

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 897

By Senator(s) Ross

Amend by placing the following after line 12 and renumbering subsequent sections accordingly:

SECTION *. (1) The Mississippi Transportation Commission, county boards of supervisors and/or the governing authorities of municipalities (hereinafter referred to as governmental entities) in their discretion, are authorized to enter, individually or jointly with other governmental entities, into contract with any persons, corporations, partnerships or other businesses licensed to do business in the State of Mississippi (hereinafter referred to as "companies" or "company") for the purpose of leasing highway or roadway property upon which shall be constructed one or more toll roads or bridges in the state. Such contracts shall provide that land held by the governmental entities, whether in fee simple, as an easement or other interest, shall be leased or assigned to a company for construction, operation and maintenance of roadways or highways for motor vehicle traffic, toll booths and related facilities. All such highways, pavement, bridges, drainage related structures and other infrastructure comprising the projects shall be built and maintained in accordance with not less than the minimum highway design, construction and maintenance standards established for such highways, infrastructure and facilities by the contracting governmental entity. The contracting governmental entity shall conduct periodic inspections

of any such project throughout the term of the contract to ensure compliance by the company. Failure of a company to comply with minimum standards established for the project by the contracting governmental entity shall constitute a breach and shall subject the company to liability on its bond or security or to rescission of the contract in accordance with the terms and provisions of the contract.

(2) Every contract entered into by a governmental entity under this section shall require a company to enter into bond and provide such security as the governmental entity determines may be necessary or advisable to ensure timely completion and proper execution and performance of the contract. The governmental entities are authorized to acquire such property or interests in property as may be necessary, by gift, purchase or eminent domain, for construction and maintenance of the highways built pursuant to contracts entered into under this section. Furthermore, when and as dictated by the terms of the contract with the governmental entity, the company shall have the same powers of eminent domain as those described in Section 11-27-47, Mississippi Code of 1972.

Upon expiration, termination or rescission of the contract, all interests that the company may have in the land, infrastructure, facilities or other improvements to the property subject to contract shall terminate and automatically, by operation of law, be returned or conveyed to and vest in the State of Mississippi and the contracting governmental entity upon termination, expiration or rescission of the contract, the collection of tolls shall cease.

(3) During the term of any contract entered into under this section, the company may establish, charge and collect motor vehicle operators tolls for use of the highway and its facilities.

The amount of such tolls, and any modification thereto, shall be subject to approval by the contracting governmental entity; however, all such contracts entered into with the Mississippi Transportation Commission may require a company to pay a percentage of all tolls collected to the Mississippi Department of

Transportation. All such monies paid to the department shall be deposited into the State Highway Fund and may be expended, upon appropriation by the Legislature, only for maintenance of state highways.

(4) All statutes of this state relating to traffic regulation and control shall be applicable to motor vehicles operated upon highways constructed under this section and shall be enforceable by the Mississippi Department of Public Safety and the Mississippi Highway Safety Patrol.

(5) The State of Mississippi, the Mississippi Transportation Commission, the Mississippi Department of Transportation, counties, municipalities or any other agency or political subdivision, or any officer or employee thereof, shall not be liable for any tortious act or omission arising out of the construction, maintenance or operation of any highway or highway project under the provisions of this section where the act or omission occurs during the term of any such contract entered into by the Mississippi Transportation Commission and a company.

(6) The powers conferred by this section shall be in addition to the powers conferred by any other law, general, special or local. This section shall be construed as an additional and alternative method of funding the purchasing, building, improving, owning or operating of roadways and/or highways under the jurisdiction of the Mississippi Transportation Commission, County Boards of Supervisors or municipalities, any provision of the laws of the state or any charter of any municipality to the contrary notwithstanding.

(7) In addition, the governmental entity may license or permit any individual, groups of individuals, partnership, corporation, association or any other legal entity to establish or operate privately owned toll roads, toll bridges, ferries or causeways and may authorize the licensee or permittee to establish and fix the rates of toll.

After a license or permit is issued pursuant to this section by a governmental entity, no further license or permit of any type

from any governmental body or agency, including, but not limited to a business license, shall be required to construct, own or operate the privately owned toll road or the toll bridge, ferry or causeway and no further license, tax or fee may be imposed by any state or local governmental body or agency.

FURTHER AMEND THE TITLE ON LINE 3 BY PLACING THE FOLLOWING AFTER THE SEMICOLON:

TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION, COUNTY BOARDS OF SUPERVISORS AND THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO CONTRACT WITH ANY PERSON, CORPORATION OR OTHER BUSINESS LICENSED TO DO BUSINESS IN THE STATE FOR THE PURPOSE OF CONSTRUCTING TOLL ROADS OR BRIDGES; TO PRESCRIBE THE TERMS AND CONDITIONS FOR THE LETTING OF SUCH CONTRACTS AND THE RIGHTS AND DUTIES OF THE PARTIES ENTERING INTO SUCH CONTRACTS; TO AMEND SECTIONS 65-3-1 AND 11-46-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT;