

By: Representatives Green (34th), Miles

To: Transportation;
Appropriations

HOUSE BILL NO. 317

1 AN ACT TO AMEND SECTION 65-37-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE EXPENDITURE OF FUNDS UNDER THE LOCAL SYSTEM BRIDGE
3 REPLACEMENT AND REHABILITATION PROGRAM ON BRIDGES WITH A
4 SUFFICIENCY RATING OF 50 OR LESS; TO AMEND SECTION 65-37-13,
5 MISSISSIPPI CODE OF 1972, TO EXTEND THROUGH THE 2003 REGULAR
6 SESSION THE MANDATE THAT THE LEGISLATURE APPROPRIATE A CERTAIN
7 AMOUNT TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION
8 FUND IF CERTAIN CONDITIONS ARE MET; TO PROVIDE FOR THE FORFEITURE
9 OF FUNDS ALLOCATED TO A COUNTY FOR A PARTICULAR BRIDGE PROJECT IF
10 THE COUNTY FAILS TO EXPEND SUCH FUNDS WITHIN THREE YEARS; AND FOR
11 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
12 OF MISSISSIPPI:

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14 SECTION 1. Section 65-37-7, Mississippi Code of 1972, is
15 amended as follows:

16 65-37-7. (1) In order for a county to be eligible for the
17 expenditure of funds under the provisions of Sections 65-37-1
18 through 65-37-15, the board of supervisors of the county shall
19 meet the following conditions:

20 (a) On or before January 1, 1995, and on or before
21 January 1 of each year thereafter, the board of supervisors shall
22 present to the State Aid Engineer on a form to be prepared by the
23 State Aid Engineer, a four-year plan of bridge replacement and
24 rehabilitation for the county. The plan shall identify the
25 project or projects and shall contain a detailed plan prepared and
26 approved by the engineer for the county. The plan shall specify
27 the condition of the existing bridges included in the project, the
28 drainage requirements, the type of replacement or rehabilitation
29 to be made and the design and specifications therefor. Four-year
30 plans may be modified each year or more often as necessary
31 provided that the modifications are submitted to the State Aid

32 Engineer.

33 (b) The county shall agree to employ a qualified
34 engineer and such other technical experts as may be necessary to
35 perform all engineering services required for the projects. The
36 engineer shall be required to inspect the construction of the
37 projects and to approve all estimate payments made on the
38 projects.

39 (c) The county and municipalities shall agree to
40 construct, at their own expense, the base and surface of all
41 approaches providing necessary connections to each bridge project
42 within their respective jurisdictions, including the base and
43 surface for culvert projects whenever fill material is placed as
44 part of the contract.

45 (d) The county and municipalities shall agree, at their
46 own expense, to acquire all rights-of-way and relocate or make
47 adjustments to public utilities for each bridge project within
48 their respective jurisdictions as may be necessary in the manner
49 provided by law for the acquisition of rights-of-way and the
50 uniform policy for accommodation of utility facilities within the
51 rights-of-way of state aid roads as adopted by the State Aid
52 Engineer under authority of Section 65-9-1 et seq. Rights-of-way
53 may be acquired by gift, purchase, deed, dedication or eminent
54 domain; however, no part of the costs of rights-of-way or utility
55 adjustments may be paid from funds provided under Sections 65-37-1
56 through 65-37-15.

57 (2) A county shall not be eligible for the expenditure of
58 monies allocated to it under Sections 65-37-1 through 65-37-15 and
59 the State Aid Engineer shall not certify the use or expenditure of
60 such monies on any bridge that has a sufficiency rating of greater
61 than fifty (50), as determined by National Bridge Inspection
62 standards, unless the State Aid Engineer certifies that all
63 bridges on the local road system within the county for which funds
64 may be made available under Sections 65-37-1 through 65-37-15 have
65 a sufficiency rating of greater than fifty (50) or that all such
66 bridges in the county with a sufficiency rating of less than fifty
67 (50) are currently under contract for replacement or
68 rehabilitation. When the State Aid Engineer certifies that all

69 such bridges of a county have a sufficiency rating of greater than
70 fifty (50) or that all such bridges within the county with a
71 sufficiency rating of fifty (50) or less are currently under
72 contract for replacement or rehabilitation, then that county shall
73 be eligible for the expenditure of funds allocated to it under
74 Sections 65-37-1 through 65-37-15 for the maintenance and
75 replacement of other drainage related structures in accordance
76 with designs and standards prescribed for such projects by the
77 Office of State Aid Road Construction.

78 SECTION 2. Section 65-37-13, Mississippi Code of 1972, is
79 amended as follows:

80 65-37-13. (1) There is created in the State Treasury a
81 special fund to be designated as the "Local System Bridge
82 Replacement and Rehabilitation Fund." The fund shall consist of
83 such monies as the Legislature appropriates pursuant to subsection
84 (2) of this section and such other monies as the Legislature may
85 designate for deposit in the fund. Monies in the fund may be
86 expended upon legislative appropriation in accordance with the
87 provisions of Sections 65-37-1 through 65-37-15.

88 (2) During each regular legislative session held in calendar
89 years 1995, 1996, 1997, * * * 1998, 1999, 2000, 2001, 2002 and
90 2003, if the official General Fund revenue estimate for the
91 succeeding fiscal year for which appropriations are being made
92 reflects a growth in General Fund revenues of three percent (3%)
93 or more for that succeeding fiscal year, then the Legislature
94 shall appropriate Twenty-five Million Dollars (\$25,000,000.00)
95 from the State General Fund for deposit in the Local System Bridge
96 Replacement and Rehabilitation Fund.

97 (3) Such monies as are deposited in the fund under the
98 provisions of this section may be expended upon requisition
99 therefor by the State Aid Engineer in accordance with the
100 provisions of Sections 65-37-1 through 65-37-15. Unexpended
101 amounts remaining in the fund at the end of a fiscal year shall

102 not lapse into the State General Fund, and any interest earned on
103 amounts in the fund shall be deposited to the credit of the fund.

104 (4) Monies in the Local System Bridge Replacement and
105 Rehabilitation Fund shall be allocated and become available for
106 distribution to counties in accordance with the formula prescribed
107 in Section 65-37-3 beginning January 1, 1995, on a
108 project-by-project basis. Monies in the special fund may not be
109 used or expended for any purpose except as authorized under
110 Sections 65-37-1 through 65-37-15.

111 (5) A county shall forfeit all funds allocated to it under
112 Sections 65-37-1 through 65-37-15 for a particular project if the
113 county fails to expend funds for the project within three (3)
114 years after such allocation is made; and the monies allocated to
115 the county for such project shall be reallocated pro rata between
116 all other eligible counties in the same relative proportions as
117 those specified under Section 65-37-3.

118 SECTION 3. This act shall take effect and be in force from
119 and after July 1, 1999.