

By: Senator(s) Whaley, Younger, Hopson,
Blount

To: Agriculture

SENATE BILL NO. 2631
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 69-1-48, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE DEPARTMENT OF AGRICULTURE'S AUTHORITY TO BUDGET
3 FOR IMPROVEMENTS TO DEPARTMENT PROPERTY AND MARKETING AND
4 PROMOTION PROGRAMS SHALL BE AT THE STATE FAIRGROUNDS AND THE
5 MISSISSIPPI AGRICULTURE AND FORESTRY MUSEUM IN JACKSON,
6 MISSISSIPPI, UPON APPROPRIATION OF THE LEGISLATURE AND FOR
7 PURPOSES AS OTHERWISE APPROPRIATED BY THE LEGISLATURE; TO REQUIRE
8 THE DEPARTMENT TO OBTAIN THE WRITTEN APPROVAL OF CERTAIN PERSONS
9 PRIOR TO ENTERING INTO A LEASE PROVIDING FOR NAMING RIGHTS OF
10 PROPERTY UNDER THIS SECTION; TO DELETE THE AUTHORITY OF THE
11 DEPARTMENT TO ESCALATE CERTAIN FUNDS; TO AMEND SECTIONS 69-5-3,
12 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-27, 69-5-31, 39-17-5,
13 39-23-3, 39-23-5, 45-1-19, 25-3-25, 29-5-81, 27-19-56.489, 29-5-2,
14 27-104-7 AND 27-65-75, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
15 FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 69-1-48, Mississippi Code of 1972, is
18 amended as follows:

19 69-1-48. (1) For purposes of this section, the following
20 words shall have the meanings ascribed herein:

21 (a) "Department" means the Mississippi Department of
22 Agriculture and Commerce.

23 (b) "Museum" means the Mississippi Agriculture and
24 Forestry Museum.



25 (2) The department may accept, budget, receive and expend
26 funds from any source for improvements to * * * the Mississippi
27 State Fairgrounds located at 1207 Mississippi Street, Jackson,
28 Mississippi 39202, or the Mississippi Agriculture and Forestry
29 Museum located at 1150 Lakeland Drive, Jackson, Mississippi 39216,
30 upon appropriation by the Legislature and for marketing and
31 promotion programs for events at the Mississippi State Fairgrounds
32 located at 1207 Mississippi Street, Jackson, Mississippi 39202, or
33 the Mississippi Agriculture and Forestry Museum located at 1150
34 Lakeland Drive, Jackson, Mississippi 39216, upon appropriation by
35 the Legislature and for purposes as otherwise appropriated by the
36 Legislature.

37 (3) (a) The department may allow a federal, state * * * or
38 local governmental entity, or a public, private, commercial or
39 charitable entity to use, publish or advertise the entity's name
40 on department property and in its publications. Furthermore, the
41 commissioner may lease to any public, private, commercial or
42 charitable entity for a term not to exceed twenty (20) years
43 naming rights for museum buildings or property, including, but not
44 limited to, new construction, improvements to existing buildings,
45 grounds and/or objects located on museum property in return for
46 consideration benefitting the department. The department must
47 obtain written approval of the Governor, Lieutenant Governor and
48 the Secretary of State prior to entering any lease providing for
49 naming rights of property under this section. The lessee shall



50 pay the cost of erecting, maintaining and removing signage related
51 to the property.

52 (b) Any funds received from the advertising or lease of
53 naming rights shall be retained by the department and expended for
54 improvements to * * * the Mississippi State Fairgrounds located at
55 1207 Mississippi Street, Jackson, Mississippi 39202, or the
56 Mississippi Agriculture and Forestry Museum located at 1150
57 Lakeland Drive, Jackson, Mississippi 39216, upon appropriation by
58 the Legislature and for marketing and promotion programs for
59 events at the Mississippi State Fairgrounds located at 1207
60 Mississippi Street, Jackson, Mississippi 39202, or the Mississippi
61 Agriculture and Forestry Museum located at 1150 Lakeland Drive,
62 Jackson, Mississippi 39216, upon appropriation by the Legislature
63 and for purposes as otherwise appropriated by the Legislature.

64 * * *

65 (4) (a) There is established in the State Treasury a
66 special fund for the department for the monies collected under
67 this section.

68 (b) Unexpended monies remaining in the fund at the end
69 of a fiscal year shall not lapse into the State General Fund, and
70 any interest earned or investment earnings on amounts in the fund
71 shall be deposited into the fund.

72 (5) (a) The department shall make reasonable attempts to
73 notify the donor of any donated property or artifacts determined
74 to be obsolete to allow such donor to retake possession of such



75 item. If efforts to notify the donor prove unsuccessful, then the
76 department may dispose of, auction or sell any property or
77 artifact in the possession of the museum if the department
78 determines that it is obsolete, no longer of value or use to the
79 museum or unclaimed by the donor.

80 (b) All funds received under this section on behalf of
81 the museum, shall be transferred into the * * * enterprise fund
82 related to the museum. The enterprise funds shall be maintained
83 in accordance with generally accepted accounting principles and
84 regulations prescribed by the Department of Finance and
85 Administration.

86 (c) Subject to appropriation by the Legislature, the
87 department may expend these funds for improvements to the museum
88 and for marketing and promotion programs for the museum in a
89 manner consistent with the museum's historical purpose.

90 **SECTION 2.** Section 69-5-3, Mississippi Code of 1972, is
91 amended as follows:

92 69-5-3. (1) The Department of Agriculture and Commerce
93 shall set up rules and regulations consistent with the law
94 governing the distribution of state monies for premiums or awards.
95 It will be the duty of the department, at least twice each year,
96 to approve premium lists or awards, and give out rules governing
97 participants in state premium money in Mississippi. The
98 department may invite the presidents of the various district



99 livestock shows before the department when determining policies
100 affecting district livestock shows.

101 (2) The Department of Agriculture and Commerce is hereby
102 authorized to accept money or funds donated to the department,
103 including funds to be awarded as prizes in livestock competition.

104 (3) The Department of Agriculture and Commerce shall have
105 charge of the State Fairgrounds located * * * at or around 1207
106 Mississippi Street, Jackson, Mississippi 39202, including all
107 buildings and improvements thereon, and shall have full power and
108 authority in perfecting plans and causing to be held thereon the
109 Mississippi State Fair and other such events that may be
110 authorized by the department.

111 (4) The Department of Agriculture and Commerce is hereby
112 authorized to employ an attorney as prescribed in Section 69-1-14.

113 (5) The Department of Agriculture and Commerce may take any
114 action authorized in Section 1 of Chapter 306, Laws of 2000.

115 (6) The Department of Agriculture and Commerce may allow a
116 commercial, charitable or governmental entity to use, publish and
117 advertise such entity's name in connection with any of the
118 buildings, improvements, grounds or objects located on the State
119 Fairgrounds * * * at or around 1207 Mississippi Street, Jackson,
120 Mississippi 39202, except for the Kirk Fordice Equine Center, or
121 in connection with any of the events conducted on the State
122 Fairgrounds in return for a monetary consideration paid to the
123 department. Furthermore, the department may lease to any public,



124 private, commercial or charitable entity for a term not to exceed
125 twenty (20) years naming rights to buildings, except for the Kirk
126 Fordice Equine Center, or property, including, but not limited to,
127 new construction, improvements to existing buildings, grounds
128 and/or objects located on the State Fairgrounds located at or
129 around 1207 Mississippi Street, Jackson, Mississippi 39202, in
130 return for consideration benefitting the commission. The
131 department must obtain written approval of the Governor,
132 Lieutenant Governor and the Secretary of State prior to entering
133 any lease providing for naming rights of property under this
134 section. The lessee shall pay the cost of erecting, maintaining
135 and removing signage related to the property. Those funds
136 received from an entity for allowing its name to be used,
137 published or advertised in connection with the buildings,
138 improvements, objects or events shall be retained by the
139 department to be used for capital improvements to the fairgrounds
140 or in its annual operating budget subject to appropriation by the
141 Legislature. The department shall not enter into any such
142 agreement with any vendor whose products are illegal for
143 participation in or use by persons eighteen (18) years of age and
144 under.

145 (7) The Commissioner of Agriculture and Commerce is
146 authorized to form and establish a private foundation or nonprofit
147 corporation to receive and disburse the funds generated by the
148 sale of naming rights described in subsection (6) of this section



149 and for any other donations made to the department. The funds
150 shall be disbursed in accordance with the guidelines described in
151 this section, and the foundation or nonprofit corporation shall be
152 subject to the reporting requirements described in subsection (10)
153 of this section. All funds shall remain with the foundation until
154 disbursement and shall not be transferred to the State General
155 Fund. No public funds shall be deposited into the account of the
156 private foundation or nonprofit corporation established by the
157 department for the benefit of the State Fairgrounds, nor shall the
158 Legislature appropriate any State General Fund or Special Fund
159 monies to the foundation or nonprofit corporation for such
160 purposes. All monies received by the foundation shall be
161 maintained separately from funds allocated to the department for
162 operating and administrative costs associated with the State
163 Fairgrounds located at or around 1207 Mississippi Street, Jackson,
164 Mississippi 39202. In addition to the reporting of information to
165 be included in the annual legislative report of the department,
166 the private foundation or nonprofit corporation shall be subject
167 to annual financial audits by the State Auditor and by auditors of
168 donors in the same manner as required for state agencies.

169 (8) The Department of Agriculture and Commerce shall have
170 the authority to enter into a lease or right-of-way with a third
171 party covering any land or buildings on the State Fairgrounds
172 located at or around 1207 Mississippi Street, Jackson, Mississippi
173 39202, and any funds generated from such lease or right-of-way



174 shall remain in a special fund managed by the department for the
175 benefit of the State Fairgrounds. All monies in the special fund
176 shall be subject to appropriation by the Legislature and may be
177 used for capital improvements to the State Fairgrounds located at
178 or around 1207 Mississippi Street, Jackson, Mississippi 39202, or
179 in the department's annual operating budget for operating and
180 administrative costs associated with the State Fairgrounds. Any
181 unexpended funds remaining in the special fund shall not lapse
182 into the State General Fund, and any interest earned or investment
183 earnings on amounts in the fund shall be deposited in the fund.

184 (9) The Department of Agriculture and Commerce is hereby
185 authorized, with the advice of the Mississippi Fair Advisory
186 Council, to adopt such rules and regulations as may be necessary
187 or desirable to carry out, execute or implement the provisions of
188 this article.

189 (10) The Department of Agriculture and Commerce shall report
190 by January 1 of each year a detailed financial statement of all
191 monies received and expended under subsection (6) and subsection
192 (7) of this section to the Lieutenant Governor, the Speaker of the
193 House of Representatives and the Chairman of the Senate
194 Agriculture Committee and the Chairman of the House of
195 Representatives Agriculture Committee and the Chairmen of the
196 Appropriations Committees of the House and Senate.

197 **SECTION 3.** Section 69-5-7, Mississippi Code of 1972, is
198 amended as follows:



199 69-5-7. Headquarters of the Mississippi State Fair
200 operations shall be in connection with the office of the
201 Department of Agriculture and Commerce. The Mississippi State
202 Fair shall occur on the Mississippi State Fairgrounds located at
203 or around 1207 Mississippi Street, Jackson, Mississippi 39202.

204 **SECTION 4.** Section 69-5-8, Mississippi Code of 1972, is
205 amended as follows:

206 69-5-8. The building under the jurisdiction of the
207 Department of Agriculture and Commerce, * * * which is
208 located * * * at or around the Mississippi State Fairgrounds, 1207
209 Mississippi Street, Jackson, Mississippi 39202, and used primarily
210 as an arena for rodeo and livestock expositions and related
211 events, shall be named the Kirk Fordice Equine Center. The
212 Department of Agriculture and Commerce shall prepare or have
213 prepared a distinctive plaque, to be placed in a prominent place
214 within the Kirk Fordice Equine Center, that states the background,
215 accomplishments and service to the state of Governor Kirk Fordice.

216 **SECTION 5.** Section 69-5-11, Mississippi Code of 1972, is
217 amended as follows:

218 69-5-11. (1) The Department of Agriculture and Commerce
219 shall charge for admission to the State Fair, which shall be
220 hosted on the Mississippi State Fairgrounds located at or around
221 1207 Mississippi Street, Jackson, Mississippi 39202. The proceeds
222 thereof shall be used for the repayment of revenue bonds issued



223 for the purpose of constructing, equipping and furnishing new
224 buildings and making improvements on the State Fairgrounds.

225 (2) Funds collected in excess of those required to retire
226 any outstanding bond indebtedness may be used as operating revenue
227 for the Department of Agriculture and Commerce for operating and
228 administrative costs associated with the State Fairgrounds, and
229 such excess funds received by the department shall be deposited in
230 a special fund account managed by the department for the benefit
231 of the State Fairgrounds located at or around 1207 Mississippi
232 Street, Jackson, Mississippi 39202.

