

By: Senator(s) Dearing, Minor, Hewes, Mettetal, Harden, Kirby, Thames, Horhn, Dawkins, Gollott, Hyde-Smith, Burton, Browning, Chaney, Stogner, Walls, Blackmon, Little, Smith, Chamberlin, Furniss, Johnson (19th), Ross, Frazier, Gordon, King, Carlton, Huggins, White (29th), Posey, Cuevas, Carmichael, Tollison, Simmons, Jackson

To: Highways and Transportation; Appropriations

SENATE BILL NO. 2058
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO FOUR-LANE
3 CERTAIN ADDITIONAL HIGHWAY SEGMENTS; TO REVISE THE MANNER IN WHICH
4 ALL HIGHWAY PROJECTS UNDER THE JURISDICTION OF THE MISSISSIPPI
5 TRANSPORTATION COMMISSION, EXCEPT PROJECTS IN PHASES ONE, TWO AND
6 THREE OF THE 1987 FOUR-LANE HIGHWAY PROGRAM AND CERTAIN OTHER
7 HIGHWAY PROJECTS, ARE PRIORITIZED; TO PROVIDE THAT THE PRIORITIES
8 SHALL BE IN ACCORDANCE WITH A PRIORITY SCHEDULE BASED UPON A NEEDS
9 ANALYSIS PERFORMED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION
10 USING CERTAIN ANALYTIC METHODS AND PROCEDURES WHICH SHALL BE
11 UPDATED ANNUALLY IF NECESSARY; TO PROVIDE THAT IN THE EVENT THE
12 TRANSPORTATION COMMISSION DEVIATES FROM THE SCHEDULE, THE
13 COMMISSION SHALL SPREAD THE SPECIFIC REASONS FOR SUCH DEVIATION ON
14 ITS MINUTES; TO REQUIRE THE PRIORITIZED SCHEDULE TO INCLUDE
15 IMMEDIATE NEEDS, MID-RANGE NEEDS AND LONG-RANGE NEEDS; TO PROVIDE
16 THAT CERTAIN HIGHWAY PROJECTS AUTHORIZED BY LEGISLATION ENACTED
17 BEFORE JULY 1, 2002, SHALL HAVE PRIORITY OVER HIGHWAY PROJECTS
18 AUTHORIZED UNDER THIS ACT OR AFTER JULY 1, 2002; TO REQUIRE THE
19 PRIORITIZED SCHEDULE TO BE PRESENTED TO THE HIGHWAYS AND
20 TRANSPORTATION COMMITTEE OF THE SENATE AND THE TRANSPORTATION
21 COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON OCTOBER 1 OF EACH
22 YEAR BEGINNING IN 2005; TO REQUIRE THE TRANSPORTATION COMMISSION
23 TO DEDICATE NOT LESS THAN \$200,000,000.00 ANNUALLY TO FUND SUCH
24 PROGRAM BEGINNING IN FISCAL YEAR 2006; TO REQUIRE CERTAIN PROJECTS
25 TO BE CONSIDERED AS IMMEDIATE, MID-RANGE AND LONG-RANGE NEEDS; TO
26 REQUIRE THE MISSISSIPPI TRANSPORTATION COMMISSION TO CONSIDER
27 CERTAIN HIGHWAY SEGMENTS FOR CERTAIN IMPROVEMENTS AND HIGHWAY
28 MODIFICATIONS; TO AUTHORIZE ADDITIONAL FEDERAL FUNDS TO BE USED
29 FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO PROVIDE THAT SUCH
30 FEDERAL FUNDS MAY BE UTILIZED IN LIEU OF STATE FUNDING THAT WOULD
31 OTHERWISE BE UTILIZED FOR SUCH PROGRAM; TO PROVIDE THAT THE ANNUAL
32 TOTAL AMOUNT OF FUNDING FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM
33 SHALL NOT BE LESS THAN IT WOULD HAVE OTHERWISE BEEN WITHOUT THE
34 UTILIZATION OF SUCH ADDITIONAL FEDERAL FUNDS; TO AMEND SECTION
35 75-76-129, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2022,
36 THE DIVERSION OF GAMING FEE COLLECTIONS TO THE GAMING COUNTIES
37 STATE-ASSISTED INFRASTRUCTURE BOND SINKING FUND; TO AMEND SECTIONS
38 65-39-1, 27-5-101, 27-19-99, 27-57-37, 27-65-75, 65-1-59 AND
39 65-39-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
40 REVISE THE PROJECTS INCLUDED IN THE GAMING COUNTIES STATE-ASSISTED
41 INFRASTRUCTURE PROGRAM TO INCLUDE ANY PROJECT AT VARIOUS LOCATIONS
42 ON, ALONG AND APPROACHING U.S. HIGHWAY 90 IN HARRISON, HANCOCK AND
43 JACKSON COUNTIES, WHICH THE MISSISSIPPI TRANSPORTATION COMMISSION
44 DETERMINES WILL ALLEVIATE TRAFFIC CONGESTION IN HARRISON, HANCOCK
45 AND JACKSON COUNTIES; TO DELETE A CERTAIN SECTION OF HIGHWAY IN
46 TIPPAH COUNTY FROM THE STATE HIGHWAY SYSTEM; TO REMOVE IT FROM THE
47 JURISDICTION OF THE MISSISSIPPI TRANSPORTATION COMMISSION; TO
48 AMEND SECTION 11, CHAPTER 562, LAWS OF 1997, TO EXTINGUISH ANY
49 OBLIGATION OF CLAY COUNTY OR THE CITY OF WEST POINT TO REPAY
50 MONIES TO THE MISSISSIPPI TRANSPORTATION COMMISSION FOR CERTAIN
51 ROAD PROJECTS PERFORMED IN PREPARATION OF THE 1999 UNITED STATES
52 LADIES PROFESSIONAL GOLF ASSOCIATION TOUR; TO EXTEND A SEGMENT OF



53 MISSISSIPPI 30 IN THE CITY OF NEW ALBANY AND TO PLACE SUCH SEGMENT
54 OF HIGHWAY UNDER THE JURISDICTION OF THE MISSISSIPPI
55 TRANSPORTATION COMMISSION FOR CONSTRUCTION AND MAINTENANCE; TO
56 REQUIRE THE MISSISSIPPI TRANSPORTATION COMMISSION TO SUBMIT THE
57 ROUTE LOCATION OF MISSISSIPPI 477 (WEST RANKIN PARKWAY) TO THE
58 FEDERAL HIGHWAY ADMINISTRATION FOR APPROVAL; TO CREATE A JOINT
59 STUDY COMMITTEE OF THE SENATE AND THE HOUSE; TO PROVIDE THAT THE
60 COMMITTEE SHALL EXAMINE THE DESIRABILITY OF CONSTRUCTING TOLL
61 ROADS IN THIS STATE; TO REQUIRE THE COMMITTEE TO MAKE A REPORT OF
62 ITS FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE ON DECEMBER 1,
63 2002; AND TO PLACE CERTAIN RESTRICTIONS ON THE FUNDS THAT MAY BE
64 EXPENDED ON SUCH ROUTE; AND FOR RELATED PURPOSES.

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

66 **SECTION 1.** Section 65-3-97, Mississippi Code of 1972, is
67 amended as follows:

68 65-3-97. (1) In addition to and including all other
69 highways designated as a part of the state highway system, there
70 is hereby designated as a part thereof a four-lane highway system
71 to connect various areas of the state with interstate and primary
72 highways. For the segments described in subsection (3) of this
73 section, the Mississippi Department of Transportation shall
74 construct and reconstruct four-lane highways, that is, not less
75 than two (2) lanes for traffic flowing in each direction, along
76 the routes designated in this section.

77 (2) In the construction and reconstruction of the four-lane
78 highway system designated in subsection (3) of this section, the
79 Mississippi Department of Transportation may utilize the roadway
80 of any existing highway under its jurisdiction and control and
81 shall do so when such utilization is feasible, provided that such
82 highways which are utilized shall be constructed to current
83 standards for such roadways. When it is not feasible to utilize
84 existing designated highways, the Transportation Department shall
85 relocate such highways and construct entirely new facilities
86 whether in urban or rural areas.

87 (3) Construction of the four-lane highway system designated
88 in this subsection shall commence, proceed and be performed by the
89 Mississippi Department of Transportation strictly in accordance
90 with the following set of priorities established for the letting
91 of contracts on and along various segments thereof:



92 (a) Of the following group of highway segments not less
93 than fifteen percent (15%) of all contracts necessary to be let
94 for completion of all segments within the group shall be let by
95 June 30, 1988, not less than thirty percent (30%) of such
96 contracts shall be let by June 30, 1989, not less than fifty
97 percent (50%) of such contracts shall be let by June 30, 1990, not
98 less than seventy percent (70%) of such contracts shall be let by
99 June 30, 1991, not less than ninety percent (90%) of such
100 contracts shall be let by June 30, 1992, and one hundred percent
101 (100%) of such contracts shall be let by June 30, 1993:

102 (i) Highway segments along or near U.S. 45
103 beginning at the Clarke/Lauderdale county line and extending
104 northerly to I-59; then beginning at Macon and extending northerly
105 to Brooksville; then beginning at Columbus Air Force Base and
106 extending northerly to Aberdeen; then beginning at U.S. 278 and
107 extending northerly to Shannon; then beginning at Saltillo and
108 extending northerly to Corinth.

109 (ii) Highway segments along or near U.S. 45A
110 beginning at U.S. 82 and extending northerly to West Point; then
111 beginning four (4) miles south of Okolona and extending northerly
112 to Shannon.

113 (iii) A highway segment along or near U.S. 49W
114 beginning at U.S. 49 and extending westerly through Yazoo City to
115 the Yazoo River.

116 (iv) A highway segment along or near U.S. 49W
117 beginning at Inverness and extending northerly to Indianola.

118 (v) A highway segment along or near U.S. 61
119 beginning at Port Gibson and extending northerly to the four-lane
120 south of Vicksburg.

121 (vi) Highway segments along or near U.S. 72
122 beginning at or near Mt. Pleasant and extending southeasterly to
123 Mississippi 5; then beginning at Walnut and extending



124 southeasterly to Corinth; then beginning at Strickland and
125 extending southeasterly to Burnsville.

126 (vii) Highway segments along or near U.S. 78
127 beginning at Holly Springs and extending southeasterly to the New
128 Albany bypass; then beginning at Mississippi 25 and extending
129 southeasterly to Tremont.

130 (viii) Highway segments along or near U.S. 82
131 beginning at I-55 and extending easterly to Kilmichael; then
132 beginning at Eupora and extending easterly to Mathiston; then
133 beginning at Mississippi 12 and extending easterly to the Alabama
134 state line.

135 (ix) A highway segment along or near U.S. 84
136 beginning at I-59 and extending easterly to the Jones/Wayne county
137 line.

138 (x) Highway segments along or near U.S. 98
139 beginning at Columbia and extending easterly to the Marion/Lamar
140 county line; then beginning at U.S. 49 and extending southeasterly
141 to the Alabama state line.

142 (b) Of the following group of highway segments not less
143 than five percent (5%) of all contracts necessary to be let for
144 completion of all segments within the group shall be let by June
145 30, 1991, not less than ten percent (10%) of such contracts shall
146 be let by June 30, 1992, not less than twenty-five percent (25%)
147 of such contracts shall be let by June 30, 1993, not less than
148 forty percent (40%) of such contracts shall be let by June 30,
149 1994, not less than fifty-five percent (55%) of such contracts
150 shall be let by June 30, 1995, not less than seventy percent (70%)
151 of such contracts shall be let by June 30, 1996, not less than
152 eighty-five percent (85%) of such contracts shall be let by June
153 30, 1997, and one hundred percent (100%) of such contracts shall
154 be let by June 30, 1998:

155 (i) Highway segments along or near Mississippi 25
156 beginning at Mississippi 471 and extending northeasterly to



157 Mississippi 43; then beginning at the Winston/Oktibbeha county
158 line and extending northeasterly to Starkville.

159 (ii) A highway segment along or near Mississippi
160 63 beginning at the Jackson/George county line and extending
161 northerly to Lucedale.

162 (iii) A highway segment along or near Mississippi
163 302 beginning at I-55 in Southaven and extending easterly to U.S.
164 72 at or near Mt. Pleasant.

165 (iv) Highway segments along or near U.S. 45
166 beginning at the Alabama state line and extending northerly to the
167 Clarke/Lauderdale county line; then beginning at Lauderdale and
168 extending northerly to Macon; then beginning at Aberdeen and
169 extending northerly to U.S. 278.

170 (v) A highway segment along or near U.S. 45A
171 beginning at West Point and extending northerly to four (4) miles
172 south of Okolona.

173 (vi) A highway segment beginning at Brooksville
174 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
175 82, such segment having been designated by the Transportation
176 Commission pursuant to the provisions of paragraph (1)(c) of this
177 section.

178 (vii) A highway segment along or near U.S. 49W
179 beginning at the Yazoo River and extending northerly to Inverness.

180 (viii) Highway segments along or near U.S. 61
181 beginning at the Louisiana state line and extending northerly to
182 the Wilkinson/Adams county line; then beginning at Washington and
183 extending northerly to Port Gibson; then beginning at Merigold and
184 extending northerly to Shelby; then beginning at the north end of
185 the Clarksdale bypass and extending northerly to the Tennessee
186 state line.

187 (ix) A highway segment along or near U.S. 72
188 beginning at Mississippi 5 and extending southeasterly to Walnut.



189 (x) A highway segment along or near U.S. 78
190 beginning at Tremont and extending southeasterly to the Alabama
191 state line.

192 (xi) Highway segments along or near U.S. 82
193 beginning at the Montgomery/Webster county line and extending
194 easterly to Eupora; then beginning at Mathiston and extending
195 easterly to Starkville.

196 (xii) Highway segments along or near U.S. 84
197 beginning at Leesdale and extending easterly to Roxie; then
198 beginning at Auburn Road and extending easterly to I-55; then
199 beginning at the east end of the Brookhaven bypass and extending
200 easterly to Prentiss; then beginning at the Jones/Covington county
201 line and extending easterly to Horse Creek; then beginning at the
202 Jones/Wayne county line and extending easterly to Waynesboro.

203 (xiii) Highway segments along or near U.S. 98
204 beginning at the Pike/Walthall county line and extending easterly
205 to Columbia; then beginning at the Marion/Lamar county line and
206 extending easterly to the four-lane west of Hattiesburg.

207 (c) Of the following group of highway segments not less
208 than ten percent (10%) of all contracts necessary to be let for
209 completion of all segments within the group shall be let by June
210 30, 1996, not less than twenty percent (20%) of such contracts
211 shall be let by June 30, 1997, not less than forty percent (40%)
212 of such contracts shall be let by June 30, 1998, and one hundred
213 percent (100%) of such contracts shall be let by June 30, 1999:

214 (i) A highway segment along or near Mississippi 25
215 beginning at Mississippi 43 and extending northeasterly to the
216 Winston/Oktibbeha county line.

217 (ii) A highway segment along or near Mississippi
218 63 beginning at Lucedale and extending northerly to U.S. 45 at
219 State Line.

220 (iii) A highway segment along or near U.S. 61
221 beginning at Shelby and extending northerly to U.S. 49.



222 (iv) A highway segment along or near U.S. 82
223 beginning at Kilmichael and extending easterly to the
224 Montgomery/Webster county line.

225 (v) Highway segments along or near U.S. 84
226 beginning at Eddiceton and extending easterly to Auburn Road; then
227 beginning at Prentiss and extending easterly to Collins; then
228 beginning at Waynesboro and extending easterly to the Alabama
229 state line.

230 * * *

231 (4) (a) The Mississippi Department of Transportation shall
232 construct and reconstruct four-lane highways, that is, not less
233 than two (2) lanes for traffic flowing in each direction along the
234 following routes:

235 (i) Highway segments along or near Mississippi 15
236 beginning at I-10 and extending northerly to the
237 Mississippi/Tennessee state line.

238 (ii) A highway segment along or near Mississippi 6
239 beginning at or near U.S. 61 and extending easterly to or near
240 I-55 at or near Batesville.

241 (iii) A highway segment along or near Mississippi
242 6 beginning at or near Mississippi 9 and extending easterly to
243 U.S. 45.

