

By: Representative Young

To: Ways and Means

HOUSE BILL NO. 301

1 AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FROM 18.5% TO 20.5% THE AMOUNT OF THE STATE'S TOTAL
3 SALES TAX REVENUE COLLECTIONS ON BUSINESS ACTIVITIES WITHIN A
4 MUNICIPALITY THAT IS ALLOCATED FOR DISTRIBUTION TO SUCH
5 MUNICIPALITY; TO PROVIDE THAT AN ADDITIONAL 2% OF THE STATE'S
6 TOTAL SALES TAX REVENUE COLLECTIONS ON BUSINESS ACTIVITIES WITHIN
7 MUNICIPALITIES SHALL BE ALLOCATED FOR DISTRIBUTION TO THE COUNTY
8 IN WHICH SUCH MUNICIPALITIES ARE LOCATED; TO AMEND SECTION
9 27-65-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
10 AMEND SECTIONS 21-33-45, 27-39-303, 27-39-307 AND 27-39-317,
11 MISSISSIPPI CODE OF 1972, TO CAP THE AD VALOREM TAX MILLAGE RATE
12 THAT MAY BE LEVIED FOR GENERAL PURPOSES BY MUNICIPALITIES AND
13 COUNTIES AT THE RATE IN EFFECT FOR THE COUNTY OR MUNICIPALITY 1999
14 FISCAL YEAR, AS APPROPRIATE; TO AMEND SECTIONS 27-39-203,
15 27-39-205, 27-39-320 AND 27-39-321, MISSISSIPPI CODE OF 1972, IN
16 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

18 SECTION 1. Section 27-65-75, Mississippi Code of 1972, is
19 amended as follows:

20 **[Until July 1, 2002, this section reads as follows:]**

21 27-65-75. On or before the fifteenth day of each month, the
22 revenue collected under the provisions of this chapter during the
23 preceding month shall be paid and distributed as follows:

24 (1) On or before August 15, 1992, and each succeeding month
25 thereafter through July 15, 1993, eighteen percent (18%) of the
26 total sales tax revenue collected during the preceding month under
27 the provisions of this chapter, except that collected under the
28 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
29 business activities within a municipal corporation shall be
30 allocated for distribution to such municipality and paid to such
31 municipal corporation. On or before August 15, 1993, and each
32 succeeding month thereafter through July 15, 1999, eighteen and
33 one-half percent (18-1/2%) of the total sales tax revenue
34 collected during the preceding month under the provisions of this

35 chapter, except that collected under the provisions of Sections
36 27-65-15, 27-65-19(3), 27-65-21, and that collected under the
37 provisions of Section 27-65-17(2) and the corresponding levy in
38 Section 27-65-23 on the rental or lease of private carriers of
39 passengers and light carriers of property as defined in Sections
40 27-51-101, on business activities within a municipal corporation
41 shall be allocated for distribution to such municipality and paid
42 to such municipal corporation. On or before August 15, 1999, and
43 each succeeding month thereafter, twenty and one-half percent
44 (20-1/2%) of the total sales tax revenue collected during the
45 preceding month under the provisions of this chapter, except that
46 collected under the provisions of Sections 27-65-15, 27-65-19(3),
47 27-65-21, and that collected under the provisions of Section
48 27-65-17(2) and the corresponding levy in Section 27-65-23 on the
49 rental or lease of private carriers of passengers and light
50 carriers of property as defined in Sections 27-51-101, on business
51 activities within a municipal corporation shall be allocated for
52 distribution to such municipality and paid to such municipal
53 corporation. On or before August 15, 1999, and each succeeding
54 month thereafter, an additional two percent (2%) of the total
55 sales tax revenue collected during the preceding month under the
56 provisions of this chapter, except that collected under the
57 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21, and that
58 collected under the provisions of Section 27-65-17(2) and the
59 corresponding levy in Section 27-65-23 on the rental or lease of
60 private carriers of passengers and light carriers of property as
61 defined in Section 27-51-101, on business activities within all of
62 the municipal corporations located within a county shall be
63 allocated for distribution to such county and paid to such county.

64 A municipal corporation, for the purpose of distributing the
65 tax under this subsection, shall mean and include all incorporated
66 cities, towns and villages.

67 Monies allocated for distribution and credited to a municipal
68 corporation under this subsection may be pledged as security for
69 any loan received by the municipal corporation for the purpose of
70 capital improvements as authorized under Section 57-1-303, or
71 loans as authorized under Section 57-44-7, or water systems
72 improvements as authorized under Section 41-3-16.

73 In any county having a county seat which is not an
74 incorporated municipality, the distribution provided hereunder
75 shall be made as though the county seat was an incorporated
76 municipality; however, the distribution to such municipality shall
77 be paid to the county treasury wherein the municipality is located
78 and such funds shall be used for road, bridge and street
79 construction or maintenance therein.

80 (2) On or before September 15, 1987, and each succeeding
81 month thereafter, from the revenue collected under this chapter
82 during the preceding month One Million One Hundred Twenty-five
83 Thousand Dollars (\$1,125,000.00) shall be allocated for
84 distribution to municipal corporations as defined under subsection
85 (1) of this section in the proportion that the number of gallons
86 of gasoline and diesel fuel sold by distributors to consumers and
87 retailers in each such municipality during the preceding fiscal
88 year bears to the total gallons of gasoline and diesel fuel sold
89 by distributors to consumers and retailers in municipalities
90 statewide during the preceding fiscal year. The State Tax
91 Commission shall require all distributors of gasoline and diesel
92 fuel to report to the commission monthly the total number of
93 gallons of gasoline and diesel fuel sold by them to consumers and
94 retailers in each municipality during the preceding month. The
95 State Tax Commission shall have the authority to promulgate such
96 rules and regulations as is necessary to determine the number of
97 gallons of gasoline and diesel fuel sold by distributors to
98 consumers and retailers in each municipality. In determining the
99 percentage allocation of funds under this subsection for the
100 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
101 State Tax Commission may consider gallons of gasoline and diesel
102 fuel sold for a period of less than one (1) fiscal year. For the
103 purposes of this subsection, the term "fiscal year" means the
104 fiscal year beginning July 1 of a year.

105 (3) On or before September 15, 1987, and on or before the
106 fifteenth day of each succeeding month, until the date specified

107 in Section 65-39-35, the proceeds derived from contractors' taxes
108 levied under Section 27-65-21 on contracts for the construction or
109 reconstruction of highways designated under the Four-Lane Highway
110 Program created under Section 65-3-97 shall be deposited into the
111 State Treasury to the credit of the State Highway Fund to be used
112 to fund such Four-Lane Highway Program. The Mississippi
113 Department of Transportation shall provide to the State Tax
114 Commission such information as is necessary to determine the
115 amount of proceeds to be distributed under this subsection.

