

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 Sent to Governor)

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, AS AMENDED BY HOUSE BILL NO. 459, 1999
6 REGULAR SESSION, TO REQUIRE THE LEGISLATURE TO APPROPRIATE TO THE
7 LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND
8 \$10,000,000.00 AT THE REGULAR SESSION HELD IN CALENDAR YEAR 1999,
9 AND \$20,000,000.00 AT EACH REGULAR SESSION HELD THEREAFTER THROUGH
10 CALENDAR YEAR 2007, IF THE OFFICIAL GENERAL FUND REVENUE ESTIMATE
11 FOR THE SUCCEEDING FISCAL YEAR FOR WHICH APPROPRIATIONS ARE BEING
12 MADE REFLECTS A GROWTH IN GENERAL FUND REVENUES OF 2% OR MORE; AND
13 FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE
14 STATE OF MISSISSIPPI:

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

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

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

33 provided that the modifications are submitted to the State Aid
34 Engineer.

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

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

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

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

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

80 SECTION 2. Section 65-37-13, Mississippi Code of 1972, as
81 amended by House Bill No. 459, 1999 Regular Session, is amended as
82 follows:

83 [Through June 30, 1999, this section shall read as follows:]

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

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

100 (b) During the regular legislative session held in
101 calendar year 1999, if the official General Fund revenue estimate
102 for the succeeding fiscal year for which appropriations are being

103 made reflects a growth in General Fund revenues of two percent
104 (2%) or more for the succeeding fiscal year, then the Legislature
105 shall appropriate Ten Million Dollars (\$10,000,000.00) from the
106 State General Fund for deposit into the Local System Bridge
107 Replacement and Rehabilitation Fund.

108 (c) During each regular legislative session held in
109 calendar years 2000 through 2007, if the official General Fund
110 revenue estimate for the succeeding fiscal year for which
111 appropriations are being made reflects a growth in General Fund
112 revenues of two percent (2%) or more for the succeeding fiscal
113 year, then the Legislature shall appropriate Twenty Million
114 Dollars (\$20,000,000.00) from the State General Fund for deposit
115 into the Local System Bridge Replacement and Rehabilitation Fund.

116
117 (3) Such monies as are deposited in
118 the fund under the provisions of this section may be expended upon
119 requisition therefor by the State Aid Engineer in accordance with
120 the provisions of Sections 65-37-1 through 65-37-15. Unexpended
121 amounts remaining in the fund at the end of a fiscal year shall
122 not lapse into the State General Fund, and any interest earned on
123 amounts in the fund shall be deposited to the credit of the fund.

124 (4) Monies in the Local System Bridge Replacement and
125 Rehabilitation Fund shall be allocated and become available for
126 distribution to counties in accordance with the formula prescribed
127 in Section 65-37-3 beginning January 1, 1995, on a
128 project-by-project basis. Monies in the Local System Bridge
129 Replacement and Rehabilitation Fund may not be used or expended
130 for any purpose except as authorized under Sections 65-37-1
131 through 65-37-15.

132 **[From and after July 1, 1999, this section shall read as**
133 **follows:]**

134 65-37-13. (1) There is created in the State Treasury a
135 special fund to be designated as the "Local System Bridge

136 Replacement and Rehabilitation Fund." The fund shall consist of
137 such monies as the Legislature appropriates pursuant to subsection
138 (2) of this section and such other monies as the Legislature may
139 designate for deposit in the fund. Monies in the fund may be
140 expended upon legislative appropriation in accordance with the
141 provisions of Sections 65-37-1 through 65-37-15.

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

150 (b) During the regular legislative session held in
151 calendar year 1999, if the official General Fund revenue estimate
152 for the succeeding fiscal year for which appropriations are being
153 made reflects a growth in General Fund revenues of two percent
154 (2%) or more for the succeeding fiscal year, then the Legislature
155 shall appropriate Ten Million Dollars (\$10,000,000.00) from the
156 State General Fund for deposit into the Local System Bridge
157 Replacement and Rehabilitation Fund.

158 (c) During each regular legislative session held in
159 calendar years 2000 through 2007, if the official General Fund
160 revenue estimate for the succeeding fiscal year for which
161 appropriations are being made reflects a growth in General Fund
162 revenues of two percent (2%) or more for the succeeding fiscal
163 year, then the Legislature shall appropriate Twenty Million
164 Dollars (\$20,000,000.00) from the State General Fund for deposit
165 into the Local System Bridge Replacement and Rehabilitation Fund.

166
167 (3) Such monies as are deposited in
168 the fund under the provisions of this section may be expended upon

169 requisition therefor by the State Aid Engineer in accordance with
170 the provisions of Sections 65-37-1 through 65-37-15. The Office
171 of State Aid Road Construction shall be entitled to reimbursement
172 from monies in the fund, upon requisitions therefor by the State
173 Aid Engineer, for the actual expenses incurred by the office in
174 administering the provisions of the local system bridge
175 replacement and rehabilitation program. Unexpended amounts
176 remaining in the fund at the end of a fiscal year shall not lapse
177 into the State General Fund, and any interest earned on amounts in
178 the fund shall be deposited to the credit of the fund.

179 (4) Monies in the Local System Bridge Replacement and
180 Rehabilitation Fund shall be allocated and become available for
181 distribution to counties in accordance with the formula prescribed
182 in Section 65-37-4 beginning January 1, 1995, on a
183 project-by-project basis. Monies in the Local System Bridge
184 Replacement and Rehabilitation Fund may not be used or expended
185 for any purpose except as authorized under Sections 65-37-1
186 through 65-37-15.

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