244 (iv) A highway segment along or near Mississippi
245 25 beginning at or near U.S. 45 and extending northerly to or near
246 Iuka, and the portion of such segment that is described in Section
247 65-3-137 shall be constructed in compliance with such section.

248 (v) A highway segment along or near Mississippi 43
249 beginning at or near the Stennis Airport and extending northerly
250 and northwesterly to the Hancock/Pearl River county line.

251 (b) (i) Contracts for the highway segments designated
252 in this subsection and subsection (5) of this section may be let
253 after the letting of all contracts necessary for completion of the
254 highway segments designated in subsection (3) of this section;



255 however, contracts for the highway segments described in this
256 subsection may be let concurrently with the letting of contracts
257 for highway segments designated in subsection (3) of this section
258 if funds are available and are not necessary to be utilized for
259 the segments designated in subsection (3) of this section.

260 (ii) Contracts for highway segments designated in
261 this subsection shall have priority over contracts for highway
262 segments that have the same level of service in any priority
263 schedule adopted by the Transportation Commission under subsection
264 (5) of this section.

265 (iii) It is the intention of the Legislature that
266 no contracts for highway segments in subsections (4) and (5) of
267 this section may be let before all highway segments under
268 subsection (3) of this section have been let for contract.

269 (c) In the construction and reconstruction of the
270 four-lane highway segments designated in this subsection, the
271 Mississippi Department of Transportation may utilize the roadway
272 of any existing highway under its jurisdiction and control and
273 shall do so when such utilization is feasible, provided that such
274 highways which are utilized shall be constructed to current
275 standards for such roadways. When it is not feasible to utilize
276 existing designated highways, the Transportation Department shall
277 relocate such highways and construct entirely new facilities
278 whether in urban or rural areas.

279 (5) (a) (i) The Transportation Commission shall construct,
280 upgrade or improve the segments described in paragraphs (f), (g)
281 and (h) of this subsection, the projects described in Section
282 65-39-1 and other highway construction under its jurisdiction, in
283 accordance with a priority schedule based upon a needs analysis
284 performed by the Mississippi Department of Transportation. The
285 priority schedule shall be reviewed annually by the Department of
286 Transportation to determine if the priority schedule is in need of
287 revision. The analytic methods and procedures utilized by the



288 Mississippi Department of Transportation to perform the needs
289 analysis shall conform to current standards and practices of the
290 transportation sciences and industry as promulgated in appropriate
291 documentation of the United States Department of Transportation,
292 the Transportation Research Board, the American Association of
293 Highway and Transportation Officials, and other recognized and
294 relevant bodies. Such conforming methodologies shall be applied
295 utilizing considerations appropriate to the specific situation and
296 may include capacity analysis, traffic counting, traffic
297 projection, cost estimation, benefit-cost analysis, user cost
298 analysis, land use projections and similar analyses and
299 projections, so that all analyses are completed with the best
300 tools available at the time of the analysis. The Transportation
301 Commission may establish and publish standards for setting the
302 priorities and in so doing shall consider other factors, not in
303 violation of federal law, as the Transportation Commission may
304 consider relevant, including, but not limited to, economic
305 development, safety and highways that may serve as hurricane
306 evacuation routes. The first determinant for construction of
307 highway segments shall be the year of need. "Year of need" for
308 purposes of this section is the year in which the level of service
309 on a segment is projected to deteriorate to an unacceptable level.
310 For segments with the same year of need, prioritization shall be
311 based on the volume to capacity ratio and the daily traffic
312 volume. In the event that the Transportation Commission deviates
313 from the recommended priorities presented through the needs
314 analysis, the commission shall spread the specific reasons for the
315 deviation on its minutes. The priority schedule shall reflect
316 immediate needs which shall be construction, upgrades and
317 improvements to the state highway system needed over a five-year
318 period based upon the criteria established in this paragraph which
319 shall be reviewed annually by the Mississippi Department of
320 Transportation. The priority schedule shall project mid-range



321 needs which shall include highway corridors that are projected to
322 reach an unacceptable level of service within ten (10) years after
323 each annual review of the priority schedule. The priority
324 schedule shall project long-range needs which shall include
325 highway corridors that are projected to reach an unacceptable
326 level of service ten (10) years or more after each annual review
327 of the priority schedule.

328 (ii) Notwithstanding any other provisions of this
329 section to the contrary, projects for the construction,
330 reconstruction, improvement or modification of any highway or
331 highway segment required to be performed by the Mississippi
332 Transportation Commission and/or the Mississippi Department of
333 Transportation by any act of the Legislature that was enacted and
334 became effective before July 1, 2002, shall be given priority over
335 any other projects that are authorized or directed to be performed
336 by the Mississippi Transportation Commission and/or the
337 Mississippi Department of Transportation under the provisions of
338 this act or under the provisions of any other legislation that is
339 enacted or becomes effective after July 1, 2002.

340 (b) On or before October 1, 2005, and on or before
341 October 1 of each year thereafter, the Transportation Commission
342 shall present to the Highways and Transportation Committee of the
343 Senate and the Transportation Committee of the House of
344 Representatives the schedule of priorities developed as provided
345 for in paragraph (a) of this subsection reflecting the proposed
346 schedule of construction for segments. The proposed schedule
347 shall be followed until later modified based on the criteria
348 established in paragraph (a) of this subsection.

349 (c) The Transportation Commission shall begin letting
350 projects based upon the prioritized schedule of need not later
351 than January 1, 2006; however, the commission shall have the
352 flexibility to adjust the sequencing of projects as may be
353 required in order to maximize the utilization of available funding



354 or to accommodate the relative requirement of each individual
355 project. Nothing in this section shall be construed to authorize
356 the Transportation Commission to let contracts for projects based
357 upon the prioritized schedule of need before completion of the
358 letting of contracts under subsection (3)(c) of this section.

359 (d) Funds deposited into the special funds created in
360 Section 65-39-3 or 65-39-17 may only be expended as provided for
361 in Sections 65-39-1 through 65-39-37; however, funds otherwise
362 generated may be expended on segments included in Section 65-39-1
363 that are in the prioritized schedule established pursuant to this
364 subsection, as well as other projects included in such schedule.

365 (e) For fiscal year 2006 and each fiscal year
366 thereafter, the Transportation Commission shall dedicate not less
367 than Two Hundred Million Dollars (\$200,000,000.00) in state and/or
368 federal funds to fund the program established by subsections (4)
369 and (5) of this section.

370 (f) The Transportation Commission and the Mississippi
371 Department of Transportation shall, in addition to all other
372 projects, consider the following as immediate needs when
373 establishing the initial priority schedule pursuant to paragraph
374 (a) of this subsection:

375 (i) An Interstate highway segment along or near
376 I-55 beginning at or near Hernando and extending northerly to the
377 Tennessee state line.

378 (ii) A highway segment along or near Mississippi
379 304 beginning at or near U.S. 61 and extending easterly to or near
380 I-55.

381 (iii) A highway segment along or near U.S. 82
382 beginning at the east end of the proposed Greenville River Bridge
383 and extending northeasterly to or near Stoneville.

384 (iv) A highway segment along or near Mississippi
385 278 beginning at or near Amory and extending westerly to U.S. 45.



386 (v) A highway segment along or near Mississippi 41
387 beginning at U.S. 45 and extending westerly to or near Okolona.

388 (vi) A highway segment along or near Mississippi 9
389 beginning at Mississippi 6 north of Pontotoc and extending
390 northerly to U.S. 78.

391 (vii) A highway segment along or near Mississippi
392 25 beginning at or near Itawamba county line and extending
393 northerly to or near U.S. 72.

394 (viii) A highway segment along or near Mississippi
395 35 beginning at the end of the existing four-lane at Forest and
396 extending northerly to or near Hillsboro.

397 (ix) A highway segment along or near Mississippi
398 35 beginning at or near Mississippi 487 and extending northerly to
399 or near Mississippi 25.

400 (x) A highway segment along or near Mississippi 16
401 beginning at or near I-55 and extending easterly to or near
402 Philadelphia.

403 (xi) An Interstate highway segment along or near
404 I-20 beginning at the Mississippi River Bridge and extending
405 easterly to or near U.S. 61 north.

406 (xii) A highway segment consisting of two (2)
407 lanes of construction and two (2) lanes of right-of-way
408 acquisition beginning at the Port of Vicksburg and extending
409 easterly to or near U.S. 61.

410 (xiii) An Interstate highway segment along or near
411 I-20 beginning at or near the Clinton Raymond Road Interchange and
412 extending easterly to or near the Mississippi 18 Interchange.

413 (xiv) An Interstate highway segment along or near
414 I-20 beginning at or near I-55 south and extending easterly to or
415 near I-55 north.

416 (xv) An Interstate highway segment along or near
417 I-55 beginning at or near I-20 and extending northerly to or near
418 the High Street Interchange.



419 (xvi) An Interstate highway segment along or near
420 I-55 beginning at or near the Elton Road Interchange and extending
421 northerly to or near I-20.

422 (xvii) An Interstate highway segment along or near
423 I-59 beginning at or near U.S. 98 and extending northerly to or
424 near U.S. 49.

425 (xviii) A highway segment along or near
426 Mississippi 43 beginning at or near the Hancock county line and
427 extending westerly to or near I-59.

428 (xix) An Interstate highway segment along or near
429 Canal Road (Mississippi 601) beginning at or near U.S. 90 and
430 extending northerly to or near I-10.

431 (xx) An Interstate highway segment consisting of
432 four (4) lanes along or near U.S. 49 beginning at or near I-10 and
433 extending northerly to or near Lyman; then beginning at or near
434 I-59 and extending westerly to or near U.S. 49; then beginning at
435 or near I-59 and extending northwesterly to U.S. 49; then
436 beginning at or near Florence and extending northerly to or near
437 I-20.

438 (xxi) A highway segment along or near U.S. 49
439 beginning along or near Lyman and extending northerly to I-20 with
440 geometric type improvements along the entire corridor at or near
441 the One Hundred Million Dollar (\$100,000,000.00) estimate.

442 (xxii) An Interstate highway along or near I-20/59
443 beginning at or near the merger of I-20 and I-59 and extending
444 easterly to or near Mississippi 39.

445 (xxiii) A highway segment along or near
446 Mississippi 67 beginning at or near I-10 and extending
447 northwesterly to or near U.S. 49.

448 (xxiv) A highway segment along or near Mississippi
449 605 beginning at or near I-10 and extending northerly to or near
450 Mississippi 67.



451 (xxv) A highway segment along or near Mississippi
452 43 beginning at the end of the existing four-lane and extending
453 northerly to or near Kiln.

454 (xxvi) A highway segment along or near Mississippi
455 24/Mississippi 48 beginning at or near Mississippi 33 south and
456 extending easterly to or near Mississippi 33 north.

457 (xxvii) A highway segment along or near
458 Mississippi 24/Mississippi 48 beginning at or near Mississippi 569
459 and extending easterly to or near I-55.

460 (xxviii) A highway segment along or near
461 Mississippi 27 beginning at or near I-55 and extending northerly
462 to or near I-20.

463 (xxix) A highway segment along or near Mississippi
464 57 beginning at or near I-10 and extending northerly to or near
465 Vancleave.

466 (xxx) A highway segment along or near Mississippi
467 19 beginning at or near Collinsville and extending northerly to or
468 near Philadelphia.

469 (xxxii) A highway segment along or near Mississippi
470 12 beginning at or near I-55 and extending to or near U.S. 51.

471 (xxxiii) A highway segment along or near
472 Mississippi 18 beginning at or near Mississippi 27 and extending
473 northerly to or near the end of the four-lane at or near Raymond.

474 (xxxiiii) A highway segment along or near
475 Mississippi 28 beginning at or near Fayette and extending easterly
476 to I-55.

477 (xxxv) A highway segment along or near U.S. 61
478 beginning at or near Redwood and extending northerly to or near
479 Leland.

480 (xxxvi) A highway segment along or near Mississippi
481 24/Mississippi 48 beginning at or near Woodville and extending
482 easterly to or near Mississippi 569.



483 (xxxvi) A highway segment along or near
484 Mississippi 18 beginning at or near U.S. 61 and extending
485 northerly to or near Mississippi 27.

486 (xxxvii) A highway segment consisting of four (4)
487 lanes along or near Mississippi 12 beginning at or near U.S. 51
488 and extending to or near Kosciusko.

489 (xxxviii) A highway segment along or near
490 Mississippi 25 beginning at Iuka and extending northerly to the
491 Mississippi/Tennessee state line.

492 (xxxix) A highway segment along or near
493 Mississippi 25 beginning at U.S. 45 Alternate and extending
494 northeasterly to or near Aberdeen.

495 (xl) A highway segment along or near Mississippi 7
496 beginning at I-55 and extending northeasterly to Mississippi 9W.

497 (xli) A highway segment along or near Mississippi
498 7 beginning at Greenwood and extending northeasterly to Grenada.

499 (xlii) A highway segment along or near U.S. 98
500 beginning at or near U.S. 84 at or near Meadville and extending
501 easterly to or near I-55.

502 (xliii) A highway segment along or near
503 Mississippi 35 beginning at the Mississippi/Louisiana state line
504 and extending northerly to or near U.S. 98 at or near Foxworth.

505 (xliv) A highway segment along or near Mississippi
506 53 beginning at or near U.S. 49 and extending northwesterly to or
507 near I-59.

508 (xlv) A highway segment along or near Mississippi
509 603 beginning at or near Mississippi 43 and extending northerly to
510 or near Mississippi 53.

511 (g) The Transportation Commission and the Mississippi
512 Department of Transportation shall, in addition to all other
513 projects, consider the following as mid-range needs when
514 establishing the initial priority schedule pursuant to paragraph
515 (a) of this section:



- 516 (i) A highway segment along or near U.S. 49
517 beginning at U.S. 61 and extending northwesterly to the Arkansas
518 state line.
- 519 (ii) A highway segment along or near Mississippi 8
520 beginning at or near Rosedale and extending easterly to or near
521 Grenada.
- 522 (iii) A highway segment along or near Mississippi
523 25 beginning at the end of the existing four-lane and extending
524 northerly to or near the Tishomingo county line.
- 525 (iv) A highway segment along or near Mississippi
526 25 beginning at or near Mississippi 23 and extending northerly to
527 or near U.S. 78.
- 528 (v) A highway segment along or near Mississippi 12
529 beginning at or near Kosciusko and extending northeasterly to or
530 near Ethel; then beginning at or near Weir and extending
531 northeasterly to or near Mississippi 15; then beginning at or near
532 Longview and extending northeasterly to or near Starkville.
- 533 (vi) A highway segment along or near Mississippi
534 35 beginning at or near Hillsboro and extending northerly to or
535 near Mississippi 487.
- 536 (vii) A highway segment along or near Mississippi
537 35 beginning at or near Mississippi 25 and extending northerly to
538 or near I-55.
- 539 (viii) A highway segment along or near Mississippi
540 16 beginning at or near Mississippi 25 and extending easterly to
541 or near BIA 22.
- 542 (ix) A highway segment along or near Mississippi
543 22 beginning at or near Edwards and extending northeasterly to or
544 near Canton.
- 545 (x) An Interstate highway segment along or near
546 I-55 beginning at or near I-220 and extending northerly to or near
547 Canton.



548 (xi) An Interstate highway segment along or near
549 I-20 beginning at or near U.S. 61 north and extending easterly to
550 or near the Flowers Interchange.

551 (xii) An Interstate highway segment along or near
552 I-20 beginning at or near the Mississippi 18 Interchange and
553 extending easterly to or near I-55 south.

554 (xiii) An Interstate highway segment along or near
555 I-20 beginning at or near I-55 north and extending easterly to or
556 near U.S. 49.

557 (xiv) A highway segment along or near Mississippi
558 43 beginning at or near Kiln and extending northwesterly to or
559 near the Pearl River county line.

560 (xv) A highway segment along or near Mississippi
561 12 beginning at or near Ethel and extending northeasterly to or
562 near Weir; then beginning at or near Mississippi 15 and extending
563 northeasterly to Longview.

564 (xvi) A highway segment along or near Mississippi
565 27 beginning at the Mississippi/Louisiana state line and extending
566 northerly to or near Crystal Springs.

567 (xvii) A highway segment along or near Mississippi
568 33 beginning at or near Fayette and extending southerly to or near
569 the Mississippi/Louisiana state line.

