

By: Representative Fleming

To: Gaming; Ways and Means

HOUSE BILL NO. 191

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
61 Account; * * * (b) thirty-five percent (35%) of collections from
62 the 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, 2004.