

By: Representatives Denny, Dixon, Clarke

To: Appropriations

HOUSE BILL NO. 1226
(As Sent to Governor)

1 AN ACT TO CREATE THE CAPITOL COMPLEX IMPROVEMENT DISTRICT; TO
2 REQUIRE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND
3 ADMINISTRATION TO IMPLEMENT, SUPERVISE AND ADMINISTER CERTAIN
4 INFRASTRUCTURE IMPROVEMENT PROJECTS WITHIN THE CITY OF JACKSON,
5 MISSISSIPPI; TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EMPLOY PERSONS
6 AS HE OR SHE CONSIDERS NECESSARY FOR THE PROPER SUPERVISION AND
7 ADMINISTRATION OF IMPROVEMENT PROJECTS FUNDED UNDER THIS ACT; TO
8 PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
9 DEVELOP A COMPREHENSIVE PLAN FOR IMPROVEMENT PROJECTS IN THE CITY
10 OF JACKSON IN CONSULTATION WITH THE CAPITOL COMPLEX IMPROVEMENT
11 DISTRICT PROJECT ADVISORY COMMITTEE; TO PROVIDE THAT SUCH PLAN
12 SHALL ATTEMPT TO INCORPORATE THE NEEDS OF THE CITY OF JACKSON, THE
13 DEPARTMENT OF FINANCE AND ADMINISTRATION, JACKSON STATE
14 UNIVERSITY, THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, THE
15 MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY, AND THE COMMISSION
16 ESTABLISHED BY THE CITY OF JACKSON PURSUANT TO SECTION 27-65-241;
17 TO REQUIRE IMPROVEMENT PROJECTS UNDERTAKEN UNDER THIS ACT TO
18 COMPORT WITH THE PLAN; TO PROVIDE THAT THE PLAN MAY BE UPDATED AT
19 ANY TIME AND SHALL BE COMPLETELY UPDATED EVERY FIVE YEARS; TO
20 CREATE THE STATE CAPITOL INFRASTRUCTURE FUND PROJECT ADVISORY
21 COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP; TO CREATE THE STATE
22 CAPITOL INFRASTRUCTURE FUND, INTO WHICH SHALL BE DEPOSITED THE
23 MONEY SPECIFIED IN SECTION 27-65-75 AND SUCH OTHER MONEY FROM
24 WHATEVER SOURCE DERIVED; TO PROVIDE THAT AN AMOUNT NOT TO EXCEED
25 5% OF THE AMOUNT DEPOSITED INTO THE FUND MAY BE UTILIZED TO FUND
26 THE ADMINISTRATIVE EXPENSES INCURRED BY THE DEPARTMENT OF FINANCE
27 AND ADMINISTRATION IN PERFORMING ITS DUTIES UNDER THIS ACT; TO
28 PROVIDE THAT AN AMOUNT NOT TO EXCEED 10% OF THE AMOUNT DEPOSITED
29 INTO THE FUND MAY BE UTILIZED TO COMPENSATE THE CITY OF JACKSON
30 FOR GENERAL POLICE AND FIRE PROTECTION PROVIDED BY THE CITY; TO
31 PROVIDE THAT AN AMOUNT OF NOT LESS THAN 85% OF THE AMOUNT
32 DEPOSITED INTO THE FUND SHALL BE UTILIZED WITHIN THE DISTRICT FOR
33 IMPROVEMENT PROJECTS; TO PROVIDE THAT THE CITY OF JACKSON SHALL
34 PROVIDE POLICE COVERAGE FOR MAJOR EVENTS CONDUCTED WITHIN THE



35 DISTRICT AND SHALL MAINTAIN ALL COMPLETED IMPROVEMENT PROJECTS
36 WITHIN THE DISTRICT; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE
37 OF 1972, TO DIVERT A CERTAIN PERCENTAGE OF THE TOTAL SALES TAX
38 REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN THE CITY OF
39 JACKSON, AND TO PROVIDE THAT THE REVENUE SO COLLECTED SHALL BE
40 DEPOSITED INTO THE STATE CAPITOL 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 9 of this act:

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

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

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

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

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

55 (iv) Installing and replacing street lighting;

56 (v) Installing and replacing traffic signals;

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

61 (vii) Reconstruction and repair of parks and
62 public rights-of-way;



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

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

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

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

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

78 CAPITOL COMPLEX PROPOSED BOUNDARIES

79 • Beginning at a point on the west bank of the Pearl River
80 determined by extending the south curb line of High Street east
81 until it meets the bank of the Pearl River;

