

By: Representatives McCoy, Miles, Stringer,  
Reynolds

To: Appropriations

## HOUSE BILL NO. 1128

1 AN ACT TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972,  
2 TO REDISTRIBUTE A PORTION OF THE STATE'S SHARE OF GAMING LICENSE  
3 FEES TO SPECIAL FUNDS, THE PROCEEDS OF WHICH MAY BE USED FOR  
4 BEAVER ERADICATION AND CONTROL, THE LOCAL SYSTEM BRIDGE  
5 REPLACEMENT AND REHABILITATION PROGRAM AND THE LOCAL SYSTEM ROAD  
6 PROGRAM; TO AMEND SECTION 65-37-13, MISSISSIPPI CODE OF 1972, TO  
7 DELETE THE PROVISIONS THAT REQUIRE THE LEGISLATURE TO APPROPRIATE  
8 MONIES TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION  
9 FUND; TO AMEND SECTION 65-18-9 AND 65-18-11, MISSISSIPPI CODE OF  
10 1972, TO CREATE THE LOCAL SYSTEM ROAD FUND; TO AUTHORIZE THE STATE  
11 ENGINEER TO ALLOCATE MONIES IN THE FUND TO EACH COUNTY FOR  
12 CONSTRUCTING, RECONSTRUCTING OF LOCAL SYSTEM ROADS; AND FOR  
13 RELATED PURPOSES.

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

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

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

18 75-76-129. On or before the last day of each month all  
19 taxes, fees, interest, penalties, damages, fines or other monies  
20 collected by the State Tax Commission during that month under the  
21 provisions of this chapter, with the exception of (a) the local  
22 government fees imposed under Section 75-76-195, and (b) an amount  
23 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
24 collected pursuant to the fee imposed under Section  
25 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
26 of the revenue collected pursuant to the fee imposed under Section  
27 75-76-177(1)(c), whichever is the greater amount, shall be paid by  
28 the State Tax Commission to the State Treasurer to be deposited in  
29 the State General Fund. The local government fees shall be  
30 distributed by the State Tax Commission pursuant to Section  
31 75-76-197. An amount equal to Three Million Dollars  
32 (\$3,000,000.00) of the revenue collected during that month

33 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
34 deposited by the State Tax Commission into the bond sinking fund  
35 created in Section 65-39-3. The revenue collected during that  
36 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
37 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
38 less than twenty-five percent (25%) of the amount of revenue  
39 collected during that month, shall be distributed as follows:

40 (a) Twenty-five Thousand Dollars (\$25,000.00) shall be  
41 deposited each month into a special fund that is created in the  
42 State Treasury. Monies in the special fund may be expended, upon  
43 appropriation by the Legislature, to assist counties in  
44 eradicating or controlling beaver populations. Monies in the fund  
45 at the end of a fiscal year shall not lapse into the General Fund  
46 and interest earned on any amounts in the fund shall be credited  
47 to the special fund.

48 (b) The amount each month that exceeds Twenty-five  
49 Thousand Dollars (\$25,000.00) but which is less than One Million  
50 Six Hundred Sixty-six Thousand Six Hundred and Sixty-six Dollars  
51 (\$1,666,666.00), shall be deposited into the Local System Bridge  
52 Replacement and Rehabilitation Fund created under Section  
53 65-37-13.

54 (c) The amount each month that exceeds One Million Six  
55 Hundred Ninety-one Thousand Six Hundred and Sixty-six Dollars  
56 (\$1,691,666.00) shall be deposited into the Local System Road Fund  
57 created under Section 65-18-9.

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

60 75-76-129. On or before the last day of each month, all  
61 taxes, fees, interest, penalties, damages, fines or other monies  
62 collected by the State Tax Commission during that month under the  
63 provisions of this chapter, with the exception of the local  
64 government fees imposed under Section 75-76-195, shall be paid by  
65 the State Tax Commission to the State Treasurer to be deposited in

66 the State General Fund. The local government fees shall be  
67 distributed by the State Tax Commission pursuant to Section  
68 75-76-197.

69 **SECTION 2.** Section 65-37-13, Mississippi Code of 1972, is  
70 amended as follows:

71 65-37-13. (1) There is created in the State Treasury a  
72 special fund to be designated as the "Local System Bridge  
73 Replacement and Rehabilitation Fund." The fund shall consist of  
74 the monies directed to be deposited into the fund under Section  
75 75-76-129 and such other monies as the Legislature may designate  
76 for deposit into the fund. Monies in the fund may be expended  
77 upon legislative appropriation in accordance with the provisions  
78 of Sections 65-37-1 through 65-37-15.

79 \* \* \*

80 (2) Such monies as are deposited in the fund under the  
81 provisions of this section may be expended upon requisition  
82 therefor by the State Aid Engineer in accordance with the  
83 provisions of Sections 65-37-1 through 65-37-15. The Office of  
84 State Aid Road Construction shall be entitled to reimbursement  
85 from monies in the fund, upon requisitions therefor by the State  
86 Aid Engineer, for the actual expenses incurred by the office in  
87 administering the provisions of the local system bridge  
88 replacement and rehabilitation program. Unexpended amounts  
89 remaining in the fund at the end of a fiscal year shall not lapse  
90 into the State General Fund, and any interest earned on amounts in  
91 the fund shall be deposited to the credit of the fund.

92 (3) Monies in the Local System Bridge Replacement and  
93 Rehabilitation Fund shall be allocated and become available for  
94 distribution to counties in accordance with the formula prescribed  
95 in Section 65-37-4 beginning January 1, 1995, on a  
96 project-by-project basis. Monies in the Local System Bridge  
97 Replacement and Rehabilitation Fund may not be used or expended

98 for any purpose except as authorized under Sections 65-37-1  
99 through 65-37-15.

