

AMENDMENT PROPOSED TO

HOUSE BILL NO. 247

By Fleming

AMEND by Deleting Sections 1 through 6 in their entirety and inserting the following in lieu thereof:

07/HR40/R1226

14" SECTION 1. Section 27-69-13, Mississippi Code of 1972, is  
15 amended as follows:

16 27-69-13. There is hereby imposed, levied and assessed, to  
17 be collected and paid as hereinafter provided in this chapter, an  
18 excise tax on each person or dealer in cigarettes, cigars,  
19 stogies, snuff, chewing tobacco, and smoking tobacco, or  
20 substitutes therefor, upon the sale, use, consumption, handling or  
21 distribution in the State of Mississippi, as follows:

22 (a) (i) On cigarettes, the rate of tax shall be  
23 Eighteen-twentieths of One Cent (18/20 of 1¢) on each cigarette  
24 sold with a maximum length of one hundred twenty (120)  
25 millimeters; any cigarette in excess of this length shall be taxed  
26 as if it were two (2) or more cigarettes. Provided, however, if  
27 the federal tax rate on cigarettes in effect on June 1, 1985, is  
28 reduced, then the rate as provided herein shall be increased by  
29 the amount of the federal tax reduction. Such tax increase shall  
30 take effect on the first day of the month following the effective  
31 date of such reduction in the federal tax rate.

32                   (ii) In addition to the excise tax levied by  
33 paragraph (a)(i) of this subsection, there is levied, imposed and  
34 assessed an excise tax of One and Six-tenths Cents (1-6/10¢) on  
35 each cigarette sold with a maximum length of one hundred twenty  
36 (120) millimeters; any cigarette in excess of this length shall be  
37 taxed as if it were two (2) or more cigarettes.

38                   (b) On cigars, cheroots, stogies, snuff, chewing and  
39 smoking tobacco and all other tobacco products except cigarettes,  
40 the rate of tax shall be fifteen percent (15%) of the  
41 manufacturer's list price.

42                   No stamp evidencing the tax herein levied on cigarettes shall  
43 be of a denomination of less than One Cent (1¢), and whenever the  
44 tax computed at the rates herein prescribed on cigarettes shall be  
45 a specified amount, plus a fractional part of One Cent (1¢), the  
46 package shall be stamped for the next full cent; however, the  
47 additional face value of stamps purchased to comply with taxes  
48 imposed by this section after June 1, 1985, shall be subject to a  
49 four percent (4%) discount or compensation to dealers for their  
50 services rather than the eight percent (8%) discount or  
51 compensation allowed by Section 27-69-31.

52                   Every wholesaler shall purchase stamps as provided in this  
53 chapter, and affix the same to all packages of cigarettes handled  
54 by him as herein provided.

55                   The above tax is levied upon the sale, use, gift, possession  
56 or consumption of tobacco within the State of Mississippi, and the  
57 impact of the tax levied by this chapter is hereby declared to be  
58 on the vendee, user, consumer or possessor of tobacco in this  
59 state; and when said tax is paid by any other person, such payment  
60 shall be considered as an advance payment and shall thereafter be

61 added to the price of the tobacco and recovered from the ultimate  
62 consumer or user.

63 **SECTION 2.** Section 27-65-17, Mississippi Code of 1972, is  
64 amended as follows:

65 27-65-17. (1) (a) Except as otherwise provided in this  
66 section, upon every person engaging or continuing within this  
67 state in the business of selling any tangible personal property  
68 whatsoever there is hereby levied, assessed and shall be collected  
69 a tax equal to seven percent (7%) of the gross proceeds of the  
70 retail sales of the business.

71 (b) Retail sales of farm tractors shall be taxed at the  
72 rate of one percent (1%) when made to farmers for agricultural  
73 purposes.

74 (c) Retail sales of farm implements sold to farmers and  
75 used directly in the production of poultry, ratite, domesticated  
76 fish as defined in Section 69-7-501, livestock, livestock  
77 products, agricultural crops or ornamental plant crops or used for  
78 other agricultural purposes shall be taxed at the rate of three  
79 percent (3%) when used on the farm. The three percent (3%) rate  
80 shall also apply to all equipment used in logging, pulpwood  
81 operations or tree farming which is either:

82 (i) Self-propelled, or

83 (ii) Mounted so that it is permanently attached to  
84 other equipment which is self-propelled or permanently attached to  
85 other equipment drawn by a vehicle which is self-propelled.