82 • Then north along the west bank of the Pearl River
83 (extending along the southern boundary of LeFleur's Bluff State
84 Park) until it reaches a point on such bank determined by
85 extending the east curb line of Ridgewood Road south until it
86 meets the bank of the Pearl River;



87 • Then north along such line determined by extending the
88 east curb line of Ridgewood Road and continuing along such curb
89 line until it reaches the northern drainage ditch of Eastover
90 Drive;

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

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

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

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

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

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

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

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

108 • Then west along the north curb line of Mitchell Street and
109 then Stonewall Street until it reaches the west curb line of
110 Livingston Road;



111 • Then south along the west curb line of Livingston Road
112 until it reaches the south curb line of Woodrow Wilson Drive;
113 • Then east along the south curb line of Woodrow Wilson
114 Drive to the west curb line of Bailey Avenue (which becomes
115 Gallatin Street);
116 • Then south along the west curb line of Bailey Avenue and
117 then Gallatin Street until it reaches the north curb line of West
118 Capitol Street;
119 • Then west along the north curb line of West Capitol Street
120 until it intersects with the north curb line of Robinson Road;
121 • Then west on the north curb line of Robinson Road until it
122 intersects with the west curb line of Prentiss Street;
123 • Then south along the west curb line of Prentiss Street
124 until it intersects with the north curb line of John R. Lynch
125 Street on the west side of Jackson State University;
126 • Then west on the north curb line of John R. Lynch Street
127 until it reaches the west curb line of Valley Street;
128 • Then south along the west curb line of Valley Street until
129 it reaches the south curb line of Morehouse Street;
130 • Then east along the south curb line of Morehouse Street
131 until it reaches the west curb line of Dalton Street;
132 • Then south along the west curb line of Dalton Street until
133 it reaches the south curb line of Florence Avenue;



134 • Then east along the south curb line of Florence Avenue
135 until it reaches the east curb line of University Blvd. (Terry
136 Road);

137 • Then north and along the east curb line of University
138 Blvd. until it reaches the south curb line of Hooker Street;

139 • Then east along the south curb line of Hooker Street
140 extending in a straight line to the railroad tracks;

141 • Then north on the west side of such railroad tracks to the
142 south curb line of South Street;

143 • Then east on South Street to the east curb line of
144 Jefferson Street and extend the south curb line of South Street in
145 a straight line to the east to the western edge of I-55;

146 • Then north along the western edge of I-55 until it reaches
147 the south curb line of High Street;

148 • Then east along the south curb line of High Street and
149 extending such line to the Pearl River and the point of the
150 beginning.

151 **SECTION 3.** (1) The Executive Director of the Department of
152 Finance and Administration or his or her designee shall implement,
153 supervise and administer improvement projects paid for with funds
154 from the Capitol Complex Improvement District Project Fund, and
155 may accept funds and services from other sources to use for the
156 purposes provided in this act.

157 (2) Subject to the limitation on funds provided for in
158 Section 8 of this act, the executive director may employ persons



159 as he or she considers necessary for the proper implementation,
160 supervision and administration of improvement projects funded in
161 whole or in part by funds from the Capitol Complex Improvement
162 District Project Fund.

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

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



184 various trade associations and the Mississippi Development
185 Authority to promote increased participation from DBEs.

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

203 **SECTION 6.** The Department of Finance and Administration
204 shall post the comprehensive plan and any updates on their website
205 as well as an annual status report of all projects funded under
206 this act.



207 **SECTION 7.** (1) There is created the Capitol Complex
208 Improvement District Project Advisory Committee composed of the
209 following nine (9) members:

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

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

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

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

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

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

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

229 (h) The Director of the City of Jackson Department of
230 Public Works or his or her designee.



231 The member appointed under paragraph (b) of this subsection (1)
232 shall be a resident of the City of Jackson in Hinds County.

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

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

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

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

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

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

254 (2) An amount not to exceed five percent (5%) of the amount
255 deposited into the fund may be utilized to reimburse the



256 Department of Finance and Administration for the cost of providing
257 necessary personnel, services or other expenses it incurs in
258 performing its duties under this act.

