

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

To: Transportation

HOUSE BILL NO. 1489
(As Passed the House)

1 AN ACT TO AMEND SECTION 65-1-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE CERTAIN DEFINITIONS IN THE CHAPTER OF LAW RELATING TO THE
3 MISSISSIPPI TRANSPORTATION COMMISSION AND THE MISSISSIPPI
4 DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 65-1-2, MISSISSIPPI
5 CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY
6 COMMISSIONER OF THE MISSISSIPPI TRANSPORTATION COMMISSION, AND TO
7 PRESCRIBE HIS POWERS, DUTIES AND QUALIFICATIONS; TO AMEND SECTION
8 65-1-3, MISSISSIPPI CODE OF 1972, TO CREATE THE MISSISSIPPI
9 TRANSPORTATION TRANSITION BOARD AND PROVIDE FOR APPOINTMENT OF ITS
10 FIVE MEMBERS BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE
11 SENATE; TO PRESCRIBE THE POWERS AND DUTIES OF THE BOARD AND THE
12 QUALIFICATIONS OF ITS MEMBERS; TO PROVIDE THAT THE BOARD SHALL
13 DISSOLVE ON JANUARY 1, 2004, AND THE MEMBERS OF THE BOARD SHALL
14 SERVE AS THE MISSISSIPPI TRANSPORTATION COMMISSION; TO PROVIDE FOR
15 TERMS OF OFFICE FOR THE INITIAL AND SUBSEQUENT APPOINTEES TO THE
16 TRANSPORTATION COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL
17 CONSIST OF A CHAIRMAN AS DESIGNATED BY THE GOVERNOR AND FOUR
18 ASSOCIATE COMMISSIONERS; TO CREATE AN OFFICE OF VALUE ENGINEERING
19 WITHIN THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO PROVIDE
20 THAT THE TRANSPORTATION COMMISSION SHALL SELECT A DIRECTOR OF THE
21 OFFICE OF VALUE ENGINEERING; TO PRESCRIBE THE POWER, DUTIES AND
22 QUALIFICATIONS OF THE DIRECTOR; TO CREATE AN OFFICE OF MINORITY
23 CONTRACTOR ASSISTANCE WITHIN THE MISSISSIPPI DEPARTMENT OF
24 TRANSPORTATION; TO PROVIDE THAT THE CHAIRMAN OF THE COMMISSION
25 SHALL APPOINT A DIRECTOR OF THE OFFICE; TO PRESCRIBE THE POWERS
26 AND DUTIES OF THE OFFICE AND THE DIRECTOR; TO AMEND SECTION
27 65-1-8, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
28 TRANSPORTATION COMMISSION TO ESTABLISH BUDGETING FOR HIGHWAY
29 SEGMENTS AND TO REPORT ON ROADBED DETERIORATION PROBLEMS; TO
30 REVISE THE LIST OF SPECIFIC POWERS AND DUTIES PRESCRIBED FOR THE
31 TRANSPORTATION COMMISSION AND THE CHAIRMAN OF THE TRANSPORTATION
32 COMMISSION; TO PROVIDE THAT CONTRACTS BETWEEN THE MISSISSIPPI
33 TRANSPORTATION COMMISSION AND A CONTRACTOR FOR NEW CONSTRUCTION
34 MUST CONTAIN A PROVISION FOR LIQUIDATED DAMAGES FOR EACH DAY THAT
35 THE CONTRACTOR FAILS TIMELY TO COMPLETE THE CONTRACT; TO AUTHORIZE
36 SUCH CONTRACTS TO CONTAIN EXTRA COMPENSATION TO THE CONTRACTOR TO
37 SERVE AS AN INCENTIVE IF THE CONTRACTOR COMPLETES THE CONTRACT
38 EARLY; TO AMEND SECTION 65-1-10, MISSISSIPPI CODE OF 1972, TO
39 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ENGAGE IN
40 CERTAIN PROJECT PLANNING ACTIVITIES FOR ANY PRELIMINARY
41 ENGINEERING, RIGHT-OF-WAY ACQUISITION OR CONSTRUCTION PROJECT
42 ACTIVITIES OF THE DEPARTMENT; TO REQUIRE THE TRANSPORTATION
43 DEPARTMENT TO COLLECT AND REPORT CERTAIN MANAGEMENT INFORMATION;
44 TO AMEND SECTION 65-1-11, MISSISSIPPI CODE OF 1972, TO PROVIDE
45 THAT THE CHAIRMAN OF THE TRANSPORTATION COMMISSION SHALL APPOINT A

46 CHIEF ENGINEER OF THE TRANSPORTATION DEPARTMENT; TO AMEND SECTIONS
47 65-3-97 AND 65-39-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
48 MANNER IN WHICH HIGHWAY SEGMENTS IN PHASE FOUR OF THE 1987
49 FOUR-LANE HIGHWAY PROGRAM AND HIGHWAY SEGMENTS IN THE GAMING
50 COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM ARE PRIORITIZED AND
51 TO REVISE THE MANNER IN WHICH AND REASONS FOR WHICH THE
52 MISSISSIPPI TRANSPORTATION COMMISSION MAY AUTHORIZE HIGHWAY
53 SEGMENTS OF LESS THAN 10 MILES IN LENGTH; TO REQUIRE THE
54 DEPARTMENT OF TRANSPORTATION TO MAKE REPORTS ON THE CONSTRUCTION
55 AND COMPLETION OF HIGHWAY SEGMENTS AUTHORIZED UNDER THE GAMING
56 COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM; TO AMEND SECTION
57 65-39-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE REPEAL OF
58 CERTAIN FUEL TAX INCREASES TWENTY-FIVE YEARS AFTER THE COMPLETION
59 OF THE LAST SEGMENT IN PHASE FOUR OF THE 1987 FOUR-LANE HIGHWAY
60 PROGRAM; TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972, TO
61 REMOVE THE DIVERSION OF CERTAIN GAMING FEES TO THE GAMING COUNTIES
62 BOND SINKING FUND AND THE STATE HIGHWAY FUND UPON CERTIFICATION BY
63 THE DEPARTMENT OF TRANSPORTATION THAT THE HIGHWAY SEGMENTS
64 AUTHORIZED IN THE GAMING COUNTIES STATE-ASSISTED INFRASTRUCTURE
65 PROGRAM ARE COMPLETE; TO AMEND SECTION 25-3-33, MISSISSIPPI CODE
66 OF 1972, TO PROVIDE FOR THE SALARIES OF THE CHAIRMAN OF THE
67 MISSISSIPPI TRANSPORTATION COMMISSION AND ASSOCIATE COMMISSIONERS;
68 TO AMEND SECTIONS 25-3-31, 23-15-193, 23-15-297, 23-15-881,
69 23-15-883, 23-15-887, 65-1-5 AND 65-1-21, MISSISSIPPI CODE OF
70 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO REPEAL
71 SECTION 65-1-9, MISSISSIPPI CODE OF 1972, WHICH CREATES THE OFFICE
72 OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND
73 PRESCRIBES THE DIRECTOR'S POWERS AND DUTIES; AND FOR RELATED
74 PURPOSES.

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

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

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

79 65-1-1. When used in this chapter and for the purposes of
80 Sections 65-1-1 through 65-1-21, the following words shall have
81 the meanings ascribed herein unless the context otherwise
82 requires:

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

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

91 (c) "Bureau" means an administrative subdivision of an
92 office.

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

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

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

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

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

111 (i) "Construction" includes reconstruction.

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

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

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

118 65-1-1. When used in this chapter and for the purposes of
119 Sections 65-1-1 through 65-1-21, the following words shall have
120 the meanings ascribed herein unless the context otherwise
121 requires:

122 (a) "Department" means the Mississippi Department of
123 Transportation. Whenever the term "Mississippi State Highway

124 Department," or the word "department" meaning the Mississippi
125 State Highway Department, appears in the laws of the State of
126 Mississippi, it shall mean the "Mississippi Department of
127 Transportation."

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

130 (c) "Bureau" means an administrative subdivision of an
131 office.

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

138 (e) "Chairman" means the Chairman of the Mississippi
139 Transportation Commission.

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

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

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

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

153 (j) "Construction" includes reconstruction.

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

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

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

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

161 65-1-2. (1) There is hereby created the Mississippi
162 Department of Transportation, which shall include the following
163 offices:

164 (a) Office of Administrative Services.

165 (b) Office of Highways.

166 (c) Office of State Aid Road Construction.

167 (d) Office of Intermodal Planning.

168 (e) Office of Enforcement.

169 (f) Office of Value Engineering.

170 (g) Office of Minority Contractor Assistance.

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

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

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

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

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

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

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

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

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

222 * * *

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

225 65-1-2. (1) There is hereby created the Mississippi
226 Department of Transportation, which shall include the following
227 offices:

228 (a) Office of Administrative Services.

229 (b) Office of Highways.

230 (c) Office of State Aid Road Construction.

231 (d) Office of Intermodal Planning.

232 (e) Office of Enforcement.

233 (f) Office of Value Engineering.

234 (g) Office of Minority Contractor Assistance.

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

243 (a) Be a professional engineer registered with the
244 State Board for Professional Engineers and Land Surveyors;

245 (b) Possess a wide knowledge of the transportation
246 system and transportation needs of Mississippi;

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

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

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

253 (4) The department is designated as the single state agency
254 to receive and expend any funds made available by the United

255 States Department of Transportation or any agency of the federal
256 government for transportation purposes and to cooperate with
257 federal, state, interstate and local agencies, organizations and
258 persons performing activities relating to transportation. This
259 subsection shall not apply to motor carrier safety assistance
260 program funds made available by the federal government to the
261 Public Service Commission.

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

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

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

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

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

281 (10) All powers, duties and responsibilities of the Public
282 Service Commission with regard to railroads, except rate-making
283 authority, are transferred to the Mississippi Department of
284 Transportation. The Mississippi Transportation Commission may
285 perform any act and issue any rule, regulation or order which the
286 commission is permitted to do by the Federal Railroad Safety Act
287 of 1970 (45 USCS et seq.). A copy of any new rule, regulation or

288 order passed by the Mississippi Transportation Commission shall be
289 furnished to members of the Transportation Committees of the
290 Mississippi House of Representatives and the Mississippi Senate.
291 Individuals, corporations or companies affected by the order, rule
292 or regulation shall be notified in accordance with the Mississippi
293 Administrative Procedures Law.

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

302 * * *

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

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

306 65-1-3. (1) There shall be a Mississippi Transportation
307 Commission which, until January 1, 2004, shall consist of three
308 (3) members, one (1) from each of the three (3) Supreme Court
309 districts of the state. Until January 1, 2004, only qualified
310 electors who are citizens of the Supreme Court district in which
311 he or she offers for election shall be eligible for such office.

312 (2) * * * The transportation commissioners who were elected
313 for a term beginning on the first Monday of January in the year
314 2000, shall continue to hold office and serve until expiration of
315 their terms on January 1, 2004.

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

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

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

352 for its advice and consent at the beginning of the 2003 Regular
353 Session of the Legislature.

354 (6) There is created, beginning July 1, 2003, the
355 Mississippi Transportation Transition Board. Members appointed to
356 the board who have been confirmed by the Senate shall commence
357 their duties and responsibilities on the board from and after July
358 1, 2003. The board shall exist until January 1, 2004, at which
359 time the board shall dissolve. If any one or more of the
360 transition board members dies, resigns or is removed from office
361 before January 1, 2004, the Governor shall fill the vacancy by
362 appointment for the unexpired term. The board shall have the
363 following powers and duties:

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

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

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

370 (7) For each day or part of a day spent in the performance
371 of their duties, members of the board shall receive the
372 compensation authorized under Section 25-3-69, and shall be
373 reimbursed for travel and mileage as provided under Section
374 25-3-41.

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

382 (a) Be a professional engineer registered with the
383 State Board for Professional Engineers and Land Surveyors;

384 (b) Possess a wide knowledge of the transportation
385 system and transportation needs of Mississippi;

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

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

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

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

396 65-1-3. (1) There shall be a Mississippi Transportation
397 Commission which shall consist of five (5) members. The members
398 appointed to the Mississippi Transportation Transition Board
399 created on July 1, 2003, shall serve as the initial members of the
400 board. The person appointed as Chairman of the Mississippi
401 Transportation Transition Board shall serve as Chairman of the
402 Mississippi Transportation Commission and as Executive Director of
403 the Mississippi Department of Transportation, with the other four
404 (4) members of the Mississippi Transportation Transition Board
405 serving as Associate Commissioners of the Mississippi
406 Transportation Commission. The member initially serving as
407 chairman of the commission shall serve for a term of six (6)
408 years. The members initially serving as associate commissioners
409 shall serve the following terms as designated by the Governor:
410 two (2) members for a term of two (2) years each; one (1) member
411 for a term of four (4) years; and one (1) member for a term of six
412 (6) years.

