SENATE BILL NO. 2287

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 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 under the Surface Transportation...
Program authorization of Public Law 105-178 (the Transportation Equity Act for the Twenty-first Century, hereinafter called TEA-21), shall be allocated for sub-state distribution in any area of the state 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.

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(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 off-system 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 65-1-70, Mississippi Code of 1972.

(b) Federal aid off-system 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 off-system 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, federal "safer
off-system" funds, and all other available federal road funds
allocated to the counties in accordance with the percentages set
out in Section 65-9-3. 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
federal "safer off-system" funds, 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.