570 (xviii) A highway segment along or near
571 Mississippi 18 beginning at or near Bay Springs and extending
572 northeasterly to or near Brandon.

573 (xix) A highway segment along or near Mississippi
574 24 beginning at or near Gloster and extending to or near Liberty.

575 (h) The Transportation Commission and the Mississippi
576 Department of Transportation shall, in addition to all other
577 projects, consider the following as long-range needs when
578 establishing the initial priority schedule pursuant to paragraph
579 (a) of this section:



- 580 (i) A highway segment along or near Mississippi 19
581 beginning at or near Mississippi 15 and extending northwesterly to
582 or near Kosciusko.
- 583 (ii) An Interstate highway segment along or near
584 I-55 beginning at or near Senatobia and extending northerly to
585 Hernando.
- 586 (iii) An Interstate highway segment along or near
587 I-20 beginning at or near the Flowers Interchange and extending
588 easterly to or near Clinton Raymond Road Interchange.
- 589 (iv) An Interstate highway segment along or near
590 I-20 beginning at or near the Brandon Crossgates Interchange and
591 extending easterly to or near the Pelahatchie Mississippi 43
592 Interchange.
- 593 (v) An Interstate highway segment along or near
594 I-55 beginning at or near the High Street Interchange and
595 extending northerly to or near Mississippi 25.
- 596 (vi) An Interstate highway segment along or near
597 I-55 beginning at or near Terry and extending northerly to or near
598 the Elton Road Interchange.
- 599 (vii) An Interstate highway along or near I-20
600 beginning at or near Chunky and extending easterly to or near
601 I-59.
- 602 (viii) An Interstate highway along or near I-20/59
603 beginning at or near Mississippi 39 and extending easterly to or
604 near Toomsaba.
- 605 (ix) A highway segment along or near Mississippi
606 16 beginning at or near I-55 and extending to or near U.S. 49.
- 607 (x) A highway segment along or near Mississippi 4
608 beginning at or near U.S. 61 and extending easterly to or near
609 I-55 at or near Senatobia.
- 610 (xi) A roadway segment along or near Lakeshore
611 Road beginning at or near U.S. 90 and extending northerly to or
612 near South Beach Boulevard.



613 (xii) A highway segment beginning at or near
614 Ellisville and extending northerly to or near the northern city
615 limits of Laurel.

616 (xiii) An Interstate highway segment along or near
617 I-110 beginning at or near U.S. 90 and extending northerly to or
618 near I-10.

619 (xiv) A highway segment along or near Mississippi
620 16 beginning at or near Scooba and extending westerly to or near
621 DeKalb.

622 (xv) A highway segment along or near U.S. 49 East
623 beginning at or near Yazoo City and extending northerly to or near
624 U.S. 82.

625 (xvi) A highway segment along or near Mississippi
626 7 beginning at or near Oxford and extending northerly to the
627 Mississippi/Tennessee state line.

628 (xvii) A highway segment along or near Mississippi
629 57 beginning at or near Vancleave and extending northerly to or
630 near U.S. 98.

631 (xviii) A highway segment along or near
632 Mississippi 35 beginning at or near I-55 and extending northerly
633 to Mississippi 6.

634 (xix) A highway segment along or near Mississippi
635 35 beginning at or near U.S. 98 and extending northerly to I-20.

636 (6) The commission shall, in addition to other projects,
637 consider the following highway segments for improvements and
638 highway modifications, including, but not limited to,
639 straightening and realignment of the existing roadway, the
640 addition of passing lanes and the widening of existing lanes, the
641 addition of turn lanes and improvement of shoulders:

642 (a) Mississippi 3 from U.S. 61 to U.S. 49 West.

643 (b) Mississippi 3 from Tutwiler to U.S. 61.

644 (c) Mississippi 7 from Mississippi 9 West to I-55.

645 (d) Mississippi 7 from U.S. 82 to I-55.



- 646 (e) Mississippi 8 from U.S. 49 West to I-55.
- 647 (f) Mississippi 9 from Mississippi 7 to U.S. Highway
648 82.
- 649 (g) Mississippi 9 from Mississippi 6 to U.S. 78.
- 650 (h) Mississippi 9 from Mississippi 7 to Mississippi
651 300.
- 652 (i) Mississippi 12 from U.S. 61 to I-55.
- 653 (j) Mississippi 12 from U.S. 82 to the
654 Mississippi/Alabama state line.
- 655 (k) Mississippi 12 from the city limits of Ackerman to
656 the city limits of Sturgis.
- 657 (l) Mississippi 12 from U.S. 49 West to U.S. 61.
- 658 (m) Mississippi 12 from Kosciusko to I-55.
- 659 (n) Mississippi 15 from I-10 to U.S. 98.
- 660 (o) Mississippi 15 from Mississippi 18 to I-20.
- 661 (p) Mississippi 16 from Mississippi 39 to U.S. 45.
- 662 (q) Mississippi 16 from Mississippi 39 to Philadelphia.
- 663 (r) Mississippi 18 from U.S. 61 to the city limits of
664 Utica.
- 665 (s) Mississippi 18 from U.S. 45 to U.S. 80.
- 666 (t) Mississippi 24 from Mississippi 33 to Mississippi
667 48.
- 668 (u) Mississippi 24 from U.S. 61 to Fort Adams.
- 669 (v) Mississippi 26 from Mississippi 43 to Mississippi
670 63.
- 671 (w) Mississippi 27 from the Mississippi/Louisiana state
672 line to I-55.
- 673 (x) Mississippi 28 from Mississippi 33 to I-55.
- 674 (y) Mississippi 28 from U.S. 51 to U.S. 49.
- 675 (z) Mississippi 28 from U.S. 84 to U.S. 49.
- 676 (aa) Mississippi 33 from U.S. 61 to the
677 Mississippi/Louisiana state line.
- 678 (bb) Mississippi 35 from U.S. 98 to I-20.



- 679 (cc) Mississippi 39 from DeKalb to the Meridian Naval
680 Air Station.
- 681 (dd) Mississippi 42 from U.S. 84 to U.S. 49.
- 682 (ee) Mississippi 43 from Mississippi 26 to Picayune.
- 683 (ff) Mississippi 48 from Mississippi 35 to U.S. 51.
- 684 (gg) Mississippi 50 from Mississippi 15 to the
685 Mississippi/Alabama state line.
- 686 (hh) Mississippi 69 from Columbus to the
687 Mississippi/Alabama state line.
- 688 (ii) Mississippi 389 from Starkville to Mississippi 15.
- 689 (jj) Mississippi 469 from U.S. 49 to Mississippi 28.
- 690 (kk) Mississippi 469 from U.S. 49 to Mississippi 468.
- 691 (ll) Mississippi 547 from Mississippi 28 to U.S. 61.
- 692 (mm) Mississippi 550 from Mississippi 28 to I-55.
- 693 (nn) Mississippi 563 from U.S. 61 to Mississippi 33.
- 694 (oo) Mississippi 567 from Mississippi 24 to U.S. 98.
- 695 (pp) Mississippi 569 from Liberty to Mississippi 570.
- 696 (qq) Mississippi 570 from Summitt to Smithdale.
- 697 (rr) Mississippi 589 from Liberty to I-55.
- 698 (ss) Mississippi 589 from U.S. 98 to I-59.
- 699 (tt) Mississippi 603 from I-10 to Kiln/Delisle Road.
- 700 (uu) Old U.S. 45 beginning in the City of Meridian at
701 or near the old Coca-Cola Company and extending northerly
702 approximately two (2) miles to just beyond the Town of Marion.
- 703 (vv) U.S. 49 East from Yazoo City to Tutwiler.
- 704 (ww) U.S. 49 from Tutwiler to Clarksdale.
- 705 (xx) U.S. 49 from Indianola to Clarksdale.

706 (7) The Mississippi Transportation Commission shall conduct
707 a feasibility study and prepare a conceptual design for a
708 thoroughfare that encircles the City of Hattiesburg.

709 (8) The construction priorities established in this section
710 shall not be construed as prohibiting the completion of highway
711 segments which, on July 1, 1987, are included in the current



712 three-year plan under Section 65-1-141, and for which, on July 1,
713 1987, grade and drainage has been completed or contracts for grade
714 and drainage have been let. Nothing shall preclude the
715 construction of fully controlled access highways.

716 (9) Contracts may be let and construction may commence and
717 be performed concurrently on any of the highway segments
718 designated in subsections (3), (4) and (5) of this section,
719 notwithstanding the priorities established for the letting of
720 contracts on the various segments designated therein, provided
721 that funds are available and, provided that, at all times, the
722 percentages of all contracts required to be let on the segments
723 designated in subsection (3) of this section are, in fact, let no
724 later than the dates established therein.

725 (10) (a) All highway construction and reconstruction
726 authorized under this section shall be performed by contract let
727 on competitive bid in the manner provided by statute; however,
728 highway segments shall be constructed in lengths of not less than
729 ten (10) miles.

730 (b) It is the intent of the Legislature that not less
731 than ten percent (10%) of the amounts authorized to be expended
732 for construction and reconstruction of the four-lane highway
733 segments designated in this section shall be expended with small
734 business concerns owned and controlled by socially and
735 economically disadvantaged individuals. The term "socially and
736 economically disadvantaged individuals" shall have the meaning
737 ascribed to such term under Section 8(d) of the Small Business Act
738 (15 USCS, Section 637(d)) and relevant subcontracting regulations
739 promulgated pursuant thereto; except that women shall be presumed
740 to be socially and economically disadvantaged individuals for the
741 purposes of this paragraph (b).

742 (11) (a) Notwithstanding the provisions of subsection
743 (10) (a) of this section, the Mississippi Transportation Commission



744 may construct highway segments of less than ten (10) miles in
745 length if:

746 (i) The segment as described in subsection (3) or
747 (4) of this section or the schedule of priorities established in
748 subsection (5) of this section is less than ten (10) miles in
749 length;

750 (ii) The segment will connect two (2) existing
751 four-lane highways;

752 (iii) The segment will connect an existing
753 four-lane highway with an incorporated municipality;

754 (iv) The segment will connect an existing
755 four-lane highway with a river, the state boundary or any other
756 natural or man-made barrier;

757 (v) For a particular project, the costs of
758 constructing a single segment of at least ten (10) miles in length
759 would greatly exceed the aggregate costs of constructing two (2)
760 or more segments; or

761 (vi) The segment is in an urban area and involves
762 the completion of bypasses or other construction which will
763 facilitate and accommodate major traffic movement.

764 (b) In any case in which the Transportation Commission
765 authorizes the construction of a highway segment of less than ten
766 (10) miles in length, the commission shall set forth and record in
767 its official minutes explanation and justification therefor based
768 upon one or more of the conditions prescribed in paragraph * * *
769 (a) of this subsection.

770 (12) (a) To assist in defraying the costs and expenses for
771 construction, reconstruction and relocation of the four-lane
772 highway system described in this section, the following revenues
773 shall be paid out of such funds made available to the
774 Transportation Commission and the Mississippi Department of
775 Transportation:



776 (i) From matched federal funds or other federal
777 funds, Thirty-two Million Dollars (\$32,000,000.00) for fiscal year
778 1988, Twenty-five Million Dollars (\$25,000,000.00) for fiscal year
779 1989, Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990
780 and fifty percent (50%) of such federal funds for fiscal year 1991
781 and each fiscal year thereafter; and

782 (ii) Five Million Dollars (\$5,000,000.00) from
783 matched federal bridge replacement funds for fiscal year 1988 and
784 each fiscal year thereafter when the segments proposed for
785 construction contain bridges that are eligible for replacement
786 under the Federal Aid Bridge Replacement Program.

787 (b) Federal funds in addition to the federal funds
788 specified in paragraph (a) of this subsection may be used for the
789 construction, reconstruction and relocation of the four-lane
790 highway system described in this section. Such federal funds may
791 be utilized in lieu of state funding that would otherwise be
792 utilized for such system; provided, however, that the annual total
793 amount of funding for the construction, reconstruction and
794 relocation of the highway system described in this section shall
795 not be less than it would have otherwise been without the
796 utilization of such additional federal funds.

797 (13) The Transportation Department shall submit a report to
798 the Legislature by January 10 of each calendar year setting forth
799 the current status of the construction program set forth in this
800 section to include, but not be limited to, the following
801 information:

802 (a) Specific segments on which engineering is being
803 performed or has been completed;

804 (b) Specific segments for which right-of-way has been
805 acquired or is being acquired;

806 (c) Specific segments for which construction contracts
807 have been let;



- 808 (d) Specific segments on which construction is in
809 progress;
- 810 (e) Specific segments on which construction has been
811 completed;
- 812 (f) Projections for completion of the next step on each
813 segment;
- 814 (g) Revenue derived for such construction program from
815 each revenue source contained in Chapter 322, Laws, 1987, and in
816 Chapter 557, Laws, 1994;
- 817 (h) For each fiscal year beginning in 1994, a detailed
818 cash flow projection by source of program activities and an
819 estimate of when the program will encounter a funding shortage due
820 to costs exceeding original projections;
- 821 (i) A schedule of all complete and open-to-traffic
822 highway segments and the related total cost of each segment;
- 823 (j) A schedule of all highway segments on which all
824 contracts necessary for completion of the segments were not let as
825 of the date required by law;
- 826 (k) A complete recap of all program receipts by source,
827 and of all disbursements for the prior fiscal year and cumulative
828 totals since the inception of the program as compared to
829 projections; and
- 830 (l) A statement from the Department of Transportation
831 regarding the status of the funding of the program based on agency
832 cost experience and projections for the future.

833 The report shall be deemed submitted when ten (10) copies are
834 submitted to the Clerk of the House of Representatives and ten
835 (10) copies are submitted to the Secretary of the Senate.

836 **SECTION 2.** Section 75-76-129, Mississippi Code of 1972, is
837 amended as follows:

838 **[Through June 30, 2022, this section shall read as follows:]**

839 75-76-129. On or before the last day of each month all
840 taxes, fees, interest, penalties, damages, fines or other monies



841 collected by the State Tax Commission during that month under the
842 provisions of this chapter, with the exception of (a) the local
843 government fees imposed under Section 75-76-195, and (b) an amount
844 equal to Three Million Dollars (\$3,000,000.00) of the revenue
845 collected pursuant to the fee imposed under Section
846 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
847 of the revenue collected pursuant to the fee imposed under Section
848 75-76-177(1)(c), whichever is the greater amount, shall be paid by
849 the State Tax Commission to the State Treasurer to be deposited in
850 the State General Fund. The local government fees shall be
851 distributed by the State Tax Commission pursuant to Section
852 75-76-197. An amount equal to Three Million Dollars
853 (\$3,000,000.00) of the revenue collected during that month
854 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
855 deposited by the State Tax Commission into the bond sinking fund
856 created in Section 65-39-3. The revenue collected during that
857 month pursuant to the fee imposed under Section 75-76-177(1)(c)
858 that is in excess of Three Million Dollars (\$3,000,000.00), but is
859 less than twenty-five percent (25%) of the amount of revenue
860 collected during that month, shall be deposited into the State
861 Highway Fund to be used exclusively for the reconstruction and
862 maintenance of highways of the State of Mississippi.

863 **[From and after July 1, 2022, this section shall read as**
864 **follows:]**

865 75-76-129. On or before the last day of each month, all
866 taxes, fees, interest, penalties, damages, fines or other monies
867 collected by the State Tax Commission during that month under the
868 provisions of this chapter, with the exception of the local
869 government fees imposed under Section 75-76-195, shall be paid by
870 the State Tax Commission to the State Treasurer to be deposited in
871 the State General Fund. The local government fees shall be
872 distributed by the State Tax Commission pursuant to Section
873 75-76-197.



