

By: Representative Clarke

To: Transportation; Ways and Means

HOUSE BILL NO. 532

1 AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FROM THE PROCEEDS OF GASOLINE, DIESEL FUEL OR
3 KEROSENE TAXES, AN AMOUNT EQUAL TO ONE PERCENT OF THE REVENUE FROM
4 GASOLINE AND DIESEL FUEL TAXES ON GASOLINE, DIESEL FUEL AND
5 KEROSENE SOLD WITHIN THE CITY OF JACKSON, MISSISSIPPI, SHALL BE
6 ALLOCATED FOR DISTRIBUTION TO THE CITY OF JACKSON AND PAID TO THE
7 CITY; TO AMEND SECTION 27-5-101, MISSISSIPPI CODE OF 1972, IN
8 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 27-65-75, Mississippi Code of 1972, is
11 amended as follows:

12 27-65-75. On or before the fifteenth day of each month, the
13 revenue collected under the provisions of this chapter during the
14 preceding month shall be paid and distributed as follows:

15 (1) (a) On or before August 15, 1992, and each succeeding
16 month thereafter through July 15, 1993, eighteen percent (18%) of
17 the total sales tax revenue collected during the preceding month
18 under the provisions of this chapter, except that collected under
19 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
20 business activities within a municipal corporation shall be
21 allocated for distribution to the municipality and paid to the



22 municipal corporation. Except as otherwise provided in this
23 paragraph (a), on or before August 15, 1993, and each succeeding
24 month thereafter, eighteen and one-half percent (18-1/2%) of the
25 total sales tax revenue collected during the preceding month under
26 the provisions of this chapter, except that collected under the
27 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
28 27-65-24, on business activities within a municipal corporation
29 shall be allocated for distribution to the municipality and paid
30 to the municipal corporation. However, in the event the State
31 Auditor issues a certificate of noncompliance pursuant to Section
32 21-35-31, the Department of Revenue shall withhold ten percent
33 (10%) of the allocations and payments to the municipality that
34 would otherwise be payable to the municipality under this
35 paragraph (a) until such time that the department receives written
36 notice of the cancellation of a certificate of noncompliance from
37 the State Auditor.

38 A municipal corporation, for the purpose of distributing the
39 tax under this subsection, shall mean and include all incorporated
40 cities, towns and villages.

41 Monies allocated for distribution and credited to a municipal
42 corporation under this paragraph may be pledged as security for a
43 loan if the distribution received by the municipal corporation is
44 otherwise authorized or required by law to be pledged as security
45 for such a loan.



46 In any county having a county seat that is not an
47 incorporated municipality, the distribution provided under this
48 subsection shall be made as though the county seat was an
49 incorporated municipality; however, the distribution to the
50 municipality shall be paid to the county treasury in which the
51 municipality is located, and those funds shall be used for road,
52 bridge and street construction or maintenance in the county.

53 (b) On or before August 15, 2006, and each succeeding
54 month thereafter, eighteen and one-half percent (18-1/2%) of the
55 total sales tax revenue collected during the preceding month under
56 the provisions of this chapter, except that collected under the
57 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
58 business activities on the campus of a state institution of higher
59 learning or community or junior college whose campus is not
60 located within the corporate limits of a municipality, shall be
61 allocated for distribution to the state institution of higher
62 learning or community or junior college and paid to the state
63 institution of higher learning or community or junior college.

64 (c) On or before August 15, 2018, and each succeeding
65 month thereafter until August 14, 2019, two percent (2%) of the
66 total sales tax revenue collected during the preceding month under
67 the provisions of this chapter, except that collected under the
68 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
69 27-65-24, on business activities within the corporate limits of
70 the City of Jackson, Mississippi, shall be deposited into the



71 Capitol Complex Improvement District Project Fund created in
72 Section 29-5-215. On or before August 15, 2019, and each
73 succeeding month thereafter until August 14, 2020, four percent
74 (4%) of the total sales tax revenue collected during the preceding
75 month under the provisions of this chapter, except that collected
76 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
77 and 27-65-24, on business activities within the corporate limits
78 of the City of Jackson, Mississippi, shall be deposited into the
79 Capitol Complex Improvement District Project Fund created in
80 Section 29-5-215. On or before August 15, 2020, and each
81 succeeding month thereafter, six percent (6%) of the total sales
82 tax revenue collected during the preceding month under the
83 provisions of this chapter, except that collected under the
84 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
85 27-65-24, on business activities within the corporate limits of
86 the City of Jackson, Mississippi, shall be deposited into the
87 Capitol Complex Improvement District Project Fund created in
88 Section 29-5-215.

89 (2) (a) On or before September 15, 1987, and each
90 succeeding month thereafter, from the revenue collected under this
91 chapter during the preceding month, One Million One Hundred
92 Twenty-five Thousand Dollars (\$1,125,000.00) shall be allocated
93 for distribution to municipal corporations as defined under
94 subsection (1) of this section in the proportion that the number
95 of gallons of gasoline and diesel fuel sold by distributors to



96 consumers and retailers in each such municipality during the
97 preceding fiscal year bears to the total gallons of gasoline and
98 diesel fuel sold by distributors to consumers and retailers in
99 municipalities statewide during the preceding fiscal year. The
100 Department of Revenue shall require all distributors of gasoline
101 and diesel fuel to report to the department monthly the total
102 number of gallons of gasoline and diesel fuel sold by them to
103 consumers and retailers in each municipality during the preceding
104 month. The Department of Revenue shall have the authority to
105 promulgate such rules and regulations as is necessary to determine
106 the number of gallons of gasoline and diesel fuel sold by
107 distributors to consumers and retailers in each municipality. In
108 determining the percentage allocation of funds under this
109 subsection for the fiscal year beginning July 1, 1987, and ending
110 June 30, 1988, the Department of Revenue may consider gallons of
111 gasoline and diesel fuel sold for a period of less than one (1)
112 fiscal year. For the purposes of this subsection, the term
113 "fiscal year" means the fiscal year beginning July 1 of a year.

