

By: Representative Moak

To: Ways and Means

## HOUSE BILL NO. 259

1 AN ACT TO AMEND SECTION 27-7-315, MISSISSIPPI CODE OF 1972,  
2 TO REDUCE THE PERIOD OF TIME FROM SIX MONTHS TO THREE MONTHS AFTER  
3 THE FINAL DATE FOR FILING RETURNS WITHIN WHICH THE STATE TAX  
4 COMMISSION MUST REFUND AN OVERPAYMENT OF INCOME TAX BEFORE A  
5 TAXPAYER MAY FILE A PETITION WITH THE CHAIRMAN OF THE STATE TAX  
6 COMMISSION FOR A HEARING ON THE CLAIM FOR REFUND; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 27-7-315, Mississippi Code of 1972, is  
10 amended as follows:

11 27-7-315. (1) If any overpayment of any tax, interest or  
12 penalty levied or provided for by Article 1 of this chapter, or in  
13 this article, is not refunded to the taxpayer as provided in  
14 Section 27-7-313 within three (3) months after the final date for  
15 filing returns as prescribed by law, the taxpayer may treat the  
16 failure to refund as a denial of a refund claim and appeal in the  
17 manner provided for in Section 27-77-5.

18 (2) If any overpayment of tax as reflected on a return or  
19 amended return filed, and verified by the commissioner or  
20 determined to be due by the commissioner or commission when no  
21 overpayment is shown on a return or amended return, is not  
22 refunded within ninety (90) days after the prescribed due date of  
23 the return, the date the return is filed, or the date the  
24 commissioner or commission determines a refund as being due when  
25 no overpayment is shown on a return or amended return, whichever  
26 is later, interest at the rate of one percent (1%) per month shall  
27 be allowed on the overpayment computed for the period after  
28 expiration of the ninety-day period provided in this subsection to  
29 the date of payment.

30           **SECTION 2.** This act shall take effect and be in force from  
31 and after July 1, 2006.