To: Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2017
By: Representatives Denny, Dixon, Clarke

HOUSE BILL NO. 1226
(As Sent to Governor)

AN ACT TO CREATE THE CAPITOL COMPLEX IMPROVEMENT DISTRICT; TO REQUIRE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO IMPLEMENT, SUPERVISE AND ADMINISTER CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS WITHIN THE CITY OF JACKSON, MISSISSIPPI; TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EMPLOY PERSONS AS HE OR SHE CONSIDERS NECESSARY FOR THE PROPER SUPERVISION AND ADMINISTRATION OF IMPROVEMENT PROJECTS FUNDED UNDER THIS ACT; TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DEVELOP A COMPREHENSIVE PLAN FOR IMPROVEMENT PROJECTS IN THE CITY OF JACKSON IN CONSULTATION WITH THE CAPITOL COMPLEX IMPROVEMENT DISTRICT PROJECT ADVISORY COMMITTEE; TO PROVIDE THAT SUCH PLAN SHALL ATTEMPT TO INCORPORATE THE NEEDS OF THE CITY OF JACKSON, THE DEPARTMENT OF FINANCE AND ADMINISTRATION, JACKSON STATE UNIVERSITY, THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY, AND THE COMMISSION ESTABLISHED BY THE CITY OF JACKSON PURSUANT TO SECTION 27-65-241; TO REQUIRE IMPROVEMENT PROJECTS UNDERTAKEN UNDER THIS ACT TO COMPORT WITH THE PLAN; TO PROVIDE THAT THE PLAN MAY BE UPDATED AT ANY TIME AND SHALL BE COMPLETELY UPDATED EVERY FIVE YEARS; TO CREATE THE STATE CAPITOL INFRASTRUCTURE FUND PROJECT ADVISORY COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP; TO CREATE THE STATE CAPITOL INFRASTRUCTURE FUND, INTO WHICH SHALL BE DEPOSITED THE MONEY SPECIFIED IN SECTION 27-65-75 AND SUCH OTHER MONEY FROM WHATEVER SOURCE DERIVED; TO PROVIDE THAT AN AMOUNT NOT TO EXCEED 5% OF THE AMOUNT DEPOSITED INTO THE FUND MAY BE UTILIZED TO FUND THE ADMINISTRATIVE EXPENSES INCURRED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN PERFORMING ITS DUTIES UNDER THIS ACT; TO PROVIDE THAT AN AMOUNT NOT TO EXCEED 10% OF THE AMOUNT DEPOSITED INTO THE FUND MAY BE UTILIZED TO COMPENSATE THE CITY OF JACKSON FOR GENERAL POLICE AND FIRE PROTECTION PROVIDED BY THE CITY; TO PROVIDE THAT AN AMOUNT OF NOT LESS THAN 85% OF THE AMOUNT DEPOSITED INTO THE FUND SHALL BE UTILIZED WITHIN THE DISTRICT FOR IMPROVEMENT PROJECTS; TO PROVIDE THAT THE CITY OF JACKSON SHALL PROVIDE POLICE COVERAGE FOR MAJOR EVENTS CONDUCTED WITHIN THE
DISTRICT AND SHALL MAINTAIN ALL COMPLETED IMPROVEMENT PROJECTS
WITHIN THE DISTRICT; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE
OF 1972, TO DIVERT A CERTAIN PERCENTAGE OF THE TOTAL SALES TAX
REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN THE CITY OF
JACKSON, AND TO PROVIDE THAT THE REVENUE SO COLLECTED SHALL BE
DEPOSITED INTO THE STATE CAPITOL INFRASTRUCTURE FUND; AND FOR
RELATED PURPOSES.

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

SECTION 1. As used in Sections 1 through 9 of this act:

(a) "District" means the Capitol Complex Improvement
District.