114 (b) On or before August 15, 2018, and each succeeding
115 month thereafter, from the proceeds of gasoline, diesel fuel or
116 kerosene taxes as provided for in Section 27-5-101(a)(ii)1, an
117 amount equal to one percent (1%) of the revenue from fuel taxes on
118 gasoline, diesel fuel and kerosene sold within the City of
119 Jackson, Mississippi, shall be allocated for distribution to the
120 City of Jackson and paid to the city. Money allocated to the City



121 of Jackson pursuant to this paragraph (b) shall not be considered
122 by the city as general fund revenue but shall be dedicated to and
123 expended solely for street construction and repair of roads,
124 streets and highways under the jurisdiction of the City of Jackson
125 for maintenance and construction that are located adjacent to the
126 campus of Jackson State University. For purposes of this
127 paragraph (b) the term "gasoline, diesel fuel or kerosene taxes"
128 means such taxes as defined in paragraph (f) of Section 27-5-101.
129 The amount paid to the City of Jackson under this paragraph (b)
130 shall be in addition to any other funds allocated for distribution
131 to the city under any other provision of this section.

132 (3) On or before September 15, 1987, and on or before the
133 fifteenth day of each succeeding month, until the date specified
134 in Section 65-39-35, the proceeds derived from contractors' taxes
135 levied under Section 27-65-21 on contracts for the construction or
136 reconstruction of highways designated under the highway program
137 created under Section 65-3-97 shall, except as otherwise provided
138 in Section 31-17-127, be deposited into the State Treasury to the
139 credit of the State Highway Fund to be used to fund that highway
140 program. The Mississippi Department of Transportation shall
141 provide to the Department of Revenue such information as is
142 necessary to determine the amount of proceeds to be distributed
143 under this subsection.

144 (4) On or before August 15, 1994, and on or before the
145 fifteenth day of each succeeding month through July 15, 1999, from



146 the proceeds of gasoline, diesel fuel or kerosene taxes as
147 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
148 (\$4,000,000.00) shall be deposited in the State Treasury to the
149 credit of a special fund designated as the "State Aid Road Fund,"
150 created by Section 65-9-17. On or before August 15, 1999, and on
151 or before the fifteenth day of each succeeding month, from the
152 total amount of the proceeds of gasoline, diesel fuel or kerosene
153 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
154 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
155 one-fourth percent (23-1/4%) of those funds, whichever is the
156 greater amount, shall be deposited in the State Treasury to the
157 credit of the "State Aid Road Fund," created by Section 65-9-17.
158 Those funds shall be pledged to pay the principal of and interest
159 on state aid road bonds heretofore issued under Sections 19-9-51
160 through 19-9-77, in lieu of and in substitution for the funds
161 previously allocated to counties under this section. Those funds
162 may not be pledged for the payment of any state aid road bonds
163 issued after April 1, 1981; however, this prohibition against the
164 pledging of any such funds for the payment of bonds shall not
165 apply to any bonds for which intent to issue those bonds has been
166 published for the first time, as provided by law before March 29,
167 1981. From the amount of taxes paid into the special fund under
168 this subsection and subsection (9) of this section, there shall be
169 first deducted and paid the amount necessary to pay the expenses
170 of the Office of State Aid Road Construction, as authorized by the



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

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

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

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

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

187 The amount of funds allocated to any county under this
188 subsection for any fiscal year after fiscal year 1994 shall not be
189 less than the amount allocated to the county for fiscal year 1994.

190 Any reference in the general laws of this state or the
191 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
192 construed to refer and apply to subsection (4) of Section
193 27-65-75.

194 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
195 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into



196 the special fund known as the "State Public School Building Fund"
197 created and existing under the provisions of Sections 37-47-1
198 through 37-47-67. Those payments into that fund are to be made on
199 the last day of each succeeding month hereafter.

200 (6) An amount each month beginning August 15, 1983, through
201 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
202 1983, shall be paid into the special fund known as the
203 Correctional Facilities Construction Fund created in Section 6,
204 Chapter 542, Laws of 1983.

205 (7) On or before August 15, 1992, and each succeeding month
206 thereafter through July 15, 2000, two and two hundred sixty-six
207 one-thousandths percent (2.266%) of the total sales tax revenue
208 collected during the preceding month under the provisions of this
209 chapter, except that collected under the provisions of Section
210 27-65-17(2), shall be deposited by the department into the School
211 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
212 or before August 15, 2000, and each succeeding month thereafter,
213 two and two hundred sixty-six one-thousandths percent (2.266%) of
214 the total sales tax revenue collected during the preceding month
215 under the provisions of this chapter, except that collected under
216 the provisions of Section 27-65-17(2), shall be deposited into the
217 School Ad Valorem Tax Reduction Fund created under Section
218 37-61-35 until such time that the total amount deposited into the
219 fund during a fiscal year equals Forty-two Million Dollars
220 (\$42,000,000.00). Thereafter, the amounts diverted under this



221 subsection (7) during the fiscal year in excess of Forty-two
222 Million Dollars (\$42,000,000.00) shall be deposited into the
223 Education Enhancement Fund created under Section 37-61-33 for
224 appropriation by the Legislature as other education needs and
225 shall not be subject to the percentage appropriation requirements
226 set forth in Section 37-61-33.

227 (8) On or before August 15, 1992, and each succeeding month
228 thereafter, nine and seventy-three one-thousandths percent
229 (9.073%) of the total sales tax revenue collected during the
230 preceding month under the provisions of this chapter, except that
231 collected under the provisions of Section 27-65-17(2), shall be
232 deposited into the Education Enhancement Fund created under
233 Section 37-61-33.

