

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1719

1 AN ACT TO AMEND SECTION 27-65-201, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE SALES TAX AND USE TAX IMPOSED ON CASUAL SALES OF
3 MOTOR VEHICLES; TO PROVIDE THAT IN ORDER FOR TRANSFERS OF MOTOR
4 VEHICLES BETWEEN CERTAIN FAMILY MEMBERS TO BE EXEMPT FROM SALES
5 TAX, THE VEHICLE MUST BE CURRENTLY REGISTERED OR LICENSED IN THE
6 TRANSFEROR'S NAME; TO AMEND SECTIONS 27-7-901 AND 27-7-903,
7 MISSISSIPPI CODE OF 1972, TO INCREASE THE TAX LEVIED ON AMOUNTS
8 THAT ARE PAID TO PATRONS BY GAMING ESTABLISHMENTS; TO AMEND
9 SECTION 75-76-179, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
10 INCOME TAX CREDIT AUTHORIZED UNDER THE MISSISSIPPI GAMING CONTROL
11 ACT FOR GROSS REVENUE FEES PAID BY A LICENSEE UNDER SUCH ACT SHALL
12 BE ALLOWED AS A CREDIT ONLY AGAINST A LICENSEE'S INCOME TAX
13 LIABILITY RESULTING FROM GAMING ACTIVITIES; TO AMEND SECTIONS
14 27-55-13 AND 27-55-19, MISSISSIPPI CODE OF 1972, TO ELIMINATE THE
15 EVAPORATION, SHRINKAGE AND OTHER NORMAL LOSS DEDUCTION ALLOWED
16 DISTRIBUTORS OF GASOLINE ON THEIR GASOLINE EXCISE TAX LIABILITY;
17 TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF 1972, TO PROVIDE
18 THAT THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS SHALL CHARGE
19 AN ADDITIONAL ADMISSION FEE UPON EACH VEHICLE ENTERING ANY PARK
20 OPERATED BY THE DEPARTMENT; TO AMEND SECTION 59-21-19, MISSISSIPPI
21 CODE OF 1972, TO INCREASE THE TERM OF THE BOAT REGISTRATION
22 CERTIFICATE TO THREE YEARS; TO AMEND SECTION 59-21-25, MISSISSIPPI
23 CODE OF 1972, TO REVISE FEES; TO REVISE THE LENGTH OF BOAT
24 CATEGORIES FOR FEES; TO AMEND SECTION 59-21-5, MISSISSIPPI CODE OF
25 1972, TO REMOVE INCORRECT REFERENCE TO UNDOCUMENTED VESSEL; AND
26 FOR RELATED PURPOSES.

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

28 **SECTION 1.** Section 27-65-201, Mississippi Code of 1972, is
29 amended as follows:

30 27-65-201. (1) For the purposes of this section, unless the
31 context otherwise requires, the term "motor vehicle" means a motor
32 vehicle required to be registered or licensed by the county tax
33 collectors pursuant to Section 27-19-43, Mississippi Code of 1972.

34 (2) Upon every person, firm or corporation purchasing other
35 than at wholesale within this state any motor vehicle required to
36 be registered or licensed with the tax collector of any county in
37 this state from any person, firm or corporation which is not a
38 licensed dealer engaged in selling motor vehicles, there shall be
39 levied and collected a sales tax at the rate of five percent (5%)

40 of the true value of the motor vehicle as calculated by using the
41 most current official motor vehicle assessment schedule supplied
42 by the State Tax Commission.

43 (3) Upon every person, firm or corporation purchasing other
44 than at wholesale outside the state any motor vehicle required to
45 be registered or licensed with the tax collector of any county in
46 this state from any person, firm or corporation which is not a
47 licensed dealer engaged in selling motor vehicles, for use,
48 storage or other consumption within this state there is levied a
49 use tax at the rate of five percent (5%) of the true value of the
50 motor vehicle as calculated by using the most current official
51 motor vehicle assessment schedule supplied by the State Tax
52 Commission.

53 (4) Where any motor vehicle is taken in trade as a credit or
54 part payment on the sale of a motor vehicle taxable under this
55 section, the tax levied by this section shall be paid on the net
56 difference, that is, the true value of the motor vehicle sold less
57 the credit for the motor vehicle taken in trade.

58 (5) The tax levied by this section shall be collected by the
59 tax collector at the time of, and as a prerequisite to, the
60 registration of or licensing of any such motor vehicle. The tax
61 collector shall give to the person registering the vehicle a
62 receipt in a form prescribed and furnished by the State Tax
63 Commission for the amount of tax collected.