(b) "Improvement projects" means the following types of
projects in the public areas of the district:

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

(ii) Bridge construction, reconstruction and
repair;

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

(iv) Installing and replacing street lighting;

(v) Installing and replacing traffic signals;

(vi) Installation of new water and sewer lines and
rehabilitation of existing water and sewer lines serving the
district, including those portions extending beyond the district
boundary required to perform the work;

(vii) Reconstruction and repair of parks and
public rights-of-way;
(viii) Reconstruction and repair of sidewalks along public streets;

(ix) Planting and replacing landscaping materials, trees, and site amenities within public parks and rights-of-way;

(x) Relocation underground of power and communication lines serving the district, including those portions extending beyond the district boundary required to perform the work; and

(xi) Infrastructure, public safety, and other improvements as determined necessary by the Executive Director of the Department of Finance and Administration.

**SECTION 2.** There is created the Capitol Complex Improvement District to be composed of the following described area in the City of Jackson, Mississippi, that surrounds the State Capitol Building:

**CAPITOL COMPLEX PROPOSED BOUNDARIES**

- Beginning at a point on the west bank of the Pearl River determined by extending the south curb line of High Street east until it meets the bank of the Pearl River;
- Then north along the west bank of the Pearl River (extending along the southern boundary of LeFleur's Bluff State Park) until it reaches a point on such bank determined by extending the east curb line of Ridgewood Road south until it meets the bank of the Pearl River;
Then north along such line determined by extending the east curb line of Ridgewood Road and continuing along such curb line until it reaches the northern drainage ditch of Eastover Drive;

• Then west along the northern drainage ditch and curb line of Eastover Drive until it reaches the western curb line of the west frontage road of I-55;

• Then south along the west curb line of such frontage road until it reaches the northern curb line of Lakeland Drive;

• Then west along the northern curb line of Lakeland Drive until it reaches the eastern curb line of Old Canton Road;

• Then north along the east curb line of Old Canton Road until it reaches the northern curb line of Meadowbrook Road;

• Then west along the north curb line of Meadowbrook Road to the west curb line of North State Street;

• Then south along the west curb line of North State Street to the north curb line of Hartfield Street;

• Then west along the north curb line of Hartfield Street to the west curb line of Oxford Avenue;

• Then south on the west curb line of Oxford Avenue to the north curb line of Mitchell Avenue which becomes Stonewall Street;

• Then west along the north curb line of Mitchell Street and then Stonewall Street until it reaches the west curb line of Livingston Road;
111. Then south along the west curb line of Livingston Road until it reaches the south curb line of Woodrow Wilson Drive;
112. Then east along the south curb line of Woodrow Wilson Drive to the west curb line of Bailey Avenue (which becomes Gallatin Street);
113. Then south along the west curb line of Bailey Avenue and then Gallatin Street until it reaches the north curb line of West Capitol Street;
114. Then west along the north curb line of West Capitol Street until it intersects with the north curb line of Robinson Road;
115. Then west on the north curb line of Robinson Road until it intersects with the west curb line of Prentiss Street;
116. Then south along the west curb line of Prentiss Street until it intersects with the north curb line of John R. Lynch Street on the west side of Jackson State University;
117. Then west on the north curb line of John R. Lynch Street until it reaches the west curb line of Valley Street;
118. Then south along the west curb line of Valley Street until it reaches the south curb line of Morehouse Street;
119. Then east along the south curb line of Morehouse Street until it reaches the west curb line of Dalton Street;
120. Then south along the west curb line of Dalton Street until it reaches the south curb line of Florence Avenue;
• Then east along the south curb line of Florence Avenue until it reaches the east curb line of University Blvd. (Terry Road);
• Then north and along the east curb line of University Blvd. until it reaches the south curb line of Hooker Street;
• Then east along the south curb line of Hooker Street extending in a straight line to the railroad tracks;
• Then north on the west side of such railroad tracks to the south curb line of South Street;
• Then east on South Street to the east curb line of Jefferson Street and extend the south curb line of South Street in a straight line to the east to the western edge of I-55;
• Then north along the western edge of I-55 until it reaches the south curb line of High Street;
• Then east along the south curb line of High Street and extending such line to the Pearl River and the point of the beginning.

