

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 3164

1 **AMEND** by inserting the following below line 256 and
2 **renumbering subsequent sections accordingly:**

BY: Senator(s) Harkins

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

5 27-65-75. On or before the fifteenth day of each month, the
6 revenue collected under the provisions of this chapter during the
7 preceding month shall be paid and distributed as follows:

8 (1) (a) On or before August 15, 1992, and each succeeding
9 month thereafter through July 15, 1993, eighteen percent (18%) of
10 the total sales tax revenue collected during the preceding month
11 under the provisions of this chapter, except that collected under
12 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
13 business activities within a municipal corporation shall be
14 allocated for distribution to the municipality and paid to the
15 municipal corporation. Except as otherwise provided in this
16 paragraph (a), on or before August 15, 1993, and each succeeding
17 month thereafter through August 15, 2022, eighteen and one-half
18 percent (18-1/2%) of the total sales tax revenue collected during
19 the preceding month under the provisions of this chapter, except
20 that collected under the provisions of Sections 27-65-15,
21 27-65-19(3), 27-65-21 and 27-65-24, on business activities within
22 a municipal corporation shall be allocated for distribution to the



23 municipality and paid to the municipal corporation. On or before
24 September 15, 2022, and each succeeding month thereafter, eighteen
25 and one-half percent (18-1/2%) of the total sales tax revenue
26 collected during the preceding month under the provisions of this
27 chapter, except that collected under the provisions of Sections
28 27-65-15, 27-65-17(1) (n), 27-65-19(3), 27-65-21 and 27-65-24, on
29 business activities within a municipal corporation shall be
30 allocated for distribution to the municipality and paid to the
31 municipal corporation, and twenty-five and ninety one-hundredths
32 percent (25-90/100%) of the total sales tax revenue collected
33 during the preceding month under the provisions of Section
34 27-65-17(1) (n) on business activities within a municipal
35 corporation shall be allocated for distribution to the
36 municipality and paid to the municipal corporation. However, in
37 the event the State Auditor issues a certificate of noncompliance
38 pursuant to Section 21-35-31, the Department of Revenue shall
39 withhold ten percent (10%) of the allocations and payments to the
40 municipality that would otherwise be payable to the municipality
41 under this paragraph (a) until such time that the department
42 receives written notice of the cancellation of a certificate of
43 noncompliance from the State Auditor.

44 A municipal corporation, for the purpose of distributing the
45 tax under this subsection, shall mean and include all incorporated
46 cities, towns and villages.



47 Monies allocated for distribution and credited to a municipal
48 corporation under this paragraph may be pledged as security for a
49 loan if the distribution received by the municipal corporation is
50 otherwise authorized or required by law to be pledged as security
51 for such a loan.

52 In any county having a county seat that is not an
53 incorporated municipality, the distribution provided under this
54 subsection shall be made as though the county seat was an
55 incorporated municipality; however, the distribution to the
56 municipality shall be paid to the county treasury in which the
57 municipality is located, and those funds shall be used for road,
58 bridge and street construction or maintenance in the county.

59 (b) On or before August 15, 2006, and each succeeding
60 month thereafter through August 15, 2022, eighteen and one-half
61 percent (18-1/2%) of the total sales tax revenue collected during
62 the preceding month under the provisions of this chapter, except
63 that collected under the provisions of Sections 27-65-15,
64 27-65-19(3) and 27-65-21, on business activities on the campus of
65 a state institution of higher learning or community or junior
66 college whose campus is not located within the corporate limits of
67 a municipality, shall be allocated for distribution to the state
68 institution of higher learning or community or junior college and
69 paid to the state institution of higher learning or community or
70 junior college. On or before September 15, 2022, and each
71 succeeding month thereafter, eighteen and one-half percent



(18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-17(1) (n), 27-65-19(3) and 27-65-21, on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college, and twenty-five and ninety one-hundredths percent (25-90/100%) of the total sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) (n) on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college.

(c) On or before August 15, 2018, and each succeeding month thereafter until August 14, 2019, two percent (2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of



the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2019, and each succeeding month thereafter until August 14, 2020, four percent (4%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2020, and each succeeding month thereafter through August 15, 2022, six percent (6%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before September 15, 2022, and each succeeding month thereafter, six and twenty-two one-hundredths percent (6-22/100%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be



122 deposited into the Capitol Complex Improvement District Project
123 Fund created in Section 29-5-215.