234 (9) On or before August 15, 1994, and each succeeding month
235 thereafter, from the revenue collected under this chapter during
236 the preceding month, Two Hundred Fifty Thousand Dollars
237 (\$250,000.00) shall be paid into the State Aid Road Fund.

238 (10) On or before August 15, 1994, and each succeeding month
239 thereafter through August 15, 1995, from the revenue collected
240 under this chapter during the preceding month, Two Million Dollars
241 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
242 Valorem Tax Reduction Fund established in Section 27-51-105.

243 (11) Notwithstanding any other provision of this section to
244 the contrary, on or before February 15, 1995, and each succeeding
245 month thereafter, the sales tax revenue collected during the



246 preceding month under the provisions of Section 27-65-17(2) and
247 the corresponding levy in Section 27-65-23 on the rental or lease
248 of private carriers of passengers and light carriers of property
249 as defined in Section 27-51-101 shall be deposited, without
250 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
251 established in Section 27-51-105.

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

261 (13) On or before July 15, 1994, and on or before the
262 fifteenth day of each succeeding month thereafter, that portion of
263 the avails of the tax imposed in Section 27-65-22 that is derived
264 from activities held on the Mississippi State Fairgrounds Complex
265 shall be paid into a special fund that is created in the State
266 Treasury and shall be expended upon legislative appropriation
267 solely to defray the costs of repairs and renovation at the Trade
268 Mart and Coliseum.

269 (14) On or before August 15, 1998, and each succeeding month
270 thereafter through July 15, 2005, that portion of the avails of



271 the tax imposed in Section 27-65-23 that is derived from sales by
272 cotton compresses or cotton warehouses and that would otherwise be
273 paid into the General Fund shall be deposited in an amount not to
274 exceed Two Million Dollars (\$2,000,000.00) into the special fund
275 created under Section 69-37-39. On or before August 15, 2007, and
276 each succeeding month thereafter through July 15, 2010, that
277 portion of the avails of the tax imposed in Section 27-65-23 that
278 is derived from sales by cotton compresses or cotton warehouses
279 and that would otherwise be paid into the General Fund shall be
280 deposited in an amount not to exceed Two Million Dollars
281 (\$2,000,000.00) into the special fund created under Section
282 69-37-39 until all debts or other obligations incurred by the
283 Certified Cotton Growers Organization under the Mississippi Boll
284 Weevil Management Act before January 1, 2007, are satisfied in
285 full. On or before August 15, 2010, and each succeeding month
286 thereafter through July 15, 2011, fifty percent (50%) of that
287 portion of the avails of the tax imposed in Section 27-65-23 that
288 is derived from sales by cotton compresses or cotton warehouses
289 and that would otherwise be paid into the General Fund shall be
290 deposited into the special fund created under Section 69-37-39
291 until such time that the total amount deposited into the fund
292 during a fiscal year equals One Million Dollars (\$1,000,000.00).
293 On or before August 15, 2011, and each succeeding month
294 thereafter, that portion of the avails of the tax imposed in
295 Section 27-65-23 that is derived from sales by cotton compresses



296 or cotton warehouses and that would otherwise be paid into the
297 General Fund shall be deposited into the special fund created
298 under Section 69-37-39 until such time that the total amount
299 deposited into the fund during a fiscal year equals One Million
300 Dollars (\$1,000,000.00).

301 (15) Notwithstanding any other provision of this section to
302 the contrary, on or before September 15, 2000, and each succeeding
303 month thereafter, the sales tax revenue collected during the
304 preceding month under the provisions of Section
305 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
306 without diversion, into the Telecommunications Ad Valorem Tax
307 Reduction Fund established in Section 27-38-7.

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

315 (b) On or before August 15, 2007, and each succeeding
316 month thereafter, eighty percent (80%) of the sales tax revenue
317 collected during the preceding month under the provisions of this
318 chapter from the operation of a tourism project under the
319 provisions of Sections 57-26-1 through 57-26-5, shall be
320 deposited, after the diversions required in subsections (7) and



321 (8) of this section, into the Tourism Project Sales Tax Incentive
322 Fund created in Section 57-26-3.

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

330 (18) [Repealed]

331 (19) (a) On or before August 15, 2005, and each succeeding
332 month thereafter, the sales tax revenue collected during the
333 preceding month under the provisions of this chapter on the gross
334 proceeds of sales of a business enterprise located within a
335 redevelopment project area under the provisions of Sections
336 57-91-1 through 57-91-11, and the revenue collected on the gross
337 proceeds of sales from sales made to a business enterprise located
338 in a redevelopment project area under the provisions of Sections
339 57-91-1 through 57-91-11 (provided that such sales made to a
340 business enterprise are made on the premises of the business
341 enterprise), shall, except as otherwise provided in this
342 subsection (19), be deposited, after all diversions, into the
343 Redevelopment Project Incentive Fund as created in Section
344 57-91-9.



345 (b) For a municipality participating in the Economic
346 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
347 the diversion provided for in subsection (1) of this section
348 attributable to the gross proceeds of sales of a business
349 enterprise located within a redevelopment project area under the
350 provisions of Sections 57-91-1 through 57-91-11, and attributable
351 to the gross proceeds of sales from sales made to a business
352 enterprise located in a redevelopment project area under the
353 provisions of Sections 57-91-1 through 57-91-11 (provided that
354 such sales made to a business enterprise are made on the premises
355 of the business enterprise), shall be deposited into the
356 Redevelopment Project Incentive Fund as created in Section
357 57-91-9, as follows:

358 (i) For the first six (6) years in which payments
359 are made to a developer from the Redevelopment Project Incentive
360 Fund, one hundred percent (100%) of the diversion shall be
361 deposited into the fund;

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

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



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

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

377 (20) On or before January 15, 2007, and each succeeding
378 month thereafter, eighty percent (80%) of the sales tax revenue
379 collected during the preceding month under the provisions of this
380 chapter from the operation of a tourism project under the
381 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
382 after the diversions required in subsections (7) and (8) of this
383 section, into the Tourism Sales Tax Incentive Fund created in
384 Section 57-28-3.

