

By: Senator(s) Little (By Request)

To: Highways and
Transportation;
Finance

SENATE BILL NO. 3023

1
2 AN ACT TO AMEND SECTION 31-17-127, MISSISSIPPI CODE OF 1972,
3 TO AUTHORIZE THE STATE BOND COMMISSION TO ISSUE REFUNDING NOTES OR
4 BONDS THAT MATURE NOT MORE THAN TEN YEARS FROM THE DATE OF
5 ISSUANCE TO REFUND TEMPORARY BORROWINGS MADE TO FUND CONSTRUCTION
6 PRIORITIES OF THE FOUR-LANE HIGHWAY PROGRAM; TO PROVIDE THAT SUCH
7 REFUNDING BONDS OR NOTES SHALL BE FUNDED AND RETIRED BY PLEDGES OF
8 CERTAIN FEDERAL AID GRANT REIMBURSEMENTS AND STATE TAX REVENUE
9 DESIGNATED TO FUND THE FOUR-LANE HIGHWAY PROGRAM; TO CREATE THE
10 FOUR-LANE HIGHWAY TRUST FUND AND TO REQUIRE THE PLEDGED FUNDS TO
11 BE DEPOSITED INTO SUCH FUND UNTIL THERE IS AN AMOUNT EQUAL TO THE
12 NEXT TWO DEBT SERVICE REQUIREMENTS OF THE REFUNDING NOTES OR
13 BONDS; TO REQUIRE THAT AMOUNTS IN THE FOUR-LANE HIGHWAY TRUST FUND
14 IN EXCESS OF THE REQUIRED BALANCE SHALL BE TRANSFERRED BY THE
15 STATE TREASURER TO THE STATE HIGHWAY FUND; TO AMEND SECTION
16 27-104-27, MISSISSIPPI CODE OF 1972, TO EXEMPT THE FOUR-LANE
17 HIGHWAY TRUST FUND FROM THE REQUIREMENT OF AN APPROPRIATION; TO
18 AMEND SECTIONS 27-5-101, 27-19-99, 27-19-325, 27-57-37, 27-65-75
19 AND 65-39-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
20 FOR RELATED PURPOSES.

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

22 SECTION 1. Section 31-17-127, Mississippi Code of 1972, is
23 amended as follows:

24 31-17-127. (1) (a) At any time when the revenue designated
25 under Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37 and
26 27-65-75 to defray the cost of constructing or reconstructing
27 highways under the Four-Lane Highway Program created under Section
28 65-3-97 is insufficient to fund the construction priorities as
29 they are scheduled in subsection (3) of Section 65-3-97, the State
30 Bond Commission, upon receipt of a resolution from the Mississippi
31 Transportation Commission requesting the same, is hereby
32 authorized, on the credit of the state, to make temporary
33 borrowings in the aggregate principal amount not to exceed Two
34 Hundred Million Dollars (\$200,000,000.00) in order to provide
35 funds in such amounts as may, from time to time, be deemed

36 necessary. In order to provide for, and in connection with such
37 temporary borrowings, the State Bond Commission is hereby
38 authorized in the name and on behalf of the state to enter into
39 any purchase, loan or credit agreement, or agreements, or other
40 agreement or agreements with any banks or trust companies or other
41 lending institutions, investment banking firms or persons in the
42 United States having power to enter into the same, which
43 agreements may contain such provisions not inconsistent with the
44 provisions of Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37,
45 27-65-75 and 65-3-97 as may be authorized by the State Bond
46 Commission.

47 (b) As an alternative to the issuance of bonds under
48 the provisions of Sections 65-39-5 through 65-39-33, for the
49 purpose of providing funds for infrastructure projects under
50 Section 65-39-1, the State Bond Commission, upon receipt of a
51 resolution from the Mississippi Transportation Commission
52 requesting the same, is hereby authorized, on the credit of the
53 state, to make temporary borrowings in the aggregate principal
54 amount not to exceed Three Hundred Million Dollars
55 (\$300,000,000.00) in order to provide funds in such amounts as
56 may, from time to time, be deemed necessary. In order to provide
57 for, and in connection with such temporary borrowings, the State
58 Bond Commission is hereby authorized in the name and on behalf of
59 the state to enter into any purchase, loan or credit agreement, or
60 agreements, or other agreement or agreements with any banks or
61 trust companies or other lending institutions, investment banking
62 firms or persons in the United States having power to enter into
63 the same, which agreements may contain such provisions not
64 inconsistent with the provisions of Section 65-39-1 as may be
65 authorized by the State Bond Commission.

66 (2) All temporary borrowings made under this section shall
67 be evidenced by notes of the state which shall be issued, from
68 time to time, for such amounts not exceeding in the aggregate the
69 applicable statutory and constitutional debt limitation, in such
70 form and in such denominations and subject to terms and conditions
71 of sale and issue, prepayment or redemption and maturity, rate or
72 rates of interest and time of payment of interest as the State

73 Bond Commission shall authorize and direct and in accordance with
74 Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37, 27-65-75,
75 65-3-97 and 65-39-1; however, such notes shall mature not more
76 than ten (10) years from the date of issuance. The State Bond
77 Commission may provide for the subsequent issuance of refunding
78 notes or bonds to refund, upon issuance thereof, such notes, and
79 may specify such other terms and conditions with respect to such
80 refunding notes or bonds thereby authorized for issuance as the
81 seller may determine and direct, however such refunding notes or
82 bonds shall mature not more than ten (10) years from date of
83 issuance.

84 (3) In connection with the issuance of such refunding notes
85 or bonds, the State Bond Commission is hereby authorized in the
86 name and on behalf of the state to enter into agreements with any
87 banks, trust companies, investment banking firms or other
88 institutions or persons in the United States having the power to
89 enter the same:

90 (a) To purchase or underwrite an issue or series of
91 issues of refunding notes, or bonds.

92 (b) To enter into any purchase, loan or credit
93 agreements, and to draw monies pursuant to any such agreements on
94 the terms and conditions set forth therein and to issue notes as
95 evidence of borrowings made under any such agreements.

96 (c) To appoint or act as issuing and paying agent or
97 agents with respect to such refunding notes or bonds.

98 (d) To do such other acts as may be necessary or
99 appropriate to provide for the payment, when due, of the principal
100 of and interest on such refunding notes or bonds.

101 Such agreements may provide for the compensation of any
102 purchasers or underwriters of such refunding notes or bonds by
103 payment of a fixed fee or commission at the time of issuance
104 thereof, and for all other costs and expenses, including fees for
105 agreements related to such refunding notes or bonds and paying

106 agent costs. Costs and expenses of issuance may be paid from the
107 proceeds of the refunding notes or bonds.

108 (4) * * * At or prior to the time of delivery of these
109 refunding notes or bonds, the State Bond Commission shall
110 determine the principal amounts, dates of issue, interest rate or
111 rates, rates of discount, denominations and all other terms and
112 conditions relating to the issuance. The State Treasurer shall
113 perform all acts and things necessary to pay or cause to be paid,
114 when due, all principal of and interest on the notes being
115 refunded by such refunding notes or bonds and to assure that the
116 same may draw upon any monies available for that purpose pursuant
117 to any purchase loan or credit agreements established with respect
118 thereto, all subject to the authorization and direction of the
119 seller.

120 (5) (a) (i) Such outstanding refunding notes or bonds
121 evidencing such borrowings to defray the cost of constructing or
122 reconstructing highways under the Four-Lane Highway Program
123 established in Section 65-3-97 shall be funded and retired by the
124 revenue designated under Sections 27-5-101, 27-19-99, 27-19-325,
125 27-57-37 and 27-65-75 and from any and all legally available
126 federal aid grant reimbursements which are hereby pledged for this
127 purpose, which is intended to be a priority use for such pledged
128 funds for so long as any notes, refunding notes or bonds are
129 outstanding. Such revenues shall be deposited into the Four-Lane
130 Highway Trust Fund for the repayment of the debt service of the
131 refunding notes or bonds in accordance with paragraph (b) of this
132 subsection (5). Such refunding notes or bonds issued pursuant to
133 the provisions of this section shall be secured by a first and
134 priority lien on the revenues pledged therefor.

135 (ii) Outstanding notes evidencing such borrowings
136 to defray the cost of infrastructure projects under Section
137 65-39-1 may be funded and retired from monies in the Gaming
138 Counties Bond Sinking Fund created under Section 65-39-3. The

139 refunding notes or bonds must be issued and sold not later than a
140 date two (2) years after the date of issuance of the first notes
141 evidencing such borrowings to the extent that payment of such
142 notes has not otherwise been made or provided for by sources other
143 than proceeds of refunding notes or bonds.