124 (d) (i) On or before the fifteenth day of the month
125 that the diversion authorized by this section begins, and each
126 succeeding month thereafter, eighteen and one-half percent
127 (18-1/2%) of the total sales tax revenue collected during the
128 preceding month under the provisions of this chapter, except that
129 collected under the provisions of Sections 27-65-15, 27-65-19(3)
130 and 27-65-21, on business activities within a redevelopment
131 project area developed under a redevelopment plan adopted under
132 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
133 allocated for distribution to the county in which the project area
134 is located if:

135 1. The county:

136 a. Borders on the Mississippi Sound and
137 the State of Alabama, or

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

141 2. The county has issued bonds under Section
142 21-45-9 to finance all or a portion of a redevelopment project in
143 the redevelopment project area;

144 3. Any debt service for the indebtedness
145 incurred is outstanding; and



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

149 (ii) Before any sales tax revenue may be allocated
150 for distribution to a county under this paragraph, the county
151 shall certify to the Department of Revenue that the requirements
152 of this paragraph have been met, the amount of bonded indebtedness
153 that has been incurred by the county for the redevelopment project
154 and the expected date the indebtedness incurred by the county will
155 be satisfied.

156 (iii) The diversion of sales tax revenue
157 authorized by this paragraph shall begin the month following the
158 month in which the Department of Revenue determines that the
159 requirements of this paragraph have been met. The diversion shall
160 end the month the indebtedness incurred by the county is
161 satisfied. All revenue received by the county under this
162 paragraph shall be deposited in the fund required to be created in
163 the tax increment financing plan under Section 21-45-11 and be
164 utilized solely to satisfy the indebtedness incurred by the
165 county.

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



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

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



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

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



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

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

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

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

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



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

249 Any reference in the general laws of this state or the
250 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
251 construed to refer and apply to subsection (4) of Section
252 27-65-75.

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

259 (6) An amount each month beginning August 15, 1983, through
260 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
261 1983, shall be paid into the special fund known as the
262 Correctional Facilities Construction Fund created in Section 6,
263 Chapter 542, Laws of 1983.

264 (7) On or before August 15, 1992, and each succeeding month
265 thereafter through July 15, 2000, two and two hundred sixty-six
266 one-thousandths percent (2.266%) of the total sales tax revenue
267 collected during the preceding month under the provisions of this
268 chapter, except that collected under the provisions of Section
269 27-65-17(2), shall be deposited by the department into the School
270 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On



or before August 15, 2000, and each succeeding month thereafter
through August 15, 2022, two and two hundred sixty-six
one-thousandths percent (2.266%) of the total sales tax revenue
collected during the preceding month under the provisions of this
chapter, except that collected under the provisions of Section
27-65-17(2), shall be deposited into the School Ad Valorem Tax
Reduction Fund created under Section 37-61-35 until such time that
the total amount deposited into the fund during a fiscal year
equals Forty-two Million Dollars (\$42,000,000.00). Thereafter,
the amounts diverted under this subsection (7) during the fiscal
year in excess of Forty-two Million Dollars (\$42,000,000.00) shall
be deposited into the Education Enhancement Fund created under
Section 37-61-33 for appropriation by the Legislature as other
education needs and shall not be subject to the percentage
appropriation requirements set forth in Section 37-61-33. On or
before September 15, 2022, and each succeeding month thereafter,
two and two hundred sixty-six one-thousandths percent (2.266%) of
the total sales tax revenue collected during the preceding month
under the provisions of this chapter, except that collected under
the provisions of Section 27-65-17(1)(n) and (2), and three and
seventeen one-hundredths percent (3.17%) of the total sales tax
revenue collected during the preceding month under the provisions
of Section 27-65-17(1)(n) shall be deposited into the School Ad
Valorem Tax Reduction Fund created under Section 37-61-35 until
such time that the total amount deposited into the fund during a



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

(8) On or before August 15, 1992, and each succeeding month
thereafter through August 15, 2022, nine and seventy-three
one-thousandths percent (9.073%) of the total sales tax revenue
collected during the preceding month under the provisions of this
chapter, except that collected under the provisions of Section
27-65-17(2), shall be deposited into the Education Enhancement
Fund created under Section 37-61-33. On or before September 15,
2022, and each succeeding month thereafter, nine and seventy-three
one-thousandths percent (9.073%) of the total sales tax revenue
collected during the preceding month under the provisions of this
chapter, except that collected under the provisions of Section
27-65-17(1)(n) and (2), shall be deposited into the Education
Enhancement Fund created under Section 37-61-33, and twelve and
seventy one-hundredths percent (12.70%) of the total sales tax
revenue collected during the preceding month under the provisions
of Section 27-65-17(1)(n) shall be deposited into the Education
Enhancement Fund created under Section 37-61-33.