413 (2) All members appointed to the Mississippi Transportation
414 Commission subsequent to the initial appointees shall be appointed
415 by the Governor, with the advice and consent of the Senate, for a
416 term of six (6) years. One (1) of the members, who shall be

417 designated by the Governor as the chairman of the commission,
418 shall be a person with at least ten (10) years of experience in
419 management of public or private entities and shall have a master's
420 degree in business administration, public administration or a
421 related field. Of the four (4) remaining members, who shall be
422 designated as associate commissioners, one (1) member shall be
423 appointed from each of the congressional districts of the state as
424 such districts exist on January 1, 2003, each member to be a
425 resident of the district from which he is appointed. No person
426 who has been under contract to the Mississippi Department of
427 Transportation or who has been employed by a contractor of the
428 Mississippi Department of Transportation within five (5) years of
429 his nomination for appointment shall be eligible for appointment
430 to the commission. If any one or more of the transportation
431 commissioners dies, resigns or is removed from office during his
432 term of office, the Governor shall fill the vacancy by appointment
433 for the unexpired term.

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

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

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

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

475 (2) The Office of Value Engineering shall:

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

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

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

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

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

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

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

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

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

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

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

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

516 65-1-8. (1) The Mississippi Transportation Commission shall
517 have the following general powers, duties and responsibilities:

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

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

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

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

528 * * *

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

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

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

547 (b) To enforce by mandamus, or other proper legal
548 remedies, all legal rights or rights of action of the Mississippi

549 Transportation Commission with other public bodies, corporations
550 or persons;

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

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

577 (e) To make proper and reasonable rules, regulations,
578 and ordinances for the placing, erection, removal or relocation of
579 telephone, telegraph or other poles, signboards, fences, gas,
580 water, sewerage, oil or other pipelines, and other obstructions
581 that may, in the opinion of the commission, contribute to the

582 hazards upon any of the state highways, or in any way interfere
583 with the ordinary travel upon such highways, or the construction,
584 reconstruction or maintenance thereof, and to make reasonable
585 rules and regulations for the proper control thereof. Any
586 violation of such rules or regulations or noncompliance with such
587 ordinances shall constitute a misdemeanor.

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

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

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

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

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

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

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

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

636 (m) To provide for the purchase of necessary equipment
637 and vehicles and to provide for the repair and housing of same, to
638 acquire by gift, purchase, condemnation or otherwise, land or
639 lands and buildings in fee simple, and to authorize the
640 Transportation Department to construct, lease or otherwise provide
641 necessary and proper permanent district offices for the
642 construction and maintenance divisions of the department, and for
643 the repair and housing of the equipment and vehicles of the
644 department; however, in each Supreme Court district only two (2)
645 permanent district offices shall be set up, but a permanent status
646 shall not be given to any such offices until so provided by act of

647 the Legislature and in the meantime, all shops of the department
648 shall be retained at their present location. As many local or
649 subdistrict offices, shops or barns may be provided as is
650 essential and proper to economical maintenance of the state
651 highway system;

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

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

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

675 (q) To cooperate with the Federal Highway
676 Administration in the matter of location, construction and
677 maintenance of the Great River Road, to expend such funds paid to
678 the commission by the Federal Highway Administration or other
679 federal agency, and to authorize the Transportation Department to

680 erect suitable signs marking this highway, the cost of such signs
681 to be paid from state highway funds other than earmarked
682 construction funds;

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

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

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

708 (u) To request and to accept the use of persons
709 convicted of an offense, whether a felony or a misdemeanor, for
710 work on any road construction, repair or other project of the
711 Transportation Department. The commission is also authorized to
712 request and to accept the use of persons who have not been

713 convicted of an offense but who are required to fulfill certain
714 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
715 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
716 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
717 of 1972. The commission is authorized to enter into any
718 agreements with the Department of Corrections, the State Parole
719 Board, any criminal court of this state, and any other proper
720 official regarding the working, guarding, safekeeping, clothing
721 and subsistence of such persons performing work for the
722 Transportation Department. Such persons shall not be deemed
723 agents, employees or involuntary servants of the Transportation
724 Department while performing such work or while going to and from
725 work or other specified areas;

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

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

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

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

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

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

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

774 (iv) Such an agreement shall be executed only upon
775 a finding by the commission, spread upon its minutes, that the
776 acceleration of the scheduled project is both feasible and
777 beneficial. The commission shall also spread upon its minutes its

778 findings with regard to the factors required to be considered
779 pursuant to item (iii) of this paragraph (z).

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

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

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

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

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

803 (8) Every contract between the Mississippi Transportation
804 Commission and a contractor shall contain a provision in regard to
805 the time when the whole or any specified portion of the work
806 contemplated shall be completed, and shall provide that for each
807 day completion is delayed beyond the specified time, the
808 contractor shall forfeit and pay to the state a specified sum of
809 money to be deducted from any payments due or to become due to the
810 contractor. The sum so specified is valid as liquidated damages

811 unless manifestly unreasonable under the circumstances existing at
812 the time the contract was made. However, such contracts may
813 contain a provision excusing the contractor from timely
814 performance if the contract or part of the contract could not be
815 performed due to causes which are outside the control of the
816 contractor and could not be avoided by the exercise of due care.
817 A contract for a road project also may provide for the payment of
818 extra compensation to the contractor, as an incentive for
819 completion before the specified time. This provision shall be
820 included in the specifications and shall clearly set forth the
821 basis for the payment. The incentive for early completion shall
822 not be on maintenance projects but only on new construction
823 projects.

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

826 65-1-8. (1) The Mississippi Transportation Commission shall
827 have the following general powers, duties and responsibilities:

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

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

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

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

838 * * *

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

842 (2) In addition to the general powers, duties and
843 responsibilities listed in subsection (1) of this section, the

844 Mississippi Transportation Commission shall have the following
845 specific powers:

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

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

861 (c) To make and publish rules, regulations and
862 ordinances for the control of and the policing of the traffic on
863 the state highways, and to prevent their abuse by any or all
864 persons, natural or artificial, by trucks, tractors, trailers or
865 any other heavy or destructive vehicles or machines, or by any
866 other means whatsoever, by establishing weights of loads or of
867 vehicles, types of tires, width of tire surfaces, length and width
868 of vehicles, with reasonable variations to meet approximate
869 weather conditions, and all other proper police and protective
870 regulations, and to provide ample means for the enforcement of
871 same. The violation of any of the rules, regulations or
872 ordinances so prescribed by the commission shall constitute a
873 misdemeanor. No rule, regulation or ordinance shall be made that
874 conflicts with any statute now in force or which may hereafter be
875 enacted, or with any ordinance of municipalities. A monthly
876 publication giving general information to the boards of

877 supervisors, employees and the public may be issued under such
878 rules and regulations as the commission may determine;

879 * * *

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

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

900 (f) To regulate and abandon grade crossings on any road
901 fixed as a part of the state highway system, and whenever the
902 commission, in order to avoid a grade crossing with the railroad,
903 locates or constructs said road on one side of the railroad, the
904 commission shall have the power to abandon and close such grade
905 crossing, and whenever an underpass or overhead bridge is
906 substituted for a grade crossing, the commission shall have power
907 to abandon such grade crossing and any other crossing adjacent
908 thereto. Included in the powers herein granted shall be the power
909 to require the railroad at grade crossings, where any road of the

910 state highway system crosses the same, to place signal posts with
911 lights or other warning devices at such crossings at the expense
912 of the railroad, and to regulate and abandon underpass or overhead
913 bridges and, where abandoned because of the construction of a new
914 underpass or overhead bridge, to close such old underpass or
915 overhead bridge, or, in its discretion, to return the same to the
916 jurisdiction of the county board of supervisors;

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

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

926 * * *

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

929 * * *

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

932 * * *

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

941 (l) To cooperate with the Federal Highway
942 Administration in the matter of location, construction and

943 maintenance of the Great River Road, to expend such funds paid to
944 the commission by the Federal Highway Administration or other
945 federal agency, and to authorize the Transportation Department to
946 erect suitable signs marking this highway, the cost of such signs
947 to be paid from state highway funds other than earmarked
948 construction funds;

949 * * *

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

952 * * *

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

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

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

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

976 corporation, partnership, association, individual or other legal
977 entity, and repaid to such entity by the commission when highway
978 construction funds become available; provided, however, that
979 repayment of funds advanced to the Mississippi Transportation
980 Commission shall be made no sooner than the commission's
981 identified projected revenue schedule for funding of that
982 particular construction project, and no other scheduled highway
983 construction project established by statute or by the commission
984 may be delayed by an advanced funding project authorized under
985 this paragraph (p). Repayments to an entity that advances funds
986 to the Mississippi Transportation Commission under this paragraph
987 (z) may not include interest or other fees or charges, and the
988 total amount repaid shall not exceed the total amount of funds
989 advanced to the commission by the entity.

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

995 (iv) Such an agreement shall be executed only upon
996 a finding by the commission, spread upon its minutes, that the
997 acceleration of the scheduled project is both feasible and
998 beneficial. The commission shall also spread upon its minutes its
999 findings with regard to the factors required to be considered
1000 pursuant to item (iii) of this paragraph (p).

1001 (3) The Chairman of the Mississippi Transportation
1002 Commission shall carry out project planning as required under
1003 Section 65-1-10 for any preliminary engineering, right-of-way
1004 acquisition or construction project activities of the department.

1005 (4) The Mississippi Transportation Commission shall
1006 establish, as provided for in Section 4 of this act, an Office of
1007 Value Engineering whose director shall report and be subordinate
1008 to the commission. The commission shall not delegate to the

1009 chairman the authority to hire, direct, manage, discipline, or
1010 terminate the director of this office or any personnel assigned to
1011 the office.

1012 (5) In addition to its other powers and duties, the
1013 Mississippi Transportation Commission shall institute a procedure
1014 for the post-acceptance inspection and investigation of new
1015 segments built in the state highway system, including, but not
1016 limited to, segments authorized in Sections 65-3-97 and 65-39-1.

1017 (6) The commission may not let paving contracts for a
1018 segment separately from grade, drain or bridge contracts.

1019 (7) Every contract between the Mississippi Transportation
1020 Commission and a contractor shall contain a provision in regard to
1021 the time when the whole or any specified portion of the work
1022 contemplated shall be completed, and shall provide that for each
1023 day completion is delayed beyond the specified time, the
1024 contractor shall forfeit and pay to the state a specified sum of
1025 money to be deducted from any payments due or to become due to the
1026 contractor. The sum so specified is valid as liquidated damages
1027 unless manifestly unreasonable under the circumstances existing at
1028 the time the contract was made. However, such contracts may
1029 contain a provision excusing the contractor from timely
1030 performance if the contract or part of the contract could not be
1031 performed due to causes which are outside the control of the
1032 contractor and could not be avoided by the exercise of due care.
1033 A contract for a road project also may provide for the payment of
1034 extra compensation to the contractor, as an incentive for
1035 completion before the specified time. This provision shall be
1036 included in the specifications and shall clearly set forth the
1037 basis for the payment. The incentive for early completion shall
1038 not be on maintenance projects but only on new construction
1039 projects.

