TO
REVISE CERTAIN DEFINITIONS IN THE CHAPTER OF LAW RELATING TO THE
MISSISSIPPI TRANSPORTATION COMMISSION AND THE MISSISSIPPI
DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 65-1-2, MISSISSIPPI
CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY
COMMISSIONER OF THE MISSISSIPPI TRANSPORTATION COMMISSION, AND TO
PRESCRIBE HIS POWERS, DUTIES AND QUALIFICATIONS; TO AMEND SECTION
65-1-3, MISSISSIPPI CODE OF 1972, TO CREATE THE MISSISSIPPI
TRANSPORTATION TRANSITION BOARD AND PROVIDE FOR APPOINTMENT OF ITS
FIVE MEMBERS BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE
SENATE; TO PRESCRIBE THE POWERS AND DUTIES OF THE BOARD AND THE
QUALIFICATIONS OF ITS MEMBERS; TO PROVIDE THAT THE BOARD SHALL
DISSOLVE ON JANUARY 1, 2004, AND THE MEMBERS OF THE BOARD SHALL
SERVE AS THE MISSISSIPPI TRANSPORTATION COMMISSION; TO PROVIDE FOR
TERMS OF OFFICE FOR THE INITIAL AND SUBSEQUENT APPOINTEES TO THE
TRANSPORTATION COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL
CONSIST OF A CHAIRMAN AS DESIGNATED BY THE GOVERNOR AND FOUR
ASSOCIATE COMMISSIONERS; TO CREATE AN OFFICE OF VALUE ENGINEERING
WITHIN THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO PROVIDE
THAT THE TRANSPORTATION COMMISSION SHALL SELECT A DIRECTOR OF THE
OFFICE OF VALUE ENGINEERING; TO PRESCRIBE THE POWER, DUTIES AND
QUALIFICATIONS OF THE DIRECTOR; TO CREATE AN OFFICE OF MINORITY
CONTRACTOR ASSISTANCE WITHIN THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION; TO PROVIDE THAT THE CHAIRMAN OF THE COMMISSION
SHALL APPOINT A DIRECTOR OF THE OFFICE; TO PRESCRIBE THE POWERS
AND DUTIES OF THE OFFICE AND THE DIRECTOR; TO AMEND SECTION
65-1-8, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
TRANSPORTATION COMMISSION TO ESTABLISH BUDGETING FOR HIGHWAY
SEGMENTS AND TO REPORT ON ROADBED DETERIORATION PROBLEMS; TO
REVISE THE LIST OF SPECIFIC POWERS AND DUTIES PRESCRIBED FOR THE
TRANSPORTATION COMMISSION AND THE CHAIRMAN OF THE TRANSPORTATION
COMMISSION; TO PROVIDE THAT CONTRACTS BETWEEN THE MISSISSIPPI
TRANSPORTATION COMMISSION AND A CONTRACTOR FOR NEW CONSTRUCTION
MUST CONTAIN A PROVISION FOR LIQUIDATED DAMAGES FOR EACH DAY THAT
THE CONTRACTOR FAILS TIMELY TO COMPLETE THE CONTRACT; TO AUTHORIZE
SUCH CONTRACTS TO CONTAIN EXTRA COMPENSATION TO THE CONTRACTOR TO
SERVE AS AN INCENTIVE IF THE CONTRACTOR COMPLETES THE CONTRACT
EARLY; TO AMEND SECTION 65-1-10, MISSISSIPPI CODE OF 1972, TO
REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ENGAGE IN
CERTAIN PROJECT PLANNING ACTIVITIES FOR ANY PRELIMINARY
ENGINEERING, RIGHT-OF-WAY ACQUISITION OR CONSTRUCTION PROJECT
ACTIVITIES OF THE DEPARTMENT; TO REQUIRE THE TRANSPORTATION
DEPARTMENT TO COLLECT AND REPORT CERTAIN MANAGEMENT INFORMATION;
TO AMEND SECTION 65-1-11, MISSISSIPPI CODE OF 1972, TO PROVIDE
THAT THE CHAIRMAN OF THE TRANSPORTATION COMMISSION SHALL APPOINT A

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

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

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

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

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

(b) "Office" means an administrative subdivision of the department.
(c) "Bureau" means an administrative subdivision of an office.

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

(e) "Executive director" means the chief administrative officer of the department. Whenever the term "director," meaning the Chief Administrative Officer of the State Highway Department, appears in the laws of the State of Mississippi, it shall mean the Executive Director of the Mississippi Department of Transportation.

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

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

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

(i) "Construction" includes reconstruction.

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

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

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

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

(a) "Department" means the Mississippi Department of Transportation. Whenever the term "Mississippi State Highway Commission," or the word "commission" meaning the Mississippi State Highway Commission, appears in the laws of the State of Mississippi, it shall mean the Mississippi Transportation Commission.
Department," or the word "department" meaning the Mississippi State Highway Department, appears in the laws of the State of Mississippi, it shall mean the "Mississippi Department of Transportation."

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

c) "Bureau" means an administrative subdivision of an office.

d) "Commission" means the Mississippi Transportation Commission. Whenever the term "Mississippi State Highway Commission," or the word "commission" meaning the Mississippi State Highway Commission, appears in the laws of the State of Mississippi, it shall mean the Mississippi Transportation Commission.

e) "Chairman" means the Chairman of the Mississippi Transportation Commission.

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

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

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

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

(j) "Construction" includes reconstruction.