116 (4) On or before August 15, 1994, and on or before the
117 fifteenth day of each succeeding month, from the proceeds of
118 gasoline, diesel fuel or kerosene taxes as provided in Section
119 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be
120 deposited in the State Treasury to the credit of a special fund
121 designated as the "State Aid Road Fund," created by Section
122 65-9-17. Such funds shall be pledged to pay the principal of and
123 interest on state aid road bonds heretofore issued under Sections
124 19-9-51 through 19-9-77, in lieu of and in substitution for the
125 funds heretofore allocated to counties under this section. Such
126 funds may not be pledged for the payment of any state aid road
127 bonds issued after April 1, 1981; however, this prohibition
128 against the pledging of any such funds for the payment of bonds
129 shall not apply to any bonds for which intent to issue such bonds
130 has been published, for the first time, as provided by law prior
131 to March 29, 1981. From the amount of taxes paid into the special
132 fund pursuant to this subsection and subsection (9) of this
133 section, there shall be first deducted and paid the amount
134 necessary to pay the expenses of the Office of State Aid Road
135 Construction, as authorized by the Legislature for all other
136 general and special fund agencies. The remainder of the fund
137 shall be allocated monthly to the several counties in accordance
138 with the following formula:

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

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

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

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

152 The amount of funds allocated to any county under this
153 subsection for any fiscal year after fiscal year 1994 shall not be
154 less than the amount allocated to such county for fiscal year
155 1994. Monies allocated to a county from the State Aid Road Fund
156 for fiscal year 1995 or any fiscal year thereafter that exceed the
157 amount of funds allocated to that county from the State Aid Road
158 Fund for fiscal year 1994, first must be expended by the county
159 for replacement or rehabilitation of bridges on the state aid road
160 system that have a sufficiency rating of less than twenty-five
161 (25), according to National Bridge Inspection standards before
162 such monies may be approved for expenditure by the State Aid Road
163 Engineer on other projects that qualify for the use of state aid
164 road funds.

165 Any reference in the general laws of this state or the
166 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
167 construed to refer and apply to subsection (4) of Section
168 27-65-75.

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

175 (6) An amount each month beginning August 15, 1983, through
176 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
177 of 1983, shall be paid into the special fund known as the
178 Correctional Facilities Construction Fund created in Section 6 of
179 Chapter 542, Laws of 1983.

180 (7) On or before August 15, 1992, and each succeeding month
181 thereafter, two and two hundred sixty-six one-thousandths percent
182 (2.266%) of the total sales tax revenue collected during the
183 preceding month under the provisions of this chapter, except that
184 collected under the provisions of Section 27-65-17(2) shall be
185 deposited by the commission into the School Ad Valorem Tax
186 Reduction Fund created pursuant to Section 37-61-35.

187 (8) On or before August 15, 1992, and each succeeding month
188 thereafter, nine and seventy-three one-thousandths percent
189 (9.073%) of the total sales tax revenue collected during the
190 preceding month under the provisions of this chapter, except that
191 collected under the provisions of Section 27-65-17(2) shall be
192 deposited into the Education Enhancement Fund created pursuant to
193 Section 37-61-33.

194 (9) On or before August 15, 1994, and each succeeding month
195 thereafter, from the revenue collected under this chapter during
196 the preceding month, Two Hundred Fifty Thousand Dollars
197 (\$250,000.00) shall be paid into the State Aid Road Fund.

198 (10) On or before August 15, 1994, and each succeeding month
199 thereafter through August 15, 1995, from the revenue collected
200 under this chapter during the preceding month, Two Million Dollars
201 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
202 Valorem Tax Reduction Fund established in Section 27-51-105.

203 (11) Notwithstanding any other provision of this section to
204 the contrary, on or before February 15, 1995, and each succeeding
205 month thereafter, the sales tax revenue collected during the
206 preceding month under the provisions of Section 27-65-17(2) and
207 the corresponding levy in Section 27-65-23 on the rental or lease
208 of private carriers of passengers and light carriers of property

209 as defined in Section 27-51-101 shall be deposited, without
210 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
211 established in Section 27-51-105.

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

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

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

236 (15) The remainder of the amounts collected under the
237 provisions of this chapter shall be paid into the State Treasury
238 to the credit of the General Fund.

239 (16) It shall be the duty of the municipal officials of any
240 municipality which expands its limits, or of any community which
241 incorporates as a municipality, to notify the commissioner of such
242 action thirty (30) days before the effective date. Failure to so

243 notify the commissioner shall cause such municipality to forfeit
244 the revenue which it would have been entitled to receive during
245 this period of time when the commissioner had no knowledge of the
246 action. If any funds have been erroneously disbursed to any
247 municipality or county or any overpayment of tax is recovered by
248 the taxpayer, the commissioner may make correction and adjust the
249 error or overpayment with such municipality or county by
250 withholding the necessary funds from any subsequent payment to be
251 made to the municipality or county.

252 **[From and after July 1, 2002, this section reads as follows:]**

253 27-65-75. On or before the fifteenth day of each month, the
254 revenue collected under the provisions of this chapter during the
255 preceding month shall be paid and distributed as follows:

256 (1) On or before August 15, 1992, and each succeeding month
257 thereafter through July 15, 1993, eighteen percent (18%) of the
258 total sales tax revenue collected during the preceding month under
259 the provisions of this chapter, except that collected under the
260 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
261 business activities within a municipal corporation shall be
262 allocated for distribution to such municipality and paid to such
263 municipal corporation. On or before August 15, 1993, and each
264 succeeding month thereafter through July 15, 1999, eighteen and
265 one-half percent (18-1/2%) of the total sales tax revenue
266 collected during the preceding month under the provisions of this
267 chapter, except that collected under the provisions of Sections
268 27-65-15, 27-65-17(2), 27-65-19(3) and 27-65-21, on business
269 activities within a municipal corporation shall be allocated for
270 distribution to such municipality and paid to such municipal
271 corporation. On or before August 15, 1999, and each succeeding
272 month thereafter, twenty and one-half percent (20-1/2%) of the
273 total sales tax revenue collected during the preceding month under
274 the provisions of this chapter, except that collected under the
275 provisions of Sections 27-65-15, 27-65-17(2), 27-65-19(3) and
276 27-65-21, on business activities within a municipal corporation

277 shall be allocated for distribution to such municipality and paid
278 to such municipal corporation. On or before August 15, 1999, and
279 each succeeding month thereafter, an additional two percent (2%)
280 of the total sales tax revenue collected during the preceding
281 month under the provisions of this chapter, except that collected
282 under the provisions of Sections 27-65-15, 27-65-17(2),
283 27-65-19(3) and 27-65-21, on business activities within all of the
284 municipal corporations located within a county shall be allocated
285 for distribution to such county and paid to such county.

