

Senate Amendments to House Bill No. 388

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 **SECTION 1.** Section 27-7-805, Mississippi Code of 1972, is
10 amended as follows:

11 27-7-805. As used in this article:

12 (a) "Claimant local government" means * * * local
13 governments acting through their nonprofit member organizations
14 with respect to the collection of any debt owed and finalized by
15 law, ordinance, order or resolution.

16 (b) "Debtor" means any person owing a debt to any
17 claimant local government.

18 (c) "Debt" means any liquidated sum due and owing to
19 any claimant local government which has accrued through contract,
20 subrogation, tort, justice or municipal court conviction or any
21 other debt regardless of whether there is an outstanding judgment
22 for the sum.

23 (d) "Department" means the Mississippi Department of
24 Revenue.

25 (e) "Local government" means a county or municipality.
26 For purposes of this paragraph (e), county or municipality shall
27 also include a community hospital owned by one or more counties,
28 cities, towns, supervisors districts or combinations thereof.

29 (f) "Member organization" means the Mississippi
30 Association of Supervisors for counties and community hospitals
31 owned in whole or in part by one or more counties or supervisor
32 districts, the Mississippi Municipal League for municipalities and
33 community hospitals owned in whole or in part by one or more
34 municipalities, or entities established through or contracted by
35 these member organizations for the purpose of facilitating debt
36 collection under this article.

37 (g) "Net proceeds collected" means gross proceeds
38 collected through setoff against a debtor's refund less the
39 collection assistance fees authorized in this article.

40 (h) "Person" means any individual, firm, partnership,
41 association, trustee, receiver, assignee, corporation, entity,
42 limited liability company, utility or joint venture.

43 (i) "Refund" means the Mississippi income tax refund
44 which the department determines to be due a debtor.

45 (j) "Setoff" means the department's legal right to
46 reduce the debtor's claim to a Mississippi income tax refund from
47 the department by a debt the claimant local government properly
48 establishes under this article which is owed by the debtor.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 27-7-805, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERMS "CLAIMANT LOCAL GOVERNMENT,"
3 "LOCAL GOVERNMENT" AND "MEMBER ORGANIZATION" FOR PURPOSES OF THE
4 SECTIONS OF LAW THAT AUTHORIZE COUNTIES AND MUNICIPALITIES TO
5 SUBMIT CERTAIN DEBTS OWED TO THEM TO THE DEPARTMENT OF REVENUE FOR
6 COLLECTION THROUGH A SETOFF AGAINST THE DEBTORS' MISSISSIPPI
7 INCOME TAX REFUND; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate