

By: Young

To: Ways and Means

## HOUSE BILL NO. 1137

1 AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT AN ADDITIONAL 2% OF THE STATE'S TOTAL SALES TAX  
3 REVENUE COLLECTIONS ON BUSINESS ACTIVITIES WITHIN MUNICIPALITIES  
4 SHALL BE ALLOCATED FOR DISTRIBUTION TO THE COUNTY IN WHICH SUCH  
5 MUNICIPALITIES ARE LOCATED; TO AMEND SECTION 27-65-53, MISSISSIPPI  
6 CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 27-39-303,  
7 27-39-317, 27-39-320 AND 27-39-321, MISSISSIPPI CODE OF 1972, TO  
8 CAP THE AD VALOREM MILLAGE RATE THAT MAY BE LEVIED FOR GENERAL  
9 COUNTY PURPOSES BY COUNTIES AT THE RATE IN EFFECT FOR FISCAL YEAR  
10 2000; TO AMEND SECTIONS 27-39-203 AND 27-39-205, MISSISSIPPI CODE  
11 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

16 27-65-75. On or before the fifteenth day of each month, the  
17 revenue collected under the provisions of this chapter during the  
18 preceding month shall be paid and distributed as follows:

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

31 27-65-21, and that collected under the provisions of Section  
32 27-65-17(2) and the corresponding levy in Section 27-65-23 on the  
33 rental or lease of private carriers of passengers and light  
34 carriers of property as defined in Section 27-51-101, on business  
35 activities within a municipal corporation shall be allocated for  
36 distribution to such municipality and paid to such municipal  
37 corporation. On or before August 15, 2000, and each succeeding  
38 month thereafter, an additional two percent (2%) of the total  
39 sales tax revenue collected during the preceding month under the  
40 provisions of this chapter, except that collected under the  
41 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21, and that  
42 collected under the provisions of Section 27-65-17(2) and the  
43 corresponding levy in Section 27-65-23 on the rental or lease of  
44 private carriers of passengers and light carriers of property as  
45 defined in Section 27-51-101, on business activities within all of  
46 the municipal corporations located within a county shall be  
47 allocated for distribution to such county and paid to such county.

48 A municipal corporation, for the purpose of distributing the  
49 tax under this subsection, shall mean and include all incorporated  
50 cities, towns and villages.

51 Monies allocated for distribution and credited to a municipal  
52 corporation under this subsection may be pledged as security for  
53 any loan received by the municipal corporation for the purpose of  
54 capital improvements as authorized under Section 57-1-303, or  
55 loans as authorized under Section 57-44-7, or water systems  
56 improvements as authorized under Section 41-3-16.

57 In any county having a county seat which is not an  
58 incorporated municipality, the distribution provided hereunder  
59 shall be made as though the county seat was an incorporated  
60 municipality; however, the distribution to such municipality shall  
61 be paid to the county treasury wherein the municipality is located  
62 and such funds shall be used for road, bridge and street  
63 construction or maintenance therein.

64 (2) On or before September 15, 1987, and each succeeding  
65 month thereafter, from the revenue collected under this chapter  
66 during the preceding month One Million One Hundred Twenty-five  
67 Thousand Dollars (\$1,125,000.00) shall be allocated for

68 distribution to municipal corporations as defined under subsection  
69 (1) of this section in the proportion that the number of gallons  
70 of gasoline and diesel fuel sold by distributors to consumers and  
71 retailers in each such municipality during the preceding fiscal  
72 year bears to the total gallons of gasoline and diesel fuel sold  
73 by distributors to consumers and retailers in municipalities  
74 statewide during the preceding fiscal year. The State Tax  
75 Commission shall require all distributors of gasoline and diesel  
76 fuel to report to the commission monthly the total number of  
77 gallons of gasoline and diesel fuel sold by them to consumers and  
78 retailers in each municipality during the preceding month. The  
79 State Tax Commission shall have the authority to promulgate such  
80 rules and regulations as is necessary to determine the number of  
81 gallons of gasoline and diesel fuel sold by distributors to  
82 consumers and retailers in each municipality. In determining the  
83 percentage allocation of funds under this subsection for the  
84 fiscal year beginning July 1, 1987, and ending June 30, 1988, the  
85 State Tax Commission may consider gallons of gasoline and diesel  
86 fuel sold for a period of less than one (1) fiscal year. For the  
87 purposes of this subsection, the term "fiscal year" means the  
88 fiscal year beginning July 1 of a year.

89 (3) On or before September 15, 1987, and on or before the  
90 fifteenth day of each succeeding month, until the date specified  
91 in Section 65-39-35, the proceeds derived from contractors' taxes  
92 levied under Section 27-65-21 on contracts for the construction or  
93 reconstruction of highways designated under the Four-Lane Highway  
94 Program created under Section 65-3-97 shall, except as otherwise  
95 provided in Section 31-17-127, be deposited into the State  
96 Treasury to the credit of the State Highway Fund to be used to  
97 fund such Four-Lane Highway Program. The Mississippi Department  
98 of Transportation shall provide to the State Tax Commission such  
99 information as is necessary to determine the amount of proceeds to  
100 be distributed under this subsection.

