

By: Representative Cummings

To: Ways and Means

HOUSE BILL NO. 850

1 AN ACT TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972,
2 TO REDISTRIBUTE A PORTION OF THE STATE'S SHARE OF GAMING LICENSE
3 FEES TO SPECIAL FUNDS, THE PROCEEDS OF WHICH MAY BE USED FOR THE
4 LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM AND THE
5 LOCAL SYSTEM ROAD PROGRAM; TO AMEND SECTION 65-37-13, MISSISSIPPI
6 CODE OF 1972, TO DELETE THE PROVISIONS THAT REQUIRE THE
7 LEGISLATURE TO APPROPRIATE MONIES TO THE LOCAL SYSTEM BRIDGE
8 REPLACEMENT AND REHABILITATION FUND; TO AMEND SECTIONS 65-18-9 AND
9 65-18-11, MISSISSIPPI CODE OF 1972, TO CREATE THE LOCAL SYSTEM
10 ROAD FUND; TO AUTHORIZE THE STATE ENGINEER TO ALLOCATE MONIES IN
11 THE FUND TO EACH COUNTY FOR CONSTRUCTING, RECONSTRUCTING AND
12 PAVING LOCAL SYSTEM ROADS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 75-76-129, Mississippi Code of 1972, is
15 amended as follows:

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

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

33 deposited by the State Tax Commission into the bond sinking fund
34 created in Section 65-39-3. The revenue collected during that
35 month pursuant to the fee imposed under Section 75-76-177(1)(c)
36 that is in excess of Three Million Dollars (\$3,000,000.00), but is
37 less than twenty-five percent (25%) of the amount of revenue
38 collected during that month, shall be distributed as follows:

39 (a) One Million Five Hundred Thousand Dollars
40 (\$1,500,000.00) shall be deposited each month into the Local
41 System Bridge Replacement and Rehabilitation Fund created under
42 Section 65-37-13.

43 (b) The amount each month that exceeds One Million Five
44 Hundred Thousand Dollars (\$1,500,000.00) shall be deposited each
45 month into the Local System Road Fund created under Section
46 65-18-9.

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

49 75-76-129. On or before the last day of each month, all
50 taxes, fees, interest, penalties, damages, fines or other monies
51 collected by the State Tax Commission during that month under the
52 provisions of this chapter, with the exception of the local
53 government fees imposed under Section 75-76-195, shall be paid by
54 the State Tax Commission to the State Treasurer to be deposited in
55 the State General Fund. The local government fees shall be
56 distributed by the State Tax Commission pursuant to Section
57 75-76-197.

58 **SECTION 2.** Section 65-37-13, Mississippi Code of 1972, is
59 amended as follows:

60 65-37-13. (1) There is created in the State Treasury a
61 special fund to be designated as the "Local System Bridge
62 Replacement and Rehabilitation Fund." The fund shall consist of
63 the monies directed to be deposited into the fund under Section
64 75-76-129, and such other monies as the Legislature may designate
65 for deposit into the fund. Monies in the fund may be expended

66 upon legislative appropriation in accordance with the provisions
67 of Sections 65-37-1 through 65-37-15.

68 * * *

69 (2) Such monies as are deposited into the fund under the
70 provisions of this section may be expended upon requisition
71 therefor by the State Aid Engineer in accordance with the
72 provisions of Sections 65-37-1 through 65-37-15. The Office of
73 State Aid Road Construction shall be entitled to reimbursement
74 from monies in the fund, upon requisitions therefor by the State
75 Aid Engineer, for the actual expenses incurred by the office in
76 administering the provisions of the local system bridge
77 replacement and rehabilitation program. Unexpended amounts
78 remaining in the fund at the end of a fiscal year shall not lapse
79 into the State General Fund, and any interest earned on amounts in
80 the fund shall be deposited to the credit of the fund.

81 (3) Monies in the Local System Bridge Replacement and
82 Rehabilitation Fund shall be allocated and become available for
83 distribution to counties in accordance with the formula prescribed
84 in Section 65-37-4 beginning January 1, 1995, on a
85 project-by-project basis. Monies in the Local System Bridge
86 Replacement and Rehabilitation Fund may not be used or expended
87 for any purpose except as authorized under Sections 65-37-1
88 through 65-37-15.

89 (4) Monies in the Local System Bridge Replacement and
90 Rehabilitation Fund may be credited to a county in advance of the
91 normal accrual to finance certain projects, subject to the
92 approval of the State Aid Engineer and subject further to the
93 following limitations:

94 (a) That the maximum amount of such monies that may be
95 advanced to any county shall not exceed ninety percent (90%) of
96 the funds estimated to accrue to such county during the remainder
97 of the term of office of the board of supervisors of such county;

98 (b) That no advance credit of funds will be made to any
99 county when the unobligated balance in the Local System Bridge
100 Replacement and Rehabilitation Fund is less than One Million
101 Dollars (\$1,000,000.00); and

102 (c) That such advance crediting of funds be effected by
103 the State Aid Engineer at the time of the approval of the plans
104 and specifications for the proposed projects.

