

By: Representatives Miles, To: Appropriations
McCoy, Cummings, Ward,
Montgomery, Hudson, Sullivan,
Reynolds, Walley, Turner, Gadd,
Moss, Taylor, Howell, Stevens,
Staples, Weathersby, Rogers (14th), Akins, Gibbs

HOUSE BILL NO. 24
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DISTRIBUTION OF THE STATE'S SHARE OF GAMING LICENSE
3 FEES; TO AMEND SECTION 27-5-101, MISSISSIPPI CODE OF 1972, TO
4 DELETE THE REQUIREMENT FOR THE PAYMENT OF A PORTION OF THE
5 REVENUES DERIVED FROM MOTOR FUEL TAXES TO BE DEPOSITED INTO THE
6 GAMING COUNTIES BOND SINKING FUND FOR THE PURPOSE OF PAYING THE
7 DEBT SERVICE ON BONDS ISSUED IN SUPPORT OF THE GAMING COUNTIES
8 INFRASTRUCTURE PROGRAM; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 75-76-129, Mississippi Code of 1972, is
11 amended as follows:

12 [Through June 30, 2022, this section shall read as follows:]

13 75-76-129. On or before the last day of each month all
14 taxes, fees, interest, penalties, damages, fines or other monies
15 collected by the State Tax Commission during that month under the
16 provisions of this chapter, with the exception of (a) the local
17 government fees imposed under Section 75-76-195, and (b) an amount
18 equal to Three Million Dollars (\$3,000,000.00) of the revenue
19 collected pursuant to the fee imposed under Section
20 75-76-177(1)(c) * * * shall be paid by the State Tax Commission to
21 the State Treasurer to be deposited in the State General Fund.
22 The local government fees shall be distributed by the State Tax
23 Commission pursuant to Section 75-76-197. * * * An amount equal
24 to Three Million Dollars (\$3,000,000.00) of the revenue collected
25 during that month pursuant to the fee imposed under Section
26 75-76-177(1)(c) shall be deposited by the State Tax Commission
27 into the bond sinking fund created in Section 65-39-3. * * *

28 * * *

29 [From and after July 1, 2022, this section shall read as
30 follows:]

31 75-76-129. On or before the last day of each month, all
32 taxes, fees, interest, penalties, damages, fines or other monies
33 collected by the State Tax Commission during that month under the
34 provisions of this chapter, with the exception of the local
35 government fees imposed under Section 75-76-195, shall be paid by
36 the State Tax Commission to the State Treasurer to be deposited in
37 the State General Fund. The local government fees shall be
38 distributed by the State Tax Commission pursuant to Section
39 75-76-197.

40 **SECTION 2.** Section 27-5-101, Mississippi Code of 1972, is
41 amended as follows:

42 **[With regard to any county which is exempt from the**
43 **provisions of Section 19-2-3, this section shall read as follows:]**

44 27-5-101. Unless otherwise provided in this section, on or
45 before the fifteenth day of each month, all gasoline, diesel fuel
46 or kerosene taxes which are levied under the laws of this state
47 and collected during the previous month shall be paid and
48 apportioned by the State Tax Commission as follows:

49 (a) (i) Except as otherwise provided in Section
50 31-17-127, from the gross amount of gasoline, diesel fuel or
51 kerosene taxes produced by the state, there shall be deducted an
52 amount equal to one-sixth (1/6) of principal and interest
53 certified by the State Treasurer to the State Tax Commission to be
54 due on the next semiannual bond and interest payment date, as
55 required under the provisions of Chapter 130, Laws of 1938, and
56 subsequent acts authorizing the issuance of bonds payable from
57 gasoline, diesel fuel or kerosene tax revenue on a parity with the
58 bonds issued under authority of said Chapter 130. The State
59 Treasurer shall certify to the State Tax Commission on or before
60 the fifteenth day of each month the amount to be paid to the
61 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
62 of 1938, and subsequent acts authorizing the issuance of bonds
63 payable from gasoline, diesel fuel or kerosene tax revenue, on a

64 parity with the bonds issued under authority of said Chapter 130;
65 and the State Tax Commission shall, on or before the twenty-fifth
66 day of each month, pay into the State Treasury for credit to the
67 "Highway Bonds Sinking Fund" the amount so certified to him by the
68 State Treasurer due to be paid into such fund each month. The
69 payments to the "Highway Bonds Sinking Fund" shall be made out of
70 gross gasoline, diesel fuel or kerosene tax collections before
71 deductions of any nature are considered; however, such payments
72 shall be deducted from the allocation to the Mississippi
73 Department of Transportation under paragraph (c) of this section.

74 (ii) From collections derived from the portion of
75 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
76 from the portion of the tax on aviation gas under Section 27-55-11
77 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
78 portion of the special fuel tax levied under Sections 27-55-519
79 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
80 Cents (10¢) per gallon, from the portion of the taxes levied under
81 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
82 gallon that exceeds One Cent (1¢) per gallon on special fuel and
83 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
84 as aircraft fuel, from the portion of the excise tax on compressed
85 gas used as a motor fuel that exceeds the rate of tax in effect on
86 June 30, 1987, and from the portion of the gasoline excise tax in
87 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
88 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
89 shall be deducted:

90 1. An amount as provided in Section
91 27-65-75(4) to the credit of a special fund designated as the
92 "Office of State Aid Road Construction."

93 2. An amount equal to the tax collections
94 derived from Two Cents (2¢) per gallon of the gasoline excise tax
95 for distribution to the State Highway Fund to be used exclusively
96 for the construction, reconstruction and maintenance of highways

97 of the State of Mississippi or the payment of interest and
98 principal on bonds when specifically authorized by the Legislature
99 for that purpose.

100 3. The balance shall be deposited in the
101 State Treasury to the credit of the State Highway Fund.

102 (b) Subject to the provisions that said basis of
103 distribution shall in nowise affect adversely the amount
104 specifically pledged in paragraph (a) of this section to be paid
105 into the "Highway Bonds Sinking Fund," the following shall be
106 deducted from the amount produced by the state tax on gasoline,
107 diesel fuel or kerosene tax collections, excluding collections
108 derived from the portion of the gasoline excise tax that exceeds
109 Seven Cents (7¢) per gallon, from the portion of the tax on
110 aviation gas under Section 27-55-11 that exceeds Six and
111 Four-tenths Cents (6.4¢) per gallon, from the portion of the
112 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
113 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
114 gallon, from the portion of the taxes levied under Section
115 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
116 exceeds One Cent (1¢) per gallon on special fuel and Five and
117 One-fourth Cents (5.25¢) per gallon on special fuel used as
118 aircraft fuel, from the portion of the excise tax on compressed
119 gas used as a motor fuel that exceeds the rate of tax in effect on
120 June 30, 1987, and from the portion of the gasoline excise tax in
121 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
122 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

123 (i) Twenty percent (20%) of such amount which
124 shall be earmarked and set aside for the construction,
125 reconstruction and maintenance of the highways and roads of the
126 state, provided that if such twenty percent (20%) should reduce
127 any county to a lesser amount than that received in the fiscal
128 year ending June 30, 1966, then such twenty percent (20%) shall be

129 reduced to a percentage to provide that no county shall receive
130 less than its portion for the fiscal year ending June 30, 1966;

131 (ii) The amount allowed as refund on gasoline or
132 as tax credit on diesel fuel or kerosene used for agricultural,
133 maritime, industrial, domestic, and nonhighway purposes;

134 (iii) Five percent (5%) of such amount shall be
135 paid to the State Highway Fund;

136 (iv) The amount or portion thereof authorized by
137 legislative appropriation to the Fisheries and Wildlife Fund
138 created under Section 59-21-25;

139 (v) The amount for deposit into the special
140 aviation fund under paragraph (d) of this section; and