101           (4) On or before August 15, 1994, and on or before the  
102           fifteenth day of each succeeding month through July 15, 1999, from  
103           the proceeds of gasoline, diesel fuel or kerosene taxes as  
104           provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
105           (\$4,000,000.00) shall be deposited in the State Treasury to the  
106           credit of a special fund designated as the "State Aid Road Fund,"  
107           created by Section 65-9-17. On or before August 15, 1999, and on  
108           or before the fifteenth day of each succeeding month, from the  
109           total amount of the proceeds of gasoline, diesel fuel or kerosene  
110           taxes apportioned by Section 27-5-101(a)(ii), Four Million Dollars  
111           (\$4,000,000.00) or an amount equal to twenty-three and one-fourth  
112           percent (23.25%) of such funds, whichever is the greater amount,  
113           shall be deposited in the State Treasury to the credit of the  
114           "State Aid Road Fund," created by Section 65-9-17. Such funds  
115           shall be pledged to pay the principal of and interest on state aid  
116           road bonds heretofore issued under Sections 19-9-51 through  
117           19-9-77, in lieu of and in substitution for the funds heretofore  
118           allocated to counties under this section. Such funds may not be  
119           pledged for the payment of any state aid road bonds issued after  
120           April 1, 1981; however, this prohibition against the pledging of  
121           any such funds for the payment of bonds shall not apply to any  
122           bonds for which intent to issue such bonds has been published, for  
123           the first time, as provided by law prior to March 29, 1981. From  
124           the amount of taxes paid into the special fund pursuant to this  
125           subsection and subsection (9) of this section, there shall be  
126           first deducted and paid the amount necessary to pay the expenses  
127           of the Office of State Aid Road Construction, as authorized by the  
128           Legislature for all other general and special fund agencies. The  
129           remainder of the fund shall be allocated monthly to the several  
130           counties in accordance with the following formula:

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

133                   (b) One-third (1/3) shall be allocated to counties

134 based on the proportion that the total number of rural road miles  
135 in a county bears to the total number of rural road miles in all  
136 counties of the state; and

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

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

144 The amount of funds allocated to any county under this  
145 subsection for any fiscal year after fiscal year 1994 shall not be  
146 less than the amount allocated to such county for fiscal year  
147 1994. Monies allocated to a county from the State Aid Road Fund  
148 for fiscal year 1995 or any fiscal year thereafter that exceed the  
149 amount of funds year 1994, first must be expended by the county  
150 for replacement or rehabilitation of bridges on the state aid road  
151 system that have a sufficiency rating of less than twenty-five  
152 (25), according to National Bridge Inspection standards before  
153 such monies may be approved for expenditure by the State Aid Road  
154 Engineer on other projects that qualify for the use of state aid  
155 road funds.

156 Any reference in the general laws of this state or the  
157 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
158 construed to refer and apply to subsection (4) of Section  
159 27-65-75.

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

166 (6) An amount each month beginning August 15, 1983, through

167 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
168 of 1983, shall be paid into the special fund known as the  
169 Correctional Facilities Construction Fund created in Section 6 of  
170 Chapter 542, Laws of 1983.

171 (7) On or before August 15, 1992, and each succeeding month  
172 thereafter, two and two hundred sixty-six one-thousandths percent  
173 (2.266%) of the total sales tax revenue collected during the  
174 preceding month under the provisions of this chapter, except that  
175 collected under the provisions of Section 27-65-17(2) shall be  
176 deposited by the commission into the School Ad Valorem Tax  
177 Reduction Fund created pursuant to Section 37-61-35.

178 (8) On or before August 15, 1992, and each succeeding month  
179 thereafter, nine and seventy-three one-thousandths percent  
180 (9.073%) of the total sales tax revenue collected during the  
181 preceding month under the provisions of this chapter, except that  
182 collected under the provisions of Section 27-65-17(2) shall be  
183 deposited into the Education Enhancement Fund created pursuant to  
184 Section 37-61-33.

185 (9) On or before August 15, 1994, and each succeeding month  
186 thereafter, from the revenue collected under this chapter during  
187 the preceding month, Two Hundred Fifty Thousand Dollars  
188 (\$250,000.00) shall be paid into the State Aid Road Fund.

189 (10) On or before August 15, 1994, and each succeeding month  
190 thereafter through August 15, 1995, from the revenue collected  
191 under this chapter during the preceding month, Two Million Dollars  
192 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
193 Valorem Tax Reduction Fund established in Section 27-51-105.

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

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

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

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

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

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

230 (16) It shall be the duty of the municipal officials of any  
231 municipality which expands its limits, or of any community which  
232 incorporates as a municipality, to notify the commissioner of such

233 action thirty (30) days before the effective date. Failure to so  
234 notify the commissioner shall cause such municipality to forfeit  
235 the revenue which it would have been entitled to receive during  
236 this period of time when the commissioner had no knowledge of the  
237 action. If any funds have been erroneously disbursed to any  
238 municipality or any overpayment of tax is recovered by the  
239 taxpayer, the commissioner may make correction and adjust the  
240 error or overpayment with such municipality by withholding the  
241 necessary funds from any subsequent payment to be made to the  
242 municipality.

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

244 27-65-75. On or before the fifteenth day of each month, the  
245 revenue collected under the provisions of this chapter during the  
246 preceding month shall be paid and distributed as follows:

247 (1) On or before August 15, 1992, and each succeeding month  
248 thereafter through July 15, 1993, eighteen percent (18%) of the  
249 total sales tax revenue collected during the preceding month under  
250 the provisions of this chapter, except that collected under the  
251 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
252 business activities within a municipal corporation shall be  
253 allocated for distribution to such municipality and paid to such  
254 municipal corporation. On or before August 15, 1993, and each  
255 succeeding month thereafter, eighteen and one-half percent  
256 (18-1/2%) of the total sales tax revenue collected during the  
257 preceding month under the provisions of this chapter, except that  
258 collected under the provisions of Sections 27-65-15, 27-65-17(2),  
259 27-65-19(3) and 27-65-21, on business activities within a  
260 municipal corporation shall be allocated for distribution to such  
261 municipality and paid to such municipal corporation. On or before  
262 August 15, 2000, and each succeeding month thereafter, an  
263 additional two percent (2%) of the total sales tax revenue  
264 collected during the preceding month under the provisions of this  
265 chapter, except that collected under the provisions of Sections

266 27-65-15, 27-65-17(2), 27-65-19(3) and 27-65-21, on business  
267 activities within all of the municipal corporations located within  
268 a county shall be allocated for distribution to such county and  
269 paid to such county.