100 (4) Monies in the Local System Bridge Replacement and  
101 Rehabilitation Fund may be credited to a county in advance of the  
102 normal accrual to finance certain projects, subject to the  
103 approval of the State Aid Engineer and subject further to the  
104 following limitations:

105 (a) That the maximum amount of such monies that may be  
106 advanced to any county shall not exceed ninety percent (90%) of  
107 the funds estimated to accrue to such county during the remainder  
108 of the term of office of the board of supervisors of such county;

109 (b) That no advance credit of funds will be made to any  
110 county when the unobligated balance in the Local System Bridge  
111 Replacement and Rehabilitation Fund is less than One Million  
112 Dollars (\$1,000,000.00); and

113 (c) That such advance crediting of funds be effected by  
114 the State Aid Engineer at the time of the approval of the plans  
115 and specifications for the proposed projects.

116 It is the intent of this provision to utilize to the fullest  
117 practicable extent the balance of monies in the Local System  
118 Bridge Replacement and Rehabilitation Fund on hand at all times.

119 **SECTION 3.** Section 65-18-9, Mississippi Code of 1972, is  
120 amended as follows:

121 65-18-9. (1) The State Aid Engineer shall allocate annually  
122 the amount of the state aid road allocation of a county that is  
123 requested by such county for use in the construction,  
124 reconstruction and paving of local system roads in the county if  
125 the county has met the requirements of this chapter; provided,  
126 however, that the State Aid Engineer shall not allocate more than  
127 twenty-five percent (25%) of the annual state aid road allocation  
128 of a county for such purposes.

129 (2) The State Aid Engineer shall allocate annually the  
130 amount of the Local System Bridge Replacement and Rehabilitation

131 Program allocation of a county that is requested by such county  
132 for use in the construction, reconstruction and paving of local  
133 system roads in the county if:

134 (a) The State Aid Engineer has certified, pursuant to  
135 Section 65-37-7, that all the local system bridges within the  
136 county have a sufficiency rating of greater than fifty (50) or  
137 that all such bridges within the county with a sufficiency rating  
138 of fifty (50) or less are currently under contract for replacement  
139 or rehabilitation; and

140 (b) The county has met the requirements of this  
141 chapter.

142 (3) There is created in the State Treasury a special fund to  
143 be designated as the "Local System Road Fund." The fund shall  
144 consist of the monies directed to be deposited into the fund under  
145 Section 75-76-129 and such other monies as the Legislature may  
146 designate for deposit into the fund. The State Aid Engineer shall  
147 allocate annually to each county monies in the fund according to  
148 state aid road formula under Section 27-65-75(4). Monies  
149 allocated to a county under this subsection may be used by a  
150 county in the construction, reconstruction and paving of local  
151 system roads in the county if the county meets the requirements of  
152 this chapter.

153 (4) The State Aid Engineer shall establish specific designs  
154 and standards to be followed by such counties in the construction,  
155 reconstruction and paving of local system roads. The specific  
156 designs and standards shall be based upon policies on geometric  
157 design of local rural roads, highways and streets adopted and  
158 published by the American Association of State Highway and  
159 Transportation Officials.

160 **SECTION 4.** Section 65-18-11, Mississippi Code of 1972, is  
161 amended as follows:

162 65-18-11. (1) In order for a county to be eligible to  
163 utilize its Local System Bridge Replacement and Rehabilitation

164 Program allocation, any of its state aid road funds, or any of the  
165 monies allocated to it from the Local System Road Fund, for the  
166 Local System Road Program, a county must meet the following  
167 conditions:

168 (a) The county has employed a county engineer, together  
169 with such other technical assistance as is necessary to carry out  
170 the duties of this chapter, the same as provided under the  
171 provisions of Section 65-9-15, for its state aid road system and,  
172 through its official minutes, has authorized the county engineer  
173 to perform the necessary engineering services connected with the  
174 Local System Road Program. The county engineer shall prepare the  
175 necessary plans and designs for all construction projects,  
176 including state aid projects and projects provided under this  
177 chapter. He also shall provide engineering supervision for the  
178 construction of such projects and shall approve all estimate  
179 payments made on the projects. Engineering cost for any project  
180 performed under the Local System Road Program may be paid from any  
181 funds allocated to a county under the program; however, the  
182 maximum fee paid to an engineer shall not exceed twelve percent  
183 (12%) of the final construction cost. No such cost shall be  
184 reimbursed to the county before the letting of the project; and

185 (b) The county has presented a plan for the  
186 construction, reconstruction and paving of a local system road  
187 which plan has been made and approved by the county engineer of  
188 the county, showing the specific road or project to be improved,  
189 stating the condition of the existing roadbed, drainage and  
190 bridges and outlining the type of construction or reconstruction  
191 to be made and the designs and specifications therefor, including  
192 the paving of the road and the sources of revenue to be used and  
193 the sources and types of material to be used thereon. The plan  
194 shall be presented to the State Aid Engineer for the initial  
195 approval of the beginning of a project to receive monies.

196           (2) After the initial approval of the plan and plans as  
197 specified in subsection (1)(b) of this section has been made by  
198 the State Aid Engineer, the county shall be eligible to receive  
199 all funds made available to the county under the Local System Road  
200 Program to be used exclusively for the construction,  
201 reconstruction or paving of the local system road. The project  
202 may be done either by contract or by using county equipment and  
203 employees. It shall be according to the original plan or any  
204 amendments thereto which have been approved by the State Aid  
205 Engineer. The board may use county equipment and employees if the  
206 construction can be accomplished at a more reasonable cost than  
207 can be achieved by contract.

208           **SECTION 5.** This act shall take effect and be in force from  
209 and after July 1, 2004.