64 (6) County tax collectors shall be liable for the tax they
65 are required to collect, and taxes which are in fact collected,
66 under this section and failure to properly collect or maintain
67 proper records shall not relieve them of liability for payment to
68 the State Tax Commission. Deficiencies in collection or payment
69 shall be assessed against the tax collector, or his successor, in
70 the same manner and subject to the same penalties and provisions
71 for appeal as are deficiencies assessed against taxpayers under
72 Chapter 65, Title 27, Mississippi Code of 1972.

73 Each tax collector of the several counties shall, on or
74 before the twentieth day of each month, file a report with and pay
75 to the State Tax Commission all funds collected under the
76 provisions of this section, less a commission of three percent
77 (3%) which shall be retained by the tax collector as a commission
78 for collecting such tax, and such commission shall be deposited in
79 the county general fund. The report required to be filed shall
80 cover all collections made during the calendar month next
81 preceding the date on which the report is due and filed. All
82 funds remitted to the State Tax Commission shall be deposited to
83 the credit of the State General Fund.

84 Any error in the report and remittance to the State Tax
85 Commission may be adjusted on a subsequent report. If the error
86 was in the collection by the tax collector, it shall be adjusted
87 through the tax collector with the taxpayer before credit is
88 allowed by the State Tax Commission.

89 All information relating to the collection of this tax by tax
90 collectors and such records as the State Tax Commission may
91 require shall be preserved in the tax collector's office for a
92 period of three (3) years for audit by the State Tax Commission.

93 (7) The tax levied by this section shall not apply to the
94 following:

95 (a) Transfers of legal ownership of motor vehicles
96 currently registered or licensed in the transferor's name between
97 husband and wife, parent and child, or grandparents and
98 grandchildren, unless the transferor is a licensed dealer of motor
99 vehicles and the transfer of the motor vehicle is made in the
100 regular course of business.

101 (b) Transfers of legal ownership of motor vehicles
102 pursuant to a will or pursuant to any law providing for the
103 distribution of the property of one dying intestate.

104 (c) Transfers of legal ownership of motor vehicles ten
105 (10) or more years after the date of the manufacture of such

106 vehicle.

107 **SECTION 2.** Section 27-7-901, Mississippi Code of 1972, is
108 amended as follows:

109 27-7-901. (1) There is hereby levied, assessed and shall be
110 collected a tax of five percent (5%) upon amounts that are paid or
111 credited by gaming establishments licensed under the provisions of
112 the Mississippi Gaming Control Act to their patrons. The tax
113 shall be collected by licensed gaming establishments and remitted
114 to the State Tax Commission in the manner provided for by
115 regulations promulgated by the Chairman of the State Tax
116 Commission.

117 (2) As used in this section, "amounts that are paid or
118 credited" means amounts or credits that are subject to the
119 withholding or reporting requirements of the Internal Revenue
120 Code.

121 (3) No credit shall be allowed under the Income Tax Law of
122 1952 for the tax collected by licensed gaming establishments
123 pursuant to this section.

124 **SECTION 3.** Section 27-7-903, Mississippi Code of 1972, is
125 amended as follows:

126 27-7-903. (1) There is hereby levied and assessed upon
127 patrons of gaming establishments located in this state that are
128 not licensed under the provisions of the Mississippi Gaming
129 Control Act, a tax of five percent (5%) of the amounts that are
130 paid or credited to such patrons by the gaming establishment,
131 which tax is the same in kind and rate as has heretofore been
132 imposed pursuant to Section 27-7-901 upon the patrons of gaming
133 establishments which are licensed under the Mississippi Gaming
134 Control Act. The legal incidence and duty to pay such taxes shall
135 fall upon the patron. The assessment of such tax is subject to
136 any exemptions as may exist under federal or state law. The State
137 Tax Commission may enter into tax collection agreements regarding
138 this tax.

139 (2) As used in this section, "amounts that are paid or
140 credited" means amounts or credits that are subject to the
141 withholding or reporting requirements of the Internal Revenue
142 Code.

143 (3) No credit shall be allowed under the Income Tax Law of
144 1952 for the tax collected by gaming establishments pursuant to
145 this section.

146 **SECTION 4.** Section 75-76-179, Mississippi Code of 1972, is
147 amended as follows:

148 75-76-179. License fees paid under Section 75-76-177 in any
149 taxable year shall be allowed as credit against the income tax
150 liability, resulting only from gaming activities authorized under
151 this chapter, of the licensee for that taxable year. For the
152 purposes of the credit authorized under this section, gaming
153 activities do not include other activities such as hotels, motels,
154 restaurants, retail shops, golf courses and entertainment venues.

