

By: Senator(s) Dearing, Farris

To: Highways and
Transportation;
Appropriations

SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTION 27-5-101, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE USE OF A PORTION OF THE MOTOR FUEL TAX REVENUES
3 DIVERTED TO THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION THAT IS
4 NOT NEEDED TO PAY THE ANNUAL DEBT SERVICE ON CERTAIN HIGHWAY BONDS
5 TO BE USED FOR PAVEMENT MAINTENANCE ON THE FOUR-LANE HIGHWAY
6 PROGRAM; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 27-5-101, Mississippi Code of 1972, is
9 amended as follows:

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

12 27-5-101. Unless otherwise provided in this section, on or
13 before the fifteenth day of each month, all gasoline, diesel fuel
14 or kerosene taxes which are levied under the laws of this state
15 and collected during the previous month shall be paid and
16 apportioned by the State Tax Commission as follows:

17 (a) (i) Except as otherwise provided in Section
18 31-17-127, from the gross amount of gasoline, diesel fuel or
19 kerosene taxes produced by the state, there shall be deducted an
20 amount equal to one-sixth (1/6) of principal and interest
21 certified by the State Treasurer to the State Tax Commission to be
22 due on the next semiannual bond and interest payment date, as
23 required under the provisions of Chapter 130, Laws of 1938, and
24 subsequent acts authorizing the issuance of bonds payable from
25 gasoline, diesel fuel or kerosene tax revenue on a parity with the
26 bonds issued under authority of said Chapter 130. The State
27 Treasurer shall certify to the State Tax Commission on or before
28 the fifteenth day of each month the amount to be paid to the
29 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws



30 of 1938, and subsequent acts authorizing the issuance of bonds
31 payable from gasoline, diesel fuel or kerosene tax revenue, on a
32 parity with the bonds issued under authority of said Chapter 130;
33 and the State Tax Commission shall, on or before the twenty-fifth
34 day of each month, pay into the State Treasury for credit to the
35 "Highway Bonds Sinking Fund" the amount so certified to him by the
36 State Treasurer due to be paid into such fund each month. The
37 payments to the "Highway Bonds Sinking Fund" shall be made out of
38 gross gasoline, diesel fuel or kerosene tax collections before
39 deductions of any nature are considered; however, such payments
40 shall be deducted from the allocation to the Mississippi
41 Department of Transportation under paragraph (c) of this section.

42 (ii) From collections derived from the portion of
43 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
44 from the portion of the tax on aviation gas under Section 27-55-11
45 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
46 portion of the special fuel tax levied under Sections 27-55-519
47 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
48 Cents (10¢) per gallon, from the portion of the taxes levied under
49 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
50 gallon that exceeds One Cent (1¢) per gallon on special fuel and
51 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
52 as aircraft fuel, from the portion of the excise tax on compressed
53 gas used as a motor fuel that exceeds the rate of tax in effect on
54 June 30, 1987, and from the portion of the gasoline excise tax in
55 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
56 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
57 shall be deducted:

58 1. An amount as provided in Section
59 27-65-75(4) to the credit of a special fund designated as the
60 "Office of State Aid Road Construction."

61 2. An amount equal to the tax collections
62 derived from Two Cents (2¢) per gallon of the gasoline excise tax



63 for distribution to the State Highway Fund to be used exclusively
64 for the construction, reconstruction and maintenance of highways
65 of the State of Mississippi or the payment of interest and
66 principal on bonds when specifically authorized by the Legislature
67 for that purpose.

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

70 (b) Subject to the provisions that said basis of
71 distribution shall in nowise affect adversely the amount
72 specifically pledged in paragraph (a) of this section to be paid
73 into the "Highway Bonds Sinking Fund," the following shall be
74 deducted from the amount produced by the state tax on gasoline,
75 diesel fuel or kerosene tax collections, excluding collections
76 derived from the portion of the gasoline excise tax that exceeds
77 Seven Cents (7¢) per gallon, from the portion of the tax on
78 aviation gas under Section 27-55-11 that exceeds Six and
79 Four-tenths Cents (6.4¢) per gallon, from the portion of the
80 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
81 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
82 gallon, from the portion of the taxes levied under Section
83 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
84 exceeds One Cent (1¢) per gallon on special fuel and Five and
85 One-fourth Cents (5.25¢) per gallon on special fuel used as
86 aircraft fuel, from the portion of the excise tax on compressed
87 gas used as a motor fuel that exceeds the rate of tax in effect on
88 June 30, 1987, and from the portion of the gasoline excise tax in
89 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
90 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

