

By: Senator(s) Dearing, Jackson, Williamson, Simmons, Horhn, Dickerson, Kirby, Scoper, Harvey, Canon, Johnson (19th), Thames, Smith, Little, Furniss, Jordan, Carmichael, Gordon, Farris, Johnson (38th), Blackmon, Ross, Harden, King, Burton, Browning, Stogner, Posey

To: Highways and Transportation; Appropriations

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2578

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO FOUR-LANE
3 CERTAIN ADDITIONAL HIGHWAY SEGMENTS; TO REVISE THE MANNER IN WHICH
4 ALL HIGHWAY PROJECTS UNDER THE JURISDICTION OF THE MISSISSIPPI
5 TRANSPORTATION COMMISSION, EXCEPT PROJECTS IN PHASES ONE, TWO AND
6 THREE OF THE 1987 FOUR-LANE HIGHWAY PROGRAM AND CERTAIN OTHER
7 HIGHWAY PROJECTS, ARE PRIORITIZED; TO PROVIDE THAT THE PRIORITIES
8 SHALL BE IN ACCORDANCE WITH A PRIORITY SCHEDULE BASED UPON A NEEDS
9 ANALYSIS PERFORMED BY THE MISSISSIPPI TRANSPORTATION USING CERTAIN
10 ANALYTIC METHODS AND PROCEDURES WHICH SHALL BE UPDATED ANNUALLY IF
11 NECESSARY; TO PROVIDE THAT IN THE EVENT THE TRANSPORTATION
12 COMMISSION DEVIATES FROM THE SCHEDULE, THE COMMISSION SHALL SPREAD
13 THE SPECIFIC REASONS FOR SUCH DEVIATION ON ITS MINUTES TO REQUIRE
14 THE PRIORITIZED SCHEDULE TO INCLUDE IMMEDIATE NEEDS, MID-RANGE
15 NEEDS AND LONG-RANGE NEEDS; TO REQUIRE THE PRIORITIZED SCHEDULE TO
16 BE PRESENTED TO THE HIGHWAYS AND TRANSPORTATION COMMITTEE OF THE
17 SENATE AND THE TRANSPORTATION COMMITTEE OF THE HOUSE OF
18 REPRESENTATIVES ON OCTOBER 1 OF EACH YEAR BEGINNING IN 2005; TO
19 REQUIRE THE TRANSPORTATION COMMISSION TO DEDICATE NOT LESS THAN
20 \$200,000,000.00 ANNUALLY TO FUND SUCH PROGRAM BEGINNING IN FISCAL
21 YEAR 2006; TO REQUIRE CERTAIN PROJECTS TO BE CONSIDERED AS
22 IMMEDIATE, MID-RANGE AND LONG-RANGE NEEDS; TO REQUIRE THE
23 MISSISSIPPI TRANSPORTATION COMMISSION TO CONSIDER CERTAIN HIGHWAY
24 SEGMENTS FOR CERTAIN IMPROVEMENTS AND HIGHWAY MODIFICATIONS; TO
25 AUTHORIZE ADDITIONAL FEDERAL FUNDS TO BE USED FOR THE 1987
26 FOUR-LANE HIGHWAY PROGRAM; TO PROVIDE THAT SUCH FEDERAL FUNDS MAY
27 BE UTILIZED IN LIEU OF STATE FUNDING THAT WOULD OTHERWISE BE
28 UTILIZED FOR SUCH PROGRAM; TO PROVIDE THAT THE ANNUAL TOTAL AMOUNT
29 OF FUNDING FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM SHALL NOT BE
30 LESS THAN IT WOULD HAVE OTHERWISE BEEN WITHOUT THE UTILIZATION OF
31 SUCH ADDITIONAL FEDERAL FUNDS; TO AMEND SECTION 75-76-129,
32 MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2022, THE
33 DIVERSION OF GAMING FEE COLLECTIONS TO THE GAMING COUNTIES
34 STATE-ASSISTED INFRASTRUCTURE BOND SINKING FUND; TO AMEND SECTIONS
35 65-39-1, 27-5-101, 27-19-99, 27-57-37, 27-65-75, 65-1-59 AND
36 65-39-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
37 RELATED PURPOSES.

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

39 SECTION 1. Section 65-3-97, Mississippi Code of 1972, is
40 amended as follows:

41 65-3-97. (1) In addition to and including all other
42 highways designated as a part of the state highway system, there
43 is hereby designated as a part thereof a four-lane highway system
44 to connect various areas of the state with interstate and primary



45 highways. For the segments described in subsection (3) of this
46 section, the Mississippi Department of Transportation shall
47 construct and reconstruct four-lane highways, that is, not less
48 than two (2) lanes for traffic flowing in each direction, along
49 the routes designated in this section.

50 (2) In the construction and reconstruction of the four-lane
51 highway system designated in subsection (3) of this section, the
52 Mississippi Department of Transportation may utilize the roadway
53 of any existing highway under its jurisdiction and control and
54 shall do so when such utilization is feasible, provided that such
55 highways which are utilized shall be constructed to current
56 standards for such roadways. When it is not feasible to utilize
57 existing designated highways, the Transportation Department shall
58 relocate such highways and construct entirely new facilities
59 whether in urban or rural areas.

60 (3) Construction of the four-lane highway system designated
61 in this subsection shall commence, proceed and be performed by the
62 Mississippi Department of Transportation strictly in accordance
63 with the following set of priorities established for the letting
64 of contracts on and along various segments thereof:

65 (a) Of the following group of highway segments not less
66 than fifteen percent (15%) of all contracts necessary to be let
67 for completion of all segments within the group shall be let by
68 June 30, 1988, not less than thirty percent (30%) of such
69 contracts shall be let by June 30, 1989, not less than fifty
70 percent (50%) of such contracts shall be let by June 30, 1990, not
71 less than seventy percent (70%) of such contracts shall be let by
72 June 30, 1991, not less than ninety percent (90%) of such
73 contracts shall be let by June 30, 1992, and one hundred percent
74 (100%) of such contracts shall be let by June 30, 1993:

75 (i) Highway segments along or near U.S. 45
76 beginning at the Clarke/Lauderdale county line and extending
77 northerly to I-59; then beginning at Macon and extending northerly



78 to Brooksville; then beginning at Columbus Air Force Base and
79 extending northerly to Aberdeen; then beginning at U.S. 278 and
80 extending northerly to Shannon; then beginning at Saltillo and
81 extending northerly to Corinth.

82 (ii) Highway segments along or near U.S. 45A
83 beginning at U.S. 82 and extending northerly to West Point; then
84 beginning four (4) miles south of Okolona and extending northerly
85 to Shannon.

86 (iii) A highway segment along or near U.S. 49W
87 beginning at U.S. 49 and extending westerly through Yazoo City to
88 the Yazoo River.

89 (iv) A highway segment along or near U.S. 49W
90 beginning at Inverness and extending northerly to Indianola.

91 (v) A highway segment along or near U.S. 61
92 beginning at Port Gibson and extending northerly to the four-lane
93 south of Vicksburg.

94 (vi) Highway segments along or near U.S. 72
95 beginning at or near Mt. Pleasant and extending southeasterly to
96 Mississippi 5; then beginning at Walnut and extending
97 southeasterly to Corinth; then beginning at Strickland and
98 extending southeasterly to Burnsville.

99 (vii) Highway segments along or near U.S. 78
100 beginning at Holly Springs and extending southeasterly to the New
101 Albany bypass; then beginning at Mississippi 25 and extending
102 southeasterly to Tremont.

103 (viii) Highway segments along or near U.S. 82
104 beginning at I-55 and extending easterly to Kilmichael; then
105 beginning at Eupora and extending easterly to Mathiston; then
106 beginning at Mississippi 12 and extending easterly to the Alabama
107 state line.

108 (ix) A highway segment along or near U.S. 84
109 beginning at I-59 and extending easterly to the Jones/Wayne county
110 line.



111 (x) Highway segments along or near U.S. 98
112 beginning at Columbia and extending easterly to the Marion/Lamar
113 county line; then beginning at U.S. 49 and extending southeasterly
114 to the Alabama state line.

115 (b) Of the following group of highway segments not less
116 than five percent (5%) of all contracts necessary to be let for
117 completion of all segments within the group shall be let by June
118 30, 1991, not less than ten percent (10%) of such contracts shall
119 be let by June 30, 1992, not less than twenty-five percent (25%)
120 of such contracts shall be let by June 30, 1993, not less than
121 forty percent (40%) of such contracts shall be let by June 30,
122 1994, not less than fifty-five percent (55%) of such contracts
123 shall be let by June 30, 1995, not less than seventy percent (70%)
124 of such contracts shall be let by June 30, 1996, not less than
125 eighty-five percent (85%) of such contracts shall be let by June
126 30, 1997, and one hundred percent (100%) of such contracts shall
127 be let by June 30, 1998:

128 (i) Highway segments along or near Mississippi 25
129 beginning at Mississippi 471 and extending northeasterly to
130 Mississippi 43; then beginning at the Winston/Oktibbeha county
131 line and extending northeasterly to Starkville.

132 (ii) A highway segment along or near Mississippi
133 63 beginning at the Jackson/George county line and extending
134 northerly to Lucedale.

135 (iii) A highway segment along or near Mississippi
136 302 beginning at I-55 in Southaven and extending easterly to U.S.
137 72 at or near Mt. Pleasant.

138 (iv) Highway segments along or near U.S. 45
139 beginning at the Alabama state line and extending northerly to the
140 Clarke/Lauderdale county line; then beginning at Lauderdale and
141 extending northerly to Macon; then beginning at Aberdeen and
142 extending northerly to U.S. 278.



143 (v) A highway segment along or near U.S. 45A
144 beginning at West Point and extending northerly to four (4) miles
145 south of Okolona.

146 (vi) A highway segment beginning at Brooksville
147 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
148 82, such segment having been designated by the Transportation
149 Commission pursuant to the provisions of paragraph (1)(c) of this
150 section.

151 (vii) A highway segment along or near U.S. 49W
152 beginning at the Yazoo River and extending northerly to Inverness.

153 (viii) Highway segments along or near U.S. 61
154 beginning at the Louisiana state line and extending northerly to
155 the Wilkinson/Adams county line; then beginning at Washington and
156 extending northerly to Port Gibson; then beginning at Merigold and
157 extending northerly to Shelby; then beginning at the north end of
158 the Clarksdale bypass and extending northerly to the Tennessee
159 state line.

160 (ix) A highway segment along or near U.S. 72
161 beginning at Mississippi 5 and extending southeasterly to Walnut.

162 (x) A highway segment along or near U.S. 78
163 beginning at Tremont and extending southeasterly to the Alabama
164 state line.

165 (xi) Highway segments along or near U.S. 82
166 beginning at the Montgomery/Webster county line and extending
167 easterly to Eupora; then beginning at Mathiston and extending
168 easterly to Starkville.

169 (xii) Highway segments along or near U.S. 84
170 beginning at Leesdale and extending easterly to Roxie; then
171 beginning at Auburn Road and extending easterly to I-55; then
172 beginning at the east end of the Brookhaven bypass and extending
173 easterly to Prentiss; then beginning at the Jones/Covington county
174 line and extending easterly to Horse Creek; then beginning at the
175 Jones/Wayne county line and extending easterly to Waynesboro.



176 (xiii) Highway segments along or near U.S. 98
177 beginning at the Pike/Walthall county line and extending easterly
178 to Columbia; then beginning at the Marion/Lamar county line and
179 extending easterly to the four-lane west of Hattiesburg.

180 (c) Of the following group of highway segments not less
181 than ten percent (10%) of all contracts necessary to be let for
182 completion of all segments within the group shall be let by June
183 30, 1996, not less than twenty percent (20%) of such contracts
184 shall be let by June 30, 1997, not less than forty percent (40%)
185 of such contracts shall be let by June 30, 1998, and one hundred
186 percent (100%) of such contracts shall be let by June 30, 1999:

187 (i) A highway segment along or near Mississippi 25
188 beginning at Mississippi 43 and extending northeasterly to the
189 Winston/Oktibbeha county line.

190 (ii) A highway segment along or near Mississippi
191 63 beginning at Lucedale and extending northerly to U.S. 45 at
192 State Line.

193 (iii) A highway segment along or near U.S. 61
194 beginning at Shelby and extending northerly to U.S. 49.

195 (iv) A highway segment along or near U.S. 82
196 beginning at Kilmichael and extending easterly to the
197 Montgomery/Webster county line.