286 A municipal corporation, for the purpose of distributing the
287 tax under this subsection, shall mean and include all incorporated
288 cities, towns and villages.

289 Monies allocated for distribution and credited to a municipal
290 corporation under this subsection may be pledged as security for
291 any loan received by the municipal corporation for the purpose of
292 capital improvements as authorized under Section 57-1-303, or
293 loans as authorized under Section 57-44-7, or water systems
294 improvements as authorized under Section 41-3-16.

295 In any county having a county seat which is not an
296 incorporated municipality, the distribution provided hereunder
297 shall be made as though the county seat was an incorporated
298 municipality; however, the distribution to such municipality shall
299 be paid to the county treasury wherein the municipality is located
300 and such funds shall be used for road, bridge and street
301 construction or maintenance therein.

302 (2) On or before September 15, 1987, and each succeeding
303 month thereafter, from the revenue collected under this chapter
304 during the preceding month One Million One Hundred Twenty-five
305 Thousand Dollars (\$1,125,000.00) shall be allocated for
306 distribution to municipal corporations as defined under subsection
307 (1) of this section in the proportion that the number of gallons
308 of gasoline and diesel fuel sold by distributors to consumers and
309 retailers in each such municipality during the preceding fiscal
310 year bears to the total gallons of gasoline and diesel fuel sold

311 by distributors to consumers and retailers in municipalities
312 statewide during the preceding fiscal year. The State Tax
313 Commission shall require all distributors of gasoline and diesel
314 fuel to report to the commission monthly the total number of
315 gallons of gasoline and diesel fuel sold by them to consumers and
316 retailers in each municipality during the preceding month. The
317 State Tax Commission shall have the authority to promulgate such
318 rules and regulations as is necessary to determine the number of
319 gallons of gasoline and diesel fuel sold by distributors to
320 consumers and retailers in each municipality. In determining the
321 percentage allocation of funds under this subsection for the
322 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
323 State Tax Commission may consider gallons of gasoline and diesel
324 fuel sold for a period of less than one (1) fiscal year. For the
325 purposes of this subsection, the term "fiscal year" means the
326 fiscal year beginning July 1 of a year.

327 (3) On or before September 15, 1987, and on or before the
328 fifteenth day of each succeeding month, until the date specified
329 in Section 65-39-35, the proceeds derived from contractors' taxes
330 levied under Section 27-65-21 on contracts for the construction or
331 reconstruction of highways designated under the Four-Lane Highway
332 Program created under Section 65-3-97 shall be deposited into the
333 State Treasury to the credit of the State Highway Fund to be used
334 to fund such Four-Lane Highway Program. The Mississippi
335 Department of Transportation shall provide to the State Tax
336 Commission such information as is necessary to determine the
337 amount of proceeds to be distributed under this subsection.

338 (4) On or before August 15, 1994, and on or before the
339 fifteenth day of each succeeding month, from the proceeds of
340 gasoline, diesel fuel or kerosene taxes as provided in Section
341 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be
342 deposited in the State Treasury to the credit of a special fund
343 designated as the "State Aid Road Fund," created by Section
344 65-9-17. Such funds shall be pledged to pay the principal of and

345 interest on state aid road bonds heretofore issued under Sections
346 19-9-51 through 19-9-77, in lieu of and in substitution for the
347 funds heretofore allocated to counties under this section. Such
348 funds may not be pledged for the payment of any state aid road
349 bonds issued after April 1, 1981; however, this prohibition
350 against the pledging of any such funds for the payment of bonds
351 shall not apply to any bonds for which intent to issue such bonds
352 has been published, for the first time, as provided by law prior
353 to March 29, 1981. From the amount of taxes paid into the special
354 fund pursuant to this subsection and subsection (9) of this
355 section, there shall be first deducted and paid the amount
356 necessary to pay the expenses of the Office of State Aid Road
357 Construction, as authorized by the Legislature for all other
358 general and special fund agencies. The remainder of the fund
359 shall be allocated monthly to the several counties in accordance
360 with the following formula:

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

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

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

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

374 The amount of funds allocated to any county under this
375 subsection for any fiscal year after fiscal year 1994 shall not be
376 less than the amount allocated to such county for fiscal year
377 1994. Monies allocated to a county from the State Aid Road Fund
378 for fiscal year 1995 or any fiscal year thereafter that exceed the

379 amount of funds allocated to that county from the State Aid Road
380 Fund for fiscal year 1994, first must be expended by the county
381 for replacement or rehabilitation of bridges on the state aid road
382 system that have a sufficiency rating of less than twenty-five
383 (25), according to National Bridge Inspection standards before
384 such monies may be approved for expenditure by the State Aid Road
385 Engineer on other projects that qualify for the use of state aid
386 road funds.

387 Any reference in the general laws of this state or the
388 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
389 construed to refer and apply to subsection (4) of Section
390 27-65-75.

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

397 (6) An amount each month beginning August 15, 1983, through
398 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
399 of 1983, shall be paid into the special fund known as the
400 Correctional Facilities Construction Fund created in Section 6 of
401 Chapter 542, Laws of 1983.

402 (7) On or before August 15, 1992, and each succeeding month
403 thereafter, two and two hundred sixty-six one-thousandths percent
404 (2.266%) of the total sales tax revenue collected during the
405 preceding month under the provisions of this chapter, except that
406 collected under the provisions of Section 27-65-17(2), not to
407 exceed the fiscal year 1997 appropriated level shall be deposited
408 by the commission into the School Ad Valorem Tax Reduction Fund
409 created pursuant to Section 37-61-35, with the balance to be
410 transferred to the Education Enhancement Fund created under
411 Section 37-61-33 for appropriation by the Legislature as other
412 education needs and not subject to the percentage set asides set

413 forth in Section 37-61-33.

414 (8) On or before August 15, 1992, and each succeeding month
415 thereafter, nine and seventy-three one-thousandths percent
416 (9.073%) of the total sales tax revenue collected during the
417 preceding month under the provisions of this chapter, except that
418 collected under the provisions of Section 27-65-17(2) shall be
419 deposited into the Education Enhancement Fund created pursuant to
420 Section 37-61-33.

