

By: Representatives Middleton, Holloway,
West

To: Ways and Means

HOUSE BILL NO. 1484

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF STATE GENERAL
2 OBLIGATION BONDS IN THE AMOUNT OF \$10,000,000.00 FOR THE PURPOSE
3 OF PAYING THE COSTS OF CONSTRUCTING A NEW TWO-LANE HIGHWAY FROM
4 U.S. HIGHWAY 61 NORTH OF PORT GIBSON, MISSISSIPPI, TO GRAND GULF
5 ROAD ON THE NORTHERN SIDE OF THE GRAND GULF NUCLEAR POWER STATION
6 IN CLAIBORNE COUNTY, MISSISSIPPI; TO AMEND SECTION 27-35-309,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE'S SHARE OF
8 NUCLEAR GENERATING PLANT PAYMENTS IN LIEU OF AD VALOREM TAXES
9 SHALL BE DEPOSITED INTO THE GRAND GULF ACCESS ROAD BOND SINKING
10 FUND TO BE UTILIZED TO PAY THE DEBT SERVICE ON THE BONDS ISSUED
11 PURSUANT TO THIS ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** As used in Sections 1 through 18 of this act, the
14 following words shall have the meanings ascribed herein unless the
15 context clearly requires otherwise:

16 (a) "Accreted value" of any bond means, as of any date
17 of computation, an amount equal to the sum of (i) the stated
18 initial value of such bond, plus (ii) the interest accrued thereon
19 from the issue date to the date of computation at the rate,
20 compounded semiannually, that is necessary to produce the
21 approximate yield to maturity shown for bonds of the same
22 maturity.

23 (b) "State" means the State of Mississippi.

24 (c) "Commission" means the State Bond Commission.

25 **SECTION 2.** A special fund, to be designated the "Grand Gulf
26 Access Road Construction Fund," is created within the State
27 Treasury. The fund shall be maintained by the State Treasurer as
28 a separate and special fund, separate and apart from the General
29 Fund of the state. Unexpended amounts remaining in the fund at
30 the end of a fiscal year shall not lapse into the State General
31 Fund, and any interest earned or investment earnings on amounts in



32 the fund shall be deposited into such fund. The expenditure of
33 monies deposited into the fund shall be under the direction of the
34 Mississippi Transportation Commission, and such funds shall be
35 paid by the State Treasurer upon warrants issued by the Department
36 of Finance and Administration. Monies deposited into such fund
37 shall be disbursed to pay the cost of constructing a new two-lane
38 highway from U.S. Highway 61 north of Port Gibson, Mississippi,
39 running in a northwesterly direction approximately 5.2 miles to
40 intersect with Grand Gulf Road on the northern side of the Grand
41 Gulf Nuclear Power Station in Claiborne County, Mississippi.

42 **SECTION 3.** For the purpose of providing for the payment of
43 the principal of and interest upon bonds issued under the
44 provisions of Sections 1 through 18 of this act, there is hereby
45 created the "Grand Gulf Access Road Bond Sinking Fund." Such
46 sinking fund shall consist of the money required to be deposited
47 into such fund pursuant to Section 27-35-309 and such other
48 amounts as shall be paid into such fund by appropriation or other
49 authorization by the Legislature. Funds required in excess of the
50 amounts available in the Grand Gulf Access Road Bond Sinking Fund
51 to pay the principal of and interest upon bonds issued under the
52 provisions of Sections 1 through 18 of this act shall be
53 appropriated from the State General Fund.

54 **SECTION 4.** (1) The Mississippi Transportation Commission,
55 at one time or from time to time, may declare by resolution the
56 necessity for issuance of general obligation bonds of the State of
57 Mississippi to provide funds for all costs incurred or to be
58 incurred for the purposes described in Section 2 of this act.
59 Upon the adoption of a resolution by the Mississippi
60 Transportation Commission declaring the necessity for the issuance
61 of any part or all of the general obligation bonds authorized by
62 this section, the Mississippi Transportation Commission shall
63 deliver a certified copy of its resolution or resolutions to the
64 commission. Upon receipt of such resolution, the commission, in



65 its discretion, may act as the issuing agent, prescribe the form
66 of the bonds, advertise for and accept bids, issue and sell the
67 bonds so authorized to be sold, and do any and all other things
68 necessary and advisable in connection with the issuance and sale
69 of such bonds. The amount of bonds issued under Sections 1
70 through 18 of this act shall not exceed Ten Million Dollars
71 (\$10,000,000.00).