233 (3) The State Treasurer is hereby directed to invest such
234 excess funds to the credit of the special account managed by the
235 department for the benefit of the State Fairgrounds located at or
236 around 1207 Mississippi Street, Jackson, Mississippi 39202.

237 **SECTION 6.** Section 69-5-13, Mississippi Code of 1972, is
238 amended as follows:

239 69-5-13. The Department of Agriculture and Commerce is
240 hereby authorized and empowered, in its discretion, to declare by
241 resolution the number and type buildings which need to be
242 constructed and the type of improvements that need to be made on
243 the State Fairgrounds located at or around 1207 Mississippi
244 Street, Jackson, Mississippi 39202, and file a certified copy of
245 said resolution with the * * * Department of Finance and
246 Administration. If the * * * Department of Finance and
247 Administration believes such construction and improvements to be



248 in the best public interest, and that receipts from admission to
249 the State Fair reasonably shall be expected to produce sufficient
250 revenues over a period not to exceed twenty (20) years to retire
251 bonds issued to pay the cost of such improvements as well as the
252 interest thereon, it may, in its discretion, approve the request
253 of the Department of Agriculture and Commerce.

254 **SECTION 7.** Section 69-5-27, Mississippi Code of 1972, is
255 amended as follows:

256 69-5-27. The Department of Agriculture and Commerce shall
257 have the power and authority, in its discretion, to borrow money
258 from any bank or banks in an amount not in excess of Two Hundred
259 Thousand Dollars (\$200,000.00), to be used for the repair,
260 renovation or maintenance of buildings located at the Mississippi
261 State Fairgrounds located at or around 1207 Mississippi Street,
262 Jackson, Mississippi 39202. The Department of Agriculture and
263 Commerce may use any funds accruing to it to service and retire
264 said indebtedness. Such loan shall not exceed a term of ten (10)
265 years and shall bear interest at a rate not in excess of that
266 provided for in Section 75-17-101.

267 Any loan secured under the provisions of this section shall
268 be approved by the State Bond Commission.

269 **SECTION 8.** Section 69-5-31, Mississippi Code of 1972, is
270 amended as follows:

271 69-5-31. (1) The Department of Agriculture and Commerce is
272 authorized to hire and designate area law enforcement officers on



273 a contractual basis to provide security and to enforce all laws of
274 the State of Mississippi on the Mississippi State Fairgrounds
275 Complex located at or around 1207 Mississippi Street, Jackson,
276 Mississippi 39202. All officers must have attended and
277 satisfactorily completed the training course required for law
278 enforcement officers at the Law Enforcement Officer's Training
279 Academy or an equivalent facility. All officers must be current
280 with this certification. A complete record of all law enforcement
281 training of each employee will be maintained in each employee's
282 record of employment. Furthermore, the Department of Agriculture
283 and Commerce may enter into a contract with any certified law
284 enforcement officer to provide security to the Department of
285 Agriculture and Commerce with jurisdiction to enforce all laws of
286 the State of Mississippi on the property known as the "Mississippi
287 State Fairgrounds Complex" located at or around 1207 Mississippi
288 Street, Jackson, Mississippi 39202, and any and all of its
289 outlying buildings and property.

290 (2) (a) All officers while in performance of their duty on
291 the premises or at any of the facilities at the Mississippi State
292 Fairgrounds Complex located at or around 1207 Mississippi Street,
293 Jackson, Mississippi 39202, under the direction or control of the
294 Department of Agriculture and Commerce and public property
295 immediately adjacent to such facilities shall:



296 (i) Be required to dress in uniforms prescribed by
297 the respective law enforcement agency by which he or she is
298 employed; and

299 (ii) Be authorized to carry weapons.

300 (b) Employees designated as officers shall be duly
301 sworn and vested with authority to bear arms and make arrests, and
302 shall exercise primarily the responsibilities of the prevention
303 and detection of crime, the apprehension of criminals, and the
304 enforcement of the ordinances and policies of the Department of
305 Agriculture and Commerce, a political subdivision of the State of
306 Mississippi. Employees designated as such officers shall be
307 considered law enforcement officers within the meaning of Section
308 45-6-3.

309 (3) The identities and personal information of the officers
310 under the authority of this section are confidential and shall not
311 be publicly disclosed by the department. The Department of
312 Agriculture and Commerce shall redact the identities and personal
313 information of officers contracted to serve on the Mississippi
314 State Fairground Complex located at or around 1207 Mississippi
315 Street, Jackson, Mississippi 39202, from all contracts disclosed
316 as public records in compliance with the Mississippi Public
317 Records Act, prescribed under Section 25-61-1 et seq.; and such
318 law enforcement contracts shall not be posted on the Department of
319 Finance and Administration's searchable website, as required by



320 the Mississippi Accountability and Transparency Act, prescribed
321 under Section 27-104-151 et seq.

322 **SECTION 9.** Section 39-17-5, Mississippi Code of 1972, is
323 amended as follows:

324 39-17-5. The Mississippi Sports Hall of Fame and Dizzy Dean
325 Museum shall be funded, in part, by the sale of exclusive rights
326 to market soft drinks at the State Fairgrounds located at or
327 around 1207 Mississippi Street, Jackson, Mississippi 39202, the
328 Jim Buck Ross Mississippi Agriculture and Forestry Museum and the
329 Mississippi Sports Hall of Fame and Dizzy Dean Museum; however,
330 the sale of such rights for the State Fairgrounds shall include
331 the Mississippi State Fair and the Dixie National Livestock Show
332 and Rodeo and no other event or activity on the State Fairgrounds.
333 The Mississippi Fair Commission and the Mississippi Department of
334 Agriculture and Commerce shall have the authority to enter
335 contracts for the sale of the aforementioned exclusive rights for
336 a term not exceeding twelve (12) years per contract. If bids for
337 the purchase of such rights are in an amount that is less than the
338 amount needed to construct the Mississippi Sports Hall of Fame and
339 Dizzy Dean Museum, then the Mississippi Fair Commission and the
340 Mississippi Department of Agriculture and Commerce may reject all
341 bids and shall not be obligated to enter into such contracts.
342 Funds so generated shall be deposited in a special,
343 interest-bearing account, in the State Treasury to be administered
344 by the Department of Finance and Administration. The account



345 shall be known as the "Mississippi Sports Hall of Fame and Dizzy
346 Dean Museum Account" and all interest accrued thereon shall be
347 credited to the account. Any funds in the account shall not lapse
348 into the General Fund at the end of the fiscal year but shall
349 remain in the account. Any balance remaining at the end of the
350 project shall be transferred to the operating account of the
351 Mississippi Sports Hall of Fame and Dizzy Dean Museum.

352 **SECTION 10.** Section 39-23-3, Mississippi Code of 1972, is
353 amended as follows:

354 39-23-3. The Mississippi Children's Museum may be located:

355 (a) At the old National Guard Armory located on the
356 Mississippi State Fairgrounds * * * which is located at or around
357 1207 Mississippi Street, Jackson, Mississippi 39202, after the
358 repair, renovation, furnishing and equipping of such facility by
359 the Department of Finance and Administration as provided for in
360 Sections 16 through 33 of Chapter 535, Laws of 1997, as amended;

361 (b) In such structure and at such location as shall be
362 submitted by the Board of Directors of the Mississippi Children's
363 Museum, a Mississippi nonprofit corporation, to and approved as an
364 appropriate structure and location by the Department of Finance
365 and Administration, after the repair, renovation, furnishing and
366 equipping of such facility by the Department of Finance and
367 Administration as provided in Sections 16 through 33 of Chapter
368 535, Laws of 1997, as amended; or



369 (c) In the building, formerly known as the Mississippi
370 Museum of Natural Science, on land located adjacent to the State
371 Fairgrounds in the City of Jackson, County of Hinds, Mississippi,
372 described more specifically as follows:

373 Starting at the point of intersection of the
374 North line of Pearl Street and the West line of
375 Jefferson Street, run Northerly along the West
376 line of Jefferson Street a distance of 240 feet
377 to the point of beginning, an iron pin.
378 Continue Northerly along the West line of
379 Jefferson Street for a distance of 257.9 feet to
380 an iron pin; turn left through an angle of 89 degrees -
381 57 minutes - 14 seconds and run Westerly for a
382 distance of 278.9 feet to an iron pin on the east
383 right-of-way line of the G.M. & O. Railroad; turn
384 left through an angle of 79 degrees - 29 minutes -
385 30 seconds and run Southerly along the East right-of-way
386 of the G.M. & O. Railroad (Said line being a curve
387 to the left with a radius of 2814.93 feet, chord
388 definition) for a distance of 260.4 feet to an iron
389 pipe; turn left through an angle of 95 degrees - 12
390 minutes - 26 seconds and run Easterly and parallel
391 with the North line of this tract for a distance of
392 314.7 feet to the point of beginning.



393 (d) On certain real property owned by the State of
394 Mississippi and held by the Mississippi Department of Agriculture
395 and Commerce, more particularly described as follows:

396 39 acres lying in the northeast corner of the
397 intersection of Mississippi 25 and Interstate 55.

398 (e) At any location in Hinds County as shall be
399 submitted by the Board of Directors of the Mississippi Children's
400 Museum, a Mississippi nonprofit corporation, to the Department of
401 Finance and Administration and approved as an appropriate location
402 by the Department of Finance and Administration.

403 **SECTION 11.** Section 39-23-5, Mississippi Code of 1972, is
404 amended as follows:

405 39-23-5. (1) The Department of Finance and Administration
406 shall proceed with the repair, renovation, furnishing and
407 equipping of the old National Guard Armory on the Mississippi
408 State Fairgrounds, which is located at or around 1207 Mississippi
409 Street, Jackson, Mississippi 39202, or another structure if
410 approved by the Department of Finance and Administration as
411 provided in Section 17 of Chapter 589, Laws of 1999, for its use
412 as a children's museum as soon as practicable.

413 (2) The Department of Finance and Administration shall
414 proceed with the repair, renovation, furnishing and equipping of
415 the facility at the location described in Section 39-23-3(c) as
416 soon as practicable.



417 (3) The Department of Finance and Administration shall
418 proceed with the construction, furnishing and equipping of a
419 facility at the location described in Section 39-23-3(d), if the
420 location at such site is approved by the Board of Directors of the
421 Mississippi Children's Museum and the Department of Finance and
422 Administration, as soon as practicable.

423 (4) The Department of Finance and Administration shall
424 proceed with the construction, furnishing and equipping of a
425 facility at a location selected as provided in Section 39-23-3(e),
426 if the location is approved by the Board of Directors of the
427 Mississippi Children's Museum and the Department of Finance and
428 Administration, as soon as practicable.

429 **SECTION 12.** Section 45-1-19, Mississippi Code of 1972, is
430 amended as follows:

431 45-1-19. (1) The Department of Public Safety, through the
432 Office of Capitol Police, shall have jurisdiction relative to the
433 enforcement of all laws of the State of Mississippi on the
434 properties, from curb to curb, including adjoining streets,
435 sidewalks and leased parking lots within the Capitol Complex, set
436 forth in Section 29-5-2, the Governor's mansion, the Supreme Court
437 Building, the Mississippi Department of Transportation Building
438 and the Public Employees' Retirement System Building, and any
439 property purchased, constructed or otherwise acquired by the State
440 of Mississippi for conducting state business and not specifically
441 under the supervision and care by any other state entity, but



442 which is reasonably assumed the Department of Public Safety would
443 be responsible for such. The Department of Public Safety shall,
444 through any person or persons appointed by the commissioner, make
445 arrests for any violation of any law of the State of Mississippi
446 on the grounds of or within those properties. The Department of
447 Public Safety shall, in addition, enforce the provisions of this
448 section and Sections 29-5-57 through 29-5-67, 29-5-73 through
449 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and
450 regulations as are necessary therefor. The powers and duties
451 related to the administration of Sections 29-5-57 through 29-5-67,
452 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain
453 with the Department of Finance and Administration.

454 (2) Subject to the approval of the Board of Trustees of
455 State Institutions of Higher Learning, the Board of Trustees and
456 the Department of Public Safety shall be authorized to enter into
457 a contract for the Department of Public Safety to supply the
458 security personnel with jurisdiction to enforce all laws of the
459 State of Mississippi on the property of the Board of Trustees
460 located at the corner of Ridgewood Road and Lakeland Drive in the
461 City of Jackson.

462 (3) The Department of Public Safety and the Department of
463 Agriculture are authorized to enter into a contract for the
464 Department of Public Safety to have jurisdiction and enforce all
465 laws of the State of Mississippi on the property of the Department
466 of Agriculture located at 121 North Jefferson Street and the new



467 Farmers Market Building located at the corner of High and
468 Jefferson Streets in the City of Jackson, Hinds County,
469 Mississippi. It is the intent of the Legislature that the
470 Department of Public Safety will not post any security personnel
471 at such buildings, but will provide regular vehicle patrols and
472 responses to security system alarms.

