

By: Representatives Gunn, Smith, Lamar, Busby, White, Baker, Scott, Sykes, Gibbs (36th), Mickens, Dixon, Gibbs (72nd), Holloway, Reynolds To: Ways and Means

HOUSE BILL NO. 1 (As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI INFRASTRUCTURE MODERNIZATION
2 ACT OF 2018; TO AMEND SECTION 27-67-31, MISSISSIPPI CODE OF 1972,
3 TO PROVIDE THAT A PORTION OF STATE USE TAX REVENUE SHALL BE
4 DEPOSITED INTO SPECIAL FUNDS IN THE STATE TREASURY AND USED TO
5 ASSIST MUNICIPALITIES AND COUNTIES IN PAYING COSTS ASSOCIATED WITH
6 REPAIR, MAINTENANCE AND RECONSTRUCTION OF ROADS, STREETS AND
7 BRIDGES; TO PROVIDE THAT A PORTION OF STATE USE TAX REVENUE SHALL
8 BE DEPOSITED INTO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND
9 REHABILITATION FUND; TO AMEND SECTION 65-37-15, MISSISSIPPI CODE
10 OF 1972, TO AUTHORIZE FUNDS IN THE LOCAL SYSTEM BRIDGE REPLACEMENT
11 AND REHABILITATION FUND TO BE USED FOR LOCAL BRIDGES IN CERTAIN
12 CIRCUMSTANCES; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF
13 TRANSPORTATION TO DIRECT BY WRITTEN NOTICE ANY LOCAL GOVERNING
14 BOARDS TO CLOSE ANY BRIDGE UNDER ITS JURISDICTION THAT MUST BE
15 CLOSED TO PREVENT THE REDUCTION IN FEDERAL TRANSPORTATION FUNDING
16 TO THE STATE; TO IMPOSE AN ANNUAL TAX ON ELECTRIC VEHICLES AND
17 HYBRID VEHICLES IN ADDITION TO ANY OTHER TAXES FOR WHICH THE
18 VEHICLES ARE LIABLE; TO PROVIDE THAT THE TAX ON ELECTRIC VEHICLES
19 AND HYBRID VEHICLES SHALL BE PAID TO THE COUNTY TAX COLLECTOR AT
20 THE SAME TIME AND IN THE SAME MANNER AS THE ANNUAL HIGHWAY
21 PRIVILEGE TAX IS PAID; TO PROVIDE THAT THE TAX COLLECTOR SHALL
22 REMIT THE PROCEEDS OF THE TAXES TO THE DEPARTMENT OF REVENUE AND
23 THAT THE DEPARTMENT SHALL APPORTION THE PROCEEDS OF THE TAXES
24 AMONG THE VARIOUS PURPOSES SPECIFIED FOR GASOLINE AND DIESEL FUEL
25 TAXES IN THE SAME PROPORTION THAT THOSE TAXES WERE APPORTIONED FOR
26 THOSE PURPOSES DURING THE PREVIOUS STATE FISCAL YEAR; TO AMEND
27 SECTION 1, CHAPTER 479, LAWS OF 2015, TO AUTHORIZE THE ISSUANCE OF
28 ADDITIONAL REVENUE BONDS UNDER SUCH LAW AND TO PROVIDE THAT THE
29 PROCEEDS OF THE ADDITIONAL BONDS SHALL BE DEPOSITED INTO THE
30 EMERGENCY ROAD AND BRIDGE REPAIR FUND AND THE 2018 TRANSPORTATION
31 AND INFRASTRUCTURE IMPROVEMENTS FUND CREATED IN THIS ACT; TO
32 CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE KNOWN AS THE
33 "EMERGENCY ROAD AND BRIDGE REPAIR FUND"; TO PROVIDE THAT MONEY IN
34 THE FUND SHALL BE UTILIZED BY THE MISSISSIPPI DEPARTMENT OF



35 TRANSPORTATION, WITH THE ADVICE OF THE EMERGENCY ROAD AND BRIDGE
36 REPAIR FUND ADVISORY BOARD; TO PROVIDE FUNDING FOR EMERGENCY
37 REPAIRS TO ROADS, STREETS AND HIGHWAYS IN THIS STATE AND EMERGENCY
38 BRIDGE REPAIRS ON PUBLIC ROADS, STREETS AND HIGHWAYS IN THIS
39 STATE; TO CREATE THE EMERGENCY ROAD AND BRIDGE REPAIR FUND
40 ADVISORY BOARD AND PROVIDE FOR ITS MEMBERSHIP; TO PROVIDE THAT THE
41 EMERGENCY ROAD AND BRIDGE REPAIR FUND ADVISORY BOARD SHALL PROVIDE
42 NONBINDING ADVICE TO THE DEPARTMENT OF TRANSPORTATION REGARDING
43 THE EXPENDITURE OF MONEY IN THE EMERGENCY ROAD AND BRIDGE REPAIR
44 FUND; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE KNOWN
45 AS THE "2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND";
46 TO PROVIDE THAT MONIES IN THE FUND SHALL BE FOR INFRASTRUCTURE
47 PROJECTS AND/OR OTHER PROJECTS THAT ARE ECONOMICALLY BENEFICIAL
48 THAT ARE OTHERWISE PROVIDED BY LAW TO BE FUNDED BY MONIES IN THIS
49 FUND; TO AMEND SECTION 49-17-407, MISSISSIPPI CODE OF 1972, TO
50 DELETE THE PROVISION THAT PROVIDES FOR THE ABATEMENT OF THE
51 ENVIRONMENTAL PROTECTION FEE LEVIED ON BONDED DISTRIBUTORS OF
52 MOTOR FUEL WHEN THE UNOBLIGATED BALANCE IN THE MISSISSIPPI
53 GROUNDWATER PROTECTION TRUST FUND REACHES OR EXCEEDS
54 \$10,000,000.00; TO PROVIDE THAT WHEN THE UNOBLIGATED BALANCE IN
55 THE MISSISSIPPI GROUNDWATER PROTECTION TRUST FUND REACHES OR
56 EXCEEDS \$10,000,000.00, THE DEPARTMENT OF REVENUE SHALL DEPOSIT
57 THE REVENUE DERIVED FROM THE ENVIRONMENTAL PROTECTION FEE INTO THE
58 STATE HIGHWAY FUND; TO AMEND SECTION 75-76-129, MISSISSIPPI CODE
59 OF 1972, TO REQUIRE FEES COLLECTED THROUGH DECEMBER 31, 2028,
60 UNDER THE GAMING CONTROL ACT AS A RESULT OF WAGERS ON SPORTING
61 EVENTS SHALL BE DEPOSITED INTO THE STATE HIGHWAY FUND TO BE USED
62 SOLELY FOR THE REPAIR AND MAINTENANCE OF STATE HIGHWAYS; TO AMEND
63 SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTY BOARDS
64 OF SUPERVISORS TO EXPEND MONIES DURING 2019 ON DEFICIENT BRIDGES
65 OF THE COUNTY IN THE STATE AID ROAD SYSTEM OR THE LOCAL SYSTEM
66 ROAD PROGRAM THAT HAVE A SUFFICIENCY RATING OF LESS THAN FIFTY
67 DURING THE LAST TERM OF OFFICE OF SUCH BOARDS; TO REQUIRE THE
68 DEPARTMENT OF AUDIT TO AUDIT OR ENTER INTO CONTRACTS FOR A
69 PERFORMANCE AUDIT OF ANY PROJECTS UNDER THE MISSISSIPPI DEPARTMENT
70 OF TRANSPORTATION; AND FOR RELATED PURPOSES.