91 (i) Twenty percent (20%) of such amount which
92 shall be earmarked and set aside for the construction,
93 reconstruction and maintenance of the highways and roads of the
94 state, provided that if such twenty percent (20%) should reduce
95 any county to a lesser amount than that received in the fiscal



96 year ending June 30, 1966, then such twenty percent (20%) shall be
97 reduced to a percentage to provide that no county shall receive
98 less than its portion for the fiscal year ending June 30, 1966;

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

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

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

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

109 (vi) The remainder shall be divided on a basis of
110 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
111 same basis as Four and One-half Cents (4-1/2¢) and Two and
112 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
113 six and forty-three one-hundredths (6.43) and three and
114 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
115 fuel or kerosene). The amount produced by the nine-fourteenths
116 (9/14) division shall be allocated to the Transportation
117 Department and paid into the State Treasury as provided in this
118 section and in Section 27-5-103 and the five-fourteenths (5/14)
119 division shall be returned to the counties of the state on the
120 following basis:

121 1. In each fiscal year, each county shall be
122 paid each month the same percentage of the monthly total to be
123 distributed as was paid to that county during the same month in
124 the fiscal year which ended April 9, 1960, until the county
125 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
126 fiscal year, at which time funds shall be distributed under the
127 provisions of paragraph (b) (vi)4 of this section.



128 2. If after payments in 1 above, any county
129 has not received a total of One Hundred Ninety Thousand Dollars
130 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
131 and each fiscal year thereafter, then any available funds not
132 distributed under 1 above shall be used to bring such county or
133 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
134 or such funds shall be divided equally among such counties not
135 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
136 there is not sufficient money to bring all the counties to said
137 One Hundred Ninety Thousand Dollars (\$190,000.00).

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

144 4. During the last month of the current
145 fiscal year, should it be determined that there are funds
146 available in excess of the amount distributed for the year under 1
147 and 2 above, then such excess funds shall be distributed among the
148 various counties as follows:

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

151 One-third (1/3) of such excess to be paid
152 to the counties in the proportion which the population of each
153 county bears to the total population of the state according to the
154 last federal census;

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

158 5. It is the declared purpose and intent of
159 the Legislature that no county shall be paid less than was paid
160 during the year ended April 9, 1960, unless the amount to be



161 distributed to all counties in any year is less than the amount
162 distributed to all counties during the year ended April 9, 1960.

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

167 In any county having countywide road or bridge bonds, or
168 supervisors district or district road or bridge bonds outstanding,
169 which exceed, in the aggregate, twelve percent (12%) of the
170 assessed valuation of the taxable property of the county or
171 district, it shall be the duty of the board of supervisors to set
172 aside not less than sixty percent (60%) of such county's share or
173 district's share of the gasoline, diesel fuel or kerosene taxes to
174 be used in paying the principal and interest on such road or
175 bridge bonds as they mature.

176 In any county having such countywide road or bridge bonds or
177 district road or bridge bonds outstanding which exceed, in the
178 aggregate, eight percent (8%) of the assessed valuation of the
179 taxable property of the county, but which do not exceed, in the
180 aggregate, twelve percent (12%) of the assessed valuation of the
181 taxable property of the county, it shall be the duty of the board
182 of supervisors to set aside not less than thirty-five percent
183 (35%) of such county's share of the gasoline, diesel fuel or
184 kerosene taxes to be used in paying the principal and interest of
185 such road or bridge bonds as they mature.

186 In any county having such countywide road or bridge bonds or
187 district road or bridge bonds outstanding which exceed, in the
188 aggregate, five percent (5%) of the assessed valuation of the
189 taxable property of the county, but which do not exceed, in the
190 aggregate, eight percent (8%) of the assessed valuation of the
191 taxable property of the county, it shall be the duty of the board
192 of supervisors to set aside not less than twenty percent (20%) of
193 such county's share of the gasoline, diesel fuel or kerosene taxes



194 to be used in paying the principal and interest of such road and
195 bridge bonds as they mature.

196 In any county having such countywide road or bridge bonds or
197 district road or bridge bonds outstanding which do not exceed, in
198 the aggregate, five percent (5%) of the assessed valuation of the
199 taxable property of the county, it shall be the duty of the board
200 of supervisors to set aside not less than ten percent (10%) of
201 such county's share of the gasoline, diesel fuel or kerosene taxes
202 to be used in paying the principal and interest on such road or
203 bridge bonds as they mature.

