

By: Representatives Bounds, Lamar, Miles

To: Wildlife, Fisheries and
Parks; Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1231

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE
2 DESIGNATED AS THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND; TO
3 PROVIDE THAT MONIES IN THE SPECIAL FUND SHALL BE USED BY THE
4 DEPARTMENT OF FINANCE AND ADMINISTRATION, BASED UPON THE
5 RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR
6 STEWARDSHIP TRUST FUND TO PROVIDE ASSISTANCE TO COUNTIES,
7 MUNICIPALITIES, STATE AGENCIES AND NONGOVERNMENTAL ENTITIES FOR
8 THE SUPPORT OF WILDLIFE, NATURE AND OTHER OUTDOOR ACTIVITY
9 CONSERVATION AND PROMOTION PURPOSES; TO CREATE THE BOARD OF
10 TRUSTEES OF THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND; TO
11 PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES; TO PROVIDE
12 THAT THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR STEWARDSHIP
13 TRUST FUND SHALL REVIEW APPLICATIONS FOR ASSISTANCE UNDER THIS ACT
14 AND MAKE RECOMMENDATIONS FOR ASSISTANCE TO THE DEPARTMENT OF
15 FINANCE AND ADMINISTRATION; TO AMEND SECTION 27-65-75, MISSISSIPPI
16 CODE OF 1972, TO PROVIDE THAT A PORTION OF THE STATE SALES TAX
17 REVENUE DERIVED FROM SALES OF BUSINESSES WITH A CERTAIN NORTH
18 AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE SHALL BE DEPOSITED
19 INTO THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND, AND FOR
20 RELATED PURPOSES.

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

22 **SECTION 1.** For the purposes of Sections 1 through 4 of this
23 act, the following words and phrases shall have the meanings
24 ascribed in this section unless the context clearly indicates
25 otherwise:

26 (a) "Board" means the Board of Trustees of the
27 Mississippi Outdoor Stewardship Trust Fund.



28 (b) "Conservation land" means land and water, or
29 interests therein, that are in their undeveloped, natural states
30 or that have been developed only to the extent consistent with, or
31 are restored to be consistent with, at least one (1) of the
32 following environmental values or conservation benefits:

33 (i) Water quality protection for wetlands, rivers,
34 streams, or lakes;

35 (ii) Protection of wildlife habitat;

36 (iii) Protection of cultural sites and
37 archeological and historic resources;

38 (iv) Protection of land around Mississippi's
39 military installations to ensure that missions are compatible with
40 surrounding communities and that encroachment on military
41 installations does not impair future missions;

42 (v) Support of economic development through
43 conservation projects;

44 (vi) Provision for recreation in the form of
45 archery, boating, hiking, camping, fishing, hunting, running,
46 jogging, biking, walking, shooting facilities or similar outdoor
47 activities; or

48 (vii) Recruiting and/or retention of recreation in
49 the form of archery, boating, hiking, camping, fishing, hunting,
50 running, jogging, biking, walking, shooting facilities or similar
51 outdoor activities.



52 (c) "Nongovernmental entity" means a nonprofit
53 organization primarily concerned with the protection and
54 conservation of land and natural resources, as evidenced by its
55 organizational documents.

56 (d) "Permanently protected conservation areas" means
57 those resources:

58 (i) Owned by the federal government and dedicated
59 for recreation or conservation or as a natural resource;

60 (ii) Owned by the State of Mississippi and
61 dedicated for recreation or conservation or as a natural resource;

62 (iii) Owned by a state, county or municipal unit
63 of government or authority and subject to:

64 1. A conservation easement ensuring that the
65 property will be maintained in a manner consistent with
66 conservation land;

67 2. Contractual arrangements ensuring that if
68 the protected status is discontinued on a parcel, such property
69 will be replaced by other conservation land which at the time of
70 such replacement is of equal or greater monetary and resource
71 protection value; or

72 3. A permanent restrictive covenant as
73 provided in state law; or

74 (iv) Owned by any person or entity and subject to
75 a conservation easement ensuring that the property will be
76 maintained in a manner consistent with conservation land.



77 (e) "Project proposal" means any application seeking
78 monies from the Mississippi Outdoor Stewardship Trust Fund.

79 (f) "State agency" means any agency, department,
80 commission or institution of the State of Mississippi.