321 (9) On or before August 15, 1994, and each succeeding month
322 thereafter, from the revenue collected under this chapter during
323 the preceding month, Two Hundred Fifty Thousand Dollars
324 (\$250,000.00) shall be paid into the State Aid Road Fund.

325 (10) On or before August 15, 1994, and each succeeding month
326 thereafter through August 15, 1995, from the revenue collected
327 under this chapter during the preceding month, Two Million Dollars
328 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
329 Valorem Tax Reduction Fund established in Section 27-51-105.

330 (11) Notwithstanding any other provision of this section to
331 the contrary, on or before February 15, 1995, and each succeeding
332 month thereafter, the sales tax revenue collected during the
333 preceding month under the provisions of Section 27-65-17(2) and
334 the corresponding levy in Section 27-65-23 on the rental or lease
335 of private carriers of passengers and light carriers of property
336 as defined in Section 27-51-101 shall be deposited, without
337 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
338 established in Section 27-51-105.

339 (12) Notwithstanding any other provision of this section to
340 the contrary, on or before August 15, 1995, and each succeeding
341 month thereafter, the sales tax revenue collected during the
342 preceding month under the provisions of Section 27-65-17(1) on
343 retail sales of private carriers of passengers and light carriers
344 of property, as defined in Section 27-51-101 and the corresponding
345 levy in Section 27-65-23 on the rental or lease of these vehicles,



shall be deposited, after diversion, into the Motor Vehicle Ad
Valorem Tax Reduction Fund established in Section 27-51-105.

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

(14) On or before August 15, 1998, and each succeeding month
thereafter through July 15, 2005, that portion of the avails of
the tax imposed in Section 27-65-23 that is derived from sales by
cotton compresses or cotton warehouses and that would otherwise be
paid into the General Fund shall be deposited in an amount not to
exceed Two Million Dollars (\$2,000,000.00) into the special fund
created under Section 69-37-39. On or before August 15, 2007, and
each succeeding month thereafter through July 15, 2010, that
portion of the avails of the tax imposed in Section 27-65-23 that
is derived from sales by cotton compresses or cotton warehouses
and that would otherwise be paid into the General Fund shall be
deposited in an amount not to exceed Two Million Dollars
(\$2,000,000.00) into the special fund created under Section
69-37-39 until all debts or other obligations incurred by the
Certified Cotton Growers Organization under the Mississippi Boll



371 Weevil Management Act before January 1, 2007, are satisfied in
372 full. On or before August 15, 2010, and each succeeding month
373 thereafter through July 15, 2011, fifty percent (50%) of that
374 portion of the avails of the tax imposed in Section 27-65-23 that
375 is derived from sales by cotton compresses or cotton warehouses
376 and that would otherwise be paid into the General Fund shall be
377 deposited into the special fund created under Section 69-37-39
378 until such time that the total amount deposited into the fund
379 during a fiscal year equals One Million Dollars (\$1,000,000.00).
380 On or before August 15, 2011, and each succeeding month
381 thereafter, that portion of the avails of the tax imposed in
382 Section 27-65-23 that is derived from sales by cotton compresses
383 or cotton warehouses and that would otherwise be paid into the
384 General Fund shall be deposited into the special fund created
385 under Section 69-37-39 until such time that the total amount
386 deposited into the fund during a fiscal year equals One Million
387 Dollars (\$1,000,000.00).

388 (15) Notwithstanding any other provision of this section to
389 the contrary, on or before September 15, 2000, and each succeeding
390 month thereafter, the sales tax revenue collected during the
391 preceding month under the provisions of Section
392 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
393 without diversion, into the Telecommunications Ad Valorem Tax
394 Reduction Fund established in Section 27-38-7.