SECTION 3. (1) The Executive Director of the Department of Finance and Administration or his or her designee shall implement, supervise and administer improvement projects paid for with funds from the Capitol Complex Improvement District Project Fund, and may accept funds and services from other sources to use for the purposes provided in this act.
(2) Subject to the limitation on funds provided for in Section 8 of this act, the executive director may employ persons
as he or she considers necessary for the proper implementation,
supervision and administration of improvement projects funded in
whole or in part by funds from the Capitol Complex Improvement
District Project Fund.

(3) Subject to the limitation on funds provided for in
Section 8 of this act, the Department of Finance and
Administration shall be reimbursed from the Capitol Complex
Improvement District Project Fund for the cost of providing
necessary personnel, services and other expenses it incurs in
performing its duties under this act.

SECTION 4. The Department of Finance and Administration
shall make commercially reasonable efforts to place out for bid,
such that Mississippi Contractors and Mississippi Disadvantaged
Business Enterprises ("DBEs") shall have an equal opportunity to
respond to such bid, any contract by the department which (a) is
subject to tax pursuant to Section 27-65-21 (i.e., contracts for
constructing, building, erecting, grading, excavating, etc.), and
(b) will be paid, or payment thereunder by the department will be
reimbursed, using any portion of the funds in the Capitol Complex
Improvement District Project Fund created in Section 8 of this
act. In carrying out such efforts, in order to increase the pool
of qualified DBE bidders, the department will request that
successful prime contract bidders include in their response a
commitment to (a) participate in and/or host forums that highlight
subcontract bidding opportunities for DBEs; and (b) work with
various trade associations and the Mississippi Development Authority to promote increased participation from DBEs.

**SECTION 5.** The Department of Finance and Administration shall develop and adopt a comprehensive plan for improvement projects in consultation with the Capitol Complex Improvement District Project Advisory Committee. Improvement projects shall be coordinated with the City of Jackson to the greatest extent possible. The plan shall attempt to incorporate the needs of the city, the Department of Finance and Administration, Jackson State University, the University of Mississippi Medical Center, the Mississippi Department of Archives and History, and the commission established by the City of Jackson pursuant to Section 27-65-241. Any plans developed by the Department of Finance and Administration shall not duplicate efforts undertaken by such commission. Improvement projects undertaken under this act shall comport with the plan and shall not be subject to approvals, permits or fees assessed by the City of Jackson. The plan may be updated at any time and shall be completely updated every five (5) years.

**SECTION 6.** The Department of Finance and Administration shall post the comprehensive plan and any updates on their website as well as an annual status report of all projects funded under this act.
SECTION 7. (1) There is created the Capitol Complex Improvement District Project Advisory Committee composed of the following nine (9) members:

(a) The Mayor of the City of Jackson or his or her designee;

(b) One (1) member appointed by the City Council of the City of Jackson with an initial term of one (1) year and subsequent regular terms of four (4) years;

(c) Two (2) members appointed by the Governor, one (1) for an initial term of two (2) years and one (1) for an initial term of four (4) years, both with subsequent regular terms of four (4) years;

(d) One (1) member appointed by the Lieutenant Governor for an initial term of four (4) years and subsequent regular terms of four (4) years;

(e) One (1) member appointed by the Speaker of the House of Representatives for an initial term of two (2) years and subsequent regular terms of four (4) years;

(f) One (1) member appointed by the President of Jackson State University;

(g) One (1) member appointed by the Vice Chancellor for Health Affairs of University of Mississippi Medical Center; and

(h) The Director of the City of Jackson Department of Public Works or his or her designee.
The member appointed under paragraph (b) of this subsection (1) shall be a resident of the City of Jackson in Hinds County.

(2) Members appointed to the committee shall not also serve as members of the commission established by the City of Jackson pursuant to Section 27-65-241. Appointed members shall serve without compensation at the will and pleasure of the appointing authority.

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

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

(5) The committee shall consult with the Department of Finance and Administration and advise the department in the development of comprehensive plans for improvement projects in the city and any changes to such plans.

(6) The committee shall meet, subject to call by the Executive Director of the Department of Finance and Administration, at least quarterly to conduct business.

SECTION 8. (1) There is created in the State Treasury the Capitol Complex Improvement District Project Fund, into which shall be deposited the money specified in Section 27-65-75(1)(c) and such other money from whatever source derived.