473 (4) The Department of Public Safety and the Department of
474 Agriculture are authorized to enter into a contract for the
475 Department of Public Safety to have jurisdiction and enforce all
476 laws of the State of Mississippi on the property of the Department
477 of Agriculture known as the "Mississippi State Fairgrounds
478 Complex" and any and all of its outlying buildings and property
479 located at or around 1207 Mississippi Street, Jackson, Mississippi
480 39202. The Department of Public Safety and the Department of
481 Agriculture are authorized to enter into a contract for the
482 Department of Public Safety to supply the security personnel to
483 the Department of Agriculture with jurisdiction to enforce all
484 laws of the State of Mississippi on this property and any and all
485 buildings on this property. The Department of Public Safety is
486 authorized to charge the Department of Agriculture a fee for
487 security services provided for special events at the Mississippi
488 State Fairgrounds Complex located at or around 1207 Mississippi
489 Street, Jackson, Mississippi 39202. The fee charged will be
490 commensurate with the cost associated with the Department of
491 Public Safety providing those services.



492 (5) The Department of Public Safety and the Department of
493 Revenue are authorized to enter into a contract for the Department
494 of Public Safety to supply the security personnel with
495 jurisdiction to enforce all laws of the State of Mississippi at
496 the Alcoholic Beverage Control facility and the Department of
497 Revenue main office.

498 (6) (a) The Department of Public Safety shall have primary
499 jurisdiction relative to any other state or municipal law
500 enforcement agency to enforce all laws of the State of Mississippi
501 within the boundaries of the Capitol Complex Improvement District
502 created in Section 29-5-203; such enforcement shall be its primary
503 function. The Department of Public Safety may, through any person
504 or persons appointed by the Department of Public Safety, make
505 arrests for any violation of any law of the State of Mississippi
506 and violations of the City of Jackson's traffic ordinances or
507 ordinances related to the disturbance of the public peace which
508 occurs within the boundaries of the district and within the
509 boundaries of the City of Jackson. The Department of Public
510 Safety may choose to present cases to either the District Attorney
511 or the prosecuting attorneys designated by the Attorney General
512 for prosecution of any violation of law that accrues or occurs, in
513 whole or in part, within the boundaries established by Section
514 29-5-203. The jurisdiction of the Department of Public Safety
515 granted under this subsection (6) shall be concurrent with the
516 jurisdiction of the City of Jackson, Mississippi, and that of



517 Hinds County, Mississippi within the boundaries of the Capitol
518 Complex Improvement District created in Section 29-5-203. At any
519 time and/or during any event necessitating the coordination of
520 and/or utilization at multiple jurisdictions, as determined by the
521 Chief of Capitol Police or the Commissioner of the Department of
522 Public Safety shall be the lead agency when the event occurs on
523 property as defined herein that is owned or leased by the state as
524 provided in subsection (1) of this section. The jurisdiction and
525 authority of the Department of Public Safety under this subsection
526 (6) shall be in addition to any other jurisdiction and authority
527 provided to the department under this section or any other law.

528 (b) The Department of Public Safety shall have
529 jurisdiction relative to the enforcement of all laws of the State
530 of Mississippi within the boundaries of the City of Jackson,
531 Mississippi. The Department of Public Safety may, through any
532 person or persons appointed by the Department of Public Safety,
533 make arrests for any violation of any law of the State of
534 Mississippi which occurs within the boundaries of the City of
535 Jackson. The jurisdiction of the Department of Public Safety
536 granted under this paragraph (b) shall not be primary and shall be
537 concurrent with the jurisdiction of the City of Jackson,
538 Mississippi, and that of Hinds County, Mississippi.

539 (c) Written approval from the Chief of the Capitol
540 Police or the Commissioner of the Department of Public Safety
541 shall be required before any event occurs which will take place on



542 any street or sidewalk immediately adjacent to any building or
543 property owned or occupied by any official, agency, board,
544 commission, office or other entity of the State of Mississippi, or
545 which can reasonably be expected to block, impede or otherwise
546 hinder ingress thereto and/or egress therefrom. The Department of
547 Public Safety shall promulgate rules and regulations to effectuate
548 the provisions of this paragraph (c).

549 (d) The Chief of the Capitol Police and/or the
550 Commissioner of the Department of Public Safety, the Chief of the
551 Jackson Police Department, and the Sheriff of Hinds County shall
552 hold a regular meeting within the boundaries of the Capitol
553 Complex Improvement District to address the concerns of the
554 public. Each meeting shall be called by the Chief of the Capitol
555 Police; and the first meeting shall be called by October 15, 2023.

556 (7) The Department of Public Safety is authorized to enter
557 into a contract with any county for the county to take custody of
558 the misdemeanor offenders arrested under the authority granted
559 under this section.

560 (8) All accrued personal leave earned pursuant to Section
561 25-3-93, accrued major medical leave earned pursuant to Section
562 25-3-95, accrued state compensatory leave earned pursuant to
563 Section 25-3-92, and compensatory leave earned pursuant to the
564 Fair Labor Standards Act (FLSA) shall transfer from the Department
565 of Finance and Administration to the Department of Public Safety
566 for all employees transferred under this section.



567 **SECTION 13.** Section 25-3-25, Mississippi Code of 1972, is
568 amended as follows:

569 25-3-25. (1) Except as otherwise provided in subsections
570 (2) through (12) of this section, the salaries of sheriffs of the
571 various counties are fixed as full compensation for their
572 services.

573 The annual salary for each sheriff shall be based upon the
574 total population of his or her county according to the latest
575 federal decennial census in the following categories and for the
576 following amounts; however, no sheriff shall be paid less than the
577 salary authorized under this section to be paid the sheriff based
578 upon the population of the county according to the most recent
579 federal decennial census:

580 (a) For counties with a total population of more than
581 one hundred thousand (100,000), a salary of One Hundred Four
582 Thousand Dollars (\$104,000.00).

583 (b) For counties with a total population of more than
584 forty-four thousand (44,000) and not more than one hundred
585 thousand (100,000), a salary of Ninety-five Thousand Dollars
586 (\$95,000.00).

587 (c) For counties with a total population of more than
588 thirty thousand (30,000) and not more than forty-four thousand
589 (44,000), a salary of Ninety Thousand Dollars (\$90,000.00).

590 (d) For counties with a total population of more than
591 twelve thousand five hundred (12,500) and not more than thirty



592 thousand (30,000), a salary of Eighty-five Thousand Dollars
593 (\$85,000.00).

594 (e) For counties with a total population of not more
595 than twelve thousand five hundred (12,500), a salary of Eighty
596 Thousand Dollars (\$80,000.00).

597 (2) In addition to the salary provided for in subsection (1)
598 of this section, the Board of Supervisors of Leflore County, in
599 its discretion, may pay an annual supplement to the sheriff of the
600 county in an amount not to exceed Ten Thousand Dollars
601 (\$10,000.00). The Legislature finds and declares that the annual
602 supplement authorized by this subsection is justified in such
603 county for the following reasons:

604 (a) The Mississippi Department of Corrections operates
605 and maintains a restitution center within the county;

606 (b) The Mississippi Department of Corrections operates
607 and maintains a community work center within the county;

608 (c) There is a resident circuit court judge in the
609 county whose office is located at the Leflore County Courthouse;

610 (d) There is a resident chancery court judge in the
611 county whose office is located at the Leflore County Courthouse;

612 (e) The Magistrate for the Fourth Circuit Court
613 District is located in the county and maintains his office at the
614 Leflore County Courthouse;

615 (f) The Region VI Mental Health-Mental Retardation
616 Center, which serves a multicounty area, calls upon the sheriff to



617 provide security for out-of-town mental patients, as well as
618 patients from within the county;

619 (g) The increased activity of the Child Support
620 Division of the Department of Human Services in enforcing in the
621 courts parental obligations has imposed additional duties on the
622 sheriff; and

623 (h) The dispatchers of the enhanced E-911 system in
624 place in Leflore County have been placed under the direction and
625 control of the sheriff.

626 (3) In addition to the salary provided for in subsection (1)
627 of this section, the Board of Supervisors of Rankin County, in its
628 discretion, may pay an annual supplement to the sheriff of the
629 county in an amount not to exceed Ten Thousand Dollars
630 (\$10,000.00). The Legislature finds and declares that the annual
631 supplement authorized by this subsection is justified in such
632 county for the following reasons:

633 (a) The Mississippi Department of Corrections operates
634 and maintains the Central Mississippi Correctional Facility within
635 the county;

636 (b) The State Hospital is operated and maintained
637 within the county at Whitfield;

638 (c) Hudspeth Regional Center, a facility maintained for
639 the care and treatment of persons with an intellectual disability,
640 is located within the county;



641 (d) The Mississippi Law Enforcement Officers Training
642 Academy is operated and maintained within the county;

643 (e) The State Fire Academy is operated and maintained
644 within the county;

645 (f) The Pearl River Valley Water Supply District,
646 ordinarily known as the "Reservoir District," is located within
647 the county;

648 (g) The Jackson-Medgar Wiley Evers International
649 Airport is located within the county;

650 (h) The patrolling of the state properties located
651 within the county has imposed additional duties on the sheriff;
652 and

653 (i) The sheriff, in addition to providing security to
654 the nearly one hundred thousand (100,000) residents of the county,
655 has the duty to investigate, solve and assist in the prosecution
656 of any misdemeanor or felony committed upon any state property
657 located in Rankin County.

658 (4) In addition to the salary provided for in subsection (1)
659 of this section, the Board of Supervisors of Neshoba County shall
660 pay an annual supplement to the sheriff of the county an amount
661 equal to Ten Thousand Dollars (\$10,000.00).

662 (5) In addition to the salary provided for in subsection (1)
663 of this section, the Board of Supervisors of Tunica County, in its
664 discretion, may pay an annual supplement to the sheriff of the



665 county an amount equal to Ten Thousand Dollars (\$10,000.00),
666 payable beginning April 1, 1997.

667 (6) In addition to the salary provided for in subsection (1)
668 of this section, the Board of Supervisors of Hinds County shall
669 pay an annual supplement to the sheriff of the county in an amount
670 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature
671 finds and declares that the annual supplement authorized by this
672 subsection is justified in such county for the following reasons:

673 (a) Hinds County has the greatest population of any
674 county, two hundred fifty-four thousand four hundred forty-one
675 (254,441) by the 1990 census, being almost one hundred thousand
676 (100,000) more than the next most populous county;

677 (b) Hinds County is home to the State Capitol and the
678 seat of all state government offices;

679 (c) Hinds County is the third largest county in
680 geographic area, containing eight hundred seventy-five (875)
681 square miles;

682 (d) Hinds County is comprised of two (2) judicial
683 districts, each having a courthouse and county office buildings;

684 (e) There are four (4) resident circuit judges, four
685 (4) resident chancery judges, and three (3) resident county judges
686 in Hinds County, the most of any county, with the sheriff acting
687 as chief executive officer and provider of bailiff services for
688 all;



689 (f) The main offices for the clerk and most of the
690 judges and magistrates for the United States District Court for
691 the Southern District of Mississippi are located within the
692 county;

693 (g) The state's only urban university, Jackson State
694 University, is located within the county;

695 (h) The University of Mississippi Medical Center,
696 combining the medical school, dental school, nursing school and
697 hospital, is located within the county;

698 (i) Mississippi Veterans Memorial Stadium, the state's
699 largest sports arena, is located within the county;

700 (j) The Mississippi State Fairgrounds located at or
701 around 1207 Mississippi Street, Jackson, Mississippi 39202,
702 including the Coliseum and Trade Mart, are located within the
703 county;

704 (k) Hinds County has the largest criminal population in
705 the state, such that the Hinds County Sheriff's Department
706 operates the largest county jail system in the state, housing
707 almost one thousand (1,000) inmates in three (3) separate
708 detention facilities;

709 (l) The Hinds County Sheriff's Department handles more
710 mental and drug and alcohol commitment cases than any other
711 sheriff's department in the state;

712 (m) The Mississippi Department of Corrections maintains
713 a restitution center within the county;



714 (n) The Mississippi Department of Corrections regularly
715 houses as many as one hundred (100) state convicts within the
716 Hinds County jail system; and

717 (o) The Hinds County Sheriff's Department is regularly
718 asked to provide security services not only at the Fairgrounds and
719 Memorial Stadium, but also for events at the Mississippi Museum of
720 Art and Jackson City Auditorium.

721 (7) In addition to the salary provided for in subsection (1)
722 of this section, the Board of Supervisors of Wilkinson County, in
723 its discretion, may pay an annual supplement to the sheriff of the
724 county in an amount not to exceed Ten Thousand Dollars
725 (\$10,000.00). The Legislature finds and declares that the annual
726 supplement authorized by this subsection is justified in such
727 county because the Mississippi Department of Corrections contracts
728 for the private incarceration of state inmates at a private
729 correctional facility within the county.