198 (v) Highway segments along or near U.S. 84
199 beginning at Eddiceton and extending easterly to Auburn Road; then
200 beginning at Prentiss and extending easterly to Collins; then
201 beginning at Waynesboro and extending easterly to the Alabama
202 state line.

203 * * *

204 (4) (a) The Mississippi Department of Transportation shall
205 construct and reconstruct four-lane highways, that is, not less
206 than two (2) lanes for traffic flowing in each direction along the
207 following routes:



208 (i) A highway segment along or near Mississippi 15
209 beginning at I-10 and extending northerly to the
210 Mississippi/Tennessee state line.

211 (ii) A highway segment along or near Mississippi 6
212 beginning at or near U.S. 61 and extending easterly to or near
213 I-55 at or near Batesville.

214 (iii) A highway segment along or near Mississippi
215 6 beginning at or near Mississippi 9 and extending easterly to
216 U.S. 45.

217 (b) Contracts for the segments described in this
218 subsection shall be let by the Transportation Commission as soon
219 as it is possible to do so.

220 (c) In the construction and reconstruction of the
221 four-lane highway segments designated in this subsection, the
222 Mississippi Department of Transportation may utilize the roadway
223 of any existing highway under its jurisdiction and control and
224 shall do so when such utilization is feasible, provided that such
225 highways which are utilized shall be constructed to current
226 standards for such roadways. When it is not feasible to utilize
227 existing designated highways, the Transportation Department shall
228 relocate such highways and construct entirely new facilities
229 whether in urban or rural areas.

230 (5) (a) The Transportation Commission shall construct,
231 upgrade or improve the segments described in paragraphs (f), (g)
232 and (h) of this subsection, the projects described in Section
233 65-39-1 and other highway construction under its jurisdiction, in
234 accordance with a priority schedule based upon a needs analysis
235 performed by the Mississippi Department of Transportation. The
236 priority schedule shall be reviewed annually by the Department of
237 Transportation to determine if the priority schedule is in need of
238 revision. The analytic methods and procedures utilized by the
239 Mississippi Department of Transportation to perform the needs
240 analysis shall conform to current standards and practices of the



241 transportation sciences and industry as promulgated in appropriate
242 documentation of the United States Department of Transportation,
243 the Transportation Research Board, the American Association of
244 Highway and Transportation Officials, and other recognized and
245 relevant bodies. Such conforming methodologies shall be applied
246 utilizing considerations appropriate to the specific situation and
247 may include capacity analysis, traffic counting, traffic
248 projection, cost estimation, benefit-cost analysis, user cost
249 analysis, land use projections and similar analyses and
250 projections, so that all analyses are completed with the best
251 tools available at the time of the analysis. The Transportation
252 Commission shall establish and publish standards for setting the
253 priorities and in so doing may consider other factors, not in
254 violation of federal law, as the Transportation Commission may
255 consider relevant, including, but not limited to, economic
256 development and safety. The first determinant for construction of
257 highway segments shall be the year of need. "Year of need" for
258 purposes of this section is the year in which the level of service
259 on a segment is projected to deteriorate to an unacceptable level.
260 For segments with the same year of need, prioritization shall be
261 based on the volume to capacity ratio and the daily traffic
262 volume. In the event that the Transportation Commission deviates
263 from the recommended priorities presented through the needs
264 analysis, the commission shall spread the specific reasons for the
265 deviation on its minutes. The priority schedule shall reflect
266 immediate needs which shall be construction, upgrades and
267 improvements to the state highway system needed over a five-year
268 period based upon the criteria established in this paragraph which
269 shall be reviewed annually by the Mississippi Department of
270 Transportation. The priority schedule shall project mid-range
271 needs which shall include highway corridors that are projected to
272 reach an unacceptable level of service within ten (10) years after
273 each annual review of the priority schedule. The priority



274 schedule shall project long-range needs which shall include
275 highway corridors that are projected to reach an unacceptable
276 level of service ten (10) years or more after each annual review
277 of the priority schedule.

278 (b) On or before October 1, 2005, and on or before
279 October 1 of each year thereafter, the Transportation Commission
280 shall present to the Highways and Transportation Committee of the
281 Senate and the Transportation Committee of the House of
282 Representatives the schedule of priorities developed as provided
283 for in paragraph (a) of this subsection reflecting the proposed
284 schedule of construction for segments. The proposed schedule
285 shall be followed until later modified based on the criteria
286 established in paragraph (a) of this subsection.

287 (c) The Transportation Commission shall begin letting
288 projects based upon the prioritized schedule of need not later
289 than January 1, 2006; however, the commission shall have the
290 flexibility to adjust the sequencing of projects as may be
291 required in order to maximize the utilization of available funding
292 or to accommodate the relative requirement of each individual
293 project.

294 (d) Funds deposited into the special funds created in
295 Section 65-39-3 or 65-39-17 may only be expended as provided for
296 in Sections 65-39-1 through 65-39-37; however, funds otherwise
297 generated may be expended on segments included in Section 65-39-1
298 that are in the prioritized schedule established pursuant to this
299 subsection, as well as other projects included in such schedule.

300 (e) For fiscal year 2006 and each fiscal year
301 thereafter, the Transportation Commission shall dedicate not less
302 than Two Hundred Million Dollars (\$200,000,000.00) in state and/or
303 federal funds to fund the program established by this subsection.

304 (f) The Transportation Commission and the Mississippi
305 Department of Transportation shall, in addition to all other
306 projects, consider the following as immediate needs when



307 establishing the initial priority schedule pursuant to paragraph
308 (a) of this section:

309 (i) An Interstate highway segment along or near
310 I-55 beginning at or near Hernando and extending northerly to the
311 Tennessee state line.

312 (ii) A highway segment along or near Mississippi
313 304 beginning at or near U.S. 61 and extending easterly to or near
314 I-55.

315 (iii) A highway segment along or near U.S. 82
316 beginning at the east end of the proposed Greenville River Bridge
317 and extending northeasterly to or near Stoneville.

318 (iv) A highway segment along or near Mississippi
319 25 beginning at or near U.S. 45 and extending northerly to or near
320 Mississippi 23 and the portion of such segment that is described
321 in Section 65-3-137 shall be constructed in compliance with such
322 section.

323 (v) A highway segment along or near Mississippi
324 278 beginning at or near Amory and extending westerly to U.S. 45.

325 (vi) A highway segment along or near Mississippi
326 41 beginning at U.S. 45 and extending westerly to or near Okolona.

327 (vii) A highway segment along or near Mississippi
328 9 beginning at Mississippi 6 north of Pontotoc and extending
329 northerly to U.S. 78.

330 (viii) A highway segment along or near Mississippi
331 25 beginning at or near the Itawamba county line and extending
332 northerly to or near U.S. 72.

333 (ix) A highway segment along or near Mississippi
334 35 beginning at the end of the existing four-lane at Forest and
335 extending northerly to or near Hillsboro.

336 (x) A highway segment along or near Mississippi 35
337 beginning at or near Mississippi 487 and extending northerly to or
338 near Mississippi 25.



- 339 (xi) A highway segment along or near Mississippi
340 16 beginning at or near I-55 and extending easterly to or near
341 Philadelphia.
- 342 (xii) An Interstate highway segment along or near
343 I-20 beginning at the Mississippi River Bridge and extending
344 easterly to or near U.S. 61 north.
- 345 (xiii) A highway segment consisting of two (2)
346 lanes of construction and two (2) lanes of right-of-way
347 acquisition beginning at the Port of Vicksburg and extending
348 easterly to or near U.S. 61.
- 349 (xiv) An Interstate highway segment along or near
350 I-20 beginning at or near the Clinton Raymond Road Interchange and
351 extending easterly to or near the Mississippi 18 Interchange.
- 352 (xv) An Interstate highway segment along or near
353 I-20 beginning at or near I-55 south and extending easterly to or
354 near I-55 north.
- 355 (xvi) An Interstate highway segment along or near
356 I-55 beginning at or near I-20 and extending northerly to or near
357 the High Street Interchange.
- 358 (xvii) An Interstate highway segment along or near
359 I-55 beginning at or near the Elton Road Interchange and extending
360 northerly to or near I-20.
- 361 (xviii) An Interstate highway segment along or
362 near I-59 beginning at or near U.S. 98 and extending northerly to
363 or near U.S. 49.
- 364 (xix) A highway segment along or near Mississippi
365 43 beginning at or near the Hancock county line and extending
366 westerly to or near I-59.
- 367 (xx) An Interstate highway segment along or near
368 Canal Road (Mississippi 601) beginning at or near U.S. 90 and
369 extending northerly to or near I-10.
- 370 (xxi) An Interstate highway segment consisting of
371 four (4) lanes along or near U.S. 49 beginning at or near I-10 and



372 extending northerly to or near Lyman; then beginning at or near
373 I-59 and extending westerly to or near U.S. 49; then beginning at
374 or near I-59 and extending northwesterly to U.S. 49; then
375 beginning at or near Florence and extending northerly to or near
376 I-20.

377 (xxii) A highway segment at or near U.S. 49
378 beginning along or near Lyman and extending northerly to I-20 with
379 geometric type improvements along the entire corridor at or near
380 the One Hundred Million Dollar (\$100,000,000.00) estimate.

381 (xxiii) An Interstate highway along or near
382 I-20/59 beginning at or near the merge of I-20 and I-59 and
383 extending easterly to or near Mississippi 39.

384 (xxiv) A highway segment along or near Mississippi
385 67 beginning at or near I-10 and extending northwesterly to or
386 near U.S. 49.

387 (xxv) A highway segment along or near Mississippi
388 605 beginning at or near I-10 and extending northerly to or near
389 Mississippi 67.

390 (xxvi) A highway segment along or near Mississippi
391 43 beginning at the end of the existing four-lane and extending
392 northerly to or near Kiln.

393 (xxvii) A highway segment along or near
394 Mississippi 24/Mississippi 48 beginning at or near Mississippi 33
395 south and extending easterly to or near Mississippi 33 north.

396 (xxviii) A highway segment along or near
397 Mississippi 24/Mississippi 48 beginning at or near Mississippi 569
398 and extending easterly to or near I-55.

399 (xxix) A highway segment along or near Mississippi
400 27 beginning at or near I-55 and extending northerly to or near
401 I-20.

402 (xxx) A highway segment along or near Mississippi
403 57 beginning at or near I-10 and extending northerly to or near
404 Vancleave.



405 (xxxi) A highway segment along or near Mississippi
406 19 beginning at or near Collinsville and extending northerly to or
407 near Philadelphia.

408 (xxxii) A highway segment along or near
409 Mississippi 12 beginning at or near I-55 and extending to or near
410 U.S. 51.

411 (xxxiii) A highway segment along or near
412 Mississippi 18 beginning at or near Mississippi 27 and extending
413 northerly to or near the end of the four-lane at or near Raymond.

414 (xxxiv) A highway segment along or near
415 Mississippi 28 beginning at or near Fayette and extending easterly
416 to I-55.

417 (g) The Transportation Commission and the Mississippi
418 Department of Transportation shall, in addition to all other
419 projects, consider the following as mid-range needs when
420 establishing the initial priority schedule pursuant to paragraph
421 (a) of this section:

422 (i) A highway segment along or near U.S. 49
423 beginning at U.S. 61 and extending northwesterly to the Arkansas
424 state line.

425 (ii) A highway segment along or near Mississippi 8
426 beginning at or near Rosedale and extending easterly to or near
427 Ruleville.

428 (iii) A highway segment along or near Mississippi
429 25 beginning at the end of the existing four-lane and extending
430 northerly to or near the Tishomingo county line.

431 (iv) A highway segment along or near Mississippi
432 25 beginning at or near Mississippi 23 and extending northerly to
433 or near U.S. 78.

434 (v) A highway segment along or near Kosciusko and
435 extending northeasterly to or near Ethel; then beginning at or
436 near Weir and extending northeasterly to or near Mississippi 15;



437 then beginning at or near Longview and extending northeasterly to
438 or near Starkville.

439 (vi) A highway segment along or near Mississippi
440 35 beginning at or near Hillsboro and extending northerly to or
441 near Mississippi 487.

442 (vii) A highway segment along or near Mississippi
443 35 beginning at or near Mississippi 25 and extending northerly to
444 or near Mississippi 12 in Kosciusko.

445 (viii) A highway segment along or near Mississippi
446 16 beginning at or near Mississippi 25 and extending easterly to
447 or near BIA 22.

448 (ix) A highway segment along or near Mississippi
449 22 beginning at or near Edwards and extending northeasterly to or
450 near Canton.

