

By: Representatives Lamar, Barnett, Mangold, Steverson, Massengill, Hood, Lancaster, Ford (73rd), Scoggin, Stamps, Kinkade, Bounds, Miles To: Ways and Means

HOUSE BILL NO. 606

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 department 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 department 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 twelve (12) 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, who is an ex-officio
217 nonvoting member;

218 (iii) The Executive Director of the Mississippi
219 Commission on Marine Resources, who is an ex-officio nonvoting
220 member;



221 (iv) The Executive Director of the Mississippi
222 Department of Wildlife, Fisheries and Parks, who is an ex-officio
223 nonvoting member;

224 (v) The Commissioner of Agriculture and Commerce,
225 who is an ex-officio nonvoting member

226 (vi) Three (3) members appointed by the Governor;
227 and

228 (vii) Four (4) members appointed by the Lieutenant
229 Governor.

230 Two (2) of the members to be appointed by the Lieutenant
231 Governor shall be appointed only after consideration of
232 recommendations for those appointments made by the Speaker of the
233 House of Representatives to the Lieutenant Governor.

234 This board shall not approve any funding to a county,
235 municipality, state agency or nongovernmental entity whereby a
236 voting member of this board is an executive, other employee or is
237 a voting member of a governing board with such county,
238 municipality, state agency or nongovernmental entity.

239 The members of the board appointed by the Governor and
240 Lieutenant Governor shall be appointed from the following private
241 sectors: forestry, conservation, agriculture, marine resources,
242 hunting or fishing. Such members shall be and shall remain
243 Mississippi residents during their tenure on the board and shall
244 possess a demonstrated knowledge of and commitment to land
245 conservation and outdoor recreation.



246 (b) (i) One (1) person initially appointed by the
247 Governor and two (2) persons initially appointed by the Lieutenant
248 Governor shall serve for a term ending June 30, 2025; and (ii) one
249 (1) person initially appointed by the Governor and two (2) persons
250 initially appointed by the Lieutenant Governor shall serve for a
251 term ending June 30, 2026.

252 After the expiration of the initial terms, all such
253 appointments shall be for terms of four (4) years from the
254 expiration of the previous term.

255 (c) A majority of the voting members of the board shall
256 constitute a quorum for the conduct of meetings and all actions of
257 the board shall require a majority vote of the voting members of
258 the board.

259 (d) The board shall annually elect one (1) member to
260 serve as chairman of the board and one (1) member to serve as vice
261 chairman of the board. The vice chairman shall act as chairman in
262 the absence of or upon the disability of the chairman or if there
263 is a vacancy in the office of chairman.

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

269 (3) No member of the board shall use his official position
270 to obtain, or attempt to obtain, pecuniary benefit for himself



271 other than that compensation provided for by law, or to obtain, or
272 attempt to obtain, pecuniary benefit for any relative or any
273 business with which he is associated, as provided in Section
274 25-4-105.

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

278 (5) Following the close of each state fiscal year, the board
279 shall submit an annual report of its activities for the preceding
280 state fiscal year pursuant to Sections 1 through 4 of this act to
281 the Governor, Lieutenant Governor, Speaker of the House of
282 Representatives, Chairman of the Ways and Means Committee of the
283 House of Representatives, Chairman of the Senate Finance
284 Committee, Chairman of the Appropriations Committee of the House
285 of Representatives and Chairman of the Appropriations Committee of
286 the Senate.

287 **SECTION 4.** The board shall have all powers necessary to
288 implement and administer Sections 1 through 3 of this act, and the
289 board shall promulgate rules and regulations, in accordance with
290 the Mississippi Administrative Procedures Law, necessary for the
291 implementation of Sections 1 through 3 of this act.

