

By: Representative Miles

To: Ways and Means

HOUSE BILL NO. 973

1 AN ACT TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A PORTION OF THE SALES TAX REVENUE COLLECTED ON
 3 BUSINESS ACTIVITIES ON THE PREMISES OF A MISSISSIPPI STATE PARK
 4 SHALL BE DEPOSITED INTO THE STATE PARKS REPAIR, RENOVATION AND
 5 CAPITAL IMPROVEMENTS FUND; TO AMEND SECTION 55-3-41, MISSISSIPPI
 6 CODE OF 1972, TO CREATE THE "STATE PARKS REPAIR, RENOVATION AND
 7 CAPITAL IMPROVEMENTS FUND" AS A SPECIAL FUND IN THE STATE
 8 TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE EXPENDED,
 9 UPON APPROPRIATION BY THE LEGISLATURE, TO DEFRAID THE COSTS OF
 10 REPAIRS, RENOVATIONS AND CAPITAL IMPROVEMENTS AT MISSISSIPPI STATE
 11 PARKS; AND FOR RELATED PURPOSES.

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

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

15 27-65-75. On or before the fifteenth day of each month, the
 16 revenue collected under the provisions of this chapter during the
 17 preceding month shall be paid and distributed as follows:

18 (1) (a) On or before August 15, 1992, and each succeeding
 19 month thereafter through July 15, 1993, eighteen percent (18%) of
 20 the total sales tax revenue collected during the preceding month
 21 under the provisions of this chapter, except that collected under
 22 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on



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

41 A municipal corporation, for the purpose of distributing the
42 tax under this subsection, shall mean and include all incorporated
43 cities, towns and villages.

44 Monies allocated for distribution and credited to a municipal
45 corporation under this paragraph may be pledged as security for a
46 loan if the distribution received by the municipal corporation is



47 otherwise authorized or required by law to be pledged as security
48 for such a loan.

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

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

67 (c) On or before August 15, 2018, and each succeeding
68 month thereafter until August 14, 2019, two percent (2%) of the
69 total sales tax revenue collected during the preceding month under
70 the provisions of this chapter, except that collected under the
71 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and



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

92 (d) (i) On or before the fifteenth day of the month
93 that the diversion authorized by this section begins, and each
94 succeeding month thereafter, eighteen and one-half percent
95 (18-1/2%) of the total sales tax revenue collected during the
96 preceding month under the provisions of this chapter, except that



97 collected under the provisions of Sections 27-65-15, 27-65-19(3)
98 and 27-65-21, on business activities within a redevelopment
99 project area developed under a redevelopment plan adopted under
100 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
101 allocated for distribution to the county in which the project area
102 is located if:

103 1. The county:

104 a. Borders on the Mississippi Sound and
105 the State of Alabama, or

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

109 2. The county has issued bonds under Section
110 21-45-9 to finance all or a portion of a redevelopment project in
111 the redevelopment project area;

112 3. Any debt service for the indebtedness
113 incurred is outstanding; and

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

117 (ii) Before any sales tax revenue may be allocated
118 for distribution to a county under this paragraph, the county
119 shall certify to the Department of Revenue that the requirements
120 of this paragraph have been met, the amount of bonded indebtedness
121 that has been incurred by the county for the redevelopment project



122 and the expected date the indebtedness incurred by the county will
123 be satisfied.

124 (iii) The diversion of sales tax revenue
125 authorized by this paragraph shall begin the month following the
126 month in which the Department of Revenue determines that the
127 requirements of this paragraph have been met. The diversion shall
128 end the month the indebtedness incurred by the county is
129 satisfied. All revenue received by the county under this
130 paragraph shall be deposited in the fund required to be created in
131 the tax increment financing plan under Section 21-45-11 and be
132 utilized solely to satisfy the indebtedness incurred by the
133 county.

134 (2) On or before September 15, 1987, and each succeeding
135 month thereafter, from the revenue collected under this chapter
136 during the preceding month, One Million One Hundred Twenty-five
137 Thousand Dollars (\$1,125,000.00) shall be allocated for
138 distribution to municipal corporations as defined under subsection
139 (1) of this section in the proportion that the number of gallons
140 of gasoline and diesel fuel sold by distributors to consumers and
141 retailers in each such municipality during the preceding fiscal
142 year bears to the total gallons of gasoline and diesel fuel sold
143 by distributors to consumers and retailers in municipalities
144 statewide during the preceding fiscal year. The Department of
145 Revenue shall require all distributors of gasoline and diesel fuel
146 to report to the department monthly the total number of gallons of



147 gasoline and diesel fuel sold by them to consumers and retailers
148 in each municipality during the preceding month. The Department
149 of Revenue shall have the authority to promulgate such rules and
150 regulations as is necessary to determine the number of gallons of
151 gasoline and diesel fuel sold by distributors to consumers and
152 retailers in each municipality. In determining the percentage
153 allocation of funds under this subsection for the fiscal year
154 beginning July 1, 1987, and ending June 30, 1988, the Department
155 of Revenue may consider gallons of gasoline and diesel fuel sold
156 for a period of less than one (1) fiscal year. For the purposes
157 of this subsection, the term "fiscal year" means the fiscal year
158 beginning July 1 of a year.

159 (3) On or before September 15, 1987, and on or before the
160 fifteenth day of each succeeding month, until the date specified
161 in Section 65-39-35, the proceeds derived from contractors' taxes
162 levied under Section 27-65-21 on contracts for the construction or
163 reconstruction of highways designated under the highway program
164 created under Section 65-3-97 shall, except as otherwise provided
165 in Section 31-17-127, be deposited into the State Treasury to the
166 credit of the State Highway Fund to be used to fund that highway
167 program. The Mississippi Department of Transportation shall
168 provide to the Department of Revenue such information as is
169 necessary to determine the amount of proceeds to be distributed
170 under this subsection.



171 (4) On or before August 15, 1994, and on or before the
172 fifteenth day of each succeeding month through July 15, 1999, from
173 the proceeds of gasoline, diesel fuel or kerosene taxes as
174 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
175 (\$4,000,000.00) shall be deposited in the State Treasury to the
176 credit of a special fund designated as the "State Aid Road Fund,"
177 created by Section 65-9-17. On or before August 15, 1999, and on
178 or before the fifteenth day of each succeeding month, from the
179 total amount of the proceeds of gasoline, diesel fuel or kerosene
180 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
181 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
182 one-fourth percent (23-1/4%) of those funds, whichever is the
183 greater amount, shall be deposited in the State Treasury to the
184 credit of the "State Aid Road Fund," created by Section 65-9-17.
185 Those funds shall be pledged to pay the principal of and interest
186 on state aid road bonds heretofore issued under Sections 19-9-51
187 through 19-9-77, in lieu of and in substitution for the funds
188 previously allocated to counties under this section. Those funds
189 may not be pledged for the payment of any state aid road bonds
190 issued after April 1, 1981; however, this prohibition against the
191 pledging of any such funds for the payment of bonds shall not
192 apply to any bonds for which intent to issue those bonds has been
193 published for the first time, as provided by law before March 29,
194 1981. From the amount of taxes paid into the special fund under
195 this subsection and subsection (9) of this section, there shall be



196 first deducted and paid the amount necessary to pay the expenses
197 of the Office of State Aid Road Construction, as authorized by the
198 Legislature for all other general and special fund agencies. The
199 remainder of the fund shall be allocated monthly to the several
200 counties in accordance with the following formula:

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

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

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

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

214 The amount of funds allocated to any county under this
215 subsection for any fiscal year after fiscal year 1994 shall not be
216 less than the amount allocated to the county for fiscal year 1994.

217 Any reference in the general laws of this state or the
218 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
219 construed to refer and apply to subsection (4) of Section
220 27-65-75.



221 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
222 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
223 the special fund known as the "Educational Facilities Revolving
224 Loan Fund" created and existing under the provisions of Section
225 37-47-24. Those payments into that fund are to be made on the
226 last day of each succeeding month hereafter. This subsection (5)
227 shall stand repealed on July 1, 2023.

228 (6) An amount each month beginning August 15, 1983, through
229 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
230 1983, shall be paid into the special fund known as the
231 Correctional Facilities Construction Fund created in Section 6,
232 Chapter 542, Laws of 1983.