730 (8) In addition to the salary provided for in subsection (1)
731 of this section, the Board of Supervisors of Marshall County, in
732 its discretion, may pay an annual supplement to the sheriff of the
733 county in an amount not to exceed Ten Thousand Dollars
734 (\$10,000.00). The Legislature finds and declares that the annual
735 supplement authorized by this subsection is justified in such
736 county because the Mississippi Department of Corrections contracts
737 for the private incarceration of state inmates at a private
738 correctional facility within the county.



739 (9) In addition to the salary provided in subsection (1) of
740 this section, the Board of Supervisors of Greene County, in its
741 discretion, may pay an annual supplement to the sheriff of the
742 county in an amount not to exceed Ten Thousand Dollars
743 (\$10,000.00). The Legislature finds and declares that the annual
744 supplement authorized by this subsection is justified in such
745 county for the following reasons:

746 (a) The Mississippi Department of Corrections operates
747 and maintains the South Mississippi Correctional Facility within
748 the county;

749 (b) In 1996, additional facilities to house another one
750 thousand four hundred sixteen (1,416) male offenders were
751 constructed at the South Mississippi Correctional Facility within
752 the county; and

753 (c) The patrolling of the state properties located
754 within the county has imposed additional duties on the sheriff
755 justifying additional compensation.

756 (10) In addition to the salary provided in subsection (1) of
757 this section, the board of supervisors of any county, in its
758 discretion, may pay an annual supplement to the sheriff of the
759 county in an amount not to exceed Ten Thousand Dollars
760 (\$10,000.00). The amount of the supplement shall be spread on the
761 minutes of the board. The annual supplement authorized in this
762 subsection shall not be in addition to the annual supplements
763 authorized in subsections (2) through (9).



764 (11) In addition to the salary provided in subsection (1)
765 and the supplements authorized in subsections (2) through (10),
766 the board of supervisors of any county, in its discretion, may pay
767 an annual supplement in an amount not to exceed Five Thousand
768 Dollars (\$5,000.00) to the sheriff of any county in which a
769 juvenile detention center is located. The amount of the
770 supplement shall be spread on the minutes of the board.

771 (12) In addition to the salary provided in subsection (1) of
772 this section and any supplements authorized in subsections (2)
773 through (11) of this section, a sheriff may receive the premium
774 pay provided for in Section 45-2-41 as part of the sheriff's
775 compensation.

776 (13) (a) The salaries provided in this section shall be
777 payable monthly on the first day of each calendar month by
778 chancery clerk's warrant drawn on the general fund of the county;
779 however, the board of supervisors, by resolution duly adopted and
780 entered on its minutes, may provide that such salaries shall be
781 paid semimonthly on the first and fifteenth day of each month. If
782 a pay date falls on a weekend or legal holiday, salary payments
783 shall be made on the workday immediately preceding the weekend or
784 legal holiday.

785 (b) At least Ten Dollars (\$10.00) from each fee
786 collected and deposited into the county's general fund under the
787 provisions of paragraphs (a), (c) and (g) of subsection (1) of
788 Section 25-7-19 shall be used for the sheriffs' salaries



789 authorized in Section 25-3-25; as such Ten Dollar (\$10.00) amount
790 was authorized during the 2007 Regular Session in Chapter 331,
791 Laws of 2007, for the purpose of providing additional monies to
792 the counties for sheriffs' salaries.

793 (14) (a) All sheriffs, each year, shall attend twenty (20)
794 hours of continuing education courses in law enforcement. Such
795 courses shall be approved by the Mississippi Board on Law
796 Enforcement Officer Standards and Training. Such education
797 courses may be provided by an accredited law enforcement academy
798 or by the Mississippi Sheriffs' Association.

799 (b) The Mississippi Board on Law Enforcement Officer
800 Standards and Training shall reimburse each county for the
801 expenses incurred by sheriffs and deputy sheriffs for attendance
802 at any approved training programs as required by this subsection.

803 **SECTION 14.** Section 29-5-81, Mississippi Code of 1972, is
804 amended as follows:

805 29-5-81. Grounds of public buildings over which the
806 Department of Finance and Administration has jurisdiction shall
807 comprise the following:

808 (a) In the City of Jackson, Mississippi:

809 (i) The grounds surrounding all state buildings
810 identified in Section 29-5-2(a)(i) and all seats of government
811 property;

812 (ii) State Board of Health Complex: Bounded on
813 the north by Stadium Drive, on the west by the property of



814 Mississippi Hospital and Medical Service, on the south by Woodrow
815 Wilson Avenue, on the southeast by property leased by the
816 Mississippi Federation of Women's Clubs and on the east by North
817 State Street;

818 (iii) The Barefield Property, the Sun-n-Sand
819 Property and any other property described in Section 1 of Chapter
820 542, Laws of 2009;

821 (iv) The Mississippi State Fairgrounds Complex
822 located at or around 1207 Mississippi Street, Jackson, Mississippi
823 39202, including, but not limited to, the Mississippi Coliseum,
824 Trademart, Kirk Fordice Equine Center, Mississippi Street Armory,
825 and all arenas, barns, buildings, campgrounds and property
826 whatsoever; such property being bounded on the north by High
827 Street, on the west by Jefferson Street, on the east by Greymont
828 Street, and on the south by Greymont Street.

829 (b) The grounds of Dr. Eldon Langston Bolton Building:
830 Located in the City of Biloxi, Mississippi.

831 (c) The grounds of State Service Center: Located at
832 the intersection of U.S. Highway 49 and John Merl Tatum Industrial
833 Drive in the City of Hattiesburg, Mississippi.

834 (d) Any grounds of any property purchased, constructed
835 or otherwise acquired by the State of Mississippi for conducting
836 state business and not specifically under the supervision and care
837 by any other state entity, but which is reasonably assumed the



838 department would be responsible for such, as approved by the
839 Public Procurement Review Board, including, but not limited to:

840 * * * (i) The grounds of the National Aeronautics
841 and Space Administration (NASA) Shared Services Center and
842 Lockheed Martin Building at Stennis Space Center;

843 * * * (ii) The grounds of the Mississippi Sports
844 Hall of Fame;

845 * * * (iii) The grounds of the Mississippi Crafts
846 Center;

847 * * * (iv) The grounds of the Mississippi
848 Children's Museum; and

849 * * * (v) The grounds of the Mississippi Arts and
850 Entertainment Center.

851 **SECTION 15.** Section 27-19-56.489, Mississippi Code of 1972,
852 is amended as follows:

853 27-19-56.489. (1) Any owner of a motor vehicle who is a
854 resident of this state, upon payment of the road and bridge
855 privilege taxes, ad valorem taxes and registration fees as
856 prescribed by law for private carriers of passengers, pickup
857 trucks and other noncommercial motor vehicles, and upon payment of
858 an additional fee in the amount provided in subsection (3) of this
859 section, shall be issued a distinctive license tag for each motor
860 vehicle registered in his name, which shall be of such color and
861 design as the Department of Revenue, with the advice of the
862 Mississippi Fair Commission, may prescribe. The words "Dixie



863 National Livestock Show and Rodeo" shall be featured prominently
864 on the license tag. The Department of Revenue shall prescribe
865 such letters or numbers, or both, as may be necessary to
866 distinguish each license tag.

867 (2) Application for the distinctive license tags authorized
868 by this section shall be made to the county tax collector on forms
869 prescribed by the Department of Revenue. The application and the
870 additional fee imposed under subsection (3) of this section, less
871 Two Dollars (\$2.00) to be retained by the tax collector, shall be
872 remitted to the Department of Revenue on a monthly basis as
873 prescribed by the department. The portion of the additional fee
874 retained by the tax collector shall be deposited into the county
875 general fund.

876 (3) Beginning with any registration year commencing on or
877 after July 1, 2019, any person applying for a distinctive license
878 tag under this section shall pay an additional fee in the amount
879 of Thirty Dollars (\$30.00) for each distinctive license tag
880 applied for under this section, which shall be in addition to all
881 other taxes and fees. The additional fee paid shall be for a
882 period of time to run concurrently with the vehicle's established
883 license tag year. The additional fee is due and payable at the
884 time the original application is made for a distinctive license
885 tag under this section and thereafter annually at the time of
886 renewal registration as long as the owner retains the distinctive
887 license tag. If the owner does not wish to retain the distinctive



888 license tag, he or she must surrender it to the local county tax
889 collector.

890 (4) The Department of Revenue shall deposit all fees into
891 the State Treasury on the day collected. At the end of each
892 month, the Department of Revenue shall certify the total fees
893 collected under this section to the State Treasurer who shall
894 distribute such collections as follows:

895 (a) Twenty-four Dollars (\$24.00) of each additional fee
896 collected on distinctive license tags issued pursuant to this
897 section shall be deposited into the special fund created in
898 subsection (7) of this section.

899 (b) One Dollar (\$1.00) of each additional fee collected
900 on distinctive license tags issued pursuant to this section shall
901 be deposited into the Mississippi Burn Care Fund created pursuant
902 to Section 7-9-70.

903 (c) Two Dollars (\$2.00) of each additional fee
904 collected on distinctive license tags issued pursuant to this
905 section shall be deposited to the credit of the State Highway Fund
906 to be expended solely for the repair, maintenance, construction or
907 reconstruction of highways.

908 (d) One Dollar (\$1.00) of each additional fee collected
909 on distinctive license tags issued pursuant to this section shall
910 be deposited to the credit of the special fund created in Section
911 27-19-44.2.



912 (5) A regular license tag must be properly displayed as
913 required by law until replaced by a distinctive license tag under
914 this section. The regular license tag must be surrendered to the
915 tax collector upon issuance of the distinctive license tag under
916 this section. The tax collector shall issue up to two (2) license
917 decals for each distinctive license tag issued under this section,
918 which will expire the same month and year as the license tag.

919 (6) In the case of loss or theft of a distinctive license
920 tag issued under this section, the owner may make application and
921 affidavit for a replacement distinctive license tag as provided by
922 Section 27-19-37. The fee for a replacement distinctive license
923 tag shall be Ten Dollars (\$10.00). The tax collector receiving
924 such application and affidavit shall be entitled to retain and
925 deposit into the county general fund five percent (5%) of the fee
926 for such replacement license tag and the remainder shall be
927 distributed in the same manner as funds from the sale of regular
928 and distinctive license tags issued under this section.

929 (7) There is established in the State Treasury a special
930 fund which shall consist of monies deposited therein under
931 subsection (4) of this section. Monies in the fund may be
932 expended by the Mississippi Fair Commission, upon appropriation by
933 the Legislature, for the benefit and use of the State Fairgrounds
934 located at or around 1207 Mississippi Street, Jackson, Mississippi
935 39202. Unexpended amounts remaining in the fund at the end of a
936 fiscal year shall not lapse into the State General Fund, and any



937 interest earned or investment earnings on amounts in the fund
938 shall be deposited to the credit of the fund.

939 **SECTION 16.** Section 29-5-2, Mississippi Code of 1972, is
940 amended as follows:

941 29-5-2. The duties of the Department of Finance and
942 Administration shall be as follows:

943 (a) (i) To exercise general supervision and care over
944 and keep in good condition the following state property located in
945 the City of Jackson: the New State Capitol Building, the Woolfolk
946 State Office Building and Parking Garage, the Carroll Gartin
947 Justice Building, the Walter Sillers Office Building and Parking
948 Garage, the War Veterans' Memorial Building, the Charlotte Capers
949 Building, the William F. Winter Archives and History Building, the
950 Mississippi Museum Complex, the Gulf, Mobile and Ohio Train Depot
951 (GM&O Depot), the Old State Capitol Building, the Governor's
952 Mansion, the Heber Ladner Building, the Robert E. Lee Office
953 Building, the Robert E. Lee Parking Garage, the former Naval
954 Reserve Center, 515 East Amite Street, 620 North Street, 660 North
955 Street, 700 North State Street, 350 High Street, 401 North Lamar
956 Street, 455 North Lamar Street, the State Records Center, the
957 Robert G. Clark, Jr. Building, the Mississippi State Fairgrounds
958 Complex, located at or around 1207 Mississippi Street, Jackson,
959 Mississippi 39202, the former Central High Building, the
960 Mississippi Workers' Compensation Commission Office Building, as



961 well as all state-owned or leased buildings situated on seat of
962 government property.

963 (ii) To exercise general supervision and care over
964 and keep in good condition the Dr. Eldon Langston Bolton Building
965 located in Biloxi, Mississippi.

966 (iii) To exercise general supervision and care
967 over and keep in good condition the State Service Center, located
968 at the intersection of U.S. Highway 49 and John Merl Tatum
969 Industrial Drive in Hattiesburg, Mississippi.