421 (9) On or before August 15, 1994, and each succeeding month
422 thereafter, from the revenue collected under this chapter during
423 the preceding month, Two Hundred Fifty Thousand Dollars
424 (\$250,000.00) shall be paid into the State Aid Road Fund.

425 (10) On or before August 15, 1994, and each succeeding month
426 thereafter through August 15, 1995, from the revenue collected
427 under this chapter during the preceding month, Two Million Dollars
428 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
429 Valorem Tax Reduction Fund established in Section 27-51-105.

430 (11) Notwithstanding any other provision of this section to
431 the contrary, on or before February 15, 1995, and each succeeding
432 month thereafter, the sales tax revenue collected during the
433 preceding month under the provisions of Section 27-65-17(2) shall
434 be deposited, without diversion, into the Motor Vehicle Ad Valorem
435 Tax Reduction Fund established in Section 27-51-105.

436 (12) Notwithstanding any other provision of this section to
437 the contrary, on or before August 15, 1995, and each succeeding
438 month thereafter, the sales tax revenue collected during the
439 preceding month under the provisions of Section 27-65-17(1) on
440 retail sales of private carriers of passengers and light carriers
441 of property, as defined in Section 27-51-101, shall be deposited,
442 after diversion, into the Motor Vehicle Ad Valorem Tax Reduction
443 Fund established in Section 27-51-105.

444 (13) On or before July 15, 1994, and on or before the
445 fifteenth day of each succeeding month thereafter, that portion of
446 the avails of the tax imposed in Section 27-65-22, which is

447 derived from activities held on the Mississippi state fairgrounds
448 complex, shall be paid into a special fund hereby created in the
449 State Treasury and shall be expended pursuant to legislative
450 appropriations solely to defray the costs of repairs and
451 renovation at such Trade Mart and Coliseum.

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

459 (15) The remainder of the amounts collected under the
460 provisions of this chapter shall be paid into the State Treasury
461 to the credit of the General Fund.

462 (16) It shall be the duty of the municipal officials of any
463 municipality which expands its limits, or of any community which
464 incorporates as a municipality, to notify the commissioner of such
465 action thirty (30) days before the effective date. Failure to so
466 notify the commissioner shall cause such municipality to forfeit
467 the revenue which it would have been entitled to receive during
468 this period of time when the commissioner had no knowledge of the
469 action. If any funds have been erroneously disbursed to any
470 municipality or county or any overpayment of tax is recovered by
471 the taxpayer, the commissioner may make correction and adjust the
472 error or overpayment with such municipality or county by
473 withholding the necessary funds from any subsequent payment to be
474 made to the municipality or county.

475 SECTION 2. Section 27-65-53, Mississippi Code of 1972, is
476 amended as follows:

477 27-65-53. If the commissioner finds that the taxpayer has
478 overpaid his tax for any reason and the taxpayer has discontinued
479 business and there is no subsequent liability upon which the
480 excess may be credited, or if the amount of the excess so paid

481 shall exceed the estimated liability for the next twelve (12)
482 months, the excess shall be refunded to the taxpayer. Such amount
483 shall be certified to the State Auditor of Public Accounts by the
484 commission. The * * * auditor may make such investigation and
485 audit of the claim as he finds necessary. If he finds that the
486 commissioner is correct in his determination, the auditor may
487 issue his warrant to the State Treasurer in favor of the taxpayer
488 for the amount of tax erroneously paid into the State Treasury,
489 such refunds to be made from current sales tax collections. If
490 part of the overpayment has been disbursed to any municipality or
491 county, under authority of Section 27-65-75, the municipality or
492 county, as the case may be, having erroneously received the money,
493 shall adjust the amount with the commissioner, or the overpayment
494 may be withheld by the state from any funds due by the state to
495 the municipality or county.

496 * * * Where the taxpayer has overpaid his tax, the
497 commissioner may give credit for same and allow the taxpayer to
498 take credit on a subsequent return or, if necessary, in his
499 discretion, have the taxpayer file for a refund as provided
500 herein.

501 If any overpayment of tax as reflected in an application or
502 amended return, or both, filed by the taxpayer, and verified by
503 the commissioner or otherwise determined to be due by the
504 commissioner or commission, is not refunded or credited to a
505 taxpayer's account within ninety (90) days after the application
506 or amended return is filed or the date the commission or
507 commissioner determines a refund is due, whichever is later,
508 interest at the rate of one percent (1%) per month shall be
509 allowed on such overpayment computed for the period after
510 expiration of the ninety-day period provided herein to the date of
511 payment.

512 SECTION 3. Section 21-33-45, Mississippi Code of 1972, is
513 amended as follows:

514 21-33-45. Except as otherwise provided in this section, the

515 governing authorities of each municipality of this state shall,
516 either at their regular meeting in September of each year or not
517 later than ten (10) days after the final approval of the
518 assessment rolls, levy the municipal ad valorem taxes for the
519 fiscal year next succeeding, and shall, by resolution, fix the tax
520 rate or levy for the municipality and for any other taxing
521 districts of which the municipality may be a part. The rates or
522 levies for the municipality or for any such taxing district shall
523 be expressed in mills or a decimal fraction of a mill, which tax
524 rates, or levies, shall determine the ad valorem taxes to be
525 collected upon each dollar of valuation upon the assessment rolls
526 of the municipality for municipal taxes, and to be collected upon
527 each dollar of valuation as shown upon the assessment rolls of the
528 municipality for each such taxing district, except as to such
529 values as may be exempt, in whole or in part, from certain tax
530 rates or levies. If the rates or levies for the municipality or
531 taxing district are an increase from the previous fiscal year,
532 then the proposed rate or levy increase shall be advertised in
533 accordance with Sections 27-39-203 and 27-39-205. However, from
534 and after July 1, 1999, the governing authorities of any
535 municipality may not levy ad valorem taxes on taxable property for
536 general revenue purposes in excess of the millage rate for general
537 revenue purposes in effect for the municipality's 1999 fiscal
538 year.

539 In making the levy of taxes, the governing authorities shall
540 specify in such resolution the levy for each purpose as follows:

541 (a) For general revenue purposes and for general
542 improvements, as authorized by Section 27-39-307.

543 (b) For school purposes, including all maintenance
544 levies, whether made against the property within such
545 municipality, or within any taxing district embraced in such
546 municipality, as authorized by Section 27-39-307 and Section
547 37-57-3 et seq.

548 (c) For municipal bonds and interest thereon, for

549 school bonds and interest thereon, separately for municipal-wide
550 bonds and for the bonds of each school district.