233 (7) On or before August 15, 1992, and each succeeding month
234 thereafter through July 15, 2000, two and two hundred sixty-six
235 one-thousandths percent (2.266%) of the total sales tax revenue
236 collected during the preceding month under the provisions of this
237 chapter, except that collected under the provisions of Section
238 27-65-17(2), shall be deposited by the department into the School
239 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
240 or before August 15, 2000, and each succeeding month thereafter,
241 two and two hundred sixty-six one-thousandths percent (2.266%) of
242 the total sales tax revenue collected during the preceding month
243 under the provisions of this chapter, except that collected under
244 the provisions of Section 27-65-17(2), shall be deposited into the
245 School Ad Valorem Tax Reduction Fund created under Section



246 37-61-35 until such time that the total amount deposited into the
247 fund during a fiscal year equals Forty-two Million Dollars
248 (\$42,000,000.00). Thereafter, the amounts diverted under this
249 subsection (7) during the fiscal year in excess of Forty-two
250 Million Dollars (\$42,000,000.00) shall be deposited into the
251 Education Enhancement Fund created under Section 37-61-33 for
252 appropriation by the Legislature as other education needs and
253 shall not be subject to the percentage appropriation requirements
254 set forth in Section 37-61-33.

255 (8) On or before August 15, 1992, and each succeeding month
256 thereafter, nine and seventy-three one-thousandths percent
257 (9.073%) of the total sales tax revenue collected during the
258 preceding month under the provisions of this chapter, except that
259 collected under the provisions of Section 27-65-17(2), shall be
260 deposited into the Education Enhancement Fund created under
261 Section 37-61-33.

262 (9) On or before August 15, 1994, and each succeeding month
263 thereafter, from the revenue collected under this chapter during
264 the preceding month, Two Hundred Fifty Thousand Dollars
265 (\$250,000.00) shall be paid into the State Aid Road Fund.

266 (10) On or before August 15, 1994, and each succeeding month
267 thereafter through August 15, 1995, from the revenue collected
268 under this chapter during the preceding month, Two Million Dollars
269 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
270 Valorem Tax Reduction Fund established in Section 27-51-105.



271 (11) Notwithstanding any other provision of this section to
272 the contrary, on or before February 15, 1995, and each succeeding
273 month thereafter, the sales tax revenue collected during the
274 preceding month under the provisions of Section 27-65-17(2) and
275 the corresponding levy in Section 27-65-23 on the rental or lease
276 of private carriers of passengers and light carriers of property
277 as defined in Section 27-51-101 shall be deposited, without
278 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
279 established in Section 27-51-105.

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

289 (13) On or before July 15, 1994, and on or before the
290 fifteenth day of each succeeding month thereafter, that portion of
291 the avails of the tax imposed in Section 27-65-22 that is derived
292 from activities held on the Mississippi State Fairgrounds Complex
293 shall be paid into a special fund that is created in the State
294 Treasury and shall be expended upon legislative appropriation



295 solely to defray the costs of repairs and renovation at the Trade
296 Mart and Coliseum.

297 (14) On or before August 15, 1998, and each succeeding month
298 thereafter through July 15, 2005, that portion of the avails of
299 the tax imposed in Section 27-65-23 that is derived from sales by
300 cotton compresses or cotton warehouses and that would otherwise be
301 paid into the General Fund shall be deposited in an amount not to
302 exceed Two Million Dollars (\$2,000,000.00) into the special fund
303 created under Section 69-37-39. On or before August 15, 2007, and
304 each succeeding month thereafter through July 15, 2010, that
305 portion of the avails of the tax imposed in Section 27-65-23 that
306 is derived from sales by cotton compresses or cotton warehouses
307 and that would otherwise be paid into the General Fund shall be
308 deposited in an amount not to exceed Two Million Dollars
309 (\$2,000,000.00) into the special fund created under Section
310 69-37-39 until all debts or other obligations incurred by the
311 Certified Cotton Growers Organization under the Mississippi Boll
312 Weevil Management Act before January 1, 2007, are satisfied in
313 full. On or before August 15, 2010, and each succeeding month
314 thereafter through July 15, 2011, fifty percent (50%) of that
315 portion of the avails of the tax imposed in Section 27-65-23 that
316 is derived from sales by cotton compresses or cotton warehouses
317 and that would otherwise be paid into the General Fund shall be
318 deposited into the special fund created under Section 69-37-39
319 until such time that the total amount deposited into the fund