451 (x) An Interstate highway segment along or near
452 I-55 beginning at or near I-220 and extending northerly to or near
453 Canton.

454 (xi) An Interstate highway segment along or near
455 I-20 beginning at or near U.S. 61 north and extending easterly to
456 or near the Flowers Interchange.

457 (xii) An Interstate highway segment along or near
458 I-20 beginning at or near the Mississippi 18 Interchange and
459 extending easterly to or near I-55 south.

460 (xiii) An Interstate highway segment along or near
461 I-20 beginning at or near I-55 north and extending easterly to or
462 near U.S. 49.

463 (xiv) A highway segment along or near Mississippi
464 43 beginning at or near Kiln and extending northwesterly to or
465 near Flat Top Road.

466 (xv) A highway segment along or near U.S. 98
467 beginning at or near U.S. 84 at or near Meadville and extending
468 easterly to or near I-55.



469 (xvi) A highway segment along or near Mississippi
470 24/Mississippi 48 beginning at or near Woodville and extending
471 easterly to or near Mississippi 33 south.

472 (xvii) A highway segment along or near Mississippi
473 24/Mississippi 48 beginning at or near Mississippi 33 north and
474 extending easterly to or near Mississippi 569.

475 (xviii) A highway segment along or near
476 Mississippi 12 beginning at or near U.S. 51 and extending to or
477 near Kosciusko.

478 (xix) A highway segment beginning at or near Ethel
479 and extending northeasterly to or near Weir; then beginning at or
480 near Mississippi 15 and extending northeasterly to Longview.

481 (h) The Transportation Commission and the Mississippi
482 Department of Transportation shall, in addition to all other
483 projects, consider the following as long-range needs when
484 establishing the initial priority schedule pursuant to paragraph
485 (a) of this section:

486 (i) A highway segment along or near Mississippi 19
487 beginning at or near Mississippi 15 and extending northwesterly to
488 or near Kosciusko.

489 (ii) An Interstate highway segment along or near
490 I-55 beginning at or near Senatobia and extending northerly to
491 Hernando.

492 (iii) An Interstate highway segment along or near
493 I-20 beginning at or near the Flowers Interchange and extending
494 easterly to or near Clinton Raymond Road Interchange.

495 (iv) An Interstate highway segment along or near
496 I-20 beginning at or near the Brandon Crossgates Interchange and
497 extending easterly to or near the Pelahatchie Mississippi 43
498 Interchange.

499 (v) An Interstate highway segment along or near
500 I-55 beginning at or near the High Street Interchange and
501 extending northerly to or near Mississippi 25.



502 (vi) An Interstate highway segment along or near
503 I-55 beginning at or near Terry and extending northerly to or near
504 the Elton Road Interchange.

505 (vii) An Interstate highway along or near I-20
506 beginning at or near Chunky and extending easterly to or near
507 I-59.

508 (viii) An Interstate highway along or near I-20/59
509 beginning at or near Mississippi 39 and extending easterly to or
510 near Toomsuba.

511 (ix) A highway segment along or near Mississippi
512 43 beginning at or near Flat Top Road and extending westerly to or
513 near the Pearl River county line.

514 (x) A highway segment along or near Mississippi 16
515 beginning at or near I-55 and extending to or near U.S. 49.

516 (xi) A highway segment along or near Mississippi
517 35 beginning at the Louisiana state line and extending northerly
518 to or near U.S. 98 at or near Foxworth.

519 (xii) A highway segment along or near U.S. 61
520 beginning at or near Redwood and extending northerly to or near
521 U.S. 82 at or near Greenville.

522 (xiii) A highway segment along or near Mississippi
523 4 beginning at or near U.S. 61 and extending easterly to or near
524 I-55 at or near Senatobia.

525 (xiv) A roadway segment along or near Lakeshore
526 Road beginning at or near U.S. 90 and extending northerly to or
527 near South Beach Boulevard.

528 (xv) A highway segment beginning at or near
529 Ellisville and extending northerly to or near the northern city
530 limits of Laurel.

531 (xvi) An Interstate highway segment along or near
532 I-110 beginning at or near U.S. 90 and extending northerly to or
533 near I-10.



534 (6) The commission shall, in addition to other projects,
535 consider the following highway segments for improvements and
536 highway modifications, including, but not limited to,
537 straightening and realignment of the existing roadway, the
538 addition of passing lanes and the widening of existing lanes, the
539 addition of turn lanes and improvement of shoulders:

540 (a) Mississippi 3 from U.S. 61 to U.S. 49 West.

541 (b) Mississippi 7 from Mississippi 9 West to I-55.

542 (c) Mississippi 7 from U.S. 82 to I-55.

543 (d) Mississippi 8 from U.S. 49 West to I-55.

544 (e) Mississippi 9 from Mississippi 7 to U.S. Highway
545 82.

546 (f) Mississippi 9 from Mississippi 6 to U.S. 78.

547 (g) Mississippi 12 from U.S. 61 to I-55.

548 (h) Mississippi 12 from U.S. 82 to the

549 Mississippi/Alabama state line.

550 (i) Mississippi 12 from the city limits of Ackerman to
551 the city limits of Sturgis.

552 (j) Mississippi 12 from U.S. 49 West to U.S. 61.

553 (k) Mississippi 15 from I-10 to U.S. 98.

554 (l) Mississippi 15 from Mississippi 18 to I-20.

555 (m) Mississippi 18 from U.S. 61 to the city limits of
556 Utica.

557 (n) Mississippi 18 from U.S. 45 to U.S. 80.

558 (o) Mississippi 24 from Mississippi 33 to Mississippi

559 48.

560 (p) Mississippi 28 from Mississippi 33 to I-55.

561 (q) Mississippi 28 from U.S. 51 to U.S. 49.

562 (r) Mississippi 28 from U.S. 84 to U.S. 49.

563 (s) Mississippi 33 from U.S. 61 to the

564 Mississippi/Louisiana state line.

565 (t) Mississippi 35 from U.S. 49 to I-20.

566 (u) Mississippi 42 from U.S. 84 to U.S. 49.



567 (v) Mississippi 48 from Mississippi 35 to U.S. 51.
568 (w) Mississippi 469 from U.S. 49 to Mississippi 28.
569 (x) Mississippi 469 from U.S. 49 to Mississippi 468.
570 (y) Mississippi 550 from Mississippi 28 to I-55.
571 (z) Old U.S. 45 beginning in the City of Meridian at or
572 near the old Coca-Cola Company and extending northerly
573 approximately two (2) miles to just beyond the Town of Marion.

574 (7) The Mississippi Transportation Commission shall conduct
575 a feasibility study and prepare a conceptual design for a
576 thoroughfare that encircles the City of Hattiesburg.

577 (8) The construction priorities established in this section
578 shall not be construed as prohibiting the completion of highway
579 segments which, on July 1, 1987, are included in the current
580 three-year plan under Section 65-1-141, and for which, on July 1,
581 1987, grade and drainage has been completed or contracts for grade
582 and drainage have been let. Nothing shall preclude the
583 construction of fully controlled access highways.

584 (9) Contracts may be let and construction may commence and
585 be performed concurrently on any of the highway segments
586 designated in subsections (3), (4) and (5) of this section,
587 notwithstanding the priorities established for the letting of
588 contracts on the various segments designated therein, provided
589 that funds are available and, provided that, at all times, the
590 percentages of all contracts required to be let on the segments
591 designated in subsection (3) * * * of this section are, in fact,
592 let no later than the dates established therein.

593 (10) (a) All highway construction and reconstruction
594 authorized under this section shall be performed by contract let
595 on competitive bid in the manner provided by statute; however,
596 highway segments shall be constructed in lengths of not less than
597 ten (10) miles.

598 (b) It is the intent of the Legislature that not less
599 than ten percent (10%) of the amounts authorized to be expended



600 for construction and reconstruction of the four-lane highway
601 segments designated in this section shall be expended with small
602 business concerns owned and controlled by socially and
603 economically disadvantaged individuals. The term "socially and
604 economically disadvantaged individuals" shall have the meaning
605 ascribed to such term under Section 8(d) of the Small Business Act
606 (15 USCS, Section 637(d)) and relevant subcontracting regulations
607 promulgated pursuant thereto; except that women shall be presumed
608 to be socially and economically disadvantaged individuals for the
609 purposes of this paragraph (b).

610 (11) (a) Notwithstanding the provisions of subsection
611 (10)(a) of this section, the Mississippi Transportation Commission
612 may construct highway segments of less than ten (10) miles in
613 length if:

614 (i) The segment as described in subsection (3) and
615 (4) of this section or the schedule of priorities established in
616 subsection (5) of this section is less than ten (10) miles in
617 length;

618 (ii) The segment will connect two (2) existing
619 four-lane highways;

620 (iii) The segment will connect an existing
621 four-lane highway with an incorporated municipality;

622 (iv) The segment will connect an existing
623 four-lane highway with a river, the state boundary or any other
624 natural or man-made barrier;

625 (v) For a particular project, the costs of
626 constructing a single segment of at least ten (10) miles in length
627 would greatly exceed the aggregate costs of constructing two (2)
628 or more segments; or

629 (vi) The segment is in an urban area and involves
630 the completion of bypasses or other construction which will
631 facilitate and accommodate major traffic movement.



632 (b) In any case in which the Transportation Commission
633 authorizes the construction of a highway segment of less than ten
634 (10) miles in length, the commission shall set forth and record in
635 its official minutes explanation and justification therefor based
636 upon one or more of the conditions prescribed in paragraph * * *
637 (a) of this subsection.

638 (12) (a) To assist in defraying the costs and expenses for
639 construction, reconstruction and relocation of the four-lane
640 highway system described in this section, the following revenues
641 shall be paid out of such funds made available to the
642 Transportation Commission and the Mississippi Department of
643 Transportation:

644 (i) From matched federal funds or other federal
645 funds, Thirty-two Million Dollars (\$32,000,000.00) for fiscal year
646 1988, Twenty-five Million Dollars (\$25,000,000.00) for fiscal year
647 1989, Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990
648 and fifty percent (50%) of such federal funds for fiscal year 1991
649 and each fiscal year thereafter; and

650 (ii) Five Million Dollars (\$5,000,000.00) from
651 matched federal bridge replacement funds for fiscal year 1988 and
652 each fiscal year thereafter when the segments proposed for
653 construction contain bridges that are eligible for replacement
654 under the Federal Aid Bridge Replacement Program.

655 (b) Federal funds in addition to the federal funds
656 specified in paragraph (a) of this subsection may be used for the
657 construction, reconstruction and relocation of the four-lane
658 highway system described in this section. Such federal funds may
659 be utilized in lieu of state funding that would otherwise be
660 utilized for such system; provided, however, that the annual total
661 amount of funding for the construction, reconstruction and
662 relocation of the highway system described in this section shall
663 not be less than it would have otherwise been without the
664 utilization of such additional federal funds.



665 (13) The Transportation Department shall submit a report to
666 the Legislature by January 10 of each calendar year setting forth
667 the current status of the construction program set forth in this
668 section to include, but not be limited to, the following
669 information:

670 (a) Specific segments on which engineering is being
671 performed or has been completed;

672 (b) Specific segments for which right-of-way has been
673 acquired or is being acquired;

674 (c) Specific segments for which construction contracts
675 have been let;

676 (d) Specific segments on which construction is in
677 progress;

678 (e) Specific segments on which construction has been
679 completed;

680 (f) Projections for completion of the next step on each
681 segment;

682 (g) Revenue derived for such construction program from
683 each revenue source contained in Chapter 322, Laws, 1987, and in
684 Chapter 557, Laws, 1994;

685 (h) For each fiscal year beginning in 1994, a detailed
686 cash flow projection by source of program activities and an
687 estimate of when the program will encounter a funding shortage due
688 to costs exceeding original projections;

689 (i) A schedule of all complete and open-to-traffic
690 highway segments and the related total cost of each segment;

691 (j) A schedule of all highway segments on which all
692 contracts necessary for completion of the segments were not let as
693 of the date required by law;

694 (k) A complete recap of all program receipts by source,
695 and of all disbursements for the prior fiscal year and cumulative
696 totals since the inception of the program as compared to
697 projections; and



698 (1) A statement from the Department of Transportation
699 regarding the status of the funding of the program based on agency
700 cost experience and projections for the future.

701 The report shall be deemed submitted when ten (10) copies are
702 submitted to the Clerk of the House of Representatives and ten
703 (10) copies are submitted to the Secretary of the Senate.

