By: Senator(s) Sojourner, McDaniel To: Finance

## COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2877

1 2 3 4 5 6 7 8 9 10 11 2 13 14 15 6 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19	AN ACT TO AMEND SECTION 27-115-85, MISSISSIPPI CODE OF 1972, TO CHANGE THE ANNUAL DISTRIBUTION OF THE FIRST \$80,000,000.00 FROM THE LOTTERY PROCEEDS FUND SO THAT IT IS PAID INTO THE EMERGENCY ROAD AND BRIDGE REPAIR FUND, INSTEAD OF BEING PAID INTO THE STATE HIGHWAY FUND; TO DESIGNATE THE PURPOSE OF THE MONIES IN THE EMERGENCY ROAD AND BRIDGE REPAIR FUND AS THE REPAIR, RECONSTRUCTION AND MAINTENANCE OF THE ROADS, STREETS AND HIGHWAYS, AND THE REHABILITATION AND REPLACEMENT OF THE BRIDGES OF THE COUNTIES AND MUNICIPALITIES OF THIS STATE; TO PROHIBIT THE MONIES IN THE EMERGENCY ROAD AND BRIDGE REPAIR FUND FROM BEING USED TO PAY PRECONSTRUCTION COSTS; TO PROVIDE THAT NO MORE THAN 25% OF THESE FUNDS MAY BE SPENT IN ANY ONE CONGRESSIONAL DISTRICT IN ANY ONE FISCAL YEAR; TO PROVIDE A THREE-YEAR REVERTER FOR THE ABOVE PROVISIONS; TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE PROVISIONS, AND TO SPECIFY THAT MONIES IN THE EMERGENCY ROAD AND BRIDGE REPAIR FUND SHALL BE USED TO PROVIDE FUNDING IN EQUAL PORTIONS FOR ROADS AND FOR BRIDGES; TO PROVIDE A THREE-YEAR REVERTER FOR BRIDGES; TO PROVIDE A THREE-YEAR REVERTER FOR THE ABOVE PROVISIONS; AND FOR RELATED PURPOSES.
20	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
21	SECTION 1. Section 27-115-85, Mississippi Code of 1972, is
22	amended as follows:
23	[Through June 30, 2024, this section shall read as follows:]

27-115-85. Until June 30, 2028, net proceeds generated by

the Alyce G. Clarke Mississippi Lottery Law, created pursuant to

this chapter and deposited into the Lottery Proceeds Fund under

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- 27 Section 27-115-51(2), except as otherwise provided in this
- 28 section, shall be paid into the \* \* \* Emergency Road and Bridge
- 29 Repair Fund created in Section 65-1-179 by warrant issued by the
- 30 State Fiscal Officer upon requisition of the State Transportation
- 31 Commission as needed to provide funds to repair, \* \* \* reconstruct
- 32 and maintain the roads, streets and highways, and to rehabilitate
- 33 and replace the bridges, of the counties and municipalities of
- 34 this state \* \* \*. These funds shall not be used to pay
- 35 preconstruction costs. No more than twenty-five percent (25%) of
- 36 these funds may be spent in any one (1) congressional district in
- 37 any one (1) fiscal year.
- However, all such monies deposited into the Lottery Proceeds
- 39 Fund over Eighty Million Dollars (\$80,000,000.00) in a fiscal year
- 40 shall be transferred into the Education Enhancement Fund for the
- 41 purposes of funding the Early Childhood Learning Collaborative,
- 42 the Classroom Supply Fund and/or other educational purposes. From
- 43 and after July 1, 2028, the net proceeds shall be deposited into
- 44 the Lottery Proceeds Fund and shall be transferred to the State
- 45 General Fund, except for the amounts over Eighty Million Dollars
- 46 (\$80,000,000.00) which shall continue to be deposited in the
- 47 Education Enhancement Fund as provided above.
- [From and after July 1, 2024, this section shall read as
- 49 **follows:**]
- 50 27-115-85. Until June 30, 2028, net proceeds generated by
- 51 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to

- 52 this chapter and deposited into the Lottery Proceeds Fund under
- 53 Section 27-115-51(2), except as otherwise provided in this
- 54 section, shall be paid into the State Highway Fund by warrant
- 55 issued by the State Fiscal Officer upon requisition of the State
- 56 Transportation Commission as needed to provide funds to repair,
- 57 renovate and maintain highways and bridges of the state; however,
- 58 funds paid into the State Highway Fund under this section shall be
- 59 first used for matching federal funds authorized to the state
- 60 pursuant to any federal highway infrastructure program implemented
- 61 after September 1, 2018. However, all such monies deposited into
- 62 the Lottery Proceeds Fund over Eighty Million Dollars
- 63 (\$80,000,000.00) in a fiscal year shall be transferred into the
- 64 Education Enhancement Fund for the purposes of funding the Early
- 65 Childhood Learning Collaborative, the Classroom Supply Fund and/or
- other educational purposes. From and after July 1, 2028, the net
- 67 proceeds shall be deposited into the Lottery Proceeds Fund and
- 68 shall be transferred to the State General Fund, except for the
- 69 amounts over Eighty Million Dollars (\$80,000,000.00) which shall
- 70 continue to be deposited in the Education Enhancement Fund as
- 71 provided above.
- 72 **SECTION 2.** Section 65-1-179, Mississippi Code of 1972, is
- 73 amended as follows:
- 74 [Through June 30, 2024, this section shall read as follows:]
- 75 65-1-179. (1) There is created in the State Treasury a
- 76 special fund to be known as the "Emergency Road and Bridge Repair

