

By: Representatives Gunn, Aguirre, Arnold, Baker, Barnett, Barton, Beckett, Bell (21st), Bennett, Boyd, Busby, Byrd, Carpenter, Chism, Crawford, Currie, DeLano, Denny, Eure, Gipson, Guice, Hale, Huddleston (15th), Kinkade, Lamar, Mangold, Massengill, McNeal, Mettetal, Oliver, Read, Roberson, Rogers (61st), Scoggin, Smith, Snowden, Tullos, Turner, Weathersby, White, Willis, Wilson, Zuber, Morgan, Ford, Rogers (14th), Hood, Bounds, Patterson, Hughes, Faulkner, Dixon, Bain, Miles, Sykes

To: Appropriations

HOUSE BILL NO. 354

1 AN ACT TO PROVIDE THAT FIFTY PERCENT OF THE GROWTH IN STATE  
 2 GENERAL FUND REVENUE ABOVE TWO PERCENT IN ANY FISCAL YEAR SHALL BE  
 3 DEPOSITED INTO SPECIAL FUNDS IN THE STATE TREASURY TO BE USED FOR  
 4 THE REPAIR, MAINTENANCE AND RECONSTRUCTION OF STATE, COUNTY AND  
 5 MUNICIPAL ROADS, STREETS AND BRIDGES; TO CREATE A SPECIAL FUND IN  
 6 THE STATE TREASURY TO BE USED BY THE MISSISSIPPI DEPARTMENT OF  
 7 TRANSPORTATION FOR THE REPAIR, MAINTENANCE AND RECONSTRUCTION OF  
 8 ROADS, STREETS AND BRIDGES IN THE STATE; TO CREATE A SPECIAL FUND  
 9 IN THE STATE TREASURY TO BE USED TO ASSIST COUNTIES IN PAYING  
 10 COSTS ASSOCIATED WITH THE REPAIR, MAINTENANCE AND RECONSTRUCTION  
 11 OF ROADS, STREETS AND BRIDGES IN COUNTIES; TO CREATE A SPECIAL  
 12 FUND IN THE STATE TREASURY TO BE USED TO ASSIST MUNICIPALITIES IN  
 13 PAYING COSTS ASSOCIATED WITH THE REPAIR, MAINTENANCE AND  
 14 RECONSTRUCTION OF ROADS, STREETS AND BRIDGES IN MUNICIPALITIES;  
 15 AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** In any year in which the official sine die  
 18 general fund revenue estimate for the next fiscal year reflects a  
 19 growth in general fund revenue of more than two percent (2%) above  
 20 the general fund revenue estimate adopted for the current fiscal  
 21 year, as certified by the Legislative Budget Office, fifty percent  
 22 (50%) of the amount of the growth in revenue above two percent  
 23 (2%), not to exceed One Hundred Million Dollars (\$100,000,000.00),



24 shall be deposited into the following special funds in the State  
25 Treasury:

26 (a) An amount equal to sixty percent (60%) of the  
27 revenue subject to this section shall be deposited into MDOT Roads  
28 and Bridges Repair, Maintenance and Reconstruction Fund created in  
29 subsection (1) of Section 2 of this act;

30 (b) An amount equal to twenty-five percent (25%) of the  
31 revenue subject to this section shall be deposited into the County  
32 Roads and Bridges Repair, Maintenance and Reconstruction Fund  
33 created in subsection (2) of Section 2 of this act; and

34 (c) An amount equal to fifteen percent (15%) of the  
35 revenue subject to this section shall be deposited into the  
36 Municipal Roads and Bridges Repair, Maintenance and Reconstruction  
37 Fund created in subsection (3) of Section 2 of this act.

38 **SECTION 2.** (1) There is created in the State Treasury a  
39 special fund to be known as the MDOT Roads and Bridges Repair,  
40 Maintenance and Reconstruction Fund. The fund shall be maintained  
41 by the State Treasurer as a separate and special fund, separate  
42 and apart from the General Fund of the state. The fund shall  
43 consist of monies deposited in the fund as provided in paragraph  
44 (a) of Section 1 of this act and monies from any other source  
45 designated for deposit into the fund. Monies in the fund may be  
46 expended by the Department of Transportation, upon appropriation  
47 by the Legislature, for repair, maintenance and/or reconstruction  
48 of roads, streets and bridges in the state. However, the



49 Legislature shall not appropriate monies in the fund for use by  
50 the Department of Transportation for any fiscal year unless the  
51 department provides the Legislature with evidence that has been  
52 certified by the Legislative Budget Office, that for the  
53 applicable fiscal year the department has not and will not  
54 reallocate the amount of the funds appropriated under this  
55 subsection away from repair, maintenance and/or reconstruction of  
56 roads, streets and bridges in the state. Unexpended amounts  
57 remaining in the fund at the end of a fiscal year shall not lapse  
58 into the State General Fund, and any interest earned or investment  
59 earnings on amounts in the fund shall be deposited to the credit  
60 of the fund.

