

By: Representative Rushing

To: Transportation; Revenue  
and Expenditure General Bills

## HOUSE BILL NO. 439

1 AN ACT TO ESTABLISH A STATE-ASSISTED LOCAL ROAD CONSTRUCTION  
2 AND MAINTENANCE PROGRAM FOR THE PURPOSE OF PROVIDING FINANCIAL  
3 ASSISTANCE TO CERTAIN COUNTIES AND MUNICIPALITIES IN THE  
4 CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF HIGHWAYS, ROADS  
5 AND STREETS THAT ARE NOT INCLUDED IN THE STATE HIGHWAY SYSTEM OR  
6 THE STATE AID ROAD SYSTEM; TO PROVIDE THAT THE PROGRAM SHALL BE  
7 ADMINISTERED BY THE OFFICE OF STATE AID ROAD CONSTRUCTION; TO  
8 AMEND SECTION 65-9-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
9 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

18 (2) There is created in the State Treasury a special fund to  
19 be designated as the "State-assisted County and Municipality Road  
20 Construction and Maintenance Fund." The State Fiscal Officer  
21 shall transfer the sum of Fifteen Million Dollars (\$15,000,000.00)



22 from the State General Fund to the special fund each fiscal year  
23 during fiscal years 2018, 2019, 2020 and 2021. The transfer for  
24 each fiscal year shall be made in four (4) equal quarterly  
25 payments, with the first payment in each fiscal year to be made on  
26 July 1. The monies that are deposited into the fund under the  
27 provisions of this section shall be distributed by the State Aid  
28 Engineer, upon legislative appropriation, to counties with a  
29 population not more than thirty thousand (30,000) and  
30 municipalities with a population not more than five thousand  
31 (5,000) according to the 2010 federal decennial census, and there  
32 shall be no deduction by the State Aid Engineer for administrative  
33 expenses of the Office of State Aid Road Construction. Unexpended  
34 amounts remaining in the special fund at the end of a fiscal year  
35 shall not lapse into the State General Fund, and any interest  
36 earned on amounts in the fund shall be deposited to the credit of  
37 the fund.

38 (3) Each county or municipality that receives monies from  
39 the State-assisted County and Municipality Road Construction and  
40 Maintenance Fund shall establish a special fund in the county or  
41 municipal treasury; and all monies received by the county or  
42 municipality from the State-assisted County and Municipality Road  
43 Construction and Maintenance Fund, along with any other available  
44 monies that the county or municipality may designate, shall be  
45 deposited into the special fund of the county or municipality.  
46 Monies in the county or municipal special fund may not be expended



47 for any purpose except for expenses related to the construction,  
48 reconstruction, overlaying, repair and maintenance of highways,  
49 roads and streets, including culvert and bridge replacement,  
50 within the county or municipality that are not included in the  
51 state highway system or in the state aid road system. Projects  
52 for which the State Aid Engineer distributes funds from the  
53 special fund created under subsection (2) of this section are not  
54 required to meet the construction, reconstruction, overlay, repair  
55 or maintenance requirements for state aid roads. The State  
56 Department of Audit shall have authority and responsibility to  
57 make annual audits and investigations of all funds deposited to  
58 and expended from such special fund of the county or municipality.

59 (4) A county or municipality may not receive a distribution  
60 of funds from the special fund created in subsection (2) of this  
61 section more than once in a three-year period. A county or  
62 municipality may only expend up to seventy-five percent (75%) of  
63 the cost of a particular project from funds distributed from the  
64 special fund created in subsection (2) of this section. A county  
65 or municipality may receive a maximum of One Hundred Fifty  
66 Thousand Dollars (\$150,000.00) from the special fund created in  
67 subsection (2) of this section.