81 **SECTION 2.** (1) (a) There is created in the State Treasury
82 a special fund to be designated as the "Mississippi Outdoor
83 Stewardship Trust Fund." The special fund shall consist of funds
84 appropriated or otherwise made available by the Legislature in any
85 manner and funds from any other source designated for deposit into
86 such fund. Funds shall be accounted for in such a manner to be
87 termed unobligated funds or obligated funds. Unexpended amounts
88 remaining in the fund at the end of a fiscal year shall not lapse
89 into the State General Fund, and any investment earnings or
90 interest earned on amounts in the fund shall be deposited to the
91 credit of the fund; however, any unobligated monies in excess of
92 Twenty Million Dollars (\$20,000,000.00) remaining in the fund at
93 the end of a fiscal year that have not been appropriated shall
94 lapse into the State General Fund. Monies in the fund may be used
95 by the Department of Finance and Administration, upon
96 appropriation by the Legislature, based upon the recommendation of
97 the Board of Trustees of the Mississippi Outdoor Stewardship Trust
98 Fund for the purposes of providing assistance to counties,
99 municipalities, state agencies and nongovernmental entities, as
100 provided in Sections 1 through 4 of this act. The board may use
101 not more than one percent (1%) of monies in the special fund to



102 defray the expenses of the board in carrying out its duties under
103 Sections 1 through 4 of this act. The Department of Finance and
104 Administration may use not more than three percent (3%) of monies
105 in the special fund to defray the expenses of the board in
106 carrying out its duties under Sections 1 through 4 of this act.

107 (b) Subject to the provisions of this subsection (1),
108 monies in the fund may be used and expended by the board to
109 provide funds for:

110 (i) Grants to counties, municipalities, state
111 agencies and nongovernmental entities for:

112 1. Improvement of state park outdoor
113 recreation features and trails;

114 2. Restoration or enhancement on privately
115 owned working agricultural lands and forests that support
116 conservation of soil, water, habitat of fish and wildlife
117 resources;

118 3. Providing funds to counties and
119 municipalities to acquire and improve parks and trails under the
120 control and within the jurisdiction of such counties and
121 municipalities;

122 4. Restoration or enhancement projects to
123 create or improve access to public waters and lands for public
124 outdoor recreation, conservation education, use or safe enjoyment
125 of permanently protected conservation land; and



126 5. Restoration or enhancement of wetlands,
127 native forests, native grasslands, and other unique habitats
128 important for Mississippi's fish and wildlife;

129 6. To acquire critical areas for the
130 provision or protection of clean water, wildlife, hunting or
131 fishing, for military installation buffering, or for natural
132 resource-based outdoor recreation. Real property may only be
133 acquired under this item 6 under the following circumstances:

134 a. Where such property is, at the time
135 of acquisition, being leased by the state as a wildlife management
136 area;

137 b. Where such property adjoins or is in
138 close proximity to state or federal wildlife management areas,
139 state parks, or would provide better public access to such areas;

140 c. Lands identified in any wildlife
141 action plan developed by a state agency;

142 d. Riparian lands so as to protect any
143 drinking water supply; and/or

144 e. Lands surrounding any military base
145 or military installation.

146 Acquisition of land under this item 6 may not be made through
147 the exercise of any power of eminent domain or condemnation
148 proceeding.



149 (ii) Loans to municipalities, counties,
150 nongovernmental entities and state agencies to defray the costs of
151 the projects described in subparagraph (i) of this paragraph.

152 (c) Unless otherwise authorized by the board, a county,
153 municipality, state agency or nongovernmental entity that receives
154 funds for a project under this section must expend the funds for
155 the project within two (2) years after receipt of the funds in
156 order to be eligible to apply for additional funds for the project
157 under this section. If a county, municipality, state agency or
158 nongovernmental entity receiving funds for a project does not
159 expend the funds within two (2) years after receipt of the funds,
160 then the county, municipality, state agency or nongovernmental
161 entity must provide an accounting of such unused funds and the
162 reason for failure to expend the funds.

163 (d) A county, municipality or state agency receiving
164 funds under this section may use the funds for purposes for which
165 the funds were provided to the county, municipality or state
166 agency.

167 (e) Monies in the special fund may not be used,
168 expended or transferred for any other purpose other than
169 authorized under Sections 1 through 4 of this act.

170 (2) (a) The board shall accept applications from counties,
171 municipalities, state agencies and nongovernmental entities for
172 project proposals eligible for funding under this section. The



173 board shall evaluate the proposals received in accordance with
174 this section and pursuant to priorities established by the board.

175 (b) (i) A county, municipality, state agency or
176 nongovernmental entity desiring assistance under this section must
177 submit a complete application to the board. The application must
178 include a description of the purpose for which assistance is
179 requested, the type and amount of assistance requested and any
180 other information required by the board.