704 **SECTION 2.** Section 75-76-129, Mississippi Code of 1972, is
705 amended as follows:

706 **[Through June 30, 2022, this section shall read as follows:]**

707 75-76-129. On or before the last day of each month all
708 taxes, fees, interest, penalties, damages, fines or other monies
709 collected by the State Tax Commission during that month under the
710 provisions of this chapter, with the exception of (a) the local
711 government fees imposed under Section 75-76-195, and (b) an amount
712 equal to Three Million Dollars (\$3,000,000.00) of the revenue
713 collected pursuant to the fee imposed under Section
714 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
715 of the revenue collected pursuant to the fee imposed under Section
716 75-76-177(1)(c), whichever is the greater amount, shall be paid by
717 the State Tax Commission to the State Treasurer to be deposited in
718 the State General Fund. The local government fees shall be
719 distributed by the State Tax Commission pursuant to Section
720 75-76-197. An amount equal to Three Million Dollars
721 (\$3,000,000.00) of the revenue collected during that month
722 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
723 deposited by the State Tax Commission into the bond sinking fund
724 created in Section 65-39-3. The revenue collected during that
725 month pursuant to the fee imposed under Section 75-76-177(1)(c)
726 that is in excess of Three Million Dollars (\$3,000,000.00), but is
727 less than twenty-five percent (25%) of the amount of revenue
728 collected during that month, shall be deposited into the State
729 Highway Fund to be used exclusively for the reconstruction and
730 maintenance of highways of the State of Mississippi.



731 **[From and after July 1, 2022, this section shall read as**
732 **follows:]**

733 75-76-129. On or before the last day of each month, all
734 taxes, fees, interest, penalties, damages, fines or other monies
735 collected by the State Tax Commission during that month under the
736 provisions of this chapter, with the exception of the local
737 government fees imposed under Section 75-76-195, shall be paid by
738 the State Tax Commission to the State Treasurer to be deposited in
739 the State General Fund. The local government fees shall be
740 distributed by the State Tax Commission pursuant to Section
741 75-76-197.

742 **SECTION 3.** Section 65-39-1, Mississippi Code of 1972, is
743 amended as follows:

744 65-39-1. (1) The Mississippi Transportation Commission is
745 authorized, subject to the availability of funds in the Gaming
746 Counties State-Assisted Infrastructure Fund created in Section
747 65-39-17, to conduct feasibility studies and, pursuant to
748 information gathered in such studies, select routes and locations,
749 perform preliminary engineering, acquire necessary right-of-way
750 and property, construct and/or reconstruct and improve existing or
751 new highways, roads, streets and bridges, including two-lane,
752 four-lane and multi-lane roads (or segments thereof), perform
753 intersection improvements, provide signal retiring, turnbay
754 extensions, additional interchanges and other traffic
755 modifications, within and approaching those counties in this state
756 where legal gaming is being conducted or is authorized. Any
757 highway, road, street or bridge that is authorized to be
758 constructed, reconstructed or improved shall meet design standards
759 established by the Mississippi Department of Transportation, shall
760 be constructed to bear a load limit of at least eighty thousand
761 (80,000) pounds and, upon completion, shall become a part of the
762 state highway system, and thereafter shall be under the
763 jurisdiction of the Mississippi Transportation Commission and the



764 Mississippi Department of Transportation for construction and
765 maintenance.

766 (2) The projects authorized in subsection (1) of this
767 section shall include, but shall not be limited to, highways,
768 roads, streets and bridges on and along the following locations:

769 (a) U.S. Highway 90 from its intersection with
770 Mississippi 607 in Hancock County to Ocean Springs, and including
771 Lakeshore Road in Hancock County from its intersection with U.S.
772 Highway 90 to Beach Boulevard;

773 (b) Mississippi 4 from U.S. Highway 61 to Mississippi
774 3;

775 (c) Mississippi 4 from Mississippi 3 to Senatobia;

776 (d) Lorraine/Cowan Road from U.S. Highway 90 to I-10;

777 (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in
778 Gulfport;

779 (f) Mississippi 304 beginning at the Tennessee state
780 line at or near U.S. 72 and thence running in a southwesterly
781 direction to intersect with U.S. 78 at or near Byhalia and thence
782 running in a westerly direction to intersect I-55 at or near
783 Hernando and thence running in a westerly direction to intersect
784 with U.S. 61 in DeSoto County, with a spur extending southwesterly
785 to or near Robinsonville in Tunica County;

786 (g) I-10 from Exit 28 to Exit 57;

787 (h) A new location from the northernmost point on I-110
788 to U.S. 49;

789 (i) U.S. Highway 61 from the Tunica County line to the
790 Tennessee state line;

791 (j) (i) Four-lanes for traffic along Mississippi 16
792 beginning at its intersection with Mississippi 25 and extending
793 easterly to join the existing four-lane on the west side of
794 Carthage within the corporate boundaries;



795 (ii) Passing lanes and turn lanes, as needed,
796 along Mississippi 16 beginning at a point on the east side of
797 Carthage within the corporate boundaries where the existing
798 four-lane ends and extending easterly to the Leake/Neshoba county
799 line; and

800 (iii) Four-lanes for traffic along Mississippi 16
801 beginning at the Leake/Neshoba county line and extending easterly
802 to not more than ten (10) miles east of Mississippi 15;

803 (k) Lorraine/Cowan Road Extension from I-10 North to
804 relocated/reconstructed Mississippi 67;

805 (l) At various locations on and along U.S. Highway 82
806 and Mississippi 1 in the City of Greenville;

807 (m) At various locations on and along I-20, U.S.
808 Highway 61 and U.S. Highway 80 in the City of Vicksburg, including
809 a truck route from Harbor Industrial Park to U.S. Highway 61 north
810 and an extension of South Frontage Road with railroad bridge to
811 Interstate Highway 20;

812 (n) At various locations on and along U.S. Highway 61,
813 U.S. Highway 65 and Washington Street in the City of Natchez;

814 (o) At various locations on and along U.S. Highway 90
815 in the City of Pass Christian;

816 (p) Mississippi 43/603 beginning where the existing
817 four-lane ends north of I-10 and extending northerly to a point
818 approximately one (1) mile north of Kiln where Mississippi 43/603
819 divides into Mississippi 43 and Mississippi 603;

820 (q) Mississippi 43 beginning where Mississippi 43 and
821 Mississippi 603 divide and extending northwesterly to or near
822 Picayune;

823 (r) U.S. 49 from U.S. 61 west to the Mississippi River
824 bridge;

825 (s) Subject to the conditions prescribed in subsection
826 (3) of this section, a central Harrison County connector from I-10



827 to U.S. 90 in the vicinity of Canal Road to the Mississippi State
828 Port at Gulfport; and

829 (t) An east Harrison County connector from U.S. 90 to
830 I-10 to be located between the Cowan-Lorraine Road interchange and
831 the I-110 interchange.

832 (3) Authorization for the project described in paragraph
833 (2)(s) of this section is conditioned upon receipt by the
834 Mississippi Transportation Commission of a written commitment by
835 the Mississippi Development Authority to make available for such
836 project not less than Six Million Dollars (\$6,000,000.00).

837 (4) * * * If a project authorized in this section is also
838 included in the four-lane highway program under Section
839 65-3-97(3), then all contracts necessary to be let for the
840 completion of the project under this section shall be let not
841 later than the priorities established for the letting of contracts
842 for the project under Section 65-3-97(3). Prioritization of
843 construction for all other projects authorized in this section
844 shall be conducted as provided for in Section 65-3-97(4).

845 (5) (a) Funds for the projects authorized under this
846 section may be provided through the issuance of bonds under
847 Sections 65-39-5 through 65-39-33, through the issuance of notes
848 for such purposes under Section 31-17-127 or from such monies as
849 may be available in the Gaming Counties State-Assisted
850 Infrastructure Fund created under Section 65-39-17.

851 (b) In addition to the funds provided for under
852 paragraph (a) of this subsection, funds for the project described
853 in subsection (2)(s) of this section also may be provided from any
854 available federal, state, county or municipal funds authorized for
855 such project, including the Economic Development Highway Act.

856 **SECTION 4.** Section 27-5-101, Mississippi Code of 1972, is
857 amended as follows:

858 **[With regard to any county which is exempt from the**
859 **provisions of Section 19-2-3, this section shall read as follows:]**



860 27-5-101. Unless otherwise provided in this section, on or
861 before the fifteenth day of each month, all gasoline, diesel fuel
862 or kerosene taxes which are levied under the laws of this state
863 and collected during the previous month shall be paid and
864 apportioned by the State Tax Commission as follows:

865 (a) (i) Except as otherwise provided in Section
866 31-17-127, from the gross amount of gasoline, diesel fuel or
867 kerosene taxes produced by the state, there shall be deducted an
868 amount equal to one-sixth (1/6) of principal and interest
869 certified by the State Treasurer to the State Tax Commission to be
870 due on the next semiannual bond and interest payment date, as
871 required under the provisions of Chapter 130, Laws of 1938, and
872 subsequent acts authorizing the issuance of bonds payable from
873 gasoline, diesel fuel or kerosene tax revenue on a parity with the
874 bonds issued under authority of said Chapter 130. The State
875 Treasurer shall certify to the State Tax Commission on or before
876 the fifteenth day of each month the amount to be paid to the
877 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
878 of 1938, and subsequent acts authorizing the issuance of bonds
879 payable from gasoline, diesel fuel or kerosene tax revenue, on a
880 parity with the bonds issued under authority of said Chapter 130;
881 and the State Tax Commission shall, on or before the twenty-fifth
882 day of each month, pay into the State Treasury for credit to the
883 "Highway Bonds Sinking Fund" the amount so certified to him by the
884 State Treasurer due to be paid into such fund each month. The
885 payments to the "Highway Bonds Sinking Fund" shall be made out of
886 gross gasoline, diesel fuel or kerosene tax collections before
887 deductions of any nature are considered; however, such payments
888 shall be deducted from the allocation to the Mississippi
889 Department of Transportation under paragraph (c) of this section.

890 (ii) From collections derived from the portion of
891 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
892 from the portion of the tax on aviation gas under Section 27-55-11



893 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
894 portion of the special fuel tax levied under Sections 27-55-519
895 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
896 Cents (10¢) per gallon, from the portion of the taxes levied under
897 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
898 gallon that exceeds One Cent (1¢) per gallon on special fuel and
899 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
900 as aircraft fuel, from the portion of the excise tax on compressed
901 gas used as a motor fuel that exceeds the rate of tax in effect on
902 June 30, 1987, and from the portion of the gasoline excise tax in
903 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
904 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
905 shall be deducted:

906 1. An amount as provided in Section
907 27-65-75(4) to the credit of a special fund designated as the
908 "Office of State Aid Road Construction."

909 2. An amount equal to the tax collections
910 derived from Two Cents (2¢) per gallon of the gasoline excise tax
911 for distribution to the State Highway Fund to be used exclusively
912 for the construction, reconstruction and maintenance of highways
913 of the State of Mississippi or the payment of interest and
914 principal on bonds when specifically authorized by the Legislature
915 for that purpose.

916 3. The balance shall be deposited in the
917 State Treasury to the credit of the State Highway Fund.

918 (b) Subject to the provisions that said basis of
919 distribution shall in nowise affect adversely the amount
920 specifically pledged in paragraph (a) of this section to be paid
921 into the "Highway Bonds Sinking Fund," the following shall be
922 deducted from the amount produced by the state tax on gasoline,
923 diesel fuel or kerosene tax collections, excluding collections
924 derived from the portion of the gasoline excise tax that exceeds
925 Seven Cents (7¢) per gallon, from the portion of the tax on



926 aviation gas under Section 27-55-11 that exceeds Six and
927 Four-tenths Cents (6.4¢) per gallon, from the portion of the
928 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
929 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
930 gallon, from the portion of the taxes levied under Section
931 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
932 exceeds One Cent (1¢) per gallon on special fuel and Five and
933 One-fourth Cents (5.25¢) per gallon on special fuel used as
934 aircraft fuel, from the portion of the excise tax on compressed
935 gas used as a motor fuel that exceeds the rate of tax in effect on
936 June 30, 1987, and from the portion of the gasoline excise tax in
937 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
938 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

939 (i) Twenty percent (20%) of such amount which
940 shall be earmarked and set aside for the construction,
941 reconstruction and maintenance of the highways and roads of the
942 state, provided that if such twenty percent (20%) should reduce
943 any county to a lesser amount than that received in the fiscal
944 year ending June 30, 1966, then such twenty percent (20%) shall be
945 reduced to a percentage to provide that no county shall receive
946 less than its portion for the fiscal year ending June 30, 1966;

947 (ii) The amount allowed as refund on gasoline or
948 as tax credit on diesel fuel or kerosene used for agricultural,
949 maritime, industrial, domestic, and nonhighway purposes;

950 (iii) Five percent (5%) of such amount shall be
951 paid to the State Highway Fund;

952 (iv) The amount or portion thereof authorized by
953 legislative appropriation to the Fisheries and Wildlife Fund
954 created under Section 59-21-25;

955 (v) The amount for deposit into the special
956 aviation fund under paragraph (d) of this section; and

957 (vi) The remainder shall be divided on a basis of
958 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the



959 same basis as Four and One-half Cents (4-1/2¢) and Two and
960 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
961 six and forty-three one-hundredths (6.43) and three and
962 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
963 fuel or kerosene). The amount produced by the nine-fourteenths
964 (9/14) division shall be allocated to the Transportation
965 Department and paid into the State Treasury as provided in this
966 section and in Section 27-5-103 and the five-fourteenths (5/14)
967 division shall be returned to the counties of the state on the
968 following basis:

969 1. In each fiscal year, each county shall be
970 paid each month the same percentage of the monthly total to be
971 distributed as was paid to that county during the same month in
972 the fiscal year which ended April 9, 1960, until the county
973 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
974 fiscal year, at which time funds shall be distributed under the
975 provisions of paragraph (b) (vi)4 of this section.