385 (21) (a) On or before April 15, 2007, and each succeeding
386 month thereafter through June 15, 2013, One Hundred Fifty Thousand
387 Dollars (\$150,000.00) of the sales tax revenue collected during
388 the preceding month under the provisions of this chapter shall be
389 deposited into the MMEIA Tax Incentive Fund created in Section
390 57-101-3.

391 (b) On or before July 15, 2013, and each succeeding
392 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
393 of the sales tax revenue collected during the preceding month
394 under the provisions of this chapter shall be deposited into the



395 Mississippi Development Authority Job Training Grant Fund created
396 in Section 57-1-451.

397 (22) Notwithstanding any other provision of this section to
398 the contrary, on or before August 15, 2009, and each succeeding
399 month thereafter, the sales tax revenue collected during the
400 preceding month under the provisions of Section 27-65-201 shall be
401 deposited, without diversion, into the Motor Vehicle Ad Valorem
402 Tax Reduction Fund established in Section 27-51-105.

403 (23) The remainder of the amounts collected under the
404 provisions of this chapter shall be paid into the State Treasury
405 to the credit of the General Fund.

406 (24) (a) It shall be the duty of the municipal officials of
407 any municipality that expands its limits, or of any community that
408 incorporates as a municipality, to notify the commissioner of that
409 action thirty (30) days before the effective date. Failure to so
410 notify the commissioner shall cause the municipality to forfeit
411 the revenue that it would have been entitled to receive during
412 this period of time when the commissioner had no knowledge of the
413 action.

414 (b) (i) Except as otherwise provided in subparagraph
415 (ii) of this paragraph, if any funds have been erroneously
416 disbursed to any municipality or any overpayment of tax is
417 recovered by the taxpayer, the commissioner may make correction
418 and adjust the error or overpayment with the municipality by



419 withholding the necessary funds from any later payment to be made
420 to the municipality.

421 (ii) Subject to the provisions of Sections
422 27-65-51 and 27-65-53, if any funds have been erroneously
423 disbursed to a municipality under subsection (1) of this section
424 for a period of three (3) years or more, the maximum amount that
425 may be recovered or withheld from the municipality is the total
426 amount of funds erroneously disbursed for a period of three (3)
427 years beginning with the date of the first erroneous disbursement.
428 However, if during such period, a municipality provides written
429 notice to the Department of Revenue indicating the erroneous
430 disbursement of funds, then the maximum amount that may be
431 recovered or withheld from the municipality is the total amount of
432 funds erroneously disbursed for a period of one (1) year beginning
433 with the date of the first erroneous disbursement.

434 **SECTION 2.** Section 27-5-101, Mississippi Code of 1972, is
435 amended as follows:

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

438 27-5-101. Unless otherwise provided in this section, on or
439 before the fifteenth day of each month, all gasoline, diesel fuel
440 or kerosene taxes which are levied under the laws of this state
441 and collected during the previous month shall be paid and
442 apportioned by the * * * Department of Revenue as follows:



443 (a) (i) Except as otherwise provided in Section
444 31-17-127, from the gross amount of gasoline, diesel fuel or
445 kerosene taxes produced by the state, there shall be deducted an
446 amount equal to one-sixth (1/6) of principal and interest
447 certified by the State Treasurer to the * * * Department of
448 Revenue to be due on the next semiannual bond and interest payment
449 date, as required under the provisions of Chapter 130, Laws of
450 1938, and subsequent acts authorizing the issuance of bonds
451 payable from gasoline, diesel fuel or kerosene tax revenue on a
452 parity with the bonds issued under authority of said Chapter 130.
453 The State Treasurer shall certify to the * * * Department of
454 Revenue on or before the fifteenth day of each month the amount to
455 be paid to the "Highway Bonds Sinking Fund" as provided by said
456 Chapter 130, Laws of 1938, and subsequent acts authorizing the
457 issuance of bonds payable from gasoline, diesel fuel or kerosene
458 tax revenue, on a parity with the bonds issued under authority of
459 said Chapter 130; and the * * * Department of Revenue shall, on or
460 before the twenty-fifth day of each month, pay into the State
461 Treasury for credit to the "Highway Bonds Sinking Fund" the amount
462 so certified to him by the State Treasurer due to be paid into
463 such fund each month. The payments to the "Highway Bonds Sinking
464 Fund" shall be made out of gross gasoline, diesel fuel or kerosene
465 tax collections before deductions of any nature are considered;
466 however, such payments shall be deducted from the allocation to



467 the Mississippi Department of Transportation under paragraph (c)
468 of this section.

469 (ii) From collections derived from the portion of
470 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
471 from the portion of the tax on aviation gas under Section 27-55-11
472 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
473 portion of the special fuel tax levied under Sections 27-55-519
474 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
475 Cents (10¢) per gallon, from the portion of the taxes levied under
476 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
477 gallon that exceeds One Cent (1¢) per gallon on special fuel and
478 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
479 as aircraft fuel, from the portion of the excise tax on compressed
480 gas used as a motor fuel that exceeds the rate of tax in effect on
481 June 30, 1987, and from the portion of the gasoline excise tax in
482 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
483 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
484 shall be deducted:

485 1. An amount as provided in Section
486 27-65-75(4) to the credit of a special fund designated as the
487 "Office of State Aid Road Construction."

488 2. An amount equal to the tax collections
489 derived from Two Cents (2¢) per gallon of the gasoline excise tax
490 for distribution to the State Highway Fund to be used exclusively
491 for the construction, reconstruction and maintenance of highways



492 of the State of Mississippi or the payment of interest and
493 principal on bonds when specifically authorized by the Legislature
494 for that purpose.