- 77 Fund," into which shall be deposited money appropriated by the
- 78 Legislature or otherwise made available in any manner, and funds
- 79 from any other source designated for deposit into such fund.
- 80 Unexpended amounts remaining in the fund at the end of a fiscal
- 81 year shall not lapse into the State General Fund and any interest
- 82 earned or investment earnings on amounts in the fund shall be
- 83 deposited into the fund. The expenditure of money deposited into
- 84 the fund shall be under the direction of the Mississippi
- 85 Department of Transportation, and such funds shall be paid by the
- 86 Mississippi Department of Transportation upon warrants issued by
- 87 the Department of Finance and Administration.
- 88 (2) Money in the fund shall be utilized by the Mississippi
- 89 Department of Transportation, with the advice of the Emergency
- 90 Road and Bridge Repair Fund Advisory Board, to provide funding, in
- 91 equal portions, for: (a) \* \* \* the repair, reconstruction and
- 92 maintenance of the roads, streets and highways \* \* \* of the
- 93 counties and municipalities of this state, and (b)  $\star$   $\star$  the
- 94 rehabilitation and replacement of bridges on the public roads,
- 95 streets and highways \* \* \* of the counties and municipalities of
- 96 this state, as determined by a unanimous vote of the Mississippi
- 97 Transportation Commission. The monies in this fund shall not be
- 98 used to pay preconstruction costs. No more than twenty-five
- 99 percent (25%) of the monies in this fund may be spent in any one
- 100 (1) congressional district in any one (1) fiscal year. However,
- 101 before the expenditure of money in the fund, the department shall

102	promulgate	rules	and	regulations	as	authorized	in	subsection	(3)
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- 103 of this section.
- 104 (3) (a) There is created the Emergency Road and Bridge
- 105 Repair Fund Advisory Board which shall consist of the following
- 106 members:
- 107 (i) The President and Chief Executive Officer of
- 108 the Mississippi Economic Council;
- 109 (ii) The President and Chief Executive Officer of
- 110 the Mississippi Manufacturers Association;
- 111 (iii) The President of the Mississippi Farm Bureau
- 112 Federation;
- 113 (iv) The President of the Mississippi Poultry
- 114 Association;
- 115 (v) The President of the Mississippi Trucking
- 116 Association;
- 117 (vi) The Executive Director of the Mississippi
- 118 Association of Supervisors;
- 119 (vii) The Executive Director of the Mississippi
- 120 Municipal League;

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- 121 (viii) The Executive Vice President of the
- 122 Mississippi Cattlemen's Association;
- 123 (ix) The Executive Director of the Mississippi
- 124 Loggers Association; and
- 125 (x) The Executive Director of the American Council
- 126 of Engineering Companies-Mississippi.

127		(b)	The	Governo	or sha	ll ap	point	the	chairm	nan	of	the
128	board and	the	board	shall	elect	such	other	ofi	ficers	as	it	
129	considers	nece	essary	from a	among :	its m	embers	5.				

- (c) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote. No compensation, per diem or mileage expense shall be provided to board members.
- 134 (d) The Governor's office shall provide any necessary 135 administrative support to the board.
- 136 (e) The board shall meet at least quarterly to conduct 137 business.
- 138 (f) The board shall provide nonbinding advice to the
  139 Department of Transportation regarding the expenditure of money in
  140 the Emergency Road and Bridge Repair Fund.
- The Mississippi Department of Transportation shall have 141 142 all powers necessary to implement and administer the program 143 established under this section to maximize all potential sources of funding including state and federal, for projects covered by 144 145 the program. Any available sources of funding may be combined to 146 fund any project covered by the program. This includes state aid 147 road funds and/or Local System Bridge Replacement and Rehabilitation Program funds, which may be used in conjunction 148 with Emergency Road and Bridge Repair Fund monies within the 149

discretion of the State Aid Engineer. Under no circumstances,

however, shall Emergency Road and Bridge Repair Fund monies be

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- used to reimburse any amount that has been expended on the project prior to the award of such monies to the recipient.
- 154 When monies in the Emergency Road and Bridge Repair Fund 155 are distributed for projects, such monies shall not be redeposited 156 in the State Treasury, absent extraordinary circumstances where 157 the recipient must return monies received under the program. requirement is not intended to inhibit state agencies from 158 159 receiving Emergency Road and Bridge Repair Fund monies for 160 appropriate projects or to curtail any proper transfer of monies 161 to accomplish such a project.
- 162 (6) The department shall promulgate rules and regulations,
  163 in accordance with the Mississippi Administrative Procedures Law,
  164 necessary for the implementation of this section.

