

By: Senator(s) Simmons (13th)

To: Highways and  
Transportation; Finance

SENATE BILL NO. 2859

1 AN ACT TO IMPOSE A TAX EQUAL TO 8% OF THE STATEWIDE AVERAGE  
2 WHOLESAL PRICE OF A GALLON OF MOTOR FUEL CALCULATED FOR THE  
3 APPLICABLE CALENDAR YEAR ON EACH GALLON OF MOTOR FUEL SOLD FOR  
4 CONSUMPTION IN VEHICLES OPERATED ON THE HIGHWAYS OF THIS STATE; TO  
5 PROVIDE THAT THE AMOUNT OF THE TAX SHALL BE ADDED TO THE  
6 APPLICABLE EXCISE TAX AND THAT THE COMMISSIONER OF REVENUE SHALL  
7 NOTIFY EACH DISTRIBUTOR OF MOTOR FUEL OF THE APPLICABLE TAX PER  
8 GALLON WHICH SHALL BE THE TAX IN EFFECT FOR THE TWELVE-MONTH  
9 PERIOD BEGINNING ON THE NEXT JANUARY FIRST; TO PROVIDE THE MANNER  
10 THAT THE TAX SHALL BE CALCULATED; TO PROVIDE FOR CERTAIN  
11 EXEMPTIONS FROM THE TAX; TO REQUIRE THE REVENUE COLLECTED FROM  
12 SUCH TAX TO BE DEPOSITED INTO THE TRANSPORTATION INFRASTRUCTURE  
13 REPAIR, RENOVATION AND MAINTENANCE FUND; TO AMEND SECTION  
14 27-19-43, MISSISSIPPI CODE OF 1972, TO PLACE ADDITIONAL  
15 REGISTRATION FEES ON MOTOR VEHICLES AND TRAILERS REGISTERED IN  
16 THIS STATE AND PROVIDE THAT THE REVENUE FROM SUCH FEES BE  
17 DEPOSITED IN THE TRANSPORTATION INFRASTRUCTURE REPAIR, RENOVATION  
18 AND MAINTENANCE FUND; TO AMEND SECTION 1, CHAPTER 479, LAWS OF  
19 2015, TO PROVIDE THAT AMOUNTS IN THE SPECIAL BOND SINKING FUND  
20 ESTABLISHED TO PAY THE ANNUAL DEBT SERVICE ON BONDS ISSUED FOR THE  
21 2015 MISSISSIPPI DEFICIENT BRIDGE AND STATE AID ROAD SUPPLEMENTAL  
22 FUND THAT ARE IN EXCESS OF THE AMOUNT NEEDED TO FUND THE NEXT  
23 ANNUAL DEBT SERVICE ON SUCH BONDS SHALL BE DEPOSITED INTO THE  
24 TRANSPORTATION INFRASTRUCTURE REPAIR, RENOVATION AND MAINTENANCE  
25 FUND; TO CREATE THE TRANSPORTATION INFRASTRUCTURE REPAIR,  
26 RENOVATION AND MAINTENANCE FUND; TO PROVIDE FOR THE ALLOCATION OF  
27 MONEY IN THE FUND TO THE STATE HIGHWAY FUND, THE LOCAL SYSTEM ROAD  
28 PROGRAM, THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION  
29 FUND, THE STATE AID ROAD FUND, THE MULTI-MODAL TRANSPORTATION  
30 IMPROVEMENT FUND, THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE AIR  
31 CARRIER INCENTIVE PROGRAM FUND AND THE MISSISSIPPI  
32 HIGHWAY-RAILROAD GRADE CROSSING ACCOUNT; TO CREATE A NEW SECTION  
33 TO BE CODIFIED AS SECTION 65-18-8, MISSISSIPPI CODE OF 1972, TO  
34 CREATE THE LOCAL SYSTEM ROAD PROGRAM ADVISORY COMMITTEE; TO



35 PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO PROVIDE THAT THE  
36 COMMITTEE SHALL RECOMMEND FUNDING PRIORITIES IN EACH COUNTY TO THE  
37 STATE AID ENGINEER AND MAKE RECOMMENDATIONS REGARDING FUNDING OF  
38 THE LOCAL SYSTEM ROAD PROGRAM TO THE LEGISLATURE; TO CREATE A NEW  
39 SECTION TO BE CODIFIED AS SECTION 65-18-10, MISSISSIPPI CODE OF  
40 1972, TO CREATE THE LOCAL SYSTEM ROAD PROGRAM FUND; TO PROVIDE  
41 THAT MONEY ALLOCATED BY THE STATE AID ENGINEER TO A COUNTY UNDER  
42 THIS SECTION AND THE REVENUE FROM THE AD VALOREM TAX AUTHORIZED TO  
43 BE LEVIED BY THIS SECTION SHALL BE UTILIZED SOLELY FOR THE LOCAL  
44 SYSTEM ROAD PROGRAM IN THE COUNTY UNDER THE DIRECTION OF THE STATE  
45 AID ENGINEER; TO PROVIDE THE FORMULA FOR ALLOCATION OF MONEY IN  
46 THE FUND TO COUNTIES; TO PROVIDE THAT IN ORDER TO PARTICIPATE IN  
47 THE LOCAL SYSTEM ROAD PROGRAM A COUNTY MUST ANNUALLY LEVY A  
48 SPECIAL AD VALOREM TAX, NOT TO EXCEED ONE MILL, UPON ALL TAXABLE  
49 PROPERTY LOCATED WITHIN THE COUNTY; TO PROVIDE THAT THE AVAILS OF  
50 THE SPECIAL LEVY SHALL BE USED EXCLUSIVELY FOR THE LOCAL SYSTEM  
51 ROAD PROGRAM; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT  
52 AUTHORITY (MDA) SHALL ESTABLISH AN AIR CARRIER INCENTIVE PROGRAM  
53 TO MATCH FUNDS EXPENDED BY AIRPORT AUTHORITIES FOR INCENTIVES  
54 APPROVED BY MDA INTENDED TO ATTRACT AIR CARRIERS AND EXPAND AIR  
55 CARRIER SERVICES; TO CREATE A SPECIAL FUND TO BE DESIGNATED AS THE  
56 "AIR CARRIER INCENTIVE PROGRAM FUND"; TO PROVIDE THAT MDA SHALL  
57 UTILIZE MONEY IN THE FUND TO MATCH FUNDS EXPENDED BY AIRPORT  
58 AUTHORITIES TO PROVIDE THE INCENTIVES AUTHORIZED; TO AMEND  
59 SECTIONS 27-65-75, 57-43-15, 65-18-9 AND 65-18-11, MISSISSIPPI  
60 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR  
61 RELATED PURPOSES.

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

63 **SECTION 1.** (1) In addition to the excise taxes imposed on  
64 motor fuel by Sections 27-55-11, 27-55-519, 27-55-521, and  
65 27-59-11, a tax equal to eight percent (8%) of the statewide  
66 average wholesale price of a gallon of motor fuel calculated for  
67 the applicable calendar year as provided in this section is  
68 imposed on each gallon of motor fuel sold for consumption in  
69 vehicles operated on the highways of this state. The calculation  
70 of the tax shall be rounded to the nearest one-tenth (1/10) of a  
71 cent. The applicable tax per gallon of motor fuel calculated  
72 under this subsection shall be added to the excise taxes imposed  
73 by Sections 27-55-11, 27-55-519, 27-55-521, and 27-59-11 to arrive



74 at the total tax per gallon of motor fuel for the calendar year in  
75 question. The commissioner shall notify each distributor of the  
76 applicable tax per gallon which shall be the tax in effect for the  
77 twelve-month period beginning on the next January first.