1040 SECTION 7. Section 65-1-10, Mississippi Code of 1972, is
1041 amended as follows:

1042 **[Until January 1, 2004, this section shall read as follows:]**

1043 65-1-10. Under the authority of the Mississippi
1044 Transportation Commission, and in conformity with its orders as
1045 spread on its minutes, the executive director shall:

1046 (a) Unless otherwise provided by law, appoint a
1047 director in charge of each operating office of the department who
1048 shall be responsible to the executive director for the operation
1049 of such office. Each such director shall be qualified and
1050 experienced in the functions performed by the office under his
1051 charge;

1052 (b) Administer the policies promulgated by the
1053 commission;

1054 (c) Supervise and direct all administrative and
1055 technical activities of the department;

1056 (d) Organize the offices and bureaus of the department;

1057 (e) Coordinate the activities of the various offices of
1058 the department;

1059 (f) Fix the compensation of employees of the department
1060 and require any employee to give bond to the State of Mississippi
1061 for the faithful performance of his duties in an amount the
1062 executive director deems appropriate. Premiums on all bonds so
1063 required shall be paid out of any funds available to the
1064 department;

1065 (g) Recommend such studies and investigations as he may
1066 deem appropriate and carry out the approved recommendations in
1067 conjunction with the various offices;

1068 (h) Prepare and deliver to the Legislature and the
1069 Governor on or before January 1 of each year, and at such other
1070 times as may be required by the Legislature or Governor, a full
1071 report of the work of the department and the offices thereof,
1072 including a detailed statement of expenditures of the department
1073 and any recommendations the department may have;

1074 (i) Have full and general supervision over all matters
1075 relating to the construction or maintenance of the state highways,
1076 letting of contracts therefor, and the selection of materials to
1077 be used in the construction of state highways under the authority
1078 conferred by this chapter as herein set forth and the employment,
1079 promotion, demotion, reprimand, suspension, termination,
1080 reassignment, transfer, moving or relocation of all personnel not
1081 specifically authorized by statute to be employed by the
1082 commission. The executive director may authorize the payment of
1083 expenses of any personnel reassigned, transferred, moved or
1084 relocated in accordance with such rules and regulations as are
1085 promulgated by the commission;

1086 (j) Approve all bids, sign all vouchers and
1087 requisitions, issue all orders for supplies and materials, sign
1088 all contracts and agreements in the name of the State of
1089 Mississippi, and subscribe to all other matters which may arise in
1090 the carrying out of the intent and purpose of this chapter;

1091 (k) Receive and assume control, for the benefit of the
1092 state, of any and all highways herein or hereafter fixed as roads
1093 constituting a part of the state highway system;

1094 (l) Provide for boulevard stops, restricted entrances
1095 to main highways and access driveways, neutral grounds, and
1096 roadside parks, erect all suitable direction and warning signs,
1097 and provide access roads in or to municipalities where necessary;
1098 provide limited access facilities when and where deemed necessary,
1099 such a facility being defined as a highway or street especially
1100 designed or designated for through traffic and over, from or to
1101 which owners or occupants of abutting land or other persons have
1102 only such limited right or easement of access as may be prescribed
1103 by the commission, and provide that certain highways or streets
1104 may be parkways from which trucks, buses and other commercial
1105 vehicles shall be excluded or may be freeways open to customary
1106 forms of highway and street traffic and use, and such limited

1107 access facilities or parkways may be planned, designated,
1108 established, regulated, vacated, altered, improved, constructed
1109 and maintained and rights-of-way therefor specifically obtained,
1110 either by purchase, gift, condemnation or other form of
1111 acquisition;

1112 (m) Construct bridges with or without footways, and
1113 sidewalks where deemed essential to decrease hazards;

1114 (n) Perform services for the Department of Finance and
1115 Administration on state property, including, but not limited to,
1116 engineering services, and to advance such funds to defray the cost
1117 of the expenses incurred in performing such services from out of
1118 transportation department funds until such department is
1119 reimbursed by the Department of Finance and Administration;

1120 (o) Perform all duties authorized by Section 27-19-136,
1121 Mississippi Code of 1972, concerning the assessment and collection
1122 of permit fees, fines and penalties;

1123 (p) Conduct project planning as provided for in this
1124 paragraph (p). Such project planning shall apply to all
1125 preliminary engineering, right-of-way acquisition and construction
1126 projects of the department and, at a minimum, shall consist of:

1127 (i) Establishment of a master budget for each
1128 segment of highway to be constructed, reconstructed or repaired.
1129 For purposes of this requirement, no segment shall be less than
1130 ten (10) miles in length unless a shorter segment is specifically
1131 authorized or required by law; and

1132 (ii) Policies for the oversight and management of
1133 the master budget for segments which:

1134 1. Establish a reasonable cost estimate to
1135 serve as a budget for each project within a segment. For purposes
1136 of this provision, projects include preliminary engineering,
1137 right-of-way acquisition and construction;

1138 2. Capture and retain the initial project
1139 budgets for comparison with final actual expenditures;

1140 3. Capture and retain the initial segment
1141 budget for comparison with final segment actual expenditures;

1142 4. Require that any changes to a budget for a
1143 project will be reviewed and approved by district or central
1144 office personnel. Such personnel shall be responsible for signing
1145 any revision, and providing a narrative description of the reasons
1146 for approving a revision and the reasons for rejecting other
1147 alternatives;

1148 5. With existing resources, develop an
1149 information system to provide the Legislature, managers and the
1150 public with up-to-date segment cost information;

1151 6. Capture the cost of consultants,
1152 engineers, attorneys, contract appraisers and other technical and
1153 professional contractors used in preliminary engineering,
1154 right-of-way acquisition and construction projects;

1155 7. Ensure that projects for preliminary
1156 engineering, right-of-way acquisition and construction do not
1157 overlap segments;

1158 8. Track and report the final segment cost
1159 and a comparison to the bid cost;

1160 9. Track and compare actual completion dates
1161 with the bid completion date; and

1162 10. Track and report all change orders and
1163 the impact they have had on the bid price for a segment.

1164 (q) Annually report to the Legislature, on or before
1165 December 15 of each year, all preapproved contractors who
1166 subsequently receive contracts from the department. The reports
1167 must include the name of the contractor, the amount paid and the
1168 project on which the contractor worked.

1169 **[From and after January 1, 2004, this section shall read as**
1170 **follows:]**

1171 65-1-10. * * * The Chairman of the Mississippi
1172 Transportation Commission shall have the power and duty to:

1173 (a) * * * Appoint a director in charge of each
1174 operating office of the department who shall be responsible to the
1175 executive director for the operation of such office. Each such
1176 director shall be qualified and experienced in the functions
1177 performed by the office under his charge;

1178 (b) Administer the policies promulgated by the
1179 commission;

1180 (c) Supervise and direct all administrative and
1181 technical activities of the department;

1182 (d) Organize the offices and bureaus of the department;

1183 (e) Coordinate the activities of the various offices of
1184 the department;

1185 (f) Fix the compensation of employees of the
1186 department, subject to approval by the State Personnel Board, and
1187 require any employee to give bond to the State of Mississippi for
1188 the faithful performance of his duties in an amount the chairman
1189 deems appropriate. Premiums on all bonds so required shall be
1190 paid out of any funds available to the department;

1191 (g) Recommend such studies and investigations as he may
1192 deem appropriate and carry out the approved recommendations in
1193 conjunction with the various offices;

1194 (h) Prepare and deliver to the Legislature and the
1195 Governor on or before January 1 of each year, and at such other
1196 times as may be required by the Legislature or Governor, a full
1197 report of the work of the department and the offices thereof,
1198 including a detailed statement of expenditures of the department
1199 and any recommendations the department may have;

1200 (i) Have full and general supervision over all matters
1201 relating to the construction or maintenance of the state highways,
1202 letting of contracts therefor, and the selection of materials to
1203 be used in the construction of state highways under the authority
1204 conferred by this chapter as herein set forth and the employment,
1205 promotion, demotion, reprimand, suspension, termination,

1206 reassignment, transfer, moving or relocation of all personnel not
1207 specifically authorized by statute to be employed by the
1208 commission. The chairman may authorize the payment of expenses of
1209 any personnel reassigned, transferred, moved or relocated in
1210 accordance with such rules and regulations as are promulgated by
1211 the commission;

1212 (j) Approve all bids, sign all vouchers and
1213 requisitions, issue all orders for supplies and materials, sign
1214 all contracts and agreements in the name of the State of
1215 Mississippi, and subscribe to all other matters which may arise in
1216 the carrying out of the intent and purpose of this chapter;

1217 (k) Receive and assume control, for the benefit of the
1218 state, of any and all highways herein or hereafter fixed as roads
1219 constituting a part of the state highway system;

1220 (l) Provide for boulevard stops, restricted entrances
1221 to main highways and access driveways, neutral grounds, and
1222 roadside parks, erect all suitable direction and warning signs,
1223 and provide access roads in or to municipalities where necessary;
1224 provide limited access facilities when and where deemed necessary,
1225 such a facility being defined as a highway or street especially
1226 designed or designated for through traffic and over, from or to
1227 which owners or occupants of abutting land or other persons have
1228 only such limited right or easement of access as may be prescribed
1229 by the commission, and provide that certain highways or streets
1230 may be parkways from which trucks, buses and other commercial
1231 vehicles shall be excluded or may be freeways open to customary
1232 forms of highway and street traffic and use, and such limited
1233 access facilities or parkways may be planned, designated,
1234 established, regulated, vacated, altered, improved, constructed
1235 and maintained and rights-of-way therefor specifically obtained,
1236 either by purchase, gift, condemnation or other form of
1237 acquisition;

1238 (m) Construct bridges with or without footways, and
1239 sidewalks where deemed essential to decrease hazards;

1240 (n) Perform services for the Department of Finance and
1241 Administration on state property, including, but not limited to,
1242 engineering services, and to advance such funds to defray the cost
1243 of the expenses incurred in performing such services from out of
1244 transportation department funds until such department is
1245 reimbursed by the Department of Finance and Administration;

1246 (o) Perform all duties authorized by Section 27-19-136,
1247 Mississippi Code of 1972, concerning the assessment and collection
1248 of permit fees, fines and penalties;

1249 (p) Give suitable numbers to highways and to change the
1250 number of any highway that shall become a part of the state
1251 highway system. However, nothing herein shall authorize the
1252 number of any highway to be changed so as to conflict with any
1253 designation thereof as a U.S. numbered highway. Where, by a
1254 specific act of the Legislature, the commission has been directed
1255 to give a certain number to a highway, the commission shall not
1256 have the authority to change such number;

1257 (q) Establish, and have the transportation department
1258 maintain and operate, and to cooperate with the state educational
1259 institutions in establishing, enlarging, maintaining and operating
1260 a laboratory or laboratories for testing materials and for other
1261 proper highway purposes;

1262 (r) Provide, under the direction and with the approval
1263 of the Department of Finance and Administration, suitable offices,
1264 shops and barns in the City of Jackson;

1265 (s) Cooperate with proper state authorities in
1266 producing limerock for highway purposes and to purchase same at
1267 cost;

1268 (t) Provide for the purchase of necessary equipment and
1269 vehicles and provide for their repair and housing;

1270 (u) Authorize the Transportation Department to
1271 construct, lease or otherwise provide necessary and proper
1272 permanent district offices for the construction and maintenance
1273 divisions of the department;

1274 (v) Cooperate with the Department of Archives and
1275 History in having placed and maintained suitable historical
1276 markers, including those which have been approved and purchased by
1277 the State Historical Commission, along state highways, and to have
1278 constructed and maintained roadside driveways for convenience and
1279 safety in viewing them when necessary; however, no highway or
1280 bridge shall ever be memorialized to a man while living;

1281 (w) Cooperate, in his discretion, with the Mississippi
1282 Department of Wildlife, Fisheries and Parks in planning and
1283 constructing roadside parks upon the right-of-way of state
1284 highways, whether constructed, under construction, or planned;
1285 such parks to utilize where practical barrow pits used in
1286 construction of state highways for use as fishing ponds. The
1287 parks shall be named for abundant flora and fauna existing in the
1288 area or for the first flora or fauna found on the site;

1289 (x) Cooperate, in his discretion, with the Mississippi
1290 Forestry Commission and the School of Forestry, Mississippi State
1291 University, in a forestry management program, including planting,
1292 thinning, cutting and selling, upon the right-of-way of any
1293 highway, constructed, acquired or maintained by the Transportation
1294 Department, and sell and dispose of any and all growing timber
1295 standing, lying or being on any right-of-way acquired by the
1296 department for highway purposes in the future; such sale or sales
1297 to be made in accordance with the sale of personal property which
1298 has become unnecessary for public use as provided for in Section
1299 65-1-123;

1300 (y) Expend funds in cooperation with the Division of
1301 Plant Industry, Mississippi Department of Agriculture and
1302 Commerce, the United States government or any department or agency

1303 thereof, or with any department or agency of this state, to
1304 control, suppress or eradicate serious insect pests, rodents,
1305 plant parasites and plant diseases on the state highway
1306 rights-of-way;

1307 (z) Provide for the placement, erection and maintenance
1308 of motorist services business signs and supports within state
1309 highway rights-of-way in accordance with current state and federal
1310 laws and regulations governing the placement of traffic control
1311 devices on state highways, and establish and collect reasonable
1312 fees from the businesses having information on such signs;

1313 (aa) Request and accept the use of persons convicted of
1314 an offense, whether a felony or a misdemeanor, for work on any
1315 road construction, repair or other project of the Transportation
1316 Department. The chairman may also request and accept the use of
1317 persons who have not been convicted of an offense but who are
1318 required to fulfill certain court-imposed conditions pursuant to
1319 Section 41-29-150(d)(1) or 99-15-26, or the Pretrial Intervention
1320 Act, being Sections 99-15-101 through 99-15-127. The chairman may
1321 enter into any agreements with the Department of Corrections, the
1322 State Parole Board, any criminal court of this state, and any
1323 other proper official regarding the working, guarding,
1324 safekeeping, clothing and subsistence of such persons performing
1325 work for the Transportation Department. Such persons shall not be
1326 deemed agents, employees or involuntary servants of the
1327 Transportation Department while performing such work or while
1328 going to and from work or other specified areas;

1329 (bb) Expend funds for the purchase of service pins for
1330 employees of the Mississippi Transportation Department.