970 (iv) To exercise general supervision and care over
971 and keep in good condition any property purchased, constructed or
972 otherwise acquired by the State of Mississippi for conducting
973 state business and not specifically under the supervision and
974 care * * * of any other state entity, but which is reasonably
975 assumed the department would be responsible for such, as approved
976 by the Public Procurement Review Board, including, but not limited
977 to:

978 1. The National Aeronautics and Space
979 Administration (NASA) Shared Services Center and Lockheed Martin
980 Building at Stennis Space Center;

981 2. The Mississippi Sports Hall of Fame;

982 3. The Mississippi Crafts Center;

983 4. The Mississippi Children's Museum; and

984 5. The Mississippi Arts and Entertainment
985 Center.



986 (b) To assign suitable office space for the various
987 state departments, officers and employees who are provided with an
988 office in any of the buildings under the jurisdiction or control
989 of the Department of Finance and Administration. However, the
990 assignment of space in the New Capitol Building shall be
991 designated by duly passed resolution of the combined Senate Rules
992 Committee and the House Management Committee, meeting as a joint
993 committee, approved by the Lieutenant Governor and Speaker of the
994 House of Representatives. A majority vote of the members of the
995 Senate Rules Committee and a majority vote of the members of the
996 House Management Committee shall be required on all actions taken,
997 resolutions or reports adopted, and all other matters considered
998 by the full combined committee on occasions when the Senate Rules
999 Committee and the House Management Committee shall meet as a full
1000 combined committee.

1001 (c) To approve or disapprove with the concurrence of
1002 the Public Procurement Review Board, any lease or rental
1003 agreements by any state agency or department, including any state
1004 agency financed entirely by federal and special funds, for space
1005 outside the buildings under the jurisdiction of the Department of
1006 Finance and Administration, including space necessary for parking
1007 to be used by state employees who work in the Woolfolk Building,
1008 the Carroll Gartin Justice Building or the Walter Sillers Office
1009 Building. In no event shall any employee, officer, department,
1010 federally funded agency or bureau of the state be authorized to



1011 enter into a lease or rental agreement without prior approval of
1012 the Department of Finance and Administration and the Public
1013 Procurement Review Board.

1014 The Department of Finance and Administration is authorized to
1015 use architects, engineers, building inspectors and other personnel
1016 for the purpose of making inspections as may be deemed necessary
1017 in carrying out its duties and maintaining the facilities.

1018 This section is not intended to apply to locations for which
1019 the Department of Finance and Administration has decided to
1020 solicit proposals in accordance with subsection (e) of this
1021 section.

1022 (d) To acquire by lease, lease-purchase agreement, or
1023 otherwise, as provided in Section 27-104-107, and to assign
1024 through the Office of General Services, by lease or sublease
1025 agreement from the office, and with the concurrence of the Public
1026 Procurement Review Board, to any state agency or department,
1027 including any state agency financed entirely by federal and
1028 special funds, appropriate office space in the buildings acquired.

1029 (e) To solicit and approve or disapprove,
1030 notwithstanding any rule of law to the contrary, and with the
1031 concurrence of the Public Procurement Review Board, any lease, use
1032 or rental agreement for a charge or other consideration for space
1033 not exceeding three thousand (3,000) square feet in any individual
1034 building listed in subsection (a) of this section, with a private



1035 entry who will provide food and/or catering services for state
1036 employees, visitors and the general public.

1037 The department shall select the entity using a competitive
1038 process which shall be publicly advertised. In addition to
1039 satisfying any other requirements for the Public Procurement
1040 Review Board's approval, the department must demonstrate that any
1041 agreement entered into under this section will neither result in a
1042 net cost to the state, nor impair or impede the function of state
1043 agencies at such location.

1044 **SECTION 17.** Section 27-104-7, Mississippi Code of 1972, is
1045 amended as follows:

1046 27-104-7. (1) (a) There is created the Public Procurement
1047 Review Board, which shall be reconstituted on January 1, 2018, and
1048 shall be composed of the following members:

1049 (i) Three (3) individuals appointed by the
1050 Governor with the advice and consent of the Senate;

1051 (ii) Two (2) individuals appointed by the
1052 Lieutenant Governor with the advice and consent of the Senate; and

1053 (iii) The Executive Director of the Department of
1054 Finance and Administration, serving as an ex officio and nonvoting
1055 member.

1056 (b) The initial terms of each appointee shall be as
1057 follows:

1058 (i) One (1) member appointed by the Governor to
1059 serve for a term ending on June 30, 2019;



1060 (ii) One (1) member appointed by the Governor to
1061 serve for a term ending on June 30, 2020;

1062 (iii) One (1) member appointed by the Governor to
1063 serve for a term ending on June 30, 2021;

1064 (iv) One (1) member appointed by the Lieutenant
1065 Governor to serve for a term ending on June 30, 2019; and

1066 (v) One (1) member appointed by the Lieutenant
1067 Governor to serve for a term ending on June 30, 2020.

1068 After the expiration of the initial terms, all appointed
1069 members' terms shall be for a period of four (4) years from the
1070 expiration date of the previous term, and until such time as the
1071 member's successor is duly appointed and qualified.

1072 (c) When appointing members to the Public Procurement
1073 Review Board, the Governor and Lieutenant Governor shall take into
1074 consideration persons who possess at least five (5) years of
1075 management experience in general business, health care or finance
1076 for an organization, corporation or other public or private
1077 entity. Any person, or any employee or owner of a company, who
1078 receives any grants, procurements or contracts that are subject to
1079 approval under this section shall not be appointed to the Public
1080 Procurement Review Board. Any person, or any employee or owner of
1081 a company, who is a principal of the source providing a personal
1082 or professional service shall not be appointed to the Public
1083 Procurement Review Board if the principal owns or controls a
1084 greater than five percent (5%) interest or has an ownership value



1085 of One Million Dollars (\$1,000,000.00) in the source's business,
1086 whichever is smaller. No member shall be an officer or employee
1087 of the State of Mississippi while serving as a voting member on
1088 the Public Procurement Review Board.

1089 (d) Members of the Public Procurement Review Board
1090 shall be entitled to per diem as authorized by Section 25-3-69 and
1091 travel reimbursement as authorized by Section 25-3-41.

1092 (e) The members of the Public Procurement Review Board
1093 shall elect a chair from among the membership, and he or she shall
1094 preside over the meetings of the board. The board shall annually
1095 elect a vice chair, who shall serve in the absence of the chair.
1096 No business shall be transacted, including the adoption of rules
1097 of procedure, without the presence of a quorum of the board.
1098 Three (3) members shall be a quorum. No action shall be valid
1099 unless approved by a majority of the members present and voting,
1100 entered upon the minutes of the board and signed by the chair.
1101 Necessary clerical and administrative support for the board shall
1102 be provided by the Department of Finance and Administration.
1103 Minutes shall be kept of the proceedings of each meeting, copies
1104 of which shall be filed on a monthly basis with the chairs of the
1105 Accountability, Efficiency and Transparency Committees of the
1106 Senate and House of Representatives and the chairs of the
1107 Appropriations Committees of the Senate and House of
1108 Representatives.



1109 (2) The Public Procurement Review Board shall have the
1110 following powers and responsibilities:

1111 (a) Approve all purchasing regulations governing the
1112 purchase or lease by any agency, as defined in Section 31-7-1, of
1113 commodities and equipment, except computer equipment acquired
1114 pursuant to Sections 25-53-1 through 25-53-29;

1115 (b) Adopt regulations governing the approval of
1116 contracts let for the construction and maintenance of state
1117 buildings and other state facilities as well as related contracts
1118 for architectural and engineering services.

1119 The provisions of this paragraph (b) shall not apply to such
1120 contracts involving buildings and other facilities of state
1121 institutions of higher learning which are self-administered as
1122 provided under this paragraph (b) or Section 37-101-15(m);

1123 (c) Adopt regulations governing any lease or rental
1124 agreement by any state agency or department, including any state
1125 agency financed entirely by federal funds, for space outside the
1126 buildings under the jurisdiction of the Department of Finance and
1127 Administration. These regulations shall require each agency
1128 requesting to lease such space to provide the following
1129 information that shall be published by the Department of Finance
1130 and Administration on its website: the agency to lease the space;
1131 the terms of the lease; the approximate square feet to be leased;
1132 the use for the space; a description of a suitable space; the
1133 general location desired for the leased space; the contact



1134 information for a person from the agency; the deadline date for
1135 the agency to have received a lease proposal; any other specific
1136 terms or conditions of the agency; and any other information
1137 deemed appropriate by the Division of Real Property Management of
1138 the Department of Finance and Administration or the Public
1139 Procurement Review Board. The information shall be provided
1140 sufficiently in advance of the time the space is needed to allow
1141 the Division of Real Property Management of the Department of
1142 Finance and Administration to review and preapprove the lease
1143 before the time for advertisement begins;

1144 (d) Adopt, in its discretion, regulations to set aside
1145 at least five percent (5%) of anticipated annual expenditures for
1146 the purchase of commodities from minority businesses; however, all
1147 such set-aside purchases shall comply with all purchasing
1148 regulations promulgated by the department and shall be subject to
1149 all bid requirements. Set-aside purchases for which competitive
1150 bids are required shall be made from the lowest and best minority
1151 business bidder; however, if no minority bid is available or if
1152 the minority bid is more than two percent (2%) higher than the
1153 lowest bid, then bids shall be accepted and awarded to the lowest
1154 and best bidder. However, the provisions in this paragraph shall
1155 not be construed to prohibit the rejection of a bid when only one
1156 (1) bid is received. Such rejection shall be placed in the
1157 minutes. For the purposes of this paragraph, the term "minority
1158 business" means a business which is owned by a person who is a



1159 citizen or lawful permanent resident of the United States and who
1160 is:

1161 (i) Black: having origins in any of the black
1162 racial groups of Africa;

1163 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
1164 Central or South American, or other Spanish or Portuguese culture
1165 or origin regardless of race;

1166 (iii) Asian-American: having origins in any of
1167 the original people of the Far East, Southeast Asia, the Indian
1168 subcontinent, or the Pacific Islands;

1169 (iv) American Indian or Alaskan Native: having
1170 origins in any of the original people of North America; or

1171 (v) Female;

1172 (e) In consultation with and approval by the Chairs of
1173 the Senate and House Public Property Committees, approve leases,
1174 for a term not to exceed eighteen (18) months, entered into by
1175 state agencies for the purpose of providing parking arrangements
1176 for state employees who work in the Woolfolk Building, the Carroll
1177 Gartin Justice Building or the Walter Sillers Office Building;

1178 (f) (i) Except as otherwise provided in subparagraph
1179 (ii) of this paragraph, promulgate rules and regulations governing
1180 the solicitation and selection of contractual services personnel,
1181 including personal and professional services contracts for any
1182 form of consulting, policy analysis, public relations, marketing,
1183 public affairs, legislative advocacy services or any other



1184 contract that the board deems appropriate for oversight, with the
1185 exception of:

1186 1. Any personal service contracts entered
1187 into by any agency that employs only nonstate service employees as
1188 defined in Section 25-9-107(c);

1189 2. Any personal service contracts entered
1190 into for computer or information technology-related services
1191 governed by the Mississippi Department of Information Technology
1192 Services;

1193 3. Any personal service contracts entered
1194 into by the individual state institutions of higher learning;

1195 4. Any personal service contracts entered
1196 into by the Mississippi Department of Transportation;

1197 5. Any personal service contracts entered
1198 into by the Department of Human Services through June 30, 2019,
1199 which the Executive Director of the Department of Human Services
1200 determines would be useful in establishing and operating the
1201 Department of Child Protection Services;

1202 6. Any personal service contracts entered
1203 into by the Department of Child Protection Services through June
1204 30, 2019;

1205 7. Any contracts for entertainers and/or
1206 performers at the Mississippi State Fairgrounds located at or
1207 around 1207 Mississippi Street, Jackson, Mississippi 39202,
1208 entered into by the Mississippi Fair Commission;



1209 8. Any contracts entered into by the
1210 Department of Finance and Administration when procuring aircraft
1211 maintenance, parts, equipment and/or services;

1212 9. Any contract entered into by the
1213 Department of Public Safety for service on specialized equipment
1214 and/or software required for the operation of such specialized
1215 equipment for use by the Office of Forensics Laboratories;

1216 10. Any personal or professional service
1217 contract entered into by the Mississippi Department of Health or
1218 the Department of Revenue solely in connection with their
1219 respective responsibilities under the Mississippi Medical Cannabis
1220 Act from February 2, 2022, through June 30, 2026;

1221 11. Any contract for attorney, accountant,
1222 actuary auditor, architect, engineer, anatomical pathologist, or
1223 utility rate expert services;

1224 12. Any personal service contracts approved
1225 by the Executive Director of the Department of Finance and
1226 Administration and entered into by the Coordinator of Mental
1227 Health Accessibility through June 30, 2022;

1228 13. Any personal or professional services
1229 contract entered into by the State Department of Health in
1230 carrying out its responsibilities under the ARPA Rural Water
1231 Associations Infrastructure Grant Program through June 30, 2026;
1232 and



1233 14. And any personal or professional services
1234 contract entered into by the Mississippi Department of
1235 Environmental Quality in carrying out its responsibilities under
1236 the Mississippi Municipality and County Water Infrastructure Grant
1237 Program Act of 2022, through June 30, 2026.