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



294 27-65-75. On or before the fifteenth day of each month, the
295 revenue collected under the provisions of this chapter during the
296 preceding month shall be paid and distributed as follows:

297 (1) (a) On or before August 15, 1992, and each succeeding
298 month thereafter through July 15, 1993, eighteen percent (18%) of
299 the total sales tax revenue collected during the preceding month
300 under the provisions of this chapter, except that collected under
301 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
302 business activities within a municipal corporation shall be
303 allocated for distribution to the municipality and paid to the
304 municipal corporation. Except as otherwise provided in this
305 paragraph (a), on or before August 15, 1993, and each succeeding
306 month thereafter, eighteen and one-half percent (18-1/2%) of the
307 total sales tax revenue collected during the preceding month under
308 the provisions of this chapter, except that collected under the
309 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
310 27-65-24, on business activities within a municipal corporation
311 shall be allocated for distribution to the municipality and paid
312 to the municipal corporation. However, in the event the State
313 Auditor issues a certificate of noncompliance pursuant to Section
314 21-35-31, the Department of Revenue shall withhold ten percent
315 (10%) of the allocations and payments to the municipality that
316 would otherwise be payable to the municipality under this
317 paragraph (a) until such time that the department receives written



318 notice of the cancellation of a certificate of noncompliance from
319 the State Auditor.

320 A municipal corporation, for the purpose of distributing the
321 tax under this subsection, shall mean and include all incorporated
322 cities, towns and villages.

323 Monies allocated for distribution and credited to a municipal
324 corporation under this paragraph may be pledged as security for a
325 loan if the distribution received by the municipal corporation is
326 otherwise authorized or required by law to be pledged as security
327 for such a loan.

328 In any county having a county seat that is not an
329 incorporated municipality, the distribution provided under this
330 subsection shall be made as though the county seat was an
331 incorporated municipality; however, the distribution to the
332 municipality shall be paid to the county treasury in which the
333 municipality is located, and those funds shall be used for road,
334 bridge and street construction or maintenance in the county.

335 (b) On or before August 15, 2006, and each succeeding
336 month thereafter, eighteen and one-half percent (18-1/2%) of the
337 total sales tax revenue collected during the preceding month under
338 the provisions of this chapter, except that collected under the
339 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
340 business activities on the campus of a state institution of higher
341 learning or community or junior college whose campus is not
342 located within the corporate limits of a municipality, shall be



343 allocated for distribution to the state institution of higher
344 learning or community or junior college and paid to the state
345 institution of higher learning or community or junior college.

346 (c) On or before August 15, 2018, and each succeeding
347 month thereafter until August 14, 2019, two percent (2%) of the
348 total sales tax revenue collected during the preceding month under
349 the provisions of this chapter, except that collected under the
350 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
351 27-65-24, on business activities within the corporate limits of
352 the City of Jackson, Mississippi, shall be deposited into the
353 Capitol Complex Improvement District Project Fund created in
354 Section 29-5-215. On or before August 15, 2019, and each
355 succeeding month thereafter until August 14, 2020, four percent
356 (4%) of the total sales tax revenue collected during the preceding
357 month under the provisions of this chapter, except that collected
358 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
359 and 27-65-24, on business activities within the corporate limits
360 of the City of Jackson, Mississippi, shall be deposited into the
361 Capitol Complex Improvement District Project Fund created in
362 Section 29-5-215. On or before August 15, 2020, and each
363 succeeding month thereafter, six percent (6%) of the total sales
364 tax revenue collected during the preceding month under the
365 provisions of this chapter, except that collected under the
366 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
367 27-65-24, on business activities within the corporate limits of



368 the City of Jackson, Mississippi, shall be deposited into the
369 Capitol Complex Improvement District Project Fund created in
370 Section 29-5-215.

371 (d) (i) On or before the fifteenth day of the month
372 that the diversion authorized by this section begins, and each
373 succeeding month thereafter, eighteen and one-half percent
374 (18-1/2%) of the total sales tax revenue collected during the
375 preceding month under the provisions of this chapter, except that
376 collected under the provisions of Sections 27-65-15, 27-65-19(3)
377 and 27-65-21, on business activities within a redevelopment
378 project area developed under a redevelopment plan adopted under
379 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
380 allocated for distribution to the county in which the project area
381 is located if:

382 1. The county:

383 a. Borders on the Mississippi Sound and
384 the State of Alabama, or

385 b. Is Harrison County, Mississippi, and
386 the project area is within a radius of two (2) miles from the
387 intersection of Interstate 10 and Menge Avenue;