181 (ii) The board shall review an application for
182 assistance and determine whether the applicant is eligible for
183 assistance under this section and whether the applicant should
184 receive assistance under this section. In reviewing applications,
185 the board shall give increased priority to projects:

186 1. That leverage or match other nonfederal
187 and/or federal funds which are available for similar purposes;

188 2. That support and promote hunting, fishing,
189 and provision for recreation in the form of archery, boating,
190 hiking, camping, fishing, hunting, running, jogging, biking,
191 walking, shooting facilities or similar outdoor activities;

192 3. That contribute to improving the quality
193 and quantity of surface water and ground water;

194 4. That contribute to the conservation of
195 soil, water, and fish and wildlife resources on privately owned
196 working agricultural lands or forests; and



197 5. That contribute to achieving the goals and
198 objectives of local, state, regional and national conservation or
199 outdoor recreational plans.

200 (c) If the board determines that an applicant should
201 receive assistance, then the board shall prepare a recommendation
202 for assistance. A recommendation for assistance shall provide the
203 purpose for which the assistance is to be provided, the type of
204 assistance to be provided, the amount of assistance to be provided
205 and any other information determined necessary by the board. The
206 board shall provide its recommendation for assistance to the
207 Department of Finance and Administration and the department shall
208 use funds from the Mississippi Outdoor Stewardship Trust Fund for
209 the purpose of providing the assistance.

210 **SECTION 3.** (1) (a) There is established the Board of
211 Trustees of the Mississippi Outdoor Stewardship Trust Fund, which
212 shall consist of eleven (11) members as follows:

213 (i) The State Forester, who is an ex-officio
214 nonvoting member;

215 (ii) The Executive Director of the Mississippi
216 Soil and Water Conservation Commission;

217 (iii) The Executive Director of the Mississippi
218 Commission on Marine Resources;

219 (iv) The Executive Director of the Mississippi
220 Department of Wildlife, Fisheries and Parks;

221 (v) The Commissioner of Agriculture and Commerce;



222 (vi) Two (2) members appointed by the Governor;

223 and

224 (vii) Four (4) members appointed by the Lieutenant
225 Governor.

226 Two (2) of the members to be appointed by the Lieutenant
227 Governor shall be appointed only after consideration of
228 recommendations for those appointments made by the Speaker of the
229 House of Representatives to the Lieutenant Governor.

230 The members of the board appointed by the Governor and
231 Lieutenant Governor shall be appointed from the following private
232 sectors: forestry, conservation, agriculture, marine resources,
233 hunting or fishing. Such members shall be and shall remain
234 Mississippi residents during their tenure on the board and shall
235 possess a demonstrated knowledge of and commitment to land
236 conservation and outdoor recreation.

237 (b) (i) One (1) person initially appointed by the
238 Governor and two (2) persons initially appointed by the Lieutenant
239 Governor shall serve for a term ending June 30, 2024; and (ii) one
240 (1) person initially appointed by the Governor and two (2) persons
241 initially appointed by the Lieutenant Governor shall serve for a
242 term ending June 30, 2025.

243 After the expiration of the initial terms, all such
244 appointments shall be for terms of four (4) years from the
245 expiration of the previous term.



246 (c) A majority of the voting members of the board shall
247 constitute a quorum for the conduct of meetings and all actions of
248 the board shall require a majority vote of the voting members of
249 the board.

250 (d) The board shall annually elect one (1) member to
251 serve as chairman of the board and one (1) member to serve as vice
252 chairman of the board. The vice chairman shall act as chairman in
253 the absence of or upon the disability of the chairman or if there
254 is a vacancy in the office of chairman.

255 (2) The members of the board appointed by the Governor and
256 Lieutenant Governor shall receive a per diem as provided in
257 Section 25-3-69, plus travel and necessary expenses incidental to
258 the attendance at each meeting of the board, including mileage, as
259 provided in Section 25-3-41.

260 (3) No member of the board shall use his official position
261 to obtain, or attempt to obtain, pecuniary benefit for himself
262 other than that compensation provided for by law, or to obtain, or
263 attempt to obtain, pecuniary benefit for any relative or any
264 business with which he is associated, as provided in Section
265 25-4-105.

266 (4) The Department of Finance and Administration shall
267 provide the office space, staff and other support necessary for
268 the board to perform its duties.

269 (5) Following the close of each state fiscal year, the board
270 shall submit an annual report of its activities for the preceding



271 state fiscal year pursuant to Sections 1 through 4 of this act to
272 the Governor, Lieutenant Governor, Speaker of the House of
273 Representatives, Chairman of the Ways and Means Committee of the
274 House of Representatives, Chairman of the Senate Finance
275 Committee, Chairman of the Appropriations Committee of the House
276 of Representatives and Chairman of the Appropriations Committee of
277 the Senate.

