

By: Representative Stringer

To: Appropriations

HOUSE BILL NO. 15

1 AN ACT TO AMEND SECTIONS 27-103-125, 27-103-139 AND  
 2 27-103-211, MISSISSIPPI CODE OF 1972, TO REVISE THE PERCENTAGE  
 3 LIMITATION ON LEGISLATIVE APPROPRIATIONS FROM THE STATE GENERAL  
 4 FUND FOR FISCAL YEAR 2006; TO AMEND SECTION 27-65-75, MISSISSIPPI  
 5 CODE OF 1972, TO DELAY UNTIL 2007 THE SALES TAX DIVERSION THAT IS  
 6 TO BE DEPOSITED INTO THE SPECIAL FUNDS TRANSFER FUND; TO AMEND  
 7 SECTION 4, CHAPTER 556, LAWS OF 2003, AS AMENDED BY SECTION 10,  
 8 CHAPTER 595, LAWS OF 2004, TO CONFORM TO THE PRECEDING SECTION; TO  
 9 AMEND SECTION 27-25-506, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
 10 BEGINNING WITH FISCAL YEAR 2006, ALL AMOUNTS COLLECTED FROM  
 11 CERTAIN TAX COLLECTIONS APPORTIONED TO THE STATE FROM OIL AND GAS  
 12 SEVERANCE TAXES SHALL BE DEPOSITED INTO THE STATE GENERAL FUND;  
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 27-103-125, Mississippi Code of 1972, is  
 16 amended as follows:

17 27-103-125. The proposed budget of each state agency shall  
 18 show the amounts required for operating expenses separately from  
 19 the amounts required for permanent improvements. The overall  
 20 budget shall show, separately by each source, the estimated amount  
 21 of general fund revenue and of special fund revenues of general  
 22 fund agencies. The total proposed expenditures in Part 1 of the  
 23 overall budget shall not exceed the amount of estimated revenues  
 24 that will be available in the general and special funds for  
 25 appropriation or use during the succeeding fiscal year, including  
 26 any balances that will be on hand in the general and special funds  
 27 at the close of the then current fiscal year. The total proposed  
 28 expenditures from the State General Fund in Part 1 of the overall  
 29 budget shall not exceed ninety-eight percent (98%) of the amount  
 30 of general fund revenue estimate for the succeeding fiscal year,  
 31 plus any unencumbered balances in general funds that will be  
 32 available and on hand at the close of the then current fiscal

33 year. However, for fiscal year 2006 only, the total proposed  
34 expenditures from the State General Fund in Part 1 of the overall  
35 budget shall not exceed one hundred percent (100%) of the amount  
36 of the general fund revenue estimate for the succeeding fiscal  
37 year, plus any unencumbered balances in general funds that will be  
38 available and on hand at the close of the then current fiscal  
39 year. The general fund revenue estimate shall be the estimate  
40 jointly adopted by the Governor and the Joint Legislative Budget  
41 Committee. Unencumbered balances in general funds that will be  
42 available and on hand at the close of the current fiscal year  
43 shall not include projected amounts required to be deposited into  
44 the Working Cash-Stabilization Reserve Fund under Section  
45 27-103-203. The Legislative Budget Office may recommend  
46 additional taxes or sources of revenue if in its judgment those  
47 additional funds are necessary to adequately support the functions  
48 of the state government.

49 **SECTION 2.** Section 27-103-139, Mississippi Code of 1972, is  
50 amended as follows:

51 27-103-139. On or before November 15 preceding each regular  
52 session of the Legislature, except the first regular session of a  
53 new term of office, the Governor shall submit to the members of  
54 the Legislature, the Legislative Budget Office or the  
55 members-elect, as the case may be, and to the executive head of  
56 each state agency a balanced budget for the succeeding fiscal  
57 year. The budget submitted shall be prepared in a format that  
58 will include performance measurement data associated with the  
59 various programs operated by each agency. The total proposed  
60 expenditures in the balanced budget shall not exceed the amount of  
61 estimated revenues that will be available for appropriation or use  
62 during the succeeding fiscal year, including any balances that  
63 will be on hand at the close of the then current fiscal year, as  
64 determined by the revenue estimate jointly adopted by the Governor  
65 and the Legislative Budget Committee. The total proposed