155 **SECTION 5.** Section 27-55-13, Mississippi Code of 1972, is
156 amended as follows:

157 27-55-13. For the purpose of determining the amount of his
158 liability for the tax imposed by this article, each bonded
159 distributor of gasoline shall, not later than the twentieth day of
160 the month next following the month in which this article becomes
161 effective, and not later than the twentieth day of each month
162 thereafter, file with the commission a monthly report which shall
163 include a statement of the number of gallons of gasoline or blend
164 stock received by such distributor within this state during the
165 preceding calendar month, and such other information as may be
166 reasonably necessary for the proper administration of this
167 article.

168 At the time of filing each monthly report with the
169 commission, a distributor may take a credit for the number of
170 gallons of gasoline that he purchased during the preceding

171 calendar month from a distributor who pays the excise tax imposed
172 by this article on such gasoline.

173 At the time of filing each monthly report with the
174 commission, each distributor of gasoline shall pay to the
175 commission the full amount of the gasoline tax due from such
176 distributor for the preceding calendar month * * *.

177 Reports and payments sent to the commission by mail must be
178 postmarked by the due date in order to be considered timely filed,
179 except when the due date falls on a weekend or holiday, in which
180 case such reports and payments must be postmarked by the first
181 working day following the due date in order to be considered
182 timely filed.

183 The monthly report of the distributor of gasoline shall be
184 prepared and filed with the commission on forms prescribed by the
185 commission, or the distributor of gasoline may, with the approval
186 of the commission, furnish the required information on
187 machine-prepared schedules. Such monthly reports or schedules
188 shall be signed by the distributor or his duly authorized agent
189 and shall contain a declaration that the statements contained
190 therein are true and correct and are made under the penalty of
191 perjury.

192 **SECTION 6.** Section 27-55-19, Mississippi Code of 1972, is
193 amended as follows:

194 27-55-19. There shall not be included in the measure of the
195 tax levied hereunder any gasoline:

196 (a) Sold or delivered by a bonded distributor of
197 gasoline to a second bonded distributor of gasoline within this
198 state, but nothing in this exclusion shall exempt the second
199 bonded distributor of gasoline from paying the tax, unless the
200 second bonded distributor of gasoline sells or delivers said
201 gasoline to a third bonded distributor of gasoline in which event
202 the third bonded distributor of gasoline shall be liable for the
203 tax.

204 (b) Sold to the United States government for use of the
205 Armed Forces only, and delivered in quantities of not less than
206 four thousand (4,000) gallons. Any exemption provided in this
207 paragraph (b) may be deducted without the prior approval of the
208 commission, provided that satisfactory proof of such exemption
209 shall be furnished to the commission. However, such exemption may
210 be disallowed by the commission if the distributor fails to
211 furnish satisfactory proof of such exemption to the commission.

212 (c) Exported to a destination beyond the borders of
213 this state by a bonded distributor of gasoline when the tax on
214 such gasoline has been paid or on which the tax liability imposed
215 by this article has accrued against such bonded distributor. Any
216 exemption provided in this paragraph (c) may be deducted without
217 the prior approval of the commission, provided that satisfactory
218 proof of such exemption shall be furnished to the commission;
219 however, such exemption may be disallowed by the commission if the
220 distributor fails to furnish satisfactory proof of such exemption
221 to the commission within ninety (90) days from the sale or
222 delivery of the gasoline.

223 (d) Exported by any person to a destination beyond the
224 borders of this state in quantities of not less than three
225 thousand (3,000) gallons by ship, vessel, barge, railroad tank
226 car, or pipeline, or by tank truck if such tank truck is operated
227 by a common or contract carrier.

228 (e) Imported by, or sold to, any refiner or processor
229 in this state for the purpose of being refined or further
230 processed.

231 (f) Sold to any manufacturer for blending or
232 compounding to the end that it becomes a component part of any
233 manufactured product, or where used as a processing agent in the
234 treatment of raw material in manufacturing a product which does
235 not fall within the meaning of the term "gasoline" as defined in
236 this article.

237 (g) Sold or delivered to be used for test purposes at
238 any regularly established testing laboratory in this state.