141 (vi) The remainder shall be divided on a basis of
142 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
143 same basis as Four and One-half Cents (4-1/2¢) and Two and
144 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
145 six and forty-three one-hundredths (6.43) and three and
146 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
147 fuel or kerosene). The amount produced by the nine-fourteenths
148 (9/14) division shall be allocated to the Transportation
149 Department and paid into the State Treasury as provided in this
150 section and in Section 27-5-103 and the five-fourteenths (5/14)
151 division shall be returned to the counties of the state on the
152 following basis:

153 1. In each fiscal year, each county shall be
154 paid each month the same percentage of the monthly total to be
155 distributed as was paid to that county during the same month in
156 the fiscal year which ended April 9, 1960, until the county
157 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
158 fiscal year, at which time funds shall be distributed under the
159 provisions of paragraph (b)(vi)4 of this section.

160 2. If after payments in 1 above, any county
161 has not received a total of One Hundred Ninety Thousand Dollars

162 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
163 and each fiscal year thereafter, then any available funds not
164 distributed under 1 above shall be used to bring such county or
165 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
166 or such funds shall be divided equally among such counties not
167 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
168 there is not sufficient money to bring all the counties to said
169 One Hundred Ninety Thousand Dollars (\$190,000.00).

170 3. When a county has been paid an amount
171 equal to the total which was paid to the same county during the
172 fiscal year ended April 9, 1960, such county shall receive no
173 further payments during the then current fiscal year until the
174 last month of such current fiscal year, at which time distribution
175 will be made under 2 above, except as set out in 4 below.

176 4. During the last month of the current
177 fiscal year, should it be determined that there are funds
178 available in excess of the amount distributed for the year under 1
179 and 2 above, then such excess funds shall be distributed among the
180 various counties as follows:

181 One-third (1/3) of such excess to be
182 divided equally among the counties;

183 One-third (1/3) of such excess to be paid
184 to the counties in the proportion which the population of each
185 county bears to the total population of the state according to the
186 last federal census;

187 One-third (1/3) of such excess to be paid
188 to the counties in the proportion which the number of square miles
189 of each county bears to the total square miles in the state.

190 5. It is the declared purpose and intent of
191 the Legislature that no county shall be paid less than was paid
192 during the year ended April 9, 1960, unless the amount to be
193 distributed to all counties in any year is less than the amount
194 distributed to all counties during the year ended April 9, 1960.

195 The Municipal Aid Fund as established by Section 27-5-103
196 shall not participate in any portion of any funds allocated to any
197 county hereunder over and above One Hundred Ninety Thousand
198 Dollars (\$190,000.00).

199 In any county having countywide road or bridge bonds, or
200 supervisors district or district road or bridge bonds outstanding,
201 which exceed, in the aggregate, twelve percent (12%) of the
202 assessed valuation of the taxable property of the county or
203 district, it shall be the duty of the board of supervisors to set
204 aside not less than sixty percent (60%) of such county's share or
205 district's share of the gasoline, diesel fuel or kerosene taxes to
206 be used in paying the principal and interest on such road or
207 bridge bonds as they mature.

208 In any county having such countywide road or bridge bonds or
209 district road or bridge bonds outstanding which exceed, in the
210 aggregate, eight percent (8%) of the assessed valuation of the
211 taxable property of the county, but which do not exceed, in the
212 aggregate, twelve percent (12%) of the assessed valuation of the
213 taxable property of the county, it shall be the duty of the board
214 of supervisors to set aside not less than thirty-five percent
215 (35%) of such county's share of the gasoline, diesel fuel or
216 kerosene taxes to be used in paying the principal and interest of
217 such road or bridge bonds as they mature.

218 In any county having such countywide road or bridge bonds or
219 district road or bridge bonds outstanding which exceed, in the
220 aggregate, five percent (5%) of the assessed valuation of the
221 taxable property of the county, but which do not exceed, in the
222 aggregate, eight percent (8%) of the assessed valuation of the
223 taxable property of the county, it shall be the duty of the board
224 of supervisors to set aside not less than twenty percent (20%) of
225 such county's share of the gasoline, diesel fuel or kerosene taxes
226 to be used in paying the principal and interest of such road and
227 bridge bonds as they mature.

228 In any county having such countywide road or bridge bonds or
229 district road or bridge bonds outstanding which do not exceed, in
230 the aggregate, five percent (5%) of the assessed valuation of the
231 taxable property of the county, it shall be the duty of the board
232 of supervisors to set aside not less than ten percent (10%) of
233 such county's share of the gasoline, diesel fuel or kerosene taxes
234 to be used in paying the principal and interest on such road or
235 bridge bonds as they mature.

236 The portion of any such county's share of the gasoline,
237 diesel fuel or kerosene taxes thus set aside for the payment of
238 the principal and interest of road or bridge bonds, as provided
239 for in this section, shall be used first in paying the currently
240 maturing installments of the principal and interest of such
241 countywide road or bridge bonds, if there be any such countywide
242 road or bridge bonds outstanding, and secondly, in paying the
243 currently maturing installments of principal and interest of
244 district road or bridge bonds outstanding. It shall be the duty
245 of the board of supervisors to pay bonds and interest maturing in
246 each supervisors district out of the supervisors district's share
247 of the gasoline, diesel fuel or kerosene taxes of such district.

248 The remaining portion of such county's share of the gasoline,
249 diesel fuel or kerosene taxes, after setting aside the portion
250 above provided for the payment of the principal and interest of
251 bonds, shall be used in the construction and maintenance of any
252 public highways, bridges, or culverts of the county, including the
253 roads in special or separate road districts, in the discretion of
254 the board of supervisors, or in paying the interest and principal
255 of county road and bridge bonds or district road and bridge bonds,
256 in the discretion of the board of supervisors.

257 In any county having no countywide road or bridge bonds or
258 district road or bridge bonds outstanding, all such county's share
259 of the gasoline, diesel fuel or kerosene taxes shall be used in
260 the construction, reconstruction, and maintenance of the public

261 highways, bridges, or culverts of the county as the board of
262 supervisors may determine.

263 In every county in which there are county road bonds or
264 seawall or road protection bonds outstanding which were issued for
265 the purpose of building bridges or constructing public roads or
266 seawalls, such funds shall be used in the manner provided by law.

267 (c) From the amount produced by the nine-fourteenths
268 (9/14) division allocated to the Transportation Department, there
269 shall be deducted:

270 (i) The amount paid to the State Treasurer for the
271 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

272 (ii) Any amounts due counties in accordance with
273 Section 65-33-45 which have outstanding bonds issued for seawall
274 or road protection purposes, issued under provisions of Chapter
275 319, Laws of 1924, and amendments thereto;

276 * * *

277 (iii) Except as otherwise provided in Section
278 31-17-127, the remainder shall be paid by the State Tax Commission
279 to the State Treasurer on the fifteenth day of each month next
280 succeeding the month in which the gasoline, diesel fuel or
281 kerosene taxes were collected to the credit of the State Highway
282 Fund.

283 The funds allocated for the construction, reconstruction, and
284 improvement of state highways, bridges, and culverts, or so much
285 thereof as may be necessary, shall first be used in conjunction
286 with funds supplied by the federal government for such purposes
287 and allocated to the State Transportation Department to be
288 expended on the state highway system. It is specifically provided
289 hereby that the necessary portion of such funds hereinabove
290 allocated to the State Transportation Department may be used for
291 the prompt payment of principal and interest on highway bonds
292 heretofore issued, including such bonds issued or to be issued

293 under the provisions of Chapter 312, Laws of 1956, and amendments
294 thereto.

295 Nothing contained in this section shall be construed to
296 reduce the amount of such gasoline, diesel fuel or kerosene excise
297 taxes levied by the state, allotted under the provisions of Title
298 65, Chapter 33, Mississippi Code of 1972, to counties in which
299 there are outstanding bonds issued for seawall or road protection
300 purposes issued under the provisions of Chapter 319, Laws of 1924,
301 and amendments thereto; the amount of said gasoline, diesel fuel
302 or kerosene excise taxes designated in this section for the
303 payment of bonds and interest authorized and issued or to be
304 issued under the provisions of Chapter 130, Laws of 1938, and
305 subsequent acts authorizing the issuance of bonds payable from
306 gasoline, diesel fuel or kerosene tax revenue, shall, in such
307 counties, be considered as being paid "into the State Treasury to
308 the credit of the State Highway Fund" within the meaning of
309 Section 65-33-45 in computing the amount to be paid to such
310 counties under the provisions of said section, and this section
311 shall be administered in connection with Title 65, Chapter 33,
312 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
313 65-33-49 dealing with seawalls, as if made a part of this section.