(k) "Maintenance" means the constant maintenance and repair to preserve a smooth surfaced highway.
"Pave" means to construct with a surface of either high-type or intermediate-type pavement.

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

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

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

(a) Office of Administrative Services.
(b) Office of Highways.
(c) Office of State Aid Road Construction.
(d) Office of Intermodal Planning.
(e) Office of Enforcement.
(f) Office of Value Engineering.
(g) Office of Minority Contractor Assistance.

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

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

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

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

(7) The powers, duties and responsibilities of the Mississippi Development Authority with respect to transportation matters, except with respect to ports, are transferred to the Mississippi Department of Transportation.

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

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

(10) All records, personnel, property and unexpended balances of appropriations, allocation or other funds of all those agencies, boards, commissions, departments, offices, bureaus and divisions that are transferred by Laws, 1992, Chapter 496 shall be transferred to the Mississippi Department of Transportation. The transfer of segregated or special funds shall be made in such a manner that the relation between program and revenue source as provided by law shall be retained.
From and after January 1, 2004, this section shall read as follows:

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

(a) Office of Administrative Services.
(b) Office of Highways.
(c) Office of State Aid Road Construction.
(d) Office of Intermodal Planning.
(e) Office of Enforcement.
(f) Office of Value Engineering.
(g) Office of Minority Contractor Assistance.

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

(a) Be a professional engineer registered with the State Board for Professional Engineers and Land Surveyors;
(b) Possess a wide knowledge of the transportation system and transportation needs of Mississippi;
(c) Possess a wide knowledge of the principles of transportation organization and administration; and
(d) Possess special training or expertise in the field of transportation.

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

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

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

(6) The powers, duties and responsibilities of the
Mississippi Development Authority with respect to aeronautics are
transferred to the Mississippi Department of Transportation.

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

(8) The powers, duties and responsibilities of the
Mississippi Development Authority with respect to transportation
matters, except with respect to ports, are transferred to the
Mississippi Department of Transportation.

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

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

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

* * *

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

[Until January 1, 2004, this section shall read as follows:] 65-1-3. (1) There shall be a Mississippi Transportation Commission which, until January 1, 2004, shall consist of three members, one (1) from each of the three (3) Supreme Court districts of the state. Until January 1, 2004, only qualified electors who are citizens of the Supreme Court district in which he or she offers for election shall be eligible for such office.

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

(3) If any one or more of the transportation commissioners elected under the provisions of this chapter shall die, resign or be removed from office, the Governor shall fill the vacancy by appointment for the unexpired term * * *. 
(4) Each of the transportation commissioners, before entering upon the discharge of the duties of his office, shall take and subscribe the oath of office required of other state officials and shall execute bond in the sum of Fifty Thousand Dollars ($50,000.00), with some surety company authorized to do business in this state as surety, conditioned for the faithful performance of the duties of his office and for the faithful and true accounting of all funds or monies or property coming into his hands by virtue of his office, and conditioned further that all such funds, monies and property will be expended and used by him only for purposes authorized by law, said bond to be approved by the Governor or Attorney General and to be filed in the office of the Secretary of State. The premium on such bonds shall be paid out of the funds of the Mississippi Department of Transportation.

(5) Not later than January 1, 2003, the Governor shall appoint five (5) persons who shall serve as members of the Mississippi Transportation Transition Board created under subsection (6) of this section. One (1) of the members, who shall be appointed from the state at large and who shall be designated by the Governor as the chairman of the board, shall be a person with at least ten (10) years of experience in management of public or private entities and shall have a master's degree in business administration, public administration or a related field. Of the four (4) remaining members, one (1) member shall be appointed from each of the congressional districts of the state as such districts exist on January 1, 2003, each member to be a resident of the district from which he is appointed. No person who has been under contract to the Mississippi Department of Transportation or who has been employed by a contractor of the Mississippi Department of Transportation within five (5) years of his nomination for appointment shall be eligible for appointment to the board. The members appointed to the board shall be submitted to the Senate...
for its advice and consent at the beginning of the 2003 Regular
Session of the Legislature.

(6) There is created, beginning July 1, 2003, the
Mississippi Transportation Transition Board. Members appointed to
the board who have been confirmed by the Senate shall commence
their duties and responsibilities on the board from and after July
1, 2003. The board shall exist until January 1, 2004, at which
time the board shall dissolve. If any one or more of the
transition board members dies, resigns or is removed from office
before January 1, 2004, the Governor shall fill the vacancy by
appointment for the unexpired term. The board shall have the
following powers and duties:

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

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

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

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

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

(a) Be a professional engineer registered with the
State Board for Professional Engineers and Land Surveyors;
(b) Possess a wide knowledge of the transportation system and transportation needs of Mississippi;

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

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

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

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

65-1-3. (1) There shall be a Mississippi Transportation Commission which shall consist of five (5) members. The members appointed to the Mississippi Transportation Transition Board created on July 1, 2003, shall serve as the initial members of the board. The person appointed as Chairman of the Mississippi Transportation Transition Board shall serve as Chairman of the Mississippi Transportation Commission and as Executive Director of the Mississippi Department of Transportation, with the other four (4) members of the Mississippi Transportation Transition Board serving as Associate Commissioners of the Mississippi Transportation Commission. The member initially serving as chairman of the commission shall serve for a term of six (6) years. The members initially serving as associate commissioners shall serve the following terms as designated by the Governor: two (2) members for a term of two (2) years each; one (1) member for a term of four (4) years; and one (1) member for a term of six (6) years.

