

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2133

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

13 **SECTION 1.** There is created in the State Treasury a special
14 fund to be designated as the Mississippi Department of
15 Transportation Equipment Purchase Fund into which shall be
16 deposited such funds as may be appropriated by the Legislature,
17 any funds obtained from the "buy back" option offered by equipment
18 manufacturers or suppliers of certain types of equipment, funds
19 obtained from the sale of equipment by the Mississippi Department
20 of Transportation and funds obtained from insurance settlements
21 with regard to equipment used by the Mississippi Department of
22 Transportation. Money deposited into the fund shall not lapse at
23 the end of any fiscal year and investment earnings on the proceeds
24 in the special fund shall be deposited into the fund. Money from
25 the fund shall be disbursed upon warrants issued by the State
26 Fiscal Officer upon requisitions signed by the Executive Director
27 of the Mississippi Department of Transportation to purchase or
28 lease equipment for the Mississippi Department of Transportation.

29 **SECTION 2.** Section 27-104-27, Mississippi Code of 1972, is
30 amended as follows:

31 27-104-27. Notwithstanding anything in Sections 27-103-101
32 through 27-103-139 and 27-104-1 through 27-104-29 contained, the

33 same shall not be construed to apply to any agency supported
34 wholly by funds granted or allotted under any act of Congress.
35 The State Auditor of Public Accounts and after July 1, 1986, the
36 State Fiscal Officer shall determine which special fund accounts
37 in the State Treasury require an appropriation act and request an
38 appropriation for such special fund accounts. For all other
39 special fund accounts, the State Auditor of Public Accounts, or
40 the State Fiscal Officer after July 1, 1986, shall certify that
41 such accounts do not require an appropriation. The Legislative
42 Budget Office shall recommend an appropriation for each special
43 fund account existing in the State Treasury so certified as
44 requiring an appropriation, unless exempted as hereinafter
45 provided. In the event the Legislative Budget Committee and the
46 State Fiscal Officer find that any state agency should not be
47 included under the provisions of Sections 27-103-101 through
48 27-103-139 and 27-104-1 through 27-104-29, then the said committee
49 and officer may, in their discretion, exempt said state agency
50 from the provisions thereof. Sections 27-103-101 through
51 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds
52 collected and disbursed by a state agency created and existing
53 under the provisions of Sections 73-3-101 through 73-3-169.
54 Sections 27-103-101 through 27-103-139 and 27-104-1 through
55 27-104-29 shall not apply to funds deposited into the special fund
56 created pursuant to Section 45-9-101, the special fund created
57 pursuant to Section 69-37-39, the special fund created pursuant to
58 Section 1 of Chapter 521, Laws of 1999, the special fund created
59 pursuant to Section 31-17-127 or the special fund created pursuant
60 to Section 1 of Senate Bill No. 2133, 2002 Regular Session.

61 The State Fiscal Officer shall not promulgate or attempt to
62 enforce any rule, order or regulation which is not in accordance
63 with the provisions of a legally executed trust indenture
64 agreement, nor shall Sections 27-103-101 through 27-103-139 and
65 27-104-1 through 27-104-29 be construed to apply to funds
66 collected and disbursed by a state agency under Sections 65-33-45
67 and 65-33-47.

68 **SECTION 3.** Section 65-1-145, Mississippi Code of 1972, is
69 amended as follows:

70 65-1-145. (1) The expenditure of funds now or hereafter
71 available for the construction and reconstruction of primary and
72 secondary roads by the Mississippi Transportation Commission,
73 after having determined the priority in accordance with the
74 requirements of Section 65-1-141 hereof, shall be as follows:

75 (a) Four-lane roads shall be constructed using the
76 existing two-lane roads as part of such construction along
77 portions of highways where the most recent average daily traffic
78 count exceeds thirty percent (30%) of the route segment's
79 capacity.

80 (b) Along such portions of highways where the most
81 recent average daily traffic count does not exceed thirty percent
82 (30%) of the capacity, two-lane roads shall be constructed, or
83 existing two (2) lanes shall be widened, overlayed and
84 reconstructed. Along such two-lane portions of highways passing
85 lanes may be constructed where traffic congestion or special
86 hazards dictate, or, where such two-lane segment connects two (2)
87 existing four-lane roads, such segment may be constructed as a
88 four-lane road for road continuity, using the existing two-lane
89 road as part of such construction.

90 (c) Four-lane, full-control or limited access highways
91 bypassing municipalities shall not be constructed until the
92 Transportation Commission determines that the most recent average
93 daily traffic count exceeds sixty percent (60%) of an existing
94 two-lane route's capacity or determines that within a reasonable
95 period of time after construction of such a four-lane,
96 full-control or limited access municipal bypass the average daily
97 traffic count will exceed sixty percent (60%) of an existing
98 two-lane route's capacity. In no event shall such a bypass be
99 constructed until approved by the Legislature by an appropriation
100 of highway funds for a specific bypass, the construction of which
101 has been recommended by the Executive Director of the
102 Transportation Department pursuant to an order of the

Transportation Commission duly recorded in the minutes of the commission and included in the three-year plan prepared pursuant to Section 65-1-141.

(d) Four-lane facilities may be constructed without using existing roadways as a part of such construction where it is necessary to construct four-lanes on new location because of bad alignment of existing roadway or where it is necessary to relocate or realign such roadway so as to connect with a four-lane facility in an adjoining state.

(e) Any four-lane bypass project of which all, or any portion thereof, is presently under construction, or let to contract, or which has been partially completed, except where right-of-way only has been acquired, may be completed in its entirety.

(f) Notwithstanding any limitation imposed above on the construction of four-lane roads, through June 30, 2007, contracts to construct four-lane roads may be let when (i) the federal government has provided money for four-laning a specific highway project, (ii) four-laning will enhance the current economic development of the area in which the four-lane road will be constructed, or (iii) the four-lane road to be constructed will connect with an existing four-lane road.

* * *

(2) No state monies shall be expended on any construction project unless a Transportation Department engineer shall be assigned to such project.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO CREATE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION EQUIPMENT PURCHASE FUND; TO REQUIRE CERTAIN FUNDS TO BE DEPOSITED INTO SUCH FUND; TO AUTHORIZE MONEY IN SUCH FUND TO BE DISBURSED UPON REQUISITIONS SIGNED BY THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 27-104-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 65-1-145, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISIONS THAT REQUIRE CERTAIN HIGHWAY ROUTE LOCATIONS OR

9 RELOCATIONS TO BE APPROVED BY A UNANIMOUS VOTE OF THE MEMBERS OF
10 THE MISSISSIPPI TRANSPORTATION COMMISSION; AND FOR RELATED
11 PURPOSES.