78 (2) On or before September 1, 2016, and on or before October  
79 1 of every year thereafter, the Commissioner of Revenue shall  
80 calculate the tax per gallon on motor fuel for the applicable  
81 calendar year based upon the average wholesale price of such fuel  
82 excluding federal and state excise taxes. The commissioner shall  
83 determine the average wholesale price per gallon by averaging the  
84 monthly gasoline and special fuel price information for the most  
85 current twelve-month period available for the State of Mississippi  
86 and published by the United States Energy Information  
87 Administration.

88 (3) Beginning with the October 1, 2017 calculation, if the  
89 average wholesale price fluctuates by more than or less than ten  
90 percent (10%) when compared to the prior year, the commissioner  
91 shall limit the average wholesale price per gallon increase or  
92 decrease to ten percent (10%) of the previous year result.

93 (4) The tax imposed by this section shall be administered  
94 and collected and any penalties and interest shall be imposed in  
95 the same manner as the taxes collected pursuant to Title 27,  
96 Chapter 55.

97 (5) The United States government, the State of Mississippi,  
98 counties, municipalities, school districts and all other political



99 subdivisions of the state, and volunteer fire departments  
100 chartered under the laws of the State of Mississippi as nonprofit  
101 corporations shall be exempt from the tax levied by this section.

102 (6) On or before the fifteenth day of each month the revenue  
103 collected from the tax levied by this section during the preceding  
104 month shall be paid and distributed to the Transportation Repair,  
105 Renovation and Maintenance Fund created in Section 4 of this  
106 section.

107 (7) If the amount of revenue collected in any fiscal year  
108 from the tax levied by this section reaches Three Hundred and  
109 Sixty-five Million Dollars (\$365,000,000.00), the collection of  
110 the tax levied by this section shall be suspended for the  
111 remainder of the fiscal year beginning with the month following  
112 the month in which collections reached such amount.

113 **SECTION 2.** Section 27-19-43, Mississippi Code of 1972, is  
114 amended as follows:

115 27-19-43. (1) License tags, substitute tags and decals for  
116 individual fleets and for private carriers of passengers, school  
117 buses (excluding school buses owned by a school district in the  
118 state), church buses, taxicabs, ambulances, hearses, motorcycles  
119 and private carriers of property, and private commercial carriers  
120 of property of a gross weight of ten thousand (10,000) pounds and  
121 less, shall be sold and issued by the tax collectors of the  
122 several counties.



123           (2) Applications for license tags for motor vehicles in a  
124 corporate fleet registered under Section 27-19-66 and trailers in  
125 a fleet registered under Section 27-19-66.1, and applications for  
126 all other license tags, substitute tags and decals shall be filed  
127 with the department or the local tax collector of the respective  
128 counties and forwarded to the department for issuance to the  
129 applicant. All tags and decals for vehicles owned by the state or  
130 any agency or instrumentality thereof, and vehicles owned by a  
131 fire protection district, school district or a county or  
132 municipality, and all vehicles owned by a road, drainage or levee  
133 district shall be issued by the department.

134           (3) In addition to the privilege taxes levied \* \* \* in this  
135 chapter, there shall be collected the following registration or  
136 tag fee:

137           (a) For the issuance of both a license tag and two (2)  
138 decals, a fee of Five Dollars (\$5.00).

139           (b) For the issuance of up to two (2) decals only, a  
140 fee of Three Dollars and Seventy-five Cents (\$3.75).

141           (c) Additionally, the tax collector or the department,  
142 as the case may be, shall assess and collect a fee of Four Dollars  
143 (\$4.00) upon each set of license tags and two (2) decals issued,  
144 or upon each set of two (2) decals issued, and that sum shall be  
145 deposited in the Mississippi Trauma Care Systems Fund established  
146 in Section 41-59-75, to be used for the purposes set out in that  
147 section.



148 No tag or decal shall be issued either by a tax collector or  
149 by the department without the collection of such registration fee  
150 except substitute tags and decals and license tags for vehicles  
151 owned by the State of Mississippi.

152 Beginning July 1, 1987, and until the date specified in  
153 Section 65-39-35, there shall be levied a registration fee of Five  
154 Dollars (\$5.00) in addition to the regular registration fee  
155 imposed in paragraphs (a) and (b) of this subsection. Such  
156 additional registration fee shall be levied in the same manner as  
157 the regular registration fee.

158 (4) (a) Beginning July 1, 2016, there shall be levied a  
159 registration fee in addition to the regular registration fee  
160 imposed in subsection (3) of this section and in the same manner  
161 as the regular registration fee as follows:

162 (i) On each private carrier of passengers and  
163 light carrier of property..... \$ 6.00

164 (ii) On each motorcycle or motorcycle  
165 trailer..... \$ 3.00

166 (iii) On each utility trailer..... \$ 30.00

167 (iv) On each school bus (excluding school buses  
168 owned by a school district in the state), church bus, taxicab,  
169 ambulance, hearse, vehicle in a corporate fleet..... \$ 30.00

170 (v) On each motor vehicle with a gross weight of  
171 more than six thousand (6,000) pounds up to and including ten  
172 thousand (10,000) pounds other than those vehicles listed in



173 subparagraph (iv) of this paragraph..... \$ 30.00

174 (vi) On each motor vehicle with a gross weight of  
175 more than ten thousand (10,000) pounds other than those vehicles  
176 listed in subparagraph (iv) of this paragraph and  
177 on each semitrailer..... \$60.00.

178 (b) As used in this subsection the term "light carrier  
179 of property" mean any motor vehicle with a gross weight of six  
180 thousand (6,000) pounds or less that is designed and constructed  
181 for the primary purpose of transporting property on the roads and  
182 highways.

183 (c) Revenue collected from the fee levied under this  
184 subsection shall be deposited into the Transportation  
185 Infrastructure Repair, Renovation and Maintenance Fund created in  
186 Section 4 of this act.

187 **SECTION 3.** Section 1 of Chapter 479, Laws of 2015, is  
188 amended as follows:

189 Section 1. (1) As used in this section, the following words  
190 shall have the meanings ascribed herein unless the context clearly  
191 requires otherwise:

192 (a) "Accreted value" of any bond means, as of any date  
193 of computation, an amount equal to the sum of (i) the stated  
194 initial value of such bond, plus (ii) the interest accrued thereon  
195 from the issue date to the date of computation at the rate,  
196 compounded semiannually, that is necessary to produce the



197 approximate yield to maturity shown for bonds of the same  
198 maturity.

199 (b) "State" means the State of Mississippi.

200 (c) "Commission" means the State Bond Commission.

201 (2) (a) (i) A special fund, to be designated the "2015  
202 Mississippi Deficient Bridge and State Aid Road Supplemental Fund"  
203 is created within the State Treasury. The fund shall be  
204 maintained by the State Treasurer as a separate and special fund,  
205 separate and apart from the General Fund of the state. Unexpended  
206 amounts remaining in the fund at the end of a fiscal year shall  
207 not lapse into the State General Fund, and any interest earned or  
208 investment earnings on amounts in the fund shall be deposited into  
209 such fund.

210 (ii) Monies deposited into the fund shall be  
211 disbursed as follows:

212 1. Eighteen Million Dollars (\$18,000,000.00)  
213 shall be utilized by the Department of Transportation to construct  
214 a bridge extending the I-20 South Frontage Road, running parallel  
215 to Old Highway 27, over the railroad in Vicksburg, Mississippi.