314 (d) The proceeds of the Five and One-fourth Cents
315 (5.25¢) of the tax per gallon on oils used as a propellant for jet
316 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
317 per gallon on aviation gasoline and the tax of One Cent (1¢) per
318 gallon for each gallon of gasoline for which a refund has been
319 made pursuant to Section 27-55-23 because such gasoline was used
320 for aviation purposes, shall be paid to the State Treasury into a
321 special fund to be used exclusively, pursuant to legislative
322 appropriation, for the support and development of aeronautics as
323 defined in Section 61-1-3.

324 (e) State highway funds in an amount equal to the
325 difference between Forty-two Million Dollars (\$42,000,000.00) and

326 the annual debt service payable on the state's highway revenue
327 refunding bonds, Series 1985, shall be expended for the
328 construction or reconstruction of highways designated under the
329 highway program created under Section 65-3-97.

330 (f) "Gasoline, diesel fuel or kerosene taxes" as used
331 in this section shall be deemed to mean and include state
332 gasoline, diesel fuel or kerosene taxes levied and imposed on
333 distributors of gasoline, diesel fuel or kerosene, and all state
334 excise taxes derived from any fuel used to propel vehicles upon
335 the highways of this state, when levied by any statute.

336 **[With regard to any county which is required to operate on a**
337 **countywide system of road administration as described in Section**
338 **19-2-3, this section shall read as follows:]**

339 27-5-101. Unless otherwise provided in this section, on or
340 before the fifteenth day of each month, all gasoline, diesel fuel
341 or kerosene taxes which are levied under the laws of this state
342 and collected during the previous month shall be paid and
343 apportioned by the State Tax Commission as follows:

344 (a) (i) Except as otherwise provided in Section
345 31-17-127, from the gross amount of gasoline, diesel fuel or
346 kerosene taxes produced by the state, there shall be deducted an
347 amount equal to one-sixth (1/6) of principal and interest
348 certified by the State Treasurer to the State Tax Commission to be
349 due on the next semiannual bond and interest payment date, as
350 required under the provisions of Chapter 130, Laws of 1938, and
351 subsequent acts authorizing the issuance of bonds payable from
352 gasoline, diesel fuel or kerosene tax revenue on a parity with the
353 bonds issued under authority of said Chapter 130. The State
354 Treasurer shall certify to the State Tax Commission on or before
355 the fifteenth day of each month the amount to be paid to the
356 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
357 of 1938, and subsequent acts authorizing the issuance of bonds
358 payable from gasoline, diesel fuel or kerosene tax revenue, on a

359 parity with the bonds issued under authority of said Chapter 130;
360 and the State Tax Commission shall, on or before the twenty-fifth
361 day of each month, pay into the State Treasury for credit to the
362 "Highway Bonds Sinking Fund" the amount so certified to him by the
363 State Treasurer due to be paid into such fund each month. The
364 payments to the "Highway Bonds Sinking Fund" shall be made out of
365 gross gasoline, diesel fuel or kerosene tax collections before
366 deductions of any nature are considered; however, such payments
367 shall be deducted from the allocation to the Transportation
368 Department under paragraph (c) of this section.

369 (ii) From collections derived from the portion of
370 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
371 from the portion of the tax on aviation gas under Section 27-55-11
372 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
373 portion of the special fuel tax levied under Sections 27-55-519
374 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
375 Cents (10¢) per gallon, from the portion of the taxes levied under
376 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per
377 gallon that exceeds One Cent (1¢) per gallon on special fuel and
378 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
379 as aircraft fuel, from the portion of the excise tax on compressed
380 gas used as a motor fuel that exceeds the rate of tax in effect on
381 June 30, 1987, and from the portion of the gasoline excise tax in
382 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
383 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
384 shall be deducted:

385 1. An amount as provided in Section
386 27-65-75(4) to the credit of a special fund designated as the
387 "Office of State Aid Road Construction."