270 A municipal corporation, for the purpose of distributing the  
271 tax under this subsection, shall mean and include all incorporated  
272 cities, towns and villages.

273 Monies allocated for distribution and credited to a municipal  
274 corporation under this subsection may be pledged as security for  
275 any loan received by the municipal corporation for the purpose of  
276 capital improvements as authorized under Section 57-1-303, or  
277 loans as authorized under Section 57-44-7, or water systems  
278 improvements as authorized under Section 41-3-16.

279 In any county having a county seat which is not an  
280 incorporated municipality, the distribution provided hereunder  
281 shall be made as though the county seat was an incorporated  
282 municipality; however, the distribution to such municipality shall  
283 be paid to the county treasury wherein the municipality is located  
284 and such funds shall be used for road, bridge and street  
285 construction or maintenance therein.

286 (2) On or before September 15, 1987, and each succeeding  
287 month thereafter, from the revenue collected under this chapter  
288 during the preceding month One Million One Hundred Twenty-five  
289 Thousand Dollars (\$1,125,000.00) shall be allocated for  
290 distribution to municipal corporations as defined under subsection  
291 (1) of this section in the proportion that the number of gallons  
292 of gasoline and diesel fuel sold by distributors to consumers and  
293 retailers in each such municipality during the preceding fiscal  
294 year bears to the total gallons of gasoline and diesel fuel sold  
295 by distributors to consumers and retailers in municipalities  
296 statewide during the preceding fiscal year. The State Tax  
297 Commission shall require all distributors of gasoline and diesel  
298 fuel to report to the commission monthly the total number of

299 gallons of gasoline and diesel fuel sold by them to consumers and  
300 retailers in each municipality during the preceding month. The  
301 State Tax Commission shall have the authority to promulgate such  
302 rules and regulations as is necessary to determine the number of  
303 gallons of gasoline and diesel fuel sold by distributors to  
304 consumers and retailers in each municipality. In determining the  
305 percentage allocation of funds under this subsection for the  
306 fiscal year beginning July 1, 1987, and ending June 30, 1988, the  
307 State Tax Commission may consider gallons of gasoline and diesel  
308 fuel sold for a period of less than one (1) fiscal year. For the  
309 purposes of this subsection, the term "fiscal year" means the  
310 fiscal year beginning July 1 of a year.

311 (3) On or before September 15, 1987, and on or before the  
312 fifteenth day of each succeeding month, until the date specified  
313 in Section 65-39-35, the proceeds derived from contractors' taxes  
314 levied under Section 27-65-21 on contracts for the construction or  
315 reconstruction of highways designated under the Four-Lane Highway  
316 Program created under Section 65-3-97 shall, except as otherwise  
317 provided in Section 31-17-127, be deposited into the State  
318 Treasury to the credit of the State Highway Fund to be used to  
319 fund such Four-Lane Highway Program. The Mississippi Department  
320 of Transportation shall provide to the State Tax Commission such  
321 information as is necessary to determine the amount of proceeds to  
322 be distributed under this subsection.

323 (4) On or before August 15, 1994, and on or before the  
324 fifteenth day of each succeeding month through July 15, 1999, from  
325 the proceeds of gasoline, diesel fuel or kerosene taxes as  
326 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
327 (\$4,000,000.00) shall be deposited in the State Treasury to the  
328 credit of a special fund designated as the "State Aid Road Fund,"  
329 created by Section 65-9-17. On or before August 15, 1999, and on  
330 or before the fifteenth day of each succeeding month, from the  
331 total amount of the proceeds of gasoline, diesel fuel or kerosene

332 taxes apportioned by Section 27-5-101(a)(ii), Four Million Dollars  
333 (\$4,000,000.00) or an amount equal to twenty-three and one-fourth  
334 percent (23.25%) of such funds, whichever is the greater amount,  
335 shall be deposited in the State Treasury to the credit of the  
336 "State Aid Road Fund," created by Section 65-9-17. Such funds  
337 shall be pledged to pay the principal of and interest on state aid  
338 road bonds heretofore issued under Sections 19-9-51 through  
339 19-9-77, in lieu of and in substitution for the funds heretofore  
340 allocated to counties under this section. Such funds may not be  
341 pledged for the payment of any state aid road bonds issued after  
342 April 1, 1981; however, this prohibition against the pledging of  
343 any such funds for the payment of bonds shall not apply to any  
344 bonds for which intent to issue such bonds has been published, for  
345 the first time, as provided by law prior to March 29, 1981. From  
346 the amount of taxes paid into the special fund pursuant to this  
347 subsection and subsection (9) of this section, there shall be  
348 first deducted and paid the amount necessary to pay the expenses  
349 of the Office of State Aid Road Construction, as authorized by the  
350 Legislature for all other general and special fund agencies. The  
351 remainder of the fund shall be allocated monthly to the several  
352 counties in accordance with the following formula:

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

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

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

363 For the purposes of this subsection, the term "gasoline,  
364 diesel fuel or kerosene taxes" means such taxes as defined in

365 paragraph (f) of Section 27-5-101.

366         The amount of funds allocated to any county under this  
367 subsection for any fiscal year after fiscal year 1994 shall not be  
368 less than the amount allocated to such county for fiscal year  
369 1994. Monies allocated to a county from the State Aid Road Fund  
370 for fiscal year 1995 or any fiscal year thereafter that exceed the  
371 amount of funds allocated to that county from the State Aid Road  
372 Fund for fiscal year 1994, first must be expended by the county  
373 for replacement or rehabilitation of bridges on the state aid road  
374 system that have a sufficiency rating of less than twenty-five  
375 (25), according to National Bridge Inspection standards before  
376 such monies may be approved for expenditure by the State Aid Road  
377 Engineer on other projects that qualify for the use of state aid  
378 road funds.

