

By: Representative Compretta

To: Ways and Means

## HOUSE BILL NO. 1465

1 AN ACT TO PROVIDE THAT IF THE INCOME TAX REVENUE COLLECTIONS  
2 IN THE STATE GENERAL FUND FOR FISCAL YEAR 2000, OR ANY FISCAL YEAR  
3 THEREAFTER, EXCEED BY TWO PERCENT OR MORE THE FINAL GENERAL FUND  
4 INCOME TAX REVENUE ESTIMATE FOR THE FISCAL YEAR, AN INCOME TAX  
5 REFUND SHALL BE ISSUED TO TAXPAYERS WHO PAID TAXES ON INCOME  
6 EARNED DURING THE CALENDAR YEAR 1999 OR ANY CALENDAR YEAR  
7 THEREAFTER, AS APPROPRIATE; TO PROVIDE FOR THE METHOD OF  
8 CALCULATING SUCH REFUNDS AND FOR THE ISSUANCE OF THE REFUNDS BY  
9 THE STATE TAX COMMISSION; TO AMEND SECTION 27-7-71, MISSISSIPPI  
10 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 SECTION 1. (1) This section shall apply if, at the end of  
13 June 2000, or any year thereafter, the income tax revenue  
14 collections in the State General Fund for the fiscal year 2000, or  
15 any fiscal year thereafter, exceed by two percent (2%) or more,  
16 the final general fund income tax revenue estimate adopted by the  
17 Legislative Budget Office for such fiscal year pursuant to Chapter  
18 103, Title 27, Mississippi Code of 1972, which shall include all  
19 subsequent adjustments adopted thereto. This excess of two  
20 percent (2%) or more above such final general fund income tax  
21 revenue estimate shall be termed the excess surplus amount.

22 (2) Any taxpayer who filed an income tax return, and who  
23 paid Mississippi state income taxes on income earned during the  
24 calendar year 1999, or any calendar year thereafter as  
25 appropriate, is eligible for a refund of a portion of such taxes.

26 The amount of the refund shall be based on the proportion that  
27 the income tax paid by the taxpayer bears to the aggregate income  
28 tax paid by all taxpayers. However, no taxpayer may receive a  
29 refund in excess of ten percent (10%) of the income tax paid by  
30 the taxpayer.

31 (3) The Legislature shall appropriate funds during the next  
32 regular session following the fiscal year resulting in an excess  
33 surplus amount for the purpose of making the refunds described in  
34 this section.

35 (4) After June 30 but before August 30 of the next fiscal  
36 year following the fiscal year resulting in an excess surplus  
37 amount, the State Tax Commission shall issue the refunds described  
38 in this section, after determining whether or not each taxpayer is  
39 entitled to a refund and the amount of the refund that shall be  
40 issued to each such taxpayer. The refunds shall be issued by the  
41 State Tax Commission without the necessity for any other  
42 legislative action, other than the passage of this act. Any  
43 taxpayer who believes that he is aggrieved by any decision of the  
44 State Tax Commission made under this section may appeal such  
45 decision in the manner as provided for in Sections 27-7-71 and  
46 27-7-73.

47 SECTION 2. Section 27-7-71, Mississippi Code of 1972, is  
48 amended as follows:

49 27-7-71. (1) A taxpayer who feels aggrieved at any action  
50 of the commissioner under Sections 27-7-49, 27-7-51, \* \* \* 27-7-53  
51 or Section 1 of House Bill No. \_\_\_\_\_, 1999 Regular Session, may  
52 appeal to the Board of Review, as legally constituted and  
53 authorized by Section 27-7-79, for a hearing in the matter within  
54 thirty (30) days from the date of said action. The Board of  
55 Review shall grant a hearing thereon at the earliest practical  
56 date. At said hearing, the Board of Review shall try the issues  
57 presented, according to law and the facts, and shall within thirty  
58 (30) days from the date of said hearing make a determination,  
59 subject to and with the approval of the commissioner, and notify  
60 the taxpayer of its findings. Any overpayment of tax determined  
61 by the approved order of the Board of Review shall be credited, or  
62 refunded, to the taxpayer. Any tax deficiency, including any  
63 penalty and interest, determined by the approved order of the

64 Board of Review shall be paid by the taxpayer within thirty (30)  
65 days from the date of notification to the taxpayer, and, if said  
66 sum is not paid within said thirty-day period, the commissioner  
67 shall proceed to collect same under the provisions of Sections  
68 27-7-55 to 27-7-67 of this article; provided, that within said  
69 thirty-day period the taxpayer may appeal to the State Tax  
70 Commission from the decision of the Board of Review, as  
71 hereinafter set out.

72 (2) A taxpayer who feels aggrieved at any decision by the  
73 Board of Review, may appeal to the State Tax Commission by  
74 petition, in writing, within thirty (30) days from the date of  
75 said decision, for a hearing upon the action or decision of the  
76 Board of Review, in which petition said taxpayer shall set forth  
77 the reasons such hearing should be granted. The State Tax  
78 Commission shall promptly consider the petition, grant the  
79 hearing, and notify the petitioner of the time and place fixed for  
80 the hearing. In any hearing before the State Tax Commission, two  
81 (2) members constitute a quorum. At said hearing, the State Tax  
82 Commission shall try the issues presented, according to the law  
83 and the facts, and shall, as soon as practical thereafter, notify  
84 the taxpayer of its determination. Any overpayment of tax which  
85 the State Tax Commission may determine to have been paid shall be  
86 credited or refunded to the taxpayer. Any tax deficiency,  
87 including any penalty and interest, determined by the State Tax  
88 Commission shall be paid within thirty (30) days from the date of  
89 notification of the taxpayer, and if said sum is not paid within  
90 said thirty-day period, the State Tax Commission shall proceed to  
91 collect same under the provisions of Sections 27-7-55 to 27-7-67;  
92 provided that within said thirty-day period the taxpayer may  
93 appeal from the decision of the State Tax Commission as  
94 hereinafter set out.

95 SECTION 3. Nothing in this act shall affect or defeat any  
96 claim, assessment, appeal, suit, right or cause of action for

97 taxes due or accrued under the income tax laws before the date on  
98 which this act becomes effective, whether such claims,  
99 assessments, appeals, suits or actions have been begun before the  
100 date on which this act becomes effective or are begun thereafter;  
101 and the provisions of the income tax laws are expressly continued  
102 in full force, effect and operation for the purpose of the  
103 assessment, collection and enrollment of liens for any taxes due  
104 or accrued and the execution of any warrant under such laws before  
105 the date on which this act becomes effective, and for the  
106 imposition of any penalties, forfeitures or claims for failure to  
107 comply with such laws.

108 SECTION 4. This act shall take effect and be in force from  
109 and after July 1, 1999.