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

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

277 (5) Money in the fund shall be expended upon appropriation
278 by the Legislature. Unexpended amounts remaining in the fund at
279 the end of the state fiscal year shall not lapse into the State



280 General Fund, and investment earnings on amounts in the fund shall
281 be deposited to the credit of the fund.

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

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

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

288 29-5-77. (1) The Department of Finance and Administration
289 shall have jurisdiction relative to the enforcement of all laws of
290 the State of Mississippi on the properties, from curb to curb
291 including adjoining streets, sidewalks and leased parking lots
292 within the Capitol complex, set forth in Section 29-5-2, the Court
293 of Appeals Building, the Mississippi Department of Transportation
294 Building and the Public Employees' Retirement System Building, and
295 any property purchased, constructed or otherwise acquired by the
296 State of Mississippi for conducting state business and not
297 specifically under the supervision and care by any other state
298 entity, but which is reasonably assumed the department would be
299 responsible for such, as approved by the Public Procurement Review
300 Board. The Department of Finance and Administration shall,
301 through any person or persons appointed by the Department of
302 Finance and Administration, or through the Department of Public
303 Safety when requested by the Department of Finance and
304 Administration, make arrests for any violation of any law of the



305 State of Mississippi on those grounds of or within those
306 properties. The Department of Finance and Administration shall
307 enforce the provisions of Sections 29-5-57 through 29-5-67,
308 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and
309 prescribe such rules and regulations as are necessary therefor.

310 (2) When in the opinion of the Governor or, in his absence,
311 the Lieutenant Governor, it is readily apparent that an emergency
312 exists that the persons appointed by the Department of Finance and
313 Administration are unable to control in the accomplishment of the
314 provisions of Sections 29-5-57 through 29-5-67, 29-5-71 through
315 29-5-77, and 29-5-81 through 29-5-95 in regard to law enforcement,
316 then the Governor or, in his absence, the Lieutenant Governor, may
317 call upon the Department of Public Safety, members of which shall
318 have power to arrest and detain any persons violating the
319 provisions of those sections of law, until the person can be
320 brought before the proper authorities for trial.

321 (3) Subject to the approval of the Board of Trustees of
322 State Institutions of Higher Learning, the Board of Trustees and
323 the Department of Finance and Administration shall be authorized
324 to enter into a contract for the Department of Finance and
325 Administration to supply the security personnel with jurisdiction
326 to enforce all laws of the State of Mississippi on the property of
327 the Board of Trustees located at the corner of Ridgewood Road and
328 Lakeland Drive in the City of Jackson.



329 (4) (a) The Department of Finance and Administration and
330 the Department of Agriculture are authorized to enter into a
331 contract for the Department of Finance and Administration to have
332 jurisdiction and enforce all laws of the State of Mississippi on
333 the property of the Department of Agriculture located at 121 North
334 Jefferson Street and the new Farmer's Market Building located at
335 the corner of High and Jefferson Streets in the City of Jackson,
336 Hinds County, Mississippi. It is the intent of the Legislature
337 that the Department of Finance and Administration will not post
338 any security personnel at such buildings, but will provide regular
339 vehicle patrols and responses to security system alarms.

340 (b) The Department of Finance and Administration and
341 the Mississippi Fair Commission are authorized to enter into a
342 contract for the Department of Finance and Administration to have
343 jurisdiction and enforce all laws of the State of Mississippi on
344 the property of the Mississippi Fair Commission known as the
345 "Mississippi State Fairgrounds Complex" and any and all of its
346 outlying buildings and property. The Department of Finance and
347 Administration and the Mississippi Fair Commission are authorized
348 to enter into a contract for the Department of Finance and
349 Administration to supply the security personnel to the Mississippi
350 Fair Commission with jurisdiction to enforce all laws of the State
351 of Mississippi on this property and any and all buildings on this
352 property.



353 (5) The Department of Finance and Administration and the
354 Department of Revenue are authorized to enter into a contract for
355 the Department of Finance and Administration to supply the
356 security personnel with jurisdiction to enforce all laws of the
357 State of Mississippi at the Alcoholic Beverage Control facility
358 and the Department of Revenue main office.

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

374 **SECTION 11.** Section 27-65-75, Mississippi Code of 1972, is
375 amended as follows:



376 27-65-75. On or before the fifteenth day of each month, the
377 revenue collected under the provisions of this chapter during the
378 preceding month shall be paid and distributed as follows:

379 (1) (a) On or before August 15, 1992, and each succeeding
380 month thereafter through July 15, 1993, eighteen percent (18%) of
381 the total sales tax revenue collected during the preceding month
382 under the provisions of this chapter, except that collected under
383 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
384 business activities within a municipal corporation shall be
385 allocated for distribution to the municipality and paid to the
386 municipal corporation. Except as otherwise provided in this
387 paragraph (a), on or before August 15, 1993, and each succeeding
388 month thereafter, eighteen and one-half percent (18-1/2%) of the
389 total sales tax revenue collected during the preceding month under
390 the provisions of this chapter, except that collected under the
391 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
392 27-65-24, on business activities within a municipal corporation
393 shall be allocated for distribution to the municipality and paid
394 to the municipal corporation. However, in the event the State
395 Auditor issues a certificate of noncompliance pursuant to Section
396 21-35-31, the Department of Revenue shall withhold ten percent
397 (10%) of the allocations and payments to the municipality that
398 would otherwise be payable to the municipality under this
399 paragraph (a) until such time that the department receives written



400 notice of the cancellation of a certificate of noncompliance from
401 the State Auditor.

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

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

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

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



425 allocated for distribution to the state institution of higher
426 learning or community or junior college and paid to the state
427 institution of higher learning or community or junior college.

428 (c) On or before August 15, 2018, and each succeeding
429 month thereafter until August 14, 2019, two percent (2%) of the
430 total sales tax revenue collected during the preceding month under
431 the provisions of this chapter, except that collected under the
432 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
433 27-65-24, on business activities within the corporate limits of
434 the City of Jackson, Mississippi, shall be deposited into the
435 Capitol Complex Improvement District Project Fund created in
436 Section 8 of this act. On or before August 15, 2019, and each
437 succeeding month thereafter until August 14, 2020, four percent
438 (4%) of the total sales tax revenue collected during the preceding
439 month under the provisions of this chapter, except that collected
440 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
441 and 27-65-24, on business activities within the corporate limits
442 of the City of Jackson, Mississippi, shall be deposited into the
443 Capitol Complex Improvement District Project Fund created in
444 Section 8 of this act. On or before August 15, 2020, and each
445 succeeding month thereafter, six percent (6%) of the total sales
446 tax revenue collected during the preceding month under the
447 provisions of this chapter, except that collected under the
448 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
449 27-65-24, on business activities within the corporate limits of



450 the City of Jackson, Mississippi, shall be deposited into the
451 Capitol Complex Improvement District Project Fund created in
452 Section 8 of this act.

453 (2) On or before September 15, 1987, and each succeeding
454 month thereafter, from the revenue collected under this chapter
455 during the preceding month, One Million One Hundred Twenty-five
456 Thousand Dollars (\$1,125,000.00) shall be allocated for
457 distribution to municipal corporations as defined under subsection
458 (1) of this section in the proportion that the number of gallons
459 of gasoline and diesel fuel sold by distributors to consumers and
460 retailers in each such municipality during the preceding fiscal
461 year bears to the total gallons of gasoline and diesel fuel sold
462 by distributors to consumers and retailers in municipalities
463 statewide during the preceding fiscal year. The Department of
464 Revenue shall require all distributors of gasoline and diesel fuel
465 to report to the department monthly the total number of gallons of
466 gasoline and diesel fuel sold by them to consumers and retailers
467 in each municipality during the preceding month. The Department
468 of Revenue shall have the authority to promulgate such rules and
469 regulations as is necessary to determine the number of gallons of
470 gasoline and diesel fuel sold by distributors to consumers and
471 retailers in each municipality. In determining the percentage
472 allocation of funds under this subsection for the fiscal year
473 beginning July 1, 1987, and ending June 30, 1988, the Department
474 of Revenue may consider gallons of gasoline and diesel fuel sold



475 for a period of less than one (1) fiscal year. For the purposes
476 of this subsection, the term "fiscal year" means the fiscal year
477 beginning July 1 of a year.

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

490 (4) On or before August 15, 1994, and on or before the
491 fifteenth day of each succeeding month through July 15, 1999, from
492 the proceeds of gasoline, diesel fuel or kerosene taxes as
493 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
494 (\$4,000,000.00) shall be deposited in the State Treasury to the
495 credit of a special fund designated as the "State Aid Road Fund,"
496 created by Section 65-9-17. On or before August 15, 1999, and on
497 or before the fifteenth day of each succeeding month, from the
498 total amount of the proceeds of gasoline, diesel fuel or kerosene
499 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million