(2) All members appointed to the Mississippi Transportation Commission subsequent to the initial appointees shall be appointed by the Governor, with the advice and consent of the Senate, for a term of six (6) years. One (1) of the members, who shall be
designated by the Governor as the chairman of the commission, shall be a person with at least ten (10) years of experience in management of public or private entities and shall have a master's degree in business administration, public administration or a related field. Of the four (4) remaining members, who shall be designated as associate commissioners, one (1) member shall be appointed from each of the congressional districts of the state as such districts exist on January 1, 2003, each member to be a resident of the district from which he is appointed. No person who has been under contract to the Mississippi Department of Transportation or who has been employed by a contractor of the Mississippi Department of Transportation within five (5) years of his nomination for appointment shall be eligible for appointment to the commission. If any one or more of the transportation commissioners dies, resigns or is removed from office during his term of office, the Governor shall fill the vacancy by appointment for the unexpired term.

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

(4) Members of the Transportation Commission shall receive such compensation as the Legislature, by law, may prescribe.
(5) The Chairman of the Mississippi Transportation Commission shall be the chief executive officer of the Mississippi Department of Transportation and shall be responsible for directing the activities of the department. The chairman shall devote his full efforts to the position of chairman and may not have any other employment. The associate commissioners of the Mississippi Transportation Commission, along with the chairman of the commission, shall serve as the policy-making body for the department. Associate commissioners shall not be prohibited from being employed or engaged in any other occupation or profession that does not conflict or interfere with their duties as members of the commission.

SECTION 4. (1) There is created within the Mississippi Department of Transportation an office to be known as the Office of Value Engineering. This office shall be directed by a person who is a professional engineer registered with the State Board for Professional Engineers and Land Surveyors and who has ten (10) years of experience in civil engineering. The director of the office shall be selected by the Mississippi Transportation Commission and shall not be supervised by the executive director of the department. The director of the office shall have the authority to hire staff who shall be subject to the director's management and control. The Transportation Department shall be responsible for providing equipment, supplies and office space as required by the office.

(2) The Office of Value Engineering shall:

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

(b) Audit and evaluate the construction processes of the Mississippi Department of Transportation and report on these activities to the Mississippi Transportation Commission; and
(c) Conduct any inspection or investigation necessary to assist the commission in carrying out its duties under law.

SECTION 5. (1) There is created within the Mississippi Department of Transportation the Office of Minority Contractor Assistance for the purpose of providing for the collection, summarization and dissemination of information helpful to minority businesses desiring to participate in contracts awarded and administered by the Transportation Department. The office shall be directed by a person appointed by the Chairman of the Mississippi Transportation Commission and such staff as the director may determine necessary for carrying out the duties and responsibilities of the office.

(2) The Office of Minority Contractor Assistance shall be responsible for reviewing all notices and invitations for bids. The office shall have the power and duty to:

(a) Develop, plan and implement programs to provide an opportunity for participation by qualified minority owned businesses in Transportation Department contracts and the process by which such contracts are awarded and administered;

(b) Develop a comprehensive plan encouraging that qualified minority owned businesses are provided an opportunity to participate in Transportation Department contracts;

(c) Develop and maintain a central minority business enterprise certification list for the Transportation Department. Size of business or length of time in business shall not be considered a prerequisite for inclusion on the certification list;

(d) Adopt rules for the implementation of this section;

(e) Submit an annual report to the Governor and the Legislature outlining the progress and economic impact on the public and private sectors for implementing this section.

SECTION 6. Section 65-1-8, Mississippi Code of 1972, is amended as follows:

[Until January 1, 2004, this section shall read as follows:]
65-1-8. (1) The Mississippi Transportation Commission shall have the following general powers, duties and responsibilities:

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

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

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

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

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

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

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

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

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

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

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

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

(f) To regulate and abandon grade crossings on any road
fixed as a part of the state highway system, and whenever the
commission, in order to avoid a grade crossing with the railroad,
locates or constructs said road on one side of the railroad, the
commission shall have the power to abandon and close such grade
crossing, and whenever an underpass or overhead bridge is
substituted for a grade crossing, the commission shall have power
to abandon such grade crossing and any other crossing adjacent
thereto. Included in the powers herein granted shall be the power
to require the railroad at grade crossings, where any road of the
state highway system crosses the same, to place signal posts with
lights or other warning devices at such crossings at the expense
of the railroad, and to regulate and abandon underpass or overhead
bridges and, where abandoned because of the construction of a new
underpass or overhead bridge, to close such old underpass or
overhead bridge, or, in its discretion, to return the same to the
jurisdiction of the county board of supervisors;
(g) To make proper and reasonable rules and regulations to control the cutting or opening of the road surfaces for subsurface installations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(y) The Mississippi Transportation Commission may
delegate the authority to enter into a supplemental agreement to a
contract previously approved by the commission if the supplemental
agreement involves an additional expenditure not to exceed One
Hundred Thousand Dollars ($100,000.00);
(z) (i) The Mississippi Transportation Commission, in its discretion, may enter into agreements with any county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, for the purpose of accelerating the completion date of scheduled highway construction projects.

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

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

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

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

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

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

(6) In addition to its other powers and duties, the
Mississippi Transportation Commission shall institute a procedure
for the post-acceptance inspection and investigation of new
segments built in the state highway system, including, but not
limited to, segments authorized in Sections 65-3-97 and 65-39-1.