976 2. If after payments in 1 above, any county
977 has not received a total of One Hundred Ninety Thousand Dollars
978 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
979 and each fiscal year thereafter, then any available funds not
980 distributed under 1 above shall be used to bring such county or
981 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
982 or such funds shall be divided equally among such counties not
983 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
984 there is not sufficient money to bring all the counties to said
985 One Hundred Ninety Thousand Dollars (\$190,000.00).

986 3. When a county has been paid an amount
987 equal to the total which was paid to the same county during the
988 fiscal year ended April 9, 1960, such county shall receive no
989 further payments during the then current fiscal year until the
990 last month of such current fiscal year, at which time distribution
991 will be made under 2 above, except as set out in 4 below.



992 4. During the last month of the current
993 fiscal year, should it be determined that there are funds
994 available in excess of the amount distributed for the year under 1
995 and 2 above, then such excess funds shall be distributed among the
996 various counties as follows:

997 One-third (1/3) of such excess to be
998 divided equally among the counties;

999 One-third (1/3) of such excess to be paid
1000 to the counties in the proportion which the population of each
1001 county bears to the total population of the state according to the
1002 last federal census;

1003 One-third (1/3) of such excess to be paid
1004 to the counties in the proportion which the number of square miles
1005 of each county bears to the total square miles in the state.

1006 5. It is the declared purpose and intent of
1007 the Legislature that no county shall be paid less than was paid
1008 during the year ended April 9, 1960, unless the amount to be
1009 distributed to all counties in any year is less than the amount
1010 distributed to all counties during the year ended April 9, 1960.

1011 The Municipal Aid Fund as established by Section 27-5-103
1012 shall not participate in any portion of any funds allocated to any
1013 county hereunder over and above One Hundred Ninety Thousand
1014 Dollars (\$190,000.00).

1015 In any county having countywide road or bridge bonds, or
1016 supervisors district or district road or bridge bonds outstanding,
1017 which exceed, in the aggregate, twelve percent (12%) of the
1018 assessed valuation of the taxable property of the county or
1019 district, it shall be the duty of the board of supervisors to set
1020 aside not less than sixty percent (60%) of such county's share or
1021 district's share of the gasoline, diesel fuel or kerosene taxes to
1022 be used in paying the principal and interest on such road or
1023 bridge bonds as they mature.



1024 In any county having such countywide road or bridge bonds or
1025 district road or bridge bonds outstanding which exceed, in the
1026 aggregate, eight percent (8%) of the assessed valuation of the
1027 taxable property of the county, but which do not exceed, in the
1028 aggregate, twelve percent (12%) of the assessed valuation of the
1029 taxable property of the county, it shall be the duty of the board
1030 of supervisors to set aside not less than thirty-five percent
1031 (35%) of such county's share of the gasoline, diesel fuel or
1032 kerosene taxes to be used in paying the principal and interest of
1033 such road or bridge bonds as they mature.

1034 In any county having such countywide road or bridge bonds or
1035 district road or bridge bonds outstanding which exceed, in the
1036 aggregate, five percent (5%) of the assessed valuation of the
1037 taxable property of the county, but which do not exceed, in the
1038 aggregate, eight percent (8%) of the assessed valuation of the
1039 taxable property of the county, it shall be the duty of the board
1040 of supervisors to set aside not less than twenty percent (20%) of
1041 such county's share of the gasoline, diesel fuel or kerosene taxes
1042 to be used in paying the principal and interest of such road and
1043 bridge bonds as they mature.

1044 In any county having such countywide road or bridge bonds or
1045 district road or bridge bonds outstanding which do not exceed, in
1046 the aggregate, five percent (5%) of the assessed valuation of the
1047 taxable property of the county, it shall be the duty of the board
1048 of supervisors to set aside not less than ten percent (10%) of
1049 such county's share of the gasoline, diesel fuel or kerosene taxes
1050 to be used in paying the principal and interest on such road or
1051 bridge bonds as they mature.

1052 The portion of any such county's share of the gasoline,
1053 diesel fuel or kerosene taxes thus set aside for the payment of
1054 the principal and interest of road or bridge bonds, as provided
1055 for in this section, shall be used first in paying the currently
1056 maturing installments of the principal and interest of such



1057 countywide road or bridge bonds, if there be any such countywide
1058 road or bridge bonds outstanding, and secondly, in paying the
1059 currently maturing installments of principal and interest of
1060 district road or bridge bonds outstanding. It shall be the duty
1061 of the board of supervisors to pay bonds and interest maturing in
1062 each supervisors district out of the supervisors district's share
1063 of the gasoline, diesel fuel or kerosene taxes of such district.

1064 The remaining portion of such county's share of the gasoline,
1065 diesel fuel or kerosene taxes, after setting aside the portion
1066 above provided for the payment of the principal and interest of
1067 bonds, shall be used in the construction and maintenance of any
1068 public highways, bridges, or culverts of the county, including the
1069 roads in special or separate road districts, in the discretion of
1070 the board of supervisors, or in paying the interest and principal
1071 of county road and bridge bonds or district road and bridge bonds,
1072 in the discretion of the board of supervisors.

1073 In any county having no countywide road or bridge bonds or
1074 district road or bridge bonds outstanding, all such county's share
1075 of the gasoline, diesel fuel or kerosene taxes shall be used in
1076 the construction, reconstruction, and maintenance of the public
1077 highways, bridges, or culverts of the county as the board of
1078 supervisors may determine.

1079 In every county in which there are county road bonds or
1080 seawall or road protection bonds outstanding which were issued for
1081 the purpose of building bridges or constructing public roads or
1082 seawalls, such funds shall be used in the manner provided by law.

1083 (c) From the amount produced by the nine-fourteenths
1084 (9/14) division allocated to the Transportation Department, there
1085 shall be deducted:

1086 (i) The amount paid to the State Treasurer for the
1087 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

1088 (ii) Any amounts due counties in accordance with
1089 Section 65-33-45 which have outstanding bonds issued for seawall



1090 or road protection purposes, issued under provisions of Chapter
1091 319, Laws of 1924, and amendments thereto;

1092 (iii) Beginning August 15, 2002, and on or before
1093 the fifteenth day of each month thereafter, an amount equal to
1094 one-sixth (1/6) of the principal and interest certified by the
1095 State Treasurer to the State Tax Commission to be due on the next
1096 semiannual bond and interest payment date for the bonds issued
1097 under Sections 65-39-5 through 65-39-33. On or before the
1098 twenty-fifth day of each month the State Tax Commission shall pay
1099 into the State Treasury for credit to the Gaming Counties Bond
1100 Sinking Fund created in Section 65-39-3, the amount so certified
1101 by the State Treasurer;

1102 (iv) Except as otherwise provided in Section
1103 31-17-127, the remainder shall be paid by the State Tax Commission
1104 to the State Treasurer on the fifteenth day of each month next
1105 succeeding the month in which the gasoline, diesel fuel or
1106 kerosene taxes were collected to the credit of the State Highway
1107 Fund.

1108 The funds allocated for the construction, reconstruction, and
1109 improvement of state highways, bridges, and culverts, or so much
1110 thereof as may be necessary, shall first be used in conjunction
1111 with funds supplied by the federal government for such purposes
1112 and allocated to the State Transportation Department to be
1113 expended on the state highway system. It is specifically provided
1114 hereby that the necessary portion of such funds hereinabove
1115 allocated to the State Transportation Department may be used for
1116 the prompt payment of principal and interest on highway bonds
1117 heretofore issued, including such bonds issued or to be issued
1118 under the provisions of Chapter 312, Laws of 1956, and amendments
1119 thereto.

1120 Nothing contained in this section shall be construed to
1121 reduce the amount of such gasoline, diesel fuel or kerosene excise
1122 taxes levied by the state, allotted under the provisions of Title



1123 65, Chapter 33, Mississippi Code of 1972, to counties in which
1124 there are outstanding bonds issued for seawall or road protection
1125 purposes issued under the provisions of Chapter 319, Laws of 1924,
1126 and amendments thereto; the amount of said gasoline, diesel fuel
1127 or kerosene excise taxes designated in this section for the
1128 payment of bonds and interest authorized and issued or to be
1129 issued under the provisions of Chapter 130, Laws of 1938, and
1130 subsequent acts authorizing the issuance of bonds payable from
1131 gasoline, diesel fuel or kerosene tax revenue, shall, in such
1132 counties, be considered as being paid "into the State Treasury to
1133 the credit of the State Highway Fund" within the meaning of
1134 Section 65-33-45 in computing the amount to be paid to such
1135 counties under the provisions of said section, and this section
1136 shall be administered in connection with Title 65, Chapter 33,
1137 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
1138 65-33-49 dealing with seawalls, as if made a part of this section.

1139 (d) The proceeds of the Five and One-fourth Cents
1140 (5.25¢) of the tax per gallon on oils used as a propellant for jet
1141 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
1142 per gallon on aviation gasoline and the tax of One Cent (1¢) per
1143 gallon for each gallon of gasoline for which a refund has been
1144 made pursuant to Section 27-55-23 because such gasoline was used
1145 for aviation purposes, shall be paid to the State Treasury into a
1146 special fund to be used exclusively, pursuant to legislative
1147 appropriation, for the support and development of aeronautics as
1148 defined in Section 61-1-3.

1149 (e) State highway funds in an amount equal to the
1150 difference between Forty-two Million Dollars (\$42,000,000.00) and
1151 the annual debt service payable on the state's highway revenue
1152 refunding bonds, Series 1985, shall be expended for the
1153 construction or reconstruction of highways designated under
1154 the * * * Highway Program created under Section 65-3-97.



1155 (f) "Gasoline, diesel fuel or kerosene taxes" as used
1156 in this section shall be deemed to mean and include state
1157 gasoline, diesel fuel or kerosene taxes levied and imposed on
1158 distributors of gasoline, diesel fuel or kerosene, and all state
1159 excise taxes derived from any fuel used to propel vehicles upon
1160 the highways of this state, when levied by any statute.

1161 **[With regard to any county which is required to operate on a**
1162 **countywide system of road administration as described in Section**
1163 **19-2-3, this section shall read as follows:]**

1164 27-5-101. Unless otherwise provided in this section, on or
1165 before the fifteenth day of each month, all gasoline, diesel fuel
1166 or kerosene taxes which are levied under the laws of this state
1167 and collected during the previous month shall be paid and
1168 apportioned by the State Tax Commission as follows:

1169 (a) (i) Except as otherwise provided in Section
1170 31-17-127, from the gross amount of gasoline, diesel fuel or
1171 kerosene taxes produced by the state, there shall be deducted an
1172 amount equal to one-sixth (1/6) of principal and interest
1173 certified by the State Treasurer to the State Tax Commission to be
1174 due on the next semiannual bond and interest payment date, as
1175 required under the provisions of Chapter 130, Laws of 1938, and
1176 subsequent acts authorizing the issuance of bonds payable from
1177 gasoline, diesel fuel or kerosene tax revenue on a parity with the
1178 bonds issued under authority of said Chapter 130. The State
1179 Treasurer shall certify to the State Tax Commission on or before
1180 the fifteenth day of each month the amount to be paid to the
1181 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
1182 of 1938, and subsequent acts authorizing the issuance of bonds
1183 payable from gasoline, diesel fuel or kerosene tax revenue, on a
1184 parity with the bonds issued under authority of said Chapter 130;
1185 and the State Tax Commission shall, on or before the twenty-fifth
1186 day of each month, pay into the State Treasury for credit to the
1187 "Highway Bonds Sinking Fund" the amount so certified to him by the



1188 State Treasurer due to be paid into such fund each month. The
1189 payments to the "Highway Bonds Sinking Fund" shall be made out of
1190 gross gasoline, diesel fuel or kerosene tax collections before
1191 deductions of any nature are considered; however, such payments
1192 shall be deducted from the allocation to the Transportation
1193 Department under paragraph (c) of this section.

