

By: Representative Pierce

To: Ways and Means;
Education

HOUSE BILL NO. 766

1 AN ACT TO AMEND SECTIONS 27-1-7, 27-1-13, 25-7-21, 27-51-25,
2 27-51-29, 37-7-333, 37-57-1 AND 37-57-105, MISSISSIPPI CODE OF
3 1972, TO CLARIFY AND PROVIDE THAT CHARGES BY THE LOCAL TAXING
4 AUTHORITIES FOR SCHOOL TAX COLLECTION COSTS SHALL BE ASSESSED AND
5 COLLECTED AS A SEPARATE LEVY AND TO REVISE THE DEADLINES FOR
6 TRANSMITTING TAX COLLECTIONS TO LOCAL SCHOOL DISTRICTS; AND FOR
7 RELATED PURPOSES.

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

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

11 27-1-7. The assessor of each county, except as otherwise
12 provided in this chapter, shall be the tax collector therein; and
13 he shall give one (1) bond for the combined office of assessor and
14 tax collector, with sufficient surety, to be payable, conditioned
15 and approved as provided by law, in a penalty equal to five
16 percent (5%) of the sum of all the state and county taxes shown by
17 the assessment rolls and the levies to have been collectible in
18 the county for the year immediately preceding the commencement of
19 the term of office for such collector; however, such bond shall
20 not exceed the amount of One Hundred Thousand Dollars
21 (\$100,000.00). He shall also take and file the oath of office as
22 tax collector. Such assessors and tax collectors shall collect
23 all taxes heretofore collected by the sheriffs in said counties,
24 including, but not limited to, ad valorem and privilege taxes,
25 charges and fees of every kind and nature heretofore comprising a
26 portion of the tax collecting duties of the sheriffs of said
27 counties and shall, by the twentieth day of the month (and in the
28 case of a school district, by the fifth day of the month)
29 following collection, pay same to the collecting political

30 subdivision without retaining any portion thereof for his
31 services. Provided, however, regardless of the political
32 subdivision or fund for which the tax was collected, the assessor
33 and tax collector shall pay at least the percentage of such tax
34 heretofore retained by the sheriff as his fee or the avails of any
35 mills levied to pay costs of collection, as applicable, directly
36 into the general fund of the concerned county, and said payment
37 shall be made by the twentieth day of the month following
38 collection. In case of the failure of the assessor to qualify as
39 tax collector within the same time allowed for taking the oath of
40 office and giving bond as assessor, he shall thereby vacate the
41 office of assessor and the vacancy, as assessor and tax collector,
42 shall be filled according to law. Such assessors and tax
43 collectors shall perform all of the tax collecting duties
44 heretofore performed by the sheriffs thereof with the full and
45 complete authority and liabilities heretofore possessed by or
46 imposed upon said sheriffs. However, an assessor and tax
47 collector shall not be liable for ad valorem taxes, privilege
48 taxes, charges and fees collected by him, payment for which was
49 made by a check, draft or other order for the payment of money
50 which has been returned to the assessor and tax collector because
51 of insufficient funds in the account on which such check, draft or
52 order was drawn, if the assessor and tax collector has exhausted
53 all reasonable means of collecting such instrument, including the
54 filing of a civil suit or presentation to the district attorney
55 for collection under Section 97-19-73 et seq.

56 **SECTION 2.** Section 27-1-13, Mississippi Code of 1972, is
57 amended as follows:

58 27-1-13. In any such county that has properly adopted a
59 resolution to separate such offices, there shall be a separate tax
60 collector therein who shall possess the same qualifications and be
61 elected at the same time and in the same manner as provided by law
62 for the assessor. He shall give bond, with sufficient surety, to