144 (b) There is created in the State Treasury a special
145 fund designated as the "Four-Lane Highway Trust Fund" into which
146 shall be deposited the funds designated in this paragraph until
147 the balance in the fund is equal to the next two (2) debt service
148 requirements of the refunding notes or bonds issued to defray the
149 cost of the Four-Lane Highway Program established in Section
150 65-3-97. Once the required balance in the fund is reached,
151 deposits shall cease until the amount in the fund falls below the
152 amount equal to the next two (2) debt service requirements of the
153 refunding bonds or notes. Unexpended amounts in the fund at the
154 end of a fiscal year shall not lapse into the State General Fund,
155 and any interest earned on amounts in the fund shall be deposited
156 to the credit of the fund. Money in the fund may not be used or
157 expended for any purpose except as authorized under this
158 subsection. The State Treasurer shall disburse money from the
159 fund for the purposes authorized under this subsection. Deposits
160 into the fund shall be made as follows:

161 (i) Federal aid grant reimbursements designated
162 for the Four-Lane Highway Program established in Section 65-3-97
163 shall be deposited into the Four-Lane Highway Trust Fund until
164 such time as the balance requirements of this section are met.

165 (ii) If the federal aid grant reimbursements
166 designated for the Four-Lane Highway Program are projected by the
167 State Treasurer to be insufficient to meet the balance
168 requirements of this paragraph, then the revenue designated under
169 Sections 27-5-101, 27-19-99, 27-19-325, 27-57-37 and 27-65-75 to
170 defray the cost of the Four-Lane Highway Program shall be
171 deposited into the Four-Lane Highway Trust Fund.

172 (iii) If the amounts required to be deposited by
173 items (i) and (ii) of this paragraph (b) are projected by the
174 State Treasurer to be insufficient to meet the balance
175 requirements of this paragraph, then any other legally available
176 federal aid grant reimbursements shall be deposited into the
177 Four-Lane Highway Trust Fund.

178 At such times as the balance requirements of this paragraph
179 are met, the State Treasurer shall transfer all excess amounts to
180 the State Highway Fund.

181 (c) Any state laws authorizing the imposition or
182 distribution of taxes, fees or federal reimbursements designated
183 for the Four-Lane Highway Program created under Section 65-3-97,
184 or that affect those taxes, fees and federal reimbursements
185 pledged for the payment of refunding notes or bonds issued under
186 this section, shall not be amended or repealed or otherwise
187 directly or indirectly modified so as to impair such outstanding
188 refunding notes or bonds unless such refunding notes or bonds have
189 been discharged in full or provisions have been made for a full
190 discharge or defeasance.

191 (6) The proceeds of all such temporary borrowing shall be
192 paid to the Mississippi Transportation Commission to be held and
193 disposed of in accordance with the provisions of Sections
194 27-5-101, 27-19-99, 27-19-325, 27-57-37, 27-65-75, 65-3-97 and
195 65-39-1.

196 SECTION 2. Section 27-104-27, Mississippi Code of 1972, is
197 amended as follows:

198 27-104-27. Notwithstanding anything in Sections 27-103-101
199 through 27-103-139 and 27-104-1 through 27-104-29 contained, the
200 same shall not be construed to apply to any agency supported
201 wholly by funds granted or allotted under any act of Congress.

202 The State Auditor of Public Accounts and after July 1, 1986, the
203 State Fiscal Officer shall determine which special fund accounts
204 in the State Treasury require an appropriation act and request an

205 appropriation for such special fund accounts. For all other
206 special fund accounts, the State Auditor of Public Accounts, or
207 the State Fiscal Officer after July 1, 1986, shall certify that
208 such accounts do not require an appropriation. The Legislative
209 Budget Office shall recommend an appropriation for each special
210 fund account existing in the State Treasury so certified as
211 requiring an appropriation, unless exempted as hereinafter
212 provided. In the event the Legislative Budget Committee and the
213 State Fiscal Officer find that any state agency should not be
214 included under the provisions of Sections 27-103-101 through
215 27-103-139 and 27-104-1 through 27-104-29, then the said committee
216 and officer may, in their discretion, exempt said state agency
217 from the provisions thereof. Sections 27-103-101 through
218 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds
219 collected and disbursed by a state agency created and existing
220 under the provisions of Sections 73-3-101 through 73-3-169.
221 Sections 27-103-101 through 27-103-139 and 27-104-1 through
222 27-104-29 shall not apply to funds deposited into the special fund
223 created pursuant to Section 45-9-101, the special fund created
224 pursuant to Section 69-37-39 or the special fund created pursuant
225 to Section 1 of Senate Bill No. 3023, 1999 Regular Session.

226 The State Fiscal Officer shall not promulgate or attempt to
227 enforce any rule, order or regulation which is not in accordance
228 with the provisions of a legally executed trust indenture
229 agreement, nor shall Sections 27-103-101 through 27-103-139 and
230 27-104-1 through 27-104-29 be construed to apply to funds
231 collected and disbursed by a state agency under Sections 65-33-45
232 and 65-33-47.

233 SECTION 3. Section 27-5-101, Mississippi Code of 1972, is
234 amended as follows:

235 **[With regard to any county which is exempt from the**
236 **provisions of Section 19-2-3, this section shall read as follows:]**

237 27-5-101. Unless otherwise provided in this section, on or

238 before the fifteenth day of each month, all gasoline, diesel fuel
239 or kerosene taxes which are levied under the laws of this state
240 and collected during the previous month shall be paid and
241 apportioned by the State Tax Commission as follows:

242 (a) (i) From the gross amount of gasoline, diesel fuel
243 or kerosene taxes produced by the state, there shall be deducted
244 an amount equal to one-sixth (1/6) of principal and interest
245 certified by the State Treasurer to the State Tax Commission to be
246 due on the next semiannual bond and interest payment date, as
247 required under the provisions of Chapter 130, Laws of 1938, and
248 subsequent acts authorizing the issuance of bonds payable from
249 gasoline, diesel fuel or kerosene tax revenue on a parity with the
250 bonds issued under authority of said Chapter 130. The State
251 Treasurer shall certify to the State Tax Commission on or before
252 the fifteenth day of each month the amount to be paid to the
253 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
254 of 1938, and subsequent acts authorizing the issuance of bonds
255 payable from gasoline, diesel fuel or kerosene tax revenue, on a
256 parity with the bonds issued under authority of said Chapter 130;
257 and the State Tax Commission shall, on or before the twenty-fifth
258 day of each month, pay into the State Treasury for credit to the
259 "Highway Bonds Sinking Fund" the amount so certified to him by the
260 State Treasurer due to be paid into such fund each month. The
261 payments to the "Highway Bonds Sinking Fund" shall be made out of
262 gross gasoline, diesel fuel or kerosene tax collections before
263 deductions of any nature are considered; however, such payments
264 shall be deducted from the allocation to the Mississippi
265 Department of Transportation under paragraph (c) of this section.

266 (ii) From collections derived from the portion of
267 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
268 from the portion of the tax on aviation gas under Section 27-55-11
269 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
270 portion of the diesel fuel tax levied under Section 27-55-313 that

271 exceeds Ten Cents (10¢) per gallon, from the portion of the taxes
272 levied under Section 27-57-315 that exceeds One Cent (1¢) per
273 gallon on oil and Five and One-fourth Cents (5.25¢) per gallon on
274 oil used as aircraft fuel, from the portion of the excise tax on
275 compressed gas used as a motor fuel that exceeds the rate of tax
276 in effect on June 30, 1987, and from the portion of the gasoline
277 excise tax in excess of Seven Cents (7¢) per gallon and the diesel
278 excise tax in excess of Ten Cents (10¢) per gallon under Section
279 27-61-5 there shall be deducted:

280 1. An amount as provided in Section
281 27-65-75(4) to the credit of a special fund designated as the
282 "Office of State Aid Road Construction."

283 2. An amount equal to the tax collections
284 derived from Two Cents (2¢) per gallon of the gasoline excise tax
285 for distribution to the State Highway Fund to be used exclusively
286 for the construction, reconstruction and maintenance of highways
287 of the State of Mississippi or the payment of interest and
288 principal on bonds when specifically authorized by the Legislature
289 for that purpose.

290 3. The balance shall be deposited in the
291 State Treasury to the credit of the State Highway Fund.

292 (b) Subject to the provisions that said basis of
293 distribution shall in nowise affect adversely the amount
294 specifically pledged in paragraph (a) of this section to be paid
295 into the "Highway Bonds Sinking Fund," the following shall be
296 deducted from the amount produced by the state tax on gasoline,
297 diesel fuel or kerosene tax collections, excluding collections
298 derived from the portion of the gasoline excise tax that exceeds
299 Seven Cents (7¢) per gallon, from the portion of the tax on
300 aviation gas under Section 27-55-11 that exceeds Six and
301 Four-tenths Cents (6.4¢) per gallon, from the portion of the
302 diesel fuel tax levied under Section 27-55-313 that exceeds Ten
303 Cents (10¢) per gallon, from the portion of the taxes levied under

304 Section 27-57-315 that exceeds One Cent (1¢) per gallon on oil and
305 Five and One-fourth Cents (5.25¢) per gallon on oil used as
306 aircraft fuel, from the portion of the excise tax on compressed
307 gas used as a motor fuel that exceeds the rate of tax in effect on
308 June 30, 1987, and from the portion of the gasoline excise tax in
309 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
310 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

311 (i) Twenty percent (20%) of such amount which
312 shall be earmarked and set aside for the construction,
313 reconstruction and maintenance of the highways and roads of the
314 state, provided that if such twenty percent (20%) should reduce
315 any county to a lesser amount than that received in the fiscal
316 year ending June 30, 1966, then such twenty percent (20%) shall be
317 reduced to a percentage to provide that no county shall receive
318 less than its portion for the fiscal year ending June 30, 1966;