1194 (ii) From collections derived from the portion of
1195 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
1196 from the portion of the tax on aviation gas under Section 27-55-11
1197 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
1198 portion of the special fuel tax levied under Sections 27-55-519
1199 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
1200 Cents (10¢) per gallon, from the portion of the taxes levied under
1201 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
1202 gallon that exceeds One Cent (1¢) per gallon on special fuel and
1203 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
1204 as aircraft fuel, from the portion of the excise tax on compressed
1205 gas used as a motor fuel that exceeds the rate of tax in effect on
1206 June 30, 1987, and from the portion of the gasoline excise tax in
1207 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
1208 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
1209 shall be deducted:

1210 1. An amount as provided in Section
1211 27-65-75(4) to the credit of a special fund designated as the
1212 "Office of State Aid Road Construction."

1213 2. An amount equal to the tax collections
1214 derived from Two Cents (2¢) per gallon of the gasoline excise tax
1215 for distribution to the State Highway Fund to be used exclusively
1216 for the construction, reconstruction and maintenance of highways
1217 of the State of Mississippi or the payment of interest and
1218 principal on bonds when specifically authorized by the Legislature
1219 for that purpose.



1220 3. The balance shall be deposited in the
1221 State Treasury to the credit of the State Highway Fund.

1222 (b) Subject to the provisions that said basis of
1223 distribution shall in nowise affect adversely the amount
1224 specifically pledged in paragraph (a) of this section to be paid
1225 into the "Highway Bonds Sinking Fund," the following shall be
1226 deducted from the amount produced by the state tax on gasoline,
1227 diesel fuel or kerosene tax collections, excluding collections
1228 derived from the portion of the gasoline excise tax that exceeds
1229 Seven Cents (7¢) per gallon, from the portion of the tax on
1230 aviation gas under Section 27-55-11 that exceeds Six and
1231 Four-tenths Cents (6.4¢) per gallon, from the portion of the
1232 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
1233 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
1234 gallon, from the portion of the taxes levied under Section
1235 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
1236 One Cent (1¢) per gallon on special fuel and Five and One-fourth
1237 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
1238 from the portion of the excise tax on compressed gas used as a
1239 motor fuel that exceeds the rate of tax in effect on June 30,
1240 1987, and from the portion of the gasoline excise tax in excess of
1241 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
1242 Ten Cents (10¢) per gallon under Section 27-61-5:

1243 (i) Twenty percent (20%) of such amount which
1244 shall be earmarked and set aside for the construction,
1245 reconstruction and maintenance of the highways and roads of the
1246 state, provided that if such twenty percent (20%) should reduce
1247 any county to a lesser amount than that received in the fiscal
1248 year ending June 30, 1966, then such twenty percent (20%) shall be
1249 reduced to a percentage to provide that no county shall receive
1250 less than its portion for the fiscal year ending June 30, 1966;



1251 (ii) The amount allowed as refund on gasoline or
1252 as tax credit on diesel fuel or kerosene used for agricultural,
1253 maritime, industrial, domestic and nonhighway purposes;

1254 (iii) Five percent (5%) of such amount shall be
1255 paid to the State Highway Fund;

1256 (iv) The amount or portion thereof authorized by
1257 legislative appropriation to the Fisheries and Wildlife Fund
1258 created under Section 59-21-25;

1259 (v) The amount for deposit into the special
1260 aviation fund under paragraph (d) of this section; and

1261 (vi) The remainder shall be divided on a basis of
1262 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
1263 same basis as Four and One-half Cents (4-1/2¢) and Two and
1264 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
1265 six and forty-three one-hundredths (6.43) and three and
1266 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
1267 fuel or kerosene). The amount produced by the nine-fourteenths
1268 (9/14) division shall be allocated to the Transportation
1269 Department and paid into the State Treasury as provided in this
1270 section and in Section 27-5-103 and the five-fourteenths (5/14)
1271 division shall be returned to the counties of the state on the
1272 following basis:

1273 1. In each fiscal year, each county shall be
1274 paid each month the same percentage of the monthly total to be
1275 distributed as was paid to that county during the same month in
1276 the fiscal year which ended April 9, 1960, until the county
1277 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
1278 fiscal year, at which time funds shall be distributed under the
1279 provisions of paragraph (b) (vi)4 of this section.

1280 2. If after payments in 1 above, any county
1281 has not received a total of One Hundred Ninety Thousand Dollars
1282 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
1283 and each fiscal year thereafter, then any available funds not



1284 distributed under 1 above shall be used to bring such county or
1285 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
1286 or such funds shall be divided equally among such counties not
1287 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
1288 there is not sufficient money to bring all the counties to said
1289 One Hundred Ninety Thousand Dollars (\$190,000.00).

1290 3. When a county has been paid an amount
1291 equal to the total which was paid to the same county during the
1292 fiscal year ended April 9, 1960, such county shall receive no
1293 further payments during the then current fiscal year until the
1294 last month of such current fiscal year, at which time distribution
1295 will be made under 2 above, except as set out in 4 below.

1296 4. During the last month of the current
1297 fiscal year, should it be determined that there are funds
1298 available in excess of the amount distributed for the year under 1
1299 and 2 above, then such excess funds shall be distributed among the
1300 various counties as follows:

1301 One-third (1/3) of such excess to be
1302 divided equally among the counties;

1303 One-third (1/3) of such excess to be paid
1304 to the counties in the proportion which the population of each
1305 county bears to the total population of the state according to the
1306 last federal census;

1307 One-third (1/3) of such excess to be paid
1308 to the counties in the proportion which the number of square miles
1309 of each county bears to the total square miles in the state.

1310 5. It is the declared purpose and intent of
1311 the Legislature that no county shall be paid less than was paid
1312 during the year ended April 9, 1960, unless the amount to be
1313 distributed to all counties in any year is less than the amount
1314 distributed to all counties during the year ended April 9, 1960.

1315 The Municipal Aid Fund as established by Section 27-5-103
1316 shall not participate in any portion of any funds allocated to any



1317 county hereunder over and above One Hundred Ninety Thousand
1318 Dollars (\$190,000.00).

1319 In any county having road or bridge bonds outstanding which
1320 exceed, in the aggregate, twelve percent (12%) of the assessed
1321 valuation of the taxable property of the county, it shall be the
1322 duty of the board of supervisors to set aside not less than sixty
1323 percent (60%) of such county's share of the gasoline, diesel fuel
1324 or kerosene taxes to be used in paying the principal and interest
1325 on such road or bridge bonds as they mature.

1326 In any county having such road or bridge bonds outstanding
1327 which exceed, in the aggregate, eight percent (8%) of the assessed
1328 valuation of the taxable property of the county, but which do not
1329 exceed, in the aggregate, twelve percent (12%) of the assessed
1330 valuation of the taxable property of the county, it shall be the
1331 duty of the board of supervisors to set aside not less than
1332 thirty-five percent (35%) of such county's share of the gasoline,
1333 diesel fuel or kerosene taxes to be used in paying the principal
1334 and interest of such road or bridge bonds as they mature.

1335 In any county having such road or bridge bonds outstanding
1336 which exceed, in the aggregate, five percent (5%) of the assessed
1337 valuation of the taxable property of the county, but which do not
1338 exceed, in the aggregate, eight percent (8%) of the assessed
1339 valuation of the taxable property of the county, it shall be the
1340 duty of the board of supervisors to set aside not less than twenty
1341 percent (20%) of such county's share of the gasoline, diesel fuel
1342 or kerosene taxes to be used in paying the principal and interest
1343 of such road and bridge bonds as they mature.

1344 In any county having such road or bridge bonds outstanding
1345 which do not exceed, in the aggregate, five percent (5%) of the
1346 assessed valuation of the taxable property of the county, it shall
1347 be the duty of the board of supervisors to set aside not less than
1348 ten percent (10%) of such county's share of the gasoline, diesel



1349 fuel or kerosene taxes to be used in paying the principal and
1350 interest on such road or bridge bonds as they mature.

1351 The portion of any such county's share of the gasoline,
1352 diesel fuel or kerosene taxes thus set aside for the payment of
1353 the principal and interest of road or bridge bonds, as provided
1354 for in this section, shall be used in paying the currently
1355 maturing installments of the principal and interest of such road
1356 or bridge bonds, if there be any such road or bridge bonds
1357 outstanding.

1358 The remaining portion of such county's share of the gasoline,
1359 diesel fuel or kerosene taxes, after setting aside the portion
1360 above provided for the payment of the principal and interest of
1361 bonds, shall be used in the construction and maintenance of any
1362 public highways, bridges or culverts of the county, in the
1363 discretion of the board of supervisors.

1364 In any county having no road or bridge bonds outstanding, all
1365 such county's share of the gasoline, diesel fuel or kerosene taxes
1366 shall be used in the construction, reconstruction and maintenance
1367 of the public highways, bridges or culverts of the county, as the
1368 board of supervisors may determine.

1369 In every county in which there are county road bonds or
1370 seawall or road protection bonds outstanding which were issued for
1371 the purpose of building bridges or constructing public roads or
1372 seawalls, such funds shall be used in the manner provided by law.

1373 (c) From the amount produced by the nine-fourteenths
1374 (9/14) division allocated to the Transportation Department, there
1375 shall be deducted:

1376 (i) The amount paid to the State Treasurer for the
1377 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

1378 (ii) Any amounts due counties in accordance with
1379 Section 65-33-45 which have outstanding bonds issued for seawall
1380 or road protection purposes, issued under provisions of Chapter
1381 319, Laws of 1924, and amendments thereto; and



1382 (iii) Beginning August 15, 2002, and on or before
1383 the fifteenth day of each month thereafter, an amount equal to
1384 one-sixth (1/6) of the principal and interest certified by the
1385 State Treasurer to the State Tax Commission to be due on the next
1386 semiannual bond and interest payment date for the bonds issued
1387 under Sections 65-39-5 through 65-39-33. On or before the
1388 twenty-fifth day of each month the State Tax Commission shall pay
1389 into the State Treasury for credit to the Gaming Counties Bond
1390 Sinking Fund created in Section 65-39-3, the amount certified by
1391 the State Treasurer;

1392 (iv) Except as otherwise provided in Section
1393 31-17-127, the remainder shall be paid by the State Tax Commission
1394 to the State Treasurer on the fifteenth day of each month next
1395 succeeding the month in which the gasoline, diesel fuel or
1396 kerosene taxes were collected to the credit of the State Highway
1397 Fund.

1398 The funds allocated for the construction, reconstruction and
1399 improvement of state highways, bridges and culverts, or so much
1400 thereof as may be necessary, shall first be used in conjunction
1401 with funds supplied by the federal government for such purposes
1402 and allocated to the Transportation Department to be expended on
1403 the state highway system. It is specifically provided hereby that
1404 the necessary portion of such funds hereinabove allocated to the
1405 Transportation Department may be used for the prompt payment of
1406 principal and interest on highway bonds heretofore issued,
1407 including such bonds issued or to be issued under the provisions
1408 of Chapter 312, Laws of 1956, and amendments thereto.

1409 Nothing contained in this section shall be construed to
1410 reduce the amount of such gasoline, diesel fuel or kerosene excise
1411 taxes levied by the state, allotted under the provisions of Title
1412 65, Chapter 33, Mississippi Code of 1972, to counties in which
1413 there are outstanding bonds issued for seawall or road protection
1414 purposes issued under the provisions of Chapter 319, Laws of 1924,



1415 and amendments thereto; the amount of said gasoline, diesel fuel
1416 or kerosene excise taxes designated in this section for the
1417 payment of bonds and interest authorized and issued or to be
1418 issued under the provisions of Chapter 130, Laws of 1938, and
1419 subsequent acts authorizing the issuance of bonds payable from
1420 gasoline, diesel fuel or kerosene tax revenue, shall, in such
1421 counties, be considered as being paid "into the State Treasury to
1422 the credit of the State Highway Fund" within the meaning of
1423 Section 65-33-45 in computing the amount to be paid to such
1424 counties under the provisions of said section, and this section
1425 shall be administered in connection with Title 65, Chapter 33,
1426 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
1427 65-33-49 dealing with seawalls, as if made a part of this section.