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

72 **SECTION 1.** Section 27-67-31, Mississippi Code of 1972, is
73 amended as follows:

74 27-67-31. All administrative provisions of the sales tax
75 law, and amendments thereto, including those which fix damages,
76 penalties and interest for failure to comply with the provisions
77 of said sales tax law, and all other requirements and duties



78 imposed upon taxpayer, shall apply to all persons liable for use
79 taxes under the provisions of this article. The commissioner
80 shall exercise all power and authority and perform all duties with
81 respect to taxpayers under this article as are provided in said
82 sales tax law, except where there is conflict, then the provisions
83 of this article shall control.

84 The commissioner may require transportation companies to
85 permit the examination of waybills, freight bills, or other
86 documents covering shipments of tangible personal property into
87 this state.

88 On or before the fifteenth day of each month, the amount
89 received from taxes, damages and interest under the provisions of
90 this article during the preceding month shall be paid and
91 distributed as follows:

92 (a) On or before July 15, 1994, through July 15, 2000,
93 and each succeeding month thereafter, two and two hundred
94 sixty-six one-thousandths percent (2.266%) of the total use tax
95 revenue collected during the preceding month under the provisions
96 of this article shall be deposited in the School Ad Valorem Tax
97 Reduction Fund created pursuant to Section 37-61-35. On or before
98 August 15, 2000, and each succeeding month thereafter, two and two
99 hundred sixty-six one-thousandths percent (2.266%) of the total
100 use tax revenue collected during the preceding month under the
101 provisions of this chapter shall be deposited into the School Ad
102 Valorem Tax Reduction Fund created under Section 37-61-35 until



103 such time that the total amount deposited into the fund during a
104 fiscal year equals Four Million Dollars (\$4,000,000.00).
105 Thereafter, the amounts diverted under this paragraph (a) during
106 the fiscal year in excess of Four Million Dollars (\$4,000,000.00)
107 shall be deposited into the Education Enhancement Fund created
108 under Section 37-61-33 for appropriation by the Legislature as
109 other education needs and shall not be subject to the percentage
110 appropriation requirements set forth in Section 37-61-33.

111 (b) On or before July 15, 1994, and each succeeding
112 month thereafter, nine and seventy-three one-thousandths percent
113 (9.073%) of the total use tax revenue collected during the
114 preceding month under the provisions of this article shall be
115 deposited into the Education Enhancement Fund created pursuant to
116 Section 37-61-33.

117 (c) On or before July 15, 1997, and on or before the
118 fifteenth day of each succeeding month thereafter, the revenue
119 collected under the provisions of this article imposed and levied
120 as a result of Section 27-65-17(2) and the corresponding levy in
121 Section 27-65-23 on the rental or lease of private carriers of
122 passengers and light carriers of property as defined in Section
123 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
124 Reduction Fund created pursuant to Section 27-51-105.

125 (d) On or before July 15, 1997, and on or before the
126 fifteenth day of each succeeding month thereafter and after the
127 deposits required by paragraphs (a) and (b) of this section are



128 made, the remaining revenue collected under the provisions of this
129 article imposed and levied as a result of Section 27-65-17(1) and
130 the corresponding levy in Section 27-65-23 on the rental or lease
131 of private carriers of passengers and light carriers of property
132 as defined in Section 27-51-101 shall be deposited into the Motor
133 Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section
134 27-51-105.

135 (e) On or before August 15, 2019, and each succeeding
136 month thereafter through July 15, 2020, three and three-fourths
137 percent (3-3/4%) of the total use tax revenue collected during the
138 preceding month under the provisions of this article shall be
139 deposited into the special fund created in Section 2(1) of this
140 act. On or before August 15, 2020, and each succeeding month
141 thereafter through July 15, 2021, seven and one-half percent
142 (7-1/2%) of the total use tax revenue collected during the
143 preceding month under the provisions of this article shall be
144 deposited into the special fund created in Section 2(1) of this
145 act. On or before August 15, 2021, and each succeeding month
146 thereafter through July 15, 2022, eleven and one-fourth percent
147 (11-1/4%) of the total use tax revenue collected during the
148 preceding month under the provisions of this article shall be
149 deposited into the special fund created in Section 2(1) of this
150 act. On or before August 15, 2022, and each succeeding month
151 thereafter, fifteen percent (15%) of the total use tax revenue
152 collected during the preceding month under the provisions of this



153 article shall be deposited into the special fund created in
154 Section 2(1) of this act.

155 (f) On or before August 15, 2019, and each succeeding
156 month thereafter through July 15, 2020, three and three-fourths
157 percent (3-3/4%) of the total use tax revenue collected during the
158 preceding month under the provisions of this article shall be
159 deposited into the special fund created in Section 2(2) of this
160 act. On or before August 15, 2020, and each succeeding month
161 thereafter through July 15, 2021, seven and one-half percent
162 (7-1/2%) of the total use tax revenue collected during the
163 preceding month under the provisions of this article shall be
164 deposited into the special fund created in Section 2(2) of this
165 act. On or before August 15, 2021, and each succeeding month
166 thereafter through July 15, 2022, eleven and one-fourth percent
167 (11-1/4%) of the total use tax revenue collected during the
168 preceding month under the provisions of this article shall be
169 deposited into the special fund created in Section 2(2) of this
170 act. On or before August 15, 2022, and each succeeding month
171 thereafter, fifteen percent (15%) of the total use tax revenue
172 collected during the preceding month under the provisions of this
173 article shall be deposited into the special fund created in
174 Section 2(2) of this act.

175 (g) On or before August 15, 2019, and each succeeding
176 month thereafter through July 15, 2020, Four Hundred Sixteen
177 Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents



178 (\$416,666.67) or one and one-fourth percent (1-1/4%) of the total
179 use tax revenue collected during the preceding month under the
180 provisions of this article, whichever is the greater amount, shall
181 be deposited into the Local System Bridge Replacement and
182 Rehabilitation Fund created in Section 65-37-13. On or before
183 August 15, 2020, and each succeeding month thereafter through July
184 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred
185 Thirty-three Dollars and Thirty-four Cents (\$833,333.34) or two
186 and one-half percent (2-1/2%) of the total use tax revenue
187 collected during the preceding month under the provisions of this
188 article, whichever is the greater amount, shall be deposited into
189 the Local System Bridge Replacement and Rehabilitation Fund
190 created in Section 65-37-13. On or before August 15, 2021, and
191 each succeeding month thereafter through July 15, 2022, One
192 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) or
193 three and three-fourths percent (3-3/4%) of the total use tax
194 revenue collected during the preceding month under the provisions
195 of this article, whichever is the greater amount, shall be
196 deposited into the Local System Bridge Replacement and
197 Rehabilitation Fund created in Section 65-37-13. On or before
198 August 15, 2022, and each succeeding month thereafter, One Million
199 Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars and
200 Sixty-seven Cents (\$1,666,666.67) or five percent (5%) of the
201 total use tax revenue collected during the preceding month under
202 the provisions of this article, whichever is the greater amount,



203 shall be deposited into the Local System Bridge Replacement and
204 Rehabilitation Fund created in Section 65-37-13.