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

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

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

417 (18) [Repealed]

418 (19) (a) On or before August 15, 2005, and each succeeding
419 month thereafter, the sales tax revenue collected during the



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

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



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

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

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

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

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

464 (20) On or before January 15, 2007, and each succeeding
465 month thereafter, eighty percent (80%) of the sales tax revenue
466 collected during the preceding month under the provisions of this
467 chapter from the operation of a tourism project under the
468 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
469 after the diversions required in subsections (7) and (8) of this



section, into the Tourism Sales Tax Incentive Fund created in
Section 57-28-3.

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

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

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

(23) (a) On or before August 15, 2019, and each month
thereafter through July 15, 2020, one percent (1%) of the total
sales tax revenue collected during the preceding month from
restaurants and hotels shall be allocated for distribution to the
Mississippi Development Authority Tourism Advertising Fund



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

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

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



519 (25) (a) It shall be the duty of the municipal officials of
520 any municipality that expands its limits, or of any community that
521 incorporates as a municipality, to notify the commissioner of that
522 action thirty (30) days before the effective date. Failure to so
523 notify the commissioner shall cause the municipality to forfeit
524 the revenue that it would have been entitled to receive during
525 this period of time when the commissioner had no knowledge of the
526 action.

527 (b) (i) Except as otherwise provided in subparagraph
528 (ii) of this paragraph, if any funds have been erroneously
529 disbursed to any municipality or any overpayment of tax is
530 recovered by the taxpayer, the commissioner may make correction
531 and adjust the error or overpayment with the municipality by
532 withholding the necessary funds from any later payment to be made
533 to the municipality.

534 (ii) Subject to the provisions of Sections
535 27-65-51 and 27-65-53, if any funds have been erroneously
536 disbursed to a municipality under subsection (1) of this section
537 for a period of three (3) years or more, the maximum amount that
538 may be recovered or withheld from the municipality is the total
539 amount of funds erroneously disbursed for a period of three (3)
540 years beginning with the date of the first erroneous disbursement.
541 However, if during such period, a municipality provides written
542 notice to the Department of Revenue indicating the erroneous
543 disbursement of funds, then the maximum amount that may be



recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of one (1) year beginning with the date of the first erroneous disbursement.

SECTION *. Section 27-67-31, Mississippi Code of 1972, is amended as follows:

27-67-31. All administrative provisions of the sales tax law, and amendments thereto, including those which fix damages, penalties and interest for failure to comply with the provisions of said sales tax law, and all other requirements and duties imposed upon taxpayer, shall apply to all persons liable for use taxes under the provisions of this article. The commissioner shall exercise all power and authority and perform all duties with respect to taxpayers under this article as are provided in said sales tax law, except where there is conflict, then the provisions of this article shall control.

The commissioner may require transportation companies to permit the examination of waybills, freight bills, or other documents covering shipments of tangible personal property into this state.

On or before the fifteenth day of each month, the amount received from taxes, damages and interest under the provisions of this article during the preceding month shall be paid and distributed as follows:

(a) On or before July 15, 1994, through July 15, 2000, and each succeeding month thereafter, two and two hundred



sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited in the School Ad Valorem Tax Reduction Fund created pursuant to Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter through August 15, 2022, two and two hundred sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this * * * article shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Four Million Dollars (\$4,000,000.00). Thereafter, the amounts diverted under this paragraph (a) during the fiscal year in excess of Four Million Dollars (\$4,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33. On or before September 15, 2022, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this article, except that imposed and levied as a result of Section 27-65-17(1)(n), and three and seventeen one-hundredths percent (3.17%) of the total use tax revenue collected during the preceding month under the provisions of this article imposed and



594 levied as a result of Section 27-65-17(1)(n), shall be deposited
595 into the School Ad Valorem Tax Reduction Fund created under
596 Section 37-61-35 until such time that the total amount deposited
597 into the fund during a fiscal year equals Four Million Dollars
598 (\$4,000,000.00). Thereafter, the amounts diverted under this
599 paragraph (a) during the fiscal year in excess of Four Million
600 Dollars (\$4,000,000.00) shall be deposited into the Education
601 Enhancement Fund created under Section 37-61-33 for appropriation
602 by the Legislature as other education needs and shall not be
603 subject to the percentage appropriation requirements set forth in
604 Section 37-61-33.