379         Any reference in the general laws of this state or the  
380 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
381 construed to refer and apply to subsection (4) of Section  
382 27-65-75.

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

389         (6) An amount each month beginning August 15, 1983, through  
390 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
391 of 1983, shall be paid into the special fund known as the  
392 Correctional Facilities Construction Fund created in Section 6 of  
393 Chapter 542, Laws of 1983.

394         (7) On or before August 15, 1992, and each succeeding month  
395 thereafter, two and two hundred sixty-six one-thousandths percent  
396 (2.266%) of the total sales tax revenue collected during the  
397 preceding month under the provisions of this chapter, except that

398 collected under the provisions of Section 27-65-17(2), not to  
399 exceed the fiscal year 1997 appropriated level shall be deposited  
400 by the commission into the School Ad Valorem Tax Reduction Fund  
401 created pursuant to Section 37-61-35, with the balance to be  
402 transferred to the Education Enhancement Fund created under  
403 Section 37-61-33 for appropriation by the Legislature as other  
404 education needs and not subject to the percentage set asides set  
405 forth in Section 37-61-33.

406 (8) On or before August 15, 1992, and each succeeding month  
407 thereafter, nine and seventy-three one-thousandths percent  
408 (9.073%) of the total sales tax revenue collected during the  
409 preceding month under the provisions of this chapter, except that  
410 collected under the provisions of Section 27-65-17(2) shall be  
411 deposited into the Education Enhancement Fund created pursuant to  
412 Section 37-61-33.

413 (9) On or before August 15, 1994, and each succeeding month  
414 thereafter, from the revenue collected under this chapter during  
415 the preceding month, Two Hundred Fifty Thousand Dollars  
416 (\$250,000.00) shall be paid into the State Aid Road Fund.

417 (10) On or before August 15, 1994, and each succeeding month  
418 thereafter through August 15, 1995, from the revenue collected  
419 under this chapter during the preceding month, Two Million Dollars  
420 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
421 Valorem Tax Reduction Fund established in Section 27-51-105.

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

428 (12) Notwithstanding any other provision of this section to  
429 the contrary, on or before August 15, 1995, and each succeeding  
430 month thereafter, the sales tax revenue collected during the

431 preceding month under the provisions of Section 27-65-17(1) on  
432 retail sales of private carriers of passengers and light carriers  
433 of property, as defined in Section 27-51-101, shall be deposited,  
434 after diversion, into the Motor Vehicle Ad Valorem Tax Reduction  
435 Fund established in Section 27-51-105.

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

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

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

454 (16) It shall be the duty of the municipal officials of any  
455 municipality which expands its limits, or of any community which  
456 incorporates as a municipality, to notify the commissioner of such  
457 action thirty (30) days before the effective date. Failure to so  
458 notify the commissioner shall cause such municipality to forfeit  
459 the revenue which it would have been entitled to receive during  
460 this period of time when the commissioner had no knowledge of the  
461 action. If any funds have been erroneously disbursed to any  
462 municipality or any overpayment of tax is recovered by the  
463 taxpayer, the commissioner may make correction and adjust the

464 error or overpayment with such municipality by withholding the  
465 necessary funds from any subsequent payment to be made to the  
466 municipality.

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

469 27-65-53. If the commissioner finds that the taxpayer has  
470 overpaid his tax for any reason and the taxpayer has discontinued  
471 business and there is no subsequent liability upon which the  
472 excess may be credited, or if the amount of the excess so paid  
473 shall exceed the estimated liability for the next twelve (12)  
474 months, the excess shall be refunded to the taxpayer. Such amount  
475 shall be certified to the State Auditor of Public Accounts by the  
476 commission. The \* \* \* auditor may make such investigation and  
477 audit of the claim as he finds necessary. If he finds that the  
478 commissioner is correct in his determination, the auditor may  
479 issue his warrant to the State Treasurer in favor of the taxpayer  
480 for the amount of tax erroneously paid into the State Treasury,  
481 such refunds to be made from current sales tax collections. If  
482 part of the overpayment has been disbursed to any municipality or  
483 county, under authority of Section 27-65-75, the municipality or  
484 county, having erroneously received the money, shall adjust the  
485 amount with the commissioner, or the overpayment may be withheld  
486 by the state from any funds due by the state to the municipality  
487 or county.

488 \* \* \* Where the taxpayer has overpaid his tax, the  
489 commissioner may give credit for same and allow the taxpayer to  
490 take credit on a subsequent return or, if necessary, in his  
491 discretion, have the taxpayer file for a refund as provided  
492 herein.

493 If any overpayment of tax as reflected in an application or  
494 amended return, or both, filed by the taxpayer, and verified by  
495 the commissioner or otherwise determined to be due by the  
496 commissioner or commission, is not refunded or credited to a

497 taxpayer's account within ninety (90) days after the application  
498 or amended return is filed or the date the commission or  
499 commissioner determines a refund is due, whichever is later,  
500 interest at the rate of one percent (1%) per month shall be  
501 allowed on such overpayment computed for the period after  
502 expiration of the ninety-day period provided herein to the date of  
503 payment.

504 SECTION 3. Section 27-39-203, Mississippi Code of 1972, is  
505 amended as follows:

506 27-39-203. (1) All taxing entities operating under the  
507 January 1 through December 31 fiscal year or a July 1 through June  
508 30 fiscal year shall hold a public hearing at which the budget for  
509 the following fiscal year will be considered, regardless of  
510 whether that budget will be increased or decreased from the  
511 current budget or will remain the same as the current budget, and  
512 shall notify the county of the date, time and place of the public  
513 hearing. The county shall include that information with the tax  
514 notice.