63 be payable, conditioned and approved as provided by law, in a
64 penalty equal to five percent (5%) of the sum of all the state and
65 county taxes shown by the assessment rolls and the levies to have
66 been collectible in the county for the year immediately preceding
67 the commencement of the term of office for said collector, and he
68 shall also take and file the oath of office as tax collector;
69 however, such bond shall not exceed the amount of One Hundred
70 Thousand Dollars (\$100,000.00). Such tax collector shall collect
71 all taxes heretofore collected by sheriffs or assessors, as the
72 case may be, in said counties, including, but not limited to, ad
73 valorem and privilege taxes, charges and fees of every kind and
74 nature heretofore comprising a portion of the tax collecting
75 duties of the sheriffs or assessors of said counties and shall, by
76 the twentieth day of the month (and in the case of a school
77 district, by the fifth day of the month) following collection, pay
78 same * * * to the collecting political subdivision without
79 retaining any portion thereof for his services. Provided,
80 however, regardless of the political subdivision or fund for which
81 the tax was collected, the tax collector shall pay at least the
82 percentage of such tax heretofore retained by the sheriff as his
83 fee or the avails of any mills levied to pay costs of collection,
84 as applicable, directly into the general fund of the concerned
85 county, and said payment shall be made by the twentieth day of the
86 month following collection. Such tax collectors shall perform all
87 of the tax collecting duties in such counties heretofore performed
88 by the sheriffs or assessors thereof, as the case may be, with the
89 full and complete authority and liabilities heretofore possessed
90 by or imposed upon said sheriffs or assessors. However, a tax
91 collector shall not be liable for ad valorem taxes, privilege
92 taxes, charges and fees collected by him, payment for which was
93 made by a check, draft or other order for the payment of money
94 which has been returned to the tax collector because of
95 insufficient funds in the account on which such check, draft or

96 order was drawn, if the tax collector has exhausted all reasonable
97 means of collecting such instrument, including the filing of a
98 civil suit or presentation to the district attorney for collection
99 under Section 97-19-73 et seq.

100 **SECTION 3.** Section 25-7-21, Mississippi Code of 1972, is
101 amended as follows:

102 25-7-21. (1) From and after October 1, 1985, there will be
103 no fees for the services of the tax collector, with the exception
104 of taxes collected for taxing authorities other than the board of
105 supervisors. For collecting taxes for authorities other than the
106 board of supervisors, the fee shall be an amount authorized by
107 contract between the county and the outside taxing authority, but
108 in no event greater than five percent (5%) of the taxes collected
109 on behalf of such outside taxing authority. The amount of such
110 fee, if any, is to be obtained from the levy by the appropriate
111 levying authority of a separate, special millage identified as
112 being levied for the sole purpose of paying such fee. A tax
113 collector shall keep a complete account of every such fee
114 collected and shall file an itemized statement thereof monthly,
115 under oath, with the clerk of the board of supervisors of the
116 county who shall preserve same as a part of the records of the
117 office. The tax collector shall make a remittance to the clerk of
118 the board of supervisors of the county on or before the twentieth
119 of each month for deposit into the general fund of the county of
120 all said fees collected during the preceding month.

121 (2) For the purpose of the limitations set forth in Section
122 27-39-321, commissions for levies set by the board of supervisors
123 shall be added to base collections of the general county fund for
124 the 1984-1985 year only.

125 (3) Fees of publisher for publication - To the publishers,
126 payable by the delinquent taxpayer, and to be collected and paid
127 over by the tax collectors; or if the land be sold to the state to
128 be paid by the state:

129 For each separate publication advertising lands for sale for
130 taxes, for each separately described subdivision, as described and
131 set out in the assessment rolls for the county..... \$1.50

132 (4) Fees of chancery clerk for collection of delinquent
133 taxes:

134 (a) For abstracting the list of lands sold for taxes,
135 for each separately described section or subdivision..... \$1.00

136 (b) For filing and recording deed to land sold for
137 taxes..... \$6.00

138 (c) For abstracting each deed in the sectional index,
139 per section or subdivision..... \$1.00

140 (d) For recording redemption of each..... \$6.00

141 (e) For abstracting each redemption in the sectional
142 index, per section or subdivision..... \$1.00

143 (f) And, in addition, one percent (1%) on the amount
144 necessary to redeem.

145 The several officers' fees shall be collected by the tax
146 collector or chancery clerk and paid over to those entitled to
147 same.