1331 (cc) Conduct project planning as provided for in this
1332 paragraph (cc). Such project planning shall apply to all
1333 preliminary engineering, right-of-way acquisition and construction
1334 projects of the department and, at a minimum, shall consist of:

1335 (i) Establishment of a master budget for each
1336 segment of highway to be constructed, reconstructed or repaired.
1337 For purposes of this requirement, no segment shall be less than
1338 ten (10) miles in length unless a shorter segment is specifically
1339 authorized or required by law; and

1340 (ii) Policies for the oversight and management of
1341 the master budget for segments which:

1342 1. Establish a reasonable cost estimate to
1343 serve as a budget for each project within a segment. For purposes
1344 of this provision, projects include preliminary engineering,
1345 right-of-way acquisition and construction;

1346 2. Capture and retain the initial project
1347 budgets for comparison with final actual expenditures;

1348 3. Capture and retain the initial segment
1349 budget for comparison with final segment actual expenditures;

1350 4. Require that any changes to a budget for a
1351 project will be reviewed and approved by district or central
1352 office personnel. Such personnel shall be responsible for signing
1353 any revision, and providing a narrative description of the reasons
1354 for approving a revision and the reasons for rejecting other
1355 alternatives;

1356 5. With existing resources, develop an
1357 information system to provide the Legislature, managers and the
1358 public with up-to-date segment cost information;

1359 6. Capture the cost of consultants,
1360 engineers, attorneys, contract appraisers and other technical and
1361 professional contractors used in preliminary engineering,
1362 right-of-way acquisition and construction projects;

1363 7. Ensure that projects for preliminary
1364 engineering, right-of-way acquisition and construction do not
1365 overlap segments;

1366 8. Track and report the final segment cost
1367 and a comparison to the bid cost;

1368 9. Track and compare actual completion dates
1369 with the bid completion date; and

1370 10. Track and report all change orders and
1371 the impact they have had on the bid price for a segment.

1372 (dd) Annually report to the Legislature, on or before
1373 December 15 of each year, all preapproved contractors who
1374 subsequently receive contracts from the department. The reports
1375 must include the name of the contractor, the amount paid and the
1376 project on which the contractor worked.

1377 SECTION 8. Section 65-1-11, Mississippi Code of 1972, is
1378 amended as follows:

1379 **[Until January 1, 2004, this section shall read as follows:]**

1380 65-1-11. The executive director, subject to the approval of
1381 the commission, shall employ a chief engineer who shall be a
1382 registered civil engineer, a graduate of a recognized school of
1383 engineering, and who shall have had not less than five (5) years'
1384 actual professional experience in highway construction. The chief
1385 engineer shall also be deputy executive director of the
1386 transportation department and shall act as executive director in
1387 case of the illness or disability of the executive director or his
1388 absence from the state. The chief engineer while acting as
1389 executive director of the transportation department shall be
1390 invested with the same power and authority as the executive
1391 director himself. The chief engineer shall give bond in the sum
1392 of Fifty Thousand Dollars (\$50,000.00) in some surety company
1393 authorized to do business in this state, which bond shall be
1394 conditioned upon the faithful performance and discharge of his
1395 duties. The principal and surety on such bond shall be liable
1396 thereunder to the State of Mississippi for double the amount of
1397 the value of any money or property which the state may lose, if
1398 any, by reason of any wrongful or criminal act of such engineer.
1399 The term of office of the chief engineer shall be for a period of
1400 four (4) years, unless sooner removed as hereinafter provided, and

1401 he shall be eligible for reappointment. The first term of office,
1402 however, shall extend from the date of appointment until the first
1403 Monday of January, 1952.

1404 **[From and after January 1, 2004, this section shall read as**
1405 **follows:]**

1406 65-1-11. The Chairman of the Mississippi Transportation
1407 Commission, shall employ a chief engineer who shall be a
1408 registered civil engineer, a graduate of an accredited school of
1409 engineering, * * * who shall have had not less than five (5)
1410 years' actual professional experience in highway construction and
1411 who shall serve at the will and pleasure of the chairman. * * *

1412 SECTION 9. Section 65-3-97, Mississippi Code of 1972, is
1413 amended as follows:

1414 65-3-97. (1) In addition to and including all other
1415 highways designated as a part of the state highway system, there
1416 is hereby designated as a part thereof a four-lane highway system
1417 to connect various areas of the state with interstate and primary
1418 highways. The Mississippi Department of Transportation shall
1419 construct and reconstruct four-lane highways, that is, not less
1420 than two (2) lanes for traffic flowing in each direction, along
1421 the routes designated in this section.

1422 (2) In the construction and reconstruction of the four-lane
1423 highway system designated in this section, the Mississippi
1424 Department of Transportation may utilize the roadway of any
1425 existing highway under its jurisdiction and control and shall do
1426 so when such utilization is feasible, provided that such highways
1427 which are utilized shall be constructed to current standards for
1428 such roadways. When it is not feasible to utilize existing
1429 designated highways, the Transportation Department shall relocate
1430 such highways and construct entirely new facilities whether in
1431 urban or rural areas.

1432 (3) Construction of the four-lane highway system designated
1433 in this subsection shall commence, proceed and be performed by the

1434 Mississippi Department of Transportation strictly in accordance
1435 with the following set of priorities established for the letting
1436 of contracts on and along various segments thereof:

1437 (a) Of the following group of highway segments not less
1438 than fifteen percent (15%) of all contracts necessary to be let
1439 for completion of all segments within the group shall be let by
1440 June 30, 1988, not less than thirty percent (30%) of such
1441 contracts shall be let by June 30, 1989, not less than fifty
1442 percent (50%) of such contracts shall be let by June 30, 1990, not
1443 less than seventy percent (70%) of such contracts shall be let by
1444 June 30, 1991, not less than ninety percent (90%) of such
1445 contracts shall be let by June 30, 1992, and one hundred percent
1446 (100%) of such contracts shall be let by June 30, 1993:

1447 (i) Highway segments along or near U.S. 45
1448 beginning at the Clarke/Lauderdale county line and extending
1449 northerly to I-59; then beginning at Macon and extending northerly
1450 to Brooksville; then beginning at Columbus Air Force Base and
1451 extending northerly to Aberdeen; then beginning at U.S. 278 and
1452 extending northerly to Shannon; then beginning at Saltillo and
1453 extending northerly to Corinth.

1454 (ii) Highway segments along or near U.S. 45A
1455 beginning at U.S. 82 and extending northerly to West Point; then
1456 beginning four (4) miles south of Okolona and extending northerly
1457 to Shannon.

1458 (iii) A highway segment along or near U.S. 49W
1459 beginning at U.S. 49 and extending westerly through Yazoo City to
1460 the Yazoo River.

1461 (iv) A highway segment along or near U.S. 49W
1462 beginning at Inverness and extending northerly to Indianola.

1463 (v) A highway segment along or near U.S. 61
1464 beginning at Port Gibson and extending northerly to the four-lane
1465 south of Vicksburg.

1466 (vi) Highway segments along or near U.S. 72
1467 beginning at or near Mt. Pleasant and extending southeasterly to
1468 Mississippi 5; then beginning at Walnut and extending
1469 southeasterly to Corinth; then beginning at Strickland and
1470 extending southeasterly to Burnsville.

1471 (vii) Highway segments along or near U.S. 78
1472 beginning at Holly Springs and extending southeasterly to the New
1473 Albany bypass; then beginning at Mississippi 25 and extending
1474 southeasterly to Tremont.

1475 (viii) Highway segments along or near U.S. 82
1476 beginning at I-55 and extending easterly to Kilmichael; then
1477 beginning at Eupora and extending easterly to Mathiston; then
1478 beginning at Mississippi 12 and extending easterly to the Alabama
1479 state line.

1480 (ix) A highway segment along or near U.S. 84
1481 beginning at I-59 and extending easterly to the Jones/Wayne county
1482 line.

1483 (x) Highway segments along or near U.S. 98
1484 beginning at Columbia and extending easterly to the Marion/Lamar
1485 county line; then beginning at U.S. 49 and extending southeasterly
1486 to the Alabama state line.

1487 (b) Of the following group of highway segments not less
1488 than five percent (5%) of all contracts necessary to be let for
1489 completion of all segments within the group shall be let by June
1490 30, 1991, not less than ten percent (10%) of such contracts shall
1491 be let by June 30, 1992, not less than twenty-five percent (25%)
1492 of such contracts shall be let by June 30, 1993, not less than
1493 forty percent (40%) of such contracts shall be let by June 30,
1494 1994, not less than fifty-five percent (55%) of such contracts
1495 shall be let by June 30, 1995, not less than seventy percent (70%)
1496 of such contracts shall be let by June 30, 1996, not less than
1497 eighty-five percent (85%) of such contracts shall be let by June

1498 30, 1997, and one hundred percent (100%) of such contracts shall
1499 be let by June 30, 1998:

1500 (i) Highway segments along or near Mississippi 25
1501 beginning at Mississippi 471 and extending northeasterly to
1502 Mississippi 43; then beginning at the Winston/Oktibbeha county
1503 line and extending northeasterly to Starkville.

1504 (ii) A highway segment along or near Mississippi
1505 63 beginning at the Jackson/George county line and extending
1506 northerly to Lucedale.

1507 (iii) A highway segment along or near Mississippi
1508 302 beginning at I-55 in Southaven and extending easterly to U.S.
1509 72 at or near Mt. Pleasant.

1510 (iv) Highway segments along or near U.S. 45
1511 beginning at the Alabama state line and extending northerly to the
1512 Clarke/Lauderdale county line; then beginning at Lauderdale and
1513 extending northerly to Macon; then beginning at Aberdeen and
1514 extending northerly to U.S. 278.

1515 (v) A highway segment along or near U.S. 45A
1516 beginning at West Point and extending northerly to four (4) miles
1517 south of Okolona.

1518 (vi) A highway segment beginning at Brooksville
1519 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
1520 82, such segment having been designated by the Transportation
1521 Commission pursuant to the provisions of paragraph (1)(c) of this
1522 section.

1523 (vii) A highway segment along or near U.S. 49W
1524 beginning at the Yazoo River and extending northerly to Inverness.

1525 (viii) Highway segments along or near U.S. 61
1526 beginning at the Louisiana state line and extending northerly to
1527 the Wilkinson/Adams county line; then beginning at Washington and
1528 extending northerly to Port Gibson; then beginning at Merigold and
1529 extending northerly to Shelby; then beginning at the north end of

1530 the Clarksdale bypass and extending northerly to the Tennessee
1531 state line.

1532 (ix) A highway segment along or near U.S. 72
1533 beginning at Mississippi 5 and extending southeasterly to Walnut.

1534 (x) A highway segment along or near U.S. 78
1535 beginning at Tremont and extending southeasterly to the Alabama
1536 state line.

1537 (xi) Highway segments along or near U.S. 82
1538 beginning at the Montgomery/Webster county line and extending
1539 easterly to Eupora; then beginning at Mathiston and extending
1540 easterly to Starkville.

1541 (xii) Highway segments along or near U.S. 84
1542 beginning at Leesdale and extending easterly to Roxie; then
1543 beginning at Auburn Road and extending easterly to I-55; then
1544 beginning at the east end of the Brookhaven bypass and extending
1545 easterly to Prentiss; then beginning at the Jones/Covington county
1546 line and extending easterly to Horse Creek; then beginning at the
1547 Jones/Wayne county line and extending easterly to Waynesboro.

1548 (xiii) Highway segments along or near U.S. 98
1549 beginning at the Pike/Walthall county line and extending easterly
1550 to Columbia; then beginning at the Marion/Lamar county line and
1551 extending easterly to the four-lane west of Hattiesburg.

1552 (c) Of the following group of highway segments not less
1553 than ten percent (10%) of all contracts necessary to be let for
1554 completion of all segments within the group shall be let by June
1555 30, 1996, not less than twenty percent (20%) of such contracts
1556 shall be let by June 30, 1997, not less than forty percent (40%)
1557 of such contracts shall be let by June 30, 1998, and one hundred
1558 percent (100%) of such contracts shall be let by June 30, 1999:

1559 (i) A highway segment along or near Mississippi 25
1560 beginning at Mississippi 43 and extending northeasterly to the
1561 Winston/Oktibbeha county line.