874 **SECTION 3.** Section 65-39-1, Mississippi Code of 1972, is
875 amended as follows:

876 65-39-1. (1) The Mississippi Transportation Commission is
877 authorized, subject to the availability of funds in the Gaming
878 Counties State-Assisted Infrastructure Fund created in Section
879 65-39-17, to conduct feasibility studies and, pursuant to
880 information gathered in such studies, select routes and locations,
881 perform preliminary engineering, acquire necessary right-of-way
882 and property, construct and/or reconstruct and improve existing or
883 new highways, roads, streets and bridges, including two-lane,
884 four-lane and multi-lane roads (or segments thereof), perform
885 intersection improvements, provide signal retiring, turnbay
886 extensions, additional interchanges and other traffic
887 modifications, within and approaching those counties in this state
888 where legal gaming is being conducted or is authorized. Any
889 highway, road, street or bridge that is authorized to be
890 constructed, reconstructed or improved shall meet design standards
891 established by the Mississippi Department of Transportation, shall
892 be constructed to bear a load limit of at least eighty thousand
893 (80,000) pounds and, upon completion, shall become a part of the
894 state highway system, and thereafter shall be under the
895 jurisdiction of the Mississippi Transportation Commission and the
896 Mississippi Department of Transportation for construction and
897 maintenance.

898 (2) The projects authorized in subsection (1) of this
899 section shall include, but shall not be limited to, highways,
900 roads, streets and bridges on and along the following locations:

901 (a) U.S. Highway 90 from its intersection with
902 Mississippi 607 in Hancock County to Ocean Springs, and including
903 Lakeshore Road in Hancock County from its intersection with U.S.
904 Highway 90 to Beach Boulevard;

905 (b) Mississippi 4 from U.S. Highway 61 to Mississippi
906 3;



- 907 (c) Mississippi 4 from Mississippi 3 to Senatobia;
- 908 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;
- 909 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in
910 Gulfport;
- 911 (f) Mississippi 304 beginning at the Tennessee state
912 line at or near U.S. 72 and thence running in a southwesterly
913 direction to intersect with U.S. 78 at or near Byhalia and thence
914 running in a westerly direction to intersect I-55 at or near
915 Hernando and thence running in a westerly direction to intersect
916 with U.S. 61 in DeSoto County, with a spur extending southwesterly
917 to or near Robinsonville in Tunica County;
- 918 (g) I-10 from Exit 28 to Exit 57;
- 919 (h) A new location from the northernmost point on I-110
920 to U.S. 49;
- 921 (i) U.S. Highway 61 from the Tunica County line to the
922 Tennessee state line;
- 923 (j) (i) Four-lanes for traffic along Mississippi 16
924 beginning at its intersection with Mississippi 25 and extending
925 easterly to join the existing four-lane on the west side of
926 Carthage within the corporate boundaries;
- 927 (ii) Passing lanes and turn lanes, as needed,
928 along Mississippi 16 beginning at a point on the east side of
929 Carthage within the corporate boundaries where the existing
930 four-lane ends and extending easterly to the Leake/Neshoba county
931 line; and
- 932 (iii) Four-lanes for traffic along Mississippi 16
933 beginning at the Leake/Neshoba county line and extending easterly
934 to not more than ten (10) miles east of Mississippi 15;
- 935 (k) Lorraine/Cowan Road Extension from I-10 North to
936 relocated/reconstructed Mississippi 67;
- 937 (l) At various locations on and along U.S. Highway 82
938 and Mississippi 1 in the City of Greenville;



939 (m) At various locations on and along I-20, U.S.
940 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including
941 a truck route from Harbor Industrial Park to U.S. Highway 61 north
942 and an extension of South Frontage Road with railroad bridge to
943 Interstate Highway 20;

944 (n) At various locations on and along U.S. Highway 61,
945 U.S. Highway 65 and Washington Street in the City of Natchez;

946 (o) At various locations on and along U.S. Highway 90
947 in the City of Pass Christian;

948 (p) Mississippi 43/603 beginning where the existing
949 four-lane ends north of I-10 and extending northerly to a point
950 approximately one (1) mile north of Kiln where Mississippi 43/603
951 divides into Mississippi 43 and Mississippi 603;

952 (q) Mississippi 43 beginning where Mississippi 43 and
953 Mississippi 603 divide and extending northwesterly to or near
954 Picayune;

955 (r) U.S. 49 from U.S. 61 west to the Mississippi River
956 bridge;

957 (s) Subject to the conditions prescribed in subsection
958 (3) of this section, a central Harrison County connector from I-10
959 to U.S. 90 in the vicinity of Canal Road to the Mississippi State
960 Port at Gulfport; * * *

961 (t) An east Harrison County connector from U.S. 90 to
962 I-10 to be located between the Cowan-Lorraine Road interchange and
963 the I-110 interchange; and

964 (u) At various locations on, along and approaching U.S.
965 Highway 90 in Harrison, Hancock and Jackson Counties, which the
966 Mississippi Transportation Commission determines will alleviate
967 traffic congestion in Harrison, Hancock and Jackson Counties.

968 (3) Authorization for the project described in paragraph
969 (2)(s) of this section is conditioned upon receipt by the
970 Mississippi Transportation Commission of a written commitment by



971 the Mississippi Development Authority to make available for such
972 project not less than Six Million Dollars (\$6,000,000.00).

973 (4) * * * If a project authorized in this section is also
974 included in the four-lane highway program under Section
975 65-3-97(3), then all contracts necessary to be let for the
976 completion of the project under this section shall be let not
977 later than the priorities established for the letting of contracts
978 for the project under Section 65-3-97(3). Prioritization of
979 construction for all other projects authorized in this section
980 shall be conducted as provided for in Section 65-3-97(4).

981 (5) (a) Funds for the projects authorized under this
982 section may be provided through the issuance of bonds under
983 Sections 65-39-5 through 65-39-33, through the issuance of notes
984 for such purposes under Section 31-17-127 or from such monies as
985 may be available in the Gaming Counties State-Assisted
986 Infrastructure Fund created under Section 65-39-17.

987 (b) In addition to the funds provided for under
988 paragraph (a) of this subsection, funds for the project described
989 in subsection (2)(s) of this section also may be provided from any
990 available federal, state, county or municipal funds authorized for
991 such project, including the Economic Development Highway Act.

992 **SECTION 4.** Section 27-5-101, Mississippi Code of 1972, is
993 amended as follows:

994 **[With regard to any county which is exempt from the**
995 **provisions of Section 19-2-3, this section shall read as follows:]**

996 27-5-101. Unless otherwise provided in this section, on or
997 before the fifteenth day of each month, all gasoline, diesel fuel
998 or kerosene taxes which are levied under the laws of this state
999 and collected during the previous month shall be paid and
1000 apportioned by the State Tax Commission as follows:

1001 (a) (i) Except as otherwise provided in Section
1002 31-17-127, from the gross amount of gasoline, diesel fuel or
1003 kerosene taxes produced by the state, there shall be deducted an



1004 amount equal to one-sixth (1/6) of principal and interest
1005 certified by the State Treasurer to the State Tax Commission to be
1006 due on the next semiannual bond and interest payment date, as
1007 required under the provisions of Chapter 130, Laws of 1938, and
1008 subsequent acts authorizing the issuance of bonds payable from
1009 gasoline, diesel fuel or kerosene tax revenue on a parity with the
1010 bonds issued under authority of said Chapter 130. The State
1011 Treasurer shall certify to the State Tax Commission on or before
1012 the fifteenth day of each month the amount to be paid to the
1013 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
1014 of 1938, and subsequent acts authorizing the issuance of bonds
1015 payable from gasoline, diesel fuel or kerosene tax revenue, on a
1016 parity with the bonds issued under authority of said Chapter 130;
1017 and the State Tax Commission shall, on or before the twenty-fifth
1018 day of each month, pay into the State Treasury for credit to the
1019 "Highway Bonds Sinking Fund" the amount so certified to him by the
1020 State Treasurer due to be paid into such fund each month. The
1021 payments to the "Highway Bonds Sinking Fund" shall be made out of
1022 gross gasoline, diesel fuel or kerosene tax collections before
1023 deductions of any nature are considered; however, such payments
1024 shall be deducted from the allocation to the Mississippi
1025 Department of Transportation under paragraph (c) of this section.

1026 (ii) From collections derived from the portion of
1027 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
1028 from the portion of the tax on aviation gas under Section 27-55-11
1029 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
1030 portion of the special fuel tax levied under Sections 27-55-519
1031 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
1032 Cents (10¢) per gallon, from the portion of the taxes levied under
1033 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
1034 gallon that exceeds One Cent (1¢) per gallon on special fuel and
1035 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
1036 as aircraft fuel, from the portion of the excise tax on compressed



1037 gas used as a motor fuel that exceeds the rate of tax in effect on
1038 June 30, 1987, and from the portion of the gasoline excise tax in
1039 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
1040 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
1041 shall be deducted:

1042 1. An amount as provided in Section
1043 27-65-75(4) to the credit of a special fund designated as the
1044 "Office of State Aid Road Construction."

1045 2. An amount equal to the tax collections
1046 derived from Two Cents (2¢) per gallon of the gasoline excise tax
1047 for distribution to the State Highway Fund to be used exclusively
1048 for the construction, reconstruction and maintenance of highways
1049 of the State of Mississippi or the payment of interest and
1050 principal on bonds when specifically authorized by the Legislature
1051 for that purpose.

1052 3. The balance shall be deposited in the
1053 State Treasury to the credit of the State Highway Fund.

1054 (b) Subject to the provisions that said basis of
1055 distribution shall in nowise affect adversely the amount
1056 specifically pledged in paragraph (a) of this section to be paid
1057 into the "Highway Bonds Sinking Fund," the following shall be
1058 deducted from the amount produced by the state tax on gasoline,
1059 diesel fuel or kerosene tax collections, excluding collections
1060 derived from the portion of the gasoline excise tax that exceeds
1061 Seven Cents (7¢) per gallon, from the portion of the tax on
1062 aviation gas under Section 27-55-11 that exceeds Six and
1063 Four-tenths Cents (6.4¢) per gallon, from the portion of the
1064 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
1065 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
1066 gallon, from the portion of the taxes levied under Section
1067 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
1068 exceeds One Cent (1¢) per gallon on special fuel and Five and
1069 One-fourth Cents (5.25¢) per gallon on special fuel used as



1070 aircraft fuel, from the portion of the excise tax on compressed
1071 gas used as a motor fuel that exceeds the rate of tax in effect on
1072 June 30, 1987, and from the portion of the gasoline excise tax in
1073 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
1074 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

1075 (i) Twenty percent (20%) of such amount which
1076 shall be earmarked and set aside for the construction,
1077 reconstruction and maintenance of the highways and roads of the
1078 state, provided that if such twenty percent (20%) should reduce
1079 any county to a lesser amount than that received in the fiscal
1080 year ending June 30, 1966, then such twenty percent (20%) shall be
1081 reduced to a percentage to provide that no county shall receive
1082 less than its portion for the fiscal year ending June 30, 1966;

1083 (ii) The amount allowed as refund on gasoline or
1084 as tax credit on diesel fuel or kerosene used for agricultural,
1085 maritime, industrial, domestic, and nonhighway purposes;

1086 (iii) Five percent (5%) of such amount shall be
1087 paid to the State Highway Fund;

1088 (iv) The amount or portion thereof authorized by
1089 legislative appropriation to the Fisheries and Wildlife Fund
1090 created under Section 59-21-25;

1091 (v) The amount for deposit into the special
1092 aviation fund under paragraph (d) of this section; and

1093 (vi) The remainder shall be divided on a basis of
1094 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
1095 same basis as Four and One-half Cents (4-1/2¢) and Two and
1096 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
1097 six and forty-three one-hundredths (6.43) and three and
1098 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
1099 fuel or kerosene). The amount produced by the nine-fourteenths
1100 (9/14) division shall be allocated to the Transportation
1101 Department and paid into the State Treasury as provided in this
1102 section and in Section 27-5-103 and the five-fourteenths (5/14)



1103 division shall be returned to the counties of the state on the
1104 following basis:

1105 1. In each fiscal year, each county shall be
1106 paid each month the same percentage of the monthly total to be
1107 distributed as was paid to that county during the same month in
1108 the fiscal year which ended April 9, 1960, until the county
1109 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
1110 fiscal year, at which time funds shall be distributed under the
1111 provisions of paragraph (b) (vi)4 of this section.

1112 2. If after payments in 1 above, any county
1113 has not received a total of One Hundred Ninety Thousand Dollars
1114 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
1115 and each fiscal year thereafter, then any available funds not
1116 distributed under 1 above shall be used to bring such county or
1117 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
1118 or such funds shall be divided equally among such counties not
1119 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
1120 there is not sufficient money to bring all the counties to said
1121 One Hundred Ninety Thousand Dollars (\$190,000.00).

1122 3. When a county has been paid an amount
1123 equal to the total which was paid to the same county during the
1124 fiscal year ended April 9, 1960, such county shall receive no
1125 further payments during the then current fiscal year until the
1126 last month of such current fiscal year, at which time distribution
1127 will be made under 2 above, except as set out in 4 below.

1128 4. During the last month of the current
1129 fiscal year, should it be determined that there are funds
1130 available in excess of the amount distributed for the year under 1
1131 and 2 above, then such excess funds shall be distributed among the
1132 various counties as follows:

1133 One-third (1/3) of such excess to be
1134 divided equally among the counties;



1135 One-third (1/3) of such excess to be paid
1136 to the counties in the proportion which the population of each
1137 county bears to the total population of the state according to the
1138 last federal census;

1139 One-third (1/3) of such excess to be paid
1140 to the counties in the proportion which the number of square miles
1141 of each county bears to the total square miles in the state.

1142 5. It is the declared purpose and intent of
1143 the Legislature that no county shall be paid less than was paid
1144 during the year ended April 9, 1960, unless the amount to be
1145 distributed to all counties in any year is less than the amount
1146 distributed to all counties during the year ended April 9, 1960.

1147 The Municipal Aid Fund as established by Section 27-5-103
1148 shall not participate in any portion of any funds allocated to any
1149 county hereunder over and above One Hundred Ninety Thousand
1150 Dollars (\$190,000.00).

1151 In any county having countywide road or bridge bonds, or
1152 supervisors district or district road or bridge bonds outstanding,
1153 which exceed, in the aggregate, twelve percent (12%) of the
1154 assessed valuation of the taxable property of the county or
1155 district, it shall be the duty of the board of supervisors to set
1156 aside not less than sixty percent (60%) of such county's share or
1157 district's share of the gasoline, diesel fuel or kerosene taxes to
1158 be used in paying the principal and interest on such road or
1159 bridge bonds as they mature.

1160 In any county having such countywide road or bridge bonds or
1161 district road or bridge bonds outstanding which exceed, in the
1162 aggregate, eight percent (8%) of the assessed valuation of the
1163 taxable property of the county, but which do not exceed, in the
1164 aggregate, twelve percent (12%) of the assessed valuation of the
1165 taxable property of the county, it shall be the duty of the board
1166 of supervisors to set aside not less than thirty-five percent
1167 (35%) of such county's share of the gasoline, diesel fuel or



1168 kerosene taxes to be used in paying the principal and interest of
1169 such road or bridge bonds as they mature.

1170 In any county having such countywide road or bridge bonds or
1171 district road or bridge bonds outstanding which exceed, in the
1172 aggregate, five percent (5%) of the assessed valuation of the
1173 taxable property of the county, but which do not exceed, in the
1174 aggregate, eight percent (8%) of the assessed valuation of the
1175 taxable property of the county, it shall be the duty of the board
1176 of supervisors to set aside not less than twenty percent (20%) of
1177 such county's share of the gasoline, diesel fuel or kerosene taxes
1178 to be used in paying the principal and interest of such road and
1179 bridge bonds as they mature.

1180 In any county having such countywide road or bridge bonds or
1181 district road or bridge bonds outstanding which do not exceed, in
1182 the aggregate, five percent (5%) of the assessed valuation of the
1183 taxable property of the county, it shall be the duty of the board
1184 of supervisors to set aside not less than ten percent (10%) of
1185 such county's share of the gasoline, diesel fuel or kerosene taxes
1186 to be used in paying the principal and interest on such road or
1187 bridge bonds as they mature.

1188 The portion of any such county's share of the gasoline,
1189 diesel fuel or kerosene taxes thus set aside for the payment of
1190 the principal and interest of road or bridge bonds, as provided
1191 for in this section, shall be used first in paying the currently
1192 maturing installments of the principal and interest of such
1193 countywide road or bridge bonds, if there be any such countywide
1194 road or bridge bonds outstanding, and secondly, in paying the
1195 currently maturing installments of principal and interest of
1196 district road or bridge bonds outstanding. It shall be the duty
1197 of the board of supervisors to pay bonds and interest maturing in
1198 each supervisors district out of the supervisors district's share
1199 of the gasoline, diesel fuel or kerosene taxes of such district.