205 (* * *h) The remainder of the amount received from
206 taxes, damages and interest under the provisions of this article
207 shall be paid into the General Fund of the State Treasury by the
208 commissioner.

209 **SECTION 2.** (1) (a) There is hereby created a special fund
210 in the State Treasury. The fund shall be maintained by the State
211 Treasurer as a separate and special fund, separate and apart from
212 the General Fund of the state. The fund shall consist of monies
213 deposited therein under Section 27-67-31(e) and monies from any
214 other source designated for deposit into such fund. Monies in the
215 fund shall be expended by the Department of Revenue to provide
216 funds to assist municipalities in this state in paying costs
217 associated with (i) repair, maintenance and/or reconstruction of
218 roads, streets and bridges in municipalities and (ii) repair,
219 maintenance and/or other improvements to water infrastructure and
220 sewer infrastructure. Unexpended amounts remaining in the fund at
221 the end of a fiscal year shall not lapse into the State General
222 Fund, and any interest earned or investment earnings on amounts in
223 the fund shall be deposited to the credit of the fund.

224 (b) (i) Subject to the provisions of this paragraph
225 (b) and Section 4 of this act, funds provided to municipalities
226 under this subsection (1) shall be allocated and distributed to
227 municipalities as follows:



228 1. Three Million Dollars (\$3,000,000.00)

229 shall be allocated to all municipalities in equal shares, and

230 2. The remainder of the funds allocated as
231 follows:

232 a. One-half (1/2) shall be allocated to
233 municipalities based on the proportion that the population of a
234 municipality according to the most recent federal decennial census
235 bears to the total population of all municipalities in the state
236 according to the most recent federal decennial census, and

237 b. One-half (1/2) shall be allocated to
238 municipalities based on the proportion that the amount of sales
239 tax revenue distributed to a municipality during the preceding
240 fiscal year under Section 27-65-75(1)(a) bears to the total amount
241 of sales tax revenue distributed to all municipalities during the
242 preceding fiscal year under Section 27-65-75(1)(a).

243 The Department of Revenue shall distribute funds under this
244 subsection (1) on a semiannual basis with distributions being made
245 in the months of January and July.

246 (ii) In order to be eligible to receive the full
247 amount of funds allocated for distribution to a municipality
248 during a year under this subsection (1), the municipality must
249 have expended an amount not less than the amount of base
250 expenditures during the previous municipal fiscal year for the
251 purposes described in paragraph (a) of this subsection (1). If a
252 municipality fails to expend such required amount, then the amount



253 of funds allocated for distribution to the municipality shall be
254 reduced by the percentage by which the municipality failed to
255 expend the amount of base expenditures. For the purposes of this
256 subsection (1), "base expenditures" means the average annual
257 expenditures made by a municipality for purposes described in
258 paragraph (a) of this subsection (1) for the five-year period
259 beginning October 1, 2013, and ending September 30, 2018.
260 However, for the purposes of calculating the average annual
261 expenditures for such five-year period, the year within the period
262 with the highest annual expenditures for such purposes and the
263 year within the period with the lowest annual expenditures for
264 such purposes shall be excluded when calculating the average
265 annual expenditures for the five-year period. Expenditure of the
266 proceeds of bonds issued by a municipality for the purposes
267 described in paragraph (a) of this subsection (1) shall not be
268 considered when calculating the base period. Beginning July 1,
269 2020, and each succeeding July 1 thereafter, the amount of the
270 base expenditures shall be adjusted and compounded annually by
271 increasing or decreasing such amount by a percentage amount equal
272 to the United States inflation rate for the previous calendar year
273 ending on December 31 as certified by the Department of Revenue.
274 The United States inflation rate for a calendar year shall be the
275 Consumer Price Index for the calendar year for urban consumers as
276 calculated by the Bureau of Labor Statistics of the United States
277 Department of Labor.



278 (c) The Department of Revenue and the Department of
279 Audit shall have all powers necessary to ensure the proper
280 implementation of this subsection (1).

281 (2) (a) There is hereby created a special fund in the State
282 Treasury. The fund shall be maintained by the State Treasurer as
283 a separate and special fund, separate and apart from the General
284 Fund of the state. The fund shall consist of monies deposited
285 therein under Section 27-67-31(f) and monies from any other source
286 designated for deposit into such fund. Monies in the fund shall
287 be expended by the Department of Revenue to provide funds to
288 assist counties in this state in paying costs associated with the
289 repair, maintenance and/or reconstruction of roads, streets and
290 bridges in counties. Unexpended amounts remaining in the fund at
291 the end of a fiscal year shall not lapse into the State General
292 Fund, and any interest earned or investment earnings on amounts in
293 the fund shall be deposited to the credit of the fund.

294 (b) (i) Subject to the provisions of this paragraph
295 (b) and Section 4 of this act, funds provided to counties under
296 this subsection (2) shall be allocated and distributed to counties
297 in the following proportions:

298 1. One-third (1/3) shall be allocated to all
299 counties in equal shares,

300 2. One-third (1/3) shall be allocated to
301 counties based on the proportion that the total number of rural



302 road miles in a county bears to the total number of rural road
303 miles in all counties of the state, and

304 3. One-third (1/3) shall be allocated to
305 counties based on the proportion that the rural population of a
306 county bears to the total rural population in all counties of the
307 state, according to the latest federal decennial census.

308 The Department of Revenue shall distribute funds under this
309 subsection (2) on a semiannual basis with distributions being made
310 in the months of January and July. Rural road miles and rural
311 road population in the counties shall be determined in the same
312 manner as they are determined for the purposes of the distribution
313 formula in Section 65-9-3.

314 (ii) From and after July 1, 2020, of the funds
315 allocated for distribution to a county during a year under this
316 subsection (2), the maximum amount of such funds that may be
317 distributed to the county during that year shall not exceed the
318 amount of county funds expended by the county during the previous
319 county fiscal year for purposes described in paragraph (a) of this
320 subsection (2). Expenditure of the proceeds of bonds issued by a
321 county to pay costs associated with the repair, maintenance and/or
322 reconstruction of roads, streets and bridges shall not be
323 considered when determining the amount of county funds expended by
324 the county during the previous county fiscal year.



325 (c) The Department of Revenue and the Department of
326 Audit shall have all powers necessary to ensure the proper
327 implementation of this subsection (2).