204 The portion of any such county's share of the gasoline,
205 diesel fuel or kerosene taxes thus set aside for the payment of
206 the principal and interest of road or bridge bonds, as provided
207 for in this section, shall be used first in paying the currently
208 maturing installments of the principal and interest of such
209 countywide road or bridge bonds, if there be any such countywide
210 road or bridge bonds outstanding, and secondly, in paying the
211 currently maturing installments of principal and interest of
212 district road or bridge bonds outstanding. It shall be the duty
213 of the board of supervisors to pay bonds and interest maturing in
214 each supervisors district out of the supervisors district's share
215 of the gasoline, diesel fuel or kerosene taxes of such district.

216 The remaining portion of such county's share of the gasoline,
217 diesel fuel or kerosene taxes, after setting aside the portion
218 above provided for the payment of the principal and interest of
219 bonds, shall be used in the construction and maintenance of any
220 public highways, bridges, or culverts of the county, including the
221 roads in special or separate road districts, in the discretion of
222 the board of supervisors, or in paying the interest and principal
223 of county road and bridge bonds or district road and bridge bonds,
224 in the discretion of the board of supervisors.

225 In any county having no countywide road or bridge bonds or
226 district road or bridge bonds outstanding, all such county's share



227 of the gasoline, diesel fuel or kerosene taxes shall be used in
228 the construction, reconstruction, and maintenance of the public
229 highways, bridges, or culverts of the county as the board of
230 supervisors may determine.

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

235 (c) From the amount produced by the nine-fourteenths
236 (9/14) division allocated to the Transportation Department, there
237 shall be deducted:

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

240 (ii) Any amounts due counties in accordance with
241 Section 65-33-45 which have outstanding bonds issued for seawall
242 or road protection purposes, issued under provisions of Chapter
243 319, Laws of 1924, and amendments thereto;

244 (iii) Beginning August 15, 2002, and on or before
245 the fifteenth day of each month thereafter, an amount equal to
246 one-sixth (1/6) of the principal and interest certified by the
247 State Treasurer to the State Tax Commission to be due on the next
248 semiannual bond and interest payment date for the bonds issued
249 under Sections 65-39-5 through 65-39-33. On or before the
250 twenty-fifth day of each month the State Tax Commission shall pay
251 into the State Treasury for credit to the Gaming Counties Bond
252 Sinking Fund created in Section 65-39-3, the amount so certified
253 by the State Treasurer;

254 (iv) Except as otherwise provided in Section
255 31-17-127, the remainder shall be paid by the State Tax Commission
256 to the State Treasurer on the fifteenth day of each month next
257 succeeding the month in which the gasoline, diesel fuel or
258 kerosene taxes were collected to the credit of the State Highway
259 Fund.



260 The funds allocated for the construction, reconstruction, and
261 improvement of state highways, bridges, and culverts, or so much
262 thereof as may be necessary, shall first be used in conjunction
263 with funds supplied by the federal government for such purposes
264 and allocated to the State Transportation Department to be
265 expended on the state highway system. It is specifically provided
266 hereby that the necessary portion of such funds hereinabove
267 allocated to the State Transportation Department may be used for
268 the prompt payment of principal and interest on highway bonds
269 heretofore issued, including such bonds issued or to be issued
270 under the provisions of Chapter 312, Laws of 1956, and amendments
271 thereto.

272 Nothing contained in this section shall be construed to
273 reduce the amount of such gasoline, diesel fuel or kerosene excise
274 taxes levied by the state, allotted under the provisions of Title
275 65, Chapter 33, Mississippi Code of 1972, to counties in which
276 there are outstanding bonds issued for seawall or road protection
277 purposes issued under the provisions of Chapter 319, Laws of 1924,
278 and amendments thereto; the amount of said gasoline, diesel fuel
279 or kerosene excise taxes designated in this section for the
280 payment of bonds and interest authorized and issued or to be
281 issued under the provisions of Chapter 130, Laws of 1938, and
282 subsequent acts authorizing the issuance of bonds payable from
283 gasoline, diesel fuel or kerosene tax revenue, shall, in such
284 counties, be considered as being paid "into the State Treasury to
285 the credit of the State Highway Fund" within the meaning of
286 Section 65-33-45 in computing the amount to be paid to such
287 counties under the provisions of said section, and this section
288 shall be administered in connection with Title 65, Chapter 33,
289 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
290 65-33-49 dealing with seawalls, as if made a part of this section.