605 (b) On or before July 15, 1994, and each succeeding
606 month thereafter through August 15, 2022, nine and seventy-three
607 one-thousandths percent (9.073%) of the total use tax revenue
608 collected during the preceding month under the provisions of this
609 article shall be deposited into the Education Enhancement Fund
610 created pursuant to Section 37-61-33. On or before September 15,
611 2022, and each succeeding month thereafter, nine and seventy-three
612 one-thousandths percent (9.073%) of the total use tax revenue
613 collected during the preceding month under the provisions of this
614 article, except that imposed and levied as a result of Section
615 27-65-17(1)(n), and twelve and seventy one-hundredths percent
616 (12.70%) of the total use tax revenue collected during the
617 preceding month under the provisions of this article imposed and
618 levied as a result of Section 27-65-17(1)(n), shall be deposited



into the Education Enhancement Fund created under Section
37-61-33.

(c) On or before July 15, 1997, and on or before the
fifteenth day of each succeeding month thereafter, the revenue
collected under the provisions of this article imposed and levied
as a result of Section 27-65-17(2) and the corresponding levy in
Section 27-65-23 on the rental or lease of private carriers of
passengers and light carriers of property as defined in Section
27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
Reduction Fund created pursuant to Section 27-51-105.

(d) On or before July 15, 1997, and on or before the
fifteenth day of each succeeding month thereafter and after the
deposits required by paragraphs (a) and (b) of this section are
made, the remaining revenue collected under the provisions of this
article imposed and levied as a result of Section 27-65-17(1) and
the corresponding levy in Section 27-65-23 on the rental or lease
of private carriers of passengers and light carriers of property
as defined in Section 27-51-101 shall be deposited into the Motor
Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section
27-51-105.

(e) On or before August 15, 2019, and each succeeding
month thereafter through July 15, 2020, three and three-fourths
percent (3-3/4%) of the total use tax revenue collected during the
preceding month under the provisions of this article shall be
deposited into the special fund created in Section 27-67-35(1).



On or before August 15, 2020, and each succeeding month thereafter through July 15, 2021, seven and one-half percent (7-1/2%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2021, and each succeeding month thereafter through July 15, 2022, eleven and one-fourth percent (11-1/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2022, * * * fifteen percent (15%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before September 15, 2022, and each succeeding month thereafter, fifteen percent (15%) of the total use tax revenue collected during the preceding month under the provisions of this article, except that imposed and levied as a result of Section 27-65-17(1)(n), and twenty-one percent (21%) of the total use tax revenue collected during the preceding month under the provisions of this article imposed and levied as a result of Section 27-65-17(1)(n), shall be deposited into the special fund created in Section 27-67-35(1).

(f) On or before August 15, 2019, and each succeeding month thereafter through July 15, 2020, three and three-fourths percent (3-3/4%) of the total use tax revenue collected during the



669 preceding month under the provisions of this article shall be
670 deposited into the special fund created in Section 27-67-35(2).
671 On or before August 15, 2020, and each succeeding month thereafter
672 through July 15, 2021, seven and one-half percent (7-1/2%) of the
673 total use tax revenue collected during the preceding month under
674 the provisions of this article shall be deposited into the special
675 fund created in Section 27-67-35(2). On or before August 15,
676 2021, and each succeeding month thereafter through July 15, 2022,
677 eleven and one-fourth percent (11-1/4%) of the total use tax
678 revenue collected during the preceding month under the provisions
679 of this article shall be deposited into the special fund created
680 in Section 27-67-35(2). On or before August 15, 2022, * * *
681 fifteen percent (15%) of the total use tax revenue collected
682 during the preceding month under the provisions of this article
683 shall be deposited into the special fund created in Section
684 27-67-35(2). On or before September 15, 2022, and each succeeding
685 month thereafter, fifteen percent (15%) of the total use tax
686 revenue collected during the preceding month under the provisions
687 of this article, except that imposed and levied as a result of
688 Section 27-65-17(1)(n), and twenty-one percent (21%) of the total
689 use tax revenue collected during the preceding month under the
690 provisions of this article imposed and levied as a result of
691 Section 27-65-17(1)(n), shall be deposited into the special fund
692 created in Section 27-67-35(2).