1428 (d) The proceeds of the Five and One-fourth Cents
1429 (5.25¢) of the tax per gallon on oils used as a propellant for jet
1430 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
1431 per gallon on aviation gasoline and the tax of One Cent (1¢) per
1432 gallon for each gallon of gasoline for which a refund has been
1433 made pursuant to Section 27-55-23 because such gasoline was used
1434 for aviation purposes, shall be paid to the State Treasury into a
1435 special fund to be used exclusively, pursuant to legislative
1436 appropriation, for the support and development of aeronautics as
1437 defined in Section 61-1-3.

1438 (e) State highway funds in an amount equal to the
1439 difference between Forty-two Million Dollars (\$42,000,000.00) and
1440 the annual debt service payable on the state's highway revenue
1441 refunding bonds, Series 1985, shall be expended for the
1442 construction or reconstruction of highways designated under
1443 the * * * Highway Program created under Section 65-3-97.

1444 (f) "Gasoline, diesel fuel or kerosene taxes" as used
1445 in this section shall be deemed to mean and include state
1446 gasoline, diesel fuel or kerosene taxes levied and imposed on
1447 distributors of gasoline, diesel fuel or kerosene, and all state



1448 excise taxes derived from any fuel used to propel vehicles upon
1449 the highways of this state, when levied by any statute.

1450 **SECTION 5.** Section 27-19-99, Mississippi Code of 1972, is
1451 amended as follows:

1452 27-19-99. The State Tax Commission shall furnish the tax
1453 collector of each county a sufficient supply of license tags or
1454 plates and a sufficient supply of license receipts with which to
1455 make the collection of the taxes imposed by the provisions of this
1456 article, which such tax collectors are required to collect. The
1457 license tag receipts shall be on forms prescribed by the
1458 commission. Upon the payment of the taxes and fees required by
1459 this article, the tax collector shall issue the license receipt in
1460 the form prescribed by the commission. The commission shall keep
1461 account against the tax collector for the license taxes and fees
1462 collected. The tax collector shall keep a similar account.

1463 The tax collector shall, at the end of each month or within
1464 twenty (20) days thereafter, pay into the county road fund all
1465 privilege taxes collected by him during the preceding month upon
1466 motor vehicle privilege licenses which he is entitled to issue,
1467 less the county's commission.

1468 The tax collector shall keep a record of the information
1469 furnished by the owners of each motor vehicle registered. The
1470 record shall be made in numerical order by tag number or decal
1471 number, whichever is appropriate. At the end of each month, or
1472 within twenty (20) days thereafter, the tax collector shall submit
1473 to the commission a copy of such record, together with the copy of
1474 each registration receipt, and shall, at the same time, remit to
1475 the commission the registration fee for each license tag or decal
1476 sold by him during the preceding month. When the tax collector
1477 shall have complied with the provisions of this section and shall
1478 have forwarded to the commission, within the time specified, all
1479 reports required of him hereunder, he shall then be entitled to
1480 retain five percent (5%) of the registration fees imposed in



1481 paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of
1482 1972, to be paid into the county general fund; otherwise the
1483 county's commission shall be forfeited. The five percent (5%)
1484 shall not apply to any additional registration fee imposed above
1485 the amounts imposed in paragraphs (a) and (b) of Section 27-19-43.
1486 The commission shall keep a record from the duplicates filed by
1487 the tax collectors of all registered vehicles.

1488 Counties that use their existing computer system to
1489 communicate all data regarding vehicle title and registration
1490 transactions to the state's central computer system shall be
1491 allotted Fifty Cents (50¢) for each registration fee collected by
1492 the county and remitted to the State Tax Commission. Such
1493 communication must successfully pass any edit features and
1494 successfully create or update title/registration records on the
1495 network system. This amount paid to the county shall be deposited
1496 into the county general fund to be expended only for costs
1497 incurred for the purchase of equipment, software, maintenance or
1498 other costs directly related to the title/registration network
1499 system.

1500 All monies remitted to the commission by tax collectors as
1501 registration or tag fees from the portion of the rate imposed in
1502 paragraphs (a) and (b) of Section 27-19-43, and all monies
1503 received by the commission directly as registration or tag fees
1504 from the portion of the rate imposed in paragraphs (a) and (b) of
1505 Section 27-19-43, shall be paid by the commission into the General
1506 Fund of the State Treasury on the first day of the month
1507 succeeding the month in which such fees are received by the
1508 commission. Except as otherwise provided in Section 31-17-127,
1509 all monies remitted to the commission by tax collectors as
1510 registration or tag fees from the additional rate of Five Dollars
1511 (\$5.00) and all monies received by the commission directly as
1512 registration or tag fees from the additional rate of Five Dollars
1513 (\$5.00) shall be paid into the State Treasury to the credit of the



1514 State Highway Fund for the construction or reconstruction of
1515 highways designated under the * * * Highway Program created under
1516 Section 65-3-97.

1517 **SECTION 6.** Section 27-57-37, Mississippi Code of 1972, is
1518 amended as follows:

1519 27-57-37. Except as otherwise provided in Section 31-17-127,
1520 the amount received from lubricating oil excise tax, as defined in
1521 this article, shall be deposited by the commission, in the State
1522 Treasury to the credit of the State Highway Fund, and until the
1523 date specified in Section 65-39-35, such amount shall be used for
1524 the construction or reconstruction of highways designated under
1525 the * * * Highway Program created under Section 65-3-97.

1526 **SECTION 7.** Section 27-65-75, Mississippi Code of 1972, is
1527 amended as follows:

1528 27-65-75. On or before the fifteenth day of each month, the
1529 revenue collected under the provisions of this chapter during the
1530 preceding month shall be paid and distributed as follows:

1531 (1) On or before August 15, 1992, and each succeeding month
1532 thereafter through July 15, 1993, eighteen percent (18%) of the
1533 total sales tax revenue collected during the preceding month under
1534 the provisions of this chapter, except that collected under the
1535 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1536 business activities within a municipal corporation shall be
1537 allocated for distribution to such municipality and paid to such
1538 municipal corporation. On or before August 15, 1993, and each
1539 succeeding month thereafter, eighteen and one-half percent
1540 (18-1/2%) of the total sales tax revenue collected during the
1541 preceding month under the provisions of this chapter, except that
1542 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1543 and 27-65-21, on business activities within a municipal
1544 corporation shall be allocated for distribution to such
1545 municipality and paid to such municipal corporation.



1546 A municipal corporation, for the purpose of distributing the
1547 tax under this subsection, shall mean and include all incorporated
1548 cities, towns and villages.

1549 Monies allocated for distribution and credited to a municipal
1550 corporation under this subsection may be pledged as security for
1551 any loan received by the municipal corporation for the purpose of
1552 capital improvements as authorized under Section 57-1-303, or
1553 loans as authorized under Section 57-44-7, or water systems
1554 improvements as authorized under Section 41-3-16.

1555 In any county having a county seat which is not an
1556 incorporated municipality, the distribution provided hereunder
1557 shall be made as though the county seat was an incorporated
1558 municipality; however, the distribution to such municipality shall
1559 be paid to the county treasury wherein the municipality is located
1560 and such funds shall be used for road, bridge and street
1561 construction or maintenance therein.

1562 (2) On or before September 15, 1987, and each succeeding
1563 month thereafter, from the revenue collected under this chapter
1564 during the preceding month One Million One Hundred Twenty-five
1565 Thousand Dollars (\$1,125,000.00) shall be allocated for
1566 distribution to municipal corporations as defined under subsection
1567 (1) of this section in the proportion that the number of gallons
1568 of gasoline and diesel fuel sold by distributors to consumers and
1569 retailers in each such municipality during the preceding fiscal
1570 year bears to the total gallons of gasoline and diesel fuel sold
1571 by distributors to consumers and retailers in municipalities
1572 statewide during the preceding fiscal year. The State Tax
1573 Commission shall require all distributors of gasoline and diesel
1574 fuel to report to the commission monthly the total number of
1575 gallons of gasoline and diesel fuel sold by them to consumers and
1576 retailers in each municipality during the preceding month. The
1577 State Tax Commission shall have the authority to promulgate such
1578 rules and regulations as is necessary to determine the number of



1579 gallons of gasoline and diesel fuel sold by distributors to
1580 consumers and retailers in each municipality. In determining the
1581 percentage allocation of funds under this subsection for the
1582 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
1583 State Tax Commission may consider gallons of gasoline and diesel
1584 fuel sold for a period of less than one (1) fiscal year. For the
1585 purposes of this subsection, the term "fiscal year" means the
1586 fiscal year beginning July 1 of a year.

1587 (3) On or before September 15, 1987, and on or before the
1588 fifteenth day of each succeeding month, until the date specified
1589 in Section 65-39-35, the proceeds derived from contractors' taxes
1590 levied under Section 27-65-21 on contracts for the construction or
1591 reconstruction of highways designated under the * * * Highway
1592 Program created under Section 65-3-97 shall, except as otherwise
1593 provided in Section 31-17-127, be deposited into the State
1594 Treasury to the credit of the State Highway Fund to be used to
1595 fund such * * * Highway Program. The Mississippi Department of
1596 Transportation shall provide to the State Tax Commission such
1597 information as is necessary to determine the amount of proceeds to
1598 be distributed under this subsection.

1599 (4) On or before August 15, 1994, and on or before the
1600 fifteenth day of each succeeding month through July 15, 1999, from
1601 the proceeds of gasoline, diesel fuel or kerosene taxes as
1602 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1603 (\$4,000,000.00) shall be deposited in the State Treasury to the
1604 credit of a special fund designated as the "State Aid Road Fund,"
1605 created by Section 65-9-17. On or before August 15, 1999, and on
1606 or before the fifteenth day of each succeeding month, from the
1607 total amount of the proceeds of gasoline, diesel fuel or kerosene
1608 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1609 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1610 one-fourth percent (23.25%) of such funds, whichever is the
1611 greater amount, shall be deposited in the State Treasury to the



1612 credit of the "State Aid Road Fund," created by Section 65-9-17.
1613 Such funds shall be pledged to pay the principal of and interest
1614 on state aid road bonds heretofore issued under Sections 19-9-51
1615 through 19-9-77, in lieu of and in substitution for the funds
1616 heretofore allocated to counties under this section. Such funds
1617 may not be pledged for the payment of any state aid road bonds
1618 issued after April 1, 1981; however, this prohibition against the
1619 pledging of any such funds for the payment of bonds shall not
1620 apply to any bonds for which intent to issue such bonds has been
1621 published, for the first time, as provided by law prior to March
1622 29, 1981. From the amount of taxes paid into the special fund
1623 pursuant to this subsection and subsection (9) of this section,
1624 there shall be first deducted and paid the amount necessary to pay
1625 the expenses of the Office of State Aid Road Construction, as
1626 authorized by the Legislature for all other general and special
1627 fund agencies. The remainder of the fund shall be allocated
1628 monthly to the several counties in accordance with the following
1629 formula:

1630 (a) One-third (1/3) shall be allocated to all counties
1631 in equal shares;

1632 (b) One-third (1/3) shall be allocated to counties
1633 based on the proportion that the total number of rural road miles
1634 in a county bears to the total number of rural road miles in all
1635 counties of the state; and

1636 (c) One-third (1/3) shall be allocated to counties
1637 based on the proportion that the rural population of the county
1638 bears to the total rural population in all counties of the state,
1639 according to the latest federal decennial census.

1640 For the purposes of this subsection, the term "gasoline,
1641 diesel fuel or kerosene taxes" means such taxes as defined in
1642 paragraph (f) of Section 27-5-101.

1643 The amount of funds allocated to any county under this
1644 subsection for any fiscal year after fiscal year 1994 shall not be



1645 less than the amount allocated to such county for fiscal year
1646 1994. Monies allocated to a county from the State Aid Road Fund
1647 for fiscal year 1995 or any fiscal year thereafter that exceed the
1648 amount of funds allocated to that county from the State Aid Road
1649 Fund for fiscal year 1994, first must be expended by the county
1650 for replacement or rehabilitation of bridges on the state aid road
1651 system that have a sufficiency rating of less than twenty-five
1652 (25), according to National Bridge Inspection standards before
1653 such monies may be approved for expenditure by the State Aid Road
1654 Engineer on other projects that qualify for the use of state aid
1655 road funds.