105 It is the intent of this provision to utilize to the fullest
106 practicable extent the balance of monies in the Local System
107 Bridge Replacement and Rehabilitation Fund on hand at all times.

108 **SECTION 3.** Section 65-18-9, Mississippi Code of 1972, is
109 amended as follows:

110 65-18-9. (1) The State Aid Engineer shall allocate annually
111 the amount of the state aid road allocation of a county that is
112 requested by such county for use in the construction,
113 reconstruction and paving of local system roads in the county if
114 the county has met the requirements of this chapter; provided,
115 however, that the State Aid Engineer shall not allocate more than
116 twenty-five percent (25%) of the annual state aid road allocation
117 of a county for such purposes.

118 (2) The State Aid Engineer shall allocate annually the
119 amount of the Local System Bridge Replacement and Rehabilitation
120 Program allocation of a county that is requested by such county
121 for use in the construction, reconstruction and paving of local
122 system roads in the county if:

123 (a) The State Aid Engineer has certified, pursuant to
124 Section 65-37-7, that all the local system bridges within the
125 county have a sufficiency rating of greater than fifty (50) or
126 that all such bridges within the county with a sufficiency rating
127 of fifty (50) or less are currently under contract for replacement
128 or rehabilitation; and

129 (b) The county has met the requirements of this
130 chapter.

131 (3) There is created in the State Treasury a special fund to
132 be designated as the "Local System Road Fund." The fund shall
133 consist of the monies directed to be deposited into the fund under
134 Section 75-76-129 and such other monies as the Legislature may
135 designate for deposit into the fund. The State Aid Engineer shall
136 allocate annually to each county monies in the fund according to
137 the state aid road formula under Section 27-65-75(4). Monies
138 allocated to a county under this subsection may be used by a
139 county in the construction, reconstruction and paving of local
140 system roads in the county if the county meets the requirements of
141 this chapter.

142 (4) The State Aid Engineer shall establish specific designs
143 and standards to be followed by such counties in the construction,
144 reconstruction and paving of local system roads. The specific
145 designs and standards shall be based upon policies on geometric
146 design of local rural roads, highways and streets adopted and
147 published by the American Association of State Highway and
148 Transportation Officials.

149 **SECTION 4.** Section 65-18-11, Mississippi Code of 1972, is
150 amended as follows:

151 65-18-11. (1) In order for a county to be eligible to
152 utilize its Local System Bridge Replacement and Rehabilitation
153 Program allocation, any of its state aid road funds, or any of the
154 monies allocated to it from the Local System Road Fund, for the
155 Local System Road Program, a county must meet the following
156 conditions:

157 (a) The county has employed a county engineer, together
158 with such other technical assistance as is necessary to carry out
159 the duties of this chapter, the same as provided under the
160 provisions of Section 65-9-15, for its state aid road system and,
161 through its official minutes, has authorized the county engineer
162 to perform the necessary engineering services connected with the
163 Local System Road Program. The county engineer shall prepare the

164 necessary plans and designs for all construction projects,
165 including state aid projects and projects provided under this
166 chapter. He also shall provide engineering supervision for the
167 construction of such projects and shall approve all estimate
168 payments made on the projects. Engineering cost for any project
169 performed under the Local System Road Program may be paid from any
170 funds allocated to a county under the program; however, the
171 maximum fee paid to an engineer shall not exceed twelve percent
172 (12%) of the final construction cost. No such cost shall be
173 reimbursed to the county before the letting of the project; and

174 (b) The county has presented a plan for the
175 construction, reconstruction and paving of a local system road
176 which plan has been made and approved by the county engineer of
177 the county, showing the specific road or project to be improved,
178 stating the condition of the existing roadbed, drainage and
179 bridges and outlining the type of construction or reconstruction
180 to be made and the designs and specifications therefor, including
181 the paving of the road and the sources of revenue to be used and
182 the sources and types of material to be used thereon. The plan
183 shall be presented to the State Aid Engineer for the initial
184 approval of the beginning of a project to receive monies.

185 (2) After the initial approval of the plan and plans as
186 specified in subsection (1)(b) of this section has been made by
187 the State Aid Engineer, the county shall be eligible to receive
188 all funds made available to the county under the Local System Road
189 Program to be used exclusively for the construction,
190 reconstruction or paving of the local system road. The project
191 may be done either by contract or by using county equipment and
192 employees. It shall be according to the original plan or any
193 amendments thereto which have been approved by the State Aid
194 Engineer. The board may use county equipment and employees if the
195 construction can be accomplished at a more reasonable cost than
196 can be achieved by contract.

197 **SECTION 5.** This act shall take effect and be in force from
198 and after July 1, 2007.