86 (d) Except as otherwise provided in subsection (3) of  
87 this section, retail sales of aircraft, automobiles, trucks,  
88 truck-tractors, semitrailers and manufactured or mobile homes  
89 shall be taxed at the rate of three percent (3%).

90           (e) Sales of manufacturing machinery or manufacturing  
91 machine parts when made to a manufacturer or custom processor for  
92 plant use only when the machinery and machine parts will be used  
93 exclusively and directly within this state in manufacturing a  
94 commodity for sale, rental or in processing for a fee shall be  
95 taxed at the rate of one and one-half percent (1-1/2%).

96           (f) Sales of machinery and machine parts when made to a  
97 technology intensive enterprise for plant use only when the  
98 machinery and machine parts will be used exclusively and directly  
99 within this state for industrial purposes, including, but not  
100 limited to, manufacturing or research and development activities,  
101 shall be taxed at the rate of one and one-half percent (1-1/2%).  
102 In order to be considered a technology intensive enterprise for  
103 purposes of this paragraph:

104                   (i) The enterprise shall meet minimum criteria  
105 established by the Mississippi Development Authority;

106                   (ii) The enterprise shall employ at least ten (10)  
107 persons in full-time jobs;

108                   (iii) At least ten percent (10%) of the workforce  
109 in the facility operated by the enterprise shall be scientists,  
110 engineers or computer specialists;

111                   (iv) The enterprise shall manufacture plastics,  
112 chemicals, automobiles, aircraft, computers or electronics; or  
113 shall be a research and development facility, a computer design or  
114 related facility, or a software publishing facility or other  
115 technology intensive facility or enterprise as determined by the  
116 Mississippi Development Authority;

117                   (v) The average wage of all workers employed by  
118 the enterprise at the facility shall be at least one hundred fifty  
119 percent (150%) of the state average annual wage; and

120 (vi) The enterprise must provide a basic health  
121 care plan to all employees at the facility.

122 (g) Sales of materials for use in track and track  
123 structures to a railroad whose rates are fixed by the Interstate  
124 Commerce Commission or the Mississippi Public Service Commission  
125 shall be taxed at the rate of three percent (3%).

126 (h) Sales of tangible personal property to electric  
127 power associations for use in the ordinary and necessary operation  
128 of their generating or distribution systems shall be taxed at the  
129 rate of one percent (1%).

130 (i) Wholesale sales of beer shall be taxed at the rate  
131 of seven percent (7%), and the retailer shall file a return and  
132 compute the retail tax on retail sales but may take credit for the  
133 amount of the tax paid to the wholesaler on said return covering  
134 the subsequent sales of same property, provided adequate invoices  
135 and records are maintained to substantiate the credit.

136 (j) Wholesale sales of food and drink for human  
137 consumption to full service vending machine operators to be sold  
138 through vending machines located apart from and not connected with  
139 other taxable businesses shall be taxed at the rate of eight  
140 percent (8%).

141 (k) Sales of equipment used or designed for the purpose  
142 of assisting disabled persons, such as wheelchair equipment and  
143 lifts, that is mounted or attached to or installed on a private  
144 carrier of passengers or light carrier of property, as defined in  
145 Section 27-51-101, at the time when the private carrier of  
146 passengers or light carrier of property is sold shall be taxed at  
147 the same rate as the sale of such vehicles under this section.

148 (l) Sales of the factory-built components of modular

149 homes, panelized homes and precut homes, and panel constructed  
150 homes consisting of structural insulated panels, shall be taxed at  
151 the rate of three percent (3%).

152 (m) From and after July 1, 2009, through June 30, 2020,  
153 retail sales of food for human consumption not purchased with food  
154 stamps issued by the United States Department of Agriculture, or  
155 other federal agency, but which would be exempt under Section  
156 27-75-111(o) from the taxes imposed by this chapter if the food  
157 were purchased with food stamps, shall be taxed at the rate of two  
158 percent (2%).

159 (2) From and after January 1, 1995, retail sales of private  
160 carriers of passengers and light carriers of property, as defined  
161 in Section 27-51-101, shall be taxed an additional two percent  
162 (2%).

