

By: Representative Taylor

To: County Affairs

HOUSE BILL NO. 49

1 AN ACT TO AMEND SECTION 19-3-42, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO REPAIR AND  
3 MAINTAIN PRIVATE DRIVEWAYS TO RESIDENCES OF PERSONS RECEIVING THE  
4 SERVICES OF HOME HEALTH AGENCIES; TO PRESCRIBE THE CONDITIONS  
5 WHICH MUST BE MET BEFORE SUCH REPAIR AND MAINTENANCE MAY BE  
6 PERFORMED; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 19-3-42, Mississippi Code of 1972, is  
9 amended as follows:

10 19-3-42. (1) The board of supervisors of any county is  
11 hereby authorized and empowered, in its discretion, to grade,  
12 gravel or shell, repair, and/or maintain private gravel or shell  
13 roads or driveways to private residences if such roads or  
14 driveways are used for school bus turnarounds.

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

18 (a) The written request of the school board for such  
19 work;

20 (b) The written approval of the board of supervisors  
21 for such work;

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

24 (d) The name of the owner of the road or driveway to be  
25 worked.

26 (3) The written request of the school board, as required in  
27 subsection (2)(a) above, shall contain a current list of all  
28



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

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

46 (5) In addition to any other authority granted in this  
47 section, the board of supervisors of any county is hereby  
48 authorized, in its discretion, to repair and maintain driveways  
49 and parking lots of: (a) any nonprofit organization in the  
50 county which is tax exempt under Section 501(c) of the United  
51 States Internal Revenue Code and which has as one (1) of its  
52 primary purposes for organization to aid and assist in the  
53 rehabilitation of persons suffering from drug abuse or drug  
54 addiction; and (b) any private, nonprofit cemeteries in the  
55 county. The board of supervisors of any county shall not be  
56 authorized under the provisions of this subsection to repair or  
57 maintain driveways or parking lots located more than one hundred  
58 fifty (150) feet from the center of any highway, road or street  
59 under the jurisdiction of the county.



60       (6) In addition to any other authority granted in this  
61 section, the board of supervisors of any county, in its  
62 discretion, may repair and maintain gravel, shell or dirt private  
63 driveways to residences of persons receiving the services of home  
64 health agencies licensed under the provisions of Section 41-71-1  
65 et seq. Before engaging in such work, the board of supervisors  
66 shall spread upon its official minutes: (a) The name and address  
67 of the person requesting the work to be done; (b) the specific  
68 location of the residence and driveway where the work is to be  
69 done; and (c) a written statement issued to the person by a  
70 physician prescribing a long-term plan of home health care  
71 services and certifying that the person's need for such treatment  
72 is likely to be permanent or to last for a continuous period of  
73 not less than twelve (12) months. If the physician's statement  
74 prescribes a long-term plan of home health care services for such  
75 person but does not certify that the treatment is likely to be  
76 needed permanently, the certificate shall be valid only for a  
77 period of twelve (12) months from the date of issue. Such  
78 certificates may be renewed annually; however, no repair or  
79 maintenance may be performed by the board of supervisors on the  
80 driveway of any such person at any time except during the period  
81 of time for which the physician's certificate remains valid.

82       SECTION 2. This act shall take effect and be in force from  
83 and after October 1, 2001.