239 Except as provided in paragraphs (b) and (c) above, evidence
240 of exempt transactions provided in this section and subsections
241 thereof, satisfactory to the commission, shall be submitted by the
242 distributor desiring an allowance of said exemptions to the
243 commission with the payment of the excise tax on the gasoline on
244 which the exemption is claimed. If the commission decides that
245 the distributor is entitled to the exemption and allowance
246 claimed, it shall notify said distributor in writing of such
247 allowance. The distributor shall then be allowed to deduct from
248 the payments made in his next monthly report, after said
249 allowance, the amount of tax which he paid on this exempted
250 gasoline which amount shall be arrived at by multiplying the
251 amount of exempted gasoline * * * by the amount of excise tax per
252 gallon. In cases where the amount of such tax cannot be absorbed
253 on the estimated tax liability of the person making such payments
254 during the next six (6) months, the amount shall be refunded to
255 the taxpayer. Such amount shall be certified to the State Auditor
256 of Public Accounts by the commission. The said Auditor is hereby
257 authorized to make such investigation and audit of the claim as he
258 finds necessary. If he finds that the commission is correct in
259 its determination, the Auditor may issue his warrant to the State
260 Treasurer in favor of the taxpayer for the amount of tax
261 erroneously paid, such refunds to be made from current gasoline,
262 or special fuel tax collections.

263 Except as otherwise provided in this section, in order to
264 claim exemptions provided for under this article, the distributor
265 of gasoline must file claims therefor within three (3) years from
266 the date of sale or delivery; otherwise, claims for such
267 exemptions shall be disallowed.

268 In case gasoline and special fuel on which the tax has been
269 previously paid are accidentally mixed, the distributor of

270 gasoline or other person owning such mixture may ship the mixture
271 out of the State of Mississippi, or to a Mississippi refinery, and
272 may claim credit for the gasoline and/or special fuel tax on the
273 gasoline and special fuel so mixed. The distributor of gasoline
274 or other person may also ship the mixture to a barge or pipeline
275 storage terminal within the State of Mississippi to be brought up
276 to gasoline specifications, or lowered to special fuel
277 specifications, as the case might be, under the supervision of a
278 representative of the commission. It shall be the duty of the
279 distributor of gasoline or other person to whom the mixed product
280 belongs to notify the commission immediately after knowledge that
281 the mixture has occurred.

282 In case the distributor of gasoline or other person elects to
283 ship the mixture to a barge or pipeline terminal for storage
284 within this state, the commission shall supervise the unloading of
285 the mixture.

286 In order to perfect a claim for credit for the tax on the
287 gasoline and special fuel constituting any such mixture, the
288 distributor of gasoline or other person making the claim shall do
289 so in writing and shall furnish proof satisfactory to the
290 commission that the mixture was either shipped out of this state
291 or to a refinery or other approved place of storage within this
292 state. The commission shall notify the claimant, in writing,
293 whether or not his claim is approved, and, if approved, the
294 claimant may deduct the amount of the claim from his next tax
295 report. No such claim shall be allowed unless filed within three
296 (3) years after the date of such accidental mixture. Bonded
297 distributors of gasoline having no gasoline tax liability with the
298 commission may assign such tax credit to a bonded distributor of
299 gasoline having such tax liability.

300 No tax liability shall accrue against the operator of a
301 refinery when shipments of gasoline are made from such refinery,
302 either by common carrier or by tank trucks owned and operated by

303 the operator of said refinery, to a tax-exempt account within this
304 state or to another refinery within this state.

305 Provided, however, that when gasoline is withdrawn from the
306 storage tank of a refiner or processor on which the tax is paid on
307 such gasoline and it or any part thereof cannot be delivered to a
308 purchaser, said refiner or processor may deduct the tax on all or
309 that portion of such gasoline not delivered to a purchaser from
310 its next gasoline distributor's tax report; provided that such
311 refiner or processor submits with such tax report: (1) a written
312 report setting forth the reasons why such delivery could not be
313 made, and (2) proof or evidence satisfactory to the commission
314 that the tax in question had theretofore been paid to the
315 commission, and (3) proof or evidence satisfactory to the
316 commission that the nondelivered gasoline was actually returned to
317 the refinery or processor from which it was taken for the purpose
318 of delivering it to a purchaser; and provided further, that
319 immediately upon ascertainment by the refiner or processor that
320 said gasoline cannot be delivered, he or it shall immediately
321 notify the commission of this fact and before moving his or its
322 truck or other means of transporting said gasoline from the
323 intended point of delivery; and should the commission desire to
324 inspect said truck, or other means of conveyance, such refiner or
325 processor shall arrange for such inspection at the point or at
326 such other point that may be designated by the commission.

