

By: Representatives Busby, Brown

To: Transportation

HOUSE BILL NO. 779  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972,  
2 TO REVISE HOW THE EMERGENCY ROAD AND BRIDGE REPAIR FUND MONIES MAY  
3 BE SPENT; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO  
4 ALLOW COUNTY BOARDS OF SUPERVISORS TO EXPEND CERTAIN  
5 TRANSPORTATION FUND MONIES DURING THE LAST TERM OF OFFICE OF SUCH  
6 BOARDS; TO AMEND SECTION 65-7-95, MISSISSIPPI CODE OF 1972, TO  
7 PROVIDE EXCEPTIONS TO CERTAIN LIMITATIONS ON BOARDS OF SUPERVISORS  
8 AWARDING OF CONTRACTS FOR ROADS AND BRIDGES; AND FOR RELATED  
9 PURPOSES.

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

11 **SECTION 1.** Section 65-1-179, Mississippi Code of 1972, is  
12 amended as follows:

13 65-1-179. (1) There is created in the State Treasury a  
14 special fund to be known as the "Emergency Road and Bridge Repair  
15 Fund," into which shall be deposited money appropriated by the  
16 Legislature or otherwise made available in any manner, and funds  
17 from any other source designated for deposit into such fund.  
18 Unexpended amounts remaining in the fund at the end of a fiscal  
19 year shall not lapse into the State General Fund and any interest  
20 earned or investment earnings on amounts in the fund shall be  
21 deposited into the fund. The expenditure of money deposited into



the fund shall be under the direction of the Mississippi Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding for emergency repairs to roads, streets and highways in this state and emergency bridge repairs on public roads, streets and highways in this state, as determined by a unanimous vote of the Mississippi Transportation Commission. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(3) (a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;



46                   (v)   The President of the Mississippi Trucking  
47 Association;  
48                   (vi)   The Executive Director of the Mississippi  
49 Association of Supervisors;  
50                   (vii)   The Executive Director of the Mississippi  
51 Municipal League;  
52                   (viii)   The Executive Vice President of the  
53 Mississippi Cattlemen's Association;  
54                   (ix)   The Executive Director of the Mississippi  
55 Loggers Association; and  
56                   (x)   The Executive Director of the American Council  
57 of Engineering Companies-Mississippi.  
58                   (b)   The Governor shall appoint the chairman of the  
59 board and the board shall elect such other officers as it  
60 considers necessary from among its members.  
61                   (c)   A majority of the members of the board shall  
62 constitute a quorum for the conduct of meetings and all actions of  
63 the board shall be by a majority vote. No compensation, per diem  
64 or mileage expense shall be provided board members.  
65                   (d)   The Governor's office shall provide any necessary  
66 administrative support to the board.  
67                   (e)   The board shall meet at least quarterly to conduct  
68 business.



69 (f) The board shall provide nonbinding advice to the  
70 Department of Transportation regarding the expenditure of money in  
71 the Emergency Road and Bridge Repair Fund.

72 (4) The Mississippi Department of Transportation shall have  
73 all powers necessary to implement and administer the program  
74 established under this section \* \* \* to maximize all potential  
75 sources of funding including state and federal, for projects  
76 covered by the program. Any available sources of funding may be  
77 combined to fund any project covered by the program. This  
78 includes state aid road funds and/or Local System Bridge  
79 Replacement and Rehabilitation Program funds, which may be used in  
80 conjunction with Emergency Road and Bridge Repair Fund monies  
81 within the discretion of the State Aid Engineer. Under no  
82 circumstances, however, shall Emergency Road and Bridge Repair  
83 Fund monies be used to reimburse any amount that has been expended  
84 on the project prior to the award of such monies to the recipient.

85 (5) When monies in the Emergency Road and Bridge Repair Fund  
86 are distributed for projects, such monies shall not be  
87 re-deposited in the State Treasury, absent extraordinary  
88 circumstances where the recipient must return monies received  
89 under the program. This requirement is not intended to inhibit  
90 state agencies from receiving Emergency Road and Bridge Repair  
91 Fund monies for appropriate projects or to curtail any proper  
92 transfer of monies to accomplish such a project.