(2) An amount not to exceed five percent (5%) of the amount deposited into the fund may be utilized to reimburse the
Department of Finance and Administration for the cost of providing necessary personnel, services or other expenses it incurs in performing its duties under this act.

(3) An amount not to exceed ten percent (10%) of the amount deposited into the fund may be utilized, in the discretion of the Executive Director of the Department of Finance and Administration, to compensate the City of Jackson for general police and fire protection provided by the city in the Capitol Complex Improvement District created in Section 2 of this act and for police coverage for major events conducted within such district.

(4) An amount of not less than eighty-five percent (85%) of the amount deposited into the fund, which shall be designated as "improvement project funds," shall be utilized within the district for improvement projects in accordance with the comprehensive plan described in Section 5 of this act. In addition to fully funding improvement projects, money in the fund may be utilized to fund a portion of an improvement project in cases in which other funds are available for a project and may be used as leverage or matching funds for projects in the district that comport with the district's comprehensive plan.

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

SECTION 9. (1) The City of Jackson shall provide police coverage for major events conducted within the district.

(2) The City of Jackson shall maintain all infrastructure and completed improvement projects within the district.

SECTION 10. Section 29-5-77, Mississippi Code of 1972, is amended as follows:

29-5-77. (1) The Department of Finance and Administration shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi on the properties, from curb to curb including adjoining streets, sidewalks and leased parking lots within the Capitol complex, set forth in Section 29-5-2, the Court of Appeals Building, the Mississippi Department of Transportation Building and the Public Employees' Retirement System Building, and any property purchased, constructed or otherwise acquired by the State of Mississippi for conducting state business and not specifically under the supervision and care by any other state entity, but which is reasonably assumed the department would be responsible for such, as approved by the Public Procurement Review Board. The Department of Finance and Administration shall, through any person or persons appointed by the Department of Finance and Administration, or through the Department of Public Safety when requested by the Department of Finance and Administration, make arrests for any violation of any law of the
State of Mississippi on those grounds of or within those properties. The Department of Finance and Administration shall enforce the provisions of Sections 29-5-57 through 29-5-67, 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and prescribe such rules and regulations as are necessary therefor.

(2) When in the opinion of the Governor or, in his absence, the Lieutenant Governor, it is readily apparent that an emergency exists that the persons appointed by the Department of Finance and Administration are unable to control in the accomplishment of the provisions of Sections 29-5-57 through 29-5-67, 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95 in regard to law enforcement, then the Governor or, in his absence, the Lieutenant Governor, may call upon the Department of Public Safety, members of which shall have power to arrest and detain any persons violating the provisions of those sections of law, until the person can be brought before the proper authorities for trial.

(3) Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, the Board of Trustees and the Department of Finance and Administration shall be authorized to enter into a contract for the Department of Finance and Administration to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi on the property of the Board of Trustees located at the corner of Ridgewood Road and Lakeland Drive in the City of Jackson.
(4) (a) The Department of Finance and Administration and the Department of Agriculture are authorized to enter into a contract for the Department of Finance and Administration to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Department of Agriculture located at 121 North Jefferson Street and the new Farmer's Market Building located at the corner of High and Jefferson Streets in the City of Jackson, Hinds County, Mississippi. It is the intent of the Legislature that the Department of Finance and Administration will not post any security personnel at such buildings, but will provide regular vehicle patrols and responses to security system alarms.

(b) The Department of Finance and Administration and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Finance and Administration to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Mississippi Fair Commission known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property. The Department of Finance and Administration and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Finance and Administration to supply the security personnel to the Mississippi Fair Commission with jurisdiction to enforce all laws of the State of Mississippi on this property and any and all buildings on this property.
(5) The Department of Finance and Administration and the Department of Revenue are authorized to enter into a contract for the Department of Finance and Administration to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi at the Alcoholic Beverage Control facility and the Department of Revenue main office.