66 expenditures from the State General Fund in the balanced budget  
67 shall not exceed ninety-eight percent (98%) of the amount of  
68 general fund revenue estimate for the succeeding fiscal year, plus  
69 any unencumbered balances in general funds that will be available  
70 and on hand at the close of the then current fiscal year.  
71 However, for fiscal year 2006 only, the total proposed  
72 expenditures from the State General Fund in the balanced budget  
73 shall not exceed one hundred percent (100%) of the amount of the  
74 general fund revenue estimate for the succeeding fiscal year, plus  
75 any unencumbered balances in general funds that will be available  
76 and on hand at the close of the then current fiscal year. The  
77 general fund revenue estimate shall be the estimate jointly  
78 adopted by the Governor and the Joint Legislative Budget  
79 Committee. Unencumbered balances in general funds that will be  
80 available and on hand at the close of the fiscal year shall not  
81 include projected amounts required to be deposited into the  
82 Working Cash-Stabilization Reserve Fund and the Education  
83 Enhancement Fund under Section 27-103-203.

84       The revenues used in preparing the balanced budget shall be  
85 only those revenues that will be available under the general laws  
86 of the state as they exist when the balanced budget is prepared,  
87 and shall not include any proposed revenues that would become  
88 available only after the enactment of new legislation. If the  
89 Governor has any recommendations for additional proposed  
90 expenditures or proposed revenues that are not included in his  
91 balanced budget, he shall submit those recommendations in a  
92 supplement that is separate from his balanced budget, and whenever  
93 the Governor recommends any such additional proposed expenditures,  
94 he also shall recommend proposed revenues that are sufficient to  
95 fund the additional proposed expenditures, providing specific  
96 details regarding the sources and the total amount of those  
97 proposed revenues.

98           The Governor may employ a budget officer for the purpose of  
99 receiving information from the State Fiscal Officer and preparing  
100 his recommendations on the budget. If the Governor determines  
101 that information received from the State Fiscal Officer is not  
102 sufficient to enable him to prepare his budget recommendations, he  
103 may request an appropriation from the Legislature to provide  
104 additional staff within the Governor's Office for that purpose.  
105 At the first regular session after his election for Governor, the  
106 Governor shall submit any budget recommendations plus the required  
107 revenue source recommendations no later than January 31 of that  
108 year.

109           **SECTION 3.** Section 27-103-211, Mississippi Code of 1972, is  
110 amended as follows:

111           27-103-211. The total sum appropriated by the Legislature  
112 from the State General Fund for any fiscal year shall not exceed  
113 ninety-eight percent (98%) of the general fund revenue estimate  
114 for that fiscal year developed by the Tax Commission and the  
115 University Research Center and adopted by the Joint Legislative  
116 Budget Committee, plus any unencumbered balances in general funds  
117 that will be available and on hand at the close of the then  
118 current fiscal year. The unencumbered balances in general funds  
119 that will be available and on hand at the close of the fiscal year  
120 shall not include projected amounts required to be deposited into  
121 the Working Cash-Stabilization Reserve Fund under Section  
122 27-103-203. However, for fiscal year 2006 only, the total sum  
123 appropriated by the Legislature from the State General Fund shall  
124 not exceed one hundred percent (100%) of the amount of the general  
125 fund revenue estimate for that fiscal year, plus any unencumbered  
126 balances in general funds that will be available and on hand at  
127 the close of the then current fiscal year.

128           **SECTION 4.** Section 27-65-75, Mississippi Code of 1972, is  
129 amended as follows:

130           27-65-75. On or before the fifteenth day of each month, the  
131 revenue collected under the provisions of this chapter during the  
132 preceding month shall be paid and distributed as follows:

133           (1) On or before August 15, 1992, and each succeeding month  
134 thereafter through July 15, 1993, eighteen percent (18%) of the  
135 total sales tax revenue collected during the preceding month under  
136 the provisions of this chapter, except that collected under the  
137 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
138 business activities within a municipal corporation shall be  
139 allocated for distribution to the municipality and paid to the  
140 municipal corporation. On or before August 15, 1993, and each  
141 succeeding month thereafter, eighteen and one-half percent  
142 (18-1/2%) of the total sales tax revenue collected during the  
143 preceding month under the provisions of this chapter, except that  
144 collected under the provisions of Sections 27-65-15, 27-65-19(3)  
145 and 27-65-21, on business activities within a municipal  
146 corporation shall be allocated for distribution to the  
147 municipality and paid to the municipal corporation.