1200 The remaining portion of such county's share of the gasoline,
1201 diesel fuel or kerosene taxes, after setting aside the portion
1202 above provided for the payment of the principal and interest of
1203 bonds, shall be used in the construction and maintenance of any
1204 public highways, bridges, or culverts of the county, including the
1205 roads in special or separate road districts, in the discretion of
1206 the board of supervisors, or in paying the interest and principal
1207 of county road and bridge bonds or district road and bridge bonds,
1208 in the discretion of the board of supervisors.

1209 In any county having no countywide road or bridge bonds or
1210 district road or bridge bonds outstanding, all such county's share
1211 of the gasoline, diesel fuel or kerosene taxes shall be used in
1212 the construction, reconstruction, and maintenance of the public
1213 highways, bridges, or culverts of the county as the board of
1214 supervisors may determine.

1215 In every county in which there are county road bonds or
1216 seawall or road protection bonds outstanding which were issued for
1217 the purpose of building bridges or constructing public roads or
1218 seawalls, such funds shall be used in the manner provided by law.

1219 (c) From the amount produced by the nine-fourteenths
1220 (9/14) division allocated to the Transportation Department, there
1221 shall be deducted:

1222 (i) The amount paid to the State Treasurer for the
1223 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

1224 (ii) Any amounts due counties in accordance with
1225 Section 65-33-45 which have outstanding bonds issued for seawall
1226 or road protection purposes, issued under provisions of Chapter
1227 319, Laws of 1924, and amendments thereto;

1228 (iii) Beginning August 15, 2002, and on or before
1229 the fifteenth day of each month thereafter, an amount equal to
1230 one-sixth (1/6) of the principal and interest certified by the
1231 State Treasurer to the State Tax Commission to be due on the next
1232 semiannual bond and interest payment date for the bonds issued



1233 under Sections 65-39-5 through 65-39-33. On or before the
1234 twenty-fifth day of each month the State Tax Commission shall pay
1235 into the State Treasury for credit to the Gaming Counties Bond
1236 Sinking Fund created in Section 65-39-3, the amount so certified
1237 by the State Treasurer;

1238 (iv) Except as otherwise provided in Section
1239 31-17-127, the remainder shall be paid by the State Tax Commission
1240 to the State Treasurer on the fifteenth day of each month next
1241 succeeding the month in which the gasoline, diesel fuel or
1242 kerosene taxes were collected to the credit of the State Highway
1243 Fund.

1244 The funds allocated for the construction, reconstruction, and
1245 improvement of state highways, bridges, and culverts, or so much
1246 thereof as may be necessary, shall first be used in conjunction
1247 with funds supplied by the federal government for such purposes
1248 and allocated to the State Transportation Department to be
1249 expended on the state highway system. It is specifically provided
1250 hereby that the necessary portion of such funds hereinabove
1251 allocated to the State Transportation Department may be used for
1252 the prompt payment of principal and interest on highway bonds
1253 heretofore issued, including such bonds issued or to be issued
1254 under the provisions of Chapter 312, Laws of 1956, and amendments
1255 thereto.

1256 Nothing contained in this section shall be construed to
1257 reduce the amount of such gasoline, diesel fuel or kerosene excise
1258 taxes levied by the state, allotted under the provisions of Title
1259 65, Chapter 33, Mississippi Code of 1972, to counties in which
1260 there are outstanding bonds issued for seawall or road protection
1261 purposes issued under the provisions of Chapter 319, Laws of 1924,
1262 and amendments thereto; the amount of said gasoline, diesel fuel
1263 or kerosene excise taxes designated in this section for the
1264 payment of bonds and interest authorized and issued or to be
1265 issued under the provisions of Chapter 130, Laws of 1938, and



1266 subsequent acts authorizing the issuance of bonds payable from
1267 gasoline, diesel fuel or kerosene tax revenue, shall, in such
1268 counties, be considered as being paid "into the State Treasury to
1269 the credit of the State Highway Fund" within the meaning of
1270 Section 65-33-45 in computing the amount to be paid to such
1271 counties under the provisions of said section, and this section
1272 shall be administered in connection with Title 65, Chapter 33,
1273 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
1274 65-33-49 dealing with seawalls, as if made a part of this section.

1275 (d) The proceeds of the Five and One-fourth Cents
1276 (5.25¢) of the tax per gallon on oils used as a propellant for jet
1277 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
1278 per gallon on aviation gasoline and the tax of One Cent (1¢) per
1279 gallon for each gallon of gasoline for which a refund has been
1280 made pursuant to Section 27-55-23 because such gasoline was used
1281 for aviation purposes, shall be paid to the State Treasury into a
1282 special fund to be used exclusively, pursuant to legislative
1283 appropriation, for the support and development of aeronautics as
1284 defined in Section 61-1-3.

1285 (e) State highway funds in an amount equal to the
1286 difference between Forty-two Million Dollars (\$42,000,000.00) and
1287 the annual debt service payable on the state's highway revenue
1288 refunding bonds, Series 1985, shall be expended for the
1289 construction or reconstruction of highways designated under
1290 the * * * highway program created under Section 65-3-97.

1291 (f) "Gasoline, diesel fuel or kerosene taxes" as used
1292 in this section shall be deemed to mean and include state
1293 gasoline, diesel fuel or kerosene taxes levied and imposed on
1294 distributors of gasoline, diesel fuel or kerosene, and all state
1295 excise taxes derived from any fuel used to propel vehicles upon
1296 the highways of this state, when levied by any statute.



1297 **[With regard to any county which is required to operate on a**
1298 **countywide system of road administration as described in Section**
1299 **19-2-3, this section shall read as follows:]**

1300 27-5-101. Unless otherwise provided in this section, on or
1301 before the fifteenth day of each month, all gasoline, diesel fuel
1302 or kerosene taxes which are levied under the laws of this state
1303 and collected during the previous month shall be paid and
1304 apportioned by the State Tax Commission as follows:

1305 (a) (i) Except as otherwise provided in Section
1306 31-17-127, from the gross amount of gasoline, diesel fuel or
1307 kerosene taxes produced by the state, there shall be deducted an
1308 amount equal to one-sixth (1/6) of principal and interest
1309 certified by the State Treasurer to the State Tax Commission to be
1310 due on the next semiannual bond and interest payment date, as
1311 required under the provisions of Chapter 130, Laws of 1938, and
1312 subsequent acts authorizing the issuance of bonds payable from
1313 gasoline, diesel fuel or kerosene tax revenue on a parity with the
1314 bonds issued under authority of said Chapter 130. The State
1315 Treasurer shall certify to the State Tax Commission on or before
1316 the fifteenth day of each month the amount to be paid to the
1317 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
1318 of 1938, and subsequent acts authorizing the issuance of bonds
1319 payable from gasoline, diesel fuel or kerosene tax revenue, on a
1320 parity with the bonds issued under authority of said Chapter 130;
1321 and the State Tax Commission shall, on or before the twenty-fifth
1322 day of each month, pay into the State Treasury for credit to the
1323 "Highway Bonds Sinking Fund" the amount so certified to him by the
1324 State Treasurer due to be paid into such fund each month. The
1325 payments to the "Highway Bonds Sinking Fund" shall be made out of
1326 gross gasoline, diesel fuel or kerosene tax collections before
1327 deductions of any nature are considered; however, such payments
1328 shall be deducted from the allocation to the Transportation
1329 Department under paragraph (c) of this section.



1330 (ii) From collections derived from the portion of
1331 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
1332 from the portion of the tax on aviation gas under Section 27-55-11
1333 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
1334 portion of the special fuel tax levied under Sections 27-55-519
1335 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
1336 Cents (10¢) per gallon, from the portion of the taxes levied under
1337 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
1338 gallon that exceeds One Cent (1¢) per gallon on special fuel and
1339 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
1340 as aircraft fuel, from the portion of the excise tax on compressed
1341 gas used as a motor fuel that exceeds the rate of tax in effect on
1342 June 30, 1987, and from the portion of the gasoline excise tax in
1343 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
1344 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
1345 shall be deducted:

1346 1. An amount as provided in Section
1347 27-65-75(4) to the credit of a special fund designated as the
1348 "Office of State Aid Road Construction."

1349 2. An amount equal to the tax collections
1350 derived from Two Cents (2¢) per gallon of the gasoline excise tax
1351 for distribution to the State Highway Fund to be used exclusively
1352 for the construction, reconstruction and maintenance of highways
1353 of the State of Mississippi or the payment of interest and
1354 principal on bonds when specifically authorized by the Legislature
1355 for that purpose.

1356 3. The balance shall be deposited in the
1357 State Treasury to the credit of the State Highway Fund.

1358 (b) Subject to the provisions that said basis of
1359 distribution shall in nowise affect adversely the amount
1360 specifically pledged in paragraph (a) of this section to be paid
1361 into the "Highway Bonds Sinking Fund," the following shall be
1362 deducted from the amount produced by the state tax on gasoline,



1363 diesel fuel or kerosene tax collections, excluding collections
1364 derived from the portion of the gasoline excise tax that exceeds
1365 Seven Cents (7¢) per gallon, from the portion of the tax on
1366 aviation gas under Section 27-55-11 that exceeds Six and
1367 Four-tenths Cents (6.4¢) per gallon, from the portion of the
1368 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
1369 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
1370 gallon, from the portion of the taxes levied under Section
1371 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
1372 One Cent (1¢) per gallon on special fuel and Five and One-fourth
1373 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
1374 from the portion of the excise tax on compressed gas used as a
1375 motor fuel that exceeds the rate of tax in effect on June 30,
1376 1987, and from the portion of the gasoline excise tax in excess of
1377 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
1378 Ten Cents (10¢) per gallon under Section 27-61-5:

1379 (i) Twenty percent (20%) of such amount which
1380 shall be earmarked and set aside for the construction,
1381 reconstruction and maintenance of the highways and roads of the
1382 state, provided that if such twenty percent (20%) should reduce
1383 any county to a lesser amount than that received in the fiscal
1384 year ending June 30, 1966, then such twenty percent (20%) shall be
1385 reduced to a percentage to provide that no county shall receive
1386 less than its portion for the fiscal year ending June 30, 1966;

1387 (ii) The amount allowed as refund on gasoline or
1388 as tax credit on diesel fuel or kerosene used for agricultural,
1389 maritime, industrial, domestic and nonhighway purposes;

1390 (iii) Five percent (5%) of such amount shall be
1391 paid to the State Highway Fund;

1392 (iv) The amount or portion thereof authorized by
1393 legislative appropriation to the Fisheries and Wildlife Fund
1394 created under Section 59-21-25;



1395 (v) The amount for deposit into the special
1396 aviation fund under paragraph (d) of this section; and

1397 (vi) The remainder shall be divided on a basis of
1398 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
1399 same basis as Four and One-half Cents (4-1/2¢) and Two and
1400 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
1401 six and forty-three one-hundredths (6.43) and three and
1402 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
1403 fuel or kerosene). The amount produced by the nine-fourteenths
1404 (9/14) division shall be allocated to the Transportation
1405 Department and paid into the State Treasury as provided in this
1406 section and in Section 27-5-103 and the five-fourteenths (5/14)
1407 division shall be returned to the counties of the state on the
1408 following basis:

1409 1. In each fiscal year, each county shall be
1410 paid each month the same percentage of the monthly total to be
1411 distributed as was paid to that county during the same month in
1412 the fiscal year which ended April 9, 1960, until the county
1413 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
1414 fiscal year, at which time funds shall be distributed under the
1415 provisions of paragraph (b) (vi)4 of this section.

1416 2. If after payments in 1 above, any county
1417 has not received a total of One Hundred Ninety Thousand Dollars
1418 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
1419 and each fiscal year thereafter, then any available funds not
1420 distributed under 1 above shall be used to bring such county or
1421 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
1422 or such funds shall be divided equally among such counties not
1423 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
1424 there is not sufficient money to bring all the counties to said
1425 One Hundred Ninety Thousand Dollars (\$190,000.00).

1426 3. When a county has been paid an amount
1427 equal to the total which was paid to the same county during the



1428 fiscal year ended April 9, 1960, such county shall receive no
1429 further payments during the then current fiscal year until the
1430 last month of such current fiscal year, at which time distribution
1431 will be made under 2 above, except as set out in 4 below.

1432 4. During the last month of the current
1433 fiscal year, should it be determined that there are funds
1434 available in excess of the amount distributed for the year under 1
1435 and 2 above, then such excess funds shall be distributed among the
1436 various counties as follows:

1437 One-third (1/3) of such excess to be
1438 divided equally among the counties;

1439 One-third (1/3) of such excess to be paid
1440 to the counties in the proportion which the population of each
1441 county bears to the total population of the state according to the
1442 last federal census;

1443 One-third (1/3) of such excess to be paid
1444 to the counties in the proportion which the number of square miles
1445 of each county bears to the total square miles in the state.

1446 5. It is the declared purpose and intent of
1447 the Legislature that no county shall be paid less than was paid
1448 during the year ended April 9, 1960, unless the amount to be
1449 distributed to all counties in any year is less than the amount
1450 distributed to all counties during the year ended April 9, 1960.

1451 The Municipal Aid Fund as established by Section 27-5-103
1452 shall not participate in any portion of any funds allocated to any
1453 county hereunder over and above One Hundred Ninety Thousand
1454 Dollars (\$190,000.00).

1455 In any county having road or bridge bonds outstanding which
1456 exceed, in the aggregate, twelve percent (12%) of the assessed
1457 valuation of the taxable property of the county, it shall be the
1458 duty of the board of supervisors to set aside not less than sixty
1459 percent (60%) of such county's share of the gasoline, diesel fuel



1460 or kerosene taxes to be used in paying the principal and interest
1461 on such road or bridge bonds as they mature.

1462 In any county having such road or bridge bonds outstanding
1463 which exceed, in the aggregate, eight percent (8%) of the assessed
1464 valuation of the taxable property of the county, but which do not
1465 exceed, in the aggregate, twelve percent (12%) of the assessed
1466 valuation of the taxable property of the county, it shall be the
1467 duty of the board of supervisors to set aside not less than
1468 thirty-five percent (35%) of such county's share of the gasoline,
1469 diesel fuel or kerosene taxes to be used in paying the principal
1470 and interest of such road or bridge bonds as they mature.

1471 In any county having such road or bridge bonds outstanding
1472 which exceed, in the aggregate, five percent (5%) of the assessed
1473 valuation of the taxable property of the county, but which do not
1474 exceed, in the aggregate, eight percent (8%) of the assessed
1475 valuation of the taxable property of the county, it shall be the
1476 duty of the board of supervisors to set aside not less than twenty
1477 percent (20%) of such county's share of the gasoline, diesel fuel
1478 or kerosene taxes to be used in paying the principal and interest
1479 of such road and bridge bonds as they mature.

1480 In any county having such road or bridge bonds outstanding
1481 which do not exceed, in the aggregate, five percent (5%) of the
1482 assessed valuation of the taxable property of the county, it shall
1483 be the duty of the board of supervisors to set aside not less than
1484 ten percent (10%) of such county's share of the gasoline, diesel
1485 fuel or kerosene taxes to be used in paying the principal and
1486 interest on such road or bridge bonds as they mature.

1487 The portion of any such county's share of the gasoline,
1488 diesel fuel or kerosene taxes thus set aside for the payment of
1489 the principal and interest of road or bridge bonds, as provided
1490 for in this section, shall be used in paying the currently
1491 maturing installments of the principal and interest of such road



1492 or bridge bonds, if there be any such road or bridge bonds
1493 outstanding.

1494 The remaining portion of such county's share of the gasoline,
1495 diesel fuel or kerosene taxes, after setting aside the portion
1496 above provided for the payment of the principal and interest of
1497 bonds, shall be used in the construction and maintenance of any
1498 public highways, bridges or culverts of the county, in the
1499 discretion of the board of supervisors.

1500 In any county having no road or bridge bonds outstanding, all
1501 such county's share of the gasoline, diesel fuel or kerosene taxes
1502 shall be used in the construction, reconstruction and maintenance
1503 of the public highways, bridges or culverts of the county, as the
1504 board of supervisors may determine.