72 (2) Any investment earnings on amounts deposited into the
73 Grand Gulf Access Road Construction Fund created in Section 2 of
74 this act shall be used to pay debt service on bonds issued under
75 Sections 1 through 18 of this act, in accordance with the
76 proceedings authorizing issuance of such bonds.

77 (3) Upon the completion or abandonment of the project
78 described in Section 2 of this act, as evidenced by a resolution
79 adopted by the Mississippi Transportation Commission certifying
80 that such project has been completed or abandoned, the balance, if
81 any, remaining in the Grand Gulf Access Road Construction Fund
82 shall be applied promptly to pay debt service on bonds issued
83 under Sections 1 through 18 of this act, in accordance with the
84 proceedings authorizing the issuance of such bonds.

85 **SECTION 5.** The principal of and interest on the bonds
86 authorized under Sections 1 through 18 of this act shall be
87 payable in the manner provided in this section. Such bonds shall
88 bear such date or dates, be in such denomination or denominations,
89 bear interest at such rate or rates (not to exceed the limits set
90 forth in Section 75-17-101), be payable at such place or places
91 within or without the State of Mississippi, shall mature
92 absolutely at such time or times not to exceed twenty-five (25)
93 years from date of issue, be redeemable before maturity at such
94 time or times and upon such terms, with or without premium, shall
95 bear such registration privileges, and shall be substantially in
96 such form, all as shall be determined by resolution of the
97 commission.



98 **SECTION 6.** The bonds authorized by Sections 1 through 18 of
99 this act shall be signed by the Chairman of the State Bond
100 Commission, or by his facsimile signature, and the official seal
101 of the commission shall be affixed thereto, attested by the
102 secretary of the commission. The interest coupons, if any, to be
103 attached to such bonds may be executed by the facsimile signatures
104 of such officers. Whenever any such bonds shall have been signed
105 by the officials designated to sign the bonds who were in office
106 at the time of such signing but who may have ceased to be such
107 officers before the sale and delivery of such bonds, or who may
108 not have been in office on the date such bonds may bear, the
109 signatures of such officers upon such bonds and coupons shall
110 nevertheless be valid and sufficient for all purposes and have the
111 same effect as if the person so officially signing such bonds had
112 remained in office until their delivery to the purchaser, or had
113 been in office on the date such bonds may bear. However,
114 notwithstanding anything herein to the contrary, such bonds may be
115 issued as provided in the Registered Bond Act of the State of
116 Mississippi.

117 **SECTION 7.** All bonds and interest coupons issued under the
118 provisions of Sections 1 through 18 of this act have all the
119 qualities and incidents of negotiable instruments under the
120 provisions of the Uniform Commercial Code, and in exercising the
121 powers granted by Sections 1 through 18 of this act, the
122 commission shall not be required to and need not comply with the
123 provisions of the Uniform Commercial Code.

124 **SECTION 8.** The commission shall act as the issuing agent for
125 the bonds authorized under Sections 1 through 18 of this act,
126 prescribe the form of the bonds, advertise for and accept bids,
127 issue and sell the bonds so authorized to be sold, pay all fees
128 and costs incurred in such issuance and sale, and do any and all
129 other things necessary and advisable in connection with the
130 issuance and sale of such bonds. The commission is authorized and



131 empowered to pay the costs that are incident to the sale, issuance
132 and delivery of the bonds authorized under Sections 1 through 18
133 of this act from the proceeds derived from the sale of such bonds.
134 The commission shall sell such bonds on sealed bids at public
135 sale, and for such price as it may determine to be for the best
136 interest of the state, but no such sale shall be made at a price
137 less than par plus accrued interest to the date of delivery of the
138 bonds to the purchaser. All interest accruing on such bonds so
139 issued shall be payable semiannually or annually; however, the
140 first interest payment may be for any period of not more than one
141 (1) year.

142 Notice of the sale of any such bonds shall be published at
143 least one time, not less than ten (10) days before the date of
144 sale, and shall be so published in one or more newspapers
145 published or having a general circulation in the City of Jackson,
146 Mississippi, and in one or more other newspapers or financial
147 journals with a national circulation, to be selected by the
148 commission.