(6) The Department of Finance and Administration shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi within the boundaries of the Capitol Complex Improvement District created in Section 2 of this act. The Department of Finance and Administration shall, through any person or persons appointed by the Department of Finance and Administration, make arrests for any violation of any law of the State of Mississippi which occurs within the boundaries of the district. The jurisdiction of the Department of Finance and Administration under this subsection (6) shall be concurrent with the jurisdiction of the City of Jackson, Mississippi, and that of Hinds County, Mississippi. The jurisdiction and authority of the Department of Finance and Administration under this subsection (6) shall be in addition to any other jurisdiction and authority provided to the department under this section or any other law.

SECTION 11. Section 27-65-75, Mississippi Code of 1972, is amended as follows:
27-65-75. On or before the fifteenth day of each month, the
revenue collected under the provisions of this chapter during the
preceding month shall be paid and distributed as follows:

(1) (a) On or before August 15, 1992, and each succeeding
month thereafter through July 15, 1993, eighteen percent (18%) of
the total sales tax revenue collected during the preceding month
under the provisions of this chapter, except that collected under
the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
business activities within a municipal corporation shall be
allocated for distribution to the municipality and paid to the
municipal corporation. Except as otherwise provided in this
paragraph (a), on or before August 15, 1993, and each succeeding
month thereafter, eighteen and one-half percent (18 1/2%) of the
total sales tax revenue collected during the preceding month under
the provisions of this chapter, except that collected under the
27-65-24, on business activities within a municipal corporation
shall be allocated for distribution to the municipality and paid
to the municipal corporation. However, in the event the State
Auditor issues a certificate of noncompliance pursuant to Section
21-35-31, the Department of Revenue shall withhold ten percent
(10%) of the allocations and payments to the municipality that
would otherwise be payable to the municipality under this
paragraph (a) until such time that the department receives written
notice of the cancellation of a certificate of noncompliance from the State Auditor.

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

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

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

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

(c) On or before August 15, 2018, and each succeeding
month thereafter until August 14, 2019, two percent (2%) of the
total sales tax revenue collected during the preceding month under
the provisions of this chapter, except that collected under the
27-65-24, on business activities within the corporate limits of
the City of Jackson, Mississippi, shall be deposited into the
Capitol Complex Improvement District Project Fund created in
Section 8 of this act. On or before August 15, 2019, and each
succeeding month thereafter until August 14, 2020, four percent
(4%) of the total sales tax revenue collected during the preceding
month under the provisions of this chapter, except that collected
and 27-65-24, on business activities within the corporate limits
of the City of Jackson, Mississippi, shall be deposited into the
Capitol Complex Improvement District Project Fund created in
Section 8 of this act. On or before August 15, 2020, and each
succeeding month thereafter, six percent (6%) of the total sales
tax revenue collected during the preceding month under the
provisions of this chapter, except that collected under the
27-65-24, on business activities within the corporate limits of
the City of Jackson, Mississippi, shall be deposited into the
Capitol Complex Improvement District Project Fund created in
Section 8 of this act.

(2) On or before September 15, 1987, and each succeeding
month thereafter, from the revenue collected under this chapter
during the preceding month, One Million One Hundred Twenty-five
Thousand Dollars ($1,125,000.00) shall be allocated for
distribution to municipal corporations as defined under subsection
(1) of this section in the proportion that the number of gallons
of gasoline and diesel fuel sold by distributors to consumers and
retailers in each such municipality during the preceding fiscal
year bears to the total gallons of gasoline and diesel fuel sold
by distributors to consumers and retailers in municipalities
statewide during the preceding fiscal year. The Department of
Revenue shall require all distributors of gasoline and diesel fuel
to report to the department monthly the total number of gallons of
gasoline and diesel fuel sold by them to consumers and retailers
in each municipality during the preceding month. The Department
of Revenue shall have the authority to promulgate such rules and
regulations as is necessary to determine the number of gallons of
gasoline and diesel fuel sold by distributors to consumers and
retailers in each municipality. In determining the percentage
allocation of funds under this subsection for the fiscal year
beginning July 1, 1987, and ending June 30, 1988, the Department
of Revenue may consider gallons of gasoline and diesel fuel sold
for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