1505 In every county in which there are county road bonds or
1506 seawall or road protection bonds outstanding which were issued for
1507 the purpose of building bridges or constructing public roads or
1508 seawalls, such funds shall be used in the manner provided by law.

1509 (c) From the amount produced by the nine-fourteenths
1510 (9/14) division allocated to the Transportation Department, there
1511 shall be deducted:

1512 (i) The amount paid to the State Treasurer for the
1513 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

1514 (ii) Any amounts due counties in accordance with
1515 Section 65-33-45 which have outstanding bonds issued for seawall
1516 or road protection purposes, issued under provisions of Chapter
1517 319, Laws of 1924, and amendments thereto; and

1518 (iii) Beginning August 15, 2002, and on or before
1519 the fifteenth day of each month thereafter, an amount equal to
1520 one-sixth (1/6) of the principal and interest certified by the
1521 State Treasurer to the State Tax Commission to be due on the next
1522 semiannual bond and interest payment date for the bonds issued
1523 under Sections 65-39-5 through 65-39-33. On or before the
1524 twenty-fifth day of each month the State Tax Commission shall pay



1525 into the State Treasury for credit to the Gaming Counties Bond
1526 Sinking Fund created in Section 65-39-3, the amount certified by
1527 the State Treasurer;

1528 (iv) Except as otherwise provided in Section
1529 31-17-127, the remainder shall be paid by the State Tax Commission
1530 to the State Treasurer on the fifteenth day of each month next
1531 succeeding the month in which the gasoline, diesel fuel or
1532 kerosene taxes were collected to the credit of the State Highway
1533 Fund.

1534 The funds allocated for the construction, reconstruction and
1535 improvement of state highways, bridges and culverts, or so much
1536 thereof as may be necessary, shall first be used in conjunction
1537 with funds supplied by the federal government for such purposes
1538 and allocated to the Transportation Department to be expended on
1539 the state highway system. It is specifically provided hereby that
1540 the necessary portion of such funds hereinabove allocated to the
1541 Transportation Department may be used for the prompt payment of
1542 principal and interest on highway bonds heretofore issued,
1543 including such bonds issued or to be issued under the provisions
1544 of Chapter 312, Laws of 1956, and amendments thereto.

1545 Nothing contained in this section shall be construed to
1546 reduce the amount of such gasoline, diesel fuel or kerosene excise
1547 taxes levied by the state, allotted under the provisions of Title
1548 65, Chapter 33, Mississippi Code of 1972, to counties in which
1549 there are outstanding bonds issued for seawall or road protection
1550 purposes issued under the provisions of Chapter 319, Laws of 1924,
1551 and amendments thereto; the amount of said gasoline, diesel fuel
1552 or kerosene excise taxes designated in this section for the
1553 payment of bonds and interest authorized and issued or to be
1554 issued under the provisions of Chapter 130, Laws of 1938, and
1555 subsequent acts authorizing the issuance of bonds payable from
1556 gasoline, diesel fuel or kerosene tax revenue, shall, in such
1557 counties, be considered as being paid "into the State Treasury to



1558 the credit of the State Highway Fund" within the meaning of
1559 Section 65-33-45 in computing the amount to be paid to such
1560 counties under the provisions of said section, and this section
1561 shall be administered in connection with Title 65, Chapter 33,
1562 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
1563 65-33-49 dealing with seawalls, as if made a part of this section.

1564 (d) The proceeds of the Five and One-fourth Cents
1565 (5.25¢) of the tax per gallon on oils used as a propellant for jet
1566 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
1567 per gallon on aviation gasoline and the tax of One Cent (1¢) per
1568 gallon for each gallon of gasoline for which a refund has been
1569 made pursuant to Section 27-55-23 because such gasoline was used
1570 for aviation purposes, shall be paid to the State Treasury into a
1571 special fund to be used exclusively, pursuant to legislative
1572 appropriation, for the support and development of aeronautics as
1573 defined in Section 61-1-3.

1574 (e) State highway funds in an amount equal to the
1575 difference between Forty-two Million Dollars (\$42,000,000.00) and
1576 the annual debt service payable on the state's highway revenue
1577 refunding bonds, Series 1985, shall be expended for the
1578 construction or reconstruction of highways designated under
1579 the * * * highway program created under Section 65-3-97.

1580 (f) "Gasoline, diesel fuel or kerosene taxes" as used
1581 in this section shall be deemed to mean and include state
1582 gasoline, diesel fuel or kerosene taxes levied and imposed on
1583 distributors of gasoline, diesel fuel or kerosene, and all state
1584 excise taxes derived from any fuel used to propel vehicles upon
1585 the highways of this state, when levied by any statute.

1586 **SECTION 5.** Section 27-19-99, Mississippi Code of 1972, is
1587 amended as follows:

1588 27-19-99. The State Tax Commission shall furnish the tax
1589 collector of each county a sufficient supply of license tags or
1590 plates and a sufficient supply of license receipts with which to



1591 make the collection of the taxes imposed by the provisions of this
1592 article, which such tax collectors are required to collect. The
1593 license tag receipts shall be on forms prescribed by the
1594 commission. Upon the payment of the taxes and fees required by
1595 this article, the tax collector shall issue the license receipt in
1596 the form prescribed by the commission. The commission shall keep
1597 account against the tax collector for the license taxes and fees
1598 collected. The tax collector shall keep a similar account.

1599 The tax collector shall, at the end of each month or within
1600 twenty (20) days thereafter, pay into the county road fund all
1601 privilege taxes collected by him during the preceding month upon
1602 motor vehicle privilege licenses which he is entitled to issue,
1603 less the county's commission.

1604 The tax collector shall keep a record of the information
1605 furnished by the owners of each motor vehicle registered. The
1606 record shall be made in numerical order by tag number or decal
1607 number, whichever is appropriate. At the end of each month, or
1608 within twenty (20) days thereafter, the tax collector shall submit
1609 to the commission a copy of such record, together with the copy of
1610 each registration receipt, and shall, at the same time, remit to
1611 the commission the registration fee for each license tag or decal
1612 sold by him during the preceding month. When the tax collector
1613 shall have complied with the provisions of this section and shall
1614 have forwarded to the commission, within the time specified, all
1615 reports required of him hereunder, he shall then be entitled to
1616 retain five percent (5%) of the registration fees imposed in
1617 paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of
1618 1972, to be paid into the county general fund; otherwise the
1619 county's commission shall be forfeited. The five percent (5%)
1620 shall not apply to any additional registration fee imposed above
1621 the amounts imposed in paragraphs (a) and (b) of Section 27-19-43.
1622 The commission shall keep a record from the duplicates filed by
1623 the tax collectors of all registered vehicles.



1624 Counties that use their existing computer system to
1625 communicate all data regarding vehicle title and registration
1626 transactions to the state's central computer system shall be
1627 allotted Fifty Cents (50¢) for each registration fee collected by
1628 the county and remitted to the State Tax Commission. Such
1629 communication must successfully pass any edit features and
1630 successfully create or update title/registration records on the
1631 network system. This amount paid to the county shall be deposited
1632 into the county general fund to be expended only for costs
1633 incurred for the purchase of equipment, software, maintenance or
1634 other costs directly related to the title/registration network
1635 system.

1636 All monies remitted to the commission by tax collectors as
1637 registration or tag fees from the portion of the rate imposed in
1638 paragraphs (a) and (b) of Section 27-19-43, and all monies
1639 received by the commission directly as registration or tag fees
1640 from the portion of the rate imposed in paragraphs (a) and (b) of
1641 Section 27-19-43, shall be paid by the commission into the General
1642 Fund of the State Treasury on the first day of the month
1643 succeeding the month in which such fees are received by the
1644 commission. Except as otherwise provided in Section 31-17-127,
1645 all monies remitted to the commission by tax collectors as
1646 registration or tag fees from the additional rate of Five Dollars
1647 (\$5.00) and all monies received by the commission directly as
1648 registration or tag fees from the additional rate of Five Dollars
1649 (\$5.00) shall be paid into the State Treasury to the credit of the
1650 State Highway Fund for the construction or reconstruction of
1651 highways designated under the * * * highway program created under
1652 Section 65-3-97.

1653 **SECTION 6.** Section 27-57-37, Mississippi Code of 1972, is
1654 amended as follows:

1655 27-57-37. Except as otherwise provided in Section 31-17-127,
1656 the amount received from lubricating oil excise tax, as defined in



1657 this article, shall be deposited by the commission, in the State
1658 Treasury to the credit of the State Highway Fund, and until the
1659 date specified in Section 65-39-35, such amount shall be used for
1660 the construction or reconstruction of highways designated under
1661 the * * * highway program created under Section 65-3-97.

1662 **SECTION 7.** Section 27-65-75, Mississippi Code of 1972, as
1663 amended by House Bill No. 1127, 2002 Regular Session, and Senate
1664 Bill No. 3120, 2002 Regular Session, is amended as follows:

1665 **[From and after the effective date of House Bill No. 1127,**
1666 **2002 Regular Session, through July 31, 2002, this section shall**
1667 **read as follows:]**

1668 27-65-75. On or before the fifteenth day of each month, the
1669 revenue collected under the provisions of this chapter during the
1670 preceding month shall be paid and distributed as follows:

1671 (1) On or before August 15, 1992, and each succeeding month
1672 thereafter through July 15, 1993, eighteen percent (18%) of the
1673 total sales tax revenue collected during the preceding month under
1674 the provisions of this chapter, except that collected under the
1675 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1676 business activities within a municipal corporation shall be
1677 allocated for distribution to such municipality and paid to such
1678 municipal corporation. On or before August 15, 1993, and each
1679 succeeding month thereafter, eighteen and one-half percent
1680 (18-1/2%) of the total sales tax revenue collected during the
1681 preceding month under the provisions of this chapter, except that
1682 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1683 and 27-65-21, on business activities within a municipal
1684 corporation shall be allocated for distribution to such
1685 municipality and paid to such municipal corporation.

1686 A municipal corporation, for the purpose of distributing the
1687 tax under this subsection, shall mean and include all incorporated
1688 cities, towns and villages.



1689 Monies allocated for distribution and credited to a municipal
1690 corporation under this subsection may be pledged as security for
1691 any loan received by the municipal corporation for the purpose of
1692 capital improvements as authorized under Section 57-1-303, or
1693 loans as authorized under Section 57-44-7, or water systems
1694 improvements as authorized under Section 41-3-16.

1695 In any county having a county seat which is not an
1696 incorporated municipality, the distribution provided hereunder
1697 shall be made as though the county seat was an incorporated
1698 municipality; however, the distribution to such municipality shall
1699 be paid to the county treasury wherein the municipality is located
1700 and such funds shall be used for road, bridge and street
1701 construction or maintenance therein.

1702 (2) On or before September 15, 1987, and each succeeding
1703 month thereafter, from the revenue collected under this chapter
1704 during the preceding month One Million One Hundred Twenty-five
1705 Thousand Dollars (\$1,125,000.00) shall be allocated for
1706 distribution to municipal corporations as defined under subsection
1707 (1) of this section in the proportion that the number of gallons
1708 of gasoline and diesel fuel sold by distributors to consumers and
1709 retailers in each such municipality during the preceding fiscal
1710 year bears to the total gallons of gasoline and diesel fuel sold
1711 by distributors to consumers and retailers in municipalities
1712 statewide during the preceding fiscal year. The State Tax
1713 Commission shall require all distributors of gasoline and diesel
1714 fuel to report to the commission monthly the total number of
1715 gallons of gasoline and diesel fuel sold by them to consumers and
1716 retailers in each municipality during the preceding month. The
1717 State Tax Commission shall have the authority to promulgate such
1718 rules and regulations as is necessary to determine the number of
1719 gallons of gasoline and diesel fuel sold by distributors to
1720 consumers and retailers in each municipality. In determining the
1721 percentage allocation of funds under this subsection for the



1722 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
1723 State Tax Commission may consider gallons of gasoline and diesel
1724 fuel sold for a period of less than one (1) fiscal year. For the
1725 purposes of this subsection, the term "fiscal year" means the
1726 fiscal year beginning July 1 of a year.

1727 (3) On or before September 15, 1987, and on or before the
1728 fifteenth day of each succeeding month, until the date specified
1729 in Section 65-39-35, the proceeds derived from contractors' taxes
1730 levied under Section 27-65-21 on contracts for the construction or
1731 reconstruction of highways designated under the * * * highway
1732 program created under Section 65-3-97 shall, except as otherwise
1733 provided in Section 31-17-127, be deposited into the State
1734 Treasury to the credit of the State Highway Fund to be used to
1735 fund such * * * highway program. The Mississippi Department of
1736 Transportation shall provide to the State Tax Commission such
1737 information as is necessary to determine the amount of proceeds to
1738 be distributed under this subsection.

1739 (4) On or before August 15, 1994, and on or before the
1740 fifteenth day of each succeeding month through July 15, 1999, from
1741 the proceeds of gasoline, diesel fuel or kerosene taxes as
1742 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1743 (\$4,000,000.00) shall be deposited in the State Treasury to the
1744 credit of a special fund designated as the "State Aid Road Fund,"
1745 created by Section 65-9-17. On or before August 15, 1999, and on
1746 or before the fifteenth day of each succeeding month, from the
1747 total amount of the proceeds of gasoline, diesel fuel or kerosene
1748 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1749 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1750 one-fourth percent (23.25%) of such funds, whichever is the
1751 greater amount, shall be deposited in the State Treasury to the
1752 credit of the "State Aid Road Fund," created by Section 65-9-17.
1753 Such funds shall be pledged to pay the principal of and interest
1754 on state aid road bonds heretofore issued under Sections 19-9-51



1755 through 19-9-77, in lieu of and in substitution for the funds
1756 heretofore allocated to counties under this section. Such funds
1757 may not be pledged for the payment of any state aid road bonds
1758 issued after April 1, 1981; however, this prohibition against the
1759 pledging of any such funds for the payment of bonds shall not
1760 apply to any bonds for which intent to issue such bonds has been
1761 published, for the first time, as provided by law prior to March
1762 29, 1981. From the amount of taxes paid into the special fund
1763 pursuant to this subsection and subsection (9) of this section,
1764 there shall be first deducted and paid the amount necessary to pay
1765 the expenses of the Office of State Aid Road Construction, as
1766 authorized by the Legislature for all other general and special
1767 fund agencies. The remainder of the fund shall be allocated
1768 monthly to the several counties in accordance with the following
1769 formula:

1770 (a) One-third (1/3) shall be allocated to all counties
1771 in equal shares;

1772 (b) One-third (1/3) shall be allocated to counties
1773 based on the proportion that the total number of rural road miles
1774 in a county bears to the total number of rural road miles in all
1775 counties of the state; and

1776 (c) One-third (1/3) shall be allocated to counties
1777 based on the proportion that the rural population of the county
1778 bears to the total rural population in all counties of the state,
1779 according to the latest federal decennial census.

1780 For the purposes of this subsection, the term "gasoline,
1781 diesel fuel or kerosene taxes" means such taxes as defined in
1782 paragraph (f) of Section 27-5-101.

1783 The amount of funds allocated to any county under this
1784 subsection for any fiscal year after fiscal year 1994 shall not be
1785 less than the amount allocated to such county for fiscal year
1786 1994. Monies allocated to a county from the State Aid Road Fund
1787 for fiscal year 1995 or any fiscal year thereafter that exceed the



1788 amount of funds allocated to that county from the State Aid Road
1789 Fund for fiscal year 1994, first must be expended by the county
1790 for replacement or rehabilitation of bridges on the state aid road
1791 system that have a sufficiency rating of less than twenty-five
1792 (25), according to National Bridge Inspection standards before
1793 such monies may be approved for expenditure by the State Aid Road
1794 Engineer on other projects that qualify for the use of state aid
1795 road funds.

1796 Any reference in the general laws of this state or the
1797 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1798 construed to refer and apply to subsection (4) of Section
1799 27-65-75.

1800 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1801 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1802 the special fund known as the "State Public School Building Fund"
1803 created and existing under the provisions of Sections 37-47-1
1804 through 37-47-67. Such payments into said fund are to be made on
1805 the last day of each succeeding month hereafter.

1806 (6) An amount each month beginning August 15, 1983, through
1807 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
1808 of 1983, shall be paid into the special fund known as the
1809 Correctional Facilities Construction Fund created in Section 6 of
1810 Chapter 542, Laws of 1983.