388 2. The county has issued bonds under Section
389 21-45-9 to finance all or a portion of a redevelopment project in
390 the redevelopment project area;

391 3. Any debt service for the indebtedness
392 incurred is outstanding; and



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

396 (ii) Before any sales tax revenue may be allocated
397 for distribution to a county under this paragraph, the county
398 shall certify to the Department of Revenue that the requirements
399 of this paragraph have been met, the amount of bonded indebtedness
400 that has been incurred by the county for the redevelopment project
401 and the expected date the indebtedness incurred by the county will
402 be satisfied.

403 (iii) The diversion of sales tax revenue
404 authorized by this paragraph shall begin the month following the
405 month in which the Department of Revenue determines that the
406 requirements of this paragraph have been met. The diversion shall
407 end the month the indebtedness incurred by the county is
408 satisfied. All revenue received by the county under this
409 paragraph shall be deposited in the fund required to be created in
410 the tax increment financing plan under Section 21-45-11 and be
411 utilized solely to satisfy the indebtedness incurred by the
412 county.

413 (2) On or before September 15, 1987, and each succeeding
414 month thereafter, from the revenue collected under this chapter
415 during the preceding month, One Million One Hundred Twenty-five
416 Thousand Dollars (\$1,125,000.00) shall be allocated for
417 distribution to municipal corporations as defined under subsection



418 (1) of this section in the proportion that the number of gallons
419 of gasoline and diesel fuel sold by distributors to consumers and
420 retailers in each such municipality during the preceding fiscal
421 year bears to the total gallons of gasoline and diesel fuel sold
422 by distributors to consumers and retailers in municipalities
423 statewide during the preceding fiscal year. The Department of
424 Revenue shall require all distributors of gasoline and diesel fuel
425 to report to the department monthly the total number of gallons of
426 gasoline and diesel fuel sold by them to consumers and retailers
427 in each municipality during the preceding month. The Department
428 of Revenue shall have the authority to promulgate such rules and
429 regulations as is necessary to determine the number of gallons of
430 gasoline and diesel fuel sold by distributors to consumers and
431 retailers in each municipality. In determining the percentage
432 allocation of funds under this subsection for the fiscal year
433 beginning July 1, 1987, and ending June 30, 1988, the Department
434 of Revenue may consider gallons of gasoline and diesel fuel sold
435 for a period of less than one (1) fiscal year. For the purposes
436 of this subsection, the term "fiscal year" means the fiscal year
437 beginning July 1 of a year.

438 (3) On or before September 15, 1987, and on or before the
439 fifteenth day of each succeeding month, until the date specified
440 in Section 65-39-35, the proceeds derived from contractors' taxes
441 levied under Section 27-65-21 on contracts for the construction or
442 reconstruction of highways designated under the highway program



443 created under Section 65-3-97 shall, except as otherwise provided
444 in Section 31-17-127, be deposited into the State Treasury to the
445 credit of the State Highway Fund to be used to fund that highway
446 program. The Mississippi Department of Transportation shall
447 provide to the Department of Revenue such information as is
448 necessary to determine the amount of proceeds to be distributed
449 under this subsection.

450 (4) On or before August 15, 1994, and on or before the
451 fifteenth day of each succeeding month through July 15, 1999, from
452 the proceeds of gasoline, diesel fuel or kerosene taxes as
453 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
454 (\$4,000,000.00) shall be deposited in the State Treasury to the
455 credit of a special fund designated as the "State Aid Road Fund,"
456 created by Section 65-9-17. On or before August 15, 1999, and on
457 or before the fifteenth day of each succeeding month, from the
458 total amount of the proceeds of gasoline, diesel fuel or kerosene
459 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
460 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
461 one-fourth percent (23-1/4%) of those funds, whichever is the
462 greater amount, shall be deposited in the State Treasury to the
463 credit of the "State Aid Road Fund," created by Section 65-9-17.
464 Those funds shall be pledged to pay the principal of and interest
465 on state aid road bonds heretofore issued under Sections 19-9-51
466 through 19-9-77, in lieu of and in substitution for the funds
467 previously allocated to counties under this section. Those funds