216 2. Twenty Million Dollars (\$20,000,000.00)  
217 shall be deposited into the State Aid Road Fund.

218 3. The remainder shall be utilized, in the  
219 discretion of the Mississippi Transportation Commission, to pay  
220 the costs of repair, rehabilitation, replacement, construction  
221 and/or reconstruction of the bridges on state maintained highways





222 that are on a list of deficient bridges compiled by the  
223 Mississippi Department of Transportation as of July 1, 2015.  
224 Bridges on the list will be determined based on National Bridge  
225 Inspection Standards set by the Federal Highway Administration.  
226 In expending the funds authorized in this item 3, the Mississippi  
227 Transportation Commission should give preference to bridges within  
228 and approaching those counties in this state where legal gaming is  
229 being conducted or is authorized.

230 (b) Amounts deposited into such special fund shall be  
231 disbursed to pay the costs of the projects described in paragraph  
232 (a) of this subsection. Promptly after the commission has  
233 certified, by resolution duly adopted, that the projects described  
234 in paragraph (a) of this subsection shall have been completed,  
235 abandoned, or cannot be completed in a timely fashion, any amounts  
236 remaining in such special fund shall be applied to pay debt  
237 service on the bonds issued under this section, in accordance with  
238 the proceedings authorizing the issuance of such bonds and as  
239 directed by the commission.

240 (c) The Mississippi Transportation Commission is  
241 expressly authorized and empowered to receive and expend any local  
242 or other source funds in connection with the expenditure of funds  
243 provided for in this subsection. The expenditure of monies  
244 deposited into the special fund shall be under the direction of  
245 the Mississippi Transportation Commission, and such funds shall be  
246 paid by the State Treasurer upon warrants issued by the Department



247 of Finance and Administration, which warrants shall be issued upon  
248 requisitions signed by the Executive Director of the Mississippi  
249 Department of Transportation, or his designee.

250 (3) For the purpose of providing for the payment of the  
251 principal of and interest upon bonds issued under this section,  
252 there is created a special bond sinking fund in the State  
253 Treasury. The special bond sinking fund shall consist of the  
254 monies deposited into the fund under Section 75-76-129,  
255 Mississippi Code of 1972, and such other amounts as may be paid  
256 into such fund by appropriation or other authorization by the  
257 Legislature. Except as otherwise provided in this section, monies  
258 in the special bond sinking fund shall be used to pay the debt  
259 service requirements of the bonds issued under this section. If  
260 the special bond sinking fund has a balance in excess of the  
261 amount needed to pay the next maximum annual debt service  
262 requirement of the bonds issued under this section, the excess  
263 monies may be transferred into the \* \* \* Transportation  
264 Infrastructure Repair, Renovation and Maintenance Fund created in  
265 Section 4 of this act. Unexpended amounts remaining in the  
266 special bond sinking fund at the end of a fiscal year shall not  
267 lapse into the State General Fund, and any interest earned or  
268 investment earnings on amounts in the special bond sinking fund  
269 shall be deposited into such sinking fund.

270 (4) (a) The commission, at one time, or from time to time,  
271 may declare by resolution the necessity for issuance of revenue



272 bonds of the State of Mississippi to provide funds for all costs  
273 incurred or to be incurred for the purposes described in  
274 subsection (2) of this section. Upon the adoption of a resolution  
275 by the Mississippi Transportation Commission, declaring the  
276 necessity for the issuance of any part or all of the revenue bonds  
277 authorized by this subsection, the Mississippi Transportation  
278 Commission shall deliver a certified copy of its resolution or  
279 resolutions to the commission. Upon receipt of such resolution,  
280 the commission, in its discretion, may act as the issuing agent,  
281 prescribe the form of the bonds, determine the appropriate method  
282 for sale of the bonds, advertise for and accept bids or negotiate  
283 the sale of the bonds, issue and sell the bonds so authorized to  
284 be sold, and do any and all other things necessary and advisable  
285 in connection with the issuance and sale of such bonds. The total  
286 amount of bonds issued under this section shall not exceed Two  
287 Hundred Million Dollars (\$200,000,000.00).

288           (b) Any investment earnings on amounts deposited into  
289 the special fund created in subsection (2) of this section shall  
290 be used to pay debt service on bonds issued under this section, in  
291 accordance with the proceedings authorizing issuance of such  
292 bonds.

293           (5) The principal of and interest on the bonds authorized  
294 under this section shall be payable in the manner provided in this  
295 subsection. Such bonds shall bear such date or dates, be in such  
296 denomination or denominations, bear interest at such rate or rates



297 (not to exceed the limits set forth in Section 75-17-101,  
298 Mississippi Code of 1972), be payable at such place or places  
299 within or without the State of Mississippi, shall mature  
300 absolutely at such time or times not to exceed twenty (20) years  
301 from date of issue, be redeemable before maturity at such time or  
302 times and upon such terms, with or without premium, shall bear  
303 such registration privileges, and shall be substantially in such  
304 form, all as shall be determined by resolution of the commission.

305 (6) The bonds authorized by this section shall be signed by  
306 the chairman of the commission, or by his facsimile signature, and  
307 the official seal of the commission shall be affixed thereto,  
308 attested by the secretary of the commission. The interest  
309 coupons, if any, to be attached to such bonds may be executed by  
310 the facsimile signatures of such officers. Whenever any such  
311 bonds shall have been signed by the officials designated to sign  
312 the bonds who were in office at the time of such signing but who  
313 may have ceased to be such officers before the sale and delivery  
314 of such bonds, or who may not have been in office on the date such  
315 bonds may bear, the signatures of such officers upon such bonds  
316 and coupons shall nevertheless be valid and sufficient for all  
317 purposes and have the same effect as if the person so officially  
318 signing such bonds had remained in office until their delivery to  
319 the purchaser, or had been in office on the date such bonds may  
320 bear. However, notwithstanding anything herein to the contrary,



321 such bonds may be issued as provided in the Registered Bond Act of  
322 the State of Mississippi.

323 (7) All bonds and interest coupons issued under the  
324 provisions of this section have all the qualities and incidents of  
325 negotiable instruments under the provisions of the Uniform  
326 Commercial Code, and in exercising the powers granted by this  
327 section, the commission shall not be required to and need not  
328 comply with the provisions of the Uniform Commercial Code.

329 (8) The commission shall act as issuing agent for the bonds  
330 authorized under this section, prescribe the form of the bonds,  
331 determine the appropriate method for sale of the bonds, advertise  
332 for and accept bids or negotiate the sale of the bonds, issue and  
333 sell the bonds so authorized to be sold, pay all fees and costs  
334 incurred in such issuance and sale, and do any and all other  
335 things necessary and advisable in connection with the issuance and  
336 sale of such bonds. The commission is authorized and empowered to  
337 pay the costs that are incident to the sale, issuance and delivery  
338 of the bonds authorized under this section from the proceeds  
339 derived from the sale of such bonds. The commission may sell such  
340 bonds on sealed bids at public sale or may negotiate the sale of  
341 the bonds for such price as it may determine to be for the best  
342 interest of the State of Mississippi. All interest accruing on  
343 such bonds so issued shall be payable semiannually or annually.

344 If such bonds are sold by sealed bids at public sale, notice  
345 of the sale shall be published at least one time, not less than



346 ten (10) days before the date of sale, and shall be so published  
347 in one or more newspapers published or having a general  
348 circulation in the City of Jackson, Mississippi, selected by the  
349 commission.