328 **SECTION 3.** Section 65-37-15, Mississippi Code of 1972, is
329 amended as follows:

330 65-37-15. Notwithstanding any other provisions of this
331 chapter, when all deficient bridges of a county which have a
332 sufficiency rating of less than fifty (50) have been replaced or
333 are under contract for replacement or rehabilitation, then monies
334 in the Local System Bridge Replacement and Rehabilitation Fund
335 created under Section 65-37-13, that are allocated to a particular
336 county may be expended for (a) the purpose of paying the
337 principal, interest and debt service on any bonds, notes or
338 obligations issued or incurred by that county before the effective
339 date of this chapter for the purpose of replacing or
340 rehabilitating any bridge or drainage-related structure on any
341 highway, road or street under the jurisdiction of that county, (b)
342 on bridges in the State Aid Road System, or (c) if bridges in the
343 State Aid Road System of that county are in sufficient repair,
344 such monies may be utilized for the repair of roads on the State
345 Aid Road System or local system roads, upon presentation to the
346 State Aid Engineer of a resolution duly adopted and entered on the
347 minutes of the board of supervisors of such county requesting such
348 expenditure and reciting in the resolution such information as may
349 be necessary for the State Aid Engineer to determine that the



350 county is eligible for expenditure of funds under the provisions
351 of this section.

352 **SECTION 4.** When any governing board of a political
353 subdivision of the state or the governing board of a municipality
354 must physically close a bridge or bridges under its jurisdiction
355 in order for the state, a political subdivision of the state
356 and/or a municipality of the state to receive or continue to
357 receive federal transportation funding, the Mississippi Department
358 of Transportation shall direct by written notice such governing
359 board to physically close the bridge or bridges within sixty (60)
360 days of the receipt of such notice. The governing board shall
361 retain jurisdiction of such bridge or bridges and is responsible
362 for all costs associated with the closed bridge or bridges,
363 including closure and maintenance costs. Any such bridge or
364 bridges shall remain closed until the bridge is able to be
365 reopened in a condition that does not reduce the amount that the
366 state, a political subdivision of the state and/or a municipality
367 of the state shall receive or continue to receive in federal
368 transportation funding. Any political subdivision of the state or
369 municipality of the state whose governing board fails to comply
370 with the directive provided under this section shall not be
371 eligible for funding provided under Section 2 of this act and
372 shall remain ineligible until the governing board is in compliance
373 with such directive.



374 SECTION 5. (1) For the purposes of this section, the term
375 "electric vehicle" means a vehicle that is powered solely by an
376 electric motor drawing current from rechargeable batteries, fuel
377 cells, or other portable sources of electrical current, is
378 manufactured primarily for use on public streets, roads and
379 highways, and is required to have a license tag under Section
380 27-19-1 et seq., for operation on public streets, roads and
381 highways.

382 (2) (a) There is imposed an annual tax on each electric
383 vehicle, which shall be in addition to any other taxes for which
384 the vehicle is liable. The tax shall be paid to the county tax
385 collector at the same time and in the same manner as the annual
386 highway privilege tax is paid. The amount of the tax shall be One
387 Hundred Fifty Dollars (\$150.00).

388 (b) Beginning July 1, 2021, and each succeeding July 1
389 thereafter, the rate of the tax imposed under this section and in
390 effect at the end of the preceding state fiscal year shall be
391 adjusted by increasing the tax by a percentage amount equal to the
392 United States inflation rate for the previous calendar year ending
393 on December 31 as certified by the Department of Finance and
394 Administration. The United States inflation rate for a calendar
395 year shall be the Consumer Price Index for the calendar year for
396 urban consumers as calculated by the Bureau of Labor Statistics of
397 the United States Department of Labor. In adjusting the amount of



398 the tax, amounts equal to or greater than Fifty Cents (50¢) shall
399 be rounded to the next highest whole dollar.

400 (3) The tax collector shall have a special designation for
401 electric vehicles in the vehicle records of the tax collector's
402 office so that the owners of electric vehicles will be provided
403 with the proper forms for paying the tax imposed by this section.

404 (4) The tax collector shall remit the proceeds of the tax
405 collected under this section to the Department of Revenue, and the
406 department shall apportion the proceeds of the tax among the
407 various purposes specified in Section 27-5-101 for gasoline and
408 diesel fuel taxes in the same proportion that those taxes were
409 apportioned for those purposes during the previous state fiscal
410 year and such funds shall be used solely for the repair and
411 maintenance of roads, streets and bridges.

412 (5) The Department of Revenue shall have all of the power
413 and authority that it has for enforcement of the motor vehicle
414 privilege tax laws (Section 27-19-1 et seq.) to enforce the
415 provisions of this section. The Commissioner of Revenue may adopt
416 any rules or regulations that he deems necessary for the proper
417 administration of this section.

418 **SECTION 6.** (1) For the purposes of this section, the term
419 "hybrid vehicle" means a vehicle that utilizes more than one (1)
420 form of onboard energy to achieve propulsion, is manufactured
421 primarily for use on public streets, roads and highways, and is



422 required to have a license tag under Section 27-19-1 et seq., for
423 operation on public streets, roads and highways.

424 (2) (a) There is imposed an annual tax on each hybrid
425 vehicle, which shall be in addition to any other taxes for which
426 the vehicle is liable. The tax shall be paid to the county tax
427 collector at the same time and in the same manner as the annual
428 highway privilege tax is paid. The amount of the tax shall be
429 Seventy-five Dollars (\$75.00).

430 (b) Beginning July 1, 2021, and each succeeding July 1
431 thereafter, the rate of the tax imposed under this section and in
432 effect at the end of the preceding state fiscal year shall be
433 adjusted by increasing the tax by a percentage amount equal to the
434 United States inflation rate for the previous calendar year ending
435 on December 31 as certified by the Department of Finance and
436 Administration. The United States inflation rate for a calendar
437 year shall be the Consumer Price Index for the calendar year for
438 urban consumers as calculated by the Bureau of Labor Statistics of
439 the United States Department of Labor. In adjusting the amount of
440 the tax, amounts equal to or greater than Fifty Cents (50¢) shall
441 be rounded to the next highest whole dollar.

442 (3) The tax collector shall have a special designation for
443 hybrid vehicles in the vehicle records of the tax collector's
444 office so that the owners of hybrid vehicles will be provided with
445 the proper forms for paying the tax imposed by this section.



446 (4) The tax collector shall remit the proceeds of the tax
447 collected under this section to the Department of Revenue, and the
448 department shall apportion the proceeds of the tax among the
449 various purposes specified in Section 27-5-101 for gasoline and
450 diesel fuel taxes in the same proportion that those taxes were
451 apportioned for those purposes during the previous state fiscal
452 year and such funds shall be used solely for the repair and
453 maintenance of roads, streets and bridges.

454 (5) The Department of Revenue shall have all of the power
455 and authority that it has for enforcement of the motor vehicle
456 privilege tax laws (Section 27-19-1 et seq.) to enforce the
457 provisions of this section. The Commissioner of Revenue may adopt
458 any rules or regulations that he deems necessary for the proper
459 administration of this section.

