

By: Representative Compretta (By Request)

To: Transportation;
Appropriations

HOUSE BILL NO. 1561

1 AN ACT TO CREATE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION
2 EQUIPMENT PURCHASE FUND; TO REQUIRE CERTAIN FUNDS TO BE DEPOSITED
3 INTO SUCH FUND; TO AUTHORIZE MONEY IN SUCH FUND TO BE DISBURSED
4 UPON REQUISITIONS SIGNED BY THE EXECUTIVE DIRECTOR OF THE
5 MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION
6 27-104-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
7 AMEND SECTION 65-1-145, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
8 CERTAIN HIGHWAY ROUTE LOCATIONS OR RELOCATIONS MAY BE APPROVED BY
9 A MAJORITY OF THE MEMBERS OF THE MISSISSIPPI TRANSPORTATION
10 COMMISSION; AND FOR RELATED PURPOSES.

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

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

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

30 27-104-27. Notwithstanding anything in Sections 27-103-101
31 through 27-103-139 and 27-104-1 through 27-104-29 contained, the



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

60 The State Fiscal Officer shall not promulgate or attempt to
61 enforce any rule, order or regulation which is not in accordance
62 with the provisions of a legally executed trust indenture
63 agreement, nor shall Sections 27-103-101 through 27-103-139 and
64 27-104-1 through 27-104-29 be construed to apply to funds



65 collected and disbursed by a state agency under Sections 65-33-45
66 and 65-33-47.

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

69 65-1-145. (1) The expenditure of funds now or hereafter
70 available for the construction and reconstruction of primary and
71 secondary roads by the Mississippi Transportation Commission,
72 after having determined the priority in accordance with the
73 requirements of Section 65-1-141 hereof, shall be as follows:

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

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

89 (c) Four-lane, full-control or limited access highways
90 bypassing municipalities shall not be constructed until the
91 Transportation Commission determines that the most recent average
92 daily traffic count exceeds sixty percent (60%) of an existing
93 two-lane route's capacity or determines that within a reasonable
94 period of time after construction of such a four-lane,
95 full-control or limited access municipal bypass the average daily
96 traffic count will exceed sixty percent (60%) of an existing
97 two-lane route's capacity. In no event shall such a bypass be



98 constructed until approved by the Legislature by an appropriation
99 of highway funds for a specific bypass, the construction of which
100 has been recommended by the Executive Director of the
101 Transportation Department pursuant to an order of the
102 Transportation Commission duly recorded in the minutes of the
103 commission and included in the three-year plan prepared pursuant
104 to Section 65-1-141.

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

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

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

124 Before a route location is submitted to the Federal Highway
125 Administration for approval, appropriate identification of the
126 proposed route must be spread upon the minutes of the Mississippi
127 Transportation Commission and approved by an affirmative vote of
128 a majority of the commission. Where a route location has been
129 approved by the Federal Highway Administration and a relocation of
130 the route is contemplated, the same procedure of advertisement and



131 hearings upon request must be followed which is used in reaching
132 an initial route location. Any change in location must be spread
133 upon the minutes of the Mississippi Transportation Commission and
134 be approved by an affirmative vote of a majority of the
135 commission. The Mississippi Transportation Commission may alter
136 construction standards of an approved route by an affirmative vote
137 of a majority of the commission; provided that such change is in
138 conformity with items (a), (b), (c), (d), (e) and (f) of this
139 subsection.

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

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

