

By: Representative Rotenberry

To: Transportation

HOUSE BILL NO. 1090

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF  
 2 TRANSPORTATION SHALL PERFORM CERTAIN PROJECTS ON AND ALONG THAT  
 3 PART OF U.S. HIGHWAY 49 FROM U.S. HIGHWAY 90 TO U.S. HIGHWAY 80 AS  
 4 MAY BE NECESSARY TO UPGRADE SUCH HIGHWAY TO THE SAME OR SIMILAR  
 5 STANDARDS FOR DESIGN AND CONSTRUCTION THAT ARE REQUIRED FOR THOSE  
 6 HIGHWAYS INCLUDED WITHIN THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO  
 7 CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE "49  
 8 HIGHWAY IMPROVEMENTS FUND", AND TO PROVIDE THAT MONIES IN THE  
 9 SPECIAL FUND MAY BE USED FOR THE PURPOSE OF DEFRAYING EXPENSES  
 10 RELATED TO THE PROJECTS AUTHORIZED BY THIS ACT; TO AMEND SECTION  
 11 75-76-129, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNTIL JULY 1,  
 12 2009, A PORTION OF THE STATE'S SHARE OF TAXES, FEES AND PENALTIES  
 13 COLLECTED BY THE STATE TAX COMMISSION UNDER THE MISSISSIPPI GAMING  
 14 CONTROL ACT SHALL BE DEPOSITED INTO THE HIGHWAY 49 IMPROVEMENTS  
 15 FUND, AND THAT THEREAFTER SUCH PORTION SHALL BE DEPOSITED INTO THE  
 16 STATE HIGHWAY FUND FOR USE IN THE MAINTENANCE AND UPKEEP OF STATE  
 17 HIGHWAYS; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) The Mississippi Department of  
 20 Transportation, subject to the availability of funds, shall  
 21 perform such projects for the construction and reconstruction to  
 22 that part of U.S. Highway 49 that runs between U.S. Highway 90 and  
 23 U.S. Highway 80 as may be necessary to upgrade such highway to the  
 24 same or similar standards for design and construction that are  
 25 required for those four-lane highways and four-lane highway  
 26 segments provided for under Section 65-3-97. Such projects may  
 27 include, but are not limited to, geometric, vertical and  
 28 horizontal alignment changes in the roadway; improvements to  
 29 existing intersections; widening of shoulders; replacement of  
 30 bridges; relocating existing lanes and adding lanes; providing  
 31 access control; constructing frontage roads; providing turn lanes;  
 32 and creating additional interchanges. The department may acquire  
 33 such right-of-way as may be necessary for performance of the  
 34 projects.



35           (2) Funds for the projects authorized under subsection (1)  
36 of this section shall be provided from monies deposited into and  
37 credited to the Highway 49 Improvements Fund created in Section 2  
38 of House Bill No.\_\_\_\_, 2002 Regular Session.

39           (3) (a) The Department of Transportation shall submit a  
40 report to the Legislature by January 10 of each year setting forth  
41 the current status of the projects prescribed in subsection (1) of  
42 this section, which report shall include:

43                   (i) The specific projects upon which engineering  
44 is being performed or has been completed;

45                   (ii) The specific projects for which right-of-way  
46 has been acquired or is being acquired;

47                   (iii) The specific projects for which construction  
48 contracts have been let;

49                   (iv) The specific projects upon which construction  
50 is in progress;

51                   (v) The specific projects upon which construction  
52 has been completed;

53                   (vi) Projections for completion of the next step  
54 on each project;

55                   (vii) For each fiscal year, beginning with fiscal  
56 year 2003, a detailed cash flow projection by source of program  
57 activities and an estimate of when or if a funding shortage will  
58 be encountered due to costs exceeding original projections;

59                   (viii) A schedule of all complete and  
60 open-to-traffic highway projects and the related total cost of  
61 each project;

62                   (ix) A complete recap of all program receipts by  
63 source, and of all disbursements for the prior fiscal year and  
64 cumulative totals since the inception of the program as compared  
65 to projections; and



66 (x) A statement from the Department of  
67 Transportation regarding the status of the funding of the program  
68 based on agency cost experience and projections for the future.

69 (b) The report shall be deemed submitted when ten (10)  
70 copies are received by the Clerk of the House of Representatives  
71 and ten (10) copies are received by the Secretary of the Senate.

72 (4) The Transportation Commission shall give notice in some  
73 newspaper or newspapers having a general circulation throughout  
74 the counties in which any project is proposed under this section  
75 for the purpose of conducting hearings from time to time and  
76 receiving comments and suggestions from members of the public  
77 regarding such improvements or modifications to roadway design,  
78 engineering or traffic control that may be needed to increase  
79 safety and reduce highway accidents and fatalities.

80 **SECTION 2.** (1) There is created in the State Treasury a  
81 special fund to be designated as the "Highway 49 Improvements  
82 Fund." The fund shall consist of such monies as are required to  
83 be deposited into the fund under the provisions of Section  
84 75-76-129, and such other monies from any other source as the  
85 Legislature may direct. Monies in the fund may be expended, upon  
86 legislative appropriation, for the sole purpose of defraying the  
87 expenses of the Mississippi Transportation Commission and the  
88 Mississippi Department of Transportation for the planning, design,  
89 engineering, construction, reconstruction and other expenses  
90 incurred by the Transportation Commission and the Department of  
91 Transportation for the projects designated in Section 1 of House  
92 Bill No.\_\_\_\_, 2002 Regular Session.