320 during a fiscal year equals One Million Dollars (\$1,000,000.00).
321 On or before August 15, 2011, and each succeeding month
322 thereafter, that portion of the avails of the tax imposed in
323 Section 27-65-23 that is derived from sales by cotton compresses
324 or cotton warehouses and that would otherwise be paid into the
325 General Fund shall be deposited into the special fund created
326 under Section 69-37-39 until such time that the total amount
327 deposited into the fund during a fiscal year equals One Million
328 Dollars (\$1,000,000.00).

329 (15) Notwithstanding any other provision of this section to
330 the contrary, on or before September 15, 2000, and each succeeding
331 month thereafter, the sales tax revenue collected during the
332 preceding month under the provisions of Section
333 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
334 without diversion, into the Telecommunications Ad Valorem Tax
335 Reduction Fund established in Section 27-38-7.

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

343 (b) On or before August 15, 2007, and each succeeding
344 month thereafter, eighty percent (80%) of the sales tax revenue



345 collected during the preceding month under the provisions of this
346 chapter from the operation of a tourism project under the
347 provisions of Sections 57-26-1 through 57-26-5, shall be
348 deposited, after the diversions required in subsections (7) and
349 (8) of this section, into the Tourism Project Sales Tax Incentive
350 Fund created in Section 57-26-3.

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

358 (18) [Repealed]

359 (19) (a) On or before August 15, 2005, and each succeeding
360 month thereafter, the sales tax revenue collected during the
361 preceding month under the provisions of this chapter on the gross
362 proceeds of sales of a business enterprise located within a
363 redevelopment project area under the provisions of Sections
364 57-91-1 through 57-91-11, and the revenue collected on the gross
365 proceeds of sales from sales made to a business enterprise located
366 in a redevelopment project area under the provisions of Sections
367 57-91-1 through 57-91-11 (provided that such sales made to a
368 business enterprise are made on the premises of the business
369 enterprise), shall, except as otherwise provided in this



370 subsection (19), be deposited, after all diversions, into the
371 Redevelopment Project Incentive Fund as created in Section
372 57-91-9.

373 (b) For a municipality participating in the Economic
374 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
375 the diversion provided for in subsection (1) of this section
376 attributable to the gross proceeds of sales of a business
377 enterprise located within a redevelopment project area under the
378 provisions of Sections 57-91-1 through 57-91-11, and attributable
379 to the gross proceeds of sales from sales made to a business
380 enterprise located in a redevelopment project area under the
381 provisions of Sections 57-91-1 through 57-91-11 (provided that
382 such sales made to a business enterprise are made on the premises
383 of the business enterprise), shall be deposited into the
384 Redevelopment Project Incentive Fund as created in Section
385 57-91-9, as follows:

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

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



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

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

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

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

413 (21) (a) On or before April 15, 2007, and each succeeding
414 month thereafter through June 15, 2013, One Hundred Fifty Thousand
415 Dollars (\$150,000.00) of the sales tax revenue collected during
416 the preceding month under the provisions of this chapter shall be
417 deposited into the MMEIA Tax Incentive Fund created in Section
418 57-101-3.



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

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

431 (23) (a) On or before August 15, 2019, and each month
432 thereafter through July 15, 2020, one percent (1%) of the total
433 sales tax revenue collected during the preceding month from
434 restaurants and hotels shall be allocated for distribution to the
435 Mississippi Development Authority Tourism Advertising Fund
436 established under Section 57-1-64, to be used exclusively for the
437 purpose stated therein. On or before August 15, 2020, and each
438 month thereafter through July 15, 2021, two percent (2%) of the
439 total sales tax revenue collected during the preceding month from
440 restaurants and hotels shall be allocated for distribution to the
441 Mississippi Development Authority Tourism Advertising Fund
442 established under Section 57-1-64, to be used exclusively for the
443 purpose stated therein. On or before August 15, 2021, and each



444 month thereafter, three percent (3%) of the total sales tax
445 revenue collected during the preceding month from restaurants and
446 hotels shall be allocated for distribution to the Mississippi
447 Development Authority Tourism Advertising Fund established under
448 Section 57-1-64, to be used exclusively for the purpose stated
449 therein. The revenue diverted pursuant to this subsection shall
450 not be available for expenditure until February 1, 2020.