388 2. An amount equal to the tax collections
389 derived from Two Cents (2¢) per gallon of the gasoline excise tax
390 for distribution to the State Highway Fund to be used exclusively
391 for the construction, reconstruction and maintenance of highways

392 of the State of Mississippi or the payment of interest and
393 principal on bonds when specifically authorized by the Legislature
394 for that purpose.

395 3. The balance shall be deposited in the
396 State Treasury to the credit of the State Highway Fund.

397 (b) Subject to the provisions that said basis of
398 distribution shall in nowise affect adversely the amount
399 specifically pledged in paragraph (a) of this section to be paid
400 into the "Highway Bonds Sinking Fund," the following shall be
401 deducted from the amount produced by the state tax on gasoline,
402 diesel fuel or kerosene tax collections, excluding collections
403 derived from the portion of the gasoline excise tax that exceeds
404 Seven Cents (7¢) per gallon, from the portion of the tax on
405 aviation gas under Section 27-55-11 that exceeds Six and
406 Four-tenths Cents (6.4¢) per gallon, from the portion of the
407 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
408 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
409 gallon, from the portion of the taxes levied under Section
410 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
411 One Cent (1¢) per gallon on special fuel and Five and One-fourth
412 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
413 from the portion of the excise tax on compressed gas used as a
414 motor fuel that exceeds the rate of tax in effect on June 30,
415 1987, and from the portion of the gasoline excise tax in excess of
416 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
417 Ten Cents (10¢) per gallon under Section 27-61-5:

418 (i) Twenty percent (20%) of such amount which
419 shall be earmarked and set aside for the construction,
420 reconstruction and maintenance of the highways and roads of the
421 state, provided that if such twenty percent (20%) should reduce
422 any county to a lesser amount than that received in the fiscal
423 year ending June 30, 1966, then such twenty percent (20%) shall be

424 reduced to a percentage to provide that no county shall receive
425 less than its portion for the fiscal year ending June 30, 1966;

426 (ii) The amount allowed as refund on gasoline or
427 as tax credit on diesel fuel or kerosene used for agricultural,
428 maritime, industrial, domestic and nonhighway purposes;

429 (iii) Five percent (5%) of such amount shall be
430 paid to the State Highway Fund;

431 (iv) The amount or portion thereof authorized by
432 legislative appropriation to the Fisheries and Wildlife Fund
433 created under Section 59-21-25;

434 (v) The amount for deposit into the special
435 aviation fund under paragraph (d) of this section; and

436 (vi) The remainder shall be divided on a basis of
437 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
438 same basis as Four and One-half Cents (4-1/2¢) and Two and
439 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
440 six and forty-three one-hundredths (6.43) and three and
441 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
442 fuel or kerosene). The amount produced by the nine-fourteenths
443 (9/14) division shall be allocated to the Transportation
444 Department and paid into the State Treasury as provided in this
445 section and in Section 27-5-103 and the five-fourteenths (5/14)
446 division shall be returned to the counties of the state on the
447 following basis:

448 1. In each fiscal year, each county shall be
449 paid each month the same percentage of the monthly total to be
450 distributed as was paid to that county during the same month in
451 the fiscal year which ended April 9, 1960, until the county
452 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
453 fiscal year, at which time funds shall be distributed under the
454 provisions of paragraph (b)(vi)4 of this section.

455 2. If after payments in 1 above, any county
456 has not received a total of One Hundred Ninety Thousand Dollars

457 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
458 and each fiscal year thereafter, then any available funds not
459 distributed under 1 above shall be used to bring such county or
460 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
461 or such funds shall be divided equally among such counties not
462 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
463 there is not sufficient money to bring all the counties to said
464 One Hundred Ninety Thousand Dollars (\$190,000.00).