327 The United States government, the State of Mississippi,
328 counties, municipalities, school districts and all other political
329 subdivisions of the state shall be exempt from Five and
330 Four-tenths Cents (5.4¢) of the portion of the gasoline excise tax
331 rate which exceeds Nine Cents (9¢) per gallon. Any exemption
332 provided in this paragraph may be deducted without the prior
333 approval of the commission.

334 **SECTION 7.** Section 55-3-33, Mississippi Code of 1972, is
335 amended as follows:

336 55-3-33. (1) The Mississippi Department of Wildlife,
337 Fisheries and Parks shall have the power and authority, and it
338 shall be its duty to:

339 (a) Take charge and have full jurisdiction and control
340 over all state parks, which parks shall be operated for the
341 purpose of providing outdoor recreational activities and enjoyment
342 for the citizens of the State of Mississippi and for the purpose
343 of attracting visitors to the state.

344 (b) Set up a uniform accounting procedure for the state
345 parks and prescribe the manner in which books, records and
346 accounts shall be kept, which procedure shall account for all
347 moneys taken in and expended by the various parks and shall
348 provide for periodic audits of such books.

349 (c) Accept gifts, bequests of money or other property,
350 real or personal, to be used for the purpose of advancing the
351 recreation and conservation interests in state parks. The
352 department is authorized, subject to approval by the State
353 Legislature, to purchase property, real or personal, to be used
354 for state park purposes.

355 (d) Contract with the State Transportation Commission,
356 any municipality or board of supervisors of the state for
357 locating, constructing and maintaining roads and other
358 improvements in state parks and for payment of a part of the costs
359 thereof; however, no county or municipality more than twenty-five
360 (25) miles distant from a state park may contract for, or do, or
361 pay for any such work for a state park other than the
362 International Gardens of Mississippi. Any county or municipality
363 authorized to assist financially under the provisions of Sections
364 55-3-31 through 55-3-51 is authorized, in the discretion of its
365 respective governing authority, to set aside, appropriate and
366 expend moneys from the General Fund for the purpose of defraying
367 such expense after a mandatory election is held on the question
368 within the county or municipality.

369 (e) Designate employees as peace officers with power to
370 make arrests for infraction of the rules and regulations of the
371 department. Such officers are authorized to carry weapons and to
372 enforce the laws of the State of Mississippi within the confines
373 of a state park.

374 (f) Enforce and delegate the responsibility to enforce
375 all reasonable rules and regulations governing the occupancy and
376 use of lands and waters in state parks under its jurisdiction,
377 supply recreational and conservation facilities and charge fees
378 for the use of same; review all rates and charges for facilities
379 and accommodations furnished at the various state parks annually,
380 making such charges as are justified; and establish fees for
381 entrance to state parks.

382 Each park shall retain from revenues generated therein, a sum
383 sufficient to pay necessary expenses of operation, but in no event
384 to be less than seventy-five percent (75%) of such revenues.

385 (2) The department shall have the authority to lease to any
386 entity, sell and convey or otherwise transfer to any county or
387 municipality, or close any state park or historical site within
388 its jurisdiction which received a General Fund subsidy in Fiscal
389 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
390 state park or historical site; * * * however, * * * this authority
391 shall not include the authority to sell, lease or convey any park
392 that was not in operation under the jurisdiction of the department
393 for a full fiscal year prior to fiscal year 1986.

394 (3) The department may execute agreements with
395 rails-to-trails and recreational districts by which the department
396 will assume responsibility for the operation and maintenance of
397 trails developed under Sections 55-25-1 through 55-25-15.

398 (4) In addition to any other fees the department charges for
399 admission to the parks, the department shall charge an additional
400 admission fee of One Dollar (\$1.00) upon each vehicle, containing
401 not more than four (4) occupants, entering any park operated by

402 the department. For any vehicle containing more than four (4)
403 occupants, the department shall charge a fee of One Dollar (\$1.00)
404 for each occupant in excess of four (4) in addition to the One
405 Dollar (\$1.00) fee charged under this subsection. The fees
406 collected under this subsection shall be deposited into the State
407 General Fund.

408 **SECTION 8.** Section 59-21-19, Mississippi Code of 1972, is
409 amended as follows:

410 59-21-19. (1) The certificate of number shall be
411 pocket-size, approximately two and one-half (2-1/2) inches by
412 three and one-half (3-1/2) inches, and water resistant.