551 (d) For municipal-wide bonds and interest thereon,
552 other than for school bonds.

553 (e) For loans, notes or any other obligation, and the
554 interest thereon, if permitted by law.

555 (f) For special improvement or special benefit levies,
556 as now authorized by law.

557 (g) For any other purpose for which a levy is lawfully
558 made. If any municipal-wide levy is made for any general or
559 special purpose under the provisions of any law other than Section
560 27-39-307 each such levy shall be separately stated in the
561 resolution, and the law authorizing same shall be expressly stated
562 therein.

563 If the governing authorities of any municipality shall not
564 levy the municipal taxes and the district taxes at its regular
565 September meeting, such governing authorities shall levy the same
566 at an adjourned or special meeting not later than ten (10) days
567 after the final approval of the assessment rolls. However, * * *
568 if such levy be not made on or before September 15 then road and
569 bridge privilege tax license plates may be issued by the tax
570 collector or State Tax Commission, as the case may be, for motor
571 vehicles as defined in the Motor Vehicle Ad Valorem Tax Law of
572 1958 (Section 27-51-1 et seq.), without collecting or requiring
573 proof of payment of municipal ad valorem taxes until such levy is
574 duly certified to him, and for twenty-four (24) hours thereafter.

575 In the case of a municipality operating under a special or
576 private charter providing for or authorizing the assessment,
577 levying and collection of ad valorem taxes prior to October in
578 each year, ad valorem taxes for such municipality shall be levied
579 at the time prescribed or authorized by such special or private
580 charter, unless the governing authority of such municipality by
581 resolution adopted and spread of record in its minutes elect to
582 levy ad valorem taxes at the time prescribed hereinbefore in this

583 section. In any event, however, all ad valorem taxes levied by
584 any municipality in this state, shall be levied in the manner
585 required herein regardless of the time when such taxes are levied.

586 SECTION 4. Section 27-39-303, Mississippi Code of 1972, is
587 amended as follows:

588 27-39-303. Subject to the provisions of this section, the
589 board of supervisors of any county is hereby empowered to levy ad
590 valorem taxes on taxable property in the respective counties in
591 any one (1) year, as shown by the assessment roll containing
592 assessments of property made as of January 1 of the year, and the
593 assessment of motor vehicles as made according to the provisions
594 of the Motor Vehicle Ad Valorem Tax Law of 1958 (Section 27-51-1
595 et seq.) for all general county purposes, exclusive only of levies
596 for roads and bridges and schools at the rate necessary to fund
597 such purposes. From and after July 1, 1999, the board of
598 supervisors of any county may not levy ad valorem taxes on taxable
599 property for general revenue purposes in excess of the millage
600 rate for general revenue purposes in effect for the county's 1999
601 fiscal year.

602 The board of supervisors of any county is further empowered
603 to expend the proceeds of this levy for any purpose authorized for
604 any other levy which the board of supervisors is authorized to
605 make, excluding the levy for roads and bridges, and the board may
606 authorize general fund expenditures for school purposes when
607 necessary to meet the minimum local ad valorem tax effort required
608 by Section 37-57-1.

609 The board of supervisors of any county is further empowered
610 to distribute from the county general fund a portion of the
611 county's share of payments made by the Tennessee Valley Authority
612 to the state in lieu of taxes (a) to the school districts of said
613 county and (b) for construction on the roads and bridges of said
614 county in an amount which bears the same proportion to the total
615 amount of the county's share as the millage for the school fund
616 and road and bridge fund bears to the total millage levied by the

617 county. In the event said in lieu payments are expended for
618 capital improvements, said payments shall not be subject to the
619 increase limitations specified in Section 27-39-321 or 37-57-107.

620 SECTION 5. Section 27-39-307, Mississippi Code of 1972, is
621 amended as follows:

622 27-39-307. Subject to the provisions of this section,
623 municipalities may levy ad valorem taxes upon all taxable property
624 within such municipality for general revenue purposes and for
625 general improvements. Further, the governing authorities of any
626 municipality may make additional levies for special purposes as
627 authorized by law. Any such levy which is an increase from the
628 previous fiscal year must be advertised in accordance with
629 Sections 27-39-203 and 27-39-205. In addition to funding
630 municipal general purposes, the municipal general ad valorem tax
631 levy may be used to supplement any municipal ad valorem tax levy
632 for a special purpose authorized by law, excluding levies for
633 schools, without regard to any statutory millage limitation on
634 such special purpose tax levy; however, nothing herein contained
635 shall be construed to exempt such tax levies from the limitation
636 on total receipts under Section 27-39-321.

637 From and after July 1, 1999, the governing authorities of any
638 municipality may not levy ad valorem taxes on taxable property for
639 general revenue purposes in excess of the millage rate for general
640 revenue purposes in effect for the municipality's 1999 fiscal
641 year.

642 SECTION 6. Section 27-39-317, Mississippi Code of 1972, is
643 amended as follows:

644 27-39-317. The board of supervisors of each county shall, at
645 its regular meeting in September of each year, levy the county ad
646 valorem taxes for the fiscal year, and shall, by order, fix the
647 tax rate, or levy, for the county, for the road districts, if any,
648 and for the school districts, if any, and for any other taxing
649 districts; and the rates, or levies, for the county and for any
650 district shall be expressed in mills or a decimal fraction of a

651 mill. Said tax rates, or levies, shall determine the ad valorem
652 taxes to be collected upon each dollar of valuation, upon the
653 assessment rolls of the county, including the assessment of motor
654 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
655 1958, Section 27-51-1 et seq., for county taxes; and upon each
656 dollar of valuation for the respective districts, as shown upon
657 the assessment rolls of the county, including the assessment of
658 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
659 of 1958, Section 27-51-1 et seq.; except as to such values as
660 shall be exempt, in whole or in part, from certain tax rates or
661 levies. Except as otherwise provided in this section, if the rate
662 or levy for the county is an increase from the previous fiscal
663 year, then the proposed rate or levy shall be advertised in
664 accordance with Sections 27-39-203 and 27-39-205. However, from
665 and after July 1, 1999, the board of supervisors of any county and
666 the governing authorities of any municipality may not levy ad
667 valorem taxes on taxable property for general revenue purposes in
668 excess of the millage rate for general revenue purposes in effect
669 for the county's 1999 fiscal year. If the board of supervisors of
670 any county shall not levy the county taxes and the district taxes
671 at its regular September meeting, the board shall levy the same on
672 or before September 15 at an adjourned or special meeting, or
673 thereafter, provided, however, that if such levy be not made on or
674 before the fifteenth day of September then the tax collector or
675 State Tax Commission may issue road and bridge privilege tax
676 license plates for motor vehicles as defined in the Motor Vehicle
677 Ad Valorem Tax Law of 1958, Section 27-51-1 et seq., without
678 collecting or requiring proof of payment of county ad valorem
679 taxes, and may continue to so issue such plates until such levy is
680 duly certified to him, and for twenty-four (24) hours thereafter.

