

By: Representative Mayo

To: County Affairs

HOUSE BILL NO. 1365

1 AN ACT TO AMEND SECTION 19-3-42, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY, AT THE WRITTEN
 3 REQUEST OF A RESIDENT OF THE COUNTY THAT OWNS PRIVATE LAND
 4 ADJOINING A COUNTY ROAD, TO PURCHASE AND INSTALL A DRAINAGE
 5 CULVERT ON OR ALONG THE RIGHT-OF-WAY OF THE ROAD; TO PROVIDE THAT
 6 THE PRIVATE LANDOWNER SHALL REIMBURSE THE COUNTY FOR ALL ACTUAL
 7 EXPENSES THAT THE COUNTY INCURS IN PURCHASING AND INSTALLING THE
 8 CULVERT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

62 (6) In addition to any other authority granted in this
63 section, the board of supervisors of any county, at the written

64 request of any resident of the county that owns private land
65 adjoining a county road, may authorize the county, by order duly
66 adopted and entered upon its official minutes, to purchase and
67 install a drainage culvert on or along the right-of-way of such
68 road if the board determines that although installation of the
69 culvert may not be needed to preserve and maintain the road or
70 right-of-way, installation of the culvert will provide adequate
71 and convenient access to the road for the private landowner. In
72 such case, the private landowner shall reimburse the county for
73 all actual expenses that the county incurs in purchasing and
74 installing the culvert.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2005.