319 (ii) The amount allowed as refund on gasoline or
320 as tax credit on diesel fuel or kerosene used for agricultural,
321 maritime, industrial, domestic, and nonhighway purposes;

322 (iii) Five percent (5%) of such amount shall be
323 paid to the State Highway Fund;

324 (iv) The amount or portion thereof authorized by
325 legislative appropriation to the Fisheries and Wildlife Fund
326 created under Section 59-21-25;

327 (v) The amount for deposit into the special
328 aviation fund under paragraph (d) of this section; and

329 (vi) The remainder shall be divided on a basis of
330 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
331 same basis as Four and One-half Cents (4-1/2¢) and Two and
332 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
333 six and forty-three one-hundredths (6.43) and three and
334 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
335 fuel or kerosene). The amount produced by the nine-fourteenths
336 (9/14) division shall be allocated to the Transportation

337 Department and paid into the State Treasury as provided in this
338 section and in Section 27-5-103 and the five-fourteenths (5/14)
339 division shall be returned to the counties of the state on the
340 following basis:

341 1. In each fiscal year, each county shall be
342 paid each month the same percentage of the monthly total to be
343 distributed as was paid to that county during the same month in
344 the fiscal year which ended April 9, 1960, until the county
345 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
346 fiscal year, at which time funds shall be distributed under the
347 provisions of paragraph (b)(vi)4 of this section.

348 2. If after payments in 1 above, any county
349 has not received a total of One Hundred Ninety Thousand Dollars
350 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
351 and each fiscal year thereafter, then any available funds not
352 distributed under 1 above shall be used to bring such county or
353 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
354 or such funds shall be divided equally among such counties not
355 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
356 there is not sufficient money to bring all the counties to said
357 One Hundred Ninety Thousand Dollars (\$190,000.00).

358 3. When a county has been paid an amount
359 equal to the total which was paid to the same county during the
360 fiscal year ended April 9, 1960, such county shall receive no
361 further payments during the then current fiscal year until the
362 last month of such current fiscal year, at which time distribution
363 will be made under 2 above, except as set out in 4 below.

364 4. During the last month of the current
365 fiscal year, should it be determined that there are funds
366 available in excess of the amount distributed for the year under 1
367 and 2 above, then such excess funds shall be distributed among the
368 various counties as follows:

369 One-third (1/3) of such excess to be

370 divided equally among the counties;

371 One-third (1/3) of such excess to be paid
372 to the counties in the proportion which the population of each
373 county bears to the total population of the state according to the
374 last federal census;

375 One-third (1/3) of such excess to be paid
376 to the counties in the proportion which the number of square miles
377 of each county bears to the total square miles in the state.

378 5. It is the declared purpose and intent of
379 the Legislature that no county shall be paid less than was paid
380 during the year ended April 9, 1960, unless the amount to be
381 distributed to all counties in any year is less than the amount
382 distributed to all counties during the year ended April 9, 1960.

383 The Municipal Aid Fund as established by Section 27-5-103
384 shall not participate in any portion of any funds allocated to any
385 county hereunder over and above One Hundred Ninety Thousand
386 Dollars (\$190,000.00).

387 In any county having countywide road or bridge bonds, or
388 supervisors district or district road or bridge bonds outstanding,
389 which exceed, in the aggregate, twelve percent (12%) of the
390 assessed valuation of the taxable property of the county or
391 district, it shall be the duty of the board of supervisors to set
392 aside not less than sixty percent (60%) of such county's share or
393 district's share of the gasoline, diesel fuel or kerosene taxes to
394 be used in paying the principal and interest on such road or
395 bridge bonds as they mature.

396 In any county having such countywide road or bridge bonds or
397 district road or bridge bonds outstanding which exceed, in the
398 aggregate, eight percent (8%) of the assessed valuation of the
399 taxable property of the county, but which do not exceed, in the
400 aggregate, twelve percent (12%) of the assessed valuation of the
401 taxable property of the county, it shall be the duty of the board
402 of supervisors to set aside not less than thirty-five percent

403 (35%) of such county's share of the gasoline, diesel fuel or
404 kerosene taxes to be used in paying the principal and interest of
405 such road or bridge bonds as they mature.

406 In any county having such countywide road or bridge bonds or
407 district road or bridge bonds outstanding which exceed, in the
408 aggregate, five percent (5%) of the assessed valuation of the
409 taxable property of the county, but which do not exceed, in the
410 aggregate, eight percent (8%) of the assessed valuation of the
411 taxable property of the county, it shall be the duty of the board
412 of supervisors to set aside not less than twenty percent (20%) of
413 such county's share of the gasoline, diesel fuel or kerosene taxes
414 to be used in paying the principal and interest of such road and
415 bridge bonds as they mature.

416 In any county having such countywide road or bridge bonds or
417 district road or bridge bonds outstanding which do not exceed, in
418 the aggregate, five percent (5%) of the assessed valuation of the
419 taxable property of the county, it shall be the duty of the board
420 of supervisors to set aside not less than ten percent (10%) of
421 such county's share of the gasoline, diesel fuel or kerosene taxes
422 to be used in paying the principal and interest on such road or
423 bridge bonds as they mature.

424 The portion of any such county's share of the gasoline,
425 diesel fuel or kerosene taxes thus set aside for the payment of
426 the principal and interest of road or bridge bonds, as provided
427 for in this section, shall be used first in paying the currently
428 maturing installments of the principal and interest of such
429 countywide road or bridge bonds, if there be any such countywide
430 road or bridge bonds outstanding, and secondly, in paying the
431 currently maturing installments of principal and interest of
432 district road or bridge bonds outstanding. It shall be the duty
433 of the board of supervisors to pay bonds and interest maturing in
434 each supervisors district out of the supervisors district's share
435 of the gasoline, diesel fuel or kerosene taxes of such district.

436 The remaining portion of such county's share of the gasoline,
437 diesel fuel or kerosene taxes, after setting aside the portion
438 above provided for the payment of the principal and interest of
439 bonds, shall be used in the construction and maintenance of any
440 public highways, bridges, or culverts of the county, including the
441 roads in special or separate road districts, in the discretion of
442 the board of supervisors, or in paying the interest and principal
443 of county road and bridge bonds or district road and bridge bonds,
444 in the discretion of the board of supervisors.

445 In any county having no countywide road or bridge bonds or
446 district road or bridge bonds outstanding, all such county's share
447 of the gasoline, diesel fuel or kerosene taxes shall be used in
448 the construction, reconstruction, and maintenance of the public
449 highways, bridges, or culverts of the county as the board of
450 supervisors may determine.

451 In every county in which there are county road bonds or
452 seawall or road protection bonds outstanding which were issued for
453 the purpose of building bridges or constructing public roads or
454 seawalls, such funds shall be used in the manner provided by law.

455 (c) From the amount produced by the nine-fourteenths
456 (9/14) division allocated to the Transportation Department, there
457 shall be deducted:

458 (i) The amount paid to the State Treasurer for the
459 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

460 (ii) Any amounts due counties in accordance with
461 Section 65-33-45 which have outstanding bonds issued for seawall
462 or road protection purposes, issued under provisions of Chapter
463 319, Laws of 1924, and amendments thereto;

464 (iii) Beginning August 15, 2002, and on or before
465 the fifteenth day of each month thereafter, an amount equal to
466 one-sixth (1/6) of the principal and interest certified by the
467 State Treasurer to the State Tax Commission to be due on the next
468 semiannual bond and interest payment date for the bonds issued

469 under Sections 65-39-5 through 65-39-33. On or before the
470 twenty-fifth day of each month the State Tax Commission shall pay
471 into the State Treasury for credit to the Gaming Counties Bond
472 Sinking Fund created in Section 65-39-3, the amount so certified
473 by the State Treasurer.

474 (iv) Except as otherwise provided in Section
475 31-17-127, the remainder shall be paid by the State Tax Commission
476 to the State Treasurer on the fifteenth day of each month next
477 succeeding the month in which the gasoline, diesel fuel or
478 kerosene taxes were collected to the credit of the State Highway
479 Fund.

480 The funds allocated for the construction, reconstruction, and
481 improvement of state highways, bridges, and culverts, or so much
482 thereof as may be necessary, shall first be used in conjunction
483 with funds supplied by the federal government for such purposes
484 and allocated to the State Transportation Department to be
485 expended on the state highway system. It is specifically provided
486 hereby that the necessary portion of such funds hereinabove
487 allocated to the State Transportation Department may be used for
488 the prompt payment of principal and interest on highway bonds
489 heretofore issued, including such bonds issued or to be issued
490 under the provisions of Chapter 312, Laws of 1956, and amendments
491 thereto.