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

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars ($4,000,000.00) shall be deposited in the State Treasury to the credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million Dollars
Dollars ($4,000,000.00) or an amount equal to twenty-three and
one-fourth percent (23-1/4%) of those funds, whichever is the
greater amount, shall be deposited in the State Treasury to the
credit of the "State Aid Road Fund," created by Section 65-9-17.
Those funds shall be pledged to pay the principal of and interest
on state aid road bonds heretofore issued under Sections 19-9-51
through 19-9-77, in lieu of and in substitution for the funds
previously allocated to counties under this section. Those funds
may not be pledged for the payment of any state aid road bonds
issued after April 1, 1981; however, this prohibition against the
pledging of any such funds for the payment of bonds shall not
apply to any bonds for which intent to issue those bonds has been
published for the first time, as provided by law before March 29,
1981. From the amount of taxes paid into the special fund under
this subsection and subsection (9) of this section, there shall be
first deducted and paid the amount necessary to pay the expenses
of the Office of State Aid Road Construction, as authorized by the
Legislature for all other general and special fund agencies. The
remainder of the fund shall be allocated monthly to the several
counties in accordance with the following formula:
(a) One-third (1/3) shall be allocated to all counties
in equal shares;
(b) One-third (1/3) shall be allocated to counties
based on the proportion that the total number of rural road miles
in a county bears to the total number of rural road miles in all counties of the state; and

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

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

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

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

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

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6 ** Chapter 542, Laws of 1983, shall be paid into the special fund known as the
Correctional Facilities Construction Fund created in Section 549, Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited by the department into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars ($42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars ($42,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.
(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

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

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

(11) Notwithstanding any other provision of this section to the contrary, on or before February 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.
(12) Notwithstanding any other provision of this section to the contrary, on or before August 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) on retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101 and the corresponding levy in Section 27-65-23 on the rental or lease of these vehicles, shall be deposited, after diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

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

(14) On or before August 15, 1998, and each succeeding month thereafter through July 15, 2005, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars ($2,000,000.00) into the special fund created under Section 69-37-39. On or before August 15, 2007, and each succeeding month thereafter through July 15, 2010, that
portion of the avails of the tax imposed in Section 27-65-23 that
is derived from sales by cotton compresses or cotton warehouses
and that would otherwise be paid into the General Fund shall be
deposited in an amount not to exceed Two Million Dollars
($2,000,000.00) into the special fund created under Section
69-37-39 until all debts or other obligations incurred by the
Certified Cotton Growers Organization under the Mississippi Boll
Weevil Management Act before January 1, 2007, are satisfied in
full. On or before August 15, 2010, and each succeeding month
thereafter through July 15, 2011, fifty percent (50%) of that
portion of the avails of the tax imposed in Section 27-65-23 that
is derived from sales by cotton compresses or cotton warehouses
and that would otherwise be paid into the General Fund shall be
deposited into the special fund created under Section 69-37-39
until such time that the total amount deposited into the fund
during a fiscal year equals One Million Dollars ($1,000,000.00).
On or before August 15, 2011, and each succeeding month
thereafter, that portion of the avails of the tax imposed in
Section 27-65-23 that is derived from sales by cotton compresses
or cotton warehouses and that would otherwise be paid into the
General Fund shall be deposited into the special fund created
under Section 69-37-39 until such time that the total amount
deposited into the fund during a fiscal year equals One Million
Dollars ($1,000,000.00).
(15) Notwithstanding any other provision of this section to the contrary, on or before September 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

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

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

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

(18) [Repealed]

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

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

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

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

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

(iv) For the ninth year in which such payments are
made to a developer from the Redevelopment Project Incentive Fund,
sixty percent (60%) of the diversion shall be deposited into the
fund; and
(v) For the tenth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, fifty percent (50%) of the funds shall be deposited into the fund.

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

(21) (a) On or before April 15, 2007, and each succeeding month thereafter through June 15, 2013, One Hundred Fifty Thousand Dollars ($150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the MMEIA Tax Incentive Fund created in Section 57-101-3.

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

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

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

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

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

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

SECTION 12. This act shall take effect and be in force from and after July 1, 2017.