460 **SECTION 7.** Section 1, Chapter 479, Laws of 2015, is amended
461 as follows:

462 Section 1. (1) As used in this section, the following words
463 shall have the meanings ascribed herein unless the context clearly
464 requires otherwise:

465 (a) "Accreted value" of any bond means, as of any date
466 of computation, an amount equal to the sum of (i) the stated
467 initial value of such bond, plus (ii) the interest accrued thereon
468 from the issue date to the date of computation at the rate,
469 compounded semiannually, that is necessary to produce the



470 approximate yield to maturity shown for bonds of the same
471 maturity.

472 (b) "State" means the State of Mississippi.

473 (c) "Commission" means the State Bond Commission.

474 (2) (a) (i) A special fund, to be designated the "2015
475 Mississippi Deficient Bridge and State Aid Road Supplemental Fund"
476 is created within the State Treasury. The fund shall be
477 maintained by the State Treasurer as a separate and special fund,
478 separate and apart from the General Fund of the state. Unexpended
479 amounts remaining in the fund at the end of a fiscal year shall
480 not lapse into the State General Fund, and any interest earned or
481 investment earnings on amounts in the fund shall be deposited into
482 such fund.

483 (ii) Monies deposited into the fund shall be
484 disbursed as follows:

485 1. Eighteen Million Dollars (\$18,000,000.00)
486 shall be utilized by the Department of Transportation to construct
487 a bridge extending the I-20 South Frontage Road, running parallel
488 to Old Highway 27, over the railroad in Vicksburg, Mississippi.

489 2. Twenty Million Dollars (\$20,000,000.00)
490 shall be deposited into the State Aid Road Fund.

491 3. The remainder shall be utilized, in the
492 discretion of the Mississippi Transportation Commission, to pay
493 the costs of repair, rehabilitation, replacement, construction
494 and/or reconstruction of the bridges on state maintained highways



495 that are on a list of deficient bridges compiled by the
496 Mississippi Department of Transportation as of July 1, 2015.
497 Bridges on the list will be determined based on National Bridge
498 Inspection Standards set by the Federal Highway Administration.
499 In expending the funds authorized in this item 3, the Mississippi
500 Transportation Commission should give preference to bridges within
501 and approaching those counties in this state where legal gaming is
502 being conducted or is authorized.

503 (b) Amounts deposited into such special fund shall be
504 disbursed to pay the costs of the projects described in paragraph
505 (a) of this subsection. Promptly after the commission has
506 certified, by resolution duly adopted, that the projects described
507 in paragraph (a) of this subsection shall have been completed,
508 abandoned, or cannot be completed in a timely fashion, any amounts
509 remaining in such special fund shall be applied to pay debt
510 service on the bonds issued under this section, in accordance with
511 the proceedings authorizing the issuance of such bonds and as
512 directed by the commission.

513 (c) The Mississippi Transportation Commission is
514 expressly authorized and empowered to receive and expend any local
515 or other source funds in connection with the expenditure of funds
516 provided for in this subsection. The expenditure of monies
517 deposited into the special fund shall be under the direction of
518 the Mississippi Transportation Commission, and such funds shall be
519 paid by the State Treasurer upon warrants issued by the Department



520 of Finance and Administration, which warrants shall be issued upon
521 requisitions signed by the Executive Director of the Mississippi
522 Department of Transportation, or his designee.

523 (3) For the purpose of providing for the payment of the
524 principal of and interest upon bonds issued under this section,
525 there is created a special bond sinking fund in the State
526 Treasury. The special bond sinking fund shall consist of the
527 monies deposited into the fund under Section 75-76-129,
528 Mississippi Code of 1972, and such other amounts as may be paid
529 into such fund by appropriation or other authorization by the
530 Legislature. Except as otherwise provided in this section, monies
531 in the special bond sinking fund shall be used to pay the debt
532 service requirements of the bonds issued under this section. If
533 the special bond sinking fund has a balance in excess of the
534 amount needed to pay the next maximum annual debt service
535 requirement of the bonds issued under this section, the excess
536 monies may be transferred into the Gaming Counties State Assisted
537 Infrastructure Fund created in Section 65-39-17, Mississippi Code
538 of 1972. Unexpended amounts remaining in the special bond sinking
539 fund at the end of a fiscal year shall not lapse into the State
540 General Fund, and any interest earned or investment earnings on
541 amounts in the special bond sinking fund shall be deposited into
542 such sinking fund.

543 (4) (a) The commission, at one time, or from time to time,
544 may declare by resolution the necessity for issuance of revenue



545 bonds of the State of Mississippi to provide funds for all costs
546 incurred or to be incurred for the purposes described in
547 subsection (2) of this section, to provide funds for the Emergency
548 Road and Bridge Repair Fund created in Section 8 of this act
549 and/or to provide funds for the 2018 Transportation and
550 Infrastructure Improvements Fund created in Section 9 of this act.
551 Upon the adoption of a resolution by the Mississippi
552 Transportation Commission, declaring the necessity for the
553 issuance of any part or all of the revenue bonds authorized by
554 this subsection, the Mississippi Transportation Commission shall
555 deliver a certified copy of its resolution or resolutions to the
556 commission. Upon receipt of such resolution, the commission, in
557 its discretion, may act as the issuing agent, prescribe the form
558 of the bonds, determine the appropriate method for sale of the
559 bonds, advertise for and accept bids or negotiate the sale of the
560 bonds, issue and sell the bonds so authorized to be sold, and do
561 any and all other things necessary and advisable in connection
562 with the issuance and sale of such bonds. The total amount of
563 bonds issued under this section shall not exceed * * * Five
564 Hundred Million Dollars (\$500,000,000.00); however, of the
565 additional bonds authorized under this section, as amended by this
566 act, not more than Two Hundred Fifty Million Dollars
567 (\$250,000,000.00) of such bonds may be issued for the purpose of
568 providing funds for the Emergency Road and Bridge Repair Fund
569 created in Section 8 of this act, and not more than Fifty Million



570 Dollars (\$50,000,000.00) of such bonds may be issued for the
571 purpose of providing funds for the 2018 Transportation and
572 Infrastructure Improvements Fund created in Section 9 of this act.

573 (b) Any investment earnings on amounts deposited into
574 the special fund created in subsection (2) of this section shall
575 be used to pay debt service on bonds issued under this section, in
576 accordance with the proceedings authorizing issuance of such
577 bonds.

578 (5) The principal of and interest on the bonds authorized
579 under this section shall be payable in the manner provided in this
580 subsection. Such bonds shall bear such date or dates, be in such
581 denomination or denominations, bear interest at such rate or rates
582 (not to exceed the limits set forth in Section 75-17-101,
583 Mississippi Code of 1972), be payable at such place or places
584 within or without the State of Mississippi, shall mature
585 absolutely at such time or times not to exceed twenty (20) years
586 from date of issue, be redeemable before maturity at such time or
587 times and upon such terms, with or without premium, shall bear
588 such registration privileges, and shall be substantially in such
589 form, all as shall be determined by resolution of the commission.