148 **SECTION 4.** Section 27-51-25, Mississippi Code of 1972, is
149 amended as follows:

150 27-51-25. Within twenty (20) days after the end of the
151 month, the county tax collector shall file a report showing the
152 amount of motor vehicle ad valorem taxes collected by him for the
153 previous month. This report shall be made in part in conjunction
154 with and as a part of the monthly report made on the collection of
155 road and bridge privilege taxes for the same period. The form for
156 this portion of said report shall be prescribed by the
157 administrator of the road and bridge privilege tax law in
158 cooperation with the state tax commission.

159 This said report shall show, in addition to the information
160 prescribed by the administrator of the road and bridge privilege
161 tax law, the following information for each motor vehicle on which

162 ad valorem taxes were paid: the code number of the vehicle as
163 fixed by the assessment schedule, the assessed value of the
164 vehicle, the situs of the vehicle as to school district, road
165 district, levee district, municipality, the total tax rate
166 applicable, ad valorem taxes, damages, if any, and the total ad
167 valorem taxes and damages. These sheets shall be numbered in
168 consecutive order, and shall be made in quadruplicate. The
169 original copy of this report shall be placed in a suitable binder
170 and retained by the county tax collector as a permanent record,
171 the first and second copies shall be forwarded to the
172 administrator of the road and bridge privilege tax law and
173 commission of public safety respectively, as now provided by law,
174 and the third copy shall be delivered to the chancery clerk.

175 When the above mentioned portion of the report has been
176 completed, a recapitulation of it shall be made on a separate
177 sheet, showing by classes the total number of road and bridge
178 privilege licenses issued, the amount of money collected for the
179 license plates, the total road and bridge privilege taxes
180 collected by classes, and the total amount of ad valorem taxes
181 collected designating the amount collected for each separate
182 taxing area. This report shall also be made in quadruplicate.
183 The tax collector shall retain the original as a permanent record,
184 the first copy shall be forwarded to the administrator of the road
185 and bridge privilege tax law, the second copy shall be forwarded
186 to the tax commission, and the third copy shall be delivered to
187 the chancery clerk.

188 Motor vehicle ad valorem tax collections shall be entered in
189 the tax collector's cash book as reflected by the said
190 recapitulation, showing by taxing area, the total assessed value
191 and total such taxes collected each month for each separate taxing
192 area, and it shall not be necessary that either the tax receipt
193 number or the taxpayer's name be entered, as required by Section

194 27-41-39, Mississippi Code of 1972, for other ad valorem tax
195 collections.

196 In all cases where the county tax collector is ordered to
197 collect motor vehicle ad valorem taxes for a municipality, the tax
198 collector shall furnish to each such municipality a certified
199 statement as to the total assessed value of the motor vehicles on
200 which taxes were collected for such municipality, together with an
201 additional statement showing the net amount of taxes collected for
202 such municipality less his indicated collection fees. This report
203 shall be made to the municipality at the same time a remittance is
204 made to the municipality for all such net ad valorem taxes
205 collected for the said municipality for the previous month. This
206 remittance and report shall be made to the municipality on or
207 before the twentieth day of the month (and in the case of taxes
208 for school district purposes, by the fifth day of the month)
209 following that in which the collections were made.

210 **SECTION 5.** Section 27-51-29, Mississippi Code of 1972, is
211 amended as follows:

212 27-51-29. Any municipality in the state desiring to have its
213 motor vehicle ad valorem taxes collected by the county tax
214 collector at the same time and in the same manner provided for by
215 this chapter for collecting county and state ad valorem taxes on
216 motor vehicles may do so by proceeding as follows:

217 On or before the 1st day of May, the municipal board shall
218 enter an order upon its minutes signifying its desire to have the
219 county tax collector collect its motor vehicle ad valorem taxes at
220 the same time and in the same manner that he collects the county
221 and state ad valorem taxes on such motor vehicles for the ensuing
222 fiscal year. A certified copy of this order shall be furnished
223 the tax collector of the county, the state tax commission, and the
224 administrator of the road and bridge privilege tax laws. In such
225 case, it shall be mandatory that such municipal ad valorem taxes
226 be collected by the county tax collector.

227 The authorization of the tax collector to collect municipal
228 taxes on this class of property shall also include the collection
229 of such taxes on such property located in the municipal separate
230 school district, if any, although such property is located outside
231 of the corporate limits of such municipality.

232 On or before September fifteenth, the municipal clerk shall
233 certify to the county tax collector a copy of its official tax
234 levy for the then ensuing fiscal year. On this tax levy, the
235 clerk shall not only certify as to the tax levy for each purpose
236 for which it was levied, but he shall also certify as to the total
237 amount of the levy for all municipal purposes, and he shall show
238 separately the total amount of the levy for the municipal separate
239 school district, if the said municipality is a part of a municipal
240 separate school district.

241 After collecting such municipal and municipal separate school
242 district ad valorem taxes, the county tax collector shall retain
243 the fee, to be derived from the special millage levy for such
244 purpose, as allowed in Section 25-7-21, Mississippi Code of
245 1972 * * *. Such fees shall be paid into the county general fund.
246 The tax collector shall, on or before the twentieth day of the
247 following month, remit to the municipality, and on or before the
248 fifth day of the following month remit to the municipal separate
249 school district, the remaining portion of such taxes so collected
250 for and during the preceding month. A report of the total
251 assessed value of the subject motor vehicle on which such
252 municipal ad valorem taxes were collected for the preceding month
253 shall be forwarded to the municipality along with the said
254 remittance.

255 The records of the county tax collector shall be available at
256 any time during regular office hours for inspection by the
257 municipal authorities or their authorized agents to determine as
258 to whether or not any such taxpayer has been properly assessed,
259 both as to value and as to situs of the subject motor vehicle, and

260 as to whether or not the proper tax has been collected and
261 remitted for the benefit of the municipality and municipal
262 separate school district, in proper cases, if such municipality
263 has officially authorized said tax collector to collect its motor
264 vehicle ad valorem taxes as provided hereinabove.

265 For similar violations of this chapter, the same penalties
266 shall apply in favor of any municipality, in proper cases, which
267 apply in favor of the counties. The tax collector shall be liable
268 on his official bond to the municipality for any failure on his
269 part to assess, collect and remit the correct amount of taxes due
270 any municipality under the provisions of this chapter on any motor
271 vehicle for which he collects county and state ad valorem taxes.

272 **SECTION 6.** Section 37-7-333, Mississippi Code of 1972, is
273 amended as follows:

274 37-7-333. The school boards of all school districts shall
275 have full control of the receipt, distribution, allotment and
276 disbursement of all funds which may be provided for the support
277 and maintenance of the schools of such district or for the payment
278 of principal of or interest on school notes or bonds, whether such
279 funds be adequate education program allotments, funds derived from
280 supplementary tax levies as authorized by law, or funds derived
281 from any other source whatsoever except as may otherwise be
282 provided by law for control of the proceeds from school bonds or
283 notes and the taxes levied to pay the principal of and interest on
284 such bonds or notes. The tax collector of each county shall make
285 reports, in writing, verified by his affidavit, on or before the
286 fifth day of each month to the superintendent of schools of each
287 school district within such county reflecting all school district
288 taxes collected by him for all purposes for the said school
289 district during the preceding month. He shall at the same time
290 pay over all such school district taxes collected by him for the
291 * * * said school district directly to said superintendent of
292 schools.

293 All such allotments or funds shall be placed in the
294 depository or depositories selected by the school board in the
295 same manner as provided in Section 27-105-305 for the selection of
296 county depositories. Provided, however, the annual notice to be
297 given by the school board to financial institutions may be given
298 by the school board at any regular meeting subsequent to the
299 board's regular December meeting but prior to the regular May
300 meeting. The bids of financial institutions for the privilege of
301 keeping school funds may be received by the school board at some
302 subsequent meeting, but no later than the regular June meeting;
303 and the selection by the school board of the depository or
304 depositories shall be effective on July 1 of each year. School
305 boards shall advertise and accept bids for depositories, no less
306 than once every three (3) years, when such board determines that
307 it can obtain a more favorable rate of interest and less
308 administrative processing. Such depository shall place on deposit
309 with the superintendent of schools the same securities as required
310 in Section 27-105-315.