93 (2) Unexpended amounts remaining in the special fund at the  
94 end of a fiscal year shall not lapse into the State General Fund,  
95 and any interest earned on amounts in the special fund shall be  
96 deposited to the credit of the special fund.

97 **SECTION 3.** Section 75-76-129, Mississippi Code of 1972, is  
98 amended as follows:



99           **[Through June 30, 2009, this section shall read as follows:]**  
100           75-76-129. On or before the last day of each month all  
101 taxes, fees, interest, penalties, damages, fines or other monies  
102 collected by the State Tax Commission during that month under the  
103 provisions of this chapter, with the exception of (a) the local  
104 government fees imposed under Section 75-76-195, \* \* \* (b) an  
105 amount equal to Three Million Dollars (\$3,000,000.00) of the  
106 revenue collected pursuant to the fee imposed under Section  
107 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
108 of the revenue collected pursuant to the fee imposed under Section  
109 75-76-177(1)(c), whichever is the greater amount, and (c) Two  
110 Million Eighty-three Thousand Three Hundred Thirty-three Dollars  
111 and Thirty-three Cents (\$2,083,333.33), shall be paid by the State  
112 Tax Commission to the State Treasurer to be deposited into the  
113 State General Fund. The local government fees shall be  
114 distributed by the State Tax Commission pursuant to Section  
115 75-76-197. An amount equal to Three Million Dollars  
116 (\$3,000,000.00) of the revenue collected during that month  
117 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
118 deposited by the State Tax Commission into the bond sinking fund  
119 created in Section 65-39-3. The revenue collected during that  
120 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
121 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
122 less than twenty-five percent (25%) of the amount of revenue  
123 collected under Section 75-76-177(1)(c) during that month, shall  
124 be deposited into the State Highway Fund to be used exclusively  
125 for the reconstruction and maintenance of highways of the State of  
126 Mississippi. An amount equal to Two Million Eighty-three Thousand  
127 Three Hundred Thirty-three Dollars and Thirty-three Cents  
128 (\$2,083,333.33), shall be deposited by the State Tax Commission  
129 into the Highway 49 Improvements Fund created under Section 2 of  
130 House Bill No. \_\_\_\_\_, 2002 Regular Session.



131           **[From and after July 1, 2009, through June 30, 2013, this**  
132 **section shall read as follows:]**

133           75-76-129. On or before the last day of each month all  
134 taxes, fees, interest, penalties, damages, fines or other monies  
135 collected by the State Tax Commission during that month under the  
136 provisions of this chapter, with the exception of (a) the local  
137 government fees imposed under Section 75-76-195, \* \* \* (b) an  
138 amount equal to Three Million Dollars (\$3,000,000.00) of the  
139 revenue collected pursuant to the fee imposed under Section  
140 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
141 of the revenue collected pursuant to the fee imposed under Section  
142 75-76-177(1)(c), whichever is the greater amount, and (c) Two  
143 Million Eighty-three Thousand Three Hundred Thirty-three Dollars  
144 and Thirty-three Cents (\$2,083,333.33), shall be paid by the State  
145 Tax Commission to the State Treasurer to be deposited into the  
146 State General Fund. The local government fees shall be  
147 distributed by the State Tax Commission pursuant to Section  
148 75-76-197. An amount equal to Three Million Dollars  
149 (\$3,000,000.00) of the revenue collected during that month  
150 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
151 deposited by the State Tax Commission into the bond sinking fund  
152 created in Section 65-39-3. The revenue collected during that  
153 month pursuant to the fee imposed under Section 75-76-177(1)(c)  
154 that is in excess of Three Million Dollars (\$3,000,000.00), but is  
155 less than twenty-five percent (25%) of the amount of revenue  
156 collected under Section 75-76-177(1)(c) during that month, shall  
157 be deposited into the State Highway Fund to be used exclusively  
158 for the reconstruction and maintenance of highways of the State of  
159 Mississippi. The Two Million Eighty-three Thousand Three Hundred  
160 Thirty-three Dollars and Thirty-three Cents (\$2,083,333.33) shall  
161 be deposited by the State Tax Commission into the State Highway  
162 Fund and may be expended, upon legislative appropriation, only for  
163 maintenance and upkeep of highways on the state highway system.



164           **[From and after July 1, 2013, this section shall read as**  
165 **follows:]**

166           75-76-129. On or before the last day of each month, all  
167 taxes, fees, interest, penalties, damages, fines or other monies  
168 collected by the State Tax Commission during that month under the  
169 provisions of this chapter, with the exception of (a) the local  
170 government fees imposed under Section 75-76-195, and (b) Two  
171 Million Eighty-three Thousand Three Hundred Thirty-three Dollars  
172 and Thirty-three Cents (\$2,083,333.33) shall be paid by the State  
173 Tax Commission to the State Treasurer to be deposited in the State  
174 General Fund. The local government fees shall be distributed by  
175 the State Tax Commission pursuant to Section 75-76-197. The Two  
176 Million Eighty-three Thousand Three Hundred Thirty-three Dollars  
177 and Thirty-three Cents (\$2,083,333.33) shall be deposited by the  
178 State Tax Commission into the State Highway Fund and may be  
179 expended, upon legislative appropriation, only for maintenance and  
180 upkeep of highways on the state highway system.

181           **SECTION 4.** This act shall take effect and be in force from  
182 and after July 1, 2002.