68 **SECTION 2.** Section 65-9-11, Mississippi Code of 1972, is  
69 amended as follows:

70 65-9-11. It shall be the duty of the State Aid Engineer to  
71 advise with the boards of supervisors of the several counties on



72 all matters of policy, use of funds, priority of construction,  
73 uniform standards for state aid roads, safeguards in accounting  
74 methods, and other related matters and to cooperate with the  
75 several boards of supervisors on all matters connected with the  
76 laying out and construction of the state aid system of county  
77 roads. The State Aid Engineer shall promulgate, as soon as  
78 practicable, such uniform and reasonable rules and regulations as  
79 he may deem necessary to effectuate a proper designation of state  
80 aid roads to be constructed in each county, the methods for  
81 determining priority of construction, the making of surveys, and  
82 the preparation of plans and specifications for the construction  
83 of state aid roads, and to provide a uniform system of accounting  
84 in the expenditure of state aid road funds. The State Aid  
85 Engineer, after conferring with the Chief Engineer of the State  
86 Highway Department, shall prepare and promulgate uniform design  
87 standards and specifications for the construction of the state aid  
88 road system, which said uniform design standards and  
89 specifications may be modified or amended from time to time as the  
90 State Aid Engineer may deem necessary. Such standards may be in  
91 one or more classifications, according to types and kinds of  
92 roads. After such uniform design standards and specifications  
93 have been prepared and approved by the State Aid Engineer, the  
94 boards of supervisors shall apply the same to all new construction  
95 of state aid roads in their counties and, unless not practicable  
96 and feasible, to reconstruction of old roads on the state aid road



97 system; but no deviation from such uniform standards and  
98 specifications shall be made without the approval of the State Aid  
99 Engineer.

100 It shall also be the duty of the State Aid Engineer to advise  
101 and cooperate with the boards of supervisors in the selection and  
102 designation of the county roads which are to be made a part of the  
103 state aid road system, as provided in this chapter, and to approve  
104 or disapprove the selection of roads to be made a part of the  
105 state aid road system by the boards of supervisors.

106 The State Aid Engineer shall finally approve or disapprove  
107 all contracts advertised and let by any board of supervisors for  
108 the construction or reconstruction of state aid roads and he shall  
109 approve or disapprove any or all force account estimates for such  
110 construction. If disapproved, he shall give a notice to said  
111 county of his disapproval and state each reason, and he shall give  
112 the said county time to cure the defects, or such parts thereof as  
113 may be necessary to cure, so that the county may receive its share  
114 of state aid.

115 All proposals covering work to be performed by any county  
116 with its own forces on state aid roads and all force account  
117 estimates submitted for approval shall be on forms prepared for  
118 the purpose by the State Aid Engineer. Such forms shall be in  
119 such detail and based upon such cost accounting rules and  
120 regulations as may be prescribed from time to time by the State  
121 Aid Engineer, but in no event shall the purchase of any road



machinery or other general equipment out of the state aid road funds be allowed or permitted by such rules and regulations. Force account estimates may include a reasonable rental for machinery or equipment, and the reasonableness of the rental so estimated and as actually paid shall be subject at all times to modification, revision, approval, or disapproval of the State Aid Engineer and under the cost accounting rules and regulations promulgated by him.

The State Aid Engineer and such assistants as he may designate shall supervise and inspect all state aid road projects as the work progresses. Upon final completion of any such project, the State Aid Engineer shall cause a final inspection to be made of such project for the purpose of determining whether such project has been completed satisfactorily in accordance with the plans and specifications; and if satisfactorily completed, the State Aid Engineer shall approve payment of the final estimate on such project. No progress or final estimate, either on a contract or a force account project, shall be paid unless approved in such manner by the State Aid Engineer, and on all such contracts or force account projects a percentage of not less than two and one-half percent (2-1/2%) nor more than ten percent (10%) of each estimate thereon paid shall be retained until final acceptance of such project; provided, however, the amount retained by the prime contractor from each payment due the subcontractor shall not exceed the percentage withheld from the prime contractor.



147       The State Aid Engineer shall distribute, according to his  
148       discretion and upon legislative appropriation, the funds in the  
149       State-assisted County and Municipality Road Construction and  
150       Maintenance Fund created in subsection (1) of this act in a manner  
151       consistent with the provisions of subsection (1) of this act.

152       **SECTION 3.** This act shall take effect and be in force from  
153       and after July 1, 2017.