311 In the event a bank submits a bid or offer to a school
312 district to act as a depository for the district and such bid or
313 offer, if accepted, would result in a contract in which a member
314 of the school board would have a direct or indirect interest, the
315 school board should not open or consider any bids received. The
316 superintendent of schools shall submit the matter to the State
317 Treasurer, who shall have the authority to solicit bids, select a
318 depository or depositories, make all decisions and take any action
319 within the authority of the school board under this section
320 relating to the selection of a depository or depositories.

321 **SECTION 7.** Section 37-57-1, Mississippi Code of 1972, is
322 amended as follows:

323 * * *

324 37-57-1. (1) (a) The boards of supervisors of the counties
325 shall levy and collect all taxes for and on behalf of all school

326 districts which were within the county school system or designated
327 as special municipal separate school districts prior to July 1,
328 1986. Such taxes shall be collected by the county tax collector
329 at the same time and in the same manner as county taxes are
330 collected by him, and the same penalties for delinquency shall be
331 applicable.

332 The governing authorities of the municipalities shall levy
333 and collect all taxes for and on behalf of all school districts
334 which were designated as municipal separate school districts prior
335 to July 1, 1986. Such taxes shall be collected by the municipal
336 tax collector at the same time and in the same manner as municipal
337 taxes are collected by him, and the same penalties for delinquency
338 shall be applicable.

339 The county or municipal tax collector, as the case may be,
340 shall pay such tax collections, except for * * * taxes collected
341 to defray collection costs, to the superintendent of schools of
342 the appropriate school district and report to the superintendent
343 of schools of the appropriate school district at the same time and
344 in the same manner as the tax collector makes his payments and
345 reports of other taxes collected by him. Any tax collections to
346 defray collection costs must be derived from the levy by the
347 appropriate levying authority of a separate, special millage that
348 is not included in the millage for school tax purposes and that is
349 identified as being levied for the sole purpose of defraying
350 collection costs.

351 Provided, however, the State Board of Education shall
352 determine the appropriate levying authority for any school
353 district created or reorganized after July 1, 1987.

354 (b) For the purposes of this chapter and any other laws
355 pertaining to taxes levied or bonds or notes issued for and on
356 behalf of school districts, the term "levying authority" means the
357 board of supervisors of the county or the governing authorities of
358 the municipality, whichever levies taxes for and on behalf of the

359 particular school district as provided in paragraphs (a) and (b)
360 of this subsection.

361 (2) The levying authority for the school district shall, at
362 the same time and in the same manner as other taxes are levied by
363 the levying authority, levy a tax of not less than twenty-eight
364 (28) mills for the then current fiscal year, less the estimated
365 amount of the yield of the School Ad Valorem Tax Reduction Fund
366 grant to the school district as determined by the State Department
367 of Education or twenty-seven percent (27%) of the basic adequate
368 education program cost for such school district, whichever is a
369 lesser amount, upon all of the taxable property of the school
370 district, as required under Section 37-151-7(2)(a). However, in
371 no case shall the minimum local ad valorem tax effort for any
372 school district be equal to an amount that would require a millage
373 rate exceeding fifty-five (55) mills in that school district.
374 Provided, however, that if a levying authority is levying in
375 excess of fifty-five (55) mills on July 1, 1997, the levying
376 authority may levy an additional amount not exceeding three (3)
377 mills in the aggregate for the period beginning July 1, 1997, and
378 ending June 30, 2003, subject to the limitation on increased
379 receipts from ad valorem taxes prescribed in Sections 37-57-105
380 and 37-57-107. Nothing in this subsection shall be construed to
381 require any school district that is levying more than fifty-five
382 (55) mills pursuant to Sections 37-57-1 and 37-57-105 to decrease
383 its millage rate to fifty-five (55) mills or less. In making such
384 levy, the levying authority shall levy an additional amount
385 sufficient to cover anticipated delinquencies * * * so that the
386 net amount of money to be produced by such levy shall be equal to
387 the amount which the school district is required to contribute as
388 its said minimum local ad valorem tax effort. The levying
389 authority may also levy an additional amount to defray costs of
390 collection; provided, however, that any levy to defray collection
391 costs must be a separate, special millage that is not included in

