

By: Representatives Green, Fleming

To: Transportation

HOUSE BILL NO. 1452
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 57-44-1, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE THE DEVELOPMENT AND PROMOTION OF PUBLIC SAFETY AMONG THE
3 LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE FOR CREATION OF
4 THE LOCAL GOVERNMENTS FREIGHT RAIL SERVICE PROJECTS LAW; TO AMEND
5 SECTION 57-44-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
6 MISSISSIPPI DEVELOPMENT AUTHORITY SHALL ESTABLISH A PROGRAM TO
7 PERMIT MONIES FROM THE LOCAL GOVERNMENTS FREIGHT RAIL SERVICE
8 PROJECT REVOLVING LOAN FUND TO BE PROVIDED TO COUNTIES IN THE FORM
9 OF GRANTS TO ASSIST COUNTIES IN DEFRAYING EXPENSES RELATING TO THE
10 UPGRADING OF RAILROAD GRADE CROSSINGS; TO PROVIDE THAT ONLY
11 PROJECTS APPROVED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION
12 SHALL BE ELIGIBLE FOR SUCH GRANTS; TO AUTHORIZE THE MISSISSIPPI
13 DEVELOPMENT AUTHORITY TO ADOPT RULES AND REGULATIONS ESTABLISHING
14 THE MAXIMUM AMOUNT OF ANY GRANT AWARDED TO A COUNTY AND SUCH OTHER
15 RULES AND REGULATIONS AS APPROPRIATE TO ADMINISTER THE GRANT
16 PROGRAM AND ENSURE THAT MONIES IN THE FUND ARE MADE AVAILABLE TO
17 ALL COUNTIES ON AN EQUITABLE BASIS; TO PROVIDE THAT FEDERAL FUNDS
18 SHALL BE UTILIZED TO PAY A CERTAIN AMOUNT OF THE COST OF EACH
19 RAILROAD GRADE CROSSING PROJECT; TO LIMIT THE MAXIMUM DOLLAR
20 AMOUNT OF GRANTS THAT MAY BE MADE TO ALL COUNTIES; AND FOR RELATED
21 PURPOSES.

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

23 SECTION 1. Section 57-44-1, Mississippi Code of 1972, is
24 amended as follows:

25 57-44-1. The implementation of freight rail service projects
26 within the State of Mississippi develops and promotes, for the
27 public good, safety and general welfare, trade, commerce,
28 industry, and employment opportunities, and promotes the general
29 welfare of the state by creating a climate favorable to the
30 location of new industry, trade, and commerce and the development
31 of existing industry, trade and commerce within the State of
32 Mississippi. Implementation of freight rail service projects
33 within this state will develop and promote, for the public good,
34 safety and general welfare, trade, commerce, industry, and
35 employment opportunities, and will promote the general welfare of

36 the state. It is therefore in the public interest and is vital to
37 the public welfare of the people of Mississippi, and it is
38 declared to be the public purpose of this chapter to so develop
39 freight rail service projects within this state.

40 SECTION 2. Section 57-44-7, Mississippi Code of 1972, is
41 amended as follows:

42 57-44-7. (1) There is created a special fund in the State
43 Treasury to be designated as the "Local Governments Freight Rail
44 Service Project Revolving Loan Fund," which fund shall consist of
45 such monies as provided in Sections 57-44-11 through 57-44-39.
46 The fund shall be maintained in perpetuity for the purposes
47 established in this chapter. Unexpended amounts remaining in the
48 fund at the end of a fiscal year shall not lapse into the State
49 General Fund, and any interest earned on amounts in the fund shall
50 be deposited to the credit of the fund. Monies in the fund may
51 not be used or expended for any purpose except as authorized under
52 this chapter. However, the Mississippi Development Authority, in
53 order to promote the safety of the general public, shall establish
54 a program to permit monies from the Local Governments Freight Rail
55 Service Project Revolving Loan Fund to be provided to counties in
56 the form of grants to assist counties in defraying expenses
57 relating to the upgrading of railroad grade crossings. Only
58 projects approved by the Mississippi Department of Transportation
59 shall be eligible for such grants. The Mississippi Development
60 Authority, by rule and regulation, shall establish the maximum
61 amount of any grant awarded to a county and may establish such
62 other rules and regulations as it deems appropriate or necessary
63 to administer the grant program and ensure that monies in the fund
64 are made available to all counties on an equitable basis. Federal
65 funds shall be utilized to pay not less than five percent (5%) of
66 the cost of each project. However, the maximum amount of such
67 grants to all counties may not exceed Five Million Dollars
68 (\$5,000,000.00), in the aggregate.

69 (2) The Mississippi Development Authority shall establish a
70 loan program by which loans, at a rate of interest not to exceed
71 one percent (1%) less than the federal reserve discount rate, may
72 be made available to counties and incorporated municipalities to
73 provide loans to counties and incorporated municipalities which
74 may be used by the governing authorities of such counties and
75 municipalities to provide loans to railroad corporations for
76 freight rail service projects. Loans from the revolving fund may
77 be made to counties and municipalities as set forth in a loan
78 agreement in amounts established by the Mississippi Development
79 Authority. The Mississippi Development Authority may establish a
80 maximum amount for any loan in order to provide for broad and
81 equitable participation in the program.

82 (3) A county that receives a loan from the revolving fund
83 shall pledge for repayment of the loan any part of the homestead
84 exemption annual tax loss reimbursement to which it may be
85 entitled under Section 27-33-77. An incorporated municipality
86 that receives a loan from the revolving fund shall pledge for
87 repayment of the loan any part of the sales tax revenue
88 distribution to which it may be entitled under Section 27-65-75.
89 Each loan agreement shall provide for (i) monthly payments, (ii)
90 semiannual payments or (iii) other periodic payments, the annual
91 total of which shall not exceed the annual total for any other
92 year of the loan by more than fifteen percent (15%). The loan
93 agreement shall provide for the repayment of all funds received
94 within not more than fifteen (15) years from the date of project
95 completion.

96 (4) The State Auditor, upon request of the Mississippi
97 Development Authority, shall audit the receipts and expenditures
98 of a county or an incorporated municipality whose loan payments
99 appear to be in arrears, and if he finds that the county or
100 municipality is in arrears in such payments, he shall immediately
101 notify the Executive Director of the Department of Finance and

102 Administration who shall withhold all future payments to the
103 county of homestead exemption reimbursements under Section
104 27-33-77 and all sums allocated to the county or the municipality
105 under Section 27-65-75 until such time as the county or the
106 municipality is again current in its loan payments as certified by
107 the Mississippi Development Authority.

108 (5) Evidences of indebtedness which are issued pursuant to
109 this chapter shall not be deemed indebtedness within the meaning
110 specified in Section 21-33-303 with regard to cities or
111 incorporated towns, and in Section 19-9-5 with regard to counties.

112 SECTION 3. This act shall take effect and be in force from
113 and after July 1, 2001.