163 (3). In lieu of the tax levied in subsection (1) of this  
164 section, there is levied on retail sales of truck-tractors and  
165 semitrailers used in interstate commerce and registered under the  
166 International Registration Plan (IRP) or any similar reciprocity  
167 agreement or compact relating to the proportional registration of  
168 commercial vehicles entered into as provided for in Section  
169 27-19-143, a tax at the rate of three percent (3%) of the portion  
170 of the sale that is attributable to the usage of such  
171 truck-tractor or semitrailer in Mississippi. The portion of the  
172 retail sale that is attributable to the usage of such  
173 truck-tractor or semitrailer in Mississippi is the retail sales  
174 price of the truck-tractor or semitrailer multiplied by the  
175 percentage of the total miles traveled by the vehicle that are  
176 traveled in Mississippi. The tax levied pursuant to this  
177 subsection (3) shall be collected by the State Tax Commission from

178 the purchaser of such truck-tractor or semitrailer at the time of  
179 registration of such truck-tractor or semitrailer.

180 (4) A manufacturer selling at retail in this state shall be  
181 required to make returns of the gross proceeds of such sales and  
182 pay the tax imposed in this section.

183 (5) Any person exercising any privilege taxable under  
184 Section 27-65-15 and selling his natural resource products at  
185 wholesale or to exempt persons shall pay the tax levied by said  
186 section in lieu of the tax levied by this section.

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

189 27-65-75. On or before the fifteenth day of each month, the  
190 revenue collected under the provisions of this chapter during the  
191 preceding month shall be paid and distributed as follows:

192 (1) (a) On or before August 15, 1992, and each succeeding  
193 month thereafter through July 15, 1993, eighteen percent (18%) of  
194 the total sales tax revenue collected during the preceding month  
195 under the provisions of this chapter, except that collected under  
196 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
197 business activities within a municipal corporation shall be  
198 allocated for distribution to the municipality and paid to the  
199 municipal corporation. On or before August 15, 1993, and each  
200 succeeding month thereafter through July 15, 2009, eighteen and  
201 one-half percent (18-1/2%) of the total sales tax revenue  
202 collected during the preceding month under the provisions of this  
203 chapter, except that collected under the provisions of Sections  
204 27-65-15, 27-65-19(3) and 27-65-21, on business activities within  
205 a municipal corporation shall be allocated for distribution to the  
206 municipality and paid to the municipal corporation. On or before  
207 August 15, 2009, and each succeeding month thereafter through July

208 15, 2020, eighteen and one-half percent (18-1/2%) of the total  
209 sales tax revenue collected during the preceding month under the  
210 provisions of this chapter, except that collected under the  
211 provisions of Sections 27-65-15, 27-65-17(1)(m), 27-65-19(3) and  
212 27-65-21, on business activities within a municipal corporation  
213 and all of the sales tax revenue collected during the preceding  
214 month under the provisions of Section 27-65-17(1)(m) on business  
215 activities within a municipal corporation shall be allocated for  
216 distribution to the municipality and paid to the municipal  
217 corporation. On or before August 15, 2020, and each succeeding  
218 month thereafter, eighteen and one-half percent (18-1/2%) of the  
219 total sales tax revenue collected during the preceding month under  
220 the provisions of this chapter, except that collected under the  
221 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
222 business activities within a municipal corporation shall be  
223 allocated for distribution to the municipality and paid to the  
224 municipal corporation.

225         A municipal corporation, for the purpose of distributing the  
226 tax under this subsection, shall mean and include all incorporated  
227 cities, towns and villages.

228         Monies allocated for distribution and credited to a municipal  
229 corporation under this subsection may be pledged as security for a  
230 loan if the distribution received by the municipal corporation is  
231 otherwise authorized or required by law to be pledged as security  
232 for such a loan.

233         In any county having a county seat that is not an  
234 incorporated municipality, the distribution provided under this  
235 subsection shall be made as though the county seat was an  
236 incorporated municipality; however, the distribution to the  
237 municipality shall be paid to the county treasury in which the



238 municipality is located, and those funds shall be used for road,  
239 bridge and street construction or maintenance in the county.

240 (b) On or before August 15, 2006, and each succeeding  
241 month thereafter, eighteen and one-half percent (18-1/2%) of the  
242 total sales tax revenue collected during the preceding month under  
243 the provisions of this chapter, except that collected under the  
244 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
245 business activities on the campus of a state institution of higher  
246 learning or community or junior college whose campus is not  
247 located within the corporate limits of a municipality, shall be  
248 allocated for distribution to the state institution of higher  
249 learning or community or junior college and paid to the state  
250 institution of higher learning or community or junior college.

