

By: Representative Smith (27th)

To: Transportation;  
Appropriations

## HOUSE BILL NO. 745

1 AN ACT TO ESTABLISH A STATE-ASSISTED LOCAL ROAD CONSTRUCTION  
2 AND MAINTENANCE PROGRAM FOR THE PURPOSE OF PROVIDING FINANCIAL  
3 ASSISTANCE TO COUNTIES AND MUNICIPALITIES IN THE CONSTRUCTION,  
4 RECONSTRUCTION AND MAINTENANCE OF HIGHWAYS, ROADS AND STREETS THAT  
5 ARE NOT INCLUDED ON THE STATE HIGHWAY SYSTEM OR THE STATE AID ROAD  
6 SYSTEM; TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE  
7 OFFICE OF STATE AID ROAD CONSTRUCTION; TO REQUIRE COUNTIES TO  
8 PROVIDE EQUAL MATCHING COUNTY FUNDS IN ORDER TO BE ELIGIBLE TO  
9 RECEIVE MONIES FROM THE SPECIAL FUND; TO LIMIT THE MAXIMUM AMOUNT  
10 THAT COUNTIES AND CITIES MAY RECEIVE FROM THE SPECIAL FUND; AND  
11 FOR RELATED PURPOSES.

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

13 SECTION 1. (1) There is established a state-assisted local  
14 road construction and maintenance program to be administered by  
15 the Office of State Aid Road Construction for the purpose of  
16 providing financial assistance to counties and municipalities in  
17 the construction, reconstruction, overlaying, repair and  
18 maintenance of highways, roads and streets that are not included  
19 on the state highway system or on the state aid road system.

20 (2) There is created in the State Treasury a special fund to  
21 be designated as the "State-assisted Local Road Construction and  
22 Maintenance Fund." The State Fiscal Officer shall transfer the  
23 sum of Ten Million Dollars (\$10,000,000.00) from the State General  
24 Fund to the special fund each fiscal year during fiscal years  
25 2000, 2001, 2002, 2003 and 2004. The transfer for each fiscal  
26 year shall be made in four (4) equal quarterly payments, with the  
27 first payment in each fiscal year to be made on July 1. Such  
28 monies as are deposited into the fund under the provisions of this  
29 section may be allocated and distributed, upon legislative  
30 appropriation, to counties in accordance with the provisions of

31 this act. Unexpended amounts remaining in the special fund at the  
32 end of a fiscal year shall not lapse to the State General Fund,  
33 and any interest earned on amounts in the fund shall be deposited  
34 to the credit of the fund.

35 (3) Monies in the State-assisted Local Road Construction and  
36 Maintenance Fund shall be allocated and distributed to counties by  
37 the Office of State Aid Road Construction upon requisition of the  
38 State Aid Engineer. In order to be eligible to receive monies  
39 from the special fund, the board of supervisors of a county must  
40 file application with the Office of State Aid Road Construction,  
41 on forms approved by the State Aid Engineer, and agree to match an  
42 equal amount of county monies with the amount of monies  
43 distributed to it from the special fund. No county is eligible to  
44 receive more monies from the State-assisted Local Road  
45 Construction and Maintenance Fund than the amount of county monies  
46 that it agrees to match; and no county may receive from the  
47 State-assisted Local Road Construction and Maintenance Fund during  
48 the period from July 1, 1999, to June 30, 2004, an amount that  
49 exceeds, in the aggregate, an amount equal to the avails of a two  
50 (2) mill ad valorem tax levy on all taxable property in that  
51 county based on the 1998 assessed valuation of the county.

52 (4) Each county that receives monies from the State-assisted  
53 Local Road Construction and Maintenance Fund, shall establish a  
54 special fund in the county treasury; and all monies received by  
55 the county from the State-assisted Local Road Construction and  
56 Maintenance Fund, along with all county monies that the county  
57 agreed to provide as match money, shall be deposited in the  
58 special fund of the county. Monies in the county special fund may  
59 not be expended for any purpose except for expenses related to the  
60 construction, reconstruction, overlaying, repair and maintenance  
61 of highways, roads and streets within the county or within a  
62 municipality of the county that are not included on the state  
63 highway system or on the state aid road system. The State  
64 Department of Audit shall have authority and responsibility to  
65 make annual audits and investigations of all funds deposited to  
66 and expended from such special fund of the county.

67 (5) Of the monies received by a county from the

68 State-assisted Local Road Construction and Maintenance Fund, not  
69 less than twenty-five percent (25%) must be expended by the board  
70 of supervisors on roads, streets and highways within the corporate  
71 limits of municipalities in the county that have a population of  
72 less than twenty-five thousand (25,000) according to the latest  
73 federal decennial census.

74 (6) The governing authorities of any municipality having a  
75 population of twenty-five thousand (25,000) or more, according to  
76 the latest federal decennial census, upon filing an application  
77 with the board of supervisors of the county, may receive out of  
78 monies received by the county from the State-assisted Local Road  
79 Construction and Maintenance Fund, an amount equal to the amount  
80 that the governing authorities of the municipality agree to match  
81 with municipal monies; however, no such municipality may receive  
82 more than an amount equivalent to the avails of a two (2) mill ad  
83 valorem tax levy on all taxable property in the municipality based  
84 on the 1998 assessed valuation of the municipality, and no county  
85 is required to distribute from the monies it receives from the  
86 State-assisted Local Road Construction and Maintenance Fund more  
87 than ten percent (10%) of such monies to all such municipalities  
88 in the aggregate. Each such municipality that receives monies  
89 from the county shall establish a special fund in the municipal  
90 treasury; and all such monies received from the county from the  
91 State-assisted Local Road Construction and Maintenance Fund, along  
92 with all municipal monies that the municipality agreed to provide  
93 as match money, shall be deposited in the special fund of the  
94 municipality. Monies in the municipal special fund may not be  
95 expended for any purpose except for expenses related to the  
96 construction, reconstruction, overlaying, repair and maintenance  
97 of highways, roads and streets within the municipality that are  
98 not included on the state highway system or on the state aid road  
99 system. The State Department of Audit shall have authority and  
100 responsibility to make annual audits and investigations of all

101 funds deposited to and expended from such special fund of the  
102 municipality.

103 (7) If any monies remain in the State-assisted Local Road  
104 Construction and Maintenance Fund on July 1, 2004, then the monies  
105 remaining in the fund may be allocated and distributed by the  
106 Office of State Aid Road Construction to counties upon the same  
107 basis as such monies were authorized to be allocated and  
108 distributed to counties before July 1, 2004; however, a county  
109 must agree to match an equal amount of county monies with the  
110 amount of monies distributed to it from the special fund and no  
111 county may receive an amount that exceeds an amount equivalent to  
112 the avails of a one (1) mill ad valorem tax levy on all taxable  
113 property in the county based on the assessed valuation of the  
114 county for the year 2003.

115 (8) If any monies remain in the State-assisted Local Road  
116 Construction and Maintenance Fund on July 1, 2007, then the  
117 State-assisted Local Road Construction and Maintenance Fund shall  
118 cease to exist and the State Fiscal Officer shall transfer the  
119 monies remaining in the fund to the Local System Bridge  
120 Replacement and Rehabilitation Fund created in Section 65-37-13  
121 for expenditure in the same manner as other monies in that fund  
122 may be expended.

123 SECTION 2. This act shall take effect and be in force from  
124 and after July 1, 1999.