350 The commission, when issuing any bonds under the authority of  
351 this section, may provide that bonds, at the option of the State  
352 of Mississippi, may be called in for payment and redemption at the  
353 call price named therein and accrued interest on such date or  
354 dates named therein.

355 (9) The bonds issued under the provisions of this section  
356 shall be revenue bonds of the state, the principal of and interest  
357 on which shall be payable solely from and shall be secured by the  
358 special bond sinking fund created in subsection (3) of this  
359 section. The bonds shall never constitute an indebtedness of the  
360 state within the meaning of any state constitutional provision or  
361 statutory limitation, and shall never constitute or give rise to a  
362 pecuniary liability of the state, or a charge against its general  
363 credit or taxing powers, and such fact shall be plainly stated on  
364 the face of each such bond. The bonds shall not be considered  
365 when computing any limitation of indebtedness of the state. All  
366 bonds issued under the authority of this section and all interest  
367 coupons applicable thereto shall be construed to be negotiable  
368 instruments, despite the fact that they are payable solely from a  
369 specified source.



370           (10) Upon the issuance and sale of bonds under the  
371 provisions of this section, the commission shall transfer the  
372 proceeds of any such sale or sales to the special fund created in  
373 subsection (2) of this section. The proceeds of such bonds shall  
374 be disbursed solely upon the order of the Mississippi  
375 Transportation Commission under such restrictions, if any, as may  
376 be contained in the resolution providing for the issuance of the  
377 bonds.

378           (11) The bonds authorized under this section may be issued  
379 without any other proceedings or the happening of any other  
380 conditions or things other than those proceedings, conditions and  
381 things which are specified or required by this section. Any  
382 resolution providing for the issuance of bonds under the  
383 provisions of this section shall become effective immediately upon  
384 its adoption by the commission, and any such resolution may be  
385 adopted at any regular or special meeting of the commission by a  
386 majority of its members.

387           (12) The bonds authorized under the authority of this  
388 section may be validated in the Chancery Court of the First  
389 Judicial District of Hinds County, Mississippi, in the manner and  
390 with the force and effect provided by Chapter 13, Title 31,  
391 Mississippi Code of 1972, for the validation of county, municipal,  
392 school district and other bonds. The notice to taxpayers required  
393 by such statutes shall be published in a newspaper published or  
394 having a general circulation in the City of Jackson, Mississippi.



395 (13) Any holder of bonds issued under the provisions of this  
396 section or of any of the interest coupons pertaining thereto may,  
397 either at law or in equity, by suit, action, mandamus or other  
398 proceeding, protect and enforce any and all rights granted under  
399 this section, or under such resolution, and may enforce and compel  
400 performance of all duties required by this section to be  
401 performed, in order to provide for the payment of bonds and  
402 interest thereon.

403 (14) All bonds issued under the provisions of this section  
404 shall be legal investments for trustees and other fiduciaries, and  
405 for savings banks, trust companies and insurance companies  
406 organized under the laws of the State of Mississippi, and such  
407 bonds shall be legal securities which may be deposited with and  
408 shall be received by all public officers and bodies of this state  
409 and all municipalities and political subdivisions for the purpose  
410 of securing the deposit of public funds.

411 (15) Bonds issued under the provisions of this section and  
412 income therefrom shall be exempt from all taxation in the State of  
413 Mississippi.

414 (16) The proceeds of the bonds issued under this section  
415 shall be used solely for the purposes herein provided, including  
416 the costs incident to the issuance and sale of such bonds.

417 (17) The State Treasurer is authorized, without further  
418 process of law, to certify to the Department of Finance and  
419 Administration the necessity for warrants, and the Department of





420 Finance and Administration is authorized and directed to issue  
421 such warrants, in such amounts as may be necessary to pay when due  
422 the principal of, premium, if any, and interest on, or the  
423 accreted value of, all bonds issued under this section; and the  
424 State Treasurer shall forward the necessary amount to the  
425 designated place or places of payment of such bonds in ample time  
426 to discharge such bonds, or the interest thereon, on the due dates  
427 thereof.

428 (18) This section shall be deemed to be full and complete  
429 authority for the exercise of the powers herein granted, but this  
430 section shall not be deemed to repeal or to be in derogation of  
431 any existing law of this state.

432 **SECTION 4.** There is created in the State Treasury a special  
433 fund to be designated as the "Transportation Infrastructure  
434 Repair, Renovation and Maintenance Fund." The fund shall consist  
435 of money required to be deposited into the fund by Section 1 of  
436 this act, Section 27-19-43(4) and any other money the Legislature  
437 designates for deposit into the fund. Money in the fund shall not  
438 lapse and any interest and investment earnings on amounts in the  
439 fund shall be deposited to the credit of the fund. Upon  
440 appropriation by the Legislature, money in the fund at the end of  
441 each fiscal year shall be allocated as follows:

442 (a) Seventy-eight and one-half percent (78.5%) shall be  
443 deposited into the State Highway Fund to be utilized solely for  
444 repair, renovation and rehabilitation of roads, highways and



445 bridges maintained by the Mississippi Department of  
446 Transportation.

447 (b) Seven and one-half percent (7.5%) shall be  
448 deposited into the Local System Road Program Fund created in  
449 Section 65-18-10.

450 (c) Five and two-tenths percent (5.2%) shall be  
451 deposited into the Local System Bridge Replacement and  
452 Rehabilitation Fund created in Section 65-37-13.

453 (d) Four and two-tenths percent (4.2%) shall be  
454 deposited into the State Aid Road Fund.

455 (e) Three percent (3%) shall be deposited into the  
456 Multi-Modal Transportation Improvement Fund created in Section  
457 65-1-705.

458 (f) Eight-tenths of one percent (.8%) shall be  
459 allocated to the Mississippi Development Authority to be utilized  
460 for signage to promote tourism.

461 (g) Five-tenths of one percent (.5%) shall be deposited  
462 into the Air Carrier Incentive Program Fund created in Section 7  
463 of this act.

464 (h) Three-tenths of one percent (.3%) shall be  
465 deposited into the Mississippi Highway-Railroad Grade Crossing  
466 Safety Account created by Section 57-43-15.

467 **SECTION 5.** The following shall be codified as Section  
468 65-18-8, Mississippi Code of 1972:



469           65-18-8. (1) There is created the Local System Road Program  
470 Advisory Committee which shall consist of the following members:

471                   (a) The President of the Mississippi Association of  
472 Supervisors, or his or her designee;

473                   (b) The President of the Mississippi Municipal League,  
474 or his or her designee;

475                   (c) A professional engineer who with experience in  
476 construction of roads and bridges appointed by the Board of  
477 Licensure for Professional Engineers and Surveyors for a term of  
478 four (4) years;

479                   (d) The Executive Director of the Mississippi  
480 Department of Transportation, or his or her designee;

481                   (e) The State Aid Engineer, or his or her designee;

482                   (f) One (1) member appointed by the Governor;

483                   (g) One (1) member appointed by the Lieutenant  
484 Governor; and

485                   (h) One (1) member appointed by the Speaker of the  
486 House of Representatives.

487           (2) The terms of members appointed under subsection (1)(f),  
488 (g) and (h) shall be concurrent with the term of office of the  
489 appointing authority. In the event of a vacancy on the advisory  
490 committee, a successor shall be appointed to fill the unexpired  
491 term in the same manner as the original appointment. Those  
492 members whose terms expire shall continue to serve until their  
493 successor is appointed and qualified.



