

By: Senator(s) Blount, Horhn, Frazier,
Norwood

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2891

1 AN ACT TO REQUIRE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
2 FINANCE AND ADMINISTRATION TO IMPLEMENT, SUPERVISE AND ADMINISTER
3 CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS WITHIN THE CITY OF
4 JACKSON, MISSISSIPPI; TO AUTHORIZE THE EXECUTIVE DIRECTOR TO
5 EMPLOY PERSONS AS HE OR SHE CONSIDERS NECESSARY FOR THE PROPER
6 SUPERVISION AND ADMINISTRATION OF IMPROVEMENT PROJECTS FUNDED
7 UNDER THIS ACT; TO CREATE THE STATE CAPITAL INFRASTRUCTURE FUND
8 PROJECT ADVISORY COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP; TO
9 PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
10 DEVELOP A COMPREHENSIVE PLAN FOR IMPROVEMENT PROJECTS IN THE CITY
11 OF JACKSON IN CONSULTATION WITH THE STATE CAPITAL INFRASTRUCTURE
12 ADVISORY COMMITTEE; TO PROVIDE THAT SUCH PLAN SHALL ATTEMPT TO
13 INCORPORATE THE NEEDS OF THE CITY OF JACKSON, THE DEPARTMENT OF
14 FINANCE AND ADMINISTRATION, JACKSON STATE UNIVERSITY, THE
15 UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, AND THE MISSISSIPPI
16 DEPARTMENT OF ARCHIVES AND HISTORY; TO PROVIDE THAT ANY PLAN MUST
17 BE APPROVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON;
18 TO REQUIRE IMPROVEMENT PROJECTS UNDERTAKEN UNDER THIS ACT TO
19 COMPORT WITH THE PLAN; TO PROVIDE THAT THE PLAN MAY BE UPDATED AT
20 ANY TIME AND SHALL BE COMPLETELY UPDATED EVERY FIVE YEARS; TO
21 CREATE THE STATE CAPITAL INFRASTRUCTURE FUND, INTO WHICH SHALL BE
22 DEPOSITED THE MONEY SPECIFIED IN SECTION 27-65-75 AND SUCH OTHER
23 MONEY AS THE LEGISLATURE MAY PROVIDE BY APPROPRIATION; TO PROVIDE
24 THAT AN AMOUNT NOT TO EXCEED 5% OF THE AMOUNT DEPOSITED INTO THE
25 FUND MAY BE UTILIZED TO FUND THE ADMINISTRATIVE EXPENSES INCURRED
26 BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN PERFORMING ITS
27 DUTIES UNDER THIS ACT; TO PROVIDE THAT AN AMOUNT OF NOT LESS THAN
28 95% OF THE AMOUNT DEPOSITED INTO THE FUND SHALL BE UTILIZED WITHIN
29 THE CITY OF JACKSON FOR IMPROVEMENT PROJECTS; TO PROVIDE THAT THE
30 CITY OF JACKSON SHALL MAINTAIN ALL COMPLETED IMPROVEMENT PROJECTS
31 THAT ARE UNDERTAKEN UNDER THIS ACT; TO AMEND SECTION 27-65-75,
32 MISSISSIPPI CODE OF 1972, TO DIVERT 1-1/2% OF THE TOTAL SALES TAX
33 REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN THE CITY OF
34 JACKSON AND TO DISTRIBUTE 15% OF THE REVENUE SO COLLECTED TO THE



35 CITY OF JACKSON TO COMPENSATE THE CITY FOR GENERAL POLICE AND FIRE
36 PROTECTION PROVIDED BY THE CITY FOR STATE-OWNED FACILITIES AND
37 AREAS ADJACENT TO STATE-OWNED FACILITIES AND FOR POLICE COVERAGE
38 FOR MAJOR EVENTS CONDUCTED AT STATE-OWNED FACILITIES, AND TO
39 PROVIDE THAT THE REMAINDER OF SUCH REVENUE SO COLLECTED SHALL BE
40 DEPOSITED INTO THE STATE CAPITAL INFRASTRUCTURE FUND; AND FOR
41 RELATED PURPOSES.

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

43 **SECTION 1.** As used in Sections 1 through 7 of this act:

44 (a) "City" means the City of Jackson, Mississippi.