515 (2) Unless the increased revenue in a budget is derived  
516 solely from the expansion of a taxing entity's ad valorem tax  
517 base, a taxing entity shall not budget an increased amount of  
518 revenue derived from the classes of ad valorem property described  
519 in Section 112, Mississippi Constitution of 1890, unless it first  
520 advertises its intention to do so at the same time that it  
521 advertises its intention to fix its budget for the next fiscal  
522 year. From and after July 1, 2000, the board of supervisors of a  
523 county may not levy ad valorem taxes on taxable property for  
524 general county purposes in excess of the millage rate for general  
525 county purposes in effect for the county's 2000 fiscal year.

526 (3) (a) For taxing entities operating under an October 1  
527 through September 30 fiscal year, this advertisement may be  
528 combined with the advertisement required by Section 27-39-205.  
529 For all taxing entities, the advertisement shall meet the size,

530 type, placement and frequency requirements established under  
531 Section 27-39-205.

532 (b) When the advertisement is required, it shall be in  
533 the following form:

534 **"NOTICE OF TAX INCREASE - (Name of the taxing entity)**

535 The (name of the taxing entity) will hold a public hearing on  
536 its proposed budget for fiscal year (insert the year) on (date and  
537 time) at (meeting place). At this meeting, a proposed ad valorem  
538 tax revenue increase in the proposed budget will be considered.

539 The (name of the taxing entity) is now operating with  
540 projected total budget revenue of \$\_\_\_\_\_. (\_\_\_\_ percent) or  
541 \$\_\_\_\_\_ of such revenue is obtained through ad valorem taxes.  
542 For next fiscal year, the proposed budget has total projected  
543 revenue of \$\_\_\_\_\_. Of that amount, (\_\_\_\_ percent) or \$\_\_\_\_\_,  
544 is proposed to be financed through a total ad valorem tax levy.

545 This increase in ad valorem tax revenue means that you will  
546 pay more in ad valorem taxes on your home, automobile tag,  
547 utilities, business fixtures and equipment and rental real  
548 property.

549 Any citizen of (name of the taxing entity) is invited to  
550 attend this public hearing on the proposed ad valorem tax revenue  
551 increase in the budget and will be allowed to speak for a  
552 reasonable amount of time and offer tangible evidence before any  
553 vote is taken."

554 SECTION 4. Section 27-39-205, Mississippi Code of 1972, is  
555 amended as follows:

556 27-39-205. (1) Except as otherwise provided in subsection  
557 (5) of this section, a tax rate in excess of the certified tax  
558 rate shall not be levied under Sections 21-33-45, 27-39-307,  
559 27-39-317 and 27-39-320 until a resolution has been approved by  
560 the governing body of the taxing entity in accordance with the  
561 following procedure:

562 (a) The taxing entity shall advertise its intent to

563 exceed the certified tax rate in a newspaper of general  
564 circulation in the county. A taxing entity collecting taxes in  
565 more than one (1) county shall make the advertisement required  
566 under this section by publication in each county where the taxing  
567 entity collects taxes. The advertisement shall be no less than  
568 one-fourth (1/4) page in size and the type used shall be no  
569 smaller than eighteen (18) point and surrounded by a  
570 one-fourth-inch solid black border. The advertisement shall not  
571 be placed in any portion of the newspaper where legal notices and  
572 classified advertisements appear. The advertisement shall appear  
573 in a newspaper that is published at least five (5) days a week,  
574 unless the only newspaper in the county is published less than  
575 five (5) days a week. The newspaper selected shall be one of  
576 general interest, readership and circulation in all areas of the  
577 community. The advertisement shall be published once each week  
578 for the two-week period preceding the adoption of the final  
579 budget. The advertisement shall provide that the taxing entity  
580 will meet on a certain day, date, time and place fixed in the  
581 advertisement, which shall be no less than seven (7) days after  
582 the day the first advertisement is published. The meeting on the  
583 proposed increase may coincide with the hearing on the proposed  
584 budget of the taxing entity.

585 (b) When the advertisement is required it shall be in  
586 the following form:

587 **"NOTICE OF TAX INCREASE - (Name of the taxing entity)**

588 The (name of the taxing entity) will hold a public hearing on  
589 a proposed ad valorem tax revenue increase for fiscal year (insert  
590 the year) on (date and time) at (meeting place).

591 The (name of the taxing entity) is now operating with  
592 projected total budget revenue of \$\_\_\_\_\_. (\_\_\_\_ percent) or  
593 \$\_\_\_\_\_, of such revenue is obtained through ad valorem taxes.  
594 For next fiscal year, the proposed budget has total projected  
595 revenue of \$\_\_\_\_\_. Of that amount, (\_\_\_\_ percent) or

596 \$\_\_\_\_\_, is proposed to be financed through a total ad valorem  
597 tax levy.

598 For next fiscal year, the (name of the taxing entity) plans  
599 to increase your ad valorem tax millage rate by \_\_\_\_\_ mills from  
600 \_\_\_\_\_ mills to \_\_\_\_\_ mills. This increase means that you will pay  
601 more in ad valorem taxes on your home, automobile tag, utilities,  
602 business fixtures and equipment and rental real property.

603 Any citizen of (name of the taxing entity) is invited to  
604 attend this public hearing on the proposed ad valorem tax  
605 increase, and will be allowed to speak for a reasonable amount of  
606 time and offer tangible evidence before any vote is taken."