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

457 (24) On or before August 15, 2023, and each succeeding month
458 thereafter, the sales tax revenue collected during the preceding
459 month under the provisions of this chapter, except that collected
460 under the provisions of Sections 27-65-19(3), 27-65-21 and
461 27-65-24, on business activities on the premises of a Mississippi
462 State Park shall be deposited, after diversion, into the State
463 Parks Repair, Renovation and Capital Improvements Fund created in
464 Section 55-3-41(2).

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



468 (* * * 26) (a) It shall be the duty of the municipal
469 officials of any municipality that expands its limits, or of any
470 community that incorporates as a municipality, to notify the
471 commissioner of that action thirty (30) days before the effective
472 date. Failure to so notify the commissioner shall cause the
473 municipality to forfeit the revenue that it would have been
474 entitled to receive during this period of time when the
475 commissioner had no knowledge of the action.

476 (b) (i) Except as otherwise provided in subparagraph
477 (ii) of this paragraph, if any funds have been erroneously
478 disbursed to any municipality or any overpayment of tax is
479 recovered by the taxpayer, the commissioner may make correction
480 and adjust the error or overpayment with the municipality by
481 withholding the necessary funds from any later payment to be made
482 to the municipality.

483 (ii) Subject to the provisions of Sections
484 27-65-51 and 27-65-53, if any funds have been erroneously
485 disbursed to a municipality under subsection (1) of this section
486 for a period of three (3) years or more, the maximum amount that
487 may be recovered or withheld from the municipality is the total
488 amount of funds erroneously disbursed for a period of three (3)
489 years beginning with the date of the first erroneous disbursement.
490 However, if during such period, a municipality provides written
491 notice to the Department of Revenue indicating the erroneous
492 disbursement of funds, then the maximum amount that may be



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

496 **SECTION 2.** Section 55-3-41, Mississippi Code of 1972, is
497 amended as follows:

498 55-3-41. (1) (a) A fund to be known as "Mississippi Park
499 Fund" is hereby established in the State Treasury, and all funds
500 held in the "Mississippi Park System Fund" shall be transferred
501 thereto.

502 (b) Funds collected by the department shall be
503 deposited in the State Treasury to the credit of the fund. The
504 interest from the Mississippi Park Fund earned from any investment
505 or deposit made pursuant to Section 27-105-33, Mississippi Code of
506 1972, shall be credited to the Mississippi Park Fund by the
507 treasurer. Expenditures shall be made from the fund upon
508 requisition signed by the executive director, or by a person whom
509 the executive director may designate and the State Fiscal Officer
510 shall issue his warrant on the State Treasury payable out of the
511 Mississippi Park Fund. All funds in the Mississippi Park Fund
512 shall be expended only pursuant to appropriation approved by the
513 Legislature and as provided by law.

514 (2) There is hereby created in the State Treasury a special
515 fund to be designated as the "State Parks Repair, Renovation and
516 Capital Improvements Fund," which shall consist of monies
517 deposited therein under Section 27-65-75(24) and funds from any



518 other source designated for deposit into such fund. The fund
519 shall be maintained by the State Treasurer as a separate and
520 special fund, separate and apart from the General Fund of the
521 State. Unexpended amounts remaining in the fund at the end of a
522 fiscal year shall not lapse into the State General Fund, and any
523 investment earnings or interest earned on amounts in the fund
524 shall be deposited to the credit of the fund. Monies in the
525 special fund shall be expended, upon appropriation by the
526 Legislature, solely to defray the costs of repairs, renovations
527 and capital improvements at Mississippi State Parks.

528 **SECTION 3.** This act shall take effect and be in force from
529 and after July 1, 2023.