693 (g) On or before August 15, 2019, and each succeeding
694 month thereafter through July 15, 2020, Four Hundred Sixteen
695 Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents
696 (\$416,666.67) or one and one-fourth percent (1-1/4%) of the total
697 use tax revenue collected during the preceding month under the
698 provisions of this article, whichever is the greater amount, shall
699 be deposited into the Local System Bridge Replacement and
700 Rehabilitation Fund created in Section 65-37-13. On or before
701 August 15, 2020, and each succeeding month thereafter through July
702 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred
703 Thirty-three Dollars and Thirty-four Cents (\$833,333.34) or two
704 and one-half percent (2-1/2%) of the total use tax revenue
705 collected during the preceding month under the provisions of this
706 article, whichever is the greater amount, shall be deposited into
707 the Local System Bridge Replacement and Rehabilitation Fund
708 created in Section 65-37-13. On or before August 15, 2021, and
709 each succeeding month thereafter through July 15, 2022, One
710 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) or
711 three and three-fourths percent (3-3/4%) of the total use tax
712 revenue collected during the preceding month under the provisions
713 of this article, whichever is the greater amount, shall be
714 deposited into the Local System Bridge Replacement and
715 Rehabilitation Fund created in Section 65-37-13. On or before
716 August 15, 2022, * * * One Million Six Hundred Sixty-six Thousand
717 Six Hundred Sixty-six Dollars and Sixty-seven Cents



718 (\$1,666,666.67) or five percent (5%) of the total use tax revenue
719 collected during the preceding month under the provisions of this
720 article, whichever is the greater amount, shall be deposited into
721 the Local System Bridge Replacement and Rehabilitation Fund
722 created in Section 65-37-13. On or before September 15, 2022, and
723 each succeeding month thereafter, five percent (5%) of the total
724 use tax revenue collected during the preceding month under the
725 provisions of this article, except that imposed and levied as a
726 result of Section 27-65-17(1)(n), and seven percent (7%) of the
727 total use tax revenue collected during the preceding month under
728 the provisions of this article imposed and levied as a result of
729 Section 27-65-17(1)(n), shall be deposited into the Local System
730 Bridge Replacement and Rehabilitation Fund created in Section
731 65-37-13; however, if in any month the total amount of the
732 diversion calculated from the percentages in the preceding clause
733 is less than One Million Six Hundred Sixty-six Thousand Six
734 Hundred Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67),
735 then the amount deposited into the Local System Bridge Replacement
736 and Rehabilitation Fund under this paragraph (g) for that month
737 shall be One Million Six Hundred Sixty-six Thousand Six Hundred
738 Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67).

739 (h) On or before August 15, 2020, and each succeeding
740 month thereafter through July 15, 2022, One Million Dollars
741 (\$1,000,000.00) of the total use tax revenue collected during the
742 preceding month under the provisions of this article shall be



743 deposited into the Local System Bridge Replacement and
744 Rehabilitation Fund created in Section 65-37-13. Amounts
745 deposited into the Local System Bridge Replacement and
746 Rehabilitation Fund under this paragraph (h) shall be in addition
747 to amounts deposited into the fund under paragraph (g) of this
748 section.

749 (i) The remainder of the amount received from taxes,
750 damages and interest under the provisions of this article shall be
751 paid into the General Fund of the State Treasury by the
752 commissioner.

753 **FURTHER, AMEND the title to conform by inserting the**
754 **following on line 9 after the semicolon:**

755 TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO REVISE THE
756 DISTRIBUTION OF STATE SALES TAX REVENUE COLLECTED FROM RETAIL
757 SALES OF FOOD FOR HUMAN CONSUMPTION NOT PURCHASED WITH FOOD STAMPS
758 BUT WHICH WOULD BE EXEMPT FROM SALES TAX IF PURCHASED WITH FOOD
759 STAMPS; TO AMEND SECTION 27-67-31, MISSISSIPPI CODE OF 1972, TO
760 REVISE THE DISTRIBUTION OF STATE USE TAX REVENUE COLLECTED FROM
761 RETAIL SALES OF FOOD FOR HUMAN CONSUMPTION NOT PURCHASED WITH FOOD
762 STAMPS BUT WHICH WOULD BE EXEMPT FROM USE TAX IF PURCHASED WITH
763 FOOD STAMPS;