1562 (ii) A highway segment along or near Mississippi
1563 63 beginning at Lucedale and extending northerly to U.S. 45 at
1564 State Line.

1565 (iii) A highway segment along or near U.S. 61
1566 beginning at Shelby and extending northerly to U.S. 49.

1567 (iv) A highway segment along or near U.S. 82
1568 beginning at Kilmichael and extending easterly to the
1569 Montgomery/Webster county line.

1570 (v) Highway segments along or near U.S. 84
1571 beginning at Eddiceton and extending easterly to Auburn Road; then
1572 beginning at Prentiss and extending easterly to Collins; then
1573 beginning at Waynesboro and extending easterly to the Alabama
1574 state line.

1575 (d) (i) Of the following group of highway segments not
1576 less than five percent (5%) of all contracts necessary to be let
1577 for completion of all segments within the group shall be let by
1578 June 30, 2002, not less than fifteen percent (15%) of such
1579 contracts shall be let by June 30, 2003, not less than twenty-five
1580 percent (25%) of such contracts shall be let by June 30, 2004, not
1581 less than thirty-five percent (35%) of such contracts shall be let
1582 by June 30, 2005, not less than forty-five percent (45%) of such
1583 contracts shall be let by June 30, 2006, not less than sixty
1584 percent (60%) of such contracts shall be let by June 30, 2007, not
1585 less than seventy percent (70%) of such contracts shall be let by
1586 June 30, 2008, not less than eighty percent (80%) of such
1587 contracts shall be let by June 30, 2009, not less than ninety
1588 percent (90%) of such contracts shall be let by June 30, 2010, and
1589 one hundred percent (100%) of such contracts shall be let by June
1590 30, 2011:

1591 A. A highway segment along or near
1592 Mississippi 6 beginning at the Clarksdale bypass and extending
1593 easterly to Batesville.

1594 B. A highway segment along or near
1595 Mississippi 12 beginning at I-55 and extending easterly to
1596 Kosciusko.

1597 C. A highway segment along or near
1598 Mississippi 15 beginning at I-10 and extending northerly to
1599 Mississippi 26; then beginning at U.S. Highway 98 and extending
1600 northerly to the Mississippi/Tennessee state line.

1601 D. A highway segment consisting of two (2)
1602 lanes of construction and two (2) lanes of right-of-way
1603 acquisition along or near Mississippi 15 beginning at Mississippi
1604 26 and extending northerly to U.S. Highway 98.

1605 E. A highway segment along or near
1606 Mississippi 19 beginning at Collinsville and extending
1607 northwesterly to Kosciusko.

1608 F. Highway segments along or near Mississippi
1609 25 beginning at Aberdeen and extending northerly to Fulton; then
1610 beginning at the Alabama state line and extending northerly to
1611 U.S. Highway 72.

1612 G. A highway segment along or near U.S.
1613 Highway 61 beginning at Redwood and extending northerly to Leland.

1614 H. A highway segment along or near U.S.
1615 Highway 98 beginning at Meadville and extending southeasterly to
1616 Summit.

1617 I. A highway segment along or near
1618 Mississippi Highway 24/48 beginning at Woodville and extending
1619 easterly to McComb.

1620 J. A highway segment along or near
1621 Mississippi 35 beginning at the Mississippi/Louisiana state line
1622 and extending northerly to or near Foxworth.

1623 K. A highway segment along or near
1624 Mississippi 27 beginning at I-20 and extending southeasterly to
1625 I-55.

1626 L. A highway segment along or near
1627 Mississippi 57 beginning at I-10 and extending northerly ten (10)
1628 miles to just north of the community of Van Cleave.

1629 (ii) Contracts for the construction and/or
1630 reconstruction of highway segments designated within this group
1631 shall be let by the Transportation Commission strictly in
1632 accordance with the level of service of the highway segment as
1633 defined by the Transportation Research Board, or any successor
1634 board or agency. If the level of service of a highway segment is
1635 less than the level of service threshold at which the
1636 Transportation Department recommends the construction of a
1637 four-lane highway, then the Transportation Department shall make
1638 other improvements and highway modifications to such highway
1639 segment as needed, such as straightening and realignment of the
1640 existing roadway, the addition of passing lanes and the widening
1641 of existing lanes, and may acquire any necessary right-of-way for
1642 such purposes and for the purpose of future construction of
1643 four-lane highways along such segments.

1644 (iii) With respect to the segments authorized in
1645 this paragraph (d), the Transportation commission shall consider
1646 the level of service of the projects together with all projects
1647 authorized in Section 65-39-1 and nonprogram highway construction
1648 and shall devise a priority schedule for preliminary engineering,
1649 right-of-way acquisition and construction which establishes a
1650 schedule for completion of these projects and reflects the
1651 relative need for the projects authorized in this paragraph (d)
1652 and in Section 65-39-1 and nonprogram highways. The commission
1653 shall accord great weight to Federal Highway Administration
1654 standards in setting priorities and also may consider other
1655 factors, not in violation of federal law, such as economic
1656 development and safety, as the commission considers relevant. No
1657 funds deposited into the special funds created in Sections 65-39-3

1658 or 65-39-17 may be expended on any project authorized in this
1659 paragraph (d).

1660 (4) The construction priorities established in this section
1661 shall not be construed as prohibiting the completion of highway
1662 segments which, on July 1, 1987, are included in the current
1663 three-year plan under Section 65-1-141, and for which, on July 1,
1664 1987, grade and drainage has been completed or contracts for grade
1665 and drainage have been let.

1666 (5) Contracts may be let and construction may commence and
1667 be performed concurrently on any of the highway segments
1668 designated in subsection (3) of this section, notwithstanding the
1669 priorities established for the letting of contracts on the various
1670 segments designated therein, provided that funds are available
1671 and, provided that, at all times, the percentages of all contracts
1672 required to be let on the segments designated in paragraphs
1673 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let
1674 no later than the dates established therein.

1675 (6) (a) All highway construction and reconstruction
1676 authorized under this section shall be performed by contract let
1677 on competitive bid in the manner provided by statute; however,
1678 highway segments shall be constructed in lengths of not less than
1679 ten (10) miles.

1680 (b) It is the intent of the Legislature that not less
1681 than ten percent (10%) of the amounts authorized to be expended
1682 for construction and reconstruction of the four-lane highway
1683 segments designated in this section shall be expended with small
1684 business concerns owned and controlled by socially and
1685 economically disadvantaged individuals. The term "socially and
1686 economically disadvantaged individuals" shall have the meaning
1687 ascribed to such term under Section 8(d) of the Small Business Act
1688 (15 USCS, Section 637(d)) and relevant subcontracting regulations
1689 promulgated pursuant thereto; except that women shall be presumed

1690 to be socially and economically disadvantaged individuals for the
1691 purposes of this paragraph (b).

1692 (7) (a) Notwithstanding the provisions of subsection (6)(a)
1693 of this section, the Mississippi Transportation Commission may
1694 construct highway segments of less than ten (10) miles in length
1695 if:

1696 (i) The segment as described in subsection (3) of
1697 this section is less than ten (10) miles in length;

1698 (ii) The segment will connect two (2) * * *
1699 highways which were existing four-lane highways on July 1, 2001;

1700 * * *

1701 (iii) For a particular project, the costs of
1702 constructing a single segment of at least ten (10) miles in length
1703 would * * * exceed the aggregate costs of constructing two (2) or
1704 more segments by more than ten percent (10%).

1705 * * *

1706 (b) In any case in which the Transportation Commission
1707 authorizes the construction of a highway segment of less than ten
1708 (10) miles in length, the commission shall set forth and record in
1709 its official minutes, on at least a quarterly basis, a prospective
1710 explanation and justification therefor based upon one or more of
1711 the conditions prescribed in paragraph (7)(a) of this section.
1712 Nothing in this paragraph (b) shall be construed as authorizing
1713 the commission to approve a segment of less than ten (10) miles in
1714 length after a contract for the segment has been let.

1715 (8) To assist in defraying the costs and expenses for
1716 construction, reconstruction and relocation of the four-lane
1717 highway system described in this section, the following revenues
1718 shall be paid out of such funds made available to the
1719 Transportation Commission and the Transportation Department:

1720 (a) From matched federal funds or other federal funds,
1721 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,
1722 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,

1723 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and
1724 fifty percent (50%) of such federal funds for fiscal year 1991 and
1725 each fiscal year thereafter; and

1726 (b) Five Million Dollars (\$5,000,000.00) from matched
1727 federal bridge replacement funds for fiscal year 1988 and each
1728 fiscal year thereafter when the segments proposed for construction
1729 contain bridges that are eligible for replacement under the
1730 Federal Aid Bridge Replacement Program.

1731 (9) The Transportation Department shall submit a report to
1732 the Legislature by January 10 of each calendar year setting forth
1733 the current status of the construction program set forth in this
1734 section to include, but not be limited to, the following
1735 information:

1736 (a) Specific segments on which engineering is being
1737 performed or has been completed;

1738 (b) Specific segments for which right-of-way has been
1739 acquired or is being acquired;

1740 (c) Specific segments for which construction contracts
1741 have been let;

1742 (d) Specific segments on which construction is in
1743 progress;

1744 (e) Specific segments on which construction has been
1745 completed;

1746 (f) Projections for completion of the next step on each
1747 segment;

1748 (g) Revenue derived for such construction program from
1749 each revenue source contained in Chapter 322, Laws, 1987, and in
1750 Chapter 557, Laws, 1994;

1751 (h) For each fiscal year beginning in 1994, a detailed
1752 cash flow projection by source of program activities and an
1753 estimate of when the program will encounter a funding shortage due
1754 to costs exceeding original projections;

1755 (i) A schedule of all complete and open-to-traffic
1756 highway segments and the related total cost of each segment;

1757 (j) A schedule of all highway segments on which all
1758 contracts necessary for completion of the segments were not let as
1759 of the date required by law;

1760 (k) A complete recap of all program receipts by source,
1761 and of all disbursements for the prior fiscal year and cumulative
1762 totals since the inception of the program as compared to
1763 projections; * * *

1764 (l) A statement from the Department of Transportation
1765 regarding the status of the funding of the program based on agency
1766 cost experience and projections for the future;

1767 (m) A list of all segments of less than ten (10) miles
1768 in length which were authorized by the commission during the
1769 preceding year. The list must include:

1770 (i) Contract let by date;
1771 (ii) The highway on which the contract was let;
1772 (iii) A description of the project, including the
1773 beginning and end point of the contract;

1774 (iv) The length of the contract in miles; and
1775 (v) The name of the contractor selected to perform
1776 the contract work;

1777 (n) A compilation of costs for all preliminary
1778 engineering, right-of-way and construction contracts entered
1779 during the reporting period;

1780 (o) A listing of all segments completed or in progress
1781 by topographical area of the state for the reporting period; and

1782 (p) A status report of road segments to include road
1783 segment description, the date of construction of the road and the
1784 pavement condition rating, which includes roadbed rutting and
1785 condition factors.

1786 The report shall be deemed submitted when ten (10) copies are
1787 submitted to the Clerk of the House of Representatives and ten
1788 (10) copies are submitted to the Secretary of the Senate.

1789 SECTION 10. Section 65-39-1, Mississippi Code of 1972, is
1790 amended as follows:

1791 65-39-1. (1) The Mississippi Transportation Commission is
1792 authorized, subject to the availability of funds in the Gaming
1793 Counties State-Assisted Infrastructure Fund created in Section
1794 65-39-17, to conduct feasibility studies and, pursuant to
1795 information gathered in such studies, select routes and locations,
1796 perform preliminary engineering, acquire necessary right-of-way
1797 and property, construct and/or reconstruct and improve existing or
1798 new highways, roads, streets and bridges, including two-lane,
1799 four-lane and multi-lane roads (or segments thereof), perform
1800 intersection improvements, provide signal retiring, turnbay
1801 extensions, additional interchanges and other traffic
1802 modifications, within and approaching those counties in this state
1803 where legal gaming is being conducted or is authorized. Any
1804 highway, road, street or bridge that is authorized to be
1805 constructed, reconstructed or improved shall meet design standards
1806 established by the Mississippi Department of Transportation, shall
1807 be constructed to bear a load limit of at least eighty thousand
1808 (80,000) pounds and, upon completion, shall become a part of the
1809 state highway system, and thereafter shall be under the
1810 jurisdiction of the Mississippi Transportation Commission and the
1811 Mississippi Department of Transportation for construction and
1812 maintenance.