1238 Any such rules and regulations shall provide for maintaining
1239 continuous internal audit covering the activities of such agency
1240 affecting its revenue and expenditures as required under Section
1241 7-7-3(6) (d). Any rules and regulation changes related to personal
1242 and professional services contracts that the Public Procurement
1243 Review Board may propose shall be submitted to the Chairs of the
1244 Accountability, Efficiency and Transparency Committees of the
1245 Senate and House of Representatives and the Chairs of the
1246 Appropriation Committees of the Senate and House of
1247 Representatives at least fifteen (15) days before the board votes
1248 on the proposed changes, and those rules and regulation changes,
1249 if adopted, shall be promulgated in accordance with the
1250 Mississippi Administrative Procedures Act.

1251 (ii) From and after July 1, 2024, the Public
1252 Procurement Review Board shall promulgate rules and regulations
1253 that require the Department of Finance and Administration to
1254 conduct personal and professional services solicitations as
1255 provided in subparagraph (i) of this paragraph for those services
1256 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
1257 Department of Marine Resources, the Department of Wildlife,



1258 Fisheries and Parks, the Mississippi Emergency Management Agency
1259 and the Mississippi Development Authority, with assistance to be
1260 provided from these entities. Any powers that have been conferred
1261 upon agencies in order to comply with the provisions of this
1262 section for personal and professional services solicitations shall
1263 be conferred upon the Department of Finance and Administration to
1264 conduct personal and professional services solicitations for the
1265 Department of Marine Resources, the Department of Wildlife,
1266 Fisheries and Parks, the Mississippi Emergency Management Agency
1267 and the Mississippi Development Authority for those services in
1268 excess of Seventy-five Thousand Dollars (\$75,000.00). The
1269 Department of Finance and Administration shall make any
1270 submissions that are required to be made by other agencies to the
1271 Public Procurement Review Board for the Department of Marine
1272 Resources, the Department of Wildlife, Fisheries and Parks, the
1273 Mississippi Emergency Management Agency and the Mississippi
1274 Development Authority.

1275 The provisions of this subparagraph (ii) shall stand repealed
1276 on June 30, 2027;

1277 (g) Approve all personal and professional services
1278 contracts involving the expenditures of funds in excess of
1279 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
1280 paragraph (f) of this subsection (2) and in subsection (8);

1281 (h) Develop mandatory standards with respect to
1282 contractual services personnel that require invitations for public



1283 bid, requests for proposals, record keeping and financial
1284 responsibility of contractors. The Public Procurement Review
1285 Board shall, unless exempted under this paragraph (h) or under
1286 paragraph (i) or (o) of this subsection (2), require the agency
1287 involved to submit the procurement to a competitive procurement
1288 process, and may reserve the right to reject any or all resulting
1289 procurements;

1290 (i) Prescribe certain circumstances by which agency
1291 heads may enter into contracts for personal and professional
1292 services without receiving prior approval from the Public
1293 Procurement Review Board. The Public Procurement Review Board may
1294 establish a preapproved list of providers of various personal and
1295 professional services for set prices with which state agencies may
1296 contract without bidding or prior approval from the board;

1297 (i) Agency requirements may be fulfilled by
1298 procuring services performed incident to the state's own programs.
1299 The agency head shall determine in writing whether the price
1300 represents a fair market value for the services. When the
1301 procurements are made from other governmental entities, the
1302 private sector need not be solicited; however, these contracts
1303 shall still be submitted for approval to the Public Procurement
1304 Review Board.

1305 (ii) Contracts between two (2) state agencies,
1306 both under Public Procurement Review Board purview, shall not
1307 require Public Procurement Review Board approval. However, the



1308 contracts shall still be entered into the enterprise resource
1309 planning system;

1310 (j) Provide standards for the issuance of requests for
1311 proposals, the evaluation of proposals received, consideration of
1312 costs and quality of services proposed, contract negotiations, the
1313 administrative monitoring of contract performance by the agency
1314 and successful steps in terminating a contract;

1315 (k) Present recommendations for governmental
1316 privatization and to evaluate privatization proposals submitted by
1317 any state agency;

1318 (l) Authorize personal and professional service
1319 contracts to be effective for more than one (1) year provided a
1320 funding condition is included in any such multiple year contract,
1321 except the State Board of Education, which shall have the
1322 authority to enter into contractual agreements for student
1323 assessment for a period up to ten (10) years. The State Board of
1324 Education shall procure these services in accordance with the
1325 Public Procurement Review Board procurement regulations;

1326 (m) Request the State Auditor to conduct a performance
1327 audit on any personal or professional service contract;

1328 (n) Prepare an annual report to the Legislature
1329 concerning the issuance of personal and professional services
1330 contracts during the previous year, collecting any necessary
1331 information from state agencies in making such report;



1332 (o) Develop and implement the following standards and
1333 procedures for the approval of any sole source contract for
1334 personal and professional services regardless of the value of the
1335 procurement:

1336 (i) For the purposes of this paragraph (o), the
1337 term "sole source" means only one (1) source is available that can
1338 provide the required personal or professional service.

1339 (ii) An agency that has been issued a binding,
1340 valid court order mandating that a particular source or provider
1341 must be used for the required service must include a copy of the
1342 applicable court order in all future sole source contract reviews
1343 for the particular personal or professional service referenced in
1344 the court order.

1345 (iii) Any agency alleging to have a sole source
1346 for any personal or professional service, other than those
1347 exempted under paragraph (f) of this subsection (2) and subsection
1348 (8), shall publish on the procurement portal website established
1349 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
1350 days, the terms of the proposed contract for those services. In
1351 addition, the publication shall include, but is not limited to,
1352 the following information:

1353 1. The personal or professional service
1354 offered in the contract;



1355 2. An explanation of why the personal or
1356 professional service is the only one that can meet the needs of
1357 the agency;

1358 3. An explanation of why the source is the
1359 only person or entity that can provide the required personal or
1360 professional service;

1361 4. An explanation of why the amount to be
1362 expended for the personal or professional service is reasonable;
1363 and

1364 5. The efforts that the agency went through
1365 to obtain the best possible price for the personal or professional
1366 service.

1367 (iv) If any person or entity objects and proposes
1368 that the personal or professional service published under
1369 subparagraph (iii) of this paragraph (o) is not a sole source
1370 service and can be provided by another person or entity, then the
1371 objecting person or entity shall notify the Public Procurement
1372 Review Board and the agency that published the proposed sole
1373 source contract with a detailed explanation of why the personal or
1374 professional service is not a sole source service.

1375 (v) 1. If the agency determines after review that
1376 the personal or professional service in the proposed sole source
1377 contract can be provided by another person or entity, then the
1378 agency must withdraw the sole source contract publication from the
1379 procurement portal website and submit the procurement of the



1380 personal or professional service to an advertised competitive bid
1381 or selection process.

1382 2. If the agency determines after review that
1383 there is only one (1) source for the required personal or
1384 professional service, then the agency may appeal to the Public
1385 Procurement Review Board. The agency has the burden of proving
1386 that the personal or professional service is only provided by one
1387 (1) source.

1388 3. If the Public Procurement Review Board has
1389 any reasonable doubt as to whether the personal or professional
1390 service can only be provided by one (1) source, then the agency
1391 must submit the procurement of the personal or professional
1392 service to an advertised competitive bid or selection process. No
1393 action taken by the Public Procurement Review Board in this appeal
1394 process shall be valid unless approved by a majority of the
1395 members of the Public Procurement Review Board present and voting.

1396 (vi) The Public Procurement Review Board shall
1397 prepare and submit a quarterly report to the House of
1398 Representatives and Senate Accountability, Efficiency and
1399 Transparency Committees that details the sole source contracts
1400 presented to the Public Procurement Review Board and the reasons
1401 that the Public Procurement Review Board approved or rejected each
1402 contract. These quarterly reports shall also include the
1403 documentation and memoranda required in subsection (4) of this
1404 section. An agency that submitted a sole source contract shall be



1405 prepared to explain the sole source contract to each committee by
1406 December 15 of each year upon request by the committee;

1407 (p) Assess any fines and administrative penalties
1408 provided for in Sections 31-7-401 through 31-7-423.

1409 (3) All submissions shall be made sufficiently in advance of
1410 each monthly meeting of the Public Procurement Review Board as
1411 prescribed by the Public Procurement Review Board. If the Public
1412 Procurement Review Board rejects any contract submitted for review
1413 or approval, the Public Procurement Review Board shall clearly set
1414 out the reasons for its action, including, but not limited to, the
1415 policy that the agency has violated in its submitted contract and
1416 any corrective actions that the agency may take to amend the
1417 contract to comply with the rules and regulations of the Public
1418 Procurement Review Board.

1419 (4) All sole source contracts for personal and professional
1420 services awarded by state agencies, other than those exempted
1421 under Section 27-104-7(2) (f) and (8), whether approved by an
1422 agency head or the Public Procurement Review Board, shall contain
1423 in the procurement file a written determination for the approval,
1424 using a request form furnished by the Public Procurement Review
1425 Board. The written determination shall document the basis for the
1426 determination, including any market analysis conducted in order to
1427 ensure that the service required was practicably available from
1428 only one (1) source. A memorandum shall accompany the request
1429 form and address the following four (4) points:



1430 (a) Explanation of why this service is the only service
1431 that can meet the needs of the purchasing agency;

1432 (b) Explanation of why this vendor is the only
1433 practicably available source from which to obtain this service;

1434 (c) Explanation of why the price is considered
1435 reasonable; and

1436 (d) Description of the efforts that were made to
1437 conduct a noncompetitive negotiation to get the best possible
1438 price for the taxpayers.

1439 (5) In conjunction with the State Personnel Board, the
1440 Public Procurement Review Board shall develop and promulgate rules
1441 and regulations to define the allowable legal relationship between
1442 contract employees and the contracting departments, agencies and
1443 institutions of state government under the jurisdiction of the
1444 State Personnel Board, in compliance with the applicable rules and
1445 regulations of the federal Internal Revenue Service (IRS) for
1446 federal employment tax purposes. Under these regulations, the
1447 usual common law rules are applicable to determine and require
1448 that such worker is an independent contractor and not an employee,
1449 requiring evidence of lawful behavioral control, lawful financial
1450 control and lawful relationship of the parties. Any state
1451 department, agency or institution shall only be authorized to
1452 contract for personnel services in compliance with those
1453 regulations.



1454 (6) No member of the Public Procurement Review Board shall
1455 use his or her official authority or influence to coerce, by
1456 threat of discharge from employment, or otherwise, the purchase of
1457 commodities, the contracting for personal or professional
1458 services, or the contracting for public construction under this
1459 chapter.

1460 (7) Notwithstanding any other laws or rules to the contrary,
1461 the provisions of subsection (2) of this section shall not be
1462 applicable to the Mississippi State Port Authority at Gulfport.

1463 (8) Nothing in this section shall impair or limit the
1464 authority of the Board of Trustees of the Public Employees'
1465 Retirement System to enter into any personal or professional
1466 services contracts directly related to their constitutional
1467 obligation to manage the trust funds, including, but not limited
1468 to, actuarial, custodial banks, cash management, investment
1469 consultant and investment management contracts. Nothing in this
1470 section shall impair or limit the authority of the State Treasurer
1471 to enter into any personal or professional services contracts
1472 involving the management of trust funds, including, but not
1473 limited to, actuarial, custodial banks, cash management,
1474 investment consultant and investment management contracts.

1475 (9) Through December 31, 2024, the provisions of this
1476 section related to rental agreements or leasing of real property
1477 for the purpose of conducting agency business shall not apply to
1478 the Office of Workforce Development created in Section 37-153-7.