500 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
501 one-fourth percent (23-1/4%) of those funds, whichever is the
502 greater amount, shall be deposited in the State Treasury to the
503 credit of the "State Aid Road Fund," created by Section 65-9-17.
504 Those funds shall be pledged to pay the principal of and interest
505 on state aid road bonds heretofore issued under Sections 19-9-51
506 through 19-9-77, in lieu of and in substitution for the funds
507 previously allocated to counties under this section. Those funds
508 may not be pledged for the payment of any state aid road bonds
509 issued after April 1, 1981; however, this prohibition against the
510 pledging of any such funds for the payment of bonds shall not
511 apply to any bonds for which intent to issue those bonds has been
512 published for the first time, as provided by law before March 29,
513 1981. From the amount of taxes paid into the special fund under
514 this subsection and subsection (9) of this section, there shall be
515 first deducted and paid the amount necessary to pay the expenses
516 of the Office of State Aid Road Construction, as authorized by the
517 Legislature for all other general and special fund agencies. The
518 remainder of the fund shall be allocated monthly to the several
519 counties in accordance with the following formula:

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

522 (b) One-third (1/3) shall be allocated to counties
523 based on the proportion that the total number of rural road miles



524 in a county bears to the total number of rural road miles in all
525 counties of the state; and

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

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

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

536 Any reference in the general laws of this state or the
537 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
538 construed to refer and apply to subsection (4) of Section
539 27-65-75.

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

546 (6) An amount each month beginning August 15, 1983, through
547 November 15, 1986, as specified in Section 6 * * *, Chapter 542,
548 Laws of 1983, shall be paid into the special fund known as the



549 Correctional Facilities Construction Fund created in Section
550 6 * * *, Chapter 542, Laws of 1983.

551 (7) On or before August 15, 1992, and each succeeding month
552 thereafter through July 15, 2000, two and two hundred sixty-six
553 one-thousandths percent (2.266%) of the total sales tax revenue
554 collected during the preceding month under the provisions of this
555 chapter, except that collected under the provisions of Section
556 27-65-17(2), shall be deposited by the department into the School
557 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
558 or before August 15, 2000, and each succeeding month thereafter,
559 two and two hundred sixty-six one-thousandths percent (2.266%) of
560 the total sales tax revenue collected during the preceding month
561 under the provisions of this chapter, except that collected under
562 the provisions of Section 27-65-17(2), shall be deposited into the
563 School Ad Valorem Tax Reduction Fund created under Section
564 37-61-35 until such time that the total amount deposited into the
565 fund during a fiscal year equals Forty-two Million Dollars
566 (\$42,000,000.00). Thereafter, the amounts diverted under this
567 subsection (7) during the fiscal year in excess of Forty-two
568 Million Dollars (\$42,000,000.00) shall be deposited into the
569 Education Enhancement Fund created under Section 37-61-33 for
570 appropriation by the Legislature as other education needs and
571 shall not be subject to the percentage appropriation requirements
572 set forth in Section 37-61-33.



573 (8) On or before August 15, 1992, and each succeeding month
574 thereafter, nine and seventy-three one-thousandths percent
575 (9.073%) of the total sales tax revenue collected during the
576 preceding month under the provisions of this chapter, except that
577 collected under the provisions of Section 27-65-17(2), shall be
578 deposited into the Education Enhancement Fund created under
579 Section 37-61-33.

580 (9) On or before August 15, 1994, and each succeeding month
581 thereafter, from the revenue collected under this chapter during
582 the preceding month, Two Hundred Fifty Thousand Dollars
583 (\$250,000.00) shall be paid into the State Aid Road Fund.

584 (10) On or before August 15, 1994, and each succeeding month
585 thereafter through August 15, 1995, from the revenue collected
586 under this chapter during the preceding month, Two Million Dollars
587 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
588 Valorem Tax Reduction Fund established in Section 27-51-105.

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



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

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

615 (14) On or before August 15, 1998, and each succeeding month
616 thereafter through July 15, 2005, that portion of the avails of
617 the tax imposed in Section 27-65-23 that is derived from sales by
618 cotton compresses or cotton warehouses and that would otherwise be
619 paid into the General Fund shall be deposited in an amount not to
620 exceed Two Million Dollars (\$2,000,000.00) into the special fund
621 created under Section 69-37-39. On or before August 15, 2007, and
622 each succeeding month thereafter through July 15, 2010, that