93       (6) The department shall promulgate rules and regulations,  
94 in accordance with the Mississippi Administrative Procedures Law,  
95 necessary for the implementation of this section.

96       **SECTION 2.** Section 19-11-27, Mississippi Code of 1972, is  
97 amended as follows:

98       19-11-27. No board of supervisors of any county shall expend  
99 from, or contract an obligation against, the budget estimates for  
100 road and bridge construction, maintenance and equipment, made and  
101 published by it during the last year of the term of office of such  
102 board, between the first day of October and the first day of the  
103 following January, a sum exceeding one-fourth (1/4) of such item  
104 of the budget made and published by it, except in cases of  
105 emergency. The clerk of any county is prohibited from issuing any  
106 warrant contrary to the provisions of this section. No board of  
107 supervisors nor any member thereof shall buy any machinery or  
108 equipment in the last six (6) months of their or his term unless  
109 or until he has been elected at the general election of that year.  
110 The provisions of this section shall not apply to (i) until  
111 January 1, 2020, projects of any type that receive monies from the  
112 Local System Bridge Replacement and Rehabilitation Program, the  
113 Emergency Road and Bridge Repair Fund, the 2018 Transportation and  
114 Infrastructure Improvement Fund or the Gulf Coast Restoration Fund  
115 and (ii) to expenditures during calendar year 2019 on deficient  
116 bridges in the State Aid Road System or the Local System Road  
117 Program that have a sufficiency rating of less than fifty (50) or



to a contract, lease or lease-purchase contract executed pursuant to the bidding requirements in Section 31-7-13 and approved by a unanimous vote of the board. Such unanimous vote shall include a statement indicating the board's proclamation that the award of the contract is essential to the efficiency and economy of the operation of the county government.

**SECTION 3.** Section 65-7-95, Mississippi Code of 1972, is amended as follows:

65-7-95. The methods of constructing, reconstructing and maintaining the public roads and bridges in this state, other than those under the actual charge of the State Highway Department, shall be as follows:

Any county may purchase implements and material through its central purchase system; may employ labor; may work, construct, reconstruct and maintain the public roads; may build bridges; and may do any and all things necessary to be done to work, construct, reconstruct and maintain the public roads and to build bridges as herein provided. If, in the opinion of the board of supervisors, any part of the work necessary to be done in working, constructing, reconstructing and maintaining the public roads and in building bridges in such county, or any part or parts thereof, can best be done by awarding contracts therefor, the board of supervisors may advertise for bids and make contracts therefor in accordance with the provisions of Section 31-7-13; and the board of supervisors may, in its discretion, use any funds heretofore or



hereafter raised by bond issue or otherwise for working,  
constructing, reconstructing, maintaining and improving the public  
roads and for building bridges as herein provided. Except for  
contracts exempt from the provisions of Section 19-11-27, \* \* \*  
no \* \* \* contract provided above shall be awarded that shall  
extend beyond thirty (30) days from the termination and end of the  
term of office of the members of the boards of supervisors  
awarding same.

Before any board of supervisors may hire, lease or rent any  
heavy road machinery or equipment for use in the construction,  
reconstruction or maintenance of any county road or bridge, such  
board of supervisors shall first adopt an order adjudicating the  
necessity for leasing or renting such machinery or equipment, the  
purposes for which it is to be used, the type of such machinery or  
equipment and the reasons why the leasing or renting thereof will  
promote the public interest of the county. Such order shall also  
direct the clerk of the board of supervisors to advertise for bids  
for such machinery or equipment, which bids shall be returnable on  
a day to be fixed by the board of supervisors, in accordance with  
Section 31-7-13.

All contracts for the leasing or renting of such machinery or  
equipment shall be awarded to the lowest and best responsible  
bidder whose bid price or rental consideration is not in excess of  
the current rates and charges fixed and prescribed by the  
Nielsen/Data Quest publication, which rates and charges fixed and



168 prescribed by the Nielsen/Data Quest publication shall be on file  
169 with the Governor's Office of General Services at that time.

170 All invoices submitted for the leasing or renting of such  
171 machinery or equipment shall identify the equipment by number and  
172 name and shall include the number of hours of labor performed and  
173 the dates thereof.

174 **SECTION 4.** This act shall take effect and be in force from  
175 and after its passage.

