HOUSE BILL NO. 1436

AN ACT TO AMEND SECTION 65-9-29, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ALLOCATION AND MATCHING OF FEDERAL AID HIGHWAY FUNDS ALLOCATED TO MISSISSIPPI UNDER THE TRANSPORTATION EQUITY ACT FOR THE TWENTY-FIRST CENTURY (TEA-21); TO AMEND SECTION 65-9-30, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 65-9-29, Mississippi Code of 1972, is amended as follows:

65-9-29. (1) Federal aid highway funds allocated to Mississippi *** to be expended on the federal aid routes shall be expended as follows:

   (a) *** Federal aid *** funds allocated to Mississippi and to be expended on the federal aid routes shall be divided between the Mississippi Department of Transportation and the several counties, so that fifty percent (50%) will be matched by the Mississippi Department of Transportation and expended on the federal aid routes on the state highway system, and fifty percent (50%) matched by the counties with state aid or local funds and expended on the federal aid routes in the several counties.

   (b) Such division will be made upon allocation by the Division Administrator of the Federal Highway Administration ***. The expenditure of all federal *** funds shall be through and under the Mississippi Department of Transportation, subject to and in accordance with all rules and regulations and applicable laws of the federal government.

   (c) Not less than fifty percent (50%) of the funds appropriated to Mississippi allocated for substate distribution in...
any area of the state under the Surface Transportation Program
authorization of Public Law 105-178 (the Transportation Equity Act
for the Twenty-first Century, hereinafter called TEA-21) and fifty
percent (50%) of the amount allocated to areas with a population
of less than five thousand (5,000) shall be allocated to the
eighty-two (82) counties of the state and administered by the
Office of State Aid Road Construction.

(d) Not less than thirty percent (30%) of the bridge
replacement funds allocated to Mississippi under TEA-21 shall be
allocated to the eighty-two (82) counties of the state to replace
deficient bridges in accordance with all rules and regulations of
the Federal Highway Administration and administered by the Office
of State Aid Road Construction.

* * *

(2) Federal aid highway funds allocated to
Mississippi, including federal bridge replacement funds and
other special grants made available for expenditure of county
roads, shall be expended as follows:

(a) Federal aid highway funds expended on state
aid roads shall be matched with available state aid funds and/or
other available local funds, or as otherwise provided in Section

(b) Federal aid highway funds available for
expenditure on roads not on the state aid system and not eligible
for inclusion on the state aid system shall be matched with
available local funds, or as otherwise provided in Section 65-9-17
or Section 65-1-70, Mississippi Code of 1972.

(c) The expenditure of all federal highway funds
on county roads shall be programmed by the State Highway
Commission, subject to and in accordance with applicable federal
law, rules and regulations, and limited to such county projects as
recommended by the State Aid Engineer. The State Aid Engineer is
authorized to assign state aid personnel to administer off-system
construction projects and other special federal aid program
requirements in the same manner and under the same provisions and
conditions as other projects authorized under this chapter.

SECTION 2. Section 65-9-30, Mississippi Code of 1972, is
amended as follows:

65-9-30. (1) The State Aid Engineer shall maintain an
accurate record of all federal aid highway funds * * * and all
other available federal road funds allocated to the
counties * * *. He shall likewise maintain an accurate account of
all state aid funds apportioned to the counties in accordance with
the percentages and provisions set out in Section 27-65-75.

(2) The State Aid Engineer is hereby authorized to utilize
state aid funds, and federal aid highway funds allocated to the
counties as provided for in accordance with Section 65-9-29 * * *
and/or any other available federal road funds allocated to
Mississippi and to be expended on county roads, and allocated to
the counties as provided for in accordance with Section 65-9-29,
in such amounts as he deems necessary for an orderly and effective
programming of all funds available to the counties, including an
interchange of one (1) type of funds for another type of funds
when necessary; provided, however, that each county shall receive,
not less than annually, its pro rata share of the combined funds
so allocated; and further provided that the authority of the
county boards of supervisors to otherwise adopt construction
programs is in no way circumvented.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2002.