

By: Senator(s) Sojourner, McDaniel

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2877

1 AN ACT TO AMEND SECTION 27-115-85, MISSISSIPPI CODE OF 1972,  
2 TO CHANGE THE ANNUAL DISTRIBUTION OF THE FIRST \$80,000,000.00 FROM  
3 THE LOTTERY PROCEEDS FUND SO THAT IT IS PAID INTO THE EMERGENCY  
4 ROAD AND BRIDGE REPAIR FUND, INSTEAD OF BEING PAID INTO THE STATE  
5 HIGHWAY FUND; TO DESIGNATE THE PURPOSE OF THE MONIES IN THE  
6 EMERGENCY ROAD AND BRIDGE REPAIR FUND AS THE REPAIR,  
7 RECONSTRUCTION AND MAINTENANCE OF THE ROADS, STREETS AND HIGHWAYS,  
8 AND THE REHABILITATION AND REPLACEMENT OF THE BRIDGES OF THE  
9 COUNTIES AND MUNICIPALITIES OF THIS STATE; TO PROHIBIT THE MONIES  
10 IN THE EMERGENCY ROAD AND BRIDGE REPAIR FUND FROM BEING USED TO  
11 PAY PRECONSTRUCTION COSTS; TO PROVIDE THAT NO MORE THAN 25% OF  
12 THESE FUNDS MAY BE SPENT IN ANY ONE CONGRESSIONAL DISTRICT IN ANY  
13 ONE FISCAL YEAR; TO PROVIDE A THREE-YEAR REVERTER FOR THE ABOVE  
14 PROVISIONS; TO AMEND SECTION 65-1-179, MISSISSIPPI CODE OF 1972,  
15 IN CONFORMITY TO THE ABOVE PROVISIONS, AND TO SPECIFY THAT MONIES  
16 IN THE EMERGENCY ROAD AND BRIDGE REPAIR FUND SHALL BE USED TO  
17 PROVIDE FUNDING IN EQUAL PORTIONS FOR ROADS AND FOR BRIDGES; TO  
18 PROVIDE A THREE-YEAR REVERTER FOR THE ABOVE PROVISIONS; AND FOR  
19 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:]**

24 27-115-85. Until June 30, 2028, net proceeds generated by  
25 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to  
26 this chapter and deposited into the Lottery Proceeds Fund under



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.

38       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.

48       **[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  
66 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



Fund," into which shall be deposited money appropriated by the Legislature or otherwise made available in any manner, and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund. The expenditure of money deposited into the fund shall be under the direction of the Mississippi Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding, in equal portions, for: (a) \* \* \* the repair, reconstruction and maintenance of the roads, streets and highways \* \* \* of the counties and municipalities of this state, and (b) \* \* \* the rehabilitation and replacement of bridges on the public roads, streets and highways \* \* \* of the counties and municipalities of this state, as determined by a unanimous vote of the Mississippi Transportation Commission. The monies in this fund shall not be used to pay preconstruction costs. No more than twenty-five percent (25%) of the monies in this fund may be spent in any one (1) congressional district in any one (1) fiscal year. However, before the expenditure of money in the fund, the department shall



promulgate rules and regulations as authorized in subsection (3) of this section.

(3) (a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;

(v) The President of the Mississippi Trucking Association;

(vi) The Executive Director of the Mississippi Association of Supervisors;

(vii) The Executive Director of the Mississippi Municipal League;

(viii) The Executive Vice President of the Mississippi Cattlemen's Association;

(ix) The Executive Director of the Mississippi Loggers Association; and

(x) The Executive Director of the American Council of Engineering Companies-Mississippi.



(b) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(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.

(d) The Governor's office shall provide any necessary administrative support to the board.

(e) The board shall meet at least quarterly to conduct business.

(f) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Emergency Road and Bridge Repair Fund.

(4) The Mississippi Department of Transportation shall have all powers necessary to implement and administer the program established under this section to maximize all potential sources of funding including state and federal, for projects covered by the program. Any available sources of funding may be combined to fund any project covered by the program. This includes state aid road funds and/or Local System Bridge Replacement and Rehabilitation Program funds, which may be used in conjunction with Emergency Road and Bridge Repair Fund monies within the discretion of the State Aid Engineer. Under no circumstances, however, shall Emergency Road and Bridge Repair Fund monies be



used to reimburse any amount that has been expended on the project 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.

(6) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

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

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



Department of Transportation, and such funds shall be paid by the Mississippi Department of Transportation upon warrants issued by the Department of Finance and Administration.

(2) Money in the fund shall be utilized by the Mississippi Department of Transportation, with the advice of the Emergency Road and Bridge Repair Fund Advisory Board, to provide funding for emergency repairs to roads, streets and highways in this state and emergency bridge repairs on public roads, streets and highways in this state, as determined by a unanimous vote of the Mississippi Transportation Commission. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(3) (a) There is created the Emergency Road and Bridge Repair Fund Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;

(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The President of the Mississippi Poultry Association;

(v) The President of the Mississippi Trucking Association;





(vi) The Executive Director of the Mississippi Association of Supervisors;

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(x) The Executive Director of the American Council of Engineering Companies-Mississippi.

(b) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(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.

(d) The Governor's office shall provide any necessary administrative support to the board.

(e) The board shall meet at least quarterly to conduct business.

(f) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Emergency Road and Bridge Repair Fund.



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

(6) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.



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