590 (6) The bonds authorized by this section shall be signed by
591 the chairman of the commission, or by his facsimile signature, and
592 the official seal of the commission shall be affixed thereto,
593 attested by the secretary of the commission. The interest
594 coupons, if any, to be attached to such bonds may be executed by



595 the facsimile signatures of such officers. Whenever any such
596 bonds shall have been signed by the officials designated to sign
597 the bonds who were in office at the time of such signing but who
598 may have ceased to be such officers before the sale and delivery
599 of such bonds, or who may not have been in office on the date such
600 bonds may bear, the signatures of such officers upon such bonds
601 and coupons shall nevertheless be valid and sufficient for all
602 purposes and have the same effect as if the person so officially
603 signing such bonds had remained in office until their delivery to
604 the purchaser, or had been in office on the date such bonds may
605 bear. However, notwithstanding anything herein to the contrary,
606 such bonds may be issued as provided in the Registered Bond Act of
607 the State of Mississippi.

608 (7) All bonds and interest coupons issued under the
609 provisions of this section have all the qualities and incidents of
610 negotiable instruments under the provisions of the Uniform
611 Commercial Code, and in exercising the powers granted by this
612 section, the commission shall not be required to and need not
613 comply with the provisions of the Uniform Commercial Code.

614 (8) The commission shall act as issuing agent for the bonds
615 authorized under this section, prescribe the form of the bonds,
616 determine the appropriate method for sale of the bonds, advertise
617 for and accept bids or negotiate the sale of the bonds, issue and
618 sell the bonds so authorized to be sold, pay all fees and costs
619 incurred in such issuance and sale, and do any and all other



620 things necessary and advisable in connection with the issuance and
621 sale of such bonds. The commission is authorized and empowered to
622 pay the costs that are incident to the sale, issuance and delivery
623 of the bonds authorized under this section from the proceeds
624 derived from the sale of such bonds. The commission may sell such
625 bonds on sealed bids at public sale or may negotiate the sale of
626 the bonds for such price as it may determine to be for the best
627 interest of the State of Mississippi. All interest accruing on
628 such bonds so issued shall be payable semiannually or annually.

629 If such bonds are sold by sealed bids at public sale, notice
630 of the sale shall be published at least one time, not less than
631 ten (10) days before the date of sale, and shall be so published
632 in one or more newspapers published or having a general
633 circulation in the City of Jackson, Mississippi, selected by the
634 commission.

635 The commission, when issuing any bonds under the authority of
636 this section, may provide that bonds, at the option of the State
637 of Mississippi, may be called in for payment and redemption at the
638 call price named therein and accrued interest on such date or
639 dates named therein.

640 (9) The bonds issued under the provisions of this section
641 shall be revenue bonds of the state, the principal of and interest
642 on which shall be payable solely from and shall be secured by the
643 special bond sinking fund created in subsection (3) of this
644 section. The bonds shall never constitute an indebtedness of the



645 state within the meaning of any state constitutional provision or
646 statutory limitation, and shall never constitute or give rise to a
647 pecuniary liability of the state, or a charge against its general
648 credit or taxing powers, and such fact shall be plainly stated on
649 the face of each such bond. The bonds shall not be considered
650 when computing any limitation of indebtedness of the state. All
651 bonds issued under the authority of this section and all interest
652 coupons applicable thereto shall be construed to be negotiable
653 instruments, despite the fact that they are payable solely from a
654 specified source.

655 (10) Except as otherwise provided in this section, upon the
656 issuance and sale of bonds under the provisions of this section,
657 the commission shall transfer the proceeds of any such sale or
658 sales to the special fund created in subsection (2) of this
659 section. The proceeds of such bonds shall be disbursed solely
660 upon the order of the Mississippi Transportation Commission under
661 such restrictions, if any, as may be contained in the resolution
662 providing for the issuance of the bonds. Upon the issuance and
663 sale of the additional bonds authorized under this section, as
664 amended by this act, the commission shall transfer not more than
665 Fifty Million Dollars (\$50,000,000.00) of the proceeds of any such
666 sale to the 2018 Transportation and Infrastructure Improvements
667 Fund created in Section 9 of this act and shall transfer not more
668 than Two Hundred Fifty Million Dollars (\$250,000,000.00) of the



669 proceeds of any such sale to the Emergency Road and Bridge Repair
670 Fund created in Section 8 of this act.

671 (11) The bonds authorized under this section may be issued
672 without any other proceedings or the happening of any other
673 conditions or things other than those proceedings, conditions and
674 things which are specified or required by this section. Any
675 resolution providing for the issuance of bonds under the
676 provisions of this section shall become effective immediately upon
677 its adoption by the commission, and any such resolution may be
678 adopted at any regular or special meeting of the commission by a
679 majority of its members.

680 (12) The bonds authorized under the authority of this
681 section may be validated in the Chancery Court of the First
682 Judicial District of Hinds County, Mississippi, in the manner and
683 with the force and effect provided by Chapter 13, Title 31,
684 Mississippi Code of 1972, for the validation of county, municipal,
685 school district and other bonds. The notice to taxpayers required
686 by such statutes shall be published in a newspaper published or
687 having a general circulation in the City of Jackson, Mississippi.

688 (13) Any holder of bonds issued under the provisions of this
689 section or of any of the interest coupons pertaining thereto may,
690 either at law or in equity, by suit, action, mandamus or other
691 proceeding, protect and enforce any and all rights granted under
692 this section, or under such resolution, and may enforce and compel
693 performance of all duties required by this section to be



694 performed, in order to provide for the payment of bonds and
695 interest thereon.

696 (14) All bonds issued under the provisions of this section
697 shall be legal investments for trustees and other fiduciaries, and
698 for savings banks, trust companies and insurance companies
699 organized under the laws of the State of Mississippi, and such
700 bonds shall be legal securities which may be deposited with and
701 shall be received by all public officers and bodies of this state
702 and all municipalities and political subdivisions for the purpose
703 of securing the deposit of public funds.

704 (15) Bonds issued under the provisions of this section and
705 income therefrom shall be exempt from all taxation in the State of
706 Mississippi.

707 (16) The proceeds of the bonds issued under this section
708 shall be used solely for the purposes herein provided, including
709 the costs incident to the issuance and sale of such bonds.

710 (17) The State Treasurer is authorized, without further
711 process of law, to certify to the Department of Finance and
712 Administration the necessity for warrants, and the Department of
713 Finance and Administration is authorized and directed to issue
714 such warrants, in such amounts as may be necessary to pay when due
715 the principal of, premium, if any, and interest on, or the
716 accreted value of, all bonds issued under this section; and the
717 State Treasurer shall forward the necessary amount to the
718 designated place or places of payment of such bonds in ample time



719 to discharge such bonds, or the interest thereon, on the due dates
720 thereof.

