

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 543

1 AN ACT TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972,  
 2 TO DELETE THE PROVISION THAT DIVERTS A PORTION OF STATE GAMING  
 3 REVENUES TO THE STATE HIGHWAY FUND; TO PROVIDE FOR THE DIVERSION  
 4 OF A PORTION OF STATE GAMING REVENUES TO THE STATE PORTS FUND, THE  
 5 DISASTER ASSISTANCE TRUST FUND AND THE MISSISSIPPI  
 6 HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT WITHIN THE RAILROAD  
 7 REVITALIZATION FUND; TO AMEND SECTION 57-43-15, MISSISSIPPI CODE  
 8 OF 1972, TO AUTHORIZE THE DEPOSIT OF STATE GAMING REVENUES INTO  
 9 THE MISSISSIPPI HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT  
 10 WITHIN THE RAILROAD REVITALIZATION FUND; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 75-76-129, Mississippi Code of 1972, is  
 13 amended as follows:

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

15 75-76-129. On or before the last day of each month all  
 16 taxes, fees, interest, penalties, damages, fines or other monies  
 17 collected by the State Tax Commission during that month under the  
 18 provisions of this chapter, with the exception of (a) the local  
 19 government fees imposed under Section 75-76-195, and (b) an amount  
 20 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
 21 collected pursuant to the fee imposed under Section  
 22 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
 23 of the revenue collected pursuant to the fee imposed under Section  
 24 75-76-177(1)(c), whichever is the greater amount, shall be paid by  
 25 the State Tax Commission to the State Treasurer to be deposited in  
 26 the State General Fund. The local government fees shall be  
 27 distributed by the State Tax Commission pursuant to Section  
 28 75-76-197. An amount equal to Three Million Dollars  
 29 (\$3,000,000.00) of the revenue collected during that month  
 30 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
 31 deposited by the State Tax Commission into the bond sinking fund



32 created in Section 65-39-3. The revenue collected during that  
33 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
34 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
35 less than twenty-five percent (25%) of the amount of revenue  
36 collected during that month, shall be allocated and deposited  
37 equally into the State Ports Fund established under Section  
38 59-5-33, the Disaster Assistance Trust Fund established under  
39 Section 33-15-307 and the Mississippi Highway-Railroad Grade  
40 Crossing Safety Account within the Railroad Revitalization Fund  
41 established under Section 57-43-15.

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

44 75-76-129. On or before the last day of each month, all  
45 taxes, fees, interest, penalties, damages, fines or other monies  
46 collected by the State Tax Commission during that month under the  
47 provisions of this chapter, with the exception of the local  
48 government fees imposed under Section 75-76-195, shall be paid by  
49 the State Tax Commission to the State Treasurer to be deposited in  
50 the State General Fund. The local government fees shall be  
51 distributed by the State Tax Commission pursuant to Section  
52 75-76-197.

53 **SECTION 2.** Section 57-43-15, Mississippi Code of 1972, is  
54 amended as follows:

55 57-43-15. (1) There is established within the Railroad  
56 Revitalization Fund a new account to be entitled the Mississippi  
57 Highway-Railroad Grade Crossing Safety Account. The account shall  
58 be administered by the Mississippi Department of Transportation  
59 and shall consist of (a) such monies as are transferred to it on  
60 July 1, 2001, from the Mississippi Grade Crossing Closure Account;  
61 and (b) thirty-five percent (35%) of collections from the  
62 locomotive fuel tax imposed under Section 27-59-307 for the  
63 previous year and (c) monies deposited into the account as  
64 provided under Section 75-76-129. Unexpended amounts remaining in



65 the account at the end of a fiscal year shall not lapse into the  
66 State General Fund; and any interest earned on amounts in the  
67 account shall be deposited to the credit of the account.

68 (2) The Mississippi Department of Transportation, in  
69 cooperation with the railroads operating in Mississippi, shall  
70 promulgate rules to ensure equitable allocation of the funds  
71 described in subsection (1) of this section to projects throughout  
72 the state, and shall consider the proportionate number of main  
73 line track miles of each railroad and the number of public  
74 roadway/railroad grade crossings on each railroad's main line.  
75 Expenditure of monies from the Mississippi Highway-Railroad Grade  
76 Crossing Safety Account shall be limited to the following  
77 purposes:

78 (a) Financial aid for closure of public  
79 roadway/railroad grade crossings;

80 (b) Realignment of construction costs of roadways being  
81 rerouted to facilitate a closure of a public roadway/railroad  
82 grade crossing;

83 (c) Monies to match federal or other funds for a grade  
84 separation eliminating an at-grade crossing of a public roadway  
85 and railroad; and

86 (d) Installation or upgrade of highway-railroad grade  
87 crossing signals, at the discretion of the Mississippi  
88 Transportation Commission, based upon the Federal Railroad  
89 Administration ranking of all Mississippi highway-railroad grade  
90 crossings. Not less than ten percent (10%) of the monies  
91 necessary to defray the costs of such installations must be  
92 federal funds.

93 (3) The Mississippi Department of Transportation shall  
94 consider all requests from the state's diagnostic review of public  
95 roadway/railroad grade crossings and from individual railroads for  
96 expenditure of funds for the purposes described in subsection (2)  
97 of this section, and shall establish uniform criteria and



98 guidelines relating to such crossings and the expenditure of  
99 funds.

100           **SECTION 3.** This act shall take effect and be in force from  
101 and after July 1, 2003.