45 (a) "Improvement projects" means the following types of
46 projects in the City of Jackson that provide public access to
47 state-owned facilities, or streets that connect directly to
48 highways maintained by the State of Mississippi:

49 (i) Street reconstruction, resurfacing and other
50 repairs to roadways, curbs and gutters;

51 (ii) Bridge construction, reconstruction and
52 repair;

53 (iii) Reconstructing and repairing of surface
54 water drainage systems including street drains, ditches, culverts
55 and other components of the system;

56 (iv) Installing and replacing street lighting;

57 (v) Installing and replacing traffic signals;

58 (vi) Installation of new water and sewer lines and
59 rehabilitation of existing water and sewer lines;

60 (vii) Reconstruction and repair of parks,
61 cemeteries and public rights-of-way;

62 (viii) Reconstruction and repair of sidewalks
63 along public streets;



64 (ix) Planting and replacing landscaping materials
65 and trees within public parks and rights-of-way;

66 (x) Constructing, reconstruction and repairing of
67 city-owned buildings used for public performances and the arts;
68 and

69 (xi) Placing above-ground utilities underground.

70 **SECTION 2.** (1) The Executive Director of the Department of
71 Finance and Administration or his designee shall implement,
72 supervise and administer improvement projects paid for with funds
73 from the State Capital Infrastructure Fund.

74 (2) Subject to the limitation on funds provided for in
75 Section 5 of this act, the executive director may employ persons
76 as he or she considers necessary for the proper implementation,
77 supervision and administration of improvement projects funded in
78 whole or in part by funds from the State Capital Infrastructure
79 Fund.

80 (3) Subject to the limitation on funds provided for in
81 Section 5 of this act, the Department of Finance and
82 Administration shall be reimbursed from the State Capital
83 Infrastructure Fund for the cost of providing necessary personnel,
84 services and other expenses it incurs in performing its duties
85 under this act.

86 **SECTION 3.** (1) There is created the State Capital
87 Infrastructure Fund Project Advisory Committee composed of the
88 following eleven (11) members:



89 (a) Three (3) members appointed by the Mayor of the
90 City of Jackson;

91 (b) Two (2) members appointed by the Governor;

92 (c) One (1) member appointed by the Lieutenant
93 Governor;

94 (d) One (1) member appointed by the Speaker of the
95 House of Representatives;

96 (e) One (1) member appointed by the President of
97 Jackson State University;

98 (f) One (1) member appointed by the Dean of the
99 University of Mississippi School of Medicine;

100 (g) One (1) member appointed by the Board of Trustees
101 of the Mississippi Department of Archives and History; and

102 (h) The Executive Director of the Department of Finance
103 and Administration.

104 (2) Appointed members shall serve without compensation at
105 the will and pleasure of the appointing authority.

106 (3) The committee shall elect a chairman and such other
107 officers as it considers necessary from among its members.

108 (4) A majority of the members of the committee shall
109 constitute a quorum for the conduct of meetings and all actions of
110 the committee shall be by a majority vote.

111 (5) The committee shall consult with the Department of
112 Finance and Administration and advise the department in the



113 development of comprehensive plans for improvement projects in the
114 city and any changes to such plans.

115 **SECTION 4.** The Department of Finance and Administration
116 shall develop a comprehensive plan for improvement projects in the
117 city in consultation with the State Capital Infrastructure Fund
118 Project Advisory Committee. The plan shall attempt to incorporate
119 the needs of the city, the Department of Finance and
120 Administration, Jackson State University, the University of
121 Mississippi Medical Center and the Mississippi Department of
122 Archives and History. Any plan developed by the department must
123 be approved by the governing authorities of the city. Improvement
124 projects undertaken under Sections 1 through 7 of this act shall
125 comport with the plan. The plan may be updated at any time and
126 shall be completely updated every five (5) years.

127 **SECTION 5.** (1) There is created in the State Treasury the
128 State Capital Infrastructure Fund, into which shall be deposited
129 the money specified in Section 27-65-75(1)(c) and such other money
130 as the Legislature may provide by appropriation.

131 (2) An amount not to exceed five percent (5%) of the amount
132 deposited into the fund may be utilized to fund salaries and
133 benefits of additional employees of the Department of Finance and
134 Administration necessary to supervise and administer projects
135 implemented, and all other administrative expenses of the
136 department incurred in performing its duties under this act.