681 Notwithstanding the requirements of this section, in the
682 event the State Tax Commission orders the county to make an
683 adjustment to the tax roll pursuant to Section 27-35-113, the
684 county shall have a period of thirty (30) days from the date of

685 the commission's final determination to adjust the millage in
686 order to collect the same dollar amount of taxes as originally
687 levied by the board.

688 In making the levy of taxes, the board of supervisors shall
689 specify, in its order, the levy for each purpose, as follows:

690 (a) For general county purposes (current expense and
691 maintenance taxes), as authorized by Section 27-39-303.

692 (b) For roads and bridges, as authorized by Section
693 27-39-305.

694 (c) For schools, including the countywide minimum
695 education program levy and the levy for each school district
696 including special municipal separate school districts, but not
697 including other municipal separate school districts, and for an
698 agricultural high school, county high school or junior college
699 (current expense and maintenance taxes), as authorized by Chapter
700 57, Title 37, Mississippi Code of 1972, and any other applicable
701 statute. The levy for schools shall apply to the assessed value
702 of property in the respective school districts, including special
703 municipal separate school districts, but not including other
704 municipal separate school districts, and a distinct and separate
705 levy shall be made for each school district, and the purpose for
706 each levy shall be stated.

707 (d) For road bonds and the interest thereon, separately
708 for countywide bonds and for the bonds of each road district.

709 (e) For school bonds and the interest thereon,
710 separately for countywide bonds and for the bonds of each school
711 district.

712 (f) For countywide bonds, and the interest thereon,
713 other than for road bonds and school bonds.

714 (g) For loans, notes or any other obligation, and the
715 interest thereon, if permitted by the law.

716 (h) For any other purpose for which a levy is lawfully
717 made.

718 The order shall state all of the purposes for which the

719 general county levy is made, using the administrative items
720 suggested by the State Department of Audit of Mississippi under
721 the county budget law in its uniform system of accounts for
722 counties, but the rate or levy for any item or purpose need not be
723 shown; and if a countywide levy is made for any general or special
724 purpose under the provisions of any law other than Section
725 27-39-303, each such levy shall be separately stated.

726 During the month of February of each year, if the order or
727 resolution of the board of trustees of any school district of said
728 county or partly in said county, is filed with it requesting the
729 levying of ad valorem taxes for the support and maintenance of
730 such school district for the following fiscal year, then the board
731 of supervisors of every such county in the state shall notify, in
732 writing, within thirty (30) days, the county superintendent of
733 education of such county, the levy or levies it intends to make
734 for the support and maintenance of such school districts of such
735 county at its regular meeting in September following, and the
736 county superintendent of education and the trustees of all such
737 school districts shall be authorized to use such expressed
738 intention of the board of supervisors in computing the support and
739 maintenance budget or budgets of such school district or districts
740 for the ensuing fiscal school year.

741 SECTION 7. Section 27-39-203, Mississippi Code of 1972, is
742 amended as follows:

743 27-39-203. (1) Except as otherwise provided in this
744 subsection (1), no taxing entity may budget an increased amount of
745 ad valorem tax revenue as set forth in Section 112, Mississippi
746 Constitution of 1890, exclusive of revenue from new growth, unless
747 it advertises its intention to do so at the same time that it
748 advertises its intention to fix its budget for the forthcoming
749 fiscal year. From and after July 1, 1999, the board of
750 supervisors of any county and the governing authorities of any
751 municipality may not levy ad valorem taxes on taxable property for
752 general revenue purposes in excess of the millage rate for general

753 revenue purposes in effect for the county's or municipality's 1999
754 fiscal year, as appropriate.

755 (2) (a) For taxing entities operating under an October 1
756 through September 30 fiscal year this advertisement may be
757 combined with the advertisement required by Section 27-39-205 of
758 this article. For taxing entities operating under a January 1
759 through December 31 fiscal year or a July 1 through June 30 fiscal
760 year, the advertisement shall meet the size, type, placement and
761 frequency requirements established under Section 27-39-205 of this
762 article.

763 (b) The form of the advertisement shall be
764 substantially as follows:

765 "NOTICE OF TAX INCREASE

766 The (name of the taxing entity) has proposed to increase its
767 property tax revenue on all classes of property described in
768 Section 112, Mississippi Constitution of 1890, by (percentage of
769 increase of all classes showing the exact amount of percentage of
770 increase for each class) percent, and to (increase/decrease) its
771 total budget by (percentage of increase/decrease) percent.

772 All concerned citizens are invited to attend a public hearing
773 on the tax increase and budget to be held on (date and time) at
774 (meeting place).

775 A final decision on the proposed tax increase will be made on
776 (date and time) in a public hearing to be held at (meeting
777 place)."

778 (c) All taxing entities operating under the January 1
779 through December 31 fiscal year or a July 1 through June 30 fiscal
780 year shall hold a public hearing at which the budget for the
781 following fiscal year will be considered, regardless of whether
782 that budget is being increased or decreased, and shall notify the
783 county of the date, time and place of the public hearing. The
784 county shall include that information with the tax notice.

785 SECTION 8. Section 27-39-205, Mississippi Code of 1972, is
786 amended as follows:

787 27-39-205. (1) Except as otherwise provided in subsection
788 (5) of this section, no tax rate in excess of the certified tax
789 rate may be levied under Sections 21-33-45, 27-39-307, 27-39-317
790 and 27-39-320 until a resolution has been approved by the
791 governing body of the taxing entity in accordance with the
792 following procedure:

793 (a) The taxing entity shall advertise its intent to
794 exceed the certified tax rate in a newspaper of general
795 circulation in the county, except that a taxing entity collecting
796 taxes in more than one (1) county may make the advertisement
797 required under this section by publication in the county where the
798 taxing entity's principal place of business is located. The
799 advertisement shall be no less than one-fourth (1/4) page in size
800 and the type used shall be no smaller than eighteen (18) point and
801 surrounded by a one-fourth-inch solid black border. The
802 advertisement may not be placed in that portion of the newspaper
803 where legal notices and classified advertisements appear. It is
804 the intent of the Legislature that the advertisement appear in a
805 newspaper that is published at least five (5) days a week, unless
806 the only newspaper in the county is published less than five (5)
807 days a week. It is further the intent of the Legislature that the
808 newspaper selected be one of general interest and readership in
809 the community, and not one of limited subject matter. The
810 advertisement shall be run once each week for the two (2) weeks
811 preceding the adoption of the final budget. The advertisement
812 shall state that the taxing entity will meet on a certain day,
813 time and place fixed in the advertisement, which shall be not less
814 than seven (7) days after the day the first advertisement is
815 published, for the purpose of hearing comments regarding any
816 proposed increase and to explain the reasons for the proposed
817 increase. The meeting on the proposed increase may coincide with
818 the hearing on the proposed budget of the taxing entity.