149 The commission, when issuing any bonds under the authority of
150 Sections 1 through 18 of this act, may provide that bonds, at the
151 option of the state, may be called in for payment and redemption
152 at the call price named therein and accrued interest on such date
153 or dates named therein.

154 **SECTION 9.** The bonds issued under the provision of Sections
155 1 through 18 of this act shall be payable from the Grand Gulf
156 Access Road Bond Sinking Fund and are general obligations of the
157 State of Mississippi, and for the payment thereof the full faith
158 and credit of the State of Mississippi is irrevocably pledged. If
159 the funds available in the Grand Gulf Access Road Bond Sinking
160 Fund and any funds appropriated by the Legislature for such
161 purpose are insufficient to pay the principal of and the interest
162 upon such bonds as they become due, the deficiency shall be paid
163 by the State Treasurer from any funds in the State Treasury not



164 otherwise appropriated. All such bonds shall contain recitals on
165 their faces substantially covering the foregoing provisions of
166 this section.

167 **SECTION 10.** Upon the issuance and sale of bonds under the
168 provisions of Sections 1 through 18 of this act, the commission
169 shall transfer the proceeds of any such sale or sales to the
170 special fund created in Section 2 of this act. The proceeds of
171 such bonds shall be disbursed solely upon the order of the
172 Mississippi Transportation Commission under such restrictions, if
173 any, as may be contained in the resolution providing for the
174 issuance of the bonds.

175 **SECTION 11.** The bonds authorized under Sections 1 through 18
176 of this act may be issued without any other proceedings or the
177 happening of any other conditions or things other than those
178 proceedings, conditions and things which are specified or required
179 by Sections 1 through 18 of this act. Any resolution providing
180 for the issuance of bonds under the provisions of Sections 1
181 through 18 of this act shall become effective immediately upon its
182 adoption by the commission, and any such resolution may be adopted
183 at any regular or special meeting of the commission by a majority
184 of its members.

185 **SECTION 12.** The bonds authorized under the authority of
186 Sections 1 through 18 of this act may be validated in the Chancery
187 Court of the First Judicial District of Hinds County, Mississippi,
188 in the manner and with the force and effect provided by Chapter
189 13, Title 31, Mississippi Code of 1972, for the validation of
190 county, municipal, school district and other bonds. The notice to
191 taxpayers required by such statutes shall be published in a
192 newspaper published or having a general circulation in the City of
193 Jackson, Mississippi.

194 **SECTION 13.** Any holder of bonds issued under the provisions
195 of Sections 1 through 18 of this act or of any of the interest
196 coupons pertaining thereto may, either at law or in equity, by



197 suit, action, mandamus or other proceeding, protect and enforce
198 any and all rights granted under Sections 1 through 18 of this
199 act, or under such resolution, and may enforce and compel
200 performance of all duties required by Sections 1 through 18 of
201 this act to be performed, in order to provide for the payment of
202 bonds and interest thereon.

203 **SECTION 14.** All bonds issued under the provisions of
204 Sections 1 through 18 of this act shall be legal investments for
205 trustees and other fiduciaries, and for savings banks, trust
206 companies and insurance companies organized under the laws of the
207 State of Mississippi, and such bonds shall be legal securities
208 which may be deposited with and shall be received by all public
209 officers and bodies of this state and all municipalities and
210 political subdivisions for the purpose of securing the deposit of
211 public funds.

212 **SECTION 15.** Bonds issued under the provisions of Sections 1
213 through 18 of this act and income therefrom shall be exempt from
214 all taxation in the State of Mississippi.

215 **SECTION 16.** The proceeds of the bonds issued under Sections
216 1 through 18 this act shall be used solely for the purposes herein
217 provided, including the costs incident to the issuance and sale of
218 such bonds.

219 **SECTION 17.** The State Treasurer is authorized, without
220 further process of law, to certify to the Department of Finance
221 and Administration the necessity for warrants, and the Department
222 of Finance and Administration is authorized and directed to issue
223 such warrants, in such amounts as may be necessary to pay when due
224 the principal of, premium, if any, and interest on, or the
225 accreted value of, all bonds issued under Sections 1 through 18 of
226 this act; and the State Treasurer shall forward the necessary
227 amount to the designated place or places of payment of such bonds
228 in ample time to discharge such bonds, or the interest thereon, on
229 the due dates thereof.



