

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2211

By Representative(s) Committee

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

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

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

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

36 Engineer.

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

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

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

61 (2) A county shall not be eligible for the expenditure of
62 monies allocated to it under Sections 65-37-1 through 65-37-15 and
63 the State Aid Engineer shall not certify the use or expenditure of

99\HR40\SB2211A.1J *HR40/SB2211A.1J*

64 such monies on any bridge that has a sufficiency rating of greater
65 than fifty (50), as determined by National Bridge Inspection
66 standards, unless the State Aid Engineer certifies that all
67 bridges on the local road system within the county for which funds
68 may be made available under Sections 65-37-1 through 65-37-15 have
69 a sufficiency rating of greater than fifty (50) or that all such
70 bridges in the county with a sufficiency rating of less than fifty
71 (50) are currently under contract for replacement or
72 rehabilitation. When the State Aid Engineer certifies that all
73 such bridges of a county have a sufficiency rating of greater than
74 fifty (50) or that all such bridges within the county with a
75 sufficiency rating of fifty (50) or less are currently under
76 contract for replacement or rehabilitation, then that county shall
77 be eligible for the expenditure of funds allocated to it under
78 Sections 65-37-1 through 65-37-15 for the maintenance and
79 replacement of other drainage related structures in accordance
80 with designs and standards prescribed for such projects by the
81 Office of State Aid Road Construction.

82 SECTION 2. Section 65-37-13, Mississippi Code of 1972, is
83 amended 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.

99\HR40\SB2211A.1J *HR40/SB2211A.1J*

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 three percent
104 (3%) 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 2003, 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 three percent (3%) 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 (3) Such monies as are deposited in the fund under the
117 provisions of this section may be expended upon requisition
118 therefor by the State Aid Engineer in accordance with the
119 provisions of Sections 65-37-1 through 65-37-15. Unexpended

99\HR40\SB2211A.1J *HR40/SB2211A.1J*

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. However, an eligible county may be
128 credited in advance of normal accrual to finance local bridge
129 program improvements, subject to the approval of the State Aid
130 Engineer and subject further to the following limitations:

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

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

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

143 It is the intent of the Legislature that the balance on hand
144 in the Local System Bridge Replacement and Rehabilitation Fund be
145 used to the fullest practicable extent. Monies in the Local
146 System Bridge Replacement and Rehabilitation Fund may not be used
147 or expended for any purpose except as authorized under Sections

99\HR40\SB2211A.1J *HR40/SB2211A.1J*

148 65-37-1 through 65-37-15.

149 SECTION 3. This act shall take effect and be in force from
150 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, TO REQUIRE THE LEGISLATURE TO
6 APPROPRIATE TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND
7 REHABILITATION FUND \$10,000,000.00 AT THE REGULAR SESSION HELD IN
8 CALENDAR YEAR 1999, AND \$20,000,000.00 AT EACH REGULAR SESSION
9 HELD THEREAFTER THROUGH CALENDAR YEAR 2003, IF THE OFFICIAL
10 GENERAL FUND REVENUE ESTIMATE FOR THE SUCCEEDING FISCAL YEAR FOR
11 WHICH APPROPRIATIONS ARE BEING MADE REFLECTS A GROWTH IN GENERAL
12 FUND REVENUES OF THREE PERCENT (3%) OR MORE; TO AUTHORIZE THE
13 STATE AID ENGINEER, SUBJECT TO CERTAIN LIMITATIONS, TO CREDIT
14 MONIES IN THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION
15 FUND TO ELIGIBLE COUNTIES IN ADVANCE OF NORMAL ACCRUAL; AND FOR
16 RELATED PURPOSES.