148           A municipal corporation, for the purpose of distributing the  
149 tax under this subsection, shall mean and include all incorporated  
150 cities, towns and villages.

151           Monies allocated for distribution and credited to a municipal  
152 corporation under this subsection may be pledged as security for  
153 any loan received by the municipal corporation for the purpose of  
154 capital improvements as authorized under Section 57-1-303, or  
155 loans as authorized under Section 57-44-7, or water systems  
156 improvements as authorized under Section 41-3-16.

157           In any county having a county seat that is not an  
158 incorporated municipality, the distribution provided under this  
159 subsection shall be made as though the county seat was an  
160 incorporated municipality; however, the distribution to the  
161 municipality shall be paid to the county treasury in which the

162 municipality is located, and those funds shall be used for road,  
163 bridge and street construction or maintenance in the county.

164 (2) On or before September 15, 1987, and each succeeding  
165 month thereafter, from the revenue collected under this chapter  
166 during the preceding month, One Million One Hundred Twenty-five  
167 Thousand Dollars (\$1,125,000.00) shall be allocated for  
168 distribution to municipal corporations as defined under subsection  
169 (1) of this section in the proportion that the number of gallons  
170 of gasoline and diesel fuel sold by distributors to consumers and  
171 retailers in each such municipality during the preceding fiscal  
172 year bears to the total gallons of gasoline and diesel fuel sold  
173 by distributors to consumers and retailers in municipalities  
174 statewide during the preceding fiscal year. The State Tax  
175 Commission shall require all distributors of gasoline and diesel  
176 fuel to report to the commission monthly the total number of  
177 gallons of gasoline and diesel fuel sold by them to consumers and  
178 retailers in each municipality during the preceding month. The  
179 State Tax Commission shall have the authority to promulgate such  
180 rules and regulations as is necessary to determine the number of  
181 gallons of gasoline and diesel fuel sold by distributors to  
182 consumers and retailers in each municipality. In determining the  
183 percentage allocation of funds under this subsection for the  
184 fiscal year beginning July 1, 1987, and ending June 30, 1988, the  
185 State Tax Commission may consider gallons of gasoline and diesel  
186 fuel sold for a period of less than one (1) fiscal year. For the  
187 purposes of this subsection, the term "fiscal year" means the  
188 fiscal year beginning July 1 of a year.

189 (3) On or before September 15, 1987, and on or before the  
190 fifteenth day of each succeeding month, until the date specified  
191 in Section 65-39-35, the proceeds derived from contractors' taxes  
192 levied under Section 27-65-21 on contracts for the construction or  
193 reconstruction of highways designated under the highway program  
194 created under Section 65-3-97 shall, except as otherwise provided

195 in Section 31-17-127, be deposited into the State Treasury to the  
196 credit of the State Highway Fund to be used to fund that highway  
197 program. The Mississippi Department of Transportation shall  
198 provide to the State Tax Commission such information as is  
199 necessary to determine the amount of proceeds to be distributed  
200 under this subsection.

201 (4) On or before August 15, 1994, and on or before the  
202 fifteenth day of each succeeding month through July 15, 1999, from  
203 the proceeds of gasoline, diesel fuel or kerosene taxes as  
204 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
205 (\$4,000,000.00) shall be deposited in the State Treasury to the  
206 credit of a special fund designated as the "State Aid Road Fund,"  
207 created by Section 65-9-17. On or before August 15, 1999, and on  
208 or before the fifteenth day of each succeeding month, from the  
209 total amount of the proceeds of gasoline, diesel fuel or kerosene  
210 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million  
211 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
212 one-fourth percent (23.25%) of those funds, whichever is the  
213 greater amount, shall be deposited in the State Treasury to the  
214 credit of the "State Aid Road Fund," created by Section 65-9-17.  
215 Those funds shall be pledged to pay the principal of and interest  
216 on state aid road bonds heretofore issued under Sections 19-9-51  
217 through 19-9-77, in lieu of and in substitution for the funds  
218 previously allocated to counties under this section. Those funds  
219 may not be pledged for the payment of any state aid road bonds  
220 issued after April 1, 1981; however, this prohibition against the  
221 pledging of any such funds for the payment of bonds shall not  
222 apply to any bonds for which intent to issue those bonds has been  
223 published, for the first time, as provided by law before March 29,  
224 1981. From the amount of taxes paid into the special fund under  
225 this subsection and subsection (9) of this section, there shall be  
226 first deducted and paid the amount necessary to pay the expenses  
227 of the Office of State Aid Road Construction, as authorized by the

228 Legislature for all other general and special fund agencies. The  
229 remainder of the fund shall be allocated monthly to the several  
230 counties in accordance with the following formula:

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

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

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

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

244 The amount of funds allocated to any county under this  
245 subsection for any fiscal year after fiscal year 1994 shall not be  
246 less than the amount allocated to the county for fiscal year  
247 1994.