819 (b) The form and content of the notice shall be as
820 follows:

821 "NOTICE OF TAX INCREASE

822 The (name of the taxing entity) has proposed to increase its
823 property tax revenue on all classes of property described in
824 Section 112, Mississippi Constitution of 1890, by (percentage of
825 increase of all classes showing the exact amount of percentage of
826 increase for each class) percent, and to (increase/decrease) its
827 total budget by (percentage of increase/decrease) percent.

828 All concerned citizens are invited to attend a public hearing
829 on the tax increase to be held on (date and time) at (meeting
830 place)."

831 (c) The State Tax Commission shall adopt rules
832 governing the joint use of one (1) advertisement under this
833 section or Section 27-39-203 of this article by two (2) or more
834 taxing entities and may, upon petition by any taxing entity,
835 authorize either (i) the use of weekly newspapers in counties
836 having both daily and weekly newspapers where the weekly newspaper
837 would provide equal or greater notice to the taxpayer, or (ii) the
838 use of a State Tax Commission-approved direct notice to each
839 taxpayer if the cost of the advertisement would cause undue
840 hardship and the direct notice is different and separate from that
841 provided for in subsection (2).

842 (2) The governing body of the taxing entity, after the
843 hearing has been held in accordance with the above procedures, may
844 adopt a resolution levying a tax rate on classes of property
845 designated by Section 112, Mississippi Constitution of 1890, in
846 excess of the certified tax rate. If the resolution adopting the
847 tax rate is not adopted on the day of the public hearing, the
848 scheduled time and place for consideration and adoption of the
849 resolution shall be announced at the public hearing. If the
850 resolution is to be considered at a day and time that is more than
851 two (2) weeks after the public hearing, the governing body shall
852 advertise the date of the proposed adoption of the resolution in
853 the same manner as provided under subsection (1).

854 (3) All hearings shall be open to the public. The governing

855 body of the taxing entity shall permit all interested parties
856 desiring to be heard an opportunity to present oral testimony
857 within reasonable time limits.

858 (4) Each taxing entity shall notify the county or municipal
859 governing body of the date, time and place of its public hearing.
860 No taxing entity may schedule its hearing at the same time as
861 another overlapping taxing entity in the same county, but all
862 taxing entities in which the power to set tax levies is vested in
863 the same governing authority may consolidate the required hearings
864 into one (1) hearing. The county or municipal governing body
865 shall resolve any conflicts in hearing dates and times after
866 consultation with each affected taxing entity.

867 (5) From and after July 1, 1999, the board of supervisors of
868 any county and the governing authorities of any municipality may
869 not levy ad valorem taxes on taxable property for general revenue
870 purposes in excess of the millage rate for general revenue
871 purposes in effect for the county's or municipality's 1999 fiscal
872 year, as appropriate.

873 SECTION 9. Section 27-39-320, Mississippi Code of 1972, is
874 amended as follows:

875 27-39-320. (1) The Legislature finds and determines that
876 legislation requiring a specific levy or requiring consent of some
877 other governing body to reduce the levy was intended to raise a
878 certain amount of revenue for specific purposes. Upon this
879 determination and notwithstanding the provisions of any statute
880 which requires a definite levy to be made or which requires that a
881 levy may not be reduced except by the consent of some other
882 governing authority, the amount of such levy shall be deemed to be
883 an amount necessary to produce the revenues received in the next
884 preceding year plus, except as otherwise provided in subsection
885 (5) of this section, at the option of the taxing authority, an
886 increase not to exceed ten percent (10%) of such revenues.

887 (2) In any county where there is located a nuclear
888 generating power plant on which a tax is assessed under Section

889 27-35-309(3), such required levy and revenue produced thereby may
890 be reduced by the levying authority in an amount in proportion to
891 a reduction in the base revenue of any such county from the
892 previous year. Such reduction shall be allowed only if the
893 reduction in base revenue equals or exceeds five percent (5%).
894 "Base revenue" shall mean the revenue received by the county from
895 the ad valorem tax levy plus the revenue received by the county
896 from the tax assessed under Section 27-35-309(3) and authorized to
897 be used for any purposes for which a county is authorized by law
898 to levy an ad valorem tax. For purposes of determining if the
899 reduction equals or exceeds five percent (5%), a levy of millage
900 equal to the prior year's millage shall be hypothetically applied
901 to the current year's ad valorem tax base to determine the amount
902 of revenue to be generated from the ad valorem tax levy. For the
903 purposes of this section, the portion of base revenue used to fund
904 the purpose for which a specific levy is required shall be deemed
905 to be the total receipts from ad valorem taxes for such purpose.
906 This paragraph shall apply to taxes levied for the 1987 fiscal
907 year and for each fiscal year thereafter. If the Mississippi
908 Supreme Court or another court finally adjudicates that the tax
909 levied under Section 27-35-309(3) is unconstitutional, then this
910 paragraph shall stand repealed.

911 (3) With respect to ad valorem taxes levied on or after
912 October 1, 1980, no county or municipality shall levy those mills
913 heretofore required by law to be levied to an extent that such
914 levy shall produce more than the total receipts produced from such
915 levy in the next preceding year, plus, except as otherwise
916 provided in subsection (5) of this section, at the option of the
917 taxing authority, an increase not to exceed ten percent (10%) of
918 such receipts. Such total receipts shall be deemed to include the
919 total avails of such levy either collected from the property owner
920 or by reimbursement by the state. The revenues produced from any
921 newly constructed properties or any existing properties added to
922 the tax rolls or any properties previously exempt which were not

923 assessed in the next preceding year may be excluded from the
924 limitation set forth herein.