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

(8) Every contract between the Mississippi Transportation
Commission and a contractor shall contain a provision in regard to
the time when the whole or any specified portion of the work
contemplated shall be completed, and shall provide that for each
day completion is delayed beyond the specified time, the
contractor shall forfeit and pay to the state a specified sum of
money to be deducted from any payments due or to become due to the
contractor. The sum so specified is valid as liquidated damages
unless manifestly unreasonable under the circumstances existing at
the time the contract was made. However, such contracts may
contain a provision excusing the contractor from timely
performance if the contract or part of the contract could not be
performed due to causes which are outside the control of the
contractor and could not be avoided by the exercise of due care.
A contract for a road project also may provide for the payment of
extra compensation to the contractor, as an incentive for
completion before the specified time. This provision shall be
included in the specifications and shall clearly set forth the
basis for the payment. The incentive for early completion shall
not be on maintenance projects but only on new construction
projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*i*

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

*j* *

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

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

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

* * *

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

* * *

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

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

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

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

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

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

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

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

(5) In addition to its other powers and duties, the
Mississippi Transportation Commission shall institute a procedure
for the post-acceptance inspection and investigation of new
segments built in the state highway system, including, but not
limited to, segments authorized in Sections 65-3-97 and 65-39-1.

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

(7) Every contract between the Mississippi Transportation
Commission and a contractor shall contain a provision in regard to
the time when the whole or any specified portion of the work
contemplated shall be completed, and shall provide that for each
day completion is delayed beyond the specified time, the
contractor shall forfeit and pay to the state a specified sum of
money to be deducted from any payments due or to become due to the
contractor. The sum so specified is valid as liquidated damages
unless manifestly unreasonable under the circumstances existing at
the time the contract was made. However, such contracts may
contain a provision excusing the contractor from timely
performance if the contract or part of the contract could not be
performed due to causes which are outside the control of the
contractor and could not be avoided by the exercise of due care.
A contract for a road project also may provide for the payment of
extra compensation to the contractor, as an incentive for
completion before the specified time. This provision shall be
included in the specifications and shall clearly set forth the
basis for the payment. The incentive for early completion shall
not be on maintenance projects but only on new construction
projects.

SECTION 7. Section 65-1-10, Mississippi Code of 1972, is
amended as follows:

H. B. No. 1489  *HR03/R1416PH*
01/HR03/R1416PH
PAGE 31 (JWB\LH)
[Until January 1, 2004, this section shall read as follows:]

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

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

(b) Administer the policies promulgated by the commission;

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

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

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

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

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

(h) Prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof, including a detailed statement of expenditures of the department and any recommendations the department may have;
(i) Have full and general supervision over all matters relating to the construction or maintenance of the state highways, letting of contracts therefor, and the selection of materials to be used in the construction of state highways under the authority conferred by this chapter as herein set forth and the employment, promotion, demotion, reprimand, suspension, termination, reassignment, transfer, moving or relocation of all personnel not specifically authorized by statute to be employed by the commission. The executive director may authorize the payment of expenses of any personnel reassigned, transferred, moved or relocated in accordance with such rules and regulations as are promulgated by the commission;

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

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

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

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

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

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

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

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

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

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

2. Capture and retain the initial project
budgets for comparison with final actual expenditures;
3. Capture and retain the initial segment budget for comparison with final segment actual expenditures;

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

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

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

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

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

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

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

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

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

65-1-10. ** The Chairman of the Mississippi Transportation Commission shall have the power and duty to:
(a) Appoint a director in charge of each operating office of the department who shall be responsible to the executive director for the operation of such office. Each such director shall be qualified and experienced in the functions performed by the office under his charge;

(b) Administer the policies promulgated by the commission;

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

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

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

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

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

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

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

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

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

(l) Provide for boulevard stops, restricted entrances to main highways and access driveways, neutral grounds, and roadside parks, erect all suitable direction and warning signs, and provide access roads in or to municipalities where necessary; provide limited access facilities when and where deemed necessary, such a facility being defined as a highway or street especially designed or designated for through traffic and over, from or to which owners or occupants of abutting land or other persons have only such limited right or easement of access as may be prescribed by the commission, and provide that certain highways or streets may be parkways from which trucks, buses and other commercial vehicles shall be excluded or may be freeways open to customary forms of highway and street traffic and use, and such limited access facilities or parkways may be planned, designated, established, regulated, vacated, altered, improved, constructed and maintained and rights-of-way therefor specifically obtained, either by purchase, gift, condemnation or other form of acquisition;
(m) Construct bridges with or without footways, and sidewalks where deemed essential to decrease hazards;

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

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

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

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

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

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

(t) Provide for the purchase of necessary equipment and vehicles and provide for their repair and housing;
(u) Authorize the Transportation Department to construct, lease or otherwise provide necessary and proper permanent district offices for the construction and maintenance divisions of the department;

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

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

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

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

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

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

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

(cc) Conduct project planning as provided for in this
paragraph (cc). Such project planning shall apply to all
preliminary engineering, right-of-way acquisition and construction
projects of the department and, at a minimum, shall consist of:
(i) Establishment of a master budget for each segment of highway to be constructed, reconstructed or repaired. For purposes of this requirement, no segment shall be less than ten (10) miles in length unless a shorter segment is specifically authorized or required by law; and

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

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

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

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

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

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

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

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

8. Track and report the final segment cost and a comparison to the bid cost;
9. Track and compare actual completion dates with the bid completion date; and