291 (d) The proceeds of the Five and One-fourth Cents
292 (5.25¢) of the tax per gallon on oils used as a propellant for jet



293 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
294 per gallon on aviation gasoline and the tax of One Cent (1¢) per
295 gallon for each gallon of gasoline for which a refund has been
296 made pursuant to Section 27-55-23 because such gasoline was used
297 for aviation purposes, shall be paid to the State Treasury into a
298 special fund to be used exclusively, pursuant to legislative
299 appropriation, for the support and development of aeronautics as
300 defined in Section 61-1-3.

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

308 (f) "Gasoline, diesel fuel or kerosene taxes" as used
309 in this section shall be deemed to mean and include state
310 gasoline, diesel fuel or kerosene taxes levied and imposed on
311 distributors of gasoline, diesel fuel or kerosene, and all state
312 excise taxes derived from any fuel used to propel vehicles upon
313 the highways of this state, when levied by any statute.

314 **[With regard to any county which is required to operate on a**
315 **countywide system of road administration as described in Section**
316 **19-2-3, this section shall read as follows:]**

317 27-5-101. Unless otherwise provided in this section, on or
318 before the fifteenth day of each month, all gasoline, diesel fuel
319 or kerosene taxes which are levied under the laws of this state
320 and collected during the previous month shall be paid and
321 apportioned by the State Tax Commission as follows:

322 (a) (i) Except as otherwise provided in Section
323 31-17-127, from the gross amount of gasoline, diesel fuel or
324 kerosene taxes produced by the state, there shall be deducted an
325 amount equal to one-sixth (1/6) of principal and interest



326 certified by the State Treasurer to the State Tax Commission to be
327 due on the next semiannual bond and interest payment date, as
328 required under the provisions of Chapter 130, Laws of 1938, and
329 subsequent acts authorizing the issuance of bonds payable from
330 gasoline, diesel fuel or kerosene tax revenue on a parity with the
331 bonds issued under authority of said Chapter 130. The State
332 Treasurer shall certify to the State Tax Commission on or before
333 the fifteenth day of each month the amount to be paid to the
334 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
335 of 1938, and subsequent acts authorizing the issuance of bonds
336 payable from gasoline, diesel fuel or kerosene tax revenue, on a
337 parity with the bonds issued under authority of said Chapter 130;
338 and the State Tax Commission shall, on or before the twenty-fifth
339 day of each month, pay into the State Treasury for credit to the
340 "Highway Bonds Sinking Fund" the amount so certified to him by the
341 State Treasurer due to be paid into such fund each month. The
342 payments to the "Highway Bonds Sinking Fund" shall be made out of
343 gross gasoline, diesel fuel or kerosene tax collections before
344 deductions of any nature are considered; however, such payments
345 shall be deducted from the allocation to the Transportation
346 Department under paragraph (c) of this section.

347 (ii) From collections derived from the portion of
348 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
349 from the portion of the tax on aviation gas under Section 27-55-11
350 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
351 portion of the special fuel tax levied under Sections 27-55-519
352 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
353 Cents (10¢) per gallon, from the portion of the taxes levied under
354 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
355 gallon that exceeds One Cent (1¢) per gallon on special fuel and
356 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
357 as aircraft fuel, from the portion of the excise tax on compressed
358 gas used as a motor fuel that exceeds the rate of tax in effect on



359 June 30, 1987, and from the portion of the gasoline excise tax in
360 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
361 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
362 shall be deducted:

363 1. An amount as provided in Section
364 27-65-75(4) to the credit of a special fund designated as the
365 "Office of State Aid Road Construction."

366 2. An amount equal to the tax collections
367 derived from Two Cents (2¢) per gallon of the gasoline excise tax
368 for distribution to the State Highway Fund to be used exclusively
369 for the construction, reconstruction and maintenance of highways
370 of the State of Mississippi or the payment of interest and
371 principal on bonds when specifically authorized by the Legislature
372 for that purpose.

