

By: Representative Shanks

To: Ways and Means

HOUSE BILL NO. 1013

1 AN ACT TO AMEND SECTION 27-7-45, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT IF ANY OFFICER OR EMPLOYEE OF THE STATE OR A
 3 POLITICAL SUBDIVISION THEREOF DOES NOT PAY STATE INCOME TAX BY
 4 AUGUST 15 AFTER SUCH INCOME TAX BECOMES DUE AND PAYABLE, 25% OF
 5 HIS WAGES, SALARY OR OTHER COMPENSATION SHALL BE WITHHELD AND PAID
 6 TO THE DEPARTMENT OF REVENUE IN SATISFACTION OF SUCH INCOME TAX,
 7 INTEREST AND PENALTY, IF ANY, UNTIL PAID IN FULL; TO AMEND SECTION
 8 7-7-43, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO.

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

10 **SECTION 1.** Section 27-7-45, Mississippi Code of 1972, is
 11 amended as follows:

12 27-7-45. (1) The tax levied by this article shall be paid
 13 when the return is due except as hereinafter provided.

14 (2) (a) If any officer or employee of the State of
 15 Mississippi, or any political subdivision thereof, * * * is in
 16 arrears in child support payments for thirty (30) days after such
 17 payments become due and payable, his wages, salary or other
 18 compensation shall be withheld and paid to the * * * Department of
 19 Human Services * * * in satisfaction of * * * any child support
 20 arrearage until paid in full. This provision shall apply to any
 21 installments of * * * child support due, after the first



22 installment, to require payment of the entire balance of child
23 support tax due, plus interest and penalty, if any, before an
24 officer or employee of the State of Mississippi, or any political
25 subdivision thereof, is eligible to draw any salary or other
26 emoluments of office. * * * The Department of Human Services is
27 required to furnish the officer's or the employee's employer, or
28 other appropriate officer of the State of Mississippi or its
29 political subdivision, as the case may be, with notice that child
30 support payments have not been made. This notice shall serve as a
31 lien or attachment upon any salary or compensation due any
32 employee or officer, disregard of this notice creating personal
33 liability against such officer for the full amount * * * due, plus
34 interest and penalty. * * * Regardless of the amount designated
35 in the Department of Human Service's notice for withholding and
36 regardless of other fees imposed or amounts withheld pursuant to
37 this section, the payor shall not deduct from the income of the
38 officer or employee in excess of the amounts allowed under Section
39 303(b) of the Consumer Credit Protection Act, being 15 USCS 1673,
40 as amended.

41 (b) If any officer or employee of the State of
42 Mississippi, or any political subdivision thereof, does not pay
43 his or her state income tax on or before August 15 after such
44 income tax becomes due and payable, twenty-five percent (25%) of
45 his or her wages, salary or other compensation shall be withheld
46 and paid to the Department of Revenue in satisfaction of such



47 income tax, interest and penalty, if any, until paid in full.
48 This provision shall apply to any installments of income tax after
49 the first installment, to require payment of the entire balance of
50 tax due, plus interest and penalty, if any, before an officer or
51 employee of the State of Mississippi, or any political subdivision
52 thereof, is eligible to draw full salary or other emoluments of
53 office. The Commissioner of Revenue is required to furnish the
54 State Fiscal Officer, chancery clerk, city clerk or other
55 appropriate fiscal officer of a political subdivision, as the case
56 may be, with notice that income taxes have not been paid. This
57 notice shall serve as a lien or attachment upon any salary or
58 compensation due any employee or officer, disregard of this notice
59 creating personal liability against such officer for the full
60 amount of the income tax due, plus interest and penalty. The
61 Department of Revenue may, in its discretion, waive the provisions
62 of this subsection on behalf of any public officer or employee in
63 the event of an extended personal illness, an extended illness in
64 his or her immediate family or other emergency.

65 (3) The tax or child support payment may be paid with
66 uncertified check during such time and under such regulations as
67 the commissioner or the Department of Human Services shall
68 prescribe, but if the check so received is not paid by the bank on
69 which it is drawn, the officer or employee for whom such check is
70 tendered shall remain liable for the payment of the tax, child



71 support payment and for all penalties, the same as if such check
72 had not been tendered.

73 (4) If a corporation is subject to LIFO recapture pursuant
74 to Section 1363(d) of the Code, then:

75 (a) Any increase in the tax imposed by Section 27-7-5
76 by reason of the inclusion of the LIFO recapture amount in its
77 income shall be payable in four (4) equal installments;

78 (b) The first installment shall be paid on or before
79 the due date (determined without regard to extensions) for filing
80 the return for the first taxable year for which the corporation
81 was subject to the LIFO recapture;

82 (c) The three (3) succeeding installments shall be paid
83 on or before the due date (determined without regard to
84 extensions) for filing the corporation's return for the three (3)
85 succeeding taxable years; and

86 (d) For purposes of computing interest on
87 underpayments, the last three (3) installments shall not be
88 considered underpayments until after the payment due date
89 specified above.

90 (5) For purposes of this section, a political subdivision
91 includes, but is not limited to, a county or separate school
92 district, institution of higher learning, state college or
93 university, or state community college.

94 (6) The tax levied by this article and paid by a business
95 enterprise located in a redevelopment project area under Sections



96 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
97 Project Incentive Fund created in Section 57-91-9.

98 **SECTION 2.** Section 7-7-43, Mississippi Code of 1972, is
99 amended as follows:

100 7-7-43. (1) Except as otherwise provided in subsection (2)
101 of this section, the State Fiscal Officer, any chancery or city
102 clerk, or the fiscal officer of any county or separate school
103 district, institution of higher learning, state college,
104 university or state community college, shall not issue any warrant
105 upon any allowance made to, or claim in favor of, any person, his
106 agent, or assignee who shall be indebted to the state, or against
107 whom there shall be any balance appearing in favor of the state;
108 but such officer shall allow such debtor a credit on his account
109 for such allowance or claim.

110 (2) For state tax claims, the * * * Commissioner of Revenue
111 is required to furnish the appropriate fiscal officer with notice
112 that state taxes have not been paid. This notice shall serve
113 as * * * an order for the amount provided in Section 27-7-45(2)(b)
114 upon any allowance made to, or claim in favor of, any person, his
115 agent, or assignee who shall be indebted to the state, or any
116 political subdivision thereof, or against whom there shall be any
117 balance appearing in favor of the state or any political
118 subdivision thereof. Disregard of the * * * order notice shall
119 create a personal liability against such fiscal officer for the
120 full amount of state taxes due, plus interest and penalty.



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