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

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

SECTION 8. Section 65-1-11, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 2. Section 65-3-97, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

(v) A highway segment along or near U.S. 61 beginning at Port Gibson and extending northerly to the four-lane south of Vicksburg.
(vi) Highway segments along or near U.S. 72
beginning at or near Mt. Pleasant and extending southeasterly to
Mississippi 5; then beginning at Walnut and extending
southeasterly to Corinth; then beginning at Strickland and
extending southeasterly to Burnsville.
(vii) Highway segments along or near U.S. 78
beginning at Holly Springs and extending southeasterly to the New
Albany bypass; then beginning at Mississippi 25 and extending
southeasterly to Tremont.
(viii) Highway segments along or near U.S. 82
beginning at I-55 and extending easterly to Kilmichael; then
beginning at Eupora and extending easterly to Mathiston; then
beginning at Mississippi 12 and extending easterly to the Alabama
state line.
(ix) A highway segment along or near U.S. 84
beginning at I-59 and extending easterly to the Jones/Wayne county
line.
(x) Highway segments along or near U.S. 98
beginning at Columbia and extending easterly to the Marion/Lamar
county line; then beginning at U.S. 49 and extending southeasterly
to the Alabama state line.
(b) Of the following group of highway segments not less
than five percent (5%) of all contracts necessary to be let for
completion of all segments within the group shall be let by June
30, 1991, not less than ten percent (10%) of such contracts shall
be let by June 30, 1992, not less than twenty-five percent (25%)
of such contracts shall be let by June 30, 1993, not less than
forty percent (40%) of such contracts shall be let by June 30,
1994, not less than fifty-five percent (55%) of such contracts
shall be let by June 30, 1995, not less than seventy percent (70%)
of such contracts shall be let by June 30, 1996, not less than
eighty-five percent (85%) of such contracts shall be let by June
30, 1997, and one hundred percent (100%) of such contracts shall be let by June 30, 1998:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A highway segment along or near Mississippi 25 beginning at Mississippi 43 and extending northeasterly to the Winston/Oktibbeha county line.
(ii) A highway segment along or near Mississippi 63 beginning at Lucedale and extending northerly to U.S. 45 at State Line.

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

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

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

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

A. A highway segment along or near Mississippi 6 beginning at the Clarksdale bypass and extending easterly to Batesville.
B. A highway segment along or near Mississippi 12 beginning at I-55 and extending easterly to Kosciusko.

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

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

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

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

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

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

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

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

K. A highway segment along or near Mississippi 27 beginning at I-20 and extending southeasterly to I-55.
L. A highway segment along or near Mississippi 57 beginning at I-10 and extending northerly ten (10) miles to just north of the community of Van Cleave.

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

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

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

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

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

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

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

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

(ii) The segment will connect two (2) * * *

highways which were existing four-lane highways on July 1, 2001;

* * *

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

* * *

(b) In any case in which the Transportation Commission 
authorizes the construction of a highway segment of less than ten 
(10) miles in length, the commission shall set forth and record in 
its official minutes, on at least a quarterly basis, a prospective 
explanation and justification therefor based upon one or more of 
the conditions prescribed in paragraph (7)(a) of this section.

Nothing in this paragraph (b) shall be construed as authorizing 
the commission to approve a segment of less than ten (10) miles in 
length after a contract for the segment has been let.

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

(a) From matched federal funds or other federal funds, 

Thirty-two Million Dollars ($32,000,000.00) for fiscal year 1988,

Twenty-five Million Dollars ($25,000,000.00) for fiscal year 1989,
Thirty Million Dollars ($30,000,000.00) for fiscal year 1990 and
fifty percent (50%) of such federal funds for fiscal year 1991 and
each fiscal year thereafter; and
(b) Five Million Dollars ($5,000,000.00) from matched
federal bridge replacement funds for fiscal year 1988 and each
fiscal year thereafter when the segments proposed for construction
contain bridges that are eligible for replacement under the
Federal Aid Bridge Replacement Program.

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

(a) Specific segments on which engineering is being
performed or has been completed;
(b) Specific segments for which right-of-way has been
acquired or is being acquired;
(c) Specific segments for which construction contracts
have been let;
(d) Specific segments on which construction is in
progress;
(e) Specific segments on which construction has been
completed;
(f) Projections for completion of the next step on each
segment;
(g) Revenue derived for such construction program from
each revenue source contained in Chapter 322, Laws, 1987, and in
Chapter 557, Laws, 1994;
(h) For each fiscal year beginning in 1994, a detailed
cash flow projection by source of program activities and an
estimate of when the program will encounter a funding shortage due
to costs exceeding original projections;
(i) A schedule of all complete and open-to-traffic highway segments and the related total cost of each segment;

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

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

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

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

   (i) Contract let by date;

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

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

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

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

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

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

(p) A status report of road segments to include road segment description, the date of construction of the road and the pavement condition rating, which includes roadbed rutting and condition factors.
The report shall be deemed submitted when ten (10) copies are submitted to the Clerk of the House of Representatives and ten (10) copies are submitted to the Secretary of the Senate.

SECTION 10. Section 65-39-1, Mississippi Code of 1972, is amended as follows:

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

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

(a) U.S. Highway 90 from its intersection with Mississippi 607 in Hancock County to Ocean Springs, and including...
(b) Mississippi 4 from U.S. Highway 61 to Mississippi 3;  
(c) Mississippi 4 from Mississippi 3 to Senatobia;  
(d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;  
(e) U.S. Highway 49 from U.S. Highway 90 to I-10 in Gulfport;  
(f) Mississippi 304 beginning at the Tennessee state line at or near U.S. 72 and thence running in a southwesterly direction to intersect with U.S. 78 at or near Byhalia and thence running in a westerly direction to intersect I-55 at or near Hernando and thence running in a westerly direction to intersect with U.S. 61 in DeSoto County, with a spur extending southwesterly to or near Robinsonville in Tunica County;  
(g) I-10 from Exit 28 to Exit 57;  
(h) A new location from the northernmost point on I-110 to U.S. 49;  
(i) U.S. Highway 61 from the Tunica County line to the Tennessee state line;  
(j) (i) Four-lanes for traffic along Mississippi 16 beginning at its intersection with Mississippi 25 and extending easterly to join the existing four-lane on the west side of Carthage within the corporate boundaries;  
(ii) Passing lanes and turn lanes, as needed, along Mississippi 16 beginning at a point on the east side of Carthage within the corporate boundaries where the existing four-lane ends and extending easterly to the Leake/Neshoba county line; and  
(iii) Four-lanes for traffic along Mississippi 16 beginning at the Leake/Neshoba county line and extending easterly to not more than ten (10) miles east of Mississippi 15;
(k) Lorraine/Cowan Road Extension from I-10 North to relocated/reconstructed Mississippi 67;

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

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

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

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

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

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

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

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

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

(3) Authorization for the project described in paragraph (2)(s) of this section is conditioned upon receipt by the Mississippi Transportation Commission of a written commitment by
the Mississippi Development Authority to make available for such
project not less than Six Million Dollars ($6,000,000.00).

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

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

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

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

(i) The segment as described in this section is
less than ten (10) miles in length;
(ii) The segment will connect two (2) highways which were existing four-lane highways on July 1, 2001; or

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

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

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

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

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

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

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

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

(f) Projections for completion of the next step on each segment;
(g) Revenue derived for such construction program from each revenue source contained in Chapter 557, Laws, 1994;

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

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

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

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

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

(i) Contract let by date;

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

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

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

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

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

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

(o) A status report of road segments to include road segment description, the date of construction of the road and the
SECTION 11. Section 65-39-35, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(b) The State Treasurer certifies:

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

(ii) That all principal, interest, cost and other expenses for all bonds, notes or other borrowings under Section...
SECTION 12. Section 75-76-129, Mississippi Code of 1972, is amended as follows:

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

75-76-129. On or before the last day of each month all taxes, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, and (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi.}
[ * * * After the highway segments authorized in Section 65-39-1 are certified as complete by the Mississippi Transportation Commission, this section shall read as follows:]

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

SECTION 13. Section 25-3-33, Mississippi Code of 1972, is amended as follows:

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

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

Deputy Attorney General, not to exceed.............. $72,800.00
Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed......................... 68,400.00

Military Department--National Guard:
Adjutant General................................. 80,000.00

Department of Banking and Consumer Finance:
Commissioner................................. 85,000.00

Chairman of the State Tax Commission (Commissioner of Revenue)...................... 91,000.00
Associate Commissioners, each.................... 42,000.00

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

Department of Public Safety:
Commissioner of Public Safety................... 80,000.00

Director, Office of Mississippi
Highway Safety Patrol, or
his successor............................ 70,000.00

Director, Office of Support Services,
or his successor............................ 70,000.00

Department of Human Services:
Director, not to exceed..................... 85,000.00

Workers' Compensation Commission:
Chairman.................................... 80,000.00
Members, each............................... 78,000.00
Executive Director.......................... 75,000.00
Administrative Judge, each.................. 75,000.00

Archives and History:
Director, not to exceed..................... 70,000.00
State Forester............................... 70,000.00

State Oil and Gas Board:
Secretary-Supervisor........................ 70,000.00

Educational Television Authority:
Executive Director.......................... 70,000.00

Director, Mississippi Library Commission,
not to exceed............................... 70,000.00

Executive Secretary, Public Service
Commission................................... 65,000.00

Parole Board:
Chairman..................................... 50,000.00
Administrative Assistant for Parole Matters...................... 42,000.00
Members, each................................ 44,000.00

Governor's State Bond Advisory Division:
Director...................................... 55,000.00

Employment Security Commission:
Executive Director, not to exceed........... 70,000.00