230 **SECTION 18.** The provisions of Sections 1 through 18 of this
231 act shall be deemed to be full and complete authority for the
232 exercise of the powers therein granted, but Sections 1 through 18
233 of this act shall not be deemed to repeal or to be in derogation
234 of any existing law of this state.

235 **SECTION 19.** Section 27-35-309, Mississippi Code of 1972, is
236 amended as follows:

237 27-35-309. (1) The State Tax Commission shall, if
238 practicable, on or before the first Monday of June of each year,
239 make out for each person, firm, company or corporation listed in
240 Section 27-35-303, Mississippi Code of 1972, an assessment of said
241 company's property, both real and personal, tangible and
242 intangible. The State Tax Commission shall apportion the
243 assessment of value of each company's property according to the
244 provisions of this article, except as provided in subsection (3)
245 of this section, as follows:

246 (a) When the property of such public service company is
247 located in more than one (1) county in this state, the State Tax
248 Commission shall direct the company to apportion the assessed
249 value between the counties and municipalities and all other taxing
250 districts therein, in the proportion which the property located
251 therein bears to the entire value of the property of such company
252 as valued by the commission, so that to each county, municipality
253 and taxing district therein, there shall be apportioned such part
254 of the entire valuation as will fairly equalize the relative value
255 of the property therein located to the whole value thereof.

256 (b) When the property of such public utility required
257 to be assessed by the provisions of this article is located in
258 more than one (1) state, the assessed value thereof shall be
259 apportioned by the State Tax Commission in such manner as will
260 fairly and equitably determine the principal sum for the value
261 thereof in this state, and after ascertaining such value it shall
262 be apportioned by them as herein provided.



263 The assessment roll shall contain all the property of any
264 such public service company, railroad, person, firm or corporation
265 and the value thereof, and so made that each county, municipality,
266 and taxing district shall receive its just share of taxes
267 proportionately to the amount of property therein situated.

268 (2) (a) The assessment when made shall remain open for
269 twenty (20) days in the office of the State Tax Commission, and be
270 for such time subject to the objections thereto which may be
271 filed; but real estate belonging to railroads and which forms no
272 part of the road, and is wholly disconnected from its railroad
273 business, shall not be assessed by the State Tax Commission, but
274 shall be assessed as other real estate is assessed by the tax
275 assessor of the county where situated.

276 (b) The apportionment of the assessed value as required
277 by this section shall be filed with the State Tax Commission by
278 such public service company on or before the first day of August
279 in each year. If such company shall fail, refuse or neglect to
280 render the apportionment of assessed value as required by this
281 section, such company shall be subject to the penalties provided
282 for in Section 27-35-305. The filing of an objection by such
283 public service company shall not preclude such company from filing
284 the property apportionment as required by this section.

285 (3) Any nuclear generating plant which is located in the
286 state, which is owned or operated by a public utility rendering
287 electric service within the state and not exempt from ad valorem
288 taxation under any other statute and which is not owned or
289 operated by an instrumentality of the federal government shall be
290 exempt from county, municipal and district ad valorem taxes. In
291 lieu of the payment of county, municipal and district ad valorem
292 taxes, such public utility shall pay to the State Tax Commission a
293 sum based on the assessed value of such nuclear generating plant
294 in an amount to be determined and distributed as follows:



295 (a) The State Tax Commission shall annually assign an
296 assessed value to any nuclear generating plant described in this
297 subsection in the same manner as for ad valorem tax purposes by
298 using accepted industry methods for appraising and assessing
299 public utility property. The assessed value assigned shall be
300 used for the purpose of determining the in-lieu tax due under this
301 section and shall not be included on the ad valorem tax rolls of
302 the situs taxing authority nor be subject to ad valorem taxation
303 by the situs taxing authority nor shall the assessed value
304 assigned be used in determining the debt limit of the situs taxing
305 authority. However, the assessed value so assigned may be used by
306 the situs taxing authority for the purpose of determining salaries
307 of its public officials.

308 (b) On or before February 1, 1987, for the 1986 taxable
309 year and on or before February 1 of each year through the 1989
310 taxable year, such utility shall pay to the State Tax Commission a
311 sum equal to two percent (2%) of the assessed value as ascertained
312 by the State Tax Commission, but such payment shall not be less
313 than Sixteen Million Dollars (\$16,000,000.00) for any of the four
314 (4) taxable years; all such payments in excess of Sixteen Million
315 Dollars (\$16,000,000.00) for these four (4) taxable years shall be
316 paid into the General Fund of the state. On or before February 1,
317 1991, for the 1990 taxable year and on or before February 1 of
318 each year thereafter, such utility shall pay to the State Tax
319 Commission a sum equal to two percent (2%) of the assessed value
320 as ascertained by the State Tax Commission, but such payment shall
321 not be less than Twenty Million Dollars (\$20,000,000.00) for any
322 taxable year for as long as such nuclear power plant is licensed
323 to operate and is not being permanently decommissioned; all such
324 payments in excess of Sixteen Million Dollars (\$16,000,000.00) for
325 taxable years 1990 and thereafter shall be paid as follows:

326 (i) An amount of Three Million Forty Thousand
327 Dollars (\$3,040,000.00) annually, beginning with fiscal year 1991,



328 shall be transferred by the State Tax Commission to Claiborne
329 County. Such payments may be expended by the Board of Supervisors
330 of Claiborne County for any purpose for which a county is
331 authorized by law to levy an ad valorem tax and shall not be
332 included or considered as proceeds of ad valorem taxes for the
333 purposes of the growth limitation on ad valorem taxes under
334 Sections 27-39-305 and 27-39-321. Provided, however, should the
335 Board of Supervisors of Claiborne County withdraw its support of
336 the Grand Gulf Nuclear Station off-site emergency plan or
337 otherwise fail to satisfy its off-site emergency plan commitments
338 as determined by the Mississippi Emergency Management Agency and
339 the Federal Emergency Management Agency, Five Hundred Thousand
340 Dollars (\$500,000.00) annually of the funds designated for
341 Claiborne County as described by this subsection (i) shall be
342 deposited in the Grand Gulf Disaster Assistance Fund as provided
343 in Section 33-15-51.

344 (ii) An amount of One Hundred Sixty Thousand
345 Dollars (\$160,000.00) annually, beginning with fiscal year 1991,
346 shall be transferred by the State Tax Commission to the City of
347 Port Gibson, Mississippi. Such payments may be expended by the
348 Board of Aldermen of the City of Port Gibson for any purpose for
349 which a municipality is authorized by law to levy an ad valorem
350 tax and shall not be included or considered as proceeds of ad
351 valorem taxes for the purposes of the growth limitation on ad
352 valorem taxes under Sections 27-39-305 and 27-39-321. Provided,
353 however, should the Board of Aldermen of the City of Port Gibson
354 withdraw its support of the Grand Gulf Nuclear Station off-site
355 emergency plan or otherwise fail to satisfy its off-site emergency
356 plan commitment, as determined by the Mississippi Emergency
357 Management Agency and the Federal Emergency Management Agency,
358 Fifty Thousand Dollars (\$50,000.00) annually of the funds
359 designated for the City of Port Gibson as described by this



360 subsection (ii) shall be deposited in the Grand Gulf Disaster
361 Assistance Fund as provided in Section 33-15-51.

362 (iii) The remaining balance of the payments in
363 excess of Sixteen Million Dollars (\$16,000,000.00) annually, less
364 amounts transferred under (i) and (ii) of this subsection,
365 beginning with fiscal year 1991, shall be allocated in accordance
366 with subsection (3)(f) of this section.

367 (c) Pursuant to certification by the Attorney General
368 to the State Treasurer and the State Tax Commission that the suit
369 against the State of Mississippi pending on the effective date of
370 House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex
371 Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the
372 First Judicial District of Hinds County, Mississippi, styled
373 Albert Butler et al v. the Mississippi State Tax Commission et al,
374 has been voluntarily dismissed with prejudice as to all plaintiffs
375 at the request of the complainants and that no attorney's fees or
376 court costs have been assessed against the state and each of the
377 parties, including Claiborne County and each municipality and
378 school district located in the county, have signed and delivered
379 to the Attorney General a full and complete release in favor of
380 the State of Mississippi and its elected officials of all claims
381 that have been asserted or may be asserted in the suit pending on
382 the effective date of House Bill 8, First Extraordinary Session of
383 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the
384 Chancery Court for the First Judicial District of Hinds County,
385 Mississippi, styled Albert Butler et al v. the Mississippi State
386 Tax Commission et al, and the deposit into the State General Fund
387 of in-lieu payments and interest thereon due the state under
388 subsection (3)(b) of this section but placed in escrow because of
389 the lawsuit described above, the state shall promptly transfer to
390 the Board of Supervisors of Claiborne County out of the State
391 General Fund an amount of Two Million Dollars (\$2,000,000.00)
392 which shall be a one-time distribution to Claiborne County from