251 (2) On or before September 15, 1987, and each succeeding  
252 month thereafter, from the revenue collected under this chapter  
253 during the preceding month, One Million One Hundred Twenty-five  
254 Thousand Dollars (\$1,125,000.00) shall be allocated for  
255 distribution to municipal corporations as defined under subsection  
256 (1) of this section in the proportion that the number of gallons  
257 of gasoline and diesel fuel sold by distributors to consumers and  
258 retailers in each such municipality during the preceding fiscal  
259 year bears to the total gallons of gasoline and diesel fuel sold  
260 by distributors to consumers and retailers in municipalities  
261 statewide during the preceding fiscal year. The State Tax  
262 Commission shall require all distributors of gasoline and diesel  
263 fuel to report to the commission monthly the total number of  
264 gallons of gasoline and diesel fuel sold by them to consumers and  
265 retailers in each municipality during the preceding month. The  
266 State Tax Commission shall have the authority to promulgate such  
267 rules and regulations as is necessary to determine the number of

268 gallons of gasoline and diesel fuel sold by distributors to  
269 consumers and retailers in each municipality. In determining the  
270 percentage allocation of funds under this subsection for the  
271 fiscal year beginning July 1, 1987, and ending June 30, 1988, the  
272 State Tax Commission may consider gallons of gasoline and diesel  
273 fuel sold for a period of less than one (1) fiscal year. For the  
274 purposes of this subsection, the term "fiscal year" means the  
275 fiscal year beginning July 1 of a year.

276 (3) On or before September 15, 1987, and on or before the  
277 fifteenth day of each succeeding month, until the date specified  
278 in Section 65-39-35, the proceeds derived from contractors' taxes  
279 levied under Section 27-65-21 on contracts for the construction or  
280 reconstruction of highways designated under the highway program  
281 created under Section 65-3-97 shall, except as otherwise provided  
282 in Section 31-17-127, be deposited into the State Treasury to the  
283 credit of the State Highway Fund to be used to fund that highway  
284 program. The Mississippi Department of Transportation shall  
285 provide to the State Tax Commission such information as is  
286 necessary to determine the amount of proceeds to be distributed  
287 under this subsection.

288 (4) On or before August 15, 1994, and on or before the  
289 fifteenth day of each succeeding month through July 15, 1999, from  
290 the proceeds of gasoline, diesel fuel or kerosene taxes as  
291 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
292 (\$4,000,000.00) shall be deposited in the State Treasury to the  
293 credit of a special fund designated as the "State Aid Road Fund,"  
294 created by Section 65-9-17. On or before August 15, 1999, and on  
295 or before the fifteenth day of each succeeding month, from the  
296 total amount of the proceeds of gasoline, diesel fuel or kerosene  
297 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million

298 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
299 one-fourth percent (23-1/4%) of those funds, whichever is the  
300 greater amount, shall be deposited in the State Treasury to the  
301 credit of the "State Aid Road Fund," created by Section 65-9-17.  
302 Those funds shall be pledged to pay the principal of and interest  
303 on state aid road bonds heretofore issued under Sections 19-9-51  
304 through 19-9-77, in lieu of and in substitution for the funds  
305 previously allocated to counties under this section. Those funds  
306 may not be pledged for the payment of any state aid road bonds  
307 issued after April 1, 1981; however, this prohibition against the  
308 pledging of any such funds for the payment of bonds shall not  
309 apply to any bonds for which intent to issue those bonds has been  
310 published, for the first time, as provided by law before March 29,  
311 1981. From the amount of taxes paid into the special fund under  
312 this subsection and subsection (9) of this section, there shall be  
313 first deducted and paid the amount necessary to pay the expenses  
314 of the Office of State Aid Road Construction, as authorized by the  
315 Legislature for all other general and special fund agencies. The  
316 remainder of the fund shall be allocated monthly to the several  
317 counties in accordance with the following formula:

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

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

324           (c) One-third (1/3) shall be allocated to counties  
325 based on the proportion that the rural population of the county

326 bears to the total rural population in all counties of the state,  
327 according to the latest federal decennial census.

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

331 The amount of funds allocated to any county under this  
332 subsection for any fiscal year after fiscal year 1994 shall not be  
333 less than the amount allocated to the county for fiscal year 1994.

334 Any reference in the general laws of this state or the  
335 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
336 construed to refer and apply to subsection (4) of Section  
337 27-65-75.

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

344 (6) An amount each month beginning August 15, 1983, through  
345 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
346 of 1983, shall be paid into the special fund known as the  
347 Correctional Facilities Construction Fund created in Section 6 of  
348 Chapter 542, Laws of 1983.

