

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1250

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

14 SECTION 1. As used in Sections 1 and 2 of this act, the
15 following terms and phrases shall have the meanings ascribed in
16 this section unless the context clearly indicates otherwise:

17 (a) "Approved capital costs" means any or all of the
18 following:

19 (i) Obligations incurred for labor and materials
20 in connection with the acquisition, construction, installation,
21 equipping, and rehabilitation of a project and all related costs
22 thereto;

23 (ii) The costs of acquiring land or rights in land
24 and any cost incidental thereto;

25 (iii) All costs of reasonable architectural and
26 engineering services, including test borings, surveys, estimates,
27 plans and specifications, preliminary investigations, and
28 supervision of construction, as well as for the performance of all
29 the duties required by or consequent to the acquisition,
30 construction, installation, equipping and rehabilitation of a
31 project;

32 (iv) All costs which shall be required to be paid
33 under the terms of any contract or contracts for the acquisition,
34 construction, installation, equipping and rehabilitation of a
35 project; and

36 (v) All other costs of a nature comparable to
37 those described above.

38 Approved capital costs does not mean working capital,
39 marketing expense, inventory and other soft cost as determined by
40 the MDA.

41 (b) "Approved participant" means a person, corporation,
42 or other entity issued a certificate by the MDA under Section 2 of
43 this act.

44 (c) "Certificate" means a Certificate of Public
45 Convenience and Necessity authorized to be issued by the MDA
46 pursuant to Sections 1 and 2 of this act.

47 (d) "MDA" means the Mississippi Development Authority.

48 (e) (i) "Project" means any of the following:

49 1. A tourist-oriented enterprise, as herein
50 specified or as designated by the MDA, which requires the purchase
51 of admission, is located in a county bordering on the Mississippi
52 River where State Highway 4 intersects U.S. Highway 61, and has an
53 initial capital investment of not less than Twelve Million Dollars
54 (\$12,000,000.00) from federal, local and/or private sources; or

55 2. Future project expansions or complementary
56 or ancillary projects and facilities (provided such ancillary
57 projects and facilities are owned by the owner of the
58 tourist-oriented enterprise) meeting the same criteria for a
59 project, as defined herein, which are contiguous to the original
60 project site and owned by the owner of the initial project, or its
61 successor in interest, and which project additions and expansions
62 must also meet all other criteria of a qualifying project.

63 However, capital investment in any ancillary project or facility

64 described in this paragraph (e)(i)2 shall not be included in
65 determining whether the capital investment requirements of
66 paragraph (e)(i)1 are satisfied.

67 In addition, in order for a project to qualify under the
68 provisions of Sections 1 and 2 of this act, it shall, at a
69 minimum, have a positive economic impact on the state and the
70 increased tax revenues and economic benefits derived from the
71 project will exceed the tax incentives granted to the approved
72 participant pursuant to this act.

73 (ii) The term "project" does not mean any of the
74 following:

75 1. Any business, corporation or entity having
76 a gaming license issued under Section 75-76-1 et seq., Mississippi
77 Code of 1972, but may include a tourism-oriented facility owned by
78 such a business, corporation or entity that is in excess of
79 development that the State Gaming Commission requires for the
80 issuance or renewal of a gaming license;

81 2. Facilities that are:

82 a. Primarily devoted to the retail sale
83 of merchandise in which retail sales exceed twenty-five percent
84 (25%) of the total sales of the facility;

85 b. Tourism-oriented facilities out of
86 which the retail sale of merchandise exceeds twenty-five percent
87 (25%) of total sales of the facility or the attraction;

88 c. Convention centers, lodging
89 facilities and restaurants.

90 (f) "State" means the State of Mississippi.

91 (g) "Unit of local government" means any city, county
92 or other public entity created by statute.

93 **SECTION 2.** (1) The MDA shall develop, implement and
94 administer the program authorized in Sections 1 and 2 of this act

95 and shall adopt rules and regulations necessary for the
96 development, implementation and administration of the program.

97 (2) Any person, corporation or other entity desiring to
98 participate in the incentive program authorized by Sections 1 and
99 2 of this act must pay a nonrefundable application fee of Five
100 Thousand Dollars (\$5,000.00) to the MDA which shall be used,
101 without appropriation from the Legislature, by the MDA to offset
102 administrative costs and then shall submit an application,
103 hereinafter described, to the MDA on or before June 30, 2006.
104 After June 30, 2006, MDA shall not accept any applications to
105 participate in the program. The application shall contain:

106 (a) Plans for the proposed project;

107 (b) A detailed description of the proposed project and
108 its site;

109 (c) A project budget including capital and other
110 anticipated expenditures for the project that indicates that the
111 total cost of the project shall achieve or exceed the investment
112 threshold and the anticipated sources of funding the costs of the
113 project;

114 (d) Marketing plans for the project;

115 (e) The anticipated employment and wages to be paid at
116 the project;

117 (f) Business plans describing the operation of the
118 project, including the anticipated revenues and expenses generated
119 by the project;

120 (g) Financial information regarding the applicant as
121 may be requested by the MDA to demonstrate that the applicant has
122 the financial resources to construct and operate the project;

123 (h) Résumés of applicants and of its senior staff as
124 may be requested by the MDA to demonstrate that the applicant has
125 the required experience to construct and operate the project; and

126 (i) Any other information required by the MDA that
127 would satisfactorily demonstrate that the project meets all
128 specified criteria prescribed and approved by the MDA.

129 (3) If the MDA determines that the applicant and the project
130 reasonably satisfy the criteria for approval as described in
131 Sections 1 and 2 of this act, the MDA may issue a preliminary
132 approval of the project.

133 (4) After issuing the preliminary approval, the MDA shall
134 engage the services of an institution of higher learning in the
135 state to analyze the data made available by the applicant and to
136 collect and analyze additional information necessary to determine
137 that, in the independent judgment of the institution of higher
138 learning, the tourism project:

139 (a) Shall have capital expenditures in excess of the
140 minimum requirements set forth herein;

141 (b) Shall have a positive economic impact on the state;

142 (c) Will not occur if not for the designation of the
143 project and granting of incentives by the state to the project;
144 and

145 (d) Complies with the rules and regulations and minimum
146 requirements adopted by the MDA.

147 The institution of higher learning shall consult with MDA
148 staff and shall agree as to methodology to be used and assumptions
149 to be made in preparing its report, and upon completion of such
150 analysis, shall provide the MDA staff a written report of its
151 findings. Approval shall not be granted if it is determined that
152 there is no projected net positive economic impact to the state.

153 The applicant shall pay for the cost of the institution of
154 higher learning's report, shall cooperate with the institution of
155 higher learning, and shall provide all of the data that the
156 institution of higher learning deems necessary to make its
157 determination under this subsection.

158 (5) After a review of relevant materials, the institution of
159 higher learning's report, and completion of other inquiries, MDA
160 may issue its certificate approving the project, setting forth the
161 terms and conditions under which the project is approved, the
162 amount of the original capital costs approved by the MDA to which
163 the incentives provided for in this section apply and the extent
164 to which the incentives provided for in this section may be used.
165 A copy of each certificate issued by the MDA shall be sent to the
166 State Tax Commission.

167 (6) (a) There is created in the State Treasury a special
168 fund to be known as the "Tourism Sales Tax Incentive Fund," into
169 which shall be deposited such money as provided in Section
170 27-65-75(20). The monies in the fund shall be used for the
171 purpose of making the incentive payments authorized in this
172 section. The fund shall be administered by the MDA. Unexpended
173 amounts remaining in the fund at the end of a fiscal year shall
174 not lapse into the General Fund, and any interest earned on or
175 investment earnings on the amounts in the fund shall be deposited
176 to the credit of the fund. MDA may use not more than one percent
177 (1%) of interest earned or investment earnings, or both, on
178 amounts in the fund for administration and management of the
179 incentive program. Any funds used by MDA under this subsection
180 shall be in addition to any funds made available to MDA under
181 Section 2(2) of this act.

182 (b) Incentive payments may be made by the MDA to an
183 approved participant that incurs approved costs to locate an
184 approved project in the state. The payments to an approved
185 participant shall be for the amount of sales tax revenue collected
186 on the gross proceeds of sales generated by the project, after
187 making the diversions required in Section 27-65-75. The incentive
188 payments shall decrease at the rate of ten percent (10%) per year
189 starting the sixth year. The MDA shall ensure that payments made

190 pursuant to this section are utilized to pay the debt service
191 incurred by the approved participant for the project or any
192 approved cost incurred by the approved participant for the project
193 as set forth in the certificates issued by the MDA. The MDA shall
194 make payments to an approved participant on a semiannual basis
195 with payments being made in the months of January and July. The
196 aggregate amount that an approved participant may receive shall
197 not exceed the lesser of thirty-five percent (35%) of the original
198 capital costs funded from private sources as set forth in the
199 certificate issued by the MDA or thirty-five percent (35%) of the
200 actual capital cost expended from private sources on the project
201 by the approved participant. The MDA shall make the calculations
202 necessary to make the payments provided for in this section. The
203 MDA shall cease making incentive payments to an approved
204 participant upon the occurrence of the earlier of:

205 (i) The date upon which the aggregate amount
206 that the approved participant is authorized to receive pursuant to
207 this subsection has been paid by the MDA to the approved
208 participant;

209 (ii) Ten (10) years from the date the
210 original indebtedness for the project was incurred, without regard
211 to any refinancing or additional financing for any addition to or
212 expansion of the project;

213 (iii) Any violation of the terms and
214 provisions of the certificate or any agreement arising out of the
215 certificate;

216 (iv) The project ceases operations for a
217 continuous period of ninety (90) days or more (except for seasonal
218 projects or an act of God); or

219 (v) The project or approved applicant is
220 involved in any state or federal bankruptcy proceedings not
221 discharged within ninety (90) days.

222 (7) At such time as payments are no longer required to be
223 made to an approved participant, the MDA shall notify the State
224 Tax Commission and the sales tax revenue collected from such
225 project shall no longer be deposited into the Tourism Sales Tax
226 Incentive Fund, and any amounts remaining in the fund that were
227 collected from such participant shall be transferred to the State
228 General Fund.

229 **SECTION 3.** Section 27-65-75, Mississippi Code of 1972, is
230 amended as follows:

231 27-65-75. On or before the fifteenth day of each month, the
232 revenue collected under the provisions of this chapter during the
233 preceding month shall be paid and distributed as follows:

234 (1) On or before August 15, 1992, and each succeeding month
235 thereafter through July 15, 1993, eighteen percent (18%) of the
236 total sales tax revenue collected during the preceding month under
237 the provisions of this chapter, except that collected under the
238 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
239 business activities within a municipal corporation shall be
240 allocated for distribution to the municipality and paid to the
241 municipal corporation. On or before August 15, 1993, and each
242 succeeding month thereafter, eighteen and one-half percent
243 (18-1/2%) of the total sales tax revenue collected during the
244 preceding month under the provisions of this chapter, except that
245 collected under the provisions of Sections 27-65-15, 27-65-19(3)
246 and 27-65-21, on business activities within a municipal
247 corporation shall be allocated for distribution to the
248 municipality and paid to the municipal corporation.

249 A municipal corporation, for the purpose of distributing the
250 tax under this subsection, shall mean and include all incorporated
251 cities, towns and villages.

252 Monies allocated for distribution and credited to a municipal
253 corporation under this subsection may be pledged as security for a

254 loan if the distribution received by the municipal corporation is
255 otherwise authorized or required by law to be pledged as security
256 for such a loan.

257 In any county having a county seat that is not an
258 incorporated municipality, the distribution provided under this
259 subsection shall be made as though the county seat was an
260 incorporated municipality; however, the distribution to the
261 municipality shall be paid to the county treasury in which the
262 municipality is located, and those funds shall be used for road,
263 bridge and street construction or maintenance in the county.

264 (2) On or before September 15, 1987, and each succeeding
265 month thereafter, from the revenue collected under this chapter
266 during the preceding month, One Million One Hundred Twenty-five
267 Thousand Dollars (\$1,125,000.00) shall be allocated for
268 distribution to municipal corporations as defined under subsection
269 (1) of this section in the proportion that the number of gallons
270 of gasoline and diesel fuel sold by distributors to consumers and
271 retailers in each such municipality during the preceding fiscal
272 year bears to the total gallons of gasoline and diesel fuel sold
273 by distributors to consumers and retailers in municipalities
274 statewide during the preceding fiscal year. The State Tax
275 Commission shall require all distributors of gasoline and diesel
276 fuel to report to the commission monthly the total number of
277 gallons of gasoline and diesel fuel sold by them to consumers and
278 retailers in each municipality during the preceding month. The
279 State Tax Commission shall have the authority to promulgate such
280 rules and regulations as is necessary to determine the number of
281 gallons of gasoline and diesel fuel sold by distributors to
282 consumers and retailers in each municipality. In determining the
283 percentage allocation of funds under this subsection for the
284 fiscal year beginning July 1, 1987, and ending June 30, 1988, the
285 State Tax Commission may consider gallons of gasoline and diesel

286 fuel sold for a period of less than one (1) fiscal year. For the
287 purposes of this subsection, the term "fiscal year" means the
288 fiscal year beginning July 1 of a year.

289 (3) On or before September 15, 1987, and on or before the
290 fifteenth day of each succeeding month, until the date specified
291 in Section 65-39-35, the proceeds derived from contractors' taxes
292 levied under Section 27-65-21 on contracts for the construction or
293 reconstruction of highways designated under the highway program
294 created under Section 65-3-97 shall, except as otherwise provided
295 in Section 31-17-127, be deposited into the State Treasury to the
296 credit of the State Highway Fund to be used to fund that highway
297 program. The Mississippi Department of Transportation shall
298 provide to the State Tax Commission such information as is
299 necessary to determine the amount of proceeds to be distributed
300 under this subsection.

301 (4) On or before August 15, 1994, and on or before the
302 fifteenth day of each succeeding month through July 15, 1999, from
303 the proceeds of gasoline, diesel fuel or kerosene taxes as
304 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
305 (\$4,000,000.00) shall be deposited in the State Treasury to the
306 credit of a special fund designated as the "State Aid Road Fund,"
307 created by Section 65-9-17. On or before August 15, 1999, and on
308 or before the fifteenth day of each succeeding month, from the
309 total amount of the proceeds of gasoline, diesel fuel or kerosene
310 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
311 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
312 one-fourth percent (23-1/4%) of those funds, whichever is the
313 greater amount, shall be deposited in the State Treasury to the
314 credit of the "State Aid Road Fund," created by Section 65-9-17.
315 Those funds shall be pledged to pay the principal of and interest
316 on state aid road bonds heretofore issued under Sections 19-9-51
317 through 19-9-77, in lieu of and in substitution for the funds

318 previously allocated to counties under this section. Those funds
319 may not be pledged for the payment of any state aid road bonds
320 issued after April 1, 1981; however, this prohibition against the
321 pledging of any such funds for the payment of bonds shall not
322 apply to any bonds for which intent to issue those bonds has been
323 published, for the first time, as provided by law before March 29,
324 1981. From the amount of taxes paid into the special fund under
325 this subsection and subsection (9) of this section, there shall be
326 first deducted and paid the amount necessary to pay the expenses
327 of the Office of State Aid Road Construction, as authorized by the
328 Legislature for all other general and special fund agencies. The
329 remainder of the fund shall be allocated monthly to the several
330 counties in accordance with the following formula:

331 (a) One-third (1/3) shall be allocated to all counties
332 in equal shares;

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

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

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

344 The amount of funds allocated to any county under this
345 subsection for any fiscal year after fiscal year 1994 shall not be
346 less than the amount allocated to the county for fiscal year 1994.

347 Any reference in the general laws of this state or the
348 Mississippi Code of 1972 to Section 27-5-105 shall mean and be

349 construed to refer and apply to subsection (4) of Section
350 27-65-75.

351 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
352 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
353 the special fund known as the "State Public School Building Fund"
354 created and existing under the provisions of Sections 37-47-1
355 through 37-47-67. Those payments into that fund are to be made on
356 the last day of each succeeding month hereafter.

357 (6) An amount each month beginning August 15, 1983, through
358 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
359 of 1983, shall be paid into the special fund known as the
360 Correctional Facilities Construction Fund created in Section 6 of
361 Chapter 542, Laws of 1983.

362 (7) On or before August 15, 1992, and each succeeding month
363 thereafter through July 15, 2000, two and two hundred sixty-six
364 one-thousandths percent (2.266%) of the total sales tax revenue
365 collected during the preceding month under the provisions of this
366 chapter, except that collected under the provisions of Section
367 27-65-17(2) shall be deposited by the commission into the School
368 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
369 or before August 15, 2000, and each succeeding month thereafter,
370 two and two hundred sixty-six one-thousandths percent (2.266%) of
371 the total sales tax revenue collected during the preceding month
372 under the provisions of this chapter, except that collected under
373 the provisions of Section 27-65-17(2), shall be deposited into the
374 School Ad Valorem Tax Reduction Fund created under Section
375 37-61-35 until such time that the total amount deposited into the
376 fund during a fiscal year equals Forty-two Million Dollars
377 (\$42,000,000.00). Thereafter, the amounts diverted under this
378 subsection (7) during the fiscal year in excess of Forty-two
379 Million Dollars (\$42,000,000.00) shall be deposited into the
380 Education Enhancement Fund created under Section 37-61-33 for

381 appropriation by the Legislature as other education needs and
382 shall not be subject to the percentage appropriation requirements
383 set forth in Section 37-61-33.

384 (8) On or before August 15, 1992, and each succeeding month
385 thereafter, nine and seventy-three one-thousandths percent
386 (9.073%) of the total sales tax revenue collected during the
387 preceding month under the provisions of this chapter, except that
388 collected under the provisions of Section 27-65-17(2), shall be
389 deposited into the Education Enhancement Fund created under
390 Section 37-61-33.

391 (9) On or before August 15, 1994, and each succeeding month
392 thereafter, from the revenue collected under this chapter during
393 the preceding month, Two Hundred Fifty Thousand Dollars
394 (\$250,000.00) shall be paid into the State Aid Road Fund.

395 (10) On or before August 15, 1994, and each succeeding month
396 thereafter through August 15, 1995, from the revenue collected
397 under this chapter during the preceding month, Two Million Dollars
398 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
399 Valorem Tax Reduction Fund established in Section 27-51-105.

400 (11) Notwithstanding any other provision of this section to
401 the contrary, on or before February 15, 1995, and each succeeding
402 month thereafter, the sales tax revenue collected during the
403 preceding month under the provisions of Section 27-65-17(2) and
404 the corresponding levy in Section 27-65-23 on the rental or lease
405 of private carriers of passengers and light carriers of property
406 as defined in Section 27-51-101 shall be deposited, without
407 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
408 established in Section 27-51-105.

409 (12) Notwithstanding any other provision of this section to
410 the contrary, on or before August 15, 1995, and each succeeding
411 month thereafter, the sales tax revenue collected during the
412 preceding month under the provisions of Section 27-65-17(1) on

413 retail sales of private carriers of passengers and light carriers
414 of property, as defined in Section 27-51-101 and the corresponding
415 levy in Section 27-65-23 on the rental or lease of these vehicles,
416 shall be deposited, after diversion, into the Motor Vehicle Ad
417 Valorem Tax Reduction Fund established in Section 27-51-105.

418 (13) On or before July 15, 1994, and on or before the
419 fifteenth day of each succeeding month thereafter, that portion of
420 the avails of the tax imposed in Section 27-65-22 that is derived
421 from activities held on the Mississippi state fairgrounds complex,
422 shall be paid into a special fund that is created in the State
423 Treasury and shall be expended upon legislative appropriation
424 solely to defray the costs of repairs and renovation at the Trade
425 Mart and Coliseum.

426 (14) On or before August 15, 1998, and each succeeding month
427 thereafter through July 15, 2005, that portion of the avails of
428 the tax imposed in Section 27-65-23 that is derived from sales by
429 cotton compresses or cotton warehouses and that would otherwise be
430 paid into the General Fund, shall be deposited in an amount not to
431 exceed Two Million Dollars (\$2,000,000.00) into the special fund
432 created under Section 69-37-39.

433 (15) Notwithstanding any other provision of this section to
434 the contrary, on or before September 15, 2000, and each succeeding
435 month thereafter, the sales tax revenue collected during the
436 preceding month under the provisions of Section 27-65-19(1)(f) and
437 (g)(i)2, shall be deposited, without diversion, into the
438 Telecommunications Ad Valorem Tax Reduction Fund established in
439 Section 27-38-7.

440 (16) On or before August 15, 2000, and each succeeding month
441 thereafter, the sales tax revenue collected during the preceding
442 month under the provisions of this chapter on the gross proceeds
443 of sales of a project as defined in Section 57-30-1 shall be
444 deposited, after all diversions except the diversion provided for

445 in subsection (1) of this section, into the Sales Tax Incentive
446 Fund created in Section 57-30-3.

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

454 (18) On or before August 15, 2007, and each succeeding month
455 thereafter through July 15, 2008, from the sales tax revenue
456 collected during the preceding month under the provisions of this
457 chapter, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)
458 shall be deposited into the Special Funds Transfer Fund created in
459 Section 4 of Chapter 556, Laws of 2003.

460 (19) (a) On or before August 15, 2005, and each succeeding
461 month thereafter, the sales tax revenue collected during the
462 preceding month under the provisions of this chapter on the gross
463 proceeds of sales of a business enterprise located within a
464 redevelopment project area under the provisions of Sections
465 57-91-1 through 57-91-11, and the revenue collected on the gross
466 proceeds of sales from sales made to a business enterprise located
467 in a redevelopment project area under the provisions of Sections
468 57-91-1 through 57-91-11 (provided that such sales made to a
469 business enterprise are made on the premises of the business
470 enterprise), shall, except as otherwise provided in this
471 subsection (19), be deposited, after all diversions, into the
472 Redevelopment Project Incentive Fund as created in Section
473 57-91-9.

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

477 attributable to the gross proceeds of sales of a business
478 enterprise located within a redevelopment project area under the
479 provisions of Sections 57-91-1 through 57-91-11, and attributable
480 to the gross proceeds of sales from sales made to a business
481 enterprise located in a redevelopment project area under the
482 provisions of Sections 57-91-1 through 57-91-11 (provided that
483 such sales made to a business enterprise are made on the premises
484 of the business enterprise), shall be deposited into the
485 Redevelopment Project Incentive Fund as created in Section
486 57-91-9, as follows:

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

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

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

499 (iv) For the ninth year in which such payments are
500 made to a developer from the Redevelopment Project Incentive Fund,
501 sixty percent (60%) of the diversion shall be deposited into the
502 fund; and

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

506 (20) On or before August 15, 2006, and each succeeding month
507 thereafter, the sales tax revenue collected during the preceding
508 month under the provisions of this chapter on the gross proceeds

509 of sales of a project as defined in Section 1 of House Bill No.
510 1250, 2006 Regular Session, shall be deposited, after all
511 diversions, into the Tourism Sales Tax Incentive Fund created in
512 Section 2 of House Bill No. 1250, 2006 Regular Session.

513 (21) The remainder of the amounts collected under the
514 provisions of this chapter shall be paid into the State Treasury
515 to the credit of the General Fund.

516 (22) It shall be the duty of the municipal officials of any
517 municipality that expands its limits, or of any community that
518 incorporates as a municipality, to notify the commissioner of that
519 action thirty (30) days before the effective date. Failure to so
520 notify the commissioner shall cause the municipality to forfeit
521 the revenue that it would have been entitled to receive during
522 this period of time when the commissioner had no knowledge of the
523 action. If any funds have been erroneously disbursed to any
524 municipality or any overpayment of tax is recovered by the
525 taxpayer, the commissioner may make correction and adjust the
526 error or overpayment with the municipality by withholding the
527 necessary funds from any later payment to be made to the
528 municipality.

529 **SECTION 4.** This act shall take effect and be in force from
530 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE AN INCENTIVE FOR PERSONS, CORPORATIONS OR
2 OTHER ENTITIES THAT MAKE CAPITAL INVESTMENTS TO LOCATE CERTAIN
3 TOURISM-ORIENTED ENTERPRISES IN A CERTAIN COUNTY OF THIS STATE; TO
4 CREATE THE TOURISM SALES TAX INCENTIVE FUND; TO AUTHORIZE
5 INCENTIVE PAYMENTS FROM SUCH FUND TO PERSONS, CORPORATIONS OR
6 OTHER ENTITIES THAT MAKE CAPITAL INVESTMENTS TO LOCATE CERTAIN
7 TOURISM-ORIENTED ENTERPRISES IN A CERTAIN COUNTY OF THIS STATE; TO
8 AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO DEVELOP A
9 PROGRAM TO ADMINISTER THE TOURISM INCENTIVE PROGRAM AUTHORIZED BY
10 THIS ACT; TO CREATE THE TOURISM INCENTIVE PROGRAM; TO AMEND
11 SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
12 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.