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

375 (b) Subject to the provisions that said basis of
376 distribution shall in nowise affect adversely the amount
377 specifically pledged in paragraph (a) of this section to be paid
378 into the "Highway Bonds Sinking Fund," the following shall be
379 deducted from the amount produced by the state tax on gasoline,
380 diesel fuel or kerosene tax collections, excluding collections
381 derived from the portion of the gasoline excise tax that exceeds
382 Seven Cents (7¢) per gallon, from the portion of the tax on
383 aviation gas under Section 27-55-11 that exceeds Six and
384 Four-tenths Cents (6.4¢) per gallon, from the portion of the
385 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
386 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
387 gallon, from the portion of the taxes levied under Section
388 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
389 One Cent (1¢) per gallon on special fuel and Five and One-fourth
390 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
391 from the portion of the excise tax on compressed gas used as a



392 motor fuel that exceeds the rate of tax in effect on June 30,
393 1987, and from the portion of the gasoline excise tax in excess of
394 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
395 Ten Cents (10¢) per gallon under Section 27-61-5:

396 (i) Twenty percent (20%) of such amount which
397 shall be earmarked and set aside for the construction,
398 reconstruction and maintenance of the highways and roads of the
399 state, provided that if such twenty percent (20%) should reduce
400 any county to a lesser amount than that received in the fiscal
401 year ending June 30, 1966, then such twenty percent (20%) shall be
402 reduced to a percentage to provide that no county shall receive
403 less than its portion for the fiscal year ending June 30, 1966;

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

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

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

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

414 (vi) The remainder shall be divided on a basis of
415 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
416 same basis as Four and One-half Cents (4-1/2¢) and Two and
417 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
418 six and forty-three one-hundredths (6.43) and three and
419 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
420 fuel or kerosene). The amount produced by the nine-fourteenths
421 (9/14) division shall be allocated to the Transportation
422 Department and paid into the State Treasury as provided in this
423 section and in Section 27-5-103 and the five-fourteenths (5/14)



424 division shall be returned to the counties of the state on the
425 following basis:

426 1. In each fiscal year, each county shall be
427 paid each month the same percentage of the monthly total to be
428 distributed as was paid to that county during the same month in
429 the fiscal year which ended April 9, 1960, until the county
430 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
431 fiscal year, at which time funds shall be distributed under the
432 provisions of paragraph (b) (vi)4 of this section.

433 2. If after payments in 1 above, any county
434 has not received a total of One Hundred Ninety Thousand Dollars
435 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
436 and each fiscal year thereafter, then any available funds not
437 distributed under 1 above shall be used to bring such county or
438 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
439 or such funds shall be divided equally among such counties not
440 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
441 there is not sufficient money to bring all the counties to said
442 One Hundred Ninety Thousand Dollars (\$190,000.00).

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

449 4. During the last month of the current
450 fiscal year, should it be determined that there are funds
451 available in excess of the amount distributed for the year under 1
452 and 2 above, then such excess funds shall be distributed among the
453 various counties as follows:

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



456 One-third (1/3) of such excess to be paid
457 to the counties in the proportion which the population of each
458 county bears to the total population of the state according to the
459 last federal census;

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

463 5. It is the declared purpose and intent of
464 the Legislature that no county shall be paid less than was paid
465 during the year ended April 9, 1960, unless the amount to be
466 distributed to all counties in any year is less than the amount
467 distributed to all counties during the year ended April 9, 1960.

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

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

479 In any county having such road or bridge bonds outstanding
480 which exceed, in the aggregate, eight percent (8%) of the assessed
481 valuation of the taxable property of the county, but which do not
482 exceed, in the aggregate, twelve percent (12%) of the assessed
483 valuation of the taxable property of the county, it shall be the
484 duty of the board of supervisors to set aside not less than
485 thirty-five percent (35%) of such county's share of the gasoline,
486 diesel fuel or kerosene taxes to be used in paying the principal
487 and interest of such road or bridge bonds as they mature.



488 In any county having such road or bridge bonds outstanding
489 which exceed, in the aggregate, five percent (5%) of the assessed
490 valuation of the taxable property of the county, but which do not
491 exceed, in the aggregate, eight percent (8%) of the assessed
492 valuation of the taxable property of the county, it shall be the
493 duty of the board of supervisors to set aside not less than twenty
494 percent (20%) of such county's share of the gasoline, diesel fuel
495 or kerosene taxes to be used in paying the principal and interest
496 of such road and bridge bonds as they mature.

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

504 The portion of any such county's share of the gasoline,
505 diesel fuel or kerosene taxes thus set aside for the payment of
506 the principal and interest of road or bridge bonds, as provided
507 for in this section, shall be used in paying the currently
508 maturing installments of the principal and interest of such road
509 or bridge bonds, if there be any such road or bridge bonds
510 outstanding.