495 3. An amount as provided in Section
496 27-65-75(2) (b) to the credit of the City of Jackson, Mississippi.

497 * * * 4. The balance shall be deposited in
498 the State Treasury to the credit of the State Highway Fund.

499 (b) Subject to the provisions that said basis of
500 distribution shall in nowise affect adversely the amount
501 specifically pledged in paragraph (a) of this section to be paid
502 into the "Highway Bonds Sinking Fund," the following shall be
503 deducted from the amount produced by the state tax on gasoline,
504 diesel fuel or kerosene tax collections, excluding collections
505 derived from the portion of the gasoline excise tax that exceeds
506 Seven Cents (7¢) per gallon, from the portion of the tax on
507 aviation gas under Section 27-55-11 that exceeds Six and
508 Four-tenths Cents (6.4¢) per gallon, from the portion of the
509 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
510 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
511 gallon, from the portion of the taxes levied under Section
512 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
513 exceeds One Cent (1¢) per gallon on special fuel and Five and
514 One-fourth Cents (5.25¢) per gallon on special fuel used as
515 aircraft fuel, from the portion of the excise tax on compressed
516 gas used as a motor fuel that exceeds the rate of tax in effect on



517 June 30, 1987, and from the portion of the gasoline excise tax in
518 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
519 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

520 (i) Twenty percent (20%) of such amount which
521 shall be earmarked and set aside for the construction,
522 reconstruction and maintenance of the highways and roads of the
523 state, provided that if such twenty percent (20%) should reduce
524 any county to a lesser amount than that received in the fiscal
525 year ending June 30, 1966, then such twenty percent (20%) shall be
526 reduced to a percentage to provide that no county shall receive
527 less than its portion for the fiscal year ending June 30, 1966;

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

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

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

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

538 (vi) The remainder shall be divided on a basis of
539 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
540 same basis as Four and One-half Cents (4-1/2¢) and Two and
541 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and



542 six and forty-three one-hundredths (6.43) and three and
543 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
544 fuel or kerosene). The amount produced by the nine-fourteenths
545 (9/14) division shall be allocated to the * * * Department of
546 Transportation and paid into the State Treasury as provided in
547 this section and in Section 27-5-103 and the five-fourteenths
548 (5/14) division shall be returned to the counties of the state on
549 the following basis:

550 1. In each fiscal year, each county shall be
551 paid each month the same percentage of the monthly total to be
552 distributed as was paid to that county during the same month in
553 the fiscal year which ended April 9, 1960, until the county
554 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
555 fiscal year, at which time funds shall be distributed under the
556 provisions of paragraph (b) (vi)4 of this section.

557 2. If after payments in 1 above, any county
558 has not received a total of One Hundred Ninety Thousand Dollars
559 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
560 and each fiscal year thereafter, then any available funds not
561 distributed under 1 above shall be used to bring such county or
562 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
563 or such funds shall be divided equally among such counties not
564 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
565 there is not sufficient money to bring all the counties to said
566 One Hundred Ninety Thousand Dollars (\$190,000.00).



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

573 4. During the last month of the current
574 fiscal year, should it be determined that there are funds
575 available in excess of the amount distributed for the year under 1
576 and 2 above, then such excess funds shall be distributed among the
577 various counties as follows:

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

580 One-third (1/3) of such excess to be paid
581 to the counties in the proportion which the population of each
582 county bears to the total population of the state according to the
583 last federal census;

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

587 5. It is the declared purpose and intent of
588 the Legislature that no county shall be paid less than was paid
589 during the year ended April 9, 1960, unless the amount to be
590 distributed to all counties in any year is less than the amount
591 distributed to all counties during the year ended April 9, 1960.



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

596 In any county having countywide road or bridge bonds, or
597 supervisors district or district road or bridge bonds outstanding,
598 which exceed, in the aggregate, twelve percent (12%) of the
599 assessed valuation of the taxable property of the county or
600 district, it shall be the duty of the board of supervisors to set
601 aside not less than sixty percent (60%) of such county's share or
602 district's share of the gasoline, diesel fuel or kerosene taxes to
603 be used in paying the principal and interest on such road or
604 bridge bonds as they mature.

605 In any county having such countywide road or bridge bonds or
606 district road or bridge bonds outstanding which exceed, in the
607 aggregate, eight percent (8%) of the assessed valuation of the
608 taxable property of the county, but which do not exceed, in the
609 aggregate, twelve percent (12%) of the assessed valuation of the
610 taxable property of the county, it shall be the duty of the board
611 of supervisors to set aside not less than thirty-five percent
612 (35%) of such county's share of the gasoline, diesel fuel or
613 kerosene taxes to be used in paying the principal and interest of
614 such road or bridge bonds as they mature.

615 In any county having such countywide road or bridge bonds or
616 district road or bridge bonds outstanding which exceed, in the



617 aggregate, five percent (5%) of the assessed valuation of the
618 taxable property of the county, but which do not exceed, in the
619 aggregate, eight percent (8%) of the assessed valuation of the
620 taxable property of the county, it shall be the duty of the board
621 of supervisors to set aside not less than twenty percent (20%) of
622 such county's share of the gasoline, diesel fuel or kerosene taxes
623 to be used in paying the principal and interest of such road and
624 bridge bonds as they mature.

625 In any county having such countywide road or bridge bonds or
626 district road or bridge bonds outstanding which do not exceed, in
627 the aggregate, five percent (5%) of the assessed valuation of the
628 taxable property of the county, it shall be the duty of the board
629 of supervisors to set aside not less than ten percent (10%) of
630 such county's share of the gasoline, diesel fuel or kerosene taxes
631 to be used in paying the principal and interest on such road or
632 bridge bonds as they mature.