1656 Any reference in the general laws of this state or the
1657 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1658 construed to refer and apply to subsection (4) of Section
1659 27-65-75.

1660 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1661 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1662 the special fund known as the "State Public School Building Fund"
1663 created and existing under the provisions of Sections 37-47-1
1664 through 37-47-67. Such payments into said fund are to be made on
1665 the last day of each succeeding month hereafter.

1666 (6) An amount each month beginning August 15, 1983, through
1667 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
1668 of 1983, shall be paid into the special fund known as the
1669 Correctional Facilities Construction Fund created in Section 6 of
1670 Chapter 542, Laws of 1983.

1671 (7) On or before August 15, 1992, and each succeeding month
1672 thereafter through July 15, 2000, two and two hundred sixty-six
1673 one-thousandths percent (2.266%) of the total sales tax revenue
1674 collected during the preceding month under the provisions of this
1675 chapter, except that collected under the provisions of Section
1676 27-65-17(2) shall be deposited by the commission into the School
1677 Ad Valorem Tax Reduction Fund created pursuant to Section



1678 37-61-35. On or before August 15, 2000, and each succeeding month
1679 thereafter, two and two hundred sixty-six one-thousandths percent
1680 (2.266%) of the total sales tax revenue collected during the
1681 preceding month under the provisions of this chapter, except that
1682 collected under the provisions of Section 27-65-17(2), shall be
1683 deposited into the School Ad Valorem Tax Reduction Fund created
1684 under Section 37-61-35 until such time that the total amount
1685 deposited into the fund during a fiscal year equals Forty-two
1686 Million Dollars (\$42,000,000.00). Thereafter, the amounts
1687 diverted under this subsection (7) during the fiscal year in
1688 excess of Forty-two Million Dollars (\$42,000,000.00) shall be
1689 deposited into the Education Enhancement Fund created under
1690 Section 37-61-33 for appropriation by the Legislature as other
1691 education needs and shall not be subject to the percentage
1692 appropriation requirements set forth in Section 37-61-33.

1693 (8) On or before August 15, 1992, and each succeeding month
1694 thereafter, nine and seventy-three one-thousandths percent
1695 (9.073%) of the total sales tax revenue collected during the
1696 preceding month under the provisions of this chapter, except that
1697 collected under the provisions of Section 27-65-17(2) shall be
1698 deposited into the Education Enhancement Fund created pursuant to
1699 Section 37-61-33.

1700 (9) On or before August 15, 1994, and each succeeding month
1701 thereafter, from the revenue collected under this chapter during
1702 the preceding month, Two Hundred Fifty Thousand Dollars
1703 (\$250,000.00) shall be paid into the State Aid Road Fund.

1704 (10) On or before August 15, 1994, and each succeeding month
1705 thereafter through August 15, 1995, from the revenue collected
1706 under this chapter during the preceding month, Two Million Dollars
1707 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1708 Valorem Tax Reduction Fund established in Section 27-51-105.

1709 (11) Notwithstanding any other provision of this section to
1710 the contrary, on or before February 15, 1995, and each succeeding



1711 month thereafter, the sales tax revenue collected during the
1712 preceding month under the provisions of Section 27-65-17(2) and
1713 the corresponding levy in Section 27-65-23 on the rental or lease
1714 of private carriers of passengers and light carriers of property
1715 as defined in Section 27-51-101 shall be deposited, without
1716 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1717 established in Section 27-51-105.

1718 (12) Notwithstanding any other provision of this section to
1719 the contrary, on or before August 15, 1995, and each succeeding
1720 month thereafter, the sales tax revenue collected during the
1721 preceding month under the provisions of Section 27-65-17(1) on
1722 retail sales of private carriers of passengers and light carriers
1723 of property, as defined in Section 27-51-101 and the corresponding
1724 levy in Section 27-65-23 on the rental or lease of these vehicles,
1725 shall be deposited, after diversion, into the Motor Vehicle Ad
1726 Valorem Tax Reduction Fund established in Section 27-51-105.

1727 (13) On or before July 15, 1994, and on or before the
1728 fifteenth day of each succeeding month thereafter, that portion of
1729 the avails of the tax imposed in Section 27-65-22, which is
1730 derived from activities held on the Mississippi state fairgrounds
1731 complex, shall be paid into a special fund hereby created in the
1732 State Treasury and shall be expended pursuant to legislative
1733 appropriations solely to defray the costs of repairs and
1734 renovation at such Trade Mart and Coliseum.

1735 (14) On or before August 15, 1998, and each succeeding month
1736 thereafter through July 15, 2005, that portion of the avails of
1737 the tax imposed in Section 27-65-23 which is derived from sales by
1738 cotton compresses or cotton warehouses and which would otherwise
1739 be paid into the General Fund, shall be deposited in an amount not
1740 to exceed Two Million Dollars (\$2,000,000.00) into the special
1741 fund created pursuant to Section 69-37-39.

1742 (15) Notwithstanding any other provision of this section to
1743 the contrary, on or before September 15, 2000, and each succeeding



1744 month thereafter, the sales tax revenue collected during the
1745 preceding month under the provisions of Section 27-65-19(f), shall
1746 be deposited, without diversion, into the Telecommunications Ad
1747 Valorem Tax Reduction Fund established in Section 27-38-7.

1748 (16) On or before August 15, 2000, and each succeeding month
1749 thereafter, the sales tax revenue collected during the preceding
1750 month under the provisions of this chapter on the gross proceeds
1751 of sales of a project as defined in Section 57-30-1 shall be
1752 deposited, after all diversions except the diversion provided for
1753 in subsection (1) of this section, into the Sales Tax Incentive
1754 Fund created in Section 57-30-3.

1755 (17) The remainder of the amounts collected under the
1756 provisions of this chapter shall be paid into the State Treasury
1757 to the credit of the General Fund.

1758 (18) It shall be the duty of the municipal officials of any
1759 municipality which expands its limits, or of any community which
1760 incorporates as a municipality, to notify the commissioner of such
1761 action thirty (30) days before the effective date. Failure to so
1762 notify the commissioner shall cause such municipality to forfeit
1763 the revenue which it would have been entitled to receive during
1764 this period of time when the commissioner had no knowledge of the
1765 action. If any funds have been erroneously disbursed to any
1766 municipality or any overpayment of tax is recovered by the
1767 taxpayer, the commissioner may make correction and adjust the
1768 error or overpayment with such municipality by withholding the
1769 necessary funds from any subsequent payment to be made to the
1770 municipality.

1771 **SECTION 8.** Section 65-1-59, Mississippi Code of 1972, is
1772 amended as follows:

1773 65-1-59. (1) It shall be the duty of the Mississippi
1774 Transportation Commission to have the Mississippi Transportation
1775 Department carry out all contracts and agreements, including
1776 federal-aid projects and agreements under the County Highway Aid



1777 Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
1778 made or entered into with any county, subject, however, to
1779 applicable rules and regulations of the Federal Highway
1780 Administration. It shall be the duty of the Transportation
1781 Commission to continue to have the Mississippi Transportation
1782 Department maintain all state highways now under maintenance or
1783 hereafter taken over for maintenance, the purpose of this
1784 provision being to preserve the status quo of all state highways
1785 insofar as such highways have been taken over and control and
1786 jurisdiction has been assumed by the Mississippi Transportation
1787 Commission and Mississippi Transportation Department; however,
1788 except as otherwise provided in this section, if any highway or
1789 link of highway is removed from the state highway system by
1790 legislative act or by relocation or reconstruction, it shall no
1791 longer be maintained by or be under the jurisdiction of the
1792 Mississippi Transportation Commission or Mississippi
1793 Transportation Department, but shall be returned to the
1794 jurisdiction of the board of supervisors of the county or
1795 governing authorities of the municipality through which such road
1796 runs. Except as to segments of highways shorter than three (3)
1797 miles which have been or which are hereafter replaced through
1798 curve straightening or minor realignment, the Transportation
1799 Commission shall retain and have the Mississippi Transportation
1800 Department maintain as state highways all portions of U.S.
1801 highways that either before or after July 1, 1989, have been or
1802 are replaced and constructed as a part of the interstate highway
1803 system, or four-lane primary system, or which are replaced and
1804 constructed or are designated to be replaced and constructed as
1805 part of the * * * highway system under Section 65-3-97, including
1806 portions of all such highways so replaced, or which under Section
1807 65-3-97 are designated to be replaced, by municipal bypasses; and
1808 such highways and portions thereof shall be continued to be
1809 maintained as a part of the Mississippi state highway system until



1810 removed from such system by legislative act. All such highways and
1811 portions thereof which, by virtue of the provisions of this
1812 section, are returned on or after July 1, 1989, to the
1813 jurisdiction of the Mississippi Transportation Commission shall be
1814 maintained by the Mississippi Transportation Department only to
1815 the traffic capacities existing at the time that they are returned
1816 and any subsequent traffic capacity improvements or other
1817 improvements desired by the county or municipality within which
1818 such highway or portion thereof is located shall be performed in
1819 accordance with highway standards approved by the Transportation
1820 Commission and the expenses for making such improvements shall be
1821 paid by the county or municipality; however, all highways and
1822 portions thereof so improved by the county or municipality shall
1823 thereafter be maintained by the Mississippi Transportation
1824 Department. Before any highway or portion thereof is returned to
1825 the Transportation Commission under this section, the county or
1826 municipality having jurisdiction thereof shall remove or cause to
1827 be removed by July 1, 1991, all right-of-way encroachments along
1828 the entire length of the highway or portion thereof which are not
1829 permitted by Transportation Commission and Transportation
1830 Department policies and rules and regulations adopted pursuant to
1831 state and federal law. Any such encroachments may be allowed to
1832 remain only by permits issued by the Mississippi Transportation
1833 Department in the manner and subject to the same conditions for
1834 the issuance of permits for similar encroachments on other
1835 highways on the state highway system. If traffic counts indicate
1836 that any highway or portions thereof placed under the jurisdiction
1837 of the Transportation Commission under the provisions of this
1838 section no longer form a substantial part of the state highway
1839 system, the Transportation Commission may request the Legislature
1840 to remove such highways or portions thereof from the state highway
1841 system and return said roads for maintenance to the county or
1842 municipality in which they are located, as provided in subsection



1843 (2) of this section. The highways which the Transportation
1844 Department is required to continue to maintain by virtue of the
1845 provisions of this section shall be in addition to the total
1846 mileage limitation of eight thousand six hundred (8,600) miles
1847 provided in Section 65-3-3.

1848 (2) The Mississippi Transportation Commission shall, no
1849 later than October 1, 1981, and October 1 each year thereafter,
1850 furnish the Transportation Committee of the House of
1851 Representatives and the Highways and Transportation Committee of
1852 the Senate a recommendation for deletion of those highways or
1853 sections of highways which should be removed from the system.

1854 **SECTION 9.** Section 65-39-35, Mississippi Code of 1972, is
1855 amended as follows:

1856 65-39-35. The date upon which the taxes and fees levied and
1857 charged under the provisions of Sections 27-55-11, 27-57-37,
1858 27-59-11, 27-19-43, 27-19-309, 27-65-75, and Sections 27-55-519
1859 and 27-55-521 are reduced under such sections shall be the first
1860 day of the month immediately following the date upon which:

1861 (a) The Mississippi Transportation Commission certifies
1862 to the State Tax Commission that:

1863 (i) The * * * Highway Program created under
1864 Section 65-3-97 and the Gaming Counties Infrastructure Program
1865 created under Section 65-39-3, are completed and no funds are any
1866 longer necessary to pay the costs of such programs; and

1867 (ii) The Mississippi Transportation Commission
1868 will not declare the necessity for additional borrowings under
1869 Section 65-9-27, or for additional bonds under Sections 65-39-5
1870 through 65-39-33; and

1871 (b) The State Treasurer certifies:

1872 (i) That the amount on deposit in the Gaming
1873 Counties Bond Sinking Fund, together with earnings on investments
1874 to accrue to such fund, is equal to or greater than the aggregate
1875 of the entire principal, redemption premium (if any), and interest



1876 due and to become due (until the final maturity date or earlier
1877 scheduled redemption date) on all general obligation bonds issued
1878 under Sections 65-39-5 through 65-39-33; and

1879 (ii) That all principal, interest, cost and other
1880 expenses for all bonds, notes or other borrowings under Section
1881 65-9-27 and Section 31-17-127 (including redemption notes, if any)
1882 have been paid and are completely satisfied.

1883 **SECTION 10.** This act shall take effect and be in force from
1884 and after July 1, 2002.