607 (2) After the hearing has been held in accordance with the  
608 above procedures, the governing body of the taxing entity may  
609 adopt a resolution levying a tax rate on classes of property  
610 designated by Section 112, Mississippi Constitution of 1890, in  
611 excess of the certified tax rate. If the resolution adopting the  
612 tax rate is not adopted on the day of the public hearing, the  
613 scheduled date, time and place for consideration and adoption of  
614 the resolution shall be announced at the public hearing and the  
615 governing body shall advertise the date, time and place of the  
616 proposed adoption of the resolution in the same manner as provided  
617 under subsection (1).

618 (3) All hearings shall be open to the public. The governing  
619 body of the taxing entity shall permit all interested parties  
620 desiring to be heard an opportunity to present oral testimony  
621 within reasonable time limits and offer tangible evidence.

622 (4) Each taxing entity shall notify the county or municipal  
623 governing body of the date, time and place of its public hearing.  
624 No taxing entity may schedule its hearing at the same time as  
625 another overlapping taxing entity in the same county, but all  
626 taxing entities in which the power to set tax levies is vested in  
627 the same governing authority may consolidate the required hearings  
628 into one (1) hearing. The county or municipal governing body

629 shall resolve any conflicts in hearing dates and times after  
630 consultation with each affected taxing entity.

631 (5) From and after July 1, 2000, the board of supervisors of  
632 a county may not levy ad valorem taxes on taxable property for  
633 general county purposes in excess of the millage rate for general  
634 county purposes in effect for the county's 2000 fiscal year.

635 SECTION 5. Section 27-39-303, Mississippi Code of 1972, is  
636 amended as follows:

637 27-39-303. Subject to the provisions of this section, the  
638 board of supervisors of any county is hereby empowered to levy ad  
639 valorem taxes on taxable property in the respective counties in  
640 any one (1) year, as shown by the assessment roll containing  
641 assessments of property made as of January 1 of the year, and the  
642 assessment of motor vehicles as made according to the provisions  
643 of the Motor Vehicle Ad Valorem Tax Law of 1958 (Section 27-51-1  
644 et seq.) for all general county purposes, exclusive only of levies  
645 for roads and bridges and schools at the rate necessary to fund  
646 such purposes. From and after July 1, 2000, the board of  
647 supervisors of a county may not levy ad valorem taxes on taxable  
648 property for general county purposes in excess of the millage rate  
649 for general county purposes in effect for the county's 2000 fiscal  
650 year.

651 The board of supervisors of any county is further empowered  
652 to expend the proceeds of this levy for any purpose authorized for  
653 any other levy which the board of supervisors is authorized to  
654 make, excluding the levy for roads and bridges, and the board may  
655 authorize general fund expenditures for school purposes when  
656 necessary to meet the minimum local ad valorem tax effort required  
657 by Section 37-57-1.

658 The board of supervisors of any county is further empowered  
659 to distribute from the county general fund a portion of the  
660 county's share of payments made by the Tennessee Valley Authority  
661 to the state in lieu of taxes (a) to the school districts of said

662 county and (b) for construction on the roads and bridges of said  
663 county in an amount which bears the same proportion to the total  
664 amount of the county's share as the millage for the school fund  
665 and road and bridge fund bears to the total millage levied by the  
666 county. In the event said in lieu payments are expended for  
667 capital improvements, said payments shall not be subject to the  
668 increase limitations specified in Section 27-39-321 or 37-57-107.

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

671 27-39-317. The board of supervisors of each county shall, at  
672 its regular meeting in September of each year, levy the county ad  
673 valorem taxes for the fiscal year, and shall, by order, fix the  
674 tax rate, or levy, for the county, for the road districts, if any,  
675 and for the school districts, if any, and for any other taxing  
676 districts; and the rates, or levies, for the county and for any  
677 district shall be expressed in mills or a decimal fraction of a  
678 mill. Said tax rates, or levies, shall determine the ad valorem  
679 taxes to be collected upon each dollar of valuation, upon the  
680 assessment rolls of the county, including the assessment of motor  
681 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of  
682 1958, Section 27-51-1 et seq., for county taxes; and upon each  
683 dollar of valuation for the respective districts, as shown upon  
684 the assessment rolls of the county, including the assessment of  
685 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law  
686 of 1958, Section 27-51-1 et seq.; except as to such values as  
687 shall be exempt, in whole or in part, from certain tax rates or  
688 levies. If the rate or levy for the county is an increase from  
689 the previous fiscal year, then the proposed rate or levy shall be  
690 advertised in accordance with Sections 27-39-203 and 27-39-205.  
691 However, from and after July 1, 2000, the board of supervisors of  
692 a county may not levy ad valorem taxes on taxable property for  
693 general county purposes in excess of the millage rate for general  
694 county purposes in effect for the county's 2000 fiscal year. If

695 the board of supervisors of any county shall not levy the county  
696 taxes and the district taxes at its regular September meeting, the  
697 board shall levy the same on or before September 15 at an  
698 adjourned or special meeting, or thereafter, provided, however,  
699 that if such levy be not made on or before the fifteenth day of  
700 September then the tax collector or State Tax Commission may issue  
701 road and bridge privilege tax license plates for motor vehicles as  
702 defined in the Motor Vehicle Ad Valorem Tax Law of 1958, Section  
703 27-51-1 et seq., without collecting or requiring proof of payment  
704 of county ad valorem taxes, and may continue to so issue such  
705 plates until such levy is duly certified to him, and for  
706 twenty-four (24) hours thereafter.

707 Notwithstanding the requirements of this section, in the  
708 event the State Tax Commission orders the county to make an  
709 adjustment to the tax roll pursuant to Section 27-35-113, the  
710 county shall have a period of thirty (30) days from the date of  
711 the commission's final determination to adjust the millage in  
712 order to collect the same dollar amount of taxes as originally  
713 levied by the board.

