

By: Representative Foster

To: Transportation;
Appropriations

HOUSE BILL NO. 1238

1
2 AN ACT TO AMEND SECTION 65-37-11, MISSISSIPPI CODE OF 1972,
3 TO PROVIDE FOR THE FORFEITURE OF FUNDS ALLOCATED TO A COUNTY OUT
4 OF THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND IF
5 THE COUNTY FAILS TO EXPEND SUCH FUNDS WITHIN THREE YEARS; TO AMEND
6 SECTION 65-37-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE
7 AID ENGINEER, SUBJECT TO CERTAIN LIMITATIONS, TO CREDIT MONIES IN
8 THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND TO
9 ELIGIBLE COUNTIES IN ADVANCE OF NORMAL ACCRUAL; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. Section 65-37-11, Mississippi Code of 1972, is
13 amended as follows:

14 65-37-11. (1) The board of supervisors of each county and
15 the governing authorities of each municipality shall be
16 responsible for properly maintaining all bridges replaced or
17 repaired in their respective jurisdictions under the provisions of
18 Sections 65-37-1 through 65-37-15.

19 (2) The State Aid Engineer and his assistants shall make
20 annual maintenance inspections of completed bridge projects and
21 such other periodic inspections as the State Aid Engineer deems
22 necessary. If at any time the State Aid Engineer is of the
23 opinion that a county or municipality has not provided proper
24 maintenance as required by subsection (1) of this section, he
25 shall give written notice thereof to the board of supervisors of
26 the county or the governing authorities of the municipality of
27 default and direct such maintenance as may be necessary to be
28 performed. If within sixty (60) days of the receipt of such
29 notice the board of supervisors or governing authorities have not
30 performed such maintenance as may be necessary, then the county or

municipality shall not thereafter be eligible to participate in the Local System Bridge Replacement and Rehabilitation Program.

(3) Whenever any county fails to be eligible for the expenditure of monies allocated to it under the provisions of Sections 65-37-1 through 65-37-15 for a continuous period of four (4) years, or fails to expend funds for the project within three (3) years after such allocation is made, then such county shall forfeit and no longer be entitled to any part of the monies in the Local System Bridge Replacement and Rehabilitation Fund theretofore allocated to it; and the balance of such monies theretofore allocated to it shall be reallocated pro rata between all other eligible counties in accordance with the formula established in Section 65-37-3.

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

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

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

(3) Such monies as are deposited in the fund under the provisions of this section may be expended upon requisition therefor by the State Aid Engineer in accordance with the provisions of Sections 65-37-1 through 65-37-15. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on

amounts in the fund shall be deposited to the credit of the fund.

(4) Monies in the Local System Bridge Replacement and Rehabilitation Fund shall be allocated and become available for distribution to counties in accordance with the formula prescribed in Section 65-37-3 beginning January 1, 1995, on a project-by-project basis. However, an eligible county may be credited in advance of normal accrual to finance local bridge program improvements, subject to the approval of the State Aid Engineer and subject further to the following limitations:

(a) That the maximum amount of local bridge program funds that may be advanced to any county shall not exceed ninety percent (90%) of the local bridge program funds estimated to accrue to the county during the remainder of the term of office of the board of supervisors of the county;

(b) That no advance credit of funds will be made to any county when the unobligated balance in the Local System Bridge Replacement and Rehabilitation Fund is less than One Million Dollars (\$1,000,000.00); and

(c) That such advance crediting of funds be effected by the State Aid Engineer at the time of the approval of the plans and specifications for the proposed bridge program improvements.

It is the intent of the Legislature that the balance on hand in the Local System Bridge Replacement and Rehabilitation Fund be used to the fullest practicable extent.

(5) Monies in the Local System Bridge Replacement and Rehabilitation Fund may not be used or expended for any purpose except as authorized under Sections 65-37-1 through 65-37-15.

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