1811 (7) On or before August 15, 1992, and each succeeding month
1812 thereafter through July 15, 2000, two and two hundred sixty-six
1813 one-thousandths percent (2.266%) of the total sales tax revenue
1814 collected during the preceding month under the provisions of this
1815 chapter, except that collected under the provisions of Section
1816 27-65-17(2) shall be deposited by the commission into the School
1817 Ad Valorem Tax Reduction Fund created pursuant to Section
1818 37-61-35. On or before August 15, 2000, and each succeeding month
1819 thereafter, two and two hundred sixty-six one-thousandths percent
1820 (2.266%) of the total sales tax revenue collected during the



1821 preceding month under the provisions of this chapter, except that
1822 collected under the provisions of Section 27-65-17(2), shall be
1823 deposited into the School Ad Valorem Tax Reduction Fund created
1824 under Section 37-61-35 until such time that the total amount
1825 deposited into the fund during a fiscal year equals Forty-two
1826 Million Dollars (\$42,000,000.00). Thereafter, the amounts
1827 diverted under this subsection (7) during the fiscal year in
1828 excess of Forty-two Million Dollars (\$42,000,000.00) shall be
1829 deposited into the Education Enhancement Fund created under
1830 Section 37-61-33 for appropriation by the Legislature as other
1831 education needs and shall not be subject to the percentage
1832 appropriation requirements set forth in Section 37-61-33.

1833 (8) On or before August 15, 1992, and each succeeding month
1834 thereafter, nine and seventy-three one-thousandths percent
1835 (9.073%) of the total sales tax revenue collected during the
1836 preceding month under the provisions of this chapter, except that
1837 collected under the provisions of Section 27-65-17(2) shall be
1838 deposited into the Education Enhancement Fund created pursuant to
1839 Section 37-61-33.

1840 (9) On or before August 15, 1994, and each succeeding month
1841 thereafter, from the revenue collected under this chapter during
1842 the preceding month, Two Hundred Fifty Thousand Dollars
1843 (\$250,000.00) shall be paid into the State Aid Road Fund.

1844 (10) On or before August 15, 1994, and each succeeding month
1845 thereafter through August 15, 1995, from the revenue collected
1846 under this chapter during the preceding month, Two Million Dollars
1847 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1848 Valorem Tax Reduction Fund established in Section 27-51-105.

1849 (11) Notwithstanding any other provision of this section to
1850 the contrary, on or before February 15, 1995, and each succeeding
1851 month thereafter, the sales tax revenue collected during the
1852 preceding month under the provisions of Section 27-65-17(2) and
1853 the corresponding levy in Section 27-65-23 on the rental or lease



1854 of private carriers of passengers and light carriers of property
1855 as defined in Section 27-51-101 shall be deposited, without
1856 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1857 established in Section 27-51-105.

1858 (12) Notwithstanding any other provision of this section to
1859 the contrary, on or before August 15, 1995, and each succeeding
1860 month thereafter, the sales tax revenue collected during the
1861 preceding month under the provisions of Section 27-65-17(1) on
1862 retail sales of private carriers of passengers and light carriers
1863 of property, as defined in Section 27-51-101 and the corresponding
1864 levy in Section 27-65-23 on the rental or lease of these vehicles,
1865 shall be deposited, after diversion, into the Motor Vehicle Ad
1866 Valorem Tax Reduction Fund established in Section 27-51-105.

1867 (13) On or before July 15, 1994, and on or before the
1868 fifteenth day of each succeeding month thereafter, that portion of
1869 the avails of the tax imposed in Section 27-65-22, which is
1870 derived from activities held on the Mississippi state fairgrounds
1871 complex, shall be paid into a special fund hereby created in the
1872 State Treasury and shall be expended pursuant to legislative
1873 appropriations solely to defray the costs of repairs and
1874 renovation at such Trade Mart and Coliseum.

1875 (14) On or before August 15, 1998, and each succeeding month
1876 thereafter through July 15, 2005, that portion of the avails of
1877 the tax imposed in Section 27-65-23 which is derived from sales by
1878 cotton compresses or cotton warehouses and which would otherwise
1879 be paid into the General Fund, shall be deposited in an amount not
1880 to exceed Two Million Dollars (\$2,000,000.00) into the special
1881 fund created pursuant to Section 69-37-39.

1882 (15) Notwithstanding any other provision of this section to
1883 the contrary, on or before September 15, 2000, and each succeeding
1884 month thereafter, the sales tax revenue collected during the
1885 preceding month under the provisions of Section 27-65-19(1)(f),



1886 shall be deposited, without diversion, into the Telecommunications
1887 Ad Valorem Tax Reduction Fund established in Section 27-38-7.

1888 (16) On or before August 15, 2000, and each succeeding month
1889 thereafter, the sales tax revenue collected during the preceding
1890 month under the provisions of this chapter on the gross proceeds
1891 of sales of a project as defined in Section 57-30-1 shall be
1892 deposited, after all diversions except the diversion provided for
1893 in subsection (1) of this section, into the Sales Tax Incentive
1894 Fund created in Section 57-30-3.

1895 (17) Notwithstanding any other provision of this section to
1896 the contrary, on or before April 15, 2002, and each succeeding
1897 month thereafter, the sales tax revenue collected during the
1898 preceding month under Section 27-65-23 on sales of parking
1899 services of parking garages and lots at airports shall be
1900 deposited, without diversion, into the special fund created
1901 pursuant to Section 27-5-101(d).

1902 (18) The remainder of the amounts collected under the
1903 provisions of this chapter shall be paid into the State Treasury
1904 to the credit of the General Fund.

1905 (19) It shall be the duty of the municipal officials of any
1906 municipality which expands its limits, or of any community which
1907 incorporates as a municipality, to notify the commissioner of such
1908 action thirty (30) days before the effective date. Failure to so
1909 notify the commissioner shall cause such municipality to forfeit
1910 the revenue which it would have been entitled to receive during
1911 this period of time when the commissioner had no knowledge of the
1912 action. If any funds have been erroneously disbursed to any
1913 municipality or any overpayment of tax is recovered by the
1914 taxpayer, the commissioner may make correction and adjust the
1915 error or overpayment with such municipality by withholding the
1916 necessary funds from any subsequent payment to be made to the
1917 municipality.



1918 **[From and after August 1, 2002, this section shall read as**
1919 **follows:]**

1920 27-65-75. On or before the fifteenth day of each month, the
1921 revenue collected under the provisions of this chapter during the
1922 preceding month shall be paid and distributed as follows:

1923 (1) On or before August 15, 1992, and each succeeding month
1924 thereafter through July 15, 1993, eighteen percent (18%) of the
1925 total sales tax revenue collected during the preceding month under
1926 the provisions of this chapter, except that collected under the
1927 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1928 business activities within a municipal corporation shall be
1929 allocated for distribution to such municipality and paid to such
1930 municipal corporation. On or before August 15, 1993, and each
1931 succeeding month thereafter, eighteen and one-half percent
1932 (18-1/2%) of the total sales tax revenue collected during the
1933 preceding month under the provisions of this chapter, except that
1934 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1935 and 27-65-21, on business activities within a municipal
1936 corporation shall be allocated for distribution to such
1937 municipality and paid to such municipal corporation.

1938 A municipal corporation, for the purpose of distributing the
1939 tax under this subsection, shall mean and include all incorporated
1940 cities, towns and villages.

1941 Monies allocated for distribution and credited to a municipal
1942 corporation under this subsection may be pledged as security for
1943 any loan received by the municipal corporation for the purpose of
1944 capital improvements as authorized under Section 57-1-303, or
1945 loans as authorized under Section 57-44-7, or water systems
1946 improvements as authorized under Section 41-3-16.

1947 In any county having a county seat which is not an
1948 incorporated municipality, the distribution provided hereunder
1949 shall be made as though the county seat was an incorporated
1950 municipality; however, the distribution to such municipality shall



1951 be paid to the county treasury wherein the municipality is located
1952 and such funds shall be used for road, bridge and street
1953 construction or maintenance therein.

1954 (2) On or before September 15, 1987, and each succeeding
1955 month thereafter, from the revenue collected under this chapter
1956 during the preceding month One Million One Hundred Twenty-five
1957 Thousand Dollars (\$1,125,000.00) shall be allocated for
1958 distribution to municipal corporations as defined under subsection
1959 (1) of this section in the proportion that the number of gallons
1960 of gasoline and diesel fuel sold by distributors to consumers and
1961 retailers in each such municipality during the preceding fiscal
1962 year bears to the total gallons of gasoline and diesel fuel sold
1963 by distributors to consumers and retailers in municipalities
1964 statewide during the preceding fiscal year. The State Tax
1965 Commission shall require all distributors of gasoline and diesel
1966 fuel to report to the commission monthly the total number of
1967 gallons of gasoline and diesel fuel sold by them to consumers and
1968 retailers in each municipality during the preceding month. The
1969 State Tax Commission shall have the authority to promulgate such
1970 rules and regulations as is necessary to determine the number of
1971 gallons of gasoline and diesel fuel sold by distributors to
1972 consumers and retailers in each municipality. In determining the
1973 percentage allocation of funds under this subsection for the
1974 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
1975 State Tax Commission may consider gallons of gasoline and diesel
1976 fuel sold for a period of less than one (1) fiscal year. For the
1977 purposes of this subsection, the term "fiscal year" means the
1978 fiscal year beginning July 1 of a year.

1979 (3) On or before September 15, 1987, and on or before the
1980 fifteenth day of each succeeding month, until the date specified
1981 in Section 65-39-35, the proceeds derived from contractors' taxes
1982 levied under Section 27-65-21 on contracts for the construction or
1983 reconstruction of highways designated under the * * * highway



1984 program created under Section 65-3-97 shall, except as otherwise
1985 provided in Section 31-17-127, be deposited into the State
1986 Treasury to the credit of the State Highway Fund to be used to
1987 fund such Four-Lane Highway Program. The Mississippi Department
1988 of Transportation shall provide to the State Tax Commission such
1989 information as is necessary to determine the amount of proceeds to
1990 be distributed under this subsection.

1991 (4) On or before August 15, 1994, and on or before the
1992 fifteenth day of each succeeding month through July 15, 1999, from
1993 the proceeds of gasoline, diesel fuel or kerosene taxes as
1994 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1995 (\$4,000,000.00) shall be deposited in the State Treasury to the
1996 credit of a special fund designated as the "State Aid Road Fund,"
1997 created by Section 65-9-17. On or before August 15, 1999, and on
1998 or before the fifteenth day of each succeeding month, from the
1999 total amount of the proceeds of gasoline, diesel fuel or kerosene
2000 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
2001 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
2002 one-fourth percent (23.25%) of such funds, whichever is the
2003 greater amount, shall be deposited in the State Treasury to the
2004 credit of the "State Aid Road Fund," created by Section 65-9-17.
2005 Such funds shall be pledged to pay the principal of and interest
2006 on state aid road bonds heretofore issued under Sections 19-9-51
2007 through 19-9-77, in lieu of and in substitution for the funds
2008 heretofore allocated to counties under this section. Such funds
2009 may not be pledged for the payment of any state aid road bonds
2010 issued after April 1, 1981; however, this prohibition against the
2011 pledging of any such funds for the payment of bonds shall not
2012 apply to any bonds for which intent to issue such bonds has been
2013 published, for the first time, as provided by law prior to March
2014 29, 1981. From the amount of taxes paid into the special fund
2015 pursuant to this subsection and subsection (9) of this section,
2016 there shall be first deducted and paid the amount necessary to pay



2017 the expenses of the Office of State Aid Road Construction, as
2018 authorized by the Legislature for all other general and special
2019 fund agencies. The remainder of the fund shall be allocated
2020 monthly to the several counties in accordance with the following
2021 formula:

2022 (a) One-third (1/3) shall be allocated to all counties
2023 in equal shares;

2024 (b) One-third (1/3) shall be allocated to counties
2025 based on the proportion that the total number of rural road miles
2026 in a county bears to the total number of rural road miles in all
2027 counties of the state; and

2028 (c) One-third (1/3) shall be allocated to counties
2029 based on the proportion that the rural population of the county
2030 bears to the total rural population in all counties of the state,
2031 according to the latest federal decennial census.

2032 For the purposes of this subsection, the term "gasoline,
2033 diesel fuel or kerosene taxes" means such taxes as defined in
2034 paragraph (f) of Section 27-5-101.

2035 The amount of funds allocated to any county under this
2036 subsection for any fiscal year after fiscal year 1994 shall not be
2037 less than the amount allocated to such county for fiscal year
2038 1994. Monies allocated to a county from the State Aid Road Fund
2039 for fiscal year 1995 or any fiscal year thereafter that exceed the
2040 amount of funds allocated to that county from the State Aid Road
2041 Fund for fiscal year 1994, first must be expended by the county
2042 for replacement or rehabilitation of bridges on the state aid road
2043 system that have a sufficiency rating of less than twenty-five
2044 (25), according to National Bridge Inspection standards before
2045 such monies may be approved for expenditure by the State Aid Road
2046 Engineer on other projects that qualify for the use of state aid
2047 road funds.

2048 Any reference in the general laws of this state or the
2049 Mississippi Code of 1972 to Section 27-5-105 shall mean and be



2050 construed to refer and apply to subsection (4) of Section
2051 27-65-75.

2052 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
2053 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
2054 the special fund known as the "State Public School Building Fund"
2055 created and existing under the provisions of Sections 37-47-1
2056 through 37-47-67. Such payments into said fund are to be made on
2057 the last day of each succeeding month hereafter.

2058 (6) An amount each month beginning August 15, 1983, through
2059 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
2060 of 1983, shall be paid into the special fund known as the
2061 Correctional Facilities Construction Fund created in Section 6 of
2062 Chapter 542, Laws of 1983.

2063 (7) On or before August 15, 1992, and each succeeding month
2064 thereafter through July 15, 2000, two and two hundred sixty-six
2065 one-thousandths percent (2.266%) of the total sales tax revenue
2066 collected during the preceding month under the provisions of this
2067 chapter, except that collected under the provisions of Section
2068 27-65-17(2) shall be deposited by the commission into the School
2069 Ad Valorem Tax Reduction Fund created pursuant to Section
2070 37-61-35. On or before August 15, 2000, and each succeeding month
2071 thereafter, two and two hundred sixty-six one-thousandths percent
2072 (2.266%) of the total sales tax revenue collected during the
2073 preceding month under the provisions of this chapter, except that
2074 collected under the provisions of Section 27-65-17(2), shall be
2075 deposited into the School Ad Valorem Tax Reduction Fund created
2076 under Section 37-61-35 until such time that the total amount
2077 deposited into the fund during a fiscal year equals Forty-two
2078 Million Dollars (\$42,000,000.00). Thereafter, the amounts
2079 diverted under this subsection (7) during the fiscal year in
2080 excess of Forty-two Million Dollars (\$42,000,000.00) shall be
2081 deposited into the Education Enhancement Fund created under
2082 Section 37-61-33 for appropriation by the Legislature as other



2083 education needs and shall not be subject to the percentage
2084 appropriation requirements set forth in Section 37-61-33.

2085 (8) On or before August 15, 1992, and each succeeding month
2086 thereafter, nine and seventy-three one-thousandths percent
2087 (9.073%) of the total sales tax revenue collected during the
2088 preceding month under the provisions of this chapter, except that
2089 collected under the provisions of Section 27-65-17(2) shall be
2090 deposited into the Education Enhancement Fund created pursuant to
2091 Section 37-61-33.

2092 (9) On or before August 15, 1994, and each succeeding month
2093 thereafter, from the revenue collected under this chapter during
2094 the preceding month, Two Hundred Fifty Thousand Dollars
2095 (\$250,000.00) shall be paid into the State Aid Road Fund.

2096 (10) On or before August 15, 1994, and each succeeding month
2097 thereafter through August 15, 1995, from the revenue collected
2098 under this chapter during the preceding month, Two Million Dollars
2099 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
2100 Valorem Tax Reduction Fund established in Section 27-51-105.

2101 (11) Notwithstanding any other provision of this section to
2102 the contrary, on or before February 15, 1995, and each succeeding
2103 month thereafter, the sales tax revenue collected during the
2104 preceding month under the provisions of Section 27-65-17(2) and
2105 the corresponding levy in Section 27-65-23 on the rental or lease
2106 of private carriers of passengers and light carriers of property
2107 as defined in Section 27-51-101 shall be deposited, without
2108 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
2109 established in Section 27-51-105.