492 Nothing contained in this section shall be construed to
493 reduce the amount of such gasoline, diesel fuel or kerosene excise
494 taxes levied by the state, allotted under the provisions of Title
495 65, Chapter 33, Mississippi Code of 1972, to counties in which
496 there are outstanding bonds issued for seawall or road protection
497 purposes issued under the provisions of Chapter 319, Laws of 1924,
498 and amendments thereto; the amount of said gasoline, diesel fuel
499 or kerosene excise taxes designated in this section for the
500 payment of bonds and interest authorized and issued or to be
501 issued under the provisions of Chapter 130, Laws of 1938, and

502 subsequent acts authorizing the issuance of bonds payable from
503 gasoline, diesel fuel or kerosene tax revenue, shall, in such
504 counties, be considered as being paid "into the State Treasury to
505 the credit of the State Highway Fund" within the meaning of
506 Section 65-33-45 in computing the amount to be paid to such
507 counties under the provisions of said section, and this section
508 shall be administered in connection with Title 65, Chapter 33,
509 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
510 65-33-49 dealing with seawalls, as if made a part of this section.

511 (d) The proceeds of the Five and One-fourth Cents
512 (5.25¢) of the tax per gallon on oils used as a propellant for jet
513 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
514 per gallon on aviation gasoline and the tax of One Cent (1¢) per
515 gallon for each gallon of gasoline for which a refund has been
516 made pursuant to Section 27-55-23 because such gasoline was used
517 for aviation purposes, shall be paid to the State Treasury into a
518 special fund to be used exclusively, pursuant to legislative
519 appropriation, for the support and development of aeronautics as
520 defined in Section 61-1-3.

521 (e) State highway funds in an amount equal to the
522 difference between Forty-two Million Dollars (\$42,000,000.00) and
523 the annual debt service payable on the state's highway revenue
524 refunding bonds, Series 1985, shall be expended for the
525 construction or reconstruction of highways designated under the
526 Four-Lane Highway Program created under Section 65-3-97.

527 (f) "Gasoline, diesel fuel or kerosene taxes" as used
528 in this section shall be deemed to mean and include state
529 gasoline, diesel fuel or kerosene taxes levied and imposed on
530 distributors of gasoline, diesel fuel or kerosene, and all state
531 excise taxes derived from any fuel used to propel vehicles upon
532 the highways of this state, when levied by any statute.

533 **[With regard to any county which is required to operate on a**
534 **countywide system of road administration as described in Section**

535 **19-2-3, this section shall read as follows:]**

536 27-5-101. Unless otherwise provided in this section, on or
537 before the fifteenth day of each month, all gasoline, diesel fuel
538 or kerosene taxes which are levied under the laws of this state
539 and collected during the previous month shall be paid and
540 apportioned by the State Tax Commission as follows:

541 (a) (i) From the gross amount of gasoline, diesel fuel
542 or kerosene taxes produced by the state, there shall be deducted
543 an amount equal to one-sixth (1/6) of principal and interest
544 certified by the State Treasurer to the State Tax Commission to be
545 due on the next semiannual bond and interest payment date, as
546 required under the provisions of Chapter 130, Laws of 1938, and
547 subsequent acts authorizing the issuance of bonds payable from
548 gasoline, diesel fuel or kerosene tax revenue on a parity with the
549 bonds issued under authority of said Chapter 130. The State
550 Treasurer shall certify to the State Tax Commission on or before
551 the fifteenth day of each month the amount to be paid to the
552 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
553 of 1938, and subsequent acts authorizing the issuance of bonds
554 payable from gasoline, diesel fuel or kerosene tax revenue, on a
555 parity with the bonds issued under authority of said Chapter 130;
556 and the State Tax Commission shall, on or before the twenty-fifth
557 day of each month, pay into the State Treasury for credit to the
558 "Highway Bonds Sinking Fund" the amount so certified to him by the
559 State Treasurer due to be paid into such fund each month. The
560 payments to the "Highway Bonds Sinking Fund" shall be made out of
561 gross gasoline, diesel fuel or kerosene tax collections before
562 deductions of any nature are considered; however, such payments
563 shall be deducted from the allocation to the Transportation
564 Department under paragraph (c) of this section.

565 (ii) From collections derived from the portion of
566 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
567 from the portion of the tax on aviation gas under Section 27-55-11

568 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
569 portion of the diesel fuel tax levied under Section 27-55-313 that
570 exceeds Ten Cents (10¢) per gallon, from the portion of the taxes
571 levied under Section 27-57-315 that exceeds One Cent (1¢) per
572 gallon on oil and Five and One-fourth Cents (5.25¢) per gallon on
573 oil used as aircraft fuel, from the portion of the excise tax on
574 compressed gas used as a motor fuel that exceeds the rate of tax
575 in effect on June 30, 1987, and from the portion of the gasoline
576 excise tax in excess of Seven Cents (7¢) per gallon and the diesel
577 excise tax in excess of Ten Cents (10¢) per gallon under Section
578 27-61-5 there shall be deducted:

579 1. An amount as provided in Section
580 27-65-75(4) to the credit of a special fund designated as the
581 "Office of State Aid Road Construction."

582 2. An amount equal to the tax collections
583 derived from Two Cents (2¢) per gallon of the gasoline excise tax
584 for distribution to the State Highway Fund to be used exclusively
585 for the construction, reconstruction and maintenance of highways
586 of the State of Mississippi or the payment of interest and
587 principal on bonds when specifically authorized by the Legislature
588 for that purpose.

589 3. The balance shall be deposited in the
590 State Treasury to the credit of the State Highway Fund.

591 (b) Subject to the provisions that said basis of
592 distribution shall in nowise affect adversely the amount
593 specifically pledged in paragraph (a) of this section to be paid
594 into the "Highway Bonds Sinking Fund," the following shall be
595 deducted from the amount produced by the state tax on gasoline,
596 diesel fuel or kerosene tax collections, excluding collections
597 derived from the portion of the gasoline excise tax that exceeds
598 Seven Cents (7¢) per gallon, from the portion of the tax on
599 aviation gas under Section 27-55-11 that exceeds Six and
600 Four-tenths Cents (6.4¢) per gallon, from the portion of the

601 diesel fuel tax levied under Section 27-55-313, that exceeds Ten
602 Cents (10¢) per gallon, from the portion of the taxes levied under
603 Section 27-57-315, that exceeds One Cent (1¢) per gallon on oil
604 and Five and One-fourth Cents (5.25¢) per gallon on oil used as
605 aircraft fuel, from the portion of the excise tax on compressed
606 gas used as a motor fuel that exceeds the rate of tax in effect on
607 June 30, 1987, and from the portion of the gasoline excise tax in
608 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
609 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

610 (i) Twenty percent (20%) of such amount which
611 shall be earmarked and set aside for the construction,
612 reconstruction and maintenance of the highways and roads of the
613 state, provided that if such twenty percent (20%) should reduce
614 any county to a lesser amount than that received in the fiscal
615 year ending June 30, 1966, then such twenty percent (20%) shall be
616 reduced to a percentage to provide that no county shall receive
617 less than its portion for the fiscal year ending June 30, 1966;

618 (ii) The amount allowed as refund on gasoline or
619 as tax credit on diesel fuel or kerosene used for agricultural,
620 maritime, industrial, domestic and nonhighway purposes;

621 (iii) Five percent (5%) of such amount shall be
622 paid to the State Highway Fund;

623 (iv) The amount or portion thereof authorized by
624 legislative appropriation to the Fisheries and Wildlife Fund
625 created under Section 59-21-25;

626 (v) The amount for deposit into the special
627 aviation fund under paragraph (d) of this section; and

628 (vi) The remainder shall be divided on a basis of
629 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
630 same basis as Four and One-half Cents (4-1/2¢) and Two and
631 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
632 six and forty-three one-hundredths (6.43) and three and
633 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel

634 fuel or kerosene). The amount produced by the nine-fourteenths
635 (9/14) division shall be allocated to the Transportation
636 Department and paid into the State Treasury as provided in this
637 section and in Section 27-5-103 and the five-fourteenths (5/14)
638 division shall be returned to the counties of the state on the
639 following basis:

640 1. In each fiscal year, each county shall be
641 paid each month the same percentage of the monthly total to be
642 distributed as was paid to that county during the same month in
643 the fiscal year which ended April 9, 1960, until the county
644 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
645 fiscal year, at which time funds shall be distributed under the
646 provisions of paragraph (b)(vi)4 of this section.

647 2. If after payments in 1 above, any county
648 has not received a total of One Hundred Ninety Thousand Dollars
649 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
650 and each fiscal year thereafter, then any available funds not
651 distributed under 1 above shall be used to bring such county or
652 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
653 or such funds shall be divided equally among such counties not
654 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
655 there is not sufficient money to bring all the counties to said
656 One Hundred Ninety Thousand Dollars (\$190,000.00).

657 3. When a county has been paid an amount
658 equal to the total which was paid to the same county during the
659 fiscal year ended April 9, 1960, such county shall receive no
660 further payments during the then current fiscal year until the
661 last month of such current fiscal year, at which time distribution
662 will be made under 2 above, except as set out in 4 below.

663 4. During the last month of the current
664 fiscal year, should it be determined that there are funds
665 available in excess of the amount distributed for the year under 1
666 and 2 above, then such excess funds shall be distributed among the

667 various counties as follows:

668 One-third (1/3) of such excess to be
669 divided equally among the counties;

670 One-third (1/3) of such excess to be paid
671 to the counties in the proportion which the population of each
672 county bears to the total population of the state according to the
673 last federal census;

674 One-third (1/3) of such excess to be paid
675 to the counties in the proportion which the number of square miles
676 of each county bears to the total square miles in the state.