468 may not be pledged for the payment of any state aid road bonds
469 issued after April 1, 1981; however, this prohibition against the
470 pledging of any such funds for the payment of bonds shall not
471 apply to any bonds for which intent to issue those bonds has been
472 published for the first time, as provided by law before March 29,
473 1981. From the amount of taxes paid into the special fund under
474 this subsection and subsection (9) of this section, there shall be
475 first deducted and paid the amount necessary to pay the expenses
476 of the Office of State Aid Road Construction, as authorized by the
477 Legislature for all other general and special fund agencies. The
478 remainder of the fund shall be allocated monthly to the several
479 counties in accordance with the following formula:

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

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

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

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



493 The amount of funds allocated to any county under this
494 subsection for any fiscal year after fiscal year 1994 shall not be
495 less than the amount allocated to the county for fiscal year 1994.

496 Any reference in the general laws of this state or the
497 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
498 construed to refer and apply to subsection (4) of Section
499 27-65-75.

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

506 (6) An amount each month beginning August 15, 1983, through
507 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
508 1983, shall be paid into the special fund known as the
509 Correctional Facilities Construction Fund created in Section 6,
510 Chapter 542, Laws of 1983.

511 (7) On or before August 15, 1992, and each succeeding month
512 thereafter through July 15, 2000, two and two hundred sixty-six
513 one-thousandths percent (2.266%) of the total sales tax revenue
514 collected during the preceding month under the provisions of this
515 chapter, except that collected under the provisions of Section
516 27-65-17(2), shall be deposited by the department into the School
517 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On



518 or before August 15, 2000, and each succeeding month thereafter,
519 two and two hundred sixty-six one-thousandths percent (2.266%) of
520 the total sales tax revenue collected during the preceding month
521 under the provisions of this chapter, except that collected under
522 the provisions of Section 27-65-17(2), shall be deposited into the
523 School Ad Valorem Tax Reduction Fund created under Section
524 37-61-35 until such time that the total amount deposited into the
525 fund during a fiscal year equals Forty-two Million Dollars
526 (\$42,000,000.00). Thereafter, the amounts diverted under this
527 subsection (7) during the fiscal year in excess of Forty-two
528 Million Dollars (\$42,000,000.00) shall be deposited into the
529 Education Enhancement Fund created under Section 37-61-33 for
530 appropriation by the Legislature as other education needs and
531 shall not be subject to the percentage appropriation requirements
532 set forth in Section 37-61-33.

533 (8) On or before August 15, 1992, and each succeeding month
534 thereafter, nine and seventy-three one-thousandths percent
535 (9.073%) of the total sales tax revenue collected during the
536 preceding month under the provisions of this chapter, except that
537 collected under the provisions of Section 27-65-17(2), shall be
538 deposited into the Education Enhancement Fund created under
539 Section 37-61-33.

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



542 the preceding month, Two Hundred Fifty Thousand Dollars
543 (\$250,000.00) shall be paid into the State Aid Road Fund.

544 (10) On or before August 15, 1994, and each succeeding month
545 thereafter through August 15, 1995, from the revenue collected
546 under this chapter during the preceding month, Two Million Dollars
547 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
548 Valorem Tax Reduction Fund established in Section 27-51-105.

549 (11) Notwithstanding any other provision of this section to
550 the contrary, on or before February 15, 1995, and each succeeding
551 month thereafter, the sales tax revenue collected during the
552 preceding month under the provisions of Section 27-65-17(2) and
553 the corresponding levy in Section 27-65-23 on the rental or lease
554 of private carriers of passengers and light carriers of property
555 as defined in Section 27-51-101 shall be deposited, without
556 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
557 established in Section 27-51-105.