494 (3) The advisory committee shall elect a chairman and vice  
495 chairman at its first meeting, and election of officers shall take  
496 place annually thereafter.

497 (4) The advisory committee shall meet at least quarterly at  
498 a time and place determined by the committee.

499 (5) Members of the committee who are not state officials or  
500 state employees shall be compensated at the per diem rate  
501 authorized by Section 25-3-69 and shall be reimbursed in  
502 accordance with Section 25-3-41 for mileage and actual expenses  
503 incurred in the performance of their duties. No committee member  
504 may incur per diem, travel or other expenses unless previously  
505 authorized by vote, at a meeting of the committee, which action  
506 shall be recorded in the official minutes of the meeting.

507 (6) The committee shall recommend funding priorities in each  
508 county to the State Aid Engineer and make recommendations  
509 regarding funding of the Local System Road Program to the  
510 Legislature.

511 **SECTION 6.** The following shall be codified as Section  
512 65-18-10, Mississippi Code of 1972:

513 65-18-10. (1) There is created in the State Treasury a  
514 special fund to be designated as the "Local System Road Program  
515 Fund" into which shall be deposited the money designated for  
516 deposit in the fund by Section 4 of this act and any other money  
517 designated for deposit in the fund by the Legislature. Money in  
518 the fund shall not lapse and any interest or investment earnings



519 on amounts in the fund shall be deposited to the credit of the  
520 fund.

521 (2) Money allocated by the State Aid Engineer to a county  
522 under this section and the revenue from the ad valorem tax  
523 authorized to be levied by this section shall be utilized solely  
524 for the Local System Road Program in the county under the  
525 direction of the State Aid Engineer. The State Aid Engineer shall  
526 allocate the money in the fund to each county in the state in  
527 accordance with the following formula:

528 (i) One-half (1/2) shall be allocated to all  
529 counties in equal shares; and

530 (ii) One-half (1/2) shall be allocated to counties  
531 based on the percentage that the total number of rural road miles  
532 in a county bears to the total number of rural road miles in all  
533 counties in the state.

534 (3) In order to participate in the Local System Road Program  
535 a county shall annually levy a special tax, not to exceed one (1)  
536 mill ad valorem tax, upon all taxable property located within the  
537 county. The avails of the special levy shall be used exclusively  
538 for the Local System Road Program as provided for in this section.  
539 The levy shall not be reimbursable under the homestead exemption  
540 law.

541 **SECTION 7.** (1) The Mississippi Development Authority (MDA)  
542 shall establish an air carrier incentive program to match funds  
543 expended by airport authorities for incentives approved by MDA



544 intended to attract air carriers and expand air carrier services.

545 Program incentives may include:

546 (a) Funding for advertising costs associated with the  
547 introduction of new flights on unserved routes and/or new airline  
548 entrant brands beginning service at the airport; and

549 (b) Funding of landing fee rebates intended to attract  
550 new flights on unserved routes and/or new airline entrant brands  
551 to begin service at the airport.

552 (2) There is created in the State Treasury a special fund to  
553 be designated as the "Air Carrier Incentive Program Fund" into  
554 which shall be deposited the money designated for deposit in the  
555 fund by Section 4 of this act and any other money designated for  
556 deposit in the fund by the Legislature. Money in the fund shall  
557 not lapse and any interest or investment earnings on amounts in  
558 the fund shall be deposited to the credit of the fund. Upon  
559 appropriation by the Legislature, MDA shall utilize money in the  
560 fund to match funds expended by airport authorities to provide the  
561 incentives authorized by this section.

562 **SECTION 8.** Section 27-65-75, Mississippi Code of 1972, is  
563 amended as follows:

564 27-65-75. On or before the fifteenth day of each month, the  
565 revenue collected under the provisions of this chapter during the  
566 preceding month shall be paid and distributed as follows:

567 (1) (a) On or before August 15, 1992, and each succeeding  
568 month thereafter through July 15, 1993, eighteen percent (18%) of



569 the total sales tax revenue collected during the preceding month  
570 under the provisions of this chapter, except that collected under  
571 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
572 business activities within a municipal corporation shall be  
573 allocated for distribution to the municipality and paid to the  
574 municipal corporation. On or before August 15, 1993, and each  
575 succeeding month thereafter, eighteen and one-half percent  
576 (18-1/2%) of the total sales tax revenue collected during the  
577 preceding month under the provisions of this chapter, except that  
578 collected under the provisions of Sections 27-65-15, 27-65-19(3),  
579 27-65-21 and 27-65-24, on business activities within a municipal  
580 corporation shall be allocated for distribution to the  
581 municipality and paid to the municipal corporation.

582 A municipal corporation, for the purpose of distributing the  
583 tax under this subsection, shall mean and include all incorporated  
584 cities, towns and villages.

585 Monies allocated for distribution and credited to a municipal  
586 corporation under this paragraph may be pledged as security for a  
587 loan if the distribution received by the municipal corporation is  
588 otherwise authorized or required by law to be pledged as security  
589 for such a loan.

590 In any county having a county seat that is not an  
591 incorporated municipality, the distribution provided under this  
592 subsection shall be made as though the county seat was an  
593 incorporated municipality; however, the distribution to the



594 municipality shall be paid to the county treasury in which the  
595 municipality is located, and those funds shall be used for road,  
596 bridge and street construction or maintenance in the county.

597           (b) On or before August 15, 2006, and each succeeding  
598 month thereafter, eighteen and one-half percent (18-1/2%) of the  
599 total sales tax revenue collected during the preceding month under  
600 the provisions of this chapter, except that collected under the  
601 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
602 business activities on the campus of a state institution of higher  
603 learning or community or junior college whose campus is not  
604 located within the corporate limits of a municipality, shall be  
605 allocated for distribution to the state institution of higher  
606 learning or community or junior college and paid to the state  
607 institution of higher learning or community or junior college.

608           (2) On or before September 15, 1987, and each succeeding  
609 month thereafter, from the revenue collected under this chapter  
610 during the preceding month, One Million One Hundred Twenty-five  
611 Thousand Dollars (\$1,125,000.00) shall be allocated for  
612 distribution to municipal corporations as defined under subsection  
613 (1) of this section in the proportion that the number of gallons  
614 of gasoline and diesel fuel sold by distributors to consumers and  
615 retailers in each such municipality during the preceding fiscal  
616 year bears to the total gallons of gasoline and diesel fuel sold  
617 by distributors to consumers and retailers in municipalities  
618 statewide during the preceding fiscal year. The Department of





619 Revenue shall require all distributors of gasoline and diesel fuel  
620 to report to the department monthly the total number of gallons of  
621 gasoline and diesel fuel sold by them to consumers and retailers  
622 in each municipality during the preceding month. The Department  
623 of Revenue shall have the authority to promulgate such rules and  
624 regulations as is necessary to determine the number of gallons of  
625 gasoline and diesel fuel sold by distributors to consumers and  
626 retailers in each municipality. In determining the percentage  
627 allocation of funds under this subsection for the fiscal year  
628 beginning July 1, 1987, and ending June 30, 1988, the Department  
629 of Revenue may consider gallons of gasoline and diesel fuel sold  
630 for a period of less than one (1) fiscal year. For the purposes  
631 of this subsection, the term "fiscal year" means the fiscal year  
632 beginning July 1 of a year.