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

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

718 (b) For roads and bridges, as authorized by Section  
719 27-39-305.

720 (c) For schools, including the countywide minimum  
721 education program levy and the levy for each school district  
722 including special municipal separate school districts, but not  
723 including other municipal separate school districts, and for an  
724 agricultural high school, county high school or junior college  
725 (current expense and maintenance taxes), as authorized by Chapter  
726 57, Title 37, Mississippi Code of 1972, and any other applicable  
727 statute. The levy for schools shall apply to the assessed value

728 of property in the respective school districts, including special  
729 municipal separate school districts, but not including other  
730 municipal separate school districts, and a distinct and separate  
731 levy shall be made for each school district, and the purpose for  
732 each levy shall be stated.

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

735 (e) For school bonds and the interest thereon,  
736 separately for countywide bonds and for the bonds of each school  
737 district.

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

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

742 (h) For any other purpose for which a levy is lawfully  
743 made.

744 The order shall state all of the purposes for which the  
745 general county levy is made, using the administrative items  
746 suggested by the State Department of Audit of Mississippi under  
747 the county budget law in its uniform system of accounts for  
748 counties, but the rate or levy for any item or purpose need not be  
749 shown; and if a countywide levy is made for any general or special  
750 purpose under the provisions of any law other than Section  
751 27-39-303, each such levy shall be separately stated.

752 During the month of February of each year, if the order or  
753 resolution of the board of trustees of any school district of said  
754 county or partly in said county, is filed with it requesting the  
755 levying of ad valorem taxes for the support and maintenance of  
756 such school district for the following fiscal year, then the board  
757 of supervisors of every such county in the state shall notify, in  
758 writing, within thirty (30) days, the county superintendent of  
759 education of such county, the levy or levies it intends to make  
760 for the support and maintenance of such school districts of such

761 county at its regular meeting in September following, and the  
762 county superintendent of education and the trustees of all such  
763 school districts shall be authorized to use such expressed  
764 intention of the board of supervisors in computing the support and  
765 maintenance budget or budgets of such school district or districts  
766 for the ensuing fiscal school year.

767 SECTION 7. Section 27-39-320, Mississippi Code of 1972, is  
768 amended as follows:

769 27-39-320. (1) The Legislature finds and determines that  
770 legislation requiring a specific levy or requiring consent of some  
771 other governing body to reduce the levy was intended to raise a  
772 certain amount of revenue for specific purposes. Upon this  
773 determination and notwithstanding the provisions of any statute  
774 which requires a definite levy to be made or which requires that a  
775 levy may not be reduced except by the consent of some other  
776 governing authority, except as otherwise provided in subsection  
777 (5) of this section, the amount of such levy shall be deemed to be  
778 an amount necessary to produce the revenues received in the next  
779 preceding year plus, at the option of the taxing authority, an  
780 increase not to exceed ten percent (10%) of such revenues.

781 (2) In any county where there is located a nuclear  
782 generating power plant on which a tax is assessed under Section  
783 27-35-309(3), such required levy and revenue produced thereby may  
784 be reduced by the levying authority in an amount in proportion to  
785 a reduction in the base revenue of any such county from the  
786 previous year. Such reduction shall be allowed only if the  
787 reduction in base revenue equals or exceeds five percent (5%).  
788 "Base revenue" shall mean the revenue received by the county from  
789 the ad valorem tax levy plus the revenue received by the county  
790 from the tax assessed under Section 27-35-309(3) and authorized to  
791 be used for any purposes for which a county is authorized by law  
792 to levy an ad valorem tax. For purposes of determining if the  
793 reduction equals or exceeds five percent (5%), a levy of millage

794 equal to the prior year's millage shall be hypothetically applied  
795 to the current year's ad valorem tax base to determine the amount  
796 of revenue to be generated from the ad valorem tax levy. For the  
797 purposes of this section, the portion of base revenue used to fund  
798 the purpose for which a specific levy is required shall be deemed  
799 to be the total receipts from ad valorem taxes for such purpose.  
800 This paragraph shall apply to taxes levied for the 1987 fiscal  
801 year and for each fiscal year thereafter. If the Mississippi  
802 Supreme Court or another court finally adjudicates that the tax  
803 levied under Section 27-35-309(3) is unconstitutional, then this  
804 paragraph shall stand repealed.

805       (3) Except as otherwise provided in subsection (5) of this  
806 section, with respect to ad valorem taxes levied on or after  
807 October 1, 1980, no county or municipality shall levy those mills  
808 heretofore required by law to be levied to an extent that such  
809 levy shall produce more than the total receipts produced from such  
810 levy in the next preceding year, plus, at the option of the taxing  
811 authority, an increase not to exceed ten percent (10%) of such  
812 receipts. Such total receipts shall be deemed to include the  
813 total avails of such levy either collected from the property owner  
814 or by reimbursement by the state. The revenues produced from any  
815 newly constructed properties or any existing properties added to  
816 the tax rolls or any properties previously exempt which were not  
817 assessed in the next preceding year may be excluded from the  
818 limitation set forth herein.

819       (4) Except as otherwise provided in subsection (5) of this  
820 section, the ten percent (10%) increase limitation prescribed in  
821 this section may be increased by an additional amount by the board  
822 of supervisors of any county if the aggregate receipts from all  
823 county levies to which this section and Sections 27-39-305 and  
824 27-39-321 apply do not exceed one hundred ten percent (110%) of  
825 the aggregate receipts from all such levies during any one (1) of  
826 the immediately preceding three (3) fiscal years, as determined by

827 the board of supervisors.

828 (5) From and after July 1, 2000, the board of supervisors of  
829 a county may not levy ad valorem taxes on taxable property for  
830 general county purposes in excess of the millage rate for general  
831 county purposes in effect for the county's 2000 fiscal year.