677 5. It is the declared purpose and intent of
678 the Legislature that no county shall be paid less than was paid
679 during the year ended April 9, 1960, unless the amount to be
680 distributed to all counties in any year is less than the amount
681 distributed to all counties during the year ended April 9, 1960.

682 The Municipal Aid Fund as established by Section 27-5-103
683 shall not participate in any portion of any funds allocated to any
684 county hereunder over and above One Hundred Ninety Thousand
685 Dollars (\$190,000.00).

686 In any county having road or bridge bonds outstanding which
687 exceed, in the aggregate, twelve percent (12%) of the assessed
688 valuation of the taxable property of the county, it shall be the
689 duty of the board of supervisors to set aside not less than sixty
690 percent (60%) of such county's share of the gasoline, diesel fuel
691 or kerosene taxes to be used in paying the principal and interest
692 on such road or bridge bonds as they mature.

693 In any county having such road or bridge bonds outstanding
694 which exceed, in the aggregate, eight percent (8%) of the assessed
695 valuation of the taxable property of the county, but which do not
696 exceed, in the aggregate, twelve percent (12%) of the assessed
697 valuation of the taxable property of the county, it shall be the
698 duty of the board of supervisors to set aside not less than
699 thirty-five percent (35%) of such county's share of the gasoline,

700 diesel fuel or kerosene taxes to be used in paying the principal
701 and interest of such road or bridge bonds as they mature.

702 In any county having such road or bridge bonds outstanding
703 which exceed, in the aggregate, five percent (5%) of the assessed
704 valuation of the taxable property of the county, but which do not
705 exceed, in the aggregate, eight percent (8%) of the assessed
706 valuation of the taxable property of the county, it shall be the
707 duty of the board of supervisors to set aside not less than twenty
708 percent (20%) of such county's share of the gasoline, diesel fuel
709 or kerosene taxes to be used in paying the principal and interest
710 of such road and bridge bonds as they mature.

711 In any county having such road or bridge bonds outstanding
712 which do not exceed, in the aggregate, five percent (5%) of the
713 assessed valuation of the taxable property of the county, it shall
714 be the duty of the board of supervisors to set aside not less than
715 ten percent (10%) of such county's share of the gasoline, diesel
716 fuel or kerosene taxes to be used in paying the principal and
717 interest on such road or bridge bonds as they mature.

718 The portion of any such county's share of the gasoline,
719 diesel fuel or kerosene taxes thus set aside for the payment of
720 the principal and interest of road or bridge bonds, as provided
721 for in this section, shall be used in paying the currently
722 maturing installments of the principal and interest of such road
723 or bridge bonds, if there be any such road or bridge bonds
724 outstanding.

725 The remaining portion of such county's share of the gasoline,
726 diesel fuel or kerosene taxes, after setting aside the portion
727 above provided for the payment of the principal and interest of
728 bonds, shall be used in the construction and maintenance of any
729 public highways, bridges or culverts of the county, in the
730 discretion of the board of supervisors.

731 In any county having no road or bridge bonds outstanding, all
732 such county's share of the gasoline, diesel fuel or kerosene taxes

733 shall be used in the construction, reconstruction and maintenance
734 of the public highways, bridges or culverts of the county, as the
735 board of supervisors may determine.

736 In every county in which there are county road bonds or
737 seawall or road protection bonds outstanding which were issued for
738 the purpose of building bridges or constructing public roads or
739 seawalls, such funds shall be used in the manner provided by law.

740 (c) From the amount produced by the nine-fourteenths
741 (9/14) division allocated to the Transportation Department, there
742 shall be deducted:

743 (i) The amount paid to the State Treasurer for the
744 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

745 (ii) Any amounts due counties in accordance with
746 Section 65-33-45 which have outstanding bonds issued for seawall
747 or road protection purposes, issued under provisions of Chapter
748 319, Laws of 1924, and amendments thereto; and

749 (iii) Beginning August 15, 2002, and on or before
750 the fifteenth day of each month thereafter, an amount equal to
751 one-sixth (1/6) of the principal and interest certified by the
752 State Treasurer to the State Tax Commission to be due on the next
753 semiannual bond and interest payment date for the bonds issued
754 under Sections 65-39-5 through 65-39-33. On or before the
755 twenty-fifth day of each month the State Tax Commission shall pay
756 into the State Treasury for credit to the Gaming Counties Bond
757 Sinking Fund created in Section 65-39-3, the amount certified by
758 the State Treasurer.

759 (iv) Except as otherwise provided in Section
760 31-17-127, the remainder shall be paid by the State Tax Commission
761 to the State Treasurer on the fifteenth day of each month next
762 succeeding the month in which the gasoline, diesel fuel or
763 kerosene taxes were collected to the credit of the State Highway
764 Fund.

765 The funds allocated for the construction, reconstruction and

766 improvement of state highways, bridges and culverts, or so much
767 thereof as may be necessary, shall first be used in conjunction
768 with funds supplied by the federal government for such purposes
769 and allocated to the Transportation Department to be expended on
770 the state highway system. It is specifically provided hereby that
771 the necessary portion of such funds hereinabove allocated to the
772 Transportation Department may be used for the prompt payment of
773 principal and interest on highway bonds heretofore issued,
774 including such bonds issued or to be issued under the provisions
775 of Chapter 312, Laws of 1956, and amendments thereto.

776 Nothing contained in this section shall be construed to
777 reduce the amount of such gasoline, diesel fuel or kerosene excise
778 taxes levied by the state, allotted under the provisions of Title
779 65, Chapter 33, Mississippi Code of 1972, to counties in which
780 there are outstanding bonds issued for seawall or road protection
781 purposes issued under the provisions of Chapter 319, Laws of 1924,
782 and amendments thereto; the amount of said gasoline, diesel fuel
783 or kerosene excise taxes designated in this section for the
784 payment of bonds and interest authorized and issued or to be
785 issued under the provisions of Chapter 130, Laws of 1938, and
786 subsequent acts authorizing the issuance of bonds payable from
787 gasoline, diesel fuel or kerosene tax revenue, shall, in such
788 counties, be considered as being paid "into the State Treasury to
789 the credit of the State Highway Fund" within the meaning of
790 Section 65-33-45 in computing the amount to be paid to such
791 counties under the provisions of said section, and this section
792 shall be administered in connection with Title 65, Chapter 33,
793 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
794 65-33-49 dealing with seawalls, as if made a part of this section.

795 (d) The proceeds of the Five and One-fourth Cents
796 (5.25¢) of the tax per gallon on oils used as a propellant for jet
797 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
798 per gallon on aviation gasoline and the tax of One Cent (1¢) per

799 gallon for each gallon of gasoline for which a refund has been
800 made pursuant to Section 27-55-23 because such gasoline was used
801 for aviation purposes, shall be paid to the State Treasury into a
802 special fund to be used exclusively, pursuant to legislative
803 appropriation, for the support and development of aeronautics as
804 defined in Section 61-1-3.

805 (e) State highway funds in an amount equal to the
806 difference between Forty-two Million Dollars (\$42,000,000.00) and
807 the annual debt service payable on the state's highway revenue
808 refunding bonds, Series 1985, shall be expended for the
809 construction or reconstruction of highways designated under the
810 Four-Lane Highway Program created under Section 65-3-97.

811 (f) "Gasoline, diesel fuel or kerosene taxes" as used
812 in this section shall be deemed to mean and include state
813 gasoline, diesel fuel or kerosene taxes levied and imposed on
814 distributors of gasoline, diesel fuel or kerosene, and all state
815 excise taxes derived from any fuel used to propel vehicles upon
816 the highways of this state, when levied by any statute.

817 SECTION 4. Section 27-19-99, Mississippi Code of 1972, is
818 amended as follows:

819 27-19-99. The State Tax Commission shall furnish the tax
820 collector of each county a sufficient supply of license tags or
821 plates and a sufficient supply of license receipts with which to
822 make the collection of the taxes imposed by the provisions of this
823 article, which such tax collectors are required to collect. The
824 license tag receipts shall be on forms prescribed by the
825 commission. Upon the payment of the taxes and fees required by
826 this article, the tax collector shall issue the license receipt in
827 the form prescribed by the commission. The commission shall keep
828 account against the tax collector for the license taxes and fees
829 collected. The tax collector shall keep a similar account.

830 The tax collector shall, at the end of each month or within
831 twenty (20) days thereafter, pay into the county road fund all

832 privilege taxes collected by him during the preceding month upon
833 motor vehicle privilege licenses which he is entitled to issue,
834 less the county's commission.

835 The tax collector shall keep a record of the information
836 furnished by the owners of each motor vehicle registered. The
837 record shall be made in numerical order by tag number or decal
838 number, whichever is appropriate. At the end of each month, or
839 within twenty (20) days thereafter, the tax collector shall submit
840 to the commission a copy of such record, together with the copy of
841 each registration receipt, and shall, at the same time, remit to
842 the commission the registration fee for each license tag or decal
843 sold by him during the preceding month. When the tax collector
844 shall have complied with the provisions of this section and shall
845 have forwarded to the commission, within the time specified, all
846 reports required of him hereunder, he shall then be entitled to
847 retain five percent (5%) of the registration fees imposed in
848 paragraphs (a) and (b) of Section 27-19-43, Mississippi Code of
849 1972, to be paid into the county general fund; otherwise the
850 county's commission shall be forfeited. The five percent (5%)
851 shall not apply to any additional registration fee imposed above
852 the amounts imposed in paragraphs (a) and (b) of Section 27-19-43.