61 (2) There is created in the State Treasury a special fund to  
62 be known as the County Roads and Bridges Repair, Maintenance and  
63 Reconstruction Fund. The fund shall be maintained by the State  
64 Treasurer as a separate and special fund, separate and apart from  
65 the General Fund of the state. The fund shall consist of monies  
66 deposited in the fund as provided in paragraph (b) of Section 1 of  
67 this act and monies from any other source designated for deposit  
68 into the fund. Monies in the fund may be expended by the Office  
69 of State Aid Road Construction, upon appropriation by the  
70 Legislature, to provide funds to assist counties in this state in  
71 paying costs associated with the repair, maintenance and/or  
72 reconstruction of roads, streets and bridges in the counties.  
73 Unexpended amounts remaining in the fund at the end of a fiscal



74 year shall not lapse into the State General Fund, and any interest  
75 earned or investment earnings on amounts in the fund shall be  
76 deposited to the credit of the fund. Funds provided to counties  
77 under this subsection shall be allocated and distributed to the  
78 counties in the following proportions:

79 (a) One-third (1/3) shall be allocated to all counties  
80 in equal shares,

81 (b) One-third (1/3) shall be allocated to counties  
82 based on the proportion that the total number of rural road miles  
83 in a county bears to the total number of rural road miles in all  
84 counties of the state, and

85 (c) One-third (1/3) shall be allocated to counties  
86 based on the proportion that the rural population of a county  
87 bears to the total rural population in all counties of the state,  
88 according to the latest federal decennial census.

89 (3) (a) There is created in the State Treasury a special  
90 fund to be known as the Municipal Roads and Bridges Repair,  
91 Maintenance and Reconstruction Fund. The fund shall be maintained  
92 by the State Treasurer as a separate and special fund, separate  
93 and apart from the General Fund of the state. The fund shall  
94 consist of monies deposited in the fund as provided in this  
95 subsection and monies from any other source designated for deposit  
96 into the fund. Monies in the fund may be expended by the Office  
97 of State Aid Road Construction, upon appropriation by the  
98 Legislature, to provide grants to assist municipalities in this



99 state in paying costs associated with the repair, maintenance  
100 and/or reconstruction of roads, streets and bridges in the  
101 municipalities. Unexpended amounts remaining in the fund at the  
102 end of a fiscal year shall not lapse into the State General Fund,  
103 and any interest earned or investment earnings on amounts in the  
104 fund shall be deposited to the credit of the fund.

105 (b) The Office of State Aid Road Construction shall  
106 establish a program to make grants to municipalities for the  
107 purpose of assisting the municipalities in paying costs associated  
108 with the repair, maintenance and/or reconstruction of roads,  
109 streets and bridges in the municipalities. The maximum amount of  
110 a grant made to a municipality under this subsection is One  
111 Million Five Hundred Thousand Dollars (\$1,500,000.00). A  
112 municipality may apply to the Office of State Aid Road  
113 Construction for a grant under this subsection in the manner  
114 provided as follows: A municipality desiring a grant under this  
115 subsection must submit an application to the Office of State Aid  
116 Road Construction. The application must include a description of  
117 the project for which the grant is requested, the cost of the  
118 project for which the grant is requested, the amount of the grant  
119 requested and any other information required by the Office of  
120 State Aid Road Construction.

121 (c) The Office of State Aid Road Construction shall  
122 have all powers necessary to implement and administer the program  
123 established under this subsection, and the Office of State Aid



124 Road Construction shall promulgate rules and regulations, in  
125 accordance with the Mississippi Administrative Procedures Law,  
126 necessary for the implementation of this subsection.

127         **SECTION 3.** This act shall take effect and be in force from  
128 and after July 1, 2018.