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

834 SECTION 8. Section 27-39-321, Mississippi Code of 1972, is  
835 amended as follows:

836 27-39-321. (1) Except as otherwise provided in subsection  
837 (8) of this section, with respect to ad valorem taxes levied for  
838 each fiscal year, no political subdivision may levy ad valorem  
839 taxes in any fiscal year which would render in total receipts from  
840 all levies an amount more than the receipts from that source  
841 during any one (1) of the immediately preceding three (3) fiscal  
842 years, as determined by the levying governing authority, plus, at  
843 the option of the taxing authority, an increase not to exceed ten  
844 percent (10%) of such receipts. The additional revenue from the  
845 ad valorem tax on any newly constructed properties or any existing  
846 properties added to the tax rolls or any properties previously  
847 exempt, which were not assessed in the next preceding year and  
848 cost incurred and paid in the next preceding year in connection  
849 with reappraisal may be excluded from the ten percent (10%)  
850 increase limitation set forth herein. Taxes levied for school  
851 district purposes under any statute and taxes levied for the  
852 maintenance and/or construction of roads and bridges under Section  
853 27-39-305 shall be excluded from the ten percent (10%) increase  
854 limitation set forth herein. Taxes levied for payment of  
855 principal of and interest on general obligation bonds issued  
856 heretofore or hereafter shall be excluded from the ten percent  
857 (10%) increase limitation set forth herein. Any additional  
858 millage levied to fund any new program mandated by the Legislature  
859 shall be excluded from the limitation for the first year of the

860 levy and included within such limitation in any year thereafter.  
861 The limitation imposed under this paragraph shall not apply to  
862 those mandatory levies enumerated in Sections 27-39-320 and  
863 27-39-329.

864 (2) Except as otherwise provided in subsection (8) of this  
865 section, the limitation of this section may be increased only as  
866 provided in subsection (3) or (4) of this section or when the  
867 governing body of a political subdivision has determined the need  
868 for additional revenues, adopts a resolution declaring its  
869 intention so to do and has held an election on the question of  
870 raising the limitation prescribed in this section. The notice  
871 calling for an election shall state the purposes for which the  
872 additional revenues shall be used, the amount of the tax levy to  
873 be imposed for such purposes and period of time for which such tax  
874 levy shall be made; however, such tax levy shall not be made for  
875 more than five (5) successive years. The limitation may be  
876 increased under this subsection only if the proposed increase is  
877 approved by a majority of those voting. Subject to specific  
878 provisions of this paragraph to the contrary, the publication of  
879 notice and manner of holding the election shall be as prescribed  
880 by law for the holding of elections for the issuance of bonds by  
881 the political subdivision. Revenues derived from any taxes levied  
882 pursuant to such election shall be excluded from the tax base for  
883 the purpose of determining aggregate receipts for which the ten  
884 percent (10%) increase limitation applies.

885 (3) Except as otherwise provided in subsection (8) of this  
886 section, as an alternative to the procedure provided in subsection  
887 (2) of this section, the ten percent (10%) increase limitation  
888 prescribed in this section may be increased by an additional  
889 amount by the board of supervisors of any county without an  
890 election thereon if the aggregate receipts from all county levies  
891 to which this section and Sections 27-39-305 and 27-39-320 apply  
892 do not exceed one hundred ten percent (110%) of the aggregate

893 receipts from all such levies during any one (1) of the  
894 immediately preceding three (3) fiscal years, as determined by the  
895 board of supervisors.

896 (4) Except as otherwise provided in subsection (8) of this  
897 section, as an alternative to the procedure provided in  
898 subsections (2) and (3) of this section, the board of supervisors  
899 of any county or the governing authorities of any municipality  
900 may, without an election thereon, increase the ad valorem tax levy  
901 to which this section applies by the greater of:

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

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

908 (5) In any county where there is located a nuclear  
909 generating power plant on which a tax is assessed under Section  
910 27-35-309(3), the term "total receipts" as used in this section  
911 shall be the portion of the "base revenue" as defined in Section  
912 27-39-320 which is used for General Fund purposes.

913 (6) If a shortfall occurs in revenues from sources other  
914 than ad valorem taxes and oil and gas severance taxes budgeted for  
915 the county or municipal general fund during the 1987 fiscal year,  
916 then the county or municipality, as the case may be, may levy a  
917 special ad valorem tax for the 1988 fiscal year in an amount the  
918 avails of which shall not exceed such shortfall; provided,  
919 however, that the aggregate receipts from all ad valorem levies  
920 for the county or municipal general fund for the 1988 fiscal year  
921 shall not exceed the aggregate receipts from this source for the  
922 immediately preceding fiscal year plus an increase not to exceed  
923 twenty percent (20%).

924 (7) If a shortfall occurs in revenues from oil and gas  
925 severance taxes budgeted for the county or municipal general fund

926 during the 1987 fiscal year, then the county or municipality, as  
927 the case may be, may levy a special ad valorem tax for the 1988  
928 fiscal year in an amount the avails of which shall not exceed such  
929 shortfall. The avails of such special ad valorem tax shall not be  
930 included within the ten percent (10%) increase limitation. The ad  
931 valorem taxes levied to offset the shortfall shall be deemed to be  
932 ad valorem tax receipts produced in the 1988 fiscal year for the  
933 purposes of determining the limitation on receipts for the  
934 succeeding fiscal years.

935 (8) From and after July 1, 2000, the board of supervisors of  
936 a county may not levy ad valorem taxes on taxable property for  
937 general county purposes in excess of the millage rate for general  
938 county purposes in effect for the county's 2000 fiscal year.

939 SECTION 9. This act shall take effect and be in force from  
940 and after July 1, 2000.