393 the state. Such payment may be expended by the Board of
394 Supervisors of Claiborne County for any purposes for which a
395 county is authorized by law to levy an ad valorem tax and shall
396 not be included or considered as proceeds of ad valorem taxes for
397 the purposes of the growth limitation on ad valorem taxes for the
398 1991 fiscal year under Sections 27-39-321 and 27-39-305.

399 (d) After distribution of the one-time payment to
400 Claiborne County as set forth in subsection (3)(c) of this
401 section, the State Tax Commission upon certification that the
402 pending lawsuit as described in subsection (3)(c) of this section
403 has been voluntarily dismissed shall promptly deposit an amount of
404 Five Hundred Thousand Dollars (\$500,000.00) into the Grand Gulf
405 Disaster Assistance Trust Fund as provided for in Section
406 33-15-51, which shall be a one-time payment, to be utilized in
407 accordance with the provisions of such section.

408 (e) After distribution of the one-time payment to
409 Claiborne County as set forth in subsection (3)(c) of this section
410 and the payment to the Grand Gulf Disaster Assistance Trust Fund
411 as set forth in subsection (3)(d) of this section, the State Tax
412 Commission upon certification that the pending lawsuit as
413 described in subsection (3)(c) of this section has been
414 voluntarily dismissed shall promptly distribute ten percent (10%)
415 of the remainder of the prior payments remaining in escrow to the
416 General Fund of the state and the balance of the prior payments
417 remaining in escrow shall be distributed to the counties and
418 municipalities in this state wherein such public utility has
419 rendered electric service in the proportion that the amount of
420 electric energy consumed by the retail customers of such public
421 utility in each county, excluding municipalities therein, and in
422 each municipality, for the next preceding fiscal year bears to the
423 total amount of electric energy consumed by all retail customers
424 of such public utility in the State of Mississippi for the next
425 preceding fiscal year. The payments distributed to the counties



426 and municipalities under this paragraph (e) may be expended by
427 such counties and municipalities for any lawful purpose and shall
428 not be included or considered as proceeds of ad valorem taxes for
429 the purposes of the growth limitation on ad valorem taxes under
430 Sections 27-39-321 and 27-39-305.

431 (f) After distribution of the payments for fiscal year
432 1991 as set forth in Section 19-9-151 and distribution of the
433 payments as provided for in subsection (3)(b) of this section;

434 (i) The State Tax Commission shall distribute ten
435 percent (10%) of the remainder of the payments to the Grand Gulf
436 Access Road Bond Sinking Fund created under Section 3 of House
437 Bill No. , 2003 Regular Session, until such time as such fund
438 contains the amount necessary to pay all the principal of and
439 interest upon any bonds issued pursuant to Sections 1 through 18
440 of House Bill No. , 2003 Regular Session, when such principal
441 and interest becomes due; thereafter, the State Tax Commission
442 shall distribute ten percent (10%) of the remainder of the
443 payments to the General Fund of the state;

444 (ii) The State Tax Commission shall distribute the
445 balance remaining after the distribution required under
446 subparagraph (i) of this paragraph (f) and * * * to the counties
447 and municipalities in this state wherein such public utility
448 renders electric service in the proportion that the amount of
449 electric energy consumed by the retail customers of such public
450 utility in each county, excluding municipalities therein, and in
451 each municipality for the next preceding fiscal year bears to the
452 total amount of electric energy consumed by all retail customers
453 of such public utility in the State of Mississippi for the next
454 preceding fiscal year.

455 (g) No county, including municipalities therein, shall
456 receive in excess of twenty percent (20%) of the funds distributed
457 under paragraph (f) of this subsection.



458 (h) The revenues received by counties and
459 municipalities under paragraph (f) of this subsection shall not be
460 included or considered as proceeds of ad valorem taxes for the
461 purposes of the growth limitation on ad valorem taxes under
462 Sections 27-39-305 and 27-39-321.

463 **SECTION 20.** This act shall take effect and be in force from
464 and after July 1, 2003.