853 The commission shall keep a record from the duplicates filed by
854 the tax collectors of all registered vehicles.

855 Counties that use their existing computer system to
856 communicate all data regarding vehicle title and registration
857 transactions to the state's central computer system shall be
858 allotted Fifty Cents (50¢) for each registration fee collected by
859 the county and remitted to the State Tax Commission. Such
860 communication must successfully pass any edit features and
861 successfully create or update title/registration records on the
862 network system. This amount paid to the county shall be deposited
863 into the county general fund to be expended only for costs
864 incurred for the purchase of equipment, software, maintenance or

865 other costs directly related to the title/registration network
866 system.

867 All monies remitted to the commission by tax collectors as
868 registration or tag fees from the portion of the rate imposed in
869 paragraphs (a) and (b) of Section 27-19-43, and all monies
870 received by the commission directly as registration or tag fees
871 from the portion of the rate imposed in paragraphs (a) and (b) of
872 Section 27-19-43, shall be paid by the commission into the General
873 Fund of the State Treasury on the first day of the month
874 succeeding the month in which such fees are received by the
875 commission. Except as otherwise provided in Section 31-17-127,
876 all monies remitted to the commission by tax collectors as
877 registration or tag fees from the additional rate of Five Dollars
878 (\$5.00) and all monies received by the commission directly as
879 registration or tag fees from the additional rate of Five Dollars
880 (\$5.00) shall be paid into the State Treasury to the credit of the
881 State Highway Fund for the construction or reconstruction of
882 highways designated under the Four-Lane Highway Program created
883 under Section 65-3-97.

884 SECTION 5. Section 27-19-325, Mississippi Code of 1972, is
885 amended as follows:

886 27-19-325. All monies collected by the State Tax Commission
887 as proceeds from the tax imposed by this article shall be
888 distributed to the various counties of the state according to the
889 provisions of Section 27-19-159, Mississippi Code of 1972;
890 however, except as otherwise provided in Section 31-17-127, the
891 additional tag fee of Five Dollars (\$5.00) levied under subsection
892 (6) of Section 27-19-309 shall be paid into the State Treasury to
893 the credit of the State Highway Fund for the construction or
894 reconstruction of highways designated under the Four-Lane Highway
895 Program created in Section 65-3-97.

896 SECTION 6. Section 27-57-37, Mississippi Code of 1972, is
897 amended as follows:

898 27-57-37. Except as otherwise provided in Section 31-17-127,
899 the amount received from lubricating oil excise tax, as defined in
900 this article, shall be deposited by the commission, in the State
901 Treasury to the credit of the State Highway Fund, and until the
902 date specified in Section 65-39-35, such amount shall be used for
903 the construction or reconstruction of highways designated under
904 the Four-Lane Highway Program created under Section 65-3-97.

905 SECTION 7. Section 27-65-75, Mississippi Code of 1972, is
906 amended as follows:

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

908 27-65-75. On or before the fifteenth day of each month, the
909 revenue collected under the provisions of this chapter during the
910 preceding month shall be paid and distributed as follows:

911 (1) On or before August 15, 1992, and each succeeding month
912 thereafter through July 15, 1993, eighteen percent (18%) of the
913 total sales tax revenue collected during the preceding month under
914 the provisions of this chapter, except that collected under the
915 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
916 business activities within a municipal corporation shall be
917 allocated for distribution to such municipality and paid to such
918 municipal corporation. On or before August 15, 1993, and each
919 succeeding month thereafter, eighteen and one-half percent
920 (18-1/2%) of the total sales tax revenue collected during the
921 preceding month under the provisions of this chapter, except that
922 collected under the provisions of Sections 27-65-15, 27-65-19(3)
923 and 27-65-21, on business activities within a municipal
924 corporation shall be allocated for distribution to such
925 municipality and paid to such municipal corporation.

926 A municipal corporation, for the purpose of distributing the
927 tax under this subsection, shall mean and include all incorporated
928 cities, towns and villages.

929 Monies allocated for distribution and credited to a municipal
930 corporation under this subsection may be pledged as security for

931 any loan received by the municipal corporation for the purpose of
932 capital improvements as authorized under Section 57-1-303, or
933 loans as authorized under Section 57-44-7, or water systems
934 improvements as authorized under Section 41-3-16.

935 In any county having a county seat which is not an
936 incorporated municipality, the distribution provided hereunder
937 shall be made as though the county seat was an incorporated
938 municipality; however, the distribution to such municipality shall
939 be paid to the county treasury wherein the municipality is located
940 and such funds shall be used for road, bridge and street
941 construction or maintenance therein.

942 (2) On or before September 15, 1987, and each succeeding
943 month thereafter, from the revenue collected under this chapter
944 during the preceding month One Million One Hundred Twenty-five
945 Thousand Dollars (\$1,125,000.00) shall be allocated for
946 distribution to municipal corporations as defined under subsection
947 (1) of this section in the proportion that the number of gallons
948 of gasoline and diesel fuel sold by distributors to consumers and
949 retailers in each such municipality during the preceding fiscal
950 year bears to the total gallons of gasoline and diesel fuel sold
951 by distributors to consumers and retailers in municipalities
952 statewide during the preceding fiscal year. The State Tax
953 Commission shall require all distributors of gasoline and diesel
954 fuel to report to the commission monthly the total number of
955 gallons of gasoline and diesel fuel sold by them to consumers and
956 retailers in each municipality during the preceding month. The
957 State Tax Commission shall have the authority to promulgate such
958 rules and regulations as is necessary to determine the number of
959 gallons of gasoline and diesel fuel sold by distributors to
960 consumers and retailers in each municipality. In determining the
961 percentage allocation of funds under this subsection for the
962 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
963 State Tax Commission may consider gallons of gasoline and diesel

964 fuel sold for a period of less than one (1) fiscal year. For the
965 purposes of this subsection, the term "fiscal year" means the
966 fiscal year beginning July 1 of a year.

967 (3) On or before September 15, 1987, and on or before the
968 fifteenth day of each succeeding month, until the date specified
969 in Section 65-39-35, the proceeds derived from contractors' taxes
970 levied under Section 27-65-21 on contracts for the construction or
971 reconstruction of highways designated under the Four-Lane Highway
972 Program created under Section 65-3-97 shall, except as otherwise
973 provided in Section 31-17-127, be deposited into the State
974 Treasury to the credit of the State Highway Fund to be used to
975 fund such Four-Lane Highway Program. The Mississippi Department
976 of Transportation shall provide to the State Tax Commission such
977 information as is necessary to determine the amount of proceeds to
978 be distributed under this subsection.

979 (4) On or before August 15, 1994, and on or before the
980 fifteenth day of each succeeding month, from the proceeds of
981 gasoline, diesel fuel or kerosene taxes as provided in Section
982 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be
983 deposited in the State Treasury to the credit of a special fund
984 designated as the "State Aid Road Fund," created by Section
985 65-9-17. Such funds shall be pledged to pay the principal of and
986 interest on state aid road bonds heretofore issued under Sections
987 19-9-51 through 19-9-77, in lieu of and in substitution for the
988 funds heretofore allocated to counties under this section. Such
989 funds may not be pledged for the payment of any state aid road
990 bonds issued after April 1, 1981; however, this prohibition
991 against the pledging of any such funds for the payment of bonds
992 shall not apply to any bonds for which intent to issue such bonds
993 has been published, for the first time, as provided by law prior
994 to March 29, 1981. From the amount of taxes paid into the special
995 fund pursuant to this subsection and subsection (9) of this
996 section, there shall be first deducted and paid the amount

997 necessary to pay the expenses of the Office of State Aid Road
998 Construction, as authorized by the Legislature for all other
999 general and special fund agencies. The remainder of the fund
1000 shall be allocated monthly to the several counties in accordance
1001 with the following formula:

1002 (a) One-third (1/3) shall be allocated to all counties
1003 in equal shares;

1004 (b) One-third (1/3) shall be allocated to counties
1005 based on the proportion that the total number of rural road miles
1006 in a county bears to the total number of rural road miles in all
1007 counties of the state; and

1008 (c) One-third (1/3) shall be allocated to counties
1009 based on the proportion that the rural population of the county
1010 bears to the total rural population in all counties of the state,
1011 according to the latest federal decennial census.

1012 For the purposes of this subsection, the term "gasoline,
1013 diesel fuel or kerosene taxes" means such taxes as defined in
1014 paragraph (f) of Section 27-5-101.