633 (3) On or before September 15, 1987, and on or before the  
634 fifteenth day of each succeeding month, until the date specified  
635 in Section 65-39-35, the proceeds derived from contractors' taxes  
636 levied under Section 27-65-21 on contracts for the construction or  
637 reconstruction of highways designated under the highway program  
638 created under Section 65-3-97 shall, except as otherwise provided  
639 in Section 31-17-127, be deposited into the State Treasury to the  
640 credit of the State Highway Fund to be used to fund that highway  
641 program. The Mississippi Department of Transportation shall  
642 provide to the Department of Revenue such information as is



643 necessary to determine the amount of proceeds to be distributed  
644 under this subsection.

645 (4) On or before August 15, 1994, and on or before the  
646 fifteenth day of each succeeding month through July 15, 1999, from  
647 the proceeds of gasoline, diesel fuel or kerosene taxes as  
648 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
649 (\$4,000,000.00) shall be deposited in the State Treasury to the  
650 credit of a special fund designated as the "State Aid Road Fund,"  
651 created by Section 65-9-17. On or before August 15, 1999, and on  
652 or before the fifteenth day of each succeeding month, from the  
653 total amount of the proceeds of gasoline, diesel fuel or kerosene  
654 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million  
655 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
656 one-fourth percent (23-1/4%) of those funds, whichever is the  
657 greater amount, shall be deposited in the State Treasury to the  
658 credit of the "State Aid Road Fund," created by Section 65-9-17.  
659 Those funds shall be pledged to pay the principal of and interest  
660 on state aid road bonds heretofore issued under Sections 19-9-51  
661 through 19-9-77, in lieu of and in substitution for the funds  
662 previously allocated to counties under this section. Those funds  
663 may not be pledged for the payment of any state aid road bonds  
664 issued after April 1, 1981; however, this prohibition against the  
665 pledging of any such funds for the payment of bonds shall not  
666 apply to any bonds for which intent to issue those bonds has been  
667 published for the first time, as provided by law before March 29,



668 1981. From the \* \* \* funds paid into the special fund under this  
669 subsection \* \* \*, subsection (9) of this section and Section 4 of  
670 this act, there shall be first deducted and paid the amount  
671 necessary to pay the expenses of the Office of State Aid Road  
672 Construction, as authorized by the Legislature for all other  
673 general and special fund agencies. The remainder of the fund  
674 shall be allocated monthly to the several counties in accordance  
675 with the following formula:

676 (a) One-third (1/3) shall be allocated to all counties  
677 in equal shares;

678 (b) One-third (1/3) shall be allocated to counties  
679 based on the proportion that the total number of rural road miles  
680 in a county bears to the total number of rural road miles in all  
681 counties of the state; and

682 (c) One-third (1/3) shall be allocated to counties  
683 based on the proportion that the rural population of the county  
684 bears to the total rural population in all counties of the state,  
685 according to the latest federal decennial census.

686 For the purposes of this subsection, the term "gasoline,  
687 diesel fuel or kerosene taxes" means such taxes as defined in  
688 paragraph (f) of Section 27-5-101.

689 The amount of funds allocated to any county under this  
690 subsection for any fiscal year after fiscal year 1994 shall not be  
691 less than the amount allocated to the county for fiscal year 1994.



692 Any reference in the general laws of this state or the  
693 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
694 construed to refer and apply to subsection (4) of Section  
695 27-65-75.

696 (5) One Million Six Hundred Sixty-six Thousand Six Hundred  
697 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into  
698 the special fund known as the "State Public School Building Fund"  
699 created and existing under the provisions of Sections 37-47-1  
700 through 37-47-67. Those payments into that fund are to be made on  
701 the last day of each succeeding month hereafter.

702 (6) An amount each month beginning August 15, 1983, through  
703 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
704 of 1983, shall be paid into the special fund known as the  
705 Correctional Facilities Construction Fund created in Section 6 of  
706 Chapter 542, Laws of 1983.

707 (7) On or before August 15, 1992, and each succeeding month  
708 thereafter through July 15, 2000, two and two hundred sixty-six  
709 one-thousandths percent (2.266%) of the total sales tax revenue  
710 collected during the preceding month under the provisions of this  
711 chapter, except that collected under the provisions of Section  
712 27-65-17(2), shall be deposited by the department into the School  
713 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
714 or before August 15, 2000, and each succeeding month thereafter,  
715 two and two hundred sixty-six one-thousandths percent (2.266%) of  
716 the total sales tax revenue collected during the preceding month



717 under the provisions of this chapter, except that collected under  
718 the provisions of Section 27-65-17(2), shall be deposited into the  
719 School Ad Valorem Tax Reduction Fund created under Section  
720 37-61-35 until such time that the total amount deposited into the  
721 fund during a fiscal year equals Forty-two Million Dollars  
722 (\$42,000,000.00). Thereafter, the amounts diverted under this  
723 subsection (7) during the fiscal year in excess of Forty-two  
724 Million Dollars (\$42,000,000.00) shall be deposited into the  
725 Education Enhancement Fund created under Section 37-61-33 for  
726 appropriation by the Legislature as other education needs and  
727 shall not be subject to the percentage appropriation requirements  
728 set forth in Section 37-61-33.

729 (8) On or before August 15, 1992, and each succeeding month  
730 thereafter, nine and seventy-three one-thousandths percent  
731 (9.073%) of the total sales tax revenue collected during the  
732 preceding month under the provisions of this chapter, except that  
733 collected under the provisions of Section 27-65-17(2), shall be  
734 deposited into the Education Enhancement Fund created under  
735 Section 37-61-33.

736 (9) On or before August 15, 1994, and each succeeding month  
737 thereafter, from the revenue collected under this chapter during  
738 the preceding month, Two Hundred Fifty Thousand Dollars  
739 (\$250,000.00) shall be paid into the State Aid Road Fund.

740 (10) On or before August 15, 1994, and each succeeding month  
741 thereafter through August 15, 1995, from the revenue collected



742 under this chapter during the preceding month, Two Million Dollars  
743 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
744 Valorem Tax Reduction Fund established in Section 27-51-105.

745 (11) Notwithstanding any other provision of this section to  
746 the contrary, on or before February 15, 1995, and each succeeding  
747 month thereafter, the sales tax revenue collected during the  
748 preceding month under the provisions of Section 27-65-17(2) and  
749 the corresponding levy in Section 27-65-23 on the rental or lease  
750 of private carriers of passengers and light carriers of property  
751 as defined in Section 27-51-101 shall be deposited, without  
752 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
753 established in Section 27-51-105.

754 (12) Notwithstanding any other provision of this section to  
755 the contrary, on or before August 15, 1995, and each succeeding  
756 month thereafter, the sales tax revenue collected during the  
757 preceding month under the provisions of Section 27-65-17(1) on  
758 retail sales of private carriers of passengers and light carriers  
759 of property, as defined in Section 27-51-101 and the corresponding  
760 levy in Section 27-65-23 on the rental or lease of these vehicles,  
761 shall be deposited, after diversion, into the Motor Vehicle Ad  
762 Valorem Tax Reduction Fund established in Section 27-51-105.

763 (13) On or before July 15, 1994, and on or before the  
764 fifteenth day of each succeeding month thereafter, that portion of  
765 the avails of the tax imposed in Section 27-65-22 that is derived  
766 from activities held on the Mississippi State Fairgrounds Complex



767 shall be paid into a special fund that is created in the State  
768 Treasury and shall be expended upon legislative appropriation  
769 solely to defray the costs of repairs and renovation at the Trade  
770 Mart and Coliseum.