137 (3) An amount of not less than ninety-five percent (95%) of
138 the amount deposited into the fund, which shall be designated as
139 "improvement project funds," shall be utilized within the city for
140 improvement projects. In addition to fully funding improvement
141 projects, money in the fund may be utilized to fund a portion of
142 an improvement project in cases in which other funds are available
143 for a project and may be used as leverage or matching funds for
144 projects in the district that comport with the comprehensive plan.

145 (4) Money in the fund shall be expended upon appropriation
146 by the Legislature. Unexpended amounts remaining in the fund at
147 the end of the state fiscal year shall not lapse into the State
148 General Fund, and investment earnings on amounts in the fund shall
149 be deposited to the credit of the fund.

150 **SECTION 6.** (1) The Department of Finance and Administration
151 shall set a goal to expend not less than ten percent (10%) of the
152 total amounts expended by the department on improvement projects
153 with minority small business concerns owned and controlled by
154 socially and economically disadvantaged individuals. For the
155 purpose of determining the total amounts expended with such
156 minority small business concerns, credit shall be given for that
157 portion of any prime contract entered into with the department
158 which inures to the benefit of such minority small business
159 concern as a subcontractor thereunder.

160 (2) For the purposes of this section, the term "socially and
161 economically disadvantaged individuals" shall have the meaning



162 ascribed to such term under Section 8(d) of the Small Business Act
163 (15 U.S.C.S., Section 637(d)) and relevant subcontracting
164 regulations promulgated pursuant thereto.

165 (3) For the purposes of this section, the term "minority
166 small business concern" means any small business concern:

167 (a) Which is at least fifty-one percent (51%) owned by
168 one or more socially and economically disadvantaged individuals;
169 or, in the case of any publicly owned businesses, at least
170 fifty-one percent (51%) of the stock of which is owned by one or
171 more socially and economically disadvantaged individuals; and

172 (b) Whose management and daily business operations are
173 controlled by one or more of such individuals.

174 (4) For the purpose of this section, the term "small
175 business concern" shall mean "small business" as the latter term
176 is defined in Section 57-10-155, Mississippi Code of 1972.

177 **SECTION 7.** The city shall maintain all completed improvement
178 projects that are undertaken under this act.

179 **SECTION 8.** Section 27-65-75, Mississippi Code of 1972, is
180 amended as follows:

181 27-65-75. On or before the fifteenth day of each month, the
182 revenue collected under the provisions of this chapter during the
183 preceding month shall be paid and distributed as follows:

184 (1) (a) On or before August 15, 1992, and each succeeding
185 month thereafter through July 15, 1993, eighteen percent (18%) of
186 the total sales tax revenue collected during the preceding month



187 under the provisions of this chapter, except that collected under
188 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
189 business activities within a municipal corporation shall be
190 allocated for distribution to the municipality and paid to the
191 municipal corporation. Except as otherwise provided in this
192 paragraph (a), on or before August 15, 1993, and each succeeding
193 month thereafter, eighteen and one-half percent (18-1/2%) of the
194 total sales tax revenue collected during the preceding month under
195 the provisions of this chapter, except that collected under the
196 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
197 27-65-24, on business activities within a municipal corporation
198 shall be allocated for distribution to the municipality and paid
199 to the municipal corporation. However, in the event the State
200 Auditor issues a certificate of noncompliance pursuant to Section
201 21-35-31, the Department of Revenue shall withhold ten percent
202 (10%) of the allocations and payments to the municipality that
203 would otherwise be payable to the municipality under this
204 paragraph (a) until such time that the department receives written
205 notice of the cancellation of a certificate of noncompliance from
206 the State Auditor.

207 A municipal corporation, for the purpose of distributing the
208 tax under this subsection, shall mean and include all incorporated
209 cities, towns and villages.

210 Monies allocated for distribution and credited to a municipal
211 corporation under this paragraph may be pledged as security for a



212 loan if the distribution received by the municipal corporation is
213 otherwise authorized or required by law to be pledged as security
214 for such a loan.

215 In any county having a county seat that is not an
216 incorporated municipality, the distribution provided under this
217 subsection shall be made as though the county seat was an
218 incorporated municipality; however, the distribution to the
219 municipality shall be paid to the county treasury in which the
220 municipality is located, and those funds shall be used for road,
221 bridge and street construction or maintenance in the county.