511 The remaining portion of such county's share of the gasoline,
512 diesel fuel or kerosene taxes, after setting aside the portion
513 above provided for the payment of the principal and interest of
514 bonds, shall be used in the construction and maintenance of any
515 public highways, bridges or culverts of the county, in the
516 discretion of the board of supervisors.

517 In any county having no road or bridge bonds outstanding, all
518 such county's share of the gasoline, diesel fuel or kerosene taxes
519 shall be used in the construction, reconstruction and maintenance



520 of the public highways, bridges or culverts of the county, as the
521 board of supervisors may determine.

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

526 (c) From the amount produced by the nine-fourteenths
527 (9/14) division allocated to the Transportation Department, there
528 shall be deducted:

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

531 (ii) Any amounts due counties in accordance with
532 Section 65-33-45 which have outstanding bonds issued for seawall
533 or road protection purposes, issued under provisions of Chapter
534 319, Laws of 1924, and amendments thereto; and

535 (iii) Beginning August 15, 2002, and on or before
536 the fifteenth day of each month thereafter, an amount equal to
537 one-sixth (1/6) of the principal and interest certified by the
538 State Treasurer to the State Tax Commission to be due on the next
539 semiannual bond and interest payment date for the bonds issued
540 under Sections 65-39-5 through 65-39-33. On or before the
541 twenty-fifth day of each month the State Tax Commission shall pay
542 into the State Treasury for credit to the Gaming Counties Bond
543 Sinking Fund created in Section 65-39-3, the amount certified by
544 the State Treasurer;

545 (iv) Except as otherwise provided in Section
546 31-17-127, the remainder shall be paid by the State Tax Commission
547 to the State Treasurer on the fifteenth day of each month next
548 succeeding the month in which the gasoline, diesel fuel or
549 kerosene taxes were collected to the credit of the State Highway
550 Fund.

551 The funds allocated for the construction, reconstruction and
552 improvement of state highways, bridges and culverts, or so much



553 thereof as may be necessary, shall first be used in conjunction
554 with funds supplied by the federal government for such purposes
555 and allocated to the Transportation Department to be expended on
556 the state highway system. It is specifically provided hereby that
557 the necessary portion of such funds hereinabove allocated to the
558 Transportation Department may be used for the prompt payment of
559 principal and interest on highway bonds heretofore issued,
560 including such bonds issued or to be issued under the provisions
561 of Chapter 312, Laws of 1956, and amendments thereto.

562 Nothing contained in this section shall be construed to
563 reduce the amount of such gasoline, diesel fuel or kerosene excise
564 taxes levied by the state, allotted under the provisions of Title
565 65, Chapter 33, Mississippi Code of 1972, to counties in which
566 there are outstanding bonds issued for seawall or road protection
567 purposes issued under the provisions of Chapter 319, Laws of 1924,
568 and amendments thereto; the amount of said gasoline, diesel fuel
569 or kerosene excise taxes designated in this section for the
570 payment of bonds and interest authorized and issued or to be
571 issued under the provisions of Chapter 130, Laws of 1938, and
572 subsequent acts authorizing the issuance of bonds payable from
573 gasoline, diesel fuel or kerosene tax revenue, shall, in such
574 counties, be considered as being paid "into the State Treasury to
575 the credit of the State Highway Fund" within the meaning of
576 Section 65-33-45 in computing the amount to be paid to such
577 counties under the provisions of said section, and this section
578 shall be administered in connection with Title 65, Chapter 33,
579 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
580 65-33-49 dealing with seawalls, as if made a part of this section.

581 (d) The proceeds of the Five and One-fourth Cents
582 (5.25¢) of the tax per gallon on oils used as a propellant for jet
583 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
584 per gallon on aviation gasoline and the tax of One Cent (1¢) per
585 gallon for each gallon of gasoline for which a refund has been



586 made pursuant to Section 27-55-23 because such gasoline was used
587 for aviation purposes, shall be paid to the State Treasury into a
588 special fund to be used exclusively, pursuant to legislative
589 appropriation, for the support and development of aeronautics as
590 defined in Section 61-1-3.

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

598 (f) "Gasoline, diesel fuel or kerosene taxes" as used
599 in this section shall be deemed to mean and include state
600 gasoline, diesel fuel or kerosene taxes levied and imposed on
601 distributors of gasoline, diesel fuel or kerosene, and all state
602 excise taxes derived from any fuel used to propel vehicles upon
603 the highways of this state, when levied by any statute.

604 SECTION 2. This act shall take effect and be in force from
605 and after July 1, 2001.

