

By: Representative Taylor

To: County Affairs

HOUSE BILL NO. 273

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

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

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

10 19-3-42. (1) The board of supervisors of any county is
11 hereby authorized and empowered, in its discretion, to grade,
12 gravel or shell, repair, and/or maintain private gravel or shell
13 roads or driveways to private residences if such roads or
14 driveways are used for school bus turnarounds.

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

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

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

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

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

26 (3) The written request of the school board, as required in
27 subsection (2)(a) above, shall contain a current list of all
28 active school bus turnarounds presently in use by the school
29 district or contemplated for use by the school district for the

30 present school year. The approval by the board of supervisors
31 shall be valid and effective for the period of time that a
32 turnaround is anticipated for use, but in no event for a period
33 greater than one (1) year.

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

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

60 (6) In addition to any other authority granted in this
61 section, the board of supervisors of any county, in its
62 discretion, may repair and maintain gravel, shell or dirt private

63 driveways to residences of persons receiving the services of home
64 health agencies licensed under the provisions of Section 41-71-1
65 et seq. Before engaging in such work, the board of supervisors
66 shall spread upon its official minutes: (a) the name and address
67 of the person requesting the work to be done; (b) the specific
68 location of the residence and driveway where the work is to be
69 done; and (c) a written statement issued to the person by a
70 physician prescribing a long-term plan of home health care
71 services and certifying that the person's need for such treatment
72 is likely to be permanent or to last for a continuous period of
73 not less than twelve (12) months. If the physician's statement
74 prescribes a long-term plan of home health care services for such
75 person but does not certify that the treatment is likely to be
76 needed permanently, the certificate shall be valid only for a
77 period of twelve (12) months from the date of issue. Such
78 certificates may be renewed annually; however, no repair or
79 maintenance may be performed by the board of supervisors on the
80 driveway of any such person at any time except during the period
81 of time for which the physician's certificate remains valid.

82 **SECTION 2.** This act shall take effect and be in force from
83 and after October 1, 2005.