222 (b) On or before August 15, 2006, and each succeeding
223 month thereafter, eighteen and one-half percent (18-1/2%) of the
224 total sales tax revenue collected during the preceding month under
225 the provisions of this chapter, except that collected under the
226 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
227 business activities on the campus of a state institution of higher
228 learning or community or junior college whose campus is not
229 located within the corporate limits of a municipality, shall be
230 allocated for distribution to the state institution of higher
231 learning or community or junior college and paid to the state
232 institution of higher learning or community or junior college.

233 (c) On or before August 15, 2017, and each succeeding
234 month thereafter, twelve and one-half percent (12-1/2%) of the
235 total sales tax revenue collected during the preceding month under
236 the provisions of this chapter, except that collected under the



237 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
238 27-65-24, on business activities within the corporate limits of
239 the City of Jackson, Mississippi, shall be allocated for
240 distribution as follows:

241 (i) Fifteen percent (15%) of the revenue so
242 collected shall be allocated for distribution to the City of
243 Jackson, Mississippi, to compensate the city for general police
244 and fire protection provided by the city for state-owned
245 facilities and area adjacent to state-owned facilities in the city
246 and for police coverage for major events conducted at state-owned
247 facilities; and

248 (ii) The remainder of such revenue shall be
249 deposited into the State Capital Infrastructure Fund created in
250 Section 5 of this act.

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 Department of



262 Revenue shall require all distributors of gasoline and diesel fuel
263 to report to the department monthly the total number of gallons of
264 gasoline and diesel fuel sold by them to consumers and retailers
265 in each municipality during the preceding month. The Department
266 of Revenue shall have the authority to promulgate such rules and
267 regulations as is necessary to determine the number of gallons of
268 gasoline and diesel fuel sold by distributors to consumers and
269 retailers in each municipality. In determining the percentage
270 allocation of funds under this subsection for the fiscal year
271 beginning July 1, 1987, and ending June 30, 1988, the Department
272 of Revenue may consider gallons of gasoline and diesel fuel sold
273 for a period of less than one (1) fiscal year. For the purposes
274 of this subsection, the term "fiscal year" means the fiscal year
275 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 Department of Revenue 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 * * *, Chapter 542,
346 Laws of 1983, shall be paid into the special fund known as the
347 Correctional Facilities Construction Fund created in Section
348 6 * * *, 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 department into the School
355 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
356 or before August 15, 2000, and each succeeding month thereafter,
357 two and two hundred sixty-six one-thousandths percent (2.266%) of
358 the total sales tax revenue collected during the preceding month
359 under the provisions of this chapter, except that collected under
360 the provisions of Section 27-65-17(2), shall be deposited into the



361 School Ad Valorem Tax Reduction Fund created under Section
362 37-61-35 until such time that the total amount deposited into the
363 fund during a fiscal year equals Forty-two Million Dollars
364 (\$42,000,000.00). Thereafter, the amounts diverted under this
365 subsection (7) during the fiscal year in excess of Forty-two
366 Million Dollars (\$42,000,000.00) shall be deposited into the
367 Education Enhancement Fund created under Section 37-61-33 for
368 appropriation by the Legislature as other education needs and
369 shall not be subject to the percentage appropriation requirements
370 set forth in Section 37-61-33.

371 (8) On or before August 15, 1992, and each succeeding month
372 thereafter, nine and seventy-three one-thousandths percent
373 (9.073%) of the total sales tax revenue collected during the
374 preceding month under the provisions of this chapter, except that
375 collected under the provisions of Section 27-65-17(2), shall be
376 deposited into the Education Enhancement Fund created under
377 Section 37-61-33.

378 (9) On or before August 15, 1994, and each succeeding month
379 thereafter, from the revenue collected under this chapter during
380 the preceding month, Two Hundred Fifty Thousand Dollars
381 (\$250,000.00) shall be paid into the State Aid Road Fund.

382 (10) On or before August 15, 1994, and each succeeding month
383 thereafter through August 15, 1995, from the revenue collected
384 under this chapter during the preceding month, Two Million Dollars



385 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
386 Valorem Tax Reduction Fund established in Section 27-51-105.