248 Any reference in the general laws of this state or the  
249 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
250 construed to refer and apply to subsection (4) of Section  
251 27-65-75.

252 (5) One Million Six Hundred Sixty-six Thousand Six Hundred  
253 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into  
254 the special fund known as the "State Public School Building Fund"  
255 created and existing under the provisions of Sections 37-47-1  
256 through 37-47-67. Those payments into that fund are to be made on  
257 the last day of each succeeding month hereafter.

258 (6) An amount each month beginning August 15, 1983, through  
259 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
260 of 1983, shall be paid into the special fund known as the



261 Correctional Facilities Construction Fund created in Section 6 of  
262 Chapter 542, Laws of 1983.

263 (7) On or before August 15, 1992, and each succeeding month  
264 thereafter through July 15, 2000, two and two hundred sixty-six  
265 one-thousandths percent (2.266%) of the total sales tax revenue  
266 collected during the preceding month under the provisions of this  
267 chapter, except that collected under the provisions of Section  
268 27-65-17(2) shall be deposited by the commission into the School  
269 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
270 or before August 15, 2000, and each succeeding month thereafter,  
271 two and two hundred sixty-six one-thousandths percent (2.266%) of  
272 the total sales tax revenue collected during the preceding month  
273 under the provisions of this chapter, except that collected under  
274 the provisions of Section 27-65-17(2), shall be deposited into the  
275 School Ad Valorem Tax Reduction Fund created under Section  
276 37-61-35 until such time that the total amount deposited into the  
277 fund during a fiscal year equals Forty-two Million Dollars  
278 (\$42,000,000.00). Thereafter, the amounts diverted under this  
279 subsection (7) during the fiscal year in excess of Forty-two  
280 Million Dollars (\$42,000,000.00) shall be deposited into the  
281 Education Enhancement Fund created under Section 37-61-33 for  
282 appropriation by the Legislature as other education needs and  
283 shall not be subject to the percentage appropriation requirements  
284 set forth in Section 37-61-33.

285 (8) On or before August 15, 1992, and each succeeding month  
286 thereafter, nine and seventy-three one-thousandths percent  
287 (9.073%) of the total sales tax revenue collected during the  
288 preceding month under the provisions of this chapter, except that  
289 collected under the provisions of Section 27-65-17(2), shall be  
290 deposited into the Education Enhancement Fund created under  
291 Section 37-61-33.

292 (9) On or before August 15, 1994, and each succeeding month  
293 thereafter, from the revenue collected under this chapter during

294 the preceding month, Two Hundred Fifty Thousand Dollars  
295 (\$250,000.00) shall be paid into the State Aid Road Fund.

296 (10) On or before August 15, 1994, and each succeeding month  
297 thereafter through August 15, 1995, from the revenue collected  
298 under this chapter during the preceding month, Two Million Dollars  
299 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
300 Valorem Tax Reduction Fund established in Section 27-51-105.

301 (11) Notwithstanding any other provision of this section to  
302 the contrary, on or before February 15, 1995, and each succeeding  
303 month thereafter, the sales tax revenue collected during the  
304 preceding month under the provisions of Section 27-65-17(2) and  
305 the corresponding levy in Section 27-65-23 on the rental or lease  
306 of private carriers of passengers and light carriers of property  
307 as defined in Section 27-51-101 shall be deposited, without  
308 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
309 established in Section 27-51-105.

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

319 (13) On or before July 15, 1994, and on or before the  
320 fifteenth day of each succeeding month thereafter, that portion of  
321 the avails of the tax imposed in Section 27-65-22 that is derived  
322 from activities held on the Mississippi state fairgrounds complex,  
323 shall be paid into a special fund that is created in the State  
324 Treasury and shall be expended upon legislative appropriation  
325 solely to defray the costs of repairs and renovation at the Trade  
326 Mart and Coliseum.

