HOUSE BILL NO. 53

AN ACT TO AMEND SECTION 19-3-42, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO REPAIR AND MAINTAIN PRIVATE DRIVEWAYS TO RESIDENCES OF PERSONS RECEIVING THE SERVICES OF HOME HEALTH AGENCIES; TO PRESCRIBE THE CONDITIONS WHICH MUST BE MET BEFORE SUCH REPAIR AND MAINTENANCE MAY BE PERFORMED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-3-42, Mississippi Code of 1972, is amended as follows:

19-3-42. (1) The board of supervisors of any county is hereby authorized and empowered, in its discretion, to grade, gravel or shell, repair, and/or maintain private gravel or shell roads or driveways to private residences if such roads or driveways are used for school bus turnarounds.

(2) Prior to engaging in the work authorized in subsection (1) of this section, the board of supervisors shall spread upon the official minutes of the board:

(a) The written request of the school board for such work;

(b) The written approval of the board of supervisors for such work;

(c) The specific location of the road or driveway to be worked; and

(d) The name of the owner of the road or driveway to be worked.

(3) The written request of the school board, as required in subsection (2)(a) above, shall contain a current list of all active school bus turnarounds presently in use by the school district or contemplated for use by the school district for the
present school year. The approval by the board of supervisors shall be valid and effective for the period of time that a turnaround is anticipated for use, but in no event for a period greater than one (1) year.

(4) In addition to the authority granted in subsection (1) of this section, from and after October 1, 1989, the board of supervisors of any county is further authorized, in its discretion, to maintain public school grounds of the county and to grade, gravel, shell or overlay, and/or to maintain gravel, shell, asphalt or concrete roads, driveways or parking lots of public schools of the county if, before engaging in such work, the board of supervisors shall spread upon its official minutes the written request of the school board for such work, the written approval of the board of supervisors for such work and the specific location of the school grounds or road, driveway or parking lot, to be worked.

(5) In addition to any other authority granted in this section, the board of supervisors of any county is hereby authorized, in its discretion, to repair and maintain driveways and parking lots of: (a) any nonprofit organization in the county which is tax exempt under Section 501(c) of the United States Internal Revenue Code and which has as one (1) of its primary purposes for organization to aid and assist in the rehabilitation of persons suffering from drug abuse or drug addiction; and (b) any private, nonprofit cemeteries in the county. The board of supervisors of any county shall not be authorized under the provisions of this subsection to repair or maintain driveways or parking lots located more than one hundred fifty (150) feet from the center of any highway, road or street under the jurisdiction of the county.

(6) In addition to any other authority granted in this section, the board of supervisors of any county, in its discretion, may repair and maintain gravel, shell or dirt private
driveways to residences of persons receiving the services of home health agencies licensed under the provisions of Section 41-71-1 et seq. Before engaging in such work, the board of supervisors shall spread upon its official minutes: (a) the name and address of the person requesting the work to be done; (b) the specific location of the residence and driveway where the work is to be done; and (c) a written statement issued to the person by a physician prescribing a long-term plan of home health care services and certifying that the person's need for such treatment is likely to be permanent or to last for a continuous period of not less than twelve (12) months. If the physician's statement prescribes a long-term plan of home health care services for such person but does not certify that the treatment is likely to be needed permanently, the certificate shall be valid only for a period of twelve (12) months from the date of issue. Such certificates may be renewed annually; however, no repair or maintenance may be performed by the board of supervisors on the driveway of any such person at any time except during the period of time for which the physician's certificate remains valid.

SECTION 2. This act shall take effect and be in force from and after October 1, 2003.