

By: Senator(s) Dickerson, Burton, Harden, Harvey, Hyde-Smith, Jackson, Jordan, Furniss, Williamson, Posey, Stogner, Little, White (5th), Tollison, Farris, Dearing, Chaney, Walls, Simmons, Gordon, Thames, King, Chamberlin, Dawkins, Horhn

To: County Affairs; Highways and Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2116

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

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

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

10 65-9-29. (1) Federal aid highway funds allocated to
11 Mississippi * * * to be expended on the federal aid * * * routes
12 shall be expended as follows:

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

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

28 (c) Such division will be made upon allocation by the
29 Division Administrator of the Federal Highway



30 Administration * * *. The expenditure of all federal * * * funds
31 shall be through and under the Mississippi Department of
32 Transportation, subject to and in accordance with all rules and
33 regulations and applicable laws of the federal government.

34 * * *

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

39 (a) Federal aid * * * highway funds expended on state
40 aid roads shall be matched with available state aid funds and/or
41 other available local funds, or as otherwise provided in Section
42 65-1-70, Mississippi Code of 1972.

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

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

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

59 65-9-30. (1) The State Aid Engineer shall maintain an
60 accurate record of all federal aid highway funds * * * and all
61 other available federal road funds allocated to the
62 counties * * *. He shall likewise maintain an accurate account of



63 all state aid funds apportioned to the counties in accordance with
64 the percentages and provisions set out in Section 27-65-75.

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

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

