To: Transportation

MISSISSIPPI LEGISLATURE
By: Representative Rotenberry

HOUSE BILL NO. 1090

AN ACT TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION SHALL PERFORM CERTAIN PROJECTS ON AND ALONG THAT PART OF U.S. HIGHWAY 49 FROM U.S. HIGHWAY 90 TO U.S. HIGHWAY 80 AS MAY BE NECESSARY TO UPGRADE SUCH HIGHWAY TO THE SAME OR SIMILAR STANDARDS FOR DESIGN AND CONSTRUCTION THAT ARE REQUIRED FOR THOSE HIGHWAYS INCLUDED WITHIN THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE "49 HIGHWAY IMPROVEMENTS FUND", AND TO PROVIDE THAT MONIES IN THE SPECIAL FUND MAY BE USED FOR THE PURPOSE OF DEFRAYING EXPENSES RELATED TO THE PROJECTS AUTHORIZED BY THIS ACT; TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNTIL JULY 1, 2009, A PORTION OF THE STATE'S SHARE OF TAXES, FEES AND PENALTIES COLLECTED BY THE STATE TAX COMMISSION UNDER THE MISSISSIPPI GAMING CONTROL ACT SHALL BE DEPOSITED INTO THE HIGHWAY 49 IMPROVEMENTS FUND, AND THAT THEREAFTER SUCH PORTION SHALL BE DEPOSITED INTO THE STATE HIGHWAY FUND FOR USE IN THE MAINTENANCE AND UPKEEP OF STATE HIGHWAYS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Mississippi Department of Transportation, subject to the availability of funds, shall perform such projects for the construction and reconstruction to that part of U.S. Highway 49 that runs between U.S. Highway 90 and U.S. Highway 80 as may be necessary to upgrade such highway to the same or similar standards for design and construction that are required for those four-lane highways and four-lane highway segments provided for under Section 65-3-97. Such projects may include, but are not limited to, geometric, vertical and horizontal alignment changes in the roadway; improvements to existing intersections; widening of shoulders; replacement of bridges; relocating existing lanes and adding lanes; providing access control; constructing frontage roads; providing turn lanes; and creating additional interchanges. The department may acquire such right-of-way as may be necessary for performance of the projects.
(2) Funds for the projects authorized under subsection (1) of this section shall be provided from monies deposited into and credited to the Highway 49 Improvements Fund created in Section 2 of House Bill No.____, 2002 Regular Session.

(3) (a) The Department of Transportation shall submit a report to the Legislature by January 10 of each year setting forth the current status of the projects prescribed in subsection (1) of this section, which report shall include:

(i) The specific projects upon which engineering is being performed or has been completed;

(ii) The specific projects for which right-of-way has been acquired or is being acquired;

(iii) The specific projects for which construction contracts have been let;

(iv) The specific projects upon which construction is in progress;

(v) The specific projects upon which construction has been completed;

(vi) Projections for completion of the next step on each project;

(vii) For each fiscal year, beginning with fiscal year 2003, a detailed cash flow projection by source of program activities and an estimate of when or if a funding shortage will be encountered due to costs exceeding original projections;

(viii) A schedule of all complete and open-to-traffic highway projects and the related total cost of each project;

(ix) A complete recap of all program receipts by source, and of all disbursements for the prior fiscal year and cumulative totals since the inception of the program as compared to projections; and
(x) A statement from the Department of Transportation regarding the status of the funding of the program based on agency cost experience and projections for the future.

(b) The report shall be deemed submitted when ten (10) copies are received by the Clerk of the House of Representatives and ten (10) copies are received by the Secretary of the Senate.

(4) The Transportation Commission shall give notice in some newspaper or newspapers having a general circulation throughout the counties in which any project is proposed under this section for the purpose of conducting hearings from time to time and receiving comments and suggestions from members of the public regarding such improvements or modifications to roadway design, engineering or traffic control that may be needed to increase safety and reduce highway accidents and fatalities.

SECTION 2. (1) There is created in the State Treasury a special fund to be designated as the "Highway 49 Improvements Fund." The fund shall consist of such monies as are required to be deposited into the fund under the provisions of Section 75-76-129, and such other monies from any other source as the Legislature may direct. Monies in the fund may be expended, upon legislative appropriation, for the sole purpose of defraying the expenses of the Mississippi Transportation Commission and the Mississippi Department of Transportation for the planning, design, engineering, construction, reconstruction and other expenses incurred by the Transportation Commission and the Department of Transportation for the projects designated in Section 1 of House Bill No.____, 2002 Regular Session.

(2) Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the special fund shall be deposited to the credit of the special fund.

SECTION 3. Section 75-76-129, Mississippi Code of 1972, is amended as follows:
[Through June 30, 2009, this section shall read as follows:]  

75-76-129. On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, * * * (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, and (c) Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33), shall be paid by the State Tax Commission to the State Treasurer to be deposited into the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected under Section 75-76-177(1)(c) during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi. An amount equal to Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33), shall be deposited by the State Tax Commission into the Highway 49 Improvements Fund created under Section 2 of House Bill No.____, 2002 Regular Session.
[From and after July 1, 2009, through June 30, 2013, this section shall read as follows:]

75-76-129. On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, and (c) Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33), shall be paid by the State Tax Commission to the State Treasurer to be deposited into the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected under Section 75-76-177(1)(c) during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi. The Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33) shall be deposited by the State Tax Commission into the State Highway Fund and may be expended, upon legislative appropriation, only for maintenance and upkeep of highways on the state highway system.
[From and after July 1, 2013, this section shall read as follows:]

75-76-129. On or before the last day of each month, all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, and (b) Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33) shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. The Two Million Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents ($2,083,333.33) shall be deposited by the State Tax Commission into the State Highway Fund and may be expended, upon legislative appropriation, only for maintenance and upkeep of highways on the state highway system.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.