349 (7) On or before August 15, 1992, and each succeeding month  
350 thereafter through July 15, 2000, two and two hundred sixty-six  
351 one-thousandths percent (2.266%) of the total sales tax revenue  
352 collected during the preceding month under the provisions of this  
353 chapter, except that collected under the provisions of Section  
354 27-65-17(2) shall be deposited by the commission into the School  
355 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On

356 or before August 15, 2000, through July 15, 2009, and each  
357 succeeding month thereafter, two and two hundred sixty-six  
358 one-thousandths percent (2.266%) of the total sales tax revenue  
359 collected during the preceding month under the provisions of this  
360 chapter, except that collected under the provisions of Section  
361 27-65-17(2), shall be deposited into the School Ad Valorem Tax  
362 Reduction Fund created under Section 37-61-35 until such time that  
363 the total amount deposited into the fund during a fiscal year  
364 equals Forty-two Million Dollars (\$42,000,000.00). Thereafter,  
365 the amounts diverted under this subsection (7) during the fiscal  
366 year in excess of Forty-two Million Dollars (\$42,000,000.00) shall  
367 be deposited into the Education Enhancement Fund created under  
368 Section 37-61-33 for appropriation by the Legislature as other  
369 education needs and shall not be subject to the percentage  
370 appropriation requirements set forth in Section 37-61-33. On or  
371 before August 15, 2009, and each succeeding month thereafter  
372 through July 15, 2020, two and six-tenths percent (2.6%) of the  
373 total sales tax revenue collected during the preceding month under  
374 the provisions of this chapter, except that collected under the  
375 provisions of Section 27-65-17(2) and 27-65-17(1)(m), shall be  
376 deposited into the School Ad Valorem Tax Reduction Fund created  
377 under Section 37-61-35 until such time that the total amount  
378 deposited into the fund during a fiscal year equals Forty-two  
379 Million Dollars (\$42,000,000.00). Thereafter, the amounts  
380 diverted under this subsection (7) during the fiscal year in  
381 excess of Forty-two Million Dollars (\$42,000,000.00) shall be  
382 deposited into the Education Enhancement Fund created under  
383 Section 37-61-33 for appropriation by the Legislature as other  
384 education needs and shall not be subject to the percentage  
385 appropriation requirements set forth in Section 37-61-33. On or

386 before August 15, 2020, and each succeeding month thereafter, two  
387 and two hundred sixty-six one-thousandths percent (2.266%) of the  
388 total sales tax revenue collected during the preceding month under  
389 the provisions of this chapter, except that collected under the  
390 provisions of Section 27-65-17(2), shall be deposited into the  
391 School Ad Valorem Tax Reduction Fund created under Section  
392 37-61-35 until such time that the total amount deposited into the  
393 fund during a fiscal year equals Forty-two Million Dollars  
394 (\$42,000,000.00). Thereafter, the amounts diverted under this  
395 subsection (7) during the fiscal year in excess of Forty-two  
396 Million Dollars (\$42,000,000.00) shall be deposited into the  
397 Education Enhancement Fund created under Section 37-61-33 for  
398 appropriation by the Legislature as other education needs and  
399 shall not be subject to the percentage appropriation requirements  
400 set forth in Section 37-61-33.

401 (8) On or before August 15, 1992, through July 15, 2009, and  
402 each succeeding month thereafter, nine and seventy-three  
403 one-thousandths percent (9.073%) of the total sales tax revenue  
404 collected during the preceding month under the provisions of this  
405 chapter, except that collected under the provisions of Section  
406 27-65-17(2), shall be deposited into the Education Enhancement  
407 Fund created under Section 37-61-33. On or before August 15,  
408 2009, and each succeeding month thereafter through July 15, 2020,  
409 ten and one-half percent (10.5%) of the total sales tax revenue  
410 collected during the preceding month under the provisions of this  
411 chapter, except that collected under the provisions of Section  
412 27-65-17(2) and 27-65-17(1)(m), shall be deposited into the  
413 Education Enhancement Fund created under Section 37-61-33. On or  
414 before August 15, 2020, and each succeeding month thereafter, nine  
415 and seventy-three one-thousandths percent (9.073%) of the total

416 sales tax revenue collected during the preceding month under the  
417 provisions of this chapter, except that collected under the  
418 provisions of Section 27-65-17(2), shall be deposited into the  
419 Education Enhancement Fund created under Section 37-61-33.

420 (9) On or before August 15, 1994, and each succeeding month  
421 thereafter, from the revenue collected under this chapter during  
422 the preceding month, Two Hundred Fifty Thousand Dollars  
423 (\$250,000.00) shall be paid into the State Aid Road Fund.