413 (2) Pending the issuance of the original certificate of
414 number, the owner of the vessel may be furnished a temporary
415 certificate of number valid for sixty (60) days from the date of
416 issue. This temporary certificate shall be carried on board when
417 the vessel is being operated.

418 (3) Each applicant for an original or transfer certificate
419 of number, who is entitled to issuance thereof, shall be issued a
420 certificate for a period of three (3) years from the last day of
421 the month of receipt of the original or transfer certificate.
422 This subsection shall not apply to the certificate of number of a
423 livery boat.

424 (4) The certificate of number of a livery boat shall be
425 plainly marked "livery boat." The description of the motor and
426 type of fuel will be omitted from the certificate of number in any
427 case where the motor is not rented with the boat. Original and
428 renewal certificates of number of a livery boat shall be valid for
429 a period of three (3) years and shall expire at midnight on June
430 30 of each triennial.

431 (5) Numbers and certificates of number awarded boats
432 operated by manufacturers and dealers may be transferred from one
433 boat to another. In lieu of the description, the word
434 "manufacturer" or "dealer," as appropriate, will be plainly marked

435 on each certificate. The manufacturer or dealer may have the
436 number awarded printed upon or attached to a removable sign or
437 signs to be temporarily mounted upon or attached to the boat being
438 demonstrated or tested so long as the display meets the
439 requirements of Section 59-21-9.

440 **SECTION 9.** Section 59-21-25, Mississippi Code of 1972, is
441 amended as follows:

442 59-21-25. (1) Fees for the award of certificates of number
443 for original, transfer, renewal, livery, dealer and duplicate
444 shall be as follows:

- 445 (a) Less than 16 feet.....\$ 24.00
- 446 (b) 16 feet but less than 26 feet.....\$ 42.00
- 447 (c) 26 feet but less than 40 feet..... \$ 74.00
- 448 (d) 40 feet but less than 65 feet.....\$108.00
- 449 (e) 65 feet and over.....\$138.00
- 450 (f) Dealer number.....\$ 60.00
- 451 (g) Duplicate.....\$ 6.00
- 452 (h) Boat inspection fee.....\$ 10.00

453 (2) All fees for numbers and renewal of number shall be
454 payable to the Mississippi Department of Wildlife, Fisheries and
455 Parks to be deposited by the department in the State Treasury in a
456 special fund to be designated as the Fisheries and Wildlife Fund,
457 which shall be disbursed upon the recommendation of the department
458 as may be appropriated by the Legislature. The State Treasurer
459 shall release to the department such sums as are required to
460 defray all administrative costs of the boat registration fee
461 division of the department and to improve the law enforcement
462 capability of the department on the inland and marine waters of
463 the State of Mississippi and as may be budgeted by the department
464 for the purpose of paying the cost of the administration of this
465 chapter for education on water safety, improvement of water safety
466 and motorboating facilities in the state, and advertising and
467 promoting the waterways of the state. Any and all revenue over

468 and above the actual administrative cost of implementing this act
469 shall be used to fund salaries of additional conservation officers
470 in all eighty-two (82) counties.

471 **SECTION 10.** Section 59-21-5, Mississippi Code of 1972, is
472 amended as follows:

473 59-21-5. All sailboats and every * * * vessel equipped with
474 propulsion machinery, whether or not such machinery is the
475 principal source of propulsion, using the territorial and
476 navigable waters of the State of Mississippi, and every such
477 vessel owned in the State of Mississippi and using the high seas
478 shall be numbered in accordance with this chapter, except:

479 (a) Foreign vessels temporarily using the navigable
480 waters of the State of Mississippi;

481 (b) Public vessels of the United States;

482 (c) State and municipal vessels used solely for
483 official business and displaying proper visual identification on
484 its hull;

485 (d) Ships' lifeboats;

486 (e) Vessels designated by the appropriate federal
487 authority;

488 (f) Undocumented vessels used exclusively for racing;

489 (g) Undocumented vessels operating under valid
490 temporary certificates of number;

491 (h) Vessels already covered by a number in full force
492 and effect awarded pursuant to federal law, or a federally
493 approved numbering system of another state, provided that such
494 vessels shall not have been within this state for a period in
495 excess of sixty (60) days. Nothing in this section shall prohibit
496 the numbering of any undocumented vessel upon the request of the
497 owner.

498 **SECTION 11.** This act shall take effect and be in force from
499 and after July 1, 2005, except for Section 4, which shall take
500 effect and be in force from and after January 1, 2005.