925 (4) Except as otherwise provided in subsection (5) of this
926 section, the ten percent (10%) increase limitation prescribed in
927 this section may be increased by an additional amount by the board
928 of supervisors of any county if the aggregate receipts from all
929 county levies to which this section and Sections 27-39-305 and
930 27-39-321 apply do not exceed one hundred ten percent (110%) of
931 the aggregate receipts from all such levies during any one (1) of
932 the immediately preceding three (3) fiscal years, as determined by
933 the board of supervisors.

934 (5) From and after July 1, 1999, the board of supervisors of
935 any county and the governing authorities of any municipality may
936 not levy ad valorem taxes on taxable property for general revenue
937 purposes in excess of the millage rate for general revenue
938 purposes in effect for the county's or municipality's 1999 fiscal
939 year, as appropriate.

940 (6) The limitations set forth in this section shall apply to
941 the mandatory tax levied by Section 27-39-329.

942 SECTION 10. Section 27-39-321, Mississippi Code of 1972, is
943 amended as follows:

944 27-39-321. (1) Except as otherwise provided in subsection
945 (8) of this section, with respect to ad valorem taxes levied for
946 each fiscal year, no political subdivision may levy ad valorem
947 taxes in any fiscal year which would render in total receipts from
948 all levies an amount more than the receipts from that source
949 during any one (1) of the immediately preceding three (3) fiscal
950 years, as determined by the levying governing authority, plus, at
951 the option of the taxing authority, an increase not to exceed ten
952 percent (10%) of such receipts. The additional revenue from the
953 ad valorem tax on any newly constructed properties or any existing
954 properties added to the tax rolls or any properties previously
955 exempt, which were not assessed in the next preceding year and
956 cost incurred and paid in the next preceding year in connection

957 with reappraisal may be excluded from the ten percent (10%)
958 increase limitation set forth herein. Taxes levied for school
959 district purposes under any statute and taxes levied for the
960 maintenance and/or construction of roads and bridges under Section
961 27-39-305 shall be excluded from the ten percent (10%) increase
962 limitation set forth herein. Taxes levied for payment of
963 principal of and interest on general obligation bonds issued
964 heretofore or hereafter shall be excluded from the ten percent
965 (10%) increase limitation set forth herein. Any additional
966 millage levied to fund any new program mandated by the Legislature
967 shall be excluded from the limitation for the first year of the
968 levy and included within such limitation in any year thereafter.
969 The limitation imposed under this paragraph shall not apply to
970 those mandatory levies enumerated in Sections 27-39-320 and
971 27-39-329.

972 (2) The limitation of this section may be increased only as
973 provided in subsection (3) or (4) of this section or when the
974 governing body of a political subdivision has determined the need
975 for additional revenues, adopts a resolution declaring its
976 intention so to do and has held an election on the question of
977 raising the limitation prescribed in this section. The notice
978 calling for an election shall state the purposes for which the
979 additional revenues shall be used, the amount of the tax levy to
980 be imposed for such purposes and period of time for which such tax
981 levy shall be made; however, such tax levy shall not be made for
982 more than five (5) successive years. The limitation may be
983 increased under this subsection only if the proposed increase is
984 approved by a majority of those voting. Subject to specific
985 provisions of this paragraph to the contrary, the publication of
986 notice and manner of holding the election shall be as prescribed
987 by law for the holding of elections for the issuance of bonds by
988 the political subdivision. Revenues derived from any taxes levied
989 pursuant to such election shall be excluded from the tax base for
990 the purpose of determining aggregate receipts for which the ten

991 percent (10%) increase limitation applies.

992 (3) Except as otherwise provided in subsection (8) of this
993 section, as an alternative to the procedure provided in subsection
994 (2) of this section, the ten percent (10%) increase limitation
995 prescribed in this section may be increased by an additional
996 amount by the board of supervisors of any county without an
997 election thereon if the aggregate receipts from all county levies
998 to which this section and Sections 27-39-305 and 27-39-320 apply
999 do not exceed one hundred ten percent (110%) of the aggregate
1000 receipts from all such levies during any one (1) of the
1001 immediately preceding three (3) fiscal years, as determined by the
1002 board of supervisors.

1003 (4) Except as otherwise provided in subsection (8) of this
1004 section, as an alternative to the procedure provided in
1005 subsections (2) and (3) of this section, the board of supervisors
1006 of any county or the governing authorities of any municipality
1007 may, without an election thereon, increase the ad valorem tax levy
1008 to which this section applies by the greater of:

1009 (a) An ad valorem tax levy that does not result in an
1010 aggregate levy to which this section applies in excess of twenty
1011 (20) mills; or

1012 (b) An ad valorem tax levy that is not in excess of any
1013 aggregate levy to which this section applies in any one (1) of the
1014 immediately preceding ten (10) fiscal years.

1015 (5) In any county where there is located a nuclear
1016 generating power plant on which a tax is assessed under Section
1017 27-35-309(3), the term "total receipts" as used in this section
1018 shall be the portion of the "base revenue" as defined in Section
1019 27-39-320 which is used for General Fund purposes.

1020 (6) If a shortfall occurs in revenues from sources other
1021 than ad valorem taxes and oil and gas severance taxes budgeted for
1022 the county or municipal general fund during the 1987 fiscal year,
1023 then the county or municipality, as the case may be, may levy a
1024 special ad valorem tax for the 1988 fiscal year in an amount the

1025 avails of which shall not exceed such shortfall; provided,
1026 however, that the aggregate receipts from all ad valorem levies
1027 for the county or municipal general fund for the 1988 fiscal year
1028 shall not exceed the aggregate receipts from this source for the
1029 immediately preceding fiscal year plus an increase not to exceed
1030 twenty percent (20%).

1031 (7) If a shortfall occurs in revenues from oil and gas
1032 severance taxes budgeted for the county or municipal general fund
1033 during the 1987 fiscal year, then the county or municipality, as
1034 the case may be, may levy a special ad valorem tax for the 1988
1035 fiscal year in an amount the avails of which shall not exceed such
1036 shortfall. The avails of such special ad valorem tax shall not be
1037 included within the ten percent (10%) increase limitation. The ad
1038 valorem taxes levied to offset the shortfall shall be deemed to be
1039 ad valorem tax receipts produced in the 1988 fiscal year for the
1040 purposes of determining the limitation on receipts for the
1041 succeeding fiscal years.

1042 (8) From and after July 1, 1999, the board of supervisors of
1043 any county and the governing authorities of any municipality may
1044 not levy ad valorem taxes on taxable property for general revenue
1045 purposes in excess of the millage rate for general revenue
1046 purposes in effect for the county's or municipality's 1999 fiscal
1047 year, as appropriate.

1048 SECTION 11. This act shall take effect and be in force from
1049 and after July 1, 1999.