

By: Malone

To: County Affairs

HOUSE BILL NO. 747

1 AN ACT TO AMEND SECTION 19-2-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A MEMBER OF THE BOARD OF SUPERVISORS IN A COUNTY THAT
3 IS REQUIRED TO OPERATE ON THE COUNTYWIDE SYSTEM OF ROAD
4 ADMINISTRATION IS NOT PROHIBITED FROM INSPECTING, SUPERVISING AND
5 DIRECTING THE PERFORMANCE OF A COUNTY PROJECT OR ENGAGING IN THE
6 OPERATION OR USE OF COUNTY OWNED OR LEASED EQUIPMENT, MACHINERY OR
7 VEHICLES WITHIN HIS SUPERVISOR'S DISTRICT FOR THE PURPOSE OF
8 ACCOMPLISHING A COUNTY PROJECT; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 19-2-3, Mississippi Code of 1972, is
11 amended as follows:[JWB1]

12 19-2-3. (1) Unless otherwise exempted under the provisions
13 of Section 19-2-5, from and after October 1, 1989, each county in
14 the State of Mississippi shall operate on a countywide system of
15 road administration, there shall be no road districts, separate
16 road districts or special road districts in any county,
17 supervisors districts shall not act as road districts, and the
18 construction and maintenance of roads and bridges in each county
19 shall be on a countywide basis so that (a) the distribution and
20 use of all road and bridge funds available to the county or any
21 district thereof, (b) the planning, construction and maintenance
22 of county roads and bridges, (c) the purchase, ownership and use
23 of all road and bridge equipment, materials and supplies, (d) the
24 employment and use of the road and bridge labor force, and (e) the

25 administration of the county road department, shall be on the
26 basis of the needs of the county as a whole, as determined by the
27 board of supervisors, without regard to any district boundaries.

28 (2) Any references in any statute to a road district,
29 separate road district or special road district, or to a
30 supervisors district acting as a road district, shall, as to any
31 county which is required to operate on a countywide system of road
32 administration, be construed to mean the county as a whole, if
33 such construction is possible within the context of the statute;
34 otherwise, any such reference shall have no force or effect with
35 regard to any such county.

36 The State Auditor may, pursuant to a request from a board of
37 supervisors in a resolution duly adopted by the board and spread
38 upon its minutes, provide to the requesting board of supervisors
39 his estimates of the cost to the county of implementing and
40 complying with the County Government Reorganization Act of 1988.

41 (3) Nothing contained in the provisions of the County
42 Government Reorganization Act of 1988 shall be construed to
43 prohibit an individual member of the board of supervisors in a
44 county that is required to operate on the countywide system of
45 road administration from (a) making on-site physical inspections
46 of the quality and performance of work being performed by county
47 employees within his supervisors district; (b) advising, directing
48 and supervising employees of the county in the performance of a
49 project or task within his district; or (c) personally engaging in
50 the operation or use of county owned or leased equipment,
51 machinery or vehicles within his district for the purpose of
52 accomplishing a county project or task.

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