465 3. When a county has been paid an amount
466 equal to the total which was paid to the same county during the
467 fiscal year ended April 9, 1960, such county shall receive no
468 further payments during the then current fiscal year until the
469 last month of such current fiscal year, at which time distribution
470 will be made under 2 above, except as set out in 4 below.

471 4. During the last month of the current
472 fiscal year, should it be determined that there are funds
473 available in excess of the amount distributed for the year under 1
474 and 2 above, then such excess funds shall be distributed among the
475 various counties as follows:

476 One-third (1/3) of such excess to be
477 divided equally among the counties;

478 One-third (1/3) of such excess to be paid
479 to the counties in the proportion which the population of each
480 county bears to the total population of the state according to the
481 last federal census;

482 One-third (1/3) of such excess to be paid
483 to the counties in the proportion which the number of square miles
484 of each county bears to the total square miles in the state.

485 5. It is the declared purpose and intent of
486 the Legislature that no county shall be paid less than was paid
487 during the year ended April 9, 1960, unless the amount to be
488 distributed to all counties in any year is less than the amount
489 distributed to all counties during the year ended April 9, 1960.

490 The Municipal Aid Fund as established by Section 27-5-103
491 shall not participate in any portion of any funds allocated to any
492 county hereunder over and above One Hundred Ninety Thousand
493 Dollars (\$190,000.00).

494 In any county having road or bridge bonds outstanding which
495 exceed, in the aggregate, twelve percent (12%) of the assessed
496 valuation of the taxable property of the county, it shall be the
497 duty of the board of supervisors to set aside not less than sixty
498 percent (60%) of such county's share of the gasoline, diesel fuel
499 or kerosene taxes to be used in paying the principal and interest
500 on such road or bridge bonds as they mature.

501 In any county having such road or bridge bonds outstanding
502 which exceed, in the aggregate, eight percent (8%) of the assessed
503 valuation of the taxable property of the county, but which do not
504 exceed, in the aggregate, twelve percent (12%) of the assessed
505 valuation of the taxable property of the county, it shall be the
506 duty of the board of supervisors to set aside not less than
507 thirty-five percent (35%) of such county's share of the gasoline,
508 diesel fuel or kerosene taxes to be used in paying the principal
509 and interest of such road or bridge bonds as they mature.

510 In any county having such road or bridge bonds outstanding
511 which exceed, in the aggregate, five percent (5%) of the assessed
512 valuation of the taxable property of the county, but which do not
513 exceed, in the aggregate, eight percent (8%) of the assessed
514 valuation of the taxable property of the county, it shall be the
515 duty of the board of supervisors to set aside not less than twenty
516 percent (20%) of such county's share of the gasoline, diesel fuel
517 or kerosene taxes to be used in paying the principal and interest
518 of such road and bridge bonds as they mature.

519 In any county having such road or bridge bonds outstanding
520 which do not exceed, in the aggregate, five percent (5%) of the
521 assessed valuation of the taxable property of the county, it shall
522 be the duty of the board of supervisors to set aside not less than

523 ten percent (10%) of such county's share of the gasoline, diesel
524 fuel or kerosene taxes to be used in paying the principal and
525 interest on such road or bridge bonds as they mature.

526 The portion of any such county's share of the gasoline,
527 diesel fuel or kerosene taxes thus set aside for the payment of
528 the principal and interest of road or bridge bonds, as provided
529 for in this section, shall be used in paying the currently
530 maturing installments of the principal and interest of such road
531 or bridge bonds, if there be any such road or bridge bonds
532 outstanding.

533 The remaining portion of such county's share of the gasoline,
534 diesel fuel or kerosene taxes, after setting aside the portion
535 above provided for the payment of the principal and interest of
536 bonds, shall be used in the construction and maintenance of any
537 public highways, bridges or culverts of the county, in the
538 discretion of the board of supervisors.

539 In any county having no road or bridge bonds outstanding, all
540 such county's share of the gasoline, diesel fuel or kerosene taxes
541 shall be used in the construction, reconstruction and maintenance
542 of the public highways, bridges or culverts of the county, as the
543 board of supervisors may determine.