278 **SECTION 4.** The board shall have all powers necessary to
279 implement and administer Sections 1 through 3 of this act, and the
280 board shall promulgate rules and regulations, in accordance with
281 the Mississippi Administrative Procedures Law, necessary for the
282 implementation of Sections 1 through 3 of this act.

283 **SECTION 5.** Section 27-65-75, Mississippi Code of 1972, is
284 amended as follows:

285 27-65-75. On or before the fifteenth day of each month, the
286 revenue collected under the provisions of this chapter during the
287 preceding month shall be paid and distributed as follows:

288 (1) (a) On or before August 15, 1992, and each succeeding
289 month thereafter through July 15, 1993, eighteen percent (18%) of
290 the total sales tax revenue collected during the preceding month
291 under the provisions of this chapter, except that collected under
292 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
293 business activities within a municipal corporation shall be
294 allocated for distribution to the municipality and paid to the
295 municipal corporation. Except as otherwise provided in this



296 paragraph (a), on or before August 15, 1993, and each succeeding
297 month thereafter, eighteen and one-half percent (18-1/2%) of the
298 total sales tax revenue collected during the preceding month under
299 the provisions of this chapter, except that collected under the
300 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
301 27-65-24, on business activities within a municipal corporation
302 shall be allocated for distribution to the municipality and paid
303 to the municipal corporation. However, in the event the State
304 Auditor issues a certificate of noncompliance pursuant to Section
305 21-35-31, the Department of Revenue shall withhold ten percent
306 (10%) of the allocations and payments to the municipality that
307 would otherwise be payable to the municipality under this
308 paragraph (a) until such time that the department receives written
309 notice of the cancellation of a certificate of noncompliance from
310 the State Auditor.

311 A municipal corporation, for the purpose of distributing the
312 tax under this subsection, shall mean and include all incorporated
313 cities, towns and villages.

314 Monies allocated for distribution and credited to a municipal
315 corporation under this paragraph may be pledged as security for a
316 loan if the distribution received by the municipal corporation is
317 otherwise authorized or required by law to be pledged as security
318 for such a loan.

319 In any county having a county seat that is not an
320 incorporated municipality, the distribution provided under this



321 subsection shall be made as though the county seat was an
322 incorporated municipality; however, the distribution to the
323 municipality shall be paid to the county treasury in which the
324 municipality is located, and those funds shall be used for road,
325 bridge and street construction or maintenance in the county.

326 (b) On or before August 15, 2006, and each succeeding
327 month thereafter, eighteen and one-half percent (18-1/2%) of the
328 total sales tax revenue collected during the preceding month under
329 the provisions of this chapter, except that collected under the
330 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
331 business activities on the campus of a state institution of higher
332 learning or community or junior college whose campus is not
333 located within the corporate limits of a municipality, shall be
334 allocated for distribution to the state institution of higher
335 learning or community or junior college and paid to the state
336 institution of higher learning or community or junior college.

337 (c) On or before August 15, 2018, and each succeeding
338 month thereafter until August 14, 2019, two percent (2%) of the
339 total sales tax revenue collected during the preceding month under
340 the provisions of this chapter, except that collected under the
341 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
342 27-65-24, on business activities within the corporate limits of
343 the City of Jackson, Mississippi, shall be deposited into the
344 Capitol Complex Improvement District Project Fund created in
345 Section 29-5-215. On or before August 15, 2019, and each



346 succeeding month thereafter until August 14, 2020, four percent
347 (4%) of the total sales tax revenue collected during the preceding
348 month under the provisions of this chapter, except that collected
349 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
350 and 27-65-24, on business activities within the corporate limits
351 of the City of Jackson, Mississippi, shall be deposited into the
352 Capitol Complex Improvement District Project Fund created in
353 Section 29-5-215. On or before August 15, 2020, and each
354 succeeding month thereafter, six percent (6%) of the total sales
355 tax revenue collected during the preceding month under the
356 provisions of this chapter, except that collected under the
357 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
358 27-65-24, on business activities within the corporate limits of
359 the City of Jackson, Mississippi, shall be deposited into the
360 Capitol Complex Improvement District Project Fund created in
361 Section 29-5-215.