392 the millage for school tax purposes and that is identified as
393 being levied for the sole purpose of defraying collection costs.
394 The tax so levied shall be collected by the tax collector at the
395 same time and in the same manner as other ad valorem taxes are
396 collected by him. The amount of taxes so collected as a result of
397 such levy shall be paid into the district maintenance fund of the
398 school district by the tax collector at the same time and in the
399 same manner as reports and payments of other ad valorem taxes are
400 made by said tax collector, except that the amount collected to
401 defray costs of collection may be paid into the county general
402 fund or other appropriate fund. The levying authority shall have
403 the power and authority to direct and cause warrants to be issued
404 against such fund for the purpose of refunding any amount of taxes
405 erroneously or illegally paid into such fund where such refund has
406 been approved in the manner provided by law.

407 **SECTION 8.** Section 37-57-105, Mississippi Code of 1972, is
408 amended as follows:

409 37-57-105. (1) In addition to the taxes levied under
410 Section 37-57-1, the levying authority for the school district, as
411 defined in Section 37-57-1, upon receipt of a certified copy of an
412 order adopted by the school board of the school district
413 requesting an ad valorem tax effort in dollars for the support of
414 the school district, shall, at the same time and in the same
415 manner as other ad valorem taxes are levied, levy an annual ad
416 valorem tax in the amount fixed in such order upon all of the
417 taxable property of such school district, which shall not be less
418 than the millage rate certified by the State Board of Education as
419 the uniform minimum school district ad valorem tax levy for the
420 support of the adequate education program in such school district
421 under Section 37-57-1. Provided, however, that any school
422 district levying less than the uniform minimum school district ad
423 valorem tax levy on July 1, 1997, shall only be required to
424 increase its local district maintenance levy in four (4) mill

425 annual increments in order to attain such millage requirements.
426 In making such levy, the levying authority shall levy an
427 additional amount sufficient to cover anticipated
428 delinquencies * * * so that the net amount of money to be produced
429 by such levy shall be equal to the amount which is requested by
430 said school board. The levying authority may also levy an
431 additional amount to defray costs of collection; provided,
432 however, that any levy to defray collection costs must be a
433 separate, special millage that is not included in the millage for
434 school tax purposes and that is identified as being levied for the
435 sole purpose of defraying collection costs. The proceeds of such
436 tax levy, excluding levies for the payment of the principal of and
437 interest on school bonds or notes and excluding levies for costs
438 of collection, shall be placed in the school depository to the
439 credit of the school district, or otherwise invested by the
440 district in any manner allowed by law, and shall be expended in
441 the manner provided by law for the purpose of supplementing
442 teachers' salaries, extending school terms, purchasing furniture,
443 supplies and materials, and for all other lawful operating and
444 incidental expenses of such school district, funds for which are
445 not provided by adequate education program fund allotments.

446 The monies authorized to be received by school districts from
447 the School Ad Valorem Tax Reduction Fund pursuant to Section
448 37-61-35 shall be included as ad valorem tax receipts. The
449 levying authority for the school district, as defined in Section
450 37-57-1, shall reduce the ad valorem tax levy for such school
451 district in an amount equal to the amount distributed to such
452 school district from the School Ad Valorem Tax Reduction Fund each
453 calendar year pursuant to said Section 37-61-35. Such reduction
454 shall not be less than the millage rate necessary to generate a
455 reduction in ad valorem tax receipts equal to the funds
456 distributed to such school district from the School Ad Valorem Tax
457 Reduction Fund pursuant to Section 37-61-35. Such reduction shall

458 not be deemed to be a reduction in the aggregate amount of support
459 from ad valorem taxation for purposes of Section 37-19-11. The
460 millage levy certified by the State Board of Education as the
461 uniform minimum ad valorem tax levy or the millage levy that would
462 generate funds in an amount equal to a school district's district
463 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
464 to the provisions of this paragraph.