Executive Director, Department of Mental Health, to be determined by the
State Board of Mental Health, not to exceed 85,000.00
Director, Division of Medicaid, not to exceed 85,000.00
Director, State Department of Transportation, not to exceed 85,000.00
State Entomologist 65,000.00
Clerk of the Supreme Court 60,000.00
State Aid Engineer, Division of State Aid Road Construction 70,000.00
Executive Director, Judicial Performance Commission 65,000.00
Executive Director, Department of Finance and Administration 85,000.00
Superintendent, Mississippi School for the Blind, to be determined by the State Board of Education, not to exceed 65,000.00
Superintendent, Mississippi School for the Deaf, to be determined by the State Board of Education, not to exceed 65,000.00
Executive Director, State Fair Commission 65,000.00
Executive Director, Department of Wildlife, Fisheries and Parks 80,000.00
Executive Director, Department of Environmental Quality 85,000.00
Executive Director, Pat Harrison Waterway District 65,000.00
Executive Director, Pearl River Basin Development District 61,000.00
Executive Director, Pearl River Valley Water Supply District 71,000.00
Executive Director, Tombigbee River Valley Water Management District 61,000.00
Director, Soil and Water Conservation Commission ........................................... 60,000.00
Commissioner, Mississippi Department of Corrections ................................. 85,000.00
Executive Director, Mississippi Department of Information Technology Services ........ 85,000.00
Executive Director, Mississippi Industries for the Blind .............................. 60,000.00
Director, Mississippi Bureau of Narcotics ........................................... 60,000.00
Executive Secretary, State Veterans Affairs Board ........................................ 55,000.00
Executive Officer, Veterans' Home Purchase Board ........................................ 65,000.00
Chief Administrative Officer, Motor Vehicle Commission .............................. 55,000.00
Stadium Manager, Mississippi Veterans Memorial Stadium ............................. 55,000.00
Executive Director, Mississippi Arts Commission .......................................... 55,000.00
Director, Mississippi Board of Nursing .................................................. 60,000.00
Director, State Board of Pharmacy ...................................................... 60,000.00
Director, State Board of Public Contractors ........................................... 50,000.00
Director, Real Estate Commission ......................................................... 55,000.00
Director of Support Services, Department of Rehabilitation Services .............. 80,000.00
Executive Director, State Fire Academy .................................................. 55,000.00
Executive Director, Law Enforcement Officers Training Academy ................... 50,000.00
Executive Director, State Board of Accountancy ....................................... 60,000.00
Executive Director, Mississippi Gaming Commission ................................... 90,000.00
Executive Director, Mississippi
Department of Marine Resources .................. 70,000.00
Executive Director, State Board of Registration for Professional Engineers and Land Surveyors.............. 55,000.00
Executive Director, Public Utilities
Staff........................................... 85,000.00
State Law Librarian............................ 60,000.00
State Personnel Director....................... 75,000.00
Manager, Farmers Central Market,
Department of Agriculture and Commerce.............. 40,000.00
State Veterinarian............................. 70,000.00
Executive Director, Mississippi Ethics
Commission....................................... 70,000.00

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

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

Deputy Attorney General, not to exceed............... $72,800.00
Assistant Attorneys General shall each receive annual salaries in an amount to be fixed by the Attorney General but not to exceed................................. 68,400.00

Military Department—National Guard:
Adjutant General.................................. 80,000.00
Department of Banking and Consumer Finance:
Commissioner...................................... 85,000.00

Chairman of the State Tax Commission
(Commissioner of Revenue)....................... 91,000.00
Associate Commissioners, each....................... 42,000.00
Director of Emergency Management Agency.............. 65,000.00
Department of Public Safety:
Commissioner of Public Safety...................... 80,000.00
Director, Office of Mississippi Highway Safety Patrol, or
his successor............................ 70,000.00

Director, Office of Support Services,
or his successor............................ 70,000.00

Director, not to exceed.................... 85,000.00

Workers' Compensation Commission:
Chairman..................................... 80,000.00
Members, each............................... 78,000.00
Executive Director........................... 75,000.00
Administrative Judge, each................... 75,000.00

Director, not to exceed.................... 70,000.00

State Forester.............................. 70,000.00

Secretary-Supervisor........................ 70,000.00

Executive Director, not to exceed.......... 70,000.00

Executive Director........................... 70,000.00

Director, Mississippi Library Commission,
not to exceed................................ 70,000.00

Commission.................................. 65,000.00

Chairman..................................... 50,000.00
Administrative Assistant for
Parole Matters............................... 42,000.00
Members, each................................ 44,000.00

Director..................................... 55,000.00

Executive Director, not to exceed.......... 70,000.00

Executive Director, Department of
Mental Health, to be determined by the State Board of Mental Health, not to exceed ................................ 85,000.00

Director, Division of Medicaid, not to exceed ................................ 85,000.00

Chairman of the Mississippi Transportation Commission, Executive Director ................. 91,000.00
Associate Transportation Commissioners .................... 42,000.00
State Entomologist .................................. 65,000.00
Clerk of the Supreme Court ............................ 60,000.00
State Aid Engineer, Division of State Aid Road Construction ....................... 70,000.00
Executive Director, Judicial Performance Commission .............................. 65,000.00
Executive Director, Department of Finance and Administration ...................... 85,000.00
Superintendent, Mississippi School for the Blind, to be determined by the State Board of Education, not to exceed ............. 65,000.00
Superintendent, Mississippi School for the Deaf, to be determined by the State Board of Education, not to exceed ............. 65,000.00
Executive Director, State Fair Commission ............ 65,000.00
Executive Director, Department of Wildlife, Fisheries and Parks ....................... 80,000.00
Executive Director, Department of Environmental Quality ............................. 85,000.00
Executive Director, Pat Harrison Waterway District ...................................... 65,000.00
Executive Director, Pearl River Basin Development District ................................ 61,000.00
Executive Director, Pearl River Valley Water Supply District ......................... 71,000.00
Executive Director, Tombigbee River Valley
Water Management District ...................... 61,000.00
Director, Soil and Water Conservation
Commission ........................................ 60,000.00
Commissioner, Mississippi Department of
Corrections ......................................... 85,000.00
Executive Director, Mississippi Department of
Information Technology Services ............... 85,000.00
Executive Director, Mississippi Industries
for the Blind ..................................... 60,000.00
Director, Mississippi Bureau of Narcotics .... 60,000.00
Executive Secretary, State Veterans Affairs
Board ............................................... 55,000.00
Executive Officer, Veterans' Home Purchase
Board ............................................... 65,000.00
Chief Administrative Officer, Motor Vehicle
Commission ........................................ 55,000.00
Stadium Manager, Mississippi Veterans
Memorial Stadium .................................. 55,000.00
Executive Director, Mississippi Arts
Commission ......................................... 55,000.00
Director, Mississippi Board of Nursing ......... 60,000.00
Director, State Board of Pharmacy .............. 60,000.00
Director, State Board of Public Contractors .... 50,000.00
Director, Real Estate Commission ............... 55,000.00
Director of Support Services, Department
of Rehabilitation Services ................. 80,000.00
Executive Director, State Fire Academy ......... 55,000.00
Executive Director, Law Enforcement
Officers Training Academy ...................... 50,000.00
Executive Director, State Board of
Accountancy ....................................... 60,000.00
Executive Director, Mississippi
Gaming Commission............................. 90,000.00
Executive Director, Mississippi Department of Marine Resources............... 70,000.00
Executive Director, State Board of Registration for Professional Engineers and Land Surveyors.............. 55,000.00
Executive Director, Public Utilities
Staff......................................... 85,000.00
State Law Librarian................................. 60,000.00
State Personnel Director............................ 75,000.00
Manager, Farmers Central Market,
Department of Agriculture and Commerce................................. 40,000.00
State Veterinarian................................. 70,000.00
Executive Director, Mississippi Ethics Commission................................. 70,000.00

