HOUSE BILL NO. 543

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

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

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

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

75-76-129. On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, and (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund.
created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected during that month, shall be allocated and deposited equally into the State Ports Fund established under Section 59-5-33, the Disaster Assistance Trust Fund established under Section 33-15-307 and the Mississippi Highway-Railroad Grade Crossing Safety Account within the Railroad Revitalization Fund established under Section 57-43-15.

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

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

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

57-43-15. (1) There is established within the Railroad Revitalization Fund a new account to be entitled the Mississippi Highway-Railroad Grade Crossing Safety Account. The account shall be administered by the Mississippi Department of Transportation and shall consist of (a) such monies as are transferred to it on July 1, 2001, from the Mississippi Grade Crossing Closure Account; and (b) thirty-five percent (35%) of collections from the locomotive fuel tax imposed under Section 27-59-307 for the previous year and (c) monies deposited into the account as provided under Section 75-76-129. Unexpended amounts remaining in
the account at the end of a fiscal year shall not lapse into the State General Fund; and any interest earned on amounts in the account shall be deposited to the credit of the account.

(2) The Mississippi Department of Transportation, in cooperation with the railroads operating in Mississippi, shall promulgate rules to ensure equitable allocation of the funds described in subsection (1) of this section to projects throughout the state, and shall consider the proportionate number of main line track miles of each railroad and the number of public roadway/railroad grade crossings on each railroad's main line.

Expenditure of monies from the Mississippi Highway-Railroad Grade Crossing Safety Account shall be limited to the following purposes:

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

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

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

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

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

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