771 (14) On or before August 15, 1998, and each succeeding month  
772 thereafter through July 15, 2005, that portion of the avails of  
773 the tax imposed in Section 27-65-23 that is derived from sales by  
774 cotton compresses or cotton warehouses and that would otherwise be  
775 paid into the General Fund shall be deposited in an amount not to  
776 exceed Two Million Dollars (\$2,000,000.00) into the special fund  
777 created under Section 69-37-39. On or before August 15, 2007, and  
778 each succeeding month thereafter through July 15, 2010, that  
779 portion of the avails of the tax imposed in Section 27-65-23 that  
780 is derived from sales by cotton compresses or cotton warehouses  
781 and that would otherwise be paid into the General Fund shall be  
782 deposited in an amount not to exceed Two Million Dollars  
783 (\$2,000,000.00) into the special fund created under Section  
784 69-37-39 until all debts or other obligations incurred by the  
785 Certified Cotton Growers Organization under the Mississippi Boll  
786 Weevil Management Act before January 1, 2007, are satisfied in  
787 full. On or before August 15, 2010, and each succeeding month  
788 thereafter through July 15, 2011, fifty percent (50%) of that  
789 portion of the avails of the tax imposed in Section 27-65-23 that  
790 is derived from sales by cotton compresses or cotton warehouses  
791 and that would otherwise be paid into the General Fund shall be



792 deposited into the special fund created under Section 69-37-39  
793 until such time that the total amount deposited into the fund  
794 during a fiscal year equals One Million Dollars (\$1,000,000.00).  
795 On or before August 15, 2011, and each succeeding month  
796 thereafter, that portion of the avails of the tax imposed in  
797 Section 27-65-23 that is derived from sales by cotton compresses  
798 or cotton warehouses and that would otherwise be paid into the  
799 General Fund shall be deposited into the special fund created  
800 under Section 69-37-39 until such time that the total amount  
801 deposited into the fund during a fiscal year equals One Million  
802 Dollars (\$1,000,000.00).

803 (15) Notwithstanding any other provision of this section to  
804 the contrary, on or before September 15, 2000, and each succeeding  
805 month thereafter, the sales tax revenue collected during the  
806 preceding month under the provisions of Section  
807 27-65-19(1)(d)(i)2, and 27-65-19(d)(i)3 shall be deposited,  
808 without diversion, into the Telecommunications Ad Valorem Tax  
809 Reduction Fund established in Section 27-38-7.

810 (16) (a) On or before August 15, 2000, and each succeeding  
811 month thereafter, the sales tax revenue collected during the  
812 preceding month under the provisions of this chapter on the gross  
813 proceeds of sales of a project as defined in Section 57-30-1 shall  
814 be deposited, after all diversions except the diversion provided  
815 for in subsection (1) of this section, into the Sales Tax  
816 Incentive Fund created in Section 57-30-3.





817           (b) On or before August 15, 2007, and each succeeding  
818 month thereafter, eighty percent (80%) of the sales tax revenue  
819 collected during the preceding month under the provisions of this  
820 chapter from the operation of a tourism project under the  
821 provisions of Sections 57-26-1 through 57-26-5, shall be  
822 deposited, after the diversions required in subsections (7) and  
823 (8) of this section, into the Tourism Project Sales Tax Incentive  
824 Fund created in Section 57-26-3.

825           (17) Notwithstanding any other provision of this section to  
826 the contrary, on or before April 15, 2002, and each succeeding  
827 month thereafter, the sales tax revenue collected during the  
828 preceding month under Section 27-65-23 on sales of parking  
829 services of parking garages and lots at airports shall be  
830 deposited, without diversion, into the special fund created under  
831 Section 27-5-101(d).

832           (18) [Repealed]

833           (19) (a) On or before August 15, 2005, and each succeeding  
834 month thereafter, the sales tax revenue collected during the  
835 preceding month under the provisions of this chapter on the gross  
836 proceeds of sales of a business enterprise located within a  
837 redevelopment project area under the provisions of Sections  
838 57-91-1 through 57-91-11, and the revenue collected on the gross  
839 proceeds of sales from sales made to a business enterprise located  
840 in a redevelopment project area under the provisions of Sections  
841 57-91-1 through 57-91-11 (provided that such sales made to a



842 business enterprise are made on the premises of the business  
843 enterprise), shall, except as otherwise provided in this  
844 subsection (19), be deposited, after all diversions, into the  
845 Redevelopment Project Incentive Fund as created in Section  
846 57-91-9.

847 (b) For a municipality participating in the Economic  
848 Redevelopment Act created in Sections 57-91-1 through 57-91-11,  
849 the diversion provided for in subsection (1) of this section  
850 attributable to the gross proceeds of sales of a business  
851 enterprise located within a redevelopment project area under the  
852 provisions of Sections 57-91-1 through 57-91-11, and attributable  
853 to the gross proceeds of sales from sales made to a business  
854 enterprise located in a redevelopment project area under the  
855 provisions of Sections 57-91-1 through 57-91-11 (provided that  
856 such sales made to a business enterprise are made on the premises  
857 of the business enterprise), shall be deposited into the  
858 Redevelopment Project Incentive Fund as created in Section  
859 57-91-9, as follows:

860 (i) For the first six (6) years in which payments  
861 are made to a developer from the Redevelopment Project Incentive  
862 Fund, one hundred percent (100%) of the diversion shall be  
863 deposited into the fund;

864 (ii) For the seventh year in which such payments  
865 are made to a developer from the Redevelopment Project Incentive



866 Fund, eighty percent (80%) of the diversion shall be deposited  
867 into the fund;

868 (iii) For the eighth year in which such payments  
869 are made to a developer from the Redevelopment Project Incentive  
870 Fund, seventy percent (70%) of the diversion shall be deposited  
871 into the fund;

872 (iv) For the ninth year in which such payments are  
873 made to a developer from the Redevelopment Project Incentive Fund,  
874 sixty percent (60%) of the diversion shall be deposited into the  
875 fund; and

876 (v) For the tenth year in which such payments are  
877 made to a developer from the Redevelopment Project Incentive Fund,  
878 fifty percent (50%) of the funds shall be deposited into the fund.

879 (20) On or before January 15, 2007, and each succeeding  
880 month thereafter, eighty percent (80%) of the sales tax revenue  
881 collected during the preceding month under the provisions of this  
882 chapter from the operation of a tourism project under the  
883 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,  
884 after the diversions required in subsections (7) and (8) of this  
885 section, into the Tourism Sales Tax Incentive Fund created in  
886 Section 57-28-3.

887 (21) (a) On or before April 15, 2007, and each succeeding  
888 month thereafter through June 15, 2013, One Hundred Fifty Thousand  
889 Dollars (\$150,000.00) of the sales tax revenue collected during  
890 the preceding month under the provisions of this chapter shall be



891 deposited into the MMEIA Tax Incentive Fund created in Section  
892 57-101-3.

893 (b) On or before July 15, 2013, and each succeeding  
894 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)  
895 of the sales tax revenue collected during the preceding month  
896 under the provisions of this chapter shall be deposited into the  
897 Mississippi Development Authority Job Training Grant Fund created  
898 in Section 57-1-451.

899 (22) Notwithstanding any other provision of this section to  
900 the contrary, on or before August 15, 2009, and each succeeding  
901 month thereafter, the sales tax revenue collected during the  
902 preceding month under the provisions of Section 27-65-201 shall be  
903 deposited, without diversion, into the Motor Vehicle Ad Valorem  
904 Tax Reduction Fund established in Section 27-51-105.