633 The portion of any such county's share of the gasoline,
634 diesel fuel or kerosene taxes thus set aside for the payment of
635 the principal and interest of road or bridge bonds, as provided
636 for in this section, shall be used first in paying the currently
637 maturing installments of the principal and interest of such
638 countywide road or bridge bonds, if there be any such countywide
639 road or bridge bonds outstanding, and secondly, in paying the
640 currently maturing installments of principal and interest of
641 district road or bridge bonds outstanding. It shall be the duty



642 of the board of supervisors to pay bonds and interest maturing in
643 each supervisors district out of the supervisors district's share
644 of the gasoline, diesel fuel or kerosene taxes of such district.

645 The remaining portion of such county's share of the gasoline,
646 diesel fuel or kerosene taxes, after setting aside the portion
647 above provided for the payment of the principal and interest of
648 bonds, shall be used in the construction and maintenance of any
649 public highways, bridges, or culverts of the county, including the
650 roads in special or separate road districts, in the discretion of
651 the board of supervisors, or in paying the interest and principal
652 of county road and bridge bonds or district road and bridge bonds,
653 in the discretion of the board of supervisors.

654 In any county having no countywide road or bridge bonds or
655 district road or bridge bonds outstanding, all such county's share
656 of the gasoline, diesel fuel or kerosene taxes shall be used in
657 the construction, reconstruction, and maintenance of the public
658 highways, bridges, or culverts of the county as the board of
659 supervisors may determine.

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

664 (c) From the amount produced by the nine-fourteenths
665 (9/14) division allocated to the * * * Department of
666 Transportation, there shall be deducted:



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

669 (ii) Any amounts due counties in accordance with
670 Section 65-33-45 which have outstanding bonds issued for seawall
671 or road protection purposes, issued under provisions of Chapter
672 319, Laws of 1924, and amendments thereto;

673 (iii) Except as otherwise provided in Section
674 31-17-127, the remainder shall be paid by the * * * Department of
675 Revenue to the State Treasurer on the fifteenth day of each month
676 next succeeding the month in which the gasoline, diesel fuel or
677 kerosene taxes were collected to the credit of the State Highway
678 Fund.

679 The funds allocated for the construction, reconstruction, and
680 improvement of state highways, bridges, and culverts, or so much
681 thereof as may be necessary, shall first be used in conjunction
682 with funds supplied by the federal government for such purposes
683 and allocated to the * * * Department of Transportation to be
684 expended on the state highway system. It is specifically provided
685 hereby that the necessary portion of such funds hereinabove
686 allocated to the * * * Department of Transportation may be used
687 for the prompt payment of principal and interest on highway bonds
688 heretofore issued, including such bonds issued or to be issued
689 under the provisions of Chapter 312, Laws of 1956, and amendments
690 thereto.



691 Nothing contained in this section shall be construed to
692 reduce the amount of such gasoline, diesel fuel or kerosene excise
693 taxes levied by the state, allotted under the provisions of Title
694 65, Chapter 33, Mississippi Code of 1972, to counties in which
695 there are outstanding bonds issued for seawall or road protection
696 purposes issued under the provisions of Chapter 319, Laws of 1924,
697 and amendments thereto; the amount of said gasoline, diesel fuel
698 or kerosene excise taxes designated in this section for the
699 payment of bonds and interest authorized and issued or to be
700 issued under the provisions of Chapter 130, Laws of 1938, and
701 subsequent acts authorizing the issuance of bonds payable from
702 gasoline, diesel fuel or kerosene tax revenue, shall, in such
703 counties, be considered as being paid "into the State Treasury to
704 the credit of the State Highway Fund" within the meaning of
705 Section 65-33-45 in computing the amount to be paid to such
706 counties under the provisions of said section, and this section
707 shall be administered in connection with Title 65, Chapter 33,
708 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
709 65-33-49 dealing with seawalls, as if made a part of this section.

710 (d) The proceeds of the Five and One-fourth Cents
711 (5.25¢) of the tax per gallon on oils used as a propellant for jet
712 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
713 per gallon on aviation gasoline and the tax of One Cent (1¢) per
714 gallon for each gallon of gasoline for which a refund has been
715 made pursuant to Section 27-55-23 because such gasoline was used



716 for aviation purposes, shall be paid to the State Treasury into a
717 special fund to be used exclusively, pursuant to legislative
718 appropriation, for the support and development of aeronautics as
719 defined in Section 61-1-3.

720 (e) State highway funds in an amount equal to the
721 difference between Forty-two Million Dollars (\$42,000,000.00) and
722 the annual debt service payable on the state's highway revenue
723 refunding bonds, Series 1985, shall be expended for the
724 construction or reconstruction of highways designated under the
725 highway program created under Section 65-3-97.

726 (f) "Gasoline, diesel fuel or kerosene taxes" as used
727 in this section shall be deemed to mean and include state
728 gasoline, diesel fuel or kerosene taxes levied and imposed on
729 distributors of gasoline, diesel fuel or kerosene, and all state
730 excise taxes derived from any fuel used to propel vehicles upon
731 the highways of this state, when levied by any statute.