465 In any county where there is located a nuclear generating
466 power plant on which a tax is assessed under Section 27-35-309(3),
467 such required levy and revenue produced thereby may be reduced by
468 the levying authority in an amount in proportion to a reduction in
469 the base revenue of any such county from the previous year. Such
470 reduction shall be allowed only if the reduction in base revenue
471 equals or exceeds five percent (5%). "Base revenue" shall mean
472 the revenue received by the county from the ad valorem tax levy
473 plus the revenue received by the county from the tax assessed
474 under Section 27-35-309(3) and authorized to be used for any
475 purposes for which a county is authorized by law to levy an ad
476 valorem tax. For purposes of determining if the reduction equals
477 or exceeds five percent (5%), a levy of millage equal to the prior
478 year's millage shall be hypothetically applied to the current
479 year's ad valorem tax base to determine the amount of revenue to
480 be generated from the ad valorem tax levy. For the purposes of
481 this section and Section 37-57-107, the portion of the base
482 revenue used for the support of any school district shall be
483 deemed to be the aggregate receipts from ad valorem taxes for the
484 support of any school district. This paragraph shall apply to
485 taxes levied for the 1987 fiscal year and for each fiscal year
486 thereafter. If the Mississippi Supreme Court or another court
487 finally adjudicates that the tax levied under Section 27-35-309(3)
488 is unconstitutional, then this paragraph shall stand repealed.

489 (2) When the tax is levied upon the territory of any school
490 district located in two (2) or more counties, the order of the

491 school board requesting the levying of such tax shall be certified
492 to the levying authority of each of the counties involved, and
493 each of the levying authorities shall levy the tax in the manner
494 specified herein. The taxes so levied shall be collected by the
495 tax collector of the levying authority involved and remitted by
496 the tax collector to the school depository of the home county to
497 the credit of the school district involved as provided above,
498 except that taxes for collection fees may be retained by the
499 levying authority for deposit into its general fund.

500 (3) The aggregate receipts from ad valorem taxes levied for
501 school district purposes, excluding collection fees, pursuant to
502 this section and Section 37-57-1 shall be subject to the increased
503 limitation under Section 37-57-107; however, if the ad valorem tax
504 effort in dollars requested by the school district for the fiscal
505 year exceeds the next preceding fiscal year's ad valorem tax
506 effort in dollars by more than four percent (4%) but not more than
507 seven percent (7%), then the school board shall publish notice
508 thereof once each week for at least three (3) consecutive weeks in
509 a newspaper having general circulation in the school district
510 involved, with the first publication thereof to be made not less
511 than fifteen (15) days prior to the final adoption of the budget
512 by the school board. If at any time prior to said adoption a
513 petition signed by not less than twenty percent (20%) or fifteen
514 hundred (1500), whichever is less, of the qualified electors of
515 the school district involved shall be filed with the school board
516 requesting that an election be called on the question of exceeding
517 the next preceding fiscal year's ad valorem tax effort in dollars
518 by more than four percent (4%) but not more than seven percent
519 (7%), then the school board shall, not later than the next regular
520 meeting, adopt a resolution calling an election to be held within
521 such school district upon such question. The election shall be
522 called and held, and notice thereof shall be given, in the same
523 manner for elections upon the questions of the issuance of the

524 bonds of school districts, and the results thereof shall be
525 certified to the school board. The ballot shall contain the
526 language "For the School Tax Increase Over Four Percent (4%)" and
527 "Against the School Tax Increase Over Four Percent (4%)." If a
528 majority of the qualified electors of the school district who
529 voted in such election shall vote in favor of the question, then
530 the stated increase requested by the school board shall be
531 approved. For the purposes of this paragraph, the revenue sources
532 excluded from the increased limitation under Section 37-57-107
533 shall also be excluded from the limitation described herein in the
534 same manner as they are excluded under Section 37-57-107.

535 **SECTION 9.** This act shall take effect and be in force from
536 and after July 1, 2005.