362 (d) (i) On or before the fifteenth day of the month
363 that the diversion authorized by this section begins, and each
364 succeeding month thereafter, eighteen and one-half percent
365 (18-1/2%) of the total sales tax revenue collected during the
366 preceding month under the provisions of this chapter, except that
367 collected under the provisions of Sections 27-65-15, 27-65-19(3)
368 and 27-65-21, on business activities within a redevelopment
369 project area developed under a redevelopment plan adopted under
370 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be



371 allocated for distribution to the county in which the project area
372 is located if:

373 1. The county borders on the Mississippi
374 Sound and the State of Alabama;

375 2. The county has issued bonds under Section
376 21-45-9 to finance all or a portion of a redevelopment project in
377 the redevelopment project area;

378 3. Any debt service for the indebtedness
379 incurred is outstanding; and

380 4. A development with a value of Ten Million
381 Dollars (\$10,000,000.00) or more is, or will be, located in the
382 redevelopment area.

383 (ii) Before any sales tax revenue may be allocated
384 for distribution to a county under this paragraph, the county
385 shall certify to the Department of Revenue that the requirements
386 of this paragraph have been met, the amount of bonded indebtedness
387 that has been incurred by the county for the redevelopment project
388 and the expected date the indebtedness incurred by the county will
389 be satisfied.

390 (iii) The diversion of sales tax revenue
391 authorized by this paragraph shall begin the month following the
392 month in which the Department of Revenue determines that the
393 requirements of this paragraph have been met. The diversion shall
394 end the month the indebtedness incurred by the county is
395 satisfied. All revenue received by the county under this



396 paragraph shall be deposited in the fund required to be created in
397 the tax increment financing plan under Section 21-45-11 and be
398 utilized solely to satisfy the indebtedness incurred by the
399 county.

400 (2) On or before September 15, 1987, and each succeeding
401 month thereafter, from the revenue collected under this chapter
402 during the preceding month, One Million One Hundred Twenty-five
403 Thousand Dollars (\$1,125,000.00) shall be allocated for
404 distribution to municipal corporations as defined under subsection
405 (1) of this section in the proportion that the number of gallons
406 of gasoline and diesel fuel sold by distributors to consumers and
407 retailers in each such municipality during the preceding fiscal
408 year bears to the total gallons of gasoline and diesel fuel sold
409 by distributors to consumers and retailers in municipalities
410 statewide during the preceding fiscal year. The Department of
411 Revenue shall require all distributors of gasoline and diesel fuel
412 to report to the department monthly the total number of gallons of
413 gasoline and diesel fuel sold by them to consumers and retailers
414 in each municipality during the preceding month. The Department
415 of Revenue shall have the authority to promulgate such rules and
416 regulations as is necessary to determine the number of gallons of
417 gasoline and diesel fuel sold by distributors to consumers and
418 retailers in each municipality. In determining the percentage
419 allocation of funds under this subsection for the fiscal year
420 beginning July 1, 1987, and ending June 30, 1988, the Department



421 of Revenue may consider gallons of gasoline and diesel fuel sold
422 for a period of less than one (1) fiscal year. For the purposes
423 of this subsection, the term "fiscal year" means the fiscal year
424 beginning July 1 of a year.

425 (3) On or before September 15, 1987, and on or before the
426 fifteenth day of each succeeding month, until the date specified
427 in Section 65-39-35, the proceeds derived from contractors' taxes
428 levied under Section 27-65-21 on contracts for the construction or
429 reconstruction of highways designated under the highway program
430 created under Section 65-3-97 shall, except as otherwise provided
431 in Section 31-17-127, be deposited into the State Treasury to the
432 credit of the State Highway Fund to be used to fund that highway
433 program. The Mississippi Department of Transportation shall
434 provide to the Department of Revenue such information as is
435 necessary to determine the amount of proceeds to be distributed
436 under this subsection.

437 (4) On or before August 15, 1994, and on or before the
438 fifteenth day of each succeeding month through July 15, 1999, from
439 the proceeds of gasoline, diesel fuel or kerosene taxes as
440 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
441 (\$4,000,000.00) shall be deposited in the State Treasury to the
442 credit of a special fund designated as the "State Aid Road Fund,"
443 created by Section 65-9-17. On or before August 15, 1999, and on
444 or before the fifteenth day of each succeeding month, from the
445 total amount of the proceeds of gasoline, diesel fuel or kerosene



446 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
447 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
448 one-fourth percent (23-1/4%) of those funds, whichever is the
449 greater amount, shall be deposited in the State Treasury to the
450 credit of the "State Aid Road Fund," created by Section 65-9-17.
451 Those funds shall be pledged to pay the principal of and interest
452 on state aid road bonds heretofore issued under Sections 19-9-51
453 through 19-9-77, in lieu of and in substitution for the funds
454 previously allocated to counties under this section. Those funds
455 may not be pledged for the payment of any state aid road bonds
456 issued after April 1, 1981; however, this prohibition against the
457 pledging of any such funds for the payment of bonds shall not
458 apply to any bonds for which intent to issue those bonds has been
459 published for the first time, as provided by law before March 29,
460 1981. From the amount of taxes paid into the special fund under
461 this subsection and subsection (9) of this section, there shall be
462 first deducted and paid the amount necessary to pay the expenses
463 of the Office of State Aid Road Construction, as authorized by the
464 Legislature for all other general and special fund agencies. The
465 remainder of the fund shall be allocated monthly to the several
466 counties in accordance with the following formula:

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

469 (b) One-third (1/3) shall be allocated to counties
470 based on the proportion that the total number of rural road miles



471 in a county bears to the total number of rural road miles in all
472 counties of the state; and

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

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

480 The amount of funds allocated to any county under this
481 subsection for any fiscal year after fiscal year 1994 shall not be
482 less than the amount allocated to the county for fiscal year 1994.

483 Any reference in the general laws of this state or the
484 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
485 construed to refer and apply to subsection (4) of Section
486 27-65-75.

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

493 (6) An amount each month beginning August 15, 1983, through
494 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
495 1983, shall be paid into the special fund known as the



496 Correctional Facilities Construction Fund created in Section 6,
497 Chapter 542, Laws of 1983.

498 (7) On or before August 15, 1992, and each succeeding month
499 thereafter through July 15, 2000, two and two hundred sixty-six
500 one-thousandths percent (2.266%) of the total sales tax revenue
501 collected during the preceding month under the provisions of this
502 chapter, except that collected under the provisions of Section
503 27-65-17(2), shall be deposited by the department into the School
504 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
505 or before August 15, 2000, and each succeeding month thereafter,
506 two and two hundred sixty-six one-thousandths percent (2.266%) of
507 the total sales tax revenue collected during the preceding month
508 under the provisions of this chapter, except that collected under
509 the provisions of Section 27-65-17(2), shall be deposited into the
510 School Ad Valorem Tax Reduction Fund created under Section
511 37-61-35 until such time that the total amount deposited into the
512 fund during a fiscal year equals Forty-two Million Dollars
513 (\$42,000,000.00). Thereafter, the amounts diverted under this
514 subsection (7) during the fiscal year in excess of Forty-two
515 Million Dollars (\$42,000,000.00) shall be deposited into the
516 Education Enhancement Fund created under Section 37-61-33 for
517 appropriation by the Legislature as other education needs and
518 shall not be subject to the percentage appropriation requirements
519 set forth in Section 37-61-33.



520 (8) On or before August 15, 1992, and each succeeding month
521 thereafter, nine and seventy-three one-thousandths percent
522 (9.073%) of the total sales tax revenue collected during the
523 preceding month under the provisions of this chapter, except that
524 collected under the provisions of Section 27-65-17(2), shall be
525 deposited into the Education Enhancement Fund created under
526 Section 37-61-33.

527 (9) On or before August 15, 1994, and each succeeding month
528 thereafter, from the revenue collected under this chapter during
529 the preceding month, Two Hundred Fifty Thousand Dollars
530 (\$250,000.00) shall be paid into the State Aid Road Fund.

531 (10) On or before August 15, 1994, and each succeeding month
532 thereafter through August 15, 1995, from the revenue collected
533 under this chapter during the preceding month, Two Million Dollars
534 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
535 Valorem Tax Reduction Fund established in Section 27-51-105.

536 (11) Notwithstanding any other provision of this section to
537 the contrary, on or before February 15, 1995, and each succeeding
538 month thereafter, the sales tax revenue collected during the
539 preceding month under the provisions of Section 27-65-17(2) and
540 the corresponding levy in Section 27-65-23 on the rental or lease
541 of private carriers of passengers and light carriers of property
542 as defined in Section 27-51-101 shall be deposited, without
543 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
544 established in Section 27-51-105.



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

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

562 (14) On or before August 15, 1998, and each succeeding month
563 thereafter through July 15, 2005, that portion of the avails of
564 the tax imposed in Section 27-65-23 that is derived from sales by
565 cotton compresses or cotton warehouses and that would otherwise be
566 paid into the General Fund shall be deposited in an amount not to
567 exceed Two Million Dollars (\$2,000,000.00) into the special fund
568 created under Section 69-37-39. On or before August 15, 2007, and
569 each succeeding month thereafter through July 15, 2010, that