387 (11) Notwithstanding any other provision of this section to
388 the contrary, on or before February 15, 1995, and each succeeding
389 month thereafter, the sales tax revenue collected during the
390 preceding month under the provisions of Section 27-65-17(2) and
391 the corresponding levy in Section 27-65-23 on the rental or lease
392 of private carriers of passengers and light carriers of property
393 as defined in Section 27-51-101 shall be deposited, without
394 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
395 established in Section 27-51-105.

396 (12) Notwithstanding any other provision of this section to
397 the contrary, on or before August 15, 1995, and each succeeding
398 month thereafter, the sales tax revenue collected during the
399 preceding month under the provisions of Section 27-65-17(1) on
400 retail sales of private carriers of passengers and light carriers
401 of property, as defined in Section 27-51-101 and the corresponding
402 levy in Section 27-65-23 on the rental or lease of these vehicles,
403 shall be deposited, after diversion, into the Motor Vehicle Ad
404 Valorem Tax Reduction Fund established in Section 27-51-105.

405 (13) On or before July 15, 1994, and on or before the
406 fifteenth day of each succeeding month thereafter, that portion of
407 the avails of the tax imposed in Section 27-65-22 that is derived
408 from activities held on the Mississippi State Fairgrounds Complex
409 shall be paid into a special fund that is created in the State



410 Treasury and shall be expended upon legislative appropriation
411 solely to defray the costs of repairs and renovation at the Trade
412 Mart and Coliseum.

413 (14) On or before August 15, 1998, and each succeeding month
414 thereafter through July 15, 2005, that portion of the avails of
415 the tax imposed in Section 27-65-23 that is derived from sales by
416 cotton compresses or cotton warehouses and that would otherwise be
417 paid into the General Fund shall be deposited in an amount not to
418 exceed Two Million Dollars (\$2,000,000.00) into the special fund
419 created under Section 69-37-39. On or before August 15, 2007, and
420 each succeeding month thereafter through July 15, 2010, that
421 portion of the avails of the tax imposed in Section 27-65-23 that
422 is derived from sales by cotton compresses or cotton warehouses
423 and that would otherwise be paid into the General Fund shall be
424 deposited in an amount not to exceed Two Million Dollars
425 (\$2,000,000.00) into the special fund created under Section
426 69-37-39 until all debts or other obligations incurred by the
427 Certified Cotton Growers Organization under the Mississippi Boll
428 Weevil Management Act before January 1, 2007, are satisfied in
429 full. On or before August 15, 2010, and each succeeding month
430 thereafter through July 15, 2011, fifty percent (50%) of that
431 portion of the avails of the tax imposed in Section 27-65-23 that
432 is derived from sales by cotton compresses or cotton warehouses
433 and that would otherwise be paid into the General Fund shall be
434 deposited into the special fund created under Section 69-37-39



435 until such time that the total amount deposited into the fund
436 during a fiscal year equals One Million Dollars (\$1,000,000.00).
437 On or before August 15, 2011, and each succeeding month
438 thereafter, that portion of the avails of the tax imposed in
439 Section 27-65-23 that is derived from sales by cotton compresses
440 or cotton warehouses and that would otherwise be paid into the
441 General Fund shall be deposited into the special fund created
442 under Section 69-37-39 until such time that the total amount
443 deposited into the fund during a fiscal year equals One Million
444 Dollars (\$1,000,000.00).

445 (15) Notwithstanding any other provision of this section to
446 the contrary, on or before September 15, 2000, and each succeeding
447 month thereafter, the sales tax revenue collected during the
448 preceding month under the provisions of Section
449 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
450 without diversion, into the Telecommunications Ad Valorem Tax
451 Reduction Fund established in Section 27-38-7.

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



459 (b) On or before August 15, 2007, and each succeeding
460 month thereafter, eighty percent (80%) of the sales tax revenue
461 collected during the preceding month under the provisions of this
462 chapter from the operation of a tourism project under the
463 provisions of Sections 57-26-1 through 57-26-5, shall be
464 deposited, after the diversions required in subsections (7) and
465 (8) of this section, into the Tourism Project Sales Tax Incentive
466 Fund created in Section 57-26-3.