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

334           (15) Notwithstanding any other provision of this section to  
335 the contrary, on or before September 15, 2000, and each succeeding  
336 month thereafter, the sales tax revenue collected during the  
337 preceding month under the provisions of Section 27-65-19(1)(f) and  
338 (g)(i)2, shall be deposited, without diversion, into the  
339 Telecommunications Ad Valorem Tax Reduction Fund established in  
340 Section 27-38-7.

341           (16) On or before August 15, 2000, and each succeeding month  
342 thereafter, the sales tax revenue collected during the preceding  
343 month under the provisions of this chapter on the gross proceeds  
344 of sales of a project as defined in Section 57-30-1 shall be  
345 deposited, after all diversions except the diversion provided for  
346 in subsection (1) of this section, into the Sales Tax Incentive  
347 Fund created in Section 57-30-3.

348           (17) Notwithstanding any other provision of this section to  
349 the contrary, on or before April 15, 2002, and each succeeding  
350 month thereafter, the sales tax revenue collected during the  
351 preceding month under Section 27-65-23 on sales of parking  
352 services of parking garages and lots at airports shall be  
353 deposited, without diversion, into the special fund created under  
354 Section 27-5-101(d).

355           (18) On or before August 15, 2007, and each succeeding month  
356 thereafter through July 15, 2008, from the sales tax revenue  
357 collected during the preceding month under the provisions of this  
358 chapter, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)

359 shall be deposited into the Special Funds Transfer Fund created in  
360 Section 4 of Chapter 556, Laws of 2003.

361 (19) (a) On or before August 15, 2005, and each succeeding  
362 month thereafter, the sales tax revenue collected during the  
363 preceding month under the provisions of this chapter on the gross  
364 proceeds of sales of a business enterprise located within a  
365 redevelopment project area under the provisions of Sections 1  
366 through 6 of House Bill No. 1294, 2005 Regular Session, and the  
367 revenue collected on the gross proceeds of sales from sales made  
368 to a business enterprise located in a redevelopment project area  
369 under the provisions of Sections 1 through 6 of House Bill No.  
370 1294, 2005 Regular Session (provided that such sales made to a  
371 business enterprise are made on the premises of the business  
372 enterprise), shall, except as otherwise provided in this  
373 subsection (19), be deposited, after all diversions, into the  
374 Redevelopment Project Incentive Fund as created in Section 5 of  
375 House Bill No. 1294, 2005 Regular Session.

376 (b) For a municipality participating in the Economic  
377 Redevelopment Act created in Sections 1 through 6 of House Bill  
378 No. 1294, 2005 Regular Session, the diversion provided for in  
379 subsection (1) of this section attributable to the gross proceeds  
380 of sales of a business enterprise located within a redevelopment  
381 project area under the provisions of Sections 1 through 6 of House  
382 Bill No. 1294, 2005 Regular Session, and attributable to the gross  
383 proceeds of sales from sales made to a business enterprise located  
384 in a redevelopment project area under the provisions of Sections 1  
385 through 6 of House Bill No. 1294, 2005 Regular Session (provided  
386 that such sales made to a business enterprise are made on the  
387 premises of the business enterprise), shall be deposited into the  
388 Redevelopment Project Incentive Fund as created in Section 5 of  
389 House Bill No. 1294, 2005 Regular Session, as follows:

390 (i) For the first six (6) years in which payments  
391 are made to a developer from the Redevelopment Project Incentive

392 Fund, one hundred percent (100%) of the diversion shall be  
393 deposited into the fund;

394 (ii) For the seventh year in which such payments  
395 are made to a developer from the Redevelopment Project Incentive  
396 Fund, eighty percent (80%) of the diversion shall be deposited  
397 into the fund;

398 (iii) For the eighth year in which such payments  
399 are made to a developer from the Redevelopment Project Incentive  
400 Fund, seventy percent (70%) of the diversion shall be deposited  
401 into the fund;

402 (iv) For the ninth year in which such payments are  
403 made to a developer from the Redevelopment Project Incentive Fund,  
404 sixty percent (60%) of the diversion shall be deposited into the  
405 fund; and

406 (v) For the tenth year in which such payments are  
407 made to a developer from the Redevelopment Project Incentive Fund,  
408 fifty percent (50%) of the funds shall be deposited into the fund.