721 (18) This section shall be deemed to be full and complete
722 authority for the exercise of the powers herein granted, but this
723 section shall not be deemed to repeal or to be in derogation of
724 any existing law of this state.

725 **SECTION 8.** (1) There is created in the State Treasury a
726 special fund to be known as the "Emergency Road and Bridge Repair
727 Fund," into which shall be deposited money appropriated by the
728 Legislature or otherwise made available in any manner, and funds
729 from any other source designated for deposit into such fund.
730 Unexpended amounts remaining in the fund at the end of a fiscal
731 year shall not lapse into the State General Fund and any interest
732 earned or investment earnings on amounts in the fund shall be
733 deposited into the fund. The expenditure of money deposited into
734 the fund shall be under the direction of the Mississippi
735 Department of Transportation, and such funds shall be paid by the
736 Mississippi Department of Transportation upon warrants issued by
737 the Department of Finance and Administration.

738 (2) Money in the fund shall be utilized by the Mississippi
739 Department of Transportation, with the advice of the Emergency
740 Road and Bridge Repair Fund Advisory Board, to provide funding for
741 emergency repairs to roads, streets and highways in this state and
742 emergency bridge repairs on public roads, streets and highways in
743 this state, as determined by a unanimous vote of the Mississippi



744 Transportation Commission. However, before the expenditure of
745 money in the fund, the department shall promulgate rules and
746 regulations as authorized in subsection (3) of this section.

747 (3) (a) There is created the Emergency Road and Bridge
748 Repair Fund Advisory Board which shall consist of the following
749 members:

750 (i) The President and Chief Executive Officer of
751 the Mississippi Economic Council;

752 (ii) The President and Chief Executive Officer of
753 the Mississippi Manufacturers Association;

754 (iii) The President of the Mississippi Farm Bureau
755 Federation;

756 (iv) The President of the Mississippi Poultry
757 Association;

758 (v) The President of the Mississippi Trucking
759 Association;

760 (vi) The Executive Director of the Mississippi
761 Association of Supervisors;

762 (vii) The Executive Director of the Mississippi
763 Municipal League;

764 (viii) The Executive Vice President of the
765 Mississippi Cattlemen's Association;

766 (ix) The Executive Director of the Mississippi
767 Loggers Association; and



768 (x) The Executive Director of the American Council
769 of Engineering Companies-Mississippi.

770 (b) The Governor shall appoint the chairman of the
771 board and the board shall elect such other officers as it
772 considers necessary from among its members.

773 (c) A majority of the members of the board shall
774 constitute a quorum for the conduct of meetings and all actions of
775 the board shall be by a majority vote. No compensation, per diem
776 or mileage expense shall be provided board members.

777 (d) The Governor's office shall provide any necessary
778 administrative support to the board.

779 (e) The board shall meet at least quarterly to conduct
780 business.

781 (f) The board shall provide nonbinding advice to the
782 Department of Transportation regarding the expenditure of money in
783 the Emergency Road and Bridge Repair Fund.

784 (4) The Mississippi Department of Transportation shall have
785 all powers necessary to implement and administer the program
786 established under this section, and the department shall
787 promulgate rules and regulations, in accordance with the
788 Mississippi Administrative Procedures Law, necessary for the
789 implementation of this section.

790 **SECTION 9.** A special fund, to be designated the "2018
791 Transportation and Infrastructure Improvements Fund," is created
792 within the State Treasury, which shall consist of funds made



793 available by the Legislature in any manner and funds from any
794 other source designated for deposit into such fund. The fund
795 shall be maintained by the State Treasurer as a separate and
796 special fund, separate and apart from the General Fund of the
797 state. Unexpended amounts remaining in the fund at the end of a
798 fiscal year shall not lapse into the State General Fund, and any
799 interest earned or investment earnings on amounts in the fund
800 shall be deposited into such fund. Monies deposited into the fund
801 shall be expended, upon appropriation by the Legislature, for
802 infrastructure projects and/or other projects that are
803 economically beneficial that are otherwise provided by law to be
804 funded by monies in this fund.

805 **SECTION 10.** Section 49-17-407, Mississippi Code of 1972, is
806 amended as follows:

807 49-17-407. (1) (a) An environmental protection fee of
808 Four-tenths of One Cent (4/10 of 1¢) per gallon is hereby levied
809 upon any bonded distributor, as defined by Sections 49-17-401
810 through 49-17-433, who sells or delivers motor fuels to a retailer
811 or user in this state.

812 (b) Every person, other than a bonded distributor, who
813 shall purchase or acquire motor fuels within this state on which
814 the environmental protection fee has not accrued, shall be liable
815 for the environmental protection fee.

816 (c) The environmental protection fee shall be imposed
817 only one (1) time on motor fuels sold in the state.



818 (d) The environmental protection fee shall be collected
819 by the * * * Department of Revenue and shall be designated
820 separately from the excise taxes on fuels.

821 (e) Any person liable for the environmental protection
822 fee shall be subject to the same requirements and penalties as
823 distributors under the provisions of the Mississippi Special Fuel
824 Tax Law.

825 (f) Any person liable for the environmental protection
826 fee shall file a report and remit any fees due at the same time
827 provided for filing reports under Section 27-55-523, on forms
828 prescribed by the * * * Department of Revenue.

829 (g) The * * * Department of Revenue is hereby
830 authorized and empowered to promulgate all rules and regulations
831 necessary for the administration of the environmental protection
832 fee.

833 (2) (a) On or before the fifteenth day of each month the
834 environmental protection fees collected during the previous month
835 shall be deposited into the Mississippi Groundwater Protection
836 Trust Fund established in Section 49-17-405. When the unobligated
837 balance in the fund reaches or exceeds Ten Million Dollars
838 (\$10,000,000.00), the administrator of the fund shall notify in
839 writing the * * * Department of Revenue no later than the
840 twenty-fifth day of the month * * * to revise the distribution of
841 the environmental protection fee and the Department of Revenue
842 shall deposit the fee into the State Highway Fund. Such



843 distribution shall become effective on the last day of the month
844 succeeding the month in which such notice was given. All
845 environmental protection fees accrued shall be reported and paid.

846 (b) When the fund balance is reduced below Six Million
847 Dollars (\$6,000,000.00), the fee shall again be * * * deposited
848 into the Mississippi Groundwater Protection Trust Fund until such
849 time as the fund shall reach or exceed Ten Million Dollars
850 (\$10,000,000.00). The administrator of the fund shall notify, no
851 later than the twenty-fifth day of the month, the * * * Department
852 of Revenue to * * * deposit the environmental protection fee * * *
853 into the Mississippi Groundwater Protection Trust Fund and such
854 distribution shall become effective on the first day of the second
855 month succeeding the month in which the notice to * * * deposit
856 the fee into the fund was given.

857 (3) This fund shall be used for the purposes set forth in
858 Sections 49-17-401 through 49-17-435 and for no other governmental
859 purposes, nor shall any portion hereof ever be available to borrow
860 from by any branch of government; it being the intent of the
861 Legislature that this fund and its increments shall remain intact
862 and inviolate. Any interest earned on monies in this fund shall
863 remain in this fund.

