

By: Senator(s) Lee, Rayborn, Browning,  
Canon, Cuevas, Carter, Dearing, Dickerson,  
Frazier, Furniss, Hamilton, Hawks, Huggins,  
Posey, Smith, Stogner, Thames, Tollison,  
White (5th), Kirby, Burton

To: Highways and  
Transportation;  
Appropriations

## SENATE BILL NO. 2139

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 REQUIRE THE LEGISLATURE TO  
6 APPROPRIATE TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND  
7 REHABILITATION FUND \$25,000,000.00 AT EACH REGULAR SESSION HELD  
8 THROUGH CALENDAR YEAR 2003; AND FOR RELATED PURPOSES. BE IT  
9 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10  
11 SECTION 1. Section 65-37-7, Mississippi Code of 1972, is  
12 amended as follows:

13 65-37-7. (1) In order for a county to be eligible for the  
14 expenditure of funds under the provisions of Sections 65-37-1  
15 through 65-37-15, the board of supervisors of the county shall  
16 meet the following conditions:

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

30 (b) The county shall agree to employ a qualified

31 engineer and such other technical experts as may be necessary to  
32 perform all engineering services required for the projects. The  
33 engineer shall be required to inspect the construction of the  
34 projects and to approve all estimate payments made on the  
35 projects.

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

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

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

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

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

77 65-37-13. (1) There is created in the State Treasury a  
78 special fund to be designated as the "Local System Bridge  
79 Replacement and Rehabilitation Fund." The fund shall consist of  
80 such monies as the Legislature appropriates pursuant to subsection  
81 (2) of this section and such other monies as the Legislature may  
82 designate for deposit in the fund. Monies in the fund may be  
83 expended upon legislative appropriation in accordance with the  
84 provisions of Sections 65-37-1 through 65-37-15.

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

93 (b) During each regular legislative session held in  
94 calendar years 1999, 2000, 2001, 2002 and 2003, the Legislature  
95 shall appropriate Twenty-five Million Dollars (\$25,000,000.00)  
96 from the State General Fund for deposit in the Local System Bridge

97 Replacement and Rehabilitation Fund.

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

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

112           SECTION 3. This act shall take effect and be in force from  
113 and after its passage.