732 **[With regard to any county which is required to operate on a**
733 **countywide system of road administration as described in Section**
734 **19-2-3, this section shall read as follows:]**

735 27-5-101. Unless otherwise provided in this section, on or
736 before the fifteenth day of each month, all gasoline, diesel fuel
737 or kerosene taxes which are levied under the laws of this state
738 and collected during the previous month shall be paid and
739 apportioned by the * * * Department of Revenue as follows:



740 (a) (i) Except as otherwise provided in Section
741 31-17-127, from the gross amount of gasoline, diesel fuel or
742 kerosene taxes produced by the state, there shall be deducted an
743 amount equal to one-sixth (1/6) of principal and interest
744 certified by the State Treasurer to the * * * Department of
745 Revenue to be due on the next semiannual bond and interest payment
746 date, as required under the provisions of Chapter 130, Laws of
747 1938, and subsequent acts authorizing the issuance of bonds
748 payable from gasoline, diesel fuel or kerosene tax revenue on a
749 parity with the bonds issued under authority of said Chapter 130.
750 The State Treasurer shall certify to the * * * Department of
751 Revenue on or before the fifteenth day of each month the amount to
752 be paid to the "Highway Bonds Sinking Fund" as provided by said
753 Chapter 130, Laws of 1938, and subsequent acts authorizing the
754 issuance of bonds payable from gasoline, diesel fuel or kerosene
755 tax revenue, on a parity with the bonds issued under authority of
756 said Chapter 130; and the * * * Department of Revenue shall, on or
757 before the twenty-fifth day of each month, pay into the State
758 Treasury for credit to the "Highway Bonds Sinking Fund" the amount
759 so certified to him by the State Treasurer due to be paid into
760 such fund each month. The payments to the "Highway Bonds Sinking
761 Fund" shall be made out of gross gasoline, diesel fuel or kerosene
762 tax collections before deductions of any nature are considered;
763 however, such payments shall be deducted from the allocation to



764 the * * * Department of Transportation under paragraph (c) of this
765 section.

766 (ii) From collections derived from the portion of
767 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
768 from the portion of the tax on aviation gas under Section 27-55-11
769 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
770 portion of the special fuel tax levied under Sections 27-55-519
771 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
772 Cents (10¢) per gallon, from the portion of the taxes levied under
773 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
774 gallon that exceeds One Cent (1¢) per gallon on special fuel and
775 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
776 as aircraft fuel, from the portion of the excise tax on compressed
777 gas used as a motor fuel that exceeds the rate of tax in effect on
778 June 30, 1987, and from the portion of the gasoline excise tax in
779 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
780 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
781 shall be deducted:

782 1. An amount as provided in Section
783 27-65-75(4) to the credit of a special fund designated as the
784 "Office of State Aid Road Construction."

785 2. An amount equal to the tax collections
786 derived from Two Cents (2¢) per gallon of the gasoline excise tax
787 for distribution to the State Highway Fund to be used exclusively
788 for the construction, reconstruction and maintenance of highways



789 of the State of Mississippi or the payment of interest and
790 principal on bonds when specifically authorized by the Legislature
791 for that purpose.

792 3. An amount as provided in Section
793 27-65-75(2) (b) to the credit of the City of Jackson, Mississippi.

794 * * * 4. The balance shall be deposited in
795 the State Treasury to the credit of the State Highway Fund.

796 (b) Subject to the provisions that said basis of
797 distribution shall in nowise affect adversely the amount
798 specifically pledged in paragraph (a) of this section to be paid
799 into the "Highway Bonds Sinking Fund," the following shall be
800 deducted from the amount produced by the state tax on gasoline,
801 diesel fuel or kerosene tax collections, excluding collections
802 derived from the portion of the gasoline excise tax that exceeds
803 Seven Cents (7¢) per gallon, from the portion of the tax on
804 aviation gas under Section 27-55-11 that exceeds Six and
805 Four-tenths Cents (6.4¢) per gallon, from the portion of the
806 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
807 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
808 gallon, from the portion of the taxes levied under Section
809 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
810 One Cent (1¢) per gallon on special fuel and Five and One-fourth
811 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
812 from the portion of the excise tax on compressed gas used as a
813 motor fuel that exceeds the rate of tax in effect on June 30,



814 1987, and from the portion of the gasoline excise tax in excess of
815 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
816 Ten Cents (10¢) per gallon under Section 27-61-5:

817 (i) Twenty percent (20%) of such amount which
818 shall be earmarked and set aside for the construction,
819 reconstruction and maintenance of the highways and roads of the
820 state, provided that if such twenty percent (20%) should reduce
821 any county to a lesser amount than that received in the fiscal
822 year ending June 30, 1966, then such twenty percent (20%) shall be
823 reduced to a percentage to provide that no county shall receive
824 less than its portion for the fiscal year ending June 30, 1966;

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

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

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

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

835 (vi) The remainder shall be divided on a basis of
836 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
837 same basis as Four and One-half Cents (4-1/2¢) and Two and
838 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and



839 six and forty-three one-hundredths (6.43) and three and
840 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
841 fuel or kerosene). The amount produced by the nine-fourteenths
842 (9/14) division shall be allocated to the * * * Department of
843 Transportation and paid into the State Treasury as provided in
844 this section and in Section 27-5-103 and the five-fourteenths
845 (5/14) division shall be returned to the counties of the state on
846 the following basis:

847 1. In each fiscal year, each county shall be
848 paid each month the same percentage of the monthly total to be
849 distributed as was paid to that county during the same month in
850 the fiscal year which ended April 9, 1960, until the county
851 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
852 fiscal year, at which time funds shall be distributed under the
853 provisions of paragraph (b)(vi)4 of this section.

854 2. If after payments in 1 above, any county
855 has not received a total of One Hundred Ninety Thousand Dollars
856 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
857 and each fiscal year thereafter, then any available funds not
858 distributed under 1 above shall be used to bring such county or
859 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
860 or such funds shall be divided equally among such counties not
861 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
862 there is not sufficient money to bring all the counties to said
863 One Hundred Ninety Thousand Dollars (\$190,000.00).



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

870 4. During the last month of the current
871 fiscal year, should it be determined that there are funds
872 available in excess of the amount distributed for the year under 1
873 and 2 above, then such excess funds shall be distributed among the
874 various counties as follows:

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

877 One-third (1/3) of such excess to be paid
878 to the counties in the proportion which the population of each
879 county bears to the total population of the state according to the
880 last federal census;

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

884 5. It is the declared purpose and intent of
885 the Legislature that no county shall be paid less than was paid
886 during the year ended April 9, 1960, unless the amount to be
887 distributed to all counties in any year is less than the amount
888 distributed to all counties during the year ended April 9, 1960.