1813 (2) The projects authorized in subsection (1) of this
1814 section shall include, but shall not be limited to, highways,
1815 roads, streets and bridges on and along the following locations:

1816 (a) U.S. Highway 90 from its intersection with
1817 Mississippi 607 in Hancock County to Ocean Springs, and including

1818 Lakeshore Road in Hancock County from its intersection with U.S.
1819 Highway 90 to Beach Boulevard;

1820 (b) Mississippi 4 from U.S. Highway 61 to Mississippi
1821 3;

1822 (c) Mississippi 4 from Mississippi 3 to Senatobia;

1823 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;

1824 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in
1825 Gulfport;

1826 (f) Mississippi 304 beginning at the Tennessee state
1827 line at or near U.S. 72 and thence running in a southwesterly
1828 direction to intersect with U.S. 78 at or near Byhalia and thence
1829 running in a westerly direction to intersect I-55 at or near
1830 Hernando and thence running in a westerly direction to intersect
1831 with U.S. 61 in DeSoto County, with a spur extending southwesterly
1832 to or near Robinsonville in Tunica County;

1833 (g) I-10 from Exit 28 to Exit 57;

1834 (h) A new location from the northernmost point on I-110
1835 to U.S. 49;

1836 (i) U.S. Highway 61 from the Tunica County line to the
1837 Tennessee state line;

1838 (j) (i) Four-lanes for traffic along Mississippi 16
1839 beginning at its intersection with Mississippi 25 and extending
1840 easterly to join the existing four-lane on the west side of
1841 Carthage within the corporate boundaries;

1842 (ii) Passing lanes and turn lanes, as needed,
1843 along Mississippi 16 beginning at a point on the east side of
1844 Carthage within the corporate boundaries where the existing
1845 four-lane ends and extending easterly to the Leake/Neshoba county
1846 line; and

1847 (iii) Four-lanes for traffic along Mississippi 16
1848 beginning at the Leake/Neshoba county line and extending easterly
1849 to not more than ten (10) miles east of Mississippi 15;

1850 (k) Lorraine/Cowan Road Extension from I-10 North to
1851 relocated/reconstructed Mississippi 67;

1852 (l) At various locations on and along U.S. Highway 82
1853 and Mississippi 1 in the City of Greenville;

1854 (m) At various locations on and along I-20, U.S.
1855 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including
1856 a truck route from Harbor Industrial Park to U.S. Highway 61 north
1857 and an extension of South Frontage Road with railroad bridge to
1858 I-20;

1859 (n) At various locations on and along U.S. Highway 61,
1860 U.S. Highway 65 and Washington Street in the City of Natchez;

1861 (o) At various locations on and along U.S. Highway 90
1862 in the City of Pass Christian;

1863 (p) Mississippi 43/603 beginning where the existing
1864 four-lane ends north of I-10 and extending northerly to a point
1865 approximately one (1) mile north of Kiln where Mississippi 43/603
1866 divides into Mississippi 43 and Mississippi 603;

1867 (q) Mississippi 43 beginning where Mississippi 43 and
1868 Mississippi 603 divide and extending northwesterly to or near
1869 Picayune;

1870 (r) U.S. 49 from U.S. 61 west to the Mississippi River
1871 bridge;

1872 (s) Subject to the conditions prescribed in subsection
1873 (3) of this section, a central Harrison County connector from I-10
1874 to U.S. 90 in the vicinity of Canal Road to the Mississippi State
1875 Port at Gulfport; and

1876 (t) An east Harrison County connector from U.S. 90 to
1877 I-10 to be located between the Cowan-Lorraine Road interchange and
1878 the I-110 interchange.

1879 (3) Authorization for the project described in paragraph
1880 (2)(s) of this section is conditioned upon receipt by the
1881 Mississippi Transportation Commission of a written commitment by

1882 the Mississippi Development Authority to make available for such
1883 project not less than Six Million Dollars (\$6,000,000.00).

1884 (4) All planning, construction, reconstruction and
1885 performance of the projects authorized under this section,
1886 including the letting of contracts, shall commence, proceed and be
1887 performed by the Mississippi Transportation Commission and the
1888 Mississippi Department of Transportation according to priorities
1889 based on volume capacity and traffic congestion in comparative
1890 project areas; however, if a project authorized in this section is
1891 also included in the four-lane highway program under Section
1892 65-3-97, then all contracts necessary to be let for the completion
1893 of the project under this section shall be let not later than the
1894 priorities established for the letting of contracts for the
1895 project under Section 65-3-97. Prioritization of construction for
1896 the projects authorized in this section shall be conducted as
1897 provided for in Section 65-3-97(3)(d)(iii).

1898 (5) (a) Funds for the projects authorized under this
1899 section may be provided through the issuance of bonds under
1900 Sections 65-39-5 through 65-39-33, through the issuance of notes
1901 for such purposes under Section 31-17-127 or from such monies as
1902 may be available in the Gaming Counties State-Assisted
1903 Infrastructure Fund created under Section 65-39-17.

1904 (b) In addition to the funds provided for under
1905 paragraph (a) of this subsection, funds for the project described
1906 in subsection (2)(s) of this section also may be provided from any
1907 available federal, state, county or municipal funds authorized for
1908 such project, including the Economic Development Highway Act.

1909 (6) (a) For all highway segments authorized in this
1910 section, the Mississippi Department of Transportation shall
1911 construct highway segments of at least ten (10) miles in length
1912 unless one or more of the following conditions exist:

1913 (i) The segment as described in this section is
1914 less than ten (10) miles in length;

1915 (ii) The segment will connect two (2) highways
1916 which were existing four-lane highways on July 1, 2001; or
1917 (iii) For a particular project, the costs of
1918 constructing a single segment of at least ten (10) miles in length
1919 would exceed the aggregate costs of constructing two (2) or more
1920 segments by more than ten percent (10%).

1921 (b) If the Transportation Commission authorizes the
1922 construction of a highway segment of less than ten (10) miles in
1923 length, the commission shall set forth and record in its official
1924 minutes, on at least a quarterly basis, a prospective explanation
1925 and justification based on one or more of the condition prescribed
1926 in paragraph (a) of this subsection (6). This subsection does not
1927 authorize the commission to approve a segment of less than ten
1928 (10) miles in length after a contract for the segment has been
1929 let.

1930 (7) The Transportation Department shall submit a report to
1931 the Legislature by January 10 of each calendar year setting forth
1932 the current status of the construction program set forth in this
1933 section to include, but not be limited to, the following
1934 information:

1935 (a) Specific segments on which engineering is being
1936 performed or has been completed;

1937 (b) Specific segments for which right-of-way has been
1938 acquired or is being acquired;

1939 (c) Specific segments for which construction contracts
1940 have been let;

1941 (d) Specific segments on which construction is in
1942 progress;

1943 (e) Specific segments on which construction has been
1944 completed;

1945 (f) Projections for completion of the next step on each
1946 segment;

1947 (g) Revenue derived for such construction program from
1948 each revenue source contained in Chapter 557, Laws, 1994;

1949 (h) For each fiscal year beginning in 1994, a detailed
1950 cash flow projection by source of program activities and an
1951 estimate of when the program will encounter a funding shortage due
1952 to costs exceeding original projections;

1953 (i) A schedule of all complete and open-to-traffic
1954 highway segments and the related total cost of each segment;

1955 (j) A complete recap of all program receipts by source,
1956 and of all disbursements for the prior fiscal year and cumulative
1957 totals since the inception of the program as compared to
1958 projections;

1959 (k) A statement from the Department of Transportation
1960 regarding the status of the funding of the program based on agency
1961 cost experience and projections for the future;

1962 (l) A list of all segments of less than ten (10) miles
1963 in length which were authorized by the commission during the
1964 preceding year. The list must include:

1965 (i) Contract let by date;
1966 (ii) The highway on which the contract was let;
1967 (iii) A description of the project, including the
1968 beginning and end point of the contract;

1969 (iv) The length of the contract in miles; and
1970 (v) The name of the contractor selected to perform
1971 the contract work;

1972 (m) A compilation of costs for all preliminary
1973 engineering, right-of-way and construction contracts entered
1974 during the reporting period;

1975 (n) A listing of all segments completed or in progress
1976 by topographical area of the state for the reporting period; and

1977 (o) A status report of road segments to include road
1978 segment description, the date of construction of the road and the

1979 pavement condition rating, which includes roadbed rutting and
1980 condition factors.

1981 SECTION 11. Section 65-39-35, Mississippi Code of 1972, is
1982 amended as follows:

1983 65-39-35. The date upon which the taxes and fees levied and
1984 charged under the provisions of Sections 27-55-11, 27-57-37,
1985 27-59-11, 27-19-43, 27-19-309, 27-65-75 and Sections 27-55-519 and
1986 27-55-521 are reduced under such sections shall be the first day
1987 of the month immediately following the date upon which:

1988 (a) The Mississippi Transportation Commission certifies
1989 to the State Tax Commission that:

1990 (i) The Four-Lane Highway Program created under
1991 Section 65-3-97 and the Gaming Counties Infrastructure Program
1992 created under Section 65-39-3, are completed and no funds are any
1993 longer necessary to pay the costs of such programs or twenty-five
1994 (25) years have elapsed since the completion of the last segment
1995 of highway authorized under Section 65-3-97(c), whichever occurs
1996 first; and

1997 (ii) The Mississippi Transportation Commission
1998 will not declare the necessity for additional borrowings under
1999 Section 65-9-27, or for additional bonds under Sections 65-39-5
2000 through 65-39-33; and

2001 (b) The State Treasurer certifies:

2002 (i) That the amount on deposit in the Gaming
2003 Counties Bond Sinking Fund, together with earnings on investments
2004 to accrue to such fund, is equal to or greater than the aggregate
2005 of the entire principal, redemption premium (if any), and interest
2006 due and to become due (until the final maturity date or earlier
2007 scheduled redemption date) on all general obligation bonds issued
2008 under Sections 65-39-5 through 65-39-33; and

2009 (ii) That all principal, interest, cost and other
2010 expenses for all bonds, notes or other borrowings under Section

2011 65-9-27 and Section 31-17-127 (including redemption notes, if any)
2012 have been paid and are completely satisfied.

2013 SECTION 12. Section 75-76-129, Mississippi Code of 1972, is
2014 amended as follows:

2015 [* * * Until the highway segments authorized in Section
2016 65-39-1 are certified as complete by the Mississippi
2017 Transportation Commission, this section shall read as follows:]

2018 75-76-129. On or before the last day of each month all
2019 taxes, fees, interest, penalties, damages, fines or other monies
2020 collected by the State Tax Commission during that month under the
2021 provisions of this chapter, with the exception of (a) the local
2022 government fees imposed under Section 75-76-195, and (b) an amount
2023 equal to Three Million Dollars (\$3,000,000.00) of the revenue
2024 collected pursuant to the fee imposed under Section
2025 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
2026 of the revenue collected pursuant to the fee imposed under Section
2027 75-76-177(1)(c), whichever is the greater amount, shall be paid by
2028 the State Tax Commission to the State Treasurer to be deposited in
2029 the State General Fund. The local government fees shall be
2030 distributed by the State Tax Commission pursuant to Section
2031 75-76-197. An amount equal to Three Million Dollars
2032 (\$3,000,000.00) of the revenue collected during that month
2033 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
2034 deposited by the State Tax Commission into the bond sinking fund
2035 created in Section 65-39-3. The revenue collected during that
2036 month pursuant to the fee imposed under Section 75-76-177(1)(c)
2037 that is in excess of Three Million Dollars (\$3,000,000.00), but is
2038 less than twenty-five percent (25%) of the amount of revenue
2039 collected during that month, shall be deposited into the State
2040 Highway Fund to be used exclusively for the reconstruction and
2041 maintenance of highways of the State of Mississippi.

2042 [* * * After the highway segments authorized in Section
2043 65-39-1 are certified as complete by the Mississippi
2044 Transportation Commission, this section shall read as follows:]

2045 75-76-129. On or before the last day of each month, all
2046 taxes, fees, interest, penalties, damages, fines or other monies
2047 collected by the State Tax Commission during that month under the
2048 provisions of this chapter, with the exception of the local
2049 government fees imposed under Section 75-76-195, shall be paid by
2050 the State Tax Commission to the State Treasurer to be deposited in
2051 the State General Fund. The local government fees shall be
2052 distributed by the State Tax Commission pursuant to Section
2053 75-76-197.