1015 The amount of funds allocated to any county under this
1016 subsection for any fiscal year after Fiscal Year 1994 shall not be
1017 less than the amount allocated to such county for Fiscal Year
1018 1994. Monies allocated to a county from the State Aid Road Fund
1019 for Fiscal Year 1995 or any fiscal year thereafter that exceed the
1020 amount of funds allocated to that county from the State Aid Road
1021 Fund for Fiscal Year 1994, first must be expended by the county
1022 for replacement or rehabilitation of bridges on the state aid road
1023 system that have a sufficiency rating of less than twenty-five
1024 (25), according to National Bridge Inspection standards before
1025 such monies may be approved for expenditure by the State Aid Road
1026 Engineer on other projects that qualify for the use of state aid
1027 road funds.

1028 Any reference in the general laws of this state or the
1029 Mississippi Code of 1972 to Section 27-5-105 shall mean and be

1030 construed to refer and apply to subsection (4) of Section
1031 27-65-75.

1032 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1033 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1034 the special fund known as the "State Public School Building Fund"
1035 created and existing under the provisions of Sections 37-47-1
1036 through 37-47-67. Such payments into said fund are to be made on
1037 the last day of each succeeding month hereafter.

1038 (6) An amount each month beginning August 15, 1983, through
1039 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
1040 of 1983, shall be paid into the special fund known as the
1041 Correctional Facilities Construction Fund created in Section 6 of
1042 Chapter 542, Laws of 1983.

1043 (7) On or before August 15, 1992, and each succeeding month
1044 thereafter, two and two hundred sixty-six one-thousandths percent
1045 (2.266%) of the total sales tax revenue collected during the
1046 preceding month under the provisions of this chapter, except that
1047 collected under the provisions of Section 27-65-17(2) shall be
1048 deposited by the commission into the School Ad Valorem Tax
1049 Reduction Fund created pursuant to Section 37-61-35.

1050 (8) On or before August 15, 1992, and each succeeding month
1051 thereafter, nine and seventy-three one-thousandths percent
1052 (9.073%) of the total sales tax revenue collected during the
1053 preceding month under the provisions of this chapter, except that
1054 collected under the provisions of Section 27-65-17(2) shall be
1055 deposited into the Education Enhancement Fund created pursuant to
1056 Section 37-61-33.

1057 (9) On or before August 15, 1994, and each succeeding month
1058 thereafter, from the revenue collected under this chapter during
1059 the preceding month, Two Hundred Fifty Thousand Dollars
1060 (\$250,000.00) shall be paid into the State Aid Road Fund.

1061 (10) On or before August 15, 1994, and each succeeding month
1062 thereafter through August 15, 1995, from the revenue collected

1063 under this chapter during the preceding month, Two Million Dollars
1064 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1065 Valorem Tax Reduction Fund established in Section 27-51-105.

1066 (11) Notwithstanding any other provision of this section to
1067 the contrary, on or before February 15, 1995, and each succeeding
1068 month thereafter, the sales tax revenue collected during the
1069 preceding month under the provisions of Section 27-65-17(2) and
1070 the corresponding levy in Section 27-65-23 on the rental or lease
1071 of private carriers of passengers and light carriers of property
1072 as defined in Section 27-51-101 shall be deposited, without
1073 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1074 established in Section 27-51-105.

1075 (12) Notwithstanding any other provision of this section to
1076 the contrary, on or before August 15, 1995, and each succeeding
1077 month thereafter, the sales tax revenue collected during the
1078 preceding month under the provisions of Section 27-65-17(1) on
1079 retail sales of private carriers of passengers and light carriers
1080 of property, as defined in Section 27-51-101 and the corresponding
1081 levy in Section 27-65-23 on the rental or lease of these vehicles,
1082 shall be deposited, after diversion, into the Motor Vehicle Ad
1083 Valorem Tax Reduction Fund established in Section 27-51-105.

1084 (13) On or before July 15, 1994, and on or before the
1085 fifteenth day of each succeeding month thereafter, that portion of
1086 the avails of the tax imposed in Section 27-65-22, which is
1087 derived from activities held on the Mississippi state fairgrounds
1088 complex, shall be paid into a special fund hereby created in the
1089 State Treasury and shall be expended pursuant to legislative
1090 appropriations solely to defray the costs of repairs and
1091 renovation at such Trade Mart and Coliseum.

1092 (14) On or before August 15, 1998, and each succeeding month
1093 thereafter through July 15, 2005, that portion of the avails of
1094 the tax imposed in Section 27-65-23 which is derived from sales by
1095 cotton compresses or cotton warehouses and which would otherwise

1096 be paid into the General Fund, shall be deposited in an amount not
1097 to exceed Two Million Dollars (\$2,000,000.00) into the special
1098 fund created pursuant to Section 69-37-39.

1099 (15) The remainder of the amounts collected under the
1100 provisions of this chapter shall be paid into the State Treasury
1101 to the credit of the General Fund.

1102 (16) It shall be the duty of the municipal officials of any
1103 municipality which expands its limits, or of any community which
1104 incorporates as a municipality, to notify the commissioner of such
1105 action thirty (30) days before the effective date. Failure to so
1106 notify the commissioner shall cause such municipality to forfeit
1107 the revenue which it would have been entitled to receive during
1108 this period of time when the commissioner had no knowledge of the
1109 action. If any funds have been erroneously disbursed to any
1110 municipality or any overpayment of tax is recovered by the
1111 taxpayer, the commissioner may make correction and adjust the
1112 error or overpayment with such municipality by withholding the
1113 necessary funds from any subsequent payment to be made to the
1114 municipality.

1115 **[From and after July 1, 2002, this section reads as follows:]**

1116 27-65-75. On or before the fifteenth day of each month, the
1117 revenue collected under the provisions of this chapter during the
1118 preceding month shall be paid and distributed as follows:

1119 (1) On or before August 15, 1992, and each succeeding month
1120 thereafter through July 15, 1993, eighteen percent (18%) of the
1121 total sales tax revenue collected during the preceding month under
1122 the provisions of this chapter, except that collected under the
1123 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1124 business activities within a municipal corporation shall be
1125 allocated for distribution to such municipality and paid to such
1126 municipal corporation. On or before August 15, 1993, and each
1127 succeeding month thereafter, eighteen and one-half percent
1128 (18-1/2%) of the total sales tax revenue collected during the

1129 preceding month under the provisions of this chapter, except that
1130 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1131 and 27-65-21, on business activities within a municipal
1132 corporation shall be allocated for distribution to such
1133 municipality and paid to such municipal corporation.

1134 A municipal corporation, for the purpose of distributing the
1135 tax under this subsection, shall mean and include all incorporated
1136 cities, towns and villages.

1137 Monies allocated for distribution and credited to a municipal
1138 corporation under this subsection may be pledged as security for
1139 any loan received by the municipal corporation for the purpose of
1140 capital improvements as authorized under Section 57-1-303, or
1141 loans as authorized under Section 57-44-7, or water systems
1142 improvements as authorized under Section 41-3-16.

1143 In any county having a county seat which is not an
1144 incorporated municipality, the distribution provided hereunder
1145 shall be made as though the county seat was an incorporated
1146 municipality; however, the distribution to such municipality shall
1147 be paid to the county treasury wherein the municipality is located
1148 and such funds shall be used for road, bridge and street
1149 construction or maintenance therein.

1150 (2) On or before September 15, 1987, and each succeeding
1151 month thereafter, from the revenue collected under this chapter
1152 during the preceding month One Million One Hundred Twenty-five
1153 Thousand Dollars (\$1,125,000.00) shall be allocated for
1154 distribution to municipal corporations as defined under subsection
1155 (1) of this section in the proportion that the number of gallons
1156 of gasoline and diesel fuel sold by distributors to consumers and
1157 retailers in each such municipality during the preceding fiscal
1158 year bears to the total gallons of gasoline and diesel fuel sold
1159 by distributors to consumers and retailers in municipalities
1160 statewide during the preceding fiscal year. The State Tax
1161 Commission shall require all distributors of gasoline and diesel

1162 fuel to report to the commission monthly the total number of
1163 gallons of gasoline and diesel fuel sold by them to consumers and
1164 retailers in each municipality during the preceding month. The
1165 State Tax Commission shall have the authority to promulgate such
1166 rules and regulations as is necessary to determine the number of
1167 gallons of gasoline and diesel fuel sold by distributors to
1168 consumers and retailers in each municipality. In determining the
1169 percentage allocation of funds under this subsection for the
1170 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
1171 State Tax Commission may consider gallons of gasoline and diesel
1172 fuel sold for a period of less than one (1) fiscal year. For the
1173 purposes of this subsection, the term "fiscal year" means the
1174 fiscal year beginning July 1 of a year.

1175 (3) On or before September 15, 1987, and on or before the
1176 fifteenth day of each succeeding month, until the date specified
1177 in Section 65-39-35, the proceeds derived from contractors' taxes
1178 levied under Section 27-65-21 on contracts for the construction or
1179 reconstruction of highways designated under the Four-Lane Highway
1180 Program created under Section 65-3-97 shall, except as otherwise
1181 provided in Section 31-17-127, be deposited into the State
1182 Treasury to the credit of the State Highway Fund to be used to
1183 fund such Four-Lane Highway Program. The Mississippi Department
1184 of Transportation shall provide to the State Tax Commission such
1185 information as is necessary to determine the amount of proceeds to
1186 be distributed under this subsection.

