

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S.B. No. 2211: Local Bridge Replacement and Rehabilitation Fund; increase # of eligible bridges & mandate funding through 2008.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

17 65-37-7. (1) In order for a county to be eligible for the
18 expenditure of funds under the provisions of Sections 65-37-1
19 through 65-37-15, the board of supervisors of the county shall
20 meet the following conditions:

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

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

38 projects and to approve all estimate payments made on the
39 projects.

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

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

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

contract for replacement or rehabilitation, then that county shall be eligible for the expenditure of funds allocated to it under Sections 65-37-1 through 65-37-15 for the maintenance and replacement of other drainage related structures in accordance with designs and standards prescribed for such projects by the Office of State Aid Road Construction.

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

[Through June 30, 1999, this section shall read 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) (a) 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 into the Local System Bridge Replacement and Rehabilitation Fund.

(b) During the regular legislative session held in calendar year 1999, 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 two percent (2%) or more for the succeeding fiscal year, then the Legislature shall appropriate Ten Million Dollars (\$10,000,000.00) from the State General Fund for deposit into the Local System Bridge Replacement and Rehabilitation Fund.

(c) During each regular legislative session held in

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

115
116 (3) Such monies as are deposited in
117 the fund under the provisions of this section may be expended upon
118 requisition therefor by the State Aid Engineer in accordance with
119 the provisions of Sections 65-37-1 through 65-37-15. Unexpended
120 amounts remaining in the fund at the end of a fiscal year shall
121 not lapse into the State General Fund, and any interest earned on
122 amounts in the fund shall be deposited to the credit of the fund.

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

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

133 65-37-13. (1) There is created in the State Treasury a
134 special fund to be designated as the "Local System Bridge
135 Replacement and Rehabilitation Fund." The fund shall consist of
136 such monies as the Legislature appropriates pursuant to subsection
137 (2) of this section and such other monies as the Legislature may
138 designate for deposit in the fund. Monies in the fund may be
139 expended upon legislative appropriation in accordance with the
140 provisions of Sections 65-37-1 through 65-37-15.

141 (2) (a) During each regular legislative session held in
142 calendar years 1995, 1996, 1997 and 1998, if the official General

143 Fund revenue estimate for the succeeding fiscal year for which
144 appropriations are being made reflects a growth in General Fund
145 revenues of three percent (3%) or more for that succeeding fiscal
146 year, then the Legislature shall appropriate Twenty-five Million
147 Dollars (\$25,000,000.00) from the State General Fund for deposit
148 into the Local System Bridge Replacement and Rehabilitation Fund.

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

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

165
166 (3) Such monies as are deposited in
167 the fund under the provisions of this section may be expended upon
168 requisition therefor by the State Aid Engineer in accordance with
169 the provisions of Sections 65-37-1 through 65-37-15. The Office
170 of State Aid Road Construction shall be entitled to reimbursement
171 from monies in the fund, upon requisitions therefor by the State
172 Aid Engineer, for the actual expenses incurred by the office in
173 administering the provisions of the local system bridge
174 replacement and rehabilitation program. Unexpended amounts
175 remaining in the fund at the end of a fiscal year shall not lapse
176 into the State General Fund, and any interest earned on amounts in
177 the fund shall be deposited to the credit of the fund.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X_____
Travis L. Little

X_____
J. P. Compretta

X_____
Ron Farris

X_____
Tommy L. Woods

X_____
Bob M. Dearing

X_____
Ted Foster