905 (23) The remainder of the amounts collected under the  
906 provisions of this chapter shall be paid into the State Treasury  
907 to the credit of the General Fund.

908 (24) It shall be the duty of the municipal officials of any  
909 municipality that expands its limits, or of any community that  
910 incorporates as a municipality, to notify the commissioner of that  
911 action thirty (30) days before the effective date. Failure to so  
912 notify the commissioner shall cause the municipality to forfeit  
913 the revenue that it would have been entitled to receive during  
914 this period of time when the commissioner had no knowledge of the  
915 action. If any funds have been erroneously disbursed to any



916 municipality or any overpayment of tax is recovered by the  
917 taxpayer, the commissioner may make correction and adjust the  
918 error or overpayment with the municipality by withholding the  
919 necessary funds from any later payment to be made to the  
920 municipality.

921 **SECTION 9.** Section 57-43-15, Mississippi Code of 1972, is  
922 amended as follows:

923 57-43-15. (1) There is established within the Railroad  
924 Revitalization Fund a new account to be entitled the Mississippi  
925 Highway-Railroad Grade Crossing Safety Account. The account shall  
926 be administered by the Mississippi Department of Transportation  
927 and shall consist of:

928 (a) Such monies as are transferred to it on July 1,  
929 2001, from the Mississippi Grade Crossing Closure Account;

930 (b) Thirty-five percent (35%) of collections from the  
931 locomotive fuel tax imposed under Section 27-59-307 for the  
932 previous year; \* \* \*

933 (c) Monies transferred to it from the Railroad  
934 Revitalization Fund, pursuant to the provisions of Section 2 of  
935 Chapter 497, Laws of 2009 \* \* \*; and

936 (d) Monies allocated to it from the Transportation  
937 Infrastructure Repair, Renovation and Maintenance Fund, pursuant  
938 to the provisions of Section 4 of this act.

939 Unexpended amounts remaining in the account at the end of a  
940 fiscal year shall not lapse into the State General Fund; and any



941 interest \* \* \* and investment earnings on amounts in the account  
942 shall be deposited to the credit of the account.

943 (2) The Mississippi Transportation Commission, after  
944 consulting with the railroads operating in Mississippi, shall  
945 promulgate rules to ensure equitable allocation of the funds  
946 described in subsection (1) of this section to projects throughout  
947 the state, and shall consider the proportionate number of main  
948 line track miles of each railroad and the number of public  
949 roadway/railroad grade crossings on each railroad's main line.  
950 Expenditure of monies from the Mississippi Highway-Railroad Grade  
951 Crossing Safety Account shall be limited to the following  
952 purposes:

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

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

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

961 (d) Installation, maintenance or upgrade of  
962 highway-railroad grade crossing signals, at the discretion of the  
963 Mississippi Transportation Commission, based upon the Federal  
964 Railroad Administration ranking of all Mississippi  
965 highway-railroad grade crossings. Not less than ten percent (10%)



966 of the monies necessary to defray the costs of such installations  
967 must be federal funds;

968 (e) Separation of grades of highway/railroad crossings;

969 (f) Improvement of any grade crossing including the  
970 necessary roadway approaches thereto of any railroad across a  
971 public road highway;

972 (g) Construction, reconstruction, repair or replacement  
973 of the grade crossing surface structure; and

974 (h) Installation of an automatic advance warning signal  
975 alerting a motorist that a grade crossing is ahead.

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

983 **SECTION 10.** Section 65-18-9, Mississippi Code of 1972, is  
984 amended as follows:

985 65-18-9. \* \* \* ( \* \* \* 1) The State Aid Engineer shall  
986 allocate annually, according to the formula provided for in  
987 Section 65-18-10, the \* \* \* funds in the Local System Bridge  
988 Replacement and Rehabilitation Program \* \* \* Fund to a  
989 county \* \* \* for use in the construction, reconstruction \* \* \*,  
990 paving and maintenance of local system roads in the county if:



991 (a) The State Aid Engineer has certified, pursuant to  
992 Section 65-37-7, that all the local system bridges within the  
993 county have a sufficiency rating of greater than fifty (50) or  
994 that all such bridges within the county with a sufficiency rating  
995 of fifty (50) or less are currently under contract for replacement  
996 or rehabilitation; and

997 (b) The county has met the requirements of this  
998 chapter.

999 ( \* \* \*2) The State Aid Engineer shall establish specific  
1000 designs and standards to be followed by such counties in the  
1001 construction, reconstruction and paving of local system roads.  
1002 The specific designs and standards shall be based upon policies on  
1003 geometric design of local rural roads, highways and streets  
1004 adopted and published by the American Association of State Highway  
1005 and Transportation Officials.

1006 **SECTION 11.** Section 65-18-11, Mississippi Code of 1972, is  
1007 amended as follows:

1008 65-18-11. (1) In order for a county to be eligible to  
1009 utilize its Local System Bridge Replacement and Rehabilitation  
1010 Program allocation \* \* \*, a county must meet the following  
1011 conditions:

1012 (a) The county has levied the ad valorem tax authorized  
1013 in Section 65-18-10.

1014 ( \* \* \*b) The county has employed a county engineer,  
1015 together with such other technical assistance as is necessary to





1016 carry out the duties of this chapter, the same as provided under  
1017 the provisions of Section 65-9-15, for its state aid road system  
1018 and, through its official minutes, has authorized the county  
1019 engineer to perform the necessary engineering services connected  
1020 with the Local System Road Program. The county engineer shall  
1021 prepare the necessary plans and designs for all construction  
1022 projects, including state aid projects and projects provided under  
1023 this chapter. He also shall provide engineering supervision for  
1024 the construction of such projects and shall approve all estimate  
1025 payments made on the projects. Engineering cost for any project  
1026 performed under the Local System Road Program may be paid from any  
1027 funds allocated to a county under the program; however, the  
1028 maximum fee paid to an engineer shall not exceed twelve percent  
1029 (12%) of the final construction cost. No such cost shall be  
1030 reimbursed to the county before the letting of the project; and  
1031 ( \* \* \*c) The county has presented a plan for the  
1032 construction, reconstruction and paving of a local system road  
1033 which plan has been made and approved by the county engineer of  
1034 the county, showing the specific road or project to be improved,  
1035 stating the condition of the existing roadbed, drainage and  
1036 bridges and outlining the type of construction or reconstruction  
1037 to be made and the designs and specifications therefor, including  
1038 the paving of the road and the sources of revenue to be used and  
1039 the sources and types of material to be used thereon. The plan



1040 shall be presented to the State Aid Engineer for the initial  
1041 approval of the beginning of a project to receive monies.

1042 (2) After the initial approval of the plan and plans as  
1043 specified in subsection (1)(b) of this section has been made by  
1044 the State Aid Engineer, the county shall be eligible to receive  
1045 all funds made available to the county under the Local System Road  
1046 Program to be used exclusively for the construction,  
1047 reconstruction \* \* \*, paving or maintenance of the local system  
1048 road. The project may be done either by contract or by using  
1049 county equipment and employees. It shall be according to the  
1050 original plan or any amendments thereto which have been approved  
1051 by the State Aid Engineer. The board may use county equipment and  
1052 employees if the construction can be accomplished at a more  
1053 reasonable cost than can be achieved by contract.

1054 **SECTION 12.** This act shall take effect and be in force from  
1055 and after its passage.