2054 SECTION 13. Section 25-3-33, Mississippi Code of 1972, is
2055 amended as follows:

2056 [Until January 1, 2004, this section shall read as follows:]

2057 25-3-33. The annual salaries of the following appointive
2058 state and district officials and employees are fixed as follows:

2059 Deputy Attorney General, not to exceed..... \$72,800.00

2060 Assistant Attorneys General shall each

2061 receive annual salaries in an amount

2062 to be fixed by the Attorney General

2063 but not to exceed..... 68,400.00

2064 Military Department--National Guard:

2065 Adjutant General..... 80,000.00

2066 Department of Banking and Consumer Finance:

2067 Commissioner..... 85,000.00

2068 Chairman of the State Tax Commission

2069 (Commissioner of Revenue)..... 91,000.00

2070 Associate Commissioners, each..... 42,000.00

2071 Director of Emergency Management Agency..... 65,000.00

2072 Department of Public Safety:

2073 Commissioner of Public Safety..... 80,000.00

2074 Director, Office of Mississippi

2075	Highway Safety Patrol, or	
2076	his successor.....	70,000.00
2077	Director, Office of Support Services,	
2078	or his successor.....	70,000.00
2079	Department of Human Services:	
2080	Director, not to exceed.....	85,000.00
2081	Workers' Compensation Commission:	
2082	Chairman.....	80,000.00
2083	Members, each.....	78,000.00
2084	Executive Director.....	75,000.00
2085	Administrative Judge, each.....	75,000.00
2086	Archives and History:	
2087	Director, not to exceed.....	70,000.00
2088	State Forester.....	70,000.00
2089	State Oil and Gas Board:	
2090	Secretary-Supervisor.....	70,000.00
2091	Educational Television Authority:	
2092	Executive Director.....	70,000.00
2093	Director, Mississippi Library Commission,	
2094	not to exceed.....	70,000.00
2095	Executive Secretary, Public Service	
2096	Commission.....	65,000.00
2097	Parole Board:	
2098	Chairman.....	50,000.00
2099	Administrative Assistant for	
2100	Parole Matters.....	42,000.00
2101	Members, each.....	44,000.00
2102	Governor's State Bond Advisory Division:	
2103	Director.....	55,000.00
2104	Employment Security Commission:	
2105	Executive Director, not to exceed.....	70,000.00
2106	Executive Director, Department of	
2107	Mental Health, to be determined by the	

2108	State Board of Mental Health, not	
2109	to exceed.....	85,000.00
2110	Director, Division of Medicaid,	
2111	not to exceed.....	85,000.00
2112	Director, State Department of Transportation,	
2113	not to exceed.....	85,000.00
2114	State Entomologist.....	65,000.00
2115	Clerk of the Supreme Court.....	60,000.00
2116	State Aid Engineer, Division of State	
2117	Aid Road Construction.....	70,000.00
2118	Executive Director, Judicial Performance	
2119	Commission.....	65,000.00
2120	Executive Director, Department of Finance	
2121	and Administration.....	85,000.00
2122	Superintendent, Mississippi School for the	
2123	Blind, to be determined by the State	
2124	Board of Education, not to exceed.....	65,000.00
2125	Superintendent, Mississippi School for the Deaf,	
2126	to be determined by the State Board	
2127	of Education, not to exceed.....	65,000.00
2128	Executive Director, State Fair Commission.....	65,000.00
2129	Executive Director, Department of Wildlife,	
2130	Fisheries and Parks.....	80,000.00
2131	Executive Director, Department of Environmental	
2132	Quality.....	85,000.00
2133	Executive Director, Pat Harrison Waterway	
2134	District.....	65,000.00
2135	Executive Director, Pearl River Basin	
2136	Development District.....	61,000.00
2137	Executive Director, Pearl River Valley Water	
2138	Supply District.....	71,000.00
2139	Executive Director, Tombigbee River Valley	
2140	Water Management District.....	61,000.00

2141	Director, Soil and Water Conservation	
2142	Commission.....	60,000.00
2143	Commissioner, Mississippi Department of	
2144	Corrections.....	85,000.00
2145	Executive Director, Mississippi Department of	
2146	Information Technology Services.....	85,000.00
2147	Executive Director, Mississippi Industries	
2148	for the Blind.....	60,000.00
2149	Director, Mississippi Bureau of Narcotics.....	60,000.00
2150	Executive Secretary, State Veterans Affairs	
2151	Board.....	55,000.00
2152	Executive Officer, Veterans' Home Purchase	
2153	Board.....	65,000.00
2154	Chief Administrative Officer, Motor Vehicle	
2155	Commission.....	55,000.00
2156	Stadium Manager, Mississippi Veterans	
2157	Memorial Stadium.....	55,000.00
2158	Executive Director, Mississippi Arts	
2159	Commission.....	55,000.00
2160	Director, Mississippi Board of Nursing.....	60,000.00
2161	Director, State Board of Pharmacy.....	60,000.00
2162	Director, State Board of Public Contractors.....	50,000.00
2163	Director, Real Estate Commission.....	55,000.00
2164	Director of Support Services, Department	
2165	of Rehabilitation Services.....	80,000.00
2166	Executive Director, State Fire Academy.....	55,000.00
2167	Executive Director, Law Enforcement	
2168	Officers Training Academy.....	50,000.00
2169	Executive Director, State Board of	
2170	Accountancy.....	60,000.00
2171	Executive Director, Mississippi	
2172	Gaming Commission.....	90,000.00
2173	Executive Director, Mississippi	

2174	Department of Marine Resources.....	70,000.00
2175	Executive Director, State Board of	
2176	Registration for Professional	
2177	Engineers and Land Surveyors.....	55,000.00
2178	Executive Director, Public Utilities	
2179	Staff.....	85,000.00
2180	State Law Librarian.....	60,000.00
2181	State Personnel Director.....	75,000.00
2182	Manager, Farmers Central Market,	
2183	Department of Agriculture and	
2184	Commerce.....	40,000.00
2185	State Veterinarian.....	70,000.00
2186	Executive Director, Mississippi Ethics	
2187	Commission.....	70,000.00
2188	[From and after January 1, 2004, this section shall read as	
2189	follows:]	
2190	25-3-33. The annual salaries of the following appointive	
2191	state and district officials and employees are fixed as follows:	
2192	Deputy Attorney General, not to exceed.....	\$72,800.00
2193	Assistant Attorneys General shall each	
2194	receive annual salaries in an amount	
2195	to be fixed by the Attorney General	
2196	but not to exceed.....	68,400.00
2197	Military Department--National Guard:	
2198	Adjutant General.....	80,000.00
2199	Department of Banking and Consumer Finance:	
2200	Commissioner.....	85,000.00
2201	Chairman of the State Tax Commission	
2202	(Commissioner of Revenue).....	91,000.00
2203	Associate Commissioners, each.....	42,000.00
2204	Director of Emergency Management Agency.....	65,000.00
2205	Department of Public Safety:	
2206	Commissioner of Public Safety.....	80,000.00

2207	Director, Office of Mississippi	
2208	Highway Safety Patrol, or	
2209	his successor.....	70,000.00
2210	Director, Office of Support Services,	
2211	or his successor.....	70,000.00
2212	Department of Human Services:	
2213	Director, not to exceed.....	85,000.00
2214	Workers' Compensation Commission:	
2215	Chairman.....	80,000.00
2216	Members, each.....	78,000.00
2217	Executive Director.....	75,000.00
2218	Administrative Judge, each.....	75,000.00
2219	Archives and History:	
2220	Director, not to exceed.....	70,000.00
2221	State Forester.....	70,000.00
2222	State Oil and Gas Board:	
2223	Secretary-Supervisor.....	70,000.00
2224	Educational Television Authority:	
2225	Executive Director.....	70,000.00
2226	Director, Mississippi Library Commission,	
2227	not to exceed.....	70,000.00
2228	Executive Secretary, Public Service	
2229	Commission.....	65,000.00
2230	Parole Board:	
2231	Chairman.....	50,000.00
2232	Administrative Assistant for	
2233	Parole Matters.....	42,000.00
2234	Members, each.....	44,000.00
2235	Governor's State Bond Advisory Division:	
2236	Director.....	55,000.00
2237	Employment Security Commission:	
2238	Executive Director, not to exceed.....	70,000.00
2239	Executive Director, Department of	

2240	Mental Health, to be determined by the	
2241	State Board of Mental Health, not	
2242	to exceed.....	85,000.00
2243	Director, Division of Medicaid,	
2244	not to exceed.....	85,000.00
2245	<u>Chairman of the Mississippi Transportation</u>	
2246	<u>Commission, Executive Director.....</u>	<u>91,000.00</u>
2247	<u>Associate Transportation Commissioners.....</u>	<u>42,000.00</u>
2248	State Entomologist.....	65,000.00
2249	Clerk of the Supreme Court.....	60,000.00
2250	State Aid Engineer, Division of State	
2251	Aid Road Construction.....	70,000.00
2252	Executive Director, Judicial Performance	
2253	Commission.....	65,000.00
2254	Executive Director, Department of Finance	
2255	and Administration.....	85,000.00
2256	Superintendent, Mississippi School for the	
2257	Blind, to be determined by the State	
2258	Board of Education, not to exceed.....	65,000.00
2259	Superintendent, Mississippi School for the Deaf,	
2260	to be determined by the State Board	
2261	of Education, not to exceed.....	65,000.00
2262	Executive Director, State Fair Commission.....	65,000.00
2263	Executive Director, Department of Wildlife,	
2264	Fisheries and Parks.....	80,000.00
2265	Executive Director, Department of Environmental	
2266	Quality.....	85,000.00
2267	Executive Director, Pat Harrison Waterway	
2268	District.....	65,000.00
2269	Executive Director, Pearl River Basin	
2270	Development District.....	61,000.00
2271	Executive Director, Pearl River Valley Water	
2272	Supply District.....	71,000.00

2273	Executive Director, Tombigbee River Valley	
2274	Water Management District.....	61,000.00
2275	Director, Soil and Water Conservation	
2276	Commission.....	60,000.00
2277	Commissioner, Mississippi Department of	
2278	Corrections.....	85,000.00
2279	Executive Director, Mississippi Department of	
2280	Information Technology Services.....	85,000.00
2281	Executive Director, Mississippi Industries	
2282	for the Blind.....	60,000.00
2283	Director, Mississippi Bureau of Narcotics.....	60,000.00
2284	Executive Secretary, State Veterans Affairs	
2285	Board.....	55,000.00
2286	Executive Officer, Veterans' Home Purchase	
2287	Board.....	65,000.00
2288	Chief Administrative Officer, Motor Vehicle	
2289	Commission.....	55,000.00
2290	Stadium Manager, Mississippi Veterans	
2291	Memorial Stadium.....	55,000.00
2292	Executive Director, Mississippi Arts	
2293	Commission.....	55,000.00
2294	Director, Mississippi Board of Nursing.....	60,000.00
2295	Director, State Board of Pharmacy.....	60,000.00
2296	Director, State Board of Public Contractors.....	50,000.00
2297	Director, Real Estate Commission.....	55,000.00
2298	Director of Support Services, Department	
2299	of Rehabilitation Services.....	80,000.00
2300	Executive Director, State Fire Academy.....	55,000.00
2301	Executive Director, Law Enforcement	
2302	Officers Training Academy.....	50,000.00
2303	Executive Director, State Board of	
2304	Accountancy.....	60,000.00
2305	Executive Director, Mississippi	

2306	Gaming Commission.....	90,000.00
2307	Executive Director, Mississippi	
2308	Department of Marine Resources.....	70,000.00
2309	Executive Director, State Board of	
2310	Registration for Professional	
2311	Engineers and Land Surveyors.....	55,000.00
2312	Executive Director, Public Utilities	
2313	Staff.....	85,000.00
2314	State Law Librarian.....	60,000.00
2315	State Personnel Director.....	75,000.00
2316	Manager, Farmers Central Market,	
2317	Department of Agriculture and	
2318	Commerce.....	40,000.00
2319	State Veterinarian.....	70,000.00
2320	Executive Director, Mississippi Ethics	
2321	Commission.....	70,000.00

2322 SECTION 14. Section 25-3-31, Mississippi Code of 1972, is
2323 amended as follows:

2324 **[Until January 1, 2004, this section shall read as follows:]**

2325 25-3-31. The annual salaries of the following elected state
2326 and district officers are fixed as follows:

2327	Governor.....	\$101,800.00
2328	Attorney General.....	90,800.00
2329	Secretary of State.....	75,000.00
2330	Commissioner of Insurance.....	75,000.00
2331	State Treasurer.....	75,000.00
2332	State Auditor of Public Accounts.....	75,000.00
2333	Commissioner of Agriculture and Commerce.....	75,000.00
2334	Transportation Commissioners	65,000.00
2335	Public Service Commissioners.....	65,000.00

2336 The above fixed salary of the Governor shall be the reference
2337 amount utilized in computing average compensation and earned
2338 compensation pursuant to Section 25-11-103(f) and Section

2339 25-11-103(k) and to related sections which require such
2340 computations.