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

474 (18) [Repealed]

475 (19) (a) On or before August 15, 2005, and each succeeding
476 month thereafter, the sales tax revenue collected during the
477 preceding month under the provisions of this chapter on the gross
478 proceeds of sales of a business enterprise located within a
479 redevelopment project area under the provisions of Sections
480 57-91-1 through 57-91-11, and the revenue collected on the gross
481 proceeds of sales from sales made to a business enterprise located
482 in a redevelopment project area under the provisions of Sections
483 57-91-1 through 57-91-11 (provided that such sales made to a



484 business enterprise are made on the premises of the business
485 enterprise), shall, except as otherwise provided in this
486 subsection (19), be deposited, after all diversions, into the
487 Redevelopment Project Incentive Fund as created in Section
488 57-91-9.

489 (b) For a municipality participating in the Economic
490 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
491 the diversion provided for in subsection (1) of this section
492 attributable to the gross proceeds of sales of a business
493 enterprise located within a redevelopment project area under the
494 provisions of Sections 57-91-1 through 57-91-11, and attributable
495 to the gross proceeds of sales from sales made to a business
496 enterprise located in a redevelopment project area under the
497 provisions of Sections 57-91-1 through 57-91-11 (provided that
498 such sales made to a business enterprise are made on the premises
499 of the business enterprise), shall be deposited into the
500 Redevelopment Project Incentive Fund as created in Section
501 57-91-9, as follows:

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

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



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

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

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

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

521 (20) On or before January 15, 2007, and each succeeding
522 month thereafter, eighty percent (80%) of the sales tax revenue
523 collected during the preceding month under the provisions of this
524 chapter from the operation of a tourism project under the
525 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
526 after the diversions required in subsections (7) and (8) of this
527 section, into the Tourism Sales Tax Incentive Fund created in
528 Section 57-28-3.

529 (21) (a) On or before April 15, 2007, and each succeeding
530 month thereafter through June 15, 2013, One Hundred Fifty Thousand
531 Dollars (\$150,000.00) of the sales tax revenue collected during
532 the preceding month under the provisions of this chapter shall be



533 deposited into the MMEIA Tax Incentive Fund created in Section
534 57-101-3.

535 (b) On or before July 15, 2013, and each succeeding
536 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
537 of the sales tax revenue collected during the preceding month
538 under the provisions of this chapter shall be deposited into the
539 Mississippi Development Authority Job Training Grant Fund created
540 in Section 57-1-451.

541 (22) Notwithstanding any other provision of this section to
542 the contrary, on or before August 15, 2009, and each succeeding
543 month thereafter, the sales tax revenue collected during the
544 preceding month under the provisions of Section 27-65-201 shall be
545 deposited, without diversion, into the Motor Vehicle Ad Valorem
546 Tax Reduction Fund established in Section 27-51-105.

547 (23) The remainder of the amounts collected under the
548 provisions of this chapter shall be paid into the State Treasury
549 to the credit of the General Fund.

550 (24) (a) It shall be the duty of the municipal officials of
551 any municipality that expands its limits, or of any community that
552 incorporates as a municipality, to notify the commissioner of that
553 action thirty (30) days before the effective date. Failure to so
554 notify the commissioner shall cause the municipality to forfeit
555 the revenue that it would have been entitled to receive during
556 this period of time when the commissioner had no knowledge of the
557 action.



558 (b) (i) Except as otherwise provided in subparagraph
559 (ii) of this paragraph, if any funds have been erroneously
560 disbursed to any municipality or any overpayment of tax is
561 recovered by the taxpayer, the commissioner may make correction
562 and adjust the error or overpayment with the municipality by
563 withholding the necessary funds from any later payment to be made
564 to the municipality.

565 (ii) Subject to the provisions of Sections
566 27-65-51 and 27-65-53, if any funds have been erroneously
567 disbursed to a municipality under subsection (1) of this section
568 for a period of three (3) years or more, the maximum amount that
569 may be recovered or withheld from the municipality is the total
570 amount of funds erroneously disbursed for a period of three (3)
571 years beginning with the date of the first erroneous disbursement.
572 However, if during such period, a municipality provides written
573 notice to the Department of Revenue indicating the erroneous
574 disbursement of funds, then the maximum amount that may be
575 recovered or withheld from the municipality is the total amount of
576 funds erroneously disbursed for a period of one (1) year beginning
577 with the date of the first erroneous disbursement.

578 **SECTION 9.** This act shall take effect and be in force from
579 and after July 1, 2017.