544 In every county in which there are county road bonds or
545 seawall or road protection bonds outstanding which were issued for
546 the purpose of building bridges or constructing public roads or
547 seawalls, such funds shall be used in the manner provided by law.

548 (c) From the amount produced by the nine-fourteenths
549 (9/14) division allocated to the Transportation Department, there
550 shall be deducted:

551 (i) The amount paid to the State Treasurer for the
552 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

553 (ii) Any amounts due counties in accordance with
554 Section 65-33-45 which have outstanding bonds issued for seawall

555 or road protection purposes, issued under provisions of Chapter
556 319, Laws of 1924, and amendments thereto; and

557 * * *

558 (iii) Except as otherwise provided in Section
559 31-17-127, the remainder shall be paid by the State Tax Commission
560 to the State Treasurer on the fifteenth day of each month next
561 succeeding the month in which the gasoline, diesel fuel or
562 kerosene taxes were collected to the credit of the State Highway
563 Fund.

564 The funds allocated for the construction, reconstruction and
565 improvement of state highways, bridges and culverts, or so much
566 thereof as may be necessary, shall first be used in conjunction
567 with funds supplied by the federal government for such purposes
568 and allocated to the Transportation Department to be expended on
569 the state highway system. It is specifically provided hereby that
570 the necessary portion of such funds hereinabove allocated to the
571 Transportation Department may be used for the prompt payment of
572 principal and interest on highway bonds heretofore issued,
573 including such bonds issued or to be issued under the provisions
574 of Chapter 312, Laws of 1956, and amendments thereto.

575 Nothing contained in this section shall be construed to
576 reduce the amount of such gasoline, diesel fuel or kerosene excise
577 taxes levied by the state, allotted under the provisions of Title
578 65, Chapter 33, Mississippi Code of 1972, to counties in which
579 there are outstanding bonds issued for seawall or road protection
580 purposes issued under the provisions of Chapter 319, Laws of 1924,
581 and amendments thereto; the amount of said gasoline, diesel fuel
582 or kerosene excise taxes designated in this section for the
583 payment of bonds and interest authorized and issued or to be
584 issued under the provisions of Chapter 130, Laws of 1938, and
585 subsequent acts authorizing the issuance of bonds payable from
586 gasoline, diesel fuel or kerosene tax revenue, shall, in such
587 counties, be considered as being paid "into the State Treasury to

588 the credit of the State Highway Fund" within the meaning of
589 Section 65-33-45 in computing the amount to be paid to such
590 counties under the provisions of said section, and this section
591 shall be administered in connection with Title 65, Chapter 33,
592 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
593 65-33-49 dealing with seawalls, as if made a part of this section.

594 (d) The proceeds of the Five and One-fourth Cents
595 (5.25¢) of the tax per gallon on oils used as a propellant for jet
596 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
597 per gallon on aviation gasoline and the tax of One Cent (1¢) per
598 gallon for each gallon of gasoline for which a refund has been
599 made pursuant to Section 27-55-23 because such gasoline was used
600 for aviation purposes, shall be paid to the State Treasury into a
601 special fund to be used exclusively, pursuant to legislative
602 appropriation, for the support and development of aeronautics as
603 defined in Section 61-1-3.

604 (e) State highway funds in an amount equal to the
605 difference between Forty-two Million Dollars (\$42,000,000.00) and
606 the annual debt service payable on the state's highway revenue
607 refunding bonds, Series 1985, shall be expended for the
608 construction or reconstruction of highways designated under the
609 highway program created under Section 65-3-97.

610 (f) "Gasoline, diesel fuel or kerosene taxes" as used
611 in this section shall be deemed to mean and include state
612 gasoline, diesel fuel or kerosene taxes levied and imposed on
613 distributors of gasoline, diesel fuel or kerosene, and all state
614 excise taxes derived from any fuel used to propel vehicles upon
615 the highways of this state, when levied by any statute.

616 **SECTION 3.** This act shall take effect and be in force from
617 and after July 1, 2005.