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

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

900 In any county having such road or bridge bonds outstanding
901 which exceed, in the aggregate, eight percent (8%) of the assessed
902 valuation of the taxable property of the county, but which do not
903 exceed, in the aggregate, twelve percent (12%) of the assessed
904 valuation of the taxable property of the county, it shall be the
905 duty of the board of supervisors to set aside not less than
906 thirty-five percent (35%) of such county's share of the gasoline,
907 diesel fuel or kerosene taxes to be used in paying the principal
908 and interest of such road or bridge bonds as they mature.

909 In any county having such road or bridge bonds outstanding
910 which exceed, in the aggregate, five percent (5%) of the assessed
911 valuation of the taxable property of the county, but which do not
912 exceed, in the aggregate, eight percent (8%) of the assessed
913 valuation of the taxable property of the county, it shall be the



914 duty of the board of supervisors to set aside not less than twenty
915 percent (20%) of such county's share of the gasoline, diesel fuel
916 or kerosene taxes to be used in paying the principal and interest
917 of such road and bridge bonds as they mature.

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

925 The portion of any such county's share of the gasoline,
926 diesel fuel or kerosene taxes thus set aside for the payment of
927 the principal and interest of road or bridge bonds, as provided
928 for in this section, shall be used in paying the currently
929 maturing installments of the principal and interest of such road
930 or bridge bonds, if there be any such road or bridge bonds
931 outstanding.

932 The remaining portion of such county's share of the gasoline,
933 diesel fuel or kerosene taxes, after setting aside the portion
934 above provided for the payment of the principal and interest of
935 bonds, shall be used in the construction and maintenance of any
936 public highways, bridges or culverts of the county, in the
937 discretion of the board of supervisors.



938 In any county having no road or bridge bonds outstanding, all
939 such county's share of the gasoline, diesel fuel or kerosene taxes
940 shall be used in the construction, reconstruction and maintenance
941 of the public highways, bridges or culverts of the county, as the
942 board of supervisors may determine.

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

947 (c) From the amount produced by the nine-fourteenths
948 (9/14) division allocated to the * * * Department of
949 Transportation, there shall be deducted:

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

952 (ii) Any amounts due counties in accordance with
953 Section 65-33-45 which have outstanding bonds issued for seawall
954 or road protection purposes, issued under provisions of Chapter
955 319, Laws of 1924, and amendments thereto; and

956 (iii) Except as otherwise provided in Section
957 31-17-127, the remainder shall be paid by the * * * Department of
958 Revenue to the State Treasurer on the fifteenth day of each month
959 next succeeding the month in which the gasoline, diesel fuel or
960 kerosene taxes were collected to the credit of the State Highway
961 Fund.



962 The funds allocated for the construction, reconstruction and
963 improvement of state highways, bridges and culverts, or so much
964 thereof as may be necessary, shall first be used in conjunction
965 with funds supplied by the federal government for such purposes
966 and allocated to the * * * Department of Transportation to be
967 expended on the state highway system. It is specifically provided
968 hereby that the necessary portion of such funds hereinabove
969 allocated to the * * * Department of Transportation may be used
970 for the prompt payment of principal and interest on highway bonds
971 heretofore issued, including such bonds issued or to be issued
972 under the provisions of Chapter 312, Laws of 1956, and amendments
973 thereto.

974 Nothing contained in this section shall be construed to
975 reduce the amount of such gasoline, diesel fuel or kerosene excise
976 taxes levied by the state, allotted under the provisions of Title
977 65, Chapter 33, Mississippi Code of 1972, to counties in which
978 there are outstanding bonds issued for seawall or road protection
979 purposes issued under the provisions of Chapter 319, Laws of 1924,
980 and amendments thereto; the amount of said gasoline, diesel fuel
981 or kerosene excise taxes designated in this section for the
982 payment of bonds and interest authorized and issued or to be
983 issued under the provisions of Chapter 130, Laws of 1938, and
984 subsequent acts authorizing the issuance of bonds payable from
985 gasoline, diesel fuel or kerosene tax revenue, shall, in such
986 counties, be considered as being paid "into the State Treasury to



987 the credit of the State Highway Fund" within the meaning of
988 Section 65-33-45 in computing the amount to be paid to such
989 counties under the provisions of said section, and this section
990 shall be administered in connection with Title 65, Chapter 33,
991 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
992 65-33-49 dealing with seawalls, as if made a part of this section.

993 (d) The proceeds of the Five and One-fourth Cents
994 (5.25¢) of the tax per gallon on oils used as a propellant for jet
995 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
996 per gallon on aviation gasoline and the tax of One Cent (1¢) per
997 gallon for each gallon of gasoline for which a refund has been
998 made pursuant to Section 27-55-23 because such gasoline was used
999 for aviation purposes, shall be paid to the State Treasury into a
1000 special fund to be used exclusively, pursuant to legislative
1001 appropriation, for the support and development of aeronautics as
1002 defined in Section 61-1-3.

1003 (e) State highway funds in an amount equal to the
1004 difference between Forty-two Million Dollars (\$42,000,000.00) and
1005 the annual debt service payable on the state's highway revenue
1006 refunding bonds, Series 1985, shall be expended for the
1007 construction or reconstruction of highways designated under the
1008 highway program created under Section 65-3-97.

1009 (f) "Gasoline, diesel fuel or kerosene taxes" as used
1010 in this section shall be deemed to mean and include state
1011 gasoline, diesel fuel or kerosene taxes levied and imposed on



1012 distributors of gasoline, diesel fuel or kerosene, and all state
1013 excise taxes derived from any fuel used to propel vehicles upon
1014 the highways of this state, when levied by any statute.

1015 **SECTION 3.** This act shall take effect and be in force from
1016 and after July 1, 2018.