409 (20) The remainder of the amounts collected under the  
410 provisions of this chapter shall be paid into the State Treasury  
411 to the credit of the General Fund.

412 (21) It shall be the duty of the municipal officials of any  
413 municipality that expands its limits, or of any community that  
414 incorporates as a municipality, to notify the commissioner of  
415 that action thirty (30) days before the effective date. Failure  
416 to so notify the commissioner shall cause the municipality to  
417 forfeit the revenue that it would have been entitled to receive  
418 during this period of time when the commissioner had no knowledge  
419 of the action. If any funds have been erroneously disbursed to  
420 any municipality or any overpayment of tax is recovered by the  
421 taxpayer, the commissioner may make correction and adjust the  
422 error or overpayment with the municipality by withholding the  
423 necessary funds from any later payment to be made to the  
424 municipality.

425           **SECTION 5.** Section 4, Chapter 556, Laws of 2003, as amended  
426 by Section 10, Chapter 595, Laws of 2004, is amended as follows:

427           Section 4. (1) There is created in the State Treasury a  
428 special fund to be known as the Special Funds Transfer Fund, which  
429 shall be comprised of the monies required to be deposited into the  
430 fund under Section 27-65-75(18) for the repayment of certain funds  
431 transferred to the Budget Contingency Fund. Upon receipt of  
432 monies deposited into the fund under Section 27-65-75(18), the  
433 State Treasurer shall transfer those monies to the special funds  
434 from which transfers were made under Sections 2 and 3 of Chapter  
435 556, Laws of 2003.

436           (2) Unexpended amounts remaining in the fund on September  
437 30, 2008, shall lapse into the State General Fund, and any  
438 interest earned or investment earnings on amounts in the fund  
439 shall be deposited to the credit of the fund.

440           **SECTION 6.** Section 27-25-506, Mississippi Code of 1972, is  
441 amended as follows:

442           27-25-506. There is created a special fund in the State  
443 Treasury into which the state's share of proceeds collected under  
444 Sections 27-25-505 and 27-25-705 shall be deposited.

445           The state's share of all oil and gas severance taxes derived  
446 from oil and gas resources under state-owned lands or from severed  
447 state-owned minerals shall be deposited into the State Treasury to  
448 the credit of the trust fund created in Section 206A, Mississippi  
449 Constitution of 1890. The following amounts of the remainder of  
450 tax collections apportioned to the state shall be deposited to the  
451 credit of the trust fund created in Section 206A, Mississippi  
452 Constitution of 1890:

453           (a) For fiscal year 1994, all amounts collected in  
454 excess of Thirty-five Million Dollars (\$35,000,000.00);

455           (b) For fiscal year 1995, all amounts collected in  
456 excess of Thirty-two Million Five Hundred Thousand Dollars  
457 (\$32,500,000.00);

458 (c) For fiscal year 1996, all amounts collected in  
459 excess of Thirty Million Dollars (\$30,000,000.00);

460 (d) For fiscal year 1997, all amounts collected in  
461 excess of Twenty-seven Million Five Hundred Thousand Dollars  
462 (\$27,500,000.00);

463 (e) For fiscal year 1998, all amounts collected in  
464 excess of Twenty-five Million Dollars (\$25,000,000.00);

465 (f) For fiscal year 1999, all amounts collected in  
466 excess of Twenty Million Dollars (\$20,000,000.00);

467 (g) For fiscal year 2000, all amounts collected in  
468 excess of Fifteen Million Dollars (\$15,000,000.00);

469 (h) For fiscal year 2001 through December 31, 2000, all  
470 amounts collected and transferred in excess of Ten Million Dollars  
471 (\$10,000,000.00); and

472 (i) For fiscal year 2005, all amounts collected in  
473 excess of Ten Million Dollars (\$10,000,000.00).

474 \* \* \*

475 The monies collected under paragraphs (a) through (i) of this  
476 section that are not deposited into the trust fund shall be  
477 deposited into the State General Fund. For fiscal year 2005, the  
478 monies not deposited into the State General Fund shall be  
479 deposited into the Budget Contingency Fund created in Section  
480 27-103-301. For fiscal year 2006 and each fiscal year thereafter,  
481 all amounts collected from the remainder of tax collections  
482 apportioned to the state shall be deposited into the State General  
483 Fund.

484 **SECTION 7.** This act shall take effect and be in force from  
485 and after its passage.