SECTION 14. Section 25-3-31, Mississippi Code of 1972, is amended as follows:

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

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

Governor......................................... $101,800.00
Attorney General................................... 90,800.00
Secretary of State................................. 75,000.00
Commissioner of Insurance........................ 75,000.00
State Treasurer.................................... 75,000.00
State Auditor of Public Accounts.................... 75,000.00
Commissioner of Agriculture and Commerce........... 75,000.00
Transportation Commissioners .......................65,000.00
Public Service Commissioners........................ 65,000.00

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

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

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

Governor......................................... $101,800.00
Attorney General................................... 90,800.00
Secretary of State.................................... 75,000.00
Commissioner of Insurance......................... 75,000.00
State Treasurer......................................... 75,000.00
State Auditor of Public Accounts.................... 75,000.00
Commissioner of Agriculture and Commerce........... 75,000.00
* * *
Public Service Commissioners......................... 65,000.00

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

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

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

SECTION 16. Section 23-15-297, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

SECTION 17. Section 23-15-881, Mississippi Code of 1972, is amended as follows:
23-15-881. It shall be unlawful for the *** board of supervisors of any county or any member of the board of supervisors of such county, to employ, during the months of May, June, July and August of any year in which a general primary election is held for the nomination and election of members of the *** boards of supervisors, a greater number of persons to work and maintain the *** public roads in any supervisors district of the county *** than the average number of persons employed for similar purposes in such *** supervisors district, as the case may be, during the months of May, June, July and August of the three (3) years immediately preceding the year in which such general primary election is held. It shall be unlawful for *** the board of supervisors of any county to expend out of the *** road funds of the county or any supervisors district thereof, *** in the payment of wages or other compensation for labor performed in working and maintaining the *** public roads of any supervisors district of the county *** during the months of May, June, July and August of such election year, a total amount in excess of the average total amount expended for such labor, in such *** supervisors district *** during the corresponding four (4) months' period of the three (3) years immediately preceding.

It shall be the duty of the *** board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the *** public roads of each supervisors district, for the months of May, June, July and August of each year, to show the number of persons employed for such work in each *** supervisors district *** during said four (4) months' period, and the total amount expended in the payment of salaries and other compensation to such employees, so that it may be ascertained, from an examination of such records, whether or not the provisions of this chapter have been violated.
It is provided, however, because of the abnormal conditions existing in certain counties of the state due to recent floods in which roads and bridges have been materially damaged or washed away and destroyed, if the board of supervisors in any county passes a resolution as provided in Section 19-9-11, Mississippi Code of 1972, for the emergency issuance of road and bridge bonds, the provisions of this section shall not be applicable to or in force concerning the board of supervisors during the calendar year 1955.

SECTION 18. Section 23-15-883, Mississippi Code of 1972, is amended as follows:

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

SECTION 19. Section 23-15-887, Mississippi Code of 1972, is amended as follows:

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

SECTION 20. Section 65-1-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

65-1-5. * * * The commission, the chairman and two (2) other
members of which shall constitute a quorum, shall meet in regular
session on the second Tuesday of each month at the office of the
commission in Jackson, Mississippi; and at such regular sessions
the commission may hear, continue and determine any and all
matters coming before it. The commission may hold special
sessions at the call of the * * * chairman at such times and
places in this state he may deem necessary. At such special
sessions it may hear, continue, consider and determine any and all
matters coming before it, provided that at least five (5) days' notice of such meetings shall be given to all the members of the
commission beforehand. A special session may be called at any
time without the foregoing notice, or any notice, if by and with
the unanimous consent of all the members of the commission, but
such unanimous consent shall be spread at large on the minutes of
the commission.

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

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

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

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

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

SECTION 23. The Attorney General of the State of Mississippi
shall submit this act, immediately upon approval by the Governor,
or upon approval by the Legislature subsequent to a veto, to the
Attorney General of the United States or to the United States
District Court for the District of Columbia in accordance with the

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