1479 **SECTION 18.** Section 27-65-75, Mississippi Code of 1972, is
1480 amended as follows:

1481 27-65-75. On or before the fifteenth day of each month, the
1482 revenue collected under the provisions of this chapter during the
1483 preceding month shall be paid and distributed as follows:

1484 (1) (a) On or before August 15, 1992, and each succeeding
1485 month thereafter through July 15, 1993, eighteen percent (18%) of
1486 the total sales tax revenue collected during the preceding month
1487 under the provisions of this chapter, except that collected under
1488 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1489 business activities within a municipal corporation shall be
1490 allocated for distribution to the municipality and paid to the
1491 municipal corporation. Except as otherwise provided in this
1492 paragraph (a), on or before August 15, 1993, and each succeeding
1493 month thereafter, eighteen and one-half percent (18-1/2%) of the
1494 total sales tax revenue collected during the preceding month under
1495 the provisions of this chapter, except that collected under the
1496 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1497 27-65-24, on business activities within a municipal corporation
1498 shall be allocated for distribution to the municipality and paid
1499 to the municipal corporation. However, in the event the State
1500 Auditor issues a certificate of noncompliance pursuant to Section
1501 21-35-31, the Department of Revenue shall withhold ten percent
1502 (10%) of the allocations and payments to the municipality that
1503 would otherwise be payable to the municipality under this



1504 paragraph (a) until such time that the department receives written
1505 notice of the cancellation of a certificate of noncompliance from
1506 the State Auditor.

1507 A municipal corporation, for the purpose of distributing the
1508 tax under this subsection, shall mean and include all incorporated
1509 cities, towns and villages.

1510 Monies allocated for distribution and credited to a municipal
1511 corporation under this paragraph may be pledged as security for a
1512 loan if the distribution received by the municipal corporation is
1513 otherwise authorized or required by law to be pledged as security
1514 for such a loan.

1515 In any county having a county seat that is not an
1516 incorporated municipality, the distribution provided under this
1517 subsection shall be made as though the county seat was an
1518 incorporated municipality; however, the distribution to the
1519 municipality shall be paid to the county treasury in which the
1520 municipality is located, and those funds shall be used for road,
1521 bridge and street construction or maintenance in the county.

1522 (b) On or before August 15, 2006, and each succeeding
1523 month thereafter, eighteen and one-half percent (18-1/2%) of the
1524 total sales tax revenue collected during the preceding month under
1525 the provisions of this chapter, except that collected under the
1526 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1527 business activities on the campus of a state institution of higher
1528 learning or community or junior college whose campus is not



1529 located within the corporate limits of a municipality, shall be
1530 allocated for distribution to the state institution of higher
1531 learning or community or junior college and paid to the state
1532 institution of higher learning or community or junior college.

1533 (c) On or before August 15, 2018, and each succeeding
1534 month thereafter until August 14, 2019, two percent (2%) of the
1535 total sales tax revenue collected during the preceding month under
1536 the provisions of this chapter, except that collected under the
1537 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1538 27-65-24, on business activities within the corporate limits of
1539 the City of Jackson, Mississippi, shall be deposited into the
1540 Capitol Complex Improvement District Project Fund created in
1541 Section 29-5-215. On or before August 15, 2019, and each
1542 succeeding month thereafter until August 14, 2020, four percent
1543 (4%) of the total sales tax revenue collected during the preceding
1544 month under the provisions of this chapter, except that collected
1545 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1546 and 27-65-24, on business activities within the corporate limits
1547 of the City of Jackson, Mississippi, shall be deposited into the
1548 Capitol Complex Improvement District Project Fund created in
1549 Section 29-5-215. On or before August 15, 2020, and each
1550 succeeding month thereafter through July 15, 2023, six percent
1551 (6%) of the total sales tax revenue collected during the preceding
1552 month under the provisions of this chapter, except that collected
1553 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21



1554 and 27-65-24, on business activities within the corporate limits
1555 of the City of Jackson, Mississippi, shall be deposited into the
1556 Capitol Complex Improvement District Project Fund created in
1557 Section 29-5-215. On or before August 15, 2023, and each
1558 succeeding month thereafter, nine percent (9%) of the total sales
1559 tax revenue collected during the preceding month under the
1560 provisions of this chapter, except that collected under the
1561 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1562 27-65-24, on business activities within the corporate limits of
1563 the City of Jackson, Mississippi, shall be deposited into the
1564 Capitol Complex Improvement District Project Fund created in
1565 Section 29-5-215.

1566 (d) (i) On or before the fifteenth day of the month
1567 that the diversion authorized by this section begins, and each
1568 succeeding month thereafter, eighteen and one-half percent
1569 (18-1/2%) of the total sales tax revenue collected during the
1570 preceding month under the provisions of this chapter, except that
1571 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1572 and 27-65-21, on business activities within a redevelopment
1573 project area developed under a redevelopment plan adopted under
1574 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1575 allocated for distribution to the county in which the project area
1576 is located if:

1577 1. The county:



1578 a. Borders on the Mississippi Sound and
1579 the State of Alabama * * *; or

1580 b. Is Harrison County, Mississippi, and
1581 the project area is within a radius of two (2) miles from the
1582 intersection of Interstate 10 and Menge Avenue;

1583 2. The county has issued bonds under Section
1584 21-45-9 to finance all or a portion of a redevelopment project in
1585 the redevelopment project area;

1586 3. Any debt service for the indebtedness
1587 incurred is outstanding; and

1588 4. A development with a value of Ten Million
1589 Dollars (\$10,000,000.00) or more is, or will be, located in the
1590 redevelopment area.

1591 (ii) Before any sales tax revenue may be allocated
1592 for distribution to a county under this paragraph, the county
1593 shall certify to the Department of Revenue that the requirements
1594 of this paragraph have been met, the amount of bonded indebtedness
1595 that has been incurred by the county for the redevelopment project
1596 and the expected date the indebtedness incurred by the county will
1597 be satisfied.

1598 (iii) The diversion of sales tax revenue
1599 authorized by this paragraph shall begin the month following the
1600 month in which the Department of Revenue determines that the
1601 requirements of this paragraph have been met. The diversion shall
1602 end the month the indebtedness incurred by the county is



1603 satisfied. All revenue received by the county under this
1604 paragraph shall be deposited in the fund required to be created in
1605 the tax increment financing plan under Section 21-45-11 and be
1606 utilized solely to satisfy the indebtedness incurred by the
1607 county.

1608 (2) On or before September 15, 1987, and each succeeding
1609 month thereafter, from the revenue collected under this chapter
1610 during the preceding month, One Million One Hundred Twenty-five
1611 Thousand Dollars (\$1,125,000.00) shall be allocated for
1612 distribution to municipal corporations as defined under subsection
1613 (1) of this section in the proportion that the number of gallons
1614 of gasoline and diesel fuel sold by distributors to consumers and
1615 retailers in each such municipality during the preceding fiscal
1616 year bears to the total gallons of gasoline and diesel fuel sold
1617 by distributors to consumers and retailers in municipalities
1618 statewide during the preceding fiscal year. The Department of
1619 Revenue shall require all distributors of gasoline and diesel fuel
1620 to report to the department monthly the total number of gallons of
1621 gasoline and diesel fuel sold by them to consumers and retailers
1622 in each municipality during the preceding month. The Department
1623 of Revenue shall have the authority to promulgate such rules and
1624 regulations as is necessary to determine the number of gallons of
1625 gasoline and diesel fuel sold by distributors to consumers and
1626 retailers in each municipality. In determining the percentage
1627 allocation of funds under this subsection for the fiscal year



1628 beginning July 1, 1987, and ending June 30, 1988, the Department
1629 of Revenue may consider gallons of gasoline and diesel fuel sold
1630 for a period of less than one (1) fiscal year. For the purposes
1631 of this subsection, the term "fiscal year" means the fiscal year
1632 beginning July 1 of a year.

1633 (3) On or before September 15, 1987, and on or before the
1634 fifteenth day of each succeeding month, until the date specified
1635 in Section 65-39-35, the proceeds derived from contractors' taxes
1636 levied under Section 27-65-21 on contracts for the construction or
1637 reconstruction of highways designated under the highway program
1638 created under Section 65-3-97 shall, except as otherwise provided
1639 in Section 31-17-127, be deposited into the State Treasury to the
1640 credit of the State Highway Fund to be used to fund that highway
1641 program. The Mississippi Department of Transportation shall
1642 provide to the Department of Revenue such information as is
1643 necessary to determine the amount of proceeds to be distributed
1644 under this subsection.

1645 (4) On or before August 15, 1994, and on or before the
1646 fifteenth day of each succeeding month through July 15, 1999, from
1647 the proceeds of gasoline, diesel fuel or kerosene taxes as
1648 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1649 (\$4,000,000.00) shall be deposited in the State Treasury to the
1650 credit of a special fund designated as the "State Aid Road Fund,"
1651 created by Section 65-9-17. On or before August 15, 1999, and on
1652 or before the fifteenth day of each succeeding month, from the



1653 total amount of the proceeds of gasoline, diesel fuel or kerosene
1654 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1655 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1656 one-fourth percent (23-1/4%) of those funds, whichever is the
1657 greater amount, shall be deposited in the State Treasury to the
1658 credit of the "State Aid Road Fund," created by Section 65-9-17.
1659 Those funds shall be pledged to pay the principal of and interest
1660 on state aid road bonds heretofore issued under Sections 19-9-51
1661 through 19-9-77, in lieu of and in substitution for the funds
1662 previously allocated to counties under this section. Those funds
1663 may not be pledged for the payment of any state aid road bonds
1664 issued after April 1, 1981; however, this prohibition against the
1665 pledging of any such funds for the payment of bonds shall not
1666 apply to any bonds for which intent to issue those bonds has been
1667 published for the first time, as provided by law before March 29,
1668 1981. From the amount of taxes paid into the special fund under
1669 this subsection and subsection (9) of this section, there shall be
1670 first deducted and paid the amount necessary to pay the expenses
1671 of the Office of State Aid Road Construction, as authorized by the
1672 Legislature for all other general and special fund agencies. The
1673 remainder of the fund shall be allocated monthly to the several
1674 counties in accordance with the following formula:
1675 (a) One-third (1/3) shall be allocated to all counties
1676 in equal shares;



1677 (b) One-third (1/3) shall be allocated to counties
1678 based on the proportion that the total number of rural road miles
1679 in a county bears to the total number of rural road miles in all
1680 counties of the state; and

1681 (c) One-third (1/3) shall be allocated to counties
1682 based on the proportion that the rural population of the county
1683 bears to the total rural population in all counties of the state,
1684 according to the latest federal decennial census.

1685 For the purposes of this subsection, the term "gasoline,
1686 diesel fuel or kerosene taxes" means such taxes as defined in
1687 paragraph (f) of Section 27-5-101.

1688 The amount of funds allocated to any county under this
1689 subsection for any fiscal year after fiscal year 1994 shall not be
1690 less than the amount allocated to the county for fiscal year 1994.

1691 Any reference in the general laws of this state or the
1692 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1693 construed to refer and apply to subsection (4) of Section
1694 27-65-75.

1695 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
1696 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
1697 the special fund known as the "Educational Facilities Revolving
1698 Loan Fund" created and existing under the provisions of Section
1699 37-47-24. Those payments into that fund are to be made on the
1700 last day of each succeeding month hereafter. This subsection (5)
1701 shall stand repealed on July 1, 2026.



1702 (6) An amount each month beginning August 15, 1983, through
1703 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1704 1983, shall be paid into the special fund known as the
1705 Correctional Facilities Construction Fund created in Section 6,
1706 Chapter 542, Laws of 1983.

1707 (7) On or before August 15, 1992, and each succeeding month
1708 thereafter through July 15, 2000, two and two hundred sixty-six
1709 one-thousandths percent (2.266%) of the total sales tax revenue
1710 collected during the preceding month under the provisions of this
1711 chapter, except that collected under the provisions of Section
1712 27-65-17(2), shall be deposited by the department into the School
1713 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1714 or before August 15, 2000, and each succeeding month thereafter,
1715 two and two hundred sixty-six one-thousandths percent (2.266%) of
1716 the total sales tax revenue collected during the preceding month
1717 under the provisions of this chapter, except that collected under
1718 the provisions of Section 27-65-17(2), shall be deposited into the
1719 School Ad Valorem Tax Reduction Fund created under Section
1720 37-61-35 until such time that the total amount deposited into the
1721 fund during a fiscal year equals Forty-two Million Dollars
1722 (\$42,000,000.00). Thereafter, the amounts diverted under this
1723 subsection (7) during the fiscal year in excess of Forty-two
1724 Million Dollars (\$42,000,000.00) shall be deposited into the
1725 Education Enhancement Fund created under Section 37-61-33 for
1726 appropriation by the Legislature as other education needs and



1727 shall not be subject to the percentage appropriation requirements
1728 set forth in Section 37-61-33.

1729 (8) On or before August 15, 1992, and each succeeding month
1730 thereafter, nine and seventy-three one-thousandths percent
1731 (9.073%) of the total sales tax revenue collected during the
1732 preceding month under the provisions of this chapter, except that
1733 collected under the provisions of Section 27-65-17(2), shall be
1734 deposited into the Education Enhancement Fund created under
1735 Section 37-61-33.

1736 (9) On or before August 15, 1994, and each succeeding month
1737 thereafter, from the revenue collected under this chapter during
1738 the preceding month, Two Hundred Fifty Thousand Dollars
1739 (\$250,000.00) shall be paid into the State Aid Road Fund.

