

By: Representative Rotenberry

To: Transportation; Gaming

HOUSE BILL NO. 188

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF
2 TRANSPORTATION SHALL PERFORM CERTAIN PROJECTS ON AND ALONG THAT
3 PART OF U.S. HIGHWAY 49 FROM U.S. HIGHWAY 90 TO U.S. HIGHWAY 80 AS
4 MAY BE NECESSARY TO UPGRADE SUCH HIGHWAY TO THE SAME OR SIMILAR
5 STANDARDS FOR DESIGN AND CONSTRUCTION THAT ARE REQUIRED FOR THOSE
6 HIGHWAYS INCLUDED WITHIN THE FOUR-LANE HIGHWAY PROGRAM; TO CREATE
7 A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE "HIGHWAY
8 49 IMPROVEMENTS FUND," AND TO PROVIDE THAT MONIES IN THE SPECIAL
9 FUND MAY BE USED FOR THE PURPOSE OF DEFRAYING EXPENSES RELATED TO
10 THE PROJECTS AUTHORIZED BY THIS ACT; TO AMEND SECTION 75-76-129,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNTIL JULY 1, 2009, A
12 PORTION OF THE STATE'S SHARE OF TAXES, FEES AND PENALTIES
13 COLLECTED BY THE STATE TAX COMMISSION UNDER THE MISSISSIPPI GAMING
14 CONTROL ACT SHALL BE DEPOSITED INTO THE HIGHWAY 49 IMPROVEMENTS
15 FUND, AND THAT THEREAFTER SUCH PORTION SHALL BE DEPOSITED INTO THE
16 STATE HIGHWAY FUND FOR USE IN THE MAINTENANCE AND UPKEEP OF STATE
17 HIGHWAYS; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) The Mississippi Department of
20 Transportation, subject to the availability of funds, shall
21 perform such projects for the construction and reconstruction to
22 that part of U.S. Highway 49 that runs between U.S. Highway 90 and
23 U.S. Highway 80 as may be necessary to upgrade such highway to the
24 same or similar standards for design and construction that are
25 required for those four-lane highways and four-lane highway
26 segments provided for under Section 65-3-97. Such projects may
27 include, but are not limited to, geometric, vertical and
28 horizontal alignment changes in the roadway; improvements to
29 existing intersections; widening of shoulders; replacement of
30 bridges; relocating existing lanes and adding lanes; providing
31 access control; constructing frontage roads; providing turn lanes;
32 and creating additional interchanges. The department may acquire
33 such right-of-way as may be necessary for performance of the
34 projects.

35 (2) Funds for the projects authorized under subsection (1)
36 of this section shall be provided from monies deposited into and
37 credited to the Highway 49 Improvements Fund created in Section 2
38 of House Bill No.____, 2005 Regular Session.

39 (3) (a) The Department of Transportation shall submit a
40 report to the Legislature by January 10 of each year setting forth
41 the current status of the projects prescribed in subsection (1) of
42 this section, which report shall include:

43 (i) The specific projects upon which engineering
44 is being performed or has been completed;

45 (ii) The specific projects for which right-of-way
46 has been acquired or is being acquired;

47 (iii) The specific projects for which construction
48 contracts have been let;

49 (iv) The specific projects upon which construction
50 is in progress;

51 (v) The specific projects upon which construction
52 has been completed;

53 (vi) Projections for completion of the next step
54 on each project;

55 (vii) For each fiscal year, beginning with fiscal
56 year 2003, a detailed cash flow projection by source of program
57 activities and an estimate of when or if a funding shortage will
58 be encountered due to costs exceeding original projections;

59 (viii) A schedule of all complete and
60 open-to-traffic highway projects and the related total cost of
61 each project;

62 (ix) A complete recap of all program receipts by
63 source, and of all disbursements for the prior fiscal year and
64 cumulative totals since the inception of the program as compared
65 to projections; and

66 (x) A statement from the Department of
67 Transportation regarding the status of the funding of the program
68 based on agency cost experience and projections for the future.

69 (b) The report shall be deemed submitted when ten (10)
70 copies are received by the Clerk of the House of Representatives
71 and ten (10) copies are received by the Secretary of the Senate.

72 (4) The Transportation Commission shall give notice in some
73 newspaper or newspapers having a general circulation throughout
74 the counties in which any project is proposed under this section
75 for the purpose of conducting hearings from time to time and
76 receiving comments and suggestions from members of the public
77 regarding such improvements or modifications to roadway design,
78 engineering or traffic control that may be needed to increase
79 safety and reduce highway accidents and fatalities.

