

By: Senator(s) Little, Dearing, Posey, Smith, Bean, Jackson, Thames, Harvey, Hewes, Hall, Farris, Woodfield, Browning, Carter, Mettetal, Furniss, Dickerson, Frazier, Tollison, Ferris, Horhn, Jordan (24th), Gordon, Johnson (19th), White (29th), Kirby, Canon, Stogner, Robertson, Hamilton, Walls, Rayborn, Cuevas, Burton, Carlton, Hawks

To: Highways and Transportation; Appropriations

SENATE BILL NO. 2211
(As Passed the Senate)

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 \$20,000,000.00 AT EACH REGULAR SESSION HELD
8 THROUGH CALENDAR YEAR 2008; AND FOR RELATED PURPOSES. BE IT
9 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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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 through 2008, the Legislature shall
95 appropriate Twenty Million Dollars (\$20,000,000.00) from the State
96 General Fund for deposit in the Local System Bridge Replacement

97 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.