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



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

575 (14) On or before August 15, 1998, and each succeeding month
576 thereafter through July 15, 2005, that portion of the avails of
577 the tax imposed in Section 27-65-23 that is derived from sales by
578 cotton compresses or cotton warehouses and that would otherwise be
579 paid into the General Fund shall be deposited in an amount not to
580 exceed Two Million Dollars (\$2,000,000.00) into the special fund
581 created under Section 69-37-39. On or before August 15, 2007, and
582 each succeeding month thereafter through July 15, 2010, that
583 portion of the avails of the tax imposed in Section 27-65-23 that
584 is derived from sales by cotton compresses or cotton warehouses
585 and that would otherwise be paid into the General Fund shall be
586 deposited in an amount not to exceed Two Million Dollars
587 (\$2,000,000.00) into the special fund created under Section
588 69-37-39 until all debts or other obligations incurred by the
589 Certified Cotton Growers Organization under the Mississippi Boll
590 Weevil Management Act before January 1, 2007, are satisfied in
591 full. On or before August 15, 2010, and each succeeding month



592 thereafter through July 15, 2011, fifty percent (50%) of that
593 portion of the avails of the tax imposed in Section 27-65-23 that
594 is derived from sales by cotton compresses or cotton warehouses
595 and that would otherwise be paid into the General Fund shall be
596 deposited into the special fund created under Section 69-37-39
597 until such time that the total amount deposited into the fund
598 during a fiscal year equals One Million Dollars (\$1,000,000.00).
599 On or before August 15, 2011, and each succeeding month
600 thereafter, that portion of the avails of the tax imposed in
601 Section 27-65-23 that is derived from sales by cotton compresses
602 or cotton warehouses and that would otherwise be paid into the
603 General Fund shall be deposited into the special fund created
604 under Section 69-37-39 until such time that the total amount
605 deposited into the fund during a fiscal year equals One Million
606 Dollars (\$1,000,000.00).

607 (15) Notwithstanding any other provision of this section to
608 the contrary, on or before September 15, 2000, and each succeeding
609 month thereafter, the sales tax revenue collected during the
610 preceding month under the provisions of Section
611 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
612 without diversion, into the Telecommunications Ad Valorem Tax
613 Reduction Fund established in Section 27-38-7.

614 (16) (a) On or before August 15, 2000, and each succeeding
615 month thereafter, the sales tax revenue collected during the
616 preceding month under the provisions of this chapter on the gross



617 proceeds of sales of a project as defined in Section 57-30-1 shall
618 be deposited, after all diversions except the diversion provided
619 for in subsection (1) of this section, into the Sales Tax
620 Incentive Fund created in Section 57-30-3.

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

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

636 (18) [Repealed]

637 (19) (a) On or before August 15, 2005, and each succeeding
638 month thereafter, the sales tax revenue collected during the
639 preceding month under the provisions of this chapter on the gross
640 proceeds of sales of a business enterprise located within a
641 redevelopment project area under the provisions of Sections



642 57-91-1 through 57-91-11, and the revenue collected on the gross
643 proceeds of sales from sales made to a business enterprise located
644 in a redevelopment project area under the provisions of Sections
645 57-91-1 through 57-91-11 (provided that such sales made to a
646 business enterprise are made on the premises of the business
647 enterprise), shall, except as otherwise provided in this
648 subsection (19), be deposited, after all diversions, into the
649 Redevelopment Project Incentive Fund as created in Section
650 57-91-9.

651 (b) For a municipality participating in the Economic
652 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
653 the diversion provided for in subsection (1) of this section
654 attributable to the gross proceeds of sales of a business
655 enterprise located within a redevelopment project area under the
656 provisions of Sections 57-91-1 through 57-91-11, and attributable
657 to the gross proceeds of sales from sales made to a business
658 enterprise located in a redevelopment project area under the
659 provisions of Sections 57-91-1 through 57-91-11 (provided that
660 such sales made to a business enterprise are made on the premises
661 of the business enterprise), shall be deposited into the
662 Redevelopment Project Incentive Fund as created in Section
663 57-91-9, as follows:

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



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

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

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

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

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

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



691 (21) (a) On or before April 15, 2007, and each succeeding
692 month thereafter through June 15, 2013, One Hundred Fifty Thousand
693 Dollars (\$150,000.00) of the sales tax revenue collected during
694 the preceding month under the provisions of this chapter shall be
695 deposited into the MMEIA Tax Incentive Fund created in Section
696 57-101-3.