1740 (10) On or before August 15, 1994, and each succeeding month
1741 thereafter through August 15, 1995, from the revenue collected
1742 under this chapter during the preceding month, Two Million Dollars
1743 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1744 Valorem Tax Reduction Fund established in Section 27-51-105.

1745 (11) Notwithstanding any other provision of this section to
1746 the contrary, on or before February 15, 1995, and each succeeding
1747 month thereafter, the sales tax revenue collected during the
1748 preceding month under the provisions of Section 27-65-17(2) and
1749 the corresponding levy in Section 27-65-23 on the rental or lease
1750 of private carriers of passengers and light carriers of property
1751 as defined in Section 27-51-101 shall be deposited, without



1752 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1753 established in Section 27-51-105.

1754 (12) Notwithstanding any other provision of this section to
1755 the contrary, on or before August 15, 1995, and each succeeding
1756 month thereafter, the sales tax revenue collected during the
1757 preceding month under the provisions of Section 27-65-17(1) on
1758 retail sales of private carriers of passengers and light carriers
1759 of property, as defined in Section 27-51-101 and the corresponding
1760 levy in Section 27-65-23 on the rental or lease of these vehicles,
1761 shall be deposited, after diversion, into the Motor Vehicle Ad
1762 Valorem Tax Reduction Fund established in Section 27-51-105.

1763 (13) On or before July 15, 1994, and on or before the
1764 fifteenth day of each succeeding month thereafter, that portion of
1765 the avails of the tax imposed in Section 27-65-22 that is derived
1766 from activities held on the Mississippi State Fairgrounds Complex
1767 located at or around 1207 Mississippi Street, Jackson, Mississippi
1768 39202, shall be paid into a special fund that is created in the
1769 State Treasury and shall be expended upon legislative
1770 appropriation solely to defray the costs of repairs and renovation
1771 at the Trade Mart and Coliseum.

1772 (14) On or before August 15, 1998, and each succeeding month
1773 thereafter through July 15, 2005, that portion of the avails of
1774 the tax imposed in Section 27-65-23 that is derived from sales by
1775 cotton compresses or cotton warehouses and that would otherwise be
1776 paid into the General Fund shall be deposited in an amount not to



1777 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1778 created under Section 69-37-39. On or before August 15, 2007, and
1779 each succeeding month thereafter through July 15, 2010, that
1780 portion of the avails of the tax imposed in Section 27-65-23 that
1781 is derived from sales by cotton compresses or cotton warehouses
1782 and that would otherwise be paid into the General Fund shall be
1783 deposited in an amount not to exceed Two Million Dollars
1784 (\$2,000,000.00) into the special fund created under Section
1785 69-37-39 until all debts or other obligations incurred by the
1786 Certified Cotton Growers Organization under the Mississippi Boll
1787 Weevil Management Act before January 1, 2007, are satisfied in
1788 full. On or before August 15, 2010, and each succeeding month
1789 thereafter through July 15, 2011, fifty percent (50%) of that
1790 portion of the avails of the tax imposed in Section 27-65-23 that
1791 is derived from sales by cotton compresses or cotton warehouses
1792 and that would otherwise be paid into the General Fund shall be
1793 deposited into the special fund created under Section 69-37-39
1794 until such time that the total amount deposited into the fund
1795 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1796 On or before August 15, 2011, and each succeeding month
1797 thereafter, that portion of the avails of the tax imposed in
1798 Section 27-65-23 that is derived from sales by cotton compresses
1799 or cotton warehouses and that would otherwise be paid into the
1800 General Fund shall be deposited into the special fund created
1801 under Section 69-37-39 until such time that the total amount



1802 deposited into the fund during a fiscal year equals One Million
1803 Dollars (\$1,000,000.00).

1804 (15) Notwithstanding any other provision of this section to
1805 the contrary, on or before September 15, 2000, and each succeeding
1806 month thereafter, the sales tax revenue collected during the
1807 preceding month under the provisions of Section
1808 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1809 without diversion, into the Telecommunications Ad Valorem Tax
1810 Reduction Fund established in Section 27-38-7.

1811 (16) (a) On or before August 15, 2000, and each succeeding
1812 month thereafter, the sales tax revenue collected during the
1813 preceding month under the provisions of this chapter on the gross
1814 proceeds of sales of a project as defined in Section 57-30-1 shall
1815 be deposited, after all diversions except the diversion provided
1816 for in subsection (1) of this section, into the Sales Tax
1817 Incentive Fund created in Section 57-30-3.

1818 (b) On or before August 15, 2007, and each succeeding
1819 month thereafter, eighty percent (80%) of the sales tax revenue
1820 collected during the preceding month under the provisions of this
1821 chapter from the operation of a tourism project under the
1822 provisions of Sections 57-26-1 through 57-26-5, shall be
1823 deposited, after the diversions required in subsections (7) and
1824 (8) of this section, into the Tourism Project Sales Tax Incentive
1825 Fund created in Section 57-26-3.



1826 (17) Notwithstanding any other provision of this section to
1827 the contrary, on or before April 15, 2002, and each succeeding
1828 month thereafter, the sales tax revenue collected during the
1829 preceding month under Section 27-65-23 on sales of parking
1830 services of parking garages and lots at airports shall be
1831 deposited, without diversion, into the special fund created under
1832 Section 27-5-101(d).

1833 (18) [Repealed]

1834 (19) (a) On or before August 15, 2005, and each succeeding
1835 month thereafter, the sales tax revenue collected during the
1836 preceding month under the provisions of this chapter on the gross
1837 proceeds of sales of a business enterprise located within a
1838 redevelopment project area under the provisions of Sections
1839 57-91-1 through 57-91-11, and the revenue collected on the gross
1840 proceeds of sales from sales made to a business enterprise located
1841 in a redevelopment project area under the provisions of Sections
1842 57-91-1 through 57-91-11 (provided that such sales made to a
1843 business enterprise are made on the premises of the business
1844 enterprise), shall, except as otherwise provided in this
1845 subsection (19), be deposited, after all diversions, into the
1846 Redevelopment Project Incentive Fund as created in Section
1847 57-91-9.

1848 (b) For a municipality participating in the Economic
1849 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1850 the diversion provided for in subsection (1) of this section



1851 attributable to the gross proceeds of sales of a business
1852 enterprise located within a redevelopment project area under the
1853 provisions of Sections 57-91-1 through 57-91-11, and attributable
1854 to the gross proceeds of sales from sales made to a business
1855 enterprise located in a redevelopment project area under the
1856 provisions of Sections 57-91-1 through 57-91-11 (provided that
1857 such sales made to a business enterprise are made on the premises
1858 of the business enterprise), shall be deposited into the
1859 Redevelopment Project Incentive Fund as created in Section
1860 57-91-9, as follows:

1861 (i) For the first six (6) years in which payments
1862 are made to a developer from the Redevelopment Project Incentive
1863 Fund, one hundred percent (100%) of the diversion shall be
1864 deposited into the fund;

1865 (ii) For the seventh year in which such payments
1866 are made to a developer from the Redevelopment Project Incentive
1867 Fund, eighty percent (80%) of the diversion shall be deposited
1868 into the fund;

1869 (iii) For the eighth year in which such payments
1870 are made to a developer from the Redevelopment Project Incentive
1871 Fund, seventy percent (70%) of the diversion shall be deposited
1872 into the fund;

1873 (iv) For the ninth year in which such payments are
1874 made to a developer from the Redevelopment Project Incentive Fund,



1875 sixty percent (60%) of the diversion shall be deposited into the
1876 fund; and

1877 (v) For the tenth year in which such payments are
1878 made to a developer from the Redevelopment Project Incentive Fund,
1879 fifty percent (50%) of the funds shall be deposited into the fund.

1880 (20) On or before January 15, 2007, and each succeeding
1881 month thereafter, eighty percent (80%) of the sales tax revenue
1882 collected during the preceding month under the provisions of this
1883 chapter from the operation of a tourism project under the
1884 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1885 after the diversions required in subsections (7) and (8) of this
1886 section, into the Tourism Sales Tax Incentive Fund created in
1887 Section 57-28-3.

1888 (21) (a) On or before April 15, 2007, and each succeeding
1889 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1890 Dollars (\$150,000.00) of the sales tax revenue collected during
1891 the preceding month under the provisions of this chapter shall be
1892 deposited into the MMEIA Tax Incentive Fund created in Section
1893 57-101-3.

1894 (b) On or before July 15, 2013, and each succeeding
1895 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1896 of the sales tax revenue collected during the preceding month
1897 under the provisions of this chapter shall be deposited into the
1898 Mississippi Development Authority Job Training Grant Fund created
1899 in Section 57-1-451.



1900 (22) On or before June 1, 2024, and each succeeding month
1901 thereafter until December 31, 2057, an amount determined annually
1902 by the Mississippi Development Authority of the sales tax revenue
1903 collected during the preceding month under the provisions of this
1904 chapter shall be deposited into the MMEIA Tax Incentive Fund
1905 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1906 Extraordinary Session. This amount shall be based on estimated
1907 payments due within the upcoming year to construction contractors
1908 pursuant to construction contracts subject to the tax imposed by
1909 Section 27-65-21 for construction to be performed on the project
1910 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1911 coming year.

1912 (23) Notwithstanding any other provision of this section to
1913 the contrary, on or before August 15, 2009, and each succeeding
1914 month thereafter, the sales tax revenue collected during the
1915 preceding month under the provisions of Section 27-65-201 shall be
1916 deposited, without diversion, into the Motor Vehicle Ad Valorem
1917 Tax Reduction Fund established in Section 27-51-105.

1918 (24) (a) On or before August 15, 2019, and each month
1919 thereafter through July 15, 2020, one percent (1%) of the total
1920 sales tax revenue collected during the preceding month from
1921 restaurants and hotels shall be allocated for distribution to the
1922 Mississippi Development Authority Tourism Advertising Fund
1923 established under Section 57-1-64, to be used exclusively for the
1924 purpose stated therein. On or before August 15, 2020, and each



1925 month thereafter through July 15, 2021, two percent (2%) of the
1926 total sales tax revenue collected during the preceding month from
1927 restaurants and hotels shall be allocated for distribution to the
1928 Mississippi Development Authority Tourism Advertising Fund
1929 established under Section 57-1-64, to be used exclusively for the
1930 purpose stated therein. On or before August 15, 2021, and each
1931 month thereafter, three percent (3%) of the total sales tax
1932 revenue collected during the preceding month from restaurants and
1933 hotels shall be allocated for distribution to the Mississippi
1934 Development Authority Tourism Advertising Fund established under
1935 Section 57-1-64, to be used exclusively for the purpose stated
1936 therein. The revenue diverted pursuant to this subsection shall
1937 not be available for expenditure until February 1, 2020.

1938 (b) The Joint Legislative Committee on Performance
1939 Evaluation and Expenditure Review (PEER) must provide an annual
1940 report to the Legislature indicating the amount of funds deposited
1941 into the Mississippi Development Authority Tourism Advertising
1942 Fund established under Section 57-1-64, and a detailed record of
1943 how the funds are spent.

1944 (25) The remainder of the amounts collected under the
1945 provisions of this chapter shall be paid into the State Treasury
1946 to the credit of the General Fund.

1947 (26) (a) It shall be the duty of the municipal officials of
1948 any municipality that expands its limits, or of any community that
1949 incorporates as a municipality, to notify the commissioner of that



1950 action thirty (30) days before the effective date. Failure to so
1951 notify the commissioner shall cause the municipality to forfeit
1952 the revenue that it would have been entitled to receive during
1953 this period of time when the commissioner had no knowledge of the
1954 action.

1955 (b) (i) Except as otherwise provided in subparagraph
1956 (ii) of this paragraph, if any funds have been erroneously
1957 disbursed to any municipality or any overpayment of tax is
1958 recovered by the taxpayer, the commissioner may make correction
1959 and adjust the error or overpayment with the municipality by
1960 withholding the necessary funds from any later payment to be made
1961 to the municipality.

1962 (ii) Subject to the provisions of Sections
1963 27-65-51 and 27-65-53, if any funds have been erroneously
1964 disbursed to a municipality under subsection (1) of this section
1965 for a period of three (3) years or more, the maximum amount that
1966 may be recovered or withheld from the municipality is the total
1967 amount of funds erroneously disbursed for a period of three (3)
1968 years beginning with the date of the first erroneous disbursement.
1969 However, if during such period, a municipality provides written
1970 notice to the Department of Revenue indicating the erroneous
1971 disbursement of funds, then the maximum amount that may be
1972 recovered or withheld from the municipality is the total amount of
1973 funds erroneously disbursed for a period of one (1) year beginning
1974 with the date of the first erroneous disbursement.



1975 **SECTION 19.** Section 2 of this act shall take effect and be
1976 in force upon passage. The remaining sections of this act shall
1977 take effect and be in force from and after July 1, 2024.

