

By: Representative Fleming

To: Gaming; Ways and Means

HOUSE BILL NO. 192

1 AN ACT TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE PROVISION THAT DIVERTS A PORTION OF STATE GAMING
3 REVENUES TO THE STATE HIGHWAY FUND; TO PROVIDE FOR THE DIVERSION
4 OF A PORTION OF STATE GAMING REVENUES TO THE STATE PORTS FUND, THE
5 DISASTER ASSISTANCE TRUST FUND AND THE MISSISSIPPI
6 HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT WITHIN THE RAILROAD
7 REVITALIZATION FUND; TO AMEND SECTION 57-43-15, MISSISSIPPI CODE
8 OF 1972, TO AUTHORIZE THE DEPOSIT OF STATE GAMING REVENUES INTO
9 THE MISSISSIPPI HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT
10 WITHIN THE RAILROAD REVITALIZATION FUND; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 75-76-129, Mississippi Code of 1972, is
13 amended as follows:

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

15 75-76-129. On or before the last day of each month all
16 taxes, fees, interest, penalties, damages, fines or other monies
17 collected by the State Tax Commission during that month under the
18 provisions of this chapter, with the exception of (a) the local
19 government fees imposed under Section 75-76-195, and (b) an amount
20 equal to Three Million Dollars (\$3,000,000.00) of the revenue
21 collected pursuant to the fee imposed under Section
22 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
23 of the revenue collected pursuant to the fee imposed under Section
24 75-76-177(1)(c), whichever is the greater amount, shall be paid by
25 the State Tax Commission to the State Treasurer to be deposited in
26 the State General Fund. The local government fees shall be
27 distributed by the State Tax Commission pursuant to Section
28 75-76-197. Except for the period beginning on July 1, 2004, and
29 through June 30, 2005, an amount equal to Three Million Dollars
30 (\$3,000,000.00) of the revenue collected during that month
31 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be

32 deposited by the State Tax Commission into the bond sinking fund
33 created in Section 65-39-3. Except for the period beginning on
34 July 1, 2004, and through June 30, 2005, the revenue collected
35 during that month pursuant to the fee imposed under Section
36 75-76-177(1)(c) that is in excess of Three Million Dollars
37 (\$3,000,000.00), but is less than twenty-five percent (25%) of the
38 amount of revenue collected during that month, shall be allocated
39 and deposited equally into the State Ports Fund established under
40 Section 59-5-33, the Disaster Assistance Trust Fund established
41 under Section 33-15-307 and the Mississippi Highway-Railroad Grade
42 Crossing Safety Account within the Railroad Revitalization Fund
43 established under Section 57-43-15.

44 For the period beginning on July 1, 2004, and through June
45 30, 2005, twenty-five percent (25%) of the amount of revenue
46 collected during each month pursuant to the fee imposed under
47 Section 75-76-177(1)(c) shall be deposited into the Budget
48 Contingency Fund created in Section 27-103-301.

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

51 75-76-129. On or before the last day of each month, all
52 taxes, fees, interest, penalties, damages, fines or other monies
53 collected by the State Tax Commission during that month under the
54 provisions of this chapter, with the exception of the local
55 government fees imposed under Section 75-76-195, shall be paid by
56 the State Tax Commission to the State Treasurer to be deposited in
57 the State General Fund. The local government fees shall be
58 distributed by the State Tax Commission pursuant to Section
59 75-76-197.

60 **SECTION 2.** Section 57-43-15, Mississippi Code of 1972, is
61 amended as follows:

62 57-43-15. (1) There is established within the Railroad
63 Revitalization Fund a new account to be entitled the Mississippi
64 Highway-Railroad Grade Crossing Safety Account. The account shall

65 be administered by the Mississippi Department of Transportation
66 and shall consist of (a) such monies as are transferred to it on
67 July 1, 2001, from the Mississippi Grade Crossing Closure
68 Account; * * * (b) thirty-five percent (35%) of collections from
69 the locomotive fuel tax imposed under Section 27-59-307 for the
70 previous year and (c) monies deposited into the account as
71 provided under Section 75-76-129. Unexpended amounts remaining in
72 the account at the end of a fiscal year shall not lapse into the
73 State General Fund; and any interest earned on amounts in the
74 account shall be deposited to the credit of the account.

75 (2) The Mississippi Department of Transportation, in
76 cooperation with the railroads operating in Mississippi, shall
77 promulgate rules to ensure equitable allocation of the funds
78 described in subsection (1) of this section to projects throughout
79 the state, and shall consider the proportionate number of main
80 line track miles of each railroad and the number of public
81 roadway/railroad grade crossings on each railroad's main line.
82 Expenditure of monies from the Mississippi Highway-Railroad Grade
83 Crossing Safety Account shall be limited to the following
84 purposes:

85 (a) Financial aid for closure of public
86 roadway/railroad grade crossings;

87 (b) Realignment of construction costs of roadways being
88 rerouted to facilitate a closure of a public roadway/railroad
89 grade crossing;

90 (c) Monies to match federal or other funds for a grade
91 separation eliminating an at-grade crossing of a public roadway
92 and railroad; and

93 (d) Installation or upgrade of highway-railroad grade
94 crossing signals, at the discretion of the Mississippi
95 Transportation Commission, based upon the Federal Railroad
96 Administration ranking of all Mississippi highway-railroad grade
97 crossings. Not less than ten percent (10%) of the monies

98 necessary to defray the costs of such installations must be
99 federal funds.

100 (3) The Mississippi Department of Transportation shall
101 consider all requests from the state's diagnostic review of public
102 roadway/railroad grade crossings and from individual railroads for
103 expenditure of funds for the purposes described in subsection (2)
104 of this section, and shall establish uniform criteria and
105 guidelines relating to such crossings and the expenditure of
106 funds.

107 **SECTION 3.** This act shall take effect and be in force from
108 and after July 1, 2005.