570 portion of the avails of the tax imposed in Section 27-65-23 that
571 is derived from sales by cotton compresses or cotton warehouses
572 and that would otherwise be paid into the General Fund shall be
573 deposited in an amount not to exceed Two Million Dollars
574 (\$2,000,000.00) into the special fund created under Section
575 69-37-39 until all debts or other obligations incurred by the
576 Certified Cotton Growers Organization under the Mississippi Boll
577 Weevil Management Act before January 1, 2007, are satisfied in
578 full. On or before August 15, 2010, and each succeeding month
579 thereafter through July 15, 2011, fifty percent (50%) of that
580 portion of the avails of the tax imposed in Section 27-65-23 that
581 is derived from sales by cotton compresses or cotton warehouses
582 and that would otherwise be paid into the General Fund shall be
583 deposited into the special fund created under Section 69-37-39
584 until such time that the total amount deposited into the fund
585 during a fiscal year equals One Million Dollars (\$1,000,000.00).
586 On or before August 15, 2011, and each succeeding month
587 thereafter, that portion of the avails of the tax imposed in
588 Section 27-65-23 that is derived from sales by cotton compresses
589 or cotton warehouses and that would otherwise be paid into the
590 General Fund shall be deposited into the special fund created
591 under Section 69-37-39 until such time that the total amount
592 deposited into the fund during a fiscal year equals One Million
593 Dollars (\$1,000,000.00).



594 (15) Notwithstanding any other provision of this section to
595 the contrary, on or before September 15, 2000, and each succeeding
596 month thereafter, the sales tax revenue collected during the
597 preceding month under the provisions of Section
598 27-65-19(1) (d) (i)2, and 27-65-19(1) (d) (i)3 shall be deposited,
599 without diversion, into the Telecommunications Ad Valorem Tax
600 Reduction Fund established in Section 27-38-7.

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

608 (b) On or before August 15, 2007, and each succeeding
609 month thereafter, eighty percent (80%) of the sales tax revenue
610 collected during the preceding month under the provisions of this
611 chapter from the operation of a tourism project under the
612 provisions of Sections 57-26-1 through 57-26-5, shall be
613 deposited, after the diversions required in subsections (7) and
614 (8) of this section, into the Tourism Project Sales Tax Incentive
615 Fund created in Section 57-26-3.

616 (17) Notwithstanding any other provision of this section to
617 the contrary, on or before April 15, 2002, and each succeeding
618 month thereafter, the sales tax revenue collected during the



619 preceding month under Section 27-65-23 on sales of parking
620 services of parking garages and lots at airports shall be
621 deposited, without diversion, into the special fund created under
622 Section 27-5-101(d).

623 (18) [Repealed]

624 (19) (a) On or before August 15, 2005, and each succeeding
625 month thereafter, the sales tax revenue collected during the
626 preceding month under the provisions of this chapter on the gross
627 proceeds of sales of a business enterprise located within a
628 redevelopment project area under the provisions of Sections
629 57-91-1 through 57-91-11, and the revenue collected on the gross
630 proceeds of sales from sales made to a business enterprise located
631 in a redevelopment project area under the provisions of Sections
632 57-91-1 through 57-91-11 (provided that such sales made to a
633 business enterprise are made on the premises of the business
634 enterprise), shall, except as otherwise provided in this
635 subsection (19), be deposited, after all diversions, into the
636 Redevelopment Project Incentive Fund as created in Section
637 57-91-9.

638 (b) For a municipality participating in the Economic
639 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
640 the diversion provided for in subsection (1) of this section
641 attributable to the gross proceeds of sales of a business
642 enterprise located within a redevelopment project area under the
643 provisions of Sections 57-91-1 through 57-91-11, and attributable



644 to the gross proceeds of sales from sales made to a business
645 enterprise located in a redevelopment project area under the
646 provisions of Sections 57-91-1 through 57-91-11 (provided that
647 such sales made to a business enterprise are made on the premises
648 of the business enterprise), shall be deposited into the
649 Redevelopment Project Incentive Fund as created in Section
650 57-91-9, as follows:

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

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

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

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



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

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

678 (21) (a) On or before April 15, 2007, and each succeeding
679 month thereafter through June 15, 2013, One Hundred Fifty Thousand
680 Dollars (\$150,000.00) of the sales tax revenue collected during
681 the preceding month under the provisions of this chapter shall be
682 deposited into the MMEIA Tax Incentive Fund created in Section
683 57-101-3.

684 (b) On or before July 15, 2013, and each succeeding
685 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
686 of the sales tax revenue collected during the preceding month
687 under the provisions of this chapter shall be deposited into the
688 Mississippi Development Authority Job Training Grant Fund created
689 in Section 57-1-451.

690 (22) Notwithstanding any other provision of this section to
691 the contrary, on or before August 15, 2009, and each succeeding



692 month thereafter, the sales tax revenue collected during the
693 preceding month under the provisions of Section 27-65-201 shall be
694 deposited, without diversion, into the Motor Vehicle Ad Valorem
695 Tax Reduction Fund established in Section 27-51-105.