623 portion of the avails of the tax imposed in Section 27-65-23 that
624 is derived from sales by cotton compresses or cotton warehouses
625 and that would otherwise be paid into the General Fund shall be
626 deposited in an amount not to exceed Two Million Dollars
627 (\$2,000,000.00) into the special fund created under Section
628 69-37-39 until all debts or other obligations incurred by the
629 Certified Cotton Growers Organization under the Mississippi Boll
630 Weevil Management Act before January 1, 2007, are satisfied in
631 full. On or before August 15, 2010, and each succeeding month
632 thereafter through July 15, 2011, fifty percent (50%) of that
633 portion of the avails of the tax imposed in Section 27-65-23 that
634 is derived from sales by cotton compresses or cotton warehouses
635 and that would otherwise be paid into the General Fund shall be
636 deposited into the special fund created under Section 69-37-39
637 until such time that the total amount deposited into the fund
638 during a fiscal year equals One Million Dollars (\$1,000,000.00).
639 On or before August 15, 2011, and each succeeding month
640 thereafter, that portion of the avails of the tax imposed in
641 Section 27-65-23 that is derived from sales by cotton compresses
642 or cotton warehouses and that would otherwise be paid into the
643 General Fund shall be deposited into the special fund created
644 under Section 69-37-39 until such time that the total amount
645 deposited into the fund during a fiscal year equals One Million
646 Dollars (\$1,000,000.00).



647 (15) Notwithstanding any other provision of this section to
648 the contrary, on or before September 15, 2000, and each succeeding
649 month thereafter, the sales tax revenue collected during the
650 preceding month under the provisions of Section
651 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
652 without diversion, into the Telecommunications Ad Valorem Tax
653 Reduction Fund established in Section 27-38-7.

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

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

669 (17) Notwithstanding any other provision of this section to
670 the contrary, on or before April 15, 2002, and each succeeding
671 month thereafter, the sales tax revenue collected during the



672 preceding month under Section 27-65-23 on sales of parking
673 services of parking garages and lots at airports shall be
674 deposited, without diversion, into the special fund created under
675 Section 27-5-101(d).

676 (18) [Repealed]

677 (19) (a) On or before August 15, 2005, and each succeeding
678 month thereafter, the sales tax revenue collected during the
679 preceding month under the provisions of this chapter on the gross
680 proceeds of sales of a business enterprise located within a
681 redevelopment project area under the provisions of Sections
682 57-91-1 through 57-91-11, and the revenue collected on the gross
683 proceeds of sales from sales made to a business enterprise located
684 in a redevelopment project area under the provisions of Sections
685 57-91-1 through 57-91-11 (provided that such sales made to a
686 business enterprise are made on the premises of the business
687 enterprise), shall, except as otherwise provided in this
688 subsection (19), be deposited, after all diversions, into the
689 Redevelopment Project Incentive Fund as created in Section
690 57-91-9.

691 (b) For a municipality participating in the Economic
692 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
693 the diversion provided for in subsection (1) of this section
694 attributable to the gross proceeds of sales of a business
695 enterprise located within a redevelopment project area under the
696 provisions of Sections 57-91-1 through 57-91-11, and attributable



697 to the gross proceeds of sales from sales made to a business
698 enterprise located in a redevelopment project area under the
699 provisions of Sections 57-91-1 through 57-91-11 (provided that
700 such sales made to a business enterprise are made on the premises
701 of the business enterprise), shall be deposited into the
702 Redevelopment Project Incentive Fund as created in Section
703 57-91-9, as follows:

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

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

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

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



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

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

731 (21) (a) On or before April 15, 2007, and each succeeding
732 month thereafter through June 15, 2013, One Hundred Fifty Thousand
733 Dollars (\$150,000.00) of the sales tax revenue collected during
734 the preceding month under the provisions of this chapter shall be
735 deposited into the MMEIA Tax Incentive Fund created in Section
736 57-101-3.

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

743 (22) Notwithstanding any other provision of this section to
744 the contrary, on or before August 15, 2009, and each succeeding



745 month thereafter, the sales tax revenue collected during the
746 preceding month under the provisions of Section 27-65-201 shall be
747 deposited, without diversion, into the Motor Vehicle Ad Valorem
748 Tax Reduction Fund established in Section 27-51-105.

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

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

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

767 (ii) Subject to the provisions of Sections
768 27-65-51 and 27-65-53, if any funds have been erroneously
769 disbursed to a municipality under subsection (1) of this section



770 for a period of three (3) years or more, the maximum amount that
771 may be recovered or withheld from the municipality is the total
772 amount of funds erroneously disbursed for a period of three (3)
773 years beginning with the date of the first erroneous disbursement.
774 However, if during such period, a municipality provides written
775 notice to the Department of Revenue indicating the erroneous
776 disbursement of funds, then the maximum amount that may be
777 recovered or withheld from the municipality is the total amount of
778 funds erroneously disbursed for a period of one (1) year beginning
779 with the date of the first erroneous disbursement.

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