1187 (4) On or before August 15, 1994, and on or before the
1188 fifteenth day of each succeeding month, from the proceeds of
1189 gasoline, diesel fuel or kerosene taxes as provided in Section
1190 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be
1191 deposited in the State Treasury to the credit of a special fund
1192 designated as the "State Aid Road Fund," created by Section
1193 65-9-17. Such funds shall be pledged to pay the principal of and
1194 interest on state aid road bonds heretofore issued under Sections

1195 19-9-51 through 19-9-77, in lieu of and in substitution for the
1196 funds heretofore allocated to counties under this section. Such
1197 funds may not be pledged for the payment of any state aid road
1198 bonds issued after April 1, 1981; however, this prohibition
1199 against the pledging of any such funds for the payment of bonds
1200 shall not apply to any bonds for which intent to issue such bonds
1201 has been published, for the first time, as provided by law prior
1202 to March 29, 1981. From the amount of taxes paid into the special
1203 fund pursuant to this subsection and subsection (9) of this
1204 section, there shall be first deducted and paid the amount
1205 necessary to pay the expenses of the Office of State Aid Road
1206 Construction, as authorized by the Legislature for all other
1207 general and special fund agencies. The remainder of the fund
1208 shall be allocated monthly to the several counties in accordance
1209 with the following formula:

1210 (a) One-third (1/3) shall be allocated to all counties
1211 in equal shares;

1212 (b) One-third (1/3) shall be allocated to counties
1213 based on the proportion that the total number of rural road miles
1214 in a county bears to the total number of rural road miles in all
1215 counties of the state; and

1216 (c) One-third (1/3) shall be allocated to counties
1217 based on the proportion that the rural population of the county
1218 bears to the total rural population in all counties of the state,
1219 according to the latest federal decennial census.

1220 For the purposes of this subsection, the term "gasoline,
1221 diesel fuel or kerosene taxes" means such taxes as defined in
1222 paragraph (f) of Section 27-5-101.

1223 The amount of funds allocated to any county under this
1224 subsection for any fiscal year after Fiscal Year 1994 shall not be
1225 less than the amount allocated to such county for Fiscal Year
1226 1994. Monies allocated to a county from the State Aid Road Fund
1227 for Fiscal Year 1995 or any fiscal year thereafter that exceed the

1228 amount of funds allocated to that county from the State Aid Road
1229 Fund for Fiscal Year 1994, first must be expended by the county
1230 for replacement or rehabilitation of bridges on the state aid road
1231 system that have a sufficiency rating of less than twenty-five
1232 (25), according to National Bridge Inspection standards before
1233 such monies may be approved for expenditure by the State Aid Road
1234 Engineer on other projects that qualify for the use of state aid
1235 road funds.

1236 Any reference in the general laws of this state or the
1237 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1238 construed to refer and apply to subsection (4) of Section
1239 27-65-75.

1240 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1241 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1242 the special fund known as the "State Public School Building Fund"
1243 created and existing under the provisions of Sections 37-47-1
1244 through 37-47-67. Such payments into said fund are to be made on
1245 the last day of each succeeding month hereafter.

1246 (6) An amount each month beginning August 15, 1983, through
1247 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
1248 of 1983, shall be paid into the special fund known as the
1249 Correctional Facilities Construction Fund created in Section 6 of
1250 Chapter 542, Laws of 1983.

1251 (7) On or before August 15, 1992, and each succeeding month
1252 thereafter, two and two hundred sixty-six one-thousandths percent
1253 (2.266%) of the total sales tax revenue collected during the
1254 preceding month under the provisions of this chapter, except that
1255 collected under the provisions of Section 27-65-17(2), not to
1256 exceed the Fiscal Year 1997 appropriated level shall be deposited
1257 by the commission into the School Ad Valorem Tax Reduction Fund
1258 created pursuant to Section 37-61-35, with the balance to be
1259 transferred to the Education Enhancement Fund created under
1260 Section 37-61-33 for appropriation by the Legislature as other

1261 education needs and not subject to the percentage set asides set
1262 forth in Section 37-61-33.

1263 (8) On or before August 15, 1992, and each succeeding month
1264 thereafter, nine and seventy-three one-thousandths percent
1265 (9.073%) of the total sales tax revenue collected during the
1266 preceding month under the provisions of this chapter, except that
1267 collected under the provisions of Section 27-65-17(2) shall be
1268 deposited into the Education Enhancement Fund created pursuant to
1269 Section 37-61-33.

1270 (9) On or before August 15, 1994, and each succeeding month
1271 thereafter, from the revenue collected under this chapter during
1272 the preceding month, Two Hundred Fifty Thousand Dollars
1273 (\$250,000.00) shall be paid into the State Aid Road Fund.

1274 (10) On or before August 15, 1994, and each succeeding month
1275 thereafter through August 15, 1995, from the revenue collected
1276 under this chapter during the preceding month, Two Million Dollars
1277 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1278 Valorem Tax Reduction Fund established in Section 27-51-105.

1279 (11) Notwithstanding any other provision of this section to
1280 the contrary, on or before February 15, 1995, and each succeeding
1281 month thereafter, the sales tax revenue collected during the
1282 preceding month under the provisions of Section 27-65-17(2) shall
1283 be deposited, without diversion, into the Motor Vehicle Ad Valorem
1284 Tax Reduction Fund established in Section 27-51-105.

1285 (12) Notwithstanding any other provision of this section to
1286 the contrary, on or before August 15, 1995, and each succeeding
1287 month thereafter, the sales tax revenue collected during the
1288 preceding month under the provisions of Section 27-65-17(1) on
1289 retail sales of private carriers of passengers and light carriers
1290 of property, as defined in Section 27-51-101, shall be deposited,
1291 after diversion, into the Motor Vehicle Ad Valorem Tax Reduction
1292 Fund established in Section 27-51-105.

1293 (13) On or before July 15, 1994, and on or before the

1294 fifteenth day of each succeeding month thereafter, that portion of
1295 the avails of the tax imposed in Section 27-65-22, which is
1296 derived from activities held on the Mississippi state fairgrounds
1297 complex, shall be paid into a special fund hereby created in the
1298 State Treasury and shall be expended pursuant to legislative
1299 appropriations solely to defray the costs of repairs and
1300 renovation at such Trade Mart and Coliseum.

1301 (14) On or before August 15, 1998, and each succeeding month
1302 thereafter through July 15, 2005, that portion of the avails of
1303 the tax imposed in Section 27-65-23 which is derived from sales by
1304 cotton compresses or cotton warehouses and which would otherwise
1305 be paid into the General Fund, shall be deposited in an amount not
1306 to exceed Two Million Dollars (\$2,000,000.00) into the special
1307 fund created pursuant to Section 69-37-39.

1308 (15) The remainder of the amounts collected under the
1309 provisions of this chapter shall be paid into the State Treasury
1310 to the credit of the General Fund.

1311 (16) It shall be the duty of the municipal officials of any
1312 municipality which expands its limits, or of any community which
1313 incorporates as a municipality, to notify the commissioner of such
1314 action thirty (30) days before the effective date. Failure to so
1315 notify the commissioner shall cause such municipality to forfeit
1316 the revenue which it would have been entitled to receive during
1317 this period of time when the commissioner had no knowledge of the
1318 action. If any funds have been erroneously disbursed to any
1319 municipality or any overpayment of tax is recovered by the
1320 taxpayer, the commissioner may make correction and adjust the
1321 error or overpayment with such municipality by withholding the
1322 necessary funds from any subsequent payment to be made to the
1323 municipality.

1324 SECTION 8. Section 65-39-35, Mississippi Code of 1972, is
1325 amended as follows:

1326 65-39-35. The date upon which the taxes and fees levied and

1327 charged under the provisions of Sections 27-55-11, 27-55-313,
1328 27-57-37, 27-59-11, 27-19-43, 27-19-309 and 27-65-75 are reduced
1329 under such sections shall be the first day of the month
1330 immediately following the date upon which:

1331 (a) The Mississippi Transportation Commission certifies
1332 to the State Tax Commission that:

1333 (i) The Four-Lane Highway Program created under
1334 Section 65-3-97 and the Gaming Counties Infrastructure Program
1335 created under Section 65-39-3, are completed and no funds are any
1336 longer necessary to pay the costs of such programs; and

1337 (ii) The Mississippi Transportation Commission
1338 will not declare the necessity for additional borrowings under
1339 Section 65-9-27, or for additional bonds under Sections 65-39-5
1340 through 65-39-33; and

1341 (b) The State Treasurer certifies:

1342 (i) That the amount on deposit in the Gaming
1343 Counties Bond Sinking Fund, together with earnings on investments
1344 to accrue to such fund, is equal to or greater than the aggregate
1345 of the entire principal, redemption premium (if any), and interest
1346 due and to become due (until the final maturity date or earlier
1347 scheduled redemption date) on all general obligation bonds issued
1348 under Sections 65-39-5 through 65-39-33; and

1349 (ii) That all principal, interest, cost and other
1350 expenses for all bonds, notes or other borrowings under Section
1351 65-9-27 and Section 31-17-127 (including redemption notes, if any)
1352 have been paid and are completely satisfied.

1353 SECTION 9. This act shall take effect and be in force from
1354 and after its passage.