80 **SECTION 2.** (1) There is created in the State Treasury a
81 special fund to be designated as the "Highway 49 Improvements
82 Fund." The fund shall consist of such monies as are required to
83 be deposited into the fund under the provisions of Section
84 75-76-129, and such other monies from any other source as the
85 Legislature may direct. Monies in the fund may be expended, upon
86 legislative appropriation, for the sole purpose of defraying the
87 expenses of the Mississippi Transportation Commission and the
88 Mississippi Department of Transportation for the planning, design,
89 engineering, construction, reconstruction and other expenses
90 incurred by the Transportation Commission and the Department of
91 Transportation for the projects designated in Section 1 of House
92 Bill No.____, 2005 Regular Session.

93 (2) Unexpended amounts remaining in the special fund at the
94 end of a fiscal year shall not lapse into the State General Fund,
95 and any interest earned on amounts in the special fund shall be
96 deposited to the credit of the special fund.

97 **SECTION 3.** Section 75-76-129, Mississippi Code of 1972, is
98 amended as follows:

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

100 75-76-129. On or before the last day of each month all
101 taxes, fees, interest, penalties, damages, fines or other monies
102 collected by the State Tax Commission during that month under the
103 provisions of this chapter, with the exception of (a) the local
104 government fees imposed under Section 75-76-195, * * * (b) an
105 amount equal to Three Million Dollars (\$3,000,000.00) of the
106 revenue collected pursuant to the fee imposed under Section
107 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
108 of the revenue collected pursuant to the fee imposed under Section
109 75-76-177(1)(c), whichever is the greater amount, and (c) Two
110 Million Eighty-three Thousand Three Hundred Thirty-three Dollars
111 and Thirty-three Cents (\$2,083,333.33), shall be paid by the State
112 Tax Commission to the State Treasurer to be deposited into the
113 State General Fund. The local government fees shall be
114 distributed by the State Tax Commission pursuant to Section
115 75-76-197. Except for the period beginning on July 1, 2004, and
116 through June 30, 2005, an amount equal to Three Million Dollars
117 (\$3,000,000.00) of the revenue collected during that month
118 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
119 deposited by the State Tax Commission into the bond sinking fund
120 created in Section 65-39-3. Except for the period beginning on
121 July 1, 2004, and through June 30, 2005, the revenue collected
122 during that month pursuant to the fee imposed under Section
123 75-76-177(1)(c) that is in excess of Three Million Dollars
124 (\$3,000,000.00), but is less than twenty-five percent (25%) of the
125 amount of revenue collected under Section 75-76-177(1)(c) during
126 that month, shall be deposited into the State Highway Fund to be
127 used exclusively for the reconstruction and maintenance of
128 highways of the State of Mississippi. An amount equal to Two
129 Million Eighty-three Thousand Three Hundred Thirty-three Dollars
130 and Thirty-three Cents (\$2,083,333.33), shall be deposited by the
131 State Tax Commission into the Highway 49 Improvements Fund created

132 under Section 2 of House Bill No. _____, 2005 Regular Session.

133 For the period beginning on July 1, 2004, and through June
134 30, 2005, twenty-five percent (25%) of the amount of revenue
135 collected during each month pursuant to the fee imposed under
136 Section 75-76-177(1)(c) shall be deposited into the Budget
137 Contingency Fund created in Section 27-103-301.

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

140 75-76-129. On or before the last day of each month, all
141 taxes, fees, interest, penalties, damages, fines or other monies
142 collected by the State Tax Commission during that month under the
143 provisions of this chapter, with the exception of (a) the local
144 government fees imposed under Section 75-76-195, and (b) Two
145 Million Eighty-three Thousand Three Hundred Thirty-three Dollars
146 and Thirty-three Cents (\$2,083,333.33) shall be paid by the State
147 Tax Commission to the State Treasurer to be deposited into the
148 State General Fund. The local government fees shall be
149 distributed by the State Tax Commission pursuant to Section
150 75-76-197. The Two Million Eighty-three Thousand Three Hundred
151 Thirty-three Dollars and Thirty-three Cents (\$2,083,333.33) shall
152 be deposited by the State Tax Commission into the State Highway
153 Fund and may be expended, upon legislative appropriation, only for
154 maintenance and upkeep of highways on the state highway system.

155 **SECTION 4.** This act shall take effect and be in force from
156 and after July 1, 2005.