

By: Representative Rushing

To: Transportation;
Appropriations

HOUSE BILL NO. 289

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 2019, 2020, 2021 and 2022. 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



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

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

152 **SECTION 3.** This act shall take effect and be in force from
153 and after July 1, 2018.

