

By: Smith (27th)

To: Transportation;
Appropriations

HOUSE BILL NO. 224

1 AN ACT TO ESTABLISH A STATE-ASSISTED LOCAL ROAD CONSTRUCTION
2 AND MAINTENANCE PROGRAM FOR THE PURPOSE OF PROVIDING FINANCIAL
3 ASSISTANCE TO COUNTIES AND MUNICIPALITIES IN THE CONSTRUCTION,
4 RECONSTRUCTION AND MAINTENANCE OF HIGHWAYS, ROADS AND STREETS THAT
5 ARE NOT INCLUDED ON THE STATE HIGHWAY SYSTEM OR THE STATE AID ROAD
6 SYSTEM; TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE
7 OFFICE OF STATE AID ROAD CONSTRUCTION; TO REQUIRE COUNTIES TO
8 PROVIDE EQUAL MATCHING COUNTY FUNDS IN ORDER TO BE ELIGIBLE TO
9 RECEIVE MONIES FROM THE SPECIAL FUND; TO LIMIT THE MAXIMUM AMOUNT
10 THAT COUNTIES AND CITIES MAY RECEIVE FROM THE SPECIAL FUND; AND
11 FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 SECTION 1. (1) There is established a state-assisted local
14 road construction and maintenance program to be administered by
15 the Office of State Aid Road Construction for the purpose of
16 providing financial assistance to counties and municipalities in
17 the construction, reconstruction, overlaying, repair and
18 maintenance of highways, roads and streets that are not included
19 on the state highway system or on the state aid road system.

20 (2) There is created in the State Treasury a special fund to
21 be designated as the "State-assisted Local Road Construction and
22 Maintenance Fund." The State Fiscal Officer shall transfer the
23 sum of Ten Million Dollars (\$10,000,000.00) from the State General
24 Fund to the special fund each fiscal year during fiscal years
25 2001, 2002, 2003, 2004 and 2005. The transfer for each fiscal

26 year shall be made in four (4) equal quarterly payments, with the
27 first payment in each fiscal year to be made on July 1. Such
28 monies as are deposited into the fund under the provisions of this
29 section may be allocated and distributed, upon legislative
30 appropriation, to counties in accordance with the provisions of
31 this act. Unexpended amounts remaining in the special fund at the
32 end of a fiscal year shall not lapse to the State General Fund,
33 and any interest earned on amounts in the fund shall be deposited
34 to the credit of the fund.

35 (3) Monies in the State-assisted Local Road Construction and
36 Maintenance Fund shall be allocated and distributed to counties by
37 the Office of State Aid Road Construction upon requisition of the
38 State Aid Engineer. In order to be eligible to receive monies
39 from the special fund, the board of supervisors of a county must
40 file application with the Office of State Aid Road Construction,
41 on forms approved by the State Aid Engineer, and agree to match an
42 equal amount of county monies with the amount of monies
43 distributed to it from the special fund. No county is eligible to
44 receive more monies from the State-assisted Local Road
45 Construction and Maintenance Fund than the amount of county monies
46 that it agrees to match; and no county may receive from the
47 State-assisted Local Road Construction and Maintenance Fund during
48 the period from July 1, 2000, to June 30, 2005, an amount that
49 exceeds, in the aggregate, an amount equal to the avails of a two
50 (2) mill ad valorem tax levy on all taxable property in that
51 county based on the 1999 assessed valuation of the county.

52 (4) Each county that receives monies from the State-assisted
53 Local Road Construction and Maintenance Fund, shall establish a
54 special fund in the county treasury; and all monies received by
55 the county from the State-assisted Local Road Construction and
56 Maintenance Fund, along with all county monies that the county

agreed to provide as match money, shall be deposited in the special fund of the county. Monies in the county special fund may not be expended for any purpose except for expenses related to the construction, reconstruction, overlaying, repair and maintenance of highways, roads and streets within the county or within a municipality of the county that are not included on the state highway system or on the state aid road system. The State Department of Audit shall have authority and responsibility to make annual audits and investigations of all funds deposited to and expended from such special fund of the county.

(5) Of the monies received by a county from the State-assisted Local Road Construction and Maintenance Fund, not less than twenty-five percent (25%) must be expended by the board of supervisors on roads, streets and highways within the corporate limits of municipalities in the county that have a population of less than twenty-five thousand (25,000) according to the latest federal decennial census.

(6) The governing authorities of any municipality having a population of twenty-five thousand (25,000) or more, according to the latest federal decennial census, upon filing an application with the board of supervisors of the county, may receive out of monies received by the county from the State-assisted Local Road Construction and Maintenance Fund, an amount equal to the amount that the governing authorities of the municipality agree to match with municipal monies; however, no such municipality may receive more than an amount equivalent to the avails of a two (2) mill ad valorem tax levy on all taxable property in the municipality based on the 1999 assessed valuation of the municipality, and no county

85 is required to distribute from the monies it receives from the
86 State-assisted Local Road Construction and Maintenance Fund more
87 than ten percent (10%) of such monies to all such municipalities
88 in the aggregate. Each such municipality that receives monies
89 from the county shall establish a special fund in the municipal
90 treasury; and all such monies received from the county from the
91 State-assisted Local Road Construction and Maintenance Fund, along
92 with all municipal monies that the municipality agreed to provide
93 as match money, shall be deposited in the special fund of the
94 municipality. Monies in the municipal special fund may not be
95 expended for any purpose except for expenses related to the
96 construction, reconstruction, overlaying, repair and maintenance
97 of highways, roads and streets within the municipality that are
98 not included on the state highway system or on the state aid road
99 system. The State Department of Audit shall have authority and
100 responsibility to make annual audits and investigations of all
101 funds deposited to and expended from such special fund of the
102 municipality.

103 (7) If any monies remain in the State-assisted Local Road
104 Construction and Maintenance Fund on July 1, 2005, then the monies
105 remaining in the fund may be allocated and distributed by the
106 Office of State Aid Road Construction to counties upon the same
107 basis as such monies were authorized to be allocated and
108 distributed to counties before July 1, 2005; however, a county
109 must agree to match an equal amount of county monies with the
110 amount of monies distributed to it from the special fund and no
111 county may receive an amount that exceeds an amount equivalent to
112 the avails of a one (1) mill ad valorem tax levy on all taxable

113 property in the county based on the assessed valuation of the
114 county for the year 2004.

115 (8) If any monies remain in the State-assisted Local Road
116 Construction and Maintenance Fund on July 1, 2008, then the
117 State-assisted Local Road Construction and Maintenance Fund shall
118 cease to exist and the State Fiscal Officer shall transfer the
119 monies remaining in the fund to the Local System Bridge
120 Replacement and Rehabilitation Fund created in Section 65-37-13
121 for expenditure in the same manner as other monies in that fund
122 may be expended.

123 SECTION 2. This act shall take effect and be in force from
124 and after July 1, 2000.