2110 (12) Notwithstanding any other provision of this section to
2111 the contrary, on or before August 15, 1995, and each succeeding
2112 month thereafter, the sales tax revenue collected during the
2113 preceding month under the provisions of Section 27-65-17(1) on
2114 retail sales of private carriers of passengers and light carriers
2115 of property, as defined in Section 27-51-101 and the corresponding



2116 levy in Section 27-65-23 on the rental or lease of these vehicles,
2117 shall be deposited, after diversion, into the Motor Vehicle Ad
2118 Valorem Tax Reduction Fund established in Section 27-51-105.

2119 (13) On or before July 15, 1994, and on or before the
2120 fifteenth day of each succeeding month thereafter, that portion of
2121 the avails of the tax imposed in Section 27-65-22, which is
2122 derived from activities held on the Mississippi state fairgrounds
2123 complex, shall be paid into a special fund hereby created in the
2124 State Treasury and shall be expended pursuant to legislative
2125 appropriations solely to defray the costs of repairs and
2126 renovation at such Trade Mart and Coliseum.

2127 (14) On or before August 15, 1998, and each succeeding month
2128 thereafter through July 15, 2005, that portion of the avails of
2129 the tax imposed in Section 27-65-23 which is derived from sales by
2130 cotton compresses or cotton warehouses and which would otherwise
2131 be paid into the General Fund, shall be deposited in an amount not
2132 to exceed Two Million Dollars (\$2,000,000.00) into the special
2133 fund created pursuant to Section 69-37-39.

2134 (15) Notwithstanding any other provision of this section to
2135 the contrary, on or before September 15, 2000, and each succeeding
2136 month thereafter, the sales tax revenue collected during the
2137 preceding month under the provisions of Section 27-65-19(1)(f) and
2138 (g)(i)2, shall be deposited, without diversion, into the
2139 Telecommunications Ad Valorem Tax Reduction Fund established in
2140 Section 27-38-7.

2141 (16) On or before August 15, 2000, and each succeeding month
2142 thereafter, the sales tax revenue collected during the preceding
2143 month under the provisions of this chapter on the gross proceeds
2144 of sales of a project as defined in Section 57-30-1 shall be
2145 deposited, after all diversions except the diversion provided for
2146 in subsection (1) of this section, into the Sales Tax Incentive
2147 Fund created in Section 57-30-3.



2148 (17) Notwithstanding any other provision of this section to
2149 the contrary, on or before April 15, 2002, and each succeeding
2150 month thereafter, the sales tax revenue collected during the
2151 preceding month under Section 27-65-23 on sales of parking
2152 services of parking garages and lots at airports shall be
2153 deposited, without diversion, into the special fund created
2154 pursuant to Section 27-5-101(d).

2155 (18) The remainder of the amounts collected under the
2156 provisions of this chapter shall be paid into the State Treasury
2157 to the credit of the General Fund.

2158 (19) It shall be the duty of the municipal officials of any
2159 municipality which expands its limits, or of any community which
2160 incorporates as a municipality, to notify the commissioner of such
2161 action thirty (30) days before the effective date. Failure to so
2162 notify the commissioner shall cause such municipality to forfeit
2163 the revenue which it would have been entitled to receive during
2164 this period of time when the commissioner had no knowledge of the
2165 action. If any funds have been erroneously disbursed to any
2166 municipality or any overpayment of tax is recovered by the
2167 taxpayer, the commissioner may make correction and adjust the
2168 error or overpayment with such municipality by withholding the
2169 necessary funds from any subsequent payment to be made to the
2170 municipality.

2171 **SECTION 8.** Section 65-1-59, Mississippi Code of 1972, is
2172 amended as follows:

2173 65-1-59. (1) It shall be the duty of the Mississippi
2174 Transportation Commission to have the Mississippi Transportation
2175 Department carry out all contracts and agreements, including
2176 federal-aid projects and agreements under the County Highway Aid
2177 Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
2178 made or entered into with any county, subject, however, to
2179 applicable rules and regulations of the Federal Highway
2180 Administration. It shall be the duty of the Transportation



2181 Commission to continue to have the Mississippi Transportation
2182 Department maintain all state highways now under maintenance or
2183 hereafter taken over for maintenance, the purpose of this
2184 provision being to preserve the status quo of all state highways
2185 insofar as such highways have been taken over and control and
2186 jurisdiction has been assumed by the Mississippi Transportation
2187 Commission and Mississippi Transportation Department; however,
2188 except as otherwise provided in this section, if any highway or
2189 link of highway is removed from the state highway system by
2190 legislative act or by relocation or reconstruction, it shall no
2191 longer be maintained by or be under the jurisdiction of the
2192 Mississippi Transportation Commission or Mississippi
2193 Transportation Department, but shall be returned to the
2194 jurisdiction of the board of supervisors of the county or
2195 governing authorities of the municipality through which such road
2196 runs. Except as to segments of highways shorter than three (3)
2197 miles which have been or which are hereafter replaced through
2198 curve straightening or minor realignment, the Transportation
2199 Commission shall retain and have the Mississippi Transportation
2200 Department maintain as state highways all portions of U.S.
2201 highways that either before or after July 1, 1989, have been or
2202 are replaced and constructed as a part of the interstate highway
2203 system, or four-lane primary system, or which are replaced and
2204 constructed or are designated to be replaced and constructed as
2205 part of the * * * highway system under Section 65-3-97, including
2206 portions of all such highways so replaced, or which under Section
2207 65-3-97 are designated to be replaced, by municipal bypasses; and
2208 such highways and portions thereof shall be continued to be
2209 maintained as a part of the Mississippi state highway system until
2210 removed from such system by legislative act. All such highways and
2211 portions thereof which, by virtue of the provisions of this
2212 section, are returned on or after July 1, 1989, to the
2213 jurisdiction of the Mississippi Transportation Commission shall be



2214 maintained by the Mississippi Transportation Department only to
2215 the traffic capacities existing at the time that they are returned
2216 and any subsequent traffic capacity improvements or other
2217 improvements desired by the county or municipality within which
2218 such highway or portion thereof is located shall be performed in
2219 accordance with highway standards approved by the Transportation
2220 Commission and the expenses for making such improvements shall be
2221 paid by the county or municipality; however, all highways and
2222 portions thereof so improved by the county or municipality shall
2223 thereafter be maintained by the Mississippi Transportation
2224 Department. Before any highway or portion thereof is returned to
2225 the Transportation Commission under this section, the county or
2226 municipality having jurisdiction thereof shall remove or cause to
2227 be removed by July 1, 1991, all right-of-way encroachments along
2228 the entire length of the highway or portion thereof which are not
2229 permitted by Transportation Commission and Transportation
2230 Department policies and rules and regulations adopted pursuant to
2231 state and federal law. Any such encroachments may be allowed to
2232 remain only by permits issued by the Mississippi Transportation
2233 Department in the manner and subject to the same conditions for
2234 the issuance of permits for similar encroachments on other
2235 highways on the state highway system. If traffic counts indicate
2236 that any highway or portions thereof placed under the jurisdiction
2237 of the Transportation Commission under the provisions of this
2238 section no longer form a substantial part of the state highway
2239 system, the Transportation Commission may request the Legislature
2240 to remove such highways or portions thereof from the state highway
2241 system and return said roads for maintenance to the county or
2242 municipality in which they are located, as provided in subsection
2243 (2) of this section. The highways which the Transportation
2244 Department is required to continue to maintain by virtue of the
2245 provisions of this section shall be in addition to the total



2246 mileage limitation of eight thousand six hundred (8,600) miles
2247 provided in Section 65-3-3.

2248 (2) The Mississippi Transportation Commission shall, no
2249 later than October 1, 1981, and October 1 each year thereafter,
2250 furnish the Transportation Committee of the House of
2251 Representatives and the Highways and Transportation Committee of
2252 the Senate a recommendation for deletion of those highways or
2253 sections of highways which should be removed from the system.

2254 **SECTION 9.** Section 65-39-35, Mississippi Code of 1972, is
2255 amended as follows:

2256 65-39-35. The date upon which the taxes and fees levied and
2257 charged under the provisions of Sections 27-55-11, 27-57-37,
2258 27-59-11, 27-19-43, 27-19-309, 27-65-75, and Sections 27-55-519
2259 and 27-55-521 are reduced under such sections shall be the first
2260 day of the month immediately following the date upon which:

2261 (a) The Mississippi Transportation Commission certifies
2262 to the State Tax Commission that:

2263 (i) The * * * highway program created under
2264 Section 65-3-97 and the Gaming Counties Infrastructure Program
2265 created under Section 65-39-3, are completed and no funds are any
2266 longer necessary to pay the costs of such programs; and

2267 (ii) The Mississippi Transportation Commission
2268 will not declare the necessity for additional borrowings under
2269 Section 65-9-27, or for additional bonds under Sections 65-39-5
2270 through 65-39-33; and

2271 (b) The State Treasurer certifies:

2272 (i) That the amount on deposit in the Gaming
2273 Counties Bond Sinking Fund, together with earnings on investments
2274 to accrue to such fund, is equal to or greater than the aggregate
2275 of the entire principal, redemption premium (if any), and interest
2276 due and to become due (until the final maturity date or earlier
2277 scheduled redemption date) on all general obligation bonds issued
2278 under Sections 65-39-5 through 65-39-33; and



2279 (ii) That all principal, interest, cost and other
2280 expenses for all bonds, notes or other borrowings under Section
2281 65-9-27 and Section 31-17-127 (including redemption notes, if any)
2282 have been paid and are completely satisfied.

2283 **SECTION 10.** Notwithstanding any provision of law to the
2284 contrary, the Mississippi Transportation Commission shall submit
2285 the route location of Mississippi 477 (West Rankin Parkway) to the
2286 Federal Highway Administration for approval. Funding for
2287 Mississippi 477 (West Rankin Parkway) shall be limited to funds
2288 that originate from federal government, local government or
2289 private sources; however, the federal funds utilized for such
2290 route may only be federal funds allocated to the Central
2291 Transportation Commission District or federal funds specifically
2292 earmarked for Mississippi 477 (West Rankin Parkway).

2293 **SECTION 11.** The following highway is deleted from the state
2294 highway system, removed from the jurisdiction of the Mississippi
2295 Transportation Commission and returned to the jurisdiction of the
2296 Board of Supervisors of Tippah County:

2297 Northern District - Tippah County:

2298 Mississippi Highway 368 beginning at the end of state
2299 maintenance at its intersection of County Route 700 and
2300 extending easterly approximately four and one-half (4.5)
2301 miles to its intersection with County Route 701 at or
2302 near Buena Vista.

2303 **SECTION 12.** The following segment of highway is designated
2304 as a state highway and placed under the jurisdiction of the
2305 Mississippi Transportation Commission for construction and
2306 maintenance; and such highway, together with the highways
2307 designated in Section 65-3-3, and all other laws adding links to
2308 the designated state highway system, are declared to be the state
2309 highway system of Mississippi:

2310 Northern District - Union County:



2311 An extension of Mississippi 30 in the City of New Albany
2312 beginning at its intersection with Mississippi 178 and
2313 extending east and northerly to its intersection with Sam
2314 T. Barkley Road.

2315 **SECTION 13.** Section 11 of Chapter 562, Laws of 1997, is
2316 amended as follows:

2317 Section 11. (1) In addition to such funds as are allocated
2318 in accordance with the provisions of Section 27-65-75, Mississippi
2319 Code of 1972, to Clay County for use on state aid system roads,
2320 and notwithstanding any restrictions, conditions or eligibility
2321 for the expenditure of such funds or any limitations on the total
2322 mileage for the state aid road system as may be otherwise provided
2323 under Chapter 9, Title 65, Mississippi Code of 1972, the State Aid
2324 Road Engineer shall distribute, approve and make available for
2325 expenditure and use by the Board of Supervisors of Clay County
2326 such additional monies, not to exceed Five Million Dollars
2327 (\$5,000,000.00) as may be provided by the Mississippi
2328 Transportation Commission to the Office of State Aid Road
2329 Construction for reconstruction and improvement of the following
2330 roads located in Clay County for the purpose of providing
2331 necessary and convenient access to the site and surrounding area
2332 of the 1999 United States Ladies Professional Golf Association
2333 Tour:

2334 (a) Old Waverly Road from Eshman Avenue to 8.2 miles to
2335 Town Creek Road;

2336 (b) Eshman Avenue from Old Waverly Road to Industrial
2337 Access Road;

2338 (c) Industrial Access Road from U.S. Highway 45A to
2339 Eshman Avenue;

2340 (d) Cow Palace Road from U.S. Highway 45A to Old Tibbee
2341 Road;

2342 (e) Old Tibbee Road from Cow Palace Road to Section
2343 Road;



2344 (f) Section Road from Old Tibbee Road to 1.1 miles east
2345 of Curtis Orman Road;

2346 (g) Curtis Orman Road from Section Road to Old Waverly
2347 Road;

2348 (h) Churchill Road from Eshman Avenue to Pinkerton
2349 Road;

2350 (i) Railroad Road from Churchill Road to Old Waverly
2351 Road;

2352 (j) Pinkerton Road from Mississippi Highway 50 to Old
2353 Waverly Road;

2354 (k) Mathews Gin Road from Mississippi Highway 50
2355 southerly to Old Waverly Road; and

2356 (l) Town Creek Road from Old Waverly Road to
2357 Mississippi Highway 50.

2358 (2) Notwithstanding the provisions of any previous agreement
2359 between the Mississippi Department of Transportation, the
2360 Mississippi Office of State Aid Road Construction, the County of
2361 Clay and the City of West Point, the monies provided by the
2362 Mississippi Transportation Commission to the Office of State Aid
2363 Road Construction for use and expenditure on the projects
2364 described in subsection (1) of this section shall not be deducted
2365 from future allocations of state aid road monies to Clay County
2366 and shall not be required to be repaid by the Office of State Aid
2367 Road Construction to the Mississippi Transportation Commission;
2368 nor shall any portion of Surface Transportation Program funds or
2369 any other federal funds allocated or distributed by the
2370 Mississippi Transportation Commission to the City of West Point be
2371 reduced and the City of West Point shall not be required to repay
2372 any monies to the Mississippi Transportation Commission as a
2373 result of the expenditure of monies by the commission for the
2374 projects described in subsection (1) of this section.

2375 **SECTION 14.** (1) There is hereby created a joint study
2376 committee to examine the desirability of authorizing the



2377 construction of toll roads in this state. The joint committee
2378 shall consist of the Chairman of the Senate Highways and
2379 Transportation Committee and three (3) members of the Senate
2380 Highways and Transportation Committee appointed by the Lieutenant
2381 Governor, and the Chairman of the House Transportation Committee
2382 and three (3) members of the House Transportation Committee
2383 appointed by the Speaker of the House. The Chairman of the Senate
2384 Highways and Transportation Committee and the Chairman of the
2385 House Transportation Committee shall serve as cochairmen of the
2386 joint committee. The joint committee shall examine desirability
2387 of constructing toll roads in this state.

2388 (2) The joint committee shall make a report of its findings
2389 and recommendations, including necessary legislation, to the
2390 Legislature on or before December 1, 2002.

2391 (3) The joint committee shall meet on the call of the
2392 cochairmen and shall organize by selecting from its membership a
2393 vice chairman who shall also serve as secretary and shall be
2394 responsible for keeping all records of the joint committee. A
2395 majority of the members of the joint committee shall constitute a
2396 quorum. All members shall be notified in writing of all meetings
2397 and such notices shall be mailed at least five (5) days prior to
2398 the date on which a meeting is to be held.

2399 (4) Members of the committee shall be paid from the
2400 contingent expense funds of their respective houses in the same
2401 amounts as provided for committee meetings when the Legislature is
2402 not in session.

2403 (5) All state agencies shall cooperate with the joint
2404 committee in providing information and resources necessary for the
2405 joint committee to make its study.

2406 (6) The joint committee shall utilize the staff of the
2407 Legislature and any other assistance made available to it.

2408 (7) Upon presentation of its report the joint committee
2409 shall be dissolved.



2410 **SECTION 15.** This act shall take effect and be in force from
2411 and after July 1, 2002.