2341 **[From and after January 1, 2004, this section shall read as**
2342 **follows:]**

2343 25-3-31. The annual salaries of the following elected state
2344 and district officers are fixed as follows:

2345	Governor.....	\$101,800.00
2346	Attorney General.....	90,800.00
2347	Secretary of State.....	75,000.00
2348	Commissioner of Insurance.....	75,000.00
2349	State Treasurer.....	75,000.00
2350	State Auditor of Public Accounts.....	75,000.00
2351	Commissioner of Agriculture and Commerce.....	75,000.00

2352 * * *

2353	Public Service Commissioners.....	65,000.00
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2354 The above fixed salary of the Governor shall be the reference
2355 amount utilized in computing average compensation and earned
2356 compensation pursuant to Section 25-11-103(f) and Section
2357 25-11-103(k) and to related sections which require such
2358 computations.

2359 SECTION 15. Section 23-15-193, Mississippi Code of 1972, is
2360 amended as follows:

2361 23-15-193. At the election in 2003, and every four (4) years
2362 thereafter, there shall be elected a Governor, Lieutenant
2363 Governor, Secretary of State, Auditor of Public Accounts, State
2364 Treasurer, Attorney General, three (3) public service
2365 commissioners, * * * Commissioner of Insurance, Commissioner of
2366 Agriculture and Commerce, Senators and members of the House of
2367 Representatives in the Legislature, district attorneys for the
2368 several districts, clerks of the circuit and chancery courts of
2369 the several counties, as well as sheriffs, coroners, assessors,
2370 surveyors and members of the boards of supervisors, justice court
2371 judges and constables, and all other officers to be elected by the

2372 people at the general state election. All such officers shall
2373 hold their offices for a term of four (4) years, and until their
2374 successors are elected and qualified. The state officers shall be
2375 elected in the manner prescribed in Section 140 of the
2376 Constitution.

2377 SECTION 16. Section 23-15-297, Mississippi Code of 1972, is
2378 amended as follows:

2379 23-15-297. All candidates upon entering the race for party
2380 nominations for office shall first pay to the proper officer as
2381 provided for in Section 23-15-299 for each primary election the
2382 following amounts:

2383 (a) Candidates for Governor not to exceed Three Hundred
2384 Dollars (\$300.00).

2385 (b) Candidates for Lieutenant Governor, Attorney
2386 General, Secretary of State, State Treasurer, Auditor of Public
2387 Accounts, Commissioner of Insurance, Commissioner of Agriculture
2388 and Commerce * * * and State Public Service Commissioner, not to
2389 exceed Two Hundred Dollars (\$200.00).

2390 (c) Candidates for district attorney, not to exceed One
2391 Hundred Dollars (\$100.00).

2392 (d) Candidates for State Senator, State Representative,
2393 sheriff, chancery clerk, circuit clerk, tax assessor, tax
2394 collector, county attorney, county superintendent of education and
2395 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

2396 (e) Candidates for county surveyor, county coroner,
2397 justice court judge and constable, not to exceed Ten Dollars
2398 (\$10.00).

2399 (f) Candidates for United States Senator, not to exceed
2400 Three Hundred Dollars (\$300.00).

2401 (g) Candidates for United States Representative, not to
2402 exceed Two Hundred Dollars (\$200.00).

2403 SECTION 17. Section 23-15-881, Mississippi Code of 1972, is
2404 amended as follows:

2405 23-15-881. It shall be unlawful for the * * * board of
2406 supervisors of any county or any member of the board of
2407 supervisors of such county, to employ, during the months of May,
2408 June, July and August of any year in which a general primary
2409 election is held for the nomination and election of members of
2410 the * * * boards of supervisors, a greater number of persons to
2411 work and maintain the * * * public roads in any supervisors
2412 district of the county * * * than the average number of persons
2413 employed for similar purposes in such * * * supervisors district,
2414 as the case may be, during the months of May, June, July and
2415 August of the three (3) years immediately preceding the year in
2416 which such general primary election is held. It shall be unlawful
2417 for * * * the board of supervisors of any county to expend out of
2418 the * * * road funds of the county or any supervisors district
2419 thereof, * * * in the payment of wages or other compensation for
2420 labor performed in working and maintaining the * * * public roads
2421 of any supervisors district of the county * * * during the months
2422 of May, June, July and August of such election year, a total
2423 amount in excess of the average total amount expended for such
2424 labor, in such * * * supervisors district * * * during the
2425 corresponding four (4) months' period of the three (3) years
2426 immediately preceding.

2427 It shall be the duty of the * * * board of supervisors of
2428 each county, respectively, to keep sufficient records of the
2429 numbers of employees and expenditures made for labor on the * * *
2430 public roads of each supervisors district, for the months of May,
2431 June, July and August of each year, to show the number of persons
2432 employed for such work in each * * * supervisors district * * *
2433 during said four (4) months' period, and the total amount expended
2434 in the payment of salaries and other compensation to such
2435 employees, so that it may be ascertained, from an examination of
2436 such records, whether or not the provisions of this chapter have
2437 been violated.

2438 It is provided, however, because of the abnormal conditions
2439 existing in certain counties of the state due to recent floods in
2440 which roads and bridges have been materially damaged or washed
2441 away and destroyed, if the board of supervisors in any county
2442 passes a resolution as provided in Section 19-9-11, Mississippi
2443 Code of 1972, for the emergency issuance of road and bridge bonds,
2444 the provisions of this section shall not be applicable to or in
2445 force concerning the board of supervisors during the calendar year
2446 1955.

2447 SECTION 18. Section 23-15-883, Mississippi Code of 1972, is
2448 amended as follows:

2449 23-15-883. The restriction imposed upon the * * * boards of
2450 supervisors of the several counties in the employment of labor to
2451 work and maintain the * * * public roads of the several
2452 supervisors' districts of the county, as provided in Section
2453 23-15-881, shall not apply to road contractors or bridge
2454 contractors engaged in the construction or maintenance of * * *
2455 county roads under contracts awarded by the Mississippi
2456 Transportation Commission, or the board of supervisors * * * where
2457 such contracts shall have been awarded to the lowest responsible
2458 bidder, after legal advertisement, as provided by law; nor shall
2459 the restriction imposed in Section 23-15-881 apply to the labor
2460 employed by such road contractors or bridge contractors in
2461 carrying out such contracts. Nor shall the provisions of this
2462 chapter apply to the employment by the * * * board of
2463 supervisors * * * of extra labor employed to make repairs upon
2464 the * * * county roads or bridges, in cases where such * * *
2465 county roads or bridges, have been damaged or destroyed by severe
2466 storms, floods or other unforeseen disasters.

2467 SECTION 19. Section 23-15-887, Mississippi Code of 1972, is
2468 amended as follows:

2469 23-15-887. If any member of the * * * board of supervisors,
2470 or the mayor or any member of the board of aldermen or other

2471 governing authority of any municipality, shall violate the
2472 provisions of this article, he shall be guilty of a misdemeanor,
2473 and upon conviction thereof, shall be punished by a fine of not
2474 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
2475 Dollars (\$500.00), or by imprisonment in the county jail for a
2476 term not to exceed six (6) months, or by both such fine and
2477 imprisonment.

2478 SECTION 20. Section 65-1-5, Mississippi Code of 1972, is
2479 amended as follows:

2480 **[Until January 1, 2004, this section shall read as follows:]**

2481 65-1-5. When the transportation commissioners enter upon the
2482 duties of their office, the transportation commission shall meet
2483 and organize by the election of one (1) of its members to serve as
2484 chairman of the commission for the four-year term for which the
2485 commissioner shall have been elected. The commission, a majority
2486 of which shall constitute a quorum, shall meet in regular session
2487 on the second Tuesday of each month at the office of the
2488 commission in Jackson, Mississippi; and at such regular sessions
2489 the commission may hear, continue and determine any and all
2490 matters coming before it. The commission may hold special
2491 sessions at the call of the executive director or the chairman at
2492 such times and places in this state as either of them may deem
2493 necessary. At such special sessions it may hear, continue,
2494 consider and determine any and all matters coming before it,
2495 provided that at least five (5) days' notice of such meetings
2496 shall be given to all the members of the commission beforehand. A
2497 special session may be called at any time without the foregoing
2498 notice, or any notice, if by and with the unanimous consent of all
2499 the members of the commission, but such unanimous consent shall be
2500 spread at large on the minutes of the commission.

2501 The Mississippi Transportation Commission shall act as a
2502 legal entity, and shall only speak through its minutes, and in all
2503 matters shall act as a unit. Any action on the part of any member

2504 of the commission separately shall not bind the commission as a
2505 unit, but such individual member only shall be liable personally
2506 on his official bond.

2507 The Mississippi Transportation Commission shall be a body
2508 corporate and as such may sue and be sued, plead and be impleaded,
2509 in any court of justice having jurisdiction of the subject matter
2510 of any such suit. In any suit against the Mississippi
2511 Transportation Commission service of process shall be had by
2512 serving the secretary of the commission with such process; and a
2513 copy of the declaration, petition or bill of complaint, or other
2514 initial pleading shall be handed the secretary along with the
2515 process.

2516 **[From and after January 1, 2004, this section shall read as**
2517 **follows:]**

2518 65-1-5. * * * The commission, the chairman and two (2) other
2519 members of which shall constitute a quorum, shall meet in regular
2520 session on the second Tuesday of each month at the office of the
2521 commission in Jackson, Mississippi; and at such regular sessions
2522 the commission may hear, continue and determine any and all
2523 matters coming before it. The commission may hold special
2524 sessions at the call of the * * * chairman at such times and
2525 places in this state he may deem necessary. At such special
2526 sessions it may hear, continue, consider and determine any and all
2527 matters coming before it, provided that at least five (5) days'
2528 notice of such meetings shall be given to all the members of the
2529 commission beforehand. A special session may be called at any
2530 time without the foregoing notice, or any notice, if by and with
2531 the unanimous consent of all the members of the commission, but
2532 such unanimous consent shall be spread at large on the minutes of
2533 the commission.

2534 The Mississippi Transportation Commission shall act as a
2535 legal entity, and shall only speak through its minutes, and in all
2536 matters shall act as a unit. Any action on the part of any member

2537 of the commission separately shall not bind the commission as a
2538 unit, but such individual member only shall be liable personally
2539 on his official bond. However, the chairman of the commission is
2540 not prohibited from performing any of the duties and
2541 responsibilities that otherwise are assigned to him by law.

2542 The Mississippi Transportation Commission shall be a body
2543 corporate and as such may sue and be sued, plead and be impleaded,
2544 in any court of justice having jurisdiction of the subject matter
2545 of any such suit. In any suit against the Mississippi
2546 Transportation Commission service of process shall be had by
2547 serving the secretary of the commission with such process; and a
2548 copy of the declaration, petition or bill of complaint, or other
2549 initial pleading shall be handed the secretary along with the
2550 process.

2551 SECTION 21. Section 65-1-21, Mississippi Code of 1972, is
2552 amended as follows:

2553 65-1-21. The permanent district offices for the Office of
2554 Highways of the Mississippi Department of Transportation and for
2555 the repair and housing of the equipment and vehicles of the
2556 department * * * shall be at such locations as the commission may
2557 establish. The Department of Transportation shall erect and
2558 maintain * * * appropriate signs or placques designating such
2559 offices.

2560 SECTION 22. Section 65-1-9, Mississippi Code of 1972, which
2561 creates the office of Executive Director of the Department of
2562 Transportation and prescribe its powers and duties, shall stand
2563 repealed from and after January 1, 2004.

2564 SECTION 23. The Attorney General of the State of Mississippi
2565 shall submit this act, immediately upon approval by the Governor,
2566 or upon approval by the Legislature subsequent to a veto, to the
2567 Attorney General of the United States or to the United States
2568 District Court for the District of Columbia in accordance with the

2569 provisions of the Voting Rights Act of 1965, as amended and
2570 extended.

2571 SECTION 24. This act shall take effect and be in force from
2572 and after July 1, 2001, or such later date as this act is
2573 effectuated under Section 5 of the Voting Rights Act of 1965, as
2574 amended and extended.