864 (4) Monies held in the fund established under Sections
865 49-17-401 through 49-17-435 shall be used only at an active site
866 and shall be disbursed in accordance with the commission
867 requirements and as follows:



868 (a) Payments shall be made to any third party who
869 brings a third-party claim against any owner of an underground
870 storage tank and the commission as trustee of the Mississippi
871 Groundwater Protection Trust Fund and who obtains a final judgment
872 in such action which is valid and enforceable in this state
873 against such parties. Payment shall be paid to the third party
874 upon filing by such party an application with the department
875 attaching the original or a certified copy of the final judgment.

876 (b) Payments shall be made in reasonable amounts to
877 approved response action contractors and other parties involved in
878 the site study and cleanup. Payment shall be made to the party
879 incurring the costs by filing of a sworn application with the
880 department indicating the fair and reasonable value of the costs
881 of site rehabilitation, subject to the regulations and limitations
882 as set by the department.

883 (5) Payments from the fund are limited as follows:

884 (a) For cleanup purposes, a maximum of One Million Five
885 Hundred Thousand Dollars (\$1,500,000.00) may be disbursed from the
886 fund for any one (1) site, per confirmed release occurrence.

887 (b) For third-party judgments, a maximum of One Million
888 Dollars (\$1,000,000.00) may be disbursed from the fund for any one
889 (1) site, per confirmed release occurrence.

890 (c) Nothing in Sections 49-17-401 through 49-17-435
891 shall establish or create any liability or responsibility on the
892 part of the department or the State of Mississippi to pay any



893 cleanup costs or third-party claims if the fund created herein is
894 insufficient to do so.

895 (6) Monies held in the fund established under Sections
896 49-17-401 through 49-17-435 shall not be used for purchases of
897 equipment needed to assist in cleanup operations.

898 (7) Nothing in Sections 49-17-401 through 49-17-435 shall
899 serve to limit any recovery against an owner of an underground
900 storage tank in excess of the fund payment limits established
901 under this section.

902 (8) Substantial compliance shall in no way be construed to
903 be an absolute defense to civil liability.

904 **SECTION 11.** Section 75-76-129, Mississippi Code of 1972, is
905 amended as follows:

906 **[Through June 30, 2028, this section shall read as follows:]**

907 75-76-129. (1) On or before the last day of each month all
908 taxes, fees, interest, penalties, damages, fines or other monies
909 collected by the Department of Revenue during that month under the
910 provisions of this chapter, with the exception of (a) the local
911 government fees imposed under Section 75-76-195, and (b) an amount
912 equal to Three Million Dollars (\$3,000,000.00) of the revenue
913 collected pursuant to the fee imposed under Section
914 75-76-177(1)(c), and (c) the revenue collected pursuant to the fee
915 imposed under Section 75-76-177(1)(c) as a result of wagers on
916 sporting events shall be paid by the Department of Revenue to the
917 State Treasurer to be deposited in the State General Fund. The



918 local government fees shall be distributed by the Department of
919 Revenue pursuant to Section 75-76-197.

920 (2) An amount equal to Three Million Dollars (\$3,000,000.00)
921 of the revenue collected during that month pursuant to the fee
922 imposed under Section 75-76-177(1)(c) shall be deposited by the
923 Department of Revenue into the bond sinking fund created in
924 Section 1(3) of Chapter 479, Laws of 2015.

925 (3) Revenue collected pursuant to the fee imposed under
926 Section 75-76-177(1)(c) as a result of wagers on sporting events
927 shall be deposited into the State Highway Fund to be used solely
928 for the repair and maintenance of highways and bridges of the
929 State of Mississippi. This revenue shall be used first for
930 matching funds made available to the state for such purposes
931 pursuant to any federal highway infrastructure program implemented
932 after September 1, 2018.

933 **[From and after July 1, 2028, this section shall read as**
934 **follows:]**

935 75-76-129. On or before the last day of each month all
936 taxes, fees, interest, penalties, damages, fines or other monies
937 collected by the Department of Revenue during that month under the
938 provisions of this chapter, with the exception of (a) the local
939 government fees imposed under Section 75-76-195, and (b) an amount
940 equal to Three Million Dollars (\$3,000,000.00) of the revenue
941 collected pursuant to the fee imposed under Section
942 75-76-177(1)(c) shall be paid by the Department of Revenue to the



943 State Treasurer to be deposited in the State General Fund. The
944 local government fees shall be distributed by the Department of
945 Revenue pursuant to Section 75-76-197. An amount equal to Three
946 Million Dollars (\$3,000,000.00) of the revenue collected during
947 that month pursuant to the fee imposed under Section
948 75-76-177(1)(c) shall be deposited by the Department of Revenue
949 into the bond sinking fund created in Section 1(3) of Chapter 479,
950 Laws of 2015.

951 **SECTION 12.** Section 19-11-27, Mississippi Code of 1972, is
952 amended as follows:

953 19-11-27. No board of supervisors of any county shall expend
954 from, or contract an obligation against, the budget estimates for
955 road and bridge construction, maintenance and equipment, made and
956 published by it during the last year of the term of office of such
957 board, between the first day of October and the first day of the
958 following January, a sum exceeding one-fourth (1/4) of such item
959 of the budget made and published by it, except in cases of
960 emergency. The clerk of any county is prohibited from issuing any
961 warrant contrary to the provisions of this section. No board of
962 supervisors nor any member thereof shall buy any machinery or
963 equipment in the last six (6) months of their or his term unless
964 or until he has been elected at the general election of that year.
965 The provisions of this section shall not apply to expenditures
966 during calendar year 2019 on deficient bridges in the State Aid
967 Road System or the Local System Road Program that have a



968 sufficiency rating of less than fifty (50) or to a contract, lease
969 or lease-purchase contract executed pursuant to the bidding
970 requirements in Section 31-7-13 and approved by a unanimous vote
971 of the board. Such unanimous vote shall include a statement
972 indicating the board's proclamation that the award of the contract
973 is essential to the efficiency and economy of the operation of the
974 county government.

975 **SECTION 13.** The Department of Audit shall conduct and/or
976 enter into contracts for a performance audit of any projects under
977 the Mississippi Department of Transportation. In addition to
978 other factors, the audit shall assess the effect of engineering
979 fees on projects and whether the fees are excessive. The
980 performance audit shall be completed by not later than December
981 31, 2019. The Department of Audit shall be reimbursed for all
982 expenses of the audit by the Mississippi Department of
983 Transportation. If the Department of Audit enters into a contract
984 with a private entity for the audit required under this section,
985 the department shall ensure that such entity is adequately
986 experienced with auditing other state departments of
987 transportation or similar departments or agencies.

988 **SECTION 14.** This act shall be known and may be cited as the
989 Mississippi Infrastructure Modernization Act of 2018.

990 **SECTION 15.** Sections 5 and 6 of this act shall take effect
991 and be in force from and after October 1, 2018, the remainder of



992 this act shall take effect and be in force from and after its
993 passage.

