

By: Representative Denton

To: Ways and Means

HOUSE BILL NO. 779

1 AN ACT TO AMEND SECTION 27-65-40, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE PROVISIONS THAT PROVIDE THAT IF ANY OFFICER OR EMPLOYEE
 3 OF THE STATE OF MISSISSIPPI, OR ANY POLITICAL SUBDIVISION THEREOF,
 4 DOES NOT PAY THE STATE SALES TAX FOR WHICH HE IS RESPONSIBLE TO
 5 PAY WITHIN TWO MONTHS AFTER SUCH SALES TAX BECOMES DUE AND
 6 PAYABLE, HE IS NOT ELIGIBLE TO RECEIVE ANY SALARY OR OTHER
 7 EMOLUMENTS OF OFFICE FROM THE STATE, OR FROM ANY POLITICAL
 8 SUBDIVISION THEREOF, UNTIL THE SALES TAX, INTEREST AND PENALTY, IF
 9 ANY, IS PAID IN FULL; TO PROVIDE THAT THE DEPARTMENT OF REVENUE
 10 MAY PURSUE ALL REMEDIES AGAINST A PUBLIC EMPLOYEE OR OFFICER AS
 11 ARE AVAILABLE AGAINST OTHER PERSONS WHO FAIL TO PAY TAXES LEVIED
 12 UNDER THE SALES TAX LAW; TO PROVIDE THAT ANY GARNISHMENT TAKEN
 13 AGAINST SUCH PUBLIC EMPLOYEE OR OFFICER SHALL BE FOR AN AMOUNT OF
 14 25% OF THE EMPLOYEE'S OR OFFICER'S SALARY OR THE AMOUNT OF THE
 15 OUTSTANDING TAX LIABILITY, WHICHEVER IS LESS; TO AMEND SECTION
 16 7-7-43, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
 17 RELATED PURPOSES.

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

19 **SECTION 1.** Section 27-65-40, Mississippi Code of 1972, is
 20 amended as follows:

21 27-65-40. If any officer or employee of the State of
 22 Mississippi, or any political subdivision thereof, does not pay
 23 the state sales tax for which he is responsible to pay within two
 24 (2) months after such sales tax becomes due and payable, * * * the
 25 Department of Revenue may pursue all remedies against such



26 taxpayer as are available against other persons who fail to pay
27 taxes levied by this chapter. Any garnishment taken against such
28 public employee or officer shall be for an amount of twenty-five
29 percent (25%) of the employee's or officer's salary or for the
30 outstanding tax liability, whichever is less.

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

33 7-7-43. (1) Except as otherwise provided in this section,
34 the State Fiscal Officer, any chancery or city clerk, or the
35 fiscal officer of any county or separate school district,
36 institution of higher learning, state college, university or state
37 community college, shall not issue any warrant upon any allowance
38 made to, or claim in favor of, any person, his agent, or assignee
39 who shall be indebted to the state, or against whom there shall be
40 any balance appearing in favor of the state; but such officer
41 shall allow such debtor a credit on his account for such allowance
42 or claim.

43 (2) For state tax claims, the Commissioner of Revenue is
44 required to furnish the appropriate fiscal officer with notice
45 that state taxes have not been paid. Except as otherwise provided
46 in this section, this notice shall serve as a stop order or order
47 for the lesser amount provided in Section 27-7-45(2) (b), as the
48 case may be, upon any allowance made to, or claim in favor of, any
49 person, his agent, or assignee who shall be indebted to the state,
50 or any political subdivision thereof, or against whom there shall



51 be any balance appearing in favor of the state or any political
52 subdivision thereof. Disregard of the order notice shall create a
53 personal liability against such fiscal officer for the full amount
54 of state taxes due, plus interest and penalty.

55 (3) This section shall not apply in the case where a
56 person's wages or salary are levied and garnished in the amount
57 provided in Section 27-65-40.

58 **SECTION 3.** This act shall take effect and be in force from
59 and after July 1, 2024.

