

By: Representatives Byrd, Faulkner, Anderson To: County Affairs
(110th)

HOUSE BILL NO. 1211

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY
2 AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO WORK
3 COOPERATIVELY, BY AGREEMENT, WHEN UTILIZING FUNDS FROM THE
4 AMERICAN RESCUE PLAN ACT (ARPA), CORONAVIRUS AID, RELIEF AND
5 ECONOMIC SECURITY (CARES) ACT OR THE INFLATION REDUCTION ACT; TO
6 AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
7 THE BOARD OF SUPERVISORS OF ANY COUNTY TO EXPEND OR CONTRACT AN
8 OBLIGATION AGAINST CERTAIN FUNDS IN THE LAST SIX MONTHS OF THEIR
9 TERM OFFICE IF A COUNTY HAS PROJECTS OR A PROJECT FUNDED BY ARPA,
10 THE CARES ACT OR THE INFLATION REDUCTION ACT SO THAT SUCH COUNTY
11 MAY WORK TOWARDS COMPLETING SUCH PROJECTS OR PROJECT TO MEET THE
12 FEDERAL SPENDING DEADLINE; TO AMEND SECTION 21-35-27, MISSISSIPPI
13 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** The board of supervisors of any county and the
17 governing authorities of any municipality are authorized to work
18 cooperatively on projects, by agreement spread upon their minutes,
19 when utilizing Coronavirus State Fiscal Recovery Funds from the
20 American Rescue Plan Act (ARPA) of 2021, Coronavirus Relief Fund
21 established in Section 5001 of the Coronavirus Aid, Relief and
22 Economic Security (CARES) Act and funds from the Inflation
23 Reduction Act of 2022. Unless prohibited by federal law, such



24 agreement shall be applicable if it is legal for the county or the
25 municipality, as the case may be, to utilize such funds.

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

28 19-11-27. No board of supervisors of any county shall expend
29 from, or contract an obligation against, the budget estimates for
30 road and bridge construction, maintenance and equipment, made and
31 published by it during the last year of the term of office of such
32 board, between the first day of October and the first day of the
33 following January, a sum exceeding one-fourth (1/4) of such item
34 of the budget made and published by it, except in cases of
35 emergency. The clerk of any county is prohibited from issuing any
36 warrant contrary to the provisions of this section. No board of
37 supervisors nor any member thereof shall buy any machinery or
38 equipment in the last six (6) months of their or his term unless
39 or until he has been elected at the general election of that year.
40 The provisions of this section shall not apply to (i) projects of
41 any type that receive monies from the Local System Bridge
42 Replacement and Rehabilitation Program, the Emergency Road and
43 Bridge Repair Fund, the 2018 Transportation and Infrastructure
44 Improvement Fund or the Gulf Coast Restoration Fund * * *, (ii) to
45 expenditures on deficient bridges in the State Aid Road System or
46 the Local System Road Program that have been deemed to be a
47 deficient bridge as defined in Section 65-37-3, (iii) projects
48 funded by the American Rescue Plan Act, CARES Act, or the



49 Inflation Reduction Act, or (iv) to a contract, lease or
50 lease-purchase contract executed pursuant to the bidding
51 requirements in Section 31-7-13 and approved by a unanimous vote
52 of the board. Such unanimous vote shall include a statement
53 indicating the board's proclamation that the award of the contract
54 is essential to the efficiency and economy of the operation of the
55 county government.

56 **SECTION 3.** Section 21-35-27, Mississippi Code of 1972, is
57 amended as follows:

58 21-35-27. No board of governing authorities of any
59 municipality shall expend from, or contract an obligation, against
60 the budget made and published by it during the last year of the
61 term of office of such governing authorities, between the first
62 day of April and the first day of the following July that is not
63 on a weekend, a sum exceeding one-fourth (1/4) of any item of the
64 budget made and published by it, except in cases of emergency
65 provided for in Section 21-35-19. The city clerk of any
66 municipality is hereby prohibited from issuing any warrant
67 contrary to the provisions of this section.

68 The provisions of this section shall not apply to a contract,
69 lease or lease-purchase contract entered into pursuant to Section
70 31-7-13 or to seasonal purchases or expenditures or to any
71 agreement entered into under Section 1 of this act.

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