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

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

709 (23) (a) On or before August 15, 2019, and each month
710 thereafter through July 15, 2020, one percent (1%) of the total
711 sales tax revenue collected during the preceding month from
712 restaurants and hotels shall be allocated for distribution to the
713 Mississippi Development Authority Tourism Advertising Fund
714 established under Section 57-1-64, to be used exclusively for the
715 purpose stated therein. On or before August 15, 2020, and each



716 month thereafter through July 15, 2021, two percent (2%) of the
717 total sales tax revenue collected during the preceding month from
718 restaurants and hotels shall be allocated for distribution to the
719 Mississippi Development Authority Tourism Advertising Fund
720 established under Section 57-1-64, to be used exclusively for the
721 purpose stated therein. On or before August 15, 2021, and each
722 month thereafter, three percent (3%) of the total sales tax
723 revenue collected during the preceding month from restaurants and
724 hotels shall be allocated for distribution to the Mississippi
725 Development Authority Tourism Advertising Fund established under
726 Section 57-1-64, to be used exclusively for the purpose stated
727 therein. The revenue diverted pursuant to this subsection shall
728 not be available for expenditure until February 1, 2020.

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

735 (24) On or before August 15, 2022, and each succeeding month
736 thereafter through July 15, 2023, Eight Hundred Thirty-three
737 Thousand Three Hundred Thirty-three Dollars and Thirty-four Cents
738 (\$833,333.34) of the total sales tax revenue collected during the
739 preceding month under the provisions of this chapter from
740 businesses with the North American Industry Classification System



741 Code of 451110 shall be deposited into the Mississippi Outdoor
742 Stewardship Trust Fund created in Section 2 of this act. On or
743 before August 15, 2023, and each succeeding month thereafter
744 through July 15, 2024, One Million Dollars (\$1,000,000.00) of the
745 total sales tax revenue collected during the preceding month under
746 the provisions of this chapter from businesses with the North
747 American Industry Classification System Code of 451110 shall be
748 deposited into the Mississippi Outdoor Stewardship Trust Fund
749 created in Section 2 of this act. On or before August 15, 2024,
750 and each succeeding month thereafter, One Million Two Hundred
751 Fifty Thousand Dollars (\$1,250,000.00) of the total sales tax
752 revenue collected during the preceding month under the provisions
753 of this chapter from businesses with the North American Industry
754 Classification System Code of 451110 shall be deposited into the
755 Mississippi Outdoor Stewardship Trust Fund created in Section 2 of
756 this act.

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

760 (* * *26) (a) It shall be the duty of the municipal
761 officials of any municipality that expands its limits, or of any
762 community that incorporates as a municipality, to notify the
763 commissioner of that action thirty (30) days before the effective
764 date. Failure to so notify the commissioner shall cause the
765 municipality to forfeit the revenue that it would have been



766 entitled to receive during this period of time when the
767 commissioner had no knowledge of the action.

768 (b) (i) Except as otherwise provided in subparagraph
769 (ii) of this paragraph, if any funds have been erroneously
770 disbursed to any municipality or any overpayment of tax is
771 recovered by the taxpayer, the commissioner may make correction
772 and adjust the error or overpayment with the municipality by
773 withholding the necessary funds from any later payment to be made
774 to the municipality.

775 (ii) Subject to the provisions of Sections
776 27-65-51 and 27-65-53, if any funds have been erroneously
777 disbursed to a municipality under subsection (1) of this section
778 for a period of three (3) years or more, the maximum amount that
779 may be recovered or withheld from the municipality is the total
780 amount of funds erroneously disbursed for a period of three (3)
781 years beginning with the date of the first erroneous disbursement.
782 However, if during such period, a municipality provides written
783 notice to the Department of Revenue indicating the erroneous
784 disbursement of funds, then the maximum amount that may be
785 recovered or withheld from the municipality is the total amount of
786 funds erroneously disbursed for a period of one (1) year beginning
787 with the date of the first erroneous disbursement.

788 **SECTION 6.** This act shall take effect and be in force from
789 and after July 1, 2022.