696 (23) (a) On or before August 15, 2019, and each month
697 thereafter through July 15, 2020, one percent (1%) of the total
698 sales tax revenue collected during the preceding month from
699 restaurants and hotels shall be allocated for distribution to the
700 Mississippi Development Authority Tourism Advertising Fund
701 established under Section 57-1-64, to be used exclusively for the
702 purpose stated therein. On or before August 15, 2020, and each
703 month thereafter through July 15, 2021, two percent (2%) of the
704 total sales tax revenue collected during the preceding month from
705 restaurants and hotels shall be allocated for distribution to the
706 Mississippi Development Authority Tourism Advertising Fund
707 established under Section 57-1-64, to be used exclusively for the
708 purpose stated therein. On or before August 15, 2021, and each
709 month thereafter, three percent (3%) of the total sales tax
710 revenue collected during the preceding month from restaurants and
711 hotels shall be allocated for distribution to the Mississippi
712 Development Authority Tourism Advertising Fund established under
713 Section 57-1-64, to be used exclusively for the purpose stated
714 therein. The revenue diverted pursuant to this subsection shall
715 not be available for expenditure until February 1, 2020.



716 (b) The Joint Legislative Committee on Performance
717 Evaluation and Expenditure Review (PEER) must provide an annual
718 report to the Legislature indicating the amount of funds deposited
719 into the Mississippi Development Authority Tourism Advertising
720 Fund established under Section 57-1-64, and a detailed record of
721 how the funds are spent.

722 (24) On or before August 15, 2021, and each succeeding month
723 thereafter through July 15, 2022, Eight Hundred Thirty-three
724 Thousand Three Hundred Thirty-three Dollars and Thirty-four Cents
725 (\$833,333.34) of the total sales tax revenue collected during the
726 preceding month under the provisions of this chapter from
727 businesses with the North American Industry Classification System
728 Code of 451110 shall be deposited into the Mississippi Outdoor
729 Stewardship Trust Fund created in Section 2 of this act. On or
730 before August 15, 2022, and each succeeding month thereafter
731 through July 15, 2023, One Million Dollars (\$1,000,000.00) of the
732 total sales tax revenue collected during the preceding month under
733 the provisions of this chapter from businesses with the North
734 American Industry Classification System Code of 451110 shall be
735 deposited into the Mississippi Outdoor Stewardship Trust Fund
736 created in Section 2 of this act. On or before August 15, 2023,
737 and each succeeding month thereafter, One Million Two Hundred
738 Fifty Thousand Dollars (\$1,250,000.00) of the total sales tax
739 revenue collected during the preceding month under the provisions
740 of this chapter from businesses with the North American Industry



741 Classification System Code of 451110 shall be deposited into the
742 Mississippi Outdoor Stewardship Trust Fund created in Section 2 of
743 this act.

744 (* * *25) The remainder of the amounts collected under the
745 provisions of this chapter shall be paid into the State Treasury
746 to the credit of the General Fund.

747 (* * *26) (a) It shall be the duty of the municipal
748 officials of any municipality that expands its limits, or of any
749 community that incorporates as a municipality, to notify the
750 commissioner of that action thirty (30) days before the effective
751 date. Failure to so notify the commissioner shall cause the
752 municipality to forfeit the revenue that it would have been
753 entitled to receive during this period of time when the
754 commissioner had no knowledge of the action.

755 (b) (i) Except as otherwise provided in subparagraph
756 (ii) of this paragraph, if any funds have been erroneously
757 disbursed to any municipality or any overpayment of tax is
758 recovered by the taxpayer, the commissioner may make correction
759 and adjust the error or overpayment with the municipality by
760 withholding the necessary funds from any later payment to be made
761 to the municipality.

762 (ii) Subject to the provisions of Sections
763 27-65-51 and 27-65-53, if any funds have been erroneously
764 disbursed to a municipality under subsection (1) of this section
765 for a period of three (3) years or more, the maximum amount that



766 may be recovered or withheld from the municipality is the total
767 amount of funds erroneously disbursed for a period of three (3)
768 years beginning with the date of the first erroneous disbursement.
769 However, if during such period, a municipality provides written
770 notice to the Department of Revenue indicating the erroneous
771 disbursement of funds, then the maximum amount that may be
772 recovered or withheld from the municipality is the total amount of
773 funds erroneously disbursed for a period of one (1) year beginning
774 with the date of the first erroneous disbursement.

775 **SECTION 6.** This act shall take effect and be in force from
776 and after July 1, 2021.