424 (10) On or before August 15, 1994, and each succeeding month  
425 thereafter through August 15, 1995, from the revenue collected  
426 under this chapter during the preceding month, Two Million Dollars  
427 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
428 Valorem Tax Reduction Fund established in Section 27-51-105.

429 (11) Notwithstanding any other provision of this section to  
430 the contrary, on or before February 15, 1995, and each succeeding  
431 month thereafter, the sales tax revenue collected during the  
432 preceding month under the provisions of Section 27-65-17(2) and  
433 the corresponding levy in Section 27-65-23 on the rental or lease  
434 of private carriers of passengers and light carriers of property  
435 as defined in Section 27-51-101 shall be deposited, without  
436 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
437 established in Section 27-51-105.

438 (12) Notwithstanding any other provision of this section to  
439 the contrary, on or before August 15, 1995, and each succeeding  
440 month thereafter, the sales tax revenue collected during the  
441 preceding month under the provisions of Section 27-65-17(1) on  
442 retail sales of private carriers of passengers and light carriers  
443 of property, as defined in Section 27-51-101 and the corresponding  
444 levy in Section 27-65-23 on the rental or lease of these vehicles,

445 shall be deposited, after diversion, into the Motor Vehicle Ad  
446 Valorem Tax Reduction Fund established in Section 27-51-105.

447 (13) On or before July 15, 1994, and on or before the  
448 fifteenth day of each succeeding month thereafter, that portion of  
449 the avails of the tax imposed in Section 27-65-22 that is derived  
450 from activities held on the Mississippi State Fairgrounds Complex,  
451 shall be paid into a special fund that is created in the State  
452 Treasury and shall be expended upon legislative appropriation  
453 solely to defray the costs of repairs and renovation at the Trade  
454 Mart and Coliseum.

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

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

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



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

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

489           (19) (a) On or before August 15, 2005, and each succeeding  
490 month thereafter, the sales tax revenue collected during the  
491 preceding month under the provisions of this chapter on the gross  
492 proceeds of sales of a business enterprise located within a  
493 redevelopment project area under the provisions of Sections  
494 57-91-1 through 57-91-11, and the revenue collected on the gross  
495 proceeds of sales from sales made to a business enterprise located  
496 in a redevelopment project area under the provisions of Sections  
497 57-91-1 through 57-91-11 (provided that such sales made to a  
498 business enterprise are made on the premises of the business  
499 enterprise), shall, except as otherwise provided in this  
500 subsection (19), be deposited, after all diversions, into the  
501 Redevelopment Project Incentive Fund as created in Section  
502 57-91-9.

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

506 attributable to the gross proceeds of sales of a business  
507 enterprise located within a redevelopment project area under the  
508 provisions of Sections 57-91-1 through 57-91-11, and attributable  
509 to the gross proceeds of sales from sales made to a business  
510 enterprise located in a redevelopment project area under the  
511 provisions of Sections 57-91-1 through 57-91-11 (provided that  
512 such sales made to a business enterprise are made on the premises  
513 of the business enterprise), shall be deposited into the  
514 Redevelopment Project Incentive Fund as created in Section  
515 57-91-9, as follows:

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

520 (ii) For the seventh year in which such payments  
521 are made to a developer from the Redevelopment Project Incentive

522 Fund, eighty percent (80%) of the diversion shall be deposited  
523 into the fund;

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

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

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

535 (20) On or before January 15, 2007, and each succeeding

536 month thereafter, eighty percent (80%) of the sales tax revenue  
537 collected during the preceding month under the provisions of this  
538 chapter from the operation of a tourism project under the  
539 provisions of Sections 57-28-1 through 57-28-5, shall be  
540 deposited, after the diversions required in subsections (7) and  
541 (8) of this section, into the Tourism Sales Tax Incentive Fund  
542 created in Section 57-28-3.

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

546 (22) It shall be the duty of the municipal officials of any  
547 municipality that expands its limits, or of any community that  
548 incorporates as a municipality, to notify the commissioner of that  
549 action thirty (30) days before the effective date. Failure to so  
550 notify the commissioner shall cause the municipality to forfeit  
551 the revenue that it would have been entitled to receive during  
552 this period of time when the commissioner had no knowledge of the  
553 action. If any funds have been erroneously disbursed to any  
554 municipality or any overpayment of tax is recovered by the  
555 taxpayer, the commissioner may make correction and adjust the  
556 error or overpayment with the municipality by withholding the  
557 necessary funds from any later payment to be made to the  
558 municipality.

AMEND title to conform