## [From and after July 1, 2024, this section shall read as follows:]

167 65-1-179. (1) There is created in the State Treasury a 168 special fund to be known as the "Emergency Road and Bridge Repair 169 Fund," into which shall be deposited money appropriated by the 170 Legislature or otherwise made available in any manner, and funds 171 from any other source designated for deposit into such fund. 172 Unexpended amounts remaining in the fund at the end of a fiscal 173 year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be 174 175 deposited into the fund. The expenditure of money deposited into the fund shall be under the direction of the Mississippi 176

177 Department of Transportation, and such funds shall be paid by t	177 I	Department	of	Transportation,	and	such	funds	shall	be	paid	bv	t]
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- 178 Mississippi Department of Transportation upon warrants issued by
- 179 the Department of Finance and Administration.
- 180 (2) Money in the fund shall be utilized by the Mississippi
- 181 Department of Transportation, with the advice of the Emergency
- 182 Road and Bridge Repair Fund Advisory Board, to provide funding for
- 183 emergency repairs to roads, streets and highways in this state and
- 184 emergency bridge repairs on public roads, streets and highways in
- 185 this state, as determined by a unanimous vote of the Mississippi
- 186 Transportation Commission. However, before the expenditure of
- 187 money in the fund, the department shall promulgate rules and
- 188 regulations as authorized in subsection (3) of this section.
- 189 (3) (a) There is created the Emergency Road and Bridge
- 190 Repair Fund Advisory Board which shall consist of the following
- 191 members:
- 192 (i) The President and Chief Executive Officer of
- 193 the Mississippi Economic Council;
- 194 (ii) The President and Chief Executive Officer of
- 195 the Mississippi Manufacturers Association;
- 196 (iii) The President of the Mississippi Farm Bureau
- 197 Federation;
- 198 (iv) The President of the Mississippi Poultry
- 199 Association;
- 200 (v) The President of the Mississippi Trucking
- 201 Association;

- 203 Association of Supervisors;
- 204 (vii) The Executive Director of the Mississippi
- 205 Municipal League;
- 206 (viii) The Executive Vice President of the
- 207 Mississippi Cattlemen's Association;
- 208 (ix) The Executive Director of the Mississippi
- 209 Loggers Association; and
- 210 (x) The Executive Director of the American Council
- 211 of Engineering Companies-Mississippi.
- 212 (b) The Governor shall appoint the chairman of the
- 213 board and the board shall elect such other officers as it
- 214 considers necessary from among its members.
- 215 (c) A majority of the members of the board shall
- 216 constitute a quorum for the conduct of meetings and all actions of
- 217 the board shall be by a majority vote. No compensation, per diem
- 218 or mileage expense shall be provided to board members.
- 219 (d) The Governor's office shall provide any necessary
- 220 administrative support to the board.
- (e) The board shall meet at least quarterly to conduct
- 222 business.
- 223 (f) The board shall provide nonbinding advice to the
- 224 Department of Transportation regarding the expenditure of money in
- 225 the Emergency Road and Bridge Repair Fund.

226	(4) The Mississippi Department of Transportation shall have
227	all powers necessary to implement and administer the program
228	established under this section to maximize all potential sources
229	of funding including state and federal, for projects covered by
230	the program. Any available sources of funding may be combined to
231	fund any project covered by the program. This includes state aid
232	road funds and/or Local System Bridge Replacement and
233	Rehabilitation Program funds, which may be used in conjunction
234	with Emergency Road and Bridge Repair Fund monies within the
235	discretion of the State Aid Engineer. Under no circumstances,
236	however, shall Emergency Road and Bridge Repair Fund monies be
237	used to reimburse any amount that has been expended on the project
238	prior to the award of such monies to the recipient.

- (5) When monies in the Emergency Road and Bridge Repair Fund are distributed for projects, such monies shall not be redeposited in the State Treasury, absent extraordinary circumstances where the recipient must return monies received under the program. This requirement is not intended to inhibit state agencies from receiving Emergency Road and Bridge Repair Fund monies for appropriate projects or to curtail any proper transfer of monies to accomplish such a project.
- 247 (6) The department shall promulgate rules and regulations, 248 in accordance with the Mississippi Administrative Procedures Law, 249 necessary for the implementation of this section.

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250 **SECTION 3.** This act shall take effect and be in force from 251 and after July 1, 2021.